

03 June 2024

Dear Mr Allen,

Rampion 2 Offshore Windfarm – EN010117
Interested Party Reference – 20045298

The South Downs National Park Authority (SDNPA) response comprises detailed comments in respect of:

- SDNPA Responses to ISH2 Action Points (**Appendix A**)
- SDNPA post-hearing submissions (**Appendix B**)
- SDNPA comments on Applicants response to ExA Written Questions (**Appendix C**)
- SDNPA comments on other Deadline 3 Submissions (**Appendix D**)

Summary

Whilst there has been some further information provided, seeking to overcome issues raised by the SDNPA, there remains fundamental concerns that the residual effects on the South Downs National Park (SDNP) overall are so significant, they would compromise the purposes of designation. We have sought to be proactive and recommend how this could be overcome, through the details provided in this response.

Section 106 Agreement

The Applicant and SDNPA have been in discussions regarding the Heads of Terms for a Section 106 Agreement. We provided comments to the applicant on 24 April 2024 on the version submitted at Deadline 3. We will continue to work with the applicant to reach agreement on these.

The SDNPA and Applicant remain in dialogue, in order to continue to identify areas of agreement and potential steps to resolve ongoing areas of concern. We will continue to engage with the applicant to progress the Statement of Common Ground and seek to reduce the number of Principal Areas of Disagreement.

Yours sincerely,



Vicki Colwell
Principal Planning Officer - SDNPA

Appendix A

Response from the South Downs National Park Authority to the Examining Authority's Action Points from Issue Specific Hearing 2 (ISH2)

The South Downs National Park Authority's (SDNPA) response to the relevant actions are contained in the table below, against the Examining Authority's original action point for ease of reference. These responses are provided for Deadline 4 of the examination (03 June 2024).

Action Point	Description	SDNPA Response
3	Applicant to consider providing an Outline Biodiversity Management Plan/Strategy and respond at D4.	The SDNPA support the request for this document. It would give clear assurance that net loss of biodiversity – including matters relating to severance and protected species – were being mitigated and managed in accordance with the mitigation hierarchy. It would also ensure that the SDNPA could identify the mitigation taking place within its boundaries and whether this is meeting the higher bar for conserving and enhancing within its limits, as has been suggested in our earlier submissions, including in response to ExA Question TE1.10 and TE1.11 [REP3-071] .
6	Applicant to consider issues raised by West Sussex County Council (supported by Horsham District Council) regarding monitoring arrangements for reinstatement, timely remedial actions and handover procedures to an Offshore Transmission Owner (OFTO) and issues raised by South Downs National Park Authority (SDNPA) regarding the lack of detail in	The SDNPA also support this request and have made further comments in Appendix D of this submission.

Action Point	Description	SDNPA Response
	the Outline Landscape Ecology Management Plan and respond by D4.	
34	Applicant to reconsider Commitment C-66 of the CR, relevant Requirements 12, 16 and 22, and documents (such as the LEMP) including how the special qualities of the SDNP are clearly addressed.	We have made some additional suggestions as to how the OLEMP in particular could be strengthened in order to help resolve this matter in Appendix D .
37	SDNPA to consider if seascape is reason to refuse the proposals.	<p>The SDNPA consider that subject to the points below, ‘seascape’ would not be a singular issue on which to withhold consent:</p> <ul style="list-style-type: none"> • Additional controls secured in the draft DCO regarding the layout and design of the array to have regard to National Park Purposes (and to be agreed in writing by the Secretary of State); and • A substantial financial contribution is secured as part of a Section 106 Agreement, to provide funds for projects to mitigate and compensate for the significant adverse landscape and seascape effects of the array.
50	The Applicant to outline the proposed strategy for maintaining the safe passage of pedestrians, cyclists and horse riders along Michelgrove Lane during construction activities.	The SDNPA would like to suggest this strategy goes further and includes the whole construction traffic route proposed from A26-A28, given it makes use of multiple Public Rights of Way in this area, of which many are to remain open during construction.
60	West Sussex County Council / the Applicant to consider and respond on possible alterations to Requirement 19 and related Commitments, C-79, C-	The SDNPA has liaised with West Sussex County Council (WSSCC) to provide further comments on the submitted Written Scheme of Investigation. We therefore support the response provided by WSSCC on this matter.

Action Point	Description	SDNPA Response
	<p>225 with the scope of removing ambiguity in respect to trial trenching.</p> <p>West Sussex to respond to the submitted Written Scheme of Investigation.</p>	
62	SDNPA to review its comments on the adequacy of Articles 5, 33, 34, 44 and 55 in light of more recent documents submitted into Examination and whether these are best sought in the Requirements.	SDNPA accepts that these matters can better be addressed in Requirements. However, for the reasons explained elsewhere it maintains concerns about the content of the control documents and Commitments Register, and accordingly the efficacy of the Requirements as a whole in addressing the impacts on the SDNPA.

