

**“FORMATION OF BOREHOLES AND WELLS FOR THE APPRAISAL,
EXPLORATION AND DEVELOPMENT OF COAL BED METHANE”**

**D&G Planning Ref 07/P/4/0651*

A statement with its planning applications for test rigs says: “Test boreholes will provide Greenpark with the information to determine if the wider area is suitable for the recovery of coal-bed methane for the generation of electricity or onward transmission into the gas network.”

“The drilling of bore holes into the coal seams is designed to provide detailed information as to each seam’s gas content, hydrogeology, porosity and permeability. “Subsequent to the successful completion of tests, it is anticipated Greenpark would develop gas extraction and/or electricity production sites, subject to the necessary planning permissions.”

It adds: “The current proposal is for test purposes only and no extraction or mining operation is proposed as part of this planning application.

Local press report March 2007 <http://www.cumberlandnews.co.uk>

In January 2009 Greenpark hosted a public exhibition with the community of Canonbie. Along with many other local people, Bill Frew was in attendance, keen to learn about development in his local area, and came away understanding that the applications were for *exploration only*.

However just over a year after receiving consent for the initial drill site, Greenpark submitted a **further nineteen applications** in two batches, with no further consultations. These applications were not considered by a planning committee, instead handled by un-elected officials under delegated authority as individual “minor” developments. Planning permission for all nineteen sites was granted allowing:

“FORMATION OF BOREHOLES FOR THE EXPLORATION AND EXTRACTION OF COAL BED METHANE”, as well as a 5 Acre site allowing:

“FORMATION OF GAS COMPRESSOR STATION INCLUDING THE SITING OF ANCILLARY PLANT AND MACHINERY AND EARTHWORKS AND THE FORMATION OF A NEW ACCESS”

**D&G Planning Ref 09/P/4/0489A* very different picture to the one presented at public consultation.

Alarminglly, it seems that planning permission was granted for something that is impossible, as Canonbie and District Resident’s Association (CaDRA) explain that under the current proposals:

“extraction cannot happen at any individual site, but requires physical linkages between sites, collection of gas at “hub” sites, and onward transmission to a centralised gas treatment and pressurisation plant. For extraction to be implemented, a network of linked sites, or “gasfield” requires to be established.”

The fact that extraction is included in these planning applications means this isn't nineteen minor developments, it's one massive one. Planning Law requires that any development over 2 hectares counts as a Major Development, and any Major Developments require pre-application consultation.

Indeed DART made almost identical applications for CBM development around Airth. These were handled by Stirling and Falkirk councils under delegated authority for *exploration only*. Both Stirling and Falkirk treated subsequent applications for *extraction* at these sites as a “Major Development”, and the applications have gone to appeal. Airth is the only other example of CBM development in Scotland, and due to major development status it required a pre-application consultation.

Greenpark never did an adequate pre-application consultation. Instead they held a ‘Public Exhibition’ where attendees came away believing only individual sites were being considered, and for exploration only. The community were not adequately informed or alerted about major development in their area, or able to have their concerns about it heard.

When DART Energy Ltd took over Greenpark, they ran a further ‘public exhibition’ in May 2013, just after the last batch of Planning consents had been renewed.

Materials from this event briefly mention, but “gloss over” the nineteen sites with full planning permission, but it is clear the focus was on their new plans for ‘Paired Drilling’ requiring some new sites.

(No applications for this have ever been made, although FoI uncovered informal discussions seeking to avoid the new paired well technology being defined as “Material” change in Planning terms).

**D&G e=Planning. Email correspondence between Dart Energy & D&G Planning*

Once again the community had no opportunity to voice their concerns regarding an enormous and controversial development, of which they remained largely unaware. Understandably, many were left very confused and concerned as to what was actually going on. It was at this stage that Bill and Loraine Frew, founding members of CaDRA decided to scrutinise the plans via e-planning. This was when they uncovered the true nature of the development, and discovered that one of the drill sites was about 300m from their home and holiday business.

After a series of public meetings to discuss the developments a group of concerned residents formally organised to share information. Having identified significant local opposition to the plans from those who attended the meetings the group actively set out to inform the community, circulating nearly 500 newsletters throughout Canonbie with a map detailing the drilling sites (Figure 1). This was followed by a door-to-door survey of 362 local residents which found that 324 (89.5%) were explicitly opposed. 27 (7.4%) were undecided. Leaving aside those who were undecided, or did not express a view:

Of the 335 who expressed a view, 96.7% were opposed to the proposals.

Local residents concerns included: potential health impacts; risk of air, water and soil pollution; impact of noise, traffic, dust and dirt; loss of agricultural opportunities; as well as the threat to other spheres of economic activity, including significant visitor activity.

With these concerns in mind, Canonbie Residents Association (now CaDRA), and other supporters – including the local Conservative MP, David Mundell – called on Buccleuch Estates to: *“fundamentally review these proposals, and offer assurances to local people that they will not permit DART Energy to utilise the existing Planning Consents.”*

**Correspondence from David Mundell to Constituents 2013*

and further called on them to *“enter into meaningful discussion with local groups, businesses and individuals, and in partnership with Dumfries & Galloway Council identify alternative, sustainable, economic development opportunities.”*

Buccleuch Estates did not answer this call.

Buccleuch enjoys considerable local influence. Many Canonbie residents are tenants of Buccleuch, while others are employees. CaDRA claim *“not only feudalism – common power structures across much of rural Scotland –, but implicit and explicit bullying by Buccleuch, has played an effective role in intimidating local residents“.*

**CaDRA Press Release 2013*

Joan McCalpine local MSP said *“Canonbie locals told me many were ‘too scared’ to speak out as they were Buccleuch estate tenants.” *Public Statement 2014*

The Buccleuch Estates CEO has personally hit out at critics of the development in an interview with the local newspaper where he stated:

“You have to separate what are legitimate technical concerns about safety and the technology from those vociferous voices who don’t want to see any economic development in the area.

“I have little sympathy for that because it behoves us all to try to create economic development. There is a vociferous minority who aren’t elected by anyone and they purport to speak for a community when they have no democratic mandate”

**Eskdale & Liddesdale Advertiser 2013*

It is clear that this refers to CaDRA the group actively opposing the proposals,, but ironic to see the representative of a Duke , criticising democratically elected members of a formally constituted Community organisation, that is wholly committed to promoting sustainable economic development, and is seeking Development Trust status!

The argument that anyone who opposes a certain development is engaging with the system in the wrong kind of way undermines the very principle of community participation. It should be unacceptable to dismiss the genuine concerns of a community, in the name of “*economic development*” that few of them are likely to benefit from, despite suffering all of the burden.

With no access to ‘end of the pipe’ decision making processes, local communities will continue to suffer at the hands of powerful landowners and developers able to exploit loopholes in process such as carving major developments into tiny pieces, and miss-representing plans. Equal Rights of Appeal in planning would address this imbalance, ensuring equality of arms which would lead to better planning decisions as weak approvals, not just weak refusals receive scrutiny through the appeals process.

