

Email from South Hambleton Shale Gas advisory Group 19 March 2018

Dear Madam,

Representing, as we do, and by their respective formal resolutions, 2 town councils and a Community Forum of 32 parish councils, not to oppose outright but to seek to improve, we are obliged to register this formal complaint with regard to the manner in which you have so far conducted the Examination in Public of the Hydrocarbon Section of the Minerals & Waste Joint Plan for North Yorkshire.

May we respectfully remind you that in your quasi-judicial capacity it is your duty to determine according to the rules of natural justice whether or not the provisions of the Plan are justified as well as sound? With regard to the latter, while it is recalled that you have stated that written submissions will carry equal weight with you as those made orally, it is nevertheless incumbent upon you, when the local authorities have elected not to respond to specific textual criticism, at least to invite them to confirm they accept it and, subject to your approval, to require them to re-draft the provisions in question. This you have not done. Your close scrutiny of the text appears so far to have been minimal.

But of separate and much greater concern has been your consistent attitude to the evidence given by and on behalf of all participants except the local authorities and the energy companies. In short you appeared to have ignored that side of it. The strong impression you gave throughout the one day you allotted to the Section on March 13th was that of courteous dismissal. Such apparent disregard was aggravated by your repeated expression of concern to provide the industry with greater flexibility to drill wherever they wished so long as it was not actually inside the National Park or AONBs which would be in clear contravention of the Infrastructure Act 2015. Your consistent attitude appears to be to apply that part of Government policy in favour of fracking while ignoring that part of it which seeks to protect our communities and environment "to the highest possible standard".

As representatives of local communities we currently feel denied any reassurance that effective spatial safeguards for residents will be contained within the Plan. If nothing is forthcoming it means that local communities will be fearful that they have no effective protection in local policy and will therefore be put on the "Back Foot" in having to defend themselves whenever an application involving Fracking is submitted.

Thus your apparent superficial and perfunctory approach to the text combined with an evident bias towards the industry compels us to complain.

You have said you would not accept any further written statement, and your Programme Officer has indicated that Friday 23rd March is largely for you to consider the re-drafting you have already required the local authorities to undertake. In these circumstances, unless you are minded, having read the above, to re-open the Examination to repair the omissions we identify, our only course is to make this complaint, first of course to you, but also to our local constituency Member of Parliament, with a specific request to bring these matters to the attention of the Secretary of State for the purpose of his ordering a fresh Examination in Public.

Yours faithfully,

Christopher Stratton,
Chairman

Peter Fox,
Legal member

South Hambleton Shale Gas advisory Group
19th March 2018

Reply by Inspector - 20 March 2018

Dear Mr Stratton

I am sorry that you are dissatisfied with the handling of the hydrocarbon session on 13 March and for your perceived impression of my approach. Let me assure you at the outset that I have thoroughly read the wording of the Plan and have given careful consideration to all representations made. I am totally impartial in this examination, neither favouring one side nor the other.

Turning to your specific points. I take my obligations very seriously in examining the Plan in a fair and un-biased way and in accordance with the principles of natural justice. In that regard, I have sought to include all participants in the discussions and have listened to all comments made. Throughout the hearings there have been instances when I have needed to drill down to the reasoning underlying a particular party's comments and this has involved me asking them a series of questions and obtaining the Authorities' responses. This does not mean that comments from other participants have been given any less weight. They have not. You are correct in saying that written representations are given equal weight to oral submissions. However, there is no obligation on the Authorities to confirm that they accept the points made by participants. My job is not to consider what comments the Authorities agree with or otherwise, but to examine the wording of the Plan and ensure that it is sound. Soundness includes being justified, as set out in paragraph 182 of the National Planning Policy Framework and being justified includes demonstrating balance and flexibility. Therefore, my deliberations involve a consideration of the three arms of sustainability, namely environmental, social and economic as per paragraph 7 of the National Planning Policy Framework and balancing those competing aims has underpinned much of the discussion at the hearings.

The examination has not closed. It will continue until my report is written. With respect to the hydrocarbon session, there are a few outstanding points that will be dealt with on Friday 13 April, which will be open to discussion on the day from all hydrocarbon participants and for which I am inviting written comments from those participants. Details will be posted on the web-site shortly. With respect to this coming Friday (23 March), the agenda does not specifically include

hydrocarbons, but will cover an outstanding allocation issue relating to aggregates, followed by a discussion with the Authorities to ensure they have listed all the main modifications and action points agreed to date. The wording of most main modifications will be dealt with after the hydrocarbon session on 13 April (although if any wording has already been drafted for any specific main modifications this will be discussed with the Authorities this Friday). Consequently, there is a limit to what other participants are able contribute to at the session this coming Friday, although of course, everyone is welcome to attend.

I hope that this clarifies matters for you.

Elizabeth Ord

20 March 2018