Appendix B – Post Hearing Submissions (summary of oral representations)

Onshore ecology

1. SDNPA explained various concerns in respect of the approach to onshore ecology including:
 - a. The absence of a specific biodiversity management plan with detailed explanation of how impacts on biodiversity interests would be avoided and mitigated. The OLEMP is not well-suited to this purpose and lacks sufficient detail to ensure that biodiversity is prioritised. The applicant's focus on an assessment of biodiversity net gain risks moving to the third stage of the mitigation hierarchy (compensation) without properly taking up opportunities to avoid impacts and mitigate for them.
 - b. Measures secured by the DCO should seek to ensure no net loss to biodiversity.
 - c. SDNPA is concerned that the ES has not been updated to reflect more recent species surveys. This means that the measures necessary to avoid impacts and secure appropriate mitigation are absent. Again, reliance on later BNG assessments moves wrongly to the question of compensation for losses.
2. It is not agreed that approach in the Yorkshire Green DCO is comparable to that carried out by the Applicant because:
 - a. The Yorkshire Green project was at an advanced design stage well beyond the current proposal.
 - b. A biodiversity mitigation strategy in its final form was secured under the DCO and was a certified document. This formed part of the construction management plans for the project (see requirement 5 of the Yorkshire Green DCO).
 - c. Net gain was not relied upon by the applicant as justification for granting development consent. Rather, a project wide commitment to secure net gain was made as part of the S106 agreement with relevant planning authorities *in addition to* the measures secured under the DCO through the biodiversity mitigation strategy.
3. In respect of Kitpease Copse, the question is whether trenchless techniques are technically feasible, not whether Southern Water and/or the Environment Agency would prefer open cut. Southern Water Services have provided a response [REP3-130] which does not dismiss alternative construction methodologies, subject to a Hydrogeological Risk Assessment. That risk assessment should be completed and shared with the examination.

Seascape and landscape

4. SDNPA emphasises that the impact on the SDNP arises from a combination of the effects on seascape from the construction and operation of the array, and the direct impacts on the SDNP. The in-combination impacts on the designation need to be taken into account and minimised, mitigated, and compensated for.

5. The strengthened statutory duty in s 11A National Parks and Access to the Countryside Act 1949 needs to be considered at each stage of the mitigation hierarchy.
6. In respect of seascape, the dDCO would authorise a design envelope in which the array could be delivered. However, the design of the array within those parameters is in no way controlled to minimise impacts on the SDNP. The design of the array would not, as the dDCO is currently drafted, be subject to any further approvals relevant to impacts on the SDNP. This should be addressed to ensure that the array is designed to minimise, so far as is practicable, the adverse impacts on the SDNP. Without such a measure it is difficult to see how the Secretary of State can be sure that the statutory duty to seek to further the statutory objectives is met.
7. In respect of the landscape of the SDNP, the relevant control documents (OLEMP and OCoCP, and the Commitments Register) do not spell out the need to further the statutory objectives of the SDNP to ensure that in the construction of the scheme and the delivery of mitigation the SDNP's Special Qualities are given their statutory priority. These documents, and the commitments in them, are no different in substance from such documents used for similar schemes outside of National Landscapes. The Applicant should take further steps to develop a coherent set of control documents which reflect in terms the relevant statutory duties. Further, in common with the A66 Transpennine DCO, the statutory duty should be reflected on the face of the dDCO.
8. SDNPA will await the Applicant's further consideration of these points in an updated dDCO.
9. It is common ground that there are residual adverse effects on the SDNP and accordingly it is necessary to consider the provision of compensation. Discussions are ongoing in respect of a S106 agreement to secure a compensation package. These discussions will be reported back to the Examination.

Transport and Access

10. The SDNPA has explained its concerns relating to access A-28, which appears unsuitable as an intensively used construction access. Whilst there is an existing bellmouth, the access then follows an overgrown track, and runs immediately adjacent to Scheduled Ancient Monument of considerable historical significance (a Roman hill fort with historical importance dating back to the Iron Age). The access creates a "loop" of c. 10km of construction access routes through a highly sensitive part of the SDNP. The Applicant should reconsider the use of this access altogether, including considering whether a design to accommodate the necessary turning movements could be achieved at access A-26.
11. The use of access A-26 requires careful consideration of the interaction between construction traffic and recreational users.

Archaeology

12. The Order Limits thread through a landscape of at least national and likely international historical significance. The identification of the spatial limits for Scheduled Monuments does not indicate the likely extent of archaeological interest. The approach taken by the Applicant to date, in failing to carry out proper investigations, is inadequate to allow a proper assessment of significance. SDNPA

supports WSCC's request for further investigation prior to the grant of development consent.

Appendix C – SDNPA Comments on Applicant’s response to ExA Written Questions

The SDNPA’s response to the majority of the Applicant’s responses has been outlined in Appendix B of this Deadline 4 submission. Comments on specific documents provided at Deadline 3 and referred to in the Applicant’s response have been provided in Appendix D. The table below provides further clarification around a number of key issues and should be read alongside our earlier submissions.

