

KIRDFORD PARISH COUNCIL

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

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

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17th June, 2014

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

Dear Mrs. Moseley,

re: **Planning Application No: WSCC/083/13/KD**

Proposal: The installation of a well and associated infrastructure, including access road and soil bunds, for the drilling of a vertical borehole and contingent horizontal borehole from the same well for the exploration, testing and evaluation of hydrocarbons for a temporary period of three years.

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

Applicant: Celtique Energie Weald Ltd.

Introduction - Kirdford Parish Council (KPC) as the representative local authority for the Parish of Kirdford were invited as a statutory consultee to comment on the above planning application to be determined by West Sussex County Council (WSCC). KPC councillors reviewed the application documentation and on 19th November 2013 submitted to WSCC Planning Officers and the Council's Planning Committee members determining the application of their comments and concerns, reasonable requests for clarification and/or suggestions for conditions.

KPC were provided with **further information** in support of the current planning application for the above development, as submitted to WSCC by the applicant, by WSCC on the 15th May, 2014 and invited to submit comments on the further information or add/update its previous comments.

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

1.0 **General**

The Parish Council would restate its view that the purpose of an Environmental Statement (ES) is to provide objective evidence and assessment and that the submitted ES and **additional information** still ignores Circular advice that it is important that an ES is prepared on a realistic basis and without unnecessary elaboration. The considerable focus on national economic considerations is regarded by the Parish Council as unnecessary elaboration at best and disingenuous at worst.

It is also noted that the **additional information** still does not include any reference to Chichester District Council's emerging Local Plan which is at Examination stage and is, therefore, a material consideration. Similarly, there is no reference to the Kirdford Parish Neighbourhood Development Plan (KPNDP) which has passed Referendum and is also a material consideration and a significant part of the local **Development Plan**.

These were identified as serious omissions in the KPC consultee response, not least in that the latter provides a clear framework of the local communities issues and objectives for growth including economic growth, include energy, transport and other policies all of which can inform and assist the applicant in his consultation with and guide collaborative working with the community to enable the proposed development. In this context KPC is mindful that the WSCC Minerals Plan is out of date and not fit for purpose.

1.1 Kirdford Parish Council considers that by not utilising the intervening six (6) months prior to submitting the additional information in a meaningful manner by working with the local community the applicant has demonstrated a significant disregard of the purpose of the National Planning Policy Framework (NPPF) and in particular the objectives in paras. 1-22 inclusive.

1.2 KPC would refer to the requirements set out in the NPPF paras. 150, 151,152 & 153 and that the KPNDP having passed examination and referendum has demonstrated a plan for sustainable growth that incorporates up-to-date policy for the KPNP Area within Chichester District Council Planning Authority Area and thereby forms part of its existing and emerging Development Plan. The Planning Statement accompanying the application includes no references to applicable policies contrary to the NPPF requirements.

2.0 **Site Selection and assessment of alternative Sites.**

This application is part of an exploration and analysis exercise that seeks to establish whether or not any Oil and Gas that maybe present in the Weald Basin area is commercially viable for extraction by way of conventional or unconventional means for extraction.

The application seeks permission for drilling of a vertical and contingent horizontal borehole from the same well. The development required to enable such exploration can be utilised for an exploration of a limited area (within the application site) or over a wide area (+/- 10 kilometres radius). **The specific location of the proposed development site is therefore not critical** to enabling the national objective of determining the commercial viability for potential extraction of oil and gas by way of conventional or unconventional means in the Weald Basin.

The Licence PEDL 234 held by the applicant covers an area of 300sqkm and **provides an entitlement for the holder to be able to gain permissible access rights to any land within the licence area** by way of compulsory powers if they cannot negotiate with the owners of land to find the reserves.

Given the purpose of planning is to help achieve sustainable development (as defined in the NPPF) KPC are of the view that a more technically and environmentally suitable site could be identified. For example, one of the major detrimental impacts of the development application site relates to transport, **it is perfectly viable for the applicant to undertake the required exploration and analysis activity requiring the development in a sustainable location**, within the Weald basin area, that provides for direct access to WSCC advisory lorry routes or a classified 'A' road.

