

Publication draft Representations

Part 3

March 2017

The Publication draft of the Minerals and Waste Joint Plan was made available for comments between the 9th November 2016 and 21st December 2016. Any representations received outside these dates were considered 'Not duly made'.

A summary of the comments provided is available in the 'Summary of responses to the Publication document' which can be viewed at www.northyorks.gov.uk/mwjointplan .

Representations were received from 200 individuals or organisations and a copy of each of the full representation are being made available in this document. The document has been split into 4 parts with representations from 50 individuals or organisations in each.

The documents are arranged in 'respondent number' order. If you provided one or more representation within the dates then you will have received a 'respondent number' as part of the acknowledgement letter or email, and it is this number which you will need to search for to find a copy of your response.

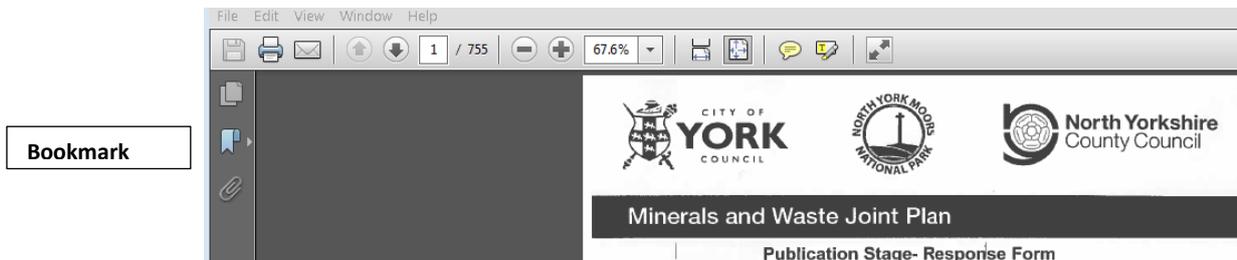
Part 1 of the document includes responses from respondents starting at **0053** and going up to **0948**.

Part 2 of the document includes responses from respondents starting at **1096** and going up to **3839**.

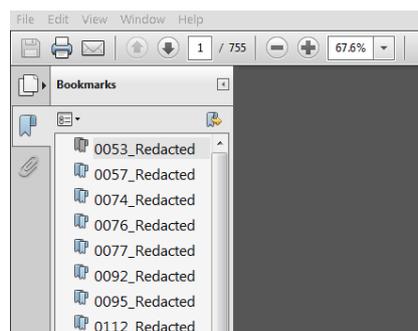
Part 3 of the document includes responses from respondents starting at **3844** and going up to **4107**.

Part 4 of the document includes responses from respondents starting at **4108** and going up to **4158**.

To locate your response when you open the document you will see



Click on the bookmark icon shown above and a list of all the responses in the document will appear in a list, as shown below, find the number you want in the list and click on it, this will take you to that specific response.



Comment on Joint Minerals Plan [REDACTED]
[REDACTED]

14th December 2016

I am a Ryedale resident who feels very privileged to live here and hopes you will continue to help preserve its beauty.

My comments are on areas relating to fracking.

Firstly I find it unacceptable for the plan to assume that we should be allowing fracking just because National Government is hell bent on it. More and more evidence is coming to light on a daily basis showing its dangers to peoples health and the environment.

If the process is allowed to evolve in the region then we must have safeguards. Those so called restraints that have appeared in the draft appear woefully inadequate.

I should like to see a buffer zone of at least 5 miles from our National Parks.

Minimum distance from villages of 1 mile as originally suggested by Kevin Hollinrake MP.

A 3 mile minimum from schools.

Far greater protection for the Vale of Pickering and the numerous Areas of Outstanding Natural Beauty in our area.

Baseline Health monitoring.

A less dense well distribution of wells than the proposed 10 per 10 square kilometres. With specific detail of how wells and the resulting traffic will impact on the regions country lane and A roads.

Additionally I feel that the Plan should be flexible rather than set in stone as it will be hard to respond to changing circumstances once we have learnt more about this fledgling, unproven industry.

mwjointplan

From: [REDACTED]
Sent: 14 December 2016 19:24
To: mwjointplan
Subject: Waste and Minerals Joint Plan Consultation Submission
Attachments: Blank 12.docx

Please find my comments attached. [REDACTED]

[REDACTED]

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): JS
John		
Surname:	Clark	
Organisation (if applicable): Ryedale Liberals		
Address:	Cropton Mill	
	Pickering	
	N Yorks	
Post Code:		
Telephone: 01751 417131		
Email: JohnClark@RyedaleLiberals.org.uk		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :		Ryedale Liberals	
<i>Please mark with an x as appropriate</i>			
• To which part of the Minerals and Waste Joint Plan does this representation relate?			
Paragraph No./ Site Allocation Reference No.	Policy No. Chapter 6 waste management and infrastructure paras 6.6 and 6.7 and 6.15 and 6.29 and 6.39		Policies Map
2. Do you consider the Minerals and Waste Joint Plan is :			
2.(1) Legally compliant	Yes		
2.(2) Sound			No
(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).			
<i>Positively Prepared</i>	No	<i>Justified</i>	Yes
<i>Effective</i>	No	<i>Consistent with National Policy</i>	Yes
2 (3) Complies with the Duty to co-operate	Yes		

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Although mention is made in para 6.6 of the likelihood of increased capacity being needed for waste and waste water arising from potential of fracking, it should also mention that it is hazardous waste. There seems to be no strategic planning as regards possible sites for treatment. At the moment, we understand that it goes out of county to a limited number of places that can deal with this type of waste. It would seem right that it goes to the nearest place, in order to minimise transport; but there should be an aim to deal with our own waste, so that we can achieve net self-sufficiency of provision i.e. we export to neighbouring areas as much as we import. 6.17 seems to have very little information about current waste water. We need to have baseline information here.

Para 6.15 Looking at the evidence paper 'waste arisings and capacity requirements' that inform this plan, the lack of information or consideration about what will happen to the flowback fluid from the shale gas industry is remarkable and rather alarming, given that there are no facilities in the plan area and the quantities arising could be enormous. We are told that there are no plans for new waste water treatment plants in the area, and no differentiation is

made between treatable and untreatable waste water. Since the resource of shale gas covers most of the plan area, it would seem that some sort of provision in the plan area should be made that will at least minimise transport. In the 'low level radioactive waste management plan for England', local authorities are encouraged to provide more support for local storage/disposal to relieve pressure on limited national infrastructure. They are also encouraged to seek 'net self sufficiency' and not to continue relying on external capacity indefinitely. There is some confusion in the document about what category fracking flow back fluid will come under. Will it be 'hazardous waste' or 'waste water' or should there be a clear category for 'hazardous waste water/sludge'?

Para 6.29 states that the 'small quantities' of hazardous waste mean that it is unlikely to be economic to plan for specialist treatment within the plan area. The shale gas industry will not be producing 'small quantities' of hazardous waste water. The quantities could be enormous, and will greatly affect the amount of transport that could be generated by the industry. Table at 6.39 shows no projected growth for Low level Radioactive waste and a very small amount of growth for hazardous waste and no data at all on waste water (hazardous or otherwise). If shale gas production goes ahead as it could do, these figures are insufficient, and should at least project forward scenarios for major gas development waste growth and maybe scenarios for less growth in this sector.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

There is no data available for expectations of wastewater quantities. Capacity must keep pace with planning approvals. Once capacity falls behind approvals, approvals must be delayed until capacity catches up.

(continue on a separate sheet/expand box if necessary)

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Rapidly changing background to the knowledge and debate around hydraulic fracturing means we wish to take means we want to participate in the oral examination.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 21 12 2016
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Hard copy to follow for signature and to ensure yes/no in the correct place.

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :		Ryedale Liberals	
<p><i>Please mark with an x as appropriate</i></p> <p>• To which part of the Minerals and Waste Joint Plan does this representation relate?</p>			
Paragraph No./ Site Allocation Reference No.	Policy No. Vision ii Efficient use	Policies Map	
2. Do you consider the Minerals and Waste Joint Plan is :			
2.(1) Legally compliant	Yes x		
2.(2) Sound		No x	
(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).			
<i>Positively Prepared</i>	Yes x	<i>Justified</i>	Yes x
<i>Effective</i>	Yes x	<i>Consistent with National Policy</i>	No x
2 (3) Complies with the Duty to co-operate	Yes x		

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

There are no policies to require the efficient use of shale gas. The Knapton Power Plant is not known to be very efficient (about 30%thermal efficiency, as compared with 50-60% for modern gas powered plants), and there are no plans for more efficient gas power stations in the area that we know of. We are told that the justification of Hydrocarbon development/fracking is as a transition fuel towards a low carbon economy, and to achieve national fuel security. Therefore it would seem sensible to have in place policies that can ensure these aims. There should be minimum energy efficiency requirements for the use of the gas, and proof of what other fossil fuels it will be displacing. Without a policy of this sort it will not be compliant with National climate change commitments (the Paris agreement) or with sustainable development definitions. This is backed up by the conditions put forward by the government's own Committee for Climate Changes , see below.(Red are comments by us) | <https://www.theccc.org.uk/wp-content/uploads/2016/07/CCC-Compatibility-of-onshore-petroleum-with-meeting-UK-carbon-budgets.pdf> Their assessment is that exploiting shale gas by fracking on a significant scale is not compatible with UK climate targets unless three tests are met:

Test 1: "Well development, production and decommissioning emissions must be strictly limited. Emissions must be tightly regulated and closely monitored in order to ensure rapid action to address leaks."

Emissions from wells must be below 3% of total amount produced from shale, in order to justify gas being a transition fuel in place of coal. Venting of methane should not be permitted. Flaring of unwanted gas is both wasting the resource and highly polluting as well as noisy. It is therefore undesirable and should not be permitted. Green completions are best practice and should be a requirement.

Test 2: "Consumption – gas consumption must remain in line with carbon budgets requirements. UK unabated fossil energy consumption must be reduced over time within levels we have previously advised to be consistent with the carbon budgets. This means that UK shale gas production must displace imported gas rather than increasing domestic consumption."

There is currently no carbon and capture storage technology available, and has yet to be shown to be fully successful and economical. It is however a necessary way to decrease greenhouse gas emissions. It would only be available when in association with electricity generation. Research in this field has had funding withdrawn.

Test 3: "Accommodating shale gas production emissions within carbon budgets. Additional production emissions from shale gas wells will need to be offset through reductions elsewhere in the UK economy, such that the overall effort to reduce emissions is sufficient to meet carbon budgets."

Offsetting needs to happen as we go along, not at some time in the distant future. The reductions elsewhere in the economy need to be tracked and provable

(continue on a separate sheet/expand

box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-

compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Include a policy that requires "Green Completions"

The policy must require production of shale gas to be in compliance with the 3 conditions laid out by the Committee on Climate Change, and paragraph 94 of the N.P.P.F.

Include a requirement that the shale gas produced should be offsetting imported gas, or replacing other fossil fuels and require that this is demonstrated and enforceable. There should not be a time lag over this replacement of more than one year.

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]

Date 21 December 2016:

Hard copy to follow with signatures and to confirm yes/no correctly identified.

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :	Ryedale Liberals
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Please mark with an x as appropriate

- To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No. M17 2 i) ii) para 5.149	Policies Map
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	No
2.(2) Sound		

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	No	<i>Justified</i>	Yes
<i>Effective</i>	No	<i>Consistent with National Policy</i>	Yes

2 (3) Complies with the Duty to co-operate	Yes
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

M17 2 i) and ii)

We support the attempt to tackle the difficult problem of cumulative effect that is so central to dealing with applications for Hydrocarbon development. Any location would give rise to cumulative effect, since that effect is to do with its relationship with other sites. There are no criteria given except 'unacceptable' which is a subjective term.

There is a problem in dealing with the wholesale development of the gas field without information as to what that might look like if the flow of gas was as hoped for by the applicants. ii) Mentions this, but needs to insist on this information being made available.

The problem hinges on the existence of no evidence from the UK hydraulic fracturing industry experience. Furthermore, evidence of harm cannot be detected or assessed unless adequate baseline monitoring and audits of health and environment are scrupulously prepared prior to activities, and repeated periodically. There is currently no hard evidence that this process can be carried out safely, or that evidence would be used.

Baseline evidence is crucial, to enable everyone to assess and agree rational 'cumulative effect' limits; to justify setback distances and safe levels of well pad density. It is also crucial in proving harm or no harm if there are disputed health problems, or land or water contamination problems further along the line, maybe many years into the future. Adequate baseline evidence will be necessary to make sure that the risk of harm does not entirely lie with the local environment and population whilst the benefits accrue to the developers. Without sufficient baseline evidence, no system of financial bond/ insurance will work. Without adequate baseline evidence it will be impossible to ascertain dangerous rates of change, which may enable us to prevent serious contamination from happening.

Please see notes below from Professor Andrew R.G.Price, Emeritus Professor in the School of Life Sciences at Warwick university and Honorary Professor at the Environment Department University of York, as to the level of baseline monitoring needed and its importance

EIA versus assurances from fracking company

An EIA predicts expected environmental, health and other consequences of a project, such as fracking. Environmental data include chemical (e.g. contaminants, concentrations of which are likely to *increase* as a result of fracking, and biological data (e.g. species diversity and abundances, which are likely to *decrease* as a result of fracking).

An integral part of the EIA process is environmental monitoring before fracking begins ('baseline' data), during fracking and, ideally, after fracking stops. Only then is it possible to determine the extent to which predicted impacts match reality - as determined from monitoring actual impacts (e.g. various potential contaminants in the water, soil and air).

Environmental monitoring data

This is part of the EIA process. Having adequate baseline environmental information on contaminant concentrations (and biological & health parameters) is critical. Without it, gauging the significance of future measurements, once fracking has begun, will be difficult or impossible. Important considerations are:

- i) the location and number of sampling sites – which should extend beyond the zone of fracking operations, to serve as comparative 'reference' sites (in a similar way as baseline data collected in fracking areas before fracking begins);
- ii) the parameters sampled/monitored (e.g. contaminants added to water for fracking, other likely contaminants, e.g. from underground, air quality measurements, human health monitoring); contaminants should include but not be limited to various petroleum hydrocarbons and other organic compounds (e.g. benzene, toluene), dissolved solids, heavy metals and radionuclides. The list in the plan should include all contaminants likely to occur from fracking, based on the literature and experiences elsewhere).
- iii) sampling frequency – as a general principle the more variable the measurements (e.g. contaminant concentrations from one month to another), the more frequently the samples should be taken. Similarly, frequent sampling is needed for parameters that may be a problem only infrequently – e.g. pulses of poor air quality. Here, permanent air monitors would be desirable.

Why sufficient environmental data matters

If monitoring does not reveal an environmental problem, this could be because there isn't one. Alternately, there could be problem (e.g. rising contaminant levels), but the sampling regime

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation : Ryedale Liberals

Please mark with an x as appropriate

- To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No. Introduction Hydrocarbon Para 5.109	Policies Map
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	No
2.(2) Sound		

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Justified Yes
Effective No *Consistent with National Policy* Yes
 No

2 (3) Complies with the
 Duty to co-operate Yes

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More clarity is needed. The words 'help prevent' suggest the possibility of failure denied elsewhere in base assumptions. 'Small quantities' is misleading both in terms of actual quantities and toxicity.' Used in process' is not clear which process. Chemicals that occur in the flowback water may not be added by the operator but be naturally occurring, such as the NORMs. Other chemicals such as biocides and cleaning fluids can be toxic.

(continue on a separate sheet/expand box if necessary)

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legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

After clarification – add - Everything that passes down the well, particularly under pressure, should be compliant with the Environment Agency's definition of Non-Hazardous to Groundwater. All downpipe fluids must be labelled to identify the operator and the well. (As supported by Natural Environment Research Council)

(continue on a separate sheet/expand

box if necessary)

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Signature:

[Redacted Signature]

Date: 21 12 2016

Hard copy to follow with signatures and to confirm yes/no correctly identified.

was insufficiently robust (i.e. it lacked sufficient 'statistical power') to detect it. This often happens from having insufficient monitoring sites and sampling undertaken too infrequently. Hence, 'absence of evidence is not necessarily evidence of absence'.

Threshold of potential concern and limits of acceptable change

This information is needed for each potential contaminant, and should be stated in the plan (or obtained from the literature) – before fracking starts. It is needed to determine whether or not exploratory drilling or fracking leads to unacceptable concentrations of a particular contaminant. Without adequate baseline information, it is difficult or impossible to determine whether transgressions have occurred.

If concentrations of contaminants do exceed acceptable limits, in the course of fracking, the plan should state what ameliorative or mitigation measures will be undertaken. (Importantly also, if concentrations continue to result in transgressions, what action would be taken against the fracking company?).

Health

To detect positive or negative impacts of fracking on health and well-being there must be a baseline determined, both in the locality and at a wider area to give statistically significance. This should be then monitored regularly. To identify the likely or possible impacts there must be a wholly independent Health Impact Assessment. Environmental measurement must be undertaken to allow cause and effect to be considered.

(continue on a separate sheet/expand box if necessary)

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To establish any benefits or impacts from hydraulic fracturing, there needs to be wide assessment of both environmental and health data and ongoing monitoring.

(continue on a separate sheet/expand box if necessary)

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Signature:

[Redacted Signature]

Date:

21 12 2016

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Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :	Ryedale Liberals		
• To which part of the Minerals and Waste Joint Plan does this representation relate?			
Paragraph No./ Site Allocation Reference No.	M18 2 iii	Policy No.	Policies Map
2. Do you consider the Minerals and Waste Joint Plan is :			
2.(1) Legally compliant	Yes		
2.(2) Sound		No	
(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).			
<i>Positively Prepared</i>	No	<i>Justified</i>	Yes
<i>Effective</i>	No	<i>Consistent with National Policy</i>	Yes
2 (3) Complies with the Duty to co-operate	Yes		

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Whilst we agree with the idea of using a financial guarantee, this needs to be backed up by an adequate bond. In order to be effective it will need to cover more than just site restoration. At the moment it is not possible for landowners to insure against their land being harmed or contaminated as a result of fracking development with the NFU. Also there is no financial cover for medical issues that might take a long time to emerge. Both individuals and the NHS would need to be financed to cover ill effects. Livelihoods damaged by fracking would also need access to compensation. What is more, they would need to be provable against good baseline information on a broad range of issues. Without a robust pathway where harm can be proven or otherwise, all the risk lies with the community and the environment, which does not live up to the definition of sustainable development. Sustainable development requires balancing equally the three elements of economy, environment and community. Requiring outside risk assessors to set the bonds will help to reset the trust that seems to be lacking between the industry and the public. It also needs to be recognised that money alone cannot mitigate against serious harm

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Wording for M18 iii to read: 'For unconventional hydrocarbon development, the Mineral Planning Authority will require the provision a bond, guaranteed by 3rd party, to be agreed by the MPA. These bonds to cover harm at any time.

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Signature:

[Redacted Signature]

Date: 21 12 2017

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Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :	Ryedale Liberals
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Please mark with an x as appropriate

- To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	5.121	Policy No.	Policies Map
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	
2.(2) Sound		No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	No	<i>Justified</i>	Yes
<i>Effective</i>	No	<i>Consistent with National Policy</i>	No

2 (3) Complies with the Duty to co-operate	Yes
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 121 describes the restrictions on hydraulic fracturing within the boundary of the National Park. It continues to describe circumstances where that process would be permitted. National Policy is to prevent this activity at the surface of the National Park.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Hydraulic Fracturing at the surface will not be permitted within the boundary of the National Parks

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Rapidly changing background to the knowledge and debate around hydraulic fracturing means we wish to take means we want to participate in the oral examination.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 21 12 2016

Hard copy to follow for signature and to ensure yes/no in the correct place.

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :	Ryedale Liberals	
• To which part of the Minerals and Waste Joint Plan does this representation relate?		
Paragraph No./ Site Allocation Reference No.	Policy No. 5.107 M18	Policies Map
2. Do you consider the Minerals and Waste Joint Plan is :		
2.(1) Legally compliant	Yes	
2.(2) Sound		No
(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).		
<i>Positively Prepared</i> No	<i>Justified</i>	Yes
<i>Effective</i> No	<i>Consistent with National Policy</i>	Yes
2 (3) Complies with the Duty to co-operate	Yes	

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Para 5.107 describes the phases of hydraulic fracturing. It recognises that it could be greater than the 12-25 weeks accepted for more familiar conventional extraction of oil and gas. Drilling is a 24 hr a day activity which can be for 14 weeks for a vertical and similar for each lateral. On a well pad with 40 wells this adds up to many years of high impact on the community. The frack itself is very noisy and can last several weeks. It is thus considerably different from other construction sites and not 'short term'. Visual impacts are for a greater period of time as are noise, light pollution and lorry movements etc. Noise levels for intense activity are regulated by the NPPF to allow for noisy soil stripping but given a time limit. Para 31 – limited to 8 weeks in a year. Technical Guidance to the National Planning Policy Framework. Noise limits are set for rural situations where the background night time noise is very low. It follows that a well site will generate exceedences for much of its life. The alternatives are to insist on complying with rural noise limits or to limit the timescale of excessive noise to 8 weeks in a 12 month period.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification

will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Periods of excessive noise due to drilling, hydraulic fracturing and other activities must be limited to 8 weeks in a 12 month period.

(continue on a separate sheet/expand

box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted Signature]

Date: 21 12 2017

Hard copy to follow.

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :	Ryedale Liberals
------------------------	------------------

Please mark with an x as appropriate

- To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No. M17 1 i) a)	Policies Map
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	
2.(2) Sound		No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<i>Justified</i>	Yes
<i>Effective</i>	No	<i>Consistent with National Policy</i>	Yes

2 (3) Complies with the Duty to co-operate	Yes
--	-----

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

- | |
|--|
| <p>a) This policy is not clear. There are no distances proposed from an A or B road. If it is permissible to use C roads to access more major roads it is not clear how far away would be considered acceptable. It is not clear how repairs to minor roads that are not engineered for high volume HGV traffic would be paid for.</p> <p>b) There is no pathway for local 'unacceptability' to be monitored or acted upon.</p> <p>c) Routing of traffic must consider bottlenecks or other issues at a distance from a well</p> |
|--|

(continue on a separate sheet/expand box if necessary)

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Access will be permitted in locations with suitable direct access on classified A and B roads. The maximum allowed travel on lesser roads must be tightly controlled and limited to one mile. Vehicles should not pass through a hamlet or village to access the site. The roads lacking adequate foundation should be made robust prior to development commencing at the cost to the operator. Roads must be repaired at the cost to the operator in a timely manner which must be before the end of the development phase.

Vehicles should be tracked to ensure compliance with agreed routes and speeds as well as the use of only agreed parking places prior to accessing the site.

Monitoring of routes must be undertaken regularly for impacts such as congestion, air quality, disadvantage to local business, acceptability to those living locally, more distant bottlenecks and hazards.

In addition, the overall serious road traffic injuries and deaths must be recorded to identify impacts from the industry. Spills from lorries and roll-overs should be monitored.

(continue on a separate sheet/expand box if necessary)

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]

Date: 21 12 2016

Hard copy to follow for signature and to ensure yes/no in the correct place.

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :	Ryedale Liberals
------------------------	------------------

Please mark with an x as appropriate

- To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No. para 5.122 M16 policy justification	Policies Map
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

2.(2) Sound

No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared No

Justified

Yes

Effective

No

Consistent with National Policy Yes

2 (3) Complies with the Duty to co-operate

Yes

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This paragraph is incomprehensible and therefore ineffective.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

box if necessary)

(continue on a separate sheet/expand

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Signature:

[REDACTED]

Date: 21 12 2016

Hard copy to follow with signatures and to confirm yes/no correctly identified.

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation : Ryedale Liberals

Please mark with an x as appropriate

- To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No. Para 5.127	Policies Map
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	
2.(2) Sound		No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	No	<i>Justified</i>	Yes
<i>Effective No</i>	<i>Consistent with National Policy</i>	No	

2 (3) Complies with the Duty to co-operate Yes

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

If it is in the National Park it is wrong in terms of National Policy
 (continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Signature: [REDACTED]

Date: 21 12 2016

Hard copy to follow for signature and to ensure yes/no in the correct place

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation : Ryedale Liberals

Please mark with an x as appropriate

• To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy No. M16bii second comment	Policies Map
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	
2.(2) Sound		No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared No *Justified No*
Effective No *Consistent with National Policy No*

2 (3) Complies with the Duty to co-operate Yes

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Lack of harm, even if it could be demonstrated, does not 'enhance the environment through the use of the development.' This is the definition of 'positive planning'. Positive planning is a requirement of the NPPF.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand

box if necessary)

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Signature: [REDACTED]	Date: 21 12 2016

Hard copy to follow with signatures and to confirm yes/no correctly identified.

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :	Ryedale Liberals	
<ul style="list-style-type: none"> To which part of the Minerals and Waste Joint Plan does this representation relate? 		
Paragraph No./ Site Allocation Reference No.	Policy No	Policies Map
	m17 4iii.	
2. Do you consider the Minerals and Waste Joint Plan is :		
2.(1) Legally compliant	Yes	
2.(2) Sound		No
(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).		
<i>Positively Prepared</i>	<i>No</i>	<i>Justified</i> Yes
<i>Effective</i>	<i>No</i>	<i>Consistent with National Policy</i> Yes
2 (3) Complies with the Duty to co-operate	Yes	

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

M17iii is not effective in that it is insufficiently specific. Air quality monitoring plans will need to include baseline data over a wider area than just the immediate well pad site. Continued monitoring once operations have begun should be in real time (in order to catch intermittent emission events). The air monitoring should record rates of change so as to allow operations to be halted if there is concern. Limits on rates of allowable concentrations and rates of change in various contaminants should be established before development starts.

Health impact assessments are also meaningless unless the baseline evidence is in place over an agreed area. These should offer information on health problems that are foreseen to be possible issues.

Water and soil quality baseline information should be offered in a similar way

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan

legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

PolicyM17 4iii) This policy to read: ' Proposals for hydraulic fracturing and associated development (such as compressor plants), should be accompanied by an air quality monitoring plan, which will include adequate base line data on contaminants (those that have been known to cause concern in other hydrocarbon developments) from an area around the site. This plan will include real time continuous monitoring, capable of capturing emission events and rates of change. It will be made available for public scrutiny. Wholly independent 'Health impact assessments' will include baseline information on possible health impacts based on concerns/evidence and updates and publication of rates of change. Water and soil quality should also have a plan for baseline and continued monitoring throughout the development's life. All of the above should include plans for monitoring after the wells are abandoned.

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Signature:

[Redacted Signature]

Date: 21 12 2016

Hard copy to follow for signature and to ensure yes/no in the correct place.

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation : Ryedale Liberals

Please mark with an x as appropriate

• To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	M18	Policy No.	Policies Map
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	
2.(2) Sound		No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	No	<i>Justified</i>	Yes
<i>Effective</i>	No	<i>Consistent with National Policy</i>	Yes

2 (3) Complies with the Duty to co-operate Yes

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As yet, it is uncertain how the fracking industry will cope with the huge volume of toxic and radioactive water it produces. One frack with 5 million gallons of water and chemicals can result in 3 million gallons of 'water' mixed with fracking chemicals and residues of cleaning chemicals, radioactivity and a range of toxic and carcinogenic substances from the shale itself. The Environment Agency analysis of returned water from Cuadrilla in Lancashire gives rise to concern with high mineral and salt content, heavy metals such as lead, mercury and arsenic and radioactivity, in addition to many chemicals previously unknown with organic compounds, bromides, combinations products etc. They have been shown to be toxic and carcinogenic and teratogenic. Currently, the treatment works at Knostrop in Leeds is the largest facility in the country. FCC, Knostrop takes the 'water' first, with a capacity of 300 cubic metres a day – 300 tons or 66.000 gallons - requiring a 45 day cleaning task, provided they take no other water to be cleaned from other clients. Extension of the plant would be slow - a new plant may take years to scale up. Re-use requires considerable on-site expertise and cost to ensure the 'water' is non-hazardous to groundwater (in terms of fracking chemicals) prior to being used for further fracking at pressures of 10,000 psi and risk leaks to water. Finally, wastewater may be

injected under high pressure to make it disappear in deep formations. This deep re-injection is proven hazardous in causing local and more distant (up to 20 miles away) earthquakes of some significance 5.7 in Prague and in Pawnee. A joint meeting with NERC and USA counterparts found that the size and occurrence of the quake could not be predicted. Re-injection has been found to be the cause of the huge increase in quakes in Oklahoma. The only frack in the UK caused a small quake in Blackpool but it deformed the well, rendering it unusable and potentially leaky. Re-injection is 'largely not permitted', a woefully imprecise term. NERC further recognized the possibility of wastewater disposal being the factor rendering UK fracking uneconomic. It should not precipitate reducing regulation or permitting re-injection. Currently companies regard the disposal of waste to be a secret. This is non-transparent and unacceptable.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

M18 1 i) Support the policy, but would require that the organisation proposed to perform waste processing can demonstrate that it has the capacity. The capacity needs to keep pace with proposed developments.

In the hierarchy of waste, re-use is the preferred option. Fracking wastewater is toxic and carcinogenic so before it is used back down the well it must be checked against the Environment Agency standards for 'Non-Hazardous to groundwater'. In addition unusual chemicals must be studied.

When water can no longer be used, it should be transported to a disposal site with full chemistry being disclosed to the receiving plant and to the driver in case of spills or accidents.

There must be a defined maximum quantity of wastewater that companies are permitted to store on site.

ii) suggests standards to allow re-injection. This is not Industry Best Practice and is banned by EU law. It can precipitate seismicity especially in highly faulted formations as found in England and particularly Ryedale. High standards of protection cannot be guaranteed until the UK regulations and engineering have been fully tested. Re-injection should thus not be permitted.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:

[Redacted]

Date:

21 12 2016

mwjointplan

From: [REDACTED]
Sent: 16 December 2016 10:07
To: mwjointplan
Subject: Mineral and waste joint plan

I wish to object to the Mineral and Waste joint Plan as put forward.
I live in Helmsley and am very concerned about the future of the area.
I cannot claim to understand the complexities' but so much has changed since the January version.
So much of the regulations seem to have been worked out with the / for the gas industries benefit .
Climate change is real, and does not seem to be taken seriously.
Clever people than I will be putting their real concise objections and mine probably wont count , but I think more consultation needs to be taken, and you should not be taking the gas industries evaluations at face value.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ps Happy Christmas !

mwjointplan

From: [REDACTED]
Sent: 11 December 2016 10:33
To: mwjointplan
Subject: Waste & Minerals Joint Plan Consultation Submission

Dear sirs

I would like to object to this plan on the grounds that it has not been properly publicly consulted on. It is now a substantially different plan from the earlier version. It should go out to public consultation again.

Please do not publish my address and other data.

[REDACTED]
[REDACTED]



Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s)
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in the **guidance notes** (see reverse of this page). **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
 Planning Services
 North Yorkshire County Council
 County Hall
 Northallerton
 DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
 Respondent Number Date received Date entered Date acknowledged

Guidance Notes to Accompany the Publication stage Response Form

1. Introduction

- 1.1. The plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004¹ (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirements, the duty to co-operate and is sound.

2. Legal Compliance and Duty to Co-operate

- 2.1. The Inspector will first check that the plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

- 2.2. You should consider the following before making a representation on legal compliance:

- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs)² it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.
- The plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations)³. On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the various persons and organisations set out in the Regulations and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when it publishes a plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- In London, the plan should be in general conformity with the London Plan (the Spatial Development Strategy).

- 2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the plan.

¹ View at <http://www.legislation.gov.uk/ukpga/2004/5>

² LDDs are defined in regulation 5 – see link below.

³ View at <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

3. Soundness

3.1. Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:

- **Positively prepared:** This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified:** The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- **Effective:** The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy:** The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF

3.2. If you think the content of the plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so, it does not need to be included.
- Is what you are concerned with covered by any other policies in the plan on which you are seeking to make representations or in any other plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should make clear in what way the plan or part of the plan is inadequate having regard to legal compliance, the duty to cooperate and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified.

Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

4.2. Where there are groups who share a common view on how they wish to see a plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	
------------------------	--

Please tick as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.		Policy No.	216 217 412	Policies Map	
--	--	------------	-------------------	--------------	--

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes		No	
2.(2) Sound	Yes		No	✓

(2a) Which Element of soundness does your representation relate to? (please only tick one element of soundness per response form).

<i>Positively Prepared</i>	Yes		No		<i>Justified</i>	Yes		No	✓
<i>Effective</i>	Yes		No	✓	<i>Consistent with National Policy</i>	Yes		No	
2 (3) Complies with the Duty to co-operate	Yes		No	✓					

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(continue on a separate sheet/expand box if necessary)

Response to the Minerals and Waste Joint plan December 2016

I am providing this response to the MWJP as published in October 2016 as a concerned resident of Ryedale.

The expansion of the section of the Plan dealing with Hydrocarbons from the previous version is to be welcomed but there remain some significant concerns that I feel should be addressed which would result in a Plan that is then more suited to guide development over the next 10-15 years.

With such a significant change to the earlier draft with regard to Hydrocarbons I am surprised there has not been greater publicity and a wider consultation or more time allowed for responses.

As a general comment, while I acknowledge the need for the Joint Plan to align with national guidelines the development of an unconventional gas extraction industry is at odds with the NYCC policy on climate change and no mention is made of the government committee on climate change requirements in order to comply with the binding targets the government has signed up to.

As currently drafted the Joint Plan would be in conflict with the Ryedale Plan under which development was permitted in the towns, specifically Malton and Norton, with the explicit objective of retaining the unique rural characteristics of the Vale of Pickering and the Wolds. Development under the Joint Plan as written would turn what was once a protected area into a sacrifice zone.

M16 Spatial Principles

The recognition of the designated areas in b(i) is welcome and particularly the buffer zone concept to protect essential landscape characteristics adjacent to the designated areas without which significant harm could result.

What is very troubling is the inconsistency between section b(i) and d(i) and the wording which states that permission would not be granted where they cause unacceptable harm, the conclusion could be drawn that permission will be granted where they cause acceptable harm! Since when has causing harm become a rationale for granting permission ?

While the preservation of the green belt surrounding the City of York is a good thing I do not feel this should be of a higher priority than the buffer zone around NPs and AONBs which are nationally recognised for a reason.

M17 Other Spatial and Locational Criteria

The wording of 1(i) is very generic, I can think of no location in the entire road network that could not be argued would qualify under the phrase "direct or indirect access to classified A or B roads".

While I acknowledge that the word "suitable" is included under 1(i) this leaves a great deal of latitude for future argument about the nature of suitability in any given location. Some additional criteria would be helpful in terms of coming to a view on suitability, this could be distance, for example no greater than 1000 mtrs, or the other minimum width of any road, or ruling out any significant inclines or sharp bends.

Nor do I feel that by defining local communities under the footnote 16 in the manner described that this is in any way comprehensive, does this mean that without satisfying the listing in this footnote any group of residential dwellings is NOT a community?

Most roads are routed through villages and hamlets and these are by any reasonable understanding communities, few will have hospitals or residential care homes and so would be at risk of not meeting the test described in 1(i)a.

4(i) the inclusion of adequate separation distances between hydrocarbon developments and residential buildings and other sensitive receptors is welcome, however the distance quoted of 500mtrs is not justified in any way. I am bound to ask how was this distance arrived at ? Why not 1000mtrs or 2000mtrs as in Australia. The accident of geography resulting in population density being greater in the U.K. should not be a reason to reduce this distance. If the objective of such a separation is to reduce the risk of potential harm then this should be the overriding criteria and no compromise should be made because of population density.

Any separation distance needs to be objectively demonstrated with regard to the nature of the receptor, there is a growing body of evidence that children are at particular risk of negative health impacts from fugitive emissions of methane and therefore it would seem prudent to increase the separation distance from schools in particular if the authority is to demonstrate a duty of care towards its residents.

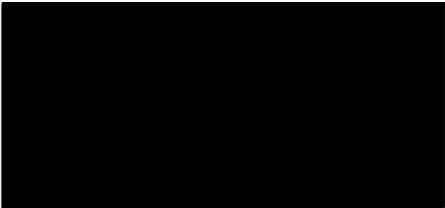
The policy needs to specify that these separation distances, once established objectively, will apply to all associated infrastructure including all surface development such as compressor stations, driers, separation units and storage vessels. What can be certain is that some leaks will occur, what is not known is when and where these will occur nor the severity of each leak. What is also highly likely is that the greater the amount of infrastructure the greater the risk

of harmful leaks both in terms of frequency and quantity, particularly if the operating pressures are high.

5.137 an illustrative example of well pad density within a PEDL area is provided but this has to be considered in conjunction with the number of well heads on each pad since it is this aggregation that gives rise to the increased level of risk. Is it preferable to have 8 well pads each with 15 well heads, or 12 well pads with 5 well heads ?

Such consideration has a significant impact not only on the risk of fugitive emissions but also the associated vehicle movements and negative impact on sensitive receptors.

In addition the cumulative impact needs to take full account of all the other infrastructure necessitated by any commercial gas recovery.



19 December 2016



MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	
INITIALS	
SURNAME	
ORGANISATION (if applicable)	
ADDRESS	
POSTCODE	
TELEPHONE	
EMAIL	

No, I do not want to attend the Oral Examination of the MWJP.

SCOPE OF THE CONSULTATION

I believe that the content of M16-M18 of the Minerals and Waste Plan (MWJP) has been substantially changed since the Preferred Options consultation, for since the last draft of the plan, much of North Yorkshire has been covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016.

Worryingly it seems that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP and much of this policy has not been subjected to further consultation rounds with ALL interested parties and with the general public

The NYCC have made the decision to limit the scope of the consultation to just "legality and soundness" but there is no legal requirement to limit the scope of this consultation in this way. Indeed the Town and Country Planning England Regulations (2012) do not similarly limit the scope of such consultations at the Regulation 19 ('Publication') consultation stage.

The consultation must therefore be opened up to wider public consultation on the content and substance of the plan.

CLIMATE CHANGE

It is particularly worrying that no care has been taken to ensure that the MWJP conforms with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change.

Indeed sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change." The Committee of Climate Change (CCC) report of March 2016 concluded that the exploitation of shale gas would not be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. The MWJP's ability to meet these tests are not clearly defined. This should be a starting point not an omission!

The CCC report comes to the conclusion that 3 tests are necessary before shale gas production goes ahead - the first being that strict regulation is needed to ensure leaks of methane are kept to a minimum. Secondly, shale gas must replace imported gas, not be burned in addition. Third, emissions from the production of shale gas itself must be offset by more carbon cuts elsewhere, such as increasing the number of electric vehicles.

They also found that shale gas regulation is inadequate, below the "minimum necessary": One of the authors of the report, Prof Jim Skea, at Imperial College London said: "We need stronger and clearer regulation".

It is unclear how all three criteria can be met, particularly as our government has comprehensively removed support for renewables, including support for carbon capture and storage. The MWJP is therefore unsound to claim that Policy M16 could have any positive impact on the climate budget, as this key condition of the CCC report is a long way from being met.

It is essential that future applications for hydrocarbons production (including fracking) must be assessed using the following criteria:

- CO₂ emissions and fugitive methane leaks must be included
- CO₂ emissions resulting from both production and combustion must be included
- explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
- Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO₂ emissions in some notional future
- any proposed plan must clearly show that it will lead to a *reduction* in climate change in order for it to be approved.

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

The scale of fracking that is being envisaged is clearly going to have a very detrimental effect on the North Yorkshire landscape. As a frequent visitor I deplore this and believe that the concentration of wells will have a very negative effect on the tourist industry.

Buffer Zones

One of the joys of our precious National Parks and AONBs are the views from elevated ground and also the peace and tranquillity of the landscape. It is also the purity and freshness of both water and air. Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. Therefore the MWJP should therefore simply prohibit fracking in these buffer zones completely.

The caveat that fracking within the buffer zone would be allowed 'in exceptional circumstances' is legally unsound and should be removed.

Air quality impacts

I am most concerned about air quality impacts for there is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health. As somebody who in remission

from cancer I am aware of the harm unseen pollutants can cause. My own consultant considered that environmental factors contributed to developing the disease.

So it worries me that evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. A number of chemicals routinely released during fracking, such as benzene, are known carcinogens. <http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>

It is important to realise that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).

Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs and cause severe health risks. As a mother and grandmother with family in North Yorkshire I do not want them or any family exposed to these risks.

Please refer to Planning Practice Guidance which states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.

Paragraph 109 of the NPPF states that the planning system should prevent *"... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"*¹

It seems to me that there must be a clear legal requirement for the MWJP to consider air pollution when developing planning policy. Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health.

Biodiversity impacts

Unconventional gas production is not just an underground activity. The above ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby. Planning Practice Guidance supports this viewpoint, stating that: *"Particular consideration should be given to noisy development affecting designated sites."*

Noise is a particular danger for resident and migrating birds, and nocturnal creatures such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI. As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, even if they are just outside the borders of the protected area.

Water impacts

We live in uncertain times and as I write there is news that temperatures in the Arctic have reached unprecedented levels (33C above average in some parts of the Russian Arctic). Professor Jennifer Francis, an Arctic climate expert at Rutgers University in the US, believes we are now in "uncharted territory". She goes on "These rapid changes in the Arctic are affecting weather patterns where you live right now ----- In the past you have had natural variations like El Niño, but they have never happened before in combination with this very warm Arctic, so it is a whole new

ball game --- It is inconceivable that this ridiculously warm Arctic would not have an impact on weather patterns in the middle latitudes further south, where so many people live. It's safe to say [the hot Arctic] is going to have a big impact, but it's hard to say exactly how big right now. But we are going to have a lot of very interesting weather – we're not going to get around that one." (Guardian 20.12.16)

Scientific opinion for many years has been that when Arctic ice melts we will experience unusual and unpredictable weather patterns. In the cases of either flooding or severe drought the health of our water supplies becomes paramount and the impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.

For example In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking:

http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf

It is the important and vital duty of the planning authority to ensure that water contamination will not occur in North Yorkshire. It is not enough to rely on the claims of oil and gas companies, who have left pollution in their wake in so many parts of the world.

Please consider the EU Water Framework Directive which is part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).

Please also listen to the evidence of the British Geological Survey which has previously highlighted the risks that fracking can contaminate water. saying, *"Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water."*
<http://nora.nerc.ac.uk/16467/>

It is worrying that this same British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack, and the uncertainty regarding how much water returns to the surface: *"The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks may not be adequate as many have been designed to consider the risks from surface activities."*

Paragraph 94 of the NPPF states that local planning authorities should *"adopt proactive strategies to mitigate and adapt to climate change, taking full account of...water supply"*. Paragraph 99 later states that *"local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply."*

The MWJP should therefore incorporate the precautionary principle, meaning that unless it can be proved that there will be groundwater contamination from a fracking well-site, it should not apply. In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

It seems vitally important in view of the overwhelming climate challenges we may well be facing in the very near future that regulation around water supplies is fit for purpose. Contaminated water in flood or undrinkable water in drought conditions MUST be avoided.

Cumulative impact

Planning practice guidance also states: *"The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."* The NPPF states Planning Authorities should: *"...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality"*

One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside in Yorkshire, and is one of residents' greatest concerns.

The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.

The MWJP suggests that an 'acceptable' cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry's own admission, meaning that a 10x10 km² PEDL licence block could contain up to 500 fracking wells.

Bearing in mind that each well requires 60-100 hours drilling, many more hours fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems, health issues and stress. Furthermore, there is no guidance given on the separation distance between each well-site. Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.

However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be 'bunched up' in one place, causing unacceptable impact for the local community.

It must go without saying that a preponderance of wells is likely to have a devastating effect on North Yorkshires tourist industry.

The Precautionary Principle

To abide by legal guidelines, the precautionary principle should be applied to the issue of cumulative impact. The precautionary principle is a means of restricting development where there is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.

Planning practice guidance also refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): *“the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact.”* The MWJP needs to be amended so that an **Environmental Impact Assessment** should always be required to assess the potential cumulative effects from an additional fracking development and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

Waste management and re-injection wells

Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that *“A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to very small scale induced seismic activity”*.

The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is ‘small scale’ is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.

Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, “More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year.” <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/> A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells. <https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>

These earthquakes, and many others like it, are not ‘very small scale induced seismic activity’, as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed. The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.

The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.



15 December 2016

Dear Sirs

Waste and Minerals Joint Plan Consultation Submission Response

Please find attached my reply to the above Consultation.

Yours sincerely

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXX
XXXXXX
XXXXXXXXXXXX
XXXXXXXXXXXX

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	[REDACTED]
INITIALS	[REDACTED]
SURNAME	[REDACTED]
ORGANISATION (if applicable)	[REDACTED]
ADDRESS	[REDACTED]
POSTCODE	[REDACTED]
TELEPHONE	[REDACTED]
EMAIL	[REDACTED]

No, I do not want to attend the Oral Examination of the MWJP.

Since the last draft of the Joint Mineral and Waste Plan, a large area of North Yorkshire is now covered in PEDL licences as announced in December 2016. Therefore any consultation on this plan should be opened up for wider public consultation. Much of the content is new policy which has not gone through the required consultation with the public or other bodies who may wish to make representation.

CLIMATE CHANGE

The exploitation of shale gas would not be compatible with UK carbon budgets to reduce emissions by at least 80 percent by 2050 and the Publication Draft of the MWJP does not conform to statutory requirements for legal compliance and tests of soundness relating to Climate Change

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

I live in Helmsley on the edge of the North York Moors National Park. It is an exceptionally beautiful area, tourism and agriculture being the main industries. I am pleased this area and ANOBs and SSSIs will remain untouched from the potential of fracking. However the JMWP does not take into account the Ryedale Local Plan Strategy Landscapes section – Policy SP13. This plan is an adopted local plan which has statutory force and has been designed in accordance with the requirements of the NPPF. Therefore the draft minerals plan would not be correct if it did not take account Policy SP13 of this Plan and should fracking be developed in the way described by the JMWP, this would go against the Ryedale Plan, which was approved and adopted by North Yorkshire County Council.

