

Rampion Off-Shore Wind Farm
Local Impact Report and Written
Representation



South Downs
National Park Authority

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Acronyms Used within this Document:

BAP: Biodiversity Action Plan

CEMP: Construction Environmental Management Plan

CPA: Coastal Processes Assessment

DCO: Development Consent Order

DEFRA: Department for Environment, Food and Rural Affairs

EA: Environment Agency

EIA: Environmental Impact Assessment

ES: Environmental Statement

HDD: Horizontal Directional Drilling

IPC: Infrastructure Planning Commission

LAF: Local Access Forum

LST: Longshore Sediment Transport

LVIA: Landscape and Visual Impact Assessment

NIA: Nature Improvement Area

NPPF: National Planning Policy Framework

NSIP: Nationally Significant Infrastructure Project

NTS: Non-Technical Summary

PINS: Planning Inspectorate

PRoW: Public Right of Way

RIGS: Regionally Important Geological and Geomorphological Sites

SNCI: Site of Nature Conservation Interest

SDNP: South Downs National Park

SDNPA: South Downs National Park Authority

SDW: South Downs Way

SSSI: Site of Special Scientific Interest

WSCC: West Sussex County Council

I. Non Technical Summary

I.1. This document sets out what the SDNPA considers would be the impact of the proposed Rampion off-shore wind farm upon the National Park and what the key considerations of the SDNPA are.

I.2. The key consideration include:

- The SDNPA supports the right renewable technology in the right place;
- The proposal does not, and never has, given appropriate weight to the National Park designation;
- There are significant concerns that an inadequate assessment of alternative mechanisms to deliver the proposal has been undertaken to demonstrate the requisite exceptional circumstances to make the proposal acceptable;
- As a nationally designated landscape the appropriate barometer for assessment is whether the proposal conserves and enhances the SDNPA;
- The SDNPA promotes the attachment of significant weight to the landscape character of the SDNP;
- The considerations of the SDNPA must be given significant weight in the assessment and determination of the proposal;
- Appropriate consideration has not been given to the wider impact of the engineering and ancillary works required to construct the proposed cable route;
- The sense of tranquilly and openness at the Heritage Coast will be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character;
- The impact of the proposed cable route, with an up to 30m working width, upon chalk grassland is not adequately considered resulting in a lack of confidence in the proposed restoration;
- Any impact upon the SDNP must be mitigated to ensure the SDNP is conserved or enhanced;
- The permanent impact upon the SDNP and its communities must be mitigated via appropriate community benefits; and
- The Development Consent Order must respect the National Park designation and the Governments recent decision to make the SDNPA the Local Planning Authority;

I.3. The SDNPA also raises a number of comments and concerns regarding the technical detail contained within the submitted application, particularly with regard to the Environmental Statement and the adequacy of the mitigation of the harm generated by the proposal.

I.4. This document was agreed by Members of the SDNPA at the 8 August 2013 planning committee.

2. Introduction

2.1. Purpose of document

- 2.1.1.** The South Downs National Park Authority (SDNPA) has committed to engaging fully with the assessment of the proposed Rampion offshore wind farm to ensure that the Secretary of State is able to take as informed a decision as possible. Accordingly, this document represents both the Local Impact Report (LIR), due 9 August 2013, and the Written Representation (WR) of the SDNPA, due 15 August 2013.
- 2.1.2.** The sole definition of an LIR is given in 60(3) of the Planning Act 2008 as '*a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'. Further guidance is contained within Advice Note One, published April 2012, which indicates that, whilst the LIR should set out an evidence base it should not replicate the information contained within the submitted Environmental Statement (ES) and should not seek to balance or weigh the impacts upon the host environment but should clearly set out positive, neutral and negative impacts.
- 2.1.3.** The Written Representation is the opportunity for the SDNPA to substantiate the comments made within the relevant representation submitted 10 May 2013 in addition to submitting any other information considered relevant.

2.2. Format of document

- 2.2.1.** The format of this document is set out to assist the Planning Inspectorate Examination Panel and the Secretary of State in taking an informed assessment of the proposal. It should be considered as an update of the SDNPA s42 consultation response reflecting any progress made during this period, the baseline for assessment during the examination and the considerations of Members of the SDNPA.
- 2.2.2.** Accordingly, this document will initially set out the designation, powers and special qualities of the SDNP prior to setting out how the SDNPA has engaged with the consultation process thus far. Thereafter, it will set out the key considerations of the SDNPA (the Written Representation) and the response to the baseline evidence set out within the submission that informs the impact upon the SDNP (the Local Impact).

3. The South Downs National Park

3.1. Designation

- 3.1.1.** The SDNP was designated on 1 April 2010 and the SDNPA became the Planning Authority on 1 April 2011 to take forward arrangements for the management of the National Park and delivery of its statutory purposes and duty.

3.2. Duty of Regard

- 3.2.1.** National Parks have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of the designated areas has specific statutory purposes which are intended to ensure their continued protection. Accordingly, section 11A(2) of the National Parks and Access to the Countryside Act (1949), as amended by Section 62(2) of the Environment Act 1995, places a duty upon National Parks “in exercising or performing any functions in relation to, or so as to affect, land” to “have regard” to their purposes:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
2. To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

- 3.2.2.** Section 62 of the Environment Act 1995 inserted section 11A into the National Parks and Access to the Countryside Act 1949 which sets a statutory duty on the SDNPA to have regard to the purposes of designation when exercising or performing any functions to, or so as to affect, land in the National Park. This duty is:

1. To foster the economic and social well-being of communities living within the National Park.

- 3.2.3.** In addition, the Environment Act 1995 places a general statutory duty on all relevant authorities, requiring them to have regard to the purposes of National Parks. This ensures that relevant authorities take account of these purposes when coming to decisions or carrying out their activities relating to or affecting land within these areas. It recognises that a wide range of bodies have a direct influence over the future of protected landscapes in terms of policy, project implementation, casework decisions, land ownership and management. It also acknowledges that the fulfilment of protected area purposes rests not only with those bodies directly responsible for their management but also relies on effective collaborative working. As such, the duties are particularly important to the delivery of the purposes of protected areas and to the overall achievement of sustainable development in rural areas.

- 3.2.4.** A Department for Environment, Food and Rural Affairs (DEFRA) guidance note, published in 2005, sets out the duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty and the Norfolk and Suffolk Broads. The document sets out those bodies it considers to have a duty of regard including, at section one, PINS and, at section eight, The Crown Estate. In addition, the document places the duty of regard upon any statutory undertaker and, as such, it is reasonable to apply the duty of regard to E.ON and its contractors.

3.3. Powers

- 3.3.1.** As a National Park, the SDNPA has statutory purposes and socio-economic responsibilities as specified in the Environment Act of 1995. In addition, the SDNPA is the Local Planning Authority for the SDNP and the Relevant Authority for Access Land.

3.4. Policy

- 3.4.1.** The SDNPA launched its statutory Management Plan for consultation in July 2013 (<http://www.southdowns.gov.uk/about-us/management-plan>). In addition, the South Downs Integrated Landscape Character Assessment was updated in 2011 (<http://www.southdowns.gov.uk/planning/integrated-landscape-character-assessment>) and the State of the Park report released in 2012 (<http://www.southdowns.gov.uk/about-us/state-of-the-national-park-report-2012>). These documents provide important baseline information against which to assess and monitor any change within the SDNP.
- 3.4.2.** The SDNPA is currently in the process of formulating its Local Development Plan and this is expected to be ready for adoption in 2015. In the interim the SDNPA recognises the NPPF, which places great weight on the significance of National Parks, and the Adur District Council Local Plan 1996, Horsham District Council Core Strategy 2007 and the Worthing Borough Council Local Plan 2003 as the relevant Local Development Frameworks within the part of the SDNP affected by the proposal.

4. Previous SDNPA Representations

4.1. SDNPA engagement with E.ON

- 4.1.1.** The SDNPA responded, at the 12 April 2012 Planning Committee, to the E.ON s78 public consultation. This response sought to establish to scope of issues the SDNPA would be required to consider when considering future consultations.
- 4.1.2.** The SDNPA responded, at the 9 August 2012 planning committee, to the E.ON s42 consultation. This response sought to highlight concerns and make comments on the draft Environmental Statement to provide E.ON the opportunity to revise the proposals.
- 4.1.3.** In addition to the above the SDNPA have attended and requested a number of meetings with E.ON. This has included presentations from E.ON on 28 March 2012, 17 May 2012, 26 July 2012 and 25 July 2013. In addition, Officers of the SDNPA also attended Local Planning Authority liaison meetings, organised by E.ON, on 18 April 2012, 17 July 2012 and 18 April 2013. The SDNPA also attended a site meeting with E.ON at Tottington Mount on 20 May 2013.

4.2. SDNPA engagement with the Planning Inspectorate

- 4.2.1.** The SDNPA responded on 10 October 2010 to the Infrastructure Planning Commission (IPC) request for information to assist the formulation of an Environmental Impact Assessment (EIA) scoping report.
- 4.2.2.** To assist the Planning Inspectorate in deciding whether to accept the application, the SDNPA provided an adequacy of consultation response on 14 March 2013.
- 4.2.3.** Furthermore, the SDNPA submitted a relevant representation on 10 May 2013 to inform the key topics for assessment and attended the pre-examination meeting on 18 July 2013 to inform the examination timetable.

4.3. Summary of formal engagement

Response to Scoping Opinion	10 October 2010
Response to Public Consultation (http://www.southdowns.gov.uk/_data/assets/pdf_file/0007/283129/12th-April-2012-Planning-Committee.pdf)	Planning Committee April 2012
Response to draft Environmental Statement (http://www.southdowns.gov.uk/_data/assets/pdf_file/0018/283131/9th-August-2012-Planning-Committee-2.pdf)	Planning Committee August 2012
Adequacy of Consultation Response (http://www.southdowns.gov.uk/_data/assets/pdf_file/0004/323761/Adequacy-of-Consultation-Response-March-2013.pdf)	14 March 2013
Submission of Relevant Representation (http://www.southdowns.gov.uk/planning/rampion-offshore-windfarm)	10 May 2013
Planning Inspectorate Pre-Examination meeting	18 July 2013

5. Key Considerations

5.1. Renewable Energy

5.1.1. The SDNPA supports the right renewable technology in the right place.

The SDNPA acknowledges the Government's commitment to support a low carbon economy and the national development of renewable energy infrastructure through the adoption of the Climate Change Act 2008.

5.1.2. The SDNPA supports the development of renewable energy initiatives dependent upon there being no conflict with the statutory purposes and duty of the SDNPA.

5.2. The Weight Afforded to the National Park Designation

5.2.1. **The proposal does not, and never has, given appropriate weight to the National Park designation.** Announcing the confirmation of the South Downs National Park (SDNP) designation the then Environment Minister Hillary Benn stated that the "South Downs' wonderful countryside will be protected forever for the enjoyment of everyone".

5.2.2. The National Park designation affords significant protection to the landscape character of the SDNP and this importance is reflected in the subsequent establishment of the SDNPA as the Local Planning Authority. However, it is important to recognise that the designation is a national designation and, as such, the SDNP is of national importance. This is an important distinction to make when assessing a Nationally Significant Infrastructure Project (NSIP) as it indicates that the National Park designation is of equal importance, when considered from a strategic national perspective, as a NSIP.

5.2.3. To provide adopted policy support to the National Park designation paragraphs 5.9.9 to 5.9.11 of the overarching National Policy Statement for Energy (EN-1) states "National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the IPC [superseded by PINS] should have regard to in its decisions.

The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the IPC in deciding on applications for development consent in these areas.

Nevertheless, the IPC may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of:

- The need for the development, including in terms of national considerations, and the impact of consenting or not consenting it upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.4; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The IPC should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary”.

- 5.2.4. The SDNPA considers that E.ON have not applied the appropriate weight, or given due regard, to the SDNP in the development of the Rampion proposal. This is most clearly articulated in the assumptions utilised in the assessment of alternative cable routes but is also prevalent throughout many aspects of the proposal.

5.3. Alternative Mechanism for delivery

- 5.3.1. **There are significant concerns that an inadequate assessment of alternative mechanisms to deliver the proposal has been undertaken to demonstrate the requisite exceptional circumstances to make the proposal acceptable.** Any major development within the SDNP should only be consented where it is demonstrably in the public interest (NPPF, Para 116) and exceptional circumstances can be demonstrated (EN-1). Accordingly, all other alternatives for meeting the Governments renewable energy targets should be explored before harm to the SDNP is to be accepted.

- 5.3.2. The SDNPA consider that for any development, whether of national or local importance, proposed within the SDNP an assessment must be undertaken to demonstrate, beyond reasonable doubt, that the proposed development could not be located outside of the SDNP within a less sensitive environment unless it is pursuant to the SDNPA’s statutory purposes and duty.

5.4. The Barometer for Assessment

- 5.4.1. **As a nationally designated landscape the appropriate barometer for assessment is whether the proposal conserves and enhances the SDNPA.** The Government only recently designated the SDNP as a National Park and, as such, no development should be permitted that would compromise the core rationale behind the National Park designation.

- 5.4.2. The barometer for the assessment of any development within the SDNP is one which should not accept compromises unless the development is essential for the purposes and duty of the SDNP, as set out at 3.2.3 and 3.2.4,.

5.5. Attaching Significance to Landscape Character

- 5.5.1. **The SDNPA promotes the attachment of significant weight to the landscape character of the SDNP.** The primary rationale for the national designation of the SDNP was for its outstanding landscape character and, as such, significant weight should be attached to the landscape character of the SDNP in any assessment.

- 5.5.2. Accordingly, from conception, consultation, amendment and assessment to delivery (if consented) the impact upon the landscape character of the SDNP should be a principal, and overriding, consideration.

5.6. Localism

- 5.6.1. **The considerations of the SDNPA must be given significant weight in the assessment and determination of the proposal.** Announcing the Localism Act

2011, Eric Pickles, Secretary of State for Communities and Local Government, stated in his written Ministerial Statement that the Act would result in the “replacement of the Infrastructure Planning Commission with an efficient and democratically accountable system for major infrastructure”.

- 5.6.2.** Whilst the proposal is an NSIP it is clear, both through the Localism Act 2011 and wider Government intentions to devolve powers to Local Government, that local statutory bodies, such as the SDNPA, are to be important stakeholders in any decision making process. As such, any proposal within the SDNP must demonstrate that it has applied a due regard for both local environmental characteristics, best expressed by experts at the local level, and the considerations of the local population.

5.7. Informed Assessment

- 5.7.1. Appropriate consideration has not been given to the wider impact of the engineering and ancillary works required to construct the proposed cable route.** An assessment of the true impact of the proposed works is not currently possible due to the omission of a detailed construction methodology with regards to spatial impacts.

- 5.7.2.** The proposed works include significant logistical challenges regarding the engineering feasibility of the proposed cable route and the ancillary works required. However, the proposal contains little spatial detail regarding the location of the construction compounds and the vehicle movements required and, as such, the resultant impacts, specifically with regards to landscape character and ecology, cannot be assessed.

5.8. Impact upon the Heritage Coast

- 5.8.1. The sense of tranquilly and openness at the Heritage Coast would be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character.** The Heritage Coast of the South Downs National Park, the first to be defined as such, represents some of the most beautiful, undeveloped coastline, which is managed to conserve its natural beauty and, where appropriate, to improve accessibility for visitors. The siting of 175 turbines will enclose views from the SDNP to the detriment of the sense of tranquillity and openness experienced by users in addition to significantly changing the landscape character of the coastline.

5.9. Impact Upon Chalk Grassland

- 5.9.1. The impact of the proposed cable route, with an up to 30m working width, upon chalk grassland is not adequately considered resulting in a lack of confidence in the proposed restoration.** Chalk grassland is an internationally and nationally rare habitat, and one of the richest habitats in western Europe. It is notoriously challenging to recreate. Therefore, whilst the proposal includes mitigation measures these are generalised for the majority of the cable route and at Tottington Mount, where the topography is so challenging, the proposed mitigation measures are untested and do not demonstrate with any degree of confidence that the restoration will be successful. By undertaking what is essentially a trial restoration, which has not been adequately tested, the proposal is in conflict with the SDNP purpose to conserve or enhance and could result in a permanent scar upon the landscape of the SDNP and harmful to this internationally rare habitat.

5.10. Mitigation

5.10.1. Any impact upon the SDNP must be mitigated to ensure the SDNP is conserved or enhanced. Significant concerns are raised in the Local Impact Report that the proposal will inadequately mitigate the harm caused – particularly with regard to the impact upon chalk grassland. Any shortfall in mitigation will be unacceptable and conflict with the statutory purposes and duty of the SDNP. The SDNPA is an appropriate Authority to deliver mitigation, in this instance, where required to ensure no shortfall.

5.11. Mitigation through Community Benefit

5.11.1. The permanent impact upon the SDNP and its communities must be mitigated via appropriate community benefits. The SDNPA is the relevant Authority to manage the required mitigation of the proposal and appropriate use of community benefits.

5.11.2. Paragraph 5.9.11 of the overarching National Policy Statement for energy (EN-1) states “The IPC [superseded by PINS] should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary”.

5.11.3. The SDNPA is in dialogue with E.ON regarding the delivery of mitigation through community benefits and will submit either an agreement or the SDNPA suggested agreement to the Planning Inspectorate at the appropriate juncture in the examination process.

5.12. Development Consent Order

5.12.1. The Development Consent Order must respect the National Park designation and the Governments recent decision to make the SDNPA the Local Planning Authority. The DCO, in its submitted form, would take away decision making powers that the SDNPA currently has with regards to the discharge of conditions. This would significantly compromise the SDNPA’s ability to undertake its statutory purposes and duty.

5.12.2. The DCO, in its submitted form, would grant decision making powers to West Sussex County Council with regards to any conditions placed on the DCO. These are likely to include conditions relating to landscape, ecology, archaeology and construction management which would normally be the statutory responsibility of the SDNPA as the Local Planning Authority. This is unacceptable and in direct conflict with the establishment of the SDNPA and its purposes and duty.

5.12.3. In addition, the DCO, in its submitted form, would result in harm to the landscape character of the SDNP. For example, it would allow land affected to be returned to a condition as agreed with the landowner which could result in unacceptable permanent development without the benefit of securing planning consent through the appropriate democratic process.

5.12.4. The SDNPA is in dialogue with E.ON regarding amendments to the DCO and will submit either agreed amendments or the SDNPA suggested amendments to the Planning Inspectorate at the appropriate juncture in the examination process.

6. Impact upon the South Downs National Park

6.1. Assessment of Alternative Routes

6.1.1. Chronological Process – Comments made at draft ES stage

The SDNPA considers that the information it submitted in response to the s42 consultation (August 2012) is still relevant providing a commentary of the amendments to the proposal in addition to highlighting the changes in justification between the draft ES and the submitted application. As such, the following comments (6.1.1.1 to 6.1.1.13) are an extract of the SDNPA s42 consultation response:

6.1.1.1. “With regards to the proposed cable route it is clear that the initial consideration was the technical suitability of the off-shore zone (zone 6) to accommodate an off-shore wind farm. It is not until later in the process that a consideration of on-shore sensitivities is taken into account. Given the clear Government intention to protect National Parks for their inherent value the SDNPA consider that the on-shore sensitivities should have been taken into account both when the Crown Estate, who DEFRA list as having a duty of regard to the National Park, allocated Zone 6 and when E.ON chose the proposed development area within Zone 6.

6.1.1.2. When considering the most appropriate grid connection this was assessed under five key considerations. This did not include an assessment of the on-shore landscape impact and subsequently resulted in several alternatives being removed prior to further assessment being undertaken of the on-shore impacts. This methodology negated the consideration that a more costly grid connection process may be preferable to a route with greater on-shore landscape harm. This reinforces the SDNPA’s concerns that at the initial concept feasibility stage the overriding consideration was technical feasibility and not potential environmental impacts.

6.1.1.3. For example, at 3.3.7 of the draft ES the Babcock & Brown study established that connection to the 132 kV network would require multiple offshore routes, landfalls, onshore routes and substations due to the restricted capacity at any single point. The SDNPA understands that EDF Energy Networks (the then operator of the distribution system prior to UK Power Networks) was contacted to determine the capability of existing substations and power lines on the Sussex coast to enable the 132kV network to accept new electrical generation, prior to further environmental and engineering analysis being undertaken. EDF Energy Networks are understood to have advised that connecting the south coast area into their 132kV network, closer to the coast than Bolney, would require additional circuits to be constructed from the connection point to Bolney. The study concluded that splitting the scheme into several smaller connections into substations such as Fishersgate, Worthing, Newhaven or Southern Cross would require major electrical infrastructure work (underground cable or overhead line) between Southern Cross 132kV and Bolney. In addition, significant reinforcement would be required (additional or larger) of the connections between existing local distribution substations and Southern Cross as well as a number of new Rampion specific substations adjacent to the existing substations. It was concluded that this would result in greater environmental impact over a wider area, without removing the impact to the SDNP. Additionally, there would be significant additional disturbance to local communities and be a much less cost effective option than the single point of connection currently proposed.

- 6.1.1.4.** The SDNPA is therefore concerned that ‘consenting’ challenges have been highlighted as a reason for not selecting the 132KV network when facilities, such as the Newhaven Energy Recovery Facility were able to access the local grid, albeit providing around 16.5KW of power to the local grid. There are other places along the south coast (Eastbourne; Newhaven; Southern Cross, Portslade; Sompting, Worthing; Fishbourne; Havant) where more local connections could be made to the 132/33KV transmission system and there may be other opportunities that require exploration.
- 6.1.1.5.** Given the above the SDNPA consider that E.ON need to demonstrate, beyond reasonable doubt, why a single or multiple supply to these points is not being proposed thus potentially avoiding any new transmission line across the SDNP and the associated detrimental impacts.
- 6.1.1.6.** At 3.3.10 of the draft ES, separate to E.ONs’ own investigations, the draft ES references that the Crown Estate commissioned a Senergy Econnect independent grid feasibility study for their entire Round 3 portfolio in 2008. For Zone 6 the study considered alternative connection points at the existing National Grid 400kV substations at Bolney and Ninfield. The study discounted Ninfield as a potential connection point as a result of the significantly longer cable route and related high cost. The Senergy Econnect study also considered a potential new coastal substation located between Shoreham and Bolney, involving the adoption of a section of existing 132kV overhead line and reconstruction of the connection as a 400kV overhead line with larger pylons. However, this option was not considered further by Senergy Econnect due to the cost of the onshore transmission network extension necessary to create and then connect this new substation. It is considered that cost alone, unless truly prohibitive, should not be justification for directing the proposed cable route through the SDNP.
- 6.1.1.7.** Furthermore, to the east of Bexhill, an alternative landfall for a Ninfield connection was identified which would require significantly longer offshore and onshore cable distances. The engineering of the landfall was perceived as straightforward but the near shore route was constrained by existing land uses, although still considered feasible with careful routing. This area is a corridor for significant service facilities associated with relatively recent waste water treatment works and a high pressure gas main. Given the limited width of the ancient woodland and the ability for Horizontal Directional Drilling (HDD) the SDNPA is concerned that this route option was so clearly disregarded on environmental grounds. The SDNPA consider that there is a need to fully compare these environmental impacts with the 14km of disturbance proposed to the nationally designated SDNP.
- 6.1.1.8.** Options for connection into the 400kV transmission system were identified at three National Grid substations: Bolney in Mid-Sussex, Lovedean in Hampshire and Ninfield in East Sussex. Lovedean was discounted as it is the furthest from the Rampion off-shore site and would involve considerably more extensive offshore and onshore cable sections (but would have avoided disturbance to the SDNP). The SDNPA would seek clarification regarding why the considerations did not explore the possibility of creating a new connector point to the National Grid linked to a better environmental route, i.e. Hellingly near Hailsham, thus avoiding the Site of Special Scientific Interest (SSSI) at Pevensey Levels. This would enable a route selection to avoid any disturbance to the SDNP skirting its eastern end. The SDNPA consider that E.ON need to demonstrate that such an option is not feasible.

- 6.1.1.9. A further option that the SDNPA considers requires further exploration is the potential upgrading of the existing Southern Cross to Bolney overhead power line with either the restringing or provision of higher voltage cables. The SDNPA appreciates that this, in itself, raises sensitive issues but is considered, on balance, worthy of further exploration as a comparable.
- 6.1.1.10. Equally, the selection of the landfall location once again did not take the impacts upon the SDNP into account focussing attention upon only the immediate environment rather than a strategic analysis of the overall route. Once this process was undertaken, and Bolney and Ninfield were identified as potential National Grid connections, it was the technical challenges and impact upon the SSSI, Ramsar Site and Ancient Woodland (for the Ninfield route) that were weighted as more harmful than the route through the SDNP. The SDNPA would challenge such broad assumptions citing the SDNP as a national designation.
- 6.1.1.11. Whilst a sequential route selection was convenient for E.ON in minimising the scope of information they had to consider (i.e. they considered the onshore impacts only after choosing the either Bolney or Ninfield National Grid connections thus avoiding having to assess the on-shore impacts for a wider target area) this negated the national importance of the SDNP only enabling weight to be attributed to it once a number of other variables had been confirmed. Therefore, once Bolney was selected as the chosen preferable National Grid connection it was only at this juncture that a thorough analysis of the route from landfall to Bolney was considered and the on-shore impacts taken into account.
- 6.1.1.12. When commencing consideration of the broad cable corridor this was primarily undertaken by mapping known significant environmental features (i.e. SSSI's) and through utilising "aerial photography" (3.4.8 of the draft ES). Such a methodology clearly places little weight on landscape character which cannot easily be established through a desktop study. Furthermore, it is clear when reviewing the sequential approach employed in Chapter three of the draft ES that liaising with local landowners (3.4.12 of the draft ES) was given greater weight than onshore cable route refinement. Indeed, it is further evident that **a preliminary cable route was selected prior, in September 2010, to the landscape and visual vantage point assessment, undertaken in October 2010 (3.4.13 – 3.4.14 of the draft ES)**. The SDNPA would contend that, given the National Park landscape designation, a landscape character assessment should have formed an important preliminary consideration rather than occurring as a later consideration.
- 6.1.1.13. It is clear that the route selection methodology sought to avoid known significant environmental features and the process of refining the route endeavoured further to follow through with such an approach. Whilst the SDNPA would not advocate that any significant harm to an environmental feature is acceptable it is noted that the landscape character impact does not appear to have carried any significant weight in the refinement process. Whilst as a general approach this may be appropriate in a number of locations there may be locations where a minor harm to a significant environmental feature would be preferable to a major harm to a nationally designated landscape character (a reflection of this approach is that the 'final' proposed route includes 14km of cabling through the SDNP whereas the shortest route is only 4km)".

6.1.2. Chronological Process – August 2013 Update

In addition to the above the SDNPA has the following considerations on the submitted documents:

- 6.1.2.1. It is noted in submitted document 6.1.3 that there is a greater explanation at the strategic level of the connections to the national grid. Figure 3.5 details to some extent the grid transmission and supply system, although the rating of the different lines is not detailed. It is stated in paragraph 3.3.8 that 'During the initial appraisal of potential areas for the development of offshore wind farms by E.ON in 2008, a grid connection feasibility study was undertaken by Babcock & Brown Ltd (with input from PMSS and RPS) to determine the optimal grid connection locations for a potential wind farm off the South Coast. PMSS carried out a desktop analysis of potential landfall sites while RPS provided an environmental feasibility assessment for the various potential connection options identified". It is noted that this work preceded the designation of the National Park and therefore it should have been reviewed in this light. In any case this definitive piece of work that underpins the submission should form part of the ES. Therefore, **it is not clear how the statement in 3.3.10 that 'a key preference was to avoid the need to undertake unnecessary development within the South Downs National Park (SDNP), which lies north of the developed coastline' was taken into consideration. Indeed, the chronological evidence points strongly to the contrary.**
- 6.1.2.2. It is apparent that in paragraph 3.3.11 the Babcock & Brown study identified a potential 132kV connection point at Southern Cross and a 33kV option at Fishersgate. The section does not identify the power rating of the new offshore supply to understand the constraints imposed by the feed within the existing grid. Option 5 with landfall at Ninfield (East Sussex) identifies some constraints but not necessarily any overriding concerns and in the conclusion was discounted on economic grounds. This differs from the earlier proposals which indicate the presence of ancient woodland as the constraint. In the circumstances of the selection and the considerable ambiguity that exists it would not be unreasonable to request detail of the comparative assessment work so that the choice of land fall options is transparent. The documents do not provide convincing assessment of all the options or a thorough analysis and assessment sufficient to confirm that there is an overwhelming need to align the power connections through the National Park.
- 6.1.2.3. Document 6.1.2b at paragraph 2b.3.20 confirms that the onshore cable system will comprise of four circuits at a voltage between 132kV and 220kV inclusive. It does not discuss the feasibility to upgrade the existing overhead line to Fishersgate or potentially provide for its entire undergrounding at the higher voltage level which is an option. Each circuit will comprise three single-core cables as well as associated communications (fibre optic) cables with the diameter of each cable typically ranging from 87mm to 111mm. It is considered a weakness of the submission that these voltage requirements were not clearly related to the search for grid connections.
- 6.1.2.4. Whilst fibre optic cables may be a useful addition to place in the ground at the same time, the access and maintenance needs for these additional cables requires identification to enable an understanding in terms of future traffic and disturbance.

6.1.3. Consideration of Duty of Regard

- 6.1.3.1.** Section 11A(2) of the National Parks and Access to the Countryside Act (1949) as amended by Section 62(2) of the Environment Act 1995 places a duty on relevant authorities to have regard to the purposes of National Parks. It requires that ‘in exercising or performing any function in relation to, or so to affect land’ within these designated landscapes there is a requirement to “have regard to their statutory purposes’.
- 6.1.3.2.** There is insufficient evidential detail to demonstrate how the various constraints that were identified for the proposed route were considered, or weighed up, against those for any potential ‘alternative’ route. Little or no consideration is given to landscape value with preference given to other, more easily plotted, constraints such as listed buildings and SSSI’s, financial cost or technical ease. The SDNPA considers that the National Park designation was not a primary consideration in terms of developing the cable route in conflict with the duty of regard.

6.2. Landscape

The value of the landscape of the SDNP cannot be understated. It is the principle rationale behind the National Park designation and is afforded great weight by all national policy. The consideration of landscape has been, as set out in Section 6.1 of this document, lacking in the assessment and consideration of the cable route chosen. This section will focus on the methodology of landscape assessment employed for the proposal.

6.2.1. Chalk Grassland

- 6.2.1.1.** The potential impact of the proposed cable route upon South Downs chalk grassland, an internationally rare habitat that is challenging to recreate, is significant. Chalk grassland is one of the richest habitats in western Europe but is now rare in the UK. It is being restored across the South Downs, as part of a Government-funded project, the South Downs Way Ahead Nature Improvement Area, and is often described as the British equivalent of tropical rainforest and is vital to the survival of rare wildlife such as the Duke of Burgundy butterfly and orchids
- 6.2.1.2.** Given the above any impact upon chalk grassland is a significant issue that should have the status of an overriding consideration in the assessment of the proposal should it not be demonstrated, beyond reasonable doubt, that the proposal will conserve and enhance chalk grassland.
- 6.2.1.3.** Such importance is appropriate as, should the proposed restoration fail, the cable route would leave a permanent scar, due to lack of grassland growth, resulting in an unacceptable impact to the landscape character of the south Downs National Park contrary to its national landscape designation. The lack of confidence in the restoration strategy proposed is set out in sections 6.12, 6.13 and 6.15 of this report

6.2.2. Heritage Coast

- 6.2.2.1.** Heritage Coasts represent stretches of the most beautiful, undeveloped coastline, which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors. The Heritage Coast of the SDNP is one of the foremost examples and was the first section of Heritage Coast defined.

6.2.2.2. The national purposes of Heritage Coasts are to: conserve, protect and enhance the natural beauty of the coasts, their marine flora and fauna, and their heritage features; facilitate and enhance their enjoyment, understanding and appreciation by the public; maintain and improve the health of inshore waters affecting Heritage Coasts and their beaches through appropriate environmental management measures; and to take account of the needs of agriculture, forestry and fishing, and of the economic and social needs of the small communities on these coasts.

6.2.2.3. The sense of tranquilly and openness at the Heritage Coast would be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character to the detriment of the sense of tranquillity and openness experienced by users in addition to significantly changing the landscape character of the coastline. The SDNPA provided significant comment at draft ES stage on the issue and, whilst amendments have been undertaken to the proposal to reduce the impact, it is clear that a significant impact would still occur and it is acknowledged that mitigation is challenging, if not impossible. Further commentary on the impact of the proposal on the Heritage Coast is included at 6.2.5 of this document.

6.2.3. ES Conclusions (ES Section 6.2.1 to 6.2.3)

6.2.3.1. The SDNPA raised, in the response to the s42 consultation, that the ES should outline some broad mitigation measures in relation to minimising the impacts on the highly sensitive receptors on the Heritage Coast. Though it is acknowledged that some effort has been made to alter the shape and layout of the array, the overall effect of this is limited.

6.2.3.2. Equally, the SDNPA raised concerns that the Heritage Coast designation had not been given due weight. It is acknowledged that subsequent revisions to the ES have sought to address this shortcoming and it is noted that the ES now recognises the Heritage Coast as a key consideration due to its highly sensitive nature. However, it is considered that the magnitude of the change is still underestimated within the assessment.

6.2.3.3. Therefore, although some effort has been made, in terms of layout of the array, to mitigate the impacts of the development on the Heritage Coast and its special qualities even with the adjustment of these layout parameters it is still considered that the overall mitigation effect will be limited given the high sensitivity and visual amenity of the Heritage Coast.

6.2.4. Landscape & Visual Impact Assessment (ES Section 26 - Document 6.1.26)

6.2.4.1. Page 26.2, Para' 26.2.4 acknowledges the sensitivity of coastal areas and the impact of visual intrusion, specifically along undeveloped sections of coast. This supports the SDNPA's concerns regarding the visual impacts upon the Heritage Coast, and the reality that it is not possible to fully mitigate against these impacts – even with the revisions to the orientation and scale of the off-shore array.

6.2.4.2. Page 26.2, Para' 26.2.7 does not reference the relevant provisions within the NPPF in relation to National Parks specifically – just the treatment of landscape and visual amenity in more 'general countryside'.

6.2.5. Seascape, Landscape and Visual Impact Assessment (ES Section 12 - Document 6.1.12)

- 6.2.5.1.** Page 12-6, Para 12.2.21 - The reference to the offshore development being 'more remote' in terms of its visual relationship with both the National Park and the Heritage Coast is not considered accurate. The elevated nature of the ridgeline and the scenic views of the Seascape from the Heritage Coast mean this visual relationship, even over substantial viewing distance, is very strong.
- 6.2.5.2.** Page 12-6, Para 12.2.22 - Reference to the Inspector's conclusions in relation to this section of coastline provides useful information. However, this neglects to pick up the Inspector's references to the importance of uninterrupted links and views from the South Downs to the sea where they occur elsewhere. There are other such 'strategic' gaps within the more developed areas of coastline to the west of the Heritage Coast – for instance at Rottingdean and Tidemills near Newhaven. The Inspector stressed the importance of this visual relationship, and the perceptual and visual amenity it provided for residents and visitors to the National Park.
- 6.2.5.3.** Page 12-7, Para 12.2.27 - In terms of the overall policy context for the development in terms of the National Park and Heritage Coast, this paragraph makes general reference to an aspiration that development 'does not detract but makes a positive contribution to local landscape character'. This statement was taken from the previous South Downs Management Plan (2005). This was written prior to the area's designation as a National Park. Though still emerging, the draft Management Plan currently includes a number of defined outcomes that are relevant in terms of the proposed development. Most relevant to consider is outcome one which states "the landscape character of the National Park, its special qualities and local distinctiveness have been conserved and enhanced by effectively managing the impacts of major development and small-scale cumulative change".
- 6.2.5.4.** Page 12-10, Para 12.3.2 - This includes summary reference to the UK Offshore Energy Strategic Environmental Assessment in relation to the South Downs National Park and Heritage Coast. This reference clearly illustrates the point of the effect of elevation, and the strong visual relationship with the Seascape and its high sensitivity to developments of this major scale. It also highlights the perceptual characteristics that are highly valued in relation to this undeveloped section of Coastline. This demonstrates the clear fact that in spite of proposed changes to the offshore array, in terms of alignment and small changes to its boundary on the eastern edge, there is little that can be done in real terms to mitigate the impacts of the development on this iconic section of the Heritage Coast.
- 6.2.5.5.** Page 12-11, Para 12.3.10 - This paragraph suggests that no recreational routes have been identified as requiring an assessment of sequential visual effects. The issue of the need to consider the potential cumulative impacts in relation to the South Downs Way National Trail were raised during the scoping process and in relation to the draft Environmental Statement.
- 6.2.5.6.** Page 12-39, Para's 12.4.14 to 12.4.16 - Other reference sources – this makes no reference to the special qualities of the National Park which highlight factors that are relevant to the seascape environment, and its importance in relation to the National Park.
- 6.2.5.7.** Page 12-59, Para 12.5.4 – It is noted that some consideration has been given to options to compress the site area, and therefore try to reduce the visible extent

from the Heritage Coast vantage points. However, even with the adjustment of these layout parameters, it is still considered that the overall mitigation effect will be limited given the high sensitivity and visual amenity of this area.

- 6.2.5.8.** Page 12-69, Para 12.5.31 – It is noted that the greatest predicted effect on character settings relates clearly to the sea views, and the context and setting of the National Park and Heritage Coast. It is considered that the point that the proposed development will curtail its existing association with the open sea and the expansive horizon to be particularly important in relation to these areas.
- 6.2.5.9.** Page 12-69, Para 12.5.33, Bullet point 4 - In terms of the suggested considerations that add context to these adverse effects it is accepted that the sea comprises only part of the view from the elevated parts of the South Downs. However, it is an important visual association that is highly valued. The elevation, expansive views and strong visual perceptual and experiential associations with the seascape, make those adverse effects particularly an issue within the Heritage Coast. The suggestion that the wind farm is 'remote' and will be diminutive in terms of scale for receptors here is not accepted.
- 6.2.5.10.** Page 12-70, Para 12.5.34 – It is noted that the effects of alternative layouts are not considered to make significant change to the potential seascape and landscape effects assessed. The SDNPA concurs that it is challenging, if not impossible, to fully mitigate these impacts.
- 6.2.5.11.** Table 12.14 Representative Viewpoint Assessment - Given the very high sensitivity of Cuckmere Haven it is anomalous that the magnitude of visual change and its effect is assessed as very small and moderate. This highlights both the selective nature of viewpoints and the impact of elevation. Though it is accepted that from the selected vantage point looking east the ridgeline at the opposite side of the valley would intervene with views of the development, and limit the visual effect, it is not considered that this viewpoint is representative in relation to the majority of visitors to Cuckmere Haven - the majority of visitors to the Country Park will go to the shingle beach at the end of the estuary. Though it is accepted that the location of viewpoints is selective, and the number must be proportionate, it is not considered to be adequately representative. The principle issue being that the magnitude of visual change and impact in relation to Cuckmere Haven has been underestimated.
- 6.2.5.12.** Page 12-83, Para' 12.5.85, Bullet point 2 – It is accepted that from the upland extent of the South Downs the seaward views are not the sole focus of the expansive vistas, but this does not detract from the strong visual association with the seascape, and the value that visual receptors will place on this aspect of the view from within the National Park. These have been identified as a special quality of the National Park.
- 6.2.5.13.** Para' 12.5.85, Bullet point 4 - Elevated views from cliff tops increase the extent and visual association with the seascape and accentuate the impacts of the development, particularly from highly sensitive locations within the National Park and Heritage Coast. The wind farm is not really 'remote' in this context and being within an area of undeveloped coastline, with few visible man-made interventions, its effect will be greater than areas more heavily influenced by the urban context.
- 6.2.5.14.** Bullet point 9 - Within the coastal plain, and in the context of the developed and densely populated area of coastline, it is accepted that the experience is not typically one of remoteness. However, this does serve to highlight the exceptional

experiential value, in terms of contrast, that is provided by the context of the National Park and the Heritage Coast.

