

BY EMAIL AND FIRST CLASS POST

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Your ref: CM4/0517/10

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David Arnold - Head of Planning Services  
Derbyshire County Council  
Shand House  
Dale Rd South  
Matlock DE4 3RY

*Dear Mr Arnold,*

**CM4/0517/10: Construction of a well site etc, Bramley Moor Lane, Marsh Lane, Eckington, NE Derbyshire.**

1. We refer to the above application and are pleased to submit the comments of Friends of the Peak District, who represent the Campaign to Protect Rural England (CPRE) in the Peak District, High Peak and the six northern parishes of NE Derbyshire, including Eckington. FPD (which is run and managed by the Peak District and South Yorkshire Branch of the CPRE) is a registered charity and company limited by guarantee. It is also the national park society for the Peak District and part of the Campaign for National Parks (CNP), although this application clearly falls outside the PDNP. We have c.1500 members, drawn from local communities, towns and those further afield who have a wider interest in countryside protection. Our vision is for a working, living landscape that changes with the times but remains beautiful forever.
2. We have examined the application and related documents and visited the site and its environs. **In summary, we object to the application, primarily on the grounds of its negative impact on landscape, tranquillity and local amenity, contrary to local policies (the development plan).** We are also of the opinion that the potential benefits described do not outweigh the local impacts and, more widely, believe that shale gas extraction (which is the likely consequence of this exploratory application and others like it) will hinder and not help local authorities to meet the legal requirement on them (by way of policies and planning decisions) to mitigate and adapt to climate change set out in section 19 of the 2004 Planning and Compulsory Purchase Act, and more widely the requirements of the 2008 Climate Change Act. We set out our concerns in detail below.

**President: Dame Fiona Reynolds**

CPRE South Yorkshire and Friends of the Peak District are run by the Campaign to Protect Rural England, Peak District and South Yorkshire

**for the countryside, for communities, for the future**

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### *CPRE's views and policies*

3. CPRE has recently re-assessed the evidence regarding the impacts of likely shale gas extraction on the English countryside, weighed against our strong policy concern about the impact of climate change on communities, landscapes and the economy. Nationally we recently revised our Policy Guidance Note on Shale Gas<sup>1</sup> which now adopts a moratorium position, unless and until it can be shown that shale gas will:
  - help secure radical reductions in carbon emissions;
  - not lead to unacceptable cumulative harm to landscape;
  - be carefully controlled by regulation and democratic planning, which is adequately resourced.

In our view none of these criteria are currently met, hence the moratorium.

4. Locally, FPD and CPRE South Yorkshire adopted a policy of a general presumption against fracking<sup>2</sup> for similar, well-evidenced reasons. Nonetheless we judge all applications for shale gas related developments on case-by-case basis against local and national policy, also taking into the account wider impacts and the views of affected communities.

### *Compliance with the development plan*

5. We have assessed the proposals against the development plan, comprising the saved policies of NEDDC and its Consultation Draft of the emerging Local Plan and the DCC Minerals Local Plan (2001), where applicable. We find that the development, as proposed, is inconsistent with a number of these policies as set out below.

### *Landscape*

6. The site falls within landscape type 'Wooded Hills and Valleys' within National Character Area 38: Nottinghamshire, Derbyshire and Yorkshire Coalfield. In summary (see DCC LCA, fourth edition, Part 1 - 4.6), it has an open character with sparsely scattered settlement and, despite 'immense pressures of development with Sheffield abutting to the north, as a result of planning constraints, the landscape has remained essentially rural and intact' (DCC, 2014). The proposed development is inconsistent with retaining this valued landscape character.
7. The LVI within the Environmental Report accepts there will be substantial impacts on landscape, which we also equate with significant visual intrusion over the local area, given the prominent hilltop/slope location of the site, with long views over a wide area to the south. Although we recognise that - with the current application - this may be a temporary impact, there is uncertainty as to future plans for the site<sup>3</sup> and, combined with our assessment of the need for the development, we regard the impact as

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<sup>1</sup> <https://www.cpre.org.uk/resources/policy-guidance-notes/item/4608-policy-guidance-note-shale-gas>

<sup>2</sup> <http://www.friendsofthepeak.org.uk/files/public/Policies/FPD%20CPRE%20SY%20Fracking%20policy%20FINAL%20June16.pdf>

<sup>3</sup> See p.4, Planning Statement, section 1.3: 'It is currently not known whether production will occur on this site in the future...'

outweighing the benefits of the proposal and therefore find it contrary to NED saved policy NE1 [NE2], emerging policies SS1, SS14, SDC3 and DCC MLP policy MP1 (sections 3,4 and 9).

8. Emerging NED policy SDC3 also highlights the need not to cause significant harm to perceptual qualities such as tranquillity, identified in the 'Technical Support Document 2: Tranquillity' of the 2014 fourth edition of 'The Landscape Character of Derbyshire'<sup>4</sup>. Here, taking data from CPRE's own 2008 national tranquillity map (noted as 'an accepted record of current national tranquillity'), the Bramley Moor Lane site falls within an area of median relative sensitivity within Derbyshire, which should be protected. In terms of the combined detractors of tranquillity that this development would cause (impacts of noise, traffic, landscape and visual intrusion), we believe this will cause significant harm, thereby adding to the lack of compliance with policy SDC3.

