

# Should more onshore oil and gas exploration and production be allowed?

## Notes on how to respond to the Government's Strategic Environmental Assessment consultation

### What's happening?

The Government wants to launch a new licensing round for onshore oil and gas. These are held every few years and this round – the 14<sup>th</sup> – would open up a large area of the UK for licensing (see [www.foe.co.uk/frackingmap](http://www.foe.co.uk/frackingmap) for details and to see if your area is covered). These licences give a company the right to apply to explore for and extract any hydrocarbon: oil or gas, conventional or unconventional, so it won't always involve shale gas and fracking. This is just the first stage: the companies still need planning permission and the appropriate environmental permits before they can do anything.

Before it can launch a new licensing round, the Government has to carry out a Strategic Environmental Assessment (SEA) looking at what the impacts of further licensing would be, and assessing different options for how to proceed. As part of the SEA it has to produce an Environmental Report and put this out to public consultation. This is your chance to comment on whether you think there should be further licensing potentially leading to fracking for shale gas, or to the extraction of coal bed methane. We have read the Environmental Report and we've set out below some suggestions for points you might like to make in response to the consultation.

The Environmental Report and consultation can be found at <https://econsultation.decc.gov.uk/decc-policy/consultation-env-report-further-oil-gas-licensing/> and **the deadline for comments is 28<sup>th</sup> March.**

### How to respond

The consultation above has a link to an online survey which has three questions:

- Do you think that the Environmental Report has identified the significant environmental effects of the activities that follow the licensing round? If not, what other significant effects do you think we have missed, and why?
- Do you agree with the conclusions of the report and the recommendations for avoiding, reducing or off-setting significant effects of the activities that follow the licensing round? If not, what do you think should be the key recommendations and why?
- Do you agree with the proposed arrangements for monitoring of the activities that follow the licensing round, detailed in the Environmental Report? If not, what measures do you propose?

You can answer these questions via the online survey or send your thoughts to [ogsea@decc.gsi.gov.uk](mailto:ogsea@decc.gsi.gov.uk)

## What to say

Below we suggest a few points you could consider making, but what you say is obviously up to you. Some of the points are quite technical but they're very important – use some or all of them as you wish, and do change the wording if you want.

What's really important is to put forward **your own views**, based on **your local knowledge and your experience**. So you might, for example, want to

- Explain why you don't think your area should be opened up for licensing, and what the impacts could be if that were to happen.
- Add in detail based on your knowledge and experience of what has and hasn't worked in areas that have already been licenced.

## Possible points to make

### Choice of alternative

The SEA has considered three alternatives:

- unrestricted licensing (ie the Licensing Plan as proposed)
- restricted licensing
- no licensing

The analysis contained in the Environmental Report shows that the Licensing Plan as proposed (with unlimited licensing) is the most harmful alternative (see Tables 5.4, 5.5 and 5.7).

The report does not adequately explain why the preferred option (the Licensing Plan as proposed) has been chosen. This is also inconsistent with the objective of the plan as set out in paragraph 2.2.2 which says that any activity should take place *“without compromising the biodiversity, ecosystem functioning and the interests of nature and heritage conservation, and other material assets and users”*.

### Lack of a Habitats Regulation Assessment

The EU Habitats Directive requires that the potential impacts on designated sites such as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are assessed. The Government has decided that, rather than assess these impacts at the level of the proposed Licensing Plan, the issue should be devolved to the project level, with assessments proposed when licence applications have been received or when planning applications have been made.

This contravenes the EU Directive and the 2010 Habitats Regulations, and is not compatible with UK case law.

A Habitats Regulation Assessment must be carried out of the Licensing Plan overall. This should assess whether areas where exploration and production could adversely affect SACs and SPAs should not be offered for licensing.

### Adequacy of regulation: can it deal with local impacts?

The Environmental Report finds that there are risks of significant local environmental impacts – water use, water treatment, air pollution etc. It states that these issues will be dealt with by regulation, for instance in Table 5.7 *“this reflects the expectation that works would be undertaken in accordance with relevant regulations”* and *“there is considered to be sufficient regulations in place in the UK that leakage of gas into aquifers is unlikely to occur”*.

But the regulatory regime is inadequate:

- Experience to date has been highly unsatisfactory;

- The main regulator, the Environment Agency, is facing large staff cuts; and
- The Environment Agency has so far only considered unconventional oil and gas exploration, and has not yet published even draft regulations for production.

## Mitigation

The Environmental Report produces an incredibly detailed baseline to assess possible impacts of further licensing, including data on the health of damselfly populations. In comparison, the mitigation measures proposed are:

- Vague and general, referring to the use of *“best practice construction techniques”* to minimise visual impact, to the *“avoidance of adverse impacts”* on sensitive land uses and to using *“measures”* to reduce emissions from vehicles and machinery.
- Proposed rather than required: for example, Section 5.7 refers to measures that are *“proposed”* or which *“could be implemented”*, Specifically, Table 5.6 says that:
  - measures to reduce greenhouse gas emissions should be taken *“where possible”* or *“should be considered”*
  - in site selection, operators should give *“careful consideration”* to avoiding impacts on sensitive land uses and carbon sinks such as peat bogs
- Site-specific rather than strategic

So:

- Mitigation must be addressed more at the strategic level, through avoidance of sensitive and designated areas
- Much greater detail is needed, setting out clearly and specifically what is needed
- The measures should be required, rather than just proposed or considered

## Designated areas and sites

Shale gas exploration and production will have an unavoidable impact on our countryside. So the most important areas of our countryside, whether in landscape or environmental terms, should be protected from licensing. This should apply to the following sites, and to a buffer zone around them:

- National Parks and Areas of Outstanding Natural Beauty
- the most important internationally designated sites such as Special Areas of Conservation (designated under the EU Habitats Directive), Special Protection Areas (designated under the EU Wild Birds Directive), RAMSAR sites (internationally important wetlands, designated under the Ramsar convention)
- Sites of Special Scientific Interest (the UK’s top wildlife designation)
- Other locally-designated sites as you feel appropriate

## Flooding

Appendix B of the Environmental Report assesses the possible impacts of flooding at unconventional oil & gas sites and Table 5.14 states *“The well may become inundated with flood water and disrupt drilling or cause damage to the casing; -Storage tanks may become damaged or suffer a loss of power and may release contaminants into the flood water; Hydrocarbons may be released and cause pollution or lead to explosions or fires”*.

A significant number of areas in the West Country and the Home Counties that are being considered for future licensing have recently suffered severe floods. There should be an assessment of potential impacts of flooding at the strategic level (rather than being considered at the level of individual applications as proposed in Table 5.14. Areas considered at risk of flooding should not be considered for licensing.