

Frack Free Isle of Wight OBJECTS to this development in consideration of matters arising from additional recent documentation submitted by the Applicant and reports from other qualified persons and agencies. The Objections relate to....

1. **Absence** of appropriate up-to-date and timely endangered species surveys undertaken as required by Natural England and guidance within [Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
2. **Absence** of response from the developer to challenge the detailed, evidenced, independent report **recommending refusal** of this application, which was submitted in July 2020, by Dr. David K Smythe, Emeritus Professor of Geophysics, University of Glasgow, regarding : invalid developer claims: inaccuracies of seismic and hydrocarbon analysis of Isle of Wight Strata and target formations of the Arreton site : supplying inaccurate and misleading information to the Council on the process, viability and efficacy of the entire project.
3. **Concerns** raised regarding protection of water courses and aquifers related to point 2.

**1) Omitted information provided in the resubmitted HRA Report dated December 2020 - regarding outdated endangered species surveys.**

**(i) Omission of anything related to the Dormouse Survey information in this updated HRA and that the original Dormouse Survey report is out of date** - related to advice in Appendix 4.3 -

Submitted on 31st March 2020: Project number: 60555556 –

**Hazel Dormouse Survey** – Undertaken from May to November 2018 - Supplied by AECOM Infrastructure & Environment UK Limited for **UKOG**.

Hazel dormice are a European Protected Species . The dormice themselves, their nests and habitats are all protected by law. [Hazel or common dormice: surveys and mitigation for development projects - GOV.UK](http://www.gov.uk)

[www.gov.uk](http://www.gov.uk) Dormice were reported in the March 31st 2020 report by AECOM to be in the vicinity of the Arreton Site. The report concluded with the condition quoted below.

***“It should be noted that ecosystems are dynamic and constantly changing, and therefore species may move or new species may be recorded in subsequent years. For this reason, and in accordance with current guidance, the existing survey data should only be relied on for a period of two years from the date of survey i.e. until November 2020.*** (our emphasis)

*Although dormouse presence was confirmed only in the northern section of the survey area, Natural England’s standing advice for dormouse states that once dormice have been found, it should be assumed that they are present within all suitable habitats within a site (Natural England, 2015). Therefore, it can be assumed that dormice are within the hedgerow along the south of the Site, to the north of the proposed access track and along the southern boundary of the Site, where the access track will join the adjacent road. The overall search effort score for the survey undertaken was 19. However, as hazel dormouse has been confirmed as present during the surveys, this is not relevant.”*

The Ecology Officer’s very detailed original consultee comment - following the submission of the Hazel Dormouse Surveys outlined the need for more information, and a detailed mitigation plan for the species and further information required as to the proposed mitigation for loss of habitat for the duration of operational works, **prior to the determination of the application** - and Natural England have deferred to her experience and opinion as they don't hold specific information about the locale in the application.

We have seen no evidence of this detailed mitigation plan as requested.

**(ii) Absence of notification in this updated HRA Bat Survey information - revealing that the original Bat Survey report is no longer relevant** related to advice in Appendix 4.2 - Submitted on 31st March 2020: Project number: 60555556

**Bat Activity Survey Report** – Undertaken from May to October 2018 - Supplied by AECOM Infrastructure & Environment UK Limited for **UKOG**.

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**This report clearly states in its conclusion.**

*“The recommendations outlined within this report will need to be reassessed .....**if a planning application is made two years or more after the surveys detailed within this report have been conducted it is advisable to review and update the survey data**” (our emphasis)*

Responses undertaken for the **updated HRA report completed in October 2020** and submitted in **December 2020** – depended upon the pre-existing desk studies and field studies of five nights each month from **May 2018 to October 2018** as reported in the original **HRA of March 2020**.

[Conservation of Habitats and Species Regulations 2012](#) which transpose the requirements of the Habitats Directive (92/43/EEC) into UK law.

Since the IW Council Ecology Service and the Bat Conservation Trust have no local public policy statements or guidelines regarding legal protection of rare Bat species, it seems pertinent to apply the precautionary principle of assuming that Government endangered species protection policies apply to rare bats and their changing habitats in addition to dormice.

Other councils do have policies related to Government specifications for Ecology Surveys related to applications for industrial development applications which reflect this assumption.

This example is taken from North Somerset Council [Bat survey | North Somerset Council \(n-somerset.gov.uk\)](#) which clearly states:

*“Bat surveys will need to be undertaken by a qualified ecologist and have to date from **within the previous two years, otherwise your application will be considered invalid.**” (our emphasis)*

2 years have lapsed since the end of the field study in **October 2018**.

