

Sussex Wildlife Trust

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22/01/2014

Dear Mr Tim Slaney

Planning Application No: SDNP/13/05896/CM

Proposal: The installation of a well and associated infrastructure, including access road and soil bunds, for the drilling of a vertical borehole and contingent horizontal borehole from the same well for the exploration, testing and evaluation of hydrocarbons for a temporary period of three years

Location: Nine Acre Copse Vann Road Linchmere West Sussex

Applicant: Celtique Energie Weald Ltd

The following **objection** to the above planning application is made on behalf of the Sussex Wildlife Trust (SWT). This is based on information accompanying the proposal and relates to biodiversity issues.

Key areas for our objection relate to

- Failure of this application to meet the statutory purposes of the South Downs National Park
- Uncalculated impacts to the natural environment
- Incompatibility with the Climate Change Act 2008 aims to reduce carbon emissions

Statutory purposes of the South Downs National Park

This planning proposal does not meet the two statutory purposes of the national park –

“To conserve and enhance the natural beauty, wildlife and cultural heritage of the area”

“To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public”

Paragraph 115 of the National Planning Policy Framework states that:

"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas and should be given great weight in National Parks and the Broads."

Taking Care of Sussex

President: David Streeter MBE
Chairman: Chris Warne
Chief Executive: Tony Whitbread

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Further to this, paragraph 116 of the NPPF states that:

"Planning permission should be refused for major developments in these designated areas except in exceptional circumstances where it can be demonstrated that they are in the public interest "

Fossil fuels and Climate Change

Climate change is the most serious threat facing biodiversity. The Sussex Wildlife Trust therefore supports the development of sustainable renewable energies and the phasing out of fossil fuels. The use of finite energy resources such as fossil fuels cannot meet the energy needs of a growing population without contributing to the unacceptable impacts of climate change on biodiversity. The Sussex Wildlife Trust supports the UK Government's legally binding commitments to reduce carbon emissions enshrined in the Climate Change Act 2008. We believe that the granting of this application by the South Downs National Park Authority (SDNPA) would undermine efforts to reach this target.

We also refer the SDNPA to Policy 13 of the 2003 West Sussex County Council Minerals Plan regarding the consideration of areas of local environmental significance.

Impacts on Bats

The ecology data submit with this planning application highlights the presence of bats. Bats are European Protected Species (EPS) since they are protected under European Directives. European Protected Species are affording a high level of protection. Appendix 7.2 (Protected Species Report) section 3.1.2 states that *'There is potential for the woodland rides and woodland edges and open water to be used by commuting and foraging bats. The potential is greatest in areas where there are linear woodland or where grassland vegetation is located adjacent to the woodland edge such as the shelter belt to the Northeast of the site and to the south of the survey area'*. Alongside this statement, the report highlights the malfunction of one of the static bat detector used to record data from the woodland edge, meaning data was not recoverable from all the intended data collection points. The Sussex Wildlife Trust believes that it is imperative that further surveys are conducted prior to a decision on this application being made. This will ensure a more comprehensive data set is available to determine the impact of the application on bats in close proximity to the site.

The Sussex Wildlife Trust takes this opportunity to highlight the *ODPM Circular 06/05 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system*. which states

"The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat....."

Paragraph 98

We note within appendix 7.2 that section 3.1.5 (Bat Tree Assessment) includes table 9: Summary of Tree Assessment Survey, the table only highlights 5 trees close to the entrance of the site of having a category 2 potential for bat roost. The Sussex Wildlife Trust were unable to find information within the report that would suggest the trees along the edge of the Ancient Woodland, that wraps around the north, east and south of the application site, has been surveyed for bat roost potential. We feel this data needs to be collected and submitted with the application prior to determination, due to the close proximity of the 45 meter derrick that at periods will be lit 24hours a day. Studies at bat roost have demonstrated that artificial increased light levels can significantly delay the timing of bat emergence (Downs et al., 2003, Duverge et al., 2000) which in turn will effect the time for foraging.

