

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) REGULATIONS 2011:
REGULATION 13 – Request for a Scoping Opinion**

Proposal

**Proposed exploration well site (Wisborough Green 1) Northup Field, south of
Boxal Bridge, Kirdford Road, Wisborough Green, West Sussex**

Applicant

Celtique Energie Weald Limited

Agent

Jenny Massingham (Celtique Energie Weald Limited)

Date received

10 April 2013

**Classification of the Proposed Development and requirement for an
Environmental Impact Assessment**

Celtique Energie Weald Limited ('Celtique') has assumed that an Environmental Impact Assessment (EIA) will be required to accompany their proposed application for the creation of an exploration well site at Wisborough Green . On this basis they have submitted a request for a Scoping Opinion as allowed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('the EIA Regulations'). These allow a developer to ask the local planning authority for their formal opinion (a 'Scoping Opinion') regarding the information to be supplied in the Environmental Statement (ES). This provides clarity as to what the local planning authority considers the main effects of the development are likely to be, and accordingly, the topics on which the ES should focus.

West Sussex County Council (WSCC) has provided this Scoping Opinion in response to the information provided by Celtique on 10 April 2013. In providing this response, consultation has been undertaken with the relevant statutory authorities, along with the relevant Parish Councils.

WSCC can confirm that it considers the development to fall within Part 2 (d) and (e) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the 'EIA Regulations') because it exceeds the 'deep drilling' and the 'surface industrial installation' thresholds.

SCOPING OPINION

1. Location

- 1.1 The proposed development site comprises some 1.56 hectares of arable farmland in Hookhurst Farm , located some 360 metres north-west of the village of Wisborough Green. The proposed site is flat (although the surrounding area to the north banks away quite steeply) and undeveloped, with farmland extending beyond the site to the south. The site's access would make use of an existing farm access off Kirdford Road, a minor road to the north of the site.
- 1.2 The nearest dwelling to the site is some 360 metres to the east.
- 1.3 The site is within the countryside, outside the built up area identified in the Chichester District Local Plan (1999). The South Downs National Park lies some 550 metres to the south. The Dunhurst and Northup Site of Nature Conservation Importance (SNCI) is adjacent to the site the north, whilst Ancient Woodland is adjacent to the west.
- 1.4 Boxal Bridge, approximately 85 metres to the north of the site, is as a Scheduled Ancient Monument. A large proportion of the village of Wisborough Green is designated as Conservation Area and there are a large number of Listed Buildings within the village.

2. Proposal

- 2.1 The development to which this Scoping Onion relates is the proposed exploration of hydrocarbons at Northup Field, south of Boxal Bridge, Kirdford Road, Wisborough Green.
- 2.2 The proposed development would comprise four separate phases: construction; mobilisation and drilling; testing; and retention/restoration. Depending on the geology found and results, a lateral borehole may also be drilled to explore and appraise the horizontal rock structures. The results from the testing phase would determine whether the site is retained (and subject to a new application for production), or restored.
- 2.3 As already noted, it is proposed that the site would use an existing farm access from Kirdford Road. It is then assumed that development traffic would exit right onto Kirdford Road, necessitating travelling through the village of Wisborough Green before continuing onto the A272 to the south.
- 2.4 The site's operational hours would be 08:00 – 17:00 between Monday and Friday, 08:00 – 13:00 on Saturdays, with no working on Sundays, Public or Bank Holidays.

3. Scope of the Environmental Statement

- 3.1 Every ES must provide a full factual description of the development, and consideration of the 'main' or 'significant' environmental effects to which the development is likely to give rise. The ES should, wherever possible avoid the use of jargon and be written in easily-understood language.

- 3.2 Every ES must also contain all of the information set out in Part 2 of Schedule 4 to the EIA Regulations, along with such information from Part 1 as is reasonably required to assess the effects of the project. The ES should therefore contain, as a minimum:
- a full description of the development;
 - measures to avoid/reduce/remedy significant adverse effects;
 - data to identify and assess the main environmental effects;
 - an outline of the main alternatives and reasons for the choice made; and
 - a non-technical summary.
- 3.3 The following sets out the County Council's views as to what main/significant areas will need to be considered within any forthcoming ES. It does not prevent the County Council from further requests for information at a later stage under Regulation 22 of the EIA Regulations, if deemed necessary.
- 3.4 The following matters should be considered
- 3.6 **Ecology:** In close proximity to the site is the Dunhurst and Northup SNCI and Ancient Woodland. The MENS Special Area of Conservation is also 0.6 km to the south. Celtique's Scoping Request states that a Phase 1 Habitat Survey undertaken in March 2013 recorded a main badger sett on the western boundary and the adjacent woodland had the potential to support roosting and foraging bats, hazel dormouse and nesting birds.
- 3.7 An extended Phase One survey should be undertaken in the first instance with follow up surveys to be completed as required. Potential ecological impacts arise from the proximity of the site to the SNCI and the Ancient Woodland.
- 3.8 The ES should consider the potential impact of lighting proposed as part of the development on protected bats. A bat-sensitive lighting scheme should be prepared by ecologists and submitted as part of the mitigation schemes.
- 3.9 The ES should specifically identify the potential impact of the development on trees on the highway, particularly as the site access would be adjacent to ancient woodland and mature trees. The highway improvements should be identified at an early stage so potential impacts on adjacent sensitive receptors can be identified.
- 3.10 A Tree Constraints Plan/Arboricultural Implications Assessment should be submitted to identify Root Protection Areas and ensure development avoids them.
- 3.11 Consideration should be given to the potential impact noise, air quality, vibration and traffic may have on the ecological features within the site and affected by its operation.
- 3.12 A mitigation plan should be submitted addressing the identified impacts setting out the timing, methodologies and translocations of the measures as required. It is reasonable to expect a suitable ecological element to the final restoration to support the application.

