

Horsham District Council

Principal Areas of Disagreement Summary Statement



Version Number 1
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Introduction

Horsham District Council (HDC) is one of the local authorities identified by Section 43(2) of the Planning Act 2008 and as requested by the Examining Authority in its Procedural Decision (Rule 9) letter 20th Sept 2023, HDC has submitted for the Pre-examination Stage, its **initial** Principal Areas of Disagreement Summary Statement and is provided only as a summary position at this pre-examination stage.

This is set out in the table format below, addressing the following matters: the Principal Area in question; a brief summarised concern held by HDC which will be reported on in full in its Local Impact Report/Written Representations; what, in HDC's view, needs to change/be amended/included so as to overcome the disagreement; and in the opinion of HDC, the likelihood of the concern being addressed during the Examination stage. The latter is assessed based on the following categories:

- Likely: Where agreement is considered possible, or a relatively simple change is required.
- Uncertain: Where an issue is being/will be discussed and HDC intends to provide an update on the position in due course.
- Unlikely: Where agreement on an issue is unlikely, or it is difficult to see what a solution could be.

HDC appreciates this document is long; however, its length reflects the scale of its substantive concerns with the application. In the light of these concerns, HDC considers the length of the document to be reasonable.

Table 1 – Outstanding Principal Areas of Disagreement				
Topic of Concern		Explanation	Remedy Measures	Likelihood of Resolution
Air Quality				
HDC01	Air Quality Mitigation Plan for construction phase of the development (air emissions mitigation strategy)	<p>i) Lack of a stand alone Air Quality Plan for the construction phase of the development.</p> <p>ii) The concern is that air quality improvements in the Cowfold Air Quality Management Area (AQMA) do not stall and that the improvements are continuous and maintained into the future.</p> <p>iii) The Air quality and emissions mitigation guidance for Sussex (2021) draws on Defra’s methodology for the appraisal of impacts produced by a project. It requires that each application (major and/or in relevant proximity of an AQMA) is supported by an air quality mitigation plan detailing measures to mitigate and/or offset the impacts and setting out itemised costing for each proposed measure.</p> <p>https://sussex-air.net/wp-content/uploads/2022/09/Sussex-AQ-Guidance-V.1.1.2-2021.pdf</p>	<p>Applicant to undertake Air Quality Mitigation Plan. An effective air quality plan would contain the following elements for each proposed measure:</p> <ul style="list-style-type: none"> - Costings; - Performance indicators; - Delivery timescales. <p>These are the essential mechanisms that enable authorities to work for the benefit of local communities and public health. It is essential that there is confidence that proper monitoring mechanisms and indicators are established at the outset and reviewed as necessary.</p>	Uncertain
HDC02	Air Quality and Emissions Mitigation Guidance for Sussex (2021)	i) Clarification is required regarding the extent to which Sussex Guidance was given consideration in assessing and mitigating the emissions associated with the construction phase of the development.	Applicant to consider and respond to the Sussex Guidance, as is the expectation for any major development.	Uncertain

		<p>ii) The overarching principle of the Sussex guidance is to, as far as it is possible, design emissions out of a scheme, and mitigate or offset any residual emissions. Thus, the guidance aligns with the aims of Defra’s Clean Air Strategy on reducing emissions to protect health and protect the environment, and the HDC environmental policy, which is why it is essential applicants adhere to its principles.</p>		
HDC03	Health Damage Cost Calculation.	<p>i) The emissions calculation and total calculated value of emissions’ health damage cost associated with construction traffic were not included in the DCO Documents.</p> <p>ii) Understanding costs is essential to effective and necessary mitigation and Table 19-7 of ES Volume 2, Chapter 19: Air quality confirms that the applicant agreed to “consider the inclusion of an air emissions mitigation strategy”. However, the strategy was not included with the DCO submission.</p>	Applicant to undertake the emissions calculation and health damage cost calculation and commit to meeting the costs to ensure effective and necessary mitigation is provided	Uncertain
HDC04	<p>Outline Construction Traffic Management Plan (CTMP)</p> <p>Appendix 5.3.2: Code of Construction Practice Annex 3 - Outline Construction Traffic Management Plan</p>	<p>Construction traffic will use the strategic route network in the district.</p> <p>i) The key concern is that the CTMP does not account for emissions of the on-road and off-road construction traffic. Section 8.4.11 of the CTMP proposes to use Euro V on road vehicles “or better whenever possible”. The emission rates for Euro V heavy duty vehicles are circa 50% higher for PM and NOx compared to those of Euro VI vehicles – so it</p>	<p>Applicant to add commitment/requirement for construction traffic to use the strategic route network.</p> <p>Applicant to amend and clarify the CTMP at section 8.4.11 and details of the final HGV routes.</p> <p>Applicant to add measures that secure effective enforcement, including sanctions or</p>	Uncertain