Additionally Bats of differing endangered species have been found, recorded and spotted foraging during 2020 in locations around Merstone and Arreton.

Additionally we have received confirmation in an email from [Natural England dated 23.01.2021](#) regarding the frequency of the survey data for bats:-

*“The standing advice (see ‘When applicants need a species survey’) states that ‘Surveys should be up to date and ideally from the most recent survey season (this can vary depending on the species)’. **The local planning authority are therefore likely to consider the ecological survey effort to be out of date if they are over 2 years old.** (our emphasis)*

*You may therefore wish to notify the local planning authority of any protected species known to be at the location of the proposed development as soon as possible, and highlight that the survey effort may be out of date.”*

### **(iii) Additional Future Surveys and Field Studies are required for Badgers, Bats and Dormice**

[Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](#)

*“In exceptional cases, you may need to attach a planning condition for additional surveys. For instance, to support detailed mitigation proposals or if there will be a delay between granting planning permission and the start of development. **In these cases a planning condition should be used to provide additional or updated ecological surveys to make sure that the mitigation is still appropriate. This is important for outline applications or multi-phased developments.**”(our emphasis)*

**The IWC Planning Officer has informed us by email.....**

*“We are satisfied that the current data that underpins the ecology reports remains suitably in date....Our Ecology Officer is experienced and wholly capable of assessing the scheme. In addition, Natural England have also not referred to the data being out of date.*

*If this development was considered to be acceptable, then conditions would be imposed to ensure that the site was surveyed at the time of development and then mitigation carried out in agreement with the LPA and Natural England. Conditions would also be used to control site management in relation to ecology and an aftercare scheme. These are standard approaches.”*

## Conclusion and Objection

- We consider that further studies for all species **should have been undertaken** either from **May 2019 to November 2019 OR May 2020 to November 2020** to be considered timely for the redrafting of the HRA statement and within current guidance, for this application.

**However** - To comply with the current decisions taken by the PO and EO it is our understanding that...

- a) **after determination** - if there is a positive outcome for the applicant - a condition will be imposed - for **a further site survey** for protected species to be undertaken **before hedgerows, land and foraging areas will be removed** prior to the development and that - in the event of evidence of the presence of species - detailed mitigation plans with an aftercare scheme will be submitted to the LPA and Natural England for agreement with further action required.

**We therefore respectfully request that .....**

- b) If the application is decided at a planning meeting during the early spring of 2021, and before the start of the survey season - then the surveys will be conditioned to operate during the coming season - **May to November 2021**. If the application is decided after the start of the coming season of the species then a decision to defer until the following season **May to November 2022** should be considered - unless the LPA and Natural England are confident that there is sufficient time to acquire accurate data and complete the report of a shortened season survey.
- c) According to planning guidance and Case Law, where there are exceptional circumstances such as a multi - phased development - **and this is an initial phase , 3 year exploration application** - we trust that if approval is given for further development after this phase, **additional future surveys** will be conditioned for all protected species beginning in **May 2023 for the season ending in October/November 2023**. This will ensure that the the data set will be timely and relevant in preparation for the next phase application for additional wells and oil production for up to 20 years.

## 2.) We OBJECT to this application given the Geophysical evidence provided by Emeritus Professor of Geophysics, University of Glasgow, Dr. David K Smythe

**We wish to highlight an apparent lack of response by the Applicant to the above independent report (Comment number 2861212).**

**This report recommends 11 points for refusal - related to the developer's Geology and Hydrogeology Document - Appendix 5, Submitted on 31st March 2020: Project number: 60555556**

Exploration and Appraisal activity for oil wells include high levels of risk. The Arreton site development will be undertaken in an area containing a major aquifer and in proximity to two receptors of surface water systems.

This report concludes that this development could potentially pollute our aquifer reservoir of potable water due to the Applicant's apparent lack of up-to-date data and understanding of geophysical matters related to the island's geological complexity and UKOG's outline plans for drilling their wells.

The Applicant's **Hydrogeology Report ES Appendix 5** submitted for this application, has highlighted **the following hazards from the Proposed Development in the HRA process:**

- Spillage of fuels and lubricants and other materials used by plant and equipment required to carry out the construction, operational and restoration activities associated with the development.
- Flushing of soils/mobilisation of contaminated soils during construction and restoration works.
- Spillage/leakage of domestic sewage and wastewater from welfare facilities.
- Loss of drilling muds, additives, cement grout and well treatment fluids during drilling and workover operations.
- Spillage/leakage of recovered hydrocarbons, formation/produced water containing NORM, and chemicals stored at or transported to/from the Site.
- Migration of natural gases, hydrocarbons and formation/produced water containing NORM from deep formations, e.g. vertically through overlying formations, along geological faults or abandoned wells Arreton-1 and Arreton-2.
- Well casing failure and leakage of well treatment fluids, natural gases, hydrocarbons and formation/produced water containing NORM water from the wellbore.

