

Permitting decisions- Surrender

1We have decided to accept the part surrender of the permit for Preston New Road Exploration Site operated by Cuadrilla Bowland Limited.

The permit number is AB3010MW.

We are satisfied that the necessary measures have been taken to avoid any pollution risk and to return the site to a satisfactory state. We consider in reaching this decision that we have taken into account all relevant considerations and legal requirements.

Purpose of this document

We have assessed the aspects that are changing as part of this part surrender, we have not revisited any other sections of this permit.

This decision document provides a record of the decision-making process. It:

- highlights key issues in the determination
- summarises the decision-making process in the decisions considerations section to show how all relevant factors have been taken into account.

Unless the decision document specifies otherwise we have accepted the applicant's proposals for part surrender.

Read the permitting decisions in conjunction with the environmental permit and the surrender notice.

The Operator has applied to surrender some of the activities previously authorised under this permit, namely:

- The surrender of the whole of Activity A1: The incineration of hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity exceeding 10 tonnes per day.
- The surrender of part of Activity A2: The management of extractive waste from exploratory activities, not involving a waste facility The Management of extractive waste generated by well abandonment remains in the permit.
- The surrender of the whole of Activity A3: The management of extractive waste by way of a waste facility for hazardous waste.

- The surrender of the whole of Activity A5: The injection of hydraulic fracturing fluid for exploration of hydrocarbons to ground via injection boreholes.

For clarity, the following Activity will remain authorised by this permit:

- Part of Activity A2, namely the management of extractive waste generated by well abandonment.
- Activity A4, the management of extractive waste by way of a waste facility for non-hazardous waste.
- Activity A6, the discharge of collected surface water onsite via Outlet 1.

Key issues of the decision

Decision considerations

Confidential information

A claim for commercial or industrial confidentiality has not been made.

The decision was taken in accordance with our guidance on confidentiality.

Identifying confidential information

We have not identified information provided as part of the application that we consider to be confidential.

The decision was taken in accordance with our guidance on confidentiality.

The regulated facility

The permitted regulated facilities have changed as a result of the partial surrender.

The Operator has applied to surrender some of the activities previously authorised under this permit, namely:

- The surrender of the whole of Activity A1: The incineration of hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity exceeding 10 tonnes per day. This activity was taking place during the flow testing phase of the site operations. As this has now concluded, the flares are no longer needed on site and no gas flaring will take place. This activity had no impact on ground pollution at the site and we are satisfied that it can be surrendered.
- The surrender of part of Activity A2: The management of extractive waste from exploratory activities, not involving a waste facility The Management

of extractive waste generated by well abandonment remains in the permit. This part of Activity A2 was used to authorise and control the management of extractive waste generated as part of the drilling of the exploratory borehole on site. As the drilling of the boreholes was completed some time ago and no further drilling will take place, this part of the activity is no longer needed.

Part of the activity will remain in place to manage any extractive waste that will be generated when the boreholes are decommissioned. We are satisfied that the management of extractive waste at the surface, generated by this activity has not caused harm or pollution and can be surrendered. For clarity, when the Operator takes the decision to decommission the borehole, they will have to apply to surrender the remainder of this activity.

- The surrender of the whole of Activity A3: The management of extractive waste by way of a waste facility for hazardous waste. This activity controlled the management of hazardous extractive waste generated during the drilling of the exploratory boreholes, i.e. the storage of oil-based muds contaminated wastes at the surface in secure containers. As there will be no further drilling, there is no need for this activity. We are satisfied that the Operator managed this activity in accordance with the requirements of the permit and that it did not cause harm or pollution and can be surrendered.
- The surrender of the whole of Activity A5: The injection of hydraulic fracturing fluid for exploration of hydrocarbons to ground via injection boreholes. This groundwater activity authorised the discharge of hydraulic fracturing fluid in order to carry out the well testing. As there will be no further injection of fluid, this activity is no longer required. For clarity, this activity does not control the actual deposit of hydraulic fracturing fluid within the geological formation. This is controlled under Activity A3, which will remain controlled under the permit.

For clarity, the following Activity will remain authorised by this permit:

- Part of Activity A2, namely the management of extractive waste generated by well abandonment.
- Activity A4, the management of extractive waste by way of a waste facility for non-hazardous waste.
- Activity A6, the discharge of collected surface water onsite via Outlet 1.