		<p>makes a significant difference what emission standard gets adopted.</p> <p>ii) The concern is also that the details of the final HGV routes are not known, and whether those mirror the assumptions used to model the impacts.</p> <p>iii) It is very difficult to control routeing through planning so there needs to be robust measures that secure effective enforcement. Currently insufficient sanctions or penalties proposed in the DCO to deal with non-compliance</p>	penalties proposed in the DCO to deal with non-compliance.	
HDC05	Dust Management Plan – to be prepared	<p>i) Expected that the Dust Management Plan to be prepared accounts for emissions of off-road construction vehicles.</p> <p>ii) Measures to be included to secure effective enforcement.</p>	<p>Recommendation would be to ensure all Non-Road Mobile Machinery and constant speed engines comply with the requirements of the London Low Emission Zone and the London LEZ Non-Road Mobile Machinery/constant speed engines standards.</p> <p>Applicant to add measures to secure effective enforcement.</p>	Uncertain
HDC06	Model set up and methodology	Clarification needed to understand the assumptions used in the Assessment Scenario. The concern is that the Assessment Scenario includes assumptions on HGV routing which may not materialise for project implementation.	Regarding model verification (Appendix 19.1: Full results of construction road traffic modelling), full information is required on the methodology to select monitoring sites for model verification. It is noted that the worst-case site (Cowfold 37) was not used in model verification, neither were several other sites. Details are therefore required of the initial verification including Monitored Road NOx Contribution versus Unverified Modelled Road NOx, which monitoring sites were used, and	Uncertain

			<p>which were removed from the verification process with justification for both.</p> <p>It is recommended that all statistical parameters for model performance including the RMSE, fractional bias and correlation coefficient, be presented to give a full picture of the model performance, in line with the recommendations of the TG(16) guidance.</p>	
Noise and Vibration				
HDC07	Accuracy of assessments	Accurate Assessment of noise and vibration impacts should be based on detailed information on the phasing, sequencing, and duration of construction activities.	Applicant to provide information as to when this detailed information will become available or the type of information that will be provided.	Likely
HDC08	Appropriateness of applying BS5228-1	<p>i) Adoption of the thresholds quoted in Annex E to BS5228-1 as Lowest Observed Adverse Effect Levels and Single Observed Adverse Effect Levels is questioned. BS5228-1 does not reference WHO documents and principally relies on publications regarding protection of site workers from noise.</p> <p>ii) The assessment methodology in Annex E states that other project-specific factors, such as the number of receptors affected and the duration and character of the impact, will also determine if there is a significant effect.</p>	Applicant should illustrate the potential magnitude of the noise impacts by comparing the predicted construction noise levels to the existing ambient noise levels at each receptor location.	Likely

		It is important to ensure the potential noise impacts for the receptors are fully understood beyond the narrow confines of BS5228-1.		
HDC09	Identification of receptors	<p>i) The methodology for the identification of receptors is not clearly explained. This is important for establishing if all relevant receptors have been identified and factors such as differences in topography have been included in determining the predicted construction noise levels.</p> <p>ii) Noise sensitive receptors for short term works such as cable route construction are not considered. These works may be of limited duration, but this doesn't mean the noise impacts should not require assessment and mitigation, particularly when mobile plant such as generators are deployed.</p> <p>iii) Short term works are also excluded from the consideration of cumulative impacts on the grounds these will be of limited duration. Given the uncertainties regarding the potential phasing, duration and impacts of such works this exclusion is not justified.</p>	Applicant to action HDC recommendations and include additional identified receptors into methodology.	Uncertain
HDC10	Additional working hours	Noise impacts are assessed on the basis that most of the site works will take place in the normal weekday hours (07:00 to 19:00). The need for additional working outside these times should be limited to emergency works only and should not be relied on.	Applicant to add as Commitment/requirement.	Likely

