

## **FERNHURST PARISH COUNCIL**

MINUTES of the special meeting of the Parish Council  
held at Fernhurst Village Hall on Tuesday 4<sup>th</sup>  
February 2014 at 6.30 p.m.

PRESENT: Mr. J. Cottam (Chairman)  
Mrs. H. Bicknell (Vice Chairman)  
Mrs. N. Braithwaite  
Mr. R. Chapman  
Mr. K. Harding  
Mr. A. Moncreiff  
Mrs. H. Pezier  
Mr. J. Smith  
Mrs. M. Timms

### APLOLOGIES FOR ABSENCE:

Mrs. S. Ogilvy  
Mr. G. Walls

### IN ATTENDANCE:

Mr. D. Bleach (Clerk)  
Mrs. H. Caird (District Councillor)  
Mrs. N. Graves (District Councillor)  
Mr. M. Brown (County Councillor)  
2 members of the press  
120 members of the public

### **Planning Application Ref SDNPA/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.

The Chairman, Mr. Cottam, welcomed everyone to the special Council meeting and explained as follows:

The purpose of this meeting is for the Parish Council to discuss Planning Application SDNP/13/05896/CM submitted by Celtique Energie Weald Ltd for 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.

The actual location of the site which is the subject of this planning application is just outside the parish of Fernhurst and is located in the Parish of Lynchmere. However the Fernhurst Parish Council has taken the view that its proximity to Fernhurst and the impact it will have on Fernhurst is such that the Parish Council should make a recommendation to the SDNPA.

## 2.

This is a meeting of the Parish Council which like all such meetings is held in public. It is not a public meeting and members of the public can only participate in a limited way as I will describe later.

The Parish Council has invited as observers:-

Head of Planning at SDNPA – Tim Slaney (Did not attend.)

Chairman of the Planning Committee at the SDNPA – Andrew Shaxson (Did not attend.)

Our County Councillor – Michael Brown

Our District Councillors Heather Caird and Norma Graves

Our MP Andrew Tryie (Did not attend.)

Vice Chairman of Lynchmere Parish Council – Sandie Moore

### Code of Conduct

The Code of Conduct applicable to Parish Councillors is contained in the Localism Act 2011.

The Localism Act 2011 Part 1 Chapter 7 Section 31 states that a Councillor who has a pecuniary interest in relation to a matter to be discussed at a Parish Council Meeting must disclose that interest and take no further part in the meeting. At the Parish Council Meeting held on 8<sup>th</sup> January I disclosed to the meeting that I considered that I had a pecuniary interest in the planning application SDNP/13/05896/CM submitted by Celtique as the value of my house might be affected.

However the Localism Act 2011 Part 1 Chapter 7 Section 33(4) provides for parish councils to grant dispensation to councillors from this restriction. I requested that the Parish Council give me such a dispensation. The deputy chairman of the parish council took over the chair of the meeting and I left the room whilst this was discussed. I was told that the Parish Council had decided to grant the dispensation.

I notified Nicola Golding, the Monitoring Officer appointed under the Localism Act in respect of Fernhurst the following day of my pecuniary interest and the dispensation given by the Parish Council Meeting.

Mr. Cottam then asked the other Councillors whether there were any other disclosable interests. None were declared.

### Apologies for Absence

Mrs. S. Ogilvy and Mr. G. Walls.

### Public Attendance

As I stated earlier this is meeting of the Parish Council is open to the public and we are not permitted to restrict those attending.

### Public Representations

As with all planning applications considered by the Parish Council we are keen to hear from the applicant and those who are most affected by the proposal.

We invited the applicant but they have declined.

Following the notices placed around the village and in articles in the local press we have received a total of 8 requests to make a representation to the Parish Council and we will now hear from each of these in alphabetical order.

A list of all those who have been invited to make a presentation will have been left on your chair, but if you would like another copy this is available at the end of the meeting.

