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Date: 25<sup>th</sup> October 2013

Ref: Onshore oil and gas exploratory operations: technical guidance

Subject:

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## Environment Agency consultation - Onshore oil and gas exploratory operations: technical guidance

The National Farmers' Union (NFU) is pleased to comment on the Environment Agency's consultation document 'Onshore oil and gas exploratory operations: technical guidance'. Although we understand that activities, such as shale gas extraction, are still at an early stage, we are aware that some companies are drilling exploratory test wells. The NFU has some 55, 000 farmer and grower members across England and Wales, many of whom may be impacted by exploratory operations.

Our primary interest in responding to this consultation paper is to ensure that adequate environmental safeguards are in place for any members who host or are near neighbours to an exploratory site. Therefore, we will only answer questions in the consultation paper of direct interest to our members.

### Advertising permits & engaging local communities

We note that the consultation document says that "Given the current level of public interest in unconventional gas and oil exploration, it's likely that we will treat such sites as being of high public interest. Conventional oil or gas exploration is unlikely to be considered high public interest as the industry is well established in England. Where a site is defined as of high public interest, the consultation is tailored to local circumstances and may include:

- extending the time allowed for public consultation on the permit application;
- wider advertising (for example in local newspapers) or holding drop-in sessions;
- a second public consultation on the draft decision on the application".

We also note that the consultation document states that local consultation would be tailored to local circumstances but we would expect that these bullet points should be part of the EA's standard response to advertising and engaging with local communities.

We are aware that government is suggesting that no local engagement is needed for shale gas planning applications but our experience of working with the Agency is that this is an important topic, so in a way, we are surprised that this does not feature more strongly in the draft guidance. More could be done to encourage the company to do its own pre-application engagement with the community.

We expect our members to be keen to know about any new activities that may be planned for their area, so local advertising and engagement will be key.

We agree that unconventional extraction should be given special consideration and therefore a longer and more public consultation. However I thought that sometimes conventional drilling is a precursor to unconventional extraction technique (e.g. the scenario at Balcombe). If so then if the driller wants to switch to a different extraction regime then full consultation should first be undertaken.

### **Environmental Impact Assessment**

We note that the draft guidance (on page 8) currently states that the description of the development should include:-

- An estimate by type and quantity of expected residues and emissions resulting from the operation of the proposed development.

We would add that it would be helpful if the 'characteristics' and any 'chemicals' in the residues should also be captured.

### **Notice of intention to construct or extend a boring for the purpose of searching for or extracting minerals**

Further details on the content of a 'Drilling Mud management Plan' or where operators can find out further information on this plan would be helpful.

### **Environmental permits - Applying for environmental permits and variations**

It is reassuring that exploratory sites will require bespoke permits initially. We believe that this is the best approach in the first instance. We would like to be further reassured that adequate regulatory experience will be gained by the Agency before standard permits start to be issued.

### **Environmental permits - Best available techniques**

Although we realise that the use of 'best available techniques' or BAT is a term that strictly applies to meeting requirements in the Industrial Emissions Directive, the concept of BAT or using good practice to mitigate environmental impacts, is a good one and we are surprised that this does not feature more strongly in the draft guidance. If there are a list of recognised good practice techniques that are recognised by the Agency and industry for application on exploratory sites it would be helpful if this could be referenced in the draft guidance document.

### **Water supplies – abstraction from groundwater and surface water**

Access to water is critical for many agricultural businesses, particularly those that grow high value crops, such as potatoes and vegetables. Agriculture uses only 1 % of abstracted water, yet it faces increasing pressure and competition for available water resources due to population growth, other industry and long-term climate change. We note that the draft guidance states that 'an assessment of the potential effects on the environment and other water users, including other abstractors' could be requested but we think that this is absolutely essential and must be undertaken before an abstraction licence is granted for an exploratory site.