Circular 06/05 Government Circular: Biodiversity and Geological Conservation states

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission..." Para 99

The Royal Commission on Environmental Pollution commissioned a report on Artificial Light in the Environment (2009). Section 1.5 of the report states that *'wherever artificial light floods into the natural world there is potential for some aspect of life and its rhythms – migration, reproduction, feeding – to be affected. Another well-known example is the effect on the feeding of bats caused by insects clustering around outdoor light sources'*.

Further, research by Stone *et al* (2009) demonstrated that *'The illumination of flightlines can significantly affect the ability of some bat species to commute between roosts and foraging grounds.'*

As previously mentioned the application describes that the 45 metre derrick will be lit 24 hours a day in the exploratory drilling and testing phase, with other lighting required for safety reasons. This will extend well above the proposed bund surrounding the site which will sit at 3 metres in height. In the application, light spill 10 metres away from the derrick is estimated to be 0.25 Lux. Chapter 7, section 7.134 states that the lighting scheme for the application site has been designed to reduce illumination of the surrounding woodland and water bodies, however the report then goes on to say in section 7.136 that the activities of the bats could be disrupted by illumination of their habitats, however the scheme has been design to avoid illumination of the woodland edge. However with a lack of data on the presence of bat roost on the woodland edge we are concerned that the impact of the lighting in this area has not been properly determined. This further justifies our concerns that surveys to identify potential bat roost on the ancient woodland edge adjacent to the application site must be conducted prior to determination of this application

Chapter 12 (lighting) section 12.31 highlights that the surrounding woodland and farmland prior to this proposal are in total darkness. Further to this, Table 12.3 fails to consider the impact of lighting on the bat population using the adjacent woodland edge. The Sussex Wildlife Trust feels this demonstrates that the potential impact of light spill from the derrick on bat species using land adjacent to the application site is not adequately addressed in the application.

We draw the SDNPA attention to the forthcoming conference on bats and lighting to be held by the Bat Conservation Trust in March 2014. Further the Intergovernmental Agreement on the Conservation of Populations of European Bats (EUROBATS) has a working group on bats and lighting and is expected to present guidance on this at the Meeting of Parties in September 2014.

The impacts on other species recorded in the area must not be over looked, records for Barn Owls within 300 metres of the main site are held by the Sussex Biodiversity Record Centre. There is concern that this application, which is proposed in part on rough tussocky grassland, prime hunting habitat for Barns owls, will either be destroyed or disturbed from the activities resulting from this application.

We remind the SDNPA that the National Planning Policy Framework (NPPF) clearly states that *'By encouraging good design, planning policies and decision should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'* Paragraph 125.

Further, *'when determining planning applications, local planning authorities should... ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety...'* Paragraph 144.

The Trust reminds the SDNPA that it has a duty as a public body, under section 40 of the NERC Act 2006, *'in exercising its functions, (to) have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*.

Impacts of noise on wildlife

We would also like to address the issue of noise on the site. The Sussex Wildlife Trust feel there is a lack of information in the application to determine adequately the impact of noise on the biodiversity of the area.

We urge SDNP to consider all the points we have raised in our objection when this application is determined, in particular:

- Further information on the bat activity in the immediate vicinity of the application site is required.
- A full survey of potential bat roost along the ancient woodland edge adjacent to the application site, prior to determination of the application.

Yours sincerely

Laura Brook
Conservation Officer

References

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Downs, N.C., Beaton, V., Guest, J., Polanski, J., Robinson, S.L., & Racey, P.A. 2003. The effects of illuminating the roost entrance on the emergence behaviour of *Pipistrellus pygmaeus*. *Biological Conservation* 111: 247–252.

Duverge, P. L., Jones, G., Rydell, J. and Ransome, R. D. (2000). Functional significance of emergence timing in bats. *Ecography* 23(1): 32-40.

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