

Please see attached a Post Hearing Submission from Cowfold Residents Action Group (CowfoldvRampion) for the 28<sup>th</sup> February deadline (deadline 1)

The submission covers the following Agenda Items:

Preliminary meeting:

- Item 3, Initial assessment of principal issues
- Item 4, Procedural Decisions

Open Floor Hearing:

- Introduction
- The consultation
- Sustainability and positive and negative balance
- How have they gone about providing their 'evidence'?
- In The documents themselves

Issue Specific Hearing 1:

- Item 2, Alternatives
- Item 3, Traffic and Access
  - i) Transport assessment methodology:
  - iv) Construction hours:
- Item 4) Effects of the proposed substation at Cowfold/Oakendene:
  - i) Potential traffic at Kent Street and A272
  - ii) Cowfold AQMA
  - iii) Kings Lane/Moatfield Lane
  - iv) Dragons Lane
  - v) Historic environment
  - vi) Flood risk and drainage plans
  - vii) Effects on ecology including Red list and UK BAP priority species, wildlife corridors, tree and hedgerows
- Item 5) Construction Effects:
  - ii) Hedgerow/tree load and retention
- Item 9) Ornithology
  - ii) Migrating birds
- Item 16) Draft DCO: (doc ref 3.1)
  - Traffic management
  - Battery storage farm



# *Post-hearing Submissions*

Including written submissions of oral cases

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## Post-hearing submissions including written submissions of oral cases

Dear Sir,

Please see below our written submission of oral cases. The Cowfold v Rampion Local Impact Report (CvR LIR) should be read for a full explanation of our case, but please see below for a summary of our oral cases presented. Any comments we make or suggestions, as a result of the questions raised at the Hearings, are made without prejudice as our position remains the same, that we remain firmly opposed to the proposals.

### Preliminary meeting:

#### Item 3, Initial assessment of principal issues:

- When Rampion are submitting new documents, please could they ALWAYS be submitted with tracked changes shown, even if it means 2 documents, tracked and not tracked. Would be so much easier to catch up on the changes. In the case of documents which are largely just maps, perhaps a list at the beginning of the document of which maps contain changes, or if they all do, what those changes are?
- With regards to the **Initial Assessment of Principal Issues**, we are grateful for the putting together of issues related to Oakendene in the revised timetable. We are pleased to see that the ecology at Oakendene, and surroundings, is now included in this because we feel it is a **habitat worthy of individual consideration**.
- Will there be further opportunities though at a later stage to discuss for instance, the economic impacts and the Landscape and visual impacts of the site, which now seem to have been removed from the timetable? Or will they be covered, perhaps in item 7 for the Landscape and Visual, and under traffic at Cowfold in item 4 for economics?
- If not, please could **Economic impacts** be included again at some point as a Principal Issue? We are particularly concerned to see Economy as a principal issue because there appears to be no consideration beyond tourism from Rampion or any of the statutory consultees, in fact, and in particular no consideration of impacts at the Substation end
- And similarly, the Landscape and visual impacts as this is the only onshore structure which will remain above ground, and again, we feel the impacts will be significant and are down played by Rampion.
- Other important substation issues: as the construction noise, the impacts of noise, vibration and light pollution on ecology, (which does not seem to be addressed anywhere), the substation design, the health and social impacts of the substation at this location. We hope therefore, that a further hearing about Oakendene will be arranged at a later date.
- Sustainability- It is not specifically listed, but surely this is key? To scrutinise the claims made about the output of this windfarm, to consider the claims made about R 1 and the reality of what it produces, and to weigh this in the balance against the destruction of habitats and species, human health and wellbeing and the economy, and the claimed mitigations and BNG
- Consultation reports? Or do you see this as part of Alternatives?

## Item 4, Procedural Decisions:

- ExA use of Experts: The scope of this project is huge, and no matter how expert you may be, there will inevitably be gaps in your combined expertise. So, we would like to know if you will be asking for specialist opinion to advise where necessary?
- Especially with respect to ecology as **SWT have said they have limited time** to look at the detail, **SOS have had to pull out** altogether due to staffing resources, having been very engaged in the early stages, and **NE have not**, so far as we can see, looked at the substation site and the northern cable route, just the SSSIs and designated sites.
- Also, whether you will allow and lend equal weight to **local knowledge testimony**, especially given the lack of desk top studies data for the ecology locally (This would actually be in accordance with advice given by NE in their scoping report to Rampion in 2020), also with regards to the widespread concerns in our community about traffic and the economy locally,
- Might it be possible that any future meeting to discuss Oakendene issues could be at a site local to us, perhaps the village hall or South Lodge Hotel, so residents can easily attend? The venue in Brighton is not easy for people from the substation area to get to, particularly the elderly, and again, elderly people may not be comfortable to attend on Zoom. It is important that residents feel they have had an opportunity to hear what is said particularly as consultation with this community by Rampion has been so inadequate up to now and many people feel this is being imposed on them by stealth.  
Thank you

## Open Floor Hearing:

### Introduction:

We have to trust you to carefully scrutinise the proposals and to listen to the arguments for and against and to act in accordance with the law; not to rubber stamp this through in the misguided belief that, being green energy, it must automatically be desirable and good. There is no point in having a wind farm to help us combat climate change if in doing so, we have killed off the very wildlife we aimed to protect, by destroying their habitats, and making them in fact less resilient to face the climate changes ahead.

