



Protecting the Planet is Not a Crime

A **NETPOL REPORT** ON THE
POLICING OF ANTI-FRACKING
PROTESTS DURING 2017

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FOREWORD

Support for fracking and unconventional oil and gas extraction is at a record low; less than 20% of British people support the process.



Meanwhile, oil and gas firms are taking out authoritarian injunctions against protesters and the government is riding roughshod over local democracy. At the same time, our fundamental right to protest is being eroded by ever more oppressive policing - which I have witnessed first-hand. The industry and its backers in the Conservative government are looking increasingly desperate as they attempt to impose fracking on a population that is loudly and resolutely saying "no".

Ministers have a lot invested in unconventional oil and gas exploration, literally and ideologically, but they have entirely failed to persuade the public of its benefits. People are taking to the streets because their legitimate concerns about the destructive environmental and climate impact of unconventional fossil fuel exploration are being ignored.

This report reveals that in the face of growing public opposition, political pressure is being brought to bear on police forces to act as the increasingly heavy-handed enforcers in a debate the government and industry are losing. An authoritarian crackdown on British citizens' rights to protest will not squash fracking opposition.

We must continue to stand in solidarity with local communities, activists, and protesters on the frontline.

Keith Taylor
MEP, South East England

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Protecting the Planet is Not a Crime

How UK policing has sought in 2017 to neutralise the political impact of anti-fracking protests - and how Netpol has supported local campaigners to resist aggressive and confrontational tactics

INTRODUCTION

Netpol's latest report on the policing of anti-fracking protests looks back over a momentous year, focusing in large part on over nine months of continued protests in Lancashire.

A year ago we published 'Protecting the Protectors', which documented the activities we had undertaken since 2014 in support of the right to protest against fracking and what we had learnt from working with local campaigners. In considering the next phase of our campaigning work, we made a series of predictions about the kind of policing that anti-fracking protesters might expect during 2017 and 2018 that foresaw:

- Continuing uncertainty about the size, scale and tactics of policing operations
- The adoption by some forces of a 'zero-tolerance' stance to minor disruption
- A close but increasingly opaque relationship between the police and the oil and gas industry
- Campaigners facing surveillance by counter-terrorism units, particularly involving the government's Prevent 'counter-radicalisation' programme
- A growing risk that aggressive policing strategies start to have a cumulative 'chilling effect' on the freedom to protest

These expectations have been borne out repeatedly by events at sites around the country in 2017. Amongst the observations this report has drawn from Netpol's work over the last year, we have highlighted how:

- large numbers of officers using confrontational and aggressive tactics, most notably in Lancashire and North Yorkshire, seem deliberately intent on making it as difficult as possible for local people to effectively protest
- the onshore oil and gas industry has lobbied hard for exactly these kind of tactics and are perceived as having influenced them
- senior police officers and Police and Crime Commissioners have been quick to blame 'outsiders' for the scale of protests
- local council officers and the police have continued to label anti-fracking campaigners as potential "extremist" threats

- Police and Crime Commissioners have focused on the financial costs of protests but ignored the long-term public confidence costs
- the adoption by the police of a zero-tolerance approach to any form of disruption has not only criminalised large numbers of people, but appears to have escalated further civil disobedience
- the onshore oil and gas industry is now actively looking to civil injunctions to limit the scope for opposing its activities
- the scale of complaints about intimidating and confrontational police tactics at Preston New Road in Lancashire means an external review of the policing operation there is now essential
- Netpol's continued call for an urgent review of two year-old national policy on the policing of anti-fracking protests is now, after an particularly eventful year, more pressing than ever

Although opposition to fracking is a national issue, we have chosen to structure the report geographically because each site is at a different stage of exploration, has distinct local communities and contrasting responses from different police forces. Derbyshire, for example, is still largely at the planning application stage, whilst drilling is imminent in Surrey and Sussex. Daily protests in North Yorkshire only began in September 2017.

WHAT WE HAVE WITNESSED OVER THE LAST YEAR

Events in particular at Preston New Road in Lancashire and, based on the first month at Kirby Misperton, in North Yorkshire too have pointed to a culmination of many of the concerns we raised in 2016 about policing that is unpredictable from one day to the next.

Increasingly confrontational and violent tactics against protesters

Over the course of 2017, Netpol has seen evidence, particularly from Lancashire, of police officers pushing people into hedges, knocking campaigners unconscious, violently dragging older people across the road and shoving others into speeding traffic. We had also heard about the targeting of disabled protesters (including repeatedly tipping a wheelchair user from his chair) and officers using painful pressure point restraint techniques. In Lancashire, campaigners have repeatedly accused the police of ignoring violent and unlawful actions by private security employed by the shale gas company Cuadrilla.

Similar allegations are now emerging in North Yorkshire. These confrontational and aggressive tactics are combined by often significant numbers of officers who seem, based on the testimony we have heard, ready to contain, assault or arrest any demonstrator for the slightest infringement.

Police tactics appear deliberately intent on making it as difficult as possible for local people to effectively oppose the activities of the onshore oil and gas

Huge police presence at
Preston New Road
PHOTO: Cheryl Atkinson



industry. There have also been claims that officers have tried to deliberately provoke the protesters in order to make more arrests (see [page 14](#))

Deliberately stifling the effectiveness of protests

This represents a approach to environmental protests that we have seen before. In a 2009 report on the policing of the previous summer's protests against E.ON's Kingsnorth power station in Kent, Phil McLeish and Frances Wright from Camp for Climate Action's legal support team (the predecessor of Green and Black Cross) said:

"... the police protected E.ON from adverse publicity and ensured that they stayed out of the story. Instead of a David and Goliath dispute between a company committed to boosting carbon emissions and ordinary people trying to stop them, the matter appeared in the media as a dispute between the forces of order and disorder."

This is also the impression the policing operation has helped create at Preston New Road. It now looks as though North Yorkshire Police is intent on repeating this at Kirby Misperton, where campaigners are particularly frustrated by the police seeking to portray them to the media in the most negative way possible (see [page 29](#)).

Intensive lobbying of the police by the onshore oil and gas industry

This has been stoked, inevitably, by company representatives like the chief executive officer of Cuadrilla, Francis Egan, who has sought to deflect concerns about the impact of his industry by smearing their opponents as "a small minority... choosing to make their protest unlawfully" and calling their opposition the "irresponsible, intimidating behaviour of a few activists."

As this report highlights, *The Times* has also made unsubstantiated allegations of "activists filming vehicle registrations" and insinuated that demonstrations

against the fracking industry's supply chain companies are instead "hostile reconnaissance" – a term more often associated with collecting information to plan a terrorist attack.