- 3.13 Further, in accordance with the National Planning Policy Framework, in addition to mitigation measures it is expected that some form of enhancement should be forthcoming.
- 3.14 Please note, that if European protected species are materially affected a derogation licence may be required and the Mineral Planning Authority must be satisfied that the three derogation tests (The Conservation of Habitats and Species Regulations 2010) have been met. This should inform the mitigation plan accordingly.
- 3.15 **Landscape and Visual Impact:** Given the site's location in a rural area, with the South Downs National Park some 550m to the south, the potential for landscape and visual impacts should be considered, taking into account all stages of the development.
- 3.16 A Landscape and Visual Impact Assessment (LVIA) should be undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment (LI and IEMA): Second Edition 2002¹, with the conclusions feeding into the Landscape and Visual Impact chapter of the ES.
- 3.17 This LVIA should take into account:
- the WSCC Land Management Guidance Sheet LW2 – North Western Low Weald;
 - the WSCC Landscape Strategy (2005) (in particular, guidelines for conserving historic landscapes, guidelines for commercial and industrial development including rural diversification; and guidelines for protecting the character of rural roads and lanes)
 - The WSCC Historic Landscape Character Analysis
- 3.18 The sensitive viewpoints to be considered in the LVIA should be agreed with the county planning authority before the assessment is undertaken.
- 3.19 The LVIA should include a photographic assessment of impacts from the agreed viewpoints. The site and height of the proposed drilling rig should be identified. When assessing the setting of the South Downs National Park, this should include views towards and from within the National Park.
- 3.20 The LVIA should appraise the potential impact of the following:
- Heights and location of the rig;
 - The access road;
 - Fencing requirements;
 - Location and design of offices, machinery and other fixed facilities;
 - Mitigation proposals; and
 - Site restoration proposals.

¹ Please note this may require revision in accordance with the third edition of the Guidelines if these are issued prior to the application being made.

- 3.21 The EIA /application documents should include a Tree Survey and Arboricultural Impact Assessment. Detailed information will be required if significant trees are likely to be affected.
- 3.22 The landscape/visual appraisal should consider the proposal during the different phases of development, as well as during restoration and retention.
- 3.23 The application should also consider the landscape and visual impact of any lighting which may be required.
- 3.24 **Noise and Vibration:** Noise impacts during the different phases of the development should be assessed, along with potential vibration impacts. This should take into account potential impacts on the nearest sensitive receptors including dwellings, Public Rights of Way, ecological features (habitats of the SNCI and Ancient Woodland) and publicly-accessible areas.
- 3.25 Sensitive receptors should be agreed with Chichester District Council's Environmental Health team before surveys are undertaken. A noise assessment should be undertaken in accordance with BS4142 and BS5228. The assessment should take into account the guidance set out in the National Planning Policy Framework and the World Health Organisation Community Noise Guidelines.
- 3.26 The methodology for quantifying noise and vibration emissions from road traffic should follow the methodology set out in the Department of Transport's Control of Road Traffic Noise, and Design Manual for Roads and Bridges. The outcome of this study should feed into the information set out in the ES.
- 3.27 **Transport:** A Transport Assessment will be required to accompany the application, the results of which should feed in to the Transport chapter of the ES. The particular issues which should be addressed in the Transport Assessment, and considered in the Transport chapter of the ES, relate to the additional number of HGV movements arising from the development and any resultant implications for highway safety and capacity, and the environment. It should also identify whether any improvement works (for example to Boxal Bridge) would be required along the roads leading to the site.
- 3.28 The impact of HGVs travelling along rural roads before reaching the A272 should be considered, and any mitigation/enhancement measures should be identified.
- 3.29 Given the site's rural location, and the potential impact of HGVs on Wisborough Green village, the selected route to the site should be justified clearly, and alternatives which were considered should be identified.
- 3.30 The environmental assessment of the transport section of the ES shall be informed by the following documents:
- The Environmental Assessment of Road Traffic: Guidance Note no.1
 - Design Manual for Roads and Bridges (DMRB)
 - Guidance on Transport Assessment (March 2007)