The landscape impact of so many well-sites with all the infrastructure that comes with it would devastate the Vale of Pickering and Yorkshire Wolds and would ruin valuable farming and tourist industries, the latter employing almost a quarter of a million people in Ryedale alone and worth £7 billion annually. We love North Yorkshire for its diversity – moors, seaside and

farmland. Fracking could be the beginning of the industrialisation of this county and the end of North Yorkshire as we know it.

The view alone from the top of the Hambleton Hills (AONB) across to the flat Vale of York is magnificent, just pretty villages and farmland and it is unbelievable as the current JMWP is suggesting that there should be a density of 10 fracking well-sites per 10x10 km² area with each site having 40 or 50 wells plus drilling rigs in place for many years. These sites could be only 500m from the nearest property which would impact in every way i.e. noise, pollution and the devaluation of property.

Buffer Zones

The inclusion of a 2 mile buffer zone around National Parks and AONBs is supported. However any fracking that is close to a protected area would impact upon that area causing light, air and noise pollution. I live on the edge of the NYMNP and this area provides a quiet place for relaxation and its diversity is a great boost to tourism and any intrusive noisy industry would spoil this.

The JMWP should completely prohibit fracking in buffer zones around National Parks to be legally compliant with the NPPF.

Noise impacts

Ryedale is a very quiet and peaceful area and I am concerned that the proposed 24 hour drilling from exploration stages would lead to high night time noise levels. It is very important that the JWMP sets out clear policy to curb noise emissions to protect public health. A Health Impact Assessment should be required for all fracking operations to cover noise levels and air quality. If each well pad has 40 or 50 wells on them, drilling would be continuous with noise and dust emission – a devastating industry for people's health and with the number of wells proposed, the noise would be continuous for several years.

It is essential that the JWMP sets out a clear policy to curb noise emissions for nearby residents as part of its statutory duty to protect the health of local people.

Air quality impacts

Here in North Yorkshire, we very fortunate to have clear, clean air, particularly on the moors (I have a friend with Asthma who lives in the Midlands and she holidays here several times year to breath the wonderful air which enables her to breath more easily with little use of her inhaler). There is evidence from the University of Colorado that the chemicals used in a frack are known carcinogens. Also, evidence shows that it is not only the chemicals injected into the ground that are toxic but the residual chemicals that stay in the ground cannot be controlled or regulated.

I also note that a set back distance of 500 m has been recommended without any reason being given for choosing this distance and this is despite a recommendation from our MP Kevin Hollinrake of a distance of 1 Mile. Experience in America has shown that a setback distance of 500m is not sufficient to ensure that the negative health impact of fracking.

Biodiversity impacts

I live very close to a SSSI where there is an abundance of Wildlife including Kingfishers, Otters, Crayfish, bats and several species of Owls and here on the North York Moors we have Pheasant, Partridge and Grouse which bring shooting parties to this area and adds to the rural economy.

I understand fracking would be allowed just outside the boundaries of and underneath these areas. Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to "have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

Any unconventional gas production would have a devastating impact on wildlife living nearby, particularly noise and light pollution at night.

I cannot even comprehend why an industry such as fracking which would have such a devastating impact upon our countryside can even be considered in this county or country.

Water impacts

In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking and I feel this is the biggest worry of all. What happens underground cannot be controlled and deep injection of water containing a mixture of chemicals is a disaster waiting to happen. I assisted my father who was working with the National Rivers Authority (before it was renamed the Environment Agency). He was water bailiff on the River Rye and we had lost many fish to drought conditions in summer. The NRA worked with us and injected a dye in the rocks upstream to see where the water was disappearing to. This dye appeared in a spring, several miles downstream. Could the same happen in this area with chemicals used for fracking?

There is also concern about contamination from spills on the ground or under-surface contamination.

It is the legal duty of the Planning Authority to ensure that water contamination does not occur. Accidents do happen and once an aquifer is polluted, we could all be drinking from bottled water as many thousands now do in Pennsylvania.

Highways and traffic impacts

I am concerned what effect traffic movements would have on our quiet rural way of life. As previously mentioned, this area relies heavily on tourism and an increase in HGV would adversely affect our small rural roads which are very busy, particularly in summer with farm vehicles such as combines and tractors. Each borehole will require between 2000 and 7000 truck movements and there are plans for up to 40 or 50 wells per fracking site. Also more worrying is the fact that these trucks will be removing contaminated waste water containing Radioactive material. Any accident with one of these in the midst of our holiday traffic on congested roads would be unthinkable. I can only presume our North Yorkshire Fire Service have a highly trained section to deal with a spillage of radioactive material should this happen amidst heavy holiday traffic on the A64.

There appears to be no guarantee in the JWMP about the safety of other road users including walkers, cyclists, horses etc. Also, I presume these trucks would be diesel so more air pollution. Policy M17 needs to be amended to include this concern and impose restrictions.

Cumulative impact

My greatest concern regarding fracking is the thousands of wells that will be required to make this industry profitable. The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.

Each well requires 60-100 hours drilling, many more hours fracking producing millions of gallons of waste water making thousands of HGV movements. There appears to be no guidance on the separation distance between each well site. Our MP Kevin Hollinrake suggested that these should be at least 6 miles apart which would be incompatible with the current plan of 10 well pads per PEDL licence block.

Most fracking wells are unprofitable after the first year and fracking companies will need to continually drill more and more wells. This raises our fears of the industrialisation of the whole of Yorkshire and I do not want my family condemned to a lifetime of stress and health issues due to this industry.

Waste management and re-injection wells

The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is small scale is incorrect. More than 230 earthquakes with magnitudes more than 3.0 have shook the state of Oklahoma. The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected due to the faulted geology in the area.

The JWMP therefore has a duty to invoke the precautionary principle regarding re-injecting waste fluid to ensure that reinjection is not permitted until it can be proved beyond any doubt that this process can be safely done.

mwjointplan

From: [REDACTED]
Sent: 21 December 2016 16:49
To: mwjointplan
Subject: Waste and Minerals Joint Plan Consultation Submission

Follow Up Flag: Follow up
Flag Status: Flagged

Please ensure that all proposals about fracking take full note of its effect on the following the Ryedale landscape the effects of traffic, noise and light the wider consequences for climate change

thank you

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

I do not wish to attend the meeting

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	[REDACTED]
INITIALS	[REDACTED]
SURNAME	[REDACTED]
ORGANISATION (if applicable)	[REDACTED]
ADDRESS	[REDACTED] [REDACTED] [REDACTED]
POSTCODE	[REDACTED]
TELEPHONE	[REDACTED]
EMAIL	[REDACTED]

Yes, I would like to attend the Oral Examination of the MWJP.

SCOPE OF THE CONSULTATION

Firstly, I do not think it is right that the NYCC have limited the scope of what people can say to issues 'relating to legal compliance and tests of soundness' on the grounds that the sections M16-M18 of the MWLP has changed dramatically and it is clear that this has been developed in conjunction with the shale gas industry. As there is no legal requirement to limit the scope of this consultation, the brand new policies should have gone through the required consultation rounds with the general public.

CLIMATE CHANGE

The plan does not conform to section 19 of The Planning and Compulsory Purchase Act which states that all planning authorities should be proactive in mitigating climate change. I feel that the MWJP is not dealing adequately with this issue so is unsound and not conforming to statutory requirements for legal compliance.

The CCC reported that shale exploitation would not be compatible with UK carbon budgets of reducing emissions by 80% by 2050. This could only be done by offsetting in other areas. This cannot be met when the government has reduced subsidies for renewable energy and will be putting high taxes on businesses and schools that use solar power.

The MWJP is unsound to claim that Policy M16 could have a positive impact.

Fracking must be assessed on its CO2 emissions and fugitive methane leaks.

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

The area where I live has high landscape value and is dotted with ancient crosses, buildings, in particular for Nawton, St Gregory's Minster which dates back to the

7th century and should be protected by M16. If fracking were to go ahead as described this would clearly contravene The Ryedale Plan SP13 (landscapes). The impact on Nawton would have a serious affect on the views around us as in places one can see 360 degrees. The beautiful countryside would be impacted on all sides and would be detrimental to the tourist businesses and associated industries in this area. The MWJP must be developed so that it is complementary to this Local plan, not be in conflict with it. This means that the MWJP is currently unsound.

Noise

The noise levels in our area are very low so the impact of night time drilling would cause distress and sleepless nights. This would be continuous for 5-6 years with secondary drilling when levels of gas are low for many more years.

The MWJP need a clear policy to protect local public health including a 750m setback limit. To allow fracking to develop within the 3.5 buffer zone is unsound as it would contravene the guidelines in the NPPF.

Noise would impact wildlife far and wide as they live by their senses to avoid predation and also to locate their food.

Air

There are two schools in Nawton, 1 retirement home and 3 schools in the nearby towns, 3miles to the east and west –all these are included in the PEDL. Has the MWJP considered doing a baseline assessment especially near to these sensitive receptors and a 1km setback distance? It is reported in other countries of the increase in asthma and other respiratory diseases in humans and also in racehorses (a big business in this area).

Biodiversity

Nawton is located next to the North York Moors and a wide variety of birds and other wildlife live round here, including bats ,owls, birds of prey along with beautiful trees and hedges, organic farms and rivers. Noise, pollution of light, air and water and huge increase in traffic will have a disastrous affect on biodiversity. The MWJP must ensure that there is no impact on local wildlife (conservation). Offsetting has been seen as an unsatisfactory solution to problems. With the density of wells proposed where would you offset? This approach is unsound.

Water

Nawton is surrounded by rivers, boreholes and there are many wells in the fields around here which are used for livestock.

The USA environmental agency has admitted (after listening to the Scientific Advisory Board) that fracking impacts drinking water. The causes are through spills – truck collisions, flooding or by injection or well integrity breakdown (the well

disintegrates over time, leaking its contents). When the companies move out the landowner becomes responsible for any leakage etc from the well. This will not be monitored. The British Geological Survey highlighted the risks of groundwater contamination by extracting shale gas and stated that they were not confident that current methods of monitoring were adequate (or ongoing into the future).

The MWJP should incorporate the Precautionary Principle

Highways/Traffic

The roads are not suitable for the proposed 2000-7000 hgv movements per well. Our main road A170 cannot support this level of traffic

The MWJP need to guarantee the safety of cyclists, horse riders, walkers, pedestrians and school users this must be included in the plan.

Nawton and other neighbouring villages will experience air pollution, the vibrations will affect housing, it will be difficult for cars and people to cross the roads.

The exponential increase in traffic will cause queues, over and above the enormous amount of traffic in the summer. This I believe would deter people coming to our area and the result would be that our tourism industry will be hit badly and probably go out of business.

The MWJP is unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on sensitive receptors.

Cumulative Impact

My biggest concern is that the industry needs 1000's of wells to be viable. The wells, compressor plants, processing plants, pipes and traffic means an end to the countryside we know – industrialization

The severe impacts on human and animal health are criminal. I find it hard to believe our country is doing this when we have signed the Paris Agreement. The Carbon Bubble is about to explode all fracking is doing is propping up a dying industry. Most of the gas will be going to Ineos own factory in Grangemouth Scotland.

Who will prop up our industries like tourism, agriculture, organic farms etc. when we go out of business.

There is no guidance on separation distances between sites which is a failing and unsound in the MWJP. A minimum of 3miles should be included.

Abide by the legal guidelines and apply the Precautionary principle.

Waste Management and injection wells

The MWJP has a statutory duty to invoke the Precautionary principle regarding re-injection fracking waste fluid in North Yorkshire and should ban it.

Oklahoma experienced 230 earthquakes over 3.0 this year. Before 2008 the state averaged one.

The faulted geology of Nawton and North Yorkshire may be even more severe.

There is nowhere that is safe for the waste water/chemical mix. The whole process is flawed and has the potential to cause utter devastation.

o noted that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the MWJP was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan.

- The Ryedale Plan aims to encourage new development to *“reinforce distinctive elements of landscape character”* in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP.
- Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: *“Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of*

activity and tranquillity, sense of enclosure/exposure.” (p 129 – Ryedale Plan).

- If fracking were developed in the way described in the MWJP, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC.
- The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds.
- The Vale of Pickering and the Yorkshire Wolds should therefore be included as ‘protected areas’ in Policy M16.

Please add any other points you wish to make regarding the impact of fracking on the landscape.

Currently the MWJP is suggesting that there should be a density of 10 fracking well-sites per 10x10 km² area (6.6 miles²). Each well-site might have up to 40 or 50 wells on it, with drilling rigs in place for up to five or six years. These well-sites could be only 500m from the nearest home. Please consider the impact that this might have on the landscape near where you live, or other places you know well in Yorkshire.

If, for example, you live in an elevated part of the county, you may want to describe how the views would change from where you live if there were fracking wells every two or three miles in each direction.

You can also mention how this might affect other industries in Yorkshire, e.g. tourism and agriculture.

Buffer Zones

- The inclusion of a 3.5km buffer zone around National Parks and AONBs is supported.
- Point 5.128 says, *“proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area.”*
- While the restrictions in terms of how much fracking developments impact on the landscape are welcomed, there is little detail on what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
- The National Parks and AONBs are protected for a number of reasons, including to conserve biodiversity, provide quiet places for people to relax, and to boost tourism in the region. In short, this should be about more than if the development ‘spoils the view’.
- Any fracking activity that close to a major protected area could not fail to impact upon the protected area, either by impacting the view, causing excessive traffic around the borders of the area, causing noise and air pollution, causing light pollution at night – which would affect not only the wildlife in the protected area, but also impact on the clear night skies which are such a draw for visitors – and potential impacts on water courses the serve the protected areas.
- The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection. These areas are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage.
- Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the MWJP should therefore simply prohibit fracking in these buffer zones completely.

Please add any other comments you have on the use of buffer zones around the National Parks and AONBs, and whether development should be allowed in these areas.

If you live in or near a National Park or AONB, you can include comments about how fracking around the edges of your protected area would impact on your life and that of your family.

Noise impacts

- Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take “*considerably longer*” than the 12-25 week timeframe required for conventional hydrocarbons.
- Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.
- Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take 6.5 years in continuous drilling alone.
- Fracking itself is also a noisy activity and again is often conducted 24 hours a day, over a period of weeks.
- Unconventional gas development for shale gas cannot therefore be considered a ‘short term activity’ for the purposes of planning law.
- Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: “*ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*”.
- Fracking exploration is, by the MWJP’s own definition, a medium term activity at best, and therefore the policy from the NPPF above must apply.
- 24 hour drilling from exploration stages will lead to night-time noise levels far higher than those allowed for other types of development (such as wind turbines).
- The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable.
- It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- A setback distance of 750m would help to reduce the noise impact from drilling and fracking.
- Furthermore, there should therefore be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF.
- The caveat that fracking within the buffer zone would be allowed ‘in exceptional circumstances’ is therefore legally unsound and should be removed.
- A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.

Please add your own comments on how the noise from fracking could affect you and your family, particularly at night.

You can also comment on the setting where you live, the current level of ambient noise, and the possible length that drilling might take on a multi-well fracking pad.

Air quality impacts

- There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.
- Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. A number of chemicals routinely released during fracking, such as benzene, are known carcinogens. <http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>
- Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).
- Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs

and cause severe health risks.

- Planning Practice Guidance states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.
- Paragraph 109 of the NPPF states that the planning system should prevent *"... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"*¹
- There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.
- The proposal to include setback distances for what is termed 'sensitive receptors' is welcomed. The MWJP's definition of 'sensitive receptors' includes residential institutions, such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
- However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production.
- Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live.
[https://ballotpedia.org/Colorado Mandatory Setback from Oil and Gas Development Amendment \(2016\)](https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_(2016))
- The recommendation is therefore that the setback distance from 'sensitive receptors' should be a minimum of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- There is a strong argument that setback distances from places which house vulnerable people, such as schools, residential homes and hospitals, should be increased to 1km.
- Note that this is still less than the setback distance recommended by Kevin Hollinrake MP on his return from his 'fact-finding' mission in the USA, when he recommended a minimum setback distance of 1 mile from schools.
- Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health.

Please add any other comments you have on air quality, and how a fracking well-site near your home, school or hospital could negatively impact on you and your family's health.

Biodiversity impacts

- Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to *"...have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*.
- The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.
- However, fracking would still be allowed just outside the boundaries of, and underneath, these areas from fracking well-sites situated on their borders.
- Unconventional gas production is not just an underground activity. The above ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby.
- Planning Practice Guidance supports this viewpoint, stating that: *"Particular consideration should be given to noisy development affecting designated sites."*
- Policy D07 in the MWJP currently states that mineral developments which would have an

unacceptable impact on an SSSI - or a network of SSSIs - will only be permitted "...where the benefits of the development would clearly outweigh the impact or loss".

- This wording appears to allow considerable impact or loss on a protected area, if the Planning Authority felt that this was still outweighed by the benefits (i.e. by the production of gas).
- Given that SSSIs are sensitive nationally protected areas, often containing rare and protected species, this is a contradictory and unsound approach. This clause should therefore be removed.
- Noise is a particular danger for resident and migrating birds, and nocturnal creatures such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI.
- As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, even if they are just outside the borders of the protected area.
- The MWJP includes a 3.5 km 'buffer zone' around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced.
- The same consideration should be extended to SSSIs, so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.
- In non-designated areas, the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.
- Biodiversity offsetting has been shown many times to be an unsatisfactory solution to problems caused by development, and should not be offered as a solution to developers to get around the damage they will cause to protected areas. The specific features of an SSSI cannot simply be replaced by planting a new wood somewhere else. This approach is unsound and should be removed from the MWJP guidance.

Please add any comments you have regarding the impact fracking could have near where you live, or in places you visit regularly.

If you live near an SSSI, you can comment on the wildlife that lives there, and the impact a fracking wellsite on its borders might have. You can make reference to nationally protected species such as bats and owls, and the way these are assessed in planning applications.

Water impacts

- The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.
- In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking:
http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf
- Fracking has also been proven to pollute groundwater in Wyoming:
<https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/>
- It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire.
- The EU Water Framework Directive is part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).
- The British Geological Survey has previously highlighted the risks that fracking can contaminate water. saying, "*Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water.*" <http://nora.nerc.ac.uk/16467/>
- The British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required

to frack, and the uncertainty regarding how much water returns to the surface: *"The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks may not be adequate as many have been designed to consider the risks from surface activities."*

- Paragraph 94 of the NPPF states that local planning authorities should *"adopt proactive strategies to mitigate and adapt to climate change, taking full account of...water supply"*. Paragraph 99 later states that *"local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply."*
- The MWJP should therefore incorporate the precautionary principle, meaning that unless it can be proved that there will be groundwater contamination from a fracking well-site, it should not apply.
- In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

Please feel free to add any other issues you have regarding water contamination. If you have a borehole in your farm, for example, or a river or beck near your home, you can discuss what would happen if these were contaminated. You can also cite any other research you have regarding water contamination elsewhere in the world as evidence of harm.

Highways and traffic impacts

- Fracking is very likely to cause a large increase in traffic movements, as trucks bring water, chemicals and sand to the well-site, and to remove contaminated waste water (often containing Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline.
- It has been estimated that each individual borehole will require between 2,000 and 7,000 truck movements, and there are plans for up to 40 or 50 wells per fracking site.
- The rural road network in Yorkshire is ill-suited to deal with this exponential increase in traffic.
- Paragraph 144 of the NPPF states that local authorities should ensure that there: *"are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites"*.
- There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, etc.). This must be included in the Plan.
- The huge increase in HGV traffic will also adversely affect the air quality along the designated routes, particularly if they pass 'sensitive receptors' such as schools, hospitals and old people's homes.
- The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors. Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions.
- This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.

Please add comments about how a huge increase of HGV traffic through your town or village, or near the area you live, would impact on your life and that of your family.

You can also include comments about how this might impact tourism in the area if fracking wells were established across the region and the roads were filled with HGV vehicles.

Cumulative impact

- The NPPF states Planning Authorities should: *"...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality"*
- Planning practice guidance also states: *"The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."*
- One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside in Yorkshire, and is one of residents' greatest concerns.
- The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.
- The MWJP suggests that an 'acceptable' cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry's own admission, meaning that a 10x10 km² PEDL licence block could contain up to 500 fracking wells.
- Bearing in mind that each well requires 60-100 hours drilling, many more hours fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems, health issues and stress.
- Furthermore, there is no guidance given on the separation distance between each well-site. Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.
- However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be 'bunched up' in one place, causing unacceptable impact for the local community.
- Furthermore, the MWJP says *"For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate. This should be amended to 'will be appropriate', as otherwise operators may still be allowed to have 10 well-pads located in a much smaller surface area.*
- There is also an absence of transport impacts relating to this density of well sites, particularly in terms of how this is monitored, which needs to be addressed.

The Precautionary Principle

- To abide by legal guidelines, the precautionary principle should be applied to the issue of cumulative impact. The precautionary principle is a means of restricting development where there is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.
- Planning practice guidance also refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): *"the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact."*
- The precautionary principle is also reflected in the NPPF, saying, *"Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values."*
- In order to comply with current legislation (see above), the precautionary principle should be

included in the MWJP, so that new developments are not permitted unless it can be proved that there will be no unacceptable cumulative effects.

- The MWJP should therefore be amended so that an **Environmental Impact Assessment** should always be required to assess the potential cumulative effects from an additional fracking development and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

Please add any other comments you might have on the cumulative impacts of fracking, particularly as it relates to where you live.

Waste management and re-injection wells

- Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that *"A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to very small scale induced seismic activity"*.
- The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is 'small scale' is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.
- Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, "More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year." <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/>
- A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells. <https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>
- These earthquakes, and many others like it, are not 'very small scale induced seismic activity', as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.
- The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.
- The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.

The next section is an appendix our recommendations for changes in the language used on the MWJP. You may have others, and if so, please feel free to add them to the list in the same format. If not, just delete this message and you're almost done!

The last thing to do is to submit it. First, we recommend having a quick read through just to see that you've deleted all the red text, then save it with a suitable file name, e.g.:
WMJP Consultation response from ...

Then you can email it to mwjjointplan@northyorks.gov.uk or post it to Minerals and Waste Joint Plan, Planning Services, North Yorkshire County Council, County Hall, Northallerton, DL7 8AH.

Remember the deadline is 5pm on Wednesday, 21st December.

And finally, have a very happy Christmas from all of us at Frack Free Ryedale! ☺

KEY POLICY AMENDMENTS

Policy M16 pt (b) (regarding climate change requirements, precautionary approach and cumulative impacts)

...b) [INSERT] Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that they can be delivered in a safe and sustainable way and that adverse impacts can be avoided – either alone or in combination with other developments. Consideration should include: -

- It being demonstrated that greenhouse gases associated with fugitive and end-user emissions will not lead to unacceptable adverse environmental impacts or compromise the planning authority's duties in relation to reducing greenhouse gas emissions.*
- a precautionary approach to unconventional oil and gas development in requiring environmental impact assessment;*
- cumulative impacts for such development including issues such as (and not limited to):*
 - water, air and soil quality; habitats and ecology; highway movements and highway safety; landscape impact; noise; and GHG emissions;*

Policy M16 pt (b) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

(ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will [INSERT] not only be permitted [INSERT] unless where it can be demonstrated that significant [INSERT] no harm to the designated asset will not occur.

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

i) Surface proposals for these forms of hydrocarbon development will [INSERT] not only be permitted where [INSERT] unless they would be outside [INSERT] and respect the setting of the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, [INSERT] The Vale of Pickering and The Yorkshire Wolds, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.*

Policy M17 part 1 (regarding highways impacts)

...i) Hydrocarbon development will [INSERT] not be permitted in locations with [INSERT] without suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment [INSERT] either singularly or cumulatively with other schemes that:

a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities [INSERT] including indirect impacts linked to air quality (re Air Quality Management Areas), businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements [INSERT] away from sensitive areas and receptors; and ...

M17 pt 3 (regarding the local economy)

...Hydrocarbon development will [INSERT] not be permitted in locations where [INSERT] unless it can be demonstrated that a very high standard of protection can be provided to environmental, recreational,

cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions.

M17 pt 4 (regarding amenity)

4) Specific local amenity considerations relevant to hydrocarbon development

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500[INSERT] 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will ~~only~~ [INSERT] not be permitted in ~~exceptional circumstances...~~

...iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment [INSERT] which includes consideration of the baseline and how the development will mitigate effectively to maintain these levels enjoyed by local residents. Where it cannot be demonstrated these levels can be maintained, then development will not be supported.

M18 pt ii (regarding waste water and re-injection wells)

*Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will [INSERT] not ~~only~~ be permitted in locations unless where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be **proven beyond doubt demonstrated** that any risk from induced seismicity can be mitigated to an acceptable level.*

mwjointplan

From: [REDACTED]
Sent: 18 December 2016 11:57
To: mwjointplan
Subject: Personal MINERAL AND WASTE JOINT PLAN CONSULTATION
Attachments: Personal MINERAL AND WASTE JOINT PLAN CONSULTATION.docx

Please find my response to the MWJP consultation.

Regards

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	[REDACTED]
INITIALS	[REDACTED]
SURNAME	[REDACTED]
ORGANISATION (if applicable)	
ADDRESS	[REDACTED] [REDACTED] [REDACTED]
POSTCODE	[REDACTED]
TELEPHONE	[REDACTED]
EMAIL	[REDACTED]

Yes, we would like to attend the Oral Examination of the MWJP.

SCOPE OF THE CONSULTATION

We find it disturbing that a considerable number of changes have been made to Sections M16-M18 of the Minerals and Waste Joint Plan (MWJP) since the previous version put out for consultation in December 2015. There has been a change in the situation since then, in that much of North Yorkshire is now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016.

One can only conclude from the wording and parameters included in the MWJP that much of the new policy has been developed in conjunction with the shale gas industry. This new content is therefore new policy which should be opened up to wider public consultation, not just for legality and soundness.

CLIMATE CHANGE

The Publication Draft of the MWJP does not conform to statutory requirements for legal compliance and tests of soundness relating to Climate Change, in that

1. The MWJP does not conform with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change.
2. Sections M16-18 of the MWJP do not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*"
3. The Committee on Climate Change (CCC) report of March 2016 concluded that the exploitation of shale gas would not be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. The MWJP's ability to meet these tests is not clearly defined.
4. Assumptions that shale gas development could lead to carbon savings are unsupported, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*"
5. It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon by 2016.
6. The MWJP is therefore unsound in claiming that Policy M16 could have any positive impact on the climate budget, as this key condition of the CCC report is a long way from being met.

7. Future applications for hydrocarbons production (including fracking) must be assessed using the following criteria:
 - CO₂ emissions and fugitive methane leaks must be included;
 - CO₂ emissions resulting from both production and combustion must be included;
 - explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities;
 - until Carbon Capture and Storage (CCS) is fully operational, it cannot be used in planning applications as a device to mitigate future CO₂ emissions in some notional future;
 - any proposed plan must clearly show that it will lead to a *reduction* in climate change in order for it to be approved.

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

We strongly support the inclusion in Policy M16 of the protection of designated areas such as National Parks, AONBs and SSSIs from fracking on the surface, but we would make the following observations about Ryedale: -

1. The MWJP is currently unsound in not taking into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes).
2. The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan.
3. It is noted that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the MWJP was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan.
4. The Ryedale Plan aims to encourage new development to "*reinforce distinctive elements of landscape character*" in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP.
5. Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: "*Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.*" (p 129 – Ryedale Plan).
6. If fracking were developed in the way described in the MWJP, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC.
7. The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds. For example, the view from the Castle Howard road as it descends into Slingsby could be severely impacted by the presence of fracking pads on the valley floor below.
8. The MWJP must be developed so that it is complementary to this Local plan, not be in conflict with it. This means that the MWJP is currently unsound.
9. The Vale of Pickering and the Yorkshire Wolds should therefore be included as 'protected areas' in Policy M16.
10. The economy of North Yorkshire is heavily dependent on agriculture and tourism, both of which would be greatly impacted by the development of fracking on a large scale.

Buffer Zones

We support the inclusion of a 3.5km buffer zone around National Parks and AONBs. However we feel that this prescription lacks clarity, for example:-

1. Point 5.128 says, "*proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area.*" In other words there is no clear statement that development within such a buffer zone will not be permitted or even that there is a presumption against it.
2. While the restrictions in terms of how much fracking developments impact on the landscape are welcomed, there is little detail on what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
3. The National Parks and AONBs are protected for a number of reasons, including the conservation of biodiversity, the provision of quiet places for people to relax, and the encouragement of tourism in the region. In short, this should be about more than the question whether the development 'spoils the view'.
4. Any fracking activity within 3.5 km of a major protected area could not fail to impact upon that area, either by impacting the view, generating excessive traffic around its borders, causing noise and air pollution, causing light pollution at night – which would affect not only the wildlife in the protected area, but also impact on the clear night skies which are such a draw for visitors – and potentially affecting water courses that serve the protected areas.
5. The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection. These areas are designated in order to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage.

Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the MWJP should therefore simply prohibit fracking in these buffer zones completely.

Noise impacts

It would be extremely shortsighted not to lay down stringent parameters for noise, for the following reasons:-

1. Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take "*considerably longer*" than the 12-25 week timeframe required for conventional hydrocarbons.
2. Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.
3. Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take 6.5 years in continuous drilling alone.
4. Fracking itself is also a noisy activity and again is often conducted 24 hours a day, over a period of weeks.
5. Unconventional gas development for shale gas cannot therefore be considered a 'short term activity' for the purposes of planning law.
6. Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: "*ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*".
7. Fracking exploration is, by the MWJP's own definition, a medium term activity at best, and therefore the policy from the NPPF above must apply.
8. 24 hour drilling from exploration stages will lead to night-time noise levels far higher than those allowed for other types of development (such as wind turbines).

9. The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking would be particularly noticeable.

It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health. A setback distance of 750m would help to reduce the noise impact from drilling and fracking. Furthermore, there should be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF. The caveat that fracking within the buffer zone would be allowed 'in exceptional circumstances' is therefore legally unsound and should be removed. A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what parameters might be acceptable, depending on the distance the fracking well-site is from the nearest home.

Air quality impacts

There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.

1. Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. A number of chemicals routinely released during fracking, such as benzene, are known carcinogens. <http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>
2. Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).
3. Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs and pose severe health risks.

There is a need, therefore, for the Plan to protect the public from such risks.

1. Planning Practice Guidance states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.
2. Paragraph 109 of the NPPF states that the planning system should prevent *"... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"*¹
3. There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.

Bearing this in mind,

1. The proposal to include setback distances for what is termed 'sensitive receptors' is welcomed. The MWJP's definition of 'sensitive receptors' includes residential institutions, such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
2. However, the setback distance of 500m appears to be arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production.
3. Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live.
[https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_\(2016\)](https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_(2016))

The recommendation is therefore that the setback distance from 'sensitive receptors' should be a minimum of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced. There is a strong argument that setback distances from places which house vulnerable people, such as

schools, residential homes and hospitals, should be increased to 1km. Note that this is still less than the setback distance recommended by Kevin Hollinrake MP on his return from his fact-finding mission in the USA, when he recommended a minimum setback distance of 1 mile from schools.

Baseline Health Impact assessments should be undertaken prior to any work being carried out, so that the impact of fracking on human health can be ascertained.

Biodiversity impacts

A.

Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to *"...have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*.

In view of the above, the inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited, is to be welcomed.

However, fracking would still be allowed just outside the boundaries of, and underneath, these areas from fracking well-sites situated on their borders.

Unconventional gas production is not just an underground activity. The above ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby.

Planning Practice Guidance supports this observation, stating that: *"Particular consideration should be given to noisy development affecting designated sites."*

B.

Policy D07 in the MWJP currently states that mineral developments which would have an unacceptable impact on an SSSI - or a network of SSSIs - will only be permitted *"...where the benefits of the development would clearly outweigh the impact or loss"*.

This wording appears to allow considerable impact or loss on a protected area, if the Planning Authority felt that this was still outweighed by the benefits (i.e. by the production of gas).

Given that SSSIs are sensitive nationally protected areas, often containing rare and protected species, this is a contradictory and unsound approach. This clause should therefore be removed.

C.

Noise is a particular danger for resident and migrating birds, and nocturnal creatures such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI.

As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, if it is just outside the borders of the protected area.

The MWJP includes a 3.5 km 'buffer zone' around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced.

The same consideration should be extended to SSSIs, so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.

D.

In non-designated areas, the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.

Biodiversity offsetting has been shown many times to be an unsatisfactory solution to problems caused by development, and should not be offered as a solution to developers to get around the damage they will cause to protected areas. The specific features of an SSSI cannot simply be replaced by planting a new wood somewhere else. This approach is unsound and should be removed from the MWJP guidance.

Water impacts

The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination, for example:-

1. In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking:
http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf
2. Fracking has also been proven to pollute groundwater in Wyoming:
<https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/>

It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire. Note that

1. The EU Water Framework Directive is part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).
2. The British Geological Survey has previously highlighted the risks that fracking can contaminate water. saying, *"Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water."* <http://nora.nerc.ac.uk/16467/>
3. The British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth at which fracking takes place, the volumes of water required to frack, and the uncertainty regarding how much water returns to the surface: *"The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks may not be adequate as many have been designed to consider the risks from surface activities."*
4. Paragraph 94 of the NPPF states that local planning authorities should *"adopt proactive strategies to mitigate and adapt to climate change, taking full account of....water supply"*. Paragraph 99 later states that *"local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply."*

The MWJP should therefore incorporate the precautionary principle, meaning that unless it can be proved that there will not be groundwater contamination from a fracking well-site, development should not be permitted. In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

Highways and traffic impacts

1. It is likely that fracking will give rise to an exponential increase in HGV traffic, as trucks bring water, chemicals and sand to the well-site(s), and remove contaminated waste water (often containing Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline. This is an increase which the rural road network in Yorkshire is ill-suited to deal with.
2. Paragraph 144 of the NPPF states that local authorities should ensure that there: *"are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites"*.
3. There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, et al.). This must be included in the Plan.
4. The huge increase in HGV traffic will also adversely affect the air quality along the designated routes. This is a particularly serious consideration if the trucks pass 'sensitive receptors' such as

schools, hospitals and old people's homes.

The MWJP is therefore unsound in failing to restrict fracking HGV traffic from impacting on the air quality of these receptors. Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions. This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.

Cumulative impact

Not sufficient thought has been given to the ways in which the nature of the countryside could be utterly changed. Please note the following:-

1. The NPPF states Planning Authorities should: *"...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality"*
2. Planning practice guidance also states: *"The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."*
3. **One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside in Yorkshire, and is one of residents' greatest concerns.**
4. **The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.**
5. The MWJP suggests that an 'acceptable' cumulative impact can be achieved by a density of 10 well-pads per 10x10 km PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry's own admission, meaning that a 10x10 km PEDL licence block could contain up to 500 fracking wells.
6. **Bearing in mind that each well requires 60-100 days of drilling, many more days of fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems, health issues and stress.**
7. Furthermore, there is no guidance given on the separation distance between each well-site. Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.
8. However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be 'bunched up' in one place, causing unacceptable impact for the local community.
9. Furthermore, the MWJP says *"For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate.* This should be amended to 'will be appropriate', as otherwise operators may still be allowed to have 10 well-pads located in a much smaller surface area.
10. There is also an absence of consideration of transport impacts relating to this density of well sites, particularly in terms of how they are to be monitored. This needs to be addressed.

The Precautionary Principle

Bearing in mind that to frack on a large scale in the UK would be to start up a new industry, one that is untried in UK conditions, it would be wise to abide by the precautionary principle. Please note:-

1. To abide by legal guidelines, the precautionary principle should be applied to the issue of cumulative impact. The precautionary principle is a means of restricting development where there

- is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.
2. Planning practice guidance also refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): *"the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact."*
 3. The precautionary principle is also reflected in the NPPF, saying, *"Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values."*
 4. In order to comply with current legislation (see above), the precautionary principle should be included in the MWJP, so that new developments are not permitted unless it can be proved that there will be no unacceptable cumulative effects.
 5. The MWJP should therefore be amended so that an **Environmental Impact Assessment** should always be required to assess the potential cumulative effects from an additional fracking development and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

Waste management and re-injection wells

Again please note:-

- Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that *"A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to very small scale induced seismic activity"*.
- The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is 'small scale' is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.
- Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article in *Scientific American*, entitled *Waste Water Injection Caused Oklahoma Quakes*, "More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year." <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/>
- A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells. <https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>
- These earthquakes, and many others like it, are not 'very small scale induced seismic activity', as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.
- The threat to North Yorkshire may be even more severe if fracking waste water were allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.
- The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.

Thank you for your consideration!

[REDACTED]

From: [REDACTED]
Sent: 19 December 2016 09:58
To: mwjointplan
Subject: MWJP Conultation Response from [REDACTED]
Attachments: MINERAL-AND-WASTE-JOINT-PLAN-CONSULTATION.docx

Thank you for your consideration of this consultation response (attached).

Regards,
[REDACTED]

From: [REDACTED]
Sent: 19 December 2016 16:17
To: mwjointplan
Subject: Mineral and Waste Joint Plan (publication stage) – Consultation response

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam,

I write in a private capacity as a local householder extremely worried at the implications of fracking in Ryedale on the health and well-being of my relatives and neighbours, and on the lasting environmental damage that would be caused. I wish to make four main points concerning what I regard as serious deficiencies in the current formulation of the Mineral and Waste Joint Plan (MWJP).

Point 1: the MWJP is incompatible with the Ryedale Local Plan Strategy

The Ryedale Local Plan Strategy (RLPS) was made in accordance with the National Planning Policy Framework, was adopted by NYCC, and has statutory force. The Plan requires any new development to “reinforce distinctive elements of landscape character” in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas with unique landscape value, with Neolithic features that require specific consideration. More specifically, Policy SP13 (Landscapes) of the RLPS (p. 129) stipulates that developments should contribute to the protection and enhancement of elements of landscape including: “Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.” According to Section M16 of the MWJP, fracking would involve a density of 10 well-sites per 10x10 km² area, up to 50 wells on each site, and drilling rigs in place for up to six years. It is therefore obvious that fracking would radically contravene the RLPS by destroying the ambience, tranquillity and distinctive landscape character of Ryedale.

From this evidence, I conclude that the MWJP is incompatible with the NYCC-adopted RLPS. In its present form, it is unfit for purpose.

Point 2: the MWJP is incompatible with statutory requirements related to climate change

Section 19(1A) of The Planning and Compulsory Purchase Act (2004) makes the requirement that policies as a whole must contribute to the mitigation of, and adaptation to, climate change. Moreover, Paragraph 94 of the National Planning Policy Framework stipulates that “*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*”. Sections M16-18 of the MWJP make the assumption that such mitigation and adaptation will be achievable; however, this is in direct contradiction to the expert judgement of the Committee on Climate Change (CCC) report published in March 2016. The CCC – and external leading climatologists – concluded that without the rollout of Carbon Capture and Storage (CCS) technologies, it will be impossible for the exploitation of shale gas to be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050. Perplexingly, the government has removed investment support for CCS and has substantially reduced subsidies for renewable energy. It is therefore extremely unlikely that CCS would be available to offset the multiple environmental damage caused by the fracking process.

From this evidence, I conclude that the MWJP does not conform to statutory requirements related to climate change. In its present form, it is unfit for purpose.

Point 3: the MWJP is incompatible with the National Planning Policy Framework with respect to cumulative environmental impacts

The National Planning Policy Framework requires Planning Authorities to: “*...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality*”. Impacts of fracking in relation to climate change and landscape damage are discussed elsewhere in this submission; in addition to these are damaging impacts on the road network, air pollution, noise pollution, biodiversity, and water contamination.

Fracking would cause a considerable increase in traffic movements, as trucks bring water, chemicals and sand to well-sites and remove contaminated waste water. Estimates indicate that the servicing of each individual well would necessitate up to 7,000 truck movements, and there are plans for up to 50 wells per site. Apart from the impact on a rural road network quite unsuited to such loading, there would be the need to safeguard walkers, cyclists and horse riders: these concerns are absent from the MWJP.

The huge increase in heavy goods traffic necessary for fracking would also damage air quality along the designated routes, particularly if they pass schools, hospitals and old people’s homes. Air quality in Malton is already a matter of concern, with the establishment of an Air Quality Management Area to monitor NO₂ levels. At peak times, the congestion in Wheelgate, Yorkersgate and Castlegate can mean the half-mile journey from my house to Norton can take 15 minutes. To add more traffic, from commuting fracking site workers to the A64, could cause complete gridlock for at least two hours a day, preventing transit by the emergency services and sending NO₂ levels well beyond acceptable limits. Respiratory disease in children and old people

is already at record levels and fracking would make this worse. Section M17 of the MWJP does not adequately include restrictions to prohibit the worsening of air quality.

Noise pollution is a related impact on the environment and quality of life of local residents. Paragraph 144 of the National Planning Policy Framework states that when considering new minerals development, local authorities should: “*ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*”. The drilling of fracking wells would be 24 hours a day, taking place over a period of weeks at a time.

A site with 40 wells would take over 6 years of continuous drilling. The noise levels in many parts of Ryedale are very low, particularly at night, and so the impact of night-time noise from drilling and fracking would be particularly noticeable. The MWJP is inadequate in setting clear thresholds for noise emissions for nearby residents. In its present form, this would result in a failure of the NYCC to meet its statutory duty to protect public health.

The impacts of fracking on biodiversity could be irreversible. Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to “*...have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”. The impacts of traffic, noise and air pollution, plus the clearing of local hedges, trees and vegetation and the installation of pipelines and access roads, would all have devastating impacts on local wildlife and the quality of life of Ryedale residents. The MWJP makes almost no reference to controls on fracking to mitigate these multiple impacts.

The heavy reliance on water for fracking is a further source of environmental concern. Paragraph 94 of the National Planning Policy Framework states that local planning authorities should “*adopt proactive strategies to mitigate and adapt to climate change, taking full account of ... water supply*”. The British Geological Survey identifies the risks of water contamination from fracking as follows: “*Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water*”. The organisation regards current methods to monitor groundwater pollution as inadequate, saying: “*The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks may not be adequate as many have been designed to consider the risks from surface activities*”. As there is a reasonable likelihood of *some* groundwater contamination from fracking, the MWJP in its present form is clearly inadequate; in order to maintain their licences, fracking companies should have to demonstrate beyond reasonable doubt that there would be *no* impact on the water supply. The MWJP must be revised.

From this evidence, I conclude that the MWJP is incompatible with the National Planning Policy Framework with respect to cumulative environmental impacts. In its present form, it is unfit for purpose.

Point 4: the MWJP is unfairly selective and out of date

Since the last draft of the MWJP, there have been considerable changes to Sections M16-M18. The very large number of PEDLs announced for Ryedale have been reflected in new sections of the Plan that have not gone out to statutory consultation with other representative bodies or the general public. NYCC has chosen to restrict the scope of consultation to “*legal compliance and tests of soundness*”. This is incompatible with the Town and Country Planning (Local Planning) England Regulations (2012), which does not limit the scope of consultation at the Regulation 19 (‘Publication’) consultation stage. This unilateral and unsupportable decision strongly indicates ‘gaming’ by NYCC to unfairly restrict the scope of public consultation.

I hold specific evidence that sections of the present MWJP are the product of an unethically close collusion with fracking companies. This creates suspicions of a secretive *quid pro quo* deal with NYCC – in the same way that the shale gas industry is known to bribe the Conservative Party at national level. If true, this would be a disgraceful way for a democratically elected Local Authority to behave. Officers of NYCC should be cognisant that concerned citizens will ensure their decisions are subject to forensic scrutiny by the high standards of investigative journalism for which Britain is rightly admired. Any secret deals and their dealers will be exposed.

From this evidence, I conclude that the MWJP is unfairly selective and out of date. In its present form, it is unfit for purpose.

I believe that each one of the four main points above is supported by sufficient evidence as to strongly call into question the adequacy of the MWJP in its current form. Taken together, they overwhelmingly make the case for its major revision.

████████████████████

██

████████████████████

██

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

Response from:

[REDACTED]

ORGANISATION

(if applicable)

ADDRESS

[REDACTED]

POSTCODE

[REDACTED]

TELEPHONE

[REDACTED]

EMAIL

[REDACTED]

No, I do not want to attend the Oral Examination of the MWJP.

Dear Sir/Madam,

Please consider the following concerns, as we vehemently object to fracking and feel strongly that waste procedures will not be safe.

SCOPE OF THE CONSULTATION

- Sections M16-M18 of the Minerals and Waste Plan (MWJP) has changed considerably in content since the Preferred Options consultation (the previous version put out for consultation in December 2015)
- Since the last draft of the plan, much of North Yorkshire is now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016.
- It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.
- Much of this content is also brand new policy which has not gone through the required consultation rounds with other representative bodies or the general public.
- There is no legal requirement to limit the scope of this consultation to just legality and soundness. It is the NYCC who have made this decision.
- The Town and Country Planning (Local Planning) England Regulations (2012) do not limit the scope of consultation at the Regulation 19 ('Publication') consultation stage.
- The consultation should therefore be opened up to wider public consultation on the content and substance of the plan.

CLIMATE CHANGE

- The Publication Draft of the MWJP does not conform to statutory requirements for legal compliance and tests of soundness relating to Climate Change.
- The MWJP does not conform with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change.
- Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*".
- The Committee of Climate Change (CCC) report of March 2016 concluded that the exploitation of shale gas would not be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. The MWJP's ability to meet these tests are not clearly defined.
- Assumptions that shale gas could lead to carbon savings are unsupported, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*"
- It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon by 2016.

- The MWJP is therefore unsound to claim that Policy M16 could have any positive impact on the climate budget, as this key condition of the CCC report is a long way from being met.
- Future applications for hydrocarbons production (including fracking) must be assessed using the following criteria:
 - CO₂ emissions and fugitive methane leaks must be included
 - CO₂ emissions resulting from both production and combustion must be included
 - explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
 - Until Carbon Capture and Storage (CCS) is fully operational, this can not be used in planning applications as a device to mitigate future CO₂ emissions in some notional future
 - any proposed plan must clearly show that it will lead to a *reduction* in climate change in order for it to be approved.

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

- The inclusion in Policy M16 that designated areas such as National Parks, AONBs and SSSIs are protected from fracking on their surfaces is strongly supported.
- However, the MWJP is currently unsound as it does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes).
- The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan.
- It is also noted that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the MWJP was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan.
- The Ryedale Plan aims to encourage new development to “*reinforce distinctive elements of landscape character*” in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP.
- Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: “*Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.*” (p 129 – Ryedale Plan).

