

Date: 24 June 2014  
Our ref: 120945  
Your ref: WSCC/083/13/KD



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**BY EMAIL ONLY**

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Dear Ms Moseley

**Planning consultation:** WSCC/083/13/KD Additional info - The installation of a well and associated infrastructure

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

Thank you for your consultation on the above dated 15 May 2014 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

**Internationally and nationally designated sites – The Mens Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)**

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

This letter provides Natural England's further advice on this application. I refer you to our previous comments in 2013 in which we asked for the following additional evidence to be provided in support of this application.

1. A clear statement/drawing as to how lighting on the site will be shielded and cowled.

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<sup>1</sup> Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

2. An assessment of the impact of the lighting from the application site on bats. This should include a lux contour map to identify light spill.

This was required in order for the applicant to clearly demonstrate that this application would not cause a significant effect to The Mens SAC. Barbastelle bats are a qualifying feature of the SAC and they have been shown to forage in the environs of this application up to the application boundary. A more robust evidence base was required in order to more confidently demonstrate this application would not deleteriously impact on the foraging Barbastelles via lighting disturbance. It was also necessary to better inform and ascertain any requirement for an Appropriate Assessment.

The applicant has now furnished the Local Planning Authority with additional information pertaining to this case which includes the above request form Natural England.

From the additional information provided Natural England notes the following:

1. That all lighting including within the derrek will be cowled and inward facing to minimise any light spill from the application site:
2. that the lux contour map shows that the boundary of the site will be illuminated by no more than 0.1 lux which should have minimal impact on any foraging Barbastelles.

Natural England advises that although this application is situated in a sensitive location the additional information has demonstrated that the application, as submitted, should not impact on the qualifying feature (Barbastelle bats) of The Mens SAC. **Natural England therefore has no objection to this application.**

#### **Habitats Regulations Assessment**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, Natural England concurs with this view.

We also agree with the County Ecologist's report which advises that a suitably qualified ecologist conducts a light survey of the application site and environs within seven days of the completion of construction. This is to ensure the lighting levels are as required. A contingency plan detailing clear remedial action should be prepared and approved by the LPA in the event of a breach of the required lux levels.

Natural England further agrees that additional surveys should be carried out post-construction by a suitably trained ecologist to monitor bat activity during the following active season (May to August) the results of which should be sent to the LPA for their comment.

#### **Additional comments-future applications**

We note that the current application is of a temporary nature however should the results of the testing/exploratory phase yield consideration for a more permanent rig Natural England would wish to comment further. Such an application due to its permanence would require appropriate consideration for example via the strengthening of hedgerow linkages to improve connectivity with the wider landscape.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Rebecca Pearson on 0300 060 4090. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

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Sussex and Kent Area Team