

UPTON-BY-CHESTER PARISH COUNCIL

POLICY TOWARDS A FUTURE PROPOSAL FOR UNCONVENTIONAL GAS EXTRACTION IN UPTON OR ADJOINING AREAS

1 Introduction

This note sets out the policy of Upton Parish Council towards a future proposal for Unconventional Gas Extraction (UGE) within Upton or adjoining areas.

It will be used as a basis for discussions with the local community in Upton and with Cheshire West and Chester Council (CWAC), and other parish councils in the area around Upton where these are concerned about the prospect of UGE.

The note includes a set of criteria or questions which the parish council will use to assess a future proposal. It concludes with a series of suggested actions.

It reflects the parish council's current understanding and will be kept under review.

2 The current situation

Planning permission was given in 2010 for an exploratory borehole at Duttons Lane, intended to assess the extent of coal bed methane (CBM). IGas announced in February 2016 that it had decided not to pursue this development (and a similar one at Salters Lane at Mickle Trafford) because these sites did not meet its criteria for commercial CBM development, and it would not be progressing exploration for CBM under the current planning permissions.

However both IGas and INEOS, who partner IGas in wishing to explore the potential for UGE in this part of North West England, have indicated that they remain committed to exploring the extent of shale gas in this area, with a view to extraction, and may return to a site in Upton with further proposals.

It is important to recognise that the industry's interest in Upton forms part of its interest in a wider network of sites in West Cheshire and North East Wales, some of which already have permission for exploration and, in some cases, production of UGE (these include Ellesmere Port, Farndon, Dudleston, Shocklach, Bretton etc)

This reflects the fact that if UG is extracted it will be drawn from a wide geographical area underground, potentially requiring a large number of wells.

3 The approval processes

There is a wide range of responsible authorities involved in regulating and approving UGE.

At the national level the Department of Energy and Climate Change (DECC) issues licences for exploration and development to operators, and grants consents to drill.

At the local level, where a specific site for exploration or extraction is proposed, the key bodies are:-

- The **Minerals Planning Authority** (CWAC in the case of Upton) which grants planning permission and draws up local plan policies to guide development such as UGE
- The **Environment Agency**, which issues environmental permits and licences governing the operation of a site
- The **Health and Safety Executive**, which regulates safety on a drilling site and the standards of well construction
- **Public Health England** is responsible for possible effects of site activities on public health

These regulatory bodies operate along different timescales and have different procedures. It is not clear who has responsibility for co-ordination. It is interesting to note, for example, that the ongoing public inquiry into UGE in Lancashire is concerned with planning matters, but the environmental permits have been already agreed some time ago.

The policy framework governing UGE is evolving over time. It is not clear at present whether a proposal for UGE will require Environmental Impact Assessment, though it is thought likely if shale gas is involved.

4 The parish council's role

The parish council has no decision-making role in whether a proposal for UGE is approved.

However the parish council has a key role in leading, reflecting and articulating the views of local people, who will be most affected if a proposal were to go ahead. It has an important role, potentially as a consultee, in the procedures carried out by some of the regulators.

The main opportunities are in making representations

- To CWAC as Mineral Planning Authority – at various stages in the planning application process including public inquiry if needed
- To the EA firstly when they receive an application for permits or licences and invite comments, and secondly if the application is of high public interest (e.g. because fracking is involved) and they are mindful to approve, and they carry out a second consultation

The Government have made it clear that they wish industry to push ahead with UGE and have put in place procedures to “fast track” applications. At the end of the day it is likely that the decision on a proposal will not be taken locally but by Government Inspector or Secretary of State.

