

Housing, Communities and Local Government Committee

Oral evidence: Planning guidance on fracking, HC 767

Monday 30 April 2018

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Members present: Mr Clive Betts (Chair); Mike Amesbury; Helen Hayes; Andrew Lewer; Mr Mark Prisk; Liz Twist; Matt Western.

Questions 1-70

Witnesses

I: Ken Cronin, Chief Executive, UK Onshore Oil and Gas; Matt Lambert, Director of Government and Public Affairs, Cuadrilla; Lynn Calder, Commercial Director, INEOS Shale.

II: Chris Hesketh, Chairman, Frack Free Dudley; Kia Trainor, Director, Campaign for Rural England (Sussex branch); Kate Gordon, Senior Planner, Friends of the Earth.

Examination of Witnesses

Witnesses: Ken Cronin, Matt Lambert and Lynn Calder.

Q1 Chair: Thank you very much for coming along today to our first evidence session as a Committee into the planning guidance on fracking. Before I go over to the first panel of witnesses, I will ask members of the Committee to put on record any particular interests they have that may be relevant to this inquiry. I am a vice-president of the Local Government Association.

Liz Twist: I employ a councillor in my office.

Mike Amesbury: I employ a councillor in my office.

Helen Hayes: I also employ a councillor in my office.

Andrew Lewer: I am a vice-president of the LGA.

Chair: Those are our particular interests on the record. Can I just come



HOUSE OF COMMONS

over to the witnesses, thank you very much for coming this afternoon and ask you to say who you are and what organisation you are representing?

Ken Cronin: Good afternoon. I am Ken Cronin. I am chief executive of United Kingdom Onshore Oil and Gas. We are the trade association for the industry.

Lynn Calder: Good afternoon. I am Lynn Calder, commercial director for INEOS Shale.

Matt Lambert: Good afternoon. I am Matt Lambert. I am director of government and public affairs at Cuadrilla shale gas explorers.

Q2 **Chair:** Thank you very much. I want to emphasise that, when I read out the subject of our inquiry—planning guidance on fracking—it is not about whether fracking, of itself, is a good idea, but whether the planning guidance we have on fracking is appropriate or should be changed. That is the evidence we are seeking to reach conclusions on as a Committee in the end.

Let us go to the first question, coming back to that particular point. Is the planning guidance on fracking up to date with science and policy developments? They change all the time, but guidance tends to stay as it was initially written some years ago.

Ken Cronin: The guidance is relatively up to date. The problem we have as an industry is that the guidance quite often is not followed. We have a number of concerns around how long the process is taking with respect to the number of weeks against statutory guidance. Part of the problem is that the differences between the five regulators that regulate the industry, and the connection with planning in particular, are not very well understood. In terms of guidance, extra guidance on statutory guidelines and timescales, but also on who regulates what how and on how they connect with each other, would be very, very helpful at this stage.

Chair: We will come on to the inter-joining of regulatory organisations a bit later on in the questioning. We will just focus on the actual guidance on planning at this stage.

Lynn Calder: To put this into the context of the planning applications that we, as INEOS, put through the system, between the National Planning Policy Framework, the various pieces of guidance that exist and the written ministerial statements, there is probably a construct of a system that will work. In terms of how long it takes to get them through the system, though, we find that those statutory timescales are not really adhered to. That is the crux of the issue we are finding.

Matt Lambert: I would support what Ms Calder has said about the disparate advice to councillors, the guidance, the ministerial statements and the lots of different documents that address the issues we face in hydraulic fracturing. It probably would be helpful if they were



HOUSE OF COMMONS

consolidated in one place in the guidance. That would probably genuinely be helpful.

We frequently find councillors are either under pressure to or wish to concern themselves with generally subsurface matters that are dealt with by other regulators, typically the Environment Agency and the Health and Safety Executive. Those are very often highly expert areas. It requires considerable expertise to understand the detail of how subsurface is regulated. They are not normally the issues affecting planning, but I understand that councillors come under pressure, particularly from people who are concerned about those issues, who ought to more properly address those concerns to the regulators.

It would be helpful if it was clearer in the guidance what councils should concern themselves with in planning—surface issues or issues related to the activity of building a site and a pad—and what are subsurface issues that should be dealt with by other regulators.

Q3 Chair: In terms of the actual planning guidance, do you want any specific changes to it?

Ken Cronin: There are a number of changes that we would like. The first is more in-depth understanding about what each regulator does and, specifically, what planning is there to do and how it connects. Some guidance on statutory timescales and how to meet them would be useful. There are some areas that cause us concern prior to a planning application going in, such as pre-application discussions and the confidentiality of them. We find pre-application discussions hugely useful, but not if they are made public almost immediately, because that defeats the object of them to a certain extent. We quite often see statutory consultees not responding within a 21-day period. That delays the system. Any guidance that can be given both to the council in how to deal with that, and to the statutory consultees to help them get to the 21 days, would be quite useful too.

In terms of the local plan process, and in particular the connection with the NPPF, the issue of how strategically nationally important onshore oil and gas is needs to be redefined a bit and made stronger. At the moment, we are seeing local plans being made that cause national problems in terms of definitions and restrictions et cetera. So those are a number of the things, but it all comes back, as my colleagues have said, to making the system more efficient. The overall construct of the various different documents should work, but just needs to be improved in terms of efficiency.

Q4 Chair: Do you agree with that?

Matt Lambert: Definitely.

Q5 Chair: We will come on to the specific changes that have been proposed for the NPPF, but in due course my colleague will come back to the issues of the national policy and how that links in. The issue you kept coming



HOUSE OF COMMONS

back to is time. Do you not recognise that, for communities that are potentially affected by an application for fracking, this is a very big issue? Is it unreasonable that local authorities take a bit of time to make sure that their communities are thoroughly involved in this and that you engage as well? Does this obsession with having to have a number of weeks, and having to have a decision by then, not go against what you claim to want to do, which is to consult with local communities and take their views into account?

Ken Cronin: There are a number of points at which communities can and should get involved. We, as an industry group, put forward a community engagement charter a number of years ago, which operators of shale gas applications have to follow. That is a series of events, exhibitions, leaflet drops, meetings et cetera that take place prior to an application going in. There are various meetings with parish councils et cetera. There is also the consultation process during the planning system. There is also a consultation process through the environmental permitting regime. Our problem is the fact that, from the beginning—that is, the scoping of an environmental impact assessment with councils—through to setting planning conditions, the whole process now takes about 18 months. Three or four years earlier, it was taking three to four months. Our concern is the amount of time this is taking.

Q6 **Chair:** You say three to four months. When was that? Which applications were those?

Ken Cronin: This was three or four years ago. We were genuinely putting onshore oil and gas applications through.

Q7 **Chair:** Can you give the Committee some information about sites? If you cannot do it now, let us have a note on that.

Ken Cronin: I will certainly do so, yes.

Lynn Calder: I was just going to add, from INEOS's perspective, an important distinction as we talk about hydraulic fracturing. The point that you make is a good one: that local communities deserve to have the consultation and debate, and Mr Cronin has articulated how we as an industry do that. In the context of the applications that we have lodged, these are all for test wells. At the moment, we are simply in the scientific data-gathering stage, where we are trying to understand the resource and be able to come back and consult with more information than we have today, because today we know very little. We are trying very hard to understand the resource. In the context of the four applications that we have lodged, they are all core wells that just seek to take a core sample, much like coring an apple. That is all we are really trying to do at the moment. That is not to negate the need for public consultation, but, as Mr Cronin has said, we are doing it, and very happily.

Q8 **Chair:** I am reasonably aware of the application at Marsh Lane—it is not in my constituency, but not far outside. You say that it is just for an initial well, but there was lots of information about traffic implications and



movements round fairly minor roads there. That is surely something that has to be taken account of by the local communities. Yet, probably two or three weeks before the decision was due to be made by the council, you went off to the Planning Inspectorate and appealed, saying, "This has not been determined. Off we go to the Planning Inspectorate". That did not really show a lot of faith in the local consultation process and decision making by the council, did it?

Lynn Calder: Thank you for raising that one. We have a few examples we could talk about today. In the case of Marsh Lane, there are two issues there. There is traffic, which of course local communities should consult on. The temporary impact of traffic in local communities while we are undertaking a core well is something that they should absolutely be able to consult on and are. Traffic management plans are conditions to planning applications, and that consultation process goes on up until any development takes place. It is not just part of the planning decision in and of itself.

To address the delay point, we suffered something in the region of 42 weeks of delay on that planning application, all through the process. That is in addition to the statutory timescale period. That really informed our decision as to why we were taking it to appeal.

Q9 **Mike Amesbury:** For whom should the planning process be made more efficient? Is it for the industry or for local communities, out of respect for local democracy?

Lynn Calder: It is both. That is a really good point. We are facing two to three years of planning applications to get a core well approved at the moment. I do not think that level of uncertainty for local communities benefits anyone.

Matt Lambert: We would completely agree. Everybody on this side of the table would completely agree there is a great deal of interest in, and substantial concern about, proposals for hydraulic fracturing. That is fully understood, and associated applications for testing are frequently misunderstood. That is a fair comment. They certainly deserve full public consultation. As an industry, we are very committed to it; in my company's case, we have shown that in practice—for example with Preston New Road, where we are currently drilling two wells. We have drilled the first ever lateral well in UK shale gas at Preston New Road, and we are in the process of drilling the second one.

In the process of bringing forward that application, we had pre-application consultation. We had eight public consultation meetings; 1,400 people came to those consultations. We wrote several times to more than 10,000 people. Obviously, we wrote to the people in the immediate community many more times than that. We hold webcasts, site visits and, as part of our conditions, there is a community liaison group. We are totally committed to that.



