

Policy Guidance Note- November 2013

Shale Gas

Introduction and summary

Based on the information we have at present, the Campaign to Protect Rural England (CPRE) does not oppose the exploitation of shale gas in principle provided it meets certain conditions. This Policy Guidance Note sets out those conditions and how CPRE will try to secure them. Our primary aim is to ensure that the location and operation of shale gas sites do not harm the beauty and tranquillity of the English countryside. We are also concerned to ensure that the natural resources of the countryside, especially water, are not polluted or used unsustainably; and that it can be demonstrated how the exploitation of shale gas contributes towards meeting our climate change commitments consistent with established Government policy, for example by substituting for unabated coal use. CPRE will oppose proposals which fail to meet these conditions.

We have assessed the potential impact of shale gas exploitation on our 2026 Vision for the Countryside in four areas:

- protecting countryside character and tranquillity
- using other natural resources sustainably
- reducing greenhouse gas emissions
- more people living and working in the countryside

1. Protecting countryside character and tranquillity

1.1 Shale gas exploration and exploitation has the potential to damage the character and tranquillity of the countryside. Its impacts need to be effectively controlled through the planning system. It is currently unclear whether this can be achieved in terms of the location and number of drilling sites required.

1.2 The 2013 Budget announced a number of proposals¹. Technical planning guidance has now been published². By the end of the year further guidance will be published to ensure the planning system is aligned with the regulatory regimes, principally health & safety and environmental protection. The Department for Energy and Climate Change (DECC) has commissioned additional work on the environmental implications of further licensing, taking account of all new knowledge, and will conduct a full public consultation on the extended assessment.

1.3 Not all Minerals Planning Authorities (MPAs) have the skills and experience to deal effectively with shale gas applications. We will argue for them to be given appropriate resources and support.

1.4 The UK oil industry has created the United Kingdom Onshore Operators Group (UKOOG) to develop procedures and practices specifically for shale wells. CPRE will press UKOOG to ensure that operators are committed to the highest standards of environmental protection and mitigation.

1.5 CPRE branches will seek to engage with the planning authorities, the Environment Agency, industry operators and the public to prevent or at least minimise unacceptable impacts on countryside character and tranquillity.

1.6 Key issues for CPRE branches in responding to consultation at the **exploration stage** will be:

- a. impact on countryside character, including wildlife. Whether or not a formal Environmental Impact Assessment (EIA) is required, operators should demonstrate that they have located and designed drilling sites to reduce impacts to an acceptable level
- b. operational impact of traffic on tranquillity, local communities and access to the countryside for recreation. Operators should be required to submit a Transport Assessment and a Traffic Management Plan with planning applications and show how the fullest possible use has been made of non-road transport and

how traffic movements can be accommodated without unacceptable impacts on the character of rural roads and local communities

- c. operational impact of associated noise, light, and dust on tranquillity, local communities and access to the countryside for recreation
- d. steering activity away from national designations (such as National Parks, Areas of Outstanding Natural Beauty (AONBs), and Sites of Special Scientific Interest (SSSIs)) and other valued landscapes. There should be a very strong presumption against drilling in nationally designated areas. In National Parks and AONBs, exploration for shale gas should be considered “major development” in National Planning Policy Framework (NPPF) terms and so ruled out on principle unless the tests for exceptional circumstances can be met. Because shale gas, unlike many other minerals, is widespread outside National Parks and AONBs, this should be interpreted to mean that exploration in these protected areas should only take place if it is considered to be in the national interest after the scale and recoverability of reserves in other parts of the country has been determined.
- e. requirements for the restoration of sites to at least as good a condition as before operations started in terms of soil quality, landscape character and biodiversity. This should be based on evidence from before and after surveys
- f. security of restoration: a good restoration plan and a committed operator does not prevent the landowner or another from applying for planning permission to waive restoration and use the site for built development. Planning policies should be clear that in no circumstances will former drilling sites be considered brownfield land. In addition, the MPA should explore the possibility of a bond, covenant or management agreement to achieve effective restoration and rule out follow-on planning applications
- g. achieving satisfactory restoration will be especially challenging in Green Belts where pressure for other types of development is strongest. Operators should be pressed to propose drilling sites outside the Green Belt boundary wherever a suitable site, in environmental and community terms, is feasible. They should be required to demonstrate why it is necessary to site a drilling pad within the Green Belt and where this is necessary there should be a deliverable commitment that the site could not subsequently be used for any purpose which would conflict with established Green Belt policy'.
- h. combined effects of several sites in the same area. Operators should be pressed to minimise the number of drilling sites. Both exploration and production of shale gas use directional drilling so there will be scope to vary the location of drilling sites and the number of wells drilled from each site. This could profoundly affect environmental impact.
- i. the links between exploration and production are difficult. At a technical level, the operating company may not have the information at the exploration stage which would be needed to judge the suitability of a location for production. However it is common sense that a company will come back for production approval if the exploratory site is successful³. Legally, a hypothetical objection to production cannot be a material factor in determining an exploration application, with the *quid pro quo* that the operator should not claim a permission for exploration as a material consideration in assessing the environmental impact of a production application⁴. However if we have sound reasons for arguing that production in an area is almost certain to attract an objection from CPRE, it should be discussed with the operating company with a view to influencing their plans.
- j. arrangements for ongoing community engagement. The best operators know that much can be done to minimise community and environmental impacts by sharing information and responding to issues during operations. Commitments should be made at the outset. CPRE branches and/or parish or town councils will often wish to play an active role in bringing local communities together to understand the implications of shale gas exploration in their area and to facilitate their input to public consultations. We acknowledge the commitment to introduce community payments and look forward to advising Government on how they can be made in a fair and accountable way to benefit local communities.

