

Dear Sir/ Madam,

I wish to object to policies M16, M17 and M18 relating to unconventional oil and gas developments.

Despite the mineral planning authority's limited scope to the consultation – focusing on legal compliance and adherence to the tests of soundness in the NPPF – I feel that as Policy M16 has changed considerably since the Preferred Options consultation, the consultation scope should be widened to accommodate 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 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 wellbeing; water; biodiversity and highways impacts. While the hydrocarbon policies address some concerns raised by us 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:

- 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;
- 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;

- Linked to this policies should require fracking developments to be delivered in a safe and sustainable way, in line with recent Government advice;
- 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);
- The plan fails to adequately address the setting of European and nationally designated sites, 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;
- 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 (e.g. schools, hospitals, dwellings), or existing air quality management areas;
- The policy represents a 'yes, if' approach rather than requiring clarification of all potential risks.

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 GHG 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 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.