

## Representations on the Written Ministerial Statement relating to Shale Gas dated May 2018

Following the reading of the Written Ministerial Statement (WMS) relating to shale gas in Parliament in May the Inspector has requested that participants in the hearings be given an opportunity to provide comments on the Statement. The inspector specifically asked

- Whether the written ministerial statement affects the Plan, and if so how;
- Whether the Plan should be modified and if so how to reflect the ministerial statement.

The responses have been split into Industry, other organisations and individuals and then respondent number order.

Respondent	Representation	Authorities response to representation
<b>Industry</b>		
3703 - INEOS	<p><b><u>Does WMS affect the Plan</u></b>            The WMS is a new material consideration and should be given weight as a statement of national policy. Many of its themes are included in earlier WMS but this one adds weight to the strategic factors included in the INEOS examination submissions. The WMS affects the MWJP and it should be modified to reflect the WMS. The following points in the WMS should be taken into account.</p> <ul style="list-style-type: none"> <li>• <i>This statement is a material consideration in plan-making and decision taking</i></li> <li>• <i>‘Shale gas development is of national importance. The Government expects MPAs to give great weight to the benefits of mineral extraction, including to the economy. This includes shale gas exploration and extraction.’</i></li> <li>• <i>Mineral plans should reflect that minerals resources can only be worked where they are found, and applications must be assessed on a site by site basis and having regard to their context.</i></li> <li>• <i>Plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification.</i></li> <li>• <i>We expect the MPAs to recognise the fact that Parliament has set out in statute the relevant definitions of hydrocarbon, natural</i></li> </ul>	<p>WMS2018 does not contain any substantive new planning policy content but re-states matters already covered elsewhere in existing national policy/guidance, including WMS September 2015 and the NPPF<sup>1</sup> (e.g. in relation to the national importance of shale gas and the need to give great weight to the benefits of minerals extraction).</p>

<sup>1</sup> References to the NPPF in this document are to NPPF 2012, reflecting transitional arrangements for examination of local plans contained in NPPF 2018 Annex 1.

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	<p><i>gas and associated hydraulic fracturing</i></p> <ul style="list-style-type: none"> <li>• <i>Consistent with this PPG, policies should avoid undue sterilisation of mineral resources (including shale gas)</i></li> </ul> <p>The second bullet point directly applies to the MWJP and indicates the importance of shale gas development to the country which is a factor which should be taken into account. The Government considers there are potential benefits from shale exploration which supports INEOS's recently submitted evidence and weight should be given to this point.</p> <hr/> <p>The WMS indicates that the UK must investigate the development of shale gas extraction to help provide a secure gas supply in the future, and it will not have an adverse impact on climate change. Shale gas exploration and production should occur '<i>where it is economically efficient, and where environment impacts are robustly regulated.</i>' This supports INEOS's position in its examination submission that unconventional hydrocarbons does not conflict with climate change objectives, and it is necessary to explore for and extract gas in the UK to provide a local and secure source of gas. INEOS considers that unconventional hydrocarbons have a material benefit in the form of information to help assess the future potential for shale gas extraction in this area of the country, and agree with the requirement to assess environmental effects robustly.</p> <hr/> <p>The WMS notes that new shale gas exploration and production could provide a new economic driver and the sector could create a new model of the most environmentally robust onshore shale gas sector, but if</p>	<p>The Plan (paras. 5.97 and 5.106) already acknowledges the national significance of oil and gas, including the national need to explore and develop shale gas in a safe, sustainable and timely way.</p> <hr/> <p>The Plan supports shale gas development in appropriate locations (e.g. where they would be outside the areas subject of spatial restrictions referred to in Policy M16 b) i)) and therefore does not seek to set restrictions across all those parts of the Plan area containing potential resources of hydrocarbon. The Plan does not seek to prevent hydrocarbon development for climate change or any other reasons.</p> <p>Existing national policy also acknowledges the national importance of, and need to give great weight to the protection of, National Parks and AONBs (e.g. NPPF para. 115), as well as the national significance and status of a number of other categories of designation and this also is reflected in the approach in the Plan. The NPPF confirms via para.14 and footnote 9 that a more restrictive national policy approach, such that the presumption in favour of sustainable development does not apply, in areas including internationally important nature conservation designations, SSSIs, National Parks, AONBs, Heritage Coast, designated heritage assets and land designated as Green Belt. The Plan is consistent with this approach.</p> <hr/> <p>WMS2018 should not be taken in isolation but should be read alongside other relevant elements of national policy, including national policy requiring development of resources of shale gas in a</p>

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	<p>developments do not progress the opportunities will not be realised.</p> <hr/> <p>The WMS considers consulting on whether some unconventional hydrocarbons development should be permitted development; this</p>	<p>safe, sustainable and timely way whilst maintaining the very highest safety and environmental standards (WMS September 2015).</p> <p>A wide range of established national policy (set out in the NPPF), which isn't overridden by the WMS2018, requires prevention of unacceptable harm to important receptors, and a balanced approach to ensure that development is sustainable in overall terms across the areas of economy society and environment. NPPF para. 143, relating to the sustainable use of minerals requires that, in preparing local plans, planning authorities '<i>should set out environmental criteria, in line with the policies in the framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality</i>'.</p> <p>The Plan reflects an appropriate local expression of the national policy requirement to ensure that development is sustainable, necessitating a balanced approach having regard to the full range of national policy and guidance and reflecting the fact that a wide range of sensitive designations (including National Park and AONB) and other receptors overlap with PEDL areas. This is the fundamental role of a local plan and there is a legal obligation for Plans to be prepared with the objective of contributing to the achievement of sustainable development (as acknowledged in NPPF para.151).</p> <hr/> <p>With regard to a potential extension of permitted development rights for non-fracking shale gas exploration development, it is not</p>

