

TRANSCRIPT OF APPG ON SHALE GAS REGULATION & PLANNING
7TH JUNE 2016

Kevin Hollinrake

Good afternoon ladies and gentlemen. Just a couple of apologies – we’re going to have votes very shortly so that’s going to interrupt proceedings. Also apologies – we have not got our Minister, James Wharton, Minister for the Northern Powerhouse and also with responsibility for planning, because he’s stuck on a train between the north and the south – there has been a fire on the East Coast line which has held a lot of ministers up, so we do have some officials I understand standing in for him. We are very short on time anyway and I apologise for the number of re-arranged times on this particular meeting. So we are going to crack on. Apologies for absence are covered in the minutes anyway.

Thank you to our panel for agreeing to come and give us evidence on this important subject, particularly since we’ve had only the week before last the approval of an application in my constituency at Kirby Misperton of the most recent shale gas exploration. The last session we talked about regulations – this session we’re going to talk about the planning aspect of the roll out of shale – we’ve got some experts from that particular field – and also look at traffic movements - these elements to the whole process of shale gas exploration. I will leave it to our panel here to introduce themselves and very briefly their field of expertise.

Greg Shillabeer – Arcus

I am the Managing Director of Arcus Planning Consultancy. We are an environmental planning consultancy based in York. We are roughly 60 people and we have a range of disciplines in house including landscaping, planning ecology. Our expertise is in sensitive and high profile developments - largely to do with the energy business. We have operated throughout the life cycle of an entire business, which is the wind farm business, so we’ve seen how that business has changed and evolved and how certain parts of the landscape of the UK have changed and evolved in line with that business growing. We are now involved in some of the early shale gas projects – in site surveys, quantity work and planning feasibility work and we are helping the industry bodies develop assessment tools for this particular sector, so I think we are particularly well placed to make comment on this sector. I should probably introduce my colleague, Darren Hendley, who would undoubtedly say the same thing. Darren runs our planning team.

Richard Blyth – Royal Town Planning Institute

We are a professional body representing 23,000 professional planners in the UK, Ireland and across the world. I don’t claim to be any expert in the issues around shale gas but I can speak from the perspective of the planning system as a whole in England and I think it’s great we’ve got a panel with great expertise in relation to this particular kind of development. But I can speak about plan making, development management and the position of my profession and local authorities in England as whole.

Christopher Stratton - LI

I’m a landscape architect and town planner and I’m representing the Landscape Institute, who are the well chartered body for the landscape profession. We work to protect, conserve and enhance the build to natural environment for public benefit. We’ve got over 5,000 members – landscape architects, planners designers, scientists – and we champion multi-functional and sustainable landscapes in both town and country. We believe that with careful and appropriate planning, design and management it’s possible to deliver a wide range of social and economic environmental benefits.

We are experienced in incorporating or integrating large scale industry into the countryside, for example nuclear power stations, wind turbines. What we feel in relation to shale gas extraction is that local communities and the environment shouldn't be disadvantaged, put at risk or be subject to unnecessary disruption associated with the exploration and extraction of shale gas and that the way to achieve this is through strengthening planning policy. Timing is very good. We've got the announcement of all the PEDL areas and we think it's absolutely the right time for local planning authorities to be given the tools to do their job and revise and update their mineral planning policies so that they can actually guide, not just the industry – and that would be very helpful and save an awful lot of time and acrimony if the industry knew *where* there was scope for drilling rigs – but also the communities as well.

Kevin

I'm sure we will come on to discuss that in more detail. I'll ask the first question if I can. Under current national planning policy guidance – this cumulative impact assessment with any policy for a local authority – is that sufficient to control the roll out of shale gas exploration across our landscape so that it meets public concern. Clearly there is huge public concern about the proliferation of well plants and about things like traffic movements - perhaps Greg you might deal with that question.

