

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY CELTIQUE ENERGIE WEALD LIMITED

**LAND SOUTH OF BOXAL BRIDGE, NORTHUP FIELD, WISBOROUGH GREEN, WEST SUSSEX RH14
0DD**

APPLICATION REFERENCE: WSCC/083/13/KD

STATEMENT OF CASE ON BEHALF OF THE APPELLANT

15 OCTOBER 2014

1 Introduction

- 1.1 This Statement of Case is submitted on behalf of Celtique Energie Weald Ltd (the “Appellant”). It relates to, and is submitted in support of, an appeal (the “Appeal”) pursuant to Section 78 of the Town and Country Planning Act 1990 in response to the decision by West Sussex County Council (“WSCC”) (as waste and minerals planning authority) to refuse to grant planning permission pursuant to an application for full planning permission (the “Application”) to develop land south of Boxal Bridge, Northup Field, Wisborough Green, West Sussex RH14 0DD (the “Appeal Site”) for 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 (the “Development”).
- 1.2 For the avoidance of doubt, the Application does not seek to carry out hydraulic fracturing (or ‘fracking’); permission is sought solely for the conventional exploration and evaluation of oil and gas reserves. A separate and further planning application would be required for any hydraulic fracturing activities.
- 1.3 The Application was drawn up following extensive pre-application discussions and consultation with WSCC, the local community and other key stakeholders. For the reasons set out in this Statement of Case and in the Appellant’s evidence, the Application merits the grant of planning permission.
- 1.4 A detailed description of the Development can be found in Chapter 4A of the Environmental Statement (“ES”) Addendum submitted as part of the Application.
- 1.5 The Appellant will demonstrate that the Development represents appropriate and sustainable development and that WSCC’s reasons for refusal are either not sound or can be overcome by the use of planning conditions. Attached at Appendix 3 is a list of those documents to which the Appellant may refer in support of its Appeal.

2 The Appellant

- 2.1 Background information on the Appellant and its reasons for submitting the Application are set out in Section 4A of the revised Planning Statement submitted in support of the Application.

3 The Appeal Site

- 3.1 Details of the Appeal Site are set out in Section 5.0 of the revised Planning Statement submitted in support of the Application.

4 History of the Application

- 4.1 Set out below is a summary chronology of the Application:
- (a) 6 September 2013 – the Application was submitted.
 - (b) 9 September 2013 – the Application was validated by WSCC.
 - (c) 13 September 2013 to 24 October 2013 – original consultation period.
 - (d) 12 November 2013 – the consultation period was extended by WSCC due to delay of Article 11 Notices.
 - (e) 12 November to 3 December 2013 – extended consultation period.
 - (f) 14 November 2013 – Article 11 Notice served.

- (g) 3 December 2013 – Request for further information made by WSCC under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. This request asked for more information to be provided on a number of topics including landscape, highways, lighting, noise and air quality. In particular, in respect of highways information this request made reference to a letter dated 21 November 2013 from WSCC as Local Highways Authority requesting certain highways information.
- (h) 25 April 2014 – Further information submitted by the Appellant in response to the Regulation 22 request.
- (i) 15 May to 5 June 2014 – Further consultation period.
- (j) 20 May 2014 – Further consultation period extended by WSCC.
- (k) 5 June to 20 June 2014 – Extended dates of the further consultation period.
- (l) 2 July 2014 – Objection received from WSCC's Highways Department. This objection was the first indication from WSCC officers that they had any concerns about the Application.
- (m) 11 July 2014 – WSCC Report to Committee was published, recommending refusal of the application.
- (n) 18 July 2014 – An additional transport report (entitled "*Draft Transport Objection Technical Response, Proposed Exploratory Well, Wisborough Green*") was submitted to WSCC in response to the Highways objection. This transport report was prepared by John Russell, Regional Director of SCP Transportation and Planning, and independently verified by David Bird, Director of Vectos. The Appellant's planning consultants requested by email a deferral of the Planning Committee meeting scheduled for 22 July 2014 to allow members to consider this additional information.
- (o) 21 July 2014 09:24am – Email from WSCC to the Appellant's planning consultants confirming that determination of the Application would be deferred and stating that:
"It would be useful to meet up as soon as possible to discuss how you intend to resolve the highways issues. Please confirm when would suit."
- (p) 21 July 2104 11:41am – Email from WSCC to the Appellant's planning consultants stating that the Application would be going before the Planning Committee on 22 July 2014 after all. The reason given for the reversal of the decision not to defer was that further legal advice had been taken "*around procedural matters wherein it became clear that we should put the decision regarding deferral before members*". No further explanation was given.
- (q) 22 July 2014 – Planning Committee meeting took place. The Application was resolved to be refused, for the following reasons:
 - (i) "*The applicant has failed to demonstrate that vehicles could enter and exit the site safely and without detriment to the highway network, contrary to Policies 26, 47 and 48 of the West Sussex Minerals Local Plan (2003), paragraph 32 of the National Planning Policy Framework (2012), Policy TR7 of the Chichester Local Plan (first review)(1999), and Policy 39 of the Chichester Local Plan (Key Policies Pre-Submission Document (2014).*
 - (ii) "*The applicant has failed to show that vehicles could travel the proposed route to the site safely and without harm to highway capacity or road safety, contrary to policies 26, 47 and 48 of the West Sussex Minerals Local Plan (2003), Policy*

TR7 of the Chichester Local Plan (first review)(1999), Policy 39 of the Chichester Local Plan (Key Policies Pre-Submission Document (2014) and paragraph 32 of the National Planning Policy Framework (2012).

- (iii) *The applicant has failed to accurately assess the increase in HGV movements resulting from the development and so has failed to demonstrate that it would not have a detrimental impact on highway capacity and road safety, and on residential amenity through increased noise. The development would, therefore, be contrary to policies 19, 26, 47 and 48 of the West Sussex Minerals Local Plan (2003), Policies RE12 and TR7 of the Chichester Local Plan (first review)(1999), Policies 39 and 48 of the Chichester Local Plan (Key Policies Pre-Submission Document (2014) and paragraphs 32, 120 and 123 of the National Planning Policy Framework (2012).*
- (iv) *The heavy goods vehicles resulting from the development would harm the character of Wisborough Green village and conservation area. The development would, therefore, be contrary to Policy 26 of the West Sussex Minerals Local Plan (2003), Policies RE12 and BE6 of the Chichester Local Plan (first review)(1999), paragraphs 28, 131 and 134 of the National Planning Policy Framework (2012), and Policies 25, 39, 45, 47 and 48 of the Chichester Local Plan (Key Policies Pre-Submission Document (2014)).*
- (v) *The Applicant has not demonstrated to the satisfaction of the county planning authority that the application site presents the best option in comparison with other alternative sites within the area of search (the Petroleum Exploration and Development (PEDL) area) contrary to Policy 26 of the Minerals Local Plan (2003)."*

- (r) 23 July 2014 – Decision notice issued.
- (s) 29 July 2014 – Freedom of Information Act request made to WSCC by Appellant's planning consultants regarding the meeting at which the decision was made not to defer the Application.
- (t) 28 August 2014 – Response received to Freedom of Information Act request stating that there are no records of the meeting at which the decision not to defer the Application was taken.

5 Relevant policies

- 5.1 National, county and local planning policies which are relevant to the Application and to the Appeal are set out in sections 6.0 and 7.0 of the revised Planning Statement submitted in support of the Application and in Appendix 1 to this Statement of Case.

6 The Appellant's case

- 6.1 The Appellant sets out below its reasons for considering that WSCC's grounds are not appropriate grounds for refusal. Full details responding to the first three reasons for refusal are set out in the additional transport report that was submitted to WSCC prior to determination of the Application on 18 July 2014, but was not considered by WSCC despite the Appellant's request that the meeting be adjourned so that the information could be considered.

Reason for refusal 1: Access and Egress to the Site

- 6.2 The Appellant has carried out swept path analysis of the site access for a 20 tonne tipper truck and a 16.6m articulated low-loader. This analysis demonstrates that the proposed site access can

safely accommodate the movements of all necessary vehicles required to access the site on a worst case basis. The additional highways information identifies further measures, such as a Construction Traffic Management Plan, appropriate signage and the laying out of hardstanding within the site area. These measures would ensure that any of the potential risks identified by WSCC can be avoided.

6.3 In particular, average recorded speeds for traffic at the site access (provided with the submission assessment) are recorded at 36.1 mph for eastbound traffic and 35.5 mph for westbound traffic. 85th percentile recorded speeds for traffic at the site access provided with the submission assessment are 41.3 mph for eastbound traffic and 40.2mph for westbound traffic. Based on these observed speeds, the following desirable minimum Stopping Sight Distances (“SSD”) have been calculated using guidance provided in the Government’s Manual for Streets (September 2010) which sets out the following desirable minimum SSD:

- (a) 109m for a speed of 41.3 mph – compared to 117m provided; and
- (b) 104m for a speed of 40.2 mph - compared to 121m provided.

6.4 It will be demonstrated that the visibility splays provided by the Appellant are suitable when assessed against appropriate standards, especially given the temporary nature of the proposals, low traffic levels and the nature of Kirdford Road.

Reason for Refusal 2: Proposed Route

6.5 The existing A272 running through Wisborough Green village is already designated as a Local Lorry Route by WSCC and the application proposals seek to utilise the existing strategic route to its maximum extent before taking the shortest and most practical route to the Appeal Site from the A272 along Durbans Road and Kirdford Road.

6.6 At the request of WSCC, a route safety study was commissioned by the Appellant. This study, entitled the “*Road Safety Assessment, Proposed Temporary Haul Route, Wisborough Green, West Sussex*”, prepared by Road Safety Consulting Ltd and dated 16 July 2013 (provided at Appendix 6 of the additional transport report), provided an independent safety audit of the proposed route between the A272 and the site access. The recommendations of the auditor referred to in the extract from the report have been incorporated into the design and mitigation proposals.

