



POST HEARING SUBMISSIONS

Including written submissions of oral cases

CowfoldvRampion
cowfoldvrampion@gmail.com

Version 1 – May 2024

Contents

Open floor hearing:.....	2
Introduction	2
Ecology	2
Kent Street	3
A272 traffic.....	3
Hedges	4
Visual impact of the Kent Street access	4
Conclusion.....	5
Issue Specific hearing 2.....	5
2. Onshore ecology:	5
d) Protected species including the adequacy of surveys for DCO application, adequacy of proposed mitigation and commitments in the draft DCO, post consent mitigation licences for protected species.....	5
4. Applicant to update the ExA on progress to or latest position on:	6
b) Tree and hedgerow loss calculations and the planned update to the Arboricultural Impact Assessment	6
c) Updates made to the Vegetation Retention Plans submitted in the updated Code of Construction Practice [REP3-025] at Deadline 3	7
6. Seascape, landscape and visual effects:.....	7
d) SDNPA Statutory purpose:	7
7. Traffic and Access	8
a) Kent Street Traffic Management Strategy.....	8
e) Tankering and Vehicle Movements to Address Water Neutrality	10
f) Traffic Modelling assumptions:.....	10

Open floor hearing:

Introduction

There are repeated themes coming out in this examination such as the lack of visuals, the social and environmental impacts, socioeconomic effects all ably highlighted on the coast by Protect Coastal Sussex and others, and mirrored in Cowfold-yet all are deemed 'negligible' by Rampion's studies.

You know that there has been inadequate consultation, that they haven't carried out a proper assessment of alternatives, that there has been no attempt to take the traffic impacts into account either on the very busy A272 or tiny lanes such as Kent St, nor have the ecological assessments of Oakendene and the northern cable route been adequate. Regarding the roads, Bolney, Shermanbury and Cowfold PCs all raise concerns, and hundreds of members of the public who know from experience what will happen on these roads, say the same, yet Rampion somehow know better.

- They have not earned the right to go ahead with this proposal; it should not be seen as a foregone conclusion.
- The level of detail has been inadequate,
- engagement with consultees has been inadequate.
- Responses to Questions have been inadequate with either simply repeating sections of the ES or making reference to documents or studies which don't actually contain the information they purport to. Deflecting questions. Giving responses which superficially appear to address the question but do not

It is Simply not possible that ALL investigated impacts can be 'negligible'. This reduces the credibility of *any* of their studies

Ecology

We Criticise their methodology regarding ecology:

With regards to our area, firstly there were very few records at the desk top stage, as there had been no reason to survey before

They were being given significant evidence from Janine Creaye from early on, that there was far more here than would appear to be the case on paper. Yet they did not use this to inform their surveys despite being warned by NE of the importance of listening to local knowledge.

Then, when you look at Natural England's criticisms of the surveys, you find that a disproportionately high number of the failed or inadequate surveys are actually at Oakendene and the northern cable route. *This means that the ecological findings for our area are disproportionately down played by the applicant*, if they were investigated at all.

The Forestry commission on connectivity, SDNPA on bats and dormice, Sweethill farm, even the French government, all reiterate many of our concerns about survey data, lending credence to our arguments. It is also highly likely therefore that our arguments that the traffic methodology is similarly flawed or inadequate is also correct.

We hope you will hear and see something of what is special here on your visit tomorrow. The importance of the area is not regarding any one species however, but its special characteristic comes from the sheer diversity of species and habitats in such a small area, from the small fields and dense hedges and scrub, and mature trees all providing safe interconnectivity, to flood plains, wild flower meadows and ancient hedges, woods, lakes and ponds

Kent Street

In reality, Kent Street is in a very narrow single-track road with limited passing points and even those passing points struggle to allow two cars to pass, let alone more substantial construction vehicles. The road is also in frequent use by cyclists and horses and these feel entirely incompatible and unsafe as road users alongside the proposed increase in industrial traffic.

