

Department of Energy & Climate Change 3 Whitehall Place London SW1A 2AW

www.gov.uk/decc

30th January 2014

Our ref: EIR 13/1691

Dear

Thank you for your letter of 19 November regarding **REDACTION REDACTION REDACTION REDACTION**.

In his letter of 5<sup>th</sup> November REDACTION REDACTION requested the following information regarding the Shale Gas Strategy Group:

- the Terms of Reference for the Group;
- the attendees for the Group (if not included in the ToRs), including the minimum attendance list (i.e. the 'quorum');
- the minutes of the last 3 meetings of the Group;
- specific evidence of the value that the Group has added (that, specific deliverables that have moved the fracking regulatory process towards robust protection of the public and property).

We have considered his request under the Environmental Information Regulations 2004 (EIRs), because the information he seeks falls, in our view, within the definition of "environmental information" as stated in the EIRs.

The Department holds information falling within the terms of his request. I have attached copies of all the relevant documents under bullets 1-3 above at **Annex A**. However with reference to his query under bullet number two there was never a minimum attendance list or agreed "quorum" for this group. With regard to his fourth query, the group is essential in sharing information on the developments in shale gas. It provides a valuable opportunity for Government departments and regulators to stay 'joined up'. We have the minutes and the actions arising, but no documents that give specific evidence of value.

I'd also like to highlight an error on the minutes of 20<sup>th</sup> July, under section 9, where it states "two areas of work should be taken forward..." only one had been recorded. The missing text for the second point was never recorded at the time. Therefore, this is not a redaction, it is an error that had not been picked up previously.

After careful examination, DECC considers that some of the information may be excepted from disclosure under EIR regulations 12(4)(e), which relates to the disclosure of internal communication, 12(5)e, which relates to confidentiality of commercial information, and 12(3) and 13(1) which relates to personal information.

Some of these exceptions are subject to a public interest test. In considering the public interest we have applied a presumption in favour of disclosure, as required by regulation 12(2) of the EIRs.

Most of the redacted information in these minutes falls under regulation 12(4)(e) relating to the disclosure of internal communication. This includes allowance for a 'safe space' for officials to develop policy. Policy development is an iterative process which requires officials to propose, test and refine proposals through the life cycle of the policy development. To ensure the effective conduct of Government business, it is important that officials be able to exchange views with Ministers and senior officials and provide advice in a free and frank manner. Disclosing the internal communication we hold is likely to result in officials being less candid in expressing their views. This could have an adverse impact on the conduct of Government business and thereby undermine the quality of decision making.

Some redacted information in these minutes falls under EIR regulation 12(5)(e) relating to confidentiality of commercial information. There is a genuine public interest in revealing this information, as it may enhance the publics' understanding of the relationship between Government and business. However, the Department takes the view that this exception applies here because it is important to ensure that the commercial interests of external businesses are not damaged or undermined by disclosure of information which is not common knowledge and which could adversely impact on these companies' activities in the future. It is our view that disclosure would undermine the commercial interests of these external companies. Revealing confidential information may make it difficult for Government and businesses to work together, which is not in the in the public interest.

Having considered the balance of the public interest, we have concluded that the redacted information in these documents may be excepted under the EIRs because the public interest lies in withholding the information.

Finally, some personal information has been withheld from these documents. Regulation 12(3) (by reference to regulation 13(1)) of the EIRs, provides an absolute exception from disclosure for personal data, which then falls under the Data Protection Act 1998 (DPA). Personal data of third parties can only be disclosed according to data protection principles. In particular the first principle requires that disclosure must be fair, lawful and comply with one of the conditions in Schedule 2 of the DPA. We do not think that it is fair to release the names of junior members of staff and do not think that any of the relevant conditions apply. As a result, the names, contact details of staff below Senior Civil Service level and staff in other organisations have been redacted from this information.

#### Appeals procedure

If you are unhappy with the result of your request for information, you may request an internal review within 40 working days of the date of receipt of the response to your original letter. If you wish to request an internal review, please contact: The Information Rights Unit, Department of Business, Innovation and Skills, 1 Victoria Street, London, SW1H 0ET. Email <a href="mailto:foi@bis.gsi.gov.uk">foi@bis.gsi.gov.uk</a>

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner

can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Cheshire, SK9 5AF.

