

KIRDFORD PARISH COUNCIL

c/o 8 Saville Gardens, Billingshurst, West Sussex, RH14 9RR.

Clerk: Mrs. I. Marshall, BA(Hons), FILCM.

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Our ref: IM

19th November, 2013

Mrs. J. Moseley,
Chief Planning Officer,
West Sussex County Council,
County Hall,
West Street,
Chichester,
West Sussex,
PO19 1RQ.

Dear Mrs. Moseley,

re: 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

Introduction - Kirdford Parish Council (KPC) as the representative local authority for the Parish of Kirdford were invited as a statutory consultee to comment on the above planning application to be determined by West Sussex County Council WSCC. KPC councillors reviewed the application documentation and would advise WSCC Planning Officers and the Council's Planning Committee members determining the application of their comments and concerns, reasonable requests for clarification and/or suggestions for conditions as set out below.

The Parish Council is not totally against the principle of conventional Oil and Gas exploration per se, but in this instance it would **Strongly Object** to this current application on the proposed site as it is a totally inappropriate location for such development for the reasons set out below.

1.0 **General**

The Parish Council is aware that Circular advice notes that is the applicant's responsibility to prepare the Environmental Statement (ES) and that there is no

statutory provision as to the form of an ES. It is, however, also aware that the ES should be a factual document and provide objective evidence and assessment. It is the view of the Parish Council that this ES takes more of an advocacy approach to the development proposed than is reasonable.

The purpose of the ES should be to provide a full factual description of the development proposed and to set out the main or significant effects which a development is likely to give rise to. In addition to the direct effects of a development, the ES should cover indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects. In essence it should focus on the development proposed and its environmental impacts in their entirety.

This ES places significant weight upon national economic considerations. It is accepted that this matter is a material consideration for the Authority in its assessment of the merits or otherwise of the planning application. Nonetheless, it is not appropriate to be included in the ES, rather this matter should be covered in such as Planning Statement which would address all material planning considerations.

Circular advice is that it is important that an ES is prepared on a realistic basis and without unnecessary elaboration. The considerable focus on national economic considerations is regarded by the Parish Council as unnecessary elaboration at best and disingenuous at worst.

It is noted that the application submission documents do not refer to Chichester District Council's emerging Local Plan which is now at Pre-Submission consultation stage and is, therefore, a material consideration. Similarly, there is no reference to the Kirdford Parish Neighbourhood Development Plan which is at Examination stage and also a material consideration. These are considered to be serious omissions.

2.0 Site Selection and Assessment of Alternative Sites.

2.1 Lack of Appraisal of potential sites within Applicant's License areas

The application provides no specific evidence to support why a small part of the Kirdford and Wisborough Green (WG) Parish areas were selected for exploration within the wider applicant License area located in the Central Weald Basin. *The Parish Council requests that the Authority uses its powers under Regulation 19 to require a justification for the selection of the WG area as part of the Central Weald Basin to carry out exploration.*

The limited information provided on the geology, both historic and recent general surveys, indicate a reliance on inadequate information to allow the planning decision makers to weigh the differing aspects of the potential merits or otherwise at local level and the suitability of the selected site in terms of technical and environmental considerations. The applicants are attempting a challenging technical drilling operation in what is considered by some as a heavily faulted geology. *The Parish Council suggest that WSCC require that a full three-dimensional seismic survey of the whole area be submitted as part of a more complete ES. Without this*

information it is not considered that the Authority can give proper and due consideration to the likely environmental impacts of the proposed development.

(Reference critique of the recent Cuadrilla drill at Balcombe by *Dr. Ian West, M.Sc. Ph.D. F.G.S.* <http://www.southampton.ac.uk/~imw/Petroleum-Balcombe-Weald.htm#PGSB-1>)

2.2 Site selection within a small part of the Kirdford and Wisborough Green (WG) Parish areas

The application limits its Site Suitability Selection and Assessment to a small area within the Parish areas of Kirdford and Wisborough Green. Although the Directive and Regulations do not expressly require the developer to study alternatives, the nature of this proposed development makes the consideration of all alternative sites a material consideration. In this case the ES should record the consideration of all alternative sites within the wider licence area. Proper consideration of all alternatives (including alternative sites, choice of process and phasing) is widely regarded as good practice.

