



## Fracking Rights... sounds a bit rude, what is it?

On the 12th February 2015 The Infrastructure Act 2015 came into force. This now means that shale gas developers have a statutory right to drill underground and below peoples land without their permission.

There are worries about fracking and these have been greatly highlighted by the media in recent times. Since fracking is still an emerging technique, uncertainties remain over the potential environmental effects and property damage risks. Landowners also have particular concerns, these include potential ground disturbance, structural damage, and loss of property value, groundwater contamination and nuisance issue.

When the Infrastructure Bill was debated in the House of Commons, a number of initial safeguards were agreed by Ministers. This originally included an outright ban on fracking in national parks and areas of outstanding beauty. This ban was then weakened by amendments made in the House of Lords and the final legislation prohibits hydraulic fracturing within "protected areas" (although this is not defined) and groundwater source protection zones (no definition of groundwater area is provided either).

Many shale gas developers already have the necessary environmental permits so it is likely that there will be an increase in planning applications over the next coming months. In regards to landowners and those affected by fracking there is no payment scheme in place as of yet. David Cameron has said that he is in favour of "cash payments to householders" but there are no details yet. If a landowner is worried about fracking in their area they may want to consider finding out if a planning application has been made and consider whether a legal planning challenge can be made opposing the planning application should they wish to do so.

Oppose it or not, fracking is here to stay, and with the new legislation making it easier for developers to conduct fracking it will most likely become a current occurrence.