Yours sincerely

Office for Unconventional Gas and Oil (OUGO)

# **Annex A**

# **Content**

- 1. Terms of Reference
- 2. Attendees List
- 3. Minutes of the last three meetings

  - a) Minutes of 20<sup>th</sup> May 2013
    b) Minutes of 4<sup>th</sup> July 2013
    c) Minutes of 20<sup>th</sup> September 2013

# 1. Terms of Reference for the Shale Gas Strategy Group.

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# TOR (for SGSG)

The purpose of the steering group is to provide coordination and leadership within and across government to:

Ensure a proactive joined-up and risk-based regulatory response to the exploration, development and de-commissioning of shale gas activity in England and Wales

Identify and resolve the key risks and challenges for government and its agencies, including resourcing, timing (and sequencing) and cross government / agency working.

Identify and co-ordinate communications activities, including likely Ministerial interest and involvement parliamentary scrutiny and media interest.

Develop a joined-up approach to stakeholder management, working together to engage key stakeholders and work with 'one voice' to build public confidence.

Co-ordinate the sharing of information through the existing 'ad hoc' regulators group

# 2. Attendees List

# Membership of the Group

# **OUGO Strategy Group**

The OUGO strategy group (OUGO SG), formally the Shale Gas Strategy Group, was established to address strategic issues across Government on unconventional gas and oil issues. The group meets on average every -quarter

The core membership of the OUGO SG consists of senior representatives from Government Departments and principal regulators. The SGSG membership is as follows:

Chair:

Duarte Figueira Head of OUGO

**Group Members** (Supporting team members represented in italics)

**DECC** 

Simon Toole Director of Licencing and Exploration (Alternate Chair)

**Environment Agency** 

Tony Grayling Head of Climate Change and Communities

REDACTION REDACTION

DCLG

REDACTION REDACTION

Defra

Sonia Phippard Director, Water & Flood Risk Management

REDACTION <u>REDACTION</u>

HSE

REDACTION REDACTION

REDACTION REDACTION

Planning Officers Society

REDACTION REDACTION County Council

**REDACTION** REDACTION County Council

REDACTION

Public Health England

REDACTION REDACTION

HM Treasury

REDACTION REDACTION

3. Minutes of the Last three Meetings

# a)Minutes of 20 May 2013 Meeting

Note of the Shale Gas Strategy Group meeting held on 20<sup>th</sup> May 2013 at 3 Whitehall Place

#### **Attendees**

Duarte Figueira – DECC

Simon Toole - DECC

**REDACTION - DECC** 

Tony Grayling – Environment Agency

**REDACTION - DCLG** 

**REDACTION - DEFRA** 

**REDACTION - DEFRA** 

Peter Brown - HSE

**REDACTION - HSE** 

**REDACTION - REDACTION** County Council

**REDACTION – REDACTION** County Council

**REDACTION** – **REDACTION** County Council

**REDACTION** – HM Treasury

**REDACTION** - DECC (Notes)

# 1. Note of the last meeting and review progress of actions (See Annex A)

Note of the last meeting

Clarification was given by **REDACTION** that **REDACTION** had not attended a Environmental Impact Assessments Working Group on the 8<sup>th</sup> of May in Brussels.

The notes were otherwise agreed.

Progress of Actions

An update on the New Actions from the last meeting were provided and are set out in Annex A below. Completed Actions have been deleted from the Annex

## 2. Short update on key activities and issues within each Dept/Agency

# **DCLG**

**REDACTION**-reported that the Growth and Infrastructure Bill had now become an Act with some of its provisions commenced on April 25<sup>th</sup> and others due to be commenced in June 2013

REDACTION reported that, on the proposal to revise the EIA Directive, the rapporteur had submitted various amendments one of which was to make EIA's for shale gas (including the exploratory stage) mandatory. REDCATION REDACTION REDACTION

# **DEFRA**

**REDACTION** reported that the Commission is no longer proposing to do a directive on shale gas, but that the Commission were making amendments to the Mining Waste and Ground Water Directives.

Duarte requested that this area should be included as an Agenda Item at the next meeting. **ACTION: REDACTION** to make the Mining Waste and Ground Water Directive Agenda item for the 4<sup>th</sup> July 2013 meeting.

