

Mineral and Waste Joint Plan for North Yorkshire County Council, York City Council and the North York Moors National Park Authority
Response to the inspectors' request for more information prior to the additional hearings 24th & 25th January 2019

South Hambleton Shale Gas Advisory Group
Representing 2 town councils and 32 parish councils

The soundness of policy M 17 and 500m buffer

We do not regard the WMS of 17 May as being helpful to local communities and have considerable disquiet about its origin and timing, particularly in relation to the work of your inquiry and the proceedings on Friday, 13 April, nonetheless we recognise that it has to be accorded due weight.

We were encouraged that at the hearing on April 13, prior to the WMS., you acknowledged the validity of the concept of a buffer zone around settlements and houses within North Yorkshire recognising local concerns and uncertainties relating to the uncertain effects of the new industry and technology.

We have to accept that the WMS does not encourage the use of area or zonal safeguarding but would point out that as modified, policy M17,4) i) is not a zonal prohibition rather a requirement to meet a test of "no adverse impact" upon nearby houses and communities that are likely to be immediately affected.

This policy will still enable planning consents for drilling within proximity to houses if the degree of change is found not to be adverse or can be effectively mitigated prior to and during operation of the site.

For us 500m represents a minimum threshold, for within this distance there is a greater likelihood of residents experiencing an adverse impact. M17 provides the only opportunity for this to be tested.

Consequently, we consider that as modified Policy 17 is properly justified and consistent with the WMS.

Please consider the following modified wording:

"Proposed developments for exploratory drilling or extraction involving fracking within 500 metres of house should only be permitted if the applicants can prove to the satisfaction of the local planning authority that the resulting degree of change e.g. visual, noise, light, traffic movements would not have an adverse impact on the occupants. Also, that if any impact is identified that it must be effectively mitigated prior to and during the operation and after use of the site".

What does "No adverse impact" or a "High level of protection" mean?

It is increasingly recognised by local communities, planning authorities and perhaps within the industry that shale gas exploration and extraction involving fracking can result in a higher degree of change and intrusion within quiet rural areas than in semi-industrialised places with higher ambient noise, light and traffic movements. This is the type of adverse impact that concerns us and we seek an effective level of targeted protection to avoid it.

It is the industry that will introduce such change therefore it must assume responsibility for negating any associated negative impacts. We look to the Mineral Plan and local planning authorities to formulate, maintain and abide by policies which provide effective regulation.

Horizontal drilling and flexibility in siting shale gas wells.

In the case of shale gas exploration and extraction the industry has the greater flexibility than local communities, for shale gas drilling can extend horizontally for at least 1.6 km. in each direction giving drilling companies more scope to locate their operation so that it does not result in an adverse impact on local residents.

This differs from the extraction of other minerals e.g. sand and gravel which can only be worked where they are found.

In formulating an effective local plan policy on this issue we ask you to balance the greater flexibility available to the industry due to the scope for horizontal drilling, against the lack of flexibility open to occupants of nearby houses who's only option will often be to move house if they can find a buyer.

Given the lateral scope and apparent flexibility for siting drilling rigs against the very restricted opportunity open to local residents to adapt we think that it is incumbent on the industry to be flexible and that this fact should be enshrined within the Mineral plan policy by retaining and strengthening Policy M17, 4)i)

The need to avoid adverse impact on property

Currently the burden of proof for claims against structural damage to foundations, traffic vibration, increased noise, and reduced air quality rests with the occupants of affected property and the local community, it is lamentable that there is no requirement for the industry to fund prior structural surveys and no provision for compensation against reduced property value as a result of shale gas drilling /extraction.

The "Polluter pays principle" does not seem to apply readily to shale gas extraction.

Consequently the provision to avoid adverse impact on property and local communities within the local mineral plan would be of vital reassurance to us.

We think that it is entirely reasonable to request that householders should not be subject to adverse impact, particularly as (quoting your - para 11) the industry aspires *"to create a UK model with the aim of being the world's most environmentally robust onshore shale gas sector"*.

Translated this means nothing less than the "Highest (not high) level of protection

The scope for less intrusive operational techniques and equipment

You ask at para 12 whether there is any potential for reducing operational impacts such as by using radically quieter machinery, smaller rigs and different working practices.

No doubt the industry will respond positively and reassuringly but, in our experience, we note that new technology is costlier, less available and unless stringent conditions are applied and enforced effectively then little is achieved. Many aspects such as noise levels and movements of sub-contractors and supplier's lorries are much harder to regulate so the location of exploration/extraction drilling rigs remains critical.

We trust that you recognise the role of this Mineral Plan in furthering that process.

Conclusion

We face the prospect of the Government granting a PD right for exploratory drilling and NSIP for production wells which will lessen the scope for effective community input and influence. Therefore, we will have to increasingly rely on the Mineral Plan policies to safeguard our interests and amenity.

Christopher Stratton Chairman,
Peter Fox

December 19th 2019