

## **APPENDIX A - Response to the Government Consultation on permitted development (PD) for shale gas exploration.**

The consultation poses a series of questions which are detailed below with proposed responses

**Q1 – a) Do you agree with this definition to limit a permitted development right to non-hydraulic fracturing shale gas exploration? Yes/No**

**b) If No, what definition would be appropriate?**

No

The current system is unambiguous to the public and community in that all activity requires permission. To create a definition that would lead to some activities being PD would create the potential for ambiguity, confusion and mistrust in a sector where there is a high level of misinformation and mistrust already in place. Whilst the planning process does not always satisfy local residents they do believe it provides a mechanism for their views to be considered. None of the other regulatory regimes provide for this public interface.

How would the parameters in the definition be tested or regulated and by who because if this was to be the Mineral Planning Authority (MPA) for monitoring or enforcement it would create a further burden for the local authority? It is unlikely that a robust definition would be found resulting in the Planning Authority being challenged by the developer or the public as to whether the operations constituted permitted development or not.

**Q2 – Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right? Yes/No**

No – the application process builds in the opportunity for public engagement and awareness of the detail of the proposals providing greater confidence than would exist under a PD regime. It also provides for local democratic decision making to be exercised in line with other similar forms of development dealt with in the planning system. Also by only providing a PD right for shale gas but not for other energy minerals leads to a heightened level of suspicion amongst the general public that such developments are fast tracked through the planning process without the normal level of scrutiny that takes place with a planning application. This will further undermine the public view that the authorities are trying to hide the impacts of the development.

**Q3 – 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

**b) If No, please indicate why.**

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

Yes there are special designations within the planning system that should be dealt with differently and these areas would fall into those categories.

This would, however, again create ambiguity and confusion as to where PD rights would apply. This will create further negative public reaction to the whole issue so the County Council believe that there should be no PD rights for exploration rather than making distinctions between areas that are or aren't subject to PD rights.

**Q4 - What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development?**

It is not considered appropriate for a set of national conditions to be applied when the nature of the environments in which such proposals come forward can vary markedly. The County Council would therefore resist the introduction of PD rights. Should PD rights be introduced conditions would need to be considered in relation to environmental controls in relation to noise levels, light levels, hours of operation, height of equipment, operating procedures, and access and highway considerations. All of these would be matters of detail that would ordinarily be addressed through the consideration of a planning application.

**Q5 - 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?**

The consultation document acknowledges that 'prior approval are much less prescriptive ... as prior approval is a light-touch process'. This will immediately create a further opportunity for friction between local communities and the MPA if there is a belief that appropriate checking of the development proposal is not occurring. Prior approval would be a necessary requirement if PD rights are introduced but will almost certainly add to MPA resource burden.

**Q6 - Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?**

Any PD rights should be temporary to ensure that activity occurs in a timely manner and removes the uncertainty and concerns for the local community directly affected.

**Q7 – 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.