

The Government's consultation on permitted development: how to respond

This briefing provides guidance on how to respond to the Government's consultation on permitted development and shale gas exploration.

1. How to respond:

The deadline for this consultation is 11.45 pm on Thursday 25th October 2018

The quickest way to respond is **online**, by following this link:

<https://www.surveymonkey.co.uk/r/9LDDSVZ>

If you prefer to respond via **email**, you need to use the response form ([here](#)) and send via email to: shaleconsultation@communities.gsi.gov.uk

If you would like to **respond in writing**, you should send written responses to the address below, making clear which consultation you are responding to ("Permitted development for shale gas exploration").

Shale Consultation Planning Infrastructure Division
Ministry of Housing, Communities and Local Government
3rd Floor Fry Building
2 Marsham Street
LONDON SW1P 4DF

2. Background to the Government's proposals:

The government is proposing significant changes to planning rules, to make the process easier and quicker for fracking companies in their search for shale gas.

If implemented, fracking companies could cover vast swathes of the English countryside in drills and heavy industrial equipment without the need to make a single planning application.

They would be granted a 'permitted development right,' a general planning permission granted by Government, instead of the local authority to carry out non-fracking exploration, including drilling. Exploratory drilling is often the first step towards full scale fracking. The Government refer to this in the consultation as "non-hydraulic fracturing shale gas exploration development". If granted this right, fracking companies would be able to bypass the local

planning process, meaning no opportunity for local people to have a meaningful say on the principle of a proposed drilling site and minimal scrutiny from the local council.

'Permitted Development' was designed to speed up planning for very minor development, (e.g. sheds, fences and minor home improvements), not drilling for gas, which is controversial and risky for the climate and local environment.

3. Friends of the Earth's view:

Friends of the Earth is campaigning for the Government to drop their proposed changes to planning rules, because:

- **Climate change:** enabling wide scale exploration for shale gas (leading to extraction) is incompatible with tackling climate change
- **Local democracy:** side-lining the views of local people is undemocratic. The local planning system is one of the main routes for the public to express their concern (or support) for what happens in their area.
- **Industrialisation of the countryside:** With 17,820km² of England covered by oil and gas licenses, these plans could lead to the wide scale industrialisation of the countryside.

4. Guidance – how to respond to the consultation questions

Below we provide some guidance to the government's consultation questions. Feel free to use our suggestions to help write your response, and do tailor them where possible to your local circumstances.

The Survey Monkey response form is very restrictive in terms of the information you can submit.

Question two is the most important because it is about the principle of whether or not permitted development rights should be applied to shale gas exploration, but it is only possible to give a "yes" or "no" response in the online response document.

We have therefore suggested you add your reasons for opposing the changes to permitted development in your answer to question 1b.

Question 1a) *Do you agree with this definition to limit a permitted development right to non-hydraulic fracturing shale gas exploration?*

Response: No

Question 1b) *If No, what definition would be appropriate?*

Response: This question assumes the principle of making shale gas exploration permitted development is accepted, when it is not. I object to the proposal to make non-hydraulic fracturing shale gas exploration Permitted Development for reasons explained below.

1. It would undermine local democracy
 - The local planning system is one of the main routes for the public to express their concerns (or support) for what happens in their area. Under the Government's proposals for permitted development, the scope for the community to have a say will be massively reduced.
 - The views of local people should not be side-lined for what is a controversial, unpopular and risky industry.
2. Removing the need for companies to submit a planning application further weakens the regulatory framework for shale gas:
 - There are potentially significant impacts from exploratory drilling and fracking companies proposing to carry out this activity should always be required to apply for planning permission from the local council.
 - The local council is best placed to decide how an application does or does not fit with the local planning policy.
 - The local council is best placed to take account of community concerns.
 - Requiring a planning application to be made provides an important level of scrutiny and consultation.
3. Shale gas exploration is unsuited to permitted development – it is neither uncontroversial nor minor:
 - Permitted development is traditionally a system designed to deal with minor building works, where the impact will be small and uncontroversial, such as putting up sheds, garden fences, extensions and phone kiosks.
 - “Non-fracking shale gas exploration” is controversial and can have significant local impacts, including 24-hour drilling.
 - Drilling rigs are intrusive infrastructure, the average rig being 125ft tall.
 - Exploratory drilling can result in increased noise, HGV traffic, loss of greenfield land, disturbance to wildlife, light pollution and landscape and visual impacts.
4. Industrialisation of the countryside
 - Research by Professor Calvin Jones at the Cardiff Business School, commissioned by Friends of the Earth, reveals the scale of industrialisation of the countryside that could result from a fully-fledged fracking industry.
 - The report concluded that, in the central scenario, we would need to drill the equivalent of one new well every day for 15 years to replace just half of UK gas imports for 2021-2035 with fracked shale gas.
5. Climate change
 - If we are to avoid dangerous levels of global warming, the majority of proven fossil fuel reserves need to stay in the ground.
 - Permitted Development for shale gas exploration would undermine the UK's climate change commitments by enabling wide scale exploration (and eventually extraction) of oil and gas.

Question 2) *Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right?*

Response: No.

Question 3a) *Do you agree that a permitted development right for non-hydraulic fracturing shale gas exploration development would not apply to the following?*

Response: Yes

Question 3b) We advise you leave this black, because it only applies if you have said “no” to question 3a.

Question 3c) *Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?*

Response: There should be no permitted development right granted for non-hydraulic fracturing shale gas exploration anywhere, full stop, for the reasons explained above.

Question 4) *What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development?*

Response: There are no circumstances where a permitted development right would be appropriate for the reasons explained above

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?*

Response: There are no circumstances where a permitted development right would be appropriate for the reasons explained above.

Question 6) *Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?*

Response: Non-hydraulic fracturing shale gas exploration should not be made permitted development for reasons already explained.

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?*

Response: Shale exploration can interfere with local residents’ quality of life, health and wellbeing, with 24-hour drilling keeping residents awake at night; disrupting local businesses and leisure activities (e.g. peaceful enjoyment of the countryside). We consider that vulnerable groups, including some groups identified in the Equalities Act, would be disproportionately affected by these proposals should they go ahead.

Contact

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