



Llangollen Friends of the Earth response to application P 2013 0660

Planning reference: P 2013 0660

Welsh Government reference: H6955/A/14/2218276

Description: Part of field west of Commonwood Farm and south of Borrass Road, Commonwood, Holt, Wrexham.

Llangollen and District Friends of the Earth wholeheartedly supports Wrexham County Borough Council's decision to reject the planning application by G P Energy to test drill for Coal Bed Methane at Borrass Commonwood.

Llangollen Friends of the Earth argues this appeal should not be granted for the following reasons:

Test drilling for CBM is inconsistent with mitigating climate change

Planning Policy Wales 2012 is clear that planning in Wales is about:

"tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change".

The climate change impacts of an over-reliance on gas are very serious, with the Committee on Climate Change concluding that to meet our carbon budgets, electricity generation must be almost entirely decarbonised by 2030. The CCC have warned that '*excessive use of unabated gas-fired capacity... would be incompatible with meeting legislated carbon budgets*' and the Climate Change Act (<http://hmccc.s3.amazonaws.com/EMR%20letter%20-%20September%2012.pdf>).

The Tyndall Centre at Manchester University conducted an assessment of the climate and environmental risks from shale gas and concluded that shale gas extraction poses 'significant risks to human health and the environment' and that there is no evidence to back-up industry claims that shale gas could be a transition route to a low carbon future (http://www.tyndall.ac.uk/sites/default/files/coop_shale_gas_report_final_200111.pdf).

The recent (September 2013) Inter-Governmental Panel on Climate Change report is that extreme weather is being caused now by climate change, and will increase in the future, with more frequent hot and fewer cold temperature extremes, more frequent heat waves for longer, and more intense and frequent extreme rainfall, resulting in flooding. Local government must take its climate change obligations seriously and refuse damaging development.

No Environmental Impact Assessment has been carried out

As the Welsh Government has decided that no Environmental Impact Assessment needs to be carried out, this means that no baseline data from which to assess the effects and consequences of the test drill, during, or after operations. Just as G P Energy's supporting document sets test drilling for CBM and CBM extraction in a wider U.K. energy context, so the need for an independent Environmental Impact Assessment needs to be seen in this context. With a policy push for test drilling and extraction across the U.K., we cannot afford

to neglect the responsibility to develop an accurate picture of the state of local environments before, during and after operations.

The importance of EIA to shale gas activities is underlined in a letter from EU Commissioner Janez Potocnik to Mr Mattias Groote on 26 January 2012, in which the Commission expresses its view that the EIA directive applies to unconventional hydrocarbon extraction using horizontal drilling and hydraulic fracturing at an exploration stage. In addition, the European parliament has recently resolved that EIA should apply to all shale gas activities.

Planning Policy Wales 2012 also notes that another principle for planning is about: *“using scientific knowledge to aid decision-making, and trying to work out in advance what knowledge will be needed so that appropriate research can be undertaken; while preventing pollution as far as possible, ensuring that the polluter pays for damage resulting from pollution. In general the Welsh Government will seek to ensure that costs are met by those whose actions incur them;”*

Inconsistent with the Precautionary Principle

Planning Policy Wales 2012 is clear that the precautionary principle is one that needs to be applied in planning: *‘Cost-effective measures to prevent possibly serious environmental damage should not be postponed just because of scientific uncertainty about how serious the risk is’.*

The precautionary principle is a principle at the heart of environmental law to which the UK Government has committed since the UK signed the Rio Declaration on Environment and Development in 1992. This states (at Principle 15) that, *‘where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation’.* Article 191(2) of the Treaty on the Functioning of the European Union declares that EU policy on the environment *“shall be based on the precautionary principle”*. We are concerned that the local authority with respect to EIA is not applying a precautionary approach in a case with a high level of public interest.

The precautionary principle finds specific expression through international and EU law instruments to which the UK is a signatory (and in the case of EU law, bound) including the Water Framework Directive and the Habitats Directive. The Water Framework Directive applies strict standards and controls in relation in particular to groundwater.

There is growing evidence in the UK and globally of the serious environmental impacts from hydraulic fracturing including to ecology, climate, water resources, air quality and seismic activity. The European Commission recently identified water contamination, water resource depletion, air pollution, biodiversity impacts and noise as high risk concerns in its report *‘Support to the identification of potential risks for the environment and human health arising from hydrocarbons operations involving hydraulic fracturing in Europe’* August 2012 (<http://ec.europa.eu/environment/integration/energy/pdf/fracking%20study.pdf>).