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	<p>indicates that the Governments view is that this type of development is not likely to have significant enough effects to warrant express planning control.</p> <hr/> <p><b><u>Should the Plan be modified, and if so how to reflect the WMS</u></b></p> <p>The WMS is a material consideration in plan-making and shale gas development is of national importance and great weight should be given to the MWJP policies on shale gas development and its potential economic benefit.</p> <hr/> <p>Applications must be assessed on a site by site basis having regard to their context. If a plan wide restriction or threshold, such as the 500 metres separation distance from residential and other sensitive receptors in draft Policy M17(4), that limits or constrains shale development is proposed to be included in the MWJP, the WMS makes it clear that it must have '<i>proper justification</i>'. INEOS consider that the LPA approach to this is unsound, as the decision to impose the 500m buffer is based on a 'combination of considerations' with the focus being on 'noise and tranquillity' and 'visual impact and light pollution'. The Supplementary Note provided by the LPAs says that the 500m buffer 'has been established more widely than a site-specific basis'. This departure from the site by site assessment advice in the PPG, which is reinforced by the WMS, is justified on three flawed propositions.</p>	<p>appropriate to pre-judge outcome of consultation or Government's conclusion on this point. Treating unconventional hydrocarbons development (other than very minor development) as PD is unlikely to be appropriate in sensitive areas National Parks or AONBs and this is reflected in the Governments proposed approach as set out in the MHCLG consultation document <i>Permitted development for shale gas exploration</i> (July 2018).</p> <hr/> <p>The potential for local economic benefits to arise through hydrocarbon development is already acknowledged in para. 5.143 of the Plan. The need to give great weight to the benefits of minerals extraction is already reflected in NPPF policy.</p> <hr/> <p>Primary legislation (T&amp;CP Act 1990) already requires that applications are determined on a case by case basis having regard to the development plan and other material considerations. Nothing in the Plan is inconsistent with this requirement. Whilst the Authorities have properly justified the policy based on a consideration of evidence with a wider scope than a single site, this does not alter the fact that the policy will involve site-by-site assessment. It expresses the view that it is unlikely that proposals can be satisfactorily located within the 500m distance, but leaves it open for individual proposals to demonstrate, on a case-by-case basis, that the amenities of sensitive receptors will nonetheless be adequately protected.</p>

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	<p>Flaw 1) The process of shale gas is relatively new to the Plan area</p> <p>The LPAs have no evidence that the process for shale gas development is new in the sense of being untried or untested or that its environmental effects are unknown, so it does not make sense to impose a 500m buffer on this basis.</p> <hr/> <p>Flaw 2) Specific site examples where scientific evidence has resulted in permissions being granted in circumstances where residences were located within 500m of the proposed site might not 'necessarily reflect the nature of the potential further applications in the future'</p> <p>It makes no sense to impose a 500m buffer on the grounds that, while all the current scientific and regulatory evidence demonstrated that shale gas drilling operations can be carried out safely with acceptable noise and visual impacts at separation distances from sensitive receptors that are less than 500 metres, that might not prove to be the case in the case of future applications, therefore no evidence to support this point.</p> <p>In summary the 500m buffer must be properly justified, which it is not at the moment. The Plan should be modified so wording relating to the 500m buffer is removed.</p> <hr/> <p>Flaw 3) Sound and visual impacts 'are likely to be higher than predicted.' If multiple rigs on multiple well sites are 'potentially operating at the same time'.</p>	<p>Shale gas development is new to the Plan area. This is a matter of fact. We do not yet know in detail what a UK model of shale gas development might involve, and there is at this stage very limited direct evidence about the actual effects of such development in the UK, or direct experience of the effectiveness of the various regulatory regimes, for this particular form of development, in a UK on-shore context. In these circumstances it is right that the Authorities adopt a cautious approach, with early review as necessary. The Plan (para. 4.11) acknowledges the need to keep this matter under review.</p> <hr/> <p>The Plan does not seek to impose a fixed separation distance from sensitive receptors, or seek a ban on development within a specific set-back distance. It indicates that it is unlikely that proposals within 500m of sensitive receptors will be acceptable, but does not prevent such development and contains appropriate flexibility to allow development proposals to come forward in a range of locations where site-specific circumstances indicate that development can take place in a way which gives protection to local amenity, whilst at the same time reflecting a precautionary approach acknowledging the very early stage of development of the shale gas industry in the Plan area and the UK generally. Any example of a specific site approval simply confirms the merit in ensuring that there is a degree of flexibility in the policy. More explanation of the approach to this matter is contained in the Authorities' <i>Supplementary note for 500m distance for hydrocarbon development</i> (LPA89). The Authorities remain of the view that the approach remains both reasonable and proportionate and is consistent with WMS2018 and other relevant elements of national policy and guidance.</p> <hr/> <p>The matter of cumulative impact is discussed in part 2.0) of the supplementary paper LPA87.</p>

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	<p>The issue of cumulative impact is required to be assessed on a site by site basis when a specific planning application comes forward; this is the appropriate time to assess the potential cumulative impact of a well site becoming operational at the same time as existing wells are being drilled in the area. It makes no sense to impose a fixed separation distance between a wellsite and residential properties in order to address the future unknown cumulative noise and visual impacts of multiple wells potentially operating in the area.</p> <hr/> <p>The MWJP has sought to redefine hydraulic fracturing, the definition should reflect the one in the Infrastructure Act and should not seek to impose its own definition or restrictions, the WMS has given clear guidance that there must be a positive approach to the development of the industry.</p>	<p>The Plan does not seek to impose a fixed separation distance from sensitive receptors, or seek a ban on development within a specific set-back distance. The policy expresses the view of the policy that proposals within 500m are unlikely to be acceptable, However it contains appropriate flexibility to allow development proposals to come forward in a range of locations where site-specific circumstances indicate that development can take place in a way which gives protection to local amenity, whilst at the same time reflecting a precautionary approach acknowledging the very early stage of development of the shale gas industry in the Plan area and UK generally. If cumulative impacts would be acceptable when assessed under the policy, then proposals will be permitted. Further explanation of this approach is contained in the Authorities supplementary note LPA/89. The need for multiple well pads and individual wells is intrinsic to the development of certain forms hydrocarbons, particularly shale gas and other forms of unconventional hydrocarbons. Supporting evidence for distinguishing between conventional and unconventional hydrocarbons in the Minerals and Waste Joint Plan policies is contained in the Authorities supplementary note LPA/87</p> <hr/> <p>The Authorities views on the issue of definitions of hydraulic fracturing, including the land use planning justification for the approach adopted by the Authorities, are set out in detail in their response to WMS2018 and in other EiP evidence produced by the Authorities (including LPA87).</p> <p>The Plan recognises the definition of associated hydraulic fracturing (e.g. at paras. 5.121 and 5.124) and does not seek to redefine this but provides justification as to why this definition does not provide an appropriate threshold on which to base local planning policy. The definition does not fully reflect the potential for similar land use issues and environmental effects to arise in cases which fall outside the statutory threshold which defines associated hydraulic fracturing</p>

