



North Yorkshire
Campaign to Protect Rural England

comment

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North Yorkshire MWJP Examination: Hydrocarbons

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All CPRENY CIO comments are prepared by the Branch with professional planning advice, research conducted and recommendations by qualified planning consultants.
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Introduction

The North Yorkshire Branch of the Campaign to Protect Rural England CIO (referred to in this document as “CPRENorthYorkshire” or “the branch”) welcomes the opportunity to respond to the Inspector’s further questions in relation to hydrocarbons. CPRENorthYorkshire has previously responded to all consultations on the MWJP dating from January 2016, however, chose not to attend the EiP as a Charity to provide oral evidence, but instead relied upon their written representations.

It is felt that CPRENorthYorkshire may be able to assist the Inspector further in responding to some of her requests for further information about hydrocarbons.

Response

CPRENorthYorkshire fully endorses the position of the Joint Plan Team (3 Planning Authorities), Frack Free Ryedale, Friends of the Earth and Kit Bennett (amongst others) in seeking to protect the special qualities of North Yorkshire from inappropriate developments in inappropriate locations.

This is relevant for the whole of the county including the designated areas of National Parks, AONBs and locally valued landscapes (e.g. those designated by individual Local Authorities in their Local Plans).

1. *Policy M17 (4) (i) - justification on the 500m buffer around residential properties and other sensitive receptors.*

CPRENorthYorkshire welcomes this novel approach and supports the Joint Plan Team in setting out their intention to protect the rural population of North Yorkshire whilst at the same time providing policies for the operation of the industry.

CPRENorthYorkshire believes that it is essential to provide a 500m ‘buffer’ around residential properties and sensitive receptors based on what we have learnt about this novel industry to date. Unconventional hydrocarbon extraction has not taken place in the UK to date, other than the small short-lived operation at Preese Hall, Preston. From the environmental impact assessment data (submitted to various Minerals Planning Authorities), we have had the opportunity to explore the proposed large developments at Roseacre Woods, Preston New Road, South Yorkshire and the development at KM8, North Yorkshire. It is evident that the activities involved in this operation could be extremely damaging to the surrounding environment and its residents through incidents involving pollution and / or seismic events and explosions.

Members of CPRENorthYorkshire are concerned that methane gas may leak into the surrounding environment and impact on air quality and the quality of life for nearby residents. This has been the case at KM8 where an old network of pipes has been utilised to transport gas to the energy generating facility at Knapton and emissions to air have been proved to be at inner city levels, which should be alien to such a remote and rural location. The EA were alerted to this and have conducted site investigations. However, residents have purchased their own monitoring equipment, had training from the university of York and still report that emissions to air are still over the permitted levels. The 500m buffer zone would help to protect those residents living nearest to the well-pads from harmful emissions and place them out of reach from potential methane explosions.

It is evident from the environmental data submitted to local authorities that this industry will deliver consequential impacts to the surrounding area, which whilst it is expected these should be mitigated and reduced to a minimum, impacts will still be significantly higher than existing baseline conditions in rural areas. The industry is associated with light, noise, dust, air and water pollution and vastly increased traffic movements alongside a detrimental visual impact.

Whilst the production stage may last for approximately 20 years (in accordance with the Planning Practice Guidance Minerals (PPGM) ID 27-103-20140306) there will also be a period of months and years associated with the construction, exploratory and appraisal stages of hydrocarbon extraction which would extend the life of the well pad beyond 20 years.

Shale extraction is inherently unpredictable due to geology which means there is no guarantee that gas will be successfully extracted from each bore hole. The consequences of this are that multiple wells (industry has quoted between 40-50) would be needed on each pad, and multiple pads (potentially hundreds) in each PEDL area to make the industry financially viable. This is why CPRENorthYorkshire considers that applications would be forthcoming to extend the size of the pads to incorporate new wells.

Operators have also stated that they would re-frack wells after a period of approximately 5 years. Therefore, for nearby residents this will not simply be a question of a 'few months of drilling and a bit of noise' as stated repeatedly by industry representatives, who go on to suggest that communities and residents will 'not know' the operation is there for the majority of the 20-year life of the well. There will be drilling and workover rigs on site for most of the production life of the well pad with all the associated nuisance.

