



The Coal  
Authority

**SOMERSET MINERALS PLAN  
EXAMINATION – SEPTEMBER 2014**

**MATTER 9 – 30<sup>TH</sup> SEPTEMBER 2014**

**HEARING STATEMENT by THE COAL AUTHORITY**

**ENERGY MINERALS**

**Inspector's Issues and Questions (list)**

- 1. The evidence indicates that the Petroleum and Exploration Development Licences (PEDLs) were due to expire in June 2014. What is the current position?***

PEDL Licence PEDL227 covers part of Somerset County and remains in place, the prescribed operator is UK Methane Ltd and the licence has an anticipated end date of 30 June 2039.

PEDL Licences PEDL225 and PEDL226 which previously covered parts of Somerset County do not currently appear on the register held by the Department of Energy and Climate Change. The latest DECC published map (as of 4 August 2014) is attached (see Appendix 1). The Minerals Plan will need to be amended to reflect this latest position, noting of course that through the lifetime of the Plan, our parent Department, DECC may issue further REDL Licences through future licensing rounds.

The National Planning Practice Guide requires these PEDL licences to be illustrated in the plan.

- 2. Are the constraints on production and processing of oil and gas within the PEDL areas adequately addressed so as to guide planning applications?***

In broad terms The Coal Authority supports the overall policy approach towards energy minerals, which includes that arising from unconventional sources. This policy has positively and proactively responded to our previous comments made at the Minerals Preferred Options consultation stage and is now specific in its regard to oil and gas development.

In our submission representations we indicated that it may however be more appropriate for this policy to be re-titled 'Conventional and Unconventional Hydrocarbons' to make it clear that it covers within its remit all the range of hydrocarbon proposals set out in the chapter introduction. The use of 'Oil and Gas' terminology is generally interpreted by the public as being conventional hydrocarbon resources. A number of the questions which the Inspector poses enhances our view that the policy should be retitled to clearly include all conventional and unconventional hydrocarbons.

Whilst criterion f) still requires proposals to be supported by a comprehensive economic assessment, paragraph 9.36 indicates what is envisaged by such an assessment and refers to information being provided showing that production is viable, as opposed to demonstrating an economic need. National Planning Policy does not require need for energy minerals to be demonstrated in any manner.

The Coal Authority welcomes and supports reference within Section 9 of the Minerals Plan to the extraction of Coal-Bed Methane (CBM). National Policy in the NPPF on new coal technologies falls within the remit of 'unconventional hydrocarbons' in paragraph 147, it positively encourages the capture and use of methane from coal mines in active and abandoned coalfield areas. The Coal Authority also welcomes the fact that Section 9 makes reference to consent being required from us for any works which take place that intersect coal and/or coal mine workings (whether abandoned or not).

The Coal Authority would welcome the Minerals Plan continuing the broadly supportive approach towards the facilitation of proposals to use coal bed methane. The Minerals Plan needs to remain flexible in its approach towards this issue given the emerging nature of the technology and the broad nature of the current licensed areas. The PEDL licensed areas granted by DECC are broad in nature and just reflect arbitrary sub-divisions of the overall potential resource. They do not necessarily represent the full extent of the geographic areas that offer potential for coal bed methane, abandoned mine methane or underground coal gasification and as such their use as spatial illustrations only offer a starting point and policies should facilitate potential extraction both within and outside the current PEDL licenced areas.

The Coal Authority do not consider that any key constraints need to be identified specifically to coal bed methane or other new coal related technologies extraction, it is considered that the general policies which address environmental and community criteria for all mineral extraction should suffice.

Policy SMP7 will not be the only policy applicable to conventional or unconventional hydrocarbon extraction proposals. It will of course be read alongside other plan policies and guidance in paragraph 147 of the NPPF. The sphere of conventional and unconventional hydrocarbon extraction is quite wide and each of the individual hydrocarbons potentially raises different planning and environmental issues for consideration. A strategic policy needs to set out a suitable framework without becoming bogged down in unnecessary detail. Care must be taken not to duplicate other regulatory controls as the NPPG makes explicitly clear.

