



Surface Development Restrictions for Hydraulic Fracturing

Consultation on Proposed Restrictions on Surface Development through the Petroleum Exploration and Development Licence

Department for Energy and Climate Change

Water UK response

Date of submission: 15 December 2015

1. Summary

1. Water UK welcomes the Government proposals for establishing licence conditions that prevent hydraulic fracturing in wells drilled from the surface of key protected areas including high risk drinking water sources (defined as SPZ1).
2. A significant risk to a drinking water borehole can arise via pathways from a hydrocarbon well drilled directly into the aquifer as well as from spills and accidents occurring at the surface.
3. Previous government initiatives and regulations have considered the risk to groundwater from subsurface activities related to hydraulic fracturing and well integrity. The approach in this consultation is welcomed as it will provide control on surface activities above those groundwater and surface water areas most likely to be at risk.
4. It is for this reason that Water UK supports the government's proposals to apply surface restrictions in key risk areas. The establishment of these conditions will provide additional support to the existing regulations to provide protection to essential water resources.

2. Responses to consultation questions

Q1: 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 give reasons. Please specify whether your response relates to new or existing licences or both.

5. Yes, it is important to recognise that the drilling of boreholes in water supply catchments can cause significant deterioration in water quality at public and private water supplies, resulting in increased risks and costs to the water industry and subsequently to its consumers.
6. It is important therefore that adequate control is implemented within vulnerable groundwater areas. There should be an exclusion that prevents construction of any potentially polluting surface development associated with hydraulic fracturing within vulnerable groundwater areas (e.g. SPZ 1/1c as defined by the EA - <http://apps.environment-agency.gov.uk/wiyby/37833.aspx>).
7. The established EA policy is that activity would not be permitted in SPZ1 (the highest risk zones most proximal to a groundwater abstraction point) and that careful consideration would be given to planning applications in SPZ2 and SPZ3. We support this approach but would like it made explicit that within an SPZ2 we would expect a higher level of risk assessment and mitigation than in areas entirely outwith any source protection zone.

Q2: What would the impact(s) be on new and existing licensees if the proposals were adopted? Please provide evidence where possible, and specify whether your response relates to new and/or existing PEDLs.

8. Water UK considers that any impacts that may result would be to the benefit of the protection of essential water resources. Benefits arise in demonstrating that the UK's water supplies are protected by avoiding high risk areas and demonstrating the shale gas industry's commitment to protecting the water environment.
9. The UK is facing increasing water stress. Spills at the surface or at shallow depths can pollute groundwater for decades and render sources unusable. These sources may not be replaced placing greater stress on other assets or other water sources. This applies to new and existing PEDLs. For example, a

diesel tank spill at Hatfield Woodhouse in Yorkshire has permanently closed a 7 million litres a day water source.

Q3: Does existing regulation provide sufficient protection for the areas in which we are proposing to restrict surface developments? If not, what would be the additional benefit if the proposals were adopted (e.g. in terms of environment, heritage, landscape value, economic impacts)? Please provide evidence where possible.

10. The conditions established in the Infrastructure Act 2015¹ do not clearly express what the government's expectations would be for the scope of groundwater protection in addition to that protection that already exists. This proposed approach augments existing regulations and provides clarity of definitions.
11. Existing regulation is in some cases unclear on groundwater protection. Shale gas operators and water companies both wish to see clear and simple regulation that allows for rapid and transparent decision making. By clearly prohibiting shale gas/oil surface activities in groundwater SPZ1 all parties have a firm foundation to work to in deciding where shale gas development should occur whilst ensuring protection of the UK's water supplies.
12. Additionally, incorporating the licence condition into new PEDLS will not waste time and costs by developers applying for planning permission, on which the water and waste water service providers would be consulted, in areas where it is unlikely to be granted.

About Water UK

13. Water UK is the industry association that represents UK statutory water supply and wastewater companies at national and European level. We are funded by our members to influence public policy and opinion to ensure a strong water industry in the interests of all stakeholders. The focus on policy means: identifying gaps or inadequacies; working with members and stakeholders to develop alternatives; and helping deliver the benefits as new approaches are implemented. Our core objective is sustainable water policy – actions and solutions that create lasting benefit by integrating economic, environmental and social objectives.

¹<http://services.parliament.uk/bills/2014-15/infrastructure.html>

Dr Jim Marshall

Policy and Business Adviser
Water UK, 3rd Floor, 36 Broadway
London, SW1H 0BH

jmarshall@water.org.uk
Landline - 0207 344 1824
Mobile - 07920 752344