

North Yorkshire Mineral and Waste Joint Plan

Examination in Public
February 2018

Submission by the
South Hambleton Shale Gas Advisory Group

(representing Helmsley town council, Easingwold and
32 villages Community Forum)

Responding to MIQs 05, 55, 56, 60, 61, 62

MIQ 5

Response by South Hambleton Shale Gas Advisory Group
(representing Helmsley town council, Easingwold and 32 Villages
Community Forum)

No because.

The MWJP should have regard to District Council plans including areas of locally important landscape and any adopted Landscape Character Assessments (LCA) e.g. by Hambleton DC May 2106 (Land Use Consultants) A link to the full document is provided below with the introduction reproduced in our appendix.
http://www.hambleton.gov.uk/.../hambleton_landscape_character_assessment_and_sensitivity

This document identifies some areas which may be considered suitable for siting gas wells -ref Landscape Character Area (LCA).- Tholthorpe Moors P139 para 5.244, as well as identifying other LCA areas which are particularly sensitive to development pressure.

The MWJP should also have regard to the duty within the AONB /NP to Conserve and enhance the landscape, also to the setting of the designated areas. i.e the buffer zones insofar as they affect the setting of the AONB /NP.

MIQ 55

Response by South Hambleton Shale Gas Advisory Group
(representing Helmsley town council, Easingwold and 32 Villages
Community Forum)

The Plan is neither clear, readily understandable nor **positively prepared** in that the repeated use of the words “appropriate” / “inappropriate”, “suitable” and “unacceptable” both in the Policies and in the explanatory text does not meet any objectively assessed requirement. They are words of subjective connotation which mean what anyone wants them to mean. They should be replaced by quantifiable terms such as “beneficial”/“adverse” and slight /“significant” throughout as tend to be in more common use throughout other development plans. Both applicants and consultees will benefit by greater precision in the drafting. This group’s Response forms B dated 17th December 2016 identify each instance.

MIQ 56

Response by South Hambleton Shale Gas Advisory Group
(representing Helmsley town council, Easingwold and 32 Villages
Community Forum)

No because

Policy M 17 1) is neither (1) justified, (2) effective or (3) positively prepared.

It is not **justified** because “indirect” vehicular access by means of narrow lanes could, and we say would, lead to overload as well as excessive damage to the substantial detriment of the environment and sensitive receptors. It would be unavoidable, unreasonable and disproportionate.

It is not **effective** because “indirect” means whatever any party wishes it to mean. Therefore if the alternative of “direct” is too restrictive, “indirect” should be qualified by a reasonable distance of say 1 km. from an A or B road. If greater flexibility is needed we suggest inserting the prefix “normally”.

It is not **positively prepared** because the word “indirect” does not meet any objectively assessed requirement.

The volume of HGV traffic associated with the hydraulic fracturing of shale gas wells is analysed in the paper “Investigating the traffic related environmental impacts of hydraulic fracturing operations” (Paul Goodman et. al. 2016) A full digital copy is reproduced in the appendix with pages 1-3 attached in hard copy.

Policy M 17 2) is not **effective** because it fails sufficiently to control the cumulative impact of an increasing number of well sites.

We are very concerned the draft plan’s inability to restrict effectively the density of well pads. This would have a profoundly negative impact upon the high quality and sensitive landscape of South Hambleton which currently supports a successful agricultural and tourist economy.

It should read as follows: *For each PEDL area where exploration reveals viable reserves of gas, the planning authority (PA) will commission its own Landscape Character Assessment (LCA) including a landscape sensitivity / capacity study in respect of shale gas extraction. This will identify the number and phasing of wells that could be accommodated without detriment.*

If this is not acceptable, we suggest: *Whenever more than two applications for shale gas extraction or exploration have been made in any PEDL area the PA will commission a LCA and associated sensitivity / capacity assessment.*

MIQ 60

Response by South Hambleton Shale Gas Advisory Group (representing Helmsley town council, Easingwold and 32 Villages Community Forum)

We strongly support the concept of buffer zones to safeguard the setting of the NP and AONB and consider it to be a vital element in respect of shale gas exploration / extraction because these areas are likely to be under considerable pressure if viable reserves are located in the designated areas. These areas are largely **intervisible** with the NP and AONB and provide their setting without which they are diminished. We refer to the photographs 1-5 (see Appendix) taken from Husthwaite, Sutton Bank, Crayke and Brandsby both into and from the proposed buffer zone. To reinforce this point we invite the Inspector to travel from Thirsk to Easingwold, from Easingwold to Crayke and Brandsby and towards Stearsby; also to walk the well used public footpaths from Husthwaite to Oulston and on to Yearsley, these routes being shown on map 1 included in the Appendix – all in clear visibility. Such evidence substantially outweighs any need to drill for shale gas in a buffer zone when there are alternative sites reasonably situated further afield.

