

REDACTION

E-mail: REDACTION

Our ref: FOI2014/15733

9th September 2014

Dear REDACTION

Thank you for your letter of 14 July in which you asked for the following information:

1.	Department of Energy and Climate Change (DECC) to DETI	23 August 2013	Shale Gas Road Map	DECC to DETI
2.	Minerals and Petroleum Branch (MAPB) Reply to above	27 August 2013	Shale Gas Road Map	MAPB reply to above
3.	MAPB follow-up to above	9 th September 2013	Shale Gas Road Map	MAPB follow-up to above
4.	DECC to DETI	25 th October 2013	Shale Gas Road Map	DECC to DETI
5.	HSENI to DECC re above	31 st October 2013	SGRF – Shale Gas Road Map	HSENI to DECC re-above
6.	DECC to SGRF members re above	28 th November 2013	DECC	DECC to SGRF members re- above
7.	DETI to DECC re above	6 th December 2013	Shale Gas Roadmap	DETI to DECC re- above
8.	DECC to DETI re above	9 th December 2013	Shale Gas Roadmap	DECC to DETI re- above
9.	DETI to DECC re- above	9 th December 2013	Shale Gas Roadmap	DETI to DECC re above

Your request has been considered under the Environmental Information Regulation 2004 ("the EIRs") on the basis that the information you have sought disclosure of, does in our view, fall within the definition of "environmental information" as in the EIRs.

Following a search of our paper and electronic records, I have established that the Department holds information within the term of your request. DECC considers that



some other material is exempt from disclosure under regulation 12(4)(d) of the EIR which relates to material which is still in the course of completion, unfinished documents or incomplete data; and Regulation 13(1) of the EIR which relates to personal information of the EIRs. Appropriately redacted copies of this information are attached at **Annex A** of this letter.

Regulation 12(4)d is subject to a public interest test. The key public interest considerations we have taken into account are set out below. In considering the public interest we have applied a presumption in favour of disclosure for environmental information as required by regulation 12(2) of the EIRs.

In this case, disclosure of some of the related information we possess would affect the "safe space" that was needed to effectively consider all aspects relating to the "Shale Gas Road Map" material. The exemption is designed to allow policy officials to take a thorough approach to policy making by exploring as many relevant channels as possible, not all of which will be relevant to final policy. Allowing this 'safe space' enables officials to be frank when considering all aspects of policy formation.

Having considered the balance of the public interest, we have concluded that the public interest in maintaining this regulation outweighs the public interest in disclosing the information in this instance.

A link to finalised version of the Shale Gas Road Map that was published on 17 December 2013 is attached below.

https://www.gov.uk/government/publications/regulatory-roadmap-onshore-oil-and-gas-exploration-in-the-uk-regulation-and-best-practice

You may also find link to these factsheets useful background reference:

https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-fracking

Finally, some of the information constitutes personal data and has been withheld. Regulations 12(3) and 13(1) of the EIRs provides an absolute exception from disclosure for personal data, which then falls to be dealt with under the Data Protection Act (DPA). Personal data of third parties can only be disclosed under the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the DPA. We do not think it is fair to release the names and contact details of DECC staff below Senior Civil Service level, or staff in other organisations, and do not think that any of the relevant conditions in Schedule 2 of the DPA apply

Appeals procedure

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working



days of the date of receipt of the response to your original letter and should be sent to the Information Rights Unit at: Information Rights Unit (DECC Shared Service), Department for Business, Innovation & Skills, 1 Victoria Street, London, SW1H 0ET. E-mail: foi@decc.gsi.gov.uk. 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, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,

Office for Unconventional Gas and Oil



ANNEX A

INFORMATION THAT FALLS WITHIN THE SCOPE OF THIS REQUEST

Item 1

E-mail from DECC to DETI (and others) - 23 August 2013

From: REDACTION READACTION (Energy Development)

Sent: 23 August 2013 18:53

To: REDACTION (REDACTION.REDACTION@environment-agency.gov.uk)

