

f.a.o. Katharine Blythe
MBH Environmental
c/o Arcata Chartered Accountants
Hudson House
8, Albany Street
EDINBURGH

Planning Services

Growth, Planning and Trading Standards
County Hall
Northallerton
North Yorkshire
DL7 8AH
Tel: 01609 780780
e-mail: planning.control@northyorks.gov.uk
www.northyorks.gov.uk

Our ref: NY/2018/0107/73A; NY/2018/0108/73A;
NY/2018/0111/73A to NY/2018/0114/73A (inclusive) and
NY/2018/0116/73A to NY/2018/0118/73A (inclusive)

6th July 2018

Dear Ms Blythe,

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
ORDER 2015 SCHEDULE 1
TOWN AND COUNTRY PLANNING ACT 1990

- NY/2018/0107/73A Variation of condition no. 3 of planning permission ref. C3/12/00989/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years to 31 December 2035 on land at Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton;
- NY/2018/0108/73A Variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/C for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years to 31 December 2035 on land at Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton;
- NY/2018/0111/73A Variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/D for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Kirby Misperton 2 Wellsite, Alma Farm, Habton Road, Kirby Misperton;
- NY/2018/0112/73A Variation of condition no. 3 of planning permission ref. C3/10/00924/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Kirby Misperton 2 Wellsite, Alma Farm, Habton Road, Kirby Misperton;
- NY/2018/0113/73A Variation of condition no.s 1 & 2 of planning permission ref. C3/06/00625/CPO/F for the retention of the existing Vale of Pickering pipeline network between existing wellsites and Knapton Generating Station (including the pipeline from the Pickering wellsite to Kirby Misperton–A wellsite) for a further 17 years from 2018 to 2035 on land at the pipeline to Knapton Generating Station, East Knapton;
- NY/2018/0114/73A Variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/A for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Malton A Wellsite, Habton Lane, Great Habton;
- NY/2018/0116/73A Variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/B for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Malton B Wellsite, Kirby Misperton Lane, Great Habton;
- NY/2018/0117/73A Variation of condition no. 9 of planning permission ref. C3/09/00344/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Pickering Wellsite, Pickering Showground, Malton Road, Pickering; and,
- NY/2018/0118/73A Variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/E for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Marishes Wellsite, Wath Hall, Low Marishes, Malton

