



cyfeillion y ddaear cymru
friends of the earth cymru

Ref: P 2013 0660

Ref: H6955/A/14/2218276

Description: Part of field west of Commonwood Farm and south of Borrass Road, Commonwood, Holt, Wrexham, LL13 9TF.

Cyfeillion y Ddaear Cymru / Friends of the Earth Cymru 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.

Friends of the Earth's objection is based on the following:

- Inconsistent with the need to mitigate climate change
- Inconsistent with the precautionary principle
- Unacceptable adverse environmental impacts

Inconsistent with mitigating climate change

Planning Policy Wales 2014 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).

In addition UNEP's 2012 report said: *"increased extraction and use of unconventional gas is likely to be detrimental to efforts to curb climate change"*.¹

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.

Planning appeal decisions in Wales must also have regard to the following key policies on **climate change** from PPW 2014:

Paragraph 4.4.3: *"Support the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales"*

¹ UNEP (2012) 'Gas fracking: can we safely squeeze the rocks?'

and facilitates low and zero carbon developments” and “Contribute to the protection and, where possible, the improvement of people’s health and well-being as a core component of sustainable development and responding to climate change. Consideration of the possible impacts of developments – positive and/or negative – on people’s health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account”

Paragraph 4.5.7: *“Planning to minimise the causes of climate change means taking decisive action to move towards a low carbon economy (see Section 12.8) by proactively reducing the demand for energy (see Chapter 8 and Section 12.8), facilitating the delivery of new and more sustainable forms of energy provision at all scales (see Section 12.8) and minimising the emissions of greenhouse gases to the atmosphere.”*

Paragraph 4.5.9: *“Consideration of the impacts of climate change should use the latest set of UK Climate Projections (and the latest Climate Change Risk Assessment) to ensure that they have identified appropriate policies and measures to adapt to these impacts, including the consequential impacts of such measures.”*

Paragraph 12.8.9: *“Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by: - ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations”.*

Paragraph 1.18 of the planning statement submitted by the appellant clearly implies that gas extracted from coal bed methane could become part of an ‘indigenous’ gas supply for the UK, 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 *local* energy supply. Safe and clean sources of renewable energy, such as solar and wind power are, however, capable of playing a significant part in securing Wrexham’s local energy supply as its work in promoting solar locally has shown.

This is a planning consideration given the recital to the European Renewable Directive 2009 which states that planning structures and legislation should *“take into account the contribution of renewable energy sources towards meeting environmental and climate change objectives, in particular when compared to non-renewable energy installations”.*

All of the above argue for the refusal of this appeal on the grounds of climate change.

Lack of Environmental Impact Assessment

No Environmental Impact Assessment has been carried out, which means that baseline data is missing from which to assess the effects and consequences of the test drill, during and after operations. Sound decision-making requires a sound evidence base – and if the evidence is not available then the precautionary principle must be applied according to national planning policy.

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. Therefore this is a speculative appeal that lacks a proper evidence base.

33 Oriol Arcêd y Castell • Caerdydd CF10 1BY
• Ffôn 029 2022 9577 • epost cymru@foe.co.uk • www.cyddcymru.co.uk

Cyfeillion y Ddaear yw'r enw cyfunol ar gyfer Ymddiriedolaeth Cyfeillion y Ddaear, elusen gofrestredig 281681, rhif cwmni 1533942 a Cyfeillion y Ddaear Cyfyngedig, rhif cwmni 1012357. Swyddfa gofrestredig y ddau yw: The Printworks, 131-143 Clapham Road, Llundain SW9 0HP. Mae ein papur i gyd wedi'i ailgylchu.

Croesawir cyfathrebiaeth yn Gymraeg a Saesneg. Am ragor o wybodaeth cysylltwch â ni am gopi o'n Cynllun Iaith Gymraeg.