ExA Question Ref	Question	Applicant’s Response	SDNPA Response
BD1.9	Provide calculations for the losses of biodiversity for the Proposed Development within: The Arun DC area; The Horsham DC area; and The SDNPA area	Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement (ES) [REP3-019] has been updated using the Statutory Biodiversity Metric and broken down by local authority area. Separate results are also provided for the South Downs National Park. Accompanying the updated Appendix are the Statutory Biodiversity Metric workbooks for Arun District Council area, Horsham District Council area and Mid-Sussex District Council area. A separate workbook is also provided for the South Downs National Park but it should be noted that this includes some of the losses and gains within both Arun District and Horsham District and therefore care must be taken to avoid double counting. It should also be taken into consideration that all of the workbooks show error messages. This is simply based on two factors: Biodiversity net gain (BNG) of at least 10% is not demonstrated in the workbooks, as per the approach taken in Appendix 22.15: Biodiversity Net Gain	<p>The SDNPA note that applicant has recognised their approach has resulted in double counting. This could be remedied by revising the workbooks to reflect Local Planning Authority areas, rather than District areas (as there would not be an overlap).</p> <p>As previously advised, the applicant should submit the Excel worksheets to each Local Planning Authority for interrogation, not just .pdf files. The associated condition assessment sheets are also required as these are a mandatory part of the Statutory Metric being applied.</p> <p>Currently, and as alluded to in ISH2, the SDNPA is unable to discern whether the</p>

		<p>Information, Volume 4 of the ES [REP3-019]; and Trading rules are not being satisfied. This is an inevitable consequence of BNG of at least 10% not being demonstrated. At the detailed design stage workbooks will include the biodiversity units identified.</p>	<p>10% or the Trading Rules are being satisfied (i.e. making sure they are replacing like for like or better) because information on where the deficit in units will be located has not been provided.</p> <p>In terms of temporary losses, these aren't included in the Exemption Regulations but are instead included within the Statutory BNG Metric User Guide under 'accounting for temporary losses'. Provided the habitat and area can be restored to baseline habitat type and condition within two years of the initial impact, the applicant does not need to record a habitat as lost, and that habitat can be excluded from calculations, i.e. it is treated as not being impacted and therefore not subject to BNG. Recent Natural England advice via the (Planning Advisory Service BNG Forum) is that <i>"it is important to consider whether the habitat type and condition being proposed for the temporary impact can be realistically restored to the baseline habitat type and condition within 2 years. If that is not possible then it will be subject to mandatory BNG under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)."</i></p> <p>BNG 'exemption' may not apply if high/very high distinctiveness habitats or moderate or</p>
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			<p>higher habitats in good condition are being temporarily impacted for example, due to the difficulty in creating/restoring these types of habitats. The applicant has not broken the calculations down into habitat parcels (or highlighted those areas of discrete high/very high distinctiveness) and has instead conflated them into overall habitat areas within the Metric. This means that some habitats within the SDNP may have erroneously been accounted as temporary loss, reducing the necessity for compensation and enhancement. A more granular approach to recording the habitat parcels in the SDNP is an example of where it could be more clearly demonstrated what the likely effects of the proposed development are on the ecological features of the SDNP in the context of its elevated status. It would then enable the applicant to demonstrate how the purposes of the SDNP in respect of its ecological function could be furthered by the proposed development.</p>
SLV 1.7	<p>Comment upon Natural England's assertions at table 1 in response to ExA Q6.1 [REP2-039] in relation to the impact</p>	<p>The Applicant refers to the submission at Deadline 1 of the post hearing submission Deadline 1 Submission – 8.25.5 Applicant's Post Hearing Submission – Issue Specific Hearing 1: Appendix 5 – Further information on Action Point 27 – South Downs National Park [REPI-024], which provides further assessment of the Offshore</p>	<p>The Applicant seems to be implying that the absence of factors from the list at Appendix 2 of the SDNP Tranquillity Study reduces the tranquillity, which is a misinterpretation. Chalk downland by its very nature would not include 'trees or</p>

