| City of York Council | Committee Minutes |
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| Meeting | Local Plan Working Group |
| Date | 12 October 2017 |
| Present | Councillors Ayre (Chair), D'Agorne, Lisle, Mercer, Orrell, Reid, Steward, D Myers (Substitute) and Pavlovic (Substitute) |
| Apologies | Councillors N Barnes, Carr (Vice-Chair), Derbyshire, Looker, Warters and Williams |

**9. DECLARATIONS OF INTEREST**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Councillor Steward declared a personal interest due to his ownership of one share in Sirius Minerals.

Councillor Mercer declared a personal interest due to her ownership of shares in Sirius Minerals.

**10. MINUTES**

Due to an administrative error, the wrong set of minutes had been attached to the agenda for approval at the meeting. It was, therefore,

Resolved: That the minutes of the meeting held on 10 July 2017 be included for approval at the next meeting.

**11. PUBLIC PARTICIPATION**

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme.

Councillor Kramm spoke in relation to item 5 (Minerals and Waste Joint Plan – Submission), focusing on three areas for concern where additional scrutiny could be required:

- whether a minimum horizontal separation distance of 500m from the sites was considered to represent a reasonable distance taking into account the potential for a range of impacts such as noise, vibration, light pollution etc;
- whether enough definitions and specifications to assess the potential for cumulative impact of the project were offered;
- whether the conditions for the financial guarantee for unconventional hydrocarbon development to ensure that the site was restored even in cases when the operator went bust were satisfied.

Sally Brooks also spoke in relation to item 5 (Minerals and Waste Joint Plan – Submission). She highlighted concerns in relation to waste produced as a result of hydraulic fracturing, explaining that the plan should define policies in that matter in order to avoid potentially harmful actions undertaken by developers, including flaring the gas. She elaborated on the effects of flaring such as noise, visual impact and emissions and suggested that the Reduced Emission Completion (REC), adopted in the USA, be implemented as part of the plan to avoid environmental damage and nuisance to the residents.

Kit Bennett spoke in relation to item 5 (Minerals and Waste Joint Plan – Submission), concentrating on six of the proposed changes, as described in Annex B, that could have a negative effect on local area:

- PC62 – lack of precise definition of what conventional and unconventional hydrocarbons meant, which allowed for different interpretations as part of the planning policy – fracking should remain one of the defining features of unconventional hydrocarbons;
- PC63 and PC66 – lack of clarification on which definition for fracking was used as part of the plan, which potentially allowed fracking when using less than 1,000$m^3$ of fluid without restrictions imposed by the previous version of the plan;
- PC70 – removal of the need to consider the proximity of other planned well pads from policy M17 which could go against the overall plan for the local area in question;

- PC79 – removal of the need for decommissioning of the wells and allowing them to be suspended for long periods whilst oil and gas companies considered their options;
- PC80 – lack of clarification on water arising from wells as "not always being waste".

**12. UPPER AND NETHER POPPLETON NEIGHBOURHOOD PLAN**

A report summarising the results of the Upper and Nether Poppleton Neighbourhood Plan referendum was presented to Members. The Head of Strategic Planning was present to provide an update and answer potential questions. It was highlighted that a referendum on 23 August 2017 was held by the City of York Council (CYC) and 91.3% of the residents (n = 1,102) accepted the plan. It was also explained that, depending on the Officers' input, the costs outlined in Paragraph 16 of the report could differ for other neighbourhood plans should they be produced. Members commanded the Officers for their work and it was

Resolved:

a) That the results of the referendum be considered and a recommendation to Executive to formally 'make' the Neighbourhood Plan on 19 October 2017 be made.

b) That a recommendation to Executive to approve the Decision Statement attached at Annex B to be published in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) be made.

Reason:

a) To allow the Neighbourhood Plan to progress in line with the Neighbourhood Planning Regulations.

b) To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

**13. MINERALS AND WASTE JOINT PLAN - SUBMISSION**

Members considered a report presenting the outcomes of the consultation on the Addendum of Proposed Changes to the Minerals and Waste Joint Plan. The Development Officer for Strategic Planning (CYC) and the Head of Planning Services (North Yorkshire County Council) attended the meeting to answer any questions. It was highlighted that, should the plan be approved, the Examination in Public would be undertaken in early 2018. It was also explained that the plan struck the balance between the national policies and the needs of the local area.

