



*COMMENTS ON ANY FURTHER
INFORMATION / SUBMISSIONS
RECEIVED BY DEADLINE 5*

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Introduction:

We have commented below on various deadline 5 submissions, but would like to draw the reader's attention particularly to comments on:

- Finished ground level REP5-024
- Oakdene Manor and Substantial Harm: REP5-024 and Appendix1
- Landscape and visual impacts as ever more vegetation is to be removed (numerous examples)
- Kent Street battery storage farm refusal and relevance to the Rampion proposals: Appendix 2
- The new Tracsis survey: see Appendix 4 Response to TA3.1, including the results of 2006 and 2007 surveys for HDC
- The serious omissions of vehicle numbers in Annex A of REP5-061 Traffic Generation Technical Note
- The ecological importance of this area as demonstrated by the Arborweald and Wild Flower Consultancy surveys of Cratemans and the green lane: REP5-163 and REP5-057. Compare to the Applicant's outrageous response to TE 2.32
- Kent Street passing places: Appendix 3

REP5-003 TPO and hedgerow retention plan:

H610, at the northern end of Kent Street, has now been added to the list of hedges to be removed, but the eastern end of H520 and the hedge to the east of Kent Street, which will both have to be cut to provide the visibility splay onto the A272 are not added, nor has the fact that the turning arc will require the removal of some of H520 (see swept path diagrams in Appendix D of CTMP). Also please note WSCC have said the visibility splay for the permanent A63 access must be compliant with the 60mph speed limit, resulting in still further loss.

The undoubtedly important hedge and tree line in the green lane does not even feature and therefore its destruction will pass under the radar.

Documents describing supposed interactions with landowners eg REP5-013,14,17-20:

All of these try to suggest that the landowners are not giving a reasonable picture of the interactions in their submissions. From the experience of many of our members we can confirm that they ARE! As is apparent from many of the documents sent by Affected Parties there has often been no 'ongoing' communication and the landowner is often left for months with no reply.

These landowners have clearly demonstrated a willingness to co-operate but have been frustrated in the attempt by the behaviour of the applicant.

It is quite clear that their 'Efforts to Acquire the Land Required for the Proposed Development by Negotiation' have been wholly inadequate.

There has been a recent flurry of communication from Rampion, but this cannot put right the failings of the previous 3 years or the aggressive and unhelpful way in which Carter Jonas or the applicant have interacted with affected parties

REP5-024 Design and access statement tracked:

Finished ground level

From table 2-2:

AS1 *The main GIS building at the onshore substation may extend up to the maximum level of 28.75m AOD, with an expected building height of 12.5m above finished ground level and will be up to 70m in length by 20m in width. As the substation area of Oakendene is already 17m above sea level at the south end rising to over 18m half way up (see CowfoldvRampion Local Impact Statement p 223), this leaves a maximum height of the GIS building of just 10.75-11.75m above current ground level. An expected building height of 12.5m is not possible unless the site is to be lowered rather than raised; unlikely given the evidence of flooding*

AS4 *The final finished ground level for both the onshore substation and the existing National Grid Bolney substation extension works will be confirmed in detailed design following detailed surveys of the area. The ground level used for the purposes of the environmental assessment and concept level design at this stage is based on a level that does not require material to be exported from or imported to the site. In other words, they don't actually know yet and their final answers to AS1 and AS5 could be far worse*

AS5: *Lightning protection masts, where required at the onshore substation, will not exceed a height of 18m above finished ground level 34.25m AOD." This represents a lightning mast height, even if the ground level isn't raised at all, of only 15-16.25m maximum above current ground level. Is this credible, having previously said 20m, then 18m?*

These statements are confused and do not make sense although designed to appear well thought out and certain. **In it is not at all clear just how high the final ground level will be and therefore how much this will impact on the visual impact of the substation.**

Kent Street

3.3.4: *"Kent Street: existing mature trees and hedges along this wooded road corridor will be retained and strengthened with additional native woodland planting provided to ensure limited views of the substation even in winter. ~~The wooded, rural character of Kent Street will be retained.~~ Where there is temporary loss during construction along Kent Street required for vehicle accesses for the cable corridor and at the junction with the A272, these areas will be reinstated. **The wooded, rural character of Kent Street will therefore be retained.**"*

It cannot be **retained** given the extraordinary loss of so much mature tree scrub and hedgerow, and now we learn of 180m of passing places to be created in addition. It is wrong to say this. It might be returned to some sort of reasonable vegetation in the lifetime of the substation, but cannot replace the visual character or the wildlife value of the lane in decades.

Oakendene Manor

*"Oakendene Manor: principle, designed views from the manor house to the lake within the **parkland landscape at Oakendene Manor will be retained and unaffected.**"*

This is impossible as the entire field to the south of the house is for mitigation and BNG planting which will forever alter the character of the view and have no possible link to the 'Capability Brown' style effect of the current parkland. It will also affect the appreciation of the manor house from the countryside to the south. See WSCC response to HE 2.1. And of course, the views to the rest of the parkland will be permanently destroyed, a fact they conveniently fail to mention.

Table 3-2 : To say the design will 'seek to maximise the opportunities' to do the things they say, actually means nothing at all. It is an empty promise designed to mollify and mislead.

Oakendene substation indicative landscape plan 2285-WSPE-EX-ON-FG-OL-7754:

The small area described as "Vegetation temporarily lost to improve the A272 / Kent Street junction during construction will be reinstated." Is far smaller than on the Kent Street swept path diagrams and gives a misleading impression. Also, the hedge H520 is partially lost to create the turning arc.

The grey area running down the eastern border of the site is described as "Existing woodland/vegetation **retained**". However, this is also described in the TPO and hedgerow retention plan (REP5-003) **as H610 and H505 for removal**. This is also dramatically enlarged on the plan, again to give a false impression of how effective it might be, as on the plan it actually crosses the lane and over into the verge on the opposite side!

The indicative planting scheme is still showing "First available planting season following commencement of the onshore substation works" for the turning arc at the north end of Kent Street, and does not show the impact of the Kent Street visibility splay on the hedgerows

REP5-035 Landscape and Visual impact:

"The onshore substation at Oakendene will have a significant effect on the landscape character within which it is located, namely the J3 Cowfold & Shermanbury Farmlands Local Character Area (LCA) throughout the construction, operation and maintenance and decommissioning phases".

18.9.15 *"The host landscape (J3: Cowfold and Shermanbury Farmlands) is not designated at a local or national level".*

However, we remind the reader of the comments in the Place Services report for Horsham District Council for the Enso Battery Storage Farm Application (see Appendix 1 of REP3-099): *"Assessment of Landscape Value of the Site; note is made that the site isn't covered by any local landscape designations, however, **these have not been national policy for over 20 years and have been substantially phased out in local plans**"*

Rampion continue:

18.9.16 *"The Horsham District Landscape Character Assessment (LCA) (Chris Blandford Associates on behalf of Horsham District Council, 2003) states that the "Sensitivity to change overall is moderate reflecting the moderate to high intervisibility of the area and moderate intrinsic landscape qualities."* The use of this document is totally misleading; it has NOTHING to do with the Rampion application. In any case, it goes on to say:

"Planning and Land Management Guidelines:

- *Conserve the rural undeveloped character. Any large-scale housing or commercial development would be likely to damage the character*

- *Conserve and enhance the existing network of hedgerows and shaws*
- *Maintain the pattern of small-scale pastures*
- *Encourage the natural regeneration of hedgerow oaks*

This was written before there was any suggestion of a monstrosity such as the substation in the vicinity.

The Place Services report is, however, highly relevant to the Rampion application.

In contrast, Rampion say *“The relatively rural character of this landscape is susceptible to the influence of the onshore Oakendene substation, which will be permanent and above ground in comparison to the onshore cable. **Landscape susceptibility is however reduced by the mature vegetation which increases the landscape enclosure and restricts views from Taintfield Wood and the surrounding roads at Kent Street and along the A272.**”* We totally disagree-much of this wonderful vegetation is to be REMOVED.

18.9.23 *“Site clearance will require the permanent removal and loss of 547m hedgerows with trees (H511 and H512), associated scrub (HS 654) and approximately one field tree within the onshore substation footprint. The magnitude of change will be High reflecting the extent of permanent hedgerow and tree loss. **All other trees, hedgerows and woodland along the perimeter of the proposed DCO order limit around the onshore substation will be retained** (Outline Vegetation Removal and Retention Plan (Document Reference: 8.87)).”*

This is still underrepresenting the hedgerow loss and is simply not true; the hedges all around the site, including on the A272 and Kent Street will be significantly affected as well as the 547m on the substation site itself. How can this small area ever recover?

With regards to the vistas down to the lake from the manor, they will NOT be retained, nor will the manor be visible in parkland from the south, because of the BNG planting which is to take place there. **For a detailed discussion of this, please see Appendix 1 below: Rampion 2 and substantial harm to Oakendene Manor HE2.1**

In Appendix 1 of CowfoldvRampion comments on submission received by Deadline 2(REP3-099) we discussed the Place Services Landscape Assessment of the Enso battery storage farm site. The report objected to the inappropriate location of the application. This has now resulted in a refusal; even Horsham DC, who have declared a climate emergency, and who recently approved the very controversial 100-acre Cobwood solar farm nearby, could not approve the location on Kent Street of the Enso battery storage farm, just a few metres further down Kent Street from the proposed substation **(see Appendix 2 below: Enso Battery Storage Farm Planning Refusal Implications for Rampion substation)**

REP5-037 Terrestrial ecology and nature conservation tracked:

C-216: we welcome the commitment to avoid all ancient woodland. However, whilst the green lane is not designated ancient woodland, it IS ancient and highly important ecologically speaking. Yet there is no commitment even to modify the destruction of it.

C-220; this effectively gives them the ability to remove **anything** currently described as retained on the grounds that its removal was ‘unforeseen’. This should be strongly resisted and removed from the commitment

Table 22-25 lists hedgerows and tree lines within the proposed DCO Order Limits subject to temporary or permanent losses:

The newly added H488 is mentioned, and is listed on sheet 33 of the TPO and hedgerow retention plan but IS NOT SHOWN on the plan. Where is it located?

W110 (green lane) is just described as: “W110 A3.1: Parkland and scattered trees- broadleaved, lost temporarily.” This gives no indication of the permanent loss which cannot be replaced.

REP5-041 Landscape and Visual figures 2/6:

SA3 and SA7:

The 10 year visual remains truly abominable. It utterly destroys the rural landscape and detracts from not just the manor house, but the ancient woodland nearby and the views of the High Weald AONB beyond. It would be a criminal act to permit this when less damaging alternatives exist.

