



Ministry of Housing, Communities & Local Government

Consultation response form

If you are responding by email or in writing, please reply using this questionnaire proforma, which should be read alongside the consultation document. You are able to expand the comments box should you need more space. Required fields are indicated with an asterix (*)

This form should be returned to:

shaleconsultation@communities.gsi.gov.uk

Or posted to:

Planning and Infrastructure Division
Ministry of Housing, Communities and Local Government
2nd floor, South East
Fry Building
2 Marsham Street
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By 25 October 2018

Your details

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

About the LGA

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils to ensure that local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

The LGA welcomes the opportunity to respond to this consultation.

If you are responding on behalf of an organisation, please select the option which best describes your organisation.*

Interest group, industry representative body, voluntary or charitable organisation

If you selected other, please state the type of organisation.

Local Government Association

Please provide the name of the organisation (if applicable).

Local Government Association

The definition of non-hydraulic fracturing

Question 1

a) Do you agree with this definition to limit a permitted development right to non-hydraulic fracturing shale gas exploration?

No

b) If No, what definition would be appropriate?

We do not support the proposal for a permitted development right for shale gas exploration.

This will bypass the locally democratic planning system. People living near fracking sites – and who are most affected by them – have a right to be heard. Local planning procedures exist for a reason, to ensure a thorough and detailed consultation with those communities and to ensure that all relevant material planning considerations are taken into consideration when deciding whether to grant or refuse planning permission for any type of application.

A permitted development right for shale gas exploration would fundamentally undermine this process.

In relation to on-shore oil and gas development, including shale gas, it is paramount that democratically-elected councils and their communities are at the centre of any decisions about shale gas operations in their areas, and continue to be primarily responsible for these decisions, through a full planning application process.

Before they can consider granting planning permission for fracking applications, councils will also need to be assured that the issues covered by relevant regulatory regimes can, and will, be adequately addressed. This should include potential incidences of seismic activity and water pollution, the disposal of waste water, well construction and well integrity. This would ensure, for example, that in areas with particular stress on the water supply, a proper assessment is undertaken of the potential future impacts on water availability.

Question 2

Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right?

No

Development not permitted

Question 3

a) Do you agree that a permitted development right for non-hydraulic fracturing shale gas exploration development would not apply to the following?

- **Areas of Outstanding Natural Beauty**
- **National Parks**
- **The Broads**
- **World Heritage Sites**
- **Sites of Special Scientific Interest**
- **Scheduled Monuments**
- **Conservation areas**
- **Sites of archaeological interest**
- **Safety hazard areas**
- **Military explosive areas**
- **Land safeguarded for aviation or defence purposes**
- **Protected groundwater source areas**

Yes

b) If No, please indicate why.

Notwithstanding our view that we do not support the introduction of a permitted development right for shale gas exploration (see answer to question 2), if the government is minded to go ahead with the proposals these would be sensible exclusions. Others which should be included are sites designated under European legislation for wildlife and habitats; Air Quality Management Areas (AQMAs); locally designated wildlife and countryside sites and flood zones. There should also be discretion for local planning authorities to exclude other areas which may be of particular significance locally.

c) Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?

There should be discretion for local planning authorities to exclude other areas which may be of particular significance locally.

Development conditions and restrictions

Question 4

What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development?

We do not support the proposal for a permitted development right. Applications for shale gas exploration development should be processed through the full planning application route. This will ensure a thorough and detailed consultation with communities and ensure that all relevant material planning considerations are taken into consideration when deciding whether to grant or refuse planning permission.

Prior approval

Question 5

Do you have comments on the potential considerations that a developer should apply to the local planning authority for a determination, before beginning the development?

We consider that a developer should apply to the local planning authority through a normal planning application process so that all relevant material planning considerations can be taken into account when deciding whether to grant or refuse permission.

Time-period for a permitted development right

Question 6

Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?

Please select an option from this drop down menu

Notwithstanding our view that we do not support the proposal for a permitted development right for shale gas exploration development, if government is minded to take it forward this should only apply for 1 year. The SI should also be laid under the affirmative procedure so that there is a requirement for it to be actively approved by both Houses of Parliament. This process should be repeated for any future extension or permanency. The government should also commit to reviewing the impact of the

permitted development rights after that 1 year period and make public its assessment.

Public sector equality duty

Question 7

Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?

No comment.