



planning advisory service



Pre-application Guidance Stage

Topic Training Module



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Purpose of the training module

- Aims to increase your understanding of the various measures that can be followed at the pre-application stage
- One of a series of topic training modules.



Purpose of the training module

- Focusses on the differences of shale applications, the scope and importance of early engagement. Content includes:
 - Applicant liaison with mineral planning authorities
 - Resource requirements
 - MHCLG's role and funding
 - Planning performance agreements
 - Regulator involvement
 - Community engagement and member involvement
 - We will keep the presentation short and succinct to allow time for interactive/break-out sessions
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The facilitators and regulators

- This slide will contain information about the facilitators and their experience in respect of planning for shale developments
 - It will also contain information about other attendees that will be making presentations or assisting with the facilitation of the event such as the other regulators, MHCLG, etc.
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Housekeeping



What is Planning Advisory Service for?

- Funded to support English planning authorities

“[PAS] exists to support local planning authorities in providing effective and efficient planning services, to drive improvement in those services and to support the implementation of changes in the planning system”



- Also work directly with councils
 - Part of the Local Government family (LGA)
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Contents

- Uniqueness and specifics of shale applications
 - What the pre-application stage encompasses
 - Liaison between prospective applicant and MPA
 - Resource requirements
 - Planning Brokerage Service
 - Shale Fund
 - Planning Performance Agreements (PPAs)
 - Involvement of other regulators
 - Community engagement
 - Member involvement
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What makes shale applications unique?

- Potential for unprecedented number of representations
 - Legal challenge, FOI, pre-action protocols
 - Complex technical processes/scientific research material
 - Jargon and fracking 'myths'
 - Regulatory process and regimes
 - The industry may evolve quickly in terms of its scale
 - Officers should be aware of similar development proposals
 - Best practice still emerging
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Pre-application stage

Shale development / 'fracking' is a contentious issue - engagement with industry and communities is critical

- Builds confidence in decision making
- Secures support for proposals
- Sets realistic timeframes
- Opportunity for communities to influence decisions

Mineral planning authorities (MPAs) are advised to plan positively and be prepared to handle unprecedented levels of interest

Liaison between Applicant and MPA

- Early engagement on key issues
 - Reduces validation errors/delays and withdrawn applications
 - The Petroleum Exploration and Development Licences, (PEDLs) awarded by the Oil and Gas Authority presents the opportunity for proactive communications
 - Minimise risk; refusal on technical grounds, reduce appeals and call-ins by Secretary of State
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Resource Requirements

- **Timescales** – some applications have taken over one year to be determined by Committee; dedicated officer/staff recommended
 - **Representations and queries:** ‘shale team’ - large numbers involved – robust, legally sound processes
 - **Specialist advice** - early consultee engagement, costs of advice needs to be fully understood
 - **Security** - council offices, proposed sites, planning committee meetings, Police liaison meetings
 - **Finance** – costs can exceed £100k and more should they go to appeal. Government funding is available to help MPAs improve their capacity and capability
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Planning Brokerage Service

- Support for those involved in decision making announced in Ministerial Statement in May 2018
 - Provides guidance to developers and local authorities on the planning process to help facilitate timely decision making
 - No role in the consideration or determination of planning applications or in the appeal process
 - Will not comment on the merits of a case or seek to influence decisions
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Shale Support Fund

- £1.6m support fund (2017-20) for MPAs dealing with shale applications
 - Allows MPAs to call upon external experts if required
 - Assists MPAs with potential resourcing and capacity issues
 - Clear link to encouraging the use of PPAs
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Planning Performance Agreements (PPAs)

- Paid for by the Applicant – discussed at pre-app stage
 - Essentially a project management tool, assist MPAs with resourcing, timescales, etc.
 - Are not a ‘Deal’ - simply a method of working together to agree key issues, set clear timeframes, provide greater transparency and continuity
 - PPAs allow authorities to obtain Government funding
 - **Does your authority have established PPA policy / guidance?**
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Community engagement (1)

- It is vital that the Applicant engages with the local community as early as possible in the development process
 - UKOOG Shale Community Engagement Charter
 - The Applicant and MPA should agree a strategy for public engagement in the form of a Statement of Community Engagement (SCE), which should include:
 - Who the applicant intends to engage with;
 - What methods they will use; and
 - When the consultation will take place.
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Community engagement (2)

- The SCE should also detail how feedback will be fed to the MPA
 - The following methods of consultation can be used:
 - Community liaison group
 - Public exhibitions
 - Information boards and feedback forms
 - Newsletters
 - Websites
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Community engagement (3)

- All stakeholders should understand how different situations may be handled
 - It is recommended that a dedicated email address and page is provided on the Authority website to make representations more manageable and to ensure information is accessible and comprehensible
 - Authorities should ideally sustain day-to-day administration of communications from all interested parties. **Government funding can be made available for this purpose**
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Shale Commissioner

- On 5th October 2018, former MP Natascha Engel was appointed as an independent Commissioner for Shale Gas
 - The Commissioner will be a contact point for residents and will listen to concerns, referring them to relevant and factual research and to help improve communication with regulators and industry
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Member involvement (1)

- It is important that members have sufficient understanding of shale gas and oil developments
 - It is recommended that member training is carried out as early as possible, ideally prior to applications being received
 - It may be useful for regulators to give presentations and hold events during the planning process
 - PAS offers training in planning for shale gas and oil, which a number of MPAs that have dealt with shale applications have found useful
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Member involvement (2)

