

## ~~~~~ DAVE'LL FIX IT ~~~~~

In his enthusiasm to support fracking, Prime Minister David Cameron took the first small steps on a slippery slope. He began with saying how important he thinks fracking is, but he's now changing UK law to make it easier for frackers to operate. We expect to record and publish each of his steps as we publish future fracking articles. (This is version 5)

27 November 2015 **NEW**

The Secretary of State for Communities and Local Government declared Cuadrilla's appeals to be of "major importance having more than local significance and proposals which raise important or novel issues of development control, and/or legal difficulties" and he called-in the Planning Inspector's decision and will take the final decision himself.

1 July 2015 **NEW**

The Information Commissioner finally forced the Department for Food and Rural Affairs to remove the redaction they had used to hide the content of their own paper 'Draft Shale Gas Rural Economy Impacts'

DEFRA had previously released it, but with the parts that damaged the case for fracking, blacked out.

12 February 2015 **NEW**

The Infrastructure Act received Royal Assent. This legislation removed the centuries old settled law regarding the ownership of an area of land in a decreasing wedge to the centre of the earth. It allows businesses to drill under land below specific depths without seeking a court order. The Government has changed the law of the country to make it easier to trespass under other people's property. This has been done specifically to support the development of the shale gas and geothermal industries.

This Act had been amended during its passage through the Commons to afford protection from drilling to Areas of Outstanding Natural Beauty and National Parks. However, these (and other protective amendments) including a requirement to notify residents on an individual basis of shale gas operations in their area; a requirement to record gas leaks other than methane; and a requirement for Environmental Impact Assessments to be undertaken before considering prospective fracking sites were removed from the Bill in the House of Lords.

Furthermore, the Act has weakened the protection that would have been afforded to groundwater.

24 September 2014

In a leaked letter to cabinet colleagues, dated 24 September 2014, George Osborne, Chancellor of the Exchequer asked colleagues on the Cabinet's Economic Affairs Committee "to make it a personal priority" to ensure that recommendations intended to fast-track fracking are implemented.

He called for rapid progress on developing three or four "exemplar drilling sites" to prove the concept of safe shale gas exploration, contingency plans if Lancashire County Council turns down planning applications and a strategy to push fracking to the public.

Top of his list is to "respond to the asks from Cuadrilla". The "asks" include contacting the Health and Safety Executive and Lancashire county council about planning applications, and the Ministry of Defence over granting Cuadrilla trucks access to military land. In his preamble, the chancellor writes: "I expect to see rapid progress" on the recommendations.

The letter also includes moves to enable full shale gas production in future, such as ensuring that Eric Pickles, whose communities department oversees planning, can take the power to overrule planning decisions - specifically to enable him to intervene in planning appeals and 'recover shale applications at his discretion'.

George Osborne also requested that the Department of Energy and Climate Change (DECC) "consider whether to provide additional technical support to Lancashire to help determine current planning applications". and it asked the DCLG to "prepare PINS [The Planning Inspectorate] to respond promptly to appeal or SoS recovery if appropriate".

Osborne asks for improvement in public relations by, for example, building on an "existing network of neutral academic experts available to provide credible evidence-based views". He has already committed £5m of our taxes to providing independent advice to the public. He also envisages "demonstrating the concept" of safe fracking by "focusing on a small number of sites in less contentious locations" including "public sector land (particularly MOD owned)".

June 2014

Government sets up a £2m fund to support businesses with products that are aimed at reducing the environmental impact of fracking.

April 2014

Office of Unconventional Gas and Oil announce they will no longer be available to provide representatives to attend public meetings, and will only be attending meetings with official bodies such as Local Councils.

13 January 2014

The Prime Minister announced that councils can keep 100 per cent of business rates they collect from shale gas sites – double the current 50 per cent figure.

13 January 2014

Changes made to notification arrangements for planning applications for onshore oil and gas development. The requirement to inform and consult the owners of land beyond the above ground area (i.e. the owners of land where underground operations may take place), was removed by the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment No. 2) Order 2013 (SI 2013/3194). So you won't now be notified by planners if someone drills under your land.

November 2013

The Environment Agency and the Health and Safety Executive issue a joint statement on how they will work together to regulate 'unconventional oil and gas developments' In particular, the statement addresses joint working under the Environmental Permitting Regulations issued by the EA which, in future, the HSE will also be party to.

July 2013

The Government's 'Planning practice guidance for onshore oil and gas' sets many parameters and constraints on what the planning authority (LCC in our case) may (or more particularly may not) take into account when considering planning applications. Para 29 says "In doing so the focus of the planning system should be on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. Minerals planning authorities should assume that these non-planning regimes will operate effectively."

December 2012

In oral evidence to the Energy and Climate Change Committee considering the Impact of Shale Gas on Energy Markets on 11 December 2012, Sir Robert Smith asked: "I suppose that is the problem, that it all interconnects, but on the specifics of shale gas what do you think the role of this body of office for unconventional gas and oil will be? Will it be a poacher or a gamekeeper?" Professor Anderson replied: "Disturbingly it is both, and that is the concern. It is the fox looking after the chickens. It does seem an odd thing to set up something that will promote and regulate." In its dash for shale, Government produced a cheerleader, not a proper independent regulator.

March 2012

Government's new National Planning Policy Framework. Paragraph 66 says "Mineral extraction is essential to local and national economies. As stated in paragraph 144 of the National Planning Policy Framework, minerals planning authorities should give great weight to the benefits of minerals extraction, including to the economy, when determining planning applications."