



NORTH YORKSHIRE COUNTY COUNCIL, CITY OF YORK COUNCIL
AND NORTH YORK MOORS NATIONAL PARK AUTHORITY
MINERALS AND WASTE JOINT PLAN (MWJP)
EXAMINATION IN PUBLIC

RESPONSE TO INSPECTOR'S QUESTION NO. 56 AND IN SUPPORT
OF PREVIOUS REPRESENTATIONS MADE BY FRACK FREE RYEDALE
(REF: 3684/0072/PC073/LC.S.DTC)

MATTER 1: MINERALS

Issue: Whether the vision, objectives and strategic minerals policies seek to provide a sufficient supply of locally and nationally important minerals in an efficient and sustainable manner and whether the proposed allocations are the most appropriate

Question 56: Taking account of the Written Ministerial Statement of 16 September 2015, does the hydrocarbon section of the Plan provide the right balance between supporting appropriate hydrocarbon development (taking account of economic and social benefits) and protecting the environment and sensitive receptors from its potential impacts?

1. Introduction

- 1.1 FFR recognises that the MWJP should strike the right balance between planning for onshore oil and gas extraction and protection of the environment and residential amenity. FFR has engaged with the plan making process both through the submission of detailed comments at each consultation stage and in participating in Joint Scrutiny Committee Hearings to inform the policy formulation. FFR supports many of the Proposed Changes to the MWJP where they strengthen environmental and residential amenity protection, but consider that additional changes could be made to improve the soundness of the plan.
- 1.2 FFR have argued that the exploration and extraction of shale gas by hydraulic fracturing is a new activity in the UK. The shale gas industry has not, as a whole, been as well versed in onshore environmental and planning practice as other long established minerals operators. In addition, at present, there is no clear picture of the scale of shale gas production across North Yorkshire. In this context, the



provision of clear detailed guidance and direction in the MWJP to ensure the very highest environmental standards in the development of a future, potentially significant, shale gas industry is not unreasonable.

2. Balance between Development and Highest Environmental Standards

2.1 Within the Written Ministerial Statement of 16 September 2015, Amber Rudd stated the government position which is that:

'the government considers that there is a clear need to seize the opportunity now to explore and test our shale potential.'

She also noted that:

'Safety and environmental protection will be ensured through responsible development and robust regulation...while maintaining the very highest safety and environmental standards...'

2.2 FFR considers that the MWJP recognises the need to achieve an appropriate balance between support and flexibility, to enable development in appropriate locations and the need to provide a high standard of protection to local communities and the environment (para 5.95). It references the government position (para 5.106) and the role of other Regulators (5.108 – 5.118). Policy M17 of the MWJP sets out spatial and locational criteria for hydrocarbon development and includes, in subsection 2) ii) reference to *'an overall scheme of production development within the PEDL area'* and promotes the location of these development sites within the least environmentally sensitive areas of the resource. Associated infrastructure such as pipelines, overhead or underground power lines should be coordinated and shared where practicable. Other infrastructure such as processing facilities and energy generation is steered towards brownfield or industrial land outside designated landscapes.

2.3 FFR considers that, in line with the Written Ministerial Statement, further changes could be made to the MWJP in order to make it more robust as set out below.

The Hydrocarbons section of the MWJP states in para 5.125 that:

'it is considered important that a comprehensive range of key environmental and other designations in the Plan area are afforded an appropriate degree of protection as a matter of local planning policy. This would help provide a clear, robust and consistent local approach by ensuring that their protection is incorporated within the statutory development plan.'



2.4 In order to ensure that the MWJP fully reflects the Written Ministerial Statement, FFR considers that this supporting text should include a reference to ‘maintaining the very highest environmental standards’.

3. Protection of Locally Valued Landscapes

3.1 The Proposed Change to para 5.130 of the Publication Draft includes text which recognises areas of locally important landscapes which have been identified in District and Borough Local Plans. In Ryedale, Policy SP13 of the adopted Ryedale Local Plan Strategy (2013) sets out a comprehensive approach to the assessment of development within locally valued landscapes. These include the Wolds Area of High Landscape Value, the Fringe of the Moors Area of High Landscape Value and the Vale of Pickering which are particularly sensitive to change. FFR considers that the wording of this text should be amended to be consistent with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 that where development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. This could be achieved by replacing ‘*regard will be had*’ with ‘*the decision must be taken in accordance with the development plan as a whole*’.

3.2 FFR has identified three viewpoints from or near the North York Moors National Park (NYMNP), two from or near the Howardian Hills AONB and one from the Yorkshire Wolds over the Vale of Pickering, which the Inspector may wish to visit. These are included within Appendix WS1.1 to this Statement.

4. Light Pollution

4.1 The issue of light pollution is referenced in Policy M17 and parts of the supporting text of the MWJP. However, given the potential effect of 24 hour lighting in rural areas which are sensitive to change, FFR consider that this issue has been understated. This view is further informed by the work being undertaken by the North York Moors National Park Authority who are consulting about planning policy in relation to three of the special qualities of the National Park: Tranquillity, a Strong Feeling of Remoteness and Dark Night Skies (December 2017).

4.2 Policy D06 of the MWJP requires a high standard of design and mitigation where proposals may have an adverse impact on tranquillity or dark night skies. FFR consider that, whilst this may be an appropriate level of protection for most minerals and waste proposals, the particular issues associated with shale gas extraction merit an approach that is more consistent with ‘*the very highest environmental standards*’ advocated in the Written Ministerial Statement.



4.3 Para 5.111 of the plan, which summarises potential planning issues, should include the potential impact of lighting, noise and flaring (particularly 24 hour operations) in order to recognise the sensitivity in rural tranquil areas and be positively prepared. Policy M17 protects the special qualities of designated areas. Paragraph 5.121 which provides the supporting text for this policy should include reference to remoteness and dark night skies in order to be positively prepared.

5. Conclusion

5.1 In conclusion, FFR considers that the amendments proposed above would improve the soundness of the MWJP in ensuring the very highest environmental standards.