

WISTON ESTATE – RESPONSES TO APPLICANTS REPONSE ON WRITTEN REPRESENTATIONS – DEADLINE 3

Ref	Written Representation Comment	Applicants Response	Wiston Estate Further Response
2.28.1	<p>1.1 Wiston Estate extends to over 2,420ha centred on Wiston House and Park, which has been owned by the Goring family since 1743.</p> <p>The estate comprises, 1,765ha of farmland, 495ha woodland, 100ha parkland, 70ha of quarries and 24ha of ponds and wetland. There are 106 in-hand and let residential properties, 11 in-hand and let farms, and 22 commercial units.</p>	<p>The Rampion 2 project proposals affect a small proportion of the Wiston Estate’s total area. The proposed Works areas (No.9, No.10, No.12, No.13 and No.14 - the maximum area of land that may be affected by the proposals prior to route refinements) impacts 1.80% of the entire area of the Estate (excluding parkland, woodland, quarries and pond areas). A Plan of Wiston Estate is attached at <b>Appendix K</b>.</p>	<p>The impact of the proposals far exceeds the land impacted directly by the Rampion 2 Project.</p> <p>The proposal dissects the estate east to west and causes significant disruption to the estates own farming business and the businesses of their tenants. We included details of this impact in our Written Representation [REP1-172]. Some further examples of this include:-</p> <p>Impact on 7 access tracks and roads to farmsteads, commercial businesses, and residential properties.</p> <p>Loss of arable and pasture during the construction period. The 1.80% stated by the Applicant is misleading, the lost farmable areas including construction areas and severed land are summarised below: -</p> <ul style="list-style-type: none"> <li>- Guessgate Farm – 8 acres out of 123 acres in total</li> <li>- Buncton Farm – 18.36 acres out of 173.61 acres in total</li> <li>- Lower Chancton Farm – 8.76 acres of 395 acres in total</li> <li>- Locks Farm – 23.95 out of 180 acres in total</li> </ul> <p>The cable crosses fields with a cumulative area of over 247 acres</p> <p>Disruption and disturbance to high value residential properties at Lower Chancton Farm and Shirley House, which are let on Assured Short-Hold Tenancies</p> <p>Disruption to the Sussex Timberyard, a commercial tenant of Wiston Estate and a growing local entrepreneurial business.</p> <p>A number of the fields being used for the project are installed with clay land drains and the cable route will bisect these land drains. This will</p>

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			<p>cause both short-term and long-term impacts on the usability of these fields, as it will be impossible to reinstate these land drains. This will cause ongoing drainage issues in the entire fields, causing loss of productivity.</p> <p>The Applicant stating the impact being 1.8% of the entire area of the estate is misleading and dismissive.</p> <p>The development will make a significant impact on the local area. Just under half of the route across Wiston Estate lies within the South Downs National Park (SDNPA). We are in agreement with the SDNPA's first two points in Document AS-006 (SDA-01 and SDA-02) which have not been properly addressed:</p> <p><i>“The consideration of alternatives for the scheme has not sufficiently demonstrated that meeting the need for offshore renewable energy could not be met through a scheme that did not intersect the South Downs National Park (SDNP). It is therefore the case that this ‘test’ of the National Policy Statement EN-1 paragraph 5.9.10 has not been met.”</i></p> <p>In reference to the above point we do not believe the Applicant has fully scoped or given detailed reasoning as to why the landfall is not in the ‘Bexhill/Cooden’ location, as scoped in Rampion 1 (see <a href="https://tethys.pnnl.gov/sites/default/files/publications/Rampion_ES-Alternatives.pdf">https://tethys.pnnl.gov/sites/default/files/publications/Rampion_ES-Alternatives.pdf</a>) and the onshore cable route of 6km taken to connect to the Ninfield substation.</p> <p>Whilst the Applicant says this option has been discounted because of the reasoning given in Rampion 1, this reasoning does not stand for the cable route chosen for Rampion 2, as it is much longer. This is shown in the table below.  <i>(Page A3.1-4 of Rampion 1 Alternatives RSK/HE/P41318/03/Appendix3 Alternatives)</i></p>
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			<p><b>Table 1: Comparison of 400kV connection points</b></p> <table border="1"> <thead> <tr> <th>Connection Point</th> <th>Offshore distance</th> <th>Onshore Cable length estimate</th> <th>Budget Cost of Connection</th> <th>Conclusion</th> </tr> </thead> <tbody> <tr> <td>Lovedean</td> <td>15-19km</td> <td>50-60km</td> <td>Not considered – cost prohibitive</td> <td>Not economically viable due to onshore and offshore cable route length</td> </tr> <tr> <td>Bolney</td> <td>15-19km</td> <td>19-20km</td> <td>Baseline</td> <td>Identified by NGET to be most economic and efficient connection option</td> </tr> <tr> <td>Ninfield</td> <td>54km</td> <td>6km</td> <td>+ £132m to £138m</td> <td>Not economically viable 60km on the limits of AC technology, HVDC could add further £17m overall</td> </tr> </tbody> </table> <p>The cable route scoped for Rampion 1 did not cross the SDNPA, or steep cliffs, so for the Applicant to put these as reasons not to choose this route as shown in table 3-4 (ES Volume 2 Chapter 3 – Alternatives) (APP-044) seems disingenuous:</p> <table border="1"> <tr> <td><b>Ninfield</b></td> <td>East Sussex, approximately 51.4km east of Bolney</td> <td>Requires crossing of SDNP. Prohibitive additional costs of a significantly longer marine cable Other issues include shipping, steep cliffs and ecological constraints including the Pevensey Levels SSSI.  Discounted prior to constraints mapping described in <b>Section 3.4</b>.</td> </tr> </table> <p>There is a small section of the Pevensey Levels SSSI that would need to be crossed (700m) but on closer inspection the area west of Cooden where landfall could be made is actually a golf course.</p>	Connection Point	Offshore distance	Onshore Cable length estimate	Budget Cost of Connection	Conclusion	Lovedean	15-19km	50-60km	Not considered – cost prohibitive	Not economically viable due to onshore and offshore cable route length	Bolney	15-19km	19-20km	Baseline	Identified by NGET to be most economic and efficient connection option	Ninfield	54km	6km	+ £132m to £138m	Not economically viable 60km on the limits of AC technology, HVDC could add further £17m overall	<b>Ninfield</b>	East Sussex, approximately 51.4km east of Bolney	Requires crossing of SDNP. Prohibitive additional costs of a significantly longer marine cable Other issues include shipping, steep cliffs and ecological constraints including the Pevensey Levels SSSI.  Discounted prior to constraints mapping described in <b>Section 3.4</b> .
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			<p>We would ask the Examining Authority to investigate this option thoroughly and to fully understand the potential cost uplift in going down this route. The Applicant has claimed this to be £302m extra. This seems very high given that the entire Morray – Caithness cable route, which included 50km onshore cable and 110km offshore cable with considerable substation infrastructure costs, was completed recently for £970m.</p> <p>We believe a thorough investigation into the costs of this ‘Ninfield’ option should be provided to weigh up against the enormous impact on the SDNPA and also on the sterilisation of vital minerals within West Sussex (this point is picked up in detail later in this response under 2.28.85 and 2.28.88).</p>
<b>2.28.2</b>	<p>1.2. Wiston Estate Winery and the Chalk Farm Restaurant sit to the south of the estate and are managed directly by the estate. There are 12ha of vineyards and the estate produces award winning wines, winning the Wine GB “Winery of the Year” twice. Wiston Estate directly employ 80 number of people and support over 20 number of businesses operated by others.</p>	<p>The proposed Rampion 2 cable route or associated works do not affect any of the existing Wiston Estate vineyards and we envisage will not directly affect current vineyard operations. Plan at <b>Appendix K</b> shows the Wiston Estate existing and proposed vineyards.</p>	
<b>2.28.3</b>	<p>1.3. The proposed Rampion Scheme bisects the property from east to west and runs for more than 5km representing</p>	<p>The Applicant understands the Wiston Estate owns land affected by approximately 4km of proposed cable route which</p>	<p>We note the Applicant recognises the complex nature of the proposal and the impact that this has on the Wiston Estate and their tenants.</p> <p>Please refer to further detail under 2.28.1</p>

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	<p>over 15% of the onshore cable route. The impact both on the overall estate and estate tenants and their associated business will be severe and will restrict the economic development of the estate in perpetuity.</p>	<p>accounts for circa 10% of the total onshore cable route length. The Wiston Estate land registry ownership (impacted by the proposals) extends to the area coloured shaded on the Plan at <b>Appendix K</b>, with the proposed onshore cable construction corridor shaded in yellow. The land subject to the proposal is arable and pasture land and forms a proportion of the total Estate land holding (circa.1.80%). The 4km of proposed cable route affects three main farming occupiers (two larger tenancies and one smaller tenancy). There are a number of residential tenants whose rights of access are affected by construction access and cable installation proposals on these farms and elsewhere on the route.</p> <p>Details of the onshore cable route as it passes through the Land Interest's land holding are shown on Sheets 22, 23, 24 and 25 of the <b>Onshore Works Plans [PEPD-005]</b>.</p> <p>Arable and pasture land is affected by the proposed cable</p>	
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		<p>works (Works No.9 – Cable Installation works (including construction and operational access)), for which a package of Cable Rights and a Cable Restrictive Covenant are sought.</p> <p>There are proposed construction access areas (Works No.13 – Temporary construction access) that affects roadside verges and one strip of agricultural land, for which Construction Access Rights are sought. In addition, an area of pasture land is affected by the proposed Works No.12 (Temporary duct stringing area)</p> <p>A proposed construction and operational access (Works No.14) affects two existing tracks, for which Construction and Operational Access Rights are sought.</p> <p>There are several proposed areas to be affected by operational access (Works No.15), including field boundaries with existing gateways, for which permanent operational access possession powers are sought.</p>	
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		<p>In addition, pasture land is affected by Works No.10 (Temporary construction compound), for which temporary possession powers are sought.</p> <p>Rights are defined in Schedule 7 of the <b>draft Development Consent Order (DCO) [PEPD-009]</b>.</p>	
<b>2.28.4</b>	<p>1.4. This is a Summary of the full Written Representations submitted on behalf of Wiston Estate.</p>		
2.28.5	<p>2.1. The route is damaging to the estate, their farm tenants, the South Downs National Park, the visual landscape, and the wider environment. We have extracted the relevant parcels of land and provided additional commentary on both the construction and long-term impacts within the Written Representation.</p>	<p>The Applicant notes the issues raised in this relevant representation. Route alternatives and matters raised within this Relevant Representation have been responded to by the Applicant in <b>Table 6-4 ‘Route / Alternatives’</b>. Environmental impact matters provided within this Relevant Representation, including Landscape and visual impact, have been responded to by the Applicant in <b>Table 6-2 ‘Environment and disturbance’</b>.</p>	<p>As detailed above we do not believe the Applicant has given enough evidence of why the route to Ninfield substation, scoped by Rampion 1, has not been chosen to mitigate the effects on the SDNPA and visual landscape.</p>

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		<p>The landscape and visual effects are assessed in <b>Chapter 18: Landscape and visual impact, Volume 2</b> of the ES [APP-059] and the following are also relevant, providing an assessment of viewpoints along the onshore cable corridor, effects on landscape and the South Downs National Park and effects on views and visual amenity experienced by people within the area.</p> <p><b>Appendix 18.2: Viewpoint Analysis, Volume 4</b> of the ES [APP-168];</p> <p><b>Appendix 18.3: Landscape Assessment, Volume 4</b> of the ES [APP-169]; and</p> <p><b>Appendix 18.4: Visual Assessment, Volume 4</b> of the ES [APP-170].</p>	
2.28.6	<p>3.1. The level of response by Rampion to the Wiston estate’s attempts to engage has been disappointing and below the standard to be expected for a project of this scale. There has been change of personnel both within the Rampion project team and their agents Cater Jonas.</p>	<p><b>Consultation and Engagement</b></p> <p>The Applicant has consulted (both statutorily and informally) with the Land Interest (Wiston Estate), over the period 2020 to 2024.</p> <p>A site meeting was initially held in September 2021, where the Land Interest expressed a number of concerns about macro and micro</p>	<p>The amendment to the construction route and the removal of the proposed operational access were changes which assisted the Applicant more than the Estate.</p> <p>It is also noted that these were the only changes made to the proposed route. No other amendments to the proposed route were made following the suggestions made by Wiston Estate. The minor Route variations requested include:-</p> <p>Moving the cable further north to “hug” the A283 to the south, this would avoid sand reserves and lessen the impact on farming operations.</p>