6.7 Further, as set out at paragraph 6.22 above, swept path analysis of the construction route between the A272 and the site access has been undertaken for a 20 tonne tipper truck and a 16.6m articulated low-loader. The review of the swept path identifies four locations in addition to the site access at which for the avoidance of any doubt further assessment has been undertaken. These locations comprise:

- (a) Boxal Bridge;
- (b) Corner on Kirdford Road east of junction with Skiff Lane;
- (c) Junction of Durbans Road/Kirdford Lane; and
- (d) Junction of Durbans Road/A272.

6.8 The assessment provides a summary of the swept path analysis, identifies potential risks which the swept path analysis suggests and proposes further mitigation measures to remove or reduce any possible risk. It assesses the impact on highway capacity or safety as acceptable and the residual risk as negligible.

6.9 In light of the additional highways information in particular, which again was not considered by WSCC, it is clear that there is no substance in WSCC’s objection that the Appellant has not

demonstrated that the necessary vehicles will not be able to travel the proposed route safely and comfortably.

Reason for Refusal 3: Impact from HGVs

- 6.10 It will be shown that there is no substance in the suggestion that the Appeal proposal would have a detrimental impact on highway capacity, road safety or residential amenity through increased noise. The assessment of traffic impacts within the documents initially submitted to WSCC as well as the additional transport report arrive at the same conclusion, namely that there is expected to be a negligible impact in terms of road traffic arising from the Development. The number of HGV movements associated with the Development for most of this period will be six per day, although it will be higher for some periods with an average of 24 movements per day during site construction, with a maximum of 40 movements per day for 4-5 days during this period (see ES Addendum Table 10.11).
- 6.11 It is not accepted that the Appellant failed accurately to assess the increase in HGV movements. Comments were sought from WSCC regarding the scope of the Transport Assessment prior to submission of the Application and this correspondence is provided at Appendix 2 of the additional transport report. This included submitting a completed draft of the Assessment. A 1.5 tonne threshold was adopted for this scoping exercise in order to differentiate between cars and light commercial vehicles. For the avoidance of doubt, the assessment provided in the additional transport report responds to the request from WSCC that the split between light vehicles and heavy vehicles should be 3.5 tonnes. Appendix 4 of the additional transport report provides details of the types of vehicles included in each category. The number of HGV movements generated by the Development at different phases remains the same, as does the conclusion that the impact will be negligible.
- 6.12 As far as the impact on residential dwellings is concerned, there is no basis in the objection. The noise chapter of the ES Addendum concludes that the impact from road traffic even during the most intensive temporary phases will be acceptable. The review carried out by Acoustic Associates Limited dated 17 June 2014 agrees.

Reason for Refusal 4: Impact on Character of the Wisborough Green and Conservation Area

- 6.13 The only basis on which WSCC suggests there would be an impact on the character of the village of Wisborough Green and/or the Conservation Area from the Development is due to associated HGV movements. It will be shown that there is no substance in this suggestion, for the same reasons as there is no substance in Reason for Refusal 3, which also relates to HGV movements.
- 6.14 It may be noted that the publication of the Committee Report was the first time that WSCC raised this issue with the Appellant.
- 6.15 Insofar as the point merits separate consideration, the Appellant will demonstrate that its temporary proposals will cause no harm whatsoever to the character of Wisborough Green or the Conservation Area. An outline of the main reasons for this is set out below.
- 6.16 First, the existing A272 already runs through the southern section of the Wisborough Green Conservation Area. As stated in WSCC's highways objection of 2 July 2014, the A272 carries approximately 7,000 vehicles per day; it is a busy road. As set out in Chichester District Council's "*Wisborough Green Conservation Area Character Appraisal & Management Proposals*" (September 2010), this highway has been in existence for hundreds of years (see the 1842 and 1912 maps on page 7) and will have been (and still is) utilised by a variety of commercial vehicles, including those serving the surrounding farmsteads. It is noted that section 4.2 of the Character Appraisal states:

“Whilst the A272 forms its southern boundary, the busy traffic does not impinge too much...”

- 6.17 The A272 is in permanent use as a road and lorry network, but is not considered by WSCC, the Wisborough Green Parish Council or local people to have a significant effect on the village. In that context traffic generated by the Appeal proposal cannot sensibly be viewed as significant.
- 6.18 Second, HGV movements would not materially block views of the Conservation Area or of the village green or otherwise materially affect the character of the village. The Committee Report correctly noted that passing HGVs will be *“transitory in nature and infrequent”* and that any visual intrusion will be minor or negligible (see paragraphs 9.50-9.51).
- 6.19 Third, the number and frequency of HGVs travelling around the village green would not be out of keeping with or harm the rural character of the village green because Kirdford Road is a public road already used by lorries, with around 42 two-way HGV movements per day. To the south by the village green there are already around 238 daily two-way HGV movements. Neither existing use by HGVs is noted to be of significant impact or to detract from the character of the village or Conservation Area. Therefore it is difficult to see how additional strictly temporary HGV movements of, for example, up to 40 daily movements (20 in and 20 out) for 4-5 days during the construction period, with on average 24 daily HGV movements (12 in and 12 out) during the remainder of the 8 week construction period, could be likely to result in any harm to the character of the Conservation Area. During the longer periods of development, HGV movements would be even fewer, at six and four daily movements during drilling (14 weeks plus possible additional 12 weeks) and testing (up to 26 weeks) respectively.
- 6.20 Fourth, and for the avoidance of any possible doubt, a series of traffic management measures will be applied during operations to promote the safe and efficient movement of vehicles associated with the Development and other regular roads users, to assist in the mitigation of any temporary effects. The Appellant has proposed a series of measures, including liaising with the Parish Council, to try to avoid moving traffic through the village during planned events.
- 6.21 Fifth, the ES Addendum concludes, having assessed three alternative routes from the A272 to the Application Site at the request of the Parish Council, that the proposed vehicular route from the A272 leading north west on Kirdford Road at 2km (compared to 9km for the alternative routes) is the shortest, most appropriate route for vehicles in accordance with the Transport Plan and Policy 26 Part (B) (see Appendix 1 at paragraph 3.15). At paragraph 9.29 of the Planning Committee Report, WSCC’s officers agree with this approach.
- 6.22 Finally, the Appellant notes that there were no objections to the Application from English Heritage and WSCC’s professional Landscape or Archaeology Officers on the ground that increased HGV traffic would harm the character of the village or its Conservation Area.
- 6.23 The consultation comments from WSCC’s Highways Department dated 21 November 2013 and 2 July 2014 were also silent on the impact of traffic on the Conservation Area.
- 6.24 There is accordingly no basis for a heritage or landscape character objection. However as the point has been raised by WSCC, the Appellant will present expert evidence from a suitably qualified individual in support of this aspect of its Appeal.
- 6.25 In addition, any reference to Policy BE6 of the Chichester Local Plan (first review) (1999) in this respect would appear incorrect, as the policy makes no reference to the impact of traffic within Conservation Areas.
- 6.26 In the absence of harm to or loss of significance of the Conservation Area and taking into account the great weight afforded to the public benefits of the Development combined with the national need, neither local policy nor the NPPF supports a refusal of the Application on heritage grounds.

Nor is section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 engaged, given the lack of harm.

Reason 5: Best Option in Comparison with Alternative Sites

- 6.27 This reason for refusal was not supported by WSCC's professional officers. The Committee Report stated that *"County Council planning, environmental and highway officers were involved in the discussion of alternative sites so were able to feed into the analysis. It is considered that the alternative site assessment undertaken by the applicant was proportionate, robust and that the conclusions reached were sound"* (paragraph 9.14); *"[t]herefore, it is considered by officers that there is a need for continued exploration and appraisal to establish whether there are hydrocarbon resources present which can be utilised. It is also concluded that the site represents the best option within the search area, namely within the PEDL boundary"* (paragraph 9.15).
- 6.28 As documented in Chapter 5 and Appendix 5.1 of the Environmental Statement, the Appellant undertook an extensive site selection process and, on the basis of geological data and the suitability of site, opted for the Appeal Site. The Appellant's Alternative Sites Assessment considered all of the criteria under Policy 26 of the Minerals Local Plan. There is no policy basis for the Appellant having to carry out any more extensive consideration of alternative sites or for the site to represent the "best option" if it is otherwise acceptable. The scope of the assessment was adequate and the conclusion robust. The Appellant considers as a result of its site selection process that the Appeal Site is the best option, however, even if it was not, it is plainly acceptable. It will be shown that the Development complies with Policy 26. WSCC has adopted an unreasonable interpretation of "best option" under that Policy that would also be incompatible with the NPPF. Alternatives only fall to be considered under the NPPF if a proposal will have significant adverse impacts.
- 6.29 The Applicant will refer to the case of *R (Langley Park School for Girls Governing Body) v Bromley London Borough Council* [2010] 1 P & CR 10 as authority that, where there are no clear planning objections to development, alternative proposals, whether for an alternative site or a different siting within the same site, will normally be irrelevant.

