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# Shale gas debate - briefing

Thursday 28th March, approx. 2pm  
Main chamber, House of Commons

“The use of permitted development and the nationally significant infrastructure project regime for shale gas exploration and production.”

## Summary

The Government is due to decide whether to fast-track fracking by changing planning rules for shale exploration and production projects. Below is a summary of the key reasons to oppose the proposals:

- **Widespread public opposition:** Over 300,000 people have signed petitions against the proposals and over 40 councils have passed motions or publicly opposed the plans.
- **Erosion of local democracy:** Local councils would lose decision-making power over whether shale exploration and production projects can go ahead, denying local people a meaningful say.
- **Industrialisation of the countryside:** These proposals could fast-track shale exploration and production across large swathes of the countryside. To replace 50% of gas imports could require over 6,000 fracking wells in a 15 year period.
- **Earthquake risks:** Under permitted development, large swathes of the country, including former coal mining areas, could be exposed to the seismicity risks associated with fracking.
- **Incompatibility with tackling climate change:** The proposals could enable the wide-scale exploration and extraction of shale gas, which as a fossil fuel makes them incompatible with the UK's commitments to tackle climate change.

Please attend the debate to show your support for local democracy, and speak out against the fast-tracking of fracking.

## The Government's proposals

In a Written Ministerial Statement on 17 May 2018, the Government announced sweeping changes to planning rules, to “speed up decision making on shale applications”. The proposals included:

- Classifying exploratory drilling for shale gas as permitted development. This would remove the current requirement on fracking companies to apply to the local council for planning permission when drilling exploratory wells, the first stage of fracking development.
- Including large shale production projects into the Nationally Significant Infrastructure Projects Regime (NSIP). This would mean final planning permission would be taken away from local authorities and given to central Government.

The Government introduced separate consultations for the policies, which concluded in October last year, and it is expected to make a decision soon.

## Reaction to the proposals

The proposals have attracted widespread opposition from across society:

- MPs from all the main political parties criticised the proposals in Westminster Hall debates on 12 September and 31 October 2018, which were collectively attended by over 50 MPs.
- The HCLG Select Committee issued a report on ‘Planning guidance for fracking’ in July 2018, which opposed the proposals on permitted development and NSIP<sup>1</sup>. The government has not yet responded to the report.
- Over 300,000 people signed petitions by CPRE, Friends of the Earth, 38 Degrees, 350.org and SumofUs against the policies.
- 80% of Conservative Councillors, in areas licenced for potential fracking, believe planning applications should be required before drilling, according to a poll commissioned by CPRE and Friends of the Earth<sup>2</sup>.
- Over 40 councils have passed motions or publicly opposed the plans. And over 800 councillors signed an open letter against them<sup>3</sup>.

## Erosion of Local Democracy

*“We are against both of these proposals from the government...these two changes would see local people being denied an opportunity to have their say, and this is unacceptable.”*

Councillor Simon Spencer, Conservative Deputy Leader of Derbyshire County Council<sup>4</sup>

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<sup>1</sup>[https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/767/76711.htm#\\_idTextAnchor059](https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/767/76711.htm#_idTextAnchor059)

<sup>2</sup><https://www.survation.com/a-majority-of-conservative-councillors-in-areas-of-england-with-a-pedl-licence-think-fracking-companies-should-be-required-to-submit-a-planning-application-and-final-consent-should-come-from-the-local/>

<sup>3</sup><https://gofossilfree.org/uk/fracking-councillor-rebellion/>

<sup>4</sup><https://www.derbyshire.gov.uk/council/news-events/news-updates/news/derbyshire-says-no-to-government-proposals-on-fracking.aspx>

The planning system is the primary way in which local communities can exercise their democratic right to determine what development takes place in their local area. Elected local councils are the forum through which the public make these decisions. However, under the permitted development and NSIP proposals, their powers are vastly diminished.

Under the permitted development proposals, there would be no formal planning application; a shale gas firm would simply notify the local authority of their intention to undertake non hydraulic exploratory drilling. There would be a requirement for 'prior approval', a process that does not consider whether development can happen, but instead only considers specific and limited factors.

Under the NSIP proposals, applications for full scale fracking would be ultimately determined by a Minister, rather than a local authority. Whilst there remain opportunities to put across opposing views, it removes the fundamental right of the local authority to have the final say on whether fracking goes ahead. As a result, any meaningful role for the local community is lost.

There has been widespread opposition to the proposals from councils across England. Over 40 councils have passed motions against them, including the Conservative-controlled county councils of Nottinghamshire, Lancashire, Warwickshire & West Sussex.