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		<p>re-routing of the cable. These views were reiterated within various consultation responses.</p> <p>An alternative route, to the south of Washington village, was proposed by the Land Interest (in conjunction with other neighbouring landowners), which was given detailed consideration by the Applicant. The rationale and decision-making process for not progressing with the route to consultation was communicated verbally by the Applicant at a meeting in April 2022 and later by way of a presentation to the neighbouring landowner Washington Parish Council at a Parish Council meeting on 7th November 2022.</p> <p>In addition, in September 2021, the Land Interest proposed an alternative construction access route and removal of a proposed operational access. Subsequently both requests were factored into the design, and presented to the Land Interest at a site meeting in April 2022. These were included in the targeted statutory</p>	<p>Moving the cable to sit in a strip of land between Rock Common and the A283.</p> <p>Further detail about these proposed minor route alternatives are included under 2.28.14 To confirm, Richard Goring and advisor [REDACTED] [REDACTED] has been in place since consultation began. [REDACTED] Knight Frank has been providing advice since 2023.</p>
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		<p>consultation and subsequently adopted as design changes.</p> <p>Further site meetings were held in January 2023 and May 2023, with the Applicant working in conjunction with the Land Interest and the farm tenants to understand the main concerns.</p> <p>Whilst there has been a change of personnel dealing with the negotiations with the Land Interest, that is not unusual for a project that has a lengthy lead-in period up to an application. The Applicant's Land Transaction Manager (Vicky Portwain) has however now been engaged on this project since September 2022. The same Carter Jonas agent (Lucy Tebbutt) has been appointed by RWE as the agent for the duration of the project.</p> <p>There has been a change of personnel within the Wiston Estate, including their advising agents (prior to the appointment of Knight Frank) and their internal property lead.</p>	
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<p>2.28.7</p>	<p>3.2. Summary and brief Heads of Terms for an option and easement agreement were not provided until Spring 2023, however, there has been no meaningful discussion about these terms and their suitability for the Wiston Estate until more recently. A group of agents representing a large proportion of affected landowners attempted to engage as a group and received very perfunctory responses. There was a refusal from Rampion and their agents to meet with the agent group to discuss the key terms.</p>	<p><b>Voluntary Agreement – Engagement and Negotiation</b>  Heads of Terms were issued to the Land Interest in March 2023. The agent has confirmed that the Land Interest would like to work collaboratively with the Applicant to agree terms.</p> <p>The Applicant has been in correspondence with the Land Interest, which included meeting with various tenants on site in May 2023. The Applicant has held on-line and in person meetings to discuss the Heads of Terms in detail on 23 January 2024 and 12 February 2024 respectively, with the latest meeting held on 19 March 2024 to negotiate and agree points within the Heads of Terms.</p> <p>The Applicant seeks to negotiate rights for an easement to lay a cable within the proposed Order Limits. The easement will be finalised taking no greater area than required.</p> <p>The Applicant welcomes the Land Interest’s willingness to discuss matters further and confirms that</p>	<p>Heads of Terms were received in March 2023 from the Applicant. These were inappropriate and not suitable for Wiston Estate. Some examples of these include:-</p> <p>Included references to the Wiston Estate’s entire Land Registry Title and granting rights over a significantly wider area than the land area impacted by the DCO.</p> <p>The HOT did not limit the rights to the DCO Boundary.</p> <p>The HOT had inadequate provision for Agent and Solicitor fees, which would leave Wiston Estate unacceptably exposed to professional fees.</p> <p>The initial HOT were missing key information, such as details of construction and operational accesses.</p> <p>The initial HOT did not include all of the key legal information, such as proposed Heads of Terms for the Wet Pools Compound.</p> <p>The HOT permitted the Applicant to plant trees anywhere within the Grantor’s Title and prohibited the growing of “plants” within the easement.</p> <p>General comments on the Heads of Terms were provided by the group of agents, which is a group of agents who collectively represents 40 landowners who will be affected by the proposed Rampion 2 project and more particularly own circa 34.11km of the proposed cable route from Climping to Bolney.</p> <p>The response received in May 2023 from Carter Jonas was brief, dismissive and did not invite further engagement or a meeting to progress discussions.</p>
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		<p>it will engage further with the Land Interest regarding the refinement of the final land area and appropriate and reasonable mitigation measures during construction of the project to minimise disturbance to the Land Interest.</p> <p><b>Group Agents Meeting</b> The Applicant has sought to engage in meaningful negotiations with the affected parties and their agents, including (as a generality):</p> <ul style="list-style-type: none"> <li>• Key Terms were issued to the affected parties’ agents in March 2023 to seek feedback on the general principles.</li> <li>• In April 2023, a group of agents (with clients affected by the project) responded collectively with comments on the Key Terms included within an excel table.</li> <li>• In May 2023, an updated spreadsheet with Carter Jonas comments on the issues raised was then</li> </ul>	<p>The repeated comment from Carter Jonas was “this is Rampion 2, not Rampion 1” to the concerns raised by the Agents Group.</p> <p>Whilst it is appreciated that this is a separate project, it is noted that the majority of the agents in the group were also involved in Rampion 1.</p> <p>Rampion 1 was a very similar project, bringing an onshore cable from Lancing to Bolney, through the SDNP. The project should represent a comparable on which Rampion 2 could have based their HOT.</p> <p>It is noted that the terms offered by Rampion 2 differ from the terms offered by Rampion 1 and are significantly less favourable for landowners.</p> <p>It is also noted that we believe the majority of landowners had signed HOT with Rampion 1 prior to the Compulsory Purchase process. Which is reflective of the engagement process experienced in Rampion 1 and the poor engagement and consultation carried out by the Applicant.</p> <p>In our view if meaningful engagement had been made with the group of agents, then the HOT would have been progressed much quicker and this would be reflected in the Land Rights Tracker.</p> <p>We won’t repeat the CLA’s representation made in Table 2-6 of document REP2-027, but it is noted that Carter Jonas and the Applicant rejected the offer for the CLA to facilitate a meeting with the agents’ group to progress discussions on the Heads of Terms.</p> <p>We also note that in the Applicant’s response to the CLA’s written submission they state.:-</p>
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		<p>circulated by Carter Jonas via email, to the same group of agents for further comment.</p> <ul style="list-style-type: none"> <li>No further responses were received from the agents specifically relating to the points addressed in the spreadsheet.</li> <li>In June 2023, Carter Jonas emailed the same group of agents to confirm that in light, the absence of any further comment on the previous issues raised about the Key Terms, the Applicant would proceed to issue these and undertake dialogue with individual agents in relation to specific land owner queries.</li> <li>Subsequently, Carter Jonas began discussions with various agents in relation to landowner</li> </ul>	<p><i>“Where it has been necessary and appropriate and would enable meaningful negotiations and discussions with interested parties and their agents to move forward alternative options have been put forward, including the offer to conduct Alternative Dispute Resolution in order to seek to resolve any outstanding concerns that may relate to agreeing the amount of compensation payable, the proposed works and acquisition, as well as mitigation measures and accommodation works which may be adopted or undertaken. Alternative Dispute Resolution will continue to be offered going forward as appropriate.”</i></p> <p>This is incorrect no offer of Alternative Dispute Resolution has been made or discussed.</p> <p>We strongly refute the suggestion that Wiston Estate did not engage on the Heads of Terms until the 14<sup>th</sup> of December 2023.</p> <p>Throughout April and May 2023 Wiston Estate facilitated meetings with their affected Tenants and Carter Jonas.</p> <p>Information and detail within the Heads of Terms was severely lacking and discussions with Carter Jonas about Wiston specific issues was continuing between January 2023 to date. The HOT contained completely inappropriate rights, such as rights over the entirety of the Grantors Title. The Applicant did not confirm rights would be limited to the DCO boundary until November 2023.</p> <p>In April 2023 a Teams meeting between Wiston Estate’s agent and Carter Jonas was held. A follow up email was sent to Carter Jonas on the 21<sup>st</sup> of April summarising the actions and outstanding information required.</p> <p>It was also stated that it is unreasonable for Parties to be expected to sign HOT in 6 weeks to receive an incentive payment when there is so much information outstanding.</p>
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		<p>specific details within the Key Terms.</p> <ul style="list-style-type: none"> <li>• In October 2023, the legal documentation relating to the Key Terms was sent to agents where requested and feedback sought.</li> <li>• Active engagement is ongoing and the Applicant welcomes the opportunity to further discuss the Key Terms as they specifically relate to individual land interests.</li> <li>• Specifically with regard to the Wiston Estate, the Applicant received detailed comments on the Heads of Terms on 14 December 2023 via a spreadsheet. The Applicant responded to these via comments within a spreadsheet following meetings in January 2024, February 2024 and March 2024.</li> <li>• Discussions are ongoing and the Applicant is</li> </ul>	<p>In addition, the draft easement and option agreement were requested so these could be reviewed, considering the limited details contained within the HOT.</p> <p>Some information was received throughout the summer of 2023 such as the HDD sites, but key information such as plans showing operational and construction accesses, and compound information remained outstanding.</p> <p>An email was sent to Cater Jonas on in August 2023 outlining the key concerns with the HOT and summarising the information outstanding. Further emails were sent in September 2023 requesting meetings to go through the HOT and outstanding queries.</p> <p>On the 2<sup>nd</sup> of October 2023 a detailed letter was sent to Carter Jonas summarising the outstanding information and providing further responses on the HOT.</p> <p>On the 9<sup>th</sup> of October 2023 a Teams meeting between Carter Jonas and Knight Frank to go through outstanding queries and the HOT was held.</p> <p>Updated actions from the meeting and the draft easement and option agreement were provided by Carter Jonas on the 19<sup>th</sup> October 2023.</p> <p>Queries were raised on these documents and HOT throughout October and November 2023 by email, with limited progress.</p> <p>As an effort by Wiston Estate to progress matters, a great deal of time was spent pulling together the Heads of Terms and queries raised into a working draft, in the form of a spreadsheet. This was only done due to lack of meaningful progress with the Applicant.</p>
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		awaiting further information from the Wiston Estate to progress negotiations.	<p>To be clear this was the not first response made by Wiston Estate on the Rampion proposals on the HOT as the Applicant’s response has implied.</p> <p>In light of the above it is the Estate’s view that the Applicant has not made a sufficient effort to acquire the land and rights by negotiation during the pre-application stage. Rather, it has waited until after the DCO application was submitted to make a meaningful effort in this regard. Contrary to paragraph 25 of the guidance on compulsory acquisition, authority to acquire the land and rights compulsorily is not being sought as part of the DCO because attempts to acquire by agreement have failed.</p>
2.28.8	3.3. The draft easement and option documents were not provided until late October 2023. There was insufficient time for Wiston Estate to review these and take professional advice, prior to the DCO process (the DCO application was submitted in August 2023).	As outlined in Point 3.2, progress has been made with the Heads of Terms negotiations since the DCO submission and the Applicant welcomes further opportunities to progress the negotiations.	See comments above 2.28.7
2.28.9	3.4. Due to lack of proper engagement and consultation the rights being sought by Rampion are too wide. We are aware that Rampion 1 proposed an easement width of 15m, subject to maximum of 30 m2 for physical obstacles. No acceptable justification has been provided	The final permanent easement width for Rampion 2 is proposed to be 20 metres. This is driven by an engineering requirement to bury the cables spaced 5 metres on centres between each HVAC export circuit, there being a maximum of four export circuits. Please refer to Section 4.5 of <b>Chapter 4: The Proposed</b>	<p>We note the Applicant proposes an easement of 20m. We would be pleased to receive amended plans which show this reduced 20m easement.</p> <p>It is not clear why the Applicant has requested permanent rights over such a wide area within the DCO boundary.</p> <p>These boundaries should be reduced to reflect the 20m easement which has been requested by the Applicant.</p>

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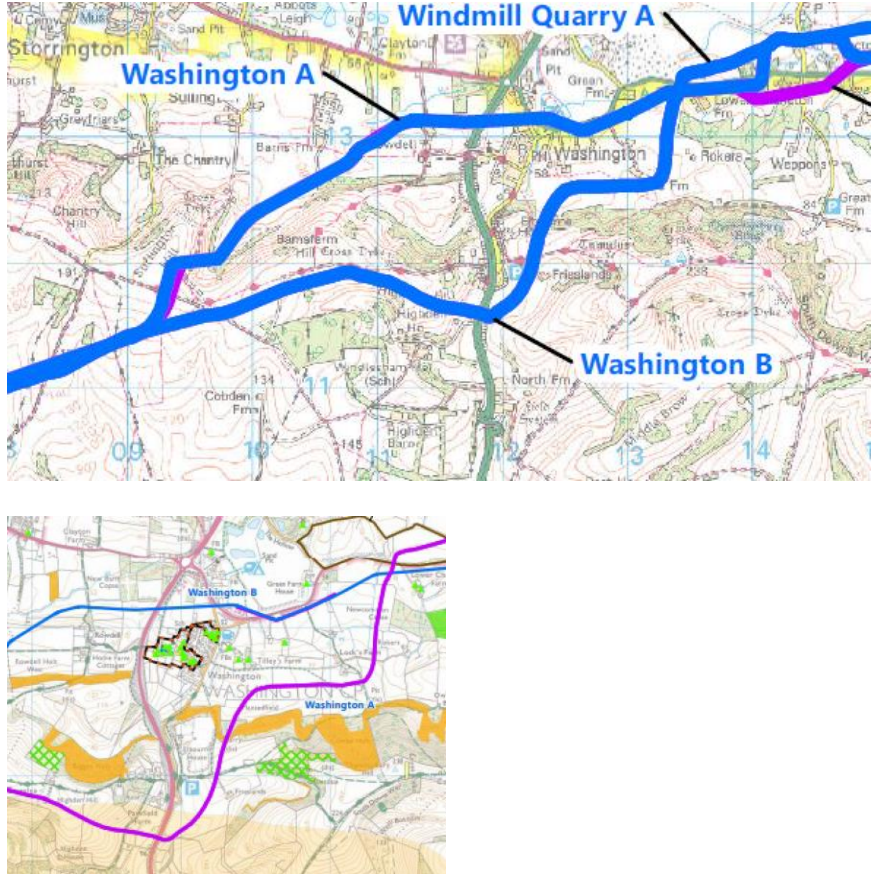
	<p>by Rampion to substantiate why they require such wide and far-reaching rights over and above what was agreed in Rampion 1.</p>	<p><b>Development [APP-045].</b> Rampion 1 operates two export circuits.</p> <p>The final permanent easement width differs to the construction and maintenance strip width, which extends to 40 metres (with exceptions detailed within the Option documentation). The requirements of the construction and maintenance strip has been explained and discussed in detail in meetings with the Land Interest in January, February and March 2024.</p>	<p>Throughout negotiations, we have also queried the proposal in the draft legal documents to retain permanent access and construction rights over a 40m width. Any permanent rights should be restricted to the easement width of 20m.</p> <p>The Heads of Terms were deliberately misleading as they implied the 40m construction and maintenance strip would be temporary. On receipt of the draft legal documents, the Applicant was seeking a permanent 40m right to access land for construction and maintenance purposes.</p>
<p>2.28.10</p>	<p>3.5. Notwithstanding the above, we acknowledge that several meetings have been held with Rampion and their agents in the past month, where some more meaningful progress has been made. It is disappointing that this has taken so long and as a result Wiston Estate has incurred unnecessary professional costs in engaging in the DCO process.</p>	<p>The Applicant welcomes that acknowledgment. As outlined in point 3.2, the Applicant has held three meetings with the Land Interest in January, February and March 2024 to discuss the Heads of Terms in detail, and discussions are ongoing. The Grantee will reimburse reasonable and proper Agents costs in the negotiation of Heads of Terms.</p>	<p>In our view, progress is now only being made as the Applicant is under pressure to secure signed Heads of Terms before the DCO Hearings.</p>



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<p>2.28.11</p>	<p>4.1.1. The Washington Parish Council submitted a major alternative route proposal in their paper dated 11th February 2021 – the ‘Blue Route’. This is identified below in blue.</p>	<p>The Applicant’s Response to Relevant Representations [REP1-017] provided the following summary response to explain why the ‘Blue Route’ was not taken forward:          “Consideration of Major Route Amendments          The Applicant has considered potential major route alternatives for the cable that avoid the underground crossing of the Washington Recreation Ground, including the referenced ‘southerly alternative’ requested by the Parish Councils.           The option was not presented or commented on in the Alternatives Chapter as it was deemed less suitable on technical engineering and environmental grounds, specifically in relation to the pinchpoint of the proposed route crossing a gas pipeline in the vicinity of the ancient woodland. Constrained access from the A24, and the need for existing tracks forming the South Downs Way to be widened, with impacts on hedgerows was a further key factor. The Applicant attended and presented feedback on this</p>	<p>Please can we make a correction to our Written Representations. This Alternative Route was submitted by Wiston Parish Council (Councillor John Goring), not Washington Parish Council.           From a visual perspective this “Southern/Blue” Route hugs the northern edge of the scarp face of the Downs and is therefore has less of a visual impact to the proposed route. This route also avoids Washington as we have previously stated.           We note the Applicants comment about the pinch point of the gas pipe. The cable has to cross gas pipes at points elsewhere on the route and this should not be an obstacle that cannot be overcome.           As we have previously stated this route also has the benefit of reducing the sterilisation of minerals identified in the WSCC MSA, potentially by more than 70%. We have asked an independent specialist the quantum of sterilisation which could have been saved by using this alternative route, which we believe might be over 3million cubic meters.           We are surprised that the Applicant did not investigate this Alternative route sufficiently and we understand they have not carried out any environmental surveys on this land. This Southern/Blue Route was not included in the Applicants 2022 Preliminary Environmental Information Report (PIER).           The Applicant has also not dealt with this “Southern/Blue” route in the Alternatives Chapter as might be expected.           Indeed, the Applicant seems to state in APP-075(Environmental Statement – Volume 2 Chapter 3 Alternatives Figures) that this “Southern/Blue” route was the <b>prior</b> route and was discounted, which is why the Applicant went with the current proposed route.</p>
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		<p>decision at the Washington Parish Council meeting on the 7 November 2022”.</p>	<p>Confusingly the two plans in document APP-075 has Washington A &amp; B the other way around to the Map.</p>  <p>Please also see further comments under 2.28.71 and 2.28.72</p>
<p>2.28.12</p>	<p>4.1.2. At a meeting on the 1st September 2021 Rampion suggested that this proposed</p>	<p>To expand on the above and answer this more detailed comment:</p>	<p>Whilst we are aware that there is a small section of Ancient Woodland within this “Blue” Route, its length is less than 15m. There would also be the option of using HDD to go under this area of woodland, as they are</p>

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	<p>route would pass through an area of Ancient Woodland on the north scarp of the downs south-east of Washington Village. Had they inspected the woodland they would have known that it is predominantly a single species woodland suffering from acute ash-die back disease. It is therefore due for an imminent clear fell under Forestry Commission guidelines. In addition only a small part of this area of woodland is designated an Ancient Woodland. We are aware that Rampion are Directional Drilling underneath woods, such as Calcott Wood (which is also a Ancient Wood in part) as detailed above. Could this not have been considered for the proposed “Blue Route”.</p>	<p>Ancient woodland is noted as an irreplaceable habitat in planning policy Overarching National Planning Policy EN-1 (2011) paragraph 5.3.14 and Overarching National Planning Policy EN-1 (2023) paragraph 5.4.54. This policy considers both ancient semi-natural woodland and plantation woodland on ancient woodland sites to be irreplaceable. This is because of the ancient woodland soils that are present (including seed bank, fungi etc.). Therefore, the Applicant has to treat this woodland as irreplaceable habitat regardless of the current condition of the trees present. The Blue route interacts with two areas of Ancient Woodland. It’s a core principle for the project to follow the mitigation hierarchy and avoid Ancient Woodland where possible, followed by the application of mitigation measures (such as trenchless crossing) where avoidance is not possible. The length of the cable corridor route that the Blue Route would have replaced does not interact with any Ancient Woodland.</p>	<p>doing in Calcott Wood. It is important to balance this short distance of Ancient Woodland against the positive impact this alternative route would have, as detailed above.</p>
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		<p>The consideration of this option also included a review of how the works could be accessed. The route was more constrained from a transport perspective, with difficulty accessing the route, particularly at the A24 dual carriageway during construction compared to the available accesses from the A283 on the PEIR route option.</p> <p>There would also be an increase in interaction and likely effects on the South Downs Way (SDW). The route would be required to run parallel to the SDW for approximately 2km from Sullington Hill down to the A24, affecting amenity of users on this section. Additionally, the SDW runs along sections of existing track to the east and west of the A24 that would have been required for use for construction traffic and a further crossing</p>	
2.28.13	<p>4.2.1 Minor route variations have also been proposed, which have not been properly considered by Rampion. There is a strip of land between the Rock Common sand pit 54metres wide that sits to the north of the Pike</p>	<p><b>Strip of land to the north of the Pike (A283)</b></p> <p>The minor route variation proposed on a strip of land to the North of A283 adjacent to Rock Common was considered but not taken to consultation because of technical engineering issue and</p>	<p>Although the Applicant has stated that this route variation was not possible due to existing utilities, it has not given details of what these were or how they could be overcome.</p>

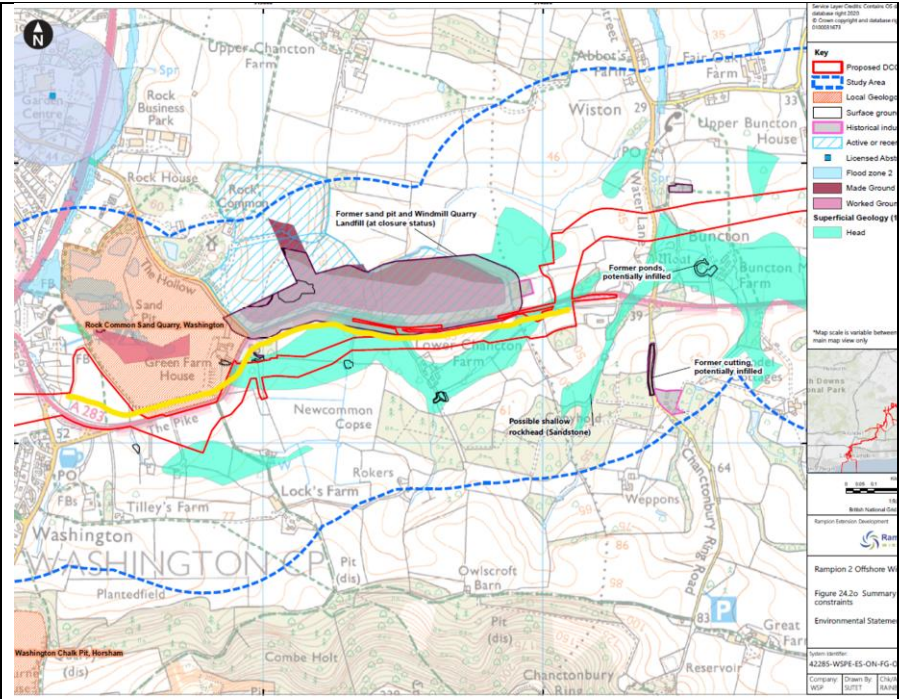
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	<p>(A283). This represents a better location for the cable than the route to the south of the Pike which crosses the entrance to a highly bio-security sensitive rare breed sheep farm to the south, referred to above.</p>	<p>health and safety concerns associated with existing utilities running through the narrow available area to North of A283. This was presented verbally to the Land Interest at site meeting in April 2022. The proposal also included moving the cable route which sat south of the A283 closer to the road to reduce severance. A version of this was consulted upon (as Modified Roue 08) and subsequently adopted into the order limits.</p>	
2.28.14	<p>4.2.2 Generally, a route which follows the southern edge of the road boundary (from Rock Common sandpit eastwards) will see less injurious affection of the farms to the south. It minimises the loss of long-term excavatable sand reserves and future vineyards sites, which are detailed below.</p>	<p><b>Minor Route Variation Assessment</b> The minor route variation which followed the southern edge of the A283 was considered but not taken to consultation because through engagement, the Environment Agency expressed concern over the proximity of the authorised landfill at Windmill Quarry which is situated along the northern edge of the A283. The Environment Agency noted that with the proposed route of the cable corridor being on the far side of the A283 and at least 50m from the boundary of the landfill there would not be any</p>	<p>Please see enclosed plan under 2.28.11 which is taken from. (Figure 24.2 Summary of Ground Conditions Constraints – APP-065)</p> <p>We have mapped Wiston Estate’s proposed alternatives onto this plan in yellow.</p>

pollution control or permitting concerns.