HDC11	Construction noise monitoring	Proposals for construction noise monitoring are inadequate for a project of this scale and duration. Insufficient sanctions or penalties proposed in the DCO to deal with non-compliance.	Construction noise monitoring be undertaken proactively by Applicant to ensure site works are complying with required target noise limit. Routine compliance checking should be undertaken regularly at every location where noise sensitive receptors may be impacted by noise arising from construction activities, resourced by the Applicant. Applicant to add measures to secure effective enforcement.	Uncertain
HDC12	Non-compliance with noise targets	Insufficient sanctions or penalties proposed in the DCO to deal with non-compliance with the construction noise and vibration targets.	Arbitration procedure set out on 15 of the DCO unlikely to respond effectively to identified non-compliance with the Code of Construction Practice or Noise Vibration Management Plan's Construction Communications Plan should include provision for regular local meetings with representatives for the communities where the construction compounds will be sited. Costs met by the developer.	Uncertain
HDC13	Construction Communications Plan	Construction Communications Plan should include provision for regular local meetings with representatives for the communities where the construction compounds will be sited. The costs should be met by the developer.	Applicant to add as commitment/requirement	Likely
HDC14	Noise levels at operational phase	Given the low background noise levels in this part of our District, in particular during the night time hours, HDC consider the proposed rated noise levels are too	Given the low frequency noise associated with the proposed substation we are of the view that an assessment in accordance with	Uncertain

		<p>high and are at level where adverse impacts may be expected.</p> <p>Mitigated noise impacts at identified receptors are reliant on specific physical mitigation measures to be adopted at the substation including harmonic filter dampening, dampening and enclosures for transformers etc. Whilst it is understood that such mitigation would be secured where necessary to achieve noise specified noise limits, given the low background noise levels in part of our District, as quantified in the background noise monitoring, and given the impact from low frequency noise, HDC are of the view that the noise impacts have not been fully assessed and that noise levels below the levels as detailed in Commitment C-231 could still result in significant noise impact to residential amenity.</p>	NANR45 is required in support of this application.	
Terrestrial Ecology and Conservation				
HDC15	Water Neutrality	Likely adverse effect on the integrity of the Arun Valley Sites due to a failure to demonstrate that the development would be Water Neutral	Revise Water Neutrality Strategy to avoid reliance on off-setting strategic solution to provide sufficient certainty to pass HRA AA.	Uncertain
HDC16	Mitigation, compensation, and Terrestrial Biodiversity Net Gain	<p>i) Lack of clarity on the distinction between what constitutes essential mitigation and compensation, and BNG</p> <p>ii) Biodiversity net gain has not been assessed at the district level. HDC would expect biodiversity net gain</p>	<p>Applicant to provide clarity.</p> <p>Application to provide biodiversity net gain metric specifically for the area within Horsham District.</p>	Uncertain

		to be achieved within the administrative area of Horsham district.	<p>The maintenance programme will need to align and comply with the requirements of the biodiversity net gain for Nationally Significant Infrastructure Projects, which is expected to come into force in 2025.</p> <p>Regarding Requirement 14 in the draft DCO (Part 3), HDC request that it is amended so that the biodiversity net gain strategy for stages that relate to areas within Arun is also submitted to and approved by HDC.</p>	
HDC17	Feasibility of habitat creation at Oakendene substation site	<p>i) Unclear if SUDs (to receive the additional run-off from the substation) designed for dual purpose to secure delivery of wet woodland (i.e. root penetration and impact on storage capacity, basin depth, slopes/gradients (cross-section) and tree pits, species tolerance of fluctuations of wetter/drier conditions (e.g. willows and alder).</p> <p>ii) Ensure scrub connectivity is not disrupted by the scattered tree planting and wet woodland skirting the western side of the substation as these are suboptimal habitats for hazel dormouse.</p> <p>iii) Feasibility of habitat creation is important to understand at application stage, to deliver necessary mitigation and BNG. Potential for additional planting to south of Substation site outside of DCO limits as BNP.</p>	<p>Applicant to evidence detail of a SUDS strategy that is compatible with delivery of wet woodland.</p> <p>Applicant to evidence the scrub habitat will be running continuously along the western side, to ensure mitigation is robust</p>	Likely