33 The Balcony Castle Arcade • Cardiff CF10 1BY
• Tel 029 2022 9577 • email cymru@foe.co.uk • www.foecymru.co.uk

Friends of the Earth is the collective name for Friends of the Earth Trust Limited, registered charity 281681, company number 1533942 and Friends of the Earth Limited, company number 1012357. In both cases the registered office is The Printworks 131-143 Clapham Road London SW9 0HP. Our paper is totally recycled.

Correspondence is welcome in both Welsh and English. For more information contact us for a copy of our Welsh Language Scheme.

Inconsistent with the precautionary principle

On the precautionary principle PPW 2014 includes the following policy for reference:

Paragraph 4.3.1: *“applying the precautionary principle. Cost-effective measures to prevent possibly serious environmental damage should not be postponed just because of scientific uncertainty about how serious the risk is”*. In addition the key principles that support a precautionary approach are as follows: Paragraph 4.3.1: *“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; applying the proximity principle, especially in managing waste and pollution. This means solving problems locally rather than passing them on to other places or to future generations.”* Precautionary action requires assessment of the costs and benefits of action, and transparency in decision-making.

The precautionary principle is a principle at the heart of environmental law to which the UK and Welsh Governments are 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”*.

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>).

On minerals planning policy (MPPW 2001) the Welsh Government has the following guidance:

Paragraph 65: *“There are additional environmental considerations associated with coalbed methane extraction: - the environmental impacts of exploration, development, operation and restoration of coalbed methane wells which may have a relatively long productive life of 30 years or more; - coalbed methane extraction usually entails many more wells than conventional gas; - the disposal of water produced during well stimulation and gas production which may vary in contamination; and - adverse effects on subsurface resources such as groundwater.”*

The precautionary principle is particularly important with regard to the presence of geological faults and the evidence of Abbeystead and Gresford colliery disasters. The appellants cannot prove that their activities will, beyond reasonable scientific doubt, not lead to water contamination, subsidence, localised air pollution, or unacceptable seismic activity.

G P Energy’s supporting document also does not provide information as to how the waste water will be dealt with.

Transport impacts

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. West Sussex County Council recently refused an

33 Oriol Arcêd y Castell • Caerdydd CF10 1BY
• Ffôn 029 2022 9577 • epost cymru@foe.co.uk • www.cyddcymru.co.uk

Cyfeillion y Ddaear yw'r enw cyfunol ar gyfer Ymddiriedolaeth Cyfeillion y Ddaear, elusen gofrestredig 281681, rhif cwmni 1533942 a Cyfeillion y Ddaear Cyfyngedig, rhif cwmni 1012357. Swyddfa gofrestredig y ddau yw: The Printworks, 131-143 Clapham Road, Llundain SW9 0HP.
Mae ein papur i gyd wedi'i ailgylchu.

Croesawir cyfathrebiaeth yn Gymraeg a Saesneg. Am ragor o wybodaeth cysylltwch â ni am gopi o'n Cynllun Iaith Gymraeg.

33 The Balcony Castle Arcade • Cardiff CF10 1BY
• Tel 029 2022 9577 • email cymru@foe.co.uk • www.foecymru.co.uk

Friends of the Earth is the collective name for Friends of the Earth Trust Limited, registered charity 281681, company number 1533942 and Friends of the Earth Limited, company number 1012357. In both cases the registered office is The Printworks 131-143 Clapham Road London SW9 0HP. Our paper is totally recycled.

Correspondence is welcome in both Welsh and English. For more information contact us for a copy of our Welsh Language Scheme.

application for unconventional fossil fuel extraction on the basis of unacceptable transport impacts. This is a very important consideration in planning terms. Planning Policy Wales 2014 states that: *"8.1.8 Transport emissions contribute significantly to climate change, diffuse pollution of groundwater and surface water (Section 13.10) and poor local air quality, which can in turn affect people's health"*.

Aftercare and restoration

The appellants say that on completion, 'the borehole will be plugged and abandoned'. Any abandonment must be monitored fully in line with the precautionary principle. In line with the polluter pays principle the developer must show how future impacts after abandonment will be taken care of.