- The surface water drainage system in the vicinity of the Site including: local drainage channels, surface water ponds; the tributary stream of the River Medina and ultimately the River Medina and associated GWDTEs downstream of the Site.
- The groundwater system within the Lower Greensand Group Principal Aquifer, which contains useful groundwater with a resource value.
- Licensed groundwater and surface water abstractions targeting the in the Blackwater area.
- Registered private water supplies (PWS), potential unrecorded private water supplies and deregulated abstractions targeting the Lower Greensand Group in the vicinity of the Site.
- The River Eastern Yar and public water supply at Knighton via the transfer of groundwater as part of the Medina-Yar Augmentation scheme.
- Productive horizons within the Wealden Group (Secondary Aquifers), which contain poor quality groundwater with limited resource value.
- Deeper formations beneath the Wealden Group (Purbeck Group and Jurassic/Triassic strata), which contain extremely poor-quality groundwater (formation water) with no resource value.

We are confident that the Applicant's Hydrogeological Report - will have already been analysed for the LPA by a suitably qualified professional.

However, having read the report ourselves we had many questions and concerns. We made contact with Dr David K. Smythe, renowned Emeritus Professor of Geophysics, University of Glasgow, to assist us in understanding the complex report and to clarify some issues in its findings which we found both confusing and contradictory. He kindly agreed to use his expertise and experience to analyse the documents and submitted a full and detailed report, with supporting evidence, to the planning department in July 2020. His experience in this field is presented in his introductory statement of the report.

**Conclusions from Dr Smythe's report indicate that there are very real risks to our water supply, due to the Applicant's incorrect information and outdated data** and are copied verbatim below.

*The Applicant has:*

- *Provided conflicting information about the direction of the well tracks proposed.*
- *Failed to appreciate the significance of the complex faulting in the area of the proposed wells.*
- *Failed to provide any background information on the supposed geological structure to be explored, leaving open the suspicion that unconventional targets are being sought.*
- *Been evasive about whether unconventional methods, including acidisation, will be required to produce commercial quantities of oil from the Portland*
- *Failed to consider the environmental risks of drilling at a low inclination, with concomitant likely poor cementing of production casing to the rockface.*
- *Failed to consider that drilling near to the old Arreton wells, which by now are rusting away underground, provides another contaminant pathway to the near-surface aquifers.*

Additionally he made it very clear in his report that it is imperative that ...

*“The Applicant needs to correct the severe errors in its proposals, and must also provide a great deal of further information on why it considers that there is a likelihood of oil in commercially extractable quantities at Arreton, given the long prior history of negative results. **This information needs to include interpreted seismic data, structural maps, and reinterpretations of the oil geochemistry.**” (our emphasis)*

**He concluded...**

*“If the Applicant wishes to pursue its Arreton proposal, the old Arreton wells need first to be re-accessed so that their integrity can be checked; alternatively, new wellpaths should be sited at least 1 km away from these old wells.*

***Given the doubt about the very existence of the Arreton structure, a 3D seismic survey should be undertaken in advance of any drilling, so that a full and accurate 3D geological image of the volume to be drilled can be acquired.** (our emphasis)*

*If this study produces favourable results, it could restore some faith in the seriousness of the Applicant’s intentions towards conventional exploration, and form the basis of a new application.*

***In conclusion, in view of the inadequacies in the Applicant’s proposals, and the hydrogeological risks that they entail, I recommend that the Council should reject the application.** (our emphasis)*

We have been advised that the planning officer has informed the Applicant of this report and awaits a response.

We consider it crucial that Dr. Smythe’s report should also be shared with the appropriate consultees, i.e. the Environment Agency and Southern Water, to assist them in reviewing their current decisions that there will be adequate protection to our water supplies should consent be given for this development.

**Conclusion.**

- We understand that due diligence is being undertaken by the planning office to determine whether Dr.Smythe’s concerns are founded or unfounded for the protection of our water supply.

**Therefore we respectfully request that...**

- if no response is given by the Applicant, or if the LPA considers that Dr Smythe’s comments are refuted without convincing evidence to disqualify concerns - that the precautionary principle should be applied by the LPA, and the Planning Committee alerted to the implications of the report.
- In consideration of the above, to also apply the precautionary principle, and that Dr Smythe’s Report (along with any response to it) is submitted to the EA and Southern Water for their independent review before this application is determined.