Planning Practice Guidance 2014 refers in its Minerals Overview "Planning for minerals involves a number of characteristics that are not present in other developments because they can only be worked where they naturally occur but it is a temporary use." This recognises the site location constraint of minerals extraction but as has already been identified no such limiting constraint exists in respect of this application. The nature of the geological formations that support conventional or unconventional oil and gas extraction are such that they allow for a relatively wide area to be utilised for any particular drilling development. **Evidence the offshore oil and gas exploration and production activity to confirm the wide geographical tolerances available for pinpointing the specific location of any wellhead in such development.**

The **additional information** relating to the site selection process refers to the "**Primary Search Area**" para. 5.38b indicating that underground geological formations dictate this area as critical for exploration and assessment. **The additional information fails to identify the extent of such Primary Search Area**, does not claim that it is limited to the application site area, or that it constitutes the wider area assessed for alternative site locations. Notably, but beyond KPC's expertise, other experts have submitted geological analysis that is contrary to the limited information submitted by the applicant. **KPC consider that the provision of a map illustrating the extent of the "Primary Search Area" is essential for the decision makers to determine whether a meaningful Site Selection and assessment of alternative sites was carried out or not.**

Given that para. 118 of the NPPF states "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, the planning permission should be refused.

Further to a map of the Primary Search Area being provided, KPC would be willing to work with the applicant to try and identify alternative site locations that avoid significant harm within the Parish area and co-operate with adjoining and other authorities in the event such alternative site cannot be identified within its Parish boundary.

KPC does not consider its other comments raised in its original consultation have been addressed, including "*The Parish Council believes that the Authority should require that a comprehensive comparative weighted analysis chart be provided so that the robustness or otherwise of the assessment of alternative sites can be demonstrated and evidenced.*"

3.0 Highways and Access

The **additional information** references the Planning Practice Guidelines 2014 which states that “Local Authorities make a judgement as to whether development will generate significant amounts of movement on a case by case basis.” **This clearly requires the Authority to base its judgement on a proportional basis relative to each application site;** the Guidance further references various criteria and impacts.

Detailed information, surveys and assessments on the traffic and highway conditions have been provided by consultants acting on behalf of various parties including KPC whose consultant’s report highlighted errors in the applicant’s submission material and concluded the site access and transport requirements unsuitable and unsafe.

The proposed routing of the development’s transport movements via an unclassified road, narrow bridge and through the built up area of Wisborough Green to gain access to an ‘A’ road, which is not part of the WSCC designated Lorry Route Network is contrary to basic principles and guidance of the West Sussex Transport Plan 2011-2026. (WSTP)

In the final analysis the simple issue is does an increase of “a typical maximum of 50 additional 2-way vehicle movements per day (equivalent to between 5 or 6 per hour)” on a rural unclassified country lane and travelling through the centre of a village constitute a “significant increase”?

Some of the matters raised in the previous consultation have been addressed in the additional information; however **the decision makers need to weigh the proportional effects and impacts of the transport generated by the development for the activity of oil and gas exploration and analysis in this location knowing that such activity could be undertaken in alternative locations where the effects and impacts will be far less**, given there is no constraint on the applicant in accessing alternative land for such purposes in locations resulting in less harm.

Similarly, if the WSTP did not give due consideration to Oil and Gas Exploration and Production in West Sussex in 2011 when it was developed and approved, it is not viable for decision makers to set aside harmful impacts on the basis that policy does not provide for them to address the matter appropriately. That is akin to saying ignorance in the law is an acceptable basis for ignoring the purpose of law.

4.0 Environmental Impacts

Noise – KPC restates its desire that any prescribed unacceptable impacts occasioned by the development activity can be readily identified by way of monitoring and rapidly mitigated or ceased. Its reasonable request has not been addressed in the additional information in a manner that reassures it that any breach of condition will be dealt with in a manner that ensures those at risk will not be subjected to periods of harm.

Ecology, Landscape and Visual, Contamination and Air Quality – KPC continues to share the concerns as set out by Sussex Wildlife Trust and notes that the Government, in an exceptional burst of activity over the last 9 months, has changed, updated or introduced new law, guidance or other instruments that redefines or sets aside matters or issues of concern previously raised relating to the activity of the proposed development.

Socio-Economics – The additional information provides no further information and KPC would repeat its request that **“a more relevant and robust assessment of the socio-economic impacts of the proposals be provided”**. The site is located in a rural area and reliance on county or district wide statistical information as evidence provides little factual information of relevance.

5.0 Summary

Need for the development- whilst this is a material planning consideration, it is not an appropriate subject for the ES.

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

Highways and Access – the applicant has provided inconclusive evidence to demonstrate that the increased traffic volumes and impacts will not be a “significant increase” when proportionally considered in context of the site location within an isolated rural area lacking the appropriate highway infrastructure.

Yours sincerely,

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