



Campaign to Protect
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Mr Chris Bartlett,
Planning Dept.,
West Sussex County Council.

6th March 2020

By e-mail to planning.applications@westsussex.gov.uk

Dear Mr. Bartlett,

Planning Application WSCC/071/19 - Lower Stumble Exploration Site, off London Road, Balcombe, RH17 6JH; Pumping out of drilling fluids and well flow testing

I wrote to you on 19th November 2019 on behalf of the Sussex branch of the Campaign to Protect Rural England to object to the above planning application on climate change impact and other grounds. For ease of reference I will attach a copy of that letter to my covering e-mail.

I appreciate that the consultation period has closed; but the Court of Appeal's 27th February judgement in *Plan B Earth v Sec of State for Transport [2020] EWCA Civ 214* creates a new situation that has implications for this application and requires additional comment. So I am writing to you again now in the light of that judgement which ruled that the Government had failed in the environmental assessment components of its Airports National Policy Statement to give consideration, as it should have done, to its own climate change policy, including its commitments under the 2015 Paris Accord to which I referred in my 19th November letter; and that the required ANPS was therefore invalid. In these circumstances I ask you to accept this additional representation.

I appreciate that the Lower Stumble application is not being pursued under the same planning regime as the proposed expansion of Heathrow airport.

However the Court of Appeal decision that the Paris Accord forms part of national climate change policy, that national policy extends beyond the provisions of the Climate Change Act 2008, and that meeting the objectives of the Paris Accord must form a material consideration whenever planning policy requires climate change impacts (from emissions from methane and all other greenhouse gases, not just CO²) to be considered in a planning context is directly relevant to this application, and adds further weight to the argument made in our 19th November representations.

The National Planning Policy Framework is, needless to say, a core planning policy document, and planning decisions must be in accordance with its policy framework. As we understand the law, Local Plan policies must be interpreted in the light of the NPPF. If and insofar as a Local Plan policy is inconsistent with it (as may well be the case with your joint minerals plan hydrocarbons policy) that policy is to be regarded as out of date.

NPPF chapter 14 addresses the need for planning decisions to meet what it calls the challenge of climate change. The appendix below highlights the core climate change policy objectives in chapter 14 that planning decisions are expected to achieve.

So my purpose in writing to you at this late stage is to reiterate in the light of the new game-changing Court of Appeal ruling that your consideration of this planning application needs to give full and careful consideration to the climate change impacts of the proposal and how continued exploration for fossil fuels at Lower Stumble could possibly be compatible with Government policy to work towards a net zero emissions target by 2020, a target that (as we have previously pointed out) the Committee on Climate Change has already said we are falling behind. There is no way, in our opinion, that the climate change impacts of allowing fossil fuel extraction can be made acceptable (NPPF para 154(b)).

If your Council were to conclude, as we argue that you should, that this development proposal is inconsistent with Government policy as set out in chapter 14 of the NPPF then we urge you to give that conclusion greater weight than the limited economic benefits of oil and gas exploration and exploitation that would result from approving the application. All the more so when the adverse implications identified in other local representations to you are taken into account. In any event we will look forward to reading the rationale for your Council's decision in due course.

Yours faithfully,

Michael A Brown

On behalf of the Campaign to Protect Rural England, Sussex Branch CIO

APPENDIX – Extracts from NPPF (February 2019) Chapter 14

148. *The planning system should support the transition to a low carbon future in a changing climate It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; and support renewable and low carbon energy and associated infrastructure.*
149. *Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures¹. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts*
150. *New development should be planned for in ways that:*
- a) *avoid increased vulnerability to the range of impacts arising from climate change.*

¹ The NPPF footnote 48 comment here that development plan policies should be “In line with the objectives and provisions of the Climate Change Act 2008” does not obviate the need to take account of the Paris Accord and other national policy, as the Court of Appeal emphasised.

154. *When determining planning applications for renewable and low carbon development, local planning authorities should:*

a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable.