



24/01/13

Attn: Lucy Harding
SDNPA

Ref: Planning application: SDNP/13/05896/CM

- Nine Acre Copse Vann Road Lynchmere- 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.

Lynchmere Parish Council objects to the above application on the following grounds;

1. The proposed development is contrary to the purposes of the NP
2. The development does not come within the 'exceptional circumstances' required for major development within a National Park because the Applicant has not demonstrated that any national need for such a development could not be satisfied **outside** the NP
3. The traffic which would be generated by the proposed development is excessive for its location
4. The Applicant has not demonstrated satisfactorily the suitability of the underlying geology in particular with regard to fault lines and the risk of dispersal of contaminants and has not provided a 3D seismic report for the site.
5. The Applicant has not shown satisfactorily that there is an adequate water supply and that both waste water disposal and groundwater pollution can be safely dealt with
6. The negative effects on amenity for the community of Fernhurst and the National Park, in terms of landscape, ecology, noise, water, air and light pollution which cannot be effectively or sufficiently mitigated.
7. The Applicant has failed to provide any information about the measures it would take in the event of an operational or road accident involving contaminated or toxic materials
8. The proposed development is not sustainable in the location proposed

Each ground is discussed in detail below.

We urge the members of the Planning Committee to make a site visit to the locality to establish for themselves the unsuitability of this development in this location.

1. The proposed development is contrary to the purposes of the NP

The SDNP has as its purpose 'To conserve and enhance the natural beauty, wildlife and natural heritage of the area' and 'To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public'.

The current application will neither conserve nor enhance. Though 'temporary' it will, if allowed, make permanent changes for the worse in its location. Even if the site is restored

(phase 4a of the Proposed Development) there will remain **in perpetuity** a capped off borehole the integrity for which the Applicant has provided no future guarantee.

It is also the duty of the Authority to seek to foster the economic and social well-being of the local communities within the National Park.

The current Application will not assist with this. The extremely minimal and temporary employment which might be offered locally (see Section 8 Sustainability below) will make no significant contribution to the economic well-being of Fernhurst. The social well-being of the community will be severely disrupted (Section 4. Transport below) and there will remain a permanent local anxiety regarding the safety of the well even if the site is restored.

The SDNP Vision is that, amongst other goals, by 2050

‘the iconic English lowland landscapes and heritage will have been conserved and greatly enhanced. These inspirational and distinctive places, where people live, work, farm and relax, are adapting well to the impacts of climate change and other pressures;’

This vision must surely require that the NP sets an example of environmental standards and sustainability for development within it.

2. The development does not come within the 'exceptional circumstances' required for major development within a National Park because the Applicant has not demonstrated that any national need for such a development could not be satisfied outside the NP

Although the application is 'temporary' the amount of additional traffic it will generate and the amount of construction and materials required to be brought onto the site make it a 'major development' by any standard of common sense.

Of the three requirements in NPPF 116 for such a major development (discussed in the application in the Planning Statement para 6.4) the Applicant has entirely omitted to consider

'the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way'.

This is echoed by the requirement in the SDNP Authority Scoping Opinion.

All the Alternative Site Assessments made by the Applicant are for sites **within** the SDNP.

This Assessment therefore does not satisfy the requirement of either the NPPF or the Scoping Opinion. The Applicant attempts to justify this on grounds of the extent of its PEDL which has defined its 'search area'. However, whether or not the Applicant's PEDL extends outside the NP is irrelevant; the NPPF requirement is absolute. The geological conditions needed for hydrocarbons to exist are present in many locations outside the SDNP but the applicant has failed to consider any of them. The Applicant likewise makes great play of its 'duty' to fulfill the terms of its license (eg in para 5.31) . However, this duty is subject to other legal requirements including planning consent and the grant of a PEDL license in no way guarantees that such consents will be forthcoming. Any discussion in the application of such 'duty' or 'breach of conditions' or 'noncompliance with the national strategy on energy ...' is therefore irrelevant and should be disregarded.

3. The traffic which would be generated by the proposed development is excessive for its location

On the basis of the Applicant's own estimates and on any common sense view we consider the amount and nature of the traffic which would be generated by this proposal to be excessive and totally inappropriate for the roads and community of Fernhurst village.

