



# SAY NO TO FAST-TRACKING FRACKING!



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**GREEN PARTY MEP FOR THE SOUTH EAST**



## WHAT YOU CAN DO

- 1 Reply to the consultation by October 25 2018
- 2 Copy your response to your MP and local Councillor and ask them to object too.

## NOTE ON FRACKING AND SHALE GAS

Although we do not have fracking for shale gas in the South East I am concerned about the Government promoting onshore oil and gas at the expense of local democracy. There is also a high likelihood that this weakening of local participation in decisions about shale gas will quickly expand to cover shale oil, which we do have in the South East, and acid stimulation which is the technique used to extract it.

## THE CONSULTATIONS

The Government has two consultations open until October 25 2018 which aim to speed up permissions for onshore shale gas operations. The effect of what is proposed is to undermine local democracy and accountability and speed through, without proper scrutiny, applications for operations including fracking which are of significant public concern. Please respond to the consultations before the deadline.

**You can view them here:** [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/726916/Consultation\\_document\\_-\\_shale\\_gas\\_permitted\\_development.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726916/Consultation_document_-_shale_gas_permitted_development.pdf)

This proposes making applications for shale gas exploration as easy as for putting up a solar panel or conservatory – so they don't need planning permission.

**And here:** [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/727044/NSIP\\_Consultation\\_Document\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/727044/NSIP_Consultation_Document_Final.pdf)

This proposes taking some shale gas applications out of the hands of local councils and making them part of the national infrastructure scheme – this means they would be automatically deemed to be nationally significant contrary to the evidence about the prospects for onshore oil and gas in terms of meeting national energy need and the risks of meeting the need in that way.



## GENERAL KEY POINTS

The Government's claim that: 'there are potentially substantial benefits from the safe and sustainable exploration and development of our onshore shale gas resources' needs challenging. You will have your own reasons and ways of doing that (e.g. climate change, air quality, industrialisation of the countryside, diversion of resources away from renewables) – just because they don't ask about that specifically doesn't mean responses should remain silent on that point.

The Government also claims that: 'The UK has world class regulation to ensure that shale gas exploration can happen safely, respecting local communities and safeguarding the environment' – I will be producing a report to challenge that claim but you may have your own examples where this seems far from the case.

## SOME KEY POINTS ON PERMITTED DEVELOPMENT

To respond please complete this survey: <https://www.surveymonkey.co.uk/r/9LDDSVZ>

Or email your response: [shaleconsultation@communities.gsi.gov.uk](mailto:shaleconsultation@communities.gsi.gov.uk)

### GENERAL POINTS TO MAKE:

- This is about non-hydraulic fracturing shale gas exploration development (i.e. not fracking and not appraisal or production; and not oil). But it is likely to be the first step towards fracking under the new regime.
- Shale gas exploration can involve a high level of negative environmental impact including a rig, storage and transport of fluids, flaring and a substantial level of HGV movements. It can involve impacts to local transport, air and water quality and industrialisation of the countryside.

## CONSULTATION QUESTIONS

Please modify and expand your replies with your own examples and concerns.

### QUESTION 1

**a) Do you agree with this definition to limit a permitted development right to nonhydraulic fracturing shale gas exploration? Yes/No**

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

Suggested points for response:

- Permitted development was clearly intended for small scale development with a low level of environmental impact. It should not be applied in this case.
- Permitted development is not for new industrial development – the current criteria limit it to change of use, small scale and/or temporary development. It isn't used for new minerals development currently so this is a major departure. It is for small scale and domestic development. Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right? Yes/No

Suggested answer:

- As we do not agree with permitted development covering shale gas exploration we do not agree with the definition.
- A drill rig can be over 30 metres. This is extending permitted development above anything currently permitted (including phone masts).
- Once a site has permitted development for shale gas exploration, the principle is established and it will be much easier for operators to move through appraisal and production consenting – environmental impacts of the whole process need to be assessed at the earliest possible stage
- Only local planning authorities are in a position to assess the environmental risk and impacts, particularly in terms of cumulative impacts as shale development depends on having well sites approximately every 1 kilometre
- The public will have no say. Permitted development means that there is no requirement to consult local communities. The industry's own body has already said it has no duty to consult for non-fracking operations. So the voice of the public will not be heard.

### QUESTION 2

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

Suggested response:

- No (for the reasons provided above)

### 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? Yes/No (A list is provided).**

**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?**

Suggested answer:

- a) Yes
- b) Not applicable
- c) If the Government is minded to go ahead with this proposal, Permitted Development rights exclusion areas should also include: Green Belt; sites designated under European legislation for wildlife and habitats; AQMAs; locally designated wildlife and countryside sites (and others subject to further consultation)

#### QUESTION 4

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

Suggested points for reply:

- We do not agree with the premise, but if the Government was minded to push on with this proposal, the difficulty of specifying demonstrates the impracticality of it. Conditions and restrictions could include: time limit of 18 weeks; full restoration on conclusion – details agreed in advance; no fracturing even small scale testing; site area should not exceed 1 hectare or should be subject to full planning and EIA; no other oil or gas site within 10 kms; no structure higher than 25 metres; no removal of trees or hedgerows; working hours agreed in advance; noise restrictions; air quality protections; light restrictions; traffic management plans for HGVs; nesting birds; other wildlife protection considerations; water quality monitoring; flaring restrictions; setback zone from areas of habitation; contaminated land regime is relevant (not an exhaustive list – please add your own ideas).