HOUSE OF COMMONS

To answer your question, Mr Betts, our point would be that it is a question of proportionality. A process in terms of approval and determination that is supposed to take 16 weeks, in the case of Preston New Road, took 28 months. With Roseacre Wood, where we have another site in the process of a current appeal, we are now in the 46th month of that process, including the appeal. Those are proposals for fracturing. I understand they need very close consultation. Everybody wants to understand them properly, but it is a question of proportionality. As my colleagues have said, lesser applications not involving hydraulic fracturing are also taking an extraordinary length of time, given the statutory guidance.

- Q10 **Mr Prisk:** Coming back to comments made earlier, is it the speed—or perhaps the lack of it, as we may think of it—or is it the lack of certainty about the decision-making process? What if all the existing deadlines were moved out and doubled, and there was more than enough time for the process but the deadlines were more closely adhered to? What is the priority here? You seem to be veering between wanting more speed and wanting the process to be simpler.

Matt Lambert: Speed would be an improvement, because you cannot guarantee the result of any application. We put them forward in good faith and do the best job we can, but they will be assessed by officers and councillors. They will make their decision, and obviously there is an appeal process and the rest of it. One way or another, if you know within a reasonable timeframe whether this is going to work, that has to be a reasonable process for any applicant, no matter what they are proposing for development, building or whatever it may be. They should have some reasonable idea of how long it will take, and a proportionate process that allows for proper consultation and analysis, but also allows for a reasonable decision-making timeframe.

- Q11 **Mr Prisk:** Is that view shared by both of you?

Lynn Calder: Yes, certainly. Speed is definitely of the essence for us.

- Q12 **Mr Prisk:** Sorry, is it speed or certainty?

Lynn Calder: Speed.

- Q13 **Mr Prisk:** So for you it is time, not certainty.

Lynn Calder: Yes, absolutely. As Mr Lambert says, we cannot ever have certainty. We are trying to gain an understanding of the resource in the context of a five-year petroleum exploration licence. That is difficult with the timescales we see at the moment. I would like to underline that we are not asking, as we sit here as a panel today, for anything special. We think that the timescales given in the current guidance are sufficient to have an efficient process for all.

Ken Cronin: The problem is that we quite often concentrate on the council planning bit in the middle, but we are experiencing delays all the way through the process. When we first go into a local council to ask for



HOUSE OF COMMONS

a scoping opinion, whether it is an EIA development or not, the actual decision-making process is much longer than the statutory timescales. When you get to a decision, it is quite often against the planning officer recommendation. When you get to talking about planning conditions, that takes an enormous amount of time as well. It is speed, but it is also efficiency. As I said to Mr Betts, the process has now gone from an acceptable three or four months to a very unacceptable 18 months in total.

Matt Lambert: Could I make one other observation? It is not just a question of how the industry feels about it. There are plenty of people who want to introduce delay for all sorts of reasons. I understand that. That is a common thing with controversial planning proposals. I commonly hear from communities, regardless of whether they are in favour of or against the proposals, that speed and certainty in terms of timeframe are quite important to them. It is not a one-sided theme; there are lots of people who would benefit from clarity about timeframes.

Q14 **Chair:** Moving on to the changes that are proposed to the NPPF, they did not seem terribly major. Are they relevant? Are they important? Should there be further changes?

Ken Cronin: The first thing to say is that the NPPF changes brought in some of what was in the written ministerial statement in 2015. That is already being used by local councillors to make their decisions. Beyond what we talked about in terms of wanting more clarity on things, there was an important point in the written ministerial statement that does not appear in the NPPF—I am desperately trying to find the right page here in my notes. It talked about the national importance.

Matt Lambert: “There is a national need to explore and develop our shale gas and oil resources in a safe, and sustainable and timely way”.

Ken Cronin: That is it. That bit needs to be included in the NPPF.

Q15 **Chair:** Could you repeat that, sorry?

Matt Lambert: Yes. The written ministerial statement states: “There is a national need to explore and develop our shale gas and oil resources in a safe, and sustainable and timely way”. That was in 2015. The current wording in the draft NPPF, or the proposal for changes to it, makes it clear that councils should give this great weight, but does not make it absolutely clear, as we would prefer, that shale gas is a nationally important priority because of energy security, primarily, and because of balance of payments. That is the view of the written ministerial statement.

Q16 **Chair:** We can go back to the Government report—was it last year?—where they looked at our strategic situation with regard to gas and said that we had a secure position without the shale gas and fracking.



HOUSE OF COMMONS

Matt Lambert: The ministerial statement is quite clear that exploration is a priority, to discover whether that resource is available.

Q17 **Chair:** You might want to go and look at the parliamentary question I put down, where the Minister said that their document on gas security did not include any contribution from gas from fracking.

Matt Lambert: No, but my point is that the exploration is a priority to find out whether it could contribute to our gas supplies.

Chair: That is a helpful clarification.

Lynn Calder: Can I respond to that point, please? I have read the document, and I agree that that is what it says. One thing it misses out quite explicitly, in my opinion, is the pricing impact or the economic impact of having to import all our gas. If we look forward, the Government's own projections state that we are going to be importing 70% of our gas within the next 12 years. That security of supply report states that that can be sourced from countries in Europe. I would posit that that means we are devolving our responsibility environmentally, bringing in gas externally at financial and environment cost, when we have a home-grown resource. I wanted to make the point that, although the security of supply report states that, it does not talk about what the impact on our cost could be of having to import that level of gas.

Ken Cronin: The consultant's report behind that report makes a statement that says, yes, there is gas in the world that we can secure, as long as the general public are prepared to pay for it.

Q18 **Matt Western:** My understanding is that something like 43% of gas wells and something like 90% of oil wells in the US, between 2000 and 2010, would not be considered as fracking under the definitional terms in the Infrastructure Act. Is there a need for a much tighter, more universally adopted definition of fracking?

Ken Cronin: First, we find that 43% very difficult to justify. The Infrastructure Act has two volumes within it. One is a total volume for the entire operation, which is 10,000 metres cubed. Then it says 1,000 for each hydraulic fracturing stage. There is a ministerial response in 2016 that redefines that 1,000, to say "any stage". Any operation that we have that has 10,000 metres cubed in total, or where any one of the stages within it—and there can be up to 40 or 45 stages in total—is over 1,000 metres cubed, is high-volume hydraulic fracturing, as defined in the Infrastructure Act.

Q19 **Matt Western:** It is a potential capacity thing. You are saying it is a definition.

Ken Cronin: Absolutely. The 43% figure came from an analysis of the US data for total volume. There is not any data that we can find for each stage. We would dispute that 43% on the basis that there is no data to support it.



HOUSE OF COMMONS

In terms of the definition of hydraulic fracturing, there are two things to say. First of all, whatever definition we use, we should have every single regulator using it. It would be very dangerous and silly for different regulators to have different definitions. Secondly, in terms of planning and land use, which is where planning authorities come in, regardless of the volumes that are used, the impact is primarily either on truck movements or on waste management, taking the waste away from site. Waste management is in the regulatory control of the Environment Agency, and traffic management is already a planning matter, which is regulated by the mineral planning authority. It will look at that on a case-by-case basis. The definition of hydraulic fracturing for a planning application is already met by the planning tools that you have within national planning and the planning practice guidance.

Q20 Matt Western: You are essentially saying it seems to differ between the five regulatory bodies.

Ken Cronin: No, it does not. As far as I am concerned, the definition of high-volume hydraulic fracturing is the one that is in the Infrastructure Act. That is currently the one that is used by all the regulators. When it comes to land use planning, particularly in the areas that the mineral planning authority looks at, such as traffic management, the definition of hydraulic fracturing is not that important, because it looks at the end position, which is the number of trucks and movements et cetera. That does not need a definition of hydraulic fracturing.

Lynn Calder: I have nothing to add. I agree with everything Mr Cronin has said.

Matt Lambert: I completely agree with what Mr Cronin has said, but the area of concern would be that individual councils or regions might try to adopt different definitions. That seems to be the case at present in North Yorkshire, where the county council, York City Council and the national park are seeking a different definition, which would include too many processes that would not be called high-volume fracturing.

Q21 Matt Western: My impression is that there seems to be a misunderstanding, or a lack of clarity, perhaps among the public, or among all of us. There is a thing called underground coal gasification and then there is hydraulic fracturing. I am not sure how clearly defined these things are. Maybe in the industry they are, but to the rest of the world it is far less clear. Perhaps you can be clear on whether there are precise differences between conventional and unconventional oil and gas. Is that clear to the public?

Ken Cronin: You bring up a very good point. In the answer to one of Mr Betts's questions, I said that we need to provide more guidance within the documents to explain what each regulator does. Within that, the definitions would be very helpful. In terms of conventional versus unconventional, the definition came from petro-chemists when they first saw the shale. Because it was not what they were used to, they called it



unconventional. It is a representation of the geology. In shale gas, gas is tightly bound within the rocks. Within normal conventional gas, it is not; it is much looser.

The physical process of going on to a site, preparing the site, creating the conductor, drilling down to the depth where the oil and gas is and, potentially, drilling horizontally is the same for conventional and unconventional. It is the last bit, in terms of how you extract the gas from the shale—the hydraulic fracturing bit—that is different. In fact, again going back to land use planning, the implications of land use planning in terms of noise will be noise from the hydraulic fracturing pumps. Traffic management, as I said, is already within the tool box in terms of trucks et cetera. The landscape impacts are very similar because the rigs are very similar. I agree: part of the problem we have here is that, quite often, this is not well understood.

Q22 **Matt Western:** Ms Calder, do you have anything to add?

Lynn Calder: No.

