

**Minerals and Waste Joint Plan for North Yorkshire County Council, the
City of York Council and North York Moors National Park Authority**

Unconventional Oil and Gas

Additional Hearings 24 and 25 January 2019

1. The main purpose of these sessions is for me to hear evidence on whether the Hydrocarbon Development Policy M17 is sound in light of the Written Ministerial Statement on Energy Policy of 17 May 2018 (WMS).
2. The WMS says, amongst other things, that applications must be assessed on a site by site basis, having regard to their context. Plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification. Policies should avoid undue sterilisation of mineral resources (including shale gas).

500m Buffer Zone

3. It is proposed by the Mineral Planning Authorities (MPAs) that there be a main modification to the 500m buffer zone in Policy M17, 4) i) so that development in this zone "*will only be permitted where it can be demonstrated in site specific circumstances that a high level of protection will be provided*". The policy sentence that referred to only permitting development in exceptional circumstances is proposed to be removed.
4. The main issue for discussion is: ***Whether the 500m zone in Policy M17, 4) i) as modified is properly justified and consistent with the WMS. If not, could a smaller zone be properly justified or should any stand-offs be determined on a site by site basis at the application stage? What is meant by "a high level of protection" in the proposed schedule of modifications or the alternative wording "protect local communities", which is now being suggested? How does this differ from the level of protection the industry would be required to demonstrate in any event?***
5. I would like to get a better technical understanding of what the potential impacts of hydraulic fracturing might be on nearby sensitive receptors within this 500m zone. Information should be provided on whether there are reasonable prospects of mitigation measures being used to reduce impacts to an acceptable level within this zone.
6. The MPAs should build on their "*Supplementary note about the 500m distance for hydrocarbons development*" (LPA/89) with more technical detail. I am particularly interested in noise and why the MPAs believe it is

generally unlikely that noise could be mitigated to an acceptable level within this zone without creating other unacceptable impacts.

7. The MPAs should explain why technically a 500m zone was chosen as opposed to a smaller zone, and why any Plan-wide zoning is required at all rather than leaving it to a site by site assessment at the application stage.
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?
9. Could the zonal issue be overcome by inserting a need for pre-permission testing? For example, might it be helpful to consider trial runs or field tests prior to planning permission being granted?
10. The industry has produced an interactive map of the coverage of the 500m zone within the Petroleum Exploration and Development Licence areas. I invite the industry to demonstrate this map and to illustrate how the coverage changes as the zone decreases.
11. The WMS refers to the Government's desire to work with the industry on innovation to create a "UK Model" with the aim of being the world's most environmentally robust onshore shale gas sector. Would the industry explain how they might respond to this challenge?
12. Is there any potential for reducing operational impacts such as by using radically quieter machinery or by using different working practices? For example, I understand that the sound power levels of dump trucks have reduced significantly in recent years. Are there any less noisy materials on the horizon for drilling (eg the use of ceramics) or any radically new technology (changes in drilling techniques or generator technology)? What is the reason for the height of drilling rigs? Is there potential for shortening them?
13. Would the industry produce details of typical mitigation measures that might be employed to reduce the main impacts of development on receptors and with what potential effects? Whilst I appreciate that the application stage is the time for producing detailed assessments, it is nonetheless important at this stage to understand whether, in principle, there is potential for development to be made acceptable within this 500m zone.

14. Using typical scenarios, would the industry provide a brief technical assessment (explained in lay persons terms) of the potential range of noise impacts both with and without mitigation and at various distances from Noise Sensitive Receptors for the various stages of development and for the main noise sources. How would this test against national policy/guidance?
15. The above should include a range of typical sound power levels for typical plant and machinery and how this converts to sound pressure levels at various distances under typical conditions. Tonality, impulsivity, issues over mitigating low frequency/long wavelengths should be addressed. Besides "A" weighted sound pressure levels, I would like to know whether and in what circumstances "C" weighted sound pressure levels should be used and how this affects measurements. Cumulative effects should be covered. I am also interested in flaring, light pollution and odour. Reference should be made to typical timescales for development phases; typical working hours for these phases; and typical levels of lorry movements.

Definition of Hydraulic Fracturing - Case of *R(OAO Andrews) v SSBEIS & SSHCLG [CO/3256/2018]*

16. I understand from the note of Marc Willers QC, who represented Mr Andrews at the permission hearing, that clarification has been given by Mr Justice Holgate on the definition of hydraulic fracturing. My understanding is that once the MPAs have recognised the statutory definition, they are free to adopt the wider Planning Practice Guidance definition (ID: 27-129-20140306) in their local plan provided they explain their reasons for doing so.
17. Would the MPAs please provide the text of a main modification to reflect this requirement so that it may be discussed at the forthcoming hearing sessions?

Timescales for representations

18. Statement should be submitted to the programme officer, Carmel Edwards at carmel.edwards@northyorks.gov.uk by 17.00 on Friday 11th January 2019.
19. Besides responses from the MPAs and industry, other participants may submit statements covering the above matters albeit I am looking for technical detail and do not simply want a repeat of previous statements submitted.

Elizabeth C Ord

17th December 2018 (updated)