

Planning Policy

From: Victoria Yeandle [REDACTED]
Sent: 11 January 2018 15:38
To: Planning Policy
Cc: [REDACTED]
Subject: Nottinghamshire County Council - New Minerals and Waste Plan
Attachments: 17049.P5.WhipRidding.18.NMLP&OC.F.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern,

On behalf of our client, Egdon Resources U.K. Limited, please find attached representations to the Nottinghamshire Minerals Local Plan Issues and Options Consultation.

If you have any questions, please do not hesitate to contact either myself or my colleague Paul Foster.

Regards,

Victoria Yeandle
Planner



DDI: [REDACTED]
[REDACTED]

W: www.bartonwillmore.co.uk
St Andrews House, St Andrews Road, Cambridge, CB4 1DL

**BARTON
WILLMORE**

♻️ **Consider the environment. Do you really need to print this email?**

Information contained in this e-mail (and any attachments) is confidential and may be privileged. It may be read, copied and used only by the addressee, Barton Willmore accepts no liability for any subsequent alterations or additions incorporated by the addressee or a third party to the body text of this e-mail or any attachments. Barton Willmore accepts no responsibility for staff non-compliance with the Barton Willmore IT Acceptable Use Policy.

Representations to the Nottinghamshire Minerals Local Plan Issues and Options Consultation

On behalf of Egdon Resources U.K. Limited

January 2018

**Representations to the
Nottinghamshire Minerals Local Plan
Issues and Options Consultation**

On behalf of Egdon Resources U.K. Limited

Project Ref:	17049/A5/P5/VY/SO	17049/A5/P5/VY/SO
Status:	Draft	Final
Issue/Rev:	01	02
Date:	January 2018	11 th January 2018
Prepared by:	Victoria Yeandle	Victoria Yeandle
Checked by:	Paul Foster	Paul Foster
Authorised by:	Gareth Wilson	Gareth Wilson

Barton Willmore
St Andrews House
St Andrews Road
Cambridge
CB4 1WB

Tel: [REDACTED]

Ref: 17049/A5/P5/VY/SO
File: Ref:17049.P5.NMLP&OC.VY
Date: January 2018

COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Barton Willmore Planning LLP.

All Barton Willmore stationery is produced using recycled or FSC paper and vegetable oil based inks.

CONTENTS

- 1.0 Introduction
- 2.0 Question 24 – Are you aware of any issues relating to hydrocarbon extraction that should be considered through the Minerals Local Plan review?
- 3.0 Conclusion

1.0 INTRODUCTION

1.1 These representations have been submitted by Barton Willmore LLP (“Barton Willmore”) on behalf of Egdon Resources U.K. Limited (hereafter referred to as “Egdon”) in response to Nottinghamshire County Council (NCC’s) Issues and Options Consultation on the new Minerals and Waste Local Plan. The aim of these representations is to assist the Council in formulating an appropriate planning framework in respect of mineral development within the County of Nottinghamshire.

1.2 Egdon is a wholly owned subsidiary of Egdon Resources PLC, a public company with shares traded on the AIM market of the London Stock Exchange in London. Egdon is engaged in the exploration and production of oil and gas resources in the UK and France. Egdon has been a participator in licence interests since 1997 and a successful operator since 2002.

1.3 Within the County of Nottinghamshire, Egdon currently holds interests in the following licences:

PEDL001

PEDL118

PEDL130

PEDL139

PEDL140

PEDL201

PEDL202

PEDL203

PEDL305

PEDL306

PEDL316

1.4 Under the provisions of the Petroleum Regulations, the Oil and Gas Authority grants the exclusive rights to “search, bore for and get petroleum” within the boundaries of the licence.

1.5 In view of the above, the aim of this document is to assist the Council in formulating their Local Plan, having particular regard to hydrocarbons provision, which potentially has a direct impact on Egdon’s future operations. A positive planning policy framework is therefore considered essential to the delivery of both conventional and unconventional hydrocarbon resources.

