



NORTH YORKSHIRE COUNTY COUNCIL, CITY OF YORK COUNCIL
AND NORTH YORK MOORS NATIONAL PARK AUTHORITY
MINERALS AND WASTE JOINT PLAN (MWJP)
EXAMINATION IN PUBLIC

RESPONSE TO INSPECTOR'S QUESTION NO. 62 AND IN SUPPORT
OF PREVIOUS REPRESENTATIONS MADE BY FRACK FREE RYEDALE
(FFR) (REFS: 3684/0263/M18/U, 3684/0267/5.159/U)

MATTER 1: MINERALS

Issue: Whether the vision, objectives and strategic minerals policies seek to provide a sufficient supply of locally and nationally important minerals in an efficient and sustainable manner and whether the proposed allocations are the most appropriate

Question 62: Is the possible requirement of a financial guarantee in Policy M18 (Other specific criteria applying to hydrocarbon development) part 2) iii) for unconventional hydrocarbon development justified due to its novel approach or techniques? (PPG 27-048-20140306)

1. Introduction

1.1. FFR recognises that the MWJP should strike the right balance between planning for onshore oil and gas extraction and protection of the environment and residential amenity. FFR has engaged with the plan making process both through the submission of detailed comments at each consultation stage and in participating in Joint Scrutiny Committee Hearings to inform the policy formulation. FFR supports many of the Proposed Changes to the MWJP where they strengthen environmental and residential amenity protection, but consider that additional changes could be made to improve the soundness of the plan.

2. Financial Guarantees

2.1. Policy M18 Part 2 (iii) states that a financial guarantee may be required for unconventional hydrocarbon development, subject to the scale, nature and location of the development. Justification is provided in para 5.158, which refers to Planning Practice Guidance (PPG). The PPG refers to a financial guarantee to cover restoration



and aftercare costs being justified only in exceptional circumstances, for example where a novel approach or technique is to be used.

2.2. Although hydraulic fracturing is not a new technique, the large scale exploration and exploitation of unconventional hydrocarbons by high volume hydraulic fracturing is a new (or novel) approach in the UK. FFR considers that the MWJP should be more explicit about the situations where a financial guarantee would be required and what such a guarantee would be expected to cover. Conversely it should be clear about what activities are covered by other regimes (e.g. Licencing, Permitting, HSE and OGA Consents) and should not be required by the MPA. It is proposed that this needs to be clearly defined within Policy M18 and / or para 5.158.

3. Restoration and Monitoring Requirements

3.1. FFR consider that M18 should be strengthened to acknowledge the three stages (exploration, appraisal and production) of shale gas production and the benefit of requiring restoration to be undertaken at the end of each of these stages, where appropriate. For example, should a well be abandoned following the exploration and appraisal stage, restoration of the site or part of the site may be possible. This would also be in line with best practice for the restoration of minerals sites (i.e. progressive/early restoration is preferable, where it can practically be achieved).

3.2. Policy M18 is light on the need for long term independent monitoring in order to build up an evidence base to inform future decision making. For example, local communities are concerned by the potential long term legacy effects and impacts on public health. A long term study in areas likely to be affected by shale gas extraction would provide that evidence base and make recommendations.

4. Conclusion

4.1. FFR considers that the MWJP should be more explicit about the situations where a financial guarantee would be required.