

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations define the terms “protected groundwater source areas” and “other protected areas” for the purposes of section 4A of the Petroleum Act 1998 (c. 17) (the “1998 Act”).

Sections 4A and 4B of the 1998 Act are inserted by the Infrastructure Act 2015 (c.7) and set out certain requirements and safeguards in relation to onshore hydraulic fracturing in England and Wales. Column one of the table in section 4A sets out conditions which must be met before the Secretary of State may issue a hydraulic fracturing consent. Specifically, conditions 5 and 6 provide that associated hydraulic fracturing is not to take place in “protected groundwater source areas” or “other protected areas”.

Regulation 2 contains the definition of “protected groundwater source areas”.

Regulation 3 contains the definition of “other protected areas”.

These Regulations contain a review provision as required by Part 2 of the Small Business, Enterprise and Employment Act 2015 (c.26).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department of Energy and Climate Change at 3 Whitehall Place, London, SW1A 2AW and is published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.