

## CowfoldvRampion

### Comments on any further information/submissions received by Deadline 1

#### Comments on REP1-017, Applicant's response to the relevant representations:

Table LI21 Applicant's response to Jeremy Smethurst [RR-168]

In the column "Land Rights Tracker Unique Ref" it actually includes the words "*Add standard line about consultations that has been produced for the Ips.*" We believe this confirms the attitude of the Applicant to the consultation and examination, which is not to make a genuine attempt to answer questions posed, but just to repeat pre-rehearsed phrases and comments.

In response to the concern that the consultation was inadequate and that he did not receive a section 42 letter until the second consultation the applicant responds "*The Land Interest was consulted on that basis on 14 October 2022.*" This ignores the complaint that by this stage the substation site had been chosen, and therefore there was no meaningful opportunity to influence the choice. It also does not address **why**, when this part of the A272 had always been in the DCO boundary, no letter was sent in 2021. (LI21.2) Instead we see a tick-box response to refer to the "*Promotion of Rampion 2 Consultations in and around Cowfold 2021-2022*" document at Appendix 15. This document has been critiqued in detail in the CowfoldvRampion Adequacy of Consultation Document (See CowfoldvRampion AoC Item 3 attachment 4, p29)

L22.4: The applicant gives the reason for not putting the viewpoint in a more useful position as "*it was positioned at the corner of Kent Street and the A272 for safety reasons as there is no footpath on the A272.*" Please refer to the viewpoint analysis taken by members of CowfoldvRampion (See REP1-089, Section 6 Appendix 1 to Addendum, p85) who walked quite safely along the entire length of this wide verge to take their photographs.

L122.7: Table 6.20 referred to in the applicant's response does not answer the question even remotely and is another example of appearing to answer, but actually to ignore a perfectly reasonable issue which has been raised. (See REP1-034 below for further comments on this)

L122.9: The applicant does not answer the question as to whether there is any collaboration between them and the applicants for the Battery Storage Farm. Why are they not objecting to it as they have objected to another one which also overlies the potential cable route (Mid Sussex Planning Portal DM/23/0769)

Tables 6.2 and 6.3, referred to for further information, do **not** give any. They simply repeat what has already been said, there is no meaningful attempt to actually answer the questions posed.

Table LI22 Applicant's response to Meera Smethurst [RR-236]:

L122.5: We are delighted that the applicant recognises at last that accident rates are of significant concern on the A272 "*This identified that the A272 between the A281 and A23 has a higher accident rate than the national average for rural A-roads.*" However, they still fail to understand that a large proportion of those accidents actually occur on the stretch of road which encompasses Kent Street, A63 and A62.

L122.7: "***The reference to Wineham Lane being a single-track road was an error which has been corrected in the latest version of the Outline Construction Traffic Management Plan (CTMP) [PEPD-***

035a].” Whilst the removal of Wineham Lane from Table 5-2 (3) is to be welcomed, **this admission is truly astonishing as it formed a significant part of the argument for not choosing Wineham Lane** as the substation site. The width and therefore unsuitability of Wineham Lane is now not even mentioned in Rampion’s engineering constraints (see REP1-021)

Regarding UKPN’s underground cable the applicant is *“The Applicant is in discussions with UKPN. The protection of existing UKPN infrastructure will be ensured through DCO Protective Provisions.”* We would like to know when this discussion began and whether it was before the substation site was chosen. We must be able to understand what implications there are for disruption of the A272 and limitations on the design and landscaping of the site.

LI22.10: The applicant says that the question is dealt with in Table 6-7 but there is no attempt at all in the table to answer the issues raised regarding people being unable to move into residential care.

Table LI27 Applicants Response to Janine Creaye [RR-164]:

LI27.1: The applicant states that her concerns are addressed in Table 6-3. There is no reasonable attempt to address any of them in this table

Table LI33 Applicant’s Response to Emily Mulcare-Ball [RR-113]:

LI33.1: *“Traffic volumes on Kent Street have been observed and presented in the Chapter 23: Transport, Volume 2 of the ES [APP-064]. “In fact, there does not appear to be any reference to observed volumes on Kent Street.*

Table 3-7 Applicant’s response to Cowfold Parish Council [RR-083]:

2.17.3: we strongly object to the wording of the response which is in our view deliberately misleading: *“These commitments ensure that HGV construction traffic will route along the A27 and A23 to gain access to the A272 east of Cowfold wherever possible, thereby avoiding the village centre. Therefore, only accesses A-52, A-56 and A-57 will require construction traffic to route through Cowfold Village centre. As calculated by using data included in Table 5-3 of the Outline CTMP [PEPD-035a] which has been updated at the Deadline 1 submission, the impact of this commitment is the removal of up to 22,000 two-way HGV trips (11,000 HGVs) from Cowfold Village centre over the construction phase.”* The implication of this is that Rampion have somehow managed to remove an *additional* 22,000 HGV trips from the AQMA. This is simply not true as Table 5-3 has not been altered in the updated document so the numbers are as they have always been.

The next paragraph is too vague using terms such as ‘discouraged’ and ‘assumed’. Any commitment to avoid the AQMA must be concrete.

Please note there is no commitment for LGVs and delivery vehicles to avoid the AQMA. Whilst they may be given routes, we all know that delivery drivers will take what they perceive to be the quickest options. Also, presumably the delivery vehicles will not be marked as Rampion vehicles as they will belong to other companies.

Please note that the traffic numbers for ‘The A272 Bolney Road east of Cowfold Village centre (Receptor E)’ is only for the traffic coming from the A24 direction as it is the same as the numbers on

Station Road. These vehicles will be trying to turn across the traffic to enter the Oakendene compounds and meeting others coming from the A23 and Wineham Lane from the east and both trying to get in and out of the compounds.

