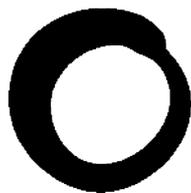


Welcome to Nottingham Friends of the Earth. We are one of around 250 local Friends of the Earth groups campaigning for a better environment locally as well as nationally and internationally. **Friends of the Earth** has a reputation for effective campaigns backed up by authoritative research.



Nottingham
Friends of the
Earth

NOTTINGHAM FRIENDS OF THE EARTH

Down to Earth

Gedling 1, Rushcliffe 0



Gedling's first wind turbine at Woodborough Park Farm – the 330kW Enercon E33 stands awaiting final commissioning. The Borough has also recently approved a 2.5MW turbine for Severn Trent at Stoke Bardolph. Meanwhile, Rushcliffe Borough Council has turned down no less than three separate turbine applications in as many months.

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Fracking legalities explained • Frack Free
Nottinghamshire • The Bee Cause • Nottingham
Pro Wind Alliance**



Woodborough takes shape

The installation of an Enercon E33 in pictures



Frack Free Nottinghamshire

A campaign group to oppose fracking in Notts was set up at a meeting in November 2013.

Get involved! For current activities see the Facebook page:
www.facebook.com/groups/frackfreenotts/

Extract from a Frack Free Notts leaflet:

What is Fracking? Fracking is the process of injecting water, sand and a mixture of chemicals under pressure into rock, mainly shale, underground in order to extract the gas (methane) trapped in the rock. The gas recovered is often called shale gas.

I've heard that fracking causes earthquakes. Is that true? It is true. Fracking was stopped in Lancashire because of a small earthquake. Earthquakes have also been recorded following fracking in areas in the US where they don't normally happen.

I've heard that fracking contaminates drinking water. That is true. There are more and more reports coming out that show that the contaminated water from fracking has killed fish when it has leaked into rivers and also caused problems to livestock.

Won't it solve our energy problems? No. The best way to reduce our energy consumption is good insulation of buildings and homes. Together with a major investment in renewables, this will provide good long term energy security.

Isn't it a good thing for climate change? No. Fracking aims to extract methane, which is a much more potent climate change gas than carbon dioxide. Professors from Cornell University in the US have found that fracking can release large uncontrolled amounts of methane into the atmosphere. So fracking may actually make climate change worse!

Will it reduce my gas bills? Very unlikely. Regulation in the UK will require higher costs than in the US. And the UK is tied into global gas prices more than the US. So experts

concede that gas prices would not go down in any significant way and might even go up!

Who controls the regulations about fracking? The Government sells licences to explore for underground gas and oil. Companies then have to apply to the Environment Agency, the Health and Safety Executive and get planning permission from the Local Minerals Authority. For us that is Nottinghamshire County Council.

Where are the shale deposits in Nottinghamshire? There is an area of shale gas potential to the South and West of Nottingham, between Derby and Melton Mowbray – known as the Widmerpool Trough. And a more extensive area covering the North of Nottinghamshire as well as large parts of Yorkshire extending into Lincolnshire – the Gainsborough Trough.

Where can coal bed methane be found in Nottinghamshire? Unworked seams of coal can also be fracked to release Coal Bed Methane (CBM) from the layers of coal. Maps provided by Notts County Council show that the whole of the east of the county has the potential to be explored for CBM, where there are deep unworked seams of coal.



Fracking Fingerposts

John Pickstone

The intention of this article is to provide some basic, mainly legal, information about permissions and processes required for development related to fracking.

Planning permission for development

A grant of planning permission is normally needed in order to carry out development. Development includes “the carrying out of building, engineering, mining or other operations in, on, over or under land”¹ and includes test drilling and hydrocarbon extraction.

Almost all planning permissions have conditions attached, breach of which can lead to service of an enforcement notice, non-compliance with which may be a criminal offence.

Frequently the planning authority will only grant planning permission if a developer enters into an agreement under section 106 Town and Country Planning Act 1990, e.g. to do something that cannot be achieved by a condition attached to the planning permission. An example is the payment of money for aftercare following closure of a mine.

Brussels anyone?