Matt Lambert: We are involved specifically in shale gas operations or shale operations, but I would concur that there probably is quite a lot of public confusion about the different processes. That is understandable. It would be helpful to be clearer about how these processes work, how they differ and how they are regulated. I agree with Mr Cronin about that.

Q23 **Liz Twist:** If I understood it correctly, each of you said that at present you were talking about test drilling. Is that correct? You were talking about the applications for test drilling.

Lynn Calder: That was specifically for INEOS.

Matt Lambert: We are also involved in just testing at this point.

Q24 **Liz Twist:** Mr Cronin, do you have anything to add?

Ken Cronin: There are essentially three phases. Testing is understanding the geology—how the geology works, whether you can get the gas out and at what cost. Then you move into appraisal and into production.

Q25 **Liz Twist:** When you are talking about the planning applications, they are for test sites at present.

Lynn Calder: Yes. I would like to draw one distinction between me and Mr Lambert. When I am talking about test wells at the moment, I am talking about core sample wells. I am just talking about pulling the core—no hydraulic fracturing and no extraction of gas.

Matt Lambert: We are talking about that as well, but also hydraulic fracturing, where we have one current site and another in inquiry at the moment.



HOUSE OF COMMONS

Q26 Liz Twist: There are differences. My question is really about the planning applications. These are applications based on test sites, and we have been commenting on the impact on NPPF and planning guidance for test sites. Do you have a different view when it comes to large-scale sites? If you go on to develop these sites, the public may be more concerned about the impact. Would you like to add anything?

Matt Lambert: An exploration site and a production site could be very similar. You would not have to have a larger physical footprint to have a production site. For example, at Preston New Road, you could have a production site there. Exploration sites can become production sites. That is part of the process. That is not part of the planning application that they apply for. You would need further permissions, including planning permission and several regulatory permissions, in order to move to the next stage. You are trying to find out whether the shale gas is commercially viable at that exploration site by fracturing and flow-testing it. That is what we are doing, or are hoping to do, subject to some further permissions, at Preston New Road. Then you will make an assessment about whether that would be a viable production site and whether you want to bring forward a further application. All of that would normally be in the Town and Country Planning Act, although there are potentially other routes.

Q27 Liz Twist: The concern I have is that we are still in this exploration phase and we are looking to change planning guidance. Are there not potentially different, bigger issues concerned when it comes to actual extraction, such as greater transport issues?

Matt Lambert: There are potentially those issues, but they should be assessed in the planning process and certainly in the regulatory process. There could be some issues on the other side of that argument about resources being available to councils, and whether they can manage production site applications or potentially multi-site applications in an area over years to come. We have not got to that stage. We are in the early stage. We need to find out whether shale gas is commercially viable in the UK. That is what we are all in the process of trying to find out at the moment.

Ken Cronin: In terms of land use planning, the physical footprint of a shale gas site is quite small compared to, say, wind or solar. As we move from exploration to production, there will be more wells on the site and bigger impacts in terms of land use planning. Again, the system is there and it is designed to take account of that through the processes that already exist. I go back to my previous comment: part of the big challenge here for the industry and the regulators is to ensure that the public always have the right amount of information and understand the process, not just from a planning point of view, but from the other regulators' point of view too.

Q28 Liz Twist: We will come on to that, but I suppose this is what I am getting at: are people not right to be concerned that what starts out as a



small application, and is judged on that basis, becomes something much bigger by default?

Lynn Calder: I would like to reiterate a point that I made. You talked about changing planning now and the impact that might have on future, bigger developments that may include hydraulic fracturing. The planning process for hydraulic fracturing is already different from the type of test wells I am talking about, where we are just taking core samples. To reiterate, we are not seeking to change very much at all of what exists today in various pieces of guidance. There are small bits and pieces here and there that, as Mr Cronin has alluded to, would be helpful.

All we are saying is that, in the NPPF, the various pieces of planning guidance and the various written ministerial statements, the crux of all that would work for us if it were just adhered to. One request from us in our submission is that that is all captured in one document, so that it makes it a bit easier, rather than having people moving around in different places, trying to understand what the guidance states. I would argue that we are not seeking to change planning; we are trying to underline what is there already.

Q29 **Andrew Lewer:** Having heard you say that, I might give you the opportunity to revisit that for the future by asking you whether consolidating planning guidance on fracking would make navigating the planning process easier. If so, what format should a consolidated document be in?

Lynn Calder: In answer to your first question, yes, it would be helpful. We understand that local mineral authorities are overworked and under-resourced. This is a complex issue that they probably do not always feel like they have signed up for. We absolutely have empathy with that. Having disparate guidance is not entirely helpful to that end. Our view is that having more detail in the NPPF would give more weight to a lot of the guidance that exists today. That would be our submission, particularly on some of the points we have discussed today. We have discussed timescales, the importance of the economic impact and jobs, tax revenues and balance of payments. If those items were given more weight in the NPPF, that would be helpful.

The final point I would like to make, which is probably another reiteration, is around the exploration and appraisal phase. We often have a discussion or a debate about hydraulic fracking in the absence of real data. In this scientific data-gathering phase, it would be helpful if there could be an understanding within the NPPF that that is the phase in which we sit today, and that we should not need to go through two to three years of planning to take some core samples. Then we can come back and consult properly, with the proper information at hand, and address people's very, very valid and legitimate concerns.

Ken Cronin: I would add something to my colleagues' comments. If you were to analyse the responses that planning officers get to our planning



applications, quite a significant proportion of people's concerns or objections are not to do with planning. People find that planning is one of the areas in which they can engage. Any guidance document needs to be written with not only the industry and the planning community in mind, but people who respond to the planning applications as well, to give them some guidance. Things that are predominantly subsurface, such as seismic, groundwater et cetera, are all dealt with by other regulators. The physical land use planning issues, such as noise, are dealt with by the mineral planning authorities. Extra guidance and description would be helpful.

Q30 Andrew Lewer: Do you think that issuing extra guidance will prevent members of the public from making their views known on a wide range of topics connected with this in any case?

Ken Cronin: In terms of one of the problems we have at the moment, planning officers do an incredible job under very difficult circumstances. They often have to take on board quite a few objections or responses. Then they write their report and say, "These are the responses that we have got. These are the ones within planning, and these are the ones without planning". Then you get to a local councillor level, and they genuinely feel that, at a planning meeting, they have to discuss those issues as well, even though they are not in planning. We need to make clear that there are other regulatory bodies dealing with this and they have their own consultation processes as well. That is quite important.

Matt Lambert: We would like, as others have said, consolidated guidance that makes clear, first of all, that exploration should be viewed as a national priority, and there should be great weight put on applications, notwithstanding that they should be judged on their own merits. There should nevertheless be great weight put on them, because minerals are found where they are, and they have to be worked where they are, as is said elsewhere in guidance, I think. Secondly, we would like clarity about what councillors should and should not concern themselves with, specifically in regard to surface planning activities and subsurface regulatory activity.

We also put forward some suggestions that we think would help make the process move more smoothly for everybody, including statutory joint multi-agency consultee arrangements between the various different regulatory agencies, the planning authority and statutory consultees such as Natural England. They should meet regularly and establish which areas are being managed, how they are being managed and the views of each of those parts of the process on a proposed application during that 16-week period. They should resolve those issues in that forum, to the benefit of councillors, so they can get better advice from the officers and from those regulators about how they should view those applications.

The other important thing, which is a big issue here for councils, is resources. When you get potentially many thousands of submissions on an application, there is a huge amount to do, quite apart from trying to



HOUSE OF COMMONS

assess the applications in a reasonable timeframe. I do not think you could make statutory, but there could be planning performance agreements.

One problem with planning performance agreements is that, for example, we have been willing to offer funding-support resources to Lancashire County Council. In the past, it did not feel able to accept them, for fear that that would appear to taint the result. The council should be encouraged to take resources from the applicant without prejudice to the final decision. That should be done in order to give them better resources and make it easier for them to assess the applications more efficiently.

Q31 **Andrew Lewer:** There is a slight difficulty, though, that you will prejudice the planning process, because you are basically saying the more people kick off or the more difficult something is, the more money you want.

Matt Lambert: No, planning performance agreements are tried and tested, and an increasingly used way for developers to provide resources for all sorts of applications. There are plenty of applications, most of which have nothing to do with shale gas. There are very few to do with shale gas, quite honestly. Many, many councils take them. Housing developments are frequently controversial and unpopular. Wind farms are frequently unpopular. There are all sorts of different developments that people do not want in their backyard, for whatever reason. Many of them are not controversial, but are larger and require extra resources. That is my point.

Q32 **Mike Amesbury:** Lynn, you made a comment about local planning authorities being overworked and under-resourced. Is that not more about the level of public opposition to your industry right throughout the UK?

Lynn Calder: It is a divisive topic, for sure. As Mr Lambert has said, many planning proposals are. There is a list as long as our arms of the things that people do not want. We understand that. Yes, it is divisive because of the sheer volume of opposition. I agree.

Ken Cronin: I have been in the onshore energy industry for over 20 years, in renewables, nuclear, et cetera. It is not unusual for these types of planning applications to be controversial and have a number of opponents attached to them.

Q33 **Liz Twist:** My supplementary is about this business of how people should make comments. We are talking about planning here. What do you see is the right way for people to raise those overarching objections?

Ken Cronin: There are a number of areas in which they can do that. The first is during the community engagement phase. Each operator will, as I said, meet with the local community on a number of different occasions, principally so local communities can raise their concerns. Quite often,



HOUSE OF COMMONS

local people will put a different spin on things, make suggestions to improve plans, et cetera. That is important. The Environment Agency runs its own permitting regime. That involves a consultation. Again, it is important for local communities to engage in that part of it. Then, as I said, on the local traffic noise and landscape-type issues, there is the planning process. That is important too.