#### HSE

**REDACTION** reported that the formation of the new Energy Division was receiving some opposition (including the Unions) and had triggered a number of PQ's. **REDACTION** commented that the opposition was surprising as the new Energy Division, which would include the existing Offshore Division, the HSE's pipeline regulation, the Mines Inspectorate and key energy industries such as unconventional gas, would provide better synergies and alignment moving forward.

**REDACTION**-reported that **Steve Walker** would not be involved in future SGSG meetings and introduced **Peter Brown** -who would take over **Steve Walker** previous role on the SGSG.

# EA

Tony Grayling reported that the EA are nearing the decision point on the EPR Permits being sought by Cuadrilla for proposed fracking operations at their sites in Lancashire. It was likely a decision would be made by the end of May. **REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION** 

Tony also reported that they were still reviewing their Technical Guidance with the intention of publishing the draft version in June. It would be published as a working document online (and Group members would be able to make comments on it. **REDACTION** asked if he could obtain an advanced copy and Tony agreed to send this to him. **ACTION: Tony Grayling** to send **REDACTION** advanced copy of draft Technical Guidance

Tony added that their environmental risk assessment undertaken by the Environment Agency to inform its own regulatory approach (which he had previously reported as being peer reviewed) would be published as an Annex to the Technical Guidance.

#### DECC

Simon Toole reported that his Branch had now received a drilling consent application from Cuadrilla for their Balcombe well.

Simon also reported that a contract had been awarded to Amec for the onshore SEA update (to take into account shale gas developments) which was planned to be concluded by the early part of 2014. This would see the 14<sup>th</sup> onshore Licensing Round being launched soon after with awards being announced in the middle of 2014.

# Planning officers Society

**REDACTION** and **REDACTION** reported that the meeting of the Local Authority Planners Group had taken place in April at Local Authority House. **REDACTION** and **REDACTION** had been in attendance and the discussion that had taken place had been helpful to **REDACTION** in helping to understand what would be useful to planners in the DCLG Guidance on shale gas.

# 3. Update on Budget commitments

Duarte reported that the first all Parliamentary Group on Shale Gas had taken place last week. **REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION**The Energy Minister, Michael Fallon, spoke at the event in which he had set out the stall well for taking shale gas forward from exploration to production and the need to ensure a robust Regulatory regime in all its stages.

Tony Grayling who attended the event echoed Duarte's comments.

Tax.

**REDACTION** reported that the HM Treasury had met industry to discuss shale gas related tax proposals and would being do so again before they publish their consultation paper ahead of Summer Recess. **REDCATION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION. REDACTION REDACTION REDACTION.** 

Community Benefits,

**REDACTION** reported that OUGO had met with industry last week which had been a positive meeting. **REDACTION REDACTION REDACTION.** 

Planning

REDACTION REDACTION

REDACTION REDACTION

# REDACTION REDACTION REDACTION REDACTION REDACTION

On that wider review he said that the intention was that before the Summer Recess a web based Guidance tool would go live (of which shale gas will only form a small part) with clear Guidance and links to other relevant Guidance documents.

He noted that they had been asked about how much of the proposed Environmental Risk Assessment to be introduced by DECC could be reused for permits and the EIA, the timeliness has not yet been tested.

**REDACTION** said he would circulate to the Group the outcomes from tomorrow's industry workshop during the course of next week and he would be very welcome of receiving views. (**ACTION**: **REDACTION** to circulate outcomes from industry workshop on new Planning Guidance for comments.

# 4. BGS aquifer study update

Tony Grayling said that they quite close to being ready to publish this public facing web based tool which aims to show the relationship between shale plays and aquifers (separation depths etc) and was happy that it be published in conjunction with the other studies.

He said it was important to get the narrative right to avoid misunderstandings. It is critical to make clear that this was a screening tool and was not about saying this is a shale gas "Go" area and this is a shale gas "No go" area.

Tony said he had already been sent a draft version to test.

#### 5. BGS study - Bowland

Simon Toole said the report was nearly in its final form and would be ready for publication when that date is decided on. Simon gave a quick overview of what the report would be saying about gas in the Bowland shale. **REDACTION** asked who would actually be publishing the study. Simon said it was a BGS study (paid for by DECC) and it would be issued to DECC who would publish it on our website.