In response to the concerns and questions from members of the public, the following was then clarified:

Separation Distances

- the separation distance of 500m was considered reasonable for residential development and environmental interest and was above the national guidance for local authorities;

Suspended and Decommissioned Wells

- suspended wells were common in oil and gas industry; a number of regulations were in place to control time limits and manage health and safety matters in relation to suspension;
- the applications for new wells would be judged based on their individual merits, taking into account other wells in operation which included suspended wells as part of considering the cumulative impacts;
- most of the development activity on the surface of the land took place during the drilling and hydraulic fracturing stages of development and not during suspension of the well;
- the decisions on decommissioning of the well were made by multiple authorities (e.g. Planning Authority, Environment Agency, Oil & Gas Authority) and regulations for decommissioning were put in place;

Financial Guarantees

- there was only one operator that NYCC worked with in relation to hydraulic fracturing at Kirby Misperton; that company signed a financial guarantee condition for £160,000 that would be used to restore the site should the

company cease trading; this would be enough to restore the surface of the site as per the authority's jurisdiction;
- the Oil & Gas Authority had obligation to assess the company's insurance policies; if the company went into administration, the next liable company in the chain would take responsibility for the well;
- Officers were confident that policy M18 in the draft Minerals and Waste Joint Plan would enable authorities to secure a similar commitment from other companies should the authorities choose to work with more companies as part of the project;

Waste Gas and Flaring

- if a well did not have enough infrastructure to pipe gas out of the station, alternatives would need to be provided – this included using tankers and flaring;
- orange flames could not be seen from distance in modern gas sites during flaring as they were shielded;
- if the application included a flare, its impact would be assessed as part of the decision-making process;
- operating flares for significant periods of time was not commercially viable for the companies as the gas was effectively wasted as part of that procedure;
- the release of the gas into the atmosphere was not controlled by planning authorities, but by the Environment Agency;

Definitions of Unconventional and Conventional

- the differences between conventional and unconventional operations were recognised in the plan; the policy was written in order to safeguard against unreasonable restrictions in the industry;
- The Infrastructure Act's (2015) definition of hydraulic fracturing was different than the one adopted in the plan because the authority's concerns were different; the definition adopted in the plan provided a greater protection on a local level;

Density of Well Pads

- the acceptable density of well pads in the UK was different to countries such as the USA or Australia where vast amounts of land did not have any designations; the grid system approach would be difficult to achieve in the UK given the level of environmental designations and the

distribution of residential buildings; the applications would be judged on that point on a case-by-case basis;

Waste Water

- waste water from the wells would be tankered or piped off site; all applications would be required to have water management plan as part of submission;
- water coming out of the well was analysed for Naturally Occurring Radioactive Material (NORM) and disposed of accordingly;
- all water coming out of the well would be treated; as per the EA stipulations, this included water that would be returned down the well.

It was highlighted that the policy should not unreasonably restrict the conventional gas well development that had been taking place over the previous decades and that the policies sought to offer the greatest protection possible, taking into account the national guidance.

The Chair thanked the Officers for their work and it was

Resolved: That the following recommendations be made to the Executive:

(a) That the representations received on the Addendum of Proposed Changes to the Minerals and Waste Joint Plan for York, North Yorkshire and the North York Moors National Park be considered.

(b) That the Submission draft of the Minerals and Waste Joint Plan for York, North Yorkshire and North York Moors National Park (comprising the Publication draft Plan 2016, accompanied by the Addendum of Proposed Changes 2017) to be approved for submission for examination be recommended to Full Council.

(c) That the Director of Economy and Place, in consultation with the Executive Member for Transport and Planning, be

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| | authorised to make non-substantive editorial changes to the Submission Draft and other supporting documents proposed to be submitted alongside the Plan be recommended to Full Council. |
| Reason: | (a) To consider whether to recommend to Full Council whether to move forward the plan to Submission.<br><br>(b)(c) To progress the NPPF-compliant Minerals and Waste Joint Plan. |

Cllr N Ayre, Chair
[The meeting started at 5.30pm and finished at 6.50pm].

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