Q34 Liz Twist: I have some experience of environmental permit issues. For an average person, it is quite a difficult process to respond to. I fear that that would be the same for other regulatory bodies. Again, it is taking everything into chunks, is it not? That bit is about what is on the land and that bit is what is underground. People are generally concerned about the whole issue of fracking. How do they have their say on that?

Ken Cronin: It is a very, very good question, and it is one of the questions that Lord Smith raised during his inquiry into shale gas a couple of years ago: that the general public feel that they do not have a method of communicating. He came up with the concept of a shale gas regulator that gave people the opportunity to communicate with one body. He said that the regulations surrounding shale gas are adequate, but the interface with the public needs to be looked at. I know that, if the Government manifesto is anything to go by, they are looking at this as an area, but that could potentially be one way of dealing with your request.

Q35 Liz Twist: I will come on to that in a moment, but I just wonder if, Ms Calder or Mr Lambert, you have anything to add.

Matt Lambert: There are a lot of opportunities to comment. There is a pre-application non-statutory consultation, where you raise the prospect of looking at different areas or a region. We have done a huge amount of that. I mentioned earlier drop-in centres and so forth, which are popular and useful. A lot of people come to them. There are plenty of other online and direct methods for people to make those views known. There is the statutory consultation, which has already been discussed, and there are also statutory processes for the permits and the regulators.

I completely concur with what Mr Cronin has said. We are not in favour of a single regulator, but a single point of contact and a two-way process for the regulator to communicate more openly, hear concerns and answer them. People can come and talk to Cuadrilla about anything. We listen and we have made changes during processes. It is an ongoing process after we start work, because we are always open to listening and we do so. I understand that people look at us and say, "They are developers. They have skin in the game. They have an interest in it". They would like to talk to someone with an independent point of view on it. The regulator would be an ideal place for that.

Potentially, the regulator and the Government could do more in that way, not least because we consider the case for gas and the need for gas to be a national priority, and the Government understand that too. They ought



HOUSE OF COMMONS

to be explaining that, and they want to, but they need, in terms of regulators, to explain why these proposals are brought forward—the purpose of them and why they are needed—and explain that we need gas as part of an overall energy mix with many other energy sources, such as renewables.

Lynn Calder: It is not the case at all that we do not want to hear from local communities in which we propose developments. I would not want that to be the point that is taken away from today, because that is simply not the case. We absolutely want that to continue. We, as INEOS, have done many of the same types of consultation that Mr Lambert has articulated. We are keen, though, to stop the process of planning being used as a means to frustrate development. That is the key point.

Q36 **Liz Twist:** Do you think there is a process that should be used if communities want to frustrate a development, or stop a development, to put it in a different way?

Lynn Calder: Not if there are no planning or nationally significant reasons to, no. We are constantly looking for ways to improve and/or dilute our impact on local communities, because we understand that we are not always welcomed with banners. However, it is never personal. We are not there to target specific communities; we are there to test the geology, which, unfortunately, lies where it lies. One thing that I would state, which is a personal opinion, is that, as I go and talk to many, many communities and many people about this matter, there is a real lost connection between our energy—where we get it from as a community and civilisation—and how we use it. That clear education and understanding in our country could better help local communities get over that hurdle.

Q37 **Liz Twist:** I want to go on to the shale environmental regulator that you have already mentioned, Mr Cronin. That was, as you said, included in the Conservative manifesto of 2017. Would you welcome such a body to oversee the fracking planning process, and what should the remit of the regulator be?

Ken Cronin: I am not sure if it would oversee the planning process. The devil is obviously going to be in the detail. As I mentioned, Lord Smith did this review, and one of his early conclusions was that the general public were confused and felt that they did not have a single point of contact. An overall regulator or body would be very useful in terms of achieving that. Talking to various people in the industry, it clearly depends on how all that is set up. One thing I would caution is that the health and safety aspects of what we do should probably be ring-fenced. That is clearly very important from a regulatory point of view. That comes from the experience of offshore, as well. In concept, I would support a shale gas body that, in particular, helped the general public to understand the process. Yes, I would be in favour of it.



Lynn Calder: To add very briefly to Mr Cronin's comments, I am largely in alignment and I support the concept. We have one of the best regulatory regimes in the world. We have talked about the five regulators we have as a shale gas industry. I have personally worked my entire career in oil and gas, and have seen first-hand how exemplary our regulatory regime is. That is one very important point I would like to make. I understand that the different buckets of those regulators, and what exactly they regulate, are confusing for the general public. Any means by which that can be alleviated will be helpful.

Matt Lambert: I agree with all that. I want to explain from our point of view the emphasis on a balance between providing clarity for the public and for everybody involved in this process, and retaining the multi-agency approach. The value of the multi-agency approach comes out of the Piper Alpha inquiry, which found that the level of very specific expertise needed in specific regulatory areas was benefited by having very specific expert regulators—in the case of subsurface, often the HSE, and, for liquids and air quality, the Environment Agency—and having checks and balances in the way that those different agencies interoperate. The downside, as my colleagues have made clear, is that that, on the face of it, can appear confusing: "I do not understand who is in charge here". Are they running across each other and tripping over each other? That is superficially what it looks like, and I understand that, to a lay person who looks at that, it gives that appearance.

As has already been said, the regulation offshore and onshore is of extraordinarily high quality in this country. It really is very high grade. How do you simplify that system, give it an access point, a way of explaining it and a way for people to get their point of view across? Our point of view would be to favour a single point of contact that brings those regulators together and answers those questions. That is not intended, I should say, to subvert the normal consultation process, whereby individual permits for the EA, the HSE, the OGA or whatever are brought forward and people can consult on those. It would help the public understand this process better and get a better way of communicating with it in a two-way process, as I said earlier.

Q38 **Liz Twist:** Mr Cronin, you were talking about excluding health and safety. Can I ask you to define that? Are you talking about employee or staff health and safety? Some might consider health and safety to be a much broader issue.

Ken Cronin: I am not talking about excluding it; I am saying that we need to make sure it is ring-fenced so the proper function of the Health and Safety Executive remains. As Mr Lambert says, there are very, very specific areas of expertise within that, and the offshore experience that we have seen has always said that the HSE aspects—so both the employee aspects and the well integrity aspects—should remain within the HSE.

Q39 **Liz Twist:** Finally, would this shale regulator be the person to whom



HOUSE OF COMMONS

people would take their big issue, or is the shale regulator there to explain and tell people why they are right or wrong in their views?

Matt Lambert: To the point I made earlier, the single point of contact should not take away the rights of the public to make their points known. If they wish to object to a planning application or support it, the right place to do that from a planning point of view is in the planning system and the permit consultations. However, in terms of making their more general points and clarifying their concerns, people often just want to understand: "How is this regulated? How does it work, and what is involved here?" It is not terribly surprising that people find it confusing.

By the way, there is a huge amount of scaremongering and misleading information out there. I am sure some people later will tell you that we put out misleading information, but everything that we do is scrutinised and has to stand up to the criteria that we tell the truth in all cases and present the facts, as we see them, truthfully. I am not pointing the finger at any specifics, but there is a huge amount of misleading information about fracking out there. A single point of contact, independent from the industry, with a level of independence, that the public could trust, who could answer those questions and say, "No. You have heard this—it is not true" or, "Yes, this is true, but here is what happens" and could explain it properly, would be helpful. That would be the point of that: not to change the planning or regulatory process specifically, but to make it more accessible, explain it and provide a point of contact.

Q40 **Mike Amesbury:** As somebody opposed to fracking, how would you convince me that planning decisions should put more emphasis on national policy, so the Government's support for your industry, rather than being informed by local planning authorities?

Lynn Calder: The first thing to note is that, other than where we have felt that delays are unacceptable and have made appeals to the Secretary of State or the Planning Inspectorate, we have never sought to have these decisions taken out of local communities. We believe that they should be taken in local communities, and our submission talks about nationally significant infrastructure projects. We have said that, at this early stage, we do not believe that is appropriate. The system, as it is currently defined, with some minor modification and some consolidation, perhaps, as we have discussed, should be more than suitable for what we are seeking to achieve at the moment, which is to gather scientific data.

I am all in favour of local communities taking decisions. Unfortunately, we find that, in many of the cases, albeit that professionally governed planning officers are stating there are no planning reasons for these developments not to go ahead, local council members are voting against those professionally governed planning officers and saying, "We still do not want it". That is a difficult thing as a developer. How do we navigate that, in terms of trying to gather the data and do what we have told the UK Government we will do by virtue of our production licences? I would



HOUSE OF COMMONS

come back to the fact that we are very keen to keep these decisions locally based. That is the basis on which we have carried ourselves entirely.

Ken Cronin: This is an incredibly difficult subject between national planning or national energy policy and local decision making. I do not think our industry has cracked it. I do not think the previous industries I worked with have cracked it. It is really, really difficult. The primary thing for our industry is to be able to explore for the gas, and you can only do that where it is. Quite a lot of our decisions about where we base our sites are based on geology. In particular, we hope that the information we are gathering now has a lower impact on local people in the future, because we will understand exactly where to get the gas from and what the geology looks like et cetera. That will help develop our thinking, which is only useful for local people.

There is a national need for gas. I know this is not about fracking. We have put some information in our submission. In our belief, 75% gas importation, with the economic, environmental impacts, is not acceptable. That is the reason why we think we should do it. It is a very difficult area. There will always be a tension between national and local. Primarily, it comes down to the fact that we can only do this where the gas is.