Similarly, SA12

SA9:

Figure 18.14.1b construction phase. Why are we not being shown an artist’s impression of the true awfulness of this rather than a few lines? Where is the construction access in this photograph, to show just how intrusive to the landscape it would be? The massive close boarding will be like an industrial site in a city not a rural road and close to the historic Cowfold village centre.

REP5-049 Viewpoint analysis tracked

Table 1-1 Summary of viewpoint analysis: Oakendene Substation:

The Applicant has at least upgraded its derisory analysis of Kent Street impact a little, including altering to moderate impact at 10 years. However, we still believe this will remain forever major.

NB in the detailed analysis we are told, with regards to operational impacts “**Apart from downward security lighting that may be visible, there will be no other lighting associated with the onshore substation.**”. This is in direct contradiction to Rampion’s previous statement that there would be NO lighting as a routine during operation: “*The Design and access document [(Doc ref 5.8) para 2.5.4] assures us there will be “no operational light except for maintenance, emergencies etc.”* This needs to be factored in to the assessment of wildlife impacts for bats, moths, etc, and has quietly gone under the radar if the plan has now changed. **Again, clarification is needed.**

We also remind the applicant that although not a ‘designated tourist route’ it has a high amenity value and no new areas have been so designated for decades. Another disingenuous claim designed to downplay the true impacts, and in the words of HDC LIR (REP1-044) “*Whilst not identified as a scenic or designated tourist route, it is narrow in nature, densely vegetated and overall, its intrinsic rural qualities are enjoyed by all of those that live and travel along it including walkers connecting to the public rights of way network within the area.*”

REP5-051 Landscape Assessment tracked:

They claim that by Year 10 There will be *“No Effect on landscape character. Replacement planting will be well established. Although the trees / woodland canopy cannot be replaced above the cable the reinstated planting will appear as a dip in the profile of the tree canopy that will be difficult to discern as a residual effect of the construction works. **The magnitude of change will reduce to Negligible-Zero and the level of effect will be Minor and Not Significant**”*. This is completely nonsensical; of course, the tree and hedge loss will be devastating, the magnitude of change will remain enormous for decades, possibly forever, and the level of effect will remain and very far from ‘minor or not significant’. This is even before we consider the impacts of the Kent Street passing places (see Appendix 3 below)

The 2024 NPS EN-5 states that:

2.2.8 *There will usually be a degree of flexibility in the location of the development’s associated substations, and applicants **should consider carefully their location, as well as their design.***

2.2.9 *In particular, the applicant should consider **such characteristics as the local topography, the possibilities for screening of the infrastructure and/or other options to mitigate any impacts.***

They did not do this, due to inadequate consultation/engagement prior to submission. They did not consider this until almost the end of the examination process, and now it is clear; there is so much destruction of vegetation screening will be virtually impossible.

REP5-053 visual assessment tracked:

1.3.8 *“Kings Lane, off Kent Street, affecting the roadside trees and hedges on either side of the road. Reinstatement of the visual amenity due to the growth of new hedge planting along the roadside is likely to take at least five years due to the maturity of the lost vegetation. The new planting will, however, be supplemented by mature vegetation retained within the notched hedges between the four cable trenches.” **But the haul road, as opposed to just the cable, will create an enormous scar through a very mature hedge and an Important Hedge, which is not mentioned at all.***

“A272 / Kent Street, due to hedge vegetation removal that will be visible from the roadside and, beyond existing hedges in connection with the access to the onshore substation, visibility splays and passing paces on Kent Street. Reinstatement of the visual amenity and new hedge planting will establish in 5 years due to the intervening distance and the limited visibility from the road that would view these effects obliquely.” We disagree. People go to admire the view and take in the breathtaking borrowed views across the fields, not ‘view their surroundings obliquely’. These will be lost forever. Given the extreme loss of trees, hedges and scrub it will not be possible to ‘reinstatate the visual amenity’ in 5years or 5 decades.

Rampion say *“All hedgerows will be replanted. It will take up to Year 10 for new plants to mature sufficient to match existing hedges.”* We know from Rampion 1 that 10 years is nowhere near long enough to reach an equivalent level of screening, and certainly not to achieve the complex habitats and underplanting with orchids and other wildflowers which have seeded over many years, in some cases centuries. Just because they keep saying this, does not make it possible.

REP5-055 RVAA tracked:

Please see our previous submission (REP1-089) in which we discuss this in detail. We are disappointed to see that Rampion still have not included Allfreys and South Lodge on the A272 or Oaklands and Kings (*as opposed to the much further away Kings Barn Farm*) on Kent Street, or indeed the whole residential estate Knapp Drive, even though the cable route runs along the gardens of the latter homes. We believe that they continue to seriously downplay the impacts on many properties. We fundamentally disagree with Rampion and argue that, especially for Oakendene and for Cratemans, the RVA threshold has been reached, as there are “overwhelming views in all directions”; the substation or cable route are “unpleasantly encroaching” and “inescapably dominant from the property”.

REP5-057 BNG tracked:

The extreme extent of the loss of habitats at Oakendene and northern cable route cannot easily be compensated for by replanting. We draw your attention to the comments by Wild Flower Consultancy in Janine Creaye’s Deadline 5 submission (REP5-163): “If the ancient blackthorn is removed, any talk of replacing it with new plants will be pie-in-the-sky as the muntjac will graze it off unless of course it is fenced to an incredibly high standard, but I still believe that the blackthorn in its present form is irreplaceable as it will take at least 30 years to regrow to its current density. If the blackthorn goes, I am sure the nightingales will go with it - for ever..... How has this been considered in the amount of mature scrub loss caused by Rampion 2 and the reliance on offsetting with ‘damp scrub’ planting from scratch at Oakendene? It will not work without deer fencing which **also stops other wildlife like badgers**, and it will take decades. This must be taken into consideration. This remains the wrong choice of location and the loss of so many trees and so much irreplaceable scrub is a primary reason.”

The BNG tables are smoke and mirrors. The original intention of the devisors of the BNG mitigation requirements no doubt had laudable intentions, but the process is simply cynically manipulated by companies such as Rampion. Offsetting by planting trees on good quality farmland elsewhere cannot possibly mitigate the harms done by removing ancient hedgerows, meadowland, and wildlife corridors. No wonder Britain is such a nature depleted country.

Rampion’s BNG plans will also affect the degree of harm to the listed building, Oakendene Manor. The extent of replanting in the remainder of parkland south of the manor house will radically alter the landscape around it, so it will *not* retain even its views to the south and therefore *will* be substantially harmed. This land is not just a vista, it is good agricultural land, much of it grade 2, the rest 3a. Therefore, the plans will also result in the *permanent* loss of **all** the farmland, not just that on the substation site itself, as it must forever be retained for BNG.

We totally dispute 5.1.2:” *The mitigation hierarchy will be implemented throughout detailed design thereby attempting to limit losses through avoidance and minimisation measures*”. And that they have followed “ *The Biodiversity Hierarchy states that **firstly avoidance** of adverse effects on medium, high and very high distinctiveness habitats should be avoided, and if not mitigation should be provided.*” Instead, they are refusing to even contemplate measures which might reduce loss: for purely financial reasons in the case of rerouting access to the haul road via A63 instead of Kent Street, or measures to reduce the impact on the green lane. And with regards to the hedge and tree

loss at Oakendene and the terrible scrub, hedge and wildflower meadow destruction at Cratemans, they did not seek to avoid this in the first place.

Statements of Common Ground, various:

If so many are still showing 'ongoing point of discussion' still after so many years, surely this is a Rampion euphemism for 'fundamental disagreement remains'? Otherwise, they should have been sorted out long ago, as with the landowner engagement and 'agreements under discussion'.

REP5-061 Traffic generation technical note tracked:

NB the highway links in Table 3-2 are numbered differently when compared to tables 2-1 and 2-2 from REP5-039, cited in our Tracsis survey assessment in **Appendix 4 below**, which leads to confusion. (eg the high percentage HGV links referred to in REP5-039 are in this document 16, 19 and 32)

Table 3-4 baseline traffic -**Please see response to TA 3.1 in Appendix 4 below: Any Further Information Requested By The ExA Under Rule 17**

Shoulder hours

4.1.15 The requirement for deliveries during shoulder hours and potential restrictions to avoid sensitive receptors (where specifically justified or required) will be determined during detailed design once the construction programme has been developed further. Such restrictions can be included within detailed construction traffic management strategies, which would need to be approved West Sussex County Council and the relevant Local Planning Authority in accordance with Requirement 24 of the Draft Development Consent Order [REP4-004].

We disagree: the deliveries should not be allowed during shoulder hours, as was made clear in Bolney PC's original proposal, and this should be enshrined in the DCO. However, if the ExA is minded to agree with the Applicant, we ask that specific sensitive receptors should include Kent Street, and deliveries to the Oakendene compounds, because of the properties at the entrance to Oakendene industrial estate, and Coopers Cottage, Allfreys and South Lodge, all of which are directly on the A272 close by A63 and A62.

Their response confirms a lack of concern for communities and focuses only on speed and profit

Table 6-3 HGV access routes:

Access routes to A56 and A57 now also include the southern route through Henfield, but are still also showing the route through Cowfold. There is still no diagrammatic proof that can these larger HGVs can navigate the sharp bend in the A2037(see map below), or Henfield high street