Greg Shillabeer – Arcus

Perhaps I could start off with what we're doing. I think we could draw parallel to the wind industry where it started off with a very unaffected landscape and certain parts of the landscape – perhaps not North Yorkshire because it's highly designated. Cumulative impact became more of an issue. I think what happened at the same time was that the business/industry evolved tools to assess the impacts on the landscape and allowed the business to assess cumulative impact and I think then it all helped planning authorities to make reasonable decisions based on what the cumulative impact was and I think the shale gas business has started to do that quite early on. I think it has started to learn the lessons that have been learnt throughout the life cycle of another business – I use that word again – quite early on. So I think in terms of cumulative impact there will be the tools to allow planning authorities to make a reasonable judgement.

Richard Blyth – RTPI

I'd like to widen that answer a little bit because of the issue of other kinds of development that are happening in the same place. A while ago the RTPI had a project called Map for England which is around trying to see how 95 different spatial policies from different government departments actually relate to each other – so one issue that might apply, if there are a lot of heavy goods vehicle movements required to support a fracking well, has the same issue and analysis been brought to bear on whether on whether, for example, the same roads are going to be required to support housing developments in the same area and have we got a holistic enough way of assessing not only development of a certain kind happening in a place, but actually what is the overall mass of development of different kinds that they need to take place which does point you to having a plan rather than a pure reactive system.

Kevin

Just on that point – are you talking about a national policy guidance when you talk about a plan or at a local level ?

Richard

I was thinking in this particular instance that in some definition of a local area it might be a small district, it might be more like the size of a combined authority, but certainly the issue of cumulative impact doesn't only apply well by well by well, but also sort of well and housing and industry and whatever else you might need to have within the given space.

Christ Stratton – LI

Perhaps not surprisingly we think we would like to interpret it the other way round. Rather than seeing how many applications can come forward – let's take a PEDL area, 10x10 km sq – let's see what the capacity of the area is to absorb that development. There is a good analogy, as Greg was intimating, with wind farms using a landscape character assessment, which actually looks at tracts of countryside – say a couple of areas. So what is the capacity of that landscape to accommodate drilling sites – how many? Some will be much sensitive than others and could accommodate say 20 sites, whereas others may be only 5 or 10 and that's a very sustainable way of determining cumulative impact I think.

Graham Evans MP

Fracking is controversial in certain parts of the country and I know quite a lot about it – I've done my homework. What I'm interested in is you as professional bodies. What MPs and councillors and elected politicians struggle with is to try and convince the public that it is safe, it's done correctly, it's monitored by the Environment Agency and you collectively can reassure them that the landscape doesn't necessarily have to be blighted. What more can we do collectively as professionals for your own individual professions to reassure ordinary people, members of the public, that this process doesn't necessarily mean we're all going to hell in a handcart. How can you get that over better than you are doing because people don't understand – they think the whole place is going to be blighted? Is there more you can do to communicate that it's not the end of the world?

Darren Hendley – Arcus

I think there are two things. One is the fact that obviously, yes, there is strong support in principle for shale gas, but that's already through planning policies, already altered criteria which apply whether it be landscape, pollution related, transport related ecology, criteria in those policies, and they still need to be assessed against every shale gas development which comes along. I think they're important.

There's a second point as well – I think this links to the last point about polluted landscape impacts. I'm an advocate of supplementary planning documents and what they are – they sit below the development plan and they provide much more detail in terms of these various aspects. They provide certainty for developers and also for local community viewpoints. They set out in much more detail – and the mitigation and how they will be properly controlled. So I think from the professional viewpoint they are the two elements I see to help with any community fears and concerns about shale gas.

Graham Evans

But how can you communicate that better? Because if you look at antis, they paint a certain picture usually from America and Australia and historic things elsewhere in the world. What we could do with is an example, perhaps in the United Kingdom. You just said it yourself – notwithstanding the nuances of the areas that we represent – I represent Cheshire, it's a bit different to North Yorkshire or the South Downs – it's the nuances of not the one hat fits all or reassurance to the communities that you analyse the application in the context of the nuances of those particular areas.