- If fracking were developed in the way described in the MWJP, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC.
- The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds.
- The MWJP must be developed so that it is complementary to this Local plan, not be in conflict with it. This means that the MWJP is currently unsound.
- The Vale of Pickering and the Yorkshire Wolds should therefore be included as ‘protected areas’ in Policy M16.

Buffer Zones

- The inclusion of a 3.5km buffer zone around National Parks and AONBs is supported.
- Point 5.128 says, “*proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area.*”
- While the restrictions in terms of how much fracking developments impact on the landscape are welcomed, there is little detail on what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
- The National Parks and AONBs are protected for a number of reasons, including to conserve biodiversity, provide quiet places for people to relax, and to boost tourism in the region. In short, this should be about more than if the development ‘spoils the view’.
- Any fracking activity that close to a major protected area could not fail to impact upon the protected area, either by impacting the view, causing excessive traffic around the borders of the area, causing noise and air pollution, causing light pollution at night – which would affect not only the wildlife in the protected area, but also impact on the clear night skies which are such a draw for visitors – and potential impacts on water courses the serve the protected areas.
- The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection. These areas are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage.
- Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the **MWJP should therefore simply prohibit fracking in these buffer zones completely.**

Noise impacts

- Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take “*considerably longer*” than the 12-25 week timeframe required for conventional hydrocarbons.
- Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.
- Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take **6.5 years** in continuous drilling alone.
- Fracking itself is also a noisy activity and again is often conducted 24 hours a day, over a period of weeks.
- Unconventional gas development for shale gas cannot therefore be considered a ‘short term activity’ for the purposes of planning law.
- Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: “*ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*”.
- Fracking exploration is, by the MWJP’s own definition, a medium term activity at best, and therefore the policy from the NPPF above must apply.
- 24 hour drilling from exploration stages will lead to night-time noise levels far higher than those allowed for other types of development (such as wind turbines).
- The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable.
- It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- A setback distance of 750m would help to reduce the noise impact from drilling and fracking.
- Furthermore, there should therefore be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF.
- The caveat that fracking within the buffer zone would be allowed ‘in exceptional circumstances’ is therefore legally unsound and should be removed.
- A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.

Air quality impacts

- There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.
- Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. A number of chemicals routinely released during fracking, such as benzene, are known carcinogens. <http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>
- Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).
- Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs and cause severe health risks.
- Planning Practice Guidance states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.
- Paragraph 109 of the NPPF states that the planning system should prevent *"... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"*
- There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.
- The proposal to include setback distances for what is termed 'sensitive receptors' is welcomed. The MWJP's definition of 'sensitive receptors' includes residential institutions, such residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
- However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production.
- Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live. [https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_\(2016\)](https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_(2016))
- The recommendation is therefore that the setback distance from 'sensitive receptors' should be a minimum of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- There is a strong argument that setback distances from places which house vulnerable people, such as schools, residential homes and hospitals, should be increased to 1km.
- Note that this is still less than the setback distance recommended by Kevin Hollinrake MP on his return from his 'fact-finding' mission in the USA, when he recommended a minimum setback distance of 1 mile from schools.

- Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health.

Biodiversity impacts

- Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to “...*have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”.
- The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.
- However, fracking would still be allowed just outside the boundaries of, and underneath, these areas from fracking well-sites situated on their borders.
- Unconventional gas production is not just an underground activity. The above ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby.
- Planning Practice Guidance supports this viewpoint, stating that: “*Particular consideration should be given to noisy development affecting designated sites.*”
- Policy D07 in the MWJP currently states that mineral developments which would have an unacceptable impact on an SSSI - or a network of SSSIs - will only be permitted “...*where the benefits of the development would clearly outweigh the impact or loss*”.
- This wording appears to allow considerable impact or loss on a protected area, if the Planning Authority felt that this was still outweighed by the benefits (i.e. by the production of gas).
- Given that SSSIs are sensitive nationally protected areas, often containing rare and protected species, this is a contradictory and unsound approach. This clause should therefore be removed.
- Noise is a particular danger for resident and migrating birds, and nocturnal creatures such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI.
- As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, even if they are just outside the borders of the protected area.
- The MWJP includes a 3.5 km ‘buffer zone’ around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced.
- The same consideration should be extended to SSSIs, so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.

- In non-designated areas, the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.
- Biodiversity offsetting has been shown many times to be an unsatisfactory solution to problems caused by development, and should not be offered as a solution to developers to get around the damage they will cause to protected areas. The specific features of an SSSI cannot simply be replaced by planting a new wood somewhere else. This approach is unsound and should be removed from the MWJP guidance.

Water impacts

- The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.
- In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking:
http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf

- Fracking has also been proven to pollute groundwater in Wyoming:

<https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/>

- It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire.
- The EU Water Framework Directive is part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).
- The British Geological Survey has previously highlighted the risks that fracking can contaminate water. saying, “*Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water.*”
<http://nora.nerc.ac.uk/16467/>
- The British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack, and the uncertainty regarding how much water returns to the surface: “*The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks **may not be adequate** as many have been designed to consider the risks from surface activities.*”
- Paragraph 94 of the NPPF states that local planning authorities should “*adopt proactive strategies to mitigate and adapt to climate change, taking full account of....water supply*”. Paragraph 99 later states that “*local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply.*”

- The MWJP should therefore incorporate the precautionary principle, meaning that unless it can be proved that there will be groundwater contamination from a fracking well-site, it should not apply.
- In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

Highways and traffic impacts

- Fracking is very likely to cause a large increase in traffic movements, as trucks bring water, chemicals and sand to the well-site, and to remove contaminated waste water (often containing Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline.
- It has been estimated that each individual borehole will require between 2,000 and 7,000 truck movements, and there are plans for up to 40 or 50 wells per fracking site.
- The rural road network in Yorkshire is ill-suited to deal with this exponential increase in traffic.
- Paragraph 144 of the NPPF states that local authorities should ensure that there: *“are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites”*.
- There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, etc.). This must be included in the Plan.
- The huge increase in HGV traffic will also adversely affect the air quality along the designated routes, particularly if they pass ‘sensitive receptors’ such as schools, hospitals and old people’s homes.
- The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors. Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions.
- This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.

Cumulative impact

- The NPPF states Planning Authorities should: *“...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality”*

- Planning practice guidance also states: *“The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.”*
- One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside in Yorkshire, and is one of residents’ greatest concerns.
- The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.
- The MWJP suggests that an ‘acceptable’ cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry’s own admission, meaning that a 10x10 km² PEDL licence block could contain up to 500 fracking wells.
- Bearing in mind that each well requires 60-100 hours drilling, many more hours fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems, health issues and stress.
- Furthermore, there is no guidance given on the separation distance between each well-site. Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.
- However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be ‘bunched up’ in one place, causing unacceptable impact for the local community.
- Furthermore, the MWJP says *“For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate.* This should be amended to ‘**will** be appropriate’, as otherwise operators may still be allowed to have 10 well-pads located in a much smaller surface area.
- There is also an absence of transport impacts relating to this density of well sites, particularly in terms of how this is monitored, which needs to be addressed.

The Precautionary Principle

- To abide by legal guidelines, the precautionary principle should be applied to the issue of cumulative impact. The precautionary principle is a means of restricting development where there is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.

- Planning practice guidance also refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): *“the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact.”*
- The precautionary principle is also reflected in the NPPF, saying, *“Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.”*
- In order to comply with current legislation (see above), the precautionary principle should be included in the MWJP, so that new developments are not permitted unless it can be proved that there will be no unacceptable cumulative effects.
- The MWJP should therefore be amended so that an **Environmental Impact Assessment** should always be required to assess the potential cumulative effects from an additional fracking development and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

Waste management and re-injection wells

- Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that *“A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to **very small scale induced seismic activity**”*.
- The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is ‘small scale’ is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.
- Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, “More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year.” <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/>
- A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells. <https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>
- These earthquakes, and many others like it, are not ‘very small scale induced seismic activity’, as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.
- The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.

- The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.

KEY POLICY AMENDMENTS

Policy M16 pt (b) (regarding climate change requirements, precautionary approach and cumulative impacts)

...b) **[INSERT] Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that they can be delivered in a safe and sustainable way and that adverse impacts can be avoided – either alone or in combination with other developments. Consideration should include: -**

- ***It being demonstrated that greenhouse gases associated with fugitive and end-user emissions will not lead to unacceptable adverse environmental impacts or compromise the planning authority's duties in relation to reducing greenhouse gas emissions.***
- ***a precautionary approach to unconventional oil and gas development in requiring environmental impact assessment;***
- ***cumulative impacts for such development including issues such as (and not limited to):***
 - ***water, air and soil quality; habitats and ecology; highway movements and highway safety; landscape impact; noise; and GHG emissions;***

Policy M16 pt (b) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

(ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will **[INSERT] not** only be permitted **[INSERT] unless** where it can be demonstrated that significant **[INSERT] no** harm to the designated asset will not occur.

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

i) Surface proposals for these forms of hydrocarbon development will **[INSERT] not** only be permitted where **[INSERT] unless** they would be outside **[INSERT] and respect the setting of**

the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, **[INSERT] The Vale of Pickering and The Yorkshire Wolds**, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

Policy M17 part 1 (regarding highways impacts)

...i) Hydrocarbon development will **[INSERT] not** be permitted in locations ~~with~~ **[INSERT] without** suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment **[INSERT] either singularly or cumulatively with other schemes that:**

a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities **[INSERT] including indirect impacts linked to air quality (re Air Quality Management Areas)**, businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements **[INSERT] away from sensitive areas and receptors;** and ...

M17 pt 3 (regarding the local economy)

...Hydrocarbon development will **[INSERT] not** be permitted ~~in locations where~~ **[INSERT] unless it can be demonstrated that a very** high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions.

M17 pt 4 (regarding amenity)

4) Specific local amenity considerations relevant to hydrocarbon development

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within ~~500~~**[INSERT] 750m** of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will ~~only~~ **[INSERT] not** be permitted ~~in exceptional circumstances...~~

...iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment **[INSERT] which includes consideration of the baseline**

and how the development will mitigate effectively to maintain these levels enjoyed by local residents. Where it cannot be demonstrated these levels can be maintained, then development will not be supported.

M18 pt ii (regarding waste water and re-injection wells)

*Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will **[INSERT] not only** be permitted in locations **unless where** a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be **proven beyond doubt demonstrated** that any risk from induced seismicity can be mitigated to an acceptable level.*

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

Response from: [REDACTED]

ORGANISATION

(if applicable)

ADDRESS [REDACTED]

POSTCODE [REDACTED]

TELEPHONE [REDACTED]

EMAIL [REDACTED]

No, I do not want to attend the Oral Examination of the MWJP.

Dear Sir/Madam,

Please consider the following concerns, as we vehemently object to fracking and feel strongly that waste procedures will not be safe.

SCOPE OF THE CONSULTATION

- Sections M16-M18 of the Minerals and Waste Plan (MWJP) has changed considerably in content since the Preferred Options consultation (the previous version put out for consultation in December 2015)
- Since the last draft of the plan, much of North Yorkshire is now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016.
- It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.
- Much of this content is also brand new policy which has not gone through the required consultation rounds with other representative bodies or the general public.
- There is no legal requirement to limit the scope of this consultation to just legality and soundness. It is the NYCC who have made this decision.
- The Town and Country Planning (Local Planning) England Regulations (2012) do not limit the scope of consultation at the Regulation 19 ('Publication') consultation stage.
- The consultation should therefore be opened up to wider public consultation on the content and substance of the plan.

CLIMATE CHANGE

- The Publication Draft of the MWJP does not conform to statutory requirements for legal compliance and tests of soundness relating to Climate Change.
- The MWJP does not conform with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change.
- Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*".
- The Committee of Climate Change (CCC) report of March 2016 concluded that the exploitation of shale gas would not be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. The MWJP's ability to meet these tests are not clearly defined.
- Assumptions that shale gas could lead to carbon savings are unsupported, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*"
- It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon by 2016.

- The MWJP is therefore unsound to claim that Policy M16 could have any positive impact on the climate budget, as this key condition of the CCC report is a long way from being met.
- Future applications for hydrocarbons production (including fracking) must be assessed using the following criteria:
 - CO₂ emissions and fugitive methane leaks must be included
 - CO₂ emissions resulting from both production and combustion must be included
 - explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
 - Until Carbon Capture and Storage (CCS) is fully operational, this can not be used in planning applications as a device to mitigate future CO₂ emissions in some notional future
 - any proposed plan must clearly show that it will lead to a *reduction* in climate change in order for it to be approved.

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

- The inclusion in Policy M16 that designated areas such as National Parks, AONBs and SSSIs are protected from fracking on their surfaces is strongly supported.
- However, the MWJP is currently unsound as it does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes).
- The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan.
- It is also noted that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the MWJP was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan.
- The Ryedale Plan aims to encourage new development to “*reinforce distinctive elements of landscape character*” in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP.
- Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: “*Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.*” (p 129 – Ryedale Plan).

- If fracking were developed in the way described in the MWJP, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC.
- The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds.
- The MWJP must be developed so that it is complementary to this Local plan, not be in conflict with it. This means that the MWJP is currently unsound.
- The Vale of Pickering and the Yorkshire Wolds should therefore be included as ‘protected areas’ in Policy M16.

Buffer Zones

- The inclusion of a 3.5km buffer zone around National Parks and AONBs is supported.
- Point 5.128 says, “*proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area.*”
- While the restrictions in terms of how much fracking developments impact on the landscape are welcomed, there is little detail on what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
- The National Parks and AONBs are protected for a number of reasons, including to conserve biodiversity, provide quiet places for people to relax, and to boost tourism in the region. In short, this should be about more than if the development ‘spoils the view’.
- Any fracking activity that close to a major protected area could not fail to impact upon the protected area, either by impacting the view, causing excessive traffic around the borders of the area, causing noise and air pollution, causing light pollution at night – which would affect not only the wildlife in the protected area, but also impact on the clear night skies which are such a draw for visitors – and potential impacts on water courses the serve the protected areas.
- The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection. These areas are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage.
- Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the **MWJP should therefore simply prohibit fracking in these buffer zones completely.**

Noise impacts

- Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take “*considerably longer*” than the 12-25 week timeframe required for conventional hydrocarbons.
- Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.
- Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take **6.5 years** in continuous drilling alone.
- Fracking itself is also a noisy activity and again is often conducted 24 hours a day, over a period of weeks.
- Unconventional gas development for shale gas cannot therefore be considered a ‘short term activity’ for the purposes of planning law.
- Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: “*ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*”.
- Fracking exploration is, by the MWJP’s own definition, a medium term activity at best, and therefore the policy from the NPPF above must apply.
- 24 hour drilling from exploration stages will lead to night-time noise levels far higher than those allowed for other types of development (such as wind turbines).
- The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable.
- It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- A setback distance of 750m would help to reduce the noise impact from drilling and fracking.
- Furthermore, there should therefore be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF.
- The caveat that fracking within the buffer zone would be allowed ‘in exceptional circumstances’ is therefore legally unsound and should be removed.
- A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.

Air quality impacts

- There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.
- Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. A number of chemicals routinely released during fracking, such as benzene, are known carcinogens. <http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>
- Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).
- Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs and cause severe health risks.
- Planning Practice Guidance states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.
- Paragraph 109 of the NPPF states that the planning system should prevent *"... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"*
- There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.
- The proposal to include setback distances for what is termed 'sensitive receptors' is welcomed. The MWJP's definition of 'sensitive receptors' includes residential institutions, such residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
- However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production.
- Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live. [https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_\(2016\)](https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_(2016))
- The recommendation is therefore that the setback distance from 'sensitive receptors' should be a minimum of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- There is a strong argument that setback distances from places which house vulnerable people, such as schools, residential homes and hospitals, should be increased to 1km.
- Note that this is still less than the setback distance recommended by Kevin Hollinrake MP on his return from his 'fact-finding' mission in the USA, when he recommended a minimum setback distance of 1 mile from schools.

- Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health.

Biodiversity impacts

- Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to “...*have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”.
- The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.
- However, fracking would still be allowed just outside the boundaries of, and underneath, these areas from fracking well-sites situated on their borders.
- Unconventional gas production is not just an underground activity. The above ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby.
- Planning Practice Guidance supports this viewpoint, stating that: “*Particular consideration should be given to noisy development affecting designated sites.*”
- Policy D07 in the MWJP currently states that mineral developments which would have an unacceptable impact on an SSSI - or a network of SSSIs - will only be permitted “...*where the benefits of the development would clearly outweigh the impact or loss*”.
- This wording appears to allow considerable impact or loss on a protected area, if the Planning Authority felt that this was still outweighed by the benefits (i.e. by the production of gas).
- Given that SSSIs are sensitive nationally protected areas, often containing rare and protected species, this is a contradictory and unsound approach. This clause should therefore be removed.
- Noise is a particular danger for resident and migrating birds, and nocturnal creatures such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI.
- As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, even if they are just outside the borders of the protected area.
- The MWJP includes a 3.5 km ‘buffer zone’ around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced.
- The same consideration should be extended to SSSIs, so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.

- In non-designated areas, the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.
- Biodiversity offsetting has been shown many times to be an unsatisfactory solution to problems caused by development, and should not be offered as a solution to developers to get around the damage they will cause to protected areas. The specific features of an SSSI cannot simply be replaced by planting a new wood somewhere else. This approach is unsound and should be removed from the MWJP guidance.

Water impacts

- The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.
- In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking:
http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf

- Fracking has also been proven to pollute groundwater in Wyoming:

<https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/>

- It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire.
- The EU Water Framework Directive is part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).
- The British Geological Survey has previously highlighted the risks that fracking can contaminate water. saying, “*Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water.*”
<http://nora.nerc.ac.uk/16467/>
- The British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack, and the uncertainty regarding how much water returns to the surface: “*The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks **may not be adequate** as many have been designed to consider the risks from surface activities.*”
- Paragraph 94 of the NPPF states that local planning authorities should “*adopt proactive strategies to mitigate and adapt to climate change, taking full account of....water supply*”. Paragraph 99 later states that “*local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply.*”

- The MWJP should therefore incorporate the precautionary principle, meaning that unless it can be proved that there will be groundwater contamination from a fracking well-site, it should not apply.
- In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

Highways and traffic impacts

- Fracking is very likely to cause a large increase in traffic movements, as trucks bring water, chemicals and sand to the well-site, and to remove contaminated waste water (often containing Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline.
- It has been estimated that each individual borehole will require between 2,000 and 7,000 truck movements, and there are plans for up to 40 or 50 wells per fracking site.
- The rural road network in Yorkshire is ill-suited to deal with this exponential increase in traffic.
- Paragraph 144 of the NPPF states that local authorities should ensure that there: *“are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites”*.
- There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, etc.). This must be included in the Plan.
- The huge increase in HGV traffic will also adversely affect the air quality along the designated routes, particularly if they pass ‘sensitive receptors’ such as schools, hospitals and old people’s homes.
- The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors. Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions.
- This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.

Cumulative impact

- The NPPF states Planning Authorities should: *“...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality”*

- Planning practice guidance also states: *“The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.”*
- One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside in Yorkshire, and is one of residents’ greatest concerns.
- The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.
- The MWJP suggests that an ‘acceptable’ cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry’s own admission, meaning that a 10x10 km² PEDL licence block could contain up to 500 fracking wells.
- Bearing in mind that each well requires 60-100 hours drilling, many more hours fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems, health issues and stress.
- Furthermore, there is no guidance given on the separation distance between each well-site. Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.
- However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be ‘bunched up’ in one place, causing unacceptable impact for the local community.
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- Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, “More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year.” <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/>
- A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells. <https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>
- These earthquakes, and many others like it, are not ‘very small scale induced seismic activity’, as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.
- The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.

- The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.

KEY POLICY AMENDMENTS

Policy M16 pt (b) (regarding climate change requirements, precautionary approach and cumulative impacts)

...b) **[INSERT] Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that they can be delivered in a safe and sustainable way and that adverse impacts can be avoided – either alone or in combination with other developments. Consideration should include: -**

- ***It being demonstrated that greenhouse gases associated with fugitive and end-user emissions will not lead to unacceptable adverse environmental impacts or compromise the planning authority's duties in relation to reducing greenhouse gas emissions.***
- ***a precautionary approach to unconventional oil and gas development in requiring environmental impact assessment;***
- ***cumulative impacts for such development including issues such as (and not limited to):***
 - ***water, air and soil quality; habitats and ecology; highway movements and highway safety; landscape impact; noise; and GHG emissions;***

Policy M16 pt (b) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

(ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will **[INSERT] not** ~~only~~ be permitted **[INSERT] unless** ~~where~~ it can be demonstrated that significant **[INSERT] no** harm to the designated asset will ~~not~~ occur.

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

i) Surface proposals for these forms of hydrocarbon development will **[INSERT] not** ~~only~~ be permitted **where [INSERT] unless** they would be outside **[INSERT] and respect the setting of**

the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, **[INSERT] The Vale of Pickering and The Yorkshire Wolds**, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

Policy M17 part 1 (regarding highways impacts)

...i) Hydrocarbon development will **[INSERT] not** be permitted in locations ~~with~~ **[INSERT] without** suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment **[INSERT] either singularly or cumulatively with other schemes that:**

a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities **[INSERT] including indirect impacts linked to air quality (re Air Quality Management Areas)**, businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements **[INSERT] away from sensitive areas and receptors;** and ...

M17 pt 3 (regarding the local economy)

...Hydrocarbon development will **[INSERT] not** be permitted ~~in locations where~~ **[INSERT] unless it can be demonstrated that a very** high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions.

M17 pt 4 (regarding amenity)

4) Specific local amenity considerations relevant to hydrocarbon development

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, ~~within 500~~**[INSERT] 750m** of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will ~~only~~ **[INSERT] not** be permitted ~~in exceptional circumstances...~~

...iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment **[INSERT] which includes consideration of the baseline**

and how the development will mitigate effectively to maintain these levels enjoyed by local residents. Where it cannot be demonstrated these levels can be maintained, then development will not be supported.

M18 pt ii (regarding waste water and re-injection wells)

*Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will **[INSERT] not only** be permitted in locations **unless where** a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be **proven beyond doubt demonstrated** that any risk from induced seismicity can be mitigated to an acceptable level.*

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

- * The inclusion in Policy M16 that designated areas such as National Parks, AONBs and SSSIs are protected from fracking on their surfaces is strongly supported.
- * However, the MWJP is currently unsound as it does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes).
- * The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan.
- * It is also noted that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the MWJP was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan.
- * The Ryedale Plan aims to encourage new development to “reinforce distinctive elements of landscape character” in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP.
- * Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: “Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.” (p 129 – Ryedale Plan).
- * If fracking were developed in the way described in the MWJP, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC.
- * The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds.
- * The MWJP must be developed so that it is complementary to this Local plan, not be in conflict with it. This means that the MWJP is currently unsound.
- * The Vale of Pickering and the Yorkshire Wolds should therefore be included as ‘protected areas’ in Policy M16.

Buffer Zones

The village of Appleton Le Moors is an ancient working village within the National Park, so if fracking was allowed close to the village, noise and light pollution along with increased traffic would have a destructive effect on this beautiful protected area.

- * The inclusion of a 3.5km buffer zone around National Parks and AONBs is supported.
- * Point 5.128 says, “proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area.”
- * While the restrictions in terms of how much fracking developments impact on the landscape are welcomed, there is little detail on what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
- * The National Parks and AONBs are protected for a number of reasons, including to conserve biodiversity, provide quiet places for people to relax, and to boost tourism in the region. In short,

this should be about more than if the development ‘spoils the view’.

- * Any fracking activity that close to a major protected area could not fail to impact upon the protected area, either by impacting the view, causing excessive traffic around the borders of the area, causing noise and air pollution, causing light pollution at night – which would affect not only the wildlife in the protected area, but also impact on the clear night skies which are such a draw for visitors – and potential impacts on water courses the serve the protected areas.
- * The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection. These areas are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage.
- * Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the **MWJP should therefore simply prohibit fracking in these buffer zones completely.**

Noise impacts

Appleton Le Moors is a quiet peaceful area, something that is greatly valued be the people whom live here.

- * Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take “*considerably longer*” than the 12-25 week timeframe required for conventional hydrocarbons.
- * Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.
- * Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take **6.5 years** in continuous drilling alone.
- * Fracking itself is also a noisy activity and again is often conducted 24 hours a day, over a period of weeks.
- * Unconventional gas development for shale gas cannot therefore be considered a ‘short term activity’ for the purposes of planning law.
- * Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: “*ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*”.
- * Fracking exploration is, by the MWJP’s own definition, a medium term activity at best, and therefore the policy from the NPPF above must apply.
- * 24 hour drilling from exploration stages will lead to night-time noise levels far higher than those allowed for other types of development (such as wind turbines).
- * The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable.
- * It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- * A setback distance of 750m would help to reduce the noise impact from drilling and fracking.
- * Furthermore, there should therefore be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF.
- * The caveat that fracking within the buffer zone would be allowed ‘in exceptional circumstances’ is therefore legally unsound and should be removed.
- * A Health Impact Assessment should be required for all fracking operations, to establish current air

quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.

Air quality impacts

This area (Rydale and Scarborough CCG) suffers from health inequalities, air and noise pollution would make this worse.

- * There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.
- A number of chemicals routinely released during fracking, such as benzene, are known carcinogens. <http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>
- Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).
- * Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs and cause severe health risks.
- * Planning Practice Guidance states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.
- * Paragraph 109 of the NPPF states that the planning system should prevent *"... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"*¹
- * There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.
- * The proposal to include setback distances for what is termed 'sensitive receptors' is welcomed. The MWJP's definition of 'sensitive receptors' includes residential institutions, such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
- * However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production.
- * Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live. [https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_\(2016\)](https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_(2016))
- * The recommendation is therefore that the setback distance from 'sensitive receptors' should be a **minimum** of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- * There is a strong argument that setback distances from places which house vulnerable people, such as schools, residential homes and hospitals, should be increased to 1km.
- * Note that this is still less than the setback distance recommended by Kevin Hollinrake MP, who is pro fracking, on his return from his 'fact-finding' mission in the USA, when he recommended a minimum setback distance of 1 mile from schools.
- * Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health.

Biodiversity impacts

- * Given that SSSIs are sensitive nationally protected areas, often containing rare and protected species, this is a contradictory and unsound approach. This clause should therefore be removed.
- * Noise is a particular danger for resident and migrating birds, and nocturnal creatures such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI.
- * As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, even if they are just outside the borders of the protected area.
- * The MWJP includes a 3.5 km 'buffer zone' around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced.
- * The same consideration should be extended to SSSIs, so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.
- * In non-designated areas, the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.

Water impacts

- * The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.
- * It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire. .
- * The British Geological Survey has previously highlighted the risks that fracking can contaminate water. saying, *“Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water.”* <http://nora.nerc.ac.uk/16467/>
- * The British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack, and the uncertainty regarding how much water returns to the surface: *“The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks **may not be adequate** as many have been designed to consider the risks from surface activities.”*
- In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

Highways and traffic impacts

Appleton Le Moors has one road through it to gain access to the A170. When repairs closed this road earlier this year the village faced a 15-20min detour and a great deal of disruption.

- * Fracking is very likely to cause a large increase in traffic movements, as trucks bring water, chemicals and sand to the well-site, and to remove contaminated waste water (often containing

Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline.

- * It has been estimated that each individual borehole will require between 2,000 and 7,000 truck movements, and there are plans for up to 40 or 50 wells per fracking site.
- * The rural road network in Yorkshire is ill-suited to deal with this exponential increase in traffic.
- * Paragraph 144 of the NPPF states that local authorities should ensure that there: *“are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites”*.
- * There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, etc.). This must be included in the Plan.
- * The huge increase in HGV traffic will also adversely affect the air quality along the designated routes, particularly if they pass ‘sensitive receptors’ such as schools, hospitals and old people’s homes.
- * The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors. Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions.
- * This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.

Cumulative impact

- * One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside in Yorkshire, and is one of residents’ greatest concerns.
- * The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.
- * The MWJP suggests that an ‘acceptable’ cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry’s own admission, meaning that a 10x10 km² PEDL licence block could contain up to 500 fracking wells.
- * Bearing in mind that each well requires 60-100 hours drilling, many more hours fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems, health issues and stress.
- * Furthermore, there is no guidance given on the separation distance between each well-site. Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.
- * However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be ‘bunched up’ in one place, causing unacceptable impact for the local community.
- * Furthermore, the MWJP says *“For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density **may** be appropriate*. This should be amended to **‘will** be appropriate’, as otherwise

operators may still be allowed to have 10 well-pads located in a much smaller surface area.

- * There is also an absence of transport impacts relating to this density of well sites, particularly in terms of how this is monitored, which needs to be addressed.

The Precautionary Principle

- * To abide by legal guidelines, the precautionary principle should be applied to the issue of cumulative impact. The precautionary principle is a means of restricting development where there is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.
- * Planning practice guidance also refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): *“the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact.”*
- * The precautionary principle is also reflected in the NPPF, saying, *“Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.”*
- * In order to comply with current legislation (see above), the precautionary principle should be included in the MWJP, so that new developments are not permitted unless it can be proved that there will be no unacceptable cumulative effects.
- * The MWJP should therefore amended so that an **Environmental Impact Assessment** should always be required to assess the potential cumulative effects from an additional fracking development and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

Waste management and re-injection wells

- * Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that *“A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to **very small scale induced seismic activity**”*.
- * The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is ‘small scale’ is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.
- * A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells.
<https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>
- * These earthquakes, and many others like it, are not ‘very small scale induced seismic activity’, as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.
- * The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.
- * The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Tel: [REDACTED]

Email: [REDACTED]

18/12/16

To whom it may concern

Whilst I understand we cannot ban fracking in the plan we can at least protect the diversity and fragility of our rural area.

Personally my main concerns are the setbacks from residential areas. I don't quite get how the officers have used wind turbines as a comparison for the 500m setbacks from residential homes and schools. Whilst both technologies are controversial, the potential for pollution from a wind turbine is not present. There are records of wells exploding and incinerating everything within 300m in Australia at least 2km from livestock (horses). In some parts of the US setbacks are recommended to be at least 750m where they have experience of fracking.

https://cogcc.state.co.us/documents/library/Technical/Miscellaneous/Init_78_Proposed_2500ft_Setback_Assessment_Report_20160527.pdf

There are many issues to be taken in consideration and I know it requires a lot more research. I feel that the management of the radioactive and toxic waste has not been addressed, climate change has not been significantly looked at in line with the councils targets and the water management is a serious concern, just where are the companies going to get the huge amounts of water required for multiple fracking wells? Are they going to extract from the local watercourses for instance? Following the US Governments conclusions that fracking affects the water supply I think it is imperative we protect our water courses.

<https://www.epa.gov/hfstudy>

I would ask the council to consider setbacks of 2500ft from residential homes, schools and vulnerable habitations and 4km from AONBs, protected habitats and watercourses. I would encourage some serious assessment into the cumulative impacts of such an industry on other industries. Waste management should be a priority for NYCC with the risk of pollution from radioactivity and chemical waste being stored and transported on our rural road networks

Yours sincerely

[REDACTED]

mwjointplan

From: [REDACTED]
Sent: 18 December 2016 15:59
To: mwjointplan
Subject: Waste and Minerals Joint Plan Consultation Submission
Attachments: [REDACTED] jmwp submission.docx

Please find my submission to NYCC for the waste and minerals plan

Many thanks

[REDACTED]

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mwjointplan@northyorks.gov.uk

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info@ukoog.org.uk

Your ref: MWJP/Reg 19/Nov2016

Dear Sir/Madam

Minerals and Waste Joint Plan - Publication (November 2016 - December 2016) Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012

With regards to the above consultation, notification of which was received on the 9th November following representations submitted during previous rounds of consultation.

This letter forms UKOOG's submission, as agreed with Mr Smith - Plans and Technical Services Team Leader.

UKOOG is the representative body for the UK onshore oil and gas industry, including exploration and production. As an industry, we have important concerns about the bearing and definitions for hydrocarbons in the latest draft plan. It is for this reason that we are sending this letter, some of our members will make parallel representations.

This response is in three parts:

1. High-level concerns;
2. Changes made to the preferred options draft; and,
3. Comments on the current draft plan.

UKOOG welcomes the development of the joint minerals and waste plan, covering the period up to 31 December 2030, as this will set a transparent development policy context for Onshore Oil and Gas in three important areas. In providing this response, UKOOG would affirm the importance of the Draft Joint Minerals and Waste Plan taking full regard of guidance provided by the NPPF and specifically Clause 182. The final plan should be based on sound strategy, justified, effective and consistent with national policy. We reproduce relevant extracts from the NPPF and NPPG as Annex 1.

We also append relevant dialogue from the Balcombe Judicial Review, which is included as Annex 2 and addresses the remit of the planning regime in the context of other regulatory bodies.

1. High Level Concerns

UKOOG considers that the North Yorkshire authorities have misunderstood some basic facts and moved into regulatory areas that are not the role of the authorities in preparation of Chapter 5 – Minerals – of the publication draft plan. UKOOG would welcome the opportunity to discuss the issues raised in this submission to ensure that the final adopted plan is both fit for purpose and binding. Our key concerns are as follows:

- The report seeks to redefine hydraulic fracturing. The recognised definition is provided in the 2015 Infrastructure Act. The report seeks to define this by volume of liquid used and the stage of the

fracturing process. It is not for the final report to redefine this process and this element would render the document unsound. The new definition would, by default, cover all onshore oil and gas production even if the volumes are tiny but involves a similar process – no matter what the scale. We do not consider that this was the intent of the authors but the effect would be to severely limit many unrelated and existing processes within the plan area.

- The Infrastructure Act 2015 and the associated secondary legislation clearly defines the protected areas. The publication draft report seeks to extend and alter the existing definition as enshrined in legislation. It is our contention that for the final adopted plan to be valid and to be a workable document the definition of the protected areas should reflect that which is already valid and legally binding.
- The document overlaps into other regulatory areas. Planning guidance makes the regulatory position very clear for each process and regulator. Each in turn informs the other but the publication draft report seeks to override this, when it talks about regulatory gaps that are not reflected in government guidance or appeal decisions. The draft report delves into sub-surface issues which are not part of its remit, with the NPPF/NPPG clearly limiting the role of mineral authorities to surface issues.
- The publication document fails to recognise the temporary and limited visual impact of the process on the surrounding landscape and that the longer period of production is very unobtrusive.
- The publication draft report deals with conventional and unconventional as techniques rather than geological constraints. The techniques are the same; it is the geology that dictates the process.

2. Key Changes Since the Last Published Consultation Report

UKOOG do not understand the need or the evolution of some key changes from the previous draft plan. As such our key concerns in relation to specific changes are:

- 2.1 As the plan is for the period 2017-2030, it has attempted to anticipate what would be an appropriate local planning regime for full commercial shale gas development across the plan area where current, and potentially future, PEDLs have been issued. This is flawed as:
- The industry is only at the very start of the exploration phase and it is unknown if and how the shale gas industry will develop. It would be more appropriate to focus the plan on appropriate controls for the exploration phase - there is provision to revisit the plan when necessary
 - The Authorities have not engaged directly with the PEDL holders in the plan area as to the potential options for commercial development. The result is some assumptions without insight
 - There is a tension running throughout the Policies and Justifications on the desire to limit the number of well sites (and wells) and at the same time limit the amount of development on any one site. The plan has not formed an opinion as to which would be the preferred development model
 - The Policies as written have a major impact on the ongoing development of conventional hydrocarbons that are hard to justify considering the acknowledged (in the plan) low level of impact of the existing industry

- 2.2 The plan sets out restrictions on the industry outside NPP Guidance and other regulations / laws. The suggested controls go beyond that for other minerals and waste in several areas.
- 2.3 There is an attempt to extend the Plan's control over areas where others regulate. Two things to note are:
- Addition of the final sentence to paragraph 5.118 (over Preferred Options version) which seems to contradict 5.112
 - extending planning control to include the subsurface, which is not the remit of the Town & Country Planning Act. Substantially different policies for hydrocarbon development than in the preferred options consultation draft:
 - M17 & M18 have changed title and purpose – different policies for Exploration & Appraisal and Production and Processing have been superseded by Spatial & Locational Criteria and Other Specific Criteria. M16 has a slight amendment to its title
 - The three policies specifically concerned with hydrocarbon development have expanded and contain a level of detail not attempted in the policies specific to other minerals and waste industries.
- 2.4 The Introduction to the hydrocarbon section has been changed:
- In the 'Other' regulatory regimes section, the clear statement (POC 5.101) about the responsibilities of DECC, through the OGA, and in relation to the both the HSE and EA, has been dropped
 - Paragraph POC 5.106 has become two paragraphs 5.111 & 5.112 with a differentiation between a "range of issues likely to be relevant.... for hydrocarbon development" and "Particular concerns have been expressed about other potential impacts of the hydraulic fracturing techniques...." Whilst traffic has been relegated from a "particular consideration for shale gas development..." to one of the range of issues in 5.111 it has been given its own section in Policy M17.
 - Introducing a new section entitled **Definitions** the purpose of which is explained in 5.119. There are two concerns with this section:
 - A re-definition of Hydraulic Fracturing in the Plan that is contrary to the 2015 Infrastructure Act: "hydraulic fracturing includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used"
 - Use of incorrect or irrelevant terminology in the definitions e.g. *conventional drilling, unconventional techniques, more conventional less complex drilling*
- 2.5 The policy justifications contain flaws; mainly in terms of technical aspects of our industry but also in assumptions about shale gas development.
- Some of these have arisen in attempting to incorporate comments from the Preferred Options Consultation e.g. a comment that "sealing a well" was not the correct technical term whereas "decommissioning" was, had led to a policy requirement M18 2) i) that suspended wells should be decommissioned.
- 2.6 Policy S02: Chapter 8: Safeguarding minerals resources
- Despite the representations from the industry, the 2km buffer zone safeguarding potash and polyhalite reserves – over other sub-surface mineral resources have not been changed.

2.7 Vision and Priorities of the Plan

This section still does not include any specific references to the support and development of the onshore hydrocarbon industry. This does not reflect government policy. Instead, the development of the onshore oil and gas industry is presented as a "Challenge" to manage.

3. UKOOGs specific comments are as follows:

Section - 5.119 States:

d) 'Conventional hydrocarbons' include oil and gas found within geological 'reservoirs' with relatively high porosity/permeability, extracted using conventional drilling and production techniques.

e) 'Unconventional hydrocarbons' include hydrocarbons such as coal bed and coal mine methane and shale gas, extracted using unconventional techniques, including hydraulic fracturing in the case of shale gas, as well as the exploitation of in situ coal seams through underground coal gasification.

f) For the purposes of the plan 'hydraulic fracturing' includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used.

G) In planning terms, it is important to distinguish between:

i) the use of unconventional techniques to extract hydrocarbons, such as hydraulic fracturing, underground coal gasification and coal bed methane extraction; and:

ii) the use of more conventional, less complex drilling and production techniques to extract hydrocarbons.

UKOOG Response:

Section 5.119 defines the terms 'Conventional' and 'Unconventional' as extraction techniques which is inaccurate. The terms Conventional and Unconventional are definitions that relate to the Geology in which hydrocarbons are present. Unconventional resources are hydrocarbon bearing rocks that have low permeability and porosity and often require enhanced recovery techniques to enable extraction. Techniques may also be used in higher porosity 'conventional' formations to increase hydrocarbon flow. The terms relate to the geology, not the techniques.

Section 5.119 also seeks to redefine the term 'hydraulic fracturing' outside of the definitions already provided by Section 50 of the Infrastructure Act 2015, as enacted:

'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'.

See: <http://www.legislation.gov.uk/ukpga/2015/7/section/50/enacted>

Also in the Oil and Gas Authorities guidance on Extended well tests and Hydraulic Fracture planning.
https://www.ogauthority.co.uk/media/1720/onshore_ewt_and_hfp_feb2016.pdf

Policy M16: Key spatial principles for hydrocarbon development

Exploration, appraisal and production of conventional hydrocarbons, involving hydraulic fracturing;

- Exploration for unconventional hydrocarbons, involving hydraulic fracturing;
- Appraisal and/or production of unconventional hydrocarbons (other than coal mine methane):

i) Surface proposals for these forms of hydrocarbon development will only be permitted where they would be outside the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will only be permitted where it can be demonstrated that significant harm to the designated asset will not occur. Where lateral drilling beneath a National Park or AONBs is proposed for the purposes of appraisal or production, this will be considered to comprise major development and will be subject to the requirements of Policy D04.

iii) Surface and sub-surface proposals for these forms of hydrocarbon development will also be required to be in accordance with Policies M17 and M18. Surface proposals will also, where relevant, need to comply with Part d) of this Policy

d) All surface hydrocarbon development:

i) Where proposals for surface hydrocarbon development fall within a National Park or an AONB or associated 3.5km buffer zone identified on the Policies map, or is otherwise considered to have the potential to cause significant harm to a National Park and/or AONB, applications must be supported by a detailed assessment of the potential impacts on the designated area/s. This includes views of and from the associated landscapes from significant view points and an assessment of the cumulative impact of development in the area. Permission will not be granted for such proposals where they would result in unacceptable harm to the special qualities of the designated area/s or are incompatible with their statutory purposes in accordance with Policy D04.

ii) Surface hydrocarbon development will only be permitted where the undeveloped character of defined Heritage Coast will be protected.

Conversion of well pads and wells for further or alternative forms of hydrocarbon development: Where proposals are brought forward for the conversion of an exploration well pad or individual well to one to be used for appraisal and/or production purposes, or for the conversion of a well pad or individual well used for conventional hydrocarbons to one to be used for unconventional hydrocarbons, such proposals shall be subject to the spatial principles set out in this Policy as relevant.

UKOOG Response:

The proposed Policy M16 is inappropriate because it is not compliant with the controls established by the Infrastructure Act 2015 and associated secondary legislation, where nationally significant sites of landscape or high environmental value are already afforded protection. This policy seeks to introduce new designations which are already addressed through the EIA process, where a proposal would be tested in consultation with bodies such as Natural England and Historic England, where any avoidance or mitigation position would be locally identified.

It further seeks to apply additional restrictions with respect to lateral drilling, over which it has no jurisdiction, as the sub-surface is not regulated by the Mineral Planning Authority. Sub-policy (d) introduces a '3.5km buffer zone', for which there is no national policy mechanism. All potential impacts, visual or otherwise, are already addressed through the existing EIA process and any landscape character assessment required as part of it. The buffer zone also takes no regard of the temporary nature of any drilling and/or hydraulic fracturing activity.

The final paragraph of M16 also seeks to apply this policy where a well pad is further developed to include the targeting of less permeable geology. This is at odds with PEDL licencing where the operator is 'grant[ed] the exclusivity over an area of land for onshore hydrocarbon exploration, appraisal and extraction. The exclusivity applies to both conventional and unconventional operations'.¹

Section 5.124 states:

An additional consideration is that the new Regulations and proposed surface protections would only apply to high volume hydraulic fracturing whereas in terms of land use and the potential for impacts on the environment, local amenity and other relevant matters, impacts could occur at lower levels of activity. It is therefore not considered appropriate to distinguish in the Policy between high-volume hydraulic fracturing and fracking involving lower volumes of fracture fluid. Similarly, it is considered that where hydraulic fracturing is proposed for the purposes of supporting the production of conventional gas resources, this should be subject to the same policy approach that is applied to hydraulic fracturing for unconventional gas, as the range of issues and potential impacts are likely to be similar.

UKOOG Response:

Again this position seek to extend the definition of 'hydraulic fracturing' outside of the definitions already provided by Section 50 of the Infrastructure Act 2015, as enacted see above and; <http://www.legislation.gov.uk/ukpga/2015/7/section/50/enacted>

Also in the Oil and Gas Authorities guidance on Extended Well Tests and Hydraulic Fracture planning. https://www.ogauthority.co.uk/media/1720/onshore_ewt_and_hfp_feb2016.pdf

Section 5.125 states:

In view of the limited protection provided by existing and proposed legislation, as well as current uncertainty about the potential scale and geographical distribution of any commercial gas production that may be sought by industry, 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.

¹ <https://www.ogauthority.co.uk/news-publications/announcements/2015/new-onshore-oil-and-gas-licences-offered/>

UKOOG Response:

Section 5.125 takes no account of the comprehensive institutional arrangements already in place through the Environment Agency, Health and Safety Executive, Oil and Gas Authority, Natural England, Public Health England, BEIS, DCLG, and other bodies and also no regard to the existence of ERA or the EIA process. The regulatory arrangements are summarised in the Governments regularity road map for onshore oil and gas.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503067/Onshore_UK_oil_and_gas_exploration_England_Dec15.pdf

Section 5.126 states:

...As the sub-surface protections in the Infrastructure Act and the Onshore Hydraulic Fracturing (Protected Areas) Regulations only refer to high-volume hydraulic fracturing, it is considered that the starting point in local policy is that all applications for appraisal or production of unconventional hydrocarbons within the National Park and AONBs will be considered as major development and should be steered away from these highly-protected areas.

UKOOG Response:

There is no justification for restricting the development of all unconventional hydrocarbon development from these designations. The specific restrictions provided by the Infrastructure Act 2015 and associated secondary regulation provides the necessary controls required. The existing planning process, including EIA, provide for a transparent assessment of the appropriateness of any proposed development within a setting.

Section 5.128 states:

In order to ensure that National Parks and AONBs are provided with a degree of protection commensurate with their significance to the landscape and overall quality of the environment within the Plan area, proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area. This distance is based on typical planning practice relating to assessment of landscape and visual impact for EIA purposes, where it may be justified to 'screen out' consideration of a 35m tall and relatively linear structure beyond a distance of 3.5km from the receptor. Whilst it is considered that a 3.5km zone is likely to be adequate to ensure that, in the large majority of cases, the potential for significant impacts is identified and considered, there may be particular circumstances, for example as a result of the local topography, that mean that similar information will be required in respect of proposals beyond the 3.5km zone. Prospective applicants should seek advice from the relevant Mineral Planning Authority on this matter at pre-application stage.

UKOOG Response:

All potential impacts, visual or otherwise, are already addressed through the existing EIA process and any landscape character assessment required as part of it. An arbitrary 'buffer zone' takes no regard of the temporary nature of any drilling and/or associated activity. It is un-justified to single out one sector given the existing robust and transparent processes in place to assess the appropriateness of development within a landscape.