(REDACTION.REDACTION@environment-agency.gov.uk);

REDACTION.REDACTION@communities.gsi.gov.uk;

REDACTION.REDACTION@communities.gsi.gov.uk;

REDACTION.REDACTION@hse.gsi.gov.uk; REDACTION.REDACTION@hse.gsi.gov.uk;

REDACTION.REDACTION@Wales.GSI.Gov.UK; REDACTION.REDACTION;

REDACTION.REDACTION@cyfoethnaturiolcymru.gov.uk;

REDACTION.REDACTION@doeni.gsi.gov.uk; REDACTION.REDACTION@defra.gsi.gov.uk;

REDACTION.REDACTION@sepa.org.uk; REDACTION.REDACTION (Energy Development);

REDACTION.REDACTION@communities.gsi.gov.uk;

REDACTION.REDACTION@hse.gsi.gov.uk; REDACTION.REDACTION(ESH - Planning)

(REDACTION.REDACTION@Wales.GSI.Gov.UK);

<u>REDACTION.REDACTION@cyfoethnaturiolcymru.gov.uk;</u> REDACTION.REDACTION(Energy Development)

Cc: REDACTION.REDACTION (Energy Development); REDACTION.REDACTION(Energy Development); REDACTION.REDACTION (Energy Development);

REDACTION.REDACTION@scotland.gsi.gov.uk; Figueira Duarte (Energy Development);

REDACTION.REDACTION (Defra) (<u>REDACTION.REDACTION@DEFRA.GSI.GOV.UK</u>); REDACTION.REDACTION.

Subject: Sign off: Regulatory road map (respond by 4pm Friday 30 August 2013)

Importance: High

Dear all

As you will be aware, the project that looked at clarifying the regulatory regime for the UK (the regulatory road map) has come to an end. The final product is attached here.

As part of the sign off process with the consultants who led on this project, I'm asking that you confirm that it is an accurate reflection of current regulation in your area of responsibility/jurisdiction or respond by letting me know of any inaccuracies by 4pm Friday 30 August 2013.



NB. The product itself is high level but it contains links to various websites. For the road map to remain accurate and useful it is essential that the links work and that the information is updated- it will be the responsibility of whoever is managing the websites in your organisations to keep them updated. If the decision is taken to make any amendments, please notify us of those changes as soon as possible and let us know when you intend to make them.

I know many of you will want to know about publication. We intend to publish it but a number of steps needs to be taken before that. We will keep you informed.

Thank you again for your kind assistance throughout the development of the roadmap.

REDACTION

REDACTION REDACTION

Office of Unconventional Gas and Oil

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



Item 2 - MAPB to DECC - reply to above - dated 27th August 2013

From: REDACTION.REDACTION[mailto:REDACTION.REDACTION@detini.gsi.gov.uk]

Sent: 27 August 2013 14:57

To: REDACTION.REDACTION(Energy Development)

Cc: REDACTION.REDACTION (Energy Development); REDACTION.REDACTION (Energy Development); REDACTION.REDACTION@doeni.gsi.gov.uk; REDACTION.REDACTION (Energy Development); REDACTION.REDACTION (DETI); REDACTION.REDACTION; REDACTION.REDACTION (DETI); Thompson, Mike; REDACTION, REDACTION; REDACTION; REDACTION, REDACTION, REDACTION (DETI); Thompson, Mike; REDACTION, REDACTION (DETI); REDACTION (

Importance: High

REDACTION, thanks for this and for your time on the phone this morning: –

as discussed I'll revert to you asap regarding the DETI Minerals & Petroleum Branch content of the NI Road Map.

As you know the NI position has been informed by a range of NI Departments, & by means of this e-mail, I am alerting those NI Departmental colleagues involved in the Road Mapping exercise of your request below.

Given yesterday's bank holiday and that this is the last week before return to school here in NI, it's possible that some people may be on leave and therefore unable to meet the Friday 30th deadline but responses should follow asap thereafter.