- 1.6 We have set out below Egdon's response to the Issues and Options Consultation. We would be happy to discuss these representations in more detail if this would be of assistance to the Council.

2.0 QUESTION 24 – ARE YOU AWARE OF ANY ISSUES RELATING TO HYDROCARBON EXTRACTION THAT SHOULD BE CONSIDERED THROUGH THE MINERALS LOCAL PLAN REVIEW?

National Need

- 2.1 Although there has been considerable investment in renewable energy sources, following the adoption of the Climate Change Act 2008, there is still a need for energy generation from fossil fuel sources to support the UK moving towards a low carbon economy.
- 2.2 The UK Oil and Gas Authority has shown that although the demand for oil has decreased, a trend that is predicted to continue, the demand for imported oil has increased owing to continuing decline in North Sea oil production.
- 2.3 In 2015, around 40% of the UK oil demand was made up of net imports. Projections by the Oil and Gas Authority suggest net imports could increase by 70% by 2030. The Committee on Climate Change, an independent, statutory body has estimated that even based upon a low oil price of £40 a barrel, the UK will need to spend £11 billion each year importing oil by 2030.

Role of Onshore Reserves

- 2.4 The Written Ministerial Statement on Shale Gas and Oil Policy (HLWS195), published by the former Department for Energy and Climate Change in September 2015, highlighted that events around the world demonstrate how dangerous it can be to assume that the UK will continue to rely on existing sources of supply.
- 2.5 For the reasons stated above, it is clear that 'security of energy supply' is a key issue for the UK, which will affect all localities. Ensuring that the UK's indigenous resources are used to their potential plays an essential part in delivering this security, providing a reliable supply and reducing the need for imported energy.
- 2.6 Onshore production makes a modest but important contribution to supply with the additional advantage of proximity to demand. Furthermore, the capital expenditure required to develop onshore production sites is much smaller and therefore, they continue to provide economically attractive targets.

National Planning Policy

National Planning Policy Framework

- 2.7 The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the Government’s requirements for the planning system. The principle objective of the NPPF is a presumption in favour of sustainable development, which is seen as a ‘golden thread’ running through both plan-making and decision-taking. This means approving development proposals that accord with the development plan without delay.

Facilitating the sustainable use of minerals

- 2.8 Paragraph 142 of the NPPF concerns the importance of minerals and states:

“Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since materials are a finite resource and can only be worked where they are found, it is important to make best use of them to secure long-term conservation.”

- 2.9 Paragraph 144 of the NPPF provides guidance to Mineral Planning Authorities (MPAs), such as NCC, when determining planning applications for mineral extraction. When drafting policy, therefore, NCC should:

- **“Give great weight to the benefits of the mineral extraction, including to the economy;”**

Planning Practice Guidance

- 2.10 The Planning Practice Guidance (PPG) is a web-based resource that was published on 6 March 2014 by the Department for Communities and Local Government. The PPG brings together planning practice guidance for England in an accessible and useable way.

Minerals PPG

- 2.11 The Minerals PPG provides guidance on the planning for mineral extraction in the plan-making and the application process.

- 2.12 Paragraph 012 sets out the relationship between planning and other regulatory regimes. It notes:

“The planning system controls the development and use of land in the public interest...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.”

- 2.13 Paragraph 124 states that account should be taken of national energy policy, making clear “energy supplies should come from a variety of sources” including onshore oil and gas as set out in the Annual Energy Statement (October 2013).

- 2.14 Paragraph 125 states that MPAs:

“Should use appropriate planning conditions, having regard to the issues for which they have responsibility, to mitigate against any adverse environmental impact.”

- 2.15 This paragraph shows that national planning policy supports hydrocarbon extraction and that MPAs should seek to grant planning permission, while reducing the potential environmental impacts through conditions rather than refusing the application.

