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London
WC1B 3HF

Ada Zaffina

By email to: request-523935-46919699@whatdotheyknow.com

Our ref: FOI-2018-0060

10 December 2018

Dear Ms Zaffina

Thank you for your emails of 4 and 10 October 2018 in which you requested:

"1. I am aware that the OGA granted a long term production consent for Licence PL235 "Development and Production Works" on 20th October 2017, which expires on 28th October 2019. Can the OGA confirm whether this consent covers the appraisal works on well BRX4Z, for which planning consent was granted on 15 August?"

2. If the answer to question 1 is "NO", which OGA consent covers appraisal works on BRX4Z?

3. Point 2 (d) ii of the long term production consent says that a connection to the local electricity distribution grid needs to be in place before production of gas begins. Can the OGA confirm whether this connection has been established.

4. *How does the OGA verify whether a connection to electricity grid has been put in place?*

and the following clarification on 10 October:

"By Appraisal Works I mean the activities that were permitted by Surrey County Council on 15 Aug 2018, MO/2018/0444. The planning permission covers:

THE RETENTION OF THE BRX4 WELL,
THE REGULARISATION OF THE BRX4Z SIDETRACK, AND THE APPRAISAL OF BRX4Z USING PRODUCTION PLANT AND EQUIPMENT
WITHIN THE EXISTING SITE, FOR A TEMPORARY PERIOD OF THREE YEARS (PART RETROSPECTIVE).

You can see the decision document here:

https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fbrockhamoilwell.files.wordpress.com%2F2018%2F09%2Fssc-ref-2017-0215_planning_decision-notice.pdf&data=02%7C01%7Cfoirequests%40ogauthority.co.uk%7Cbf6283eae48e23e4f08d62ebd46ab%7Ce681c59d868e488780f ace36f1f21b0f%7C0%7C0%7C636747787822986899&sdata=%2FPB9%2FzzQ2Wcw0mJICJWHVJp3YMO4C0IIHqa4pTEwMTI%3D&a mp;reserved=0

According to the National Planning Policy Framework, "appraisal" is one of the specific planning stages in the three phases of development (exploration, appraisal and production).

You can see the discussion about terminology used in the application for planning permission in the article below. The terminology needed to be changed from "production evaluation" to "appraisal" before the application was validated. The operator also said that "The proposed application will not seek permission for long-term production."

https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdrillordrop.com%2F2018%2F01%2F20%2Fangus-energys-planning-application-for-brockham-oil-site-
invalid%2F&data=02%7C01%7Cfoirequests%40ogauthority.co.uk%7Cbf6283eae6d48e23e4f08d62ebd46ab%7Ce681c59d868e48878
0face36f1f21b0f%7C0%7C0%7C636747787822986899&sdata=oUZ9bFchZm3qajbPR0%2F4sbjKerg71HL3h3Jy70VEzRo%3D&re
sponse=0

There is no planning permission for production from BRX4Z at this stage. Please see this correspondence from Surrey County Council to the OGA dated 22 Aug 2017, which clearly states that "For the avoidance of doubt, the CPA considers that no planning permission exists for the sidetrack Brx4Z as an exploratory well or for production from it." Since that letter, planning permission for the drilling of the exploratory well was granted on 15 Aug 2018 via MO/2018/0444, but this did not include permission for production.

https://emea01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2F425487%2Fresponse%2F1034280%2Fattach%2F3%2Fletter%2520to%2520OGA%2520220817%2520Redacted.pdf%3Fcookie_passthrough%3D1&data=02%7C01%7C0irequests%40ogauthority.co.uk%7Cbf6e283eae8bd48e23e4f08d62ebd46ab%7Ce681c59d868e488780face36f1f21b0f%7C0%7C0%7C636747787822986899&data=02%Bbw2TmZOh9XMRovGq8uQN6DNUcoilUu%2BAfOvreTgTW0%3D&reserved=0"



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1. We have considered your request under the Freedom of Information Act 2000 ('**FOIA**') and, where relevant, the Environmental Information Regulations 2004 ('**EIRs**').
2. In response to question 1, please find attached a copy of the Brockham Consent and the plan of works referred to. This shows all the works it covers.
3. You will note that some information has been redacted from these documents. While the OGA strives to disclose as much information as we are able, some of the information in the provided information is exempt/excepted from disclosure under one or more of the exemptions/exceptions in FOIA and/or the EIRs.
4. Having considered the information which falls within the scope of your request, which includes technical information and definitions and details of the operations at the Angus 1 well, we have withheld certain information under the following exemptions:
 - i) Sections 40(2) and (3) FOIA (*Personal information*)
 - ii) Section 43(2) FOIA (*commercially confidential*)

and, where applicable, the following EIR exceptions also apply:

