



HOUSE OF COMMONS

LONDON SW1A 0AA

Rt Hon Claire Perry MP
Minister of State for Energy
and Clean Growth
1 Victoria Street
London
SW1H 0ET

Ref: LR/LP

25 October 2018

Dear Claire,

I write with regards to the consultation for proposed inclusion of shale gas production projects in the Nationally Significant Infrastructure Project (NSIP) regime, as per the written ministerial statement on 17th May 2018 (HCWS690).

My constituency has extensive experience in shale gas applications and, as a result, has strong views on both the current processes and any attempt to loosen them. In early 2017, an application to conduct exploratory drilling for shale gas was made in North East Derbyshire; this was rejected by Derbyshire County Council in early 2018 and then was overturned by the Planning Inspectorate in August 2018. You are already aware of my strong views on this matter – borne of experience rather than theory and of the reality of thousands of worried residents concerned about these proposals and the prospect of fracking in general.

Having reviewed the consultation documents, I would like to confirm my complete opposition to the proposals to loosening planning rules around fracking – both in principle and in practice. In my view, the proposals to use the NSIP regime are entirely inappropriate, probably impractical and would reduce the ability of local people to influence what happens in their local area.

Fracking is a highly controversial and, as yet, unproven technology within the United Kingdom. Its pursuance is bitterly contested by many of the local communities it impacts. The consultation document makes little to no reference of this reality within the bulk of its "context". Further, amidst long explanations of various processes and procedures, there is no attempt to explain the underlying rationale for what NSIP would be appropriate in this instance. What exactly is the Government trying to resolve here? Inferences are made to making the treatment of fracking more consistent with other energy sources. A simultaneous consultation run by MHCLG complains about the time taken to approve exploration. Yet this document is striking in that it fails to meaningfully outline what the issue is that the Government is hoping to resolve with this proposed policy change and what the end result of using NSIP would be. Failure to establish these points means that interested parties such as myself and my constituents are unable to engage with this consultation properly.

Secondly, the document explicitly rules out of scope discussion regarding a potential National Policy Statement on this area. As you aware, such policy statements are usually needed alongside the use of the NSIP regime in order to provide greater context to the statement and how they align with



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climate change requirements. Again, I do not understand how the Government can expect interested parties to engage meaningfully in consultations when key information is missing.

I also have a number of more detailed comments on the consultation which I wish to outline for your consideration:

Local influence in the planning process would be diminished

Most fundamentally, I simply do not understand how the proposals put forward in this consultation reconcile with the Government's localist credentials. The Localism Act (2011) also awards great weight to the empowerment of local communities to shape development. The proposals to include shale gas exploration in the NSIP regime contravenes the Government's localism ambitions - taking power away from local Councils and Councillors to determine planning applications for unspecified reasons.

Furthermore, the consultation document itself includes apparently contradictory stances regarding public involvement. Page 6 states that "*local communities must be fully involved in planning decision and any shale planning application*". The NSIP regime moves the discussion on fracking away from a discussion about principle to a discussion about practicalities. By definition, NSIP reduces involvement. Much as we might try, these assertions are irreconcilable.

Furthermore, as I understand it one of the original purpose of NSIPs was to make decision making of major infrastructure projects *more democratic and accountable - "previously these decisions lay in the hands of an unelected public body, called the Infrastructure Planning Commission which is not directly accountable to the public. The Government thinks that these important decisions should be taken by Government ministers, who are democratically accountable to the public"* (A plain English guide to the Localism Bill, 2011). Yet, we now have a proposal which is seeking to back fracking out of a more democratic and accountable process into one that is, by definition, less so.

In the case of North East Derbyshire, the application for exploratory drilling was the most contested and high-profile planning application in our area in living memory with over 3,000 letters of objection alone. An application for full scale fracking would no doubt generate in excess of that. Reducing the ability of people to highlight their concerns in the process does not eliminate those concerns; it simply breeds cynicism that the process is not listening and acknowledging the issues that local residents have.

