

Carl Sargeant AC / AM  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-648  
Ein cyf/Our ref CS/01032/15

William Powell AM  
Chair Petitions Committee  
Ty Hywel  
Cardiff Bay  
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29 July 2015

Dear William

Thank you for your correspondence regarding petition number P-04-648 which proposes an amendment to the unconventional oil and gas Direction.

The petition asks that a loophole relating to the application of the Notification Direction be closed. The perceived loophole is based on the understanding that the only applications caught by the Notification Direction and which should be referred to Ministers are those that the local planning authority is inclined to refuse.

This is not the case. The Notification Direction provides that where local planning authorities are minded to approve planning applications for the exploration, appraisal, or extraction of unconventional oil and gas which would utilise unconventional techniques (including hydraulic fracturing) they must be referred to the Welsh Ministers. The Direction does not include the making of exploratory boreholes which do not involve unconventional techniques such as fracking. The Direction was issued on 13<sup>th</sup> February 2015 and applies to any application for planning permission registered as valid on or after 16th February 2015.

Exploratory boreholes are not included in the Notification Direction because the process of drilling test boreholes is not the same as fracking. Drilling boreholes is a routine part of engineering works and is undertaken for a wide variety of different reasons, to underpin the construction of the built environment, forestry and agricultural operations and the work of utilities providers. Boreholes have been drilled for a long time with no long lasting environmental consequences.

The Direction would not need to apply to applications which are inclined to be refused. When a planning authority refuses planning permission an applicant has the right to appeal to Welsh Ministers. Most planning appeals are determined by Planning Inspectors under statutory powers transferred to them. Welsh Ministers, however, have the power to recover planning appeals from the Inspectorate and determine applications themselves.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carl Sargeant', written in a cursive style.

**Carl Sargeant AC / AM**  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources