



South Downs National Park Authority

Principal Areas of Disagreement Summary Statement - Issue 1

06 November 2023

Introduction

The South Downs National Park Authority (SDNPA) is one of the Local Authorities identified by Section 43(2) of the Planning Act 2008. As requested by the Examining Authority in the Procedural Decision (Rule 9) letter dated 20 September 2023, the SDNPA has prepared its initial Principal Areas of Disagreement Summary Statement (PADSS) for consideration at pre-examination stage. The PADSS covers only the substantive principal areas of concern, which will be considered in more detail in our Written Representation and Local Impact Report, along with other moderate and minor matters.

The table below covers the SDNPA's principal areas of concern, first dealing with the principle of development in the South Downs National Park (SDNP), including as it relates to the Major Development Test (as set out in paragraph 5.9.10 of National Policy Statement EN-1), offshore and onshore landscape impacts, terrestrial ecology and cultural heritage. This will be a live document and it is expected that it will be updated throughout the Examination.

Ref	Area of Concern	Explanation	Remedy Measures	Likelihood of Resolution
SDA-01	General: Cost and Scope of delivering proposals outside National Park	The consideration of alternatives for the scheme has not sufficiently demonstrated that meeting the need for offshore renewable energy could not be met through a scheme that did not intersect the South Downs National Park (SDNP). It is therefore the case that this 'test' of the National Policy Statement EN-1 paragraph 5.9.10 has not been met.	Further assessment and demonstration of alternatives outside of the National Park needs to be considered and, if sufficiently evidenced direct incursion in to the SDNP was inevitable, a robust package of mitigation and compensation offered and secured through S106 Agreement.	Unlikely – this issue was raised in our very earliest pre-application meetings and remains inadequately addressed.
SDA-02	General: Extent to which the detrimental effects on	The final route of the onshore cable corridor, as a result of the impact it	Further assessment and demonstration of alternatives considered and if sufficiently	Possible – better and more robust mitigation measures

	environment, landscape and recreational opportunities within the National Park could be moderated	would have on landscape character and in views, ecological features, historic environment and users of the public right of way network, is considered to be more harmful than other route options that could have been selected (e.g. adjacent to the existing Rampion I cable route). It is therefore the case that this 'test' of the National Policy Statement EN-I has not been met.	evidenced direct incursion in to the SDNP was inevitable, a robust package of mitigation and compensation offered and secured through S106 Agreement.	and compensation could be provided in respect of landscape and visual impact, biodiversity, tourism and recreation.
SDA-03	Mitigation, Compensation and Enhancement Measures	Commitments Register is not definitive about the actions that will be taken in respect of mitigation, using vague and non-committed language.	Applicant to provide firm solutions and proposals to address all 'grey' areas in commitments register. This could include both mitigation and compensation measures through a S106 Agreement.	Possible – it is in the applicant's gift to provide.
SDA-04	Section 106 Agreement	The proposed Heads of Terms for a Section 106 Agreement do not address the significant adverse effects on the SDNP in respect of landscape, seascape, ecology and cultural heritage.	Where harm cannot be avoided or appropriately mitigated for within the SDNP, suitable compensatory measures should be secured through S106 Agreement	Possible – it is in the applicant's gift to provide.
SDA-05	Lessons learnt from Rampion I	Disagree with assertion that Rampion I cable corridor was successfully reinstated – there remain several areas where corridor is still visible and it took much longer in other sections (3+ years) for the corridor to demonstrate improvement. There also remain outstanding issues regarding ongoing management and maintenance of the route including failure of wildflower, hedgerow and grass planting, retention	Applicant to provide further evidence on how Rampion I lessons have been taken into consideration and demonstration of how these will be dealt with through Commitments Register, Requirements and S106 Agreement (where appropriate).	Possible – it is in the applicant's gift to provide.

