



FFBRA NEWSLETTER NUMBER THIRTY FOUR

NEWS AND INFORMATION FOR OUR MEMBERS

New “Invention” permits English Shale Revolution without Fracking

We can't make this stuff up - it needed an act of Parliament:

Minister: What is this new “invention”?

Civil Servant: We have redefined the word “fracking” to mean injecting more than 2.2 million gallons of fluid per well.

Minister: So - if they use 2,199,000 gallons per well, it will not be fracking?

Civil Servant: Yes – that is right – and of course we made sure this is per well not per pad. And the oil companies will measure the volume themselves.

Minister: Excellent – that means that even a super pad with 10 to 60 wells might not be fracking.

Civil Servant: Yes a 40 well super pad can use up to 88 million gallons of water and run their fracking pumps continuously seven days a week, 52 weeks of the year without fracking.

Minister: What about the extraordinary high pressure involved in fracking?

Civil Servant: That is deliberately not included in our new definition because of potential problems with the heavily faulted geology in the UK

Minister: Surely this definition means we don't need to call it “fracking” in National Parks, Sites of Special Scientific Interest and Areas of Outstanding Natural Beauty? In fact there will be no “fracking” anywhere in England. And no permissions will be needed to frack?

Civil Servant: Yes, Minister.

(Footnote: any rumours that Lord Browne was the above civil servant might be untrue and should be referred to his replacement, John Manzoni, Brown's ex number two at BP and now Head of the Civil Service.)

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The above scene was based on the following late amendment to the Infrastructure Bill which received Royal Assent yesterday and is now law.

Below is an extract from the final Infrastructure Bill showing what some of what was put into the Act as it passed through the House of Lords last week – note at the same time the Lords removed the protection for National Parks and AONBs that had been introduced by Labour MPs as it went through the House of Commons..

4B Section 4A: supplementary provision to the Infrastructure Bill

(1) “Associated hydraulic fracturing” means hydraulic fracturing of shale or strata encased in shale which—

(a) is carried out in connection with the use of the relevant well to search or bore for or get petroleum, and

(b) involves, or is expected to involve, the injection of—

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

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

(2) For the purposes of deciding the depth at which associated hydraulic fracturing is taking place in land—

a) the depth of a point in land below surface level is the distance between that point and the surface of the land vertically above that point and

(b) in determining what is the surface of the land, any building or other structure on the land, and any water covering the land, must be ignored.

(3) Subsections (1) and (2) apply for the purposes of section 4A and this section.

(4) The Secretary of State must, by regulations made by statutory instrument, specify—

(a) the descriptions of areas which are “protected groundwater source areas”, and

(b) the descriptions of areas which are “other protected areas”, for the purposes of section 4A.

The Infrastructure Bill is passed into law through abuse of the parliamentary process.

Anyone who has been following the progress of the Infrastructure Bill through parliament must be shocked by the twists and turns this Bill has taken. At an earlier stage the Bill excluded fracking in AONBs and so we thought Balcombe would be protected. Then this was reversed in the Lords at the last minute. Protected areas will now be decided by a minister And finally the definition of fracking has been now defined in such a way as to allow for high volume high pressure fracturing of shale anywhere so long as less than 2.2 million gallons of fluid is used.

This Bill is very bad for Balcombe, Sussex and for the rest of England.

But, remember the Parliamentary definition of fracking is now so weak that much of this bill's restrictions related to fracking are almost irrelevant. Except of course the part where the Oil and Gas Industry are granted the right of access under our homes without needing our permission. This is now law.

Here is a summary of the Infrastructure Bill by Ruth Hayhurst from “Drill or Drop”.

“THE MEASURES

Maximising the economic recovery of oil and gas

The Act makes it a principal objective of the government to maximise the economic recovery of UK petroleum. This is to be achieved by the development, construction, deployment and use of equipment used in the petroleum industry and collaboration with, among others, holders of petroleum licences, operators and owners of petroleum infrastructure. The Secretary of State must produce strategies to meet the objective.