Darren Hendley – Arcus

I certainly think supplementary planning guidance is very useful. They go out to each local planning authority, be it Cheshire or North Yorkshire. Those are for the consultation process anyway so that allows the community to be involved in those or to comment on those and also that raises the profile of those documents – the fact that they were issued and are being properly addressed in the planning system – I think that’s the way to do it. In terms of those documents being produced, they’re not compulsory for planning authorities to produce those documents. I certainly would advise that there is some incentivised system that would enable local mineral planning authorities to actually produce those documents.

Graham Evans

Can you point to a site that’s been done and dusted and it’s all grown back and it’s mature – point to a beacon site to reassure the public ?

Darren Hendley

Obviously at the moment with shale gas the industry is not advanced and I think it’s slightly chicken and the egg.

(break in proceedings due to a vote)

Lord Truscott

I just wanted to ask the panel whether they think, in terms of the balance of power between local authorities and central government, when it comes to shale development, whether that’s right or wrong. There has been a lot of dispute about how much weight should be given to the local authorities as opposed to central authorities. I wonder whether in planning terms you think that’s about right or whether you think it should be changed. I believe it’s Chris that implied that there would be changes to the current regime.

Chris Stratton – LI

Well if I could answer that first. I think that there’s a need for more robust planning policies at the local level – at county level – the local mineral planning authorities, not the districts. I think that they would benefit hugely, not just from advice from central government in terms of mineral planning guidance (MPGs). The process is there – the system is there – it just needs adapting to reflect the fact that we’ve got all these PEDL areas now and a new industry and I think we also need resources. We feel very strongly that this ought to be dealt with at county level rather than nationally through the infrastructure commission. But of course it does need a huge amount of work and to be frank they’re not geared up for it. We would like to see them do that.

Richard Blythe – RTPI

With gearing up – it’s not a question of competence it’s a question of resources. In relation to plan making as a whole – specifically mineral plan making – our survey of north west authorities showed a 37% fall in staffing and resources for plan making between 2010-2015. So one of the difficulties is having enough people to do the job and the people being able to do it. On the point that Graham Evans made around the role of professional bodies, I think the role of professional bodies is to ensure that people involved in the process are fully qualified.

We have very high standards both ethically and in terms of continued professional development for our chartered members, so that is how you give public confidence. The people writing committee reports are the best qualified people you can get and I think that this country by international standards is extremely good in that respect. But I think the point you made about other countries where the technology has been in operation for longer, I think one of the things that we do internationally is keep very strong links to our sister organisations in other countries, particularly in the States, so we are actually a channel by which if there is best practice and learning from other places, sharing among planning professionals in different countries is one of the ways you can achieve that.

On the issue of central/local I don't think I'm able to make a comment, except that in terms of national infrastructure parliament has decided what the threshold should be between what is a national project and what is a local project and that is defined in regulation. There is an issue around certain kinds of technology so we've had it with onshore wind – there are certain kinds of technology which lend themselves to smaller scale operations than say nuclear power, where each thing is big. So there is an interplay which is how thresholds work and how certain kinds of industries actually function technically and whether they have lots of small installations or very large installations.

There is a further issue around a devolution because the issue of what the centre decide and what the locality decide is quite largely in flux and an issue that we have pursued as an institute in relation more generally to planning is that sometimes local areas can be asked to do things and actually in return they don't get very much. One of the exciting things about devolution as a principle is that you can start saying – if you have 'this' then you get 'that' and it becomes easier to demonstrate benefits to the locality if they see that something is coming as well as something being given back.

Graham Evans

I think we are in agreement. I mentioned a beacon site. If you can record it from the moment the drill goes in the ground until you've finished and covered it up and do a montage of what it looked like before and then six months, twelve, eighteen months afterwards - this is what you don't have to worry about ladies and gentlemen - so we can show the public that it isn't the end of the world. The first opportunity that we can have a beacon site – this is what happened here, a similar location, this is the end result eighteen months later and it will allay a lot of the fears that ordinary citizens have.

