



## FFBRA NEWSLETTER NUMBER THIRTY

### NEWS AND INFORMATION FOR OUR MEMBERS

#### **GREAT NEWS: Our judicial review is going ahead.**

The High Court has confirmed the grant of permission for the Frack Free Balcombe Residents Association (FFBRA) to legally challenge the decision by West Sussex County Council to grant planning permission to Cuadrilla, to undertake works at Lower Stumble in Balcombe.

The judicial review will now take place in the High Court over two days, 6<sup>th</sup> and 7<sup>th</sup> November, 2014.

The court hearing is public. Anyone can attend. The location will be at Royal Courts of Justice in the Strand, Westminster, London. It is convenient for the train from Balcombe to City Thameslink; exit by Ludgate Hill, turn left and then catch a bus or walk up Fleet Street away from St Pauls. The Royal Courts of Justice are on the right just before you arrive at Aldwych.

We will not know which court room it will be held in until the day before.

There will be no jury. Instead two barristers will argue the case for and against in front of a High Court judge.

At the end of the two days, the judge will make his decision; however we will not know what he has decided for several weeks or even months after the court hearing. The judge "will reserve judgement" until he has written up his notes. So we will have to wait patiently to know the results. Hopefully we will know before Xmas!

#### **Important Change to Minerals Planning Guidance**

New planning guidance has been produced by the Department for Communities and Local Government (DCLG). This states that applications for unconventional oil and gas developments in national parks, **Areas of Outstanding Natural Beauty** (AONBs), the Norfolk Broads and World Heritage sites should be refused "***other than in exceptional circumstances and in the public interest***". This change came into force on the 28 July 2014.

Balcombe is located in an AONB; therefore any future applications for unconventional oil and gas developments in our parish would have to prove there were exceptional circumstances and were in the public interest. For the full text of the change go to Paragraph: 223 Reference ID: 27-223-20140728

[http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/determining-the-planning-application/#paragraph\\_223](http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/determining-the-planning-application/#paragraph_223)

## Celtique's Application to Drill at Fernhurst Refused by South Downs National Park Authority

On the 11 September the South Downs National Parks Authority refused Celtique's application.

Frack Free Fernhurst have made this statement

*'Frack Free Fernhurst is delighted that the SDNPA planning committee have turned down Celtique Energie's application for exploratory drilling at Nine Acre Copse. In rejecting this application they have not only taken the advice of their own planning officer and accepted the government's own confirmation that such development should only take place in a national park in exceptional circumstances but also listened to the over five and a half thousand people who have objected to this proposal (as opposed to the eleven who have expressed support of it). Clearly a national park is not the right place for a large-scale "industrial experiment" (Andrew Tyrie MP), and we are relieved to see that the SDNPA have upheld their objectives to protect the national park and the community within it.*

*Right up until the last minute Celtique demonstrated their lack of respect for our community with their continued attempts to mislead both the public and the planning authorities with disingenuous and incorrect statements and material.*

*We would like to thank all the organisations and individuals who have tirelessly campaigned for and contributed to our campaign – from Greenpeace, Friends of the Earth, the National Trust, the Woodland Trust, RSPB, CPRE, the South Downs Society to those who visit and love the national park and of course the residents of Fernhurst, Lynchmere and the surrounding area.*

*One thing that the last 16 months have shown is that we live in a community which is willing to work together and support each other when faced with a crisis. We hope that our village can now return to being the peaceful and happy place that it was before we faced this unwelcome and inappropriate threat.'*

### **Lord Cowdray's "Pillars"**

These are not at the entrance to Cowdray Castle but instead mark his ownership of the grass verges beside the entrance to the proposed drill site at Fernhurst. Lord Cowdray has placed two substantial vertical steel beams, firmly cemented into a bed of concrete, at either side of the entrance to the site. These make it very difficult for any large lorries to gain access to the site.

