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# Welcome to Eversheds' energy & natural resources e-briefing

**25 May 2016**

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## Third Energy shale success – Eversheds provide planning and environmental advice which secures permits for hydraulic fracturing at KM8 well site, North Yorkshire

Eversheds LLP have been the legal advisors to Third Energy in successfully securing planning permission and environmental permits for the hydraulic fracturing of the KM8 well site in North Yorkshire.

The Eversheds team was led by Stuart Andrews, Head of Planning, and Elizabeth Shepherd, Head of Environment.

Working alongside other specialist advisors to Third Energy, the team have worked for over 12 months in preparing very detailed and technical submissions. These submissions have been examined and critically assessed by Government agencies, the relevant local authorities, members of the public and organised pressure groups.

This process continued right through to the second day of Planning Committee, with Stuart Andrews working with Third Energy to respond to last minute submissions by objectors to the proposals.

From the outset, Eversheds identified a clear strategy for securing planning permission and the necessary environmental permits. It was recognised that the regulatory requirements of planning and environmental permitting are inextricably linked. Not only was there careful and thorough preparation of the planning application submission for the KM8 site, but also early and proactive engagement with the Environment Agency to resolve their environmental permitting requirements.

Undoubtedly this strategy of dovetailing the applications for planning and environmental permits played a major part in the successful outcome. Ultimately, the regulators were satisfied that exploration for shale gas

using hydraulic fracturing can be carried out safely and in an environmentally responsible way. This approach played a key part in addressing the concerns of local residents and the issues raised by North Yorkshire County Council.

Government have welcomed this decision as representing an opportunity to find out just how much home grown energy supply is available to power homes and businesses, emphasising the benefits to jobs, the economy and energy security.

Third Energy recognise that there is further work to be done, in discharging conditions from the planning authority and the Environment Agency, and obtaining other consents which are a pre-requisite for receiving final consent from the Secretary of State. In the meantime, they have reaffirmed their commitment, made to the Planning Committee and to the people of Ryedale, to undertake this operation safely and without impacting on the local environment.

Eversheds have been advising clients on the planning and environmental aspects of shale gas exploration for over four years. As well as advice to Third Energy, 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 principal retained advisor to a major global oilfield service company on developments in shale gas across Western Europe and beyond.

**For more information on the legal issues concerning shale gas exploration, including strategies for maximising the likelihood of securing consents and eliminating risk of successful challenge, please contact:**

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