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		<p>– as explained further in the Authorities’ supplementary note on the distinction between conventional and unconventional hydrocarbons (LPA/87). The Authorities consider that the scope for analogous land use planning impacts to arise both above and below the threshold should be properly covered in local planning policy, in particular policy M16. There appears to be no cogent evidence to demonstrate that hydraulic fracturing taking place below the threshold would create substantially different land use effects, or that there is a direct link between the threshold and the creation of land use impacts which justifies applying only the more restricted definition to planning policy. The Authorities acknowledge that exceptions may arise in the case of hydraulic fracturing in cases of conventional hydrocarbons development, where there is greater experience of such activity in the plan area and the impacts may not be as significant. The definition used in the Plan is generally consistent with the definition of fracking currently contained in PPG, which is web-based guidance which can be revised in a flexible way at any time. Whilst it is acknowledged that, during the recent Parliamentary Select Committee inquiry on Planning Guidance for Fracking, the relevant minister indicated that Government intends to clarify the definition of fracking, to ensure that planning guidance is updated so that there is no discrepancy between planning guidance and the Infrastructure Act. Government has not yet sought to do this. The Authorities consider that the views of the Committee support the broader approach in the MWJP towards the definition of fracking, as well as the justification previously put forward by the Authorities’ for this as in LPA87. The MWJP, as the WMS18 indicates, is based on recognising the definition of associated hydraulic fracturing but also taking into account, on a precautionary basis, the absence of clear evidence which clearly differentiates potential impacts below and above the threshold.</p> <p>The MWJP does not seek to introduce a different definition of hydrocarbon or natural gas.</p>
<b>3977 - UKOOG</b>	The WMS explicitly states ‘ <i>This statement is a material consideration in plan-making and decision taking</i> ’ so are of the view that the MWJP	WMS2018 does not contain any substantive new planning policy

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	<p>should take full account of the following points made in the WMS:</p> <ul style="list-style-type: none"> <li>• <i>Shale gas is of national importance</i></li> <li>• <i>The Government expects MPAs to give great weight to the benefits of mineral extraction, including to the economy. This includes shale gas exploration and extraction.</i></li> <li>• <i>Mineral plans should reflect that minerals resources can only be worked where they are found, and applications must be assessed on a site by site basis and having regard to their context.</i></li> <li>• <i>Plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification.</i></li> <li>• <i>We expect the MPAs to recognise the fact that Parliament has set out in statute the relevant definitions of hydrocarbon, natural gas and associated hydraulic fracturing</i></li> <li>• <i>Consistent with this PPG, policies should avoid undue sterilisation of mineral resources (including shale gas)</i></li> </ul> <p>The view is that some of the current and proposed modifications to the MWJP are not in line with the WMS and so further modifications to the policies and supporting text are necessary. The WMS is a material consideration for the MWJP and the policy should be amended to reflect the WMS to ensure the Plan is sound.</p> <hr/> <p>1. Definition of hydraulic fracturing Following on from the 5<sup>th</sup> bullet point above it would be ambiguous and confusing to have different definitions used by different regulators. In land use planning terms, the potential surface impacts associated with the development of conventional and unconventional geologies are already clearly handled in the current planning framework.</p> <p>To add weight to this during evidence to the Select Committee hearing on ‘planning guidance on fracking’ Minister Claire Perry from DBEIS stated that the definition of Hydraulic Fracturing in the Infrastructure Act is the one which should be applied and relied upon and not the mineral planning guidance.</p>	<p>content but re-states matters already covered elsewhere in existing national policy/guidance, including WMS September 2015 and the NPPF (e.g. in relation to the national importance of shale gas and the need to give great weight to the benefits of minerals extraction). As the Authorities have already stated in other representations in response to WMS2018, the Plan (paras. 5.97 and 5.106) already acknowledges the national significance of oil and gas, including the national need to explore and develop shale gas in a safe, sustainable and timely way. It does not set restrictions or thresholds without justification; it recognises the relevant statutory definitions; and it does not unduly sterilise shale gas resources. No further modifications are required as a result of the WMS2018.</p> <hr/> <p>Any such suggestion in oral evidence to Committee has not been followed through into a written statement or formal change in government policy or guidance. It is necessary to wait until it is known precisely what any change to guidance might entail. Further, as the WMS advises, the Authorities have recognised the definition of associated hydraulic fracturing but explained why a broader approach to the definition of hydraulic fracturing is appropriate when addressing the potential for land use planning issues and public concerns regarding the impacts of fracking.</p> <p>The Authorities views on the issue of definitions of hydraulic fracturing, including the land use planning justification for the approach adopted by the Authorities, are set out in detail in their</p>



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		<p>response to WMS2018 and in other EiP evidence produced by the Authorities (including LPA87).</p> <p>The Plan recognises the definition of associated hydraulic fracturing (e.g. at paras. 5.121 and 5.124) and does not seek to redefine this, but provides justification as to why this definition does not provide an appropriate threshold on which to base planning policy. The definition does not fully reflect the potential for similar land use issues and environmental effects to arise in cases which fall outside the statutory threshold which defines associated hydraulic fracturing – as explained further in the Authorities’ supplementary note on the distinction between conventional and unconventional hydrocarbons (LPA/87). The Authorities consider that the scope for analogous land use planning impacts to arise both above and below the threshold should be properly covered in local planning policy, in particular policy M16. There appears to be no cogent evidence to demonstrate that hydraulic fracturing taking place below the threshold would create substantially different land use effects, or that there is a direct link between the threshold and the creation of land use impacts which justifies applying only the more restricted definition to planning policy. The Authorities acknowledge that exceptions may arise in the case of hydraulic fracturing in cases of conventional hydrocarbons development, where there is greater experience of such activity in the plan area and the impacts may not be as significant. The definition used in the Plan is generally consistent with the definition of fracking currently contained in PPG, which is web-based guidance which can be revised in a flexible way at any time. Government has not yet sought to do this. Whilst it is acknowledged that, during the recent Parliamentary Select Committee inquiry on Planning Guidance for Fracking, the relevant minister indicated that Government intends to clarify the definition of fracking, to ensure that planning guidance is updated so that there is no discrepancy between planning guidance and the Infrastructure Act. Government has not yet sought to do this. The MWJP, as the WMS18 indicates, is based on recognising the definition of associated hydraulic fracturing but also taking into account, on a precautionary basis, the absence of clear evidence which clearly</p>

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	<p>The current policy wording in M16 makes no distinction between exploration drilling (where no hydraulic fracturing is involved) and the appraisal and production stages.</p> <p>The industry has concerns over the soundness of the policy M17 in its current form and proposes the wording is modified as stated in the UKOOG letter dated 18<sup>th</sup> May 2018 as below.</p> <p>M17 4) i)  <b>Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Applicants should demonstrate in their submissions or by adherence to other regulatory regimes how residential properties (and other sensitive receptors) close to proposed sites will be protected Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of</b></p>	<p>differentiates potential impacts below and above the threshold.</p> <p>The MWJP does not seek to introduce a different definition of hydrocarbon or natural gas.</p> <p>The distinction between exploration drilling without fracking and the appraisal and production stages is clearly addressed in policies M16 a) and b) respectively. The structure and purpose of Policy M16 is explained in more detail in Appendix 1 of the supplementary paper LPA/87. M16 a) deals with the exploration, appraisal and production of conventional hydrocarbons without hydraulic fracturing and the exploration stage for unconventional hydrocarbons, without hydraulic fracturing. M16 b) deals with the exploration, appraisal and production stages of conventional hydrocarbons involving hydraulic fracturing, exploration for unconventional hydrocarbons involving hydraulic fracturing and appraisal and/or production of unconventional hydrocarbons.</p> <p>The suggested wording, as highlighted in yellow, could result in removal from consideration, through planning processes, of issues relevant to the use and development of land and would not be acceptable to the Authorities.</p> <p>During the hearing sessions the wording of the Policy was considered by the Inspector and the following modification was understood to be acceptable</p>

