

# **Rampion 2 Offshore Wind Farm**

## **Written Representation**



**South Downs**  
National Park Authority

**PINS REFERENCE: EN010117**

**DATE: 12 December 2023**

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**I. Summary**

- I.1 The South Downs National Park Authority (SDNPA) objects to the development proposed due to the significant adverse harm the proposal would cause, contrary to the statutory purpose to conserve and enhance the National Park. There is also a lack of mitigation and compensation for the harm caused.
- I.2 The proposal conflicts with South Downs Local Plan policies as well as the Purposes of the National Park and the Special Qualities for which it was designated. Of key concern is:
- Inadequate demonstration that the onshore cable corridor could not be delivered outside of the National Park, or that the route selected has been successful in moderating the effect on the environment and recreation,
  - Major adverse harm caused to seascape and landscape as a result of the offshore development, including significant effects on the Heritage Coast,
  - Significant adverse effects as a result of the onshore cable corridor route on landscape character and visual receptors,
  - Inadequate assessment of the effects on terrestrial ecology and nature conservation, including key habitats such as Ancient Woodland and Chalk Grassland,
  - Inadequate assessment and potential significant harm to areas of national archaeological significance, and
  - Insufficient consideration of public rights of way, including the South Downs Way National Trail, during construction.
- I.3 There is an overarching lack of commitment to appropriate mitigation and compensation measures, as well as an apparent failure to learn from the experience during the Rampion 1 construction and operation periods.
- I.4 Concern is also raised regarding compliance with policies of the South Downs National Park and West Sussex County Council Joint Minerals Local Plan 2018 (and Partial Review 2021).
- I.5 The SDNPA has highlighted elements within the proposed scheme which could be improved. These would lessen the significant adverse harm caused. However, they do not overcome the issue that despite the positive public benefit a renewable energy scheme of this magnitude would bring in principle, the scheme as proposed would result in residual and significant permanent adverse effects due to the erosion of the Special Qualities of the South Downs National Park, a protected landscape of national importance. This harm identified needs to be considered alongside any benefits of the proposal.

## 2. Introduction

- 2.1 This written representation is submitted by the South Downs National Park Authority (SDNPA) in response to the application by Rampion Extension Development Limited (the applicant) for the proposed expansion of the existing Rampion offshore wind farm.
- 2.2 The South Downs National Park (SDNP) lies to the north of the proposed offshore array, comprising the higher ground and open downland above the Coastal Plain and includes the Heritage Coast east of Seaford to Eastbourne.
- 2.3 One-third of the proposed onshore cable corridor would run through the National Park. The offshore array and other construction activity including the temporary construction compound at Washington would take place in the setting of the National Park (see Appendix A of SDNPA Local Impact Report).
- 2.4 The South Downs National Park contains over 1,600 sq. km of England's most iconic lowland landscapes, stretching from Winchester in the west to Eastbourne in the east. The SDNPA is the organisation responsible for promoting the statutory purposes of the National Park and the interests of the people who live and work in it.
- 2.5 The SDNPA is the Local Planning Authority for the National Park, including the parts of the National Park within the districts of Arun, Horsham and Mid-Sussex. The DCO Application does not always recognise this is the case, most notably in the Planning Statement, Chapter 23 of the Environmental Statement (Transport), the Outline Worker Travel Plan and, importantly, within the DCO Schedules themselves.
- 2.6 As well as the South Downs Local Plan, the SDNPA is responsible for producing (as required by statute) the South Downs National Park Partnership Management Plan 2020-2025. There has been a failure by the applicant to take this document into consideration throughout their application.
- 2.7 This written representation should be read in conjunction with:
- SDNPA's Local Impact Report (LIR)
  - SDNPA's Principal Areas of Disagreement Summary Statement (PADSS)
  - The forthcoming draft Statement of Common Ground between the applicant and the SDNPA.
- 2.8 As recommended in paragraph 23.2 of the Planning Inspectorate's Advice Note 2, where possible we have cross referenced to the above documents in order to assist in keeping submissions as concise as possible and to avoid repetition.
- 2.9 This written representation concentrates on those parts of the DCO application to which the SDNPA objects and those issues which, in the SDNPA's view, remain outstanding or unresolved. This representation refers to amendments to the DCO Requirements and possible obligations secured through a Section 106 Legal Agreement (see Table I in section 3.2 of this representation), however, it should also be read in conjunction with the LIR for a full set of amendments and obligations.
- 2.10 Matters of agreement are being recorded in the draft Statement of Common Ground.

