STATUTORY INSTRUMENTS

2016 No. 384

PETROLEUM

The Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016

Made - - - - 10th March 2016

Coming into force in accordance with regulation 1(1)

The Secretary of State has before making these Regulations consulted the Environment Agency and the Natural Resources Body for Wales in accordance with section 4B(7) of the Petroleum Act 1998(**1**).

In accordance with section 4B(5) of that Act, a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of the powers conferred by section 4B(4) of that Act, and section 28(2)(a) of the Small Business, Enterprise and Employment Act 2015(**2**), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016 and will come into force on the same day as section 4A(3) of the Act comes into force.

(2) In these Regulations, "the Act" means the Petroleum Act 1998.

Definition of "protected groundwater source areas"

2.—(1) This regulation defines "protected groundwater source areas" for the purposes of section 4A of the Act.

(2) A "protected groundwater source area" is any land at a depth of less than 1,200 metres beneath a relevant surface area.

(3) For the purpose of paragraph (2), "relevant surface area" means any land at the surface that is—

(**1**) 1998 c.17; relevant amendments are made by section 50 of the Infrastructure Act 2015 (c.7), which inserts new sections 4A (onshore hydraulic fracturing: safeguards) and 4B (section 4A: supplementary provision).
(**2**) 2015 c.26.

(a) within 50 metres of a point at the surface at which water is abstracted from underground strata and is used to supply water for domestic or food production purposes, or

(b) within or above a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes.

(4) In this regulation, "groundwater" has the same meaning as in the Environmental Permitting (England and Wales) Regulations 2010(**3**) (see regulation 2(1) of those Regulations).

Definition of "other protected areas"

3.—(1) This regulation defines "other protected areas" for the purposes of section 4A of the Act.

(2) "Other protected areas" are areas of land at a depth of less than 1,200 metres beneath—

(a) a National Park;

(b) the Broads;

(c) an area of outstanding natural beauty; or

(d) a World Heritage site.

(3) In this regulation—

"National Park" has the same meaning as in the National Parks and Access to the Countryside Act 1949(**4**);

"the Broads" has the same meaning as in the Norfolk and Suffolk Broads Act 1988(**5**);

"area of outstanding natural beauty" has the same meaning as in Part 4 of the Countryside and Rights of Way Act 2000(**6**); and

"World Heritage site" means a property appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention for the Protection of the World Cultural and Natural Heritage adopted at Paris on 16th November 1972(**7**).

Review

4.—(1) The Secretary of State must from time to time—

(a) carry out a review of these Regulations; and

(b) publish a report setting out the conclusions of the review.

(2) The report must, in particular—

(a) set out the objectives intended to be achieved by these Regulations;

(b) assess the extent to which those objectives are achieved;

(c) assess whether those objectives remain appropriate; and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(3) The first report must be published before the end of the period of 5 years beginning with the date on which these regulations come into force.

(4) Subsequent reports must be published at intervals not exceeding 5 years.

(**3**) S.I. 2010/675.
(**4**) 1949 c.97; relevant amendments are made by Part 3 of the Environment Act 1995 (c.25).
(**5**) 1988 c.4.
(**6**) 2000 c.37; relevant amendments are made to section 82 by the Natural Environment and Rural Communities Act 2006 (c.16).
(**7**) See http://whc.unesco.org/en/list.