



Department for
Business, Energy
& Industrial Strategy

INCLUSION OF SHALE GAS PRODUCTION PROJECTS IN THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT REGIME

Initial consultation on the timings and criteria for including major shale gas production projects in the Nationally Significant Infrastructure Project regime

Closing date: 25 October 2018
July 2018



OGL

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Any enquiries regarding this publication should be sent to us at: shalegas.NSIP@beis.gov.uk

Contents

General information	4
Why we are consulting	4
Consultation details	4
Confidentiality and data protection	5
Quality assurance	5
Executive summary	6
Overview	6
Aims of the consultation	7
Consultation context	8
What is shale gas?	8
Current planning practice	11
National planning regime	12
Moving shale gas production into the Nationally Significant Infrastructure Project regime	17
Consultation questions	20
Next steps	21
Annex	22
Annex A – General Privacy Notice	22

General information

Why we are consulting

This initial consultation is intended to gather views from industry, regulators and other interested parties on the timings and criteria for including shale gas production projects in the Nationally Significant Infrastructure Project regime under the Planning Act 2008.

Consultation details

Issued: 19 July 2018

Respond by: 25 October 2018

Enquiries to:

Oil and Gas Exploration and Production Team
Department for Business, Energy & Industrial Strategy,
Orchard 2, Third Floor
1 Victoria Street
London, SW1H 0ET

Email: shalegas.NSIP@beis.gov.uk

Consultation reference: Inclusion of Shale Gas Production Projects in the Nationally Significant Infrastructure Project Regime Consultation.

Audiences:

We encourage responses to this consultation from the following in particular:

- onshore oil and gas operators with an interest in developing shale gas production sites;
- anyone conducting research or providing advisory services relating to the exploration and development of shale gas resources;
- industry bodies, groups or individuals with an interest in the production of onshore shale gas;
- regulators dealing with the use, management and protection of onshore shale gas resources; and
- planning authorities responsible for plan-making and decision taking in relation to planning applications for shale gas projects.

Territorial extent:

The proposal in this initial consultation to include shale gas production projects in the Nationally Significant Infrastructure Project regime is intended to apply only in England.

How to respond

Respond online at: <https://beisgovuk.citizenspace.com/energy-development/nsip-shale-gas>

or

Email to: shalegas.NSIP@beis.gov.uk,.

or

Write to:

Oil and Gas Exploration and Production Team
Department for Business, Energy & Industrial Strategy,
Orchard 2, Third Floor
1 Victoria Street
London, SW1H 0ET

When responding, please state whether you are responding as an individual or representing the views of an organisation. Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable UK and EU data protection laws. For further information please see our [privacy policy](#) and a general privacy notice in Annex A.

We will summarise all responses and publish this summary on [GOV.UK](#). The summary will include a list of names or organisations that responded, but not people's personal names, addresses or other contact details.

Quality assurance

This consultation has been carried out in accordance with the government's [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: beis.bru@beis.gov.uk.

Executive summary

This initial consultation seeks views on the timings and criteria for major production phase shale gas projects to be included in the Nationally Significant Infrastructure Project regime under the Planning Act 2008.

Overview

The Written Ministerial Statement of 17 May 2018 stated that government would ‘(...) *consult in summer 2018, on the criteria required to trigger the inclusion of shale production projects into the Nationally Significant Infrastructure Project regime.*’¹

Natural gas still makes up around a third of UK energy usage and every scenario proposed by the Committee on Climate Change, setting out how the UK could meet its legally-binding 2050 emissions reduction target, includes demand for natural gas. The UK has gone from being a net exporter of gas in 2003 to importing over half (53%) of gas supplies in 2017 and estimates suggest we could be importing 72% of our gas by 2030.

Development of onshore gas resources has the potential to deliver substantial economic benefits to the UK economy and for local communities where supplies are located, by creating thousands of new jobs directly in extraction, local support services, and the rest of the supply chain. A potential new shale gas exploration and production sector in the shale basins of England could provide a new economic driver. There is also an opportunity to work with industry on innovation to create a “UK Model” - the world’s most environmentally robust onshore shale gas sector - and to explore export opportunities from this model, a core theme of our modern industrial strategy. The UK has a robust regulatory system which provides a comprehensive regime for all oil and gas activities including shale gas.

The government recognises that the development of shale gas needs to be alongside support from the local communities which could potentially benefit. Local communities must be fully involved in planning decisions and any shale planning application – whether decided by councils or government.

Currently, any organisation wishing to undertake a shale gas development must submit its planning applications to local Mineral Planning Authorities under the Town and Country Planning Act 1990.

The Planning Act 2008 created a planning process for Nationally Significant Infrastructure Projects in fields of development including energy, water, waste water, road and rail transport and hazardous waste disposal. For projects falling within scope of what is defined in the Planning Act 2008 as a Nationally Significant Infrastructure Project, this becomes the only route for obtaining planning consent. The Planning Act 2008 defines the type and scale of infrastructure developments considered to be nationally significant and therefore required to

¹ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-05-17/HCWS690>

obtain development consent. The final decision for granting development consent rests with the relevant Secretary of State depending on the type of infrastructure project.

