

Cover Note on Policy Guidance Note on Shale Gas for February PC meeting

REVISED POLICY GUIDANCE NOTE ON SHALE GAS (FRACKING): COVER NOTE

1. This paper introduces the draft shale gas (fracking) Policy Guidance Note (PGN).

Background

2. Earlier last year PC provided input into a review of the policy guidance process (PC Min 05/16). Following that process, at its meeting in June, Policy Committee agreed that a Task and Finish Group (TFG) should be set up to review CPRE's 2013 Policy Guidance Note (PGN) on Shale Gas (commonly referred to as fracking). Originally adopted in 2013 as a holding position regarding an emerging policy area, this PGN was identified as being in need of an urgent update, as the policy context had moved on and some branches were finding it difficult to apply in practice.

3. One of the challenges is that we do not have a clear process for updating PGNs, other than as if we were simply starting again afresh. A consultation was carried out of branches and regional groups, the results of which PC has already discussed (PC Min 42/16). Rather than start afresh, this focussed on giving branches three overall choices: keeping the current position of assessing each fracking application on its merits, a moratorium on fracking in England and an unconditional ban. The branch responses results were largely split between the two extremes, though a number of branches responding stated that they were closely split themselves. While a moratorium had less much support overall as a first preference, it was the most popular option as a second preference.

4. One complication is that some of those who favoured the first option of deciding each option on its merits disagreed with climate change arguments. Our policy on climate change, which recognises it as a great threat to the countryside, was not however within scope of the consultation. Indeed the science and international law, in light of the UK's ratification in November of the Paris Agreement, relevant to that policy has strengthened further.

5. Following input from the TFG, a draft of the revised PGN was produced by national office staff, which was then greatly improved by detailed feedback by TFG members. Some major differences of opinion remained within the TFG, reflecting that within CPRE as a whole, which are flagged up below. Nonetheless, in light of the split clearly revealed within CPRE, most of the TFG accepted the position of a moratorium as a pragmatic way forward. One branch felt that adopting a moratorium would undermine the ability of branches to secure improvements from fracking developers, another felt that the way the moratorium was worded would undermine its ability to work with communities affected by fracking applications.

Approach to PGN

6. Our suite of PGNs are meant as overviews of policy aimed at a general audience, for example a branch press spokesperson needing to quickly look up our position or a member of the public wanting

to find out our position on a subject. They are meant to be medium term rather than needing regular updating. PGNs are neither intended to be technical documents nor campaign briefings for local campaigners, which can be produced by staff separately.

7. The previous shale PGN was four pages. It was felt to be too long and unclear in terms of its purpose or audiences. The decision was taken to align the style to that of other PGNs, such as for transport, which was based on that adopted by Natural England. This sets out an organisational top-line, explanatory text followed by policy measures ending with key references. A complication in this policy area is that some might perceive the setting out of conditions and mitigation measures as a betrayal, by effectively conceding fracking may well proceed. On the other hand if it does, we do need some high level policy to influence it, just as one might propose conditions for a planning application that one is objecting to.

Substantive issues

8. Probably the biggest issue that the consultation has revealed is one of values. One perspective is the view that if CPRE is to live up to its strapline to 'Stand up for your countryside', it needs a strong policy to support communities fighting fracking proposals. Another perspective is that CPRE is most effective in the long term when it is led by evidence not emotions and that we will be listened to most in the planning system if we are seen to come with an open mind. We have sought to respond to and include content relevant to both perspectives, whether in terms of the reference to evidence provided by expert bodies, or the recognition that perceptions of risk can be as important for communities as the risks of fracking - in the same way that fear of crime is a problem in addition to crime itself.

Moratorium

9. The moratorium option does seem to best reflect the range of views within CPRE as well as the current evidence. A major justification for a moratorium is the impact of shale on climate change, particularly with Carbon Capture and Storage remaining a long way off commercial development in the UK.

Impact of shale on wider investment in tackling climate change

10. Some feel that investing in shale gas would reduce investment in energy efficiency and renewable energy. There is no hard evidence either way and even if there was, Brexit and changes to exchange rates make matters even more uncertain, for example whether the UK will remain able to access finance from the European Investment Bank and part of the EU Emissions Trading System.

11. As the paper notes, the Government's Emissions Reduction Plan, which would set out plans to meet climate change targets, has been very delayed. Some have suggested it might be published by March 2017, others not until the end of the year. There is a substantial shortfall between carbon targets and projected emissions, which will be harder than ever for Whitehall to respond to without knowing more detail of Brexit. This uncertainty around the ERP - in its timing and content - adds complexity to the finalisation of this PGN and it would be bold to assume that the ERP will clearly resolve matters either, whenever it finally appears.

Scale of fracking

12. Some drafts of the PGN proposed a moratorium on large scale or commercial fracking rather than all fracking. The idea behind this was to enable further small scale testing, which would not in itself lead to cumulative impacts or significant carbon impacts. Feedback towards this was largely negative, whether in terms of how to define these phrases or that this position was simply too complex and nuanced to be easily explainable.

Designated versus ordinary landscape

13. The approach in the draft seeks to avoid harm to designated and prized areas while minimising impacts elsewhere. While any environmental impacts should be mitigated wherever they occur, objecting to adverse impacts in from fracking in any area would effectively preclude it and could appear contrary to our general approach to development.

Cumulative impact

14. The draft currently includes the concept of cumulative harm in its headline, a concept that is somewhat technical but of critical importance in assessing landscape scale change, for example perceptions of industrialisation of parts of the countryside. Some wordsmithing would be helpful and any suggestions would be particularly appreciated. It was felt that the word harm is essential in this phrase but that the word unacceptable is a hostage to fortune.

Next steps

15. PC is asked to express its views on the draft PGN, with a particular focus on the substantive issues highlighted above. The expectation is that the Board would then make a decision on the PGN at its next meeting.

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