



FFBRA NEWSLETTER NUMBER TWENTY NINE

NEWS AND INFORMATION FOR OUR MEMBERS

GREAT NEWS: WSCC has refused Celtique's Planning Application to drill in a site between Wisborough Green and Kirdford.

This time the WSCC Planning Officer recommended refusal based on the fact that WSCC Highways department had objected to the application.

The change in the demeanour of the planning officer and the councillors was remarkable. What a difference from our experience on the 29 April 2014.

At this meeting on 22 July 2014, Jane Moseley, WSCC planning officer, this time made it clear that the councillors had to be "satisfied" with the information provided by the HSE and EA. Also the committee appeared to have understood Professor Smythe's explanation that an application for exploratory drilling for unconventional oil and gas will lead to fracking in the production phase. Alas, neither of these points were "tested" this time since the application was rejected for other reasons.

Five people presented the case on behalf of the objectors, their arguments were articulate and compelling. The atmosphere was much more relaxed than on the 29 April and when speakers overran their five minutes they were not cut off. The councillors listened to them and took on board their arguments.

Professor David Smythe, a renowned geologist, made one of the presentations against and stated *"The technical report on this application is incomplete, incompetent and disingenuous."* He only had five minutes but he was certainly convincing.

Ruth Hayhurst has reported on the planning meeting and her summary is below. This has been taken from <http://investigatingbalcombeandcudrilla.com/2014/07/22/breaking-councillors-reject-celtique-energies-drilling-plans-for-kirdfordwisborough-green/>

The planning committee of West Sussex County Council has voted against Celtique Energie's application to drill exploratory oil wells between Kirdford and Wisborough Green.

At a meeting this morning in Horsham, the committee heard that the county's highways department had formally objected to the proposal because of the impact it would have on traffic volumes and road safety. The council's planning officers had recommended the application be rejected.

They argued that the application:

- *Failed to show that vehicles could enter and leave the site safely*
- *Failed to show that vehicles could travel to the site safely without affecting highway capacity or road safety*
- *Failed to assess accurately the increase in lorry movements that would result from the development*
- *Would harm the character of Wisborough Green village and conservation area*

The committee added that the site was not the best possible option as another reason for refusal."

The meeting was webcast and the video will be uploaded to the WSCC website.

The councillors (with the exception of Janet Mockridge, Councillor for Southwick) were supportive of objections made by the speakers against the application.

Councillor John Rogers asked if the oil produced would be used in the UK or sold abroad? The Chairman told him that this was not a planning condition (however she did not switch off his microphone as happened to Councillor Sue Mullins on the 29 April).

Many of the councillors made statements which agreed the application should be refused because of the damage to the community life if the HGVs were allowed to go through the village. Interestingly, the planning officer insisted that traffic statistics were measured at 3.5 tonnes and not the 1.5 tonnes used to fudge the measurements at Balcombe, so Balcombe residents can now rest assured that their estate cars will not count as HGVs in oil company traffic statistics!

From the start of the meeting it was clear that the outcome for the day was either going to be a deferral because of the late information submitted by Celtique, or an outright refusal.

As soon as the councillors had the opportunity to speak Councillor Andrew Barrett-Miles and Councillor Lionel Parsons stated that they felt they did not need to defer a decision and that they had enough information to make a decision. This turned the mood from "deferral" to "refuse". And the rest as they say is HISTORY.

I think what happened today is very important and significant for the future of Sussex. Please watch the webcast when it is put up on the WSCC website.

Update on FFBRA's Judicial Review

Statement from FFBRA's legal team at Leigh Day

Lawyers acting on behalf of the Frack Free Balcombe Residents Association (FFBRA) have issued legal proceedings in the High Court in the latest stage of the legal battle against unconventional oil and gas in the village of Balcombe in West Sussex, by Cuadrilla Balcombe Limited.

The 312 strong local residents' association is taking legal action against West Sussex County Council and Cuadrilla Balcombe Limited claiming that the decision taken by the Council to grant planning permission to Cuadrilla to undertake works at Lower Stumble in Balcombe is unlawful.

Cuadrilla who previously had permission to frack for oil and gas at the site have now been was granted permission from West Sussex County Council in May 2014 to return.

