

This matter is being dealt with by:

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**Nottinghamshire
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SENT BY EMAIL ONLY

Dear Spencer

8 February 2016

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2011 – SUBMISSION OF SUPPLEMENTARY INFORMATION REQUESTED BY
NOTTINGHAMSHIRE COUNTY COUNCIL UNDER REGULATION 22**

**PLANNING APPLICATION TO DEVELOP A HYDROCARBON WELLSITE AND DRILL UP TO
TWO EXPLORATORY WELLS FOR A TEMPORARY PERIOD OF UP TO THREE YEARS AT
LAND OFF SPRINGS ROAD, MISSON**

I write with regard to the above planning application. The County Council has now received responses from the majority of organisations that have been consulted in connection within the planning application. Some of the representations have raised issues which the County Council considers to require the submission of further information.

This letter is a formal request for further information under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The information requested is detailed below.

Development Details

Details of the depth of the proposed well head cellar should be provided.

Site Selection and Sequential Test

The application site is located within Flood Risk Zone 3a (land having a 1 in 100 or greater annual probability of river flooding).

The sequential approach to the location of development is to steer it towards areas with the lowest probability of flooding (i.e. away from Flood Zones 2 and 3). Where there are no reasonably available sites within Flood Zone 1, local planning authorities should take into account the flood risk vulnerability of land uses (as a minerals working site the development is considered to be 'Less Vulnerable') and consider reasonably available sites in Flood Zone 2. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered.

Section 3.1.1 of Annex G1 'Flood Risk Assessment' (FRA) of Technical Appendix G 'Hydrology and Flood Risk' identifies the site as lying within Flood Zone 3a. This section references Chapter 5 of the ES which sets out the alternative sites that have been considered and provides an account of the site selection process. The FRA then invites the Mineral Planning Authority to conclude that

there are no reasonably alternative sites for the proposed development with a lower probability of flooding when applying the sequential test.

Section 5.3 of the ES sets out the methodology used to identify a suitable site within either PEDL 139 or 140. The methodology is a four stage process including undertaking a desk study of published and unpublished geological information to identify the most prospective area; undertaking a 3D seismic survey; defining areas of search for the drilling of exploratory wells to verify the results of the seismic survey; and the selection of a proposed well site involving the consideration of environmental constraints.

Sections 5.4 and 5.5 provide a brief summary of the desk study and seismic survey which formed the basis for two areas of search to be identified. These areas of search are displayed on Drawings 24-27. The selection of a proposed well site involving the consideration of environmental constraints is confined to these two areas of search. The following information is requested:

1. The desk study used to identify the most prospective areas;
2. The 3D seismic survey results and analysis which resulted in the two areas of search (as shown on Drawings 24-27) being chosen;
3. Clarification as to whether directional drilling to the identified targets from areas of lower flood risk would be possible.

In addition, part of the western section of the northern parcel of land is within Flood Zone 2, a lower area of flood risk than the selected site; is accessible off Springs Road; is not within 200m of a residential property; and is further from the Misson Training Area Site of Special Scientific Importance (SSSI). Clarification is requested as to why this area of land has not been identified as suitable in the site selection process.

Surface Water Run-off

Section 7.4 of Annex G1 'Flood Risk Assessment' of Technical Appendix G 'Hydrology and Flood Risk' states that the required attenuation storage volume is 1,541m³ (or 1,541,000 litres). However, the attenuation tank shown on Drawing 10 is only capable of containing 45,000 litres. There is a significant difference between the identified required attenuation storage volume and that provided by the attenuation tank. Further information is required in this regard.

Ecology

Air Quality

The air quality assessment concludes that there would be temporary damaging effects on the Misson Training Areas SSSI.

The detailed modelling predicts a potentially significant process contribution (PC) of nitrogen deposition (25% of the Critical Load (CLo)) at receptor point E1 within the SSSI. This is significantly above the 1% significance threshold, which is used as a benchmark to identify potentially significant effects.

