

Response by Egdon Resources UK Limited

**Nottinghamshire Minerals Local Plan
Inspectors matters, issues and questions
Matter 3 – Minerals Provision Policies**

Policy MP12: Oil and Gas

42 'Please comment on any implications for Policy MP12 arising from the judgement that quashes paragraph 209(a) of the Framework.'

Introduction

Egdon believes that the existing policies within the Plan excluding changes already requested are sound, specifically MP 12 (oil and gas) and that there is no impact to this policy brought about by the judgement. Both identified policies are in line with the NPPF (as amended), Planning Practice Guidance (PPG) and Written Ministerial Statements specifically relating to onshore hydrocarbons.

Rather than address the procedural issue identified by the Court by instructing a fresh consultation process to examine the relative merits of the competing scientific evidence that had been put forward to support and challenge the UK Government's previously held national planning policy position, the SoS elected instead to simply remove paragraph 209a from the revised NPPF and issue a Written Ministerial Statement¹ stating that all other guidance including the remaining paragraphs of the NPPF and the Written Ministerial Statements on onshore oil and gas published in 2015 and 2018 remained extant.

It is Egdon's strong view that the evidence by others such as the Committee on Climate Change demonstrates that the production of an indigenous supply of onshore shale gas would have a lower carbon footprint than imported liquefied natural gas and thus assist the UK in transitioning to a low carbon economy.

The effect of this decision is that consideration of the strategic planning policy issue of whether or not the development of onshore shale gas would assist the UK in transitioning to a low carbon economy by 2050 and the required assessment of the science which surrounds it has been deferred.

Egdon's view is supported by the recent conclusions of the Planning Inspector at the Wressle planning appeal who stated "*Reference was made to the 2019 case of Stephenson v SSHCLG [2019] EWHC S19 (Admin). This was a challenge to the Government's decision to adopt the (former) paragraph 209a of the Framework. However that paragraph is no longer part of national policy and the Court's decision was concerned with the lawfulness of the government's decision-making process and not with the merits of the policy.*"

What remains clear, as evidenced by the terms of the subsequent WMS issued on 23 May 2019 is that the UK Government remains committed to "the safe and sustainable exploration and development of [the country's] onshore shale gas resources." This, together with the provisions of paragraph 209b of the revised NPPF, "plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for", makes it clear that the Plan must continue to make provision for onshore petroleum development (our emphasis). A failure to do so would render the Plan inconsistent with the NPPF and the WMS and thus unsound.

The response to climate change and in particular the relevance of research and actions required under the Climate Change Act 2008 as amended should be left to central government as is very clearly stated within the Act. There is still a strong and material case for shale gas as the recent WMS (23 May 2019) states "*We remain committed to the safe and sustainable exploration and development of our onshore shale gas resources.*"

We also wish to note the additional comments made by the inspector at Egdon Resources' appeal on the Wressle development dated 17 January 2020 regarding national energy policy (para 33)³ "*It is no part of national policy to attempt to reduce emissions by restricting the production of hydrocarbons in the UK, as was implied or stated by some objectors. Nor was such an approach suggested by the Committee on Climate Change when dealing with the net zero 2050 position – and there is no policy*"

which provides that a net zero carbon economy in 2050 would be hydrocarbon-free. The proposed extraction of hydrocarbons is consistent with national energy policy. Furthermore, in that context a domestic supply has obvious security advantages and reduces the need for imported gas and oil”.

Conclusion

We therefore believe that the deletion of para 209a from the NPPF has no impact on the Plan. The judgement did not highlight any uncertainties in the scientific evidence on emission levels that the UK Government had previously relied upon. It simply ruled that the UK Government's failure to take account of the report which purported to challenge that evidence rendered the underlying public consultation exercise unlawful.