7 Other issues raised

- 7.1 A significant number of consultation responses were received in response to the Application. Details of the consultation responses received from statutory consultees are set out in Section 7 of the Planning Officer's Report to the Planning Committee. Details of other representations received by WSCC are set out in Section 8 of the Planning Officer's Report.
- 7.2 The Planning Officer's Report to the Planning Committee considered these issues in detail and advised as follows:
- (a) Need for Development: *"The NPPF gives 'great weight' to the benefits of mineral extraction, including to the economy and highlights that minerals can only be worked where they are found. PPG: Minerals notes that oil and gas will continue to form part of the national energy supply, and gives a clear steer from Government that there is a continuing need for indigenous oil and gas. The West Sussex Minerals Local Plan (2003) notes that planning permission for oil and gas exploration will normally be granted, subject to environmental considerations and the development being the 'best option' in the area of search. For oil and gas sites, the 'area of search' is considered to be the Petroleum Exploration and Development Licence (PEDL) area which in this case is rural with scattered settlements. The applicant's alternative site assessment considered a range of constraints, as well as the geology of the PEDL area before deciding upon the*

application site. The assessment is considered to be robust and proportionate and, therefore, the site is considered to represent the 'best option' (paragraph 9.16).

- (b) Impact on Landscape: "The Development would be of an industrial nature within a rural setting. However, it would be well-screened from public views, and any visible impacts, primarily relating to the 45 metre rig, would be temporary. Further, views of the site from the South Downs National Park to the south would be interrupted by the existing large electricity pylons, and from Kirdford Road, the site would be set against the pylons in the background. WSCC's Landscape Officer raises no objections to the proposal, subject to the imposition of conditions. Therefore, it is considered that the proposal would not result in significant visual impacts and that it is acceptable in landscape terms" (paragraph 9.37).
- (c) Noise: "WSCC's Noise Consultant concludes that the operations would not result in significant noise emissions, and that the predicted noise emissions would not exceed the 42dB LAeq, 5min night time level or 55dB LAeq, 5min daytime level sought by the EHO. Therefore, it is concluded that noise emissions resulting from operations on the site would not be detrimental to residential amenity" (paragraph 9.47).
- (d) Visual impacts: "Although the site is in the countryside and the access route is through Wisborough Green, it is not considered that the proposed HGV movements would give rise to visual obstruction or intrusion that would have an unacceptable impact on amenity" (paragraph 9.52).
- (e) Amenity and public health: "The Development has the potential to result in impacts on amenity and public health through noise, visual intrusion, and air emissions resulting from operations on the site, and from vehicles travelling to/from it. Noise levels would be below limits set in the relevant Government guidance, albeit that there would potentially be a 19dB increase in night-time noise during the mobilisation/demobilisation and drilling phases which total, at worst, 30 weeks. Although this is of concern, noise levels would be below limits set, and the disturbance is likely to be noticeable but minimal. ... The development would result in emissions to air from exhaust from plant and vehicles, and the flaring of gas. However, the increased exhaust emissions would not be significant, and would be within national limits. Emissions from flaring, as well as fugitive gas emissions would be managed through the Environmental Permitting process. Neither the Environment Agency or Chichester District Council's Environmental Health Officer have raised objections to the proposal" (extract from paragraph 9.60).
- (f) Impact on the water environment: "The development site is not located in an area at risk of flooding, and is over an unproductive aquifer where permeability is low, with the Environment Agency noting that the risk to groundwater would be negligible. PPG: Minerals, paragraph 112 notes that mineral planning authorities must assume that non-planning regimes operate effectively, albeit while needing to be satisfied that this is the case. This means assuming that other regimes will ensure that the well is constructed and operated appropriately, that surface equipment operates satisfactorily, and that waste and NORMs are appropriately managed. The Environment Agency note that the main risk to the water environment is to surface water, which would be minimised through containment of the site and drainage system. This would also prevent increased flood risk as water from the site would be collected and either reused on site or tankered off. Overall it is concluded that the development would be carried out in a way that would ensure that ground water and surface water are protected, and that flood risk is not increased. Therefore, subject to the imposition of conditions, the development is

considered to be acceptable in terms of its impact on the water environment” (paragraph 9.73).

- (g) Impact on ecology: *“The Development has the potential to result in impacts on ecology through the use of lighting, primarily through pollution of waterways and through disturbance of a nearby badger sett. The applicant has submitted information demonstrating that lighting would be controlled to minimise light spill to an acceptable level so that WSCC’s Ecologists and Natural England are satisfied there would be no adverse impact on bats or through doing so, the integrity of the Mens or Ebernoe Common Special Areas of Conservation (SACs). There would be a buffer between the site operations and the nearby badger sett which WSCC’s Ecologist is satisfied will minimise disturbance. The site and operations would be contained so there would be no impact on Boxal Brook or its associated ecology. Subject to the imposition of conditions, therefore, the development is considered to be acceptable in terms of ecological impact” (paragraph 9.79).*

7.3 The Appellant endorses these responses to the issues which have been raised in third party representations and will present a case on Appeal that is consistent with them.

8 Reasons for allowing the Appeal

Compliance with local planning policy:

- 8.1 This Appeal is to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).
- 8.2 The statutory development plan comprises the saved policies of the West Sussex Minerals Local Plan 2003 and the saved policies of the Chichester District Council Local Plan 1999.
- 8.3 The Appellant will show that the Development is in accordance with the adopted and emerging development plan for the area, in particular when assessed against the following policies, to the extent that they are relevant:

West Sussex Minerals Local Plan (2003) (See Appendix 1 paragraph 3)

- (a) Policy 1 - Policy of sustainable development
- (b) Paragraph 4.1 - 4.7 – Protecting the environment
- (c) Policy 10 – Sites of historic, architectural or scientific interest
- (d) Policy 11 – Archaeological remains
- (e) Policy 16 – Safeguarding the water environment
- (f) Policy 19 – Residential amenity
- (g) Policy 20 – Reclamation and restoration (permission)
- (h) Policy 22 – Reclamation and restoration (application)
- (i) Policy 26 – Oil and gas exploration; lack of an alternative site
- (j) Policy 27 – Permission for hydrocarbon extraction
- (k) Policy 47 – Highways and vehicles
- (l) Policy 51 – Reclamation after excavation
- (m) Policy 52 – Siting and appearance of buildings, machinery and plant

- (n) Policy 53 – Trees and shrubs
- (o) Policy 55 – Rights of way
- (p) Policy 56 – Water resources
- (q) Policy 58 – Soil handling and restoration
- (r) Policy 59 – Drainage
- (s) Policy 60 – Noise
- (t) Policy 61 – Dust
- (u) Policy 62 – Light
- (v) Policy 63 – Hours of work
- (w) Policy 64 - Residential buffer zones

Chichester District Council Local Plan (1999) (see Appendix 1 paragraph 4)

- (a) Policy BE3 – Archaeology
- (b) Policy BE6 – Conservation areas
- (c) Policy BE11 – New development
- (d) Policy BE14 – Wildlife habitat, trees, hedges and other landscape features
- (e) Policy RE7 – Nature conservation – designated sites
- (f) Policy RE8 – Nature conservation – non-designated sites
- (g) Policy RE12 – Rural diversification
- (h) Policy TR6 – Highway safety

Chichester Local Plan (Key Policies Pre-submission document) 2014 (see Appendix 1 paragraph 2)

- (a) Policy 25 – Developments which the council should support
- (b) Policy 39 – Criteria which development plans should satisfy (general)
- (c) Policy 45 – Development proposals in the countryside
- (d) Policy 47 – Development proposals for heritage sites
- (e) Policy 48 – Criteria which development plans should satisfy (South Downs National Park)

Compliance with national planning policy:

- 8.4 Paragraph 215 of Annex 1 NPPF states that from 12 months from the adoption of NPPF “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*”
- 8.5 The Appellant will demonstrate that it has fully complied with the following requirements of national policy in respect of the Planning Application:

National Planning Policy Framework (2012) (see Appendix 1 paragraph 1)

- (a) Paragraph 14 – Presumption of sustainable development

- (b) Paragraph 28 – Rural neighbourhood plans
- (c) Paragraph 32 – Transport
- (d) Paragraph 115 – National Parks and Areas of Outstanding Natural Beauty (AONB)
- (e) Paragraph 116 – Assessment criteria for development in National Parks or AONB
- (f) Paragraph 118 – Biodiversity
- (g) Paragraph 120 – Pollution and contamination
- (h) Paragraph 123 – Noise
- (i) Paragraph 131 – Heritage
- (j) Paragraph 133 – Substantial harm to heritage
- (k) Paragraph 134 – Less than substantial harm to heritage
- (l) Paragraph 142 - Minerals
- (m) Paragraph 144 – Mineral extraction (applications)
- (n) Paragraph 147 – Mineral Planning Authorities

8.6 The Appellant will also demonstrate that the Application is fully compliant with the Planning Practice Guidance and Government policy.

9 Unreasonable Behaviour

9.1 The Appellant considers that, at several stages of the Application process and in subsequently refusing planning permission, WSCC behaved in an unreasonable manner and at present it intends to make a costs submission reflecting this. In particular, as set out at paragraph 4.1(n) and 4.1(p) above, additional highways information, addressing the issues raised by WSCC's highways department, was submitted on 18 July 2014. The Appellant's planning consultants requested that the Application be deferred and not therefore heard at the Planning Committee meeting due to be held on 22 July. This request was originally agreed to and then refused by the Planning Officer with little explanation. The Appellant has subsequently made a number of Freedom of Information Act requests to WSCC to determine the reasons for that refusal, but WSCC have responded that no record was taken of the meeting in which it was decided that the Application would not be deferred.

9.2 Further, the Appellant may also refer in evidence to the unsatisfactory nature of the debate at the Planning Committee meeting, including:

- (a) The Highway Officer's admission that although he had not had a proper look at the additional transport report that had been submitted, that it seemed to go some way to responding to the objections, but it looked like that there was more to do.
- (b) The questioning by the Planning Committee as to the robustness of the alternative site assessment of officers advising that the assessment was indeed robust. The Head of Planning did not directly answer a question as to whether an inadequate alternative site assessment could be used as a reason for refusal, although his response appears to have been taken as a 'yes' by the Committee members, leading to the fifth reason for refusal.
- (c) The highways discussion was based entirely on the previous highways submissions and not on information submitted on behalf of the Appellant on 18 July 2014.

