

Consideration of Section 4A Conditions

1. This table summarises the consideration given to each legislative condition as outlined in Section 4A of the Petroleum Act 1998¹.

Table 1

Section 4A Conditions	Has the condition been met?	Evidence
1. The environmental impact of the development which includes the relevant well has been taken into account by the local planning authority	Yes	The decision letter granting planning permission for the development which was issued by the then Secretary of State for the Department for Communities and Local Government (DCLG) shows that relevant environmental information was taken into account. The Planning Inspectorate also provided a notice to the then Secretary of State at the former Department of Energy and Climate Change (DECC) to confirm that the environmental impact of the development was taken into account in their report.
2. Appropriate arrangements have been made for the independent inspection of the integrity of the relevant well	Yes	The Health and Safety Executive has independently inspected the well and issued the relevant well certificate.
3. The level of methane in groundwater has, or will have, been monitored in the period of 12 months before the associated hydraulic fracturing begins	Yes	The Environment Agency has issued an environmental permit which contains a condition that requires compliance with a waste management plan which provides for monitoring of the level of methane in groundwater in the period of 12 months before the associated hydraulic fracturing begins. Cuadrilla has provided evidence which shows they have monitored groundwater methane levels on a monthly basis from July 2016.
4. Appropriate arrangements have been made for the monitoring of emissions of methane into the air	Yes	Cuadrilla has provided sufficient evidence of appropriate arrangements for monitoring methane emissions into the air in their application for an environmental permit.
5. The associated hydraulic fracturing will not take place within protected groundwater source areas	Yes	The Environment Agency has confirmed that the well site is not within a protected groundwater source area.

¹ Section 4A of the Petroleum Act 1998 (inserted by section 50 Infrastructure Act 2015), requires all well consents issued on or after 6th April 2016 to contain a requirement that the Licensee obtain consent from the Secretary of State (“hydraulic fracturing consent” or “HFC”) before carrying out any associated hydraulic fracturing as defined in section 4B of that Act.

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6. The associated hydraulic fracturing will not take place within other protected areas	Yes	The Planning Inspectorate provided a notice to the then Secretary of State for DECC to confirm that the area in respect of which the relevant planning permission has been granted does not include any land which is within any other protected areas.
7. In considering an application for the relevant planning permission, the local planning authority has (where material) taken into account the cumulative effects of— (a) that application, and (b) other applications relating to exploitation of onshore petroleum obtainable by hydraulic fracturing	Yes	The decision letter granting planning permission for the development which was issued by the then Secretary of State for DCLG shows that cumulative effects were taken into account. The Planning Inspectorate also provided a notice to the then Secretary of State for DECC to confirm that cumulative effects were taken into account.
8. The substances used, or expected to be used, in associated hydraulic fracturing— (a) are approved, or (b) are subject to approval, by the relevant environmental regulator	Yes	The Environment Agency has issued an environmental permit which requires their approval of the substances used, or expected to be used, in associated hydraulic fracturing.
9. In considering an application for the relevant planning permission, the local planning authority has considered whether to impose a restoration condition in relation to that development	Yes	The decision letter granting planning permission for the development which was issued by the then Secretary of State for DCLG shows that restoration conditions were taken into account. The Planning Inspectorate also provided a notice to the then Secretary of State for DECC to confirm that consideration was given on whether to impose a restoration condition.
10. The relevant undertaker has been consulted before grant of the relevant planning permission	Yes	The Planning Inspectorate provided a notice to the then DECC Secretary of State to confirm that the relevant undertaker was consulted.
11. The public was given notice of the application for the relevant planning permission	Yes	The Planning Inspectorate provided a notice to the then DECC Secretary of State to confirm that the public was given notice of the application.

Section 4A(6)(a) and Section 4A(6)(b) Conditions	Has the condition been met?	Evidence
6a. Appropriate arrangements have been made for the publication of the results of the monitoring referred to in condition 4 in the table	Yes	Cuadrilla has provided sufficient evidence of appropriate arrangements for the publication of monitoring results.
6b. A scheme is in place to provide financial or other benefit for the local area	Yes	Cuadrilla has provided sufficient evidence of a community benefits scheme in the local area.

2. In addition to the legislative conditions outlined in Table 1, and in accordance with Subsection 3(b) of Section 4A², the Minister of State for Energy and Clean Growth has considered the report from the Infrastructure and Projects Authority and the wider context of the application and, subject to the conditions outlined in the decision letter to you of 19 September 2018, is otherwise satisfied that it is appropriate to issue the consent.

² Subsection 3(b) of Section 4A of the Petroleum Act 1998 states that: “*where an application is made, the Secretary of State may not issue a hydraulic fracturing consent unless the Secretary of State is otherwise satisfied that it is appropriate to issue the consent.*”