



## **FFBRA NEWSLETTER NUMBER THIRTY SEVEN**

### **NEWS AND INFORMATION FOR OUR MEMBERS**

#### **Would you like to join the FFBRA Committee?**

It is the time of year when, under our constitution we need to elect a new FFBRA committee. The current committee will shortly stand down although many are willing to re-stand. But we are hoping that some more of our members will join the committee. If you are interested, please email [members@frackfreebalcombe](mailto:members@frackfreebalcombe) or telephone 01444 819 329.

#### **Update on Cuadrilla in Balcombe**

It is unlikely that Cuadrilla will return to Lower Stumble this winter as they have not as yet started negotiating their noise and traffic planning conditions with the County Council. On the 6<sup>th</sup> October we received this statement from the West Sussex County Planning Officer. *"I can confirm that Cuadrilla has not yet approached us in relation to the discharge of the planning conditions attached to WSCC/005/14/BA or starting on site."*

Cuadrilla's planning application to flow test the site at Lower Stumble will expire May 2017.

#### **FFBRA Newsletters**

These are now less frequent because there is less Balcombe specific news (which is great news in itself!). For members who would like to be kept up to date on onshore oil and gas developments in the UK generally, the best source of news is Ruth Hayhurst's Drill or Drop. [www.drillordrop.com](http://www.drillordrop.com). Particularly useful is "Rig Watch" which is a new project funded by the Joseph Rowntree Reform Trust which reports on onshore oil and gas planning applications in the UK.

The current low oil price is helping to curtail the more speculative oil industry activity.

#### **FFBRA Café Elvira Dinner**

We are really pleased to announce that FFBRA will be holding its annual dinner at Café Elvira at Borde Hill. More details will be sent out later but for those of you that would like to reserve the date in your diary – it will be on the evening of 29<sup>th</sup> January 2016.

## **Update on Cuadrilla's other activities**

### **Roseacre and Preston New Road (Lancashire)**

Earlier in the year Cuadrilla submitted four planning applications (two for drilling sites at Roseacre and Preston New Road and two for associated seismic testing arrays). Of these applications, three were refused by Lancashire County Council and one was approved (for seismic testing arrays at Roseacre). Cuadrilla is appealing the decision and a public inquiry is expected to be held next February. There is also a pending judicial review of the one application that was approved.

### **Beaconsall Site**

Cuadrilla Resources is giving up on its exploratory shale gas site at Beaconsall on the edge of the Ribble Estuary. The company confirmed this week that work to plug the well and restore the site would begin in the spring next year.

### **Good News for KKWG (Keep Kirkford and Wisborough Green).**

Celtique's planning application to drill at a site between Kirkford and Wisborough Green in West Sussex was refused. Celtique then appealed the decision. Celtique have recently withdrawn their appeal which had been scheduled to go before a public inquiry. Celtique have reimbursed KKWG for their costs.

### **Update on Billingshurst**

Celtique is also in a legal battle in the High Court with its partner Magellan Petroleum over £1.5m which Magellan is refusing to pay to Celtique for activity on the site at Billingshurst.

### **Update on Horse Hill site near Horley**

The BBC has exposed the exaggeration in David Lenigas's share promotion about the "Gatwick Gusher".at Horse Hill. UKOG Executive Chairman, Stephen Sanderson, was the source of the absurd claims that there are 100 billion barrels of oil beneath The Weald in South East England.

### **Update on (Holmwood) Leith Hill near Reigate**

Leith Hill oil drilling company has won its four year battle to begin exploring for gas or oil. Planning was refused by the local council but the government granted permission on appeal. Traffic problems are expected to be extreme as there will be hundreds of HGV movements along Coldharbour Lane, an ancient (and narrow) sunken lane.

This week UKOG announced they had purchased 20% of PEDL 143 that contains the Holmwood site.

## **Kent**

Kent now seems to be a frack free zone. All applications have been withdrawn and none are expected. The determined opposition has ensured that the protection of the aquifers in this region has been a major consideration.