REDACTION, in going forward, I think it's important that I also reiterate some aspects of the discussions at our meeting in London on 14th August regarding the differences in the structure of the GB & NI Administrations and the impact of same:-

As Minister for the <u>Dept of Enterprise</u>, <u>Trade & Investment</u>, the DETI Minister is on record as welcoming the potential that Shale Gas/Oil may exist in NI and considers it important that NI seek to explore the potential of this valuable commodity both in NI economic development terms and for security of supply purposes – that said the DETI Minister is also committed to seeking to ensure that shale gas exploration can only proceed in Northern Ireland if it can be carried out safely and without significant risk to the environment.

The <u>Department of the Environment</u> Minister (with NI Planning Service and NI Environment Agency responsibility) is aware of the 'Regulatory Roadmap', and of its purpose as a first point of reference for anyone seeking to understand the permitting



and permissions process for exploratory work in unconventional gas development, onshore UK, but is keen to reinforce the message that any proposals submitted to DOE by any company with an interest in shale gas, will be robustly assessed against the existing legislative and planning policy framework and any assessment of significant proposals has to be, and can only be, on the far side of research and science.

Going forward therefore, it remains important that NI's involvement in the roadmapping exercise is understood to be in the context of demonstrating to interested parties that there is a robust series of permissions required rather than any positive endorsement of the hydraulic fracturing technique.

Thanks again & best regards

REDACTION

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Item 3 – E-mail from MAPG follow up to above to DECC) – dated – 9th September 2013

From: REDACTION, REDACTION; [mailto:REDACTION.REDACTION@detini.gsi.gov.uk]

Sent: 09 September 2013 15:57

To: REDACTION.REDACTION (Energy Development); REDACTION.REDACTION (Energy

Development)

Cc: Thompson, Mike; REDACTION, REDACTION (DETI); REDACTION, REDACTION; REDACTION; REDACTION, REDACTION, REDACTION, REDACTION, REDACTION, REDACTION, REDACTION, REDACTION

Subject: FW: Sign off: Regulatory road map (respond by 4pm Friday 30 August 2013)

Importance: High

Hello **REDACTION** –please see below DETI's (Minerals & Petroleum Branch (MAPB) & Geological Survey of Northern Ireland (GSNI)) comments on the proposed final form Road Map as attached. As you know, **REDACTION** of DETI's Health & Safety Executive NI has already responded to you directly on those aspects of the Road Map pertaining to HSENI.

Apologies for the time taken to respond.

REDACTION, we've flagged a few "non-DETI" issues which occurred to us as we worked through the document but please note that it is for the Dept of the Environment NI (DOE) and/or the Northern Ireland Environment Agency (NIEA) to provide assurances and sign off on those aspects of the Road Map pertaining to DOE/NIEA.

I hope you will find the comments helpful and would be more than happy to discuss.

Best Regards



Item 4 - E-mail from DECC to DETI - dated 25th October 2014

From: REDACTION, REDACTION (Energy Development)

Sent: 25 October 2013 14:13
To: REDACTION, REDACTION

Cc: REDACTION, REDACTION; REDACTION, REDACTION (DETI); REDACTION, REDACTION (DETI);

REDACTION, REDACTION; REDACTION

Subject: NI Shale Gas Regulators Forum- agenda (roadmap)

Importance: High

REDACTION

We spoke. Grateful if the road map can be put on the agenda for today for scrutiny and sign off (by 2pm next Thursday 31 October 2013) as all the relevant authorities in NI will be represented. Please confirm you are content or raise any final issues by this date in an e-mail to REDACTION, REDACTION cc'd), copying me in.

This is on the basis that you are not endorsing or promoting hydraulic fracturing but that you are confirming that the roadmap includes an accurate description of the position in Northern Ireland. This will be made clear when we publish the roadmap and in any other relevant communication. If you have anything further to add, please agree it and we can discuss it early next week.