#### PRESENTATIONS

##### Mr. Marcus Adams

Mr. Adams stated that he is strongly opposed to this application as the proposed development is on the wrong site and for the wrong purposes. It is something that could happen anywhere in the country. Fernhurst had been chosen because the applicant had found a compliant landowner. There would be no benefit to the parish. It is the wrong site for environmental reasons and there is no way of mitigating light and other pollution. He urged the Parish Council to oppose the application.

##### Mr. Iain Brown

Mr. Brown considered the application is not what it appears on the surface because, if hydrocarbons are found it will lead to a plethora of similar wells across the area. Little is known about the deep geology of the Weald and the proposal is potentially damaging. It is important to protect and cherish our landscape and also urged the Parish Council to oppose the application.

##### Mr. John Buchanan

Mr. Buchanan asked the Parish Council to read the five professional reports that his group had commissioned and also his objection to the SDNPA. The M.P., Mr. Andrew Tyrie, had said that he is opposed to this activity in this particular location.

Celtique Energie has failed to justify their choice of site and have chosen it due to a compliant landowner.

This is not a sustainable site and asked the Parish Council to reject the application.

##### Mr. Peter Hudson

Mr. Hudson said that he had approached this matter with a balanced mind and had therefore sought information from different sources. The Royal Society had not replied to his questioning of their position following criticism of their report into hydrocarbon drilling, which he views as significant.

##### Mr. Mike Hydon

Mr. Hydon claimed that the application is seriously flawed and fails to take into account various issues.

The application is inconsistent with National Planning Policy and SDNPA policy. The location is unsustainable with no supporting infrastructure. Heavy vehicles using Vann Road will be a problem. If allowed, this will severely affect some 600 residents who use Vann Road for access.

##### Mr. John Mitchell

Mr. Mitchell said that having lived in Fernhurst for many years he has an active interest in the welfare of Fernhurst.

4.

The moving of drilling equipment would cause disruption for only about three days. Noise and light pollution will affect some residents, but for only about ten weeks.

A successful well would lead to financial benefit and would be in the national interest.

Fernhurst should therefore not opt out.

#### Lt. Col. Tex Pemberton

Lt. Col. Pemberton was concerned that Fernhurst Parish Council considers all views on this application and to also consider the worst case scenario – i.e. that it is approved. What would be acceptable considerations?

#### Mr. C. Tedd

Mr. Tedd said there are a number of significant objections but that one is that each well would supply relatively small amounts of oil or gas and it would lead to a large number of wells.

He questioned whether the applicants really cared about the environment, the local population and the National Park.

Mr. Cottam then thanked everyone who had given us a presentation. That ends the involvement of the public in this Special Parish Council Meeting other than as observers.

Mr. Cottam then continued that this planning application is for an exploration borehole and other works associated with it. We must restrict our discussions to the matters directly arising from the works contained within this application. We should not include in our discussions any matter which may or may not arise as a result of any further planning applications. I will refer to this again later.

#### Financial Incentives

Central government has over the past months made announcements regarding financial matters arising from oil and gas exploration and production. The details of these arrangements are still unclear. The Localism Act 2011 specifically allows Mineral Planning Authorities to take account of financial benefits when making their decisions regarding planning applications. I will leave Councillors to decide if the existence of these financial benefits is relevant to our discussions this evening as we have no information as to how this money will be spent.

#### Policies

The starting point for considering and deciding whether to permit or refuse a planning application is the policy which applies.

#### National Planning Policy Framework

At the top of the tree is the National Planning Policy Framework. Paragraph 12 states that proposed developments which are in accordance with an “up-to-date Local Plan” should be approved, and proposed developments that do not should be refused. It goes on to state that it is highly desirable that local planning authorities should have an up to date plan in place.

My attention has been drawn to Section 13 of the National Planning Policy Framework entitled "Facilitating the sustainable use of minerals" and in particular to paragraph 144

Parish Councillors have been provided with a copy of Section 13.

#### Local Plans

Below the National Planning Policy Framework is the Local Plan.