Policy M17: Other spatial and locational criteria applying to hydrocarbon development

- 1) iii) Where produced gas needs to be transported to facilities or infrastructure not located at the point of production, including to any remote processing facility or the gas

transmission system, this should be via underground pipeline, with the routing of pipelines selected to have the least practicable environmental or amenity impact. Where hydraulic fracturing is proposed, proposals should also be located where an adequate water supply can be made available without the need for bulk road transport of water.

UKOOG Response:

Policy M17 '1) iii)' This provision applies unnecessary restrictions in that it does not provide for a developer to identify, through consultation, engagement and the EIA process, the locally preferred solution that has the least environmental or social impact.

Policy M17

- 2) i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will only be permitted in exceptional circumstances.

UKOOG Response:

Policy M17 '2) i)' This provision applies unnecessary restrictions and takes no regard of the other regulatory controls in place to avoid and mitigate any local impacts and site design. It is un-justified to single out one sector and apply boundary restrictions in an arbitrary manner.

Section 5.137 states:

To give an indication at this stage, however, it is considered unlikely that proposals which would lead to a total development density, including operational and restored sites, of more than 10 well pads per 100km² PEDL area (pro-rata for PEDLs of less than 100km²) would be compatible with the purpose of this element of the Policy17. For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate. As PEDL boundaries are based purely on the OS grid and do not reflect other considerations, the location of existing or planned development in adjacent PEDL areas will also be considered in assessing cumulative impact under this Policy.

UKOOG response:

Assumptions on pad density should not be used to derive policy until such times as exploration has been undertaken. There can be no limit set until more is known about the geology. The 'Plan' can be revised once the potential resource is better understood in the light of exploration. It should be noted that licence 'blocks' are typically 10km by 10km, but a Petroleum Exploration and Development Licence may comprise a number of blocks or only part of a block. Therefore, establishing a total density of 10 well pads per 100km² is considered inappropriate as there is no arbitrary PEDL size.

Section 5.138 states:

Where information is available as a result of exploration and/or appraisal activity in a PEDL area, operators should use this when putting forward specific proposals for production to set

out, as far as practicable, how those proposals are expected to fit into an overall production scenario for the PEDL area, in terms of any further development that may be anticipated. Such information should refer to development that it is anticipated over the whole of the PEDL area and take account of the entire likely duration of development activity. This can help to ensure that a strategic approach is taken to the development of the area, which includes directing development, as far as practicable, towards the least sensitive locations.

UKOOG response:

The strategic development of the PEDL licence area is presented in a field development plan, which is submitted to the Oil and Gas Authority in line with licencing terms. This plan can only be developed once exploration has been completed. An operator may wish to present a strategic planning application for the development of a number of wells or pads, but they may also wish to make individual applications as and when it is appropriate for them to do so.

Section 5.146 states:

.....In order to ensure that an appropriately high standard of protection can be maintained, and to help to provide clarity on the approach to be followed by the Mineral Planning Authorities, it is considered that a minimum horizontal separation distance of 500m should be maintained between the proposed development and occupied residential property or other sensitive receptors, unless there are exceptional circumstances.

5.148 A further specific consideration associated with hydraulic fracturing is the possibility of induced seismicity. This has the potential to impact local amenity adversely and can be a significant concern to local communities. Although evidence suggests that any earth tremors that could be induced are likely to be of very low magnitude, it will be important to ensure that development which could give rise to induced seismicity is located in areas of suitable geology. Proposals should therefore be supported by information which demonstrates the known location of any faults and an assessment of the potential for induced seismicity to occur as a result of the proposed development. Operators will be expected to apply the DBEIS traffic light system (see Fig.15) during their operations.

UKOOG response:

This provision applies unnecessary restrictions and takes no regard of the other regulatory controls in place to avoid and mitigate any local impacts and site design. It is un-justified to single out one sector and apply boundary restrictions in an arbitrary manner. Regulation of issues concerning seismicity and other sub-surface issues are not within the remit of Mineral Planning Authorities and are specifically the responsibility of other regulatory bodies.

Policy M18: Other specific criteria applying to hydrocarbon development

1) Waste management and reinjection wells

i) Proposals for hydrocarbon development will be permitted where it can be demonstrated, through submission of a waste water management plan, that arrangements can be made for the management or disposal of any returned water and Naturally Occurring Radioactive Materials arising from the development. Proposals should, where practicable and where a high standard of environmental protection can be demonstrated, provide for on-site management of these wastes through re-use, recycling or treatment. Where off-site management or disposal of waste is required, proposals should demonstrate that adequate

arrangements can be made for this. Where new off-site facilities are proposed in the Plan area for the management or disposal of waste arising from hydrocarbons development, these should be located in accordance with the principles identified in Policies W10 and W11.

ii) Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will only be permitted in locations where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.

UKOOG response:

The management of waste and reinjection of fluids is regulated by the Environment Agency. Comprehensive guidelines exist, which can be seen as follows:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/545924/LIT_10495.pdf

This is not an aspect regulated by the MPA.

Policy M18: Other specific criteria applying to hydrocarbon development

2) Decommissioning and restoration

Proposals for hydrocarbon development will be permitted where, subject to other regulatory requirements, it can be demonstrated that:

- i) Following completion of the operational phase of development, or where wells are to be suspended pending further hydrocarbon development, any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air; and

UKOOG response:

The suspension of production from a well is common oil field operational practice and must be undertaken in line with regulatory requirements from the HSE, EA and OGA licencing. A suspended well may be brought back into production, or decommissioned, at a later date in line with consenting and permitting of that borehole site.

Decommissioning of a well only occurs at the point at which the well is no longer considered viable.

Policy M18: Other specific criteria applying to hydrocarbon development

2) Decommissioning and restoration

iii) For unconventional hydrocarbon development, the Mineral Planning Authority may require provision of a financial guarantee, appropriate to the scale, nature and location of the development proposed, in order to ensure that the site is restored and left in a condition suitable for beneficial use following completion of the development.

UKOOG response:

In line with the NPPF, the provision of a financial guarantee is only justified if the technique is novel – no techniques are used that can be termed novel.

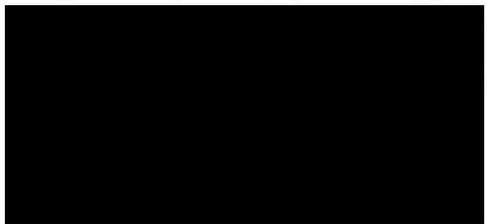
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6000/2115548.pdf

paragraph 50 of the NPPF technical guidance states: Exceptional cases where it will be reasonable for a minerals planning authority to seek a financial guarantee to cover restoration (including aftercare) costs, through a voluntary agreement/planning obligation at the time a planning permission is given include:

- *for very long-term new projects where progressive reclamation is not practicable, such as a super-quarry or some types of industrial or metalliferous mineral sites, where incremental payments into a secure fund may be made as the site develops;*
- *where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;*
- *where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.*

In summary UKOOG are committed to future growth in the region and the need to work collaboratively with the authorities to achieve this. We do however consider there to be some fundamental flaws in the current publication draft and trust that the matters raised in this letter can be fully addressed before the final version is submitted. To that extent, we would like to take up the offer of early dialogue meetings in January 2017 so that we can meet in person and try to resolve these matters for the final lead document.

Yours sincerely,



Ken Cronin
UKOOG CEO

Enclosed:

1. **Annex 1 - Extracts from the NPPF and NPPG**
2. **Extracts from the Balcombe Judicial Review - Addressing the remit of the planning regime in the context of other regulatory bodies.**

Annex 1. - Extracts from the NPPF and NPPG

NPPG: The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.

The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from but related to the Local Plan test of soundness.

If the Inspector finds that the duty has been complied with the examination will also test whether the Local Plan is sound. The test of soundness, set out in full in the National Planning Policy Framework (paragraph 182), assesses whether the Local Plan is:

- positively prepared;
- justified;
- effective; and
- consistent with national policy.

In assessing whether the Local Plan is effective the Inspector will assess whether it is deliverable within the timescale set by the Local Plan and if it demonstrates effective joint working to meet cross boundary strategic priorities. If a Local Plan is found unsound at the examination the Inspector will recommend that it is not adopted (although an Inspector must recommend modifications that would make a Local Plan sound if asked to do so by the local planning authority).

NPPF: 147. Minerals planning authorities should also:

- when planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production;

Minerals

163. Minerals planning authorities should work with other relevant organisations to use the best available information to:

- develop and maintain an understanding of the extent and location of mineral resource in their areas; and
- assess the projected demand for their use, taking full account of opportunities to use materials from secondary and other sources which could provide suitable alternatives to primary materials.

Annex 2 - Extracts from the Balcombe Judicial Review - Addressing the remit of the planning regime in the context of other regulatory bodies.

19. The Claimant, represented by Mr Wolfe QC argues that a) the Planning Committee was wrongly advised that it should leave matters such as pollution control, air emissions and well integrity to the EA, HSE and other statutory bodies; b) the Committee was misled with regard to the views of PHE on air emissions monitoring, and of HSE on well integrity; c) the Committee was wrongly advised to treat as immaterial evidence of past breaches of planning condition by CBL; d) the Committee was wrongly advised that the number of objections received (as opposed to their content) was immaterial; e) the Committee was wrongly advised that the issue of the costs generated by protests at the activities of CBL was immaterial

D Relationship of planning control regime with other statutory regimes, and effect on the determination of planning applications

25. Planning control is but one of the statutory regimes which can affect the carrying out of a development, or its use. At paragraph 4 above I have set out the various statutory regimes in play here. They do not all operate in the same way. Thus, while a planning permission cannot be revoked or modified by the minerals or local planning authority (as the case may be) without giving rise to a liability to compensation (see s 97-100 TCPA 1990) (and such revocations or modifications are therefore extremely rare) a permit from the EA can be modified by the EA to reflect changes in circumstance or knowledge without a right to compensation – see Regulation 20 of the *Environmental Permitting (England and Wales) Regulations 2010*. (A planning permission may only be changed without there being an entitlement to compensation where the owner proposes the change, and then only so far as its conditions are concerned - see s 96A TCPA 1990 as amended).

26. Plainly, while the effect of an activity on the environment is a material consideration, so too is the existence of a statutory code or codes which address(es) the effect(s) being considered. Thus, the generation of airborne emissions or the potential for contamination of groundwaters are matters falling squarely within the purview of the EA permit regime: similarly, well integrity falls within the purview of DECC and of the HSE, and so on. Some fall within the remit of more than one statutory body.

27. It is therefore sensible that where one has a statutory code to address some technical issue, one should not use another statutory regime as an alternative way of addressing the issue in question. In paragraph 122, within Chapter 11 of the National Planning Policy Framework, it is stated that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

30. In the policy specific to Minerals Planning, which is of application here, under the heading "Assessing environmental impacts from minerals extraction" this appears at paragraph 12; "What is the relationship between planning and other regulatory regimes? The planning and other regulatory regimes are separate but complementary. The planning system controls the development and use of land in the public interest and, as stated in paragraphs 120 and 122 of the National Planning Policy Framework, this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or

general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution.”

31. What are the environmental issues of minerals working that should be addressed by mineral planning authorities? The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include: • noise associated with the operation • dust; • air quality; • lighting; • visual impact on the local and wider landscape; • landscape character; • archaeological and heritage features • traffic; • risk of contamination to land; • soil resources; • geological structure; • impact on best and most versatile agricultural land; • blast vibration; • flood risk • land stability/subsidence; • internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; • impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); • nationally protected geological and geo-morphological sites and features; • site restoration and aftercare; • surface and, in some cases, ground water issues; • water abstraction.

What issues are for other regulatory regimes to address? Since minerals extraction is an on-going use of land, the majority of the development activities related to the mineral operation will be for the mineral planning authority to address. However, separate licensing, permits or permissions relating to minerals extraction may be required. These include: • permits relating to surface water, groundwater and mining waste, which the Environment Agency is responsible for issuing; • European Protected Species Licences, issued by Natural England (where appropriate), and; • Hydrocarbon extraction will involve other regulations.”

132. My task has been to consider whether West Sussex County Council acted lawfully in the way in which it dealt with the planning application. It was for it, and not for this Court, to determine the merits. It did so after a very full discussion and a thorough exploration of all the issues raised. It was entitled to consider that it could leave matters within the purview of the EA, the HSE and other statutory bodies and their regimes for those bodies to address. It had ample material to justify such an approach.

133. This application was for a lawful activity, which (and this has never been challenged in these proceedings) was a development which national and development plan policy supported, and which would be the subject of statutory control as well as planning conditions. The approach adopted by WSCC towards the relationship of planning control with other regulatory codes and regimes followed national policy guidance as repeatedly endorsed by the courts.

mwjointplan

From: Steve Thompsett <sthompsett@ukoog.org.uk>
Sent: 21 December 2016 12:07
To: mwjointplan
Cc: UKOOG Info
Subject: UKOOG response to North Yorkshire Minerals and Waste Joint Plan
Attachments: UKOOG Response to Yorkshire Minerals and Waste Joint Plan.pdf
Importance: High

Dear Mr Smith

Please find attached UKOOGs response to consultation on the Publication Draft of the North Yorkshire Minerals and Waste Joint Plan.

Please come back to me should you need clarification on any point.

Kind regards
Steve

Steve Thompsett
UKOOG – Executive Director
07796 273959
www.ukoog.org.uk



UKOOG is the representative body for the UK onshore oil and gas industry including exploration, production and storage. The organisation’s objectives are to enhance the profile of the onshore industry, promote better and more open dialogue with key stakeholders, deliver industry-wide initiatives and programmes and to ensure standards in safety, the environment and operations are maintained to the highest possible level. Membership is open to all companies active in the onshore industry including those involved in the supply chain.

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Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable): Sirius Minerals Ltd		
Address:	c/o Agent	
Post Code:		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title: Mr	Initial(s): J
Surname: Gartland		
Organisation (if applicable): Nathaniel Lichfield & Partners		
Address:	3 rd Floor	
	15 St Paul's Street	
	Leeds	
Post Code: LS1 2JG		
Telephone: 0113 397 1397		
Email: jgartland@nlppanning.com		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
 Planning Services
 North Yorkshire County Council
 County Hall
 Northallerton
 DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
Respondent Number

Date received.....Date enteredDate acknowledged.....

4067

Planning Consultancy of the Year 2011-2014
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Nathaniel Lichfield & Partners
Planning. Design. Economics.

Minerals and Waste Joint Plan,
Planning Services,
North Yorkshire County Council,
County Hall,
Northallerton,
North Yorkshire,
DL7 8AH

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Date 18 December 2016
Our ref 50303/04/HS/SS/12926479v1
Your ref

Dear Sir / Madam,

Representations to Joint Minerals & Waste Plan (Publication Draft)

On behalf of our client, Sirius Minerals Ltd ("Sirius"), Nathaniel Lichfield & Partners is pleased to set out representations to the 'City of York, North York County Council and North York Moors National Park Joint Minerals and Waste Plan' (Publication Draft) ("the Joint M&W Plan" or "the Plan").

As you will be aware, Sirius is the company behind Sirius Minerals' North Yorkshire Polyhalite Project ("the Project") and has engaged with the emerging Plan previously at various stages of the Plan process, most recently via representations (dated 15 January 2016) submitted to the 'Preferred Options' consultation. The representations in this letter follow those previously submitted, and set out the position of Sirius on the latest iteration of the Joint M&W Plan.

Sirius appreciates the ongoing opportunities to work with the City of York Council ("CYC"), North Yorkshire County Council ("NYCC"), and the North York Moors National Park ("NYMNP") on the production of the Joint M&W Plan.

This letter will provide an update on the Project, detailing relevant progress since the last consultation on the Plan, and provide a commentary on the matters relevant at the publication stage.

Sirius Minerals Ltd

As you will be aware, Sirius Minerals Ltd was granted planning permission in October 2015 by the NYMNP¹, for the winning and working of polyhalite by underground methods, and a range of associated surface and sub-surface development.

¹ The application was a cross-boundary application, and planning permission was granted by Redcar & Cleveland Borough Council in August 2015.



This includes the construction of a minehead and associated buildings at Dove's Nest Farm, Sneatonthorpe, a Material Transport System ("MTS") consisting primarily of a 36.5km tunnel from the minehead site to a portal at Wilton in Redcar, and three intermediate tunnel access and maintenance/ventilation sites along the route of the MTS at Lady Cross Planation, Lockwood Beck and Tocketts Lythe.

Since the previous representations, submitted by NLP on behalf of Sirius (as York Potash Limited) (dated 15 January 2016), progress has been made addressing planning conditions and other pre-construction requirements associated with the planning permission (NYM/2014/0676/MEIA).

Responses to Publication Draft Consultation

Responses to specific policies and policy points are provided in the '*Publication Stage Response Form(s) – Part B*' which are appended to this letter (alongside '*Publication Stage Response Form – Part A*'). Responses are provided where it is considered that modifications to the draft policies addressed therein are required in order to ensure that these elements of the Joint M&W Plan are sound. Responses are also provided to express support for, or provide commentary, on policies and elements of policies that have been adjusted since the Preferred Options Draft earlier this year, and are now considered to be sound.

Specific draft policies which are addressed comprise the following:

- '*Minerals Resource Maps*'
- Draft Policy M22 '*Potash, Polyhalite and Salt Supply*';
- Draft Policy I02 '*Locations for ancillary minerals infrastructure*';
- Draft Policy S02 '*Development Proposed within Minerals Safeguarding Areas*';
- Draft Policy D04 '*North York Moors National Park and the AONBs*'; and
- Chapter 10 '*Introduction to Site Allocations*'.

In addition to the policy specific representations, Sirius would like to reiterate the importance of the emerging Joint M&W Plan affording full policy recognition and support for the approved Project. The extant planning permission(s) will deliver the most important minerals development that is likely to occur during the Joint M&W Plan period, and this must be proportionately reflected throughout the Plan.

Once operational, the approved mine will deliver significant national and local economic benefits, including GDP uplifts of over £1bn per annum, an increase of up to 10% on the economic output of North Yorkshire, and an increase in the economy of the 'York, North Yorkshire and East Riding Local Enterprise Partnership' by up to 5%. Over a thousand high-value direct jobs are expected to be created, while the scale of the investment itself, approximately £1.7bn, will have further substantial national and local economic benefits.

Evidently Sirius Minerals' North Yorkshire Polyhalite Project is of enormous significance to the local and national economy, and to the context of mineral working within the Joint M&W Plan area. The granting of planning permission in late 2015 is clearly of significance to how the Project is represented by the emerging Plan.



Representations Submission

This submission comprises the following documents:

- Covering Letter (this document)
- Publication Stage Response Form – Part A
- Publication Stage Response Form(s) – Part B
 - 'Minerals Resource Maps'
 - Draft Policy M22 'Potash, Polyhalite and Salt Supply';
 - Draft Policy I02 'Locations for ancillary minerals infrastructure';
 - Draft Policy S02 'Development Proposed within Minerals Safeguarding Areas';
 - Draft Policy D04 'North York Moors National Park and the AONBs'; and
 - Chapter 10 'Introduction to Site Allocations'.

Summary

Sirius was granted planning permission in October 2015 by the NYMNP, for the winning and working of polyhalite by underground methods, and a range of associated surface and sub-surface development. This represents a hugely significant milestone in terms of minerals planning in the Joint M&W Plan area. When implemented, Sirius Minerals' North Yorkshire Polyhalite Project will make substantial contributions to the supply of a nationally significant mineral, as well as to the local and national economy.

Notwithstanding that the Project already benefits from planning permission, it is important that there is appropriate policy support in order for its successful implementation and subsequent operations, ensuring consistency between the Development Plan and Development Management tiers of the planning process.

It is important that the Plan fully reflects the status of the Project, as an approved minerals development in the National Park, in terms of the wording and associated implication of the various other policies addressed throughout this letter.

Sirius and NLP would appreciate the opportunity to address the various issues set out in this representation at the Examination Stage of the Joint M&W Plan process, and look forward to further correspondence on this matter in due course.

Please contact me to discuss any of the points raised herein, or to request any further detail or clarification on any of the representations made

Yours faithfully



Justin Gartland
Senior Director

Copy

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Nathaniel Lichfield and Partners (on behalf of Sirius Minerals Ltd)
------------------------	---

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	Policy M22	Policies Map	<input type="text"/>
--	----------------------	------------	------------	--------------	----------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This representation relates to the wording of Draft Policy M22, which relates to 'Potash, Polyhalite and Salt Supply'.

Sirius Mnerals Ltd ("Sirius") welcomes the specific references to Dove's Nest Farm which are included in the policy wording, which is needed to reflect the significance Sirius Minerals' North Yorkshire Polyhalite Project has / will have in the context of this policy theme.

As the policy is currently drafted however, there are certain wording points which Sirius considers should be altered to ensure that the policy can effectively deliver on its key purposes.

1) The second paragraph sets out policy support for new surface development and infrastructure associated with the existing potash, polyhalite and salt mine sites in the National Park and their surface expansion, which are not major development. It is considered that for this policy to be robust it must also acknowledge in its wording the possibility of additional / replacement 'major' development being proposed at existing mine sites over the course of the Plan period, albeit recognising that in this scenario the requirements of the Major Development Test (set out in para 116 of the NPPF) would need to be addressed.

2) It is noted that there is still a degree of ambiguity in the main body of the policy text and in the supporting wording, insofar as 'potash' and 'polyhalite' are referred to independently on

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Sirius Minerals' North Yorkshire Polyhalite Project is of enormous significance to the local and national economy, and to the context of mineral working within the Joint M&W Plan area. The granting of planning permission in 2015, late in the Joint M&W Plan process, is of significance to how the Project is represented by the emerging Plan. As such it is considered important that Sirius is represented at the Examination stage, in order to ensure that the mutual interests of Sirius and the good minerals planning of the Joint Plan area are aligned.

Sirius appreciates the opportunity to work with the City of York Council, North Yorkshire County Council, and the North York Moors National Park on the production of the Joint M&W Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 20/12/2016
--	------------------

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Nathaniel Lichfield and Partners (on behalf of Sirius Minerals Ltd)
------------------------	---

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	Policy D04	Policy No.		Policies Map	
--	------------	------------	--	--------------	--

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This representation relates to the manner in which draft Policy D04 reflects national policy in the 'Major Development Test' as set out in paragraph 116 of the NPPF.

Support is expressed for this policy only insofar as it reflects the approach set out in the NPPF, and representations submitted on behalf of Sirius, as York Potash Ltd ("YPL") by Nathaniel Lichfield & Partners ("NLP"), via letter dated 15 January 2016, which have previously reiterated this point.

Clauses a) – d) under Part 1 of this policy appears to broadly reflect the three criteria set out in paragraph 116 of the NPPF, albeit with wording differences which have implications for the interpretation of the policy (limiting the interpretation of 'local economy' to only the designated area does not reflect the approach prescribed by the NPPF, for example). It is not felt that this policy needs to alter, or elaborate on, the wording that is already set out in the NPPF regarding the 'Major Development Test'. As the purpose of Part 1 of draft Policy D04 is effectively to repeat the NPPF Major Development Test, any material alteration to the already rigorous NPPF wording will render it inconsistent with national planning policy.

Similarly, since the M&W Plan Preferred Options Draft was published, additional text has been introduced into Part 1 of this policy, which seeks to add additional requirements for mitigation and "appropriate and practicable compensation". The inclusion of this additional text is considered to be unnecessary and unjustified. The extent to which detrimental effects on "the environment, the landscape and recreational opportunities" can be moderated is

Sirius Minerals' North Yorkshire Polyhalite Project is of enormous significance to the local and national economy, and to the context of mineral working within the Joint M&W Plan area. The granting of planning permission in 2015, late in the Joint M&W Plan process, is of significance to how the Project is represented by the emerging Plan. As such it is considered important that Sirius is represented at the Examination stage, in order to ensure that the mutual interests of Sirius and the good minerals planning of the Joint Plan area are aligned.

Sirius appreciates the opportunity to work with the City of York Council, North Yorkshire County Council, and the North York Moors National Park on the production of the Joint M&W Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:		Date: 20/12/2016
------------	---	------------------

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Nathaniel Lichfield and Partners (on behalf of Sirius Minerals Ltd)
------------------------	---

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	Policy S02	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input type="text"/>	Justified	Yes	<input type="text"/>	No	<input type="text"/>
Effective	Yes	<input type="text"/>	No	<input checked="" type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This representation relates to the protection of potash and polyhalite resources from other underground minerals development, set out in draft Policy S02.

The safeguarding of deep mineral resources under Part 2) and specifically potash and polyhalite under Part 3) is welcomed.

Regarding Part 2, it is presumed that 'Underground Mineral Safeguarding Areas' refers to the 'Safeguarded Deep Mineral Resource Area (Potash Safeguarding Area)', which, following the removal of references to deep coal since the Preferred Options Draft, is the only non-surface (i.e. 'underground') mineral that is safeguarded. Clarity on this point should be provided, although full protection for the potash / polyhalite resource should be retained.

Regarding Part 3), in order to be fully effective in protecting safeguarded potash and polyhalite, references to fracking and other potential deep works and / or drilling should be referenced, alongside those development types already set out.

Without this point being addressed, this element of the Plan is considered to be **unsound**.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Nathaniel Lichfield and Partners (on behalf of Sirius Minerals Ltd)
------------------------	---

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text" value="Policy I02"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="text"/>	No	<input type="text"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This representation relates to the references to ancillary minerals development in the North York Moors National Park, which are set out in draft Policy I02.

Sirius welcomes the inclusion of specific reference to the Dove's Nest Farm mine site as a possible location for ancillary minerals infrastructure, which reflects the points made in representations submitted on behalf of Sirius, as York Potash Ltd ("YPL") by Nathaniel Lichfield & Partners ("NLP"), via letter dated 15 January 2016.

However, it is still felt that the requirement for such ancillary infrastructure to produce a 'value-added' product is unduly restrictive. While the need for this type of operation (producing value-added products) is recognised, a range of ancillary operations may occur at minehead sites which do not produce a 'value-added' product but instead serve another purpose.

It is clear that ancillary development which does not produce value-added products is already accommodated at potash, polyhalite and salt minehead sites by virtue of draft Policy M22. However, there is a risk that draft Policy I02 could be deemed contradictory to this policy, if modification is not made to the wording.

Without this discrepancy being addressed, this element of the Plan is considered to be **unsound**.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Nathaniel Lichfield and Partners (on behalf of Sirius Minerals Ltd)
------------------------	---

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text" value="Thirteen"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This representation relates to the extent of the 'Potash' safeguarding area identified primarily on 'Minerals Resource Maps – Thirteen' (dated 2016), which is provided as part of the M&W Plan Publication Draft consultation documents.

We note that the approach to the resourcing map has altered since the consultation on the Preferred Options Draft in a number of ways. Previously the 'Minerals Resource Maps – Thirteen' (dated 2015) individually identified a wider range of both surface and deep mineral resources and (separately) identified land for potash and polyhalite resource. At that stage the extent of a specifically 'safeguarded' area (insofar as it related to Sirius Minerals' North Yorkshire Polyhalite Project ("the Project") minehead at Dove's Nest Farm) was unclear, and representations submitted on behalf of York Potash Ltd ("YPL") by Nathaniel Lichfield & Partners ("NLP"), via letter dated 15 January 2016, sought clarity on this point.

The current version of the 'Minerals Resource Maps – Thirteen' shows an area of land around the Doves Nest Farm site which is identified as 'Safeguarded Deep Mineral Resource (Potash Safeguarding Area)', along with a 2km buffer. The supporting text at paragraph 8.17 of the M&W Plan Publication Draft states that "it is not considered necessary or proportionate" to safeguard the entire resource area, and instead states that the "indicated and inferred resource area" has been safeguarded.

However, as highlighted in our previous representations, the Project has a certified (JORC) mineral resource, and benefits from full planning permission (NYM/2014/0676/MEIA) which covers a significantly more extensive area than that currently shown on the 'Minerals

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Sirius Minerals' North Yorkshire Polyhalite Project is of enormous significance to the local and national economy, and to the context of mineral working within the Joint M&W Plan area. The granting of planning permission in 2015, late in the Joint M&W Plan process, is of significance to how the Project is represented by the emerging Plan. As such it is considered important that Sirius is represented at the Examination stage, in order to ensure that the mutual interests of Sirus and the good minerals planning of the Joint Plan area are aligned.

Sirus appreciates the opportunity to work with the City of York Council, North Yorkshire County Council, and the North York Moors National Park on the production of the Joint M&W Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:



Date:

20/12/2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Nathaniel Lichfield and Partners (on behalf of Sirius Minerals Ltd)
------------------------	---

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="Chapter 10 / MJP34"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--	-----	--------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

This representation relates to the Chapter 10 of the M&W Plan Publication Draft, with reference to Appendix 1 of that document.

Site reference MJP34, 'Land between Sandsend and Scarborough', comprises the York Potash resource area. This site was put forward by Sirius (as York Potash Limited) in response to the previous 'call for sites' exercise, although has been 'discounted' for potential inclusion in the Plan. The rationale for discounting this site is set out in the 'Discounted Sites Summary Document (Oct 2016)'.

This document states that the site is discounted due to an inherent issue with allocating sites within National Parks. It is noted however that there is a separate site which is allocated in the M&W Plan Publication Draft (Site reference WJP19 at Fairfield Road, Whitby), suggesting that this is a recognised scope to identify land within the National Park, should there be sufficient merit in doing so. In this context, and as set out in our previous representations, it is relevant that Sirius Minerals' North Yorkshire Polyhalite Project ("the Project") has a certified (JORC) mineral resource, benefits from wide ranging support from relevant mineral landowners and benefits from full planning permission (NYM/2014/0676/MEIA). This fulfils all of the criteria set out in paragraph 08, Ref. ID: 29-008-20140306 of the Planning Practice Guidance ("PPG") which relates to the allocation of specific sites.

Indeed, paragraph 1.7 of 'Appendix 1' to the M&W Plan Publication Draft states that certain minerals sites "...have been subject of planning applications and have received permission

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Sirius Minerals' North Yorkshire Polyhalite Project is of enormous significance to the local and national economy, and to the context of mineral working within the Joint M&W Plan area. The granting of planning permission in 2015, late in the Joint M&W Plan process, is of significance to how the Project is represented by the emerging Plan. As such it is considered important that Sirius is represented at the Examination stage, in order to ensure that the mutual interests of Sirius and the good minerals planning of the Joint Plan area are aligned.

Sirius appreciates the opportunity to work with the City of York Council, North Yorkshire County Council, and the North York Moors National Park on the production of the Joint M&W Plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:		Date: 20/12/2016
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mwjointplan

From: Alfred Yeatman <ayeatman@nlplanning.com>
Sent: 20 December 2016 18:12
To: mwjointplan
Cc: Sebastian Stevens
Subject: Minerals and Waste Joint Plan Publication Stage [NLP-DMS.FID262297]
Attachments: 50303_04 York Potash Planning Permission Red Line Area.pdf; 50303_04 Representations to MW Joint Plan Publication Draft Covering Letter.pdf; 50303_04 Response Form Part A.PDF; 50303.04 Response Form Part B - Policy M22.PDF; 50303.04 Response Form Part B - Policy D04.PDF; 50303.04 Response Form Part B - Policy S02.PDF; 50303.04 Response Form Part B - Policy I02.PDF; 50303.04 Response Form Part B - Potash Safeguarding Areas.PDF; 50303.04 Response Form Part B - Allocated Sites.PDF

Dear North Yorkshire County Council,

Please find attached, on behalf of our client, Sirius Minerals ("Sirius"), Response Form A and a number of copies of Response Form B (relating to different policies), plus a covering letter, setting out representations to the Publication Draft of the 'Joint Minerals & Waste Plan', consultation on which concludes this Wednesday.

As you will be aware, Sirius is the company behind Sirius Minerals' North Yorkshire Polyhalite Project ("the Project"), and last year received planning permission for the winning and working of polyhalite within the North York Moors National Park. As such, Sirius is a significant stakeholder in the field of minerals planning in the Joint Plan area, and appreciates the opportunity to work with you as the emerging Plan is progressed.

We would be grateful if you could confirm receipt.

Should you have any queries or points of clarification pertaining to the attached, please feel free to contact me or my colleague Sebastian.

Regards

Alfie

Alfred Yeatman
Planner

Nathaniel Lichfield & Partners, 14 Regent's Wharf, All Saints Street, London N1 9RL
 T 020 7837 4477 / E ayeatman@nlplanning.com

nlplanning.com  



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Nathaniel Lichfield & Partners Limited is registered in England, no. 2778116. Our registered office is at 14 Regent's Wharf, All Saints Street, London N1 9RL.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	In
Surname:		
Organisation:		
Address:		
Post Code:		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in the **guidance notes** (see reverse of this page). **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
 Planning Services
 North Yorkshire County Council
 County Hall
 Northallerton
 DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

- 1.1. The plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004¹ (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirements, the duty to co-operate and is sound.

2. Legal Compliance and Duty to Co-operate

- 2.1. The Inspector will first check that the plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

- 2.2. You should consider the following before making a representation on legal compliance:

- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs)² it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.
- The plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations)³. On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the various persons and organisations set out in the Regulations and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when it publishes a plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- In London, the plan should be in general conformity with the London Plan (the Spatial Development Strategy).

- 2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.

¹ View at <http://www.legislation.gov.uk/ukpga/2004/5>

² LDDs are defined in regulation 5 – see link below.

³ View at <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	
------------------------	--

Please tick as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input checked="" type="checkbox"/>	Policy No.	<input checked="" type="checkbox"/>	Policies Map	<input checked="" type="checkbox"/>
--	-------------------------------------	------------	-------------------------------------	--------------	-------------------------------------

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only tick one element of soundness per response form).

Positively Prepared	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Justified	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Effective	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Consistent with National Policy	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
--	-----	-------------------------------------	----	--------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(continue on a separate sheet/expand box if necessary)

- The PCPA establishes that non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector has no choice but to recommend non-adoption of the plan.

3. Soundness

3.1. Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:

- **Positively prepared:** This means that the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified:** The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.
- **Effective:** The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy:** The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF

3.2. If you think the content of the plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so, it does not need to be included.
- Is what you are concerned with covered by any other policies in the plan on which you are seeking to make representations or in any other plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should make clear in what way the plan or part of the plan is inadequate having regard to legal compliance, the duty to cooperate and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

4.2. Where there are groups who share a common view on how they wish to see a plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

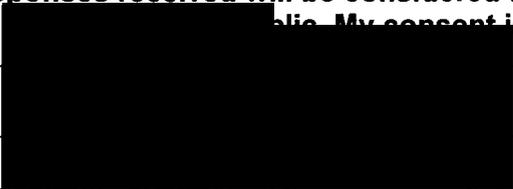
No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided
[Redacted] **My consent is hereby confirmed.**

Signature:		Date 10.11.16.
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Official Use Only	Reference Number

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): O
Surname:	Melchizedek	
Organisation (if applicable):	Whigston Gateway Foundation	
Address:	26 Adventurers Court	
	Pond Garth	
	YORK	
Post Code:	YO1 7ND	
Telephone:	01904 593631	
Email:	omx369@gmail.com	

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

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Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : KINGDOM GATEWAY FOUNDATION

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. M18 Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No NO IDEA

2.(2) Sound Yes No NOT SOUND

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

POLICY M18 IS INADEQUATE WITH RESPECT TO THE FINANCIAL GUARANTEE MENTIONED IN 2) (ii)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Policy should require a financial guarantee in all cases of unconventional hydrocarbon development due to the risks involved (ref para 5.134)

The policy should include criteria used to determine

1. The amount of the guarantee (eg £1 billion per well pad)
2. The time period of the guarantee (eg 50 years)
3. How the guarantee will be secured (eg by posting a bond with a secure financial institution)

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 19.11.2016
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Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

KINGDOM GATEWAY FOUNDATION

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site
Allocation Reference No.

Policy No.

M16

Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

Yes

No

NO IDEA

2.(2) Sound

Yes

No

NOT SOUND.

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared

Yes

No

Justified

Yes

No

Effective

Yes

No

Consistent with National Policy

Yes

No

2 (3) Complies with the
Duty to co-operate

Yes

No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

THERE IS NO JUSTIFICATION FOR THE SMALL SIZE OF THE
BUFFER ZONE set at 3.5 km (i d) i)

In my view the risks to the environment from unconventional
hydrocarbon development extend to an area much
greater than 3.5 km.

(continue on a separate sheet/expand box if necessary)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : KINGDOM GATEWAY FOUNDATION

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. M18 Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No NO IDEA

2.(2) Sound Yes No NOT SOUND .

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

THERE IS NO MENTION OF THE PRECAUTIONARY PRINCIPLE IN POLICY M18

This principle should be a key aspect of all plans / policies that affect the environment.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

ADD A PARAGRAPH (Para 3) to the M18 POLICY REFERRING TO THE APPLICATION OF THE PRECAUTIONARY PRINCIPLE.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 19.11.2016
---	------------------

Official Use Only Reference Number	
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2006/118/EC - INTO/ GROUNDWATER DIRECTIVE
 ADD A REFERENCE TO GROUNDWATER DIRECTIVE
 2006/118/EC INTO PARA 9.69 AND POLICY D99

(continue on a separate sheet/expand box if

necessary)

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

ADD A REFERENCE TO GROUNDWATER DIRECTIVE
 2006/118/EC INTO PARA 9.69 AND POLICY D99

(continue on a separate sheet/expand box if necessary)

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Official Use Only Reference Number

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No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:		Date: 19/11/2016
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[Faint handwritten text]

mwjointplan

From: [REDACTED]
Sent: 07 December 2016 17:21
To: mwjointplan
Subject: Minerals and Waste Consultation Plan for Escrick

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam,

I wish to object to the extent of the area reserved for inert waste, i.e. 112 hectares, in the vicinity of Mount and Glade Farms just off the A19 south of Escrick Village on the grounds that it would be wasting what is good agricultural land currently used to grow crops used to feed the nation and that in this day and age when sustainability is very important I do not think we can, as a nation, afford to lay waste such useful production. More suitable brown field sites must be found.

Regards

[REDACTED]
[REDACTED]

mwjointplan

From: Fiona Gilbert <FEG@gilbertpartners.com>
Sent: 05 December 2016 23:24
To: mwjointplan
Subject: Local & Regional Plans

Follow Up Flag: Follow up
Flag Status: Flagged

I feel strongly that despite you asking for the public's view, what we have to say on matters such as waste disposal, goes unheard by North Yorkshire and the government. I refer specifically to the monstrosity which is under construction at Allerton Park, i.e. the ugly and disgusting waste incinerator which, as I understand it will not save the county council money, but will actually not work out to be cost effective and will have a massive impact on the environment around Allerton Park, Marton cum Grafton and other small villages and communities in the area, not least due to the excessive additional traffic it will produce when completed. The methane currently produced by the site is apparent when you drive down the A1 and the A168 so what it will be like when the new plant is up and running, I dread to think.

Despite all the objections raised locally and regionally at the time the planning application was submitted, our voices went unheard and it has destroyed my faith in democracy and the whole planning system.

I therefore feel it is a total waste of time submitting any comments about local plans as our voices will not be heard, or, if they are heard, it will be pointless anyway as applications we object to will go ahead anyway.

Regards

Fiona E Gilbert
Managing Partner
[girlmonday2friday](http://girlmonday2friday.com)

Tel. 01423 360011
Mobile 07710 324035
e-mail feg@girlmonday2friday.com
Website : www.girlmonday2friday.com

girlmonday2friday

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Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:	Mr	D.
Surname:	Dalton	
Organisation (if applicable):		
Richmondshire Branch of Green Party		
Address:		
Swale Cottage		
Station Road		
Richmond		
Post Code: DL10 4LU		
Telephone: 01748 829452		
Email: dave-dalton@btinternet.com		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

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All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The following statement should be inserted:-

A proposal must demonstrate that it will have a net zero impact on climate change.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

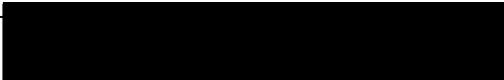
Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The serious world wide problem of global warming must not be added to by a lack of appreciation of its importance to the people of North Yorkshire. I am willing to speak on how it is vital to humanity.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 08/12/2016
--	------------------

Official Use Only Reference Number

mwjointplan

From: [REDACTED]
Sent: 11 December 2016 12:25
To: mwjointplan
Subject: Minerals and Waste Joint Consultation.

To whom it may concern:

The consultation is ill-conceived and does not consider long term effects and monitoring of said use of land. I strongly object to the direction this consultation directs councils to move, without proper consideration of damage to the environment.

Yours sincerely,

[REDACTED]

mwjointplan

From: [REDACTED]
Sent: 09 December 2016 13:36
To: mwjointplan
Subject: Consultation

Follow Up Flag: Follow up
Flag Status: Flagged

The A19 can not take any more traffic. Another 175 lorries a day presumably being used more than once could be the straw that brakes the A19's back. This is not on .It will soon not be worth living here.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 12 December 2016 14:03
To: mwjointplan
Subject: Waste and Minerals Joint Plan Consultation Submission

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	[REDACTED]
INITIALS	[REDACTED]
SURNAME	[REDACTED]
ORGANISATION (if applicable)	[REDACTED]
ADDRESS	[REDACTED] [REDACTED]
POSTCODE	[REDACTED]
TELEPHONE	[REDACTED]
EMAIL	[REDACTED]

I have followed the last and the current MWJP through several stages and see that there have been some major changes since the last stage of the consultation. For some years my main concern was about your waste proposals: the current plan makes those worries look pale by comparison. In particular I am disturbed by the impact of the PEDLs announced in December 2016 and the way in which the current plan embodies the interests of the shale gas industry. I do not remember any mention of the industry in your first draft.

There have been other developments since those early drafts which mean the planning authority has new obligations. In particular, since the Paris agreement, there has been an onus on the authority to show that any Plan is compatible with the UK's legally binding responsibility to reduce emissions by at least 80% by 2050. There is no evidence that the plan is designed to meet these conditions and the 'soundness' of the proposals is therefore undermined.

Nor is there evidence of the application of the precautionary principle to the proposals ie the new developments should not be approved unless it can be shown that there will be no unacceptable effects. I do not think that, in its current form, your proposals have been through the required open consultation process. I believe that you need to reopen the consultation now that a new form of extraction has become part of the proposals, one with potentially huge effects on the environment of North Yorkshire.

I look forward to hearing of such a decision

[REDACTED]

From: [REDACTED]
Sent: 14 December 2016 12:28
To: mwjointplan
Subject: Waste and Minerals Joint Plan Consultation Submission
Attachments: MWJP Consultation.doc

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

No, I do not want to attend the Oral Examination of the MWJP.

Scope of the Consultation

The latest version of the MWJP has changed significantly after consultation. Large areas of North Yorkshire are now covered in PEDLs, and many of the changes represent new policy which has not gone through the required consultation with other representative bodies or the general public. Accordingly, I feel there should be new, wider public consultation on the plan.

Climate Change

I believe the issue of climate change has not been adequately dealt with and very probably doesn't comply with all the statutory requirements. This means legal challenges will almost certainly follow and will be very costly for local government. More consideration and wider consultation at an early stage might help.

Landscape and Visual Impact

I believe that tourism and agriculture are now far more important to North Yorkshire than minerals development could ever be. Accordingly not only must areas such as National Parks, AONBs and SSSIs be protected but also the countryside generally including Ryedale, the Vale of Pickering and the Yorkshire Wolds. These are all beautiful landscapes with many features that could easily be lost. Much of the Ryedale Plan is seemingly being ignored.

Noise & air quality

In large parts of North Yorkshire, especially rural areas, noise levels are very low and air quality is excellent. There is now clear evidence that fracking effects on air quality have been shown to pose risks to health. A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on distances between well-sites and homes, farms, schools, hospitals etc.

Water impact

There are multiple instances of water being contaminated by fracking. I do not believe regulation in North Yorkshire would be so much better than the rest of the world that the Planning authorities could ensure that contamination would not occur. Fracking companies must be able to demonstrate beyond scientific doubt that there would be no impact on the water supply.

Traffic impact

Fracking will undoubtedly cause a huge increase in HGV traffic, and the rural road network in Yorkshire is ill-equipped to deal with this. All road users would be adversely affected, including cyclists & walkers, car drivers, delivery & emergency vehicles and so on. This must be allowed for in the Plan.

Kirby Misperton is surely a prime example. Should any tourists still wish to visit Flamingo Land - & North Yorkshire generally - if fracking is permitted, they will have to allow extra time for travelling & will be less likely to come back.

The increase in traffic will also adversely affect air quality particularly around places such as schools, hospitals and old people's homes. The MWJP does not adequately include restrictions to cater for this.

Finance

If fracking is going to be as safe as Third Energy *et al* maintain, it should not be difficult for the shale gas companies to convince insurers of this. Given their low capital requirements, they should be obliged to have public liability insurance sufficient to cover all disaster scenarios. Given the number of people that might be affected, this would not be insignificant but surely neither national or local government should have to bear such an immense cost.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s): John
Surname: Plummer		
Organisation (if applicable): Frack Free Harrogate District		
Address:	Treetops High Street	
	Spofforth	
	Harrogate	
Post Code: HG3 1BQ		
Telephone: 01937 591531		
Email: admin@frackfreeharrogatedistrict.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form MUST be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Harrogate District
------------------------	-------------------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	M16 M17	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input type="text"/>	No	<input checked="" type="text"/>
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2.(2) Sound	Yes	<input type="text"/>	No	<input checked="" type="text"/>
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(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="text"/>	No	<input checked="" type="text"/>	Justified	Yes	<input type="text"/>	No	<input checked="" type="text"/>
---------------------	-----	----------------------	----	---------------------------------	-----------	-----	----------------------	----	---------------------------------

Effective	Yes	<input type="text"/>	No	<input checked="" type="text"/>	Consistent with National Policy	Yes	<input type="text"/>	No	<input checked="" type="text"/>
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2 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input checked="" type="text"/>
--	-----	----------------------	----	---------------------------------

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

In response to the final draft of this policy and the (very complex) guidance notes on the scope of the consultation I wish to make the following points on behalf of Frack Free Harrogate District, a voluntary campaigning group.