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	<p data-bbox="421 236 1254 386"><b>Policy D02. <del>Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will only be permitted in exceptional circumstances.</del></b></p> <hr data-bbox="403 422 1272 426"/> <p data-bbox="452 1077 654 1101">2. Buffer zones</p> <p data-bbox="403 1109 1249 1257">The WMS clarifies that Mineral Plans should be '<i>consistent with PPG, policies should avoid undue sterilisation of mineral resources (including shale gas)</i>' and that '<i>plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification</i>'</p> <p data-bbox="403 1292 1254 1378">Policy M17 in the MWJP provides a 500m buffer zone to residential and other sensitive properties and is contrary to the WMS. Industry have developed an interactive model demonstrating the impact of the</p>	<p data-bbox="1344 236 2094 785"><b>i) Hydrocarbon development will be permitted in locations where it will not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to <u>protect local communities</u> <del>ensure a high level of protection</del> from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors are unlikely to be consistent with this requirement and will only be permitted <u>where it can be robustly demonstrated in site specific circumstances that an unacceptable degree of impact can be avoided.</u> <del>in exceptional circumstances.</del></b></p> <p data-bbox="1344 821 2083 1002"><b><u>iv) Proposals should include measures appropriate and proportionate to the development to manage waste gas emissions, including, the capture and use of the gas where practicable, to ensure there is not an unacceptable impact on communities or public health and to make practical use of any waste gas available.</u></b></p> <hr data-bbox="1299 1061 1993 1064"/> <p data-bbox="1299 1098 2094 1372">The Plan does not seek to cause undue sterilisation of resources or impose a fixed separation distance from sensitive receptors, or seek a ban on development within a specific set-back distance. It indicates that it is unlikely that proposals within 500m of sensitive receptors will be acceptable, but does not prevent such development and contains appropriate flexibility to allow development proposals to come forward in a range of locations where site-specific circumstances indicate that development can take place in a way which gives protection to local amenity. This</p>

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	<p>imposition of a 500m buffer zone policy would have in reducing the extent of the licence area available for site selection. The buffer zone acts to sterilise much of the licenced areas, with over 70% of the PEDL areas being affected by this buffer constraint. Parts of the areas which lie outside the 500m buffer zones are likely to be affected by other constraints such as protected ground water zones, protected species and habitats, areas at risk of flooding, locations with poor access and geological constraints, etc.</p> <p>The specific reference to 500m should be excluded from the policy as it is directly counter the WMS and retaining it in its current form would make the policy and MWJP unsound.</p> <hr/> <p>3. Limits on pad density The WMS states <i>'Mineral Plans should reflect that mineral resources can only be worked where they are found, and applications must be assessed on a site by site basis and having regard to their context', 'Plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification'</i>; to this end we are of the view that any attempt to impose arbitrary restrictions to the number of wells or pads within the Joint Plan area is counter to the WMS and reference to such restrictions should be removed, if they are not removed it would make the Plan unsound.</p>	<p>properly reflects a precautionary approach given the very early stage of development of the shale gas industry in the Plan area and the UK generally.</p> <p>In the UKOOG letter of the 18<sup>th</sup> May 2018 the company indicated that they had used an interactive model to provide evidence to show that 70% of the PEDL areas were affected by the buffer. The Authorities have requested a copy of the model to enable them to undertake their own analysis, but to date this has not been forthcoming. Subject to reviewing the model, the Authorities note that it appears to have been prepared on the assumption that the policy would preclude all development within that zone, when it is not the intended effect of the policy.</p> <p>The Authorities remain of the view that the approach remains both reasonable and proportionate and is consistent with WMS2018 and other relevant elements of national policy and guidance.</p> <hr/> <p>Shale gas development is new to the Plan area and is at a very early stage of progression within the UK generally. This is a matter of fact. We do not yet know in detail what a UK model of shale gas development might involve and meaningful clarification of what this is likely to entail within the Plan area has not been provided by industry during the course of the EiP, although all indications are that there would be a need for multiple well pads, each with multiple wells, and in a denser configuration than would typically be expected with development of conventional on-shore gas. There is at this stage very limited direct evidence about the actual effects of such development in the UK, or direct experience of the effectiveness of the various regulatory regimes, for this particular form of development, in a UK on-shore context. In these circumstances it is right that the Authorities adopt a cautious approach, with early review as necessary.</p> <p>Text references in the Plan to well pad density are understood to be in line with industry indications. Such reference is contained in</p>

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	<p>4. Distinction between conventional vs unconventional It is our view that there is no necessary distinction in planning terms between conventional and unconventional hydrocarbon development, this is reflected in the current PPG. The WMS states that <i>'we expect the MPAs to recognise the fact that Parliament has set out in statute the relevant definitions of hydrocarbon, natural gas and associated fracturing'</i>. It is considered unnecessary to draw such a distinction within the MWJP and to retain it would be contrary to the WMS and make the Plan unsound.</p> <p>5. National importance of shale gas The WMS states that <i>'Shale gas development is of national importance'</i> and <i>'The Government expects MPAs to give great weight to the benefits of mineral extraction, including the economy. This includes shale gas exploration and extraction'</i>. The Government has made it clear that the exploration for shale gas should be encouraged where it is acceptable in planning terms and that the Joint Plans policies should seek to support proposed development, rather than establish criteria that seek to restrict or constrain development by requiring undefined high-level tests to be met.</p>	<p>supporting text of the Plan rather than directly in policy and is not an express limit. Case by case assessment will be required under the policy, which contains appropriate flexibility within the overarching objective of addressing the potential for cumulative impact, which is itself a relevant consideration under national policy (e.g. NPPF para. 143).</p> <p>PPG does identify distinctions in the nature of these forms of development, which could in turn have land use implications. The PPG distinguishes conventional and unconventional hydrocarbons development by acknowledging that the latter is an 'emerging form of energy supply' where exploratory drilling will be necessary to establish whether there are sufficient qualities to enable viable full scale production. It recognises that such drilling 'may take considerably longer' than conventional hydrocarbons development, 'especially if there is going to be hydraulic fracturing'. The differing forms of activity at the appraisal stage are also identified. –further information is available in the supplementary note by the Authorities on this matter (LPA/87). The Authorities are not aware of any statutory definition of conventional and unconventional hydrocarbons.</p> <p>The Authorities agree with the point that the WMS highlights the national importance of shale gas but does not alter the approach of the Plan. WMS2018 does not contain any substantive new planning policy content but re-states matters already covered elsewhere in existing national policy/guidance, including WMS September 2015 and the NPPF (e.g. in relation to the national importance of shale gas and the need to give great weight to the benefits of minerals extraction).</p>