## 6. Emissions study - update

Duarte/Simon noted that DECC also has a study on methane emissions was currently being peer reviewed, Tony Grayling noted that EA has a couple of other reports that might be relevant, including emission for operators and a report on the up scaling of shale gas.

# 7. Regulatory Streamlining

Road Map consultant

**REDACTION** reported that tenders received had now been reviewed and a consultant would shortly be appointed to develop the shale gas regulatory life-cycle 'Road Map'.

An introductory meeting is to be held on Thursday the 23<sup>rd</sup> of May with the selected consultant and the name of the successful company would be announced at that meeting.

**REDACTION** will lead this work moving forward.

# Scheduling - update

REDACTION REDACTION

Duarte commented that the life-cycle 'Road Map' will help identify where potential for such streamlining might be achieved.

# Customer Journey

**REDACTION** asked whether we should consider sharing the shale gas regulatory lifecycle 'Road Map' with Cuadrilla to be inclusive with a company that clearly had experience in this area. It was agreed that this should be done. Simon Toole said that it should be not only be shared with Cuadrilla but the wider shale gas industry.

**ACTION: REDACTION** to seek industry views on the regulatory life-cycle 'Road Map'.

# 8. Environmental Risk Assessment Guidance – Next steps

**REDACTION** reported that he had received a draft of the ERA Guidance from Cranfield University which he had circulated to the Group, comments to be received by 31<sup>st</sup> May. **REDACTION** thought it would then be possible to publish by July.

REDACTION REDACTION

Consideration of the context of the guidance must be taken before publication.

#### 9. AOB

**REDACTION** mentioned to the Group that a delegation from the Chinese Academy of Science was coming to see the HSE to talk about the experience with shale gas projects.

**REDACTION** thought that it would be better if other members of the SGSG were present as well and that the meeting should be held at DECC. This was agreed.

REDACTION REDACTION

Duarte also raised the issue of the Royal Societies recommendations and suggested that there be a specific Agenda Item (to check on progress in implementing them) for the next meeting. This was agreed by the Group. **ACTION REDACTION** to make progress on Royal Societies recommendations Agenda item for the 4<sup>th</sup> July 2014 meeting.

# 10. Date of Next Meeting

The date of the next meeting was agreed for the 4<sup>th</sup> July 2013 at 3 WHP.

# ANNEX A - ROLLING ACTION LIST

# **OUTSTANDING ACTIONS**

Action	Note of last reported position	
REDACTION – REDACTION County Council	As discussed in the meeting notes of the 4 <sup>th</sup> April 2013	
To draw up short note setting out what planning officers would like to see covered in planning guidance on unconventional gas.		
DEFRA Make progress on clarifying the boundaries of the Regulations.	<b>REDACTION</b> -said that they had been doing work with the Environment Agency on this. They have no answers to report yet because of resourcing constraints but should be able to meet the 2014 deadline for implementation of any changes needed No update asked for at the 20 <sup>th</sup> May meeting.	
REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION	REDACTION	
<b>REDACTION</b> to circulate BGS estimate of shale gas in place before its publication.	<b>REDACTION</b> reported that publication of this report had now been pushed back to May as it was not yet ready for publication.  Update as provided in the Minutes of the 20 <sup>th</sup> May meeting	
REDACTION to commission suppliers to develop a complete Shale Road Map once the enhanced map has been created.	Update as provided in the Minutes of the 20 <sup>th</sup> May meeting.	
ACTION REDACTION to set implementation dates for RAE/RS recommendations and report back at the next meeting.	REDACTION had circulated dates and was pleased to announce that those deliverables up to the end of March had been achieved but there was a lot of deliverables still to be achieved before September 2013.  No update asked for at the 20 <sup>th</sup> May meeting. Will be an Agenda Item for the 4 <sup>th</sup> July meeting	