### **3. The SDNPA's View of the Proposal**

#### **3.1. Principle of Major Development in the National Park**

- 3.1.1. As set out in the SDNPA's Local Impact Report (LIR), the overarching National Policy Statement for Energy (EN-1, 2011), the National Planning Policy Framework (updated September 2023) and the South Downs Local Plan (SDLP adopted July 2019, specifically Policy SD3), confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty and that major development should be refused save in exceptional circumstances, and where the development is in the public interest.
- 3.1.2. This 'major development test' (as set out in 5.9.10 of EN-1, para 177 and policy SD3 of the SDLP) states that the consideration of such applications should include an assessment of:
  - a) the need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy;
  - b) the cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it in some other way; and
  - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 3.1.3. Then at paragraph 5.9.11 EN-1 states that if consent were to be given, the Secretary of State 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.
- 3.1.4. In response to these requirements and point a), the SDNPA acknowledges that there is a critical need for renewable energy developments, which will help the country achieve its net zero targets.
- 3.1.5. Where the SDNPA differs from the applicant, is i) that the scope for and cost of developing outside of the National Park has not been adequately explored and, ii) over the extent to which the detrimental effects to the environment, landscape and recreational opportunities have been moderated (following the mitigation hierarchy).
- 3.1.6. As explained in the SDNPA's accompanying LIR (paragraph 6.5) the applicant's assessment in respect of the cost/scope for developing outside the National Park within the Planning Statement (Document Reference APP-036) has been superficial and focussed on the cost and scope of developing after key decisions have been made (such as landfall and the decision to site an offshore wind farm in such close proximity to a protected landscape). The assessment also appears to have been made prior to many of the requirements for mitigation and compensation in respect of ecology, archaeology or other land-based requirements had been realised. For these reasons, the SDNPA consider the assessment flawed. However the SDNPA will continue to seek to address these matters with the applicant.
- 3.1.7. The choice of final route has not demonstrated that it is the most appropriate option through the protected landscape – and that this route choice is the most effective at moderating the detrimental effects on environment, landscape and recreational opportunities. This point is borne out through the objections raised in respect of landscape, ecology, cultural heritage and public rights of way in later sections of this representation.
- 3.1.8. Further to this, the SDNPA remains unconvinced that the scheme will be carried out to high environmental standards, in respect of the construction of the onshore cable corridor. For example, there is inadequate commitment to the use of Horizontal Directional Drilling (HDD) or trenchless techniques in sensitive areas and work

areas will only be ‘reinstated to pre-existing conditions as far as reasonably practical’. Nor through reinstatement or offsite opportunities have measures to mitigate and enhance the environment been fully realised.

- 3.1.9. The applicant has, through the Planning Statement (Document Reference 5.7), stated that the draft National Policy Statements for Energy (most specifically EN-1, EN-3 and EN-5) that were put forward for public consultation in April/May 2023 are “considered to be important and relevant to the determination of the present DCO application”. The updated NPS have now been published (22 November 2023) and it is noted that under the transitional arrangements within these, that this application would still be considered under the 2011 suite of NPS. It is however noted that the Major Development Tests as outlined above remain in place within the new NPS EN-1.
- 3.1.10. The proposal through both the offshore and onshore aspects of the scheme is considered to result in significant and permanent impacts on the Special Qualities for which the National Park was designated. The Special Qualities include:
- ‘Diverse, inspirational landscapes and breathtaking views’ – for example at Cuckmere Haven and Birling Gap,
  - ‘A rich variety of wildlife and habitats including rare and internationally important species’ – habitats such as the Ancient Woodland at Michelgrove and the Chalk Scarp at Sullington,
  - ‘Well-conserved historical features and a rich cultural heritage’ – including that at and in between Harrow and Blackpatch Hills.
- 3.1.11. As set out in more detail below (and within the SDNPA’s LIR), examples which demonstrate our objection include the significant adverse impact on landscape character, areas of significant cultural heritage and the impact on habitats. The choice of cable corridor has not been demonstrated to have been made on the basis it would moderate the effects on the environment and recreational opportunities.
- 3.2. Approach to Mitigation, Enhancement and Compensation, including S106 Agreement
- 3.2.1. The package of mitigation measures, as detailed in the Commitments Register (Document Reference APP-254) are frequently vague with non-committal language such as ‘where possible’. The considerable areas of uncertainty imply that new or materially different environmental effects may be missing from the Environmental Statement and therefore the impacts of the proposed development may be considerably understated or even incorrect.
- 3.2.2. Where specifically addressing the National Park, such as C-66 of the Commitments Register, the applicant does not set out in any detail how the commitments will be achieved.
- 3.2.3. In addition, in some of the chapters of the Environmental Statement (for example Transport), there is no acknowledgement of the National Park Purposes, Local Plan or Partnership Management Plan and therefore the mitigation is failing to conserve and enhance the National Park.
- 3.2.4. In many instances, the Commitments have not been secured appropriately through the Requirements in the DCO itself. A critical example of this is in respect of Commitment C-61, which relates to the Design Principles for the offshore array. Whilst the SDNPA object to the proposal on the grounds of seascape and landscape impact (as detailed below and in Appendix A), a strong commitment to a set of robust Design Principles is required in order to attempt to mitigate the harm; the current proposal fails to achieve this.

- 3.2.5. There is also a requirement within National Parks to not just mitigate harm but enhance their Purposes (as set out in the 1949 Act). This has not been demonstrated through the proposed development. Heads of Terms for a S106 Agreement have been presented to the SDNPA, which seeks to provide public rights of way improvements and hedge management schemes within 5km of the onshore cable route. The SDNPA feel that this, as well as the proposed mitigation within the application, do not meet the high environmental standards expected and, most importantly, is not sufficient to mitigate for the harm caused in the National Park.
- 3.2.6. Through the LIR and the sections below, further areas that require substantially improved mitigation or increased certainty for delivery, have been set out. In addition to this, the SDNPA would expect a S106 Agreement to be entered into by the applicant, providing compensatory measures in respect of several matters as detailed in Table I.

