

Further to the Written Ministerial Statement (WMS18) made on 17 May 2018 the Planning Inspector has asked for responses to two questions.

In respect of the specific questions;

Whether the written ministerial statement affects the Plan, and if so how?

1. Frack Free Ryedale (FFR) considers that the WMS18 has no effect on the plan as developed by the end of the last evidence day on 13 April 2018. The overall approach with the major modifications (MMs) was considered to be sound based on the evidence of all respondents against the weight of planning policy and guidance. FFR develop this further in points 2 and 3 below.
2. FFR consider that the opening paragraphs of the WMS18 recognise the nascent/novel nature of the industry by the language it uses – for example 'potential, explore, could etc'. Therefore subject to the proposed built in review (in the MWJP) FFR consider the approach in the MWJP is sound in this context. Furthermore FFR consider the plan is within the spirit of the WMS18 and that the plan is sound as proposed with the MMs which afford local communities the highest standards of safety and environmental protection as promised in the Written Ministerial Statement 2015 (WMS15).
3. The MMs (mainly, but not exclusively, MMs 38-60) agreed in principle by the Joint Authorities after interaction with the inspector were developed after considering evidence from all respondents. FFR consider that the weight of that evidence is unchanged by the WMS18 which has few changes over and above the WMS15.
4. FFR considered the MMs relating to;
 - a. the 3.5Km Visual Sensitivity Zone (VSZ)
 - b. the 500m Horizontal Separation Distance (HSD)
 - c. the definition of hydraulic fracturing

Our conclusion is that the plan provides sufficient flexibility for both the VSZ and HSD in these MMs with 'proper justification' having been fully considered in the evidence from all respondents. That evidence is unaltered by WMS18. Therefore FFR consider the plan is within the spirit of the WMS18 and furthermore that the plan is sound with the proposed MMs.

With regard to the definition of hydraulic fracturing, the Joint Authorities were fully aware of the Infrastructure Act 2015 definition but the considered decision after a number of representations and much discussion was that the agreed text as in the MWJP is entirely appropriate for what is a planning policy, and is not inconsistent with that in the PPG. In fact industry representatives preferred the definition in the plan as opposed to that in PPG.

5. In respect of the HSD further relevant evidence has been published relating to situations that exist within the plan area relating to

- a. setback distances from major faulting
- b. and faulting in former mining areas

This is in a report written by Professor Emeritus Peter Styles, a leading expert on seismicity and former adviser (when at BGS) to the UK Government on seismicity in relation to hydraulic fracturing at the time when the ‘traffic light’ seismicity warning scheme was designed. A copy of the report has been deposited with the House of Commons library and a link is attached to this response, see appendix 1.

In former mining areas the reports recommendations are that there are major seismic risks and fracking *should not* be carried out.

Whether the Plan should be modified and if so how to reflect the written ministerial statement?

6. FFR consider that the WMS18 has little effect on the plan as developed at the end of the last evidence day on 13 April 2018. The reasoning behind this conclusion is set out above. FFR would make the following additional points.
7. The WMS18 comments on sterilisation of mineral resources. In addition the existing minerals planning guidance recognises that the industry have suitable techniques and technology (mentioned in relation to safeguarding) which mean that setbacks and therefore sterilisation is not generally an issue in respect of hydrocarbons¹.
8. FFR consider that the attached scanned plan show that adequate land would exist based on the proposed MWJP. In respect of the HSD a major trunk road network junction has been chosen to illustrate the point, on the basis of the proposed 500m HSD, see appendix 2.
9. In a recently published (March 2018) research paper by ‘Refine’ it was found that the average ‘setback’ from existing onshore wellsites for a UK house was 447m.²

In Canada (Quebec) after public consultation in 2017 proposals are now (June 2018) in place for setbacks from sensitive receptors and a 1km protection zones around urban areas.³

Finally in respect of the WMS18 FFR sees this as very light on planning policy and guidance but much more a signposting document showing the Governments intentions in relation to further consultations relating to Hydraulic Fracturing. Unlike WMS15 there is no evidence base or consultation supporting the content of WMS18 and some may consider on those (and other) points WMS18 may be legally challengeable.

¹ Should mineral planning authorities be safeguarding areas for the extraction of hydrocarbons?

There is normally no need to create mineral safeguarding areas specifically for extraction of hydrocarbons given the depth of the resource, the ability to utilise directional drilling and the small surface area requirements of well pads. Paragraph: 108 Reference ID: 27-108-20140306 Revision date: 06 03 2014

² ‘An assessment of the footprint and carrying capacity of oil and gas well sites: The implications for limiting hydrocarbon reserves’ – ReFine - Authors Clancy, Worrall, Davies, and Gluyas
[sciencedirect.com/science/article/pii/S0048969717304096](https://www.sciencedirect.com/science/article/pii/S0048969717304096)

³ globalnews.ca/news/4257905/quebec-ban-shale-fracking-limit-oil-gas-exploration/

Appendix 1 - The report from Professor Emeritus Peter Styles

talkfracking.org/wp-content/uploads/2018/05/Fracking-and-Mining-Styles-Final.pdf (URL no longer exists)

Appendix 2 – Map showing N of A64/A169 Junction, and the effect of 500m HSD to show that land would be available close to the primary road network. Greyed areas with bold black border would fall into the guidelines as part of an HSD.

Note the presence of the ‘Marishes’ conventional gas site in top right corner.