We feel that Rampion have taken the view that they didn't really need to prove their case, because they were green and would be nodded through. We aim to show, with respect to the northern cable route and Substation area at least, just how wrong this would be. We have mainly looked at just this area, but we sense from the RRs that the same is true across the whole DCO affected area, including the sea. There is a better solution, regarding both the whole project (as others will argue) but at least for the substation site and associated cable route.

### The consultation:

The view across the county seems to be that the consultation has been at best tokenistic. For us, it has been much worse than that. For Cowfold, there has been no meaningful consultation. Before

October 2022 ie after the substation site was announced, most of us had never heard of Rampion, even many of those in the immediate vicinity, as we received our first ever Section 42 letters in October 22. There is a document, signed by 52 householders, in our AoC which confirms this. We would be grateful for your review of that document please, as it lays out the case for lack of consultation in detail.

Until the site was chosen, it was not referred to by Rampion as Oakendene. Leaflets were not delivered here, and even if they had been, they referred only to “a site near the existing substation at Bolney.” And for the Hard-to-Reach group of very small, often start-up, businesses at the Oakendene industrial estate, who will face certain closure if this goes ahead, if they genuinely did contact them as they say they did, surely the absolute radio silence from them in the first consultation must have rung alarm bells in any properly conducted consultation study. Proper consideration of the responses must surely include a LACK of response from an area so significantly impacted

Senior people on the Rampion team were aware of this failure to consult, it was brought to their attention in 2022 by Carter Jonas, resulting in us receiving the Section 42 letters that October. But they chose to ignore it, hoping it would stay hidden, not unlike those senior post office officials who covered up the post office scandal, believing that small people couldn't fight them. It doesn't matter how late in the day you uncover a failing-it needs to be put right. Instead, they found ways to 'explain' it – “everyone who needed to had at least 1 S42 letter at some stage during the process.” Well not at a point when it might have made a difference. Ours only arrived after all material decisions had been made about the substation site; and Moatfield La only had theirs in April 23!

Last year, I asked Chris Tomlinson for the postcodes of all the people they had received responses from in the first round of consultation as I wanted to make a map of where they had come from. He refused, saying that it would all be available when the DCO was submitted. Rampion, where is this information? There is no sign of it in the DCO documents. Perhaps because of a reluctance to admit just how few responses you did get from Cowfold in the first round?

### Sustainability and positive and negative balance:

We must consider how likely Rampion's claims about output are to be justified. Including by looking at the reality of what R1 is actually like compared to **its** claims before it was built; and the damage they say they will do and their mitigations, weighed against **our** evidence of damage and long-term consequences.

In the coming days, we will provide evidence, and will submit further detail in writing later, to show how the information in the DCO significantly down plays the baseline facts about ecology and the current status of traffic, economy, and the social aspects of people's lives. And how they underestimate the negative impacts, providing an assessment of sustainability significantly biased in their favour. This is a direct result of failure to consult properly, which means that they failed to understand the key constraints of the site at a time when they should have put themselves in a position to do so. They have then doggedly persisted with the decision, even though they have had to devise ever more complicated ways of dealing with these constraints as they have become apparent to them.

## How have they gone about providing their 'evidence'?

They did not make any attempt to seek an understanding of the site from local people; quite the opposite; they were happy to keep it under the radar.

As we will show tomorrow, **there is no evidence** that they made any attempt to try to understand why there were almost no comments coming from Cowfold. And those comments they did get, they ignored. This led to a lack of understanding of local geography, how the A272 works and the capacity of the road, the fact that there are no farm tracks, the significant ecology at this site, the fact that the site floods and so on.

**There is no evidence** they put themselves in a position to properly compare the two sites or the implications of choosing the Oakendene site. They did not understand the impact on the traffic, they did not contact the businesses in the OIE at an early stage;

**There is no evidence** that they took into account the fact that there had been no reason to survey this area, Whereas the Wineham area had been reasonably well surveyed for the Rampion 1 project. So that on paper the two areas looked similar ecologically. They knew Janine Creaye had provided them with really good evidence about the habitats and wildlife in this area, including an extraordinary detailed visual record, but instead of trying to find out more, and make sure they were doing the right thing, they ignored her. Perhaps hoping, [post-office like], that she would not be able to fight alone and would give up. Yes, a mention of her (just a sentence) appears as a bolt on to the end of Table 3-2 in a document about desk top studies (Doc Ref 6.4.22.2) and again later in the document, but there is no discussion anywhere about how that was taken into account in consideration of how to inform studies or of the alternatives. What is more, most of the ecology **field** surveys were done or completed AFTER the substation site was announced so could not have been taken into account.

At the first meeting they held in Cowfold, in November 2022, it was clear that they did not really understand the traffic on the A272 at this point and why it was so different from the situation at the WL turn off. They had made an assumption when choosing Oakendene that traffic on the A272 wouldn't be a problem, because it wasn't with Rampion 1. They had no understanding of how unsuitable Kent Street was for HGVs. They clearly had not engaged with the local people before this time. This lack of consultation is so significant because by the time they did start to get an understanding of the problems with this choice, they didn't want to hear them.

As a result, they have chosen the most damaging site on all sustainability fronts; ecological, economic and health and social.

We would also like to ask Rampion why, in the Expert Topic Groups, regarding the substation, HDC do not appear to have been invited until almost when the site was chosen. I am speaking about the flood risk assessment, noise and vibration, and soil and agriculture groups. Why not? It has skewed the consultation.

## In The documents themselves:

There is far too much use of vague or unfounded terms about impact such as 'probably will', 'it is likely that', 'we believe that', with no evidence to back it up.

Links are often given to other DCO documents, purporting to provide further information, but when you look there, it does not actually provide what they say, for example further information about HGV movements in the OCTMP

We will provide examples of these instances during the hearing and in our Written Representations

From Coast to Cowfold it seems from the RRs that there are major concerns about the environmental damage. Others will talk about the energy efficiency and the wisdom or otherwise of the turbine location. And of the damage to Climping beach, the SDNP and other places. We want to focus only on the northern end of the cable route from the A281 to Oakendene, and the SS site itself, but it is clear that many of the issues we raise are repeated across the county.

## Issue Specific Hearing 1:

All sections are included and expanded on in detail in our LIR unless otherwise stated

### Item 2, Alternatives:

- The need for the proposed development was not dealt with at the hearing, and as requested by the ExA, will be submitted as a separate WR
- We do not find the Applicant's explanation, at the hearing, of the rejection of alternative routes from the windfarm to be credible, based as they were on cost (relatively small in the overall scheme) or busy shipping lanes (as this area has previously been used for cable routes), or UXBs (as the whole south coast must be similarly affected)
- Choice of substation site: we do not believe adequate evidence has been provided for how they considered the alternative sites. In particular, but not exclusively:
  - The failure to consult in the vicinity of Oakendene or to lend equal weight to the consultation responses they did receive from here
  - The failure to give equal weight to constraints at Oakendene compared to other sites. Rampion make several points against other sites, many of which also would apply to Oakendene, yet were not given the same weight when assessing Oakendene. Eg: the businesses affected at Wineham Lane south; yet there are far more affected by Oakendene, and the importance given to the Star industrial estate at Partridge Green, but not to the one at Oakendene. The extreme proximity to the Grade 2 listed manor house, and to ancient woods is discounted, yet given weight at other sites.
  - The lack of economic, social or traffic analysis to inform their choice
  - Engineering constraints-no evidence to support this
  - Environmental considerations, including ecology and flooding, the overreliance on desk top studies, (no previous reason to survey here, unlike Wineham Lane) and the fact that many field surveys were not completed, or inadequately carried out at Oakendene when the choice was made. Many of the surveys were not adequate in any case, with too many sites on the Oakendene and Cowfold stream area 'not accessible,' failure of bat detectors on the site, degraded samples and so on. **An assessment of alternatives is a key part of the biodiversity mitigation hierarchy.**



- The claim that planning applications at Wineham were a consideration, when they are still not consented now

A question was asked by the ExA regarding the size of the Wineham Lane North site as this was said to have formed part of the 'engineering constraints'. From Alternatives, Doc Ref 6.2.3, para 3.6.5 "9ha is required to site the onshore substation, including areas for temporary construction, permanent infrastructure, and embedded environmental measures". Therefore, all sites would be acceptable on the grounds of size, especially as Wineham Lane South could be used as a compound for the North site.

Even from Alternatives, Doc Ref 6.2.3, para 3.6.5 "It was identified that an area of approximately 9ha is required to site the onshore substation, including areas for temporary construction, permanent infrastructure, and embedded environmental measures". Therefore, all sites would be acceptable on the grounds of size, especially as Wineham Lane South could be used as a compound for the North site.