The duration of the journey through Fernhurst starting from the village entry point from the north on the A286 to the application site, driving in a car at the prescribed speeds and with no hold ups, is approximately 4 minutes 30 seconds and from the village entry point to the south approximately 5 minutes and 30 seconds. An HGV, taking longer to make the turn at the junction of the A 286 and slower due to traffic and parking in the village, would have a significantly longer journey.

The route passes the gates of the primary school from the north, then the residential part of the village on Vann Road and over a narrow (4.3 M) bridge walled on either side before reaching the application site. During the period of construction along the development would result in a **daily average of almost 6 hours worth of extra traffic**, fumes and noise of which more than three and a half hours would be extra HGV traffic rumbling through the village. During the period of vertical drilling there would be a similar average of extra traffic, though at its peak during mobilisation there would be **over 9 hours daily of extra traffic**. Bearing in mind that the Applicant's Traffic Management Plan states that the peak hours between 8-9 am and 17.00 -18.00 will be avoided (thereby leaving an 8 hour window during the working day) and that vehicles will be staggered, it is difficult to imagine how all this traffic is actually going to pass through.

For the homes in the village having frontages onto the pavement between the A286 junction and the narrow bridge, the road is less than 5.5 M wide and as there are no parking restrictions at the bridge end there is usually a line of parked cars. Even without the parked cars it would be difficult for an HGV of average width of 2.55m to pass a moving car, far less another HGV, due to the narrowness of the road and likelihood of pedestrians on the pavement. With parked cars it will be quite impossible for an HGV to pass without holding up oncoming traffic or waiting for oncoming traffic to pass, thereby increasing **at the most sensitive point** of the route the amount of fumes and engine revving. Even if an HGV could pass this section unimpeded there would be almost two and a half hours of extra HGV traffic at this point alone and at its worst almost 4 hours. All this during the hours of the day when mothers with young children or the elderly are most likely to be walking to school or the village shops.

This residential part of the route is then followed by the very narrow bridge which at 4.3 M wide will not allow two HGVs to pass, and even cars would have to pass very slowly at that point. There will inevitably be lines of traffic on either side waiting to pass.

From there the route passes Highbuilding pond. At this point the carriageway narrows to 3.8 M and barriers protect the pond to one side. It is unlikely that the carriageway has sufficient structural strength to withstand the months of heavy vehicle traffic which this development would cause. It will be difficult for two cars to pass at this point and impossible for a car to pass an HGV, thereby creating a further cause of traffic build up on this quiet country lane.

At the point of access to the application site the carriageway is significantly less than 6M wide. The average turning circle of an HGV vehicle has radii of 12.5M and 5.3M. Therefore it will be impossible for HGV vehicles to make a turn into the proposed access without driving onto the opposite carriageway, thereby causing a potential safety hazard. This is even referred to as a problem in the application itself (ES Vol 2, 10.5 Report by Acorn Projects Ltd para2.3.2).

No information has been given regarding the route HGV traffic is to take before reaching the A286, either from the A3 in the north or joining the A286 from the south. Routes through Haslemere or Liphook would have to include totally inappropriate residential roads or narrow country lanes.

No information has been given about the location, and therefore the route, that HGV vehicles transporting waste water, drill cuttings and drill mud will take to the 'approved facility off site'. We are not aware of any such facility in the immediate locality and therefore the transportation of such waste would be an additional burden and hazard not only on the local road network but also further afield.

In summary, the volume and type of traffic which would be generated by such a development would be excessive even for the 'temporary' period suggested; the application is for a period of 3 years, the Flood Risk and Surface Water Drainage Assessment suggests 80 weeks and the Construction Programme and Management suggests 72 weeks. For the community of Fernhurst the associated noise, odor and air pollution created by such traffic in close proximity to residential properties along Vann Road, the hazards and delays which will be suffered by local road users and the damage to the structure and quality of the road surface would be an unacceptable loss of amenity.

