

Appendix A

Permitted Development for Shale Gas Exploration Questions and Proposed Responses**Question 1**

- a) Do you agree with this definition to limit a permitted development right to non-hydraulic fracturing shale gas exploration? Yes/No
 b) If No, what definition would be appropriate?

Proposed Response

a) No

Paragraph 20 of the Consultation document indicates that the purpose would be to allow "operations to take core samples for testing purposes". However, the suggested definition - 'Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids, with a testing period not exceeding 96 hours per section test', suggests some production of petroleum for testing could occur.

b) "Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids by obtaining borehole logs and taking core samples for testing purposes"

Question 2

Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right? Yes/No

Proposed Response

No

Question 3

Do you agree that a permitted development right for non-hydraulic fracturing shale gas exploration development would not apply to the following? Yes/No

- Areas of Outstanding Natural Beauty
- National Parks
- The Broads
- World Heritage Sites
- Sites of Special Scientific Interest
- Scheduled Monuments
- Conservation areas
- Sites of archaeological interest
- Safety hazard areas
- Military explosive areas
- Land safeguarded for aviation or defence purposes
- Protected groundwater source areas

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?

Proposed Response

a)Yes This is a relatively comprehensive list and, the Council generally agree with it.

c) The revised NPPF includes greater protection for 'irreplaceable habitats' including ancient woodlands and trees. They are defined in the NPPF as *Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.* In line with this, this additional protection could be given.

Question 4

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

Proposed Response

The starting point for restrictions should be Class KA as introduced in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. If the Government decides not to make the new permitted development right subject to any local prior approval process it should at the least require a prior notification to the MPA.

The Council is concerned about the effectiveness of generic conditions or restrictions being used to mitigate the specific impacts at different sites. This highlights why this type of development is not suitable for being permitted development.

However if it is included as permitted development specific restrictions on noise in line with the Planning Practice Guidance should be included with day time noise limits at the nearest sensitive receptors limited to no more than 10dB above background level, and total noise not exceeding 55dB. Night time noise levels should be no higher than 42dB at the nearest sensitive receptors.

Question 5

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?

Proposed Response

The prior approval topics set out are very similar to the topics that would be covered in a planning application, but without the democratic decision making process involved in a planning application. The amount of work for the

planning authority would be comparable to that of a planning application, but with no planning application fee. It would be unreasonable to impose this workload on MPAs without adequate financial contribution for the work to allow the MPA to resource the work.

It is not considered that a Planning Performance Agreement (PPA) would address the issue of resourcing the MPA because it would be voluntary on the part of the applicant.

Question 6

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

Proposed Response

Because there is little understanding as to the impact that the changes would have, or how effective they would be, a permanent change would be a significant risk. A temporary change with the option to remove the permitted development rights in two years would be more preferable to the Council and allow assessment of the effectiveness of the change and judge what the impacts have been and whether any exploratory development has been sufficiently controlled and its impacts properly mitigated.

Question 7

Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?

Proposed Response

The Council has no comments to make.

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