

**CONSULTATION IN RESPECT OF
INCLUSION OF SHALE GAS PRODUCTION PROJECTS IN THE NATIONALLY
SIGNIFICANT INFRASTRUCTURE REGIME**

RESPONSE BY THE NATIONAL INFRASTRUCTURE PLANNING ASSOCIATION

1 Background

- 1.1 This is a response to the consultation launched in July 2018 by the Department for Business, Energy and Industrial Strategy (“DBEIS”) on including shale gas production projects in the nationally significant infrastructure regime. It is submitted on behalf of the National Infrastructure Projects Association (“NIPA”).
- 1.2 The NIPA is an organisation of over 500 members created to bring together all those involved in the planning and authorisation of Nationally Significant Infrastructure Projects (“NSIPs”) in the UK and to promote best practice.
- 1.3 NIPA’s members are drawn from a wide variety of organisations including project promoters, local authorities, law firms, environmental consultants, planning consultants, surveyors and multi-disciplinary consultancies.

2 Question 1. Do you agree with the proposal to include major shale gas production projects in the Nationally Significant Infrastructure Project (NSIP) regime?

- 2.1 Yes. NIPA supports the proposal for shale gas production projects to be included with the Planning Act 2008 Nationally Significant Infrastructure Project (NSIP) regime. They are generally ‘nationally significant’ in the ordinary sense of the phrase, and they are also comparable to other projects that are already part of the regime, such as underground gas storage facilities.
- 2.2 We consider the NSIP regime to be simpler, faster, more certain, and increasingly familiar, than the process of applying for planning permission under the Town and Country Planning Act 1990 and then appealing a negative decision, which so far has been the rule rather than the exception. Like an appealed town and country planning decision, an NSIP application would be decided by the Secretary of State, so there would be no change in the nature of the decision-maker, albeit it would be a different Secretary of State.

3 Question 3. If you consider that major shale gas production projects should be brought into the Nationally Significant Infrastructure Project regime, which



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criteria should be used to indicate a nationally significant project with regards to shale gas production?

- 3.1 Having considered the various options available, we believe that the clearest and most certain threshold would be the number of individual wells in the application (whether on one pad or more, so a variant of option (a)). A threshold of a particular number, say 10 or 20 wells, could be set for the establishment of a new production site, as well as an increase in an existing site, that would make the project an NSIP.
- 3.2 It should also be made clearer that the s35 (directions in relation to projects of national significance) route is available for shale gas exploration projects, and for production applications in the period before production is brought within the regime. No exploration or production projects have yet used this route, suggesting that it is not clearly available, or that developers have not yet been persuaded that there are advantages in using the regime.

4 Question 5: At what stage should this change be introduced?

- 4.1 We are agnostic as to when the change should be introduced, but whenever this happens we suggest it is accompanied by the following:
 - 4.1.1 transitional provisions so that projects that have progressed to some specified stage, can at that point can continue to use the previous regime;
 - 4.1.2 a review of existing Planning Act 2008 regime guidance for applicability to shale gas production projects, particularly on associated development so that relevant examples can be given; and
 - 4.1.3 although a National Policy Statement (NPS) is not the subject of this consultation, we suggest that one is brought forward in time for the switching on of the regime for shale gas production projects. As recommended through our research, the NPS should focus on deliverability and not just obtaining consents.

**National Infrastructure Planning Association
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