

A formal request for further information was made in a letter dated 6 February 2006. It was recognised in the letter that the information required was extensive and the applicant was asked to provide details of how it was proposed to respond, with timescales, by 21 February. An extension of time until 30 June 2006 was subsequently agreed.

There are two distinct parts to the request for further information although there are understandably some linkages between the two parts. First, are matters requiring some comment, clarification or additional information to be supplied to support the planning application. The second part deals exclusively with Regulation 19 matters, which are required to complete the Environmental Statement (ES).

1 Additional Information and Matters Requiring Clarification

- 1.1 A clear commitment to the implementation of mitigation measures and the monitoring of their effectiveness needs to be given in all sections of the ES where risks of significant adverse impacts have been identified. However, as an Environmental Statement supports a planning application but does not form part of that application, it is helpful if a schedule of mitigation measures derived from the ES is included within the Planning Statement. This should commit to definite proposals and clearly set out what is to take place, when, and who would be responsible for carrying out the mitigation and subsequent monitoring.
- 1.2 The Rights of Way Officer has expressed concern regarding the proposed volume of HGVs, which are likely to give rise to conflict with public users. Please can some information be provided to support the view that a width of 4 metres (even with 6 m passing places) is a sufficient and safe working width, given the public access, and the volume and size of the vehicles. Please provide details of how conflict with public users would be managed other than the temporary diversions, bearing in mind that much of the access route crosses Common Land where the public has a right to 'air and exercise'.
- 1.3 The application refers to the use of 'crushed stone' on the access route and within the wellsite itself; the term 'crushed stone' can be open to a number of interpretations. It is understood the Rights of Way Officer advised that Fittleworth sandstone should be specified as this matches the geology of the area. Dusting the surface with local soil/sand would also assist in blending the tracks into the surroundings. Please confirm the exact materials that would be used on the access track and wellsite. This point links to a request by English Nature reported under point 2.6 below.
- 1.4 The Right of Way Officer has identified some matters in the supporting documents that were incorrect and would like draw this to your attention. These are:
 - Public rights of way may be used for functional journeys, not merely recreational – although the instance of this in this location is likely to be quite low. Use of Common by the public is recreational.
 - The Downs Link is not a National Trail (within the meaning of the National Parks and Access to the Countryside Act 1949) but a trail of regional importance - supported by Surrey County Council, West Sussex County Council and Waverley Borough Council. It links the North and South Downs Ways, both of which are National Trails.
 - Discussions were with Piero Austoni, who was Surrey County Council's Guildford area Rights of Way Officer – not Guildford Borough's Rights of Way Officer.

- 1.5 There are electricity cables crossing the path of the proposed haul route close to the Lawbrook bridge. Your attention is drawn to the enclosed copy of a letter and plan received from EDF Energy who advise that you contact them regarding EDF Energy equipment that may be affected by the proposed development.
- 1.6 There is limited information regarding the flare stack. The flare is to be located close to the boundary with the closest residential properties and the site lies in an area of heathland and woodland, which is vulnerable to fires. What safety measures are proposed?
- 1.7 Construction of the access route could well encourage access to Blackheath Common by unauthorized users, such as 4 wheel drive vehicles and fly tippers. How would this be managed both during, and post, site operations?
- 1.8 The County's Landscape Officer has requested that any fencing is black coated and buildings grey coloured.
- 1.9 There is some concern regarding the loss of the mature oaks on the proposed wellsite. It is not possible to reinstate mature oaks and this would be a net loss of ecological/landscape value. Is there any potential for more of the trees to be retained?
- 1.10 Any works undertaken in Sandy Lane would fall outside the current planning application site area. This situation would need to be addressed if works are required, either by means of a Section 278 Highway Works Agreement and/or planning permission. In any event the first step is to establish whether works are needed and whether the applicant has control of sufficient land in order to be able to undertake any widening and/or other works. If widening and/or resurfacing works are required; this matter should be discussed with the Highway Authority, and with Planning Officers, as a matter of urgency. There is also an issue regarding the fact that the turning point and the passing bays are not included within the application red line (see point 2.8 below).
- 1.11 The railway bridge crossing Sandy Lane is narrow and at an angle. The County Council will need to be absolutely satisfied that the large vehicles involved in this proposal can clear the bridge structure and the buttressing to the embankment. Tracking lines for the various vehicles involved in the proposal should be provided for the section of the roadway under the bridge. It may be necessary for some reinforcing of the highway around the bridge, which would have to be achieved via a S278 Highway Works Agreement. Railtrack want to ensure that proper traffic management would be established in order to protect the bridge. What measures would be put in place to protect the bridge? The maximum potential dimensions of the rig loads are set out in paragraph 11.28 of the ES. However, Railtrack would like to be absolutely clear on this issue and have asked that the applicant provide the dimensions of the various vehicles involved.
- 1.12 Given the sensitivity of the area surrounding the wellsite and access route, please can you confirm details of any temporary works compounds. In most instances works compounds are located within the site area itself but in the case of the access route, this is not provided for within the current application red line. Please can you confirm that no plant compounds are proposed on the access route and provide details of your client's proposals for the overnight siting of plant and vehicles. In doing so you should bear in mind that if your client is considering basing the compound at Albury I, due to its remoteness from the application site, a temporary planning permission is likely to be required.
- 1.13 Table 12.2 in the ES sets out a recreation survey of Sandy Lane. However, this survey was taken on a Tuesday during working hours. The area is well-used for recreational walking, cycling and riding and that the cricket club is used regularly by children as well as by adults. To truly reflect the use of the Lane for recreational purposes, it would have been more appropriate to have surveyed on both a weekday and weekend and take account of seasonal differences. Information should be submitted which sets out the direct impact on