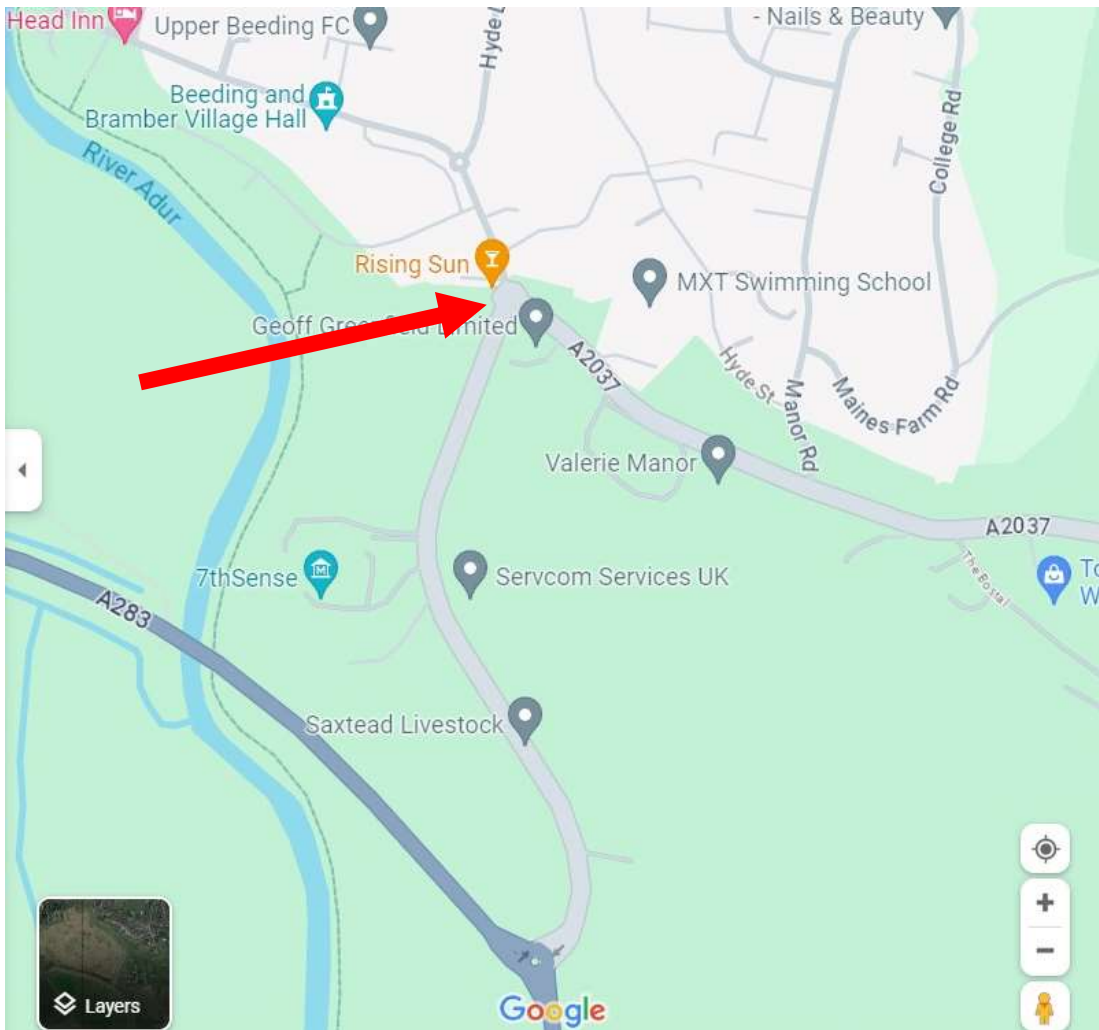


Table 6-6 MOV circular construction routes:

The MOV circular route from Oakendene west compound does not appear to be circular as there is no south bound traffic on Wineham Lane, eastbound traffic on A272 or northbound traffic on A281 to complete the circle. Also, therefore presumably these traffic numbers have not been included in the LGV numbers?

Table 6-7 Total two-way construction movements by access:

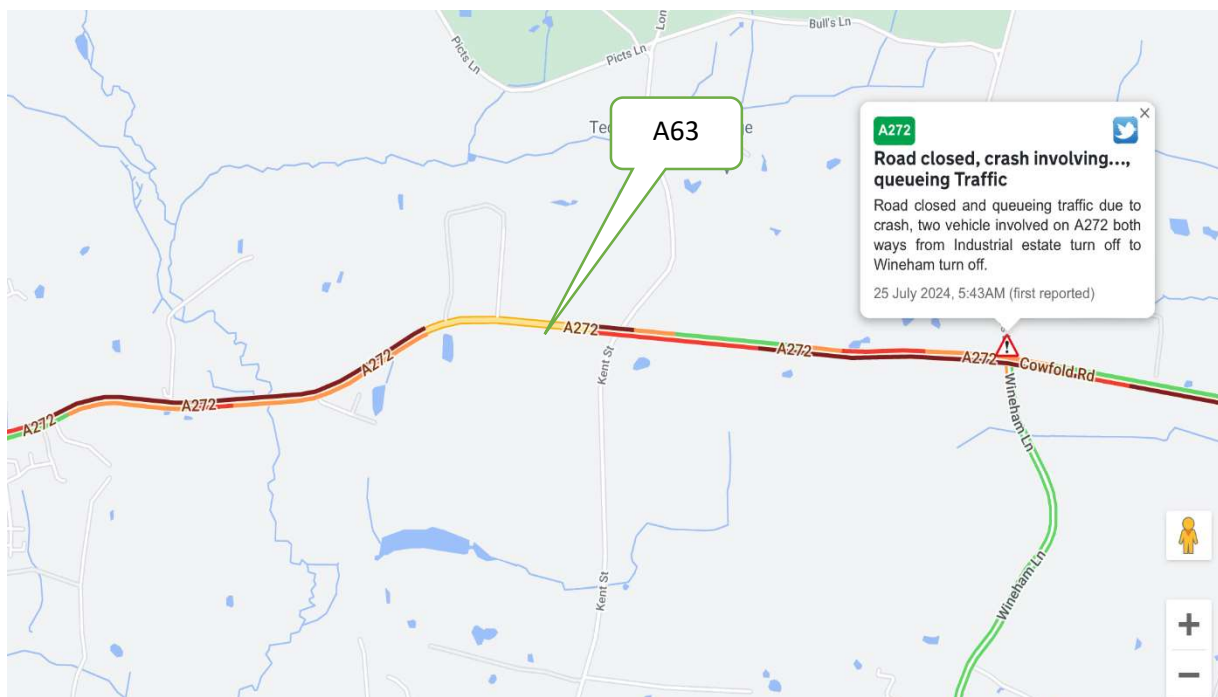
Every movement involves a turn on or off the A272, which generated queues and congestion. Across the access points which generate these turnings close together ie Kent Street (A61 and A64), A63 and A62, there will be a total of 69,888 LGV movements and 19,428 HGV movements. This will cause serious congestion on the A272, particularly as many of the LGV movements will be together at either end of the day. The HGV movements are a very different picture from figure of 8040 they used for the A272 throughout the consultation

The potential to back up into the Cowfold AQMA is very great. This has not been factored in to the AQ calculations or any feasible plan about how the congestion on the main road can actually be managed for four years.

Annexe A Traffic calculations

This shows that on average in years 2 and 3 there will be around 30-40 HGV per day turning in and out of A62 and 100/day turning in and out of A63, (plus hundreds of LGVs). This will bring the road to a standstill. The many LGVs are not included.

We also remind the reader of the frequent accident rate along this stretch of the road. As I write, yet another accident has closed the A272 at the exact spot for the proposed access A63:



According to the data in Annex A of REP5-061 there are no vehicles at A63 in the first year-**will they really do no work on the site, such as preplanting or access works, moving the high voltage underground cable etc? Do the HGV figures therefore not include the construction of the access and the hardstanding etc?** There are too many things which remain unacceptably vague:

Graphic 5-1 shows construction of the onshore substation access in year one, yet no vehicles are listed in Annexe A for year one at either A62 or A63. This is impossible as they directly contradict each other.

Similarly, in Year 1 weeks 18-25 there is apparently activity at A61 yet nothing is shown in either A62 or A63 even though all HGVs are supposed to go to A62 before going down Kent Street. The vehicle table is completely nonsensical and has not been properly thought out. The figures appear to be a significant underestimation.

Again, where is the traffic for the significant amount of major engineering works the necessary alteration of Kent Street will entail eg passing places, road reinforcement? These figures are not shown for any of the access points. Presumably this is the case also for *all* new access points and roads requiring alterations?

So, this enormous table may look impressive and be designed to appear as though a lot of thought has gone into it, **but it is wrong.**

REP5-065 Outline CoCP (doc ref 7.2) tracked:

Table 5-1:

C-33 *"It will provide details of measures to protect these receptors including the **use of screen fencing** at the temporary construction compounds to contribute to minimising visual and noise impact."* We have major concerns over the use of the close boarded screen fencing to decrease visual impacts. It would be appropriate in a town, not here, where it simply covers one industrialising feature with another. It is visually inappropriate for such a location, and obstructs the free movement of wildlife. If the latter is in fact part of the intention, how can the supposed mitigations in the substation site be meaningful? And if not intended, the mitigations should be revisited in terms of their likelihood of success.

C-174 Veteran trees: It is clear that there is significant downplaying of the number of veteran trees. Please see the evidence from Arborweald in the Deadline 5 submission from Janine Creaye (REP5-163). *"The mature oak element [of the green lane] includes **veteran trees** that are exhibiting numerous ecological and habitat features, including decay pockets, dysfunctional wood and larger diameter dead wood, all of which significantly increase the ecological importance of these trees."* The importance of these trees remains unrecognised by Rampion. We also sent photographs of clearly veteran trees at Oakendene in our Local Impact Statement

Badgers:

5.6.53: states there is no evidence of need for a badger licence. However, they have been given ample evidence of active badger setts and routes in the green lane and beyond by Janine Creaye. This is another example of seeking to downplay the baseline until after consent has been granted.

REP5-069 CTMP tracked:

Table 2-2 Updates to Outline CTMP at Deadline 5:

P43: In response to concerns about the increasing amount of additional vegetation loss at access points the Applicant responds: *“The Arboriculture/Ecology assessment has allowed for 10% margin of error. Inevitably undertaking detailed design at this stage results in worse outcomes, as a worst case scenario needs to be included in the detailed design. However, once on site the team will be able to take advantage of local opportunities to reduce impacts.”* This is very concerning to the environmental impact in the Cowfold area as most of the anomalies occur here. Therefore, if an overall 10% margin is allowed, almost all of that overall 10% will occur here, potentially having a devastating impact on visual amenity and ecology, way over 10% of the change locally.

P45: the question is asked: *“Clarification is requested if the cable drum HGVs are classed as abnormal loads. These would appear to be by virtue of their length. If they are, these would need to be covered through the AILS Assessment.”* **The applicant does not answer the question. Perhaps because they do not want to alert the reader to the totally unsuitable plan to send such vehicles down Kent Street**

P51: The question is asked: *“Clarification is needed whether the A272 road widths on the tracking drawings are accurate. The drawings appear to show the A272 being quite wide. The actual lane widths appear to be no more than 3.5 metres in each direction. The A272 does widen in the vicinity of the Kent Street junction but only to accommodate a taper at the Picts Lane junction opposite.”* The response is: *“All Drawings contained within Appendix D of the Construction Accesses A-26, A-28, A-61 and A-64 Traffic Management Strategies were updated at Deadline 4 (Outline Construction Traffic Management Plan [REP4-045]) to show the correct highway width and additional widening / taper on the western side of the Kent Street junction.”* **However, we have previously raised concerns that the DCO boundary appears to have shifted northwards beyond the limits of the carriageway to achieve this, and that the wheels of the largest vehicles in the swept path analyses appear to be in the hedge on the northern side of the A272.** This is not addressed.

This response also further indicates that Rampion still won't confirm the size of the cable drum transporters, therefore we assume they will be AILs: *“The vehicle type used for the transportation of cable drums will be confirmed during detailed design”* In other words, when the proposals have been accepted and residents won't be able to do anything about it.

