

Questions Under Standing Order 20

Question from Paul Kimber to the Cabinet Member for Environment
in relation to Fracking in Dorset

Questions

I'm getting many questions and emails regarding Fracking from local people right across Dorset, raising concerns about Dorset Communities rights to object.

1. When will this subject be dealt with by Dorset County Council as a matter of urgency so I can reply to the many concerns I'm receiving?
2. Can we give assurances that there is a democratic process for Dorset Communities to make representation about Fracking?

Answer

Answer

1. Consideration of fracking by Dorset CC

Fracking as an issue receives considerable media attention both national and locally and as a result many members are contacted by their electorate seeking to make their views known. Often these entreat the County Council to make a public commitment either supporting or objecting to fracking as an activity. The County Council must be circumspect in how it responds to such requests. It is the Mineral Planning Authority (MPA) for Dorset and as such it is the responsible authority for dealing with any planning applications for onshore activities for fracking in this area.

Should any applications be submitted to the MPA it must follow due process in the determination of the application as set out by statute. Any public statement issued now by the Council, other than simply setting out matters of fact, could lead to suggestions that it is guilty of 'predetermination' at a later stage, should the Authority ever be asked to consider a proposal. This could potentially lead to legal action against the Council with the possibility of costs and a fine awarded against the Authority.

However, in view of the interest in this matter the MPA has in recent years placed a statement on the dorsetforyou website setting out key information about fracking and how any applications will be considered by the MPA. With the agreement of the Leader of the Council, this has recently been updated to reflect changes in the review of Petroleum Exploration and Development Licences issued by the Oil and Gas Authority, an executive agency of the Governments Department of Energy and Climate Change.

A copy of that statement is attached to this response.

2. Democratic process for Dorset Communities

As the situation currently stands Dorset Communities can make representations at two key stages of the planning process: the development plan and the consideration of planning applications.

The development plan comprises the Minerals Strategy. This was adopted in May 2014. The Strategy was the subject of considerable consultation during its preparation and at that time a number of responses were made about fracking. The Strategy does not contain a specific policy on fracking although there was considerable debate at the Public

Examination as to whether this should be the case. The Inspector who held the Examination supported the stance taken by the MPA that it did not need to specifically separate out unconventional from conventional gas resources and that any proposals could be dealt with by the generic suite of hydrocarbon policies together with any appropriate development management policies.

Should the MPA receive an application that involves fracking processes then this will be the subject of consultation with the public and stakeholders in the normal manner. The scale and likely interest in fracking is such that inevitably any decision is likely to be taken by the Regulatory Committee rather than by the Head of Service under the scheme of delegation.

In recent weeks there has been media attention of an alleged leaked government letter revealing that ministers have discussed plans to allow shale gas applications to be processed under the fast-track planning system for major infrastructure projects. This would effectively take decision making out of local control with any decision being made by the Secretary of State. There would still be a system to ensure that the County Council and any other local views could be made known.

Statement currently placed on dorsetforyou website

Fracking in Dorset

Dorset County Council Position Statement on Fracking

What is fracking?

Hydraulic fracturing, commonly referred to as 'fracking' is an operation in which a mixture of water, sand and chemicals are pumped at high pressure through boreholes into gas bearing rocks. The water opens up cracks in the rock, and the sand grains lodge into the spaces allowing gas to be released and travel back along the borehole. In the UK this is most commonly associated with shale gas. Shale gas extracted via fracking is an 'unconventional hydrocarbon' unlike the conventional hydrocarbons currently extracted in Dorset.

Will fracking for shale gas ever happen in Dorset?

To date applications to explore for possible oil or gas resources in Dorset have only concerned conventional hydrocarbons (oil and gas reserves contained within specific reservoirs, sometimes within rock, that are normally extracted through drilling). No applications have ever been submitted in Dorset for shale gas test wells or for production of shale gas via the method of fracking.

Given the public sensitivities over the fracking process, the most recent planning permission granted for a conventional exploratory test well (at California Quarry) included a condition which prevents any fracking from taking place (purely as a precautionary measure as a separate planning application for extraction would be required in any case).