Prior to the creation of the South Downs National Park the Minerals Planning Authorities were the County Councils, when the South Downs National Park Authority was created it became the Minerals Planning Authority for the area within the South Downs National Park. The South Downs National Park Authority has decided to produce a Minerals Policy in partnership with each of the county councils, rather than a single policy for the whole of the Park. It has a Minerals Policy for that part of the Park which lies within Hampshire and also a policy for that part which lies within East Sussex, but has not produced a policy for that part of the Park which lies within West Sussex. The result of this is the Minerals Policy produced by West Sussex in 2003 is the policy which must be applied when considering the planning application before us tonight. Parish Councillors have a copy.

The West Sussex Minerals Policy 2003 Policy 26 states:-

Applications for the exploration, appraisal and/or commercial development of oil or gas resources will be permitted where it is demonstrated to the satisfaction of the Mineral Planning Authority that the proposal presents the best option in comparison with other alternative sites within the area of search and that the proposal is acceptable in relation to the surrounding area. Particular attention will be given to:-

The Impact on other countryside resources

The Site access and routeing of heavy vehicles

The means of protecting nearby residents from the effects of the operations

The safeguarding of public rights of way

The safeguarding of water supplies and the water environment

Policy 27 states:-

Permission for hydrocarbon exploration will normally be granted subject to compliance with the issues addressed in Policy 26 having regard to the limited duration and area of the activity.

This policy was of course put in place before the South Downs National Park was created, but the South Downs National Park Authority is now responsible for implementing it. We need to consider to what extent the obligations which the South Downs National Park Authority itself have impact on those issues to which they are required by the policy to give particular attention.

### Neighbourhood Plan

We have recently been producing a Neighbourhood Plan and many have asked about it including something about oil and gas exploration. The Localism Act 2011 which enabled us to produce the Neighbourhood Plan specifically excluded Minerals and Waste from it.

### Planning Practice Guidance for Onshore Oil and Gas

The government published a document entitled Planning Practice Guidance for onshore oil and gas in July 2013. However in describing the purpose of the guidance it states:-

This guidance is not intended to replace the need for judgement by minerals planning authorities and those making planning applications. Nor is it intended to be a source of definitive legal advice.

I leave individual councillors to draw their own conclusions as to what extent they should follow the guidance.

The following paragraphs may be of particular relevance:-

Paragraph 58 states Individual applications for the exploratory phase should be considered on their own merits. They should not take account of hypothetical future activities for which consent has not yet been sought, since the further appraisal and production phases will be the subject of separate planning applications and assessments.

This is repeating a comment I made earlier.

Paragraph 65 states:- Mineral planning authorities should not consider demand for, or consider alternatives to oil and gas when determining applications.

A large part of the planning application covers the national need for gas and oil and the financial benefits that might be expected from shale gas. It seems that we should not take account of any possibility that gas or oil might at some point in the future be produced from the location of this exploration borehole. If this planning application is permitted all that will be produced is information.

Paragraph 66 states Mineral extraction is essential to local and national economies. As stated in paragraph 144 of the National Planning policy Framework, minerals planning authorities should give great weight to the benefits of minerals extraction, including the economy, when determining planning applications.

This paragraph appears to have some conflicts with the previous paragraph. I will leave Councillors to decide how to reconcile these two paragraphs.

### Discussion by Parish Councillors

The Planning Application contains a considerable amount of very detailed technical information on various aspects of the application. The Parish Council is very concerned that we do not have the funds to employ technical consultants to provide advice on these technical matters. We are also concerned that the time for us to review this considerable volume of information is very short.

However the Parish Council have considered its obligations to the village over ride these concerns and has done its best in what it regards as a very difficult situation.

Mr. Cottam then asked individual Councillors to give their views.

Mr. A. Moncreiff

In principle, he is supportive of the idea but the application has a number of flaws and difficulties. Some technical data indicates that there may be a quantity of oil or gas. It may be that none is found or a considerable amount is found.

Celtique Energie has to drill an exploratory well and have looked at a number of sites but this was the only one available. There are some risks involved and most of them are acceptable or manageable.

The argument of 'not in the national Park' fails as there are already producing wells in the Park which cause no problems.

However, the issue of transport contains a number of flaws and this problem would need to be addressed.