If the Planning Act 2008 was amended to include major shale gas production projects as a Nationally Significant Infrastructure Project, then all future shale gas production projects that met defined threshold(s) would have to apply for development consent within the Nationally Significant Infrastructure Project regime. This would only apply to production phase projects, however, and not exploration or appraisal projects for which planning applications would continue to be considered under the Town and Country Planning Act 1990.

Automatically including eligible major shale gas production projects into the Nationally Significant Infrastructure Project regime would bring such applications into a well-defined process with clear, established governance and timelines designed for larger and more complex infrastructure projects. This would bring such shale gas production projects in line with other energy projects of national significance such as the development of wind farms and gas fired generation stations. In this case, the final decision for granting or refusing development consent would rest with the Secretary of State for the Department of Business, Energy & Industrial Strategy (BEIS).

Aims of the consultation

The government is seeking views on the potential timing and the criteria for major shale gas production projects to be included in the Nationally Significant Infrastructure Project regime. The industry is still in the exploration stage in the UK and this initial consultation is focused on preparing for a potential future production phase.

This document describes the context for the consultation and provides an overview of the current application process (under the Town and Country Planning Act 1990), as well as the potential future application process were shale gas production projects to be included in the Nationally Significant Infrastructure Project regime under the Planning Act 2008. For more detailed information, and when responding to consultation questions, respondents should refer to the [Town and Country Planning Act 1990](#) and the [Planning Act 2008](#).

The consultation questions, which we would appreciate your responses to, are listed in the Consultation Questions Section.

Consultation context

This section describes the scope of the consultation and gives an overview of the current planning regime for shale gas development; it also provides detail on the Planning Act 2008 and the Nationally Significant Infrastructure Project regime.

Consultation context

- The proposal being consulted on only applies to production from shale gas.
- This consultation is only considering the question of moving production phase shale gas projects into the Nationally Significant Infrastructure Project regime and is not looking to change the planning application process for exploration and appraisal projects.
- This initial consultation is not proposing, or seeking views on, a National Policy Statement for shale gas production at this stage.

What is shale gas?

Shale gas is natural gas found deep underground in impermeable (shale) rock and requires hydraulic fracturing to flow. This technique involves injecting a mixture of water and sand into the shale at high pressure to create tiny fractures (about the width of a hair) and keep them open, see Figure 1 below. Small quantities of chemicals are also included to improve effectiveness.

