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**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

20th June, 2016

SPECIAL MEETING OF CITY GROWTH AND REGENERATION COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Monday, 27th June, 2016 at 4.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Declarations of Interest
2. **Exploratory Drilling at Woodburn Forest**
 - (a) Report of Head of Environmental Health (Pages 1 - 42)
 - (b) Presentation - Stop the Drill
 - (c) Presentation - NI Water



Subject:	Special Meeting re: Exploratory drilling at Woodburn Forest
Date:	27th June, 2016
Reporting Officer:	Siobhan Toland, Head of Environment Health/Lead Operations Officer
Contact Officer:	Alastair Curran, Scientific Unit Manger, 3682 Stephen Leonard, Environmental Health Manager (Env. protection), 3312 Louise McLornan, Democratic Services Officer, 6077

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report
1.1	To provide Members with information on the exploratory drilling at Woodburn Forest and relevant Council decisions.
2.0	Recommendations
2.1	The Committee is requested to note the presentations from NI Water and Stop the Drill and to take such action thereon as may be determined.
3.0	Main report
3.1	<u>Key Issues</u>
3.2	<u>Council</u> Members will recall that, at the monthly Council meeting of 1st September, 2015, the undernoted Notice of Motion was passed: <u>Petroleum Exploration at Woodburn Forest</u> Moved by Councillor R. Brown, Seconded by Councillor Bunting,

“This Council notes that Woodburn Reservoir in Carrickfergus provides water to a significant part of the City and expresses concern that Infastrata have been permitted development to conduct exploratory petroleum drilling at this location using harmful chemicals;

It notes that the current law governing permitted development in Northern Ireland is less robust than in England, where petroleum exploration requires planning permission and notes further that 75% of fossil fuel reserves must be left in the ground to prevent dangerous climate change and does not regard this process as in line with the legal requirement of the DOE in Article 1 of the 2011 Planning Act to further sustainable development.

This Council therefore expresses concern that no Strategic Environmental Assessment was ever conducted by the Department of Enterprise, Trade and Investment ahead of the adoption of a petroleum exploration plan or the issuing of the East Antrim Petroleum Exploration Licence.

Accordingly, the Council calls upon the Minister for Enterprise, Trade and Investment, the Minister for the Environment and Mid and East Antrim Council to urgently review the decision to grant permitted development for exploratory drilling in Woodburn Forest with a view to reversing that permission and for the Minister for the Environment to amend the law so that petroleum exploration always requires full planning permission.”

3.3 A letter was sent from the Chief Executive to the former Minister for Enterprise, Trade and Investment and his response is attached. (Appendix 1)

3.4 A letter was sent from the Chief Executive to the former Minister for the Environment and his response is attached. (Appendix 2)

3.5 A letter was sent to the Chief Executive of Mid and East Antrim Borough Council and her response is attached. (Appendix 3)

Council’s response on Permitted Development Rights for Mineral Exploration

3.6 The Planning Committee, at its meeting on 19th April, 2016, had considered the Council’s response to the Department of the Environment’s (DOE) ‘Call for Evidence’ (Appendix 4) which would inform a future review of Permitted Development Rights for Mineral Exploration as set out in Part 16 of the schedule to the Planning (General Development Order) Northern Ireland (2015).

3.7 At its meeting on 19th April, the Planning Committee considered and approved the draft consultation response (Appendix 5) for submission to the Department of the Environment (DOE), with the addition that any final guidance should require that the DOE or relevant Planning Authority should consult and give notice to neighbouring councils on such matters.

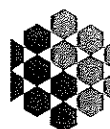
City Growth and Regeneration Committee

3.8 Members will recall that the City Growth and Regeneration Committee, at its meeting on 9th March, 2016, considered the issue of exploratory drilling at Woodburn Forest at the request of Councillor Corr Johnston, who attended in connection with the item.

3.9	The Member outlined a number of concerns to the Committee regarding a recent decision by the Mid and East Antrim Borough Council which had approved a waste management plan to allow exploratory drilling in Woodburn Forest. She outlined to the Members that Belfast City Council had not been consulted by DETI or NI Water but that she felt there might be a risk to some Belfast residents' water supply.
3.10	<p>At that meeting, the Committee agreed:</p> <p>“that a letter be sent to NI Water, as one of the Council’s strategic partners, seeking an assurance, either in person or in writing, that Belfast residents would not be put at any risk by the exploratory drilling operation at Woodburn Forest and asking for absolute clarity from NI Water as to what measures are in place to prevent any accidental seepage of chemicals into the reservoir, what plans they have in place should something go wrong, and, furthermore, that NI Water be requested to attend a future meeting of the City Growth and Regeneration Committee specifically in relation to this issue.”</p>
3.11	The Committee, at its meeting on 11th May, considered the response from the Chief Executive of NI Water (Appendix 6), Sara Venning, in relation to the issue.
3.12	The correspondence from Ms. Venning stated that NI water was wholly satisfied with assurances that there was no risk to the public water supply by the exploratory drilling project. Members were advised that Ms. Venning had also highlighted that all work was subject to the approval and agreement of the relevant authorities, including the Northern Ireland Environment Agency (NIEA), DETI and the Forest Service.
3.13	<p>At its meeting on 11th May, the City Growth and Regeneration Committee:</p> <ol style="list-style-type: none"> 1. noted the correspondence from NI Water; 2. agreed that the Chief Executive would engage on this issue with the Chief Executives of the other relevant Councils, as well as the relevant departments and agencies and would provide feedback to the Committee; and 3. agreed that a special meeting be held on the issue, to which Northern Ireland Water, representatives from those lobbying against the exploratory drilling and any other relevant persons which the Chief Executive felt appropriate, would be invited to attend. <p><u>Ministerial announcement – 6th June, 2016</u></p>
3.14	The Members were reminded at its meeting on 8th June, 2016 that, on 6th June, the Minister for Infrastructure announced in the Assembly, that it was his intention to “ <i>remove permitted development rights for oil and gas exploration in the future, under [his] proposals, exploration for oil and gas [would] require the submission of a planning application and [would] be subject to the full rigours of the planning process, including environmental impact assessments (EIA) and public consultation.</i> ”
3.15	The Minister for Infrastructure announced that he intends to consult on the legislative change shortly.
3.16	The City Growth and Regeneration agreed that the Special Committee meeting in relation to exploratory drilling at Woodburn Forest should go ahead and would take place on Monday, 27th June.