Right of access to land

The Act gives a person the right to use deep level land to exploit petroleum or geothermal energy without the consent of the owner. The Act absolves the person who owns the land of liability for any loss or damage caused by this use of the land by someone else. Some MPs complained that they did not have the chance to vote on this section of the Bill. About 95% of people who responded to the government consultation on this measure were opposed to it. The Green Party MP, Caroline Lucas, tabled an amendment on this part yesterday but it was not voted on or discussed.

Leaving substances underground

The Act allows oil and gas companies to leave land in a different condition than they found it and to leave any infrastructure or substances in the land. There was no vote on this section in the House of Commons.

Impact on carbon budget

The Act requires the Secretary of State “from time to time” to ask for advice from the Committee of Climate Change on the impact of burning oil and gas extracted onshore and Committee of Climate Change on the impact of burning oil and gas extracted onshore and the impact of fugitive emissions on UK carbon target and budgets. After considering the advice, the Secretary of State must produce a report and put it before parliament.

Scotland

The fracking sections of the Act do not apply to Scotland.

Conditions for fracking

The Act says the Secretary of State must not issue a well consent unless a set of conditions are met, or he/she is satisfied that it is appropriate to issue the consent. The Act sets out documents that should be produced to satisfy the Secretary of State that the condition has been met. But it says that the absence of a document does not prevent the Secretary of State from being satisfied. It also says a fracking consent “may be issued subject to any conditions which the Secretary of State thinks appropriate”. The conditions cover the following:

1. Depth

Fracking is prohibited at depths of less than 1,000 metres, unless the Secretary of State gives consent.

2. Protected areas

Fracking is prohibited in protected areas. But the definition of protected areas is to be set by the Secretary of State in regulations to be put before parliament by 31st July. The government rejected a call for fracking to be banned under protected areas. This means fracking companies could drill horizontally under national parks from just outside their boundaries.

3. Groundwater sources

Fracking is to be prohibited in “protected groundwater source areas”. But again the definition is to be set by the Secretary of State in regulations not required until 31st. The government rejected calls for fracking to be banned in Groundwater Source Protection Zones 13, as defined by the Environment Agency

4. Environmental impact

Planning authorities will have to take account of the “environmental impact” of fracking developments. There is no explicit requirement for an Environmental Impact Assessment.

5. Well integrity inspections

The Health and Safety Executive will be required to visit the site of fracking wells. They must also provide a certificate that it has received a well notification under existing regulations. Labour’s amendment on this issue, which was rejected, specially required independent inspections of well integrity. During a debate last month, the government agreed that inspections would be unannounced. But there is nothing in the Act that requires this.

Methane in groundwater

Methane levels in groundwater will have to be monitored for 12 months before fracking can begin. The government is proposing to allow groundwater monitoring wells to be drilled without requiring planning permission.

7. Methane in air

The environmental permit for a fracking site will require monitoring of methane emissions. The government rejected Labour’s proposal for monitoring after a site has been decommissioned. There is no requirement for long term monitoring of other gases.

8. Substances

The environmental regulator will have to approve substances used, or expected to be used, in fracking.

9. Cumulative effects

Local planning authorities will be required to take into account the cumulative effects of an application and other fracking applications.

10. Restoration

Planning authorities must consider whether to impose a restoration condition for fracking operations.

11. Water companies

They must be consulted before planning permission is granted. There is no requirement for planning authorities to take action based on the advice given.

12. Informing the public

Operators will have to show they have given the public notice of fracking applications. The government rejected Labour's call for people to be notified individually. The government also rejected an amendment which required people to give consent, as well as being notified individually.

13. Community benefit

A scheme must be in place to provide "financial or other benefit for the local area". There is no reference in this condition to the scheme being funded by the operator or the industry."

