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HCLG Select Committee Report: Planning Guidance on Fracking

Dear Clive,

We would like to thank you for your letter dated 5 September 2018, agreeing to receive the response from the Government to the Housing, Communities and Local Government Select Committee's Report on Planning guidance on fracking (HC767) ('the Report'), by 8 February 2019.

Our Departments will continue to work collaboratively in providing our response.

In the meantime, we would like to take this opportunity to respond to some of the questions raised in your letter, regarding the on-going initial consultations, which close on 25 October, into:

- Inclusion of shale gas production projects in the Nationally Significant Infrastructure (NSIP) Regime – consultation on the timings and criteria for including shale gas production projects in the NSIP regime; and
- Permitted development for shale gas exploration – consulting on the principle of granting planning permission for non-hydraulic shale gas exploration development through a permitted development right.

Consultation on the inclusion of shale gas production projects in the NSIP regime

The Committee have asked if the Government have already reached a position on whether shale gas exploration should be brought into the NSIP regime. In line with the Cabinet Office consultation principles, which advises that questions should not be asked about issues which the Government already has a final view, the consultation seeks views on the question of whether production phase shale gas projects should be moved into the NSIP regime. This is set out in question 1 in the consultation.

We will consider all the views and evidence provided in response to the consultation, both in support of, and against the proposals, before deciding whether to undertake further consultation on the proposal.

This is an initial consultation and in the next steps of the consultation document it states a further consultation would be carried out prior to any of the proposed changes being implemented. If deemed appropriate, this consultation would build on the evidence of the initial consultation and be accompanied by an impact assessment.

Consultation on permitted development for shale gas exploration

As the Committee noted, a range of support is being provided to Mineral Planning Authorities, including the £1.6m Shale Support Fund, the ongoing support provided by the Planning Advisory Service, and the creation of a new planning brokerage service for shale applications, to provide assistance to developers and local authorities on the planning process to help facilitate timely decision making.

Subject to the outcome of the initial consultation, further consultation on the detail would be carried out prior to a new permitted development right for non-hydraulic shale gas exploration development being implemented. If deemed appropriate, any relevant expected impact of the proposal would be considered as part of the further consultation.

We can confirm that the introduction of a new permitted development right for non-hydraulic shale gas exploration development would require secondary legislation via the negative procedure to introduce changes to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Next steps

The consultations are due to close on 25 October 2018. We thank the Committee for their views expressed in their Report, which will be considered and taken into account alongside the other consultation responses received, when formulating the Government's response to the consultation. If the Committee would like to provide any further comments on the individual questions raised within the consultation documents, we would welcome the Committee's views.

The Government's response to the Committee's Report will be published in due course and by 8 February 2019.



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