P52 Question: *“As a point of principle, are HGVs anticipated to turn left (to the west) out of Kent Street onto the A272 and therefore towards Cowfold? “*

The response is *“HGVs associated with delivery of cable drums will be required to route between the Oakdene temporary construction compound and Kent Street. **Once cables are delivered to site, the HGVs will return empty cable drums to the construction compound.**”* This means that for these vehicles they will generate FOUR trips, all other HGVs will generate three trips, not the TWO journeys counted in the traffic generation technical note (see our response to AP 46 on P8 of REP5-152)

3.6.6: they are still trying to put off any discussion of shoulder hours and their inappropriate use until after the DCO decision has been made, trying to push the boundaries yet again.

Table 4-1 Temporary construction and operational accesses:

It is misleading to describe the access to A62 as “Existing”. It is true that the access to the industrial estate is existing, *but access will need to be created into the compound from that access road... as indeed it now says in Appendix A Access Proposals; “Existing access but some accommodation works likely to be required to facilitate access by HGVs.”* With yet more ‘unforeseen’ tree and hedgerow

loss. They have said what they think will be lost whilst at the same time saying plans won't be finalised until later. This leaves the door open for far more vegetation destruction than they are even now admitting to.

Table 4-3 Access visibility splays:

the huge extension of so many of the visibility splays is entirely inconsistent with Rampion's claims at Deadline 4 that only an extra 15m of hedge will be lost from their previous calculations.

4.11.5" *Furthermore, to minimise disruption and maintain safety all abnormal load movements will be restricted to outside of peak traffic hours and **will be accompanied by an escort vehicle.***" This means that the ALL vehicles going down Kent Street will ALSO be accompanied by a second vehicle. **This is yet another thing not counted in the traffic numbers.**

4.12.4 appears to include Bob Lane in the list of roads which should not be used, yet that is exactly what Rampion are proposing in their late submission to Deadline 4.

Table 5-1 local access routes:

A56, 57, 62, 63, 67 and 68 all appear to include routes going through the Cowfold AQMA

Appendix D Kent Street:

Temporary speed limit:

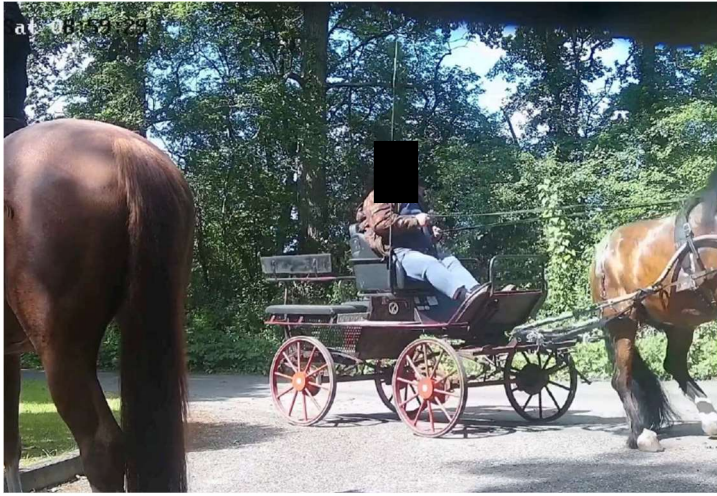
The temporary speed limit on the A272 will not help their vehicles to get out onto the A272 as the constant stream of traffic from both directions make this very difficult; there are no gaps.

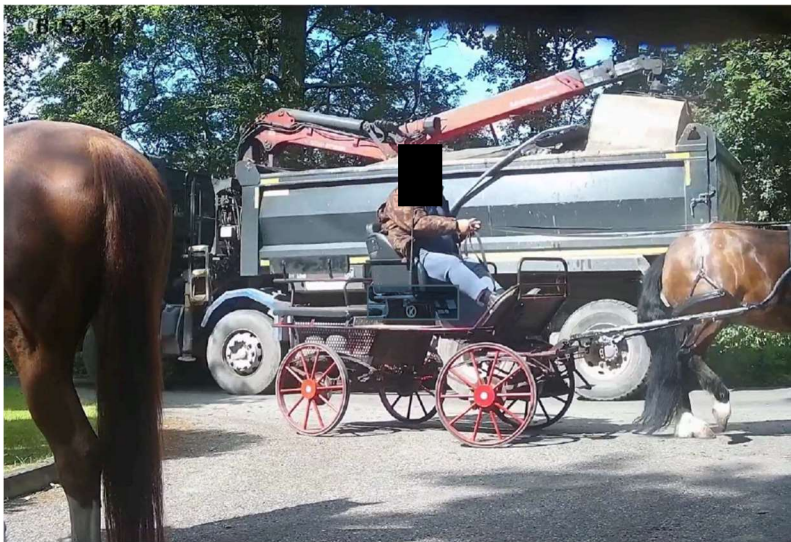
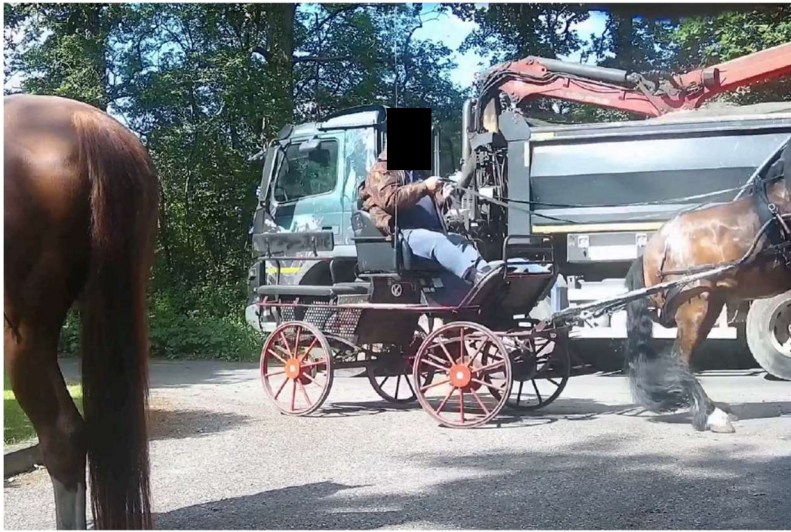
There appears to be no new information from Rampion about how they will safely manage NMUs, yet residents continue to raise concerns about this. Their only new idea appears to be a temporary speed limit of 30mph:

3.4.17 *"To facilitate safe movement of construction traffic it is proposed to implement a temporary 30mph speed limit on Kent Street whilst in use by construction traffic. This will provide a safety benefit to non-motorised users of Kent Street and banksmen required to control HGV movements."* This is pretty meaningless in terms of facilitating anything when the average speed is **already less than 30mph** according to the Tracsis survey.

Many residents have highlighted their fears about the reaction of horses to these enormous vehicles. Below are stills from a video taken on 25th May 2024 of a terrified pony rearing on Kent Street as a small HGV approaches and passes. The pony has pulled into a driveway, allowing much more space in an east-west direction than the width of a Rampion passing place and yet it clearly feels very threatened. The length of the bellmouth is around 22.5m and the central section is 10.3x2.5m ie fairly similar to a Rampion passing place, but with another 7m available to the east, gradually narrowing into the driveway ie much less confining than a Rampion passing place. We have submitted the video as a late submission which we kindly request the ExA to allow. It shows much more clearly just how agitated and distressed the pony actually was.

Please note that in the original video, there were two more horses, who were coming from the opposite direction, who also happened to take refuge in the same driveway, indicating that there is a strong likelihood that Rampion's vehicles may encounter horses from both directions also. (one is partially visible in the stills)





Road condition survey:

Rampion are still refusing to do a road condition survey prior to consent, in an attempt to try to conceal the apparent impacts of using the road, or explain how they would upgrade it without saying how they would manage the disruption caused to residents. However, numerous submissions from residents make it very apparent that the road will not withstand this, including at Deadline 5 photographic evidence from Janine Creaye (REP5-163) and written evidence from John Hughes (REP5-165):

“Several years ago, contractors dug a trench along the entire length of Kent Street to bury a cable for the National Grid. They described Kent Street as a type 4 road with weak foundations which can be easily damaged by heavy vehicles. This is very apparent by the damage done by day to day traffic at the moment. A ten metre long stretch of Kent Street between Kings Barn Farm and Wilcocks Farm had to be repaired recently as half of the road had completely subsidised and the whole centre of the road was breaking up”

DCO boundary shift:

The swept path diagrams are still showing an apparent shifting of the DCO boundary northwards beyond the boundary of the highway on the A272. This would appear to have been done to enable the large vehicles to turn, but is not acceptable.

Passing Places:

Please see Appendix 3 below

Table 3-1 Kent Street Traffic Data Summary (Average Weekday flows)

For a full assessment of this new traffic survey please see Appendix 4 below, including evidence from two previous surveys on Kent Street.

We also draw your attention please to Appendix 5 below, which includes extracts from some of the objections on traffic and access grounds to the now refused Enso Energy Kent Street Battery Storage Farm application. They are of course highly relevant to Rampion’s proposals for Kent Street also.

REP5-073 Outline landscape and ecology management plan:

4.6.2” *If pre-construction habitat surveys identify particular areas of interest, further measures such as the stripping, storage and relaying of turf would also be considered.”* This is a tactic used repeatedly by Rampion. They have significantly downplayed so many habitats and then when they are pointed out during the examination and they can no longer ignore them, they say ‘if preconstruction surveys identify...’ as if this was completely unexpected. This is totally unacceptable behaviour; they know what they will find. **This simply serves to downplay the importance of the baseline findings and reduce the apparent amount of harm when weighing their proposals in the balance before consent**

Oakendene Substation Indicative Landscape Plan:

Please note how very little retained view remains from Oakendene Manor. This has in our view utterly changed the setting and status of the grade 2 listed building

REP5-119 Applicants Responses to ExQ2:

LR2.1 *“These documents show that the Applicant has been making every effort to engage meaningfully with Affected Parties.”* Whatever the applicant may say at Deadline 6 to try to convince the ExA otherwise, it is overwhelmingly clear from the many angry submissions received during the Examination, that this has been handled very badly indeed and that CA is their ultimate aim.

SA2.4: *“the land for all permanent development elements is assessed on the basis that it is BMV (Subgrade 3a) agricultural land.”* The applicant has not factored in the high proportion of **grade 2** and 3a land on Oakendene in its ‘marginal preference’ for this site or provided any justification of this aspect of the choice in their consideration of alternatives for using Oakendene. Nor have they included the permanently lost BNG mitigation area in their loss calculations, also partly grade 2.