The NPPG in paragraph 27-106 makes clear the role of the Minerals Plan is to include: *“Criteria-based policies for each of the exploration, appraisal and production phases of hydrocarbon extraction. These policies should set clear guidance and criteria for the location and assessment of hydrocarbon extraction within the Petroleum Licence Areas.”*

The policy as currently written does not distinguish between the three relevant phases (exploration, appraisal and production) of hydrocarbon extraction as the NPPF and NPPG requires. However The Coal Authority considers that the policy is flexible enough to address these. In the region South Gloucestershire Places, Sites and Policies Plan is an example where a plan has been written with more detailed criteria distinguishing between the phases (see Appendix 2). If the Council and/or the Inspector considered that further criteria were needed we would recommend this policy as an example. However we have no fundamental objection to Policy SMP7 as currently written, save for the title.

- 3. In particular, noting the complex geology of the Mendip Hills, is sufficient guidance and protection provided to a) the geological structure of the area, and b) groundwater?**

The Coal Authority has no specific comments to make

**4. Should Policy SMP7 include a requirement for the process of Environmental Impact Assessment (EIA) to be undertaken and submission of an Environmental Statement (ES)?**

No, conventional and unconventional hydrocarbon extraction proposals can operate at a wide spectrum of scales and it would be inappropriate for the policy to pre-determine the EIA screening process.

Applications for the exploratory and appraisal phases are likely to fall under paragraph 2 of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. An Environmental Impact Assessment is therefore required if the project is likely to have significant environmental effects.

As the NPPG makes clear in paragraph 27-119: *“Whilst all applications must be assessed on a case-by-case basis, it is unlikely that an Environmental Impact Assessment will be required for exploratory drilling operations which do not involve hydraulic fracturing. However, when considering the need for an assessment, it is important to consider factors such as the nature, size and location of the proposed development (selection criteria for screening Schedule 2 development are set out in Schedule 3 to the Regulations). Applications for the production phase are also likely to fall under paragraph 2 of Schedule 2 to the 2011 Regulations, in which cases they should be screened for likely significant effects, but applications where more than 500 tonnes of oil or 500,000 cubic metres of gas will be extracted per day may fall under Schedule 1, in which case an Environmental Impact Assessment is mandatory.”*

As Policy SMP7 covers the whole range of conventional and unconventional hydrocarbon extraction, covering all three distinct phases, it is clear that an Environmental Statement will not be required in all circumstances.

**5. If so, should all applications for oil and gas exploration, appraisal and production be supported by EIA and an ES or should there be exceptions? Please give reasons.**

See Above

**6. Has sufficient account been taken of viability?**

The appraisal phase is designed to assess issues such as flow testing to establish the economic viability of the resource and its potential productive life. Much will depend on the size and complexity of the hydrocarbon reservoir involved. Paragraph 9.36 of the plan makes this point clear and The Coal Authority does not consider that additional policy criteria need to be stated in SMP7.

***7. Should exploration and appraisal permissions be temporary and, if so, should this be made clear?***

Each phase of conventional and unconventional hydrocarbon extraction is a temporary use of land as is all mineral extraction. Policy SMP7 itself does not explicitly state this, nor does it explicitly state that restoration and aftercare will be required. Policies SMP8 and DM7 addresses site reclamation and restoration/aftercare, however with the benefit of hindsight the accompanying text does not make it clear that proposals permitted under SMP7 will also need to meet this requirement. Policy SMP7 could perhaps therefore make it clear that restoration and aftercare will be a requirement as the NPPG makes clear in paragraph 27-127.

