

 <b>TOWN AND COUNTRY PLANNING (EIA) REGULATIONS 2011 – REGULATION 22 RESPONSE</b>				
Planning Application No:		NY/2015/0233/ENV	Application Dated:	29 <sup>th</sup> July 2015
Operator:		Third Energy UK Gas Limited	Facility:	KM8 Wellsite
I.D	Chapter	Information Requested	Third Energy Response	Supporting Documents
<b>SECTION A: FURTHER INFORMATION (REGULATION 22)</b>				
1	Noise	<p>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.</p>	<p>An alternative noise barrier system proposed for the KM8 hydraulic fracturing operation is an Echo Barrier acoustic screen system, which consists of Echo Barrier acoustic screens erected on a scaffold framework. The Echo Barrier screens are high performance, waterproof acoustic absorption panels, which together with the scaffolding, provide an easily reconfigured system to optimise noise attenuation. In the event that noise monitoring identifies further requirement for noise attenuation, additional Echo Barrier panels can be added to provide the required attenuation.</p> <p>HGV movements associated with the Echo Barrier System are approximately 68 individual HGV movements to mobilise and demobilise. When compared with the ISO container system, which requires 156 individual HGV movements to mobilise and demobilise, the Echo Barrier System represents a significant reduction in HGV movements, whilst maintaining an equally effective noise barrier.</p>	<p>Echo Barrier: Technical Sheet Echo Barrier: Scaffold Barrier Example</p>
2	External Lighting	<p>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).</p>	<p>The purpose of strip lighting on a workover rig is to provide light for the driller and is non-intrusive. They are designed to light the equipment to enable staff to operate equipment safely during hours of darkness. Their purpose is mainly to allow the driller the ability to see the hoist as it traverses up and down inside the derrick structure. They are designed to minimise light spill from the equipment and wellsite and minimise any impact on the surrounding area. The same is true for the coiled tubing unit which also has strip fluorescent lighting. The different shape and function of the mast on the coiled tubing unit means it has several additional 400W metal halide lights.</p> <p>The workover rig and the coil tubing mast are much smaller in height and footprint than any of the previous drilling rigs that drilled KM1, KM2, KM3, KM4, KM5, KM6, KM7 and KM8 during 24/7 operations. These eight (8) previous operations had a longer duration than the proposed development at KMA and were undertaken with very little intrusion on the amenity of nearby residents.</p> <p>As per the Lighting Assessment and the Lighting Management Plan submitted in support of the Planning Application, all lighting will be installed to ensure:</p> <ul style="list-style-type: none"> <li>• Maximum sky glow as an upward ratio is less than 2.5%;</li> <li>• Light trespass at the windows of all residential properties in the vicinity of the wellsite is less than 5 lux for pre-curfew periods (before 23:00) and 1 lux post curfew (between 23:00 and 07:00);</li> <li>• Source intensity is less than 7.5kcd for pre-curfew periods (before 23:00) and 0.5kcd lux post curfew (between 23:00 and 07:00);</li> <li>• Building luminance is less than 5kcd/m<sup>2</sup> during pre-curfew periods (before 23:00); and</li> <li>• Glare rating on all highways is less than 45.</li> </ul> <p>The Applicant is proposing that all lighting will be designed and installed to achieve the above criteria and will be subsequently audited immediately following installation to confirm compliance.</p>	
3	Highways and Traffic	<p>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 10<sup>th</sup> March 2015. The 2015 season for Flamingo Land opened on 21<sup>st</sup> March 2015 and closes on 1<sup>st</sup> 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</p>	<p>The Applicant's intention is to undertake phases 1 and 2 of the proposed development, the pre-stimulation workover and hydraulic fracture stimulation/well test in advance of March 2016. On this basis the, the traffic survey carried out by the Applicant in March 2015 is relevant.</p> <p>The proposed mobilisation and demobilisation of equipment will result in only 4 HGV movements per hour, two mobilising to the wellsite and two leaving the wellsite. This is clearly set out in the Planning Application, the Environmental Statement and supporting Transport Assessment.</p> <p>It should be noted that during the 20 years of operating the Kirby Misperton and Malton Gas Fields, which use the proposed access route, no reports of traffic holdups or traffic conflicts between Flamingo Land traffic and HGVs associated with the Kirby Misperton and Malton Gas Fields have</p>	

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		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 provided 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.	been raised. The proposed development is no different in that respect to the previous 20 years of natural gas production and associated wellsite operations. In most cases, previous well operations have generated much higher numbers of HGV movements than the HGV movements proposed in this Planning Application, some of which were undertaken during the summer months, when Flamingo Land traffic is at its peak.		
4	Highways and Traffic	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 as timescale as possible to reduce the duration of impacts via a defined route would, undoubtedly, result in traffic holdups 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.	<p>The statement fails to recognise or indeed acknowledge that the proposed mobilisation and demobilisation of equipment will result in only 4 HGV movements per hour, two mobilising to the wellsite and two leaving the wellsite. This is clearly set out in the Planning Application, the Environmental Statement and supporting Transport Assessment. We are not planning to adopt a 'campaign-approach' of bringing HGV to the KMA wellsite.</p> <p>Pre application discussions with NYCC Highways and subsequent discussions, following receipt of the Regulation 22 request, raised no concerns over the Costa Beck bridge not being suitable for two HGVs travelling in opposite directions to pass when traversing the bridge.</p> <p>It should be noted that during the 20 years of operating the Kirby Misperton and Malton Gas Fields, which uses the proposed access route across the Costa Beck bridge, no hold-ups involving HGVs associated with the Kirby Misperton and Malton Gas Fields have been reported. The proposed development is no different in that respect to the previous 20 years of natural gas production and associated wellsite operations. In most cases, previous well operations have generated much higher numbers of HGV movements than the HGV movements proposed in this Planning Application.</p> <p>In our professional opinion, this request does not constitute significant environmental impact and, as such, should not be presented under Regulation 22.</p>		
5	Highways and Traffic	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.	<p>Pre application discussions with NYCC Highways raised no concerns over the Costa Beck bridge nor was a survey of the bridge requested.</p> <p>It should be noted that during the 20 years of operating the Kirby Misperton and Malton Gas Fields, which uses the proposed access route across the Costa Beck bridge, no assessment of the bridge has been requested by NYCC Highways. The bridge is not signposted as having a weight restriction.</p> <p>The proposed development is no different in that respect to the previous 20 years of natural gas production and associated wellsite operations. In most cases, previous well operations have generated much higher numbers of HGV movements than the HGV movements proposed in this Planning Application and the weights of the equipment, in some cases, have also been higher.</p> <p>The Applicant is aware through discussions with NYCC Highways that NYCC will be undertaking its own survey of the bridge in order to assess the proposed impact of the development on the bridge. Subsequent discussions with NYCC Highways, following receipt of the Regulation 22 request have identified the need for the Applicant to provide a survey of the bridge.</p>		

