



HOUSE OF COMMONS

LONDON SW1A 0AA

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

26 July 2018

Dear James,

RE: Permitted development for shale gas exploration consultation

I am writing in response to your department's ongoing consultation into whether non-hydraulic fracturing shale exploration development should be granted planning permission through a permitted development right. As my constituency has a shale gas well site that is in the advanced stages of construction and I have considerable experience of these matters I would hope that you will give significant weight to my submission.

I strongly object to changing the existing law on permitted development rights. Development of non-hydraulic fracturing shale gas sites should not be granted in this fashion. The existing law requiring prospective shale gas exploration sites to receive planning permission from the local mineral rights authority should remain in force.

I appreciate that the proposed changes are only in relation to shale gas exploration and non-hydraulic fracturing operations to take core samples for testing purposes. This does not, however, allay my fundamental concern that such changes would remove key safeguards which prevent sites from being built at inappropriate locations.

The Government's concerns that it takes local mineral rights authorities too long to consider planning applications are legitimate. It took Lancashire County Council more than 12 months to consider Cuadrilla Resources' planning applications to construct exploration sites at Preston New Road and at Roseacre Wood in my constituency. After appeal it was a further 15 months before a final determination of the company's Preston New Road application was made and the reopened inquiry on traffic management concerns around the proposed Roseacre Wood site has still not been concluded – more than 4 years on from the launch of the original planning application.

It should not take such an inordinate amount of time to consider planning applications on this scale and the Government is right to examine how the process can be sped up. Loosening the law around permitted development rights is not the answer – it does not address the real problem but creates problems where they do not currently exist.

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The fact is that under this proposal shale gas companies will still require planning permission. This permission will be necessary after construction of an exploration site but before hydraulic fracturing can commence. There is still scope for local authorities to drag this process out, thus completely negating the stated aim of these proposals.

At the same time these changes would drastically and unacceptably increase the opportunities for shale gas companies to construct sites in places that should not host exploration wells. Even though it appears safeguards would be instituted to ensure planning permission would still be required to construct exploration sites in sensitive areas – such as areas of outstanding natural beauty – there are, equally, numerous reasons that could preclude this sort of development in other areas.

As the consultation document notes at paragraph 16, “planning authorities can consider all the circumstances of the case.” That is precisely the reason why all such planning applications should be and have always been considered by local authorities. If local authorities are unable to consider applications – rendering the only determining factors for whether exploration should be allowed to take place the health and safety and environmental compliance of a shale company’s plans – all other factors in the case will be completely ignored.

A pressing example that demonstrates the impact that this could have is at Roseacre Wood in my constituency. As you know and as I made clear to the planning inquiry, I am of the considered and firm view that the proposed exploration site should not be built because traffic management concerns cannot be overcome. The Planning Inspectorate is yet to complete its report but my view is shared by a considerable number of independent experts, local residents and both Fylde Borough Council and Lancashire County Council.

If the proposals outlined in the joint written ministerial statement of May this year were to proceed this would be entirely irrelevant – Cuadrilla Resources could have progressed with the exploration phase at Roseacre Wood without any consideration of the traffic implications having taken place. Even if – despite my objections – the site is to be built, there has at least been detailed consideration of this issue and there will have to be a rigorously enforced traffic management plan. There would be no such safeguards under these proposals, providing potential for preventable road traffic accidents to take place.

I know from experience that though ultimately temporary, shale gas exploration sites are considerable constructions. It is at this initial phase that planning authorities should be able to consider all the circumstances of the case. It is stated at paragraph 10 of the consultation document that the Government remains committed to ensuring that “local communities are fully involved in planning decisions that affect them.” I offer my support in upholding this commitment. It is however patently obvious that these proposals do not, which is why I do not and will not support them should you decide to proceed with this policy.

As the other six questions asked in this consultation are contingent upon answering in affirmation to question 2, it would be pointless for me to provide answers to them.

Yours sincerely,



Mark Menzies MP