	<u>InfraStrata announcement: Drilling at Woodburn ended – 16th June, 2016</u>
3.17	InfraStrata announced that drilling at Woodburn had finished on Thursday 16th June, 2016. (Appendices 7 and 8)
3.18	Members are asked to note that InfraStrata was invited to present to the meeting but that no response has, as yet, been received.
	<u>Mid and East Antrim Borough Council and Antrim and Newtownabbey Borough Council</u>
3.19	The City Growth and Regeneration Committee had asked for updates from Mid and East Antrim Borough Council (Appendix 9) and Antrim and Newtownabbey Borough Council (Appendix 10). Appendices 9 and 10 include the relevant minutes from meetings at those Councils where the issue of drilling at Woodburn Forest was discussed.
3.20	Members are asked to note that a Judicial Review is ongoing in relation to the Mid and East Antrim Borough Council's decision on the Waste Management Plan at Woodburn Forest.
3.21	<u>Financial & Resource Implications</u> None.
3.22	<u>Equality or Good Relations Implications</u> None.
4.0	Appendices – Documents Attached
	<p>Appendix 1: Letter from the former Minister for Enterprise, Trade and Investment.</p> <p>Appendix 2: Letter from the former Minister for the Environment</p> <p>Appendix 3: Letter from the Chief Executive of Mid and East Antrim Borough Council.</p> <p>Appendix 4: Former Department of the Environment's (DOE) 'Call for Evidence' on Permitted Development Rights for Mineral Exploration</p> <p>Appendix 5: Cover report with Belfast City Council's response to the Call for Evidence on Permitted Development Rights for Mineral Exploration</p> <p>Appendix 6: Letter from the Chief Executive of NI Water</p> <p>Appendix 7: Infrastrata Press Release, 16th June, 2016</p> <p>Appendix 8: BBC - Woodburn forest: Infrastrata's drill operation ends without finding oil, 16th June, 2016</p> <p>Appendix 9: Minutes from Mid and East Antrim Borough Council</p> <p>Appendix 10: Minutes from Antrim and Newtownabbey Borough Council</p>

From the Office of the Minister



Department of
**Enterprise, Trade
and Investment**

www.detini.gov.uk

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BT4 2JP

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Your Ref: SW/np

Our Ref: DETI COR 1219/2015

Ms Suzanne Wylie
Chief Executive
Belfast City Council
City Hall
BELFAST
BT1 5GS

St
5 November 2015

Dear Suzanne,

PETROLEUM EXPLORATION AT WOODBURN FOREST

Thank you for your letter of 9 September in relation to concerns about the proposed drilling by InfraStrata Plc in Woodburn Forest, Carrickfergus, under Petroleum Licence PL1/10. I apologise for the delay in responding.

The concerns raised in your letter are issues regulated by a number of organisations and I note that your letter has also been sent to the Minister for the Environment and to Mid and East Antrim Council.

I am therefore responding regarding the issue directly concerning the Department of Enterprise, Trade and Investment (DETI); namely the matter of no Strategic Environmental Assessment (SEA) having been carried out by DETI.

The EU SEA Directive (2001/42/EC) applies to plans and programmes whose first formal preparatory act was on or after 21 July 2004. The current petroleum legislation in Northern Ireland specifies an "open door" system whereby companies can apply for any unlicensed area of Northern Ireland at any time. As such the petroleum licensing regime for Northern Ireland has remained essentially the same since the late 1980s and predates the SEA Directive. Accordingly a SEA was not deemed necessary by DETI at the time of issuing PL1/10 to InfraStrata Plc.

I trust you will find the above helpful.

Yours sincerely

Jonathan F. Bell

JONATHAN BELL MLA

Minister of Enterprise, Trade and Investment

11.11.15

Copied to:

Siobhan Toland

Stephen McCrory

Barry Flynn

Chief Executive's Office		
Date	6.11.15	
Seen by CX		
Referred to		
ACX	Corp Comms	Dem Serv
GR	SPP	Bus Supp.
Dev	F&R	H&ES
P&L	P&P	Other
Ref	SW 16/11	



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Ms Suzanne Wylie
Chief Executive
Belfast City Council
Chief Executive's Department
City Hall
Belfast
BT1 5GS

DoE Private Office
8th Floor
Goodwood House
44 - 58 May Street
Town Parks
BELFAST
BT1 4NN

Telephone: 028 902 56019

Email: private.office@doeni.gov.uk

Your reference:

Our reference: COR/1829/2015

4 March 2016

Dear Ms Wylie

Thank you for your letter of 9th September 2015 regarding petroleum exploration at Woodburn Forest. I apologise for the delay in replying.

Infrastrata Ltd obtained Permitted Development to drill an exploratory well under Permitted Development Rights as outlined in Part 16 of the Planning (General Development) Order (NI) 1993.

Following the transfer of planning functions to local government, the Woodburn PD notification is now a matter for the Mid and East Antrim Borough Council. The legal position is that Article 8 of the Planning (General Permitted Development) Order (NI) 2015 provides that anything done by or in relation to the Department in connection with its functions under Schedule 1 to the Planning (General Development) Order (NI) 1993 (the previous PD legislation) is to be treated as if it had been done by, to or in relation to the appropriate council in connection with its functions under the Schedule to the 2015 Order. As such the PD notification should be treated as if it had been made to the council in the first instance.

I am advised that the only means of potentially removing PD rights at this stage is for the council to carry out a further EIA screening exercise in relation to the notification, taking into account whatever further information it considers appropriate. This course of action would likely require consultation with other bodies.

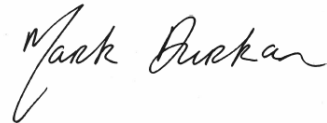
I have written directly to Mid and East Antrim Council requesting that they undertake their own review of the file and have forwarded on correspondence I have received from third parties in relation to this matter.

Section 29 (1) of the 2011 Act allows the Department to direct that an individual application or applications be referred to the Department instead of being dealt with by a council. This provision allows the Department to call-in any planning application for determination. However this 'call in' option is only applicable to a planning

application. The Woodburn Part 16 Notification is not deemed to be a planning application in the first instance and the Department has already confirmed the operations fall within the scope of the permitted development rights. Therefore in this instance; this is not an option available to the Department.

You may wish to convey this information to elected members.

Yours sincerely

A handwritten signature in black ink that reads "Mark Durkan". The signature is written in a cursive style with a large initial 'M' and a long, sweeping underline.

MARK H DURKAN MLA
Minister of the Environment



Suzanne Wylie
Belfast City Council
Chief Executive's Department
City Hall
Belfast
BT1 5GS

Chief Executive's Office		
Date	11/2/16	
Seen by CX		
Referred to		
ACX	Corp Comms	Dem Serv
GR	SPP	Bus Supp.
Dev	F&R	H&ES
P&L	P&P	Other
Ref	SW/29/2	

9 February 2016

Ref: COR 12971

Dear Ms Wylie

I am replying to your letter dated 9 September 2015 and apologise for the delay. The review of the Departments decision that exploratory drilling at Woodburn Forest, Carrickfergus is permitted development raised complex matters which required careful consideration.

On 28 August 2013, InfraStrata notified DOE of its intention to drill an exploratory borehole and asserted permitted development rights pursuant to Planning (General Development) Order (NI) 1993 [Schedule 1, Part 16.

On 19 December 2013, DOE advised InfraStrata that the proposed borehole development and associated infrastructure constituted permitted development. As part of its determination, the Department made an EIA screening decision. It concluded that the proposed borehole was not likely to give rise to significant environmental effects and therefore did not constitute EIA development. It therefore confirmed the existence of permitted development rights.

The effect of the legislation is to grant planning permission for the scheduled forms of development. Planning permission is granted by operation of law, upon compliance with the requirements of the Order. It is not dependent upon submission of a planning application, to be determined by the planning authority.

The power of revocation is only available in respect to a planning application. In the case of permitted development there is no requirement for an application, merely notification. The result is that the power of revocation is not available to remove permitted development rights.