	<p>of Special Quality 3 that for the coastal parts and the Sussex Heritage Coast the assessment of significance will be significant (major) rather than not significant (moderate) Section 15.15 ES chapter 15 Seascape [APP-056].</p>	<p>elements of the Proposed Development on Special Quality 3 'Tranquil and unspoilt places'. Areas of relative tranquillity within the South Downs National Park (SDNP) are mapped in Appendix 1 of the SDNP Tranquillity Study (South Downs National Park Authority (SDNPA), 2017). It is noted that the tranquillity score for the coastal parts of the Sussex Heritage Coast is not generally within the range of the highest tranquillity scores and is generally in the medium to medium-high range. There are positive tranquillity factors relating to the natural landscape, wide open spaces, extensive views to the sea and perceived wildness/remoteness, however there is also an absence of other factors that people relate to tranquillity as there are few trees/nature woodland in the chalk downland landscape or streams, river and lakes (Appendix 2, SDNPA, 2017) and at times there are many people and cars present at key sites (Birling Gap, Beachy Head, Cuckmere Haven) and walking routes (South Downs Way). The offshore wind turbine generators (WTGs) of Rampion 2 will introduce some changes to the tranquillity experienced in sea views, as an array of additional built/modern elements, which interrupt and define a further presence in the aspect out to sea through the apparent height, spread and movement of the WTGs rotor blades. The visual movement of the rotor blades incorporates a kinetic element, however it is an already dynamic seascape and the relatively slow visual movement of the WTG rotors and WTG scale at long distance limits the potential changes in perceived tranquillity. The Applicant considers that the additional presence of further WTGs with slow and consistent visual movement, at such distance outside</p>	<p>woodland' yet can (and indeed does) achieve high tranquillity in many cases.</p> <p>Reference is made to busy periods, with many cars and people present, but this is not the case on all occasions. Cars are only present in very discrete areas (i.e. car parks and roads) within these sites of high tranquillity leaving the majority of the key sites to be experienced without their intrusion.</p> <p>At the Issue Specific Hearing 2, the applicant mentioned the movement already present in the Seascape including boats and waves and implied this lessened the effect of the movement of the turbines. The SDNPA would counter that these two types of elements are expected in a seascape, unlike a WTG array and do not compromise tranquillity.</p> <p>The SDNPA would maintain their position that the visual discord and incoherence of the Rampion 2 array, particularly in the cumulative effects with Rampion 1, has a significant effect on the tranquillity experienced from not only the Sussex Heritage Coast, but from the wider SDNP, as set out in our Written Representation [REPI-052].</p>
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		<p>the Heritage Coast, would not introduce a material sense of unrest, nor disturb the calmness and quietude experienced. On balance, it is considered that the effects on relative tranquillity of the coastal parts of the Sussex Heritage Coast are therefore moderate and not significant. A sense of tranquillity will remain, as the array area would not override the existing naturalistic elements in the landscape, nor its open space and extensive sea views will remain beyond the relatively narrow field of view affected by the Rampion 2 WTGs. The ‘feeling of peace and space’ referred to in this special quality will also be retained and it is considered that people will continue to experience tranquillity as part of their experience of the Sussex Heritage Coast.</p>	
TE 1.1	<p>Ecological Surveys in the Vicinity of the Proposed Substation Location at Oakendene and Cable Route Leading to this Site Provide a detailed explanation of the surveys undertaken at, and in the vicinity of, the proposed substation at Oakendene and the cable route leading to this site around the Cowfold Stream crossing and Cratemans Farm</p>	<p>The Applicant states: <i>“Field surveys following Phase 1 habitat survey methodology and hedgerow survey methodology were undertaken in line with guidance (stated as being between late March and mid-October in the Handbook for Phase 1 habitat survey (Joint Nature Conservation Committee (JNCC), 2010 (updated 2016)) in May 2021, August 2021 and again in April 2022.”</i></p> <p>The Applicant states <i>“Static bat detectors did register faults (as they do regularly) at different times during surveys in 2021 and 2022, but overall there is a large and robust dataset.”</i></p> <p>The Applicant states <i>“breeding bird surveys followed the British Trust for Ornithology’s common bird census methodology, but using a six rather than ten visit programme as is typical for development projects (for example see Bird Survey & Assessment Steering Group. (2023). Bird Survey</i></p>	<p>The information required for UKHab 2.0 and BNG condition assessment is much more detailed than would normally be collected during a Phase 1 survey visit. Given that the (more detailed) NVC survey sites are no longer included within the DCO Limits, the SDNPA would have expected additional survey visits to have been carried out in 2023/24 to achieve the level of detail required. It is not clear whether these have been undertaken.</p> <p>The Applicant should use historic mapping as part of their hedgerow assessment, to inform their avoidance and mitigation strategy and to identify potential for restoration within their compensation and enhancement proposals. This would again</p>

	<p>detailing: a) The type of survey. b) Date and timings undertaken. c) Level of qualifications and experience of those who undertook the surveys. d) Whether they were desktop or field surveys. e) Which guidelines were followed and any deviations from the stated methodology. f) Duration of the survey and frequency of data collection. g) Quality of the data collected, including details such as whether field monitors were in working order throughout. For any desk studies clearly explain the source of the data used.</p>	<p><i>Guidelines for assessing ecological impacts, v.1.1.1. https://birdsurveyguidelines.org [accessed 16/04/2024].”</i></p>	<p>be an example of where the higher status of the SDNP could be reflected.</p>
TE 1.10	<p>Protected Species - Hazel Dormouse The Applicant a) The ExA requests an update to the Terrestrial</p>	<p>Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the Environmental Statement (ES) [APP-063] will be updated for submission at a future Examination Deadline. The Applicant can confirm that the hazel dormouse surveys were in line with The Dormouse</p>	<p>The SDNPA consider that the comments made during ISH2 and in our response to ExA Written Questions at Deadline 3 still stand [REP3-071].</p>

