# Sussex Wildlife Trust

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**Response sent via email, no hard copy will follow.**

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10/10/2013

Dear Ms Moseley

**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

The following OBJECTION to the above planning application is made on behalf of the Sussex Wildlife Trust (SWT). This is based on information accompanying the proposal and our own knowledge of the ecology of the area.

**Contributions to climate change**

Climate change is the most serious threat facing biodiversity. We therefore support the development of sustainable renewable energies and the phasing out of fossil fuels. The use of finite energy resources such as fossil fuels cannot meet the energy needs of a growing population without contributing to the unacceptable impacts of climate change on biodiversity. The Sussex Wildlife Trust support the UK Government's legally binding commitments to reduce carbon emissions enshrined in the Climate Change Act 2008. We believe that the granting of this application by West Sussex County Council (WSCC) would undermine efforts to reach this target.

Also we refer WSCC to Policy 13 of the 2003 Minerals Plan regarding the consideration of areas of local environmental significance.

**Impacts on Bats**

The application site is situated within an area important for a wide range of bats species. In Britain all bat species and their roosts are legally protected by both domestic and international legislation. In this response we draw particular attention to the highly protected Habitats Directive Annex II Species Barbastelle and Bechstein's Bats. Barbastelle bats are a qualifying feature of the Mens SAC, 3.5km to the south west of the application site, while both Barbastelle and Bechstein's are designated features of the Ebernoe Common SAC 8km to the west of the application site.

The application (Appendix 7.2) notes that Northup Copse (directly north of the application site) is on a flightline for Barbastelle bats roosting in The Mens SAC. It does not mention that Northup Copse is also located within a core foraging area for Barbastelle, and that a maternity roost of more than 30

individuals has been identified within the north end of Idehurst Hurst, about 2km to the south (Greenaway, 2008). Further it makes no reference to the data provided in the Billings report of 2012 or in the Greenaway report of 2009. Having been alerted to the proposed application, the West Weald Landscape Project (WWLP) undertook a study in August 2013 to establish levels of bat activity in the immediate vicinity of the application site in Northup field. The results show that 8 different bat species including Barbastelle were active within 25m of the proposed site, much closer to the site than was identified in the application.

Appendix 7.4 of the application (The Habitat Regulation Assessment) concludes that it is unlikely that the proposed development will significantly affect populations of Bechstein's or Barbastelle bats. However SWT considers that there are discrepancies in the data presented for the Barbastelle bats using the flightline by the application site. Further we have taken advice from a bat expert, who highlighted that it is particularly difficult to survey for Bechstein's with most bat detectors (Hutson, pers.com). There is no indication as to what detectors were used for the walked transects. Given that Annex II species are present in the area, SWT consider that more in-depth surveys should be carried out to identify fully all the bat species that utilize the area and the nature of that use.

Twenty-four trees are identified as having potential as roosts within the impact zone of the proposed works. Fifteen are regarded as Category 1 (highest category) and nine as Category 2. The report refers to the need for further survey but presents no evidence of such survey work having been undertaken. Research has shown that the illumination of roost accesses can have significant impacts on bat populations, including delayed emergence, and delayed parturition, resulting in reduced productivity (Boldogh *et al.* 2007) (Downs *et al.* 2003). The applicant has proposed fifteen bat boxes in mitigation for this application. The opinion of SWT is that given the quality of bat habitat around the application site this suggestion would be of limited use, especially given the probable size of the bat populations which could be affected. SWT considers that further surveys of potential roost sites close to the application site are essential.

<u>Impacts of lighting on wildlife, specifically bats and their flightlines.</u>
The Royal Commission on Environmental Pollution commissioned a report on Artificial Light in the Environment (2009). Section 1.5 of the report states that '*wherever artificial light floods into the natural world there is potential for some aspect of life and its rhythms – migration, reproduction, feeding – to be affected. ….. Another well-known example is the effect on the feeding of bats caused by insects clustering around outdoor light sources'.* Further, research by Stone *et al* (2009) demonstrated that '*The illumination of flightlines can significantly affect the ability of some bat species to commute between roosts and foraging grounds*.' In the application itself, in Section 4.1 of Appendix 7.2, it is stated that '*there is some potential for impacts* (on bats) *as a result of change to ambient lighting'.*

The application site lies within the West Weald Landscape Partnership (WWLP) project area. The State of the West Weald's Natural Environment 2006 report, carried out to establish a baseline environmental dataset for the project, collated information on light pollution and concluded that the WWLP area '*contained some of the darkest areas in the south-east*' and that, on the basis of its dark skies, the area '*is an increasingly rare and valuable resource*'. There is no light pollution currently at the application site. It is in total darkness.