TE2.5: In their response the applicant is essentially saying that by choosing this site and its many constraints (ie unsuitability) we had no choice but to destroy all these hedges and trees. There *was* a choice: a suitable alternative. Their response actually highlights how unsuitable the site in fact is and how much juggling they have had to do within it.

TE2.32: Respond in full to Ms Creaye’s Deadline 4 submission [REP4-112], in particular commenting on: a) The conclusion of the Preliminary Ecological Appraisal area surrounding Cratemans Farm. b) Whether the Proposed Development has applied the mitigation hierarchy **in relation to the ecological value of the area.**

The response is outrageously dismissive and gives no explanation for why they ignored Ms Creaye. They say *“Commitment C-294 (Commitments Register [REP4-057]) confirms that a further detailed habitat survey would take place prior to the detailed design being finalised. Commitment C-292 (Commitments Register [REP4-057]) ensures that the mitigation hierarchy will be implemented at the detailed design phase.”* This is unacceptable when they KNOW that the site is of particular ecological importance. They KNOW what they will find. This tactic just seeks to downplay the baseline when weighing harms in the balance against the benefits of the proposal *before* consent.

They say *“The mitigation hierarchy has been applied to all parts of the onshore cable route but noting that **the drivers of location are not solely driven by terrestrial ecology. There are a myriad of constraints** in the vicinity of the onshore cable route in this location including residential dwellings, flood zone, ancient woodland and the Cowfold Stream. The application of the mitigation hierarchy has been implemented as trenchless crossings have been specified for crossing the Cowfold Stream, one of its tributaries (which supports water vole) and the flood zone.”*

This makes no sense: they haven’t considered the terrestrial **ecology** at all and the ‘myriad [other]constraints’ in that area are surely another reason to *avoid* it? They can hardly be said to be a reason to go there *despite* the ecology.

WE 2.1: the applicant does not answer the question about whether tankers were included in the vehicle numbers at all. Given that they numbers have not changed, we must presume they were not. Given that tankers will still be needed to supply crossings on the cable route, they **MUST** still provide the outstanding figures.

REP5-125 vegetation retention and removal plan

Anomalies still remain:

7.2.1k: How can H520 be retained at its extreme eastern end when its removal will be required for the turning arc, or H464a remain when a haul road runs through it?

7.2.2h: How can the southern end of W5878 remain given the swept path for access A61?

7.2.3j: How can scrub features HS1405, 5801, 1410, or 19 remain intact when a haul road must pass through them?

REP5-129 Applicant's response to Aps from ISH2 and CA1

Appendix A Action Point 43 – Details of A63 Access

Please note extent of clearance of the hedge along the A272 and that it is indeed continuous with the visibility splay and turning arc required for access on to the A272 from Kent Street. The visual impact of all this hedge removal will be profound, even more so as WSCC require the A63 splay to be wide enough for the derestricted speed limit which will return after construction.

REP5-134 WSCC Deadline 5 submission:

2.17 At the Oakendene substation, the addition of close boarded fencing around the site (upon the commencement of works) is noted. WSCC would highlight that whilst aiding in screening some low-level construction activities, it will also have an urbanising landscape effect in its own right.

We completely agree.

2.18 Given WSCCs concerns regarding potential for change in existing site levels (which the Applicant advises will only be determined at the detailed design stage) it is unclear whether the visualisations are representative of maximum AOD heights as set out in the DCO Requirement 8. (and again in 2.61) The visuals are bad enough now, if they actually require the building heights to be raised still further this will be appalling. How can this be left until after the end of the examination to be determined? It is impossible to fully assess the harms. See also our comments above about finished ground levels in REP5-024 above.

2.23 Recent ecological surveys submitted by Ms. J. Creaye at Deadline 4 (REP4-112) highlight that several meadows at Crateman's Farm, Cowfold, towards the northern end of the cable route, appear to be of greater ecological value than previously assessed by the Applicant. WSCC would be grateful if the Applicant could re-assess the status of these meadows in the light of this information provided. WSCC considers that the Grassland Retention Plans are likely to need updating following this exercise. Furthermore, the cable laying method and habitat reinstatement may require modifications to take the importance of these meadows into account.

Yet the applicant ignores the significance and says they will assess the fields post consent. This is not acceptable when they KNOW what they will find

2.61 2.1.40: details of existing and proposed site levels at the substation remain unclear. Whilst AOD heights have now been included, any substantive change in existing site levels (which the Applicant advises will only be determined at the detailed design stage) could result in significant changes to landscape and visual impacts (and for which visualisations may not account for) which is of some concern.

This must be clarified as a matter of urgency

Please see Appendix 1 below regarding WSCC's response to HE2.1 and substantial harm to Oakendene

REP5-157 Andrew Porter

"Rampion 2's only publicly confirmed rationale for the choice of the proposed cable route (via Oakendene) was to benefit from direct access off the A272 Time to move off Kent Street and move on". We wholeheartedly endorse this view.

REP5-163 Janine Creaye

The evidence from Wild Flower Consultancy regarding the scrub habitats at Cratemans and along Kent Street is compelling and confirms how wishful the thinking is that it can easily be replaced: *"If the ancient blackthorn is removed, any talk of replacing it with new plants will be pie-in-the-sky as the muntjac will graze it off unless of course it is fenced to an incredibly high standard, but I **still believe that the blackthorn in its present form is irreplaceable as it will take at least 30 years to regrow to its current density. If the blackthorn goes, I am sure the nightingales will go with it - for ever.**"* We have previously provided evidence from David Attenborough's observations of the habitats at the Knepp estate which confirms that they are one of the few places in the country where nightingale numbers have successfully been increased; as a result of a great deal of hard work and expense on their part, not as Rampion propose.

Industrialisation of Kent Street; this provides a graphic illustration of the comparison of what is there now and what will be if Rampion's proposals are approved.

It also shows very clearly bad state of the road and how unlikely it is that it will be able to withstand Rampion's vehicular assault.

We also endorse her questions:

- "Where is the written evidence that the detailed use of Kent Street was factored in as something to consider in the selection of substation location, or was it really not thought of until this late stage?" Of course it wasn't; they are thinking on their feet from one deadline to the next.
- and her call for a detailed comparison of the dormice habitat destruction caused by access through the compound, compared to that of using Kent Street, and
- "Why are the drainage ditches only mentioned in the alternative?" as opposed to any comparison with the ditch alterations needed to use Kent Street including the passing places, which will be far more extensive

The Arborweald assessment of the green lane concludes:

"It is my professional opinion that the arboricultural, ecological and historic importance of Green Lane has not been fully explored as part of the proposed Rampion Windfarm development. Should removal of sections of Green Lane take place to facilitate development it is my concern that this valuable and irreplaceable habitat feature will be significantly degraded and accordingly the arboricultural, ecological and historic value of Green Lane will be totally compromised."

These are grave words indeed.

Her video evidence about the high quality of the meadowlands is also compelling.

If we ignore these kinds of warnings in the name of pursuing 'environmentally friendly' green energy, is it any wonder we are one of the most nature depleted nations on earth?

Appendix 1: Rampion 2 and substantial harm to Oakendene Manor

HE2.1:

In REP5-134 WSCC answers the question on substantial harm to Oakendene Manor (HE2.1) by saying that, based on *Rampion's definition of harm*, there is less than substantial harm to the grade 2 listed building:

2.11-15 WSCC agrees with the assessment of “a Medium magnitude of adverse change. WSCC finds that this is likely to equate to less than substantial harm, at the upper end of the scale”. Although they are clearly uncomfortable with this definition:

2.14 A medium magnitude of change is assessed for Oakendene, **which the ES assessment methodology equates automatically to less than substantial harm** (paras. 25.8.18 and 25.10.11). As raised in previous responses, **WSCC is not satisfied that the policy threshold of substantial harm** can be automatically and uniformly applied in this manner, nor that such a blunt assessment tool should form the extent of the argument for less than substantial harm.

2.15 The ES chapter proves a single sentence to evidence their case for less than substantial harm; “...the listed building itself will be physically unaltered and important elements of its setting, including its relationship with the immediately surrounding gardens and the view to the south, will be preserved”

HE2.1 WSCC finds that changes to the setting of Grade II listed Oakendene Manor arising from the Project are likely to amount to less than substantial harm, at the upper end of the scale.

WSCC then in fact, goes on to provide a convincing argument that the view of the manor house *will* be severely compromised, and that the view of the house from the PRoWs and generally from the south is an important part of the historic design of the parkland and therefore extremely important as extracts from their submission demonstrate:

- *Long and medium range views both to and from the manor, looking across the historic parkland to the south-east of the manor, will be substantially altered by both the construction and operational phases of the Project. These views currently make a substantial positive contribution to significance. They illustrate the time-depth of the relationship between the manor and its historic parkland, which contributes to the historic interest of the asset.*
- *PRoW 1787 (Viewpoint SA12) WSCC believes the view was deliberately designed, and the gap may have been intentionally created during parkland landscaping to facilitate this long-range view, and to showcase the manor within its landscape park to passers-by.*
- *Whilst the parkland layout, features and planting visible today are informal in appearance, this is nevertheless a managed and designed historic landscape. It was likely intentionally designed and landscaped in the informal or naturalistic style which emerged in the mid-18th century and was popularised by Capability Brown and contemporaries. The intention would have been to enhance and showcase the manor within its parkland setting. M*
- *The parkland itself is assessed as of low significance in its own right, but the contribution it makes to the setting of the manor **is considered to be very substantial.***
- *The parkland setting of Oakendene is experienced overall as tranquil, characterised by a notable absence of significant modern visual or auditory intrusion, despite the proximity of the A272 and industrial estate.*

- However, the additional photography from the hedge gap on PRow 1787 (Viewpoint SA12), demonstrates that **the magnitude of change to this view in particular (see above for the contribution this makes to significance) have been underplayed in the assessment.** LVIA Figures 18.14.4a-e (REP4-027) illustrate that the presence of the substation will entirely transform the view from Viewpoint SA12. The majority of the vista will be occupied and dominated by the substation structures, transforming the character of the view from historic parkscape **to modern industrial activity**
- In addition to changes to key views, there will be permanent loss/change in use of a substantial amount of historic parkland which will partially sever the relationship between the asset and its historic parkland. **[and the remaining parkland will also be lost as it will be used for BNG planting]**
- WSCC finds that the **importance of current key views is downplayed**, as is the predicted degree of change to these views during and following construction of the substation. **This gives a misleading impression of the true magnitude of change to the setting of Oakendene, and the degree to which the ability to appreciate significance will be reduced.**

In essence, therefore, the parkland provides a very substantial contribution to the setting of the manor, the manor and historic parkland will be blocked from sight, reducing the historic interest of the asset as well as the ability to *appreciate* its interest.