Business and Environmental Services

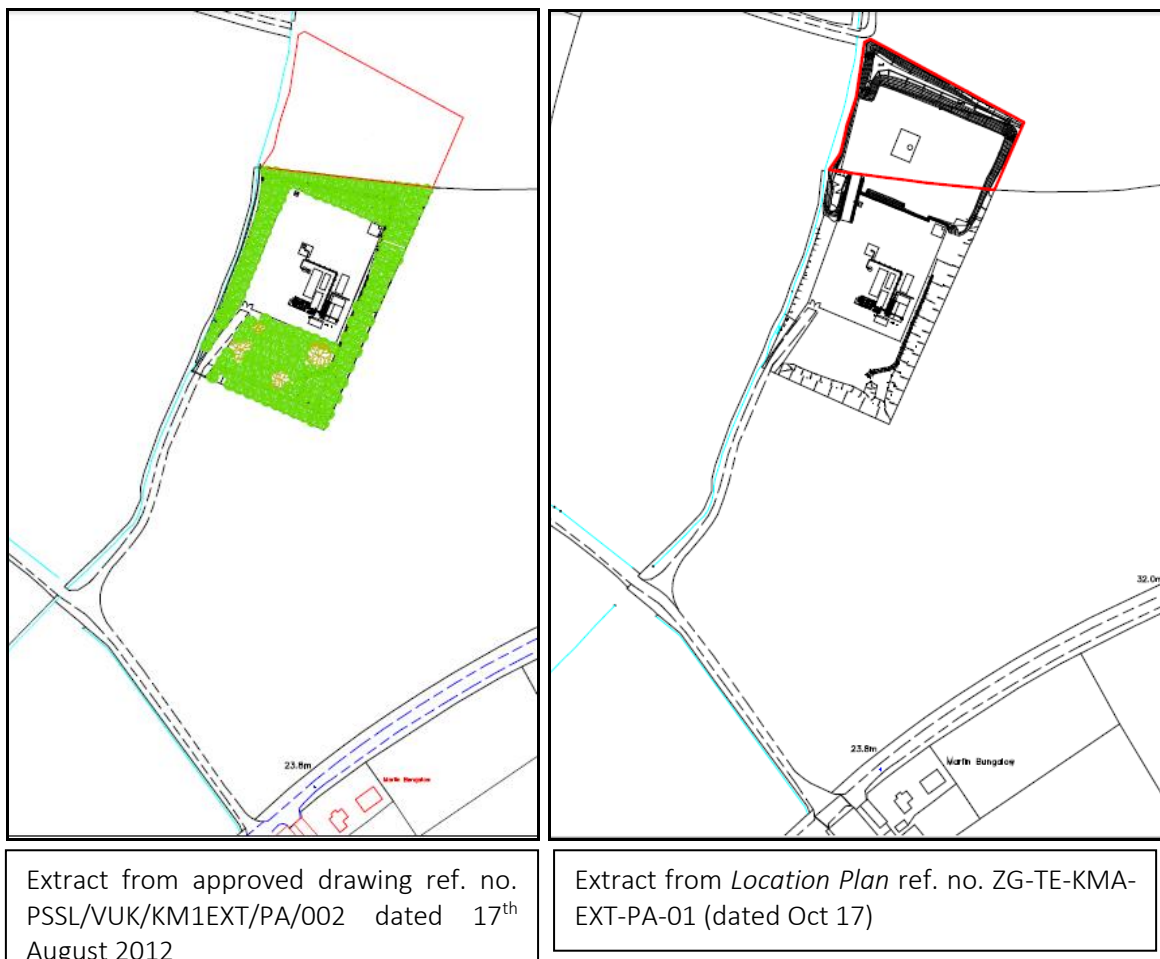
With reference to the above applications made to this Authority on behalf of your Client, Third Energy UK Gas Limited, (in sequence of submission) on 9th, 10th 11th and 14th May 2018, it is understood a letter of acknowledgment of receipt has been issued (please contact us if this is not the case).

However, in the intervening period since their receipt, a review of a number of historical and archived pieces of information has been undertaken which has, unfortunately, led to a delay in writing to you further on the matter.

However, please note the following, having now reviewed the available information.

Planning application ref. no. NY/2018/0107/73A for the purpose the variation of condition no. 3 of planning permission ref. no. C3/12/00989/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years to 31 December 2035 on land at the Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton

It has been established, having reviewed the original documentation, that the red line boundary relating to planning permission ref. no. C3/12/00989/CPO did not connect the application site to the public highway. An extract from approved drawing ref. no. PSSSL/VUK/KM1EXT/PA/002 dated 17th August 2012 is provided below:



The national online Planning Practice Guidance at [Section 14, paragraph 024](#) identifies 'What information should be included on a location plan?' Therein, *inter alia*, it refers to the requirement that an "application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car

parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site”.

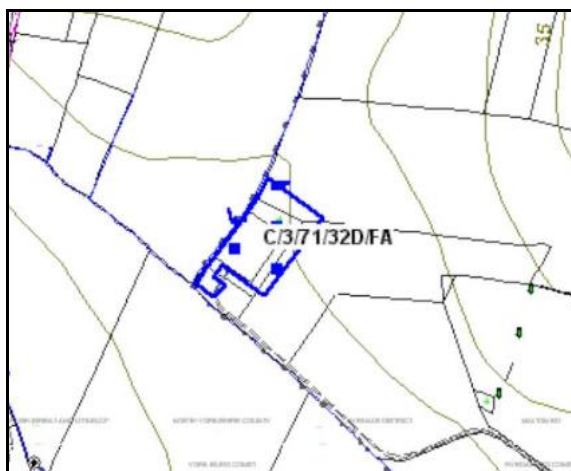
Thus, having reviewed the information accompanying your Client’s application, the submitted *Location Plan* ref. no. ZG-TE-KMA-EXT-PA-01 (dated Oct 17) accompanying planning application ref. no. NY/2018/0107/73A dated 8th May 2018 replicates the original plan by omitting such land as is required to connect the application site to the public highway as shown in the extract above.

