



# Oil & Gas Authority

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Ruth Hayhurst

By email to: [request-682092-108f73bb@whatdotheyknow.com](mailto:request-682092-108f73bb@whatdotheyknow.com)

Our ref: FOI-2020-0049

3 September 2020

Dear Ms Hayhurst,

Thank you for your email of **5 August**, in which you requested:

*"On 5 August 2019, the Oil & Gas Authority granted a one-year consent to Cuadrilla Bowland Ltd for an extended well test on its PNR2 well at Preston New Road in Lancashire. See confirmation in this FOI response on 14 October 2019*

*[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fflow\\_testing\\_at\\_preston\\_new\\_road%23incoming-1611435&data=02%7C01%7Cfoirequests%40ogauthority.co.uk%7Cdf3c222fcb2744c76edd08d839427b53%7Ce681c59d868e488780face36f1f21b0f%7C0%7C1%7C637322305034754166&data=UHj2DS6Fvti1VEafBTx0bfG6iymTFO1E3hJMQ5IoMgM%3D&reserveid=0](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fflow_testing_at_preston_new_road%23incoming-1611435&data=02%7C01%7Cfoirequests%40ogauthority.co.uk%7Cdf3c222fcb2744c76edd08d839427b53%7Ce681c59d868e488780face36f1f21b0f%7C0%7C1%7C637322305034754166&data=UHj2DS6Fvti1VEafBTx0bfG6iymTFO1E3hJMQ5IoMgM%3D&reserveid=0)*

*1611435&data=02%7C01%7Cfoirequests%40ogauthority.co.uk%7Cdf3c222fcb2744c76edd08d839427b53%7Ce681c59d868e488780face36f1f21b0f%7C0%7C1%7C637322305034754166&data=UHj2DS6Fvti1VEafBTx0bfG6iymTFO1E3hJMQ5IoMgM%3D&reserveid=0*

*Please confirm whether Cuadrilla Bowland, or any other Cuadrilla company, has sought to extend this consent and, if so, for how long."*

We have considered your request under the Freedom of Information Act 2000 (FOIA) and, where relevant, the Environmental Information Regulations 2004 (EIR).

1. While the OGA strives to disclose as much information as we are able, some information is exempt from disclosure under one or more of the exemptions/exceptions in FOIA and/or the EIR.
2. The OGA routinely receives applications, from licencees/operators for various types of consents (among other things) and rarely publishes them unless there has been a prior agreement to do so under exceptional circumstances. In this instance, for the reasons set out below, we are neither confirming nor denying the information contained in the request under Section 43(3) FOIA and Regulation 12(5)(e) EIR.
3. An explanation of our reliance on the exemption/exception is set out below.



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## Section 43(3) FOIA and Regulation 12(5)(e) EIRs (commercially confidential)

4. Section 43(3) FOIA provides that the duty to confirm or deny whether the OGA holds the requested information *does not* arise if confirming the same would, or would be likely to, prejudice the commercial interests of the OGA or a third party. In circumstances where the information is held, Regulation 12(5)(e) EIR 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.
5. The OGA considers that confirming or denying whether the requested information is held, would or would be likely to provide Cuadrilla's competitors with information on their likely future intentions and capabilities or may undermine Cuadrilla's commercial position (for example influencing their share price in the short term or persuading individuals to take a certain course of action which they would otherwise not take if either more (or less) information was available).
6. All of this is likely to have negative repercussions for Cuadrilla in a competitive environment.
7. The considerations set out above are equally applicable in respect of EIR.

### Public Interest

8. The OGA acknowledges that disclosure of whether or not it holds 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 both the public and private sectors and the OGA's objective of having an effective system of regulation.
9. The public may rightly wish to understand whether a licensee/operator is retaining the option of further operations within a licenced block. However, in disclosing whether an application to extend the time limit for an EWT exists would likely impact negatively Cuadrilla's commercial interests and also discourage other licensees/operators from making legitimate and lawful applications in the future, or delaying them.
10. In light of the matters set out above, the OGA is withholding any information regarding the existence or not of an application to extend the time limit for an EWT.



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11. The public interest arguments in respect of FOIA are equally applicable in respect of EIR, in the event the information is held.

This concludes the OGA's handling 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](mailto: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](http://www.ico.org.uk) or at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

FOI Officer.