Once one bore hole is drilled, operators will move on to the next and so on. Also, given the limited extent of the shale deposits in the country, this would mean that operators would be seeking to construct as many well pads as possible to maximise returns. This explains why CPRENorthYorkshire supports limiting the number of well pads per PEDL area, although we believe 10 pads is too high for this special landscape with its extremely limited infrastructure network. North Yorkshire has only 10 miles of dual carriageway across the whole county and has many very small A and B class roads which, due to topography and the number of small settlements located along them, struggles with the amount of vehicular movements that currently exist upon it, especially within peak and seasonal periods.

The operators in North Yorkshire are predominantly exploring for Shale Gas. Whilst environmental protection measures should be in place, these do not prevent explosions and unfortunate tragedies can and do still occur. In the USA, several explosions have occurred at frack-sites which contain diesel for the operation of generators as well as the gas being extracted and often stored on site. If residences are located within a 500m radius of the site, it is likely that they would be directly impacted should an explosion occur. Therefore, it is now common practise throughout the world where fracking takes place to have a 'blast-zone' to protect residents and nearby communities from immediate danger and loss of life. CPRENorthYorkshire believes that if fracking has to occur in England then a 'blast-zone' of a least 500m radius of the site should be a basic requirement.

CPRENY have provided below two links to articles documenting the most recent explosions from oil and gas sites in 2018, both in the USA. Both of these sites have been subject to strict environmental controls through green completions.

<https://www.alleghenyfront.org/well-pad-explosion-in-eastern-ohio-causes-mandatory-evacuation-of-residents/>

<https://www.reuters.com/article/us-oklahoma-drilling-blast/five-missing-after-oklahoma-oil-and-gas-drilling-site-explosion-idUSKBN1FB2GY>

It is known from experience (Preese Hall) that seismic events can occur as a result of hydrocarbon extraction and there are a number of well-known active fault lines across the County. In certain parts of North Yorkshire, many old stone properties and farm buildings have been built without foundations. Residents are concerned as to what may

happen should a seismic event take place beneath or nearby their property as a result of hydrocarbon extraction.

2. *Policy M16 (a) and explanatory text - further explanation on the split between conventional and unconventional and how this has been dealt with in policy provisions.*

CPRENorthYorkshire believe that it is important to retain the text as suggested by the Joint Plan Team in relation to Policy M16 (a) and the split between conventional and unconventional hydrocarbon extraction and support the Joint Plan Team for promoting this approach.

Retaining such text is essential to ensure that the correct environmental mitigations are in place in each different situation. According to PPGM, conventional and unconventional extraction can be determined by the type of geological reservoirs involved. Crucially more than one technique may be applied within conventional and unconventional extraction, each potentially requiring different environmental mitigations. It is therefore not enough to simply submit an application for conventional extraction and adhere to a single set of 'traditional' environmental regulations.

Indeed, an increasing number of conventional oil and gas extraction applications are being submitted to Minerals Planning Authorities for conventional extraction using more novel techniques, for example fracturing the rock by acidisation, which is different to hydraulic fracturing. Operators are submitting applications for conventional wells and stating that Minerals Planning Authorities should rely on them to adhere to all environmental regulations.

However, it has been proved recently (January 2018 - Appeal Reference: APP/Y2003/W/17/3173530) that this is not necessarily the case. The Inspector agreed with Council Members that despite being an application to extract oil from a conventional reservoir (including via acidisation techniques), the applicant had not undertaken the relevant environmental baseline conditions checks, had therefore not put in place the best possible mitigation measures and despite an environmental permit being issued from the Environment Agency (EA), had not followed the EA advice on at least 2 occasions. The Inspector concluded that whilst a Minerals Planning Authority should be satisfied with the advice from the Regulators - they do not 'need' to agree with them.

During the application and appeal processes, the Operator (Egdon Resources) stated that acidisation was also a new technique to the UK, had not been undertaken on-shore before and was in effect a 'mini-frack' albeit a different technique to hydraulic fracturing or high volume hydraulic fracturing. Several applications for acidisation have also been forthcoming in the South of England in the past few months. CPRENorthYorkshire believes that industry is seeking to push these through the planning system as small-scale conventional proposals without drawing any attention to them as opposed to the public-outcry experienced thus far associated with hydraulic fracturing.