Greg Shillabeer – Arcus

When I was talking earlier on about industry developing tools to show this that's exactly the kind of thing that they're showing. Shale gas obviously operates at lots of different stages and if the industry is very open and presents the information very clearly it can show a number of developments in different stages ... and then more people get some confidence. Through application documents, exhibitions, consultations they can show they are applying best practice and providing information that should reassure the public.

Kevin

Local residents aren't just concerned about one site and the evolution of that site and the different stages, they are also mostly concerned about the proliferation - about the roll out – and they see these images from the USA or Australia with a huge proliferation of well sites and it's how you reassure the public. I take on board your points about developing a local plan at a local authority level, I think we've all said that. At this point in time you've got a lot of worried people in Thirsk and Malton who are really worried *now*, even before the first site exploration takes place.

How can we provide that level of assurance without some national guidelines - because this isn't just about my constituency – it's about saying look, OK, there are these broad guidelines that will restrict development that make it acceptable and palatable, particularly in beautiful areas like North Yorkshire.

Greg Shillabeer

Yes – you can provide the information as I've just said, you can do that through your application or outwith an application, you provide the kind of information that we've been asked to look at previously which is to show how a landscape might look like in five, ten, fifteen years' time with a number of developments.

Kevin

But that's got to be based on some metrics of around how many developments you are going to allow within a certain...

Greg Shillabeer

It is and we can take hypothetical numbers – obviously you can look at constraints, you can initially screen out large areas of National Parks for instance, so hone down very quickly into the areas that may be developable and obviously the licensed areas of course and then you can take hypothetical numbers, maybe five sites, ten sites and look at those in their varying stages of development and show that landscape using the various visualisation tools that you can and hopefully then give some confidence to people saying this is what a view point from X would look like in five years' time if there were ten developments and that at least gives them the information and maybe allays a bit of panic. One of the dangerous things we've seen through all industries that we're involved in is that, as you said earlier on, people get information off the internet, they look at information from America – if I can go back to wind farms – they take crazy pictures and use them in their information. So it's about developers providing the correct information and maybe just looking ahead a little bit with that information.

Chris Stratton – LI

Basically people want to know that their landscape will not change and they want to know that it's not going to be so close to where they live and is going to upset the value of their house or their peace and quiet. So we've got the actual drilling which I don't think is going to be a problem – the actual drilling rigs are not going to be there for long. But water storage is going to be a huge issue. The volume of water required – and if it has to be brought in by road tanker, traffic's going to be an issue. So we've got to take that into account and if we can get information – and it's only just coming out now, the industry's just emerging, that's why it's such a good time to think about it – instead of the industry leading the way – this is back to your point – local communities can have a much greater involvement and say if it's done at county level. I have been involved in the formulation of this guidance and they could work with the industry – and the industry I think would be very happy to do that – honestly to portray what these things are going to look like. But it's not just the sites it's the traffic which I think is a key issue.

Question from the public

You have talked about proliferation. What is your view on the CE of UKOG in the south of England, near Gatwick, saying that you will need hundreds of wells back to back in order to exploit licensed areas? What is your view on the opinions of whistleblowing engineers, that restoration of the above ground – OK it might look like a pristine piece of countryside .. And another question about the local communities – when actually really in truth only 30% of local communities voted for this government and when all in Sussex ...

Chris Stratton – LI

Very quickly – if you want this to be a sustainable industry you have strong planning policies that say that the area around Gatwick will actually only accommodate twelve sites, whereas another area, south of Selby, could accommodate perhaps twenty because of the terrain.

Richard Blyth - RTPI

I would agree that I would always be broadly in favour of plan led answers to solutions rather than a case by case reactive approach. I think that would deal with this question of numbers.

