Additional Hearings 24 and 25 January 2019

Matter: Unconventional Oil and Gas

Question 8

500m Buffer Zone

> 8. I note at the Kirby Misperton site, the MPA granted permission for development at distances of 300m and 210m from the wellsite to Noise Sensitive Receptors. Does this indicate that a 500m zone across the Plan area is too great? If lesser distances were acceptable at Kirby Misperton, could lesser distances be acceptable for other applications and, if so, should the Plan be more flexible?

The particular circumstances of the site at Kirby Misperton set this site aside from others in a number of ways that mean that one cannot place reliance upon this single case as being either typical or setting a '*benchmark'* against which to assess future applications. These particular circumstances are outlined below:

- the original well pad, within which are located wells KM1 and KM3, was constructed for the purpose of the exploitation of conventional gas from formations (namely the *Permian Limestone* and *Carboniferous Sandstone*) far shallower than that of the Bowland Shale at 3 kilometres / 10,000ft below the surface;
- planning permission for the KM8 well within the extended area immediately adjoining the northern perimeter of the original well pad was sought on the basis of an intention to sink the well for conventional gas within the shallower Kirkham Abbey formation;
- the original well pad (which together with the extended area is known as the KM-A well site) was constructed in the mid-1980s at the exploration stage. Having gone into production in the mid-1990s, it has continued as an active site and has neither been abandoned nor de-commissioned during that time. It is therefore an established site and one, in sustainability terms at least, that favoured its choice as a location for sinking a well deeper into the Bowland Shale on the basis of elements of the requisite infrastructure for the proposed development already *in situ*; and,
- the use of an existing well, as in the case of Kirby Misperton, was one which was considered would safeguard against a proliferation of sites for gas exploration/appraisal/production in the locality; a position supported through local planning policy in the Structure Plan and later in the Minerals Local Plan.

Were the Authorities to receive an application for '*hydraulic fracturing'* upon land that comprised *'virgin'* and *'previously unexplored'* area of land, we would be obligated to have due regard to the many aspects of the operations for gas proposals in addition to those activities that distinguish *'hydraulic fracturing'* operations from a conventional operations e.g. the use of high pressure pumping

equipment, generators, coil-tubing towers etc. These have been previously outlined within earlier Hearing submissions made by the Authorities. These considerations would be in the context of the proximity of residential buildings and other *'sensitive'* receptors of some 500 metres or less distant from the proposed site (which for the purpose of assisting in visualisation would be approximate to half the length of The Mall in London or the length of four football pitches). Such a distance, as a reference metric for the purposes of the Local Plan, has been proposed by the Authorities in order to aid understanding and provide clarity to all interested parties.

Furthermore, the Authorities have acknowledged that distances lower than 500m may be capable of being acceptable and the policy has been drafted with flexibility to allow for developers to demonstrate that this is so. It remains the view of the Authorities that the policy should recognise the unlikelihood of this being the case, whilst anticipating the possibility of applications robustly demonstrating, in particular cases, that acceptable separation can be achieved.

The KM8 example cannot, therefore, reasonably be considered as providing an indication of acceptability in land use planning terms of a lesser distance.

Prepared by;
North Yorkshire County Council
City of York Council
North York Moors National Park Authority