



PART A: MATTERS DEALT WITH UNDER DELEGATED POWERS

REPORT TO: PLANNING COMMITTEE

DATE: 13 AUGUST 2019

**REPORT OF THE: HEAD OF PLANNING AND REGULATORY SERVICES
GARY HOUSDEN**

**TITLE OF REPORT: NYCC CONSULTATION: PLANNING APPLICATIONS BY
THIRD ENERGY. VALE OF PICKERING**

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To agree this Council's response to the planning applications which are currently being considered by the Minerals and Waste Planning Authority.

2.0 RECOMMENDATION

2.1 It is recommended that:
(i) The response at paragraph 6.9 of this report

3.0 REASON FOR RECOMMENDATION

3.1 To ensure that this Council's comments are considered in the determination of the applications.

4.0 SIGNIFICANT RISKS

4.1 The report covers a response to a consultation. There are no specific risks associated with the recommendation.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 North Yorkshire County Council is the authority which determines planning applications for minerals and waste development in North Yorkshire. NYCC consults neighbouring local planning authorities on the planning applications it receives for minerals and waste development within their areas.

6.0 REPORT

- 6.1 NYCC has consulted this Authority on eight planning applications that have been submitted by Third Energy. The applications can be viewed on NYCC's web-site <https://onlineplanningregister.northyorks.gov.uk> and the relevant reference numbers are listed below.

NY/2018/0108/73A – KM-A (“Kirby Misperton 1/3”) Wellsite
NY/2018/0112/73A – KM-B (“Kirby Misperton 2”) Wellsite
NY/2018/0113/73A – Pipeline network to Knapton Generating Station
NY/2018/0114/73A – Malton A Wellsite
NY/2018/0116/73A – Malton B Wellsite
NY/2018/0117/73A – Pickering Wellsite
NY/2018/0118/73A – Marishes Wellsite
NY/2019/0079/FUL – KM-A Extension Wellsite

- 6.2 Each of the ‘73A’ applications listed below are applications which, in essence seek to vary conditions on existing permissions to extend the operating period of each existing well-site to continue consented activities for a further 17 year period. (2018-2035).
- 6.3 The ‘FUL’ application seeks to continue the use of the extension to the Kirby Misperton A well site for operations associated with gas production, including the production of gas from the existing production borehole; the drilling and testing of one additional production borehole, followed by subsequent production of gas and the maintenance of the well site and boreholes.
- 6.4 The material supporting the ‘FUL’ application confirms that the new production borehole would target conventional gas bearing formations and that the well would be drilled to a maximum depth of 9,000 ft to access the conventional resources of gas in the Permian or Carboniferous formations. Drilling is predicted to last for a continual period of 6-12 weeks. (24 hours a day, 7 days a week). The maximum height of the drilling rig would be 50m.
- 6.5 All of the applications seek an extension of time in which to undertake consented activities – the exploitation of conventional gas resources for a further seventeen year period. On the basis of the description of the development proposed, it is considered that this would not raise significant issues of concern for this authority. Activity associated with conventional gas production within the Vale of Pickering since the 1990’s has not resulted in any significant level of complaints over noise, disturbance or other amenity issues.
- 6.6 It is understood that conventional gas production in the Vale of Pickering is declining. Against this context, the applicants’ justification for the development is summarised below.
- Permissions for consented activity expire in 2018. The application’s aim to seek a coherent and unified strategy for extending the lifetime of the planning permissions as the infrastructure forms a coherent network
 - Allows continued production to 2035, supplying power across North Yorkshire and contributing to the local economy
 - The applicant is committed under its Licences, to maximise the economic recovery of

gas

- The period of assessment of the potential exploitation of **unconventional** gas resources necessitates an extension of the lifetime of the existing infrastructure
- An extension of the lifetime of the existing infrastructure would support the increased production of conventional gas from bypass gas recovery, associated with conventional gas extraction, should trials of this technique prove successful.

6.7 It is clear that while the applications seek an extension of time in which to undertake consented activity, the justification for the applications does include reference to activity for which consent does not exist – notably the extraction of shale gas. It is considered that this does raise significant concerns for this authority and that this is reflected in this Council's response to the applications.

6.8 The operation of the proposed additional borehole for conventional gas extraction will be similar to existing active operations at the well sites, which currently do not have an unacceptable impact on the amenity of residents. However, the application for the additional borehole is also justified on the basis that it will help to ensure a coherent network of infrastructure which would support longer term gas production from the two 'projects' currently underway – bypass gas recovery and unconventional gas production through hydraulic fracturing, if these are taken forward.

6.9 A proposed response to the consultation is outlined below:

Ryedale District Council is strongly opposed to the exploitation of unconventional gas resources through hydraulic fracturing in the Vale of Pickering. The applications are, in part justified on the basis that the development proposed would ensure that a network of infrastructure is in place to support hydraulic fracturing in the future. This is not acceptable to this Authority and it objects to the applications on this basis.

The development should and can only be justified on the basis of what the applicant is applying for. In this instance this is for an extension of time to undertake existing consented activity. In this respect, it is considered that the only information that is required to support the application and which should be considered as part of the decision-making process, is information which is confined to conventional gas production. However, against a context of declining conventional gas production in the Vale of Pickering, it is considered that there is insufficient information to justify why a further extension of time of 17 years and a further borehole at the KM-A well site is required. There is insufficient information relating to or justifying the rate of production or anticipated levels/rate of continued exploitation of the conventional reserves. This Authority also objects to the applications on this basis and the lack of information provided to justify the development applied for.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
No direct implications associated with the recommendation
- b) Legal
No direct implications associated with the recommendation
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)

No direct implications associated with the recommendation

8.0 NEXT STEPS

8.1 Once agree, this Council's response will be forwarded to NYCC.

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Background Papers:
Planning Applications listed in the report

Background Papers are available for inspection at:

<https://onlineplanningregister.northyorks.gov.uk>