STEPHENSON HALLIDAY

ENVIRONMENTAL PLANNING • LANDSCAPE ARCHITECTURE

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. 58 AND IN SUPPORT OF PREVIOUS REPRESENTATIONS MADE BY FRACK FREE RYEDALE (FFR)

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 58: Should there be a distinction in Policy between conventional and unconventional hydrocarbon extraction?

1. Introduction

1.1 FFR recognises that the MWJP should strike the right balance between planning for conventional and unconventional 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.

2. Conventional / Unconventional Hydrocarbon Extraction

2.1 The MWJP does distinguish between conventional and unconventional hydrocarbons. FFR agree with this approach particularly as unconventional hydrocarbons include gas from coal seams as well as shale. However, hydraulic fracturing can be used for both conventional and unconventional hydrocarbon extraction and FFR supports the MWJP in recognising this.

3. Definition of Hydraulic Fracturing

3.1 FFR supports the definition of hydraulic fracturing in the MWJP. Paragraph 5.109 of the MWJP defines hydraulic fracturing as:

"injecting the rock with liquid at high pressure to generate or widen small fractures. Small particles (usually sand) are also pumped into the fractures to keep them open when the pressure is released so that the gas can flow into the well."

This is consistent with the definition in Planning Policy Guidance (PPG) Annex A Para 129:

"Hydraulic fracturing is the process of opening and/or extending existing narrow fractures or creating new ones (fractures are typically hairline in width) in gas or oil-bearing rock, which allows gas or oil to flow into wellbores to be captured."

It is also consistent with British Geological Survey wording as set out in Figure 14 of the MWJP and PPG Annex A Figure 1.

Further clarification is provided in Para 5.119 f) of the MWJP:

"For the purposes of the Plan 'hydraulic fracturing' includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used".

The Industry has objected to the definition used in the MWJP and cites a reference in the Infrastructure Act 2015, Section 50 4 (B) (1) that:

"associated hydraulic fracturing means hydraulic fracturing of shale or strata encased in shale which:
(a) is carried out in connection with the use of the relevant well to search or bore for or get petroleum, and
(b) involves, or is expected to involve, the injection of
(i) more than 1,000 cubic metres of fluid at each stage, or expected stage, of the hydraulic fracturing, or
(ii) more than 10,000 cubic metres of fluid in total."

3.2 Section 50 of the Infrastructure Act introduces safeguards for onshore hydraulic fracturing in the form of conditions to be imposed on a hydraulic fracturing consent to be issued by the Secretary of State. Subsection (8) defines hydraulic fracturing consent as the meaning given in subsection (1) (b) as above.

3.3 FFR considers that the wording within the Infrastructure Act is with specific reference to hydraulic fracturing consents. It does not make reference to a wider scope of definition to be used in the planning process. On the contrary there is no reference to volumes of fracking fluid in the definition within the Minerals PPG which provides

advice and guidance on planning for onshore oil and gas. Although the PPG pre-dates the Infrastructure Act, paragraphs within the PPG are regularly updated when the government considers it necessary to do so. No such amendment to the definition of hydraulic fracturing has been made in the PPG, so it can be concluded that for the purposes of planning, the PPG definition stands.

4. Conclusion

4.1 FFR agrees with the stance in the MWJP that the land use planning issues associated with the exploration, appraisal and production of onshore oil and gas are not solely related to the volume of fluid used to stimulate the flow of hydrocarbons in either conventional or unconventional resources.