5 Policy

The parish council will object to a proposal for Unconventional Gas Extraction in Upton, or immediately adjoining areas, for the following reasons

- A proposed site in Upton for exploration and extraction, with the activity and infrastructure required to support it, will be too close to a dense urban area. In the case of the Duttons Lane site there are large areas of housing, a number of schools, a sports centre, playing fields, a local shopping centre, and one of the biggest zoos in Europe all within 1 km of the proposed site.
- It is not appropriate to have development of this kind in the Green Belt which is meant to protect the setting and special character of Chester, and to preserve the open nature of the countryside. The A41 in Upton provides a clear and distinct boundary to the Green Belt in this part of Chester and has been recognised as such for many years. Development of well heads, the location of plant and large equipment, the storage of chemicals and other substances, and the activities involved in drilling and extraction will effectively industrialise this area.
- We should not be using a technology which carries risks to communities and to the environment, and where it is not clear what the impacts will be. There are many concerns and questions amongst local people, businesses and organisations, to which reassurances have not been provided; some of these are summarised below. Elsewhere e.g. in Australia and the US, where UGE has taken place, there have been major impacts to health and the environment; in a parish such as Upton the urban areas and countryside are much more densely populated and the settlement structure much more finely grained, and consequently more vulnerable. Instead we should apply a precautionary approach and oppose development, and support a moratorium whilst requesting information on the many concerns people have.
- In principle, we are opposed to opening up a new front in the exploitation of fossil fuels. It goes against what we need to do in the UK to counter climate change; instead we should be investing in renewable energy sources, which do not carry the risks of UGE to human health and the environment and which offer long term sustainable energy reserves rather than the short term and finite approach of UGE
- In the light of the above, and the level of opposition from local people demonstrated in recent months, it is clear that the companies interested in developing UGE have not created a Social Licence to Operate (SLO). This is a term which has evolved from the notion of Corporate Social Responsibility,

and reflects the level of acceptance within local communities of mining companies and their projects.

6 Policy Questions/Criteria

If a further proposal for UGE does emerge in Upton or its adjoining areas, the parish council will request information and assurances on a number of questions. It will require this before any approval is granted, so that it can make properly informed representations. These questions reflect genuine and major concerns on which no reassurance has been given. They will be used as criteria in assessing any future proposal. This is without prejudice to the policy set out above.

These questions are posed in the spirit of transparency and openness which it is assumed the developing companies will wish to operate in promoting their scheme. They supplement the information which the parish council would expect to be provided with as part of the planning application process; for example, a detailed description of the proposal and an environmental statement covering impacts on the environment and wildlife, noise, vibration, air quality, visual amenity, land and landscape, health, traffic and access, water supply and contamination, and how these impacts will be managed.

6.1 Who will ensure that all the various regulatory bodies will operate to the promised Gold Standard in their policy and operations to which Government has committed?

Both the previous Coalition Government and the current Conservative Government have sought to reassure the public in its concerns about UGE, by saying that the highest standards of regulation and protection will operate – a “Gold Standard”. It is not clear what if anything this means. Representatives of the individual regulatory bodies do not appear to be aware of what it means.

The Task Force on Shale Gas, chaired by Lord Smith, reported in 2015, saying that it may be appropriate for further exploration to go ahead to assess the viability of shale gas extraction, but with provisos. These included the improvement of existing regulatory processes, and recommendations that a separate bespoke regulatory body should be set up to co-ordinate all aspects of the approval and control of fracking/UGE, and that the regulatory bodies should be adequately resourced – which they are far from at the moment.

6.2 At what point in the planning, and other regulatory processes (e.g. through the EA), will there be a consideration of the accumulated risk of multiple wells within a given area? As the number of wells scales up, so do the associated risks. How much risk would Upton residents be expected to tolerate?

Any proposal for a single excavation should be accompanied by a strategic statement, providing information on how this proposal relates to other potential wells

in the area, setting out how the infrastructure will be provided to serve the sites and how the cumulative risk of impacts will be managed strategically. There is unlikely to be just one well but a network exploiting a gas field.

6.3 Will the company make full public disclosure of all chemicals used with adequate data on their hazards; show that the chemicals they use have been specifically approved for UGE; and publish clear, publicly available, assessments of the potential effects of any chemicals used, as provided by the independent regulatory authorities?

