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28 March 2014

Dear Sirs,

We are pleased to have the opportunity to respond to the **Environmental Report of the Strategic Environmental Assessment for Further Onshore Oil and Gas Licensing** (prepared by AMEC Environmental & Infrastructure UK Ltd; December 2013).

The principle objective of Sussex Wildlife Trust is to safeguard and enhance the wildlife assets of Sussex¹ and to ensure that people living in, working in and visiting Sussex can enjoy nature. Our comments thus reflect both matters of principle and our specific geographical area of interest.

Sussex Wildlife Trust has adopted a Position Statement on the unconventional exploitation of shale gas.² This sets out our understanding of the environmental risks and related concerns that we have over the potential impacts of the technique of hydraulic fracturing of oil- and gas-bearing formations on wildlife in Sussex, and our approach to local developments proposed within areas licensed for onshore oil and gas exploration and exploitation. The promoted technique ('fracking') is untested in southern England. It is being promoted as a potentially large scale operation to boost the supply of hydrocarbons sourced from within the UK, and the planning system has recently been modified to enable the technique to be 'fast-tracked' and thus to circumvent conventional planning processes under the responsibility of local authorities.

Concerns over the wider implications of developing shale gas derived from fracking as a significant energy source for the UK have been explored by Sussex Wildlife Trust's Chief Executive, Dr Tony Whitbread. These include the potential contribution to greenhouse gas emissions of a very small proportion of the fracked methane gas escaping into the atmosphere, and the likelihood that the anticipated energy supply 'solution' provided by unconventional oil and gas exploitation will divert attention from solving the real challenges to develop "... an economy ... delivering real prosperity while maintaining and improving the environment on which we depend."³

We note that the DECC proposal to launch a 'Further Onshore Oil and Gas Licensing Round' covering areas of England, Scotland and Wales as yet unlicensed for oil and gas exploration and exploitation

¹ Our geographical area of interest extends across the modern administrative areas of East Sussex, West Sussex and Brighton & Hove (and adjacent sea areas). This is the pre-1974 Ceremonial County of Sussex; all references to 'Sussex' in this document refer to our area of interest.

² Sussex Wildlife Trust (March 2014) *Position Statement on Onshore Shale Gas Extraction in Sussex* (see http://www.sussexwildlifetrust.org.uk/uploads/final_position_statement_on_shale_gas_extraction_1.pdf).

³ Tony Whitbread's blog 'Fracking – is there a good side to it?' (20 August 2013; <http://www.sussexwildlifetrust.org.uk/blog/2013/08/fracking-is-there-a-good-side-to-it/>)

Taking Care of Sussex

President: David Streeter MBE
Chairman: Chris Warne
Chief Executive: Tony Whitbread

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VAT Registration No. 191 305969. Registered Office: Woods Mill, Henfield, West Sussex BN5 9SD
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(the 'draft Licensing Plan') sets as part of its main objectives the aim that use of onshore hydrocarbon resources will be achieved "... without compromising the biodiversity, ecosystem functioning and the interests of nature and heritage conservation ...". We applaud and support this aspiration, since it broadly aligns with key elements of our adopted Position. **However, we are doubtful that this aspiration can be achieved based on the evidence presented in the Environmental Report of the Strategic Environmental Assessment (SEA).** Our reasons for this conclusion are set out below.

In addition to the following comments, **we fully support and endorse the submission by the Royal Society for the Protection of Birds (RSPB)**, which takes a broader approach to the SEA and addresses various aspects which we are not resourced to cover.

1. Strategic Environmental Assessment vs. Sustainability Appraisal

We believe that the Environmental Report (ER) of the Strategic Environmental Assessment (SEA) has not been adequately scoped and that objectives which stray beyond the proper remit of an environmental appraisal have been incorrectly introduced. In particular, we do not believe that it is appropriate to include objectives of a broad socio-economic nature in the SEA. The SEA is a structured, evidence-based process to assess the *environmental* consequences of public plans and programmes, providing opportunities for statutory agencies, stakeholders and the wider public to understand the likely impacts and to make their views known, and to provide a clear audit trail of any adjustments to plans and programmes made and decisions taken on the options considered. In contrast, Sustainability Appraisal embraces all three elements of sustainable development – economic, social and environmental issues.