1.7 CPRE branches will also seek to ensure that local plans are up to date and include strong policies necessary to deal with the issues raised here. MPAs which have well developed policies towards oil exploration and production will be better placed to handle shale gas but the majority will be on a steep learning curve. We will work with others to promote constructive dialogue with MPAs and embed best practice policies in the local decision making framework.

1.8 Applications for **production**, which are not likely to come forward for some years, will be judged against the same criteria as exploration. However, the weight attached to different issues will vary and there will be a much better understanding of likely impacts. The length of time needed to drill and frack up to ten wells on a single site, the much greater volumes of water required, the possible need to return to the site for further fracking in 5-7 years' time, on site gas processing issues (including flaring) and off site transport issues (water in/out and gas out) will feature much larger in our assessment of applications for production.

1.9 Some areas of the country are attractive for the production of conventional energy, including renewables, as well as shale gas. Combined effects will need to be considered in local plans.

2. Using other natural resources sustainably

2.1 The following key issues will determine the acceptability of fracking on a site by site basis:

- a. the sources of the necessary large volumes of water, particularly in water-stressed areas
- b. adequate treatment of the recovered fracking fluid, which can contain a number of pollutants
- c. borehole integrity, both during the fracking operation and in the longer-term recovery phase, which could lead to greenhouse gas emissions and/or contamination of groundwater
- d. on-site pollution from borehole drilling and gas recovery operations

2.2 A Government commissioned report from The Royal Society/Royal Academy of Engineering⁵ made recommendations covering aspects of groundwater contamination, well integrity, seismicity, potential gas leakages, water management, environmental risk assessment, risk management, regulatory requirements, and future research. Government accepted these recommendations⁶ and they have been accepted by the industry⁷. CPRE agrees that if these recommendations are implemented in full and the regulatory bodies resourced to deliver the regime effectively, the risks of damage to the environment and natural resources should be reduced to acceptable levels. We will monitor implementation and challenge those who operate the regulatory regime locally (principally the Environment Agency) to reduce risks, particularly of soil and water pollution, to an acceptable level and to monitor local implementation to see that the recommendations are fully implemented.

2.3 On health impacts, the Health Protection Agency is currently reviewing the evidence base on the health impacts of shale gas, with a particular focus on the health impacts of emissions to air, land and water. This review will identify any potential health risks, and inform both future regulation and any future health impact assessments that may be carried out.

3. Reducing greenhouse gas emissions (GHG)

3.1 The Climate Change Act 2008 requires a UK reduction in CO₂ emissions by at least 80% relative to 1990 levels by 2050. The NPPF supports the transition to a low-carbon future as a core planning principle and cites the Climate Change Act 2008 as a material consideration. CPRE supports the Government's commitment to reduce CO₂ emissions in keeping with the Copenhagen Accord objective of limiting average global temperature rise to 2° C above the pre-industrial level.