<p>Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to hazel dormouse, [PEPD-030] Environmental Statement Volume 4, Appendix 22.19: Hazel dormouse report 2023 Date: January 2024 Revision A. b) State whether the Best Practice Guidelines outlines in 'The Dormouse Conservation Handbook, Second Edition', have been adhered to. If not, has a detailed justification been provided? If not, the ExA requests that one is provided. c) State if the information this new report provides changes any of the</p>	<p>Conservation Handbook, Second Edition (Bright et al. 2006) in the locations where they were carried out. The only difference between the approach taken and that of a more typical development (for example for residential dwellings) is that a sampling approach was taken at suitable habitats along the route, as opposed to covering all habitats in which dormouse may potentially occur. The reasons for this were as follows: 1. Surveys were proportionate to the scale of the Proposed Development and based on desk study data that provides no records from within the proposed DCO Order Limits; 2. Approach to mitigation will be consistent across temporary works due to their scale and short duration with displacement of animals through staged habitat removal (as per the Dormouse Conservation Handbook, Second Edition); and 3. Commitment C-232 (secured through the Outline Code of Construction Practice [REP3-025] (updated at Deadline 3) via Requirement 22 of the Draft Development Consent Order [REP3-004] (updated at Deadline 3)) in the Commitments Register [REP3-049] (updated at Deadline 3) ensures that survey of all suitable habitat that will be subject to removal will be surveyed during the detailed design phase. It is also notable that the approach taken was discussed with the Expert Topic Group (ETG) on several occasions (see Appendix C Meeting minutes, Evidence Plan [APP-243] for ETG meetings held 16 March 2021, 08 November 2021 and 07 March 2023). Other technical engagement with various parties (who also formed part of the ETG) including South Downs National Park Authority, West Sussex County Council and Sussex Wildlife Trust all included discussion of approach. The sampling approach</p>	<p>Whilst an objection was not raised to the principle of the approach proposed to be taken for surveying at pre-application stage, it was also not agreed. Such discussions were at a high-level and prior to the final route being determined. Since submission, as per our Written Representation [REP1-052] and D3 submission [REP3-071], we consider the baseline is lacking.</p> <p>Overall, the applicant has not evolved their approach with reference to new records nor has it properly liaised with nature conservation organisations about species status and distribution in this area.</p>
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	<p>conclusion in the Terrestrial Ecology chapter of the Environmental Statement [APP-063].</p> <p>d) State whether the survey location sites for hazel dormouse have been updated in light of changes to the proposed cable route. Have survey sites been updated in line with best practice?</p>	<p>was not objected to by any of the parties during this engagement (see Section 22.3 of Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES [APP-063]). Appendix 22.19: Hazel dormouse report 2023 – Revision A, Volume 4 of the ES [PEPD-030] submitted at Pre-Examination Procedural Deadline A provides additional survey for hazel dormouse from locations associated with the change in proposed DCO Order Limits made between the first Statutory Consultation Exercise (July to September 2021) Section 42 DCO Application submission in August 2023. No hazel dormice activity was recorded in the period May to November 2023 in the survey areas, and therefore, no change to the assessment, outcomes and conclusions provided within Section 22.9 of Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES [APP-063] are required. Locations of hazel dormouse survey sites evolved to reflect the proposed DCO Order Limits at each stage of the design evolution up to the final proposed DCO Order Limits at DCO Application submission (August 2023). At each of these locations, hazel dormouse surveys were carried out following the nest tube survey methodology described within the Dormouse Conservation Handbook, Second Edition, other than in 2020 as surveys in this year commenced later in the year due to the start date of the project and COVID-19 pandemic causing disruptions in the early part of the survey season.</p>	
TE 1.11	<p>Protected Species - Bat Surveys The Applicant a) The ExA requests an update to</p>	<p>Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the Environmental Statement (ES) [APP-063] will be updated for submission at a future Examination Deadline. The results of the bat surveys from 2023</p>	<p>The SDNPA consider that the comments made during ISH2 and in our response to ExA Written Questions at Deadline 3 still stand [REP3-071].</p>