- Remain informed throughout the development process, but care required; e.g. predetermination
 - Remain open – listen to all information presented at the Committee meeting
 - High public interest, special arrangements may be required at Committee e.g. longer timescales and enhanced security
 - Live-streaming proceedings is an option
 - Good public speaking protocol in place - fair and transparent, time limits on presentations to allow a broad range of speakers to be heard
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Involvement of other regulators/stakeholders (1)

Shale developments are subject to a range of consents and regulatory controls exercised by various bodies, in addition to MPAs, including:

- The Oil and Gas Authority
 - The Environment Agency
 - The Health and Safety Executive
 - The Coal Authority
 - Natural England
 - The British Geological Survey
 - Public Health England
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Involvement of other regulators/stakeholders (2)

- UKOOG seek to promote open dialogue with key stakeholders and to ensure high standards of safety, environmental management and operations
 - MPAs state that engagement with other regulators is highly beneficial at the pre-application stage
 - Regulators have also made MPAs and communities aware of their responsibilities through presentations at events
 - Newly launched Shale Environmental Regulator Group (SERG) brings regulators together and acts as one face for local authorities and industry
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Top 12 Hints and Tips



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Top 12 Hints and Tips (1)

1. Establish an early dialogue with companies that have Petroleum Exploration and Development Licences in your area
 2. Encourage the developer to engage early with local communities and the other regulators and to have full pre-application discussions with the MPA before submitting any planning application
 3. Apply for shale gas exploration funding from MHCLG if it is available
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Top 12 Hints and Tips (2)

4. Consider entering into a Planning Performance Agreement

5. Ensure that all interested parties are kept informed of the proposed development and the decision making process

6. Put relevant information on shale gas and oil policy, information and applications on the website

Top 12 Hints and Tips (3)

7. Provide member training and keep members informed at key stages in the planning process

8. Ensure that administrative systems, processes and staffing levels are fit for purpose to deal with the very large numbers of representations

9. Establish a 'development team' of relevant technical officers

Top 12 Hints and Tips (4)

10. Encourage 'twin-tracking' - environmental permitting applications with planning applications

11. Ensure that there are robust procedures in place Freedom of Information and Environmental Information requests, how representations will be dealt with and public speaking at Committee

12. Establish a Community Liaison Group to provide an effective link between the Mineral Planning Authority, other regulators, the operator and the local community



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Break-out session: Member engagement at the pre-application stage



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Discussion Points

- To what extent should members get involved in pre-application discussions?
 - Would early briefings / guidance from the MPA on likely shale forthcoming applications be useful?
 - How to deal with community queries and be seen as impartial
 - How to handle questions on key issues
 - What type of early engagement methods are preferred by members? (meetings / presentations, forums, site visits, etc.)
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Final Questions, concluding remarks and evaluation



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PAS needs your feedback

- PAS need to know what you think. On reflection, was today useful?
 - 10 minutes of feedback in return for £100s of support
 - We read all comments and use your ideas to change what we do and how we do it
 - Our board use this to decide what we do with our grant. If we don't get positive feedback we are unlikely to continue
 - Please complete the feedback/evaluation form
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Come and see us

Sign up for a newsletter

@pas_team

Knowledge Hub

The screenshot shows the PAS Knowledge Hub website. At the top is a navigation bar with 'Knowledge Hub' and 'Local Government' on the left, and 'Register', 'Sign In', and a search box on the right. Below this is a secondary navigation bar with links for 'Home', 'About', 'Leadership', 'Plan making', 'Decisions', 'Growth', 'Discussions', and 'Events'. The main content area features a large article titled 'New event series - Understanding the economic and financial impacts of planning' with a sub-image of gold coins and green building blocks. Below the article is a 'Play' button and a series of numbered tabs (1-6). To the right of the main article is a sidebar containing a 'Discussion Forum' announcement, a 'Sign-up Monthly newsletter' button, a 'Register PAS update service' button, and a 'Follow us on Twitter' section with two tweets from @pas_team. At the bottom of the main content area, there are three smaller article thumbnails: 'Make the most of PAS' (showing an open book), 'Councillors' area' (showing people walking), and 'Improvement support' (showing people working on a wooden structure).

Join us in the Knowledge Hub

Exclusively for local authority
councillors and officers

(.gov email only)

Knowledge sharing, updates
and information

What's happening elsewhere?

Ask questions of your peers

Sign up: <https://khub.net>



The screenshot shows the Knowledge Hub interface. At the top, there is a purple navigation bar with the KHL logo, 'GROUPS', 'PEOPLE', 'NETWORKS', and 'HELP' links. On the right, a user profile for 'Martin' is visible with notification icons. The main content area features a green card for the 'Effective Planning for Shale Gas' group, with 'Last activity - Today' below it. To the right of the card is a detailed description of the group's purpose and aim, enclosed in a light blue dashed box. Below the card, a 'You joined' section lists actions: 'Add to favourites', 'Subscribe', and 'Leave the group'. A red lock icon indicates 'This is a restricted group'.

Effective Planning for Shale Gas

Last activity - Today

You joined

- Add to favourites
- Subscribe
- Leave the group

This is a restricted group

Effective Planning for Shale Gas - forum for planning authorities

This group's purpose is to equip planning authorities to deal quickly and effectively with all aspects of planning applications for shale gas.

Our aim as a group is help you to navigate and understand the latest national policy developments; plug you into help & advice from the regulators and signpost useful training, guidance and funding.

The group is moderated by the LGA & PAS and is for local government planning professionals and councillors. We are also extending membership to key people working for the regulatory authorities.



PAS contacts

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