According to the new application, permission was sought for exploration and appraisal of the recently drilled "hydrocarbon lateral borehole" together with a new 14 metre high flare on the site.

Despite massive objection to the development, the application received 889 objections and 9 in support, permission was granted and work can now resume at the site.

The grounds of the claim issued at the High Court yesterday (11 June 2014) lists a number of objections to the decision to grant planning permission and details repeated unsatisfactory communications with Cuadrilla Balcombe Limited.

In response to one letter from the Leigh Day, asking for information about the likely timetable for the development, Cuadrilla replied: "At this stage we do not consider it appropriate for our confidential business plans and work schedules to be disclosed to you or your clients."

A pre-action letter was sent on 16 May 2014 to the Council and copied to Cuadrilla setting out the ways in which FFBRA considered the planning permission to be unlawful.

These include objections to Cuadrilla's conduct during the operation of its previous activities in Balcombe including allegations of non-compliance with conditions in the past.

The grounds of claim also consider the relevance of the scale of local opposition and alleges that the Council's' insistence that the number of representations in opposition was 'not a material consideration' as being 'simply wrong in law'.

Ugo Hayter from the human rights team at law firm Leigh Day, which is representing FFBRA, said:

"We believe that this planning permission has been granted unlawfully and flies in the face of overwhelming community opposition.

"Our clients are greatly concerned that this operation risks polluting the aquifer and nearby reservoir. "Much more needs to be known about the potential harm drilling for unconventional oil and gas poses to the environment and the public before such swift action is taken by those who seek to gain financially from this potentially devastating rush for energy."

Sue Taylor, Balcombe resident and campaigner, said:

"This planning consent sets a dangerous precedent that the concerns of the local community can be ignored even though it is their health and safety that is at risk. Flaring from oil wells close to residential areas poses an unacceptable threat to human health."

From the website of Leigh Day who are our solicitors.

<http://www.leighday.co.uk/News/2014/June-2014/Balcombe-anti-fracking-group-in-High-Court-challen>

Further information on the time-frame for FFBRA's Judicial Review

FFBRA's claim to the court for a judicial review was submitted on the 11 June. WSCC were given three weeks to answer our claim. WSCC then submitted their "Summary Grounds for Resistance" (their argument as to why FFBRA's claim for a judicial review should be rejected). Our QC, David Wolfe, has since responded to their Summary Grounds for Resistance arguing why they are not valid.

Our material and their responses (and our responses to their response) has now been submitted to the judiciary on the 14 July, 2014.

The next stage is that a judge will be selected who will read through all this material and decide whether or not there is sufficient grounds for a judicial review. It is possible that we will know whether or not our claim for a judicial review will be successful by the end of July, however due to the holiday season it may take much longer.

If FFBRA is granted a judicial review, then the time for the case to reach the court will be between four months and eighteen months.

Sussex and Aquifers

The British Geological Society has released a series of a series of interactive maps which show the location of the main aquifers in the UK and the main shale beds.

Their press release can be found here

http://www.bgs.ac.uk/news/docs/aquifersAndShales_FINAL.pdf

And a link to the interactive maps is here <http://www.bgs.ac.uk/aquifers-shales/>

The British Geological Society do not make any statements about these maps other than to say that "If shale gas resources are to be developed in the UK, the implications for groundwater will need to be considered as part of any risk assessment.". The report stresses how dependent we are in the South on these aquifers "Groundwater from aquifers provides 30% of drinking water in the UK and up to 70% of the drinking water in South East England making it one of the most important natural resources in the UK - a resource that needs effective long-term protection."

(Please note the South East Water quoted 90% being from groundwater in their literature).

The BGS report make the following observation about the main aquifer in the Weald
“The Chalk aquifer of the South Downs is above part of the area in The Weald Basin identified as prospective for shale oil. In this area the uppermost shale oil source rock (Kimmeridge Clay) is at least 650 m below the Chalk.”

The press have extrapolated from this all kinds of conclusions and the wildest of these have been the Argus on the 5 July 2014 which ran with the headline “Fracking is not a threat to water supplies in the South” Downs”

http://www.theargus.co.uk/news/11321977._/?

How do they know? Can they guarantee that any wells drilled will never leak? Remember what happened at Singleton. Two wells on the Singleton site had underground leaks that took years to trace and fix.

