

County Council Meeting – 13 November 2018

REPORT FROM THE PLANNING AND REGULATORY COMMITTEE ON REFERRED MOTION

1. At its meeting on 17 October 2018, the Planning and Regulatory Committee considered a motion in the name of Councillor Jonathan Essex referred to it by the Council on 9 October 2018.

The Motion was as follows:

“This Council notes that the government is proposing, via a Written Ministerial Statement (WMS) to allow the exploration phase of hydraulic fracturing (fracking) to be allowed under Permitted Development (PD), therefore requiring no planning permission. They also propose to bring the production phase of fracking under Nationally Significant Infrastructure Projects (NSIP), to be decided centrally by government and the planning inspectorate, thus taking decisions away from local councils. If approved, this could be extended to include other types of oil and gas exploration such as we have here in Surrey through secondary legislation.

This Council believes that local plans, local planning and local democratic decisions should retain control of all local mineral and fossil fuel development.

Therefore, this Council instructs our planning officers to respond to the government consultation accordingly, by rejecting the changes proposed for PD and NSIP as inappropriate and with the view that local Minerals Planning Authorities retain local control and primacy for all planning decisions at all stages for all types of oil and gas exploration”.

2. As Councillor Jonathan Essex was unable to attend the meeting, Councillor Stephen Cooksey, the seconder of the original motion referred from Council, presented it on his behalf.
3. An officer response to the motion was also considered by the Committee and is attached as Appendix 1.
4. Following a full debate, an amendment to the motion was proposed by Councillor Stephen Cooksey, seconded by Councillor Penny Rivers. The amended motion was put to the vote and was unanimously supported by the Committee.
5. The Chairman advised the Committee that the amended motion would be reported back to the next Council meeting for information.

Amended motion agreed by the Planning and Regulatory Committee:

“This Council notes that the government is consulting on whether non-hydraulic fracturing shale gas exploration development should be allowed under Permitted Development (PD), therefore requiring no planning permission. They also propose to bring the production phase of hydraulic fracturing (fracking) under the Nationally Significant Infrastructure Projects (NSIP) regime, to be decided centrally by government and the planning inspectorate, thus taking decisions away from local councils. This Council believes that local plans, local planning and local democratic decision making should retain control of all local mineral and fossil fuel development.

Therefore, this Council welcomes, endorses and supports the responses already submitted to Government in respect of these consultations”.

Councillor Tim Hall
Chairman of the Planning and Regulatory Committee
17 October 2018

TO: PLANNING & REGULATORY COMMITTEE

**DATE: 17 OCTOBER
2018**

BY: PLANNING DEVELOPMENT TEAM MANAGER

**TITLE: GOVERNMENT SHALE GAS CONSULTATIONS – OFFICER
REPORT ON COUNTY COUNCIL MOTION**

1. Since the 1950s, conventional oil and gas exploration and appraisal has occurred at a number of locations across the southern part of the County. Small quantities of hydrocarbons are currently produced by conventional means in the Weald Basin, to the south of the North Downs. There are two operational sites producing oil, namely Felton’s Farm in Brockham and Palmers Wood Oilfield in Godstone; and two with permission to produce gas at Kings Farm, South Godstone and at Albury. There is a further site at Horse Hill near Horley with permission for well appraisal.
2. There is no fracking for shale gas either taking place or proposed in Surrey. The Government proposals currently under consideration would not have any direct impact on Surrey at this time. Indeed, the British Geological Survey (BGS) estimates that there is no significant shale gas potential in the Weald Basin including southern Surrey – shale oil rather than gas is likely to be present. The focus for exploration for shale gas will therefore remain in the north of England for the foreseeable future.
3. The Government Written Ministerial Statements on energy and planning policy of 17 May 2018 announced a range of measures to facilitate timely planning decisions in respect of shale planning applications. There was a stated intention to consult on the criteria required to trigger the inclusion on shale production projects into the Nationally Significant Infrastructure Projects (NSIP) regime and on the principle of whether non-hydraulic fracturing shale gas exploration development should be granted planning permission through a permitted development right. These consultations are being carried out by the Department for Business, Energy & Industrial Strategy (BEIS) and the Ministry of Housing, Communities & Local Government (MHCLG) respectively. The consultations both commenced on 19 July and both end on 25 October 2018.
4. The County Council has already responded to both of these consultations. Planning Officers drafted a response to both consultations, which were subsequently signed off by the Portfolio Holder and Executive Director, in line with the County Council’s procedure for responses to formal Government consultations, and then submitted. The response letters are included as an Annexe to this report. The detailed County Council responses do not agree with the Government proposal that non-hydraulic fracturing shale gas exploration development should be granted planning permission through permitted development or that shale gas production projects should be

included within the Nationally Significant Infrastructure Project (NSIP) regime and in this respect agree with the Motion to Council.

5. Whilst the sentiment of the Motion that shale gas development should continue to be determined via existing local democratic structures is in line with the County Council's response to the consultations, the Motion does not accurately reflect the Government's consultations. The Government is not proposing to '*allow the exploration phase of hydraulic fracturing (fracking)*' to be allowed under permitted development as stated in the Motion but are consulting in respect of '*non-hydraulic fracturing shale gas exploration development*'. It is very specifically not fracking – it may be a pre-cursor to exploratory fracking, but it is not fracking. Additionally, it is a matter of conjecture that this could be extended to other types of oil and gas exploration. While officers agree with the sentiment of the Motion, it is recommended that it be amended to reflect the Government consultation prior to adoption, should Members wish to support it.