Matt Lambert: Exploration for indigenous onshore gas is regarded, at least in the exploration phase, as a national priority in Government policy. The reason for that is about energy security, the balance of payments and security of supply, because, as Mr Cronin and others have said, under any measure, we are going to need gas for many decades to come, and we are currently importing about 50% of our gas. We do not want to be reliant on countries where we cannot be sure of supply. Others are importing from Russia, but, increasingly, we may be importing from Russia. That is not a good state of affairs. We believe the Government are right to call exploration a national priority. If the exploration is successful, we believe it should be brought into national infrastructure planning. That is for another day.

At present, exploration is managed through the Town and Country Planning Act. We are perfectly happy with that, provided it is operated efficiently. Therefore, to your point, Mr Amesbury, the correct place for the assessment of whether it is a correct or satisfactory application under the Planning Act is through the planning process. The regulatory process is the right place to test whether it is being put forward in a safe, secure way in terms of the regulatory permits that are required. There is balance between those two things, and they should work, hopefully efficiently. If we have done a poor job on an application, or the application is unsatisfactory, of course there is absolutely the right for planners and councillors to reject those applications. That will, in due course, be tested through the appeals process if that applicant wants to go down that road.



HOUSE OF COMMONS

To Ms Calder's point, if I give you one example of a well that we had already drilled up in Lancashire, we wanted to restore that well, put down a pressure gauge so we could monitor the pressure in it and restore it to farmland, and indeed we finally won on appeal. That application was supported by the officers and rejected by the councillors in a planning meeting, and the councillors could not explain, under satisfactory planning law, why they had rejected Cuadrilla's right to have that application approved. After that planning meeting, having gone away, thought of some reasons to reject it, and come back, they had a further meeting to reject it. We then took that to appeal. We won that appeal quite straightforwardly on the written representations.

That is a simple process, where we are frustrated to the point that the industry can no longer even plug, abandon and restore sites, because there are objections to anything that we do. They are not based on planning policy, and they go against officers' recommendations. You have to ask if this process is working properly and how it can be improved, which, to be fair, is what we are trying to do. We are trying to make suggestions about how we can improve the process.

We recognise, by the way, the pressures that councillors come under. They are under massive pressure. Councillors have frequently told us, including in open meetings, how have they received many thousands of personal emails opposing them, mostly, I have to say, from outside the county. Some are very broadly international, and we have the facts to show that. There is massive pressure on an individual councillor who is working in public service and is suddenly brought a torrent of information and an objection even to, for example, plugging, abandoning and restoring a site to a field.

Q41 Mike Amesbury: If you value localism, local planning authorities' decisions and democracy so much, why does your industry tend to go to these various Secretaries of State to override those decisions? And do you know what? In my experience as a senior councillor over a number of years, sometimes officers get it wrong.

Matt Lambert: Of course it is possible that officers get it wrong. What I am saying is that you have to show they got it wrong on planning grounds. That is all I am saying there. To your point about why we go to, for example, the appeals process or non-determination, we have not actually appealed for non-determination as such, but we have gone through the appeals process on at least five occasions. One is still outstanding, pending a decision of a planning inspector and then a Secretary of State.

The reason we have gone through that is that it is part of the process. It is part of the democratic process available to applicants, just as those who oppose us are able to follow the democratic and legal procedure to prevent us. I promise you: they do not shy away from that. We have been through multiple judicial reviews against decisions that have been made by authorities. We have gone up to the High Court and right



HOUSE OF COMMONS

through that process. That is the process that is available to people who are opposed. We understand that. It is a democratic process. That is how it should work. It is fair enough. We have the right, equally, to follow the process as it is available to applicants.

Lynn Calder: Mr Amesbury, you talked about how planning officers sometimes get it wrong, and I am sure that is the case, but over the last two years, of 16 onshore oil and gas development applications, 13 were approved by planning officers and three were denied. Of those same 16, five were approved by local councils. We are sitting here saying that, in some cases, the reasons on which those final votes are taken are very thin on planning grounds. That comes at great cost to local communities. These eight-day public inquiries come at great cost.

Ken Cronin: I would go back to my comment about other sectors. Planning appeals are not uncommon in other sectors. I know, in onshore wind, for example, there have been quite a few planning appeals. As Mr Lambert says, it is part of the process. It is not just specific to our sector.

Q42 **Andrew Lewer:** I spent nearly 12 years on a planning committee. The conflict between people's democratic role and their regulatory role in a planning committee is very familiar to me. Given that that happens and is likely to continue to happen, so you have to go to appeal, are the Planning Inspectorate, the appeals process and the Secretary of State determinations too lengthy, too involved and causing you as much disruption as the original planning process?

Lynn Calder: I will take a first bash at that one, because we have two appeals lodged at the moment. I will take you back to some of the points I have already made. On core wells, to take a core sample, we have gone through over a year's worth of the planning application process itself, and then we go into an appeal process. In my opinion, having QCs and expert witnesses sitting in a room for eight days debating whether we can take a core sample is not the best use of our money or the local authorities' money. If it is costing us hundreds of thousands of pounds, it is costing them the same. That would be an INEOS view of our experience to date.

Ken Cronin: The planning appeal process is too long, particularly in the bit before you get to the appeal process, because there are so many appeals now in the system across all sectors. The process of getting a planning appeal officer, et cetera, is quite long. It elongates it for us. It elongates it for local people and, as Ms Calder said, it is extremely costly for both the industry and local taxpayers.

Matt Lambert: I agree. The process takes far too long. It is extremely costly. It is costly to local taxpayers. The process has to be respected but sometimes, as in the case I mentioned earlier, these appeals and rejections, frankly, are spurious. They are, in that sense, a waste of public money, in our view.



HOUSE OF COMMONS

Q43 **Matt Western:** I have a final quick question, because I am conscious of time. Perhaps you could answer in one sentence, ideally. What could be gained by treating these planning applications as nationally significant infrastructure projects? You have all touched on it through the last three quarters of an hour or so, but perhaps you could distil it into one sentence.

Matt Lambert: It would give greater certainty about the timescale for everybody involved.

Lynn Calder: For my core wells, it would not do anything at all, because it would elongate the process even further. As we move forward into development, it would recognise the nationally significant nature of what we are trying to achieve here.

Ken Cronin: I agree with both of my colleagues. My sentence would be that, when you get to production sites, the energy equivalent of those production sites will be similar to what is already in national planning.

Q44 **Chair:** That effectively means taking local communities out of the decision-making process altogether, does it not?

Matt Lambert: No, I do not think so.

Q45 **Chair:** If you treat it as a nationally significant infrastructure project, you go into a different planning regime.

Matt Lambert: To be clear, we are all saying that, in the exploration phase, we are quite comfortable with the Town and Country Planning Act if it works more efficiently.

Q46 **Chair:** When you get on to the next stage, you want that to be decided by the Planning Inspectorate.

Matt Lambert: It would be better for local authorities simply because, for very large applications, they would, in most cases, not have the resources. It does not, in our view, take away from public consultation.

Q47 **Chair:** I will just ask the question: do you want local community decision making to be taken out of the process?

Matt Lambert: No, we do not.

Q48 **Chair:** That is what the national infrastructure regime does.

Ken Cronin: Under the national infrastructure regime, as far as I understood it, and as we would like it to work, we would still want to do all the community engagement that the industry does already.

Matt Lambert: It is statutory.

Q49 **Chair:** But without the local council making a decision.

Ken Cronin: We would also want the local council to be involved in the process. I understand that that is the case.



Q50 **Chair:** But not making a decision.

Ken Cronin: Ultimately, the decision would be made on it as a national infrastructure project.

Q51 **Chair:** The local council would have no say in making a decision.

Ken Cronin: It would be part of the representation.

Q52 **Chair:** That is what I just said: it would be taken out of the decision-making process. Right, thank you very much for coming this afternoon.

Examination of Witnesses

Witnesses: Chris Hesketh, Kia Trainor and Kate Gordon.

Q53 **Chair:** Thank you very much for coming and being our second panel this afternoon. If you would say who you are and the organisation you are representing, that would be helpful to us.

Kia Trainor: I am Kia Trainor. I am the director of the Sussex branch of the Campaign to Protect Rural England.

Chris Hesketh: I am Chris Hesketh, representing Frack Free Dudleston.

Kate Gordon: I am Kate Gordon, senior planner at Friends of the Earth.

Q54 **Chair:** Thank you. You might recognise some of the questions because we are going to ask very similar questions to you as we did to the first panel. Do you think the planning guidance on fracking is up to date with all the scientific and policy developments that have happened and, if not, should changes be made? If so, what changes?

Chris Hesketh: The first and most fundamental problem with the current guidance is the one that Mr Western picked up on earlier around scope. The Infrastructure Act defines it in a very strange way. It is a retrospective definition. Given that the drilling company will not know how much fluid it will use until it gets to the end of the process, you could paraphrase the Infrastructure Act as saying, "If, when you get to the end of the process, you discover that you have used more than 10,000 cubic metres, that was fracking in hindsight", by which time it is too late. You should have known it was fracking before you started the process. You need a definition that works up front, not retrospectively.

The levels that are quoted have no basis in science. Mr Western was correct in the statistics that he quoted. I would argue that the Infrastructure Act definition is unhelpful. That opinion was recently borne out by the Planning Inspectorate's advice in North Yorkshire, I believe. I do not think that is a helpful definition. There are standard texts. In America, they are not afraid to see the difference between conventional



HOUSE OF COMMONS

and unconventional. As was alluded to earlier by the previous panel, in conventional, the resource comes more naturally to the surface; in unconventional, some more extreme techniques are needed in order to remove the resource.