HDC18	External Lighting	Permanent light fittings proposed for the substation will only be used when required for unscheduled maintenance and emergency repair purposes.	Applicant to add as standalone commitment/requirement	Likely
Socio-Economic				
HDC19	Outline Skills and Employment Strategy (OSES)	Lack of information on Implementation Plan, performance, measures targets, funding, and financial management, monitoring, and reporting. Implementation plan is not identified.	Applicant to provide more detail on performance, financial management, monitoring and reporting systems will be set out in detail in the Implementation Plan.	Likely
HDC20	Alignment with local needs	Lack of detail/clarity around how the OSES will deliver benefits to Horsham District residents and businesses. HDC is not listed as a consultee.	HDC to be listed as a consultee. Applicant, as part of the OSES should provide more detail on potential tailored initiatives that would specifically align with and support Horsham District residents and businesses. The strategy should ensure that the economic benefits are delivered to Horsham District.	Likely
HDC21	Community Benefits Package	HDC is of the view that the district will not significantly benefit from the Project, rather the district will experience disruption and significant adverse effects.	Applicant to align community benefits package with mitigations	Uncertain
Landscape and Visual Assessment				
HDC22	Outline Landscape and Ecology Management Plan (LEMP)	i) Delivery of advanced and existing hedgerow management arrangements actioned from the outset (see detailed comments within HDC Relevant Representation).	Applicant to amend/clarify triggers of Commitment-199 to ensure all new planting established within 10 years of completion and	Likely

		<p>ii) Currently no commitment made to 'advanced planting' within the schedule or reference made within the DCO.</p> <p>iii) Commitment to action some of the mitigation measures as early as possible should also be secured.</p>	<p>managed and maintained for a further 10 years post planting.</p>	
HDC23	Advanced Planting	<p>i) LEMP should identify clear triggers for monitoring and must include a programme schedule for each phase if it is agreed the 10-year maintenance is to be considered from completion of each phase or clarification otherwise.</p> <p>ii) Submission of planting plans for all aspects of work must be secured and must include proposed new planting and reinstatement works.</p>	<p>Applicant to amend draft DCO to provide clarification to the provision of landscaping within the part 3 requirements (detailed in HDC Relevant Representation)</p>	Likely
HDC24	Construction Compounds	<p>Concerns regarding the substantial size of the compounds and limited detail to their use and length of time in operational use</p>	<p>Applicant to provide further detail of compounds, including justification to size and length of operational use is sought.</p> <p>A description (comparable detail to other work no. descriptions) of its use is sought in the draft DCO or another document where there is commitment to comply with the description.</p>	Likely
HDC25	Operational phase of Oakendene Substation site	<p>Landscape and visual impact assessment recognises significant impacts at operational stage around the Oakendene substation.</p> <p>Identified effects are assessed as softening and reducing in significance, based on design landscape</p>	<p>Applicant to amend Commitment 68 to take account of WSCC's land management guidelines and local character areas guidelines and characteristics within the J3 Cowfold and Shermanbury Farmlands, of the Horsham District Character assessment.</p>	Likely

		principles and parameters proposed for the Oakendene substation presented in the documents, included DAS (including, amongst others, indicative developable area, site layout, building scale and form, heights (including concrete base) and materials palette), and as proposed mitigation measures (planting) matures. The LVIA conclusions are also based on the inclusion of these measures.	Applicant to amend and refine draft DCO 8(1) (a) – (f) for onshore substation for more precise parameters to be fixed, to reflect the indicative site plan and building shown within DAS	
HDC26	Landscape and Visual Impact Assessment	<p>i) LVIA does not include assessment of relevant individual receptors within the core assessment document.</p> <p>ii) The grouping of some of the receptors into a wider bracket is minimising some effects that are considered significant.</p> <p>iii) Equally, overreliance by the assessor on the success of the general concept of replacement planting, is currently playing down the identified adverse effects in the core document which without delving down into the various associated appendices, this will not be picked up and is difficult to follow.</p>	Consistently apply the proposed LVIA methodology so that all receptors are given due consideration and the adverse effects are clear to the reader.	Likely
Transport				
HDC27	Insufficient justification and supporting information for proposed temporary	i) WSCC previously questioned need for number temporary accesses particularly onto rural roads and the A283. In various instances, two or more accesses in close vicinity (e.g. A01 and A02, and A40 and A41.	Applicant should seek to reduce number of accesses or justify the need and purpose for those accesses shown.	Some matters 'likely'