Hydrocarbons Provision in New Local Plan for Nottinghamshire County Council

- 2.16 In May 2017 Nottinghamshire County Council withdrew its emerging Minerals Local Plan. This withdrawn Local Plan included a hydrocarbon minerals policy (Policy MP12) which stated:

“Exploration

- 1. Proposals for hydrocarbon exploration will be supported provided they do not give rise to any unacceptable impacts on the environment or residential amenity.**

Appraisal

2. **Where hydrocarbons are discovered, proposals to appraise, drill and test the resource will be permitted, provided that they are consistent with an overall scheme for the appraisal and delineation of the resource and do not give rise to any unacceptable impacts on the environment or residential amenity.**

Extraction

3. **Proposal for the extraction of hydrocarbons will be supported provided they are consistent with an overall scheme enabling the full development of the resource and do not give rise to unacceptable impacts on the environment or residential amenity.**

Restoration

4. **All applications for hydrocarbon development will be accompanied with details of how the site will be restored once the development is no longer required."**

2.17 In its representations previously made to the Council, Egdon broadly supported this policy as it provided a positive approach to the extraction of hydrocarbon minerals in Nottinghamshire. Egdon particularly welcomed the criteria-based approach which the policy adopted to ensure that activities related to the exploration, appraisal and production of oil and gas and unconventional hydrocarbons take place in an environmentally acceptable manner.

2.18 This policy was in accordance with both national policy and national planning policy. Egdon welcomed that fact that the Council recognised that they should give weight to the benefits of mineral extraction and that it took a broadly positive stance subject to the necessary environmental safeguards.

2.19 Egdon also supported the approach taken by the previous policy, which did distinguish between conventional and unconventional hydrocarbon development. Given that there are potential shale gas deposits in Nottinghamshire, it is important to consider both

conventional and unconventional extraction but not differentiate between the two. Therefore, Egdon considers that, as before, one hydrocarbon policy is sufficient for all types of hydrocarbon development.

2.20 Future policy should keep this positive stance to mineral extraction and make use of planning conditions to mitigate against any adverse impacts. This would be in accordance with national planning policy and national energy policy.

2.21 The Lincolnshire Minerals and Waste Local Plan was adopted in June 2016. Policy M9: Energy Minerals states:

“Planning permission will be granted for exploration, appraisal and/or production of conventional and unconventional hydrocarbons provided that proposals accord with all relevant Development Management Policies set out in the Plan.”

2.22 This policy was accepted by the Inspector as a criteria-based policy which seeks to ensure that activities relating to all phases of both conventional and unconventional hydrocarbon development are carried out in an environmentally acceptable manner. It provides an effective means of managing hydrocarbon development in accordance with national planning policy.

2.23 Therefore, in response to question 24 of NCC’s Issues and Options Consultation Document, Egdon considers that the wording of a concise policy, such as Policy MP12 in the withdrawn Nottinghamshire Minerals and Waste Local Plan would be in accordance with national energy policy and national planning policy.

3.0 CONCLUSION

- 3.1 In conclusion, Edgon considers that a single criteria-based policy which covers exploration, appraisal and production stages of both conventional and unconventional hydrocarbons and would be justified in the new Nottinghamshire Minerals and Waste Local Plan. The wording of Policy MP12 in the Local Plan that was withdrawn last would be supported.
- 3.2 This concise, supportive approach to the exploration, appraisal and production of hydrocarbons can be found in the Lincolnshire Minerals and Waste Local Plan adopted in June 2016.
- 3.3 Given that both national energy policy and national planning policy are supportive of hydrocarbon extraction, subject to the appropriate environmental standards, Edgon considers that NCC's new Local Plan broadly accords with Policy MP12.

bartonwillmore.co.uk

TOWN PLANNING/
MASTERPLANNING & URBAN DESIGN/
ARCHITECTURE/
LANDSCAPE PLANNING & DESIGN/
PROJECT MANAGEMENT &
COST CONSULTANCY/
ENVIRONMENTAL & SUSTAINABILITY
ASSESSMENT/
GRAPHIC DESIGN/
PUBLIC ENGAGEMENT/
READING/
RESEARCH

All Barton Willmore
stationery is
produced using recycled
or FSC paper and
vegetable oil based inks