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Introduction

1 What is your name?

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3 What is your organisation?

Organisation:

Campaign to Protect Rural England, Kent, Sussex and Hampshire Branches

4 Do you agree with the proposed amendment? Can you suggest any other options for providing clarification in the EPR that paragraph (h) does not apply to oil exploration?

Response:

Joint response from the Kent, Sussex and Hampshire Branches of the Campaign to Protect Rural England to consultation by the Department for Environment, Food and Rural Affairs on the applicability of integrated pollution prevention and control to onshore oil exploration activities

This response to the April 2014 consultation document on the applicability of integrated pollution prevention and control to onshore oil exploration activities is made jointly on behalf of the Kent, Sussex and Hampshire Branches of the Campaign to Protect Rural England. The Government is proposing to scrap the obligation on the Department of Energy & Climate Change (DECC) to regulate certain activities in respect of smaller scale oil exploratory work for which the exploration company has obtained an exploration and development licence. The activities concerned are the loading, unloading, handling or storage of, or physical, chemical or thermal treatment of oil where the capacity of crude oil storage does not exceed 200 tonnes and where the duration of oil storage does not exceed 6 months.

As we understand it, if this proposal were to be implemented, in respect of this activity:

- DECC would no longer be required to exercise its current functions under Schedule 7A of the Environmental Permitting (England and Wales) Regulations 2010 for the purpose of achieving a high level of protection of the environment taken as a whole by, in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land;
- DECC would also no longer be required to ensure that every application for the grant of an environmental permit includes the information specified in Article 6(1) of the IPPC Directive;
- same exploration activity would, in future, be removed from the regulatory regime in the Control of Major Accident Hazard (COMAH) Regulations 1999.

The consultation document refers to no relevant residual or replacement regulatory arrangements for the prevention of harmful emissions or escape of oil or other contaminants.

Our response takes into account the authoritative report published on 23rd May by the British Geological Survey (BGS) in association with DECC in which the BGS estimates the amount of shale oil and gas in the Weald Basin. That report makes clear that there are very substantial reserves of oil, and some gas, within the shale layers beneath the Weald. Whilst it also reports uncertainty as to the recoverable levels of hydrocarbons, the BGS report makes it clear that there is likely to be considerable level of interest in the coming years from the oil and gas industry to explore for oil right across the Weald to determine how much can be exploited and where, since the level of recoverable oil will only be determinable by test drilling. So the Weald basin faces the prospect of unprecedented levels of test drilling, and almost certainly of exploitation drilling, in the coming years.

The likelihood is that much of that exploration and exploitation drilling will involve hydraulic fracturing techniques, with the recognised increased levels of contamination and other hazards, and disturbance, involved in that technique as compared to conventional oil exploration drilling.

It will be readily appreciated that a very considerable proportion of the Weald vulnerable to licence applications for extensive exploration for oil and, possibly, exploitation is specially designated land, including the South Downs National Park and the High Weald Area of Outstanding Beauty; all of which are afforded "the highest status of protection in relation to landscape and scenic beauty" by virtue of paragraphs 115 and 116 of the National Planning Policy Framework.

We think that the Government should also be sensitive to the widespread lack of confidence across the UK as to the oil and gas industry's willingness and ability safely to undertake hydraulic fracturing operations, and as to whether people can be assured that it can be done without environmental harm. The Government should be seeking to bolster public confidence in the quality of its regulatory and monitoring regimes, not dismantling an existing regulatory lever.

Against this background, we find it extraordinary that the Government is proposing to remove the DECC's obligation and ability to regulate smaller scale exploratory drilling activities in respect of fundamental emissions and contamination exposures, including those identified in Appendix 1 of the consultation

document and in other DECC/Governmental publications (including its December 2013 consultation document on the environmental aspects of the future licensing regime). To propose the removal of Governmental environmental regulatory controls over any onshore hydrocarbon exploration process at a time when the level of exploration in this demographically sensitive part of the country is about to take off and when public confidence in hydraulic fracturing techniques is so low seems to us to be an abnegation of Government's responsibilities.

So we do not accept that DECC regulation of these smaller scale activities is disproportionate: There is no question that the environmental hazards exist from even small scale activities - the escape of 200 tonnes of crude oil at a sensitive site within the South Downs National Park, for example, or close to a water course could be very serious - and the industry would be able to meet the cost of compliance of prudent regulation.

If your Department were minded to persist with this proposal, despite our concerns, there is an interpretative point that needs addressing in relation to the proposed definition of exempted activities. Particularly in the case of exploration that requires hydraulic fracturing, multiple closely located well heads may be required. It should be made clear that, in such a case, the 200 tonne and 6 month exemption criteria apply to the overall operation, and not to individual well head operations.

Lastly, CPRE would like to make clear that it will continue to press the Government in appropriate forums for a ban on all drilling for oil and gas within National Parks, AONBs and other specially sensitive areas where the drilling requires hydraulic fracturing, and for effective regulation of all hydrocarbon exploration and extraction operations.