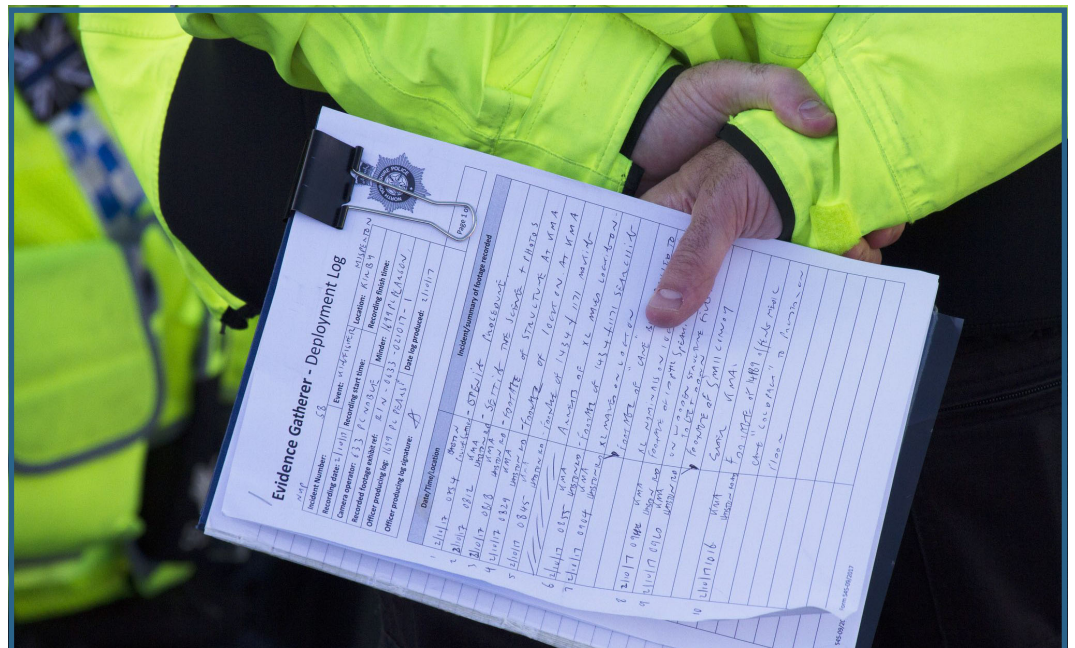
A major difference, however, between the Climate Camps from 2006 to 2010 and current environmental opposition is that protests are taking place in local communities that have often opposed the drilling companies for many years. They are also fiercely opposed to shale gas and oil exploration and in Lancashire, local people won the arguments and persuaded the county council to reject fracking, only to see the industry imposed on them by central government.

This makes it all the more remarkable that police commanders seem so unconcerned about the widespread perception that the onshore oil and gas industry has succeeded in lobbying the police to 'crack down' on protests, or that councillors in these communities have gone as far as accusing officers of deliberately seeking to provoke a response to aggressive police tactics (see page 14).

Blaming 'outsiders' and 'extremists'

Both senior officers and Police and Crime Commissioners have been quick to blame 'outsiders' for nationwide solidarity that local campaigners have explicitly called for, whilst ignoring evidence of violent police conduct (see page 16). There is still evidence, too, of both local council officers and the police falsely treating anti-fracking campaigners as potential 'extremist' threats, worthy of surveillance (see page 15).

We reiterate our call for an end to the targeting of legitimate campaigning by the government's 'Prevent' counter-terrorism programme. Little if any thought appears to have been given to the long-term damage this will cause to relations between a significant section of the public and the local police.



North Yorkshire Police Evidence Gathering Team officer at Kirby Misperton. PHOTO: Yorkshire Fracking Frontline



Arrest at Preston New Road
PHOTO: Cheryl Atkinson

Arrests and restrictions on civil disobedience

To largely first time campaigners, living in rural communities with little experience of demonstrations, it has seemed extraordinary that in 2017 disruptive but entirely non-violent protests would lead to hundreds and hundreds of arrests (see [page 20](#)).

There have been growing allegations this year of officers making unlawful or incomprehensible arrests that create exactly the kind of uncertainty we highlighted in 2016. One consequence of their rising number, the majority for obstructing the highway, has been to severely restrict the options for civil disobedience, particularly the tactic of 'slow-walking' delivery lorries.

There are a number of possible reasons for the inconsistent responses by police to this kind of protest: the inadequacies of national public order guidance (which makes no reference to tactics used by protesters), a provincial determination to ignore it, or simply a complete lack of local consideration of fundamental human rights. Either way, this is a long way from the promise of 'no surprises' policing.

Instead, what is hardly surprising is the assumption amongst campaigners, when individual forces are seen as deliberately obstructing freedom of assembly and remain unwilling to explain how they plan to protect human rights, that the police are making strategic decisions based solely on the demands of the fracking industry.

Where the police have adopted a zero-tolerance approach to any form of disruption, even to tactics as innocuous as 'slow walking', this has resulted in a change in the way protests are conducted. When faced with the increased possibility of sudden and what seems like arbitrary arrest, campaigners have often chosen more obstructive direct action methods such as 'lock-ons' or climbing onto lorries (see [page 17](#)).

In North Yorkshire, protests appear to have jumped forward to this position immediately, as a response to the police's uncompromising equation of 'peaceful' protest as meaning absolutely no disruption of Third Energy's activities (see [page 28](#)). Many seem to have made the judgement that, if they face arrest anyway, it might as well result from taking part in an action that is effective.

The problem with the police using arrests to try and neutralise the political impact of non-violent civil disobedience is that, as a tactic, it has invariably been vindicated by history. As the Kingsnorth report in 2009 pointed out, it has "often served as a safety valve in democracies by helping to catalyse necessary social change in fields blocked by vested interests".

Everyone who faced the astonishingly repressive and disproportionate policing at Kingnorth in August 2008 can certainly feel vindicated: the power station was decommissioned in 2012, demolished in 2015 and coal-fired power generation is now in terminal decline. Almost a decade on, the anti-fracking movement sees companies like Cuadrilla, INEOS, Third Energy and UK Oil & Gas as simply the latest in a long line of vested interests blocking efforts to stop catastrophic climate change and the pollution of local communities.

Having tried lobbying and marches and found that local objections are ignored or overruled, some form of civil disobedience is often the only remaining option.

Failures of Police and Crime Commissioners to fully reflect local concerns

Based on our experiences in 2017, Netpol believes it is essential that Police and Crime Commissioners in areas where protests take place understand why public confidence and human rights concerns are important and that they do not hide behind 'non-involvement in operational matters' (see [page 22](#)).

Police and Crime Commissioners have a responsibility to hold their local forces to account and ensure the police are answerable to the communities they serve. This is even more important in communities where oil or gas exploration has been emphatically rejected, because it raises fundamental issues about how the police maintain public consent for strategic decisions that are seen as aiding an unwanted industry.

Policing operations that cause a long-term legacy of resentment and distrust create a 'new normalcy' that will last long after protests are over. Police and Crime Commissioners need to recognise that concerns about the public confidence costs of policing protests are just as important as the financial costs (see [page 21](#)).

This is why we continue to call for Police and Crime Commissioners to insist on greater transparency from individual forces about how they not only 'facilitate' the right to protest but actively protect the exercise of that freedom.



Police lines on Preston New Road in Lancashire, July 2017
PHOTO: Cheryl Atkinson

The need for an external review of policing protests in Lancashire

The extent of serious concerns set out in this report about how Lancashire Police has responded to protests at Preston New Road means there is now an overwhelming case for an external review of the way its policing operation has been conducted.

It has been difficult at times to comprehend why there has been so little concern about the impact the police's refusal to tolerate any disruption is having on whether people feel able or too fearful to exercise their right to freedom of assembly. We welcome, therefore, the growing number of politicians, including Caroline Lucas, Jenny Jones and Keith Taylor from the Green Party and Labour's John McDonnell and Rachel Maskell, who have visited protest sites this summer and who have condemned the use of intimidating and confrontational policing.

