

**NORTH YORKSHIRE COUNTY COUNCIL, CITY OF YORK COUNCIL AND NORTH YORK MOORS  
NATIONAL PARK - MINERALS AND WASTE JOINT PLAN**

**EXAMINATION IN PUBLIC**

**STATEMENT BY INEOS**

**Responses to Questions 124 to 132 inclusive**

**12 February 2018**

INEOS wishes to address the Examination regarding the following questions:

*124. The MWJP (paragraph 8.17) indicates that potash resources cover a relatively large area and that the Authorities do not consider it is necessary or proportionate to safeguard the whole potential resource. Bearing in mind that this is the only known workable resource in the country and is of strategic national importance, is it justified to not safeguard the whole potential resource?*

*125. Explain briefly why each of the different buffer requirements set out in Policy S01 are the most appropriate.*

*126. In determining underground buffer zones for potash, has the most appropriate balance been struck in Policies S01 Part 2) and S02 (Developments proposed within Minerals Safeguarding Areas) Part 3) between providing flexibility for hydrocarbon development and protecting the potash?*

*127. What evidence is there to indicate that potash reserves and resources could be impacted by hydrocarbon extraction?*

*128. What evidence is there to support the proposed 2km underground buffer around the potash resource?*

*129. Although mentioned in the Plan's supporting text at paragraph 8.18, in order to be effective in controlling the potential impact on potash and to give it the weight of policy, should hydraulic fracturing be included in the list of developments that require the submission of information in Policy S02 Part 2)? 130. To be effective, should Policy S02 Part 3 be more positively worded towards hydrocarbon development, whilst maintaining the potash protection?*

*131. For effectiveness and to give proper direction as to what "exempt" development is, should Policy S02 Part 1 vi) be cross referenced to the location of the Safeguarding Exemption Criteria list?*

*132. To be effective should the Plan more clearly explain what the practical implications are for development applications on safeguarded land, safeguarded sites and surrounding buffers?*

**INEOS' response to these questions is as follows:**

Although no part of the PEDLs that have been granted to date lie within the deep mineral resources safeguarding areas shown on the Policies Map, INEOS wish to take this opportunity to comment on the practical application of Part 3) of the Policy as other mineral planning authorities may seek to replicate it in their plans. Part 3) needs to make clear that responsibility for the assessment of the impact of hydrocarbon development at sub-surface needs to lie with the other relevant regulators (see para. 3.5 of the submission made by Third Energy, IGAS, INEOS, Cuadrilla, Edgon and UKOOG in respect of hydrocarbon development). The criteria in Part 1) should also apply to hydrocarbon development.

Revision has also been made to Part 2) of this Policy because, as drafted, it does not work in the way intended. It needs to make it clear that the listed developments will be granted permission if no significant risk of subsidence arises and one of the relevant criteria is met.

**Suggested Revisions to SO2 Policy Text**

<b>Policy S02: Developments proposed within Minerals Safeguarding Areas</b>
<p><b>Part 1) - Surface mineral resources:</b></p> <p><b>Within Safeguarded Surface Mineral Resources Areas shown on the Policies Map, permission for development other than minerals extraction will be granted where:</b></p> <ul style="list-style-type: none"> <li>i) It would not sterilise the mineral or prejudice future extraction; or</li> <li>ii) The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local communities), or</li> <li>iii) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or</li> <li>iv) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or</li> <li>v) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed; or</li> <li>vi) It constitutes 'exempt' development (as defined in the Safeguarding Exemption Criteria list).</li> </ul> <p>Applications for development other than mineral extraction in Minerals Safeguarding Areas should include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.</p> <p><b>Part 2) - Deep mineral resources:</b></p> <p>In areas identified as Safeguarded Deep Mineral Resources Areas on the Policies Map, proposals for the following types of surface development should be accompanied by information assessing (i) the effect of the proposed development on the potential future extraction of the safeguarded deep mineral resources and (ii) the potential for the surface development to be impacted by</p>

**Comment [ST1]:** This correlates with the wording used in the Policies Map

**Comment [ST2]:** There needs to be uniformity in the description. The phrase used should be "Deep Mineral Resources".

subsidence arising from the past or future planned working of the underlying mineral resources:

- Large institutional and public buildings;
- Major industrial buildings including those with sensitive processes and precision equipment vulnerable to ground movement;
- Major retail complexes;
- Non-residential high rise buildings (3 storeys plus);
- Strategic gas, oil, naphtha and petrol pipelines;
- Vulnerable parts of main highways and motorway networks (e.g. viaducts, large bridges, service stations and interchanges);
- Security sensitive structures;
- Strategic water pumping stations, waterworks, reservoirs, sewage works and pumping stations;
- Ecclesiastical property;
- Power stations; and
- Wind turbines

Permission will be granted where (a) the assessment demonstrates that a significant risk of adverse impact on the development from mining subsidence will not arise and (b) any of the criteria set out at ii), iii) or iv) in Part 1) of the Policy are met.

**Part 3) – Protecting potash and polyhalite mineral resources from other underground development:**

Where proposals for deep drilling or development of underground gas resources or the underground storage of gas or carbon are located within the Safeguarded Deep Mineral Resources Areas shown on the Policies Map, permission will be granted where either (a) it can be demonstrated to the satisfaction of the relevant regulatory authorities with responsibility for supervising those types of development at sub-surface (the Coal Authority, the Environment Agency, the Health & Safety Executive and the Oil & Gas authority or any successor authority) that the proposed development will not adversely affect the potential future extraction of the protected mineral resources or (b) either criterion (iii) or (iv) in Part 1) of the Policy is met.

**Comment [ST3]:** The first, fifth and sixth of the six listed criteria cannot apply to this type of large-scale permanent development. For example you cannot say that it is a "temporary" development as required in terms of criterion v). Also it has to be "and" rather than "or" - it cannot be the case that a subsidence risk would be accepted simply because one of the criterion happened to be met.

**Comment [ST4]:** Salt is not mentioned in the Policies Maps or in the justification text

**Comment [ST5]:** Gas is a form of petroleum not a mineral

**Comment [ST6]:** The word "only" does not appear in the safeguarding policies relating to the sterilising developments listed in Part 2).

**Comment [ST7]:** It should be made clear that responsibility for assessing the issue of whether or not the sub-surface development has the potential to sterilise the resource should lie with the agencies who have the requisite skill set to assess the technical information and come to an informed decision.

**Comment [ST8]:** If the appropriate regulatory authority has confirmed that the mineral resources will not be sterilised by sub-surface unconventional gas operations only two of the five listed criteria are relevant.