

From: David Cragg-james
Sent: 04 June 2018 06:38
To: Carmel Edwards
Subject: Written Ministerial Submission and the MWJP

Dear Ms. Edwards.

Would you please be so kind as to acknowledge receipt and to forward this submission to Ms. Ord. I think it might be useful if the planning body members could also be copied in for their information.

Yours faithfully,

David Cragg-James
Address redacted.

FAO Ms Elizabeth Ord

Dear Ms. Ord,

Re: Examination in Public of the MWJP

Following the recent Written Ministerial Statement (WMS) concerning hydraulic fracturing, you posed the following questions:

Has the written ministerial statement affected the Plan, and if so how?

Should the Plan be modified and if so how to reflect the written ministerial statement?

I should like to offer the following thoughts on these two questions and should be grateful if you would consider them a response:

The government, according to the WMS, "remains fully committed.....to ensure that local communities are fully involved in planning decisions that affect them." And yet "Plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification", and, the government "is setting out a series of actions...to support the development of shale gas extraction." These statements taken together point to an irrationality in the WMS position, a presumption for shale, at odds with any democratic justification which might prevent this development, and which cannot therefore be allowed to affect or supersede the MWJP as eventually agreed.

In the WMS the government argues in favour of the safe and sustainable development of shale gas. To be sustainable, I submit that the resource should not be depleted at a rate far in excess of the rate of recovery and replenishment of the resource. This is clearly the case with shale exploitation. Furthermore, the 'safety' of the proposed development is strongly contested. 'Safe and sustainable' has become a mantra, its aim to lull the populace into a passive, accepting position. The government is guilty of adopting and adapting the lexis of the language to suit its aims. This is a morally questionable device, a position based partly on it, therefore, unreliable. The WMS should be given, I suggest, very little weight in your deliberations.

Shale, according to the WMS, will provide "safe,secure and affordable supplies of energy with carbon emissions' levels that are consistent with....our international

obligations". There are moral obligations which supersede the legal obligations enshrined in the Climate Change Act and in the various Climate Change agreements. There is a clear conflict between these government statements and the need to avoid creating an industry which it knows will emit GHGs which will contribute to climate change. With the Rio agreement in 1992 the UK government committed itself not to environmentally harm other nations. There are issues both of mendacity and of rationality here. The WMS position is an irrational one. An irrational WMS should not inform the MWJP under inspection.

In defence of the WMS, Ms Claire Perry speaking on behalf of Greg Clark contradicted herself in Parliament on May 30th., asserting on the one hand that fracking applications would be considered Nationally Significant Infrastructure Projects and decided by a planning inspector, and on the other that "the relevant planning authority decides whether activity is acceptable at a particular location, after local communities and other interested parties have had the opportunity to set out their view on the benefits and impacts of the proposal." Government's position as expressed in the WMS is as incoherent as it is irrational and should not affect the content or interpretation of the provisions of the MWJP as already agreed.

At the same time as "building capacity and capability within local authorities to deal with shale development (as) a vital step towards speeding up decision making", the WMS is "consulting on the criteria required to trigger the inclusion of shale production projects into the

Nationally Significant Infrastructure Projects regime", thereby circumventing local planning controls. Again, the issues of coherence, mendacity and rationality arise. This WMS should not affect the Plan.

The rationality of the WMS is further impugned via the conflict between government statements in the document referring to the need to guarantee the security of our supplies of gas on the one hand, and on the other assertions in the October 2017 government publication 'Gas: Security of Supply', in which supplies were deemed adequate without the need for shale.

The lack of rationality in the government's advocacy for shale as manifested variously in the WMS suggests to me that this latter document should be set aside in consideration of the MWJP. The government support for shale is already duly noted in the MWJP under your consideration. Further to weight this latter document with the contradictions, irrationality and unproven assertions of the WMS would be to complicate to an even greater extent the task of planners who already have to decide what weight to give the various documents and statements (Ryedale and North Yorkshire local plans, NPPF, etc.) in the course of their deliberations.

To the extent to which provisions of the WMS go beyond mere administrative guidelines without legal force, they may be challenged by judicial review on the grounds that they are not informed by up-to-date reliable and verifiable information (as previously mentioned in my Paras 2 and 3 above) and/or have not been subjected to a process of

consultation. (On the contrary, up-to-date reliable and verifiable information concerning for example the effects on global warming and climate change of shale development has been glossed over or ignored in favour of out-of-date opinion and party dogma, on the one hand, and on the other, the MWS seems to have been issued without the due democratic process, usual in such statements.) Such being the case the WMS should be put aside in deciding on the MWJP.

Thank you Ms. Ord for taking the time and trouble to read this submission. In conclusion, I should like to urge you to give little weight to the MWS in your deliberation on the MWJP.

With kind regards, I remain,

Yours faithfully,

David Cragg-James