The desk based site selection assessment provided of the primary and secondary search areas reference, identify only 7 no sites all of which are identified as being unsuitable to some degree or other for varying reasons. A further 4 sites were addressed after reducing the buffer zones to 300m but the Parish Council fails to understand the logic in applying this further test given the 400m acoustic buffer itself does not meet the compliance with the relevant regulations. The applicant claims its identified application site, using the 400m buffer, as most suitable.

The assessment provides no consistent comparative weighted analysis charting with scoring criteria and consists of short individual site narratives which make it difficult for the reader and decision makers to identify, compare and understand the criteria that determined the site selection. *The Parish Council believes that the Authority should require that a comprehensive comparative weighted analysis chart be provided so that the robustness or otherwise of the assessment of alternative sites can be demonstrated and evidenced.*

The Parish Council would also expect this charting to identify the travel distance from each site to the nearest 'A' road as it is a major environmental consideration. It is not considered that the level of on-site works for accessing the nearest road as a determining factor in site selection as the financial costs of on-site works are not a consideration for the decision makers. Further as referenced in 1.1 it is considered that the geological data provided is inadequate, without a 3D seismic survey being available for evaluation, but that such survey be part of the scoring criteria.

2.3 Specific Site Social, Environmental and Economic Impacts

There is no reference in the site assessments (or proposals) to identifying the impacts of the proposed development on the local communities existing social and economic well-being and how the differing sites could minimize any potential negative impact on the existing community's economic and well-being. This is particularly relevant to

the increased usage of the existing road network in the area and it is considered that should be included in the scoring criteria.

3.0 Highways & Access

3.1 Abnormal Loads

The applicant states ES 6.17 “*that they do not anticipate any abnormal loads to be delivered to the Application Site*” however in their Public Consultation presentation they advised that the delivery and removal of the drilling rig and lifting equipment would entail the use of abnormal loads. ***The Parish Council requests that this matter is clarified before the application is determined and due consideration is given to the suitability of Boxal Bridge to withstand such abnormal loads as maybe applicable.***

3.2 Heavy Goods Vehicles

The Parish Council believes that the HGVs that will likely be used for the development will be category R4 and above. ***The application does not provide details and the Parish Council would requests that WSCC seeks to have the applicant clarify this matter.***

Analysis of one set of base line data provided by the applicant indicates up to a daily average of 7.3 westbound and 4.7 eastbound of R4 or above HGV movements over a potentially 74 week period (longest duration period advised by the applicant). The proposed development would increase such movements by an average of 223.5% Westbound and 347% Eastbound resulting on a significant increase in vibration and other impacts on the existing uncatagorised public roads between the site and the A.272. During the rig mobilisation period the applicant indicates a number of 110 HGV movements over a 3-4 days period, a significant variant to the daily average referred to above, and of a significant cumulative nature in a short period of time.

The Parish Council requests that WSCC require the applicant to submit a detailed survey of the existing road conditions and construction to enable an appropriate assessment of the potential cumulative impacts to be provided as part of the ES..

Given the requirement for traffic generated by the proposed development to cross Boxal Bridge to access the site the Parish Council requests that WSCC require the applicant to submit a detailed survey of the existing bridge condition, construction and carrying capacity to enable an appropriate assessment of the potential cumulative impacts to be provided as part of the ES.

The applicant states ES 6.25 second bullet point “*Routing traffic to the Application Site in order to maintain HGV traffic on WSCC’s advisory lorry route network for as long as possible*”. The WSCC Strategic Road Network pages 27-29 and with specific reference to Chichester District (CDC) pages 53-55, clarifies that *the A.272 in this area is not part of its SRN* and that within the CDC area it will “*discourage HGV’s from using unsuitable roads*”. Whilst the A.272 is an advisory lorry route the applicant focuses on the shortest route from the A.272 to the site rather than the one that would result in the least detrimental impact on residents’ well-being and safety.

The Parish Council requests that WSCC clarifies its criteria for the routing of HGVs in regard to this application and has the applicant respond accordingly.