Greg Shillabeer

I can't comment on what was quoted there, but exactly as I said a few minutes ago and what my colleagues have just said, there are natural barriers to the numbers of development and planning constraints and there are tools available to assess them

Louise Marr

I'm the Deputy Director responsible for infrastructure planning in DCLG which includes planning policy for shale and this is my colleague, James Henderson, who's in the team specifically with responsibility for planning for shale.

It might helpful if I say a few introductory remarks. By way of introduction I thought it might be helpful to just set out how at a broad level the planning framework accommodates shale gas, recognising that planning, which is why we're here today, plays such an important role in the regulatory framework on shale, because it enables the development decisions – it enables the decisions about the use of land and ensures they're in appropriate locations. It does operate alongside the other principle shale regulators – so, the Environment Agency, the Health & Safety Executive and the Oil and Gas Authority - and takes an issue of competence in the of those authorities and what government does is put in place the framework to support planning for shale gas and ensures that's in place through the National Planning Policy Framework and also through ensuring up to date supporting planning practice guidance and ensuring that's available.

What these make clear, as we've heard earlier in this session, is that actually planning for shale development is led locally by mineral planning authorities at county and unitary levels – and that's done in two ways: firstly the mineral planning authority is responsible for putting in place the mineral plan and secondly they lead on ensuring timely decisions on individual mineral planning applications.

Planning for shale therefore operates in the same way as the planning system operates for other applications, as we heard from the RTPI earlier. And in line with that all planning decisions, as they need to for shale, have to be made in accordance with the development plan so the mineral plan for the local area unless material planning considerations indicate otherwise. That does however, as you've heard, require close partnership working between planning authorities, industry, regulators and also with local communities.

The government more broadly has been very clear about the potential for shale gas to support energy security and its role in helping to create jobs and growth. And therefore government has been anxious to determine how much shale there is and how much can be used and therefore to support that we've heard about measures announced by ministers to help speed up the decisions on planning applications because as a recognition, delay and uncertainty caused by delay actually doesn't benefit anybody. But local communities will always be and are always involved in those applications and in the plan making process. Their safety and potential impact on the local environment do remain paramount within the planning system.

Kevin

So the mineral planning authority can determine its own policy in terms of the roll out of shale gas across an area. What's the principle about how much shale gas can be produced from that location a local authority, from what you're saying, can simply say well we only want two wells across a huge area – across the whole county. At some point in time there must be a fallback position where an inspector of the Secretary of State can overrule that local authority if an appeal came forward.

Louise Marr – DCLG

So the mineral planning authority determines its own policies through the mineral plan and as we've heard, they're criterialised policies so they set the criteria against which decisions can be made. There's also the option for potential applicants to come forward and identify sites that they might want to see in that plan. That sets the framework for the development decisions. Each decision is then made on its merits – that includes taking account of the potential cumulative impact of that decision and other decisions in the area.

Kevin

The concern people have – and you've heard their concerns expressed here and I have had expressed many times in my constituency – is about this huge proliferation of well sites in high density across an area and at this point in time we're not able to reassure the public that this would be managed in an appropriate way and where it does protect countryside and it does leave the countryside looking like it does today. How do we make that case to the general public because we're not making it at the moment ?

Louise Marr – DCLG

In terms of planning I think we can point to the policies more broadly in the National Planning Policy Framework as well as in the guidelines, so that makes clear that there should be no unacceptable adverse impacts on the natural and historic environment and human health. That includes issues such as noise, dust, visual intrusion, traffic – a wide range of issues in the NPPF. There's the criteria in an individual plan by a local authority and then there's the confidence in the decision making process itself by that individual mineral planning authority. And the stages of consultation in each of those – so in developing a local plan there needs to be consultation in the local planning and there's an examination of that plan by an independent planning inspectorate to ensure that that is sound.

In relation to an application itself, I think it's very important actually that there is a lot of emphasis – and the government encourages that engagement in that pre-application phase for the application, so ideally you have that engagement with the regulators, with industry, with the local community. Then there's also the formal point of consultation that happens when there is receipt of the individual planning application.