**Sand Reserves**  
 The Applicant accepts that there is a potential for unexploited mineral reserves to become inaccessible for future extraction as a result of the cable route. However, the area of sand reserves to the south of the A283 referenced above would most likely be unviable for extraction in isolation as a result of the requirement to cross the A283 to the south whilst undertaking mining activities. Therefore, the effect of decision in relation to this minor route amendment potentially has a neutral effect on the viability of future prospects. The Applicant will work with the Land Interest to ensure that the impact on the viability of exploiting remaining sand reserves can be minimised and look forward to further discussions.

**Vineyards**  
 From the information we have been provided by the Estate, we understand there are no immediate plans to convert surface land affected by this



The Applicant’s statement below is incorrect when considered against this plan: -

*‘The Environment Agency expressed concern over the proximity of the authorised landfill at Windmill Quarry which is situated along the northern edge of the A283. The Environment Agency noted that with the proposed route of the cable corridor being on the far side of the A283 and at least 50m from the boundary of the landfill there would not be any pollution control or permitting concerns’.*

By following the Southern Edge of the A283 boundary along the whole of this section, this would not put the Development any closer to the former land fill site than already shown further east on the Applicant’s

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		<p>proposed minor route amendment to vines. Further information is provided in our response to Ref 6.1.</p>	<p>proposed route. The Applicant’s proposed section which does abut the A283 is less than 50m from the boundary of the landfill.</p> <p>Wiston Estate’s proposed alternative would significantly minimise the land take and disruption to Locks Farm.</p> <p><b>Sand Reserves</b></p> <p>We note the Applicant’s agreement of the Sand Potential which will be impacted by the proposals – see further detail under 2.28.85. This proposal suggested by the Estate would have minimised the impact on the sand deposits.</p> <p>We note the Applicants comment that this area of extraction is most likely to be unviable. We refute this.</p> <p>The potential for sand extraction must be viewed in light of the 99 year easement. Wiston Estate are experienced in quarrying and working with quarry operators. The minerals on the Rock Common site have been worked for over 80 years. They own all of the surrounding land around this area and therefore they have the ability to access neighbouring land to facilitate extraction. It would not be extracted in isolation as stated by the Applicant.</p> <p>The Applicant also states there would be a requirement to cross the A283 whilst undertaking mining operations. The A283 is part of the Lorry Network and directly adjoining a major trunk road – the A24. As stated above Wiston Estate owns the land either side of the A283 abutting the A24 and therefore can facilitate access to this A road should it be required.</p> <p>We provide further details on WSCC JMLP under 2.28.89</p>
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			This is an example of one of the Estate’s minor route variations which was requested but the Applicant has not considered sufficiently.
2.28.15	<p>4.2.3 This route was proposed at a meeting with Rampion on the 1st of September 2021. Following that meeting Rampion stated they would investigate the feasibility of this route and acknowledged the benefits as it avoided the severance of various accesses and driveways. No detailed response was received from Rampion following this meeting and suggestion.</p>	<p>The Applicant considered how the issues of concern for the Affected Party could be avoided or minimised, in lieu of being able to take forward the requested alternatives.</p> <p>Please see the specific response to this under point 15.8 in this set of Written Representations.</p> <p><b>Maintenance of Access</b> Plans for private means of access during construction are described in Paragraph 5.7.10 of the <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>. The following general principles will apply to the managed or private means of access during the cable route construction:</p> <ul style="list-style-type: none"> <li>• Any access restrictions or effect on individual properties will be kept to a minimum and the Applicant will work with local stakeholders to develop individual solutions to keep disruptions as low as is reasonably possible;</li> <li>• All crossings of private means of access will be</li> </ul>	



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		<p>developed to allow emergency access at all times;</p> <ul style="list-style-type: none"> <li>• Contractors will be required to accommodate reasonable requests for access during the working</li> <li>• A nominated point of contact on behalf of the Applicant will be communicated to all residents and businesses at least three months before the start of construction.</li> </ul> <p>A final Code of Construction Practice will be required to be submitted and approved on a staged basis, in accordance with the <b>Outline CoCP [PEPD-033]</b>, pursuant to requirement 22 of the <b>Draft Development Consent Order [PEPD-009]</b>.</p>	
2.28.16	<p>5.1. Information has been requested and not been provided in its entirety, or insufficient information has been provided by Rampion and their agents. For example, plans showing the operational and construction accesses were requested in the Summer of 2023 so the impact of the project could be fully understood. This detailed</p>	<p>The Applicant has consulted (both statutorily and informally) with the Land Interest (Wiston Estate), over the period 2020 to 2024. The plans sent to the Land Interest as part of the statutory consultations detail temporary construction access areas and operational access areas within the Works Plan documents produced for the 2021 and 2022 consultations. The final Works</p>	<p>Although plans have been provided, these have been provided piecemeal and after chasing. If the information was provided in one pack upfront when the HOT were originally issued in March 2023, this would have reduced significantly the time spent reviewing and following up on missing documents.</p> <p>A clear example of this is that the Key Heads of Terms were provided in March 2023, but the Heads of Terms for the compound was not provided until March 2024.</p>

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	<p>information was only provided more recently. Without this information it is difficult to understand the long-term impact of the proposals.</p>	<p>plans were shared in the Summer of 2023.</p> <p>The Applicant has provided the following plans:</p> <ul style="list-style-type: none"> <li>- Relevant sheets of the <b>Onshore Works Plans [PEPD-005]</b> (via email on 18 October 2023 and on 02 February 2024);</li> <li>- Details of the proposed indicative HDD locations (via email on 04 May 2023), and with greater detail (via email on 02 February 2024).</li> <li>- The legal documentation to accompany the Head of Terms (via email on 18 October 2023).</li> <li>- Wiston Estate landownership plan and Tenant maps (via email on 15 March 2023).</li> <li>- The PEIR Works Plans from the 2021 Consultation (via email on 15 March 2023).</li> <li>- Indicative plan of the construction corridor within the Order Limits and details of accesses across the route (via email on 02 February 2024).</li> </ul> <p>The Applicant is continuing to engage with the Land Interest. Several meetings have been held (including on 23 January 2024, 12</p>	
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		<p>February 2024 and 19 March 2024) and we continue to discuss the draft documentation for the voluntary agreement. Please see summary in <b>3.2</b> above.</p> <p>In our recent meeting (02 February 2024) we have been able to clarify a number of the Estate’s queries, including construction corridor, proposed easement area, and the rights to re-instate trees.</p>	
2.28.17	<p>6.1. Wiston Estate has a successful vineyard and winery business. This is an important and expanding part of the estate and significant investments have been made over the recent years, including the opening of Chalk Restaurant. Fields suitable for vines will be dissected by the cable. Plans of the affected fields were provided to Rampion at an early stage and has not been fully considered by the project.</p>	<p>The Applicant understands that none of the land (at the Wiston Estate) which is affected by the proposed cable route is currently planted as a vineyard.</p> <p>The Applicant has received a plan identifying fields that the Wiston Estate have allocated for future vineyard locations from the Estate’s representatives. The Applicant has overlaid this information on a plan also showing the Proposed Development, The Wiston Estate landownership and the existing vineyards and this is attached at <b>Appendix K</b>. Two of these fields are impacted by the proposed</p>	

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		<p>cable route, one of which is currently used for grazing and one of which is currently in arable use.</p> <p>Further to meetings held on 23 January 2024 and 12 February 2024, the Applicant is awaiting details of their proposals, layout and programme regarding the future development of the vineyard business and any commercial proposals from third parties to lease the land.</p> <p>Therefore, consideration can be given to the potential conflict with the Proposed Development and how impacts (were the expansion to progress) might be managed. It is noted by the Applicant that the fields proposed for vineyards are a substantial size and spacing is required between the rows of vines.</p> <p>The permanent easement is 20m width and therefore if there is any sterilisation this will only be a proportion of the land which the Applicant considers could be factored into the design and for example utilised for accesses.</p>	
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2.28.18	<p>7.1. Wiston Estate owns Rock Common, a working quarry, which adjoins the route. Neighbouring Wiston land impacted by the proposals has the geological benefit of sitting upon significant reserves of building sand. Therefore, the proposed underground cable, which requires a 20-metre width corridor together with the potential severance, will sterilise in-situ sand in perpetuity.</p>	<p>Please refer to summary in 4.2.2 and 20.5, 20.6, 20.7, 20.8 and 20.9</p>	<p>Please see further comment under 2.28.29</p>
2.28.19	<p>8.1. The position of the route takes a significant amount of land out of agricultural use during construction. It also severs fields making large areas unusable. Some of the affected land is farmed by farm tenants, and the proposals will severely impact their livelihoods. We detailed some of the practical issues in the Written Representation</p>	<p><b>Impacts and Mitigation on Agricultural Uses</b>  The Applicant is keen to have ongoing discussions with the Land Interest and their tenants to understand how best to mitigate any temporary severance of land during the construction period, which can include temporary accommodation works (e.g. fences, gates and crossing points). In this location the temporary cable installation area crosses through the centre of some fields/ pasture land. The Applicant will continue to engage to further understand the Land</p>	<p>The Estate or their tenants have not had detailed discussions about mitigation and accommodation works with the Applicant. We note the Applicant intends to have these conversations and we look forward to discussing these points further.</p>

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		<p>Interest’s specific requirements to accommodate the tenants farming and business operations and minimise disturbance wherever possible. This could include crossing points to be agreed with the Land Interest across the cable installation area (Works No.9) to ensure parts of the field will remain available for use. Detailed cable routeing will be refined further to pre-construction surveys.</p> <p><b>Compensation</b> Affected Land Interests will be compensated in accordance with the provisions of the Compensation Code. Claims for disturbance and crop loss will be considered where reasonable, substantiated and shown to be caused as a direct consequence of the temporary use of the land and the works in accordance with the relevant legislation.</p> <p>Once the cable has been constructed and the land reinstated, the land can be returned to normal use.</p>	
2.28.20	8.2. The separation of the buildings from the main area	<b>Accommodation Works</b>	

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	<p>of the holdings will have a detrimental effect on the ability to run the agricultural enterprises.</p>	<p>The Applicant will seek to engage further with the Land Interest and their tenants regarding detailed construction access design and accommodation works in accordance with <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>.</p> <p><b>Fencing</b> - The Applicant confirms that the construction area within the Order Limits will be fenced off for the duration of construction.</p> <p><b>Crossing/ Access Points</b> - Accommodation works (to include access points over the construction area) to seek to mitigate the impact will be discussed with the Land Interest in due course.</p> <p>The Applicant will discuss in more detail Accommodation Works with the Land Interest to ensure access is facilitated to any severed land. Where severed land cannot be farmed the Applicant would be willing to negotiate an appropriate compensation claim for disturbance.</p>	
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		<p><b>Maintaining Access to Farms</b> Mindful of residents’ concerns, the Applicant updated the <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b> at the pre-examination deadline. Additional detail has been provided at Section 5.7.10 to explain how construction and access will be managed. In summary:</p> <p>Access restrictions will be kept to a minimum, with a diversion provided if possible; Contractors will work with local stakeholders and accommodate reasonable requests for access; The trench will be covered outside of working hours, and access will be restored in emergencies; and Closures will be communicated to local residents in advance.</p> <p>The Applicant is willing to discuss appropriate and reasonable mitigation measures across the property during construction.</p>	
2.28.21	9.1. Further information on the proposed Wet Pools Compound has been	As part of the DCO process, a thorough assessment of the likely impact of traffic upon the local	We note the Applicant’s proposal to produce a detailed design for this access and complete a Road Safety Audit, which will be agreed with WSCC. As the outcome of this will affect Wiston Estate land, as the field



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	<p>requested (shown on the plan as Work No.10). It is understood that this is a major compound. The estate has serious concerns over access, Highway safety and the impact on the local road network as the current access is poor.</p>	<p>road network and highway assets during the construction phase of works has been completed. Traffic volumes in relation to compounds have been presented in assessments undertaken the <b>Chapter 23: Transport</b> of the ES <b>[APP-064]</b> and <b>Chapter 32: ES Addendum [REP1-006]</b>. These assessments concluded that the Proposed Development will not generate any significant effects in relation to transport network within Washington.</p> <p>Furthermore, given that the Wet Pools site will act as a temporary construction compound the Applicant is in the process of producing a highway access design for Access A-39, which will be compliant with requirements of the Design Manual for Roads and Bridges. This design will be discussed with West Sussex County Council and subject to an independent Road Safety Audit with an aim of reaching agreement on an acceptable layout prior to the end of the examination.</p>	<p>boundary and hedge line may need to be removed, we maintain this work should have been completed prior to the DCO and this information provided to the Landowner and their agreement sought.</p>
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<p>2.28.22</p>	<p>9.2. The estate has previously put forward alternative sites for a compound, which have not been considered properly.</p>	<p>Four alternative construction compound locations in this area were considered and consulted on, leading to the selection of the Washington construction compound.</p> <p>Within the September 2021 consultation response, the Wiston Estate put forward an alternative construction compound location. This site was located to the south of Washington, to the east of the A24 and Washington Bostal. The alternative was rejected principally on the basis that it conflicts with a key design principle - this construction compound area would be within the South Downs National Park. Furthermore, site access would have been using an access off the A-24 that forms part of the South Downs Way National Trail. The road is very narrow in width and would have required significant upgrades. The site itself is smaller than the area accommodating the Washington construction compound. It is further reduced by the 25m buffer applied to the Ancient Woodland that borders the northern and eastern edges</p>	
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		of the site. Given these reasons it is not considered to be a reasonable alternative.	
2.28.23	10.1. It is understood that Manhole covers will be erected at 1km intervals on the route and access to these will be retained in perpetuity. We understand from Rampion that location of these will not be provided until the construction period, and they will be limited to where they can go due to the cable being in set lengths. If they are located inappropriately, such in the middle of the field, this will have significant implications both operationally, such as arable farming, and for future uses, such a vineyards.	<p>Locations of the joint bays will not be known until the final design of the onshore cable route has been completed and will depend on several factors including cable specifications and other construction requirements. We are required to install a surface mounted link box man hole cover at certain joint bay locations in order to monitor the cable during operation and if one is required then an additional payment is included in the voluntary agreement.</p> <p>When locations of the joint bays are incorporated into the design, the Applicant will engage with the land interest accordingly.</p>	
2.28.24	11.1. Throughout the consultation and survey period, there has been a failure to cover the affected parties’ professional costs. Much wasted professional time has been spent following up their chaotic approach to	The Applicant first received a fee timesheet from the agent acting for the Wiston Estate on 30 January 2024. The Applicant has reviewed these timesheets and can confirm that reasonable and properly incurred professional agent’s fees will be reimbursed in	To clarify timesheets were not sent previously as the Applicant did not confirm they will meet Wiston Estates professional fees before the key terms were signed, until January 24