<http://drillordrop.com/2015/02/12/where-are-we-now-with-the-infrastructure-bill/>

A Calculation of the traffic Impact "to not frack" a license block of 36 square miles (10 kilometres by 10 kilometres)

Under the definition of fracking as stated in the Infrastructure Bill:

It is **not** fracking if there are less than 10,000 cubic metres of fluid injected in total for the well. This is the equivalent of 333 lorry tankers of the largest size permitted on British roads. The flow back will be at least half of that amount, so say another 167 lorry tanker trips will be needed to truck it away for processing. So total lorry movements will be at least 500 massive tanker loads per fracked well which at 200 wells per thirty six square miles (Ineos figures) equals to a total number of 100,000 tanker movements to NOT frack thirty six square miles of Sussex countryside (these figures are based on Ineos gas well projections. It could be worse than this as the number of wells needed for oil may be more than 200 wells per block since oil does flow as readily as gas).

However these numbers do not include all the other lorry movements required such as the silica sand, compressor pumps, the drilling rig, flow back storage tanks, accommodation, etc . etc. With all of this it will still not be fracking (using the Infrastructure Bill definition). Imagine the gains for Civil Engineering with the roads to be built and maintained at the tax payers' expense. Celebrating funding from the government for the A27 improvements while giving the oil industry free rein in Sussex is short sighted and shows a complete lack understanding of the economics? How stupid are WSCC going to appear in future?

Well, for a start, they are proposing to demolish an ancient bridge between Kirdford and Wisborough Green which inconveniently is not suitable for fracking traffic (or under the new definition non-fracking traffic). WSCC commissioned a feasibility study on Boxal Bridge in September 2014 and of the six options recommended chose number six which is to demolish the bridge. This decision was despite the two parish councils of Kirdford and Wisborough Green and many local residents opposing the demolition. A petition to WSCC to protect it can be found here.

http://epetition.westsussex.public-i.tv/epetition_core/view/boxalbridge

Or google “Epetition WSCC Boxal Bridge”.

So far they have 267 signatures. Please sign (and ask your friends and families to sign) – only WSCC post codes will be counted.



Boxal bridge reminds me of the one on Boundary Road in Balcombe at Lower Staff Wood. Of course there are many bridges like this in Sussex – narrow and beautiful but unable to accommodate massive tankers.

Removing the Need for Planning Permission

There is possibly worse to come as ministers have been heard considering making some of this “non-fracking” activity a Permitted Development (i.e. one that does not require planning permission).

However, there might be hope, so let’s go back to some less corrupt and more logical activity in Westminster.....

Environmental Audit Committee (EAC)

FFBRA submitted their response to the EAC on the 31 December 2014. However FFBRA were not allowed to publish their response until the final EAC report was issued. Attached to this week’s newsletter is the FFBRA response. This is a substantial, well researched and referenced document and a great deal of hard work went into it’s production. A big thank

you to all involved. Also a big thank you to everyone who wrote individually to the committee members of the EAC explaining the risks of fracking to the environment.

We are delighted that the **Environmental Audit Committee recommended a moratorium on fracking**. Their report was released on the same day as the Infrastructure Bill was going through the House of Commons. MPs were therefore denied the opportunity to read the EAC report before voting. This timing also significantly reduced press coverage of the recommended moratorium (“good day to bury bad news tactic”).

FFBRA is mentioned on page 17 of the EAC Report *“The Frack Free Balcombe Resident’s Association raised concerns that “wells or fractures intersecting with natural faults could easily become conduits for leaking gases and liquids” in Britain’s highly faulted geology.”* And on page 22 *“Frack Free Balcombe Resident’s Association raised a concern that the access rights provision in the Infrastructure Bill (paragraph 7) effectively allows “any substance to be injected into and left in the lateral wells ... drilled under our property.””*

