

Mr James Neave  
Planning Officer  
Communities and Infrastructure,  
West Sussex County Council,  
Strategic Planning Business Unit,  
2nd Floor Northleigh,  
County Hall,  
Chichester,  
PO19 1RH



2 December 2013

Dear Mr Neave,

**Re: PLANNING APPLICATION WSCC/083/13/KD – DEVELOPMENT OF A TEMPORARY WELL SITE, WISBOROUGH GREEN-I, FOR THE EXPLORATION, APPRAISAL AND TESTING OF THE CENTRAL WEALD BASIN INCLUDING AN ACCESS ROAD AND THE INSTALLATION AND OPERATION OF ALL ANCILLARY EQUIPMENT AND INFRASTRUCTURE ON LAND SOUTH OF BOXAL BRIDGE, NORTHUP FIELD, WISBOROUGH GREEN.**

Thank you for consulting the South Downs National Park Authority on the above application. The application was considered by the South Downs National Park Planning Committee on the 14<sup>th</sup> November 2013. The decision of the Planning Committee was that West Sussex County Council be advised that the South Downs National Park Authority:

- a) Does not object to the proposal at this point in time, based on the information before it. It will provide comments insofar as the proposal affects the National Park purposes and duty;
- b) Submits the report PC89/13 including comments of the SDNPA Landscape Officer, Dark Skies Lead, the South Downs Planetarium and the Sussex Wildlife Trust (attached at Appendices 2, 3 and 4 of report PC89/13 and the November update sheet), and
- c) Please note that the Director of Planning in consultation with the Planning Committee Chair, are to consider and respond to any matter that arises in relation to application WSCC/083/13/KD being considered by WSCC as it relates to the statutory 1<sup>st</sup> purpose of the South Downs National Park's, to '*Conserve and enhance the natural beauty, WILDLIFE and cultural heritage of the area*'.

The South Downs National Park Authority would also wish to draw attention to the adopted South Downs National Park Partnership Management Plan 2014 – 2019 which should be considered by WSCC as a material consideration. Of particular importance (in addition to those policies referred to in paragraph 5.4 of the attached Officer's report) are policies 4 and 5. With regards to National Park setting and conservation of the natural beauty and wildlife of the area located so close to the National Park's boundary, Policy 4 aims to "*create more, bigger, better managed and connected areas of habitat in and around the National Park, which deliver multiple benefits for people and wildlife*".

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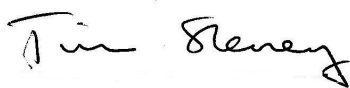
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Chief Executive: Trevor Beattie

In relation to key issues associated with bat populations raised by the Sussex Wildlife Trust in their consultation response (enclosed), Policy 5 aims to “*conserve and enhance populations of priority species in and around the National Park, delivering targeted action where required*”. We would advise that any potential impact upon bat populations using sites located within the National Park and the surrounding area should be given substantial consideration. Although located outside the former Sussex Downs AONB the Mens and Ebernoe Common were included within the SDNP because of their SAC designation due to the presence within them of very important bat colonies. These colonies feed over a wide area, both inside and outside the South Downs National Park. The locations of both feeding areas and flight paths have been researched for Natural England by Frank Greenaway. We request that you pay careful attention to any areas that might be adversely affected by the proposed site.

Further detail is set out in the Planning Officer’s committee report which is enclosed (Agenda Item 7).

Yours Sincerely,

A handwritten signature in black ink that reads "Tim Slaney". The signature is written in a cursive style with a large initial 'T' and a long, sweeping underline.

**Tim Slaney**  
Director of Planning  
South Downs National Park Authority

Enc. Report ref: PC89/13, dated 14 November 2013  
Report ref: PC89/13 update sheet  
Response from the Sussex Wildlife Trust, dated 10 October 2013

Report to	<b>Planning Committee</b>
Date	<b>14 November 2013</b>
By	<b>Director of Planning</b>
Local Authority	<b>West Sussex County Council</b>
Application Number	<b>WSSC/083/13/KD</b>
Applicant	<b>Celtique Energie Weald Ltd</b>
Application	<b>Development of a temporary exploratory well site, Wisborough Green-1, for the exploration, appraisal and testing of the Central Weald Basin including an access road, and the installation and operation of all ancillary equipment and infrastructure.</b>
Address	<b>Land south of Boxal Bridge, Northup Field, Wisborough Green. Grid ref: 503633, 126760.</b>
Purpose of Report	<b>The South Downs National Park Authority (SDNPA) has been consulted as a neighbouring authority therefore the purpose of this report for Members to consider comments to be submitted to the determining planning authority; West Sussex County Council.</b>

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**Recommendation: That the Committee is recommended to:**

- 1) Advise WSSC that the SDNPA does not object the proposal, but provide comments insofar as the proposal affects the National Park purposes and duty.**
  - 2) Submit the above recommendation, this report and comments of the SDNPA Landscape Officer, Dark Skies Lead and the South Downs Planetarium (attached at Appendices 2, 3 and 4), to WSSC.**
- 

**Executive Summary**

The SDNPA has been consulted by WSSC on a planning application for a 'temporary exploratory well site, Wisborough Green-1, for the exploration, appraisal and testing of the Central Weald Basin including the development of an access road, and the installation and operation of all ancillary equipment and infrastructure' which is currently under consideration by WSSC. The proposed compound, containing the drilling rig and associated infrastructure, falls approximately 500m to the north of the SDNP boundary. The extent of the horizontal drilling would fall within 100m of the SDNP boundary.

It is proposed that the SDNPA as the neighbouring authority comments on the proposal insofar as it affects the National Park purposes and duty.

**I. Site Description**

- I.1 A Location Plan for the site is provided at **Appendix I**.
- I.2 Located at O.S grid reference TQ 037267, the site falls within PEDL (Petroleum Exploration and Development Licence) area '243' which covers a total area of 300km<sup>2</sup> and encompasses the geological area of the 'Weald Basin'. The Weald Basin lies to the south of London and extends across the length of the South Downs and also forms part of the underlying geology of Kent and north eastern France.
- I.3 The site currently lies in an area of undeveloped agricultural land, classified as Grade 3,

which is used for cereal crops. With the village of Wisborough Green located approximately 1.2km to the east and the village of Kirdford located approximately 1.8km to the west, the site itself falls within the two parishes of Wisborough Green and Kirdford.

