

Committee for the Economy

Petroleum Exploration and Licensing (Repeal) Bill

Submission from LAMP Fermanagh

Letterbreen and Mullaghduin Partnership

24th June 2026

Dear Chairperson and Members of the Committee,

We write on behalf of members of the Fermanagh community who have lived for over 10 years under the threat of petroleum exploration and hydraulic fracturing proposals.

We welcome the Executive's stated intention to permanently prevent petroleum exploration and production in Northern Ireland. We support the objective of protecting communities, water resources, public health, agriculture, tourism, biodiversity and future generations from the impacts associated with petroleum exploration and extraction.

However, we have significant concerns regarding whether the Petroleum Exploration and Licensing (Repeal) Bill, as currently drafted, achieves this objective in the most effective and legally robust manner.

Our concern is not with the policy objective of ending petroleum exploration and production. Rather, it is with the mechanism chosen to achieve that objective.

Executive Summary

We respectfully request that the Committee carefully examine whether repealing Northern Ireland's petroleum licensing framework and removing existing exclusive rights over petroleum resources provides the strongest possible protection for communities.

In particular, we ask the Committee to consider:

- Whether the Bill should expressly prohibit petroleum licensing, exploration and extraction rather than simply repeal existing powers.
- Whether Northern Ireland should retain exclusive control over petroleum resources vested in the Department while simultaneously prohibiting their exploitation.
- Whether repeal of the existing framework creates unnecessary legal uncertainty regarding future legislative competence and future control over petroleum resources.
- Whether sufficient consideration has been given to the implications for cross-border environmental protection, North-South cooperation and shared natural resources.

- Whether the final legislation should contain an explicit prohibition on hydraulic fracturing and unconventional petroleum extraction.

If the policy objective is a permanent ban on petroleum licensing, why is the Bill drafted as a repeal of Northern Ireland's petroleum licensing powers and exclusive rights rather than as an amendment to the Petroleum (Production) Act (Northern Ireland) 1964 that expressly prohibits the granting of petroleum licences and petroleum extraction activities?

Our Position

We support a permanent statutory ban on petroleum exploration and production in Northern Ireland.

We do not support any future petroleum licensing regime.

We support the strongest possible legal protection for communities affected by past and proposed petroleum developments.

We believe the legislation should be drafted so that it cannot be easily undermined or weakened by future political or legislative developments.

Fermanagh's Particular Circumstances

The communities of Fermanagh occupy a unique position within Ireland's border region.

Our rivers, lakes, groundwater systems, wetlands, agricultural lands and biodiversity networks do not stop at the border.

The health of Lough Erne and connected catchments is of critical importance to communities on both sides of the border.

Agriculture, food production, tourism, recreation and environmental quality form a significant part of the region's economic and social fabric.

Any pollution event affecting groundwater, surface water or ecosystems arising from petroleum exploration or extraction would have consequences extending beyond Northern Ireland and affecting communities throughout the island.

For this reason alone, the legislation should be designed to provide the highest possible level of environmental protection and legal certainty.

The Existing Legislative Framework

The Petroleum (Production) Act (Northern Ireland) 1964 currently vests ownership of undeveloped petroleum in the Department and grants the Department exclusive rights in relation to petroleum resources.

The current Bill proposes not only to remove licensing powers but also to repeal provisions relating to the Department's exclusive rights over petroleum.

This raises an important question.

If the policy objective is to prohibit petroleum licensing and petroleum extraction, why is it necessary to dismantle Northern Ireland's existing petroleum framework rather than amend it to impose a clear prohibition?

The Committee should seek detailed legal advice on this question.

A Prohibition is Stronger than a Repeal

We are concerned that the Bill may not provide the same degree of certainty as an explicit statutory prohibition.

A repeal removes powers.

A prohibition prevents activities.

These are not necessarily the same thing.

The Committee should consider amending the legislation so that it explicitly states that petroleum licensing, exploration, appraisal, development and extraction are prohibited within Northern Ireland.

The legislation should leave no doubt regarding the Assembly's intention.

A possible approach would be wording providing that:

"No public authority or person may grant, hold, transfer, exercise or benefit from any licence, permit, consent or authorisation relating to the exploration, appraisal, development, production or extraction of petroleum within Northern Ireland."

Such an approach would provide greater certainty for affected communities.

Retention of Exclusive Rights

The Committee should carefully examine the consequences of removing Northern Ireland's existing exclusive rights over petroleum resources.

If petroleum development is to be prohibited, there appears to be a strong argument for retaining Northern Ireland's exclusive rights while simultaneously prohibiting their exercise for petroleum development purposes.

Retaining those rights would ensure that Northern Ireland continues to exercise the highest possible degree of control over petroleum resources within its jurisdiction.

We believe the Committee should obtain legal advice specifically addressing whether repeal of existing provisions could create uncertainty regarding future authority over petroleum resources.

Good Friday Agreement Considerations

The Belfast/Good Friday Agreement established a framework intended to ensure democratic accountability, local decision-making, cross-community participation and respect for the interests of all communities.