According to a poll commissioned by the Campaign to Protect Rural England<sup>5</sup>, only 13% of people think that the government is listening to the public on fracking, while more than half (51%) believe they are being ignored. Over half of all respondents to a survey commissioned by CPRE (54%) believe that the government should prioritise the concerns of the general public when making decisions on whether or not to weaken regulations, while just one person in 25 (4%) believes that the views of the fracking industry should take precedent.

## Industrialisation of the English Countryside

*"We came to retire in Kirby Misperton but then fracking arrived on our doorstep... the impacts have already been huge: traffic, noise, noxious smells and a divided community."*

Rt Rev Graham Cray, retired bishop, Kirby Misperton

Research by Professor Calvin Jones at the Cardiff Business School commissioned by Friends of the Earth reveals that, in the most likely scenario, 6,100 fracking wells would be required to replace 50% of gas imports for 2021-2035<sup>6</sup>. That's more than one new fracking well every day for the 15 year period. These wells would require around 3,500 hectares of land - equivalent to 4,900 football pitches.

Almost 18,000km<sup>2</sup> of England is currently licensed for onshore oil and gas exploration. With many thousand potential wells from a full-scale UK fracking industry, the planning system is crucially important in ensuring that developments are not permitted where they would not be appropriate, and that parts of England are not industrialised. The power to

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<sup>5</sup><https://www.cpre.org.uk/media-centre/latest-news-releases/item/5065-just-13-of-people-believe-government-listening-to-them-over-fracking>

<sup>6</sup>[https://cdn.friendsoftheearth.uk/sites/default/files/downloads/FOE-Frack-Import-Report\\_0.pdf](https://cdn.friendsoftheearth.uk/sites/default/files/downloads/FOE-Frack-Import-Report_0.pdf)

turn down inappropriate exploratory shale gas developments should not be removed from local planning authorities.

The permitted development regime was originally designed for small garden structures and minor home improvements, for example conservatories and garden sheds. This proposal extends this regime to cover large industrial developments with significant noise and traffic implications.

### **Case study: Equipment involved in one exploratory drilling site - Marsh Lane, Derbyshire**

*Drilling rig, 60m in height; perimeter fence, 2m in height; bunding and fencing, 4.8m in height; two to three cabinets, 3m in height; acoustic screening, 5m in height; four security cameras, 5.5m in height; power generator, 2.9m in height; two water tanks, 3m in height; Kooney pressure valve, 4.5m in height; blowout prevention and skid choke manifold, 4m in height; lighting, 9m in height; emergency vent, 10m in height.*

## **Earthquake risks**

Under permitted development, large swathes of the country, including former coal mining areas, could be exposed to the seismicity risks associated with fracking. Seismic events can cause damage to fracking wells, and potentially create gas pathways towards shallower aquifers or to the surface.

The main risk posed by earthquakes is not surface level impacts, but the impacts underground. Seismic events can cause damage to the fracking well, and potentially create gas pathways towards shallower aquifers or to the surface<sup>7</sup>. When energy company Cuadrilla first fracked a site in Lancashire in 2011, it triggered 2 earthquakes, one of which caused damage to the steel casing around the fracking well<sup>8</sup>. This led the government to introduce a traffic-light system - in consultation with experts and the fracking industry - to regulate seismicity. Companies must halt fracking if they trigger a 'red level' tremor above 0.5 magnitude.

Since October 2018, Cuadrilla's fracking operations at Preston New Road site in Lancashire have triggered 57 earthquakes, including 3 'red level' tremors<sup>9</sup>. This is just one well of potential thousands in a full scale UK fracking industry.

The government's proposals could fast-track shale projects in former coal mining areas - such as South Yorkshire, northern Derbyshire and Nottinghamshire - that are licensed for potential fracking. Professor Peter Styles, who designed the earthquake regulations, has warned against fracking in these areas because of the increased risk of earthquakes<sup>10</sup>. The earth tremors in Lancashire have heightened public concerns about the risks of fracking. In December 2018, 40% of people who oppose fracking cite risk of earthquakes as a reason (up from 26% in September 2018), according to the Government's most recent survey<sup>11</sup>.

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<sup>7</sup><https://www.theguardian.com/environment/2018/oct/26/cuadrilla-forced-to-stop-fracking-as-quake-breaches-threshold>

<sup>8</sup><https://friendsoftheearth.uk/climate-change/fracking-earthquakes-essential-guide>

<sup>9</sup><https://drillordrop.com/2018/10/27/cuadrilla-tremor-tracker/>

<sup>10</sup><https://friendsoftheearth.uk/climate-change/fracking-earthquakes-essential-guide>

<sup>11</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/776657/BEIS\\_Public\\_Attitudes\\_Tracker\\_-\\_Wave\\_28\\_-\\_key\\_findings.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/776657/BEIS_Public_Attitudes_Tracker_-_Wave_28_-_key_findings.pdf)

## Incompatibility with tackling climate change

The government's proposals would increase the UK's contribution to climate change by enabling wide scale exploration and extraction of shale gas. Scientists have shown that much of the world's fossil fuel reserves globally need to remain unused to avoid climate breakdown<sup>12</sup>. In 2016, former Minister of Climate Change, Nick Hurd MP stated that "between 70-75% of known fossil fuels would have to be left unused in order to have a 50% chance of limiting global temperature rise to below 2 °C"<sup>13</sup>.