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	<p>In light of the above issues we consider that there would be merit in reopening the Hearing to ensure all views are taken into account.</p>	<p>UKOOG submitted a letter to the Authorities on the 18<sup>th</sup> May 2018 following the Examination in Public Hearing Sessions which included several points regarding the hydrocarbon policies and supporting text in the MWJP. The key areas which were addressed in the letter were</p> <ul style="list-style-type: none"> <li>i) A meeting to discuss wording was not supported by Authorities</li> <li>ii) Their revised proposed wording for Policy M17</li> <li>iii) Sterilisation of PEDL licence, their interactive model which demonstrates an effective ban within 500m and the presence of other constraints which confirm there would be no development within the buffer.</li> <li>iv) Definitions – ‘high level of protection’, hydraulic fracturing, difference between conventional and unconventional hydrocarbons and distinction between exploratory drilling and appraisal and production stage.</li> </ul> <p>With regard to point i) the Authorities did receive an email from UKOOG requesting a meeting, but the email did not provide any detail about the specific subject or subjects they wished to discuss. The Authorities requested further information about the scope of the meeting but no further information was provided, so a meeting was not arranged.</p> <p>Point ii) is covered earlier in this table, the Authorities put forward some amended text as a proposed main modification and this was considered acceptable by the Inspector.</p> <p>Point iii) is covered earlier in the table in the section relating to buffer zones.</p> <p>In relation to point iv) the reference to ‘<i>high level of protection will be provided</i>’ which was included in Policy M17 4) i) has been removed and replaced with ‘<i>unacceptable impact can be avoided</i>’, which was considered acceptable by the Inspector. The difference between conventional and unconventional and the distinction between exploratory drilling and appraisal and production stages are both covered in the Authorities response earlier in the table.</p>

Respondent	Representation	Authorities response to representation
		The Authorities fully responded to all of the points raised in the letter and does not consider a further hearing to be necessary, but would have no objection to one being held if the Inspector would consider it helpful.
4067 – Sirius Minerals	<p>There is only one aspect of the WMS which is relevant to the MWJP under Planning Policy and Guidance which is that the WMS confirms the national importance of shale gas development as reflected in the glossary of the NPPF. Nothing in the WMS alters the status of shale gas exploration in terms of National Parks.</p> <p>The WMS states that MPAs should give great weight to the benefits of mineral extraction, including to the economy. The submitted MWJP along with the main modifications does give weight to mineral extraction including shale gas exploration and gives relevant definition to hydrocarbon, natural gas and associated hydraulic fracturing.</p> <p>The WMS states that mineral plans must reflect that mineral resources can only be worked where they are found and policies should avoid undue sterilisation of minerals resources (including shale gas). This point was considered at the EIP in terms of minerals safeguarding and an agreed position has been reached in respect of the respective locations of potash, including polyhalite and potential hydrocarbon resource. This reflects the WMS.</p> <p>The MWJP requires no modifications beyond those agreed at the examination sessions.</p>	<p>The Authorities agree with the point that the WMS highlights the national importance of shale gas but does not alter the approach of the Plan.</p> <p>The Authorities agree that the Plan and proposed main modifications does give weight to mineral extraction including shale gas and provides appropriate definitions.</p> <p>This point was discussed during the hearing sessions and the Authorities agree the matter has been resolved. The Plan sets out a balanced approach to safeguarding of the range of minerals resources that exist in the Plan area, reflecting the fact that a range of locally and nationally important minerals occur within it.</p> <p>The Authorities agree with this point.</p>
<b>Other Organisations</b>		
573 – P Allen on behalf of East Gilling PC	<p>Consider that the WMS does not affect the MWJP; at the EIP a number of key issues were recognised.</p> <ul style="list-style-type: none"> <li>• Shale gas extraction is new and untried in this country and the WMS recognises this by using the words ‘could’ and ‘potentially’. To take account of this the Inspector pointed out that the Plan has to be reviewed within 5 years and changes would be made then if necessary.</li> <li>• In the EIP local concerns and worries were taken into account, the WMS also makes this point by the words ‘reflecting local</li> </ul>	The Authorities agree with the point that the WMS does not affect the Plan.

Respondent	Representation	Authorities response to representation
	<p>communities', the Inspector pointed out that these considerations would also be reviewed within 5 years.</p> <ul style="list-style-type: none"> <li>• The Inspector believed that the precautionary principle should be applied as in the NPPF; this is not specifically mentioned in the WMS but still applies as before.</li> <li>• The decisions on the 3.5km visual sensitivity zone and 500m horizontal separation distance were reached after consultation with industry and they were able to give circumstances where these distances may not be appropriate. The WMS states each case will be judged on its own merits and currently the applicant could have to justify why they need to breach the separation zones rather than opponents justifying why they do not.</li> <li>• The definition of fracking in the MWJP is consistent with the PPG and should be allowed to stay.</li> </ul> <p>The WMS is an extension of the commitments put forward in the Conservative election manifesto, it is a way of thinking and is not an evidence based document which has been consulted upon, the WMS states that there will be consultation on shale gas matters later in 2018. It is felt that the WMS should not have any modifying effect on the MWJP.</p>	<p>The Authorities agree that the WMS does not bring anything new beyond what has already been put forward in previous legislation and government papers. Until such a time as there is a clear change in national policy or guidance, relevant to the Plan, there is no basis on which to change our approach.</p>
878 – D Cragg-James on behalf of Stonegrave PM	<p>Overall view is that little weight should be given to the WMS in the MWJP.</p> <ul style="list-style-type: none"> <li>• Some of the points in the WMS contradict each other, the Government supports shale gas development and Local Plans should not set out restrictions or thresholds which limit shale development without proper justification, but it also states that need to ensure that local communities are fully involved in planning decisions which affect them. The WMS has a presumption for shale gas which appears to be at odds with any 'democratic justification' which might prevent the development and so should not be allowed to affect the current MWJP</li> <li>• The WMS promotes safe and sustainable development of shale gas. Extraction of shale gas is not sustainable and the safety of the process is contested so the WMS should not be taken into account in the MWJP.</li> <li>• The WMS states that shale gas will provide 'safe, secure and affordable supplies of energy with carbon emissions' levels that are</li> </ul>	<p>Authorities consider that the WMS is a material consideration but it does not have an impact on the Plan and shale gas development is covered by the Plan, for reasons expressed above and in separate representations.</p>



