

2nd April 2015

Agenda Item: 7

## **REPORT OF THE CORPORATE DIRECTOR FOR POLICY, PLANNING AND CORPORATE SERVICES**

### **PETITIONS RECEIVED OBJECTING TO THE EXPLORATION FOR AND USE OF SHALE GAS AND COAL BED METHANE IN BASSETLAW AND NOTTINGHAMSHIRE**

#### **Purpose of the Report**

1. To consider a response to two separate petitions objecting to the exploration for and use of unconventional hydrocarbons (including shale gas and coal bed methane) in Bassetlaw and Nottinghamshire. Both petitions were presented to Council on the 22nd January 2015.

#### **Information and Advice**

##### Shale gas exploration and extraction

2. "Conventional" oil and gas deposits (such as in the North Sea) are contained in permeable rocks, such as sandstone. Shale gas is essentially the same as North Sea gas (i.e. mostly methane) but is trapped in impermeable shale rock.
3. In order to access the gas, a vertical well is drilled down to the shale rock before being drilled horizontally along it. The rock is then fractured by injecting water, sand and small quantities of chemicals at high pressure. The sand holds the fractures open when the pressure is released, so gas can flow into the well. The chemicals are normally added to improve efficiency, for example by reducing friction.
4. Once the rock is fractured, some of the fluid returns to the surface, where it is sealed in containers before treatment. The gas can then flow through the well to the processing/collection plant on the surface.
5. There are three phases of onshore oil and gas extraction: Exploration; appraisal (testing) and production. Each stage of the process will require separate planning permissions, although some initial seismic work may have deemed planning consent under the General Permitted Development Order 1995 (as amended).

## Seeking permission for shale gas developments

6. The Government, in the National Planning Policy Framework (NPPF) and subsequent planning practice guidance has set out a clear planning process for the extraction of oil, gas and unconventional hydrocarbons including coal bed methane and shale gas.
7. An operator is required to hold a Petroleum Exploration Development Licence that is issued by The Department of Energy and Climate Change for the area they wish to explore. Licences themselves do not give consent for drilling, hydraulic fracturing or any other operations, and operators still need to secure:
  - Landowner(s) agreement
  - Planning permission from the Minerals Planning Authority
  - Permits from Environment Agency for the use of and disposal of waste water
  - Approval for their plans from the Health and Safety Executive, and a review of well design by an independent competent person.
  - Consent for drilling or production from the Department of Energy and Climate Change

## Role of the County Council

8. As the Minerals Planning Authority, the County Council is expected by Government to include policies on oil, gas and unconventional hydrocarbons in its Minerals Local Plan, and is responsible for determining planning applications for this type of development. Any planning applications submitted within Nottinghamshire for hydrocarbon development will therefore be assessed in accordance with the Minerals Local Plans and national guidance.
9. The existing Minerals Local Plan contains policies on oil, coal bed methane and mine gas. The emerging Minerals Plan reflects the guidance set out in the National Planning Policy Framework (NPPF) for onshore oil and gas and includes a policy on hydrocarbons that includes shale gas.
10. Consultation on any planning application received for shale gas development will be treated the same as any other type of minerals activity and in line with the adopted Nottinghamshire Statement of Community Involvement.
11. No shale gas exploration or extraction has been undertaken in Nottinghamshire at the time of writing this report. A scoping request was received on the 29<sup>th</sup> of January from IGas Energy for shale gas exploration at a site near Misson, at the northern tip of the county. The purpose of the scoping request is to seek the County Council's opinion as to the range of environmental topics and issues which any potential future application for shale gas exploration would need to address as part of an accompanying Environmental Impact Assessment. No hydraulic fracturing ('fracking') is proposed as part of this exploration phase at this particular site.

**Petitions: opposition to the exploration for and extraction of unconventional hydrocarbons (inc. shale gas and coal bed methane)**

12. The following two petitions were presented to Council on the 22<sup>nd</sup> January 2015.

The first petition contains 907 signatures and states:

‘We call on the local council to reject all shale gas fracking and coal bed methane exploration applications. Look at the strong body of evidence that these are both as yet unproven as safe, and are in fact dangerous to public health and urge those in power to spend money on renewable energies, not short term retrograde procedures. The ignorance of few will cost the health of the many, and for what? Money?’

The second petition contains 915 signatures and states:

‘We the undersigned do not wish to see the extraction (or exploratory work to extract) of any fossil fuels by unconventional means in any part of the district of Bassetlaw, North Nottinghamshire. This includes hydraulic fracturing to extract shale gas, the extraction of coal bed methane and the process of underground coal gasification.’

13. It is worth noting that on some of the pages of the petition the following text has been struck out: ‘the district of Bassetlaw, north’

14. Whilst the petitions express concern and opposition to the exploration of unconventional hydrocarbons, the petitions submitted did not make specific reference to either, the emerging Minerals Local Plan or a specific planning application. As such the petitions cannot be formally registered to a planning application or the Minerals Local Plan.

15. Similar issues to those contained in the petitions have been raised through objections to the hydrocarbons policy at the Preferred Approach consultation stage of the Minerals Local Plan and as such these will be considered as part of the Minerals Local Plan process.

16. It is therefore proposed that the following response be sent to the petition organiser:-

*“The County Council acknowledges receipt of the petitions, on the 22 January 2015 in relation to the opposition to unconventional hydrocarbon exploration and or extraction in Nottinghamshire. As the minerals planning authority, Nottinghamshire County Council will consider all planning issues in determining any possible future planning applications for shale gas development. The County Council will also be considering unconventional hydrocarbons in its preparation of the Nottinghamshire Minerals Local Plan. Members of the public will have the opportunity to comment on any future planning applications and future stages of the preparation of the Minerals Local Plan.*

## Next Steps

17. Progress on the new Minerals Local Plan is ongoing with the next stage of consultation – the Draft Submission document expected to be published in Autumn 2015. The Minerals Local Plan will then be formally submitted to the Secretary of State and subsequently will be subject to an independent examination by a Planning Inspector. The Inspector's role is to consider the 'soundness' of the whole plan.
18. A scoping request for shale gas exploration in Misson was submitted by IGas Energy on the 29<sup>th</sup> January 2015. The County Council is consulting widely with a range of technical specialists in order to provide its Scoping Opinion to IGas Energy. IGas Energy will then decide whether or not they wish to proceed with the preparation of a planning application. If they choose to do so, any such application would be subject to extensive publicity and interested parties would be afforded opportunity to comment on the proposals as part of the planning application process.

## **Other Options Considered**

19. Not to provide a response to the petition.

## **Reason for Recommendation**

20. To seek approval for a response to be sent to the petition organiser.

## **Statutory and Policy Implications**

21. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION**

22. It is recommended that approval be given for the proposed response (detailed at paragraph 18 above) to be sent to the petition organiser.

**Jayne Francis-Ward**  
**Corporate Director, Planning, Policy and Corporate Services**

**For any enquiries about this report please contact: Steven Osborne-James, Planning Officer, Planning Policy Team, 0115 97 72109**

## **Background Papers**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

## **Constitutional Comments (LJM 13/02/2015)**

23. The recommendation falls within the remit of the Environment and Sustainability Committee by virtue of its terms of reference. A report should be made back to the next Council Meeting on the outcome of the consideration of the petition

## **Financial Comments (SES 25/02/15)**

24. There are no specific financial implications arising directly from this report.

## **Electoral Division(s) and Member(s) Affected**

All.