Additionally, during fracking, methane - a much more powerful greenhouse gas than carbon dioxide - can escape into the air. If fugitive methane emissions are high enough, the greenhouse gas footprint of shale gas can be as high as coal<sup>14</sup>

The fugitive methane emissions from fracking could undermine the UK's climate change commitments. The Committee for Climate Change said exploitation of shale gas on a significant scale is not compatible with UK carbon budgets unless emissions are "strictly limited during shale gas development, production and well decommissioning"<sup>15</sup>. Academics at Edinburgh University concluded that even a modest 1% fugitive emissions rate would risk exceeding UK carbon budgets<sup>16</sup>. The potential fugitive emissions from fracking in the UK are highly uncertain. In regions of the U.S., the level of methane leakage varies from 0.9% to over 4.5%, according to a recent scientific study<sup>17</sup>.

The latest report from the IPCC underlines that governments have only 12 years to limit climate change by rapidly phasing out fossil fuels and investing in renewable energy<sup>18</sup>.

## Questions for Ministers

### General

- Can the Minister confirm when the House and the public can expect a decision from the government on whether to proceed with the NSIP and permitted development proposals?
- Can the Minister outline what proportion of respondents to the Government's consultations on both NSIP and permitted development supported the proposals?

### Local Democracy

- The cross-party Housing, Communities and Local Government Select Committee concluded that "shale gas development of any type should not be classed as a

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<sup>12</sup><https://www.nature.com/articles/nature14016>

<sup>13</sup><https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-12-09/56871>

<sup>14</sup>Howarth et al (2011) <https://link.springer.com/article/10.1007/s10584-011-0061-5>

<sup>15</sup><https://www.theccc.org.uk/2016/07/07/exploitation-of-onshore-petroleum-requires-three-key-tests-to-be-met-ccc-says/>

<sup>16</sup>Turk et al, Gas-fired power in the UK: Bridging supply gaps and implications of domestic shale gas exploitation for UK climate change targets, Science Direct  
<https://www.sciencedirect.com/science/article/pii/S0048969717330735?via%3Dihub>

<sup>17</sup>Omara et al, Methane Emissions from Natural Gas Production Sites in the United States: Data Synthesis and National Estimate, Environmental Science and Technology  
<https://pubs.acs.org/doi/10.1021/acs.est.8b03535>

<sup>18</sup><https://www.ipcc.ch/sr15/>

permitted development...local communities should be able to have a say in whether this type of development takes place”. Why is the Committee wrong?

- How does the Government square its commitment to localism and democratic planning with the proposals to let Ministers decide on shale production?
- Does the Minister believe that the pre-application consultation undertaken by fracking companies is an appropriate substitute for a full local planning process?

### **Industrialisation of the English Countryside**

- Would the Minister not agree that the major industrialisation, infrastructure and extreme depth drilling inherent to shale gas exploration is inconsistent with a Permitted Development designation, which was originally designed for minor home improvements?
- To replace 50% of gas imports could require over 6,000 fracking wells in a 15 year period. What assessments has the Government made about the cumulative impacts of a potential full-scale fracking industry?

### **Earthquake risks**

- Does the Minister really believe that larger earthquakes are in the public interest?
- What has changed in the evidence base regarding what is safe and what is not, that would warrant revisiting earthquake regulations?
- Does the Minister accept that any change to the regulations is likely to be highly detrimental to public trust, given that the traffic light system has been described variously as “gold standard” and “world leading”?
- Would the Minister agree, that the very fact these earthquakes have occurred, against the expectations of the fracking companies, suggests a concerning lack of knowledge regarding the geology of fracking sites and their vulnerability to seismic activity?

### **Climate change**

- Why does the Government feel that shale gas drilling should be singled out for Permitted Development over other proven cheaper, cleaner forms of renewable energy?
- The recent IPCC report on climate change showed that in order to meet the aim of the Paris Agreement to limit temperature rises to less than 1.5°C, the world will have to move faster to decarbonise our economy. How would a future energy supply that includes significant shale gas, be compatible with the tighter UK climate change targets?