

Subject:	Designation of Brighton & Hove as a no-fracking zone		
Date of Meeting:	24 January 2013		
Report of:	Geoff Raw		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 A Notice of Motion was carried at the last Policy & Resources Committee on 29 November 2012 (available as Annex 2 to this document). It recommended a declaration of intent to designate Brighton & Hove as a no-fracking zone.
- 1.2 This would not be a legally binding policy and would not, for example, affect the status of the Waste and Minerals Plan. It is consistent with the council's commitment to create a more sustainable city and with the Brighton & Hove Climate Change Strategy and draft Zero Carbon action plan.

2. RECOMMENDATIONS:

- 2.1 That the Committee agrees that Brighton & Hove is a no-fracking zone.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Fracking is shorthand for hydraulic fracturing and refers to the process of drilling down and creating tiny explosions to shatter and crack hard shale rocks to release the gas inside. Water, sand and chemicals are injected into the rock at high pressure which allows the gas to flow out to the head of the well. The process is carried out vertically or, more commonly, by drilling horizontally to the rock layer. The process can create new pathways to release gas or can be used to extend existing channels. A diagram of the process can be seen at Appendix 3.
- 3.2 On December 13 the Government announced that fracking can resume in the UK, subject to new controls to mitigate the risks of seismic activity.
- 3.3 The process is controversial because much of the water used in fracking is collected from the well and processed, but there are concerns both about the quantity of water used and that that potentially carcinogenic chemicals can sometimes escape and find their way into drinking water sources. Some American householders also claim that shale gas leaking into their drinking

supply causes tap water to ignite. However the Energy Select Committee has said that environmental problems suffered in the US could be overcome by tight regulation and good industry practice.

- 3.4 Brighton & Hove depends on a chalk aquifer for all of its water supply and has a Corporate Plan target to improve the status of its groundwater, which in 2011/12 was rated poor by the Environment Agency. Groundwater status is assessed according to both quality and quantity and Brighton & Hove's fails to meet the set criteria for the latter, because water use is too high. Universal water metering in the city – currently being rolled out – should improve this situation. The current status of water quality is “good” but flagged as “at risk” due to increasing trends in use of pesticides and nitrates used in farming and also due to highway, municipal and domestic pesticide use and leaking sewers.
- 3.5 The industry itself vigorously denies that shale gas is unsafe and blames pollution incidents as examples of bad practice, rather than an inherently risky technique.
- 3.6 Shale gas represents a significant risk of further climate change because it is an abundant fossil fuel that could be a cheaper substitute than many renewable energy sources. Although carbon (and noxious gas) emissions from natural gas are much lower than from oil and coal, The Committee on Climate Change - the Government's independent advisors on tackling and adapting to climate change - has warned against more fracking. It has suggested fracking is part of a scenario which reflects a new dash for gas, which would be incompatible with meeting national carbon budgets and the UK's 80% 2050 carbon emissions reduction target. It says this scenario would mean very limited investment in low-carbon technologies through the 2020s, and would not be economically sensible, and would entail unnecessary costs and price increases. Early decarbonisation of the power sector should be plan A – and the dash for gas Plan Z, says the Committee. There are also concerns that fracking will release a large amount of trapped methane gas, which is a much more damaging greenhouse gas than carbon dioxide. Energy and Climate Change Secretary Edward Davey has acknowledged these concerns by announcing a study into the possible impacts of shale gas extraction on greenhouse gas emissions.
- 3.7 In addition there are worries that the fracking process can cause small earth tremors. Two small earthquakes of 1.5 and 2.2 magnitudes hit the Blackpool area last year and fracking operations were suspended pending an investigation, before the go ahead for a resumption announced recently by the Government.
- 3.8 There are advantages to shale gas production. It boosts overall worldwide gas supplies and can help to reduce market cost. Shale is not anticipated to supply a large proportion of Britain's gas needs, but it is contributing to a worldwide flow of gas that has halved gas prices in the US domestic market, and led to a glut in world markets. It's estimated to have offered gas security to the US and Canada for about 100 years, and has presented an opportunity to generate electricity at half the CO₂ emissions of coal.
- 3.9 Parliament's Energy & Climate Change Committee has been taking further evidence recently but cautiously backed shale gas exploration in a May 2011

report, saying: “The environmental and climate risks posed by shale gas need to be balanced with its potential contribution to energy security. On balance, we feel that there should not be a moratorium on the use of hydraulic fracturing in the exploitation of the UK’s hydrocarbon resources, including unconventional resources such as shale gas. However, DECC needs to monitor closely the current exploratory activity in the Bowland Shale in order to both assess the likely impact of large scale shale gas extraction in the UK and also to promote public confidence in the regulation of this activity.”