general recreation enjoyment, as HGVs would need to pass the recreation parking areas near the cricket ground and the cricket ground itself, as well as use walking and riding areas.

- 1.14 Is there any reason that the acoustic screening was not continued on the southern side of the site? Whilst the site would be below the existing ground level for part of the boundary a bund or fence on the south side would give some welcome protection to the heath.
- 1.15 In terms of need for the development, the recent planning application to extend time at Albury I wellsite and this current application and accompanying ES, refer to the need to gather information to inform the applicant company on the most appropriate course of action, either to develop gas production or to restore the wellsites. A copy of a letter dated 30 January 2006 written by the Chairman of Star Energy has been passed to the County Council. The content of the letter throws the reasoning behind the application into question by implying that the primary objective for appraising the well is to clarify whether the Albury gas field is suitable to form the basis of a small, high performance gas store. Similarly, there have been references to the Albury Phase 1 and 2 gas storage project in the press and we are led to believe, on the DTI website and in statements made to investors in Star Energy. It would be helpful if the applicant could clarify this point, as it is relevant in terms of the consideration of need.

2 Information Requested Under Regulation 19 of the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

- 2.1 The information to be included in an environmental statement (ES) is specified in Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999. Part II of Schedule 4 stipulates the minimum amount of information that an ES should provide, and Part I of that Schedule specifies relevant information that the developer can be reasonably required to provide. Where an ES is deemed to be lacking in aspects of the information required under Schedule 4 of the EIA Regulations a request for additional information can be made under Regulation 19 of those regulations.
- 2.2 The ES accompanying this planning application has been reviewed and found to exhibit a number of substantive deficiencies with respect to the requirements set out in Schedule 4 of the EIA Regulations. The following comments are set out under topic headings and identify the issues on which further information is required under Regulation 19 of the EIA Regulations in order to complete the ES. You will find that there is some overlap in the requirements for some topics, in as much as there appears to be some common issues. However, the information is being sought from different perspectives, and the same issue may require a response from, for instance, an ecological and/or a landscape and/or a technical highways point of view.

General Comments

The two comments set out below relate to the following parts of Schedule 4 of the EIA Regulations, Part I(4) (description of significant effects and forecasting methods) and Part II(3) (data requirements and impact identification and assessment).

- 2.3 Greater consistency is required in terms of the prediction and assessment of impacts. All sections of the ES should provide clear and concise descriptions of the way the magnitude and significance of impacts were determined. Only three sections, ecology, landscape and archaeology include explanations of the way in which impact magnitude and significance were determined. An explanation of how data was collected is provided in the noise and transport sections but no clear explanation given of the way in which impact magnitude and significance were determined. The other sections of the report (recreation and amenity, geology, soils and forestry, water, and safety and emissions) do not include assessments of impact magnitude or significance and are inadequate in their predictions of impacts particularly in terms of the identification of specific risk.

- 2.4 Each section of the ES should provide a clear and concise description and brief discussion of the assumptions that underpin each aspect of the assessment, for example the grounds on which impact magnitude and significance were determined, and the ways in which particular receptors (such as the landscape) were expected to react to the different phases of the scheme.

The following comment relates to Schedule 4, Part I(7) (difficulties encountered in compiling the information) of Schedule 4 of the EIA Regulations.