9.3 The Planning Committee meeting was filmed by WSCC as is its standard practice and the Appellant has preparing a transcript of this meeting which forms part of the appeal documents.

10 Conclusion

10.1 The Appellant submits that for the reasons set out in this Statement of Case this Appeal should be allowed and that planning permission for the Development should be granted subject to the proposed conditions contained in Appendix 2.

15 October 2014

APPENDIX 1
PLANNING POLICY

1 National Planning Policy Framework 2012 (“NPPF”)

1.1 Paragraph 14 of the NPPF states that:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- (a) *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- (b) *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
- (c) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- (d) *specific policies in this Framework indicate development should be restricted (for example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).*

For decision-taking this means (unless material considerations indicate otherwise):

- (e) *approving development proposals that accord with the development plan without delay; and*
- (f) *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - (i) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - (ii) *specific policies in this Framework indicate development should be restricted (for example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).”*

1.2 Paragraph 28 of the NPPF states that:

“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- (a) *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- (b) *promote the development and diversification of agricultural and other land-based rural businesses;*
- (c) *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
- (d) *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*

1.3 Paragraph 32 of the NPPF states that:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- (a) *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- (b) *safe and suitable access to the site can be achieved for all people; and*
- (c) *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

1.4 Paragraph 115 of the NPPF states that:

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads (English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters).”

1.5 Paragraph 116 of the NPPF states that:

“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- (a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- (b) *the cost of, and scope for, developing elsewhere outside the designate area, or meeting the need for it in some other way; and*
- (c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

1.6 Paragraph 118 of the NPPF states that:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- (a) *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- (b) *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- (c) *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- (d) *opportunities to incorporate biodiversity in and around development should be encouraged;*
- (e) *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- (f) *the following wildlife sites should be given the same protection as European sites:*
 - (i) *potential Special Protection Areas and possible Special Areas of Conservation;*
 - (ii) *listed or proposed Ramsar sites (potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site);and*
 - (iii) *sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”*

1.7 Paragraph 120 of the NPPF states that:

“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

1.8 Paragraph 123 of the NPPF states that:

“Planning policies and decisions should aim to:

- (a) *avoid noise from giving rise to significant adverse impacts (see Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural Affairs)) on health and quality of life as a result of new development;*
- (b) *mitigate and reduce to a minimum other adverse impacts (see Explanatory Note to the Noise Policy Statement for England (Department for the Environment, Food and Rural Affairs)) on health and quality of life arising from noise from new development, including through the use of conditions;*
- (c) *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established (Subject to the provisions of the Environmental Protection Act 1990 and other relevant law); and*
- (d) *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

1.9 Paragraph 131 of the NPPF states that:

“In determining planning applications, local planning authorities should take account of:

- (a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- (b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- (c) *the desirability of new development making a positive contribution to local character and distinctiveness.”*

1.10 Paragraph 133 of the NPPF states that:

“Where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”

1.11 Paragraph 134 of the NPPF states that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

1.12 Paragraph 142 of the NPPF states that:

“Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.”

1.13 Paragraph 144 of the NPPF states that:

“When determining planning applications, local planning authorities should:

- (a) *give great weight to the benefits of the mineral extraction, including to the economy;*

- (b) *as far as is practical, provide for the maintenance of landbanks of nonenergy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;*
- (c) *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, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*
- (d) *ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,³¹ and establish appropriate noise limits for extraction in proximity to noise sensitive properties;*
- (e) *not grant planning permission for peat extraction from new or extended sites;*
- (f) *provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;*
- (g) *not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;*
- (h) *consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and*
- (i) *recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.”*

1.14 Paragraph 147 of the NPPF states that:

“Minerals planning authorities should also:

- (a) *when planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production;*
- (b) *encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;*
- (c) *indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;*
- (d) *encourage capture and use of methane from coal mines in active and abandoned coalfield areas; and*
- (e) *provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.”*

2 The Chichester Local Plan Key Policies Pre-Submission Document (2014)

2.1 Policy 25 states that:

“Provision will be made for small scale development in the North of the Plan area through Neighbourhood Plans and/or the Site Allocation DPD, in accordance with Policies 2 and 5.

The Council will encourage and support development proposals and other initiatives that:

- (a) *conserve and enhance the rural character of the area, the quality of its landscape and the natural and historic environment;*
- (b) *safeguard existing local facilities and expand the range of local facilities; and*
- (c) *improve accessibility to facilities in nearby centres outside the North of the Plan area.”*

2.2 Policy 39 of the Chichester Local Plan Key Policies Pre-Submission Document (2014) states that:

“Planning permission will be granted for development where it can be demonstrated that all the following criteria have been considered:

- (a) *all development provides for the access and transport demands they create, through provision of necessary improvements to transport networks, services and facilities, either directly by the developer or indirectly in the form of financial contributions;*
- (b) *development is located and designed to minimise additional traffic generation and movement, and should not create or add to problems of safety, congestion, air pollution, or other damage to the environment;*
- (c) *the proposal has safe and adequate means of access and internal circulation/turning arrangements for all modes of transport relevant to the proposal;*
- (d) *the proposal encourages development that can be accessed by sustainable modes of transport, in part, through the creation of links between new development and existing pedestrian, cycle and public transport networks;*
- (e) *the proposal provides for safe, easy and direct movement for those with mobility difficulties;*
- (f) *the proposal does not create residual cumulative impacts which are severe; and*
- (g) *proposal provide for high quality linkage direct from the development to the broadband network.*

Developments with significant transport impacts must submit a Travel Assessment in accordance with the NPPF, and a Travel Plan including defined targets, implementation, funding, and monitoring regime.

The level of car parking provision should be in accordance with current West Sussex County Council guidance. This, together with residential parking and the level of cycle parking, will be assessed on a flexible site by site basis depending on the provision of public transport and access to local facilities.”

2.3 Policy 45 states that:

“Within the countryside, outside settlement boundaries, development will be granted where it requires a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements.

Planning permission will be granted for sustainable development in the countryside where it can be demonstrated that all the following criteria have been met:

- (a) *the proposal is well related to an existing farmstead or group of buildings, or located close to an established settlement;*
- (b) *the proposal is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses; and*

- (c) *proposals requiring a countryside setting, for example agricultural buildings, ensure that their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.*

Retail development in the countryside will be strictly controlled. Farm shops will be permitted provided they sell goods that have predominantly been produced on the farm.”

2.4 Policy 47 states that:

“New development which recognises, respects and enhances the local distinctiveness and character of the area, landscape and heritage assets will be supported. Planning permission will be granted where it can be demonstrated that all the following criteria have been met:

- (a) *the proposal conserves and enhances the special interest and settings of designated and non-designated heritage assets including:*
 - (i) *monuments and sites and areas of archaeological potential or importance and their setting;*
 - (ii) *listed buildings;*
 - (iii) *buildings of local importance including locally listed and positive buildings;*
 - (iv) *historic buildings or structures/features of local distinctiveness and character;*
 - (v) *buildings within a Conservation Area; and*
 - (vi) *historic Parks or Gardens, both registered or of local importance and historic landscapes.*
- (b) *development respects distinctive local character and sensitively contributes to creating places of a high architectural and built quality;*
- (c) *development is in-keeping with existing designed or natural landscapes; and*
- (d) *the individual identity of settlements is maintained, and the integrity of predominantly open and undeveloped character of the area, including the openness of views in and around Chichester and Pagham Harbours, towards the city and the Cathedral and the South Downs National Park, is not undermined.”*

2.5 Policy 48 states that:

“Planning permission will be granted where it can be demonstrated that all the following criteria have been met:

- (a) *there is no adverse impact on:*
 - (i) *the openness of the views in and around the coast, designated environmental areas and the setting of the South Downs National Park;*
 - (ii) *the tranquil and rural character of the area; and*
 - (iii) *development recognises distinctive local landscape character and sensitively contributes to its setting and quality;*
- (b) *proposals respect and enhance the landscape character of the surrounding area and site, public amenity and detailed design;*
- (c) *development of poorer quality agricultural land has been fully considered in preference to best and most versatile land; and*

- (d) *the individual identity of settlement, actual or perceived, is maintained and the integrity of predominantly open and undeveloped land between settlements is not diminished.*"

3 West Sussex Minerals Local Plan (2003)

3.1 Policy 1 states that:

"The mineral planning authority is committed to the principle of sustainable development. Mineral workings will be permitted only where:

- (a) *working practices which cause least environmental harm will be followed; and*
- (b) *opportunities to conserve and enhance the environment are incorporated in proposals to reclaim the land to a standard appropriate to the agreed after use."*

3.2 Government policy, the West Sussex Structure Plan 2001-2016 Deposit Draft, and the various District Council Local Plans in West Sussex emphasise the value of the countryside, acknowledge the pressures being experienced and attempt to balance conservation objectives and development needs. The underlying geology provides the foundation for the landscape character of the County. Conflicts can arise when minerals become of economic interest.

3.3 In 1999, there were forty-two active or potentially active mineral workings with planning permission within the county of which twenty four lie within the Sussex Downs or High Weald Areas of Outstanding Natural Beauty (AONB). Two sites lie adjacent to Sites of Special Scientific Interest (SSSI); but a further nine are themselves SSSIs, eight of which have revealed features of geological interest. The remaining one has been recolonised and provides habitats for plants and animals now scarce elsewhere. A number of other workings provide useful habitats where, for example, by sympathetic management of quarrying, disturbance to nesting bird communities is minimised. There are many examples of old workings which are of considerable value to conservation interests. English Nature is promoting the identification of a voluntary network of Regionally Important Geological/Geomorphological Sites (RIGs) in order to secure the protection and management of interesting geological features for educational purposes. On occasion these have been uncovered by quarrying; and pit owners and operators have been helpful in making special arrangements to conserve them. An on-going survey of West Sussex is being undertaken by qualified volunteers.