Netpol believes an external review of the way Lancashire Police has conducted its operation at Preston New Road is the logical next step. However, an evaluation conducted after anti-fracking protests at Barton Moss in 2014 by the then Police and Crime Commissioner for Greater Manchester Tony Lloyd, was horribly mishandled. Any review of strategic and operational tactics and decisions in Lancashire must demonstrate that it is genuinely independent and must also show it is willing to talk to the one important group that were ignored at Barton Moss – the campaigners themselves.

Civil injunctions risk restricting freedom to protest

As well as concerns about policing, we have also seen the shale gas company INEOS fire the first shot in a legal battle with the anti-fracking movement on behalf of the wider onshore oil and gas industry and we are likely to see more civil injunctions.

The broad injunction sought by INEOS (see [page 27](#)) covered a huge area across North and South Yorkshire, the East Midlands and Cheshire and sought to prevent “persons unknown” from conduct that might constitute “harassment” against INEOS or its suppliers, or from committing a range of offences including obstruction of the highway.

It also refers to a range of “unlawful activity” that is not necessarily a criminal offence. Specifically, it mentions “slow walking” of lorries, which is not inherently unlawful unless it involves unreasonable obstruction without lawful authority or excuse. In some parts of the country, as this report demonstrates, some degree of slow walking protest has been tolerated and in others areas it has been clamped down on immediately by the police, but this has always been contested. In many instances, campaigners arrested for obstructing the highway have either not faced prosecution or have been acquitted.

Our concern is that, if INEOS’ injunction is made permanent, it not only opens in further pre-emptive injunctions by other fracking companies based on widespread smearing of all anti-fracking campaigners as “militant extremists”. It may also significantly restrict even further the ability of campaigners to take part in civil disobedience or, indeed, any form of effective protest.

Urgent need to review national policy on policing anti-fracking protests

It is now vital that the National Police Chiefs Council undertakes its long promised review of guidance on the policing of anti-fracking protests.

Events at each of the different drilling sites around the country in 2017 have a wider implication on national strategies for policing anti-fracking protests. Eighteen months have now passed since the National Police Chiefs Council promised to review ‘Policing linked to Onshore Oil and Gas Operations’, a guidance document issued to forces in 2015.

So much has happened since then but it seems this guidance still forms the basis for police operational decision-making and planning. The NPCC promised again in January 2017 to finalise the way it will conduct its review, but since then there has still been no further progress on the timetable.

The review must begin immediately – and the NPCC must allow external stakeholders with knowledge and experience of the policing of anti-fracking protests, including Netpol, to contribute to it.



LANCASHIRE

Preston New Road

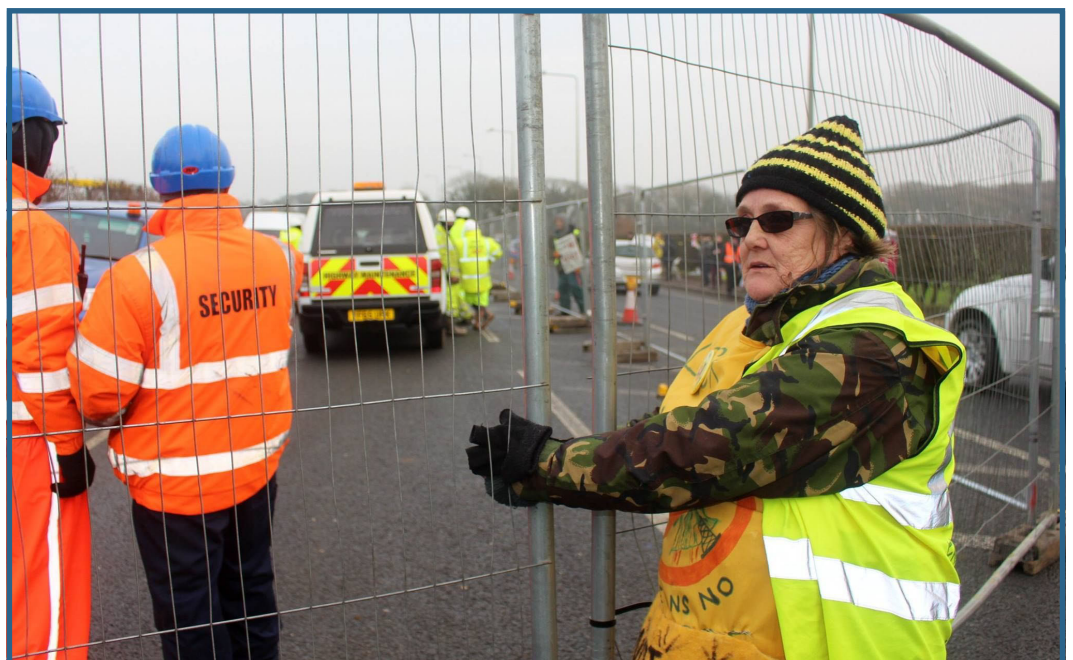
In 2017, the front-line in Lancashire for opposition to fracking by shale gas company Cuadrilla has been its site on Preston New Road, near Little Plumpton. There has been a "Protection Camp" since January and a second, known as "Camp of New Hope", was established in March. A "Community Information Hub" set up at Maple Farm on Preston New Road in July.

Cuadrilla unexpectedly started initial preparation work in early January 2017 and protests began almost immediately, with slow-walking of lorries delivering to the site, road-side demonstrations and the first "pop-up protest" outside the Bolton engineering company, A E Yates, which had the contract for construction works.

At first, the police presence was often large but relatively low-key, with most arrests initially for alleged breaching of conditions imposed by the police on a public assembly at the Preston New Road site (under section 14 of the Public Order Act). These early arrests were followed by a series of non-violent direct actions throughout February involving protests against a number of contractors, as well as protesters locking themselves to fencing at the entrance to the site to block deliveries.

Blaming "outsiders"

Lancashire Police's operation shifted significantly with a day of national solidarity actions that was called at the end of February. On the day, the police issued a statement about "a significant number of protestors" who had attempted to "breach the fencing and to gain access to the site" at Preston New Road. It added, that "those engaged in the behaviour are largely thought to be



Campaigner locked onto the gates of the site entrance at Preston New Road, May 2017
PHOTO: Cheryl Atkinson



Officers make an arrest at the Preston New Road site entrance, March 2017
PHOTO: Cheryl Atkinson

from outside the area and not from the local protest groups". This was reported locally as police blaming "out-of-town protesters".

Distinguishing between individuals or groups solely on the basis of their locality and seeking to point the finger at "outsiders" in this manner was a concern we raised back in 2015 over the national guidance issued to local forces on the policing of anti-fracking protests. This kind of 'differentiated policing' can foster distrust within (and between) protest groups and encourage division. Actively undermining wider solidarity and mutual support does, however, enable the police to isolate and target more 'robust' forms of policing on those it stereotypes as posing what is described as a greater "risk of criminality".

Despite these claims, there were no arrests on 25 February. Frack Free Lancashire disputed the police's statement, describing it as a "factually incorrect representation of what happened". It added that the numbers entering the site were "much smaller than claimed" and rejected the idea that any fencing was forcibly "breached". They argued Lancashire Police's concerns about people's behaviour was significantly undermined the lack of arrests and by images shared on social media of its own officers appearing to help protesters clamber through a gap in the hedge.

Frack Free Lancashire also expressed its disappointment with the number of officers deployed and an "unnecessarily oppressive line of police and security guards blocking Cuadrilla's site". Unfortunately, this approach has become emblematic of the way Lancashire Police has conducted its policing operation throughout 2017.