ACTION Tony Grayling to see whether it was possible to distinguish between "potable" (useable for drinking water etc) aquifers and non potable aquifers.  ACTION Tony Grayling. If above possible a GIS layer should be added to the web based tool.	Tony said at the 20 <sup>th</sup> May meeting that it is not as simple as that. One difficulty in presenting the information was the fact that what may currently be a non potable aquifers (not useable for drinking water etc) may with treatment be potable in the future.
ACTION OUGO Press Offices of respective departments/agencies should ensure joined up lines on the publication of BGS and aquifers report (including the web based tools).	Reported at the 20 <sup>th</sup> May meeting that this was being progressed and a number of meeting had taken place to take it forward.
ACTION: REDACTION to set up focused meeting on the note setting out what planning officers would like to see covered in planning guidance with REDACTION REDACTION REDACTION REDACTION In attendance.	Reported by <b>REDACTION</b> -on 17 <sup>th</sup> June as completed .
ACTION: REDACTION to circulate HPA's draft Report on the potential health impacts of shale gas extraction.	
ACTION: Tony Grayling to clarify whether EA attending the Brussels work shop on a "risk assessment framework" for unconventional gas.	Tony reported at the 20 <sup>th</sup> May meeting that he did not know presently whether EA would be attending or not.
<b>ACTION: REDACTION</b> to make the Mining Waste and Ground Water Directive Agenda item for the 4 <sup>th</sup> July 2013 meeting.	NEW ACTION
ACTION: Tony Grayling to send REDACTION advanced copy of draft Technical Guidance	NEW ACTION
ACTION: REDACTION-to circulate outcomes from industry workshop on new Planning Guidance for comments.	NEW ACTION

<b>ACTION REDACTION</b> to make	NEW ACTION
progress on Royal Societies	
recommendations Agenda item	
for the 4 <sup>th</sup> July 2014 meeting.	

b) Minutes of 4 July 2013 Meeting

Note of the Shale Gas Strategy Group meeting held on 4th July 2013 at 3 Whitehall Place

#### **Attendees**

Duarte Figueira - DECC

**REDACTION** – DECC

**REDACTION** – DECC

**REDACTION** – DECC

Tony Grayling - Environment Agency

**REDACTION** – DCLG

**REDACTION** - DCLG

**REDACTION** – DEFRA

# 1. Note of the last meeting and review progress of actions (See Annex A)

Note of the last meeting

No comments made on minutes. Minutes agreed.

# 2. Short update on key activities and issues within each Dept/Agency

## **DECC**

Duarte Figueira updated the group on recent announcements, commenting that significant progress had been in recent months.

Further announcements are likely in mid July.

ACTION: REDACTION REDACTION).

#### EΑ

Tony Grayling updated the group on activities in the North West. **REDACTION REDACTION REDACTION REDACTION REDACTION** 

There will be a delay in the permitting decisions on the three sites in Lancashire for which Cuadrilla have made applications, until such times as the EIAs have been completed. This will likely result in determination towards the end of the year.

Balcombe – The EA is consulting on an application for a mining waste permit and anticipate receipt of the Radioactive Substances Permit application shortly.

## **DCLG**

**REDACTION** updated on the DCLG technical planning guidance on shale.

# **DECC-LED**

**REDACTION** updated the group on the position with the SEA for the 14<sup>th</sup> licencing round and advised that the scoping report has been circulated to NGOs and statutory consultees in line with standard practice.

The Scoping report does include postulated high and low shale gas production scenarios.

# 3. Update on SR - related announcement 27th June

# **BGS Bowland study**

The BGS study on the Bowland was announced with the usual issue surrounding confusion over the terms Resource vs Reserve. This was despite a specific document being released that explained the difference and a clear explanation of the difference. The Wealden Basin study is underway by BGS.

#### Community Benefits

An engagement charter on community benefits has been published. The charter is published on UKOOGs website at the following location <a href="http://www.ukoog.org.uk/elements/pdfs/communityengagementcharterversion6.pdf">http://www.ukoog.org.uk/elements/pdfs/communityengagementcharterversion6.pdf</a>

# **Environmental Regulation**

REDACTION REDACTION

The EA have written directly to all operators that are planning to undertake work over the next few months to advise them of the permitting requirements and will be working closely with them. Enforcement will commence in 2014 on the new arrangements.

# 4. Regulatory Streamlining

#### Technical Planning Guidance

**REDACTION** updated the meeting on the status of the development of technical planning guidance and explained that there were still a number of questions to be addressed, **REDACTION REDACTION.** 

- REDACTION REDACTION REDACTION REDACTION
- REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION

A short discussion on the need for ERA took place. **REDACTION** stated that the expectation is that ERA should be required before consent.

