

## **Derbyshire and Derby Minerals Local Plan: Response to Consultation**

**Lee Rowley MP**

**April 2022**

Derbyshire County Council (DCC) has invited comments on the draft *Derbyshire and Derby Minerals Local Plan* which it published in March 2022 and which is intended to replace the existing framework in place since 2001. As the Member of Parliament for North East Derbyshire, I have received representations from local residents on the Plan and so offer comments both (i) from my own perspective and (ii) to summarise the views of those residents who have raised this matter with me.

As DCC is aware, this draft Plan is of particular interest to the North East Derbyshire constituency given its recent history with a planning application which could have led to drilling for shale gas on Bramley Moor, close to the village of Marsh Lane. My views on fracking are well known and, given they are not directly relevant to this consultation, I will not extensively repeat them here other than to re-confirm my strong opposition to the practice in North East Derbyshire and my continuing support for the Government's existing policy of a moratorium in England.

Thankfully, the planning permission to explore for shale gas at Bramley Moor expired in 2021 and so there is no immediate likelihood of fracking returning; nonetheless, and given that this Plan is likely to be in place for many years, many residents want to ensure that this document has the strongest possible protections in the (unlikely and unwanted) event that future hypothetical situations arise where it may be considered again. Consequently, and whilst other forms of mineral extraction are undoubtedly very important and require careful consideration, I will focus this response on the fracking element of the document, given North East Derbyshire's background and interest in it since 2016.

Consequently, and with regards to any hypothetical and unlikely applications for shale gas, I seek to make the following broad points:

- That you retain and strengthen existing proposals in draft policy SP17, particularly around the siting of activity and the need to justify volume;
- That, in addition, consideration be given to the clearer inclusion of 'set back' distances where all phases related to fracking (exploration, appraisal and production) could only occur well away from homes and public infrastructure;
- That strong consideration is given to a clearer statement on the cumulative impact of future fracking applications;
- That, also in addition, the Plan should consider how applications for pipelines running to and from shale gas sites might be dealt with, and;
- That the document also considers the utility of Environmental Impact Assessments and that additional considerations are included with regards to location.

Before addressing each of those points in turn, I want to firstly strongly welcome the decision of the County Council to bring forward a new Minerals Plan to replace the existing, aged framework. The current Plan was of limited use when considering the Bramley Moor application between 2017 and 2019, not least because it was written prior to the practice existing. This made assessment of the application extremely difficult for all involved. A clearer, more up-to-date framework should be considered a step forward.

### **Policy SP17**

I strongly welcome the inclusion of the following proposals in this draft policy:

- The requirement that exploration sites and associated infrastructure are sited in “*the least sensitive location*”;
- That applicants must demonstrate no adverse impact on the underlying geological structure;
- That any activity must be temporary;
- That all sites must be restored, and;
- That any applications for production must be “*justified*” in terms of volume.

Each of these proposals are welcome and are a step forward from the current framework.

In addition, I would ask that the County Council consider the following points:

- That, in relation to the sensitivity of locations, proposals for production should also satisfy the same proposed criteria as related to exploration. There is no meaningful difference in terms of impact between exploration and production so the principle of some element of exploration only happening in the “*least sensitive location*” should also be applicable to production – not least because production would last significantly longer. Paragraph 11.22 later in the document already does not appear to discriminate between the two and I would request that the County Council aligns the wording of policy SP17 to reflect this paragraph;
- That non-core activities (such as processing) should be assumed to not automatically need to be done on site, particularly if that site would not normally be used for industrial activity of any other kind;
- That the point identified in paragraph 8.2.53 regarding the potential impact of vehicle movements (and which requires locations to be where there is good access to suitable road networks) should be upgraded to a formal requirement within the draft policy itself, and;
- That there should be a clearer framework within the draft policy of what would (and wouldn't) be considered justifiable in terms of numbers of wells in any future production phase.

### ***The inclusion of set-back distances***

I strongly support the principle of specific set-back distances for hydraulic fracturing (in any phase) from other sensitive land uses – and would consequently recommend its inclusion into the Minerals Plan as a specific policy.

I recognise that the Plan contains some reference to this in draft policy DM1 stating that “*where appropriate separation distances between a development and other land uses may be applied*”. This is also supported within paragraph 11.25. Whilst these statements are welcome, other Councils have offered more specific guidance in terms of presumed distances (including a stated assumption against proposals within 500 metres of residential buildings without “*robust demonstrat[ion] ... [of how] ... an unacceptable degree of adverse impact can be avoided*” in the North Yorkshire Minerals Plan) and I would strongly advocate for similar specificity to be included in the Derbyshire Minerals Plan.

### ***The consideration of previous mineral workings***

Given the issues visible in previous attempts to fracking elsewhere in England, I strongly support the statement in paragraph 11.21 that any potential fracking applications should clearly establish the extent of geological faulting.

### ***The intensity of activity***

I welcome policy DM14 and its stated aim to take into account the cumulative impacts of individual developments. I would support the strengthening of this approach along the lines of the North Yorkshire Plan which makes statements not just on the impacts of individual developments but also on well pad density. The reality is that, if fracking was ever to occur at scale in the United Kingdom, then areas with proven reserves would likely see extensive industrial activity to support extraction. Whilst a fundamental principle of general planning policy is that all applications should be dealt with on their merits (or demerits), it would be artificial not to recognise the likely density questions which would follow in such a circumstance. I would support clear statements within the Derbyshire plan along the lines of that of the North Yorkshire document – both in terms of recognising the need for “*appropriate balance*” in paragraph 5.98 and in policy M17 which includes a specific need to assess well pad density against “*unacceptable cumulative impact*”.

### ***The handling of pipeline proposals***

The document refers to the need to give consideration to the appropriate transportation elements of any minerals extraction location and, broadly, I would support the need for careful review, as outlined in policy DM3. Whilst some references are made to pipelines, I would ask if the document could be clearer in this regard, both:

- in terms of how a planning application might be handled for a pipeline which crossed many miles of land (potentially covering many different owners) and,
- given the extended length of time that exploration and production is likely to cover, that clear proposals are outlined at the outset of any application about the assumed long-term future transportation plan for the site.

It should not be the case that initial applications, particularly for production, are dealt with and then a subsequent application is submitted for a pipeline to avoid the need for cumulative impacts to be considered. Clear transportation plans should be submitted at the point of initial application with a presumption against future variation without a clear need.

### ***Other points for consideration***

In addition, I would also ask that the Council consider the following points:

- That consideration is given to the importance of Environmental Impact Assessments during exploration phases in the future, and
- In addition to the welcome statements in policy DM11, that the Council consider extending policy DM4 regarding the need to sensitively to locate and design any proposals in the Peak District National Park also to cover those locations in / near conservation areas, the Green Belt, special protection areas, Ramsar sites, Sites of Special Scientific Interest, and Areas of Outstanding National Beauty. I would also support the inclusion of a 3.5km visual sensitivity zone around National Parks or Areas of Outstanding National Beauty, as included within policy M16 of the North Yorkshire Minerals Plan.