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26th January 2021.

To: Nottinghamshire County Council Planning & Development.

OBJECTION TO PLANNING APPLICATION V/4202 BY ISLAND GAS LTD. TO EXTEND THEIR TENURE AT THE SITE AT MISSON SPRINGS.

Executive Summary.

This planning application is based on a high level of speculation, in so far as it is only justified by the unlikely future production of robust evidence to enable the lifting of the government moratorium on Associated Hydraulic Fracturing.

The number of variable and uncertain factors highlighted in analysis of the seismic events in Lancashire has led the Oil and Gas Authority (OGA) to summarise that:

‘After reviewing the OGA’s report into recent seismic activity at Preston New Road, it is clear that we cannot rule out future unacceptable impacts on the local community.’

A year later, December 2020, was added:

“The OGA has had some high-level exchanges with the industry on the nature and scope of the new scientific evidence that needs to be undertaken to address the concerns set out in the government moratorium, and has given feedback that the research proposed thus far by industry would be insufficient to satisfy us that associated hydraulic fracturing could take place consistent with the government’s policy aims.”

Previous claims that shale gas development can be considered as Sustainable Development in terms of Economic, Social and Environmental objectives required by the National Planning Policy Framework should now also be considered unsound.

The high degree of speculation used to justify future hypothetical development is a material consideration upon which this application should be refused.

OBJECTION:

Frack Free Misson regard this application to extend planning consent to be little more than an attempt to manipulate the planning system on speculative grounds, outside the purpose and intent by which the original permission was granted.

IGas Ltd have had sufficient time to complete the program of works permitted but have elected not to do so.

Some key factors in this issue:

- There was a delay of some 5 months in signing the Section 106 agreement due to lack of clarity in the information sent by IGas to Nottinghamshire County Council (NCC) with regards the restoration bond.

- On completing operations at the Tinker Lane site in January 2019, the rig was moved to Misson Springs. Drilling of the first well took place between January and April of that year, leaving 18 months of the existing permission in which to drill the second well.
- Drilling of the first well was completed some 7 months prior to the moratorium coming into force, but the equipment was subsequently removed from the site.
- Drilling of the second exploratory well and small-scale fracking with flow and pressure testing of the well, as conducted in Lancashire, would not have been barred by the moratorium.
- At the West Newton B site in East Yorkshire, construction and drilling operations were started and completed between May and December 2020, i.e., during lockdown, using the same rig and contractors as by the applicant at Misson and Tinker Lane. The HSE would have been notified of this operation under the Borehole Sites and Operations Regulations 1995 and thereby been able to assure compliance with the required Covid controls.
- Para. 1.4.1 of the Environmental Statement states that ‘Evaluation works have been completed;’ yet the application (1.1.4.) also states that ‘Analysis is ongoing and will in due course allow the finalisation of well design for the Springs Rd 2 well...’ The applicant has proposed permission for the second well to be rescinded and be the subject of a further application; as such the ‘ongoing analysis’ should not be considered a relevant matter in this application.

Seismicity and the moratorium.

In November of 2019, following excessive induced seismicity from Cuadrilla’s operations in Lancashire, the government imposed a moratorium on ‘associated hydraulic fracturing’ as defined under the Infrastructure Act. The Oil and Gas Authority (OGA) concluded that it was not possible with current technology to predict accurately whether fracking would cause earth tremors nor how big they would be. The Government stated:

‘After reviewing the OGA’s report into recent seismic activity at Preston New Road, it is clear that we cannot rule out future unacceptable impacts on the local community.’

‘The OGA has advised the government that until further studies can provide clarity, they will not be able to say with confidence that further hydraulic fracturing would meet the government’s policy aims of ensuring it is safe, sustainable and of minimal disturbance to those living and working nearby.’