Background levels for nitrogen deposition are already exceeding the CLo at the SSSI. In this case the PC are significantly above the 1% threshold and background levels are greater than the 70% threshold and therefore there is concern this predicted increase in nitrogen deposition could result in significant damage or destroy interest features within the SSSI.

It is noted that the species in the western side of the SSSI, closest to the application site, are found to be more tolerant of nitrogen. It is also noted that the proposal is for a limited time so the effect is temporary. Therefore, it is requested that further information is provided considering alternatives to the powering of the drills or possible ways to reduce the emissions from the drills.

Drainage

Over recent years works have been undertaken to try to increase water levels in the Misson Training Area SSSI. A Water Level Management Plan (WLMP) is in place to establish optimal water levels within the SSSI.

The ES states that the hydrological information for local watercourses in the vicinity of the proposed development is limited however the hydrological systems of the SSSI and the surrounding area are explained in detail in the Water Level Management Plan.

The SSSI is predominantly fed by precipitation and works as a self-contained unit, isolated from the surrounding network of ditches by metal piling. It is understood that there is some recharge of groundwater occurring in the south-west part of the SSSI from the Gresham Drain (Level Lanes Drain) which is hydraulically linked to the application site. There is also significant water table draw down associated with the drain. Therefore, in order to lower the hydrological gradient and prevent draw down of the SSSI water levels in the surrounding network of ditches should be maintained.

The proposed development, as a sealed and contained unit with surface water tankered off site, would result in a reduction of surface water flowing to the ditch network. Whilst the volume of water to be intercepted may not be significant, the hydrological assessment does not quantify the amount of water and evaluate what effect this would have on the SSSI. This information should be provided.

Consideration should be given to returning clean surface water to the drainage network in order to maintain water flows at existing levels. If this is not feasible consideration should be given to other measures to mitigate the reduction in water flows.

Groundwater Quality

It is noted that foul water from temporary toilets would be disposed of to the onsite foul drainage system, which currently consists of a septic tank. An assessment of the septic tank should be undertaken to ensure it has the requisite levels of treatment to deal with an increase in effluent volume and possible changes in effluent quality without causing pollution to surface or groundwater. This assessment should consider the potential effects on the SSSI.

Birds

It is noted that breeding bird surveys within the zone of influence around the well site have not been undertaken, which includes the Misson Training Area SSSI. It is also noted that there would be a substantial increase in night time noise levels, predicted to be up to 15dB(A) above background levels. It is also highlighted that the desk top survey has identified a notable bird species (long-eared owl) which is known to breed in the SSSI.

It is highlighted that at least two red list BOCC were recorded as breeding and it has been asserted that there would be no noise impact on these birds, but there is no evidence as to why this is the case. The noise report demonstrates that even with maximum mitigation, the plantations around the site would be subject to 50-60dB(A). This level of noise may impact the breeding success of these red and amber list BOCC.

As such, justification is sought as to why breeding bird surveys have not been carried out in the SSSI and the surrounding area.

The noise contour plans contained within Appendix B of the Noise Assessment indicate that there would be elevated noise levels in the Misson Training Areas SSSI during drilling. Given that the SSSI is, in part, designated for its breeding birds, which have the potential to be impacted by noise (for example through a masking of their territorial song), it is necessary for this issue to be given further consideration. Such an assessment should consider:

- a) A review of noise impacts on birds;

- b) A consideration of noise impacts during construction, operation and decommissioning;
- c) Mitigation Measures.

Reptiles

The relative size of the reptile population has not been quantified, this information should be provided.

The ES indicates that the drilling would be undertaken using a rotary bore drill rig and would transfer relatively small amounts of energy into the ground, with ground borne vibration being “imperceptible at distances of around 20 metres”. However, this is understood to be in the context of human perception. Given the presence of reptiles (which are sensitive to vibration) within the application site, further consideration of this potential impact is requested within a reasoned statement.