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	<p>matters. This is unequitable when Wiston Estate have only incurred these costs due to the proposed project.</p>	<p>the negotiation of Heads of Terms. The Applicant has not received any further timesheets from this agent or any other agent acting for the Wiston Estate.</p>	
2.28.25	<p>12.1. Without prejudice to the objections above the parties are seeking to agree a position relating to several points above as well as an option and easement agreement and a compensation agreement.</p>	<p>The Applicant welcomes the Land Interest’s willingness to discuss matters further and confirms that it will engage further with the Land Interest regarding negotiating the Heads of Terms.</p>	
2.28.16	<p>13.1. Wiston Estate reserves the position to submit further information, issues, and objections as part of the DCO process.</p>		
2.28.27	<p>1.1. Wiston Estate extends to over 2,420ha centred on Wiston House and Park, which has been owned by the Goring family since 1743. The estate comprises, 1,765ha of farmland, 495ha woodland, 100ha parkland, 70ha of quarries and 24ha of ponds and wetland. There are 106 in-hand and let residential properties, 11 in-hand and let</p>	<p>Please see summary in <b>1.1</b></p>	

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	farms, and 22 commercial units.		
2.28.28	1.2. Wiston Estate Winery and the Chalk Farm Restaurant sit to the south of the estate and are managed directly by the estate. There are 12ha of vineyards and the estate produces award winning wines, winning the Wine GB “Winery of the Year” twice. Wiston Estate directly employ 80 number of people and support over 20 number of businesses operated by others.	Please see summary in <b>1.2</b>	
2.28.29	1.3. The proposed Rampion Scheme bisects the property from east to west and runs for more than 5km representing over 15% of the onshore cable route. The impact both on the overall estate and estate tenants and their associated business will be severe and will restrict the economic development of the estate in perpetuity.	Please see summary in <b>1.3</b>	

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2.28.31	2.1. The route is damaging to the estate, their farm tenants, the South Downs National Park, the visual landscape, and the wider environment. We have extracted the relevant parcels of land and provided additional commentary on both the construction and long-term impacts below.	Please see summary in <b>2.1</b>	
2.28.32	2.2. Wet Pools Compound – Land Parcel Reference – 22/15, 22/14		
2.28.33	2.2.1. This parcel of Grade 2 land extends to 10.03 acres and is let on an Agricultural Holdings Act Tenancy for agricultural use. Rampion have requested permanent rights for the land shaded blue (22/14) and temporary rights for the land shaded green (22/15). This land will be used for a major compound for the works to underground the Rampion cable under Washington and will be used for the duration of the project. This will reduce the land available to the tenants’	<p>The Applicant has met with the Land Interest and discussed with them the impact on their tenants in this particular location. The Applicant accepts that there will be a temporary reduction in grazing area throughout the construction period and this will affect the farming operations of this particular tenant.</p> <p>The Applicant welcome further opportunities to discuss how grazing can be compensated for, either utilising alternative land offsite, or by other means (e.g. supplementary forage). The Applicant will work with the Land</p>	

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	farming business and impact on their operations.	Interest to create a mitigation plan when construction timescales are known.	
<b>2.28.34</b>	2.2.2. This land is bordered by the Rock Common quarry to the east, a Caravan and Camping Park to the north and an equestrian property to the west. Although this parcel of land is used for agricultural purposes it clearly has potential for alternative uses by virtue of its location on the edge of Washington.	The Applicant acknowledges the Land Interest's comment. The Applicant understands however that there is no specific allocation within the Local Planning authorities local plan for development over this parcel of land.	
<b>2.28.35</b>	2.2.3. The width of the permanent rights being sought within 22/14 is approximately 122m from the highway boundary and is over half of the field. This will permanently restrict what can be carried out in the field. The permanent rights being requested both here and elsewhere on the route should be restricted to the 20m width of the cable where possible. The request for compulsory powers over a width of 122m is excessive.	<p>The area comprising 22/14 is located to the east of a major proposed directional drill location. As a result of the trenchless construction techniques applied to cross the A24 and A283 roads, a wider than normal spacing between the cables is required at this location.</p> <p>The permanent easement is proposed to cover the area of ground occupied by the cable. Across the route this will generally be 20m, with a greater width where required (for example if the cables have to</p>	<p>We note the Applicant's proposal to reduce the width of the permanent easement and look forward to receiving their proposals. It would be helpful if the Applicant could confirm the date by which the updated proposals will be provided.</p> <p>In addition, the Applicant has not taken into account the presence of sand within this area. Wiston Estate has historical records from Tarmac which state there are 400,000 Tonnes of sand under the Wet Pools Compound site. See further information under 2.28.5. and 2.28.11 with routes which would have mitigated this sterilisation.</p>

		<p>avoid obstacles). Footnote no.4 of <b>Table 4-19</b> in <b>Chapter 4: The Proposed Development [APP-045]</b> notes that a typical corridor easement is likely to be 20m, but this may vary according to local conditions. A maximum value of 25m (excluding HDD crossing locations) has been assessed as a reasonable worst case scenario. As noted in <b>paragraph 4.5.8</b> of the <b>Chapter 4: The Proposed Development [APP-045]</b> the standard temporary construction corridor will be up to 40m wide and consist of the trenches, excavated material and a temporary construction haul road. The temporary construction corridor may require widening beyond the standard width to allow enough space for access / equipment at trenchless crossings and to avoid obstacles.</p> <p>Following installation of the cable, the field can be returned to normal agricultural use. However, the Applicant acknowledges there will be restrictions over any future development of this area and will look to reduce the width of the permanent easement to</p>	
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		align with the as built cable route as much as possible.	
<b>2.28.36</b>	2.3. Locks & Tilley’s Farm – Land Parcel Reference – 22/23, 22/25,22/26, 22/29, 22/30, 22,34, 22,35, 23/1		
<b>2.28.37</b>	2.3.1. Locks and Tilley’s Farm extends to approximately 180 acres. It is let on an Agricultural Holdings Act Tenancy and is used as a specialist sheep farm, breeding high value New Zealand Romney Sheep. The fields are used intensively due to the specialist nature of this farming operation.	The Applicant has met with the tenant of Locks Farm and understands the ewes (New Zealand Romney sheet) farmed there have ‘high health status’, including being maedi visna and scrapie accredited. The fields are primarily used for rotational grazing	
<b>2.28.38</b>	2.3.2. During the construction period the usable acreage of the farm will be reduced by approximately 50%. This will cause significant disruption and losses to the farming business, impacting on that business viability during the construction period. The Rampion Cable route will dissect the main farm drive, causing significant disturbance to the users of that access.	<b>Areas of the Farm Impacted by Temporary Construction</b> The Applicant understands a total of approximately 9.6 acres are affected by the proposed Wet pools construction compound (Plot 22/14 - Works No.9 and Plot 22/15 – Works No.10). As the location of the proposed construction compound, this area will be temporarily out of agricultural use for approximately 3 years. This field is situated north of The	

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		<p>Pike, being separated from the rest of the farm and is more challenging to access, as the livestock must be shepherded across the road.</p> <p>To the south of the Pike, there are areas included within the Order for cable installation Works (Works No.9), including Plots 22/23, 22/25, 22/30 and 23/1. These extend to approximately 12.58 acres.</p> <p>In addition, there is an area of Locks Farm that has been included within the Order Limits for temporary duct stringing (Works No.12 – Plots 22/26 and 22/29) which extend to 2.3 acres. This area is located to the south of The Pike.</p> <p>Consequently, the Applicant understands the total area of Locks Farm impacted by the proposed construction works extends to approximately 24.5 acres. The Applicant welcomes the opportunity to discuss these details further and consider mitigation measures such as crossing points to minimise the impact on the tenant farmers.</p>	
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		<p><b>Continuation of Agricultural use and Mitigation</b></p> <p>The Applicant considered how the issues of concern for the Affected Party could be avoided or minimised, in lieu of being able to take forward the requested alternative of moving the red line boundary to the North of the Pike. (Please refer to the answer to point 4.2.1 in this Written Representation regarding reasons for rejecting that alternative).</p> <p>There have been reductions in the extent of the Order Limits area south of the A283 compared to those proposed in the PEIR. The adjusted Order Limits boundary stays as North as possible to avoid a small woodland area. Part of the section to the South of the road was removed from PEIR, but a smaller additional section is added to PEIR next to the road and further away from the residential properties. This change, presented at Targeted Consultation and subsequently implemented also served to</p>	
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		<p>reduce severance of agricultural fields.</p> <p><b>Maintenance of Access</b>                  In this location, the proposed methodology for installing the cable from the construction compound location (Plot 22/14) underneath the road (The Pike) to Plot 22/25 is by Horizontal Directional Drill (HDD). From here the cable will then be installed to the east using open-trench methodology, meaning that the driveway to Greencommon House (Plot 22/27) will be temporarily affected by the construction activities. Plans for private means of access during construction are described in Paragraph 5.7.10 of the <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>. Site specific mitigations that are feasible here are that where the cable corridor cuts across the main farm drive, access is to be maintained via a temporary reroute of these accesses.</p> <p>A final Code of Construction Practice will be required to be submitted and approved on a</p>	
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		<p>staged basis, in accordance with the <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>, pursuant to requirement 22 of the <b>Draft Development Consent Order [PEPD-009]</b>.</p> <p>In all cases consultation will take place with the Land Interest and stakeholders and where practicable and reasonable, as alluded to above, accommodation works will be provided so as to mitigate the impact of the construction works on the farming operations.</p> <p>The Applicant will seek to engage fully with the Land Interest and stakeholders regarding detailed construction access, design and accommodation works in accordance with <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b> so as to mitigate the impact that the project may have on the operation and consequential viability of the agricultural holdings and businesses.</p> <p>Where Land Interests and stakeholders are adversely affected by the works</p>	
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		compensation will be payable in accordance with the provisions of the Compensation Code. Claims for disturbance and crop loss will be considered where reasonable, substantiated and shown to be caused as a direct consequence of the temporary use of the land and the works in accordance with the relevant legislation.	
<b>2.28.39</b>	2.4. Lower Chancton Farm & land adjacent to Shirley House – Land Parcel Reference – 23/2, 23/3, 23/4, 23/7, 23/11, 23/12, 23/15		
<b>2.28.40</b>	2.4.1. This part of the route passes through Lower Chancton Farm, which is a working livestock and arable farm let on an Agricultural Holdings Act Tenancy and land adjacent to Shirley House which is a residential property let on an AST tenancy agreement.	The Applicant received feedback following the PEIR proposals regarding the need to reduce impacts on the working farm. Consequently, a proposed access running to the South of Lower Chancton farm was removed further to the first Statutory Consultation (July 2021 and reopened 2022).	We understand this access was removed as the Applicant could not provide any justification to why it was requested.
<b>2.28.41</b>	2.4.2. The cable route will dissect the access track to Lower Chancton Farm. This is a busy access servicing a residential property, a working farm, and a business unit. We	The Applicant will seek to engage further with the Land Interest and their tenants regarding detailed construction access design and accommodation works in accordance with <b>Outline Code of</b>	

	<p>understand the proposal is to dig an open trench. This will cause significant disruption to these tenants and businesses.</p>	<p><b>Construction Practice (CoCP) [PEPD-033].</b>  <b>Fencing</b> - The Applicant confirms that the construction area within the Order Limits will be fenced off for the duration of construction.</p> <p><b>Crossing/ Access Points</b> - Accommodation works (to include access points over the construction area) to seek to mitigate the impact will be discussed with the Land Interest in due course.</p> <p>Alternative crossing points which are suitable for agricultural machinery and livestock so as to minimise impact on the business, farming operation and residential property will be considered.</p> <p>The Applicant will discuss in more detail Accommodation Works with the Land Interest to ensure access is facilitated to any severed land. Where severed land cannot be farmed the Applicant would be willing to negotiate an appropriate compensation claim for disturbance.</p>	
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		<p><b>Maintaining Access to Farms</b>  Mindful of residents’ concerns, the Applicant updated the <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b> at the pre-examination deadline. Additional detail has been provided at Section 5.7.10 to explain how construction and access will be managed. In summary:  Access restrictions will be kept to a minimum, with a diversion provided if possible;  Contractors will work with local stakeholders and accommodate reasonable requests for access;  The trench will be covered outside of working hours, and access will be restored in emergencies; and  Closures will be communicated to local residents in advance.</p>	
<p><b>2.28.42</b></p>	<p>2.4.3. There are two residential properties here which are affected by the Rampion project, Lower Chancton Farmhouse and Shirley Farmhouse. We understand that there will be a Directional Drill (HDD) compound adjacent to Shirley</p>	<p>HDD noise was assessed at Shirley House in <b>Chapter 21: Noise and vibration, Volume 2</b> of the Environmental Statement <b>[PEPD-019]</b>.</p> <p>The assessment determined that unmitigated noise from the HDD was below the daytime threshold</p>	



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	<p>House. This will cause noise &amp; dust disturbance to this property during construction. We request that accommodation works are agreed to minimise any impact to these residential properties.</p>	<p>of significance for construction noise and 7 dB higher than the night time threshold of significance.</p> <p>As such, mitigation by way of acoustic screening has been proposed at this HDD site and significant noise is expected to be avoided. Further mitigation will be applied through noise and vibration management plans that will be produced ahead of the works starting in this location and are secured as a requirement (Requirement 22 5h) through the <b>draft Development Consent Order [PEPD-009]</b></p> <p>Emissions of dust from construction are assessed in <b>Chapter 19: Air Quality Volume 2</b> of the Environmental Statement <b>[APP-060]</b> on the assumption of worst-case emissions from a 40m wide corridor. This may be expanded where temporary compounds are required within the order limits.</p> <p>In proximity to Lower Chancton Farmhouse and Shirley Farmhouse, the requirement for good practice mitigation is acknowledged and will include</p>	
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		<p>measures proportionate to the risk of impacts which will be described in the dust management plan produced ahead of the works. The plan will incorporate measures specific to this location and will be approved by the Local Authority as described in <b>Table 19-36 of Chapter 19: Air Quality Volume 2</b> of the Environmental Statement <b>[APP-060]</b>. This will be secured as a requirement of the <b>CoCP [PEPD-033]</b> (Requirement 22 5i) through the <b>draft Development Consent Order [PEPD-009]</b>.</p>	
<b>2.28.43</b>	<p>2.5. Buncton Manor Farm – Land Parcel Reference – 23/16, 23/17, 23/20, 23/21, 24/1, 24/4, 24/5, 24/6, 24/7, 24/8,</p>		
<b>2.28.44</b>	<p>2.5.1. Once the route has crossed the A283, it passes up a track very close to the east of Sussex Wood Yard, who are a tenant of Wiston Estate. This is a busy timber yard which processes timber and is open to the public for direct sales. There are heavy vehicle</p>	<p>Construction access design will be undertaken to highway standards and in consultation with the local highways authority. The existing use of the access into the wood yard will be taken into consideration and an appropriate solution be implemented. The Applicant refers to the principles set out by the <b>Outline</b></p>	

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	<p>movements in and out of this access.</p>	<p><b>Construction Traffic Management Plan [REP1-010]</b>                  Section 4.4 for further relevant information regarding construction accesses. The Applicant has consulted the Timber yard occupier and notes that no concerns have been raised by the Timber yard occupiers. However, the Applicant welcomes any opportunity to discuss further.</p>	
<p><b>2.28.45</b></p>	<p>2.5.2. The route will cause disruption to this business, and we request that the access to the wood yard is not disturbed or impacted. The track to the east of the wood yard is very narrow, we understand this track is proposed to be used for construction traffic. Directly abutting the track is a timber framed building which is used by the wood yard business as an office and a shop. This building will need to be protected to ensure that no damage is done due to the proximity of heavy machinery passing.</p>	<p>The Applicant has consulted the Timber yard occupier on the Proposed Development and notes that there has been no representation submitted to Rampion 2 raising any concerns on business impacts. The Land Interest notes the existing office is located within the yard where wood processing takes place using machinery and large equipment and vehicles.</p>	

