

Response by the South Hambleton Shale Gas Advisory Group to the Inspector's Invitation to comment on the House of Commons Select Committee's report - Planning Guidance on Fracking, 5th July 2018

We are grateful to you for giving us the opportunity to comment upon implications of this report vis the Written Ministerial Statement (WMS) of 17th May 2018 and the implications of both documents for the North Yorkshire Minerals and Waste Joint Plan.

Representation and Evidence Base

It should be noted that the Select committee comprised 11 MPs with some knowledge of shale gas extraction and that they received and assessed evidence from 200 people and organizations. These represented the industry, local planning authorities, interested organizations and the public. This evidence base should be contrasted with the WMS (May 2018) which we believe was hurriedly formulated as the result of pressure from the shale gas industry alone, who were dissatisfied with your intentions as expressed at the last day of the examination in public hearing on 13 April 2018.

Therefore because of the wide range of evidence taken, cogent analysis and its balanced proposals we strongly request that considerable weight should be given to the Select Committee report.

Local Plans

We note that the Select Committee specifically refer to NYMWJP and your EIP (paras 55-56 & 84) and that they conclude that this plan as drafted and proposed to be amended by yourself serves as a useful template. Indeed the Select Committee appear to go out of their way to endorse this approach in contrast to that advocated by the WMS (May 2018)

NSIP

Local plan policies will become even more important for local communities if planning applications involving fracking are to be determined under the NSIP regime, for these policies represent a key opportunity for local involvement by means of public consultation on policy formulation and adoption by locally elected councillors. The Select Committee appreciate this (para 82) stating that *... "there is little to be gained from bringing fracking planning applications at any stage under the NSIP scheme"*.

Permitted Development for exploratory drilling

The Select Committee also address the Ministerial intention to make exploratory drilling Permitted Development and quote from Cuadrilla (para 35) who state that there is little difference in land take and visual impact between exploratory and production fracking wells apart from the HGV movements required to transport liquids. This is incorrect. We say that, in addition and at each site, there could be extensive areas of liquid storage tanks. Thus we would face the prospect of exploratory drilling sites being permitted without scrutiny or comprehensive assessment of impact. They would in effect become Brown Field development sites. This would make it much harder to refute conversion to a gas production site. Should this take place it is likely that an uncontrolled proliferation would occur which could cause significant and adverse cumulative impact. The Select

committee clearly appreciate this and state (para91) that *“Shale gas development of any type should not be classed as permitted development...Therefore we urge you to take account of the prospect that the Government could implement their expressly desired changes, as set out within the MWS, and ask you to ensure that the NYMWJP policies are sufficiently robust to:*

- control cumulative impact
- safeguard private property
- preserve sensitive landscape and its setting

This local plan may well become a test case and it would appear that the Select Committee want it to succeed. If you hold firm at least we will continue with NYMWJP policies that will be respected at some stage and by someone!

NPPF

The select committee report also exposes inconsistencies in the NPPF which they say need clarification and consolidation especially in light of UK climate change commitments, the need to balance competing objectives and respond to public concerns (ref para 28)

Localism Act 2011

The Committee also refer to a contradiction between the spirit of the Localism Act 2011 and the 2018 WMS which they state could unreasonably restrict local plans (ref para 59 and conclusion 10)

They go on to say that *“Mineral Planning authorities should be free to adapt their local plans as they see fit as long as they do not arbitrarily restrict fracking developments. It is essential that mineral planning authorities have the right to put conditions in their local plans which can be justified having proper regard to local circumstances”.*

We also note that, when asked, the Minister declined to clarify the “Proper Justification” for setting restrictions or thresholds across local plan areas.

The way ahead

We appreciate that you are having to proceed within a somewhat confused Govt or National Context but you now have a more recent carefully considered and broadly evidenced report from the Select Committee which clearly and specifically endorses your approach in respect of the NYMWJP.

This is in contrast to the hurriedly and biased basis for the MWS .

Therefore we urge you to pay significant regard to the Select Committee conclusions and recommendations. This means continuing on the assumption that MPAs will determine shale gas extraction applications both for exploratory and production drilling and that specific tests will be appropriate within parts of the NYMWJP area to safeguard the setting of houses, settlements and sensitive landscape.

Christopher Stratton OBE FLI
Chairman
15th July 2018