A Scope of consultation
The restrictive character of the consultation (Legal Compliance and Soundness) is unacceptable. Policies M16, 17 and 18, which relate to unconventional oil and gas extraction, and the volume of supporting policy justification, are radically different from the statements in the draft policy (late 2015). This means that the substance of these policies has not been open to due scrutiny. The Council has chosen narrowest interpretation of its duty to consult (under the Town and Country Planning Regulations of 2012).

B Legal Compliance and Soundness
The policy, as in M16, 17 and 18, fails to meet these criteria (from the National Planning Policy Framework) in the following ways:

Climate Change: Legally the council is bound to ensure that policies must as a whole mitigate, and adapt to, climate change (Section 19 1a of 2004 Planning Act). The Plan overall fails to meet this requirement. Specifically, in Policy M16, the impacts of extracting and burning fossil fuels, and the consequences of inevitable methane leakage, have been overlooked.

Local Environments and health: The impacts of unconventional gas exploration (which were well rehearsed in the 2015 draft consultation) are not addressed effectively here. There is no justification for this shortcoming. Sufficient reputable, peer-reviewed scientific and case study evidence exists across the world now to demonstrate the risks of Fracking. These include water supply, quality and disposal; drilling accidents and damage to aquifers; public and personal health/wellbeing; visual and landscape degradation; hgv traffic volumes and air quality; light and noise pollution; wildlife; seismic events. Reference is made to these but no overall statement about robust protection – and no framework for action – on behalf of communities exists. The Council has legal duties to stand its ground on such protections and will be found wanting when the inevitable consequences of Fracking start to emerge.

The Precautionary Principle: The Council has duty to avoid undue risks to its communities and environments. It is required in particular to take a precautionary approach to the cumulative effects of its policies. Fracking can only prosper as an industry on a large scale. The Council's policies here appear, generally, to take a singular and

projects, has been carried out. Nor will it be permitted where safety, pollution, congestion and impact on communities are compromised.

M17 (Local Economy)

- Fracking will not be permitted where agriculture, business, tourism and cultural assets are jeopardised. Applicants must provide absolute guarantees and plans to protect these

M17 (Local amenity)

- Fracking will not be permitted where the impact on local communities and services could be adverse from air, noise, and light pollution, methane emissions and degraded surface water. A buffer zone equivalent to that imposed on wind turbines, and never less than 750 metres, is required to protect residences, schools, hospitals, clinics, other social services, livestock farms, horticulture nurseries, sensitive wildlife sites etc. With no exceptions.

In summary the Plan as it stands, while identifying many of the safeguards needed, fails to ensure enough binding conditions upon applicants and to assert the precautionary principle. The weakness of this policy stance will encourage the Fracking industry to take risks. It will prevent us achieving our legally binding Climate Change obligations. It will expose our communities to the devastation that Fracking has brought elsewhere. And that will inflict severe reputational damage on the Council.

The people of North Yorkshire deserve and need better.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

I am willing to attend such a session but am uncertain whether this is necessary or what it would involve

From: John Plummer <plummerjfc@gmail.com>
Sent: 15 December 2016 15:29
To: mwjointplan
Subject: Response to Publication Stage by Frack Free Harrogate District
Attachments: Publication_response_form_part_A1 (4).docx; Publication_response_form_part_B1 (1).docx

Sir/Madam

I attach Parts A and B setting out our response to the Publication Stage of the Waste and Minerals Plan

John Plummer

mwjointplan

From: John Plummer <plummerjfc@gmail.com>
Sent: 15 December 2016 19:03
To: mwjointplan
Subject: Re: Response to Publication Stage by Frack Free Harrogate District

Thanks you.

I recall that somewhere in the notes you asked for numbers represented by each group. I did not see it on the proforma. Perhaps you could add in as follows please:

FFHD Core membership is 21. That group has endorsed the submission. The wider supporting group registered with us is just over 250.

thank you

regards

John Plummer

On Thu, Dec 15, 2016 at 4:21 PM, mwjointplan <mwjointplan@northyorks.gov.uk> wrote:

Dear Mr Plummer ,

Minerals and Waste Joint Plan – Publication

Thank you for your response to the Minerals and Waste Joint Plan Publication Stage.

Please accept this email as confirmation of receipt of your response on behalf of Frack Free Harrogate District

Your response has been noted and will be processed. For reference a Respondent Number has been allocated to your response. Your unique Respondent Number is 4082. This can be used to identify your response on the website.

Copies of responses will be made available to view on our website www.northyorks.gov.uk/mwjointplan as soon as possible after the close of consultation.

mwjointplan

From: [REDACTED]
Sent: 15 December 2016 17:09
To: mwjointplan
Subject: N Yorkshire Minerals and Waste Plan

I write to object to the Proposals for 112 Hectares being allocated for quarrying and inert waste on land to the west of Escrick Business Park and to the provision of an Anaerobic Digester on the North Selby Mine site. The proposals will be intrusive in an otherwise rural landscape. The Mine site should be left to revert to some form of woodland as determined by the Secretary of State in 1975. The land to the west of the Business Park is good agricultural land and to start tearing this up would be inappropriate and unnecessary. These developments would generate substantial traffic which would add to the already overloaded A19 corridor. I would wish to attend any public hearing on this matter.

[REDACTED]
[REDACTED]
[REDACTED]

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in the **guidance notes** (see reverse of this page). **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

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- 1.1. The plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004¹ (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirements, the duty to co-operate and is sound.

2. Legal Compliance and Duty to Co-operate

- 2.1. The Inspector will first check that the plan meets the legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

- 2.2. You should consider the following before making a representation on legal compliance:

- The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs)² it proposes to produce. It will set out the key stages in the production of any plans which the LPA proposes to bring forward for independent examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on the LPA's website and available at its main offices.
- The process of community involvement for the plan in question should be in general accordance with the LPA's Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA's strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.
- The plan should comply with the Town and County Planning (Local Planning) (England) Regulations 2012 (the Regulations)³. On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principal offices and on its website. The LPA must also notify the various persons and organisations set out in the Regulations and any persons who have requested to be notified.
- The LPA is required to provide a Sustainability Appraisal Report when it publishes a plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- In London, the plan should be in general conformity with the London Plan (the Spatial Development Strategy).

- 2.3. You should consider the following before making a representation on compliance with the duty to co-operate:

- The duty to co-operate came into force on 15 November 2011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.

¹ View at <http://www.legislation.gov.uk/ukpga/2004/5>

² LDDs are defined in regulation 5 – see link below.

³ View at <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

[REDACTED]

12th December 2016

Dear Sir/Madam,

Re: North Yorkshire's Draft Minerals and Waste Joint Plan

We write in respect of the above report with particular regard to the chapter headed Hydrocarbons (oil and gas).

Our home is on the border with North Yorkshire, consequently any decisions made have a potential effect on us and our community.

Please find attached our comments for your consideration

Yours faithfully

[REDACTED]

Comments on Draft North Yorkshire Minerals and Waste Joint Plan

Introduction

5.93 at the point of writing this continues to be an ongoing legal matter

5.94 HMG overrules Planning ie Lancashire C.C.

5.95 Rather than struggling to find a balance between the local communities/environment, NYC retains the option to say no. See above 5.94

5.96 This is odd. How can NYC review after the 'event' (post mortem) and what exactly can/could NYC do? 4.11

Hydrocarbons in the Plan Area

5.98 Interesting that the Pickering site was halted as a consequence of an incident of "water ingress" This would be extremely dangerous if a similar 'incident' occurred during the 'fracking' process. Now we know this happens, why would we choose to do it again in an even more precarious situation?

5.101 in other words 'Industrialisation' of the Countryside.

5.105 as with coal bed methane for hydraulic fracturing to be profitable multiple well pads and wells will be required leading again to 'Industrialisation' of the Countryside.

5.106 This document nor HMG have addressed the issue of Climate Change. To meet the Paris agreement the majority of fossil fuels need to stay in the ground rendering fracturing a pointless exercise. Renewable's are also noted by their absence and HMG cutting support to the renewable's sector.

Summary of the process of hydrocarbon development

5.107

Exploration

para 2 (Exploration) Seismic Testing has led to structural damage at West Newton in East Yorkshire

para 3 (Appraisal)..... the drilling of further wells. Foresight. A clear statement of intent to Industrialise, the impact of which needs to be taken into full account when considering applications.

para 4 (Production) further admission of industrialisation.

5.109 ...steel casings are set in cement to seal and help prevent any contamination of ground water. The operative word here is 'help' not a cast iron/steel guarantee. The consequences if anything goes wrong with this industry need more than 'help'. We drink the water. A little like stating that nuclear bombs are OK whilst sitting in a fall out shelter.

Policy M17

- 1) We attach a copy of the Landscape Institute report with reference to traffic
*Landscape Institute
Meeting of the All Party Parliamentary Group on Shale Gas Regulation
and Planning
Tuesday 7 June 2016 Submission of the Landscape Institute*

http://appgshalegas.uk/wp-content/uploads/2016/06/LI-Rev-Submission-to-APPG_20160530.pdf

Note 15 of Policy M17 crematoria are omitted

- 2) i) For this Industry to be profitable it has to expand, consequently an accumulative effect will take place.

ii) Well pad density. Who determines? Is this a planning role or do the Oil and Gas Industry dictate? Would the industry be required to apply for further 'planning permission(s)?

iii) site pipe lines due to the transitory nature and economic considerations of this Industry the pipes will be laid above ground. Also the Processing and Compression Plants needed for this Industry will have impacts.

iv) multiple well pads means several operations of Fracturing at the one site and the need for the rig to be in place plus all of the visual and aural effects this will have on communities.
- 3) "High Standard" This needs defining, it is open to interpretation.
- 4) i) "Unacceptable" needs defining, it is open to interpretation" What is the minimum distance acceptable?

ii) "Unacceptable" again needs definition, it is open to interpretation.

iii) Very worrying. 'Mitigation' implies the Council expects things to go wrong. How does the Council plan to 'mitigate' an earthquake? Until this is determined the development must not be allowed to go ahead.

5.131

What is being overlooked is:-

- 1) who will pay for damages done to those roads which are unsuitable for this level and type of traffic
- 2) some of the lorries will be carrying radioactive material through residential areas,
- 3) This Industry does not stop and start consequently will not take into account school holidays and therefore if they were forced to would potentially seek compensation, who pays?
- 4) Wells can be drilled several times which means the level of traffic will also have an accumulative effect.

5.132 This is an admission that 'on site pipes' will go above ground and effect local amenity.

5.133 This contradicts Policy M17 2) Cumulative impact.

“commercial pressure” How will this be resisted by the Planning Process? Does this mean that the Industry will need to reapply for each individual development (pad/frack)?

5.134 This confirms 5.133 and is a clear indication of the industrialisation of the countryside.

5.135 “a reasonable balance” Needs defining, as it is too open to interpretation.

Taking into account the impacts of 5.133 and 5.134 this Industry cannot be resisted. Therefore a “reasonable balance” is impossible. The Industry is being allowed to dictate.

5.136 given the nature of this Industry 5.136 is idealistic and utopian, commercial pressure is being allowed to dictate as noted in 5.133

5.137 10 well pads equals 100 wells and all that goes with that. Industrialisation.

The Industry is once more being allowed to determine. What has happened to democracy?

5.138 “directing development, as far as practicable”. This is too loose, the Industry is once more being allowed to dictate, Planning, needs to be able to say “NO”

5.139 Environmental Impact Assessment should be required for all Planning Applications from this Industry.

5.140 Where are these existing facilities presently located?

Yes, it will be a challenge and another accumulative effect on the County.

5.141 Should be, but will it be practical, far too many “potentials” in this, the practise may be very different and then it will be to late to prevent. Who is to oversee potential conflicts between operators and the potential for disruptive behaviours impacting on the surrounding communities,

5.142 This reads as a get out clause. It is not strong enough.

5.143 The benefits are questionable. Impacts upon a struggling NHS, school, housing places Please read the Medact Report.

http://www.medact.org/wp-content/uploads/2015/04/medact_fracking-report_WEB4.pdf

The impacts on tourism stand to be substantial and what happens once the Industry finishes in this area. Things will not be able to be put back where they were.

5.144 Impact on the existing economy (tourism) is acknowledged and mitigation offered as the solution. Mitigation will not return tourists to this area once this Industry has moved away. Indication here of short term thinking, ignoring the long term consequences.

5.145 “Impacts relatively short term or intermittent in nature”. Shows a lack of understanding. This Industry has to re frack wells plus increase the number of wells it drills to get the maximum return. This along with the accompanying supporting infrastructure will have a continuous impact.

“Significant impact” needs defining, both long and short term impacts need to be taken into account

This Industry does not stop/start consequently will not take into account school holidays and therefore if the industry were forced to observe these restrictions would the industry potentially seek compensation. Who pays?

5.146 Minimum distances from residential properties and other sensitive receptors (these need defining) must be established at the outset not on a case by case basis.

What does “adequate separation distances” mean?

“High standard of mitigation provided”. This acknowledges this Industry will have a negative effect therefore should not be allowed to go ahead.

The last sentence is unclear and seems to contradict itself.

5.148 We refer you to the consequences experienced by residents at West Newton, East Yorkshire where property including a business were damaged by seismic testing. Hardly “very low magnitude”. Please remember this a man made earthquake.

5.149 Health risks. We refer you to the Medact report which has already been mentioned and the concerns regarding how effectively this Industry can be “properly” regulated due to budgets being cut, staff levels reduced and because this is a new Industry the appropriate experience. It is likely the Industry will be left largely to self regulation which could be potentially dangerous.

The last sentence is troubling. “significant health impacts“ please define. Health Impacts immediately/subsequently? As yet there is no clear evidence this Industry will not effect health. It [the Industry] should be put on hold until this important issue is clarified. No amount of mitigation can give back health once it is lost. Who would do the “further monitoring”?

5.150 What are these other impacts 'associated with Hydrocarbon development'?

5.151 “should assume that other regulatory regimes will operate effectively”. This is a dangerous assumption. We refer you to the Medact report which has already been mentioned and the concerns regarding how effectively this Industry can be “properly” regulated due to budgets being cut, reductions in staff levels and because this is a new industry, the appropriate experience.

“seek to work effectively”. This is not strong enough, the protection of the environment and local amenity is paramount.

5.152 “ if significant environmental impacts are likely”. Who determines what is significant? Needs defining as at present this is open to interpretation.

EIA's by the applicant become self regulation. The applicant should be required to pay for an independent EIA

Policy M18

1)

i) 'On site management' is very worrying, the consequences if anything goes wrong are a high price for the environment and local community to pay. Who will regulate such activity?

Presently there are no local facilities therefore radioactive waste will be transported long distances through communities.

'New off site facilities', need to be identified from the outset as they will contribute to overall industrialisation of the county.

ii) due to induced seismicity it is accepted can happen, it was understood this activity would not be allowed in England. Why is it included in this plan?

2) i) Who to do? Who to oversee and for what length of time? Deterioration will take place, what is known about the long term consequences and what is being proposed to contend with this. See > <http://globalnews.ca/news/2307275/interactive-the-hidden-cost-of-abandoned-oil-and-gas-wells-in-alberta/>

5.153

Flowback fluid. On site management is very worrying, the consequences if anything goes wrong are a high price for the environment and local community to pay. who will regulate such activity? There is a strong chance that these activities will be carried out by manual workers and not those with a H&S or higher qualification or even an understanding of the materials being handled.

“re-use it for subsequent fracturing activity” due to the potential of induced seismicity
It was understood this would not be allowed in England

5.155

Presently there are no local facilities therefore radioactive waste will be transported long distances through local communities.

New off site facilities, these need to be identified from the outset as they will contribute to overall industrialisation of the county.

5.156 Why when all that is written here would re-injection of flowback fluid even be considered. The potential risks are not acceptable for the environment or communities. It was understood this would not be allowed in England.

5.157

Deterioration will take place, what is known about the long term consequences and what is being proposed to contend with this? See > <http://globalnews.ca/news/2307275/interactive-the-hidden-cost-of-abandoned-oil-and-gas-wells-in-alberta/>

5.159

See > <http://globalnews.ca/news/2307275/interactive-the-hidden-cost-of-abandoned-oil-and-gas-wells-in-alberta/>

Has the dynamic of Companies going into liquidation been taken into account. Who will pay should this happen?

Overall this plan lacks concise definitions leaving a lot to interpretation, relying on self regulation by the Companies and does not take into account the accumulative effect of wells and the associated infrastructure towards industrialisation of the countryside.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15 December 2016

Dear Sirs

Minerals and Waste Joint Plan Consultation Response

Please find enclosed my response to the above.

Yours sincerely

[REDACTED]

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	
INITIALS	
SURNAME	
ORGANISATION (if applicable)	
ADDRESS	
POSTCODE	
TELEPHONE	
EMAIL	

I do not want to attend the Oral Examination of the MWJP.

SCOPE OF THE CONSULTATION

Since the last draft plan of the Petroleum Exploration and Development Licences (PEDL's), in 2015 the licensed area has increased to cover most of the county. I feel this needs further discussion because of the scale of industrialisation and the huge area of land that is being proposed for shale gas development. This would mean industrialisation of Ryedale on an unprecedented scale, with thousands of wells over the next few years.

Climate Change

I do not feel that the issue of Climate Change has been dealt with adequately in the MWJP. Fracking will, no matter how much regulation, have emissions and leaks from both production and combustion. This in turn is adding to climate change, which is something as a country we should be avoiding. As there is no plan for Carbon Capture and Storage in the future as it would prove costly, this fossil fuel should be left in the ground and we should look at renewable for the future for our energy source.

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

If fracking is to be developed as described in the MWJP it would contravene the Ryedale Plan which has been approved and adopted by the NYCC. There would be a tremendous impact on our landscape from such a huge development of well sites and the infrastructure needed to support this would have a devastating effect on our countryside and roads. It would do nothing to support or develop our area in any way and would be detrimental to our existing countryside of agriculture, food production and tourism.

Buffer Zones

The proposed density of fracking wells – 10 well sites per (6.6miles) x 2 would have a huge impact on our landscape. Each well site could have up to 40-50 wells on it and drilling rigs for 5 or 6 years.

These sites could be as little as 500m from houses or a school which is totally unacceptable for health and safety reasons, water, noise and visual impact.

Sites of this size will be seen for miles across our countryside from elevated points particularly near Helmsley such as Ampleforth Beacon, Wreton Cliff and the Helmsley to Malton road B1257, Carlton and Fadmoor to name just a few. Well sites would also need added infrastructure support such as pipelines which would be seen for miles across the Vale of Pickering and the Yorkshire Wolds. This will have a huge impact on visitors to the area as the countryside they have travelled to see will be ruined.

Noise impacts

Drilling a fracking well will take place for 24 hours a day, and approximately over a period of 60-70 days. If well pads were to have 40-50 wells on each one that would mean a 40 well pad would have 6.5 years of continuous drilling. There would also be noise from compressor stations and increased traffic. Unconventional gas development cannot be considered as a short term activity in planning law. This is an industry that would be here for the long term otherwise they would not see a profit on their investment.

Air quality impacts

There is evidence now that fracking impacts on air quality and thus poses risks to health. The University of Colorado, along with others, have revealed a number of potentially toxic hydrocarbons in the air near fracking wells. These include benzene, toluene and xylene. These are known to be carcinogenic. They are not injected into the ground but are released as a consequence of fracking and cannot be controlled or monitored by the gas company or the Environment Agency.

Fine diesel soot particles which can penetrate lungs and cause severe health risks can also be emitted in fumes from the drilling process.

These air quality impacts mean that a setback distance of 500m from a school or residences is inadequate, and should be increased to at least 750m. Kevin Hollinrake MP, on his return from Pennsylvania recommended a setback distance of 1 mile from schools

Biodiversity impacts

I am pleased that designated wildlife sites such as SSSI's, Special Protection Areas, Special Areas of Conservation and Ramsar Sites are protected. However additional roads, pipelines and noise and light pollution would have a detrimental effect on wildlife with the removal of local hedges, trees and vegetation for installation of infrastructure. Planning Practice guidance supports this stating that "*particular consideration should be given to noisy development affecting designated sites.*"

Noise is also a particular danger for resident and migrating birds and creatures such as bats. There needs to be more consideration given to the impact of noise near protected areas such as an SSSI.

Fracking could have devastating effect on wildlife populations even if they are just outside the protected area.

In Helmsley we have a huge diversity of birds in the area; many are owls which can be heard clearly most nights as the area is so quiet.

Water impacts

The potential impact on water from fracking is one of my greatest concerns. If our aquifer is polluted it could never be used again and we would be in the horrendous situation of having to use bottled water for drinking and domestic use. This has happened to families in Pennsylvania where boreholes have been contaminated and they are left unable to provide safe water even for their animals.

It must be the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire. The MWJP policy needs to state that fracking companies need to demonstrate beyond scientific doubt that there will be no impact on our water supply. This

is one of our most important natural resources which we cannot afford to become contaminated.

Highways and traffic impacts

Fracking would bring a large increase in traffic movements as water would need to be transported into sites and contaminated water removed and taken away for treatment. It is estimated that each borehole would bring at least 2,000 to 7,000 truck movements and there are plans of up to 50 wells per fracking site.

Our rural roads are not able to cope with this increased traffic. We already have considerable problems with this in summer from visitors and this year there have been numerous incidents and blockages on the A64 which would most likely be one of the routes HGV's would take wastewater for treatment to Nostrop, near Leeds.

Cumulative impact

One of the biggest concerns about fracking is the industry will require thousands of wells in the next 20-30 years to be financially viable. Fracking companies need to continually drill more and more wells and establish new well sites, as most fracking wells are unprofitable after the first year and over 80% after 3 years.

The endless drilling of new wells raises the fear of the industrialisation of our countryside and as a local resident, is a huge concern.

The NPPF states Planning Authorities should *"take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality."*

These cumulative effects could have damaging impacts on road, water, air pollution, human health and traditional rural industries such as agriculture and tourism.

Transport impacts relating to the density of well sites needs to be looked at.

The Precautionary Principle

The Precautionary Principle must be applied to fracking. New developments should not be permitted unless it can be proved that there will be no cumulative effects.

Looking at all the scientific reports and information now about the issues of fracking we must in Ryedale adopt the precautionary principle as other countries have done. This is a relatively new industry and updates of information are available on a daily basis from other countries which have experienced this industry first hand. If fracking is so good why have Scotland, Ireland and Wales either imposed a moratorium or an outright ban.

Waste management and re-injection wells

Waste water injection is creating huge problems in Oklahoma which is now experiencing at least 2 earthquakes a day, which previous to fracking would have been perhaps 2 per month. Oklahoma is now the earthquake capital of the USA due to re-injection.

I feel that the MWJP has a statutory duty to invoke the precautionary principle regarding the re-injecting of fracking fluid in North Yorkshire and to ensure that any re-injection is not permitted until it can be proved beyond doubt that the process can be done safely.

Mineral and Waste Joint Plan (Publication Stage): Consultation Response

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Yes, I would like to attend the Oral Examination of the MWJP.

M16 d (i) line 9 (p.84) no contextual explanation of the word “unacceptable” is offered: “unacceptable” to residents who respond to a planning application, and what reasons are acceptable to find the impacts “unacceptable”. This is not robust enough. The only consistent and reliable policy would be to ban all applications that are within the protected areas or their buffer zones, and this would be the appropriate response to designating them as protected areas. Without a blanket ban in these areas, the areas are no longer “protected” using the commonly understood meaning of the term.

5.121 “will generally be resisted” needs to be changed to “will always be turned down”. Otherwise the entire protection intended by this paragraph could be undermined. The whole paragraph is not legally robust in protecting protected areas from damaging developments.

M17 para 3 line 7 “ should be planned to avoid or, where this is not practicable minimise” should be replaced with “must avoid (holiday periods)”. Otherwise the (already limited) protection of existing tourism trade cannot be relied on, and the protection intended in the whole paragraph is undermined.

M18 para 2(iii) 2nd line replace “may” with “must”. “May” undermines the robustness and meaning of the rest of the paragraph as the company could merely say that a financial guarantee is unnecessary. Only “must” will ensure that local communities are protected and local taxpayers forced to pay for a clean up when a spill occurs or contamination of the water supply after the company has gone out of business. Given that water contamination has occurred in America at every stage of the fracking cycle, in a place the industry has also claimed has gold standard regulation, this a real threat here also.

Further policy amendments are included at the end of this submission in addition to the ones above.

We live at the highest points in Malton, and the nearest green space forms the setting for the AONB, also on high ground. We and many in our group enjoy regular walks into the countryside in this area. Any shale gas development in this green space on the edge of the AONB would be visible from West Malton, and from within the AONB, and would block views from the AONB towards the Wolds and North York Moors, and impact on the tranquillity of people using the AONB as fracking is extremely noisy. Huge numbers of people enjoy this space for walking and dog walking from nearby Malton, as it is the leading walking area on the edge of Malton with a high number of footpaths and bridleways. Any development to the North across the Vale of Pickering would be visible from our houses, from the AONB, and from the North York Moors. Any development to the south would be visible from our houses, the AONB, and the Yorkshire Wolds. These are rural views and quiet areas whose enjoyment would be severely curtailed by the intrusion of a jarring industrialisation of numerous well pads, very tall towers (drilling rigs), noise, and a huge increase in

truck traffic on tiny quiet rural roads. The impact on tourism and the Yorkshire brand would be huge and long-lasting, and rapid – already concern has been raised by significant local employers such as Castle Howard and Flamingoland who between them attract millions of visitors to the area every year. The failure of enforceable and generous (10km) buffer zones would lead to unacceptable risks and impacts to historic buildings (seismicity, vibration) and animal health (groundwater contamination) they each rely on.

The sound from trains over a mile away can be heard from West Malton: this plan does not take into account the way sound can travel in certain directions a long way in a curved landscape. Residential areas such as ours in West Malton currently are relatively quiet, and very sensitive to the travel of sound over medium and long distances. Drilling is extremely noisy and vibrations carry a long way through the ground, 24 hours a day, 7 days a week, for months on end, as the shale gas is so deep it takes a very long time to reach by drilling, with lateral drilling extending the reach and duration even further.

This plan takes no account of existing air pollution problems in Malton, which has an Air Quality Management Area (AQMA) at its centre and has broken EU NO₂ annual legal limits every year for the past 10 years, in 2015 by 10% in the worst location (Yorkersgate). Fracking is known to cause spikes in air pollution, leading to the breaking of EU limits for hourly concentrations of NO₂ emissions. There is already been a string of court cases go against the UK government concerning this issue brought by ClientEarth: the buffer zones need to be extended to reflect the need to comply with legal rulings. This plan makes no mention of air pollution legal constraints. More extensive watertight buffer zones are required to tackle the air pollution legal requirements and also the noise legal requirements. The 10km buffer zones between fracking and ANY human habitation recommended by Lord Howell should be written in to be absolutely sure that air and noise regulations CANNOT be broken, or are extremely unlikely to be so. Anything less would be an abandonment of both legal and moral duty to protect the residents of North Yorkshire

The minor road going out of West Malton, Castle Howard Road, is totally unsuitable for large numbers of HGVs as it is too narrow for 2 lorries to pass without ruining the verges. It is also a tranquil residential area unsuitable for high volumes industrial traffic, as is the road as it travels out into the countryside and into the AONB. The traffic would also worsen air quality in the AQMA in the centre of Malton (see above).

Visually important undeveloped areas and Green Spaces should be excluded from fracking development as well as AONBs, National Park, SSSIs, and also be subject to 3.5km buffer zones to protect them from noise, air pollution and intrusive traffic movements as well as unacceptable visual impacts.

We would also like to make the following headed points:

SCOPE OF THE CONSULTATION

- Sections M16-M18 of the Minerals and Waste Plan (MWJP) has changed considerably in content since the Preferred Options consultation (the previous version put out for consultation in December 2015)
- Since the last draft of the plan, much of North Yorkshire is now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016.
- It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.

- Much of this content is also brand new policy which has not gone through the required consultation rounds with other representative bodies or the general public.
- There is no legal requirement to limit the scope of this consultation to just legality and soundness. It is the NYCC who have made this decision.
- The Town and Country Planning (Local Planning) England Regulations (2012) do not limit the scope of consultation at the Regulation 19 ('Publication') consultation stage.
- The consultation should therefore be opened up to wider public consultation on the content and substance of the plan.

CLIMATE CHANGE

- The Publication Draft of the MWJP does not conform to statutory requirements for legal compliance and tests of soundness relating to Climate Change.
- The MWJP does not conform with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change.
- Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*".
- The Committee of Climate Change (CCC) report of March 2016 concluded that the exploitation of shale gas would not be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. The MWJP's ability to meet these tests are not clearly defined.
- Assumptions that shale gas could lead to carbon savings are unsupported, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*"
- It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon by 2016.
- The MWJP is therefore unsound to claim that Policy M16 could have any positive impact on the climate budget, as this key condition of the CCC report is a long way from being met.
- Future applications for hydrocarbons production (including fracking) must be assessed using the following criteria:
 - CO₂ emissions and fugitive methane leaks must be included
 - CO₂ emissions resulting from both production and combustion must be included
 - explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
 - Until Carbon Capture and Storage (CCS) is fully operational, this can not be used in planning applications as a device to mitigate future CO₂ emissions in some notional future
 - any proposed plan must clearly show that it will lead to a *reduction* in climate change in order for it to be approved.

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

- The inclusion in Policy M16 that designated areas such as National Parks, AONBs and SSSIs are protected from fracking on their surfaces is strongly supported.
- However, the MWJP is currently unsound as it does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes).
- The Ryedale Plan is an adopted local plan which has statutory force and has been made in

accordance with the requirements of the NPPF. It follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan.

- It is also noted that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the MWJP was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan.
- The Ryedale Plan aims to encourage new development to “reinforce distinctive elements of landscape character” in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP.
- Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: “Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.” (p 129 – Ryedale Plan).
- If fracking were developed in the way described in the MWJP, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC.
- The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds.
- The MWJP must be developed so that it is complementary to this Local plan, not be in conflict with it. This means that the MWJP is currently unsound.
- The Vale of Pickering and the Yorkshire Wolds should therefore be included as ‘protected areas’ in Policy M16.

Buffer Zones

- The inclusion of a 3.5km buffer zone around National Parks and AONBs is supported.
- Point 5.128 says, “proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area.”
- While the restrictions in terms of how much fracking developments impact on the landscape are welcomed, there is little detail on what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
- The National Parks and AONBs are protected for a number of reasons, including to conserve biodiversity, provide quiet places for people to relax, and to boost tourism in the region. In short, this should be about more than if the development ‘spoils the view’.
- Any fracking activity that close to a major protected area could not fail to impact upon the protected area, either by impacting the view, causing excessive traffic around the borders of the area, causing noise and air pollution, causing light pollution at night – which would affect not only the wildlife in the protected area, but also impact on the clear night skies which are such a draw for visitors – and potential impacts on water courses the serve the protected areas.
- The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection. These areas are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage.
- Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the **MWJP should therefore simply prohibit fracking in these buffer zones completely.**

Noise impacts

- Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take *"considerably longer"* than the 12-25 week timeframe required for conventional hydrocarbons.
- Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.
- Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take 6.5 years in continuous drilling alone.
- Fracking itself is also a noisy activity and again is often conducted 24 hours a day, over a period of weeks.
- Unconventional gas development for shale gas cannot therefore be considered a 'short term activity' for the purposes of planning law.
- Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: *"ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties"*.
- Fracking exploration is, by the MWJP's own definition, a medium term activity at best, and therefore the policy from the NPPF above must apply.
- 24 hour drilling from exploration stages will lead to night-time noise levels far higher than those allowed for other types of development (such as wind turbines).
- The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable.
- It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- A setback distance of 750m would help to reduce the noise impact from drilling and fracking.
- Furthermore, there should therefore be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF.
- The caveat that fracking within the buffer zone would be allowed 'in exceptional circumstances' is therefore legally unsound and should be removed.
- A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.

Air quality impacts

- There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.
- Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. A number of chemicals routinely released during fracking, such as benzene, are known carcinogens.
<http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>
- Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).
- Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs and cause severe health risks.
- Planning Practice Guidance states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.

- Paragraph 109 of the NPPF states that the planning system should prevent “... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;”¹
- There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.
- The proposal to include setback distances for what is termed ‘sensitive receptors’ is welcomed. The MWJP’s definition of ‘sensitive receptors’ includes residential institutions, such as residential care homes, children’s homes, social services homes, hospitals and non-residential institutions such as schools.
- However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production.
- Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live.
[https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_\(2016\)](https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_(2016))
- The recommendation is therefore that the setback distance from ‘sensitive receptors’ should be a minimum of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- There is a strong argument that setback distances from places which house vulnerable people, such as schools, residential homes and hospitals, should be increased to 1km.
- Note that this is still less than the setback distance recommended by Kevin Hollinrake MP on his return from his ‘fact-finding’ mission in the USA, when he recommended a minimum setback distance of 1 mile from schools.
- Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health.

Biodiversity impacts

- Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to “...have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.
- The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.
- However, fracking would still be allowed just outside the boundaries of, and underneath, these areas from fracking well-sites situated on their borders.
- Unconventional gas production is not just an underground activity. The above ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby.
- Planning Practice Guidance supports this viewpoint, stating that: “Particular consideration should be given to noisy development affecting designated sites.”
- Policy D07 in the MWJP currently states that mineral developments which would have an unacceptable impact on an SSSI - or a network of SSSIs - will only be permitted “...where the benefits of the development would clearly outweigh the impact or loss”.
- This wording appears to allow considerable impact or loss on a protected area, if the Planning Authority felt that this was still outweighed by the benefits (i.e. by the production of gas).
- Given that SSSIs are sensitive nationally protected areas, often containing rare and protected

species, this is a contradictory and unsound approach. This clause should therefore be removed.

- Noise is a particular danger for resident and migrating birds, and nocturnal creatures such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI.

- As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, even if they are just outside the borders of the protected area.

- The MWJP includes a 3.5 km 'buffer zone' around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced.

- The same consideration should be extended to SSSIs, so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.

- In non-designated areas, the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.

- Biodiversity offsetting has been shown many times to be an unsatisfactory solution to problems caused by development, and should not be offered as a solution to developers to get around the damage they will cause to protected areas. The specific features of an SSSI cannot simply be replaced by planting a new wood somewhere else. This approach is unsound and should be removed from the MWJP guidance.

Water impacts

- The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.

- In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking:

http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf

- Fracking has also been proven to pollute groundwater in Wyoming:

<https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/>

- It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire.

- The EU Water Framework Directive is part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).

- The British Geological Survey has previously highlighted the risks that fracking can contaminate water. saying, *"Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water."* <http://nora.nerc.ac.uk/16467/>

- The British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack, and the uncertainty regarding how much water returns to the surface: *"The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks may not be adequate as many have been designed to consider the risks from surface activities."*

- Paragraph 94 of the NPPF states that local planning authorities should *"adopt proactive strategies to mitigate and adapt to climate change, taking full account of...water supply"*. Paragraph 99 later states that *"local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply."*

- The MWJP should therefore incorporate the precautionary principle, meaning that unless it can be proved that there will be groundwater contamination from a fracking well-site, it should not apply.

- In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

Highways and traffic impacts

- Fracking is very likely to cause a large increase in traffic movements, as trucks bring water, chemicals and sand to the well-site, and to remove contaminated waste water (often containing Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline.
- It has been estimated that each individual borehole will require between 2,000 and 7,000 truck movements, and there are plans for up to 40 or 50 wells per fracking site.
- The rural road network in Yorkshire is ill-suited to deal with this exponential increase in traffic.
- Paragraph 144 of the NPPF states that local authorities should ensure that there: *"are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites"*.
- There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, etc.). This must be included in the Plan.
- The huge increase in HGV traffic will also adversely affect the air quality along the designated routes, particularly if they pass 'sensitive receptors' such as schools, hospitals and old people's homes.
- The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors. Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions.
- This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.

Cumulative impact

- The NPPF states Planning Authorities should: *"...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality"*
- Planning practice guidance also states: *"The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."*
- One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside in Yorkshire, and is one of residents' greatest concerns.
- The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.
- The MWJP suggests that an 'acceptable' cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry's own admission, meaning that a 10x10 km² PEDL licence block could contain up to 500 fracking wells.
- Bearing in mind that each well requires 60-100 hours drilling, many more hours fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems,

health issues and stress.

- Furthermore, there is no guidance given on the separation distance between each well-site. Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.

- However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be 'bunched up' in one place, causing unacceptable impact for the local community.

- Furthermore, the MWJP says "*For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate.*" This should be amended to 'will be appropriate', as otherwise operators may still be allowed to have 10 well-pads located in a much smaller surface area.

- There is also an absence of transport impacts relating to this density of well sites, particularly in terms of how this is monitored, which needs to be addressed.

The Precautionary Principle

- To abide by legal guidelines, the precautionary principle should be applied to the issue of cumulative impact. The precautionary principle is a means of restricting development where there is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.

- Planning practice guidance also refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): "*the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact.*"

- The precautionary principle is also reflected in the NPPF, saying, "*Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.*"

- In order to comply with current legislation (see above), the precautionary principle should be included in the MWJP, so that new developments are not permitted unless it can be proved that there will be no unacceptable cumulative effects.

- The MWJP should therefore be amended so that an **Environmental Impact Assessment** should always be required to assess the potential cumulative effects from an additional fracking development and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

Waste management and re-injection wells

- Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that "*A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to very small scale induced seismic activity*".

- The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is 'small scale' is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.

- Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, "More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year." <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/>

- A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells. <https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>

- These earthquakes, and many others like it, are not 'very small scale induced seismic activity', as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.
- The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.
- The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.

KEY POLICY AMENDMENTS

Policy M16 pt (b) (regarding climate change requirements, precautionary approach and cumulative impacts)

...b) **[INSERT] Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that they can be delivered in a safe and sustainable way and that adverse impacts can be avoided – either alone or in combination with other developments. Consideration should include: -**

• **It being demonstrated that greenhouse gases associated with fugitive and end-user emissions will not lead to unacceptable adverse environmental impacts or compromise the planning authority's duties in relation to reducing greenhouse gas emissions.**

• **a precautionary approach to unconventional oil and gas development in requiring environmental impact assessment;**

• **cumulative impacts for such development including issues such as (and not limited to):**

• **water, air and soil quality; habitats and ecology; highway movements and highway safety; landscape impact; noise; and GHG emissions;**

Policy M16 pt (b) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

(ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will **[INSERT] not only be permitted [INSERT] unless where it can be demonstrated that significant [INSERT] no harm to the designated asset will not occur.**

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

i) **Surface proposals for these forms of hydrocarbon development will [INSERT] not only be permitted where [INSERT] unless they would be outside [INSERT] and respect the setting of the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, [INSERT] The Vale of Pickering and The Yorkshire Wolds, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest, Visually Important Undeveloped Areas (VIUA) and Designated Green Spaces.**

Policy M17 part 1 (regarding highways impacts)

...i) **Hydrocarbon development will [INSERT] not be permitted in locations with [INSERT] without suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment [INSERT] either singularly or cumulatively with other schemes that:**

a) **There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities [INSERT] including indirect impacts linked to air quality (re Air Quality Management Areas), businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements [INSERT] away from sensitive areas and receptors; and ...**

M17 pt 3 (regarding the local economy)

*...Hydrocarbon development will **[INSERT]** not be permitted in ~~locations where~~ **[INSERT]** unless it can be demonstrated that a very high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions.*

M17 pt 4 (regarding amenity)

4) Specific local amenity considerations relevant to hydrocarbon development

*i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within ~~500~~**[INSERT]** 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will ~~only~~ **[INSERT]** not be permitted in ~~exceptional circumstances~~...*

*...iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment **[INSERT]** which includes consideration of the baseline and how the development will mitigate effectively to maintain these levels enjoyed by local residents. Where it cannot be demonstrated these levels can be maintained, then development will not be supported.*

M18 pt ii (regarding waste water and re-injection wells)

*Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will **[INSERT]** not ~~only~~ be permitted in locations unless where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be proven beyond doubt demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.*

Yours sincerely,

Ian Conlan
West Malton Against Fracking.

mwjointplan

From: Ian Conlan <ianconlan1@gmail.com>
Sent: 17 December 2016 22:30
To: mwjointplan
Subject: MWJP Consultation response - West Malton Against Fracking
Attachments: Mineral and Waste Joint Plan (Publication Stage) - West Malton Against Fracking.doc

Dear Sir/Madam

Our consultation response is attached. We look forward to an acknowledgement of receipt and a suitably robust edit of the Plan.

Yours sincerely,

Ian Conlan
West Malton Against Fracking
83 Middlecave Rd
Malton
North Yorkshire
YO17 7NQ
Tel: 01653690831 and 07977425422
ianconlan1@gmail.com

mwjointplan

From: [REDACTED]
Sent: 18 December 2016 11:09
To: mwjointplan
Subject: Waste and Minerals Joint Plan Consultation Submission

From [REDACTED] [REDACTED]
email [REDACTED]

We are extremely concerned at the possibility of fracking wells being as close as 500 metres from residences. This is based on the distance wind turbines have to be from properties. Fracking sites need to have thousands of lorry movements every week in order to take water to them and remove waste. For people living near this, life will be made intolerable. Fracking wells operate 24/7, so, as well as noise pollution, there will be light pollution.

We live on the edge of the North Yorkshire National Park, so we are also concerned that fracking could take place round the edges of this area in order to drill horizontally beneath.

Many farmers and owners of tourist businesses who we know personally, are worried about how fracking will affect them. We feel that these businesses are far more important to the local and national economy than fracked gas extraction. This Government has recently spoken of its' commitment to helping our agriculture.

The large Swiss based petro-chemical company Ineos, have many PEDL licences in Yorkshire. They have indicated that they will use most of the hydrocarbons recovered from fracked gas in their own plastics business, rather than providing gas for public use via the National gas pipeline system.

This is not in the National interest, it is only in the interest of big business. This is wrong.

It would seem that North Yorkshire could be a sacrifice area in order for the fracking companies to succeed with this totally unnecessary industry.

very sincerely, [REDACTED]

mwjointplan

From: [REDACTED]
Sent: 17 December 2016 23:21
To: mwjointplan
Subject: Waste and Minerals Joint Plan Consultation Submission

With regard to the proposed fracking; whilst I am not a Yorkshire resident, my family is [REDACTED]
[REDACTED] What sort of a future are we offering our children where we blithely ignore what experts tell us about the harmful effects of fracking and plough regardless all in the name of short term profits.

For goodness sake, be wise, and move investment into renewables rather than withdrawals.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPhone

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	[REDACTED]
INITIALS	[REDACTED]
SURNAME	[REDACTED]
ORGANISATION (if applicable)	[REDACTED]
ADDRESS	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
POSTCODE	[REDACTED]
TELEPHONE	[REDACTED]
EMAIL	[REDACTED]

I do NOT want to attend the Oral Examination of the MWJP.

I am a resident of the Ryedale, district of North Yorkshire and wish to make the following points in response to the Minerals and Waste Joint Plan (MWJP) consultation. I am particularly concerned about the impact of this plan on my local area, which is very rural and whose economy is very dependent on agriculture and tourism. Rural North Yorkshire is totally unsuitable for the extensive industrialisation that will be caused by fracking; the roads are narrow (and poorly maintained) and multiple industrial sites would blight both local agriculture and tourism.

It is clear that much of the new policy has been developed in conjunction with the shale gas industry (also known as 'fracking') by the wording and parameters included in the MWJP. Much of this content is also brand new policy which has not gone through the required consultation rounds with other representative bodies or the general public. There is no legal requirement to limit the scope of this consultation to just legality and soundness. It is the NYCC who have made this decision. **The consultation should therefore be opened up to wider public consultation on the content and substance of the plan.**

[REDACTED] I am extremely concerned by the potential for air and water pollution and the impact of noise on the local environment. The huge increase in HGV traffic that will inevitably occur (it has been estimated that each individual borehole will require between 2,000 and 7,000 truck movements, and there are plans for up to 40 or 50 wells per fracking site) will adversely affect the air quality along the designated routes, particularly if they pass 'sensitive receptors' such as schools, hospitals and old people's homes. The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors. **Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions.**

The noise that will be generated by extensive drilling and fracking will be particularly intrusive in rural parts of North Yorkshire where the background noise levels are very low, particularly at night, hence the impact of noise from drilling and fracking will be very noticeable. This will be significantly detrimental to local tourism as one of the attractions of North Yorkshire is its peace and tranquillity. It is therefore essential that **the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.** A setback distance of 750m would help to reduce the noise impact from drilling and fracking. **Furthermore, there should be no exceptions allowed for fracking within the proposed residential buffer zone, as this would**

mwjointplan

From: [REDACTED]
Sent: 18 December 2016 17:32
To: mwjointplan
Subject: MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response
Attachments: MINERAL AND WASTE JOINT PLAN response.docx

Dear Sirs,

Please find my response to the MWJP attached.

Yours faithfully,

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	
INITIALS	
SURNAME	
ORGANISATION (if applicable)	n/a
ADDRESS	
POSTCODE	
TELEPHONE	
EMAIL	

No, I do not want to attend the Oral Examination of the MWJP as I am virtually housebound.

SCOPE OF THE CONSULTATION

- Sections M16-M18 of the Minerals and Waste Plan (MWJP) has changed considerably in content since the Preferred Options consultation (the previous version put out for consultation in December 2015)
- Since the last draft of the plan, much of North Yorkshire is now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016.
- It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.
- Much of this content is also brand new policy which has not gone through the required consultation rounds with other representative bodies or the general public.
- There is no legal requirement to limit the scope of this consultation to just legality and soundness. It is the NYCC who have made this decision.
- The Town and Country Planning (Local Planning) England Regulations (2012) do not limit the scope of consultation at the Regulation 19 ('Publication') consultation stage.
- The consultation should therefore be opened up to wider public consultation on the content and substance of the plan.

CLIMATE CHANGE

- The Publication Draft of the MWJP does not conform to statutory requirements for legal compliance and tests of soundness relating to Climate Change.
- The MWJP does not conform with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change.
- Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*".
- The Committee of Climate Change (CCC) report of March 2016 concluded that the

exploitation of shale gas would not be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. The MWJP's ability to meet these tests is not clearly defined.

