

AUDIO_RAMPION2_ISH1_SESSION4_07022

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Thu, Feb 08, 2024 9:13AM • 1:17:45

00:06

Thank you, everybody. now half past four, has resumed the hearing. And I'm conscious of time. So we are going to try and deal with item five as quickly as we can pay. So we can then get on to item six, which will be the last item of today. So, dealing with Item five, one, first of all, which is about the use of trenchless crossings. And what I'm seeking from the applicant here is confirmation that the trench was crossing as set out in the crossing schedule. And in the maps contained in the code of construction practice. The outline, which is PPD zero 33, is affirmed is definite. And the reason I asked that question is because there are various documents and plans that appear to show that it is definite. But the plans within the code of construction practice, all say indicative, indicative areas indicative trenchless, crossing pits and so on and so forth. So, it's a simple question opener, it is the plans that show the areas for trenchless crossings, fixed.

01:31

Point pulled out the applicant? Yes. In terms of in terms of their locations. I think if you're looking for the extent that might be where the Indicative nature comes across, but in terms of actual Will there be a trenchless crossing in a particular location in accordance with the crossing schedule, then yes, yes.

01:48

So as it's shown, that's where you're going to that's where you're going to do trenchless crossing. So, my question is, do those plans need to update because indicative does seem tend to suggest that actually, you might go OpenCart instead, so, I would be grateful, if you could look at that please. Now, going on from that now, we have seen from various represent relevant representations, I can cite the Forestry Commission, the South Downs, National Park and others, where they have said that you have not done any feasibility studies to ascertain whether trenchless crossings can be undertaken safely. So, if they are fixed, how do you respond to the to the fact that what whether you can do them safely or not?

02:44

Richard Tanner wrote up after the applicant. Yes, thank you. So, the trenches, crossings and the design evolution of the trenchless crossing is contingent of undertaking a detailed site investigation campaign across the entire cable route, such as site investigation campaign would relate to the evaluation of all relevant site features. For example, the obstacle that is to be crossed at the relevant trenchless crossing the characterization of the site's geological factors, topographic and hydrological conditions as well as as well as the determination of geotechnical parameters. These site investigation campaigns are standard practice now defined by established guidelines and codes. Due to the costly nature of the service. The complete site Investigation Phase will normally be undertaken, after consent

has been secured. Throughout the design evolution, a geotechnical and construction risk register will also be kept to track and to track risks, and associated control measures for trenchless crossings. Any construction will only be undertaken your risks are acceptable, and this successful construction is certain. Does that answer your

03:49

question? It does. So what you're saying is that the trenchless crossing schedule, as shown in the Code of Practice is subject to a detailed survey. So it's so in that that leads me on to my next question, because you have not already committed to doing trenchless crossing within the code construction practices and other documents. But there are several commitments within the commitments register where you've committed where you've committed to doing it. So if the detailed site inspection can't transpires that you cannot do trenchless crossing for whatever reason and for example, the South Downs National Park designated chalk streams. Now if you were to get there and find that you couldn't do it is that game over with the scheme?

04:38

So with respect to specific locations, where we have identified certain factors that could present additional risks, we have allowed for wider corridor and have allowed multiple alignment options along the cable route to have optionality in terms of the design that will be the output and determined by the The Eastside investigation campaign. And we're confident within that, that we are able to complete the trenchless crossings at the relevant locations. And I believe we have got the later agenda points that will also potentially go into that.

05:16

Yeah, so I don't doubt your confidence. But my question is, of course, is that because you've committed to doing this, and if it transpires that because the feasibility studies suddenly say that you can't do do trenchless, you can't then open cut through there, you'll, you'll, you'll have to find another solution, you're pretty stuck. I'm not saying that you won't be able to do it. I'm saying but if there is, I just want to understand that if there was a situation where you turned up, to do a feasibility study to do trenchless, and it transpired for whatever reason you couldn't do it, and you've committed to doing it, then you have an issue. You couldn't just enter a walk open cart. That's that's all I'm trying to establish.

06:00

We recognise this and we're confident you're confident in these crossings.

06:05

Thank you.

06:17

Just very few questions left commitment register number five CR five says that your main rivers, watercourses, railways and roads, that form part of the strategic highway network will be crossed by HDD or similar, but the crossing schedule also identifies surface drains footpath, woodlands. And yeah, and woodlands also to be crossed by trenchless crossing should they be added to that commitment?

06:56

Andy slow on behalf the applicant that commitment was made early on the project in terms of the design process, and obviously looking to avoid those those sensitive features, the particulars of the crossing shedule pick up the exact locations that we would employ employee crossings on those on those features, we can consider whether the commitment is to be updated as well.

07:24

Yes, thanks. Could I could I suggest that you look at both C five and C 17. In both cases, I think it should be better tied to the code of construction practice in the trenchless crossing. I mean, it says relevant application documents at the end there. But I I would recommend that that is tied to say that the the trenchless crossing will be used in those areas outlined in as in the trenchless crossing schedule in the code of construction practice. And also again, in C 17. We have words where where trenchless techniques are not required or not practical. Again, its wording of of Amby Amby. Not say the word to be ambiguous. Again, I would ask you to look at that again and tire the commitments registered down. So that it does clearly say that you will use trenchless crossings in those areas as identified

08:28

in the costing schedule. Yes, yes, we'll take that away and update the commitments register. Thank you.

08:45

Thank you, I believe we've got a belief. I'll go to Miss Marshall first. And then Mr. Tony, I'll come to you.