The only procedural opportunity for Council to remove permitted development rights is to exercise its power under Regulation 7 of the Permitted development Order 2015. It empowers the Council to issue a direction that Part 16 permitted development rights will not apply. The power may only be exercised within 21 days receipt of the notification. In this case, the power

Please reply to:

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The Braid
1-29 Bridge Street
Ballymena BT43 5EJ

Ballymena Office
Ardeevin
80 Galgorm Road
Ballymena BT42 1AB

Carrickfergus Office
Museum & Civic Centre
11 Antrim Street
Carrickfergus BT38 7DE

Larne Office
Smiley Buildings
Victoria Road
Larne BT40 1RU

Planning Office
County Hall
182 Galgorm Road
Ballymena BT42 1QL

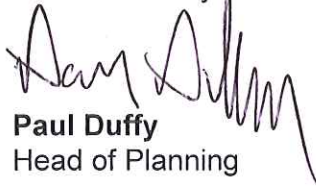
Chief Executive
Anne Donaghy



**Mid & East
Antrim**
Borough Council

is simply not available to the Council to change the earlier decision and that the appropriate remedy is for a third party to challenge the initial decision. In this case, there is no such challenge.

Yours sincerely



Paul Duffy
Head of Planning

Please reply to:

Head Office
The Braid
1-29 Bridge Street
Ballymena BT43 5EJ

Ballymena Office
Ardeevin
80 Galgorm Road
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11 Antrim Street
Carrickfergus BT38 7DD

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Chief Executive
Anne Donaghy

Call for Evidence:

Permitted Development Rights for Mineral Exploration

Launch date: 14 March 2016

Respond by: 13 May 2016

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Introduction

The Department of the Environment will be undertaking a review of permitted development rights for mineral exploration as set out in Part 16 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015. This Call for Evidence will help inform the scope of this review.

How to Respond

You are invited to submit your views in response to this Call for Evidence **by 5.00pm on 13 May 2016**. Comments after this deadline will not be accepted.

All responses must be marked 'Mineral Exploration' and should be emailed to the Department at the following address:

ppdlegteam@doeni.gov.uk

Please note that your response may be made public by the Department. For example, information people provide in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA). If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

Background

1. In Northern Ireland, the Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) sets out what type of development can be undertaken without requiring a planning application. These are referred to as permitted development rights and often relate to minor development that is non-contentious and has minimal impact to amenity and the environment. A summary of the permitted development rights set out in the GPDO in relation to Mineral Exploration is included in Annex A.
2. Mineral exploration for all purposes is granted permission by virtue of Class A of Part 16 to the Schedule to the GPDO (see Annex B). It consists of development on any land **for a period not exceeding four months** of the drilling of boreholes, the carrying out of seismic surveys, or the making of other excavations for the purpose of mineral exploration.
3. It also includes for the purpose of mineral exploration the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations. There is a requirement to pre-notify the relevant district council of the proposed exploration and the council may, should it wish, issue a direction restricting permitted development rights (known as an Article 7 direction) thus requiring the submission of an application for planning permission.
4. Minerals are an important natural resource and their exploitation makes an essential contribution to Northern Ireland's prosperity and well-being. The minerals extraction industry provides employment, often in rural areas, and produces a wide range of products for a variety of purposes in construction, agriculture and industry. The Department wishes to facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment.

5. It should not be presumed that successful future exploration will guarantee planning permission to exploit any proven reserves. Future extraction proposals must to be subject to the full rigours of the planning process and consideration of the environmental effects of specific proposals as well as all other material planning considerations.

Why undertake a review?

6. Permitted development rights for mineral exploration have remained constant for over 2 decades. The existing provisions were designed to deal with onshore oil and gas exploration involving the conventional techniques that were used at that time. The industry has progressed since then with modern exploration and excavation techniques. In addition, the recent emergence of unconventional hydrocarbon extraction techniques means this is a timely opportunity for the views of all stakeholders to be considered.
7. The Minister for the Environment, Mark H Durkan, is aware of the concerns raised by members of the public and colleagues in the Assembly on the potential environmental impacts of exploratory drilling and wishes to provide an opportunity for all interested parties to express their views on key matters that they consider pertinent. The Minister wishes to ensure an appropriate balance between the regulatory burden on the minerals and extractive industries and protecting the environment, amenity and public safety.

Purpose and scope

8. This Call for Evidence is part of the process of gathering the necessary information to inform the subsequent review of permitted development rights for mineral exploration. It is intended to provide further information on the operation and impact of the permitted development rights which currently exist and provide up-to-date evidence on the social, environmental and economic impacts of exploratory development for minerals going forward.

9. Whilst the Department welcomes comments on all aspects of permitted development rights for mineral exploration (and any other information and evidence that may assist in the forthcoming review) it is particularly keen to hear views on the following key question.

- **Do you believe that the existing provisions on permitted development rights for mineral exploration (as set out in Annex A and B) provide a suitable balance between supporting operational business activity and environmental protection?**

If not, please provide information to support your answer.

Next steps

10. Responses to this Call for Evidence should be made to the Department by 5:00 p.m. on Friday 13 May 2016.
11. The information gathered as a result of this Call for Evidence will be considered by the Department and will help inform the future approach to permitted development rights for mineral exploration.
12. Any necessary revisions to permitted development rights under the GPDO would follow the normal policy development process including public consultation on any draft proposals and the normal process of Assembly scrutiny.

DoE Planning Policy Division
Causeway Exchange
1-7 Bedford Street
Town Parks
Belfast
BT2 7EG

Annex A - Permitted development rights for Minerals Exploration

Background - Minerals Development and PDRs for minerals exploration in Northern Ireland

1. Class A of Part 16 of the Schedule to the GPDO provides permitted development for mineral exploration consisting of development on any land **for a period not exceeding four months** of the drilling of boreholes, the carrying out of seismic surveys, or the making of other excavations for the purpose of minerals exploration. It also includes for that purpose the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.
2. Apart from the four month limit there are also specific exclusions that prevent the exercise of the permitted development where:-
 - a. It is within an area of special scientific interest or site of archaeological interest
 - b. Any explosive charge of more than 1 kilogram is used, or
 - c. Any structure assembled or provided would exceed 3 metres in height where such a structure would be within 3 kilometres of an airport.
3. Development permitted by this Class is also subject to a number of conditions to protect trees, to deal with excavated material, and to ensure that the land is adequately restored (including sealing boreholes and having excavations filled).
4. **Importantly the developer must also notify the district council in writing** giving details of the location of the proposed development, target minerals, details of plant and operations and anticipated timescales. This allows the

district council, should it wish, to make a direction within 21 days of receipt of the notification that the permitted development right should not apply and that the development should not be carried out unless permission for it is granted on a planning application.

5. Such a direction can be issued for a number of reasons including:-
 - a. That the development is to be carried out on land which is within or affects a sensitive area such as a conservation area, a National Park, a nature reserve , an AONB, an ASSI or a site of archaeological interest;
 - b. That the development either taken by itself or in conjunction with other development would cause serious detriment to the amenity of an area in which it is to be carried out or would adversely affect the setting of a listed building;
 - c. That the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or
 - d. That the development would endanger aircraft using a nearby airport.

6. Permitted development rights are automatically excluded if the proposed works constitute EIA development and all permitted development rights are subject to the relevant provisions of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995.

Annex B - Part 16 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015

PART 16

MINERAL EXPLORATION

Class A

Permitted development A.

Development on any land during a period not exceeding 4 months consisting of—

- (a) **the drilling of boreholes;**
- (b) **the carrying out of seismic surveys; or**
- (c) **the making of other excavations;**

for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.