In Balcombe our aquifer is called the “Ashdown Sands”. It is not one of the six aquifers listed in the British Geological Report and so is not shown on their map.

The Ashdown Sands aquifer should still be considered an important resource for the South, and it should be protected. It is a key optional resource retained by South East Water as an important element of their drought contingency plan.

From the 1880s to the 1960s water from this aquifer was pumped by the Balcombe Pumping Station to supply the water to Crawley. The water was of high quality but because the aquifer could not supply sufficient flow rate to cope with the increased growth of Crawley in the early 1960s Balcombe Pumping station was closed.

Graham Warren, an experienced hydrologist stated that *“Geological faults are a common feature of the Tunbridge Wells and Ashdown Sandstones, and occur throughout the Weald as a dense and complex network of high angle fractures, many showing vertical or near-vertical ‘block’ displacements exceeding 100 metres, providing pathways for the migration of fluid contaminants. The proposed acid flushing process involving high pressure injection over a period of 7 days, followed by 60 days of pressure monitoring must therefore represent a material risk to the environmental quality of local water courses, wetlands and public supplies. And the Balcombe P/S could itself be put out of service as an emergency source.”*

Any threat to the Ashdown Sands aquifer would also threaten the headwater streams of the River Ouse and have implications and the Ardingly Reservoir.

West Sussex County Councillors’ Trip to Singleton Oil Well

WSSCC have now replied to a Freedom of Information Request made about this trip. The request was made on the 20th May and their reply was received on the 23 June 2014

“Dear West Sussex County Council,

In respect of the visit to Singleton Oil Field in 2014 I would like to know”

1. **Who organised the visit?** (Answer - *Officers from the Planning and Democratic Services Departments of the Council.*)
2. **When was the visit?** (Answer - *1 April 2014.*)
3. **Who attended from the planning committee?** (Answer - *The majority of the Committee’s members attended the visit- Andrew Barrett-Miles, Heidi Brunsdon, Liz Kitchen, Gordon McAra, Sue Mullins, Lionel Parsons, John Rogers, Robin Rogers, Jeremy Hunt.*)
4. **Where the attendees told about the well integrity pollution incident at the Singleton Oil Field which took nearly 5 years to fix and was caused by cement bond failure?** (Answer - *No – it was not the purpose of the visit to deal with specific incidents of this kind.*)
5. **Did anyone explain to the attendees that Singleton is a conventional well and therefore not representative of an unconventional oil well like Lower Stumble which would have to have far more space for storage and handling of fluids?** (Answer - *Yes – the purpose of the visit was to enable members to see the operations of a conventional site. The purpose was not for making comparisons with unconventional operations.*)
6. **Did anyone explain that the truck movements of an unconventional well during hydraulic or acid fracking activity would be enormous compared to a conventional pad such as Singleton?** (Answer - *No – the purpose of the visit was not to discuss unconventional operations.*)
7. **What was the purpose of the visit?** (Answer - *To familiarise councillors with an operational oil site, and give them an opportunity to ask operators questions about the daily operation of the site. It was therefore a development session for members without any specific connection to a current or expected application.*)

For full details of the correspondence on this Freedom of information Request go to https://www.whatdotheyknow.com/request/wsccl_visit_to_singleton_oil_fiel

Getting this information took some perseverance as originally WSCC refused to answer the questions without being given the exact date of the trip which we did not know. This date was obtained through a separate Freedom of Information Request.

WSCC have stated that the trip to Singleton on the 1 April 2014 by the Planning Committee was not intended to have any specific connection to the application by Cuadrilla being presented to the planning committee later that month. However, Ruth Hayhurst, when she reported on this noticed that *“The information visit was organised by the county council’s planning and democratic services departments, according to the FOI response. Eight of the 13 regular committee members and one substitute member went on the visit. ...However, the substitute member, Cllr Jeremy Hunt, was co-opted onto the planning committee meeting, held on April 29th, which approved Cuadrilla’s application.”*

The trip would have been valuable if the councillors had been told about the pollution incidents as it would have clearly illustrated the risks involved in drilling through the

aquifer at Balcombe close to a reservoir. This was a missed opportunity. It would have also illustrated to the planning committee how difficult underground leaks are to detect and fix; this took four years in the case of Singleton and involved drilling more than eleven inspection boreholes to try and find out where the leak was coming from. Had they had this information their decision to grant permission to Cuadrilla to return to Lower Stumble to use acid to dissolve the oil bearing limestone micrite and then “flow test” the oil released might have been different.