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<p><b>2.28.46</b></p>	<p>2.5.3. The route then passes through Buncton Manor Farm, this is farmed in hand by the Wiston Estate and is used for arable cropping. The cable route will cause significant disruption to the farming operations, fields will be severed and become unusable during the construction period. The losses suffered by the farming business will be more significant than just the cable route. Corners of fields will be severed and will be unusable during the construction period due to their size and the size of modern farming equipment.</p>	<p>The extent of the Order Limits area was reduced as much as possible compared to that presented at PEIR. While this may not seem a large change, the land take has been reduced as much as possible to accommodate the standard working width required for the delivery of the works.</p> <p><b>Impacts and Mitigation on Agricultural Uses</b></p> <p>The Applicant is keen to have ongoing discussions with the Land Interest and their tenants to understand how best to mitigate any temporary severance of land during the construction period, which can include temporary accommodation works (e.g. fences gates and crossing points). In this location the temporary cable installation area crosses through the centre of some fields/ pasture land.</p> <p>The Applicant will continue to engage to further understand the Land Interest’s specific requirements to accommodate the tenants farming and business operations and minimise</p>	
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		<p>disturbance wherever possible. This could include crossing points to be agreed with the Land Interest across the cable installation area (Works No.9) to ensure parts of the field will remain available for use. Detailed cable routeing will be refined further to pre-construction surveys.</p> <p><b>Compensation</b> If Compulsory Purchase Powers are used, affected Land Interests will be compensated in accordance with the provisions of the Compensation Code. Claims for disturbance and crop loss will be considered where reasonable, substantiated and shown to be caused as a direct consequence of the temporary use of the land and the works in accordance with the relevant legislation.</p> <p>The Applicant will discuss in more detail Accommodation Works with the Land Interest to ensure access is facilitated to any severed land. Where severed land cannot be farmed the Applicant would be willing to negotiate an appropriate</p>	
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		<p>compensation claim for disturbance.</p> <p>Once the cable has been constructed and the land reinstated, the land can be returned to normal use.</p>	
<b>2.28.47</b>	<p>2.5.4. An operational and construction access is being proposed (24/8). This runs straight through the middle of the arable field and will cause disruption to the farming operations on the land shaded grey.</p>	<p>The Applicant attended meetings in July 2021 and September 2021 with the Land Interest. At these meetings (and summarised in subsequent engagement notes), the Land Interest proposed an alternative construction and operational access following the existing track (detailed by Plots 24/8, 24/7 and 24/5) as a suitable alternative to the original access included within the PEIR. The construction access that was proposed in the PEIR ran through the fields of Buncton Manor Farm, to the west of the track down to Old school House. The Land Interest raised concerns about impacts on the residential amenity and severance of fields caused by the original route. The Applicant considered concerns raised by the directly Affected Parties about impacts and consulted on the selected new construction and operational</p>	<p>We would like to clarify that this variation to the proposed access was suggested to assist the Applicant as it avoided them having to create an entirely new entrance onto the A283 and a hard track right across the field. The change did not benefit Wiston Estate and stills causes disruption to the farming operations.</p>

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		<p>access. The original access was removed further to the first Statutory Consultation (July 2021 and reopened 2022).          Note, the directly affected party had requested a specific routing for the accesses, however this was rejected in favour of the Alternative Accesses presented for consultation. The directly Affected Party’s option involved multiple crossings of a shallow gas pipe-line which is less desirable</p>	
<p><b>2.28.48</b></p>	<p>2.5.5. More importantly this access and the cable route is adjacent to the Old School House. This is a Grade II Listed former School House. This property has now come back to Wiston Estate following being in the same tenanted occupation for a long period of time.</p>	<p>Please see <b>paragraphs 25.9.396 to 25.9.399</b> of the <b>Environmental Statement - Volume 2 Chapter 25: Historic environment [PEPD-020]</b> for the historic environment assessment on the Grade II Listed The Old School (NHLE 1284545), which concluded the minor adverse residual effect would be not significant.</p> <p>The Applicant understands the property is currently vacant. The Applicant has inspected the property both internally and externally with the Land Interest and concurs that the building will require significant repair and improvement to make it lettable.</p>	<p>We note in paragraph 25.9.398 of the same document the Applicant states:-</p> <p><i>It is anticipated that these elements of the Proposed Development will present a short-term negative contribution to the setting of the asset, with minimal harm to its interests by detracting from the tranquillity of its rural setting.</i></p> <p>We do not agree that the impact on the property would not be significant, when considered in light of the proposed Holiday Use.</p> <p>Wiston Estate has not suggested that the proposal “<i>may be constrained by the requirement to demonstrate water neutrality.</i>” This is factually incorrect.</p> <p>We would like to understand the Applicant’s proposal to deal with Water Neutrality within the Wet Pools Compound site.</p>

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		<p>The Applicant cannot comment on the viability of such a project, however, there is clearly a need to first obtain planning permission which the Land Interest has suggested may be constrained by the requirement to demonstrate water neutrality.</p>	
<b>2.28.50</b>	<p>2.5.7. We request that Rampion enter discussions around accommodation works to be considered to this cottage to protect it from the impact of the project.</p>	<p>The Applicant notes that the property is in close proximity to a proposed construction access route. However, the proposed access route that was agreed with the Land Interest as a preferred route alternative from the original proposal (which ran to the west – Please see summary in 15.17).</p> <p>The Applicant welcomes the opportunity to further understand the impacts of the construction activity on the properties in this location, including maintenance of access. Further mitigation measures could include noise attenuation, for example.</p>	<p>To clarify this access route was suggested to assist Rampion, as there was already a surfaced track, rather than a new access being created from the A283. This wasn't a suggestion which brought any benefit to Wiston Estate.</p> <p>We would welcome the opportunity to discuss mitigation and accommodation works in detail with the Applicant. The access to the property will need to be maintained for the duration of the construction works.</p>
<b>2.28.51</b>	<p>2.6. Guesses and Guess Gate Farms</p>		



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<p><b>2.28.52</b></p>	<p>2.6.1. Guesses and Guessgate Farms are arable and livestock farms let on a Farm Business Tenancy. The proposed route goes directly through the centre of the farms and severs many of the fields. This will cause significant disruption to the ability to farm these fields during the construction period. The majority of the fields are used to grow grass to feed the livestock.</p>	<p>The Applicant acknowledges that during construction there may be some temporary severance of the land in this location</p> <p>.</p> <p>The Applicant will seek to engage further with the Land Interest and their tenants regarding detailed construction access design and accommodation works in accordance with <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>.</p> <p><b>Fencing</b> – The Applicant confirms that the construction area within the Order Limits will be fenced off for the duration of construction.</p> <p><b>Crossing/ Access Points</b> – Accommodation works (to include access points over the construction area) to seek to mitigate the impact will be discussed with the Land Interest in due course.</p> <p>Alternative crossing points which are suitable for agricultural machinery and livestock so as to minimise impact on the business, farming operation and residential property will be considered.</p>	<p>Please see 2.28.97</p>
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		<p>The Applicant will discuss In mor” detail Accommodation Works with the Land Interest to ensure access is facilitated to any severed land. Where severed land cannot be farmed the Applicant would be willing to negotiate an appropriate compensation claim for disturbance.</p> <p>The Applicant is willing to discuss appropriate and reasonable mitigation measures across the property.</p>	
<p><b>2.28.53</b></p>	<p>2.6.2. An alternative more direct route was proposed which avoided various tree lines and would have caused less disruption to the farming operations by the tenant farmer.</p>	<p>The Applicant understands the affected party suggested a cable route which avoided various tree lines, which followed a similar path to the route within the Order Limits.</p> <p>The cable route in this location has been routed to minimise impact on mature trees and hedgerows where possible.</p> <p>The Applicant considered how the issues of concern for the Affected Party could be avoided or minimised. There has been a reduction in the extent of the Order Limits width, which was</p>	

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		<p>reduced as much as possible compared to that presented at PEIR. While this may not seem a large change, the land take has been reduced to a width which is required to facilitate the Proposed Development allowing for appropriate flexibility to allow for cable route refinement taking into account site investigation (SI), preconstruction ecology surveys and final cable design requirements.</p> <p>The Applicant further adjusted the Order Limits boundary with the reduction of / removal of a significant area originally included within the PEIR for operational access. The area removed from the proposals can be shown by the area coloured grey to the north of Plot 24/15.</p>	
<b>2.28.54</b>	2.7. Calcott Wood (25/11)		
<b>2.28.55</b>	2.7.1. Calcott Wood forms part of Wiston Estate Forestry enterprise. We understand it is proposed to Directional Drill under this area of woodland. We have asked for clarification on the impact of the cable on the operation of this area of woodland. For example, if	<p>The Applicant can confirm that replanting Woodland over the trenchless crossing section at Calcott Wood is acceptable, as it is in line with the current land use and as such considered in the cable construction design.</p>	

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	timber was extracted from this area of woodland in the future it is important for Wiston Estate to able to replant this area.		
<b>2.28.56</b>	3.1. The level of response by Rampion to the Wiston estate’s attempts to engage has been disappointing and below the standard to be expected for a project of this scale. There has been change of personnel both within the Rampion project team and their agents Cater Jonas.	Please refer to summary in <b>3.1 and 3.2</b>	
<b>2.28.57</b>	.2. Meetings have been postponed or rearranged at short notice, for example a meeting was arranged with the estate and their tenants on Tuesday 2 <sup>4</sup> h August 2021. This was cancelled by email with less than 24 hours’ notice by Carter Jonas. Bearing in mind the number of parties involved this was not helpful.	The Applicant acknowledges that the meeting was postponed and took place on 1 September 2021, when all parties were in a position to attend.	To clarify this meeting was postponed by Carter Jonas. At the postponed meeting not all parties attended. Vaughan Weighill, James Alasandro and Simon Mole, all key representatives of the project, did not attend.
<b>2.28.58</b>	3.3. Actions have not been recorded or followed up sufficiently. For example, queries around the proposed	The Applicant acknowledges there was a delay to provide the information requested. At this stage (September 2021), there	

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	<p>compound (traffic information and size of the compound) were requested by Richard Goring by email to (Rampion) on the 5<sup>th</sup> September 2021. No answer was received. Wiston Estate requested this information so they could suggest alternative sites further to the east to minimise the disruption that this compound will have to the local Highway and the estate.</p>	<p>were three proposed locations for the compound being considered, with detailed assessments being carried out for each.</p>	
<p><b>2.28.59</b></p>	<p>3.4. Minutes from meetings were received late. Minutes from a meeting held between Wiston Estate, Rampion and Carter Jonas on the 23/07/2021 was not received until the 16<sup>th</sup> September 2021, the date of the end of the consultation period. With a note which stated, “If you were awaiting these minutes before making your written representation (as part of the statutory consultation) I can inform you that Rampion will accept late submissions (emailed to Rampion2@rwe.com) up until 3<sup>0th</sup> September 2021”. This</p>	<p>The meeting took place in July 2021, and the Applicant acknowledges the meeting notes were sent on 16 September 2021.</p>	

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	<p>was hours before the end of the consultation period and Wiston had already submitted their response. This was emblematic of the entire consultation period.</p>		
<p><b>2.28.60</b></p>	<p>3.5. On the 24<sup>th</sup> March 2021 Rampion stated in an email “As mentioned we are just in the process of seeking approval from our Board for a comprehensive package which we expect to be able to send to you fairly soon, with proposed commercial terms (including support for advisors fees), which we then look forward to discussing in more detail with you.” No proposal was received until the standard Heads of Terms were provided in 2023, as detailed below. When the Heads of Terms were received they were not customised for Wiston specific issues.</p>	<p>The cable routing design and works areas have evolved as a result of consultation and feedback received from affected parties since 2021. The email in March 2021 pre-dates the first and second statutory consultations, which were fundamental in obtaining feedback on the route proposals and establishing and settling the final DCO red line boundary and works requirements. The email in March 2021 was at a time when there was still optionality within the design. The final boundaries along sections of the route were partially fixed by March 2023, when Heads of Terms were issued to the Wiston Estate. These were customised to the Wiston Estate based on the total length of cable impacting the land and the requirements for a construction compound over one land parcel. Specifically with</p>	<p>If the Applicant were not able to share the terms to be offered in March 2021, why did they state they were going to? This is another example of things not materialising sufficiently far in advance of the DCO application being submitted.</p> <p>See comments under 2.28.7 which deals with the Heads of Terms negotiations.</p>

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		regard to the Wiston Estate, the Applicant received detailed comments on the Heads of Terms on 14 December 2023 via a spreadsheet. The Applicant responded to these comments within a spreadsheet following meetings in January 2024, February 2024 and March 2024.	
<b>2.28.61</b>	3.6. Summary and brief Heads of Terms for an option and easement agreement were not provided until Spring 2023, however, there has been no meaningful discussion about these terms and their suitability for the Wiston Estate until more recently. A group of agents representing a large proportion of affected landowners attempted to engage as a group and received very perfunctory responses. There was a refusal from Rampion and their agents to meet with the agent group to discuss the key terms.	Please see summary in <b>3.2</b>	Please see 2.28.7
<b>2.28.62</b>	3.7. We were informed that draft legal documentation was	The Applicant was keen that both parties' solicitors exchanged	

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	<p>only to be provided to parties who were willing to engage. This was an unhelpful position as it is not possible to assess the terms offered until full legal documentation was provided. An incentive payment was applied to the Heads of Terms should they be signed within 6 weeks; this was entirely unreasonable considering the complex nature of the scheme and the lack of detail in the documents.</p>	<p>correspondence with respect to the detailed draft documentation, once instructed and following agreement of the principles within the Heads of Terms. However, full draft Option and Easement documentation has now been provided to the Land Interest for further consideration and is currently under discussion.</p>	
<p><b>2.28.63</b></p>	<p>3.8. The draft easement and option documents were not provided until late October 2023. There was insufficient time for Wiston Estate to review these and take professional advice, prior to the DCO process (the DCO application was submitted in August 2023). There are additional rights and restrictions contained within these drafts which are important for Wiston to understand and make representations on. For example, the draft legal</p>	<p>The Applicant is continuing to discuss the detail within the draft documentation in order to reach a voluntary agreement. Meetings have been held in January 2024, February 2024 and March 2024.</p> <p>The Applicant has clarified that the restriction with regards to planting of trees will apply only to the easement width over the final cable route and not across all the land shown within the DCO boundary.</p> <p>The Applicant has also included within the draft voluntary</p>	<p>These meetings should have been instigated by the Applicant long in advance if they were truly keen to work collaboratively on the project.</p> <p>See comment under 2.28.7 which deals with the Heads of Terms negotiations.</p>



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	documents included the provision for Rampion to use additional land areas subject to predetermined payment rates and to plant trees anywhere within the Grantors Title. Clearly these will be unacceptable to a complex business such as the Wiston Estate.	<p>agreement provision to allow for planting within the cable easement subject to consent from Rampion 2, so each planting case can be considered against potential impact to the cable.</p> <p>The Applicant is working with the Land Interest to find an acceptable solution to the extent of any additional land requirement.</p>	
<b>2.28.64</b>	3.9. Wiston Estate was informed that further Heads of Terms are to be issued for the Wet Pools compound by the 20 <sup>th</sup> October 2023. These were not provided until February 2024.	The Applicant notes your comments and acknowledges that further discussions are taking place with regards to the Wet Pools compound.	
<b>2.28.65</b>	3.10. Rampion stated that they would prefer to secure the agreement by private treaty but until more recently we have noted very little evidence of any meaningful negotiations. For example, Rampion only confirmed in late November 2023 that rights will be partly limited by reference to the DCO plan, this is after the DCO	Please see summary in <b>3.2, 16.8 and 16.14.</b>	

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	<p>application has been submitted. We await explanations of key definitions within the draft documents and plans showing the areas where these key definitions apply to.</p>		
<b>2.28.66</b>	<p>3.11. Due to lack of proper engagement and consultation the rights being sought by Rampion are too wide. We are aware that Rampion 1 proposed an easement width of 15m, subject to maximum of 30 m2 for physical obstacles. No acceptable justification has been provided by Rampion to substantiate why they require such wide and far-reaching rights over and above what was agreed in Rampion 1.</p>	<p>Please see summary in <b>3.4</b></p>	
<b>2.28.67</b>	<p>3.12. Notwithstanding the above, we acknowledge that several meetings have been held with Rampion and their agents in the past month, where some more meaningful progress has been made. It is disappointing that this has taken so long and as a result</p>	<p>Please see summary in <b>3.5</b></p>	

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	Wiston Estate has incurred unnecessary professional costs in engaging in the DCO process.		
<b>2.28.68</b>	3.13. We note that in the Land Rights Tracker submitted by Rampion (PEPD-016), two sets of Heads of Terms have been agreed and no land agreements have been completed as of January 2024. This is out of the 85 entries. This is symbolic of the consultation and engagement process.	The Applicant is engaging with all parties to progress voluntary agreements. The Applicant will update the Land Rights Tracker at Deadline 2.	
<b>2.28.69</b>	3.14. Although the Estate acknowledges that there has been some engagement with Rampion since 2021, as noted above, the Estate’s view is that this has been disappointing and below the standard to be expected for a project of this scale. The guidance on compulsory acquisition for DCO projects <sup>1</sup> states at paragraph 24 that “Early consultation with people who could be affected by the compulsory acquisition can help build up a good	The Applicant has consulted (both statutorily and informally) with the Land Interest (Wiston Estate), over the period 2020 to 2024. Further details can be found in the answer to <b>3.1</b> . The Applicant has carried out extensive consultation with affected parties, including the Wiston Estate, and their respective representatives since 2020, as referred to within the <b>Consultation Report [APP-027]</b> , Chapter 6 of which provides information on the consultation material provided under Section	Please refer to 2.28.56, 2.28.57, 2.28.58, 2.28.59 and 2.28.60 above