## **Government musician chairs**

While our new minister in charge of the Department of Energy and Climate (DECC), Andrea Leadsom recently stated that no wells had been fracked in the UK, the new head of UKOOG, Professor Avril Macdonald stated that over 200 wells had been fracked. Of course both of these are correct – it merely depends on which definition of fracking is used (see the next section on chaotic government legislation). Any realistic observer of the onshore oil and gas industry in the UK will have seen one well fracked – the original Cuadrilla well in Lancashire at Preese Hall. This of course was both a disaster for Cuadrilla and the industry because it caused an earthquake that badly damaged the well and alerted the country to the dangers of fracking.

## **Government Regulation Chaos**

When the government recently passed laws enabling oil and gas companies to drill under other people's property without their permission as the part of the Infrastructure Act, it was not made clear whether or not fracking would be allowed in Areas of Outstanding Beauty (e.g. Balcombe), National Parks or SSSI (Sites of Special Scientific Interest). A vote on this is expected in the House of Commons next Wednesday.

The article below on the government's U-turn is reproduced from Drill or Drop.

## **Government's double U-turn makes fracking rules even more complicated**

When is a frack not a frack? And why are some protected areas more protected than others? This post looks at the inconsistencies of some of the rules on fracking.

The government changed its mind again on Wednesday about banning fracking from the surface of England's most important natural areas.

Tucked away in a long government webpage was a link to a six-week on consultation on "Surface Development Restrictions". More plainly, this was about plans to exclude fracking from the surface of some wildlife sites.

They include Sites of Special Scientific Interest, where the government said it would ban fracking (January 2015), then said it wouldn't (July 2015) and this week said it would.

The latest announcement, low-key though it was, makes the labyrinthine rules covering fracking more complex and introduces new inconsistencies. Here are a few of them.

### **Surface versus underground**

If the government's proposals are adopted, oil and gas companies cannot drill a well to be fracked from the surface of National Parks, Areas of Outstanding Natural Beauty, SSSIs, internationally important wetlands (Ramsar sites), European designated Special Protection Areas and Special Areas of Conservation, and World Heritage Sites.

But companies can frack under any of these areas as long as the rigs are located outside.

The RSPB said this wasn't sensible. And Hannah Martin, a campaigner with Greenpeace, said: "Some of England's special scenery and nature reserves could still be ringed by fracking rigs bringing light, air, water and noise pollution to areas that should be completely protected. This seems like a statement designed simply to mollify concerned backbenchers but lacking the substance to actually protect the countryside from fracking pollution."

## **1,200 meters or 1,000 meters?**

Fracking can take place underneath National Parks, Areas of Outstanding Natural Beauty and World Heritage Sites at depths of 1,200 meters or more.

Under SSSIs and the other wildlife sites fracking can take places at depths of 1,000 meters.

No one in government has explained what difference 200 meters makes.

## **Laws, conditions and policy statements**

The depth that fracking can take place under protected areas is set out in legislation. The details are in The Infrastructure Act 2015, which amends the Petroleum Act 1998, along with secondary legislation in the still draft Hydraulic Fracturing regulations 2015.

The ban on fracking operations from the surface of protected areas will, if government plans are approved, be a condition in a drilling company's Petroleum Exploration and Development Licence. But this is just for new licences.

For existing licences, the government will issue a policy statement. This, according to the proposals, will indicate that "The Secretary of State [presumably of Energy and Climate Change] is not minded to grant consent for any programme which includes 'associated hydraulic fracturing', as defined in 4B(1) of the Petroleum Act 1998, from new or existing wells that have been drilled at the surface in specified protected areas".

"Not minded" doesn't seem the same as a ban.

## **Conventional versus unconventional**

The bans on fracking from the surface of protected areas and the restrictions of the depths at which fracking can take place apply only to 'associated hydraulic fracturing'.

They do not apply to drilling for conventional oil and gas, which do not use fracking. They also do not apply to unconventional oil and gas operation, such as the extraction of coal bed methane, if they don't use high volume hydraulic fracturing.