Development not permitted

A.1

Development is not permitted by Class A if—

- (a) the developer has not previously notified the council in writing giving details of the location of the proposed development, target minerals, details of plant and operations and anticipated timescale;
- (b) any operation is within an area of special scientific interest or site of archaeological interest;
- (c) any explosive charge of more than 1 kilogram is used;
- (d) any structure assembled or provided would exceed 3 metres in height where such structure would be within 3 kilometres of an airport.

Conditions

A.2

Development is permitted by Class A subject to the following conditions—

- (a) the development shall be carried out in accordance with the details contained in the developer's written notification to the council referred to in paragraph A.1(a), unless the council otherwise agrees in writing;
- (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on the land likely to harm or damage any trees, unless the council so agrees in writing;
- (c) before any excavation (other than a borehole) is made, any topsoil and any subsoil shall be separately removed from the land to be

excavated and stored separately from other excavated material and from each other;

- (d) within a period of 28 days from the cessation of operations unless the council, in a particular case, agrees otherwise in writing—
 - (i) any borehole shall be adequately sealed;
 - (ii) any excavation shall be filled from material from the site;
 - (iii) any structure permitted by Class A and any waste material arising from development permitted by Class A shall be removed from the land;
 - (iv) the surface of the land on which any operations have been carried out shall be levelled and any topsoil replaced as the uppermost layer; and
 - (v) the land shall, so far as is practicable, be restored to its condition before the development took place.

Interpretation of Part 16 A.3

For the purposes of Part 16—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“structure” means a building, plant or machinery or other structure.



Subject:	Responses to Department of Environment's 'Call for Evidence' for Permitted Development Rights for Mineral Exploration
Date:	19 th April 2016
Reporting Officer:	Keith Sutherland (ext 3576)
Contact Officer:	Dermot O'Kane (ext 2293)

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<i>Please see Note 1 in Part 3</i>		
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If 'No' please see Note 2 in Part 3</i>		

1.0	Purpose of Report or Summary of main Issues
1.1	This report seeks to provide the background on the Call for Evidence on Permitted Development Rights for Mineral Exploration and seek members' approval for a Council response.
1.2	The Department of the Environment (DOE) has issued a 'Call for Evidence' to inform the future approach to Permitted Development Rights for Mineral Exploration as set out in Part 16 of the schedule to the Planning (General Development Order) Northern Ireland (2015).
1.3	The 'Call for Evidence' is to support the forthcoming review of the existing provisions on permitted development rights for mineral exploration and the balance between operational activity and environmental protection.
1.4	The closing date for submission is the 13 th May 2016. The proposed draft response is attached in Appendix A for consideration.

2.0	Recommendations
2.1	Members are asked to: <ul style="list-style-type: none">Consider the draft document, 'Draft Council response to DoE's Call for Evidence: Permitted Development Rights of Minerals Exploration' and if appropriate approve its submission to the DoE as the Council's response to the Call for Evidence. (See Appendix A)
3.0	Main report

<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p>	<p><u>Key Issues</u></p> <p>The aim of the call for evidence is part of a process of gathering the necessary information to inform the subsequent review of permitted development rights for mineral exploration. It is in response to concerns raised from an elected member and seeks to gather information on the operation and impact of the permitted development rights which currently exist alongside up-to- date evidence on the social, environmental and economic impacts of exploratory development for minerals going forward.</p> <p>Members may recall that there was a Notice of Motion on permitted development to conduct exploratory petroleum drilling at Woodburn Reservoir in Carrickfergus at the September Council meeting. Council agreed to write to the Minister of Enterprise, Trade and Investment, the Minister of the Environment and Mid and East Antrim Council to review the decision to grant permitted development for exploratory drilling in Woodburn Forest and for the Minister of Environment to amend the law to ensure petroleum exploration required planning consent. (See Appendix B)</p> <p>The response from DETI confirmed that whilst significant environmental information was provided by InfraStrata Plc as part of the license process a formal SEA was not deemed necessary at the time of issuing PL1/10 to the company. (See Appendix B).</p> <p>The Minister of Environment subsequently launched the ‘Call for Evidence’ on the review of Permitted Development Rights for Mineral Exploration to provide the opportunity to express views on the operation of the planning processes. (See Appendix C) The evidence will inform the Department’s understanding of the operation and impact of the existing permitted development rights set out in Part 16 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015 and provide the opportunity for the Council to provide views on whether the existing development rights for onshore oil and gas exploration needs to be modified or changed.</p> <p>The recommended response is set out in Appendix A. In summary, the key recommendations are that, if Permitted Development is to be retained, there needs to be clear guidance in relation to the notification process and information requirements to enable planning authorities to effectively consider proposals.</p> <p><u>Finance and Resource Implications</u></p> <p>There is no resource implications associated with this report.</p> <p><u>Asset and Other Implications</u></p> <p><u>Equality or Good Relations Implications</u></p> <p>There are no relevant equality and good relations implications attached to this report.</p>
<p>4.0</p>	<p>Appendices – Documents Attached</p>
<p>Appendix A: Response to Call for Evidence: Permitted Development Right for Mineral Exploration</p>	

Appendix A: Draft Council response to the “Call for Evidence: Permitted Development Rights for Minerals Exploration”



Belfast City Council

MINERAL EXPLORATION

Draft response to Call for Evidence: Permitted Development Rights for Mineral Exploration

1 Background

In recent years there has been an increasing interest in mineral resources in NI. There is renewed interest in mineral prospecting, and new prospecting permits for precious and base metals and therefore there is a need to for a balanced approach to the exploration of mineral exploration.

The council recognises the need for appropriate balance in the protection of the environment, amenity and public safety and also the need to reduce the regulatory burden on the minerals and extractive industries.

Belfast City Council welcomes the review and the opportunity to comment and give evidence. The Council recognises that whilst minerals development can deliver significant economic benefits there is also a number of potential challenges arising from this type of development which should be considered through the planning system.

It should be recognised that the role of Planning is key in facilitating a sustainable approach to minerals development.

The Council fully supports the objective and need to undertake a review of permitted development rights for mineral exploration, and the need to bring forward detailed operational guidance policies within which will provide better clarity and certainty for all users of the reformed planning system.

2 Legislation Governing Mineral Permitted Development

The current Planning (General Permitted Development) Order Northern Ireland) 2015 (GPDO) sets out what type of development can be undertaken without requiring a planning application. Permitted development in relation to ‘mineral exploration’ and ‘development ancillary to mining operations’ are both dealt with in parts 16 and Part 17 of the General Permitted Development Order respectively.

The Council considers that the objective of a planning authority should be to ensure that the need for specific minerals development proposals to be assessed against the need to safeguard the local environments. The considerations should seek to minimise the impact on local communities, landscape quality, built and natural heritage, and the water environment whilst ensuring restoration, after exploration has ceased.

The Council recognises that as the local Planning Authority it has the opportunity to remove permitted development rights under Regulation 7 of the Permitted Development Order 2015. However, whilst Regulation 7 empowers the Council to issue a direction to remove the permitted development rights and require formal consideration of the proposal through an application, there is limited guidance on this process or the application of the provisions within the regulations. This concern regarding the absence of guidance is compounded by the fact that the power can only be exercised within 21 days receipt of the notification.