There are so many things which are wrong with the proposal: more detail on which we will give on Thursday

- sheer size of vehicles which will need access will cause problems to users, the road and the landscape.
- There will be a Requirement for banksmen for years on end-why not just traffic lights
- the proposed 40mph speed limit on the A272, although its impacts have not been considered,
- And a huge turning arc onto the A272 directly adjacent to the Oakendene SS turning point, with associated dangers and visual devastation.
- The lack of evidence on the actual Ability to get in and out of access points A61 and A64, and even to turn round in the 3 cable routes
- The failings of the Enso traffic survey and whether Rampion's own survey will be any more fit for purpose: (ENSO's traffic survey for Kent Street showed almost all the traffic to be motor bikes and cars, including on the days when the traffic was jamming the lane because the A272 was closed, and we know that was not a true. Something has gone wrong with the methodology). Do we know if Rampion's survey can accurately count road users at the extremes of traffic ie for both bicycles and huge HGVs? It seems unlikely that a single device can do both.

A272 traffic

Flawed assumptions lead to wrong conclusions no matter how detailed the study or modelling is.

The Traffic calculations are at one level fine, they are just not quite about the right thing. It's like getting a sum right in an exam, but getting no marks because you haven't answered the right question. The problem with Rampion's data is that they encourage us only to look at the answers. which do seem reasonable, without thinking about whether they are actually in response to the right question or if the right assumptions are made when working out the calculation to use.

Rampion's traffic modelling looks only at traffic numbers in the context of freely flowing traffic and does not adequately consider the mini-roundabouts, or the turning traffic, at 3 points so close together both of which cause congestion and affect the capacity of the road. Cowfold is already at capacity. The 10% 'negligible' impact is only appropriate for a situation where the traffic is NOT at capacity.

The new 40mph proposal cannot have been factored in to any modelling.

Danger:

The residents living on the A272 near Oakendene will not be able to see past the queuing traffic waiting for vehicles to turn into Kent Street or the A63 compound and will leap out blind from their driveways, and from Kent Street, to turn right onto the busy road.

Rampion give instances of serious accidents occurring near the Oakendene Industrial estate. All of which illustrate very clearly why this stretch of the A272 is dangerous and traffic lights are needed; they *show* that the bend is dangerous, visibility is poor, and people do not expect vehicles to be slowing down to turn on this stretch of road. All these accidents took place in daylight, and with good weather conditions. Many more, less serious, accidents occur on this part of the A272, clustered at Kent Street, and the A63 and A62 compound entry points. The complicated traffic movements of the construction vehicles will make accidents far more likely to happen.

Traffic lights *must* be used for safety reasons, but the queues may be worse as a result. This is a fundamental problem of choosing this site for the substation.

Hedges

We discover, although it isn't in the new Kent Street Plan, that even wider visibility splays than previously will be needed to accommodate the traffic both at access points down Kent Street and onto the A272

There is conflict between demolition of North East corner of Oakendene's hedge and tree line for the massive Kent Street access arc and the updated Design and Access plan which shows this very corner nicely being replanted in the first year after commencement. How is this possible?

Similarly, how will the hedge retention and tree retention and even the notching proposals be possible whilst at the same allowing giant vehicles to drive along the haul road, let alone turn around again?

Visual impact of the Kent Street access

There will be nothing left of Kent Street and the A272 by the time they have removed all these hedges and trees. How then they can possibly claim it will be adequately screened is beyond comprehension. When you go to Oakendene tomorrow, imagine what you see there, but with almost all the hedges and trees removed from the field and from the north and east boundaries and see if you can convince yourselves that it can be adequately screened, in any season, in the lifetime of the substation?

Also, when you go, think about the final ground level and whether the figures now given by Rampion actually mean that, because the land slopes down to the South, the southern end of the substation will now actually be higher and therefore even more starkly visible than we had been led to believe before, especially from the southern side

Conclusion

- They Have just converted a *minimum* of 4.5 years to being a worst case scenario. They need to provide credible evidence of how they can justify this claim. Rampion1 was supposed to take 2 years yet took 6! This claim is in direct contradiction to their insistence on having 7 years in which to start because of concerns about procuring materials. And how will it work with their promise not to work in the breeding bird season, or when it is very wet or flooding? Surely these things will *prolong* the construction period, not shorten it?
- It's not credible that they can put in the planting and still use the site as a massive construction compound. Indeed, despite what they say as a commitment, the design plans show that most of the planting to the north will be left until the end, leaving the whole area wide open visually to the A272.

