

<p>The Planning Officers          Planning Services          County Hall          Racecourse Lane          Northallerton          DL7 8AH</p>		<p>Sarah Houlston          Chair, Great and Little Barugh          Parish Council          Northfields Farm          Great Barugh          Malton          YO17 6XF</p>
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Tuesday 13th October 2015

Dear Planning Officers,

**Re: Planning application no. NY/2015/0233/ENV**

As Consultees, Great and Little Barugh Parish Council wish to register their objection to the proposal to hydraulically fracture at the KM8 site in Kirby Misperton.

The villages of Great Barugh and Little Barugh are one and a half miles and one mile from the well site respectively. This means that we are close enough to be affected by many of the aspects that preparing to frack and subsequent production processes involve. We are also very concerned about wider issues concerning health and well-being, pollution of air, water and land, damage to local wildlife and plant life. Our many concerns are set out below and are in no particular order of importance.

**1. Noise pollution**

At various times in past years, residents have been disturbed by excess noise from gas extraction operations and the operators. During the 2013 drilling of the well at KM8 that Third Energy has applied to frack, some residents of Kirby Misperton were badly disturbed by the noise of drilling and accompanying operations.

Residents of this area surrounding Kirby Misperton can testify to the fact that sounds carry a very long way and are particularly noticeable at night as our location is very tranquil. For example; the theme park rides and some animals in the zoo at Flamingo Land can sometimes be heard in Little Barugh when the wind is from a particular direction. Flamingo Land and Castle Howard concerts are often heard in villages surrounding Kirby Misperton and as far away as Brawby, as are sounds of agricultural machinery working several fields away. These are part of the sounds of life in this area and are occasional noises that intrude slightly on life but are accepted because they are occasional, not constant.

In Third Energy's most recent brochure 'Public Exhibition – Health' they illustrate noise attenuation solutions with diagrams, one with and the other without the intended noise attenuation barrier constructed of shipping containers. The Parish Council is concerned that in both diagrams, Little Barugh and Great Barugh are shown as having no protection from noise whatsoever.

The Parish Council is very concerned that a barrier constructed of shipping containers as shown in the diagrams, while being metal and placed in a horse shoe shape, will simply serve to amplify the noise and would like more details about this aspect of the planning application to be made available. There was no mention of such a barrier in the resident's brochure, or during any of the public consultations.

Should this application be approved, work will take place twenty four hours a day for the first five months, with the first two of those months being particularly noisy. This excessive noise and unreasonable disturbance will cause distress to local residents. We feel very strongly that work should not be allowed to take place at night in this quiet and peaceful area of Ryedale, or anywhere else for that matter.

## **2. Light pollution**

A major concern for residents of this parish is that lighting of the site, should this planning application be approved, will adversely affect their quality of life by disturbing their sleep. Indeed, light has already caused considerable distress to some residents of Kirby Misperton during the drilling of the well and an earlier incident caused distress to residents of Little Barugh when a well was being used for conventional extraction a short distance from their village a few years ago.

If this application is approved, according to the planning application, for the first five months, (the first two of which will be the noisiest and intrusive), work will take place twenty four hours a day. Such work would necessitate lighting. This parish council feels very strongly that work should not take place during night time hours and that during night time, the lighting should be reduced to such a degree as not to cause disturbance to people in the area, the nearest of which are only about 300/400 meters away from the site.

Of equal concern is the damage that lighting will cause to the local wildlife. The area surrounding the proposed site is rich in wildlife, a source of pride and enjoyment for local people who have watched, photographed and talked about the beauty of the creatures and plant life in the area where they live. We know that barn owls, newts, bats, deer, badgers and brown hares exist here, some of which are protected species. Indeed, Flamingo Land's Bio Blitz survey for 2014 lists brown hares for example, and these are certainly protected. Excessive light at night will severely affect the bats and barn owls that are in the area and we do not think this is acceptable for such species to be disturbed and driven away from their hunting grounds, nesting sites and roosts. This would diminish the area's rich biodiversity.

## **3. Transport and traffic**

Third Energy said in their brochure for residents and at their public consultations that there would be 266 HGV movements. The planning application states that actually, there will be at least 910 HGV movements and 600 LGV/car movements. This is a huge difference.