Zero-tolerance policing

In March, the police were no longer willing to allow previously agreed 15-minute slow walk protests that had been intermittently allowed in front of

“If they can provoke violence they can put an exclusion zone around the site.”

delivery vehicles. The response from campaigners was more lock-ons and in turn, there were larger numbers of police at the site. As officers became more and more aggressive, incidents of violence including, on 28 February, an assault on Fylde Borough councillor Roger Lloyd. This is the scenario Netpol warned about in our ‘Protecting the Protectors’ report in 2016: campaigners facing continued uncertainty about policing decisions and whether they are likely to face the possibility of arrest, coupled with sudden ‘zero-tolerance’ attitudes to minor disruption.

In March, local councillors who had been assaulted and injured by officers gave a statement to the website *Drill Or Drop* claiming the police were trying to deliberately provoke the protesters. Councillor Lloyd said, “if they can provoke violence they can put an exclusion zone around the site.” Kirkham Town councillor Miranda Cox said, “I think they want an excuse to escalate policing. They are not facilitating peaceful protest.”

Industry attacks on campaigners

This escalation in confrontational police tactics coincided with a campaign of pressure from supporters of the onshore oil and gas industry, conducted mainly through the pages of *The Times* newspaper, which called for the police and courts to respond more robustly towards the anti-fracking movement. On 11 March, *The Times* reported that “after complaints to the Home Office by local pro-business leaders, Lancashire Police are taking a tougher line with the protesters, some of whom are anti-capitalist activists.”

On 21 March, *The Times* published serious but wholly unsubstantiated allegations that “anti-fracking protesters have adopted the tactics of animal rights extremists by targeting employees and suppliers of shale gas companies”, included claims of “activists filming vehicle registrations” and using “hostile reconnaissance”. No local anti-fracking groups were approached by the newspaper to challenge these claims.



Officers block Preston New Road as a lock-on gets underway on 31 July 2017
PHOTO: Cheryl Atkinson



Campaigners blocking a gate to Leapers Wood quarry in Lancashire, March 2017
PHOTO: Kristian Buus /RtP

The alleged threats from “extremists” and the association with animal rights and anti-capitalist groups, two favoured targets of secretive police intelligence-gathering units, were far from subtle. Astonishingly, a press release from the pro-fracking GMB trade union even called for a “crackdown on fracking activists”.

Break the Chain solidarity action

What appeared to have triggered these sensationalist claims was a ‘Break the Chain’ fortnight of solidarity action from 27 March to 10 April initiated by the national ‘Reclaim the Power’ network. This began with the blockade of a Lancashire quarry used by one of Cuadrilla’s suppliers and was followed by protests around the country.

The national focus on Lancashire certainly seems to have alarmed the oil and gas sector. Whilst we might expect the industry to routinely lobby the Department for Business, Energy and Industrial Strategy, Cuadrilla’s access to the then Policing Minister Brandon Lewis, at a meeting on 30 March to “discuss the police response to fracking protests”, was extremely unusual. The Home Office has blocked Netpol’s attempt to obtain its correspondence with either Lancashire Police or regional business organisations about the lobbying for a “tougher line” with protesters.

Back at Preston New Road, there was no diminishing of efforts to blockade the site, including lock-on protests, but there was also growing anger and consternation amongst local campaigners about the way Lancashire Police had escalated the level of aggression in their operation.

There were numerous allegations of violence by officers and about unlawful or often bizarre arrests (such as a secondary school teacher who was arrested for obstruction of the highway while playing his violin outside the site entrance).

“Protesters are uncertain from one day to the next about whether they are likely to face the possibility of arrest”

From Netpol’s open letter

netpol.org/campaigns/anti-fracking/open-letter-lancashire/

Netpol’s open letter to the Chief Constable

Netpol had by April built strong links with local campaigners and over the coming months, was responding to requests for help and advice on an almost daily basis.

Following a request for support in halting the confrontational tactics adopted by Lancashire Police, we therefore drafted an open letter to the Chief Constable Andy Rhodes, in consultation with campaign groups on the ground, that was published on our website on 24 April with a call for local campaigners to sign it. It called upon Rhodes to agree to participate in an open public meeting and listen to the questions and concerns of local people. In less than three weeks, a total of 360 signatures were gathered.

Netpol then helped organise a lunchtime vigil on 17 May outside Kirkham police station, the nearest to Preston New Road, to hand in the letter to Superintendent Richard Robertshaw, who has overall tactical responsibility for the policing operation and was meeting there that day. Unfortunately, in media interviews on the day, Robertshaw made little attempt to try and defuse tensions and feigned ignorance about the reasons for campaigners’ resentment. Instead, he chose to highlight and condemn “the aggressive behaviour of some of the protesters” gathered for the vigil, which he said showed “the challenges we face in dealing with people who are quite aggressive and quite forceful in how they want to express their views” and was, he said, “very regrettable”.

Even more provocative was Robertshaw’s decision to deploy specialist public order officers at the vigil from Lancashire Police’s Operation Support Unit – the very officers whose conduct local campaigners are complaining most about – in response to what amounted to little more than noisy shouting and chanting.

In common with all the anti-fracking protests in Lancashire to date, at no point was there any genuine prospect of violence. Nothing can have made the case quite so strongly that Lancashire Police has a zero-tolerance attitude



Campaigners hold a vigil outside Kirkham Police Station
PHOTO: Netpol



Campaigners 'lorry surfing' during the Rolling Resistance month of action, July 2017
PHOTO: Netpol

towards any disruption, or that it has given no thought whatsoever to the long-term legacy costs of a breakdown in trust, confidence and goodwill amongst local people who are opposed to fracking.

In June, Chief Constable Andy Rhodes responded to the open letter by delegating responsibility straight back to Superintendent Robertshaw, when the whole point was to go over Robertshaw's head and appeal to his superiors. Local residents eventually realised Rhodes had no intention of meeting them, while at the same time the level of confrontational and sometimes violent policing continued unabated.

Rolling Resistance

At the end of June, protesters constructed two pallet towers at the site entrance as campaigners geared up for the 'Rolling Resistance' month of action throughout July, organised by Reclaim the Power. This saw the blockade intensify, with actions every day and every warning about the consequences of a highly partisan and oppressive policing operation ignored by Lancashire Police.

In early July, video evidence showed the site's security staff violently attacking protesters locked onto each other outside the main entrance and of the site manager restraining and punching one campaigner. The police, who have a legal duty not only to facilitate but to protect the right to freedom of assembly, failed on both occasions to intervene, even though a number of people were injured. Only after considerable publicity did an investigation finally begin into the site manager's conduct.

This indifference was in stark contrast to the willingness of the huge number of officers to pounce on, assault or arrest any demonstrator for the slightest

“the one legacy that is going to come out of this is complete distrust of the police and that saddens me”

infringement. At one point, over-zealous officers came close to arresting a Sky News reporter who was trying to explain how arm tubes for lock-on protests worked. Another incident included the vindictive targeting of a disabled campaigner – someone who has previously told Netpol she has been stopped by officers on the way to the site – whose car was pulled over and seized by police for tooting her horn “in a manner causing alarm, distress or annoyance”.

The second week of actions began with the arrival of public order officers from Cumbria, Merseyside and North Wales, as Lancashire Police used ‘mutual aid’ arrangements for the first time to bolster its presence at the Cuadrilla fracking site. There remained significant numbers of officers throughout the month – between 50 and 80 a day – now providing 24-hour cover. After concerns were raised by North Wales Police and Crime Commissioner Arfon Jones, about the use of officers in this way, his force was eventually withdrawn. Cuadrilla, meanwhile, continued to make further allegations, in response to a letter from the Green Party, that protest activity was “carried out by a small hard-core of national activists” and “very far from peaceful or in many cases lawful”.