From the virtual exhibition during informal consultation:

*"The area to site the permanent substation equipment will be no greater than 4.5 hectares (ha). To put this into context, the three search areas for the substation are:*

- *Bolney Road/Kent Street – 21ha*
- *Wineham Lane North - 16ha*
- *Wineham Lane South - 13ha".*

In other words, ALL sites are more than big enough for the substation site, therefore the comments about size as a factor do not stand up to scrutiny.

***If proper assessment of the sites was indeed carried out before choosing the site, we must be able to see the evidence, and the dates it was obtained.***

### Item 3, Traffic and Access:

#### i) Transport assessment methodology:

The assumptions made significantly underestimate the traffic impacts at this point and they continue to view the whole A272 Cowfold to the A23 section as a whole (transport route 27, but also confusingly listed as Receptor 29)

- Rampion's traffic methodology is flawed because it does not take into account the congestion caused by the restrictions in the centre of Cowfold and its impact on traffic flow. Nor does it consider the effects on congestion of turning on or off the A272 at the two Oakendene construction turnings or Kent Street, all so close together
- They use a 24-hr average vehicles/hr when in fact, as shown by the WSCC traffic camera data, 80% of the vehicles actually travel in the 12 hours 6am to 6pm and that 80% of those are between 7-9am and 4-6pm

- HGV numbers are also underestimated by the assumption of linear growth when in fact Covid has seen a sustained acceleration in HGV and LGV numbers (again, WSCC traffic data for Cowfold)
- No traffic baseline measurements were done for Kent Street
- Air pollution methodology is flawed, underestimating the impact both on Cowfold AQMA and the A272 from Cowfold to Kent Street
- Traffic noise is down played and cumulative impacts not considered, nor the baseline levels, in some cases in the top 1% nationally already
- There has been no consideration of the need for a holding bay although it was necessary for the smaller Rampion 1 project.
- We believe that the scheduled traffic lights at the Bolney Road /A23 north junction will cause construction tailbacks on to the A23
- There needs to be clarity about total HGV movements as opposed to numbers of vehicles, and the numbers and movements of LGVs and passenger vehicles

#### iv) Construction hours:

We have concerns over the construction hours and too many uncertainties. (See LIR) We support Bolney PC's suggestion of the shoulder hours as for Rampion 1. A clear mechanism of who to contact if there are breaches needs to be in place at all times, with easy access for residents

#### Item 4) Effects of the proposed substation at Cowfold/Oakendene:

##### i) Potential traffic at Kent Street and A272:

- A272:
  - Accident hotspot already, without Traffic lights it will be far more dangerous
  - The congestion will be very significant as traffic builds up in Cowfold and queues as vehicles come in or out of the compounds. With traffic lights the congestion will be even worse
  - The impact on 18000 daily users, and the local community will be severe, affecting access to work, the village surgery and school, increased pollution and major economic impacts, not seen at the Wineham Lane turning
  - The rat-run impacts on side roads will be unmanageable, impacting the AONB to the north
  - Increased pollution in the AQMA and on the A272, levels at both already high.
  - We take issue with Rampion's comments that the access to the Oakendene industrial estate will not be an issue because it is already used by HGVs. This shows a lack of understanding of the true picture: the industrial estate is for small scale businesses, hence the majority of vehicles using the entrance are ordinary cars belonging to te people who work there and customers, plus the kind of small vans used by small independent tradesmen. Also a few LGVs. HGVs do visit, but this usage is currently small.
- Kent Street:
  - Highly unsuitable single-track lane, has a width restriction of 6'6", half the width of Wineham Lane which was widened in 1960s for the construction of the main substation. High amenity value, primarily used by walkers, runners and horse riders

- Identified by Rampion's own scoping report as unsuitable for HGVs
- No traffic baseline monitoring has been done for Kent Street, unlike Wineham Lane
- Enso Energy traffic data suggests around 70-90 vehicles/day, mostly cars, some LGVs, 0-2 HGVs/day. Compare this to the 948 vehicles/day at Wineham lane, with 17HGVs (from baseline traffic monitoring data (Doc ref 6.4.23.2) ie 1/10<sup>th</sup> of the traffic through Wineham.
- From OCTMP (Doc ref 7.6) there are two figures which are incorrect or need clarification
- Fig 7.6.9c- shows HGV and LGV access into the southern end of Kent Street. What is the purpose of this?
- Fig 7.6.13c-appears to show an even more extensive construction traffic route through the southern end of Kent Street and no use at all of the northern end.
- What exactly are any road works planned for Kent Street? They include the top part of Kent Street in the DCO with no explanation of why they want it
- We are pleased to hear from Rampion at the hearings that the haul road will not be continuous, but breaks at the Cowfold Stream, and that Kent Street therefore **cannot possibly be used to avoid the AQMA**. This misunderstanding came about because of the circular routes on Table 6-2 from the OCTMP, which refers to circular routes from Oakendene to Kent Street and the A281. We feel this is misleading and that each route should be listed separately., and would appreciate clarification about what is meant by circular route please
- We would like clear numbers of HGVs, LGVs and passenger vehicles for Kent Street, and the haul roads north and south of the Cowfold Stream, (all listed separately) and to understand how long it is anticipated that Kent Street and the haul roads , including the one from Oakendene to Wineham will be needed for
- Without prejudice, to reduce the use of Kent Street, we suggest that the use of A-64 and A-66 are swapped so that A64 becomes the light construction and operation access, and A-66, off the much more suitable Wineham Lane, becomes a more significant construction access point.