- 3.10 Local concern about the process was sparked in winter 2011-12 when Cuadrilla Resources, the company responsible for fracking operations in the Blackpool area, revealed it had received planning permission and regulatory approval to drill for hydrocarbons in Balcombe, near Haywards Heath and the location of a water treatment plant. Although Cuadrilla said it had no plans to use hydraulic fracturing on the site, it is argued that no other technique could be used to remove the hydrocarbons from the shale rocks if the company did decide to extract its reserves. Furthermore, it did not rule out using the technique in future. However, the company would need government approval to frack on the site. Local groups such as No Fracking in Sussex continue to protest against the company’s plans.
- 3.11 On March 27, 2012 East Sussex County Council unanimously passed a motion highlighting concerns over Fracking, the first county in England to do so. The motion emphasised public concern over fracking and called for the council to be properly briefed of the dangers before considering any future fracking-related planning applications. Local campaigner Ben Johns said: “This is a first step towards a Frack-Free Zone for East Sussex. We urge other councils around the country to join us on this historic path.”
- 3.12 Agreeing to the recommendation at 2.1 would not be legally binding for the City Council, nor would it have any impact on the status of the current Joint Waste & Minerals Plan, which is at adoption stage now; but it would provide a framework position for the council to take in any representations it might make regarding fracking plans in future. The government has just finished consulting on proposals to extend the nationally significant infrastructure regime which would incorporate fracking, so that some planning applications could be determined by the Secretary of State rather than the local minerals planning authority.
- 3.13 On 8 November 2012 the acting Chief Executive wrote to the Department of Energy & Climate Change (DECC) enclosing the Notice of Motion on Fracking from the council. She received a reply from energy minister John Hayes MP which can be read at Appendix 2.
- 3.14 In summary, the minister reiterated the Government’s commitment to maximising the economic recovery of UK hydrocarbon resources. It sees unconventional resources such as shale gas and coal bed methane as part of the UK’s future energy mix, saying they “support industry endeavours and exploration so long as these are carried out safely and with due regard to the environment”. To this end, DECC has established a strategy panel including the Health & Safety Executive, Defra, DCLG and the Environment Agency to oversee strategic and regulatory issues relating to shale gas extraction. The Prime Minister has confirmed that any future shale gas extraction would have to meet stringent safety and

environmental standards, follow deep consultation with local communities and fit within overall UK energy commitments. He says DECC considers that the UK's robust regulatory regime would enable it to avoid the perceived environmental dangers associated with fracking.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 In 3.14 above the PM is quoted as saying any future shale gas extraction would only follow deep consultation with local communities.
- 4.2 The first public meeting on the issue in Brighton was held under the "Frack Off" banner a year ago, in connection with the Balcombe campaign,

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the recommendation in this report.

Finance Officer Consulted: Jeff Coates

Date: 17/12/12

Legal Implications:

- 5.2 The declaration of intent proposed in this report would not be a material planning consideration should a planning application be submitted to the Council in relation to fracking. Any planning application would need to be considered against the Waste and Minerals Plan and any other valid material planning consideration or relevant legislation in force at the time of the application.

Lawyer Consulted: Elizabeth Culbert

Date: 18th December 2012

Equalities Implications:

- 5.3 The Committee on Climate Change warns that relying heavily on gas for future electricity supplies would leave households vulnerable to higher bills in the long run as the price of gas on the international market is volatile and carbon taxes are likely to rise. Fuel poverty in Brighton & Hove rose to 13.5% in Brighton & Hove in 2010 - higher than the South East average. So the dash for gas could run counter to the city council's priority of reducing inequality. The CCC says The UK won't benefit from substantially lower prices unless the rest of Europe decides to back shale gas too, as Europe has a gas grid that allows gas to be traded to the highest bidder. The CCC has examined the potential impact on bills of different energy systems and predicts that subsidies to renewables and nuclear would put about £100 on household bills by 2020, but that by 2050 a gas-based electricity system might cost people as much as £600 extra.

Sustainability Implications:

- 5.4 Fracking is not sustainable, according to the Committee on Climate Change, as it would involve further exploitation of fossil fuel, releasing carbon dioxide

emissions which threaten serious climate change; also it could well increase UK energy prices which would increase fuel poverty and inequality.

Crime & Disorder Implications:

5.5 None

Risk and Opportunity Management Implications:

5.6 There is no risk anticipated from the city council taking this position.

Public Health Implications:

5.7 Fuel poor households are more likely to experience a range of illnesses and fuel poverty is a significant problem in the city.

Corporate / Citywide Implications:

5.8 None anticipated.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 Not to declare Brighton & Hove as no-fracking zone however this is not recommended as a course of action.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 A Notice of Motion was carried at the last Policy & Resources Committee on 29 November 2012 (available as Annex 2 to this document). It recommended a declaration of intent to designate Brighton & Hove as a frack-free zone.

SUPPORTING DOCUMENTATION

Appendices:

1. Notice of Motion on Fracking from Policy & Resources Committee 29 November 2012.
2. Reply from John Hayes MP to Catherine Vaughan dated 7 December 2012 re. Notice of Motion from Brighton & Hove City Council.
3. Diagram of Shale Gas Extraction from BBC website.

Background Documents

Parliament's Energy & Climate Change Committee May 2011 Shale Gas report:
<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmenergy/795/79502.htm>