Direct action taking place every day meant the number of arrests grew: there were 96 in total during July alone. ‘Rolling Resistance’ closed with anti-fracking campaigners on top of three lorries for over 60 hours and local councillors accusing Lancashire Police of colluding with Cuadrilla to help the company deliver its drilling rig in the early hours of the morning, against planning rules and accompanied by about 50 police officers. One councillor said, “whatever happens, whether they frack or don’t frack, the one legacy that is going to come out of this is complete distrust of the police and that saddens me.”

During July, Netpol was able to help secure the first national press coverage of complaints of police violence at Preston New Road, including an incident where officers were filmed tipping a man out of his wheelchair. We also worked hard through the month to highlight and publicise the scale of the aggression campaigners were facing, called on parliamentarians to visit the protests and



CLlr Miranda Cox is arrested at the start of July 2017 Rolling Resistance month of action
PHOTO: Kristian Buus / RtP

“more determined than ever to make sure their freedom of expression and assembly are not taken from them”

assisted Green and Black Cross with know-your-rights and legal observer training. At the end of the month, we helped local campaigners to distribute hundreds of postcards (right), addressed to the Chief Constable, calling on him to stop the violence and rethink his policing operation.



At the end of July, Netpol launched a film containing often graphic footage of repeated police violence and aggressive tactics, along with testimony from campaigners on the impact this had on their willingness and ability to take part in protests. In a press statement, we argued there was significant evidence that Lancashire Police was “completely ignoring its legal responsibilities” to protect the right to freedom of assembly and had left some “fearful of taking part in protests – and others more determined than ever to make sure their freedom of expression and assembly are not taken from them”.

Protests continue into August and September

If the wave of direct action in July was all the fault of what Lancashire’s Police and Crime Commissioner called “professional protesters coming in from outside who go beyond... how local protesters would normally behave”, then Cuadrilla and the police must have expected a quieter August and September. This wasn’t, however, the case. The skills and creativity honed during the month of action were used by local campaigners to continue the blockade: in one instance, three women from Lancaster locked themselves onto a sail boat outside the site. There were a further 36 arrests in August.

What also remained largely unchanged was the intensity of the policing operation, leading to regular ‘Women’s Call’ protests (where women dressed in white and held a silent vigil at the site entrance) to draw attention to aggressive police conduct. Throughout the remainder of the summer, Netpol received repeated reports of police preventing people from even stepping onto Preston New Road by kettling them (including, in several cases, very early in the morning whilst they are asleep in tents at the side of the road). We were also told about what seemed like unlawful ‘distraction arrests’, designed to take away the focus of the protesters from the arrival of deliveries to the site, enabling lorries to enter. People detained were then promptly de-arrested. Campaigners also complained to us about the difficulties in raising complaints about the conduct of individual officers.

In early October, there was national media coverage of officers dragging a disabled 85-year-old campaigner, Anne Power, across Preston New Road. If this kind of tactic was intended to deter others, it appears to have failed: within days, other campaigners had organised a lock-on outside the site entrance in

protest against Anne's treatment. This shows that whilst there is a risk that confrontational policing will intimidate some away from taking part in protests, it can also act as a spur to others to take part in further civil disobedience.

Evidence of the use of force

Since April 2017, the Home Office have stipulated that police officers must record all instances of their use of force. In July, in the midst of the Rolling Resistance actions and complaints about violent policing, Netpol therefore asked Lancashire Police through a Freedom of Information request for a breakdown of use-of-force data during the first 19 days of the month.

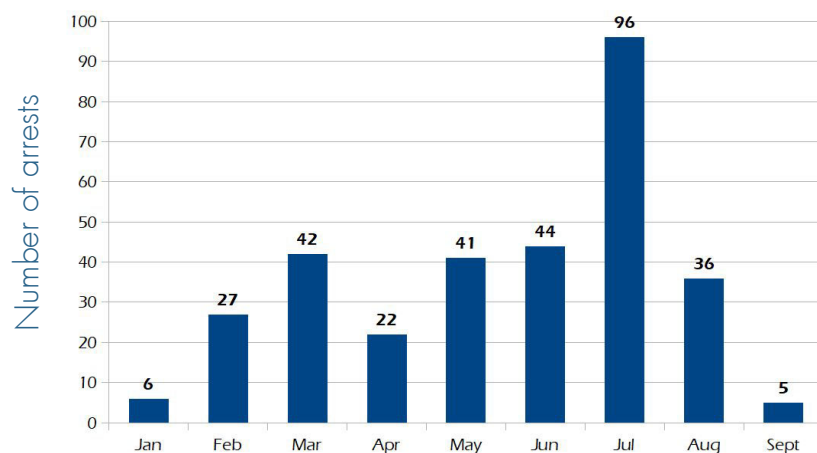
The information provided was illuminating: officers filed 165 'Use of Force' reports that referred to Preston New Road during this period, an average of around nine a day. It also confirmed that batons had been drawn or used twice against non-violent protests, but claims that remarkably there is only one reported injury to a protester. This does not correlate with the testimony we received from people on the ground.

Instead, this snapshot of use-of-force data seemed to reinforce the many complaints of aggressive and confrontational policing that we had documented and that local people have tried unsuccessfully to raise with the Chief Constable.

Changing pattern of arrests

Figures on arrests released by Lancashire Police (see below and table overleaf) demonstrate the overwhelmingly peaceful nature of demonstrations at Preston New Road. Almost half have been for obstructing the highway. This data also shows how the pattern of arrests has changed since the start of 2017.

In the first three months of the year, 45% of arrests were for breaching conditions imposed by the police on a public assembly (under section 14 of the Public Order Act 1986). After the period of intense lobbying by the oil and gas industry and media attacks on campaigners in March, arrests using powers under section 14 suddenly stopped – there have been none since.



Source: Lancashire Police

Reason for arrest / main offence charged with	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Total	%
Obstructing the Highway	2	2	13	7	31	21	63	8	2	147	46.1%
Obstructing the Police	0	2	3	5	2	6	9	10	2	37	11.6%
Section 14 Public Order Act	4	14	16	0	0	0	0	0	0	34	10.7%
Section 241 Trade Union Act	0	2	2	1	0	5	12	12	0	34	10.7%
Aggravated Trespass	0	0	2	0	3	6	0	0	0	11	3.4%
Section 5 Public Order	0	0	0	4	3	0	0	2	0	9	2.8%
Section 25 Road Traffic Act	0	0	0	0	0	2	6	1	0	9	2.8%
Assaulting the Police	0	1	1	1	0	2	0	1	0	6	1.9%
Section 22a Interfering with a Motor Vehicle	0	0	1	3	0	0	1	0	0	5	1.6%
Section 22a Danger to Road Users	0	0	0	0	1	2	1	1	0	5	1.6%
Criminal Damage	0	1	1	1	1	0	0	0	0	4	1.3%
Public Nuisance	0	0	0	0	0	0	4	0	0	4	1.3%
Section 4 Public Order	0	2	0	0	0	0	0	0	0	2	0.6%
Drunk Disorderly	0	1	0	0	0	0	0	1	0	2	0.6%
Breach of the Peace	0	2	0	0	0	0	0	0	1	2	0.6%
Section 28a Dangerous Cycling	0	0	2	0	0	0	0	0	0	2	0.6%
Theft	0	0	1	0	0	0	0	0	0	1	0.3%
Total number of arrests	6	27	42	22	41	44	96	36	5	319	
Charges sanctioned	6	22	40	20	39	42	92	32	3	296	

Monthly arrests during 2017 by offence

Source: Lancashire Police

From April onwards, most arrests have been for obstructing the highway but since June the police have stepped up the number of arrests using a relatively obscure piece of trade union legislation designed originally to prevent the intimidation of strikebreakers. Of the 34 arrests using powers in Section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992, 85% have been in this period.