Instead because the councillors were not given this information they would have been falsely reassured about the risks involved in drilling onshore oil wells through aquifers.

The cause of the pollution incidents at Singleton is described in the Refine Report by Professor Davies of Durham University. *“These occurred in the early 1990s, and were caused by failure of cement behind the conductor and the 9 5/8-inch casing.The leak was from the well cellar (cement lined cavity in which the well head sits) via the preinstalled conductor and the 9 5/8-inch casing, both of which appear not to have been adequately cemented in-situ in at least one well.”*

For more details on the well failure at Singleton go to

<http://www.bbc.co.uk/news/science-environment-26692050>

http://en.wikipedia.org/wiki/Singleton,_West_Sussex

WSCC E-petition Fracking in Sussex

KKWG (Kirdford and Wisborough Green) has started an e-petition on West Sussex County Council's site.

http://epetition.westsussex.public-i.tv/epetition_core/community/petition/2749

We call on West Sussex County Council to declare West Sussex a "Frack-Free Zone" and to debate this proposal.

Background information supporting the petition

- 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.

Signatures must include a valid West Sussex Postcode to provide proof that you live, work or study in West Sussex.

The petition started on the 25th May and closes on the 25th August.

As at the 22nd July the number of signatures for the e-petition has reached 2,019.

All 71 wards in West Sussex have signatories on the e-petition.

The top five wards for signatures are

1. Petworth – 225 signatures (includes Wisborough Green and Kirdford)
2. Worth Forest – 126 signatures (includes Ardingly, Balcombe, Copthorne, Handcross, Pease Pottage and Turners Hill)
3. Midhurst – 84
4. Fernhurst – 80
5. Lingfield and High Weald - 64

Many FFBRA members have already signed but if you haven't, please do support this petition and also ask friends and family across West Sussex to do likewise.

You can access the petition by putting "WSCC Epetition fracking" into Google.

Professor Smythe's Latest Critique of Celtique's application to drill at Fernhurst

This was done for Fernhurst but applies to all of the Sussex Weald (including Balcombe). He states his views on the most likely game plan for the oil and gas industry if we are unable to stop them industrialising our countryside.

This paper is important because it outlines the most likely scenario for exploitation by the oil companies over much of the Weald basin including Balcombe. A copy has been emailed to all FFBRA members with this newsletter.

Professor Smythe believes that the oil and gas industry plan to start with the "low hanging fruit", namely the upper micrite layer, then go for the Kimmeridge clay and finally the Lias which is much deeper down.

The politically contrived oil industry PR presentations to us and to the planning authorities where they appear to be only targeting unfracked micrite is commercial nonsense and presumably contrived for the benefit of the next general election. Acid fracking (acid matrixing) will eventually be used on the micrite - even the lecturer at Pulborough admitted that would be the case.

Full hydraulic fracking will be used on the other strata and possibly the micrite layer as well.

We should all be aware that this is probably a much more accurate view of the thirty year exploitation planned for the Weald Basin that the oil companies have in mind.

On page 14 of his report Professor Smythe states that

“Porosity, the proportion of void space available to trap fluid, is clearly an important factor in reservoir potential estimation. Coccolith limestones, of which the Kimmeridgian micrites are an example, can have very good porosity while at the same time having negligible permeability. This latter parameter is a measure of the interconnectedness of the pore space; that is, how well the fluid can move through the rock. The limestones in question are ‘tight’, which means that they have very little or no permeability (whatever the value of porosity may be). The only feasible way to extract significant quantities of hydrocarbons (in this case, oil) is to frack the limestone and the shales above and below. Acid treatment of just the limestone (which dissolves in strong hydrochloric acid) is insufficient.”