- 1.4 The site is currently accessed via Kirdford Road which runs to the north of the site. A single carriage, unlit, rural road that is between 4m and 6m wide, Kirdford Road connects the villages of Kirdford to the west with Wisborough Green to the east. Further west and beyond Kirdford, the road links to Petworth. Beyond Wisborough Green to the east, the road connects with the A272 just south of Wisborough Green and Billingshurst.
- 1.5 The entrance to the site is tarmacked with ditches either side. It currently comprises a metal post and rail agricultural field gate which adjoins an existing wooden post and rail field boundary fence. An existing loose stone access track runs along the line of the proposed access track and runs past an existing farm building.
- 1.6 No public rights of way run through the site. The nearest to the site is footpath 768 which runs in a westerly direction approximately 100m to the north of the site, linking with a wider public right of way network running through the wooded areas of Dunhurst Copse and Barkfold Rough, towards Kirdford village. Bridleway 2851/1 is located approximately 625m to the west and runs generally towards the north-west. There is also a short footpath just to the east of Wisborough Green village and Wheelers Farm running north to south. There are no public rights of way running to the south of the site.
- 1.7 The site is within the setting of the South Downs' 'Low Weald' landscape character area. The Low Weald is characterised by historic fields, hedgerows, shaws and ancient woodland and dispersed settlement that is medieval in nature. There are several areas of ancient woodland located in the surrounding area these include. Two of which are Dunhurst Copse and Northup Copse, located just to the northern boundary of the site. Another is Idehurst Hurst which is located to the south and within the National Park.
- 1.8 The site lies approximately 500m to the north of the South Down National Park boundary at the closest point. It is at this point that The Mens Site of Special Scientific Interest (SSSI) and Special Area of Conservation Interest (SAC) lies. Dunhurst Copse and Northup Copse are also designated as Sites of Nature Conservation Importance (SNCI) as are parts of The Mens.
- 1.9 The Brownings Moated Site is the nearest Scheduled Monument within the National Park to the site, located approximately 2.5km to the south west.
- 1.10 There are three properties located close to the site: Skiff Farm (514m to the NE), Barkfold Manor (738m to the SW) and Lower Sparr Farm (551m to the NNE).

## **2. Relevant Planning History**

- 2.1 There is no planning history for this site.

## **3. Proposal**

- 3.1 For avoidance of doubt, the application is for the drilling of a conventional exploration well and therefore no permission for hydraulic fracturing ('fracking') is sought.
- 3.2 The proposal involves the siting and development of a temporary well site compound and access road, including all infrastructure, equipment and operations associated with the drilling of a vertical borehole and a contingent horizontal borehole from the same well for the purposes of exploring for hydrocarbons and the testing and evaluation of any discovered.
- 3.3 The total above ground area occupied by the proposed development would be approximately 1.66 hectares. The maximum extent of underground vertical drilling would reach a depth of approximately 2.7km. The extent of horizontal drilling from the vertical borehole would extend to a maximum of approximately 800m to the south west of the compound. This maximum underground drilling extent would be within 100m of the SDNP's boundary.
- 3.4 The proposed development can be broadly separated into four phases:

- Phase 1: Construction
  - Phase 2: Mobilisation and drilling
  - Phase 3: Testing (oil and/or gas)
  - Phase 4: Aftercare (restoration or retention)
- 3.5 The development associated with the construction phase (see submitted **plan reference 3582 P 07 D ‘Proposed site – construction mode’**) would comprise:
- Site clearance involving the excavation and storage of top soil;
  - Construction of temporary earth bunds on the northern and eastern boundaries of the well site compound to store excavated topsoil and subsoil;
  - Construction of the access track (see submitted **plan reference 3582 P 06 C ‘Access track – proposed ground plan’**) using tarmac at the entrance and crushed stone delivered by HGVs for its length;
  - Construction of a temporary well site compound using crushed stone over an impermeable geotextile membrane and including security gate and fencing, an interceptor ditch and small retaining bund;
  - Construction of a staff car park with up to 12 car spaces. This would be located within the compound, but outside the drilling area;
  - Erection of eight portable cabins providing temporary office accommodation, living accommodation for two key personnel who need to be on-site to provide 24-hour supervision, plus a canteen and toilet and shower facilities for the crews;
  - Portable skips for on-site refuse collection;
  - On-site water storage tanks and a separate dedicated fire water supply; and
  - Construction of a concrete chamber sunk into the ground (the cellar) to include large diameter conductor pipe which will be pre-set using an augur rig to a depth of approximately 65ft. The drilling rig would be placed over the cellar and the well would be drilled through the conductor pipe.
- 3.6 During the mobilisation and drilling phase, the following would take place:
- The drilling rig would be delivered to the site via road. This would be a 750-1,000 horsepower rig which would extend to a total height of approximately 45m from ground level (see submitted **plan reference 3582 P 14 D ‘proposed site sections drilling mode’**);
  - Delivery and installation of all infrastructure and equipment associated with the drilling of an exploration well including cabins, storage containers and lighting;
  - The installation of purpose built tanks for the temporary storage of drilling mud and rock cuttings;
  - External lighting to the drilling rig illuminating the mast, the rig floor, mud tanks and pumps, catwalk, doghouse and site cabins; and
  - The use of noise attenuation and dust control measures including effective silencers on vehicles and a wheel wash.
- 3.7 During the third phase, the ancillary testing equipment would be brought onto site and a short-term or extended well test would be carried out for both oil and gas. It is during this phase that the flaring of small quantities of natural gas would take place to prevent the release of untreated gas into the atmosphere.
- 3.8 Once all drilling and testing has ceased, the development would enter into phase four. Should hydrocarbons be found, the well would be retained. This would involve the retention of the compound, including stone surface, drainage ditches and cellar. A safety cage would be built around the wellhead assembly and all valves closed, pending a decision and further planning approval to carry out further works. The site would remain secure through retention of perimeter fencing and gates would be kept locked.
- 3.9 Should no hydrocarbons be found, or testing results reveal that the site would not be economically viable the well would be plugged with cement plugs at various points within the

wellbore to provide isolation. The steel casing would be cut approximately 2m below the surface and the well would be capped with a steel plate. It is proposed that a reinstatement programme would be agreed prior to the commencement of the development should it be approved by West Sussex County Council.