- 2.5 Each section of the ES should provide a clear and concise description and brief discussion of the problems encountered during the course of the assessment. Problems such as the availability and adequacy of data do not appear to have been explicitly addressed in any of the sections of the ES.

The following comments relate to Part I(2) and Part II(4) (main alternatives) of Schedule 4 of the EIA Regulations.

- 2.6 There is an inadequate description of the access route alternatives. The ES contains descriptions of only two possible routes by which the proposed site could be accessed and does not provide a comparative analysis of the relative advantages and disadvantages of each. The accessibility of the site is a key issue and there are significant but differing problems associated with both routes suggested so far, so when considering the question of alternatives and access, discussions are necessary with the County Highway Authority and the County Planning Authority. The ES should include the identification and assessment of other alternative routes and means of accessing the proposed site. This should describe the relative advantages and disadvantages and the significance of each. Also, the question of horizontal drilling from the existing wellsite has been raised and whether or not this is a feasible alternative should be addressed.
- 2.7 The 'do nothing' scenario has not been considered in any of the sections of the ES. Each section of the ES should include a brief, but robust and realist discussion on how each aspect of the environment, could be expected to develop from the baseline conditions over the lifetime of the gas appraisal project, if the proposal did not go ahead.

Transport & Traffic Management

The subsequent comments relate to the following parts of Schedule 4 of the EIA Regulations, Part I(1) and Part II(1) (description of the development), Part I(3) (description of environmental aspects at risk of significant impacts), Part I(4) (description of significant effects and forecasting methods), Part II(3) (data requirements and impact identification and assessment), and Part II(5) and Part I(2) (measures to mitigate adverse impacts).

- 2.8 The Highway Authority considers Sandy Lane a narrow single-track public highway, to be of insufficient width (less than 3m in some places) to permit the passage of the largest heavy goods vehicles (HGVs) that the application proposes. The surface of the road is pitted and uneven and it is therefore considered that Sandy Lane is wholly unsuitable for this purpose without widening and upgrading works. The road is in a cutting for much of its length and any widening would involve earthworks that would be detrimental to both its character and environment. Although the works proposed would be temporary, their consequences would be permanent and could be significant. As it stands, the application and ES do not address these issues. A clear description of all the necessary works in Sandy Lane is required. If any '*modifications to embankments along Sandy Lane*' (para 7.108 of the ES) were to be carried out planning permission or a Highway Works Agreement would be required. (see point 1.10 above)
- 2.9 Proper survey drawings of the complete access route, including Sandy Lane, should be submitted which demonstrate the existing situation and any proposed widening or

reconstruction works. A full and proper assessment of the impacts of those works must also be provided.

- 2.10 The bridleways leading from Sandy Lane, and Bridleway 237 in particular, are narrow with banks and/or hedgerows on either side. Widening works would clearly involve earthworks and vegetation clearance including the scrubbing out of hedgerows and trees. The vehicle movements quoted appear to only allow for the import of the stone. To clearly inform consideration of the impacts, a detailed engineers report on the full construction of the access route, strengthening of Lawbrook bridge, turning points and passing places would be required, setting out how a satisfactory route adequate for the size and weight of the vehicles involved is to be achieved. In addition, a clear description must be provided of what is proposed in terms of the soils and debris to be removed from the tracks and their surrounds. Where would this material be located or stored or would it be exported from the site for use or landfill elsewhere? If so have these vehicle movements been taken into account in the traffic assessment? A thorough identification and assessment of the impacts of such works should be made and mitigation measures identified. The turning point and the passing bays are not included within the red line planning application boundary. (This point links to Point 1.10 & 2.8 above). The location and details of the route and the passing points and turning places should be shown on a plan/ plans. The works required on the Lawbrook bridge should also be described fully and shown on a plan and the impact of such works assessed. Restoration proposals for **all** the works proposed should also be provided.

Landscape & Visual Impact Assessment

The subsequent comments relate to the following parts of Schedule 4 of the EIA Regulations, Part I(1) and Part II(1) (description of the development), Part I(3) (description of environmental aspects at risk of significant impacts), Part I(4) (description of significant effects and forecasting methods), Part II(3) (data requirements and impact identification and assessment), and Part II(5) and Part I(2) (measures to mitigate adverse impacts).