As the above Plan does not include all of the requisite areas of land within the red line boundary, it would not be appropriate to replicate this omission within your Client’s recently submitted application made to the Authority under the provisions of Section 73 of the Town & Country Planning Act 1990 (as amended).

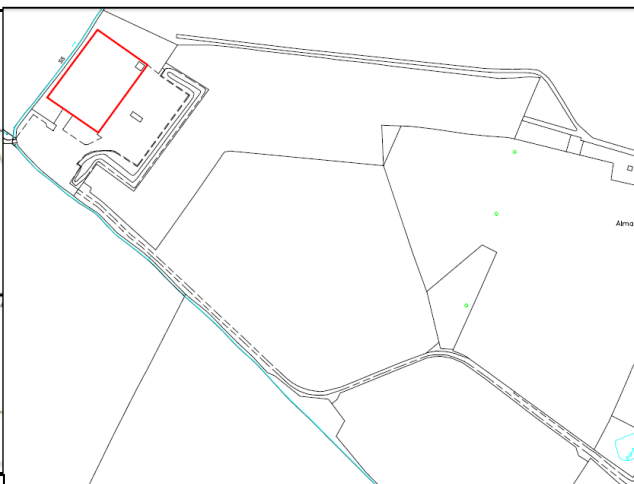
The application, ref. no. NY/2018/0107/73A, has, therefore, not been duly made. It is suggested that a possible remedy to this situation would be the submission of a full planning application to this Authority.

Planning application ref. no. NY/2018/0111/73A for the purpose of the variation of condition no. 2 of planning permission ref. no. C3/06/00625/CPO/D for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Kirby Misperton 2 Wellsite, Alma Farm, Habton Road, Kirby Misperton

The same circumstance, as explained above, also pertains to the recent application submission relating to the Kirby Misperton 2 wellsite and, thus, this has also not been duly made. Again, it is suggested that a possible remedy to this situation would be the submission of a full planning application to this Authority.



Extract from digitised area for permission
ref. no. C/3/71/32D/FA



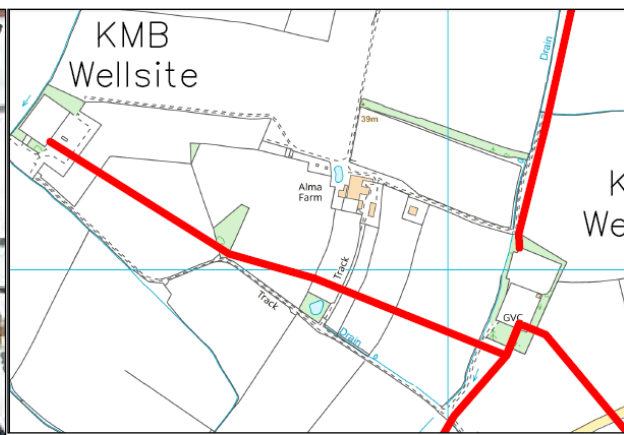
Extract from *Location Plan* ref. no. ZG-TE-KM2-PA-01 (dated May 18) accompanying application ref. no. NY/2018/0111/73A

Planning application ref. no. NY/2018/0113/73A for the purpose of the variation of condition no.s 1 & 2 of planning permission ref. C3/06/00625/CPO/F for the retention of the existing Vale of Pickering pipeline network between existing wellsites and Knapton Generating Station (including the pipeline from the Pickering wellsite to Kirby Misperton–A wellsite) for a further 17 years from 2018 to 2035 on land at the pipeline to Knapton Generating Station, East Knapton

In the particular instance of this application, the plan pertaining to the original planning permission ref. no. C3/06/00625/CPO/F dated 30th August 2006 and the plan accompanying your most recent application ref. no. NY/2018/0113/73A, dated 10th May 2018, do not appear to correlate with one another in a number of locations along the pipeline route as shown in the extracts that follow.