***8. Should there be a specific policy for shale gas Hydraulic fracturing (fracking)? If so, what should this be?***

No, an overall policy addressing conventional and unconventional hydrocarbon extraction is what is required to comply with national policy in paragraph 147 of the NPPF.

***9. Should the Plan indicate areas where coal extraction and the disposal of colliery spoil may be acceptable?***

The Mineral Plan sets out text on coal extraction in paragraphs 9.39 and 9.40, there is no explicit policy addressing surface coal mining. Instead there is reliance upon other plan policies and national planning policy. The Coal Authority did not object to this approach.

The NPPF in paragraph 147 requires MPAs to indicate areas where coal extraction and the disposal of colliery spoil may be acceptable. However in the latter case, this would normally only be undertaken in relation to underground mining activities where additional land was required for colliery spoil disposal. Somerset has no existing or currently planned underground licences and as such there is no evidence base to underpin the identification of any areas for colliery spoil disposal.

In relation to the former issue of indicating areas where coal extraction may be acceptable, this would be in the form of an area of search. Given the highly dynamic nature of the UK

energy market, economic viability of coal resources fluctuates almost on a daily basis. Additional geological data from boreholes would be required to undertake the designation of any area of search. The former British Coal Corporation undertook a UK wide assessment of potential areas for future surface mining, however this information is now dated. Data held by The Coal Authority and/or BGS is not sufficiently detailed enough upon which to define areas of search in our view.

Areas of search are normally defined in areas where a high concentration of surface coal mining is already underway, where operators have already undertaken or obtained geological borehole data which is sufficient to define areas of search within which site extensions can then be explored.

We do not consider that the Somerset Minerals Plan needs to address these issues and The Coal Authority do not consider that the Plan fails to comply with the NPPF.

***10. Should there be a separate policy on coal mining covering potential effects of subsidence, potential hazards of old mine workings, the treatment and pumping of underground water, monitoring and preventative measures for potential gas emissions, and the method of disposal of colliery spoil? (see PPG ID 27-148-20140306)***

These issues are specifically applicable to underground coal mining proposals. As we indicated earlier Somerset has no existing or currently planned underground licences and as such there is no evidence to indicate that any underground coal mining proposal is likely to occur in Somerset within the Plan period. As the UK licensing body The Coal Authority is aware of where operators are considering longer-term investment in underground mining and we can confirm that we do not expect any such proposals in Somerset in the Plan period.

The Coal Authority has a duty to deal with potential hazards arising from old mine workings, the treatment and pumping of underground water, monitoring and preventative measures for potential gas emissions. We ensure that these factors are taken into account by defining a 'High Risk Development Area' which covers approximately 0.08% of the surface area of Somerset County. Policy DM10 already satisfactorily addresses land stability from new mineral extraction and policies within the constituent District Local Plans address land instability arising from historic mining legacy in relation to all non-mineral development.

***11. Does transport of energy minerals need to be addressed separately and in addition to the general Development Management policy on Transport?***

No, energy minerals do not raise transportation implications which differ from non-energy minerals.

**12. Overall, does Policy SMP7 provide sufficient scope, direction and flexibility for applicants of energy minerals permissions?**

Section 9 as a whole including Policy SMP7 address all energy mineral proposals, Policy SMP7 itself was not intended to be one which covered all energy mineral development. The Coal Authority considers that the plan as a whole together with the NPPF and NPPG set out a suitable policy framework, subject to specific comments set out above.