6.2.5.15. Bullet point 11 - The point is made that the relative featureless extent of seaward views may affect the experience or perception of scale of the development. In the context of the National Park and Heritage Coast, this expansive and featureless extent of the seaward views, with no visible man-made interventions, is in itself an experiential factor of great value.

6.2.5.16. Bullet point 18 - It is accepted that in the context of the National Park, landform and vegetation cover may effectively screen the development within landscape character areas that are heavily wooded. However, in the Open Downland landscape areas to the east of the National Park, and within the Heritage Coast, there the expansive views of seascape and they are identified as a distinct special quality of this part of the National Park. Where they do form a defining feature or a significant context of the views from within the Park, they are highly valued.

6.2.6. Impact of Groundworks upon Landscape

6.2.6.1. With regard to the installation of temporary cut off drains to intercept soil and groundwater flows and avoid the development of preferential flow paths, there is little detail on how these field drains and silt traps will be constructed, and whether they will be constructed within the existing 30 metre easement for the cable route. It is likely that they would be necessary on some of the steeper and potentially sensitive areas as these would be most susceptible to increased surface run-off as a result of the trenching work. This has not been referred to, or cross referenced, with Section 26 of the ES - Landscape and Visual Impact Assessment. The SDNPA considers that it should have been considered as a direct landscape impact, and one that also has the potential for a temporary, or potentially post-construction, visual impact upon areas where re-instatement may not be easily achieved

6.2.6.2. With regard to the assessment of Regionally Important Geological and Geomorphological Sites (RIGS), and the associated landscape impacts, the SDNPA would seek clarification whether additional cut-off drains are being installed. If they are proposed then the SDNPA would contend that landscape features could be impacted directly by excavation or by re-directed surface water and an assessment of this should be included within the ES.

6.2.6.3. Furthermore, and with regards to the proposed haul routes, the SDNPA requires clarification regarding the requirement to upgrade haul roads as it appears potentially excessive that a haul road is required for the entire cable route as this appears to require the importation of a substantial amount of aggregate (40,000tonnes) to form it. The SDNPA would suggest that the requirement for haul roads needs to be more refined to the ground conditions and the plant that will be used. For example, with mostly tracked equipment being used, where the weight is distributed, the need for a haul road would seem excessive. The biggest difficulty appears to be associated with the lorry traffic associated with the formation of the haul roads themselves - it is unclear in the general absence of haul roads at this point in the construction process how this traffic will gain access.

6.2.6.4. To avoid such haul roads the option of different equipment may need to be explored which can operate on the terrain without haul roads. The SDNPA appreciates that some sections of the route will be more sensitive than others and that on arable fields the impacts will be less sensitive than on grazing land or on chalk

downland. Therefore, it would be beneficial if the approach to different terrain and surfaces was bespoke to address these differences. The SDNPA considers that significant harm may arise if the selected E.ON contractor prefers a 'one fit' solution to all areas which may not avoid areas of Chalk Grassland (i.e. Old Erringham Farm Valley).

6.3. Ecology

The SDNPA has liaised with WSCC and Natural England regarding the ecological impact of the proposal and understanding that both bodies will be making appropriate comments. In addition, the SDNPA considers the following:

- 6.3.1.** There is lack of consideration to a number of relevant landscape scale initiatives - e.g. Biodiversity Opportunity Areas, Living Landscapes and Nature Improvement Areas. In addition, there is no reference to relevant habitat opportunity mapping work - e.g. the chalk grassland habitat opportunity mapping for the SDNP as recently completed by Sussex Biodiversity Record Centre.
- 6.3.2.** The current ecological quality of a site within the SDNPA, such as unimproved grassland that is relatively species poor, does not result in it having no prospective ecological value. The SDNPA would contend that value also lies in the potential to become species rich and, as such, is an important consideration.
- 6.3.3.** The SDNPA considers that E.ON should recognise that a significant proportion of the proposed cable route in the SDNP is also within the SDW Nature Improvement Area (NIA). One of the key objectives of the NIA is the maintenance, restoration and creation of chalk grassland on a landscape scale and the resultant ecological benefits. The NIA designation is recognised at a national level within the National Planning Policy Framework (NPPF).
- 6.3.4.** The ES states that an 'animal walkover' was carried out in December 2011 to identify the presence of any protected species as part of the ecological scoping study. This is an inappropriate time of year to carry out a survey for the majority of protected species. In addition, the SDNPA would require greater clarity as to what an 'animal walkover' constitutes.
- 6.3.5.** Due to the uncertainty regarding the location and constitution of construction compounds and associated vehicle movements the ecological impacts of this temporary land use change is not assessed. This has an impact upon the ability to undertake an informed ecological assessment in conflict with *Morge vs Hampshire* 2011 (http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2010_0120_PressSummary.pdf)
- 6.3.6.** The ES states that 'Beeding Hill to Newtimber Hill SSSI is within 100m of the proposed cable route ...but will not be impacted by the development due to its distance from the proposed works'. However, the proposed cable route transects an area of 'improved' chalk grassland between two units of the Beeding to Newtimber Hill SSSI – this area would benefit from habitat enhancement to link these areas.
- 6.3.7.** With regard to the draft Ecological and Landscape Management Plan this does not include a level of detail commensurate to that expected within a National Park. It addresses the legal requirements relating to ecology but in the main does not take a proactive, landscape scale, best practice approach. Identified impacts and proposed mitigation work is not framed within the context of landscape scale designations and

initiatives such as the National Park and the South Downs Way Ahead NIA. The SDNPA would expect that a development on this scale to take a pro-active, landscape scale approach. Relevant maps and project work should be referenced, for example the chalk grassland habitat opportunity mapping work carried out for the NIA project. In addition, commitment to post-mitigation management and monitoring work is not provided in an appropriate level of detail (where provided at all).

6.4. Water

- 6.4.1.** The SDNPA is assured that the Environment Agency, as the relevant lead body, will be making the appropriate representations regarding the proposed flooding and drainage impact upon the SDNP.

6.5. Heritage assets

6.5.1. Listed Buildings

- 6.5.1.1.** With regards to the impact upon specific listed buildings the SDNPA notes that there are four within the proposed working area. The SDNPA considers that the proposed works would have no direct physical impact upon the buildings and would be unlikely to have a permanent impact upon the setting of the buildings. However, the SDNPA would advocate that during construction works due care and attention is taken to respect the setting of the listed buildings and that this is reflected in the proposed construction management plan (CEMP).

6.5.2. Archaeology

- 6.5.2.1.** The archaeology of chalk downland is demonstrably rich and varied; with multi-period occupation and farming, defensive use of the South Downs up to, and including, WWII and a variety of burial and religious/ritual sites.
- 6.5.2.2.** Experience of recent large scale developments on similar areas of downland to the proposed cable route provide comparisons to inform the SDNPA's comments e.g. Brighton bypass (published) and the Peacehaven wastewater treatment works (some short reports published, further information available from either client Southern Water or their contractors Archaeology South East). In direct contrast, there is no reference in 6.1.25 and its appendices to the lessons to be learnt from these large scale infrastructure projects on the South Downs and how these should inform the proposal.
- 6.5.2.3.** With regard to 6.1.25 the SDNPA is not satisfied that the information submitted is sufficiently rigorous for a proposal affecting a national landscape designation. The proposed mitigation of the risk to the archaeology is not considered sufficiently rigorous for the following reasons: A desk-top assessment – which makes clear that there is potential for archaeology of high importance in the area affected by the proposal - and geophys survey has been undertaken. However, due to physical features, for example overhead cables, a significant part of the proposed route has not been sampled on the geophys survey. Furthermore, geophys survey should not be solely relied upon as they are often considered to miss some features for a variety of well-understood reasons - lack of geophys signal is not lack of evidence of human activity. Accordingly, the use of trial trenches is required. Trial trenches require careful design so they are close enough to each other to ensure that archaeologically significant sites are not unrecognised in the gaps between trenches. In addition, trench design needs to be informed by evidence from other projects on large areas of chalk

download – neither document 6.1.25 nor the previously undertaken desktop assessment (appendix 25.1 to that document) has a considerable section (5.4) reviewing the known archaeology of the downland landscape resulting in a short subsequent section (8.1.3) concerning potential archaeological impact of the cable route. Notwithstanding this it does, however, identify potential impact on barrow sites at Mill Hill and the possibility of other barrows. The English Heritage website identifies that all barrows are of potentially national significance – whether or not they are already scheduled.

- 6.5.2.4.** Paragraph 5.8.9 of the NPPF identifies that in some instances the applicant may need to make a field evaluation. However, in the submitted information the only field work - excluding geophys or geoarcheological assessment - was a walk-over of the route. (Appendix 25.1, section 6.8). For proper evaluation of the sites proposed trial trenching should have been undertaken pre-submission. Given the challenges with relying on geophys surveys, as outlined above, it is considered that the proposal does not demonstrate sufficient archaeological field evaluation to enable the impact of the proposal to be acceptably assessed.
- 6.5.2.5.** The applicant is proposing further assessment and mitigation measures (document 6.1.25, section 25.8) over a three month period before construction commences. It is considered that this is a very short time window for such a large surface area unless there is to be a very large team of archaeologists involved (such resource information is not provided in the application). If significant discoveries are made the archaeological investigations can not be curtailed nor is it likely that they can be safely undertaken with contractors on site. In such instances the archaeological record should be to the standard of the WSI and the proposal should include phasing plans demonstrating sufficient time and expert staff resource. In addition,
- The Written Scheme of Investigation (section 25.8.6) should include provision for post-excavation analysis, publication and the preparation (and where necessary payment) for the deposition of the site archive;
 - If during the course of the excavations watching brief work (as summarised in section 25.8.17) identifies previously unknown archaeology of significance then a watching brief may not suffice. This may also be the case if it is not safe to undertake watching brief or other fieldwork when construction traffic and other contractors would also be on the same site, risking the health and safety of the archaeologists as well as risk of damage to archaeological remains; and
 - The WSI should make clear the level of potential importance at which works would be stopped and full excavation carried out. This risk could be mitigated by a greater area of trial trenching being undertaken in advance of the works.

6.6. Coastal Impact upon the SDNPA

- 6.6.1.** The SDNPA is the lead Authority when considering the impact the proposal may have upon the coastline of the SDNP where the SDNP meets the sea. Accordingly, within this context, the effects on coastal ecology are almost exclusively the result of direct and indirect effects upon physical processes. The SDNPA review of impacts that relate to coastal ecology therefore has focussed upon the predicted changes to the hydrodynamic regime and associated sedimentary processes that occur both during the construction and operational phases of the development.
- 6.6.2.** The SDNPA previously identified a concern with regards to the projected effects of the proposal that were reported in Section 4.5.2 of the draft ES that stated: *“The potential changes to the coastal sediment transport regime resulting from the presence of the offshore wind farm infrastructure are considered to be of large magnitude, have only a far*

field spatial effect and are temporary over the lifetime of the wind farm. The potential effect upon shoreline sediment dynamics is therefore considered to be of moderate significance over the period during which the wind farm is installed". The SDNPA advocated that an expert opinion was sought on the implications of a maximum reduction in LST of up to 0.36m³/s for the foreshore, particularly whether reductions in LST will adversely affect downstream areas that are already subject to erosion.

6.6.3. Accordingly, section 4.6.3 of the submitted coastal processes assessment (Appendix 6.4 of the submitted ES) responded by including a sensitivity analysis of longshore sediment transport and minor changes in wave characteristics which is welcomed. This concludes that changes in potential rates of longshore sediment transport during storm events will typically be less than 2% and will not exceed 5%. On this basis, the significance of the effect has been downgraded from moderate to minor. However, the confidence that ABP Mer place in its own assessment is low.

6.6.4. Therefore, with regard to the sensitivity of coastal erosion, particularly along the eastern portion of Cell 4d between Shoreham and Beachy Head, the SDNPA has two outstanding concerns:

- The presentation of information on any measured LST rates and how these compared with the theoretical rates derived from the CERC LST formula; and
- The presentation on the cumulative effects of proposed works at Newhaven to incorporate a potential OWF assembly/maintenance facility. It is of concern that this potential development was excluded from the projects considered in the cumulative impact assessment reported in Chapter 31. The EIA Scoping report for the Newhaven site noted the potential for: impacts on the sediment budget and sediment transport within Port of Newhaven due to the influence of deepened areas; changes in offshore and coastal morphology due to alteration of the hydrodynamic regime and its influence on sediment accretion/erosion; and impact of continual maintenance dredging on coastal processes and hydrodynamics.

6.6.5. Given the above there is a clear potential for additive effects of inhibited LST resulting from the proposal in combination with the proposed Newhaven facility and the resultant effects upon the Heritage Coast.

6.7. Land quality

6.7.1. The SDNPA considers that the agricultural use of land is an essential component in the cultural heritage and socio-economic wellbeing of the SDNP and, as such, the proposal should avoid making redundant any agricultural land that is considered as best and most versatile (e.g. grades 1, 2 and 3a) and consider mechanisms through which the proposal could enhance the agricultural land through which the proposed cable route passes.

6.8. Trees

6.8.1. The SDNPA is concerned that a full arboricultural assessment of the trees on, or within proximity to, the cable route was not undertaken prior to the cable route being confirmed. In addition, amendments are required to the DCO to ensure that any affected trees are satisfactorily replaced or any damage mitigated for.

6.9. Geology

6.9.1. The SDNPA notes that E.ON acknowledge the presence of several Regionally Important Geological & Geomorphological Sites (RIGS) within the locality of the proposed cable route - the nearest being within 50 Metres of the proposed cable route - so assessed as not being impacted. The SDNPA consider that no thorough assessment of the impacts upon RIGS has been undertaken and that they may not have been awarded the appropriate weight in the route selection process.

6.10. Decommissioning

6.10.1. The SDNPA note that, should the proposal receive consent, the on-shore elements of the cable route will remain in situ beyond the life of the currently proposed scheme. The SDNPA would request that any above ground elements be removed unless they are in use for another purpose. Furthermore, the SDNPA would encourage the proposed cabling to be 'future proofed' so that should consent be granted there would not be a need to revisit the cable route significantly if technologies change. In addition, the SDNPA would advocate that the proposed cable route should be made available to other similar users to avoid the need for the duplication of similar works elsewhere within the SDNP.

6.10.2. The test applied at the decommissioning stage is whether the land affected within the SDNP is in the same or better condition that it currently is. If this cannot be accurately predicted then the proposal is in conflict with the statutory duty to conserve and enhance the SDNP.

6.11. Access

The access section of this document encompasses the impact of the proposal upon the SDNP in a number of ways including the impact upon the local highway network, the impact upon Public Rights of Way (PRoW) and the South Downs Way (SDW) and also access to the wider South Downs Network during the proposed construction works.

6.11.1. Impact upon the Local Highway Network

6.11.1.1. The SDNPA is assured that WSCC, as the relevant lead Authority, will be making the appropriate representations regarding the proposed impact upon the highway network of the SDNP.

6.11.2. Impact upon Public Rights of Ways

6.11.2.1. The PRoW network is the primary means by which the general public access and enjoy the SDNP and, as such, the PRoW network experiences a high volume of pedestrian traffic. Whilst the safety of the users of the PRoW network is of paramount importance no PRoW should be closed or restricted for longer than absolutely necessary.

6.11.2.2. The proposal does not establish, in appropriate detail, that closing a PRoW is the only option reasonably available and that an assessment of alternative cable routes has been undertaken in an attempt to avoid or minimise the number of closures. For example, there are circumstances proposed, particularly at the convergence of five routes to the immediate north of Steep Down, where the cable route directly intersects PRoW's.

6.11.2.3. The SDNPA considers that a lack of information has been submitted regarding the impact upon the users of PRow's within the SDNP considering the volume of construction traffic proposed. The lack of a preferred contractor is not an acceptable reason for the omission of such detail which is required to assess the impact upon users of the SDNP.

6.11.2.4. Accordingly, to facilitate an informed assessment, the submission should be able to answer the following questions for the proposed works at any point of the cable route where a PRow is affected:

- What will be the specific impact of closing elements of the PRow network;
- What will be length of each specific closure;
- What and how will notification of a closure will be given in advance;
- Will all closures have an alternative route in place;
- Movements of large machinery and noise can be as much of a barrier to equestrian users as physical ones - how will this be addressed;
- If machinery is allowed to cross a PRow whilst it remains open how will the safety of the PRow users be ensured; and
- What type of information and diversion signage will be used within the PRow network to forewarn users.

6.11.2.5. Notwithstanding the above the SDNPA considers that the works will provide an opportunity to make improvements locally to PRow's. E.ON should work in partnership with SDNPA Officers and local groups to explore opportunities to make improvements which will bring benefit to local users and visitors. The needs of less able and disabled users should also be taken into account.

6.11.2.6. The closure of PRow's will have an impact upon the socio-economic vitality of the SDNPA and the ability of its users to access the SDNP. This is explored in section 6.14 of this document.

6.11.3. Impact upon the South Downs Way

6.11.3.1. The South Downs Way (SDW) is one of only 15 National Trails in England and Wales designated by the Secretary of State under the National Parks and Access to the Countryside Act 1949. It was England's first long distance bridleway and remains the only National Trail to be wholly within a single National Park. National Trails are designated due to the special qualities of the surrounding trail corridor, including landscape, biodiversity habitats and the historic environment. Local, National and International visitors come to use the SDW to enjoy this special landscape. Although the proposed cable route only crosses the SDW at one location, SDW user' experiences will be significantly affected during construction by the wider works. Although the submission refers to the SDW as a National Trail the SDNPA would consider that greater weight should be given to its importance due to its National and International significance.

6.11.3.2. It is noted that in Table 28.8, (pg. 28-19) of the draft ES it stated that, in relation to the SDW, "Gates to be installed along the fence line so trail users can traverse the trail *at all times*." It is apparent in the submitted application that the SDW will be closed to the south of Tottington Mount during construction works. This should be clarified as closure of the SDW will have a significant effect upon users of the SDNP.

6.11.4. Access Land

- 6.11.4.1.** The proposals indicate that the proposed cable will run through an area of statutory access land at Tottington Mount and Old Erringham Farm, adjacent to the A283. Both of these areas will require the necessary consent to close.
- 6.11.4.2.** To enable a closure the consent of the relevant Authority is required. For the purposes of sections 24, 25 and 26 of the Countryside and Rights of Way Act 2000, when the site is within a National Park, the relevant authority is the National Park Authority.
- 6.11.4.3.** Under the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 the need for a direction under sections 24, 25 and 26 of the Countryside and Rights of Way Act 2000 can be removed by a DCO. However, this requires the consent of the relevant Authority, i.e. the SDNPA, to proceed.
- 6.11.4.4.** When making a decision on an application to make a direction to exclude or restrict the right of the public to exercise their rights on access land the relevant Authority must make efforts to ensure that all measures are put in place to ensure that the least restrictive option is applied. The SDNPA would contend that this principle applies in the SDNPA's consideration for the disapplication of a direction in the DCO. Given this the SDNPA, in principle, agrees to the suspension of access but advocates that consideration should be given to the avoidance of closure during the weekends and bank holidays and during the summer months when demand is likely to be higher. If any access into the site, including access points such as gates or stiles, is made unavailable during construction then temporary access points into the rest of the site that remains available should be considered in consultation with the SDNPA and relevant landowner.

6.11.5. Impact upon the Wider South Downs Network

The SDNPA has the following considerations with regard to the impact upon the wider South Downs Network:

- 6.11.5.1.** The SDNPA would expect any gates utilised to be of an appropriate design to enable all users to the SDNPA to retain an acceptable level of access. Consultation should be undertaken with the SDNPA regarding any specific designs.
- 6.11.5.2.** The SDNPA is well placed to advise E.ON of the most frequently traversed routes and the likely start and finish points of users of the South Downs network. The SDNPA would expect E.ON to consult the SDNPA on any proposed publicity and also consider wider publicity, as opposed to only on the access routes, including through the WSCC website, National Trail website, consultation with the South Downs LAF and also through notifying local businesses with a tourism interest.
- 6.11.5.3.** The SDNPA would draw attention to the timing of closures affecting PRow's and the SDW and would advocate avoiding construction during the times of highest intensity usage – in particular the spring and summer months. In addition there are a number of events held across the SDNPA which increase the number of visitors to the SDNP – any closures should avoid the timing of major events.

6.12. Construction Management

6.12.1. Complexity of the Proposed Cable Route

6.12.1.1. The proposed cable route represents a complex construction management project with the sensitive landscape, ecological and heritage asset constraints providing additional challenges. The SDNPA note that a generic construction methodology will be applied to the route with the exception of the Tottington Mount section. Great weight is placed by the submission on the future formulation of the Construction Environmental Management Plan (CEMP) which is subject to the appointment of contractors. The SDNPA considers that, due to the acknowledged sensitivity of the environment, the CEMP should be completed prior to consent and be a comprehensive detailed methodology of the works proposed to enable a fully informed assessment.

6.12.2. Impacts of the Additional Works Required

6.12.2.1. To facilitate the construction of the proposed cable route it is acknowledged by the submission that both construction compounds for the storage of materials and vehicles and access tracks will be required. However, the application submission does not go into sufficient detail in identifying the impacts of such works. It is considered that it is intrinsically important to the assessment of the acceptability of the proposed cable route that the impacts of such wider works are assessed pre-consent to facilitate an informed assessment of the impacts of the proposal.

6.12.2.2. Accordingly, to facilitate an informed assessment, the submission should be able to answer the following questions, with regards to construction compounds and access, for the proposed works at any point of the cable route:

- Where will they be specifically located?
- What will be the duration of use and how will the land be reinstated?
- What is the impact upon landscape character?
- What is the ecological impact?
- Will they restrict or hinder access to the wider South Downs network?

6.12.3. Phasing

6.12.3.1. The SDNPA consider that the submission contains inadequate information regarding the duration and phasing of the proposed works. Knowledge of the duration and phasing is central to fully understanding the impacts of the proposed works upon issues such as ecology, drainage, landscape impact and access. In addition, there are a number of annual events central to both the general public's enjoyment of the SDNP and the socio-economic wellbeing of the SDNP that any proposal would impact upon.

6.13. Engineering

6.13.1. JNP Engineering Report

At draft ES stage the SDNPA instructed JNP Group Engineers (Alan Brackley BEng (Hons) CEng FICE FStructE FCIHT) to provide an evaluation of the proposal, with particular regard to the engineering challenges faced on Tottington Mount and the feasibility of the proposed works. The report received is still pertinent and is as follows:

6.13.1.1. Introduction

- 6.13.1.1.1.** “The onshore cables will travel in four trenches with each trench containing three cables as well as fibre optics for communications. The trenches will total a width of 15m. An additional area known as the working width, which will be up to 30m, is required in order to facilitate the construction of the cable trenches.
- 6.13.1.1.2.** The standard method of installation for the onshore cables will be trenching, with the topsoil and subsoil removed and stored by the side of the cable trenches before being used to refill the excavations after the cables have been installed.
- 6.13.1.1.3.** This cable route area includes sections of steep slopes topography which constricts the working area which is likely to provide a considerable engineering challenge were the cables to be installed along the proposed route.
- 6.13.1.1.4.** Given the engineering challenges it is reasonable to question the feasibility of the area being returned to its current state once the work has been completed, and, due to the nature of the terrain, whether it will be actually feasible for the cables to be installed at the location specified by E.ON without significant disruption.
- 6.13.1.1.5.** Following a site visit to the proposed cable location the maps which were provided by E.ON, in PDF format, were converted into a dwg format with long and cross sections being produced in order to achieve a better indication of the terrain and a measure of the slopes that would be encountered.

6.13.1.2. Details of Long Section and Cross Section

- 6.13.1.2.1.** The path of the proposed cable route has been plotted for the entirety of Section 5 and parts of Sections 4 and 6 (as defined by E.ON). This is approximately 7.5km long.
- 6.13.1.2.2.** The main area of concern is centred upon Tottington Mount, which was demonstrable at the site visit. A long section has been plotted for the 7.5km route and cross sections are shown for the most significant areas, i.e. around Tottington Mount.
- 6.13.1.2.3.** The long section profile considered indicate varying terrain across the route with the land around Tottington Mount highlighting potential problems due to slopes of approx. 20% which would make construction work extremely challenging. In addition, due to the steepness of the topography, E.ON would need to ensure that the stability of the slope is not compromised.
- 6.13.1.2.4.** A thorough analysis and testing of the slope make up will be required and, because of the presence of hill creep, it should be made demonstrated beyond reasonable doubt that the measures E.ON proposes are feasible and would not result in additional engineering operations not contained within the ES.
- 6.13.1.2.5.** It is considered that should a slope failure occur it would result in irreparable damage to the topography of the slope.
- 6.13.1.2.6.** The cross sections considered indicate the profile of the land for a 40m width perpendicular to the route of the cable. The area around Tottington Mount provides the greatest cause for concern because of the steep slopes.

6.13.1.2.7. The cross sections show slopes of approximately 35%, 40% and 20% respectively. These steep slopes, combined with the long section showing a slope of 20%, raises significant concerns regarding the suitability of the proposed cable route and whether the implications on the environment of installing the cable at this location have been fully considered. There is the potential for a significant scar to be left on the landscape due to the specialist construction techniques that would be required to install the cable at Tottington Mount.

6.13.1.3. Case Study – Tottington Mount

6.13.1.3.1. In accordance with the draft Environmental Statement, it is acknowledged by E.ON that various alterations to the standard construction technique would need to be implemented when installing the cable in the area around Tottington Mount, due to the steep inclines and geology of the terrain.

6.13.1.3.2. It would clearly not be possible to achieve a working width of 30m due to topographical constraints and, and such, every effort would be required in order to use a minimum width of working area.

6.13.1.3.3. Due to the sensitive nature of the terrain with the chalk grasslands and steep slopes it has been proposed that sections of turf will be removed in large sections and then put back in place once the cable has been installed.

6.13.1.3.4. It would need to be ensured that once the turf has been removed and placed at the side of the trench it is maintained in a suitable condition in order that the landscape is returned to its original condition as soon as possible after the cable installation.

6.13.1.3.5. The standard haul road used in the majority of cable installation will be discontinued over the steepest parts of the route with specialist equipment having to be used in order to cut away the turf and install the cables.

6.13.1.3.6. Although E.ON have stated that this part of the route follows its particular path to maintain workable slopes it is unclear whether the path they have chosen is suitable. Evidence suggests that the slopes range between 20% and 40% in the area around Tottington Mount presenting significant challenges. Accordingly, it has not been adequately proven beyond reasonable doubt that the cable can be installed here without significantly damaging the landscape.

6.13.1.4. Comments

6.13.1.4.1. E.ON acknowledges that the area around Tottington Mount will provide significant challenges installing the cable. However, there are reasonable and serious concerns regarding the practicalities of the route passing through this area and what the true environmental impact could be. It is therefore reasonable for the SDNPA to require additional engineering detail regarding the route.

6.13.1.4.2. Doubts remain, in particular, about the feasibility of the scheme passing through Tottington Mount. This raises questions regarding whether an alternative route, that may not provide so many engineering challenges, would be more suitable.

6.13.2. Other SDNPA Engineering Comments

6.13.2.1. At Tottington Mount the works are particularly sensitive and pose additional engineering challenges to the remainder of the route. The angle of repose is such that normal plant cannot safely traverse the steep gradients. Additionally, the excavation of trenches will be much more complex. Spoil will not be easily stored on adjacent land and reinstatement works pose particularly difficult challenges to overcome the strong likelihood of a permanent scarp on this most valuable of features, the downland landscape. It is critical that the same quality of structure to the soils is preserved. The impoverished and thin layer of turf is dependent on the underlying ground. It is still not established beyond reasonable doubt how reinstatement will ensure the chalk grassland can be reinstated on steep gradients. Because of the difficulty in recreating chalk grassland it will be necessary for the chalk grassland turf to be stripped and temporary donor sites found for its storage, whilst the trenching and cabling works are undertaken. Reinstatement will require the same drainage qualities to be achieved. Over compaction of the underlying chalk will result in the chalk becoming impervious and the reestablishment of the turf difficult with a high chance of soil creep and slippage with the trench becoming a drainage feature subject to permanent scarring. Too loose a compaction leaves the material open to greater settlement. Accordingly, there should have been a strong presumption against routes which include such steep sections if the landscape designation had been afforded due weight. The SDNPA would additionally raise concerns that any turf excavation depth in excess of 300mm is both excessive and unrealistic. In a number of locations such a depth of turf is unlikely to exist, especially in areas of chalk grassland, whilst the depth proposed appears unjustified. If such a methodology were to be pursued additional details regarding the timing between lifting topsoil and restoration and confirmation of the means of protecting areas that will be used for storage of topsoil and subsoil to prevent any permanent harm should be forthcoming.

6.13.2.2. It is considered that the details of the restoration and after care of the trench are unclear. There is no evidence of a fully detailed statement that indicates how the temporary haul road is to be treated at the end of the contract or a demonstration of sufficient understanding of the land characteristics to convince the SDNPA that contractors will be able to reinstate the disturbed areas to the high standard required, especially the scarp slope. Paragraph 2b.5.66 indicates that 'a site investigation will be undertaken to establish the properties of the chalk and the depth of topsoil prior to the works. This will assist in determining the details necessary for the handling and the replacing of the turfs and the chalk backfill so that the optimum results can be obtained'. It is unclear how this information will be used and what approach will be taken. Again it places too greater expectation on the contractor when a clear approach is required at this stage to confirm the feasibility of the work in this sensitive location.

6.13.2.3. In addition, it is unclear how this approach will aid the reinstatement works in this section. Whilst specialist machinery is indicated to be used it is not clear if this is feasible on the steep gradients and that undue damage will not be caused to adjacent ground through wheel spin, especially when plant is under load carrying materials.

6.13.2.4. It is also not established what impact will occur from the heat the proposed cable route will generate, its proposed depth at differing points on the route, and the long term impact this may have upon chalk grassland and, in turn, the landscape

character of the SDNP. Such lack of detail hinders an informed assessment of the impacts of the proposal on chalk grassland.

6.14. Socio-Economic

6.14.1. Baseline

6.14.1.1. The SDNPA has a statutory purpose to “promote opportunities for public enjoyment and understanding of the special qualities of the National Park” in addition to a statutory duty to “foster the economic and social well-being of communities living within the National Park”.

6.14.1.2. The importance of access to, and support for, tourism and the local economy cannot be understated. The SDNP attracts approximately 46.3 Million recreational day visits per year equating to £454m, and its proximity to the large settlements on the coastal plain make it a popular and highly valued area for recreation. The SDW National Trail alone contributes £50 Million per year to the rural economy. Further baseline information is available in the SDNPA State of the Park Report 2012.

6.14.1.3. Accordingly, the SDNPA notes the economic and social benefits that the proposal could bring to the wider locality and the potential for between 65 and 85 full time posts to be created during the construction phase. However, whilst the SDNPA acknowledges its duty to foster economic and social well-being, an assessment is required to establish whether the social and economic benefits carry an overriding weight should the SDNPA consider the proposal has a significant harm in other respects. Acknowledging the Sandford Principle that the first NP purpose takes precedence over the second NP purpose, the SDNPA would consider that the social and economic benefits would be unlikely to outweigh any other significant harm generated by the proposal.

6.14.2. Submitted on-shore socio-economic report:

To support the above the SDNPA would make the following comments on the submitted on-shore socio-economic report:

6.14.2.1. With regards to 28.4.54 it should be noted that more recent Visitor Survey has been completed based on 2011/12 figures. Recreational day visits are now estimated to be 46.3 million with a value of £454 million (South Downs Visitor and Tourism Economic Impact Study - Tourism South East Research).

6.14.2.2. With regards to 28.4.55 it should be noted that whilst technically correct that relatively speaking only a small number stay over night. Overnight stays may only account for 4% of visits to the National Park, in reality this is some 1.99m visits with a value of £77.4m. A further 15% or 6.77m stay in accommodation outside the Park and travel in with a value of £101m, the remainder are day visits from homes either from within the Park or outside.

6.14.2.3. With regards to 28.5.9 it is recognised that workers employed from outside the area will bring economic benefits arising from expenditure by the workforce on subsistence, such as guest houses, restaurants and consumables. However, there is little provision of accommodation in the vicinity of the route through the National Park so, depending on where they are likely to be based, there may be competition for bed spaces with tourists during the summer months which will have a significant

detrimental impact upon access to the SDNPA in conflict with the second statutory purpose of the SDNPA.

- 6.14.2.4.** With regards to 28.5.39 and the impacts on businesses it should be noted that this does not consider the impact on other rural businesses due to disturbance on roads and potential loss of earnings or additional fuel costs. With regards to tourism businesses it is difficult to assess the impacts that the loss of visual amenity and tranquillity in areas immediately adjacent to the cable route will have and the wider potential impacts of construction traffic on roads, particularly main tourist routes. However they should not be dismissed as considerations so lightly as rural businesses are often fairly marginal with regards to income and their loss would be in conflict with the duty of the SDNPA.
- 6.14.2.5.** With regards to 28.5.40 it states that it is not expected that the additional workforce will have a significant adverse impact on the supply of accommodation, but it has not been identified what accommodation is available or what areas it will be required in. Within the SDNP there is very little accommodation along the proposed cable route.
- 6.14.2.6.** With regards to 28.5.42 the SDNPA considers that the proposal will not result in long term employment benefits although it is accepted that there may be 65-85 jobs created as a result of the operations and maintenance.
- 6.14.2.7.** With regards to 28.6.2 and the economy and employment it is noted that whilst the applicant will encourage the participation of local and regional companies in contract and supply tenders it is not clear how they will do this, or how effective it will be.
- 6.14.2.8.** With regards to Table 28.9, Summary of impacts: This does not refer to the potential loss of earnings and no attempt has been made to identify any tourism businesses. Therefore, it is unclear how a consultation will be undertaken. In addition, there is no reference to other types of businesses in the location which may be affected by delays or diversions.

6.14.3. Submitted off-shore socio-economic report

- 6.14.3.1.** To support the above the SDNPA would make the following comments on the submitted off-shore socio-economic report:
- 6.14.3.2.** With regards to 17.5.20, Capture of Capital value, the submission states that total value of the Robin Rigg example was £381m of which 32% was UK content and 12% regional but does not state what the local benefits were. It also states that 34% of the operations and maintenance expenditure is local but it does not state what the total amount is. Therefore, it is difficult to say whether or not this would be more than the value of tourism to the area.

6.15. Waste

- 6.15.1.** To accommodate the cables in the proposed trenches there will be quantities of material displaced. Therefore, quantities of waste will arise mainly in the form of chalk or clay soils. The ES does not indicate how waste from the project is to be dealt with in a sustainable manner. To uniform the assessment the proposal should be clear what approach is to be taken to the handling and disposal of this waste, and what is intended for the 40,000 tonnes of aggregates that is thought to be used just for the haul road,

which will require removal at the end of the temporary works. The SDNPA would indicate a preference for any materials to be used on the haul road being minimised and preference given to the use of secondary aggregates.

- 6.15.2.** The amount of waste likely to be generated requires calculation. Even a modest displacement of 0.8m x 0.5m for each trench will generate 22,400m³ of waste or 41,000 tonnes when the station connector facilities are included. This calculation makes no allowance for the difficulties of compacting the same material back into the trenches, which can be expected to generate a further residue. The SDNPA consider that the proposals must indicate what arrangements are proposed for waste management with a preference for these being included in the development. This will avoid uncertainty and the prospect of the responsibility falling on the selected contractor who may choose the path of least resistance which could be harmful to the SDNP and thus requires assessment pre-consent.
- 6.15.3.** With regards to paragraph 2b.4.45 it is noted that any surplus material from trench excavation 'may be spread and compacted across the working width before the topsoil is reinstated on a field-by-field basis, provided this will not impede achievement of restoration objectives, the materials are compatible and the landowner is in agreement. The landowner/occupier will also be consulted before any off-site disposal is planned. In such instances disposal will be undertaken in accordance with the Waste Management Regulations'. This approach is not considered acceptable and requires a clear methodology rather than left to the discretion of the selected contractor with could result in significant landscape damage. In addition, there is no indication of the scale or depth of such activities. It is considered that this aspect of the proposal requires reconsideration with regards to the likely volume of surplus waste and the appropriate mechanism for disposal, whether on or off-site, determined.
- 6.15.4.** There remains a lack of clarity over the construction and reinstatement of the haul road. Paragraph 2b.4.8 confirms that the actual working width will generally be no wider than 30m, with a general working width of 40m being defined for the DCO limits of the cable corridor (the Development Area) to allow 10m for micro-siting tolerance. This is a large expanse of land equivalent to a multi-lane highway given the trenches are within a 12metre width. The draft ES indicated that material was to be imported to construct the temporary haul road but there is no information submitted regarding the materials involved. A concerning addition is the need for the temporary haul road to be cut into the hillside with the statement in Paragraph 2b.4.19 that 'The haul road will require a small degree of temporary benching in this section to ensure a level surface for plant to traverse at all times'. Again the scope and impact of these works are not set out, but indicate the complexity of the task. Furthermore, site compound locations have not been identified so no assessment of these aspects is possible with regards to movement and storage of waste. (Paragraph 2b.4.1).