<b>Subject Area</b>	<b>Compensatory Measure</b>
Seascape and Landscape Impacts (offshore)	Identified landscape-based project or financial contribution
Landscape Impacts (onshore)	Identified landscape-based project or financial contribution
Terrestrial Habitats and Protected Species (including Ancient Woodland)	Habitat creation / Nature recovery-based project or financial contribution
Archaeology	Project related to preservation, depositing, storage and interpretation/education opportunities (or financial contribution)
Public Access and recreational opportunities	Rights of way improvements or access to the National Park (or financial contribution)
Construction and ongoing monitoring	Financial contribution to cover monitoring of onshore construction works through the National Park and for 10 years following final completion of the project

**Table I:** Proposed S106 Agreement Heads of Terms

3.3. Lessons Learned from Rampion I

- 3.3.1. The applicant has heavily relied on the successful reinstatement, in a short period, of the Rampion I onshore corridor. The SDNPA carried out an aerial survey of the existing corridor route during the summer of 2021 – over 4 years after some of the areas were reinstated. A visual overview of this survey can be found at Appendix B. In summary, the survey identified several areas where the cable route was still fully visible and where reinstatement clearly had not been successful.



**Fig. 1** – Aerial view of Rampion I Cable Corridor 2021 (Lambleys Farm)



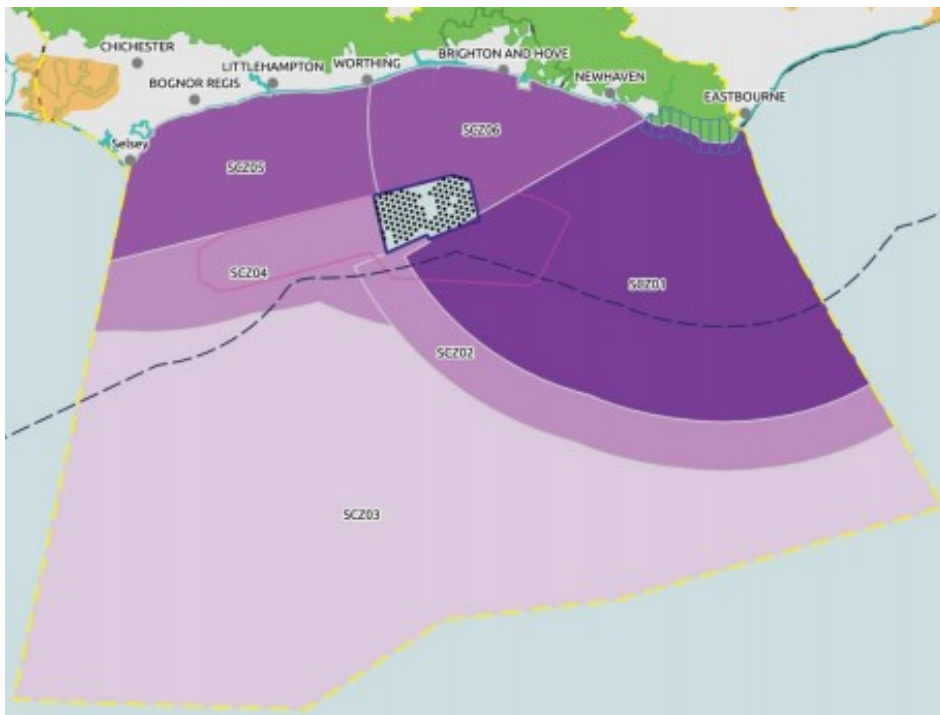
**Fig. 2** – Aerial view of Rampion I Cable Corridor 2021 (Edburton Road)

- 3.3.2. Further to this, there have been ongoing issues regarding the management and maintenance of mitigation measures, including wildflower, hedgerow and grass planting and reluctance to remove ‘temporary’ features such as fencing, which have a detrimental impact on the Open Downland landscape.
- 3.3.3. A period of maintenance and monitoring for 10 years following completion is proposed in the Landscape and Ecology Management Plan (Document Reference: APP-232) for reinstated habitats, which is welcomed. However, this will need to be expanded and a clearer definition of the responsibilities of all parties involved (and agreement of these from all relevant parties, including landowners) will be needed in order to demonstrate that the issues experienced in the monitoring period for Rampion I can be resolved and avoided.
- 3.4. Seascape, Landscape and Visual Impact (Offshore)
- 3.4.1. A full consideration of the landscape, seascape and visual effects in respect of the offshore, onshore elements as well as the whole development effects on the National Park, are included at Appendix A. A summary of the key areas of objection relating to landscape harm is provided below.
- 3.4.2. There is a substantial underestimation of the effects of an offshore array of this scale, height and spread, in a location as sensitive as this, in close proximity to the South Downs National Park and Heritage Coast. This combination of designated areas is



considered to be particularly sensitive, as identified in the Review and Update of Seascape and Visual Buffer Study for Offshore Wind Farms (March 2020)<sup>1</sup>, produced as part of the UK Department for Business, Energy and Industrial Strategy’s offshore energy SEA programme (SLVIA references Document Ref APP-056).