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	<p>working relationship with those whose interests are affected, by showing that the applicant is willing to be open and to treat their concerns with respect. It may also help to save time during the examination process by addressing and resolving issues before an application is submitted, and reducing any potential mistrust or fear that can arise in these circumstances.” It is the Estate’s view that Rampion’s approach to engagement has at times fallen short of the standard expected by this guidance, with the consequence that it was not possible to address and resolve all of the issues raised by the Estate before the DCO application was submitted.</p> <p>1 Planning Act 2008: guidance related to procedures for the compulsory acquisition of land (MHCLG, September 2013)</p>	<p>42 of the Planning Act 2008 and additional methods of consultation.</p> <p>There has extensive engagement by the Applicant with affected parties and their representatives (including the Wiston Estate), including via site meetings, telephone, email and letters in relation to matters such as the assessment and consideration of alternative routes.</p> <p>The Applicant carried out non-statutory consultation from January to February 2021 via the “Rampion 2 Virtual Exhibition in 2021” and the exhibition document was uploaded to the Rampion 2 website following the consultation. The document included plans identifying cable route options.</p> <p>The Applicant carried out a first formal public consultation from July to September 2021. The Estate submitted a consultation response in September 2021 which was reviewed by the Applicant alongside the meeting minutes from a site meeting with the Wiston Estate in September 2021.</p>	
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		<p>The second Statutory Consultation was from October to November 2022 which identified proposed onshore works modifications. The modifications being consulted upon included a number of minor cable route amendments proposed by the Wiston Estate within their consultation response and at the site meeting in September 2021. Through these exercises, route alignments were modified following consultation with the affected parties. The Applicant having considered and assessed the various cable route options put forward by the land interest., before settling on the Applicant's proposed cable route that would be progressed.</p> <p>The Applicant has been open to meaningful discussion on cable routing since 2020 and negotiation with the Estate and their agent following issue of the Key Terms in March 2023. The Applicant has appointed experienced specialist advisors, Carter Jonas, to assist with its engagement and negotiation of Key Terms. At all times, the Applicant and/ or its advisors</p>	
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		<p>have complied with the guidance and sought to negotiate and treat people with respect. The Applicant have been willing and available to meeting parties and/ or their agents to progress discussion, whether in person, on site or by virtual meetings. The Applicant’s acquisition strategy is firmly based on seeking to reach voluntary agreement with affected parties, and it only wishes to rely on compulsory acquisition powers as a last resort.</p> <p>Active engagement is ongoing and the Applicant welcomes the opportunity to further discuss the Heads of Terms and provide clarity on cable routing decisions if required.</p>	
<p><b>2.28.70</b></p>	<p>3.15.Paragraph 25 of the guidance states: “Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.” As indicated in this written representation,</p>	<p>The Applicant acknowledges that ongoing negotiations are taking place with the Land Interest.</p>	

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	<p>the Estate is willing in principle to enter into agreements with Rampion to enable Rampion to acquire the interests it needs for the scheme. However, the Estate's interests must be properly protected and the impacts on it must be minimised. It is the Estate's view that Rampion's attempts to acquire the interests it needs by agreement have not failed, and that it would therefore be premature for compulsory acquisition powers to be granted in respect of the Estate's interests.</p>		
<b>2.28.71</b>	<p>4.1.1. The Washington Parish Council submitted a major alternative route proposal in their paper dated 1<sup>st</sup> February 2021 – the 'Blue Route'. This is identified below in blue.</p>		<p>Please See comments under 2.28.11</p>
<b>2.28.72</b>	<p>4.1.2. At a meeting on the 1<sup>st</sup> September 2021 Rampion suggested that this proposed route would pass through an area of Ancient Woodland on</p>	<p>Please see response to <b>4.1.1</b> above.</p>	<p>Please see 2.28.12 above</p>

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	<p>the north scarp of the downs south-east of Washington Village. Had they inspected the woodland they would have known that it is predominantly a single species woodland suffering from acute ash-die back disease. It is therefore due for an imminent clear fell under Forestry Commission guidelines. In addition only a small part of this area of woodland is designated an Ancient Woodland. We are aware that Rampion are Directional Drilling underneath woods, such as Calcott Wood (which is also a Ancient Wood in part) as detailed above. Could this not have been considered for the proposed “Blue Route”.</p>		
<p><b>2.28.73</b></p>	<p>4.1.3. This route passes far fewer dwellings and interrupts far fewer businesses. It is a superior route that has not been properly evaluated. The Blue Route also avoids the estate’s sand reserves which are shown coloured pink on the plan under section 7.</p>	<p>Please see response to <b>4.1.2</b> above.</p>	



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<p><b>2.28.74</b></p>	<p>4.1.4. We note Rampion state in the Land Rights Tracker that the “rationale and decision-making process for not progressing with the route to consultation was communicated verbally by the Applicant at a site meeting in April 2022.” Although a brief explanation was given at this meeting, no detail on this decision was provided and no further written clarification was received. There has been no further engagement from Rampion on this alternative proposal.</p>	<p>Please see response to <b>4.1.2</b> above.</p>	
<p><b>2.28.75</b></p>			
<p><b>2.28.76</b></p>	<p>4.2.1 Minor route variations have also been proposed, which have not been properly considered by Rampion. There is a strip of land between the Rock Common sand pit 54metres wide that sits to the north of the Pike (A283). This represents a better location for the cable than the route to</p>	<p>Please see response <b>4.2.1</b> above.</p>	

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	<p>the south of the Pike which crosses the entrance to a highly bio-security sensitive rare breed sheep farm to the south, referred to above.</p>		
<b>2.28.77</b>	<p>4.2.2 Generally, a route which follows the southern edge of the road boundary (from Rock Common sandpit eastwards) will see less injurious affection of the farms to the south. It minimises the loss of long-term excavatable sand reserves and future vineyards sites, which are detailed below.</p>	<p>Please see summary provided in <b>4.2.1</b></p>	
<b>2.28.78</b>	<p>4.2.3 This route was proposed at a meeting with Rampion on the 1 st of September 2021. Following that meeting Rampion stated they would investigate the feasibility of this route and acknowledged the benefits as it avoided the severance of various accesses and driveways. No detailed response was received from Rampion following this meeting and suggestion.</p>	<p>Please sees summary provided in <b>4.2.1</b></p>	

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<p><b>2.28.79</b></p>	<p>5.1. Information has been requested and not been provided in its entirety, or insufficient information has been provided by Rampion and their agents. For example, plans showing the operational and construction accesses were requested in the Summer of 2023 so the impact of the project could be fully understood. This detailed information was only provided more recently. Without this information it is difficult to understand the long-term impact of the proposals.</p>	<p>Please see summary provided in <b>5.1</b> above.</p>	
<p><b>2.28.80</b></p>	<p>6.1. Wiston Estate has a successful vineyard and winery business. This is an important and expanding part of the estate and significant investments have been made over the recent years, including the opening of Chalk Restaurant. The enclosed plan below showing the fields suitable for vines was provided to Rampion at an early stage and has not been fully considered by the project.</p>	<p>Please see summary provided in <b>6.1</b> above.</p>	

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<p><b>2.28.81</b></p>	<p>6.2. This land has been identified as being suitable for vines due to its soil type and geology and has been assessed by the estate vineyard consultants, Vinescapes. These fields are on greensand, they are south facing and free draining making them ideal for planting vines. The vineyard fields affected by the Rampion 83779069.1 project are identified with a red cross below and extend to 27.82 acres. The proposed Rampion Route dissects both fields.</p>	<p>Please see summary provided in <b>6.1</b> above</p>	
<p><b>2.28.82</b></p>			
<p><b>2.28.84</b></p>	<p>6.4. We have received mixed messages from Rampion as to whether Vines will be permitted to be planted under the terms of the easement. However, even if they are it will be a significant financial risk to plant vines on land which could be disturbed in the future. Notwithstanding the damage to the soil</p>	<p>No planting can be undertaken where there is a risk of damage to the cable asset. Rampion 2 welcomes further discussion with the Land Interest on potential impacts between vines and the cable to minimize the impact of this overarching requirement to potential vine planting.</p>	<p>Wiston Estate has not taken into account the information provided within Outline Soil Management Plan (SMP) [APP-226], as this is the first time it has been referenced by the Applicant.</p> <p>We still maintain the position that the geology of this land, which makes it so suitable for growing vines, will not be able to be reinstated to protect these special qualities. In addition, the Applicant has confirmed that vines will not be able to be planted within the 20m easement strip, in any event.</p>

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	<p>structure and geology during construction meaning that they will never be suitable for planting vines in the future. The proposals severely limit the future expansion of the estate winery business on the available fields which would be suitable for vines.</p>	<p>The Applicant has received a plan identifying fields that the Wiston Estate have allocated for future vineyard locations from the Estate’s representatives. The Applicant understands that none of the land (at the Wiston Estate) which is affected by the proposed cable route is currently planted as a vineyard.</p> <p>Two of these fields are impacted by the proposed cable route, one of which is currently used for grazing and one of which is currently in arable use.</p> <p>The Applicant does not agree that the soil structure and geology will be permanently damaged as a result of Proposed Development. The Applicant does not accept that as a result of the Proposed Development the soil will be unsui’able for planting vines and it is not clear if the Land Interest has taken into consideration the provisions in the <b>Outline Soil Management Plan (SMP) [APP-226]</b>. The <b>Outline SMP [APP-226]</b> sets out baseline information on soil types and agricultural land quality (Section 2 and Section 3);</p>	
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		<p>measures regarding timing of works (Section 4); measures to manage soil stripping, handling, storage, re-instatement and aftercare methods (Section 5, Section 6 and Section 7); and requirements for monitoring and auditing of compliance with the <b>Outline SMP [APP-226]</b> (and subsequent stage specific SMPs (see further information below in Paragraphs 1.2.5 to 1.2.6) during construction, and verification of land reinstatement being completed to the required standard (Section 7 and Section 8).</p> <p>The <b>Soil Management Plan (SMP) [APP-226]</b> states that a stage specific Materials Management Plan (MMP) will seek to maximise the reuse of excavated soils during the construction work, including where soils cannot be reinstated at their original location due to permanent infrastructure, and ensure that all soils are suitable for their intended use. During pre-construction, soil volumes will be confirmed in the MMP</p>	
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		<p>...and the MMP will interact with the stage specific SMP. Paragraph 3.1.5 of the SMP states that The measures in this <b>Outline SMP [APP-226]</b> and subsequent stage specific SMPs are intended to ensure that the soils can be handled, stored and reinstated in such a manner that following the aftercare period and any required remediation (see Sections 7 and 8), the agricultural land quality in the onshore cable corridor does not deteriorate from the baseline as a result of the construction of the Proposed Development.</p>	
<p><b>2.28.85</b></p>	<p>7.1. Wiston Estate owns Rock Common, a working quarry, which adjoins the route. Neighbouring Wiston land impacted by the proposals has the geological benefit of sitting upon significant reserves of building sand. Therefore, the proposed underground cable, which requires a 20-metre width corridor together with the potential severance, will sterilise in-situ sand in perpetuity.</p>	<p>Noted. <b>Chapter 24: Ground conditions, Volume 2 of the ES [APP-065]</b> and <b>Planning Statement [APP-036]</b> both acknowledge the potential for mineral sterilisation in the area around Rock Quarry.</p>	<p>With respect to mineral resources, the Applicant needs to demonstrate that minerals resources are not being needlessly sterilised, noting that NPS EN-1 requires applicants to safeguard any mineral resources as far as possible (5.11.19). The Applicant states in the Planning Statement [APP-036] that up to 1,160,000m<sup>3</sup> of sand will be sterilised during the construction of the Development.</p> <p>We dispute this figure and do not believe that Applicant has taken into account the true extent of the sand in this area. Wiston Estate has historical records from Tarmac which state there are 400,000 Tonnes of sand under the Wet Pools Compound site.</p> <p>In addition, there are 500,000 Tonnes on an area southwest of the A283. These areas are both outside of the ‘minerals’ area shown on the map in ES Chapter 24 Ground Conditions Plan. We do not believe the Applicant is correct in their assessment of the sand which will be sterilised, and that their estimate of 1,160,00m<sup>3</sup> is significantly underestimated.</p>

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			<p>We refer to 24.9.42 of Chapter 24: Ground Conditions, Volume 2 (APP-065) which states <i>“WSCC states that soft sand is a rare resource, the potential for sterilisation of which needs to be firstly avoided where possible and secondly assessed within the EIA.”</i></p> <p>The Applicant states in paragraph 24.9.44 that the soft sand extends to the North of the A283, but concludes that all of the soft sand in this area has been previously extracted. We refute this as Wiston Estate owns land adjacent with Rock Common Quarry which would be suitable for sand extraction.</p> <p>The Applicant also states in paragraph 24.9.46 that an area of land approximately 4.5ha which would be suitable for sand extraction would be sterilised by the DCO. They assume a worst-case scenario of 2.9ha of sand would be sterilised. Wiston Estate owns all this land and therefore the considerations such as proximity to the Sussex Timber Company would be discounted. Please could the Applicant provide copies of the plans where these areas have been identified.</p> <p>We note that the Applicant has concluded that the sensitivity of the soft sand resource is Medium and during the construction phase, the magnitude of change is High. The effect of Rampion 2 will therefore be Major Negative which is Significant in EIA terms.</p> <p>Wiston Estate notes WSCC and SDNP concerns about the mitigation measures proposed by the Applicant to safeguard minerals. We support this concern and request that the Applicant produces a Minerals Resource Assessment and a Minerals Management Plan (MMP) as part of this DCO process and provide this to the Estate for review. We note this document should include:-</p>
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			<ul style="list-style-type: none"> <li>- Reference to mineral safeguarding, not limited to considering current demand levels</li> <li>- The volumes and types of minerals expected</li> <li>- Mechanisms to avoid needless sterilisation of minerals including prior extraction and avoiding severance</li> <li>- Evidence of discussions with local operators, who could process and manage any minerals.</li> </ul> <p>It is deeply disappointing that the Applicant has not shared the details of their investigations (document APP-065) into the proposed developments impact on the sand deposits at an early stage. None of these documents referred to have been brought to Wiston Estate’s attention before the Applicant’s response to their Written Representation.</p> <p>This is despite Wiston Estate raising the impact on the sand as a key concern at the start of the consultation and repeating this throughout this process. The Estate had shared the Mineral Safeguarding plans with the Applicant but did not receive any detailed response on this point.</p> <p>Wiston Estate requested that the Applicant contribute towards the Estate seeking independent advice on the impact of the proposed development on the sand deposits. This was refused by the Applicant.</p> <p>It is extremely frustrating to now realise that the Applicant held detailed information about the impact on the sand deposits, which had been engaged on with WSCC but had not been shared with the Estate. This is emblematic of the Applicant’s dismissive approach and demonstrates their unwillingness to truly engage.</p> <p>We request that the Applicant shares the information about the sand deposits, including the plans where they have assessed that the onshore cable corridor will interact with approximately 8.2ha of land within the</p>
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			Minerals Safeguarding Area, in order that Wiston Estate can fully understand the proposed impact.
<b>2.28.86</b>	7.2. At a meeting on the 23/07/2021 between Richard Goring (Wiston Estate), (Rampion) and (Carter Jonas) various issues relating to Wiston Estate was discussed. One of the issues was the sand reserves at Wiston Estate. In the meeting notes provided by Carter Jonas it states, “JDA confirmed the Deed of Grant would provide a Diversion Clause in the event the landowner achieved planning permission for certain development activities including housing and working of minerals”.	The Applicant did not consider It appropriate to include the a ‘lift and shift’ or ‘diversion’ clause into the Land Interest’s key terms. The Applicant considers that such a clause carries a disproportionate commercial and technical risk to the Proposed Development, particularly when impacts on potential for development or working are not proven to be committed or considered to be significant.	This is another example of the Applicant offering something, which is not then followed up. Why was the Lift & Shift clause offered in writing in 2021 to mitigate Wiston Estate’s mineral concerns and then not included in the HOT provided in 2023?  The Applicants response is dismissive to this valid question.
<b>2.28.87</b>	7.3. It was therefore a surprise that when the Key Terms were issued in Spring 2023, there was no Diversion Clause proposed. During discussion with Carter Jonas the only response provided was “This is Rampion 2 not Rampion 1.	See response to <b>20.2</b>	

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	<p>There will be no lift and shift clause.”</p>		
<p><b>2.28.88</b></p>	<p>7.4. Rock Common Quarry is an operational facility operated by Dudman Ltd. We understand the estimated in-situ sand reserves is in the order of 100,000 tonnes with an estimated operational life in the order of 2 years, therefore demand for sand is strong.</p>	<p>The Applicant notes that Rock Quarry is an operational facility and that there is an undetermined planning application lodged with West Sussex County Council (ref: WSCC/028/21) for the continued working of the quarry including the winning, working and processing of sand and the importation of inert classified engineering and restoration material, the stockpiling and treating of the imported material, the placement of the imported material within the quarry void and the restoration and landscaping of the quarry . The Chanctonbury Landfill Action Group – CLAG3 and have submitted detailed objections to the proposal and despite the application being submitted in 2021 it remains undetermined. The cable route has been designed to avoid any impact on the operational quarry and therefore the Applicant does not consider there to be any conflict between the cable route and the</p>	<p>We have submitted a letter dated 25<sup>th</sup> April 2024 from Dowsett Mayhew Planning consultant, which deals with the effect on the Mineral Reserves on the Wiston Estate. We set out the detail of this letter below.</p> <p><i>Rampion 2 acknowledge that the proposed cable route would cross areas of the Estate which have (the potential for) mineral resources. They acknowledge that the development would sterilise these reserves (at least for the duration of the development) but consider that this is justified, substantively on the basis of the absence of preferred alternatives.</i></p> <p><i>It is understood that the mineral reserve comprises ‘soft sand’. Paragraph 6.2.13 of the West Sussex Joint Minerals Local Plan (WSJMLP) states that land-won soft sand is of a particular quality that cannot be substituted by other minerals. It notes that soft sand resource is heavily constrained due to its location within or adjacent to the South Downs National Park. It notes that at the time of the partial review of the WSJMLP (March 2021) the reserves of soft sand over the Plan period up to 2033 were some 6.2 years.</i></p> <p><i>The Annual Monitoring Report (AMR) (dated 2022/2023) indicates that the land bank for soft sand may be as little as 4 years (see Table 1 on page 9 of the AMR). The WSJMLP sets out that Policy M2 will be used to determine planning applications for soft sand extraction in West Sussex including extensions of time and physical extensions on allocated and unallocated sites.</i></p> <p><i>This states that proposals for land-won soft sand extraction will be permitted, provided that:</i></p>

