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22 May 2014

Dear Ms Moseley

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

**REFERENCE: WSCC/083/13/KD**

**RESPONSE TO KIRDFORD PARISH COUNCIL LETTERS DATED 19 AND 27 NOVEMBER 2013**

We write on behalf of our client, Celtique Energie Weald Ltd ('Celtique'), in response to Kirdford Parish Council's ('the Parish') comments dated 19 and 27 November 2013 in relation to the above application.

As you are aware, via a letter dated 4 December 2013, West Sussex County Council ('the County') requested that Celtique provide additional information in relation to the submitted Environmental Statement ('ES') pursuant to Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

An Addendum ES has been prepared and was submitted to the County Council on 25 April 2014. The Addendum ES is available to view at Kirdford Parish Stores. The additional material addresses the majority of matters raised by the Parish.

In short, the Parish's letter confirms that it is 'not totally against the principle of conventional Oil and Gas exploration per se'. However, that it considers the application site to be a 'totally inappropriate location' and that the location of the site within the Parish of Kirdford has not been justified (see Introduction and point 13). In this respect, the Parish's principal concerns relate to the site selection process and assessment of alternatives (point 2.0), and highways/transport matters (points 3.0, 10 and 11). Additional concerns relate to, inter alia, environmental (points 4.0, 7.0 and 8.0), ecological (5.0) and landscape/visual (6.0) impacts. The Parish also comment on planning policy (1.0), socio-economics (9.0) and consultation (6.0 and 11.0).

Whilst the Parish's comments were circulated some time ago, we thought it would be helpful to set out the Parish's concerns and our response with reference to the application documentation (including the ES and ES Addendum) as appropriate.

## **Kirdford Parish Council Letter dated 19 November 2013**

### **Site Location and Selection**

Details of the site selection process and assessment of alternatives are provided at Chapter 5 of the submitted ES and Appendix 5.1. This sets out how the site search areas were defined and the methodology for site selection.

The Parish's letter correctly notes that there is no statutory requirement to include an assessment of alternative sites with the application. Consequently, there is no set methodology that Celtique must follow when considering alternative sites. Notwithstanding this, Celtique included details of site selection and the consideration of alternatives in the ES to explain how the application site was selected and why it is considered to be the most appropriate within the search area having regard to geology, environmental and planning considerations. The submitted Alternative Sites Assessment confirms that 'The Methodology is not based on any legal statute or published guidance but uses industry experience combined with planning and environmental information to identify the most suitable locations'.

In response to the County's request for additional information, and having regard to the Parish's comments, further clarification and explanation on the site selection process and assessment of alternatives is provided in Chapter 5A of the ES Addendum. This provides further detail on how and why the search areas were defined and further confirms that the application site is most appropriate within the search area.

The Parish Council request, at point 2.1, a full 3D seismic survey of the search area. The site has been selected using maps derived from 2D seismic lines which is standard industry practice. The existing 2D seismic information provides ample screening of the sub-surface to safely support the proposed drilling operations at Wisborough Green, in the same way that it has for over 200 wells already drilled in the Weald area, the result of which has been 26 discoveries and 13 oil and gas fields.

The Parish considers that this is an area of 'heavily faulted geology' (see point 2.1). However, this is not borne out by the legacy 2D seismic data reprocessed by Celtique or by Celtique's proprietary 2D seismic data. Faults are present but the well path will not intersect any seismically defined fault. Even in the event that the well were to intersect a fault this would not be an issue. Drilling through faults is a routine operation that occurs in many wells. In the course of designing a well, a study is made of the offset wells. Such a study has been completed for Wisborough Green and no wells in the area have encountered problems while drilling through faults.

The present 2D seismic survey is sufficient for the proposed exploration well both in identifying the prospect and any major faults. Should planning permission be granted, once the well has been drilled and the results fully analysed, an operational decision can be made as to whether any further seismic surveys, be it a 3D or additional 2D, is required to guide any further drilling operations.

### **Chichester's Local Plan and Kirdford Parish Neighbourhood Development Plan**

Point 1.0 of the Parish's letter makes reference to Chichester District's emerging Local Plan and the emerging Kirdford Parish Neighbourhood Development Plan (which is discussed further at point 9.0). The Planning Statement submitted with the application states, at paragraph 7.1, that 'Planning applications for mineral developments are dealt with by the County planning authority, and the Development Plan consists of planning policy from the County and local or District authority. In this case, West Sussex County and Chichester District Councils.'