If vehicles are waiting to enter the eastern Oakendene compound (A63) any traffic leaving Picts Lane or Kent Street to the east, or Coopers Farm, Applecross and Wealden Barn to the west will be doing so completely blind to what is coming from the other side as the view will be blocked by the HGVs waiting to turn. This is already an extremely dangerous spot. Rampion's suggestion that this can be safely managed without traffic lights is ludicrous.

Rampion do not answer the question about staff traffic at all. But based on the numbers for the smaller Rampion 1, we estimate approximately 350 staff vehicles will be arriving at the compounds each day; all, if Rampion are to do what they say, arriving in the shoulder hours of 7-8am and leaving between 6-7pm, and attempting to turn in and out of the compounds. In addition, the figures they do give for HGVs and LGVs are averaged across the day, but in practice this will not happen, but will most likely occur at peak hours also.

The air quality impact assessments they make at the end of section 2.17.3 are flawed and likely to be significantly underestimated, as they do not take into account the fact that traffic flow is at capacity at this point, when traffic is not flowing pollution is not dispersed, and stop-start traffic movements are more polluting than when traffic flows freely.

Table 3-14 Applicant's Response to Shermanbury Parish Council [RR350]:

2.24.2: The HGV traffic to access A-64 is estimated to be 55 HGVs per day at peak times, **in addition**, peak week traffic to A-64 is 28-31 HGVs a day. Overall, the use of Kent Street is estimated (note, this is not a guarantee it won't be longer, or indeed there won't be more vehicles). Compare this to the usual HGV traffic of 0-2 /day (see Enso Energy figures, and detailed assessment of them in REP1-115). Whilst each peak week period **may** only last for a few weeks there are to be **multiple** peak week periods throughout for each of the access points. (NB There is a typo in the first paragraph on p 176; we believe the ' Access A64 located 700m south of the A272' should be A61.)

Moreover, **no mention is made of the LGVs**, personnel vehicles or delivery vehicles which may in addition use this route.

The applicant says that Access points A-61 and A-64 are north of residential properties. This is incorrect; Southlands, Oaklands and 5-6 properties down a small entrance just beyond, including Delspride, Ridgelands and Westridge Farm, all fall within the DCO limits on Kent Street, plus Kings Barn and all the residents on Kings Lane are just beyond, all of whom will be severely affected.

Rampion say they will produce a Traffic Management Plan for Kent Street for Deadline 3 in April. It is difficult to imagine how this number of HGVs and other vehicles can be managed on this tiny lane without blighting the lives of the residents for 38 weeks or more. We will be asking residents for their views and requesting that they also share them with Shermanbury and Cowfold Parish Councils.

2.24.3: we are shocked by **the refusal of Rampion to consider a holding bay for construction traffic**, despite the need for it being so ably explained by Bolney Parish Council after their experiences of Rampion 1. This demonstrates a continue lack of understanding of how the traffic *actually* behaves on the A272.

2.24.4: this 'plan' to allow access to people's homes is totally inadequate and disappointing. How do people get to work or school? A resident is currently needing to attend chemotherapy three days a week. How do emergency services gain access? (a '3-month advance notice' is not going to help!). Farmers have raised concerns that horses, which must use this lane daily cannot walk over metal sheeting because of slipping and injury.

Table 7-11 Applicant's response to CowfoldvRampion

NSB11.1: regarding the lack of consultation, the consultation report is APP-027 not APP-026[more lack of attention to detail] and p 35 is simply a repetition of what they have said before. Neither it nor the applicant's response at NSB 11.1 address the fact that all meaningful consultation with Cowfold took place *after* the substation site was chosen.

NBS11.4 *"Of the four receptors assessed, the A272 Bolney Road east of Cowfold Village centre is the closest to the Oakendene construction compound. As part of the Proposed Development this is forecast to experience an **average weekly flow of 39 HGVs**, equivalent to an increase of 5.5% or 3-4 per hour."* This must be an error: 39 HGVs is far too low to account for 3-4 per hour. Nor does it take into account the fact that they won't be 'flowing', but crucially, turning in and out of 3 very closely located points.

NSB11.5: Rampion continue to dismiss any economic impacts in relation to the substation construction. Traffic numbers per se are insufficient, as they do not take congestion into account, only look at HGVs, and in the case of Oakendene Industrial Estate, they do not consider the off-putting effect of the huge compound and comings and goings of vehicles from it.

NSB11.10 and 11: We strongly dispute Rampion's assertion that the impact on nightingale habitats will be minimal: *"Although there will be loss of hedgerow and scrub between the A281 and the onshore substation at Oakendene, it is restricted and in locations that are less likely to support nightingale."* On the contrary, the cable route almost exactly follows the best nightingale territories, and the addition of the haul road further results in habitat destruction, which is irremediable.

*"Based on areas where density of nightingale are high (e.g. active Ministry of Defence training facilities at Lodge Hill, Kent and Wakering Stairs, Essex) and levels of potential disturbance are great (including active artillery ranges) temporary construction disturbance (which will move rapidly along the onshore cable route) is not considered to be of particular concern for the temporary construction activities associated with the installation of onshore cable corridor for Rampion 2."* This is totally misleading. **These sites are not full of tanks and huge vehicles, they are training areas, with huge safety zones where nobody is allowed to go, and are full of nightingales precisely because, like the area in Cowfold, they do not have much traffic or disturbance.** Lodge Hill has in fact been under threat of development and *a fear that these habitats will be disturbed and lost.* The cable might be pulled through relatively quickly as they say, but the haul road will do untold damage. None of the hedges or scrub patches are scheduled for trenchless crossings and even if they were, the need for vehicular access negates this.