There was general discussion on the need to coordinate the planned announcements for mid-July and that an integrated approach to ensure everything was workable was required. **REDACTION** added that the technical guidance will be published alongside the web based planning guidance to enable comment.

# Regulatory Roadmap

**REDACTION** updated the group on the Roadmap.

Work on the roadmap to cover England is largely complete. Wales and Scotland are being completed for the mid to late July planned completion.

The group discussed sharing the roadmap output and future publication.

Any observations on regulatory and non-regulatory changes following production of the draft map to be circulated to the Programme Board within DECC and the Stragey Group.

# **Environmental Risk Assessment**

**REDACTION** and **REDACTION** summarised the current position with the ERA guidance. **ACTION**: **REDACTION** to review the final draft circulated by **REDACTION** on 26<sup>th</sup> June.

# 5. European Developments

**REDACTION** and **REDACTION** summarised the European position.

A number of policy options on unconventional oil and gas are being considered by Europe, these range from minor changes to existing arrangements (either to guidance or legislation, or both) to specific legislation on shale. It was felt unlikely that the Commission would do nothing given the strength of opinion amongst some Member States and the public.

It will be important to brief Ministers on positions/options. An exercise would take place over the summer to evaluate possible EU action and consider the risks and benefits.

The position of individual states varies from very enthusiastic pursuit of unconventional oil and gas through to those highly opposed (some with moratoria in place).

It was observed that operators recognise the value of having a regulatory framework in addressing public concerns but are requesting stability and clarity.

**Owen Patterson** is attending the EU informal Council discussion on shale.

**REDACTION** commented that EU Parliament is looking at requirements for changes to EIA directive.

**REDACTION** fed back on the European Commission's consultation (23,000 views) and commented that responses generally fell into three categories:

- 1/3 were supportive of Unconventional Oil and Gas
- 1/3 Were Opposed and wanted EU action to ban exploration/production
- 1/3 believed that some changes to regulation were required

**ACTION:** Work to take place over the summer to evaluate EU action / risks / benefits.

# 6. BGS Aquifer Study

Tony Grayling advised that work was still underway to improve the user interface. It is likely that the product won't be complete until September.

## 7. DECC Emissions Study Update

This is almost ready for release, but is awaiting publication of the outcomes of the Texas study.

# 8. Update on RS/RAE actions

**REDACTION** updated the group on the status of the actions to meet the recommendations of the RS/RAE study.

It was agreed that a formal written response should be made shortly.

**ACTION: REDACTION** to draft a written response for circulation and approval before the next meeting.

## 9. AOB

A short discussion of how the group could work more strategically took place and it was agreed that two areas of work should be taken forward:

1. All members to think further about how the regulators can work together in a more integrated way and feedback at the next meeting – particularly how regulators can prepare for production phase together.

# 10. Date of Next Meeting

The date of the next meeting was agreed for September – Date to be formalised.

#### **OUTSTANDING ACTIONS**

Action Lead	Summary of required Action	
All	REDACTION REDACTION	
	REDACTION REDACTION	
	REDACTION	
REDACTION	To review the final draft ERA circulated	
	by <b>REDACTION</b> on 26 <sup>th</sup> June.	
REDACTION	To draft a written update on RS/RAE	
	response for circulation and approval	
	before the next meeting.	
REDACTION and REDACTION	To conduct work over the summer on	
	EU options / risks / benefits.	

# c) Minutes of 20 September 2013 Meeting

# Note of the Shale Gas Strategy Group Meeting held on Friday 20<sup>th</sup> September at 3 Whitehall Place

Time: 2:00-4:30

#### Attendees:

Duarte Figueira - DECC - Chair

REDACTION - DECC REDACTION - DECC

**REDACTION - DECC** 

**REDACTION - DECC** 

**REDACTION - DCLG** 

**REDACTION - HMT** 

David Cooper – **DEFRA** 

**REDACTION – EA** 

**REDACTION – REDACTION County Council** 

**REDACTION – PHE** 

**Apologies: REDACTION** - HSE, Simon Toole, DECC-**REDACTION REDACTION** 

1. Note of the last meeting and review progress of actions

The Minutes of the last meeting were approved without any amendments.

# 2. Short Updates on key activities and issues within each Dept/Agency

#### **2.1 DECC**

**DF** reported on recent shale activities:

## **REDACTION**

**Action: DF** to send a thank you letter on behalf of the SGSG to **REDACTION** for his involvement on the Shale Gas Strategy Group.