In this respect, Chichester District Council published a document on their website in November 2013 entitled 'Status of Development Plan Documents' and this clarifies the status of the Development Plan as follows:

- **The 'saved policies' of the Chichester District Local Plan (First Review), April 1999 (Attached on page 6)**
- **The 'saved policies' of the West Sussex Minerals Local Plan**

**(Please note that the weight given to policies in the above plans will depend upon the degree to which they conform to the NPPF. In the event of a conflict, the NPPF will take precedence.)**

Whilst at the Pre-Submission stage, Chichester's draft Local Plan is the subject of extant representations and has not been tested at examination. As such, only limited weight can be attached to its provisions. Indeed, the Examiner's Report (dated January 2014) for the Kirdford Neighbourhood Plan identifies the development plan to comprise the saved policies of the Local Plan 1999 (see paragraph 10) and confirms that the Neighbourhood Plan has not been tested against emerging planning policy (paragraph 13). In any event, the Pre-Submission draft does not include policies which would specifically preclude the development of an exploratory well in the proposed location.

In terms of the emerging Kirdford Parish Neighbourhood Development Plan, Section 38B of The Planning and Compulsory Purchase Act 2004 (as amended) sets out what a Neighbourhood Development Plan should and should not include. Subsection (1)(b) states that a Neighbourhood Development Plan '(b) may not include provision about development that is excluded development'. The meaning of "excluded development" is as per Section 61K of The Town and Country Planning Act 1990 and includes '(a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1'. This includes the winning and working of minerals. The emerging Neighbourhood Plan does not therefore apply to the proposed development.

### **Highways & Access**

With regard to highways, it is understood that the Parish is specifically concerned with the impact of abnormal loads, heavy goods vehicles ('HGV') and additional traffic on local roads, the assessment of alternative routes, and disturbance from construction traffic and how this will be managed (see points 3.0 and 9.0 of the letter).

#### *Abnormal Loads*

The ES confirms that the applicant does not anticipate any abnormal loads being delivered to the site (see paragraphs 6.17 and 10.80). However, the ES assesses the potential impact of abnormal loads in any event and concludes that, if abnormal loads are required, the effects would be temporary and managed through the Construction Traffic Management Plan which would be prepared and submitted through a planning condition, as is regular practice. ES Addendum Chapter 10A provides further detail in respect of abnormal loads (see paragraphs 10.54, 10.80 and Table 10.10).

### *Heavy Goods Vehicles*

The Parish's principal concerns in respect of HGVs are understood to relate to the impact on the condition of local roads and Boxal Bridge in particular. In this respect, WSCC has confirmed that there are no weight restrictions on Kirdford Road including at Boxal Bridge. As part of the ES Addendum further information is provided in respect of Boxal Bridge including swept path analysis (see Chapter 10A and Appendix 10.9 and Appendix 10.10). This demonstrates that Boxal Bridge is able to accommodate the largest loads anticipated to cross it.

### *Additional Traffic*

The ES acknowledges that there will be additional vehicle movements associated with the proposed development (see paragraph 10.47), but goes on to clarify why this would not result in significant transport effects (see paragraph 10.92). As such there would not be a significant impact on the road links between local settlements which the Parish consider are 'interdependent' with the transport links 'essential' to the well-being of the communities within these settlements (point 9.0). The ES Addendum provides further information in respect of vehicle movements for each phase of development (see ES Addendum Table 10.11) which further confirms that no significant effects are anticipated to occur in this regard.

### *Routing*

In respect of routing, the County's approach to freight management is for lorries to be kept on routes identified in the Advisory Lorry Route network for as long as possible. The County's Advisory Lorry Route map is provided at ES Appendix 10.1. The nearest road on the Advisory Lorry Route in the vicinity of the application site is the A272. The Parish express reservations that the A272 is not a strategic lorry route. The Route map identifies the A272 as a 'Local Lorry Route' defined as routes 'Used for the starting or final leg of longer distance lorry trips'. The A272 would be used for the final leg of lorry trips. It therefore accords with the County's definition. A number of routes from the Advisory Lorry Route network to the site were assessed through the ES (see paragraphs 10.48 to 10.54 and Table 10.4). The ES confirms that the route from the A272 to the site via Durdans Road/ Kirdford Road is the most appropriate. This has been discussed and agreed with the County.

### *Construction Traffic Management*

Construction traffic management has been carefully considered as part of the proposals. The ES provides details of the construction programme and management at Chapter 6A with details of construction traffic at Chapter 10A. Both of these chapters have been updated as part of the ES Addendum to provide further information and clarification including further details of measures to be included in the Construction Traffic Management Plan (see paragraph 10.85). Until such a time as all consultation responses on the ES Addendum have been received, it will not be possible to finalise the draft Plan. However, as much detail as possible has been included at this stage to inform any Construction Traffic Management Plan condition to be attached to any temporary planning permission.