	and permanent access arrangements	<p>ii) Further, limited information for accesses themselves. Whilst some design information can be secured through the DCO process and provided as each phase of works progresses, certainty would be required that the accesses indicated are feasible. For example, concerns the indicated required visibility splays at certain accesses cannot be achieved. In other situations, notably on declassified rural roads, potentially excessive splays are indicated. Speed surveys will be required to inform the access designs at some locations.</p> <p>iii) Road Safety Audits also required for some accesses. Scope for these should be agreed.</p>	<p>Provide sufficient information to support and demonstrate the proposed access arrangements are feasible and can be delivered.</p> <p>Agree extent of information required to support detailed access designs.</p>	'Uncertain' if issues concerning visibility splays at accesses can be addressed.
HDC28	Mitigation included within the Outline Construction Traffic Management Plan (OTCMP)	<p>Locations are identified as requiring access via single track roads. No mitigation or management measures are detailed.</p> <p>iv) Unclear how access would be managed on Michelgrove Lane (a single-track road) where an open cut trench highway crossing is proposed.</p> <p>v) Existing wording covering the extent of highway condition surveys within the OTCMP is unclear.</p>	Additional measures would need to be included in the OTCMP to cover these matters.	'likely'.
Water Environment				
HDC29	Assessment Methodology	Adhere to the requirements of the Land Drainage Act 1991 and WSCC's policy with regards to the requirements of work within ordinary watercourses,	Applicant should adhere to the requirements of the Land Drainage Act 1991 and WSCC's policy	Uncertain

		which has not been fully recognised in the documents.		
HDC30	Assessment of Effects	<p>The Outline Operational Drainage Plan (OODP) (APP-223) defines the basis of the design for the operational drainage at the Oakendene substation and National Grid extension works, following the outputs of the flood modelling and drainage assessments undertaken.</p> <p>Concerns that the current Flood Risk Assessment (FRA) (APP-216) and design proposals for the Oakendene substation do not truly reflect the winter flooding that occurs at this location.</p>	<p>Reference to WSCC as responsible authority in its capacity as Local Lead Flood Authority.</p> <p>Applicant to evidence that consideration of local ground water conditions has been factored into the FRA and outline design is required.</p>	Uncertain
HDC31	Mitigation, Compensation and Enhancement	<p>i) Surface water flood risk should be considered within any emergency response plan, given the topography of the central section of the onshore cable route and historic flooding records. The OCoCP does not cover this within its emergency response planning.</p> <p>ii) Temporary haul roads and accesses should be constructed so as not to cut-off existing surface water flow paths. This could increase surface water flood risk off-site.</p>	<p>Applicant to amend OCoCP to cover surface water flood risk.</p> <p>Applicant to demonstrate temporary haul and accesses construction cut off existing surface water flow paths so do not increase surface water flood risk off site.</p>	Uncertain
Draft Development Consent Order and Securing Mitigation				
HDC32	Mitigation, Monitoring and Compensation	i) Across topic areas of concern, lack of effective controls and enforceable measures to manage the development within agreed environmental	Firmer commitments to mitigation/compensation and these to be followed through to securing mechanism. This	Likely

		<p>parameters and managed through control mechanisms, which will ensure mitigation is sufficient and effective.</p> <p>For example, the mitigation set out in the Commitments Register refers to where practicable, where feasible, if necessary. Furthermore, some mitigation/compensation do not appear to defined and followed through to a commitment and/or securing mechanism.</p> <p>ii) HDC will incur additional expenditure relating to discharge of requirements/associated applications and monitoring cost</p>	<p>includes HGV and construction vehicle routeing,in particular to avoid Cowfold AQMA.</p> <p>Evidenced closely alignment of compensation (e.g. community fund) to mitigation measure outcomes.</p> <p>Seek to recover costs associated with discharging requirements/applications and monitoring cost</p>	
HDC33	Limited engagement on the proposed Section 106	Expected discrepancy between the Applicant and Horsham District Council on scope and scale of funding required to mitigate the impact of the project	Meaningful engagement between the Applicant and local authorities informed by accurate and updated assessments, given the concerns raised across the various topic areas of concern	Likely