

**North Yorkshire County Council**  
**Transport, Economy and Environment**  
**Overview and Scrutiny Committee**

Minutes of the Meeting held at County Hall, Northallerton on 13 April 2016 at 10.00 am.

**Present:-**

County Councillor Andrew Backhouse in the Chair

County Councillors Margaret Atkinson, Robert Baker, Andrew Goss, Michael Heseltine, Robert Heseltine, Peter Horton, David Jeffels, Penny Marsden, Bob Packham, Andy Solloway, Richard Welch, and Robert Windass.

Other Members present were: County Councillors Don MacKenzie, Jim Clark, John Clark and Margaret-Ann De Courcey-Bayley.

NYCC Officers attending: David Bowe, Corporate Director (BES), James Farrar, Assistant Director – Economic Partnership Unit (BES), Jonathan Spencer, Corporate Development Officer (Central Services) and Mark Young, Flood Management Officer (BES).

Four members of the public were in attendance.

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**Copies of all documents considered are in the Minute Book**

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**93. Minutes**

**Resolved -**

That the Minutes of the meetings held on 22 January 2016 and 1 March 2016 be confirmed and signed by the Chairman as a correct record.

**94. Declarations of Interest**

There were no declarations of interest.

County Councillors Robert Heseltine and Bob Packham gave notice that they would not be taking part in the discussions relating to agenda item 8 and would leave the meeting at that point.

**95. Public Questions or Statements**

There were no general public questions or statements from members of the public concerning issues not on the agenda.

Public statements relating to agenda item 8 were received from David Davis, Dr Tim Thornton and Joanne White.

**96. Corporate Director's Update**

Considered -

## The oral report of the Corporate Director - Business and Environmental Services

David Bowe provided the following update.

- A number of major capital projects were coming to an end, including the Sandsend Sea Defence Works and the Bedale, Aiskew and Leeming Bar (B.A.L.B.) bypass. The B.A.L.B. bypass remained within budget and was expected to be completed ahead of schedule. Construction had started on the Allerton Waste Recovery Park and was due to go into operation early in 2018.
- A number of design options were being looked at in relation to the reconstruction of the Tadcaster road bridge. A flow study report of the river and a ground survey were awaited. Depending upon the results one of the options would be to drive piles into the bedrock under the bridge on the upside and place steel piles across the river connected by a concrete slab to create a more robust structure. Widening the bridge was a possibility but it would depend upon the cost of carrying out this work.
- Road surfaces throughout the county had deteriorated due to recent wet winters. Rural roads had been the most susceptible due to many not having engineered foundations. The best long term solution was long term repair rather than reactive repairs. However for reasons of cost, there would continue to be a need to carry out reactive repairs alongside planned repairs.
- Directorate savings continued to be made and all aspects of BES operations were being reviewed in order to secure further savings. Staff had come up with a number of innovative ideas including delivering services in different ways.
- Discussions relating to devolution continued. There were substantial opportunities to be gained particularly from the North Yorkshire, York and East Riding model or the Greater Yorkshire model if collective agreement could be reached locally and a quality submission was produced.

Member made the following comments:

- The general disintegration of rural and some urban roads meant that full repairs should be carried out rather than patch repairs. David Bowe agreed that longer term repair was the best solution. Deterioration of some of the roads in urban areas could be attributed to treatments used in past which meant that they were more susceptible to movement.
- In response to a question from a Member, David Bowe provided an update on the 'jet patcher' (pothole machine). He mentioned that BES was considering whether to purchase or lease the machine. The jet patcher worked best where the road surface surrounding the repair was in good condition.
- In response to a question from a Member relating to the timeliness of repairs being carried out to identified highway defects, David Bowe confirmed that it depended upon whether the defect was dangerous or could be carried out as part of planned maintenance. Wherever possible dangerous defects were repaired within 24 hours. Other defects fell under a package of repairs and these were marked until they could be fixed. A number of other highways authorities operated on the basis of the two extremes of carrying out immediate repairs or not repairing the defect at all.