Respondent	Representation	Authorities response to representation
	<p>consistent with...our international obligations'. Shale gas extraction will emit GHGs which will contribute to climate change and exceed the limits in the Climate Change Act and climate change agreements and so the WMS is 'irrational' and should not inform the MWJP.</p> <ul style="list-style-type: none"> <li>• Ms Claire Perry when speaking about the WMS on 30<sup>th</sup> May stated that fracking applications would be considered Nationally Significant Infrastructure Projects and decided by a planning inspector, but also stated that <i>'the relevant planning authority decides whether activity is acceptable at a particular location, after local communities and other interested parties have had the opportunity to set out their view on the benefits and impacts of the proposal'</i>. This contradicts the previous statement and should not affect the current MWJP.</li> <li>• The WMS promotes providing more support and resources to LPA to deal with shale development, but also looking at including shale development in the NSIP regime, thereby circumventing local planning controls so is inconsistent in its approach and so should not be considered in the MWJP.</li> <li>• The governments support for shale gas is already duly noted in the MWJP. The WMS is contradictory, not based on evidence and would complicate the situation for planners so the WMS should not be taken into consideration.</li> </ul>	
2753 – FoE	<p>This response focuses on the parts of the WMS which are relevant to plan-making and potentially relevant to the draft policies in the MWJP.</p> <p>The WMS states <i>'Shale gas development is of national importance'</i> and <i>'The Government expects MPAs to give great weight to the benefits of mineral extraction, including the economy. This includes shale gas exploration and extraction'</i>. The weighting of the benefits of mineral extraction was a key consideration during the EIP on the MWJP in line with the NPPF and PPG. The wording of the WMS seems to re-emphasise existing national policy and presents no material change, the Inspector considered the MWJP and main modifications sound and this has not changed.</p> <p>The WMS reiterates guidance in the NPPF and PPG stating that <i>'Mineral Plans should reflect that mineral resources can only be worked where</i></p>	<p>The Authorities agree with the point that the WMS does not provide new policy and presents no material change.</p> <p>The Authorities agree with the points made in this part of the response.</p>

Respondent	Representation	Authorities response to representation
	<p><i>they are found, and applications must be assessed on a site by site basis and having regard to their context</i>, <i>‘Plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification’</i> and <i>‘Consistent with this Planning Practice Guidance, policies should avoid undue sterilisation of mineral resources (including shale gas.’</i> There is nothing new in this statement. Hydrocarbon policies and subsequent main modifications have been drafted to allow decisions to be made on a site by site basis to ensure the MWJP has flexibility. The 500m zone in Policy M17 has been designed to allow assessment on a site by site basis and sets out an appropriate environmental standard against which applications will be assessed. In the EIP the Inspector indicated that she was satisfied that the policy provided suitable flexibility and did not represent a ‘ban’ and the shale gas resource would not be sterilised. The inspector supported the precautionary approach as shale gas development is new and also there is provision for a review in the MWJP. If applicants can demonstrate <i>‘a high level of protection’</i> they will be able to obtain permission for fracking exploration within the 500m set-back distance. The MWJP is in accordance with the requirements of WMS and so further work is not required.</p> <p>The WMS indicated that MPAs should recognise both the definitions of hydrocarbons, natural gas and associated hydraulic fracturing set out in legislation and related guidance in the PPG. Definitions were given detailed consideration at the hearings, the definitions used in the MWJP are aligned to the PPG which is an appropriate source and recognised in the WMS. The PPG definitions are different from, but do not conflict with, legislation. The definition used in the MWJP captures all volumes of hydraulic fracturing and not just those associated with associated hydraulic fracturing. MPAs have the view that lower volume fracturing operations should be subject to policy tests at the planning application stage to deal with risks which may need to be addressed.</p> <p>The draft policies in the MWJP are in accordance with national policy and nothing new in the WMS justifies a departure from the position taken in the hearings and so no further work is required.</p>	<p>The Authorities agree with the points made in this part of the response.</p> <p>The Authorities agree that the WMS does not have any impact on the current version of the plan and associated main modifications.</p>
3684 – Frack Free Ryedale	<ul style="list-style-type: none"> <li>• The WMS18 has no effect on the MWJP which was discussed on the 13<sup>th</sup> April 2018. The overall approach with the main modifications</li> </ul>	<p>The Authorities agree that the WMS does not have any impact on the current version of the plan and associated main modifications.</p>

Respondent	Representation	Authorities response to representation
	<p>(MM) was considered to be sound based on evidence and planning policy and guidance.</p> <ul style="list-style-type: none"> <li>• The WMS18 recognises that shale gas is an emerging/novel industry by using words like ‘potential, explore, could, etc.’ As there is a built in review of the MWJP FFR consider the approach is sound. The MWJP is within the spirit of the WMS18 and is sound with the proposed MMs which afford local communities the highest standards of safety and environmental protection as promised in the Written Ministerial Statement 2015 (WMS15).</li> <li>• The MMs, agreed in principle by the Joint Authorities after the interaction with the Inspector, were developed after considering evidence from all respondents. FFR consider that the weight of the evidence is unchanged by the WMS18 which has few changes over and above WMS15.</li> </ul> <ul style="list-style-type: none"> <li>• FFR considered MMs relating to <ul style="list-style-type: none"> <li>• The 3.5km Visual Sensitivity Zone (VSZ)</li> <li>• The 500m Horizontal Separation Distance (HSD)</li> <li>• The definition of hydraulic fracturing</li> </ul> </li> </ul> <p>The MWJP provides sufficient flexibility for both the VSZ and HSD in the MMs with ‘proper justification’ taking into account the evidence from all respondents. The evidence is unaltered by WMS18 and the MWJP is within the spirit of the WMS18 and so considered sound with the proposed MMs.</p> <p>The Joint Authorities are aware of the definition in the Infrastructure Act 2015 but it was agreed at the hearings that the text in the MWJP is appropriate for the planning policies and is not inconsistent with the PPG. In fact industry representatives preferred the definition in the MWJP as opposed to that in the PPG.</p> <p>In respect of the HSD further evidence has been published relating to setback distances from major faulting and faulting in major mining areas, both factors exist in the MWJP area. The report was written by a former advisor to Government on seismicity in relation to hydraulic fracturing the document can be viewed at <a href="http://talkfracking.org/wp-content/uploads/2018/05/Fracking-and-Mining-Styles-Final.pdf">talkfracking.org/wp-content/uploads/2018/05/Fracking-and-Mining-Styles-Final.pdf</a>. In former</p>	<p>The Authorities agree with the points made in this part of the response.</p> <p>The Authorities agree with the points made in this part of the response.</p> <p>The Authorities agree with the points made in this part of the response.</p> <p>The Authorities agree with the points made in this part of the response.</p> <p>The Styles report referenced in this part of the response has been considered by the Authorities and a modification has been proposed as a result.</p>