The final paragraph of the EAC Report states *“We called for a moratorium on fracking because it cannot be accommodated within our climate change obligations. A halt is also needed on environmental grounds, and it is essential that further independent studies into the impacts of fracking in the UK are completed to help resolve the environmental risk uncertainties. It is vital that the precautionary principle is applied. Until uncertainties are fully resolved, and the required regulatory and monitoring system improvements we identify are introduced, there should also be a moratorium on the extraction of unconventional gas through fracking on environmental grounds.”*

Francis Maude’s Final Thoughts on Fracking and the Infrastructure Bill

In response to a letter from one of our members asking Maude to support the demand for disclosure of the farcically redacted report on **“Shale Gas: Rural Economy Impacts”** and also to a request by his constituent to vote against the Infrastructure Bill, Maude sent the following email on 26 January 2015. It appears that many of our members have received the same letter.

“From: MAUDE, Francis <mailto:francis.maude.mp@parliament.uk>

Sent: Monday, January 26, 2015 11:51 AM

Subject: Infrastructure Bill and Fracking

Infrastructure Bill and Fracking

Thank you for contacting me about the Infrastructure Bill 3rd Reading and the clauses on shale gas exploration.

The Bill seeks to add detail to what is already the case: that many different agencies already have permission to put pipes, wires, cables, structures and materials underground, and leave them there, without seeking the specific permission of the property owner above. In many cases these rights allow works to be carried out much closer to the surface than would be the case with drilling or fracking.

Every local minerals authority, in our case West Sussex County Council, considers each case on its merits, and as many applications fail as succeed. We have been producing oil in the UK for more than half a century – indeed the largest onshore oil field in Europe is at Wytch Farm in Dorset, near some of the highest-value houses in our country.

I understand that people have strong feelings on both sides of this issue. I continue to believe that we regulate the industry very tightly, learning lessons from some experience in the USA, and we should not dogmatically rule out any important source of home-grown energy. Everyone who has contacted me by email or sent me a printed letter is using technology which demands energy, and as our daily lives depend on it more and more, it has to come from somewhere.

A number of you have raised a point about an internal policy discussion document which has been redacted. Government transparency falls within my ministerial remit, and so I have looked into this. I completely support DEFRA's decision to withhold some of the detail. Such internal discussion papers are never subject to Freedom of Information requests, as this would prevent there being a space within which ministers can receive totally candid advice and take part in vigorous analytical debate. Only last week the World Wide Web Foundation ranked the British Government the most open and transparent government in the world. We literally lead the world on this agenda, and I am proud of what we have achieved. I do not accordingly find it difficult to defend this decision.

Some constituents who have written to me have demanded that I vote in the way they want. I am elected to exercise my judgement, and then submit to being held accountable at the ballot box. Few people choose a government on the strength of a single issue, but it is part of our great democracy that they are at liberty to do so.

Yours sincerely

Francis Maude

Observations on this letter

1. Clearly written by someone who believed he was going to be “held accountable at the ballot box” in the near future which obviously brings up the question as to what happened between Monday, 26 January 2015 and Saturday, 31 January when he announced he was no longer standing.
2. Clever obfuscations are scattered throughout
 - a. Horizontal drilling, fracking, and storing waste under our homes is very different from laying cables for cable television or utilities.
 - b. The statement that this Bill merely is adding detail to the current situation is very misleading. This Bill takes away our rights to prevent oil and gas companies from drilling under our land without our permission as well as many other rights.
 - c. He mixes conventional (Wytch Farm) with unconventional to try to justify his position.
 - d. His argument is that “It must be a fair system if an equal number of applications fail as pass” – what a strange way to measure fairness - what if 10 fracking applications are passed and 10 renewable energy applications fail?
 - e. He tries to justify this appalling attack on people’s property rights by saying “energy must come from somewhere”. True – it can come from the sun, the tide, wind, offshore oil and gas and from conventional hydrocarbon sites. This

is not a valid reason to lobby for unconventional oil and gas exploitation onshore in Sussex.