Keen to initiate work on the "production regulation of shale" as a priority.

**Action:** All Departments to consider what resources needed to prepare for production regulation.

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#### 2.2 **HMT**

**REDACTION** reported on HMT's activities:

- HMT were continuing to have lots of useful discussions with a number of Companies including REDACTION on the Tax Consultation on Shale Gas that closed last week;
- HMT reported there might be legislation slots available should the need arise.

**Action:** All departments to consider whether any legislation to prepare for production stage of Shale would be needed.

#### 2.3 PHE

**REDACTION** reported on PHE's activities:

- They were in the process of updating the Public Health England (PHE) draft report on direct emission from shale gas extraction activities following comments received from OGDs. The report is expected to be published sometimes around early to mid-October.
- there is a meeting in Preston of North West Shale Forum on 8<sup>th</sup> October and HIA will be one of the agenda.

#### Action:

**REDACTION** said he would review the report in the light of today's discussion.

**REDACTION** committed to resend report to OGDs before publication.

**REDACTION** to ask their SoS's Private Office to alert all Whitehall Private Offices before the publication of the PHE Report

#### **2.4 DCLG**

**REDACTION** updated the group on recent DCLG's activities.

- They lost their high court challenge to oil and gas exploration in Surrey Green Belts.
- They were at the next stage of their Red Tape challenge; they have had their star chambers meeting with Oliver Letwin and Michael Fallon.

# 2.5 DEFRA

**DC** reported:

- on the recent publication of report on the "impact of fracking on livestock" in the USA.
- DC noted that the "Wood Report" on Offshore Review of Gas and Oil is due out soon.
   REDACTION asked if DF could find out how the implications of Wood Review recommendations would apply to shale and to report back at the next meeting of the Group.

**Action: DF** to report back the implication of "Wood Review" recommendation on Shale Gas at the next meeting of the SGSG

# 2.6 DECC/LED

## **REDACTION** reported:

• that they were moving forward on the Strategic Environmental Assessment (SEA) with a view of publishing in the autumn.

## 3. Regulatory Streamlining work

# 3.1. Planning Guidance and Secondary Legislation

**REDACTION** reported that the planning guidance on Shale was published on 19<sup>th</sup> July 2013. They have received two letters of objections from the Friends of Earth. At some point the guidance will be merged with the rest of the planning guidance. The timing for

integration has yet to be decided, however, they will take a view on this during the secondary legislation consultation.

On the Secondary legislation he updated the Group on the proposals and questions for the consultation document. He will shortly organise a meeting with industry to get views on board on these proposals before going out for a formal public consultation.

# 3.2. EA Consultation on guidance update and recent regulation development

**REDACTION** reported that the experience at Balcombe resulted - all existing licence holders will require certain environmental permit for exploration of wells. They [EA] were in the process of writing to operators about this new requirement. It was queried how long it would take to issue a permit. It was noted that it will take approximately 6 weeks as an absolute minimum and a maximum of 13 weeks target for issuing these bespoke permits.

**REDACTION** also reported that they have produced a streamlined version of the forms responding to the commitments made in the Spending Review. These forms have been sent out to OGDs and industry stakeholders for comments. These forms were not published on the website due to publishing controls and as EA decided to pilot the form first before publishing.

# 3.3 Roadmap publication

**REDACTION** gave a brief update on the Roadmap guidance and invited Group members to provide any final comments before the publication. She shared the feedback that she had received from the industry.

In discussion the Group reviewed the short paper of recommendations produced by RSK for streamlining the existing processes. The Group agreed the RSK recommendation on picking up local planning/environment issues is a good one but the onus should be on industry to organise a meeting to do this.

**Action: REDACTION** to include under recommendation 3 that the "onus should be on industry to organise a joint meeting "in the Roadmap as best practice for industry.

**Action: REDACTION** to consider how to incorporate contact details in Roadmap to escalate/troubleshoot any issues.

## 4. Emissions report Recommendations on Monitoring

**DF** reported that an Emission's study by Profession David MacKay and Dr Tim Stone on the potential greenhouse gas emissions (GHG) from shale gas production and use in the UK was published on 9<sup>th</sup> September. The report discusses the compatibility of shale gas production and use with UK and global climate change targets. It was noted this was another good piece of work that would increase public confidence in shale development.