Given the WSCC strategy on tackling transport issues in the CDC area the Parish Council seeks clarification as to why its existing classification of unsuitable roads for HGVs, namely the non 'A' classified roads, in the Parishes of Kirdford and Wisborough Green is no longer applicable or what they require in the way of improvement to such roads to make them suitable and that such clarification is placed before the decision makers on this application.

3.3 Traffic Management Plan (TMP)

The applicant proposes to minimise disturbance arising from “construction” traffic by way of a TMP and that the preparation of such a TMP be a Planning Condition.

The Parish Council would request that any TMP should apply to the whole of the Proposed Development Programme and that the agreed manner of monitoring and associated costs of monitoring compliance with any agreed TMP is borne by the applicant. It is requested that the cost of monitoring is addressed and provided for in advance of any determination of the application to ensure that such activity is suitably funded, recorded and publicly available.

3.3 Alternative access routes to and from the site to the A.272

The applicant and WSCC Highways were made aware during the consultation stage that Wisborough Green (WG) Parish Council offered an alternative route that bypassed the WG village, thereby minimizing the impact on the local community.

It is, therefore, disappointing that the issue of alternative highway access and routing has not been addressed in a robust manner by the applicant and WSCC Highways. A proper sequential test of the alternatives with appropriate criteria identified and score weighted for comparison purposes would have assisted residents and others to understand the reasoning for selecting a particular route as well as materially informed decision makers. Instead the applicant provides only brief and unacceptable anecdotal comment as opposed to any evidence.

The Parish Council requests that a robust sequential test of the alternative access routes be provided to guide decision makers and inform residents of the appropriateness of the selected route. Without this it is impossible for residents to make an informed judgement on this matter.

3.4 WSCC Strategic Route Network

It is noted that the transport requirements of the development, itself an enabling development for potentially greater industrial activity in the site location area, is in conflict with the WSCC Strategic Plan. The Parish Council is confident that this matter will be addressed in the Planning Officers' report to committee; however it is noted that the A.272 in this area is not a strategic lorry route.

The Parish Council requests that WSCC Highways advise on the suitability of the local section of the A.272, with particular regard to Newbridge in the Parish of WG,

and that WSCC give due regard to any social and economic impacts of the development increased transport activity on this important highway route in the area.

In regard to the above the Parish Council would draw attention to the fact that WSCC has re-prioritised, in their recently published spending plan 2014-2015, improvement or replacement of Boxal Bridge on a C classified road ahead of Newbridge, a single carriageway bridge, on the A.272.

4.0 Environmental Impacts -Noise

The proposed development is in a rural setting, acknowledged for its tranquillity, and close to noise receptors.

The Parish Council requests that WSCC address the mitigation of potential noise impacts at the points of noise sensitive receptors during the proposed construction phases by way of conditions and suitable monitoring and recording.

The ES only provides broad information about the noise effects of drilling operations, it does not provide for an understanding of the potential impact and how it could be mitigated. Potential mitigation measures to ameliorate or overcome environmental harm should be a cornerstone of the ES.

The Parish Council believes that WSCC should require the applicant to submit a noise assessment and Noise Management Plan (NMP) taking account of the specific plant to be used, for the purpose of complying with the aim of the NPPF Technical Annex. The Parish Council would also request that the manner of monitoring and associated costs of monitoring compliance with any agreed NMP is borne by the applicant including the costs of an independent acoustic consultant with experience of such operations to audit the assessment and management plan. It is requested that the cost of monitoring is addressed and provided for in advance of any determination of the application to ensure that such activity is suitably funded, recorded and publicly available.

5.0 Contributions to Climate Change - Impacts on Bats – Impacts of Noise on Wildlife

Kirdford Parish Council (KPC) has been provided with a copy of the Sussex Wildlife Trust objection letter dated 10th October, 2013 submitted to WSCC.

KPC would advise that it shares the concerns identified in that letter and supports the requirements for the applicant to provide further information and that WSCC, if they are minded to approve the application, apply the relevant conditions for biodiversity as set out. Reference: SWT letter of objection dated 10th October, 2013 as attached.

6.0 Landscape and Visual Impacts

The site, located within Kirdford Parish, lies in a strategic location within the West Weald Landscape, considered an area of international importance.