This proposed traffic will be coming along country roads, using a listed bridge that is known for traffic incidents and through the village of Kirby Misperton itself. The village of Kirby Misperton is not large; the road that passes through it is narrow and often has cars and vans parked on it, making it difficult to navigate with a car, let alone a truck. This increased traffic will cause pollution from exhaust, noise pollution, vibration damage to homes, damage to the structure of the roads, verges and pavements. This heavy traffic will also considerably increase the risk of traffic accidents in and around the village, with children, pedestrians, cyclists and horse riders being particularly vulnerable.

We have learned from people with experience of a fracking well in West Newton, East Yorkshire, that once energy companies gain planning permission, much of what they promise is ignored, one example being that traffic to and from the well sites do not adhere to the agreed routes. We are concerned about this because, should Third Energy be given planning permission and their truck drivers choose not to turn left out of the site at Kirby Misperton, it would mean site traffic would be using other country roads that are also unsuitable and that there would be little or no redress for residents should that happen here.

#### **4. Infrastructure**

The pipeline that runs from Kirby Misperton to the East Knapton processing site is, as far as we understand, now past its predicted life span. We are concerned that Third Energy seem to be relying on this pipeline, should the application to frack be approved, to pipe gas from the KM8 well to East Knapton. We would be very interested to know when the length of this pipeline was last checked for any likely cracks or malfunctions and exactly what the results of these checks were. We think that the risk of any gas escaping from an old pipeline that is beyond its originally predicted life time is more likely as time passes and the danger this presents is unacceptable.

#### **5. Discrepancies between the Public Consultation Booklet and the Planning Application (Ref No: NY/2015/0233/ENV).**

There are four areas where information provided in documents to local residents by Third Energy differs significantly to the planning application. We feel residents may have been misled by assuming the information originally published was factual.

**Waste water disposal.** Third Energy stated to residents that waste water would be returned to Knapton via the same pipeline as the fresh water for the frack was brought in. We know that waste water contains heavy metals, hydrocarbons, chemicals and naturally occurring radioactive materials. (NORMs). The planning application says that all waste water will need to be tankered off site. This will significantly increase HGV traffic.

**Noise.** We understand that fracking is a noisy production process, involving many industrial compressors working non-stop to pump the mixture of water,

sand and chemicals deep underground to fracture the Bowland Shale. The public consultation booklet informed us that the noise level on site would be up to 90 decibels, which they say is equivalent to the music in a nightclub. We would like to point out that the noise in a night club is contained within a building, not out in the open air. Any noise of this level at the KM8 well would constitute extreme nuisance to the people living in or near to Kirby Misperton. Third Energy's solution to the noise problem is to use shipping containers as discussed previously. There was no mention of this barrier method of trying to contain the noise in any of the booklets produced for residents. Nor did it mention the rather horrible visual impact this would have on the rural landscape in which the site sits.

**Traffic.** As discussed previously the traffic movements predicted in documents given to the public and those that are in the planning application differ significantly. The traffic movements are nearly 31/2 times as many as Third Energy had promised. These figures quoted are for the first eight weeks, they do not mention traffic required for full production.

**Commercial Production.** We are very concerned that in the residents' brochure Third Energy said that they were seeking the necessary planning permission and other approvals to 'test flow' the well. They did not mention that they were also seeking planning permission for ongoing commercial production; they said originally to residents that they would be doing an eight week flow test. At no point in their paperwork was commercial 'fracking' suggested.

The planning application contains the words that if a successful production test is achieved, "production of natural gas will commence and continue until cessation of natural gas production, which is anticipated to be circa nine years, with all phases of the proposed development to be completed within ten years". There was no mention of nine years' commercial production in the Residents' Brochure or the Public Consultation Booklet. Nor is there any mention in these publication of the fact that after the nine years the KM8 well would be decommissioned, requiring a further 1,296 HGV movements over a six week period according to the planning application.

The Parish Council are very worried that, should Third Energy be given planning approval to frack at the KM8 well, this will enable them to avoid planning applications for the further wells they talk about in their Public Consultation booklet on the page entitled, "What happens next if this is successful?" It is obvious on reading this that Third Energy is already planning to drill more wells in the area. Giving Third Energy approval to frack at KM8 should not allow them to avoid having to apply for approval to drill and frack further wells on that site or beyond because approval would already have been approved in principle. This is an extremely important point; residents should not be subjected to the noise, pollution and hazards that further drilling twenty four hours a day, seven days a week would entail. Granting approval to Third Energy's application might pave the way to surrounding residents of Kirby Misperton, Great and Little Barugh and other nearby villages to extreme noise, air and light pollution, which is unacceptable, in our considered opinion.