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			<p>The Applicant will also undertake a survey of the bridge to provide a baseline of the bridge condition in advance of operation commencing.</p>		
6	Highways and Traffic	<p>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.</p>	<p>The Applicant will liaise with NYCC Highways to ensure that phases 1, 2 and 5 of the proposed development are timed such that they avoid any scheduled roadworks and/or scheduled road closures.</p> <p>Road closures by any other means will tend to be of short duration and can be worked into the development schedule, therefore, no alternative route is required.</p> <p>Pre application discussions with NYCC Highways and subsequent discussions, following receipt of the Regulation 22 request, raised no requirement for the provision within the Planning Application for an alternative route to be provided and assessed.</p> <p>It should be noted that during the 20 years of operating the Kirby Misperton and Malton Gas Fields, which uses the proposed access route, no road closures or scheduled road works have necessitated the requirement for an alternative HGV route to be used. The proposed development is no different in that respect to the previous 20 years of natural gas production and associated wellsite operations. In most cases, previous well operations have generated much higher numbers of HGV movements than the HGV movements proposed in this Planning Application.</p> <p>In our professional opinion, this request does not constitute significant environmental impact and, as such, should not be presented under Regulation 22.</p>		
7	Highways and Traffic	<p>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 21<sup>st</sup> May 2015) which proposes the use of the 'quiet' road through Kirby Misperton village <a href="http://kirbymisperton.ryedaleconnect.org.uk/wp-content/uploads/2015/05/Pages0107.pdf">http://kirbymisperton.ryedaleconnect.org.uk/wp-content/uploads/2015/05/Pages0107.pdf</a>.</p>	<p>The Pickering to Malton Cycle Route is a proposal with no indication of committed funding, access agreements or timescales for approval/implementation.</p> <p>Pre application discussions with NYCC Highways and subsequent discussions, following receipt of the Regulation 22 request raised no attention to the cycle route proposal and advised that the scheme was yet to be approved.</p> <p>It is not a committed scheme and therefore is not included within the Environmental Impact Assessment.</p> <p>In our professional opinion, this request does not constitute significant environmental impact and, as such, should not be presented under Regulation 22.</p>		
8	Highways and Traffic	<p>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-</p>	<p>Pre application discussions with NYCC Highways and subsequent discussions, following receipt of the Regulation 22 request raised no concerns over other road users.</p> <p>The proposed mobilisation and demobilisation of equipment will result in only 4 HGV movements per hour, two mobilising to the wellsite and two leaving the wellsite. This is clearly set out in the Planning Application, the Environmental Statement and supporting Transport Assessment.</p> <p>We disagree with the statement that '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. The statement fails to recognise the Transport Assessment, which sets out the traffic survey undertaken in March 2015. The traffic survey identified that 18 HGVs traversed Habton Road per day (based on a 7 day average daily flow) and 100 HGVs traversed Kirby Misperton Road per day (based on a 7 day average daily flow).</p> <p>It should be noted that during the 20 years of operating the Kirby Misperton and Malton Gas Fields, which uses the proposed access route, the Applicant is not aware of there being any reports of conflict with other road users, including the local bus service. The proposed development is no</p>		

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		based traffic.	<p>different in that respect to the previous 20 years of natural gas production and associated wellsite operations. In most cases, previous well operations (drilling of exploration and production) have generated higher numbers of HGV movements than the HGV movements proposed in this Planning Application.</p> <p>In addition, a recent transport survey undertaken by the Applicant identified an increase in pedestrian numbers between the hours of 07:00 and 10:00 and to a lesser extent during the hour between 15:00 and 16:00. The maximum number of pedestrians encountered per HGV movement was eleven (11) at 07:05 hrs. Ten (10) pedestrians were encountered at 08:20 hrs. Between the hours of 07:00 and 16:00, the average number of pedestrians encountered during 48 HGV movements over the course of the day was less than two (2) per HGV movement. The number of buses encountered during the 48 HGV movements was sixteen (16).</p> <p>The findings of the recent transport survey will be shared and discussed with the Community Liaison Group.</p>		
9	Highways and Traffic	<p>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.</p>	<p>Pre application discussions with NYCC Highways and subsequent discussions, following receipt of the Regulation 22 request, raised no requirement for the provision to safeguard conflict between HGVs and parked vehicles along Main Street, over and above those already set out in the planning application, to be provided and assessed.</p> <p>It should be noted that during the 20 years of operating the Kirby Misperton and Malton Gas Fields, which uses the proposed access route, no conflicts between HGVs and parked cars has been reported. The proposed development is no different in that respect to the previous 20 years of natural gas production and associated wellsite operations. In most cases, previous well operations have generated much higher numbers of HGV movements than the HGV movements proposed in this Planning Application.</p> <p>The Applicant posts letters to each of the properties along the access route through Kirby Misperton village, advising residents of the intended mobilisation and/or demobilisation of equipment from the wellsites and requests that access through the village remains clear.</p> <p>It should be noted that discussions with NYCC Highways confirmed that in the event that a vehicle(s) remained parked along the access route during mobilisation and/or demobilisation of equipment, despite the Applicant having notified residents of the intended mobilisation and/or demobilisation, wellsite vehicles would still be able to access the route.</p> <p>In addition, a recent transport survey undertaken by the Applicant identified no problems or limitation manoeuvring an articulated flatbed HGV through Kirby Misperton village with vehicles parked on both sides of the public highway.</p> <p>In our professional opinion, this request does not constitute significant environmental impact and, as such, should not be presented under Regulation 22.</p>		
10	Highways and Traffic	<p>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</p>	<p>The Transport Assessment which accompanies the Planning Application and Environmental Statement states the following:</p> <p><i>The predominant vehicle required at the site during all phases of operation is a standard HGV. The most onerous standard HGV is assumed to be an articulated flatbed HGV. For the purposes of swept path analysis, it is assumed this will incorporate the following vehicle combination:</i></p> <ul style="list-style-type: none"> <li>A 13.69m long six-axle box van trailer, towed by a standard tractor unit (total vehicle length of 16.5m); and</li> </ul>	<p>Load weights for the vehicle movements as set out in the planning application.</p>	