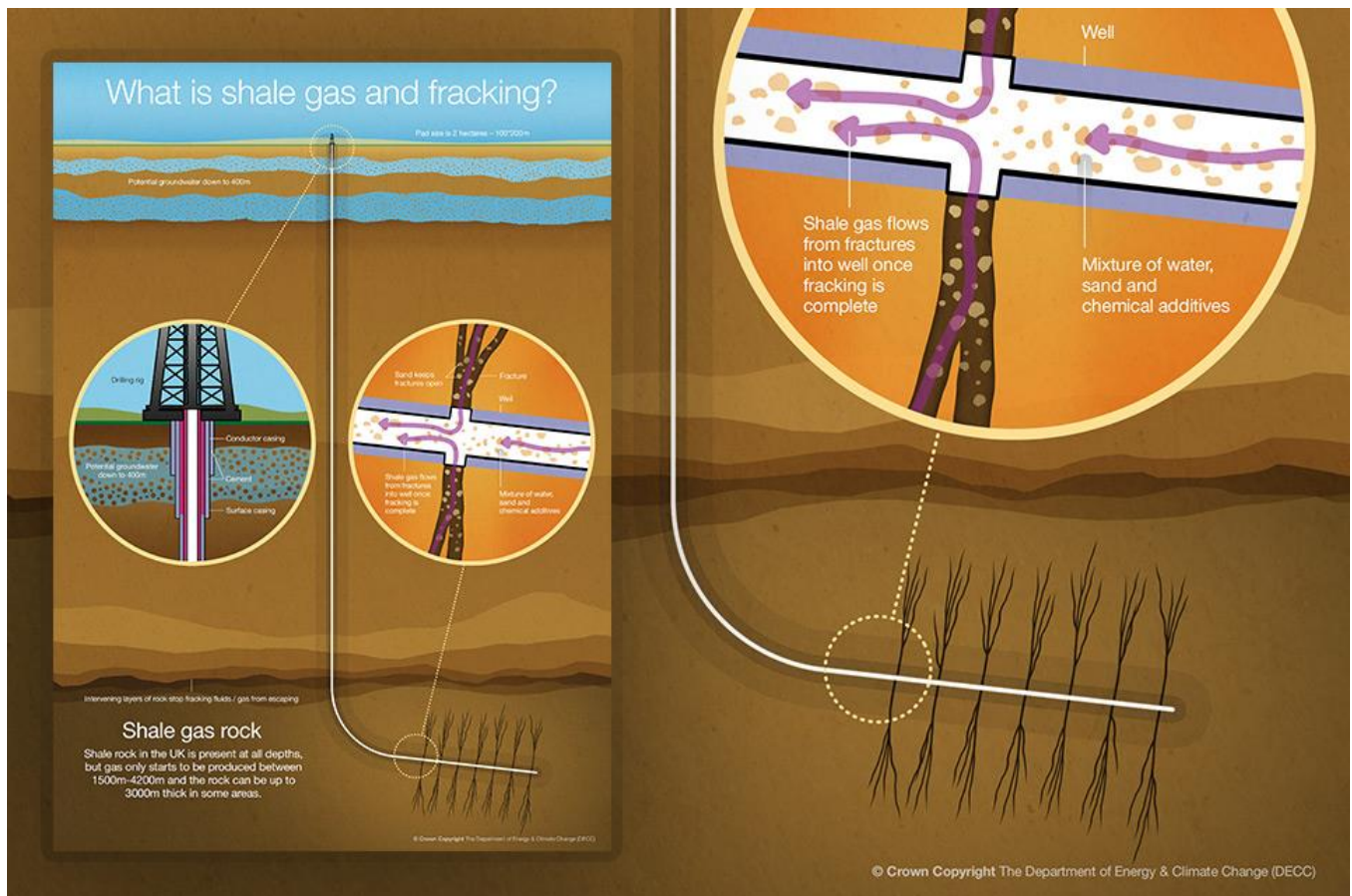


Figure 1: Schematic diagram of hydraulic fracturing (note diagram is not to scale), source gov.uk.

The areas in England identified by the British Geological Survey with potentially large reserves of shale gas and oil are the Bowland-Hodder area in northern England and the midlands and the Weald Basin in southern England. UK geology is promising, with significant potential levels of gas initially in place, but further exploration and appraisal is required to determine the potential recoverable volume of shale gas in the UK. There are multiple stages to extracting onshore shale gas resources which are shown in Figure 2 below.

The onshore oil and gas industry in the UK has been in existence for over 150 years and around 2,000 onshore oil and gas wells have now been drilled in the UK, with about 10% of them having been safely hydraulically fractured², however, only one well has conducted high volume hydraulic fracturing treatment in shale gas to date which was at the Preese Hall exploration site (Lancashire) in 2011. The UK has over 50 years of experience of regulating the onshore oil and gas industry, and is among the world leaders in well regulated, safe and environmentally sound oil and gas developments.

² UK Onshore Oil and Gas (UKOOG) <http://www.ukoog.org.uk/onshore-extraction/history>

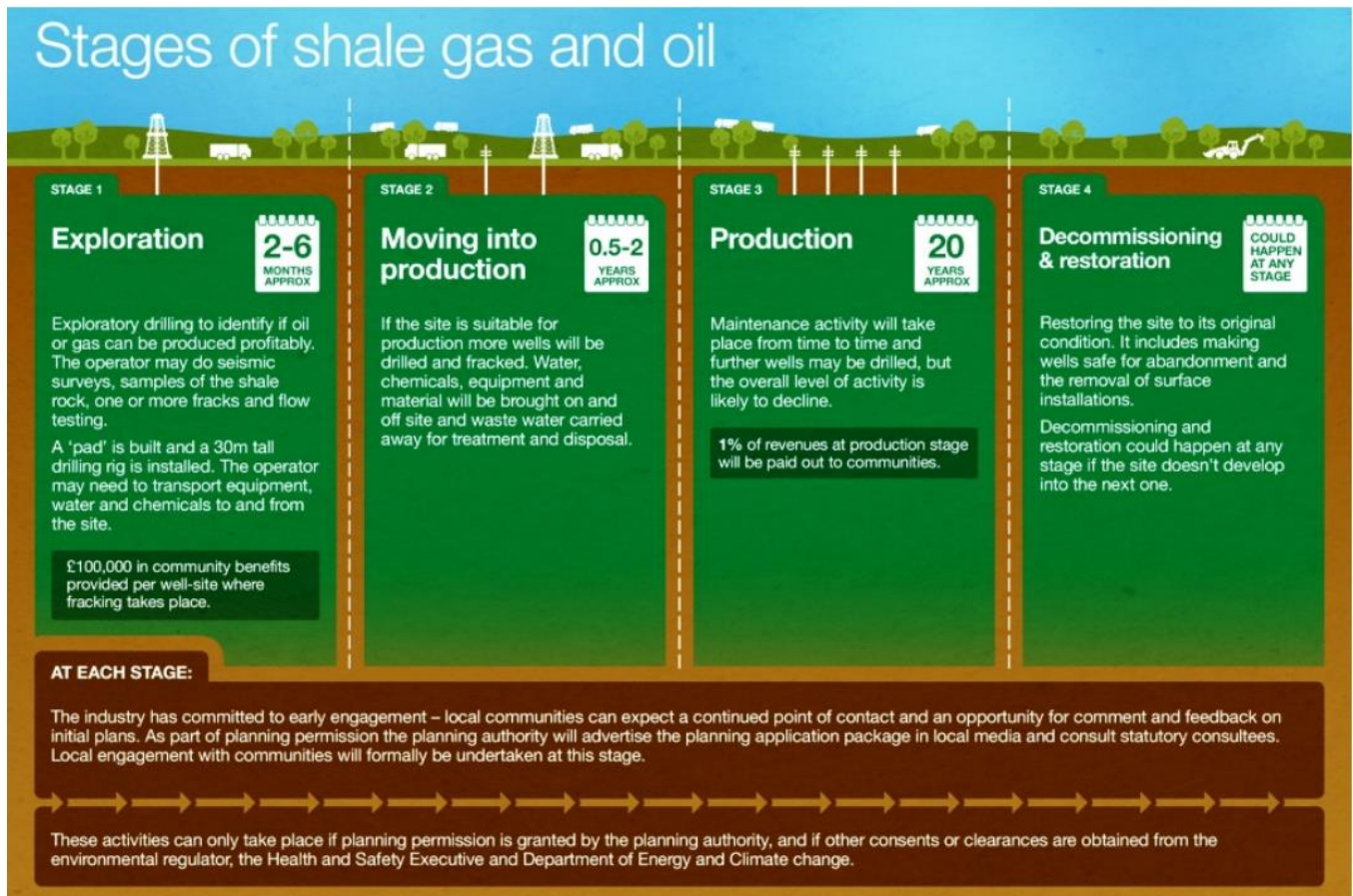


Figure 2: The various stages of shale gas and oil extraction, the industry is still within the exploration phase across the UK, source gov.uk

