

Consultation response by Misson Parish Council to the application by iGas for permission to continue construction work as outlined in Condition 21 of the Planning Permission 1/15/01498/CDM.

Condition 21 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 M3.19 (Sites of Special Scientific Interest) of the Nottinghamshire MLP.”

Misson Parish Council (MPC) notes the application, made by iGas to the Mineral Planning Authority (MPA), for approval to continue construction work into the designated bird breeding season and wishes to OBJECT to any such approval being given.

Justification to continue construction work is contained in a report entitled “Review of Construction Noise on Birds in SSSI near Springs Road Exploratory Wellsite”. This was prepared by RPS and submitted by iGas to Nottinghamshire County Council (NCC) on January 4th 2018.

The report appears to be little more than a desktop exercise containing no new evidence; the data that has been presented has been copied almost word for word from the FPCR Supplementary Ecological Information in Technical Note C that was submitted in April 2016 in response to a Regulation 22 request by NCC. The evidence used in this 2017 report by RPS has therefore already been considered by NCC and used in the formulation of Condition 21.

The latest report differs insofar as it seeks to draw a different and more favourable set of conclusions based upon background noise measurements conducted during summer 2017 but the attached critique prepared by Consultant ENT Surgeon Mr Mark Watson FRCS highlights a number of shortcomings in both the way that the noise data has been collected and the conclusions that have been derived from it.

Furthermore Mr Watson presents recent evidence specific to the impact of noise upon owls that shows that their hunting success rate is adversely affected by relatively small increases in noise levels.

In the absence of any new evidence it is difficult to see how, having accepted the principle contained within Condition 21, the applicant can now successfully argue that the original decision was over-precautionary and that there will be no negative

impacts on the sensitive bird species in the SSSI if construction work is permitted to continue into the bird breeding season.

In urging the MPA to reject the application for an extension to the construction works, MPC asks the authority:

- to recognise that the circumstances regarding any risk to breeding birds have not changed since Condition 21 was formulated;
- to carefully consider the information presented by Mr Watson;
- to understand the motivation behind the suggestion that what was previously accepted as being a risk is now no longer a risk.

That this situation has arisen in the first place is a concern; iGas anticipated that Phase 1 (Construction) would take 17 weeks. On the other hand, Condition 21 states that construction operations will not be undertaken during the bird breeding season. They must have known that they would run out of time and it is against the background that MPC is bound to ask whether the MPA was consulted by iGas before work started in November and, if so, the nature of the advice given.

MPC would be extremely disappointed to discover, if necessary through an FOI request, that iGas commenced work on the understanding that the permission to proceed beyond the February deadline would be forthcoming.

The most significant objection to the original Planning Application and the one raised by the greatest number of objectors was the proximity of the development site to the Misson Training Area SSSI and how, amongst a number of potentially harmful factors, increased noise could have a damaging effect upon this particularly sensitive and nationally important site.

Planning Permission was granted only after many hours of detailed submissions but the officers of the MPA, in their recommendation to the Planning Committee to grant the application, were at great pains to point out that the number and range of planning conditions attached to the Planning Permission would provide safeguards sufficient to overcome all the concerns that had been raised.

MPC finds itself, less than two months after work has started and after one known breach of the Traffic Management Scheme, now being asked to comment on this latest application. Apart from perhaps wondering how this particular caveat came to be there in the first place, the MPA response to this application has to be seen as being a key test of the credibility of the planning process and the commitment to put environmental concerns before the commercial interests of iGas.

If iGas are forced to delay work until September then the gas they hope to find will still be there; if they are allowed to complete Phase 1 and then move quickly on to the drilling phase then the owls may not.