- Assumptions that shale gas could lead to carbon savings are unsupported, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*"
- It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon by 2016.
- The MWJP is therefore unsound to claim that Policy M16 could have any positive impact on the climate budget, as this key condition of the CCC report is a long way from being met.
- Future applications for hydrocarbons production (including fracking) must be assessed using the following criteria:
 - CO₂ emissions and fugitive methane leaks must be included
 - CO₂ emissions resulting from both production and combustion must be included
 - explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
 - Until Carbon Capture and Storage (CCS) is fully operational, this can not be used in planning applications as a device to mitigate future CO₂ emissions in some notional future
 - any proposed plan must clearly show that it will lead to a *reduction* in climate change in order for it to be approved.

CONSIDERATION OF LOCAL IMPACTS

Landscape and Visual Impact

- The inclusion in Policy M16 that designated areas such as National Parks, AONBs and SSSIs are protected from fracking on their surfaces is strongly supported.
- However, the MWJP is currently unsound as it does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes).
- Additionally, the MWJP does not include reference to Conservation Areas in any protective terms.
- The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan.
- It is also noted that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the MWJP was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan.
- The Ryedale Plan aims to encourage new development to "*reinforce distinctive elements of landscape character*" in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP.

- Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: *"Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure."* (p 129 – Ryedale Plan).
- If fracking were developed in the way described in the MWJP, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC.
- The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds.
- The MWJP must be developed so that it is complementary to this Local plan, not be in conflict with it. This means that the MWJP is currently unsound.
- The Vale of Pickering and the Yorkshire Wolds should therefore be included as 'protected areas' in Policy M16.

Buffer Zones

- The inclusion of a 3.5km buffer zone around National Parks and AONBs is supported.
- Point 5.128 says, *"proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area."*
- While the restrictions in terms of how much fracking developments impact on the landscape are welcomed, there is little detail on what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
- The National Parks and AONBs are protected for a number of reasons, including to conserve biodiversity, provide quiet places for people to relax, and to boost tourism in the region. In short, this should be about more than if the development 'spoils the view'.
- Any fracking activity that close to a major protected area could not fail to impact upon the protected area, either by impacting the view, causing excessive traffic around the borders of the area, causing noise and air pollution, causing light pollution at night – which would affect not only the wildlife in the protected area, but also impact on the clear night skies which are such a draw for visitors – and potential impacts on water courses the serve the protected areas.
- The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection. These areas are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage.
- Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the **MWJP should therefore simply prohibit fracking in these buffer zones completely.**

Noise impacts

- Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take *"considerably longer"* than the 12-25 week timeframe required for conventional hydrocarbons.

- Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.
- Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take 6.5 years in continuous drilling alone.
- Fracking itself is also a noisy activity and again is often conducted 24 hours a day, over a period of weeks.
- Unconventional gas development for shale gas cannot therefore be considered a 'short term activity' for the purposes of planning law.
- Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: *"ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties"*.
- Fracking exploration is, by the MWJP's own definition, a medium term activity at best, and therefore the policy from the NPPF above must apply.
- 24 hour drilling from exploration stages will lead to night-time noise levels far higher than those allowed for other types of development (such as wind turbines).
- The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable.
- It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- A setback distance of 750m would help to reduce the noise impact from drilling and fracking.
- Furthermore, there should therefore be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF.
- The caveat that fracking within the buffer zone would be allowed 'in exceptional circumstances' is therefore legally unsound and should be removed.
- A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.
- I live in the small village of Flaxton, which is very quiet at night. Most of the village is designated a Conservation Area in the Ryedale Plan, but as Conservation Areas are not singled out for any special protection in the MWJT, fracking noise could considerably affect my health and the health of other villagers who, like me, are mainly housebound and could not easily escape the impact. It is noted that setback distances from 'sensitive receptors' apply to residential care homes, etc., but the point needs to be made that vulnerable children and adults also live outside the walls of institutions and equally need the protection of setback distances, especially if noise were to be unremitting on a daily basis and carried out over long periods of time.

Air quality impacts

- There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.
- Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene,

ethylbenzene, toluene and xylene. A number of chemicals routinely released during fracking, such as benzene, are known carcinogens.

<http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>

- Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).
- Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs and cause severe health risks.
- Planning Practice Guidance states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.
- Paragraph 109 of the NPPF states that the planning system should prevent *"... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"*¹
- There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.
- The proposal to include setback distances for what is termed 'sensitive receptors' is welcomed. The MWJP's definition of 'sensitive receptors' includes residential institutions, such residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
- However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production.
- Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live.
[https://ballotpedia.org/Colorado Mandatory Setback from Oil and Gas Development Amendment \(2016\)](https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendme nt_(2016))
- The recommendation is therefore that the setback distance from 'sensitive receptors' should be a minimum of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- There is a strong argument that setback distances from places which house vulnerable people, such as schools, residential homes and hospitals, should be increased to 1km.
- Note that this is still less than the setback distance recommended by Kevin Hollinrake MP on his return from his 'fact-finding' mission in the USA, when he recommended a minimum setback distance of 1 mile from schools.
- Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health.
- I live in the Ryedale village of Flaxton in the Vale of York, where the cloud cover is often low, and mists penetrate from Strensall Common. In colder conditions, smoke from coal fires, wood-burning stoves and fumes from oil-fired central heating systems form an acrid mix in the village. Adding to this with fracking emissions and greater vehicle pollution could have serious consequences for both short-term and long-term health.
- The following points, which are critically important to take into consideration,

are from the paper by Philip J. Lightowers for CHEM Trust: *Chemical Pollution from Fracking* (Feb./April 2015), pp. 21-22, available @ www.chemtrust.org.uk/fracking

- Researchers led by the late Theo Colborn at the Endocrine Disruption Exchange in Colorado have reviewed the health impacts of chemicals used in fracking liquids in 2011 [23: T. Colborn, C. Kwiatkowski, K. Schultz and M. Bachran, "Natural gas operations from a public health perspective," *Human and Ecological Risk Assessment*, vol. 17, pp. 1039-1056, 2011.
<http://cce.cornell.edu/EnergyClimateChange/NaturalGasDev/Documents/PDFs/fracking%20chemicals%20from%20a%20public%20health%20perspective.pdf>]
-]. Some 944 products containing 632 chemicals were identified of which 353 could be identified conclusively by CAS numbers. Of the latter, 75% could affect skin, eyes and other sensory organs, the respiratory and gastrointestinal systems. Some 40-50% could affect the brain, nervous, immune and cardiovascular systems as well as the kidneys. And 37% could affect the endocrine system with 25% able to cause cancer and mutations.
- Another group of researchers looked at the estrogenic and androgenic receptor activity of fracking chemicals, and surface and groundwaters in a heavily fracked area of Colorado [24]. They used in vitro tests in human cell lines with reporter genes to demonstrate anti-estrogenic, anti-androgenic and limited estrogenic properties in 12 chemicals used in fracking fluids. They also found endocrine disrupting activity in environmental water samples likely to have been polluted by fracking fluids.
- A team of researchers from New York and Missouri recently reviewed the health effects of chemicals associated with UOG operations [25]. In addition to chemicals used in fracking fluids, they also draw attention to the volatile organic compounds released to air. Up to 130 of these chemicals are potential or known endocrine disruptors and the authors conclude that exposure may affect fertility, exacerbate low birth weight and increase rates of miscarriage, pre-term birth and birth defects. In particular:
 - Benzene, toluene, ethyl benzene and xylene (BTEX compounds), ethylene glycols and formaldehyde are known to reduce workers' sperm counts, and some are also known to affect women's menstrual cycles and cut fertility. However, there have so far been no epidemiological studies of fracking workers.
 - Heavy metals such as lead and arsenic, which may be found in flowback affect fertility and are associated with a greater risk of miscarriage or stillbirth. Benzene and toluene are also linked to increased risk of miscarriage and fathers' exposure to toluene and formaldehyde are associated with higher miscarriage risk in their partners.
 - Direct epidemiological evidence of health effects near fracking sites is scarce, but there are concerns that these effects are occurring. They report that an unusually high rate of miscarriage and stillbirths has been reported in a densely drilled area of Colorado and high rates are also under investigation in a fracked area of Utah.
 - One preliminary study has demonstrated an increased incidence of low birth weight in mothers living within 2.5km of oil or gas fracking operations in Pennsylvania.

- Low birth weight, pre-term birth and restricted growth rate in the womb are all problems linked to air pollution. Particulate matter, benzene, nitrogen oxides and ozone are all pollutants produced through fracking operations.
- An epidemiological study in a gas-producing area of Colorado has also found an increased risk of congenital heart and neural tube defects for mothers living within ten miles of a gas well [26]. The authors of the review believe there is a potential mechanistic link because neural tube defects have been linked to mothers' benzene exposure and heart defects to mothers' exposure to endocrine-disrupting compounds.
- The most recent review of the air pollution impacts of fracking was written by the US NGO the Natural Resources Defense Council [30] and reported on the Inside Climate News website [31]. Twenty four studies conducted by both government agencies and academic organisations show that people living both close to and far from UOG sites are exposed to air pollution that can cause respiratory problems, birth defects, blood ailments, cancer and nervous system disorders.

[23] T. Colborn, C. Kwiatkowski, K. Schultz and M. Bachran, "Natural gas operations from a public health perspective," *Human and Ecological Risk Assessment*, vol. 17, pp. 1039-1056, 2011. <http://cce.cornell.edu/EnergyClimateChange/NaturalGasDev/Documents/PDFs/fracking%20chemicals%20from%20a%20public%20health%20perspective.pdf>

[24] C. D. Kassotis, D. Tillitt, J. Wade Davis, A. M. Hormann and S. Nagel, "Estrogen and androgen receptor activities of hydraulic fracturing chemicals and surface and ground water in a drilling dense region," *Endocrinology*, 2013. http://www.researchgate.net/publication/259724012_Estrogen_and_Androgen_Receptor_Activities_of_Hydraulic_Fracturing_Chemicals_and_Surface_and_Ground_Water_in_a_Drilling-Dense_Region

[25] E. Webb, S. Bushkin-Bediant, A. Cheng, C. D. Kassotis, V. Balise and S. C. Nagel, "Developmental and reproductive effects of chemicals associated with unconventional oil and natural gas operations," *Reviews of Environmental Health*, vol. 29(4), pp. 307-318, 2014. <http://www.degruyter.com/view/j/reveh.2014.29.issue-4/reveh-2014-0057/reveh-2014-0057.xml>

[26] L. McKenzie, R. Guo, R. Witter, D. Savitz, L. Newman and J. Adgate, *Environmental Health Perspectives*, vol. 122(4), April 2014. <http://ehp.niehs.nih.gov/1306722/>, pp. 412-417

[30] Natural Resources Defense Council, "Fracking Fumes: Air Pollution from Hydraulic Fracturing Threatens Public Health and Communities," December 2014. <http://www.nrdc.org/health/files/fracking-air-pollution-IB.pdf>

[31] D. Hasemyer, "Fracking Fumes: Where there's a well, all is not well," *Inside Climate News*, 22 December 2014. <https://insideclimatenews.org/news/20141222/fracking-fumes-where-theres-well-all-not-well>

Biodiversity impacts

- Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to "...have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".
- The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.
- However, fracking would still be allowed just outside the boundaries of, and underneath, these areas from fracking well-sites situated on their borders.
- Unconventional gas production is not just an underground activity. The above

- ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby.
- Planning Practice Guidance supports this viewpoint, stating that: *"Particular consideration should be given to noisy development affecting designated sites."*
 - Policy D07 in the MWJP currently states that mineral developments which would have an unacceptable impact on an SSSI - or a network of SSSIs - will only be permitted *"...where the benefits of the development would clearly outweigh the impact or loss"*.
 - This wording appears to allow considerable impact or loss on a protected area, if the Planning Authority felt that this was still outweighed by the benefits (i.e. by the production of gas).
 - Given that SSSIs are sensitive nationally protected areas, often containing rare and protected species, this is a contradictory and unsound approach. This clause should therefore be removed.
 - Noise is a particular danger for resident and migrating birds, and nocturnal creatures such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI.
 - As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, even if they are just outside the borders of the protected area.
 - The MWJP includes a 3.5 km 'buffer zone' around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced.
 - The same consideration should be extended to SSSIs, so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.
 - In non-designated areas, the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.
 - Biodiversity offsetting has been shown many times to be an unsatisfactory solution to problems caused by development, and should not be offered as a solution to developers to get around the damage they will cause to protected areas. The specific features of an SSSI cannot simply be replaced by planting a new wood somewhere else. This approach is unsound and should be removed from the MWJP guidance.

Water impacts

- The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.
- In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking:
http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf
- Fracking has also been proven to pollute groundwater in Wyoming:
<https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/>
- It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire.
- The EU Water Framework Directive is part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly

through the mechanism of Environmental Impact Assessment (EIA).

- The British Geological Survey has previously highlighted the risks that fracking can contaminate water. saying, "*Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water.*" <http://nora.nerc.ac.uk/16467/>
- The British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack, and the uncertainty regarding how much water returns to the surface: "*The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks may not be adequate as many have been designed to consider the risks from surface activities.*"
- Paragraph 94 of the NPPF states that local planning authorities should "*adopt proactive strategies to mitigate and adapt to climate change, taking full account of...water supply*". Paragraph 99 later states that "*local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply.*"
- The MWJP should therefore incorporate the precautionary principle, meaning that unless it can be proved that there will be groundwater contamination from a fracking well-site, it should not apply.
- In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.
- The village of Flaxton has a high water table, with several wells (which were in use before mains water supplied the village) and ponds, one of which is inhabited by Great Crested Newts. Many people grow their own produce on land which has been saturated by the high water table in winter. It is a matter of concern not to risk contamination to any water, which could result in the potential for risk to the health of humans, vertebrates or any flora and fauna.

Highways and traffic impacts

- Fracking is very likely to cause a large increase in traffic movements, as trucks bring water, chemicals and sand to the well-site, and to remove contaminated waste water (often containing Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline.
- It has been estimated that each individual borehole will require between 2,000 and 7,000 truck movements, and there are plans for up to 40 or 50 wells per fracking site.
- The rural road network in Yorkshire is ill-suited to deal with this exponential increase in traffic.
- Paragraph 144 of the NPPF states that local authorities should ensure that there: "*are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites*".
- There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, etc.). This must be included in the Plan.
- The huge increase in HGV traffic will also adversely affect the air quality along the designated routes, particularly if they pass 'sensitive receptors' such as

schools, hospitals and old people's homes.

- The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors. Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions.
- This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.
- Flaxton village already suffers from vehicles which exceed the 30mph speed limit on the main street through the village. There is a footpath only on one side of the road, but this has become overgrown and narrowed in places, and in one part can become waterlogged in wet weather, forcing pedestrians onto the road. Cyclists and horse-riders frequently use the road, which can be hazardous to them with HGVs and wide farm vehicles causing particular dangers. Bollards, which have been placed at the side of the footpath at stretches of danger to pedestrians, have been sheered off by wide vehicles. Roadside and Green verges have been eroded or rutted by heavy vehicles which do not keep to the tarmac. Many drivers do not slow down and steer clear of horses, cyclists, and pedestrians having to use or cross the road. An increase in HGV traffic would seriously impact on the safety of these more vulnerable road users, while greater diesel emissions and noise levels would pose additional stresses on the health of people living in the village.
- The problem of HGVs on a country road is not unique to Flaxton. Overturned lorries on steep bends in the road (e.g. Bulmer Bank), pedestrians and joggers having to leap out of the path of traffic onto verges, horses being kept under control with some difficulty when approached too closely by vehicles, and cyclists forced to the roadside all testify to this. Much of the North Yorkshire countryside is essentially serviced by narrow roads. Potholes, eroded, and especially rutted verges make journeys less safe for everyone when roads are not well kept up, and this is unfortunately a feature of many country roads. Add to this the impact of HGVs significantly multiplying in number to service fracking areas and the problem of road safety could become acute.
- One of the main destroyers of concepts of the beauty and peace of the countryside so appreciated by tourists as well as inhabitants is the industrialization of its highways and byways by numerous HGVs ploughing their way through areas of rural landscape and causing unpleasant congestion on non dual-carriage trunk roads (e.g. the A64 in parts). This will doubtless be deleterious to tourism and affect the countryside economy which is heavily reliant on tourism as source of income.

Cumulative impact

- The NPPF states Planning Authorities should: *"...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality"*
- Planning practice guidance also states: *"The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."*
- One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside

in Yorkshire, and is one of residents' greatest concerns.

- The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.
- The MWJP suggests that an 'acceptable' cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry's own admission, meaning that a 10x10 km² PEDL licence block could contain up to 500 fracking wells.
- Bearing in mind that each well requires 60-100 hours drilling, many more hours fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems, health issues and stress.
- Furthermore, there is no guidance given on the separation distance between each well-site. Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.
- However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be 'bunched up' in one place, causing unacceptable impact for the local community.
- Furthermore, the MWJP says "*For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate.* This should be amended to '**will be appropriate**', as otherwise operators may still be allowed to have 10 well-pads located in a much smaller surface area.
- There is also an absence of transport impacts relating to this density of well sites, particularly in terms of how this is monitored, which needs to be addressed.

The Precautionary Principle

- To abide by legal guidelines, the precautionary principle should be applied to the issue of cumulative impact. The precautionary principle is a means of restricting development where there is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.
- Planning practice guidance also refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): "*the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact.*"
- The precautionary principle is also reflected in the NPPF, saying, "*Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.*"
- In order to comply with current legislation (see above), the precautionary principle should be included in the MWJP, so that new developments are not permitted unless it can be proved that there will be no unacceptable cumulative effects.
- The MWJP should therefore be amended so that an **Environmental Impact**

Assessment should always be required to assess the potential cumulative effects from an additional fracking development and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

Waste management and re-injection wells

- Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that *"A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to very small scale induced seismic activity"*.
- The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is 'small scale' is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.
- Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, "More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year." <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/>
- A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells.
<https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>
- These earthquakes, and many others like it, are not 'very small scale induced seismic activity', as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.
- The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.
- The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.

KEY POLICY AMENDMENTS

Policy M16 pt (b) (regarding climate change requirements, precautionary approach and cumulative impacts)

...b) [INSERT] *Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that they can be delivered in a safe and sustainable way and that adverse impacts can be avoided – either alone or in combination with other developments. Consideration should include: -*

- *It being demonstrated that greenhouse gases associated with fugitive and end-user emissions will not lead to unacceptable adverse environmental impacts or compromise the planning authority's duties in relation to reducing greenhouse gas emissions.*
- *a precautionary approach to unconventional oil and gas development in requiring environmental impact assessment;*
- *cumulative impacts for such development including issues such as (and not limited to):*
- *water, air and soil quality; habitats and ecology; highway movements and highway safety; landscape impact; noise; and GHG emissions;*

Policy M16 pt (b) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

(ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will [INSERT] **not** ~~only~~ be permitted [INSERT] **unless** ~~where~~ it can be demonstrated that significant [INSERT] **no** harm to the designated asset will ~~not~~ occur.

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

i) *Surface proposals for these forms of hydrocarbon development will [INSERT] **not** ~~only~~ be permitted ~~where~~ [INSERT] **unless** they would be outside [INSERT] **and respect the setting of** the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, [INSERT] **The Vale of Pickering and The Yorkshire Wolds**, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.*

Policy M17 part 1 (regarding highways impacts)

...i) *Hydrocarbon development will [INSERT] **not** be permitted in locations ~~with~~ [INSERT] **without** suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment [INSERT] **either singularly or cumulatively with other schemes that:***

a) *There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to*

unacceptable impact on local communities [INSERT] including indirect impacts linked to air quality (re Air Quality Management Areas), businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements [INSERT] away from sensitive areas and receptors; and ...

M17 pt 3 (regarding the local economy)

...Hydrocarbon development will [INSERT] not be permitted in ~~locations where~~ [INSERT] unless it can be demonstrated that a very high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions.

M17 pt 4 (regarding amenity)

4) Specific local amenity considerations relevant to hydrocarbon development

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within ~~500~~[INSERT] 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will ~~only~~ [INSERT] not be permitted in ~~exceptional~~ circumstances...

...iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment [INSERT] which includes consideration of the baseline and how the development will mitigate effectively to maintain these levels enjoyed by local residents. Where it cannot be demonstrated these levels can be maintained, then development will not be supported.

M18 pt ii (regarding waste water and re-injection wells)

*Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will [INSERT] not ~~only~~ be permitted in locations unless ~~where~~ a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be **proven beyond doubt** ~~demonstrated~~ that any risk from induced seismicity can be mitigated to an acceptable level.*

mwjointplan

From: [REDACTED]
Sent: 20 December 2016 23:16
To: mwjointplan
Subject: WMJP Consultation response
Attachments: FRACKING - MINERAL AND WASTE JOINT PLAN CONSULTATION RESPONSE - 20.12.2016.docx

Please accept my attached WMJP Consultation response.

Thank you.



MINERAL AND WASTE JOINT PLAN (MWJP)(PUBLICATION STAGE) Consultation response

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Yes, I would like to attend the Oral Examination of the MWJP.

SCOPE OF THE CONSULTATION: The policy document has had extensive changes since the previous version was put out for consultation and it would appear this revised version has been developed with the shale gas industry. There has been a large number of exploration licenses issued since the previous consultation document. There is no legal requirement to limit the scope of this consultation to just legality and soundness. It is the North Yorkshire County Council who have made this decision as the Town and Country Planning (Local Planning) England Regulations (2012) do not limit the scope of consultation at the Regulation 19 ('Publication') consultation stage, allowing it to be opened up to a wider public consultation on the content and substance of the plan. A survey published by the Department of Energy and Climate Change in August 2015 showed that the more people know about fracking, the more likely they are to oppose it-has this a bearing on the narrow scope of the consultation.

CLIMATE CHANGE: Issues that affect the residents of the North Yorkshire are driven by national and international politics, economics and by supply and demand considerations relating to varied energy sources. Decisions made in Northallerton may also have a bearing on the global climate.

The report does not confront the County Councils responsibility to aid the national government to fulfil their requirements under the COP agreement ratified and signed in November 2016.

Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*".

Committee on Climate Change(CCC): if the shale gas industry takes off Britain will breach climate commitments/obligations unless 3 conditions are met by the shale industry

- Any shale gas produced in the UK should displace imports;
- the risk of methane leaks must be rapidly addressed; and
- ministers will have to offset shale gas's impact on the climate by cutting greenhouse gas emissions more rapidly in other industries.

There are currently no mechanisms exist to do this.

There is no evidence that shale gas could lead to carbon savings, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*" It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon by 2016.

The gas produced is about 90% methane, together with some other hydrocarbons. Methane is about 30 times more powerful than carbon dioxide as a greenhouse gas.

The industry says that methane losses will be miniscule because of a robust regulatory regime in the UK, but there is evidence of failures in poorly managed wells in the USA and in some conventional gas wells in the UK.

A joint report by the Royal Society and the Royal Academy of Engineering lists 10 conditions for well integrity. The ability to verify compliance with the ten conditions is questionable.

The MWJP is unsound to claim that Policy M16 could have any positive impact on the climate budget.

Criteria for assessing applications for hydrocarbon production, this includes fracking should include:

- CO₂ emissions and fugitive methane leaks
- CO₂ emissions resulting from both production and combustion
- explanations of how emissions from shale gas production can be accommodated within UK carbon budgets and these assessed fully and openly by the planning authorities.

Only when there is evidence that Carbon Capture and Storage (CCS) is fully operational, can it be included in any application as a device to mitigate future CO₂ emissions.

Any proposed plan must clearly demonstrate that it will lead to a *reduction* in climate change before the plan gains approval.

CONSIDERATION OF LOCAL IMPACTS: Although there are designated areas that are protected from fracking on their surface the impact of fracking in the vicinity will have an impact on the infrastructure and the very thing tourists to come for – peace and calm.

Institute of Directors Report -Infrastructure for Business “*getting shale gas working*” gave data for the one pad –this is with 10 verticals and 40 laterals – showing that there would be 544,000 cubic metres of water needed for fracturing and there would be 163,000 metres of waste solution to be dealt with AND this will need 11,156 vehicle (truck) movements if some of the water is piped in but if all the water is from offsite there will be 31,288 vehicle movements (Data from table 41 p.128) <http://www.igasplc.com/media/3067/iod-getting-shale-gas-working-main-report.pdf>

BUT using this information for 100 pads would mean

54.4 million cubic metres of water for fracturing

16.23 million cubic metres of flow back waste solution

Truck movements if some piped water 1.12 million truck movements

Truck movements if all offsite water 3.13 million truck movements

Now the plan in Ryedale is that there would be 10 fracking well sites and each well site might have 40-50 wells (pads) on it that would mean between 400 and 500 pads –which will mean up to 5 times more the amount of water used, waste produced and truck movements.

This cannot enhance the tourist potential of an area.

Buffer Zones: Any fracking within 3.5 km (2 miles) of these areas cannot fail to have an impact.

- So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the MWJP should therefore simply prohibit fracking in these buffer zones completely.

Noise impacts: The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable

Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take “*considerably longer*” than the 12-25 week timeframe required for conventional hydrocarbons.

Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.

Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take 6.5 years in continuous drilling alone.

- Unconventional gas development for shale gas cannot therefore be considered a ‘short term activity’ for the purposes of planning law.
- It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- A setback distance of 750m would help to reduce the noise impact from drilling and fracking and there should be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF. The caveat that fracking within the buffer zone would be allowed ‘in exceptional circumstances’ is therefore legally unsound and should be removed.
- A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.

Air quality impacts: There is clear evidence that the air quality impacts from fracking have been shown to pose risks to health. Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. A number of chemicals routinely released during fracking, such as benzene, are known carcinogens.

<http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>

Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).

Paragraph 109 of the NPPF states that the planning system should prevent "... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"¹

- There is a clear legal requirement for the MWJP to consider air pollution when developing planning policy.

The proposal to include setback distances for what is termed 'sensitive receptors' is welcomed. However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production. Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live.

- There should be a minimum of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health

Biodiversity impacts: The MWJP includes a 3.5 km 'buffer zone' around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced. The same consideration should be extended to SSSIs,

- so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.

Water impacts: The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.

It is the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire. The EU Water Framework Directive is part of the UK's legal framework. This suggests that

- the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).

The long-term integrity of well casings and consequent leakage into the drinking water supply are a concern.

There are cuts in real expenditure by local authority planning and development services of 46%. Local authorities lack in house geological expertise. Grants to Environment Agency have fallen in real terms by 25%, and limited expertise of deep hydrology issues and at the same time the Health & Safety Executive budget has had a reduction of 40% between 2011/2012 to 2014/2015. Without resources regulatory agencies will rely on self monitoring/regulation – *marking their own homework!* Planning authorities have few resources for checking that planning conditions are met.

The industry speaks of "Gold Standard Regulation" – this is meaningless phrase and not in the vocabulary of the regulators. Corporate entities are, at most, fined for negligence and/or non compliance, companies can and do pass on liabilities to other companies that go out of business

- It should be added that companies to be required insure a bond that would pay for any damage and liabilities.

Paragraph 94 of the NPPF states that local planning authorities should "*adopt proactive strategies to mitigate and adapt to climate change, taking full account of...water supply*". Paragraph 99 later states that "*local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply.*"

- The MWJP should incorporate the precautionary principle so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

The US Environmental Protection Agency (EPA), their equivalent of the UK Environment Agency, has stated that they have "identified cases of impacts on drinking water at each stage in the hydraulic fracturing water cycle".

<https://www.epa.gov/newsreleases/epa-releases-final-report-impacts-hydraulic-fracturing-activities-drinking-water>

Highways and traffic impacts: Fracking is very likely to cause a large increase in traffic movements, as trucks bring water, chemicals and sand to the well-site, and to remove contaminated waste water (often containing Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline. (see local impact)

The rural road network in Yorkshire is ill-suited to deal with this exponential increase in traffic.

Paragraph 144 of the NPPF states that local authorities should ensure that there: *“are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites”*.

- There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, etc.). This must be included in the Plan.

The huge increase in HGV traffic will also adversely affect the air quality along the designated routes, particularly if they pass ‘sensitive receptors’ such as schools, hospitals and old people’s homes.

The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors.

- Policy M17 therefore needs to be amended to include these concerns and if necessary, impose restrictions.

This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.

- Information needs to be clear on the inspection and repair of the infra structure (roads, verges and barriers (fences, walls, gates, hedges)) that are damaged by the inappropriate vehicles on the lanes in North Yorkshire – and the cost of these repairs should not come from the community fund.

The **cumulative impact** of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.

It is a difficult industry to regulate and much activity underground and out of sight.

In their Report, *Shale Gas Extraction in the UK: A Review of Hydraulic Fracturing*, 2012 the Royal Society and the Royal Academy of Engineering acknowledge a wide range of concerns: to protect groundwater from contamination; to ensure that the integrity of wells is guaranteed; to guard against hydraulic fracturing causing damaging seismic events; to guard against leakages of gas and inadequate handling of contaminated waste water; and to minimise wider environmental damage. The Report makes ten decisive recommendations essential for regulation of the fracking industry, each clearly stated and supported by a commentary. The RS and RAE consider that Government should put in place a strong mandatory system of regulation independent of the shale gas industry.

The Government having commissioned and received the Report from these authoritative bodies, has adopted only one of its recommendations as a mandatory requirement: Regulation 3 concerning the seismicity that might be induced by fracking.

Risks are increased by not creating mandatory requirements recommended in the report.

Sources and types of potential pollution are many and geographically dispersed, and the leakage of methane into the atmosphere is especially hard to detect.

Corporations/companies can often be hostile to regulation and reluctant to acknowledge risk.

Multiple contractors (comprising drilling companies, hydraulic fracturing service companies, chemical suppliers, waste haulers and cement contractors) making compliance determination difficult.

Newish process – long term consequences largely unknown. Planning practice guidance refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): *“the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact.”*

(White asbestos was a suspected hazard in 1898 and it wasn’t banned in the UK until 1998, Benzene – battle over safe levels for decades now reopened again; and the public were not told about BSE for 20 months because of fears of losing markets.)

There are regulations for baseline monitoring for ground, air and water pollution. But there are “concerns have been raised over a lack of specification over scope, quality, frequency and standards of pollution monitoring” (Medact)

There is little monitoring of abandoned wells in the UK (not fracked wells yet) and it is not clear who will be responsible for them. If a fracking operator goes out of business (many have in this last year in the US fracking industry) it is not clear who will be responsible for the leaking well. Leaking wells are major issue in the US.

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Waste management and re-injection wells: Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that *“A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to very small scale induced seismic activity”*.

The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is ‘small scale’ is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.

Oklahoma example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, “More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year.”

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A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells.

<https://www.bloomberq.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>

These earthquakes, and many others like it, are not ‘very small scale induced seismic activity’, as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.

The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.

- The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.
- A clear plan on the treatment of the flow-back solution needs to be a requirement, and the infra-structure complete before fracking begins.
- There should be a complete exclusion for any proposal that includes dumping some of the waste at sea.

From: Margaret McSherry <maggie@redroomevents.co.uk>
Sent: 19 December 2016 18:15
To: mwjointplan
Subject: Mineral and Waste Joint Plan Consultation
Attachments: Response to Minerals & Waste Consultation from WeCAN.pdf

Dear Councillors

This is the response to the Mineral and Waste Joint Plan Consultation from Wenningdale Climate Action Network.

There is a pdf copy of this response attached

Margaret McSherry

MINERAL AND WASTE JOINT PLAN (MWJP)(PUBLICATION STAGE) Consultation response

TITLE	Mrs
INITIALS	M
SURNAME	McSherry
ORGANISATION (if applicable)	Wenningdale Climate Action Network (WeCAN)
ADDRESS	High Hazel Hall Clapham North Yorkshire
POSTCODE	LA2 8HN
TELEPHONE	015242 51500
EMAIL	maggie@redroomevents.co.uk

Yes, I would like to attend the Oral Examination of the MWJP.

SCOPE OF THE CONSULTATION: The policy document has had extensive changes since the previous version was put out for consultation and it would appear this revised version has been developed with the shale gas industry.

There has been a large number of exploration licenses issued since the previous consultation document.

There is no legal requirement to limit the scope of this consultation to just legality and soundness.

It is the North Yorkshire County Council who have made this decision as the Town and Country Planning (Local Planning) England Regulations (2012) do not limit the scope of consultation at the Regulation 19 ('Publication')

consultation stage, allowing it to be opened up to a wider public consultation on the content and substance of the plan.

A survey published by the Department of Energy and Climate Change in August 2015 showed that the more people know about fracking, the more likely they are to oppose it-has this a bearing on the narrow scope of the consultation.

CLIMATE CHANGE: Issues that affect the residents of the North Yorkshire are driven by national and international politics, economics and by supply and demand considerations relating to varied energy sources. Decisions made in Northallerton may also have a bearing on the global climate.

The report does not confront the County Councils responsibility to aid the national government to fulfil their requirements under the COP agreement ratified and signed in November 2016.

Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*".

Committee on Climate Change(CCC): if the shale gas industry takes off Britain will breach climate commitments/obligations unless 3 conditions are met by the shale industry

- Any shale gas produced in the UK should displace imports;
- the risk of methane leaks must be rapidly addressed; and
- ministers will have to offset shale gas's impact on the climate by cutting greenhouse gas emissions more rapidly in other industries.

There are currently no mechanisms exist to do this.

There is no evidence that shale gas could lead to carbon savings, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*" It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon by 2016.

The gas produced is about 90% methane, together with some other hydrocarbons. Methane is about 30 times more powerful than carbon dioxide as a greenhouse gas.

The industry says that methane losses will be miniscule because of a robust regulatory regime in the UK, but there is evidence of failures in poorly managed wells in the USA and in some conventional gas wells in the UK.

A joint report by the Royal Society and the Royal Academy of Engineering lists 10 conditions for well integrity. The ability to verify compliance with the ten conditions is questionable.

The MWJP is unsound to claim that Policy M16 could have any positive impact on the climate budget.

Criteria for assessing applications for hydrocarbon production, this includes fracking should include:

- CO₂ emissions and fugitive methane leaks
- CO₂ emissions resulting from both production and combustion
- explanations of how emissions from shale gas production can be accommodated within UK carbon budgets and these assessed fully and openly by the planning authorities.

Only when there is evidence that Carbon Capture and Storage (CCS) is fully operational, can it be included in any application as a device to mitigate future CO₂ emissions.

Any proposed plan must clearly demonstrate that it will lead to a *reduction* in climate change before the plan gains approval.

CONSIDERATION OF LOCAL IMPACTS: Although there are designated areas that are protected from fracking on their surface the impact of fracking in the vicinity will have an impact on the infrastructure and the very thing tourists to come for –peace and calm.

Institute of Directors Report -Infrastructure for Business "*getting shale gas working*" gave data for the one pad – this is with 10 verticals and 40 laterals – showing that there would be 544,000 cubic metres of water needed for fracturing and there would be 163,000 metres of waste solution to be dealt with AND this will need 11,156 vehicle (truck) movements if some of the water is piped in but if all the water is from offsite there will be 31,288 vehicle movements (Data from table 41 p.128) <http://www.igasplc.com/media/3067/iod-getting-shale-gas-working-main-report.pdf>

BUT using this information for 100 pads would mean

54.4 million cubic metres of water for fracturing

16.23 million cubic metres of flow back waste solution

Truck movements if some piped water 1.12 million truck movements

Truck movements if all offsite water 3.13 million truck movements

Now the plan in Ryedale is that there would be 10 fracking well sites and each well site might have 40-50 wells (pads) on it that would mean between 400 and 500 pads –which will mean up to 5 times more the amount of water used, waste produced and truck movements.

This cannot enhance the tourist potential of an area.

Buffer Zones: Any fracking within 3.5 km (2 miles) of these areas cannot fail to have an impact.

- So, in order to be legally compliant with the NPPF, and the relevant Local Plans, the MWJP should therefore simply prohibit fracking in these buffer zones completely.

Noise impacts: The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable

Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24-hour process) may take “*considerably longer*” than the 12-25 week timeframe required for conventional hydrocarbons.

Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.

Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take 6.5 years in continuous drilling alone.

- Unconventional gas development for shale gas cannot therefore be considered a ‘short term activity’ for the purposes of planning law.
- It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- A setback distance of 750m would help to reduce the noise impact from drilling and fracking and there should be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF. The caveat that fracking within the buffer zone would be allowed ‘in exceptional circumstances’ is therefore legally unsound and should be removed.
- A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.

Air quality impacts: There is clear evidence that the air quality impacts from fracking have been shown to pose risks to health. Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. A number of chemicals routinely released during fracking, such as benzene, are known carcinogens.

<http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>

Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).

Paragraph 109 of the NPPF states that the planning system should prevent “... *both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;*”⁽¹⁾

• There is a clear legal requirement for the MWJP to consider air pollution when developing planning policy. The proposal to include setback distances for what is termed ‘sensitive receptors’ is welcomed. However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production. Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live.

- There should be a minimum of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health

Biodiversity impacts: The MWJP includes a 3.5 km ‘buffer zone’ around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced. The same consideration should be extended to SSSIs,

- so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.

Water impacts: The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.

It is the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire. The EU Water Framework Directive is part of the UK's legal framework. This suggests that

- the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).

The long-term integrity of well casings and consequent leakage into the drinking water supply are a concern. There are cuts in real expenditure by local authority planning and development services of 46%. Local authorities lack in house geological expertise. Grants to Environment Agency have fallen in real terms by 25%, and limited expertise of deep hydrology issues and at the same time the Health & Safety Executive budget has had a reduction of 40% between 2011/2012 to 2014/2015. Without resources regulatory agencies will rely on self monitoring/regulation – *marking their own homework!* Planning authorities have few resources for checking that planning conditions are met.

The industry speaks of "Gold Standard Regulation" –this is meaningless phrase and not in the vocabulary of the regulators. Corporate entities are, at most, fined for negligence and/or non compliance, companies can and do pass on liabilities to other companies that go out of business

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- There should be a complete exclusion for any proposal that includes dumping some of the waste at sea.

mwjointplan

From: [REDACTED]
Sent: 19 December 2016 17:47
To: mwjointplan
Subject: Joint Waste and Minerals Plan consultation submission

To whom it may concern, please find below my submission for the JWMP consultation.

In it's present state the plan is not sound as it does not comply with the following aspects of the NPPF.

- One of the Core Planning Principles in Paragraph 17 of the NPPF is to “support the transition to a low carbon future”
- Paragraph 94 of the NPPF calls for “proactive strategies to mitigate and adapt to climate change.”

The JWMP should therefore explicitly state that hydrocarbon developments will not be permitted if they will threaten the UK's ability to stick to it's climate change targets.

Kind regards,

[REDACTED]

[REDACTED]

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Surname: Firth		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

For official use only:
Respondent Number

Date received.....Date enteredDate acknowledged.....

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

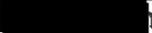
3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

I believe the plan is not sound as it fails to comply with National Planning Policy Framework (NPPF) and particularly fails to address mitigation of climate change. One of the Core Planning Principles in Paragraph 17 of the NPPF is to "support the transition to a low carbon future". Paragraph 94 of the NPPF calls for "proactive strategies to mitigate and adapt to climate change." Greenhouse gas emissions associated with fugitive and end-user emissions will lead to adverse environmental impacts and will compromise the planning authority's duties in relation to reducing greenhouse gas emissions. Policy recommends a precautionary approach to unconventional oil and gas development and therefore unproven technologies should be approached with extreme caution.

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 19/12/16
--	----------------

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : [REDACTED]

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

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Positively Prepared Yes No *Justified* Yes No
Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

-The plan fails to consider the sensitivities of the landscape designations of adopted plans within the overall minerals and waste plan area, for example the landscape value placed on the Vale of Pickering and Yorkshire Wolds Areas should be included within the 'protected areas' stipulated in Policy M17; - The proposed 500m buffer zone proposed at Policy M17 (while welcomed) is likely to be insufficient to substantially limit impacts on air quality and noise for local residents. As supported by available evidence from the US, this should be increased to 750m. There should be no exceptions to fracking development being allowed within the buffer zone.

Signature [REDACTED]	Date: 19/12/16
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|

|



[Redacted]

From: [Redacted]
Sent: 19 December 2016 12:35
To: mwjointplan
Subject: MW Join plan consultation response
Attachments: Publication_response_form_part_B1_M16.docx;
Publication_response_form_part_B1-1_M17.docx;
Publication_response_form_part_A1 [Redacted].docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

Please find attached my response on two accountints to two sections of the MW Joint Plan. If there are any discrepencies in the attached documents do let me know.

Thanks vey much and Happy Christmas week!

Best,
[Redacted]



Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : [REDACTED]

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No
 2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No
 Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

PLEASE SEE MY REPRESENTATIONS ATTACHED

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

PLEASE SEE MY REPRESENTATIONS ATTACHED

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:



I WOULD PARTICIPATE IF IT WOULD HELP

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [Redacted] Date: 16.12.2016

[REDACTED]

RS/SAC

16th December 2016

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

THE PRECIS for [REDACTED] REPRESENTATIONS (attached) on the Minerals And Waste Joint Plan.

According to this plan, my conclusion is that North Yorkshire County Councillors are prepared for rural North Yorkshire to be a *sacrificial zone* (the two words used by the industry there to denote fracking areas in Pennsylvania) to allow fracking to a quite unacceptable degree, in short: NYCC has the chance to protect North Yorkshire, and isn't taking it.

Attached is my critique of the North Yorkshire County Council's Minerals and Waste Joint Plan. Below, here, is a just a summary of that critique as follows:

Page one gives the link to a lecture by Professor Ingraffea of Cornell University, who gives a brilliant explanation of fracking in North America, both the process itself, and the consequences. This is very well worth viewing:

<https://www.youtube.com/watch?v=7DK3fODCZ3w>

1 – 2: these pages explain how NYCC could, but does not, protect rural Yorkshire but, instead, cravenly accepts a considerable degree of industrialisation. Lord Howell, than whom in energy matters, probably none is more experienced, opines in his new book, *Empires in Collision* (2016), that English fracking is unnecessary, undesirable, and must be 10km from dwellings: ISBN 978-1-908531-636
<http://www.gilgamesh-publishing.co.uk/empires-in-collision.html>.

The Plan seems to believe that fracking on the edge of a village is an appropriate location – despite the then minister saying that that wasn't possible to imagine, and Lord Howell saying it should not be within 10km of habitation.

Pages 3 onwards pick out a large number of details that seem inadequate to protect rural North Yorkshire. Repeated fracking is mentioned, and environmental issues are emphasised but are not given anywhere near enough a high priority. In these pages it is suggested that it is irresponsible for NYCC to grant licences while it is accepted by the council that there is *still a high degree of uncertainty on the matter*.

On page 4, reference is made to the need to monitor wells in perpetuity.

Page 5 refers to the inadequate English regulations for fracking, explaining that they are after the event, and the findings are secret, and that the one so far tried, failed.

Repeatedly throughout the document an “obligation” is pathetic: using the word *should* instead of the word *must*.

Page 7 points out that the whole tenor of the paragraphs in this area is that NYCC is willing to grant permissions to contractors to ruin Ryedale, where its emphasis should be on preserving Ryedale.

The following page refers to the NYCC suggestion that there should be no fracking within 400m of residential buildings, whereas Lord Howell says 10km.

The NYCC exhibits, on page 8, complete disdain for inhabitants of Ryedale, suggesting there could be ten pads in an area six miles square which, given they should not be close to residences, means pretty well everywhere else.

Page 8, the Plan envisages light spillage at a time when most places in the country are aware that this is unacceptable, and aim at reducing it.

Page 9, the Plan contemplates earth tremors with equanimity. The Plan has lukewarm requirements for health impact assessments.

Page 9, references are made to decommissioning, but nothing is said about failure to decommission. Reference is made to the possibility of ditching poisonous waste, but the council has no understanding of whether this could happen in practice, or where, and, indeed, in the following pages 10 – 11, correspondence is reproduced from the regulators suggesting that this is quite impossible, and much else is revealed in those pages about regulation, or lack of it, together with the

confusion between the agencies. This correspondence is most revealing, and the conclusion I come to is, on page 12, that this whole Plan is full of naive speculation, unspecified conjecture, and pious hope. The losers will be the residents, not the councillors, many of whom do not even live in the territory and, by the time the buck stops, in twenty years' time, with a polluted Ryedale ... The residents, and those who live here then, will be the sufferers. These NYCC councillors who caused their distress, and generations succeeding them in such distress ...

Other parts of the world have endured massive explosions and disasters, but always in an area far less intensely inhabited than North Yorkshire, where a disaster like Groningen: <http://www.theguardian.com/environment/2015/oct/10/shell-exxon-gas-drilling-sets-off-earthquakes-wrecks-homes> <http://www.reuters.com/article/us-netherlands-gas-groningen-idUSKBN0LM0LG20150218>, or California: <http://theantimedia.org/unstoppable-california-gas-leak-being-called-worst-catastrophe-since-bp-spill/> would be tragically catastrophic.

On page 11, the Plan seems to accept some impact on ground water resources, but there should be **none**. Already 19,000 cyclists are killed or maimed every year on the roads as a result of the present weight of vehicles already using unsuitable roads. Should NYCC introduce hundreds, if not thousands of HGVs, what extra carnage does it anticipate?

Conclusion see p 97 "policy M19" last paragraph on page 12: "Transport of carbon or gas should be via pipeline with the routing of lines selected to give rise to the least environmental or amenity impact" – this clearly supposes that there **will be environmental and amenity impact**, and I ask the Plan's authors, yet again, why should the residents of Ryedale have their environment and amenity impacted? – don't look to Lord Howell for an answer, and remember such *impacts* as are so graphically described by Professor Ingraffea – such *impacts* as the writers of this Plan are willing to impose upon the suffering residents of Ryedale, when all the writers of the Plan need to do is to write in such provisions as to secure the residents against all the known mischiefs identified by Professor Ingraffea, as fully explained to anybody who can be bothered to listen to him:
<https://www.youtube.com/watch?v=7DK3fODCZ3w>

Yours faithfully,




RS/SAC
16th December 2016

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
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REPRESENTATIONS on North Yorkshire County Council's (NYCC) *Minerals and Waste Joint Plan - Publication Stage*

INTRODUCTION.

It is not only acceptable to choose country over party, but our duty, Arnold Schwarzenegger. (For "country", read "county").

