

Response to Deadline 2 submissions from the Applicant

REP2 – 029 Table 2-15 Response to Janine Creaye's Written Representations [REP1-106 to REP1-114]

2.15.11 The response by the applicant that my report is 'the same as that described in the CowfoldvRampion written representation' is incorrect. This ignores detailed evidence of nightingale surveys, territory summaries, habitat requirement details and Sussex Biodiversity Records Office verified entries, via iRecord. This evidence is not included in Cowfold v Rampion's Written Report and has been dismissed here by the applicant. Please see below

2.15.14 There is no reply to the contradictions in tree/scrub loss maps provided by the applicant for Cratemans Farm.

2.25.19 This description of establishing a hedge cannot gain the required density for nightingale nesting in 10, or 12 years. A 'normal' or 'good quality' hedge does not attain the cover needed, which is still not acknowledged. This undermines any chance of providing habitat for this species by new planting elsewhere.

2.15.24 This response is incorrect. The applicant states: 'The data being referred to in 2.15.24 to 2.15.37 is the same as that described in the CowfoldvRampion written representation.' This ignores the evidence of the report by independent ecologist [REDACTED], our survey data and photographs of specific species made by myself and [REDACTED], the species lists entered into the Sussex Biodiversity Records Office database, the data matched to the Natural England Technical Information Note for MG5 Grassland.

I very much appreciate how many of my points have already been taken up by the Planning Inspectorate in the Final Questions addressed to both the Applicant and other Statutory Consultees.

Taking the points that are ignored in my representation but receive a response from the Applicant in the response to Cowfold v Rampion's written representation in REP2-30, Appendix 9 Ecology:

9.1 Survey adequacy We have to point out again that there had been few biodiversity records made in the Cowfold area to show up in the desk study that the applicant relies on to direct their ecological impact assessments prior to last year. This is entirely why we began our recording programme to plug the gaps through 2023 and continuing. This is the obvious reason why the quality of these Applicant surveys were not questioned at the outset by West Sussex County Council, Horsham District Council or Natural England. They had little indication of what was being underrepresented or omitted. Also only releasing the surveys at the Planning Application stage meant that all Consultees and interested parties were overwhelmed by the quantity of information submitted to be assessed at once.

"Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment."

9.2 Nightingale

This response ignores the two surveys that myself and an experienced recorder for Sussex Ornithological Society made on 30th April and 29th May 2023 just in the Cowfold Stream, Cratemans and Moatfield tributary area. 16 individual nightingales were heard during the first survey and 10 in the second. Each spot on the survey and recordings map is a location where up to 4 nightingales may have been heard in different directions (this may not be clear enough in my report). These survey entries were verified in detailed numbers in iRecord last year and will have been added to the Sussex Biodiversity Records Office database. The Applicant survey showing 5 individuals in the whole cable route is an obvious underrepresentation, but more crucially ignores that the territories are spread right across the Cowfold section of the cable route because the competition is fierce, and the time they have to breed is very short.

They have large territories each but are in close proximity here, which is why I created and featured the territory map in my report. These 22 territory locations were established by many sightings, recordings and data entries over the months April to mid June as this is where I walk most mornings, and it is easy for me to build up a very accurate location for each nesting site. So the Applicant's comment that 'individual sightings or aural registrations of birds do not equate to an individual territory' is correct but irrelevant to my territory map as it was established by far more comprehensive recording.

It is wrong that the applicant should dismiss the data that residents and official bird recorders provide, when such scant information was gathered by their own surveys. My earlier 2022 map provides further evidence that territories can be quite similar from year to year all along this route, and that the birds do come back each year in numbers when the scrub remains intact. This sequence of maps is in my representation for this comparison, but was dismissed by the Applicant. The comment 'It is notable that the majority of records supplied by CowfoldvRampion are outside of the proposed DCO Order Limits' is disingenuous when the route follows all the territories so closely, some are right in the scrub to be removed by the cable trench, and their territories are wide spread on either side of construction and haul road.

This comment also ignores that removing scrub and trees across this space will take out some of the density of cover and disconnect the corridors of linked scrub that nightingales flit between to stake out new territory. Inevitably the loss of habitat will impact the breeding. There is no mitigation if the applicant refuses to note the data supplied and continues to think that new planting or buying biodiversity units elsewhere is good enough.

Nightingales breed at very specific times each year and then migrate on, but other red list birds like skylarks are starting to nest right in the construction fields at Crateman's already this year. They continue to make breeding attempts from spring and on into August. That the habitat is good for these key red list species means that it is also vital to many others including those I have detailed in my written report. This needs to be factored in not dismissed

9.3 Meadow habitat

(See above for lists of separate evidence provided in my report which has been discounted without note or response.)

Information referred to by the Applicant in APP-181 is scant for specific locations.

It is admitted that surveying for the two fields that suffer the most damage to meadow and soil structure in the cabling/HDD process at Crateman's Farm received no survey at all even though the landowner's agent had put in writing that the meadows were 'species rich' back in 2021. It is sad that our actual field survey evidence is ignored and those employed by the applicant who attended for the Phase 1 Habitat surveys in the early stages are just asked what their verbal 'recollections' are. How could the cable route and substation location have been selected and designed to cause

the least damage to irreplaceable habitats without the information being obtained in the first place?

The comment that the botanist who did attend a site visit did not have their 'interest piqued' is difficult to take seriously when some time was spent surveying the adjacent field at Gratwicke Stud Farm which was ploughed up and planted with rye grass in 2020, and the other adjacent field surveyed was in the flood plain which is constantly inundated with water from the higher ground. This calls into question what the biodiversity 'interest' is for ecologists who are employed in a such a project.

We note that others have also had cause to question the designations made in the Applicants field and hedge surveys. Notably in REP1-168 [REDACTED] at College Wood Farm, Wiston (who supplied independent surveys and an extensive ecological report) and Susie Fischel at Sweethill Farm (REP2-028, Table 2-26), where good quality semi-improved fields were designated as 'improved' and the largest fields not surveyed at all (much like Crateman's). Also in Rep1-100 [REDACTED] says that none of his commissioned biodiversity survey information for Sullington Manor Farm was taken into account by the Applicant either. Data supplied by others is ignored

This cannot be reconciled with last minute surveys and BNG units adjusted, it undermines the whole mapping of the route in the first place. Quality habitat is irreplaceable and this has not been correctly assessed in time to be saved.

Comment on Applicant response to Cowfold Parish council REP2-014 1.8

The parish council brings attention to 'inadequate biodiversity studies' for the Cowfold area and refers to my written report which was submitted within this planning process. The applicant responds by saying that my data is referenced within Appendix 22.2 Terrestrial Ecology desk study of their original documentation. I have said before there is no sign that any of it has been taken into account either in the choice of cable route, substation site or for other effective mitigation proposals that myself or Cowfold v Rampion can see. This latest response to my written report of ignoring specific evidence given, shows just what happened to the detailed data I provided in 2021 and 2022.