3 Requirements of Part 16 Mineral Exploration

Further explanation is set out in the following paragraphs on Mineral exploration for this purpose is granted permission by virtue of Class A of Part 16 to the schedule to the GPDO. The regulation sets out the following limited guidance:

The developer wishing to carry out mineral exploration must notify the planning authority of proposed works and the legislation specifies the limitations in what can be considered to be permitted:

- *The development must be for the purpose of mineral exploration*
- *Development shall not exceed 4 months duration*
- *Development consisting of (a) Drilling a borehole, (b) Carrying out a seismic survey, (c) Making other excavations*

In addition proposals cannot be considered as permitted where:

- a- the developer has not previously notified the council in writing giving details of the location of the proposed development, target minerals, details of plant and operations and anticipated timescale;*
- b- any operation is within an area of special scientific interest or site of archaeological interest;*
- c- any explosive charge of more than 1 kilogram is used;*
- d- any structure assembled or provided would exceed 3 metres in height where such structure would be within 3 kilometres of an airport.*

In order to carry out these assessments effectively the Planning Authority would require significant detail to make a determination which in the context of the limited notice period could be very challenging.

4 Other Consents

The Council recognises that other consents may be required and these are undertaken separately by Statutory Bodies under their own legislation such as Regulations on the following:

- *Discharge consents under the terms of The Water (NI) Order 1999, administered by NIEA Water Management Unit;*
- *Pollution Control Permits (PPC), administered by NIEA Industrial Pollution and Radiochemical Inspectorate (IPRI);*
- *Quarry Regulations, administered by the Health and Safety Executive NI (HSENI);*
- *Minerals licensing administered by DETINI*

Minerals and petroleum prospecting in Northern Ireland is permitted in accordance with specific legislation, policies and statutory rules and is the responsibility of the Department of Enterprise, Trade and Investments. Any person who wants to explore for, drill for or extract oil or gas in Northern Ireland must hold a Petroleum Licence granted by the Department of Enterprise, Trade and Investment (DETI) under the Petroleum (Production) Act (Northern Ireland) 1964.

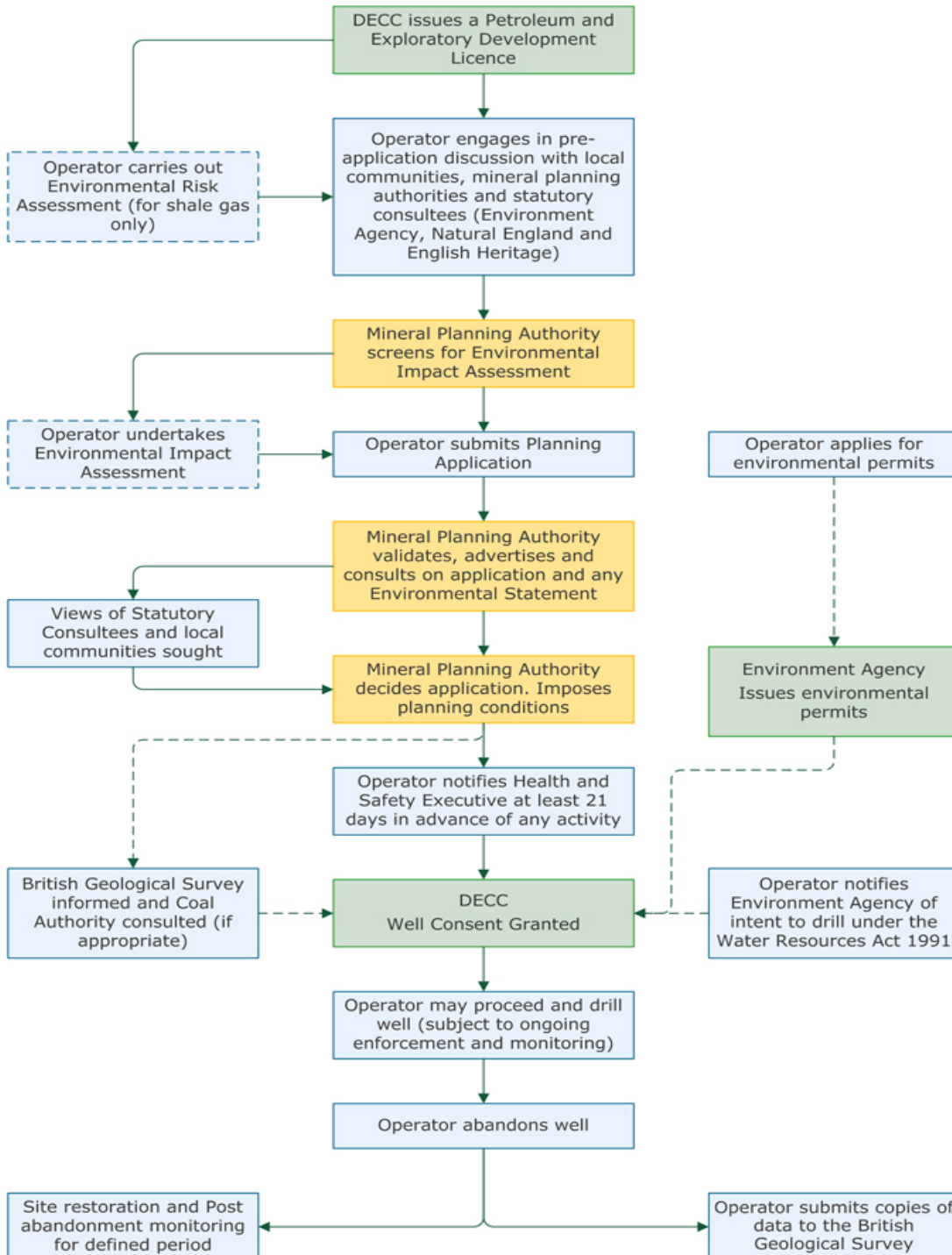
The application and licensing process is underpinned by regulations which, among other things, set out the arrangements for making and determining applications, permissible terms and conditions for granting a Petroleum Licence and the model clauses which may be incorporated in a Petroleum Licence.

The Council considers that, if permitted development is retained, it should be a prerequisite that other consents are in place prior to the Planning Authority having to make a determination as to whether or not works are permitted development.

5 Recommendations

- a. If permitted development rights are retained consideration should be given to a longer notice period than 21 days to allow Councils to assess them properly.
- b. As the onus is on the Planning Authority to make this determination it needs to be clear that there must be sufficient information available to make the determination. The assessment could be complex and there is limited guidance on how this notification is managed and operated. Guidance could help ensure the Planning Authority can make a determination as to whether or not it falls within the scope of the legislation.
- c. Guidance should outline how other statutory bodies are involved in the process of mineral exploration and address the relationship between the licensing regimes and planning controls.
- d. Council would suggest that guidance to outlining the process including schematics such as a flowchart is developed for guidance (similar to that used by Planning Authorities in England and Wales see below) to provide some clarity for all stakeholders in the processes.

Example: the flowchart below illustrates the process for used by Planning Authorities in England and Wales.



Example from Planning Portal: <http://planningguidance.communities.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/annex-b-outline-of-process-for-drilling-an-exploratory-well/>

Northern Ireland Water
PO Box 1026
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BT1 9DJ



Ms Louise Mc Lornan
Democratic Services Section
Belfast City Council
City Hall
Belfast
BT1 5GS
mclornanl@belfastcity.gov.uk

Tel 0345 3006461

Date 15 April 2016

Dear Ms Mc Lornan,

Re: Woodburn Forrest

Thank you for your letter dated 13 April 2016 in relation to a recent meeting of Belfast City Council's Growth and Regeneration Committee.

