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STATUTORY INSTRUMENTS

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**2016 No. 1029**

**The Petroleum Licensing (Exploration and Production) (Landward Areas) (Amendment) (England and Wales) Regulations 2016**

**Amendments to model clauses for petroleum exploration and development licences**

**2.**—(1) Schedule 2 to the Petroleum Licensing (Exploration and Production) (Landward Areas) Regulations 2014<sup>(1)</sup> is amended as follows.

(2) After clause 22 (control of development wells), insert—

**“Prohibition on hydraulic fracturing in Protected Areas in England and Wales**

**22A.**—(1) The Licensee shall not carry out Relevant Hydraulic Fracturing from a Well if the well pad is in a Protected Area in England or Wales.

(2) In this clause—

(a) “Protected Area” means any area which is—

- (i) a protected groundwater source area or other protected area as defined by regulations 2 and 3 of the Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016<sup>(2)</sup>;
- (ii) a European site as defined by regulation 8(1) of the Conservation of Habitats and Species Regulations 2010<sup>(3)</sup>;
- (iii) a site of special scientific interest notified in accordance with section 28 of the Wildlife and Countryside Act 1981<sup>(4)</sup> unless the notification has ceased to have effect by virtue of subsection (6) of that section; or
- (iv) designated under paragraph 1 of article 2 of the Ramsar Convention for inclusion in the list of wetlands of international importance referred to in that article;

(b) “Ramsar Convention” has the meaning given in section 37A(4) and (5) of the Wildlife and Countryside Act 1981<sup>(5)</sup>;

(c) “Relevant Hydraulic Fracturing” means hydraulic fracturing of shale or strata encased in shale which is carried out in connection with the use of a Well to search or bore for or get petroleum, and involves, or is expected to involve, the injection of—

- (i) more than 1,000 cubic metres of fluid at any stage, or expected stage, of the hydraulic fracturing, or

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(1) [S.I. 2014/1686](#), amended by [S.I. 2016/912](#).

(2) [S.I. 2016/384](#).

(3) [S.I. 2010/490](#), to which there are amendments not relevant to these Regulations.

(4) [1981 c. 69](#); section 28 was substituted by the Countryside and Rights of Way Act 2000 ([c. 37](#)) Schedule 9, paragraph 1. It was amended by the Natural Environment and Rural Communities Act 2006 ([c. 16](#)) Schedule 11, Part 1, paragraph 79, and by the Marine and Coastal Access Act 2009 ([c. 23](#)) Schedule 13, Part 2, paragraph 2. It was modified in respect of functions exercisable in relation to Wales by [S.I. 1999/672](#).

(5) Section 37A was inserted by the Countryside and Rights of Way Act 2000 ([c. 37](#)), section 77.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(ii) more than 10,000 cubic metres of fluid in total.”.