We have also updated the permit to reflect the changes to the Operator's registered office address.

Pollution risk

We are satisfied that the necessary measures have been taken to avoid a pollution risk resulting from the operation of the regulated facility.

Satisfactory state

We are satisfied that the necessary measures have been taken to return the site of the regulated facility to a satisfactory state, having regard to the state of the site before the facility was put into operation.

Changes to permit conditions as a consequence of the surrender

The permit conditions have changed as a result of the partial surrender.

The following conditions are deleted as a result of the application made by the operator.

1.1.5: This condition required that the Operator maintained financial provision whilst there was a waste facility involving the accumulation or deposit of hazardous waste. This is no longer required as activity A3 is being surrendered.

2.2.3: This condition is being removed as it referred to Activity A5 and is no longer needed.

2.4.2: This condition is being removed as it referred to the incineration of hazardous extractive waste (i.e. Activity A1) and is no longer needed.

2.4.4: This condition is being removed as it referred to Activity A5 and is no longer needed.

Table S3.1: This table is being removed as it referred to the incineration of hazardous extractive waste (i.e. Activity A1) and is no longer needed.

Table S3.3: This table is being amended to remove the requirements associated to Activity A5 and are no longer needed.

The following conditions are amended as detailed, as a result of the application made by the operator.

2.2.1: This condition has been changed to remove reference to Activity A1 and A3 as they are no longer part of this permit.

3.1.1: This condition has been amended to reflect the change in numbering in Schedule 3 of the consolidated permit.

3.5.1: This condition has been amended to reflect the change in numbering in Schedule 3 of the consolidated permit.

3.5.6: This condition has been amended to reflect the change in numbering in Schedule 3 of the consolidated permit.

4.2.3: This condition has been amended to remove the reference to Activity A3.

Table S1.1: This table has been amended to remove Activity A1, A3 and A5 and to amend Activity A2

Table S1.2: This table has been amended to remove Operating Techniques that are no longer relevant as they applied to activity A1, A3 and A5.

Table S3.2: This table has been amended to remove the monitoring requirements associated with the injection of hydraulic fracturing fluid for the operations for exploration of hydrocarbons to ground via injection boreholes (i.e. Activity A5). This table has also been renumbered to S3.1 in the consolidated permit.

Table S3.3: This table has been amended to remove the monitoring requirements associated with the injection of hydraulic fracturing fluid for the operations for exploration of hydrocarbons to ground via injection boreholes (i.e. Activity A5). This table has also been renumbered to S3.2 in the consolidated permit.

Table S3.4: This table has been amended to remove the monitoring requirements associated with the injection of hydraulic fracturing fluid for the operations for exploration of hydrocarbons to ground via injection boreholes (i.e. Activity A5). This table has also been renumbered to S3.3 in the consolidated permit.

Table S3.5: This table has been renumbered to S3.4

Table S3.6: This table has been amended to Process monitoring requirements associated with Activity A1 as they are no longer required. This table has also been renumbered to S3.5 in the consolidated permit.

Table S4.1: This table has been amended to remove the reporting requirements associated with Activity A1, A3 and A5 as they are no longer required.

Growth duty

We have considered our duty to have regard to the desirability of promoting economic growth set out in section 108(1) of the Deregulation Act 2015 and the guidance issued under section 110 of that Act in deciding whether to accept this partial permit surrender.

Paragraph 1.3 of the guidance says:

“The primary role of regulators, in delivering regulation, is to achieve the regulatory outcomes for which they are responsible. For a number of regulators, these regulatory outcomes include an explicit reference to development or growth. The growth duty establishes economic growth as a factor that all specified regulators should have regard to, alongside the delivery of the protections set out in the relevant legislation.”

We have addressed the legislative requirements and environmental standards to be set for this operation in the body of the decision document above. The guidance is clear at paragraph 1.5 that the growth duty does not legitimise non-compliance and its purpose is not to achieve or pursue economic growth at the expense of necessary protections.

We consider the requirements and standards we have set in this permit are reasonable and necessary to avoid a risk of an unacceptable level of pollution. This also promotes growth amongst legitimate operators because the standards applied to the operator are consistent across businesses in this sector and have been set to achieve the required legislative standards.