

Inadequate and prejudicial Officer Report

[Planning applications by Cuadrilla Bowland Limited to drill at Preston New Road no. LCC/2014/0096 and Roseacre Wood no. LCC/2014/0101]

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1. Marginalisation of expert witness evidence

The Officer Report, published by LCC on 15 June 2015, has deliberately sought to downplay and marginalise the evidence of at least three expert witnesses, myself included. At p. 532 I am described in the following terms:

“Comments that the geology of Lancashire is not suitable for fracking have been provided by a professor who retired 18 years ago and is now living in France running a B&B. Evidence in the US and UK is to the contrary.”

This outrageous comment, appearing in a section entitled *Minimal environmental risks*, has no place in a report such as this. I am clearly identifiable. It is a calculated denigration of an expert witness. I took early retirement from the Chair of Geophysics at the University of Glasgow some 16 years ago, and spent around a decade from 2001 onwards consulting for a variety of oil companies. Projects lasted from a few weeks to a couple of years, involving studies of onshore and offshore India, Western Australia, offshore Madagascar, southern England (both onshore and offshore), and the UK-Irish margin of the NE Atlantic (during this period my wife, not I, ran a B&B for about three years).

I have requested information from LCC under FOI legislation to discover the origin of the statement quoted above, as I have been unable to find it elsewhere in the published application documents.

The Officer Report similarly denigrates the professional expertise and integrity of two other clearly identifiable expert witnesses, Mr Mike Hill and Dr Frank Rugman. At page 311 the Report states, *à propos* of the Medact Report:

“The Medact report has not produced new epidemiological research but has reviewed published literature and has requested short papers from relevant experts in particular subject areas. It has also interviewed academics and experts. Unfortunately, one of the contributors (contributing to three of the report's six chapters – chapters 2, 4 and 5) has led a high profile campaign in the Fylde related to shale gas. Another contributor to the report (chapter 3) has previously expressed firm views on shale gas and has objected to this application. This has led to questions from some quarters about the report's objectivity. In light of these uncertainties it is not clear how much weight the County Council should attach to the report.”

Firstly, why should an alleged “*high profile campaign*” by the first contributing expert mentioned (Mr Hill) “*unfortunately*” reduce the weight given to his evidence? What is the source of the “*questions from some quarters*”? Regarding the second expert, Dr Rugman, why should his supposedly “*firm views*” nullify or reduce the value of his expert contribution?

I have requested information from LCC under FOI legislation to discover the origin of the several statements quoted above. Even if they are contained in submissions by the applicant or other individuals or organisations supporting the applications, they have no place in an objective and balanced Officer Report.

2. Objections not considered concerning geology and hydrogeology

I have a further area of concern about the Officer Report. Since September 2014 I have submitted four expert technical commentaries on the two applications by Cuadrilla Bowland Limited, on behalf of local objector groups. My concerns relate to **the risk of groundwater and surface pollution resulting from the fracking process**. I take issue both with the applicant's geological and hydrogeological case and with the assessments of the same made by the Environment Agency (EA) and by DECC.

My documentation amounts to over 30,000 words (excluding some duplication of text), 12 unique diagrams, and about 35 separate scientific citations; in all taking up over 100 pages. In the Officer Report my concerns, analysis and conclusions have been reduced to around half a dozen bullet points, and have not properly discussed with the detail that they deserve and require. Such an attitude to expert testimony is inadequate.

The following is just one example of the inadequacy of the Officer Report. The relevant summary and discussion of Preston New Road begins on page 199 (*Appendix 8. Hydro Geology [sic] and Ground Gas*). The *Assessment* section on geology and hydrogeology (pp. 207-208) merely repeats the EA's conclusions, and it has been presented in a misleading order, thereby seeking to imply that all the "*concerns [that] have been raised*" and "*representations received*" have been adequately dealt with by the EA. In fact my detailed criticisms of the EA and of DECC have not been answered by the government agencies. The applicant has never deigned to respond to my concerns.

The Officer Report has not tried to arbitrate between, or decide on, the merits of the technical arguments, and, indeed does not have the in-house technical ability to do so. In its *Conclusion* (p. 210) it therefore has not considered my representations, other than mentioning them in a few bullet points, and has reverted to assuming that the government agencies (EA, DECC, and HSE) have done, or will do, a competent job.

The example above is just one of several such case histories, in which **the Officer Report has merely gone through the motions of summarising and assessing all the technical evidence**, but has in fact reached unjustifiable conclusions which are no more than uncritical repetition of the views of agencies like the EA.

In conclusion, the Officer Report has signally failed to take into proper account my detailed technical concerns on the geology and hydrogeology. If LCC did not have the means to consider such representations thoroughly, a rational course of action would have been to commission an independent assessment, which should then have been published and put out for consultation. In the absence of such prudent action, the only recourse now available is to refuse the applications.

3. Conclusions

The LCC Officer Report is inadequate in several important respects, and it contains clear evidence of prejudice towards expert witnesses who have supplied evidence and information in good faith. If either or both of the applications are successfully determined, there may well be grounds for Judicial Review.