### **South Wales Shale Bid Rejected:**

Ruth Hayhurst has reported that

*"Councillors at Neath Port Talbot rejected the advice of planning officers and voted on September 30th against the first application for exploratory shale gas drilling in South Wales.*

*A site visit before the meeting was accompanied by a silent protest involving hundreds of opponents of the scheme.*

*UK Methane Ltd wanted to drill for coal bed methane and shale gas in Foel Fynyddau, a wooded area near Pontryhydyfen.*

*There were no objections from statutory consultees, such as the Highways Department, Natural Resources Wales or the heritage body CADW. Planning officers said the development would “not have a detrimental impact sufficient to warrant refusal of the application or subsequently justify at appeal stage if necessary”.*

*But opponents of the application had submitted 1,036 letters and a 1,564-signature petition. There were also objections from three Welsh Assembly Members. Just two letters were submitted in support.*

*The reasons for objections included highway safety, pollution, noise, dust, disturbance, and the impact on tourism, recreation and wildlife. Some objectors criticised the quality of the application and complained about the lack of an Environmental Impact Assessment.*

*Councillors rejected the application on grounds of noise and local echo issues in the Pelenna Valley.”*

An important victory as the councillors voted against the recommendation of the planning officer.

## **Victory for Balcombe Resident’s Complaint to the Advertising Standards Agency about Chris Faulkner**

Chris Faulkner, the CEO of Breitling Energy Corporation, an US fracking company visited Balcombe last November. He stood outside the gates of site at Lower Stumble and told the BBC that concerns over the contamination of drinking water during fracking were "foolish and silly".

When Mr Faulkner was asked about the earthquakes at Lancashire by the BBC interviewer, he said two statements that were interesting; Cuadrilla should not have fracked anywhere near a fault; and that his company fracked at depths at least three to four thousand metres below the surface. (He obviously had not been briefed about the numerous faults in Balcombe or that Cuadrilla had originally planning to frack the Kimmeridge clay at Lower Stumble which lies at only 600 metres to 1,200 metres below the surface ).

Then just before the Balcombe Parish Council Poll in February 2014, Mr Faulkner took out a full page advertisement in the Sunday Telegraph addressed to the citizens of the United Kingdom. FFBRA were particularly concerned about this misleading advertisement because it was timed to influence the Balcombe Parish Council’s Poll.

### **The advert text and the censured claims (scored out)**

*“Dear Citizens of the United Kingdom, Do you know that your country is blessed with an incredible gift? It’s shale gas – natural gas trapped in layers of shale rock deep below the surface of the earth. It’s always been there, but it’s only recently that industry has figured out how to get to it. The British Geological Survey has recently released new shale gas estimates considerably higher than former estimates. This is fantastic news for the UK – especially in the wake of a near-catastrophic gas shortage last winter, and as resources in the North Sea are on the decline. This means: ~~Decades worth of natural gas ... -Millions of pounds in tax revenues to support social and other government programs -Freedom from interruptions and stoppages as a result of Russia’s political games with your gas supply - Lowering energy prices for millions -Reducing greenhouse gas emissions by replacing coal with natural gas for energy ...”.~~*

A FFBRA member made a formal complaint to the Advertising Standards Agency (ASA). The ASA upheld her complaint and ruled that the shale gas advert was misleading, exaggerated, unsubstantiated and should not be repeated. They also ruled that the statements made in the advertisement breached four rules in the advertising code.

This is the second time that the ASA has upheld complaints against the fracking industry. In April last year, it censured Cuadrilla for claiming it used “proven, safe technologies”. Cuadrilla was also ordered not to use again the phrase: “we know that hydraulic fracturing does not lead to contamination of the underground aquifer”.

[http://www.asa.org.uk/Rulings/Adjudications/2014/9/Breitling-Energy-Corporation/SHP\\_ADJ\\_262157.aspx#.VCcQmddVnE](http://www.asa.org.uk/Rulings/Adjudications/2014/9/Breitling-Energy-Corporation/SHP_ADJ_262157.aspx#.VCcQmddVnE)

## **WSSC E-Petition Reaches over 3,000 signatures forcing the council to hold a debate on fracking on the 17 October 2014.**

Many thanks to all those who helped by canvassing signatures for the e- and paper petitions and to everyone who signed it. 3,593 signatures were collected.

West Sussex County Council is now to hold the debate on 17 October in Horsham as to whether or not to declare the area a Frack Free Zone. The public can go along and watch.

The wording for the petition was as follows:

### ***We call on West Sussex County Council to declare West Sussex a "Frack-Free Zone"***

In support of the petition this additional statement was submitted and also published as part of the electronic petition on West Sussex County Council's website..

