

# Summary

As the number of planning applications for fracking is likely to grow in the coming years, and as some fracking sites are moving beyond exploration to production, we decided that now was the right time to conduct an inquiry on whether the planning guidance on fracking and the existing planning regime are fit for purpose.

The inquiry focused on whether the existing planning guidance for fracking planning applications should be updated, improved and consolidated, how Mineral Planning Authorities balance local and national need in determining fracking planning applications, and whether such applications should be dealt with under the Planning Act 2008 as Nationally Significant Infrastructure Projects.

The main conclusions and recommendations are as follows:

- **The definition of fracking used in the planning context should not be liquid or volume based.**

The Government's suggestion that the Infrastructure Act definition of fracking will replace the current definition in the revised National Planning Practice Guidance is highly concerning. The Infrastructure Act 2015 definition does not reflect the technologies on the ground nor the public understanding of fracking, leading to a lack of understanding among key stakeholders and significant concerns about loopholes in the current regulatory regime.

- **The revised National Planning Policy Framework (NPPF) should clarify and consolidate the Government's fracking policy.**

The proposed changes in the revised NPPF lack detail and create ambiguity about the Government's position on fracking which requires clarification. Particular attention should be paid to how fracking sits with the UK's commitments to climate change in order to make clear to Mineral Planning Authorities how they can balance competing objectives, and respond to the public's concerns.

- **The Government should clarify the process by which fracking planning guidance documents are updated.**

A number of existing fracking guidance documents are out-of-date and there does not seem to be a clear process for reviewing scientific and technological developments, as well as practical experience at fracking sites, and, where appropriate, incorporating such development into existing guidance.

- **An online "one-stop shop" for all fracking guidance and policy documents should be created.**

Navigating disparate guidance on fracking hinders understanding, transparency and engagement with fracking planning applications. The "one-stop shop" should bring together all of the documents relevant to the determination of fracking planning applications, including those not produced by MHCLG, and clearly explain the roles of each regulatory body.

- **Mineral Planning Authorities should be free to adapt their Local Plans as they see fit as long as they do not arbitrarily restrict fracking developments.**

There is a contradiction between the spirit of the Localism Act 2011 and the 2018 Written Ministerial Statement (WMS) on fracking planning policy which could unreasonably restrict Local Plans. Given that the English planning system is plan-led, it is essential that Mineral Planning Authorities have the right to put conditions in their Local Plans which can be justified having proper regard to local circumstances.

- **The proposed Shale Environmental Regulator should be renamed and repurposed as the Shale Information and Coordination Service.**

It is inappropriate for fracking to be regulated by a single regulator. However, there is a need to better communicate the purpose and role of various regulators. The Shale Information and Coordination Service should host the “one-stop shop” for fracking guidance and policy documents, as well as co-opt the planning brokerage system and encourage greater multi-agency working between the existing regulators.

- **Fracking planning applications should not be brought under the Nationally Significant Infrastructure Projects regime nor acquire permitted development rights.**

Mineral Planning Authorities are best placed to understand their local area and consider how fracking can best take place locally. Such changes to the planning regime, proposed by the Government in the 2018 WMS, would result in a significant loss to local decision-making, exacerbating existing mistrust between local communities and the fracking industry.

- **The Shale Support Fund for Mineral Planning Authorities should be better resourced and caps should be increased on individual bids.**

Fracking planning applications can cost Mineral Planning Authorities more than £500,000, over half of the £800,000 available per annum from the Shale Support Fund and more than the cap on individual bids of £250,000.

- **The planning brokerage system should extend its support beyond Mineral Planning Authorities and developers to members of the public.**

Facilitating public access to the planning brokerage system would provide for a more independent and even-handed approach to fracking planning applications. Limiting access is likely to increase opposition to individual fracking applications, thereby further overburdening Mineral Planning Authorities.