The application shows that the 45 metre derrick in figure 4.2 will be lit 24 hours a day for a period of up to 14 weeks in the exploratory drilling and testing phase, with other lighting required for safety reasons. This will therefore extend well above the proposed bund which will sit at 2.5 – 3 metres in height. In the application, light spill 10 metres away from the derrick is estimated to be 0 Lux, but given that the precise specification of the drilling rig is unknown, we question the accuracy of this estimate. Greenaway (2008) showed that individual Barbastelle bats regularly use the same flightline for extended periods. SWT is concerned that, if this Barbastelle flightline is rendered unusable by artificial lighting, bats could be cut off from their foraging habitats, making it harder for them to hunt and survive. SWT are concerned that the potential impact of light spill from the derrick on Annex II species recorded within 25 metres of the application site is not adequately addressed in the application. We would like further information on the proposed derrick lighting.

We draw WSCC attention to the forthcoming conference on bats and lighting to be held by Bat Conservation Trust in March 2014. Further the Intergovernmental Agreement on the Conservation of

Populations of European Bats (EUROBATS) has a working group on bats and lighting and is expected to present guidance on this at the Meeting of Parties in September 2014. We remind WSCC that the National Planning Policy Framework (NPPF) clearly states '*By encouraging good design, planning policies and decision should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'* Section 125. Further, '*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…*' Section 144.

We remind WSCC that it has a duty as a public body, under section 40 of the NERC Act 2006, '*in exercising its functions,* (to) *have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'.

**Impacts of noise on wildlife**
We would also like to address the issue of noise on the site. The Sussex Wildlife Trust feel there is a lack of information in the application to determine adequately the impact of noise on the biodiversity of the area. Information about the proposed timing of the works has not been supplied. SWT has 2013 records of breeding nightingales along the woodland edge of Northup Copse**.** We would like the applicant to address issues relating to noise impacts on this species at all stages of the process. We ask WSCC to seek this information prior to a decision being made.

The information in the application relating to the badger survey is confidential therefore we are unable to determine whether the noise and lighting from this proposal will impact on the nocturnal activities of this species.

**Disturbance to members of the public visiting Northup Copse Nature Reserve**
The Sussex Wildlife Trust would like to highlight further the close proximity of Northup Copse Nature Reserve to the proposed application site. Within our Articles of Association, our Objects include that we should '*conserve the Sussex land, seascape, its wildlife and habitats for the public benefit*'; '*establish, promote, maintain and manage wildlife sanctuaries or nature reserves and so far is compatible with this Object, permit public access to them'*, and '*educate and encourage the public in an understanding of the natural history and wildlife of Sussex*'. We actively encourage the wider public to visit our reserves and since we acquired it in 2011, Northup Copse has been increasingly popular with local visitors who enjoy the wildlife. The application has not addressed the impact of this development on visitors to the Sussex Wildlife Trust reserve.

We urge WSCC to consider thoroughly all the points we have raised in our objection when this application is determined, in particular:

- Further information on the bat species in the immediate vicinity of the application site is required, using survey methods suitable for all species, including Bechstein's.

- A full survey of potential bat roost sites in the vicinity of the application site is required.

- Further research is needed to determine the impact of light from the derrick on use of the adjacent bat flightline and on foraging behaviour. This research should be undertaken by an expert in this field who is approved by the WSCC ecologist. Subject to the results of the research, mitigation should be proposed based on guidance from the forthcoming Eurobats meeting in September 2014.

- Information is required on the potential impacts of noise from the drilling and associated lorries on nightingales and other songbirds in Northup Copse Nature Reserve.

- The applicant should be asked to consider the effects of the proposal on visitors to Northup Copse Nature Reserve.

Whilst we strongly object to this application, should it be approved, we ask that WSCC stipulate the following conditions for biodiversity:

- All works through all phases should be carried out outside the active bat season.

- Bat activity in the vicinity of the application site should be monitored during all phases of the proposed works and afterwards by a suitably qualified ecologist. Monitoring and survey methodology should be repeatable and usefully evaluated. This data and its interpretation should be shared with the West Weald Landscape Project and the Sussex Biodiversity Record Centre.

- All activities should cease should any negative impact on bat activity be detected.

- A long term monitoring strategy approved by the WSCC Ecologist should be incorporated into the restoration phase of the site to create net gains in biodiversity as per section 109 of the NPPF.

Yours sincerely

Laura Brook
Conservation Officer

**References**

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