3.4 Whilst current archaeological policies and techniques would prefer other approaches, in cases of unexpected finds, there can also be archaeological benefits to sympathetic quarrying. The following example is of interest but is not normal as the site evolved from the 1960's onwards, before the incorporation of archaeological matters into planning policy and practice. In 1994, the shinbone of a hominid dating back 500,000 years was discovered in a gravel pit near Chichester. More recently, two hominid teeth, apparently from the same jaw, have been removed from levels below the earlier find. These finds are as early as any reliably dated human remains found outside Africa and confirms that the research project which has been undertaken here since the early 1980s by Dr. Mark Roberts of the Institute of Archaeology, is of international importance. In addition to undertaking a meticulous record of the archaeological deposits, the project has studied the geography and land form of Sussex as it would have appeared half a million years ago. Looking ahead, the project aims to model the geography of Europe at that time, to establish the route taken by these early peoples when they left Africa and began the process of colonisation.

3.5 The Mineral Planning Authority considers that in West Sussex preference should be given to extraction outside areas protected by statutory designation. However, there are areas of more local conservation importance, and other areas of countryside which while having no special protection are enjoyed and valued for their own sake. Nevertheless, these areas would not be afforded the same degree of protection as those with statutory designations. Mineral extraction

usually involves a loss of agricultural land, forestry and amenity in the rural area, albeit temporarily, and therefore applications for mineral working will need to satisfy certain criteria before receiving approval. It is government policy to protect the “best and most versatile” agricultural land from irreversible development and mineral working will not normally be permitted on higher grade land when land of a lower grade is available. The “worst first” principle is set out in Planning Policy Guidance 7, (revised February 1997), (para 2.18).

3.6 Mineral working can also affect residential amenities and the built environment due to noise, dust and visual impact, and haulage traffic spreads the effect beyond the immediate vicinity of workings. On balance, the benefits will need to outweigh the environmental disadvantages particularly in relation to meeting sustainable development objectives.

3.7 Most sand deposits, sandstone, chalk and some clay lie within Areas of Outstanding Natural Beauty. The richest gravels often underlie the “best and most versatile” quality agricultural land (see Glossary), for which they provide excellent drainage. It is in the national interest to protect this agricultural resource and where there is an unavoidable effect on land of this quality, its reclamation to an appropriate standard for the future must be sought. The land is brought to the required standards when its physical characteristics are restored, so far as it is practicable to do so, to what they were when it was last used for agriculture (Schedule 5, paragraph 3.1 of the Town and County Planning Act 1990 (as amended)). The advice of the Department for Environment, Food and Rural Affairs (DEFRA), will be sought in such cases. However, if West Sussex is to continue to obtain, from local sources, the supply of minerals it needs, then appropriate compensating measures must be found which respect these environmental factors.

3.8 The West Sussex Structure Plan 2001-2016 Deposit Draft reflects Government policy by allowing mineral extraction to take place in areas where other development would not normally be permitted (ERAS). There are two main reasons:

- (a) minerals can only be worked where they are found; and
- (b) mineral extraction is a “temporary” activity and properly reclaimed sites should leave no unwelcome traces or undesirable impact.

3.9 Policy 10 states that:

“Proposals for mineral working which may irreversibly damage statutorily designated sites of historic, architectural, natural or scientific interest will only be granted if the damage can be prevented or the need for the mineral outweighs the environmental objections relating to those designations.”

3.10 Policy 11 states that:

“Where nationally important archaeological remains, whether scheduled or not, are affected by proposed mineral working there will be a presumption in favour of their physical preservation in situ. Where such remains and their settings might be adversely affected by site restoration work, or by other development, then protection of the archaeology and the integrity of the site will be afforded priority.”

3.11 Policy 16 states that:

“Appropriate measures will be required for safeguarding the water environment during working and the prudent use and recycling of water within mineral workings will be encouraged.”

3.12 Policy 19 states that:

“In considering planning applications for mineral extraction attention will be given to the effect upon residential and other amenity, and measures to mitigate the impact.”

3.13 Policy 20 states that:

“Planning permission for mineral extraction will only be granted where proposals for reclamation would be practicable and appropriate for the location, and that reclamation would be completed at the earliest opportunity.”

3.14 Policy 22 states that:

“Planning applications for mineral working will only be approved where they incorporate either detailed proposals for reclamation, or the principles of reclamation requiring the submission and agreement of more detailed programmes at a later date (or dates) to be agreed with the mineral planning authority. Progressive restoration will be required in accordance with phased working schemes, unless it can be demonstrated that this is not practicable.”

3.15 Policy 26 states that:

“Applications for the exploration, appraisal and/or commercial development of oil or gas resources will be permitted where it is demonstrated to the satisfaction of the mineral planning authority that the proposal presents the best option in comparison with other alternative sites within the area of search and that the proposal is acceptable in relation to the surrounding area. Particular attention will be given to:

- (a) the impact on other countryside resources;*
- (b) the site access and the routeing of heavy vehicles;*
- (c) the means of protecting nearby residents and amenities from the effects of the operations;*
- (d) the safeguarding of public rights of way; and*
- (e) the safeguarding of water supplies and the water environment.”*

3.16 Policy 27 states that:

“Permission for hydrocarbon exploration will normally be granted subject to compliance with the issues addressed in policy 26 having regard to the limited duration and area of the activity.”

3.17 Policy 47 states that:

“Where planning applications for mineral development are considered, account will be taken of the numbers, type and routeing of vehicles likely to be generated. Permission will be refused if the highway network is inadequate and any significant harm which would be caused by the inadequacy cannot be overcome. In addition, permission will be refused if, in attempting to overcome any highway inadequacy, the improvements themselves would cause significant harm to the environment.”

3.18 Policy 51 states that:

“Applicants will be required to include in planning applications a satisfactory working scheme to show how working within the site is intended to progress and to show how reclamation will follow close behind excavation. Unworked areas will be required to continue in use for farming or be managed to an agreed specification. Appropriate access to reclaimed areas will be required to enable an approved aftercare scheme to commence at the earliest opportunity.”

3.19 Policy 52 states that:

“Details will be required of the siting and appearance of buildings, machinery and plant together with proposals for their removal when no longer required in connection with the development.”

- 3.20 Policy 53 states that:
- (a) *“applications for mineral workings will be required to incorporate satisfactory measures for the retention, protection and maintenance of existing trees, hedgerows and shrubs where appropriate;*
 - (b) *the provision of soil bunds and planting will be required where necessary to screen workings and to contribute to final reclamation schemes.”*
- 3.21 Policy 55 states that:
- “Public rights of way will be safeguarded and promoted. The amenity of rights of way, (particularly views across workings) will be taken into account in considering proposals for landscaping and screening mineral sites. Where stopping up is necessary to enable extraction to take place, steps will be taken where practicable to secure the provision of alternative paths affording connections to other highways in such a way as to maintain the integrity of the rights of way network as a whole and to provide access to such parts of the original paths as do not need to be stopped up. Alternative paths and any necessary diversions of existing paths will be required to be in place in good time. Where appropriate, reclamation proposals will be sought to increase the rights of way network and to ensure the reinstatement at the earliest opportunity of the original right of way.”*
- 3.22 Policy 56 states that:
- “The quality of surface and ground water supplies will be protected and steps will be taken to ensure that proposed mineral extraction will have no adverse effect upon the water table which would be likely to cause significant environmental damage, flooding or adversely affect water resources.”*
- 3.23 Policy 58 states that:
- “Appropriate stripping, handling and storage of soils prior to and during mineral working will be required in order to protect its quality pending re-spreading. Soils required for restoration must be retained on the site.”*
- 3.24 Policy 59 states that:
- “Conditions will be imposed upon planning permissions to ensure that the drainage and discharge of water is efficiently and properly controlled within the site.”*
- 3.25 Policy 60 states that:
- “Conditions will be imposed requiring that acceptable maximum levels of noise are not exceeded and appropriate monitoring points will be identified on site boundaries and/or at appropriate locations outside the site.”*
- 3.26 Policy 61 states that:
- “Conditions will be imposed upon planning permissions where appropriate to suppress dust levels by such means as spraying water on material at appropriate stages in processing, and by watering (or bowing) areas regularly used by vehicles, and by the use of dust extractors.”*
- 3.27 Policy 62 states that:
- “Conditions will be imposed on planning permissions to control the artificial lighting of sites in the interests of local amenity.”*

3.28 Policy 63 states that:

“Where appropriate conditions controlling hours of work will be imposed on planning permissions involving mineral working, processing and ancillary operations, in order to safeguard residential amenities.”

3.29 Policy 64 states that:

“Buffer zones to reduce the impact of operations upon the neighbourhood may be required, particularly in relation to residential areas and other noise sensitive uses.”

4 Chichester District Council Local Plan (1999)

4.1 Policy BE3 states that:

“The destruction of or damage to scheduled ancient monuments and other features and sites of archaeological interest by development will be prevented wherever possible. There is a presumption in favour of the preservation in situ of important monuments. Where proposed development is likely to affect a known or suspected site of archaeological interest, one or more of the following requirements will be imposed.