Mrs. N. Braithwaite

Mrs. Braithwaite had studied a great deal of information and would oppose the application, for the following reasons:

It is contrary to the stated purposes of the National Park;

Issues of noise and light pollution have not been satisfactorily addressed, nor has the possible problem of pollution of water aquifers.

She would not support the application.

Mr. J. Smith

Mr. Smith was concerned about the risk of accidents and spillage and the costs of remedying any damage. He was also concerned about the possible pollution of water aquifers and could therefore not support the application.

Mrs. M. Timms

Mrs. Timms felt strongly that Vann Road is totally inappropriate for the passage of large vehicles and the dangers to other vehicles and pedestrians.

The application site is close to an archaeological site and there is a danger of damage to artefacts.

She was also concerned about water contamination.

Overall, Mrs. Timms would oppose the application.

Mr. R. Chapman

Whilst mindful of the need for oil and gas he accepted the concerns that had been expressed this evening and considered that the application should be rejected.

Mr. K. Harding

Mr. Harding said that this is a National Park and if there were any problems caused by this proposal, it would be our children and grandchildren who would suffer.

He strongly objects to the application.

Mrs. H. Pezier

Mrs. Pezier strongly objected to the application, especially on traffic grounds.

Mrs. H. Bicknell

Mrs. Bicknell understood the need to find out what there is by way of oil and gas but this is not an acceptable site for an exploratory well, especially with the problems with traffic.

Summary

We have had a wide ranging discussion with many views expressed some contradictory. I have been listening carefully and it appears to me that the Parish Council would like to recommend refusal of this application for the following reasons:-

- 1 the proposed development will have an unacceptable impact upon other countryside resources. In particular it is not consistent with the statutory purposes and socio-economic responsibilities or the South Downs National park as specified in the Environment Act of 1995 which are :-  
  
To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.  
To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.
- 2 the site access and routing of vehicles will adversely affect the residents of Fernhurst and particularly those who live on Vann Road to an unacceptable extent
- 3 the protection of nearby residents from the effects of the development are inadequate
- 4 the proposals for safeguarding the protection of water supplies and the water environment are inadequate.

However the Parish Council recognise that the South Downs National Park, or a Planning Inspector, if the application is refused by SDNPA and the applicant appeals, may take a different view. If permission is given for proposed development the Parish Council would like the following conditions applied:-

- 1 The applicant has stated that the development is temporary. We would like to see the site reinstated when the purpose for which it is developed is no longer required. We therefore request that a condition be imposed requiring the applicant to reinstate the site within 8 weeks of the drilling rig being removed.
- 2 The applicant has included within the application details of his assessment of the impact of traffic arising from the development. We consider that treating all vehicles over 1.5t as being equal seriously distorts the data. We request that a condition be imposed that a new traffic survey be conducted of vehicles over 10t using Vann Road and that a limit be imposed on the number of vehicles using Vann Road over 10t associated with the development be limited to 10% of the existing usage.
- 3 The applicant has emphasised in his application that all his activities on the site will be subject to close scrutiny by various agencies. We are concerned that the resources available to these agencies is being stretched both as a result of the reduction in resources associated with government spending reductions and as a result of significant increase in exploration drilling in our area. We request that a condition be imposed that the applicant engages specialist consultants, on terms approved by both Minerals Planning authority and Fernhurst Parish Council, and who

report directly to them, to monitor the applicants compliance with the permits and licences awarded to them by the Environment Agency and other agencies.

4 The enforcement of breaches of noise limits will be the responsibility of the Environmental Health Officer at Chichester District Council. These breaches will most likely occur at night. It has become common for night clubs to have their sound systems automatically shut down if monitors detect that noise levels have been breached. We request that a condition be imposed that requires the applicant to install noise monitoring equipment which if noise above that permitted is detected drilling on site will automatically be shut down.

Mr. Cottam proposed that Fernhurst Parish Council instructs its clerk to write formally on that basis. Would anyone like to second that proposal? Seconded by Mrs. Bicknell.

Can I ask for a show of hands of all those in favour?

The motion was carried.

That concludes this Special Parish Council Meeting.

Thank you everyone for attending this evening.

**Signed.....**

**Date.....**