
Report To: Environment and Regeneration Committee Date: 5 March 2015

**Report By: Corporate Director, Environment,
Regeneration and Resources**

**Report No: E&R/15/03/01
SJ/FJM**

**Contact Officer: F J Macleod, Planning Policy and
Property Manager**

Contact No: 01475 712404

Subject: Fracking as a Planning Issue for Inverclyde

1.0 PURPOSE

- 1.1 The purpose of this report is to inform Committee of the emerging issues around the licences granted recently for fracking and what it means for planning in Inverclyde.

2.0 SUMMARY

- 2.1 Fracking, or given its correct name 'hydraulic fracturing', is the process of drilling and injecting fluid into the ground at a high pressure in order to fracture shale rocks to release natural gas inside.
- 2.2 The areas of the country where shale rocks are found are confined to the Central Belt of Scotland – the 'Midland Valley of Scotland' according to the British Geological Survey (BGS) – an area broadly similar in extent to the former coalfields and iron ore deposits of earlier years. The area with potential for exploiting this shale gas resource does not include Inverclyde.
- 2.3 Currently, licencing is controlled by the UK Government, but after the General Election in May, this is likely to become another devolved power for the Scottish Parliament. As of 28th January, the Scottish Government imposed a moratorium on drilling.
- 2.4 Planning is already a devolved power, so all decisions on whether to grant planning permission for fracking rests with local authorities in consultation with SEPA, and like all planning matters depending on the scale of the proposals, ultimately with the Scottish Government.
- 2.5 Scottish Planning Policy (SPP) 2014 sets out how planning authorities should deal with the issues arising from proposals for shale gas extraction. In the event of any planning application within Inverclyde, albeit highly unlikely, this would be done under LDP Policy INF7 'Requirements for, and Assessment of, Proposals for Mineral Extraction' in the first instance, followed by consideration according to the policies concerned with protecting and limiting adverse impacts on the environment and local communities.

3.0 RECOMMENDATIONS

- 3.1 That Committee note the content of this report and its conclusion, that there is likely to be little or no interest from the 'fracking industry' in exploring in Inverclyde and therefore, it is unlikely there will be any implications arising for this authority from any future exploration of shale gas in Scotland.

4.0 BACKGROUND

- 4.1 Fracking, or given its correct name 'hydraulic fracturing', is the process of drilling and injecting fluid into the ground at a high pressure in order to fracture shale rocks to release natural gas inside. Annex 1
- 4.2 The areas of the country where shale rocks are found are confined to the Central Belt of Scotland – the 'Midland Valley of Scotland' according to the British Geological Survey (BGS) – an area broadly similar in extent to the former coalfields and iron ore deposits of earlier years. The area with potential for exploiting this shale gas resource does not include Inverclyde (see Annex 1, Figures 2 & 3).
- 4.3 According to the BGS, there are 20 trillion cubic feet of shale gas in the Midland Valley of Central Scotland, which would meet the country's gas requirements for 46 years. In addition, it is calculated that there are 6 billion barrels of shale oil to be extracted from the carboniferous shale beds in this same area. While the BGS calculates this significant resource, the great majority of these deposits are in areas of dense population, making it very difficult if not unlikely that this resource could be extracted.
- 4.4 Currently, licencing is controlled by the UK Government, but after the General Election in May, this is likely to become another devolved power under the Scottish Parliament. As of 28th January, the Scottish Government imposed a moratorium on what it terms 'unconventional oil and gas developments' in Scotland. This includes fracking. The Direction, under the Town and Country Planning (Notification of Applications), sets out new arrangements for notifying 'unconventional oil and gas development' planning applications to the Scottish Ministers within 7 days of their validation. Authorities are also now restricted from granting planning permission without first notifying the Scottish Ministers, with a period of 28 days for their consideration. This requirement applies to both new applications and any that are currently being considered.
- 4.5 Planning is already a devolved power, so all decisions on whether to grant planning permission or not for fracking, rests with local authorities, in consultation with SEPA, and like all planning matters, depending on the scale of the proposals, ultimately with the Scottish Government.
- 4.6 Scottish Planning Policy (SPP) 2014 sets out how planning authorities should deal with the issues arising from proposals for shale gas extraction. SPP states:
- "To assist planning authorities with their consideration of impacts on local communities, neighbouring uses and the environment, applicants should undertake a risk assessment for all proposals for shale gas and coal bed methane extraction."*
- 4.7 This assessment would be undertaken as part of an environmental impact assessment in consultation with statutory consultees and local communities. Using environmental and other legislation, it would identify those on-site activities such as the emissions of pollutants and the creation and disposal of waste that could pose a potential risk. The outcome of the assessment would determine buffer zones to minimise or protect against unacceptable risks. The SPP states:

