



FFBRA NEWSLETTER NUMBER SIX, 2nd Edition

FUTURE EVENTS

In Balcombe

Victory Hall Players Confusions by Alan Ayckbourn. Friday 22nd, Saturday 23rd November .7.30pm Tickets £10. Nothing to do with Oil/Gas drilling but many FFBRA members are involved in the production and would like to see you there! Rumoured to be hilarious.

Balcombe Parish Council Meeting Monday 25 November 8 pm Bramble Hall

On the agenda:

- Report from Oil Exploration Working Group Leader
- Residents' Meeting Issues from last next Surgery
 - Protest Camp
 - How the Precept is calculated
- To consider Peter Dutton's letter regarding claim on WSCC for loss of income due to Protest Camp

It will be interested to follow Peter Dutton claim in order to see if this will set a precedent whereby residents of Balcombe will be able to claim on WSCC for loss of income or property values due to Cuadrilla's activities.

Please do go along and raise any concerns or questions you may have.

Balcombe Parish Council Surgery Saturday 7 December 10.00 am till 11,00 am Bramble Hall

An opportunity to ask questions and discuss your concerns on an individual basis.

FFBRA Coffee Morning/ Exhibition Saturday 7 December, Bramble Hall, RH17 6HR 2 pm till 4 pm.

Cuadrilla having recently signed a 30 year lease with Simon Greenwood for the Lower Stumble site have applied to WSCC to "to flow test and monitor the existing exploration lateral borehole (horizontal drilling) at the Lower Stumble exploration site" Their application also including site security fencing, the provision of an enclosed testing flare and site restoration". The purpose of the exhibition will be to explain in detail what this means.

Members and non-members of FFBRA are welcome to attend. There will be tea, coffee and cakes – and a children’s play area will be provided. Please come along.

Beyond Balcombe

Dark November nights are just right to stay at home and watch the computer. Here is the link to an excellent video on YouTube by Dr Ingraffea which gives a technical explanation of how fracking works.

<http://www.youtube.com/watch?v=W8qs5HQ6jgs>

NEWS AND INFORMATION FOR OUR MEMBERS

Results of the FFBRA Committee Election

An election for the FFBRA Committee was held on the 16 November and was a great success. 14 candidates stood for 9 places. We had a 73% turnout (142 voted from an electorate of 198). The results were that Alan Rew, Charles Metcalfe, Douglas Wragg, James Hodgson, Lawrence Dunne, Louisa Delpy, Rob Greer, Rosalind Merrick, and Sue Taylor were elected to the Committee.

Many thanks to all who took part: both candidates and voters.

FFBRA meets with WSCC Monday 18th November at County Hall

Background to the Meeting

A petition requesting WSCC to answer a number of questions relating to fracking had been launched by Becky Adams, who owns a farm in the South Downs.

These included:

- Why have WSCC not prosecuted Cuadrilla for breaching planning restrictions in Balcombe over the summer – such as exceeding the agreed sound levels?
- If WSCC planning decisions play a major part in the loss of income for West Sussex businesses, such as tourism and farming, either now or in the future, does WSCC understand it may face court action for loss of earnings.

In support of this petition a number of protestors set up a protest camp on the lawn at WSCC in Chichester demanding to meet with WSCC.

The council then agreed to meet with the protestors and representatives from Fernhurst, Wisborough Green and Balcombe on Monday to discuss the questions raised in the petition.

On Sunday Becky Adams called, explained about the meeting on Monday and asked if I could attend as a representative of FFBRA.

Meeting

At the meeting was Louise Goldsmith (Leader of West Sussex County Council), Tony Kershaw (Head of Law and Governance), and Sean Ruth (Chief Fire Officer).

The meeting, arranged by Dan as a result of the protest camp set up outside County Hall over the weekend, was the first direct contact that members of the public concerned about oil/gas exploration in the Sussex Weald have had with WSCC. Louise Goldsmith met with representatives:

Susan Jameson (Kirdford and Wisborough Green)
Caroline Randall (Fernhurst)
Sue Taylor (Balcombe)
Becky Adams (small businesses, farming and tourism)
Dan (protest camp)

During the meeting, many issues were raised but, overall, the dialogue was constructive and it is hoped that WSCC will now appreciate the depth of concern felt by many ordinary members of the public about the possibility that oil/gas exploration in West Sussex could lead to total industrialisation of the Sussex Weald as well as all the potential problems (HGV traffic, water contamination, inadequate water supplies, air, noise and light pollution) and the lack of adequate infrastructure and the impact on tourism.

Louise confirmed that she has called on the government to have a full and proper national debate about fracking. To date, the government has not responded to that call. Unfortunately, in the meantime, WSCC has to continue to deal with planning applications for oil/gas exploration on a case by case basis.

Louise has promised before the next meeting to look at:

- David Smythe's presentation on DVD concerning the unsuitability of the High Weald for fracking due to the many faults (as shown at the FFBRA meeting on 23 October)
- Details of Cuadrilla's planning breaches in Balcombe during the summer as detailed below.