## 5. Public Engagement and Communication Update

**REDACTION** updated the Group on the **Community Engagement Charter**. She reported that the industry have been in discussion with the Local Government Associations (LGA). The next stage of work on the Community Benefits package by industry is expected to be completed by December 2013.

**REDACTION**-also gave an update on the **Engagement and Communication plans** for both at local and national level. At national level DECC was preparing web content to go on Gov.uk website. A number of fact sheets were expected to be placed on that site. A briefing pack on Shale Gas is also being prepared and is due to go out to all OGDs in the next month or so. DECC was also doing some rapid rebuttal on various stories and were currently working on an article.

At local level DECC had held discussions with industry and was in the process of commissioning a Science Wise research. DECC's proposed approach was to work with Local Authorities and with others locally to identify the local needs, and meet these in a bespoke way involving experts trusted by the public. A long discussion took place on this issue and number of suggestions/options was put forward. REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION REDACTION

**Action:** All Departments to keep **REDACTION**-informed of all the developments/activities/ publications/events happening or expected to happen within their Departments **REDACTION REDACTION REDACTION**.

**REDACTION**(DCLG) and **REDACTION** (DEFRA) requested for OUGO to provide the following information to help them brief their locality Ministers/Policy leads:

- where Shale resource was likely to be developed;
- which Local Authorities were involved or may be involved in future;
- where the licence for fracking was;
- updated lines on Shale fracking etc.

It was noted that the majority of this information was Commercial in Confidence and was therefore not appropriate to release. However, the Group agreed to provide a very generic high-level list with updated lines on fracking for sharing with DCLG/DEFRA.

**Action: REDACTION** to put their request in writing to **REDACTION** to provide a generic high level list of where the Shale resources were including updated lines on Fracking.

# 6. ERA publication

**REDACTION** gave an update on the current position of the Environmental Risk Assessment (ERA) Guidance) **REDACTION REDACTION REDACTION REDACTION** 

#### 7. EU Update

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# 8. AOB

## 8.1 Treatment of PQ/Correspondence/Fols

A brief discussion on the handling of public correspondence took place. It was agreed that if the policy lead rested with a particular Government Department than that particular correspondence/ PQ should be forwarded to the lead Department for response. However, if the request was related to more than one policy area then discussion should take place to establish the lead department to respond with appropriate input from others.

# 8.1 ToRs and Frequency of SGSG Meetings

**DF** gave a brief read out of the draft ToRs for SGSG and agreed to recirculate around to the Group members for reviewing.

**Action: DF** to circulate revised draft ToRs for SGSG to all Members for reviewing and agreeing at the next meeting.

# 8.2 Meetings REDACTION REDACTION

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# Action table

Action Lead	Summary of Action	Progress/Update
DF	To send a thank you letter on behalf of the SGSG to REDACTION REDACTION REDACTION REDACTION for his involvement on the Shale Gas Strategy Group.	Completed
All	All Departments to consider what resources needed to prepare for production	On-going
All	All Departments to consider whether any legislation to prepare for production would be needed.	On-going
REDACTION	said he would review the report in the light of today's discussion and agreed to amend or reword text as appropriate.	Completed
REDACTION	Committed to resend report for a final review by OGDs before publication	Completed
REDACTION	To ask their SoS's Private Office to alert all Whitehall Private Offices before the publication of the PHE Report	Completed
DF	To report back the implication of "Wood Review" recommendation on Shale Gas at the next meeting of SGSG	Agenda
REDACTION	To include under recommendation 3 that the "onus should be on industry to organise a joint meeting" in the "Roadmap" as best practice for industry.	Completed
REDACTION	To consider how to incorporate contact details in "Roadmap" to escalate/troubleshoot any issues	Completed
All	All Departments to keep <b>REDACTION</b> informed of all the developments/activities/ publications/events happening or expected to happen within their Departments <b>REDACTION REDACTION REDACTION REDACTION</b>	Ongoing
REDACTION	To put their request in writing to <b>REDACTION</b> to provide a generic high-level list of where the Shale resources were including updated lines on Fracking.	Completed
DF	To circulate revised draft ToRs for SGSG to all Members for reviewing and commenting	Have been circulated with the agenda