3.10 The proposed development constitutes EIA development.

#### 4. Consultations

4.1 Only those responses relevant to purposes and duty of the SDNPA are included below.

4.2 **Natural England** provides comments only.

- In terms of impact upon 'protected landscapes' Natural England advises that the advice of the South Downs National Park is sought. They also state that: *"Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the National Park Management Plan"*.
- It also recommends that the Standing Advice for 'protected species' and 'ancient woodland' should be consulted.

4.3 **The Environment Agency** raises no objections subject to conditions for:

- site drainage
- construction method statement
- hydrogeological risk assessment.
- The EA also advises that a number of Environmental Permits would be required and lists them.

4.4 **Chichester District Council** provides comments only. The response focuses on contaminated land, air quality and noise and is relevant to the SDNP in terms of assessing potential impact upon tranquillity and amenity. The Environmental Health Officer (EHO) identifies that there are a number of potential sources of contamination from the operation of the well.

- These include materials stored at the surface in the well site area; substances present in the drilling mud; hydrocarbons and other contaminants present in the formations encountered; and hydrocarbons stored on site in the event that the borehole is productive.

4.5 With regards to air quality:

- the EHO notes the potential for stockpiled excavated soils to generate dust and that there would be a requirement to apply dust suppression techniques, including the use of a wheel wash to keep the road clear of mud.
- It is noted that the increase in traffic on local roads may affect local air quality and that the impact of such sources should be assessed.

4.6 In terms of noise:

- The level of noise experienced by properties located close to the site (Skiff Farm, Barkfold Manor and Lower Sparr Farm) during the drilling phase may be high and has the potential to generate complaints due to the 'tonal' element to the noise.
- The technical guidance to the NPPF states that a maximum background noise limit of 55dB(A) LAeq, 1h (free field) should not be exceeded by more than 10dB(A).
- To ensure that this limit is met, the EHO has advised WSCC to ask the applicant to demonstrate the best standard it can achieve, to reduce overall noise impact.

4.7 In addition to the above consultation responses, comments have been sought from the South Downs Landscape Officer (**Appendix 2**), South Downs Dark Skies Officer (**Appendix 3**) and the South Downs Planetarium (**Appendix 4**).

4.8 **South Downs Landscape Officer** has commented that:

- The LVIA does not include reference to saved Policy RE4 of the Chichester District Local Plan which refers to the setting of the former Sussex Downs AONB. In light of this, the Landscape Officer states that *“a recent appeal decision (reference APP/P3800/A/12/2173626) specifically refers to this policy in the consideration of an appeal; the wording of which is clear on the intention of the Inspector to consider the more recent SDNP designation to be implicit in the saved policy”*.
- It is considered that *“The proposed general working area appears to be well screened from the SDNP by the topography and intervening vegetation. The existing woodland and hedgerows to the north and east of the site provide a backdrop and framework for the site in views from the south and west”*.
- With regards to the drilling rig, this would *“extend well above the tree line and would be visible from locations within the SDNP”*. It is noted that some locations within the SDNP have been considered by the LVIA, but there are some viewpoints further afield within the SDNP that have not been considered (Blackdown Hill for example). Given the existence of the pylon line running close to the site however, the visual impact, in terms of views from the SDNP in terms would not be significant.
- The LVIA however does not consider views towards the SDNP. This is something that the original Scoping Report advises.
- Due to the existing pylon line running across the field to the south of the site, the proposed temporary rig would not intrude further views towards the chalk ridge of the SDNP to a significant degree.
- During the retention phase, it is observed that it is not proposed to reinstate hedgerow along a line to the south and west of the site, should this stage be required.
- It is also suggested that *“planting a hedgeline on an appropriate historic line to the south/west of the site would be advisable given that there is no existing landscape framework to the south of the site. It would also provide mitigation for the impacts on landscape character from the partial loss of the existing field to industrial use within the setting of the National Park”*.

4.9 **South Downs Dark Skies Lead** has commented that:

- The applicant has followed best practice guidelines in terms of the creation of ‘sky glow’ as a result of the lighting used on the drilling rig and within the compound.
- Concern has been raised however that there is little consideration for the impact on the wider landscape, including that within an intrinsically dark area close to the National Park.
- It is also considered that although the use of the lighting and drilling rig would be limited to a number of weeks, the potential for dark skies disturbance, albeit temporary and reversible, would be significant.
- Provided the proposed shielding and angle is applied and limit use to day time only, then the measures are acceptable. The level of cumulative light is unknown however and the applicant should provide additional information in terms of what the impact upon the sky would be.

4.10 **The South Downs Planetarium** has raised concern regarding:

- The potential light pollution that the drilling derrick and associated buildings may create stating that minimal mitigation has been provided by the developer to prevent light intrusion.
- The response states that *“it is vital that the dark skies of those places we still have close to*

*the boundary of the National Park are conserved”.*

- It is also recognised that although it would not be a permanent installation, the well being in position for a period of ten to twelve weeks could still have a detrimental impact on the night-time environment of the area as well as creating a significant visual night time intrusion in what is one of the last few remaining dark areas in this part of the UK.
- The proposed use of bulkhead lighting on the buildings and floodlights around the site would offer little light control and are considered to not be fit for purpose within an otherwise dark area.
- Only the use of properly designed luminaries directing all of the light at least 20 degrees below the horizontal and ensuring no light spill beyond the boundaries of the site would be acceptable in providing adequate light control on this development.
- The proposed lighting angle on the drilling rig itself would be ineffective since the derrick is of a lattice construction and inward facing light would spill through the lattice of the derrick and out of the other side.
- It is recognised that lighting is required for the safety of site personnel.
- It is strongly advised however, that a significant revision of the lighting scheme is carried out to ensure that no light is emitted above an angle of 20 degrees below the horizontal and any direction and that there is no light spill beyond the curtilage of the development.

