

Forest of Dean District Council Response to: Permitted development for shale gas exploration consultation



Ministry of Housing Communities and Local Government – Closing Date 25th October 2018

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726916/Consultation document - shale gas permitted development.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/726916/Consultation_document_-_shale_gas_permitted_development.pdf)

Question 1

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

No Response – See question 2

Question 2

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

No.

The Forest of Dean District Council considers that the risks to local communities, the natural and historic environment and transport routes are too great for exploration to be granted permitted development rights. It is considered right and proper that local communities should have the opportunity to raise and debate issues in the open through the usual planning application process.

The Forest of Dean Council has an adopted (Council on the 23rd February 2017) position statement in relation to Hydraulic Fracturing.

<http://meetings.fdean.gov.uk/ieListDocuments.aspx?CId=120&MId=1482>

Question 3

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

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?

The Forest of Dean District Council considers that shale gas exploration should not be afforded permitted development rights.

The Forest of Dean District Council considers that areas where greater than 1% of homes are potentially exposed to Radon gas should be included in the list of areas where permitted development rights would not apply.

The Forest of Dean District Council considers that areas with particularly complex geology, ecology, geomorphology and mining legacy, such as the Forest of Dean, should be included in the list of areas where permitted development rights would not apply.

In addition the Forest of Dean District Council also considers that permitted development rights should not exist for exploration within range of generating negative impacts to the areas identified in the consultation (e.g AONB's, SSSI's, SAC); not just relate to exploration within them. In addition it is considered that ancient woodland and Biosphere Reserves should be included as areas where permitted development rights should not exist. Buffers depending on the nature and scale of the designation and potential impact pathways should be established and permitted development rights excluded within these buffer areas also.

Question 4

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

The Forest of Dean District Council considers that shale gas exploration should not be afforded permitted development rights.

Without prejudice to the above statement the Forest of Dean District Council considers that the following areas should be subject to conditions and/or restrictions:

- Size of compound
- Height of machinery
- Volume of material storage
- Tree and hedgerow protection
- Site and access ecological assessment
- Times and maximum periods of operation
- Access arrangements (without alteration to existing)

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?

The Forest of Dean District Council considers that shale gas exploration should not be afforded permitted development rights.

Without prejudice to the above statement the Forest of Dean District Council considers that the following should be matters of prior approval:

Statement of consultation with the local community

Landscape Impact amelioration

Ecological assessment

Access, transport and highways impact

Noise, odour and air quality

Amenity of Residents

Determination should be a minimum of 56 days following consultation with consultees and local councils.

Question 6

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

The Forest of Dean District Council considers that shale gas exploration should not be afforded permitted development rights.

Without prejudice to the above statement the Forest of Dean District Council considers that the permitted development rights regime should be limited to a maximum of two years.

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?

No comments