### **Noise, Ecology, Landscape and Visual, Contamination and Air Quality**

The Parish, at points 4.0 to 8.0 of its letter, express concerns regarding noise, ecology, landscape and visual impacts, contamination and air quality respectively. The ES Addendum includes additional clarification in respect of noise and vibration at Chapter 9A. Additional information on ecology, including further survey results, is provided at Chapter 7A, with further information on lighting and associated landscape and visual impacts provided at 8A. Chapter 11A on Ground and Groundwater Protection has been updated and a new chapter on air quality is included as Chapter 15.

The updated/ amended information and new information on air quality continues to confirm that the proposals would not give rise to significant environmental impacts.

### **Socio-Economics**

At point 9.0 of its letter, the Parish requests that the 'potential negative and beneficial financial impacts' of the proposed development are quantified. Chapter 13.0 of the ES assesses the likely impact of the proposals on socio-economics and finds that the development would have a negligible to moderate/ minor beneficial impact on the socio-economics of the area (see Table 13.19). In the event that hydrocarbons are found as part of the exploratory work and an application is made to appraise or produce from the well, further assessment of the potential negative and beneficial impacts will be made in any subsequent planning submission.

### **Consultation**

Prior to the submission of the planning application the Applicant undertook consultation with local communities which the Parish acknowledges in its letter at point 11. The full details of the consultation are set out in the Statement of Community Involvement (August 2013) submitted with the application. In addition, the Applicant has held further events within the Parishes to ensure dialogue with residents continues, including two community one-on-one surgeries hosted at Kirdford Village Stores on 27 September 2013 and Wisborough Green Village Hall on 28 October 2013. These were advertised in letters to the residents dated 23 August 2013.

The Parish has queried whether adjoining local authorities have been consulted on the proposals (point 6.0). It is understood that the County has undertaken statutory consultation with relevant consultees including the district council and adjacent planning authorities. Consultation responses are provided on the County's website from the South Downs National Park Authority (2 December 2013), Chichester District Council (15 November 2013) and Horsham District Council (17 October 2013). The South Downs National Park Authority and Horsham District Council responses confirm no objection to the proposals. Chichester District Council does not object to the proposals subject to further consideration of noise impacts and conditions relating to air quality, contaminated land and construction management.

### **Further Amendments**

A number of conflicts/ errors, which the Parish allege, are listed at point 12 of its letter. With regard to the Statement of Community Involvement, the Parish is correct that the figure of 44% provided for respondents who agreed or strongly agreed that the site is suitable (3<sup>rd</sup> bullet; page 4) has been incorrectly cited and should state 34% (as per paragraph 4.3; page 18). However, the radius for distribution (paragraph 3.3; page 10/ 11) is correct and the County has confirmed that Boxal Bridge is suitable from a highway perspective (section 5; page 33). The Flood Risk Assessment is correct in respect of remediation works to Boxal Bridge (section 2; page 2) as is the Environment Agency flood risk categorisation of the site (section 3; page 4). With respect to the Parish's comments on the Planning Statement relating to national energy need and local policy compliance, our view is that neither comment warrants amendments to the Planning Statement.

### **Kirdford Parish Council Letter dated 27 November 2013**

The Parish's letter of 27 November 2013 relates to highways and encloses a report entitled 'Initial Review of Traffic Data and Highway Measures' by Temple dated 20 November 2013. The Parish highlights the specific concerns regarding highway safety and the site access. The ES Addendum includes further information at Chapter 10A and associated appendices in respect of, inter alia, site access (see Appendix 10.9 and Appendix 10.10), highway safety (see Appendix 10.13), vehicle movements for each phase (see Table 10.11) and the types and sizes of vehicles expected to travel to/from the site during construction (see Appendix 10.11).

The additional information provided in the Addendum ES further confirms that no significant transport impacts are anticipated to arise from the development.

We hope the above is helpful and the information provides a useful 'roadmap' of how the submitted material and ES Addendum addresses the Parish Council's comments.

We look forward to continuing to discuss the application with you and we would be grateful for confirmation of receipt. In the meantime, please do not hesitate to contact Celtique Energie or the writer at this office if you have any queries or require any further information.

Yours sincerely



**BOB MCCURRY**  
Director



cc: Jenny Massingham, Planning Advisor, Celtique Energie  
Kirdford Parish Council Clerk