REDACTION (the consultants- cc'd) has made all the amendments that were previously requested except for those you mentioned should be for DOE/ NIEA- see below (highlighted yellow):

SLIDE 87 Comment 9

REDACTION, REDACTION 09/09/2013

Should "transnational impacts" be referenced here - DOE/NIEA advice on appropriate text.

SLIDE 89 Comment 10



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SLIDE 90 Comment 11

REDACTION, REDACTION 09/09/2013

DOE Planning Service to expand content?

SLIDE 94 Comment 13

REDACTION, REDACTION 09/09/2013

Include sentence iro well suspension?

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SLIDE 96 Comment 14

REDACTION REDACTION 09/09/2013

Include wording on Section which allows decision to be called in.

This is because **REDACTION REDACTION** confirmed he was content with the NIEA sections and it would appear that **REDACTION REDACTION** is away until Monday.

Thanks again for your kind cooperation with this.

REDACTION

REDACTION REDACTION

Office of Unconventional Gas and Oil

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



Item 5 - Email from MAPB to DECC- dated - 31st Oct 2013

From: REDACTION, REDACTION Sent: 31 October 2013 11:56

To: 'REDACTION, REDACTION'; REDACTION, REDACTION; 'REDACTION,

REDACTION@decc.gsi.gov.u'

Cc: REDACTION, REDACTION; REDACTION, REDACTION (PLANNING); REDACTION, REDACTION; REDACTION; REDACTION; REDACTION; REDACTION, REDACTION, REDACTION, REDACTION; REDACTION, REDACTION; REDACTION, REDACTION; REDACTION, REDACTION;

REDACTION, REDACTION; REDACTION DETI Press Office

Subject: FW: Regulatory Roadmap (deadline for confirmation: 12 noon, Thursday 31 October 2013)

Hello REDACTION REDACTION - as per REDACTION (REDACTION) e-mail of yesterday (below), DOE Planning has now provided its input to the attached.

DETI's (i.e. MAPB, GSNI & the HSENI) final form changes are also tracked in the attached –slides 9.93, and 98 respectively refer (together with a correction - insertion of the word "be" in a number of slides).

As advised yesterday, **REDACTION of NIEA** has been quality assuring NIEA's input so it's possible that NIEA may offer a couple more comments – **save for this the Northern Ireland input is now complete.**

I would however make the following "overarching" comment:

In considering the various iterations of the roadmap and commenting on same, DETI & I assume other NI Departmental colleagues, have been inputting on the basis of the roadmap being as previously branded "Planning & Permitting for exploration of Shale Gas & Coal Bed Methane onshore UK".



However I note that the document has now been re-titled "<u>Planning & Permitting for exploration for oil and gas exploration onshore UK</u>" and the opening slides provide that the "contents covers conventional".

As some of the processes documented (e.g. pre-drilling checklist) may <u>not</u> apply to conventional, can I ask please that RSK check the overall document to ensure that the delineation between "conventional" & "unconventional" is properly reflected – is there perhaps merit in amending the opening text along the lines of "....... is <u>primarily</u> for unconventional but some of the processes will equally apply to conventiona?I."

Thank-you for all OUGO and RSK's work on this to date.

REDACTION, can I ask please that OUGO keep e-mail recipients informed regarding your Ministerial approval and proposed dates for launch & publication etc as it will be important that we can give our respective Ministers and Press Offices etc prior notice.

Best Regards



Item 5a - Email from MPAB to DECC- dated - 31st Oct 2013

From: REDACTION REDACTION

Sent: 31 October 2013 15:54

To: REDACTION REDACTION (Energy Development)

Cc: REDACTION

Subject: RE: NI Shale Gas Regulators Forum- agenda (roadmap)

REDACTION

I had passed this change to **REDACTION** and assumed that she had passed it to you if not please see the note below.

Can I refer you to slide 98 under the title Key legislation and guidance the legislation reference should be changed from the 'Health and Safety at Work Etc. Act 1974' to the **Health and Safety at Work (Northern Ireland)Order 1978.** In the script opposite the slide the same problem occurs

Kind regards

REDACTION

REDACTION REDACTION

HSENI 83 Ladas Drive Belfast, BT6 9FR

Tel: REDACTION REDACTION

Mob: **REDACTION**Textphone: **REDACTION**Web: www.hseni.gov.uk

Please consider the environment - do you really need to print this e-mail?



