

This matter is being dealt with by:  
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Spencer Warren  
Heaton Planning  
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By E-Mail Only

Dear Mr Warren

20 July 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 Monitored Noise Levels for Period: 01/01/2018 to 13/05/2018, IGas Springs Road Exploratory Wellsite For IGas Energy plc, Report No. JAT9778-REPT-07-R2' received by the Minerals Planning Authority (MPA) on 15 June 2018 providing details in respect of Condition 21 of Planning Permission Ref: 1/15/01498/CDM. The report has been submitted in support of a request from IGas to carry out construction works during the bird breeding season.

Condition 21 restricts certain activities during the bird breeding season unless it can be demonstrated that there would not be adverse impacts 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.*

Following approval of the continuation of construction works during the bird breeding season until the end of March 2018, IGas is now seeking approval to continue construction works during the remainder of the bird breeding season. To this end, the above report has been submitted which details noise monitoring data captured during the period between 1 January 2018 and 13 May 2018, presenting a weekly summary of noise levels during daytime hours (7am to 7pm) at each of the monitoring locations used (1b, 2a1, 2a3 and 3b). The data provided includes periods when construction activity was taking place and periods when no activity was taking place on site.

The County Council's Noise Engineer considers that the presented noise data demonstrates that during periods where no construction activities are taking place on site, the noise level detailed in Condition 18 of the planning permission, which requires noise levels at the Misson Training Area SSSI to not exceed 42dB LAeq,1hr during the drilling phase, is exceeded for 95% of the time in the SSSI. A review of the noise data during the 5-week period from week commencing 9 April 2018 when there was no construction activity on site – presented in Table 5.1 – reveals that the median LAeq,1hr (the level exceeded for 50% of the time) is 45dB LAeq,1hr at location 2a3 on the boundary of the SSSI during the hours of 7am to 7pm Monday to Friday. The report then reviews the noise data during the same 5-week period in 2017 from week commencing 10 April 2017 in Table 5.3, recorded at location 2a1 where the median recorded LAeq,1hr level is 48dB LAeq,1hr between the hours of 7am to 7pm Monday to Friday.

On this basis, the submitted report proposes that a noise limit of 48dB LAeq,1hr at the SSSI is more appropriate than the current conditioned level of 42dB LAeq,1hr.

Whilst the Noise Engineer is satisfied with the observations of the report with respect to the noise levels generally exceeding the current limit of 42dB LAeq,1hr for the majority of the time between the hours of 7am to 7pm Monday to Friday within the SSSI, it is considered that, based on the evidence and the arguments presented, a proposed limit of 45dB LAeq,1hr would be more appropriate given this was the median noise level recorded more recently during the 5 week period from 9 April 2018 at location 2a3 at the boundary position of the SSSI when no construction activities were taking place. However, the Noise Engineer advises that advice should be sought from Natural England in terms of the potential impacts on bird species.

The submitted report, along with the Noise Engineer's analysis, has been forwarded to Natural England for comment. Natural England agrees with the approach of consulting the County Council's Noise Engineer and acknowledges that the submitted report has been prepared utilising the relevant expertise and experience of the noise engineer in the specialised field of acoustics.

Natural England acknowledges that the submitted report provides a more comprehensive set of data than previous reports and is satisfied by the logical approach the County Council's Noise Engineer has taken in his analysis of this report. Nevertheless, they highlight that the 42dBA threshold is less critical now that the most crucial part of the bird breeding season has passed and that the noise level of 48dBA suggested by IGas seems reasonable. Natural England also considers that the improvements to the noise monitoring procedures, suggested in the last paragraph of the Noise Engineer's report, would allow for a more practical alert system for potential breaches of noise levels.

With regards to future enforcement, concerns have been raised about the ability to react to and review working methods without a live monitoring/alarm system. However, concerns have also been raised about the potential for a large number of false alarms being triggered by noise sources unrelated to construction activities due to the conditioned level of 42dB which equates to 50dB at monitoring position 3b. To overcome this, an alternative location even closer to the construction area has been considered with a revised trigger level which equates to the permitted level of 48dB at the SSSI. A live monitoring system with pre-set trigger levels would then alert site personnel to a potential noise breach enabling a review of working methods at the time of the potential breach. IGas propose that the existing live noise monitoring equipment from Location 1b would be moved to the new location (Location 4), and replacement continuous noise monitoring equipment would be placed at Location 1b.

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 31<sup>st</sup> August 2018**, subject to the following conditions:

- 1 The approval of an extension of construction works in the bird breeding season is permitted only for the remainder of the current bird breeding season (i.e. from 20 July 2018 to 31 August 2018);

- 2 The hours of construction operations shall be undertaken in accordance with those detailed within Condition 14 of Planning Permission Ref: 1/15/01498/CDM and in any event shall not commence before sunrise and shall cease at dusk which the MPA has determined to be no later than 20 minutes after sunset if applicable. 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 The current Location 3 noise monitor shall be relocated to the edge of the wellpad (to be known as Location 4 – see Appendix A), and positioned on a mast to raise the microphone above the height of the hoarding/acoustic barrier.
- 4 The exceedance level at Location 4 shall be 66dB LAeq,1hr and the warning level shall be 61dB LAeq,1hr.
- 5 Live data reporting shall remain as described in the Noise Management Plan submitted under Condition 19 – Site Manager/Drilling Manager (as well as the Asset Manager and Site Security) shall receive Warning and Exceedance Alerts immediately (by email) from the continuous live monitor. These individuals should be empowered to take immediate and direct action to ensure that noise levels do not increase further (in the case of a Warning Alert) or are reduced (in the case of an Exceedance Alert).
- 6 Automated Exceedance alerts are sent to the MPA by means of email to those detailed in the IGas email dated 18 July 2018;
- 7 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, details of which have previously been submitted to and approved in writing by the MPA;
- 8 The results of all the continuous noise monitoring shall be submitted to the MPA on a 4 weekly basis.

Yours sincerely

*Jonathan Smith*

Jonathan Smith  
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Nottinghamshire County Council

# APPENDIX A – Relocation of noise monitor 'Location 3' to 'Location 4'

