



Historic England

## Surface Development Restrictions for Hydraulic Fracturing: Historic England Response

### *Introduction*

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response on the following issues:

***Question 1: Do you agree with the proposed approach to restricting surface developments in specified protected areas ((National Parks, the Broads, Areas of Outstanding Natural Beauty (AONBs), World Heritage Sites, Source Protection Zones 1, Sites of Special Scientific Interest, Natura 2000 areas and Ramsar sites) through licence conditions? Do you agree with the scope of the restrictions to be applied in England? Please give reasons.***

*Please specify whether your response relates to new or existing licences or both.*

This response relates to both new and existing licences.

Historic England supports the inclusion of World Heritage Sites in the list of specified protected areas within which surface developments will be restricted through licence conditions. However, we note that World Heritage Sites are not currently addressed consistently, and correctly, within the related planning controls.

World Heritage Sites are identified as one of the 'other protected areas' categories within the draft *Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015*, under which provisions are made in relation to hydraulic fracturing activities underground. With regard to surface activities, the current consultation document recognises the importance of World Heritage Sites in relation to licensing, but the permitted development changes in respect of the drilling of boreholes (proposed in August 2015) did not.

The Planning Practice Guidance regarding applications for unconventional hydrocarbon development does recognise the importance of World Heritage Sites, but not wholly in accordance with NPPF wording. It fails to note the other relevant guidance (e.g. the provisions in paragraph 132 that 'great weight should be given to the asset's conservation', and the policy in relation to setting), and misquotes the provisions in respect of substantial harm. It also fails to note the wider obligations under Article 4 of the 1972 World Heritage Convention, under which the UK commits to 'do all it can ... to the utmost of its own resources' to ensure the protection and conservation of World Heritage Sites.

In October, the Energy and Climate Change Minister noted the similarly important status of National Parks, Areas of Outstanding Natural Beauty and World Heritage Sites, and stated that 'Our world heritage sites are simply irreplaceable, and the Government take their responsibility to conserve and protect them very seriously'. The Minister further advised that the 'Government's intention is to announce soon the areas in which it will not be possible for drilling to take place at the surface, and that will include all of our most valuable areas', and that the Government would 'make clear, as soon as possible, the specific policy on banning surface drilling in our most valuable and precious areas'.

The position currently proposed does not appear to be clear or consistent, and does not provide the same levels of protection for World Heritage Sites as other similarly important assets.

***Question 3: Does existing regulation provide sufficient protection for the areas in which we are proposing to restrict surface developments? If not, what would be the additional benefit if the proposals were adopted (e.g. in terms of environment, heritage, landscape value, economic impacts)?***

*Please provide evidence where possible.*

Existing regulation does not provide sufficient protection for the areas in which surface developments are currently proposed to be restricted, as outlined in our response to Question 1.

With regard to the impact of fracking on specific World Heritage Sites, the following may be of interest. Bath is a World Heritage Site where significant concerns about the impacts of fracking on heritage appear to have been raised. The hot springs in Bath, which are central to the significance of the city, are dependent on an extensive catchment area, parts of which are not protected areas at the surface and/or below ground. The concern is that fracking in these areas could detrimentally affect the hydrology on which the springs within the World Heritage Site depend. It will be important to ensure that this issue is thoroughly explored should there be any applications in these areas.

It will also be important to ensure that the issues are appropriately considered in relation to other World Heritage Sites. It is possible that the below-ground remains of mining which form part of the Cornwall and West Devon Mining Landscapes and the Ironbridge Gorge World Heritage Sites *could* be adversely affected by fracking, as could the Lake District, which the UK Government is likely to put forward for World Heritage Site status in 2016.

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