08:52

Thank you, sir Sarah Marshall national highways. Just quick, this is the sort of detail that national highways needs to know. And the the option of open cuts is not an option for national highway. So I'm afraid not not with the strategic road network. So we do need to have that that information. Thank you, sir.

09:21

Yes, I mean, the commitment in the in the commitment ratio does say the street network, but I think there there were areas where it says where feasible and that's what I think the applicant needs to iron out in their any plans but also within the commitments register itself and any documentation and I think they're going to do that. Mr. Tony,

09:43

thanks so much Sandy for the South Downs National Park. Can I just first of all point out that in the documents this area is is not consistently defined. So there are definitions I think there are have found at least three different definitions of HDD, some of which include other trenchless techniques, and others don't. So I know we'll come on to this the DCO tomorrow. But just for ease of reference, there are different definitions in the ES glossary in the draft development consent order. And in the cicp of HDD, some of those include trenchless. And some define trenchless as things other than HDD. So, it needs to be addressed. The second point is going back to your first questions that at the moment, there isn't actually a commitment to deliver the 27 also, and I say that because I'm gonna go on to another

point 27 also identified HDD locations at all. And there is flexibility built into requirements six, four, which suggests that the applicant may, if they encounter some problem, come back to the planning authorities and say we're going to go open cards. And I don't think that's appropriate in the situations where they've identified already identified a need for trenchless techniques, it should be a commitment. The next point is that the IES itself assesses I think circa 27 HDD locations as a means of assessing the construction impacts, obviously, the construction impacts of HDD can be more significant in terms of the compounds and so on. And potentially there are more than 27 locations. So there's an issue there about the extent of HDD locations. And the final point is that, in terms of the number of locations, we have identified certain locations where there are likely to be headrow features, for instance, that would justify consideration of HDD. Those are not provided for at the moment in the list in the cicp. And there are other areas where it looks likely that HDD approaches need to be revisited. And the area around Skellington, we would identify as a particular point where there is an HDD, which terminates just before the South Downs Way, National Trail. And clearly the applicant should think about whether to continue that HDD or to alter the approach in that location to avoid digging up a very important national trail. So there is potentially need for quite significant changes here on where HDD may be required. And from our perspective, I think the applicant needs to provide a lot more detail as to the locations where it's proposed the likely techniques in that location, whether that is a commitment or or a merely a possibility that might be revisited. And whether there are additional locations where HCD will at least be considered.

13:21

So just so that I'm clear, Mr. Tony D, you'll have seen the crossing schedule and the crossing plans. What if you could just humour me, and just what what else other than that would provide the clarity that you seek in terms of you saying much more information about where they are to be? Well,

13:42

I think it's I think it's two things average attorney for South and Central Park Authority. Again, I think it's two things. One of them is that the the way in which it sets up at the moment is that requirements six impose an obligation to use to have trenchless techniques at the identified locations. But the identified locations, of course, could in principle, and this is this is one of the uncertainties could in principle change because there may be multiple COC EPS, which may identify different crossing schedules in the future. So this is an outline to OCP. There may be multiple future COC EPS with different crossing schedules. So I don't read that as a commitment to have these locations as trenchless. And then there's the further caveat, which is unless otherwise agreed, which suggests that there is potential for the applicant to come and say we don't intend to do HDD because having done the detailed geotechnical investigation, it's going to be difficult for us to do so or impossible for us to do so. And in those circumstances, the potential is that the the trenches approach is lost altogether. So that's the that's the first area of uncertainty. The second area of uncertainty is the scope for additional HDDs and the situations in which the applicant will pursue them. And I think that comes down to properly understanding the commitments that have been made, for example, in respect to particular hedgerows. Will that include other hedgerows that have not yet been identified, but meet the description?

15:29

In your opinion, Mr. Toney, would you prefer to see and not find the applicant will agree to this? But would you prefer to see requirements six of the DCA require the approval of the trenchless crossings by the appropriate body, whether that be the secretary of state or the local authority or something like that, where so you actually see for approval, rather than relying on the code or construction practice in that way, just responding to the issues about that there could be multiple versions of the document, or there could be more, depending on the feasibility studies? Is this something that you think ought to be specifically approved? Via requirements?

16:15

Bridge attorney for the South and Central Park Authority? I think that there probably is a strong case for that. And if you look at the way in which requirements six four is framed at the moment, it is, unless otherwise agreed by and it says the relevant local relevant planning authority, and there's a bit of an issue around that, but then consultation with all the other bodies that might be concerned. Yeah, it seems to me that, that what's needed is a list of committed crossings, committed trenchless crossings. And if the applicant has residual doubts about their feasibility, then they need to resolve those doubts before the end of this examination, because those will be commitments. And then they need to set out the criteria that they would apply in terms of other locations that they identify during any detailed design, where trenchless is appropriate. And that's in addition to all the points that I've already made about the fact that they're going to have to look to the definitions. And the particular concern here for the National Park Authority is there's a series of locations where there are important footpaths and so on the across the South Downs, way is probably the best example. There's also locations which we think have been missed, where there are particular woodland features and hedgerows that may justify using trenchless techniques, but at the moment simply haven't been picked up in that schedule.

17:58

Thank you, Mr. Tony. Ismail, do you want to respond to what you've heard?