	<p>the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to bat activities, [PEPD-029] Environmental Statement Volume 4, Appendix 22.18: Passive and active bat activity report 2023 Date: January 2024 Revision A. b) State if the information this report provides changes any of the conclusions in the Terrestrial Ecology chapter of the Environmental Statement [APP-063]</p>	<p>outlined in Appendix 22.18: Passive and active bat activity report 2023, Volume 4 of the ES [PEPD-029] do not alter the outcome of the assessment and the conclusions in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES [APP-063]. West Sussex is known to support a wide variety and good numbers of bats. The data from the bat surveys demonstrate that all suitable habitat within the proposed DCO Order Limits will be used by bats. This has fed into the application of the mitigation hierarchy including avoiding suitable habitat where possible, minimising losses (such as use of trenchless crossings and notching of hedgerow (see commitment C-115 in the Commitments Register [REPI-015])), mitigation (such as temporarily filling gaps prior to reinstatement (see commitment C-291 (secured through the Outline Code of Construction Practice [PEPD-033] (updated at Deadline 3) via Requirement 22 of the Draft Development Consent Order [REP3-004] (updated at Deadline 3)) in the Commitments Register [REP3-049] (updated at Deadline 3)) and compensation (mainly in the form of habitat creation to be delivered through the process outlined in Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the ES [REP3-019] (updated at Deadline 3)) secured through Requirement 14 of the Draft Development Consent Order [REP3-004] (updated at Deadline 3)). It is the Applicant's view that bats will continue to use the landscape in vicinity of the onshore cable installation works. In most instances the gaps created in hedgerows, tree lines and woodland will be six metres or less in width (e.g. a 14m notched hedgerow is up to four 2m wide trenches for the cables and one 6m gap created for the haul road with sections</p>	<p>It should be noted that a 14m notched hedgerow (as explained by the Applicant in their response) becomes in ecological terms a 40m-wide gappy hedgerow where previously there were no gaps (Graphic A-3 Outline LEMP REP3-037). The effect of repeated gaps in a previously continuous (and in many cases substantially wide and high) hedgerow or treelines for bats, particularly light sensitive species such as long-eared and <i>Myotis</i> bats that are typically averse to crossing open habitat, has not been assessed. Yet the applicant has stated that gaps of more than 10m may prevent bats using hedgerows and treelines. The measures proposed to mitigate this (plugging gaps with inert material such as straw bales) have not been evidenced as successful for the species potentially affected.</p>
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		<p>of hedgerow in between them). The Joint Nature Conservation Committee’s (JNCC) ‘Habitat management for bats: a guide for land managers, landowners and their advisors’ (2001) outlines that (in point 1 on page 12) “...even gaps as small as 10m may prevent bats using hedgerows and tree lines’. Similarly, the Bat Conservation Trust in their guidance ‘Landscape and urban design for bats and biodiversity” (Gunnell, Grant and Williams, 2012) recommend avoiding the opening of gaps greater than 10m in extent. Pinaud et al. (2017) modelled landscape connectivity for greater horseshoe bats and recommend that gaps are kept to less than 38m. To mitigate any hesitancy to cross gaps commitment C-291 (in the Commitments Register [REP3-049] (updated at Deadline 3) secured through the Outline Code of Construction Practice [REP3-025] (updated at Deadline 3) via Requirement 22 of the Draft Development Consent Order [REP3-004] (updated at Deadline 3)) has been put forward to ensure that a suitable material is in place to maintain a linear structure overnight (such as straw bales, willow hurdles or dead hedging). It is also necessary to consider that installation of the onshore cable ducts will progress at approximately 150m per day ensuring that activity will pass through individual locations quickly. Although the haul road in each section will be being used for a longer period, its use would largely be at times when bats are roosting (i.e. during the daytime). At the onshore substation site at Oakendene, the maintenance of corridors of vegetation, including advanced planting (see the Outline Landscape and Ecology Management Plan [REP3-037] (updated at Deadline 3) secured via Requirement 12 of the Draft Development</p>	
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		<p>Consent Order [REP2-002] (updated at Deadline 3)), will ensure that bats will be able to remain in the area. Although the construction of the onshore substation at Oakendene will result in a short term negative effect on bats, the habitats to be created prior to, during and after the completion of the onshore substation will be beneficial to bats in the medium to long term. As stated in Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the ES [APP-063] no significant effects on bats are expected.</p>	
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Appendix D – SDNPA comments on other Deadline 3 Submissions

1 Introduction

1.1 This section provides the SDNPAs comments on the following submissions made by the Applicant at Deadline 3:

- Outline Code of Construction Practice [**REP3-025**]
- Outline Soils Management Plan [**REP3-027**]
- Outline Construction Traffic Management Plan [**REP3-030**]
- Outline Onshore Written Scheme of Investigation [**REP3-035**]
- Outline Landscape and Ecological Management Plan [**REP3-037**]
- Outline Noise and Vibration Plan [**REP3-053**]

2 Outline Code of Construction Practice

- 2.1 The SDNPA welcomes the inclusion of the employment of an Agricultural Liaison Officer (ALO) and requests that their remit is broadened to ensure it is clear that it applies to all landowners affected by the proposed development. It is requested that the OCoCP also secures the commitment to work closely with the SDNPA, for which the Rangers working in the area have a wealth of information and knowledge that will be invaluable to the ALO. The importance of this is reflected in one of our S106 Agreement requests to enable a monitoring officer to be in post within the SDNP to (in part) facilitate and support this role.
- 2.2 The provision of the list of inclusions within each compound is welcomed, however it is not clear whether these are the scenarios that were used to assess the effects of the compounds in the National Park, within the respective Environmental Statement chapters. Mitigation for those compounds within the SDNP or its setting (such as Washington) will need to be specific to the items/activities within them and the effects such activities will have on the Purposes and Special Qualities.
- 2.3 Whilst the inclusion of consolidated vegetation retention plans at Appendix B is welcomed, there remain a number of discrepancies contained within the plans. The SDNPA are aware that WSCC are providing comprehensive details of these anomalies and how they should be resolved. The SDNPA support these recommendations, in particular, provision of a more accurate and realistic assessment of what is to be removed, temporarily or permanently lost.
- 2.4 It is critical that within the SDNP, the CoCP should be actively seeking to avoid hedgerow and treeline removal in the first instance and a stronger commitment to this, through alternative measures (i.e. avoidance of the feature entirely, or coppicing where unavoidable) should be applied.
- 2.5 In respect of coppicing for visibility splays within the SDNP, it is noted that these have in most instances not been factored into the ecological effects associated with the development as they are considered to be subject current management regimes. It is likely that the proposed development will lead to a more severe management regime, which would have greater residual impact on the National Park's functions (landscape and

ecology in particular). The CoCP should recognise this and provide more detail of the management of the visibility splays and the extent to which they will be coppiced.

- 2.6 The reference to the SDNPA's Dark Night Skies Technical Advice Note is welcomed, however a clearer commitment to the measures that will be implemented in the SDNP should be included.
- 2.7 Please note, the concern raised in our response at Deadline 3 [**REP3-071**] still stands in respect of the impact of introducing 'shoulder hours'. Further consideration and explicit measures/exemptions should be provided to how these are implemented within the SDNP.