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		impacts to be assessed and the measures proposed to be taken to mitigate against any effects.	<ul style="list-style-type: none"> <li>The overall width of trailer being 2.55m, and with the load lying entirely within this width.</li> </ul> <p>The Road Vehicles (Construction and Use) Regulations 1988 (C&amp;U) and The Road Vehicles (Authorisation of Special Types) (General) Order 1998 (STGO) state the parameters for which a load/vehicle can be deemed as an abnormal indivisible load (AIL). Based upon these parameters, the majority of generated movements as part of this proposed operation are unlikely to be classified as abnormal indivisible loads.</p> <p>Analysis has been undertaken on the swept path of an articulated HGV to demonstrate the impact and mitigation required. No allowance has been made for the provision of rear steering, which may make the vehicle combination more manoeuvrable in certain respects.</p> <p>Of the equipment to be mobilised and demobilised from the KMA wellsite during the proposed development, only three (3) pieces of equipment are considered abnormal loads, which are:</p> <ul style="list-style-type: none"> <li>The Workover Rig (60 Tonnes) driven to site;</li> <li>The Annulus Truck (42 Tonnes) driven to site; and</li> <li>Coil Tubing Reel (38.7 Tonnes), transported to site on a rear wheel steer low loader (tractor 7.5 tonnes and low loader 15.5 Tonnes tare weight).</li> </ul> <p>The proposed development is no different in that respect to the previous 20 years of natural gas production and associated wellsite operations. In most cases, previous well operations have generated similar abnormal loads than the abnormal loads proposed in this Planning Application.</p> <p>As a comparison, the erection of a theme ride attraction, such as those associated with Flamingo Land, will require cranes to mobilise to the park, which are likely to weight up to or in excess of 70 tonnes.</p>		
11	Heritage	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.	<p>No local list of non-designated heritage assets is held by Ryedale District Council, therefore, there is no information available with regard to non-designated heritage assets to inform the Heritage Impact Assessment.</p> <p>There are no non-designated heritage assets on the development site and, as such, no non-heritage assets are directly affected by the proposed development.</p> <p>It is considered reasonable by the Applicant's Assessment Team to conclude that any impact on non-designated heritage assets within the study area will be temporary and limited to slight visual impact arising during the pre-stimulation workover and hydraulic fracture stimulation/well test phases.</p> <p>Such impact on non-designated heritage assets will not exceed the impacts identified with respect to the identified heritage assets detailed within the Heritage Impact Assessment.</p>		
12	Heritage	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.	<p>The potential effects of the proposed development upon the listed structure are inherently linked to Item 5 above.</p> <p>As per Item 5 above, the Applicant is aware, through discussions with NYCC Highways, that NYCC will be undertaking its own survey of the bridge in order to assess the proposed impact of the development on the bridge. Subsequent discussions with NYCC Highways, following receipt of the Regulation 22 request, have identified the need for the Applicant to provide a survey of the bridge.</p> <p>The Applicant will also undertake a survey of the bridge to provide a baseline of the bridge condition in advance of operation commencing.</p>		

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13	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.	<p>The overall duration of the initial test fractures and the main hydraulic fracture treatment will collectively not exceed five (5) hours per zone being stimulated and be undertaken in daylight hours. Where the time of year provides for extended daylight hours, the initial test fractures and the main hydraulic fracture treatment will be undertaken between the hours of 07:00 to 19:00.</p> <p>A full breakdown of the 'other materials' used in the initial test fractures and the main hydraulic fracture treatments was submitted to the County Planning Authority on 21<sup>st</sup> August 2015 and titled <i>TE-KM8 Summary of Chemicals Per Frac Zone – 210815</i>.</p>		
14	Hydraulic Fracture Stimulation Treatment	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.	<p>We do not agree with the statement that 'As the presence of NORM would likely include various operations/activities that would form part of the proposed development'. NORM being present in the flowback fluid does not require any additional activities over and above activities included in the development description. All waste is temporarily stored on site, sampled and tested to determine the appropriate licensed waste treatment facility that the waste must be sent to.</p>		
15	Hydraulic Fracture Stimulation Treatment	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	<p>The overall duration of the initial test fractures and the main hydraulic fracture treatment will collectively not exceed five (5) hours per zone being stimulated and be undertaken in daylight hours. Where the time of year provides for extended daylight hours, the initial test fractures and the main hydraulic fracture treatment will be undertaken between the hours of 07:00 to 19:00.</p> <p>As the assessment of effects of the proposed development in respect of noise associated with the overall duration of the initial test fractures and the main hydraulic fracture treatment are based upon a period of 07:00 to 19:00 and that five (5) hours duration is to be undertaken in daylight hours, is correct in terms of Planning Practice Guidance.</p>		

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		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.			
16	Hydraulic Fracture Stimulation Treatment	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.	As the assessment of effects of the proposed development in respect of noise associated with the overall duration of the initial test fractures and the main hydraulic fracture treatment are based upon a period of 07:00 to 19:00 and that five (5) hours duration is to be undertaken in daylight hours, there is no absence of the assessment of the effects.		
17	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.	<p><b>Source Protection Zones:</b></p> <p>Source Protection Zones (SPZs) are used as a general level of protection for all drinking water sources, identifying those areas where the risk associated with groundwater contamination is greatest. Data obtained from the Environment Agency (presented on Figure 1) indicates that the KMA wellsite does not lie within a defined SPZ.</p> <p>The closest SPZ is associated with the public water supply at Pickering, approximately 6km northeast of the KMA wellsite, and is located just within the concealed section of the Corallian Limestone aquifer.</p> <p>The East Ness SPZ is located approximately 7km west and the Norton on Derwent SPZ is located approximately 9km southeast of the KMA wellsite. Both are associated with public water supplies, abstracting water from the outcropping Corallian Limestone aquifer.</p> <p>The Scarborough SPZ is located approximately 19km northeast-east of the KMA wellsite and is defined for four licences abstracting from the Corallian Limestone aquifer south of Scarborough. Three of these abstractions are for public supply while the fourth supplies a McCains factory. All of these abstractions are either located in or close to the concealed section of the Corallian Limestone aquifer.</p> <p>A default circular source protection zone with a radius of 50m is applied to all other groundwater abstractions intended for human consumption. However, there are no abstractions within 50m of the KMA wellsite.</p> <p><b>Geology:</b></p> <p>The KMA wellsite is underlain by approximately 180m of the Kimmeridge Clay/Amphill Clay Formations (Ancholme Group), which stretch from Helmsley in the west to Filey on the east coast. The Kimmeridge Clay/Amphill Clay Formations are underlain by the Corallian Group, which outcrops approximately 5km south and 5km northeast of the wellsite. The bedrock geology is presented on Figure 2.</p> <p>The KMA wellsite is located within the Vale of Pickering, where the strata is intersected by a series of east-west and northwest-southeast trending faults. The faults have resulted in the strata in the Vale of Pickering being downthrown, and the Kimmeridge Clay/Amphill Clay Formations subcropping beneath the superficial deposits.</p> <p>The Vale of Pickering is bounded by the Vale of Pickering Fault located approximately 5km to the northeast and the Coxwold-Gilling-Linton Fault located approximately 5km south of the KMA</p>	<p>Figure 1: Source Protection Zones                      Figure 2 : Regional Bedrock Geology                      Figure 3: Geological Cross Section</p>	

