

Sussex Wildlife Trust

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Response sent via email, no hard copy will follow.

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05/06/2014

Dear Ms Moseley

Planning Application No: WSCC/083/13/KD

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: Land south of Boxal Bridge, Northup Field, Wisborough Green, West Sussex, RH14 0DD

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 ask that West Sussex County Council (WSCC) note that **our original objection and associated comments still stand**. In particular our objections relate to the following key issues:

- Impacts on the natural environment, especially species of European interest (as defined in Art. 1(g) of the EU Habitats Directive) are not adequately assessed.
- Inadequate survey methods for identification of Annex II Bechstein's bats *Myotis bechsteini*
- Incompatibility with the Climate Change Act 2008 aims to reduce carbon emissions (as dealt with in our previous objection) .

Having reviewed the additional information we wish to raise the following matters.

Section 9.16 of the revised planning statement says that *'The proposed development incorporates measures for the protection of The Mens SAC to the south of the application site. Which has been formed through consultation with WSCC and Natural England including the completion of a Habs Regulation Assessment. The applicant's ecologist has also undertaken significant bat surveys including assessments for roosting bats and activity across the application site. The Proposals also include measures for enhancement through the provision of 15 bat boxes and residual effects are therefore either negligible or minor beneficial.'*

Taking Care of Sussex

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

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The Sussex Wildlife Trust are concerned that this statement is misleading with respect to how issues relating to Annex II bat species (*Barbastelle Barbastella barbastellus* and Bechstein's *Myotis bechsteini*) are considered in this application.

We remain unclear about the 'zone of influence' of the proposed activity, based on information presented in the Environmental Statement (ES). Since this is essential to the screening process in the Habitats Regulations Assessment (HRA), we believe that the information presented is insufficient to determine the application.

The Sussex Wildlife Trust has found no evidence in the additional information to suggest that the applicant has made an attempt to answer the concerns relating to bat surveys raised in our original objection. While bat data relating to transects and static detection device have been presented for the additional months of August and September 2013, there appears to be no attempt made to identify the *Myotis* species recorded. In our original objection we clearly highlighted the need to survey for the presence of the Annex II Bechstein's bats, *M. bechsteini*. However, the survey methodology employed is not adequate to detect and identify Bechstein's bats.¹ While we note that the Habitats Regulations Assessment suggests that it is unlikely that the proposed development will significantly affect populations of Bechstein's bat, we are not convinced that this is a valid conclusion based on the available information. Our understanding is that the predicted impact on Bechstein's bat in the HRA has been modelled predominantly on a desktop and literature review of flight distance from Ebernoe Common SAC; it has failed to acknowledge that the application site is situated within an area of suitable habitat for a wide range of bats species and that *Myotis* species have been detected by the surveys. It is vital that the presence of this Annex II species is investigated prior to determination.

WSSCC will note that Section 7.0A, Ecology in the Environmental Statement refers to *Barbastelle* bats. The ES makes clear that the site plan has been modified to provide a 15 meter buffer between the proposal and the woodland edge in response to the presence of *Barbastelle* bats and ancient woodland. However we are unclear how this 15 meter buffer will help reduce the impact of the 45 meter derrick that will be lit at night during the operational phase.

The Sussex Wildlife Trust can also find no further evidence to suggest that the fifteen trees identified as 'Category 1 potential for bat roosts' have undergone further survey. The original report refers to the need for further survey if trees are to be impacted by the development. We are concerned that this wording is vague and we seek clarification on how the applicant has assessed whether these fifteen trees are or are not affected by the development.

The application refers to the enhancement measures of 15 bat boxes, five specifically designed for *Barbastelle* bats. We are unclear how these differ from other bat boxes. What evidence is there to show they will contribute to maintaining the conservation status of the bat populations in this area? Evidence shows that bat boxes frequently remain unoccupied and of no value.² Reporting is biased towards anecdotal cases of minor 'success', with no tangible measure of 'success' given.

The Environmental Statement says that the location of bat boxes used as enhancements will be agreed by ourselves and others. Again we raise our discontent at the suggestion that 15 bat boxes could be considered sufficient mitigation or enhancement for a proposal of this magnitude. As stated in our first objection:

"The applicant has proposed fifteen bat boxes in mitigation for this application. The opinion of SWT is that given the quality of bat habitat around the application site this suggestion would be of limited use, especially given the probable size of the bat populations which could be affected. SWT considers that further surveys of potential roost sites close to the application site are essential."