The CTMP says of A-64 and A61

- " *No accommodation works required – existing access* " Why then does the construction access update document REP3-054 now say 20m of hedge will have to be removed at A61 and 10m at A64, presumably on each side?
- The Kent Street plan is extraordinary in its lack of attention to detail and lack of cross referencing with other documents. The idea of banksmen on A272 is unworkable. With regards to Design and Access, and the turning arc for the huge vehicles that is to somehow to be replanted at the end of the first year. How can that be? How will thousands of huge vehicles be able to go in and out of the 2 Oakendene sites so very close to where the banksmen are managing the Kent Street traffic, people will see vehicles coming out of one compound and go straight back in again to another. They won't be expecting it: It will cause accidents. In their determination to 'prove' that no traffic lights are needed they are willing to put people's lives at risk.
- Their silence is deafening in their Kent Street plan about the disruption which will be caused in any enabling works, reinforcement of the road or bridge, or ongoing and final repairs. Why hasn't that been included in the plan?
- Deafening silence on any possible traffic management plan for getting in and out of the compounds, other than to say they'll fix it when consent is granted
- deafening silence on the impact on landscaping and disruption to A272 and Kent Street of the UKPN cable under Oakendene which will have to be moved.

Issue Specific hearing 2

2. Onshore ecology:

d) Protected species including the adequacy of surveys for DCO application, adequacy of proposed mitigation and commitments in the draft DCO, post consent mitigation licences for protected species.

We explained at the OFH that many of our concerns about the surveys are mirrored in the views of others and the findings of NE:

Eg dormouse: Oakendene sites were not surveyed until April 2022, not completed until Oct 2022. Cratemans area not surveyed at all despite being exactly the kind of habitat which is suitable ie woodland, scrub and hedgerows that form a well-connected network with the wider landscape.

Eg2: Bats-baseline data insufficient. Again, a high proportion of these insufficiencies occur at Oakendene

[we note the SDNPA comments also that the baseline surveys are inadequate]

Eg3 GCNs-NE agrees with all our criticisms of the surveys-sampling outside best times, delayed sending to labs, degraded DNA. In total, 14 of the 31 inconclusive or constrained results were from this area. And concludes "at present, the quantity or quality of surveys provided at Oakendene would be insufficient to support an application for a licence"

Eg4: Badger, otter and water vole: Deviation from best practice. Suggests that additional surveys may be required.

Where it is not possible to avoid direct impacts to water vole, additional surveys will be required to look for field signs, including latrines, feeding remains, footprints and water vole burrows. These should be mapped and used to inform an appropriate mitigation plan.

The rather circular problem is 4 of the 6 very suitable otter sites which could not properly be assessed were in the Cowfold Stream area precisely *because* they were dense scrub with difficult access, surely making it more likely that otter may have been present, and making it more difficult to perform the searches required

Therefore, best practice dictates that further data is required to demonstrate that there is sufficient alternative suitable habitat adjacent to the works to displace the water voles into. There won't be, because the whole area is to be so badly disturbed.

There are so many species here that the disruption to ecology will be enormous, and with all the timing restrictions for displacement and mitigations, there won't be any time left for construction.

Regarding the field surveys at Cratemans which were done only in June 2022 (Talbot and Baker I and II,) the owner confirms the applicant's access licence had expired by then so they were either trespassing or looking only from the footpaths, in which case it couldn't have been done properly

There is so much destruction of important habitats in this small area, but the mitigations are elsewhere meaning that this habitat, where species currently thrive so well, will NEVER regain its connectivity and value to wildlife

4. Applicant to update the ExA on progress to or latest position on:

b) Tree and hedgerow loss calculations and the planned update to the Arboricultural Impact Assessment

REP3-055 shows additional hedge losses at A57(20m), A61(20m), A62(15m), A63 (25m) and A64(10m). This should not have been 'unforeseen' if they had remotely thought out their plans to manage traffic on Kent Street, the Oakendene Industrial Estate, the A272 or A281 **before** submitting the DCO.

- Where is the evidence that these will be sufficient? Previously they said 'existing access no alterations needed'. No swept path analysis of A-61 and A64 was included with the Kent Street CTMP. We cannot rely on Rampion's unevidenced statements on this.

