

This matter is being dealt with by:

Oliver Meek

Reference: ES/3379

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Spencer Warren
Heaton Planning
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By E-Mail Only

Dear Mr Warren

31 January 2018

Proposal: Submission of information in relation to Condition 21 (restriction of construction during the bird breeding season) of Planning Permission Ref: 1/15/01498/CDM – Development of a hydrocarbon wellsite and drilling of up to two exploratory hydrocarbon wells.

Location: Land off Springs Road, Misson

Applicant: Island Gas Limited

I write with regard to the submission entitled 'Review of Effects of Construction Noise on Birds in SSSI near Springs Road Exploratory Wellsite' received by the Minerals Planning Authority (MPA) on 4 January 2018 providing details in respect of Condition 21 of Planning Permission Ref: 1/15/01498/CDM. The condition restricts certain activities during the bird breeding season unless it can be demonstrated that there would not be adverse impact on breeding birds in the SSSI. The condition in full states:

Phase 1 (construction) and Phase 4 (restoration) operations shall not be undertaken during the bird breeding season (February to August inclusive), except when approved in writing by the MPA and in such circumstances that it can be demonstrated to the satisfaction of the MPA that noise impact on the Misson Training Area SSSI will not have an adverse impact on breeding birds in the SSSI.

Reason: To ensure that breeding birds, particularly Long-Eared Owl, are not adversely affected by the development and in accordance with Policy M3.19 (Sites of Special Scientific Interest) of the Nottinghamshire MLP.

The submission seeks to demonstrate that construction works would not have an adverse impact on breeding birds, particularly long-eared owls, and concludes that disturbance to owls or other birds due to construction noise is unlikely to occur.

In order to fully consider the submission, the MPA has taken technical advice from Natural England as the statutory consultee for development affecting SSSIs, the County Council Ecologist and Noise Engineer, and Nottinghamshire Wildlife Trust (NWT) (the RSPB were invited to comment but have not submitted a response). Comments on the submission have also been submitted by over 170 members of the public. The MPA has taken all comments into consideration in coming to its conclusion on this matter.

Based on the information submitted and taking account of the advice received from Natural England as the statutory consultee, the MPA **approves the continuation of Phase 1 (Construction) in the bird breeding season until 31st March 2018**, subject to the following conditions:

- 1 The approval of an extension of construction works into the bird breeding season is permitted only from 1 February 2018 to 31 March 2018;
- 2 During the permitted additional construction period detailed in (1) above, construction works shall not commence before sunrise and shall cease at dusk which the MPA has determined to be no later than 20 minutes after sunset. Sunrise and sunset shall be determined through a daily reference to the BBC Weather Website for Misson (<http://www.bbc.co.uk/weather/2642419>) or other such website as the MPA may agree in writing if this website is not available;
- 3 Notwithstanding (2) above, the hours of construction operations determined by the restrictions in (2) above are an additional restriction over and above the hours of operation detailed within Condition 14 of Planning Permission Ref: 1/15/01498/CDM, i.e. on Thursday 1 February 2018, construction works shall not commence until 7:50am and shall end no later than 5:06pm (20 minutes after the sunset time of 4:46pm). Construction works on Saturdays shall continue to be restricted to a 1pm finish time in accordance with Condition 14;
- 4 Continuous noise monitoring within the long-eared owl roost shall be carried out to ensure that noise levels are not further exceeded and are kept within the maximum threshold of 51dBA LA max 5min in addition to ensuring compliance with the 42dB LAeq 1hr limit detailed for drilling operations in Condition 18 of Planning Permission Ref: 1/15/01498/CDM, given that Condition 18 was included in the schedule of conditions to protect birds in the bird breeding season. Noise levels shall be monitored through utilisation of the existing noise monitor located on the edge of the SSSI, the location of which was approved in accordance with the details previously submitted for Condition 19 of Planning Permission Ref: 1/15/01498/CDM within the document entitled 'Noise Management Plan for Springs Road Exploratory Well site' received by the MPA on 17 August 2017. The location of the noise monitor is detailed in 'Figure 2: Proposed Noise Monitoring Locations' of that document;
- 5 In the event that noise levels attributed to construction operations on site exceed the limits detailed in (4) above, construction operations on site shall stop immediately and shall not recommence until changes to site operations have been introduced to ensure compliance, and the details of these changes submitted to the MPA;
- 6 The results of the continuous noise monitoring detailed in (4) above shall be submitted to the MPA on a fortnightly basis.

I trust that the above confirms that the extension of the construction phase until 31 March 2018 is acceptable subject to strict compliance with the restrictions detailed in this letter. Should you wish to discuss any aspect of the above, please do not hesitate to contact me. I look forward to receiving the above required submissions in due course.

Yours sincerely

Jonathan Smith

Jonathan Smith
Team Manager, Development Management
Nottinghamshire County Council