



NORTH YORKSHIRE COUNTY COUNCIL, CITY OF YORK COUNCIL  
AND NORTH YORK MOORS NATIONAL PARK AUTHORITY  
MINERALS AND WASTE JOINT PLAN (MWJP)  
EXAMINATION IN PUBLIC

RESPONSE TO INSPECTOR'S QUESTION NO. 60 AND IN SUPPORT  
OF PREVIOUS REPRESENTATIONS MADE BY FRACK FREE RYEDALE  
(FFR) (REFS: 3684/0253/M16/U, 3684/0255/5.121/U)

MATTER 1: MINERALS

*Issue: Whether the vision, objectives and strategic minerals policies seek to provide a sufficient supply of locally and nationally important minerals in an efficient and sustainable manner and whether the proposed allocations are the most appropriate*

*Question 60: With respect to Policy M16 (Key spatial principles for hydrocarbon development) briefly explain the reasons for choosing a distance of 3.5km for the AONB/National Park buffer zone in part d) of the policy and how this is intended to work in practice. Is this the most appropriate distance for such a buffer?*

1. Introduction

1.1. FFR recognises that the MWJP should strike the right balance between planning for onshore oil and gas extraction and protection of the environment and residential amenity. FFR has engaged with the plan making process both through the submission of detailed comments at each consultation stage and in participating in Joint Scrutiny Committee Hearings to inform the policy formulation. FFR supports many of the Proposed Changes to the MWJP where they strengthen environmental and residential amenity protection, but consider that additional changes could be made to improve the soundness of the plan.

2. AONB/National Park buffer zone

2.1. The requirement for a 3.5km buffer zone in relation to AONBs/National Parks is outlined within Policy M16 d and its supporting text, at Para. 5.128. The industry argues that there is no justification for this 3.5km buffer zone and, in any event, all potential impacts will be addressed through the Environmental Impact Assessment (EIA)



process. In addition, the policy takes no account of the temporary nature of drilling and / or hydraulic fracturing activity.

- 2.2. FFR have argued that the exploration and extraction of shale gas by hydraulic fracturing is a new activity in the UK. The shale gas industry has not, as a whole, been as well versed in onshore environmental and planning practice as other long established minerals operators. In addition, at present, there is no clear picture of the scale of shale gas production across North Yorkshire.
- 2.3. Government policy and guidance steers surface development associated with shale gas production away from the areas with the highest status of protection in relation to landscape and scenic beauty (National Parks and AONBs) although subsurface development at depths greater than 1,200m, through lateral drilling, may be possible beneath these areas. In such a scenario, the areas immediately adjacent to the North York Moors National Park (NYMNP) or AONBs are likely to be of particular interest to developers and are therefore likely to come under a high level of development pressure.
- 2.4. The setting of National Parks and AONBs is recognised in guidance as requiring special consideration (PPG para 003) in the delivery of the statutory purposes of protected areas. In addition, within Ryedale, the fringe of the NYMNP is identified in Policy SP13 of the Ryedale Local Plan as an Area of High Landscape Value. It is also recognised by Natural England, a statutory consultee to the planning system, that development that takes place outside National Park boundaries can still have the potential to impact on the special qualities of National Parks, particularly on landscape quality, wildlife, geological value and tranquillity (NE243 –, England's Statutory Landscape Designations: a practical guide to your duty of regard).
- 2.5. In this context, FFR consider that the Mineral Planning Authorities (MPAs) are justified in providing guidance in the MWJP that they expect any proposals within a defined buffer zone, or are otherwise considered likely to cause significant harm to the National Park or AONB landscapes, to be accompanied by a detailed assessment of the likely impacts on these areas. This should be strengthened through reference in the text (para 5.128) to the use of Zone of Theoretical Visibility (ZTV) analysis, as a basis for determining the appropriate study area for detailed assessment of landscape and visual impact, given that the industry have proposed to use rigs over 50m in height.
- 2.6. Given that the scale of shale gas exploration, appraisal and production activity within the North Yorkshire area is currently unknown, the question of the temporary nature of drilling and / or hydraulic fracturing activity is also not clear. A series of temporary



activities can add up to an activity which has the feel of permanence. This is particularly pertinent in North Yorkshire where multiple PEDLs have been awarded. The Minerals PPG sets out that *“the production stage of an oil or gas field can be up to 20 years, possibly more”* (ID 27-103-20140306), therefore it is important to bear in mind that alongside the exploratory and appraisal stages of hydrocarbon extraction, with the potential for re-fracking as has been promoted by Industry, the longevity of some of these sites and the cumulative impact of the predicted number of well pads, will indeed add to that feeling of permanence.

2.7. To assist, FFR has identified three viewpoints from or near the NYMNP and two from or near the Howardian Hills AONB which the Inspector may wish to visit (Appendix WS3.1). They show the link between the National Park / AONB and their setting.

### 3. Conclusion

3.1. FFR support the provision of guidance to the Shale gas industry that the setting of the National Park and AONB requires special consideration in order to protect the special qualities of these areas designated for their landscape and scenic beauty through the use of a buffer one. Clarity could be provided to the MWJP through reference in the text to the use of Zone of Theoretical Visibility (ZTV) analysis, as a basis for determining the appropriate study area for detailed assessment of landscape and visual impact.

## APPENDIX WS3.1

### SUGGESTED VIEWPOINTS

## APPENDIX WS3.1 SUGGESTED VIEWPOINTS

	Grid reference	Place	Height	NP/AONB	Notes
1	SE819831	On A170	50m	North Yorks Moors NP	Views south and west over Vale of Pickering with the AONB and the Wolds on the horizon
2	SE757873	Minor Road	110m	Just outside North Yorks Moors NP	Views south west and east over the Vale of Pickering with the AONB and the Wolds on the horizon
3	SE634895	Minor road/then PROW	230m	North Yorks Moors NP	Views south over the Vale of Pickering with the AONB and the Wolds on the horizon
4	SE726738	Caulkleys Bank PROW	95m	Howardian Hills AONB	Views north, south and east over the Vale of Pickering with the NP on the horizon in one direction and the AONB and the Wolds in the other
5	SE726738	B1257	47m	On edge of Howardian Hills AONB	Views north, west and east over the Vale of Pickering with the NP on the horizon