Graham Evans MP

My constituency is a historic, industrial area connected with chemicals, energy intensive energy users. We have lost a lot of jobs elsewhere because of the high cost of energy, recently mostly with the steel industry, but there are other industries that are affected by the cost of energy. Have you done an analysis – what I'm coming from is some ideal locations – what the public understand are the connection between jobs and the high cost of energy and therefore energy intensive industries that put an application in for one of these sites that would feed directly into the local industry, the local business, that serves the community and employs literally hundreds of people. Have you got an analysis throughout the United Kingdom to seek such industries, either the sectors or actually the location - mine's an obvious one because of the chemical industry. Therefore the application is somewhat, in the public's eyes, sort of makes sense because you're reducing the cost of energy in securing the jobs within the community and with that sort of approach that you can reassure the public, a) it's not going to be a blight on the countryside. Because all of that list that you just gave – is that traffic and noise and visual impact is already there because of the nature of the steel industry or the chemical industry – they've got the infrastructure that a lot of people are objecting to in the countryside – it's already there. But the fracking – the energy produced from these sites – secures long term viability of the industry. Have you looked at that – that could be an angle that would help reassure the public ?

Louise Marr – DCLG

I would suggest that's not specifically a planning question, so the role of DCLG is to ensure the planning framework is in place to enable the decisions. But that said, in considering the decisions then made against what is sustainable development, so they consider economic, social and environmental factors, so the economic factors and contribution to that local economy will also be aspects that the local authority considers. In addition, I think what's interesting for shale is it falls within the mineral plan and consideration of minerals applications and there are unique elements actually in terms of minerals planning. There is a commitment, it's made clear in the National Planning Policy framework that there needs to be a steady and secure supply of minerals and that includes energy. It also makes clear that uniquely they can only be developed where they're found, so there's more specific locations where they can be found. It's unusual in development terms because actually the development itself is continuous – the need to work that site as part of the development activity. And then it's unusual in that actually the development then stops and there's an obligation on the operator to ensure respiration and aftercare of that site. So economic factors are included but actually then there is a way in which it's operated that also considers the location.

Graham Evans MP

I'm glad you said that because when I was a councillor, when we were considering applications – admittedly not related to this particular issue – but jobs and job security in the community was high on our profile of consideration. But I would suggest to you that is an option for you to consider, looking at areas where you have potential shale gas fields and with energy intensive industries – I'm telling you all now if you live in my area there is one there – something for you to consider.

But if you say to the public we have these fantastic industries, high paid jobs, good quality jobs, exactly the sort of jobs we want – we want to keep them in the United Kingdom and not export them elsewhere is one option. And as we were discussing earlier – and this is a community benefit also - a) you keep the industry there but also there are benefits, as was discussed with the previous panel, that the community would benefit. It's a double whammy that helps reassure the public. Job security wherever possible in this day and age, but also community benefit.

Tom Elliott MP

Is there a generic or a standard public health response to all the applications or is there an individual public health response for every individual application ?

Louise Marr

Public health and public health impacts are an element of the decision making but that's considered on a case by case basis and each case is determined on its own merits.

Tom Elliott MP

But is the public health agency requested for their response to every part of the application?

Louise Marr

There would be an expectation that the public health agency would be requested – they are not a statutory consultee but there would be an expectation.

Tom Elliott MP

Is there any reason why they're not a statutory consultee?

Louise Barr

Statutory consultee creates a legal obligation on that consultee that they have to respond, but actually the consultations requirements on the authority go broader than that so it's a question of whether it's deemed necessary for a change in law to be required.