Archaeological Assessment and Field Evaluation

- (a) *Applicants will be required to include, as part of their research into the development potential of a site a deskbased archaeological assessment and where appropriate a field evaluation of the archaeological remains. A statement of the findings will be required to accompany the planning application.*

Preservation In Situ

- (b) *In order to secure the preservation in situ of important archaeological features and their settings, the district planning authority may require developers to modify their proposals. In appropriate cases, the use of conditions or the completion of an agreement under section 106 of the town and country planning act 1990 may be required to secure a modification. Planning applications must indicate how preservation in situ will be secured.*

Arrangements for Excavation, Recording and Publication

- (c) *If the district planning authority decides that the preservation in situ of archaeological remains is not justified and that development resulting in their destruction should proceed, it will satisfy itself before granting planning permission that the developer has made satisfactory provision for the excavation, recording and publication of the remains before development commences. Such work will be carried out to a specification approved by the district planning authority. In appropriate cases, an agreement under section 106 of the town and country planning act 1990 will be required to secure the investigation.*

Conditions to Secure Excavation and Recording

- (d) *Where the district planning authority has decided that preservation in situ is not justified, it may impose a condition prohibiting the carrying out of development until excavation and recording have been carried out in accordance with a written scheme of investigation submitted by the applicant and approved by the district planning authority. Such schemes shall include proposals for the publication of any findings.*

Watching Brief

- (e) *The developer will be required to give notice to the district planning authority of an intention to commence development and to satisfy the district planning authority that*

adequate provision has been made for access and subsequent observation and recording of any finds and other evidence which may be revealed during the development works. The developer will also be required to notify an archaeologist approved by or appointed by the district planning authority of any items unearthed during development which he knows or suspects to be of interest, and to allow adequate time for records to be made by the archaeologist.

Field Monuments

- (f) *Where development is likely to affect adversely the setting of a nationally important field monument whether scheduled or not, permission will be refused.”*

4.2 Policy BE6 Conservation Areas states that:

“Within designated conservation areas and their settings the District Council will seek to preserve or enhance the special architectural or historic character of appearance of the area and will refuse applications where:

- (a) *they include new buildings or extensions or alterations to existing buildings (including shop fronts) which are of inappropriate height, scale, materials or design, to accord with the character of the conservation area;*
- (b) *the proposal by reason of their bulk and height would obstruct or adversely affect views of buildings which are effective in helping to maintain the historic character of the conservation area;*
- (c) *the proposals fail to respect the existing historic layout and street pattern of the conservation area and the surrounding settlement (including passageways, alleys and public open spaces);*
- (d) *the proposals would result in the loss of trees, walls or other means of enclosure which are important to the character of the conversation area.*

There will be a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of conservation areas.”

4.3 Policy BE11 States that:

“New Development

New development within the district must not detract from its surroundings. In assessing planning applications the following matters will be taken into account:

- (a) *its effect on the local environment;*
- (b) *the intrinsic merit of the design, scale, materials, siting and layout;*
- (c) *its relationship to and effect on neighbouring development;*
- (d) *its setting in the landscape.*

To ensure that adequate infrastructure, and provision for its future maintenance, is or will be provided, permission may be refused or phasing requirements and/or contributions secured by condition or agreement.

Permission will also be refused if the proposal takes insufficient measures to support the objectives of crime prevention.”

4.4 Policy BE14 states that:

“Wildlife habitat, trees, hedges and other landscape features

Proposals for new development will only be granted planning permission if they include:

- (a) appropriate landscaping proposals which include the use of native species unless it can be shown that these are inappropriate to the site and which indicate the replacement of healthy trees lost as a result of the development;*
- (b) a design and layout which will minimise the impact on features and sites of nature conservation or of geological value and take advantage of opportunities for habitat enhancement and creation.*

Development which would have an adverse effect on wildlife species protected by law will not be granted permission.

Proposals for development which will affect existing trees or hedges or which will involve new planting will be required to include:

- (i) details to be submitted at the time of initial application showing the position of existing and proposed new trees and hedges in relation to both the site as existing and to the development as proposed. such details should additionally show the location of proposed service cables and pipes;*
- (ii) measures to adequately protect existing trees and hedges whilst works are being carried out. the district planning authority may impose conditions on any permission given to ensure that adequate protection is implemented before development commences.*

Requirements (i) and (ii) must be prepared in accordance with BS 5837: 1991 (“Trees in Relation to Construction”).”

4.5 Policy RE7 states that:

“Nature Conservation - Designated Sites

The district planning authority will refuse permission for development which would be likely to damage, destroy or adversely affect wetlands of international importance (Ramsar sites), declared or potential special protection areas, candidate special areas for conservation, Sites of Special Scientific Interest, and nature reserves. Where particularly sensitive ecological sites are threatened the district planning authority will take active steps to protect them and may seek Article 4 Directions.”

4.6 Policy RE8 states that:

“Nature Conservation - Non-designated Areas

The district planning authority will seek to protect from development other areas, corridors or other features important to nature conservation or of geological significance, including ancient woodlands and Sites of Nature Conservation Importance, and will refuse permission for development likely to damage, destroy or adversely affect these areas. In appropriate circumstances the district planning authority will seek modifications to proposals, apply appropriate conditions or require legal agreements to secure such protection.”

4.7 Policy RE12 Rural Diversification states:

“In order to encourage the provision of additional employment opportunities proposals for rural diversification involving conversions, changes of use and new building in compliance with Policies B4, B5, RE14 and RE15 will be permitted provided that:

- (a) *they are not damaging to nature conservation interests;*
- (b) *they will not be visually damaging or obtrusive within the landscape;*
- (c) *they do not unacceptably affect the amenities of adjacent residents;*
- (d) *they are not contrary to policies for the protection of the countryside and conversions of buildings in the countryside;*
- (e) *they result in a type and level of activity the nature of which would not be detrimental to the character of the surrounding area."*

4.8 Policy TR6 states:

"Highway Safety

Planning permission will be refused for proposals which would adversely affect highway safety including in relation to access arrangements, internal road design, cycle facilities and footpaths. Proposals will also be refused if they result in the generation of traffic, which by its amount or type, would overload the highway network."

APPENDIX 2
PROPOSED PLANNING CONDITIONS

Time Limits

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2 This permission shall be for a limited period only, expiring three years from the date of commencement of development by which time the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations and hard standings shall be removed from the site, and the site shall be restored in accordance with the approved restoration scheme.

Reason: To secure the proper restoration of the site following the approved period for this temporary development.

Approved Operations Programme

3 Except as modified by Condition hereafter or any variation thereto that may be agreed in advance and in writing by the County Planning Authority, the development hereby approved shall be carried out in accordance with the particulars of the development contained in this planning application including the Environmental Statement (ES) and associated drawings set out in Schedule 1.

Reason: To ensure the development is carried out as proposed.

4 Prior written notification of the date of commencement for each phase of development works (Phase 1 Construction, Phase 2 Drilling, Phase 3 Testing and Phase 4 Restoration or Retention) hereby approved shall be sent to the County Planning Authority not less than seven days before such commencement.

Reason: In the interests of the amenity of the locality.

5 No works under Phase 2 Drilling shall be undertaken on site until the details of the rig and equipment to be used have been notified and approved in advance and in writing by the County Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the locality.

6 A copy of this Decision Notice together with the approved plans and any schemes and/or details subsequently approved pursuant to this permission shall be kept at the site office at all times and the terms and contents thereof shall be made known to supervising staff on the site.

Reason: To ensure site operatives are conversant with the terms of the planning permission.

Hours of working

7 With the exception of 24 hour drilling operations during Phase 2 or an emergency situation, unless otherwise agreed in advance and in writing with the County Planning Authority, the remaining Phases of the development (Phases 1, 3 and 4) shall only be undertaken between the hours of 0700 and 1900 Mondays to Fridays and 0800 to 1300 on Saturdays. No work shall be undertaken on Sundays and Bank Holidays.

Reason: To protect the amenity of occupiers of nearby residential properties.

Noise

- 8 No plant or equipment shall be used on site unless fitted and operated at all times with silencing measures to a standard not less than the manufacturer's UK standard specification for that equipment.
- Reason: In the interest of the amenity of occupiers of nearby residential properties.
- 9 Prior to the commencement of development, a Noise Management Plan shall be submitted to the County Planning Authority for approval in writing. The plan shall detail the monitoring of the site through each Phase of the development and shall be implemented upon approval for the duration of each Phase. Should subsequent noise surveys establish the limits (which are specified within Chapter 9A of the Environmental Statement ("ES") Addendum) are being exceeded, details for further mitigation and timetable for implementation will be submitted to the County Planning Authority for approval. Upon approval from the County Planning Authority, the mitigation will be installed and retained until the cessation of operations.
- Reason: In the interest of the amenities of occupiers of nearby residential properties.
- 10 During drilling operations (Phase 2) the operator shall use all reasonable endeavours not to withdraw and replace the drill string or set casing or place cement in the borehole, nor accept deliveries of drilling materials, water, casing, cement and other consumables and equipment between the hours of 2300 and 0700, other than in the case of an emergency. The operator shall notify the County Planning Authority in writing within 24 hours of any instance of failing to comply with the above operating hours.
- Reason: In the interest of the amenity of occupiers of nearby residential properties.

Ecology

- 11 Within 7 days of the installation of the site's lighting scheme, the site and immediate environs will be reassessed by a suitably qualified ecological consultant. Measurements using a light meter will be taken of the surrounding vegetation at night. With the exception of those lighting measures needed to assure the safety of security personnel protecting the site remedial action will be taken should light spill onto nearby vegetation be above 0.5 lux. A report detailing the reassessment and any remedial action taken shall be submitted to the County Planning Authority for approval and will include appropriate images of the site and light meter readings proving that light spill onto adjacent vegetation is less than 0.5 lux.
- Reason: To accord with paragraph 118 of the NPPF.
- 12 During the appropriate active season (May to August) within 12 months of the commencement of development, bat activity will be assessed by suitably qualified licenced ecologists, following recognised best practice and utilising a comparable methodology to the baseline surveys prepared for the ES Addendum. A report shall be produced and submitted to the County Planning Authority for approval.
- Reason: To accord with paragraph 118 of the NPPF.
- 13 A qualified ecologist must confirm during the months of March to August (inclusive) that there are no breeding birds using vegetation that is scheduled to be removed during those months unless vegetation removal is taking place outside of the bird nesting/breeding season, in September to February (inclusive).
- Reason: To accord with paragraph 118 of the NPPF.

