

Response to consultation on permitted development rights for shale gas exploration October 2018

Introduction

1. The Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation’s green treasures. We have been campaigning for over 80 years to ensure that our National Parks are beautiful, inspirational places that are relevant, valued and protected for all.
2. National Parks play a vital role in sustainable development. They are home to rural communities and also support the protection of the landscape, wildlife and key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. As well as being inspiring places for people to enjoy and improve their health and well-being, National Parks make a significant contribution to the economy through tourism, farming, and other related businesses. Many of these businesses rely on the high quality environment of these areas for their success and many of the benefits which National Parks provide, including tourism and rural economic growth, could be lost if the special qualities for which they are valued are undermined. It is therefore essential that national planning policy provides strong support for the protection and enhancement of these areas.
3. We are opposed to fracking in, under or within the setting of the National Parks. Fracking is a non-renewable source of energy generation and undermines the UK’s progress towards meeting climate change targets. There will also be significant environmental impacts – groundwater, noise and air pollution, damage to landscape, tranquility and wildlife, and increased traffic on unsuitable rural roads.
4. Even though there are measures in place to restrict fracking on the surface of National Parks, there is nothing to prevent fracking from taking place underneath the surface of these areas. This means there is likely to be continued pressure for fracking related development just outside the boundaries of areas which are supposed to have the highest level of protection in planning policy. It is therefore essential that all fracking-related development is properly managed and monitored through the planning system and we, therefore, strongly object to the introduction of permitted development rights for shale gas exploration.

Response to specific consultation questions

Q1 a) Do you agree with this definition to limit a permitted development right to non-hydraulic fracturing shale gas exploration?

5. No.

b) If No, what definition would be appropriate?

6. There is insufficient information provided in the consultation document to make an informed response to this question. The definition should be subject to further consultation with industry specialists, the public, non-governmental organisations and academic experts to ensure that it is robust and understandable.

Q2 Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right?

7. No, we do not support the use of permitted development rights for any fracking related development. Permitted development rights are currently generally used for minor changes which are expected to have minimal impacts and are not anticipated to attract any opposition from the general public.
8. By contrast, most fracking related development is highly controversial and attracts strong levels of opposition as is evident from the current protests in Lancashire¹. There are also a wide range of impacts associated with fracking including hydrogeological impacts, noise and air pollution, damage to landscape, tranquility and wildlife, and increased traffic on unsuitable rural roads. This means that careful consideration must be given as to whether the activity is appropriate for the location and this can only happen if a full planning application is required. For any activity in the setting of a National Park decisions also need to take account of the statutory National Park purpose to conserve and protect the special qualities of the area. Again, this would only happen if a full planning application is required.

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** - yes (PD should not apply)
- **National Parks** - yes (PD should not apply)
- **The Broads** - yes (PD should not apply)
- **World Heritage Sites** - yes (PD should not apply)
- **Sites of Special Scientific Interest** - yes (PD should not apply)
- **Scheduled Monuments** - yes (PD should not apply)
- **Conservation areas** - yes (PD should not apply)
- **Sites of archaeological interest** - yes (PD should not apply)
- **Safety hazard areas** – no comment.
- **Military explosive areas** – no comment.
- **Land safeguarded for aviation or defence purposes** – no comment.
- **Protected groundwater source areas** - yes (PD should not apply)

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?

¹ <https://www.theguardian.com/environment/2018/oct/15/fracking-protesters-blockade-cuadrilla-site-where-uk-work-due-to-restart>

9. Yes, as we have already set out, we do not believe that a permitted development right should apply to any non-hydraulic fracturing shale gas exploration development.
10. There are already restrictions in place to prevent surface drilling for shale gas in the first seven categories set out above, so it would be completely inappropriate to allow permitted development rights in these areas.

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

11. As we have already set out, Campaign for National Parks does not believe that a permitted development right should apply to any non-hydraulic fracturing shale gas exploration development. However, if the government is determined to introduce such rights, there would need to be extensive conditions attached to them. As suggested in the consultation document (paragraphs 27 and 34), such development could only be controlled effectively through exclusions, limitations and restrictions. These should include conditions which take account of cumulative impacts and include a strict environmental monitoring regime.
12. The conditions for each development would need to be specific to local circumstances meaning that developers would need to seek prior approval to ensure compliance. In addition, in order to properly understand the impacts of a particular proposal, there would need to be a thorough environmental assessment requiring consultation with relevant statutory bodies and the public. In other words, the level of preparatory activity required would be little different to that required for a full planning application. Thus the proposed change would remove local planning authorities' ability to manage and monitor certain important aspects of the development but is unlikely to lead to reduced bureaucracy or a much speedier decision, particularly if the reduced fees restrict the resources local authorities are able to devote to this.

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?

13. As discussed in our answers to previous questions, we believe that there would be a very long list of matters that would need to be dealt with via prior approval. Among other things this would include impacts on National Park purposes, transport and highways, visual/landscape impacts, noise, residential/local amenity, air quality, ecology, hydrology and ground stability. It will be essential to consider these impacts collectively and also to take account of cumulative impacts. All these matters would need to be subject to public consultation and as set out in our answer to question 4, this would make the prior approval process for this type of development little different to a full planning application, but the reduced fees for local planning authorities would restrict the resources they were able to devote to it.

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

14. If the government intends to introduce a permitted development right for non-hydraulic fracturing, there should be a full impact assessment of the proposal so that there is a clear understanding in advance of any issues that may arise and thus the monitoring criteria to be used. The impact assessment should also consider impacts on local communities and the compatibility of shale gas extraction with climate change targets in order to set appropriate monitoring timeframes.
15. If the proposed permitted development right is implemented, it should be subject to a two year time limit, followed by a comprehensive review of the impacts in a report to the public and parliament. If major problems are experienced in advance of that time limit, there must be the facility to revoke the permitted development right immediately.

For further information about any aspect of this response, please contact Ruth Bradshaw, Policy and Research Manager (email:ruthb@cnp.org.uk, tel: 020 7981 0896)