#### 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?**

Suggested points for reply:

- These might include (not an exhaustive list): traffic and highways impacts; contamination issues; air quality and noise impacts; visual impacts; proximity to occupied areas; setting in the landscape; requirement for public consultation and consultation with statutory bodies and local authorities including parish councils.

#### QUESTION 6

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

Suggested reply:

- If a permitted development right is to be granted (which we object to) we agree that it should remain in place for two years from the date the legislation is passed and that any extension or permanency has to be referred back to Parliament in primary legislation.

#### 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?**

Suggested points for reply:

- The proposal could have a serious impact on mental health as those living near fossil fuel exploration sites have come under extremes of pressure and stress; there will be an impact also on mental and physical health from loss of access to open space and impacts of public rights of way; there may also be impacts on physical health particularly those already suffering from respiratory disorders.



## SOME KEY POINTS ON NATIONAL INFRASTRUCTURE

Please modify and expand your replies with your own examples and concerns.

**To respond please complete this survey:** <https://beisgovuk.citizenspace.com/energy-development/nsip-shale-gas/consultation/intro/>

**Or email your response:** [shalegas.NSIP@beis.gov.uk](mailto:shalegas.NSIP@beis.gov.uk)

### GENERAL POINTS TO MAKE

- This is about putting ‘major shale gas production projects’ into the national infrastructure framework. This would include fracking.
- The consultation says: ‘If an application for development consent demonstrates that it meets the national evidence base and ‘need’ in planning policy terms set out in the National Policy Statement, that national need does not need to be revisited again during the examination nor in determining the application’. So once in the system never again will any operator need to prove that there is a national need. That’s what this consultation is about.

### CONSULTATION QUESTIONS

#### QUESTIONS 1-2

- 1. Do you agree with the proposal to include major shale gas production projects in the Nationally Significant Infrastructure Project regime?**
- 2. Please provide any relevant evidence to support your response to Question 1.**

Suggested points for your response:

- Onshore gas does not meet a national need – it is a need that can be met in other ways with far fewer impacts (e.g. via renewable energy).
- Climate change means that it is urgent that we move away from fossil fuels, not facilitate their extraction. This is not a transitional arrangement that is acceptable.
- There is no evidence that onshore fracked gas will make any significant contribution to our national energy consumption as we simply do not know; even if it was to make a significant contribution to energy security it is certain that the environmental price would be too high (as we have seen in the USA and Australia where it is more advanced)
- This would remove any democratic involvement and accountability. The final decision maker on national infrastructure proposals is the Secretary of State and it is the Government that is fast-tracking fracking. There is no check and balance in the system.
- Fracking is a new technology and has not been subject to appropriate environmental assessment over an acceptable period and is not tried and tested. It is not a suitable candidate for fast-tracking.
- It is vital that local communities can be heard and that local expertise is brought to bear on consideration of these applications. It is much more difficult to engage with the Planning Inspectorate than your local planning authority.
- The industry is not suitable for treatment as major development as it comprises many

small scale sites in various stages of operation. The legislation is designed for major infrastructure projects (e.g. a nuclear power station). There would be a high likelihood of unsustainable cumulative impact within certain areas. These proposals are much better managed and decided locally, rather than nationally.

- The consultation says: 'The UK has a world class regulatory regime to ensure that shale exploration can happen safely, respecting local communities and safeguarding the environment'. This is just not true. There have been many breaches where planning conditions and environmental permits have been violated and at least one known instance of drilling without planning permission. The regulators are not well resourced and cannot monitor what goes on at individual sites in enough detail. If it's hard to regulate now this change will be a green light to cowboy behaviour. The public is not reassured by this claim.

### QUESTIONS 3-6

- 3. If you consider that major shale gas production projects should be brought into the Nationally Significant Infrastructure Project regime, which criteria should be used to indicate a nationally significant project with regards to shale gas production? (A list is provided.)**
- 4. Please provide any relevant evidence to support your response(s) to Question 3.**
- 5. At what stage should this change be introduced? (For example, as soon as possible, ahead of the first anticipated production site, or when a critical mass of shale gas exploration and appraisal sites has been reached).**
- 6. Please provide any relevant evidence to support your response to Question 5.**

Suggested response:

- As these questions assume you agree with the proposal you just need to be clear that you are not answering these because you oppose the plans.

#### **An extra point for your MP:**

The Government is planning to use Secondary legislation to get this proposal through. This means MPs won't get a vote and as it stops local councillors having a vote on development - it's a double whammy for democracy.

- As well as asking your MP to object, also ask your MP to call for a Parliamentary vote on these important proposed changes by writing to the Secretary of State for Business, Energy and Industrial Strategy, Greg Clark, and Housing, Communities and Local Government Secretary of State, James Brokenshire.

**This is how to find out the contact details for your MP:** <https://www.writetothem.com>

Please also write to your local councillor with a copy of your response and ask them to propose a motion at the next council meeting for your local authority to object to these proposals on the grounds that they reduce democracy and local engagement and accountability.

**You can find out who your local councillors are here:** <https://www.writetothem.com>



## Helpful briefings:

<https://gofossilfree.org/uk/let-communities-decide/>

<https://www.frackfreeunited.co.uk/permitted-development-and-nsip/lawyer-briefing-on-pd-nsip/>

<https://www.frackfreeunited.co.uk/permitted-development-and-nsip/council-leaders-in-pedls/>



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