



FFBRA NEWSLETTER NUMBER THIRTY THREE

NEWS AND INFORMATION FOR OUR MEMBERS

FFBRA Judicial Review

Can we appeal?

Yes – FFBRA could appeal against the judge's decision, however if we did that it is unlikely we would win the appeal as the bar for winning an appeal is set higher. Another factor to consider is the fact that a judicial review can only consider matter of process rather than technical issues or problems. In the course of preparing material for the court case we have discovered various new pieces of technical information. Unfortunately we cannot use them in a judicial review because a judicial review can only consider whether or not due process has been followed not whether or not the correct decision has been made.

How much did it cost FFBRA to go to court?

David Wolfe QC, our barrister, and Leigh Day, our solicitors, worked for free and we are very grateful to them. Ecotricity, the green energy company, very generously, have paid the £10,000 costs awarded against us. Court fees were £700 and these have been paid from FFBRA donations kindly made by our members.

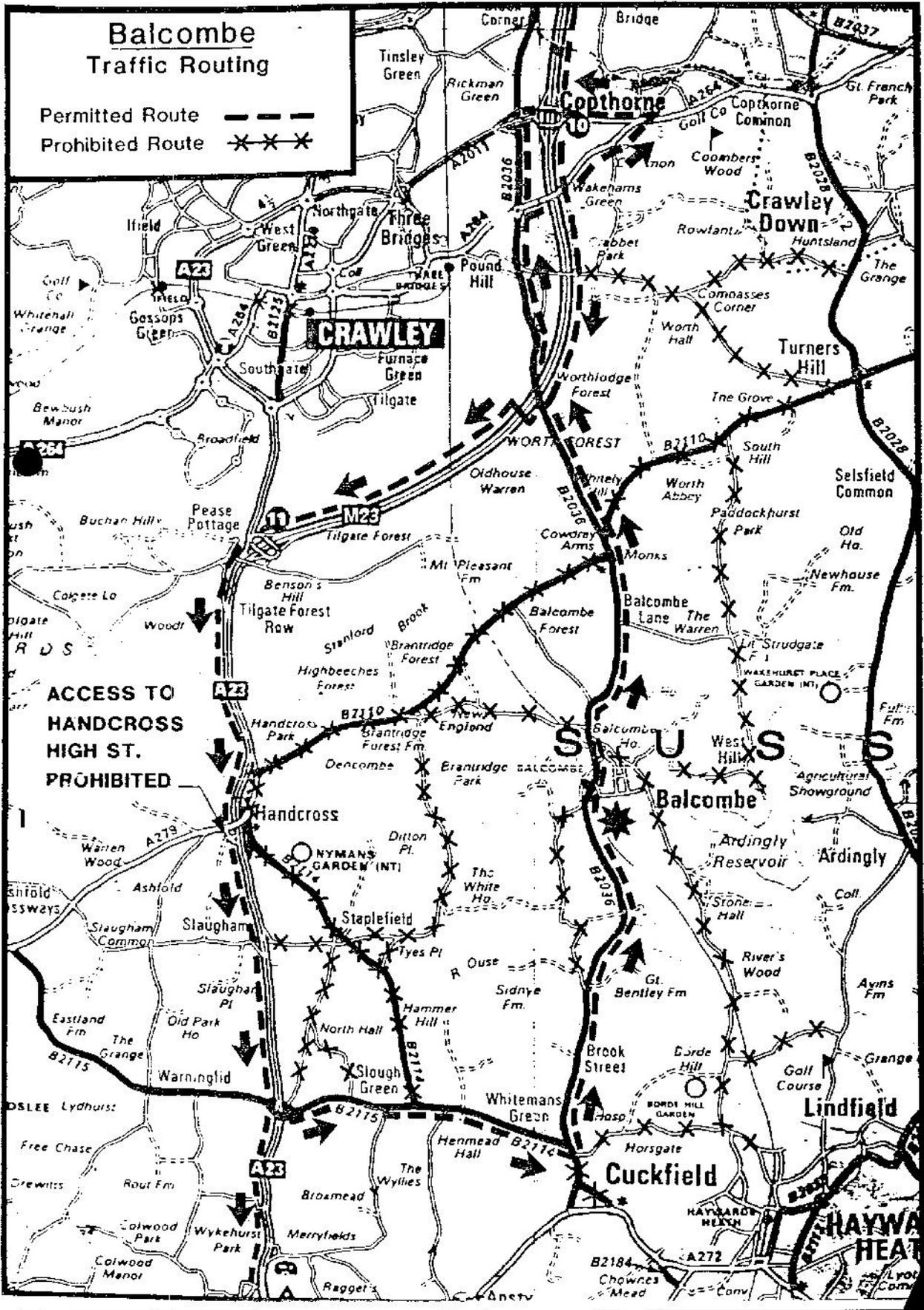
What next?