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		<p>quarry if the consent is granted in any event. It is also noted that there has been no objection to the cable route raised from Dudman Ltd.</p>	<ul style="list-style-type: none"> <li>• <i>The proposal is needed to ensure a steady and adequate supply of soft sand and to maintain at least a 7-year land bank, as set out in the most recent local aggregates assessment; and</i></li> <li>• <i>The site is allocated within Policy M11 of the Plan, or if the proposal is on an unallocated site, it can be demonstrated that the need cannot be met through the sites allocated for that purpose; and</i></li> <li>• <i>Where transportation by rail or water is not practicable or viable, the proposal is well related to the lorry route network.</i></li> </ul> <p><i>The policy also notes that proposals located outside of the SDNP must not adversely impact on its setting; whilst proposals within the SDNP and which constitute major development will be refused other than exceptional circumstances and where it can be demonstrated to be in the public interest.</i></p> <p><i>Paragraph 6.9.8 of the WSJMLP states that the approach to safeguarding soft sand is to include the whole of the unconsolidated sand and gravel mineral resource. It states that soft sand resources may also have the potential to be of silica sand quality which is of national importance.</i></p> <p><i>It notes this approach takes account of their more limited distribution and ensures that the safeguarding of these resources is maximised. In support of this Policy M9 of the WSJMLP relates to safeguarding minerals. It states that existing minerals extraction sites will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities; and soft sand (including potential silica sand) are safeguarded against sterilisation. It notes that proposals for non-mineral development within the Minerals Safeguarded Areas as detailed in the Plan will not be permitted unless:</i></p> <p><i>(i) Mineral sterilisation will not occur; or</i></p>
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			<p><i>(ii) It is appropriate and practicable to extract the mineral prior to the development taking place, having regard to the other policies in this Plan; or</i></p> <p><i>(iii) The overriding need for the development outweighs the safeguarding of the mineral, and it has been demonstrated that the prior extraction is not practicable or environmentally feasible.</i></p> <p><i>Paragraph 6.9.14 in support of the policy states that where non-mineral development is proposed, developers may be required to carry out investigation work to ascertain whether extraction is practicable. The results of this should be reported in a ‘Minerals Resource Assessment’ that is submitted within any application.</i></p> <p><i>It notes that for authorities to raise no objection to the non-mineral development, they will need to be satisfied that either mineral sterilisation will not occur (either because the mineral resources are not economically viable or that an appropriate and practicable level of prior extraction can take place) or because there is an overriding need for the development. Further detail on this is set out in the WSCC Minerals and Waste Safeguarding Guidance (March 2020). This confirms that safeguarded mineral resources includes soft sand and that all mineral safeguarding areas include a 250m buffer to protect resources from inappropriate proximal development.</i></p> <p><i>The supplementary guidance notes that a Mineral Resource Assessment (MRA) should be proportionate to the size of the site and scarcity of the mineral and sets out a number of potential matters to be included. This includes an assessment of the geological information about the site; site investigations and borehole data; consideration of other locations for the development that are outside of the MSA; assessment of whether the proposal can be modified to avoid sterilisation; and an assessment of the potential for the use of the mineral in the proposed development and</i></p>
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			<p><i>whether it is feasible and viable to extract the mineral resource ahead of the development.</i></p> <p><i>The supplementary guidance also p"ovid's further information on the approach to prior extraction. It notes an example of this occurring in relation to the Rolls Royce development near Chichester where sharp sand was extracted prior to the development and taken for processing nearby, and a factory was built within the resulting land form to reduce its visual impact.</i></p> <p><i>Within this context, and from the information I have seen, it appears that the applicant has provided inadequate appraisal of the effect of the development on the sterilisation of mineral reserves to accord with these policy requirements.</i></p> <p><i>There is little explanation as to how alternative options for the cable route have been explored to minimise effect. The applicant appears to heavily rely on the argument that it is inevitable that there will be impact. However, this fails to detail how considerations have been undertaken to minimise the impact (rather than avoid impact altogether).</i></p> <p><i>The applicant also appears to give inadequate consideration to the prospect of prior extraction, simply arguing that this is not economically viable.</i></p> <p><i>I have also not seen evidence of a Mineral Resource Assessment to explore in detail the potential resource.</i></p> <p><i>Whilst it is likely that the applicant will argue compliance with the requirements of Policy M9 (Safeguarding Minerals) by reference to Policy M9(iii), that there is an overriding need for the development that outweighs safeguarding, it is my view that this does not obviate the</i></p>
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			<p><i>applicant from the need to minimise and mitigate against impact to the maximum possible extent.</i></p> <p><i>This is particularly important given the relative scarcity of soft sand, the inability to use an alternative material for its purpose, and the current land bank position set against policy requirements.</i></p> <p><i>Cumulative Effects Arising from Rock Common Quarry Development Proposals</i></p> <p><i>The Environment Impact Assessment Regulations require applicants to describe the likely significant effects of proposed development on the environment resulting from the accumulation of effects with other existing and/or approved projects.</i></p> <p><i>I note that you are concerned about the potential impact of the Rampion scheme on the application proposals for development at Rock Common Quarry that is currently under consideration (LPA reference WSCC/028/21) with particular reference to traffic impacts.</i></p> <p><i>The Rock Common Quarry application was submitted in 2021. The applicant of Rampion 2 asserts that there appears to be no obvious date for determination and it emphasises the objections that have been submitted by local interested parties.</i></p> <p><i>As you know, we have received informal assurance from the LPA Case Officer that the application is now being prepared to be reported to Committee, with a target date of 6<sup>th</sup> June 2024. Even were this missed, it demonstrates that there is a clear intent for the application to be determined in the near future.</i></p>
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			<p><i>The application has been the subject of 2 full public and statutory consultation exercises, with further targeted reconsultation of a number of specialist technical consultees.</i></p> <p><i>In response to each round of consultation, representatives of the applicant have prepared and submitted Addendum information to the WPA.</i></p> <p><i>The intent, and consequence of this, is that the submitted further information has iteratively addressed outstanding queries and concerns, in particular from statutory technical consultees.</i></p> <p><i>I understand that that there are now no technical objections to the application from such statutory consultees. On this basis, and notwithstanding residual concerns of local residents, I consider that the application is in accordance with relevant Development Plan and other planning guidance. It is therefore likely to be reported to Planning Committee for determination, with an officer recommendation for approval.</i></p> <p><i>The Rock Common Quarry application comprises two elements. The first is the continued winning, working and processing of sand. The application submitted that it is estimated that there are between 100,000 and 150,000 tonnes of sand reserves remaining in the quarry, and that these would be extracted as part of the proposed works.</i></p> <p><i>Alongside this, and subsequently, the second element of the application is the proposed restoration of the quarry via the importation of a total of circa 2.7 million m<sup>3</sup> of material imported at an annual rate of some 345,000 m<sup>3</sup> over a circa 8 year period.</i></p> <p><i>The application is supported by details that evidence that the currently approved restoration of the quarry (via the filling of the void with water)</i></p>
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			<p><i>is not environmentally acceptable due to the risk of contamination. The application explains the need for the importation of material to ensure a safe and satisfactory restoration scheme.</i></p> <p><i>It evidences that the material to be imported is the minimum necessary (for example it does not seek to fill the quarry to its pre-existing surface level) as required by Development Plan guidance (Policy W8 of the West Sussex Waste Local Plan).</i></p> <p><i>The commentary on the Rock Common Quarry application by the Rampion representatives appears relatively modest. It seeks to focus on the compatibility of the cable route with the physical extent of the Rock Common Quarry application area.</i></p> <p><i>This fails to take account of the requirements of the EIA Regulations, to consider the cumulative environmental effects of other existing and/or approved projects. Whilst it is not yet approved, I consider that there is a strong prospect that the Rock Common Quarry application will secure consent ahead of determination of the Rampion 2 application.</i></p> <p><i>It is therefore important that that the latter application takes account of the consequence of the development, including compatibility and effect on traffic.</i></p> <p><i>The Rock Common Quarry application provides detailed proposals for the routing of vehicles, in order to ensure there is an acceptable impact within the local area. Whilst there are concerns among local residents in respect of the capacity of the highway network, it has been demonstrated the Rock Common Quarry application can be delivered with an acceptable impact on highway safety and capacity. This view has been endorsed by West Sussex County Council as the Highway Authority.</i></p>
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			<i>Notwithstanding this, the Rampion 2 application should be required to take full account of the potential operation of this proposed development in relation to the traffic effects, given that the Rock Common Quarry restoration period which would be running simultaneously with the Rampion 2 construction period.</i>
<b>2.28.89</b>	<p>7.5. The land to the north of Rock Common Quarry has planning permission for a ready-mixed concrete batching plant and for the importation of materials for blending, thus providing added value products. We would anticipate that Dudman Ltd would wish to continue these service lines subject to virgin sand being available. In addition, this land provides the associated sand processing plant. Clearly these are established operations and would support an application to quarry in land owned by Wiston shaded pink on the plan below. Going forward there is potential for development of the sand associated with land to the north of the A283, which could be easily linked by conveyor to the existing</p>	<p>The Applicant notes the separate planning permissions by which the ready mixed concrete batching plant and the importation of materials for blending have operated under. It is also noted these activities have previously been approved on the basis that they cease when quarrying operations cease at Rock Common Quarry itself. It is also noted that planning application WSCC/028/21 seeks to bring these activities under a single planning permission with the main quarry site. As such, the use of the concrete batching plant is linked to the lifespan of Rock Common Quarry, and any other future use would require a separate permission.</p> <p>With regard to the land shaded pink in the provided plan, the Applicant notes that there are no planning permissions or</p>	<p>We refer to comments made above under 2.28.88</p>

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	<p>Dudman Ltd processing and concrete batching site.</p>	<p>submitted planning applications for minerals extraction in relation to this land. It is only designated in the West Sussex Joint Minerals Local Plan (JMLP) as a Minerals Safeguarding Area (MSA), which is a different matter to policy support for minerals extraction.</p> <p>The JMLP therefore does not provide any specific policy support for future minerals extraction in this area.</p> <p>The Applicant notes that there has been no representation submitted by Dudman Ltd to the Proposed Development and there is no planning policy, planning applications or planning permissions which would support the idea of minerals extraction in the land owned by Wiston Estate and shaded pink on the provided plan.</p> <p>Therefore limited weight can be given to the consideration of the potential of this type of development in this pink area.</p>	
<p><b>2.28.90</b></p>	<p>7.6. A mineral specialist has applied a high-level assessment of the mineral</p>	<p>The Applicant assumes that the area of land containing the 5.2 million tonnes of sand quoted by</p>	<p>Please can the Applicant confirm which plan they are referring to which is marked “A” “B” &amp; “C”</p>

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	<p>reserves, assuming a depth of 5 metres with ratio of 1 cubic metre to 1.5 tonnes. This high-level approach provides in the order of 5.2 million tonnes for the cable corridor and for the assumed severed land east and west of the cable corridor.</p>	<p>Wiston Estates relates to the entirety of the pink-shaded area on the plan provided. No evidence has been submitted to the DCO Examination to show that there are sand resources available across all of this pink-shaded area.</p> <p>The MSA which is identified in the West Sussex JMLP is based on geological information provided by BGS and this indicates that the sand resources do not exist across all this pink-shaded area. The plan provided here by the Applicant shows the overlap of the proposed cable route, the MSA and the pink-shaded area provided by Wiston Estates. Land within the MSA and within the proposed cable route would be directly sterilised by the Proposed Development during the construction and operational stages. Land marked as 'A' contains potential sand resources but these would still be available for extraction as they are not sterilised by the cable route itself or from severance. Land marked as 'C' is outside of the MSA and the geological records of sand</p>	<p>WSCC mineral safeguarding plan has been provided to the Applicant, which shows the area of sand owned by Wiston Estate. These areas are also referenced in the Applicant's own documents, including the Planning Statement [APP-036].</p> <p>We disagree that severance and sterilisation will not apply. Indeed we note that WSCC has previously requested that the Applicant consider the issue of severance, particularly for soft sand. WSCC state in Document APP-065 <i>-no such assessment or consideration has been given. If the cable route results in severance of parcels of land underlain by the safeguarded resource, this could effectively sterilise the economic viability that would enable extraction."</i></p> <p>Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.</p>
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		<p>resource available, therefore no sterilisation can occur. This leaves a small area of land marked 'B' which is potentially subject to sterilisation from severance.</p> <p>Within this area of land, the MSA only exists as a relatively narrow band measuring between 100-160m wide and 600m in length (approximate figures). The A283 to the north provides an existing constraint on some of this land, with other sand quarries in the area utilising an approximate 35 wide buffer from roads of this type. A woodland area to the western boundary of this land would also provide a constraint to extraction. These constraints would see the area of land available become a narrow band measuring between 65-125m wide and 470m in length (approximate figures). Due to its location at the edge of the MSA, and as described in Paragraph 24.9.45 of <b>Chapter 24: Ground Conditions, Volume 2</b> of the ES <b>[APP-065]</b>, this is unlikely to be considered as a sufficiently large plot of land to allow a viable extraction site to be developed.</p>	
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		Therefore severance is not considered to be relevant in this area.	
<b>2.28.91</b>	7.7. We enclose a WSCC plan showing the sand deposits in the county. You will note the band of sand which runs west to east through the county. Rock Common is identified on the plan. The Rampion proposal runs straight through these sand deposits.	The Applicant has acknowledged the proposed cable route does pass through the sand resource identified by the West Sussex JMLP in <b>Chapter 24: Ground conditions, Volume 2</b> of the ES <b>[APP-065]</b> and in the <b>Planning Statement [APP-036]</b> . Due to the north/south orientation of the cable route and the east/west orientation of the sand resource it is not possible for the cable route to avoid this feature.	See comments under 2.28.85 and 2.28.88
<b>2.28.92</b>	7.8. WSCC had previously requested Wiston Estate consider putting this land into the Local Waste Plan due to the quality of the sand in this area. For strategic reasons Wiston Estate did not take this forward, as they have a live planning application for the restoration of Rock Common Quarry currently being considered. This application has been submitted to seek permission for the restoration	The Applicant assumes that reference here to the ‘Local Waste Plan’ actually means the JMLP, as this would be the appropriate document for sand extraction. It is noted that the adopted JMLP does not contain any reference to the pink-shaded land other than where it falls within the MSA. The JMLP does not provide any specific policy support for sand extraction in this area.	See comments under 2.28.85 and 2.28.88

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	of the quarry once extraction activities have ceased.		
<b>2.28.93</b>	<p>7.9. However, the sand potential should be considered in light of Wiston Estate ownership structure, the estate is a multi-generational estate held by the same family since 1743. Therefore, they take a long-term view and if the Rampion project goes ahead this sand potential will be sterilised for the next generation.</p>	<p>The sand resource within the MSA that overlaps directly with the cable route could be sterilised for the construction and operational stages of the Proposed Development and this is acknowledged and assessed within <b>Chapter 24: Ground conditions, Volume 2</b> of the ES <b>[APP-065]</b> and <b>Planning Statement [APP-036]</b>.</p> <p>There is potential for the sand to be subject to prior extraction for sale/use outside of the Proposed Development (although <b>Chapter 24: Ground conditions, Volume 2</b> of the ES <b>[APP-065]</b> explains why this is considered to be unlikely) but greater potential exists for sands to be re-used within the proposed Development. The exact amounts available for re-use would be subject to the results of ground investigation work at later phases of the proposed development which would allow the exact quantities and quality of sand to be identified. This re-use would be controlled by the <b>Outline Code of</b></p>	<p>There will be a considerable cost saving for the Applicant to re-use the sand within the Proposed Development. This has not been discussed with Wiston Estate and should be reflected in the compensation offered.</p>

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		<p><b>Construction practice [PEPD-033].</b> Any remaining sand which would be sterilised would then become available again once the Proposed Development reaches the decommissioning stage. This would maintain a long-term opportunity for minerals development opportunities in this area.</p>	
<p><b>2.28.95</b></p>	<p>8.1. The position of the route takes a significant amount of land out of agricultural use during construction. It also severs fields making large areas unusable. Some of the affected land is farmed by farm tenants, and the proposals will severely impact their livelihoods. We detailed some of the practical issues above.</p>	<p>The Applicant will seek to engage further with the Land Interest and their tenants regarding detailed construction access design and accommodation works in accordance with <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>.</p> <p><b>Fencing</b> – The Applicant confirms that the construction area within the Order Limits will be fenced off for the duration of construction.</p> <p><b>Crossing/ Access Points</b> – Accommodation works (to include access points over the construction area) to seek to mitigate the impact will be discussed with the Land Interest in due course.</p> <p>Alternative crossing points which are suitable for agricultural machinery and livestock so as to minimise impact on the business,</p>	



