

Application ref: MO/2016/0981

Planning and Regulatory Committee 7 December 2016

Item 7

UPDATE SHEET

MINERALS AND WASTE APPLICATION MO/2016/0981

DISTRICT(S) MOLE VALLEY DISTRICT COUNCIL

Land at Bury Hill Wood, Coldharbour Lane, Holmwood, Dorking

Details of a Light Management Plan submitted pursuant to Condition 11 of appeal decision APP/B3600/A/11/2166561 dated 7 August 2015.

Officer report

Paragraph 50, bullet point 3 should read "*the specific lighting at various heights on the rig itself as listed above in paragraph 17*"

Representations

A further letter of representation has been received raising concerns that the proposal is to go ahead in an Area of Outstanding Natural Beauty (AONB); questioning whether the Light Management Plan (LMP) covers the original application site of 0.79 hectares as opposed to the site area as shown in application MO/2016/1563 (for the proposed new security fencing); and that if it does relate to the site area as shown in MO/2016/1563 that a new LMP would need to be submitted and this current application not be determined.

Officer comment

The issue of the application site being within the AONB was dealt with as part of the Appeal decision making process therefore on the matter of an exploratory wellsite being granted planning permission this matter has already been dealt with as part of APP/B3600/A/11/2166561.

On the matter of the application area, this LMP relates to the application area for APP/B3600/A/11/216661 only.

Surrey Wildlife Trust and Leith Hill Action Group (LHAG)

Further comments have been received from the Surrey Wildlife Trust and LHAG.

Surrey Wildlife Trust (SWT)

SWT having reviewed the latest version of the Light Management Plan (LMP) have commented that they wish to have more information from the applicant on the mitigation measures proposed for how the lighting would not affect roosting bats during the summer months.

Leith Hill Action Group (LHAG)

LHAG have commented that that latest version of the LMP has gone some considerable way to addressing the concerns previously raised by them. However they remain concerned, and object to, two matters: a) the definition of an emergency and b) that the current LMP should only be for the winter months and should the applicant wish to operate the development

proposal during the summer months, because of the concerns regarding bats, another LMP should be submitted for approval.

Officer comment

Definition of an emergency

Officers recognise the concerns raised by LHAG on this matter and to alleviate these concerns Officers propose to impose an informative on any decision made on this approval. The currently submitted LMP does not contain a definition of an emergency to which the applicant would wish to abide by. Within the Officers report a definition of an emergency is provided. However Officers would like to now amended this definition to the following:

"For the purposes of this approval, an emergency is defined as an event that would not maintain site safety and would be likely to result in a significant risk to human wellbeing or a significant risk of harm to the environment or local amenity."

The applicant has confirmed they have no objection to this definition. This definition was sent to LHAG on 29 November 2016 and LHAG comment that this definition is different to that in the Officer report but that LHAG are content for this definition of emergency to be applied in all circumstances to Europa's various planning applications.

Bats

Officers do not agree with LHAGs request that a clause be added into the LMP that the LMP is only effective for the winter months. Officers also consider that sufficient information is provided with regards to foraging and roosting bats with regards to the summer months.

LHAG have responded saying:

We maintain that statements to the effect that there are no bat roosting trees and no concerns about bats are factually incorrect and in contradiction to Europa's own Ecology Plan. We would like it set on record (including the records made available to the Planning Committee) that such statements are factually incorrect. We would also like to place on record that acceptance of the LMP should not prejudice any other decision regarding ecology.

On the grounds, however, that such incorrect statements do not directly impinge on the LMP (and taking your response regarding mitigation measures fully into account), we are content for the LMP (including our record about its inaccuracy) not to be held up further on this account.

Officers are aware that the Ecological Monitoring and Management Plan (EMMP) identifies two trees with potential for bat roost potential. A bat survey was carried out of these two trees in August 2016. One tree was assessed as having low bat roost potential. One tree was assessed as having moderate bat roost potential for summer roosting but no potential for hibernation as the heartwood gone thus offering no thermal stability. Both of these trees are within the 1 lux contour level.

The LMP identifies one tree (para 3.1.4) having moderate bat roost potential and states that in the setting up of the compound lighting care will be taken not to illuminate this tree. Para 6..10 states that bat surveys undertaken identified a low level of bat activity, that the proposal would not affect the ability of bats to forage and the proposed timing of the development avoids the main bat activity period.

Officers are aware that during the winter months when lighting could be required to be on during the hours of darkness because the days are shorter, the tree with moderate bat roosting potential has no winter hibernation potential. During the summer months, the days are longer and there is less likelihood of lighting (aside from the rig which is required to be lit 24/7).

Both trees identified within the EMPMP are located in an area that would be subject to a very low increase in light levels as the lighting proposed is directional towards the centre of the application site. There would also be measures to reduce light spillage including use of hoods.

Regarding potential impacts on bats, the Bat Mitigation Guidelines, (2004) English Nature, Section 8.2, p.42 covers Avoidance of disturbance, killing and injury and provides a table of bat usage and optimum timing for works. For summer use, i.e. roosting, the optimum time for carrying out works/ development is given as 1st September to 1st May. By May the day length will have extended and there will be less time when lighting will be needed.

Officers have identified that lighting levels of 1 lux are considered acceptable for bats and the level of 1 lux is the equivalent of moonlight. The level of 3 lux (the level above 1 lux) is the equivalent of civil twilight. Both of these lux levels are low levels of lighting.

Officers are satisfied that the LMP provides adequate information on mitigation for roosting bats during the summer months and that the proposed lighting levels would not cause a significant adverse impact on roosting bats during the summer months.

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