## ii) Cowfold AQMA:

- The traffic through the AQMA seems to be significant, with the need for access to receptors on the A281 and Partridge Green etc
- It is clear that the commitment to avoid the AQMA 'where possible' does not extend to LGVs and Passenger vehicles
- A 3% increase in HGVs through the AQMA was quoted at the ISH, but this does not take into account the fact that the road is at capacity and congested at this point so that every additional vehicle counts. Again , the effect of the other vehicles is not included.
- We would like to see vehicle *movement* numbers for all three types of vehicle through the AQMA
- We offer a detailed assessment of the air pollution on the Oakendene part of the A272(see LIR) with reference to Imperial College studies.

### iii) Kings Lane/Moatfield Lane:

- This is a private lane with a number of houses and farms along it. The proposal is for open trenching across two sections. It is currently listed in the DCO as 'bridleway scheduled for temporary closure'. There is only one entrance/exit. It is unacceptable for the road to be closed *at all* as people must be able to continue their lives, and emergency services and medical /nursing/ palliative care/personal care visits must be able to take place without hindrance
- It should not be described as 'for operational use only' as the haul road crosses it in two places and therefore HGVs and others will be repeatedly crossing it, with attendant dangers to pedestrians, animals and vehicle users.
- Any damage to the road must be made good when the haul road is discontinued.

### iv) Dragons Lane

- We are pleased to hear confirmation that this lane will be used for operational use only, but concerned that the applicant wishes to include HGVs in this use. They appear not to understand the narrow pinch points on the lane between houses which may make this impossible, or the extremely narrow nature of the rest of the road to Cratemans Farm.
- There is no provision for how vehicles will turn round again to return, or clarity about what the intended use of the expanded area to the north of Cratemans is for.

### v) Historic environment

- Oakendene:
  - all impacts are significantly downplayed, see LIR
  - we did not find the reason for lack of visuals from the PRoW where it descends from SA3 to be adjacent to the Substation and therefore the effect is much more severe. Even if difficult to take a panoramic view, there should at least be a written assessment
  - We did not find the explanation of why no viewpoint from the manor towards the substation convincing, given the extent of access to the property for other surveys. If taken, it must be done with the existing vegetation, which is scheduled for removal, taken out of the image
- Other listed buildings
  - There are many (see LIR) but of particular significant importance are Kings, and the historic farmstead of Cratemans Farm whose setting within its highly biodiverse location is of particular importance as we face a biodiversity crisis in this country

### vi) Flood risk and drainage plans:

- Rampion must show how they have applied the Sequential Test in their choice of site as the surface water flooding risk is higher than at the other two originally proposed sites. There is no good evidence they have done so:
  - the PEIR reports picked up that there was a much greater risk of flooding here than at Wineham Lane North(PEIR Ch 4 5.3.11 )

- the Historic parkscape walkover report, done in October 21, notes how boggy the whole site was.
- The government flood risk maps clearly show how water flows *to* Oakendene but *away* from the Wineham sites (Fig 26.2.5e)
- A resident from Cowfold warned them of the flooding in this area in 2021
- Our photographic evidence clearly demonstrates a difference in the drainage of the sites
- When the stream is overflowing its banks, how can it be used to take water away from the site
- Use of the stream will have impacts down stream on lane, roads, housing and ecology
- The drainage plans in design and access differ from those shown to us in June 23, so realisation of the extent of flooding has come late.
- The final ground level may have to be raised, with attendant effects on overall height and visual impacts. The final ground height **MUST** be known and agreed before consent is granted (if mindful to do so)

vii) Effects on ecology including Red list and UK BAP priority species, wildlife corridors, tree and hedgerows:

