

# AGENDA SUPPLEMENT (1)

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**Meeting:** Overview and Scrutiny Management Committee  
**Place:** The Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Tuesday 24 May 2016  
**Time:** 10.30 am

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**The Agenda for the above meeting was published on 16 May 2016. Additional documents are now available and are attached to this Agenda Supplement.**

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This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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13 **Members' Briefing on Hydrocarbon Extraction**

Questions from Mr Bill Jarvis on behalf of 'Keep Wiltshire Frack Free' are attached.

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## Timescales

1. How do Council policies address the narrow time frame strictly imposed by central government on planning applications for unconventional gas extraction?  
As an example Lancashire County Council received over 10,000 objection letters to the Preston New Road fracking application. Unless a robust policies and procedures are in place, a similar response in Wiltshire would inevitably mean time overrun
2. When considering the time frames for applications being received has the Council considered the possibility of South Western Energy accelerating their application?  
On the basis that this may well happen, given the latest UK applications for planning to explore unconventional gas extraction, will the council issue a programme to ensure that they do not delay hearing evidence from all sides, or updating policy, prior to any application based on timeframes by South Western Energy or other potential Contractor?

## Legislation and Regulation

3. Has the Council considered that if the application is for exploratory wells or for extraction wells including coal bed methane, many existing regulations do not apply, a number of those that do exist are inadequate and legal procedures may be different.
4. Does the Council agree that, if they are not satisfied with a regulators assessment of an application, they have powers and legal precedent to disregard it? Can the Council make this clear in all procedures applying to such?
5. Does the Council consider that the legislation enacted in Parliament in 2013 gives it sufficient protection that it is free to debate and consider a position on fossil fuel extraction that, in the event that a planning application regarding such was submitted, it, and individual Councillors involved in such, would not be considered compromised by predetermination?

## Policies and Procedures

6. Will the Council be updating any of their policies to account for unconventional hydrocarbon extraction in the county inter alia their minerals/waste plans, ahead of planning applications being received? What opportunity will there be for concerned residents to engage with this process
7. Does the Council consider that all its plans and policies are sufficiently robust to deliver commitments with respect to its carbon reduction targets, particularly regarding the reduction in extraction of fossil fuels to meet Climate Change commitments.  
If they do not, will the Council be updating any of their policies to account for unconventional hydrocarbon extraction in the County, ahead of planning applications being received?



## Questions to Wiltshire Council Scrutiny Committee on Policy and Procedures for considering Unconventional Gas Extraction



8. Can the Council demonstrate that its policies and procedures are robust enough to ensure that it meets any obligations it, and individual Councillors, may have to protect the environment and people from harm? This particularly with the weight of evidence regarding such available with respect to extraction of gas from coal beds or shale. The precautionary principle. Please note that significant peer reviewed evidence of potential harm will be provided at the appropriate time in the form of Defra report of 2014, Medact Report of 2016, CHPNY report of 2015
9. Does the Council consider that, regarding the above points, it could make defensible policy prohibiting the extraction of fossil fuels in the County and if not, how can the policies be changed to provide such defence.
10. Should the Council decide that there are no policy or procedural mechanisms to propose a frack free motion, will they still allow us to present arguments to all Councillors and particularly those that may be involved in the planning decision well ahead of applications being received?

### 14<sup>th</sup> Round Review

11. Does the Council intend to respond to DECC regarding DECCs decision to proceed with the issue of Onshore Licenses (14<sup>th</sup> round), disregarding the Habitats Directive statements made by the Council in response to the consultation, particularly regarding the precautionary principle?

### Response

A written response will be provided for the meeting.

#### *Information reference Q7 and Q8*

*In the Cuadrilla case in Lancashire they sought to prove that local policies in the development plan did not deal specifically with hydrocarbons. This meant, the company argued, that paragraph 14 of the National Policy Planning Framework would come into force. This says applications should be approved “where the development plan is absent silent or relevant policies are out of date.... unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”. This means that plans submitted would have to be approved in absence of guidance*