- Ends -

This document forms part of the submission of the SDNPA to the Planning Inspectorate examination of the Rampion offshore Wind Farm. Further details can be obtained from David Cranmer, Recovered Services Manager at david.cranmer@southdowns.gov.uk or 01730234120 or by visiting the SDNPA Rampion webpage at <http://www.southdowns.gov.uk/planning/rampion-offshore-windfarm>

Rampion Off-Shore Wind Farm
Local Impact Report and Written
Representation



South Downs
National Park Authority

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Acronyms Used within this Document:

BAP: Biodiversity Action Plan

CEMP: Construction Environmental Management Plan

CPA: Coastal Processes Assessment

DCO: Development Consent Order

DEFRA: Department for Environment, Food and Rural Affairs

EA: Environment Agency

EIA: Environmental Impact Assessment

ES: Environmental Statement

HDD: Horizontal Directional Drilling

IPC: Infrastructure Planning Commission

LAF: Local Access Forum

LST: Longshore Sediment Transport

LVIA: Landscape and Visual Impact Assessment

NIA: Nature Improvement Area

NPPF: National Planning Policy Framework

NSIP: Nationally Significant Infrastructure Project

NTS: Non-Technical Summary

PINS: Planning Inspectorate

PRoW: Public Right of Way

RIGS: Regionally Important Geological and Geomorphological Sites

SNCI: Site of Nature Conservation Interest

SDNP: South Downs National Park

SDNPA: South Downs National Park Authority

SDW: South Downs Way

SSSI: Site of Special Scientific Interest

WSCC: West Sussex County Council

I. Non Technical Summary

I.1. This document sets out what the SDNPA considers would be the impact of the proposed Rampion off-shore wind farm upon the National Park and what the key considerations of the SDNPA are.

I.2. The key consideration include:

- The SDNPA supports the right renewable technology in the right place;
- The proposal does not, and never has, given appropriate weight to the National Park designation;
- There are significant concerns that an inadequate assessment of alternative mechanisms to deliver the proposal has been undertaken to demonstrate the requisite exceptional circumstances to make the proposal acceptable;
- As a nationally designated landscape the appropriate barometer for assessment is whether the proposal conserves and enhances the SDNPA;
- The SDNPA promotes the attachment of significant weight to the landscape character of the SDNP;
- The considerations of the SDNPA must be given significant weight in the assessment and determination of the proposal;
- Appropriate consideration has not been given to the wider impact of the engineering and ancillary works required to construct the proposed cable route;
- The sense of tranquilly and openness at the Heritage Coast will be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character;
- The impact of the proposed cable route, with an up to 30m working width, upon chalk grassland is not adequately considered resulting in a lack of confidence in the proposed restoration;
- Any impact upon the SDNP must be mitigated to ensure the SDNP is conserved or enhanced;
- The permanent impact upon the SDNP and its communities must be mitigated via appropriate community benefits; and
- The Development Consent Order must respect the National Park designation and the Governments recent decision to make the SDNPA the Local Planning Authority;

I.3. The SDNPA also raises a number of comments and concerns regarding the technical detail contained within the submitted application, particularly with regard to the Environmental Statement and the adequacy of the mitigation of the harm generated by the proposal.

I.4. This document was agreed by Members of the SDNPA at the 8 August 2013 planning committee.

2. Introduction

2.1. Purpose of document

- 2.1.1.** The South Downs National Park Authority (SDNPA) has committed to engaging fully with the assessment of the proposed Rampion offshore wind farm to ensure that the Secretary of State is able to take as informed a decision as possible. Accordingly, this document represents both the Local Impact Report (LIR), due 9 August 2013, and the Written Representation (WR) of the SDNPA, due 15 August 2013.
- 2.1.2.** The sole definition of an LIR is given in 60(3) of the Planning Act 2008 as '*a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'. Further guidance is contained within Advice Note One, published April 2012, which indicates that, whilst the LIR should set out an evidence base it should not replicate the information contained within the submitted Environmental Statement (ES) and should not seek to balance or weigh the impacts upon the host environment but should clearly set out positive, neutral and negative impacts.
- 2.1.3.** The Written Representation is the opportunity for the SDNPA to substantiate the comments made within the relevant representation submitted 10 May 2013 in addition to submitting any other information considered relevant.

2.2. Format of document

- 2.2.1.** The format of this document is set out to assist the Planning Inspectorate Examination Panel and the Secretary of State in taking an informed assessment of the proposal. It should be considered as an update of the SDNPA s42 consultation response reflecting any progress made during this period, the baseline for assessment during the examination and the considerations of Members of the SDNPA.
- 2.2.2.** Accordingly, this document will initially set out the designation, powers and special qualities of the SDNP prior to setting out how the SDNPA has engaged with the consultation process thus far. Thereafter, it will set out the key considerations of the SDNPA (the Written Representation) and the response to the baseline evidence set out within the submission that informs the impact upon the SDNP (the Local Impact).

3. The South Downs National Park

3.1. Designation

- 3.1.1.** The SDNP was designated on 1 April 2010 and the SDNPA became the Planning Authority on 1 April 2011 to take forward arrangements for the management of the National Park and delivery of its statutory purposes and duty.

3.2. Duty of Regard

- 3.2.1.** National Parks have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of the designated areas has specific statutory purposes which are intended to ensure their continued protection. Accordingly, section 11A(2) of the National Parks and Access to the Countryside Act (1949), as amended by Section 62(2) of the Environment Act 1995, places a duty upon National Parks “in exercising or performing any functions in relation to, or so as to affect, land” to “have regard” to their purposes:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
2. To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

- 3.2.2.** Section 62 of the Environment Act 1995 inserted section 11A into the National Parks and Access to the Countryside Act 1949 which sets a statutory duty on the SDNPA to have regard to the purposes of designation when exercising or performing any functions to, or so as to affect, land in the National Park. This duty is:

1. To foster the economic and social well-being of communities living within the National Park.

- 3.2.3.** In addition, the Environment Act 1995 places a general statutory duty on all relevant authorities, requiring them to have regard to the purposes of National Parks. This ensures that relevant authorities take account of these purposes when coming to decisions or carrying out their activities relating to or affecting land within these areas. It recognises that a wide range of bodies have a direct influence over the future of protected landscapes in terms of policy, project implementation, casework decisions, land ownership and management. It also acknowledges that the fulfilment of protected area purposes rests not only with those bodies directly responsible for their management but also relies on effective collaborative working. As such, the duties are particularly important to the delivery of the purposes of protected areas and to the overall achievement of sustainable development in rural areas.

- 3.2.4.** A Department for Environment, Food and Rural Affairs (DEFRA) guidance note, published in 2005, sets out the duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty and the Norfolk and Suffolk Broads. The document sets out those bodies it considers to have a duty of regard including, at section one, PINS and, at section eight, The Crown Estate. In addition, the document places the duty of regard upon any statutory undertaker and, as such, it is reasonable to apply the duty of regard to E.ON and its contractors.

3.3. Powers

- 3.3.1.** As a National Park, the SDNPA has statutory purposes and socio-economic responsibilities as specified in the Environment Act of 1995. In addition, the SDNPA is the Local Planning Authority for the SDNP and the Relevant Authority for Access Land.

3.4. Policy

- 3.4.1.** The SDNPA launched its statutory Management Plan for consultation in July 2013 (<http://www.southdowns.gov.uk/about-us/management-plan>). In addition, the South Downs Integrated Landscape Character Assessment was updated in 2011 (<http://www.southdowns.gov.uk/planning/integrated-landscape-character-assessment>) and the State of the Park report released in 2012 (<http://www.southdowns.gov.uk/about-us/state-of-the-national-park-report-2012>). These documents provide important baseline information against which to assess and monitor any change within the SDNP.
- 3.4.2.** The SDNPA is currently in the process of formulating its Local Development Plan and this is expected to be ready for adoption in 2015. In the interim the SDNPA recognises the NPPF, which places great weight on the significance of National Parks, and the Adur District Council Local Plan 1996, Horsham District Council Core Strategy 2007 and the Worthing Borough Council Local Plan 2003 as the relevant Local Development Frameworks within the part of the SDNP affected by the proposal.

4. Previous SDNPA Representations

4.1. SDNPA engagement with E.ON

- 4.1.1. The SDNPA responded, at the 12 April 2012 Planning Committee, to the E.ON s78 public consultation. This response sought to establish to scope of issues the SDNPA would be required to consider when considering future consultations.
- 4.1.2. The SDNPA responded, at the 9 August 2012 planning committee, to the E.ON s42 consultation. This response sought to highlight concerns and make comments on the draft Environmental Statement to provide E.ON the opportunity to revise the proposals.
- 4.1.3. In addition to the above the SDNPA have attended and requested a number of meetings with E.ON. This has included presentations from E.ON on 28 March 2012, 17 May 2012, 26 July 2012 and 25 July 2013. In addition, Officers of the SDNPA also attended Local Planning Authority liaison meetings, organised by E.ON, on 18 April 2012, 17 July 2012 and 18 April 2013. The SDNPA also attended a site meeting with E.ON at Tottington Mount on 20 May 2013.

4.2. SDNPA engagement with the Planning Inspectorate

- 4.2.1. The SDNPA responded on 10 October 2010 to the Infrastructure Planning Commission (IPC) request for information to assist the formulation of an Environmental Impact Assessment (EIA) scoping report.
- 4.2.2. To assist the Planning Inspectorate in deciding whether to accept the application, the SDNPA provided an adequacy of consultation response on 14 March 2013.
- 4.2.3. Furthermore, the SDNPA submitted a relevant representation on 10 May 2013 to inform the key topics for assessment and attended the pre-examination meeting on 18 July 2013 to inform the examination timetable.

4.3. Summary of formal engagement

Response to Scoping Opinion	10 October 2010
Response to Public Consultation (http://www.southdowns.gov.uk/_data/assets/pdf_file/0007/283129/12th-April-2012-Planning-Committee.pdf)	Planning Committee April 2012
Response to draft Environmental Statement (http://www.southdowns.gov.uk/_data/assets/pdf_file/0018/283131/9th-August-2012-Planning-Committee-2.pdf)	Planning Committee August 2012
Adequacy of Consultation Response (http://www.southdowns.gov.uk/_data/assets/pdf_file/0004/323761/Adequacy-of-Consultation-Response-March-2013.pdf)	14 March 2013
Submission of Relevant Representation (http://www.southdowns.gov.uk/planning/rampion-offshore-windfarm)	10 May 2013
Planning Inspectorate Pre-Examination meeting	18 July 2013

5. Key Considerations

5.1. Renewable Energy

5.1.1. The SDNPA supports the right renewable technology in the right place.

The SDNPA acknowledges the Government's commitment to support a low carbon economy and the national development of renewable energy infrastructure through the adoption of the Climate Change Act 2008.

5.1.2. The SDNPA supports the development of renewable energy initiatives dependent upon there being no conflict with the statutory purposes and duty of the SDNPA.

5.2. The Weight Afforded to the National Park Designation

5.2.1. **The proposal does not, and never has, given appropriate weight to the National Park designation.** Announcing the confirmation of the South Downs National Park (SDNP) designation the then Environment Minister Hillary Benn stated that the "South Downs' wonderful countryside will be protected forever for the enjoyment of everyone".

5.2.2. The National Park designation affords significant protection to the landscape character of the SDNP and this importance is reflected in the subsequent establishment of the SDNPA as the Local Planning Authority. However, it is important to recognise that the designation is a national designation and, as such, the SDNP is of national importance. This is an important distinction to make when assessing a Nationally Significant Infrastructure Project (NSIP) as it indicates that the National Park designation is of equal importance, when considered from a strategic national perspective, as a NSIP.

5.2.3. To provide adopted policy support to the National Park designation paragraphs 5.9.9 to 5.9.11 of the overarching National Policy Statement for Energy (EN-1) states "National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the IPC [superseded by PINS] should have regard to in its decisions.

The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the IPC in deciding on applications for development consent in these areas.

Nevertheless, the IPC may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of:

- The need for the development, including in terms of national considerations, and the impact of consenting or not consenting it upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.4; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The IPC should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary”.

- 5.2.4.** The SDNPA considers that E.ON have not applied the appropriate weight, or given due regard, to the SDNP in the development of the Rampion proposal. This is most clearly articulated in the assumptions utilised in the assessment of alternative cable routes but is also prevalent throughout many aspects of the proposal.

5.3. Alternative Mechanism for delivery

- 5.3.1.** **There are significant concerns that an inadequate assessment of alternative mechanisms to deliver the proposal has been undertaken to demonstrate the requisite exceptional circumstances to make the proposal acceptable.** Any major development within the SDNP should only be consented where it is demonstrably in the public interest (NPPF, Para 116) and exceptional circumstances can be demonstrated (EN-1). Accordingly, all other alternatives for meeting the Governments renewable energy targets should be explored before harm to the SDNP is to be accepted.

- 5.3.2.** The SDNPA consider that for any development, whether of national or local importance, proposed within the SDNP an assessment must be undertaken to demonstrate, beyond reasonable doubt, that the proposed development could not be located outside of the SDNP within a less sensitive environment unless it is pursuant to the SDNPA’s statutory purposes and duty.

5.4. The Barometer for Assessment

- 5.4.1.** **As a nationally designated landscape the appropriate barometer for assessment is whether the proposal conserves and enhances the SDNPA.** The Government only recently designated the SDNP as a National Park and, as such, no development should be permitted that would compromise the core rationale behind the National Park designation.

- 5.4.2.** The barometer for the assessment of any development within the SDNP is one which should not accept compromises unless the development is essential for the purposes and duty of the SDNP, as set out at 3.2.3 and 3.2.4,.

5.5. Attaching Significance to Landscape Character

- 5.5.1.** **The SDNPA promotes the attachment of significant weight to the landscape character of the SDNP.** The primary rationale for the national designation of the SDNP was for its outstanding landscape character and, as such, significant weight should be attached to the landscape character of the SDNP in any assessment.

- 5.5.2.** Accordingly, from conception, consultation, amendment and assessment to delivery (if consented) the impact upon the landscape character of the SDNP should be a principal, and overriding, consideration.

5.6. Localism

- 5.6.1.** **The considerations of the SDNPA must be given significant weight in the assessment and determination of the proposal.** Announcing the Localism Act

2011, Eric Pickles, Secretary of State for Communities and Local Government, stated in his written Ministerial Statement that the Act would result in the “replacement of the Infrastructure Planning Commission with an efficient and democratically accountable system for major infrastructure”.

- 5.6.2.** Whilst the proposal is an NSIP it is clear, both through the Localism Act 2011 and wider Government intentions to devolve powers to Local Government, that local statutory bodies, such as the SDNPA, are to be important stakeholders in any decision making process. As such, any proposal within the SDNP must demonstrate that it has applied a due regard for both local environmental characteristics, best expressed by experts at the local level, and the considerations of the local population.

5.7. Informed Assessment

- 5.7.1. Appropriate consideration has not been given to the wider impact of the engineering and ancillary works required to construct the proposed cable route.** An assessment of the true impact of the proposed works is not currently possible due to the omission of a detailed construction methodology with regards to spatial impacts.

- 5.7.2.** The proposed works include significant logistical challenges regarding the engineering feasibility of the proposed cable route and the ancillary works required. However, the proposal contains little spatial detail regarding the location of the construction compounds and the vehicle movements required and, as such, the resultant impacts, specifically with regards to landscape character and ecology, cannot be assessed.

5.8. Impact upon the Heritage Coast

- 5.8.1. The sense of tranquilly and openness at the Heritage Coast would be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character.** The Heritage Coast of the South Downs National Park, the first to be defined as such, represents some of the most beautiful, undeveloped coastline, which is managed to conserve its natural beauty and, where appropriate, to improve accessibility for visitors. The siting of 175 turbines will enclose views from the SDNP to the detriment of the sense of tranquillity and openness experienced by users in addition to significantly changing the landscape character of the coastline.

5.9. Impact Upon Chalk Grassland

- 5.9.1. The impact of the proposed cable route, with an up to 30m working width, upon chalk grassland is not adequately considered resulting in a lack of confidence in the proposed restoration.** Chalk grassland is an internationally and nationally rare habitat, and one of the richest habitats in western Europe. It is notoriously challenging to recreate. Therefore, whilst the proposal includes mitigation measures these are generalised for the majority of the cable route and at Tottington Mount, where the topography is so challenging, the proposed mitigation measures are untested and do not demonstrate with any degree of confidence that the restoration will be successful. By undertaking what is essentially a trial restoration, which has not been adequately tested, the proposal is in conflict with the SDNP purpose to conserve or enhance and could result in a permanent scar upon the landscape of the SDNP and harmful to this internationally rare habitat.

5.10. Mitigation

5.10.1. Any impact upon the SDNP must be mitigated to ensure the SDNP is conserved or enhanced. Significant concerns are raised in the Local Impact Report that the proposal will inadequately mitigate the harm caused – particularly with regard to the impact upon chalk grassland. Any shortfall in mitigation will be unacceptable and conflict with the statutory purposes and duty of the SDNP. The SDNPA is an appropriate Authority to deliver mitigation, in this instance, where required to ensure no shortfall.

5.11. Mitigation through Community Benefit

5.11.1. The permanent impact upon the SDNP and its communities must be mitigated via appropriate community benefits. The SDNPA is the relevant Authority to manage the required mitigation of the proposal and appropriate use of community benefits.

5.11.2. Paragraph 5.9.11 of the overarching National Policy Statement for energy (EN-1) states “The IPC [superseded by PINS] should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary”.

5.11.3. The SDNPA is in dialogue with E.ON regarding the delivery of mitigation through community benefits and will submit either an agreement or the SDNPA suggested agreement to the Planning Inspectorate at the appropriate juncture in the examination process.

5.12. Development Consent Order

5.12.1. The Development Consent Order must respect the National Park designation and the Governments recent decision to make the SDNPA the Local Planning Authority. The DCO, in its submitted form, would take away decision making powers that the SDNPA currently has with regards to the discharge of conditions. This would significantly compromise the SDNPA’s ability to undertake its statutory purposes and duty.

5.12.2. The DCO, in its submitted form, would grant decision making powers to West Sussex County Council with regards to any conditions placed on the DCO. These are likely to include conditions relating to landscape, ecology, archaeology and construction management which would normally be the statutory responsibility of the SDNPA as the Local Planning Authority. This is unacceptable and in direct conflict with the establishment of the SDNPA and its purposes and duty.

5.12.3. In addition, the DCO, in its submitted form, would result in harm to the landscape character of the SDNP. For example, it would allow land affected to be returned to a condition as agreed with the landowner which could result in unacceptable permanent development without the benefit of securing planning consent through the appropriate democratic process.

5.12.4. The SDNPA is in dialogue with E.ON regarding amendments to the DCO and will submit either agreed amendments or the SDNPA suggested amendments to the Planning Inspectorate at the appropriate juncture in the examination process.

6. Impact upon the South Downs National Park

6.1. Assessment of Alternative Routes

6.1.1. Chronological Process – Comments made at draft ES stage

The SDNPA considers that the information it submitted in response to the s42 consultation (August 2012) is still relevant providing a commentary of the amendments to the proposal in addition to highlighting the changes in justification between the draft ES and the submitted application. As such, the following comments (6.1.1.1 to 6.1.1.13) are an extract of the SDNPA s42 consultation response:

- 6.1.1.1.** “With regards to the proposed cable route it is clear that the initial consideration was the technical suitability of the off-shore zone (zone 6) to accommodate an off-shore wind farm. It is not until later in the process that a consideration of on-shore sensitivities is taken into account. Given the clear Government intention to protect National Parks for their inherent value the SDNPA consider that the on-shore sensitivities should have been taken into account both when the Crown Estate, who DEFRA list as having a duty of regard to the National Park, allocated Zone 6 and when E.ON chose the proposed development area within Zone 6.
- 6.1.1.2.** When considering the most appropriate grid connection this was assessed under five key considerations. This did not include an assessment of the on-shore landscape impact and subsequently resulted in several alternatives being removed prior to further assessment being undertaken of the on-shore impacts. This methodology negated the consideration that a more costly grid connection process may be preferable to a route with greater on-shore landscape harm. This reinforces the SDNPA’s concerns that at the initial concept feasibility stage the overriding consideration was technical feasibility and not potential environmental impacts.
- 6.1.1.3.** For example, at 3.3.7 of the draft ES the Babcock & Brown study established that connection to the 132 kV network would require multiple offshore routes, landfalls, onshore routes and substations due to the restricted capacity at any single point. The SDNPA understands that EDF Energy Networks (the then operator of the distribution system prior to UK Power Networks) was contacted to determine the capability of existing substations and power lines on the Sussex coast to enable the 132kV network to accept new electrical generation, prior to further environmental and engineering analysis being undertaken. EDF Energy Networks are understood to have advised that connecting the south coast area into their 132kV network, closer to the coast than Bolney, would require additional circuits to be constructed from the connection point to Bolney. The study concluded that splitting the scheme into several smaller connections into substations such as Fishersgate, Worthing, Newhaven or Southern Cross would require major electrical infrastructure work (underground cable or overhead line) between Southern Cross 132kV and Bolney. In addition, significant reinforcement would be required (additional or larger) of the connections between existing local distribution substations and Southern Cross as well as a number of new Rampion specific substations adjacent to the existing substations. It was concluded that this would result in greater environmental impact over a wider area, without removing the impact to the SDNP. Additionally, there would be significant additional disturbance to local communities and be a much less cost effective option than the single point of connection currently proposed.

- 6.1.1.4.** The SDNPA is therefore concerned that ‘consenting’ challenges have been highlighted as a reason for not selecting the 132KV network when facilities, such as the Newhaven Energy Recovery Facility were able to access the local grid, albeit providing around 16.5KW of power to the local grid. There are other places along the south coast (Eastbourne; Newhaven; Southern Cross, Portslade; Sompting, Worthing; Fishbourne; Havant) where more local connections could be made to the 132/33KV transmission system and there may be other opportunities that require exploration.
- 6.1.1.5.** Given the above the SDNPA consider that E.ON need to demonstrate, beyond reasonable doubt, why a single or multiple supply to these points is not being proposed thus potentially avoiding any new transmission line across the SDNP and the associated detrimental impacts.
- 6.1.1.6.** At 3.3.10 of the draft ES, separate to E.ONs’ own investigations, the draft ES references that the Crown Estate commissioned a Senergy Econnect independent grid feasibility study for their entire Round 3 portfolio in 2008. For Zone 6 the study considered alternative connection points at the existing National Grid 400kV substations at Bolney and Ninfield. The study discounted Ninfield as a potential connection point as a result of the significantly longer cable route and related high cost. The Senergy Econnect study also considered a potential new coastal substation located between Shoreham and Bolney, involving the adoption of a section of existing 132kV overhead line and reconstruction of the connection as a 400kV overhead line with larger pylons. However, this option was not considered further by Senergy Econnect due to the cost of the onshore transmission network extension necessary to create and then connect this new substation. It is considered that cost alone, unless truly prohibitive, should not be justification for directing the proposed cable route through the SDNP.
- 6.1.1.7.** Furthermore, to the east of Bexhill, an alternative landfall for a Ninfield connection was identified which would require significantly longer offshore and onshore cable distances. The engineering of the landfall was perceived as straightforward but the near shore route was constrained by existing land uses, although still considered feasible with careful routing. This area is a corridor for significant service facilities associated with relatively recent waste water treatment works and a high pressure gas main. Given the limited width of the ancient woodland and the ability for Horizontal Directional Drilling (HDD) the SDNPA is concerned that this route option was so clearly disregarded on environmental grounds. The SDNPA consider that there is a need to fully compare these environmental impacts with the 14km of disturbance proposed to the nationally designated SDNP.
- 6.1.1.8.** Options for connection into the 400kV transmission system were identified at three National Grid substations: Bolney in Mid-Sussex, Lovedean in Hampshire and Ninfield in East Sussex. Lovedean was discounted as it is the furthest from the Rampion off-shore site and would involve considerably more extensive offshore and onshore cable sections (but would have avoided disturbance to the SDNP). The SDNPA would seek clarification regarding why the considerations did not explore the possibility of creating a new connector point to the National Grid linked to a better environmental route, i.e. Hellingly near Hailsham, thus avoiding the Site of Special Scientific Interest (SSSI) at Pevensey Levels. This would enable a route selection to avoid any disturbance to the SDNP skirting its eastern end. The SDNPA consider that E.ON need to demonstrate that such an option is not feasible.

- 6.1.1.9.** A further option that the SDNPA considers requires further exploration is the potential upgrading of the existing Southern Cross to Bolney overhead power line with either the restringing or provision of higher voltage cables. The SDNPA appreciates that this, in itself, raises sensitive issues but is considered, on balance, worthy of further exploration as a comparable.
- 6.1.1.10.** Equally, the selection of the landfall location once again did not take the impacts upon the SDNP into account focussing attention upon only the immediate environment rather than a strategic analysis of the overall route. Once this process was undertaken, and Bolney and Ninfield were identified as potential National Grid connections, it was the technical challenges and impact upon the SSSI, Ramsar Site and Ancient Woodland (for the Ninfield route) that were weighted as more harmful than the route through the SDNP. The SDNPA would challenge such broad assumptions citing the SDNP as a national designation.
- 6.1.1.11.** Whilst a sequential route selection was convenient for E.ON in minimising the scope of information they had to consider (i.e. they considered the onshore impacts only after choosing the either Bolney or Ninfield National Grid connections thus avoiding having to assess the on-shore impacts for a wider target area) this negated the national importance of the SDNP only enabling weight to be attributed to it once a number of other variables had been confirmed. Therefore, once Bolney was selected as the chosen preferable National Grid connection it was only at this juncture that a thorough analysis of the route from landfall to Bolney was considered and the on-shore impacts taken into account.
- 6.1.1.12.** When commencing consideration of the broad cable corridor this was primarily undertaken by mapping known significant environmental features (i.e. SSSI's) and through utilising "aerial photography" (3.4.8 of the draft ES). Such a methodology clearly places little weight on landscape character which cannot easily be established through a desktop study. Furthermore, it is clear when reviewing the sequential approach employed in Chapter three of the draft ES that liaising with local landowners (3.4.12 of the draft ES) was given greater weight than onshore cable route refinement. Indeed, it is further evident that **a preliminary cable route was selected prior, in September 2010, to the landscape and visual vantage point assessment, undertaken in October 2010 (3.4.13 – 3.4.14 of the draft ES)**. The SDNPA would contend that, given the National Park landscape designation, a landscape character assessment should have formed an important preliminary consideration rather than occurring as a later consideration.
- 6.1.1.13.** It is clear that the route selection methodology sought to avoid known significant environmental features and the process of refining the route endeavoured further to follow through with such an approach. Whilst the SDNPA would not advocate that any significant harm to an environmental feature is acceptable it is noted that the landscape character impact does not appear to have carried any significant weight in the refinement process. Whilst as a general approach this may be appropriate in a number of locations there may be locations where a minor harm to a significant environmental feature would be preferable to a major harm to a nationally designated landscape character (a reflection of this approach is that the 'final' proposed route includes 14km of cabling through the SDNP whereas the shortest route is only 4km)".

6.1.2. Chronological Process – August 2013 Update

In addition to the above the SDNPA has the following considerations on the submitted documents:

- 6.1.2.1. It is noted in submitted document 6.1.3 that there is a greater explanation at the strategic level of the connections to the national grid. Figure 3.5 details to some extent the grid transmission and supply system, although the rating of the different lines is not detailed. It is stated in paragraph 3.3.8 that 'During the initial appraisal of potential areas for the development of offshore wind farms by E.ON in 2008, a grid connection feasibility study was undertaken by Babcock & Brown Ltd (with input from PMSS and RPS) to determine the optimal grid connection locations for a potential wind farm off the South Coast. PMSS carried out a desktop analysis of potential landfall sites while RPS provided an environmental feasibility assessment for the various potential connection options identified". It is noted that this work preceded the designation of the National Park and therefore it should have been reviewed in this light. In any case this definitive piece of work that underpins the submission should form part of the ES. Therefore, **it is not clear how the statement in 3.3.10 that 'a key preference was to avoid the need to undertake unnecessary development within the South Downs National Park (SDNP), which lies north of the developed coastline' was taken into consideration. Indeed, the chronological evidence points strongly to the contrary.**
- 6.1.2.2. It is apparent that in paragraph 3.3.11 the Babcock & Brown study identified a potential 132kV connection point at Southern Cross and a 33kV option at Fishersgate. The section does not identify the power rating of the new offshore supply to understand the constraints imposed by the feed within the existing grid. Option 5 with landfall at Ninfield (East Sussex) identifies some constraints but not necessarily any overriding concerns and in the conclusion was discounted on economic grounds. This differs from the earlier proposals which indicate the presence of ancient woodland as the constraint. In the circumstances of the selection and the considerable ambiguity that exists it would not be unreasonable to request detail of the comparative assessment work so that the choice of land fall options is transparent. The documents do not provide convincing assessment of all the options or a thorough analysis and assessment sufficient to confirm that there is an overwhelming need to align the power connections through the National Park.
- 6.1.2.3. Document 6.1.2b at paragraph 2b.3.20 confirms that the onshore cable system will comprise of four circuits at a voltage between 132kV and 220kV inclusive. It does not discuss the feasibility to upgrade the existing overhead line to Fishersgate or potentially provide for its entire undergrounding at the higher voltage level which is an option. Each circuit will comprise three single-core cables as well as associated communications (fibre optic) cables with the diameter of each cable typically ranging from 87mm to 111mm. It is considered a weakness of the submission that these voltage requirements were not clearly related to the search for grid connections.
- 6.1.2.4. Whilst fibre optic cables may be a useful addition to place in the ground at the same time, the access and maintenance needs for these additional cables requires identification to enable an understanding in terms of future traffic and disturbance.

6.1.3. Consideration of Duty of Regard

- 6.1.3.1.** Section 11A(2) of the National Parks and Access to the Countryside Act (1949) as amended by Section 62(2) of the Environment Act 1995 places a duty on relevant authorities to have regard to the purposes of National Parks. It requires that ‘in exercising or performing any function in relation to, or so to affect land’ within these designated landscapes there is a requirement to “have regard to their statutory purposes’.
- 6.1.3.2.** There is insufficient evidential detail to demonstrate how the various constraints that were identified for the proposed route were considered, or weighed up, against those for any potential ‘alternative’ route. Little or no consideration is given to landscape value with preference given to other, more easily plotted, constraints such as listed buildings and SSSI’s, financial cost or technical ease. The SDNPA considers that the National Park designation was not a primary consideration in terms of developing the cable route in conflict with the duty of regard.

6.2. Landscape

The value of the landscape of the SDNP cannot be understated. It is the principle rationale behind the National Park designation and is afforded great weight by all national policy. The consideration of landscape has been, as set out in Section 6.1 of this document, lacking in the assessment and consideration of the cable route chosen. This section will focus on the methodology of landscape assessment employed for the proposal.

6.2.1. Chalk Grassland

- 6.2.1.1.** The potential impact of the proposed cable route upon South Downs chalk grassland, an internationally rare habitat that is challenging to recreate, is significant. Chalk grassland is one of the richest habitats in western Europe but is now rare in the UK. It is being restored across the South Downs, as part of a Government-funded project, the South Downs Way Ahead Nature Improvement Area, and is often described as the British equivalent of tropical rainforest and is vital to the survival of rare wildlife such as the Duke of Burgundy butterfly and orchids
- 6.2.1.2.** Given the above any impact upon chalk grassland is a significant issue that should have the status of an overriding consideration in the assessment of the proposal should it not be demonstrated, beyond reasonable doubt, that the proposal will conserve and enhance chalk grassland.
- 6.2.1.3.** Such importance is appropriate as, should the proposed restoration fail, the cable route would leave a permanent scar, due to lack of grassland growth, resulting in an unacceptable impact to the landscape character of the south Downs National Park contrary to its national landscape designation. The lack of confidence in the restoration strategy proposed is set out in sections 6.12, 6.13 and 6.15 of this report

6.2.2. Heritage Coast

- 6.2.2.1.** Heritage Coasts represent stretches of the most beautiful, undeveloped coastline, which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors. The Heritage Coast of the SDNP is one of the foremost examples and was the first section of Heritage Coast defined.

6.2.2.2. The national purposes of Heritage Coasts are to: conserve, protect and enhance the natural beauty of the coasts, their marine flora and fauna, and their heritage features; facilitate and enhance their enjoyment, understanding and appreciation by the public; maintain and improve the health of inshore waters affecting Heritage Coasts and their beaches through appropriate environmental management measures; and to take account of the needs of agriculture, forestry and fishing, and of the economic and social needs of the small communities on these coasts.

6.2.2.3. The sense of tranquilly and openness at the Heritage Coast would be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character to the detriment of the sense of tranquillity and openness experienced by users in addition to significantly changing the landscape character of the coastline. The SDNPA provided significant comment at draft ES stage on the issue and, whilst amendments have been undertaken to the proposal to reduce the impact, it is clear that a significant impact would still occur and it is acknowledged that mitigation is challenging, if not impossible. Further commentary on the impact of the proposal on the Heritage Coast is included at 6.2.5 of this document.

6.2.3. ES Conclusions (ES Section 6.2.1 to 6.2.3)

6.2.3.1. The SDNPA raised, in the response to the s42 consultation, that the ES should outline some broad mitigation measures in relation to minimising the impacts on the highly sensitive receptors on the Heritage Coast. Though it is acknowledged that some effort has been made to alter the shape and layout of the array, the overall effect of this is limited.

6.2.3.2. Equally, the SDNPA raised concerns that the Heritage Coast designation had not been given due weight. It is acknowledged that subsequent revisions to the ES have sought to address this shortcoming and it is noted that the ES now recognises the Heritage Coast as a key consideration due to its highly sensitive nature. However, it is considered that the magnitude of the change is still underestimated within the assessment.

6.2.3.3. Therefore, although some effort has been made, in terms of layout of the array, to mitigate the impacts of the development on the Heritage Coast and its special qualities even with the adjustment of these layout parameters it is still considered that the overall mitigation effect will be limited given the high sensitivity and visual amenity of the Heritage Coast.

6.2.4. Landscape & Visual Impact Assessment (ES Section 26 - Document 6.1.26)

6.2.4.1. Page 26.2, Para' 26.2.4 acknowledges the sensitivity of coastal areas and the impact of visual intrusion, specifically along undeveloped sections of coast. This supports the SDNPA's concerns regarding the visual impacts upon the Heritage Coast, and the reality that it is not possible to fully mitigate against these impacts – even with the revisions to the orientation and scale of the off-shore array.

6.2.4.2. Page 26.2, Para' 26.2.7 does not reference the relevant provisions within the NPPF in relation to National Parks specifically – just the treatment of landscape and visual amenity in more 'general countryside'.

6.2.5. Seascape, Landscape and Visual Impact Assessment (ES Section 12 - Document 6.1.12)

- 6.2.5.1.** Page 12-6, Para 12.2.21 - The reference to the offshore development being 'more remote' in terms of its visual relationship with both the National Park and the Heritage Coast is not considered accurate. The elevated nature of the ridgeline and the scenic views of the Seascape from the Heritage Coast mean this visual relationship, even over substantial viewing distance, is very strong.
- 6.2.5.2.** Page 12-6, Para 12.2.22 - Reference to the Inspector's conclusions in relation to this section of coastline provides useful information. However, this neglects to pick up the Inspector's references to the importance of uninterrupted links and views from the South Downs to the sea where they occur elsewhere. There are other such 'strategic' gaps within the more developed areas of coastline to the west of the Heritage Coast – for instance at Rottingdean and Tidemills near Newhaven. The Inspector stressed the importance of this visual relationship, and the perceptual and visual amenity it provided for residents and visitors to the National Park.
- 6.2.5.3.** Page 12-7, Para 12.2.27 - In terms of the overall policy context for the development in terms of the National Park and Heritage Coast, this paragraph makes general reference to an aspiration that development 'does not detract but makes a positive contribution to local landscape character'. This statement was taken from the previous South Downs Management Plan (2005). This was written prior to the area's designation as a National Park. Though still emerging, the draft Management Plan currently includes a number of defined outcomes that are relevant in terms of the proposed development. Most relevant to consider is outcome one which states "the landscape character of the National Park, its special qualities and local distinctiveness have been conserved and enhanced by effectively managing the impacts of major development and small-scale cumulative change".
- 6.2.5.4.** Page 12-10, Para 12.3.2 - This includes summary reference to the UK Offshore Energy Strategic Environmental Assessment in relation to the South Downs National Park and Heritage Coast. This reference clearly illustrates the point of the effect of elevation, and the strong visual relationship with the Seascape and its high sensitivity to developments of this major scale. It also highlights the perceptual characteristics that are highly valued in relation to this undeveloped section of Coastline. This demonstrates the clear fact that in spite of proposed changes to the offshore array, in terms of alignment and small changes to its boundary on the eastern edge, there is little that can be done in real terms to mitigate the impacts of the development on this iconic section of the Heritage Coast.
- 6.2.5.5.** Page 12-11, Para 12.3.10 - This paragraph suggests that no recreational routes have been identified as requiring an assessment of sequential visual effects. The issue of the need to consider the potential cumulative impacts in relation to the South Downs Way National Trail were raised during the scoping process and in relation to the draft Environmental Statement.
- 6.2.5.6.** Page 12-39, Para's 12.4.14 to 12.4.16 - Other reference sources – this makes no reference to the special qualities of the National Park which highlight factors that are relevant to the seascape environment, and its importance in relation to the National Park.
- 6.2.5.7.** Page 12-59, Para 12.5.4 – It is noted that some consideration has been given to options to compress the site area, and therefore try to reduce the visible extent

from the Heritage Coast vantage points. However, even with the adjustment of these layout parameters, it is still considered that the overall mitigation effect will be limited given the high sensitivity and visual amenity of this area.

- 6.2.5.8.** Page 12-69, Para 12.5.31 – It is noted that the greatest predicted effect on character settings relates clearly to the sea views, and the context and setting of the National Park and Heritage Coast. It is considered that the point that the proposed development will curtail its existing association with the open sea and the expansive horizon to be particularly important in relation to these areas.
- 6.2.5.9.** Page 12-69, Para 12.5.33, Bullet point 4 - In terms of the suggested considerations that add context to these adverse effects it is accepted that the sea comprises only part of the view from the elevated parts of the South Downs. However, it is an important visual association that is highly valued. The elevation, expansive views and strong visual perceptual and experiential associations with the seascape, make those adverse effects particularly an issue within the Heritage Coast. The suggestion that the wind farm is 'remote' and will be diminutive in terms of scale for receptors here is not accepted.
- 6.2.5.10.** Page 12-70, Para 12.5.34 – It is noted that the effects of alternative layouts are not considered to make significant change to the potential seascape and landscape effects assessed. The SDNPA concurs that it is challenging, if not impossible, to fully mitigate these impacts.
- 6.2.5.11.** Table 12.14 Representative Viewpoint Assessment - Given the very high sensitivity of Cuckmere Haven it is anomalous that the magnitude of visual change and its effect is assessed as very small and moderate. This highlights both the selective nature of viewpoints and the impact of elevation. Though it is accepted that from the selected vantage point looking east the ridgeline at the opposite side of the valley would intervene with views of the development, and limit the visual effect, it is not considered that this viewpoint is representative in relation to the majority of visitors to Cuckmere Haven - the majority of visitors to the Country Park will go to the shingle beach at the end of the estuary. Though it is accepted that the location of viewpoints is selective, and the number must be proportionate, it is not considered to be adequately representative. The principle issue being that the magnitude of visual change and impact in relation to Cuckmere Haven has been underestimated.
- 6.2.5.12.** Page 12-83, Para' 12.5.85, Bullet point 2 – It is accepted that from the upland extent of the South Downs the seaward views are not the sole focus of the expansive vistas, but this does not detract from the strong visual association with the seascape, and the value that visual receptors will place on this aspect of the view from within the National Park. These have been identified as a special quality of the National Park.
- 6.2.5.13.** Para' 12.5.85, Bullet point 4 - Elevated views from cliff tops increase the extent and visual association with the seascape and accentuate the impacts of the development, particularly from highly sensitive locations within the National Park and Heritage Coast. The wind farm is not really 'remote' in this context and being within an area of undeveloped coastline, with few visible man-made interventions, its effect will be greater than areas more heavily influenced by the urban context.
- 6.2.5.14.** Bullet point 9 - Within the coastal plain, and in the context of the developed and densely populated area of coastline, it is accepted that the experience is not typically one of remoteness. However, this does serve to highlight the exceptional

experiential value, in terms of contrast, that is provided by the context of the National Park and the Heritage Coast.