*“The technology for unconventional Oil and Gas exploitation is untested in the UK. The Sussex Weald is rural and tranquil in nature with narrow lanes and tracks.*

*The underlying geology is multi-faulted and completely unsuitable for hydraulic fracturing.*

*The area is water stressed and cannot afford the huge amounts of water required for fracking. There is no mechanism for disposal of contaminated and radioactive waste water.*

*The outstanding and highly designated landscape and its associated wildlife would be threatened. Internationally protected bats would be disturbed.*

*The dark night skies for which the area is famed would be threatened.*

*Exploiting oil and gas resources goes against the global imperative of reducing greenhouse gas emissions.*

This Petition was initiated by “Keep Kirdford and Wisborough Green” group who are currently deciding who should speak on their behalf at the meeting.

It is a meeting of the councillors held in public. There is no opportunity for public participation other than invited speakers. However, it will be very interesting to observe.

## Lobbying and BBC “Editorizing”

The oil and gas PR companies have mostly stopped pushing the myth about fracking being old not new. However here is a weirder (and subtler) version of this deception. For an example of this see how the BBC manage to insert into a story about the death of an eel, a message from the oil industry.

*“Swedes have flocked to social media to muse at the passing of “the world’s oldest European eel”, which lived in a well to the age of 155. It was found dead in the southern town of Brantevik when the well owners removed the lid to show it off to visitors .A boy dropped it in back in 1859, when it was apparently common to use eels for keeping well water free of insects.”*

Then their “news” article continues to point out that in 1859

- *the Suez canal was just being built*
- **the modern oil industry was born with the drilling of a well in Pennsylvania**
- *the defence of “temporary insanity” was first used in the US*
- *Napoleon III was on the throne in France*
- *a machine for making paper bags was patented in Massachusetts*

A cynic might ask why the BBC finds it necessary to tell us that the “modern oil industry” was born in 1859 in Pennsylvania. Are they simply “well” educated or have they been “well” briefed by the oil industry?

After all why is this more important than the fact that Charles Darwin published *The Origin of Species* in 1859? Or that Big Ben chimed for the first time that year?

<http://www.bbc.co.uk/news/world-europe-28721701>

## Further News and Information in the UK can be found in Ruth Hayhurst’s site DrillorDrop at [www.drillordrop.com](http://www.drillordrop.com).

This excellent site covers far more than I can put in this newsletter. In her blog section for September she includes information about:

- Ineos plans to give 6% of gross profits to landowners and communities
- Government to allow underground drilling without consent – despite 99%+ opposition to consultation
- Environment Agency investigates smell at West Newton drilling site
- 20,000 objections, including Fylde Borough Council, to Cuadrilla’s applications to drill near Blackpool
- Manchester University study suggests shale gas is greener energy on some counts than renewables
- Well integrity failures contaminate water – US study
- Water shortages could hinder fracking for shale oil and gas – World Resources Institute report
- Tamboran’s licence to explore for shale gas in County Fermanagh has been terminated because it has missed its drill or drop deadline.

Plus much more.

## What's On

### **Balcombe**

#### **Balcombe Parish Council Meeting 15 October, 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 fracking related subjects are discussed in the first hour. Do go along if you can.

### **Beyond Balcombe**

#### **Public Meeting, Fracking at Horley, Monday 13th October. 7.00 pm**

Empire Hall, Victoria Road RH6 7AW (Opposite the Air Balloon car park)

This is being organised by local residents and Frack Free Surrey

Drilling has recently started at Horse Hill which is about one mile north of Gatwick and about one mile to the west of Horley.

#### **West Sussex County Council Debate Fracking 17 October 10.30 am**

County Hall North, Chart Way, Horsham, RH12 1XH

Public Meeting. The Debate will be on whether West Sussex should be declared "Frack Free" and will be chaired by Councillor Pieter Montyn a District and County Councillor from West Wittering.

#### **Public meeting on Fracking, Billingshurst, 28 October, 7.30 pm**

Main Hall, Billingshurst Centre, Roman Way, RH14 9QW

Celtique have planning permission to drill at Broadford Bridge near Billingshurst. This was granted to them by West Sussex County Council in February 2013. They have recently applied for a waste permit and have started to prepare the site.

This meeting is to raise local awareness of unconventional oil and gas drilling and has been organised by Billingshurst residents and Frack Free Sussex. All are welcome. Free admission.