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13 April 2015

Dear Mr Wand,

**Technical Consultation on Amendment to permitted development rights for drilling boreholes for groundwater monitoring for petroleum exploration**

Thank you for the opportunity to comment on this consultation.

**The Chartered Institute for Archaeologists**

The Chartered Institute for Archaeologists (ClfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves. The Institute was granted a Royal Charter of Incorporation on 03 June 2014.

ClfA has over 3,200 members and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

**Amendment to permitted development rights for drilling boreholes for groundwater monitoring for petroleum exploration**

**Question 1: Do you have views on whether we amend the restrictions on existing permitted development rights for minerals exploration, to enable the drilling of boreholes for groundwater monitoring for petroleum exploration?**

1. This should only be done if there are sufficient safeguards for the historic environment. In particular:

(i) the first condition required to be met for the issue of a hydraulic fracturing licence under section 4A of the Petroleum Act 1998 (i.e. that environmental impact of the development which includes the relevant well has been taken into account by the local planning authority) should address the full impact of development upon the historic environment

(ii) 'protected areas' referred to in the sixth condition required for the issue of a hydraulic fracturing licence (i.e. that the associated hydraulic fracturing will not take place within other protected areas) should be defined by the Secretary of State to include what will soon be Article 2(3) land (formerly Article 1(5) land) and sites of archaeological interest as defined by the Town and Country Planning (General Permitted Development) (England) Order 2015.

(iii) any amended rights should (save as regards the height of structures) be subject to the same restrictions and conditions that apply to the existing permitted development rights, whether for up to 28 days (Class A) or longer (Class B), so that rights in respect of sites of archaeological interest would either be excluded (in Class A) or subject to the issue, where appropriate, of what will be Article 5 (formerly Article 7) Directions.

**Question 2: Do you agree that the amended rights should (with the one exception on height of structures) be subject to the same restrictions and conditions as apply currently to mineral exploration? If not what alternative restrictions or conditions would be appropriate?**

2. Yes (see above).

**Question 3: Do you agree with the proposal to amend the height restrictions to 15 metres for structures assembled or provided under the permitted development right?**

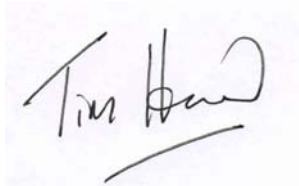
3. No comment.

**Question 4: We consider that, as well as the benefits in providing public confidence that the environmental impacts of potential petroleum exploration schemes are being properly considered, the proposal could save time for such schemes going forward. What potential cost savings might be achieved were these permitted development rights to be realised?**

4. No comment.

If there is anything further that I can do to assist please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Howard', with a horizontal line underneath.

Tim Howard LLB, Dip Prof Arch  
Senior Policy Advisor