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			<p>wellsite, where the Corallian Group outcrops at surface. A geological cross-section is presented on Figure 3.</p> <p><b>Hydrogeology:</b></p> <p>The Kimmeridge Clay/Amphill Clay Formations are predominantly argillaceous although the weathered top of the formation and thin limestone bands within the un-weathered formation may be water bearing and capable of supporting low yields. Overall, the Kimmeridge Clay/Amphill Clay Formations have a very low permeability and are classed as Unproductive, and essentially separate surface water and shallow groundwater systems from the deeper groundwater system in the Corallian Group. The water is likely to be highly mineralised and of poor quality due to limited recharge to the aquifer.</p> <p>The drinking water supplies for Pickering, East Ness, Norton on Derwent and Scarborough are obtained solely from the Corallian. However, as shown on Figure 3, the Corallian Group present at depth beneath the KMA wellsite is structurally disconnected from the Corallian strata outcropping at Pickering and Scarborough by geological faulting within the Vale of Pickering. <b>Consequently, there is no pathway and therefore no risk associated with the development at the KMA wellsite and public water supplies.</b></p>		
18	Water	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.	<p>Flushing and cleaning of the pipeline forms part of routine operations, which is approved under the existing planning permissions.</p> <p>Mains water will be pumped from Knapton Generating Station to the KMA wellsite via the existing pipeline, from where it is collected and tankered offsite for treatment and/or disposal at an authorised waste treatment facility. As with previous pipeline cleaning operations, the volume of water required is variable, however, it will be within the current water supply agreement between the Applicant and Yorkshire Water and, therefore, will not have a significant effect on mains water resources.</p> <p>Whilst the pipeline is being used to provide mains water from the Knapton Generating Station to the KMA wellsite in order to undertake the hydraulic fracturing operation, no gas production will take place from the wells which dependent on that pipeline and those wells will be shut in.</p> <p>As this operation is a routine operation and approved under the existing planning permission and environmental permits, no assessment of effects is required.</p>		
19	Water	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.	As stated in the Planning Statement and the Environmental Statement, the Applicant is the operator of the existing pipeline and, as such, has overall control of its use. The pipeline has been successfully operated for 20 years without incident. The pipeline is subjected to scheduled monitoring in accordance with the Pipeline Safety Regulations 1996. The probability of the pipeline being unavailable for use is extremely remote.		

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20	Water	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 total volume of 4,000m <sup>3</sup> of water required to complete the proposed hydraulic fracturing operation includes the initial test fractures and the main hydraulic fracture treatments. The total volume of 4,000m <sup>3</sup> of water has been included in the assessment and, as such, no further assessment of effects is required.		
21	Water	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.	<p>In the context of the Phase 1 Habitats Survey, option to recycle or treat and dispose of flowback water offsite at a waste treatment facility has no material impact on ecology. The potential changes in air quality resulting from exhaust emissions from an increase in HGV movements, due to the offsite disposal and treatment of flowback water, have been fully assessed in respect of sensitive ecological receptors in Section 11.7.1.3 of Chapter 11 (Ecology) of the Environmental Statement. The assessment concluded that the modelled air quality changes would result in negligible effects on statutory and non-statutory designated sites that support habitat assemblages potentially sensitive to changes in air quality.</p> <p>The criteria for determining whether the flowback water will be treated and reused in subsequent hydraulic fracture treatments depends very much on actual flowback rates encountered post hydraulic fracture treatment. If flowback rates are slow, the time required to accumulate sufficient flowback fluid for treatment and reuse will increase significantly, impact on the overall duration of hydraulic fracturing operation. The Planning Application and Environmental Statement provides for two (2) options, the recycling of the flowback water or offsite treatment and disposal in accordance with the waste treatment facility's environmental permits. The Applicant must retain the right to have both options available, as the decision will be based upon operational circumstances.</p> <p>The option to treat and dispose of flowback water offsite at a waste treatment facility increases HGV movements, however, the increase movements have been included within the Planning Statement and the Environmental Statement and, as such, have been assessed.</p>		
22	Water	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.	<p>The criteria for determining whether the flowback water will be treated and reused in subsequent hydraulic fracture treatments depends very much on actual flowback rates encountered post hydraulic fracture treatment. If flowback rates are slow, the time required to accumulate sufficient flowback fluid for treatment and reuse will increase significantly, impact on the overall duration of the hydraulic fracturing operation. The Planning Application and Environmental Statement provides for two (2) options, the recycling of the flowback water or offsite treatment and disposal in accordance with the waste treatment facility's environmental permits.</p> <p>The total fluid volume for the first hydraulic fracture treatment (Zone E) is 1,248.9m<sup>3</sup>, which is the largest fluid volume of all five (5) hydraulic fracture treatments. The overall fluid volume for all five (5) hydraulic fracture treatments is 3,291.1m<sup>3</sup>.</p> <p>If flowback water returns to surface at a suitable rate and assuming 50% is recovered, the amount of fluid to be treated by electrocoagulation is 1,645.55m<sup>3</sup>. At 30% recovery, the fluid to be treated by electrocoagulation is reduced to 987.33m<sup>3</sup>. Is not possible to predict what recovery rate and volume will be until after the first hydraulic fracture treatment (Zone E) is undertaken.</p> <p>The electrocoagulation process generates up to 10.97m<sup>3</sup> of treatment sludge (85% water and 15% solids) per 100m<sup>3</sup> of treated flowback water, although the volume of treatment sludge could be less and is based on the throughput volume of flowback water being treated. The volume of treatment sludge presented in Table 6.13 of the Planning Statement and Table 4.13 of the Environmental Statement is based on treating flowback water at 50% of the total hydraulic fracture fluid used. The</p>		

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			<p>tables indicate the upper most predicted waste volume of treatment sludge is 150m<sup>3</sup>, which is equivalent to approximately 200 tonnes. Based on treating flowback water at 30% of the total hydraulic fracture fluid uses, the predicted waste volume of treatment sludge is 190m<sup>3</sup>, which is equivalent to approximately 120 tonnes.</p> <p>In response to the statement that ‘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’ is difficult to achieve, given that the return rates of flowback water cannot be established until the operation has commenced. We have, however, provided predicted waste volumes in order for the planning application to be assessed.</p> <p>The KM8 hydraulic fracturing operation is subject to an application to the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010. Under EPR2010 the operation is classified as a mining waste operation and, as such, is required to be supported by a Waste Management Plan. Under EPR2010, the Environment Agency regulates the mining waste activity and, by issuing an environmental permit, is satisfied that any hazards associated with the mining waste operation are mitigated and controlled.</p> <p>Note: Typo in Table 6.13, which should indicate that 50% flowback from Zone A is 212.45 not 2212.45.</p>		
23	Water	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 total volume of 4,000m <sup>3</sup> of water required to complete the proposed hydraulic fracturing operation, including the initial test fractures and the main hydraulic fracture treatments, exclude any recycled flowback water. If flowback water is recycled, the total water volume required for the hydraulic fracturing operation does not change, but the demand for mains water from the Knapton Generating Station is reduced.		
24	Water	The Planning Statement, as submitted, states that “a number of the 70m <sup>3</sup> 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 665m <sup>3</sup> comes back up, or more even, and 700m <sup>3</sup> will be needed for the fracture treatment within Zone D, then there would not appear to be sufficient capacity in the stated 1,330m <sup>3</sup> 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’	<p>The roadable tanks are 70m<sup>3</sup> the storage tanks. All roadable tanks are indicated on the plans.</p> <p>The letter makes a presumption that waste water tanks cannot be used to store fresh water without the need to flush or purge the tanks to ensure they are clean, which is inaccurate. The tanks can be used for both purposes. If flowback water is not reused, only one (1) of the nineteen (19) roadable tanks will see both fresh water and flowback water following the hydraulic fracturing of Zone E and that is on the basis that the upper most volume of flowback (50%) is returned. Thereafter, it is possible to have dedicated tanks for hydraulic fracture fluid storage and flowback water storage, although there is no environmental risk should both flowback water and fresh water comeingle and be reused.</p>		
<b>SECTION B: RESPONSE TO CONSULTATION RECEIVED TO DATE</b>					
25	Historic England	Historic England write that “the effect of vibration on the	The government has introduced a number of risk reduction measures to mitigate the effects of any		