- A Member referred to the general deterioration of road surfaces around industrial and retail park developments caused by HGV movements. He reported an instance where the road had deteriorated within one year of the development having been built. He went on to ask what processes were in place to address such situations. David Bowe replied that if the damage to the access roads related to the construction of the development, the developer was required to make good. In all other instances the responsibility rested with the highways authority and the road condition was assessed relative to the condition of the rest of the network.
- A Member commented on the deterioration of rural roads, including recently re-surfaced roads. She asked if additional lateral support measures could be put in place to stop the road edges breaking away especially on rural roads used regularly by HGVs. David Bowe replied that there was no single easy solution to the problem due to reasons of cost. Many rural roads had been widened over time from cart tracks and so did not have engineered foundations. Solutions that have been put in place included HGV controls. Also in specific locations kerbs have been installed.

**Resolved -**

That the update be noted.

**97. YNYER Local Enterprise Partnership Update**

Considered -

The report of the Corporate Director - Business and Environmental Services summarising the York, North Yorkshire and East Riding Local Enterprise Partnership (YNYER LEP) Performance in 2015/16 and budget proposals for 2016/17. The report covers Strategy and Funding; Infrastructure including the Local Growth Fund; Business Support and Skills.

James Farrar explained that the YNYER LEP was currently reviewing its Strategic Economic Plan and was in the process of putting together action plans covering Agri-food & bio-economy, apprenticeships, Growth Towns and Rural (Dales, Moors and Wolds). A Coastal Plan was also being developed.

He went on to refer to section 4 of the report relating to the Local Growth Fund. All of the 2015/16 projects had now received full funding agreements with many having commenced, although some flagship projects had slipped into future years. There were significant risks in 2016/17 around delivering some of the projects as detailed in paragraph 4.2 of the report.

Referring to section 5 of the report, he noted that the LEP had put in place a number of initiatives to help small and micro businesses grow by providing advice and information, and supporting business networks to pilot new areas.

Careers information advice and guidance, in partnership with the County Council, was being piloted to a number of schools in North Yorkshire as detailed in section 6 of the report.

Members made the following comments:

- A Member said that he wished to congratulate the LEP team for achieving significant progress in the past year. He was concerned however that more generally the poor East-West transport connections – both in terms of road and rail - remained a brake on economic development. James Farrar said that he agreed that east-west connectivity in the county needed to be improved and it was not acceptable that there was a single rail line between York and Scarborough. The economic benefits that could be realised from making such improvements in the transport infrastructure had been fed into the discussions with Transport for the North. One of the ‘wins’ of the last six months had been to persuade the government to consider dualling the A64 beyond its current plans to dual up to Barton-on-the Hill. Another win had been to increase the number of rail services between York and Harrogate from one each hour to two each hour.
- Referring to paragraph 6.5 of the report relating to the links being made between business and schools, a Member noted that two schools in Craven had engineering college status. He asked if the LEP had made links with these two schools. James Farrar said that he was not aware of this but it was useful to know for the future as the ambition was for all schools in the county to be part of the initiative.
- A Member asked what plans the LEP was putting in place to respond to future developments - actual or possible - relating to devolution and Brexit. James Farrar replied that the LEP was keen to ensure that all the local authorities worked as one on the offer and asks to government with regards to devolution. With regards to Brexit he noted that EU Structural Investment Funding provided a significant amount of support to the LEP and was being invested against the LEP’s strategic priorities. The funding committed to date was expected to be unaffected by the results of the EU referendum but there remained business uncertainty in the lead up to the referendum.

**Resolved -**

That the successful performance to date of the LEP and potential for a new Local Growth Fund Bid in 2016/17 be noted.

**98. Local Flood Risk Management Strategy Update**

Considered -

The report of the Corporate Director - Business and Environmental Services providing a progress update on the implementation of the Local Flood Risk Management Strategy.