## **5. Planning Policy**

- 5.1 The statutory development plan in this area is the West Sussex Minerals Local Plan 2003 (saved policies) and the Chichester District Local Plan first review 1999. The relevant policies to this application are set out below.
- 5.2 The following saved policies of the Chichester District Council Local Plan first review 1999 are relevant to this proposal:
- RE4: Protection of landscape and character
  - RE8: Nature conservation – non-designated sites
- 5.3 The following saved policies of the West Sussex Minerals Local Plan 2003 are relevant to this proposal:
- Policy 26: Applications for the exploration, appraisal and/or commercial development of oil or gas resources
  - Policy 27: Permission for hydrocarbon exploration
  - Policy 60: Noise
  - Policy 62: Lighting
- 5.4 The emerging South Downs National Park Partnership Management Plan 2014-2019 is also a material consideration. The following policies are relevant to the proposed development:
- Policy 1: Conserve and enhance natural beauty and special qualities of the landscape and its setting
  - Policy 3: Protect and enhance tranquillity and dark night skies
  - Policy 27: Minerals

## **6. Planning Assessment**

### Impact on National Park setting

- 6.1 The first purpose of the National Park designation is to ‘conserve and enhance the natural beauty, wildlife and cultural heritage of the area’. The site is located within the West Sussex Landscape Land Management Guidelines area of the ‘North Western Low Weald’. This landscape is characterised by:



- A dense network of medium sized woodlands, shaws and hedges with mature hedgerow trees;
  - Dominant east-west pylon line;
  - Ancient semi-natural woodland and old woodland pasture;
  - Small and medium sized fields of predominantly pasture with some larger arable fields;
  - Wealden villages, some centred on village greens, scattered farmsteads and cottages; and
  - Winding narrow lanes linking scattered hamlets and farms.
- 6.2 Some of the key sensitivities of this landscape include aspects such as loss of tranquillity, loss of trees in fields and hedgerows and unsympathetic development, changes in settlement pattern and addition of suburban features. In terms of biodiversity, the landscape also provides large blocks of ancient, semi natural woodland including Wealden ancient woodland within The Mens SSSI and SAC, small streams and diverse natural history. Overall, it is described as being remote and tranquil in nature.
- 6.3 With regard to the setting of the National Park, the final paragraph of Policy RE4 of the Chichester Local Plan requires that:
- “Development outside but near to a designated Area of Outstanding Natural Beauty will not be permitted if it would be unduly prominent in or detract from views into or out of the Area of Outstanding Natural Beauty (particularly from roads, rights of way or other public places) or would otherwise threaten public enjoyment of the Area of Outstanding Natural Beauty”.*
- 6.4 General Policy 1 of the draft SDNP Partnership Management Plan requires consideration to be made of the SDNP’s special qualities and landscape setting. The Management Plan also recognises that *“The landscape setting and its biodiversity can also be affected by developments and other pressures beyond the boundary”.*
- 6.5 It is considered that the proposed development is unlikely to impact upon views outwards from the SDNP, however it is uncertain as to what level of visual impact there would be in terms of views towards the SDNP. Of particular relevance would be the view from Kirdford Road at the point where public views could be made towards the SDNP from the site entrance. However, this view would be transient in nature and the likelihood of the proposed development detracting from the views would be low.
- 6.6 There are no public rights of way to the south of the site within the SDNP. Views of the site itself would be very limited due to the level of existing natural screening provided by woodland. Due to a lack of public rights of way in the vicinity of the site, within the SDNP, it is considered that the proposed development is unlikely to threaten public enjoyment of the SDNP.
- 6.7 The proposed development has the potential to introduce an element of urbanisation to an area that is predominantly rural in nature, with the exception of an east-to-west pylon line which is a dominant feature in the landscape. So in balance, given that the site itself is unlikely to be seen from within the SDNP and the drilling rig, although 45m in height would be seen, the development would be temporary and therefore any visual impact associated with the development would be reversible.

#### Impact on Ancient Woodland

- 6.8 Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. The site is located close to several areas of ancient woodland some of which are located within the SDNP. Policy RE8 of the Chichester Local Plan offers protection towards such important areas of nature conservation value. The proposed development does not involve the loss or removal of ancient woodland within the SDNP, however any potential wider effects (e.g. in relation to bats) should be considered in line with advice provided by the County Ecologist.

#### Impact on amenity - Dark Skies

- 6.9 Paragraph 125 of the NPPF requires that planning *“decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.*

It has been observed that comments received on WSCC website from the public to date indicate that potential impacts upon amenity are associated with traffic movements, noise generation and light spill from the within the compound and from the drilling rig. A key consideration for the SDNPA is that of potential impact upon the intrinsic dark landscape within this part of West Sussex. The value of such an area of dark skies enables the public enjoyment of a clear view of the night sky, something that is rare.

- 6.10 Policy 62 of the West Sussex Minerals Local Plan considers lighting and residential amenity. Not only could light spill affect the setting of the National Park, where the dark night skies link with the sensitivity of the surrounding landscape but also the local communities living in the parishes of Kirdford and Wisborough Green. Only part of Kirdford lies within the SDNP however the impact upon the village overall should be considered, particularly in terms of public enjoyment of the dark night skies within the SDNP.
- 6.11 It is understood that lighting is necessary for the safe operation of the site, however improvements to lighting angles have been suggested by the South Downs Planetarium and comments referred to above by the SDNP Dark Skies Lead. General Policy 3 of the SDNP Management Plan recognises that there is a need to protect and enhance tranquillity and dark night skies.
- 6.12 From a landscape perspective, it is also recognised that the proposed development is temporary, but, careful consideration should be made by WSCC in terms of lighting impacts upon amenity, landscape and value of intrinsically dark skies.

#### Impact on amenity – traffic

- 6.13 It is likely that the vehicles associated with the development would pass through the National Park, particularly if they leave the site westwards, through Kirdford and then down to the A272. With regards to amenity effects from traffic, the main consideration for the SDNP would be impact upon tranquillity. The SDNP Management Plan considers tranquillity (General Policy 3) and it is recognised that vehicles can have an impact upon tranquillity of the SDNP. Other than the use of Kirdford Road (which falls outside the National Park), the proposed vehicle route would use the West Sussex Advisory Lorry Routes, which by design, would cope with a short term increase in HGV traffic associated with the development, but this is a matter for the Highway Authority.

#### Impact on amenity – noise

- 6.14 The noise sensitive receptors are generally located to the north east of the site (with the exception of Crofts House and Barkfold Manor). With very few designated public rights of way and dwellings located in the closest part of the SDNP to the site, noise should not pose a significant threat to wider public enjoyment of the SDNP. Having said this however, the impact in terms of the landscape sensitivity should be considered carefully because a key sensitivity of the North Western Low Weald landscape is 'loss of tranquillity'.