- 3.4.3. It is somewhat surprising to see that within the SLVIA (Table 15-29 of APP-056) that residual effects on landscape character and visual receptors have been concluded as ‘not significant’, despite this combination of highly sensitive designations. Whilst the SDNPA disagree some of these effects are ‘moderate’ (e.g. at Birling Gap and along LCA S1 and S2 – Shoreline) and consider them to be ‘major/moderate’ at least and as stated in the LIR, a ‘moderate’ effect in a designated area should be considered to be significant.
- 3.4.4. The SDNPA commissioned a further study into seascape sensitivity as it relates to the proposed development in 2021, which is included at Appendix C. This identifies six seascape character zones of sensitivity associated with the National Park, as shown in Figure 3 below. The darkest shade (i.e. SCZ1) indicates the area with the highest level of sensitivity, with the lightest shade (i.e. SCZ3) indicating the lower end – in this case medium-low sensitivity. The study identifies different levels of sensitivity, though “a gently curving coast, the iconic chalk cliffs to the east, the special qualities of the breath-taking panoramic views, tranquillity and unspoilt character, combined with the wildness that the seascape imparts, all contribute with other factors to enhance the value and sensitivity of the area”.



**Fig. 3** South Downs Seascape Sensitivity Summary Map

- 3.4.5. The study goes on to propose a set of recommendations in respect of the design, layout and height of a proposed array that would go some way to resolving the concern. These include:
  - a) Development should only occur within the Extension Area west of Rampion I.
  - b) Turbines should not exceed 225m to blade tip in height.

<sup>1</sup> P23 of [OESEA seascape and visual buffer study 2020 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- c) Clear separation between Rampion 1 and 2 to minimise the horizontal extent.
  - d) Turbine layout is designed in coherent blocks.
  - e) Full north to south extent of the extension area should be utilised to maximise the size of east/west gaps between the arrays.
- 3.4.6. Through the pre-application process, the applicant reduced the extent of the array, particularly to the east and introduced a set of design principles, however whilst these are welcomed, they do not remove the significant adverse effects identified by the SDNPA. The principles proposed by the applicant would continue to mean that through the combination of the proposed height and the proximity to the coastline, the ‘visual layering’ that would occur with Rampion 1, inadequate separation zones between the existing and proposed arrays and the extent of the array east-west, there would be visual discord and a substantial loss of open and unspoilt views of the seascape. This is a significant adverse effect on Purpose 1 of the National Park and directly impacts on the Special Qualities, most notably in respect of the ‘breathtaking views’.
- 3.4.7. The SDNPA also raises a significant concern in the method of assessment of effects and would have expected both a combined cumulative impact assessment of Rampion 1 and Rampion 2 together, along with a cumulative impact assessment of the **additional** effect of Rampion 2. This is further explored in both Appendices A and C.
- 3.5. Landscape and Visual Impact Assessment (Onshore)
- 3.5.1. Chapter 18: Landscape and Visual Impact of the Environmental Statement (Document Reference: APP-059) frequently downplays the effects on the National Park affected Landscape Character Areas (LCA), due to the geographical extent of the study area (2km buffer area), lack of consideration of landscape elements and the use of a combined approach to landscape elements that, if considered in isolation, would be significant.
- 3.5.2. One of the implications of the limited 2km buffer area is demonstrated through the Zone of Theoretical Visibility (ZTV) produced for the SLVIA where visibility extends across a significant area – much greater than the 2km study area. The Open Downland, where openness and expansive views are highly characteristic is one specific area where this is problematic and was highlighted during the pre-application stage.
- 3.5.3. Landscape elements such as tranquillity, historic landscape character, condition and dark skies, have not been appropriately considered. The summary of effects instead focusses on types of vegetation, which largely ignores perceptual qualities or draws on any historic character associated with these features. By either grouping, or omitting proper assessment of these features, there remains a high probability that effects have been underestimated or missed entirely. A further example of this is demonstrated in the section below regarding Dark Night Skies.
- 3.5.4. As the National Park is given the highest status of protection in respect of landscape, the SDNPA consider this is unacceptable and a more thorough assessment should be undertaken so that the effects are fully understood and appropriate mitigation, enhancement and if necessary, compensation, can be secured.
- 3.5.5. Further to this, the impact on the Arun to Adur Scarp LCA should be completely reconsidered, as it is incorrect to suggest that works running up to the boundary of and under this LCA, which is an area of Open Access Land, would be a ‘negligible to zero’ magnitude for change.