- f. Apparently the decision to withhold the information in the redacted paper on “Shale Gas: Rural Economy Impacts” from the British public came from him. Hopefully once he is gone his successor will publish the full report. There will be no confidence in the government until this happens and more and more MPs are now asking for it to be released.

CPRE to form a Mid-Sussex CPRE Branch

CPRE’s slogan is “Standing Up for Your Countryside”, however whether they do or not is a local decision because of the devolved nature of their organisation.

Some CPRE branches, such as Kent, have supported their local communities in the fight against fracking; however other branches have pro-frackers in position of influence such as CPRE West Northamptonshire, which has David Montague-Smith as their Chairman. David Montague-Smith is also chairman of Rathlin Energy, a fracking company.

So far CPRE Sussex has not been on the side of the angels with respect to Balcombe.

In the letter from CPRE in respect of Cuadrilla’s application to flow test Lower Stumble dated 11 March 2014 CPRE did not object to the application instead they just asked for a few suggestions to be taken into account. This went against us when West Sussex assessed our application.

CPRE have decided to set up a Mid-Sussex CPRE branch.

In order to attract new members they will be holding a meeting in Clair Hall, Haywards Heath on 28 February, 2015.

We hope this will be well attended by residents who want to stop oil and gas drilling in the Weald and that a strong membership is achieved for the Mid-Sussex CPRE Branch which will be well informed and passionate about protecting the countryside.

Would You Like to Become A Balcombe Parish Councillor?

There will be eleven vacancies for parish councillors as the current parish council will dissolve in May 2015.

Are you looking for a new challenge?

Do you want to influence decisions that affect your community?

The role of a Parish Councillor is to bring local issues to the attention of the Council and to help make decisions on behalf of the community.

You will need to be able to attend the Parish Council meeting held one evening each month (except August) and spend extra time on areas of specialism or interest. Enthusiasm and commitment are more important than experience. The position is unpaid.

Provided more than 11 residents are willing to stand, there will be elections held 7 May 2015 to vote for our parish councillors. (If less than 11 residents stand, then those residents who volunteer to be parish councillors will be co-opted and no election will be held).

Do you qualify?

You must be: over 18, a resident of Balcombe (or work in Balcombe) and on the electoral roll,

How much time does it take?

Rough estimate – about three hours a week, possibly more

Nomination Process

1. Complete the “Nomination Form” with your name and address
2. Have two people who live in Balcombe and are on the electoral register sign the form as your proposer and seconder.
3. Fill in the “Consent to Nomination Form”
4. Hand in the “Nomination Form” and the “Consent to Nomination Form” at the reception desk of Mid Sussex District Council in Haywards Heath between 30 March and 9 April 2015.

After the close of nominations (i.e. 10 April 2015), the Returning Officer will establish whether or not there is a need to hold a poll in Balcombe for parish councillors. This will depend on whether or not there are more than 11 nominations.

If there are more than 11 candidates, then voting for the councillors will take place on the 7 May 2015 at the same time as voting for District Councillors and for our MP. Polling booths will be located in the Victory Hall.

Selection of officers

Once elected (or co-opted) the new parish councillors will select their officers (Chairman, Vice Chair and Treasurer).

Any questions contact our Parish Clerk, Rosemary Robertson on parish.clerk@btconnect.com or Sue Taylor on suetaylorbalcombe@gmail.com

And finally, if your circumstances prevent you from volunteering, then think about who you would like as your representative on the parish council. Often the best people are modest about their abilities and they need someone to approach them. So if you know someone you think would be the perfect parish councillor, ask them to stand.

Balcombe deserves the best; you can help make that happen. Remember the opportunity to elect our parish council only comes once every four years.

Repower Balcombe Goes Live with First Installation

On the 30 January 69 panels were installed on Grange Farm, in nearby Crawley Down and are now generating electricity. The panels will generate 18,000 kWh of electricity every year – the equivalent of powering seven homes.