#### *Green Belt*

9. From the above evidence of landscape and visual impacts, and noting national policy that mineral extraction is not inappropriate *per se* in green belts, we conclude that the proposals would not preserve openness, not meet the test of 'very special circumstances' and are therefore inconsistent with NED saved policy GS2 and emerging policy SS9.

#### *Biodiversity*

10. We share the concerns of the Derbyshire Wildlife Trust (DWT) regarding impacts on hedges but note the offer of the developer (see p.38 of the Planning Statement) to replace and enhance hedgerows should the development proceed. We regard this as necessary rather than optional although our initial preference is for hedgerow not to be removed as it qualifies as UK BAP priority habitat. Failure to deal with this would breach saved NED policy NE7, emerging policy SDC2 and MLP Policy MP1(4). We also agree with DWT that further breeding bird and bat survey are required, given the inadequacy of the extended Phase 1 Habitat Survey and the noted presence of skylark and lapwing. At the very least, further surveys are required to assess the full impact of the proposals on biodiversity on or near the site.

#### *Local amenity and traffic*

11. We are particularly concerned as to the effect of the development on local amenity through traffic impacts, visual intrusion, noise, loss of tranquillity (see above but also including artificial lighting impacts) and disturbance, contrary to MLP Policy MP1 (1,3,8 and 9). Although we note the information supplied by the applicant on traffic impacts and their willingness to agree a traffic management plan, we believe the analysis of the current traffic data to be seriously flawed, leading to the misrepresentation (underestimation) of the increase in heavier good vehicles, which will dominate in the proposed movements associated with the development. We agree with other objectors (notably Dronfield Town Council, Transition Chesterfield and

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<sup>4</sup> See <http://www.derbyshire.gov.uk/environment/conservation/landscapecharacter/>

Eckington Against Fracking) that the impacts - on a range of communities along the route - are unacceptable and contrary to NED saved policies GS1 and T2 and emerging policies SS1 and SDC3.

12. Whilst the Government proposed 'sovereign wealth fund' and INEOS' commitment to share a percentage of their revenue with local communities may be seen by some as a compensatory mechanism for living with the impacts of shale gas extraction, local communities affected by the Bramblemoor Lane application clearly feel that INEOS have not reduced the level of impacts to an acceptable level, nor do they think the proposed development is safe and sustainable, contrary to the Government's aspirations set out in the 2015 Written Ministerial Statement (HCWS202). We are clear that the impacts cannot be mitigated acceptably contrary MP1(1).

*Climate change and sustainable development*

13. INEOS state (Planning Statement p.2, section 1.2: Regulator Responsibility) that they are making '...an application primarily concerned with whether the proposed exploratory core well is an acceptable use of the land'. There are, however, some wider issues that must be taken into account, in addition to the other regulators and bodies (beyond the planning system) that INEOS then go on to refer to.
14. Recent research published by the Town and Country Planning Association<sup>5</sup> (TCPA) confirmed the requirement that local plans must have robust climate change policy on mitigation and adaptation (see s.19 of the Planning and Compulsory Purchase Act 2004, as amended by s.182 of the Planning Act 2008) and saying 'in practical terms, and given the policy in the NPPF, this means all local plans should set out a clear carbon dioxide trajectory, in line with the emissions reductions required by the Climate Change Act 2008' (p.7, *Planning for the climate challenge?*). Legal advice provided to the TCPA also found this duty has greater weight than the viability test. In the absence of policies, either from DCC or NEDDC, to give effect to this requirement, it is unclear how this or other developments should be considered in relation to their contribution to climate change mitigation.
15. Despite INEOS' assertions that UK shale gas can 'help meet the objectives for lower carbon emission' (Planning Statement p.50, section 8.3), the UK Government's Committee on Climate Change found that exploitation of shale gas on a significant scale is not compatible with UK carbon budgets, or the 2050 commitment to reduce emissions by at least 80%, unless three tests are satisfied. Key within these tests is the deployment of carbon capture and storage (CCS) and displacement of other fuels by shale gas. Currently plans for CCS in the UK have been abandoned and there is no policy mechanism within the current energy market to ensure displacement. We submit therefore that there is currently no substantive evidence to show that shale gas extraction will be other than injurious to meeting the UK's legal requirements, hence CPRE's call for a moratorium and our local presumption against.

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<sup>5</sup> <https://www.tcpa.org.uk/planning-for-the-climate-challenge>

16. Meeting climate change targets is also a vital part of the 'golden thread' of wider sustainability that must run through the English planning system, including development plans. We are clear that this application by dint of its impact on landscape, green belt, biodiversity, local amenity (including traffic impacts) and its potential to lead to climate change emissions, and weighed against very little benefits, either locally or nationally, fails to satisfy NED saved policy GS1 and emerging policy SS1.

Please contact us if you require any further information or clarification. We would be grateful if you can notify us of your decision, in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Tickle', written over a horizontal line.

**(Dr) Andrew Tickle**  
Director