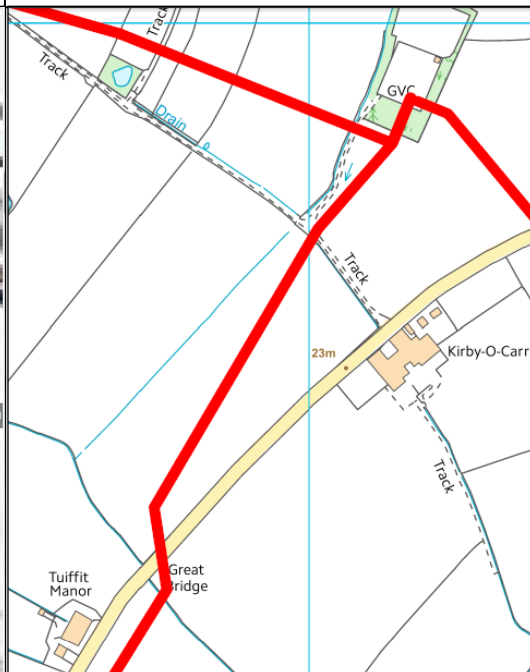
Extract from *Location Plan* ref. no. 07644/1 (dated 06/03/06) accompanying application ref. no. C3/06/00625/CPO/F (n.b. the route of the pipeline is shown as a **black line**)



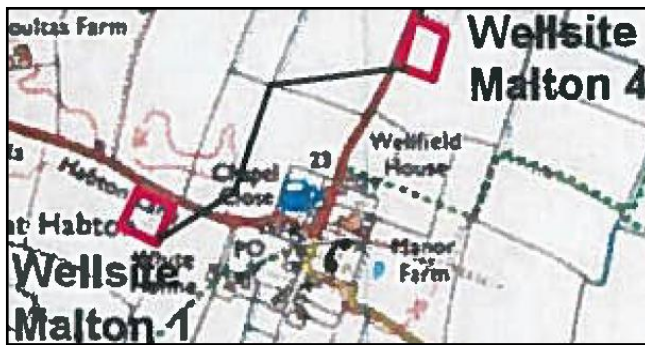
Extract from *Location Plan* ref. no. ZG-TE-PL-PA-01 Rev 1 (dated Apr 18) accompanying application ref. no. NY/2018/0113/73A dated 10th May 2018



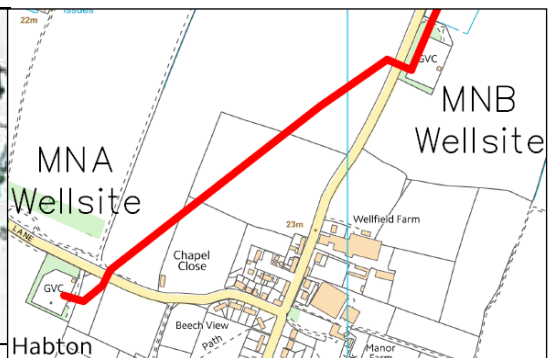
Extract from *Location Plan* ref. no. 07644/1 (dated 06/03/06) accompanying application ref. no. C3/06/00625/CPO/F (n.b. the route of the pipeline is shown as a **black line**)



Extract from *Location Plan* ref. no. ZG-TE-PL-PA-01 Rev 1 (dated Apr 18) accompanying application ref. no. NY/2018/0113/73A dated 10th May 2018