6.2.5.15. Bullet point 11 - The point is made that the relative featureless extent of seaward views may affect the experience or perception of scale of the development. In the context of the National Park and Heritage Coast, this expansive and featureless extent of the seaward views, with no visible man-made interventions, is in itself an experiential factor of great value.

6.2.5.16. Bullet point 18 - It is accepted that in the context of the National Park, landform and vegetation cover may effectively screen the development within landscape character areas that are heavily wooded. However, in the Open Downland landscape areas to the east of the National Park, and within the Heritage Coast, there the expansive views of seascape and they are identified as a distinct special quality of this part of the National Park. Where they do form a defining feature or a significant context of the views from within the Park, they are highly valued.

6.2.6. Impact of Groundworks upon Landscape

6.2.6.1. With regard to the installation of temporary cut off drains to intercept soil and groundwater flows and avoid the development of preferential flow paths, there is little detail on how these field drains and silt traps will be constructed, and whether they will be constructed within the existing 30 metre easement for the cable route. It is likely that they would be necessary on some of the steeper and potentially sensitive areas as these would be most susceptible to increased surface run-off as a result of the trenching work. This has not been referred to, or cross referenced, with Section 26 of the ES - Landscape and Visual Impact Assessment. The SDNPA considers that it should have been considered as a direct landscape impact, and one that also has the potential for a temporary, or potentially post-construction, visual impact upon areas where re-instatement may not be easily achieved

6.2.6.2. With regard to the assessment of Regionally Important Geological and Geomorphological Sites (RIGS), and the associated landscape impacts, the SDNPA would seek clarification whether additional cut-off drains are being installed. If they are proposed then the SDNPA would contend that landscape features could be impacted directly by excavation or by re-directed surface water and an assessment of this should be included within the ES.

6.2.6.3. Furthermore, and with regards to the proposed haul routes, the SDNPA requires clarification regarding the requirement to upgrade haul roads as it appears potentially excessive that a haul road is required for the entire cable route as this appears to require the importation of a substantial amount of aggregate (40,000tonnes) to form it. The SDNPA would suggest that the requirement for haul roads needs to be more refined to the ground conditions and the plant that will be used. For example, with mostly tracked equipment being used, where the weight is distributed, the need for a haul road would seem excessive. The biggest difficulty appears to be associated with the lorry traffic associated with the formation of the haul roads themselves - it is unclear in the general absence of haul roads at this point in the construction process how this traffic will gain access.

6.2.6.4. To avoid such haul roads the option of different equipment may need to be explored which can operate on the terrain without haul roads. The SDNPA appreciates that some sections of the route will be more sensitive than others and that on arable fields the impacts will be less sensitive than on grazing land or on chalk

downland. Therefore, it would be beneficial if the approach to different terrain and surfaces was bespoke to address these differences. The SDNPA considers that significant harm may arise if the selected E.ON contractor prefers a 'one fit' solution to all areas which may not avoid areas of Chalk Grassland (i.e. Old Erringham Farm Valley).

6.3. Ecology

The SDNPA has liaised with WSCC and Natural England regarding the ecological impact of the proposal and understanding that both bodies will be making appropriate comments. In addition, the SDNPA considers the following:

- 6.3.1.** There is lack of consideration to a number of relevant landscape scale initiatives - e.g. Biodiversity Opportunity Areas, Living Landscapes and Nature Improvement Areas. In addition, there is no reference to relevant habitat opportunity mapping work - e.g. the chalk grassland habitat opportunity mapping for the SDNP as recently completed by Sussex Biodiversity Record Centre.
- 6.3.2.** The current ecological quality of a site within the SDNPA, such as unimproved grassland that is relatively species poor, does not result in it having no prospective ecological value. The SDNPA would contend that value also lies in the potential to become species rich and, as such, is an important consideration.
- 6.3.3.** The SDNPA considers that E.ON should recognise that a significant proportion of the proposed cable route in the SDNP is also within the SDW Nature Improvement Area (NIA). One of the key objectives of the NIA is the maintenance, restoration and creation of chalk grassland on a landscape scale and the resultant ecological benefits. The NIA designation is recognised at a national level within the National Planning Policy Framework (NPPF).
- 6.3.4.** The ES states that an 'animal walkover' was carried out in December 2011 to identify the presence of any protected species as part of the ecological scoping study. This is an inappropriate time of year to carry out a survey for the majority of protected species. In addition, the SDNPA would require greater clarity as to what an 'animal walkover' constitutes.
- 6.3.5.** Due to the uncertainty regarding the location and constitution of construction compounds and associated vehicle movements the ecological impacts of this temporary land use change is not assessed. This has an impact upon the ability to undertake an informed ecological assessment in conflict with *Morge vs Hampshire* 2011 (http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2010_0120_PressSummary.pdf)
- 6.3.6.** The ES states that 'Beeding Hill to Newtimber Hill SSSI is within 100m of the proposed cable route ...but will not be impacted by the development due to its distance from the proposed works'. However, the proposed cable route transects an area of 'improved' chalk grassland between two units of the Beeding to Newtimber Hill SSSI – this area would benefit from habitat enhancement to link these areas.
- 6.3.7.** With regard to the draft Ecological and Landscape Management Plan this does not include a level of detail commensurate to that expected within a National Park. It addresses the legal requirements relating to ecology but in the main does not take a proactive, landscape scale, best practice approach. Identified impacts and proposed mitigation work is not framed within the context of landscape scale designations and

initiatives such as the National Park and the South Downs Way Ahead NIA. The SDNPA would expect that a development on this scale to take a pro-active, landscape scale approach. Relevant maps and project work should be referenced, for example the chalk grassland habitat opportunity mapping work carried out for the NIA project. In addition, commitment to post-mitigation management and monitoring work is not provided in an appropriate level of detail (where provided at all).

6.4. Water

- 6.4.1.** The SDNPA is assured that the Environment Agency, as the relevant lead body, will be making the appropriate representations regarding the proposed flooding and drainage impact upon the SDNP.

6.5. Heritage assets

6.5.1. Listed Buildings

- 6.5.1.1.** With regards to the impact upon specific listed buildings the SDNPA notes that there are four within the proposed working area. The SDNPA considers that the proposed works would have no direct physical impact upon the buildings and would be unlikely to have a permanent impact upon the setting of the buildings. However, the SDNPA would advocate that during construction works due care and attention is taken to respect the setting of the listed buildings and that this is reflected in the proposed construction management plan (CEMP).

6.5.2. Archaeology

- 6.5.2.1.** The archaeology of chalk downland is demonstrably rich and varied; with multi-period occupation and farming, defensive use of the South Downs up to, and including, WWII and a variety of burial and religious/ritual sites.
- 6.5.2.2.** Experience of recent large scale developments on similar areas of downland to the proposed cable route provide comparisons to inform the SDNPA's comments e.g. Brighton bypass (published) and the Peacehaven wastewater treatment works (some short reports published, further information available from either client Southern Water or their contractors Archaeology South East). In direct contrast, there is no reference in 6.1.25 and its appendices to the lessons to be learnt from these large scale infrastructure projects on the South Downs and how these should inform the proposal.
- 6.5.2.3.** With regard to 6.1.25 the SDNPA is not satisfied that the information submitted is sufficiently rigorous for a proposal affecting a national landscape designation. The proposed mitigation of the risk to the archaeology is not considered sufficiently rigorous for the following reasons: A desk-top assessment – which makes clear that there is potential for archaeology of high importance in the area affected by the proposal - and geophys survey has been undertaken. However, due to physical features, for example overhead cables, a significant part of the proposed route has not been sampled on the geophys survey. Furthermore, geophys survey should not be solely relied upon as they are often considered to miss some features for a variety of well-understood reasons - lack of geophys signal is not lack of evidence of human activity. Accordingly, the use of trial trenches is required. Trial trenches require careful design so they are close enough to each other to ensure that archaeologically significant sites are not unrecognised in the gaps between trenches. In addition, trench design needs to be informed by evidence from other projects on large areas of chalk

download – neither document 6.1.25 nor the previously undertaken desktop assessment (appendix 25.1 to that document) has a considerable section (5.4) reviewing the known archaeology of the downland landscape resulting in a short subsequent section (8.1.3) concerning potential archaeological impact of the cable route. Notwithstanding this it does, however, identify potential impact on barrow sites at Mill Hill and the possibility of other barrows. The English Heritage website identifies that all barrows are of potentially national significance – whether or not they are already scheduled.

- 6.5.2.4.** Paragraph 5.8.9 of the NPPF identifies that in some instances the applicant may need to make a field evaluation. However, in the submitted information the only field work - excluding geophys or geoarcheological assessment - was a walk-over of the route. (Appendix 25.1, section 6.8). For proper evaluation of the sites proposed trial trenching should have been undertaken pre-submission. Given the challenges with relying on geophys surveys, as outlined above, it is considered that the proposal does not demonstrate sufficient archaeological field evaluation to enable the impact of the proposal to be acceptably assessed.
- 6.5.2.5.** The applicant is proposing further assessment and mitigation measures (document 6.1.25, section 25.8) over a three month period before construction commences. It is considered that this is a very short time window for such a large surface area unless there is to be a very large team of archaeologists involved (such resource information is not provided in the application). If significant discoveries are made the archaeological investigations can not be curtailed nor is it likely that they can be safely undertaken with contractors on site. In such instances the archaeological record should be to the standard of the WSI and the proposal should include phasing plans demonstrating sufficient time and expert staff resource. In addition,
- The Written Scheme of Investigation (section 25.8.6) should include provision for post-excavation analysis, publication and the preparation (and where necessary payment) for the deposition of the site archive;
 - If during the course of the excavations watching brief work (as summarised in section 25.8.17) identifies previously unknown archaeology of significance then a watching brief may not suffice. This may also be the case if it is not safe to undertake watching brief or other fieldwork when construction traffic and other contractors would also be on the same site, risking the health and safety of the archaeologists as well as risk of damage to archaeological remains; and
 - The WSI should make clear the level of potential importance at which works would be stopped and full excavation carried out. This risk could be mitigated by a greater area of trial trenching being undertaken in advance of the works.

6.6. Coastal Impact upon the SDNPA

- 6.6.1.** The SDNPA is the lead Authority when considering the impact the proposal may have upon the coastline of the SDNP where the SDNP meets the sea. Accordingly, within this context, the effects on coastal ecology are almost exclusively the result of direct and indirect effects upon physical processes. The SDNPA review of impacts that relate to coastal ecology therefore has focussed upon the predicted changes to the hydrodynamic regime and associated sedimentary processes that occur both during the construction and operational phases of the development.
- 6.6.2.** The SDNPA previously identified a concern with regards to the projected effects of the proposal that were reported in Section 4.5.2 of the draft ES that stated: “*The potential changes to the coastal sediment transport regime resulting from the presence of the offshore wind farm infrastructure are considered to be of large magnitude, have only a far*

field spatial effect and are temporary over the lifetime of the wind farm. The potential effect upon shoreline sediment dynamics is therefore considered to be of moderate significance over the period during which the wind farm is installed". The SDNPA advocated that an expert opinion was sought on the implications of a maximum reduction in LST of up to 0.36m³/s for the foreshore, particularly whether reductions in LST will adversely affect downstream areas that are already subject to erosion.

6.6.3. Accordingly, section 4.6.3 of the submitted coastal processes assessment (Appendix 6.4 of the submitted ES) responded by including a sensitivity analysis of longshore sediment transport and minor changes in wave characteristics which is welcomed. This concludes that changes in potential rates of longshore sediment transport during storm events will typically be less than 2% and will not exceed 5%. On this basis, the significance of the effect has been downgraded from moderate to minor. However, the confidence that ABP Mer place in its own assessment is low.

6.6.4. Therefore, with regard to the sensitivity of coastal erosion, particularly along the eastern portion of Cell 4d between Shoreham and Beachy Head, the SDNPA has two outstanding concerns:

- The presentation of information on any measured LST rates and how these compared with the theoretical rates derived from the CERC LST formula; and
- The presentation on the cumulative effects of proposed works at Newhaven to incorporate a potential OWF assembly/maintenance facility. It is of concern that this potential development was excluded from the projects considered in the cumulative impact assessment reported in Chapter 31. The EIA Scoping report for the Newhaven site noted the potential for: impacts on the sediment budget and sediment transport within Port of Newhaven due to the influence of deepened areas; changes in offshore and coastal morphology due to alteration of the hydrodynamic regime and its influence on sediment accretion/erosion; and impact of continual maintenance dredging on coastal processes and hydrodynamics.

6.6.5. Given the above there is a clear potential for additive effects of inhibited LST resulting from the proposal in combination with the proposed Newhaven facility and the resultant effects upon the Heritage Coast.

6.7. Land quality

6.7.1. The SDNPA considers that the agricultural use of land is an essential component in the cultural heritage and socio-economic wellbeing of the SDNP and, as such, the proposal should avoid making redundant any agricultural land that is considered as best and most versatile (e.g. grades 1, 2 and 3a) and consider mechanisms through which the proposal could enhance the agricultural land through which the proposed cable route passes.

6.8. Trees

6.8.1. The SDNPA is concerned that a full arboricultural assessment of the trees on, or within proximity to, the cable route was not undertaken prior to the cable route being confirmed. In addition, amendments are required to the DCO to ensure that any affected trees are satisfactorily replaced or any damage mitigated for.

6.9. Geology

6.9.1. The SDNPA notes that E.ON acknowledge the presence of several Regionally Important Geological & Geomorphological Sites (RIGS) within the locality of the proposed cable route - the nearest being within 50 Metres of the proposed cable route - so assessed as not being impacted. The SDNPA consider that no thorough assessment of the impacts upon RIGS has been undertaken and that they may not have been awarded the appropriate weight in the route selection process.

6.10. Decommissioning

6.10.1. The SDNPA note that, should the proposal receive consent, the on-shore elements of the cable route will remain in situ beyond the life of the currently proposed scheme. The SDNPA would request that any above ground elements be removed unless they are in use for another purpose. Furthermore, the SDNPA would encourage the proposed cabling to be 'future proofed' so that should consent be granted there would not be a need to revisit the cable route significantly if technologies change. In addition, the SDNPA would advocate that the proposed cable route should be made available to other similar users to avoid the need for the duplication of similar works elsewhere within the SDNP.

6.10.2. The test applied at the decommissioning stage is whether the land affected within the SDNP is in the same or better condition that it currently is. If this cannot be accurately predicted then the proposal is in conflict with the statutory duty to conserve and enhance the SDNP.

6.11. Access

The access section of this document encompasses the impact of the proposal upon the SDNP in a number of ways including the impact upon the local highway network, the impact upon Public Rights of Way (PRoW) and the South Downs Way (SDW) and also access to the wider South Downs Network during the proposed construction works.

6.11.1. Impact upon the Local Highway Network

6.11.1.1. The SDNPA is assured that WSCC, as the relevant lead Authority, will be making the appropriate representations regarding the proposed impact upon the highway network of the SDNP.

6.11.2. Impact upon Public Rights of Ways

6.11.2.1. The PRoW network is the primary means by which the general public access and enjoy the SDNP and, as such, the PRoW network experiences a high volume of pedestrian traffic. Whilst the safety of the users of the PRoW network is of paramount importance no PRoW should be closed or restricted for longer than absolutely necessary.

6.11.2.2. The proposal does not establish, in appropriate detail, that closing a PRoW is the only option reasonably available and that an assessment of alternative cable routes has been undertaken in an attempt to avoid or minimise the number of closures. For example, there are circumstances proposed, particularly at the convergence of five routes to the immediate north of Steep Down, where the cable route directly intersects PRoW's.

6.11.2.3. The SDNPA considers that a lack of information has been submitted regarding the impact upon the users of PRow's within the SDNP considering the volume of construction traffic proposed. The lack of a preferred contractor is not an acceptable reason for the omission of such detail which is required to assess the impact upon users of the SDNP.

6.11.2.4. Accordingly, to facilitate an informed assessment, the submission should be able to answer the following questions for the proposed works at any point of the cable route where a PRow is affected:

- What will be the specific impact of closing elements of the PRow network;
- What will be length of each specific closure;
- What and how will notification of a closure will be given in advance;
- Will all closures have an alternative route in place;
- Movements of large machinery and noise can be as much of a barrier to equestrian users as physical ones - how will this be addressed;
- If machinery is allowed to cross a PRow whilst it remains open how will the safety of the PRow users be ensured; and
- What type of information and diversion signage will be used within the PRow network to forewarn users.

6.11.2.5. Notwithstanding the above the SDNPA considers that the works will provide an opportunity to make improvements locally to PRow's. E.ON should work in partnership with SDNPA Officers and local groups to explore opportunities to make improvements which will bring benefit to local users and visitors. The needs of less able and disabled users should also be taken into account.

6.11.2.6. The closure of PRow's will have an impact upon the socio-economic vitality of the SDNPA and the ability of its users to access the SDNP. This is explored in section 6.14 of this document.

6.11.3. Impact upon the South Downs Way

6.11.3.1. The South Downs Way (SDW) is one of only 15 National Trails in England and Wales designated by the Secretary of State under the National Parks and Access to the Countryside Act 1949. It was England's first long distance bridleway and remains the only National Trail to be wholly within a single National Park. National Trails are designated due to the special qualities of the surrounding trail corridor, including landscape, biodiversity habitats and the historic environment. Local, National and International visitors come to use the SDW to enjoy this special landscape. Although the proposed cable route only crosses the SDW at one location, SDW user' experiences will be significantly affected during construction by the wider works. Although the submission refers to the SDW as a National Trail the SDNPA would consider that greater weight should be given to its importance due to its National and International significance.

6.11.3.2. It is noted that in Table 28.8, (pg. 28-19) of the draft ES it stated that, in relation to the SDW, "Gates to be installed along the fence line so trail users can traverse the trail *at all times*." It is apparent in the submitted application that the SDW will be closed to the south of Tottington Mount during construction works. This should be clarified as closure of the SDW will have a significant effect upon users of the SDNP.

6.11.4. Access Land

- 6.11.4.1.** The proposals indicate that the proposed cable will run through an area of statutory access land at Tottington Mount and Old Erringham Farm, adjacent to the A283. Both of these areas will require the necessary consent to close.
- 6.11.4.2.** To enable a closure the consent of the relevant Authority is required. For the purposes of sections 24, 25 and 26 of the Countryside and Rights of Way Act 2000, when the site is within a National Park, the relevant authority is the National Park Authority.
- 6.11.4.3.** Under the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 the need for a direction under sections 24, 25 and 26 of the Countryside and Rights of Way Act 2000 can be removed by a DCO. However, this requires the consent of the relevant Authority, i.e. the SDNPA, to proceed.
- 6.11.4.4.** When making a decision on an application to make a direction to exclude or restrict the right of the public to exercise their rights on access land the relevant Authority must make efforts to ensure that all measures are put in place to ensure that the least restrictive option is applied. The SDNPA would contend that this principle applies in the SDNPA's consideration for the disapplication of a direction in the DCO. Given this the SDNPA, in principle, agrees to the suspension of access but advocates that consideration should be given to the avoidance of closure during the weekends and bank holidays and during the summer months when demand is likely to be higher. If any access into the site, including access points such as gates or stiles, is made unavailable during construction then temporary access points into the rest of the site that remains available should be considered in consultation with the SDNPA and relevant landowner.

6.11.5. Impact upon the Wider South Downs Network

The SDNPA has the following considerations with regard to the impact upon the wider South Downs Network:

- 6.11.5.1.** The SDNPA would expect any gates utilised to be of an appropriate design to enable all users to the SDNPA to retain an acceptable level of access. Consultation should be undertaken with the SDNPA regarding any specific designs.
- 6.11.5.2.** The SDNPA is well placed to advise E.ON of the most frequently traversed routes and the likely start and finish points of users of the South Downs network. The SDNPA would expect E.ON to consult the SDNPA on any proposed publicity and also consider wider publicity, as opposed to only on the access routes, including through the WSCC website, National Trail website, consultation with the South Downs LAF and also through notifying local businesses with a tourism interest.
- 6.11.5.3.** The SDNPA would draw attention to the timing of closures affecting PRow's and the SDW and would advocate avoiding construction during the times of highest intensity usage – in particular the spring and summer months. In addition there are a number of events held across the SDNPA which increase the number of visitors to the SDNP – any closures should avoid the timing of major events.

6.12. Construction Management

6.12.1. Complexity of the Proposed Cable Route

6.12.1.1. The proposed cable route represents a complex construction management project with the sensitive landscape, ecological and heritage asset constraints providing additional challenges. The SDNPA note that a generic construction methodology will be applied to the route with the exception of the Tottington Mount section. Great weight is placed by the submission on the future formulation of the Construction Environmental Management Plan (CEMP) which is subject to the appointment of contractors. The SDNPA considers that, due to the acknowledged sensitivity of the environment, the CEMP should be completed prior to consent and be a comprehensive detailed methodology of the works proposed to enable a fully informed assessment.

6.12.2. Impacts of the Additional Works Required

6.12.2.1. To facilitate the construction of the proposed cable route it is acknowledged by the submission that both construction compounds for the storage of materials and vehicles and access tracks will be required. However, the application submission does not go into sufficient detail in identifying the impacts of such works. It is considered that it is intrinsically important to the assessment of the acceptability of the proposed cable route that the impacts of such wider works are assessed pre-consent to facilitate an informed assessment of the impacts of the proposal.

6.12.2.2. Accordingly, to facilitate an informed assessment, the submission should be able to answer the following questions, with regards to construction compounds and access, for the proposed works at any point of the cable route:

- Where will they be specifically located?
- What will be the duration of use and how will the land be reinstated?
- What is the impact upon landscape character?
- What is the ecological impact?
- Will they restrict or hinder access to the wider South Downs network?

6.12.3. Phasing

6.12.3.1. The SDNPA consider that the submission contains inadequate information regarding the duration and phasing of the proposed works. Knowledge of the duration and phasing is central to fully understanding the impacts of the proposed works upon issues such as ecology, drainage, landscape impact and access. In addition, there are a number of annual events central to both the general public enjoyment of the SDNP and the socio-economic wellbeing of the SDNP that any proposal would impact upon.

6.13. Engineering

6.13.1. JNP Engineering Report

At draft ES stage the SDNPA instructed JNP Group Engineers (Alan Brackley BEng (Hons) CEng FICE FStructE FCIHT) to provide an evaluation of the proposal, with particular regard to the engineering challenges faced on Tottington Mount and the feasibility of the proposed works. The report received is still pertinent and is as follows:

6.13.1.1. Introduction

- 6.13.1.1.1.** “The onshore cables will travel in four trenches with each trench containing three cables as well as fibre optics for communications. The trenches will total a width of 15m. An additional area known as the working width, which will be up to 30m, is required in order to facilitate the construction of the cable trenches.
- 6.13.1.1.2.** The standard method of installation for the onshore cables will be trenching, with the topsoil and subsoil removed and stored by the side of the cable trenches before being used to refill the excavations after the cables have been installed.
- 6.13.1.1.3.** This cable route area includes sections of steep slopes topography which constricts the working area which is likely to provide a considerable engineering challenge were the cables to be installed along the proposed route.
- 6.13.1.1.4.** Given the engineering challenges it is reasonable to question the feasibility of the area being returned to its current state once the work has been completed, and, due to the nature of the terrain, whether it will be actually feasible for the cables to be installed at the location specified by E.ON without significant disruption.
- 6.13.1.1.5.** Following a site visit to the proposed cable location the maps which were provided by E.ON, in PDF format, were converted into a dwg format with long and cross sections being produced in order to achieve a better indication of the terrain and a measure of the slopes that would be encountered.

6.13.1.2. Details of Long Section and Cross Section

- 6.13.1.2.1.** The path of the proposed cable route has been plotted for the entirety of Section 5 and parts of Sections 4 and 6 (as defined by E.ON). This is approximately 7.5km long.
- 6.13.1.2.2.** The main area of concern is centred upon Tottington Mount, which was demonstrable at the site visit. A long section has been plotted for the 7.5km route and cross sections are shown for the most significant areas, i.e. around Tottington Mount.
- 6.13.1.2.3.** The long section profile considered indicate varying terrain across the route with the land around Tottington Mount highlighting potential problems due to slopes of approx. 20% which would make construction work extremely challenging. In addition, due to the steepness of the topography, E.ON would need to ensure that the stability of the slope is not compromised.
- 6.13.1.2.4.** A thorough analysis and testing of the slope make up will be required and, because of the presence of hill creep, it should be made demonstrated beyond reasonable doubt that the measures E.ON proposes are feasible and would not result in additional engineering operations not contained within the ES.
- 6.13.1.2.5.** It is considered that should a slope failure occur it would result in irreparable damage to the topography of the slope.
- 6.13.1.2.6.** The cross sections considered indicate the profile of the land for a 40m width perpendicular to the route of the cable. The area around Tottington Mount provides the greatest cause for concern because of the steep slopes.

6.13.1.2.7. The cross sections show slopes of approximately 35%, 40% and 20% respectively. These steep slopes, combined with the long section showing a slope of 20%, raises significant concerns regarding the suitability of the proposed cable route and whether the implications on the environment of installing the cable at this location have been fully considered. There is the potential for a significant scar to be left on the landscape due to the specialist construction techniques that would be required to install the cable at Tottington Mount.

6.13.1.3. Case Study – Tottington Mount

6.13.1.3.1. In accordance with the draft Environmental Statement, it is acknowledged by E.ON that various alterations to the standard construction technique would need to be implemented when installing the cable in the area around Tottington Mount, due to the steep inclines and geology of the terrain.

6.13.1.3.2. It would clearly not be possible to achieve a working width of 30m due to topographical constraints and, and such, every effort would be required in order to use a minimum width of working area.

6.13.1.3.3. Due to the sensitive nature of the terrain with the chalk grasslands and steep slopes it has been proposed that sections of turf will be removed in large sections and then put back in place once the cable has been installed.

6.13.1.3.4. It would need to be ensured that once the turf has been removed and placed at the side of the trench it is maintained in a suitable condition in order that the landscape is returned to its original condition as soon as possible after the cable installation.

6.13.1.3.5. The standard haul road used in the majority of cable installation will be discontinued over the steepest parts of the route with specialist equipment having to be used in order to cut away the turf and install the cables.

6.13.1.3.6. Although E.ON have stated that this part of the route follows its particular path to maintain workable slopes it is unclear whether the path they have chosen is suitable. Evidence suggests that the slopes range between 20% and 40% in the area around Tottington Mount presenting significant challenges. Accordingly, it has not been adequately proven beyond reasonable doubt that the cable can be installed here without significantly damaging the landscape.

6.13.1.4. Comments

6.13.1.4.1. E.ON acknowledges that the area around Tottington Mount will provide significant challenges installing the cable. However, there are reasonable and serious concerns regarding the practicalities of the route passing through this area and what the true environmental impact could be. It is therefore reasonable for the SDNPA to require additional engineering detail regarding the route.

6.13.1.4.2. Doubts remain, in particular, about the feasibility of the scheme passing through Tottington Mount. This raises questions regarding whether an alternative route, that may not provide so many engineering challenges, would be more suitable.

6.13.2. Other SDNPA Engineering Comments

6.13.2.1. At Tottington Mount the works are particularly sensitive and pose additional engineering challenges to the remainder of the route. The angle of repose is such that normal plant cannot safely traverse the steep gradients. Additionally, the excavation of trenches will be much more complex. Spoil will not be easily stored on adjacent land and reinstatement works pose particularly difficult challenges to overcome the strong likelihood of a permanent scarp on this most valuable of features, the downland landscape. It is critical that the same quality of structure to the soils is preserved. The impoverished and thin layer of turf is dependent on the underlying ground. It is still not established beyond reasonable doubt how reinstatement will ensure the chalk grassland can be reinstated on steep gradients. Because of the difficulty in recreating chalk grassland it will be necessary for the chalk grassland turf to be stripped and temporary donor sites found for its storage, whilst the trenching and cabling works are undertaken. Reinstatement will require the same drainage qualities to be achieved. Over compaction of the underlying chalk will result in the chalk becoming impervious and the reestablishment of the turf difficult with a high chance of soil creep and slippage with the trench becoming a drainage feature subject to permanent scarring. Too loose a compaction leaves the material open to greater settlement. Accordingly, there should have been a strong presumption against routes which include such steep sections if the landscape designation had been afforded due weight. The SDNPA would additionally raise concerns that any turf excavation depth in excess of 300mm is both excessive and unrealistic. In a number of locations such a depth of turf is unlikely to exist, especially in areas of chalk grassland, whilst the depth proposed appears unjustified. If such a methodology were to be pursued additional details regarding the timing between lifting topsoil and restoration and confirmation of the means of protecting areas that will be used for storage of topsoil and subsoil to prevent any permanent harm should be forthcoming.

6.13.2.2. It is considered that the details of the restoration and after care of the trench are unclear. There is no evidence of a fully detailed statement that indicates how the temporary haul road is to be treated at the end of the contract or a demonstration of sufficient understanding of the land characteristics to convince the SDNPA that contractors will be able to reinstate the disturbed areas to the high standard required, especially the scarp slope. Paragraph 2b.5.66 indicates that 'a site investigation will be undertaken to establish the properties of the chalk and the depth of topsoil prior to the works. This will assist in determining the details necessary for the handling and the replacing of the turfs and the chalk backfill so that the optimum results can be obtained'. It is unclear how this information will be used and what approach will be taken. Again it places too greater expectation on the contractor when a clear approach is required at this stage to confirm the feasibility of the work in this sensitive location.

6.13.2.3. In addition, it is unclear how this approach will aid the reinstatement works in this section. Whilst specialist machinery is indicated to be used it is not clear if this is feasible on the steep gradients and that undue damage will not be caused to adjacent ground through wheel spin, especially when plant is under load carrying materials.

6.13.2.4. It is also not established what impact will occur from the heat the proposed cable route will generate, its proposed depth at differing points on the route, and the long term impact this may have upon chalk grassland and, in turn, the landscape

character of the SDNP. Such lack of detail hinders an informed assessment of the impacts of the proposal on chalk grassland.

6.14. Socio-Economic

6.14.1. Baseline

6.14.1.1. The SDNPA has a statutory purpose to “promote opportunities for public enjoyment and understanding of the special qualities of the National Park” in addition to a statutory duty to “foster the economic and social well-being of communities living within the National Park”.

6.14.1.2. The importance of access to, and support for, tourism and the local economy cannot be understated. The SDNP attracts approximately 46.3 Million recreational day visits per year equating to £454m, and its proximity to the large settlements on the coastal plain make it a popular and highly valued area for recreation. The SDW National Trail alone contributes £50 Million per year to the rural economy. Further baseline information is available in the SDNPA State of the Park Report 2012.

6.14.1.3. Accordingly, the SDNPA notes the economic and social benefits that the proposal could bring to the wider locality and the potential for between 65 and 85 full time posts to be created during the construction phase. However, whilst the SDNPA acknowledges its duty to foster economic and social well-being, an assessment is required to establish whether the social and economic benefits carry an overriding weight should the SDNPA consider the proposal has a significant harm in other respects. Acknowledging the Sandford Principle that the first NP purpose takes precedence over the second NP purpose, the SDNPA would consider that the social and economic benefits would be unlikely to outweigh any other significant harm generated by the proposal.

6.14.2. Submitted on-shore socio-economic report:

To support the above the SDNPA would make the following comments on the submitted on-shore socio-economic report:

6.14.2.1. With regards to 28.4.54 it should be noted that more recent Visitor Survey has been completed based on 2011/12 figures. Recreational day visits are now estimated to be 46.3 million with a value of £454 million (South Downs Visitor and Tourism Economic Impact Study - Tourism South East Research).

6.14.2.2. With regards to 28.4.55 it should be noted that whilst technically correct that relatively speaking only a small number stay over night. Overnight stays may only account for 4% of visits to the National Park, in reality this is some 1.99m visits with a value of £77.4m. A further 15% or 6.77m stay in accommodation outside the Park and travel in with a value of £101m, the remainder are day visits from homes either from within the Park or outside.

6.14.2.3. With regards to 28.5.9 it is recognised that workers employed from outside the area will bring economic benefits arising from expenditure by the workforce on subsistence, such as guest houses, restaurants and consumables. However, there is little provision of accommodation in the vicinity of the route through the National Park so, depending on where they are likely to be based, there may be competition for bed spaces with tourists during the summer months which will have a significant

detrimental impact upon access to the SDNPA in conflict with the second statutory purpose of the SDNPA.

- 6.14.2.4.** With regards to 28.5.39 and the impacts on businesses it should be noted that this does not consider the impact on other rural businesses due to disturbance on roads and potential loss of earnings or additional fuel costs. With regards to tourism businesses it is difficult to assess the impacts that the loss of visual amenity and tranquillity in areas immediately adjacent to the cable route will have and the wider potential impacts of construction traffic on roads, particularly main tourist routes. However they should not be dismissed as considerations so lightly as rural businesses are often fairly marginal with regards to income and their loss would be in conflict with the duty of the SDNPA.
- 6.14.2.5.** With regards to 28.5.40 it states that it is not expected that the additional workforce will have a significant adverse impact on the supply of accommodation, but it has not been identified what accommodation is available or what areas it will be required in. Within the SDNP there is very little accommodation along the proposed cable route.
- 6.14.2.6.** With regards to 28.5.42 the SDNPA considers that the proposal will not result in long term employment benefits although it is accepted that there may be 65-85 jobs created as a result of the operations and maintenance.
- 6.14.2.7.** With regards to 28.6.2 and the economy and employment it is noted that whilst the applicant will encourage the participation of local and regional companies in contract and supply tenders it is not clear how they will do this, or how effective it will be.
- 6.14.2.8.** With regards to Table 28.9, Summary of impacts: This does not refer to the potential loss of earnings and no attempt has been made to identify any tourism businesses. Therefore, it is unclear how a consultation will be undertaken. In addition, there is no reference to other types of businesses in the location which may be affected by delays or diversions.

6.14.3. Submitted off-shore socio-economic report

- 6.14.3.1.** To support the above the SDNPA would make the following comments on the submitted off-shore socio-economic report:
- 6.14.3.2.** With regards to 17.5.20, Capture of Capital value, the submission states that total value of the Robin Rigg example was £381m of which 32% was UK content and 12% regional but does not state what the local benefits were. It also states that 34% of the operations and maintenance expenditure is local but it does not state what the total amount is. Therefore, it is difficult to say whether or not this would be more than the value of tourism to the area.

6.15. Waste

- 6.15.1.** To accommodate the cables in the proposed trenches there will be quantities of material displaced. Therefore, quantities of waste will arise mainly in the form of chalk or clay soils. The ES does not indicate how waste from the project is to be dealt with in a sustainable manner. To uniform the assessment the proposal should be clear what approach is to be taken to the handling and disposal of this waste, and what is intended for the 40,000 tonnes of aggregates that is thought to be used just for the haul road,

which will require removal at the end of the temporary works. The SDNPA would indicate a preference for any materials to be used on the haul road being minimised and preference given to the use of secondary aggregates.

- 6.15.2.** The amount of waste likely to be generated requires calculation. Even a modest displacement of 0.8m x 0.5m for each trench will generate 22,400m³ of waste or 41,000 tonnes when the station connector facilities are included. This calculation makes no allowance for the difficulties of compacting the same material back into the trenches, which can be expected to generate a further residue. The SDNPA consider that the proposals must indicate what arrangements are proposed for waste management with a preference for these being included in the development. This will avoid uncertainty and the prospect of the responsibility falling on the selected contractor who may choose the path of least resistance which could be harmful to the SDNP and thus requires assessment pre-consent.
- 6.15.3.** With regards to paragraph 2b.4.45 it is noted that any surplus material from trench excavation 'may be spread and compacted across the working width before the topsoil is reinstated on a field-by-field basis, provided this will not impede achievement of restoration objectives, the materials are compatible and the landowner is in agreement. The landowner/occupier will also be consulted before any off-site disposal is planned. In such instances disposal will be undertaken in accordance with the Waste Management Regulations'. This approach is not considered acceptable and requires a clear methodology rather than left to the discretion of the selected contractor with could result in significant landscape damage. In addition, there is no indication of the scale or depth of such activities. It is considered that this aspect of the proposal requires reconsideration with regards to the likely volume of surplus waste and the appropriate mechanism for disposal, whether on or off-site, determined.
- 6.15.4.** There remains a lack of clarity over the construction and reinstatement of the haul road. Paragraph 2b.4.8 confirms that the actual working width will generally be no wider than 30m, with a general working width of 40m being defined for the DCO limits of the cable corridor (the Development Area) to allow 10m for micro-siting tolerance. This is a large expanse of land equivalent to a multi-lane highway given the trenches are within a 12metre width. The draft ES indicated that material was to be imported to construct the temporary haul road but there is no information submitted regarding the materials involved. A concerning addition is the need for the temporary haul road to be cut into the hillside with the statement in Paragraph 2b.4.19 that 'The haul road will require a small degree of temporary benching in this section to ensure a level surface for plant to traverse at all times'. Again the scope and impact of these works are not set out, but indicate the complexity of the task. Furthermore, site compound locations have not been identified so no assessment of these aspects is possible with regards to movement and storage of waste. (Paragraph 2b.4.1).