"When considering applications, planning authorities and statutory consultees must assess the distances from sensitive receptors proposed by the applicant. Where proposed distances are considered inadequate the Scottish Government expects planning permission to be refused."*

* **Note:** Sensitive receptors are aspects of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, climatic factors, material assets, landscape and the interrelationships between these factors.

- 4.8 Conditions are expected to be drafted which ensures that hydraulic fracturing does not take place beyond the operational area granted planning permission. In circumstances where such operations are proposed, a subsequent application should be sought and be the subject of appropriate consultation as it should be considered a substantial change in the development granted planning permission.

5.0 PROPOSALS

- 5.1 There are no foreseeable implications for the Development Plan and planning in general in Inverclyde from the recent increase in the number of licences granted for the exploration of shale gas extraction in Scotland. Inverclyde does not have within its boundary any of the required carboniferous geology where shale gas is found.
- 5.2 In the unlikely event of a planning application being submitted, the proposal would first have regard to The Town and Country Planning (Notification of Applications) (Unconventional Oil and Gas) (Scotland) Direction 2015 (refer para 4.4 above), SPP (2014) and be assessed against the following LDP policies:
- (a) Policy INF7 'Requirements for, and Assessment of, Proposals for Mineral Extraction'
 - (b) Policy ENV1 'Designated Environmental Resources'
 - (c) Policy ENV2 'Green Belt and Countryside' and
 - (d) Policy ENV8 'Water Quality and the Water Related Environment'.
- 5.3 Policy INF7 is the most relevant in terms of assessing the suitability of any proposal, while the other 'environmental' policies, would be used to determine the likely impacts that any development may have on the surrounding environment, including the important matter of the local water supply (see below, para 8.1), and neighbouring local communities. The policies can be found in the Inverclyde Local Development Plan 2014, on pages 84, 67, 68 and 72, respectively.

6.0 IMPLICATIONS

6.1 **Legal:** none.

6.2 **Finance:** none.

Financial implications – one-off costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

Financial implications – annually recurring costs/(savings)

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

6.3 **Personnel:** none.

6.4 **Equalities and diversity:** there are none.

6.5 **Repopulation:** there are no direct implications.

7.0 CONSULTATION

- 7.1 **Chief Financial Officer:** no requirement to comment.
- 7.2 **Head of Legal and Property Services:** no requirement to comment.
- 7.3 **Head of Organisational Development, Human Resources and Communications:** no requirement to comment.

8.0 BACKGROUND PAPERS

- 8.1 (1) The Town and Country Planning (Notification of Applications) (Unconventional Oil and Gas) (Scotland) Direction 2015
(2) Scottish Government Scottish Planning Policy (SPP) 2014.
(3) Inverclyde Local Development Plan 2014.