- i) Regulation 13(1) EIR (*Personal data*)
 - ii) Regulation 12(5)(e) EIR (*commercially confidential*)
5. An explanation of the reliance on each of these exemptions/exceptions is set out below.
(i) Section 40(2) and 40(3) FOIA and Regulation 13(1) EIR (personal data)
6. Contained within some of the documents are names and contact details of a number of individuals.
7. This information is being withheld under *sections 40(2) and 40(3A) FOIA and Regulation 13(1) EIRs*. *Section 40(2)* provides that personal data is exempt from if one of the conditions in *Section 40(3A)* is satisfied.
8. One of the conditions in *Section 40(3A)* is a breach of any of the data protection principles in the *Data Protection Act 2018 ('DPA')*. The data protection principles include that any processing of personal data must be fair and lawful. The provisions of *Section 13 EIRs* mirror those of *Section 40(2) FOIA*.
9. The OGA considers that disclosure of the names and contact details of the individuals would breach the principles of fairness and lawfulness. The individuals whose details have been withheld have and are entitled to an expectation of privacy. In any event, the relevant individuals have not consented to their personal data being disclosed.
10. As such, disclosure would meet neither the fair nor lawful processing principles. In light of this, this is being withheld under *Sections 40(2) and 40(3A) FOIA and Regulation 13(1) EIR*.
(ii) Section 43(2) and Regulation 12(5)(e) EIRs (commercially confidential)
11. *Section 43(2) FOIA* provides that information is exempt from disclosure if disclosure would, or would be likely to prejudice the commercial interests of any person (including the public authority holding it). *Regulation 12(5)(e) of the EIRs* provides that a public authority may refuse to disclose information to the extent the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.
12. The OGA is withholding various technical information and definitions (i.e. drilling depths; geological structures and interpretations; test results; comparison of reservoirs, porosity and saturation; recovery factors; production estimates; associated gas production and type of equipment hired and used) under *Section 43(2) FOIA and Regulation 12(5)(e) EIR*.
13. One of the functions of the OGA is to regulate the oil and gas industry. In exercising its regulatory functions, the OGA considers requests for operatorship and applications for consents to drill and the details submitted with them (including details of third parties such as those with whom they deal financially and/or have funding arrangements with).



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14. Disclosure of these details regarding technical details (as detailed above) would, or would be likely to, alert the competitors of this company and its partners as to how Angus conduct their operations and allow them to be undermined - for example, by driving up costs (e.g. for hired equipment), or by speculating on recovery rates and challenges with the extraction of the oil, in order to distort the share price or discourage commercial partners and either copy technology or technical processes (i.e. testing intervals and methods, pressure and depths and equipment used) for free.
15. Equally, disclosure of the information is likely to affect the company in their ability to negotiate the best deals for themselves in both procurement and funding, by revealing the amount of money they are prepared to pay for certain goods and services (including equipment) and raising speculation as to how much oil can be extracted and at what cost. This would effectively weaken Angus' position in a highly competitive environment.

Public Interest

16. In withholding the requested information, the OGA has considered whether the public interest in withholding the information is outweighed by the public interest in disclosing the requested information.
17. The OGA acknowledges that disclosure of the requested information can lead to greater transparency and enhanced scrutiny of public authorities. However, the need and desire for greater transparency must be balanced against the need to protect the commercial interests of companies and the OGA's objective of having an effective system of regulation and energy supply.
18. In light of the matters set out above, the OGA considers that disclosure of Angus' technical information, would, or would be likely to, prejudice their commercial interests (as mentioned above, by copying technology for free, speculating on recovery/production and/or driving up prices) which is not in the public interest.
19. Further, the OGA considers that disclosure would likely impact negatively on the ability of the UK to supply itself with cost-effective energy in that Angus (and other such energy companies) would, in the future, be less likely to conduct operations due to the loss of exclusive technology with consequent downward impact on that company's costs/profits, or that the cost to the consumer would need to go up in order to compensate for this.
20. As the remainder of your requests are not requests for information *held* by the OGA, as the requests ask for confirmation or explanation of policy or procedure, it is being dealt with as ordinary business.
21. As we have answered question 1, then question 2 is no longer applicable.
22. In response to question 3, as we understand the connection to the grid has not been made to date.
23. In response to question 4, the OGA will ascertain the status of the electricity connection by means of documentation from the relevant electricity distribution company. However, we have agreed that Angus can undertake a 96 hour test to ensure that the generating plant is properly specified, any gas produced during that period will not be flared.
24. This concludes the OGA's consideration of your request.

Appeals procedure

If you are unhappy with the way the OGA has handled your request, you may request an internal review. A request for an internal review should be made within 40 working days of the date of receipt of the response to your request and should be addressed to: FOI Manager, Oil and Gas Authority, 21 Bloomsbury Street, London, WC1B 3HF.

Email: foirequests@ogauthority.co.uk Please quote the reference number above in any future communications with regard to this request.

If you are unhappy with the outcome of the internal review, you may contact the Information Commissioner at www.ico.org.uk or at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

FOI Officer