## 6. Air Pollution

As mentioned previously, pollution from exhaust emissions from HGV traffic will add to the increased pollution in and around the village. Add to this the exhaust emissions from diesel generators and compressors and there will be increased exposure to toxic substances that local people from Kirby Misperton and people from surrounding villages will be subjected to. The large quantities of sand used in the fracking process, which is extremely fine and drifts in the air, will cause a significant risk to health from silicosis.

If at any time, methane is allowed to escape, this will also add to the pollution of the surrounding area.

## **7. Water, groundwater pollution and associated risks.**

This Parish Council strongly objects to clean water in huge quantities being extracted from anywhere for use in the fracking process. There is growing world-wide concern about the depletion of aquifers upon which this planet depends and it seems misguided to allow clean water to be used for such reasons. The Costa Beck which flows through Kirby Misperton is met by a tributary, the River Seven which flows through Great Barugh and joins the River Rye and River Derwent at Howe Bridge. The Derwent then flows south where, at Elvington, water is extracted for drinking water for South Yorkshire. We are very concerned that if the Costa or surrounding land is contaminated, pollutants could potentially end up in drinking water out of the area.

We also have grave concerns about possible pollution of local farmland and groundwater. There are also a number of boreholes in the vicinity and residents are extremely concerned of the impact should they become contaminated. Pollutants such as sulphuric acid if spilled, could contaminate land and filter into the local water network via the site drainage system. Pollutants may well contaminate local becks and rivers, killing fish and other aquatic species. Local breweries rely on clean water for their industry, which would be severely affected should any pollutants enter the water supplies. Fishermen in the area are also very concerned about this.

We are also very concerned that in the event of an incident either at the site or on the roads in the vicinity, the North Yorkshire Fire Service will not be able to respond. We are aware of the proposed cutbacks in the Fire Service and are very worried that the lack of fully equipped vehicles and reduced manpower means that help will not be available should there be a major incident and response times could be seriously affected.

## **8. Climate Change**

The Parish Council is well aware of the need for energy but is also concerned about the ongoing effect on climate change from fossil fuel extraction. If the UK is to hit EU targets on Climate Change, the Fracking Industry does not sit within that remit. Technology is moving forward at such a rate that renewable sources would be a far more effective as a long term solution, as has been proved by Sweden for example, which is aiming to produce its energy from 100% renewable sources in the very near future.

The Council has a duty to consider climate change when ruling on planning applications. The gas generated from this application will not be used as gas to

heat homes but will be sent to Knaption generating station to produce electricity. There are other, cleaner ways to generate electricity that will not contribute towards global warming and the problems related to climate change.

## **9. Health**

As fracking is a new technology to the UK we can only draw on reports from abroad on the impacts on health and well-being. The problems caused by fracking to the health of people in the United States and Australia to name just some countries, are becoming well documented. The Parish Council would strongly urge the planning authority to seriously consider the Medact report and its recommendations. (<http://www.medact.org/climate-ecology/fracking/>). Any impacts on health would not necessarily be immediately noticeable and may not be apparent for several years. We feel that the risks are too great and that more research should be made before fracking is allowed in the UK.

## **10. Regulation**

We have very serious concerns about the regulation of the industry and groundwater monitoring. We understand that Third Energy have employed a company to carry out groundwater monitoring but we feel that any monitoring should be carried out by a completely independent body so as to not have any conflict of interest and be truly independent.

The Environment Agency and Health and Safety Executive have suffered many cuts in staff in recent years and we question their ability to carry out regular checks at the site and surrounding area. The question of regularity and quality of monitoring and whether any random testing will be carried out has never been satisfactorily answered. With the rules governing environmental permits changing, the industry looks to be becoming more 'self-regulating' which is a very serious concern.

