

From: Philip Neaves [REDACTED]
Sent: 12 January 2018 08:21
To: Planning Policy
Subject: Nottinghamshire Minerals Plan Issues and Options Consultation
Attachments: Notts Minerals Issues and Options INEOS Upstream Jan 2018.pdf

Please find attached submission on behalf of INEOS Upstream. Please acknowledge receipt.

Many thanks

Philip Neaves
Director
Felsham Planning and Development
1 Western Terrace
Edinburgh
EH12 5QF

[REDACTED]
www.felshampd.co.uk



VAT Registration No 152 7435 14
Company Registration Number SC267721

The information in this e-mail is confidential and may be legally privileged. It is intended solely for the addressee. Access to this e-mail by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. When addressed to our clients any opinions or advice contained in this e-mail are subject to Felsham Planning and Development terms and conditions of business.

Nottinghamshire Minerals Plan Issues and Options Consultation

Submission on Behalf of INEOS Upstream Ltd

January 2018

Introduction

Felsham Planning and Development is instructed to submit a representation to the Minerals Plan Issues and Options Consultation on behalf of INEOS Upstream Ltd. This representation deals with the need to include policies covering unconventional gas in the Minerals Plan.

This submission addresses Questions 24 and 25 of the Issues paper, which state:

Question 24 Are you aware of any issues relating to hydrocarbon extraction that should be considered through the Minerals Plan Review?

Question 25 Do you agree with the proposed development management policy areas? Are there any others that should be covered?

Regulation 18 of the Development Plan Regulations requires the local planning authority to collect evidence and to identify key issues. Unconventional gas is one such key issue. National Planning Policy Framework (NPPF) states that each planning authority should ensure that their local plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics of the area. That evidence is required to be tightly focused on supporting and justifying particular policies in the Minerals Plan.

In our view the Minerals Plan as previously drafted had a very good and succinct unconventional gas policy. We have used this as an example of good practice in submissions we have made to other minerals plans and local plans. We would like the policy as previously drafted to be carried forward into the new Minerals Plan.

We believe that unconventional gas and onshore hydrocarbons raise issues that the Minerals Plan will need to specifically consider and that this needs to be addressed in a separate policy. Accordingly, we set out below the case for specific policies dealing with unconventional gas and onshore hydrocarbons. We have suggested the approach that the Minerals Plan should take through the supporting text, policy and glossary.

Background

The UK Government's energy policies seek to encourage the use of natural resources indigenous to the UK as part of achieving self-sufficiency in energy production and increasing security of energy and gas supplies. This covers a range of onshore hydrocarbons that include inter alia; shale, coal bed methane and oil. The Minerals Plan requires a policy to cover all the hydrocarbons that are potentially found in the area licenced by the Department of Energy & Climate Change (DECC) under the Petroleum Exploration & Licence (PEDL) regime and could be extracted over the plan period.

Onshore hydrocarbons are important to the UK because they are a potential long-term source of indigenous natural gas. These untapped energy resources have the potential to meet the UK's need for a secure and diverse energy supply. The Minerals Plan needs to recognise that there are a range of sources of this resource and policy should cover all onshore hydrocarbons, and recognise that the planning and other regulatory process provide sufficient safeguards to enable the LDP to contain a positive statement of support for the process, in line with the support given in NPPF.

Therefore, the Minerals Plan should address the full range of onshore hydrocarbon extraction including:

- Conventional onshore oil and gas development.
- Extraction of petroleum or hydrocarbon oils and gases by drilling and pumping.
- Capture of methane that has accumulated in mines.
- Coal bed methane and gas derived from shale reservoirs.

Onshore hydrocarbon exploration and development is incremental in nature with a phased approach to exploration, appraisal and production. The initial exploration phases, if successful, determine the strategy for the development of the PEDL area. With CBM, testing the ability of a coal seam to produce commercial volumes of gas cannot be achieved with the use of one borehole. Typically a number of boreholes will be drilled across a known isolated slab of coal within a Licence Area. These wells will then be pumped as a collective to have a uniform drainage effect on the coal. Commercial production will be determined by the volume of gas being produced when the volume of water that is being produced has reached a plateau. If the initial Pilot Test is successful additional wells are added to the initial appraisal cluster in order to scale up the production and commerciality of an area. Each well bore is expected to have a useful production life of up to 25 years.

Shale gas also requires a number of boreholes across the Licence area. These boreholes will be tested and, if commercial production is determined to be achievable, additional wells may be added to the initial cluster. Each shale wellbore is expected to have a useful production life of up to 25 years.

Similar principles apply to exploration of the other onshore hydrocarbon resources identified above. In every case there is strong regulation outside the planning process. Planning provides significant controls to monitor the land use implications. Having regard to these safeguards there is no reason for the Minerals Plan not to contain a positive statement of support through policy and its supporting text.

Support within the emerging Local Plan and future associated documents is therefore essential to enable long term onshore hydrocarbon development strategy to realise these nationally valuable resources.

Response to Question 24

Within the Command Paper, The Energy Challenge the UK Government welcomes proposals to increase the flexibility in the UK onshore hydrocarbon market through sustainable practices but without being too prescriptive.

Support for CBM as a natural energy source is set the Minerals Planning Practice Guidance 2014 issued by the Department of Communities and Local Government. This replaces Minerals Policy Statement 1: *Planning and Minerals* (MPS1) 2006. The key provisions of the Minerals PPG include:

- The requirement to take account of the need to establish whether there are sufficient quantities of recoverable unconventional hydrocarbons such as shale gas and coal bed methane (paragraph 93);
- The planning authority should make appropriate provision for hydrocarbons in its development plan to enable areas of extraction to be identified and to manage potentially conflicting land use objectives (105);
- The local plan covering the PEDL area should identify the area on the proposals map and provide clear policy guidance (106);
- Local plans may include specific allocations for extraction sites should the onshore oil and gas industry wish to promote such sites (107).

