

Notice of motion 30 Fracking

Officer Response

Councillors Briefing Note 271 provides information about the licences awarded by the Government to companies giving them the right to explore for oil and gas in areas of Wiltshire. It is explained that in addition to a licence a company must apply for planning permission from the Mineral Planning Authority before they can carry out exploratory investigations.

Wiltshire Council is the Mineral Planning Authority for the area. The Council must work within the planning system which governs the development and use of land in the public interest and determine applications for planning permission in accordance with planning law and policy. The Council cannot legally predetermine its position in advance on a planning application, should one be submitted. If an application for development is received by the Council, it will be assessed on its planning merits taking into account the policies of the development plan and all relevant material considerations, including advice from statutory consultees. Local communities would have the opportunity to express their views as part of the decision making process.

As set out in Protocol 4 of The Constitution (The Planning Code of Good Practice for Members of Wiltshire Council), a planning decision may be challenged and ruled unlawful on the ground of bias and predetermination. The adoption of a blanket position on planning for Hydrocarbon extraction could be seen as constraining the proper exercise of the functions of the Council's Strategic Planning Committee and would render such a position open to challenge by way of judicial review.