

# Executive Summary: All that glitters...

## Is the regulation of unconventional gas and oil exploration in England really 'gold standard'?

Ministers and the fracking industry have made assurances that fracking in the UK will be safe because we have 'gold standard' regulation – avoiding the dangers of fracking experienced in other countries.

This report exposes that far from being 'gold standard', much of UK fracking regulation is inadequate, flawed or ineffectively applied and enforced. Some potential impacts are simply not considered at all. This exposes the country to unacceptable risks to the local environment and health and from rising carbon emissions.

### Moratorium on fracking

The risks exposed in this document are serious. Because of this, there should be an immediate moratorium on further exploration for and production of unconventional fossil fuels such as shale gas and coal bed methane.

### Serious concerns about fracking regulation

- The **climate change impacts** of extracting and burning unconventional gas and oil are not adequately assessed: this risks fracking releasing climate changing emissions undermining UK Climate Change Act commitments.
- The **risks of water contamination** are not adequately identified or considered: this risks unforeseen water contamination that could potentially have major impacts.
- Regulators have failed to set out a clear **water supply strategy** for fracking in water-stressed areas: this risks problems for local water supply, especially in times of drought.
- Decision makers fail to adequately address potential **impacts on protected species and habitats** or screen out protected areas from exploration and extraction altogether: this risks some of our most precious wildlife being harmed.
- There are problems with the application of Environmental Impact Assessment, which fails to address all the risks arising at unconventional oil and gas sites and is being inadequately applied: this means that **potential environmental risks are not being identified and mitigated**.

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- There is a lack of dedicated regulation on unconventional gas and oil, despite expert body recommendations from bodies including the Royal Society: this means there are **few industry-specific checks and balances on fracking**.
- There are major shortcomings in planning practice guidance, this risks wrong decisions being taken because **local decision-makers have inadequate information about and understanding of proposed activities**.
- There is **inadequate monitoring and enforcement** by planning authorities and regulators leading to a culture of self-regulation: this means we may not know if fracking companies are complying with basic standards.
- The impact of regulation risks being reduced further through ‘salami-slicing’ whereby companies get permission from regulators in increments, rather than being open about their overall plans from the start: this undermines **scrutiny and the opportunity to object**.
- The Government has smoothed the path for the unconventional gas and oil industry, undermining democracy and public participation in decision-making through:
  - Removing the responsibility for companies to **notify individual landowners of their intention to frack**.
  - Proposing **changes to trespass laws** that would give fracking companies the right to drill under homes and businesses without permission.
  - Proposing to introduce “standard” environmental permits which will normally **remove the right of local people to be consulted**.
  - Failing to consult on planning practice guidance which means **planning rules override the interests of communities**.
- **Gas and oil companies have attempted to weaken** or circumvent regulation through direct lobbying of senior civil servants.
- The Government has cut regulators’ budgets and given some of them an economic growth duty which means they have to consider **economic growth alongside other factors** such as environmental pollution and impact on local residents and businesses.

## **Basic regulation missing**

These failings demonstrate the risks the Government is prepared to take in pushing ahead with fracking without proper regulation, without full knowledge of the impacts, and while undermining the rights of communities. Fracking should be immediately suspended in order for these issues to be addressed.

Expert bodies in other countries have expressed concerns about gaps in knowledge about the environmental and human health risks posed by fracking, and whether these are controllable through technical means and increased regulation. **The United Nations Environment Program has said that fracking may result in “unavoidable environmental impacts” even if done properly.**

The following regulations would be the minimum required to demonstrate that the serious risks posed by fracking are considered. However, even with regulation of this kind, risks would remain.

- Full public participation in decision-making in line with the Prime Minister's pledge to "*deep consultation with local communities*"<sup>12</sup> and the UK's responsibilities under the Aarhus Convention, including dropping proposals to change trespass law and introduce 'standard permits' that would limit public consultation. This would mean that local community concerns were fully taken into account, rather than sidelined in favour of smoothing the path for the development of the industry.
- The use of the precautionary approach in decision-making by all regulators and public decision makers: meaning a presumption against further activities until there has been a full evaluation of possible impacts and of potential mitigation measures.
- A full assessment of climate impacts – considering combustion impacts in the round - at all stages of regulation, namely licensing, minerals plans, planning permission and site-level permitting, and ensuring that this assessment is of primary importance in decision-making. This would mean emissions from fracking were known and could be taken into consideration as part of plans to move to an almost carbon free energy by 2030 in line with Committee on Climate Change advice.
- Full baseline monitoring of water, air and soil before drilling, testing or fracking begin: this would allow the scale and impact of any fracking contamination to be measured and understood.
- Effective assessment of cumulative impacts in all cases: this would mean that, if fracking was proposed at several sites, decision-makers would have to consider the potential impacts at all sites, rather than one-by-one (which might lead to impacts being seen as lower).
- Making Environmental Impact Assessment mandatory for all unconventional gas and oil activities instead of the industry's voluntary commitment to undertake EIAs: this would mean the assessments apply to all unconventional gas and oil exploration and extraction, not just 'fracking' and it would ensure the assessments were undertaken in every case.
- The introduction of dedicated regulations for the industry, rather than using non-binding industry guidelines and regulations developed for the offshore industry: this would mean the industry would be required to comply with appropriate safeguards and could be held to account for any breaches.
- Ensuring full and independent monitoring and enforcement of regulations by all regulators: this would mean that any breaches of regulation would be identified and fracking companies forced to take action.

These changes would make the industry safer but not safe. And, for climate change reasons, fracking would still not be the answer to the UK's energy problems.

### **Fracking is incompatible with averting dangerous climate change**

Fracking cannot be the solution to the UK's energy future because exploiting unconventional gas and oil will not help tackle climate change:

- It would just add to the world's stock of **unburnable carbon** – fossil fuels that we cannot burn if we want to avoid the worst impacts of climate change.

- We do not have a binding global climate deal to ensure that unconventional gas and oil would be used instead of rather than **as well as other fossil fuels** – use of coal for electricity generation in the US has fallen, but more coal has been exported.
- The prospect of unconventional gas in the UK risks driving a second ‘dash for gas’ – diverting resources and grid infrastructure to fossil fuels when the UK must have almost entirely carbon-free electricity by 2030 to meet the UK’s binding climate change targets, according to the Government’s independent climate advisors the Committee on Climate Change (CCC). The CCC has also said that pursuing a ‘high gas’ scenario to power Britain in the 2020s would be “completely incompatible” with our legally-binding climate change targets.

The UK’s energy system must reduce our reliance on fossil fuels, basing our energy future on reducing energy waste and exploiting the UK’s vast potential for renewables. Reducing our reliance on fossil fuels, rather than remaining dependent on them, is also a much better way of dealing with concerns about energy security.

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<sup>1</sup> The Guardian, 4th December 2012, ‘Gas strategy should be ‘plan Z’, government’s climate adviser warns’:  
<http://www.theguardian.com/environment/2012/dec/04/gas-strategy-plan-z-climate-adviser>

<sup>2</sup> House of Commons 12 Sep 2012 : Column 282:  
<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120912/debtext/120912-0001.htm>