4. The Applicant has not demonstrated satisfactorily the suitability of the underlying geology

The applicant has not produced a 3D seismic report which we consider to be essential to show that the proposed drilling location is safe. Lynchmere Parish Council has commissioned a report from Emeritus Professor David Smythe of Glasgow University. Evidence from existing data shows that faults are present across the Sussex Weald and in the vicinity of the Fernhurst site. If disturbed by drilling these could cause problems of contaminated water leaking up through the shale layer and reaching both aquifers and groundwater. For this reason we do not think this application in this location should be allowed. (Prof Smythe's Report is attached.)

5. The Applicant has not shown satisfactorily that there is an adequate water supply and that both waste water disposal and groundwater pollution can be safely dealt with

Water Supply

The Applicants state that they will be using between 1,000 - 3,000 m³ of water for this exploratory dig. The application is not clear about whether this will be all required initially or whether there will be a continuous demand. They do not appear to know whether this will be supplied by the main or trucked in. It is not clear that this has been calculated into the Applicant's overall traffic estimates.

There is no indication of whether SE water can deliver the required amount even for this exploratory phase. We have concerns about the amount of extra water being used in view of the fact that residents in Fernhurst are already being compulsorily water metered and asked to limit water use.

Waste water

There are 2 water storage tanks on site but it is not clear if these are for fresh and/or contaminated water. There is also a 50m³ I tank for use in case of fire.

The Applicant has stated that the water used will be re-circulated during operations and then disposed of at an approved site. How many lorries a day would be required in its dispersal and how far away would the treatment facilities be? Are there suitable facilities to cope with the decontamination of water and other waste products such as toxic mud from this operation and where are they? Would the treated water then be safe for human consumption and if not how would it be used? What protections would the Applicant put in place to prevent water contamination or leaks from these storage containers. These issues are not fully addressed in the application and we are led to believe that the impermeable drain and sump will be sufficient. There is no evidence to support this assertion.

Groundwater

We understand from Environment Agency maps that this site is on a surface water safeguard zone and partly within a groundwater vulnerability zone - minor aquifer - high. Whatever extra protection this gives to the site is not explained.

The Parish Council is very concerned that the Applicant has said there is a moderate/minor risk of land contamination and release of contaminated run off both at the mobilisation and the testing phase of the exploratory dig. Again the Applicant relies only on the impermeable ditch lining system to control contamination. It is difficult, if not impossible for the Parish Council to reassure local farmers and owners of livestock that water contamination poses no risk.

There is also the danger of permanent contamination of aquifers following well abandonment. The use of cement plugs and corrosion resistant materials may help mitigate this but the Applicant has not addressed the evidence that wells break down over time leading to groundwater and other site contamination or given guarantees that this can be avoided or mitigated.

6. The negative effects on amenity for the community of Fernhurst and the National Park, in terms of ecology, visual, noise, air, water and light pollution which cannot be effectively or sufficiently mitigated.

We think that the application does not consider sufficiently or at all the following;

Light pollution

It is of concern to LPC and local residents to protect the dark skies and tranquility of this special area. For Phase 2 drilling works, the rig site will be in operation 24 hours a day, 7 days a week and therefore will require permanent flood lighting including at night. The Applicant claims that there will be at worst 'minor adverse' lighting effects on the local surrounding area. We think this is an underestimate. Additionally the Applicant has not considered the effect of vehicle lighting on the access track and in the car park at night; even if all HGV traffic is kept within working hours there will inevitably be car movements in and out of the site at night. At night the site is currently quiet, tranquil and dark, therefore night time lighting will impact significantly more on this environment, disturbing the balance for the resident wildlife. The scale of the lighting is not in keeping with the SDNP

Management Plan requirement that no future development should adversely affect 'the peace and dark night skies' of the South Downs. There would also be an adverse impact on the SDNP's plans to become a designated *International Dark Sky Reserve*. We do not think that this can be sufficiently mitigated.

Noise

Noise pollution is also a concern. LPC are not in a position to counter the Applicant's submitted noise figures but these have only been calculated at or around the applications site. However, the traffic noise levels are likely to be significantly higher than acceptable, given the volume of HGVs it is proposed will be queuing along the residential Vann Road to pass the bridge and the Applicant has not taken this location into account. The Applicant also does not mention the effect that a valley's structure can have on sound, which may travel clearly upwards, radiating out beyond the immediate bordering properties. The Applicant relies on the screening effect of the wooded application site but during the Winter months, the deciduous trees surrounding the site will provide little effective screening or mitigation to light and noise pollution.

