

Nottinghamshire

Wildlife Trust



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Nottinghamshire County Council
Planning Group
County Hall
West Bridgford
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NG2 7QP

29th January 2021
Our ref: JMB/Energy/Misson
Your ref: V/4202

FAO: Joel Marshall, Minerals Development Control

Dear Joel,

Re: Proposed variation of Condition 4, exploratory wellsite, Springs Road, Misson

Thank you for consulting the Nottinghamshire Wildlife Trust (NWT) on the above. I note that the proposal is to delay the restoration of the exploratory wellsite beyond the deadline required under the planning permission, which expired in November 2020. The application makes clear that the intent behind the delay is to enable the Applicant to apply to frack in the area, should the Government moratorium be lifted.

As you are aware, this proposed site lies within an area of particular ecological sensitivity, being in proximity to several SSSIs and LWS which are dependent on good air quality, a stable noise environment, and continued surface water flows, sub-surface and groundwater for the conservation of their features of ecological importance. In addition, the site is within 125m of our Misson Training Ground SSSI (Misson Carr Nature Reserve) which hosts a rich assemblage of rare species, including 3 of the rarest breeding bird species in the County, two of which have suffered catastrophic population declines over recent decades (turtle dove and lesser spotted woodpecker).

Planning policy and Law

The Applicant has sought to justify their belief that the moratorium will be lifted by implying a dialogue with the Government to that effect. The facts are, however, that the Government has recently re-stated its commitment to tackling the climate emergency and to meeting challenging 2030 targets for reduction in emissions of Greenhouse Gases (GHG). In citing national planning policy the Applicant

has failed to acknowledge that the removal of paragraph 209a from the 2018 NPPF was based on an explicit recognition **that 209a was incompatible with the Government's stated aims to tackle the cause of climate change and to meet the requirement of the 2016 Paris Climate Accord.** The Dove judgement in Claire Stephenson v. the Secretary of State for Housing and Communities and Local Government, quashed paragraph 209(a) of the NPPF, as it also potentially contravenes the Government's long-established policy in relation to the obligation to reduce green-house gas emissions under the Climate Change Act 2008. **The judgement made clear that plan makers or decision takers should depart from the in-principle support for fracking that was once provided by paragraph 209(a)** and must instead consider evidence on whether any development can meet the Commission for Climate Change's Three Tests. The 2019 revision of the NPPF consequently removed 209a and with it, any deemed intent of the Government to support hydraulic fracturing.

This latest position has been recognised in the Inspector's proposed modifications to the Nottinghamshire Minerals Plan, which explicitly place greater onus on the MPA to consider the implications of climate change in its decisions about mineral development of any kind, as can be seen :

"MM31 para 5.8 Amend paragraph to read: 'The plan therefore seeks to ensure that the impacts of a mineral proposal are considered in conjunction with the impacts of all existing development and that cumulative impact on the environment of an area, or on the amenity of a local community, or on the wider environment, such as on climate change, are fully addressed.'"

This is therefore the context that the intent of this current variation application should be considered, **i.e that it is incompatible with both national, and emerging local, planning policy.**

On the basis of the above substantive change in Government policy **away** from supporting fracking in the last 2 years, NWT see **no planning policy or legal justification** for delaying further the restoration of this wellsite.

Ecological impacts

During the construction of the wellsite in 2018 and the duration of drilling, the Applicant failed to provide complete and comprehensive data on noise, air quality and water flows and quality, despite being required to do so under the planning conditions. Indeed, the Applicant also failed to complete construction before the start of the bird breeding season and had to apply for an extension of time to do so, which NWT did not support. My letter of 10th April 2018 to Oliver Meek provides an analysis of the lack of robust data provided to demonstrate the Applicant's ability to meet the noise limits set for the site.

In the 2018 breeding season during which construction and drilling were underway, surveys of the breeding Long Eared Owls on the SSSI identified that they had moved further east from their habitual breeding locations, **away** from the source of noise at the drilling site. Clearly if this effect can be seen during 1 season of drilling, this would be magnified and extended over further years, were fracking to be undertaken, and this would be unacceptable for the conservation of this very rare breeding species. The impacts of anthropogenic noise on turtle doves and lesser spotted woodpeckers are less well studied than that of owls, but the fact that they are not birds of urban or industrial areas indicates that such development may be incompatible with their requirements. Thus the Applicant has **not** demonstrated that they can meet the requirement of those conditions specifically set to

protect the rare habitats and species of Misson TG SSSI during exploratory drilling. ***There should therefore be a presumption against the likelihood that iGAS would be able to meet those conditions were it to undertake fracking at this site.***

A range of potential impacts on the SSSI were explicitly recognised in the original EIA, by iGAS's own consultants, hence the requirement for the rigorous regime of monitoring. These impacts included increased artificial light, increased NOx emissions and changes to surface and groundwater quality and quantity. Para 3.2.41 of this current application explicitly recognises the potential for impact of NOx from drilling. Thus, on the basis of the Precautionary Principle with regard to potential impacts of such a scheme in the future on Misson Training Ground SSSI, this application should be refused and the wellsite should be restored in accordance with the terms of its planning permission.

The moratorium resulted from the Oil and Gas Authority Report which concluded that:

- “it is not possible with current technology to accurately predict the probability of tremors associated with fracking”, and that ;
- “Separate proposals to change the planning process for fracking sites will no longer be taken forward at this time”

The report further concluded that fracking should not be allowed to proceed in England, and that it is not possible to accurately predict the probability or magnitude of earthquakes linked to fracking operations. On this basis, the concept of developing a fracking site 125m from a groundwater- dependent SSSI, on a fractured sandstone geology is wholly contrary to the Precautionary Principle, ***and so this application should be refused, as it is entirely based on the premise of assumptions of a future scheme, that have no basis in fact, policy or law.***

On the basis of the above NWT ***object*** to this application. Please do not hesitate to contact me should you have any queries about the foregoing or if I can help in any way. I would be happy for you to forward this letter directly to the Applicants and/or to discuss these matters directly with them if that would be of help.

Yours sincerely,



Janice Bradley MBE, C.Env. MCIEEM

Head of Nature Recovery (North)

c.c. Nick Crouch, NCC, Ros Deeming, NE