Summary of onshore shale gas operations

The industry is in the initial stages of exploration (see Figure 2) as it seeks to gather information on the potential recoverable volumes, flow rates or number of wells/well-sites required for shale gas resources to be economically viable in the UK.

- There are currently fewer than ten operators with ownership of an onshore Petroleum Exploration and Development Licence with the primary target to explore for shale gas.
- Only one well has conducted high volume hydraulic fracturing treatment in shale gas at the Preese Hall exploration site in Lancashire in 2011.
- No shale gas wells have yet been appraised by flow testing gas to the surface.
- There is no commercial production from any hydraulically fractured shale gas resources onshore in the UK at present.

Current planning practice

Under the current planning regime, any shale gas projects looking to enter the production phase would need to go through the same permitting and permissions process as other onshore oil and gas production phase projects, including:

- having a Petroleum Exploration and Development Licence covering the total area for onshore extraction of hydrocarbons;
- obtaining planning permission (under the Town and Country Planning Act 1990) from the local Minerals Planning Authority or from the Secretary of State for the Ministry of Housing, Communities & Local Government (MHCLG) on appeal or if a planning application is called-in by him for his determination; and
- receiving the relevant permits and approvals from regulators such as the Oil and Gas Authority (OGA), Environment Agency (EA) and Health and Safety Executive (HSE) - the UK are among the world leaders in well regulated, safe and environmentally sound oil and gas developments designed to protect individuals and communities.

For the production phase the operator would also submit a Field Development Plan to the OGA who then give consent for field production.

Planning permission

The planning system controls the development and use of land in the public interest and this includes ensuring that the new development is appropriate for its location, taking account of the effects (including cumulative effects) such as pollution, visual impact, transport movements and flood risk among many others.

The extraction of hydrocarbons, including shale gas, can only take place in licenced areas under the Petroleum Exploration and Development Licence issued by the OGA. Many production projects will be within an already granted Petroleum Exploration and Development Licence location from the exploration and appraisal phase. However, if any additional wells/well-sites are required which fall outside of the current licence then the operator will first need to be granted a Petroleum Exploration and Development Licence.

As necessary, an operator must seek planning permission under the Town and Country Planning Act 1990 for the extraction of hydrocarbons from the local Mineral Planning Authorities or from the Secretary of State for MHCLG on appeal or if a planning application is called-in by him for his determination. This applies for both conventional hydrocarbons and unconventional hydrocarbons such as shale gas and coalbed methane. There is a statutory timeframe of 16 weeks where an Environmental Impact Assessment is required and 13 weeks in all other cases unless a timeline is otherwise agreed with the applicant.

Regulatory framework

In the UK, we have been regulating for gas and oil drilling, both onshore and offshore, for many years and have tough regulations in place to ensure on-site safety, prevent water contamination, and mitigate seismic activity and air pollution. The regulatory regimes are separate but complementary to the planning permissions.

To reinforce our already robust regulations, the Infrastructure Act 2015 introduced a range of further requirements that must be met before an operator can carry out high volume hydraulic fracturing in a responsible, sustainable and safe manner. These include the assessment of environmental impacts, groundwater monitoring, community benefits and the exclusion of other protected areas. In addition, our regulations ensure that the risk of seismic activity during hydraulic fracturing is assessed and that operations are monitored to allow action to be taken where necessary.

Further details of the planning process and regulatory framework can be found on the 'Developing Shale Gas in the UK' page on gov.uk which can be accessed here:

<https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-fracking/developing-shale-oil-and-gas-in-the-uk>

An interactive flow chart and further information on the planning and regulatory framework of the consent process for an exploration/appraisal well following the submission of a planning application can be found within the 'Onshore Oil and Gas Exploration in the UK: regulation and best practice' pdf via this link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503067/Onshore_UK_oil_and_gas_exploration_England_Dec15.pdf.

National planning regime

Planning Act 2008

The Planning Act 2008 provides the legal framework for applying for, examining and determining applications for Nationally Significant Infrastructure Projects; taking into account any National Policy Statements where necessary.

The Planning Act 2008 created a planning process for Nationally Significant Infrastructure Projects in fields of development including energy, water, waste water, road and rail transport and hazardous waste disposal. For projects falling within scope of what is defined in the Planning Act 2008 as a Nationally Significant Infrastructure Project, this becomes the only route for obtaining development consent. The Planning Act 2008 defines the type and scale of infrastructure developments considered to be nationally significant and therefore required to obtain development consent. The final decision for granting development consent rests with the relevant Secretary of State, for matters relating to the field of energy this would be the Secretary of State for BEIS.