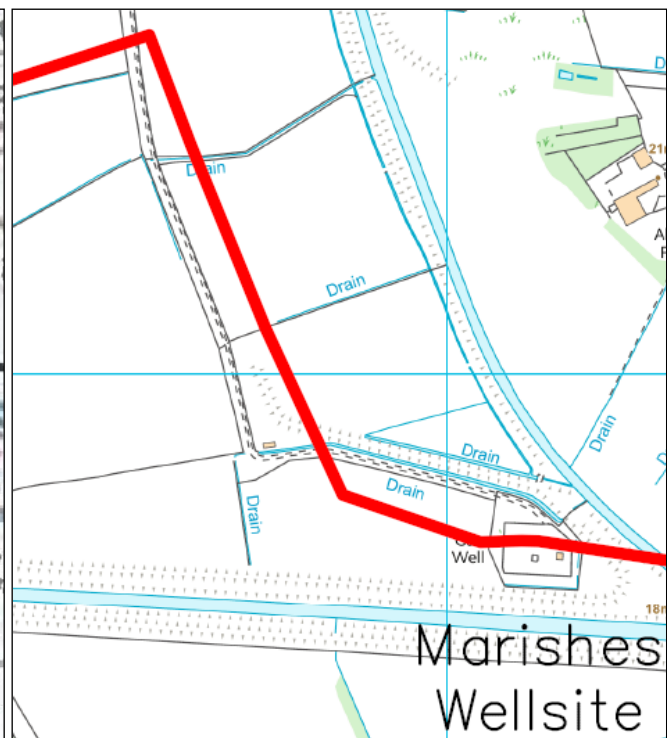
Extract from *Location Plan* ref. no. 07644/1 (dated 06/03/06) accompanying application ref. no. C3/06/00625/CPO/F (n.b. the route of the pipeline is shown as a **black line**)



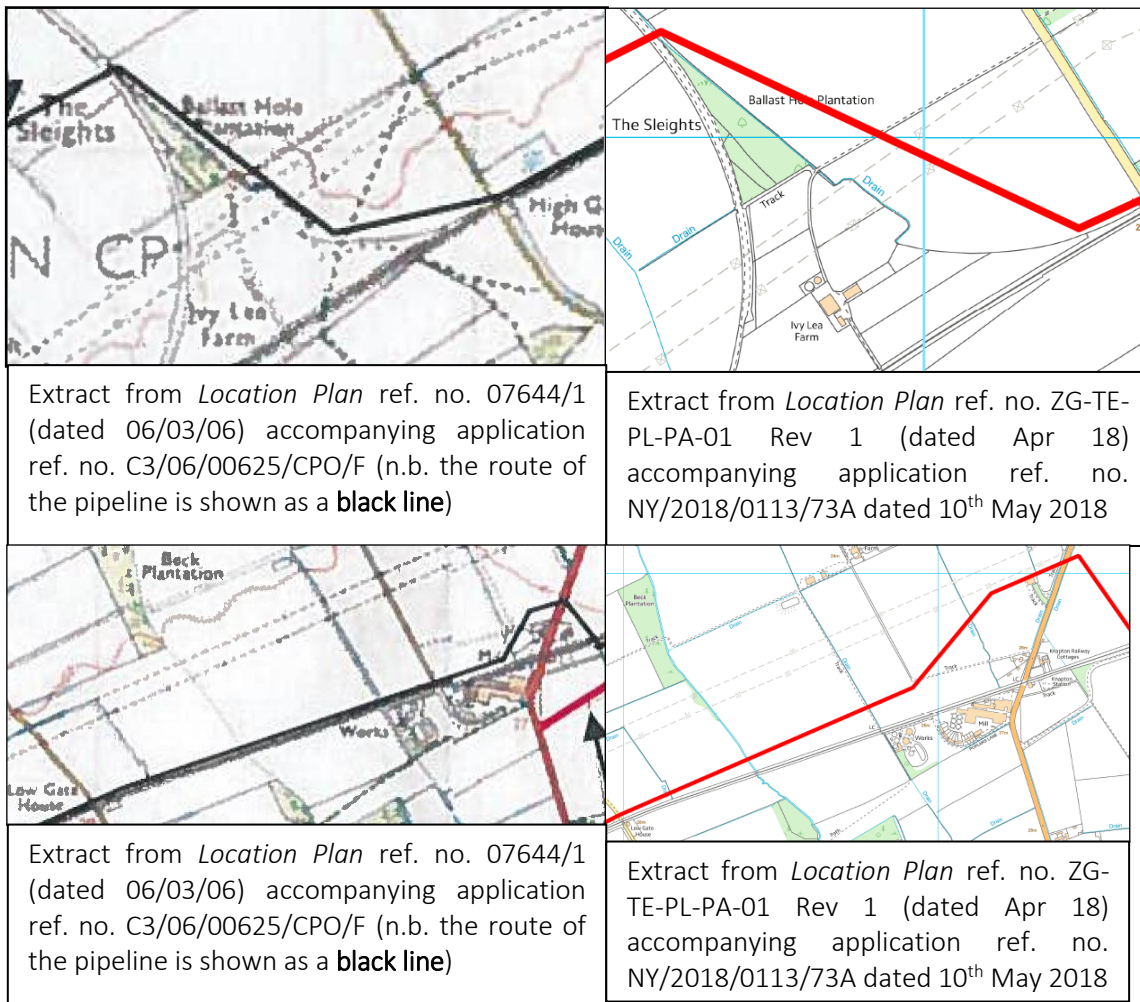
Extract from *Location Plan* ref. no. ZG-TE-PL-PA-01 Rev 1 (dated Apr 18) accompanying application ref. no. NY/2018/0113/73A dated 10th May 2018