Moths

The Environmental Statement omits any mention of moths. Moths are not only of importance in themselves but also as an essential part of the food chain for birds and in particular for bats. Across Britain there has been a significant decline in moth abundance and this is particularly so in the southern half of Britain. Change to habitat, including changes to woodlands and their management, urbanisation and light pollution in local areas have been substantial contributors to this decline. The 24/7 lighting proposed in this development, regardless of its directional aspect, and the flaring of gas (neither of which can be mitigated) will attract moths to the light source and destroy them. There may be a significant negative effect on the immediate moth populations and consequent pressure on bats. The Applicant has not shown any measures to prevent or mitigate this. This would be directly contrary to the purposes of the National Park.

Landscape

Point 8.69 in the ES states, 'The entrance to the application site is through an existing field gate sited in a somewhat sparse native hedgeline, predominantly hawthorn'. Due to the narrowness of the carriageway at the entrance point (less than 6m) the Applicant proposes to make a much wider entrance to allow lorries to turn in. To achieve this and to improve sightlines lengths of hedgerow will be removed and trimmed back.

Hedgerows are important wildlife corridors and provide landscape, shelter and a habitat, the removal of which can affect plant and animal populations. The production within the hedgerows of flowers, fruit and seed is important for insects, birds, bats and other organisms. The Applicant states that because this is only temporary this can be satisfactorily restored. We do not agree; it takes many years for displaced species to repopulate a hedgerow and the Applicant has not included any assessment of this in the ES.

This widening of the access track and greater sightlines will also increase the visual intrusion of the site to passing traffic and pedestrians. In particular the industrial style and quantity of the tree protection proposed on the track as well as its urban surface (15M of tarmac) will be intrusive. Likewise during the winter months where the screening effect of trees is diminished the security fencing for the site will become visually intrusive

The possibility of two lorries or a lorry and car passing on the narrow stretches of Vann Road may cause encroachment onto the verge, which is an offense, and the churning up of soil on the verges may undermine the road. Drainage ditches and gullies may become damaged by the regularity of the heavy vehicles passing over them.

Air Quality

The Applicant has set out reasons why the effect on air quality will not be worse than *generally* accepted standards by construction of the site, diesel generators on site, gas flares or traffic flows generated by the application. An important reason why this is the Applicant's assessment is that the chosen site is in a remote rural location with *very low* base level air pollution. We do not therefore accept the Applicant's assessment that air quality will not be significantly affected. However, Chichester District Council is poorly placed to monitor what actually happens: the two automatic and ten nitrogen dioxide diffusion monitoring facilities are all located in and around Chichester (paragraph 15.48) – nowhere near the Application Site.

7. The Applicant has failed to provide sufficient information about the measures it would take in the event of an operational accident or a risk assessment for road accidents involving contaminated or toxic materials

No sufficient consideration has been given to construction risks and the handling of toxic materials. The proposed site includes a number of storage tanks some of which will hold toxic material. The Applicant refers to the impermeably lined ditch and sump system for onsite spill but no detail is given about how spills would be pumped out and returned to either the storage tanks or be tankered out. No risk assessment has been made regarding possible road accidents involving the spillage of toxic tanker contents taking waste to the 'approved facilities' mentioned but not identified in the application. A quantity of water is to be stored on site, but should a fire happen there is no assessment of the adequacy of that water, the method by which it would be deployed or reference to the local fire services which might be called on to assist. The actual operation of the exploration will be undertaken by subcontractors, and the Applicant seems to assume that it or its subcontractors are suitably trained and qualified to undertake monitoring and self-regulation. No detail about how this is to be done, the qualifications held or the management structure for reporting any operational faults have been included in the application. We do not think that this is good enough to reassure either the SDNP Authority as custodian of the environment or our constituents whose health might be under threat.

8. The proposed development is not sustainable in the location proposed

'Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations', 'Sustainable development is about change for the better ...', 'Our natural environment is essential to our wellbeing.' 'relevant policies - such as those protecting ...National Parks - cannot be overridden by the presumption [in favour of development]'.