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		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.	<p>seismic activity arising from the hydraulic fracturing operation. This includes conducting a baseline survey of all seismic activity in the area prior to the operation starting as well as monitoring seismic activity during the operation and after the operation.</p> <p>One of the risk reduction measures is the introduction of a "Traffic Light System" whereby the pumping operation will be suspended immediately if there is any seismic activity resulting from the operation equal to 0.5 M<sub>L</sub> on the Richter scale.</p> <p>This is a very low level of seismic activity as most humans are not able to feel vibrations below between 2.0 M<sub>L</sub> to 2.9 M<sub>L</sub>. To measure a magnitude of 0.5 M<sub>L</sub>, the most sophisticated of scientific instruments is required. The Richter scale is logarithmic which means that a magnitude of 2.0 M<sub>L</sub> is 10 times greater than a magnitude of 1.0 M<sub>L</sub> and a magnitude of 3.0 M<sub>L</sub> is 100 times greater than a magnitude of 1.0 M<sub>L</sub>.</p> <p>It can be assumed that the magnitude of vibrations at the KM village, where the church of St Lawrence is located, will be equal to the vibrations at or around the wellsite due to the limited attenuation effects. This also applies to the undesignated heritage assets in the area.</p> <p>Therefore, as long as the vibrations being measured in and around the wellsite do not exceed 0.5 M<sub>L</sub>, then there is adequate protection of all buildings in the area, including both designated and undesignated heritage assets.</p> <p>In addition to the seismic monitoring being conducted by the Applicant, the British Geological Survey (BGS) will be doing its own independent seismic monitoring of the operation.</p>		
26	Historic England	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?	The Applicant has no objection to agreeing to a mechanism to formally review the Heritage Impact Assessment 'during development' and 'post development'. The Applicant will be monitoring seismic activities before, during and after the hydraulic fracturing operation. This information will be made available to Historic England and the County Planning Authority.		
27	NYCC Landscape Recommends	Any monitoring programme provides for the reviewing the effectiveness of the proposed visual mitigation;	Whilst it is noted that the NYCC Principal Landscape Architect raises no objection to the proposed development on grounds of unacceptable landscape and visual impact, the Applicant has no objection to NYCC monitoring the effectiveness of the proposed visual mitigation.		
28	NYCC Landscape Recommends	Remedial work to existing planting and additional planting of fast-growing native species is required, particularly on the north eastern boundary;	An additional planting and landscape maintenance plan has been prepared and is provided within this submission.	DRaW: Drawing No. 01/06/001 Additional Planting and Landscape Maintenance	
29	NYCC Landscape Recommends	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;	An additional planting and landscape maintenance plan has been prepared and is provided within this submission.	DRaW: Drawing No. 01/06/001 Additional Planting and Landscape Maintenance	
30	NYCC Landscape Seeks Clarification	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.	Following restoration of the wellsite, an application will be submitted to NYCC requested Public Footpath 25.53/4/1 be redirected to its original position.		
31	NYCC Landscape Seeks Clarification	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.	The Restoration Plan provided in support of the Planning Application does not reference part restoration of the KMA wellsite. The intention and reality is that the KMA wellsite will be restored as a single site. No part restoration will occur.		
32	NYCC 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.	A biodiversity plan has been prepared and is provided within this submission.	AECOM: Biodiversity Enhancement and Management Plan.	
33	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,	The transfer and connection operations are not anticipated to cause offsite odours. Procedures developed over the last 20 years have been effective in illuminating emissions during transfer and connection operations. Any system is purged or flushed with clean water to ensure an acceptable		

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		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”	level of cleanliness prior to removal of plant or connections, which eliminates the potential for any release and/or odour. An example of this is the recent ‘plant maintenance shutdown’, which was conducted safely and without any emissions.  In addition, it should be noted that shale gas is ‘sweet gas’ and does not contain any mercaptans or other odorous substances.		
34	Public Health England	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.	The Air Quality Monitoring Plan provides a description of methods used to monitor air quality. In addition, the British Geological Survey (BGS) will also be undertaking independent monitoring of air quality.		
35	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:	No response required.		
36	NYCC Director of Public Health	Any decision-maker must be “satisfied that the applicant has fully considered all operations which may cause off site odours”	No response required.		
37	NYCC Director of Public Health	“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”.	An environmental monitoring plan has been prepared, which includes water quality monitoring, air quality monitoring, noise management and monitoring plan and seismicity monitoring. The plans have been provided within the Planning Application.		
38	NYCC Director of Public Health	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”.	The requested information is set out in the environmental monitoring plans, as detailed above.		
<b>SECTION C: POINTS OF CLARIFICATION</b>					
39	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.	Tower lighting will be positioned within the wellsite and contained within the envelope of the noise barrier. Lighting plans provided with the Planning Application and the Environmental Statement show the position of all proposed lighting during the five development phases.		
40	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.	Where activities which are likely to give rise to odour are undertaken, an Odour Management Plan must be submitted to the Environment Agency for approval, and is a condition of environmental permits issued under EPR2010.		

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41	Air Quality	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.	Distances for conservation sites have been supplied as these were outside the general assessment in Figure 3.1 of the AQIA. All residential receptors are within the assessment area and marked within Figure 3.1. Due to the residential locations being placed on the map, the provision of distances was not deemed necessary.		
42	Air Quality	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 (SO) 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 (PM) and, again, for Volatile Organic Compounds (VOCs) on page 24. Please provide this clarification.	The level of significance that is being referred to is that in section 2.4 page 9 of the AQIA (i.e. the process contribution is insignificant if it represents less than 10% of the environmental benchmark). It has been reiterated in the paragraph relating to carbon monoxide (<10 % of AQS, page 22), but has been assumed that it wouldn't be necessary to continue to give the same value each time the significance criteria were mentioned subsequently.		
43	Air Quality	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'	For absolute clarity, the proposed development does not require flaring of natural gas.		
44	Air Quality	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 results of the Air Quality Monitoring will be made available to the County Planning Authority to review.  In the unlikely event of an exceedance in air quality standards, the well will be shut in and the operation suspended in order to undertake a detailed survey of the equipment to identify the source of the release that has led to an exceedance. It should be noted, however, that any significant exceedance in air quality standards would be identified through real-time fixed and portable gas detection equipment.		
45	Air Quality	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).	During the production test and/or initial production, should the air quality monitoring from a minimum of two (2) sampling rounds indicate that the emissions from the wellsite are consistent with the pre-operational air quality baseline condition, no further air quality monitoring will be undertaken. In the event that the sampling rounds taken during the first four (4) weeks of production are not representative of the baseline air quality samples, the period of air quality monitoring will be extended until such time as the monitoring samples are indicative of the baseline, or otherwise agreed with the Environment Agency.		
46	Air Quality	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	During pre-application consultation with the Ryedale District Council Environmental Health Officer, it was agreed that fixed and portable gas detection equipment, which is primarily used to provide health and safety monitoring, could be used as real-time monitoring to provide immediate indication of any gas release.  Monitoring will take place on a two (2) week basis not four (4), to allow for additional sampling over		