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		<p>farming operation and residential property will be considered.</p> <p>The Applicant will discuss in more detail Accommodation Works with the Land Interest to ensure access is facilitated to any severed land. Where severed land cannot be farmed the Applicant would be willing to negotiate an appropriate compensation claim for disturbance.</p>	
2.28.96	<p>8.2. The separation of the buildings from the main area of the holdings will have a detrimental effect on the ability to run the agricultural enterprises. Some of the farm tenants have had a poor experience with the project, having correspondence ignored and surveys being carried out without consent, which has resulted in concerns that farm tenants will not be treated fairly.</p>	<p>The Applicant has carried out extensive consultation with affected parties, including farm tenants of the Wiston Estate since 2020 as referred to within the <b>Consultation Report [APP-027]</b>, Chapter 6 of which provides information on the consultation material provided under Section 42 of the Planning Act 2008 and additional methods of consultation.</p> <p>The Applicant is keen to have ongoing discussions with the land interest and their farming tenants to understand how best to implement temporary accommodation works during the construction period (e.g. fences, gates and crossing points). Also the Applicant will continue to</p>	

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		engage further to understand the Land Interest’s specific requirements to accommodate the tenant’s farming and business operations and minimise disturbance wherever possible.	
<b>2.28.97</b>	<p>8.3. Some examples of this include: -</p> <ul style="list-style-type: none"> <li>• On the 1<sup>9</sup>th May and the 20<sup>th</sup> May 2021 ecology surveys took place on Guess Gate Farm in advance of the environmental survey licence being agreed and signed. At this point the tenant had not even been provided with a copy of the licence to be signed. This raised significant health &amp; safety and biosecurity concerns of unauthorised third party access onto a working livestock farm.</li> <li>• On the 2<sup>1</sup>st September 2021 surveyors turned up unannounced to Guess Gate Farm, despite terms being agreed in the access licence which stated that the estate and their tenants would be notified of proposed surveys and the surveyors would sign into farm log books where required.</li> </ul>	<p>The Applicant had been given verbal consent by the Land Interest’s agent (which was subsequently redacted) to access the land for surveys in May 2021. Following this, all surveys were postponed until the licence was signed. In September 2021 a survey licence was signed by Wiston Estate and surveyors attended site. The Applicant understands that there was a misunderstanding regarding access instructions. As a response, planned surveys were suspended and the protocol put in place to ensure appropriate contacts were made with the farming tenant prior to surveys taking place and logs books signed.</p>	

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<p><b>2.28.98</b></p>	<p>9.1. Further information on the proposed Wet Pools Compound has been requested (shown on the plan as Work No.10). It is understood that this is a major compound. The estate has serious concerns over access, Highway safety and the impact on the local road network as the current access is poor.</p>	<p>Information on the proposed compound at Washington is set out in <b>Chapter 4 of the Environmental Statement-Proposed Development [APP-045]</b>. Stage specific traffic management plan for this location will contain further details regarding the construction traffic using the compound in accordance with the <b>Outline Construction Traffic Management Plan [REP1-010]</b> An outline design and road safety audit for this location will be provided by the Applicant during the Examination period to West Sussex County Council as requested by them as Highway Authority.</p>	
<p><b>2.28.99</b></p>	<p>9.2. No detailed plans for the compound have been provided, including details of use such as working hours and access arrangements. Head of Terms for use of this compound were only received on the 2<sup>nd</sup> February 2024.</p>	<p>Detailed layout plans for the temporary construction compound at Washington will be completed as part of detailed design once a principal contractor is appointed. Working hours for the construction including the temporary compound locations are communicated as part of the DCO-Application. Please see <b>Commitment C-22</b> in the</p>	

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		<p><b>Commitments Register [REP1-015]</b> for details on working hours. Detailed access arrangements are being worked on in coordination with the Local Highways Authority, to comply with DMRB standards.</p> <p>The Applicant100elcomemes the opportunity to discuss the Heads of Terms for the compound with the Land Interest.</p>	
<p><b>2.28.10 0</b></p>	<p>9.3. We note in Rampion’s submitted outline Code of Construction Practice they intend to operate with the following core working hours: 07:00 to 19:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. This would result in significant traffic and disturbance on this compound during the rush hours.</p>	<p>Core working hours have now been reduced, with the provision of shoulder hours. Please see updated <b>Commitment C-22</b> in the <b>Commitments Register [REP1-015]</b> for details on working hours. Impacts to local traffic have been assessed in the <b>Outline Construction Traffic Management Plan [REP1-010]</b> and further detailed in the <b>Traffic Generation Technical Note [REP1-008]</b></p>	
<p><b>2.28.10 1</b></p>	<p>9.4. The estate has previously put forward alternative sites for a compound, which have not been considered properly.</p>	<p>Please see summary in <b>9.2</b></p>	
<p><b>2.28.10 2</b></p>	<p>10.1. It is understood that Manhole covers will be erected at 1km intervals on</p>	<p>Please see summary in <b>10.1</b></p>	

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	<p>the route and access to these will be retained in perpetuity. We understand from Rampion that location of these will not be provided until the construction period, and they will be limited to where they can go due to the cable being in set lengths. If they are located inappropriately, such in the middle of the field, this will have significant implications both operationally, such as arable farming, and for future uses, such a vineyards.</p>		
<p><b>2.28.10 3</b></p>	<p>11.1. Throughout the consultation and survey period, there has been a failure to cover the affected parties’ professional costs. Much wasted professional time has been spent following up their chaotic approach to matters. This is unequitable when Wiston Estate have only incurred these costs due to the proposed project</p>	<p>Please see summary in <b>11.1</b></p>	<p>Please see 2.28.24</p>
<p><b>2.28.10 4</b></p>	<p>11.2. Rampion refused to pay professional costs during the initial consultation period. This</p>	<p>The Applicant has confirmed that reasonably incurred professional fees will be reimbursed, on the</p>	<p>Please see 2.28.24</p>

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	fundamentally undermines the engagement process, especially given professional costs were reimbursed during the development of Rampion 1.	provision of an accompanying timesheet to any fee account being as set out in the Key Terms for the Voluntary Agreement and in accordance with the RICS Professional Statement (Surveyors advising in respect of compulsory purchase and statutory compensation).	
<b>2.28.10 5</b>	11.3. We do acknowledge that Rampion have confirmed they will meet professional costs during the Heads of Terms negotiations.		
<b>2.28.10 6</b>	12.1. We note in Rampion submissions – Appendix 22.15: Biodiversity Net Gain Information (Document reference: 6.4.22.15) it is stated that “Three Landowners with interests over large land holdings have expressed interest to RED for the delivery if biodiversity units”.	The Applicant notes this response. It should be noted that the potential to provide BNG to deliver commitment C-104 (see the <b>Commitments Register [REP1-015]</b> ) which is secured via Requirement 14 of the <b>draft Development Consent Order [PEPD-009]</b> will be developed in detail should the Proposed Development receive consent. This is because the detailed design is necessary to get an accurate understanding of the needs to deliver both ‘no net loss’ and BNG. It is at this point when	We note WSCC requests that the mechanism to deliver off-site BNG, including the sign off process and proof of purchase of Biodiversity units, is secured through the DCO requirement. Wiston Estate would support this view.

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		discussions with landowners would be entered into in detail (as described in <b>Appendix 22.15 Biodiversity Net Gain Information [APP-193]</b> ). The Applicant is aware of the Wiston Estate’s interest in delivering BNG based on information on the websites of the Weald to Waves Project and Bidwells.	
<b>2.28.10 7</b>	12.2. Biodiversity Net Gain was discussed with Rampion in 2021 when they engaged with the Weald and Waver Project. Wiston Estate is partner in this project. Since 2021 despite attempts to engage no further responses have been received from Rampion with respect to BNG.	Please see response to <b>25.1</b> .	
<b>2.28.10 8</b>	13.1. Without prejudice to the objections above the parties are seeking to agree a position relating to several points above as well as an option and easement agreement and a compensation agreement.	The Applicant welcomes further discussions on the Heads of Terms.	
<b>2.28.10 9</b>	14.1. Wiston Estate reserves the position to submit further		

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	information, issues, and objections as part of the DCO process.		
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25 April 2024

Dear Rick

**Effect on Mineral Reserves on the Wiston Estate Arising from the Proposed Rampion 2 Development**

I write further to our meeting on Monday and your subsequent email in relation to the prospective effect on mineral reserves of the Rampion 2 development.

I note that extensive representations have been made on behalf of the Wiston Estate, and a further response has been drafted to the initial comments made on behalf of Rampion 2 ("the applicant").

You have asked for my comments in relation to (i) the potential sterilisation of sand mineral reserves resulting from the proposed cable route through the Estate, and (ii) the effect on the development proposals for continued working and restoration of Rock Common Quarry.

**Sterilisation of Sand Mineral Reserves**

Rampion 2 acknowledge that the proposed cable route would cross areas of the Estate which have (the potential for) mineral resources. They acknowledge that the development would sterilise these reserves (at least for the duration of the development) but consider that this is justified, substantively on the basis of the absence of preferred alternatives.

I am not sure of the extent to which the preferred route directly impacts reserves, or the extent to which prospective alternative routes would have a lesser impact. I leave this advice to your expert Minerals Advisor.

I understand that the mineral reserve comprises 'soft sand'. Paragraph 6.2.13 of the West Sussex Joint Minerals Local Plan (WSJMLP) states that land-won soft sand is of a particular quality that cannot be substituted by other minerals. It notes that soft sand resource is heavily constrained due to its location within or adjacent to the South Downs National Park. It notes that at the time of the partial review of the WSJMLP (March 2021) the reserves of soft sand over the Plan period up to 2033 were some 6.2 years.

The Annual Monitoring Report (AMR) (dated 2022/2023) indicates that the land bank for soft sand may be as little as 4 years (see Table 1 on page 9 of the AMR).

The WSJMLP sets out that Policy M2 will be used to determine planning applications for soft sand extraction in West Sussex including extensions of time and physical extensions on allocated and unallocated sites.

This states that proposals for land-won soft sand extraction will be permitted, provided that:

- The proposal is needed to ensure a steady and adequate supply of soft sand and to maintain at least a 7-year land bank, as set out in the most recent local aggregates assessment; and
- The site is allocated within Policy M11 of the Plan, or if the proposal is on an unallocated site, it can be demonstrated that the need cannot be met through the sites allocated for that purpose; and
- Where transportation by rail or water is not practicable or viable, the proposal is well related to the lorry route network.

The policy also notes that proposals located outside of the SDNP must not adversely impact on its setting; whilst proposals within the SDNP and which constitute major development will be refused other than exceptional circumstances and where it can be demonstrated to be in the public interest.

Paragraph 6.9.8 of the WSJMLP states that the approach to safeguarding soft sand is to include the whole of the unconsolidated sand and gravel mineral resource. It states that soft sand resources may also have the potential to be of silica sand quality which is of national importance. It notes this approach takes account of their more limited distribution and ensures that the safeguarding of these resources is maximised.

In support of this Policy M9 of the WSJMLP relates to safeguarding minerals. It states that existing minerals extraction sites will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities; and soft sand (including potential silica sand) are safeguarded against sterilisation. It notes that proposals for non-mineral development within the Minerals Safeguarded Areas as detailed in the Plan will not be permitted unless:

- (i) Mineral sterilisation will not occur; or
- (ii) It is appropriate and practicable to extract the mineral prior to the development taking place, having regard to the other policies in this Plan; or
- (iii) The overriding need for the development outweighs the safeguarding of the mineral, and it has been demonstrated that the prior extraction is not practicable or environmentally feasible.

Paragraph 6.9.14 in support of the policy states that where non-mineral development is proposed, developers may be required to carry out investigation work to ascertain whether extraction is practicable. The results of this should be reported in a 'Minerals Resource Assessment' that is submitted within any application.

It notes that for authorities to raise no objection to the non-mineral development, they will need to be satisfied that either mineral sterilisation will not occur (either because the mineral resources are not economically viable or that an appropriate and practicable level of prior extraction can

take place) or because there is an overriding need for the development. Further detail on this is set out in the WSCC Minerals and Waste Safeguarding Guidance (March 2020).

This confirms that safeguarded mineral resources includes soft sand and that all mineral safeguarding areas include a 250m buffer to protect resources from inappropriate proximal development.

The supplementary guidance notes that a Mineral Resource Assessment (MRA) should be proportionate to the size of the site and scarcity of the mineral and sets out a number of potential matters to be included. This includes an assessment of the geological information about the site; site investigations and borehole data; consideration of other locations for the development that are outside of the MSA; assessment of whether the proposal can be modified to avoid sterilisation; and an assessment of the potential for the use of the mineral in the proposed development and whether it is feasible and viable to extract the mineral resource ahead of the development.

The supplementary guidance also provides further information on the approach to prior extraction. It notes an example of this occurring in relation to the Rolls Royce development near Chichester where sharp sand was extracted prior to the development and taken for processing nearby, and a factory was built within the resulting land form to reduce its visual impact.

Within this context, and from the information I have seen, it appears that the applicant has provided inadequate appraisal of the effect of the development on the sterilisation of mineral reserves to accord with these policy requirements.

There is little explanation as to how alternative options for the cable route have been explored to minimise effect. The applicant appears to heavily rely on the argument that it is inevitable that there will be impact. However, this fails to detail how considerations have been undertaken to minimise the impact (rather than avoid impact altogether).

The applicant also appears to give inadequate consideration to the prospect of prior extraction, simply arguing that this is not economically viable.

I have also not seen evidence of a Mineral Resource Assessment to explore in detail the potential resource.

Whilst it is likely that the applicant will argue compliance with the requirements of Policy M9 (Safeguarding Minerals) by reference to Policy M9(iii), that there is an overriding need for the development that outweighs safeguarding, it is my view that this does not obviate the applicant from the need to minimise and mitigate against impact to the maximum possible extent.

This is particularly important given the relative scarcity of soft sand, the inability to use an alternative material for its purpose, and the current land bank position set against policy requirements.

### **Cumulative Effects Arising from Rock Common Quarry Development Proposals**

The Environment Impact Assessment Regulations require applicants to describe the likely significant effects of proposed development on the environment resulting from the accumulation of effects with other existing and/or approved projects.

I note that you are concerned about the potential impact of the Rampion scheme on the application proposals for development at Rock Common Quarry that is currently under consideration (LPA reference WSCC/028/21) with particular reference to traffic impacts.

The Rock Common Quarry application was submitted in 2021. The applicant of Rampion 2 asserts that there appears to be no obvious date for determination and it emphasises the objections that have been submitted by local interested parties.

As you know, we have received informal assurance from the LPA Case Officer that the application is now being prepared to be reported to Committee, with a target date of 6th June 2024. Even were this missed, it demonstrates that there is a clear intent for the application to be determined in the near future.

The application has been the subject of 2 full public and statutory consultation exercises, with further targeted reconsultation of a number of specialist technical consultees.

In response to each round of consultation, representatives of the applicant have prepared and submitted Addendum information to the WPA.

The intent, and consequence of this, is that the submitted further information has iteratively addressed outstanding queries and concerns, in particular from statutory technical consultees.

I understand that that there are now no technical objections to the application from such statutory consultees. On this basis, and notwithstanding residual concerns of local residents, I consider that the application is in accordance with relevant Development Plan and other planning guidance. It is therefore likely to be reported to Planning Committee for determination, with an officer recommendation for approval.

The Rock Common Quarry application comprises two elements.

The first is the continued winning, working and processing of sand. The application submitted that it is estimated that there are between 100,000 and 150,000 tonnes of sand reserves remaining in the quarry, and that these would be extracted as part of the proposed works.

Alongside this, and subsequently, the second element of the application is the proposed restoration of the quarry via the importation of a total of circa 2.7 million m<sup>3</sup> of material imported at an annual rate of some 345,000 m<sup>3</sup> over a circa 8 year period.

The application is supported by details that evidence that the currently approved restoration of the quarry (via the filling of the void with water) is not environmentally acceptable due to the risk of contamination. The application explains the need for the importation of material to ensure a safe and satisfactory restoration scheme.

It evidences that the material to be imported is the minimum necessary (for example it does not seek to fill the quarry to its pre-existing surface level) as required by Development Plan guidance (Policy W8 of the West Sussex Waste Local Plan).

The commentary on the Rock Common Quarry application by the Rampion representatives appears relatively modest. It seeks to focus on the compatibility of the cable route with the physical extent of the Rock Common Quarry application area.

This fails to take account of the requirements of the EIA Regulations, to consider the cumulative environmental effects of other existing and/or proved projects. Whilst it is not yet approved, I consider that there is a strong prospect that the Rock Common Quarry application will secure consent ahead of determination of the Rampion 2 application.

It is therefore important that that the latter application takes account of the consequence of the development, including compatibility and effect on traffic.

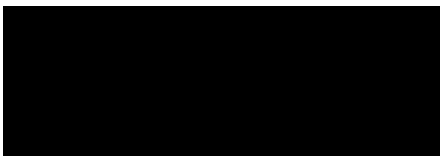
The Rock Common Quarry application provides detailed proposals for the routing of vehicles, in order to ensure there is an acceptable impact within the local area.

Whilst there are concerns among local residents in respect of the capacity of the highway network, it has been demonstrated the Rock Common Quarry application can be delivered with an acceptable impact on highway safety and capacity. This view has been endorsed by West Sussex County Council as the Highway Authority.

Notwithstanding this, the Rampion 2 application should be required to take full account of the potential operation of this proposed development in relation to the traffic effects, given that the Rock Common Quarry restoration period which would be running simultaneously with the Rampion 2 construction period.

I hope that these comments are helpful, and if you require any further information or wish to discuss this further, please do not hesitate to let me know.

Yours Sincerely



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