I have a report here published in 2011—the Government's analysis of unconventional gas. As you can see from the title, it is quite clear that it is different from conventional. The only thing that is missing from here is the concept of acid fracking—the forcible dissolving of the material—which is far more concentrated than a mere acid washing, which is a regular industry process. That is newer than this process. But it is a good document.

In terms of measuring these things and being precise about it, it is entirely possible. There are lots of resources online. I have picked one here, which is published by BP—an industry player. It cites two tests being needed, one being permeability and the other being viscosity. If you only look at permeability, you miss out certain types of unconventional oil and gas extraction. My core point is that it is entirely possible to define the industry in a precise and scientific way, and we need that. The previous panel agreed that a standard definition agreed by everybody was a good thing.

The other thing I would like to draw people's attention to is that these texts recognise that there are substantial differences in consideration for the local community, as well as other considerations. It is worth getting that definition accurate. One of those big differences is another problem that I see with the existing regulations. The regulations seek to support compliance with the legally binding Climate Change Act targets that we have and the strongly expressed principles of sustainability and care for the planet. The Prime Minister made a statement, saying how it was the most precious thing we can pass on to the next generation. I completely agree with her. Yet they are also required to support unconventional oil and gas extraction. Those two are not compatible. It is effectively asking the local authority's minerals plan to engage in a form of doublespeak.

I am not alone in thinking they are incompatible. The Climate Change Act targets are numerical, scientific and analytical. The Government recently announced at the Commonwealth Heads of Government meeting that their ambition is to accelerate those targets and go to net zero by 2050, which means that the threshold will get significantly tougher in order to achieve them. The Committee on Climate Change did an analysis, and it said quite categorically that supporting unconventional gas or oil extraction was incompatible with meeting our targets. The current planning process is seeking to achieve two things that are at odds with each other; hence ambiguity and confusion exists.

I would like to make one final point before I hand over to my colleagues, which was also mentioned in the previous panel discussion, around



HOUSE OF COMMONS

phasing. If I was to apply to extract sand from a quarry, I would have to indicate that I knew that there was sand there and I had a plan for the entire lifecycle and all the consequences of it. It would not be that I could do a little bit of it and then get permission to go a little bit bigger and a little bit bigger. You have to demonstrate that you have an economic and practical case, factoring in all the social and environmental impacts, whereas the regulations allow the unconventional oil and gas industry to isolate test drilling as something that you can do on its own with no consideration for what might happen next.

We have had examples, such as Roseacre and Leith Hill, where the application to do a test drill is floundering because they cannot get enough trucks through the tiny lanes in the area, and the area is just fundamentally unsuitable for what is a relatively small stage of the process. Why engage in that stage if there is really no prospect of the full-scale production happening in that locality? That would be my point.

Kia Trainor: We would agree that the guidance definitely needs updating. I also agree with Mr Hesketh about the definitions. A more scientific and rigorous approach should be taken, particularly to defining unconventional hydrocarbons within the planning guidance. We agree that the definition of hydraulic fracturing is very narrow and does not quite make sense in terms of knowing how much fluid you are going to use.

For us in Sussex, the big issue is oil. That is one of the things I wanted to talk about. I also wanted to use an example here. This is a recent planning decision in relation to an extension of exploration at Balcombe. In the officer's report, the officer refers to paragraph 124 of the planning guidance. Within that paragraph, it talks about the UK's Annual Energy Statement 2013. That is one of the key considerations that the officer has. That energy statement is very old. It needs updating, particularly in light of, as Mr Hesketh has talked about, our climate change commitments and the Government commitment to clean growth and the 25-year environment plan. This is really outdated guidance to be using.

There is another thing we have a difficulty with in this report. One of the reasons for approving this permission is that the NPPF, at paragraph 144, gives great weight to the benefits of mineral extraction. Within that sentence, you are lumping together a lot of different things. We would argue that the economic benefits for oil and gas are very different. The business cases for them would be different. We are phasing out the use of oil to heat our homes. We are talking about very different resources.

In terms of conventional and unconventional oil and gas extraction, the situations are, again, very different. As Mr Hesketh said, the Committee for Climate Change has talked about tests that need to be met before we can consider shale gas to be under our requirements in terms of meeting our transition towards a low-carbon economy. We do not feel that is really established yet, particularly for that sector.



Q55 **Chair:** We are moving into the territory of whether fracking is a good idea.

Kia Trainor: Sorry. The case I am trying to make is that, at the moment, policy is asking decision makers to give great weight to the benefits of something in a very generic way, without really saying what they are. That is masking that there is a lot of difference.

The other thing I fear is that a lot of this, particularly unconventional hydrocarbon extraction, is speculative. As Ms Calder referred to earlier, we are trying to understand the resource. You are giving great weight to a resource that we do not really understand. That is quite a difficult thing to ask decision makers to do. In summary, we would like the guidance to be improved so that decision makers are able to address those key points.

Kate Gordon: The guidance is pretty out of date. Some of it dates back to 2013 and 2014. We would like the guidance to take into account the clean growth strategy, the Paris climate agreement, and the Committee on Climate Change recommendations that fracking on a significant scale is not compatible with UK climate targets and that those three tests are met. Perhaps set out how those three tests could be met. It also recommends that the Environment Agency conditions and standards somehow take on board measures that could be taken to enable those steps to be made. You are going to ask us about the NPPF later, are you not?

Q56 **Chair:** I will go on to that now. There have been some changes. Do you agree with them?

Kate Gordon: We are appalled by some of the changes. For example, there is a chapter called "Facilitating the Sustainable Use of Minerals". We do not consider that the approach set out here is sustainable at all. We obviously want to look at the NPPF as a whole. We have this new paragraph, 204, which talks about security of supply, which my colleague Chris touched upon, as a transition to a low-carbon future. The evidence does not bear this out. It sets out a very positive approach to planning for hydrocarbons versus a very restrictive approach to wind power. We feel that is quite imbalanced. Wind power has to take additional steps that do not apply to other types of development. There is a footnote that incorporates a ministerial statement expecting allocations in plans and various other matters in order for wind turbines to be approved. There is a lack of balance in this document. It is not joined-up thinking.

There is a chapter about meeting the challenge of climate change, but the chapter on facilitating the sustainable use of minerals does not take into account any of the steps that might be needed to tackle climate change. On the proposed new wording of paragraph 204, we suggest that 204a specifically needs to be rewritten to remove the reference to security of energy supplies, because we do not consider fracking for shale gas is necessary for security of energy supply. We understand there is a



HOUSE OF COMMONS

recent BEIS report that suggests fracking is not necessary for security of supply; it would add to variety of supply, but it is not necessary for security.

In terms of transitioning to a low-carbon economy, the Committee on Climate Change has been quite clear that, unless these tests are met, that is not possible. Do you want me to read the tests or are you familiar with them?

Chair: No, I think we can get those.

Kate Gordon: Does that make sense?

Chair: Yes.

Chris Hesketh: I would like to clarify a bit more. Paragraph 204 is hugely controversial. In one of the statements, it specifically asks for support for the council to deliver the transition to a low-carbon economy. That is wrong in many respects. I mentioned already compliance with the Climate Act, but the argument put forward by the industry most frequently is that shale gas will put away the need for coal, so there will be a transition away from coal. The Government have already committed to phasing out coal by 2025. Yet the unconventional oil and gas industry in America typically takes 10 years to reach production scale in any given area. In 10 years' time, we are starting to get some meaningful volumes of gas, but the coal will already be gone. It will already have been replaced by more renewable energy and more interconnectors. The published National Grid documentation explains that that is not a problem. We have security of supply. Indeed, the Government published a similar report and it was referenced earlier, quite rightly. That argument is fallacious.

The new wording brings in this concept, but the concept itself is wrong. It should not be put out as if it is a statement of fact. In truth, the other consideration is whether it helps because of displacing imports of liquid natural gas, LNG. Numerically, the answer is no. The use of conventional gas to generate electricity comes in at around 500 grams of CO₂ equivalent per kilowatt hour. LNG comes in just under 700. Coal is somewhere in the region of 1,000 or just above. Unconventional gas in America generally lands somewhere in the region of 900 to 1,100. It is similar to coal—not an advantage. The Committee on Climate Change report said that, if regulation was perfect, it could potentially come in just below the liquid natural gas level. It could, but our experience so far in the UK is that regulation has not been the gold standard that people aspire to.

We have a good reputation for conventional. I understand that and am not disputing that, but when it comes to unconventional exploration, even just at test drill stage, we have had so many non-compliances, discrepancies and issues. I could catalogue loads, and my colleagues likewise, of situations where regulations were just ignored. On the



HOUSE OF COMMONS

Ellesmere Port well, there was permission to drill down to the coal layer. They overshot by about a kilometre and took a sample of the shale, for which they had no permission, no permits and no authority. They just did it. There was no comeback whatsoever. In the agreements to that stage, they were told by the Environment Agency to apply for two additional permits, which they did not. They just went ahead. No application was made and no questions were asked.

As for the risk assessment and the logic within it, it turns out that, if you do not answer the question, it counts as no risk. On the riskiest elements, they simply did not answer the question, so the conclusion was that there was no risk. That is not a good, high-quality, gold-standard regulation in practice.

In our local example, there was a huge slurry lagoon right next to the access track. The Environment Agency said, "That is not our problem; that is the local authority's problem". The local authority said, "No, we cannot do anything about that because it is outside the planning boundary, and we are not allowed to make comment on anything outside the planning boundary". This elevated slurry lagoon was only held back by an earth embankment, poised above a stream that flows into the most protected river in the UK, because it is extracted directly for drinking water. In the application, the access track went right to the very edge of this fragile earth embankment. You just would not do it. Yet we could not get anybody to consider it as a possible pollution event. I do not feel what we have at the moment is working. To answer your question specifically, the proposals here make the situation worse, not better.