		of fencing and reluctance to manage as agreed.		
SDA-06	Impact on National Park Special Qualities	Lack of assessment of effects on Special Qualities that underpin the NP Designation. This is evidenced throughout the Environmental Statement but is particularly relevant to the SLVIA and LVIA	Applicant to address in updated Assessments, and then mitigation and compensation package updated.	Possible – it is in the applicant’s gift to provide.
SDA-07	In-combination Landscape Effects (onshore and offshore)	Despite significant Proposed Whole Development Effects being identified in section 18.2, these appear to be omitted in Chapter 18, therefore we disagree with the conclusions in terms of the effect of the proposed development, both during construction and once operational.	Applicant to clarify where the conclusions on extent Proposed Whole Development effects can be found and further mitigation and compensation measures secured.	Possible – it is in the applicant’s gift to provide.
SDA-08	Offshore proposals: Impact of Turbines on SDNP	Significant concerns of size of turbines proposed; the maximum sizes are significantly greater than the existing Rampion I turbines. The geographic extent of the proposals and significant visual effects on uninterrupted seascape views, particularly from the South Downs Way (a National Trail), will also give rise to significant visual effects for which appropriate mitigation and/or compensation has not been demonstrated.	Applicant to address in Assessment amendments and updates, including in respect of mitigation, compensation through a S106 Agreement and Commitments Register.	To be discussed
SDA-09	SLVIA - Assessment	Rampion I is assessed as part of SLVIA baseline and is not considered in terms of cumulative effects. We disagree that	Applicant to address in Assessment amendments and updates, including in respect of mitigation, compensation through	Possible – it is in the applicant’s gift to provide.

		Rampion 1 should be part of the baseline, on account of it having only a limited lifespan and the eventual decommissioning a probability.	a S106 Agreement and Commitments Register.	
SDA-10	SLVIA – Assessment	Despite being requested during the preapplication stage, there is still no separate assessment of effects of Rampion 2 proposals after the decommissioning of Rampion 1. We therefore consider the current assessment is insufficient.	Applicant to address in LVA amendments and updates, including in respect of mitigation, compensation through a S106 Agreement and Commitments Register.	Possible – it is in the applicant’s gift to provide.
SDA-11	Onshore Cable Corridor – Landscape and Visual Impact	<p>Significant concern that the geographic extent of effects on landscape character is underestimated and therefore effects are downplayed.</p> <p>Limited consideration of perceptual qualities in assessment. This is likely to have resulted in missing effects and therefore has not sufficiently informed an appropriate mitigation strategy.</p> <p>Lack of consideration of historic landscape character in assessment. Likely missing effects cannot be considered to inform appropriate mitigation strategy.</p> <p>Significant concerns over assessment of construction effects, which are assessed as ‘negligible to zero’ on South Downs Integrated Landscape Character Area (LCA) 13 Arun to Adur Scarp Down. It is difficult to see how this conclusion has been reached given the construction</p>	Applicant to address in LVIA amendments and updates, including to the Commitments Register, with appropriate mitigation and compensatory measures including through a S106 Agreement.	To be discussed.

		immediately abuts this LCA above and below scarp, as well as going under. Scarp area is open access land.		
SDA-12	LVIA – Landscape Character Assessment	It is not clear how views have been selected and assessed in respect of the effect on landscape character, including tranquillity.	Clarification of process used required.	Possible – it is in the applicant’s gift to provide.
SDA-13	LVIA: Viewpoint siting	At the Third Statutory Consultation Exercise (Further Supplementary Information Report – 2023) the SDNPA advised micro-siting of viewpoints be undertaken in consultation with Stakeholders. This has not taken place and viewpoint locations have not been agreed.	Further work by the applicant required to refine the locations in collaboration with stakeholders.	Possible – it is in the applicant’s gift to provide.
SDA-14	LVIA: Viewpoints from South Downs Way	Sequential testing viewpoints do not adequately reflect the continuous views as a visual receptor moves along the South Downs Way available that will be affected by the proposals. The SDNPA therefore considered the impacts on receptors have been underestimated.	Suggest applicant undertakes kinetic viewpoint testing (example document: Shoreham Airport application reference AWDM/ 1093/17 LVIA additional information). Mitigation measures and Commitments Register to be updated.	Possible – it is in the applicant’s gift to provide.