This is a lot more energy than Cuadrilla has managed so far!

If you are interested in investing in their next installation, please register on their web site

<http://www.repowerbalcombe.com/>

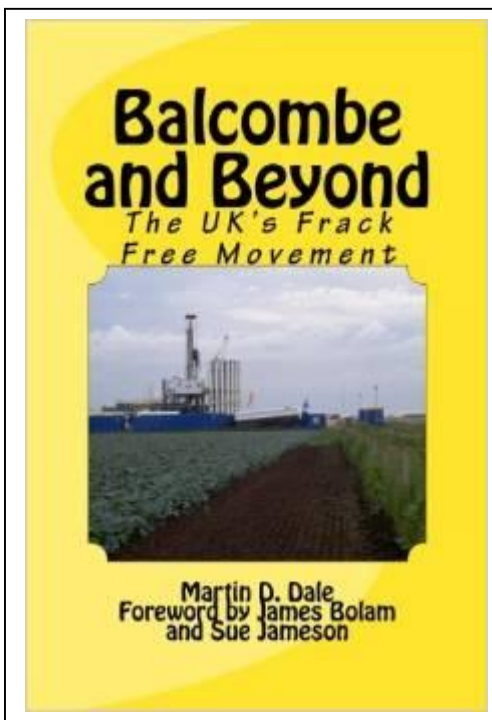
New Film from Philip Day

Philip Davidson, the filmmaker who made the award winning film “Autumn Diary” about fracking in Sussex, has now completed his latest film “What is TTIP and will it affect the NHS?” and will be entering it in some film festivals in the forthcoming weeks. The Transatlantic Trade and Investment Partnership also affects the fracking industry especially those that oppose it. Will you be subject to American law?

In the meantime until it becomes available, you can see a short except (7 minutes) from his film which provides a brief introduction to TTIP on YouTube.

<https://www.youtube.com/watch?v=7M5gfn5J0yl>

Balcombe and Beyond Book



Martin Dale has written a new book, with the assistance of James Bolam and Sue Jameson, called 'Balcombe and Beyond: The UK's Frack Free Movement' which tells the story of the anti-fracking campaign from Cuadrilla's first well at Preese Hall in 2011 through to the end of December 2014.

Proceeds from the sale of the book will raise money for the campaign for Kirdford and Wisborough Green to fight Celtique's Appeal to West Sussex to overturn their refusal to allow planning permission to drill.

The book can be bought from Amazon and cost £14.99 in paperback or £6.59 on Kindle.

What's On

Balcombe

Coffee and a Chat, Half Moon Pub, Thursday Mornings

10.30 am to 12.00 noon. Meet up with FFBRA members for a chat and a cup of coffee. This takes place every week – numbers vary and there is no fixed agenda.

CPRE Meeting, Saturday 28 February 2015, Clair Hall, Haywards Heath Living in Sussex – Past, Present, Future 10 am to 1.30 pm. Free.

To attend please complete the attached booking form and return it to Lesley Wilson, CPRE Sussex, Browning Farm, Blackboys, East Sussex, TN22 5HG. Alternatively email Lesley at info@cpresussex.org.uk to let her know you are coming (please include telephone number, mailing address, and any special dietary or access requirements).

If anyone needs a lift from Balcombe, please email suetaylorbalcombe@gmail.com

Balcombe Parish Council Meeting, 18 March, Bramble Hall 8.00 pm

There are only two more Balcombe Parish Council meeting before the current committee dissolve and are reformed so a good opportunity to see what these are like.

FFBRA Annual General Meeting, Friday 27 March, Victory Hall 8.00 pm

A date for the diary. This will be our first AGM. Please come if you can. Volunteers to help with teas, and coffees at the end of the meeting would be appreciated. **Please note that this is a FFBRA members only meeting.** No guests or Friends of FFBRA can attend this meeting due to restrictions placed on us by the Victory Hall Committee.