Arguably, the policing operation has stopped viewing protesters as participants in a public assembly and instead is systematically treating them as if they are participants in a trade union picket line. It is perhaps understandable, therefore, why local people in Lancashire have compared the numbers of police and the confrontational tactics they have experienced to the Miner's Strike.

The lack of democratic accountability

Despite its legal duty to protect the right to freedom of assembly, Lancashire Police has repeatedly failed to respond to campaigners requests for greater transparency about the way local anti-fracking protests are policed. Unfortunately, Lancashire's Police and Crime Commissioner Clive Grunshaw, who was elected to hold the Chief Constable and the force to account and ensure the police are answerable to the communities they serve, has been wholly unsympathetic towards the many complaints made by local campaigners.

A visit made by Grunshaw to the Preston New Road site on 8 March resulted only in a statement about the cost of policing the protests – a failure to see the conduct of the policing operation as both a public confidence and human rights issue as well as a financial one that has remained unchanged throughout the year. In July he told the TV station *That's Lancashire* that "the reputation of Lancashire Police officers and the way that they have conducted themselves has been enhanced by the work that is done" and added that any aggression was "not coming from the police officers".

"the reputation of Lancashire Police officers and the way that they have conducted themselves has been enhanced by the work that is done"

Clive Grunshaw



Police arrest a school teacher playing a violin at the site entrance, April 2017.
PHOTO: Cheryl Atkinson

In the same month, Netpol wrote to Grunshaw on the launch of our film, urging him to “respond to the allegations within it and outline the steps you intend to take to de-escalate the tensions at the Preston New Road site”. On 21 September, we received a reply insisting Lancashire Police “respects the right to peaceful protest and will only make arrests when they believe an offence has been committed”. Rather than addressing the serious concerns we raised, Grunshaw says events at Preston New Road are “an operational matter, so does not fall under my personal responsibility” and complains again about that costs incurred by Lancashire Police in facing “a national protest against a national decision.”

Local campaigners have tried unsuccessfully to engage with their Chief Constable and their local Police and Crime Commissioner. Netpol now believes the only alternative is an external and genuinely independent review that listens to the concerns of those who feel their human rights have been trampled on.



SURREY

In Surrey the main sites of opposition to fracking and other unconventional energy exploration in 2017 have been at Angus Energy's site at Brockham near Guildford and the Europa Oil and Gas site at Leith Hill near Dorking.

A small 'Protection Camp' was established near the Brockham site at Felton's Farm in December 2016 and campaigners carried out a number of slow walking protests in front of delivery lorries. In January 2017, there were nine arrests. Five cases were subsequently dropped in March 2017. The camp was eventually disbanded in early February when initial site work was completed.

The 'Protection Camp' at Holmwood near Leith Hill was set up in November 2016. Europa Oil and Gas obtained an possession order in January 2017 against "persons unknown" that caused considerable consternation about the impact this would have on local campaign groups, who struggled to find legal advice. The only support available was from Netpol and from Green and Black Cross.

The order did little, however, to deter the campaigners at the camp. In preparation for the prospect of eviction, a structure made of pallets known as "The Fort" was erected at the drill site during the spring. When bailiffs arrived on 21 June 2017, they were also faced with a network of tunnels and it took more than 36 hours to remove the last of the protesters.

A new camp was subsequently started at nearby Redlands Wood. Campaigners are still awaiting the imminent start of Europa's 18 weeks of exploratory drilling at the site.



The Brockham Protection Camp, January 2017
PHOTO: Netpol



SUSSEX

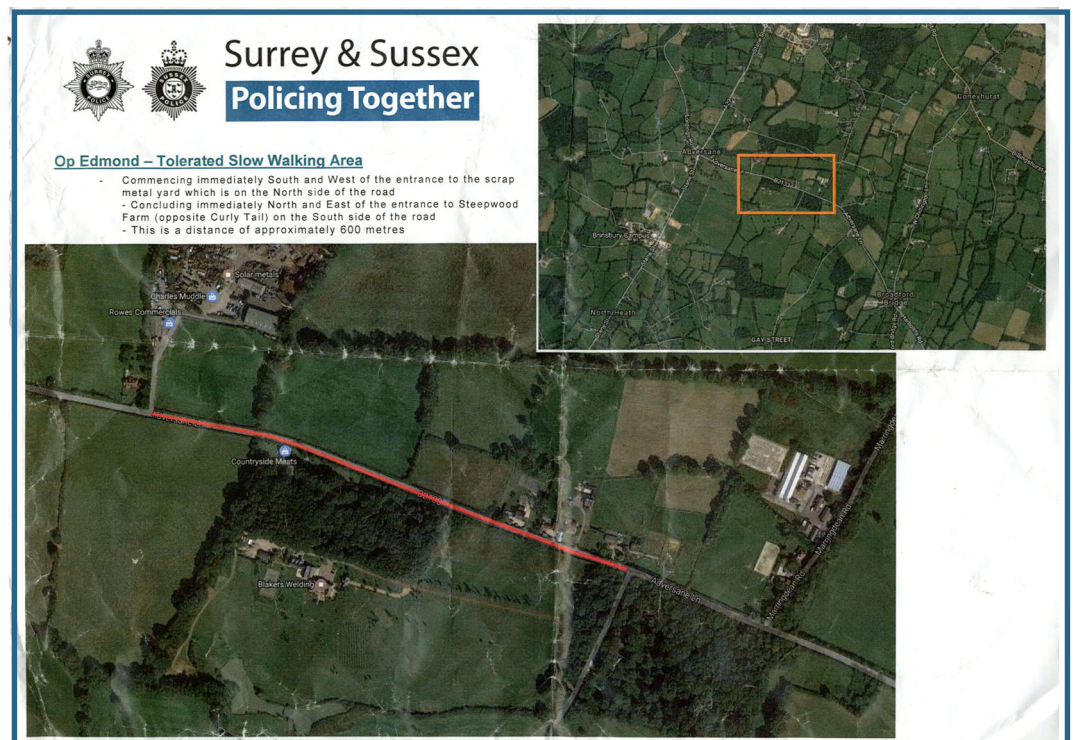
Broadford Bridge

There have been protests at the UK Oil and Gas (UKOG) site at Broadford Bridge, near Billingshurst in West Sussex, since April 2017. The first arrest did not take place, however, until 25 May, with the arrival of a drilling rig at the site. This was for alleged obstruction of the highway whilst a protester, based on video evidence, was clearly walking on a grass verge.

“Tolerated slow walk area”

Within 24 hours of the start of drilling on 31 May, Operation Edmond – the response by Sussex Police to protests at the site – was already raising the same concerns we highlighted last year about unpredictable policing and an unwillingness by officers to accommodate the slightest disruption.