## **What is 'associated hydraulic fracturing'?**

The Petroleum Act, as amended by the Infrastructure Act, defines this by the use of fluid used in the hydraulic fracturing of shale. Under the acts something is fracking if it uses:

(1) "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."

So if a company proposes to use slightly less than these volumes is it 'associated hydraulic fracturing'? And does that mean the restrictions don't apply? That's not clear. When asked, the Energy Minister, Andrea Leadsom, said she couldn't answer because she didn't have the definition with her.

When asked what would happen if fracking companies tried to get round the law, Mrs Leadsom said:

"That absolutely would not be in anyone's interests to play games like that. That would be an appalling thing to do. I would absolutely not permit that sort of game-playing to happen. There will be a very clear definition."

"It won't be the case that you can simply flout the rules by having a litre or two less of water. That will not be the case I can assure you of that."

## **England versus the rest of the UK**

This week's announcement applies only to England. The government plans to devolve the licensing of onshore oil and gas to Scotland and Wales.

In January, the Scottish Government announced a moratorium on all planning consents for unconventional oil and gas extraction, including fracking. It was widened to include underground coal gasification last month but there's uncertainty about whether exploratory drilling will be permitted in the meantime.

The Welsh Assembly voted in February for a moratorium on fracking through the planning system. And in August the UK government announced it would not issue onshore licences for oil and gas exploration in Wales.

In September, Northern Ireland's environment minister included a presumption against unconventional hydrocarbon extraction in the Strategic Planning Policy Statement, a new guide for the planning system. The guide did not include a moratorium or ban and it set no timescale for how long the presumption would apply.

### **Licences, permissions, permits, approvals**

To drill a well onshore in England, an oil and gas must get permissions from several local and national government agencies.

- A Petroleum and Exploratory Development Licence (PEDL) from the Oil and Gas Authority which gives an exclusive right to drill but not permission.
- Planning permission from the local minerals authority, usually a county council, unitary authority or National Park authority
- Environmental permits from the Environment Agency, usually covering impacts on groundwater, waste disposal and industrial air emissions, and possibly permits for water abstraction and discharge.
- Consents from the Health and Safety Executive on the well design and construction and drilling operations.
- Well consent from the Oil and Gas Authority

In 2012, the Royal Society and Royal Academy of Engineering recommended in a report the co-ordination of these organisations with one taking the lead.

Three years later, the Task Force on Shale Gas, which is investigating fracking, recommended a new bespoke regulator for onshore underground energy. It said:

“It is our belief that not only will this new regulator be able to command more public confidence, its specific remit will allow it to develop expertise and skills required to ensure that it is able to execute its duties effectively.”

The Task Force, which is funded by the industry but says it is independent, proposed that the new regulator should be jointly accountable to the Departments of Environment and Energy and have “the public and environmental impact at the heart of its remit”.

In a report released in March this year it called on the government elected in May to legislate as soon as possible to establish a new regulator.

So far the government has announced no plans to do so and there are no signs that the regulation of onshore oil and gas will get any easier to follow.” Published by Drill or Drop November 6<sup>th</sup> 2015

## What's On

### Balcombe

**Coffee and a Chat, Balcombe Club, Thursday afternoons 2.30 to 4.00**

**Climate Change Cycle Ride to Paris:** The Time to Cycle Organisation is cycling as a group from London to Paris for the Climate Talks. They plan to travel on Sunday 6<sup>th</sup> December on their first leg from London to Brighton. At this point we do not know the numbers involved or the exact route but some are expected to use the London Road through Balcombe and may stop at Lower Stumble for a break. At least 150 riders are expected to head to Paris for the Climate Talks but obviously the weather and security situation in France will affect this.

**FFBRA Annual Party, Café Elvira, Borde Hill 29<sup>th</sup> January 2016**

Put this date in your diary. More details later.

### **Anti-Fracking Xmas Cards**

If you are looking to buy Xmas cards supporting communities being threatened by oil and gas companies, these from Frack Free Ryedale are lovely. Go to <http://frackfreeryedale.org/calendar2016>

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