It is noted that the applicant agreed the Scope of Study for its geographical area in discussions with WSCC and its study is limited to a surrounding area of up to 3 km. The Parish Council is concerned that limiting the visual impact assessment to such a small area fails to recognize the import of the area from important viewpoints in the wider surrounding areas located in the South Downs National Park (SDNP) and AONB such as Blackdown located in Surrey County Council (SCC).

KPC would request that WSCC consult the adjoining authorities, if they have not done so, including the SDNP and the relevant District Council's in SCC to provide them the opportunity to comment on the need or not for the visual impact assessment to address important viewpoints such as Blackdown, etc.

KPC would also advise that the site lies within a dark sky area and CDC and adjoining Local Planning Authorities have policies relating to night times lighting. It is requested that WSCC seeks to ensure that such matters are given due consideration.

KPC recognizes that the application is for development of a temporary nature, however paragraphs 8.235 and 8.236 in the ES refer to “if the Application Site achieves permission and goes into production” which implies a different intent to that of the application.

KPC would request that any such references are deleted from the ES to avoid any requirement in the future for clarification. It further requests that, if WSCC are minded to approve this application, it conditions that any such consent is of a temporary and time limited nature.

7.0 Environmental Impacts (Contamination)

There are a number of potential sources of contamination associated with exploratory drilling and well operation. The Parish Council would request that WSCC consider whether the potential contamination can be appropriately controlled by the proposed mitigation and that the relevant control methodology is secured through the use of conditions. It would also ask WSCC to consider and assure themselves that appropriate resource is available from other relevant agencies involved in the risk and monitoring of such development and operational activity.

8.0 Environmental Impacts (Air Quality)

The Parish Council considers that a more robust assessment of the impacts of the proposed development works on air quality should be required by the Authority.. This should cover potential sources of contamination including diesel, generators and pumps, gas flare, excavated soils and emissions generated by traffic. This should include windblown soiling of local vegetation and habitats and not omit potential impact on local farm or equestrian stock.

9.0 Social and Socio Economics

The ES has no reference to the local Neighbourhood Plans in the Wisborough Green Ward of Chichester District, both Parish Councils have been involved in preparing these and the Kirdford Parish Neighbourhood Plan 2013 (KPNP) is now at

Examination Stage which means it is a material consideration for this application. The KPNP core documents provide a detailed evidence base of the local community's social and socio-economic profile and sets out issues, objectives and policies to deliver sustainable growth in the area for the next 15 years. The Neighbourhood Plans Regulations exclude the provision of policies for mineral and waste, including oil and gas extraction but provide for the community to bring forward local development policies in general compliance with the Local Plans strategic policies.

The KPNDP clearly sets out the community's objectives in regard to social and socio-economic growth and these do not include for any industrialisation of the countryside. The KPNDP prioritises the importance of tourism in the parish and the contribution it will make to local employment and economy. It encourages equestrian, cycling and walking activity within the rural areas of the parish and local community projects have resulted in the parish and village facilities being recognized as user friendly for such activities. Local pubs, B&Bs, holiday cottages and the Kirdford Village Stores (current T/o £500k pa) have benefited from increased use and footfall as a consequence of the promotion of the area's tranquillity, landscape and other rural characteristics including arts and crafts.

The Parish Council request that the potential negative and beneficial financial impacts of the proposed development be quantified before the application is determined.

The villages of Kirdford and Wisborough Green are interdependent and the Kirdford Road linking the two, as well as providing access to further settlements of Billingshurst and Horsham in one direction and Petworth in the other, is an essential transport link for the well-being of both communities. This link is especially important in regard to access to schools, healthcare facilities and for sporting and retail access.

The Parish Council acknowledges the current application is of a temporary nature (one to two years) but would express its concern that the impact of the proposed development and operations upon the local area's social and socio-economic characteristics has not been assessed in the ES in a manner that objectively sets out the negative impacts and positive benefits in the area to allow the decision makers to give appropriate weight to such matters. It is considered that such assessment should be provided.