2.15 The ES chapter provides a single sentence to evidence their case for less than substantial harm; “...the listed building itself will be physically unaltered and important elements of its setting, including its relationship with the immediately surrounding gardens and the **view to the south, will be preserved**” ([REP4- 024] para. 25.10.11).

But, we contend, this is not true as the Oakendene Substation Indicative Landscape Plan 2285-WSPE-EX-ON-FG-OL-7754 in REP5-024 and REP5-073 shows clearly just how tunnel like and narrow this ‘preserved view to the south ‘ will actually be. In addition, even this will be severely compromised or even lost by BNG planting, as shown in works 17 on Onshore Works Plans Sheet 33

Let us look at the ES assessment methodology evidence Rampion submit in their historic environment assessment, REP4-024, which leads to the conclusion of equating automatically to less than substantial harm (paras. 25.8.18 and 25.10.11):

From REP4-024

25.8.17 *NPS EN-1 further distinguishes between ‘harm’ and ‘substantial harm’ and sets out how development that gives rise to harm should be considered within the planning process.*

25.8.18 *For the purposes of this assessment, adverse change of very low to medium magnitude to a designated heritage asset or non-designated heritage assets of equivalent heritage significance will normally be considered to comprise harm, while a high magnitude of impact will normally be considered substantial harm. [We believe the evidence is clear that there is a high magnitude of impact on Oakendene Manor and that it does not require actual harm to the building.] This follows Hall vs City of Bradford 2019 that determined that even a negligible magnitude of change to a designated heritage asset would constitute harm (Royal Courts of Justice (2019). The fact that the harm may be limited or negligible would contribute to the weight to be afforded to it as part of the planning balance and recognised in paragraph 5.8.15 in NPS EN-1.*

25.8.19 *Special consideration, however, needs to be given to the particular context in which the assessment is taking place. Comments on the magnitude of any harm accruing to designated*

heritage assets or non-designated heritage assets of equivalent heritage significance will be made in the narrative assessment.

25.10.11 Predicted changes described would diminish the contribution of the setting to the heritage significance of the asset. Physical changes to the historic parkland will be permanent. The architectural interests of the asset, from which primarily derives its heritage significance, will not be affected. Where perception of the onshore substation would detract from filtered views of the asset in which its architectural interest can be appreciated within its rural parkland setting, sensitive design in line with embedded environmental measure C-68 will seek to minimise visual effects. This would be an impact of Medium magnitude of change to an asset of High heritage significance (sensitivity), resulting in Major adverse residual effect which would be Significant. As noted at paragraph 25.8.18, adverse change of less than a high magnitude to a designated heritage asset or non-designated heritage assets of equivalent heritage significance will normally be considered to comprise less than substantial harm. In this case, a medium magnitude of change would constitute less than substantial harm. This is because the listed building itself will be physically unaltered and important elements of its setting, **including its relationship with the immediately surrounding gardens and the view to the south, will be preserved. We disagree, as laid out above, and WSCC's view of the detrimental impact on parkscape and its importance in historic design would suggest that they also disagree.**

Where do they get this 'fact' that because the building itself is unharmed, de facto the harm is less than substantial? Let us explore the evidence further:

"The listed building itself will be physically unaltered". Paragraph 25.8,18 does not say this. **The Hall vs City of Bradford 2019** case was actually nothing to do with whether or not the listed building itself was harmed, although the implication from Rampion is that it was; it was about whether or not the defendant had given the Area Planning Panel enough information to make an informed decision about substantial harm and that the county council's *approach to the Approved Development's impact upon the HCA was flawed*.

But the judge did say:

14. The following further paragraphs of the NPPF, were also cited in argument and are of relevance in this case:

"Considering potential impacts

"193. When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight should be given to the asset's conservation** (and the more important the asset, the greater the weight should be). **This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.**

194. **Any harm to, or loss of, the significance** of a designated heritage asset (from its alteration or destruction, or from development within its setting), **should require clear and convincing justification...** There is no justification as a 'clear and convincing' alternative exists at Wineham.

196. Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use" [21/378-379]. **Again, the necessity of creating this harm is relevant here, when an alternative exists**

67. The first question for the county council, inherent in section 61(1) , was whether there would be an effect on **the setting of the listed building**, and, if so, what that effect would be.

34. *In my judgment the three categories of harm recognised in the NPPF are clear. There is substantial harm, less than substantial harm and no harm. There are no other grades or categories of harm, and it is inevitable that **each of the categories** of substantial harm, and less than substantial harm will cover a **broad range** of harm. **It will be a matter of planning judgement as to the point at which a particular degree of harm moves from substantial to less than substantial,***

*"40. The assessment of whether any harm would be caused by the impact of the development on the heritage asset **or its setting is likewise a matter for the decision maker, not the author of the HIA...***
(As WSCC correctly say)

And Rampion have failed to have regard to the full HER, which has been provided by WSCC.

In fact, in the Bedford case, the planning permission was quashed!

Use of this case is not dissimilar to Rampion's quoting of impressive sounding studies in their arguments for why there will be no impact on the tourism economy of West Sussex, when in fact the quoted studies do not support their arguments at all (see Addendum to Economic Consequences of the Substation Following DCO Submission in REP1-089, pp70-71). Once again, we see them trying to intimidate with impressive sounding legal precedents, but which, on scrutiny, do not in fact support their claims or are even relevant to them.

The level of harm to designated heritage assets (or their setting) frequently forms a point of disagreement between applicants and decision-makers. 'Substantial harm' is a key policy threshold in England which is often central to the debate.

The concept of substantial harm to a designated heritage asset was introduced in 2012, with the publication of the National Planning Policy Framework [NPPF]. Paragraph 199 of the NPPF identifies three levels of harm to the significance of designated heritage assets, substantial harm, total loss, or less than substantial harm. Paragraph 201 goes on to state that, where proposed development will lead to substantial harm to (or total loss of) the significance of a heritage asset, local authorities should refuse consent, unless it can be demonstrated that substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm. The NPPF makes clear that instances where public benefits outweigh substantial harm should be "*exceptional*" in most cases, or "*wholly exceptional*" in respect of assets of the highest significance. **The NPPF (and its subsequent revisions) do not seek to define substantial harm, instead advocating a balanced judgement, having regard to "the scale of any harm or loss and the significance of the heritage asset".**

As is often the case with national planning policy, the interpretation of substantial harm is a debate that has been contested in the courts. For a number of years, one particular case has been seen to offer some clarity on how to measure this important policy threshold, in the absence of detailed policy or guidance. In the 2013 case of Bedford BC v SCLG38, the High Court held that in order for harm to designated assets to be considered substantial, "*the impact on significance was required to be serious such that very much, if not all, of the significance was drained away... One was looking for impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.*".

This case sets a particularly high threshold for substantial harm, suggesting that there is very little difference between the substantial harm to, and the total loss of, an asset's significance. The Bedford case was seen by many as providing much-needed clarity on the meaning of substantial

harm and the application of the heritage policies within the NPPF. Perhaps this is where Rampion take their definition from.

On the 23rd of July 2019, the National Planning Practice Guidance [NPPG] was updated to provide additional clarity on assessing substantial harm. The NPPG at Paragraph 18a-018 states that:

*“Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. **The harm may arise from works to the asset or from development within its setting.**”* Therefore, it is not necessary for the building itself to be harmed to equate to substantial harm.

The NPPG, like the NPPF, advocates professional judgement. Whilst the NPPG guidance is open to interpretation, it does not appear to explicitly set the bar for substantial harm as high as the Bedford judgement. In this context, it could be perceived that there is some tension between the NPPG's definition of substantial harm and the established Bedford case law.

This matter was examined in 2021 in respect of a proposed UK Holocaust memorial at Victoria Tower Gardens in Westminster. The case (reference APP/XF990/V/19/3240661) had been called in for determination by the Secretary of State.

https://assets.publishing.service.gov.uk/media/6102679e8fa8f50428d10083/Combined_DL_IR_R_to_C_Victoria_Tower_Gardens.pdf

Ultimately however, assessing whether a proposal causes substantial harm remains a subjective judgement, dependent on the evidence and the specifics of the case. It is, however, important that such a judgement is based on a robust assessment. **Various recent cases have illustrated how vulnerable planning permissions can be to judicial review when the evidence presented is found to be flawed or misleading** (including both the Heritage Impact Assessment submitted by the applicant, as well as the heritage judgement set out in an LPA's Committee Report).

From the Secretary of state’s consideration on the Victoria Tower Gardens judgement:

Public Benefits

*29.Paragraph 202 of the Framework states that where less than substantial harm is identified in respect of a Designated Heritage Asset, that harm should be weighed against the public benefits of the proposal. **So even if it were to be assessed as less than substantial harm, it still matters, especially when alternatives exist***

38.The Minister of State has carefully considered the Inspector’s assessment of the public benefits in this case and for the reasons given at IR15.189 and in paragraphs 31-33 and 35-36 of this Decision Letter (DL), agrees with the Inspector that the principle of development, the purpose and content of the UKHMLC, the location and the design of the UKHMLC are all public benefits of great importance, each meriting considerable weight in the heritage balance. He has further concluded in DL34 that the

weight to be afforded to alternative locations is very limited and that the matter of timing reinforces that conclusion. Unlike in the case of Westminster Council and the Holocaust Memorial, in Rampion's case there IS an alternative at Wineham Lane, which, in the applicant's own words is only "marginally less preferable", so in weighing against the public benefits the damage to the asset is not the same as in the above.