- The whole area along the haul road from A281 to Oakendene and the substation site itself, is of major ecological significance. Please see our LIR and the detailed records from Janine Creaye. They have ignored her evidence during the consultation and the baseline ecology is significantly downplayed by Rampion. Surveying of this area has been inadequate, by relying on desk top surveys even though they knew there had been no reason to survey this area, unlike Wineham Lane. They have chosen the most biodiverse site.
- This was then compounded by using desk top surveys to inform survey site selection, by not making sufficient effort to gain access to many sites, many of them here (our landowners tell us they have not tried), by surveys not being long enough, or extensive enough like the nightingales, or at the best time of year, delays in processing the material, as with the GCN survey; broken equipment, as in the bat survey. As a result, they have downplayed the wildlife and habitats here. They have also overegged the mitigations and how successful they will be.
- It's very difficult sometimes to compare to the other SS sites at Wineham, because quite often, as in the tree survey, the data from areas now outside the DCO is removed, 'for clarity'. But you can see the survey data from Rampion 1 and there is nowhere near the same level of biodiversity.
- **WHY IS THIS THE DAMAGE SO GREAT HERE?** Because it is **flood meadow and cannot be built on**, is very poor for farming so largely remained unploughed for decades, fields have not been expanded for production and consequently there is masses of dense scrub, hedge and oak trees.

- **We would like to know how much the flooding is taken into consideration now.** We do not believe the whole habit of the Cowfold Stream, tributaries and flood plains has been understood. If construction cannot take place in winter, it will be undertaken when toads, birds snakes are breeding and before the meadows have been able to set seed.
- **There are only farm tracks and the single carriageway Kent Street between Gratwick and Oakendene,** then on to Bolney substation - so access via haul road will cause the worst destruction of the soil structure of these undisturbed meadows. Unpolluted and undisturbed for wildlife.
- The small fields and dense networks of hedges and scrub mean that habitat loss will be severe.
- We have entered 230 largely red list/BAP priority species into iRecord in 2023 and carried out particular surveys for nightingales, badgers, and an ecological survey for meadow classification at Cratemans Farm. This includes 51 records of singing nightingales between Gratwicke and Oakendene in Cowfold. 22 territories in 2023, Rampion have noted just 5.
- The nightingales are here because of the density of scrub. **The habitat is all.**
- **We believe that Cratemans Farm is a special case,** both visually, historically and ecologically, but also for contributing to the wellbeing of many local walkers as it has two well used footpaths which will be cut apart and so closed during construction. The only survey Rampion have made here of the meadow quality was undertaken right by the Cowfold Stream where it is constantly reflooding. In the higher areas (where HDD compound comes out) where there is far more damage the quality has been proved to be 'Unimproved Lowland Meadow' in sections. **We ask that this is assessed properly by an independent ecologist at the correct time ie June.** This is rare habitat in the Horsham District and West Sussex generally. The most species rich field is destroyed by HDD compound, open trenching and haul roads. Noise, air pollution and vibration will further damage the ecology here.
- **SURVEY FAILURES:** Not only are the grassland surveys non-existent in key sites in the section, the failure to survey reptiles, toad migration and failure to consider red list bird species separately from other breeding birds in the cable route will also prove disastrous. **Our records and testimony must now be taken into account.** This cannot be left to the Clerk of works on the day when it is way too late for mitigation. For example - Adders are deemed on the verge of extinction in the next 20 years, which is deemed due to human disturbance as well as loss of habitat. A materials depot is to be created next to their breeding site, construction would be the other side of the Farm buildings at Crateman's along with the loss of much hedge and scrub. It is too late to put this right if construction takes place here at all.
- **Not surveying toad migration because ponds are not destroyed is also not acceptable.** The tributary that feeds the pond is cut through by the cable trench. If it is not noted in advance how could there ever be mitigation. Many male toads gather in the flowing water where the tributary comes across Kent Street. Construction vehicles, vehicle lights in early evening, and lack of stream water will all have an impact on the short time they have for breeding success if no mitigation is planned in advance.