The applicant states that "based on experience of previous schemes" a number of temporary jobs will be created locally, no references of such previous schemes are provided and the Parish Council can find no record of same. Whilst the provision of some construction and low skilled labour temporary jobs are quoted as the primary benefit of the development with secondary benefits of purchasing local products, building supply materials and some workforce meals and refreshments. Given that with the exception of the latter these would likely be primarily sourced from further afield given the lack of local suppliers, it seems presumptuous to identify these effects as moderate/minor beneficial effects. The ES provides no comparable reference to likely negative impacts; it is considered that such comparable reference should be provided to allow this matter to be quantified.

The Parish Council would request that WSCC requires that the applicant undertakes a more objective and robust ES assessment of the socio-economic impacts of its proposals and further that the applicant references the evidence base and primary documentation of the Kirdford Parish Neighbourhood Development Plan, which is required to do under the NPPF and other statutory Planning Regulations, and also references the Wisborough Green NP evidence base.

10. Scoping Document compliance

1. Highway and transport matters – based on its local knowledge and evidenced by CDC and WSCC highways records, this local authority made a reasonable request in its scoping consultation response to WSCC, copied to the applicant, for the following items, amongst others, which seem to have been disregarded by the applicant in its submission material:-

An investigation of all roads, kerbs and pavements providing access to and from the site to the A.272, the nearest classified road to the site incorporating:-

- Traffic Calculation in accordance with Highways Agency (HA) Design manual for Roads and Bridges (DMRB) HD24.
- Pavement Design in accordance with HA DMRB HD26
- Pavement Assessment in accordance with HA DMRB HD29 and HD30 if there are any pavement investigation data
- Review on the existing structure capacity against the proposed traffic load and identify if any specific requirement is required
- Traffic data
- Loading information for any of the exploratory equipment over 8 tonnes
- Existing pavement information
- The latest pavement investigation data
- Structure information

The above should identify if the existing roads, kerbs and pavement and structure are capable of undertaking the additional traffic loadings from the design point of view and also the impact of the additional traffic loadings to maintenance and safety.

The Parish Council would request that the investigation and reports listed above be provided before the application is determined to ensure that the impact of increased HGV and other transport consequential of the development is minimised during and after the development works to ensure that residents and other users of the local roads do not suffer social or economic loss as a consequence of the development.

In the event that the Parish Council's reasoned request is ignored, it would request, that as a minimum any permission is conditioned with the applicant providing and agreeing with WSCC Highways a robust Conditions Report of all highways and structures other than those classified as 'A' roads on its access route, and that a legal agreement is provided with the applicant undertaking to make good any deficiencies after completion of the development works together with any required repairs during the works period to ensure continued access and safe use of the roads during and after the completion of the development. (In the event that WSCC is not satisfied with the current or future financial status of the applicant, the Parish Council would request a bond of appropriate value be provided.)

Attachments:

1. KPC Response to WSCC consultation on scoping report
2. Addendum to item 1.

11. Public Consultation

In general terms, the applicant has sought to engage with the communities that will be affected by the proposals prior to submitting their application. Noticeably, given the complexity of the application and its technical nature it has been disappointing that details provided prior to submission have varied to those submitted. This has resulted in some confusion in the minds of residents, as reported to Council, relative to critical aspects of the application, namely and not limited to transport and highways impacts, the nature and purpose of the exploration drilling including a potential horizontal drill. This is unfortunate as it appears to have occasioned residents consultation responses to have been based on the consultation information rather than the application details.

The purpose of public consultation and in particular pre-application consultation is to seek to ensure that main stakeholders address contentious issues **before** the application is submitted. It is therefore disappointing that the issue of alternative highway access and routing has not been addressed in a robust manner by the applicant and WSCC Highways given that Wisborough Green Parish Council offered an alternative route that would by-pass the centre of the village. A proper sequential test of the alternatives with appropriate criteria identified and score weighted for comparison purposes would have assisted residents and others to understand the reasoning for selecting a particular route. Instead the applicant provides brief anecdotal comment.

The Parish Councils have held a number of public events and continue to do so to present the actual details of the application in a neutral and accurate manner. They recognise that the applicant is holding some surgeries within the Parishes (unfortunately not well publicised), but they would have welcomed further support on consultation post-submission with particular regard to technical aspects of the application and the criteria that the application will be determined upon. The Parish Council considers that national energy needs, which should not be material to the ES, have particularly been misrepresented in the applicant's consultations and submitted application documentation.

