

## **County Council – 14 October 2022**

### **Item 14(a) - Notice of Motion by Cllr Lord**

#### **Oil and Gas – Briefing Note**

##### **Introduction**

National planning policy is that mineral planning authorities should make provision for the extraction of mineral resources of local and national importance. This includes provision for conventional hydrocarbons, such as oil and gas that flows through porous rocks (e.g. limestone, sandstone) into reservoirs under impermeable layers/‘cap rock’, and unconventional hydrocarbons, such as oil and gas still trapped in pore spaces within impermeable rock (e.g. shale).

On 22 September 2022, the Government announced that it has lifted a moratorium on shale gas production in England and confirmed its support for a new oil and gas licensing round. The Government’s aims are to increase home-grown sources of energy, reduce the United Kingdom’s reliance on foreign imports, and explore all possible options to boost domestic energy security.

At this stage, no changes have been made to national policy in relation to planning for hydrocarbons or to relevant legislation.

##### **Shale Gas and Hydraulic Fracturing**

‘Hydraulic fracturing’, more commonly referred to as ‘fracking’, is a process sometimes used to break open rock after a well has been drilled for natural gas and oil. The potential to use fracking depends upon the underlying geology and it is most often referred to in relation to shale gas reserves (i.e. gas trapped in shale rock). Fracking is undertaken to create and expand fractures in the shale rock layers, below conventional limestone and sandstone layers, to increase gas production.

The British Geological Survey has confirmed that that the geology of the Weald Basin, which includes West Sussex, means that there is no significant shale gas potential.

No sites are being hydraulically fractured in West Sussex and planning permission has not been issued for operators to do so. Furthermore, no operator has proposed hydraulically fracturing in West Sussex since concerns about the process were raised in 2011 (as a result of events in Lancashire).

##### **Petroleum Exploration and Development Licences**

A Petroleum Exploration and Development Licence (PEDL) allows a company to pursue a range of oil and gas exploration activities, subject to necessary drilling/development consents and planning permission. There are nine PEDLs that cover areas in West Sussex (including within the South Downs National Park).

##### **Joint Minerals Local Plan**

As a mineral planning authority, the County Council has a duty to prepare a statutory Minerals Local Plan that addresses the exploration, appraisal, and production of onshore hydrocarbons.

The West Sussex Joint Minerals Local Plan (JMLP), prepared jointly by the County Council and the South Downs National Park Authority, was adopted in 2018. The JMLP, which covers the period to 2033, is the most up-to-date statement of land use planning policy for minerals and it provides the basis for making consistent decisions about planning applications for mineral activities in West Sussex.

Regulations require that local plans are assessed no later than five years from adoption to determine whether they remain relevant and effective. Therefore, the JMLP will be formally assessed during early 2023. If it is determined that a formal review of the Plan is required, for example, due to significant changes to national policy or resulting from monitoring the effectiveness of policies, the timetable for the review will be set out in the statutory management plan, the Minerals and Waste Development Scheme (MWDS), which will be rolled-forward in spring 2023.

Approval of the MWDS 2023-26 will be a key decision for the Cabinet Member for Environment and Climate Change.

### **Proposals for Hydrocarbons**

At its meeting on 19 October 2018, the County Council agreed that the wishes of local communities should be considered in decisions on shale gas and other oil and gas exploration and production, and that these decisions were best determined by local mineral planning authorities through the planning process.

Proposals for hydrocarbons are not defined as 'for Nationally Significant Infrastructure Projects (NSIP). NSIPs are usually large-scale developments that require 'development consent' from the relevant Secretary of State under the Development Consent Order process. Therefore, all proposals for hydrocarbons require planning permission from the relevant mineral planning authority.

Accordingly, the County Council has a duty to determine applications for the exploration, appraisal, or production of onshore hydrocarbons on their merits, taking account of national and local planning policy and all other material considerations. The County Council cannot pre-determine whether a planning application will be permitted or refused.

### **Lee Harris**

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