

Sussex Wildlife Trust

Woods Mill, Henfield, West Sussex BN5 9SD
Telephone: 01273 492630 Facsimile: 01273 494500
Email: enquiries@sussexwt.org.uk
Website: www.sussexwildlifetrust.org.uk
WildCall: 01273 494777



Response sent via email, no hard copy will follow.

swtconservation@sussexwt.org.uk

23/05/2014

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 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 response is based on the new information accompanying the proposal provided by Celtique Energie in May 2014 and relates to biodiversity issues.

We wish South Downs National Park Authority (SDNPA) to note that our original objection still stands. In particular our objections relate to the following key issues:

- 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

Comments on further information (Biodiversity)

The Environmental Statement chapter 7.0A Ecology has been submitted with alterations, however having viewed this documents and it associated appendix we are still unclear about the following matters:

We are keen to know why no further survey work has been submitted or suggested to assess the impacts on bats, their flight lines, commuting routes or potential roosts in the woodland edge adjacent to the application site. Given the malfunction of the static bat detector, which means data was not recoverable from all the intended data collection points, we feel there needs to be an explanation as to why further surveys have not been deemed necessary. Appropriate data are required to determine the impact of the application on bats in close proximity to the site.

We have found it difficult to find figure 7.1 relating to the survey area accessed for the bat roost survey, as a result we would seek assurances from SDNPA that the Ancient Woodland edge adjacent to the site has been surveyed for bat roost potential.

Taking Care of Sussex

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

Sussex Wildlife Trust is a company limited by guarantee under the Companies Act
Registered in England, Company No. 698851. Registered Charity No. 207005
VAT Registration No. 191 305969. Registered Office: Woods Mill, Henfield, West Sussex BN5 9SD
Telephone 01273 492 630

Printed on Recycled paper

Section 7.3 of the Environmental Statement Addendum – Non technical summary has removed the wording relating to a bund on the eastern edge of the site. We are unclear why the decision has been made not to install this bund. Given that the highest amount of bat activity was recorded along the eastern and south-eastern woodland edge (Ecology chapter 7: 7.79), we are keen to know if the impact of not having a bund along the eastern edge has been assessed in terms of bat activity?

We are also puzzled by the muddled content of Paragraph 7.12 of the Ecology chapter which appears to mix references to the Habitats Regulations and the Wildlife and Countryside Act.

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

Comments on further information (Lighting)

We acknowledge that steps have been taken to provide further information about lighting in chapter 12, which now includes details of 4 meter high opaque fence to surround the site. We feel the applicants should explain why this measure has been suggested and what specific benefit it brings.

We are also concerned that there are significant contradictions in the lighting chapter. For example section 12.86 makes the statement ‘*it is not unreasonable to conclude that the surrounding areas would remain unaffected by the artificial light installed within the application area*’ (Mobilisation and Drilling phase). In contrast, the summary of the chapter 12.99 states ‘*At present the application site is an intrinsically dark site. It is therefore inevitable that there will be an element of alteration to the ambient lighting conditions within the assessment boundary and the immediate adjacent areas throughout the various phases of the works*’.

Section 12.24 of Chapter 12, recognizes that the issues surrounding lighting are of a subjective nature. Given this uncertainty, and the fact that the software is unable to accurately model the impact of the 45 meter lit derrick, it would be prudent that prior to determination, methods of monitoring Lux levels at all stages of the proposal, are identified. Further to this, it will be important to have clear guidelines of what action will be taken if Lux levels exceed the predicted 0.25 Lux at the woodland edge. The Sussex Wildlife Trust urge the SDNPA to ensure all these issues are addressed, discussed, considered and finalised prior to determination.

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 SDNPA 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*’.

We are disappointed to note that the further information submitted as part of the application still fails to address the matters raised in our original objection.

We ask SDNPA to consider whether the further information provided is adequate to assess this application to be sure it is properly determined. If it is deficient, as we believe it to be, then we would recommend that the application is rejected until deficiencies have been remedied.

Yours sincerely

Laura Brook
Conservation Officer