Extract from *Location Plan* ref. no. 07644/1 (dated 06/03/06) accompanying application ref. no. C3/06/00625/CPO/F (n.b. the route of the pipeline is shown as a **black line**)



Extract from *Location Plan* ref. no. ZG-TE-PL-PA-01 Rev 1 (dated Apr 18) accompanying application ref. no. NY/2018/0113/73A dated 10th May 2018



In addition, the section of pipeline, Pickering-Kirby Misperton, does not appear, from the information available, to be covered by the permission which is sought to be extended in your Client's recently submitted application; the reason being that [the plan accompanying the original planning permission](#) ref. no. C3/06/00625/CPO/F dated 30th August 2006 does not show the Pickering-Kirby Misperton section.

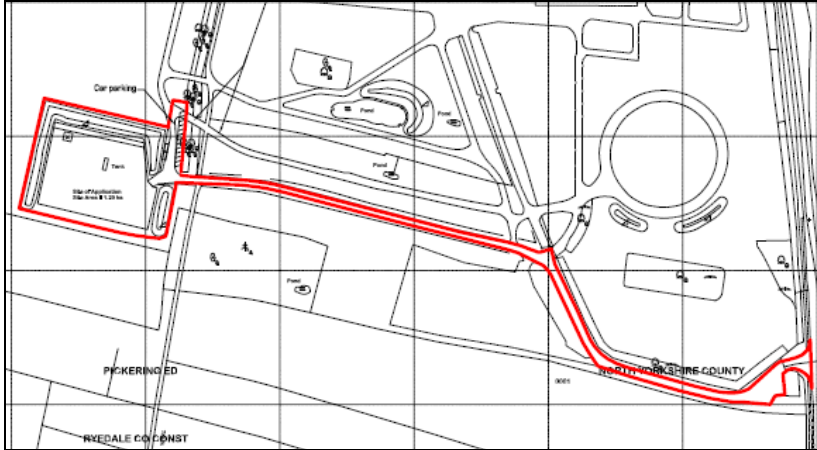
Notwithstanding your Client's plan including a section of pipeline that would appear to have been omitted from the planning permission which is now sought to be extended, the plan also shows a different alignment to that which was permitted under planning permission [C3/00/01298/CPO](#) dated 15th December 2000 and which time-expired on 14th September 2013.

Notwithstanding the consented route, a review of the aerial photographic evidence held by the County Planning Authority, would appear to show that the implemented/'as built' pipeline follows a different alignment. The deviation from the consented alignment, taking into account engineering tolerances, would appear to be of varying distances, as much as up to 40-50 metres from the centreline (and at certain points, an even greater distance) for an approximate 2km section of the consented route. The plans and aerial photography, provided within the Appendix which accompanies this letter, are intended to facilitate understanding as to how this conclusion has been arrived at.