SDA-15	Loss of key Landscape Features	<p>Significant concerns over likely success of proposed hedge notching. The examples cited for use of the technique in the Lake District and Norfolk Broads are not likely to have encountered the challenges of dry, free draining chalk soils. No proven testing undertaken to evidence proposals. If this would not work, the landscape, ecological and visual impact would be significant.</p> <p>Clarity required to explain why 6m width notching technique cannot be used for all hedges regardless of importance.</p>	<p>Applicant to provide further evidence on achievability on shallow chalk soils in Southern England.</p> <p>Applicant to provide further evidence on reasoning.</p>	Possible – it is in the applicant’s gift to provide.
SDA-16	Terrestrial Ecology and Nature Conservation	<p>Significant concern that the conclusion ‘no significant effects have been identified on terrestrial ecology features’ is based on insufficient survey data, ecological assessment and mitigation proposals. We therefore disagree with this conclusion.</p>	<p>Robust ecological surveys need to be carried out to properly inform the impact assessment process, ensure that suitable mitigation and compensation measures can be identified and designed and to determine whether residual effects are acceptable prior to determination.</p> <p>The assessment should consider temporal and spatial changes in landscape connectivity and how these can be assessed through targeted survey, avoided and mitigated in the short term (through e.g. timing of works) and long term (e.g. through ongoing monitoring and management)</p> <p>Survey to UK Habitat Survey Level 4/5 within entire DCO limit (plus appropriate buffer), plus to National Vegetation Classification level in grassland and woodland</p>	<p>Yes – carry out surveys which are compliant with accepted survey guidance for the habitats and fauna present within the DCO limit and predicted zone of impact.</p> <p>Yes – carry out assessment of landscape effects based on robust baseline survey data.</p> <p>Yes – carry out survey to accepted standard for EIA and BNG assessment.</p>

			areas within zone of influence, using surveyors with demonstrable competence.	
SDA-17	Horizontal Directional Drilling (HDD): Chalk Grassland and Sullington Hill	Insufficient evidence has been provided to support the conclusion of no likely significant impact of HDD drilling on chalk streams and chalk grassland habitats, as well as the impact on users of the public rights of way network and open access land.	Provide further evidence/justification based on relevant case studies and trials, etc	Possible – it is in the applicant’s gift to provide.
SDA-18	Horizontal Directional Drilling (HDD): Ancient Woodland and Veteran Trees	Insufficient evidence provided to demonstrate 25 metre stand-off & HDD 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.	Provide further evidence/justification based on relevant case studies and trials, etc	Possible – it is in the applicant’s gift to provide.
SDA-19	Lighting and Dark Night Skies	Lack of consideration of effects on Dark Skies in assessment of landscape and visual impact and on sensitive ecological features. Trenchless crossings are in the most vulnerable ecological locations by definition (excepting roads) and are located within a dark skies landscape. As HDD areas will be lit at night during active drilling operations, it is critical that artificial light spill and glare is avoided around sensitive features	A detailed, bespoke lighting constraints plan must be provided for each HDD area following up to date BCT/ILP Guidance (2023) and suitable mitigation measures demonstrated at determination stage. The impacts must also be properly addressed in the Landscape and Visual Impact Assessment.	Yes, provide sufficiently detailed lighting constraints plans

		(woodland/scrub/boundary vegetation/hedges/treelines). A standard construction lighting approach set out in the OCCP is not sufficient.		
SDA-20	Impact on Historic Environment	The risk to areas of known highly significant archaeology have not been appropriately weighted, investigated and assessed through the selection process for the cable corridor or the final assessment of the proposed development.	Further investigation should be carried out through the examination to identify the risk and impacts and an appropriate mitigation and compensation package proposed and secured.	To be discussed.