Impact of traffic movements

Whilst G P Energy’s supporting document is fairly specific about the expected level and type of vehicle movements to and from the site, this cannot detract from the fact that the area is not suitable for such a volume of heavy vehicle traffic. The test drilling at Farndon (which was a relatively easy access, down a straight stretch of road) resulted in damage to kerbs and verges. It is therefore not unreasonable to expect a similar, if not greater, level of damage on the route to the test drill site at Borrás Commonwood, which is further from the main road and accessed via narrow country lanes.

Aftercare and restoration

The appellants say that on completion, ‘the borehole will be plugged and abandoned’. The ‘abandoned’ borehole could leak at any point in the future and because it won’t be properly

monitored, this could continue without anyone being aware of it. All boreholes will eventually fail. The cost of dealing with such a failure will fall on tax payers.

Noise

G P Energy's supporting document acknowledges that their other test drilling operations have been the subject of noise complaints (para 1.11). Whilst these have not been 'substantiated', the likelihood of nuisance noise levels needs to be taken into account, particularly in relation to the disturbance that will be caused through traffic levels.

Insufficient information provided

G P Energy's supporting document does not provide information as to how waste water will be dealt with. Will this be tankered to a licenced treatment plant? What about waste water that remains underground?

Potential future consequences

We understand that planning decisions are made in and of themselves, without reference to what future activities may occur as a result of that decision. However, in their Supporting Statement for the original application, G P Energy make a number of claims about what the company sees as the benefits of *extraction* of Coal Bed Methane (1.17, 1.18, 1.21, 1.19). As this application is solely with regard to exploration/ test drilling, we fail to see what relevance these paragraphs have, other than to provide a wider context with which to support their statement.

If G P Energy expects these supporting points to be taken into account during the decision making for test drilling at Borrass Commonwood, then Llangollen FoE would expect the following responses to these points to be similarly taken into account.

Paragraph 1.18 clearly implies that gas extracted from coal bed methane could become part of an 'indigenous' gas supply for the U.K., therefore playing a part in alleviating concerns around reliance on gas imports from the Middle East or Russia. This is deliberately disingenuous in failing to acknowledge that gas produced here will be sold onto the global energy market and will therefore be unable to play a part in securing an indigenous energy supply. Safe and clean sources of renewable energy, such as solar, wind and tidal power are, however, capable of playing a significant part in securing the U.K.'s indigenous supply.

Paragraph 1.19 states that CBM is a clean burning gas. This is splitting hairs. It is impossible to isolate the burning of extracted gas from the activities and the consequences of extracting the gas itself. The negative consequences of such activities are both health and environmental^{1,2,3}.

Furthermore, the claim that CBM is able to contribute to meeting our CO2 emissions should to be set against the need to drastically reduce our dependence on fossil fuels. Truly safe and clean renewable technologies are already well developed and planning decisions need to promote and encourage this deployment. Skills would be developed and more jobs created through this, just as G P Energy claims local jobs may be created through CB extraction at Borrass Commonwood (para 1.22).

Paragraph 1.21 states that the majority of the cost of the investment for the appraisal borehole (in the region of £250,000) will be spent within a 50 mile radius of the site. 'Local investment' always seems attractive. However, no further detail is provided as to what this investment would be.

Furthermore, the 2012 DECC report entitled *The Unconventional Hydrocarbon Resources of Britain's Onshore Basins* shows that the Borrass site is outside the area where coal bed

methane extraction would potentially be successful. This is due to the absence of an impermeable layer of rock that would allow the successful dewatering of the coal. It is a requirement of the PEDL licence that test drilling be carried out and the government will claw back licences where no test drilling takes place, but it is unacceptable to allow test drilling and all its associated environmental disruption and risks when the coal bed methane extraction it is testing for cannot work. This matter needs to be urgently addressed by government. In the meantime, it makes no sense to permit pointless exploratory drilling permission.

Conclusion

In conclusion, material planning considerations around the need for an Environmental Impact Assessment, traffic levels and noise concerns are enough to refuse planning permission for CBM test drilling at Borrass Commonwood. Just as importantly, G P Energy's claims about what the company sees as the benefits of CBM extraction, should that take place in the future, need to be seen in the light of highly damaging environmental and health consequences of hydraulic fracturing and its negligible contribution to our indigenous energy supply.

References

¹ Finkel, M.L. and Hays, J. *The implications of unconventional drilling for natural gas: a global public health concern* Public Health 127 (2013) 889-893.

² Peduzzi, P. and Harding, R. *Can we safely squeeze the rocks?* Environmental Development 6 (2013) 86-99.

³ Kovats, S et al. *The health implications of fracking* The Lancet, Vol 383, March 1, 2014.