

# **The flowback issue: the policy arguments**

## **Cuadrilla**

The company has relied on three key government documents.

Paragraph 122 of the National Planning Policy Framework (NPPF)

“Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.”

Paragraph 112 of Planning Policy Guidance Minerals

“There exist a number of issues which are covered by other regulatory regimes and mineral planning authorities should assume that these regimes will operate effectively. Whilst these issues may be put before mineral planning authorities, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies.

A ministerial statement by the Energy and Climate Change Secretary, Amber Rudd, in September 2015

Mrs Rudd advised local planning authorities they “should carefully consider which issues can be left to other regulatory regimes, taking full account of the Government’s planning guidance on this issue”.

## **Friends of the Earth**

Friends of the Earth relied on government policy on waste including:

Paragraph 7, National Planning Policy Framework (NPPF)

Planning should help to “minimise waste and pollution”

Paragraph 17, NPPF

Planning should “contribute to conserving and enhancing the natural environment and reducing pollution”

Paragraph 109, NPPF

Development plans should minimising pollution effects on the local and natural environment

Paragraph 143, NPPF

Requires Local Plans to include “environmental criteria” against which planning applications should be assessed and stipulates that these must “ensure that permitted operations do not have unacceptable adverse impacts” on the natural and historic environment or human health from, amongst other things, “impacts on the flow and quantity of surface and groundwater and migration of contamination from the site” and “the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality”.

Paragraphs 143 and 144, NPPF

Require Mineral Planning Authorities to take into account cumulative effects.

Paragraph 28, Planning Policy Guidance Waste

Local planning authorities can help deliver the waste hierarchy [process of reducing waste] by “promoting sound management of waste from any proposed development, such as encouraging on-

site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with”.

“Before granting planning permission, the local planning authority will need to be satisfied that the impacts of non-waste development on existing waste management facilities are acceptable and do not prejudice the implementation of the Waste Hierarchy. Where appropriate, the local planning authority may require additional waste management measures in order to facilitate the movement of waste management up the Hierarchy.