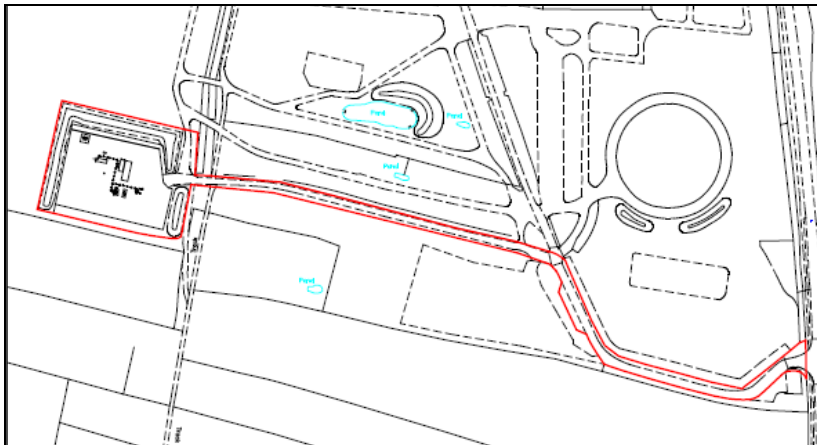
Again, it is suggested that a possible remedy to this situation would be the submission of a full planning application to this Authority.

Planning application ref. no. NY/2018/0117/73A for the purpose of the variation of condition no. 9 of planning permission ref. C3/09/00344/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Pickering Wellsite, Pickering Showground, Malton Road, Pickering

The red line boundary for this particular wellsite was revised during the processing of the application and shows a different red line to that shown within the recently received application ref. no. NY/2018/0117/73A. An extract from the revised plan is provided below:



Extract from *Location Plan* ref. no. VK/PK2/01 Rev B (dated Apr 08) accompanying planning permission ref. C3/09/00344/CPO dated 30th June 2009



Extract from *Location Plan* ref. no. ZG-TE-PK-PA-01 (dated Oct 17) accompanying application ref. no. NY/2018/0117/73A dated 11th May 2018

A possible remedy to this situation would be the submission of a revised red line boundary plan which accurately reflects the red line boundary pertaining to the permission for which an extension of time duration is sought.

However, insofar as the following applications are concerned, the applications are deemed to have been duly made:

NY/2018/0108/73A Variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/C for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years to 31 December 2035 on land at Kirby Misperton 1/3 Wellsite, Alma Farm, Kirby Misperton;

NY/2018/0112/73A Variation of condition no. 3 of planning permission ref. C3/10/00924/CPO for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Kirby Misperton 2 Wellsite, Alma Farm, Habton Road, Kirby Misperton;

- NY/2018/0114/73A Variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/A for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Malton A Wellsite, Habton Lane, Great Habton;
- NY/2018/0116/73A Variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/B for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Malton B Wellsite, Kirby Misperton Lane, Great Habton; and,
- NY/2018/0118/73A Variation of condition no. 2 of planning permission ref. C3/06/00625/CPO/E for an extension to the operating period of the existing wellsite to continue consented activities for a further 17 years from 2018 to 2035 on land at Marishes Wellsite, Wath Hall, Low Marishes, Malton

These applications can be found on the County Planning Authority's Online Planning Register using the following links:

[NY/2018/0108/73A](#); [NY/2018/0112/73A](#); [NY/2018/0114/73A](#); [NY/2018/0116/73A](#); [NY/2018/0118/73A](#)

Please note that all electronic communication in respect of your Client's applications should be made to planning.control@northyorks.gov.uk (quoting application ref. no.s).

Yours sincerely,

VA Perkin

Victoria Perkin

Head of Planning Services

Enc.s

Pipe S 10k.pdf;

Pipe N 10k.pdf;

Pipe S APs.pdf; and,

Pipe N APs.pdf