#### Pollution to ground, water and air

- 6.15 Some of the representations made in relation to the proposed development are concerned with the potential for the pollution of the ground, air and water. Chichester District Council's EHO has provided comments which have been referred to above and the Environment Agency would need to be satisfied that all environmental controls are in place on site in order to satisfy the environmental permit requirement. Although a planning consideration, it would also be a matter for the Environment Agency in terms of allowing environmental permits and regulation of emissions to the ground, water and air.

## **7. Conclusion**

- 7.1 The proposed development is temporary in nature however given its proximity to the National Park boundary, the significance of the potential impacts should be carefully considered by WSCC. The key issues in terms of impact upon the National Park relate to the National Park's setting, in terms of landscape, where an industrial element would be introduced to a predominantly rural area. WSCC should be satisfied that the National Park's setting in terms of landscape, is considered. In addition to this and linked to the

landscape, the possible impact upon the dark night skies and tranquillity should also be considered.

## **8. Recommendations**

8.1 It is recommended that the South Downs National Park Authority advises WSCC that the SDNPA does not object the proposal, but provide comments insofar as the proposal affects the National Park purposes and duty.

8.2 It is also recommended that the SDNPA submits the above recommendation, this report and comments of the SDNPA Landscape Officer, Dark Skies Lead and the South Downs Planetarium (attached at Appendices 2, 3 and 4), to WSCC.

8.3 Should WSCC be minded to approve the planning application, the following condition is also suggested:

Prior to the commencement of the development, a revised scheme of lighting that ensures that designed luminaries direct light at least 20 degrees below the horizontal and that no light spill occurs beyond the curtilage of the well compound shall be submitted to the mineral planning authority for approval and agreed in writing. No lighting or floodlighting, other than that specified in the approved scheme shall be used on the site or drilling rig without prior written approval of the mineral planning authority.

Reason: To minimise the effects of light spill on the dark night skies enjoyed within the South Downs National Park.

## **9. Crime and Disorder Implication**

9.1 It is considered that the proposal does not raise any crime and disorder implications.

## **10. Human Rights Implications**

10.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13 Equalities Act 2010**

13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

I

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Lucy Harding, Minerals and Waste Planning Officer

Tel: 01730 811759

email: [lucy.harding@southdowns.gov.uk](mailto:lucy.harding@southdowns.gov.uk)

Appendices

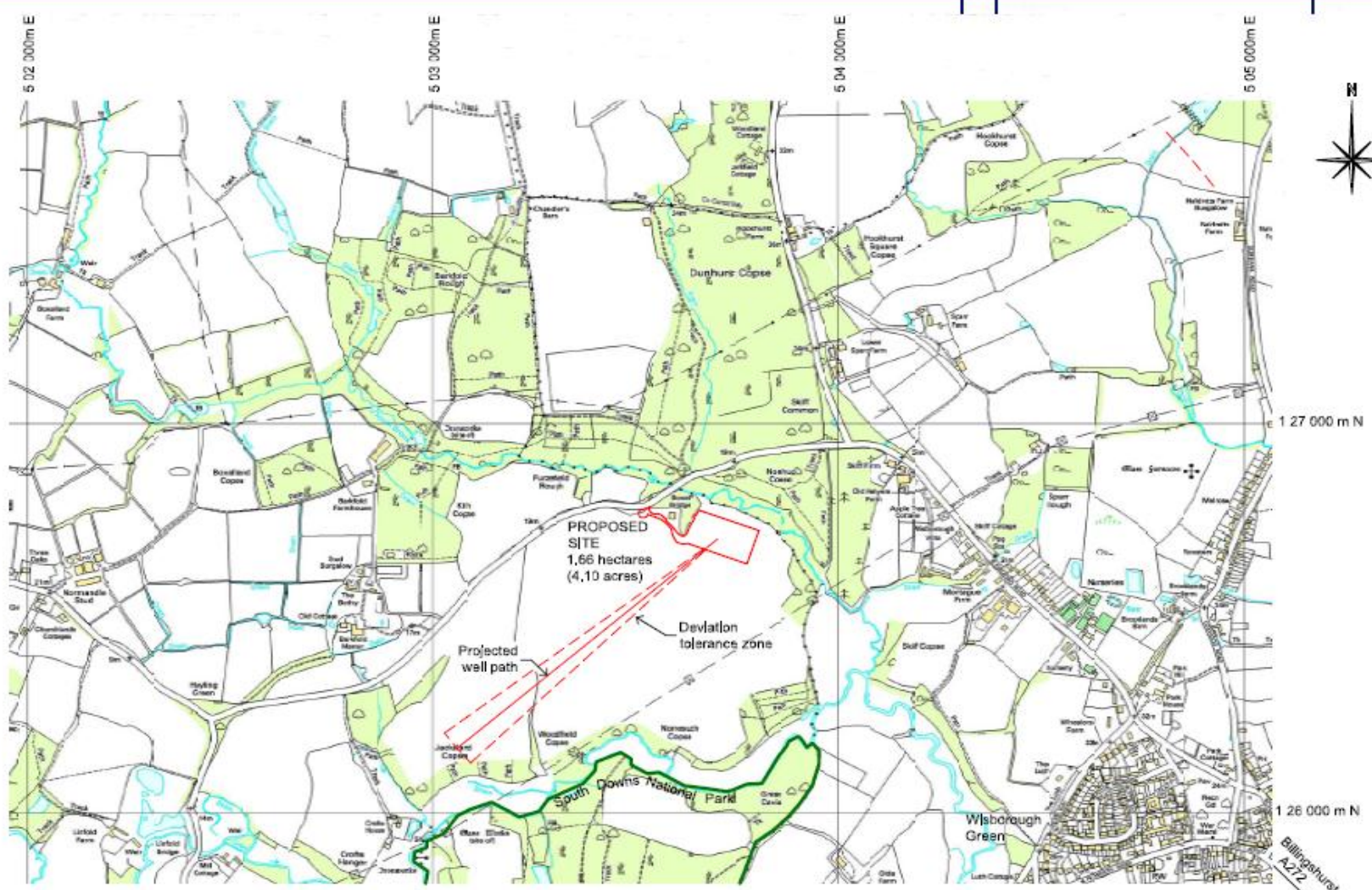
1. Site Location Map
2. SDNPA Landscape Officer comments
3. SDNPA Dark Skies Lead comments
4. South Downs Planetarium comments