National Policy Statements

A National Policy Statement sets out, for the relevant sector, the national need in planning policy terms for new or expanded Nationally Significant Infrastructure Projects. For projects in that sector where a National Policy Statement has effect, it provides clarity and certainty for scheme developers in establishing the national need for the infrastructure and certainty in terms of timescales on decision-making.

It is not a requirement to have a National Policy Statement to support a Nationally Significant Infrastructure Project, but when designated, National Policy Statements set out the criteria by which development consent applications for that type of Nationally Significant Infrastructure Project are determined. They include the government's objectives for the development of Nationally Significant Infrastructure Projects in a particular sector.

National Policy Statements provide a framework within which the Planning Inspectorate makes its recommendation to the Secretary of State on development consent applications. In making decisions on such applications, the Secretary of State must also have regard to any local impact report submitted by a local authority, and any other matters which the Secretary of State considers are both important and relevant to any decision.

There are currently designated National Policy Statements which are grouped into fields including an overarching field of energy (EN-1). There are a further five specific Energy National Policy Statements which cover:

- fossil fuel electricity generation (EN-2);
- renewable energy (EN-3);
- gas supply infrastructure and gas and oil pipelines (EN-4);
- electricity networks (EN-5); and
- nuclear power generation (EN-6).

Nationally Significant Infrastructure Projects

Nationally Significant Infrastructure Projects are major infrastructure developments of a type and scale defined under the Planning Act 2008, the Nationally Significant Infrastructure Project regime is bespoke in three main ways:

- **Establishes the need:** If an application for development consent demonstrates that it meets the national evidence base and 'need' in planning policy terms set out in the National Policy Statement, that national need does not need to be revisited again during the examination nor in determining the application.
- **Timescales:** The Planning Act 2008 sets out prescribed timescales for the examination and determination of applications for development consent. This means, in effect, that decisions must be made within one year of commencement of the examination, unless one or more of the relevant deadlines are extended by the Secretary of State. There are extensive requirements on applicants to consult with local authorities, communities and statutory consultees at the pre-application stage as set out in the Planning Act 2008. There is the opportunity for local authorities, statutory bodies and other interested parties to participate

in the examination of an application. Members of the public can also take part in the examination stage if they register as an interested party.

- **Single application:** Finally, if a Development Consent Order is granted, it can incorporate other powers which cannot be included in a planning permission under the Town and Country Planning Act 1990. For example, powers for the compulsory acquisition of land.

If individual infrastructure projects meet the relevant thresholds set out within the Planning Act 2008, then the Secretary of State automatically becomes the decision-maker for determining an application for development consent.

Development consent process

Under the Planning Act 2008, an operator wishing to construct a Nationally Significant Infrastructure Project must submit a development consent application to the Secretary of State. As part of this process, the operator will need to have assessed any likely significant impacts of the proposed project.

For such projects, where an application is accepted, the Secretary of State will appoint an 'Examining Authority' to examine the application in accordance with any relevant National Policy Statement. The Examining Authority will be arranged by the Planning Inspectorate and will be either a single Inspector or a panel of between two and five Inspectors. The examination will take into account any information and have regard to any local impact report submitted by the local authority as well as representations from statutory bodies, non-governmental organisations and other interested parties including the local community.

Once the examination has been concluded, the Examining Authority will reach its conclusions and make a recommendation to the Secretary of State, who will make the decision on whether to grant or to refuse consent. The timeline for applications for a Nationally Significant Infrastructure Project under the Planning Act 2008 is shown in Figure 3 below.