Mark Young introduced the report. Referring to section 4 of the report he noted that the Local Flood Risk Management Strategy was being reviewed internally looking at:

- Customer service – incident review and response
- Supporting flood risk reduction initiatives
- Development control and sustainable drainage
- Flood Risk Asset information
- Supporting community understanding of flood risk

With reference to these areas he noted that Storm Desmond had presented a significant test to the Local Strategy but despite this event the Local Strategy had been effective in delivering a flood responsive service to affected communities. Progress had also been made towards realising key flood and coastal erosion risk management

schemes. Since the strategy was produced the government had given the responsibility for ensuring sustainable drainage design for new development to planning authorities and in two tier areas county councils would be statutory consultees.

Members made the following key comments:

- A Member asked what measures were being undertaken to mitigate flooding problems in villages, noting that the Pickering flood scheme had worked well. Mark Young replied that the type of work carried out in the Ryedale catchment area was something that the County Council wished to expand. This included using more natural flood risk management techniques particularly higher up the catchment.

#### **Resolved -**

That the report be noted.

(County Councillors Robert Heseltine and Bob Packham left at this point in the meeting.)

#### **99. Road Casualty Figures in 2015 and the Work of the 95Alive Partnership**

The item has been deferred to the Committee's meeting on 27 July 2016.

#### **100. Joint Investigation undertaken by the Transport, Economy and Environment Overview and Scrutiny Committee and the Scrutiny of Health Committee to inform the Minerals and Waste Joint Plan, with regards to hydraulic fracturing, and to inform the Executive's response to the petition received by Ryedale Area Committee on 10 June 2016**

Considered -

The joint report of the Chairman of the Transport, Economy and Environment Overview and Scrutiny Committee and the Chairman of the Scrutiny of Health asking the Committee to discuss and note the information in the joint report and consider the recommendations to the Executive set out on page 30 of the report.

Public Questions -

David Davis read out the following statement:

Further to the Joint Committee hearing in January 2016 and the subsequent draft report produced I would like to thank the committee for letting me ask my questions.

I agree with much of the draft report's content in relation to the many concerns relating to the industry and its development. It is clear that we need a robust criteria based approach particularly taking into account the uncertainty of the likely scale of the offshore industry. It is also clear that the possible implications of fracking should be given much greater prominence in the Minerals and Waste Joint Plan.

My questions are:-

- The number of HGV movements will be huge if the industry is allowed to be developed. I have carried out a desktop calculation which I enclose as an appendix to my questions, and I have most likely underestimated the number of HGV movements in Third Energy's PEDL area. However it shows if the

industry is allowed to develop there will be between 200,000 and 250,000 additional movements just in this very small area of North Yorkshire. This would be in the period referred to by the industry as 'the construction' period. I estimate this period would be between three and five years. Remember my figures relate only to a small area of Ryedale where we have less than 10 miles of dual carriageway. What recommendations will you make in respect of the road infrastructure to be developed to allow this industry to proliferate in North Yorkshire?

- The lack of any information relating to third party water treatment companies is of concern. It is clear that at present the only likely treatment of the waste is essentially a process of dilution. There was evidence regarding the final disposal sites for waste water but nothing at all about third party treatment works. What recommendations will you make in respect of the development of Waste Water treatment for the Joint Plan?
- The health impacts of the industry remains a concern and there is mention of 'buffer zones' and 'setback distances', presumably to afford protection from nuisance effects of the industry. Based on my desktop calculations most sites if they have multiple boreholes will have drilling operations continuing for years. The only way of reducing drilling time is to use more than one drill. However if more than one drill is operational at once the noise will be impossible to keep within current guidelines. What recommendations will you make to ensure an appropriate noise baseline for rural areas is set?

Dr Tim Thornton read out the following statement:

Thank you for allowing me to speak and for the hard work that has gone into preparing this report. I was a GP in Ryedale for 30 years and I am now on Ryedale District Council.

From studying a wide range of peer-reviewed scientific papers from around the world, especially from America, I am concerned about the possibility of the health impacts from fracking. In many instances the impacts relate to the number of wells, the distance from the wells and the activity of the wells in the vicinity.