- Ends -

This document forms part of the submission of the SDNPA to the Planning Inspectorate examination of the Rampion offshore Wind Farm. Further details can be obtained from David Cranmer, Recovered Services Manager at david.cranmer@southdowns.gov.uk or 01730234120 or by visiting the SDNPA Rampion webpage at <http://www.southdowns.gov.uk/planning/rampion-offshore-windfarm>

Rampion Off-Shore Wind Farm
Local Impact Report and Written
Representation



South Downs
National Park Authority

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Acronyms Used within this Document:

BAP: Biodiversity Action Plan

CEMP: Construction Environmental Management Plan

CPA: Coastal Processes Assessment

DCO: Development Consent Order

DEFRA: Department for Environment, Food and Rural Affairs

EA: Environment Agency

EIA: Environmental Impact Assessment

ES: Environmental Statement

HDD: Horizontal Directional Drilling

IPC: Infrastructure Planning Commission

LAF: Local Access Forum

LST: Longshore Sediment Transport

LVIA: Landscape and Visual Impact Assessment

NIA: Nature Improvement Area

NPPF: National Planning Policy Framework

NSIP: Nationally Significant Infrastructure Project

NTS: Non-Technical Summary

PINS: Planning Inspectorate

PRoW: Public Right of Way

RIGS: Regionally Important Geological and Geomorphological Sites

SNCI: Site of Nature Conservation Interest

SDNP: South Downs National Park

SDNPA: South Downs National Park Authority

SDW: South Downs Way

SSSI: Site of Special Scientific Interest

WSCC: West Sussex County Council

I. Non Technical Summary

I.1. This document sets out what the SDNPA considers would be the impact of the proposed Rampion off-shore wind farm upon the National Park and what the key considerations of the SDNPA are.

I.2. The key consideration include:

- The SDNPA supports the right renewable technology in the right place;
- The proposal does not, and never has, given appropriate weight to the National Park designation;
- There are significant concerns that an inadequate assessment of alternative mechanisms to deliver the proposal has been undertaken to demonstrate the requisite exceptional circumstances to make the proposal acceptable;
- As a nationally designated landscape the appropriate barometer for assessment is whether the proposal conserves and enhances the SDNPA;
- The SDNPA promotes the attachment of significant weight to the landscape character of the SDNP;
- The considerations of the SDNPA must be given significant weight in the assessment and determination of the proposal;
- Appropriate consideration has not been given to the wider impact of the engineering and ancillary works required to construct the proposed cable route;
- The sense of tranquilly and openness at the Heritage Coast will be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character;
- The impact of the proposed cable route, with an up to 30m working width, upon chalk grassland is not adequately considered resulting in a lack of confidence in the proposed restoration;
- Any impact upon the SDNP must be mitigated to ensure the SDNP is conserved or enhanced;
- The permanent impact upon the SDNP and its communities must be mitigated via appropriate community benefits; and
- The Development Consent Order must respect the National Park designation and the Governments recent decision to make the SDNPA the Local Planning Authority;

I.3. The SDNPA also raises a number of comments and concerns regarding the technical detail contained within the submitted application, particularly with regard to the Environmental Statement and the adequacy of the mitigation of the harm generated by the proposal.

I.4. This document was agreed by Members of the SDNPA at the 8 August 2013 planning committee.

2. Introduction

2.1. Purpose of document

- 2.1.1.** The South Downs National Park Authority (SDNPA) has committed to engaging fully with the assessment of the proposed Rampion offshore wind farm to ensure that the Secretary of State is able to take as informed a decision as possible. Accordingly, this document represents both the Local Impact Report (LIR), due 9 August 2013, and the Written Representation (WR) of the SDNPA, due 15 August 2013.
- 2.1.2.** The sole definition of an LIR is given in 60(3) of the Planning Act 2008 as '*a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'. Further guidance is contained within Advice Note One, published April 2012, which indicates that, whilst the LIR should set out an evidence base it should not replicate the information contained within the submitted Environmental Statement (ES) and should not seek to balance or weigh the impacts upon the host environment but should clearly set out positive, neutral and negative impacts.
- 2.1.3.** The Written Representation is the opportunity for the SDNPA to substantiate the comments made within the relevant representation submitted 10 May 2013 in addition to submitting any other information considered relevant.

2.2. Format of document

- 2.2.1.** The format of this document is set out to assist the Planning Inspectorate Examination Panel and the Secretary of State in taking an informed assessment of the proposal. It should be considered as an update of the SDNPA s42 consultation response reflecting any progress made during this period, the baseline for assessment during the examination and the considerations of Members of the SDNPA.
- 2.2.2.** Accordingly, this document will initially set out the designation, powers and special qualities of the SDNP prior to setting out how the SDNPA has engaged with the consultation process thus far. Thereafter, it will set out the key considerations of the SDNPA (the Written Representation) and the response to the baseline evidence set out within the submission that informs the impact upon the SDNP (the Local Impact).

3. The South Downs National Park

3.1. Designation

- 3.1.1.** The SDNP was designated on 1 April 2010 and the SDNPA became the Planning Authority on 1 April 2011 to take forward arrangements for the management of the National Park and delivery of its statutory purposes and duty.

3.2. Duty of Regard

- 3.2.1.** National Parks have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of the designated areas has specific statutory purposes which are intended to ensure their continued protection. Accordingly, section 11A(2) of the National Parks and Access to the Countryside Act (1949), as amended by Section 62(2) of the Environment Act 1995, places a duty upon National Parks “in exercising or performing any functions in relation to, or so as to affect, land” to “have regard” to their purposes:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
2. To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

- 3.2.2.** Section 62 of the Environment Act 1995 inserted section 11A into the National Parks and Access to the Countryside Act 1949 which sets a statutory duty on the SDNPA to have regard to the purposes of designation when exercising or performing any functions to, or so as to affect, land in the National Park. This duty is:

1. To foster the economic and social well-being of communities living within the National Park.

- 3.2.3.** In addition, the Environment Act 1995 places a general statutory duty on all relevant authorities, requiring them to have regard to the purposes of National Parks. This ensures that relevant authorities take account of these purposes when coming to decisions or carrying out their activities relating to or affecting land within these areas. It recognises that a wide range of bodies have a direct influence over the future of protected landscapes in terms of policy, project implementation, casework decisions, land ownership and management. It also acknowledges that the fulfilment of protected area purposes rests not only with those bodies directly responsible for their management but also relies on effective collaborative working. As such, the duties are particularly important to the delivery of the purposes of protected areas and to the overall achievement of sustainable development in rural areas.

- 3.2.4.** A Department for Environment, Food and Rural Affairs (DEFRA) guidance note, published in 2005, sets out the duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty and the Norfolk and Suffolk Broads. The document sets out those bodies it considers to have a duty of regard including, at section one, PINS and, at section eight, The Crown Estate. In addition, the document places the duty of regard upon any statutory undertaker and, as such, it is reasonable to apply the duty of regard to E.ON and its contractors.

3.3. Powers

- 3.3.1.** As a National Park, the SDNPA has statutory purposes and socio-economic responsibilities as specified in the Environment Act of 1995. In addition, the SDNPA is the Local Planning Authority for the SDNP and the Relevant Authority for Access Land.

3.4. Policy

- 3.4.1.** The SDNPA launched its statutory Management Plan for consultation in July 2013 (<http://www.southdowns.gov.uk/about-us/management-plan>). In addition, the South Downs Integrated Landscape Character Assessment was updated in 2011 (<http://www.southdowns.gov.uk/planning/integrated-landscape-character-assessment>) and the State of the Park report released in 2012 (<http://www.southdowns.gov.uk/about-us/state-of-the-national-park-report-2012>). These documents provide important baseline information against which to assess and monitor any change within the SDNP.
- 3.4.2.** The SDNPA is currently in the process of formulating its Local Development Plan and this is expected to be ready for adoption in 2015. In the interim the SDNPA recognises the NPPF, which places great weight on the significance of National Parks, and the Adur District Council Local Plan 1996, Horsham District Council Core Strategy 2007 and the Worthing Borough Council Local Plan 2003 as the relevant Local Development Frameworks within the part of the SDNP affected by the proposal.

4. Previous SDNPA Representations

4.1. SDNPA engagement with E.ON

- 4.1.1. The SDNPA responded, at the 12 April 2012 Planning Committee, to the E.ON s78 public consultation. This response sought to establish to scope of issues the SDNPA would be required to consider when considering future consultations.
- 4.1.2. The SDNPA responded, at the 9 August 2012 planning committee, to the E.ON s42 consultation. This response sought to highlight concerns and make comments on the draft Environmental Statement to provide E.ON the opportunity to revise the proposals.
- 4.1.3. In addition to the above the SDNPA have attended and requested a number of meetings with E.ON. This has included presentations from E.ON on 28 March 2012, 17 May 2012, 26 July 2012 and 25 July 2013. In addition, Officers of the SDNPA also attended Local Planning Authority liaison meetings, organised by E.ON, on 18 April 2012, 17 July 2012 and 18 April 2013. The SDNPA also attended a site meeting with E.ON at Tottington Mount on 20 May 2013.

4.2. SDNPA engagement with the Planning Inspectorate

- 4.2.1. The SDNPA responded on 10 October 2010 to the Infrastructure Planning Commission (IPC) request for information to assist the formulation of an Environmental Impact Assessment (EIA) scoping report.
- 4.2.2. To assist the Planning Inspectorate in deciding whether to accept the application, the SDNPA provided an adequacy of consultation response on 14 March 2013.
- 4.2.3. Furthermore, the SDNPA submitted a relevant representation on 10 May 2013 to inform the key topics for assessment and attended the pre-examination meeting on 18 July 2013 to inform the examination timetable.

4.3. Summary of formal engagement

Response to Scoping Opinion	10 October 2010
Response to Public Consultation (http://www.southdowns.gov.uk/_data/assets/pdf_file/0007/283129/12th-April-2012-Planning-Committee.pdf)	Planning Committee April 2012
Response to draft Environmental Statement (http://www.southdowns.gov.uk/_data/assets/pdf_file/0018/283131/9th-August-2012-Planning-Committee-2.pdf)	Planning Committee August 2012
Adequacy of Consultation Response (http://www.southdowns.gov.uk/_data/assets/pdf_file/0004/323761/Adequacy-of-Consultation-Response-March-2013.pdf)	14 March 2013
Submission of Relevant Representation (http://www.southdowns.gov.uk/planning/rampion-offshore-windfarm)	10 May 2013
Planning Inspectorate Pre-Examination meeting	18 July 2013

5. Key Considerations

5.1. Renewable Energy

5.1.1. The SDNPA supports the right renewable technology in the right place.

The SDNPA acknowledges the Government's commitment to support a low carbon economy and the national development of renewable energy infrastructure through the adoption of the Climate Change Act 2008.

5.1.2. The SDNPA supports the development of renewable energy initiatives dependent upon there being no conflict with the statutory purposes and duty of the SDNPA.

5.2. The Weight Afforded to the National Park Designation

5.2.1. **The proposal does not, and never has, given appropriate weight to the National Park designation.** Announcing the confirmation of the South Downs National Park (SDNP) designation the then Environment Minister Hillary Benn stated that the "South Downs' wonderful countryside will be protected forever for the enjoyment of everyone".

5.2.2. The National Park designation affords significant protection to the landscape character of the SDNP and this importance is reflected in the subsequent establishment of the SDNPA as the Local Planning Authority. However, it is important to recognise that the designation is a national designation and, as such, the SDNP is of national importance. This is an important distinction to make when assessing a Nationally Significant Infrastructure Project (NSIP) as it indicates that the National Park designation is of equal importance, when considered from a strategic national perspective, as a NSIP.

5.2.3. To provide adopted policy support to the National Park designation paragraphs 5.9.9 to 5.9.11 of the overarching National Policy Statement for Energy (EN-1) states "National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the IPC [superseded by PINS] should have regard to in its decisions.

The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the IPC in deciding on applications for development consent in these areas.

Nevertheless, the IPC may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of:

- The need for the development, including in terms of national considerations, and the impact of consenting or not consenting it upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.4; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The IPC should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary”.

- 5.2.4.** The SDNPA considers that E.ON have not applied the appropriate weight, or given due regard, to the SDNP in the development of the Rampion proposal. This is most clearly articulated in the assumptions utilised in the assessment of alternative cable routes but is also prevalent throughout many aspects of the proposal.

5.3. Alternative Mechanism for delivery

- 5.3.1.** **There are significant concerns that an inadequate assessment of alternative mechanisms to deliver the proposal has been undertaken to demonstrate the requisite exceptional circumstances to make the proposal acceptable.** Any major development within the SDNP should only be consented where it is demonstrably in the public interest (NPPF, Para 116) and exceptional circumstances can be demonstrated (EN-1). Accordingly, all other alternatives for meeting the Governments renewable energy targets should be explored before harm to the SDNP is to be accepted.

- 5.3.2.** The SDNPA consider that for any development, whether of national or local importance, proposed within the SDNP an assessment must be undertaken to demonstrate, beyond reasonable doubt, that the proposed development could not be located outside of the SDNP within a less sensitive environment unless it is pursuant to the SDNPA’s statutory purposes and duty.

5.4. The Barometer for Assessment

- 5.4.1.** **As a nationally designated landscape the appropriate barometer for assessment is whether the proposal conserves and enhances the SDNPA.** The Government only recently designated the SDNP as a National Park and, as such, no development should be permitted that would compromise the core rationale behind the National Park designation.

- 5.4.2.** The barometer for the assessment of any development within the SDNP is one which should not accept compromises unless the development is essential for the purposes and duty of the SDNP, as set out at 3.2.3 and 3.2.4,.

5.5. Attaching Significance to Landscape Character

- 5.5.1.** **The SDNPA promotes the attachment of significant weight to the landscape character of the SDNP.** The primary rationale for the national designation of the SDNP was for its outstanding landscape character and, as such, significant weight should be attached to the landscape character of the SDNP in any assessment.

- 5.5.2.** Accordingly, from conception, consultation, amendment and assessment to delivery (if consented) the impact upon the landscape character of the SDNP should be a principal, and overriding, consideration.

5.6. Localism

- 5.6.1.** **The considerations of the SDNPA must be given significant weight in the assessment and determination of the proposal.** Announcing the Localism Act

2011, Eric Pickles, Secretary of State for Communities and Local Government, stated in his written Ministerial Statement that the Act would result in the “replacement of the Infrastructure Planning Commission with an efficient and democratically accountable system for major infrastructure”.

- 5.6.2.** Whilst the proposal is an NSIP it is clear, both through the Localism Act 2011 and wider Government intentions to devolve powers to Local Government, that local statutory bodies, such as the SDNPA, are to be important stakeholders in any decision making process. As such, any proposal within the SDNP must demonstrate that it has applied a due regard for both local environmental characteristics, best expressed by experts at the local level, and the considerations of the local population.

5.7. Informed Assessment

- 5.7.1. Appropriate consideration has not been given to the wider impact of the engineering and ancillary works required to construct the proposed cable route.** An assessment of the true impact of the proposed works is not currently possible due to the omission of a detailed construction methodology with regards to spatial impacts.

- 5.7.2.** The proposed works include significant logistical challenges regarding the engineering feasibility of the proposed cable route and the ancillary works required. However, the proposal contains little spatial detail regarding the location of the construction compounds and the vehicle movements required and, as such, the resultant impacts, specifically with regards to landscape character and ecology, cannot be assessed.

5.8. Impact upon the Heritage Coast

- 5.8.1. The sense of tranquilly and openness at the Heritage Coast would be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character.** The Heritage Coast of the South Downs National Park, the first to be defined as such, represents some of the most beautiful, undeveloped coastline, which is managed to conserve its natural beauty and, where appropriate, to improve accessibility for visitors. The siting of 175 turbines will enclose views from the SDNP to the detriment of the sense of tranquillity and openness experienced by users in addition to significantly changing the landscape character of the coastline.

5.9. Impact Upon Chalk Grassland

- 5.9.1. The impact of the proposed cable route, with an up to 30m working width, upon chalk grassland is not adequately considered resulting in a lack of confidence in the proposed restoration.** Chalk grassland is an internationally and nationally rare habitat, and one of the richest habitats in western Europe. It is notoriously challenging to recreate. Therefore, whilst the proposal includes mitigation measures these are generalised for the majority of the cable route and at Tottington Mount, where the topography is so challenging, the proposed mitigation measures are untested and do not demonstrate with any degree of confidence that the restoration will be successful. By undertaking what is essentially a trial restoration, which has not been adequately tested, the proposal is in conflict with the SDNP purpose to conserve or enhance and could result in a permanent scar upon the landscape of the SDNP and harmful to this internationally rare habitat.

5.10. Mitigation

5.10.1. Any impact upon the SDNP must be mitigated to ensure the SDNP is conserved or enhanced. Significant concerns are raised in the Local Impact Report that the proposal will inadequately mitigate the harm caused – particularly with regard to the impact upon chalk grassland. Any shortfall in mitigation will be unacceptable and conflict with the statutory purposes and duty of the SDNP. The SDNPA is an appropriate Authority to deliver mitigation, in this instance, where required to ensure no shortfall.

5.11. Mitigation through Community Benefit

5.11.1. The permanent impact upon the SDNP and its communities must be mitigated via appropriate community benefits. The SDNPA is the relevant Authority to manage the required mitigation of the proposal and appropriate use of community benefits.

5.11.2. Paragraph 5.9.11 of the overarching National Policy Statement for energy (EN-1) states “The IPC [superseded by PINS] should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary”.

5.11.3. The SDNPA is in dialogue with E.ON regarding the delivery of mitigation through community benefits and will submit either an agreement or the SDNPA suggested agreement to the Planning Inspectorate at the appropriate juncture in the examination process.

5.12. Development Consent Order

5.12.1. The Development Consent Order must respect the National Park designation and the Governments recent decision to make the SDNPA the Local Planning Authority. The DCO, in its submitted form, would take away decision making powers that the SDNPA currently has with regards to the discharge of conditions. This would significantly compromise the SDNPA’s ability to undertake its statutory purposes and duty.

5.12.2. The DCO, in its submitted form, would grant decision making powers to West Sussex County Council with regards to any conditions placed on the DCO. These are likely to include conditions relating to landscape, ecology, archaeology and construction management which would normally be the statutory responsibility of the SDNPA as the Local Planning Authority. This is unacceptable and in direct conflict with the establishment of the SDNPA and its purposes and duty.

5.12.3. In addition, the DCO, in its submitted form, would result in harm to the landscape character of the SDNP. For example, it would allow land affected to be returned to a condition as agreed with the landowner which could result in unacceptable permanent development without the benefit of securing planning consent through the appropriate democratic process.

5.12.4. The SDNPA is in dialogue with E.ON regarding amendments to the DCO and will submit either agreed amendments or the SDNPA suggested amendments to the Planning Inspectorate at the appropriate juncture in the examination process.

6. Impact upon the South Downs National Park

6.1. Assessment of Alternative Routes

6.1.1. Chronological Process – Comments made at draft ES stage

The SDNPA considers that the information it submitted in response to the s42 consultation (August 2012) is still relevant providing a commentary of the amendments to the proposal in addition to highlighting the changes in justification between the draft ES and the submitted application. As such, the following comments (6.1.1.1 to 6.1.1.13) are an extract of the SDNPA s42 consultation response:

- 6.1.1.1.** “With regards to the proposed cable route it is clear that the initial consideration was the technical suitability of the off-shore zone (zone 6) to accommodate an off-shore wind farm. It is not until later in the process that a consideration of on-shore sensitivities is taken into account. Given the clear Government intention to protect National Parks for their inherent value the SDNPA consider that the on-shore sensitivities should have been taken into account both when the Crown Estate, who DEFRA list as having a duty of regard to the National Park, allocated Zone 6 and when E.ON chose the proposed development area within Zone 6.
- 6.1.1.2.** When considering the most appropriate grid connection this was assessed under five key considerations. This did not include an assessment of the on-shore landscape impact and subsequently resulted in several alternatives being removed prior to further assessment being undertaken of the on-shore impacts. This methodology negated the consideration that a more costly grid connection process may be preferable to a route with greater on-shore landscape harm. This reinforces the SDNPA’s concerns that at the initial concept feasibility stage the overriding consideration was technical feasibility and not potential environmental impacts.
- 6.1.1.3.** For example, at 3.3.7 of the draft ES the Babcock & Brown study established that connection to the 132 kV network would require multiple offshore routes, landfalls, onshore routes and substations due to the restricted capacity at any single point. The SDNPA understands that EDF Energy Networks (the then operator of the distribution system prior to UK Power Networks) was contacted to determine the capability of existing substations and power lines on the Sussex coast to enable the 132kV network to accept new electrical generation, prior to further environmental and engineering analysis being undertaken. EDF Energy Networks are understood to have advised that connecting the south coast area into their 132kV network, closer to the coast than Bolney, would require additional circuits to be constructed from the connection point to Bolney. The study concluded that splitting the scheme into several smaller connections into substations such as Fishersgate, Worthing, Newhaven or Southern Cross would require major electrical infrastructure work (underground cable or overhead line) between Southern Cross 132kV and Bolney. In addition, significant reinforcement would be required (additional or larger) of the connections between existing local distribution substations and Southern Cross as well as a number of new Rampion specific substations adjacent to the existing substations. It was concluded that this would result in greater environmental impact over a wider area, without removing the impact to the SDNP. Additionally, there would be significant additional disturbance to local communities and be a much less cost effective option than the single point of connection currently proposed.

- 6.1.1.4.** The SDNPA is therefore concerned that ‘consenting’ challenges have been highlighted as a reason for not selecting the 132KV network when facilities, such as the Newhaven Energy Recovery Facility were able to access the local grid, albeit providing around 16.5KW of power to the local grid. There are other places along the south coast (Eastbourne; Newhaven; Southern Cross, Portslade; Sompting, Worthing; Fishbourne; Havant) where more local connections could be made to the 132/33KV transmission system and there may be other opportunities that require exploration.
- 6.1.1.5.** Given the above the SDNPA consider that E.ON need to demonstrate, beyond reasonable doubt, why a single or multiple supply to these points is not being proposed thus potentially avoiding any new transmission line across the SDNP and the associated detrimental impacts.
- 6.1.1.6.** At 3.3.10 of the draft ES, separate to E.ONs’ own investigations, the draft ES references that the Crown Estate commissioned a Senergy Econnect independent grid feasibility study for their entire Round 3 portfolio in 2008. For Zone 6 the study considered alternative connection points at the existing National Grid 400kV substations at Bolney and Ninfield. The study discounted Ninfield as a potential connection point as a result of the significantly longer cable route and related high cost. The Senergy Econnect study also considered a potential new coastal substation located between Shoreham and Bolney, involving the adoption of a section of existing 132kV overhead line and reconstruction of the connection as a 400kV overhead line with larger pylons. However, this option was not considered further by Senergy Econnect due to the cost of the onshore transmission network extension necessary to create and then connect this new substation. It is considered that cost alone, unless truly prohibitive, should not be justification for directing the proposed cable route through the SDNP.
- 6.1.1.7.** Furthermore, to the east of Bexhill, an alternative landfall for a Ninfield connection was identified which would require significantly longer offshore and onshore cable distances. The engineering of the landfall was perceived as straightforward but the near shore route was constrained by existing land uses, although still considered feasible with careful routing. This area is a corridor for significant service facilities associated with relatively recent waste water treatment works and a high pressure gas main. Given the limited width of the ancient woodland and the ability for Horizontal Directional Drilling (HDD) the SDNPA is concerned that this route option was so clearly disregarded on environmental grounds. The SDNPA consider that there is a need to fully compare these environmental impacts with the 14km of disturbance proposed to the nationally designated SDNP.
- 6.1.1.8.** Options for connection into the 400kV transmission system were identified at three National Grid substations: Bolney in Mid-Sussex, Lovedean in Hampshire and Ninfield in East Sussex. Lovedean was discounted as it is the furthest from the Rampion off-shore site and would involve considerably more extensive offshore and onshore cable sections (but would have avoided disturbance to the SDNP). The SDNPA would seek clarification regarding why the considerations did not explore the possibility of creating a new connector point to the National Grid linked to a better environmental route, i.e. Hellingly near Hailsham, thus avoiding the Site of Special Scientific Interest (SSSI) at Pevensey Levels. This would enable a route selection to avoid any disturbance to the SDNP skirting its eastern end. The SDNPA consider that E.ON need to demonstrate that such an option is not feasible.

- 6.1.1.9.** A further option that the SDNPA considers requires further exploration is the potential upgrading of the existing Southern Cross to Bolney overhead power line with either the restringing or provision of higher voltage cables. The SDNPA appreciates that this, in itself, raises sensitive issues but is considered, on balance, worthy of further exploration as a comparable.
- 6.1.1.10.** Equally, the selection of the landfall location once again did not take the impacts upon the SDNP into account focussing attention upon only the immediate environment rather than a strategic analysis of the overall route. Once this process was undertaken, and Bolney and Ninfield were identified as potential National Grid connections, it was the technical challenges and impact upon the SSSI, Ramsar Site and Ancient Woodland (for the Ninfield route) that were weighted as more harmful than the route through the SDNP. The SDNPA would challenge such broad assumptions citing the SDNP as a national designation.
- 6.1.1.11.** Whilst a sequential route selection was convenient for E.ON in minimising the scope of information they had to consider (i.e. they considered the onshore impacts only after choosing the either Bolney or Ninfield National Grid connections thus avoiding having to assess the on-shore impacts for a wider target area) this negated the national importance of the SDNP only enabling weight to be attributed to it once a number of other variables had been confirmed. Therefore, once Bolney was selected as the chosen preferable National Grid connection it was only at this juncture that a thorough analysis of the route from landfall to Bolney was considered and the on-shore impacts taken into account.
- 6.1.1.12.** When commencing consideration of the broad cable corridor this was primarily undertaken by mapping known significant environmental features (i.e. SSSI's) and through utilising "aerial photography" (3.4.8 of the draft ES). Such a methodology clearly places little weight on landscape character which cannot easily be established through a desktop study. Furthermore, it is clear when reviewing the sequential approach employed in Chapter three of the draft ES that liaising with local landowners (3.4.12 of the draft ES) was given greater weight than onshore cable route refinement. Indeed, it is further evident that **a preliminary cable route was selected prior, in September 2010, to the landscape and visual vantage point assessment, undertaken in October 2010 (3.4.13 – 3.4.14 of the draft ES)**. The SDNPA would contend that, given the National Park landscape designation, a landscape character assessment should have formed an important preliminary consideration rather than occurring as a later consideration.
- 6.1.1.13.** It is clear that the route selection methodology sought to avoid known significant environmental features and the process of refining the route endeavoured further to follow through with such an approach. Whilst the SDNPA would not advocate that any significant harm to an environmental feature is acceptable it is noted that the landscape character impact does not appear to have carried any significant weight in the refinement process. Whilst as a general approach this may be appropriate in a number of locations there may be locations where a minor harm to a significant environmental feature would be preferable to a major harm to a nationally designated landscape character (a reflection of this approach is that the 'final' proposed route includes 14km of cabling through the SDNP whereas the shortest route is only 4km)".

6.1.2. Chronological Process – August 2013 Update

In addition to the above the SDNPA has the following considerations on the submitted documents:

- 6.1.2.1. It is noted in submitted document 6.1.3 that there is a greater explanation at the strategic level of the connections to the national grid. Figure 3.5 details to some extent the grid transmission and supply system, although the rating of the different lines is not detailed. It is stated in paragraph 3.3.8 that 'During the initial appraisal of potential areas for the development of offshore wind farms by E.ON in 2008, a grid connection feasibility study was undertaken by Babcock & Brown Ltd (with input from PMSS and RPS) to determine the optimal grid connection locations for a potential wind farm off the South Coast. PMSS carried out a desktop analysis of potential landfall sites while RPS provided an environmental feasibility assessment for the various potential connection options identified". It is noted that this work preceded the designation of the National Park and therefore it should have been reviewed in this light. In any case this definitive piece of work that underpins the submission should form part of the ES. Therefore, **it is not clear how the statement in 3.3.10 that 'a key preference was to avoid the need to undertake unnecessary development within the South Downs National Park (SDNP), which lies north of the developed coastline' was taken into consideration. Indeed, the chronological evidence points strongly to the contrary.**
- 6.1.2.2. It is apparent that in paragraph 3.3.11 the Babcock & Brown study identified a potential 132kV connection point at Southern Cross and a 33kV option at Fishersgate. The section does not identify the power rating of the new offshore supply to understand the constraints imposed by the feed within the existing grid. Option 5 with landfall at Ninfield (East Sussex) identifies some constraints but not necessarily any overriding concerns and in the conclusion was discounted on economic grounds. This differs from the earlier proposals which indicate the presence of ancient woodland as the constraint. In the circumstances of the selection and the considerable ambiguity that exists it would not be unreasonable to request detail of the comparative assessment work so that the choice of land fall options is transparent. The documents do not provide convincing assessment of all the options or a thorough analysis and assessment sufficient to confirm that there is an overwhelming need to align the power connections through the National Park.
- 6.1.2.3. Document 6.1.2b at paragraph 2b.3.20 confirms that the onshore cable system will comprise of four circuits at a voltage between 132kV and 220kV inclusive. It does not discuss the feasibility to upgrade the existing overhead line to Fishersgate or potentially provide for its entire undergrounding at the higher voltage level which is an option. Each circuit will comprise three single-core cables as well as associated communications (fibre optic) cables with the diameter of each cable typically ranging from 87mm to 111mm. It is considered a weakness of the submission that these voltage requirements were not clearly related to the search for grid connections.
- 6.1.2.4. Whilst fibre optic cables may be a useful addition to place in the ground at the same time, the access and maintenance needs for these additional cables requires identification to enable an understanding in terms of future traffic and disturbance.

6.1.3. Consideration of Duty of Regard

6.1.3.1. Section 11A(2) of the National Parks and Access to the Countryside Act (1949) as amended by Section 62(2) of the Environment Act 1995 places a duty on relevant authorities to have regard to the purposes of National Parks. It requires that ‘in exercising or performing any function in relation to, or so to affect land’ within these designated landscapes there is a requirement to “have regard to their statutory purposes’.

6.1.3.2. There is insufficient evidential detail to demonstrate how the various constraints that were identified for the proposed route were considered, or weighed up, against those for any potential ‘alternative’ route. Little or no consideration is given to landscape value with preference given to other, more easily plotted, constraints such as listed buildings and SSSI’s, financial cost or technical ease. The SDNPA considers that the National Park designation was not a primary consideration in terms of developing the cable route in conflict with the duty of regard.

6.2. Landscape

The value of the landscape of the SDNP cannot be understated. It is the principle rationale behind the National Park designation and is afforded great weight by all national policy. The consideration of landscape has been, as set out in Section 6.1 of this document, lacking in the assessment and consideration of the cable route chosen. This section will focus on the methodology of landscape assessment employed for the proposal.

6.2.1. Chalk Grassland

6.2.1.1. The potential impact of the proposed cable route upon South Downs chalk grassland, an internationally rare habitat that is challenging to recreate, is significant. Chalk grassland is one of the richest habitats in western Europe but is now rare in the UK. It is being restored across the South Downs, as part of a Government-funded project, the South Downs Way Ahead Nature Improvement Area, and is often described as the British equivalent of tropical rainforest and is vital to the survival of rare wildlife such as the Duke of Burgundy butterfly and orchids

6.2.1.2. Given the above any impact upon chalk grassland is a significant issue that should have the status of an overriding consideration in the assessment of the proposal should it not be demonstrated, beyond reasonable doubt, that the proposal will conserve and enhance chalk grassland.

6.2.1.3. Such importance is appropriate as, should the proposed restoration fail, the cable route would leave a permanent scar, due to lack of grassland growth, resulting in an unacceptable impact to the landscape character of the south Downs National Park contrary to its national landscape designation. The lack of confidence in the restoration strategy proposed is set out in sections 6.12, 6.13 and 6.15 of this report

6.2.2. Heritage Coast

6.2.2.1. Heritage Coasts represent stretches of the most beautiful, undeveloped coastline, which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors. The Heritage Coast of the SDNP is one of the foremost examples and was the first section of Heritage Coast defined.

6.2.2.2. The national purposes of Heritage Coasts are to: conserve, protect and enhance the natural beauty of the coasts, their marine flora and fauna, and their heritage features; facilitate and enhance their enjoyment, understanding and appreciation by the public; maintain and improve the health of inshore waters affecting Heritage Coasts and their beaches through appropriate environmental management measures; and to take account of the needs of agriculture, forestry and fishing, and of the economic and social needs of the small communities on these coasts.

6.2.2.3. The sense of tranquilly and openness at the Heritage Coast would be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character to the detriment of the sense of tranquillity and openness experienced by users in addition to significantly changing the landscape character of the coastline. The SDNPA provided significant comment at draft ES stage on the issue and, whilst amendments have been undertaken to the proposal to reduce the impact, it is clear that a significant impact would still occur and it is acknowledged that mitigation is challenging, if not impossible. Further commentary on the impact of the proposal on the Heritage Coast is included at 6.2.5 of this document.

6.2.3. ES Conclusions (ES Section 6.2.1 to 6.2.3)

6.2.3.1. The SDNPA raised, in the response to the s42 consultation, that the ES should outline some broad mitigation measures in relation to minimising the impacts on the highly sensitive receptors on the Heritage Coast. Though it is acknowledged that some effort has been made to alter the shape and layout of the array, the overall effect of this is limited.

6.2.3.2. Equally, the SDNPA raised concerns that the Heritage Coast designation had not been given due weight. It is acknowledged that subsequent revisions to the ES have sought to address this shortcoming and it is noted that the ES now recognises the Heritage Coast as a key consideration due to its highly sensitive nature. However, it is considered that the magnitude of the change is still underestimated within the assessment.

6.2.3.3. Therefore, although some effort has been made, in terms of layout of the array, to mitigate the impacts of the development on the Heritage Coast and its special qualities even with the adjustment of these layout parameters it is still considered that the overall mitigation effect will be limited given the high sensitivity and visual amenity of the Heritage Coast.

6.2.4. Landscape & Visual Impact Assessment (ES Section 26 - Document 6.1.26)

6.2.4.1. Page 26.2, Para' 26.2.4 acknowledges the sensitivity of coastal areas and the impact of visual intrusion, specifically along undeveloped sections of coast. This supports the SDNPA's concerns regarding the visual impacts upon the Heritage Coast, and the reality that it is not possible to fully mitigate against these impacts – even with the revisions to the orientation and scale of the off-shore array.

6.2.4.2. Page 26.2, Para' 26.2.7 does not reference the relevant provisions within the NPPF in relation to National Parks specifically – just the treatment of landscape and visual amenity in more 'general countryside'.

6.2.5. Seascape, Landscape and Visual Impact Assessment (ES Section 12 - Document 6.1.12)

- 6.2.5.1.** Page 12-6, Para 12.2.21 - The reference to the offshore development being 'more remote' in terms of its visual relationship with both the National Park and the Heritage Coast is not considered accurate. The elevated nature of the ridgeline and the scenic views of the Seascape from the Heritage Coast mean this visual relationship, even over substantial viewing distance, is very strong.
- 6.2.5.2.** Page 12-6, Para 12.2.22 - Reference to the Inspector's conclusions in relation to this section of coastline provides useful information. However, this neglects to pick up the Inspector's references to the importance of uninterrupted links and views from the South Downs to the sea where they occur elsewhere. There are other such 'strategic' gaps within the more developed areas of coastline to the west of the Heritage Coast – for instance at Rottingdean and Tidemills near Newhaven. The Inspector stressed the importance of this visual relationship, and the perceptual and visual amenity it provided for residents and visitors to the National Park.
- 6.2.5.3.** Page 12-7, Para 12.2.27 - In terms of the overall policy context for the development in terms of the National Park and Heritage Coast, this paragraph makes general reference to an aspiration that development 'does not detract but makes a positive contribution to local landscape character'. This statement was taken from the previous South Downs Management Plan (2005). This was written prior to the area's designation as a National Park. Though still emerging, the draft Management Plan currently includes a number of defined outcomes that are relevant in terms of the proposed development. Most relevant to consider is outcome one which states "the landscape character of the National Park, its special qualities and local distinctiveness have been conserved and enhanced by effectively managing the impacts of major development and small-scale cumulative change".
- 6.2.5.4.** Page 12-10, Para 12.3.2 - This includes summary reference to the UK Offshore Energy Strategic Environmental Assessment in relation to the South Downs National Park and Heritage Coast. This reference clearly illustrates the point of the effect of elevation, and the strong visual relationship with the Seascape and its high sensitivity to developments of this major scale. It also highlights the perceptual characteristics that are highly valued in relation to this undeveloped section of Coastline. This demonstrates the clear fact that in spite of proposed changes to the offshore array, in terms of alignment and small changes to its boundary on the eastern edge, there is little that can be done in real terms to mitigate the impacts of the development on this iconic section of the Heritage Coast.
- 6.2.5.5.** Page 12-11, Para 12.3.10 - This paragraph suggests that no recreational routes have been identified as requiring an assessment of sequential visual effects. The issue of the need to consider the potential cumulative impacts in relation to the South Downs Way National Trail were raised during the scoping process and in relation to the draft Environmental Statement.
- 6.2.5.6.** Page 12-39, Para's 12.4.14 to 12.4.16 - Other reference sources – this makes no reference to the special qualities of the National Park which highlight factors that are relevant to the seascape environment, and its importance in relation to the National Park.
- 6.2.5.7.** Page 12-59, Para 12.5.4 – It is noted that some consideration has been given to options to compress the site area, and therefore try to reduce the visible extent

from the Heritage Coast vantage points. However, even with the adjustment of these layout parameters, it is still considered that the overall mitigation effect will be limited given the high sensitivity and visual amenity of this area.

- 6.2.5.8.** Page 12-69, Para 12.5.31 – It is noted that the greatest predicted effect on character settings relates clearly to the sea views, and the context and setting of the National Park and Heritage Coast. It is considered that the point that the proposed development will curtail its existing association with the open sea and the expansive horizon to be particularly important in relation to these areas.
- 6.2.5.9.** Page 12-69, Para 12.5.33, Bullet point 4 - In terms of the suggested considerations that add context to these adverse effects it is accepted that the sea comprises only part of the view from the elevated parts of the South Downs. However, it is an important visual association that is highly valued. The elevation, expansive views and strong visual perceptual and experiential associations with the seascape, make those adverse effects particularly an issue within the Heritage Coast. The suggestion that the wind farm is 'remote' and will be diminutive in terms of scale for receptors here is not accepted.
- 6.2.5.10.** Page 12-70, Para 12.5.34 – It is noted that the effects of alternative layouts are not considered to make significant change to the potential seascape and landscape effects assessed. The SDNPA concurs that it is challenging, if not impossible, to fully mitigate these impacts.
- 6.2.5.11.** Table 12.14 Representative Viewpoint Assessment - Given the very high sensitivity of Cuckmere Haven it is anomalous that the magnitude of visual change and its effect is assessed as very small and moderate. This highlights both the selective nature of viewpoints and the impact of elevation. Though it is accepted that from the selected vantage point looking east the ridgeline at the opposite side of the valley would intervene with views of the development, and limit the visual effect, it is not considered that this viewpoint is representative in relation to the majority of visitors to Cuckmere Haven - the majority of visitors to the Country Park will go to the shingle beach at the end of the estuary. Though it is accepted that the location of viewpoints is selective, and the number must be proportionate, it is not considered to be adequately representative. The principle issue being that the magnitude of visual change and impact in relation to Cuckmere Haven has been underestimated.
- 6.2.5.12.** Page 12-83, Para' 12.5.85, Bullet point 2 – It is accepted that from the upland extent of the South Downs the seaward views are not the sole focus of the expansive vistas, but this does not detract from the strong visual association with the seascape, and the value that visual receptors will place on this aspect of the view from within the National Park. These have been identified as a special quality of the National Park.
- 6.2.5.13.** Para' 12.5.85, Bullet point 4 - Elevated views from cliff tops increase the extent and visual association with the seascape and accentuate the impacts of the development, particularly from highly sensitive locations within the National Park and Heritage Coast. The wind farm is not really 'remote' in this context and being within an area of undeveloped coastline, with few visible man-made interventions, its effect will be greater than areas more heavily influenced by the urban context.
- 6.2.5.14.** Bullet point 9 - Within the coastal plain, and in the context of the developed and densely populated area of coastline, it is accepted that the experience is not typically one of remoteness. However, this does serve to highlight the exceptional

experiential value, in terms of contrast, that is provided by the context of the National Park and the Heritage Coast.