It is likely that there are shale gas resources in Dorset, but as yet, the full extent and location of these resources is unclear. There is also considerable uncertainty as to whether the geology in Dorset would prove to be suitable for fracking or that it would be financially viable.

Shale gas - Incentives for local communities

In January 2014 the Government announced that it would allow local councils to keep 100 per cent of business rates they collect from shale gas well sites (previously 50 per cent), which could be worth up to £1.7 million for a typical site. Community benefits for local people have also been strengthened with local communities receiving up to £100,000 from the industry for any test well that is fracked, and a further 1 per cent if shale gas is discovered - estimated to be worth

between £5-10 million for the life of a typical well (refer to the [Government's website \(opens in a new window\)](#) for details).

It is important to note that such incentives would not affect the determination of planning applications. The Mineral Planning Authority will consider all applications in the light of its adopted planning policies and will make a judgement as to their acceptability or otherwise in planning terms.

Petroleum Exploration and Development Licences

The Government, through the Oil and Gas Authority (OGA), is responsible for issuing onshore and offshore Petroleum Exploration and Development Licences (PEDL). Licences are usually awarded to bidders who can demonstrate they are able to optimise exploitation of the UK's petroleum resources.

On 17 December 2015 the OGA announced that licences for a total of 159 blocks across England and Wales were formally offered to successful applicants under the [14th Licensing Round \(opens in a new window\)](#) for onshore oil and gas licences. The award of licences was subject to a Habitats Regulation Assessment (HRA). The HRA assesses whether there are any likely significant effects upon designated European sites protected under the provisions of the EU Habitats Directive. The HRA concluded that 132 of the 159 blocks would have 'likely significant effects' on European sites and thus would require a more detailed 'Appropriate Assessment', including all nine of the blocks that fall within Dorset. The Assessment concluded that all but one of the Dorset blocks (i.e. eight in total) would need to be the subject of specific conditions to restrict the type of activity that could take place at or near the boundaries of European designated habitats. In practice this would prevent exploration drilling, hydraulic fracturing (fracking), production development or associated maintenance within European protected sites. It is Dorset County Council's understanding that this would not necessarily prevent directional below-surface drilling from beyond a European site boundary.

The nine Dorset blocks awarded as part of the 14th Round include four blocks in Purbeck that are licensed for conventional hydrocarbons (which cover existing operational well sites at Wytch Farm as well as two blocks awarded to Infrastrata, the company with a planning permission to carry out exploratory drilling at California Quarry).

The remaining five blocks cover a geographical area which stretches from the Piddlehinton area in the west to the Poole/Bournemouth/Wimborne area in the east, as well as part of Purbeck to the west of Wareham and the licence round offer relates to shale for these blocks.

This licensing round received a lot of national media attention because it is being associated with the controversial extraction method of hydraulic fracturing or

'fracking' of shale gas. However, it is unlikely that companies will seek to pursue shale gas extraction in areas where it is unviable or where the geology is unsuitable. Dorset County Council has yet to be presented with any evidence that shale gas is viable in Dorset.

Once a company has a Licence, can it develop a well site?

The issuing of a Licence has no bearing upon the need for planning permission or any necessary environmental permits to explore or extract oil and gas. If and when a company decides that it wishes to explore the potential for oil or gas extraction within its licence area, it needs to apply to the Mineral Planning Authority (Dorset County Council) for planning permission. This must show where the well site is intended to be located, together with details of the site layout. A separate planning permission is then needed for the production phase if the exploration/appraisal phase identifies potentially viable reserves.

Production of oil and gas is likely to have a bigger impact than a test well. For this reason there is no automatic right to consent for production even if permission has previously been granted for exploration. In all cases planning applications need to be considered having regard to the Bournemouth, Dorset and Poole Minerals Strategy (adopted in May 2014), which sets out policies on exploration, appraisal and production of hydrocarbons, and the National Planning Policy Framework and associated guidance.

Will the importance of Dorset's environment be a consideration?