I am grateful to you for raising concerns in relation to ongoing exploratory oil drilling at Woodburn, near Carrickfergus. I can confirm that NI Water is wholly satisfied with assurances that there is no risk to the public water supply by this exploratory drilling project.

This work is being undertaken by an independent company, Infrastrata, under a licence awarded by the Department of Enterprise Trade and Investment (DETI). All work is subject to the approval and agreement of the relevant authorities including the Northern Ireland Environment Agency (NIEA), DETI and Forest Service. Infrastrata cannot drill a permanent well without obtaining planning permission, which is the responsibility of Mid and East Antrim Borough Council. NIEA have also issued a Water Order Consent Motion, allowing for the use of wholly conventional chemicals, in common usage throughout the world, in relation to the Woodburn site.

A clause is included in the agreement with Infrastrata that prohibits using the technique known as hydraulic fracturing (fracking), both now and in the future.

I can also confirm that the drilling site is not within the catchment area of the Woodburn North reservoir, which supplies water to thousands of properties, including some within the Belfast City Council area. To provide further protection, a 'triple lock' system is in place in order to safeguard the local water catchment area – this involves securely sealing the drill shaft, amongst other measures. NI Water staff are also conducting regular inspections of the site to ensure that everything is being conducted as it should be.

NI Water will be very happy to attend a future session of the Growth and Regeneration Committee to provide further clarity and reassurance to members on this issue. We will be in touch to discuss a suitable date for this.

I would reiterate that NI Water's number one priority is the protection and safety of the public water supply, and we will not be found wanting in our determination to ensure this.

Yours Sincerely,

Sara 

Sara Venning
Chief Executive



16 June 2016

**InfraStrata plc
("InfraStrata" or the "Company")**

Woodburn Forest-1 well – completion of drilling

InfraStrata plc (AIM:INFA), the independent petroleum exploration and gas storage company, announces that drilling has been completed at Woodburn Forest in County Antrim, Northern Ireland.

The well was drilled to a depth of 2,000 metres and encountered two conventional sandstone reservoir intervals, the Triassic Sherwood and the Lower Permian Sandstones. Wireline log analysis has calculated porosities of over 20% in the upper parts of both the Sherwood and the Lower Permian Sandstones but both targets were water wet.

The well will now be plugged and abandoned.

Commenting, Andrew Hindle, CEO of InfraStrata said:

"Following the divestment of exploration assets late last year this remained our only exploration project with costs fully carried through the well. Completing activities associated with the well will complete the work programme obligations on Licence PL1/10. The licence recently entered its second five year term. It is naturally disappointing not to have encountered a hydrocarbon accumulation and the joint venture will now fully evaluate the data collected in the well and decide where to focus its future exploration activity in the basin.

InfraStrata and its project partners would like to thank all those involved in the operations for their hard work and dedication. We will now work with our local contractors to professionally restore the site."

For further information please contact:

InfraStrata plc

Andrew Hindle, Chief Executive Officer
Stewart McGarrity, Finance Director

020 8332 1200

Nominated Adviser and Broker – Allenby Capital Limited

Jeremy Porter / Alex Brearley / Liz Kirchner

020 3328 5656

Financial PR – Camarco

Billy Clegg / Gordon Poole

020 3757 4980

Notes to Editors:

Background on InfraStrata plc

InfraStrata is an independent petroleum exploration and gas storage company focused on Northern Ireland.

Further information is available on the Company's website www.infrastrata.co.uk.

In accordance with the AIM Rules - Note for Mining and Oil and Gas Companies, the information contained in this announcement has been reviewed and signed off by the Chief Executive Officer of InfraStrata plc Andrew Hindle BSc, MSc, PhD, a Chartered Geologist with 30 years' experience, a Fellow of the Geological Society of London, and a member of the American Association of Petroleum Geologists and the Petroleum Exploration Society of Great Britain.

Woodburn forest: Infrastrata's drill operation ends without finding oil

By Conor Macauley

BBC NI Environment Correspondent

16 June 2016 Northern Ireland



PRESS EYE

A controversial drilling operation in County Antrim has finished, apparently without hitting oil.

The oil company Infrastrata announced the news on its website on Thursday.

It said it was disappointed not to have found a "hydrocarbon accumulation" at the site at Woodburn forest near Carrickfergus.

Two areas the firm drilled to a depth of 2,000 metres underground had been "water wet," it said.

It said the well "will now be plugged and abandoned".

Celebration

Protesters have opposed the drill operation, claiming it could impact the water supply to nearby reservoirs.

But Northern Ireland Water had said the project did not present any risk to the water supply.

James Orr, the Northern Ireland director of the environmental campaign group Friends Of The Earth, said the "earth has spoken".

"Today is a time for celebration - this is fantastic news for the community, our water, our climate and our wellbeing," he said.

Evaluate

"We feel vindicated that this harmful, worthless and ill-conceived project is now over.

"The democratic meltdown that allowed exploratory drilling in Woodburn can never be repeated."

The overtime bill for the **policing operation at the site came to almost £200,000.**

Infrastrata said it would now evaluate the data before **Page 31** deciding where to focus its future exploration activity.

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Relevant minutes from Mid and East Antrim Borough Council.

Council meeting - Monday, 3rd August 2015

Ms Donaghy advised that she had met with the organisation leading these projects. Given their significance, she felt it was important to provide Members with detailed and accurate information. She therefore sought permission to organise an information workshop during September at which the company jointly responsible for both projects would be in attendance to provide updates and answer Members' queries.

Cllr M McKinty proposed that this workshop be arranged as he felt it was important for elected Members to have accurate and up-to-date information in order to be able to answer any queries/concerns from members of the public.

Cllr D A Wilson concurred with Cllr McKinty and seconded his proposal. In relation to Woodburn, he asked if the Chief Executive could also obtain information from DETI for either the workshop or a relevant Committee on the condition of the salt mines, together with associated maps, as he was of the understanding that one of the mines was approximately 800m from the well site at Woodburn and was partially collapsed. Ms Donaghy agreed to obtain this information.

In response to Cllr R Logan's query, Ms Donaghy advised that the Head of Planning, Head of Regulatory Services, and Senior Environmental Health Officer with expertise in noise, would be in attendance at the workshop. Cllr P Sinclair supported the proposed workshop and looked forward to hearing details of both projects.

Ald G McKeen also welcomed the workshop and thanked the Chief Executive for organising. Cllr J Brown endorsed the comments made by Cllr D A Wilson regarding the salt mines in the proximity of the Woodburn area and believed the geology of the area required to be examined. He expressed concerns that residents in the Woodburn area were not receiving answers to their queries and he questioned if there would be an opportunity for concerned residents to voice their opinions. He stressed the importance of the health of the citizens of the Borough and welcomed the opportunity to have a workshop.

In response to Cllr A P Wilson's query, Ms Donaghy advised that this was an exploratory project at this stage, however, should a further application be submitted, she was of the understanding that it would most likely be an application of regional significance, thus would not be dealt with by Planners locally. She reiterated that this would be an information workshop only.

Council meeting – Monday, 2nd November 2015.

