

JOINT MINERALS AND WASTE PLAN

Statement by Councillor Mrs. Lindsay Burr

I am the County Councillor for the Malton Division and a district councillor for Malton. I speak on behalf of all residents in my division and ward.

The Joint Minerals and Waste Plan has been prepared by the City of York, North Yorkshire County Council and the National Park. It has been published as a consultation draft, and the time limit for receiving representations is 21st December. The part of the plan which is most controversial and directly affects all settlements within the Vale of Pickering, including Malton is the Section on “Hydrocarbons (oil and gas)” on pp 75 -99. This includes hydraulic fracturing (fracking).

The draft plan is not concerned with the general issue as to whether or not fracking should be banned, as it takes its authority from national government policy.

The draft plan is not concerned with operational safety or the enforcement of regulations as this is covered by national agencies. Its task is to set policies which, inter alia, will establish where this kind of development should be allowed and the density of development. However, it is important to appreciate that UK Regulations are designed to ensure fracking companies implement “Best Available Techniques at Reasonable Cost”. This is not the same as “Best Available Techniques at Reasonable Cost.” It follows that, generally speaking, the effect of UK regulations is to require the observance of regulations which are not absolutely safe in terms of public health, environmental matters and pollution, but which are relatively safe in terms of the ability of the fracker to get what the industry considers a fair return on their investment. I don't like the idea of this new industry being tried out first on valuable landscapes such as the Vale of Pickering and the Yorkshire Wolds.

As regards fracking, Policy M16 of the JWMP excludes surface sites in certain areas (eg, National Parks, AONB's, Protected Groundwater Source areas, world heritage sites and buffer zones, Scheduled monuments, historic battlefields, Areas which protect the Historic Character and Setting of York, Special Protection Areas, Special Areas of Conservation, Ramsar sites and SSSI's).

As regards density, Policy M17 purports to limit the density of production sites (well pads) so as to ensure that the development will not give rise to unacceptable cumulative impact. However, para. 5.137 sets the density in broad terms as 10 production sites (well pads) every hundred square kilometres. 100 square kilometres equates to 38.6 square miles which is an area just larger than six miles by six miles. In other words, what the plan sanctions (if pads are spaced out at equal intervals) is one production site approximately every one and a half to two miles in every direction. NB: there is no requirement for well pads to be spaced out evenly within each 100 square kilometre area. Para. 5.146 states that there should be a separation distance of 500m between well pads and the nearest residence. I can find no reference to a separation distance between well pads and schools or the boundaries of settlements.

Para 5.134 indicates that a typical production site (well pad) will have a surface area of 2ha and “several individual well heads”.

This enquiry should consider whether development of this kind and at this density would completely change the character of the town and the district in which we live. I set out as an appendix my understanding of what fracking involves.

The draft minerals plan makes no reference to the Ryedale Plan, which I believe must be a material planning consideration. The Key Diagram on Page 42 of the Ryedale Plan shows the entire Vale of Pickering, The Yorkshire Wolds and the Ryedale part of the Vale of York as “Landscape of Local Value and Areas of High Landscape Value.” Ryedale’s policies in regard to these areas is set out in Policy SP13 of the Ryedale Plan. These can be summarised as the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.

It is therefore difficult to understand why the Vale of Pickering and the Yorkshire Wolds should be treated any differently from, say, “Areas which protect the Historic Character and Setting of the City of York” which are protected by Policy M16 of the draft minerals plan.

The only objections to the draft plan which will be considered at this stage are those which are material to the “soundness” of the draft minerals plan. “Soundness” is given a restricted definition, which includes a requirement that “the plan should enable the delivery of sustainable development in accordance with the policies of the National Planning and Policy Framework” (NPPF).

The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan is unsound, if it fails to take proper account of Policy SP13 of the Ryedale Plan.

The Vale of Pickering and the Yorkshire Wolds are also valued landscapes which are protected within the NPPF. This is because they have been identified in the Ryedale Plan as Landscape of Local Value and Areas of High Landscape Value as mentioned above. The Whole of the Vale of Pickering is also the setting of both the AONB and the North York Moors National Park.

Further the Vale of Pickering is drained by the River Derwent which is a SSSI, and this flows between Malton and Norton.

I appreciate that County has gone a long way to accept this argument and am grateful to them for this. However, the alteration proposed for Para. 5.130 is to the explanatory text of the plan and not to Policy M16 or M17 itself. This alteration merely requires County to “have regard to” Policies such as Ryedale Plan Policy SP13, and I don’t think this is strong enough.

I believe that any application for development which includes surface structures, works and/or buildings should be determined in exactly the same way as any other application for employment development within the Vale and the Wolds. I do not see why fracking development should be treated any different, and I would ask for either Policy M16 or M17 to make this clear. Otherwise the two plans are in conflict and the JWMP should be declared unsound.

In answer to Questions 54 -56, I would ask the inspector to take the view that the draft Joint Waste and Minerals Plan is unsound **because the section on Hydrocarbons (paras 5.93 – 5.161) is inconsistent with National Policy in that it fails to take into account Policy SP13 of the Ryedale Plan which is an adopted Statutory Plan made in accordance with the NPPF in the following respects:**

- 1. The failure to include the Vale of Pickering and the Yorkshire Wolds under Policy M16 (b)(i) as one of the areas where hydraulic fracturing would not be permitted;**

2. **The scale and density of well pads proposed in regard to the SP13 policy objective of the protecting and enhancing distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.**

The Council therefore requests:

- a) **the insertion of the words ‘land shown on the Key Diagram of the Ryedale Plan as landscape of local value and Areas of high landscape value, and the River Derwent SSI and the neighbouring land (including the towns of Malton and Norton)’ after the words ‘Areas which Protect the Historic Character and Setting of York’ in Policy M16(b)(i)**
- b) **The modification of para 5.137 by substituting ‘10 well pads per 1,300 square kilometers’ for ‘ten well pads per 100 square kilometers’ ”**

APPENDIX

I understand it takes about one hundred days, drilling day and night, to drill each borehole. The drilling is noisy and the rig is let up like a Christmas tree at night. Once started, the operation cannot stop until the bore is completed. If there is going to be only one drilling rig on each well pad, and the pad is to have 50 boreholes, the drilling could go on continuously for as many as fifteen years without stopping. In fact, there are statements made by the fracking industry which make it clear they expect each production site to have a life of 20 – 25 years.

However, that is not the end of the process. I understand that the drilling rig would have to be in place during the fracking operation, and again this will be noisy. Further, during production there will have to be compressors in operation. These too are noisy. Flaring may also be necessary.

The process of production is not a single frack for each bore. It is a succession of fracks. The first frack takes place at the furthest end of the bore. It is an underground explosion followed by the injection of fluid containing toxic chemicals under extreme pressure. Once the gas has been extracted, there has to be another frack further back along the bore and the process is completed all the way back to where the bore becomes vertical etc. I am not sure of the distance between fracks, but I’ve heard from some sources that the frack has to be repeated every 60 feet and from other sources that the fracks have to be repeated every 200 feet.

The vibration from each frack can cause tremors, which although minor, can damage the foundations of buildings and the concrete casings and steel pipes of the bore and of other nearby or adjacent bores, thus giving rise to risk of pollution to water supplies etc.

After an area has been fracked, the fracking company can repeat the process with new bores and “refrack”.

The safety of the process is monitored by an “independent” examiner who is appointed and paid by the fracking company and therefore is not truly independent.

COUNCILLOR LINDSAY BURR

23rd January 2018