<https://www.gov.uk/government/news/government-ends-support-for-fracking>

The applicant’s claim in the Environmental Statement (ES) that this is ‘an effective moratorium’ is misleading in respect of its proposed activities. The government’s measure places a presumption against granting Ministerial Consent for ‘associated hydraulic fracturing’ as defined under the Infrastructure Act, which is determined by the volume of fluid used in such operations i.e., 1,000m³ of liquid per stage or 10,000m³ per well. Any relevant applications would however, be assessed on a case-by-case basis. Hydraulic fracturing can still be carried out on shale gas wells as ‘exploration,’ under the terms of Planning Practice Guidance. This was confirmed in an answer to a Parliamentary question in January 2020 by the then Energy Minister, Kwasi Kwarteng MP, by which he confirmed that “activities outside this definition are not included in the moratorium.”

No hydraulic fracturing operations in Lancashire exceeded the lower threshold limit requiring Ministerial consent. Following the suspension of fracking operations, the wells in Lancashire were flow tested and an extended pressure build up test carried out.

The applicant's ES clearly states the purpose and intent of the application:

'1.1.7 Once new evidence has been brought forward to allow the lifting of the effective moratorium, the Applicant intends to apply to the Mineral Planning Authority to drill a second well, Springs Rd 2 and then hydraulically fracture and flow test that well.'

This statement does not represent the facts of the matter and is misleading. The decision not to drill and test Springs Rd 2 during the previous permission was of the applicant's own volition.

The statement is also highly presumptive regarding such evidence regarding seismicity being produced. The wells in Lancashire were the first attempts at fracking for shale gas since the lifting of a previous moratorium in 2012, which had been imposed due to previous induced seismic activity at a level which had 'not been expected.'

When asked what it would take for the moratorium to be lifted, the Parliamentary Under Secretary of State for the Department of Business, Energy and Industrial Strategy, (BEIS) Lord Springbank, stated:

'We would need a geo-mechanical survey of the specific basins concerned and the Oil and Gas Authority would have to oversee the determination of the criteria for such an examination. We would have to make sure that whatever emerged from that would guarantee the safety and sustainability of the resource and of the local communities. At present, it is not the intention of the Government to commission such work, but we understand that certain companies may themselves undertake it. They must do so within the limits set by the Oil and Gas Authority.'

(Hansard, 09/01/2020)

The OGA report into the second Lancashire well also concluded:

'...the limitations of reflection seismic surveys mean that there is a need to develop alternative or predictive methods that could predict and identify faults and fracture networks that lead to notable seismicity and aid planning operations to avoid these.'

All of the faults activated by fracking in Lancashire were previously undetected. Furthermore, a year later in December of 2020, the OGA stated that:

"The OGA has had some high-level exchanges with the industry on the nature and scope of the new scientific evidence that needs to be undertaken to address the concerns set out in the government moratorium, and has given feedback that the research proposed thus far by industry would be insufficient to satisfy us that associated hydraulic fracturing could take place consistent with the government's policy aims."

<https://drillordrop.com/2020/11/02/industry-evidence-on-earthquakes-insufficient-to-lift-year-long-fracking-moratorium/>

One of the OGA studies on this issue stated that high variability and uncertainty between sites make it challenging to make generalised conclusions of the causal mechanisms thereby further extending the speculative nature of this applicant's proposal.

The Government's stated position is that the moratorium will remain in force until 'compelling new evidence is provided.' The fact that 'research proposed' was found to be insufficient indicates the improbability of this being realised.

M13.7 – Reclamation of Oil and Methane Sites.

'This extension of time application allows for new evidence to be brought forward so that the current effective moratorium of shale gas development can be assessed.'

This is a full admission that the application is submitted on speculation. The intention to apply to drill the second well is hypothetical development and is therefore not in alignment with Planning Practice Guidance, which is a material consideration. The application is therefore unsound and should be refused for that reason.

Safeguarding Minerals.

Paragraph 3.2.8 of the applicant's Environmental Statement claims that 'The extension of time to restoring the well site ensures that potential mineral reserve is not needlessly sterilised.'