SDNPA Consultees

Director of Planning, Legal Services

Background Documents: Typing in WSCC/083/13/KD to search:  
<http://buildings.westsussex.gov.uk/ePlanningOPS/searchPageLoad.do>

Agenda Item 7 Report PC89/I3- Appendix I Site Location Map



Location Plan  
Scale 1:10,000

This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office (c) Crown Copyright (Not to Scale)

**Agenda Item 7 Report PC89/13- Appendix 2  
SDNPA Landscape Architect response to Planning Application**

**Application ref:** WSCC/083/13/KD

**Description** 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

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

**LPA** WSCC/Chichester DC

**Comments:**

These comments are based on a desktop assessment with reference to the following documents:

The applicants ES non technical summary

LVIA (Section 8 of the ES)

Various plans and sections supplied as application documents

South Downs Integrated Landscape Assessment

Ordnance Survey Mapping

1. The LVIA does not include reference to saved policy RE4 of the Chichester District Local Plan which refers to the setting of the former Sussex Downs AONB.

The relevant paragraph of RE4 is as follows:

*'Development outside but near to a designated area of outstanding natural beauty will not be permitted if it would be unduly prominent in or detract from views into or out of the area of outstanding natural beauty (particularly from roads, rights of way or other public places), or would otherwise threaten public enjoyment of the area of outstanding natural beauty.'*

2. It is noted that this policy refers to the AONB, however a recent appeal decision specifically refers to this policy in the consideration of an appeal; the wording of which is clear on the intention of the inspector to consider the more recent SDNP designation to be implicit in the saved policy;

*'Overall I consider that the proposal would harm the character and appearance of the area and the setting of the national park and would conflict with Local Plan Policies RE4 and RE12. These policies seek to ensure that development in rural areas is not visually intrusive or damaging, or of a type or nature detrimental to the character of the surrounding area. In relation to the setting of the AONB, as it was, or the SDNP, as it now is, that it should not detract from views into or out of the area or threaten the public enjoyment of that area.'*

*Inspector Mike Robins, December 2012*

3. The proposed general working area appears to be well screened from the SDNP by the topography and intervening vegetation. The existing woodland and hedgerows to the north and east of the site provide a backdrop and framework for the site in views from the south and west.
4. The drilling tower would extend well above the tree line and would be visible from locations within the SDNP. Some of these locations are identified in the LVIA – there are probably more locations further afield from the area of study where views of the temporary rig may be possible. This does not in itself mean that they are likely to be significant and again in considering the

views in conjunction with the existing pylon line which crosses the site I do not consider that the impact of these views on the SDNP would be would be significant.

5. The issue of views to the National Park (ie from north and east of the site) does not appear to have been considered in the LVIA despite this being a requirement of the LVIA as set out in the Scoping opinion paragraph 3.19.
6. Given the presence of the existing main power line which cross the same field to the south of the application site I do not consider that the proposed temporary rig would further intrude in any views to the chalk ridge and other parts of the National Park to a significant degree.
7. The southern boundary of the application site is undefined and is open to the surrounding large agricultural field of which it is a part. It is surprising that there are no proposals to reinstate hedgerow along a line to the south and west of the proposed site in the retention phase of the proposals should this stage be required.
8. Regardless of any visual impact it is suggested that planting a hedgeline on an appropriate historic line to the south/west of the site would be advisable given that there is no existing landscape framework to the south of the site. It would also provide mitigation for the impacts on landscape character from the partial loss of the existing field to industrial use within the setting of the National Park.

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**Agenda Item 7 Report PC89/13- Appendix 3  
SDNPA Dark Skies Lead comments**

10th October 2013

Lighting and dark night skies response

Hi Lucy,

I've had a read and they have - quite a few times - mentioned that they are drilling in an intrinsically dark site and will be doing things that will reduce this.

Having said that, they have followed the ILP guidelines about the creation of sky glow and have said they would do things that would mitigate against this - something that we would ask applicants to do. So in that respect they're doing what they should be.

It's a bit hard to give a definitive answer without actually seeing what lights they are going to install, but provided they do the things they say - shielding, angle and limit the use to the day time only - then i think this is acceptable. What I can tell is how much cumulative light there is - one light or a thousand? Apart from telling us what the current conditions are, they could do with telling us what the impact on the sky is.

As with all these things, there isn't much on the wider landscape, so you could ask them to consider the national park a bit more.

so all in all, they have been quite dilligent, but that still doesn't get away from the fact that they will be putting up large bright lights up in an instrincially dark area close the NPA.

I hope this helps. Let me know if you need anything else.

Thanks

Dan Oakley,  
Dark Skies Lead

**Agenda Item 7 Report PC89/13- Appendix 4  
South Downs Planetarium comments**

November 5, 2013



Lucy Harding BA (Hons), MSc  
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Dear Lucy,

**Planning Reference WSCC/083/13/KD  
Proposed Exploration Well Site (Wisborough Green-I)**

I note the proposed planning application with the above reference no. from Celtique Energie Weald Ltd. for a site in Wisborough Green, West Sussex and I have viewed many of the documents relating to this application on the Planning Website.

Having studied Celtique Energie's Consulting Structural and Civil Engineers' (R. Elliott Associates Ltd.) lighting plan, my principal area of concern is in relation to the external night-time lighting that is being proposed for this Exploration Well site, given that it is situated within an area of the National Park that currently enjoys a dark and unspoiled night-time environment.

It is vital that we conserve the dark skies of those places we still have within the boundaries of the National Park. This is not just about stargazing; it is also about preserving the night-time environment for the benefit of all the animals, birds and insects that thrive at night. In this regard I am aware of the reports indicating roosting bats, kingfishers in the local waterways, and other environmental assessments deposited by both the proposed developer and by local residents.

The proposed developers have commented on the potential light pollution that this drilling derrick and associated buildings may create, but they have offered only minimal mitigation to the significant light intrusion that this installation would cause. We must ensure that those areas within the National Park which have the darkest skies are protected, and that we have the necessary lighting controls in place to make sure that man-made light doesn't have an adverse effect on the night-time environment with subsequent enforcement of those controls on any night-time lighting that is specified.