Why should nightingales choose to breed in planted mitigation scrub close to a humming, vibrating substation, with artificial light at times in the night? And in a place which has lost connectivity with other habitats? Like at Lodge Hill, they *chose* their current breeding sites precisely because of their distance from human interference.

NSB11.19: The persistent equating of Kent Street and Wineham Lane as 'single track lanes' has been a source of contention for us throughout the consultation, and avoidance of 'single track lanes such as Wineham Lane' has been a cornerstone of the reasons given for choosing Oakendene over Wineham Lane. Yet now *"Reference to Wineham Lane (South of A272 – accesses AA-67 and AA-68 in Table 5-2 (Avoidance of narrow rural roads (single track roads)) within the Outline CTMP [PEPD-035a] has now been removed."* It seems the applicant can pick and choose reasons to suit the situation.

We have made no further attempt to review more responses to Cowfold Representations as the applicant simply reproduces standard template answers which do not address the issues and are repetitive. In our view, this behaviour holds the examination process in contempt.

#### **REP1-034, Applicant's response to deadline A:**

Response to CowfoldvRampion

Para 2.3.1 With regards to the UKPN cable, the applicant's response is: *"The Applicant is seeking an engineered solution with UKPN ..."* This is the first time Rampion have acknowledged the existence of this cable. We have to ask, when did discussions commence? Why do they not feature in the engineering constraints assessment of Wineham Lane North? (see REP1-021 below) The answer is because they didn't know, because they hadn't consulted with us before the site was chosen.

Response to Janine Creaye

Para 2.13.2. The applicant confirms her point that no reptile surveys were done on the cable route but does not give an adequate explanation why, particularly when she had given evidence of them at Cratemans. Nor do they explain why they only found such a low number of nightingale sites. Instead, they say: *"Breeding bird surveys were undertaken following standard industry practice. The survey is focused on a particular location, as opposed to the whole area, as it is focused on identifying birds where a potential effect may be understood. Further, the nature of all biodiversity surveys is that they are focused on sampling, as opposed to a full identification of all territories present."* This is an unacceptable answer, when she had clearly directed them to 'where a potential effect may be understood'. And again, choice of sites must surely be influenced by detailed evidence such as hers, yet it was ignored.

Response to Jeremy Smethurst

2.10.1. The applicant was asked why HDC had not been invited to the flood risk assessment ETGs until after April 2022 as clearly shown on page 9 of the applicant's own document. Their reply was: *"The Applicant has been engaging with Horsham District Council since 26th March 2020. This was a meeting with local authorities to introduce Project areas of search, engagement and consultation plans alongside broad timetable."* This is not an adequate explanation as Mid Sussex were involved at the time. The applicant completely fails also to answer the question as to where the missing minutes are.

#### **Response to REP1-021, Applicant's post-hearing submission Wineham Lane North**

1.3.2 *“there is no general requirement for assessing alternatives, nor is it necessary for the project to choose the best option from a policy perspective.”* The nation would surely be appalled to discover that the applicant is only concerned with profit and convenience in its decision making, and has no interest in communities or the very ecology the project aims to preserve by reducing climate change. Moreover, the overarching National Policy statement EN-1 2023 4.2.15 states that “Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant’s choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility. “In addition, the cable route runs through the SDNP, meaning that there is a requirement to consider alternatives.

1.3.4 *The appraisal of each site was undertaken using a multi-disciplinary analysis to consider engineering, environment, landowner matters and cost following a rating system of Black, Red, Amber and Green (BRAG). This included consideration of data collected by the Applicant and information provided via consultation.*

Engineering constraints:

1.3.8 *To inform this process, outline engineering layouts were developed to provide further detailed consideration of how the sites could meet the engineering technical requirements within the identified site areas shown on Figure 3.10a of Chapter 3: Alternatives – Figures, Volume 3 of the ES [APP-044].* Figure 3.10a is simply a map of the 3 substation sites at Oakendene and Wineham.

**Nowhere are the engineering layouts shown.**

1.3.10 *“The engineering assessment of Wineham Lane North concluded the site would be unsuitable due to the more confined space, particularly on the north – south axis”.* We do not find this argument credible as substation units are modular, albeit interconnected. We believe ‘might have been less straightforward’ is likely to be a more accurate representation of the true situation rather than ‘the site would be unsuitable’. In other words, it is a ‘nice to have’ decision rather than a game-changer. Otherwise, how can it be compatible with only a ‘marginal preference’ for Oakendene?

1.3.13 *The Wineham Lane North site is in close proximity to a National Grid 400kV overhead line tower. Any construction activities in the proximity to the overhead line or the tower would have presented an additional level of health and safety risk, irrespective of mitigation and precautionary actions.* The overhead lines are at the extreme edges of the site. This is probably less of a risk than the lines over the Oakendene west compound which is to be extensively used.

1.3.14 and 1.3.15 We do not find these arguments convincing as they had already dealt with these issues at the much narrower access from Bob Lane for Rampion 1

1.3.16 and 1.3.17 imply that cost was the most significant factor regarding the points discussed in these two paragraphs. The slope of the land at Wineham Lane as shown by contour maps is only slightly greater than at Oakendene. A significant slope across the small area of the site did not prevent them from choosing to site Rampion 1 at its current location.

1.3.19 Visual consideration with regards to association with the main substation appears to have been adequately managed for Rampion 1

The engineering constraints arguments seem weak to us and to have been thought up retrospectively. There is a lack of evidence or detail to substantiate what is said now beyond what was said at the hearing.