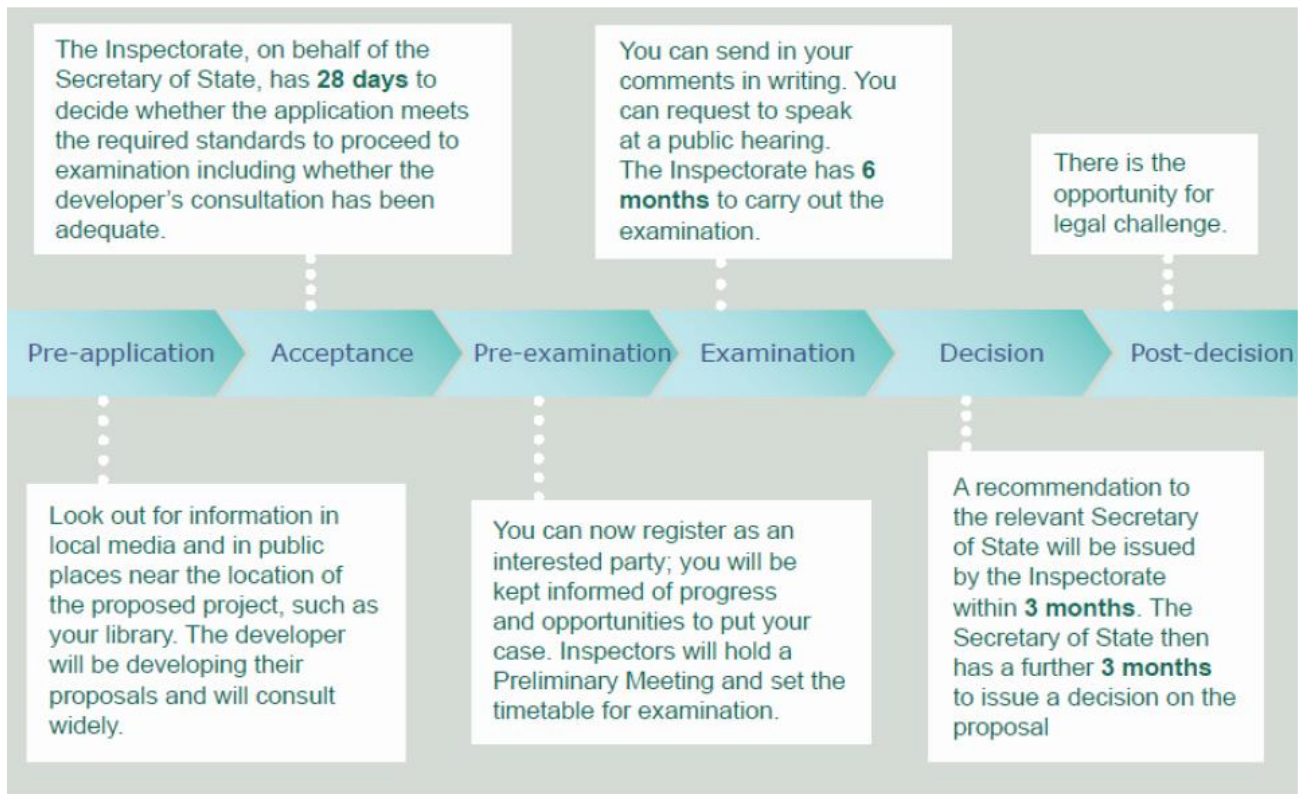


Figure 3: Timeline for development consent for energy infrastructure in the Nationally Significant Infrastructure Project regime under the Planning Act 2008.³

Directing projects into the Nationally Significant Infrastructure Project regime

There is already a mechanism for planning applications to be directed into the Nationally Significant Infrastructure Project regime by the relevant Secretary of State under Section 35 of the Planning Act 2008 (on a case-by-case basis).

In order for a direction to be given the project needs to fall within one of the specified fields of energy, transport, water, waste water or waste and the relevant Secretary of State needs to consider that the project is of national significance, either by itself or when considered with one or more other projects or proposed projects in the same field.

Were the Secretary of State to decide that a project should be directed into the Nationally Significant Infrastructure Project regime, then the project would be subject to the same requirements and go through the same process as a project which was a Nationally Significant Infrastructure Project by virtue of meeting the relevant thresholds.

³ The Planning Inspectorate (2016): <http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-1v4.pdf>

The role of local communities and local authorities within the Nationally Significant Infrastructure Project regime

Members of the local community and the local authorities are able and encouraged to get involved in Nationally Significant Infrastructure Project applications from the pre-application stage through to the examination of the application⁴.

- **Pre-application:** Under the Nationally Significant Infrastructure Project system, people living in the vicinity of the site have to be consulted on proposed projects at the pre-application stage. Before commencing consultation, the developer must prepare a draft consultation strategy known as the Statement of Community Consultation. The developer is required to send a copy of the draft Statement of Community Consultation to the relevant local authorities and to have regard to any comments they make about the proposed consultation strategy, before producing the final document. Developers must carry out their pre-application consultation with the local community in line with the Statement of Community Consultation.
- **Acceptance:** All applications must be accompanied by a Consultation Report. In this document the developer (now applicant) must show that they have complied with the statutory pre-application consultation requirements, and that they have had regard to the responses that they have received to the consultation. The Planning Inspectorate will consider the Consultation Report, alongside any representations made by a local authority about the adequacy of consultation before deciding whether or not the applicant has complied with the statutory pre-application procedure and whether or not to accept the application for examination.
- **Examination:** If an application is accepted for Examination, members of the public will have the opportunity to register their interest and participate in the examination by making a Relevant Representation during the pre-examination period and so becoming an interested party. The Relevant Representation period will be advertised on the dedicated project page of the National Infrastructure Planning website, and in notices placed by the developer in local and national newspapers. The host local authority will automatically be an interested party at the examination stage and neighbouring local authorities may also register to become interested parties. Local authorities can submit Local Impact Reports which are defined as reports “*in writing giving details of the likely impact of the proposed development on the authority’s area (or any part of that area)*”. The Examining Authority and the Secretary of State must have regard to any Local Impact Reports submitted by a relevant local authority.

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8.0.pdf>

Moving shale gas production into the Nationally Significant Infrastructure Project regime

The Nationally Significant Infrastructure Project regime has a well-defined process with clear, established governance and timelines designed for the consideration of large and complex infrastructure projects. Major shale gas developments which are at the production phase would be most suitable for inclusion in the Nationally Significant Infrastructure Project regime as these could be of a scale to be considered nationally significant. The current shale gas exploration and appraisal stage projects are of a smaller scale and are more appropriate for consideration under the Town and Country Planning Act 1990 as at present.

Data from the first exploration sites, currently under development, will provide useful evidence and an indication of the viability of the industry. It is likely that data from multiple additional exploration and appraisal wells will be needed to give an indication of the timing on commercialisation and production of shale gas in England.

Eligible major shale gas production projects would fall within the field of energy and so the final decision for granting or refusing development consent would rest with the Secretary of State for BEIS.