(a) Development Consent

European Union law imported into English law the fundamentally important concept of development consent. In broad terms this is the final consent needed before development can start. Development consent can be a consent that is quite different from planning permission. Planning permission can already have been obtained but an additional final permission such as an environmental permit issued by the Environment Agency might be needed.²

(b) Environmental Impact Assessment

EIA (Environmental Impact Assessment) is the process required for two types of development specified in either Schedule 1 or Schedule 2 of the Environmental Impact Assessment Regulations 2011. To fall within Schedule 2 the development must be likely to have

“significant effects on the environment by virtue of factors such as its nature, size or location.”³

Examples of Schedule 1 Development are oil refineries and nuclear power stations, and for Schedule 2 examples are (i) “urban development projects of more than 0.5 hectares, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas, and (ii) wind farms having more than two turbines or where the hub height of any turbine exceeds 15 metres. Schedule 1 development always requires an EIA, whereas for Schedule 2 a development EIA may or may not be required, but it will be required if it is likely to have significant effects on the environment. Sometimes difficult judgements have to be made but the decision has to take into account the criteria in Schedule 3 of the Environmental Impact Assessment Regulations 2011⁴.

Part of the EIA process is the production of an “environmental statement” - often a lengthy series of documents assessing environmental effects, positive and negative and proposing mitigation for adverse effects.⁵ These are produced by developers and require careful analysis. Where EIA is required the planning authority must take it into account properly before deciding the application for planning permission.

Legal challenges based on inadequate EIA are more likely to be fruitful than on other grounds.⁶

³ Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (see regulation 2). N.B. The Government’s “Planning Practice Guidance for Onshore Oil and Gas” mentions 3 phases for hydrocarbon extraction: extraction, testing (appraisal) and production. It identifies where EIA may be required in paragraphs 52 to 55 inclusive – see www.gov.uk/government/publications/planning-practice-guidance-for-onshore-oil-and-gas. Annex B of this Guidance charts an outline of the process for drilling an exploratory well. Annex C is a chart for determining whether proposed development requires an Environmental Impact Assessment.

⁴ www.legislation.gov.uk/ukxi/2011/1824/schedule/3/made

⁵ Full details of the requirements are in Schedule 4 of the EIA Regs – see

www.legislation.gov.uk/ukxi/2011/1824/schedule/4/made

⁶ E.g. *R v Waveney DC ex parte Bell* [2001] Env LR 24 – clear failure to submit a valid and complete EIA – the court held that it had a very narrow discretion to decline to quash the decision and that the particular breach of the regulations could not be described as trivial.

¹ Section 55(1) Town and Country Planning Act 1990

² The environmental permit regime is governed by the Environmental Permitting (England and Wales) Regulations 2010 – www.legislation.data.gov.uk/ukxi/2010/675

Who dunnit?

Councils have constitutions specifying which committees and which officers have power to make decisions. The Council itself has all the decision-making powers but delegates these to committees and officers. It is always worth checking that a delegated decision was made correctly by the appropriate delegate.

Where to go from here

This section refers to useful sources of information:

1. On EIA: Friends of the Earth 2011 Edition of "Environmental Impact Assessment". It's a Community Rights Resource Pack.
2. Friends of the Earth Briefing on "Shale Gas and Planning" July 2013.

3. Friends of the Earth's response to Public Health England's "Review of the potential public health impacts of exposures to chemicals and radioactive pollutants as a result of shale gas exploration."
4. An interesting article in The Guardian Weekend magazine of 14 December 2013 describes the tribulations of fracking victims in Texas. It mentions the website www.environmentamerica.org. This website has a useful video about action taken across the states to counter and/or compensate for fracking activities across the USA. The USA has fewer environmental controls than the EU.

Keep Notts frack free!

Nigel Lee

North Nottinghamshire is emerging as a prime target for fracking. French oil company Total is bankrolling two smaller companies IGas and Egdon to explore the potential for shale gas in an area between Bawtry and Gainsborough.

IGas will be the operating company across North East Bassetlaw and in South Yorkshire around Bawtry, IGas already operates a number of small conventional oilfields in Notts, including Beckingham near Gainsborough.

Egdon will be the operating company in an area North of Gainsborough around Laughton where Egdon already has planning permission from Lincolnshire to explore for oil. Egdon already operates a small oilfield in central Notts at Eakring, and has permission from Leicestershire to explore for oil at Burton on the Wolds near Loughborough.

Meanwhile, an Australian company Dart Energy has permission to drill an exploratory borehole for coal bed methane at Daneshill near Retford. That will have to go through a sandstone aquifer – the County Council has expressed concern about that.

As well as shale gas layers across the North of Notts, there are coal layers suitable for fracking all the way down the Eastern side of Notts. A large part of this area has sandstone aquifers above the coal layers which supply drinking water. Nottinghamshire has also been described as the UK capital for (minor) earthquakes – due to the past history of coalmining. That is before any fracking starts!

(For background, see our website: bit.ly/frackNotts)



Global Frackdown day

Nottingham Pro Wind Alliance

Roger Steele

It has been another year of mixed fortunes for clean British energy in the county. On a positive note, Woodborough Park Farm's Enercon E33 is finally up and running, and Severn Trent, after a previous proposal was rejected, finally got the thumbs-up from Gedling for a toned-down turbine application.