- 3.5.6. The SDNPA are also concerned about the viability of some of the construction and mitigation measures proposed in the development. We welcome the principle of the proposed use of Horizontal Directional Drilling (HDD) in order to avoid the use of open-cut trenching in areas of Ancient Woodland and Chalk Scarp (Sullington Hill Local Wildlife Site). There is however, uncertainty about whether this technique will be successful in such landscapes and it is not clear what the alternative proposals would be if the use of HDD is found not to be viable. Under the current proposals and dDCO, work on the cable corridor could have substantially commenced both outside and within the SDNP before determining whether HDD would work in these specific locations. This would amount to pressure to deliver the cable corridor through these areas as it would now be extremely difficult to find an alternative route. In addition, the use of HDD only in these areas is not explicitly secured in the dDCO at present. Further evidence and investigation is required prior to determination to demonstrate this is a viable method in the above locations and the use of this technique should be explicitly secured by a requirement in the dDCO.
- 3.5.7. The effects on tranquillity and dark night skies, as landscape elements, are also considered in Appendix A.
- 3.6. Dark Night Skies
- 3.6.1. The SDNP is designated an International Dark Skies Reserve, throughout which the integrity and quality of these dark skies is particularly sensitive to change. The applicant's landscape assessment (Document Reference APP-059) states there would be no effect on the South Downs International Dark Skies Reserve, largely as a result of a measure embedded within the Commitments Register.
- 3.6.2. The SDNPA remains unconvinced this would be the case, based on a number of factors. Firstly, the core working hours set out in the Commitments Register includes times extending into periods of darkness during winter months, requiring lighting to assist construction work. The areas where trenchless crossing techniques are proposed to be employed (including areas of intrinsic rural darkness) require lighting 24 hours a day when being undertaken. The experience the SDNPA have had in respect of Rampion I construction also leads us to believe that work will be taking place during periods of darkness, requiring further lighting.
- 3.6.3. Lighting is therefore considered to be inevitably required and cannot be considered to be without adverse effects. These therefore need to be properly taken into consideration as a separate landscape effect.
- 3.7. Whole Development Landscape Impacts
- 3.7.1. Neither the SLVIA (Ref APP-056) or the LVIA (Ref APP-059) have provided a comprehensive assessment of the whole development landscape impacts.
- 3.7.2. The effects of the whole proposed development can be both landscape and visual. The assessment method employed to consider the whole development landscape effects is flawed as it has not taken on board this critical point, particularly where it relates to consideration of the SDNP Special Qualities. These Special Qualities should be an integral part of any landscape assessment, however these do not appear to have been taken into account. This omission - and through use of limited study area - implies that environmental effects may be missing from the assessment, as detailed above.
- 3.7.3. There is also misinterpretation within the assessment of the whole development landscape effects undertaken in Chapter 18, which states that the proposal would not give rise to any landscape effects. This is despite the Seascape, Landscape and Visual Impact Assessment undertaken in Chapter 15 (Document Reference APP-056), setting out the effects on landscape character and on the National Park's

Special Qualities and contradicts the conclusion in Chapter 18 that there would be no landscape effects.

- 3.7.4. The general lack of consideration of perceptual qualities in the assessment, including historic landscape and tranquillity, is considered to be a substantial omission in the assessment. These qualities underpin the Special Qualities and the incomplete assessment does not allow for appropriate mitigation strategies to have been developed.
- 3.8. Terrestrial Ecology and Nature Conservation
- 3.8.1. The SDNPA objects to the proposal as it would be contrary to SDLP policies SD2, SD9 and SD45, as set out in the SDNPA's LIR and landscape section above, with one of the main concerns being that the landscape-scale ecological effects have not been properly assessed in Chapter 22 of the Environmental Statement, which could lead to much greater adverse impacts on habitat than have been predicted (APP-063). The data which is available has not been considered in any meaningful way in assessing the direct and indirect, short to medium term effects of removing potential important / key linear features from the landscape. As well as this overarching objection, the SDNPA would like to make the following additional comments.
- 3.8.2. *Vegetation Survey and Impact Assessment* – the Phase I habitat survey is not sufficiently detailed to assess type and condition of certain habitats including grassland, river/wetland and woodland and does not therefore allow robust habitat classification, ecological impact assessment (or accurate Biodiversity Net Gain Metric mapping/calculations). Vegetation mapping using UKHab Level 4/5 is required as a minimum along the cable corridor route. This would identify any areas which should be subject to National Vegetation Classification (NVC) survey as potential irreplaceable habitats such as ancient woodland habitats, plus highly distinctive habitats such as chalk grassland. The areas that have been subject to NVC survey are now outside of the DCO Order limits, with the exception of Sullington Hill. The Landscape and Ecology Management Plan (LEMP; APP-232) 4.6.1 states that further NVC survey will only be undertaken prior to construction. Therefore, the impacts of the proposal have not been adequately considered.
- 3.8.3. *Ancient Woodland* - Ancient woodland habitat includes trees (above ground and their root systems) and ground flora but most importantly their soils - soil chemistry, soil biota and mycorrhizal fungi. The effects of air and water pollution and hydrological changes can occur to ancient woodland at significant distances away from the proposal. There is insufficient evidence provided to demonstrate that a 25 metre stand-off and use of trenchless drilling 6 metres underneath ancient woodland ground level will not cause the loss or deterioration of this irreplaceable habitat by damaging roots, damaging or compacting soils, increasing levels of air and light pollution, noise and vibration, changing the water table or drainage, damaging functional habitat connections or affecting the function of the woodland edge. Insufficient evidence is provided to support the conclusion of low frac-out risk, as stated in Chapter 22 of the Environmental Statement (APP-063), or whether there has been previous experience of using and monitoring the success of this technique successfully, underneath ancient woodland soils. This also applies in relation to veteran tree buffer zones.
- 3.8.4. *Hedgerows and Treelines* - There are 84 hedgerow and 28 tree crossings along the route of the onshore corridor, amounting to 'temporary' loss of 1,062 metres of hedgerow & 370 m of treeline (until such time that these features had been successfully reinstated to their former maturity and condition), plus permanent loss of 622 m hedgerow along the onshore cable easement (as stated in APP-063). There are a large number of these hedges and treelines which have not yet been assessed