There should be public disclosure of all the chemicals that are to be used in the UGE process. These should only be used where they have been agreed with the Environment Agency and independently assessed, before any operations commence. There should be agreement that chemical composition should not exceed levels mandated by the EA.

6.4 Which independent body will undertake air, land and water monitoring prior to, during and after the operation to ensure that pollution of any sort does not occur?

Cuadrilla had to suspend drilling in West Sussex because they breached noise levels. Animals are highly sensitive to noise and vibrations and any breach of this nature could have serious consequences for Chester Zoo, for example.

There should be baseline monitoring of the environment before any process begins, with agreement on and publication of the baseline data; independent monitoring (which should include representatives of the community) of the site and the surrounding area during the process; and effective enforcement where adverse impacts as a result of the process are discovered.

6.5 Which independent regulatory body will put systems in place to:

- *Prevent ill health effects on residents, livestock and wildlife.*
- *Take responsibility to monitor residents health to ensure that the systems in place are functioning successfully*
- *In the event of a catastrophe ensure that residents secure specialised expert health care?*

A Risk Assessment should be produced at the time the proposal is submitted, setting out the risk (under differing scenarios) to humans and the environment of the fracking process and fracking substances to be used, of the consequences of leakage, and of the failure of the well head.

6.6 Which independent regulatory body will conduct detailed and ongoing inspections to ensure safe well construction and operation, and proper disposal of all

chemicals including contaminated water, muds and other wastes? Previously drilling companies have disposed of waste water into old wells causing earth tremors.

The developers should be asked to commit to the very highest standards in well integrity and in the development and management of the site, with independent monitoring of the site and the community involved in an oversight role.

There should be clear information on how and where waste arising from the process will be dealt with, in particular wastewater, chemical waste and extracted material.

The vulnerability of ground waters to pollution from fracking should be recognised, and there should be no operations in areas where groundwater sources are protected

6.7 Will there be a commitment from the developer to continue to protect the environment and local population after UGE has ceased, with the necessary finance committed to cover future compensation?

The company should ensure that they guarantee sufficient monies:

- To pay for clean up at the end of the life of the well.
- To cover any future compensation claims eg health claims, building subsidence/structural damage.
- To cover continuing monitoring of post operational wells in order to identify problems and remedy them.
- To pay costs in the event of an environmental disaster.

6.8 Which regulatory authority will be responsible for:-

- *Advising the residents who live in the vicinity of drilling rigs on how much additional traffic will be generated on our roads when the Gas companies carry out their operations*
- *Agreeing a traffic management plan and monitoring that it is complied with eg is the actual number of vehicle movements within the agreed parameters.*
- *Minimising the danger near schools and public places*
- *Avoiding dangerous situations by directing gas company employee traffic away from smaller suburban roads?*

6.9 Who has responsibility to put in place the emergency evacuation plans in the event of a major incident and to advise the public of these plans?

6.10 Who will be monitoring whether any promised economic benefits (eg job and wealth creation) actually accrue, and how they compare to any adverse impact eg on tourism or agriculture? How will we know whether any jobs have actually been created for local people?

6.11 *Will the Upton community have priority over the UGE developer for water supplies in the event of a drought?*

6.12 *Which independent regulatory body or company will be responsible for guaranteeing and or seeking compensation for Upton homeowners if house prices reduce - as occurred in Pennsylvania USA where house prices reduced by 19.7%, or our homes become unsellable due to drilling operations?*

6.13 *Which regulatory body or company will be responsible for assisting Upton residents who may not be able to get house insurance in the event of the fracking causing severe damage to domestic property? In Oklahoma USA earthquakes have gone from 1 to over a 1,000 since fracking began five years ago.*

7 Future Actions

The parish council will

- Submit this note to CWAC for its comments
- Request that CWAC draws up and approves up to date local planning policies towards UGE
- Work in partnership with CWAC and other parish councils and community groups to pool resources, act with one voice and commission technical assessments
- Recognise the need for independent expertise and advice in dealing with a proposal for UGE

Policy approved by Upton by Chester and District Parish Council on 19th June 2017
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