

Response to the Petroleum Exploration and Licensing (Repeal) Bill

General Comments

Fermanagh and Omagh District Council (FODC) welcome the introduction of the Petroleum Exploration and Licensing (Repeal) Bill currently before the Northern Ireland Assembly. The Council considers the Bill to be a significant and necessary step in aligning regional policy with climate obligations, environmental protection, and the long-term wellbeing of communities.

The Council however remains concerned that there are two petroleum licence applications currently with Department for the Economy, one of which is focused on County Fermanagh (PLA 2/16).

The Council firmly restates its strong opposition to all forms of onshore petroleum developments which includes unconventional hydraulic fracturing (fracking). In 2012, the legacy Fermanagh District Council passed a motion confirming its opposition to the use of hydraulic fracturing.

In June 2019, FODC responded to a Petroleum License Application PLA 2/16, setting out its fundamental opposition to all aspects of the proposal and raised additional concerns over the impact that the proposal may have upon the agricultural and rural environment in the district.

In July 2022, the Council noted the findings of a specific local study, it commissioned, which was undertaken by MACE. This study investigated the potential adverse social, environmental and economic impacts of unconventional hydraulic fracturing (fracking) on the Fermanagh and Omagh district and its population.

This study has been shared previously with the Department for the Economy (DfE) and the Secretary of State for Business, Energy and Industrial Strategy in the UK, and it is appended to this response.

The study indicates that within the Council area, the rural context means adverse economic impacts on tourism, agriculture (including other sectors), and communities are likely to be significant and widespread. It forecasts that full-scale development could result in costs outweighing benefits by up to 900%. It also concludes that such development would significantly affect protected species, habitats, and the water environment, with associated social impacts.

The legislative ban is consistent with the Council's Local Development Plan 2030, Plan Strategy, Policy MIN04 'Unconventional Hydrocarbon Extraction'. This policy states that "the Council will not permit exploitation of unconventional hydrocarbon extraction until it is proved that there would be no adverse effects on the

environment or public health”. This adopts a clear presumption against the granting of planning permission for the extraction of unconventional hydrocarbon.

The ban is also consistent with the policy direction established under the Climate Change Act (Northern Ireland) 2022 and reflective of the growing consensus that continued fossil fuel extraction is incompatible with achieving net zero emissions.

Limiting global warming requires a rapid transition away from fossil fuels and towards renewable energy. Preventing new exploration and extraction is therefore a critical component of this transition and provides important legislative provision for long-term planning.

The Council also acknowledges the high level of public concern and sustained community opposition to onshore petroleum development, including fracking. The Bill provides clarity and some reassurance to communities that have experienced prolonged uncertainty regarding such proposals.

The Council’s Climate Change and Sustainable Development Action Plan set out a commitment to ensure Council assets are resilient to the impacts of climate change by 2050. The Bill directly supports this objective by:

- Preventing further fossil fuel development that would conflict with decarbonisation pathways
- Reinforcing the shift toward renewable energy and improved energy efficiency
- Providing policy certainty to support coordinated climate action at local and regional levels

The proposed legislative approach is consistent with the wider policy direction that continued fossil fuel extraction risks undermining emissions reduction targets and delaying investment in sustainable alternatives.

The Council’s Biodiversity Strategy and Action Plan prioritise the protection and restoration of key habitats across the district, including peatlands, wetlands, rivers, and designated conservation sites. These ecosystems are essential not only for biodiversity but also for carbon storage and climate resilience.

The prohibition of onshore petroleum activity supports these priorities by:

- Reducing risks of habitat degradation, fragmentation, and pollution
- Protecting sensitive water catchments, including those connected to Lough Erne and cross-border river systems
- Safeguarding peatlands, which play a critical role in carbon sequestration

The Council recognises that petroleum exploration and extraction activities could undermine these environmental assets and the progress made through conservation and restoration efforts.

FODC supports the Petroleum Exploration and Licensing (Repeal) Bill as a positive and necessary measure. The Bill aligns with the Council's Local Development Plan, Climate Action Plan, Biodiversity Strategy and Action Plan, and its commitment to achieving net zero emissions.

By removing the legislative basis for onshore petroleum exploration and production, the Bill strengthens environmental protection, supports climate mitigation, and reflects community concerns. The Council views this legislation as an important step toward delivering a resilient, low-carbon, and nature-positive future for the district.

A legislative ban is consistent with the situation in ROI and is particularly relevant given the transboundary nature of FODC and in the context that the main target areas identified for petroleum exploration also extend into County Cavan and Leitrim.

Questions

- Do you support the provisions of Clause 1? In other words, should the Clause, as it is currently intended, provide for a ban on all forms of onshore petroleum exploration and production and maintain the Department as lawful owner of all possible underground petroleum reserves in Northern Ireland?

Response: The Council supports this clause.

- Do you support the provisions of Clause 2? In other words, should the Clause, as it is currently intended, allow the Department to treat live applications for exploration or extraction as if they have been withdrawn and to refund relevant application fees?

Response: The Council supports this clause.

- Clause 3 makes consequential repeals and revokes regulations relating to petroleum exploration and extraction licensing legislation. Do you support clause 3.

Response: The Council supports this clause.

- Clause 4 enables the Department to make related delegated legislation – some of which is subject to draft affirmative resolution at the Assembly. Do you support Clause 4?

No

Clause 4 allows the Department to introduce delegated legislation linked to the outcome of the Bill, but this is not clearly defined.

Whilst the Bill's intent is to repeal petroleum licensing, any ancillary provisions could create a wider discretionary power that could introduce transitional or compensatory mechanisms beneficial to industry. This would go beyond the Bill's intention.

This clause could undermine certainty, transparency, and environmental protection, and should explicitly prohibit any ancillary measures that could enable continued petroleum-related development or weaken controls.

- Clause 5 will bring the Petroleum Exploration and Licensing (Repeal) Act into effect immediately after Royal Assent. Do you support Clause 5?

Response: The Council supports this clause.

- Please provide any additional information or comments on any aspect of the Bill that you feel is relevant.

Response: The Council has dealt with under general comments above.

- Please provide information on any potential amendments that you feel would enhance the Bill and the rationale for those.

Response: Clause 4 should be removed or reworded as outlined above.