The Planning Act 2008 covers both England and Wales; however, this initial consultation is only proposing the inclusion of eligible major shale gas production projects in England in the Nationally Significant Infrastructure Project regime – as also stated in the Written Ministerial Statement of 17 May 2018.

Planning applications for production projects which do not meet the criteria to be considered nationally significant will still be subject to the planning process under the Town and Country Planning Act 1990. The UK has world class regulation to ensure that shale gas exploration can happen safely, respecting local communities and safeguarding the environment. It is likely that there would be no change to the responsibilities and remit of the non-planning bodies if shale gas production were to be included into the Nationally Significant Infrastructure Project regime, since all current approvals from the various bodies would probably still be required.

Criteria for inclusion of shale gas under the Nationally Significant Infrastructure Project regime

Currently the shale gas sector is in the exploration phase in the UK with no commercially active sites in operation yet. Government is seeking views in this initial consultation to ensure the most appropriate criteria and timings are set for potentially including major shale gas production in the Nationally Significant Infrastructure Project regime.

The consultation questions in the next section outline some potential criteria which could determine if a shale gas production project is considered nationally significant. A summary of these criteria is below.

- **Number of Wells:** Since shale gas is within very low permeability rock the gas does not easily flow. Therefore, to access and produce commercial amounts of natural gas multiple horizontal wells are drilled and hydraulically fractured as demonstrated in Figure 4. The

number of horizontal wells will vary depending on the geology and gas properties, however, with multiple wells from one well-site and potentially multiple well-sites within a Petroleum Exploration and Development Licence this could provide criteria for when a production project is nationally significant.

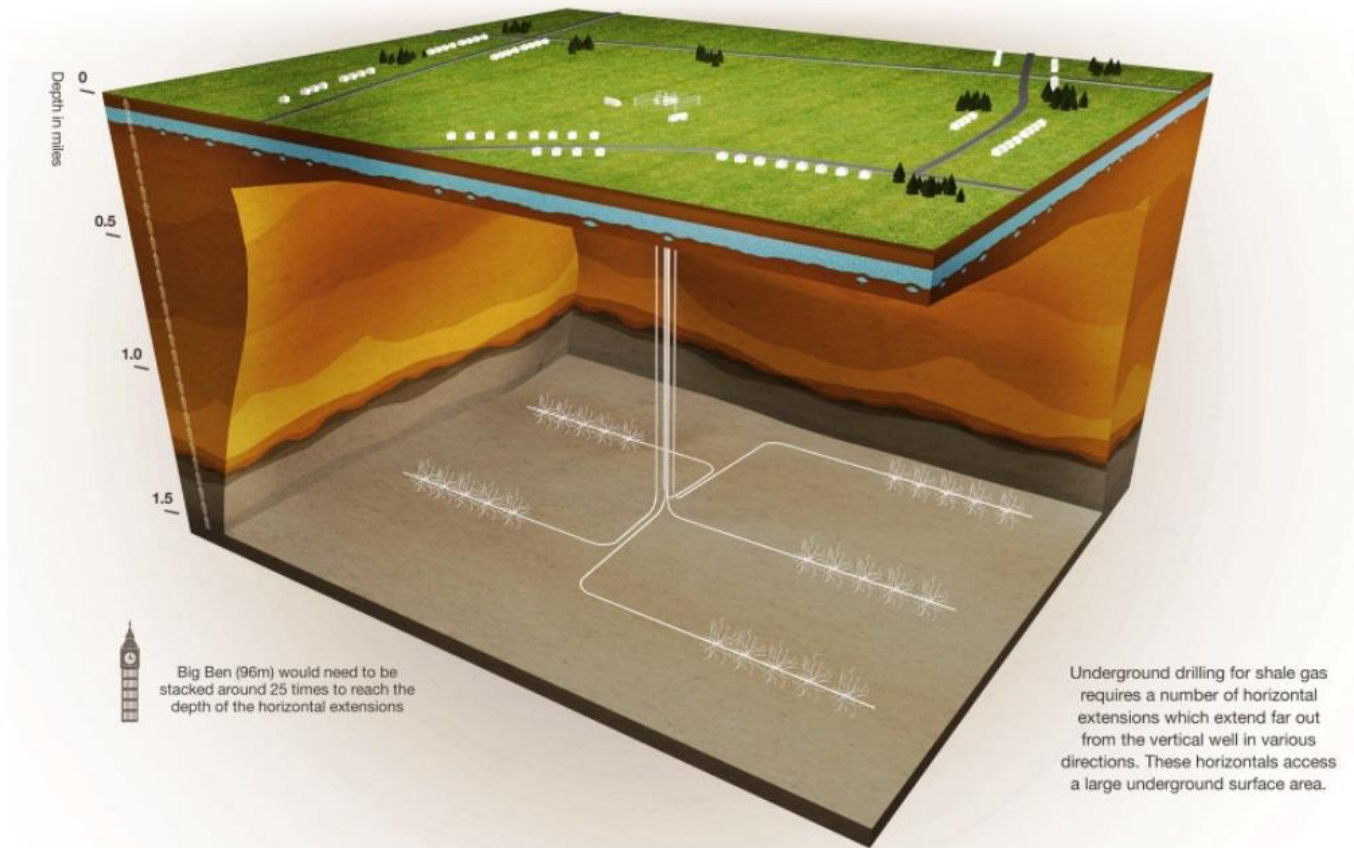


Figure 4: Schematic diagram of multiple lateral wells from one surface well-site, source gov.uk.