This claim should be summarily dismissed as inaccurate and disingenuous. In principle, this could not be the case unless the site was subjected to subsequent other development, vis:

Forthcoming Mineral Plan; SP8 Minerals safeguarding:

'The National Planning Policy Framework requires that known locations of specific minerals be safeguarded from needless sterilisation by non-minerals development (such as built development) and that where it is necessary for non-minerals development to take place, there should be prior extraction of the mineral where practicable and environmentally feasible.'

However, unlike aggregate extraction, oil and gas are not reliant upon direct access.

Planning Practice Guidance para 108 states:

There is normally no need to create mineral safeguarding areas specifically for extraction of hydrocarbons given the depth of the resource, the ability to use directional drilling and the small surface area requirements of well pads.

Forthcoming Minerals Plan 3.82

For the purposes of safeguarding, Nottinghamshire has eight distinct mineral resources. These are: - Sand and gravel - Sherwood Sandstone - Alluvial Sand and Gravel; - Limestone (including building stone); - Industrial dolomite; - Brick Clay; - Gypsum; - Surface Coal;

In 2015 the government also changed the trespass laws to allow shale gas extraction from beneath private property without further legal process, thereby even existing developments do not sterilise relevant resources.

The Gainsborough Trough is a widespread potential shale gas resource which would be developed by directional drilling. The fracking industry have previously boasted about how they can reduce the number of well pads by drilling longer horizontal wells. The applicant has also previously admitted that the Misson Springs site is of limited capacity and stated their intent for larger multi-site development in the area.

To pose such an inaccurate and facile argument re: sterilisation of minerals underlines the paucity and contrived nature of the applicant's case.

M3.5 – Noise.

The Environmental Statement gives that ‘Measures have been implemented to ensure that noise impacts, particularly on sensitive receptors within the SSSI, are kept to an acceptable level.’

The bird nesting restriction in relation to the Misson Carr SSSI was lifted at the end of August 2017, yet despite having 9 months to prepare, the applicant did not start construction work at the site until late November. This resulted in an over run, the following nesting restriction period being over-ruled by the Planning Officers in March 2018.

The Minerals Planning Authority should reinforce any conditions to ensure that they are complied with in full, not circumvented to accommodate the applicant’s management incompetence.

Under ‘Material Considerations’ the applicant states:

4.1.4 The Infrastructure Act 2015 is not considered as a material consideration...’

yet ambiguously cites the government moratorium, which is a condition applied to said Act, should be considered as a relevant factor in justifying the permitting of this application.

Need for development.

In this regard the applicant cites:

4.3.1 The Planning Practice Guidance (PPG), originally published by the Department of Communities and Local Government (DCLG) in March 2014, at Minerals paragraph 91 (reference ID: 27-091-20140306) states that “as an emerging form of energy supply, there is a pressing need to establish – through exploratory drilling – whether or not there are sufficient recoverable quantities of unconventional hydrocarbons such as shale gaspresent to facilitate economically viable full-scale production.”

As stated above, the government moratorium does not include exploratory drilling. If said ‘pressing need’ for shale gas exploration still applies, why did the applicant fail to make use of the temporary planning permission granted to enable the specified operations? There was no valid Planning or regulatory reason not to do so.

The claim is also outdated. The Government’s 2017 Gas Security of Supply report states that: ‘security of supply does not depend upon new indigenous sources...’ and did not consider any shale gas input when modelling future scenarios.

The National Planning Policy Framework. (NPPF)

The applicant’s statement that this application aligns with the NPPF as sustainable development is unsound, being based on outdated models, assumptions and repeated speculation.

NPPF Para. 8., Objectives of sustainable development.

(a) Building a strong, competitive economy.

An October 2019 report, ‘Fracking for Shale Gas in England,’ the National Audit Office stated that economic benefits remain undetermined, but would be unlikely to lead to a reduction in gas prices. There had been support from the government, and costs incurred by local authorities, but the report states that progress of shale gas development has been slower than predicted.