In essence sustainable development is about finding a balance; a balance between current and future needs, of environmental tolerance to change, and of the wellbeing of the community and the cost to its amenity. We think that this application falls on the wrong side of this balance. In its favour the Applicant argues that the development would go towards fulfilling a national need. However, we do not agree that the *knowledge* that this exploration might bring is enough to justify the negatives in the equation.

During its temporary existence it will do nothing to change the immediate locality for the better; on the contrary, we think it will significantly damage amenity and the environment, not just temporarily. In particular, the transport of so much industrial material to an unspoilt site within a National Park is damaging - 5600 tonnes of stone, enough concrete to line the drilling cellar and to line the borehole, enough tarmac for 15 M of access track (neither quantified by the Applicant) the 3.4 M high security fencing (also not quantified), storage tanks, diesel oil for generators, the list continues. Although all this material may be removed in three years (again with a heavy traffic burden) we do not think that the possible site restoration can balance the negative impact of this activity. In addition the amount of fossil fuel which would be used in this transportation must be part of the equation.

The applicant, in recognition of the importance of social amenity and recreation to the local economy, has undertaken that Public Rights of Way PROW ref 1265 and PROW ref 1264, although only 150 meters from the Application Site, will remain open throughout all phases of development (paragraph 14.117).

The applicant, correctly, does not overstate the contribution to economic activity that test drilling will bring. Any work offered would be for a matter of weeks only – possibly up to 12 new unskilled jobs for a temporary period during construction, and possibly the same during restoration. However it would not be up to the Applicant but to its subcontractors to offer these jobs. The 22 jobs during drilling and testing are not likely to be filled by any local job seekers (see the Applicant's own analysis of jobs sought locally). There are no refreshment or retail facilities in the Fernhurst area suitable for HGVs to park in and any use of local refreshment or retail facilities on the part of those working at the application site would necessitate more vehicle trips from the work site into the village, rather negating any positive effect. There are unlikely to be local suppliers capable of providing the vast quantities of aggregates, concrete or other building materials this development would require, so there would be no local economic benefit there.

In summary, this development will **not** sustain the local economy nor fulfill a local need. Whilst it might add at a national level to the knowledge about location of hydrocarbons the significant though temporary damage to the 'fragile sense of peace' so unique to the SDNP and to the local community renders gaining any such knowledge unsustainable.

9. Finally we state the conditions which we think would be essential should this proposal even be considered to be a possibility.

CONDITIONS WHICH LPC CONSIDER SHOULD BE IMPOSED IN THE EVENT THIS APPLICATION IS PERMITTED

1. We ask that a full 3D seismic survey on this site is carried out in the interest of public health and safety *before* any exploratory drilling can take place. The results must be made publicly known. If fault lines are found any action proposed by the Applicant to overcome such problems must be approved by all the regulatory bodies and the planning authority and explained to local residents before drilling could begin.

2. The 2013 planning practice guidance for onshore oil and gas suggests that there is a requirement for routine monitoring and we consider that this should apply to exploration as well as operations. We do not consider that self-regulation by the Applicant or their subcontractor is acceptable.

Arrangements to monitor the following should be put in place, continue throughout operations and the results of all monitoring should be put in the public domain;

a) There should be a pre-determined structure of responsibility between the statutory regulatory agencies, publicly advertised, indicating which agency will cover exactly which area of monitoring and concern. There should be a clear statement that the funding necessary to fulfill these duties is in place. We look to the National Park Authority to require guarantees, if necessary, from the statutory agencies to ensure that their statutory obligations to protect the public are fulfilled.

b) Air quality; the Planning Authority should require Chichester District Council to establish the technical capability of monitoring air quality at and around this site and along Vann Road, and along the PROWs neighbouring the site

c) Bat and moth populations

d) The content of drill mud and any other materials pumped into the borehole

e) The condition of roadside verges along Vann Road and any other part of the routes used which are not part of the Lorry Route Network

f) Water quality at and around the site both before and after the exploratory drill

g) Archaeological finds

h) Baseline reptile information and changes in populations

i) A clear chain of responsibility in the event of an operational or traffic accident associated with the exploration

3. We look to the Planning Authority to ensure that the Applicant's undertaking in respect of Public Rights of Way is delivered.

Yours sincerely

Kate Bain
(Clerk to Lynchmere Parish Council)

Enc. Report