- Many are described as ‘with trees’, but there is no real clarification of the size of any of these trees. We believe the size of some of these trees to be substantial.
- The Applicant needs to clarify whether these figures are the total width, or *in each direction*, in which case the *total* additional loss is double what is stated here.
- All will have a massive impact visually on the whole landscape, it will be utterly devastating. The whole area will be bereft of trees. How can they possibly claim this will make no difference?
- They do not appear to have included the newly proposed Kent Street visibility splay on to the A272: another 35m, presumably in each direction, and probably on other small lanes where have had to widen access to roads elsewhere.
- There is no inclusion of the big corner they want to cut off the NE corner of the Oakendene fields to allow the low loaders to turn in and out of Kent Street as shown in their Kent Street CTMP (which by the way is conflictingly included in the design and access plan for replanting after year one-how can that be possible??)
- Have they thought about whether more trees and hedges will have to be removed to allow these huge vehicles to turn round again on the 3 haul roads (2 accessed from Kent Street and one off A281 to Cratemans)? The applicant said yes at the hearing but where is the evidence?
- Can the applicant clarify if they are intending to create a new access to A62, or whether they propose to use the existing access to the Oakendene industrial estate? If so, safety concerns will need to be addressed.
- Indeed, all of these splay sizes are based on assumptions that you will accept the 30mph average speed in derestricted Kent Street for the splay calculation and that they will be allowed to reduce the speed limit on A272 and A281 to 40mph, otherwise there will be even more devastation

So, we started off with Xm of hedges. We have now had to increase this as they didn’t come up with a properly considered plan in the first place. Yet even now it still doesn’t include everything, such as the Kent Street A272 access. There is no joined up thinking, they are thinking on their feet all the time, as they have done with all aspects of this project; ill thought out and poorly consulted.

c) Updates made to the Vegetation Retention Plans submitted in the updated Code of Construction Practice [REP3-025] at Deadline 3

- How do they propose to retain hedges on the cable route when the haul road will need to go through them for gigantic vehicles, and be able to turn around. Eg H450, H464a, H486
- There appears to be no inclusion here of the large turning arc at the entrance to Kent Street to allow vehicles to get in and out-not just hedge, but trees and scrub.

6. Seascape, landscape and visual effects:

d) SDNPA Statutory purpose:

What IS the purpose of the SDNPA if they can just be overridden by someone more interested in profit than preservation? What gives such a place its special characteristics is not just the ground you walk on, although of course this is very important, but the views from and the setting of the landscape. *In this case* that means the natural beauty, **unspoilt seascapes and dark skies**, all of which will be compromised by the wind turbines and cable routes.

7. Traffic and Access

a) Kent Street Traffic Management Strategy

- Do they know if the road is strong enough to take these vehicles?
- Do they know if the bridge over the culvert is strong enough or wide enough?
- ENSO submitted an ATC survey in their outline construction management plan. It would appear that this evidence may be flawed in that almost all vehicles captured (including for the 3 days when the A272 was closed) were recorded as ARX (the ATC classification system) vehicle classification 1 and 2. This means that they were all either two wheelers, motor cars or simple trailers.

This is obviously nonsense as when the A272 was closed, huge lorries and coaches were jammed in the lane. Yet the algorithm has somehow come up with 17-25% HGVs, which doesn't fit the ARX data.

Rampion have started their own automatic data count on Kent Street. It remains to be seen whether this is any more fit for purpose. I have no idea, but one imagines that when horses, pedestrians, vehicles close together, etc on a lane with such a low traffic count, there is plenty of scope for misinterpretation by automated systems more used to main roads. Can a system using one device be adequately calibrated to be accurate at both extremes. ie bicycles v huge lorries?