18:06

Thank you. So I think I think there's two different points there. If I may characterise it in that way, I think firstly, the extent to which the commitments are also the extent to which the trenchless crossing set out in the crossing schedule, our commitments. And then secondly, the extent to which there might be further trenchless crossings beyond those set out in in in the crossing shedule. So if I deal with the first of those, and then I'll look to my left for the the the answer to the second element of it. Now that the applicants intention is to commit to doing trenchless crossing within those locations specified in in in the crossing schedule, and that's the that's the intention behind the amendment to requirement six. Now, as Mr. Cerny highlighted, there is a proviso of unless otherwise agreed within that, that requirement. The the intention within that requirement is not to enable the applicant necessarily to turn around and say, Actually, despite that commitment is something we want to change. It's to enable other bodies who might be listed there to say to us, well, we understand what your commitment was, but having looked at the detail in this particular location, we actually think that we would prefer you to not do trenchless crossings in a particular location. Now, that proviso that keeps that option, keeps that option open, but equally, that provides so must be exercised in accordance with the control mechanism that is specified through requirement 36 around the discharge of details and amendments to the details that have been that have been approved, which set out that, you know, those details cannot be amended, where

otherwise then in relation to immaterial changes where it's been demonstrated to the satisfaction of the relevant authority, that the change is effectively unlikely to give rise to any material worse environmental effects from those assessed in the environmental statement. So that's the that's the intent behind those measures. It is it is a commitment but there is there is an ability for law local authorities or other stakeholders say that isn't something that we'd actually like you to do as an applicant subject to the control mechanism in requirements 36. I look to my left in terms of the potential for trenchless crossings in in other locations and she wants to respond to that.

21:20

From a principal engineering perspective, trenchless crossings can be undertaken in other locations, if that is required, in that sense, provided that equally the site investigation is done in accordance with the requirements and aligned with the rest of the cable route. Work.

21:45

Okay, thank you.

21:47

So, Mr. SLOs, or something to add to that answer as well.

21:50

Yeah, thank you, Andy, slow for the applicant. And in the updated outline code of construction practice PPD 033. We state that if an unexpected obstacle or constraint is encountered, that requires a trench and additional trench Swiss crossing that would need to be provided in the stage specific detailed COC up with evidence that would not result in the new or materially different environmental effects.

22:18

Okay, thank you, I will give some thought to that answer. Over the coming days, it does, I have to say seem to me that you could you could equally discharge requirements six by rather than having that, that get out clauses if you like to actually just seek the approval of of the authorities for the trenchless crossings, which have been then subject to your feasibility study. But I'll give some thought to that. And if I may ask further written questions on that. So if there's nothing else on five, one, I'll move on to five two on Hydros. Mrs. below.

23:02

Thank you, Mr. Allen. Can I start by asking the applicant please if they could provide evidence that damage will not occur to ancient woodlands such as damage to roots compacting soil or increasing levels of air and light pollution noise and vibration or changing the water table or drainage with the use of HDD?

23:28

Thanks, Alan Kirby on behalf of the applicant. So in terms of of ancient woodland, there's committed commitments to ensure that there's no construction work within 25 metres surface construction work. And that is I'll find out apologies, I'll find that I'll find the exact commitments and let you know shortly. But in addition to that 25 metre standoff, which was which is over and above 10 metres over the

government minimum guidelines. And we've got that 25 metres in order to be able to control things such as runoff, be able to control implementer pollution prevention plan, implement commitment see 105 which is around lighting, wildlife friendly lighting, be that temporary, it gives us that opportunity to avoid some of those indirect effects that you were alluding to in your question. In addition, where ancient woodland has a an HDD beneath it, there is a commitment C 174 which is about avoiding the root mass of those trees. And so what we did there was use information published by Forest research urge to determine what would be the likely rooting depth of woodland. And the vast majority sort of 99% plus of the roots will be above two metres and therefore, that's why we specified six metres to ensure that there was a considerable depth beneath that. And that depth sort of avoids direct damage to those roots but also is sort of low enough to be accounting for any particular changes in the substrate around them as well.

25:39

Thank you. I'm now going to move on to discuss sort of hedgerows and tree load retention in more detail. So the examining authority are aware that new information on the length of hedgerows and woodland likely to be lost has been submitted into the examination in Appendix three irata of the applicants covering letter at the pre examination procedure deadline in document p p, d 001. So full transparency and clarity for those here today and online. In light of this new information, could the applicant confirm and briefly summarise the following quantities of vegetation types which will be permanently lost length of headrow length of important headrow length of potentially important hedgerow length of tree line area of woodland a number of trees.

26:35

Allen Kirby for the applicants. If you bear with me one second, I can get those. Details up. I would say that in terms of why those changes were made. What we've been focusing on is trying to demonstrate a quite a granularity of data around what could be or what is being assessed to be lost. And that's not just on a blanket. This is what happens at all hedgerows This is individual hedgerows and individual woodlands. And during discussions post application with West Sussex County Council in particular, they identified some discrepancies between the tree preservation order and hetero plan and the vegetation retention plans which make up the figures in the back of the code of construction practice. And so our changes we're all about sort of picking up those and making it as clear as possible. So in terms of losses, apologies I'm almost that.

28:05

So in total 89 hedgerows would be subject to losses as with 30 tree lines and the overall amount of loss is.

28:35

So the length of hedgerows be temporarily lost is 1120 metres 242 metres of that is identified as being species rich. permanently lost is 622 metres, all of which is identified as being species poor. In total, 34 metres of hedgerows to be temporarily lost is deemed to be an important under the hetero regulations 9097 and a fervour 90 metres of hedgerows potentially important so those are hedgerows where we haven't had sufficient access to to carry out a survey. We've considered those to be potentially important.