Item 6 - DECC to SGRF member re above - 28th November 2014

From: REDACTION REDACTION (Energy Development) [mailto:REDACTION

REDACTION@decc.gsi.gov.uk]
Sent: 28 November 2013 18:26

To: 'REDACTION REDACTION'; REDACTION REDACTION (Communications); REDACTION

REDACTION (Energy Development); REDACTION REDACTION (REDACTION

REDACTION@environment-agency.gov.uk) (REDACTION REDACTION@environment-agency.gov.uk); REDACTION REDACTION@communities.gsi.gov.uk; REDACTION

REDACTION@communities.gsi.gov.uk; REDACTION REDACTION (REDACTION

<u>REDACTION@hseni.gsi.gov.uk</u>); REDACTION REDACTION (REDACTION

REDACTION@detini.gsi.gov.uk); REDACTION REDACTION (REDACTION

REDACTION@detini.gsi.gov.uk); REDACTION REDACTION(Energy Development)

Cc: REDACTION REDACTION; REDACTION REDACTION REDACTION

Subject: RE: Request for roadmap approval (comments/confirmation by 4pm tomorrow, Friday 29

Nov 2013)

Importance: High

REDACTION

My colleague **REDACTION** (cc'd) had a go to demonstrate what it could look like- I assume this is the one you and **REDACTION** were referring to?

I have included some comments/ amendments which I hope help. In addition,

- I understand the EIA 1999 regs have been revoked/ repealed? If this is the case, we need to update the document and reflect that throughout.
- We agreed not to include the that 'the landowner must obtain the lease from the landowner' on the flowchart as requested by industry but that it's OK to include it on the pre-drilling checklist. We expect to hear back from industry on that tomorrow/ Monday but grateful for comments (REDACTION and REDACTION)
- I think we should mention UKOOG's commitment to community engagement, even if in a sentence with a link attached to UKOOG's charter. It is good practice and something the Government welcomes.
- MPA / operator pre-application consultation- where we refer to UKOOG's charter, can we add lines on about minimising disturbance to the community.
- EIAs- on the slide about MPA screening for EIA, I understand industry thought it might be
 more accurate to amend the following sentence' If the applicant fails to apply for such an



opinion and the MPA fails to screen the proposal, a subsequent grant of planning permission could be challenged' to 'If the MPA fails to provide a screening opinion for the proposed development, a subsequent grant of planning permission could be challenged'
REDACTION/REDACTION which sentence more accurately reflects Government's intentions?

- On MPA screening for EIA, UKOOG has decided that its members will carry out EIAs, where hydraulic fracturing is proposed- can we add that as a best practice point, please?
- NI- would **REDACTION**, **REDACTION** or **REDACTION** confirm the point at which NI would consult- is NI out of snyc with the rest of the UK?
- A general point about consultation- can we say when, how and, if possible, the length of time consultation might take e.g. where the doc states 'Operator applies for permits from environmental regulator', there is no mention of EA consulting on the permits; 'where MPA advertises and consults on finalised planning application' there is also very little detail here. If it statutory, we can state 12 weeks; if it depends but is on EA's/ MPA's website we can attach a link. We discussed this previously but this is an area where there is a lot of interest and we expect that it will come up once in the public domain so I think we need to address it now. If problematic, let's discuss what's doable.
- Can we make clear who must notify HSE where this is mentioned. I know in some areas you mention that it is for the operator to notify.
- EWTs- the NPPF states the MPA must distinguish the phases exploration, appraisal etc..
 Are EWTs in the exploration or appraisal stage? If appraisal, planning permission may be required again before this takes place so I assume not but please confirm- is this clear in the doc?. (REDACTION, REDACTION, REDACTION)
- Key issues- this must have some correlation with DCLG planning practice guidance it currently includes seismicity for MPAs; and is not clear on type of waste. (REDACTION- any comments?)