- Peak weeks: misleading as suggests that after the peak week there won't be much problem, but annex c of REP3 -022 shows that there will be 30 weeks of >50% of peak week numbers
- Peak times: again misleading: the implication is that the rest of the day is very much quieter, but you can see from the ENSO figures, that there are no peaks, but vehicles continue in similar numbers throughout the day
- A turning arc is needed to cut into the NE corner of the Oakendene field and 35m of hedge will be removed on either side to create a visibility splay. This will be continuous with the splay at Oakendene A63: devastating consequences visually, as discussed yesterday. So not just traffic impacts, but also landscape and visual due to the huge length of hedge for visibility splay at Kent Street and A63 which are continuous, and removal of trees, scrub and hedge to create the turning circle for low loaders
- That corner is part of their latest design and access statement and is shown as for planting
- Given the difficulty turning on and off the much wider A272, where is the evidence that these massive vehicles will be able to turn into the access points A64 and A61? Will they be able to turn round on the haul roads even? We learned at the ASI that A61 access point's location is not even fixed yet, so how can they even know this, let alone how much of a splay they need or the impacts??
- The turning circle of the low loader shown turning right into Kent Street has its wheels in the verge on the north side of the A272. **If this requires widening of the road at this point this is not consistent with the commitment to protect tree and hedge roots on the north side of the road**
- What about consideration that there will also be similar difficulties turning in and out of A63 just 100m away and the dangers of all these access points so close together?
- Also, vehicles will be turning in and out just 100m away to A63 and also A62 close by-far too dangerous and ill thought out. Will banksmen be needed at these points also?
- Passing places-habitually also used for parking-walkers, dog walkers even horse boxes to access fields. They cannot reasonably be prevented from doing this as there is nowhere else for them to park.
- No consideration is given to the movements of animals or cyclists

Temporary 40mph limit:

4 and a half years is not very temporary. It would have to be continuous during that time otherwise people will get confused and that is dangerous

On the plus side, it would mean that, if permanent, the visibility splay at Oakendene A-63 could be much reduced, but

- We need modelling to understand whether it would just create a backlog on A272. Normally reducing the speed limit just reduces the gaps, but when the area is continuous with a pinch point, such as the two mini roundabouts, surely it will just increase the congestion?
- There is a continuous flow of traffic coming from the village as the queue into Cowfold from the west is released onto the eastern side. Reducing the speed limit will cause traffic to back up into the village as traffic can't speed up. particularly as banksmen are going to keep holding up the traffic.
- It just seems to be part of a rather ill-conceived scheme to avoid traffic lights, and to squeeze massive vehicles in and out of Kent Street. It needs to be looked at in the context of the whole of their traffic management plans, because of the proximity of the other access points.
- Will this increase the accident rate on the already terrible western side of Cowfold on the A272, and between Kent Street and Bolney as frustrated drivers put their foot down on a derestricted bit of road?

Banksmen:

On Kent Street, banksmen are somehow supposed to control the traffic and allow pedestrians and animals to 'adjust their position'. There are 13 equestrian properties on the lane who *need* to use the road.

On A272: Banksmen are more usually employed for a few days or weeks. Surely this is the purpose of traffic lights? This is not a realistic proposal for 4.5 years. It will require numerous banksmen on Kent Street and several on main road, not just at the junction, as people will need to stop some distance away to allow these huge vehicles to turn, to some extent on the wrong side of the road. Traffic lights would be far safer. People **cannot reverse** if caught out.

Those who live on this stretch of road know how terrifying it is to stop on the road as you fear someone will run into the back of you. Particularly going into Kent Street from the east as there is a dip in the road, making you invisible to drivers until they are on top of you. A stationary vehicle could be sitting there for several minutes whilst waiting for an HGV to come all the way up Kent Street. Banksmen are also in danger; currently, crossing that part of the A272 as a pedestrian is particularly alarming.

And there is the danger of getting in and out of Picts Lane and the access road to Coopers Farm, Wealden Barn and Applecross.

Whether banksmen or traffic lights, the principle is the same: the traffic will need to be stopped.

NB There has been no factoring in of the disruption caused by any strengthening of road, repairs both ongoing and afterwards. No factoring in of the disruption caused by widening of the access both to Kent Street, A62 or A63, no factoring in of any disruption to A272 or Kent Street by the

diversion of the UKPN cable which sits under the Oakendene substation site and which they are supposed to be in discussion with UKPN about.