- **Janine Creaye has been giving this evidence in photos, film, locations lists and statements since August 2021. We see no reflection of that in the way this project is being presented and certainly no evidence in why this option was still chosen.**
- **BNG will only fail. We have seen Rampion 1 reinstatement of hedge still failing to this day. How will it be different this time? No BNG is going to supply the habitat that has taken decades to establish and which is such a reflection of what Knepp is championing.**
- **SURVEY SUCCESSES** in the DCO despite lack of equipment supply, laboratory failure and lack of access **again questions why this choice of substation:** ‘There was a notable increase in both density and diversity of the breeding bird assemblage within the northern section of the proposed DCO Order Limits, centred around the large woodland/scrub and hedgerow mosaics, and within the River Adur and Cowfold Stream floodplains’, there was positive evidence of otter (spraint) at Oakendene, the only place hazel dormice were found was at Oakendene (Cratemans was not surveyed), water voles were found in tributaries to the Cowfold Stream, 18 of the 36 positive results for GCN, 8 of the 14 important hedges were in this section. 3 of the 7 designated veteran trees were found near Oakendene – and many with veteran features.
- **We would like an independent assessment of Tree loss in this section (extra 5km).** We believe at least 114 trees are to be cut down between Gratwicke and Bolney substation. We have asked for this by letter with no responses. We are trying to make our own but where trees are marked for loss in groups this is hidden. For example, we know that at one historic Green Lane there are 22 trees in the marked construction area, 11 within the marked red ‘to be removed’. This includes 5 mature oaks over 100 years old with obvious veteran features. It is hidden behind the number G35. This is a massive loss and we do not believe that the shorter other option which includes areas already modified during Rampion 1 can possibly cause the same amount of loss including carbon storage in each tree and amounts of accompanying scrub. Oakendene loses minimum 38, 13 of which are ‘high quality’ and some over 220 years old. **Comprehensive tree loss should be compared with the alternative and published in an open way which is comprehensible by all.** Sadly, it appears that the surveys were only completed long after the choice was fixed.
- **Attention to and site visit importance Green Lane** – We have been unable to get any attention to this ancient boundary/wildlife corridor by letter or in person at drop in events. Please can we give it proper attention.
- **So why did they choose this option for a substation, we want to see the comparison with the alternatives.**
- **Sussex Wildlife Trust** have stated that they are unable to adequately assess the DCO evidence given the time constraints. **Sussex Ornithological Society** have sadly had to withdraw altogether. In the early stages of the consultation, they had both made significant observations about the connectivity, the range of wildlife in the northern cable route area and Oakendene. We wish to ask that the panel take this into account when considering the Rampion evidence.

## Item 5) Construction Effects:

### ii) Hedgerow/tree load and retention:

- Still largely mediaeval field layout of much of this area so small fields with lots of hedges and trees. Huge network of closely related trees and hedges. Quite different from the more open Wineham Lane sites. Reflected in:
- 8/14 important hedges here
- 3/7 veteran trees. 3 more close to veteran, 2 to be removed.
- Janine has catalogued as best she can the trees to be removed-at least 26 on Oakendene, many veteran trees on the ancient green lane. Grouping of trees reduces the ability to easily identify how many will be lost
- Scrub loss also linked, and very important, and, we believe, significantly underestimated
- Trenchless crossing under important hedges nonsense across much of this area as haul road running along next to the TC with destruction of huge amts of hedge and tree loss
- **We think the hedgerow loss may be far greater than they say.** Looking in Doc 2.6, only at the maps relating to the northern end of the cable route and Oakendene, none of the Kent Street bellmouths are shown, or the necessary hedge removal indicated, only for the access onto the substation(A63) from the A272. The hedges down Kent Street going down to A59 are not shown at all. We question therefore, what did they include in their calculations about hedge loss. Were bellmouths included, and has this been repeated across entire DCO?
- There is a lot of confusion in the OCTMP (doc ref 7.6) about whether bellmouths are temporary or permanent eg A59 and A61 are listed as 'construction and operational access' but at the same time 'temporary bellmouth construction'. The access road to the main substation site, A63 is also described as 'temporary' yet it is needed for operational use. See Landscape and Visual Chapter of CvR LIR for more detail.
- The record of reinstatement for Rampion 1 is very poor-photographic evidence will be sent as WR, also SDNPA have aerial footage

## Item 9) Ornithology:

### ii) Migrating birds:

On December 8<sup>th</sup>, 2023, the Nimes Court of Appeal ruled that the Bernargues windfarm of seven turbines must be dismantled. They were built in 2016 by Énergies Renouvelables du Languedoc (ERL) in Lunas, Herault in France. They were responsible for the death of over 1000 birds and bats a year, including two golden eagles and the court ruled that their benefits did not outweigh the harm.

The court also ruled that they had not done sufficient studies into the risks when they presented their initial application.

The noise from the wind turbines was also a factor in the court's decision; again, the applicant had downplayed the expected levels and not provided robust enough evidence.



Apart from Rampion's failure of due diligence in the present case, which mirrors the faults of ERL, the material point here is that a court had weighed the evidence and found it incontrovertible that these wind turbines are harmful to wildlife in a significant way. If only seven turbines can do so much harm, 90 or more turbines of substantially greater size have the potential to do so much more irreparable damage. It is for Rampion to prove that this will not be the case; they cannot. Let us hope that this is not a repetition of the Hornsea project, which the **RSPB and The Wildlife Trusts had described as "a damning indictment of the UK Government's commitment to halting species decline."**

Similarly, a Danish offshore windfarm project in Smaland waters has been scrapped because of ornithological concerns, the height of the wind turbines deemed too tall.

### Item 16) Draft DCO: (doc ref 3.1)

- There are currently too many instances where surveys will be carried out or design developed "once permission granted". This is not acceptable as makes it impossible to fully assess sustainability in terms of weighing benefits against negative impacts.