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		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.	the four (4) week option.		
47	Air Quality	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.	The continual monitoring of odour is undertaken by a sniff test, which will be carried out when personnel are on site. The KMA wellsite is manned 24 hours a day by security and regularly visited by maintenance staff.		
48	Air Quality	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.	Real-time monitoring relates to fixed and portable gas detection equipment, which is primarily used to provide health and safety monitoring. During pre-application consultation with Ryedale District Council's Environmental Health Officer, it was agreed that fixed and portable gas detection equipment, which is primarily used to provide health and safety monitoring, could be used as real-time monitoring to provide immediate indication of any gas release. It is not designed for monitoring and analysis as it is not a recording device.		
49	Air Quality	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.	<p>NYCC, through its Emergency Planning Department, has prepared and has in place an offsite emergency response plan covering the Applicant's wellsites and the Applicant's Knapton Generating Station. The plan, which was prepared in consultation with the Applicant, is updated annually by NYCC and an emergency response drill carried out every three (3) years.</p> <p>In addition to the offsite emergency response plan, a health and safety document is required under Regulation 7 of the Borehole Sites and Operations Regulations 1996. The document sets out the safety arrangements to be implemented during well operations.</p> <p>Both the offsite emergency plan and onsite health and safety documents cannot be issued publicly. If members require re-assurance that emergency plans are in place, we suggest that the members speak with NYCC Emergency Planning Department, the Health and Safety Executive and the Environment Agency who can confirm that such emergency planning is in place.</p>		
50	Air Quality	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'.	Short term normally refers the averaging bases which are of the order of 24 hours or below, whereas long term would normally be an annual average. Some parameters however may have shorter terms such as NO2 which is 60 mins. Short term is variable but does not exceed 24 hours.		
51	Highway and Traffic	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	Access to wellsites within the Vale of Pickering, including the KMA wellsite, is required 24 hrs a day, in the event of an emergency, security incident or abnormal operation. Routine access and vehicles delivering equipment will be restricted to 07:00 to 19:00 hrs.	Updated Traffic Management Plan	

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		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”	The KM8 Hydraulic Fracturing Stimulation Traffic Management Plan has been updated to remove any conflicts with the Planning Statement and will be updated further, during consultation with the Community Liaison Group.		
52	Highway and Traffic	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.	<p>The purpose of this statement is to advise that equipment required to hydraulic fracture and test the KM8 well may be brought to the site during the pre-stimulation workover phase. This will help reduce the overall duration of phase two, the hydraulic fracture stimulation/well test.</p> <p>Mobilising equipment to site during the pre-stimulation workover will not increase the potential impact of the proposed development, in fact it aims to reduce the impact by reducing the overall duration of phase 2. This is set out in the Planning Statement.</p>		
53	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 land outside the wellsite is owned and occupied by the Applicant's landlord. The Applicant's access to the land immediately adjacent to the KMA wellsite will be by separate agreement, in the same way the Applicant carries out maintenance to the existing landscaping.		
54	Ecology	The proposed timetable for surveys for bat activity does not provide the frequency/regularity of surveys. Please clarify.	A timetable for surveys has been prepared and is included within this submission.	AECOM: Bat Survey Timings	
55	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”	<p>In the event that flowback water from Zone E is reused to hydraulic fracture Zone D and so on to Zone A, any flowback fluid would be UV treated in advance of it being pumped down the well. UV treatment is an effective method of killing bacteria, which is a cause of iron and steel corrosion. UV treatment is an alternative treatment to the use of biocides.</p> <p>The Applicant has included for the use of UV treatment within the Planning Application and Environmental Statement. Whilst the Applicant appreciates the County Planning Authority's request for clarification as to the exact details of the development, however the use of UV treatment has not yet been formally agreed. To address this, the Applicant has detailed both the UV treatment onsite and offsite disposal of flow back water within the planning statement and assessments.</p>		
56	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.	There is an error in the title of the Photomontages. The title should make reference to the noise barrier being 8.7m in height.		
57	Landscape	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.	No reference has been made to the colour of the containers. For the purpose of the Planning Application, the colour of the ISO containers have been shown as Anthracite, however, due to the short duration eight (8) week period during the pre-stimulation workover and hydraulic fracture stimulation/well test phase when the temporary noise barrier will be erected, we are not proposing a specific colour.		
58	Landscape	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	<p>ISO Container is a term used to describe the type of container. Within the definition of ISO Container, there is a sub definition of 'Standard' or 'High Cube'. A 'High Cube' ISO container is 2.9m in height. Triple stacked, this provides a total height of 8.7m.</p> <p>To clarify your question, the noise barrier will consist of ISO 'High Cube' shipping containers, each with an individual height of 2.9m. The length and number of ISO 'High Cube' shipping containers required to create a noise barrier 8.7m in height is provided in Section 6 of the Planning Statement</p>		

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		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.	and Section 4 of the Environmental Statement.		
59	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.	<p>The development description clearly sets out that the development consists of five (5) hydraulic fracture zones only. Any subsequent hydraulic fracturing is not part of the planning application and therefore not permitted. The Applicant has indicated a period up to circa nine (9) years of production.</p> <p>The question has no relevance to the planning application. Any response would therefore be irrelevant in the context of determining the planning application.</p>		
60	Production	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.	The tests referred to in the planning application as ‘a number of well tests’ are flow tests, which have no material impact on the proposed development. They consist of opening and closing valves of the flowline and monitoring pressure build-ups to obtain a greater understanding of the reservoir characteristics. Similar operations are routinely carried out at the Applicant’s other wellsites in the Vale of Pickering.		
61	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.	<p>George Osborne, the Chancellor of the Exchequer, announced in 2013 that he had reached agreement with the United Kingdom Onshore Operators Group (UKOOG), on a package of community benefits for shale gas projects. UKOOG then developed a mechanism for how the benefits package would be implemented. Third Energy is a signatory to the UKOOG charter and, as such, is committed to providing this scheme of benefits as detailed on the community section of UKOOG website. Further details can be found at <a href="http://www.ukoog.org.uk/community/benefits">http://www.ukoog.org.uk/community/benefits</a></p> <p>The first community benefit, once planning permission has been received, will be a one-off payment of £100,000 into the community fund. This will become available when the hydraulic fracturing project goes live at the site. Should gas be produced commercially from the Bowland sequence as a result of the hydraulic fracturing, 1% of revenues will be paid into the community fund. In Third Energy’s case, the fund will be managed by the local Two Ridings Community Foundation which is affiliated to United Kingdom Community Foundations. Third Energy is currently finalising a Memorandum of Understanding with Two Ridings for setting up and managing the community fund for the KM8 hydraulic fracturing project.</p> <p>For absolute clarity, the UKOOG Charter is not a legal agreement under Town and Country Planning. Whilst it is accepted that the Planning Application and Environmental Statement makes reference to the UKOOG Charter, its implementation is not regulated by the County Planning Authority.</p>		
62	Wider Policy	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.	<p>Whilst the Culzean discovery offshore represents a major discovery, it is not significant enough to replace the natural decline of North Sea gas production.</p> <p>The Culzean discovery is expected to produce only 5% of the total UK gas demand at peak production in 2020/21. Production is expected to commence in 2019 and continue for at least 13 years. To put this into context, it is predicted that by 2019 reliance on imported gas to meet UK demand will increase to 69%.</p> <p>The Culzean discovery does not change the context of the Planning Application. We suggest that any further clarity on this matter should be directed to DECC.</p>		
63	Other Points for	Reference is made earlier in the Planning Statement	The KM8, site specific, hydraulic fracture plan (referred to on page 26) and the contents of a		

