



Historic England

Permitted development for shale gas exploration - consultation

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 Digital, 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 2

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

No. Historic England does not support the use of Permitted Development Rights (PDRs) for shale gas exploration as proposed.

Noting the form and scale of development associated with shale gas exploration, and the potential for impacts on designated and non-designated heritage assets, we consider that the most appropriate process for assessing potential impacts on the historic environment is via a planning application.

Question 3

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

- **Areas of Outstanding Natural Beauty**
- **National Parks**
- **The Broads**
- **World Heritage Sites**
- **Sites of Special Scientific Interest**
- **Scheduled Monuments**
- **Conservation areas**
- **Sites of archaeological interest**
- **Safety hazard areas**
- **Military explosive areas**
- **Land safeguarded for aviation or defence purposes**
- **Protected groundwater source areas**

Notwithstanding our response to question 2, Historic England agrees with proposed exclusions, though this list is not sufficiently comprehensive – see our response to question (C) below.

Also note that appropriate guidance would be needed to ensure consistent decisions are made regarding sites of archaeological interest.

b) If No, please indicate why.

See our response to question (c) below.

c) Are there any other types of land where a permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?

Yes. We note that the designations do not currently include Listed Buildings, Registered Parks and Gardens and Registered Battlefields. All three are designated heritage assets and, in our view, these designations should be included.

Including all designated heritage assets would result in a large number of sites and areas being excluded from PDR application; but the potential harm from such development must, in our view, be fully considered through a planning application, rather than through a PDR process. As noted above, we do not consider that it is appropriate for shale gas exploration to be undertaken through use of PDRs.

We reiterate that the potential impact of any proposal for shale gas exploration on all designated heritage assets must be appropriately considered and that all designated heritage assets should be added to the list of exclusions.

Question 4

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

Historic England asks to be consulted by the LPA with regard to any proposal for PD associated with shale gas exploration.

PRIOR APPROVAL

Question 5

Do you have comments on the potential considerations that a developer should apply to the local planning authority for a determination, before beginning the development?

If this is to be a light touch approach, Historic England has concerns that the level of detail required for prior approval may not be commensurate with the work that needs to be done to assess the potential impact. Highways impacts, noise impacts, visual impacts and impacts on the setting of heritage assets usually require detailed assessment that may best be considered in a conventional planning application. Although they are only temporary, such impacts on heritage significance at or near the site may occur throughout the exploration stage and a prior approval process may not provide a suitable mechanism for those impacts to be reviewed in sufficient detail.

Also, it would be important to discuss the archaeological interest of the site with the mineral planning authority, informed by reference to the Historic Environment Record (HER) and relevant expert advice. A determination would need to be made about the archaeological interest of the site on a case by case basis. Survey work may be needed to establish the archaeological remains affected by the compaction and removal of soil.

Proper post-decommissioning mitigation would also be needed, to mitigate the impact of well pad sites in proximity to the setting of heritage assets.

Question 6

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

If the proposed PDRs for non-hydraulic fracturing shale gas exploration are taken forward, Historic England supports a time-limited approach.