We believe that the consultants have made a serious error of judgment and misinterpreted the objectives and intentions of the SEA process, and consequently introduced inappropriate considerations into the Environmental Report. In our view the ER of the SEA is not the legitimate place to assess and to draw conclusions on socio-economic impacts. Narratives such as "Likely significant positive effects were identified for unconventional oil and gas on the population assessment objective ... and the resource assessment objective ..." (Environmental Report, Non-technical Summary, page xiii), based on assessments of impacts of employment and financial benefits to communities are not relevant to the objectives of the Environmental Report of the SEA.

2. Key areas of concern, conclusions and recommendations

These relate to ecological consequences for Sussex of commercial activities likely to stem from the Department of Energy and Climate Change (DECC) 'draft Licensing Plan'. In particular we are concerned that such activities are likely to result in:

- Direct loss of important wildlife habitat and associated loss of species and fragmentation of habitat patches;
- Detrimental indirect impacts on habitats and species (including pollution of air, soil and water; noise, including in particular disturbance from traffic movements; lighting);
- Negative impacts on water resources in an area which is already under severe water stress;
- Detrimental impacts arising from infrastructure designed to deal with waste materials (including contaminated water, both on site and off-site).

Unfortunately the Environmental Report of the SEA provides us with little comfort that these issues have been adequately assessed or addressed.

Based on our assessment of the Environmental Report of the SEA, and that ...

- existing oil and gas exploration and exploitation licences cover a significant area (estimated at around 50%) of Sussex;
- there is no indication that experience and evidence derived from recent oil & gas exploration in Sussex has been taken into account to inform the SEA of the draft Licensing Plan (such as the likely cumulative impact on populations of bats in Sussex, as reflected in STW submissions on the planning applications for oil & gas exploration at Wisborough, Balcombe and Fernhurst);
- there seems to be no intention to undertake a Habitats Regulations Assessment at a strategic level (a serious deficiency and unlawful under both English and European law);
- we have serious concerns over the process followed in the preparation of the SEA,

we recommend that areas of Sussex not already covered by previous licensing rounds should be excluded from the draft Licensing Plan.

In the event that Government decides to implement the draft Licensing Plan, then **we recommend the following strategic safeguards and measures are put in place ...**

- **‘shale gas exclusion zones’ should be established in Sussex.**
These should be based on the principles set out in the recently published reports by a coalition of national NGOs.⁴ These exclusion zones should include designated sites at international (Ramsar sites), European (Natura 2000 sites) national (South Downs National Park; AONBs; SSSIs) and local (Local Wildlife Sites) levels and Sussex Wildlife Trust reserves together with areas defined by other environmental organisations (National Trust, RSPB, Wildfowl & Wetlands Trust), and should include buffer zones to ensure sites are properly safeguarded.
- **Biodiversity Opportunity Areas in Sussex should be safeguarded.**
A strategic overview is developed to ensure that any proposals for exploration and subsequent exploitation of oil and gas in Sussex Biodiversity Opportunity Areas (BOAs⁵) will be rejected if there is shown to be a risk to the existing wildlife assets, ecosystem function and ecological networks or that actions for the recovery of nature and repair of damaged ecosystems are likely to be compromised.
- **water resources in Sussex should be properly safeguarded.**
A strategic review of all plans for the management of water resources and to maintain or to enhance the ecological status of surface- and groundwater bodies should be undertaken to determine the likely cumulative impacts arising from hydraulic fracturing to explore and to exploit shale oil and gas reserves. This includes, *inter alia*, River Basin Management Plans; Catchment Plans; Water Company water resources management plans. Proposals to explore for or exploit shale gas resources which compromise water resource plans should be rejected.
- **monitoring impacts on species, habitats and ecological networks in Sussex**
the effects of any licensed activities to explore for and/or exploit shale gas through hydraulic fracture must be properly monitored in order that any adverse impacts on priority species and habitats and the ecological networks which are of fundamental importance to them, will be detected without delay and measures must be in place to ensure that effective remedial actions (which will include options of temporary or permanent cessation of exploration/exploitation) are taken immediately.

⁴ <http://www.sussexwildlifetrust.org.uk/uploads/shale%20gas%20summary%20low%20res.pdf> and <http://www.sussexwildlifetrust.org.uk/uploads/272-1210-13-14%20shale%20gas%20report%20low%20res.pdf>

⁵ BOA maps, descriptions of the methodology used to define the areas and their main wildlife interest are available at <http://www.biodiversitysussex.org.uk/landscapes/> and <http://www.biodiversitysussex.org.uk/images/42.jpg>.

We will be pleased to provide further information and evidence to support our views if this is required.

Yours sincerely,

Ian Hepburn
Head of Conservation Policy