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Dear Mr Johnson,

Thank you for your letter to Amber Rudd dated 4 September, about the draft Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015 in relation to shale oil in the Wealden Basin. I am replying as this matter falls within my portfolio, and I sincerely apologise for the delay in doing so

The Government supports the development of domestic energy sources in a safe and sustainable manner. We believe shale gas and oil may hold huge potential for adding to the UK's energy sources, helping to improve energy security, create jobs and meet carbon targets.

The Government has been clear that shale development must be safe and environmentally sound. The Infrastructure Act 2015 contains a number of conditions that must be satisfied before a hydraulic fracturing consent is issued by the Secretary of State, and it prohibits associated hydraulic fracturing from taking place in land at a depth of less than 1000 metres. The Act also requires the Secretary of State to seek advice from the Committee on Climate Change on the likely impact of onshore oil and gas production (including shale oil and gas) on meeting our carbon budget obligations.

The draft Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015, laid in July, set out definitions for the "protected groundwater source areas" and "other protected areas" in which hydraulic fracturing will be prohibited, as required by the Infrastructure Act. They afford greater protection to specified protected areas that might otherwise be impacted by hydraulic fracturing, but in a manner that at the same time satisfies the Government's broader policy objective of supporting long term development of the UK's shale gas industry. The draft regulations ensure that the process of hydraulic fracturing cannot take place at depths of less than 1,200 metres within National Parks, the Broads, Areas of Outstanding Natural Beauty, World Heritage Sites and areas that are most vulnerable to groundwater pollution. Any fracturing that takes place would usually be beneath layers of impermeable rock, and certainly so far down as to have no negative impact on the surface.

These measures are in addition to the strong protections for sensitive areas already provided by the planning system. A company looking to develop shale will still need to obtain all the necessary permissions, like planning and environmental permits. All onshore oil and gas projects are subject to scrutiny through the planning system, which addresses impacts on local residents such as traffic movements, noise or working hours. Our regulatory system is robust and we are proven world leaders in well regulated, safe and environmentally sound oil and gas developments.

When considering what would constitute an appropriate definition of protected areas, we took into account the protections provided by the existing planning and regulatory regime, and concluded that there are already strong protections for other sensitive areas, such as Sites of Special Scientific Interest (SSSI). For example, the National Planning Policy Framework already makes clear that development should not normally be permitted if, either individually or in combination with other developments, it is likely to have an adverse effect on special interest features of a SSSI. That applies even if the development itself is outside the boundary of the SSSI.

In defining protected areas, there is necessarily a need to strike the right balance between affording them additional protections whilst enabling the shale gas industry to develop. The Government believes these draft regulations, and the definitions proposed within them, including the proposed depth limit, achieve this balance.

The draft regulations relate only to hydraulic fracturing activity which occurs far below the surface. Separately, the Government has also committed to ensure that hydraulic fracturing cannot be conducted from wells that are drilled at the surface of National Parks and other protected areas. This is not intended to impact on conventional drilling operations.

With regards to shale oil development, as you know, a study of the Jurassic shales in the Weald Basin of southern England was published by the British Geological Survey on 23 May 2014. The estimates indicate a large volume of hydrocarbons but not enough is yet known as to how much gas or oil may be ultimately produced. We need exploration to determine the potential.

The UK has one of the best track records in the world when it comes to protecting our environment while also developing our industries, and we have brought that experience to bear on the shale gas protections. The shale industry will be developed safely with world class environmental protections, creating jobs and delivering better energy security while safeguarding of some of our most precious landscapes.

I do hope this reply is helpful.

Best wishes

A handwritten signature in blue ink that reads "Andrea Leadsom". The signature is written in a cursive, flowing style.

ANDREA LEADSOM