6.2.5.15. Bullet point 11 - The point is made that the relative featureless extent of seaward views may affect the experience or perception of scale of the development. In the context of the National Park and Heritage Coast, this expansive and featureless extent of the seaward views, with no visible man-made interventions, is in itself an experiential factor of great value.

6.2.5.16. Bullet point 18 - It is accepted that in the context of the National Park, landform and vegetation cover may effectively screen the development within landscape character areas that are heavily wooded. However, in the Open Downland landscape areas to the east of the National Park, and within the Heritage Coast, there the expansive views of seascape and they are identified as a distinct special quality of this part of the National Park. Where they do form a defining feature or a significant context of the views from within the Park, they are highly valued.

6.2.6. Impact of Groundworks upon Landscape

6.2.6.1. With regard to the installation of temporary cut off drains to intercept soil and groundwater flows and avoid the development of preferential flow paths, there is little detail on how these field drains and silt traps will be constructed, and whether they will be constructed within the existing 30 metre easement for the cable route. It is likely that they would be necessary on some of the steeper and potentially sensitive areas as these would be most susceptible to increased surface run-off as a result of the trenching work. This has not been referred to, or cross referenced, with Section 26 of the ES - Landscape and Visual Impact Assessment. The SDNPA considers that it should have been considered as a direct landscape impact, and one that also has the potential for a temporary, or potentially post-construction, visual impact upon areas where re-instatement may not be easily achieved

6.2.6.2. With regard to the assessment of Regionally Important Geological and Geomorphological Sites (RIGS), and the associated landscape impacts, the SDNPA would seek clarification whether additional cut-off drains are being installed. If they are proposed then the SDNPA would contend that landscape features could be impacted directly by excavation or by re-directed surface water and an assessment of this should be included within the ES.

6.2.6.3. Furthermore, and with regards to the proposed haul routes, the SDNPA requires clarification regarding the requirement to upgrade haul roads as it appears potentially excessive that a haul road is required for the entire cable route as this appears to require the importation of a substantial amount of aggregate (40,000tonnes) to form it. The SDNPA would suggest that the requirement for haul roads needs to be more refined to the ground conditions and the plant that will be used. For example, with mostly tracked equipment being used, where the weight is distributed, the need for a haul road would seem excessive. The biggest difficulty appears to be associated with the lorry traffic associated with the formation of the haul roads themselves - it is unclear in the general absence of haul roads at this point in the construction process how this traffic will gain access.

6.2.6.4. To avoid such haul roads the option of different equipment may need to be explored which can operate on the terrain without haul roads. The SDNPA appreciates that some sections of the route will be more sensitive than others and that on arable fields the impacts will be less sensitive than on grazing land or on chalk

downland. Therefore, it would be beneficial if the approach to different terrain and surfaces was bespoke to address these differences. The SDNPA considers that significant harm may arise if the selected E.ON contractor prefers a 'one fit' solution to all areas which may not avoid areas of Chalk Grassland (i.e. Old Erringham Farm Valley).

6.3. Ecology

The SDNPA has liaised with WSCC and Natural England regarding the ecological impact of the proposal and understanding that both bodies will be making appropriate comments. In addition, the SDNPA considers the following:

- 6.3.1.** There is lack of consideration to a number of relevant landscape scale initiatives - e.g. Biodiversity Opportunity Areas, Living Landscapes and Nature Improvement Areas. In addition, there is no reference to relevant habitat opportunity mapping work - e.g. the chalk grassland habitat opportunity mapping for the SDNP as recently completed by Sussex Biodiversity Record Centre.
- 6.3.2.** The current ecological quality of a site within the SDNPA, such as unimproved grassland that is relatively species poor, does not result in it having no prospective ecological value. The SDNPA would contend that value also lies in the potential to become species rich and, as such, is an important consideration.
- 6.3.3.** The SDNPA considers that E.ON should recognise that a significant proportion of the proposed cable route in the SDNP is also within the SDW Nature Improvement Area (NIA). One of the key objectives of the NIA is the maintenance, restoration and creation of chalk grassland on a landscape scale and the resultant ecological benefits. The NIA designation is recognised at a national level within the National Planning Policy Framework (NPPF).
- 6.3.4.** The ES states that an 'animal walkover' was carried out in December 2011 to identify the presence of any protected species as part of the ecological scoping study. This is an inappropriate time of year to carry out a survey for the majority of protected species. In addition, the SDNPA would require greater clarity as to what an 'animal walkover' constitutes.
- 6.3.5.** Due to the uncertainty regarding the location and constitution of construction compounds and associated vehicle movements the ecological impacts of this temporary land use change is not assessed. This has an impact upon the ability to undertake an informed ecological assessment in conflict with *Morge vs Hampshire* 2011 (http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2010_0120_PressSummary.pdf)
- 6.3.6.** The ES states that 'Beeding Hill to Newtimber Hill SSSI is within 100m of the proposed cable route ...but will not be impacted by the development due to its distance from the proposed works'. However, the proposed cable route transects an area of 'improved' chalk grassland between two units of the Beeding to Newtimber Hill SSSI – this area would benefit from habitat enhancement to link these areas.
- 6.3.7.** With regard to the draft Ecological and Landscape Management Plan this does not include a level of detail commensurate to that expected within a National Park. It addresses the legal requirements relating to ecology but in the main does not take a proactive, landscape scale, best practice approach. Identified impacts and proposed mitigation work is not framed within the context of landscape scale designations and

initiatives such as the National Park and the South Downs Way Ahead NIA. The SDNPA would expect that a development on this scale to take a pro-active, landscape scale approach. Relevant maps and project work should be referenced, for example the chalk grassland habitat opportunity mapping work carried out for the NIA project. In addition, commitment to post-mitigation management and monitoring work is not provided in an appropriate level of detail (where provided at all).

6.4. Water

- 6.4.1.** The SDNPA is assured that the Environment Agency, as the relevant lead body, will be making the appropriate representations regarding the proposed flooding and drainage impact upon the SDNP.

6.5. Heritage assets

6.5.1. Listed Buildings

- 6.5.1.1.** With regards to the impact upon specific listed buildings the SDNPA notes that there are four within the proposed working area. The SDNPA considers that the proposed works would have no direct physical impact upon the buildings and would be unlikely to have a permanent impact upon the setting of the buildings. However, the SDNPA would advocate that during construction works due care and attention is taken to respect the setting of the listed buildings and that this is reflected in the proposed construction management plan (CEMP).

6.5.2. Archaeology

- 6.5.2.1.** The archaeology of chalk downland is demonstrably rich and varied; with multi-period occupation and farming, defensive use of the South Downs up to, and including, WWII and a variety of burial and religious/ritual sites.
- 6.5.2.2.** Experience of recent large scale developments on similar areas of downland to the proposed cable route provide comparisons to inform the SDNPA's comments e.g. Brighton bypass (published) and the Peacehaven wastewater treatment works (some short reports published, further information available from either client Southern Water or their contractors Archaeology South East). In direct contrast, there is no reference in 6.1.25 and its appendices to the lessons to be learnt from these large scale infrastructure projects on the South Downs and how these should inform the proposal.
- 6.5.2.3.** With regard to 6.1.25 the SDNPA is not satisfied that the information submitted is sufficiently rigorous for a proposal affecting a national landscape designation. The proposed mitigation of the risk to the archaeology is not considered sufficiently rigorous for the following reasons: A desk-top assessment – which makes clear that there is potential for archaeology of high importance in the area affected by the proposal - and geophys survey has been undertaken. However, due to physical features, for example overhead cables, a significant part of the proposed route has not been sampled on the geophys survey. Furthermore, geophys survey should not be solely relied upon as they are often considered to miss some features for a variety of well-understood reasons - lack of geophys signal is not lack of evidence of human activity. Accordingly, the use of trial trenches is required. Trial trenches require careful design so they are close enough to each other to ensure that archaeologically significant sites are not unrecognised in the gaps between trenches. In addition, trench design needs to be informed by evidence from other projects on large areas of chalk

download – neither document 6.1.25 nor the previously undertaken desktop assessment (appendix 25.1 to that document) has a considerable section (5.4) reviewing the known archaeology of the downland landscape resulting in a short subsequent section (8.1.3) concerning potential archaeological impact of the cable route. Notwithstanding this it does, however, identify potential impact on barrow sites at Mill Hill and the possibility of other barrows. The English Heritage website identifies that all barrows are of potentially national significance – whether or not they are already scheduled.

- 6.5.2.4.** Paragraph 5.8.9 of the NPPF identifies that in some instances the applicant may need to make a field evaluation. However, in the submitted information the only field work - excluding geophys or geoarcheological assessment - was a walk-over of the route. (Appendix 25.1, section 6.8). For proper evaluation of the sites proposed trial trenching should have been undertaken pre-submission. Given the challenges with relying on geophys surveys, as outlined above, it is considered that the proposal does not demonstrate sufficient archaeological field evaluation to enable the impact of the proposal to be acceptably assessed.
- 6.5.2.5.** The applicant is proposing further assessment and mitigation measures (document 6.1.25, section 25.8) over a three month period before construction commences. It is considered that this is a very short time window for such a large surface area unless there is to be a very large team of archaeologists involved (such resource information is not provided in the application). If significant discoveries are made the archaeological investigations can not be curtailed nor is it likely that they can be safely undertaken with contractors on site. In such instances the archaeological record should be to the standard of the WSI and the proposal should include phasing plans demonstrating sufficient time and expert staff resource. In addition,
- The Written Scheme of Investigation (section 25.8.6) should include provision for post-excavation analysis, publication and the preparation (and where necessary payment) for the deposition of the site archive;
 - If during the course of the excavations watching brief work (as summarised in section 25.8.17) identifies previously unknown archaeology of significance then a watching brief may not suffice. This may also be the case if it is not safe to undertake watching brief or other fieldwork when construction traffic and other contractors would also be on the same site, risking the health and safety of the archaeologists as well as risk of damage to archaeological remains; and
 - The WSI should make clear the level of potential importance at which works would be stopped and full excavation carried out. This risk could be mitigated by a greater area of trial trenching being undertaken in advance of the works.

6.6. Coastal Impact upon the SDNPA

- 6.6.1.** The SDNPA is the lead Authority when considering the impact the proposal may have upon the coastline of the SDNP where the SDNP meets the sea. Accordingly, within this context, the effects on coastal ecology are almost exclusively the result of direct and indirect effects upon physical processes. The SDNPA review of impacts that relate to coastal ecology therefore has focussed upon the predicted changes to the hydrodynamic regime and associated sedimentary processes that occur both during the construction and operational phases of the development.
- 6.6.2.** The SDNPA previously identified a concern with regards to the projected effects of the proposal that were reported in Section 4.5.2 of the draft ES that stated: *“The potential changes to the coastal sediment transport regime resulting from the presence of the offshore wind farm infrastructure are considered to be of large magnitude, have only a far*

field spatial effect and are temporary over the lifetime of the wind farm. The potential effect upon shoreline sediment dynamics is therefore considered to be of moderate significance over the period during which the wind farm is installed". The SDNPA advocated that an expert opinion was sought on the implications of a maximum reduction in LST of up to 0.36m³/s for the foreshore, particularly whether reductions in LST will adversely affect downstream areas that are already subject to erosion.

6.6.3. Accordingly, section 4.6.3 of the submitted coastal processes assessment (Appendix 6.4 of the submitted ES) responded by including a sensitivity analysis of longshore sediment transport and minor changes in wave characteristics which is welcomed. This concludes that changes in potential rates of longshore sediment transport during storm events will typically be less than 2% and will not exceed 5%. On this basis, the significance of the effect has been downgraded from moderate to minor. However, the confidence that ABP Mer place in its own assessment is low.

6.6.4. Therefore, with regard to the sensitivity of coastal erosion, particularly along the eastern portion of Cell 4d between Shoreham and Beachy Head, the SDNPA has two outstanding concerns:

- The presentation of information on any measured LST rates and how these compared with the theoretical rates derived from the CERC LST formula; and
- The presentation on the cumulative effects of proposed works at Newhaven to incorporate a potential OWF assembly/maintenance facility. It is of concern that this potential development was excluded from the projects considered in the cumulative impact assessment reported in Chapter 31. The EIA Scoping report for the Newhaven site noted the potential for: impacts on the sediment budget and sediment transport within Port of Newhaven due to the influence of deepened areas; changes in offshore and coastal morphology due to alteration of the hydrodynamic regime and its influence on sediment accretion/erosion; and impact of continual maintenance dredging on coastal processes and hydrodynamics.

6.6.5. Given the above there is a clear potential for additive effects of inhibited LST resulting from the proposal in combination with the proposed Newhaven facility and the resultant effects upon the Heritage Coast.

6.7. Land quality

6.7.1. The SDNPA considers that the agricultural use of land is an essential component in the cultural heritage and socio-economic wellbeing of the SDNP and, as such, the proposal should avoid making redundant any agricultural land that is considered as best and most versatile (e.g. grades 1, 2 and 3a) and consider mechanisms through which the proposal could enhance the agricultural land through which the proposed cable route passes.

6.8. Trees

6.8.1. The SDNPA is concerned that a full arboricultural assessment of the trees on, or within proximity to, the cable route was not undertaken prior to the cable route being confirmed. In addition, amendments are required to the DCO to ensure that any affected trees are satisfactorily replaced or any damage mitigated for.

6.9. Geology

6.9.1. The SDNPA notes that E.ON acknowledge the presence of several Regionally Important Geological & Geomorphological Sites (RIGS) within the locality of the proposed cable route - the nearest being within 50 Metres of the proposed cable route - so assessed as not being impacted. The SDNPA consider that no thorough assessment of the impacts upon RIGS has been undertaken and that they may not have been awarded the appropriate weight in the route selection process.

6.10. Decommissioning

6.10.1. The SDNPA note that, should the proposal receive consent, the on-shore elements of the cable route will remain in situ beyond the life of the currently proposed scheme. The SDNPA would request that any above ground elements be removed unless they are in use for another purpose. Furthermore, the SDNPA would encourage the proposed cabling to be 'future proofed' so that should consent be granted there would not be a need to revisit the cable route significantly if technologies change. In addition, the SDNPA would advocate that the proposed cable route should be made available to other similar users to avoid the need for the duplication of similar works elsewhere within the SDNP.

6.10.2. The test applied at the decommissioning stage is whether the land affected within the SDNP is in the same or better condition that it currently is. If this cannot be accurately predicted then the proposal is in conflict with the statutory duty to conserve and enhance the SDNP.

6.11. Access

The access section of this document encompasses the impact of the proposal upon the SDNP in a number of ways including the impact upon the local highway network, the impact upon Public Rights of Way (PRoW) and the South Downs Way (SDW) and also access to the wider South Downs Network during the proposed construction works.

6.11.1. Impact upon the Local Highway Network

6.11.1.1. The SDNPA is assured that WSCC, as the relevant lead Authority, will be making the appropriate representations regarding the proposed impact upon the highway network of the SDNP.

6.11.2. Impact upon Public Rights of Ways

6.11.2.1. The PRoW network is the primary means by which the general public access and enjoy the SDNP and, as such, the PRoW network experiences a high volume of pedestrian traffic. Whilst the safety of the users of the PRoW network is of paramount importance no PRoW should be closed or restricted for longer than absolutely necessary.

6.11.2.2. The proposal does not establish, in appropriate detail, that closing a PRoW is the only option reasonably available and that an assessment of alternative cable routes has been undertaken in an attempt to avoid or minimise the number of closures. For example, there are circumstances proposed, particularly at the convergence of five routes to the immediate north of Steep Down, where the cable route directly intersects PRoW's.

6.11.2.3. The SDNPA considers that a lack of information has been submitted regarding the impact upon the users of PRow's within the SDNP considering the volume of construction traffic proposed. The lack of a preferred contractor is not an acceptable reason for the omission of such detail which is required to assess the impact upon users of the SDNP.

6.11.2.4. Accordingly, to facilitate an informed assessment, the submission should be able to answer the following questions for the proposed works at any point of the cable route where a PRow is affected:

- What will be the specific impact of closing elements of the PRow network;
- What will be length of each specific closure;
- What and how will notification of a closure will be given in advance;
- Will all closures have an alternative route in place;
- Movements of large machinery and noise can be as much of a barrier to equestrian users as physical ones - how will this be addressed;
- If machinery is allowed to cross a PRow whilst it remains open how will the safety of the PRow users be ensured; and
- What type of information and diversion signage will be used within the PRow network to forewarn users.

6.11.2.5. Notwithstanding the above the SDNPA considers that the works will provide an opportunity to make improvements locally to PRow's. E.ON should work in partnership with SDNPA Officers and local groups to explore opportunities to make improvements which will bring benefit to local users and visitors. The needs of less able and disabled users should also be taken into account.

6.11.2.6. The closure of PRow's will have an impact upon the socio-economic vitality of the SDNPA and the ability of its users to access the SDNP. This is explored in section 6.14 of this document.

6.11.3. Impact upon the South Downs Way

6.11.3.1. The South Downs Way (SDW) is one of only 15 National Trails in England and Wales designated by the Secretary of State under the National Parks and Access to the Countryside Act 1949. It was England's first long distance bridleway and remains the only National Trail to be wholly within a single National Park. National Trails are designated due to the special qualities of the surrounding trail corridor, including landscape, biodiversity habitats and the historic environment. Local, National and International visitors come to use the SDW to enjoy this special landscape. Although the proposed cable route only crosses the SDW at one location, SDW user' experiences will be significantly affected during construction by the wider works. Although the submission refers to the SDW as a National Trail the SDNPA would consider that greater weight should be given to its importance due to its National and International significance.

6.11.3.2. It is noted that in Table 28.8, (pg. 28-19) of the draft ES it stated that, in relation to the SDW, "Gates to be installed along the fence line so trail users can traverse the trail *at all times*." It is apparent in the submitted application that the SDW will be closed to the south of Tottington Mount during construction works. This should be clarified as closure of the SDW will have a significant effect upon users of the SDNP.

6.11.4. Access Land

- 6.11.4.1.** The proposals indicate that the proposed cable will run through an area of statutory access land at Tottington Mount and Old Erringham Farm, adjacent to the A283. Both of these areas will require the necessary consent to close.
- 6.11.4.2.** To enable a closure the consent of the relevant Authority is required. For the purposes of sections 24, 25 and 26 of the Countryside and Rights of Way Act 2000, when the site is within a National Park, the relevant authority is the National Park Authority.
- 6.11.4.3.** Under the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 the need for a direction under sections 24, 25 and 26 of the Countryside and Rights of Way Act 2000 can be removed by a DCO. However, this requires the consent of the relevant Authority, i.e. the SDNPA, to proceed.
- 6.11.4.4.** When making a decision on an application to make a direction to exclude or restrict the right of the public to exercise their rights on access land the relevant Authority must make efforts to ensure that all measures are put in place to ensure that the least restrictive option is applied. The SDNPA would contend that this principle applies in the SDNPA's consideration for the disapplication of a direction in the DCO. Given this the SDNPA, in principle, agrees to the suspension of access but advocates that consideration should be given to the avoidance of closure during the weekends and bank holidays and during the summer months when demand is likely to be higher. If any access into the site, including access points such as gates or stiles, is made unavailable during construction then temporary access points into the rest of the site that remains available should be considered in consultation with the SDNPA and relevant landowner.

6.11.5. Impact upon the Wider South Downs Network

The SDNPA has the following considerations with regard to the impact upon the wider South Downs Network:

- 6.11.5.1.** The SDNPA would expect any gates utilised to be of an appropriate design to enable all users to the SDNPA to retain an acceptable level of access. Consultation should be undertaken with the SDNPA regarding any specific designs.
- 6.11.5.2.** The SDNPA is well placed to advise E.ON of the most frequently traversed routes and the likely start and finish points of users of the South Downs network. The SDNPA would expect E.ON to consult the SDNPA on any proposed publicity and also consider wider publicity, as opposed to only on the access routes, including through the WSCC website, National Trail website, consultation with the South Downs LAF and also through notifying local businesses with a tourism interest.
- 6.11.5.3.** The SDNPA would draw attention to the timing of closures affecting PRow's and the SDW and would advocate avoiding construction during the times of highest intensity usage – in particular the spring and summer months. In addition there are a number of events held across the SDNPA which increase the number of visitors to the SDNP – any closures should avoid the timing of major events.

6.12. Construction Management

6.12.1. Complexity of the Proposed Cable Route

6.12.1.1. The proposed cable route represents a complex construction management project with the sensitive landscape, ecological and heritage asset constraints providing additional challenges. The SDNPA note that a generic construction methodology will be applied to the route with the exception of the Tottington Mount section. Great weight is placed by the submission on the future formulation of the Construction Environmental Management Plan (CEMP) which is subject to the appointment of contractors. The SDNPA considers that, due to the acknowledged sensitivity of the environment, the CEMP should be completed prior to consent and be a comprehensive detailed methodology of the works proposed to enable a fully informed assessment.

6.12.2. Impacts of the Additional Works Required

6.12.2.1. To facilitate the construction of the proposed cable route it is acknowledged by the submission that both construction compounds for the storage of materials and vehicles and access tracks will be required. However, the application submission does not go into sufficient detail in identifying the impacts of such works. It is considered that it is intrinsically important to the assessment of the acceptability of the proposed cable route that the impacts of such wider works are assessed pre-consent to facilitate an informed assessment of the impacts of the proposal.

6.12.2.2. Accordingly, to facilitate an informed assessment, the submission should be able to answer the following questions, with regards to construction compounds and access, for the proposed works at any point of the cable route:

- Where will they be specifically located?
- What will be the duration of use and how will the land be reinstated?
- What is the impact upon landscape character?
- What is the ecological impact?
- Will they restrict or hinder access to the wider South Downs network?

6.12.3. Phasing

6.12.3.1. The SDNPA consider that the submission contains inadequate information regarding the duration and phasing of the proposed works. Knowledge of the duration and phasing is central to fully understanding the impacts of the proposed works upon issues such as ecology, drainage, landscape impact and access. In addition, there are a number of annual events central to both the general public enjoyment of the SDNP and the socio-economic wellbeing of the SDNP that any proposal would impact upon.

6.13. Engineering

6.13.1. JNP Engineering Report

At draft ES stage the SDNPA instructed JNP Group Engineers (Alan Brackley BEng (Hons) CEng FICE FStructE FCIHT) to provide an evaluation of the proposal, with particular regard to the engineering challenges faced on Tottington Mount and the feasibility of the proposed works. The report received is still pertinent and is as follows:

6.13.1.1. Introduction

- 6.13.1.1.1.** “The onshore cables will travel in four trenches with each trench containing three cables as well as fibre optics for communications. The trenches will total a width of 15m. An additional area known as the working width, which will be up to 30m, is required in order to facilitate the construction of the cable trenches.
- 6.13.1.1.2.** The standard method of installation for the onshore cables will be trenching, with the topsoil and subsoil removed and stored by the side of the cable trenches before being used to refill the excavations after the cables have been installed.
- 6.13.1.1.3.** This cable route area includes sections of steep slopes topography which constricts the working area which is likely to provide a considerable engineering challenge were the cables to be installed along the proposed route.
- 6.13.1.1.4.** Given the engineering challenges it is reasonable to question the feasibility of the area being returned to its current state once the work has been completed, and, due to the nature of the terrain, whether it will be actually feasible for the cables to be installed at the location specified by E.ON without significant disruption.
- 6.13.1.1.5.** Following a site visit to the proposed cable location the maps which were provided by E.ON, in PDF format, were converted into a dwg format with long and cross sections being produced in order to achieve a better indication of the terrain and a measure of the slopes that would be encountered.

6.13.1.2. Details of Long Section and Cross Section

- 6.13.1.2.1.** The path of the proposed cable route has been plotted for the entirety of Section 5 and parts of Sections 4 and 6 (as defined by E.ON). This is approximately 7.5km long.
- 6.13.1.2.2.** The main area of concern is centred upon Tottington Mount, which was demonstrable at the site visit. A long section has been plotted for the 7.5km route and cross sections are shown for the most significant areas, i.e. around Tottington Mount.
- 6.13.1.2.3.** The long section profile considered indicate varying terrain across the route with the land around Tottington Mount highlighting potential problems due to slopes of approx. 20% which would make construction work extremely challenging. In addition, due to the steepness of the topography, E.ON would need to ensure that the stability of the slope is not compromised.
- 6.13.1.2.4.** A thorough analysis and testing of the slope make up will be required and, because of the presence of hill creep, it should be made demonstrated beyond reasonable doubt that the measures E.ON proposes are feasible and would not result in additional engineering operations not contained within the ES.
- 6.13.1.2.5.** It is considered that should a slope failure occur it would result in irreparable damage to the topography of the slope.
- 6.13.1.2.6.** The cross sections considered indicate the profile of the land for a 40m width perpendicular to the route of the cable. The area around Tottington Mount provides the greatest cause for concern because of the steep slopes.

6.13.1.2.7. The cross sections show slopes of approximately 35%, 40% and 20% respectively. These steep slopes, combined with the long section showing a slope of 20%, raises significant concerns regarding the suitability of the proposed cable route and whether the implications on the environment of installing the cable at this location have been fully considered. There is the potential for a significant scar to be left on the landscape due to the specialist construction techniques that would be required to install the cable at Tottington Mount.

6.13.1.3. Case Study – Tottington Mount

6.13.1.3.1. In accordance with the draft Environmental Statement, it is acknowledged by E.ON that various alterations to the standard construction technique would need to be implemented when installing the cable in the area around Tottington Mount, due to the steep inclines and geology of the terrain.

6.13.1.3.2. It would clearly not be possible to achieve a working width of 30m due to topographical constraints and, and such, every effort would be required in order to use a minimum width of working area.

6.13.1.3.3. Due to the sensitive nature of the terrain with the chalk grasslands and steep slopes it has been proposed that sections of turf will be removed in large sections and then put back in place once the cable has been installed.

6.13.1.3.4. It would need to be ensured that once the turf has been removed and placed at the side of the trench it is maintained in a suitable condition in order that the landscape is returned to its original condition as soon as possible after the cable installation.

6.13.1.3.5. The standard haul road used in the majority of cable installation will be discontinued over the steepest parts of the route with specialist equipment having to be used in order to cut away the turf and install the cables.

6.13.1.3.6. Although E.ON have stated that this part of the route follows its particular path to maintain workable slopes it is unclear whether the path they have chosen is suitable. Evidence suggests that the slopes range between 20% and 40% in the area around Tottington Mount presenting significant challenges. Accordingly, it has not been adequately proven beyond reasonable doubt that the cable can be installed here without significantly damaging the landscape.

6.13.1.4. Comments

6.13.1.4.1. E.ON acknowledges that the area around Tottington Mount will provide significant challenges installing the cable. However, there are reasonable and serious concerns regarding the practicalities of the route passing through this area and what the true environmental impact could be. It is therefore reasonable for the SDNPA to require additional engineering detail regarding the route.

6.13.1.4.2. Doubts remain, in particular, about the feasibility of the scheme passing through Tottington Mount. This raises questions regarding whether an alternative route, that may not provide so many engineering challenges, would be more suitable.

6.13.2. Other SDNPA Engineering Comments

6.13.2.1. At Tottington Mount the works are particularly sensitive and pose additional engineering challenges to the remainder of the route. The angle of repose is such that normal plant cannot safely traverse the steep gradients. Additionally, the excavation of trenches will be much more complex. Spoil will not be easily stored on adjacent land and reinstatement works pose particularly difficult challenges to overcome the strong likelihood of a permanent scarp on this most valuable of features, the downland landscape. It is critical that the same quality of structure to the soils is preserved. The impoverished and thin layer of turf is dependent on the underlying ground. It is still not established beyond reasonable doubt how reinstatement will ensure the chalk grassland can be reinstated on steep gradients. Because of the difficulty in recreating chalk grassland it will be necessary for the chalk grassland turf to be stripped and temporary donor sites found for its storage, whilst the trenching and cabling works are undertaken. Reinstatement will require the same drainage qualities to be achieved. Over compaction of the underlying chalk will result in the chalk becoming impervious and the reestablishment of the turf difficult with a high chance of soil creep and slippage with the trench becoming a drainage feature subject to permanent scarring. Too loose a compaction leaves the material open to greater settlement. Accordingly, there should have been a strong presumption against routes which include such steep sections if the landscape designation had been afforded due weight. The SDNPA would additionally raise concerns that any turf excavation depth in excess of 300mm is both excessive and unrealistic. In a number of locations such a depth of turf is unlikely to exist, especially in areas of chalk grassland, whilst the depth proposed appears unjustified. If such a methodology were to be pursued additional details regarding the timing between lifting topsoil and restoration and confirmation of the means of protecting areas that will be used for storage of topsoil and subsoil to prevent any permanent harm should be forthcoming.

6.13.2.2. It is considered that the details of the restoration and after care of the trench are unclear. There is no evidence of a fully detailed statement that indicates how the temporary haul road is to be treated at the end of the contract or a demonstration of sufficient understanding of the land characteristics to convince the SDNPA that contractors will be able to reinstate the disturbed areas to the high standard required, especially the scarp slope. Paragraph 2b.5.66 indicates that 'a site investigation will be undertaken to establish the properties of the chalk and the depth of topsoil prior to the works. This will assist in determining the details necessary for the handling and the replacing of the turfs and the chalk backfill so that the optimum results can be obtained'. It is unclear how this information will be used and what approach will be taken. Again it places too greater expectation on the contractor when a clear approach is required at this stage to confirm the feasibility of the work in this sensitive location.

6.13.2.3. In addition, it is unclear how this approach will aid the reinstatement works in this section. Whilst specialist machinery is indicated to be used it is not clear if this is feasible on the steep gradients and that undue damage will not be caused to adjacent ground through wheel spin, especially when plant is under load carrying materials.

6.13.2.4. It is also not established what impact will occur from the heat the proposed cable route will generate, its proposed depth at differing points on the route, and the long term impact this may have upon chalk grassland and, in turn, the landscape

character of the SDNP. Such lack of detail hinders an informed assessment of the impacts of the proposal on chalk grassland.

6.14. Socio-Economic

6.14.1. Baseline

6.14.1.1. The SDNPA has a statutory purpose to “promote opportunities for public enjoyment and understanding of the special qualities of the National Park” in addition to a statutory duty to “foster the economic and social well-being of communities living within the National Park”.

6.14.1.2. The importance of access to, and support for, tourism and the local economy cannot be understated. The SDNP attracts approximately 46.3 Million recreational day visits per year equating to £454m, and its proximity to the large settlements on the coastal plain make it a popular and highly valued area for recreation. The SDW National Trail alone contributes £50 Million per year to the rural economy. Further baseline information is available in the SDNPA State of the Park Report 2012.

6.14.1.3. Accordingly, the SDNPA notes the economic and social benefits that the proposal could bring to the wider locality and the potential for between 65 and 85 full time posts to be created during the construction phase. However, whilst the SDNPA acknowledges its duty to foster economic and social well-being, an assessment is required to establish whether the social and economic benefits carry an overriding weight should the SDNPA consider the proposal has a significant harm in other respects. Acknowledging the Sandford Principle that the first NP purpose takes precedence over the second NP purpose, the SDNPA would consider that the social and economic benefits would be unlikely to outweigh any other significant harm generated by the proposal.

6.14.2. Submitted on-shore socio-economic report:

To support the above the SDNPA would make the following comments on the submitted on-shore socio-economic report:

6.14.2.1. With regards to 28.4.54 it should be noted that more recent Visitor Survey has been completed based on 2011/12 figures. Recreational day visits are now estimated to be 46.3 million with a value of £454 million (South Downs Visitor and Tourism Economic Impact Study - Tourism South East Research).

6.14.2.2. With regards to 28.4.55 it should be noted that whilst technically correct that relatively speaking only a small number stay over night. Overnight stays may only account for 4% of visits to the National Park, in reality this is some 1.99m visits with a value of £77.4m. A further 15% or 6.77m stay in accommodation outside the Park and travel in with a value of £101m, the remainder are day visits from homes either from within the Park or outside.

6.14.2.3. With regards to 28.5.9 it is recognised that workers employed from outside the area will bring economic benefits arising from expenditure by the workforce on subsistence, such as guest houses, restaurants and consumables. However, there is little provision of accommodation in the vicinity of the route through the National Park so, depending on where they are likely to be based, there may be competition for bed spaces with tourists during the summer months which will have a significant

detrimental impact upon access to the SDNPA in conflict with the second statutory purpose of the SDNPA.

- 6.14.2.4.** With regards to 28.5.39 and the impacts on businesses it should be noted that this does not consider the impact on other rural businesses due to disturbance on roads and potential loss of earnings or additional fuel costs. With regards to tourism businesses it is difficult to assess the impacts that the loss of visual amenity and tranquillity in areas immediately adjacent to the cable route will have and the wider potential impacts of construction traffic on roads, particularly main tourist routes. However they should not be dismissed as considerations so lightly as rural businesses are often fairly marginal with regards to income and their loss would be in conflict with the duty of the SDNPA.
- 6.14.2.5.** With regards to 28.5.40 it states that it is not expected that the additional workforce will have a significant adverse impact on the supply of accommodation, but it has not been identified what accommodation is available or what areas it will be required in. Within the SDNP there is very little accommodation along the proposed cable route.
- 6.14.2.6.** With regards to 28.5.42 the SDNPA considers that the proposal will not result in long term employment benefits although it is accepted that there may be 65-85 jobs created as a result of the operations and maintenance.
- 6.14.2.7.** With regards to 28.6.2 and the economy and employment it is noted that whilst the applicant will encourage the participation of local and regional companies in contract and supply tenders it is not clear how they will do this, or how effective it will be.
- 6.14.2.8.** With regards to Table 28.9, Summary of impacts: This does not refer to the potential loss of earnings and no attempt has been made to identify any tourism businesses. Therefore, it is unclear how a consultation will be undertaken. In addition, there is no reference to other types of businesses in the location which may be affected by delays or diversions.

6.14.3. Submitted off-shore socio-economic report

- 6.14.3.1.** To support the above the SDNPA would make the following comments on the submitted off-shore socio-economic report:
- 6.14.3.2.** With regards to 17.5.20, Capture of Capital value, the submission states that total value of the Robin Rigg example was £381m of which 32% was UK content and 12% regional but does not state what the local benefits were. It also states that 34% of the operations and maintenance expenditure is local but it does not state what the total amount is. Therefore, it is difficult to say whether or not this would be more than the value of tourism to the area.

6.15. Waste

- 6.15.1.** To accommodate the cables in the proposed trenches there will be quantities of material displaced. Therefore, quantities of waste will arise mainly in the form of chalk or clay soils. The ES does not indicate how waste from the project is to be dealt with in a sustainable manner. To uniform the assessment the proposal should be clear what approach is to be taken to the handling and disposal of this waste, and what is intended for the 40,000 tonnes of aggregates that is thought to be used just for the haul road,

which will require removal at the end of the temporary works. The SDNPA would indicate a preference for any materials to be used on the haul road being minimised and preference given to the use of secondary aggregates.

- 6.15.2.** The amount of waste likely to be generated requires calculation. Even a modest displacement of 0.8m x 0.5m for each trench will generate 22,400m³ of waste or 41,000 tonnes when the station connector facilities are included. This calculation makes no allowance for the difficulties of compacting the same material back into the trenches, which can be expected to generate a further residue. The SDNPA consider that the proposals must indicate what arrangements are proposed for waste management with a preference for these being included in the development. This will avoid uncertainty and the prospect of the responsibility falling on the selected contractor who may choose the path of least resistance which could be harmful to the SDNP and thus requires assessment pre-consent.
- 6.15.3.** With regards to paragraph 2b.4.45 it is noted that any surplus material from trench excavation 'may be spread and compacted across the working width before the topsoil is reinstated on a field-by-field basis, provided this will not impede achievement of restoration objectives, the materials are compatible and the landowner is in agreement. The landowner/occupier will also be consulted before any off-site disposal is planned. In such instances disposal will be undertaken in accordance with the Waste Management Regulations'. This approach is not considered acceptable and requires a clear methodology rather than left to the discretion of the selected contractor with could result in significant landscape damage. In addition, there is no indication of the scale or depth of such activities. It is considered that this aspect of the proposal requires reconsideration with regards to the likely volume of surplus waste and the appropriate mechanism for disposal, whether on or off-site, determined.
- 6.15.4.** There remains a lack of clarity over the construction and reinstatement of the haul road. Paragraph 2b.4.8 confirms that the actual working width will generally be no wider than 30m, with a general working width of 40m being defined for the DCO limits of the cable corridor (the Development Area) to allow 10m for micro-siting tolerance. This is a large expanse of land equivalent to a multi-lane highway given the trenches are within a 12metre width. The draft ES indicated that material was to be imported to construct the temporary haul road but there is no information submitted regarding the materials involved. A concerning addition is the need for the temporary haul road to be cut into the hillside with the statement in Paragraph 2b.4.19 that 'The haul road will require a small degree of temporary benching in this section to ensure a level surface for plant to traverse at all times'. Again the scope and impact of these works are not set out, but indicate the complexity of the task. Furthermore, site compound locations have not been identified so no assessment of these aspects is possible with regards to movement and storage of waste. (Paragraph 2b.4.1).