Q57 Chair: I am sure there will be agreement, but is there anything specific you would like to do, to change the NPPF in any way? Could you answer that very briefly, before I move on?

Kia Trainor: Yes. First, we do not think there should be this great weight on the benefit of mineral extraction, particularly the benefits of onshore oil and gas development, without the Government fully making that business case. What are these benefits? They need to be understood before they go in here. Again, we would question "supporting the transition to a low-carbon economy". If that is going to stay in there, there needs to be evidence to back up the fact that these industries can achieve that. We would like more paragraphs within the NPPF to allow decision makers to give weight to moving towards a low-carbon economy and taking climate change into account in their decisions.

Finally, we agree with Friends of the Earth. We do not understand why footnote 40 effectively prevents development unless there is community consent for windfarms. If we are looking at fracking, that is very controversial as well. Why does footnote 40 not apply to both?

Q58 Matt Western: Can I ask Mr Hesketh a specific question? You have alluded to this and spoken on it a little earlier in your evidence. In your written submission you said, "At no point does the guidance provide a



meaningful and useful definition of the technologies that it applies to". How should fracking be defined, then, in the guidance? You were speaking a bit on that earlier.

Chris Hesketh: The most important distinction that we need to get into the guidance and regulations is between conventional and unconventional. Unconventional can be characterised by a range of consequences: health impacts to the people who live nearby, experience of larger numbers of drilling operations needed, and risks to groundwater and emissions, as I have said. That is the most important clarification needed. Within the group marked "unconventional", there is a range of technologies involved. The Infrastructure Act touches on only one of them: the high-volume shale hydraulic fracturing, so pushing open cracks and propping them open with sand. In reality, there are several other technologies. They all have this common characteristic: they all have higher emissions, they all have a lot more drilling activities, they all have the health issues. I am talking about experiences from other countries.

As for the other technologies, we have coalbed methane. We have underground coal gasification, so, effectively, burning the coal to create gas in situ, which is hugely dangerous. It has gone very, very badly wrong in other countries. We have shale fracking. We also have what has been dubbed "acid fracking", which is essentially forcibly dissolving the rock using concentrated acid solutions. These have, as I say, common characteristics that justify separating them out. You give all the normal planning considerations, and additionally consideration of these further consequences.

The Planning Inspectorate recently agreed that, for unconventional exploration, the precautionary principle should be applied and that there should be a mandatory offset to the nearest residential property of 500 metres. Consider that, in Australia, the same figure is 2,000 metres, so 500 metres is not being cautious; it is being quite lenient, in a sense. I firmly believe that a mandatory offset is justified. The health evidence from America alone is enormous. You can read hundreds and hundreds of peer-reviewed scientific documents on the subject. I have some stats here if you want them, but I can give you references. That in itself says that, yes, we should be cautious here.

Kia Trainor: The definitions are really important. We would agree with the fact that more work needs to be done on conventional versus unconventional. One of the reasons this is important is that, under the hydraulic fracturing protected zones regs from 2015, you are not allowed to drill down from the surface of protected areas, such as areas of outstanding natural beauty and national parks. As has been said on both sides of the debate, a lot of the very good reasons for not fracking from the surface of protected areas apply to these other types of unconventional hydrocarbon extraction. It is important that we get those definitions right.

Q59 **Matt Western:** In terms of the distinction between conventional and



unconventional oil and gas, is there much difference in the planning process? Is it sufficiently clear?

Chris Hesketh: The same planning process is used, because that is what we currently have. My personal experience here, as we fought a campaign on this subject, is that planning officers and councillors struggled to know if something was fracking or not, if it was unconventional or not. It clearly was not fracking, but it was unconventional. Yet, because the process was ambiguous, it made it difficult to have a legal conclusion. Because the planning process is a quasi-legal process, you need that clarity if you are going to create a legally withstandable conclusion from it. In our instance, we ended up with a non-determination. It went into a legal minefield, with the council's legal team getting involved. No decision was getting made. There was an appeal on the basis of a non-determination, which then progressed over a number of months. I am pleased to say we won, but the absence of that clarity was one of the key ingredients.

Kate Gordon: There is a lot of confusion about some activities and whether they are conventional or unconventional. Our concern would be where sites give rise to similar impacts yet might not be subject to such stringent regulatory requirements, which could be related to restoration, aftercare and that sort of thing. That needs to be looked at more closely so any definition can encapsulate activities that have similar kinds of impacts, to make sure the planning considerations and safeguards are there. This is to do with activities where the level of fluid is below what is defined as fracking. There might be other criteria, but we would like that looked at more closely.

I would not say we are happy with the way that what are termed conventional hydrocarbons are planned for either. That is why I think close consideration needs to be given to reaching a definition of fracking that is more robust and that all parties would find acceptable, perhaps as part of a consultation.

Q60 **Chair:** Moving on to the guidance, currently there is guidance in the NPPF; there are other ministerial statements and bits of guidance around. Would it be helpful to pull this together in a comprehensive guidance document?

Kia Trainor: Yes, it really would. It would be good if we could bring in all these other forms of evidence. For example, going back to the business case, if there is one, that should be in that location as well, so it is really easy for people to navigate the system. We would like the guidance to be updated and centralised.

Chris Hesketh: I agree. It is also useful, as the previous panel agreed, for greater education of the general public. The general public at the moment do not believe this is a good technology to embrace. In fact, there is a clear majority against it. In a democratic society, the default position should be that the public have voted and the public say no. If



HOUSE OF COMMONS

there was a consolidated roadmap-cum-guidance journey, I firmly believe that it would further prove the case that it is the wrong thing to do, but the industry should be supporting the same idea, because it would have to try to make the case that it is okay to do it.

- Q61 **Chair:** One thing that came out before was that some issues are planning issues and some issues are not planning issues, but are still fracking issues. A point was made by one of the previous panellists that, in a general document, that might well include planning guidance, but also the roles of the other bodies, to try to explain the difference so the public have somewhere to go to understand this as well.

Chris Hesketh: That is a good question. Yes, definitely. As in the example I quoted, it is not at all clear where the boundaries sit between the different bodies. When feedback was given, we injected into both the consultation around the permitting and the planning. We still were unable to get the two bodies talking to each other. There was just no contact. There was one formal, almost inconsequential, statutory consultee submission, which did not adequately explain the totality of the situation. The bodies were not working well together and did not have that clear boundary understood.

- Q62 **Liz Twist:** I have the same question I asked the other panel. The Conservative election manifesto 2017 talked about the creation of a shale environmental regulator. Would you welcome such a body to oversee the fracking planning process?

Kate Gordon: No, we would not welcome that. In the establishment of such a body, it would be seen to have a vested interest in promoting the industry and to be insufficiently independent. It is quite useful to have scrutiny by statutory bodies such as the Environment Agency, to ensure that certain standards are met. They have no interest in promoting that industry or restricting it, just in making sure that standards are met, that the environment and communities are considered, and that certain aspects of the activities that would be required as part of the process are accompanied by necessary measures and safeguards, to try to ensure that the industry is carrying them out in a safe way. We would be concerned about having an independent body set up to facilitate the industry. Why is this being singled out as a certain form of energy? That would also be our concern.

Chris Hesketh: I agree. The difficulty is that this separate regulatory body could all too easily be seen as an offshoot of the industry body. It would become less trustworthy, so it would backfire on the industry anyway, because public opinion is already strongly against the industry. It would increase that. I am not arguing in favour of the industry here, but I am asking why we would question the ability of the Environment Agency to look after the environment, or HSE to look after the safety of employees and the people concerned. Those bodies should and do have the ability to look after their areas of expertise. If you create a new body that is independent of those, it is not going to have this depth of



experience, naturally. Either you will have to sabotage all the other bodies to create this new body, which is counterproductive, or the new body is just going to be rubberstamping. That would be very, very bad.

Kia Trainor: We agree in terms of regulatory capture and perception of the body. I would agree with the industry from earlier that perhaps more of a multi-agency approach is needed. Unlike Mr Hesketh, we have examples from Sussex where there has been really good joint working, particularly in cases such as Markwells Wood, which is an acidising application for oil within the South Downs National Park, where the Environment Agency worked very closely with the decision-making authority. It is quite difficult to divorce some of these issues.

Even the planning guidance says that, before granting planning permission, a decision-making body will need to be satisfied that a lot of these issues can be adequately addressed, taking advice from a relevant regulatory body. Instead of another body, which could cause more confusion, we would be looking for better joint working with the existing bodies and more support for them to be able to do it.

Q63 **Liz Twist:** You have not said this, Ms Trainor, but, Mr Hesketh and Ms Gordon, what you have said suggests to me that you see a regulator as an advocate for fracking. Have I got that right?

Kate Gordon: No. There is a risk that it could be seen as having a vested interest or as a way to push this industry forward above others. There is no equivalent. Wind energy seems to be being restricted. It seems at odds with the need to decarbonise our energy systems. There are perfectly good bodies. The answer is much better joint working between local authorities and the statutory bodies, such as the Health and Safety Executive and the Environment Agency. We understand that sometimes, when there is a variation of a permit or a variation of a planning permission, it has implications. They are sometimes called non-material, but, in our experience, they often have material impacts on local communities. There needs to be much better communication—open and transparent—so everybody knows what is going on.

In our understanding, a lot of the delays have been caused by a lack of information being provided, sometimes by developers as well, to local authorities. It is about sharing information and communication, so everybody understands the implications of a change in one stage of the process and its knock-on effects. Maybe you have some good examples in Sussex, but I have nothing to add to that. It is not that we are necessarily saying that would be the intention; that would be a perception.