It is obvious that anybody seeking to prescribe the law on fracking in rural England should be well versed in the subject. Two works provide fundamentally important information to such a person: first, the lecture given in 2011 by Professor Ingraffea of Cornell University: <https://www.youtube.com/watch?v=7DK3fODCZ3w>. Time spent watching this film is critically useful in understanding exactly what has been happening in the United States, and gives the lie to much of what one hears about fracking in Pennsylvania. Anyone listening to the Professor will have a clear understanding of how the new process of **unconventional** drilling (*fracking*) differs fundamentally from the old tried and tested **conventional** drilling used over many years in England. From this comparison most people would conclude that, at best, fracking is an undesirable process.

A second source of inspiration is *Empires in Collison*, ISBN 978-1-908531-636 published this year by Lord Howell. As David Howell, he was Lady Thatcher's first Secretary of State for Energy. In 2000 he became Chairman of the British Institute of Energy Economics and, in 2003, Chairman of the Windsor Energy Group. In 2010 – 2012, he was UK Minister responsible for International Energy Security and the Foreign and Commonwealth Office. He is the only minister to serve under Heath, Thatcher, and Cameron administrations. As such, he is probably the greatest expert on energy supply in England today. It is his opinion that fracking in England is

neither desirable nor necessary – and that no fracking should take place within ten kilometres of habitation.

Furnished with the information mentioned above, and much else I have gleaned from many other sources, I believe any objective person seeking to lay down the law for fracking in rural England would feel a strong presumption against this happening in any area of beauty or proximity to habitation, and that David Howell's ten kilometres is a sensible distance away from those such places for fracking to take place, if at all.

In recent years, there have been many attempts, in many different forms, to describe the activity known as *fracking*, and the activities related thereto, known as *infrastructure*. Much the best I have seen is Professor Ingraffea, as above. Whilst this lecture may be of a certain age, it is, actually, coincidental with the two reports frequently relied upon by Government in support of fracking – those of the Royal Society and Royal Academy of Engineering (many, if not most of the recommendations that they made remain unfulfilled, like the suggestion that public opinion should be polled). The must therefore be legitimate evidence and I recommend it as being a brilliant description of what exactly fracking is, compared to conventional drilling, and the consequences in America of this activity, delivered by a very knowledgeable scientist.

A: IN THE GENERAL

For the objective critic of what North Yorkshire County Council should allow by way of *search and bore for and get* oil and gas resources (paragraph 5.94) it is salutary and extremely heartening to read, in this paragraph, that *the licensing objective of maximising exploration of the resource does not therefore override the role of the policies in the Joint Plan in setting out a local approach to this issue.*

Hurrah! It is thus clear that it is up to NYCC in its Development Plan, to ensure the protection of local needs for quiet enjoyment of the countryside, to encourage and where necessary protect tourism, to satisfy the needs of an efficient and developing agriculture; to maintain local roads with their verges, and generally to protect present environmental standards: all that is well possible. Indeed, all such considerations are obviously vital if the heart and soul of rural North Yorkshire is to be protected and allowed to continue to fulfil the traditions of past centuries as developed by citizens in all those hundreds of years, to which we are, presently, merely the indebted heirs and current inhabitants, hoping to pass on to future generations the privileges we have received from those before us. (Already 19,000 cyclists are killed or maimed every year on the roads as a result of the vehicles already abusing those roads. Should NYCC now introduce hundreds, if not thousands more HGVs, what extra carnage does it anticipate?)

B: IN THE PARTICULAR

Whilst it may be heartening to know that County Councillors have the right to defend North Yorkshire, it is unbelievably sad and wholly incomprehensible to me to find in this draft Development Plan that there are really no sufficient proposals to exercise their right of defence. Instead, there is a craven acceptance of such a degree of industrialisation that can only lead to the devastation of much of North Yorkshire ... Why?

Members of the government like to describe those areas sacrificed to fracking as *hosting* fracking. This horrid expression seems to suggest that a household would be *hosting a burglar*, or one being raped is *hosting a rapist*. One must remember that what the government spokesman actually means with “hosting” is in the sense that a plant or animal “*hosts a parasite*”.

C: MORE SPECIFICALLY

Paragraph 5.94 refers to *appropriate locations*, but the granting of the KM8 application, exactly (“on the edge of a village”) where the minister, Mrs Leadsom, specifically said would not be appropriate, has surely, already, abrogated that provision?

I believe that, in this paragraph, the word *appropriate* should also be applied to each proposed process and a judgment be made as to whether a particular process is *appropriate* for that particular location, however *appropriate* that location may be for certain other and limited applications. For example: KM8 can well be thought to be appropriate for conventional drilling, as a location, but quite inappropriate for fracking, as a location – because of the relative ferocity of fracking itself, and consequential infrastructure. This point was well made by counsel when that lawyer stated that fracking is a *unique* process hitherto unused in England.

Paragraph 5.101 seems to suggest that only *coal bed methane extraction* can result in multiple well pads and wells – but this is a characteristic of **all** fracking, known in Pennsylvania as treadmill fracking, and elsewhere likened to Ponzi schemes, in which proceeds from the next frack helps pay for the work of the previous one. Gundi Royle of Royle Energy Partners explained a year or so ago that most of the gas from a frack is used in the first year, resulting in continuing needs for further fracking. Professor Ingraffea talks of sixteen wells per pad, and endless pads when drilling for gas – therefore it is not only *coal bed methane* that needs multiple fracks.

5.105 refers to *development activity that may come forward* which it describes as ***still a high degree of uncertainty*** [my emphasis]. It cannot be right for this report to plan for the future of Ryedale based on such a great *uncertainty*. Surely, no-one should ever plan for anything as important as this fracking in rural England on the basis of such a high degree of *uncertainty* of such vital importance as this one? Because one mistake has been made at KM8 it does not mean that other mistakes must be made across North Yorkshire. On the contrary, NYCC should learn from one mistake and

not repeat it; failure to do so and to try to plan with such an uncertainty is irresponsible ... (with no reference to the *environment*)

5.106 refers to a government indication of a national need *to explore and develop shale gas in a safe, sustainable, and timely way*. If this is a full quotation, it is seriously lacking in the kind of policy that NYCC must impose in this Plan **to take into account all the environmental issues**, which is **the** responsibility of the Council to protect, but which seems to be wholly omitted from government thinking ... if this is the full quotation.

This matter is crucial: it moves North Yorkshire out of small conventional drilling into the realms of massive and many fracking pads.

5.107: there are four unnumbered sub paragraphs within this one paragraph, and in the fourth, were it numbered, reference is made to *production can be up to around twenty years. The production stage likely to require the periodic maintenance of wells, which may require use of drilling equipment*. This is all opaque. There is no requisite that wells, when dug, should be inspected in perpetuity as, at any time, having been drilled, they can spew effluent. One the peculiarities of this Plan is that no reference seems to be made to the need for permanent inspection and to understand how, who, and when this will be done ??? See evidence taken from page 18 of my first objection to the application to frack at KM8 dated 13th November 2015

“This article in the document entitled *Oil and gas wells and their integrity: implications for shale and unconventional resource exploitation* (prior reviewed) contained in *marine petroleum geology journal homepage* at: <http://www.sciencedirect.com/science/article/pii/S0264817214000609> has further damning evidence on the inadequacy of regulation in England. There are several points of specific interest in this article, excerpts from which are included below. First is the point that cemented steel casings are not necessarily indefinitely or at all permanent and invulnerable: on the contrary, they are susceptible to breakdown and corrosion of the concrete and the steel casings. They need, therefore, permanent inspection, but they are not getting that. These points are well encapsulated in a paragraph from conclusion:

“Only 2 wells in the UK have recorded well integrity failure (Hatfield Blowout and Singleton Oil Field) but this figure is based only on data that were publicly available or accessible through UK Environment Agency and only out of the minority of UK wells which were active. To the best of our knowledge and in line with other jurisdictions (e.g. Alberta, Canada) abandoned wells in the UK are sealed with cement, cut below the surface and buried, but are not subsequently monitored. This number is therefore likely to be an underestimate of the actual number of wells that have experienced integrity failure. A much tighter constraint on the risks and impacts would be obtainable if systematic, long-term monitoring data for both active and abandoned well sites were in the public domain. It is likely that well barrier failure will occur in a small number of wells and this could in some instances lead to some form of environmental contamination.

Furthermore, it is likely that, in the future, some wells in the UK and Europe will become orphaned. It is important therefore that the appropriate financial and monitoring processes are in place, particularly after well abandonment, so that legacy issues associated with the drilling of wells for shale gas and oil are minimised.”

“This paragraph explains how wells’ integrity can diminish, how the information is not, but should be, in the public domain and, thirdly, that abandoned wells are not being monitored. In those circumstances, how can the public feel secure, should this whole new era of fracking be allowed, that is quintessentially dangerous to water aquifers in view of the fact that they drill through them to get below them to the fracking areas? Surely it should not be for the suffering residents of Ryedale to point this out to the Environmental Agency, but for that Agency to point it out to North Yorkshire and Ryedale Councils? Moreover, as we are told that the regulatory agencies are suffering a huge diminution in staff – just at the time when they may be required to do a great deal extra monitoring – it seems quite impossible that the public’s interests will be secured in the way to which it should feel entitled.”

This same point is again raised on page 79 on the bottom left hand corner of the blocks of coloured rectangles where it is blithely stated *Site restoration and Post abandonment monitoring for a defined period*. The evidence I quote above suggests that there should be no defined period, and experience suggests that inspections should be in perpetuity.

5.109: leaving aside the point of whether it is true to say that *chemicals are often added* as opposed to *chemicals are always added*, I recoil at the final sentence of this paragraph *once the rock has been fractured, some fluid returns to the surface (known as flowback) and this will require disposal or recycling in accordance with the required environmental permits* – this begs a thousand questions. **Where** in North Yorkshire will **what** be being done, and under whose auspices, and under whose authority and responsibilities? Thousands of heavy goods vehicles will be disposing noxious fluid – **how, when, and where?** Do the authors of this Plan not need to know what will happen to this stuff that the process they are thinking of authorising produces? It is their duty to find out and authorise, or not, what is going to happen when these HGVs are filled with poison. (see also 5.154)

5.110: what happens with contractors which are not members of UKOOG, referred to in the last line of this paragraph? Also in this paragraph there is the rather charming observation that the United Kingdom Onshore Oil and Gas group has established a charter – *for community engagement on new onshore oil and gas proposals*. It must be remembered that nothing is sacrosanct in the sense that government runs everything over the heads of all other organisations, including County Councils – vide Lancashire CC and Mr Javid.

5.111: this is a vital paragraph where reference is made to *planning applications for hydrocarbon development*. The implication is that it is a matter for the local authority

whereas, as above, we now know that government overrules the local authority when it so wishes and, to that extent, this paragraph is out-of-date.

5.112: reference is made to regulations. Government spokesmen are forever telling us that our regulations in England are the best in the world. What they do not tell us is their evidence for this statement, is demonstrably wrong. There are three reasons I can categorically give for this assertion: first, the only time that onshore regulation has been applied to what then was called *fracking* in England, at Preese Hall Farm, that regulation manifestly failed to anticipate and prevent the likely and probable consequences of the drilling, which had to be shut after very serious defects that were hidden by the contractor, and not foreseen by the regulator. Secondly, at West Newton, contractor's faults were not prevented by the regulator, and only after the events investigated after local complaints. Those are two practical examples of regulation failure: first, it did work, and secondly it is a fundamental problem of regulation that it takes place after the event, and not before it. It is treating the consequences of the contractors' wrongdoing, and not preventing it, because there are no inspections by regulators of contractors in advance of malpractice, and which might prevent that. The third matter reflecting failure of regulation is that it is secret: when problems were found at Preese Hall Farm and West Newton, these were not transparently revealed by the regulator to the public but, instead, kept secret from the public, and the only way it was possible to discover what did happen at those two places was under the Freedom of Information Act that allows the cognoscenti to discover what is going on – always subject to the filter of that Act which only allows the public to know what information the filter deems right for the public to know. For these three reasons, I suggest that our regulation is as bad, or worse, than any other regulation in the world, and certainly completely unacceptably bad for the public in England today to have to endure: that is failure to prevent problems, followed by after the event examinations held in secret.

In this paragraph, it is stated that the government *advice* (that must mean an *instruction*) is that the *Minerals Planning Authority will assume that these other regimes operate effectively*, but what is not clear is what happens if they don't operation effectively? Is this the responsibility of the Council, or where does this responsibility lie, if at all? Can the authors of this Plan legitimately proceed on the basis of not knowing the answers to that question?

(5.115: whereas the word *its'* probably won't alter the sense to anybody, it is indicative that this document has not been thoroughly written. As well as *its'* there are copious examples of singular nouns coupled with plural verbs and of other sloppy writing.)

5.119: these paragraphs of definitions are excellent, in so far as they go, but do not seem to me to be complete, how could they be, so it is important that some further information is given. It is absolutely vital always to distinguish between *conventional* and *unconventional* drilling, and these definitions do not seem to do that. I believe it would be wise to put into each one of these definitions whether or not they include, or

include, fracking. At first sight, it would appear that they do not include fracking, yet looking at page 90, sub-paragraph 41 and 42, it looks as if they probably do include fracking? This is of vital importance because KM8, when used for conventional drilling, was no great problem, whereas KM8 for fracking is a very serious problem, and one must distinguish between these two usages. (On another point of detail, the line in the box of policy M16 on page 83 should not be there at the bottom of that partial box, which goes over onto page 84 and, indeed, there should be no line at the top of page 84, and no line at the bottom of page 84, or the top of page 85)

Policy M16 on pages 83, 4, & 5, I note that the onus under bii lies on the contractor to show that there will not be *significant harm to the designated asset*.

5.121: we must remember the Infrastructure Act 2015 took Preese Hall Farm out of fracking, by definition. I cannot fathom, from this document, whether it is proposed that there should be conventional drilling on National Parks but, in the eyes of the government, Preese Hall Farm, as defined in the Infrastructure Act, is not fracking and, if you are going to have conventional drilling on National Parks, you would have to include Preese Hall Farm activity in that, with all the water, vehicles, compressors, land lines for gas etc, required in the infrastructure for fracking.

5.122: the same point applies as the Infrastructure Act ban on hydraulic fracking does not include Preese Hall Farm – by reason of the amount of water used in Preese Hall Farm, work **then** considered *fracking*.

5.124 is absolutely right. Preese Hall Farm is now regarded as not fracking by reason of its *lower volumes of fracture fluid*.

5.127: the mischief referred to at the bottom of that paragraph should include *flaring of gas*.

Policy M17 (p88 boxes are wrong, as above). More specifically, sub-paragraph 1iii on page 89 suggests another only low level concern for the infrastructure of fracking in the statement *where hydraulic fracturing is proposed, proposals should also be located where an adequate water supply can be made available ... the word should ought to be must*.

M17 2.i, one has to wonder what is *unacceptable cumulative impact* as opposed to *acceptable cumulative impact*. Why should we have **any** cumulative impact in rural England? (Refer back to the “high degree of uncertainty” of paragraph 5.105)

M17 2.ii. We are again offered a *should*, which makes it voluntary, as opposed to *must*, which makes it obligatory on the penultimate line referring to ... *an overall scheme of production development within the PEDL area and should ensure, as far as practicable, that production sites are located ...*; this ought to be *must ensure*, and delete *practicable*. Without *must*, and with the presence of *practicable*, the contractor

could run a coach and horses through this pious hope, and much the same goes for most of the other paragraphs here.

M17 2.iv *consideration should be given to how the location and design of the development could facilitate its use ... again, should must be must.*

M17 2.v *where practicable* should be deleted.

All the way through these ensuing paragraphs it is all pusillanimity. The residents are **relying** upon NYCC to **stop** their lives being ruined, not just only where *practicable*, but just **stop** them being ruined.

The whole tenor of these paragraphs is that NYCC is going to licence contractors to ruin Ryedale, and I believe this is completely wrong. The whole emphasis should be on preserving Ryedale, and only allowing contractors in where it is beyond doubt that they will **not** ruin Ryedale. This takes me to the very nub of this whole document in policy **M17 4ii**: the most pusillanimous paragraph it is possible to imagine in a Minerals Plan for **rural England**. It is stated: *proposals for surface hydrocarbon development involving activity over 24 hour periods within 400m of residential buildings or other sensitive receptors will not be permitted unless it can be demonstrated by the applicant that the specific locational circumstances or characteristics of the proposed development, including any proposed mitigation, would enable the development to take place without giving rise to unacceptable impacts.* (My apologies if I have misunderstood this, but I find the terminology quite insecure and ambiguous, assuming that this means fracking.) Whereas Lord Howell writes *no habitation within 10 km of fracking*, the authors of this mischievous Plan write 400m, which is a good deal less than 500 yards – how can they ...? So it is thus, in certain circumstances, it is envisaged by NYCC that *24 hour periods within 400 m ... could be acceptable*: this is an outrage.

5.137: *To give an indication* this paragraph goes on in this vein with complete disdain for local inhabitants and environment – all that has made this part of England one of the tourist attractions of the world, and instead this Plan accepts industrialisation. Whilst a 100km² might seem a big area, it is actually 10km x 10 km, approximately the distance between Malton and Scampston, or York to Strensall (I realise York has been taken as a special case by using this measurement but it is one familiar to so many people). In that distance of just over six miles square, the ten pads in the area with Heaven knows how many wells per pad, this would mean all these wells being within a mile and a bit of each other. Even with the ridiculously small distance of only 400m between habitations and a well, there would be great difficulty in shoehorning these pads in to rural Ryedale for hamlets and farmhouses are literally spread throughout the countryside. Pads would need to be in pretty much every available place in this six mile square area to get in the 10, and even this *as an indication* is just so weasel worded: it could be more than 10.

P92 5.140: the final paragraph suggests clustering of pads to use the existing infrastructure. This might just as well compound the problem as to solve it. Introducing pads to use existing facilities may just end up with semi-industrialised areas, whereas previously there always was just the one such pad.

P94 5.146: I firmly believe that this 400m idea, even if only “conjectured”, is obscene for the people of Ryedale.

P94 5.147: referring to site lighting to ensure *minimum light spillage*. Why should residents of Ryedale have to endure **any** light spillage, please? For over a generation now we have fought against light spillage so that motorway lighting has been turned down or off, and everybody understands the need not to have light spillage, and yet this Plan conjectures that it will **exist and be tolerated** ...

5.148: referring to seismicity. Take a look, please, at Groningen:

<http://www.theguardian.com/environment/2015/oct/10/shell-exxon-gas-drilling-sets-off-earthquakes-wrecks-homes> <http://www.reuters.com/article/us-netherlands-gas-groningen-idUSKBN0LM0LG20150218> where you can see that a housing of Holland was destroyed by **conventional** drilling, so that even to contemplate induced seismicity *in areas of suitable geology* is wrong. And another 2015 devastating disaster was the huge gas leak (100,00 tons) from a deep underground pipe belching gas for months in California at Aliso Canyon costing \$500m and needed over 8,000 evacuations: <http://theantimedia.org/unstoppable-california-gas-leak-being-called-worst-catastrophe-since-bp-spill/>

Where, please, do the Plan’s writers think is this area – who is volunteering to be a sacrificial area of *suitable geology* to have a low magnitude seismicity? Even to contemplate this is wrong.

5.149: of course there should **always** be a Health Impact Assessment as part of the Environmental Impact Assessment, or any development involving hydraulic fracturing. This is, however, watered down by paragraph **5.152**, which seems to limit the requirement for these assessments.

5.151: it is good to see that the issues relevant to *the use and development of land are matters for the planning system* and one must hope that the assumption referred to five lines up and other regulatory regimes will operate effectively is proved sound, but what if it is proved **unsound**? What contingency plans has the NYCC got to ensure that there is not a disaster should that assumption be proved wrong in practice?

Policy P 95 M18 1.ii: what, please, is the acceptable level of seismicity referred to in the last line of that paragraph? It is a matter of fact, and should be stated.

M18 2.i: it is not possible to decommission a well *so as to prevent any risk of further contamination of the ground and surface waters* ... this is scientific fantasy. (see my comment on 5.107 starting on page 3, above)

P95 M18 2.ii: what is the agreed timescale by which the site should be restored? And what happens if it is not met? Leading on from that, **M18 2.iii**, whilst the Mineral Planning Authority, it is said, may require provision for a *financial guarantee*, when NYCC was actually given this opportunity to require a bond for KM8, but refused to do so; so what happens, in practice, if the Mineral Planning Authority does not require provision for a financial guarantee, and the company is bankrupt, or it disappears? (paragraph 5.157 also applies and, likewise, 5.158, where the novel approach specifically mentioned in this paragraph as stated by NYCC's legal advisor was ignored, and no bond sought as a result of the Planning Committee, under County Councillor Sowray, ignoring the possibility specifically endorsed by Counsel)

5.154: *provided a high standard of environmental protection is maintained to prevent spillage ...* but what happens if there is not such high standard? Remember, the regulators only come in after the event and their findings are secret ... 5.154 states that *onsite treatment and reuse of water is likely to represent the most sustainable option* – referring to the disposal of *flowback fluid* but Mr Hollinrake MP has specifically told me *we do not allow reinjection for disposal of waste water ...* these statements seem to me to be in serious conflict.

5.155: *evidence suggests that there is a small number of existing facilities in and around the Yorkshire and Humber area which may be able to receive such waste ...* what happens if they cannot receive such waste? What plans has the Council got in those circumstances? Who is to decide whether these facilities are able to receive such waste?

These two paragraphs contain very serious assertions that are positively disputed by Regulators:

I have permission to quote from an email exchange between Jon Magers and Michael Farman, and MPs Messrs Hollinrake, Menzies, and Stuart and enclose some paragraphs germane to NYCC paragraphs 5.154, 5.155, the regulators regard the possibility of causing the procedure as highly unlikely to dump this poisoned fluid and, secondly, this may even be prevented, as Mr Hollinrake tells us it will be, and as the regulator determines it might be, with the phrase, *the re-injection of flowback fluid for disposal is not necessarily prohibited and may be permissible ...* NYCC needs to know for certain.

Jon Magers states: My friend Michael Farman has summarised his findings from a series of FOI requests. Mike's experience as an engineer working for NASA gives him a valuable insight into safety issues relating to technology just as my previous experience as the named Health and Safety senior executive for a FTSE listed company gives me some insight into safe working practices.

Regulation Philosophy: Both the EA and HSE confirmed that they will be adopting a "risk based" approach to regulation, meaning that they will prioritize those operations defined as of most risk and concentrate on these rather than cover all possibilities. This principle will also be applied to drilling companies; they agreed that the most trusted will be less closely

monitored. The "risk based" approach is less costly and resource-consuming for the regulators, but by definition is less complete and puts even more self-regulation responsibility onto the drilling companies.

Independent Well Examiner: It's no secret that this will be either an employee of the drilling company or someone hired by them. I asked an HSE representative how someone representing the drilling company could be independent and impartial in the event of an expensive problem or failure. The reply was that each examiner would be thoroughly vetted. I asked whether that meant he/she would be interviewed by the regulators, and was told no, they would read his/her CV.

Disposal of Flowback Fluid: Drilling companies estimate that, in the active lifetime of a well, most of the fracturing fluid is returned to the surface, together with some miscellaneous toxic substances and NORM. I asked about treatment and disposal of these flowback fluids. The regulators' representatives confirmed that there are only three approved waste water treatment plants and these are already in constant heavy use. They said that alternatively flowback fluid could be stored on site. The EA document "Onshore Oil and Gas Sector Guidance" (Aug 2016) says: "The E A will not generally permit the re-injection of flowback fluid for disposal into any formation.....The re-injection of flowback fluid for disposal is not necessarily prohibited and may be permissible where, for example, it is injected back into formations from which hydrocarbons have been extracted and will have no impact on the status of water bodies."

Fugitive Methane: Mandatory monitoring of fugitive methane emissions would be carried out by the drilling companies, although I was told that the agencies also have monitoring equipment and might carry out some checks. "Green completions" are not mandatory on the operators and would involve expensive additional equipment. One EA representative was unable to provide any information about the techniques used.

Collaboration between agencies: When asked about EA and HSE confusion of roles and the possibility of mutual finger-pointing if problems arose, the agencies claimed they had been working successfully together for many years in regulating conventional oil exploration. They sought to downplay the different requirements of high volume hydraulic fracturing from conventional drilling.

Seismic Testing: An OGE representative said that Cuadrilla and others are contemplating using 3D seismic testing, which involves operating shaker trucks that move back and forth over the target area to build up a detailed 3D picture of the shale distribution below. This would likely be used in combination with the explosives used for 2D. To get the best detail, the 3D scan would be repeated a number of times.

Some conclusions: With depleted resources, it is clear that the agencies would rely heavily on paperwork conformance from the drilling companies and sporadic visits to inspect the drilling sites. The major task of monitoring work at the wells would be left to the Well Examiner, an employee of the drilling company, whose fundamental aim of profit may well clash with the need to be forthcoming over problems or failures.

The agencies' "risk based" approach would leave areas they consider less risky "under the radar" until something went wrong. As a retired engineer who worked in the USA under contract to NASA for 18 years, I took part in failure investigations; my experience with these tells me that no areas of any engineering project are free of risk. The stated policy of "as low as reasonably practicable" is a vague definition that means only what you want it to mean. The agencies' oil and gas regulatory experience to date is almost entirely limited to conventional drilling; they do not seem ready to admit that onshore HVHF presents many different problems. Their plans do not extend beyond the exploration for shale phase, when a relatively small number of wells are expected.

Disposal of flowback fluids is a problem that has not been solved; it seems likely that if wide scale production went ahead, it would be necessary to resort to re-injection, a process absolutely proved responsible for multiple earthquakes in the USA.

Finally, I have to conclude that the agencies' plans for regulation are far from robust; in fact they appear inadequate and incomplete. I recall that The Royal Society report, widely quoted to justify the dash for shale, includes a qualifier "provided the best regulation is in place", or words to that effect. From the statements of the agencies themselves, that provision would not be met, and for this reason alone, apart from all the others (some of which I have bothered you before with), fracking is a disaster for us in East Yorkshire and elsewhere and should not be allowed to go ahead. I ask you to take a lead to stop it happening.

Sincerely, Michael Farman

This whole Plan is full of naive speculation, unspecified conjecture, and pious hope. The losers will be the residents, not the councillors, many of whom do not even live in the territory and, by the time the buck stops, in twenty years' time, with a polluted Ryedale ... The residents and those who live here then will be the sufferers. These NYCC councillors who caused their distress, and generations succeeding them in distress ...

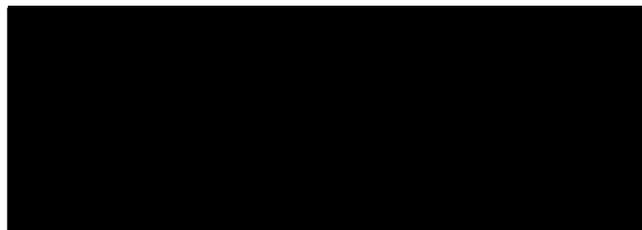
Imagine a Groningen or California episode in Ryedale, or any of those shown by Professor Ingraffea, as a result of this NYCC Plan being so lacking in robust anticipation.

p. 97 M19 sections ii and iii, what level of “acceptable” impact in these two paragraphs is regarded as allowable by these weasel words? I wouldn't want to live in a farmstead within NYCC's *acceptable impact* on my ground water resources in my local environment – such impacts may be regarded as *acceptable* by some, but not acceptable to the resident when the “some” are living a good many miles away and don't have to smell, see, and feel this impact on daily life and for generations.

M19 final sentence: “transport of carbon or gas should be via pipeline with the routing of lines selected to give rise to the least environmental or amenity impact” – this clearly supposes that there **will be environmental and amenity impact**, and I ask the authors, yet again, why should the residents of Ryedale have their environment and amenity impacted? – don't look to Lord Howell for an answer, and remember the *impacts* so graphically described by Professor Ingraffea – such *impacts* as the writers of this Plan are willing to impose upon the suffering residents of Ryedale, when all the writers of the Plan need to do is to provide such provisions as to secure the residents against all the known mischiefs identified by Professor Ingraffea, as fully explained to anybody who can be bothered to listen to him:

<https://www.youtube.com/watch?v=7DK3fODCZ3w>

Yours faithfully,



MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	
INITIALS	
SURNAME	
ORGANISATION (if applicable)	
ADDRESS	
POSTCODE	
TELEPHONE	
EMAIL	

I do not want to attend the Oral Examination of the MWJP.

I provide my response under the following headings:

SCOPE OF THE CONSULTATION

- Given that since the last draft of the plan, much of North Yorkshire is now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016, I feel that it is of the utmost importance that the public is given the opportunity to comment. Furthermore, that as a great deal of the content is new policy it needs to go through the required consultation rounds with other representative bodies or the general public, which it has not yet done.
- There is no legal requirement to limit the scope of this consultation to just legality and soundness. It is the NYCC who have made this decision and therefore should also include the content and substance of the plan.

CLIMATE CHANGE

- I am not convinced that the Publication Draft of the MWJP conforms to statutory requirements for legal compliance and tests of soundness relating to Climate Change.
- In particular, I do not believe that the MWJP conforms with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change. Specifically sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*"

CONSIDERATION OF LOCAL IMPACTS

Buffer Zones

- I welcome the inclusion of a 3.5km buffer zone around National Parks and AONBs but remain concerned that there is little detail about what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
- The National Parks and AONBs are protected for a number of reasons, and I believe that any fracking activity close to a major protected area will have a major impact upon it, for example, due

[Redacted]

From: [Redacted]
Sent: 20 December 2016 11:17
To: mwjointplan
Subject: RE: Waste and Minerals Joint Plan Consultation Submission
Attachments: MINERAL-AND-WASTE-JOINT-PLAN-CONSULTATION.docx

I wish to make a submission to the Plan. Please therefore find this attached.

Thank you.

Regards

[Redacted]

mwjointplan

From: [REDACTED]
Sent: 20 December 2016 09:43
To: mwjointplan
Subject: Fracking

To whom it may concern.

I wish to state my objection to the planned document that proposes to authorise fracking in North Yorkshire. Surely there is a duty of care for all in authority to do their best not to jeopardise the health and safety of those in their protection?

By proposing to authorise fracking (which pollutes our finite water supply and adds methane and CO2 to the atmosphere, amongst other detrimental effects) North Yorkshire County Council are failing in their fundamental duty to protect their citizens.

I therefore call on those whom we have elected to protect and govern us to ban fracking forthwith.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Sent from my iPad

From: [REDACTED]
Sent: 20 December 2016 13:48
To: mwjointplan
Cc: [REDACTED]
Subject: Response: [REDACTED]

City of York and North Yorkshire County Council
MINERALS AND WASTE JOINT PLAN Publication Stage RESPONSE

[REDACTED]
[REDACTED]
[REDACTED]

TEL: [REDACTED]
EMAIL: [REDACTED]

My representation relates to Soundness
2(3) Complies with the Duty to cooperate NO

Paragraph 17 Core planning Principle “to support the transition to a low carbon future”
Paragraph 94 “proactive strategies to mitigate and adapt to climate change”

Climate change is very important to me and I believe that in order to comply with the latest Paris climate Change Agreement unconventional oil and Gas development needs to be halted. It does not comply with Section 19(1A) of the Planning and Compulsory Purchase Act 2004

The effects of the whole development of oil and Gas on climate change needs considering under these sections.. This means not just the fracking but methane leakage, emissions from transport of water to the sites and waste water from it and the burning of the gas in power stations or its use elsewhere. Policies M16, M17, M18 and/or D11 therefore need amending. The buffer zone should be extended to 1000m to protect housing, schools and other buildings. There should be no exceptions to the buffer zones. The 500m buffer zone proposed is similar to that for wind turbines. A larger buffer zone is needed as oil and gas production have more of a noise impact than wind turbines, have light impact, air pollution and traffic impacts not created by wind turbines.

All applications for unconventional oil and gas development should require an Environmental Impact Assessment

Precautionary principle: This needs to be used especially in relation to water contamination, health and air quality. If it cannot be proven that the activity can't affect these then it should not be allowed.

When allowing for unconventional oil and gas development future housing needs to be considered. The York Local Plan suggests new housing in areas covered by a PEDL licence. These future developments need consideration to make sure they are not affected by unconventional oil and gas development.

[REDACTED]

From: [REDACTED]
Sent: 20 December 2016 15:22
To: mwjointplan
Subject: Minerals plan for North Yorkshire

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	[REDACTED]
INITIALS	[REDACTED]
SURNAME	[REDACTED]
ORGANISATION (if applicable)	N/A
ADDRESS	[REDACTED] [REDACTED] [REDACTED]
POSTCODE	[REDACTED]
TELEPHONE	[REDACTED]
EMAIL	[REDACTED]

No, I do not want to attend the Oral Examination of the MWJP.

I am concerned that much of the WMJP, particularly section M16 has changed dramatically since the previous version in January. Significant areas of North Yorkshire are now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016. Therefore much of this version of the plan is brand new policy that has not gone through the required rigorous consultation rounds with other representative bodies or the general public. The consultation should therefore be opened up to wider public consultation on the content and substance of the plan.

The issue of climate change in particular has not been adequately dealt with in the plan and very significantly the plan does not comply with statutory requirements on climate change. The plan does not conform with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change.

As the plan includes guidelines for the development of a shale gas (fracking) industry further consideration of local impacts is required. I strongly support the inclusion in Policy M16 that designated areas such as National Parks, AONBs and SSSIs are protected from fracking on their surfaces. The remaining areas of North Yorkshire do not enjoy any kind of protection. Extensive fracking could result ultimately in the formation of a 'sacrifice zone'.

The plan as it stands is currently unsound because it does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes). Given that the Ryedale Plan is an adopted local plan and therefore has statutory force and has been made in accordance with the requirements of the NPPF, it follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan. I note that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the plan was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan. The Ryedale Plan aims to encourage new development to “reinforce distinctive elements of landscape character” in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP. Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: “Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure.” (p 129 – Ryedale Plan). If fracking were developed in the way described in the current version of the plan, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC. The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds. The plan must be revised and developed so that it is complementary to the Local plan, not be in conflict with it. As it stands the plan will have a detrimental affect on the tourism and agricultural industries. The Vale of Pickering and the Yorkshire Wolds must therefore be included as ‘protected areas’ in Policy M16.

The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination. It is the Planning authorities’ legal duty to ensure that water contamination will not occur in North Yorkshire. There is also clear evidence that the air quality impacts from fracking have been shown to pose risks to health. A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home. Planning Practice Guidance states, “It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit”. Paragraph 109 of the NPPF states that the planning system should prevent “... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;” There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.

In conclusion The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism. I wish to reiterate the point that I made earlier in my response that much of this version of the plan is brand new policy that has not gone through the required rigorous consultation rounds with other representative bodies or the general public. The plan must therefore be opened up to wider public consultation on the content and substance of the plan. Furthermore I cannot stress strongly enough that the plan as it stands does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes).

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): R
Surname: Dring		
Organisation (if applicable): Dring Stone Ltd		
Address:	Rock House Farm	
	Hartoft, Pickering	
	North Yorkshire	
Post Code: YO18 8RR		
Telephone: 01751 417237		
Email: dringstone@btopenworld.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Dring Stone Ltd
------------------------	-----------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text" value="MJP12"/>	Policy No.	<input type="text" value="M09"/>	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

We believe the Policy M09 is not sound because it has left out Whitewall Quarry (Ref MJP12) which will adversely affect our business in Ryedale. Whitewall Quarry must be allowed to continue trading into the future. Please see our reasoning below:

We at Dring Stone Ltd are one of the largest suppliers of Local Walling and Dimensional stone in the Ryedale and North Yorkshire area. We wish to record that the current North Yorkshire Minerals and Waste Joint Plan (Policy No. M09) is Not a Sound Policy. This Policy omits the future use of Whitewall quarry (Ref No MJP12), which a vital resource of vernacular Limestone for the region. The Limestone at Whitewall Quarry has a particular quality, colour and block size that we cannot match from other sources within the MWJP. For instance, compared to the Whitewall Limestone, the colour of the Limestone at Brow's Quarry (Ref MPJ63) near Malton is not a good match and the physical properties are different. The nature of Limestones in the Ryedale area is such that if left standing unprocessed in a stockpile, the natural weathering process can adversely affect the colour and quality of the stone. It is essential that we get access to newly excavated Limestone as and when we need it, this benefits us as Whitewall Quarry is open and active all year long. Currently with other local suppliers ceased, Whitewall is the only local active Quarry remaining. This is evidently good for the region financially and has the added benefit of reducing the Carbon footprint of the Limestone, which is good for the environment.

4. Please set out what modification(s) you consider necessary to make the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Minerals and Waste Joint Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Whitewall Quarry (Site Ref MJP12) should be included in Appendix 1 to the Minerals and Waste Joint Plan as an allocated site for the extraction of crushed rock.

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

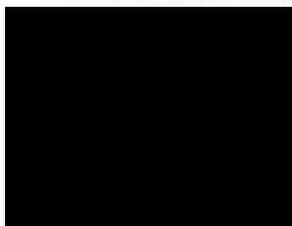
Signature: 	Date: 20/12/2016
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Official Use Only Reference Number	
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Minerals and Waste Joint Plan Publication Stage

Response Form

Part A – Contact details



I wish to object to policies M16, M17 and M18 relating to unconventional oil and gas developments. The mineral planning authority has given limited scope to the consultation, focusing on legal compliance and adherence to the tests of soundness in the NPPF.

It is my view that, as Policy M16 has changed considerably since the Preferred Options consultation, the consultation scope should be widened so that it accommodates more general commentary as per the Town and Country Planning (Local Planning) England Regulations (2012). These regulations do not limit the scope of consultation at the Regulation 19 ('Publication') consultation stage.

Climate change

The plan fails to comply with statutory requirements. Specifically, it does not meet the requirement that policies as a whole must contribute to the mitigation of and adaptation to climate change given the Section 19(1A) duty set out in the Planning and Compulsory Purchase Act 2004. Climate change mitigation needs addressing within the mineral extraction policies, specifically Policy M16, with special consideration to the climate change impacts of burning fossil fuels and methane leakage.

Local impacts on environment and health

Unconventional oil and gas exploration will introduce a range of impacts on local people including:

- landscape and visual;
- health and well-being;
- water;
- biodiversity and
- highways impacts.

While the hydrocarbon policies address some concerns raised by residents across North Yorkshire, they fail to provide robust protection overall. There is sufficient scientific and case study evidence available

in the public domain to increase the effectiveness of the policies for local resident impacts, making them justified (based on proportionate evidence) and consistent with national policy and planning guidance.

Cumulative impacts

When considering the potential for unconventional oil and gas schemes to (either individually or cumulatively) impact on the local and wider environments where they are proposed, the minerals planning authority should adopt the **precautionary principle** in terms of unconventional gas extraction's unknown environmental effects, especially linked to **water quality** (and in light of the EU Water Framework Directive).

All applications should be subject to a rigorous Environmental Impact Assessment and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

I object to Policies M16, 17 and 18 for the following reasons:

1. The policies fail to take account of the need to tackle the causes of climate change in terms of the reduction of greenhouse gas emissions caused by burning the extracted fossil fuel, in line with national policy.
2. The plan fails to consider the sensitivities of the landscape designations of adopted plans within the overall minerals and waste plan area. For example, the landscape value placed on the Vale of Pickering and Yorkshire Wolds Areas should be included within the 'protected areas' stipulated in Policy M17.
3. The proposed 500m buffer zone proposed at Policy M17 (while welcomed) is likely to be insufficient to substantially limit impacts on air quality and noise for local residents. As supported by available evidence from the USA, this should be increased to 750m. **There should be no exceptions to fracking development being allowed within the buffer zone.**
4. Linked to this, policies should require fracking developments to be delivered in a safe and sustainable way, in line with recent Government advice.
5. With regards to unknown impacts of unconventional oil and gas (exploration, appraisal and production) on either water quality or the water supply, related policies should adopt the **precautionary principle** (where Environmental Impact Assessment should be required).
6. The plan fails to address adequately the setting of European and nationally designated sites. Therefore, and in light of adverse noise and

light impacts from fracking on wildlife, further consideration should be given to protecting their setting and therefore the objectives of their designation.

7. The plan fails to take into account (either singularly or cumulatively) the indirect impacts of unconventional oil and gas developments in terms of highway safety, vehicle emissions on sensitive air quality receptors (for example schools, hospitals and dwellings), or existing air quality management areas.

8. The policy represents a 'yes, if' approach rather than requiring clarification of all potential risks.

To summarise, in my view, **the policies, as currently drafted, do not meet the tests of soundness as required by the National Planning Policy Framework, and in particular the duty to tackle climate change mitigation.**

Key Policy Amendments:

Policy M16 pt (b) (regarding climate change requirements, precautionary approach and cumulative impacts)

b) [Insert "Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that they can be delivered in a safe and sustainable way and that adverse impacts can be avoided – either alone or in combination with other developments.

Consideration should include:

- It being demonstrated that greenhouse gases associated with fugitive and end-user emissions will not lead to unacceptable adverse environmental impacts or compromise the planning authority's duties in relation to reducing greenhouse gas emissions.
- a precautionary approach to unconventional oil and gas development in requiring environmental impact assessment
- cumulative impacts for such development including issues such as (and not limited to): water, air and soil quality; habitats and ecology; highway movements and highway safety; landscape impact; noise; and Greenhouse Gas emissions"]

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

c) i) Surface proposals for these forms of hydrocarbon development will [insert "not"] [delete "only"] be permitted [delete "where"] [insert "unless"] they would be outside [insert "and respect the setting of"] the

following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, [insert "The Vale of Pickering and The Yorkshire Wolds"], Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

Policy M17 part 1 (regarding highways impacts)

i) Hydrocarbon development will [insert "not"] be permitted in locations [delete "with"] [insert "without"] suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment [insert "either singularly or cumulatively with other schemes"] that: a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities [insert "including indirect impacts linked to air quality (re Air Quality Management Areas)"], businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements [insert "away from sensitive areas and receptors"]

Policy M17 pt 3 (regarding the local economy)

Hydrocarbon development will [insert "not"] be permitted [delete "in locations where"] [insert "unless it can be demonstrated that a very"] high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions.

Policy M17 pt 4 (regarding amenity)

4) Specific local amenity considerations relevant to hydrocarbon development

- i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within [delete "500"] [insert "750"]m of

residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will [delete "only"] [insert "not"] be permitted. [delete "in exceptional circumstances"]

- ii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment [insert "that includes consideration of the baseline and how the development will mitigate effectively to maintain these levels enjoyed by local residents. Where it cannot be demonstrated these levels can be maintained, then development will not be supported".]

I do not wish to appear at the examination in public.

mwjointplan

From: [REDACTED]
Sent: 20 December 2016 15:45
To: mwjointplan
Subject: Response to Publication stage of Minerals and Waste Joint Plan
Attachments: Response to Minerals and Waste Joint Plan Dec 2016.doc

Please find attached my response to the Publication stage of the Plan. As I do not have the most recent software I cannot open docx files so I have had to compose my response in a single document.

I hope, nevertheless that it will be accepted as a legitimate and sincere contribution to this stage in developing the Plan.

Kind regards

[REDACTED]

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: MR	Initial(s): D
Surname: SMITH		
Organisation (if applicable): TETRAGEN (UK) LTD		
Address:	PEAR TREE COTTAGE	
	17 STONEY LANE	
	HORSFORTH	
Post Code: LS18 4RA		
Telephone: c/o agent: 0113 3509865		
Email: c/o agent: mark.lane@dppukltd.com		

Agent contact details (if applicable)

Name:	Title: MR	Initial(s): M
Surname: LANE		
Organisation (if applicable): DPP		
Address:	SECOND FLOOR	
	1 CITY SQUARE	
	LEEDS	
Post Code: LS1 2ES		
Telephone: 0113 3509865		
Email: mark.lane@dppukltd.com		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate guidance notes. You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.

A separate Part B form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tetragen UK (c/o DPP)
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W10	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

<i>Positively Prepared</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Justified</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<i>Effective</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	<i>Consistent with National Policy</i>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see the relevant sections of the attached letter for further details

Policy W10 is concerned with the overall locational principle for the provision of waste capacity. The policy set out that the allocation of sites and determination of planning applications should be consistent with 3 principles with the third principle split into two parts. We discuss each of these principles in turn below.

1. *"Providing new waste management capacity within those parts of the Plan area outside the North York Moors National Park and the Areas of Outstanding Natural Beauty, unless the facility to be provided is appropriately scaled to meet waste management needs arising in the designated area and can be provided without causing unacceptable harm to the designated area."*

We support this principle insofar as it captures national policy requirements for local waste authorities to consider the impact of waste proposals on designated areas whilst also providing sufficient scope for facilities to be located in such areas should there be a recognised need and providing the proposals are suitably scaled and that any potential harm can be appropriately mitigated.

2. *"Maximising the potential of the existing facility network by supporting the continuation of activity at existing time limited sites with permission, the grant of permission for additional capacity and/or appropriate additional or alternative waste uses within the footprint of existing sites and the extension to the footprint of existing sites."*

This principle is consistent with national policy and guidance and we therefore support this principle given that it aims to maximise the plan area's existing waste management infrastructure through the continuation of

(continue on a separate sheet/expand box if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: [REDACTED]	Date: 20/12/16
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tetragen UK (c/o DPP)
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	<input type="text"/>	Policy No.	W11	Policies Map	<input type="text"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see the relevant sections of the attached letter for further details.

Policy W11 is concerned with the allocation of sites and the determination of planning applications for new waste management facilities. The policy outlines site identification principles for several different types of waste management facilities. These include:-

- 1. Siting facilities for the preparation for re-use, recycling, transfer and treatment of waste (excluding energy recovery or open composting);
- 2. Siting facilities for the open composting of waste;
- 3. Siting facilities involving the recovery of energy from waste, including through anaerobic digestion;
- 4. Siting facilities to support the re-use and recycling of CD&E waste;
- 5. Siting facilities to support additional waste water treatment; and
- 6. Providing any additional capacity required for landfill of waste.

In the case of waste site identification principles for waste management facilities referred to in principles 1, 2, 3 and 5 above, the policy refers to the siting of such facilities "at existing waste management sites" as being an appropriate location for such facilities.