A date has been set for a follow up meeting on the 18 December 2013 with the same attendees. In the meantime Louise will write to David Cameron to urge a national debate on fracking.

An audio recording of the meeting and a copy of the petition and other documents are available at

<https://www.dropbox.com/sh/h14s9yr80zsm7u4/3Ecc7IsfPd>

Details from a formal complaint made by Rob Greer to WSCC

Also at the meeting with WSCC I was able to present Rob's listing of Cuadrilla failure to comply with their planning conditions which he had already sent to the WSCC. However, I do not believe that this information had been passed up to Louise so it was an opportunity to ensure she had these. Given that a new application is about to be considered it is important that the breaches in their previous application are known.

Cuadrilla's continual breach of the planning conditions during the summer included:

Condition 2 -Time Limit

Condition 2 stated that the works were to be complete within a 3 year period.

Cuadrilla commenced the works extremely late in full knowledge that they could not complete the works within the timeframe stated within their planning application. It would appear that this intention by Cuadrilla was apparent to everyone apart from WSCC when the works commenced.

The new planning application for well testing (Nov 2013) is to undertake works that formed part of Cuadrilla's original planning permission and should have been completed within the original 3 year period.

Condition 3 Traffic Movement.

The condition restricting traffic movement during school opening and closing hours was not a commitment by Cuadrilla but a planning condition imposed by yourselves.

The passage of HGV's through the village is not just limited to the speed of travel but also the disruption caused to parents attempting to park vehicles along a narrow road and the congestion created at this busy time.

Whilst you suggest that the Police dictated the traffic movement times, no vehicles should have been anywhere near the village during school opening and closing times. Some people are still of the opinion that the passage of vehicles at these times was a deliberate attempt to antagonise the protestors and cause disruption to lose the hearts and minds of the local residents.

Condition 5 – Retaining a copy of the planning conditions on site at all times.

On Friday the 26th of July when Cuadrilla were issued with an 11th hour permission to work extended hours on the Saturday.

When we approached the site with a Police Officer on Saturday the 27th of July to contest the extended hours the Cuadrilla representative was unable to provide a copy of the planning condition or the 11th hour extension permission.

Condition 6 – Working Hours

The restriction to working hours did not just relate to one extension of weekend working hours but also included the pipe extraction works which were not meant to occur during night hours which was the cause of some of the noise issues.

Condition 8 – Noise.

It is apparent from the record of numerous complaints regarding noise to WSCC / MSCC / EA that the level of noise generated on site and in particular at night time exceeded the strict noise levels placed within the planning conditions.

- *Cuadrilla continually breached the permitted noise levels not only at the front of Kemps House 400m from the rig but also within the centre of the village 800m from the rig.*
- *The reduction in sound pressure was minimal between Kemps House and Oldland Avenue which meant that unacceptable sound levels were evident within the centre of the village when we were advised at planning stage that there would be no discernible difference in the village. This raises concern regarding the quality of the sound assessment within the original planning application and the lack of technical assessment by WSCC at that stage.*
- *The monitoring station installed by Cuadrilla during the drilling works was deliberately positioned so that it was sheltered from noise, tucked behind a hedge within a depression and away from Kemps House which according to the second sound consultant would have reduced the sound pressure level by 2dBA reducing the overall sound levels measured.*
- *Noise data should be issued in accordance with BS4142:1997 the British Standard for the noise testing of industrial machinery in residential areas. However, Cuadrilla presented the measured data in a different format to deliberately minimise the severity of the breach and despite several requests we are still waiting to receive the correct data as stated within BS4142.*
- *The graphs provided with the data were presented against a compressed timeframe in an attempt to graphically hide the night time breaches within the background noise.*

Why did WSCC never stop Cuadrilla from drilling at night until such time that the sound issue was resolved? WSCC allowed the villagers to become guinea pigs once again. If the noise was a construction site or nightclub they would have been shut down until they introduced sound reduction improvements. Any improvements would then have been tested during the daytime to assess their effectiveness prior to commencing night drilling.

Within your response you mention that WSCC will appoint an independent noise consultant with future applications which raises questions regarding

how you managed to approve the original planning application without the necessary technical expertise.

Condition 12 - Traffic movement south

This is not a complaint generated by myself but I believe that there is video evidence of vehicles entering site from the South and will forward details if issued to me. However, I would anticipate that Cuadrilla will claim that the vehicles are not HGV's and then the discussion will centre around what is and is not a HGV.

In summary, the planning permission conditions designed to protect the residential amenity, welfare and safety of the residents were continually breached by Cuadrilla and WSCC had no technical expertise to remedy the breach or were over reliant upon Cuadrilla self regulating their operations for which Cuadrilla exploited every opportunity and WSCC was unable to curtail.