Petroleum exploration and extraction have been matters of significant public concern within Fermanagh and throughout affected communities.

Any legislative changes affecting long-term control over petroleum resources should therefore be considered carefully in light of the democratic principles underpinning the Good Friday Agreement.

We believe decisions with significant environmental and social consequences should remain subject to the strongest possible democratic safeguards and local accountability.

The Committee should ensure that the legislation strengthens, rather than weakens, Northern Ireland's ability to protect its communities and environment.

Cross-Border Environmental Protection and the Windsor Framework

The Committee should also consider the wider implications of the Bill in the context of Northern Ireland's unique constitutional and environmental position.

Fermanagh is part of a shared environmental landscape extending across the border.

Water systems, ecosystems, air quality and biodiversity do not recognise political boundaries.

Potential environmental impacts arising from petroleum exploration and extraction would therefore have clear transboundary dimensions.

The Windsor Framework reflects Northern Ireland's distinctive position and the continuing importance of maintaining stable arrangements affecting environmental protection and cross-border cooperation.

While the Windsor Framework does not itself prohibit petroleum licensing, it reinforces the importance of ensuring that decisions affecting shared environmental resources are approached with particular care and legal certainty.

The Committee should therefore examine whether repeal of Northern Ireland's existing petroleum powers could create uncertainty regarding future governance arrangements affecting shared environmental resources.

Transboundary Environmental Considerations

The Committee should specifically consider:

- protection of groundwater systems extending across the border;
- protection of shared river catchments and surface waters;
- impacts on biodiversity and protected habitats;
- impacts on agriculture and food production;
- impacts on tourism and recreation;
- impacts on public health;
- obligations relating to cross-border environmental cooperation;
- the precautionary principle in environmental decision-making.

Hydraulic Fracturing

Many residents remain concerned that future legislative or policy changes could create opportunities for unconventional petroleum development.

We therefore recommend that the Committee consider the inclusion of an explicit statutory prohibition on hydraulic fracturing and other unconventional petroleum extraction techniques – in line with the wording used to prohibit fracking in Ireland.

Such a provision would provide additional certainty and reassurance to affected communities.

Good Friday Agreement, Windsor Framework and Cross-Border Environmental Protection

The Committee should consider this Bill in the wider constitutional and environmental context of Northern Ireland's unique position on the island of Ireland.

The Belfast/Good Friday Agreement established institutions and mechanisms intended to support cooperation between Northern Ireland and Ireland in areas of shared interest, including environmental protection, waterways, agriculture, rural development and sustainable management of natural resources.

The Windsor Framework and the Protocol arrangements were expressly designed to protect the achievements of the Belfast/Good Friday Agreement in all of its dimensions, including North-South cooperation.

The Windsor Framework recognises that Northern Ireland occupies a unique position in which many economic, environmental and social systems operate on an all-island basis. This reality is particularly evident in border regions such as Fermanagh.

Groundwater systems, river catchments, wetlands, ecosystems and biodiversity networks do not recognise political boundaries. Water resources originating in Fermanagh flow across the border and support communities throughout the island. Likewise, pollution arising from petroleum exploration, hydraulic fracturing or petroleum extraction would not necessarily be confined to the jurisdiction in which a licence was granted.

The Committee should therefore consider whether the Bill, as currently drafted, provides sufficient long-term certainty to protect shared environmental resources and maintain confidence in cross-border environmental governance.

The Republic of Ireland has already addressed this issue through a direct statutory prohibition on hydraulic fracturing.

Section 5B of the Petroleum and Other Minerals Development Act 1960, as amended by the Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Act 2017, provides:

"Notwithstanding anything in this Act or any other enactment or rule of law it shall not be lawful for a person to search for, get, raise, take, carry away or work petroleum by means of hydraulic fracturing."

The legislation further defines hydraulic fracturing as:

"the generation of mechanical fractures in rock below the surface by means of the physical process of pumping fluid at high pressure into the rock via a petroleum wellbore for the purpose of enhancing the flow of petroleum between the rock and petroleum wellbore."

The significance of this approach is that the Republic of Ireland chose not merely to remove administrative powers or cease issuing licences. It enacted a clear statutory prohibition that applies notwithstanding any other enactment or rule of law.

As a result, communities south of the border enjoy a high degree of legal certainty regarding protection from hydraulic fracturing.

The Committee should therefore ask why Northern Ireland is pursuing a different legislative model.

If the objective is to provide permanent protection for communities, water resources and the environment, an explicit statutory prohibition appears to offer greater certainty than the repeal of existing licensing provisions.

This issue is particularly important in Fermanagh and other border communities because environmental risks associated with petroleum development are inherently transboundary.

The Committee should consider whether it would be consistent with the principles of North-South cooperation and shared environmental stewardship established under the Belfast/Good Friday Agreement and protected through the Windsor Framework for communities south of the border to enjoy an express statutory prohibition while communities north of the border rely upon a repeal of licensing powers that may be more vulnerable to future legislative change.