No mention is made of the flood risk assessment or the underground cable at Oakendene. When Cowfold residents first became aware of the consultation in October 2022, both these issues were raised at the meeting held in Cowfold in November 2022 and appeared to be news to the Rampion team. If any meaningful consultation had taken place before, it would have surely featured in the engineering considerations. When did discussions with UKPN first begin we wonder? What are the implications for disturbance to the A272 or to the design for the substation. In addition the applicant now admits that Kent street is not suitable 'in its current form' for construction traffic. Surely these alterations are also likely to cause delays, as is claimed for any landscaping and levelling at Wineham Lane North? In any case, in a project of this duration, the work needed at Wineham cannot be claimed to extend the *overall duration* of the construction time, possibly only of the substation itself.

Landowner engagement:

Rampion say a main reason for rejecting Wineham Lane North was the number of "*potential developments which were entering the planning stage.*" None of these developments are even now consented. Indeed, Rampion continues to object to the remaining One Planet Battery Storage scheme (Mid Sussex Planning portal planning reference DM/23/0769.) and to threaten them with compulsory purchase, which is of course what they could have done to any of them, so again, shareholder profit is the likely main reason for this decision.

1.3.25 "*At Oakendene, engagement at the point of site selection.*" There had been no initial engagement as the applicant knows, because letters sent to the property had gone unheeded for reasons we prefer not to disclose, but which are known to the applicant. Engagement at the point of site selection was too late to influence the decision; it had already been made. The implication of paragraphs 1.3.25 and 1.3.27 is that somehow the landowner was happy to consider Oakendene as the site, Why then, according to the minutes of the Cowfold parish council for November 2021 was he appealing to them to help him prevent it? "*Item 9[of the Cowfold PC minutes]. Rampion 2: [REDACTED] circulated a copy of the Oakendene Enterprise Park proposal, presented it to the Members and shared his thoughts as to why Rampion should not locate their substation on his land on the corner of Kent Street and the A272.*" It is much more likely that, when confronted with the threat of compulsory purchase, he understandably sought to avoid it when he felt he couldn't prevent the application, in an effort to preserve what he could of the estate.

The fact that discussions have been ongoing and a deal has now been signed, is irrelevant to the consideration of alternatives as it had not even begun to be near a deal when the decision was made.

Environmental considerations:

It is disappointing that there is no new actual evidence here, even though this is what they were asked to provide; **we had hoped to see dates and results of comparative studies.** The evidence from their studies, now completed, suggests there is a huge difference in ecological importance between the two sites. For instance, there will be a huge tree loss at Oakendene, many of major significance. It is not clear how the assessment of alternative sites considered tree values at a site level, to inform design layout and therefore site selection as recommended within BS5837:2012. Therefore, it is not apparent that trees have been considered appropriately when selecting the substation site.

Also, we agree with WSCC that insufficient consideration has been afforded to the historic environment in consideration of substation location alternatives. No evidence has been provided by Rampion to contradict this view.

1.3.30 As we have already pointed out the desk top surveys were almost non-existent for Oakendene but pretty extensive for Wineham. This led to flawed choices for the Phase 1 surveys. The applicant also does not say whether all the Phase 1 surveys were completed before the choice was made or adequate (see CowfoldvRampion Impact Statement for further analysis of this). Also, no mention is made of taking Janine Creaye's data into account. We had expected to see the results and timings of these surveys, not just a reiteration of the fact that they were done.

If they had genuinely come to the conclusion that there was little difference ecologically, **they could not have had access to all the data that they have now presented.** The surveys that they have now presented show a dramatic difference in the biodiversity between the two sites. Oakendene and the cable route have some of the most species rich areas on the route, better even than some of the designated areas.

We must be able to see an ecological comparison between the two sites and the dates when the relevant surveys were done.

Our review of the reports they mention in 1.3.30 shows the following:

- Breeding Birds: **not completed until 2023**, long after the decision was announced to use Oakendene in July 2022. Access restricted at Oakendene and Cowfold Stream area
- Reptiles: Full survey for Wineham done for Rampion 1. Field surveys done at Oakendene Sept-Oct 2021 not at optimal time of June-August and October. Despite Refugia being much less dense at Oakendene, the only positive recordings were at Oakendene apart from 1 juvenile at Wineham.
- Bats: Figures 2.17.2 a-h show large amount of Oakendene land was not surveyed and there were a high number of passive detector faults at Oakendene in 2021
- Dormouse: surveys **not started until October 2022**. Oakendene was the only place they were found
- Otter and vole: **not done until 2023**. Oakendene was the only location where otter was found, and one of the very few to have water voles.
- Great crested newt: a large part of Oakendene land **not accessible until 2022-2023**. Large number of degraded or inconclusive samples at Oakendene, yet even so, 18 of the 36 positive results across the whole survey were at Oakendene, Kent Street and Cowfold Stream area
- Hedgerows: The phase 1 habitat survey was done **between 2020 and 2023**, a number of hedges here were not accessed properly, yet 8/14 important hedges are here, and 622m of hedge are to be lost at Oakendene

This does NOT support their statement that adequate comparative surveys were carried out.

1.3.31 *"For terrestrial ecology, there was no material difference in the likely significant effects between the Wineham Lane North site and Oakendene when considering this survey information"* They do not provide any evidence for this, and the **actual** results, see above, are dramatically different, showing that the survey assumptions must have been flawed, due to the overreliance on desk top surveys to inform them.

From REP1-033 (see below) *"The habitats to be lost at Oakendene includes native hedgerow of 622m....."*. There is an enormous amount of significant habitat loss. Nothing the applicant says here justifies this choice.