Respondent	Representation	Authorities response to representation
	<p>mining areas where there are major seismic risks the report recommends that fracking should not be carried out.</p> <p>The WMS comments on the sterilisation of mineral resources, the existing minerals planning guidance recognises that industry have suitable techniques and technology which mean that setbacks and therefore sterilisation is not generally an issue in respect of hydrocarbons.</p> <p>FFR consider that adequate land would exist for shale gas development based on the proposed MWJP.</p> <p>Recent evidence found that the average 'setback' from existing onshore wellsite's for a UK house was 447m<sup>2</sup>. In Canada suggested 'setbacks' from sensitive receptors and 1km protection zones around urban areas.</p>	<p>The Authorities agree with the points made in this part of the response.</p> <p>The Authorities agree with the points made in this part of the response.</p> <p>Noted</p>
3846 – Ryedale Liberals	<p>Ryedale Liberals are of the view that the MWJP is fully compatible with the WMS.</p> <p>As a result there is no need for the MWJP to be modified</p>	The Authorities agree that the WMS does not have any impact on the current version of the plan and associated main modifications.
4158 – South Hambleton Shale Advisory Group	<p>The WMS should not be taken into consideration in the MWJP; if it is given consideration it could be considered an 'unlawful procedural irregularity' in the Examination in Public process.</p> <p>At the hearing on the 13th April the Inspector reviewed the evidence regarding safeguarding local communities, residential dwellings and other sensitive receptors and viewed the prevention of drilling within 500m of these as sound. Industry did not support this approach.</p> <p>After this date Industry and the LPAs had discussions with Government and soon after this the WMS was issued. The WMS appears to be targeted at the Policies in the MWJP in favour of the Industry's view. Our view is that Industry has tried to influence Government in their favour since they did not get the outcome they wished at the EIP of the MWJP and this could be seen as an attempt to 'pervert the course of justice'.</p>	<p>The Authorities agree that the WMS does not have any impact on the current version of the plan and associated main modifications.</p> <p>The Authorities agree with the points made in this part of the response.</p>

Respondent	Representation	Authorities response to representation
	<p>The Inspector has an independent role and the WMS should not be given weight without further inquiry. The Inspector should request UKOOG to provide details and content of all communications with Government on or after the 13<sup>th</sup> April prior to the date the WMS was issued.</p> <p>If the Inspector accepts that the WMS forms a material consideration then our comments are:</p> <p>The WMS does not rescind local mineral plans but refers to them <i>‘Mineral plans should reflect that mineral resources can only be worked where they are found, and applications must be assessed on a site-by-site basis and having regard to their context. Plans should not set restrictions or thresholds across the Plan area that limit shale development without proper justification.’</i> and <i>‘Whilst assisting local councils in making informed and appropriate planning decisions....the Government remains fully committed to making planning decisions faster and fairer for all those affected by new development and to ensure that local communities are fully involved in the planning decisions which affect them...’</i></p> <p>It is clear that the Government wishes to speed up the planning process and are keen to see industry develop within England; they also wish this to take place with the involvement of local communities. To enable this there should be robust local plan policies which reflect local circumstances and which have been subject to meaningful local consultation, public debate and robust examination.</p> <p>If the decision taking is to be centralised it becomes more critical that any infrastructure panel take full account of and give due weight to local policies which if approved by an Inspector following an EIP will accord with the NPPF. The MWJP does not <i>‘set restrictions or thresholds across the plan area’</i> other than those already set by government policy or legislation but merely applies additional tests to safeguard the settings of National Parks, AONBs, other significant environmental assets and people’s homes. These are not prohibitions but precautionary means to take account of interests of acknowledged importance. Therefore the MWJP should not be modified on account of the WMS.</p>	<p>The Authorities agree with the points made in this part of the response.</p> <p>The Authorities agree with the points made in this part of the response.</p>

Respondent	Representation	Authorities response to representation
<p>3699 – Cllr P Andrews</p>	<p><b>Individuals</b></p>	
	<p>The 2018 WMS does not affect the MWJP and the MWJP should not be modified as a result of the WMS.</p> <p>The 2018 WMS does two things</p> <ul style="list-style-type: none"> <li>• It purports to give advice and guidance to planning authorities which is intended to have immediate effect</li> <li>• It gives notice of the government’s intention to introduce and consult upon a number of measures concerning fracking.</li> </ul> <p>This response relates to the first bullet point.</p> <p>The 2015 WMS was largely unsupported by evidence and the 2018 WMS refers to and repeats the 2015 WMS without referring to evidence. The 2015 WMS has been taken into account in the MWJP and was considered at the hearings where the MWJP was found sound and in accordance with national policy by the Inspector.</p> <p>One important difference between the two WMS is the inclusion of text under Planning Policy and Guidance: <i>‘Plans should not set restrictions or thresholds across their plan area that limit shale exploration without proper justification. We expect Mineral Planning Authorities to recognise the fact that Parliament has set out in statute the relevant definitions of hydrocarbon, natural gas and associated hydraulic fracturing. In addition these matters are described in Planning Guidance which plans have due regard to. Consistent with this Planning Practice Guidance, policies should avoid undue sterilisation of mineral resources (including shale gas)’.</i></p> <p>The matters above seem to be designed to address the points dealt with in the EIP which the Industry were not happy with. It appears that the 2018 WMS was produced as a result of Industry lobbying, and at a time when the select committee was considering planning guidance on fracking.</p> <p>The WMS have not been consulted upon and not gone through due process so should not have weight attached to them.</p>	<p>The Authorities agree that the WMS does not have any impact on the current version of the Plan and associated main modifications.</p> <p>The Authorities do not consider that a requirement to properly justify policy or have regard to planning guidance marks a departure from established principle. The fact hydraulic fracturing has been set out in statute remains unchanged and the Authorities have already recognised that definition, in the context of applying wider guidance on hydrocarbons development.</p> <p>The Authorities agree that the Plan is compliant with the 2018 WMS.</p>

Respondent	Representation	Authorities response to representation
	<p>The MWJP is compliant with the 2018 WMS.</p> <ul style="list-style-type: none"> <li>• The 2018 WMS does accept restrictions on the extraction of shale gas is there is 'proper justification', the justification for the restrictions in the MWJP were fully debated in the hearings and found to be sound and justified.</li> <li>• The definitions of 'hydrocarbon, natural gas and associated hydraulic fracturing were considered during the hearings. The definitions used in the MWJP are wider than the statutory definition but was found to be sound in the context of the MWJP, there is nothing in statute or ministerial circulars which prevents the MPA from using a wider definition.</li> <li>• The 2018 WMS cannot override legislation and circulars designed to protect the ANOB's and National Parks or areas of local landscape significance in adopted local plans. If the MWJP has to use the Infrastructure Act definitions so as to allow hydraulic fracturing in the National Park and AONBs this will be contrary to national policy and the legislation which established National Parks and AONBs.</li> <li>• There is a requirement to '<i>avoid sterilisation of mineral resources (including shale gas)</i>'. This seems to refer to the 500m residential buffer which Industry claim would sterilise the exploitation of the shale gas resource. It is submitted that the MWJP does avoid 'undue' sterilisation of mineral resources. The word 'undue' suggests a balancing exercise between the interests of residents and the shale gas drilling pads. The 500m buffer zone was found sound by the Inspector.</li> <li>• When considering the evidence put forward in relation to potash at the hearings it indicated how the fracking could sterilise the mining of potash deposits, the arguments could be applied to any form of mineral extraction. A grid of fracking wells could prevent or inhibit the exploration of other minerals and sterilise them, this is contrary to 2018 WMS.</li> </ul> <p>The 2018 WMS should be given little weight because it does not fall within the ministerial considerations referred to in Section 5A and Section 70(2) Town and Country Planning Act 1990 or any following modification. It is not supported by sound up to date evidence; it does not accord with good practice and has not gone through a process of consultation and is</p>	