12. Conflicts/Errors in documentation submitted requiring clarification

Statement of Community Involvement

- S 1 Page 4 – states 44% respondents agreed/strongly agreed that the site was suitable – in conflict with chart on page 18 which shows figure to be 34%
- S3.3 page 11 – The radius references stated for distribution of notification letters is incorrectly stated. The Parish Council regrets the applicant limiting such consultation notification to a part of the Parish's area given the import of the development.
- S5 Page 33 – The applicant states WSCC confirmed the highways authority is satisfied that Boxal Bridge is suitable for vehicle access to the site. This statement is

contrary to that in the flood/surface water drainage document, page 2, which states that remediation works to the bridge are planned.

Flood Risk & Surface Water Drainage

- S2 page 2 – refers to bullet point above.
- S3 page 4 – States that the flood risk for the site is <1/1000, however it does not address the lack of planned or regular maintenance of the River Kird that occasions frequent flooding of the road and Boxal Bridge which should be a material consideration.

Planning Statement

- Sustainability Appraisal – the applicant claims that the proposed development is in accordance with national, county and district objectives on sustainable development and justifies such claims predominantly on national energy need which is not a material consideration for the application.
- Local Policy compliance - The Parish Council relies on the Planning Authority to interpret compliance with local policy, however it would comment that in its view the applicant fails to demonstrate a robust case in regard to a number of local policies. Much reference is made by the applicant to the policies in the NPPF and the Parish Council is confident that the Planning Authority will consider these appropriately in the context of its existing and emerging Local Plan for its plan area. The Parish Council would also draw attention to the need to provide for “restoration and aftercare” through the application of appropriate conditions, and the Planning Authority’s ability to seek the provision of Bonds or other financial guarantees to underpin planning conditions.

13. Summary

Need for the development –

As noted above it is accepted that this is a material planning consideration. It is not, however, an appropriate subject for the ES. It is **not** an environmental issue.

Siting, layout and design –

The applicant has not demonstrated why this site location in the Parish of Kirdford, has been selected, as most suitable within its Licence area PEDL 234, nor has the applicant provided a robust assessment for its site selection within the Wisborough Green Ward.

Environmental Statement –

There is a lack of clarity as to whether the ES submitted is in accordance with the EIA Regulations and indeed whether a full Environmental Impact Assessment should not be submitted, setting that matter aside, it is evident that many aspects of the ES submission lack sustentative evidence to support its conclusions.

Conservation of landscape and scenic beauty –

The NPPF places great weight on the conservation of landscape and scenic beauty with National Parks given the highest status for protection. By selecting a site whose location is, close to or on the boundary line or within the South Downs National Park, a matter KPC understands needs to be clarified, the applicant seems to be testing the interpretation of the NPPF on these matters. KPC considers that the applicant has failed to demonstrate he has incorporated adequate mitigation measures to ensure the protection of the landscape and scenic beauty in such a sensitive location.

Similarly, based on policies in the NPPF, the proposed development falls in an area where conservation of the landscape, scenic beauty and wildlife conservation and cultural heritage is given great weight as should the benefits of mineral extraction, however, the applicant has failed to justify that this site is the only suitable site for the extraction of oil & gas in its licence area nor that no other more suitable alternative may not be available.

Technical suitability of the site –

The applicant states that “the application site is the most technically and environmentally suitable site for the proposed development”, KPC considers that in the absence of a 3D seismic survey of the area of the site and its immediate environ, the applicant cannot sustain such statement on technical grounds nor confirm or otherwise the absence of a geological fault line which would prohibit drilling under latest government guidance and regulations. As set out above the environmental suitability of is equally questionable.

Highways & Access –

The applicant has failed to provide a robust transport assessment of the potential impacts of the development nor adequately demonstrated its criteria for selecting preferred routes and failed to identify potential harmful impacts and offer reasonable mitigation proposals.

Yours sincerely,

I. Marshall.

I.Marshall (Mrs.) BA(Hons), FILCM,
Clerk to the Council.