60. Weighing considerably against the proposal is the less than substantial harm to the significance of the following designated heritage assets: the harm to the setting of the Buxton Memorial; the harm to Victoria Tower Gardens as a Registered Park and Garden; and the harm to the Westminster Abbey and Parliament Square Conservation Area. The Minister of State considers the harm to the setting of the Buxton Memorial to be less than substantial but affords it considerable weight. He considers the overall harm to Victoria Tower Gardens to be moderate but still less than substantial and accords this considerable weight. The Minister of State considers the harm to the Westminster Abbey and Parliament Square Conservation Area would be less than moderate but still less than substantial and affords this considerable weight. Collectively also, the harm to these 13 designated heritage assets is considered to be less than substantial but nevertheless deserving of considerable weight. **When combined with the harm to trees, considered to be moderate, this materially adds to the harm weighing against the proposals. In Rampion's case the harm to the trees and hedgerows on this site is far more than moderate.**

61. Weighing in favour of the proposal are a series of very significant public benefits. These include the delivery of a national Memorial to the victims of the Holocaust and genocide in accordance with the expectations of the Holocaust Memorial Commission, a public benefit of great importance to which the Minister of State affords considerable weight. Moreover, the Minister of State considers the purpose and content of the combined structure to be a public benefit of great importance which also merits considerable weight. **Further, he considers the location of the UKHMLC in Victoria Tower Gardens next to the Palace of Westminster and the very powerful message given by that juxtaposition is a public benefit of great importance to which considerable weight should be given. The Minister of State considers that limited weight should be given to alternative locations, a factor that is reinforced by the desirability of delivering the UKHMLC within the living memory of survivors, as a fulfilment of the nation's obligation to honour the living as well as the dead. Finally, the Minister of State considers the delivery of an outstanding piece of civic design in empathy with its context to be a public benefit of great importance, again deserving of considerable weight. This cannot be said of the Rampion substation; there is nothing valuable to the community, about locating it in its proposed site, and in this case, the examination has shown that substantial weight should be given to alternative locations, which could just as rapidly provide what is needed.**

National Planning Policy Framework

3.32: The revised NPPF was published in July 2018 and further revised in February 2019. Section 16 refers to conserving and enhancing the historic environment. With particular reference to Paragraph 195 and whether a development would cause substantial harm, the Judgement in the Bedford case has established that substantial harm requires such serious impact on significance that this is "either vitiated altogether or very much reduced, resulting in very much, if not all, of the significance [being] drained away."

Planning Practice Guidance (PPG) advises that when assessing harm to a heritage asset, substantial harm is a high test and that an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest.

6.89: Firstly, the impacts on the key heritage assets are considered on the basis that all the plane trees would remain and would not be lost nor would their contribution to the scene be tangibly harmed by the proposals.

Clearly therefore, the setting is a key consideration, despite the Bedford judgement. We contend that the setting of Oakendene Manor IS substantially harmed.

6.122: In any event, NPPF para 196 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

6.123: This makes the simple point that there must be a weighing of the pros and cons of the proposal.

And, as is apparent from the above, of the Alternatives

8.18: Therefore, the approach in Bedford cannot be reconciled with the subsequent guidance published by the SoS as to what he considers would amount to 'substantial harm' to the significance of a heritage asset. **The conclusion in Bedford was justified on material before the Court in July 2012. However, that interpretation can no longer stand. Bedford has therefore been overtaken by events and is distinguishable.** The guidance set out in the PPG as to what would generate substantial harm is now to be applied.

8.22: In essence, the open setting and flat topography which contribute and enhance the significance of the BM would be extensively and harmfully changed.

8.24 In conclusion, given the importance of the BM as an asset, reflected in its grade II* listing, and the significance of what it memorialises, it must be concluded that the harm would be at the higher end of the less than substantial scale. **This would be elevated to substantial harm if the trees are diminished or lost, given the key role that the trees perform in establishing the character of VTG and the setting of the memorials and monuments within it.**

As is the situation with Oakendene Manor whose setting, the appreciation of that setting and the value attached to it by residents have been made abundantly clear during the examination.

8.61: WCC's case is that the public benefit of delivering this Memorial in VTG, must be put in context. If the same or similar benefits could be achieved by a scheme which avoids or reduces the harm that this development would cause, then the weight to be attached to the benefits of delivering the scheme proposed would be significantly reduced. In effect, the availability of alternative means of meeting the objective underlying this development must be material to considering the weight to be attached to any public benefit of delivering the development proposed in this location. Support for this position is provided by the well-established principles set out in *Trusthouse Forte Hotels Ltd v Secretary of State for Environment (1987)57 P&CR 293 at page 299-300*. Again, reinforcing the view that the weight to be attached to the public benefit of delivery of this scheme here is substantially reduced, as an alternative exists which could easily, if not better, meet the objective. Therefore, the harm to the listed house would not need to be substantial to meet the test.

The Planning Balance—With Reference Any Public Benefits the Proposals Might Bring

8.97 This development would not accord with the NPPF, and in particular the policies protecting Open Space (para. 97) and the great weight that should be attached to the conservation of designated heritage assets (para. 193).

8.98 *The Applicant accepts that this development would cause harm to the significance of designated heritage assets, including assets of the highest significance such as the Grade II* listed Buxton Memorial. This creates a further "strong presumption" against the grant of planning permission through s.66 of the PLBCA Act 1990.286 WCC considers that there would be harm to the settings of a wider range of listed buildings as well as harm to the character and appearance of the WAPSCA, thereby engaging s.72 of the PLBCA Act 1990. If correct, these factors add strength to the negative statutory presumptions.*

The main points to be taken from the Victoria Gardens judgement are that:

- Setting IS relevant, and tree loss. Oakendene will no longer have the historically designed panoramic vista from the house, but a tunnel view to the south and even that will be compromised by the BNG planting. WSCC explain the importance of the view of the manor from the PRoWs and its historic design. This will be permanently lost. Tree and hedge loss will be enormous
- Significance is given to the importance of putting the development in the particular location. In this case, there is no value whatsoever to the public benefit, other alternative sites would suffice, indeed are likely to be of greater public benefit by causing less environmental harm.
- Alternatives must be considered. The availability of a suitable and timely alternative diminishes the importance of the public benefit when weighed against the harm done. We have amply demonstrated the lack of consideration of substation alternatives, and we do not accept that Rampion have provided convincing evidence of sufficient evaluation of wind farm or cable route alternatives.

Other case law has arisen since, all amounting to similar judgements eg:

London Historic Parks and Gardens Trust v Minister of State for Housing – [74] of Bramshill: “...**What amounts to "substantial harm" or "less than substantial harm" in a particular case will always depend on the circumstances. Whether there will be such "harm", and, if so, whether it will be "substantial", are matters of fact and planning judgment.** The NPPF does not direct the decision-maker to adopt any specific approach to identifying "harm" or gauging its extent. [...] [T]he decision-maker is not told how to assess what the "harm" to the heritage asset will be, or what should be taken into account in that exercise or excluded. The policy is in general terms. There is no one approach, suitable for every proposal affecting a "designated heritage asset" or its setting"

When considering the harm at Oakendene, it is only common sense to take into account public access within the landscape, with views from public rights of way being more likely to be commonly appreciated by the public. The view of Oakendene in its parkland setting is enjoyed from several key walking routes to the south and east of the historic estate, with the AONB beyond. Local residents have made the importance of these views very clear. Indeed, changes to public access, use or amenity are listed as possible considerations for how development may affect the significance of an asset in Historic England’s guidance on setting.

The assessment of the impact of a potential development on a heritage asset should not be an exhaustive attempt to link a site to an asset or a mechanical consideration of all aspects of a checklist. It should, however, provide a simple and clear narrative account of the overall significance of an asset, the main elements of its setting that contribute to its significance, the specific

contribution of the site to significance, and the reduction in significance that would result. It is obvious to the casual observer that the setting and value of the manor house will be severely affected by this proposal, that if the applicant has not been seeking to put the substation where they thought they would get least opposition, (due to inadequate consultation), it could and should have gone elsewhere, and that the applicant has sought to downplay the impacts on the listed building and landscape and visual impacts of its surroundings throughout the examination.

Whilst the methodology used leads to a conclusion of less than substantial harm, because the building itself is not affected, common sense would dictate that this is not true. The indicative landscape plan shows how small the retained view is from and to the manor, and even this will be lost for BNG planting. The manor is significantly diminished by the industrialisation of its surroundings and the loss of the ancient and mature trees in its parklands. The nonsensical nature of the Applicant's conclusion is demonstrated by the image of Stott Hill Farm, left sitting in between the carriageways of the M62:



If Oakendene Manor were to be left unharmed, but now found itself in between the carriageways of a motorway, no rational person would claim its value as a listed building was not substantially harmed. Even in a setting like that of Stott Hill Farm, where the surrounding landscape is not industrialised. This is why this blanket approach by Rampion is inappropriate and the individual circumstances of Oakendene must be considered, along with **whether this really needed to happen here.**

Appendix 2: Enso Battery Storage Farm Kent Street Planning Refusal Implications for Rampion substation:

HDC Planning reference DC/24/0054

This was eventually decided by delegated decision in July 2024. The report contains a detailed assessment of why this is an unsuitable proposal for a location such as Kent Street. It was to be located just a short distance further south along the lane from the proposed substation, and indeed, was to cross the cable before it crossed the tributary of the Cowfold Stream.

The first reason given for the refusal was:

The proposed development, by reason of its scale, visual dominance and absence of screening from Kent Street and PROW 1787/2, would result in significant localised harm to the landscape character and visual amenity of the area, contrary to Policies 2, 25, 26, 32, 33 and 36 of the Horsham District Planning Framework (2015) and Policy 7 of the emerging Horsham District Local Plan, and paragraph 163(b) of the NPPF (2023).

The battery storage farm comprised just 40 units up to 4m in height and covering an area of 0.7ha. How much more relevant is this verdict to the vastly bigger and taller Rampion substation?

The delegated report is a very detailed, carefully considered report. Relevant extracts are shown below.

- Principle of Development:

*Nationally, Chapter 14 of the NPPF deals specifically with climate change and renewable and low carbon energy proposals, setting out that there should be positive local strategies in place that 'maximises the potential for suitable development, **while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)**' (para 160). Local Planning Authorities are encouraged to approve applications for renewable and low carbon development if its impacts are (or can be made) acceptable, and should not require applicants to demonstrate the overall need for renewable or low carbon energy (para 163).*

Policy 36 of HDCPF:

Policy 36 supports the provision of renewable energy schemes where they do not have a significant adverse effect on landscape and townscape character, biodiversity, heritage or cultural assets or amenity value,

There is a district-wide ambition to decarbonise the district's energy consumption by maximising local low carbon and renewable energy generation, setting out a medium-term goal of encouraging large-scale low-carbon and renewable energy generation and storage solutions, which will in turn, take pressure off the national grid and reduce reliance on imported gas and electricity (Horsham District's Climate Action Strategy). Having regard to the above policy framework it is considered that the principle of the proposal would be in accordance with local and national planning policies, subject to all other considerations as discussed and assessed below.

We know that HDC have applied this aggressively to some controversial local energy applications such as agreeing to the Cobwood solar farm on the western side of Cowfold, despite very vocal objections. *Yet even with this very pro green energy policy they could not support it **in this location**.*

- Impact on Landscape Character

*Policies 2, 25 and 26 of the HDPF recognise the rural character and undeveloped nature of the countryside has a value that requires protection from inappropriate development. HDPF policy 36, which specifically addresses renewable energy schemes cites that permissions will be granted where there is no ‘**significant adverse effect on the landscape character**’, whilst policy 33 also requires development ‘**to relate sympathetically to the landscape**’. Policy 7 of the emerging HDLP reinforces support for standalone renewable energy schemes where they do not conflict with other policies in the plan. The pre-amble to this policy clarifies that such proposals will need to consider the impact they may have on protected landscapes, and to take account of views from protected areas, such as the South Downs National Park or the High Weald AONB.*

The Council’s Landscape Consultant also notes that the submitted site and setting assessment makes it clear that this ‘remains predominantly rural with few features to detract from the tranquillity and wildness associated with open countryside’

The report then goes on to discuss downplaying of the baseline susceptibility of the existing landscape, and of the impacts on views in the Applicant’s viewpoint analysis. A common theme in the Rampion Examination also.