3 Outline Soils Management Plan

- 3.1 The SDNPA welcome the additional information regarding stockpiling methods, stockpile heights and measures to avoid soil mixing. The additional information regarding decompaction is also acknowledged. There still remains a number of outstanding matters and therefore the comments made in our Written Representation are still relevant [**REPI-052**].
- 3.2 It is noted that all land not yet surveyed had been classified as Grade 3 (BMV), but the estimate of area in the DCO Area is 23% Grade 2 and 35% Grade 3 (section 3.1.4 of **REP3-027**). Given that in the survey already undertaken, the percentage of Grade 2 land is not insubstantial, this broad classification of all soil as Grade 3 significantly plays down the potentially higher graded soil's importance.
- 3.3 The SDNPA note additional surveying will take place and will inform micro-siting so that 'temporary or permanent development on the best quality agricultural land is avoided'. The level of flexibility of this approach given the physical limitations of the DCO area and the need for regular joint bays leaves us to question how this would be achieved in practice.
- 3.4 Initial details have been provided about the soil tracking system to monitor the location of soil stored away from the original source, which is then to be returned. The SDNPA would expect further clarification on:
- How far soil is being taken from the original excavation;
 - Why it could not be stored more locally to reduce lorry movements and the amount of handling the soils need (as both will impact on quality); and
 - How the tracking will work in practice.

4 Outline Construction Traffic Management Plan

- 4.1 The SDNPA's comments on this document relate specifically to Appendix D: Technical Note – Construction Accesses A-26, A-28, A-61 and A-64 Traffic Management Strategies and focus on accesses A-26 and A-28 at Michelgrove Lane and Tolmare Farm.
- 4.2 The SDNPA is concerned that the tracking provided for HGVs at A-26 demonstrates it is not possible to turn left from Michelgrove Lane without occupying the southbound lane. Further consideration should be given to whether additional management controls are required.
- 4.3 It is also noted that the cable-drum HGV will not be able to complete a left-turn movement from A-28. We are concerned that further works will be required to enable this movement. Clarification should be provided as to what these works will entail.

4.4 The proposed construction route to serve the majority of the construction traffic within the SDNP would comprise an approximately 10km route through what is largely open downland. It is not clear whether the effects of this have been fully assessed in respect of the National Park Purposes and the Special Qualities. As this route is, for HGV movements, largely a one-way route, this has the potential to have a sustained impact across the construction period. Furthermore, as demonstrated from the figure below, there is a noticeable increase in elevation across the route. This is similar to the gradient of the Lickey Incline in Birmingham, which is the steepest gradient on a British standard gauge railway. Further clarity that additional works will not be required to enable HGVs to manoeuvre over the 'bump' at the c.1.24 mile point is requested (see fig. 01 below).

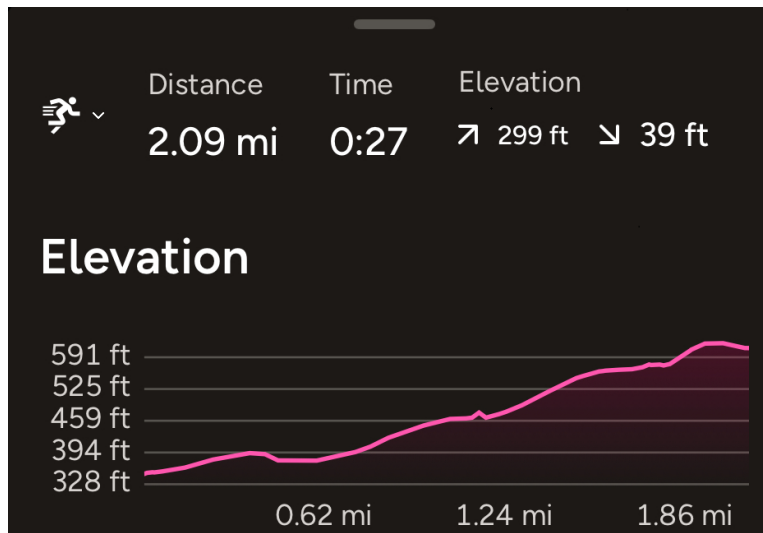


Fig. 01 Elevation change along Michelgrove Lane and Tolmare Farm construction route

4.5 The SDNPA are aware that WSCC are also providing detailed comments, which we support with reference to the above-mentioned accesses.

5 Outline Onshore Written Scheme of Investigation

5.1 The SDNPA welcomes the revisions to the Onshore WSI. We have liaised with WSCC to provide a joint response to the Onshore WSI, which is included with the WSCC Deadline 4 submission. These comments are provided with the caveat that whilst the WSI itself is clear and commits to appropriate further steps in respect of public outreach in particular, the applicant continues to rely on design and engineering solutions that they simply don't have enough information to demonstrate are possible.

5.2 It is the SDNPA's opinion that the key test of identifying the asset's significance before attributing a scheme of mitigation – starting with avoidance – has not been achieved. This should be the starting point for determining any mitigation. Given the nature of the potential archaeology in this particular location, and as discussed in our previous representations [**REP1-052 and REP3-071**] and WSCC's representations [**REP3-073**], we are not convinced that avoidance through micro-siting will be achievable. We therefore maintain that field-evaluation is required prior to determination.

