

Surface Development Restrictions for Hydraulic Fracturing Department for Energy and Climate Change

Background to CIWEM

CIWEM is the leading independent Chartered professional body for water and environmental professionals, promoting excellence within the sector. The Institution provides independent comment on a wide range of issues related to water and environmental management, environmental resilience and sustainable development.

Response to consultation

1. Do you agree with the proposed approach to restricting surface developments in specified protected areas (National Parks, the Broads, Areas of Outstanding Natural Beauty (AONBs), World Heritage Sites, Source Protection Zones 1, Sites of Special Scientific Interest, Natura 2000 areas and Ramsar sites) through licence conditions? Do you agree with the scope of the restrictions to be applied in England? Please specify whether your response relates to new or existing licences or both.

CIWEM welcomes the extra protection afforded to protected areas through licence conditions since many of the risks associated with hydraulic fracturing are from leaks or spills on the surface. Introducing this at the petroleum licensing stage is also sensible so that the application is not later refused at the planning or permitting stage.

CIWEM welcomes the Infrastructure Act amendments to prohibit hydraulic fracturing at depths above 1000m and new provisions in the *Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015* to restrict hydraulic fracturing to take place below 1200 metres in protected areas and source protection zone 1. This should provide a reasonable buffer to protect from mobilisation of methane and other contaminants although CIWEM previously recommended a depth of 1500m. The drilling of wells and their integrity still pose a risk of contamination to the environment and these will need to be minimised through the Environment Agency and HSE regulating the siting of wells and scrutinising their designs respectively.

We are confident that the regulatory regime offers suitable environmental protection and welcome the Environment Agency's precautionary approach to protecting groundwater. The risks will lie largely in the enforcement of permitting conditions or where there may be intervention on planning applications that would ordinarily be refused.

It is slightly unclear whether new licences include the 14th licensing round or not. We would hope that the Habitats Regulations Assessment consultation will impose conditions on licenses to bring them up to the standards proposed in this consultation.

CIWEM will be producing an updated report on Shale Gas and Water in early 2016.