Fundamentally, we either believe in localism or we do not. The National Planning Policy Framework is already massively and ridiculously weighted in favour of shale gas exploration and production and that is something which, in my view, we would do well to address quickly. Yet, for now and at the very least, we should not seek to diminish local involvement further in decisions which profoundly affect those areas and minimise the voices of those who will have to live with the daily lorry movements and inconvenience that fracking brings to rural areas – phenomenon which could last for decades, according to the industry.



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Lack of meaningful detail in the consultation

The questions regarding the definition of “*major shale gas production projects*” within the consultation document highlights the extreme difficulty that would underlie putting fracking into any NSIP regime. Even as a non-expert, multiple questions abound:

- the “*development*” referred to in Q 3a has no context, definition or proposed limitations;
- there are no timescales for the proposed criteria listed, which makes it impossible to assess the impacts;
- references to moving “*production phase shale gas projects*” into the NSIP regime are confusing and not specific enough (the appraisal stage of shale development can include “*production*”, for example, but only for testing and not commercial purposes);
- the geographical boundaries of the NSIP proposals in its entirety are not defined;
- no explanation has been given of how the proposals would work in practice with local authorities and the three shale gas regulators (the OGA, Environment Agency and the Health & Safety Executive), and;
- given the likely scattered spatial distribution, the different ownership of prospective well pads sites, as well as the multi-month timescale of currently NSIP applications, there is no explanation of how the proposals will hasten the shale gas production application process

I am particularly concerned about any expansive use of NSIP if the Governments seeks to pursue these proposals. If NSIP is limited to an individual fracking site, that would be, for reasons outlined below, an odd innovation in the use of the infrastructure regime given the low volume of energy produced. If this proposal is defined as multi-site, the only obvious coherent broader geographical construct would be on a PEDL licence level. Using NSIP at PEDL-licence level would open up the ability for decisions to be taken across wide swathes of landscapes with great variations in usage and importance – and would make decisions for hundreds of thousands of people without appropriate due process and planning considerations.

Shale gas production is not appropriate for the NSIP regime

NSIPs are described on the National Infrastructure Planning website as “*major infrastructure projects such as new harbours, roads, power generating stations (including offshore wind farms) and electricity transmission lines*”. They are usually single, large infrastructure projects, rather than multiple spread across the country, which would be the case for shale gas production.

Furthermore, the shale industry in the UK is fairly new, without a single example of a shale gas well being commercially fracked. Defining shale production as a nationally significant project is extremely premature. The Planning Act 2008 put down a series of criteria that large-scale infrastructure projects should meet. Some examples are quite close to shale gas production, such as gas reservation projects and liquefied natural gas reception facilities. For those to meet the NSIP regime criteria they need to hold 4.5 million cubic metres of gas a day. An individual fracking well and an individual fracking pad would be less than a hundredth of the size required by those criteria. That is the fundamental problem: the NSIP regime was not designed for this activity and we should not use it.

LEE ROWLEY MP

North East Derbyshire



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I realise that the Government has difficult decisions in energy policy and that it is seeking, rightly, to do the right thing by analysing all opportunities to ensure we heat our homes, power our cars and enable our businesses. That does not mean, however, that every single possibility should be pursued. In my year and a half in Parliament I am yet to find someone in Government and the civil service who will clearly outline to me what the ultimate, specific objective is to the current fracking policy – and to acknowledge what it will mean for communities who are affected beyond vague tropes about the continuing need for gas. Loosening of the planning rules, as proposed, only will engender further confusion about the policy being pursued here whilst, at the same time, breeding contempt with the overall process and, technically, most likely setting precedents and ‘bear traps’ in planning policy which the Government will have to unpick in the years ahead. I cannot express to you how strongly that I, and many of my constituents, do not want these proposals to go ahead.

As always, I would be happy to discuss in person if helpful.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Lee Rowley'.

Lee Rowley
Member of Parliament for North East Derbyshire