

Briefing

Government backtracks on fracking safeguards for drinking water and protected areas

Summary

Regulations currently before Parliament would allow fracking in all drinking water protection zones, drilling **through** aquifers, and fracking **in as well as** under national parks, Sites of Special Scientific Interest (SSSIs) and Areas of Outstanding Natural Beauty (AONBs).

This is a complete u-turn on previous Government commitments. MPs must oppose these regulations. Please:

- 1. Attend Delegated Legislation Committee (date TBC), to speak against the Government's backtracking on these important safeguards; and**
- 2. Object to the motion when it arrives in the House of Commons - in order to force a division - and vote against the regulations to ensure Government comes back with regulations that rule out fracking in drinking water protection areas and other protected areas such as national parks, AONBs and SSSIs.**

During the passage of the Infrastructure Act 2015, the then Minister and now Secretary of State for Energy and Climate Change, Amber Rudd MP, made two important commitments in an attempt to address some of the risks from fracking.

These included a ban on fracking:

- a) In drinking water protection areas (groundwater source protection zones or SPZs); and
- b) Other protected areas such as national parks, SSSIs and AONBs.

On 26 January 2015, Amber Rudd MP told MPs: "We have agreed an outright ban on fracking in national parks, sites of special scientific interest and areas of outstanding natural beauty."

The Infrastructure Act is also clear on drinking water protection. It states "hydraulic fracturing will not take place within protected groundwater source areas"

However, the regulations currently before Parliament backtrack on these commitments by allowing fracking in all drinking water protection zones, drilling through aquifers, and fracking in SSSIs, AONBs and National Parks.

Fracking is highly risky:

Fracking has been banned in Wales¹ and Scotland² due to the high risks to people and the environment. Following a two year inquiry, fracking has been banned in New York State due to the “significant” health impacts.³

Fracking also poses significant risks to the climate. If we are to have a chance of avoiding 2 degrees of global warming, only a fifth of existing fossil fuel reserves can be burnt,⁴ and emissions must peak by 2020. Building a new fossil-fuel infrastructure that would not come on stream before 2020 is not compatible with this goal.

Due to the high risks to people and the environment, the Government should follow the approach taken in Wales and Scotland and halt plans for fracking right the way across the UK.

At the very least, the Government should ensure that fracking regulations are as strong as possible. The regulations currently before Parliament make no improvement on the status quo, leaving significant gaps in the regulatory framework.

This briefing outlines why the Government should be held to their commitment to:

- a) Ban fracking:
 - I. On the surface as well as under all drinking water protection zones; and
 - II. On the surface as well as under SSSIs, National Parks and AONBs
- b) Ensure local councils retain the right to decide on fracking applications in all instances

1. Drinking water protection:

The Infrastructure Act states that “*hydraulic fracturing will not take place within protected groundwater source areas*”.⁵

However, regulations currently before Parliament backtrack on this, by allowing fracking in all Groundwater Source Protection Zones and even permit drilling *through* aquifers.

What are groundwater source protection zones (SPZs)?

As set out by the Environment Agency, Groundwater source protection zones 1, 2 and 3 are areas around aquifers used for drinking water.⁶ The water protected by these areas provides a third of our drinking water. The type of SPZ is defined by the travel time it would take for water to filter from the SPZ area to the aquifer. SPZ 1 is defined as the total areas in which water would get back to the drinking water source within 50 days, and has a minimum radius of 50 meters. SPZ 2, is where this would take just over a year – 400 days, and has a minimum radius of 250 meters, and SPZ 3 designates the full catchment area where water would travel back to the drinking water source.

The regulations would permit fracking in all of these SPZs. In SPZ 1, fracking would be permitted below 1,200m. There are no restrictions on drilling in SPZ 1, 2 or 3 creating pathways for possible contamination. Under these regulations companies could even drill *through* an aquifer. There are also no restrictions on

¹ <http://www.clickgreen.org.uk/news/national-news/125581-wales-follows-scotland-and-votes-in-favour-of-fracking-moratorium.html>

² <http://news.scotland.gov.uk/News/Moratorium-called-on-fracking-1555.aspx>

³ <http://www.theguardian.com/environment/2014/dec/17/new-york-state-fracking-ban-two-years-public-health>

⁴ <http://www.carbontracker.org/resources/>

⁵ <http://www.legislation.gov.uk/ukpga/2015/7/section/50/enacted>

⁶ <http://apps.environment-agency.gov.uk/wiyby/37833.aspx>

surface activity in any SPZs. This means there are risks of surface and groundwater contamination: if there is a surface spill this could contaminate the surface water and groundwater.

All SPZs (1,2, and 3) feed aquifers used for drinking water and should be protected from the high risks of fracking.

Why protect groundwater?

The recently released Defra report that was previously heavily redacted on the risks of fracking says:

“There is a risk that even if contaminated surface water does not directly impact drinking water supplies, it can affect human health indirectly through consumption of contaminated wildlife, livestock or agricultural products.” (page 15)

The British Geological Society concludes that “Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water.”⁷

Since groundwater source protection zones 1 – 3 feed aquifers used for drinking water, it is clear that no fracking should be allowed in the catchment area as a whole.

