

**RAMPION 2 OFFSHORE WINDFARM DEVELOPMENT CONSENT ORDER
DEADLINE 1**

Written Representations submitted on behalf of Susie Fischel of Sweethill Farm (School Lane,
Ashurst, Steyning, BN44 3AY)

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1. Introduction

1.1 Susie Fischel is the owner of Sweethill Farm, School Lane, Ashurst, Steyning, BN44 3AY (**Sweethill Farm**), within the Order Limits.¹ [REDACTED]

[REDACTED]. The Fischels do not object in principle to the Rampion 2 Offshore Windfarm (**Proposed Development**) but they are opposed to the extent of the works on Sweethill Farm, in particular the proposed cable corridor.

1.2 Over 20 years ago, the Fischels took the decision to cease farming Sweethill Farm and allow it to 'rewild'. The Fischels have allowed natural processes to create wilder, more diverse habitats on Sweethill Farm, in much the same way as the well-known Knepp rewilding project less than 5 miles away.

1.3 Mr Fischel explained at the Open Floor hearing the environmental significance of Sweethill Farm: see the Deadline 1 Summary of Oral Submissions (provisional document reference SHF 2).

1.4 The Proposed Development provides for over 700 metres of cabling through Sweethill Farm. The concerns that the Fischels have in relation to this, and its effect on over two decades of rewilding progress, are set out below.

2. The width and flexibility that the Applicant is seeking over Sweethill Farm in relation to the proposed cable route

2.1 The Fischels understand that the Applicant requires some design flexibility. However, it appears that the Applicant is seeking greater flexibility over the Fischels' land than is necessary.

2.2 The Onshore Land Plans [**APP-007**] – in particular sheets 25, 26, and 27 – show that considerably more flexibility is sought over Sweethill Farm than in the surrounding area.

¹ Sweethill Farm is therefore listed in the Book of Reference [**APP-026**].

2.3 The Applicant's reasons for this are not consistent with its route-wide approach; it has advised the Fischels that the flexibility is required because the cable route turns a corner within Sweethill Farm, and because of the two road crossings, however the Applicant has not sought the same flexibility at other points with the same features.²

2.4 The Fischels request that the Applicant provides a credible justification for the wide extent of the red line boundary on Sweethill Farm.

3. Severance and construction access

3.1 The south-eastern corner of Sweethill Farm will be severed from the rest of the property during construction: see Sheet 26 of the Onshore Land Plans [APP-007].



Extract from Sheet 26 of the Land Plans [APP-007]: Severance at Sweethill Farm between the red line boundary and Spithandle Lane

² See, for example, the intersection of plots 25/2 and 25/6 on Sheet 25 of the Land Plans Onshore [APP-007].

- 3.2** Early on during consultation, the Fischels asked the Applicant to move the cable corridor further south, to follow the line of Spithandle Lane more closely and, preferably, to cross the B2135 further south.³
- 3.3** The Applicant advised that this option was discounted for heritage, land interest and engineering reasons, including that it would require an additional trenchless crossing.⁴ However, it seems that the Applicant has since been able to increase the number of trenchless crossings along the route, just not at this location. The heritage and land interest reasons provided by the Applicant were far from compelling, not least given that the dDCO route passes closer to a listed building (Blakes' Farm) than the Fischels' proposed alternative.
- 3.4** The Fischels requested that, at the least, the dDCO route follow the existing field boundaries. This would have been consistent with C-67 in the Commitments Register [APP-254] which indicates that the onshore cable route is likely to be routed to closely follow the line of existing field boundaries as far as is practicable. The Applicant's proposed cable route across Sweethill Farm arguably does not comply with that commitment because it does not closely follow the boundary of Spithandle Lane even though to do so *would* be practicable.

4. Inconsistencies between the Environmental Statement and Commitments Register, and the dDCO

- 4.1** The powers the Applicant is seeking in the draft Development Consent Order (**dDCO**) go beyond what the Applicant says it requires in other Application documents. Chapter 22 of the Environmental Statement at paragraph 22.9.55 [APP-063] states that "*all ground works will be restricted to areas in excess of 25m from the edge of Ancient Woodland.*" This commitment is reflected in the Commitments Register at C-216: "*All ancient woodland will be retained with a stand-off of a minimum of 25m from any surface construction works.*"

³ This would have minimised the severance of Sweethill Farm, reduced the land required for access, and avoided crossing the B2135 at an area which is prone to flooding with a confluence of tributaries feeding into the River Adur.

⁴ In a letter to the Fischels dated 17 October 2023.

- 4.2** However, the dDCO provides for works to be carried right up to the boundary of Lowerbarn Wood, an ancient woodland on Sweethill Farm: there is no gap between the red line boundary and the edge of Lowerbarn Wood (Sheet 26 extract above). The red line boundary also passes very close to the north-eastern corner of Lowerbarn Wood.
- 4.3** Article 24 and Schedule 7 of the dDCO [PEPD-010] provide for the compulsory acquisition of rights to lay, install and retain the cable over Sweethill Farm.⁵ Section 122(2) of the Planning Act 2008 requires the Secretary of State to be satisfied that the area subject to compulsory acquisition is no more than is reasonably required for the purposes of the development, before they can authorise compulsory acquisition under the dDCO.
- 4.4** The Secretary of State cannot be satisfied that the area within the red line boundary on Sweethill Farm is no more than is reasonably required, because the Applicant itself says that even at this stage not all of that area is required and that a 25 metre buffer should be provided for in relation to any Ancient Woodland.⁶
- 4.5** The Fischels therefore seek that the Applicant changes the limits in the dDCO to be at least 25 metres from the boundary of Lowerbarn Wood and gives a commitment to carry out works as far from this ancient woodland as practicable.