CPRENorthYorkshire considers it is entirely correct for the MWJP to have this distinction in policy so that the Joint Plan Team know exactly what is being proposed and what type of mitigation may be appropriate for which technique. Furthermore, the acknowledgement that extraction to conventional and unconventional reservoirs can experience similar environmental impacts, whether using the technique of hydraulic fracturing or another technique, is welcomed.

The distinction in policy is helpful to provide appropriate guidance to potential developers and members of the public alike, with an understanding of what the Joint Plan Team will expect from the Operator should an application for planning permission be submitted to them for a particular type of hydrocarbon extraction.

3. *Policy M16 (b) (i) - provision of definition for the 'Areas which Protect the Historic Character and Setting of York'.*

CPRENorthYorkshire fully supports the Joint Plan Team with the inclusion of the wording 'Areas which Protect the Historic Character and Setting of York' within Policy M16 (b) (i). The Government states that Plans should be locally distinctive. Providing that the Plan is in conformity with national policy and guidance it should be able to set locally distinctive policies within it.

The City of York is indeed a historic walled city with many Sites of Archaeological Importance, Conservation Areas, Listed Buildings, Historic Parks and Gardens and other (designated and non-designated) Heritage Assets worthy of recognition. It is at the centre of the Vale of York which can be viewed from many miles away due to the nature and topography of the surrounding countryside of both North and East Yorkshire.

The emerging Local Plan for York has just been through its Regulation 19 consultation and amongst other things seeks to protect the historic skyline of York and various Green Infrastructure Corridors. The policies aim to respect and enhance views of important vistas and landmarks protecting the special qualities and historic environment. Hydrocarbon extraction requires the use of rigs with heights of up to 60 metres, landscape screening of such rigs in within a 2Ha site area, light spill from large onsite infrastructure, and noise from the various activities. Such extraction within the setting of the flat environment of York would therefore be detrimental to such a historically important city and damaging to valuable tourist industry.

Paragraph 132 of the National Planning Policy Framework sets out that "*significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*" It goes further to state that "*substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*"

York is listed as one of England's most historic cities (<http://www.heritagecities.com/>) and CPRENorthYorkshire would therefore suggest that this kind of industrial minerals development is wholly inappropriate in this special location. It would significantly impact upon the important historic aspects of the city. Whilst it is acknowledged that you can only extract minerals from where they are sourced, CPRENorthYorkshire asserts that it should also be acknowledged, that in some instances the minerals should simply not be extracted if the harm of doing so is considered too great to certain aspects.

It is considered essential therefore, that this text be permitted to be retained within this Policy.

4. *Policy M16 (b) (11) - further explanation on this policy and why drilling under a National Park/AONB is considered to be major development.*

CPRENorthYorkshire fully supports the Joint Plan Team in this assertion and welcome its inclusion within Policy.

The Town and Country Planning Act 1990 defines 'development' as; '*the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land.*'

National Parks and AONBs are afforded the highest level of protection in terms of planning policy in England via paragraph 115 of the NPPF. In accordance with paragraph 116, planning permission should be "*refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest*".

The Town and Country Planning (Development Management Procedure) (England) Order 2010 defines major development at Part 1 (2) as: “*development involving any one or more of the following–*

(a) the winning and working of minerals or the use of land for mineral-working deposits; (inter alia)”

It goes on to state that ‘mining operations’ means “*the winning and working of minerals in, on or under land, whether by surface or underground working”*

The PPGM sets out that where applications represent major development, planning permission should be refused in National Parks and AONBs except in exceptional circumstances as set out in paragraph 116 of the NPPF. (ID 27-223-20140728).

The Government has set out that hydraulic fracturing will not be allowed to take place in National Parks to recognise and protect their unique scenic and special qualities. Drilling beneath a National Park or AONB should also be considered a major development by reference to the above definitions which state that major development involves the winning and working of minerals. It does not differentiate between minerals types, nor does it specify at what depth the winning of minerals should occur. It follows on to state that the winning and working of minerals ‘*in, on or under*’ (my emphasis) land is a mining operation. Therefore, any minerals extraction (at any depth) beneath a protected area should constitute major development in line with the Government’s own definitions.