We support the site location principles as they seek to maximise the reuse/expansions of existing waste management facilities. However, it is considered that the term "at existing waste management sites" is a little vague and lacks clarity and does not align with the second principle of policy W10 (Policy W10/2).

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 20/12/16
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tetragen UK (c/o DPP)
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.	SAFEGUARDED SITE: KNAPTON QUARRY	Policy No.	<input type="text"/>	Policies Map	<input checked="" type="checkbox"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Justified	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Effective	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Consistent with National Policy	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

2 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see the relevant sections of the attached letter for further details

Knapton Quarry

The MWJP recognises Knapton Quarry as a safeguarded waste site and notes within Appendix 2 of the MWJP that Knapton Quarry is a composting waste facility site. Whilst we support the safeguarding of Knapton Quarry as a waste site we feel that it is appropriate to correctly recognise the type of waste facility the site currently is and will continue to be during the plan period.

Originally, Knapton Quarry was known as Knapton Gravel Pit from which post glacial deposits of sand and gravel were extracted. Operations continued for a number of years following involving the extraction of deeper underlying chalk as well as associated operations relating to the manufacture of concrete products. Permission was granted in 1979 for the tipping of inert materials and since this permission, landfill operations have continued at the site with the range and volume of waste deposited at the site increasing over the years to now include residual household ('MSW'), commercial and industrial ('C&I') waste and demolition ('C&D') waste. In the early 2000's waste pre-treatment facilities were constructed at the site which enabled the pre-sorting and recycling of materials. These pre-sorting operations have been subsequently extended over the years to expand the recycling capacity and capabilities of the site.

At present, Knapton Quarry is 10.1 hectares in size and is an existing waste transfer (non-hazardous), treatment and landfill site that is licensed to receive up to 150,000 tonnes per annum of wastes from within the County. Knapton Quarry currently receives 75,000 tonnes of active waste per annum which is deposited within the existing landfill cells. The site also receives circa 25,000 tonnes of waste which is delivered to the site and either

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature: 	Date: 20/12/16
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tetragen UK (c/o DPP)
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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No

Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see the relevant sections of the attached letter for further details

Policy S03 is the policy associated with the identified safeguarded waste site. It provides for a 250m buffers zone around safeguarded site. The aim of safeguarding sites policy and the buffer zones is to protect the sites from replacement or from the encroachment of unsuitable development which could limit or stop the use of the site for waste activities. We support this policy and consider that it is justified, effective and consistent with national policy in ensuring that the country's waste infrastructure is maintained and that the operation and capacity of existing waste sites are not prejudiced by the development of incompatible land uses nearby.

We would however highlight that whilst the policy is concerned with protecting existing sites, there is an opportunity to be more positive by cross referring the policy with other policies within the MWJP. In particular, there is an opportunity to cross refer S03 with the policy which deals with the extension of existing waste sites and/or the national policy requirements for local waste authorities to co-locate waste management facilities together and with complementary activities.

It is noted that the policy does make reference to "Key links to other relevant policies and objectives" and whilst the policy makes reference to Policy W11 which is concerned with waste site identification principles, no reference is made to Policy W10 which is concerned with overall locational principles for provision of waste capacity and in particular at its second principle which seeks to maximise the "potential of the existing facility network by supporting the continuation of activity at existing time limited sites with permission, the grant of permission for additional capacity and/or appropriate additional or alternative waste uses within the footprint of existing sites and, the extension to the footprint of existing sites."

--

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.

Signature:		Date: 20/12/16
------------	---	----------------

mwjointplan

From: Matthew Rhodes <Matthew.Rhodes@dppukltd.com>
Sent: 20 December 2016 15:57
To: mwjointplan
Subject: Representation to the Minerals and Waste Joint Plan
Attachments: Publication Resp Form B_Policy S03.pdf; Publication Resp Form A_Tetragen.pdf; Publication Resp Form B_Safeguarded Knapton Quarry.pdf; Publication Resp Form B_Policy W11.pdf; Publication Resp Form B_Policy W10.pdf; L008 Local Plan Reprs.pdf

Good afternoon,

On behalf of our client Tetragen (Uk) Ltd we hereby submit representation to the publication stage of the Minerals and waste joint plan.

Please find attached the following:

- Covering Letter (L008)
- Completed Publication Response Form part A
- Completed Publication Response Form part B (Safeguard sites: Knapton Quarry)
- Completed Publication Response Form part B (Policy S03)
- Completed Publication Response Form part B (Policy W10)
- Completed Publication Response Form part B (Policy W11)

We trust that the above forms an acceptable representation to the plan.

We would appreciate confirmation that the above have been received. If there are any issues with the above please do not hesitate to contact me.

Kind Regards,

Matt Rhodes

www.dppukltd.com



T 0113 350 9865

Second Floor
1 City Square
Leeds
LS1 2ES

Leeds Cardiff London Manchester Newcastle upon Tyne

This email (and any attachments) is confidential and may be privileged. It is intended solely for the addressee. If you have received it in error, please contact us immediately. Any disclosure, copying, distribution or action taken as a result of this email is prohibited and may be unlawful.

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info@dppukltd
www.dppukltd.com



Minerals and Waste Joint Plan
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

20th December 2016

Ref: MR/ML/2170le/L008mr

Dear Sir/Madam,

REPRESENTATION TO THE PUBLICATION DRAFT OF THE NORTH YORKSHIRE COUNTY COUNCIL, NORTH YORK MOORS NATIONAL PARK AUTHORITY CITY OF YORK COUNCIL MINERALS AND WASTE JOINT PLAN

Introduction

This representation is made on behalf of our client Tetragen (UK) Ltd, in relation to the publication draft of the Minerals and Waste Joint Plan ('MWJP') which has been prepared jointly by North Yorkshire County Council, the City of York Council and the North York Moors National Park Authority ('the WMA')

The representation is made to assist the WMA in preparing the MWJP and to ensure that the MWJP meets the relevant legal requirements, the duty to co-operate and also passes the tests of soundness.

The representation will in particular discuss the following 4 policies/matters:-

- Knaption Quarry as a Safeguarded Waste Site
- Policy S03
- Policy W10; and
- Policy W11

It is noted that the WMA have provided response forms in order to capture representations to the MWJP. This letter should be read alongside the completed forms, in particular, response form B. For ease of reference, when discussing the above policies this letter is structured in a similar fashion to response form B in that it will first discuss whether the

policy is considered sound or not and secondly set out suggested modifications, where necessary, in order to ensure the policy is sound.

Before turning to discuss the policies set out above it is relevant to briefly discuss the national policies dealing with the preparation of local plans relating to waste.

As such, this letter will be set out as follows:-

- Government guidance on the preparation of local plans relating to waste
- Knapton Quarry as a Safeguarded Waste Site
- Policy S03
- Policy W10; and
- Policy W11
- Summary and Conclusions

Government guidance on the preparation of local plans relating to waste

National Planning Policy Framework (NPPF)

Achieving Sustainable Development

Paragraph 6 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At Paragraph 7 the three dimension of sustainable development are discussed. The paragraph continues and highlights that as part of the planning system's environmental role it must "*minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy*"

The Presumption in Favour of Sustainable Development

Paragraph 14 of the NPPF confirms that at the heart of the planning system there is a "*presumption in favour of sustainable development*" and this means that plans should positively seek opportunities to meet development needs in their areas and that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.

Core Planning Principles

At paragraph 17 the NPPF sets out the 12 core land use planning principles that should underpin both plan making and decision taking one of which is to "*support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).*"

Plan Making

Paragraph 151 of the NPPF states that "*Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.*"

Paragraph 154 of the NPPF states *“Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”*

Paragraph 156 of the NPPF states that *“planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver: (inter alia) the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)”*

Examining Local Plans

Paragraph 182 of the NPPF outlines criteria which an independent inspector will use to assess the soundness of Local Plans. The key tests for assessing the soundness of a Local Plan are:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

National Planning Policy for Waste ('NPPW')

Paragraph 1 of the NPPW states that the Government's ambition is to *“work towards a more sustainable and efficient approach to resource use and management”*. The NPPW sets out the 'pivotal role' that planning plays in delivering the country's waste ambitions with those of relevance to this application being as follows:

- *“delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;*
- *Ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*
- *Providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;*
- *Helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and*

- *Ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste”.*

Using a proportionate evidence base

Paragraph 2 of the NPPW refers to local authorities using an appropriate evidence base and states, in preparing their Local Plans, waste planning authorities should, to the extent appropriate to their responsibilities and states that: -

- *“Ensure that the planned provision of new capacity and its spatial distribution is based on robust analysis of best available data and information, and an appraisal of options. Spurious precision should be avoided;*
- *work jointly and collaboratively with other planning authorities to collect and share data and information on waste arisings, and take account of:*
 - (i) *waste arisings across neighbouring waste planning authority areas;*
 - (ii) *any waste management requirement identified nationally, including the Government's latest advice on forecasts of waste arisings and the proportion of waste that can be recycled; and*
- *ensure that the need for waste management facilities is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can bring to the development of sustainable communities.”*

Identify need for waste management facilities

Paragraph 3 of the NPPW states that, *“Waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. In preparing Local Plans, waste planning authorities should:*

- *undertake early and meaningful engagement with local communities so that plans, as far as possible, reflect a collective vision and set of agreed priorities when planning for sustainable waste management, recognising that proposals for waste management facilities such as incinerators can be controversial;*
- *drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal;*
- *in particular, identify the tonnages and percentages of municipal, and commercial and industrial, waste requiring different types of management in their area over the period of the plan (In London, waste planning authorities should have regard to their apportionments set out in the London Plan when preparing their plans);*
- *consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally;*
- *take into account any need for waste management, including for disposal of the residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required;*
- *work collaboratively in groups with other waste planning authorities, and in two-tier areas with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;*
- *consider the extent to which the capacity of existing operational facilities would satisfy any identified need.”*

Identifying suitable sites and areas

Paragraph 4 of the NPPW states that, *waste planning authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations. In preparing their plans, waste planning authorities should:*

- *identify the broad type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area in line with the waste hierarchy, taking care to avoid stifling innovation;*
- *plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;*
- *consider opportunities for on-site management of waste where it arises;*
- *consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities. Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers;*
- *give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages.*

National Planning Practice Guidance (NPPG)

Paragraph: 011 (Reference ID: 28-011-20141016) indicates that *“Local Plan relating to waste should identify sufficient opportunities to meet the identified needs of an area for the management of waste, aiming to drive waste management up the Waste Hierarchy. It should ensure that suitable sites and areas for the provision of waste management facilities are identified in appropriate locations.”*

Paragraph 013 (Reference ID: 28-013-20141016) indicates that *“waste planning authorities should plan for the sustainable management of waste including:*

- *Municipal/household*
- *Commercial/industrial*
- *Construction/demolition*
- *Low Level Radioactive*
- *Agricultural*
- *Hazardous*
- *Waste water”*

Paragraph: 018 (Reference ID: 28-018-20141016) deals with how local planning authorities should integrate the need for waste management with other spatial concerns in the preparation of Local Plans. The guidance states that *“Opportunities for land to be utilised for waste management should be built into the preparatory work for Local Plans, to the level appropriate to the local planning authorities planning responsibilities. For example:*

- *Suitable previously-developed land, including industrial land, provides opportunities for new waste facilities and priority should be given to reuse of these sites. It is important for waste to be considered alongside other land uses when looking at development opportunities*

- *As reviews of employment land are undertaken, it is important to build in the needs of waste management before releasing land for other development or when considering areas where major regeneration is proposed*
- *The integration of local waste management opportunities in new development should be integral to promoting good urban design*
- *Facilitating the co-location of waste sites with end users of waste outputs such as users of fuel, low carbon energy/heat, recyclates and soils."*

Knapton Quarry as a Safeguarded Waste Site

Knapton Quarry

The MWJP recognises Knapton Quarry as a safeguarded waste site and notes within Appendix 2 of the MWJP that Knapton Quarry is a composting waste facility site. Whilst we support the safeguarding of Knapton Quarry as a waste site we feel that it is appropriate to correctly recognise the type of waste facility the site currently is and will continue to be during the plan period.

Originally, Knapton Quarry was known as Knapton Gravel Pit from which post glacial deposits of sand and gravel were extracted. Operations continued for a number of years following involving the extraction of deeper underlying chalk as well as associated operations relating to the manufacture of concrete products. Permission was granted in 1979 for the tipping of inert materials and since this permission, landfill operations have continued at the site with the range and volume of waste deposited at the site increasing over the years to now include residual household ('MSW'), commercial and industrial ('C&I') waste and demolition ('C&D') waste. In the early 2000's waste pre-treatment facilities were constructed at the site which enabled the pre-sorting and recycling of materials. These pre-sorting operations have been subsequently extended over the years to expand the recycling capacity and capabilities of the site.

At present, Knapton Quarry is 10.1 hectares in size and is an existing waste transfer (non-hazardous), treatment and landfill site that is licensed to receive up to 150,000 tonnes per annum of wastes from within the County. Knapton Quarry currently receives 75,000 tonnes of active waste per annum which is deposited within the existing landfill cells. The site also receives circa 25,000 tonnes of waste which is delivered to the site and either recycled on site or alternatively sorted, bundled and then sent to other waste management sites within the area.

It is anticipated that Knapton Quarry will cease landfill operations in 2017 with landfill restoration works set to continue at the site up to 2034. However, Knapton Quarry will continue to operate as a waste transfer and treatment handling station and continue to receive recyclable materials beyond 2017.

In identifying suitable site and areas for the management of waste national policy promotes the reuse of previously developed land and the maximisation of the existing waste management infrastructure of the country. Knapton Quarry is clearly an existing and well established waste management site that has dealt with the handling and transferring of waste since 2000 and in addition to its primary landfill operations. As such we support the safeguarding of the site but would recommend that given the site's existing and future operations that the site is referred to as a 'transfer ('non-hazardous')' facility as well as a composting facility.

Soundness

We support the identification of Knapton Quarry as a safeguarded site but object to the fact that the existing use of the site has not been recognised. We therefore consider that the plan has not been positively prepared, it is not justified and will not be effective. It is inconsistent with national policy. The MWJP is **unsound**.



Modification

To make the plan sound we consider that the table contained within Appendix 2 of the MWJP should be amended to state that Knapton Quarry should be considered a 'Transfer (non-hazardous) waste facility type as well as a composting waste facility type.

Policy S03: Waste management facility safeguarding

Policy S03 is the policy associated with the identified safeguarded waste site. It provides for a 250m buffers zone around safeguarded site. The aim of safeguarding sites policy and the buffer zones is to protect the sites from replacement or from the encroachment of unsuitable development which could limit or stop the use of the site for waste activities. We support this policy and consider that it is justified, effective and consistent with national policy in ensuring that the country's waste infrastructure is maintained and that the operation and capacity of existing waste sites are not prejudiced by the development of incompatible land uses nearby.

We would however highlight that whilst the policy is concerned with protecting existing sites, there is an opportunity to be more positive by cross referring the policy with other polices within the MWJP. In particular, there is an opportunity to cross refer S03 with the policy which deals with the extension of existing waste sites and/or the national policy requirements for local waste authorities to co-locate waste management facilities together and with complementary activities.

It is noted that the policy does make reference to "Key links to other relevant policies and objectives" and whilst the policy makes reference to Policy W11 which is concerned with waste site identification principles, no reference is made to Policy W10 which is concerned with overall locational principles for provision of waste capacity and in particular at its second principle which seeks to maximise the "potential of the existing facility network by supporting the continuation of activity at existing time limited sites with permission, the grant of permission for additional capacity and/or appropriate additional or alternative waste uses within the footprint of existing sites and, the extension to the footprint of existing sites."

We would therefore recommend, as a minimum, that policy W10 is included in the list of the 'key links to other relevant policies and objectives'. However, we would suggest that the MWJP goes further than this and that an addition to the policy is made to highlight that developments that deliver additional capacity or expand safeguarded sites will be supported in accordance with the principle set out within policy W10 and W11.

Soundness

We support policy S03 however the policy should be more positive in terms of promoting the development of additional capacity or the extension of safeguarded site with reference made to other polices within the MWJP, in particular policy W10 and policy W11. Consequently, we consider that the plan is **unsound** as it has not been positively prepared, it is not justified, will not be effective and is not consistent with national policy.

Modification

To make the plan sound we consider reference should be made to other polices within the MWJP, in particular policy W10 and policy W11.

Policy W10: Overall locational principles for provision of waste capacity

Policy W10 is concerned with the overall locational principle for the provision of waste capacity. The policy set out that the allocation of sites and determination of planning applications should be consistent with 3 principles with the third principle split into two parts. We discuss each of these principles in turn below.

1. *“Providing new waste management capacity within those parts of the Plan area outside the North York Moors National Park and the Areas of Outstanding Natural Beauty, unless the facility to be provided is appropriately scaled to meet waste management needs arising in the designated area and can be provided without causing unacceptable harm to the designated area.”*

We support this principle insofar as it captures national policy requirements for local waste authorities to consider the impact of waste proposals on designated areas whilst also providing sufficient scope for facilities to be located in such areas should there be a recognised need and providing the proposals are suitably scaled and that any potential harm can be appropriately mitigated.

2. *“Maximising the potential of the existing facility network by supporting the continuation of activity at existing time limited sites with permission, the grant of permission for additional capacity and/or appropriate additional or alternative waste uses within the footprint of existing sites and the extension to the footprint of existing sites.”*

This principle is consistent with national policy and guidance and we therefore support this principle given that it aims to maximise the plan area’s existing waste management infrastructure through the continuation of existing waste management sites as well as the extension of existing sites. The policy principle also emphasises the importance and benefits to co-locating new waste management facilities with existing sites and complementary activities, which is a key consideration for waste management authorities as set out in national policy.

3. *Supporting proposals for development of waste management capacity at new sites where the site is compatible with the requirements of Policy W11; and the site is located as close as practicable to the source/s of waste to be dealt with.*

This means:

- a) *For new facilities serving district scale markets for waste, particularly LACW, C&I and CD&E waste, or for facilities which are not intended to serve the specialised needs of particular industries or businesses, giving priority to locations which are within or near to main settlements in the area (identified on the key diagram) or, for facilities which are intended mainly to serve localised needs for waste management capacity in more rural parts of the Plan area, including agricultural waste, where they are well-located with regard to the geographical area the facility is expected to serve;*
- b) *For larger scale or specialised facilities expected to play a wider strategic role (e.g. serving multi-district scale catchments or which would meet specialised needs of particular industries or businesses), these will be located where overall transportation impacts would be minimised taking into account the market area expected to be served by the facility.*

We also support this policy principle. This principle is consistent with the proximity principle and sustainability principles contained at national level in that it promotes the development of new sites close to where the source of waste is arising. The principle is robust in that it refers to potential new facilities that could be relatively small and are aimed at addressing a more localised waste need as well as referring to larger scale or specifies facilities which are likely to cater for a wider catchment area.



Soundness

Policy W10 of the MWJP is consistent with national policy. It has been positively prepared, justified and it will be effective, Policy W10 is sound.

Modification

No modification required. Retain policy W10 as presented within the MWJP.

Policy W11: Waste site identification principles

Policy W11 is concerned with the allocation of sites and the determination of planning applications for new waste management facilities. The policy outlines site identification principles for several different types of waste management facilities. These include:-

1. Siting facilities for the preparation for re-use, recycling, transfer and treatment of waste (excluding energy recovery or open composting);
2. Siting facilities for the open composting of waste;
3. Siting facilities involving the recovery of energy from waste, including through anaerobic digestion;
4. Siting facilities to support the re-use and recycling of CD&E waste;
5. Siting facilities to support additional waste water treatment; and
6. Providing any additional capacity required for landfill of waste.

In the case of waste site identification principles for waste management facilities referred to in principles 1, 2, 3 and 5 above, the policy refers to the siting of such facilities "at existing waste management sites" as being an appropriate location for such facilities.

We support the site location principles as they seek to maximise the reuse/expansions of existing waste management facilities. However, it is considered that the term "at existing waste management sites" is a little vague and lacks clarity and does not align with the second principle of policy W10 (Policy W10/2).

Policy W10/2 also supports the maximising of the existing waste management infrastructure within the plan area but goes onto include "the grant of permission for additional capacity and/or appropriate additional or alternative waste uses within the footprint of existing sites and the extension to the footprint of existing sites."

The term "at existing waste management sites" within W11 suggests that the policy will only support appropriate waste proposals within the footprint of an existing site. This therefore omits the support given within policy W10/2 for the extension of existing waste management sites. Policy W11 therefore does not align with W10/2.

As such, we would recommend that the wording "at existing waste management sites" is replaced with words similar to "at or as an extension of existing waste management sites". This would provide a more consistent set of waste polices within the MWJP and would ensure that policy W11 is consistent with national policy which sets out that waste planning authorities should look for opportunities to co-locate waste management facilities together.

Soundness

Policy W11 is not consistent with other policies in the MWJP and at national level and therefore the policy has not been positively prepared, justified and it will not be effective. It is not consistent with national policy. Policy W11 is therefore unsound.

Modification

To make policy W11 sound we recommend replacing the words "*at existing waste management sites*" with "*at or as an extension of existing waste management sites*". This would provide a clearer policy and ensure consistency between policies within the MWJP and at national level.

Summary and Conclusions

In summary, we believe policy W10 Publication Draft of the Minerals and Waste Joint Plan is sound. However, we have the following concerns regarding several other policies contained within the MWJP. Our concerns are as follows,

- Whilst we support the identification of Knapton Quarry as a safeguarded site we object to the fact that the existing use of the site has not be recognised. We recommend that the table contained within Appendix 2 of the MWJP be amended to state that Knapton Quarry should be considered a 'Transfer (non-hazardous) waste facility type as well as a composting waste facility type. This modification will ensure the MWJP is sound.
- We support policy SO3, however the policy should be more positive in terms of promoting the development of additional capacity or the extension of safeguarded site with reference made to other policies within the MWJP, in particular policy W10 and policy W11. This modification will ensure the MWJP is sound.
- Policy W11 is not consistent with other policies in the MWJP and at national level and therefore the policy has not been positively prepared, justified and it will not be effective. We recommend that recommend replacing the words "*at existing waste management sites*" with "*at or as an extension of existing waste management sites*". This would provide a clearer policy and ensure consistency between policies within the MWJP and at national level and would ensure the MWJP is sound.

In their current form the above policies are considered unsound and therefore the MWJP as a whole is also considered unsound. However, if the recommended modifications are made then it is our view that the MWJP will be wholly consentient with national policy; will have been positively prepared and justified; and will be effective in delivering its strategic priorities.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Surname: Platt		
Organisation (if applicable):		
Address:		
Post Code		
Telephone		
Email:		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

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A separate **Part B** form **MUST** be produced for each separate representation you wish to make. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: mwjointplan@northyorks.gov.uk or by post using the address below:

Minerals and Waste Joint Plan Team
Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 1998. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at Publication stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No
2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No Justified Yes No
Effective Yes No Consistent with National Policy Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see separate sheet

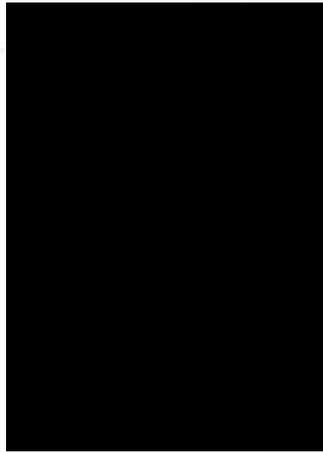
(continue on a separate sheet/expand box if necessary)

Date:20/12/2016

X

[Redacted Signature]

Signature:



To Who it may concern,

I would like my supporting evidence to be considered as part of the background information whilst reviewing the draft minerals and waste joint plan.

We farm at Northfield Farm, Birkin, Nr Selby and have been using Whitewall quarry as our provider of calcium lime for over 20 years.

As the farm is predominantly heavy soils we have been a large user of lime which is used as a neutralising mineral for generations.

With the farm situated near a magnesium limestone belt, magnesium lime has been the preferred product due to location.

The continued use of magnesium lime has made our soils magnesium sick due to the high levels of magnesium in the product.

The end result of this 'Fertiliser lock up' which means the crops are unable to process fertilisers applied efficiently which has contributed to reduced yields. Since we have been using Whitewall limestone lime the reverse has been achieved and yields have been improved dramatically.

The loss of Whitewall lime would be a huge blow for us when calcium limestone quarries are virtually extinct in North Yorkshire as it is which will reduce competition and inflate prices long term.

Yours Sincerely

mwjointplan

From: [REDACTED]
Sent: 20 December 2016 16:50
To: mwjointplan
Subject: Mineral and Waste Joint Plan team response from [REDACTED]
Attachments: NYJM&WLP Publication_response_form_part_A1 (1).docx; PART B729.pdf; letter of support730.pdf

Hi,

Please find part A and B and our supporting letter attached,

Regards

MINERAL AND WASTE JOINT PLAN (MWJP)(PUBLICATION STAGE) Consultation response

TITLE	Mrs
INITIALS	C
SURNAME	Yates
ORGANISATION (if applicable)	Churches Together In Settle Justice and Peace Group
ADDRESS	38 Sandholme Close Settle
POSTCODE	BD24 0AF
TELEPHONE	01729 822690
EMAIL	mich_chris@btinternet.com

Yes, I would like to attend the Oral Examination of the MWJP.

CLIMATE CHANGE: Issues that affect the residents of the North Yorkshire are driven by national and international politics, economics and by supply and demand considerations relating to varied energy sources. Decisions made in Northallerton may also have a bearing on the global climate.

It is important for us to call on you our politicians, and the investors that are contemplating investing in fracking in North Yorkshire, to face up to the simple and incontestable reality: there's far more fossil fuel than we can burn, and the more of it that we take out of the ground, the greater the risk of an irreversible climate catastrophe.

In 2011 it was suggested that to limit global warming to the then agreed global target of 2C would mean keeping four fifths of the world's proven oil, coal and gas reserves in the ground.

Before the Paris COP meeting in December 2015 governments were focussing on the dangers of a rise greater than 2C. But the latest assessment by the Intergovernmental Panel on Climate Change (IPCC) showed that some serious risks to corals and sea-level rise emerge at 1.5C. This will be a great challenge.

The MWJP consultation document does not confront the County Councils responsibility to aid the national government to fulfil their requirements under the COP agreement ratified and signed in November 2016.

Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*".

Committee on Climate Change(CCC): if the shale gas industry takes off Britain will breach climate commitments/obligations unless 3 conditions are met by the shale industry

- Any shale gas produced in the UK should displace imports;
- the risk of methane leaks must be rapidly addressed;
- ministers will have to offset shale gas's impact on the climate by cutting greenhouse gas emissions more rapidly in other industries.

Currently no mechanisms exist to achieve this end.

There is no evidence that shale gas could lead to carbon savings, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*" It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon by 2016.

The gas produced is about 90% methane, together with some other hydrocarbons. Methane is about 30 times more powerful than carbon dioxide as a greenhouse gas.

The industry says that methane losses will be miniscule because of a robust regulatory regime in the UK, but there is evidence of failures in poorly managed wells in the USA and in some conventional gas wells in the UK.

A joint report by the Royal Society and the Royal Academy of Engineering lists 10 conditions for well integrity.

The ability to verify compliance with the ten conditions is questionable.

The MWJP consultation document claim that Policy M16 could have any positive impact on the climate budget is unsound.

Criteria for assessing applications for hydrocarbon production, this includes fracking, should include:

- CO₂ emissions and fugitive methane leaks
- CO₂ emissions resulting from both production and combustion
- explanations of how emissions from shale gas production can be accommodated within UK carbon budgets and these assessed fully and openly by the planning authorities.

Only when there is evidence that Carbon Capture and Storage (CCS) is fully operational, can it be included in any application as a device to mitigate future CO₂ emissions.

Any proposed plan must clearly demonstrate that it will lead to a *reduction* in climate change before the plan gains approval.

The Precautionary Principle should be part of the MWJP and the Environment Impact Assessment to be required to assess the potential cumulative environment effects in all planning applications.

mwjointplan

From: Margaret McSherry <maggie@redroomevents.co.uk>
Sent: 21 December 2016 00:00
To: mwjointplan
Subject: Response to MWJP Consultation
Attachments: Response from CTinS J&P to MINERAL AND WASTE JOINT PLAN Consultation.pdf

Dear Sir

Attached response to the MWJP from Churches Together in Settle Justice & Peace Group.

Yours sincerely

Chris Yates

mich_chris@btinternet.com

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: [REDACTED]	Initial(s): [REDACTED]
Surname: Crompton		
Organisation (if applicable):		
Address:	[REDACTED]	
Post Code:	[REDACTED]	
Telephone:	[REDACTED]	
Email:	[REDACTED]	

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable):		
Address:		
Post Code:		
Telephone:		
Email:		

Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.

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Planning Services
North Yorkshire County Council
County Hall
Northallerton
DL7 8AH

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : [REDACTED]

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant Yes No

2.(2) Sound Yes No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

Positively Prepared Yes No *Justified* Yes No

Effective Yes No *Consistent with National Policy* Yes No

2 (3) Complies with the Duty to co-operate Yes No

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

mwjointplan

From: [REDACTED]
Sent: 20 December 2016 19:58
To: mwjointplan
Subject: Response
Attachments: Publication_response_form_part_A1-1.docx;
Publication_response_form_part_B1.docx

Please see my responses in the attached documents.

Kind regards

[REDACTED]

MW JOINT PLAN NORTH YORKSHIRE COUNTY COUNCIL

COMMENTS ON THE PLAN FROM [REDACTED]

Title [REDACTED]
Initial [REDACTED]
Surname [REDACTED]
Organization [REDACTED]
Address [REDACTED]

Post Code [REDACTED]
Phone [REDACTED]
Email [REDACTED]

GENERAL INTRODUCTION

We are making these representations on our own behalf
We currently farm and run a stud farm where we live at the above address in South Wales.
you will no doubt be aware that the Welsh Government currently have a moratorium on fracking in Wales
which makes it an attractive place for us to live and run our farm and stud farm

[REDACTED]

We are therefore concerned about the impact of fracking in the area and hence the reason for our response to the proposed plan

- The Publication Draft of the MWJP does not conform to statutory requirements for legal compliance and tests of soundness relating to Climate Change.
- The MWJP does not conform with Section 19(1A) of The Planning and Compulsory Purchase Act (2004), which states that policies as a whole must contribute to the mitigation of, and adaptation to, climate change.
- Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*".
- The Committee of Climate Change (CCC) report of March 2016 concluded that the exploitation of shale gas would not be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. The MWJP's ability to meet these tests are not clearly defined.
- Assumptions that shale gas could lead to carbon savings are unsupported, given that test 3 of the CCC report states that "*emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure that UK carbon budgets are met.*"
- It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon by 2016.
- The MWJP is therefore unsound to claim that Policy M16 could have any positive impact on the climate budget, as this key condition of the CCC report is a long way from being met.
- Future applications for hydrocarbons production (including fracking) must be assessed using the following criteria:
 - CO₂ emissions and fugitive methane leaks must be included
 - CO₂ emissions resulting from both production and combustion must be included
 - explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
 - Until Carbon Capture and Storage (CCS) is fully operational, this can not be used in planning applications as a device to mitigate future CO₂ emissions in some notional future
 - any proposed plan must clearly show that it will lead to a *reduction* in climate change in order for it to be approved.

COMMENTS ON THE PLAN FROM [REDACTED]

Title
Initial
Surname
Organization
Address

Post Code
Phone
Email

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[REDACTED]
[REDACTED] We are therefore concerned about the impact of fracking in the area and hence the reason for our response to the proposed plan

-
- **Landscape and Visual Impact**

- The inclusion in Policy M16 that designated areas such as National Parks, AONBs and SSSIs are protected from fracking on their surfaces is strongly supported.
- However, the MWJP is currently unsound as it does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes).
- The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan.
- It is also noted that the Areas which Protect the Historic Character and Setting of York are now included as a protected area, presumably because the MWJP was seen to be in conflict with the City Plan, which was also approved by the NYCC. The same consideration must therefore be given to the Ryedale Plan.
- The Ryedale Plan aims to encourage new development to *"reinforce distinctive elements of landscape character"* in areas including the Vale of Pickering and the Yorkshire Wolds. These are areas high in landscape value, with Neolithic features that require specific consideration, and which should be protected by Policy M16 in the MWJP.
- Ryedale Policy SP13 states that developments should contribute to the protection and enhancement of distinctive elements of landscape character, including: *"Visually sensitive skylines, hill and valley sides...the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure."* (p 129 – Ryedale Plan).
- If fracking were developed in the way described in the MWJP, this would clearly contravene the Ryedale Plan, which was approved and adopted by the NYCC.
- The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds.
- The MWJP must be developed so that it is complementary to this Local plan, not be in conflict with it. This means that the MWJP is currently unsound.
- The Vale of Pickering and the Yorkshire Wolds should therefore be included as 'protected areas' in Policy M16.

MW JOINT PLAN NORTH YORKSHIRE COUNTY COUNCIL

COMMENTS ON THE PLAN FROM [REDACTED]

Title
Initial
Surname
Organization
Address

Post Code
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Buffer Zones

- The inclusion of a 3.5km buffer zone around National Parks and AONBs is supported.
- Point 5.128 says, "*proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area.*"
- While the restrictions in terms of how much fracking developments impact on the landscape are welcomed, there is little detail on what other information would be required by companies, and under what criteria fracking within the 3.5 km buffer zone would be supported.
- The National Parks and AONBs are protected for a number of reasons, including to conserve biodiversity, provide quiet places for people to relax, and to boost tourism in the region. In short, this should be about more than if the development 'spoils the view'.
- Any fracking activity that close to a major protected area could not fail to impact upon the protected area, either by impacting the view, causing excessive traffic around the borders of the area, causing noise and air pollution, causing light pollution at night – which would affect not only the wildlife in the protected area, but also impact on the clear night skies which are such a draw for visitors – and potential impacts on water courses the serve the protected areas.
- The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection. These areas are protected to preserve their landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage.
- Any fracking within 3.5 km (2 miles) of these areas cannot fail to impact upon these qualities. So, in order to be legally compliant with the NPPF, and the relevant Local Plans, **the MWJP should therefore simply prohibit fracking in these buffer zones completely.**
- **Noise impacts**
- Paragraph 5.107 of the MWJP states that the exploratory stage for hydraulic fracturing

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exploratory drilling (which is a 24-hour process) may take "*considerably longer*" than the 12-25 week timeframe required for conventional hydrocarbons.

- Drilling of each fracking well will take place 24 hours a day, taking place over a period of weeks at a time. The KM8 well took 100 days to drill, although lower estimates of 60-70 days are now put forward by the industry.
- Well-pads may have up to 40 or 50 wells on them, which would mean that a 40-well pad would take **6.5 years** in continuous drilling alone.
- Fracking itself is also a noisy activity and again is often conducted 24 hours a day, over a period of weeks.
- Unconventional gas development for shale gas cannot therefore be considered a 'short term activity' for the purposes of planning law.
- Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: "*ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties*".
- Fracking exploration is, by the MWJP's own definition, a medium term activity at best, and therefore the policy from the NPPF above must apply.
- 24 hour drilling from exploration stages will lead to night-time noise levels far higher than those allowed for other types of development (such as wind turbines).
- The noise levels in many rural parts of North Yorkshire are very low, particularly at night, and so the impact of night-time noise from drilling and fracking will be very noticeable.
- It is therefore essential that the MWJP must set clear policy to curb noise emissions for nearby residents, as part of its statutory duty to protect local public health.
- A setback distance of 750m would help to reduce the noise impact from drilling and fracking.
- Furthermore, there should therefore be no exceptions allowed for fracking within the proposed residential buffer zone, as this would contravene the guidelines in the NPPF.
- The caveat that fracking within the buffer zone would be allowed 'in exceptional circumstances' is therefore legally unsound and should be removed.
- A Health Impact Assessment should be required for all fracking operations, to establish current air quality and noise levels, and what might be acceptable depending on the distance the fracking well-site is from the nearest home.

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Air quality impacts

- There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.
- Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. A number of chemicals routinely released during fracking, such as benzene, are known carcinogens. <http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>
- Note that these are not chemicals that are injected into the ground as part of the fracking process, but are released from the ground as a consequence of fracking (and therefore cannot be controlled by the producer, or regulated by the Environment Agency).
- Fumes from the drilling process can also cause fine diesel soot particles, which can penetrate lungs and cause severe health risks.
- Planning Practice Guidance states, *"It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit"*.
- Paragraph 109 of the NPPF states that the planning system should prevent *"... both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;"*
- There is therefore a clear legal requirement for the MWJP to consider air pollution when developing planning policy.
- The proposal to include setback distances for what is termed 'sensitive receptors' is welcomed. The MWJP's definition of 'sensitive receptors' includes residential institutions, such residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
- However, the setback distance of 500m appears to be rather arbitrary, and no reason is given for choosing this distance. There is no evidence that this setback distance is safe for residents, either in terms of air quality or other negative aspects of fracking production.
- Experiences of residents in the USA show that a setback distance of 500m is not sufficient, and research in Colorado has resulted in a proposal for setback distances from fracking well sites to be extended to 750m from any place where people live.

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[https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_\(2016\)](https://ballotpedia.org/Colorado_Mandatory_Setback_from_Oil_and_Gas_Development_Amendment_(2016))

- The recommendation is therefore that the setback distance from 'sensitive receptors' should be a minimum of 750m to ensure that the negative health impacts of fracking, including air quality, are reduced.
- There is a strong argument that setback distances from places which house vulnerable people, such as schools, residential homes and hospitals, should be increased to 1km.
- Note that this is still less than the setback distance recommended by Kevin Hollinrake MP on his return from his 'fact-finding' mission in the USA, when he recommended a minimum setback distance of 1 mile from schools.
- Baseline Health Impact assessments should be undertaken prior to any work being carried out, to ascertain the impact of fracking on human health.

Biodiversity impacts

- Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to "...have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".
- The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.
- However, fracking would still be allowed just outside the boundaries of, and underneath, these areas from fracking well-sites situated on their borders.
- Unconventional gas production is not just an underground activity. The above ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby.
- Planning Practice Guidance supports this viewpoint, stating that: "*Particular consideration should be given to noisy development affecting designated sites.*"
- Policy D07 in the MWJP currently states that mineral developments which would have an unacceptable impact on an SSSI - or a network of SSSIs - will only be permitted "...where the benefits of the development would clearly outweigh the impact or loss".
- This wording appears to allow considerable impact or loss on a protected area, if the Planning Authority felt that this was still outweighed by the benefits (i.e. by the production of

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- gas).
- Given that SSSIs are sensitive nationally protected areas, often containing rare and protected species, this is a contradictory and unsound approach. This clause should therefore be removed.
 - Noise is a particular danger for resident and migrating birds, and nocturnal creatures such as bats. Not enough consideration has been given to the impact of noise from fracking well-sites situated near a designated protected area such as an SSSI.
 - As many SSSIs are relatively small in area, the noise, light and air pollution from a fracking well-site close by could have a devastating impact on wildlife populations, even if they are just outside the borders of the protected area.
 - The MWJP includes a 3.5 km 'buffer zone' around National Parks and AONBs, so that the impact of fracking on the boundaries of these protected areas is reduced.
 - The same consideration should be extended to SSSIs, so that fracking wells are not allowed to be established near the boundaries of these highly sensitive and nationally protected areas.
 - In non-designated areas, the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.
 - Biodiversity offsetting has been shown many times to be an unsatisfactory solution to problems caused by development, and should not be offered as a solution to developers to get around the damage they will cause to protected areas. The specific features of an SSSI cannot simply be replaced by planting a new wood somewhere else. This approach is unsound and should be removed from the MWJP guidance.
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unsound and should be removed from the MWJP guidance.

Water impacts

- The impacts of fracking on water are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or under-surface contamination.
- In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking:
http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf
- Fracking has also been proven to pollute groundwater in Wyoming:
<https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/>
- It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire.
- The EU Water Framework Directive is part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).
- The British Geological Survey has previously highlighted the risks that fracking can contaminate water. saying, "*Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water.*"
<http://nora.nerc.ac.uk/16467/>
- The British Geological Survey is also not confident that current methods to monitor groundwater pollution are adequate, due to the depth that fracking takes place, the volumes of water required to frack, and the uncertainty regarding how much water returns to the surface: "*The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks may not be adequate as many have been designed to consider the risks from surface activities.*"
- Paragraph 94 of the NPPF states that local planning authorities should "*adopt proactive strategies to mitigate and adapt to climate change, taking full account of....water supply*".

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Paragraph 99 later states that *"local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply."*

- The MWJP should therefore incorporate the precautionary principle, meaning that unless it can be proved that there will be groundwater contamination from a fracking well-site, it should not apply.
- In order to be legally sound, the policy therefore needs to be reworded so that fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.

Highways and traffic impacts

- Fracking is very likely to cause a large increase in traffic movements, as trucks bring water, chemicals and sand to the well-site, and to remove contaminated waste water (often containing Naturally Occurring Radioactive Material), solid waste, and possibly gas if there is no nearby pipeline.
- It has been estimated that each individual borehole will require between 2,000 and 7,000 truck movements, and there are plans for up to 40 or 50 wells per fracking site.
- The rural road network in Yorkshire is ill-suited to deal with this exponential increase in traffic.
- Paragraph 144 of the NPPF states that local authorities should ensure that there: *"are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites"*.
- There appears to be little in the MWJP to guarantee the safety of other users of the road network, including non-vehicle users (cyclists, walkers, people on horseback, etc.). This must be included in the Plan.
- The huge increase in HGV traffic will also adversely affect the air quality along the designated routes, particularly if they pass 'sensitive receptors' such as schools, hospitals and old people's homes.
- The MWJP is therefore unsound as it does not adequately include restrictions to prohibit fracking HGV traffic from impacting on the air quality on these receptors. Policy M17

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- therefore needs to be amended to include these concerns and if necessary, impose restrictions.
- This would ensure compliance with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK.

Cumulative impact

- The NPPF states Planning Authorities should: "...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality"
- Planning practice guidance also states: "The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."
- One of the biggest concerns regarding fracking is that the industry will require thousands of wells in the next twenty years to be financially viable. Most fracking wells are unprofitable after the first year, and 84% are unprofitable after 3 years. Therefore fracking companies will need to continually drill more wells, and establish more well sites, just to survive. This endless proliferation is the aspect of fracking that raises fears of the industrialisation of the countryside in Yorkshire, and is one of residents' greatest concerns.
- The cumulative impact of fracking wells could have very damaging impacts on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise and light pollution, soil contamination, human health and traditional rural industries such as agriculture and tourism.
- The MWJP suggests that an 'acceptable' cumulative impact can be achieved by a density of 10 well-pads per 10x10 km² PEDL licence block. It is noted that each well-pad can contain as many as 40 or 50 individual wells, by the industry's own admission, meaning that a 10x10 km² PEDL licence block could contain up to 500 fracking wells.
- Bearing in mind that each well requires 60-100 hours drilling, many more hours fracking, produces millions of gallons of waste water, generates thousands of HGV truck movements, generates toxic air pollution near the site and many other impacts such as noise and light pollution, the proposed density would be condemning people who live in this area to a lifetime of noise, traffic problems, health issues and stress.
- Furthermore, there is no guidance given on the separation distance between each well-site.

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Kevin Hollinrake MP suggested that these should be at least six miles apart, which would be incompatible with the current plan of 10 well-pads per PEDL licence block.

- However, the lack of any separation distance in the MWJP is a significant failing in terms of soundness, and a minimum separation distance of at least 3 miles should be included in the plan. This would avoid all the allowed well-sites in one PEDL licence area to be 'bunched up' in one place, causing unacceptable impact for the local community.
- Furthermore, the MWJP says "*For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate.*" This should be amended to 'will be appropriate', as otherwise operators may still be allowed to have 10 well-pads located in a much smaller surface area.
- There is also an absence of transport impacts relating to this density of well sites, particularly in terms of how this is monitored, which needs to be addressed.

The Precautionary Principle

- To abide by legal guidelines, the precautionary principle should be applied to the issue of cumulative impact. The precautionary principle is a means of restricting development where there is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.
- Planning practice guidance also refers to the precautionary principle in relation to Environmental Impact Assessment (EIA): "*the local planning authority must have regard to the amount of information available, the precautionary principle and the degree of uncertainty in relation to the environmental impact.*"
- The precautionary principle is also reflected in the NPPF, saying, "*Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.*"
- In order to comply with current legislation (see above), the precautionary principle should be included in the MWJP, so that new developments are not permitted unless it can be proved that there will be no unacceptable cumulative effects.
- The MWJP should therefore amended so that an **Environmental Impact Assessment** should always be required to assess the potential cumulative effects from an additional

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fracking development and ensure that in determining planning applications, final decisions
are based on a scientific certainty that all potential issues can be overcome.

Waste management and re-injection wells

- Paragraph 5.156 states incorrectly, with reference to re-injecting waste water from fracking, that *"A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to very small scale induced seismic activity"*.
- The assumption that any seismic activity resulting from re-injection of waste water from fracking operations is 'small scale' is incorrect, and drastically underestimates the damage that fracking waste water re-injection wells are causing elsewhere, particularly in the USA.
- Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, "More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year." <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/>
- A recent earthquake in Oklahoma registered at 5.7 on the Richter Scale. and was felt from Texas to Illinois. This resulted in the state regulator shutting down 37 waste-water re-injection wells.
<https://www.bloomberg.com/news/articles/2016-09-04/oklahoma-quake-matches-record-even-as-fracking-waste-restricted>
- These earthquakes, and many others like it, are not 'very small scale induced seismic activity', as described in Paragraph 5.156. They have caused serious structural damage to roads, buildings and water supplies, and the impact on the underlying geology has not been fully assessed.
- The threat to North Yorkshire may be even more severe if fracking waste water was allowed to be re-injected at the scale required for the fracking industry to expand, due to the much more faulted geology of the area.
- The MWJP therefore has a statutory duty to invoke the precautionary principle regarding re-injecting fracking waste fluid in North Yorkshire, and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely.

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mwjointplan

From: [REDACTED]
Sent: 20 December 2016 19:48
To: mwjointplan
Cc: [REDACTED]
Subject: MW Joint plan consultation
Attachments: fracking response.doc

I attach herewith my response to the above plan

[REDACTED]