5. Environmental Assessment

Arboricultural Impact Assessment

- 5.1** Lowerbarn Wood on Sweethill Farm is 1.63ha of Ancient Woodland, and the Applicant's Arboricultural Impact Assessment [APP-194] recognises this.⁷
- 5.2** The Fischels were therefore surprised to be unable to identify any further reference to Lowerbarn Wood in any of the Applicant's other documents.⁸ Given that the red line

⁵ As noted above, sheet 26 of the Onshore Land Plans [APP-007] sets out the limits of the land proposed to be acquired or used.

⁶ In the Environmental Statement and Commitments Register.

⁷ Lowerbarn Wood is listed in Table 3-5 as "W62". Paragraph 3.3.6 of that Assessment states that the ancient woodlands listed in Table 3-5 are inside or within 100m of the dDCO Order Limits, and that this information has been used to aid detailed route design to avoid effects on such woodlands.

⁸ For example, in the National Vegetation Classification Survey Report [APP-182], there is no reference to Sweethill Farm (or Lowerbarn Wood).

boundary abuts Lowerbarn Wood, it is not clear why it does not form part of the assessment.

Bats

- 5.3** The Fischels are concerned about the Proposed Development's impact on bats on Sweethill Farm.
- 5.4** Two sites on Sweethill Farm were considered in the Applicant's bat survey [**APP-186**] (**Bat Survey**): AT11a in Lowerbarn Wood, and AT11b approximately where the cable route enters the farm from the southwest.
- 5.5** AT11a was the most active bat site by far of all the sites monitored by the Applicant, with mean bat passes per night of 1,764⁹, the most active for 2022 and substantially exceeding the 1,174 passes at the most active site in 2021.¹⁰ AT11b was also an active site and both AT11a and b recorded a wide spread of different bat species.
- 5.6** The Bat Survey states:¹¹ " *the greatest levels of bat activity were recorded at locations that incorporated woodland or woodland edge habitat, water bodies, hedgerows and tree lines, for instanceAT11a* ".
- 5.7** The Bat Survey highlights the importance of the Applicant committing to reduce the impact of the Proposed Development on the Ancient Woodland habitat of Lowerbarn Wood.

Great Crested Newts and Ponds

- 5.8** The Applicant's Great Crested Newt report [**APP-185**] identifies that Ponds 71 - 76 on Sweethill Farm tested positive for great crested newts. Ponds 78 - 80 did not test positive, however the Fischels intend to retest these ponds in Spring 2024, as the Applicant's results do not reflect the Fischels' previous observations.
- 5.9** The Fischels are also concerned about the proximity of the dDCO corridor to pond 78, which is a key gathering point for all the River Adur's tributaries flowing through Sweethill Farm.

⁹ Table 4.15.

¹⁰ Table 4.13.

¹¹ Paragraph 5.1.5.

Habitat

5.10 It is unclear why the quality of most of the pasture has been recorded as Improved Grassland¹² [APP-181]. This appears to be based on a desktop survey which does not reflect over 20 years without spraying or fertilising, nor the fields' current biodiversity and species rich nature. The Fischels consider it would be more appropriately regarded as semi-improved grassland, as described by the Applicant itself in [APP-186]¹³ when referring to bat site AT11b.

6. Engagement

6.1 The Fischels have concerns regarding the manner in which the Applicant has changed its approach to engagement.

6.2 In 2020, the Fischels were actively engaged in discussions with the Applicant, involving meetings with Rampion senior management on site and extensive correspondence. The feedback provided by the Fischels led the Applicant to acknowledge the numerous challenges on its initial route.¹⁴ The Applicant at that time worked constructively with the Fischels to adjust the cable route and the Fischels welcomed this initial cooperation.

6.3 Despite that positive start, the Applicant then essentially discontinued engagement once matters were handed to its advisors; it took the Applicant nearly a year to respond to representations the Fischels made during the second round of consultation in 2022 – notably, the Applicant responded just after the dDCO application was submitted.¹⁵

6.4 The Fischels recently received draft agreements, however the agent for the Applicant advised that neither they nor their lawyers would engage further unless the Fischels entered into Heads of Terms¹⁶ in the Applicant's standard (and one-sided) form.

¹² Per the key, which indicates areas marked as B4 are classified as Improved Grassland in Figure 22.3.1i Phase 1 habitat survey – Extended Phase 1 habitat survey report, at page 53 of [APP-181].

¹³ Annex B, page B5.

¹⁴ Namely the presence of many ponds (used by great crested newts for breeding), the dense ecological rewilded habitat, and various construction challenges.

¹⁵ The Fischels made representations on 28 November 2022 during the second round of consultation, and the Applicant responded on 17 October 2023.

¹⁶ In an email dated 30 January 2024.

- 6.5** The Fischels request an unconditional commitment from the Applicant that it will engage on these matters.

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