On 1 June, the police handed campaigners a map (below) that offered a “tolerated slow walking area” along a 600 metres section up to the UKOG site on Adversane Lane. This was neither negotiated nor agreed upon but it did seem to indicate that senior officers were intending a less confrontational attitude to the presence of protesters.



The first test of “tolerated” slow walking came later that day, when a small group of protesters gathered and started to walk slowly along the lane. Netpol was present to witness, after around 15 minutes, officers suddenly started to issue warnings about obstruction of the highway. This was no more than 20 metres into the area indicated on Sussex Police map, something that protesters tried unsuccessfully to point out to the Police Liaison Officers who were present.

Police officer threatens
campaigner with arrest for
alleged “anti-social behaviour”
PHOTO: Jon O’Houston



We also saw some officers quickly become very aggressive. One protester was arrested for failing to give his name and address under Section 50 powers designed for tackling anti-social behaviour (the officer claimed the protester had allegedly called him a “pig” and said this constituted “anti-social behaviour”). As Netpol pointed out in 2013, this power was regularly misused in the past, a fact acknowledged by Her Majesty’s Chief Inspectorate of Constabulary in their ‘Adapting to Protest’ report in 2009. Charges against the individual who was arrested were later dropped by the Crown Prosecution Service.

It was evident that officers had either not been briefed about a tolerated slow walking area or that Sussex Police had abandoned the proposal, without informing protesters, within hours of offering it. This contrast between promises made by senior officers and what actually happens on the ground is an issue Netpol has heard time and again at anti-fracking protests around the country. It leads to the uncertainty about what might trigger an arrest that is part of the ‘chilling effect’ on rights to protest we warned about last year.

In June, there were further arrests (using Section 241 trade union powers mentioned earlier - see [page 21](#)) after three campaigners chained themselves together outside the gates. In October, two were found guilty at Brighton Magistrates Court, conditionally discharged for 12 months and each ordered to pay £500 in compensation to UKOG. In September 2017, a campaigner managed to climb onto the drilling rig at a service station near Crawley and was later arrested after around ten hours. The rig had left Broadford Bridge to travel to Angus Energy’s oil site at Lidsey near Bognor Regis.

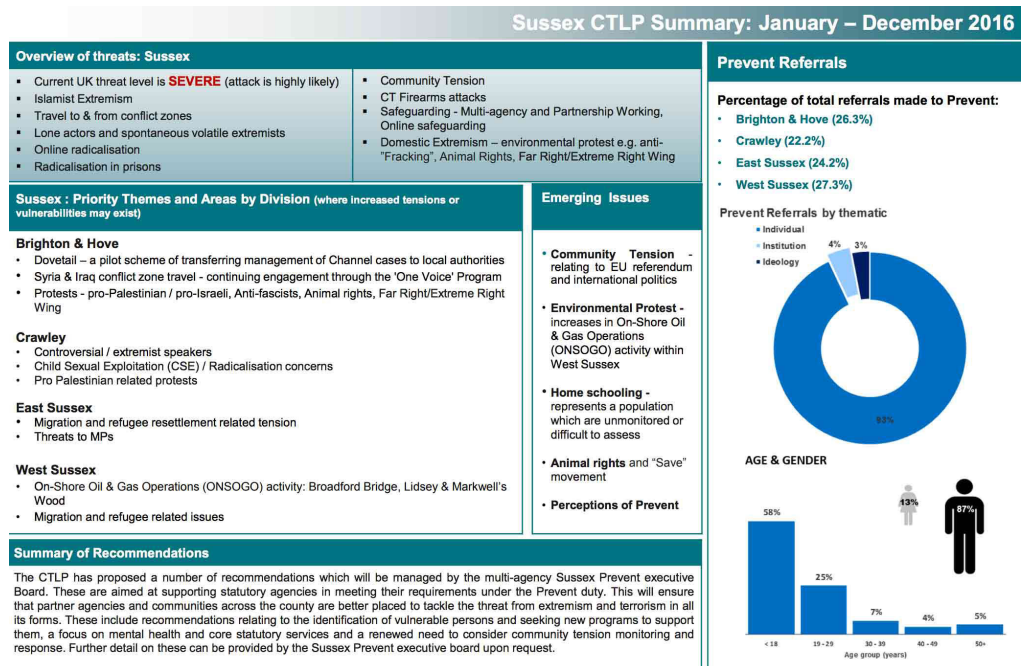
“a shocking denial of my right to protest. It was nothing short of thuggish behaviour”

However, attempts to set up a ‘Protection Camp’ at Broadford Bridge were hampered by constant pressure by the police on local landowners and most protests have instead involved a regular weekly ‘Cake at the Gates’ gathering. Nevertheless, protesters have still complained about officers aggressively pushing them off the road, what one called “a shocking denial of my right to protest. It was nothing short of thuggish behaviour.”

Legal threats against campaigners

At the end of May, UKOG threatened legal action against the Keep Billingshurst Frack Free campaign group for allegedly making defamatory comments in a newsletter. The company's lawyers demanded a written apology and said it was "prepared to use all legal means available" against the group. Netpol was able to arrange for pro-bono legal advice to the campaigners, who decided to ignore UKOG's deadline and the threats in its intimidating letter. Despite all its bluster, the company took no further action.

However, this incident along with the experience of local campaigners facing problems with finding affordable advice following the Brockham possession order led directly to Netpol securing funds for and settling up the 'Activists Legal Action Fund', which launched in September 2017. The Fund will aim to provide anti-fracking campaign groups with funding to obtain initial civil legal advice and covers threats of injunctions, possession orders and allegations of defamation. Groups can seek financial support from the Fund through their solicitors.



Targeting anti-fracking campaigners as "domestic extremists"

In September 2017, the campaigning group CAGE UK reported that a 'Counter Terrorism Local Profile' developed under the government's 'Prevent' strategy (see above) had identified protests at Broadford Bridge as a "priority theme... where increased tensions or vulnerabilities may exist". A similar profile for Surrey highlighted "community tensions related to onshore oil and gas operations" in the east of the county. Following on the December 2016 apology by North Yorkshire Police and City of York council for including anti-fracking in their own local 'Prevent' counter-terrorism profile, it is alarming that legitimate political dissent has continued to face labelling as "extremism". It is a significant concern too that these judgements may have wrongly influenced the way the police decide to treat protesters at drilling sites.



DERBYSHIRE

Marsh Lane

Despite extensive local opposition, the UK's largest shale gas company, INEOS, has sought planning permission to drill on land at Bramley Moor Lane, near the village of Marsh Lane. In September 2017, more than 700 people attended marches from three nearby villages that converged for a rally at the proposed drilling site.

INEOS obtains sweeping injunction

There has also been a 'Protection Camp' outside Marriotts Drilling Ltd, who are part of INEO's supply chain, at Danesmoor near Clay Cross. The camp was relocated in September but before leaving was covered by a sweeping interim injunction obtained by INEOS at the end of July.

As well as Derbyshire, this injunction covered North and South Yorkshire, the East Midlands and Cheshire. At an unopposed hearing in London on 31 July, INEOS made a number of claims about the actions of "militant activists" that it suggested other companies has been subjected to, although it has not experienced them itself and the vast majority of anti-fracking campaigners would strongly challenge these allegations.