e) Tankering and Vehicle Movements to Address Water Neutrality

- There will be approximately 4000 tankers of 19000 litre size or 2,500 30,000L tankers, across the DCO area, but they don't give figures for Oakendene. However, we assume that most of these will be coming to Oakendene, so we do not agree that it will not make much difference to traffic numbers.
- They don't say, so we assume these figures are in addition to the HGV numbers already quoted.
- They do not give figures for Kent Street either. Or say whether they are included in the Plan they have only just produced for Kent Street so, again, we presume not?
- How many will come and go through the AQMA, presumably also not included in previous figures, or even those given at this same deadline in response to other questions.
- The tanker in the picture is enormous, and it doesn't say if that's a picture of the smaller tanker or the bigger one!
- wheel washing of hundreds of vehicles every day, will all go down into the Cowfold stream at the A62 compound and the tributary at A63, with implications for the Cowfold Stream and Adur downstream, and in winter, when flooding or saturated, where will all these thousands of cubic metres go?

f) Traffic Modelling assumptions:

Traffic assessment

- The original estimate of 8040 HGVs we were quoted has now become 20,000. The numbers quoted still seem small when considered against the figures given for Rampion 1
- There remain inconsistencies in the vehicle numbers they give to people eg the figures given to Bolney PC differ from those given to Fred Turok (see Rampion's responses to Deadline 2 submissions)
- There remain inconsistencies in the number of HGVs they say will come through the AQMA
- How can they possibly have done accurate modelling when they don't have accurate numbers?
- In assessing traffic flows they have not considered the fact that the road is at capacity, only the 10% increase in traffic; this is too simplistic.
- They even only consider percentage increase in flow for the section between the 2 mini roundabouts (receptor 24)
- We know that at capacity every vehicle counts in assessing congestion and pollution, even the less polluting vehicles will affect this. Rampion do not include the passenger vehicles or even LGVs in their modelling only HGVs
- They have not considered the impacts of the complicated in and out movements at three points so close together and the queues this will cause,
- They haven't included the Tankers or private vehicles arriving in the morning, only passenger vehicles going to the sites *from* the compounds, or **the additional movements to control the Kent Street vehicles**

- The lack of a holding bay is madness- how can the compounds act as a holding bay if the aim is to control the flow TO the compounds?
- **The Proposed 40mph will not have been factored in to either the Traffic Assessment or consequent EIA modelling**
- **Possible new access to OIE-safety issues etc**

Air quality Impacts

In Dec 22 HDC commissioned a report from Stantec. It showed that the traffic at the mini roundabouts is beyond capacity during peak hours, defined in the report as 08.00-0900 and 1700-1800. In the morning, the congestion is the 7th worst in the whole district.

The ElanCite traffic camera data produced for WSCC for the period Jan-Mar 2023 at the A272 approach from the east in the Cowfold village centre shows that **the traffic peaks for this point in fact begin around 6.30-7am and continue until 9.30 am and in the evening 3pm until 6.30-7pm. Of note is the fact that the figures are only slightly lower than this throughout the whole of the day between the peaks, explaining why it takes very little to tip the traffic into major congestion on this road.**

The congestion will also be affected by the vehicles turning on and off into the compounds, and Kent Street causing the traffic to back up into the AQMA and queue towards Bolney along the A272.

Rampion say they will not need a holding bay because the compounds can be used as such. This will not work, because the congestion is around those compounds so how can they be used to control the flow? The holding bay is needed to control traffic coming TO the compounds so how can the compounds themselves be used for this purpose? The truth is that because the previous holding bay site is not available, they are trying to convince us there is no need

There remain conflicting statements between the various documents about the extent to which the AQMA in Cowfold will need to be used by HGVs. For example:

- 25% HGVs to A63, A62, Kent Street and Wineham lane will have to come from A24 (and therefore through Cowfold (REP3-050 Applicant's response to written questions AQ1.2)
- REP3-029 para 5.4.4: *"routing through Cowfold will only be for access A-56 and or A-57 or where use of locally sourced materials / equipment make its avoidance impracticable."*
- 055 Construction access update: A56 and A57: *"Temporary speed limit reduction (40mph). Banksman may be required to support specific movements. **Highway width constraints within Cowfold will require articulated HGVs and low loaders to access junction from the south via A281, A2037 and A283**"* ie through the narrow high street of Henfield and the less than 90 degree bend at the roundabout in Upper Beeding. Given size of these vehicles where is the evidence that they can actually do this?

Kent Street

Their traffic modelling assumptions for Kent Street are up to now based on the Enso Battery Storage traffic count. This is flawed (see above) as there appears to be no link between the ARX vehicle classifications observed (0-2 HGVs/day) and the 17-25% OGV/HGVs it records later in the data.