

## Appendix A

### **Do you agree with this definition to limit a permitted development to non-hydraulic fracturing for shale gas exploration? Yes /No**

Notwithstanding this Authority's opposition to the use of permitted development rights in these circumstances (see response to question 2), in the event that permitted development rights are granted they should be limited to non-hydraulic core sampling. Furthermore we are concerned that while the proposal is to limit any development rights to the exploration phase only in practice it will prove difficult to differentiate between the exploration and appraisal phases of the extraction operations. In order to achieve effective control there needs to be greater clarity of the definition as to what constitutes extraction and appraisal.

### **Question 2. Should non-hydraulic fracturing shale gas exploration development be granted planning permission though a permitted development right? Yes/No**

Our recommendation remains that which we provided to the Ministry of Housing Communities and Local Government Select Committee, namely that this should be avoided. We have seen little evidence to suggest that there is any degree of public support for this technology locally and removing locally accountable bodies from the decision process will only exacerbate the public's current concerns.

### **Question 3 a) Do you agree that a permitted development right for non-hydraulic fracturing shale gas explorations development would not apply in the following areas.**

- Areas of Outstanding Natural Beauty
- National Parks
- The Broads
- World heritage sites
- Sites of special scientific interest
- Scheduled ancient monuments
- Conservation areas
- Sites of archaeological interest
- Safety hazard sites
- Military explosive areas
- Land safeguarded for aviation or defence purposes
- Protected groundwater source

Answer: Yes

### **Question 3 c) Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?**

Answer: Yes, If permitted development rights are to be extended for this type of development, land subject to high and medium levels of any source of flood risk, and air quality management areas should also be excluded.

**Question 4. What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic fracturing shale gas exploration development?**

Answer: Notwithstanding our objection to the extension of permitted development rights to shale gas management operations. In addition to the examples provided conditions should be imposed over the physical dimensions of the development permitted (e.g. height restrictions), the duration that development is permitted for, a requirement to return the site to its original condition, and in combinations impacts with other development, not just other permitted development of the same type.

**Question 5. Do you have comments on the potential considerations that a developer should apply to the local planning authority for determination, before beginning the development?**

Answer: Notwithstanding our objection to the extension of permitted development rights to shale gas management operations our preference would be to avoid sensitive areas through constraints.

**Question 6. Should a permitted development right for non-hydraulic fracturing shale gas exploration development only apply for 2 years, or be made permanent?**

Answer: Given our stated objection to the proposed expansion of permitted development rights in the first instance we would strongly advocate a precautionary approach, therefore the permitted development rights should be for limited period only. Given that it is only proposed to grant permitted development rights for the exploration phase only, then 2 years should be more than sufficient.

**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.**

Answer: Given that it is proposed to exclude certain areas from the permitted development proposals it is recommended that the population characteristics of those areas are reviewed to identify whether or not there may be a disproportionate effect on people with a given protected characteristic when compared to the population as a whole.