Overall, there is very little which is new here, compared to what was said at the hearing. Much of it sounds retrofitted after the event, making the case to suit the preferred option.

Where is the mention of 'single track lane's such as Wineham Lane's' unsuitability for construction traffic, a cornerstone of the arguments in the Alternatives Chapter. Instead, now we see an acknowledgement, in the applicant's response to RR-236 above, that this is no longer a factor. "LI22.7: The reference to Wineham Lane being a single-track road was an error". But a highly convenient one at the time, and again demonstrating how little engagement there had been with Cowfold at that time.

**There is still no consideration here of social, economic or health impacts, and nothing to explain the 'marginal preference' for Oakendene as stated in the Consideration of Alternatives document.**

#### **REP1-033, Applicant's post hearing submission ISH1:**

Agenda Item 2: Alternatives

*The decision to progress Oakendene was driven by 3 factors (1) space confined at Wineham Lane so there was **insufficient** space, which would have created issues with installing infrastructure and certifying site the site as compliant, and providing the necessary environmental mitigation [This is not consistent with a 'marginal preference' for Oakendene] (2) landowner engagement. Wineham Lane had numerous developments entering planning application (subject to screening at time the sites were considered). An application for a battery energy storage system came forward on the Wineham Lane site in **March 2023**. The Applicant noted the Wineham Lane site was more likely to have required use of compulsory purchase powers since there had been more successful engagement from the relevant Oakendene landowners, and contracts have been exchanged to acquire the land on a voluntary basis **in the previous week**[the battery storage farms are still not consented , and Oakendene has been exchanged only in the last few weeks **so this is irrelevant to a decision made in 2022**] (3) There were also environmental constraints which the ExA requested was provided in writing under AP4. [See REP1-012 above-these arguments are weak and unconvincing]*

*The Applicant also noted in relation to point (2) above that the Wineham Lane site was more likely to have required use of compulsory purchase powers since there had been greater engagement from the relevant Oakendene landowners, and contracts had been exchanged to acquire the land on a voluntary basis in the previous week. In response to comments made by Interested Parties that the Oakendene site had been the subject of a proposed community development, the Applicant noted that the schemes that had been referred to were not represented in the planning system. [No, but if they had been in discussion as claimed with the Oakendene landowner, they would have known all about them]*

*An application for a battery energy storage system came forward on the Wineham Lane site in March 2023. [how is this relevant to a decision made in 2022?]*

Agenda item 4: effect of substation at Oakendene

i) Traffic: "On Kent Street generally, the Applicant agreed that this was **not suitable for construction traffic in its current form**, hence why it was looking at appropriate traffic management measures to

*ensure that it can be accessed safely.” It is unacceptable that the applicant has refused to engage with residents until now on this, nor does it explain why Wineham Lane, was considered ‘unsuitable’ from the start*

ii) *”It noted that LGV are not currently subject to the AQMA commitments but that these ought not to be moving in peak hours” Why are they excluded; this is not rational given their numbers and potential to lead to tailbacks. ‘Ought not’ is not a commitment that they will not and should be made so.*

v) We do not find the applicants argument that it had been unable to get access to take viewpoints from the manor house to be credible, given the extent to which the property has been accessed for surveys.

vii) *”The Applicant confirmed that a range of surveys had been carried out in 2020 and 2023, including a Phase 1 Habitat Survey, a hedgerow survey in accordance with the Hedgerow Regulations 1997, an arboricultural survey, alongside a range of other species specific surveys such as great crested newt, breeding bird and reptile survey.” This is at odds with the claim in REP1-034 that these surveys had been completed by the time the substation site was chosen.*

*”The habitats to be lost at Oakendene includes native hedgerow of 622m which qualifies as a Habitat of Principal Importance under the UK Biodiversity Action Plan priority habitat descriptions published by the JNCC (Joint Nature Conservation Committee). The loss of this priority habitat cannot be avoided due to the scale of the proposed substation, although quoted losses are based on the worst-case scenario regarding substation design. In addition, there will be a loss of 19 category A oak trees. The Red list and UK BAP priority species identified on site include dormice found on the boundary of Oakendene Manor, reptiles (both grass snake and slowworm) and otters, with signs of otter activity being found on the fishpond at Oakendene Manor. “ This is an enormous amount of significant habitat loss and the applicant has not justified its choice of site to account for why this is acceptable.*

#### **REP1-023 Applicant’s Post ISH submission, Oakendene flood risk**

1.3.5 *”The Applicant considers it extremely unlikely that the flood water level associated with the National Grid target guidance would exceed the upper elevation of 16.25m AOD. “We agree that it is unlikely that flood water would be over 2m deep, but does this mean that the ground level could be raised by up to 2m? If so, this will have significant implications for any viewpoint assessment. In any case, the fact remains that the site **does** flood as shown by local testimony from several sources. Clarification is needed as to the exact meaning of ‘the upper elevation of the substation platform’.*

*” the small contributing catchment area (in the region of 1.7km<sup>2</sup>) will limit the amount of rainfall that could contribute towards a flood event; “ We believe this assumption is flawed as the catchment area is far greater, as shown by the figures 26.2.5e and a in Rampion’s Flood Risk assessment. The site drains a huge area to the east, and also the AONB from the north, which enters via ditches along Picts Lane, Coopers farm and then under the A272 into the site at the northern boundary*

#### **REP1-032 Applicant’s post hearing submission OFH**

Response to Janine Creaye:

2.2.9 *”Section42 letters were issued to affected parties including all landowners on land covered by our proposals;”. But in the case of many Cowfold residents, not when they could have influenced the substation site choice.*

2.2.16 “The response figures, as detailed in the Consultation Report (app ref 5.1), indicate that there was a high public awareness of the consultation.” **But not in Cowfold**, until well after the site was chosen, as would have been seen by a proper review of the consultation responses.