In addition, parts of the buffer zone which lie between the NP/AONB areas and the Vales of York (to the South) and Mowbray (to the West) have a biodiversity which not only supports and helps sustain that within the designated areas but also has its own sensitivity in rare flora and fauna resulting from the ancient field structure and the head and feed waters of the Rivers Fosse and Kyle. For example the parish of Husthwaite, which straddles the AONB boundary contains populations of the very rare White Letter Hairstreak butterfly, hen harriers and the rare lesser spotted woodpecker, otters and the Northern Marsh Orchid which is seldom found South of the Scottish border.

Policy M 16 is therefore not **justified** because it would permit drill pads right up to the boundary of the NP or AONB. As demonstrated, their setting, particularly to the South and to the West of the Howardian and Hambleton Hills is integral to the protection of their Beauty.

Neither is it **effective** because **b) (i)** and **d) (i)** are fundamentally inconsistent, each with the other. Essentially the point turns on the phrase at the start of **d)**, “all surface hydrocarbon development” which is defined in **a)** and **b)**.

In **b) (i)** an absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs... yet in **d)(i)** all kinds of surface hydrocarbon development, which could include hydraulic fracturing, are anticipated within a National Park or AONB or associated 3.5 km buffer zone, with the requirement only of a detailed assessment to support an application. We ask the Inspector to examine this anomaly and if she accepts there is such contradiction to uphold the prohibition in **b)(i)**.

In any case, **d)(i)** envisages that there could be “significant harm to a National Park and/or an AONB or associated 3.5 km buffer zone” unless that is “unacceptable harm to the special qualities of the designated areas”. That again is contradictory, unclear and therefore confusing. It also lacks objectivity.

Then, with the very welcome provision of **Policy D 04**, which we note specifically refers to the “setting of the designated areas” (buffer zones), also imported, the **M 16** test becomes so complex as to confuse anyone who attempts to apply it. We suggest the wording at **d)(i)** be at least replaced much more simply with: *Permission will not be granted for proposals within a National Park and/or AONB or associated 3.5 km buffer zone where they would have an adverse impact upon the special qualities of the designated areas and/or their setting or are incompatible with their statutory purposes in accordance with Policy D 04.*

Alternatively, should buffer zones be required to have a degree of flexibility, we ask for prohibition of wells within the first 1.5 km of each NP/AONB boundary, with proposals within a further 2 km having to meet a test of *no adverse impact* on the setting of the NP/AONB.

If this suggestion is not acceptable as policy we ask that it be inserted in the explanatory text thus: *It is unlikely that applications for drilling sites within the first 1.5 km back from a National Park or AONB boundary will be approved because of their adverse impact on the designated areas. All applications within the remainder of the buffer areas (outer 2 km) will have to pass a test of “no adverse impact” on the designated area.*

MIQ 61

Response by South Hambleton Shale Gas Advisory Group
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Policy M 17 4) is insufficient and inflexible . It is not **justified** because in the particular context of the South Hambleton area the height of view or viewpoint is as important as distance in considering the aspect of industrial activity, and it is not reasonable to disregard that. The photographs and maps within our appendix are relevant as is the invitation for the Inspector to travel the routes shown.

We suggest the following wording: *Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing will not be permitted within 500 m of one or two isolated dwellings or other sensitive receptors or 1.5 km from any settlement of three or more dwellings located at the same height AOD or 3 km where such settlement overlooks such activity from a height of 50 m or more; the effective distance being assessed by the MPA to take account of topographical variation.*

MIQ 62

Response by South Hambleton Shale Gas Advisory Group
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Policy M 18 is **justified** in concept not only because of any novelty of approach or technique but in any event. But **2 (iii)** is not **effective** because the proposed industrial activity is so long term (up to 25 years) and the industry is historically unpredictable e.g. global energy price fluctuation, and in particular the fact that the major licence holder (Ineos) is no longer a UK registered but a foreign company which is heavily debt based, (we understand this to be currently ca. £ - 6 bn.) According to its own repeated public statement Ineos is principally concerned with the manufacture of plastics from the ethane in shale gas rather than the methane for energy production. H M Government's recent strong policy statements for the need to reduce plastic packaging are germane because a change in policy could reduce the viability of plastic manufacture using petrochemicals thus effecting the financial stability of the extraction companies.

Moreover the Infrastructure Act 2015 expressly removes a landowners liability for any loss or damage attributable to the exercise of shale gas exploration/extraction by another, thus abrogating the absolute liability Rule in *Rylands v Fletcher*.

In addition Greg Clark, Secretary of State for Business in a written statement dated 25th January 2018 stated :

"an assessment should be undertaken of the financial resilience of companies proposing to carry out hydraulic fracturing operations so that stakeholders can have the confidence in the company's ability to meet its commitments"

Consequently the use of the word "may" provides no real guidance to the industry or security for the community, and should be replaced by "will". The warranty should be provided by a 3rd party such as a UK registered bank or insurer of similar standing regulated by the Financial Conduct Authority.