On page 16 of his report Professor Smythe states that

“The primary targets, the two Kimmeridgian limestones or micrites, and the secondary targets, the Kimmeridgian and Lias shales, are all unconventional plays. Production from any or all of them will require fracking. A Kimmeridgian limestone is a good target for this type of exploitation because it is hard and may have some intrinsic fracture permeability. But fracking will be required, and the fracks must penetrate into the Kimmeridge shale above and below the limestone in order to feed the horizontal wells with oil.”

On page 22 of his report Professor Smythe states that

“In summary the geology of the exploration programme that the Applicant has drawn up is spurious, involving fanciful but non - existent variations of rock porosity over the licence area, inaccurate descriptions of layer thicknesses and lithologies, and no comment on how the very low permeability of the oil - producing formations will be enhanced.

In my view the SDNPA was wholly justified in its request for additional information. The evasive and blunt manner by which the request has been rebutted or simply ignored may well be sufficient reason to refuse the application. The attitude of non - compliance also calls into question the good faith of the Applicant. There is no doubt in my view that extensive fracking would eventually be required to make the exploration project commercially viable, and there is no doubt that such a development would turn the licence area into a semi - industrialised landscape dominated by heavy traffic.”

Lobbying

Using deceitful imagery

An example of this was used by Greg Barker, MP for Bexhill and Battle who said in at the APPG Unconventional Oil and Gas Meeting on the 23rd June in Westminster that green campaign groups found it was *“Much, much easier to go to Balcombe and sit in the summer sunshine and protest while the parish council makes you sandwiches.”*

Anyone in FFBRA aware of the parish council making sandwiches for the protesters last summer? What a strange comment?

Greg Barker's background in public relations means he knows the value of painting a picture (true or not).

Before he entered politics he had a career in PR for the oil industry. *"From 1998, he was a Director of Daric plc, an advertising company. Barker also developed strong links to the Russian oil companies, being Head of Communications at the Anglo Siberian Oil Company from 1998–2000 and also worked in Russia for the Sibneft Oil Group, owned by Roman Abramovich."*

"Barker's nomination by the Conservative Party was hotly debated when sitting MP and former Home Office Minister Charles Wardle accused Barker of being disingenuous about his business career and formally requesting Conservative Party Leader Iain Duncan Smith to investigate possible links between Barker and the infamous Russian billionaire Boris Berezovsky"

http://en.wikipedia.org/wiki/Gregory_Barker

Despite these early issues Greg Barker became the Minister of State for Energy and Climate Change, a position he held until the recent Cabinet reshuffle. He has just been replaced by Amber Rudd, MP for Hastings and Rye.

Greg Barker has now indicated that he will not be standing for re-election in 2015 and will be leaving politics.

EVENTS

Balcombe

Coffee and a Chat, Half Moon Pub, Thursday 10.30 am to 12.00 noon

Do come along. Enjoy great coffee, pastries and good company. This is now a regular event. We meet every Thursday morning in the Half Moon pub.

Screening of Autumn Diary in Bramble Hall, Wednesday 30 July 7.00 pm to 9.30 pm (note this is the only screening as the Sunday screening has been cancelled)

Philip Davidson, the Sussex filmmaker and our own Sara Reynolds are hosting the screening of the film "Autumn Diary" which will be followed by discussion and question and answer session. Refreshments will be provided.

They cordially invite all FFBRA members to join them. Philip will talk about why he made this film.

Philip is interested to get the opinions of FFBRA members on both his film and how he should present it to other villages in Sussex. He wants your ideas and suggestions.

Many of you will have already seen Philip Davidson's work when he showed an earlier film at the Balcombe History Society.

Philip has an extraordinary capacity to capture the atmosphere of the Sussex countryside. In "An Autumn Diary" he has turned his lens to the question of the quest for unconventional oil and gas in the Sussex countryside and he shows scenes from Balcombe, Wisborough Green and Fernhurst.

This film will have a particular resonance with Balcombe. It is also being considered by various international film festivals.

Because of the limited space in Bramble Hall, entry will be by ticket only. To obtain your ticket, please email dayfilm@yahoo.com. If email is a difficult, you may telephone 01903 366321 to reserve your seat.

Tickets will be issued on a first come, first served basis. The event is free but donations are welcome. There is a clip and trailer at www.autumn-diary.org

Beyond Balcombe

Fernhurst Update

South Downs National Park Authority has decided to defer the determination date of the Fernhurst application to September.