2.2.17” Paragraph 3.6.16. of the Consultation Report [APP-027] confirms that an Information Event was held on 21 June 2023 for the Cowfold community,” This is irrelevant; it was not a consultation, it took place *after* the consultation, and consisted of a slick presentation of well-rehearsed phrases and statements

2.2.19” Paragraph 6.3. Section 42 consultation confirms that new parties both with freehold interest in land and with rights over land,”. Most of these people had lived there for years, there was no reason not to be able to identify them, nor had anything changed about the potential site or possible boundaries to justify calling them ‘new’. See CowfoldvRampion Adequacy of Consultation Document and Impact Statement for further information.

2.2.20 “Further to these discussions, consultation packs were sent to the Oakendene Industrial Estate office on Friday 28 October 2022,” This is too little too late to influence any key decisions. The applicant admits there were failings to deliver letters to key residents, yet cannot explain why this should be considered acceptable with regards to this hard-to-reach group who will be so substantially impacted.

Yet again we see a reference to the “Promotion of Rampion 2 Consultations in and around Cowfold 2021-2022” document in the Appendix. In response I refer you to our AoC document as above

#### **REP1-019 Fawley/Dungeness:**

We do not find these arguments convincing. It seems it is mainly based on cost, with the threat to pass on costs to the consumer. (‘passing it on to the end user’) They have not provided any actual cost differences when compared to the current proposal, as requested by the ExA. Most of it talks about complexity, not that it is not possible, so this is a ‘nice to have’ and this warrants further investigation, perhaps with a comparative table, before it is accepted as convincing.

It is not clear what purpose is served by the addition of the Littlehampton Pilotage Directions. No reference appears to be made to them in the document.

1.3.9: The concerns raised about UXOs in the Solent area are not insurmountable, but may affect their costs and therefore profits. **There are companies, such as Ordtek, which specialise in overcoming these challenges expressly for offshore windfarm tech companies** and aim to reduce their risks to a tolerable level for project stakeholders and to discharge legal obligations.

#### **REP1-018 Response to Action points arising from ISH1**

Item 3, traffic and access:

12) We are pleased that Rampion have accepted the idea of ‘shoulder hours’, but they do not seem to have taken the main point of them as explained by Bolney parish Council (see REP1-074): “07.00 to 08.00 hours and 18.00 to 19.00 hours Monday to Friday During these ‘shoulder hours’ only quiet setting up and closing down of the construction sites was permitted and **no loading or unloading of HGVs or other deliveries**. The reason for the quiet hours was to protect the amenity of local residents.”

Rampion on the other hand include 'deliveries to site and unloading.'. What is more, if **all** staff are to arrive and depart at these times, this is inconsistent with avoiding the AQMA at peak times, and will also cause complete gridlock on the A272

17) The applicant does not provide staff vehicle numbers at all. The average hourly figures for peak weeks are not helpful as there is no indication as to whether they would actually be spread through the day or whether they will be setting out or back mainly at the beginning and end of the core hours etc See also REP1-017-response to Cowfold PC.

18) The response is that the need is 'unlikely'. This is not a consideration of *how* access will be achieved.

#### **REP1-022 Post hearing submission for construction and access**

1.4.2 For once we are in complete agreement with the Applicant, regarding the need to preserve the habitat along the tributary: *"This habitat provides east / west connectivity for a range of species including dormouse, bats and breeding birds. It also provides habitat that could be used by great crested newts breeding in nearby ponds. Trenchless installation of the cable across this habitat strip limits fragmentation associated with substation delivery, **ensures connectivity is maintained east / west throughout the construction period and minimises effects on a variety of fauna. The tree line also provides screening of views of the construction compound and latterly the substation from the south. A haul road would create a 6m gap in this habitat**"*. The applicant has just given a perfect explanation of why the cable route through Cratemans and the surrounding small fields, scrubland and green lanes should not be allowed to go ahead: it destroys connectivity and the ability of species to survive during the construction and afterwards as these habitats will be lost forever.

The applicant understands the importance of the Cowfold Stream in this also, *"The Cowfold Stream and associated riparian habitats support a variety of species including otter, bats and nightingale. The stream corridor provides a strong feature running north / south through the landscape providing habitat connectivity through a farmed landscape"*. However, the surrounding landscape is for the most part **not** farmed, but provides the same vital interconnectivity on land and will be destroyed by the haul road.

#### **REP1-011 Doc Ref 7.6 Outline CTMP (tracked):**

**NB Figure 7.6.8 shows traffic entering and leaving A23 to access A272 at Warninglid, not the Bolney A23/A272 junctions.** It is to be hoped this is an error and not an intention to use the minor roads for this purpose?

Table 6-2 LGV Construction Traffic Distribution: these figures do not include staff vehicles, which, based on the figures for the smaller Rampion 1, we estimate to be around **350 vehicles per day** accessing compounds at A62 and A63, presumably all in the shoulder hours between 7-8am. And, based on the 'super output area' on figure 7.6.7c, **almost all will be coming from the west and therefore going through the AQMA** to go to and from work.

On pages 134-5 and 136-7, access points A61 and A63 are still described as *"Type of Access – Construction and operational"*. But the accommodation works are described as *"New **temporary** construction bellmouth required"*. Surely the bellmouth and accompanying hedge and tree loss will be **permanent**?

### **REP1-009 Traffic Generation (tracked):**

Please can the applicant expand on their car parking plans for the two compounds at Oakendene: "car parks are planned as part of the proposed development" (page 13). How will this impact on the destruction of soil substrate, flooding mitigations and ability to plant any screening in advance?

