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To DECC Consultation Team

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27 March 2014

Dear Sir/Madam,

## **Strategic Environmental Assessment for Further Onshore Oil and Gas Licensing**

Thank you for the opportunity to comment on the SEA Environmental Report for further onshore oil and gas licensing.

### **Background:**

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 35 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Unconventional gas extraction, which can include a process known as fracking, can result in a wide range of environmental and health concerns. There is potential for direct damaging impacts from drilling and processing operations and for significant greenhouse gas emissions. There are current proposals for unconventional gas extraction in Scotland. Scottish Environment LINK is calling for a precautionary approach to all unconventional gas extraction in Scotland, where unconventional gas extraction projects are not consented unless environmental, health and climate concerns can be fully addressed.

### **Comments on the SEA**

Scottish Environment LINK have a number of serious concerns relating to the SEA. These are summarised below.

Our key comments and recommendations are:

1. Habitats Regulation Assessment. A Habitats Regulation Assessment should be undertaken for this licensing round, with the results used to inform both the alternatives considered in the SEA process and potential conditions that could be placed on the licences to ensure best practice and compliance with EU law. Scottish Environment LINK considers that the Government's decision to devolve this assessment to the project level contravenes the EU Directive and the 2010 Habitats Regulations, and is not compatible with UK case law.
2. Consideration of alternatives. The alternatives considered in the SEA should include spatial and temporal restrictions on licensing. Alternatives in the SEA should include excluding sensitive areas from the licensing round, including Natura 2000 sites and Sites of Special Scientific Interest, National Parks, and other sensitive sites as appropriate.

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3. Strategic assessment of mitigation. More strategic level assessment of mitigation needs is required. Currently consideration of mitigation lacks detail and there is too much emphasis on passing on environmental considerations to the site-specific level. If environmental impacts cannot be adequately mitigated then Government will need to provide a clear justification why the licensing round should still go ahead without restrictions despite the likely impacts.
4. Economic considerations. We do not think it is appropriate for the economic considerations listed under the population topic to be included in an SEA. SEA is intended to enable the environmental impacts of a plan or programme to be evaluated.
5. GHG Emissions. The high level objective "to minimise greenhouse gas emissions as a contribution to climate change" is incompatible with the overall ambition of permitting the extraction of large quantities of fossil fuels which are a massive driver of climate change.
6. Coal bed methane extraction. Not enough attention is given in the SEA to environmental impacts and risks of coal bed methane extraction. The statement that "taking into account the requirements for discharge consents/permits to be obtained from regulators (the EA, SEPA or NRW) prior to works commencing, it is considered reasonable to assume that any potential adverse effects would be appropriately managed" is inappropriate and lacks justification. Experiences in Scotland with early coal bed methane exploration have already shown evidence of poor borehole construction often resulting in leaks and subsequent contamination of aquifers. Regulation and assessment of this type of development is at an early stage and the regulatory regime is largely untested. A precautionary approach is needed to avoid risks of significant environmental damage.
7. Flood risk areas. A significant number of areas in the West Country and the Home Counties that are being considered for future licensing have recently suffered severe floods. Given the potentially serious implications of flooding events, there should be an assessment of potential impacts of flooding at the strategic level (rather than being considered at the level of individual applications as proposed in Table 5.14). Areas considered at significant risk of flooding should not be considered for licensing. In Scotland, there is a high incidence of 'Potentially Vulnerable Areas' (areas considered to be at highest risk from flooding impacts) within the Scottish Midlands area being considered for licensing (see SEPA's 'National Flood Risk Assessment'), including a high proportion of the areas in Scotland considered to be at 'high risk' of flooding.

I also attach for your additional consideration a LINK Briefing 'Unconventional Gas 'Fracking', Coal-bed methane and other extraction methods.

Yours sincerely

Aedán Smith  
Convenor of Scottish Environment LINK's Planning Task Force.