- Ends -

This document forms part of the submission of the SDNPA to the Planning Inspectorate examination of the Rampion offshore Wind Farm. Further details can be obtained from David Cranmer, Recovered Services Manager at david.cranmer@southdowns.gov.uk or 01730234120 or by visiting the SDNPA Rampion webpage at <http://www.southdowns.gov.uk/planning/rampion-offshore-windfarm>

Rampion Off-Shore Wind Farm
Local Impact Report and Written
Representation



South Downs
National Park Authority

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Acronyms Used within this Document:

BAP: Biodiversity Action Plan

CEMP: Construction Environmental Management Plan

CPA: Coastal Processes Assessment

DCO: Development Consent Order

DEFRA: Department for Environment, Food and Rural Affairs

EA: Environment Agency

EIA: Environmental Impact Assessment

ES: Environmental Statement

HDD: Horizontal Directional Drilling

IPC: Infrastructure Planning Commission

LAF: Local Access Forum

LST: Longshore Sediment Transport

LVIA: Landscape and Visual Impact Assessment

NIA: Nature Improvement Area

NPPF: National Planning Policy Framework

NSIP: Nationally Significant Infrastructure Project

NTS: Non-Technical Summary

PINS: Planning Inspectorate

PRoW: Public Right of Way

RIGS: Regionally Important Geological and Geomorphological Sites

SNCI: Site of Nature Conservation Interest

SDNP: South Downs National Park

SDNPA: South Downs National Park Authority

SDW: South Downs Way

SSSI: Site of Special Scientific Interest

WSCC: West Sussex County Council

I. Non Technical Summary

I.1. This document sets out what the SDNPA considers would be the impact of the proposed Rampion off-shore wind farm upon the National Park and what the key considerations of the SDNPA are.

I.2. The key consideration include:

- The SDNPA supports the right renewable technology in the right place;
- The proposal does not, and never has, given appropriate weight to the National Park designation;
- There are significant concerns that an inadequate assessment of alternative mechanisms to deliver the proposal has been undertaken to demonstrate the requisite exceptional circumstances to make the proposal acceptable;
- As a nationally designated landscape the appropriate barometer for assessment is whether the proposal conserves and enhances the SDNPA;
- The SDNPA promotes the attachment of significant weight to the landscape character of the SDNP;
- The considerations of the SDNPA must be given significant weight in the assessment and determination of the proposal;
- Appropriate consideration has not been given to the wider impact of the engineering and ancillary works required to construct the proposed cable route;
- The sense of tranquilly and openness at the Heritage Coast will be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character;
- The impact of the proposed cable route, with an up to 30m working width, upon chalk grassland is not adequately considered resulting in a lack of confidence in the proposed restoration;
- Any impact upon the SDNP must be mitigated to ensure the SDNP is conserved or enhanced;
- The permanent impact upon the SDNP and its communities must be mitigated via appropriate community benefits; and
- The Development Consent Order must respect the National Park designation and the Governments recent decision to make the SDNPA the Local Planning Authority;

I.3. The SDNPA also raises a number of comments and concerns regarding the technical detail contained within the submitted application, particularly with regard to the Environmental Statement and the adequacy of the mitigation of the harm generated by the proposal.

I.4. This document was agreed by Members of the SDNPA at the 8 August 2013 planning committee.

2. Introduction

2.1. Purpose of document

- 2.1.1.** The South Downs National Park Authority (SDNPA) has committed to engaging fully with the assessment of the proposed Rampion offshore wind farm to ensure that the Secretary of State is able to take as informed a decision as possible. Accordingly, this document represents both the Local Impact Report (LIR), due 9 August 2013, and the Written Representation (WR) of the SDNPA, due 15 August 2013.
- 2.1.2.** The sole definition of an LIR is given in 60(3) of the Planning Act 2008 as '*a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'. Further guidance is contained within Advice Note One, published April 2012, which indicates that, whilst the LIR should set out an evidence base it should not replicate the information contained within the submitted Environmental Statement (ES) and should not seek to balance or weigh the impacts upon the host environment but should clearly set out positive, neutral and negative impacts.
- 2.1.3.** The Written Representation is the opportunity for the SDNPA to substantiate the comments made within the relevant representation submitted 10 May 2013 in addition to submitting any other information considered relevant.

2.2. Format of document

- 2.2.1.** The format of this document is set out to assist the Planning Inspectorate Examination Panel and the Secretary of State in taking an informed assessment of the proposal. It should be considered as an update of the SDNPA s42 consultation response reflecting any progress made during this period, the baseline for assessment during the examination and the considerations of Members of the SDNPA.
- 2.2.2.** Accordingly, this document will initially set out the designation, powers and special qualities of the SDNP prior to setting out how the SDNPA has engaged with the consultation process thus far. Thereafter, it will set out the key considerations of the SDNPA (the Written Representation) and the response to the baseline evidence set out within the submission that informs the impact upon the SDNP (the Local Impact).

3. The South Downs National Park

3.1. Designation

- 3.1.1.** The SDNP was designated on 1 April 2010 and the SDNPA became the Planning Authority on 1 April 2011 to take forward arrangements for the management of the National Park and delivery of its statutory purposes and duty.

3.2. Duty of Regard

- 3.2.1.** National Parks have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of the designated areas has specific statutory purposes which are intended to ensure their continued protection. Accordingly, section 11A(2) of the National Parks and Access to the Countryside Act (1949), as amended by Section 62(2) of the Environment Act 1995, places a duty upon National Parks “in exercising or performing any functions in relation to, or so as to affect, land” to “have regard” to their purposes:

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and
2. To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.

- 3.2.2.** Section 62 of the Environment Act 1995 inserted section 11A into the National Parks and Access to the Countryside Act 1949 which sets a statutory duty on the SDNPA to have regard to the purposes of designation when exercising or performing any functions to, or so as to affect, land in the National Park. This duty is:

1. To foster the economic and social well-being of communities living within the National Park.

- 3.2.3.** In addition, the Environment Act 1995 places a general statutory duty on all relevant authorities, requiring them to have regard to the purposes of National Parks. This ensures that relevant authorities take account of these purposes when coming to decisions or carrying out their activities relating to or affecting land within these areas. It recognises that a wide range of bodies have a direct influence over the future of protected landscapes in terms of policy, project implementation, casework decisions, land ownership and management. It also acknowledges that the fulfilment of protected area purposes rests not only with those bodies directly responsible for their management but also relies on effective collaborative working. As such, the duties are particularly important to the delivery of the purposes of protected areas and to the overall achievement of sustainable development in rural areas.

- 3.2.4.** A Department for Environment, Food and Rural Affairs (DEFRA) guidance note, published in 2005, sets out the duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty and the Norfolk and Suffolk Broads. The document sets out those bodies it considers to have a duty of regard including, at section one, PINS and, at section eight, The Crown Estate. In addition, the document places the duty of regard upon any statutory undertaker and, as such, it is reasonable to apply the duty of regard to E.ON and its contractors.

3.3. Powers

- 3.3.1.** As a National Park, the SDNPA has statutory purposes and socio-economic responsibilities as specified in the Environment Act of 1995. In addition, the SDNPA is the Local Planning Authority for the SDNP and the Relevant Authority for Access Land.

3.4. Policy

- 3.4.1.** The SDNPA launched its statutory Management Plan for consultation in July 2013 (<http://www.southdowns.gov.uk/about-us/management-plan>). In addition, the South Downs Integrated Landscape Character Assessment was updated in 2011 (<http://www.southdowns.gov.uk/planning/integrated-landscape-character-assessment>) and the State of the Park report released in 2012 (<http://www.southdowns.gov.uk/about-us/state-of-the-national-park-report-2012>). These documents provide important baseline information against which to assess and monitor any change within the SDNP.
- 3.4.2.** The SDNPA is currently in the process of formulating its Local Development Plan and this is expected to be ready for adoption in 2015. In the interim the SDNPA recognises the NPPF, which places great weight on the significance of National Parks, and the Adur District Council Local Plan 1996, Horsham District Council Core Strategy 2007 and the Worthing Borough Council Local Plan 2003 as the relevant Local Development Frameworks within the part of the SDNP affected by the proposal.

4. Previous SDNPA Representations

4.1. SDNPA engagement with E.ON

- 4.1.1. The SDNPA responded, at the 12 April 2012 Planning Committee, to the E.ON s78 public consultation. This response sought to establish to scope of issues the SDNPA would be required to consider when considering future consultations.
- 4.1.2. The SDNPA responded, at the 9 August 2012 planning committee, to the E.ON s42 consultation. This response sought to highlight concerns and make comments on the draft Environmental Statement to provide E.ON the opportunity to revise the proposals.
- 4.1.3. In addition to the above the SDNPA have attended and requested a number of meetings with E.ON. This has included presentations from E.ON on 28 March 2012, 17 May 2012, 26 July 2012 and 25 July 2013. In addition, Officers of the SDNPA also attended Local Planning Authority liaison meetings, organised by E.ON, on 18 April 2012, 17 July 2012 and 18 April 2013. The SDNPA also attended a site meeting with E.ON at Tottington Mount on 20 May 2013.

4.2. SDNPA engagement with the Planning Inspectorate

- 4.2.1. The SDNPA responded on 10 October 2010 to the Infrastructure Planning Commission (IPC) request for information to assist the formulation of an Environmental Impact Assessment (EIA) scoping report.
- 4.2.2. To assist the Planning Inspectorate in deciding whether to accept the application, the SDNPA provided an adequacy of consultation response on 14 March 2013.
- 4.2.3. Furthermore, the SDNPA submitted a relevant representation on 10 May 2013 to inform the key topics for assessment and attended the pre-examination meeting on 18 July 2013 to inform the examination timetable.

4.3. Summary of formal engagement

Response to Scoping Opinion	10 October 2010
Response to Public Consultation (http://www.southdowns.gov.uk/_data/assets/pdf_file/0007/283129/12th-April-2012-Planning-Committee.pdf)	Planning Committee April 2012
Response to draft Environmental Statement (http://www.southdowns.gov.uk/_data/assets/pdf_file/0018/283131/9th-August-2012-Planning-Committee-2.pdf)	Planning Committee August 2012
Adequacy of Consultation Response (http://www.southdowns.gov.uk/_data/assets/pdf_file/0004/323761/Adequacy-of-Consultation-Response-March-2013.pdf)	14 March 2013
Submission of Relevant Representation (http://www.southdowns.gov.uk/planning/rampion-offshore-windfarm)	10 May 2013
Planning Inspectorate Pre-Examination meeting	18 July 2013

5. Key Considerations

5.1. Renewable Energy

5.1.1. The SDNPA supports the right renewable technology in the right place.

The SDNPA acknowledges the Government's commitment to support a low carbon economy and the national development of renewable energy infrastructure through the adoption of the Climate Change Act 2008.

5.1.2. The SDNPA supports the development of renewable energy initiatives dependent upon there being no conflict with the statutory purposes and duty of the SDNPA.

5.2. The Weight Afforded to the National Park Designation

5.2.1. **The proposal does not, and never has, given appropriate weight to the National Park designation.** Announcing the confirmation of the South Downs National Park (SDNP) designation the then Environment Minister Hillary Benn stated that the "South Downs' wonderful countryside will be protected forever for the enjoyment of everyone".

5.2.2. The National Park designation affords significant protection to the landscape character of the SDNP and this importance is reflected in the subsequent establishment of the SDNPA as the Local Planning Authority. However, it is important to recognise that the designation is a national designation and, as such, the SDNP is of national importance. This is an important distinction to make when assessing a Nationally Significant Infrastructure Project (NSIP) as it indicates that the National Park designation is of equal importance, when considered from a strategic national perspective, as a NSIP.

5.2.3. To provide adopted policy support to the National Park designation paragraphs 5.9.9 to 5.9.11 of the overarching National Policy Statement for Energy (EN-1) states "National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the IPC [superseded by PINS] should have regard to in its decisions.

The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the IPC in deciding on applications for development consent in these areas.

Nevertheless, the IPC may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of:

- The need for the development, including in terms of national considerations, and the impact of consenting or not consenting it upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.4; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The IPC should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary”.

- 5.2.4. The SDNPA considers that E.ON have not applied the appropriate weight, or given due regard, to the SDNP in the development of the Rampion proposal. This is most clearly articulated in the assumptions utilised in the assessment of alternative cable routes but is also prevalent throughout many aspects of the proposal.

5.3. Alternative Mechanism for delivery

- 5.3.1. **There are significant concerns that an inadequate assessment of alternative mechanisms to deliver the proposal has been undertaken to demonstrate the requisite exceptional circumstances to make the proposal acceptable.** Any major development within the SDNP should only be consented where it is demonstrably in the public interest (NPPF, Para 116) and exceptional circumstances can be demonstrated (EN-1). Accordingly, all other alternatives for meeting the Governments renewable energy targets should be explored before harm to the SDNP is to be accepted.

- 5.3.2. The SDNPA consider that for any development, whether of national or local importance, proposed within the SDNP an assessment must be undertaken to demonstrate, beyond reasonable doubt, that the proposed development could not be located outside of the SDNP within a less sensitive environment unless it is pursuant to the SDNPA’s statutory purposes and duty.

5.4. The Barometer for Assessment

- 5.4.1. **As a nationally designated landscape the appropriate barometer for assessment is whether the proposal conserves and enhances the SDNPA.** The Government only recently designated the SDNP as a National Park and, as such, no development should be permitted that would compromise the core rationale behind the National Park designation.

- 5.4.2. The barometer for the assessment of any development within the SDNP is one which should not accept compromises unless the development is essential for the purposes and duty of the SDNP, as set out at 3.2.3 and 3.2.4,.

5.5. Attaching Significance to Landscape Character

- 5.5.1. **The SDNPA promotes the attachment of significant weight to the landscape character of the SDNP.** The primary rationale for the national designation of the SDNP was for its outstanding landscape character and, as such, significant weight should be attached to the landscape character of the SDNP in any assessment.

- 5.5.2. Accordingly, from conception, consultation, amendment and assessment to delivery (if consented) the impact upon the landscape character of the SDNP should be a principal, and overriding, consideration.

5.6. Localism

- 5.6.1. **The considerations of the SDNPA must be given significant weight in the assessment and determination of the proposal.** Announcing the Localism Act

2011, Eric Pickles, Secretary of State for Communities and Local Government, stated in his written Ministerial Statement that the Act would result in the “replacement of the Infrastructure Planning Commission with an efficient and democratically accountable system for major infrastructure”.

- 5.6.2.** Whilst the proposal is an NSIP it is clear, both through the Localism Act 2011 and wider Government intentions to devolve powers to Local Government, that local statutory bodies, such as the SDNPA, are to be important stakeholders in any decision making process. As such, any proposal within the SDNP must demonstrate that it has applied a due regard for both local environmental characteristics, best expressed by experts at the local level, and the considerations of the local population.

5.7. Informed Assessment

- 5.7.1. Appropriate consideration has not been given to the wider impact of the engineering and ancillary works required to construct the proposed cable route.** An assessment of the true impact of the proposed works is not currently possible due to the omission of a detailed construction methodology with regards to spatial impacts.

- 5.7.2.** The proposed works include significant logistical challenges regarding the engineering feasibility of the proposed cable route and the ancillary works required. However, the proposal contains little spatial detail regarding the location of the construction compounds and the vehicle movements required and, as such, the resultant impacts, specifically with regards to landscape character and ecology, cannot be assessed.

5.8. Impact upon the Heritage Coast

- 5.8.1. The sense of tranquilly and openness at the Heritage Coast would be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character.** The Heritage Coast of the South Downs National Park, the first to be defined as such, represents some of the most beautiful, undeveloped coastline, which is managed to conserve its natural beauty and, where appropriate, to improve accessibility for visitors. The siting of 175 turbines will enclose views from the SDNP to the detriment of the sense of tranquillity and openness experienced by users in addition to significantly changing the landscape character of the coastline.

5.9. Impact Upon Chalk Grassland

- 5.9.1. The impact of the proposed cable route, with an up to 30m working width, upon chalk grassland is not adequately considered resulting in a lack of confidence in the proposed restoration.** Chalk grassland is an internationally and nationally rare habitat, and one of the richest habitats in western Europe. It is notoriously challenging to recreate. Therefore, whilst the proposal includes mitigation measures these are generalised for the majority of the cable route and at Tottington Mount, where the topography is so challenging, the proposed mitigation measures are untested and do not demonstrate with any degree of confidence that the restoration will be successful. By undertaking what is essentially a trial restoration, which has not been adequately tested, the proposal is in conflict with the SDNP purpose to conserve or enhance and could result in a permanent scar upon the landscape of the SDNP and harmful to this internationally rare habitat.

5.10. Mitigation

5.10.1. Any impact upon the SDNP must be mitigated to ensure the SDNP is conserved or enhanced. Significant concerns are raised in the Local Impact Report that the proposal will inadequately mitigate the harm caused – particularly with regard to the impact upon chalk grassland. Any shortfall in mitigation will be unacceptable and conflict with the statutory purposes and duty of the SDNP. The SDNPA is an appropriate Authority to deliver mitigation, in this instance, where required to ensure no shortfall.

5.11. Mitigation through Community Benefit

5.11.1. The permanent impact upon the SDNP and its communities must be mitigated via appropriate community benefits. The SDNPA is the relevant Authority to manage the required mitigation of the proposal and appropriate use of community benefits.

5.11.2. Paragraph 5.9.11 of the overarching National Policy Statement for energy (EN-1) states “The IPC [superseded by PINS] should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary”.

5.11.3. The SDNPA is in dialogue with E.ON regarding the delivery of mitigation through community benefits and will submit either an agreement or the SDNPA suggested agreement to the Planning Inspectorate at the appropriate juncture in the examination process.

5.12. Development Consent Order

5.12.1. The Development Consent Order must respect the National Park designation and the Governments recent decision to make the SDNPA the Local Planning Authority. The DCO, in its submitted form, would take away decision making powers that the SDNPA currently has with regards to the discharge of conditions. This would significantly compromise the SDNPA’s ability to undertake its statutory purposes and duty.

5.12.2. The DCO, in its submitted form, would grant decision making powers to West Sussex County Council with regards to any conditions placed on the DCO. These are likely to include conditions relating to landscape, ecology, archaeology and construction management which would normally be the statutory responsibility of the SDNPA as the Local Planning Authority. This is unacceptable and in direct conflict with the establishment of the SDNPA and its purposes and duty.

5.12.3. In addition, the DCO, in its submitted form, would result in harm to the landscape character of the SDNP. For example, it would allow land affected to be returned to a condition as agreed with the landowner which could result in unacceptable permanent development without the benefit of securing planning consent through the appropriate democratic process.

5.12.4. The SDNPA is in dialogue with E.ON regarding amendments to the DCO and will submit either agreed amendments or the SDNPA suggested amendments to the Planning Inspectorate at the appropriate juncture in the examination process.

6. Impact upon the South Downs National Park

6.1. Assessment of Alternative Routes

6.1.1. Chronological Process – Comments made at draft ES stage

The SDNPA considers that the information it submitted in response to the s42 consultation (August 2012) is still relevant providing a commentary of the amendments to the proposal in addition to highlighting the changes in justification between the draft ES and the submitted application. As such, the following comments (6.1.1.1 to 6.1.1.13) are an extract of the SDNPA s42 consultation response:

- 6.1.1.1.** “With regards to the proposed cable route it is clear that the initial consideration was the technical suitability of the off-shore zone (zone 6) to accommodate an off-shore wind farm. It is not until later in the process that a consideration of on-shore sensitivities is taken into account. Given the clear Government intention to protect National Parks for their inherent value the SDNPA consider that the on-shore sensitivities should have been taken into account both when the Crown Estate, who DEFRA list as having a duty of regard to the National Park, allocated Zone 6 and when E.ON chose the proposed development area within Zone 6.
- 6.1.1.2.** When considering the most appropriate grid connection this was assessed under five key considerations. This did not include an assessment of the on-shore landscape impact and subsequently resulted in several alternatives being removed prior to further assessment being undertaken of the on-shore impacts. This methodology negated the consideration that a more costly grid connection process may be preferable to a route with greater on-shore landscape harm. This reinforces the SDNPA’s concerns that at the initial concept feasibility stage the overriding consideration was technical feasibility and not potential environmental impacts.
- 6.1.1.3.** For example, at 3.3.7 of the draft ES the Babcock & Brown study established that connection to the 132 kV network would require multiple offshore routes, landfalls, onshore routes and substations due to the restricted capacity at any single point. The SDNPA understands that EDF Energy Networks (the then operator of the distribution system prior to UK Power Networks) was contacted to determine the capability of existing substations and power lines on the Sussex coast to enable the 132kV network to accept new electrical generation, prior to further environmental and engineering analysis being undertaken. EDF Energy Networks are understood to have advised that connecting the south coast area into their 132kV network, closer to the coast than Bolney, would require additional circuits to be constructed from the connection point to Bolney. The study concluded that splitting the scheme into several smaller connections into substations such as Fishersgate, Worthing, Newhaven or Southern Cross would require major electrical infrastructure work (underground cable or overhead line) between Southern Cross 132kV and Bolney. In addition, significant reinforcement would be required (additional or larger) of the connections between existing local distribution substations and Southern Cross as well as a number of new Rampion specific substations adjacent to the existing substations. It was concluded that this would result in greater environmental impact over a wider area, without removing the impact to the SDNP. Additionally, there would be significant additional disturbance to local communities and be a much less cost effective option than the single point of connection currently proposed.

- 6.1.1.4.** The SDNPA is therefore concerned that ‘consenting’ challenges have been highlighted as a reason for not selecting the 132KV network when facilities, such as the Newhaven Energy Recovery Facility were able to access the local grid, albeit providing around 16.5KW of power to the local grid. There are other places along the south coast (Eastbourne; Newhaven; Southern Cross, Portslade; Sompting, Worthing; Fishbourne; Havant) where more local connections could be made to the 132/33KV transmission system and there may be other opportunities that require exploration.
- 6.1.1.5.** Given the above the SDNPA consider that E.ON need to demonstrate, beyond reasonable doubt, why a single or multiple supply to these points is not being proposed thus potentially avoiding any new transmission line across the SDNP and the associated detrimental impacts.
- 6.1.1.6.** At 3.3.10 of the draft ES, separate to E.ONs’ own investigations, the draft ES references that the Crown Estate commissioned a Senergy Econnect independent grid feasibility study for their entire Round 3 portfolio in 2008. For Zone 6 the study considered alternative connection points at the existing National Grid 400kV substations at Bolney and Ninfield. The study discounted Ninfield as a potential connection point as a result of the significantly longer cable route and related high cost. The Senergy Econnect study also considered a potential new coastal substation located between Shoreham and Bolney, involving the adoption of a section of existing 132kV overhead line and reconstruction of the connection as a 400kV overhead line with larger pylons. However, this option was not considered further by Senergy Econnect due to the cost of the onshore transmission network extension necessary to create and then connect this new substation. It is considered that cost alone, unless truly prohibitive, should not be justification for directing the proposed cable route through the SDNP.
- 6.1.1.7.** Furthermore, to the east of Bexhill, an alternative landfall for a Ninfield connection was identified which would require significantly longer offshore and onshore cable distances. The engineering of the landfall was perceived as straightforward but the near shore route was constrained by existing land uses, although still considered feasible with careful routing. This area is a corridor for significant service facilities associated with relatively recent waste water treatment works and a high pressure gas main. Given the limited width of the ancient woodland and the ability for Horizontal Directional Drilling (HDD) the SDNPA is concerned that this route option was so clearly disregarded on environmental grounds. The SDNPA consider that there is a need to fully compare these environmental impacts with the 14km of disturbance proposed to the nationally designated SDNP.
- 6.1.1.8.** Options for connection into the 400kV transmission system were identified at three National Grid substations: Bolney in Mid-Sussex, Lovedean in Hampshire and Ninfield in East Sussex. Lovedean was discounted as it is the furthest from the Rampion off-shore site and would involve considerably more extensive offshore and onshore cable sections (but would have avoided disturbance to the SDNP). The SDNPA would seek clarification regarding why the considerations did not explore the possibility of creating a new connector point to the National Grid linked to a better environmental route, i.e. Hellingly near Hailsham, thus avoiding the Site of Special Scientific Interest (SSSI) at Pevensey Levels. This would enable a route selection to avoid any disturbance to the SDNP skirting its eastern end. The SDNPA consider that E.ON need to demonstrate that such an option is not feasible.

- 6.1.1.9.** A further option that the SDNPA considers requires further exploration is the potential upgrading of the existing Southern Cross to Bolney overhead power line with either the restringing or provision of higher voltage cables. The SDNPA appreciates that this, in itself, raises sensitive issues but is considered, on balance, worthy of further exploration as a comparable.
- 6.1.1.10.** Equally, the selection of the landfall location once again did not take the impacts upon the SDNP into account focussing attention upon only the immediate environment rather than a strategic analysis of the overall route. Once this process was undertaken, and Bolney and Ninfield were identified as potential National Grid connections, it was the technical challenges and impact upon the SSSI, Ramsar Site and Ancient Woodland (for the Ninfield route) that were weighted as more harmful than the route through the SDNP. The SDNPA would challenge such broad assumptions citing the SDNP as a national designation.
- 6.1.1.11.** Whilst a sequential route selection was convenient for E.ON in minimising the scope of information they had to consider (i.e. they considered the onshore impacts only after choosing the either Bolney or Ninfield National Grid connections thus avoiding having to assess the on-shore impacts for a wider target area) this negated the national importance of the SDNP only enabling weight to be attributed to it once a number of other variables had been confirmed. Therefore, once Bolney was selected as the chosen preferable National Grid connection it was only at this juncture that a thorough analysis of the route from landfall to Bolney was considered and the on-shore impacts taken into account.
- 6.1.1.12.** When commencing consideration of the broad cable corridor this was primarily undertaken by mapping known significant environmental features (i.e. SSSI's) and through utilising "aerial photography" (3.4.8 of the draft ES). Such a methodology clearly places little weight on landscape character which cannot easily be established through a desktop study. Furthermore, it is clear when reviewing the sequential approach employed in Chapter three of the draft ES that liaising with local landowners (3.4.12 of the draft ES) was given greater weight than onshore cable route refinement. Indeed, it is further evident that **a preliminary cable route was selected prior, in September 2010, to the landscape and visual vantage point assessment, undertaken in October 2010 (3.4.13 – 3.4.14 of the draft ES)**. The SDNPA would contend that, given the National Park landscape designation, a landscape character assessment should have formed an important preliminary consideration rather than occurring as a later consideration.
- 6.1.1.13.** It is clear that the route selection methodology sought to avoid known significant environmental features and the process of refining the route endeavoured further to follow through with such an approach. Whilst the SDNPA would not advocate that any significant harm to an environmental feature is acceptable it is noted that the landscape character impact does not appear to have carried any significant weight in the refinement process. Whilst as a general approach this may be appropriate in a number of locations there may be locations where a minor harm to a significant environmental feature would be preferable to a major harm to a nationally designated landscape character (a reflection of this approach is that the 'final' proposed route includes 14km of cabling through the SDNP whereas the shortest route is only 4km)".

6.1.2. Chronological Process – August 2013 Update

In addition to the above the SDNPA has the following considerations on the submitted documents:

- 6.1.2.1. It is noted in submitted document 6.1.3 that there is a greater explanation at the strategic level of the connections to the national grid. Figure 3.5 details to some extent the grid transmission and supply system, although the rating of the different lines is not detailed. It is stated in paragraph 3.3.8 that 'During the initial appraisal of potential areas for the development of offshore wind farms by E.ON in 2008, a grid connection feasibility study was undertaken by Babcock & Brown Ltd (with input from PMSS and RPS) to determine the optimal grid connection locations for a potential wind farm off the South Coast. PMSS carried out a desktop analysis of potential landfall sites while RPS provided an environmental feasibility assessment for the various potential connection options identified". It is noted that this work preceded the designation of the National Park and therefore it should have been reviewed in this light. In any case this definitive piece of work that underpins the submission should form part of the ES. Therefore, **it is not clear how the statement in 3.3.10 that 'a key preference was to avoid the need to undertake unnecessary development within the South Downs National Park (SDNP), which lies north of the developed coastline' was taken into consideration. Indeed, the chronological evidence points strongly to the contrary.**
- 6.1.2.2. It is apparent that in paragraph 3.3.11 the Babcock & Brown study identified a potential 132kV connection point at Southern Cross and a 33kV option at Fishersgate. The section does not identify the power rating of the new offshore supply to understand the constraints imposed by the feed within the existing grid. Option 5 with landfall at Ninfield (East Sussex) identifies some constraints but not necessarily any overriding concerns and in the conclusion was discounted on economic grounds. This differs from the earlier proposals which indicate the presence of ancient woodland as the constraint. In the circumstances of the selection and the considerable ambiguity that exists it would not be unreasonable to request detail of the comparative assessment work so that the choice of land fall options is transparent. The documents do not provide convincing assessment of all the options or a thorough analysis and assessment sufficient to confirm that there is an overwhelming need to align the power connections through the National Park.
- 6.1.2.3. Document 6.1.2b at paragraph 2b.3.20 confirms that the onshore cable system will comprise of four circuits at a voltage between 132kV and 220kV inclusive. It does not discuss the feasibility to upgrade the existing overhead line to Fishersgate or potentially provide for its entire undergrounding at the higher voltage level which is an option. Each circuit will comprise three single-core cables as well as associated communications (fibre optic) cables with the diameter of each cable typically ranging from 87mm to 111mm. It is considered a weakness of the submission that these voltage requirements were not clearly related to the search for grid connections.
- 6.1.2.4. Whilst fibre optic cables may be a useful addition to place in the ground at the same time, the access and maintenance needs for these additional cables requires identification to enable an understanding in terms of future traffic and disturbance.

6.1.3. Consideration of Duty of Regard

- 6.1.3.1.** Section 11A(2) of the National Parks and Access to the Countryside Act (1949) as amended by Section 62(2) of the Environment Act 1995 places a duty on relevant authorities to have regard to the purposes of National Parks. It requires that ‘in exercising or performing any function in relation to, or so to affect land’ within these designated landscapes there is a requirement to “have regard to their statutory purposes’.
- 6.1.3.2.** There is insufficient evidential detail to demonstrate how the various constraints that were identified for the proposed route were considered, or weighed up, against those for any potential ‘alternative’ route. Little or no consideration is given to landscape value with preference given to other, more easily plotted, constraints such as listed buildings and SSSI’s, financial cost or technical ease. The SDNPA considers that the National Park designation was not a primary consideration in terms of developing the cable route in conflict with the duty of regard.

6.2. Landscape

The value of the landscape of the SDNP cannot be understated. It is the principle rationale behind the National Park designation and is afforded great weight by all national policy. The consideration of landscape has been, as set out in Section 6.1 of this document, lacking in the assessment and consideration of the cable route chosen. This section will focus on the methodology of landscape assessment employed for the proposal.

6.2.1. Chalk Grassland

- 6.2.1.1.** The potential impact of the proposed cable route upon South Downs chalk grassland, an internationally rare habitat that is challenging to recreate, is significant. Chalk grassland is one of the richest habitats in western Europe but is now rare in the UK. It is being restored across the South Downs, as part of a Government-funded project, the South Downs Way Ahead Nature Improvement Area, and is often described as the British equivalent of tropical rainforest and is vital to the survival of rare wildlife such as the Duke of Burgundy butterfly and orchids
- 6.2.1.2.** Given the above any impact upon chalk grassland is a significant issue that should have the status of an overriding consideration in the assessment of the proposal should it not be demonstrated, beyond reasonable doubt, that the proposal will conserve and enhance chalk grassland.
- 6.2.1.3.** Such importance is appropriate as, should the proposed restoration fail, the cable route would leave a permanent scar, due to lack of grassland growth, resulting in an unacceptable impact to the landscape character of the south Downs National Park contrary to its national landscape designation. The lack of confidence in the restoration strategy proposed is set out in sections 6.12, 6.13 and 6.15 of this report

6.2.2. Heritage Coast

- 6.2.2.1.** Heritage Coasts represent stretches of the most beautiful, undeveloped coastline, which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors. The Heritage Coast of the SDNP is one of the foremost examples and was the first section of Heritage Coast defined.

6.2.2.2. The national purposes of Heritage Coasts are to: conserve, protect and enhance the natural beauty of the coasts, their marine flora and fauna, and their heritage features; facilitate and enhance their enjoyment, understanding and appreciation by the public; maintain and improve the health of inshore waters affecting Heritage Coasts and their beaches through appropriate environmental management measures; and to take account of the needs of agriculture, forestry and fishing, and of the economic and social needs of the small communities on these coasts.

6.2.2.3. The sense of tranquilly and openness at the Heritage Coast would be lost due to the permanent introduction of man made structures in the seascape enclosing the view and harming landscape character to the detriment of the sense of tranquillity and openness experienced by users in addition to significantly changing the landscape character of the coastline. The SDNPA provided significant comment at draft ES stage on the issue and, whilst amendments have been undertaken to the proposal to reduce the impact, it is clear that a significant impact would still occur and it is acknowledged that mitigation is challenging, if not impossible. Further commentary on the impact of the proposal on the Heritage Coast is included at 6.2.5 of this document.

6.2.3. ES Conclusions (ES Section 6.2.1 to 6.2.3)

6.2.3.1. The SDNPA raised, in the response to the s42 consultation, that the ES should outline some broad mitigation measures in relation to minimising the impacts on the highly sensitive receptors on the Heritage Coast. Though it is acknowledged that some effort has been made to alter the shape and layout of the array, the overall effect of this is limited.

6.2.3.2. Equally, the SDNPA raised concerns that the Heritage Coast designation had not been given due weight. It is acknowledged that subsequent revisions to the ES have sought to address this shortcoming and it is noted that the ES now recognises the Heritage Coast as a key consideration due to its highly sensitive nature. However, it is considered that the magnitude of the change is still underestimated within the assessment.

6.2.3.3. Therefore, although some effort has been made, in terms of layout of the array, to mitigate the impacts of the development on the Heritage Coast and its special qualities even with the adjustment of these layout parameters it is still considered that the overall mitigation effect will be limited given the high sensitivity and visual amenity of the Heritage Coast.

6.2.4. Landscape & Visual Impact Assessment (ES Section 26 - Document 6.1.26)

6.2.4.1. Page 26.2, Para' 26.2.4 acknowledges the sensitivity of coastal areas and the impact of visual intrusion, specifically along undeveloped sections of coast. This supports the SDNPA's concerns regarding the visual impacts upon the Heritage Coast, and the reality that it is not possible to fully mitigate against these impacts – even with the revisions to the orientation and scale of the off-shore array.

6.2.4.2. Page 26.2, Para' 26.2.7 does not reference the relevant provisions within the NPPF in relation to National Parks specifically – just the treatment of landscape and visual amenity in more 'general countryside'.

6.2.5. Seascape, Landscape and Visual Impact Assessment (ES Section 12 - Document 6.1.12)

- 6.2.5.1.** Page 12-6, Para 12.2.21 - The reference to the offshore development being 'more remote' in terms of its visual relationship with both the National Park and the Heritage Coast is not considered accurate. The elevated nature of the ridgeline and the scenic views of the Seascape from the Heritage Coast mean this visual relationship, even over substantial viewing distance, is very strong.
- 6.2.5.2.** Page 12-6, Para 12.2.22 - Reference to the Inspector's conclusions in relation to this section of coastline provides useful information. However, this neglects to pick up the Inspector's references to the importance of uninterrupted links and views from the South Downs to the sea where they occur elsewhere. There are other such 'strategic' gaps within the more developed areas of coastline to the west of the Heritage Coast – for instance at Rottingdean and Tidemills near Newhaven. The Inspector stressed the importance of this visual relationship, and the perceptual and visual amenity it provided for residents and visitors to the National Park.
- 6.2.5.3.** Page 12-7, Para 12.2.27 - In terms of the overall policy context for the development in terms of the National Park and Heritage Coast, this paragraph makes general reference to an aspiration that development 'does not detract but makes a positive contribution to local landscape character'. This statement was taken from the previous South Downs Management Plan (2005). This was written prior to the area's designation as a National Park. Though still emerging, the draft Management Plan currently includes a number of defined outcomes that are relevant in terms of the proposed development. Most relevant to consider is outcome one which states "the landscape character of the National Park, its special qualities and local distinctiveness have been conserved and enhanced by effectively managing the impacts of major development and small-scale cumulative change".
- 6.2.5.4.** Page 12-10, Para 12.3.2 - This includes summary reference to the UK Offshore Energy Strategic Environmental Assessment in relation to the South Downs National Park and Heritage Coast. This reference clearly illustrates the point of the effect of elevation, and the strong visual relationship with the Seascape and its high sensitivity to developments of this major scale. It also highlights the perceptual characteristics that are highly valued in relation to this undeveloped section of Coastline. This demonstrates the clear fact that in spite of proposed changes to the offshore array, in terms of alignment and small changes to its boundary on the eastern edge, there is little that can be done in real terms to mitigate the impacts of the development on this iconic section of the Heritage Coast.
- 6.2.5.5.** Page 12-11, Para 12.3.10 - This paragraph suggests that no recreational routes have been identified as requiring an assessment of sequential visual effects. The issue of the need to consider the potential cumulative impacts in relation to the South Downs Way National Trail were raised during the scoping process and in relation to the draft Environmental Statement.
- 6.2.5.6.** Page 12-39, Para's 12.4.14 to 12.4.16 - Other reference sources – this makes no reference to the special qualities of the National Park which highlight factors that are relevant to the seascape environment, and its importance in relation to the National Park.
- 6.2.5.7.** Page 12-59, Para 12.5.4 – It is noted that some consideration has been given to options to compress the site area, and therefore try to reduce the visible extent

from the Heritage Coast vantage points. However, even with the adjustment of these layout parameters, it is still considered that the overall mitigation effect will be limited given the high sensitivity and visual amenity of this area.

- 6.2.5.8.** Page 12-69, Para 12.5.31 – It is noted that the greatest predicted effect on character settings relates clearly to the sea views, and the context and setting of the National Park and Heritage Coast. It is considered that the point that the proposed development will curtail its existing association with the open sea and the expansive horizon to be particularly important in relation to these areas.
- 6.2.5.9.** Page 12-69, Para 12.5.33, Bullet point 4 - In terms of the suggested considerations that add context to these adverse effects it is accepted that the sea comprises only part of the view from the elevated parts of the South Downs. However, it is an important visual association that is highly valued. The elevation, expansive views and strong visual perceptual and experiential associations with the seascape, make those adverse effects particularly an issue within the Heritage Coast. The suggestion that the wind farm is 'remote' and will be diminutive in terms of scale for receptors here is not accepted.
- 6.2.5.10.** Page 12-70, Para 12.5.34 – It is noted that the effects of alternative layouts are not considered to make significant change to the potential seascape and landscape effects assessed. The SDNPA concurs that it is challenging, if not impossible, to fully mitigate these impacts.
- 6.2.5.11.** Table 12.14 Representative Viewpoint Assessment - Given the very high sensitivity of Cuckmere Haven it is anomalous that the magnitude of visual change and its effect is assessed as very small and moderate. This highlights both the selective nature of viewpoints and the impact of elevation. Though it is accepted that from the selected vantage point looking east the ridgeline at the opposite side of the valley would intervene with views of the development, and limit the visual effect, it is not considered that this viewpoint is representative in relation to the majority of visitors to Cuckmere Haven - the majority of visitors to the Country Park will go to the shingle beach at the end of the estuary. Though it is accepted that the location of viewpoints is selective, and the number must be proportionate, it is not considered to be adequately representative. The principle issue being that the magnitude of visual change and impact in relation to Cuckmere Haven has been underestimated.
- 6.2.5.12.** Page 12-83, Para' 12.5.85, Bullet point 2 – It is accepted that from the upland extent of the South Downs the seaward views are not the sole focus of the expansive vistas, but this does not detract from the strong visual association with the seascape, and the value that visual receptors will place on this aspect of the view from within the National Park. These have been identified as a special quality of the National Park.
- 6.2.5.13.** Para' 12.5.85, Bullet point 4 - Elevated views from cliff tops increase the extent and visual association with the seascape and accentuate the impacts of the development, particularly from highly sensitive locations within the National Park and Heritage Coast. The wind farm is not really 'remote' in this context and being within an area of undeveloped coastline, with few visible man-made interventions, its effect will be greater than areas more heavily influenced by the urban context.
- 6.2.5.14.** Bullet point 9 - Within the coastal plain, and in the context of the developed and densely populated area of coastline, it is accepted that the experience is not typically one of remoteness. However, this does serve to highlight the exceptional

experiential value, in terms of contrast, that is provided by the context of the National Park and the Heritage Coast.