The Sussex Wildlife Trust, which owns Northup Copse Nature Reserve next to the proposed application, has **not** been contacted by the ecologists URS to discuss the installation of bat boxes on our land or local area. The only contact we have had from URS was prior to the original application being submitted, when we were approached with very limited information regarding a scoping report.

We draw your attention to ecological information that was submitted as part of the bat survey for the Balcombe exploratory drilling application WSSCC/005/14/BA, Lower Stumble Hydrocarbon Exploration Site. For this application the updated ecological surveys were undertaken while operational and security lighting was in place. Section 5.1 of the bat survey says:

¹ Prof. John D Altringham York University, (May 2014, personal communication)

² See recent material presented in 'ConservationEvidence.com' at http://www.conservationevidence.com/data/index?synopsis_id%5B%5D=14

'The surveys reported here took place while operational and security lighting has been in place. This lighting illuminated both the site with security lighting significantly illuminating across the young spruce plantation on the north-west boundary. Lack of tree cover here means that this lighting illuminates both this boundary and beyond with considered significance up to 60-80 metres beyond the boundary. Other boundaries have well-structured and differing canopy coverage and height which markedly reduces this light spillage into the wider area and deeper into the surrounding woodland.'

We recognise that the applicant is proposing to take steps to reduce the light spills by installing an opaque fence and security lighting that will be facing inwards. However that does not detract from concerns that surveys undertaken on operational sites have shown that light spill from the lit derrick can extend significantly into adjacent areas. This application states that it is not possible to model the impact of the lighting from the derrick structure and also acknowledges that Barbestelle bats (which are sensitive to light) use the adjacent woodland edge for commuting and possible foraging. Taken together, this raises serious concerns that not enough consideration has been given to predicting how the lit derrick structure will illuminate commuting and foraging areas for these bats which as the Environment Statement suggests in section 7.141 are likely to originate from The Mens SAC.

The Sussex Wildlife Trust fails to understand why no mention has been made by the applicant on how they intend to monitor the impact of the lighting levels on the woodland edge. Given the uncertainty due to the fact that the software is unable to accurately model the impact of the 45 meter lit derrick structure, we strongly recommend that a precautionary approach is taken prior to determination, and methods of monitoring Lux levels at all stages of the development 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 <0.1 Lux at the woodland edge. The Sussex Wildlife Trust further recommend the WSCC should ensure all these issues are addressed and appropriate conditions developed prior to determination.

We also seek clarification on a monitoring strategy for this application. At the moment 7.173b of the Environmental Statement suggests that the site will be monitored monthly during construction, operation and decommissioning phases of the development; section 7.173.a states that the 15 bat boxes would be monitored for up to 1 year. The ES says that the survey methods for monitoring bats will be consistent with those carried out in the environmental statement. Since we have demonstrated the inadequacies of the methodologies adopted, and the failure to address properly the impacts on light sensitive bat species we consider that the monitoring strategy as proposed is inadequate. Effective monitoring of these species is imperative if approval of this application is to be judged as sound. We urge WSCC to carefully consider the conditions that would be needed for this and any similar applications, to ensure effective monitoring is in place. We suggest that advice is sought from an independent expert in the field of bat monitoring, with particular knowledge of light sensitive species such as Bechstein's and Barbastelles.

With the afore mentioned matters in mind we ask WSCC to consider carefully whether the ecological information submitted with this application meets the British Standard BS 42020:2013 – Biodiversity – Code of practice for planning and development. *'When final reports are submitted with an application they should provide as much certainty as possible and be prepared specifically with the aim of enabling the decision maker to reach a sound and lawful determination of the application.'* (BS 42020:2013; 6.3.1/20)

We suggest that when assessing this application, the West Sussex County Council are clearly aware of the potential of this development to impact on species that are of European significance and their potential association with European designated sites. We ask you, in particular, to be sure that the applicant has provided sufficiently robust information to determine the likely impact of this application on biodiversity, such that any decision will comply fully with legislative requirements.

If it is deficient, as we believe it to be, then we would recommend that the application is rejected.

Yours sincerely

Laura Brook
Conservation Officer