Tabled and previously circulated: Letter from Belfast City Council advising that it had passed a Motion in relation to above.

The Mayor advised that Belfast City Council had urgently requested that Mid and East Antrim Borough Council should review the decision to grant permitted development for exploration at Woodburn Forest. He stated that the Chief Executive had already informed Belfast City Council and the Minister for the Environment that this decision had not been made by Mid and East Antrim Borough Council and that this item was on the Agenda for further discussion at this week's Planning Committee.

Cllr J Brown indicated that he wished to speak on this issue, however Cllr S Nicholl raised a point of order in that if there was to be discussion, then Members of the Planning Committee should either not participate in the discussion or leave the Chamber.

The Mayor asked for a show of hands in favour of having no discussion on this matter which resulted in 21 votes. In terms of those in favour of discussion, 10 votes were received. The Mayor therefore declared that there would be no discussion on this subject.

Cllr J Brown therefore advised that he wished to bring a Notice of Motion to the Full Council Meeting on 30 November on this subject.

Ms Donaghy pointed out that there already had been a Notice of Motion received for Full Council on 30 November. She agreed to advise Cllr J Brown if the proposed Motion fitted within Standing Orders.

Planning Committee 5th November 2015.

Tabled and previously circulated: (i) Report; (ii) Letter from DoE Minister; and (iii) Letter from Belfast City Council

The Chair reported that the Department of Environment Minister had previously written to Mid and East Antrim Council in relation to permitted development for exploratory drilling at Woodburn Forest. He had asked Council to give careful consideration to reviewing the previous decisions of the Department on this matter.

Belfast City Council had also written to this Council, asking it to review the decision to grant permitted development for exploratory drilling in Woodburn Forest.

Ms Donaghy recapped that Members had been advised at the November Monthly Meeting that she had responded to both parties, informing that this Council could not make this decision.

Mr Duffy had been asked to review the matter and the Chair invited him to address Members.

Mr Duffy acknowledged that Members had received correspondence that evening from a Planning Consultant the previous evening. He advised that he was not going to comment on this latest correspondence, but would reply once fully considered.

He guided Members through the circulated Report and explained that the Planning (General Development) Order 1992 set out a range of development which did not require planning permission, however, with the transfer of most planning functions on 1 April 2015 to the new Councils, that piece of legislation had been replaced with the Planning (General Permitted Development) Order 2015, which set out permitted development rights.

With regard to reviewing the negative Environmental Impact Assessment determination, it was his considered opinion that "If Council carried out a further EIA Screening exercise at this stage, it would have no statutory basis, and therefore would be liable to legal challenge".

Cllr B Henry was of the opinion that, as Council had no legal right to do anything, it should remain

Ms Donaghy felt that, as there had been concerns raised by the public, Council should issue a Public Statement through the media, advising that Council had written back to the Minister of the Environment and Belfast City Council, clarifying any misconception that this was Council's decision. It should also direct anyone feeling disgruntled to speak directly to the Department.

Cllr S Nicholl referred to the number of lost jobs over the past two years in the area and pointed out that energy costs would be factor in attracting new business. He therefore felt it

may be important to find out whether there were gas and oil resources in the Carrickfergus area. If this proved positive, it could change the entire economy and he stressed the need to balance those proposals against the risks. He reported that the Department had said the risks would be properly managed and felt this may provide an opportunity for new investment.

Cllr S Ald T Nicholl concurred with Cllr S Nicholl's comment. Cllr S Nicholl proposed and Ald T Nicholl seconded that **"Council had no objections to progressing the exploratory drilling at this stage"**.

Agreed

That (i) Council issues a Public Statement through the media advising that Council had written back to the Minister of the Environment and Belfast City Council, clarifying any misconception that this was Council's decision and directing anyone feeling disgruntled to speak directly to the Department; and (ii) Council had no objections to progressing the exploratory drilling at this stage.

Planning Committee - 4th February, 2016

Woodburn Forest

Tabled and previously circulated: (i) Letter dated 22 January 2016 from RPS Consulting Engineers, Belfast; and (ii) Letter dated 2 February 2016 from Department of the Environment re Woodburn Forest Exploration Well Permitted Development

Mr Duffy informed that the letters referred to the intention of InfraStrata PLC to commence exploratory drilling at Woodburn Forest in the week commencing 15 February 2016. He advised that the DoE had written to Mid East Antrim Borough Council and RPS to advise that the Waste Management Plan should be approved by the Council prior to drilling commencing on site.

Referring to the two letters, Mr Duffy recapped that InfraStrata PLC had submitted its Waste Management Plan to the Department in March 2015 and that jurisdiction for consideration of the Waste Management Plan now rested with Council. He advised that, following the transfer of planning functions to Council on 1 April 2015 the Department did not transfer over the Waste Management Plan for Council consideration.

Referring to the letter dated 2 February 2016 from DoE, Mr Duffy informed that he had written to the Department to request that all information relating to the Plan be transferred to Mid and East Antrim Council for consideration.

He explained that the process for considering a Waste Management Plan was set out in Planning Management of Waste from Extractive Industries Regulations 2015. Consideration of the Waste Management Plan would involve a similar process to that used to allow planning applications. There was a requirement to advertise and allow a consultation period before a decision could be made to approve or refuse the Plan. Mr Duffy pointed out that, unlike assessing planning applications, there was no mechanism within the Planning Portal to manage the process, and as such, consideration required to be given as to how this process would be undertaken. The obvious implications for Infrastrata were to meet legislative requirements to have a Waste Management Plan approved prior to commencement of work on site in order to prevent delays.

He advised that the online position against drilling at Woodburn had been reactivated. Mr Duffy referred to legal advice received by Council in relation to issues raised in the letter

received from Michael Burroughs Associates, Planning Consultants, and stated that this would be considered in due course.

Cllr Nicholl raised concerns regarding DoE not informing Council of the current state of deliberations taking place when powers for planning had been handed over to Council. There was significant international interest in whether the development would go ahead and he feared that Council's reputation may be wrongly damaged.

He pointed out that the Regulations determined a timescale to be adhered to in relation to the process being carried forward and suggested that Council should engage with InfraStrata and its Agents to meet that timescale and ensure that all the legal requirements were met.

He highlighted the need for public consultation and for those who had been lobbying the Planning Committee to be advised to raise their concerns directly with Planners. He urged expediency in progressing this matter and stressed the importance of instilling confidence in industry, business and international investors.

Cllr Reid concurred with Cllr Nicholl and felt that Elected Members needed to determine this matter as soon as possible. There were fears that the blame would rest with Council and this should be avoided.

Agreed: That Council engages with InfraStrata and its Agents to meet the set timescale and ensure all legal requirements were met.

Council meeting - Monday, 7th March, 2016

InfraStrata Proposed Exploratory Drilling – Woodburn Forest Project – Waste Management Plan

Tabled and previously circulated: Report, Waste Management Plan and Waste Management Plan Consideration

Following the transfer of planning functions on 1 April 2015, Council had the jurisdiction for consideration of the Waste Management Plan (WMP) and approval was sought for a WMP for the drilling of a borehole at Woodburn Forest, Carrickfergus, which had been confirmed as Permitted Development by the Department of the Environment in 2013.