It should be noted that, although not a permanent installation, this Exploration Well could be in position for several months or even a year by the developers' own assessment. This would, in my opinion, have a major detrimental impact on the night-time environment of the area, as well as creating a significant visual night-time intrusion in what is one of the last few remaining dark areas in this area of the county. We have already experienced the significant adverse impacts that a similar



drilling derrick and associated buildings near Cocking had on the night-time environment in the Singleton, Charlton and Cocking areas, and the visual intrusion that resulted, so such concerns about the proposed development in Wisborough Green are real.

It is clear that the developers intend to use bulkhead lighting on buildings and floodlights around the site and, even if tilted downwards, such fixtures offer practically no light control and are not fit for purpose within an otherwise dark area of a National Park. Only the use of properly designed luminaires directing all of the light at least 20 degrees below the horizontal and ensuring no light spill beyond the boundaries of the site would be acceptable in providing adequate light control on this development.

In respect of the derrick, I note the developers state that, in an attempt to control light spill, the lighting would face only inwards. This will clearly be totally ineffective since the derrick appears to be of a lattice construction on the plans, and so any light from the inward-facing luminaires will presumably just pass straight through the lattice of the derrick and out the other side!

It is understood that site personnel will require lighting for health and safety reasons. Given that this company, by their own documentation, have license to drill across the South Downs, then I would strongly advise that a significant revision of their lighting plan is undertaken. I would, therefore, suggest that if this proposal is given approval, then it is done so on the basis that all lighting on the site, including the derrick, is redesigned to ensure that no light is emitted above an angle 20 degrees below the horizontal in any direction and that there is no light spill beyond the curtilage of the development. This latter requirement will require careful planning in respect of the derrick lighting.

We should look on those dark places within the National Park as an invaluable resource not only for the large numbers of people who live within and around its boundaries but also for those tourists coming into the region, who would like to be able to enjoy the thrill of a dark sky full of stars. The South Downs are an area of outstanding natural beauty, and in my opinion, dark skies must be viewed as another of its most important attractions.

Yours sincerely,

A handwritten signature in black ink that reads "John W. Mason". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Dr John W. Mason MBE  
Principal Lecturer  
South Downs Planetarium & Science Centre

# Sussex Wildlife Trust

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**Response sent via email, no hard copy will follow.**

[swtconservation@sussexwt.org.uk](mailto:swtconservation@sussexwt.org.uk)

10/10/2013

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 is based on information accompanying the proposal and our own knowledge of the ecology of the area.

## **Contributions to climate change**

Climate change is the most serious threat facing biodiversity. We therefore support 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 support 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 West Sussex County Council (WSCC) would undermine efforts to reach this target.

Also we refer WSCC to Policy 13 of the 2003 Minerals Plan regarding the consideration of areas of local environmental significance.

## **Impacts on Bats**

The application site is situated within an area important for a wide range of bats species. In Britain all bat species and their roosts are legally protected by both domestic and international legislation. In this response we draw particular attention to the highly protected Habitats Directive Annex II Species Barbastelle and Bechstein's Bats. Barbastelle bats are a qualifying feature of the Mens SAC, 3.5km to the south west of the application site, while both Barbastelle and Bechstein's are designated features of the Ebernoe Common SAC 8km to the west of the application site.

The application (Appendix 7.2) notes that Northup Copse (directly north of the application site) is on a flightline for Barbastelle bats roosting in The Mens SAC. It does not mention that Northup Copse is also located within a core foraging area for Barbastelle, and that a maternity roost of more than 30

## **Taking Care of Sussex**

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

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individuals has been identified within the north end of Idehurst Hurst, about 2km to the south (Greenaway, 2008). Further it makes no reference to the data provided in the Billings report of 2012 or in the Greenaway report of 2009. Having been alerted to the proposed application, the West Weald Landscape Project (WWLP) undertook a study in August 2013 to establish levels of bat activity in the immediate vicinity of the application site in Northup field. The results show that 8 different bat species including Barbastelle were active within 25m of the proposed site, much closer to the site than was identified in the application.

Appendix 7.4 of the application (The Habitat Regulation Assessment) concludes that it is unlikely that the proposed development will significantly affect populations of Bechstein's or Barbastelle bats. However SWT considers that there are discrepancies in the data presented for the Barbastelle bats using the flightline by the application site. Further we have taken advice from a bat expert, who highlighted that it is particularly difficult to survey for Bechstein's with most bat detectors (Hutson, pers.com). There is no indication as to what detectors were used for the walked transects. Given that Annex II species are present in the area, SWT consider that more in-depth surveys should be carried out to identify fully all the bat species that utilize the area and the nature of that use.

Twenty-four trees are identified as having potential as roosts within the impact zone of the proposed works. Fifteen are regarded as Category 1 (highest category) and nine as Category 2. The report refers to the need for further survey but presents no evidence of such survey work having been undertaken. Research has shown that the illumination of roost accesses can have significant impacts on bat populations, including delayed emergence, and delayed parturition, resulting in reduced productivity (Boldogh *et al.* 2007) (Downs *et al.* 2003). 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.

#### Impacts of lighting on wildlife, specifically bats and their flightlines.

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.*' In the application itself, in Section 4.1 of Appendix 7.2, it is stated that '*there is some potential for impacts (on bats) as a result of change to ambient lighting*'.

The application site lies within the West Weald Landscape Partnership (WWLP) project area. The State of the West Weald's Natural Environment 2006 report, carried out to establish a baseline environmental dataset for the project, collated information on light pollution and concluded that the WWLP area '*contained some of the darkest areas in the south-east*' and that, on the basis of its dark skies, the area '*is an increasingly rare and valuable resource*'. There is no light pollution currently at the application site. It is in total darkness.

The application shows that the 45 metre derrick in figure 4.2 will be lit 24 hours a day for a period of up to 14 weeks in the exploratory drilling and testing phase, with other lighting required for safety reasons. This will therefore extend well above the proposed bund which will sit at 2.5 – 3 metres in height. In the application, light spill 10 metres away from the derrick is estimated to be 0 Lux, but given that the precise specification of the drilling rig is unknown, we question the accuracy of this estimate. Greenaway (2008) showed that individual Barbastelle bats regularly use the same flightline for extended periods. SWT is concerned that, if this Barbastelle flightline is rendered unusable by artificial lighting, bats could be cut off from their foraging habitats, making it harder for them to hunt and survive. SWT are concerned that the potential impact of light spill from the derrick on Annex II species recorded within 25 metres of the application site is not adequately addressed in the application. We would like further information on the proposed derrick lighting.