29:24

In addition for tree lines 412 metres of tree line is expected to be

29:31

lost his part of the development. Okay,

29:34

thank you for confirming that. Whilst I appreciate that the errata in Appendix three of p p d 001. So gives us some new information in text form. It does state appreciate it does state that didn't this information will be updated within the text of chapter 22 of the environmental statement, which is the terrestrial ecology and nature conservation chapter aipp 063 He reacts, I believe it would greatly assist transparency on this aspect for the applicant to tabulate the information that you have just provided in a tabulated form and submit that into the examination. Is that something you're intending to do?

30:16

That's, that's something that we can do. Yes. Yes.

30:19

Thank you. If we could take that as an action point, please. Yeah.

30:22

Sorry. Can I just add it might be of use at the moment that the updated vegetation retention plans in the outline code of construction practice P PD, oh, 33 have been updated in line with the figures that I've just given you.

30:39

Thank you. And would that also apply to the abora cultural assessment

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in terms of the oral cultural assessment, which is appendix 22, point 16. A pp 194. That's done in a slightly different way than the vegetation retention plan, because of the different way of recording between ecology surveys and agricultural surveys, and the way that they have framed the assessment. So I'll have to take that one away and talk about arboricultural colleagues, but we will try and align as far as possible.

31:18

Okay, that would be helpful. Yes.

31:21

Richard tourney for the South Downs National Park Authority. We've just heard those figures. And what I would ask please if we need to review in detail what's coming in the in the errata. And I suspect talking to my clients that we won't be able to provide a full submission on that for deadline one with our written representation. So if we can say that by deadline to we will provide a full review of that latest

information on the extent and comment on any omissions that we think it's still remain? I'll leave that with the essay to decide whether that's acceptable. I think the the other point that I would just briefly make is that if this information is going to be tabulated, it would be very useful, certainly for us. But I think also for the examination, if there's an identification of how much of this is within the National Park and how much is not within the National Park, given the particular considerations that apply within the National Park and the statutory juicers sofa table is going to be produced, that might be an additional helpful column.

32:30

Thank you. And I agree, is that something the applicant can take away?

32:33

Yes, we can take that away. Something that we can action. Thank you.

32:37

I believe there's a hand up online, but I can't see who it is.

32:44

Good afternoon, Jordan Walker, county arboriculture list for West Sussex County Council. It was just a comment to say that we appreciate the Urata ecology team have gone through to check their hedgerow and tree loss anomalies that we've identified and he document p p, d, double O seven, double O seven, their tree protection order and hedgerow retention, sorry, hedge row plan that has been updated. And yet, we've still found a hedgerow missing on the northern side of the construction compound near Oak and Dean, which is a prominent screen for the A 272. And so whilst we appreciate that this arrivata has been considered and is being considered and will be submitted, we want to make sure that all tree and headrow data is adequately considered.

33:41

Yes, sir, would you like to comment? This also relate? Sorry.

33:49

I think Mr. Members, why don't you go? Well, I'm just waiting for the roving mic.

33:53

Thank you, Mr. Elkins. So

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this also relates to errata and areas of confusion. There are some important hedgerows on the cable route between equipments and Wilcox farm. But they're, and they may be being protected, but then there's a whole road adjacent to them, which then cuts through the hedge. And you're saying there are no important hedges that are going to be destroyed. So I appreciate that that's a temporary thing, but it does seem rather severe. And it's perhaps Thank you. Also, there are some anomalies in the bell mouths which is related to hedgerow loss. So access 59 and 61. In the outline construction money management plan are listed as construction and operational access 59 in 18.8 T is listed as operational

only. And then, at the same time, they're also listed as temporary Bell mouth Construction. So those are all somewhat conflicting. And I wonder if that can be clarified. We also think the headrace loss may be rather greater than, than it is because looking at documents who points picks and maps just relating to the northern end of the cable route and open to you. A bit like West Sussex County Council, we're saying none of the Kent street Bell mounds are shown, or the necessarily hedge removal indicated only for the access onto the substation a 63, from the 272. So the hedges going down Kent Street, are not shown on math at all. This is this is the map that looks at hedge and tree loss. So I don't it doesn't look as though they're probably included in the hedge loss calculation. And I'm wondering actually where the bell males were included anywhere else on the on the DCO. Map.

35:54

Thank you Miss both. The accurate like to comment on that.

36:00

Hello, hi, it's it's David official. On behalf of myself and Susie Fischler of sweet hill. We are, we're on the route. And so I'd like to make a general point about this on the 20 on the 25 metres, start with a specific move on to a general point, we have a route is passing by what's called lower barnwood on in, in sweet Hill, which is an ancient semi natural woodland SN W. First three points. First point is that there is an inconsistency between the environmental statement and the commitments register and how the red line is drawn. Because the red line or the DCO corridor actually touches the word without any 25 metre buffer on it at all. I think the second point is that I do believe that 25 metres should be a buffer, not a target. And there is actually plenty of room in our field for them to go a lot further away than the 25 metres. And we're saying well, weather easy environmental winds, you should take them and move more than 25 metres away from our word. This word by the way, I think I mentioned yesterday, this was the word where the rampion bat survey came out with the most active bat site of all sites they surveyed. So it is a very sensitive site. So like to that point, I think the the third point really is that I think, along with a lot of landowners, we are grappling with the fact that the TCO corridor has been drawn so widely. You know, if it was on one side of the field, we might be okay, if it's on the other side, we're not. And so it's making a lot of confrontation, unnecessary confrontation because it hasn't been narrowed down. And I think also the fact that it's so wide is itself gonna have some significant negative consequences in terms of how landowners can behave, how they can manage that land, over this whole process, because we sort of sterilise a huge area, which I think is much wider, and is reasonably required by the the applicant. I'd like to make this point. Thank you very much.