Anthony B Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, ICIQB, MInstLM, MCMI, MRTPI*  
Consultant Planning Advisor to The Coal Authority

15 August 2014

**Attached:**

Appendix 1 – PEDL Licence Area as at 4 August 2014

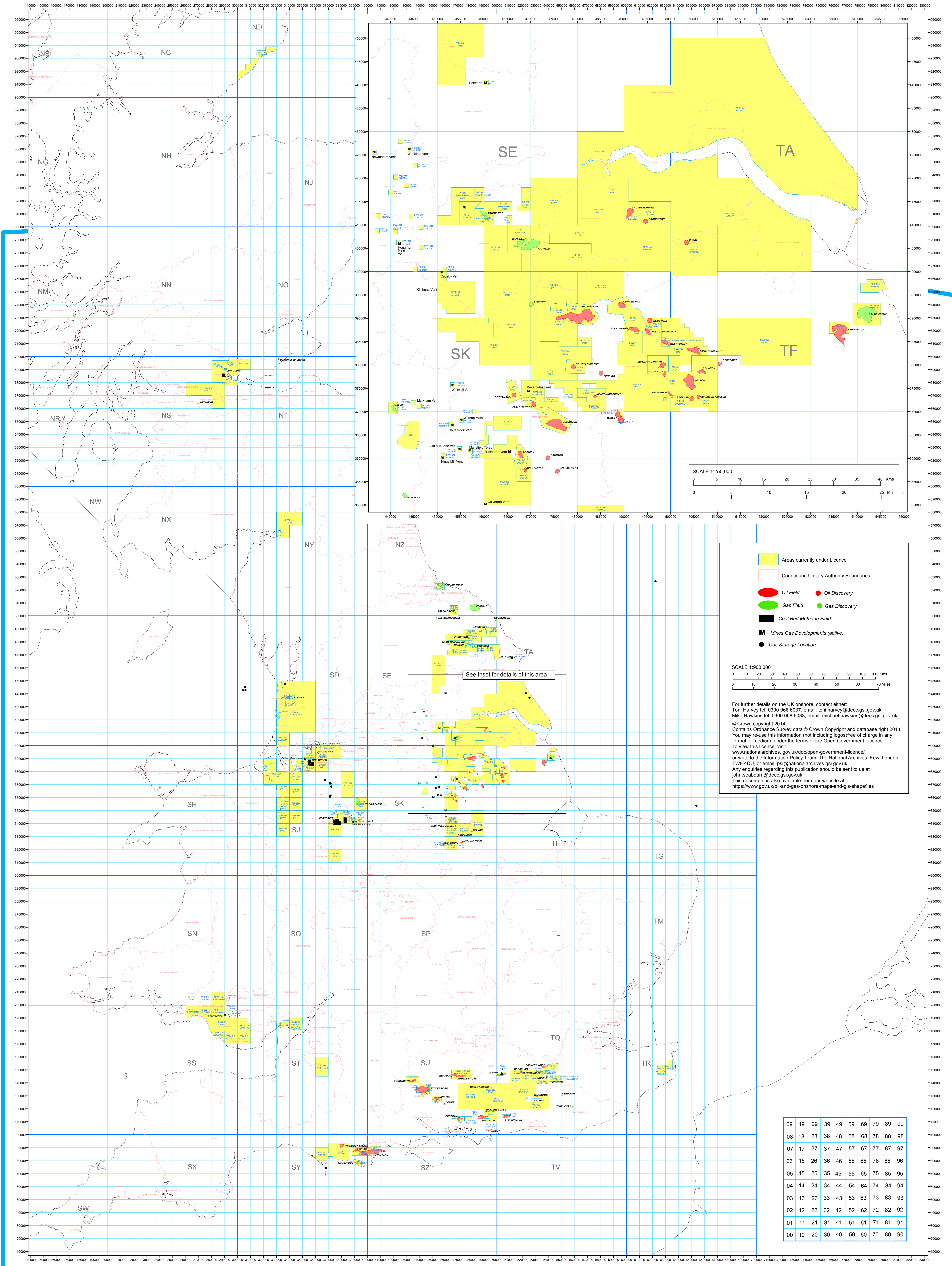
Appendix 2 – Extract from South Gloucestershire Places, Sites and Policies Plan





# Petroleum Act 1998 Onshore Licensing

1 August 2014



Areas currently under Licence

County and Unitary Authority Boundaries

Oil Field

Oil Discovery

Gas Field

Gas Discovery

Coal Bed Methane Field

M Mines Gas Developments (active)