Thanks



Item 7 - DETI TO DECC - re-above - 28th November 2013

From: REDACTION, REDACTION[mailto:REDACTION, REDACTION@detini.gsi.gov.uk]

Sent: 05 December 2013 10:36

To: REDACTION, REDACTION (Energy Development); 'REDACTION REDACTION'; REDACTION REDACTION (Communications); REDACTION REDACTION (Energy Development); REDACTION REDACTION (REDACTION.REDACTION@environment-

agency.gov.uk) (REDACTION.REDACTION@environment-agency.gov.uk);

REDACTION.REDACTION@communities.gsi.gov.uk;

REDACTION.REDACTION@communities.gsi.gov.uk; REDACTION, REDACTION

(REDACTION.REDACTION@hseni.gsi.gov.uk); REDACTION, REDACTION

(REDACTION.REDACTION@detini.gsi.gov.uk); REDACTION, REDACTION

(<u>REDACTION.REDACTION@detini.gsi.gov.uk</u>); REDACTION REDACTION (Energy

Development)

Cc: REDACTION REDACTION; REDACTION REDACTION; REDACTION; Thompson, Mike; REDACTION REDACTION; REDACTION REDACTION REDACTION; REDACTION (DETI); REDACTION REDACTION; REDACTION, REDACTION; REDACTION; REDACTION, REDACTION; REDACTION, REDACTION; REDACTION, REDACTION; REDACTION, REDACTION; REDACTION, R

Subject: RE: Request for roadmap approval (comments/confirmation by 4pm tomorrow, Friday 29

Nov 2013)

Importance: High

Naledi, thanks – I understand **REDACTION** REDACTION discussed with you yesterday. On foot of that discussion I would now comment as follows:-

DETI would endorse **REDACTION REDACTION** comment about the need to retain a reference to "Secured the permission of the landowner, normally through a lease" in order to avoid any suggestion of an attempt to cover up the issue of underground access;

DETI is content that the consultation processes in Northern Ireland are accurately reflected in the Roadmap as currently drafted and correspond to the other UK administrations;

DETI would endorse **REDACTION REDACTION** clarification of the ERA as a "first stage" risk assessment and is content for the references to ERA to be retained but on-going work will be required to scope and finalise the ERA requirements and associated guidance;



UKOOG - although existing NI Petroleum licensees are currently "non-producing", DETI is content for the references to UKOOG to be included in the NI Road Map as they reflect industry best practice;

NI Slide entitled "Agree plan for site restoration" – your reference HN(D13) – it is a requirement "for the operator" to notify HSENI .

REDACTION, I hope this is sufficient to clarify the NI position. Thanks to yourself and colleagues and to RSK for your work on the roadmap to date.

Happy to discuss further if required.

Best Regards



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Item 8 – DECC to DETI re above 9th December 2013

From: REDACTION REDACTION (Electricity Market Reform) [mailto:REDACTION.

REDACTION@decc.gsi.gov.uk]
Sent: 09 December 2013 09:23

To: REDACTION REDACTION @detini.gsi.gov.uk

Subject: Roadmap finalisation

REDACTION

Having reviewed your comments below with a colleague we understand no further changes are required, so I will send the document later this morning to be converted into its publishable form. Thanks for your earlier response.

Regards,

REDACTION

Item 9 – DETI to DECC re above 9th December 2013

From: REDACTION REDACTION [mailto:REDACTION.REDACTION@detini.gsi.gov.uk]

Sent: 09 December 2013 09:33

To: REDACTION REDACTION (Energy Development); REDACTION

REDACTION@detini.gsi.gov.uk

Cc: REDACTION, REDACTION; REDACTION REDACTION (Energy

Development); Thompson, Mike; REDACTION, REDACTION (DETI); REDACTION,

REDACTION (DETI); REDACTION REDACTION; REDACTION

Subject: RE: Roadmap finalisation

REDACTION noted thanks.