Chris Hesketh: I agree. It has the appearance of bending over backwards to help. If you combine that with what we are reading here in the proposed changes to the NPPF, that gives the impression of bending over backwards to favour one industry, while at the same time sabotaging an alternative industry. The two are alternatives. The more



wind power we get, the less gas we use. Every day that the wind blows strongly, the gas power is phased back down. When the wind stops, the gas fills in the gaps. Add more, and you lose more on the other side. At the moment, on one hand, the Government appear to still be attempting to do a dash for gas. The wording of these proposed changes to the NPPF adds up to a dash for gas, as the phrase was used at the time.

Yes, on the other hand, the Government are increasingly supporting a responsible environmental position whereby we use less gas. Moving away from single-use plastics means less gas is needed. If we went back to things like zero-carbon homes, which was abolished by the last Administration but was a really good idea, that would take loads and loads of new houses off the gas network. We could use less gas by going back to renewable heat incentives.

There is an alternative here. If you bend over backwards to favour one side, it is at odds and in conflict with other parts of Government policy. I agree with my colleague that it would look wrong.

Q64 Liz Twist: I have two further questions. First, if there was such a regulator, there was talk of it being a point of contact and a source of information for members of the public who do not know where the boundaries lie. What is your view on that? Where should they get their information from?

Kate Gordon: The Planning Advisory Service produced some advice on the different aspects of the fracking process and shale gas. I cannot remember the name of the guidance, but there is some stuff out there. The Environment Agency also has some quite useful advice. We would not want to see a separate quango set up, but the different bodies working together to find some way to make the whole process more transparent. The revised NPPF, like the existing one, is extraordinarily short. The online guidance on minerals is quite old and out of date. Things have moved on since then.

Have more comprehensive guidance available. The linkages that used to exist—say, between the NPPF and planning practice guidance—I cannot even find online now. That seems to have gone. That is something that was under DCLG. I do not know why that has been lost, or the way it has been set up online. I would suggest more pointers and more helpful linkages between the different sources of advice, but I would not set up a separate body.

Kia Trainor: If it was just a signposting organisation, you would not be able to call it a shale regulator. Do you know what I mean? If we are talking about a signposting body that would support communities and help them, there may be a role for that, but that would be a slightly different situation.

Kate Gordon: This is also to do with a planning system that is meant to promote sustainable development. That is still in here, although we are



not happy about the loss of some of the text and the failure to link up with, say, the UN sustainable development goals and various other aspects. The chapters have almost been written in silos, with a lack of connection. Of course, wind energy is much greener than fracking, with its associated emissions—that is a fossil fuel industry that we need to move away from. We would like to see a presumption against fracking in this document, obviously, but you are not here to discuss that, and I realise that. Acknowledging the need to move away from a fossil fuel-based industry would require chapter 17 to be rewritten.

- Q65 **Liz Twist:** That brings me on to my other question. The comment you made about the changes to the NPPF seems to be saying, as you have just said, we should start from a presumption that this is a bad thing. It is not so much about the detail of the planning as arguing that fracking is a bad thing.

Kate Gordon: Local authorities are required to be proactive in their plans and in the way that their plans address climate change. This is stated in this document. That is made quite hard if they are then told they have no discretion. It is almost a tick-box exercise if certain planning considerations are met, and certain planning considerations or regulatory things are not required to be addressed because the scheme does not meet the definition or something.

- Q66 **Chair:** The guidance does not say they have no discretion, does it?

Kate Gordon: I am not saying it says they have no discretion, but we do not believe the relative weights in the proposed NPPF are balanced, given the additional restrictions that are placed on wind energy—a green, renewable form of energy—versus a fossil fuel industry that is actively promoted. I do not know if any of you are familiar with the text on wind turbines.

- Q67 **Chair:** I think we have been through that already.

Kate Gordon: I am sorry to go on about that. There is also a chapter on meeting the challenge of climate change, flooding and coastal change, where local authorities must have these proactive strategies to address climate change. They might question whether the emphasis on facilitating the development of a new fossil-based industry in this country is compatible with that. I know we are at the stage of exploration primarily at the moment, but ultimately that is what it could lead to.

Kia Trainor: There is also this issue about where the weight is within the decision making, and how much weight you are giving to the benefits, although they have not been articulated, of unconventional hydrocarbon extraction versus the benefits of moving to a low-carbon economy. That is quite a difficult one for planning authorities to make. It would help if that was clearer.

- Q68 **Mike Amesbury:** The Chief Secretary to the Treasury, Liz Truss, displaying her enthusiasm and the Government's approach to fracking,



tweeted, “Frack on”. Do you think that enthusiasm in Government policy should be reflected in the planning decision-making process?

Chris Hesketh: Absolutely not. I have already alluded to it. The Government need to join their left hand and their right hand. If I put her on the left hand for a moment, this dash for gas enthusiasm, which is variously expressed in these ways, does not seem to be scientific. There is no published roadmap for why that makes sense. We are expected to just believe it. On the right hand, we have a calculated obligation under the Climate Change Act. We have targets. We have good, solid reasons, which the Government are also supporting. These two are not compatible. That needs to be challenged, and there needs to be a harmonisation behind the right goal, rather than having this strange situation.

Kia Trainor: We would agree. As the Government have set out in the clean growth strategy, this is a priority for us. The Prime Minister has put that in the opening statement of the clean growth strategy and the 25-year environment plan. We need to reconcile these competing commitments. Possibly, all we need is more of an evidence-based approach to analysing what our transition to a low-carbon economy actually is and what role these sorts of application will play within it.

Kate Gordon: Sorry, can you repeat the question?

Q69 **Mike Amesbury:** Let me probe it further. Is there a fair balance between local decision making, in terms of planning as it exists, and a national, centralised approach to planning?

Kate Gordon: It is a question of balance, and I agree with that. With the changes to the NPPF in terms of communities’ role in planning, some really key, important texts have been proposed for deletion. In terms of locally distinctive plans, that was in the current NPPF in the very first paragraph; that has gone. There are bits about involving all sections of a community.

Now, these might not be legal changes, but it is about the tone of the document, the messages and whom it is speaking to. With some of the changes that are being proposed, not necessarily relating to the paragraph on hydrocarbons that we have just discussed—paragraph 204—although that is one of the concerns, there is a danger that it becomes more of a tick-box exercise and things end up being imposed on communities that they do not want. There needs to be some element of choice and planning judgment.

Yes, there are various factors to consider: the energy need and the impact of different options for meeting that need. That is quite right. What can be brought to bear in the planning considerations? That needs to be fairly broad and to take account of the impact on the community and health and safety. To the discussion earlier about subsurface, that is part of the planning regime and always has been, and we feel quite



HOUSE OF COMMONS

strongly that it should continue to be part of the planning regime, which will have to monitor and enforce it afterwards. There is a danger that, under the approach proposed for hydrocarbons, it is more centrally directed. That concerns us. It is very important that the local planning authority, which knows about the issues, develops with the community the plan for their area, taking account of national policy, but not being directed and dictated by it.

Q70 Matt Western: You may have heard the question that I put earlier to the first panel. That was about what could be gained by treating planning applications as nationally significant infrastructure projects.

Chris Hesketh: The answer from the previous panel touched on it. We find ourselves broadly in agreement with them, in the sense that what would be lost would be that sense of involvement. This is an industry that is desperate to be accepted and to be welcomed for a change, rather than being greeted by enormous amounts of opposition—constructive opposition, I would say. If you alienate the local community by giving the impression that that decision is being made hundreds of miles away, it is a step backwards for all of us.

I would push the argument that says local is where the decision belongs. It is a local impact. It is a point drill location, albeit that if it gets to production stage there will be many points, but it is still within a community. It is a community impact that will be felt. Keeping the decision at community level, with greater clarity and guidance—we all agreed on that a moment ago—is right. Under the principles of the Localism Act, it maintains that sense that communities have a say in their future, which is absolutely fair and reasonable.

You also get to build upon local knowledge. At the beginning of our campaign, we wrote to the drilling company, saying, “You are targeting the wrong area. This area will not work geologically”. We had done our research. We were confident. They wrote back telling us that we were fools and that we did not know what we were talking about. Then, 14 months later, the application was withdrawn by the drilling company on the basis that the geology was totally unsuitable. It took them 14 months to come round to the same opinion that we started off with.

Chair: Perhaps you should get a job there.

Chris Hesketh: Yes, thank you. I firmly believe that moving it to an NSIP would be a big step in the wrong direction for any phase of the industry.

Kate Gordon: I agree with that. The fundamental thing is that local impacts are best determined by the local decision-makers who know the area well, know the issues and would have to specify, and afterwards enforce, the conditions associated with development. It would alienate communities and make no sense to put fracking schemes under the NSIP system. By their nature, the schemes do not meet the principle—I am



HOUSE OF COMMONS

not talking about the strict Act definition—of what might be national infrastructure, such as a motorway, an airport or a large railway station. They are lots of little schemes that cumulatively add up to something that could have quite a damaging impact on communities. The individual schemes themselves would not meet the criteria. It would make much more sense to keep them under the local planning system.

Kia Trainor: We would have concerns about democracy and transparency if it was to go under that regime. Interestingly enough, even the industry does not agree it is the appropriate mechanism, particularly for the exploration and appraisal stages. If you went from those decisions being made locally, and suddenly jumped into another regime for the production stages, local communities would be outraged. I agree with Ms Gordon that a lot of the production stage would need to be controlled. Local communities would be living around that. If those conditions were broken, they would be the ones who would be taking it back. It would cause problems.

Chair: Thank you very much for coming to give evidence to us today.