Gas Storage Location

SCALE 1:900,000

0 10 20 30 40 50 60 70 80 90 100 110 Kms

0 10 20 30 40 50 60 70 Miles

For further details on the UK onshore, contact either:  
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Any enquiries regarding this publication should be sent to us at [john.seabourn@decc.gsi.gov.uk](mailto:john.seabourn@decc.gsi.gov.uk)  
This document is also available from our website at <https://www.gov.uk/oil-and-gas-onshore-maps-and-gis-shapefiles>

09	19	29	39	49	59	69	79	89	99
08	18	28	38	48	58	68	78	88	98
07	17	27	37	47	57	67	77	87	97
06	16	26	36	46	56	66	76	86	96
05	15	25	35	45	55	65	75	85	95
04	14	24	34	44	54	64	74	84	94
03	13	23	33	43	53	63	73	83	93
02	12	22	32	42	52	62	72	82	92
01	11	21	31	41	51	61	71	81	91
00	10	20	30	40	50	60	70	80	90





South Gloucestershire **Local Plan**

# Draft Policies, Sites and Places Development Plan Document

June 2014

[www.southglos.gov.uk](http://www.southglos.gov.uk)



## 2 iv. Managing the Environment and Heritage Policies

POLICY PSP24 – HYDROCARBON EXTRACTION (INC. FRACKING)	
Core Strategy Policy CS9 Managing the Environment and Heritage CS10 Minerals	Local Plan Policy New Policy
<p><b>Context</b> Over the past few years there has been growing interest and activity in the UK in exploring the exploitation of unconventional hydrocarbons – coalbed methane and shale gas. Paragraphs 142 to 149 of the NPPF make it clear that mineral planning authorities should identify and include policies for the extraction of unconventional hydrocarbons such as shale gas and coalbed methane.</p> <p>Currently there is a petroleum licence for coalbed methane which extends into the south of the district, although there has not as yet been any interest in the exploration of this gas. The UK has abundant shales at depth, although their distribution is not well known. A BGS/DECC report published in 2012 identifies potential shale gas resources within South Gloucestershire.</p> <p>Proposals for hydrocarbon extraction will only be acceptable provided that the impacts are fully assessed with regard to the following operations:</p> <p><b>Exploration and Appraisal</b> Proposals for the exploration and appraisal of hydrocarbons will be permitted where all of the following apply:</p> <ol style="list-style-type: none"> <li>1) well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed;</li> <li>2) any adverse impacts can be mitigated to an acceptable level, with safeguards to protect environmental and amenity interests put in place as necessary;</li> <li>3) it can be demonstrated that the integrity of the geological structure is suitable;</li> <li>4) where appropriate, an indication of the extent of the reservoir and the extent of the area of search within the reservoir is provided to the council;</li> <li>5) exploration and appraisal operations are for an agreed, temporary length of time; and</li> <li>6) well sites and associated facilities are restored at the earliest practicable opportunity.</li> </ol> <p><b>Production</b> Proposals for the production of hydrocarbons will be permitted where all of the following apply:</p> <ol style="list-style-type: none"> <li>7) an appraisal programme has been completed to the satisfaction of the council;</li> <li>8) an acceptable framework for the production of the reservoir has been submitted to the satisfaction of the council;</li> </ol>	

## **2 iv. Managing the Environment and Heritage Policies**

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| 9)  | the facilities required for production are justified in terms of their number and extent;  |
| 10) | extraction, processing, dispatch and transport facilities are sited, designed and operated to minimise environmental and amenity impacts;                                    |
| 11) | a scheme which includes detailed plans for the removal of all equipment and restoration of the site to a standard approved by the council and the means to achieve this; and |
| 12) | any adverse impacts, both individual and cumulative, can be mitigated to an acceptable level.  |