6 Outline Landscape and Ecological Management Plan

6.1 The OLEMP remains a light-touch document that is missing how habitats are going to achieve the mitigation requirements. This could be resolved through the production of a separate biodiversity management plan. If not, for the SDNP we would expect a separate

section within the OLEMP that specifically sets out the protected species information, with a clear strategy for how mitigation measures will be managed and monitored.

6.2 As stated at ISH2, the OLEMP does not demonstrate how specific interventions along with their maintenance and management will be contributing to the National Park Purposes and Special Qualities. No measures have been identified as being specifically to support these. Within Section 4 of the OLEMP, we would welcome a section that provided further clarification of the additional steps that will be taken within the SDNP to demonstrate the commitment to seek to further SDNP Purposes. Such measures could include:

- Reinstatement of habitat to the same habitat type and to an improved condition (where this will not demonstrably prevent the landowner from continuing usual activities);
- Opportunities identified for habitat creation secured alongside planting reinstatement works at temporary compounds and along the cable corridor where hedgerows, woodland, tree belts and field margins are affected;
- Employment of traditional techniques such as hedge-laying to retain local, traditional skills;
- Commitment to sourcing peat-free plants and local provenance seed mixes and plant species for replanting;
- Commitment to providing landscape plans for hedgerow and treeline reinstatement (at present the OLEMP only suggests these *may* be produced);
- Further detail of the replacement of woodland within the SDNP with scrub e.g. clearer commitment to what steps will be taken to ensure that the key landscape and ecological features characteristic of those discrete areas are recreated as closely as possible. This should include natural regeneration where appropriate;
- Using Dormice as an indicator of restoration and enhancement success, using habitat enhancement in locations such as Kitpease Copse / Olivers Copse to encourage movement and dispersal;
- Avoidance of chemical use;
- Planting at appropriate times of years to avoid the need for unnecessary watering and subsequent plant failures;
- Details of how watering over such a vast area will be undertaken and delivered;
- Clear demonstration of options to achieve multiple benefits through the interventions;
- Clear links to the Soil Management Plan.

6.3 Further to the suggestions above, we would also like to make general comments in respect of the OLEMP.

6.4 The SDNPA still have concerns regarding the assertion that reinstatement will be undertaking after 2 years. In many instances this may not be achievable, given the location of accesses, haul roads and construction compounds.

6.5 SDNPA also request a commitment in the OLEMP to the production of a strategy or protocol that demonstrates how maintenance, management and monitoring will be

reported to and submitted to the relevant Planning Authority. This links to our request for the provision of a monitoring fund as part of the S106 Agreement, to secure the necessary resource within the SDNPA to ensure robust monitoring can take place. This proved a vital part of the Rampion 1 construction process (and beyond into the monitoring of the completed works). We also support WSCC's request for a strategy for handover arrangements to an OFTO to be included in the OLEMP.

7 Outline Noise and Vibration Plan

- 7.1 It is not clear from the description of the Proposed Development in ES Chapter 4 [**APP-045**] if the proposed noise barriers were taken into consideration in the assessment of landscape and visual effects, given that the ONVMP has been issued at Deadline 3. These interventions could contribute to a more significant adverse impact on visual effects for a prolonged period of time.
- 7.2 The ES Chapter 21 section 21.9.52 [**APP-062**], in relation to 'Temporary noise effects from onshore cable installation (trenched)', states that *'For non-residential receptors, the magnitude of change is defined as Low and the sensitivity of the receptors are classified as High. With reference to Table 21-24, this is reflective of a Moderate / Minor adverse significance and Potentially Significant in EIA terms. However, due to works being undertaken for a maximum of two days in the vicinity of the receptors, which is significantly below the temporal criteria reflective of a Low magnitude of change, the effect is determined to be of Minor adverse significance and Not Significant in EIA terms.'* The 'two days' of noise cannot be regarded as an isolated experience in this way; the construction work will be a continuous process, with the noise simply shifting along the construction route. The haul road itself will remain in place even after the construction of the trenches in a specific location has concluded. Therefore, noise and vibration (associated with HGV movements) effects will be felt for the duration of the construction period – 4 years.
- 7.3 The management plan sets out the need to identify the 'nearest noise sensitive receptors' (section 3.2.3). Given that the SDNP's Special Qualities include 'Tranquil and unspoilt places', the SDNPA would suggest that all parts of the SDNP are 'noise sensitive receptors'. This assertion is supported in the ES Chapter on Noise and Vibration at table 21-22 which identifies the SDNP as a receptor of high sensitivity. [**APP-062**]. It is therefore difficult to see how a conclusion can be reached that there is no significant effect given the receptor is so vast.
- 7.4 This statement highlights again that the effects on the Special Qualities of the SDNP have been under-assessed and underplayed. The kinetic experience for regular users on PROWs, has not been picked up in Environmental Statement chapters on Landscape and Visual impact or Noise chapter, nor in the mitigation proposed within the associated Management Plans.
- 7.5 Action points 7, 35, 36 and 61 apply to Noise and Vibration as well and highlight the points raised by the SDNPA in ISH2 in respect to the importance of consideration of the Special Qualities, in the SDNPAs written representation [**REPI-052**] sections 3.5 and 3.7, and the Local Impact Report [**REPI-049**] sections 6.18 to 6.20.