38:23

Thank you, would the applicant like to respond to those interested parties comment?

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Yes, thank you, Alan Kirby on behalf of the applicant. First in terms of Bell mouths and accesses from Kent Street. We can obviously go away and check those but for the vegetation retention plans, we have all sat down the engineering team ecology team, and others and gone through accesses and hedge road crossings. So what I can say there is we'll review but so we're confident at this point then in terms of comments about ancient woodland and the red line. The commitment is not dependent on where the red line is, there's still that commitment to make sure that there'll be a 25 metre buffer between the

minimum buffer I should say between the ancient woodland and any construction works that occur. So it that's just to stress that that will be in place in all situations.

39:48

Okay, thank you. I'm going to move on to trees now. And could you confirm could the applicant confirm the worst case number of trees which will be lost by the proposed development

40:06

I will be able to, if you sorry, again bear with me suggests the correct

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port up

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so in the agricultural Impact Assessment, which is appendix 22 point 16, a PP one nine for the agricultural impacts are shown in table seven one. And here it's grouped by tree group, woodland and hedge. What I would note here is that the hedge row numbers that previously described will be different here because the classify hedgerows in a different way to how the ecology surveys have done and how those of the hetero regulations would do it. So we've got here 363, three groups 88 equaling 2.05 hectares, one woodland 0.1 hectares, and what I'd say between those three groups in the woodland, one of the differences you'll see in in the numbers is because quite a lot of the tree groups from an ecology perspective would be put down as scrub and then hedge they've got 58 hedges at 1440 metres. But again, some of those hedgerows in a phase one sense have been shown as has been delineated as scrub.

41:48

Okay, thank you. Does the Borah cultural impact assessment AVP 194 require an update in light of the new information on links and areas of vegetation that will be removed, which has been submitted at the PPD? I think there's an inconsistency between table seven one states that point one hectare as you've just stated of woodland will be required removal whilst the information submitted at the PPD. In the covering letter states 0.4 hectares of woodland would be lost and explain the difference.

42:19

So sorry, Alan Kirby from on behalf of the applicant. So the difference here is between how from the agricultural perspective they've defined woodland and how they've defined three groups. So from the phase one sense, we will have included a number of tree groups as woodland. And that's why we end up with a bigger figure. But what I can say is we will take that away and ensure that there is with the update of numbers with regards to vegetation retention plan and the chapter 22 The environmental statement, a PP 063 that we go for consistency again with a pp 194.

43:07

Thank you, that'll be helpful. My last question then, in the abora Cultural impact assessment ACP 194 states in Section 7.6. On page 77, identified veteran trees were recorded. Can the applicant confirm no ancient or veteran trees or ancient woodland would be lost by this proposed development?

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Allen Kirby on behalf of the applicant. Yes.

43:35

Thank you. And can you confirm which commitment would secure that please?

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I should just check but I believe it's commitment. See 174?

43:52

Yes, see 174

43:54

Thank you very much. Do any other interested parties have any comments on this topic? Yes, sir.

44:11

Over Crawford Clark from Henry Adams for Mr. Fisher here. Sorry, I'm just jumping back slightly to the ancient semi natural woodland point because I didn't get my hand up quick enough earlier. You've committed you say to not coming within 25 metres of ancient semi natural woodland. Why then? I haven't heard a satisfactory explanation as to why the DCO boundary on Mr. Fisher's property is touching the ancient semi natural woodland. Surely if you're not going within 25 metres, that boundary does not need to be any closer than 25 metres. Can you clarify that? And my second point is on on the more general issue of the width of the DCO strip shown. If it needs to be that wide, you have also issued to landowners draft easement and option documents, which clearly states that the construction corridor will be only 40 metres wide. So if the applicant is happy to sign up to a legally binding document saying they only have 40 metres to work with, why do they need to show any greater weights than that in the DCO boundary?

45:18

The applicant like to sponsor Mr. Fisher's

45:20

Yes, Simon bagel on behalf of the applicant we have a variety of construction activities within that construction corridor. Some of them are intrusive, trenching, HDD, some of them are not soil storage for example, and so, we would have that commitment in terms of intrusive activities, but we could use that for soil storage running up to to the edge we can take it away to have a look at a bit more detail on that and that and that section in terms of the width of the car corridor, we will get on to this I think in another section of the cable routes, we will only have 40 metres width and in some cases a bit less. But we need at this stage optionality sometimes it's between HDD locations, which as we discussed, the actual entrance and exit pits may vary slightly based on geotechnical data or other factors. So when we placed those two, then connect those up. We need a bit of flexibility within that 40 metres.

46:43

Okay, yes, Mr. Fisher?

46:52

Robert Crawford Clark again, I take your point about needing optionality. But if you've issued draft documentation, presumably you're prepared to sign it now. And if you're signing 40 metres, you won't have that optionality. So which is it?

47:14

I could suggest the average reply and then any further clarification perhaps can be discussed between you yourselves. And

47:22

I think certainly we can clarify that the My understanding is it's 40 it's a 40 metre with within the wider corridor is the is the commitment.

47:33

Thank you. Okay, I have one last question. You when we discussed the commitment around ancient woodland, you quoted commitment. 174. But I believe this only deals with veteran trees. Could I ask you to comment perhaps on commitment 216. And just clarify for us what that commitment covers in terms of ancient woodland please. Yes,

48:01

apologies. Alan curry. The applicant correctly, the ancient woodland commitment is C 216. And the veteran tree is C 174. And just a slight correction. In terms of the 25 metres, it wouldn't be any groundbreaking, but it also wouldn't be any soil storage or equipment storage in that area is an area that is free of activity. And CT one six is creating that space and also creating the depths at which any HDD underneath would need to go in order to avoid root damage.

