

Appendix 1 – Recommended Policy Amendments

Policy M16: Key spatial principles for hydrocarbon development

Hydrocarbon development of the types identified below should be located in accordance with the following principles:

a)

- exploration, appraisal and production of conventional hydrocarbons, without hydraulic fracturing **[INSERT] or matrix acidisation;**
- exploration for unconventional hydrocarbons, without hydraulic fracturing **[INSERT] or matrix acidisation:**

Proposals for these forms of hydrocarbon development will be permitted in locations where they would be in accordance with Policies M17 and M18 and, where relevant, part d) of this Policy.

b)

- 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 of **[INSERT] and otherwise respect the setting of** the following designations: National Parks, 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 Landscape Area**, 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 **[INSERT] or its wider setting** 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.

c) Coal mine methane:

Proposals for production of coal mine methane resources will be supported where any surface development would be located on industrial or employment land or within the developed surface area of existing or former coal mining sites.

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.

e) 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.

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

1) Accessibility and transport

i) Hydrocarbon development will be permitted in locations with suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment

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/AQMAs)**, 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

b) Access arrangements to the site are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users where relevant; and

c) There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.

ii) Where access infrastructure improvements are needed to ensure that the requirements of i) a) and b) above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.

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 **[INSERT] risk to that water supply or** the need for bulk road transport of water

2) Cumulative impact

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable cumulative impact, as a result of a combination of individual impacts from the same development and/or through combinations of impacts in conjunction with other existing, planned or unrestored hydrocarbons development. **[INSERT] Applications should specifically address the cumulative impact of the development upon climate change and, where appropriate, will propose such mitigation and adaptation measures as may be available. Assessment of all environmental impacts shall be undertaken with regard to the precautionary principle. Developments involving the construction or operation of a well requiring consent within s.4A of the Petroleum Act 1998 (as amended) will normally be expected to constitute EIA development.**

ii) Well pad density and/or the number of individual wells within a PEDL area will be limited to ensure that unacceptable cumulative impact does not arise. Assessment of the contribution to cumulative impact arising from a proposal for hydrocarbon development will include (but not necessarily be limited to) consideration of:

a) The proximity of a proposed new well pad site to other existing permitted or unrestored well pads, and the extent to which any combined effects would lead to unacceptable impacts on the environment or local communities, including as a result of any associated transport impacts;

b) The duration over which hydrocarbon development activity has taken place in the locality and the extent to which any adverse impacts on the environment or local communities would be expected to continue if the development were to be permitted;

c) The sensitivity of the receiving environment, taking into account the nature and distribution of any environmental constraints, proximity to local communities, the availability of adequate access links to the highway network and the need to ensure a high standard of protection in line with other relevant policies in the Plan.

Where results from any earlier exploration and/or appraisal activity are available, proposals for production of unconventional hydrocarbons should include information on how the proposal is intended to fit within an overall scheme of production development within the PEDL area and should ensure as far as practicable that

production sites are located in the least environmentally sensitive areas of the resource.

iii) In order to reduce the potential for adverse cumulative impact, proposals for production of hydrocarbons will be supported in locations where beneficial use can be made of existing or planned supporting infrastructure including, where relevant, pipelines for transport of gas and/or water, facilities for the processing or generation of energy from extracted gas and overhead or underground power lines and grid connections which could serve the development.

iv) Where development of new processing, power or pipeline infrastructure is required, consideration should be given to how the location and design of the development could facilitate its use for multiple well pads in order to reduce adverse cumulative impact. The Minerals Planning Authority will support co-ordination between operators and the development of shared infrastructure where this will help reduce overall adverse impacts from hydrocarbon development.

v) New processing or energy generation infrastructure for hydrocarbons should, as a first priority, be sited on brownfield, industrial or employment land. Where it can be demonstrated that development of agricultural land is required, and subject first to other locational requirements in Policies M16 and M17, proposals should seek to utilise land of lower quality in preference to higher quality.

3) Local economy

Hydrocarbon development will be permitted in locations where a 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. The timing of short term development activity likely to generate high levels of noise or other disturbance, or which would give rise to high volumes of heavy vehicle movements, should be planned to avoid or, where this is not practicable minimise, impacts during local school holiday periods.

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 be permitted in exceptional circumstances.

ii) Proposals should refer to any relevant data from baseline monitoring and other available information to ensure that a robust assessment of potential impacts is undertaken, and that comprehensive mitigation measures are proposed where necessary.

iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment

Footnote 16 For the purposes of interpreting this and other Policies in the Plan, the term local communities includes residential areas as well as residential institutions such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.

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.

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, any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air; and

ii) All plant, machinery and equipment not required to be retained at the site for operational purposes would be removed and the land restored to its original use or other agreed beneficial use within an agreed timescale.

iii) For unconventional hydrocarbon development, the Mineral Planning Authority ~~may~~ **[INSERT] will normally** 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. **[INSERT] Removal of gas and water pipelines associated with the development would also be required, especially where there has been a loss of agricultural land of the best and most versatile quality to accommodate for hydraulic fracturing developments.**

Policy M20: Deep coal and disposal of colliery spoil

1) Proposals for surface and underground development for the mining of deep coal will be permitted where all the following criteria are met:

i) [INSERT] An assessment of the emissions from all stages of the development in terms of greenhouse gas emissions including burning of the coal extracted from the project.

(ii) the impact on climate change mitigation has been considered in relation to the UK'S commitments under the Climate Change Act 2008;

(iii) [INSERT] the proposal will not compromise the phase out of coal power generation by 2025;

iv) the location, siting and design of the surface development would ensure a high standard of protection for the environment and local communities in line with the development management policies in the Joint Plan;

iv) the proposals would enable coal to be transported in a sustainable manner;

v) where located in the Green Belt, the proposals would comply with national policy on Green Belt;

vi) the effects of subsidence upon land stability and important surface structures, infrastructure (including flood defences) and the natural and historic environment, will be monitored and controlled so as to prevent unacceptable impacts;

vii) that opportunities have been explored, and will be delivered where practicable, to maximise the potential for reuse of any colliery spoil generated by the development and that proposed arrangements for any necessary disposal of mining waste materials arising from the development are acceptable in line with Part 3 below;

2) Proposals to remediate and restore the Womersley Spoil Disposal Site will be permitted where they would be consistent with the development management policies in the Joint Plan.

3) Proposals for new spoil disposal facilities will be assessed by reference to the following order of preference:

i) Infilling of quarry voids where this can deliver an enhanced overall standard of quarry reclamation;

ii) Use of derelict or degraded land;

iii) Where use of agricultural land is necessary, use of lower quality agricultural land (e.g. ALC Grade 3b or below) in preference to higher quality agricultural land (ALC Grade 3a or higher).

Preference will also be given to proposals for new spoil disposal facilities which are located:

iv) Outside the Green Belt, unless it can be shown that the proposals can be accommodated within the Green Belt in line with national policy;

v) Where spoil can be delivered to the site via sustainable (non-road) means of transport or, where road transport is necessary transport of spoil can take place without unacceptable impacts on the environment or local communities.

Policy M21: Shallow Coal

~~1) Proposals for the extraction of shallow coal will be permitted, where extraction would take place as part of an agreed programme of development, in order to avoid sterilisation of the resource as a result of the implementation of other permitted surface development; and where the proposal would be consistent with the development management policies in the Joint Plan.~~

1) ~~Other~~ **[INSERT] Permission** Proposals for the working of shallow coal will **[INSERT]** only ***should not*** be permitted where **[INSERT]** ***granted unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or, if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.***