Fracking
Fracking

• What is it?

• Why are we worried?

• What’s going wrong?

• What do we do?
Fracking

(1) What is it?
• unconventional oil and gas
• onshore
• held in rock in tiny particles – not reservoir
• drill borehole – up to 3km
• pump large volumes of water and chemicals at high pressure
• fracture the rock / release the gas, oil
(2) Why are we worried?
(a) climate carbon
- 260g / KwH
  - nuclear: 2 – 10g / KwH
  - wind / solar: close to zero
  - coal 800g / KwH
- displacement effects
- “transitional fuel” – evidence?
- impact on investment / price
- NB: “if it’s properly regulated”
Fracking

(b) Water contamination
   – groundwater: well failure, chemicals, faulted rock
   – proven cases
   – disposal of waste
   – full Environmental Impact Assessment / hydrogeology

/ 3D seismic survey
Fracking

(b) Water supply

- water supply
- 8 – 20M [litres] per well
- 20% of energy usage in UK
- water stressed areas (south east)
Fracking

(c) Air
- fugitive emissions
- flaring
- truck movements (50 per day during production)
- “industrialisation of the countryside” (Davies)
- cumulative impacts; background
- soil, agriculture, socio-economic etc
Fracking

(d) Health

- endocrine disruption
- congenital heart defects (Colorado)
- Parr case

NB: fracking travels...
Fracking

(3) What’s going wrong?
- Public participation
  - notifying landowners directly
  - trespass
  - “standard permits”
  - planning guidance: “presumption in favour”
- local examples eg: Lancashire, West Sussex
Fracking

Access to justice
• JR as block to growth v public interest litigation
• Aarhus Convention - ACCC
• standing
• costs - fixed costs orders
• attacks on JR
  – Legal Aid
  – disclosure of members’ financial position
  – time period for challenge
  – “highly likely” test
  – interveners’ costs
Fracking

Effective regulation
- lacking dedicated regulation
- ineffective assessment of impacts
- inexperience / attitude of regulators
- conflicts inherent
- smoothing the path:
  * oil permits
  * tax
Fracking

Transparency

• chemicals?
• standard permits
• lobbying...
• social licence / protest
Fracking

• Precautionary principle
• effective environmental assessment
• involving local communities
• dedicated and robust regulation
• presumption against...?