

Rt Hon Ed Davey MP
Secretary of State for Energy and Climate Change
Department of Energy and Climate Change
3 Whitehall Place
London
SW1A 2AW

15 February 2013

Dear Ed

Shale gas operations and the role of councils

I write to you in my role as Chair of the LGA Environment and Housing Board to seek clarity on a number of issues relating to the resumption of shale gas operations (fracking) announced by your department in December.

Proposals for fracking operations will be controversial, high profile and of significant concern to communities likely to be affected by the operations and the councils who represent them. Recent government announcements have made it clear that the key means of regulating proposals for fracking operations will be through the planning system as the mechanism through which those impacts can be assessed, weighed against costs and benefits and mitigated to protect communities. We noted Baroness Hanham comments in the Lords last week that at present fracking applications will continue to be considered by local authorities. However, she also indicated that this could change in the future as the result of the recent consultation to extend the Nationally Significant Infrastructure Planning regime.

Councils are seeking urgent clarity on how the planning regime will work for fracking applications and their role in ensuring the interests of communities are properly considered.

Firstly it is not clear from discussions with officials whether when considering fracking applications, planning authorities should take into account activities and planning impacts on the surface or include impacts underground. Given the risks to and impacts on surrounding communities and the environment, it is difficult to see how a planning application could be sensibly dealt with without consideration of the underground impacts.

This issue has particular significance in light of government's recent consultation on the extension of the Nationally Significant Infrastructure Planning regime. Therefore, we would welcome a further conversation about how the proposed thresholds as outlined in the consultation would apply to fracking if they are introduced. Councils are concerned that it could mean they will have no planning role on large fracking projects which could have significant impacts on their communities and land use planning in their area.

Finally, we understand that the Government is planning to establish a new Office for Unconventional Gas which will join up responsibilities across government and provide a single point of contact to ensure a simplified and streamlined process for future shale gas

operations. We would like further clarity on the remit of the new office including how it will interact with councils as the local planning authorities and also how it will relate to existing regulators such as Ofgem.

I would be very grateful if you were able to clarify these issues as soon as possible. LGA officers would be happy to follow up with your officials and we would be grateful if you could ask them to get in touch with Jo Allchurch, Adviser (jo.allchurch@local.gov.uk or 07900 931045)

Yours,

A handwritten signature in black ink, appearing to read 'Mike Jones', followed by a horizontal dashed line extending to the right.

Councillor Mike Jones
Chairman of the LGA Environment and Housing Board

cc Rt Hon Nick Boles - Parliamentary Under Secretary of State, Department for
Communities and Local Government