due to lack of access. Therefore, the harm associated with the loss of these important habitat features (as well as the impact the loss would have in respect of landscape character) is likely to have been significantly underplayed.

- 3.8.5. Hedges in this Chapter have largely been considered in terms of the Hedge Regulations, rather than their intrinsic ecological value, importance within the landscape and their connectivity with associated habitats (woodland, scrub, water). This underestimates their contribution as important habitats.
- 3.8.6. Whilst there has been acknowledgement of the need to mitigate against hedgerow loss and minimise the period of time for reinstatement, the proposed methods for doing so, in particular the ‘notching’ technique have not been tested on dry, free-draining chalk soils, or in the climate associated with the South Downs. The examples provided are from the Lake District and Norfolk Broads, both of which are much wetter landscapes than the application site.
- 3.8.7. Further to this, paragraph 5.6.38 of the Outline Code of Construction Practice (APP-224) states that “Notched hedges would be pruned to 1m prior to translocation and gaps closed using temp fencing. Removed sections would be managed as necessary (including watering during translocation/storage and in the first spring/summer following planting).” This implies that all notched hedgerows would be reduced to 1m height. In assessing no significant effects on hedgerows as a result of the scheme, it appears the applicant is suggesting that notched hedge sections would grow back to their original height and function (denseness) within their assessed 2-year reinstatement period. The SDNPA consider the applicant is over-optimistic in this conclusion, particularly for the hedge sections that are very tall and dense.
- 3.8.8. The LEMP states that “the reinstatement of habitat will be of the same habitat type and to the same condition”, whilst also accepting that “although in landscape terms the reinstatement of landscape elements will take time to mature and new sections of field boundary fencing and/or hedgerow will be apparent post construction”. The SDNPA queries how both these statements can be true and considers that the latter is more likely to be the reality – as has been demonstrated through the experience with Rampion I.
- 3.8.9. *Bats* – Sparse bat survey data has been provided to support the application, with patchy and inconsistent coverage between and within seasons (Document References APP-063, APP-186 and APP-195). It is not clear how many survey hours have been carried out per month for transect and static surveys and there is no information on surveyor competence or equipment used. The survey data is not compliant with accepted guidelines produced by the Bat Conservation Trust for professional bat survey (Referenced in APP-063). Large numbers of hedgerows, treelines and individual potential bat roost trees have not been surveyed at all due to access restrictions. Therefore the impact on bats, a protected species, is unclear.
- 3.8.10. The associated spatial and temporal survey data is considered insufficient to inform a robust assessment of the terrestrial effects of the Scheme on bats, both in the short and long term. It is not possible to assess the landscape scale effects of notching in short/medium & long term along important bat corridors that have not yet been identified due to poor survey coverage, therefore the conclusions reached may have been underestimated and the mitigation proposed unacceptable. The data which is available has not been considered in any meaningful way in assessing the direct and indirect, short to medium term effects of removing potential important/key linear features from the landscape. Nor how the failure of proposed reinstatement methods (as discussed in paragraphs 3.8.7-3.8.8 above) could affect the bat assemblage within the Zone of Influence in the longer term. Data from the bat

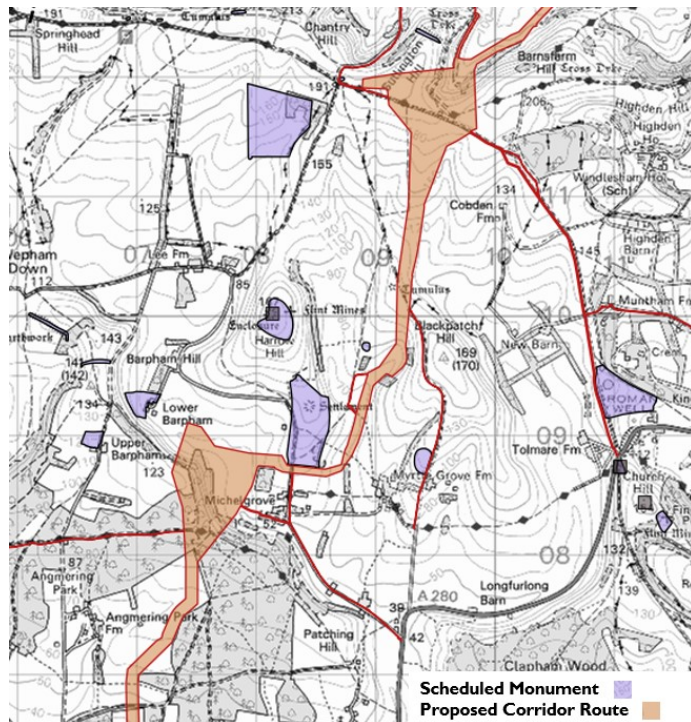
surveys conducted in 2023 for the new areas of cable corridor within the SDNP have not been included in the supporting information. This is particularly critical given the proposed route option is in part selected as it would have a less significant impact on ecology (Document Reference APP-044). If this is not in fact the case, then it again calls into question whether the applicant has demonstrated they have fulfilled their requirements under the Major Development Tests (as discussed in 3.1 of this representation and the LIR).

