The Rt Hon Elizabeth Truss MP  
Secretary of State

November 2014

Dear Anne,

**DEFRA RESPONSIBILITIES FOR FRACKING**

You wrote to me on 16 October following my oral evidence session with the Committee. You asked me for a more detailed picture of Defra’s role in ensuring that the Department for Communities and Local Government (DCLG) and the Department for Energy and Climate Change (DECC) consider fully the wider environmental impacts of fracking on local communities when making planning and licensing decisions. I want to emphasise what I said during my evidence session, that each element of the regulatory process has a different function. The aim of all three Departments is to minimise duplication of roles by working closely together at the strategic and local (operational) levels.

One of the key objectives of the planning system is to ensure that the environmental impacts of development are fully considered to help achieve sustainable development. This applies to development in respect to oil and gas exploration or production. The National Planning Policy Framework paras 142-149 ([http://planningguidance.planningportal.gov.uk/blog/policy/](http://planningguidance.planningportal.gov.uk/blog/policy/)) and the planning guidance on shale gas published earlier this year ([http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/](http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/)) clearly set out how Mineral Planning Authorities are expected to consider environmental issues in respect to shale gas when developing their plans or determining planning applications. DEFRA was a key partner in the development of both of these documents.

The Government published new planning guidance in July that set out for the first time the specific approach to planning for unconventional hydrocarbons (which includes shale gas) in National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites. By bringing together planning policy that applies to unconventional hydrocarbons and these areas of outstanding landscape and scenic beauty, it clearly sets out the high level of protection accorded to these areas in respect of development. To ensure that this guidance is being appropriately applied the Secretary of State for Communities and Local
Government has undertaken to give particular consideration to recovering planning appeals arising from these types of developments over a 12 month period.

The European Directive on Environmental Impact Assessment (Directive 2011/92/EU) requires that proposals which are likely to have significant effects on the environment have to be subject to an environmental impact assessment (EIA). This means that Mineral Planning Authorities (MPAs) will need to consider whether an EIA is required in relation to shale gas developments. As a statutory consultee, the Environment Agency provides a scoping opinion to advise the MPA on what an EIA should cover. In addition, conditions can be attached to planning permissions to mitigate impacts on the environment. The Environment Agency, and in certain cases Natural England, are statutory consultation bodies for planning applications, although lead responsibility for ensuring that visual and traffic impacts are fully considered lies with the local authority.

So far as onshore petroleum activities are concerned, DECC is not an environmental regulator and its Petroleum Exploration and Development Licences are not a vehicle for environmental regulation. Nevertheless, DECC conducts a “strategic environmental assessment” before each round of licensing, and the results of this assessment and the comments received in public consultation on it are considered by Ministers before applications for new licences are invited. The Environment Agency, Natural England and other relevant bodies are consulted during this process. In recent onshore rounds, DECC has also required applicants to provide an environmental awareness statement in order to demonstrate their understanding of the environmental sensitivities of the area proposed. Where licensees may propose to carry out hydraulic fracturing operations for shale gas, DECC will also require them to carry out an Environmental Risk Assessment (ERA) before submission of the planning application. It should assess risks across the entire life cycle of the planned shale gas activities, including the disposal of wastes and well abandonment, and risks of induced seismicity.

If you require more detailed information on the regulatory process for unconventional oil and gas exploration and production, including the different agencies which are responsible for environmental protection in Scotland, Wales and Northern Ireland the regulatory roadmap published by DECC provides guidance to operators and is available at: https://www.gov.uk/government/publications/regulatory-roadmap-onshore-oil-and-gas-exploration-in-the-uk-regulation-and-best-practice).

Best wishes,

[Signature]

Elizabeth Truss MP
Secretary of State for the Environment, Food and Rural Affairs