In parallel with the latest oil and gas licensing round the Government produced additional [planning practice guidance on unconventional hydrocarbons \(opens in a new window\)](#) (which covers fracking of shale gas). This emphasises that where applications for unconventional hydrocarbons represent major development, *'...planning permission should be refused in National Parks, the Broads and Areas of Outstanding Natural Beauty [AONB] except in exceptional circumstances and where it can be demonstrated they are in the public interest'*. It adds that *'World Heritage Sites are heritage assets of the highest significance. Where a proposed development for unconventional hydrocarbons would lead to substantial harm to or loss of a World Heritage Site, mineral planning authorities should refuse consent unless wholly exceptional circumstances apply'*. However, in December 2015, MPs voted to a change which would allow fracking 1,200 metres below the surface as long as the drilling takes place outside protected areas.

In Dorset, significant parts of the County are within AONBs, while much of the coast is a designated World Heritage Site, although these are not the only relevant considerations. The adopted Minerals Strategy sets out a comprehensive range of environmental and other matters that need to be taken into account.

How will planning permission be decided?

Dorset County Council as the Minerals Planning Authority is responsible for determining any planning applications for hydrocarbon (oil and gas) development in the County. This would include fracking proposals should any ever be submitted for consideration. Planning applications will be judged on the basis of the adopted Minerals Strategy which contains a range of policies against which proposals will be considered. The Mineral Planning Authority will also need to consider the national planning policy position regarding conventional and unconventional hydrocarbons.

It has been reported in the national press that the Government is considering the possibility of bringing fracking of shale gas within the Nationally Significant Infrastructure Projects regime. If this occurs, planning applications would be determined by the Secretary of State rather than the local mineral planning authority. Under these circumstances, local authorities would respond to the consultation and could prepare a local impact report, but would not be responsible for the decision.

Dorset County Council's view on fracking

As the Mineral Planning Authority, the County Council must consider proposals impartially against the current policy framework. In doing this, the council will take into account the potential impact of proposals on the local community, environment, natural resources and economy to ensure that the people and special qualities of the county are safeguarded.

Robert Gould, Leader of Dorset County Council (February 2016)

Questions Under Standing Order 20

Question from Kate Wheller to the Cabinet Member for Environment
in relation to the Wyke Regis Western Route

Questions

Given the concerns by the Portland Town Council and local businesses plus local political Civic leaders regarding the Western Route around Wyke Regis bypass.

1. Can you give the estimated cost of a bypass around Wyke Regis and how it would be constructed and funded?
2. Would this pass an economic viability test to spend this large amount of money?
3. Could this ever meet an environmental impact given the sensitivity of this scheme?
4. Would the government give approval in light of the Navitus Bay decision on visual impact when this was 10 miles out at sea?
5. If it was given the go-ahead who would fund the scheme?

Answer

1. As set out in the cabinet report Dorset's North-South highway infrastructure (A350 / C13 and A37 / A354) on the 2nd December 2015, the current estimated cost for the Western Relief Road (WRR) for Weymouth is £37.1 M in 2015 prices if the scheme can be built at surface level. The current estimated cost if a tunnel is required, depending on the length, could be as high as £941M. Any scheme would require significant external funding.
2. Benefit cost ratios have been calculated. This is a preliminary economic assessment to understand whether there is scope to develop a more detailed business case. A BCR of 2.0 or higher is considered necessary to pursue a business case. The BCR for a surface route for the WRR is currently 2.99 and the BCR for a fully tunnelled route is 0.12. The tunnelled scheme is therefore considered very poor value for money and would almost certainly not attract external funding.
3. The Council has requested a Planning Stage 1 initial view to better understand the planning and environmental impacts including what mitigation work would be required. The environmental and planning considerations are highly complex and need detailed work to be able to answer this question more fully.
4. Care is needed in drawing parallels with Navitus Bay because the height and scale of proposed turbines and their exposed position across open water would pose markedly different challenges to the WHS than a road scheme on land.

Nevertheless, the Navitus Bay decision has shown that significant consideration would need to be given any impacts upon the way that the WHS is experienced or enjoyed, and it is likely that the exceptional qualities of the AONB would form an important context for this. This would need to be considered as part of a comprehensive Landscape and Visual Impact Assessment. Until such a study is carried out it is not possible to speculate on whether or not visual impact in the context of the WHS is likely to be a determining consideration.
5. The scheme would require significant external funding. This is most likely to come via the Local Economic Partnership, for example in a future growth deal or devolution settlement, or from the Department for Transport.