Amphibians

Any reduction in water levels in the breeding areas of GCN (known to breed in the SSSI) as a result of decrease in surface water run-off needs to be assessed.

Bats

No bat surveys have been carried out at the site, based on the rationale that there are no pathways for potential impacts on bats. The ES also states that no trees or buildings with bat roost potential were found within the zone of influence of the proposed development, and there is therefore no potential for bat roosts to be impacted. However, it is not clear what the zone of influence is considered to be, nor whether any assessment of buildings with regard to their potential to support roosting bats was actually carried out. Whilst it is accepted that no buildings would be directly affected by the proposals, a number are located in relatively close proximity to the application site, along with boundary vegetation suitable for bat foraging/commuting, which would be subject to elevated levels of noise and lighting. Further information and consideration is therefore requested in this respect.

Confirmation in the form of a reasoned statement is requested that no bat roosts would be indirectly affected by the proposed development as a result of increased noise.

With regard to light impact on bats, it appears that the only ecological receptor that has been considered is the nearest edge of the Misson Training Area SSSI. Given that such features, including woodland shelterbelts on the northern and eastern boundaries of the development area could be used by nocturnal wildlife (including foraging bats), this matter requires further consideration and light trespass onto potential roost locations also needs to be ruled out.

Site Selection

Chapter 5 of the Environmental Statement (Volume 3) describes the selection process, identifying the presence of ecological designations as one of a number of constraints. It is specifically stated that one of the key criteria used to identify suitable locations was that sites should not be adjacent to or within SSSI or LWS. Whilst not immediately adjacent to the Misson Training Area SSSI the site is 130m from it at its nearest point. Confirmation of what criteria/distance thresholds were used to determine whether areas were ‘adjacent’ or not, is requested noting that an offset distance of 200m has been used in relation to residential properties and listed buildings.

The sites selection process identifies a number of environmental and planning constraints which were applied in identifying the proposed development site. No information is provided as to how the different constraints were weighted. An explanation of whether any weighting was attributed to the selection criteria and, if not, why this was the case.

Traffic and Transportation

The preferred route (Route A) involves vehicles leaving the site and travelling north on Springs Road to B1396 and then west to the A614 at Blaxton. On Springs Road vehicles would have to pass over a level crossing.

The crossing is an automatic barrier type and it take approximately 29 seconds for trains to reach the crossing. There is existing signage at the crossings which instructs long, wide or slow vehicles to request permission to cross. This could have implications in relation to vehicles associated with the proposed development, particularly those transporting the drill rig and equipment. There is also a risk of grounding of vehicles at the crossing.

In light of the above, further information is requested about the vehicles that would pass over the level crossing. Details should include weights, speeds and lengths of the vehicles.

In addition to the rail level crossing there is a narrow point on Springs Road where it becomes single carriageway and there are bridges over drainage ditches. It should be demonstrated that all large vehicles travelling to and from the site are capable of safely navigating the preferred route and there will be no impact on the integrity of bridges or drainage ditch crossings along this route.

Unexploded Ordnance

Clarification should be provided as to whether there is any risk from unexploded ordnance resulting from vibration generated by drilling activities.

Landscape and Visual Impact

The omission of the development and indicative height of the development within view points and lack of photomontages makes it hard to verify the conclusions reached in terms of magnitude of effect on visual amenity. It is requested that additional viewpoints photographs are provided which include this information. It is recommended that the NCC Landscape Team is contacted to discuss an appropriate selection of photomontage viewpoints.

Section 9 of Technical Appendix D 'Landscape and Visual Impact Assessment' considers the cumulative impacts arising from the proposed development. Consideration should be given to whether there are any structures or buildings of vertical significance (e.g. wind turbines) within the study area, with which there may be a cumulative impact.

I look forward to the submission of the above information. In the meantime, should you wish to discuss any of the matters raised above please do not hesitate to contact me.

Yours sincerely



Oliver Meek
Principal Planning Officer
Nottinghamshire County Council