Attachment

Annex 1:

Figure 1 – Fracking Process

Figure 2 – Licenced areas (red) for shale gas exploration (October 2014)

Figure 3 – Potential areas of methane deposits

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Municipal Buildings
Clyde Square
Greenock
PA15 1LY

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Annex 1

Figure 1: Fracking Process

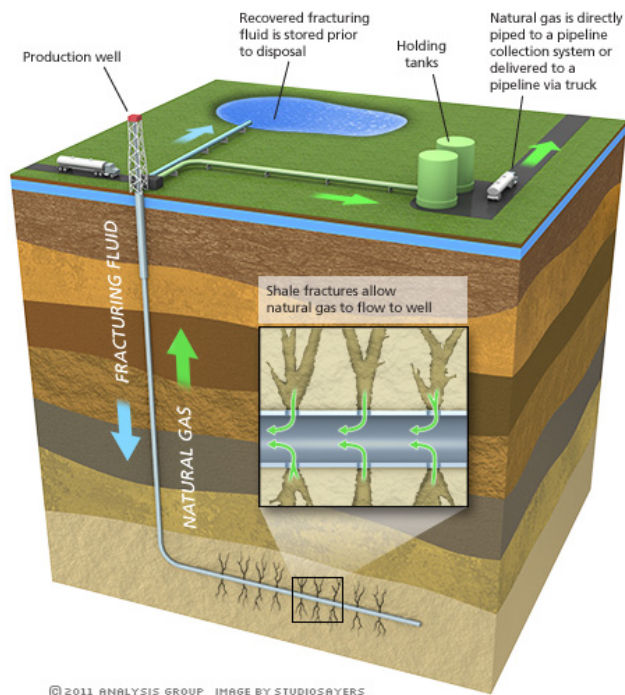


Figure 2: Licenced areas (red) for shale gas exploration (October 2014)

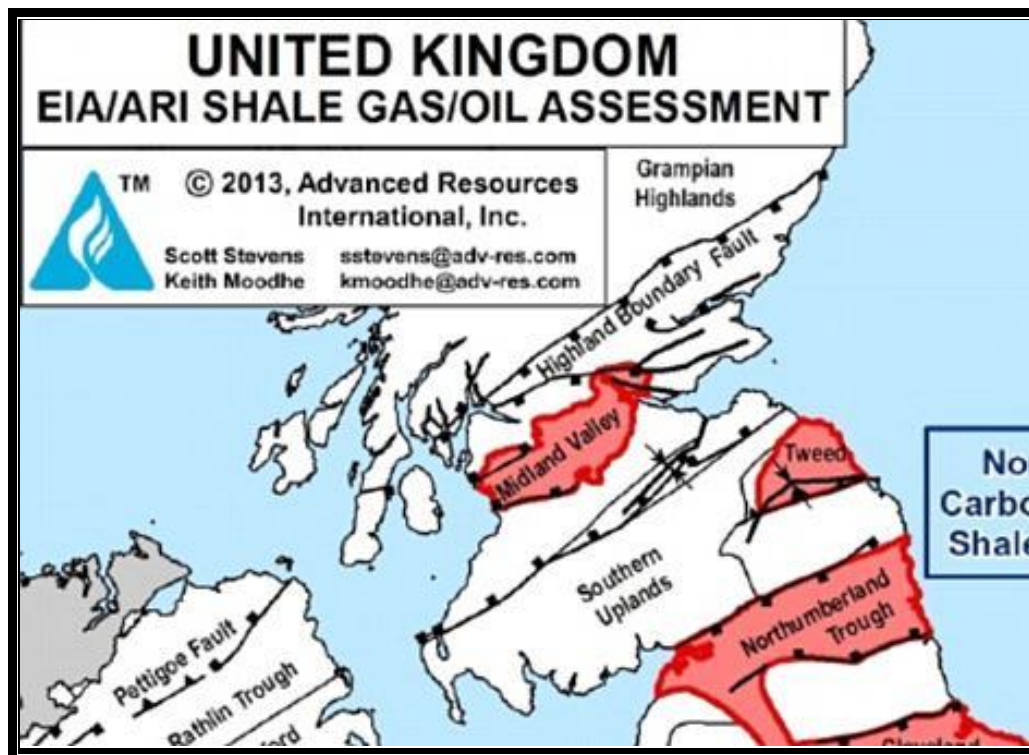


Figure 3: Potential areas of methane deposits