6.2.5.15. Bullet point 11 - The point is made that the relative featureless extent of seaward views may affect the experience or perception of scale of the development. In the context of the National Park and Heritage Coast, this expansive and featureless extent of the seaward views, with no visible man-made interventions, is in itself an experiential factor of great value.

6.2.5.16. Bullet point 18 - It is accepted that in the context of the National Park, landform and vegetation cover may effectively screen the development within landscape character areas that are heavily wooded. However, in the Open Downland landscape areas to the east of the National Park, and within the Heritage Coast, there the expansive views of seascape and they are identified as a distinct special quality of this part of the National Park. Where they do form a defining feature or a significant context of the views from within the Park, they are highly valued.

6.2.6. Impact of Groundworks upon Landscape

6.2.6.1. With regard to the installation of temporary cut off drains to intercept soil and groundwater flows and avoid the development of preferential flow paths, there is little detail on how these field drains and silt traps will be constructed, and whether they will be constructed within the existing 30 metre easement for the cable route. It is likely that they would be necessary on some of the steeper and potentially sensitive areas as these would be most susceptible to increased surface run-off as a result of the trenching work. This has not been referred to, or cross referenced, with Section 26 of the ES - Landscape and Visual Impact Assessment. The SDNPA considers that it should have been considered as a direct landscape impact, and one that also has the potential for a temporary, or potentially post-construction, visual impact upon areas where re-instatement may not be easily achieved

6.2.6.2. With regard to the assessment of Regionally Important Geological and Geomorphological Sites (RIGS), and the associated landscape impacts, the SDNPA would seek clarification whether additional cut-off drains are being installed. If they are proposed then the SDNPA would contend that landscape features could be impacted directly by excavation or by re-directed surface water and an assessment of this should be included within the ES.

6.2.6.3. Furthermore, and with regards to the proposed haul routes, the SDNPA requires clarification regarding the requirement to upgrade haul roads as it appears potentially excessive that a haul road is required for the entire cable route as this appears to require the importation of a substantial amount of aggregate (40,000tonnes) to form it. The SDNPA would suggest that the requirement for haul roads needs to be more refined to the ground conditions and the plant that will be used. For example, with mostly tracked equipment being used, where the weight is distributed, the need for a haul road would seem excessive. The biggest difficulty appears to be associated with the lorry traffic associated with the formation of the haul roads themselves - it is unclear in the general absence of haul roads at this point in the construction process how this traffic will gain access.

6.2.6.4. To avoid such haul roads the option of different equipment may need to be explored which can operate on the terrain without haul roads. The SDNPA appreciates that some sections of the route will be more sensitive than others and that on arable fields the impacts will be less sensitive than on grazing land or on chalk

downland. Therefore, it would be beneficial if the approach to different terrain and surfaces was bespoke to address these differences. The SDNPA considers that significant harm may arise if the selected E.ON contractor prefers a 'one fit' solution to all areas which may not avoid areas of Chalk Grassland (i.e. Old Erringham Farm Valley).

6.3. Ecology

The SDNPA has liaised with WSCC and Natural England regarding the ecological impact of the proposal and understanding that both bodies will be making appropriate comments. In addition, the SDNPA considers the following:

- 6.3.1.** There is lack of consideration to a number of relevant landscape scale initiatives - e.g. Biodiversity Opportunity Areas, Living Landscapes and Nature Improvement Areas. In addition, there is no reference to relevant habitat opportunity mapping work - e.g. the chalk grassland habitat opportunity mapping for the SDNP as recently completed by Sussex Biodiversity Record Centre.
- 6.3.2.** The current ecological quality of a site within the SDNPA, such as unimproved grassland that is relatively species poor, does not result in it having no prospective ecological value. The SDNPA would contend that value also lies in the potential to become species rich and, as such, is an important consideration.
- 6.3.3.** The SDNPA considers that E.ON should recognise that a significant proportion of the proposed cable route in the SDNP is also within the SDW Nature Improvement Area (NIA). One of the key objectives of the NIA is the maintenance, restoration and creation of chalk grassland on a landscape scale and the resultant ecological benefits. The NIA designation is recognised at a national level within the National Planning Policy Framework (NPPF).
- 6.3.4.** The ES states that an 'animal walkover' was carried out in December 2011 to identify the presence of any protected species as part of the ecological scoping study. This is an inappropriate time of year to carry out a survey for the majority of protected species. In addition, the SDNPA would require greater clarity as to what an 'animal walkover' constitutes.
- 6.3.5.** Due to the uncertainty regarding the location and constitution of construction compounds and associated vehicle movements the ecological impacts of this temporary land use change is not assessed. This has an impact upon the ability to undertake an informed ecological assessment in conflict with *Morge vs Hampshire* 2011 (http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2010_0120_PressSummary.pdf)
- 6.3.6.** The ES states that 'Beeding Hill to Newtimber Hill SSSI is within 100m of the proposed cable route ...but will not be impacted by the development due to its distance from the proposed works'. However, the proposed cable route transects an area of 'improved' chalk grassland between two units of the Beeding to Newtimber Hill SSSI – this area would benefit from habitat enhancement to link these areas.
- 6.3.7.** With regard to the draft Ecological and Landscape Management Plan this does not include a level of detail commensurate to that expected within a National Park. It addresses the legal requirements relating to ecology but in the main does not take a proactive, landscape scale, best practice approach. Identified impacts and proposed mitigation work is not framed within the context of landscape scale designations and

initiatives such as the National Park and the South Downs Way Ahead NIA. The SDNPA would expect that a development on this scale to take a pro-active, landscape scale approach. Relevant maps and project work should be referenced, for example the chalk grassland habitat opportunity mapping work carried out for the NIA project. In addition, commitment to post-mitigation management and monitoring work is not provided in an appropriate level of detail (where provided at all).

6.4. Water

- 6.4.1.** The SDNPA is assured that the Environment Agency, as the relevant lead body, will be making the appropriate representations regarding the proposed flooding and drainage impact upon the SDNP.

6.5. Heritage assets

6.5.1. Listed Buildings

- 6.5.1.1.** With regards to the impact upon specific listed buildings the SDNPA notes that there are four within the proposed working area. The SDNPA considers that the proposed works would have no direct physical impact upon the buildings and would be unlikely to have a permanent impact upon the setting of the buildings. However, the SDNPA would advocate that during construction works due care and attention is taken to respect the setting of the listed buildings and that this is reflected in the proposed construction management plan (CEMP).

6.5.2. Archaeology

- 6.5.2.1.** The archaeology of chalk downland is demonstrably rich and varied; with multi-period occupation and farming, defensive use of the South Downs up to, and including, WWII and a variety of burial and religious/ritual sites.
- 6.5.2.2.** Experience of recent large scale developments on similar areas of downland to the proposed cable route provide comparisons to inform the SDNPA's comments e.g. Brighton bypass (published) and the Peacehaven wastewater treatment works (some short reports published, further information available from either client Southern Water or their contractors Archaeology South East). In direct contrast, there is no reference in 6.1.25 and its appendices to the lessons to be learnt from these large scale infrastructure projects on the South Downs and how these should inform the proposal.
- 6.5.2.3.** With regard to 6.1.25 the SDNPA is not satisfied that the information submitted is sufficiently rigorous for a proposal affecting a national landscape designation. The proposed mitigation of the risk to the archaeology is not considered sufficiently rigorous for the following reasons: A desk-top assessment – which makes clear that there is potential for archaeology of high importance in the area affected by the proposal - and geophys survey has been undertaken. However, due to physical features, for example overhead cables, a significant part of the proposed route has not been sampled on the geophys survey. Furthermore, geophys survey should not be solely relied upon as they are often considered to miss some features for a variety of well-understood reasons - lack of geophys signal is not lack of evidence of human activity. Accordingly, the use of trial trenches is required. Trial trenches require careful design so they are close enough to each other to ensure that archaeologically significant sites are not unrecognised in the gaps between trenches. In addition, trench design needs to be informed by evidence from other projects on large areas of chalk

download – neither document 6.1.25 nor the previously undertaken desktop assessment (appendix 25.1 to that document) has a considerable section (5.4) reviewing the known archaeology of the downland landscape resulting in a short subsequent section (8.1.3) concerning potential archaeological impact of the cable route. Notwithstanding this it does, however, identify potential impact on barrow sites at Mill Hill and the possibility of other barrows. The English Heritage website identifies that all barrows are of potentially national significance – whether or not they are already scheduled.

- 6.5.2.4.** Paragraph 5.8.9 of the NPPF identifies that in some instances the applicant may need to make a field evaluation. However, in the submitted information the only field work - excluding geophys or geoarcheological assessment - was a walk-over of the route. (Appendix 25.1, section 6.8). For proper evaluation of the sites proposed trial trenching should have been undertaken pre-submission. Given the challenges with relying on geophys surveys, as outlined above, it is considered that the proposal does not demonstrate sufficient archaeological field evaluation to enable the impact of the proposal to be acceptably assessed.
- 6.5.2.5.** The applicant is proposing further assessment and mitigation measures (document 6.1.25, section 25.8) over a three month period before construction commences. It is considered that this is a very short time window for such a large surface area unless there is to be a very large team of archaeologists involved (such resource information is not provided in the application). If significant discoveries are made the archaeological investigations can not be curtailed nor is it likely that they can be safely undertaken with contractors on site. In such instances the archaeological record should be to the standard of the WSI and the proposal should include phasing plans demonstrating sufficient time and expert staff resource. In addition,
- The Written Scheme of Investigation (section 25.8.6) should include provision for post-excavation analysis, publication and the preparation (and where necessary payment) for the deposition of the site archive;
 - If during the course of the excavations watching brief work (as summarised in section 25.8.17) identifies previously unknown archaeology of significance then a watching brief may not suffice. This may also be the case if it is not safe to undertake watching brief or other fieldwork when construction traffic and other contractors would also be on the same site, risking the health and safety of the archaeologists as well as risk of damage to archaeological remains; and
 - The WSI should make clear the level of potential importance at which works would be stopped and full excavation carried out. This risk could be mitigated by a greater area of trial trenching being undertaken in advance of the works.

6.6. Coastal Impact upon the SDNPA

- 6.6.1.** The SDNPA is the lead Authority when considering the impact the proposal may have upon the coastline of the SDNP where the SDNP meets the sea. Accordingly, within this context, the effects on coastal ecology are almost exclusively the result of direct and indirect effects upon physical processes. The SDNPA review of impacts that relate to coastal ecology therefore has focussed upon the predicted changes to the hydrodynamic regime and associated sedimentary processes that occur both during the construction and operational phases of the development.
- 6.6.2.** The SDNPA previously identified a concern with regards to the projected effects of the proposal that were reported in Section 4.5.2 of the draft ES that stated: *“The potential changes to the coastal sediment transport regime resulting from the presence of the offshore wind farm infrastructure are considered to be of large magnitude, have only a far*

field spatial effect and are temporary over the lifetime of the wind farm. The potential effect upon shoreline sediment dynamics is therefore considered to be of moderate significance over the period during which the wind farm is installed". The SDNPA advocated that an expert opinion was sought on the implications of a maximum reduction in LST of up to 0.36m³/s for the foreshore, particularly whether reductions in LST will adversely affect downstream areas that are already subject to erosion.

6.6.3. Accordingly, section 4.6.3 of the submitted coastal processes assessment (Appendix 6.4 of the submitted ES) responded by including a sensitivity analysis of longshore sediment transport and minor changes in wave characteristics which is welcomed. This concludes that changes in potential rates of longshore sediment transport during storm events will typically be less than 2% and will not exceed 5%. On this basis, the significance of the effect has been downgraded from moderate to minor. However, the confidence that ABP Mer place in its own assessment is low.

6.6.4. Therefore, with regard to the sensitivity of coastal erosion, particularly along the eastern portion of Cell 4d between Shoreham and Beachy Head, the SDNPA has two outstanding concerns:

- The presentation of information on any measured LST rates and how these compared with the theoretical rates derived from the CERC LST formula; and
- The presentation on the cumulative effects of proposed works at Newhaven to incorporate a potential OWF assembly/maintenance facility. It is of concern that this potential development was excluded from the projects considered in the cumulative impact assessment reported in Chapter 31. The EIA Scoping report for the Newhaven site noted the potential for: impacts on the sediment budget and sediment transport within Port of Newhaven due to the influence of deepened areas; changes in offshore and coastal morphology due to alteration of the hydrodynamic regime and its influence on sediment accretion/erosion; and impact of continual maintenance dredging on coastal processes and hydrodynamics.

6.6.5. Given the above there is a clear potential for additive effects of inhibited LST resulting from the proposal in combination with the proposed Newhaven facility and the resultant effects upon the Heritage Coast.

6.7. Land quality

6.7.1. The SDNPA considers that the agricultural use of land is an essential component in the cultural heritage and socio-economic wellbeing of the SDNP and, as such, the proposal should avoid making redundant any agricultural land that is considered as best and most versatile (e.g. grades 1, 2 and 3a) and consider mechanisms through which the proposal could enhance the agricultural land through which the proposed cable route passes.

6.8. Trees

6.8.1. The SDNPA is concerned that a full arboricultural assessment of the trees on, or within proximity to, the cable route was not undertaken prior to the cable route being confirmed. In addition, amendments are required to the DCO to ensure that any affected trees are satisfactorily replaced or any damage mitigated for.

6.9. Geology

6.9.1. The SDNPA notes that E.ON acknowledge the presence of several Regionally Important Geological & Geomorphological Sites (RIGS) within the locality of the proposed cable route - the nearest being within 50 Metres of the proposed cable route - so assessed as not being impacted. The SDNPA consider that no thorough assessment of the impacts upon RIGS has been undertaken and that they may not have been awarded the appropriate weight in the route selection process.

6.10. Decommissioning

6.10.1. The SDNPA note that, should the proposal receive consent, the on-shore elements of the cable route will remain in situ beyond the life of the currently proposed scheme. The SDNPA would request that any above ground elements be removed unless they are in use for another purpose. Furthermore, the SDNPA would encourage the proposed cabling to be 'future proofed' so that should consent be granted there would not be a need to revisit the cable route significantly if technologies change. In addition, the SDNPA would advocate that the proposed cable route should be made available to other similar users to avoid the need for the duplication of similar works elsewhere within the SDNP.

6.10.2. The test applied at the decommissioning stage is whether the land affected within the SDNP is in the same or better condition that it currently is. If this cannot be accurately predicted then the proposal is in conflict with the statutory duty to conserve and enhance the SDNP.

6.11. Access

The access section of this document encompasses the impact of the proposal upon the SDNP in a number of ways including the impact upon the local highway network, the impact upon Public Rights of Way (PRoW) and the South Downs Way (SDW) and also access to the wider South Downs Network during the proposed construction works.

6.11.1. Impact upon the Local Highway Network

6.11.1.1. The SDNPA is assured that WSCC, as the relevant lead Authority, will be making the appropriate representations regarding the proposed impact upon the highway network of the SDNP.

6.11.2. Impact upon Public Rights of Ways

6.11.2.1. The PRoW network is the primary means by which the general public access and enjoy the SDNP and, as such, the PRoW network experiences a high volume of pedestrian traffic. Whilst the safety of the users of the PRoW network is of paramount importance no PRoW should be closed or restricted for longer than absolutely necessary.

6.11.2.2. The proposal does not establish, in appropriate detail, that closing a PRoW is the only option reasonably available and that an assessment of alternative cable routes has been undertaken in an attempt to avoid or minimise the number of closures. For example, there are circumstances proposed, particularly at the convergence of five routes to the immediate north of Steep Down, where the cable route directly intersects PRoW's.

6.11.2.3. The SDNPA considers that a lack of information has been submitted regarding the impact upon the users of PRow's within the SDNP considering the volume of construction traffic proposed. The lack of a preferred contractor is not an acceptable reason for the omission of such detail which is required to assess the impact upon users of the SDNP.

6.11.2.4. Accordingly, to facilitate an informed assessment, the submission should be able to answer the following questions for the proposed works at any point of the cable route where a PRow is affected:

- What will be the specific impact of closing elements of the PRow network;
- What will be length of each specific closure;
- What and how will notification of a closure will be given in advance;
- Will all closures have an alternative route in place;
- Movements of large machinery and noise can be as much of a barrier to equestrian users as physical ones - how will this be addressed;
- If machinery is allowed to cross a PRow whilst it remains open how will the safety of the PRow users be ensured; and
- What type of information and diversion signage will be used within the PRow network to forewarn users.

6.11.2.5. Notwithstanding the above the SDNPA considers that the works will provide an opportunity to make improvements locally to PRow's. E.ON should work in partnership with SDNPA Officers and local groups to explore opportunities to make improvements which will bring benefit to local users and visitors. The needs of less able and disabled users should also be taken into account.

6.11.2.6. The closure of PRow's will have an impact upon the socio-economic vitality of the SDNPA and the ability of its users to access the SDNP. This is explored in section 6.14 of this document.

6.11.3. Impact upon the South Downs Way

6.11.3.1. The South Downs Way (SDW) is one of only 15 National Trails in England and Wales designated by the Secretary of State under the National Parks and Access to the Countryside Act 1949. It was England's first long distance bridleway and remains the only National Trail to be wholly within a single National Park. National Trails are designated due to the special qualities of the surrounding trail corridor, including landscape, biodiversity habitats and the historic environment. Local, National and International visitors come to use the SDW to enjoy this special landscape. Although the proposed cable route only crosses the SDW at one location, SDW user' experiences will be significantly affected during construction by the wider works. Although the submission refers to the SDW as a National Trail the SDNPA would consider that greater weight should be given to its importance due to its National and International significance.

6.11.3.2. It is noted that in Table 28.8, (pg. 28-19) of the draft ES it stated that, in relation to the SDW, "Gates to be installed along the fence line so trail users can traverse the trail *at all times*." It is apparent in the submitted application that the SDW will be closed to the south of Tottington Mount during construction works. This should be clarified as closure of the SDW will have a significant effect upon users of the SDNP.

6.11.4. Access Land

- 6.11.4.1.** The proposals indicate that the proposed cable will run through an area of statutory access land at Tottington Mount and Old Erringham Farm, adjacent to the A283. Both of these areas will require the necessary consent to close.
- 6.11.4.2.** To enable a closure the consent of the relevant Authority is required. For the purposes of sections 24, 25 and 26 of the Countryside and Rights of Way Act 2000, when the site is within a National Park, the relevant authority is the National Park Authority.
- 6.11.4.3.** Under the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 the need for a direction under sections 24, 25 and 26 of the Countryside and Rights of Way Act 2000 can be removed by a DCO. However, this requires the consent of the relevant Authority, i.e. the SDNPA, to proceed.
- 6.11.4.4.** When making a decision on an application to make a direction to exclude or restrict the right of the public to exercise their rights on access land the relevant Authority must make efforts to ensure that all measures are put in place to ensure that the least restrictive option is applied. The SDNPA would contend that this principle applies in the SDNPA's consideration for the disapplication of a direction in the DCO. Given this the SDNPA, in principle, agrees to the suspension of access but advocates that consideration should be given to the avoidance of closure during the weekends and bank holidays and during the summer months when demand is likely to be higher. If any access into the site, including access points such as gates or stiles, is made unavailable during construction then temporary access points into the rest of the site that remains available should be considered in consultation with the SDNPA and relevant landowner.

6.11.5. Impact upon the Wider South Downs Network

The SDNPA has the following considerations with regard to the impact upon the wider South Downs Network:

- 6.11.5.1.** The SDNPA would expect any gates utilised to be of an appropriate design to enable all users to the SDNPA to retain an acceptable level of access. Consultation should be undertaken with the SDNPA regarding any specific designs.
- 6.11.5.2.** The SDNPA is well placed to advise E.ON of the most frequently traversed routes and the likely start and finish points of users of the South Downs network. The SDNPA would expect E.ON to consult the SDNPA on any proposed publicity and also consider wider publicity, as opposed to only on the access routes, including through the WSCC website, National Trail website, consultation with the South Downs LAF and also through notifying local businesses with a tourism interest.
- 6.11.5.3.** The SDNPA would draw attention to the timing of closures affecting PRow's and the SDW and would advocate avoiding construction during the times of highest intensity usage – in particular the spring and summer months. In addition there are a number of events held across the SDNPA which increase the number of visitors to the SDNP – any closures should avoid the timing of major events.

6.12. Construction Management

6.12.1. Complexity of the Proposed Cable Route

6.12.1.1. The proposed cable route represents a complex construction management project with the sensitive landscape, ecological and heritage asset constraints providing additional challenges. The SDNPA note that a generic construction methodology will be applied to the route with the exception of the Tottington Mount section. Great weight is placed by the submission on the future formulation of the Construction Environmental Management Plan (CEMP) which is subject to the appointment of contractors. The SDNPA considers that, due to the acknowledged sensitivity of the environment, the CEMP should be completed prior to consent and be a comprehensive detailed methodology of the works proposed to enable a fully informed assessment.

6.12.2. Impacts of the Additional Works Required

6.12.2.1. To facilitate the construction of the proposed cable route it is acknowledged by the submission that both construction compounds for the storage of materials and vehicles and access tracks will be required. However, the application submission does not go into sufficient detail in identifying the impacts of such works. It is considered that it is intrinsically important to the assessment of the acceptability of the proposed cable route that the impacts of such wider works are assessed pre-consent to facilitate an informed assessment of the impacts of the proposal.

6.12.2.2. Accordingly, to facilitate an informed assessment, the submission should be able to answer the following questions, with regards to construction compounds and access, for the proposed works at any point of the cable route:

- Where will they be specifically located?
- What will be the duration of use and how will the land be reinstated?
- What is the impact upon landscape character?
- What is the ecological impact?
- Will they restrict or hinder access to the wider South Downs network?

6.12.3. Phasing

6.12.3.1. The SDNPA consider that the submission contains inadequate information regarding the duration and phasing of the proposed works. Knowledge of the duration and phasing is central to fully understanding the impacts of the proposed works upon issues such as ecology, drainage, landscape impact and access. In addition, there are a number of annual events central to both the general public's enjoyment of the SDNP and the socio-economic wellbeing of the SDNP that any proposal would impact upon.

6.13. Engineering

6.13.1. JNP Engineering Report

At draft ES stage the SDNPA instructed JNP Group Engineers (Alan Brackley BEng (Hons) CEng FICE FStructE FCIHT) to provide an evaluation of the proposal, with particular regard to the engineering challenges faced on Tottington Mount and the feasibility of the proposed works. The report received is still pertinent and is as follows:

6.13.1.1. Introduction

- 6.13.1.1.1.** “The onshore cables will travel in four trenches with each trench containing three cables as well as fibre optics for communications. The trenches will total a width of 15m. An additional area known as the working width, which will be up to 30m, is required in order to facilitate the construction of the cable trenches.
- 6.13.1.1.2.** The standard method of installation for the onshore cables will be trenching, with the topsoil and subsoil removed and stored by the side of the cable trenches before being used to refill the excavations after the cables have been installed.
- 6.13.1.1.3.** This cable route area includes sections of steep slopes topography which constricts the working area which is likely to provide a considerable engineering challenge were the cables to be installed along the proposed route.
- 6.13.1.1.4.** Given the engineering challenges it is reasonable to question the feasibility of the area being returned to its current state once the work has been completed, and, due to the nature of the terrain, whether it will be actually feasible for the cables to be installed at the location specified by E.ON without significant disruption.
- 6.13.1.1.5.** Following a site visit to the proposed cable location the maps which were provided by E.ON, in PDF format, were converted into a dwg format with long and cross sections being produced in order to achieve a better indication of the terrain and a measure of the slopes that would be encountered.

6.13.1.2. Details of Long Section and Cross Section

- 6.13.1.2.1.** The path of the proposed cable route has been plotted for the entirety of Section 5 and parts of Sections 4 and 6 (as defined by E.ON). This is approximately 7.5km long.
- 6.13.1.2.2.** The main area of concern is centred upon Tottington Mount, which was demonstrable at the site visit. A long section has been plotted for the 7.5km route and cross sections are shown for the most significant areas, i.e. around Tottington Mount.
- 6.13.1.2.3.** The long section profile considered indicate varying terrain across the route with the land around Tottington Mount highlighting potential problems due to slopes of approx. 20% which would make construction work extremely challenging. In addition, due to the steepness of the topography, E.ON would need to ensure that the stability of the slope is not compromised.
- 6.13.1.2.4.** A thorough analysis and testing of the slope make up will be required and, because of the presence of hill creep, it should be made demonstrated beyond reasonable doubt that the measures E.ON proposes are feasible and would not result in additional engineering operations not contained within the ES.
- 6.13.1.2.5.** It is considered that should a slope failure occur it would result in irreparable damage to the topography of the slope.
- 6.13.1.2.6.** The cross sections considered indicate the profile of the land for a 40m width perpendicular to the route of the cable. The area around Tottington Mount provides the greatest cause for concern because of the steep slopes.

6.13.1.2.7. The cross sections show slopes of approximately 35%, 40% and 20% respectively. These steep slopes, combined with the long section showing a slope of 20%, raises significant concerns regarding the suitability of the proposed cable route and whether the implications on the environment of installing the cable at this location have been fully considered. There is the potential for a significant scar to be left on the landscape due to the specialist construction techniques that would be required to install the cable at Tottington Mount.

6.13.1.3. Case Study – Tottington Mount

6.13.1.3.1. In accordance with the draft Environmental Statement, it is acknowledged by E.ON that various alterations to the standard construction technique would need to be implemented when installing the cable in the area around Tottington Mount, due to the steep inclines and geology of the terrain.

6.13.1.3.2. It would clearly not be possible to achieve a working width of 30m due to topographical constraints and, and such, every effort would be required in order to use a minimum width of working area.

6.13.1.3.3. Due to the sensitive nature of the terrain with the chalk grasslands and steep slopes it has been proposed that sections of turf will be removed in large sections and then put back in place once the cable has been installed.

6.13.1.3.4. It would need to be ensured that once the turf has been removed and placed at the side of the trench it is maintained in a suitable condition in order that the landscape is returned to its original condition as soon as possible after the cable installation.

6.13.1.3.5. The standard haul road used in the majority of cable installation will be discontinued over the steepest parts of the route with specialist equipment having to be used in order to cut away the turf and install the cables.

6.13.1.3.6. Although E.ON have stated that this part of the route follows its particular path to maintain workable slopes it is unclear whether the path they have chosen is suitable. Evidence suggests that the slopes range between 20% and 40% in the area around Tottington Mount presenting significant challenges. Accordingly, it has not been adequately proven beyond reasonable doubt that the cable can be installed here without significantly damaging the landscape.

6.13.1.4. Comments

6.13.1.4.1. E.ON acknowledges that the area around Tottington Mount will provide significant challenges installing the cable. However, there are reasonable and serious concerns regarding the practicalities of the route passing through this area and what the true environmental impact could be. It is therefore reasonable for the SDNPA to require additional engineering detail regarding the route.

6.13.1.4.2. Doubts remain, in particular, about the feasibility of the scheme passing through Tottington Mount. This raises questions regarding whether an alternative route, that may not provide so many engineering challenges, would be more suitable.

6.13.2. Other SDNPA Engineering Comments

6.13.2.1. At Tottington Mount the works are particularly sensitive and pose additional engineering challenges to the remainder of the route. The angle of repose is such that normal plant cannot safely traverse the steep gradients. Additionally, the excavation of trenches will be much more complex. Spoil will not be easily stored on adjacent land and reinstatement works pose particularly difficult challenges to overcome the strong likelihood of a permanent scarp on this most valuable of features, the downland landscape. It is critical that the same quality of structure to the soils is preserved. The impoverished and thin layer of turf is dependent on the underlying ground. It is still not established beyond reasonable doubt how reinstatement will ensure the chalk grassland can be reinstated on steep gradients. Because of the difficulty in recreating chalk grassland it will be necessary for the chalk grassland turf to be stripped and temporary donor sites found for its storage, whilst the trenching and cabling works are undertaken. Reinstatement will require the same drainage qualities to be achieved. Over compaction of the underlying chalk will result in the chalk becoming impervious and the reestablishment of the turf difficult with a high chance of soil creep and slippage with the trench becoming a drainage feature subject to permanent scarring. Too loose a compaction leaves the material open to greater settlement. Accordingly, there should have been a strong presumption against routes which include such steep sections if the landscape designation had been afforded due weight. The SDNPA would additionally raise concerns that any turf excavation depth in excess of 300mm is both excessive and unrealistic. In a number of locations such a depth of turf is unlikely to exist, especially in areas of chalk grassland, whilst the depth proposed appears unjustified. If such a methodology were to be pursued additional details regarding the timing between lifting topsoil and restoration and confirmation of the means of protecting areas that will be used for storage of topsoil and subsoil to prevent any permanent harm should be forthcoming.

6.13.2.2. It is considered that the details of the restoration and after care of the trench are unclear. There is no evidence of a fully detailed statement that indicates how the temporary haul road is to be treated at the end of the contract or a demonstration of sufficient understanding of the land characteristics to convince the SDNPA that contractors will be able to reinstate the disturbed areas to the high standard required, especially the scarp slope. Paragraph 2b.5.66 indicates that 'a site investigation will be undertaken to establish the properties of the chalk and the depth of topsoil prior to the works. This will assist in determining the details necessary for the handling and the replacing of the turfs and the chalk backfill so that the optimum results can be obtained'. It is unclear how this information will be used and what approach will be taken. Again it places too greater expectation on the contractor when a clear approach is required at this stage to confirm the feasibility of the work in this sensitive location.

6.13.2.3. In addition, it is unclear how this approach will aid the reinstatement works in this section. Whilst specialist machinery is indicated to be used it is not clear if this is feasible on the steep gradients and that undue damage will not be caused to adjacent ground through wheel spin, especially when plant is under load carrying materials.

6.13.2.4. It is also not established what impact will occur from the heat the proposed cable route will generate, its proposed depth at differing points on the route, and the long term impact this may have upon chalk grassland and, in turn, the landscape

character of the SDNP. Such lack of detail hinders an informed assessment of the impacts of the proposal on chalk grassland.

6.14. Socio-Economic

6.14.1. Baseline

6.14.1.1. The SDNPA has a statutory purpose to “promote opportunities for public enjoyment and understanding of the special qualities of the National Park” in addition to a statutory duty to “foster the economic and social well-being of communities living within the National Park”.

6.14.1.2. The importance of access to, and support for, tourism and the local economy cannot be understated. The SDNP attracts approximately 46.3 Million recreational day visits per year equating to £454m, and its proximity to the large settlements on the coastal plain make it a popular and highly valued area for recreation. The SDW National Trail alone contributes £50 Million per year to the rural economy. Further baseline information is available in the SDNPA State of the Park Report 2012.

6.14.1.3. Accordingly, the SDNPA notes the economic and social benefits that the proposal could bring to the wider locality and the potential for between 65 and 85 full time posts to be created during the construction phase. However, whilst the SDNPA acknowledges its duty to foster economic and social well-being, an assessment is required to establish whether the social and economic benefits carry an overriding weight should the SDNPA consider the proposal has a significant harm in other respects. Acknowledging the Sandford Principle that the first NP purpose takes precedence over the second NP purpose, the SDNPA would consider that the social and economic benefits would be unlikely to outweigh any other significant harm generated by the proposal.

6.14.2. Submitted on-shore socio-economic report:

To support the above the SDNPA would make the following comments on the submitted on-shore socio-economic report:

6.14.2.1. With regards to 28.4.54 it should be noted that more recent Visitor Survey has been completed based on 2011/12 figures. Recreational day visits are now estimated to be 46.3 million with a value of £454 million (South Downs Visitor and Tourism Economic Impact Study - Tourism South East Research).

6.14.2.2. With regards to 28.4.55 it should be noted that whilst technically correct that relatively speaking only a small number stay over night. Overnight stays may only account for 4% of visits to the National Park, in reality this is some 1.99m visits with a value of £77.4m. A further 15% or 6.77m stay in accommodation outside the Park and travel in with a value of £101m, the remainder are day visits from homes either from within the Park or outside.

6.14.2.3. With regards to 28.5.9 it is recognised that workers employed from outside the area will bring economic benefits arising from expenditure by the workforce on subsistence, such as guest houses, restaurants and consumables. However, there is little provision of accommodation in the vicinity of the route through the National Park so, depending on where they are likely to be based, there may be competition for bed spaces with tourists during the summer months which will have a significant

detrimental impact upon access to the SDNPA in conflict with the second statutory purpose of the SDNPA.

- 6.14.2.4.** With regards to 28.5.39 and the impacts on businesses it should be noted that this does not consider the impact on other rural businesses due to disturbance on roads and potential loss of earnings or additional fuel costs. With regards to tourism businesses it is difficult to assess the impacts that the loss of visual amenity and tranquillity in areas immediately adjacent to the cable route will have and the wider potential impacts of construction traffic on roads, particularly main tourist routes. However they should not be dismissed as considerations so lightly as rural businesses are often fairly marginal with regards to income and their loss would be in conflict with the duty of the SDNPA.
- 6.14.2.5.** With regards to 28.5.40 it states that it is not expected that the additional workforce will have a significant adverse impact on the supply of accommodation, but it has not been identified what accommodation is available or what areas it will be required in. Within the SDNP there is very little accommodation along the proposed cable route.
- 6.14.2.6.** With regards to 28.5.42 the SDNPA considers that the proposal will not result in long term employment benefits although it is accepted that there may be 65-85 jobs created as a result of the operations and maintenance.
- 6.14.2.7.** With regards to 28.6.2 and the economy and employment it is noted that whilst the applicant will encourage the participation of local and regional companies in contract and supply tenders it is not clear how they will do this, or how effective it will be.
- 6.14.2.8.** With regards to Table 28.9, Summary of impacts: This does not refer to the potential loss of earnings and no attempt has been made to identify any tourism businesses. Therefore, it is unclear how a consultation will be undertaken. In addition, there is no reference to other types of businesses in the location which may be affected by delays or diversions.

6.14.3. Submitted off-shore socio-economic report

- 6.14.3.1.** To support the above the SDNPA would make the following comments on the submitted off-shore socio-economic report:
- 6.14.3.2.** With regards to 17.5.20, Capture of Capital value, the submission states that total value of the Robin Rigg example was £381m of which 32% was UK content and 12% regional but does not state what the local benefits were. It also states that 34% of the operations and maintenance expenditure is local but it does not state what the total amount is. Therefore, it is difficult to say whether or not this would be more than the value of tourism to the area.

6.15. Waste

- 6.15.1.** To accommodate the cables in the proposed trenches there will be quantities of material displaced. Therefore, quantities of waste will arise mainly in the form of chalk or clay soils. The ES does not indicate how waste from the project is to be dealt with in a sustainable manner. To uniform the assessment the proposal should be clear what approach is to be taken to the handling and disposal of this waste, and what is intended for the 40,000 tonnes of aggregates that is thought to be used just for the haul road,

which will require removal at the end of the temporary works. The SDNPA would indicate a preference for any materials to be used on the haul road being minimised and preference given to the use of secondary aggregates.

- 6.15.2.** The amount of waste likely to be generated requires calculation. Even a modest displacement of 0.8m x 0.5m for each trench will generate 22,400m³ of waste or 41,000 tonnes when the station connector facilities are included. This calculation makes no allowance for the difficulties of compacting the same material back into the trenches, which can be expected to generate a further residue. The SDNPA consider that the proposals must indicate what arrangements are proposed for waste management with a preference for these being included in the development. This will avoid uncertainty and the prospect of the responsibility falling on the selected contractor who may choose the path of least resistance which could be harmful to the SDNP and thus requires assessment pre-consent.
- 6.15.3.** With regards to paragraph 2b.4.45 it is noted that any surplus material from trench excavation 'may be spread and compacted across the working width before the topsoil is reinstated on a field-by-field basis, provided this will not impede achievement of restoration objectives, the materials are compatible and the landowner is in agreement. The landowner/occupier will also be consulted before any off-site disposal is planned. In such instances disposal will be undertaken in accordance with the Waste Management Regulations'. This approach is not considered acceptable and requires a clear methodology rather than left to the discretion of the selected contractor with could result in significant landscape damage. In addition, there is no indication of the scale or depth of such activities. It is considered that this aspect of the proposal requires reconsideration with regards to the likely volume of surplus waste and the appropriate mechanism for disposal, whether on or off-site, determined.
- 6.15.4.** There remains a lack of clarity over the construction and reinstatement of the haul road. Paragraph 2b.4.8 confirms that the actual working width will generally be no wider than 30m, with a general working width of 40m being defined for the DCO limits of the cable corridor (the Development Area) to allow 10m for micro-siting tolerance. This is a large expanse of land equivalent to a multi-lane highway given the trenches are within a 12metre width. The draft ES indicated that material was to be imported to construct the temporary haul road but there is no information submitted regarding the materials involved. A concerning addition is the need for the temporary haul road to be cut into the hillside with the statement in Paragraph 2b.4.19 that 'The haul road will require a small degree of temporary benching in this section to ensure a level surface for plant to traverse at all times'. Again the scope and impact of these works are not set out, but indicate the complexity of the task. Furthermore, site compound locations have not been identified so no assessment of these aspects is possible with regards to movement and storage of waste. (Paragraph 2b.4.1).

- Ends -

This document forms part of the submission of the SDNPA to the Planning Inspectorate examination of the Rampion offshore Wind Farm. Further details can be obtained from David Cranmer, Recovered Services Manager at david.cranmer@southdowns.gov.uk or 01730234120 or by visiting the SDNPA Rampion webpage at <http://www.southdowns.gov.uk/planning/rampion-offshore-windfarm>