The Waste Management Plan set out InfraStrata's objectives with regard to Waste Prevention and Minimisation. Drilling was restricted to 4 months and limited to a test borehole only with no extraction of oil or gas permitted and the site did not contain waste classified as hazardous or contain substances classified as dangerous.

The principle of the proposed drilling was not under consideration. Council's only role was to consider the Waste Management Plan under the relevant legislation. Council needed to be satisfied that:

- i. The objectives of the WMP will be met, taking account of the extent to which compliance will be secured through other national or community legislation;
- ii. The conditions of the planning permission set out in these regulations can be expected to be complied with, as appropriate;
- iii. The WMP was appropriate to the category in which it considers the site or facility come within.

These matters had been assessed in the Waste Management Plan Consideration and it was recommended that Council approve the Waste Management Plan, as it fully complied with

the legislation requirements set out in Regulation 7 of The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015.

Council meeting – Monday, 4th April, 2016.

Proposed Judicial Review – Woodburn Forest

Tabled and previously circulated – (i) Report (ii) Pre-Action Letter dated 21 March 2016 and (iii) Letter to Council from Infrastrata dated 16 March 2016.

The Chief Executive referred to receipt of a Pre-Action Protocol letter advising of proposed judicial review of Council's decision on the Waste Management Plan at Woodburn Forest. Officers would meet with Queen's Counsel to take advice on Council's response and Ms Donaghy undertook to keep Members updated accordingly.

With regard to a separate but related issue, the Chief Executive outlined her concerns within the context of the new Ethical Standards Framework, which included the Councillors' Code of Conduct. At this stage, she was seeking legal advice.

Council meeting – Monday, 3rd May 2016.

Proposed Judicial Review re: Woodburn Forest

Tabled and previously circulated: Report.

Ms Donaghy reminded Members of the judicial review in relation to the exploratory drilling operations at Woodburn Forest, summarising the three grounds for the review. She sought permission to meet with Senior Counsel with regard to taking legal advice, and agreed to keep Members updated of progress as appropriate.

On the proposal of Cllr S Nicholl, seconded by Ald G McKeen it was Agreed: That Council defends the Judicial Review and that, due to the tight timeframe involved, Council delegates authority to the Chief Executive to meet with the Council's legal team to direct them on behalf of the Council on this matter.

In response to Cllr Dr M McKinty's request, it was agreed to keep all elected Members updated with regard to the facts around the Judicial Review.

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Relevant minutes from Antrim and Newtownabbey Borough Council

Council meeting - 29th February, 2016.

Item 12 - A Motion in the name of Councillor Michael Goodman -

That this Council notes that Woodburn Reservoir in Carrickfergus supplies water to a significant portion of the Newtownabbey area and expresses concern that Infrastrata have been granted permission to conduct exploratory petroleum drilling at this location using harmful chemicals; it notes that the current law governing permitted development in Northern Ireland is less robust than in England, where petroleum exploration requires planning permission and notes further that 75% of fossil fuel reserves must be left in the ground to prevent dangerous climate change and does not regard this process as in line with the legal requirement of the DOE in Article 1 of the 2011 Planning Act to further sustainable development.

This Council therefore expresses concern that no Strategic Environmental Assessment has been conducted by the Department of Enterprise, Trade and Industry ahead of the adoption of a petroleum exploration plan or the issuing of the East Antrim Petroleum Exploration License.

Accordingly, the Council calls upon the Minister for Enterprise, Trade and Investment, the Minister for the Environment and Mid and East Antrim Council to urgently review the decision to grant permitted development for exploratory drilling in Woodburn Forest with a view to reversing that permission and for the Minister for the Environment to amend the law so that petroleum exploration always requires full planning permission.”

Moved by Councillor Goodman

Seconded by Councillor McClelland that the Motion be carried.

AMENDMENT

Moved by Councillor Brett

Seconded by Alderman Cosgrove that

The Council notes that Woodburn Reservoir in Carrickfergus supplies water to a significant number of properties in the Antrim and Newtownabbey Borough and that representatives from the opposition groups and Northern Ireland Water be invited to present to a future meeting.

On the Amendment being put to the meeting 24 members voted in favour and 6 against.
The Amendment was carried as the substantive motion.

AMENDMENT

Moved by Councillor Duffin

Seconded by Councillor McClelland that

The Council notes that Woodburn Reservoir in Carrickfergus supplies water to a significant portion of the Newtownabbey area and expresses concern that Infrastrata have been granted permission to conduct exploratory petroleum drilling at this location using harmful chemicals; it notes that the current law governing permitted development in Northern Ireland is less robust than in England, where petroleum exploration requires planning permission and notes further that 75% of fossil fuel reserves must be left in the ground to prevent dangerous climate change.

This Council expresses concern that no Strategic Environmental Assessment has been conducted by the Department of Enterprise, Trade and Industry ahead of the adoption of a petroleum exploration plan or the issuing of the East Antrim Petroleum Exploration License.

Accordingly, the Council calls upon the Minister for Enterprise, Trade and Investment, the Minister for the Environment and Mid and East Antrim Council to urgently review the decision to grant permitted development for exploratory drilling in Woodburn Forest with a view to reversing that permission and for the Minister for the Environment to amend the law so that petroleum exploration always requires full planning permission.”

On the amendment being put to the meeting 7 members voted for, 22 against and 1 abstention. The Amendment was accordingly declared lost.

Council meeting - 25th April, 2016.

9.1 Attendances by Northern Ireland Water representatives and ‘Stop the Drill’ representatives

Members were reminded that it was agreed at the February Council meeting that the representatives from Northern Ireland Water and the Stop the Drill Campaign be invited to present to the Council. The following representatives were in attendance:

Northern Ireland Water - Mr Alec McQuillan, Ms Dymphna Gallagher & Mr Maynard Cousley
Stop the Drill - Ms Fiona Joyce and Ms Majella McCarron

The Mayor welcomed all representatives to the meeting with both presentations highlighting the undernoted points:-

Northern Ireland Water

- Vision - “to be a valued and trusted provider of one of Northern Ireland’s most essential public services; an organisation our customers and staff are proud of”.
- Safety / monitoring of drinking water supply is top priority.
- Dorisland WTW Catchment management / liaison with other statutory agencies / private land ownership / leasing to Forest Service and Farmers.
- Exploratory drilling site / daily sample analytical testing / water drawn from the catchment for treatment is surface water / no residual risk to drinking water supply.
- Oil Spill inspections and assessments / risks associated with hazards / mitigation measures.
- Drinking water safety plans / World Health Organisation guidance / Drinking Water Regulations / reassurance.

Stop the Drill

- Campaign - “to protect the water catchment area in the Woodburn Forest and the nearby North Woodburn Reservoir from a 50 year agreement between Northern Ireland Water and the oil company Infrastrata”.
- The need for protection of the water catchment area.
- DETI - due diligence / conflicts of interest / legislation.
- Permitted Development Rights / Environmental Impact Assessment / traffic management / Waste Management Plan
- Lack of community consultation / trust.
- Risks /contaminations associated with exploratory drilling and spills.
- Judicial Review being progressed by concerned resident against Mid and East Antrim Council.
- Request for Super Council(s) to support the campaign in calling for permitted development rights/licenses to be revoked.

During the presentations representatives from NI Water responded to enquiries from Members elaborating as necessary. The representatives assured members that the water quality had not been affected since the site work began, and undertook to provide a monthly update on the water quality to the Council throughout the exploratory drilling process.

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