48:46

Can I just clarify sorry, commitment to one six is where ancient woodland is crossed by trenchless crossings now you've already committed that you will do that. So does the word where needs to come out of commitment to one six. And he'd simply say ancient woodland is crossed by a trenchless crossing and then continue that sentence.

49:09

Yeah, I mean, we can certainly take that away and have a look.

49:17

Thank you. We'll put that paper down as an action point. I believe there are some hands up online. Miss. Mr. Neve? Yes, please.

49:28

Okay, it's just a raise an observation or similar concern to the point on trenchless crossings. Regards to certainty of the hedgerows, the vegetation retention plans. It's just with reference to the outline code or

construction practice. So P O P D 033. At five six to seven. It stated where the construction approach would result in the additional losses over those cited in the vegetation and plans they must be highlighted and state specific CCPs and justified in consultation with the client sort of competent authority is again around that certainty point of what's justified, what are the other potential impacts that go with that and making that enhance observation, you know, specifically where access points or haul roads don't necessarily have detailed design at this pace stage and whether they're an extra visibility's plays that could be required as part of that detailed design stage. So that's an observation. Thank you.

50:23

Thank you for that point, that's very helpful. And miss the walker.

50:33

Jordan Walker County arboricultural, West Essex County Council, it was just to raise a few general points on trees and hedgerows and to to accept the the source storage within buffer zones and ancient woodlands are a no go and we appreciate that the amendment they're made. We wanted to raise a general concern at all. Although headrow crossings and mitigation techniques of notching are welcomed, there is a lack of methodology and aftercare and assessment of suitability for its appropriateness at this stage. For those and there's a level of uncertainty over whether notching will be successful. And we appreciate that the applicant has updated this commitment to consider that replanting will be put in place now as the outcome of the successfulness of that. Another point is to say the the reinstatement strategy in place for trees and hedgerow loss aims to compensate arboricultural loss that though is not possible at this stage confirm that the reinstatement proposed including tree planting and the hedgerows planting can be delivered within the DCO limits nor lands immediately around ng immediately surrounding the DCO limits and that's a slight concern that to ourselves. General enhancement opportunities including advanced opportunities for trees, woodlands and hedgerows, most notably, hedgerows have not been proposed this time, the number of impacts of these receptors enhancement should be secured within the lands within the DC area limits or immediately surrounding the DCO limits. And impacts on trees reaching near veteran status really need to be considered in great detail and we would welcome further tree protection for such trees to ensure that they're not indirectly impacted. That's all Thank you.

52:38

Thank you. Thank you. That's helpful. Just

52:41

a very quick question. Mr. Walker presume that you will be suggesting to us in your written representations what additional protections you wish to say

52:51

yes, yes, we can confirm that what we would like to see

53:00

and Miss Smith, Miss Smith served as CFO have your hand up

53:03

just to follow on from that to point out that there are actually two almost veteran trees on Oak Indian which are scheduled to be removed. Thank

53:14

you, that's helpful. Okay, I will now I'd like to close this agenda item and we'll move on to the next agenda item which is camping beach.

53:31

Okay, I've just got a couple of questions to do with clumping beach and particularly the HDD under the landfall area. As we have seen from the relevant representations from the likes of Natural England and the Environment Agency, it is likely that over time, there'll be some rollback of the coast at clumping beach with coastal erosion and flooding. The applicant sets out the intended use of horizontal direct drilling HDD from offshore under the beach to the land behind the beach. The intended lifetime of the project is 30 years in this time, there could be considerable coastal erosion. Firstly, is it possible that the coastal rollback or erosion could expose the cables and potentially necessitate the need for future cable protection over mediation works on the beach or dunes area for example? And secondly, are there such assets eventualities future proofed against by the HCD depth under the near shore intertidal area and beach.

54:32

Thank you. Thank you, sir. Another new speaker from our from our side. Mr. David Lampkin.

54:41

Thank you. My name is David Lumpkin. I'm an associate at ABP M er ABP mer. I'm providing the assessments in relation to coastal processes both offshore and at the landfall. I've prepared a short summary response Please feel free to ask any further points. Start by saying the applicant is certainly aware of the occurrence of historical and ongoing coastal erosion at clumping beach. A detailed description of the baseline conditions as we understand them for the purpose of the environmental statement and the EIA process is provided in paragraph four point 1.5 onwards in document a PP one to nine, which is volume four appendix 6.1. Our coastal processes baseline document a more detailed baseline understanding. Our understanding includes both the coastal processes that are controlling that morphological change and coastal erosion being one part of that. And also we recognise the presence status and perhaps the limitations of the current coastal defence measures which are in place which are a factor. I'd also include in that the likely future strategies for coastal defence which are presently do minimum but may change in time. It's also in the applicant's interests to avoid suddenly the negative effects of coastal erosion on the horizontal directional drilling HDD under clumping beach for for many reasons, both environmental engineering wise economic any given reason, it's, it's a opposite, we have something we want to do. We expect to achieve that or that interest to avoid the effects of coastal erosion through a well informed engineering design for the HDD that the HDD should be sufficiently deep and suitably rooted from start to finish to remain buried along its whole length throughout at least the operational lifetime of the wind farm. That's a general statement. There are also obviously details of the rate of erosion, the depth and the position of the coastline along the chosen routes. And given that there are options on the landward side for the starting point of the HDDs at this point. Where we are at