Eg Item 5 Draft DCO- include things like too many surveys and details to be provided/carried out only once permission is granted:

- Reptile surveys
- Removal of scrub etc
- Soil surveys
- Drainage plans at the substation inadequate: The discharge of water, section 16, appears to give them the right to discharge into water courses. Firstly, we do not think this should be permitted, but even so, it is impossible to discharge into an overflowing stream or if you can there will be consequences further downstream. We need to know that what they propose is actually possible. No mains drainage.
- The Draft DCO (revised) p55, section 8(2)b says "*height to be no more than 12.5m above finished ground level.*" Given the concerns about flooding, this is completely unacceptable, as it gives carte blanche to raise the height to whatever they wish. Must say no higher than 12.5m above CURRENT ground level. Indeed, we were told at a meeting in Cowfold that they had managed to reduce the height of Rampion1 to 10m, using more expensive options, so why not here?

In addition, the Design and Access Statement, para graph 2.4.1, suggests that 12.5m should be the exception and that the majority of buildings will be less than 10m tall. Clarity is needed Surely the whole of 8(1) a) to f) should be sorted out BEFORE granting the DCO? similarly the detailed drainage plans (number 17) and the pre-construction surveys P57 pretty much says 'all details will be sorted out once DCO granted', this is unacceptable as how can we judge visual impacts, biodiversity impacts etc if so much is left out?

Especially as their track record in R1 of doing what they say they will do, is awful.

- The visual representation by Rampion from viewpoint SA2 clearly does not give a reasonable idea of what the visibility of the substation from most of the A272 to the north will actually be. It casts doubt therefore on the credibility of much of the 'evidence' Rampion has produced. And makes it difficult to decide what screening can and should be achieved.
- Felling or lopping of trees, (section 43,44) and removal of hedges-does not appear to be limited as to time of year to protect nesting birds etc

#### Traffic management:

As yet they have not come up with any credible plan of how they propose to manage construction traffic at this point. And nothing about how they will manage the appalling jams which will result from the construction of the access into the SS site. Yet they have supposedly been in discussion with WSCC for 3 years. Their answer to us is that it will be the responsibility of WSCC to decide how! This absolutely needs to be sorted out BEFORE the DCO is granted, though it is hard to see how they will suddenly come up with a plan in the next 6 months if after 3 years they have failed to do so. How can you assess impacts on communities and economy otherwise and therefore decide whether or not to grant?

Moatfield lane is still listed, even in the revised DCO, as Bridleway 1730, scheduled for temporary closure from 50a to 50b

There is as yet no mention of the 132kv cable under the SS site and how this may affect design and landscaping

There are so many unanswered questions, which have arisen because Rampion chose to hold back information until submitting the DCO. The ExA then chose to press on with the Examination with these questions still unanswered. If modelling needs to be done, and questions remain unanswered, this should NOT be left for decisions to be made after consent is granted. Instead, consent should be refused and the applicant invited to reapply once all unanswered issues have been addressed.

#### Battery storage farm:

A Battery Storage Farm (BSF) application has been submitted on land just to the south of the SS site. (Horsham District Portal Planning Portal, Ref number: DC/24/0054) We believe this should properly be part of the DCO application, as it is inside the DCO boundary, overlies the cable and actually connects in to it, , so must at least be happening with the collaboration of Rampion. Odd when Rampion are objecting to another BSF proposal closer to the main substation. Yet both Rampion and Enso Energy deny there is a link. However, through a search of Companies House and other data, we now have what appears to be evidence of a chain of companies from Bolney Green (the applicant) and their parent, Enso Energy, all the way to Macquarie, one of the partners in RED.

In addition, the BSF application says:

4.10." The proposed development at this Site is directly related to the Rampion 2 Offshore Wind Development, ....."

4.11. ".....substation to the immediate southeast of Oakendene Manor, which would be approx. 500m north of the Site boundary. The BESS unit would be used to store surplus electrical energy produced

*by the Rampion offshore wind farm, which would be transmitted into the national grid nearby during times of peak power usage."*

It is therefore disingenuous to pretend they are not linked, and the BSF should be included in the DCO. But there is increasing public awareness of the fire risks from Lithium-ion batteries, both fire hazard and toxic fumes. We are told that green energy companies will keep off their balance sheets activities deemed to have a negative environmental impact as it does not look good to investors interested in 'clean' green energy projects. In this case, it might also weigh negatively in the sustainability balance if included in the DCO.

It also perhaps explains why Rampion have not objected to this application, whereas they have objected to one which is close to the cable at Wineham, and why they feel they need such a wide cable route in the last section before the Substation, to the north of the Map sheet 33 line, to retain control. Perhaps there will be a second BSF application from them there soon?