



Drilling the detail

Our shale gas expertise

How can we help?

The “shale revolution” has stimulated the tremendous production of oil and natural gas in the United States. This revolution has been the result of advances in oil and natural gas production technology, most notably, a combination of horizontal drilling and hydraulic fracturing.

In the UK, steps continue to be taken with a view to moving the industry forward in an environmentally responsible way. These include provisions for England and Wales, introduced through the Infrastructure Act 2015, prohibiting hydraulic fracturing at less than, 1,000 metres depth. These provisions required 11 conditions to be met before a consent is granted for hydraulic fracturing at a depth of over 1,000 metres. More stringent conditions are proposed for protected areas such as groundwater source areas. Further positive changes in legislation should also come forward under the Housing and Planning Bill.

For the industry however, the current planning system presents ongoing challenges. The cumbersome consenting arrangements for exploratory applications are a particular challenge, despite the temporary and limited impact of these activities.

The industry is also looking to the Environment Agency for increased clarity on how the different

regulatory regimes applicable to onshore oil and gas exploration and extraction sit together, including a “checklist” to ensure that all relevant permissions/permits have been considered.

The key to these obstacles is a structured, risk managed rather than risk averse strategy, that is focused on delivery. In parallel there is an obvious need to engage with the public, regulators and policy makers, to demonstrate that the industry can be developed effectively and efficiently, whilst taking into account environmental and health considerations.

Our Experience

We are the principal retained advisor to a major global oil field service company on legislative, political and media developments in shale gas across Western Europe and beyond. This is project managed on a multi-jurisdictional basis from a single contact point in Eversheds. This ensures consistent, user friendly, integrated advice, with an overarching focus on our client’s interests and objectives at all times.

We have advised onshore operators in respect of proposed shale gas exploration projects in the North of England and conventional projects elsewhere in England.

We are also currently advising a further onshore operator on the planning and environmental aspects of a UK shale gas project in the North of England.

What we do for our clients?

- 1 identify clear strategies to obtain planning consent and environmental permits for shale gas exploration
- 2 review application submissions to ensure effective engagement and to limit the risk of delay and requests for revised material
- 3 maximise the likelihood of securing consent/approval and minimise the risk of successful challenge
- 4 assist with participation in regulatory initiatives, such as the Environment Agency's pre-assessment of chemicals project and responses to consultations
- 5 manage the impact of Freedom of Information/ Environmental Information Regulation requests and commercial and reputational issues
- 6 advise on the application of the REACH Regulation and the Biocidal Products Regulation to the substances used in hydraulic fracturing fluid, including confidentiality issues and advising on REACH registration and active substance/biocidal product authorisation
- 7 provide bespoke advice and training on the regulatory framework and local factors (including those linked with obtaining a social licence to operate) in the UK and across different jurisdictions to ensure strategic decisions can be taken based on accurate and up to date information
- 8 advise on the use of civil remedies such as actions in nuisance and associated injunctions, along with arrangements with relevant police authorities to address and control protester activity

What happens next?

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Independent comment

Our shale gas team is described in the legal directories as being "highly responsive, very knowledgeable, and were able to bring people to the discussion in a timely manner."

Elizabeth Shepherd is described as "excellent" and is singled out as being "very good and very timely". Stuart Andrews is described as being "extremely helpful and knowledgeable, extremely practical and very developer-friendly". He is also noted by a competitor for being "... one of the people I would least like to see on the other side at an Inquiry".

Our Approach

We understand the interrelationship between commercial, planning, environmental and litigation disciplines in the promotion of shale gas projects. We appreciate the need for a tailored service that works in tandem to secure the safe delivery of controversial schemes. In response, we have developed an integrated and dedicated shale gas team who regularly work in combination with the project team to provide delivery focused advice and key strategic support.

Our focused approach means that we have an in-depth understanding of the issues concerning shale gas exploration and the technology used to exploit shale gas. We also understand the licencing structures, the expectations of Government and regulators and the policy and legal framework that must be complied with to secure consent. We have worked in this sector for many years and this is reflected in the experience and depth of resource in our business.

We are recognised as experts in our field and contribute legal input to technical studies on shale gas (including those involving the European Commission). We also provide input and support to operators and service companies in their presentations to EU institutions.

We collaborated with the Exposure Scenario Task Force, working alongside representatives of IOGP, Cefic, EOSCA and industry to produce a generic exposure scenario for the use of chemicals in the exploration and production of hydrocarbons using hydraulic fracturing.

Our engagement with and understanding of industry groups such as UKOOG in the UK, IOGP in Brussels and GEP in France ensures that our advice is industry focused and up to date. We work with clients in the chemicals and industrial engineering sectors on issues related to shale gas opportunities, recognising the potential of shale gas, not only in terms of energy costs and chemical supplies, but also a source of feedstock.

We also have shale gas experts across our European offices in France, Poland, Germany, The Netherlands, Hungary, Austria, Spain and Denmark. This wider team has substantial experience of advising on the environmental, planning and other aspects of shale gas exploration and production.