- 14 With regard to protected species, all recommendations of Chapter 7A Ecology of the ES Addendum shall be carried out in full.

Reason: To accord with paragraph 118 of the NPPF.

Landscaping

- 15 Prior to commencement of the development a Tree Protection Plan shall be submitted to the County Planning Authority for approval in writing. The Plan shall be implemented in full following approval. No development shall commence until such approval has been given and the approved fencing is erected in full on site to the satisfaction of the WSCC Trees and Woodlands Officer. The protective fence line shall follow the edge of the root protection area in accordance with BS 5837 "Trees in Relation to Design, Demolition and Construction 2012: Recommendations" unless by agreement with the County Planning Authority and maintained throughout the development.

Reason: In the interests of the amenity and of the environment of the development site.

- 16 Prior to the commencement of the development, a landscape scheme detailing all planting and grassing proposals shall be submitted to the County Planning Authority for approval in writing. The scheme shall include details of species, planting sizes, soil amelioration and planting spacing. The approved scheme shall be implemented in full in the first planting season (November to February inclusive) following the commencement of the development. Once approved the scheme shall be implemented in full.

Reason: In the interests of the environment of the development site.

- 17 Prior to the commencement of development, a scheme showing details of construction materials, depth of construction, edge restraints and the construction methodology of any no dig construction required in accordance with BS 5837:2012 shall be submitted to the County Planning Authority for approval in writing. No development shall take place until such approval has been given by the County Planning Authority. Once approved the scheme shall be adhered to in full.

Reason: In the interests of the environment of the development site.

- 18 Prior to the commencement of development a scheme of removal and reinstatement of the landscape features shall be submitted to the County Planning Authority for approval in writing. The scheme shall include the methodology for removal of the no dig surfacing. No development shall take place until such approval has been given. Once approved the scheme shall be carried out in full.

Reason: In the interests of the environment of the development site.

Archaeology

- 19 No development shall be carried out on the land until the applicant or their agents or successor in title, has secured the implementation of a programme of heritage asset mitigation works in accordance with a written Heritage Asset Mitigation Strategy and timetable which has been submitted to and approved in writing by the County Planning Authority.

Reason: To ensure that buried archaeological heritage assets will be properly investigated and recorded before and during development, and subsequently reported.

Restoration

- 20 Within one month from the commencement of development, a scheme of restoration for the access track shall be submitted for approval in writing by the County Planning Authority. Thereafter access track restoration shall form part of the overall restoration of the site as detailed in the ES Addendum and which shall be complied with.

Reason: To ensure the landscape and ecology of the area is protected after the development has been completed.

- 21 A scheme of aftercare specifying the steps to be taken to manage restored land shall be submitted for the written approval of the County Planning Authority prior to the commencement of restoration. Thereafter the approved strategy shall be implemented in full.

Reason: To ensure effective restoration and aftercare of the land to protect the landscape and ecology of the area.

Access and Highways

- 22 No development shall commence until the vehicular access shown on drawing 3582 P 18E and visibility splays shown on drawing SCP/14809/F01, have been constructed. The access and visibility splays shall be maintained throughout the period of development.

Reason: In the interests of highway safety.

- 23 Until the road(s), parking and turning areas serving the development have been constructed, surfaced and drained in accordance with the approved plans, Phases 2, 3 and 4 will not commence. Once provided, these elements shall thereafter be maintained throughout the development.

Reason: To secure satisfactory standards of access for the proposed development.

- 24 No development shall take place until a Construction/Traffic Management Plan has been submitted to and approved in writing by the County Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- The local routes to be used by vehicles during development
- The loading and unloading of plant, materials and waste on site
- The storage on site of plant and materials used in construction of the development
- The erection and maintenance of site security hoarding/fencing
- The provision of wheel cleaning facilities at the site.

Reason: In the interests of highway safety and the amenities of the area.

Fire Fighting Response

- 25 Prior to the commencement of development, a fire fighting plan shall be submitted to the County Planning Authority for approval showing the on-site fire water tanks relocated near the main entrance to the well site compound. Once approved in writing by the County Planning Authority, the fire water tanks shall remain on site, in-situ throughout the development.

Reason: In the interests of fire safety.

Groundwater and Drainage

- 26 No development shall take place until a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the County Planning Authority. The scheme for surface water shall include details preventing surface water draining onto the public highway. The schemes shall be implemented as approved.

Reason: To protect water quality and ensure compliance with the NPPF.

27 No development shall take place until a scheme of surface water drainage has been submitted to and approved by the local planning authority. Thereafter, the drainage details shall be implemented in full as approved. Those details shall include:

- Baseline flows in accordance with C697
- Design for 1:100 year return period
- Inclusion of 30% peak run-off and 20% additional volume for climate change
- Consideration of overland flows (pluvial impact)
- Inclusion of pollution/siltation control measures.

Reason: To protect water quality and ensure compliance with the NPPF.

28 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the County Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The storage of plant and materials used in constructing the development
- The storage of fuels, oils and chemicals
- A scheme for recycling/disposing of waste resulting from construction works, including storage
- Details of the construction of the engineered site to prevent pollution
- Details of the drilling fluids, how they are used and stored on site.

All of the above must include detailed pollution prevention assessments and mitigation methods to prevent pollution of the water environment. Any changes to these components require the express written consent of the County Planning Authority. The scheme shall be implemented as approved.

Reason: To protect water quality and ensure compliance with the NPPF.

Air Quality

29 The proposed development shall be carried out in accordance with the Air Quality Mitigation measures in appendices 15.4 of Chapter 15 of the ES Addendum and the Construction Traffic Management Plan.

Reason: To ensure protection of health and the environment during all stages of the development process.

APPENDIX 3

APPEAL DOCUMENTS

A Application documents

- 1 Application form
 - 1 Application form
 - 2 Covering letter dated 29 August 2013
- 2 Drawings
 - 1 01F Location plan (Wisborough Green)
 - 2 02D Site of application
 - 3 03D General arrangement plan
 - 4 04D Access track - existing ground plan
 - 5 05D Proposed site - existing ground plan
 - 6 06C Access track – proposed ground plan
 - 7 07D Proposed site – construction mode
 - 8 08E Proposed site – drilling mode
 - 9 09E Proposed site – lighting layout
 - 10 10E Proposed site – drill stem testing mode
 - 11 11D Proposed site – extended well testing mode
 - 12 12D Proposed site – retention mode
 - 13 13C Existing site sections
 - 14 14D Proposed site sections – drilling mode
 - 15 15D Proposed site sections - extended well testing mode
 - 16 16D Proposed site sections - retention mode
 - 17 17B Site construction sections
 - 18 18C Sightlines and site entrance plan
 - 19 19D Access track – reinstatement plan
 - 20 20D Proposed site – reinstatement plan
- 3 Environmental statement chapters
 - 1 Chapters 1-6
 - 2 Chapters 7-9
 - 3 Chapters 10-14
 - 4 Contents page and glossary of terms and abbreviations

- 4 Environmental statement figures and appendices
 - 1 List of appendices and figures
 - 2 Appendices 2.1 - 2.2
 - 3 Appendices 4.1 - 4.5
 - 4 Appendix 5.1
 - 5 Appendices 7.1 - 7.4
 - 6 Appendix 7.5
 - 7 Appendices 8.1 - 8.3
 - 8 Appendices 10.1 - 10.7
 - 9 Appendix 11.1
 - 10 Appendices 13.1 - 13.3
 - 11 Figures 1.1 - 1.3
 - 12 Figures 4.1 - 4.13
 - 13 Figures 5.1 - 5.3
 - 14 Figures 7.1 - 7.3
 - 15 Figures 8.1 - 8.4
 - 16 Figures 8.5 - 8.16
 - 17 Figures 9.1 - 9.4
 - 18 Figure 10.1
 - 19 Figures 11.1 - 11.6
 - 20 Figures 13.1 - 13.4
- 5 Environmental statement non-technical summary
- 6 Planning statement
 - 1 Planning statement
 - 2 Appendix 2.1 to planning statement
 - 3 Appendix 8.1 to planning statement
- 7 Air quality statement
- 8 Archaeological assessment
- 9 Flood risk technical note

B Application: additional information

- 1 Wisborough Green environmental statement addendum
 - (a) Chapter 4A
 - i. Chapter 4A project description
 - ii. Appendix 4.1 vehicle movement data

- iii. Figure 4.1A drilling process chart
- iv. Figure 4.2A proposed site - construction mode
- v. Figure 4.3A access track - existing ground plan
- vi. Figure 4.6A access track - proposed ground plan
- vii. Figure 4.7A proposed site - drilling mode
- viii. Figure 4.8A proposed site sections - drilling mode
- ix. Figure 4.9A site construction sections
- x. Figure 4.11A proposed site - drill stem testing mode
- xi. Figure 4.12A proposed site - lighting layout
- xii. Figure 4.13A proposed site - reinstatement plan
- xiii. Figure 4.14 cabin plan and elevations
- xiv. Figure 4.15 proposed site sections - construction mode
- xv. Figure 4.16 entrance prospective images
- xvi. Figure 4.17 Swept path at Boxal Bridge
- xvii. Figure 4.18 Swept path at Wisborough Green
- xviii. Figure 4.19 rig and equipment parameters
- xix. Figure 4.20 rig and equipment parameters section
- xx. Figure 4.21 rig parameters
- (b) Chapter 5A - Need and alternatives
- (c) Chapter 6A – Construction programme
- (d) Chapter 7A - Ecology
 - i. Ecology
 - ii. Appendix 7.2A
 - iii. Appendix 7.4A
 - iv. Appendix 7.6A
- (e) Chapter 8A – Landscape and visual impact
- (f) Chapter 9A – Noise
 - i. Chapter 9A Final
 - ii. Appendix 9.1 – simplified noise and vibration assessment
 - iii. Appendix 9.2 – letter on noise and cattle
 - iv. Figure 9.5 – predicted noise contours for construction phase
 - v. Figure 9.6 – predicted noise contours for drilling phase
- (g) Chapter 10A – Transport and access
 - i. Chapter 10A Final