It is considered important that an energy policy framework is set within the Minerals Plan to recognise CBM, unconventional gas and other forms of onshore oil and gas as a source of national energy production and the national, strategic and spatial implications of the proposed use of CBM and unconventional gas as part of the energy suite of resources.

It is important that an energy policy framework is set within the Minerals Plan to recognise oil, CBM, shale gas and other forms of onshore oil and gas (as listed above) as a source of national energy production and the national, strategic and spatial implications of their proposed use as part of the range of energy resources.

The area covered by the Minerals Plan contains potentially significant reserves of unworked coal along with other hydrocarbon resources that can make a positive contribution to the nation's energy supply and sustainable economic development of the area by embracing new energy technologies, including CBM and shale gas. It is therefore vital that the Local Plan recognises the guidance contained in Minerals PPG and the importance of unworked coal seams and oil and shale reservoirs establishing a vision for the area for the next 10 – 15 years.

We set out below draft supporting text and policy that we would like to see incorporated into the Minerals Plan. It notes that the main concerns are with the environment and residential amenity but as there are other policies dealing with such impacts, each containing assessment criteria, the oil and gas development policy of the plan does not need to list these considerations in its policy. The supporting text should provide background and justification, which links to the National Planning Policy Framework and other Government policies, and the PEDLs are mapped and safeguarded.

Supporting text - Onshore Hydrocarbons

The UK Government's energy policies seek to encourage the use of natural resources indigenous to the UK as part of achieving self-sufficiency in energy production and increasing security of energy and gas supplies. On-shore hydrocarbon extraction is comprehensively regulated. The Department of Energy and Climate Change has awarded a Petroleum, Exploration and Development Licence (PEDL) for an area within the Mineral Plan area.

Onshore hydrocarbons provide an opportunity to extract a nationally important natural energy resource without the environmental impact normally associated with minerals extraction.

The extraction of CBM and shale gas will be incremental and involve more than one exploration and production site. Due to advanced drilling techniques, these sites can be up to 1km apart.

Exploration and development rights granted through a PEDL create land use rights across the licence area, subject to obtaining necessary site specific consents. Safeguarding is important because rights create a land use consideration that may be a material factor in assessing other land use proposals in the area. It is a potential land use consideration that others using the planning service need to take into account.

The PEDL licence does not create automatic development rights and the effects may not apply equally across the PEDL area. Due to the nature of the resource and the location, it is important that it is safeguarded where it is present. It is important that the extent of the PEDL is identified in the Plan and its consequences explained.

Policy – Onshore Hydrocarbons

Proposals for the extraction of onshore hydrocarbons – coal bed methane, shale gas and other forms of onshore oil and gas exploration are in the national interest and will be favourably considered in the Safeguarded Areas indicated on the proposals map.

Applications for individual wells or groups of wells as part of the process of exploration and production for onshore unconventional hydrocarbon exploration, the associated interconnecting pipelines and other essential processing or distribution infrastructure to serve more than one development area will be permitted provided significant adverse environmental impacts do not arise.

Applications should be presented with sufficient information to adequately assess the environmental implications of the proposals including field development plans, where possible. Cumulative environmental impacts should be considered and assessed if necessary. Impacts on Natura 2000 sites or European Protected Species will be considered in accord with existing Policies.

Conditions and agreements should be attached to planning permissions to ensure the exploration and production operations have an acceptable impact on the local environment or residents. Permissions for wells will be conditioned for the life of the well.

Exploration

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

Extraction

3. *Proposals for the extraction of hydrocarbons will be supported provided they are consistent with an overall scheme for enabling the full development of the resource and do not give rise to unacceptable impacts on the environment and residential amenity.*
4. *Where proposals for hydrocarbon development coincide with areas containing other underground mineral resources evidence must be provided to demonstrate that their potential for future exploitation will not be unreasonably affected.*

Restoration

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

Insert into the Glossary

Onshore oil and gas extraction includes the following type of development:

- Conventional onshore oil and gas development.
- Extraction of petroleum or hydrocarbon oils and gases by drilling and pumping.
- Capture of methane that has accumulated in mines.
- Coal bed methane and gas derived from shale reservoirs.

Response to Question 25

Question 25 deals with key issues to be taken into account in determining applications at all stages of the process. Our comments are as follows:

High operating standards – in terms of hours of operation, there needs to be some recognition of the possibility of 24 hour working. This can be satisfactorily accommodated depending on a particular site's characteristics.

Noise – the stated noise requirement should reflect planning conditions used elsewhere and should not raise new or more onerous constraints.

Air Quality – this references what is required by other regulatory regimes. It is important that the planning system does not introduce a more onerous test than the regulatory system primarily used to control this issue.

Surface and ground water protection – planning should not impose more onerous controls than those required by other regulatory regimes

Flaring - planning should not impose more onerous controls than those required by other regulatory regimes

Landscape and visual impacts – the requirement to agree what action is appropriate should be determined on a site by site basis. This is an activity that will inevitably have some visual impact. Whilst that impact can be mitigated it needs to be set in the context of wider benefits and the industry should not be subject to more onerous requirements than other extractive industries.

Traffic and transport – the requirement to agree what action is appropriate should be determined on a site by site basis.

Flood risk – controls should be as per normal planning conditions.

Heritage assets – controls should be as per normal planning conditions.

Nature conservation - controls should be as per normal planning conditions.