- 3.31 **Water Environment:** The EIA should include consideration of the implications of the development for the water environment in terms of Flood Risk, hydrology, drainage and groundwater protection.
- 3.32 This section should include a detailed assessment of potential impacts on both groundwater and surface water, but also details regarding surface water protection as the site lies within 50m of Boxal Brook and 450m northwest of the River Kird. The site lies also on the Weald Clay, a non-productive aquifer. In this regard, liaison with the Environment Agency is recommended.
- 3.33 It's recommend that a qualitative Environmental Risk Assessment (ERA) is produced that includes a detailed Conceptual Site Model.
- 3.34 The following items will also need to be covered in detail in any future planning application. The items should be covered as a suite of Method Statements and procedures for the protection of the Environment (pollution prevention) during any drilling work that may take place on site.
- Drilling operations including Well drilling, Well casing and testing;
 - Storage of substances including fuel and chemicals;
 - Drilling Mud Management Plan;
 - Pollution Prevention measure;
 - Pollution Incident Plan;
 - Environmental Monitoring and Management Plan including maintenance aspects;
 - Surface Water Drainage scheme
- 3.35 Drilling Methodology and consents: It is not clear at this stage whether the application involves the exploration of unconventional gas that will involve hydraulic fracturing. The following will potentially be required in conjunction with any planning application:
1. A notice to be served by the Environment Agency under Section 199 of the Water Resources Act to "construct a boring for the purposes of searching for or extracting minerals"
 2. Environment Permits for:
 - Groundwater Activity (if we consider that there might be a risk to groundwater)
 - Mining Waste Operations
 - Radioactive Substances Activity (if we consider that radioactive waste is likely to be produced)
 - Water Discharge Activity
 - A Groundwater Investigation Consent (to cover drilling and test pumping where there is the potential to abstract more than 20m³/day in the production process)

- A Water Abstraction Licence (if the operator plans to abstract more than 20m³/day for their own use)
 - A Flood Risk Consent if the proposed site is near a watercourse or main river.
 - For extraction, storage, transfer of product, discharges to the water environment and Directly Associated Activities (DAA) i.e. reinjection, flaring, storage or raw materials etc will require an Environmental Permit (2010).
- 3.36 A full Flood Risk Assessment will be required to accompany the application, and should help to inform the EIA. The site is adjacent to the Boxal Brook, so the potential impact on this, and the wider drainage of the area, must be considered, taking into account the topography of the area.
- 3.37 **Lighting:** Although it's understood that the development is temporary, the site is very rural and generally devoid of lighting. The lighting attributed to the site operations must be considered as part of the EIA. The lighting impacts shall include impacts upon the surrounding landscape/visual impact and ecology.
- 3.38 An assessment of the potential impact of the lighting elements of the development should be undertaken, in accordance with Defra's document 'Lighting in the Countryside: Towards Good Practice'.
- 3.39 **Socio-Economic Impacts:** An assessment of the potential impacts of the proposed development on the community living and working within the locality should be provided. Attention should be given to the potential to impact upon the countryside and the South Downs National Park and conserving and enhancing the natural beauty, opportunities for enjoyment by the public and wildlife of the National Park.
- 3.40 **Cumulative Impacts:** This should consider the potential cumulative impacts of the proposal alongside uses and developments within at least three kilometres of the site. These can be considered in each chapter on an issue-by-issue basis (e.g. cumulative noise impacts, cumulative air quality impacts etc.) or in a separate cumulative impacts section.
- 3.41 **In-Combination Impacts:** An appraisal of the potential interaction of impacts should be set out, acknowledging the potential for a combination of impacts to result in an impact of greater significance.
- 3.42 **Alternatives:** Alternatives to the proposed development should be set out, including a 'do nothing' option.

Topics to be Scoped Out:

- 3.43 We agree that the following topics are unlikely to result in significant impacts so can be excluded from detailed consideration in the Environmental Statement:
- Air Quality;
 - Archaeology: though a Heritage Statement should be submitted. This should include a desk-based archaeological risk assessment, along with measures for further, field-based assessment if necessary or desirable, and measures to mitigate the impact of groundworks on buried archaeological features, known or presently unknown;

- Agricultural Land and Soils: though the ES should detail how impacts on the land on which the site is located will be mitigated; and
- Waste.

3.44 Any considerations not included in the scope of the EIA should be adequately assessed as part of any planning submission.

3.45 The results of assessment and surveys which feed in to the Environmental Statement should accompany the application

3.46 Finally, for your consideration, the responses received as part of the Scoping Opinion exercise are supplied with this Scoping opinion.

Signed:

Chris Bartlett
for the Strategic Planning Manager
Date: 5 July 2013