Operating companies attribute this to the time taken to obtain regulatory permits and planning permissions, and the current threshold for managing fracking-induced earthquakes.

The industry's business model was based upon a 2014 report by the Institute of Directors (IoD), which is reliant on the overarching assumption that the UK geology would prove suitable. Said report also summarily dismissed the Planning system as a 'major barrier to development,' calling for it to be 'streamlined' with guidance from government. There was no recognition of the purpose of the Planning system, the role of Mineral Planning Authorities or the concept of sustainable development.

It is of note that the shale gas industry was promoted on the principle that the related Public Health and environmental issues occurring in the US (and still currently on the increase) would not arise due to the UK's 'gold standard' regulatory system. Yet, as indicated in the NAO report, the operating companies have continuously balked at having to comply with the required regimes. Around the time that the moratorium was imposed, Cuadrilla (Lancashire) sought a meeting with the OGA to discuss how to reach "a workable" oversight system under which shale gas could be produced commercially, regulatory 'gold standards' and commercial viability apparently being mutually exclusive. (Financial Times 24th December 2019.)

<https://www.nao.org.uk/press-release/fracking-for-shale-gas-in-england/>

<https://www.iod.com/news/news/articles/Getting-Shale-Gas-Working>

(b) Health and Safety of communities.

The applicant has clearly stated that the intent behind this application is to stall restoration until the lifting of the moratorium, so that the second well can be drilled and hydraulically fractured, i.e., hypothetical development. The IGas website states:

'In reality, recorded incidents of seismic activity associated with this process are extremely rare.'

Despite such assurances from the industry and the government, fracking for shale gas has a 100% failure rate in the UK, with all shale wells fracked resulting in excessive seismicity and suspension of operations. Again, from the IGas website:

'...an earthquake measuring below 3 is generally not felt at the surface, let alone the cause of any damage.'

In the 2.9ML seismic event in Lancashire, which occurred some 60 hours after pumping had been suspended, seismic shocks were felt across the Fylde region by several thousand people. Furthermore, the British Geological Survey (BGS) also received 197 reports of damage to property, from eight postcode areas at distances of up to 6km from the site.

Representatives of the fracking industry have repeatedly called for a relaxing of the seismic regulatory limits, and are thereby fully prepared to expose local communities to the associated risks deemed 'unacceptable' by the government. As well as being unethical, this would also not be in alignment with the NPPF objective of 'fostering a well-designed and safe built environment.'

The government has also stated repeatedly that such a move is not an option being considered.

'We set these regulations in consultation with industry and we have no plans to review them.' - OGA, February 2019.

Deflective arguments attempting to compare fracking with other industries such as quarrying and construction are fundamentally flawed, insofar as such resulting seismicity is predictable, controllable in real time, and in the case of e.g., pile driving, other methods are available.

(c) Environmental objective.

The UK industry has made numerous unsubstantiated arguments that fracking will be beneficial in the move to a low-carbon economy, by acting as a 'bridge fuel' in reducing emissions arising from the processes of importing gas.

In 2018, this argument was effectively removed from the National Planning Policy Framework by a High Court ruling that the government had been selective in its consideration of evidence with regards greenhouse gas emissions from shale gas development.

In 2016 the Climate Change Committee concluded that if shale gas was to be developed, Carbon Capture and Storage (CCS) would have to be used to keep within UK carbon budgets. Despite numerous attempts over past decades, the development of commercial scale CCS remains evasive. This entails yet further speculation with regards the development of shale gas being deemed as sustainable development.

Restoration:

Para. 205 e) of the NPPF states:

'...provide for restoration and aftercare at the earliest opportunity...'

Para/ 209 b) states:

'b) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;'

This application fits neither of the three phases and this application does not constitute positive planning. The 'earliest opportunity' is the criteria which should be applied.

End.