- **Recoverable Gas:** Other Nationally Significant Infrastructure Projects such as Liquefied Natural Gas plants and underground gas storage have the storage capacity as one of the criteria for inclusion in the Nationally Significant Infrastructure Project regime. Similarly, once operators have completed exploration and appraisal work they will have an estimate of what can be produced/recovered from the development and the quantity of gas demand the production site could meet.
- **Gas Production:** Sites can vary in the level of production over a given time period (e.g. per day, month, year or well lifetime) despite having similar estimated recoverable volumes. This will depend on the geology and the number of horizontal wells and quality of well completions such as hydraulic fracturing operations. Therefore, sites could have high flow rates for a number of years and be considered nationally significant.
- **Local or National Grid Connection:** A production site may require a direct connection to the local gas distribution network or national transmission system. This would put the

produced gas directly into the supply network for homes and businesses. These new connections would require application and approval from National Grid.

- **Associated Equipment:** Various factors such as the number of producing wells and the composition of the recovered gas could require equipment to be installed on-site. These could include water treatment facilities, micro-generation plants and other gas processing facilities which when combined could result in an expansive development project.
- **Shared Infrastructure:** Where there is more than one well-site some operators may develop shared infrastructure to connect operations. These could include road networks, gas/water pipelines and communications/fibre optic cables. Larger scale production projects with significant levels of new physical and digital infrastructure could be considered nationally significant.

It may be appropriate to have a combination of criteria to determine whether a shale gas production project is nationally significant. Some example Nationally Significant Infrastructure Projects with combinations include liquefied natural gas plants which in addition to a threshold on the storage capacity also have a threshold on the daily output of gas from the plant.

Timing for Inclusion

Government is also seeking views on the most appropriate stage in the industry's development for major shale gas production projects to be included under the Nationally Significant Infrastructure Project regime.

Larger scale production across multiple sites in England may still be many years away, but with the potential for exploration and appraisal activity to occur this year, it is feasible that applications for the first production site(s) could be ready in the coming years.

In addition to the different options for the design of the relevant criteria, there is also a question as to the timing for the inclusion of major shale gas developments into the Nationally Significant Infrastructure Project regime. For instance, it might be appropriate to have this in place prior to the first production site application; alternatively, it may be appropriate to reach an as yet undefined level of shale gas exploration and appraisal activity to inform the viability and scale of shale gas production within England.

Consultation questions

The government would welcome responses to the following questions.

- 1. Do you agree with the proposal to include major shale gas production projects in the Nationally Significant Infrastructure Project regime?**
- 2. Please provide any relevant evidence to support your response to Question 1.**
- 3. If you consider that major shale gas production projects should be brought into the Nationally Significant Infrastructure Project regime, which criteria should be used to indicate a nationally significant project with regards to shale gas production? Please select from the list below:**
 - a. The number of individual wells per well-site (or 'pad')
 - b. The total number of well-sites within the development
 - c. The estimated volume of recoverable gas from the site(s)
 - d. The estimated production rate from the site(s), and how frequently (e.g. daily, monthly, annually or well lifetime)
 - e. Whether the well-site has/will require a connection to the local and/or national gas distribution grid
 - f. Requirement for associated equipment on-site, such as (but not limited to) water treatment facilities and micro-generation plants
 - g. Whether multiple well-sites will be linked via shared infrastructure, such as gas pipelines, water pipelines, transport links, communications, etc
 - h. A combination of the above criteria – if so please specify which
 - i. Other – if so please specify
- 4. Please provide any relevant evidence to support your response(s) to Question 3.**
- 5. At what stage should this change be introduced? (For example, as soon as possible, ahead of the first anticipated production site, or when a critical mass of shale gas exploration and appraisal sites has been reached).**
- 6. Please provide any relevant evidence to support your response to Question 5.**

Next steps

Following this initial consultation closing on 25 October, the government will consider the replies and issue a response. Since secondary legislation would be required in order to implement any proposed changes it is intended that a further consultation would need to be carried out. This further consultation would build on the evidence from this initial consultation and be accompanied by a full impact assessment.

Annex

Annex A – General Privacy Notice

Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Department of Business, Energy & Industrial Strategy (BEIS) is the data controller. The Data Protection Officer can be contacted at:

BEIS Data Protection Officer
Department for Business, Energy & Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Email: dataprotection@beis.gov.uk

2. What data we need

The personal data we collect from you will include:

- an email address or other contact address
- a given name

The legal basis for processing this data is to perform a task in the public interest.

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, BEIS may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

We will only retain your personal data for as long as:

- it is needed for the purposes set out in this document
- the law requires us to

In general, this means that we will only hold your personal data for a minimum of 1 year and a maximum of 7 years.

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. Your personal data will not be sent overseas

7. Your personal data will not be used for any automated decision making.

8. Your personal data will be stored in a secure government IT system.

This consultation is available from: <https://www.gov.uk/government/consultations/inclusion-of-shale-gas-production-projects-in-the-nationally-significant-infrastructure-project-nsip-regime>

If you need a version of this document in a more accessible format, please email enquiries@beis.gov.uk. Please tell us what format you need. It will help us if you say what assistive technology you use.