We have been told that there could be up to fifty laterals on one well site, each with their impact. Living between two such pads might expose you to the impact from equivalent of up to 100 wells. In America and Australia there are reports of accidents, spills and leaks that can compromise the environment and health. Occasionally there are blowbacks spreading fracking fluid for a quarter of a mile or more, there are fires and explosions or uncontrolled releases of gas. This would not happen in a perfect world of course. But accepting human and engineering frailty does and will happen, how will the committee decide how close this activity will be to habitation? The House of Commons considered the need for using sound science responsibly and the need to address and to seek to achieve all of the aspects of sustainable development, and not to start by assuming that one aspect can be traded off against another.

Will the decision on the minimum distance of a well from a home or school, be based on using sound science responsibly or must the decision be a compromise with the industry, that puts the community at risk, in order to maximise gas extraction?

Joanne White read out the following statement:

The report acknowledges the importance of the Minerals and Waste Joint Plan to protect and preserve the health of residents, the environment and existing economies, and also acknowledges the "unknowns". There is however considerable information available about the unconventional gas industry and how it operates if we look abroad to countries like Australia and the US. There are commonalities, irrespective of

different regulatory and legal regimes. And it is essential that those with responsibility for drafting the Plan take account of these commonalities and fully appreciate the difference between unconventional and conventional gas extraction - as there is a tendency for the industry and UKOOG to downplay these important differences. The Plan must be reviewed but it must also be drafted with an eye to the future.

It is fact that this is a new industry only one well has been fracked unconventionally in the UK - as confirmed by DECC, and the EA.

It is fact that this industry cannot operate without lots of sites and lots of wells. The plan must stop over-development.

We know from the Lancashire planning inquiry that each exploratory site is likely to take three years to complete, not the two years stated in Appendix 2. Production sites with more wells will take much longer.

In October 2015, Andrea Leadsom (Energy Minister) said that 100 to 200 wells would need to be drilled to see if shale gas could be successful, so just the exploratory phase may require up to 200 wells drilling and fracking. Compare this scale to the six conventional wells Third Energy has in production in Ryedale. North Yorkshire has a large licenced area so it would be reasonable to plan for a significant number of exploratory wells being in our Plan area.

The report refers to the cumulative issue of traffic. Again we know from the Lancashire inquiry that at times there will be 50 HGV journeys per day, per site and fracking requires large HGVs that are over 54' in length.

The report acknowledges the traffic impact of other extractive operations, although in the North York Moors National Park the new potash mine and its five-year construction must also be considered. This adds to the "industrialisation" and transport load of the area and road network. Should we be including in the Plan from the outset that traffic from fracking must not be permitted through the centre of settlements unless on an A Road?

The cumulative impact of waste is of great concern. We know from the Lancashire inquiry that only eight wells will take 70% of the available waste capacity. A waste expert at the Inquiry stated the EA had: "not done a thorough job had left it open that capacity might not be available, it had specified process but not capacity". At the same time it came to light that Cuadrilla may have underestimated the amount of flow back water it will produce.

We cannot be caught out. The Plan must be clear and robust. We cannot allow this industry at the expense of everything else.

The Chairman and Jonathan Spencer provided a brief overview of the report.

Members made the following key comments:

- The recommendations should be made more specific by relating to the summing up points in the report. There is a need to manage the impacts of a proliferation of well sites.
- The report should re-emphasise that the Minerals and Waste Joint Plan should take into account the cumulative impacts of lorry movements on the county's rural roads if and when an onshore shale gas industry develops in the county.

**Resolved -**

That the Chairman of the Scrutiny of Health Committee and the Chairman of the Transport, Economy and Environment Overview and Scrutiny Committee, taking into account the views of the group spokespersons from both committees, be delegated responsibility to prepare a final joint report for submission to the Executive on 24 May 2016.

**101. Work Programme**

Considered -

The report of the Corporate Development Officer inviting the Committee to:-

- (a) Note the information in the report.
- (b) Confirm, amend or add to the areas of work shown on the Work Programme schedule (attached as Appendix A to the report).

**Resolved -**

That the report be noted.

The meeting concluded at 12.20pm

JS