3.2 The Government announced in the 2013 Budget that it will encourage the exploitation of shale gas by the introduction of a new shale gas field allowance and extension of the ring-fence expenditure supplement from six to ten years. The report of the Chief Scientist to DECC⁸ concludes that:

- a. the principal effect of UK shale gas production and use will be that it displaces imported Liquefied Natural Gas, or possibly piped gas from outside Europe. The net effect on total UK GHG emissions rates is likely to be small.
- b. without global climate policies (of the sort already advocated by the UK) new fossil fuel exploitation is likely to lead to an increase in cumulative GHG emissions and the risk of climate change.

3.3 This is a critical area of public policy which must be resolved before a decision is taken on whether or not to issue production licences. In particular, it is essential that a long view is taken. The exploitation of shale gas should be used as a stepping stone towards a more sustainable energy policy, not as a way of putting off hard choices. CPRE believes that this question cannot be answered through the regulatory regimes. It should be considered in the widest context of national and international policy on energy and climate change. The Government needs to show how shale gas exploitation will help achieve our commitments to reduce CO₂ emissions, for example by substituting for unabated coal use, and include concrete measures reflecting the urgency of the task, for example, by hypothecating shale gas revenues to investment in energy efficiency and research.

4. More people living and working in the countryside

4.1 Exploration for shale gas and the early stages of production may bring welcome economic activity into rural areas. Given the specialist nature of most of the work and the temporary nature of the activity, we do not consider these impacts to be a material factor in CPRE's consideration. While even small numbers of temporary jobs and increased demand for services can be very welcome in rural areas lacking employment opportunities, we are concerned to ensure the impact of shale gas development does not have a damaging effect on rural tourism or farming.

Review

This is a fast moving area of policy and practice. It is essential that early lessons are learned by all participants - lessons from community engagement, planning processes, site management and technical specification. This would be best initiated through rapid, independent audits of sites when important milestones have been reached (e.g. planning permission granted; drilling completed; site cleared). We will seek to establish a system for such audits.

Several important Government initiated studies will report over the coming year or so⁹. In addition to ongoing sharing of experience between branches, we will keep this Guidance Note under review.

Essential further reading

CPRE Policy Guidance Notes on *Minerals and Quarrying, Water Resources, Energy, Transport and Sustainable Development*

Planning practice guidance for onshore oil and gas, CLG 2013. As well as setting out national planning policy, this gives a good overview of the regulatory regimes and the way Government intends them to interact.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224238/Planning_practice_guidance_for_onshore_oil_and_gas.pdf

¹ Red Book, Para. 1.93

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224238/Planning_practice_guidance_for_onshore_oil_and_gas.pdf

³ a point acknowledged in the British Geological Survey/CLG Minerals Planning Factsheet: "For coalbed methane and shale gas, production operations will generally use existing exploration borehole sites". <http://www.bgs.ac.uk/downloads/start.cfm?id=2085>

⁴ see paras. 58-59 of Planning Guidance (ref. 8)

⁵ http://royalsociety.org/uploadedFiles/Royal_Society_Content/policy/projects/shale-gas/2012-06-28-Shale-gas.pdf

⁶ <https://www.gov.uk/government/speeches/written-ministerial-statement-by-edward-davey-exploration-for-shale-gas>

⁷ <http://www.ukoog.org.uk/elements/pdfs/ShaleGasWellGuidelines.pdf>

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/237330/MacKay_Stone_shale_study_report_09092013.pdf

⁹ Government initiated reports due over the next year or so:

- a. Cuadrilla's high level assessment of environmental risks in relation to their proposals for further exploration work in Lancashire
- b. technical planning guidance (published July 2013)
- c. strategic environmental assessment of further onshore licensing
- d. Environment Agency's review of the implications of shale gas for its regulatory responsibilities
- e. regulatory bodies' assessment of the requirements for effective regulation of a significant future production phase
- f. possible impacts of shale gas extraction on greenhouse gas emissions (published Sept 2013)
- g. Health Protection Agency's review of evidence on the health impacts of shale gas
- h. detailed work on the shale gas resources of Great Britain from the British Geological Survey (part published; complete by early 2014)
- i. secondary legislation in relation to application requirements and fees for onshore oil and gas development