Table 3-4 includes additional baseline traffic data. The apparent excess of numbers for Highways link E compared to F is simply a reflection of the way the traffic has been building up between 2021 and 2023 on the whole of the A272 at both locations as they are simply continuations of the same road in terms of traffic numbers, though not flow behaviour.

The numbers for Kent Street have been made up, or as they say "estimated from onsite observations due to traffic data being unavailable". They represent a gross exaggeration of current HGV numbers - see **actual** figures in the Enso Energy survey for days when the A272 was not blocked. (See REP1-089 CowfoldvRampion Impact Statement Traffic addendum). The total vehicles, if one removes the HGVs from the total, are in the right order ie 70-90 per 24 hour period.

5.5.4: "Generally, onshore substation construction will take place during daylight hours" How is this consistent with core working hours of 8am to 6pm? Day light ends around 3pm in midwinter.

5.5.6: "It is anticipated that heavy goods vehicles (HGVs) will be required during the enabling and construction phases of the development."

- Are the HGV figures we have been quoted for the construction phase only?
- What will the numbers be for the enabling phase,
- how long might it be expected to last,
- what are the implications for disruption to the A272 in particular by the creation of the access point, and the re-routing of the UKPN cable?
- How will traffic be managed in that time?

Table 6-7: There will be a total of 3508 vehicles in Kent Street during the 38 weeks or so of estimated construction time. It is not clear if outside delivery vehicles or staff vehicles are included in this or in addition, or where any of these vehicles will park in the haul roads.

Table 6-910 Onshore construction traffic impact per receptor. It is not clear from this table why the numbers of HGVs in the two HGV columns are not the same. Nor why there are two Total Vehicle columns, when one of them relates only to a subset of HGV -only columns.

One clear message from this however, is that there are multiple peak weeks at each receptor and therefore when considering impacts, we should not be lulled by statements such as 'each peak week period is estimated to last for a couple of weeks'

### **REP1-006 Traffic addendum:**

Kent Street:

Quite simply the arrogance of the section on Highway Link U, Kent Street is beyond belief, particularly given the concerns raised by the ExA about the impact on Kent Street during the Hearings. We feel the applicant has descended to a new low in this assessment.

Table 2-27 is extremely concerning as it concludes every possible impact to be 'negligible'. We strongly dispute these findings.

*“The percentage change in total traffic and HGVs on this highway link is **greater than 100%** for the HGV peak week at both access A-61 and A-64.”* This is surely a breathtaking understatement. They have guessed at 10 HGV movements on the lane per day. The actual number, from the Enso Energy survey was 0-2 on normal days, giving a percentage change of **2000-4000%**; just a little greater than 100%! They mock the GEART guidelines and make no genuine attempt to understand the situation and its impacts

The applicant actually suggests that because there will be on average one HGV every 12 minutes, (although it will be more as this is based on a 12-hour day) and the length of Kent Street to access point A-64 can be walked in 2.5 minutes, people can time their walks to avoid the traffic and so they won't be affected by it! The lane is used for gentle strolls, not always power walking, and what about horses and other animals? Given the age demographic of the lane, the applicant might have to extend the time interval between vehicles to allow this to take place!! In any case the HGVs won't all be neatly timed to arrive in an 'average' manner. Nor does it take into account the rest of the 700m of the lane they will be using, just the first 200m to A64.

*“Kent Street at this location is a single lane road bordered by vegetation, meaning pedestrians will have to walk on the road. There are no footways or crossings.... Taking account of the limited level of pedestrian demand north of access A-64 and the lack of significant pedestrian desire lines and trip attractors the magnitude of change is considered to be Low.”* We dispute this. Earlier this week, we walked with councillor Sarah Payne and a highways officer along this part of the lane. Every few minutes there were walkers, dog walkers or horse riders. They make up the majority of traffic on the lane, not vehicles. The verges at this time of year are not safe in places, as the ground is extremely boggy. Horses could not move to the side. Usual etiquette on country lanes in any case is for vehicles to give way to horses and to give them considerable clearance, not the other way around. Indeed, the Highway Code requires drivers, when passing horses, to drive at less than 10 mph and to allow at least 2m of space. As the road is less than 3m wide at some points, the HGVs will be in the ditch.

2.4.60-61 There will be multiple peak weeks, each of approximately 2 weeks duration over the course of the at least 38 weeks for which Kent Street will be affected. During which time at least 3-5 HGVs per hour will travel on the lane **plus numerous LGVs.**

2.4.62 We do not agree with the statement that there will be insignificant impact. No credible traffic management strategy has yet been proposed

Noise and Vibration:

4.2.2 The 10m figure is inappropriate, as many houses along the A272 (link 27) are directly on the road, including Huntscroft Gardens, Coopers Cottage and South Lodge, and the cottages at Oakendene. Also, people walk along the road and several properties have gardens directly along the road. In this rural community, people spend much of their time out of doors.

4.2.3 *“The traffic noise prediction is based on road link traffic flows (18 Hour Annual Average Weekday Traffic, (AAWT)), percentage of heavy goods vehicle (HGV) within the traffic flows, and average speed (KPH) for each road link (see Table 4-1).”* However, the WSCC transport data shows the numbers are not spaced regularly over a 24-hour period but, using April 2022 as an example, the 5-day average was 18,582 vehicles a day but 14,896 of them passed between the hours of 06.00 and 18.00. This means that the noise levels **during the day** will be much higher than in the tables, which look at an 18-hour average. Also, for the stretch of road between Kent Street and Oakendene Industrial Estate speeds are much higher and noise levels are *currently* in the top 1% nationally. In

the garden at South Lodge, when traffic is flowing it is not easy to have a conversation above the noise.