Respondent	Representation	Authorities response to representation
	<p>unlawful.</p> <p>The response refers to a submission put forward by INEOS during the hearing sessions in relation to guidance specific to shale gas. INEOS requests WMS should be incorporated into the NPPF, indicating that it should not be regarded as a material planning consideration.</p> <p>The response refers to evidence provided by Frack Free Ryedale which does not accord with statements regarding employment and other matters as shown in attachments to their response.</p> <p>Clr Andrews provided a version of the 2015 WMS with comments as part of his hearing submission; the same points apply to the 2018 WMS and are shown as an attachment to their response.</p> <p>In October 2017 DBEIS produced the report 'Gas Security of Supply' which indicates that the shale gas industry is at an exploratory stage and to assume there will be no shale gas contributions in the forecast period (up to 2035). The document states that there will be security of gas supply without shale gas during the forecast period. The report is an attachment to the response.</p> <p>The figures provided by government about the import of gas are inconsistent which does not support the 2018 WMS.</p> <p>The 2018 WMS does not take into account evidence produced relating to the effects of fracking in areas of historic mining and seismicity. The evidence is included as an attachment to the response.</p> <p>The WMS has not been through due process, ministerial statements should be followed by the issue of draft circulars which are consulted on, then by the circular itself, this is a process which has not been followed on this occasion and should have been.</p> <p>The WMSs should be given little or no weight as they have not gone through a process of consultation, unlike the MWJP which has had several rounds of consultation and an examination by a Planning</p>	



Respondent	Representation	Authorities response to representation
	<p>Inspector. The 2018 WMS should not be allowed to over-ride the views of the Inspector and MPA which were agreed during the hearings.</p> <p>If the MPA decide to change any of the policies regarding hydrocarbons agreed during the hearing sessions then I ask the Inspector to hold an additional hearing session to discuss the changes.</p>	
3857 – J Tucker	<p>The WMS has little content which is different to previous WMS from 2015. New content relates to future consultations or activity which has not been enacted yet and so not relevant to the MWJP.</p> <p>The WMS does state that Government is fully committed to ensuring that local communities are involved in planning decisions that affect them. That has been a key element in the development of the MWJP through consultation exercises and the Examination process where key issues were discussed at length. No new principles are established by the WMS which were not already known to the MPA and the Inspector during the Examination.</p> <p>The MWJP contains sufficient flexibility on separation distances and has a 5 year review included which supports the precautionary principle. Therefore the WMS does not give rise to any changes to the MWJP as all the contentious matters were fully discussed during the examination process.</p>	<p>The Authorities agree with the points made in this part of the response.</p> <p>The Authorities agree with the points made in this part of the response.</p> <p>The Authorities agree with the points made in this part of the response.</p>
4194 – Kit Bennett	<p>The WMS does not affect the MWJP and there is no need to modify it to reflect the WMS, several points in the WMS may lead some to believe that the MWJP should be modified, these will be outlined below and will explain why no modifications are needed.</p> <p>The 2018 WMS states that shale gas is of national importance and MPAs should give great weight to the benefits of mineral extraction, including to the economy. These points are already covered in the 2015 WMS and NPPF. During the EIP the MWJP was examined with regard to the 2015 WMS and NPPF and the importance of shale gas was given due consideration so further modification of the MWJP on these grounds is not required.</p>	<p>The Authorities agree that the WMS does not have any impact on the current version of the plan and associated main modifications.</p> <p>The Authorities agree with the points made in this part of the response.</p>

Respondent	Representation	Authorities response to representation
	<p>The WMS states that applications should be assessed on a site by site basis, with regard to their context and plans should not set restrictions or limitations that limit shale gas development without proper justification. Policies included in the MWJP which deal with the 500m zone around sensitive receptors and properties and the consideration of visual impact near National Parks and AONBs should not be considered restrictions as they are not prohibitions, but instead apply appropriate tests to proposed development considering the context in which the development is proposed. These policies are fully justified. Policy M16 excludes unconventional hydrocarbons development and development involving hydraulic fracturing from designated sites, this might be considered a restriction but it should be considered justified given the importance of the designations, therefore there is no need to modify the MWJP based on this point.</p> <p>The WMS states that Government has set out in statute the relevant definitions of hydrocarbon, natural gas and associated fracturing. The only one of these the MWJP deviates from is the one for associated hydraulic fracturing. This definition was considered in the EIP, where it was pointed out that the Infrastructure Act is not planning law. Hydraulic fracturing is defined in the PPG and the volume of fluid is not included in the PPG definitions and so there is no need to change the plan to reflect the WMS with regard to the definition of hydraulic fracturing.</p> <p>The WMS states that policies should avoid undue sterilisation on minerals resources (including shale gas) so are consistent with PPG. None of the policies in the MWJP cause sterilisation or prohibition of shale gas development over a wide area. Where shale gas development is prohibited it is to protect important designated sites and not to exclude the development from extensive areas. The PPG states that there is normally no need to create MSAs specifically for hydrocarbons due to the depth of the resource and methods used for extraction, so the issue of sterilisation does not apply to hydrocarbons.</p> <p>The WMS indicates that the PPG and NPPF may be modified in the future, until this happens the current versions are the ones which should</p>	<p>The Authorities agree with the points made in this part of the response.</p> <p>The Authorities agree with the points made in this part of the response.</p> <p>The Authorities agree with the points made in this part of the response.</p>

Respondent	Representation	Authorities response to representation
	<p>be used in the MWJP.</p> <p>In the WMS the Government indicates that it is going to consult on proposals to make some hydrocarbons development, that do not include hydraulic fracturing, permitted development and to examine proposals for hydraulic fracturing as NSIPs. This is at a very early stage and so the MWJP should be written based on the current situation where the decisions are taken by the MPAs. It should be noted that even if the development is considered to be NSIP in the future the Plan will still be relevant to those decisions so there is no need to modify the MWJP to anticipate possible future changes to the planning system.</p>	<p>The Authorities agree with the points made in this part of the response.</p>

November 2018