



5th June 2018

Agenda Item: 11

REPORT OF CORPORATE DIRECTOR – PLACE

DETAILS OF THE WRITTEN SUBMISSION TO, AND ATTENDANCE AT, THE PARLIAMENTARY INQUIRY ON FRACKING, A SUBSEQUENT MEETING WITH THE MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT (MHCLG) AND THE MINISTERIAL WRITTEN STATEMENT ON SHALE GAS PROPOSALS

Purpose of Report

1. To advise Members of the County Council's written submission to the Parliamentary Communities and Local Government Committee Inquiry on fracking, the Planning Group Manager's attendance at the Inquiry and subsequent meeting with the MHCLG and a Ministerial Written Statement made in relation to shale gas proposals.

Background information

2. On the 30th January 2018 Parliament's Housing, Communities and Local Government Committee launched an inquiry into planning guidance on fracking, examining whether technical guidance for local authorities taking planning decisions on fracking applications needed to be updated or improved.
3. The Committee invited written submissions on the following questions:
 - Is there the need to update and improve the guidance available?
 - Is there the need for a comprehensive document incorporating existing and updated guidance?
 - What is the status, in planning terms, of the extant Government guidance?
 - Should applications for fracking be dealt with as national infrastructure under the 2008 Planning Act?
4. The deadline for submitting written evidence was 14th March 2018. The County Council's full response is set out in Appendix 1 of this report. The authority's written response was drawn up in consultation with the Chair and Vice Chair of Planning and Licensing Committee in accordance with its terms of reference. This report is to inform Members of this Committee of the details of the response.
5. Following the submission of the written response to the Inquiry, the Authority was invited to appear before the Parliamentary Committee on the 14th May 2018. The Group Manager, Planning, represented the Authority at the Committee. Other

attendees at this session comprised representatives from North Yorkshire County Council, Lancashire County Council and the Peak District National Park Authority. The questions from the Committee related to the issues raised in the written submission and whether the authorities considered there was a need for another regulator.

6. Other sessions of the Parliamentary Committee were attended by the shale gas industry, environmental pressure groups and the other regulators, such as the Environment Agency. One further session heard from Ministers from the Ministry of Housing, Communities and Local Government and from the Department for Business, Energy and Industrial Strategy.
7. Officers have also met civil servants from the Ministry of Housing, Communities and Local Government along with other mineral planning authorities which have dealt with planning applications for shale gas development. The meeting largely centred on timely decision making and all the authorities represented highlighted the amount of work that was involved in dealing with these applications, mainly due to the level of scrutiny from local communities and those opposed in principle to this type of development.

Ministerial Written Statement relating to shale gas made on 17th May 2018

8. On 17th May 2018 the Secretary of State for Business, Energy and Industrial Strategy released a written statement on his own behalf and on behalf of the Secretary of State for Housing, Communities and Local Government reiterating the Government's view that there are substantial benefits from the safe and sustainable exploration and development of onshore gas resources and wished to set out the actions they are taking to support this. He outlined the potential to deliver substantial economic benefits to the UK economy and the creation of British jobs. He stated that recent decisions on shale gas exploration planning applications remain disappointingly slow against the statutory 16 week timeframe. He outlined a number of measures to apply to such proposals in England.
9. This Statement is a material consideration in plan-making and decision-taking, alongside relevant policies of the existing National Planning Policy Framework. He said the Government expects Minerals Planning Authorities to give great weight to the benefits of mineral extraction, including to the economy. He stated that the revised NPPF, on which the Government has recently consulted will sit alongside the Written Ministerial Statement. He stated the intention to publish revised planning practice guidance on shale development to provide clarity on issues such as cumulative impact, local plan making and confirmation that planners can rely on the advice of regulatory experts.
10. Two consultations will be held in summer 2018, firstly on the principle of whether non-hydraulic fracturing shale exploration development should be treated as permitted development, and secondly on the criteria required to trigger the inclusion of shale gas production developments into the Nationally Significant Infrastructure Projects regime. He stated that the Government will strengthen community engagement by consulting in due course on the proposal to make pre-application consultation a statutory requirement. Other measures, including support for those involved in decision making, matters relating to the shale regulators, and community benefits were also set out in the statement which was made in both the House of Commons and the House of Lords.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below.

Human Rights Implications

12. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

It is recommended that Members approve the continued involvement of the authority with the Ministry of Housing, Communities and Local Government on consultations relating to shale gas development.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments (RHC 23/5/18)

Planning and Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Comments of the Service Director - Finance (SES 22/05/18)

There are no specific financial implications arising directly from this report.

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Divisions and Members Affected

All

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