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	Clarity	(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”	<p>hydraulic fracture plan (referred to on page 42) are in fact two separate documents. . The KM8 hydraulic fracture plan is specific to the KM8 operation and will be submitted to DECC for approval.</p> <p>At this point in time, DECC and UKOOG are agreeing the content of hydraulic fracture plans, providing guidance to operators as to what is required and how it should be presented. In the absence of a KM8 site specific hydraulic fracture plan, which will be prepared and approved in advance of the KM8 operation, the purpose of the reference to DECC and UKOOG agreeing the content of a hydraulic fracture plan is to inform the reader that such plans are being developed and were not available when the planning application was submitted.</p> <p>The requirement to submit a hydraulic fracture plan is regulated by DECC and is separate and distinct from Town and Country Planning.</p>	
64	Other Points for Clarity	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.	A larger scale Figure 6.1 has been produced and is provided with this submission.	Figure 6.1
65	Other Points for Clarity	The zones that are labelled on page 42 are incorrect as they are all referring to 'Zone A.	This is a drafting error. The zones should read A to D.	
66	Other Points for Clarity	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.	<p>The Onshore Extraction of Oil and Gas Guidance Note, which includes the oil and gas planning application checklist</p> <p>Checklist B: Environmental Effects of the Development</p> <p>v) Land Stability:</p> <p>Land stability is not considered by the Applicant’s Assessment Team to be relevant to the proposed development as the proposed development is being undertaken within an existing wellsite. Nor was land stability raised as a concern during pre-application consultation.</p> <p>No land stability studies have therefore been undertaken for this development.</p> <p>Land stability was considered prior to wellsite construction and a Geotechnical Evaluation was undertaken to inform wellsite construction design.</p>	
67	Other Points for Clarity	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.	<p>The first meeting of the KM8 Community Liaison Group was held on Tuesday 13<sup>th</sup> October 2015 in Kirby Misperton. The draft Terms of Reference were agreed but the Group decided to increase the membership to include parish council, as well as resident representatives, from the adjacent parishes of Great Habton and Great and Little Barugh. The minutes of the meeting, once approved, will be posted on the Third Energy website. The next meeting will be on Tuesday 3<sup>rd</sup> November 2015 at 10am at Knapton Generating Station (KGS): a briefing on the proposed project and the planning and permit applications will be followed by a tour of KGS (time allowing) and a visit to the KM8 well site in Kirby Misperton.</p> <p>With reference to traffic, the Group requested an initial briefing on the number of HGV and LGV movements and how they will be managed. It was felt that a full workshop, including the proposed village walk through proposed by some residents, should be held if planning permission is granted and once the likely timing of the operations is known.</p>	
68	Other Points for Clarity	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	Yes, the County Planning Authority should have regard for and take into account the content of the Schedule of Environmental Condition within the Planning Application.	

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		<p>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.</p>			
<b>SECTION D: RESPONSE TO CONSULTATION RECEIVED BY NYCC AFTER 11<sup>TH</sup> OCTOBER 2015</b>					
69	Yorkshire Water Consultation Response	<p>The Hydrogeological Risk Assessment accompanying this application notes that the KM8 well has been built to the Oil &amp; Gas UK (2012a) Well Integrity Guidelines. However, within the planning application documents there do not appear to be details of the casing, grouting or integrity checks for the well nor details on the proposed monitoring of well integrity. Although we believe the risk to the public water supply is very low, the applicant should provide these details before operations commence to demonstrate that the well design mitigates the risk of loss of containment and that there is monitoring in place, throughout the life of the development, to prove that well integrity is maintained. This will provide evidence that shallow groundwater systems are protected and at low risk from contamination by fracking, flowback or produced liquids. We believe that these matters may fall under the remit of the Health &amp; Safety Executive/Environment Agency permitting processes but it would be helpful if it was made clear that these matters are outwith the Planning Authority's consideration.</p>	<p>Yorkshire Water are seeking clarity from the County Planning Authority that the protection of shallow groundwater systems from contamination by hydraulic fracturing, flowback and produced liquids fall within the remit of the Health and Safety Executive and the Environment Agency.</p> <p>Prior to the drilling of the KM8 production borehole in 2013, the Applicant submitted a WR11 Application to the Environment Agency under Section 199 (1) of the Water Resources Act 1991 which states:</p> <p><i>'Where a person proposes to construct or extend a boring for the purpose of searching for or extracting minerals, he shall, before he begins to construct or extend the boring, give to the Agency a notice of his intention in the prescribed form.'</i></p> <p>The Act requires the Applicant to submit details of the proposed well design, including casing and drilling fluid specifications. This information is then reviewed and evaluated by the Environment Agency, which may, as it deems necessary, issue a Notice to Conserve Water resources, which sets out the Environment Agency's requirements in order to protect groundwater.</p> <p>In March 2013 the Environment Agency confirmed that the WR11 and additional information submitted was satisfactory and it had no requirement for a WR-12 Conservation Notice to be issued for the proposal.</p> <p>As the KM8 production borehole has now been constructed, the various applications required by regulation, including Environmental Permits under the Environmental Permitting (England and Wales) Regulations 2010 and Section 199 of the Water Resources Act 1991, are relevant to the proposed hydraulic fracturing and subsequent natural gas production and make reference to the KM8 production borehole as having previously been approved under regulation.</p>		
70	Yorkshire Water Consultation Response	<p>A detailed process description including process flow diagram should be submitted to the Planning Authority and/or the Environment Agency before operations commence on site to ensure that the risk of insufficient storage leading to loss of fluid containment on the site can be properly managed. This process plan should include the timing for removal of waste water from the site and the final destination of the waste water. Again, this may be a matter to be considered as part of the permitting process.</p>	<p>The risk associated with the management of fluids on site, including handling, storage and containment and their respective mitigation are presented in the Environmental Permit Application, submitted to the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010. It is the Applicant's understanding that Yorkshire Water have been consulted by the Environment Agency as part of the Environmental Permit Application consultation process.</p> <p>Yorkshire Water correctly identifies that the management of fluids is considered as part of the permitting process and, as such, should be satisfied that the appropriate regulator, having reviewed the management arrangements and by issued an environmental permit, is satisfied that such risks are mitigated.</p>		
71	North Yorkshire Police Response	<p>The planning application makes no explicit provision for the potentially disruptive impact of protestor activity on both the work at the wellsite and on the wider community, particularly the village and community of Kirby Misperton</p>	<p>North Yorkshire Police has been in consultation with the Applicant since the announcement that the Applicant had intentions to hydraulic fracture the KM8 petroleum production borehole.</p> <p>At the time of submitting the Planning Application there was no protestor presence at the KMA wellsite or indeed any factual evidence to suggest there would be.</p> <p>The current planning application considers the impact of the proposed development on crime and public safety (paragraph 19.7.1.7 of the Environmental Statement). There is a potential for an indirect increase in crime due to public disorder as a result of an increase in interest associated with</p>		