For Cuadrilla to return to Balcombe, they will need to have all outstanding planning conditions made clear. These conditions include the route that the trucks will take to get to and from the well site. As of the 29 December 2014, Jane Moseley, WSCC Interim Planning Manager, has confirmed that Cuadrilla have not approached her to discuss these conditions.

Lower Stumble, Balcombe Traffic Conditions

The map below shows the route trucks took in 1986 when Conoco drilled at the Lower Stumble site in Balcombe. As you can see from the map, they used a circular route which meant only the traffic **leaving** the site came through Balcombe village. Traffic **to** the site came via Whitemans Green, Cuckfield. The other points of interest when looking at this map is that it also shows clearly where Conoco's trucks were not allowed to go.

If a circular route, such as the one in 1986, was adopted when Cuadrilla returns to flow test then that would halve the amount of traffic passing by Balcombe Primary School and the homes on London Road. The routing of Cuadrilla's trucks for the flow testing still has to be agreed between Cuadrilla and West Sussex County Council.



In 1986 Junction 10a on the motorway did not exist and the traffic had to use junction 10. Introduction of junction 10a meant that, in 2013, Cuadrilla's trucks had a slightly shorter journey time than in 1986 but all the traffic was channelled past the Balcombe primary school and the homes on London road.

There are many factors to be taken into consideration for the future including where the trucks are coming from and going to. FFBRA wants to be involved in these decisions so that local conditions and the views of the village are taken into account.

Traffic Baseline Statistics

When Cuadrilla submitted their planning application they used 1.5 tonnes as the definition of a HGV which meant a Volvo estate taking children to school or an Ocado delivery van was counted to be the same as a 44 tonne truck. This meant Cuadrilla could state that the increase in HGVs on London Road would not be significant.

This statistical sleight of hand was also attempted by Celtique in their application to drill at Boxall Bridge but this was caught and they were made to redo their calculations using 3.5 tonnes as the definition of HGV. Traffic was one of the grounds that West Sussex used to refuse Celtique's application.

"9.23 A key issue raised by WSCC Highways relates to the adequacy of the submitted survey of existing traffic. The submitted survey included vehicles over 1.5 tonnes in weight as HGVs whereas the Design Manual for Roads and Bridges (DMRB) only includes vehicles over 3.5 tonnes in weight. Although the vehicle count enabled the differentiation between vehicles by type (LGVs, HGVs, Motor bikes etc.) the applicant's interpretation and conclusions included 4x4 vehicles, such as a Range Rover, as HGVs which serves to inflate 'baseline' figures for existing HGV movements. WSCC Highways has used the raw figures submitted as part of the Environmental Statement to conclude that the increase in HGV movements for 23 weeks of the development would be between 50% and 64% over existing levels, rather than the 11-13% increase set out in the Environmental Statement.

9.24 Therefore, WSCC Highways does not consider that the traffic assessment undertaken is a realistic or accurate appraisal of the impact of the development, particularly in relation to HGV movements. Therefore, it is not possible for the Highway Authority to be satisfied that the increase in HGV movements resulting from the development would not have a detrimental impact on highway capacity and road safety." WSCC Planning Officer's Report on Application No: WSCC/083/13/KD (Celtique application to drill at Boxal Bridge dated 22 July 2014).

We asked our barrister, David Wolfe QC, whether or not this change in position with regard to traffic base lines could be used in our judicial review. Our barrister's advice was that it could not be used. *"the court will be very reluctant to declare decision A unlawful because of something done in relation to decision B. Decision A is either lawful or not, on its own."*

A recent review of Cuadrilla calculations for the baseline volume of traffic along London Road used in their planning application looks equally dodgy.

Getting accurate, reliable and honest baseline traffic statistics for London Road is one of the tasks for 2015. If any members or friends of FFBRA has ideas or information as to the best way to do this, please telephone Sue on 01444 819 329 or email members@frackfreebalcombe.co.uk.

Update on the Infrastructure Bill

Two Sussex MPs have tabled the following amendments to the Infrastructure Bill:

1. To **remove** the clauses which would change trespass law by introducing a new right to for oil/gas companies to use deep level land (i.e. 300 metres below the surface), which could allow fracking companies to drill beneath people's homes and land without their permission and to leave any substance in the land.
2. To **remove** the clause in the bill that makes it mandatory "to maximise economic recovery of UK oil and gas." (this would enable the oil industry to destroy anything that gets in their way).

If their amendments are accepted, this will stop lobbying from the oil and gas companies destroying our property rights in order to facilitate the fracking industry.