- 2.11 In terms of the access track there is a need to consider the impact on woodland cover and related features such as ancient trackside banks that have archaeological relevance. The removal of vegetation could have a significant impact on hedgerows and any specimen trees. This may have implications that have not been specifically addressed in the ES.
- 2.12 It is acknowledged in the ES para 3.26 that the proposed access to the site via Sandy Lane would necessitate vegetation clearance and bank adjustments to improve the road width. Further information and discussion is required as to the impact and significance of this irreversible loss of local features of importance. For example the bottom of Sandy Lane finishes with a narrow track into Blackheath Common which has hedgerows on either side. Clearance for lorry access would require permanent removal of important landscape elements.
- 2.13 The assessment of visual impacts can depend on the choice of viewpoint selected. It is important to be clear that some critical locations have not been ignored. One of the concerns of the County's Landscape Officer is that there is no mention in the ES of the visual and physical impacts on the car park and recreational facilities, including the cricket club ground, at the start of Sandy Lane. An assessment should be made of the impact on recreation users in this area and include walkers, horse riders, cyclists and users of the cricket club and its grounds..
- 2.14 A similar point relating to viewpoints, is that the drilling rig would be higher than the woodland canopy. Consequently for the temporary period that drilling takes place there are likely to be visual impacts on viewpoints outside the site. There are several high points around the site and in particular, two very popular public viewpoints to the north and northwest of the site. St Martha's Hill to the north west is mentioned in the landscape report and is shown on figure 7.1 although it is concluded in the ES that consideration of

the visual impact from that point is not considered necessary as the St Martha's is some 2.5 km distant from the site. However, St Martha's is clearly visible from the site itself and therefore if some mature trees and the commercial crop were to be removed, it is likely that works on the site would be visible from St Martha's. Another popular viewpoint is Newlands Corner, which lies directly north of the site. This is not mentioned at all in the ES. The photographs provided do not give any indication of the approximate height or location of the drilling rig. The risk of visual impact associated with the proposal could be investigated by flying a balloon from the site to the height of the drilling rig and then photographing the effect from both nearby and longer distance viewpoints including St Martha's Hill and Newlands Corner.

Ecology and Nature Conservation

The comments below relate to the following parts of Schedule 4 of the EIA Regulations, Part I(1) and Part II(1) (description of the development), Part I(3) (description of environmental aspects at risk of significant impacts), Part I(4) (description of significant effects and forecasting methods), Part II(3) (data requirements and impact identification and assessment), and Part II(5) and Part I(2) (measures to mitigate adverse impacts).

- 2.15 The proposed wellsite lies outside the Blackheath to Broomfields Site of Nature Conservation Importance (SNCI); however, part of the access route passes through the SNCI and at one point, lies very close to Blackheath Site of Special Scientific Interest (SSSI). There is concern regarding the risk of major impacts associated with the access route. The information provided in the ES is insufficient to enable the scale of those likely impacts to be assessed. Part of the proposed access is a sunken lane, which, is a historic feature. The ecological interest is the steep-sided banks and shading by trees, which forms a particular microclimate. Widening the track, removing the trees and branches would change the microclimate, and the consequence of this has not been considered within the ES. Further information should be submitted to address these issues. For the sake of clarity, it is important to recognise that whilst the information requested to fully identify the ecological impact of the creation of an access is specific to the access via Sandy Lane, there could be similar issues that would need to be addressed for any alternative access route.
- 2.16 From an ecological perspective, further details are required in relation to the access route and how this would be engineered. Details should be provided on how much habitat would be lost, the amount of earth to be moved, where it would be stored or removed to, the locations of passing places, turning circles, site machinery compounds, the steps that would be taken to protect adjoining features and how the track would be reinstated afterwards. In relation to the reference at paragraph 8.42 of the ES further information should be provided on the details and type of the 'crushed stone' to be used on access tracks and the drilling area (see point 1.3). Once the impact magnitude and significance has been determined, appropriate mitigation measures should be identified.
- 2.17 There are many trees along the route that could be affected by works on the access route. A tree survey is required, taking into account the construction and use of the track to enable the impact on trees to be assessed. This should also be linked to an appropriate mitigation and compensation strategy.
- 2.18 Part of the track is described as sunken, another as having hedgebanks, both indicating historical features which support important communities on the bank due to their age, lack of disturbance and specific microclimate. The hedgerows along the sunken track are likely to be important in terms of the Hedgerows Regulations. Any hedges that may be affected must be surveyed and the results and conclusions of the survey submitted as part of the ES.
- 2.19 It is noted that the ES describes areas with the potential to support protected species. Para 8.44 of the ES states that further surveys 'may be undertaken'. These surveys are required

before the determination of the planning permission; otherwise the potential impacts cannot be properly assessed. Surveys should be undertaken and the results and conclusions submitted as part of the ES for the species set out in Table 8.5 and 8.6 of the report, that is the common dormouse, white-clawed crayfish, water vole, otter, badger, reptiles and bats. An invertebrate survey should also be undertaken as photographs 10 and 11 in the ES show tracks that may be important for invertebrates. In addition, Blackheath SSSI is listed as an important site in the Bryophyte Site Register (1986) and as the adjoining SNCI is also important, a bryophyte survey should be undertaken for the sunken access track. In terms of water voles, otters and white-clawed crayfish consideration should be given to the impacts of strengthening the bridge over the Lawbrook.

