

P-04-422 Fracking – Correspondence from the Petitioner to the Committee, 02.07.15

“The Minister is correct to define a moratorium as a temporary prohibition of an activity. But what he goes on to describe is not a moratorium on fracking. It is a moratorium on planning authorities’ determination in favour of fracking. That is a wholly different thing. Any number of things could happen as a result of the Minister’s ‘moratorium’:

1. Planning authorities determine to reject an application for fracking
2. Planning authorities determine to approve an application and therefore refer the decision to Welsh Ministers. Welsh Ministers intervene within 21 days and reject the application for fracking.
3. Planning authorities determine to approve an application and therefore refer the decision to Welsh Ministers. Welsh Ministers intervene within 21 days and approve the application for fracking.
4. Planning authorities determine to approve an application and therefore refer the decision to Welsh Ministers. Welsh Ministers make no intervention within the 21 day period. Planning authority approves the application for fracking.

So it is absolutely clear that the Minister’s moratorium ‘on fracking’ is nothing of the sort, because fracking could be approved by either the Welsh Minister’s direct determination, or through the Welsh Minister’s decision not to intervene in a determination”.