We therefore recommend that the Committee consider amendments that:

- create an explicit statutory prohibition on petroleum licensing, petroleum exploration and petroleum extraction;
- create an explicit statutory prohibition on hydraulic fracturing and other unconventional petroleum extraction techniques;
- retain Northern Ireland's exclusive rights over petroleum resources while prohibiting their exploitation;
- ensure that future generations benefit from legal protections at least equivalent in strength to those currently available in the Republic of Ireland.

At a minimum, the Committee should seek legal advice on whether the current repeal model provides protection equal to or greater than that provided by the statutory prohibition enacted in Ireland and whether the Bill fully reflects the cross-border environmental realities recognised by the Belfast/Good Friday Agreement and the Windsor Framework.

We respectfully request that the Committee seek independent legal advice addressing the following questions:

1. If the policy objective is a permanent ban on petroleum licensing, why is the legislation drafted as a repeal of Northern Ireland's petroleum framework rather than as an amendment imposing a statutory prohibition?
2. What are the legal consequences of removing the Department's existing exclusive rights over petroleum resources?
3. Could repeal create any uncertainty regarding future legislative competence, future licensing arrangements or future authority over petroleum resources?
4. Would retaining Northern Ireland's exclusive rights while prohibiting petroleum development provide stronger protection for communities?
5. Have the implications for cross-border environmental governance, shared water resources and North-South cooperation been fully assessed?
6. How does the protection afforded by this Bill compare with the protection provided by the Republic of Ireland's statutory prohibition on hydraulic fracturing under section 5B of the Petroleum and Other Minerals Development Act 1960, as amended?
7. Does repeal provide the same level of legal certainty and permanence as an express statutory prohibition, and if not, what are the practical implications for future generations and affected communities?
8. Have the implications of the Windsor Framework's objective of protecting North-South cooperation and the Good Friday Agreement's framework for cross-border cooperation been fully considered in relation to transboundary environmental impacts?

Recommendations

We respectfully request that the Committee:

1. Support the objective of permanently ending petroleum exploration and production in Northern Ireland.
2. Amend the Bill to include an explicit statutory prohibition on petroleum licensing, petroleum exploration, petroleum extraction and associated activities, rather than relying solely on the repeal of existing licensing powers.
3. **Retain Northern Ireland's exclusive rights over petroleum resources** while prohibiting their exploitation, thereby ensuring that Northern Ireland maintains the highest possible level of democratic control over petroleum resources within its jurisdiction.
4. Include an explicit statutory prohibition on hydraulic fracturing and other unconventional petroleum extraction techniques, providing protection equivalent to or stronger than that currently provided under the Petroleum and Other Minerals Development Act 1960, as amended, in Ireland.
5. Obtain independent legal advice regarding:
 - the legal consequences of repealing the existing petroleum framework;
 - the consequences of removing Northern Ireland's exclusive rights over petroleum resources;
 - whether repeal provides the same degree of legal certainty as an express statutory prohibition;
 - whether the Bill provides protection equivalent to or greater than the statutory prohibition on hydraulic fracturing in Ireland;
 - whether repeal creates any uncertainty regarding future legislative competence, future licensing arrangements or future authority over petroleum resources.
6. Consider the implications of the Belfast/Good Friday Agreement, North-South cooperation arrangements and the Windsor Framework in relation to the protection of shared environmental resources and transboundary environmental impacts.
7. Consider the implications for cross-border environmental protection, shared river catchments, groundwater systems, biodiversity, agriculture, tourism, public health and other natural resources that support communities on both sides of the border.
8. Ensure that the final legislation provides permanent legal certainty and environmental protection for communities throughout Northern Ireland and delivers a level of protection at least equivalent to that currently enjoyed by communities in Ireland.

Conclusion

Communities in Fermanagh have sought safety, environmental protection and legal certainty for many years.

The Committee now has an opportunity to ensure that the Petroleum Exploration and Licensing (Repeal) Bill achieves its stated objective in a manner that is clear, robust and resistant to future legal or political uncertainty.

The goal should not merely be the repeal of an existing licensing framework. The goal should be the creation of a permanent and legally durable prohibition on petroleum licensing, petroleum exploration, petroleum extraction and hydraulic fracturing in Northern Ireland.

In our view, the strongest protection would be achieved by retaining Northern Ireland's exclusive rights over petroleum resources while expressly prohibiting their exploitation through legislation.

The Committee should also consider whether communities in Northern Ireland should receive legal protections that are at least equivalent in strength to those currently enjoyed by communities in Ireland, where hydraulic fracturing has been expressly prohibited by statute.

Given the transboundary nature of water resources, ecosystems and environmental impacts in the border region, the Committee should further ensure that the final legislation reflects the principles of environmental protection, democratic accountability, North-South cooperation and shared stewardship that underpin the Belfast/Good Friday Agreement and are recognised within the wider framework of cross-border cooperation on the island of Ireland.

We respectfully ask the Committee to strengthen the Bill accordingly, to obtain the legal advice identified in this submission, and to ensure that future generations inherit legislation that provides certainty, protection and lasting safeguards for communities, public health, biodiversity, agriculture, tourism, shared water resources and the wider environment.

Yours faithfully,

LAMP Fermanagh.