"a declaration of war on the anti-fracking movement by the largest and most aggressive fracking company"

Netpol spent a considerable amount of time and energy over the summer supporting campaigners to resist the injunction. We recognise that it amounts, in effect, to what we described in September as "a declaration of war on the anti-fracking movement by the largest and most aggressive fracking company, on behalf of the wider onshore oil and gas industry". We helped one challenger of the injunction, the campaigner Joe Corré, to find expert legal representation for a subsequent court hearing on 12 September. We have also sought testimony from opponents of fracking in the areas where INEOS has exploration licences about the impact a permanent injunction would have on their ability to protest.



Residents protest in Marsh Lane, September 2017.
PHOTO: Eckington Against Fracking



NORTH YORKSHIRE

The focus of opposition to fracking in North Yorkshire centres on the village of Kirby Misperton, where there has been a 'Protection Camp' since December 2016. However, it was not until September 2017 that shale gas company Third Energy started to bring equipment onto the site.

Police take hard line on protest disruption

On 5 September, the senior officer in charge of the operation at the site, Superintendent Dave Hannan of North Yorkshire Police, held a public meeting with residents in the village to outline his plans. Unexpectedly, Hannan announced he was prepared to tolerate 20 minutes of slow walking protests, twice a day, near the site on Habton Road. However, he also offered an uncompromising view of what he considered "peaceful protest", one that equated it with no disruption whatsoever. He added that any obstruction by anyone could lead to the withdrawal of his 'offer' to campaigners.

The first protests began on 19 September and it is unsurprising, therefore, that blocking the gates led to two arrests. On the second day, the slow walking offer was withdrawn. Subsequent protests have involved campaigners using skills refined in Lancashire to lock themselves onto containers of concrete. Four were arrested on 25 September and charged with obstructing a highway and "besetting a place to compel the abstention of a lawful act" (the section 241 trade union offence mentioned earlier). Three days later, a woman climbed onto a delivery lorry outside the site, closing the road. According to North Yorkshire Police, 26 people were arrested at the site in September and 22 were subsequently charged.

On 15 October, campaigners installed an observation tower outside the site entrance but were arrested the following morning and the tower was removed. That day, a protester then managed to climb onto a delivery lorry for several hours. This was followed by further lock-on protests and on 21 October three people managed to occupy the rig at the site in the middle of the night and remained there after around 30 hours, until they were brought down by a specialist climbing team brought in from Surrey.



Residents protest outside of the Kirby Misperton site.
PHOTO: Eddie Thornton



Police physically remove a seated protester, September 2017 PHOTO: Steve Spy

More complaints about aggressive policing

Although protests are in their early stages, campaigners in Kirby Misperton have already echoed complaints made in Lancashire about the failure of the police to comply with their legal duty to protect the right to freedom of expression and assembly.

There remains uncertainty about when police will make arrests for obstruction of the highway. Protesters are routinely kettled by large numbers of officers and there have been allegations of the police seeking to prevent filming of their actions by arresting people on baseless charges. There is a particular frustration that the police are issuing press statements designed to paint campaigners in the worst possible light, but are less willing to clarify to the press when individuals are released without charge.

Furthermore, the Fire Brigades Union has accused North Yorkshire Police of making a "nuisance call" when it requested a fire crew to help remove a campaigner from a small wooden tower on the verge outside the site entrance.

There was also widespread regional and national media coverage of police officers kettling and then forcibly moving a great-grandmother, Jackie Brooks, who with her husband Jim has been serving serving tea and home made cake to protesters outside the site for the last month.

The situation in Kirby Misperton is unfolding daily but the initial indications are that North Yorkshire Police is making many of the same aggressive decisions as its counterparts in Lancashire. There are, for example, similar barriers to making complaints: the police insist anti-fracking protesters must make them in writing and not, as its website states, by telephone or in person at any police station.



Police kettle and remove Jackie Brooks and her tea stall.
PHOTO: Eddie Thornton

“if local residents are beginning to question whether officers are working to protect them... the notion of consent has broken down”

On 9 October, the day the Green Party’s Keith Taylor MEP visited the site, police had reinstated their willingness to allow protesters to block the entrance for 20 minutes. However, as Taylor said after witnessing the treatment of Jackie Brooks, “if local residents are beginning to question whether officers are working to protect them or just the interests of the oil and gas industry the notion of consent has broken down – and trust must be repaired.”

Taylor reiterated Netpol’s demand for the National Police Chief’s Council to urgently review its guidelines for the policing of fracking protests. “It’s a call”, he said, “that I’ve been making for months but so far remains unheeded.”

NETPOL’S ACTIVITIES THIS YEAR

Promoting accountability

In May, we helped Lancashire groups to channel their anger about the policing operation at Preston New Road by providing a way for local residents to take their concerns directly to the Chief Constable Andy Rhodes. An open letter drafted by Netpol urged Rhodes to take part in a public event with local people received 360 signatures and the vigil we organised at Kirkham station to deliver it was attended by over 100 campaigners. Hundreds of postcards were printed by Netpol that allowed residents to send a message to Lancashire Police, calling for an end to the use of aggressive tactics.

We have continued to work with politicians from both the Green Party and Labour Party to push for a long overdue national review of strategic guidance on policing anti-fracking protests. Netpol remains the only national organisation to seek to consistently monitor police tactics, the use of force and allegations of violence used against protesters at shale oil and gas protests around the country.



GBC Legal Observers at
Preston New Road
PHOTO: Cheryl Atkinson

Facilitating legal responses

Netpol has worked closely with our member group Green and Black Cross (GBC) to support the delivery of know-your-rights sessions for local campaigners and training of GBC Legal Observers who monitor and document protest policing. We have directly participated in this training in Lancashire, York, Horsham in Sussex and Dorking in Surrey. We continue to liaise, through the Netpol Lawyers Group, with leading local and national solicitors firms to share knowledge and to ensure protesters receive specialist, experienced legal representation.

Netpol has facilitated particular legal support in relation to civil claims, finding lawyers who could assist with threatened defamation actions, possession orders and injunctions. We have worked closely with one of the defendants challenging the INEOS injunction (see [page 27](#)) and in September launched the 'Activists Legal Action Fund' to provide anti-fracking campaign groups with funding to obtain initial civil legal advice (see activistlegalactionfund.org).

Promoting public awareness

Netpol has sought to widen the media coverage of confrontational policing and violence at protest sites and to ensure that local voices are given a greater national platform.

The short film, 'A Chilling Effect on Freedom to Protest', that we launched on 26 July about policing at Preston New Road and the testimony of anti-fracking campaigners has been watched and shared widely on Facebook and YouTube. We have two further films in the pipeline: the next on the negative effects of the police targeting of prominent individuals within campaigns.

Throughout 2017 we collaborated with academics from Liverpool, York and London to gather testimony from anti-fracking campaigners about their personal experiences of policing at protests and what impact it has had on them. The research project by the three universities is expected to publish an interim report before the end of the year.

Massive police presence at a direct action 'lock-on' at Kirby Misperton in North Yorkshire.
PHOTO: Sarah Morris



Netpol is a collective of activists, campaigners, lawyers and researchers, working together to challenge disproportionate policing of protests and of communities. We are funded by the Joseph Rowntree Reform Trust to engage with local and national anti-fracking campaign groups to assist in the development of a national collective voice on the policing of protests against fracking.

In 2016 we published a report, 'Protecting the Protectors', summarising the activities we have undertaken over the previous two years and what we have learnt so far about the policing of anti-fracking protests.

This new report looks back at momentous events over 2017, with protests in Lancashire, Surrey, Sussex, Derbyshire and now North Yorkshire.



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