- 3.8.11. The proposed trenchless crossing locations within the SDNP are in the most vulnerable ecological locations by definition (excepting roads), as otherwise an open-trench method would be proposed. The sensitivity of these locations includes being within a dark skies landscape. As these areas and temporary construction compounds will be lit, up to date BCT/ILP Guidance (2023) must be followed, including provision of a detailed lighting constraints plan or similar, to avoid artificial light spill and glare around sensitive features (woodland/scrub/boundary vegetation). There is currently insufficient commitment to providing these measures.
- 3.8.12. *Dormice* – Given the location of known records, the survey coverage to date is considered insufficient to conclude the likely absence of Dormice within or close to the proposed DCO Order limits at locations away from Site 7 (Ashurst).
- 3.8.13. *Biodiversity Net Gain (BNG)* – BNG consists of three elements: a) area/length, b) habitat distinctiveness, c) habitat condition. It is not clear which version of the Metric has been used to calculate the BNG figures provided in Table 4.1 of APP-193 (BNG Information). No Metric spreadsheet has been provided, nor a net gain plan showing existing a pre and post development habitat areas/condition, nor completed Condition Assessment tables. It is not possible to demonstrate a 10% net gain in biodiversity, nor for the SDNPA to assess the submitted BNG information without this information.
- 3.8.14. There appears to have been conflation of compensation measures and biodiversity gains. These are different and separate steps in the mitigation hierarchy and the former must be fully addressed to the point of net zero before considering any biodiversity gains resulting from the project. For example, habitat reinstatement within 2 years of impact does not represent a biodiversity gain (as there is no enhancement proposed). Also, woodland will not be reinstated but instead will be replaced with managed scrub. Replanting of woodland away from the point of impact (whether within the DCO limits or outside) is compensation for loss, not BNG.
- 3.9. Highways, including Public Rights of Way (PRoW)
- 3.9.1. The proposed cable corridor will intersect with a large number of public rights of way within the National Park. Whilst closure or diversion of these should only be for a short period of time (according to the application documents), it is difficult to fully understand and appreciate the full impact of these closures and diversions on users as the information has not been clearly presented (Document Reference APP-012). This includes the experience of equestrian users on construction haul roads, where they are also bridleways, and the potential interaction with traffic / waiting areas. Further plans, which show highly impacted areas, such as around Sullington LWS, should be provided that clearly show the PRoW, the proposed diversion, the length of time it would be diverted and when (in terms of the works that necessitate the diversion).
- 3.9.2. The proposed development would also impact on the South Downs Way National Trail, where the cable corridor would be constructed using open-cut methods, necessitating a temporary closure and diversion. The details of how this would be undertaken are not clearly set out and the SDNPA requires further clarification of

this in order to determine the extent of the effect on the ability to use and enjoy this National Trail.

- 3.9.3. There will be long-term effects on visual receptors using the numerous public rights of way within the SDNP and along the Heritage Coast, as a result of the offshore array. The scale of the WTG being so much greater than the existing array (which is already highly visible) and the extended field of view has direct adverse effects on these users in respect of the breathtaking and unspoilt views. This is covered in more detail in Section 3.4 above and Appendix A.
- 3.9.4. We welcome the inclusion of a specific requirement (16) within the dDCO regarding the construction of highway accesses within the National Park and have provided comment on the wording of this in the LIR. The SDNPA remain concerned however regarding the number of proposed accesses and haul roads from the A280 (Long Furlong), from which there are three construction access points (A-27, A-28 and A-29). The Design Manual for Roads and Bridges is being proposed to inform the design and layout of these access points, which is an excessive measure given the character and level of use of the highway; Manual for Streets would be a more appropriate reference as it is designed for the roads affected by this scheme and the level of use proposed. The applicant is yet to have carried out the actual Speed Surveys (as opposed to surveys based on posted speeds) and Road Safety Audits, which the SDNPA consider could result in the reduction in the number of access points and therefore a reduced impact on the National Park. These should be undertaken prior to the determination of the DCO, in order to moderate the effects on the environment within the SDNP.
- 3.9.5. The lack of consideration of the National Park Purposes in respect of the Transport chapter of the Environmental Statement (Document Reference 6.2.23) and associated supporting documents including the Construction Traffic Management Plan, Construction Workers Travel Plan is of significant concern. These documents and assessments have not recognised the South Downs Local Plan, which includes relevant policies, nor the South Downs Walking and Cycling Strategy. There also appears to have been a lack of acknowledgement, or consideration of the cumulative effects on the SDNP, of onshore traffic generated by offshore works, that will need to access ports through routes in the SDNP (specifically the A26 to Newhaven) and onshore works.
- 3.10. Historic Environment
  - 3.10.1. Matters regarding the historic environment, particularly as it relates to archaeology, have not advanced since our formal consultation response to the Further Supplementary Information Report dated 27 March 2023. The following comments reflect that response.
  - 3.10.2. The proposed route of the cable corridor would come in close proximity to a Scheduled Monument (Itford Down) and through an area of known prehistoric industrial activity (see Fig 4).