the moment is that the presently available information and data, of which there are many types, and we feel a sufficient quantity, quality and quantity at this stage, about coastal processes and the erosion rates, in addition to other factors and constraints that do affect the choice of routing, as well. They've provided the applicant with a realistic envelope of likely future coastline positions as a result of coastal erosion, as well as the topographic information and generalised geological information, which has informed the HDD design options up to this stage. The final design, location and depth of burial of the cable and other landfill infrastructure will be informed by further studies including studies of coastal erosion, building on work that's been done in the past. also incorporating recent experience because I know that storms in the last few years has put new evidence forward in that respect. Also in conjunction with detailed design studies, that will be informed by additional geotechnical investigations that will be undertaken by the applicant and that is secure through commitment C 247. DCR requirement 26. This general approach of a gradual progression towards a final design with gradual increase in confidence and amounts of data available, it is we feel typical of the normal evolution of the cable burial design process. And therefore, we expect that to avoid any negative effects of coastal erosion on the HDD, I design. If you would like to ask any more detail on any point? Well,

59:23

yes. What I was thinking about was, if you've bombed the information you've got from the studies already. And you can see you've done a lot of work on that so far. Is there a takeaway sort of precautionary approach? Is there a kind of minimum depth that you would need to have underneath this sort of beach and dune system that you would anticipate at this time or you could probably on possibly commit to to ensure that there isn't going to be this issue of coastal erosion affecting the HTT is that you've talked about a sufficient depth, do you have any idea what that would be? At the moment in terms of sort of minimum levels,

1:00:07

I couldn't give you a number at the moment. Sufficient is obviously to be informed by the geological and geotechnical investigations and depend on the, perhaps the level of horizons have more erodible, less erodible material, right. But there will also be input from the coastal processes side as to what the gradient of the beach and the near shore subtitle area should be, as the coastline does rollback. There will also be investigations or consideration of if if the rollback occurs in certain ways, perhaps if there's a breach or flooding, you know, these are all part of the general evidence base of possibilities, and they would be taken into account. I understand that, generally speaking, the HDD would be in the order of at least five maybe more like five to 10 metres below the bed in all locations. To contrast that with the offshore environment where the seabed level might change by a few metres over the lifetime, the cable might only be buried a metre or so down, provided the infrastructure is buried. It has no potential to interact with the mobile part of the environment, therefore to be affected itself or to cause an effect in the opposite direction. It's benign, it's buried. So the depth of burial does not need to be great to achieve the purpose.

1:01:35

No, but I think from from the applicants perspective, I can see that they want to ensure that it remains buried. And also, it seems clear, unfortunate, naturally, they're not here today, but naturally, none of us have raised that point that if it does become something that remedial work has to be done so many

years into the future, then that could have adverse impacts we've got and it's graphic for Dash 17 on chapter four, a schematic of landfill crossing, but it's very basic. I mean, is there more information that could be submitted at this point to try and provide the examining authority and those statutory bodies with that more information to to address those points.

1:02:18

If I could take that away I'm sure that we can prepare a document with some more information for

1:02:23

you. Okay, by that isn't an action point. That's it for me now. I'll pass on to Mrs. Below to continue. Thank you.

1:02:35

Thank you, Natural England has raised a concern regarding drilling beneath the triple si section of clumping beach. wintering birds are a feature of the triple si clumping, and the applicant has proposed commitment C 217. To propose to programme horizontal directional drilling to avoid the winter period between October and February to avoid disturbance to the wintering waterbirds. Can the applicant explain what alternatives has been explored to drilling beneath the triple Si?

1:03:23

Alternatives presently mainly include I think, from my point of view, I'll pass over to other colleagues if they they would offer something else there are two starting points or launch points for the HDD on the onshore side. Of those two options, one is more likely to pass underneath the triple OSI, the other less so just by the nature of their locations. However, I'd come back to my previous points that because the the HDD will pass underneath the ground in all places, there will be no interaction with the the features of the triple si the nature of any coastal erosion or natural morphological change or processes. I would suggest that the HDD underneath part of the triple SI is not going to challenge or cause any negative effects to that area.

1:04:27

Thank you can I ask whether discussions with Natural England concerning this matter have been ongoing and other Is there any update to that will be examination

1:04:41

from from a coastal processes point of view discussions with Natural England have have been going on about coastal erosion and natural morphological change at the landfill. But I can pass over to other colleagues if if there are discussions in other respects.

1:04:57

Thanks, Alan Kirby for the applicant Um, discussions have been held with Natural England about the landfall at clumping beach and we'll be seeking to have further discussions in the near future.

1:05:14

Are you aware whether Natural England are satisfied by your commitment C 217. To avoid the winter period

1:05:28

Alan Kirby for the applicant, see 217 has been discussed. I couldn't tell you whether they are completely satisfied or not,

1:05:39

I'm afraid. Okay, thank you.

1:05:50

Okay, I'm now going to move on to discuss potential flood risk from the sea during construction. So, the applicants flood risk assessment, Appendix 26.2, a PP 216 state that the environmental agency strategy for management of the Klimkin shingle embankment is to allow this shingle environment to naturally realign but it also states that storm care in February 2020 damage to sea defences clumping beach can the applicant confirm what contingency measures have been proposed to manage construction if a storm or similar to that magnitude of storm care in February 2020 should occur during the construction period.