We draw WSCC attention to the forthcoming conference on bats and lighting to be held by 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. We remind WSCC that the National Planning Policy Framework (NPPF) clearly states *'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'* Section 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...'* Section 144.

We remind WSCC 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. Information about the proposed timing of the works has not been supplied. SWT has 2013 records of breeding nightingales along the woodland edge of Northup Copse. We would like the applicant to address issues relating to noise impacts on this species at all stages of the process. We ask WSCC to seek this information prior to a decision being made.

The information in the application relating to the badger survey is confidential therefore we are unable to determine whether the noise and lighting from this proposal will impact on the nocturnal activities of this species.

### **Disturbance to members of the public visiting Northup Copse Nature Reserve**

The Sussex Wildlife Trust would like to highlight further the close proximity of Northup Copse Nature Reserve to the proposed application site. Within our Articles of Association, our Objects include that we should *'conserve the Sussex land, seascape, its wildlife and habitats for the public benefit'*; *'establish, promote, maintain and manage wildlife sanctuaries or nature reserves and so far as is compatible with this Object, permit public access to them'*, and *'educate and encourage the public in an understanding of the natural history and wildlife of Sussex'*. We actively encourage the wider public to visit our reserves and since we acquired it in 2011, Northup Copse has been increasingly popular with local visitors who enjoy the wildlife. The application has not addressed the impact of this development on visitors to the Sussex Wildlife Trust reserve.

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

- Further information on the bat species in the immediate vicinity of the application site is required, using survey methods suitable for all species, including Bechstein's.
- A full survey of potential bat roost sites in the vicinity of the application site is required.
- Further research is needed to determine the impact of light from the derrick on use of the adjacent bat flightline and on foraging behaviour. This research should be undertaken by an expert in this field who is approved by the WSCC ecologist. Subject to the results of the research, mitigation should be proposed based on guidance from the forthcoming Eurobats meeting in September 2014.
- Information is required on the potential impacts of noise from the drilling and associated lorries on nightingales and other songbirds in Northup Copse Nature Reserve.
- The applicant should be asked to consider the effects of the proposal on visitors to Northup Copse Nature Reserve.

Whilst we strongly object to this application, should it be approved, we ask that WSCC stipulate the following conditions for biodiversity:

- All works through all phases should be carried out outside the active bat season.
- Bat activity in the vicinity of the application site should be monitored during all phases of the proposed works and afterwards by a suitably qualified ecologist. Monitoring and survey methodology should be repeatable and usefully evaluated. This data and its interpretation should be shared with the West Weald Landscape Project and the Sussex Biodiversity Record Centre.
- All activities should cease should any negative impact on bat activity be detected.
- A long term monitoring strategy approved by the WSCC Ecologist should be incorporated into the restoration phase of the site to create net gains in biodiversity as per section 109 of the NPPF.

Yours sincerely

Laura Brook  
Conservation Officer

### References

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Greenaway, F. 2008. *Barbastelle Bats in the Sussex West Weald, (1997 – 2008)*. Available on [www.westweald.org.uk](http://www.westweald.org.uk). 38pp.

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Hutson, A.M. 2013. Advisory notes to SWT. Personal Communication.

Rich, C. and Longcore, T. (eds) 2006. *Ecological Consequences of Artificial Night Lighting*. Island Press, Washington, DC.

Stone, E.L., Jones, G. & Harris, S. 2009. *Street Lighting Disturbs Commuting Bats*. *Current Biology* 19, 1–5.

## SDNPA Planning Committee 14 November 2013: Update Sheet

Agenda Item	Page No	Paragraph	Update	Source/Reason
6	7	Executive Summary	First sentence add 'in detail' after 'considered'.	clarification
6	7	Executive Summary	3 <sup>rd</sup> bullet point refers to the need for a S106 agreement.	clarification
6	7	3.1	First sentence add 'in detail' after 'consideration'.	clarification
6	10	4.11	Substitute 'Petersfield Town Council' for 'Parish Council'	error
6	10	4.13	<p>The applicant has responded to comments made by the SDNPA landscape officer referring to:</p> <ul style="list-style-type: none"> <li>• The relationship of town to countryside is not a barrier to develop but requires consideration of scale and massing;</li> <li>• Seeking clarification on views referred to [the SDNPA officer has clarified it is views from the footpath along the rear of Sussex Road] and suggesting mitigation through planting;</li> <li>• Querying consideration of cumulative impact;</li> <li>• Querying the contribution to the setting of the Conservation Area at present and stating that impact could be addressed at detailed stage;</li> <li>• Stating that the site is not statutorily protected for its historic significance [thus omitting to recognise first purpose of designation];</li> <li>• Asserting that the boundary is more likely to remain stable through development than if left to agricultural use;</li> <li>• Justifying the weighting of impact on receptors;</li> <li>• Questioning view that the LVIA is not adequate.</li> </ul>	Additional information
7	16	Recommendation	<p>To insert:</p> <p>3. Delegate authority to the Director of Planning to consider and respond to any matter that arises in relation to the application being considered by West Sussex County Council as it relates to the South Downs National Park Authority.</p>	To allow for consideration of any further issues arising (e.g. bats) that may not have been available to consider at the time of the committee.

Agenda Item	Page No	Paragraph	Update	Source/Reason
7	22	6.8	<p>To insert:  The protected species report submitted with the application states that there are seven bat species within a 2km radius of the site. Species identified are brown long-eared bat, common pipistrelle, Daubenton's bat, Bechstein's bat, noctule, Serotine and barbestelle. Barbestelle bats are a qualifying feature for The Mens SAC, which lies approximately 0.6km to the south of the site and within the SDNP boundary. Our comments assume that the County Ecologist is satisfied that the proposed development would result in there being no significant harm to the protected species considered by the environmental statement.</p>	<p>To acknowledge the presence of bats and the potential for the proposed development to have an impact on bat flight path.</p>
7	24	8.3	<p>To insert a new paragraph 8.4 that states:  Authority should be delegated to the Director of Planning to consider and respond to any matter that arises in relation to the application being considered by WSCC as it relates to the SDNPA.</p>	<p>To reflect the additional recommendation as detailed above.</p>