



Department for
Communities and
Local Government

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28 JAN 2015

Dear Mr Turton

Thank you for your letter of the 4 January to the Rt Hon David Cameron MP, concerning your Council's resolution of 17 December 2015 requesting that the Secretary of State for Communities and Local Government should take no part in the final determination of the Preston New Road or Roseacre Wood appeals on Fracking. Your letter has been passed to my department and I am replying as this falls within my Ministerial responsibilities.

As you know, the promoters of these applications have submitted appeals to the Secretary of State following planning decisions made by your Council, so that the Secretary of State now has a statutory duty to consider them. For the exercise of such duties, the concept of "the Secretary of State for Communities and Local Government" exists as a legal entity, regardless of who holds the office or to whom his powers may have been transferred or delegated. It would not therefore be possible in law to acquiesce to your Council's request.

Furthermore, even if such action were to be lawful, the Secretary of State in person and anybody to whom his powers have been transferred (eg Planning Inspectors) or who has been authorised to take a decision on his behalf is obliged to take account of all material considerations including Government policy and any evidence submitted by the appellants, the Council and other parties with an interest in the case. The decision must be, and be seen to be, open, fair and impartial.

For all these reasons, the Secretary of State is unable to acquiesce to your Council's request to fetter his discretion in the way advocated.

Yours sincerely

JAMES WHARTON MP