MPs should ensure regulations currently before Parliament are amended to include a ban on fracking in all SPZs.

- i. **Please attend Delegated Legislation Committee (date TBC) and speak against Government’s weakening of drinking water protection; and**
- ii. **Please also object to the motion in the House of Commons - to force a division – and vote against the SI so Government brings forward regulations to ban fracking in all drinking water protection zones.**

2. Other protected areas such as national parks, SSSIs, AONBs:

During the Infrastructure Act Report Stage debate, the now Secretary of State for Energy and Climate Change, Amber Rudd MP, made the Government position clear: *“We have agreed an outright ban on fracking in national parks, sites of special scientific interest and areas of outstanding natural beauty.”*⁸

However, the regulations before Parliament allow fracking both in and under National Parks, AONBs, and SSSIs. **Fracking companies would be allowed to drill from the surface in these areas and frack below 1,200m. In SSSIs, which are the most ecologically sensitive of these sites, fracking companies would also be permitted to drill from the surface and frack below 1000m.**

On this point, the RSPB said that “The government has reneged on its commitment to rule out fracking in some of our most important wildlife sites. Despite promising in January to exclude fracking from SSSIs,

⁷ Stuart et al, 2012, Potential groundwater impact from exploitation of shale gas in the UK, page 19

⁸ <http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm150126/debtext/150126-0002.htm#15012621001544>

today's announcement ignores any such commitment, leaving some of the UK's most valuable wildlife sites exposed to risk from future fracking."⁹

Why ban fracking in protected areas?

Fracking poses significant risks to people, the climate and the environment and should not be allowed anywhere, including in protected areas.

Conservation groups including RSPB, National Trust and the WWT highlighted the risks of fracking in their report, *Are we Fit to Frack?*¹⁰

They have since called for fracking to be banned in and under protected sites. The threat of pollution in the UK's most protected areas is not compatible with the urgent need to address biodiversity loss.

MPs should ensure regulations currently before Parliament are amended to include a ban on fracking in and under all protected areas.

- i. Please attend Delegated Legislation Committee (date TBC) and speak against Government's proposal to allow fracking in AONBs, national parks and SSSIs; and**
- ii. Please also object to the motion in the House of Commons - to force a division – and vote against the SI so Government strengthens the regulations to ban fracking in as well as under all protected areas in line with the commitment made in the House of Commons on 26 January 2015 by the now Secretary of State for Energy and Climate Change, Amber Rudd MP.**

3. Local communities should decide on fracking applications:

Last month, Lancashire councillors overwhelmingly voted to reject fracking in the county.

This decision reflected public opinion in Lancashire, where two thirds of people oppose fracking going ahead.¹¹

When asked whether Government would respect the decision of Lancashire Council at PMQs following the decision, David Cameron confirmed that:

'These decisions must be made by local authorities in the proper way, under the planning system we have,' but that, he hopes that 'over time, unconventional gas sites will go ahead, whether in Lancashire or elsewhere'¹²

Wherever fracking is proposed, it is opposed. Polling shows that opposition to fracking is increasing, with 43% of people now against it going ahead.¹³

It is only right that these people have a say in local planning applications, for what is a highly risky technology.

⁹ <http://www.theguardian.com/environment/2015/jul/16/government-makes-outrageous-u-turn-over-fracking-in-precious-wildlife-sites>

¹⁰ <http://www.rspb.org.uk/forprofessionals/policy/climatechange/action/ukenergy/fit-to-frack.aspx>

¹¹ <http://www.greenpeace.org.uk/media/press-releases/two-thirds-lancashire-people-want-fracking-moratorium-poll-shows-20141126>

¹² <http://www.publications.parliament.uk/pa/cm201516/cmhansrd/cm150701/debtext/150701-0001.htm#15070135000026>

¹³ <http://www.theguardian.com/environment/2015/may/19/public-opposition-to-fracking-rises-in-face-of-tory-push-for-shale-gas>

We urge you to speak and vote against any weakening of local democracy in relation to fracking in all relevant debates.

4. SUPPORT A MORATORIUM

Fracking has been halted in Wales and Scotland due to the high risks to people and the environment. Following a two year inquiry, New York State banned fracking due to the “significant” risks to health.

The Netherlands have now extended their moratorium¹⁴, and fracking has also been banned in France.

It is time the Government listened to the evidence and introduced a moratorium in the UK.

Please contact rose.dickinson@foe.co.uk if you support the statement below and she will add you to our map of MPs who support this, which will be updated and go live shortly.

"If my constituency is at risk of fracking, I will oppose it. If my constituency is not at risk, I will oppose fracking nationwide."

Contact:

Rose Dickinson, Campaigner, Friends of the Earth

rose.dickinson@foe.co.uk

¹⁴ <http://www.tcetoday.com/latest%20news/2015/july/netherlands-puts-five-year-ban-fracking.aspx#.VaeHu43bKvE>