

Kit Bennett

8. Does the Habitats Regulations Assessment (HRA) adequately set out why Appropriate Assessment is not necessary? Does the HRA identify any negative impacts that the MWJP might have, which require mitigation and, if so, has such mitigation been secured through the Plan?

The appropriate assessment is not sufficiently robust as it doesn't first identify potential effects of Policy M16, and then test whether Policy M17 and M18 would ensure beyond reasonable scientific doubt that there would be no significant effect on any SPA or SAC. Of particular concern would be potential effects on the River Derwent SAC, into which virtually every water course in the vale of Pickering flows.

10. Overall, have the requirements of the Conservation of Habitats and Species Regulations 2017 been met?

No. The Joint Minerals and Waste Plan provides buffer zones for hydrocarbon development around National Parks and AONBs, but doesn't provide them for SACs, SPAs and Ramsar sites, which are protected under the Habitat regulations. This should be corrected as it is recognised that operations outside the boundary of the designated site can harm them. The Habitats Regulations Assessment for the 14th Onshore Oil and Gas Licensing included the possibility of buffer zones around SPAs, SACs and Ramsar sites. These buffer zones would extend to 1km, or to 10km if mobile species, such as bats and birds were present in the designated site. However it was decided not to make such buffer zones a license requirement, but instead leave the matter to the discretion of planning authorities. Hydrocarbon development, with associated problems of air pollution, noise, traffic movements and lighting is a type of development likely to harm nearby designated sites. For this reason, buffer zones should be introduced preventing hydrocarbon development from taking place near SPAs, SACs and Ramsar sites. This would be justified, given the very high level of protection that SPAs, SACs and Ramsar sites enjoy under the Habitats and Species Regulations 2017.

13. Does the MWJP comply with section 40 of the Natural Environment and Rural Communities Act 2006 with respect to the duty to conserve biodiversity?

No. The Minerals and Waste Joint Plan does not provide enough protection to European protected sites as described in my answer above. There should also be buffer zones around SSSIs and protection of local wildlife sites from hydrocarbon development. Such development is likely to be extensive and have impacts such as noise, light, air and water pollution that extends beyond the sites on which it is based. Unless measures are in place to protect wildlife from this harm biodiversity across the Joint Plan Area will decline and the duty will not have been complied with.