- 2.20 Table 8.7 of the ES 'Construction Phase Impacts on Species'. Please provide detailed analysis of the Construction Phase impacts (eg duration, scale and significance) for 'Species', along the lines of those provided for 'Habitats' and 'Sites'.
- 2.21 Table 8.11 of the ES 'Appraisal Phase Impacts on Species'. Please provide a detailed analysis of the Appraisal Phase impacts (eg duration, scale and significance) for 'Species' along the lines of those provided for 'Habitats' and 'Sites'.
- 2.22 There is plenty of evidence that specialist heathland bird species, most of which have a very high level of protection, such as woodlark, Dartford warbler, nightjar and hobby are present in significant numbers in the area. Their presence must be properly addressed in the ES and their conservation ensured, in line with current legislation. A thorough assessment of the suitable bird habitats at risk from the proposals (either through direct loss, or disturbance) would provide an initial indication of the likely impacts on these vulnerable species.
- Table 8.14 of the ES 'Proposed Mitigation Measures':
- Breeding bird species (paragraph 1) – English Nature has suggested that the proposed 'vegetation clearance' is just as likely to attract the special heathland breeding birds of the area (ie woodlark and nightjar) as to deter them. These species are of international importance and have legal protection from disturbance. Details are required of how the applicant would ensure that these birds are not disturbed must be given in the ES.
 - Breeding bird species (paragraph 2) – please provide details of how the applicant would ensure that the bird-breeding season is to be 'avoided' as proposed in paragraph 2. What guarantee is there that disturbance to internationally important breeding birds would not occur? The 'suitable practical methods' proposed to limit noise disturbance to important bird species in the SSSI if 'intensive vehicle movements' do continue to take place, should be described in detail.
 - Designated sites – it would be useful to know how 'keeping vehicles and personnel to the track' would act as mitigation for the anticipated adverse impacts from noise disturbance described in Tables 8.9 and 8.13 of the ES?
- 2.23 Table 8.15 'Mitigation Timetable'. Details should be provided of the 'restoration of part of the drill site to heathland' including the total area, timing, and methodology. It would be helpful if this included an outline of the reasons for restoration back to plantation conifer forest and the possibilities of considering restoration of the site to heathland or acid grassland rather than its return to woodland or plantation, as this would contribute to the Surrey Biodiversity Action Plan (BAP) targets for heathland creation and management. Paragraph 8.52 of the ES, states that restoration to plantation forestry would ensure that the long term effects of the development are beneficial to wildlife. This should be explained with reference to the Surrey BAP targets.

- 2.24 The perceived ecological benefits that it is anticipated would arise from the 'ride' creation must be explained in greater depth as the disruption and destruction of trackside banks, which are a local feature, is considered adversely significant.
- 2.25 The impact on the chalk stream of the bridge works, the creation of a turning area and the subsequent use of the bridge and adjacent track by vehicles must be addressed in the ES. Chalk rivers are included in the list of habitats of principle importance in England (Circular 06/2005 referring to the Section 74 of the Countryside and Rights of Way Act 2000) and any adverse impact is to be avoided. The section of the ES dealing with 'Water' refers to the Lawbrook being 500 metres down slope from the well site and that the access route crosses it. Details of the works on the bridge over the Lawbrook and its potential impacts on the chalk stream, and its subsequent use, are not covered in the ES.

Noise

The subsequent comment relates to the following parts of Schedule 4 of the EIA Regulations, Part I(1) and Part II(1) (description of the development), Part I(3) (description of environmental aspects at risk of significant impacts), Part I(4) (description of significant effects and forecasting methods), Part II(3) (data requirements and impact identification and assessment).

- 2.26 It is proposed that the gas flare is located close to the boundary with the nearest residential properties. Whilst there would be acoustic screening, there is some uncertainty as to whether this location is better overall than a more distant one. The expected noise from the gas flare has not been quantified in the ES. The reasoning behind the proposed location and the expected source level and the community noise exposure associated with the flare must be set out in the ES.