- ii. Appendix 10.8 - Kirdford Road ATC data
- iii. Appendix 10.9 - Boxal Bridge correspondence
- iv. Appendix 10.10 Part 2 – swept path at Wisborough Green
- v. Appendix 10.10 – swept path at Boxal Bridge
- vi. Appendix 10.11 – vehicle types
- vii. Appendix 10.12 – sightlines and site entrance
- viii. Appendix 10.13 – designer’s response
- (h) Chapter 11A – Ground and groundwater protection
 - i. Chapter 11A Final
 - ii. Figure 11.1A borehole location
 - iii. Figure 11.2A contingency well
 - iv. Figure 11.3A geological conditions
 - v. Figure 11.5A borehole diagram
 - vi. Figure 11.6A location of nearest water wells
- (i) Chapter 12A – Lighting
 - i. Chapter 12A Final
 - ii. Figure 12.1 proposed external isoline contours for artificial lighting (phase 2, 3 and 4 of process)
 - iii. Figure 12.2 proposed external isoline contours for artificial lighting (phase 1)
 - iv. Figure 12.3 proposed external isoline contours for artificial lighting (phase 2, 3 and 4)
- (j) Chapter 15 – Air quality
 - i. Chapter 15 Final
 - ii. Appendix 15.1 construction dust assessment procedure
 - iii. Appendix 15.2 impact descriptors and assessment of significance
 - iv. Appendix 15.3 modelling methodology
 - v. Appendix 15.4 construction mitigation
- (k) Chapter A preamble for printing and request for further information
- (l) Covers for figures and appendices as well as the folder cover page
- 2 Wisborough Green non-technical summary
- 3 Wisborough Green planning statement version 2
- 4 Plans
 - (a) 3852 P 01G location plan
 - (b) 3852 P 02D site of application

- (c) 3852 P 03F general arrangement plan
- (d) 3852 P 04E access track - existing ground plan
- (e) 3852 P 05E proposed site – existing ground plan
- (f) 3852 P 06G access track – proposed ground plan
- (g) 3852 P 07J proposed site – construction mode
- (h) 3852 P 08H proposed site – drilling mode
- (i) 3852 P 09J proposed site lighting layout
- (j) 3852 P 10K proposed site – drill stem testing mode
- (k) 3852 P 11K proposed site – extended well testing mode
- (l) 3852 P 12J proposed site – retention mode
- (m) 3852 P 13E existing site sections
- (n) 3852 P 14L proposed site sections – drilling mode
- (o) 3852 P 15K proposed site sections – extended well testing mode
- (p) 3852 P 16J proposed site sections – retention mode
- (q) 3852 P 17D site construction sections
- (r) 3852 P 18E sightlines and site entrance plan
- (s) 3852 P 19E access track – reinstatement plan
- (t) 3852 P 20E proposed site – reinstatement plan
- (u) 3852 P 21 cabins – plans and elevations
- (v) 3852 P 22D proposed site sections – construction mode
- (w) 3852 P 23A entrance perspective images
- (x) 3852 P 24 swept path at Boxal Bridge
- (y) 3852 P 25 swept path at Wisborough Green

5 Additional reports

- (a) Arboricultural assessment of Wisborough Green
- (b) Geoarchaeological desktop survey
- (c) Geophysical survey report

C Transport objection technical response

- 1 Covering letter dated 18 July 2014 and draft transport objection technical response
- 2 Appendix 1 WSCC highways objection
- 3 Appendix 2 scoping correspondence with WSCC
 - (a) WSCC correspondence 04/05/12
 - (b) WSCC correspondence 16/07/13
 - (c) WSCC correspondence 17/06/13

- (d) WSCC correspondence 24/06/13
- 4 Appendix 3 assessment correspondence with WSCC
 - (a) WSCC correspondence 06/05/14
 - (b) WSCC correspondence 06/07/13
 - (c) WSCC correspondence 07/02/14
- 5 Appendix 4 vehicle classifications
- 6 Appendix 5 A272 traffic data
- 7 Appendix 6 road safety assessment, proposed temporary haul route, Wisborough Green, West Sussex
- 8 Appendix 7 road safety audit stage 1, Kirdford Road, Wisborough Green site access
- 9 Appendix 8 site access (drawing no SCP/14809/FO1)
- 10 Appendix 9 construction traffic route – 20T construction tipper
 - (a) Construction tipper - access route 1 of 2
 - (b) Construction tipper - access route 2 of 2
 - (c) Construction tipper - egress route 1 of 2
 - (d) Construction tipper - egress route 2 of 2
- 11 Appendix 10 construction traffic route – low loader HGV
 - (a) Low loader HGV swept paths – access route 1 of 2
 - (b) Low loader HGV swept paths – access route 2 of 2
 - (c) Low loader HGV swept paths – egress route 1 of 2
 - (d) Low loader HGV swept paths – egress route 2 of 2
- 12 Wisborough Green transport objection technical response

D Committee report 22/07/14

E Decision notice 23/07/14

F Other relevant correspondence

- 1 Regulation 22 request
 - (1) Letter from James Neave of WSCC to Jenny Massingham of Celtique Energie dated 4 December 2014
 - (2) Letter from Lucy Wood of Barton Willmore to Jane Moseley of WSCC dated 25 April 2014
- 2 Deferral of application
 - (1) Email from Jane Moseley of WSCC to Bob McCurry of Barton Willmore dated 18 July 2014 at 15:32
 - (2) Email from Jane Moseley of WSCC to Bob McCurry of Barton Willmore dated 21 July 2014 at 09:24

- (3) Email from Jane Moseley of WSCC to Bob McCurry of Barton Willmore dated 21 July 2014 at 11:41
- (4) Email from Jane Moseley of WSCC to Lucy Wood and Bob McCurry of Barton Willmore dated 21 July 2014 at 12:20

3 Transport and access

- (1) Email from Dominic Smith of WSCC to John Russell dated 4 May 2012 at 16:20
- (2) Email from John Russell of SCP to Dominic Smith of WSCC dated 17 June 2013 at 11:02
- (3) Email from Dominic Smith of WSCC to John Russell of SCP dated 21 June 2013 at 23:15
- (4) Email from Dominic Smith of WSCC to John Russell of SCP dated 16 July 2013 at 13:48
- (5) Email from Dominic Smith of WSCC to John Russell of SCP dated 16 July 2013 at 16:18
- (6) Email from Jenny Massingham of Celtique Energie to Jane Moseley of WSCC dated 1 October 2013 at 10:47
- (7) Email from James Neave of WSCC to Jenny Massingham of Celtique Energie dated 11 December 2013 at 16:20
- (8) Email from James Neave of WSCC to Jenny Massingham of Celtique Energie and Lucy Wood dated 6 February 2014 at 16:18
- (9) Email from Jenny Massingham of Celtique Energie to James Neave and Lucy Wood of Barton Willmore dated 10 February 2014 at 12:40
- (10) Email from Jane Moseley to Jenny Massingham of Celtique Energie and Lucy Wood of Barton Willmore dated 6 May 2014 at 14:15
- (11) Email from Jane Moseley of WSCC to Jenny Massingham of Celtique Energie and Lucy Wood of Barton Willmore dated 3 July 2014 at 09:12
- (12) Email from Jane Moseley of WSCC to Bob McCurry of Barton Willmore dated 7 July 2014 at 16:07
- (13) Email from Jane Moseley of WSCC to Bob McCurry of Barton Willmore dated 9 July 2014 at 15:49
- (14) Letter from Bob McCurry of Barton Willmore to Jane Moseley of WSCC dated 18 July 2014

4 Ecology and landscape

- (1) Email from Josef Ransley of Kirdford Parish Council to Jenny Massingham of Celtique Energie dated 22 August 2013 at 14:48
- (2) Email from Jenny Massingham of Celtique Energie to Petra Billings of Sussex Wildlife Trust dated 30 August 2013 at 09:07

- 5 Appellant's correspondence with consultees
- (1) Email from Jenny Massingham of Celtique Energie to Ian Campbell and Josef Ransley of Kirdford Parish Council dated 20 May 2013 at 12:24
 - (2) Letter from Bob McCurry of Barton Willmore to Jane Moseley of WSCC dated 22 May 2014
 - (3) Presentation to Kirdford and Wisborough Green Parish Councils dated 24 June 2013
 - (4) Letter from Geoff Davies of Celtique Energie to consultees dated 17 September 2013
 - (5) Letter from Geoff Davies of Celtique Energie to Jane Moseley of WSCC dated 29 November 2013

G Freedom of Information requests

- 1 Email from Sally Neville of WSCC to Lucy Wood of Barton Willmore dated 27 August 2014 at 10:28
- 2 Email from Sally Neville of WSCC to Lucy Wood of Barton Willmore dated 27 August 2014 at 16:16

H Relevant Case Law

- 1 Europa Oil and Gas Limited v SSCLG [2013] EWHC 2643 (Admin)
- 2 Europa Oil and Gas Limited v SSCLG [2014] EWCA 825

I Transcript of the WSCC Planning Committee meeting on 27 July 2014