Jim Fitzpatrick MP

I'm the Member of Parliament for Poplar and Limehouse and apologies for putting a political question which I'd hoped to ask the Minister. Going back to Graham's point about the checks and balances – should we develop shale, should we not develop shale ? A number of us think we ought to because it's better than importing from Qatar, from Russia, from the USA. We've got a national resource, why would we not want to exploit that ? Whose job is it to sell that to the public, because a warning's ... been made by the environmental body, by the antis, by the Green Party who are hostile to the prospect and you've described the planning process for DCLG as being one to make sure that it's transparent, that it's fair, that everyone can then work in. Local authorities I suspect are doing exactly the same thing. So given that it's government policy to support the emerging industry, what role does government play in encouraging the industry to sell itself in terms of jobs, in terms of help for the economy in respect of energy security. How do you share that out between the developers, the industry and government – and which government department is then leading... how often do you talk to them about making sure there's a coordinated response across government ?

Louise Marr

I think we need to be mindful that DCLG sets the framework for planning but it also has a quasi judicial role in terms of being the potential decision maker on individual applications, which is where I'm very careful about setting out our role as setting the framework on policies and not being seen to prejudice that decision making position. I think more broadly for government – so that's potentially beyond DCLG – there is a question of does government have a role in setting out the national case for shale, the lead department in terms of policy for shale is the Department for Energy and Climate Change. Inevitably, as with all policies, there is an element of coordination that is needed between departments and, as there is on this, there is therefore coordination between departments. We at DCLG are very mindful of our quasi judicial position and the quasi judicial position of our ministers.

Julian Sturdy MP

Just to follow on from that. We were looking at public confidence – that's absolutely crucial in this process. You talked about planning guidance, about protecting the environment, about the impact on health, but I would argue planning guidance is quite vague – it's subject to interpretation. So to actually deliver that confidence do you not think we need more certainty about regulation at the moment and secondly you talked about plans – I'm assuming obviously that's the waste minerals element of the local plan. Now a lot of local authorities will have already got their local plans in place, the waste minerals has already gone through that process. It seems to me that with the process being already gone through, my view is that it hasn't really taken into account where we are with shale gas development. So is that something that needs to be re-looked at given the way things are going, to get that public confidence back into the system?

Louise Marr

The planning policy guidance was updated in 2014 specifically on hydro carbons and includes shale. We haven't had any calls since then to suggest that that is now out of date or there are any aspects of that that need revising and it was relatively recently updated as I've said. In terms of individual plans by authorities – yes, authorities bring those forward according to their own timetables – it's for the authorities to ensure they have an up to date plan in place and they'll need to take account and consider issues such as has a PEDL licence been issued in their local area. The planning system does allow for decisions to be made when the local planning authority is less up to date, however because you have got the policies in the national planning policy framework – you've got policies in the planning policy guidance, so you have that wider context provided.

Julian Sturdy MP

The guidance is quite vague isn't it.

Louise Marr

We haven't had suggestions that that guidance needs further updating for hydrocarbon and for shale. Those sections were specifically updated in 2014.

Question from the floor

Two communities in Lancashire where applications were lodged. It's clear from our perspective that we have an established planning process that is and should be comprehensive to take into account the range of different factors that are relevant to applications. However in Lancashire when the local council went through this process, both the council itself and the public, when looking at that evidence meticulously, they rejected both applications in terms fracking.

We do recognise that the government thinks that shale gas is going to be an energy bonanza and that the Secretary of State would like to be able to make decisions on nationally significant infrastructure, but in this case we feel that we are being given the run around because of an ideological commitment to fracking. We've asked repeatedly to speak to the Secretary of State and invited him to meet with us and have received no response. Given all of this isn't the Government making somewhat of a mockery of that entire planning process if they can just call in these applications and deny people like us and our communities a vote.

Louise Marr

The Lancashire application is under appeal. We are currently waiting for the inspector to report and it will be a decision by the Secretary for DCLG so it wouldn't be for me to comment on that particular application.

Lord Truscott

What interests me is how much weight will be given to local views, because obviously the Secretary of State has the power to call these decisions in. When the Secretary of State makes a decision how much weight is he or she going to give to the views of local people ?

Louise Marr

So the principle is – a decision needs to be made on the planning merits of the case and on planning matters. The issues raised by the public and planning matters raised by the public will inform the decision making.