**Fig. 4** Scheduled Monuments in relation to Cable Corridor

- 3.10.3. Blackpatch and Harrow Hills sit on high points either side of the valley containing the proposed route corridor. Given both sites are of a prehistoric industrial nature, it is probable that the valley contains significant potential for settlement evidence from the early prehistoric (and therefore may represent some of the earliest evidence for Neolithic settlement in Britain). The landforms themselves suggest significant sediment build ups within the dry valley between both sites, with potential evidence for Neolithic and other periods lying deep in the valley profiles. This means that geophysical data, which is all that has informed this section of the route (to date) is unlikely to provide a sufficiently detailed evidence base on which to base decisions relating to route options (Document Reference APP-066).
- 3.10.4. Of the excavations that have occurred linked to the flint mining complexes of Blackpatch and Harrow Hill, it is clear that the mines became the focus for Bronze Age burial monuments constructed after mining had ceased. As many Bronze Age barrows and similar funerary monuments were plough damaged during intensive world war and post war agricultural practices, there is also the potential for below ground Bronze Age archaeological evidence not necessarily recorded or known. A summary of significant archaeological sites and finds in the area is included at Appendix D. It would appear highly unlikely that the route could be achieved without substantial permanent destruction of the historic environment.
- 3.10.5. The need for further investigation is acknowledged by the applicant, including field investigation. These need to be provided as a matter of priority – ideally prior to determination - any intrusive investigation must be carried out prior to commencement of any phase, to ensure the route remains viable and the construction period through this sensitive area is not prolonged. In addition, a Written Scheme of Investigation needs to address the approach to preservation and public engagement.
- 3.10.6. Overall, whilst it is noted that Neolithic Settlement would be of ‘high heritage significance’ at 25.9.142 of the Historic Environment Chapter (Document ref: APP-066), the overall approach for mitigation is for ‘preservation by record’. This would retrieve artefacts, but is in itself a destructive process that would destroy



archaeological resource and context. Further, there are additional burdens and requirements related to the depositing and storage of such material. This has been overlooked in the Requirements and commitments and it is considered further mitigation or compensatory measures are required.

- 3.10.7. There are other areas of the route within the SDNP that we consider have underestimated the significance of potential heritage assets. For example, in Table 25-20 the possible mounds at Sullington Hill are considered to be of 'low to medium' significance, despite the proximity to known barrow sites.
- 3.10.8. Overall, there has also been an apparent compartmentalisation of archaeological impacts away from matters such as groundwater management and pollutants. Artefacts surviving in the ground reach a form of chemical equilibrium with the surrounding soil environment; once any changes happen in the chemical make-up of the soil (or in water levels and moisture), depending on the artefact there can be risks of artefactual decay. If preservation in situ is being proposed as viable mitigation in areas where HDD is taking place, an additional commitment /mitigation/compensation measure is expected in respect of the associated impact on below ground artefacts.
- 3.11. Ground Conditions (including impact on Minerals Resources)
- 3.11.1. As noted in the SDNPA's LIR, we support the comments made by West Sussex County Council in relation to the effects on minerals and in particular the safeguarding of the Soft Sand resource. Further to this, the SDNPA would add that any potential site sterilisation, such as that at Lower Chancton, that adds to further pressure to identify sites for extraction within the National Park would be of additional concern.
- 3.12. Geology and Soils, including Contaminated Land
- 3.12.1. This matter is covered in the above sections on onshore landscape and terrestrial ecology.

#### **4. Other Matters**

- 4.1 As set out in the SDNPA's LIR the following topics are considered to have neutral or limited impact. Therefore, the SDNPA has no further comments to make at this stage but reserves the right to make additional comments should it become necessary during the examination process.
- Water Environment;
  - Air Quality;
  - Open Access Land and Public Open Space (whilst the offshore array will be visible from multiple such areas there will be no direct use of Open Access Land or Public Open Space for the onshore cable corridor, providing trenchless crossing is used at Sullington Hill Local Wildlife Site and under Washington Recreation Ground); and
  - Socio-economic (other than where they relate to landscape character and access).

#### **5. Common Ground**

- 5.1 The agreed matters, as they currently stand between SDNPA and the applicant, are captured in the draft Statement of Common Ground to be submitted by the applicant by the required deadline and, in the interests of brevity, these are not repeated here.

**6. Conclusion**

- 6.1 The SDNPA objects to the DCO application for the reasons given above.
- 6.2 The SDNPA will continue discussions with the applicant in an attempt to address the issues raised in this written representation and will continue to engage positively and in a timely fashion during the examination process.