The Infrastructure Bill is now at committee stage. Members of the committee have just been announced. The only MP from Sussex on the committee is Amber Rudd, MP for Hastings and Rye. This makes her incredibly important to the future of Sussex.

Please email her on amber.rudd.mp@parliament.uk with useful information that can help her make the right decision on this vital matter.

For full details of the committee see

<http://drillordrop.com/2014/12/15/whos-who-on-the-infrastructure-bill-committee/>

New York State bans fracking

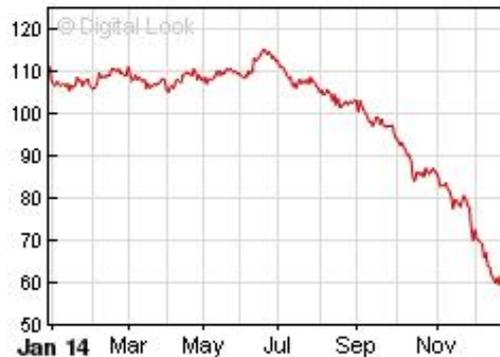
New York was a prime target for fracking because it sits atop the Marcellus Shale and has huge reserves of gas.

New York State is the 27th largest state in the USA (54,475 square miles). It is larger than England (50,337 square miles). This ban announced on 17 December 2014 is a very important because of the grounds Governor Cuomo has based his decision on. This includes evidence from a Department of Health review which has cited "significant uncertainties about the kinds of adverse health outcomes that may be associated with the high-volume fracking process". The full set of documents are available at <https://www.health.ny.gov>.

New York is the second state in the USA to ban fracking. Vermont banned it in 2012 but because there is not much shale in Vermont that ban was seen as largely symbolic.

Decline in the price of oil

The decline in the price of oil will have ramifications for the future of shale in the UK. However what the impact will be is hard to say. Drilling onshore is much cheaper than offshore. Conventional oil and gas production is cheaper than unconventional.



As you can see from the graph above the price of oil has gone from US \$ 115 in July 2014 to US \$60 in December 2014. It could rise again just as rapidly.

Ironically this decline in oil prices has pushed petrol prices below \$2 throughout the USA except in Pennsylvania where the price is higher because of a state surcharge tax of 28 cents per gallon imposed to pay for road and bridge damage from fracking.

“Gas prices have plunged to the low \$2 range—except in Pennsylvania. In Pennsylvania, the prices at the pump are in the mid-\$2 range.”

“Until 2019, Pennsylvanians will be paying an additional \$2.3 billion a year in taxes and fees—\$11.5 billion total—to improve the state’s infrastructure” “The damage has increased in proportion to the number of wells drilled into the state. There are about 7,100 active gas wells in the state, with the cost of road repair estimated at about \$13,000 to \$25,000 per well. The fracking truck traffic to each well is the equivalent of about 3.5 million cars on the road”, says Christie, deputy secretary of the Department of Transportation. Also falling onto the state is the cost of repairing bridges damaged by the fracking trucks.

Pennsylvania also has only 12,180 known abandoned wells (according to the Pennsylvania Department of Environmental protection) out of an estimated 300,000 drilled. Pennsylvania is slightly smaller than England (45,310 square miles). What a legacy to leave future generations of tax payers.

For more information on how the US fracking companies have been able to pass costs onto taxpayers see Dr Walter Brasch article, which explains the economic impacts on Pennsylvania, *“The Fracking Boom is a fracking bubble”*.

<http://www.marketoracle.ws/Article48786.html>

Free Sussex Film on Fracking – Autumn Diary

Philip Day has shown this film at over 50 venues and now he is making it free to view online. To view it go to <http://www.dayfilm.com/autumn/watch.html>

Wonderful footage of Balcombe.

Frack Free Sussex Music CD

<http://www.frackfreesussex.co.uk/shop/>

Too late for Xmas – but great for presents for 2015. Nearly 100 musicians, mostly Sussex based, contributed to the 20 tracks which feature on this eclectic and spirited album which is for sale for £10. This is their big fund raiser for 2015. We are so fortunate to have so many talented, wonderful people in Sussex fighting to protect our countryside. Frack Free Sussex now have an online shop so you can go online to buy this CD. Plus wacky and wonderful badges for £2 and car bumper stickers for £3.

Kemps Footbridge now open

As from 19th December 2014 the bridge over the railway is open for walkers.

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.

Balcombe Parish Council Meeting, 21 January 2015, Bramble Hall 8.00 pm

The seating arrangements of the councillors has now been changed so that the parish councillors no longer sit in a rectangle (which meant some councillors previously had their backs to members of the public) but instead they are now in an inverted U-shape. Much more welcoming – plus it is now easier to hear what they are saying. Most oil related subjects are discussed in the first hour. Do go along if you can. Cuadrilla will be coming back and it is important that we know what is going on.