Kevin

Could you answer that question generally in terms of any application, the ability of the Secretary of State being able to overrule local democracy?

Louise Marr

For all applications there is a right for the applicant to appeal against that application and in that process those communities and representations will be taken into account and inform that appeal process and inform the views and the issues that are taken into account. The points raised by the general public will therefore be taken into account in the decision making but the decision will be on planning matters so it will be planning matters that are raised by the public that will be taken into account as part of that decision making.

Question from the floor

Could I make a statement on behalf of Paul Wicks (Kirby Misperton): what is wrong with a system that prevents councils from making decisions based purely on the best interests of the public by creating a bureaucratic process that only allows 'material considerations' to be taken into account when making decisions that affect so many. Are we forced just to object to these things on the basis of traffic and light – what we care about is the air we breathe and our water and our climate.

Louise Marr

The planning issues go wider than just traffic and noise and does include issues such as air quality, dust, visual impact – it's anything that affects land use, that's the basis on which the decision is determined. But it is one part of the wider regulatory framework – it's not the only point of the decision making – it sits alongside the decision making by the Environment Agency and the Health and Safety Executive, Natural England, should there be any impacts for habitats – it's one element that has a particular role in relation to the wider regulation – in this case on shale gas.

Kevin

Can I come back to the point you made before. You said that there hadn't been any requests for specific changes to national planning guidelines. Could I make a formal request – I take the point the local minerals planning authority can decide on its own policy – it then goes to an independent inspector who examines that policy, but what people are concerned about is ... you made the analogy about housing, that it's a similar process to housing in terms of that independent examination. But we know the number of houses within a local authority area so we've got some kind of context around the development activity within an area. With this the local people have not got a context, do not understand – cannot see how many well pads are going to be across that countryside, so I'm still not clear, without some national planning guidelines, how we can reassure the public that there won't be hundreds of wells per 100km sq, or well pads per 100km sq, which is what people are really worried about. What is too little from that independent examination and how many is too many – and that seems to be very unclear.

Louise Marr

I think what's difficult – that decision on what is too little and what is too many is one that's made on a case by case basis – it's one that's made on a plan by plan basis, it's made in relation to each particular application, so the cumulative impacts are something that is taken into account in terms of the mineral planning authority developing its policies in the plan, and that will be criteria based policies so that the way in which they will think about cumulative impacts will be taken forward in relation to the plan's role and then it's also an issue that's factored into the decision making on that individual application, but in relation to that application it's decided on its own merits.

Kevin

I am sure my local residents will still be concerned – they don't understand how that countryside is going to be affected by that statement, that's what they are concerned about. They are certainly worried that producers might end up in charge of this process and drive a coach and horses through the planning process with the back-up of an independent inspector or a Secretary of State – that they cannot pull back the proliferation around the countryside and I think unless we give people that reassurance then we're going to see resistance other than the resistance that some have on environmental grounds. Do you not agree that would be the case – people will have those concerns unless we can clearly articulate that the countryside will be protected in a certain way ?

Louise Marr

I think in the planning system we can articulate the protections that exist and I can reiterate the very clear policies in the framework that's there, which states that actually development won't go ahead if there are unacceptable impacts and the grounds on which those impacts can happen, we can provide those reassurances and they're very clearly up front within the planning system to inform both the developer's plan and the decisions. I think to go further, I can't.

Julian Sturdy

We talked about the cumulative impact when plans have to take note of those and how that develops, so – correct me if I’m wrong – a waste mineral plan is like a local plan, it’s part of the local plan, it’s a 15 year plan – waste and mineral plans ?

Louise Marr

They normally have five years.

Julian Sturdy

So there is a fifteen year plan with a five year break – is that correct ? My question is when can waste mineral plan be re-visited and updated by the local authority to take account of what is happening in that area with shale gas ?

Louise Marr

When they think it’s appropriate to do so. The decision is for the mineral planning authority.