In addition, there is no cumulative assessment of construction noise at the substation or compounds, or the effect of removal of sound-absorbing trees and hedges at Oakendene

Table 4-1:

- We question the figures for road link 24 as they seem rather high-much higher than the busier A272. Please could this be explained
- Road link 27: The WSCC **5day AAWT data** shows HGVs at **over 6%**, not 4% as shown in table 4-1

Table 4-2:

For road link U, Kent Street, the % HGVs is 1% or less (see Enso Energy traffic monitoring data), 34% of peak week traffic totalling 160 means 54 HGVs. The peak week total traffic is double the usual traffic and the peak week HGV traffic is **60% of usual total traffic and 2000-4000% of the usual number of HGVs**. It should also be noted that at close to these peak week levels, the Enso Survey showed that the road became unmanageable, even when the vast majority of vehicles were travelling south to north, rather than in both directions as proposed here.

Table 4-4 fails to recognise the usual quiet nature of Kent Street and the percentage change this will create (see CowfoldvRampion Impact Statement Noise and Vibration). **BS4142 makes it very clear that the greater the noise level above background the greater the magnitude of impact**, so we dispute their assessment of 'little impact'

Moreover, EN-1 para 5.2.9 "The IPC should generally give air quality considerations substantial weight where a project would lead to a deterioration in air quality in an area, or leads to a new area where air quality breaches any national air quality limits. However, air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits."

Appendix A: Tables A1, A2 and A3 continue to exclude Kent Street

Appendix B Full results of Cowfold AQMA assessment:

These figures look at monitored annual mean levels. However, 80% of the traffic on the A272 is between 6am and 6pm. So the concentrations when people are actually outside will be much higher. Nor does it take into account the additional polluting nature of stop start traffic in congestion, as here.

#### **In conclusion:**

The pattern of behaviour by Rampion during the consultation and the Examination is disappointing. They appear to make a case with their surveys and data to suit their predetermined preferred option, rather than recognising where there might be a genuine issue and then seeking to find a genuine solution, or key concerns are dismissed as something which can be sorted out once the DCO is granted.

Examples of this are:

- Traffic modelling. They continue to stick with a flawed, simplistic, traffic modelling approach which considers only traffic numbers and steady flow, despite an entire community telling

them this is not appropriate for assessment for the A272 which is at capacity at the Cowfold junction. This enables them to 'prove', against all reasonable observed evidence to the contrary, that there will not be a significant impact on traffic flowing Cowfold or around the Oakendene compounds

- They are then able to dismiss any concerns about pollution and noise, because the flawed evidence 'proves' there will not be a problem: dismissed.
- Similarly, because there will be no impact on traffic, there can be no detrimental effect on local economy: dismissed again.
- Despite the ExA and all the residents raising concerns about the impact on Kent Street, their answer is to provide 'evidence' which 'proves' that there will not be a problem: dismissed. They make predictions but the fact they state "*the baseline traffic data has been estimated because traffic survey data is not available*" destroys any technical credibility the statement might have had; an extraordinary admission for their desire to justify causing chaos for the residents and road users of Kent St.
- Ecology: instead of listening and genuinely seeking to find a solution, again they dismiss concerns and provide 'evidence' to show the concerns are not justified: dismissed.
- REP1-021 is an example of selective choice of the 'evidence' to suit their desired outcome
- The applicant's responses in REP1-033 and REP1-017 to questions about why adequate viewpoint analysis at SA2 and from Oakendene Manor had not been carried out, are weak and unconvincing, and in the case of SA2, appear rather as designed to hide the attempted manipulation of the true impact.
- Similarly, rather than admitting that there had been failings in their consultation with Cowfold prior to the decision to choose Oakendene, they counter with responses which superficially seem reasonable, but close inspection quickly reveals them to be anything but: "*everyone who should have received one had at least one Section 42 letter*". But not until too late to influence the outcome. "*We held meetings in Cowfold in November 2022 and June 2023, so we did consult*". But again, far too late to be meaningful. Both are attempts to 'prove' they did something when all the evidence points to the fact that they did not.
- Flooding: their answer is largely to downplay the problem and to 'prove' it isn't as bad as residents have shown it to be
- REP1-034 para 2.10.1 To explain why HDC was not invited to ETGs regarding Oakendene, they do not answer the question but insist they *had* been engaging with HDC (which wasn't in dispute, just not over this), instead of admitting a mistake and providing the missing minutes
- Traffic management on A272: they 'show' no traffic lights are needed instead of actually trying to listen to community concerns and trying to find a solution: dismissed.
- Rampion claim that Rampion 1 exceeded its targets in 2023. (REP1-018, Action point 2). The argument is alarmingly similar to that of the Climate Change Committee's Chris Stark who was formally warned about the dangers of using selective years' data by the Royal Society. Yesterday the output was just 0.5% of maximum capacity.

Instead of showing genuine remorse for mistakes, and engagement and a desire to find the best outcomes, they come up with clever 'reasons' why what was done or found has a different interpretation of meaning.

In the final instance they remind us "*The Applicant considers that these benefits [towards achieving net zero] and need for renewable energy outweigh the adverse effects identified in the ES of the*



*Proposed Development as a whole including those related to the onshore substation site at Oakdene*". This argument underpins their whole attitude to the examination, which is that in the end they do not have to listen, because no matter how damaging, disruptive or destructive this might be it must be overridden by the national interest so doesn't matter.

Flawed assumptions behind studies and bad design leads to wrong or manipulated findings. The DCO should never have been brought to examination in such a state: dismiss.