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Independent Examination of Nottinghamshire Minerals Local Plan.

Matters, Issues and Questions.

April 2020.

Matter 3; Policy MP12: Question 42:

Comments:

1. Following the removal of paragraph 209a from the National Planning Policy Framework (NPPF) policy MP12 cannot, in its current wording be considered to meet the soundness test of being 'consistent with national policy.'

On 14 May 2019, the High Court declared that paragraph 209(a) of the NPPF was unlawfully adopted on 24 July 2018, and quashed it. Paragraph 209(a) is therefore no longer part of the NPPF, nor part of requirements of 'soundness' when local plans are made.

As a precedent, this principle was acknowledged and applied by the inspector during the appeal hearing into Ineos' application to carry out exploratory drilling at Woodsetts in South Yorkshire on 20th June 2019.

2. The quashing of paragraph 209a removes the presumption that onshore oil and gas development should only be considered in beneficial terms.

Although the governments Written Ministerial Statements on shale gas development remain in place, they will, along with the governments "in principle support for hydrocarbon extraction ... will have to be considered alongside any objections and evidence produced relating to the impact of shale gas extraction on climate change. These are conflicting issues which the decision-maker will have to resolve."¹

It should be noted that in being a signatory to the Paris Climate Agreement, the UK is now committed to a 'zero,' as opposed to a 'low' carbon economy by the year 2050.

Justification: Energy security and Climate Change.

Lord Justice Day's ruling stated that the government and Mineral Planning Authorities should take into account all sources of evidence, when drawing up local plans and considering planning applications. In justification of MP12, the applicant's and industry assurances should not be the only sources of information when considering climate change impacts of oil and gas developments.

Policy MP12 stipulates that 'the need for development can be demonstrated;' This should be done in balance considering:

- The governments Gas Security of Supply report of October 2017 stated that future energy security would not be dependent upon new indigenous sources.²
- The legally stated recognised need to move to a zero, as opposed to 'low' carbon economy. Shale gas development has not been proven to be positive in that regard, and an increasing amount of evidence would suggest the contrary applies.^{3,4,5,6}
- Emissions from exploratory drilling have also been found to be significant, so should not be disregarded when considering the different phases of development in alignment with the NPPF.⁷
- The relatively short productive life of shale gas wells entails the reworking of existing or drilling more wells to maintain production. This results in disproportionately greater

impacts and greenhouse gas emissions than conventional means of oil and gas operations. Evidence in this regard should be included in any environmental assessment by the MPA, including that to be considered by the Minister before issuing Hydraulic Fracturing Permits as required by the Infrastructure Act 2015.

Over the past decade, whilst politically and fiscally supporting shale gas development, respective governments have also:

1. Cut back on support for domestic insulation programs by some 85% between 2014 and 2019. Such schemes were the main driver of a 21% reduction in UK natural gas demand since the start of the century.^{8,9,10.}
2. Blocked the expansion of onshore wind energy through planning legislation, despite it being the cheapest form of electricity generation.
3. Allowed the closure of the UK's largest offshore gas storage facility on commercial grounds¹¹.

It is more than reasonable to conclude that these actions will have propagated UK gas demand, dependency upon imports and related carbon emissions, thereby illustrating a lack of consistency in the government's approach to meeting the challenges of energy security and climate change targets. Such policy issues should be factored in when considering the 'need for development.'

With regards the climate impact of shale gas development, the Committee on Climate Change stated in 2016 that three tests should be met¹².

1. Emissions must be strictly limited during shale gas development, production and well decommissioning. This requires tight regulation, close monitoring of emissions, and rapid action to address methane leaks. During exploratory drilling at Misson Springs in Nottinghamshire, the IGas Environmental Risk Assessment considered and implemented controls for fugitive emissions, but not routine venting, which was not monitored.
2. Overall gas consumption must remain in line with UK carbon budgets. The production of UK shale gas must displace imports, rather than increase gas consumption.
3. Emissions from shale gas production must be accommodated within UK carbon budgets. Emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure UK carbon budgets are met.

Unless applicants can prove that the CCC tests are being met, then on balance the Climate Change impact of such developments should be considered negative.

In application of this plan, whilst other mineral developments, such as quarrying, may be designed and executed to maximise climate change mitigation and adaption (SP3,) it should be recognised that the extraction of fossil fuels is the root cause of climate change and as such this minerals plan and any subsequent applications should be assessed and justified in that regard.

Suggested amendment to MP12:

Policy MP12: Oil and Gas 1. Exploration and appraisal of oil and gas will be [**given balanced consideration in alignment with legally binding Climate Change targets and carbon budgets**] supported, provided the site and equipment:

a. Are not located in a protected area other than in exceptional circumstances where this does not compromise the reasons for the designation and the need for development can be demonstrated; and

- b. Are located where this will not have an unacceptable environmental impact.
2. The commercial production of oil and gas will be [**given balanced consideration in alignment with legally binding Climate Change targets and carbon budgets**] supported, provided the site and equipment:
- a. Are not located in a protected area other than in exceptional circumstances where this does not compromise the reasons for the designation and the need for development can be demonstrated; and
- b. Are located at the least sensitive location taking account of environmental, geological and technical factors.
3. Proposals at each stage must provide for the restoration and subsequent aftercare of the site, whether or not oil or gas is found.

This proposal would be in alignment with policy MP11 which addresses applications for coal, i.e. another hydrocarbon, vis:

'b) the proposal provides national, local or community benefits which clearly outweigh the likely adverse impacts.'

References:

1. Paragraph 73 <https://www.bailii.org/ew/cases/EWHC/Admin/2019/519.pdf>
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3. <https://environmentcounts.org/upward-revision-of-methane-emissions-from-shale-gas-production-could-erode-natural-gas-cleaner-energy-advantage/>
4. <https://www.york.ac.uk/news-and-events/news/2018/research/global-fossil-fuel-emissions-underestimated/>
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<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/business-energy-and-industrial-strategy-committee/gas-storage/oral/92195.html>
12. <https://www.theccc.org.uk/2016/07/07/exploitation-of-onshore-petroleum-requires-three-key-tests-to-be-met-ccc-says/>