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			<p>the proposed development, in particular during the pre-stimulation workover and hydraulic fracture stimulation/well test phases.</p> <p>The Applicant continues to liaise with North Yorkshire Police and, should a protestor presence be established in the vicinity of the KMA wellsite, the Applicant and the Police will review the situation and the appropriate plans implemented to ensure the safety of the Applicant, the protestors, other road users and the community.</p>		
72	North Yorkshire Police Response	The likely impact of this protest activity and the requirement to plan for it in a way that does not result in either an unacceptable drain on police resources or adversely impacts upon the local community is not recognised in the current application.	<p>North Yorkshire Police has been in consultation with the Applicant since the announcement that the Applicant had intentions to hydraulic fracture the KM8 petroleum production borehole.</p> <p>At the time of submitting the Planning Application there was no protestor presence at the KMA wellsite or indeed any factual evidence to suggest there would be.</p> <p>The Applicant continues to liaise with North Yorkshire Police and, should a protestor presence be established in the vicinity of the KMA wellsite, the Applicant and the Police will review the situation and the appropriate plans implemented to ensure the safety of the Applicant, the protestors, other road users and the community.</p>		
73	North Yorkshire Police Response	The temporary closure of a length of footpath as set out above. It will be the Applicant's responsibility to make such an application; will be the Applicant's responsibility to make such an application.	<p>The Applicant has no objection to a planning condition requiring it to submit an application to NYCC for a temporary footpath closure during Phase 1 and Phase 2 of the proposed development and for this to be implemented prior to the commencement of Phase 1.</p>		
74	North Yorkshire Police Response	The temporary reduction in speed limit from 60mph to 30mph on Habton Road from Kirby Misperton to a point around 200m southwest of Kirby-O-Carr farm.	<p>The Applicant has no objection to a planning condition requiring it to submit an application to NYCC for a temporary Traffic Regulation Order (TRO) reducing the speed limit from 60mph to 30mph during Phase 1 and Phase 2 of the proposed development and for this to be implemented prior to the commencement of Phase 1.</p>		
75	North Yorkshire Police Response	A condition that HGV access to or from the site was not to be attempted other than between 0900 and 1600 hours on Mondays to Thursdays during work phases 1 to 3 (as set out in paragraphs 2.2.1, 2.2.2 and 2.2.3 of the Summary Section of Third Energy's Planning Statement of 29 June 2015).	<p>The Applicant acknowledges the concerns raised by North Yorkshire Police, should a protestor presence be established in the vicinity of the wellsite. At the time of submitting the Planning Application there was no protestor presence at the KMA wellsite or indeed any factual evidence to suggest there would be. Nevertheless, the Applicant did indicate within Section 2 of the KM8 Traffic Management Plan that <i>'In order to ensure that Third Energy can undertake its lawful operations on the wellsite it works closely with North Yorkshire Police to ensure the safety of all road users. There may be occasions where access to the wellsite may be restricted. In such an event, North Yorkshire Police will be consulted and North Yorkshire Police may require Third Energy to use an alternative access route, thus deviating from this plan'</i>.</p> <p>The Applicant has and continues to liaise with North Yorkshire Police and, should a protestor presence be established in the vicinity of the KMA wellsite, the Applicant and the Police will review the situation and the appropriate plans implemented to ensure the safety of the Applicant, the protestors and other road users.</p> <p>The suggested restriction of HGV movement during the hours prescribed by North Yorkshire Police is based on its ability to police the access route. It does not take into account other factors that need to be considered, such as 'the school run', which the Applicant has committed to avoiding. It is the Applicant's opinion that, should a protestor presence be established then wellsite access times should be reviewed, taking in to consider all factors, and agreed with the County Planning Authority.</p>		
76	North York Moors National Park Response	The North York Moors National Park Authority would wish to have it formally confirmed that no part of the lateral horizontal drilling would take place underneath the North York Moors National Park as such an engineering operation under land within the National Park would	<p>The Applicant confirms that no lateral horizontal drilling is proposed as part of the Planning Application.</p>		

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		require planning permission from this Authority.		
77	North York Moors National Park Response	In order to protect National Park communities from the associated traffic disturbance from the HGV traffic set out in chapter 6 of the Planning Statement and Traffic and Transport chapter 20 of the Environmental Impact Statement, we would ask that planning conditions be imposed on any approval to require HGV movements from the A169 to be routed south via the trunk road network.	<p>It should be noted that during the 20 years of operating the Kirby Misperton and Malton Gas Fields, which uses the proposed access route there has been no restriction on vehicles accessing the KMA wellsite from the A169, heading north or south. The proposed development is no different in that respect to the previous 20 years of natural gas production and associated wellsite operations. In most cases, previous well operations have generated much higher numbers of HGV movements than the HGV movements proposed in this Planning Application.</p> <p>The majority of HGV movements associated with the proposed development are expected to access and egress the KMA wellsite from the south, along the A169. There may be certain circumstances, however, when HGVs may be required to travel north along the A169 to access Pickering, Thirsk and Scarborough.</p>	
78	North York Moors National Park Response	In addition the Authority would ask the County Council to exercise due diligence to ensure the evidence in chapter 18 of the Environmental statement dealing with seismicity and within the Hydrogeological Risk Assessment at appendix 20 of the Environmental statement robustly support the statements (Including para 8.3 in the Planning Statement) that the development would not be likely to result in fault activation that could result in distant land stability or pollution events which would affect the North York Moors Special Protection Area/Special Area of Conservation/Site of Special Scientific Interest.	<p>NYMNPAs are asking the County Planning Authority to exercise due diligence to ensure the evidence provided within the Planning Application and Environmental Statement, which assess the risk of seismicity, robustly supports the statements made within the Planning Application and Environmental Statement that the development would not be likely to result in fault activation that could result in distant land stability or pollution events.</p> <p>The Applicant has presented its assessment of seismicity within the Planning Application and Environmental Statement and believes them to be robust.</p>	