Public Notice from Cuadrilla dated 14 November

Have you been worried about the notice place in the Mid Sussex Times on 14 November? The notice was confusing and requested response by 28th November. It refers to the "lateral borehole" already drilled by Cuadrilla horizontally. However since they do not disclose the position of the drilling we do not know where this is. Also there is no reference number and so the council will not accept representations to this notice. And the address is invalid and so again it is not possible to respond to this notice. Di has asked if these failings make the notice illegal but has not received an answer.

Text of Notice

*Town and Country Planning (Development Management Procedure)
(England) Order 2010
Proposed Development of Lower Stumble Exploration Site, Off London Road,
Balcombe, Haywards Heath, RH17 6JH.*

I give notice that Cuadrilla Balcombe Limited is applying to the West Sussex County Council for planning permission to Temporary permission to flow test and monitor the existing exploration lateral borehole at the Lower Stumble exploration site, London Road, Balcombe, Haywards Heath Road, Balcombe, Haywards Heath, West Sussex, RH17 6JR, including site security fencing, the provision of an enclosed testing flare and site restriction.

*Any *owner of the land or tenant who wishes to make representations about this application should write to the Council at County Planning Department, Environment and Development, 2nd Floor, Northleigh, County Hall, Chichester, West Sussex, PO19 1RH.*

By 28th November 2013

**“owner” means a person having a freehold or leasehold interest the unexpired term of which is not less than seven years, or in the case of a development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).*

***“tenant” means a tenant of an agricultural holding any part of which is comprised in the land.*

*Signed on behalf of: Cuadrilla Balcombe Limited
Dated: 14th November 2013*

Statement of owners’ rights

The grant of planning permission does not affect owners’ rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural rights

The grant of planning permission for non-agricultural development may affect agricultural tenants’ security of tenure.

Di Foster on behalf of FFBRA has been working with Tony Kershaw of WSCC to try and get to the bottom of this. As a result this letter has been sent to Tony Kershaw from FFBRA signed by 70 of our members.

Tony Kershaw,
Head of Law and Governance,
County Hall,
Chichester, PO19 1RQ.
21st November 2013

Dear Tony

Thank you for your time on the telephone and for taking the trouble to call me back.

As we discussed, I and the undersigned would like to protest our objection at the Public Notice 14th November 2013 in the Mid Sussex Times.

The notice is a nonsense and I would like to ask that it be withdrawn, and withdrawn publicly. If it is a legal requirement that Cuadrilla place such a notice of ‘intent to apply for permission’ then surely the notice should be correct and understandable by any person that may wish to make representation to WSCC. If a Public Notice of intent is a legal requirement in planning it should be clear and not ambiguous. This document is not clear and is certainly ambiguous and can be read in more than one way. No one should have to guess what Cuadrilla Balcombe are trying to convey it should be absolutely clear.

The notice states the following

Cuadrilla Balcombe Limited is applying for planning permission and Temporary permission – Which is it planning permission or Temporary permission?

To flow test and monitor the existing lateral borehole at Lower Stumble – Any owner of the land or tenant. - In which area and within which boundary.

I called Cuadrilla community line to ask them to be specific and they said within the original red lined boundary on the original application. If the permission is only for that area then the testing would not be along the lateral borehole as that falls outside of the red line on the original plan.

Without sight of the new proposal showing the extent of the lateral borehole how can anyone be expected to know if they are the owner of the land or a tenant of the land if 'the land' is not defined.

Including site security fencing, – - the reader again is left to second guess what Cuadrilla Balcombe are actually referring to, the existing fencing or fencing around the boundary that includes the lateral borehole.

The provision of an enclosed testing flare – Are we to assume that any land owner or tenant that may be affected by the testing flare need to make representation before 28th November 2013. The flare will affect everyone in the village when used. If, as has been explained by WSCC it is only the erection of the flare, then that should be made clear. The public should not be guessing what is meant.

Any owner of the land or tenant who wishes to make representation about this application should write to the Council at County Planning Department, Environment and Development, 2nd Floor, Northleigh. – A call to WSCC informed that there is no such department, this department does not exist and therefore the public cannot obtain advice from the department they should make representations to, it is ridiculous.

By the 28th November – WSCC cannot accept any representation as there is no application and nothing to reference any objection to.

Following conversations with Cuadrilla Balcombe Limited – community line. Statement from Cuadrilla PR company, (who will not give their full names) – 'Cuadrilla have done everything to fulfil their legal obligations, if there are no representations or objections Cuadrilla will move to the next stage.

This is an absolute nonsense and in the strongest terms Cuadrilla should be made to withdraw this notice. If it is a legal requirement that a Public notice is issued then it should be re issued in a format that indicates who should and should not respond and to whom any response should be made.

I further understand that there is a more recent Town & Country Planning order that amendments were made in 2012, I am therefore wondering why that order was not used in favour of the 2010.

If you would like to support the production and delivery of this weekly newsletter or make a contribution to the FFBRA fighting fund, please wire to

Bank	Unity Bank	Account Number	20317139
Account Name	Frack Free Balcombe	Sort Code	08 60 01

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