1:06:34

Yes, Guy Douglas fir the applicant in terms of kind of key, I suppose mitigation measure it, it relates to the emergency response plan. So, there's a emergency response plan in place for ensuring that the site on staff sorry the site on staff can are basically seated suitably informed on what to do in the event of flooding. And it is kind of written out in more detail in Section 8.2 of the flood risk assessment. So, APB 216 And it goes through things like how how to sites, staff would make the site kind of safe prior to any evacuation and removal of critical plants either by removing it from the floodplain or raising it up and also kind of the circumstances upon which they will be triggering different levels of responsiveness like being prepared and evacuating. I suppose the other thing which is probably worth talking about is the kind of approach to site in the landfalls as well. If I may, so on figure 26 point 2.3 A. We have cited the landfalls on topographically the highest areas and they are within flood zone one. So the the lowest probability of flood risk in the area. Could Mr. grands putting up that figure? It might be useful to

1:09:03

thank you. I mean, I wonder just in the interest of time whether I could just ask if West Sussex County Council have had any have any concerns regarding the applicants approach to dealing with potential sea flooding during construction.

1:09:25

The coastal flood risk isn't an item that West Sussex have considered it rests with the Environment Agency and the adjacent powers and districts.

1:09:38

Sorry, can you repeat that, please? You have considered it?

1:09:42

No, we haven't considered it. It's an item that it's an item that rests with the Environment Agency and the Aaron District Council. Okay,

1:09:52

thank you. I don't I don't believe there's anyone from the environment here to form an agency here today to comment And, Tom, that is anyone from Aaron District Council. In which case, we'll just take that one away. Thank you. Thank you. I think that concludes the end of that agenda item does any do any other interested parties have any comments at this stage? Online or online? No. Okay, we'll move on. Thank you.

1:10:22

I'm going to go very, very quickly over this last item, because I'm very keen to to go on to agenda item six. And I'll try and summarise in both cases, this has to do with Mitchell Grove Park and Skellington Hill. Both those areas I understand. Looking at the plans, excuse me, you have essentially cable routes splitting off and rejoining. Sorry, excuse me. Now reading the evidence from the code of construction plan others, it's my understanding that we deal with Mitchell Grove Park, first of all, that we have a cable route going to the right and the cable route going to the left, but it's the right arm, if you like, which is the preferred option. The cable routes. is Am I correct? With that?

1:11:23

Router tunnel route on behalf of the applicant? Yeah,

1:11:24

that's correct is correct. Are you is are you still in a position where you're not able to definitively commit to a right or left arm at this moment in time?

1:11:36

Richard Tanner wrote on behalf of the applicant, yes, until we've done the comprehensive investigation, we are unable to finalise the detailed design for these crossings and commit to a single alignment.

1:11:48

Thank you. What I would if I don't know if you have access to the work plans for that, for that area, which is p p d 005. And it's sheet 11. You don't have to bring it up if you don't want to. But the work plan covers the entire triangle area, if you like of that of the Mitchell Grove site. And I would put it to you that you do not need all of that area for the work for work. Number nine you need either put it simply the right arm or left arm the bit in the middle is not required is it and should be removed from the work plan should they not? And indeed your limits.

1:12:41

Okay, Richard Hello Rita on behalf of the applicant. The crossing at Miss Mitchell Grove Park, as we've discussed presents a non standard trenchless crossing that is predominantly associated with the crossing of the protected designated land areas, an ancient woodland in this area, the site's topography and the bedrock geological conditions. And as I just mentioned, then, in the absence of detailed site

investigation data, the concept design has included these multiple alignment options as illustrated on sheet nine.

1:13:20

I understand that I understand that you've got the options, but you've got it at one end of the work of this area of the order limits and one route going at the other end, there's a whole section in the middle a whole section of woodland. That is not part of the works, is it? And that's what I'm questioning. You can take it away if you want to. But I'm suggesting to you that the area in the middle of these works plans is not required by you.

1:13:50

Can we take that question away, please.

1:13:53

The same applies to Skellington. Hill as well. Where you have the same issue you are proposing two arms or rather than the cable route splits and then comes back together. You are proposing the right arm as your preferred option but have a left again in case there is a subject of feasibility. And again, I'm going to suggest to you that your works plan which covers the the entire site, I would again suggest that you don't need all of that. And you should remove or seek to remove areas of the site that you don't need from the works plans. Yes, we'll take that away. Thank you. Thank you. Can we now just go through the action plans for item five please? Very quickly, then we'll move on to item six.

1:14:55

Thank you, sir. I have in real addition to the eight or the plans that refer to HDD and HDD being indicative, we'll consider those and removed that indicative label. There's various actions to look at the commitments register and in particular commitment C five and C 17. To align the wording of those commitments with the COC P and the crossing schedule. The applicant will tabulate information relating to tree and hydro loss as discussed within this agenda item and indicate how much of that is inside and outside of the South Downs National Park.

1:15:56

There was consideration of other commitments relating to veteran trees and an ancient woodland, again updating to reflect the commitment to adopt trenchless crossings in certain locations, particularly in relation to C 216. And ancient woodland. The applicant is going to submit more detail concerning proposals for HDD at the at the landfall and the nature of how that will be undertaken. And finally, we're going to consider the extent of work number nine at Skellington. Hill and Michelle Grove Park.

1:16:51

Yeah, I don't I've had just missed that. But it was also a review of the bell mouth access points to do with hedgerow removal.

1:17:00

Whether it's necessarily head removal as we take into account I've got that as well. So okay, so that's fine. Okay.

1:17:10

Thank you and now move on to the final item of the agenda. Thank you all for bearing with us. We have been going for about an hour and 15 minutes with anyone just welcome a quick five minute come for break. Are you? Yes, you would. Should we just we'll just take five minutes just to stretch legs. And we'll come back at 1752 and move on with items six