MP for Thirsk and Malton Kevin Hollinrake has stated publicly that fracking should not be allowed within a mile from any dwelling. The centre of Kirby Misperton is only half a mile from the KM8 well site and does not, therefore, meet Kevin Hollinrake's criteria. He also states that strong and rigorous regulation and monitoring should be in place before any fracking is allowed. As discussed previously, we know that the EA and HSE have suffered cuts both in man power and funding, making this level of monitoring and regulation unlikely, which causes concern for the safety and health of both workers at the site and local people. Nor do either of these agencies have any experience of fracking as far as we know.

On Thursday 8<sup>th</sup> October 2015, Ryedale District Council passed a motion supporting a five year moratorium on fracking. While we understand that this has no legal standing, it is a reflection of RDC taking the will of the people they represent into account and the Parish Council would hope that this upholding of local democratic process will continue when RDC and NYCC's planning committees meet.

## **11. Employment**

Third Energy have stated at public meetings and in their literature that this industry will create employment in the area. The application does not create a single new job for local people.

## **12. Long Term Liability**

One of the very grey areas with an application of this kind is who is responsible for the sites once the well has been 'abandoned'? John Dewar, Operations Director of Third Energy stated in a debate earlier this year organised by Ryedale District Council that Third Energy would be responsible for five years only. The question that has never been answered is who is responsible after that; will it be the landowner or will the maintenance bill fall back onto Ryedale District Council or North Yorkshire County Council?

## **13. Precedent**

Whilst we appreciate that North Yorkshire County Council will take each application on merit, we feel that approving this application would set a precedent for further applications of the same nature in the future. We are fully aware that KM8 already has the infrastructure in place but other sites under licence with Third Energy do not. John Dewar, Operations Director of Third Energy, stated at a meeting of the Defra Select Committee in the House of Commons earlier this year that they would have up to 19 sites with 50 wells per site.

Approval of this planning application may well make it much harder for North Yorkshire County Council to reject future fracking applications as a precedent will have been set.

Together with the release of the 14<sup>th</sup> round of PEDL licences covering the majority of the Vale of Pickering, approval of this application could essentially open the floodgates to exploration covering most of the area. This all would require infrastructure which in turn would require many thousands of additional lorry movements of heavy plant, materials etc. The by-roads in the Vale of Pickering and certainly those close to Third Energy's other well sites are not built for such an impact. Effectively, approval of this application could lead to the industrialisation of this area which relies on tourism and agriculture for its main source of revenue.

## **14. Effect on house prices.**

In the draft DEFRA Shale Gas Rural Economy Impacts Paper it states, "House prices in close proximity to the drilling operations are likely to fall. There could be a 7% reduction in property values within one mile of an extraction site". Already this Parish Council knows of people losing viewings of their properties once prospective buyers became aware of the planning application to frack. We are concerned that this will get worse if the planning application is approved. If local people suffer losses on their properties or they are unable to sell them because of the close proximity to the well, who will compensate them?

In conclusion, Great and Little Barugh Parish Council are absolutely against the proposal to frack at KM8 in Kirby Misperton and anywhere in Ryedale. A new fracking industry will lock us all into using fossil fuels for decades to come and delay the move to clean, renewable energy production.

Ryedale's main source of revenue comes from tourism and agriculture. Fracking will industrialise this rural area, it will not create new jobs but many existing jobs and businesses may well be lost should fracking be allowed to spread across this beautiful and peaceful district.

There is considerable local opposition to fracking by elected bodies including the moratorium passed by Ryedale District Council previously mentioned, the town councils of Kirkbymoorside, Malton and Norton, and Parish Councils including Kirby Misperton, Great Habton and Great and Little Barugh.

The current North Yorkshire Minerals and Waste Joint Plan has no guidelines whatsoever about fracking in the area. We think it would be wholly inappropriate for NYCC to consider any such application, at least, until a new Waste and Minerals Plan has been approved and put in place.

Nor does the Ryedale Local Plan make any mention of fracking. The Ryedale Local Plan is the blueprint for development in the area and includes such things as housing, roads and other development. This proposed development for fracking in the area is therefore in direct contravention of the Ryedale Local Plan and should be rejected.

Great and Little Barugh Parish Council would like to thank you for taking the time to consider this letter of very strong objection to the planning application to frack at Kirby Misperton and request that our objection is made publicly available on the website.

Yours faithfully,

Sarah Houlston  
Chair, Great and Little Barugh Parish Council