But we have also seen several new applications for small scale wind turbines in the past year – including one at East Bridgford, and no less than two individual proposals near the village of Orston – turned down. There has been predictable negativism on the part of the District Councils, Parish Councils, local NIMBY campaign groups, Civic Societies and so on. English Heritage and the National Trust have weighed in too, worried about how a new prominent feature such as a wind turbine might affect landscapes and views that, they'd like you to believe, have hitherto been unchanged by man in centuries. Whilst it has been encouraging to see the number of wind developments submitted as planning applications, we have seen the continual failure of many such applications to get planning approval, with re-occurring themes.

What we have seen locally may reflect national trends – which (according to DECC) during

2013 saw onshore wind turbine refusals rise for the fifth successive year, with a higher percentage of successful applications being small to medium capacity developments.

Nottingham ProWA has been supporting these local projects, actively engaging with the developers, writing in support of planning applications, and lobbying support amongst other environmental groups in the region.

Currently, Nottingham ProWA are in contact with another developer for a similar small-scale turbine on a farm at Little Carlton, near Newark, a planning application for which is expected imminently.

Also, we are supporting a revised single 500kW turbine development in East Bridgford. Following their previous application being turned down last year, the developer has submitted an amended scheme aimed to mitigate the reasons for refusal.

If any turbine application warrants support more than another, it is surely the one at East Bridgford. It would be run as a co-operative, with financial proceeds benefiting the local community and funding for overseas aid programmes for countries hardest hit by climate change. There is also a commitment to engaging with local educational projects around East Bridgford.

This is the kind of project that really deserves to succeed.

Bee Cause

Greg Hewitt

In 2013, Nottingham Friends of the Earth caused a hive of activity as The Bee Cause started its 2nd year of campaigning.

The campaign buzzed into action with stalls across Nottingham, ranging from a pop up food festival, to city community gardens, to Sherwood Festival, to Nottingham Green Festival. We met with all city MPs with our 'I Back the Bee Cause' sign – gaining MP Chris Leslie's sign-up to the cause, and MP Graham Allan even dressed up as a giant bee! Other great moments of the campaign included

having a stall at Mikron's theatre production in Upper Saxondale, a local triathlon group using our resources to promote at their race, a screening of 'More than Honey' as part of the UK Green Film Festival, and to end the year, a huge Bee Banquet community feast featuring talks from local beekeeper and the city council with help from local chefs and local allotment produce. No wonder winter 2013 was spent in hibernation along with the bees!

Now the government is due to produce its draft National Pollinator Strategy, where we will be contributing, as well as working alongside Nottingham City Council & Nottingham in Bloom to ensure Nottingham becomes a Bee-Friendly City.

Local MPs support Bee Cause in 2013

Local MPs Graham Allen, Lilian Greenwood, Vernon Coaker and Chris Leslie have supported our campaign.



Chris Leslie MP (Nottm E)
(right) at Stonebridge City
Farm



Lilian Greenwood MP (Nottm S)
at Summerwood Community
Garden, Clifton

Contacts

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Membership Officer: Nigel Lee, 0115 9788059; Jeremy Jago
Newsletter Editor: Roger Steele, 0115 9611669
Website Editor: Nigel Lee, 0115 9788059; Greg Hewitt

Campaigns:

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Nottm ProWA: Roger Steele, 0115 9611669
Shalegas: Nigel Lee, 0115 9788059
Waste & Resources: Nigel Lee, 0115 9788059

For general information, please visit our website (see below), or write with an SAE to Nottingham Friends of the Earth, c/o Sumac Centre, 245 Gladstone Street, Nottingham NG7 6HX.

For information about joining the group, please mark the envelope "Membership".

For latest campaign news and contact details, visit
<http://www.foe.co.uk/groups/nottingham>

National Friends of the Earth has moved. The new address is The Printworks, 131-143 Clapham Road, London SW9 0HP (020 7490 1555), or email info@foe.co.uk. See national website www.foe.co.uk for easy online actions.

We meet on the last Tuesday of the month (except August and December) at the Friends Meeting House, Clarendon St, Nottingham NG1 4EZ, between 7.30pm and 9.30pm. Please come and join us. You would be very welcome.

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If you would like to receive future editions of this newsletter electronically to save paper, please let us know your email address. You can contact us by email via our website (see above), or alternatively nottinghamfoe@hotmail.com. Please note that the file size can be over 1.2MB.

AGM announcement

Our next Annual General Meeting will be on Tuesday, 25th March 2014 (7.30pm, Friends Meeting House – see above for address)

We look forward to seeing you there.