

# Sussex Wildlife Trust

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Response sent via email, no hard copy will follow.

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12/08/2013

Dear Ms Moseley

Planning Application No: WSCC/061/13/BA

Proposal: Amendment of Condition 2 of WSCC/027/10/BA to allow additional time to complete the drilling and testing programme and restore site

Location: Lower Stumble Hydrocarbon Exploration Site

Applicant: Cuadrilla Resources Limited

The following OBJECTION to the above planning application is made on behalf of the Sussex Wildlife Trust. This is based on information accompanying the proposal and our own knowledge of the ecology of the area. We have not undertaken a site visit.

The ecological information submitted with this application fails to provide sufficient up-to-date data to determine the application. There is no evidence that the original desktop survey carried out as part of the 2009 survey has been updated or that any supporting surveys have been carried out to aid the understanding and evaluation of the potential wider impact of this application on surrounding habitats.

We remind West Sussex County Council (WSCC) that the NPPF clearly states *'that planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area.....'* (Para 165), and that *'when determining planning applications, local planning authorities should:... 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...'* (Para 144).

The Ecological Appraisal submitted with this extension does show that woodlands to the north and southeast of the site are ancient woodland. We take this opportunity to remind WSCC of Paragraph 118 of the NPPF;

*'Planning permission should be refused for developments 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 outweighs the loss.'*

## Taking Care of Sussex

President: David Streeter MBE  
Chairman: Chris Warne  
Chief Executive: Tony Whitbread

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Further to this, Appendix J, the EIA Screening Opinion submitted as part of the 2010 application, WSCC/027/10/BA, notes in its concluding paragraph that *'An ecological report will be required to accompany any planning application, which should address the potential impacts on ancient woodlands and bats.'*

We do not feel that the ecological report submitted as part of this extension application addresses the aforementioned issues. We would like to see WSCC ensure that the full ecological impacts on the ancient woodland and associated species are fully addressed before this application is determined in line with the Ancient Woodland Standing Advice produced by Natural England.

Of particular relevance is Natural England's acknowledgement of the possible effects of development on land adjacent to ancient woodland including *'increased likely exposure to pollutants from the surrounding area'* (section 7.1).

All surveys must be undertaken at the appropriate time of year, by a qualified ecologist following the correct methodology. We stress the need for up-to-date information during the entire process to ensure it gives as accurate reflection of the ecological functionality of the site and its context within the wider environment. The Sussex Wildlife Trust encourages the submission of data generated from these surveys to the Sussex Biodiversity Record Centre.

WSCC has a duty as a public body under section 40 of the NERC Act 2006:

*'Every public body, must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*.

Ancient woodland is a habitat of principal importance for the purpose of conserving biodiversity identified under section 41 of the NERC Act 2006. There is an expectation that public bodies when complying with the above duty will refer to the section 41 list and as such those habitats and species within it should be treated as material considerations when making planning decisions.

The Government's guidance on greater flexibility for planning permissions clearly states that Local Planning Authorities do not have to grant an application to extend the time limits for implementation: *'Local planning authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably'*.

However, if WSCC is minded to approve this application, a monitoring strategy should be in place to determine the impact of the operations and the restoration of the site to create net gains in biodiversity as per paragraph 109 of the NPPF.

Yours sincerely

Janyis Watson  
Strategy Lead, Conservation Policy