Minerals Planning Policy Wales 2001 references the need for financial guarantees. This is very important to secure as part of a planning condition. Paragraph 53 states: *"Properly worded and relevant planning conditions should be able to secure the restoration, aftercare and after-use of mineral sites"*. Paragraph 54 in addition states: *"To address the uncertainty of local communities about the completion of restoration proposals and having regard to the polluter pays principle, wherever it is reasonable to do so, authorities may require financial guarantees as a means of ensuring that sites will be restored properly and in a reasonable time period. An authority may require financial guarantees by way of a Section 106 planning obligation/agreement, as part of the approval of planning permission to ensure that restoration will be fully achieved. Some authorities have local legislation to enable them to impose this provision by way of a condition attached to the planning permission."*

Amenity

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.

Economy

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 Borrás Commonwood (para 1.22) although these claims are not substantiated.

Paragraph 1.21 of the appellant's statement says 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. However, no further detail is provided as to what this investment would be. This is a highly specialist activity and both the kit and labour will be imported.

Conclusion

In conclusion, material planning considerations including the need to mitigate climate change, the precautionary principle as relates to geological faults and water impacts, transport impacts and noise concerns are the basis for upholding the local planning authorities' refusal of planning permission for CBM test drilling at Borrás Commonwood.

33 Oriol Arcêd y Castell • Caerdydd CF10 1BY
• Ffôn 029 2022 9577 • epost cymru@foe.co.uk • www.cyddcymru.co.uk

Cyfeillion y Ddaear yw'r enw cyfunol ar gyfer Ymddiriedolaeth Cyfeillion y Ddaear, elusen gofrestredig 281681, rhif cwmni 1533942 a Cyfeillion y Ddaear Cyfyngedig, rhif cwmni 1012357. Swyddfa gofrestredig y ddau yw: The Printworks, 131-143 Clapham Road, Llundain SW9 0HP.
Mae ein papur i gyd wedi'i ailgylchu.

Croesawir cyfathrebiaeth yn Gymraeg a Saesneg. Am ragor o wybodaeth cysylltwch â ni am gopi o'n Cynllun Iaith Gymraeg.

33 The Balcony Castle Arcade • Cardiff CF10 1BY
• Tel 029 2022 9577 • email cymru@foe.co.uk • www.foecymru.co.uk

Friends of the Earth is the collective name for Friends of the Earth Trust Limited, registered charity 281681, company number 1533942 and Friends of the Earth Limited, company number 1012357. In both cases the registered office is The Printworks 131-143 Clapham Road London SW9 0HP. Our paper is totally recycled.

Correspondence is welcome in both Welsh and English. For more information contact us for a copy of our Welsh Language Scheme.

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.

33 Oriol Arcêd y Castell • Caerdydd CF10 1BY
• Ffôn 029 2022 9577 • ebost cymru@foe.co.uk • www.cyddcymru.co.uk

Cyfeillion y Ddaear yw'r enw cyfunol ar gyfer Ymddiriedolaeth Cyfeillion y Ddaear, elusen gofrestredig 281681, rhif cwmni 1533942 a Cyfeillion y Ddaear Cyfyngedig, rhif cwmni 1012357. Swyddfa gofrestredig y ddau yw: The Printworks, 131-143 Clapham Road, Llundain SW9 0HP. Mae ein papur i gyd wedi'i ailgylchu.

Croesawir cyfathrebiaeth yn Gymraeg a Saesneg. Am ragor o wybodaeth cysylltwch â ni am gopi o'n Cynllun Iaith Gymraeg.

33 The Balcony Castle Arcade • Cardiff CF10 1BY
• Tel 029 2022 9577 • email cymru@foe.co.uk • www.foecymru.co.uk

Friends of the Earth is the collective name for Friends of the Earth Trust Limited, registered charity 281681, company number 1533942 and Friends of the Earth Limited, company number 1012357. In both cases the registered office is The Printworks 131-143 Clapham Road London SW9 0HP. Our paper is totally recycled.

Correspondence is welcome in both Welsh and English. For more information contact us for a copy of our Welsh Language Scheme.