The Applicant attempts to counter the landscape arguments for refusal made by the officer, but the report concludes:

Officers have considered the above points made in relation to the Council’s Landscape Consultant’s comments and fully acknowledge the inherent support for renewable energy schemes set out in national and local planning policies, but also that this support is reliant on there being no significant adverse effect on landscape character as a result, as per HDPF policy 36.

We do not believe that in this location, the officer could have come to any different conclusion. The same is even more true of the Rampion proposals.

The conclusion of the Place Services report for HDC was: **Not supportive on landscape grounds.**

The battery storage farm is only 4m high whereas the substation is to be 12.5m tall from final ground level. (likely to be higher than current ground level because of flooding issues). And the substation footprint is much larger. Therefore, there will be even more negative impact on surrounding landscape, PRoWs etc, and it will be even more visible from the High Weald AONB than the battery storage farm. Screening it from much of this landscape will be impossible as the ProWs either pass directly by it (PRoW 1786) or look down onto it from the area all around (ProWs 1786, 1787, 1789). There is also major destruction of trees, hedges and vegetation all around the site including north, towards the AONB

No similar comments were made in any of the landscape surveys commissioned for the Wineham Lane proposed battery storage farms carried out by the same consultants. None of these sites were rejected outright by them on landscape impact grounds, indicating that Kent Street and Oakendene are quite different in landscape value from the Wineham sites; another argument against Rampion’s site selection process:

- DM/23/1184-Supportive subject to attached recommendations and / or conditions
- DM/23/0769(this is the One Planet application RED objects to as it is on their cable route,) i.e. Wineham Lane North: Supportive subject to attached recommendations and / or conditions
- DM/21/2276(Wineham Lane South) Supportive subject to attached recommendations and / or conditions, and now consented.

The points made in the report have a direct bearing on Rampion in the following key respects and corroborate the views expressed in the CowfoldvRampion Impact Statement.

- The visual impacts on the many PROWs. Screening it from much of this landscape will be impossible as the PROWs either pass directly by it or look down onto it from the area all around
- The damage to vistas to and from the High Weald AONB and South Downs National Park
- Horsham District Planning Framework-it falls foul of numerous policies as above
- The site and its surroundings *“remains predominantly rural with few features to detract from the tranquillity and wildness associated with open countryside”*. How much more will the enormous substation impact on Oakendene and the Kent Street area, especially with the loss of so many trees and hedges?
- Other highly relevant comments: ***“note is made that the site isn’t covered by any local landscape designations, however, these have not been national policy for over 20 years and have been substantially phased out in local plans. Again, the pastoral character of the Site is disparaged. In relation to cultural heritage, we disagree that the Site is low in value. The district-level character assessment (Page 112) identifies ‘small fields carved out of woodland...’ as one of the key historic features”***
*“Furthermore, ‘LI Technical Guidance Note | 02/21 Assessing landscape value outside national designations’ makes clear that distinctiveness is a combination of rarity and representativeness, not rarity alone. Therefore, the fact that this field is typical of this landscape and the same as the one next door emphasises its representativeness. It has a strong sense of identity.....and exhibits strength of expression of landscape characteristics We judge the value of this criterion at least as **medium**. Perceptual qualities we would also judge as more than **medium-low**,due to the strength of the landscape character and its largely tranquil character. “*
- *“While the LVIA describes an audible influence from the industrial estate along COW 1787/2, during our site visit no such interruption to tranquillity was experienced from either the industrial estate or the main road.”* (This is in direct contradiction of Rampion’s continual emphasising the Industrial Estate effect, inappropriately)
- *“The LVIA Para 3.44 acknowledges that the presence of the High Weald National Landscape would increase the landscape value of the wider area to **very high**. However, the decision was made to scope this out of the assessment due to the high degree of separation and lack of intervisibility between the Site and the High Weald National Landscape, it is considered that there would be no change on this designation, its special qualities or its setting and as such is scoped out from further assessment within this study. Notwithstanding this, we recommend including this assessment within the scope of the LVIA **given the proximity of the National Landscape, and the views towards it that are available from the site.”** (Rampion have also tried to downplay the impact on the AONB. Given that it will be 12.5m high, as opposed to 4m, and on a vastly bigger footprint, and closer, with so much of the current screening vegetation removed, it is safe to say that Rampion will be *worse!**

- *“We believe some viewpoints have been undervalued in terms of judgements and the value and sensitivity of long-distance open views have not been fully considered. These views are identified as key characteristics of the LCA J3 which states: mostly small-scale intricate landscape localised areas with more open character.”* (The special value of this ancient landscape is something we have argued strongly about. It should be preserved)
- *“To conclude, we are of the judgement that the proposed scheme will have an adverse impact on both landscape character, especially at the Site and immediate setting level, and visual amenity.....We also recommend that a wider sites assessment is undertaken to determine **whether alternative sites with fewer landscape and visual effects could be found for such a development.**”*

The vista described in the battery storage farm report is highly rural. It is the same not only from ancient Kent Street, but from the A272 -totally rural to the North and South, stretching all the way to the Devils Dyke and South Downs National Park to the South. The substation would blight this and transform it into an industrial landscape. Alternatives with fewer landscape and visual effects are readily available in Wineham Lane, only ‘marginally less preferable’ even without these considerations.

The links to the full planning reports available on HDC planning Portal are shown here:

Decision notice

https://iawpa.horsham.gov.uk/PublicAccess_LIVE/Document/ViewDocument?id=214D87307F084CECB0123C91A7DED173

Delegated report

https://iawpa.horsham.gov.uk/PublicAccess_LIVE/Document/ViewDocument?id=D510EF0E199F477683ADEC7452B5F6D1

landscape objection; Place Services Report

https://iawpa.horsham.gov.uk/PublicAccess_LIVE/Document/ViewDocument?id=473B4B09864145B1B38B8DD0C1A30455

Appendix 3: Kent Street Passing Places

Local residents agree with Horsham District Council and West Sussex District Council about concerns on the overall effect on Kent Street. We agree with the ExA that it is odd that such a sensitive lane has not received a full applicant representation showing the total overall picture. Instead, the plan was provided late in the process, and it is piece meal throughout – the effect on the rural character of the lane will be devastating. Even more now since the latest Kent Street traffic survey shows the existing traffic flows to be higher, more chance therefore for Kent Street general traffic and agricultural vehicles meeting rampion traffic and using the passing places.

Passing places on Kent Street

The access proposals and the passing places on Kent Street require significant engineering; they are effectively building a new road. The extensive ditches which underly many of the proposed passing places will need major reinforcement to take the load of the huge, multiple-axle vehicles.

The latest plans in drawing “Kent Street – Passing Places and Swept Path Analysis”, only shows the passing places in vector form. It does not represent what a width of 3m passing place and 16.2m plus 12.5m plus 16.2m = 44.9m long. The lane is only 2.9m wide, the vector showing 2.5m is from the middle of the road. This would not enable 2 x construction lorries to pass, or a lorry and other Kent Street traffic. The passing place would need to double the current width of the lane – even more as lorries would need to pull in their wing mirrors if only 2.6m x 2 in widths.

The plans conceal the truth about the amount of vegetation removal by not clearly demonstrating the width of the passing places or road, or the HGVs.

The passing places are only 12.5m long yet the vehicles are up to 26.15m long. How will this work?

A more accurate depiction of the width and length of passing place 2 / 3 / 4 is attached to the bottom of this document

We need a proper tree and verge and vegetation survey of Kent Street with tree root protection areas around passing places – this has not been provided to date. It is clear that there will be far more tree and hedge loss than even previously acknowledged, including several large oaks.

- To construct a passing place of 2.85m wide would need a larger width for actual construction purposes and digger access. This would mean more vegetation destruction than proposed.
- Also to construct a pipe over the ditch for 44.9m for 3 x passing places is a large engineering scheme whilst keeping the lane open. Also, above this drainage pipe would need to be filled over and concreted to enable a heavy lorry to park over it; such road build up would affect the tree root protection areas here - there is a lot of work for engineering to design and construct these new passing places for them to be robust, wide enough and enable ditch drainage
- More trees will have to be removed for the passing places - up to 5 mature oaks, due to root protection areas being within the 3m from the current tar mac road being needed for 2 x lorries to pass, and metres of hedge to achieve the required width.
- Passing places should ideally be on the east side as per existing passing places but this area is outside DCO red line which runs along the Kent Street tar mac road on the east boundary of

the road. This is why the whole Kent Street management plan proved to be so late in the day. If the applicant had thought about Kent Street from the onset, they would have extended the DCO limit a few metres east along Kent Street so that passing places could be where the existing passing places are.

- Passing places on the west means more vegetation removal and more views of the substation because of this
- The ditch on the west is only 1.5m from the road – there will need to be a structural pipe over the ditch for lorries to drive over - this will need an engineering solution as these ditches / swales form an important part of the field and road drainage management and they need to be clear.
- Nearly 150m Hedges and undergrowth need to be taken for passing places 2/3/4 only
- It is not possible to build right up to the roots of the hedges, even where it is wide enough for the passing places not to encroach on them. More than just the width of the passing places will be required to construct them. Resulting in yet more vegetation loss and visual exposure of the substation.

The above points will lead to the devastation of the rural character of the lane which local residents highly value as an amenity, it will also be extremely dangerous for users of the lane.

There is no plan as to how Rampion propose to achieve the necessary changes without closing the road.

The whole passing place issue is representative of so many of the different issues with the Rampion proposals:

- The ecological and visual devastation
- The fact that the whole CTMP for Kent Street is unworkable: the more questions they are asked, the more it becomes obvious that they are effectively going to have to construct a whole new road up to three times the width of the existing one (ie just like Wineham lane, which would be much simpler to use)
- The DCO boundary is in the wrong place; if they had thought this through, they would have realised that there is no room for passing places on the east, now they have to be on the west, making the substation even more visible
- It demonstrates that they clearly had not thought about Kent Street when weighing up the alternative substation sites.

The increased traffic numbers in the Tracsis survey, partially presented by Rampion at deadline 5, suggest far more vehicles, including HGVs, than the previous survey for the Enso battery storage farm. On the one hand, Rampion will want the numbers to be high, as this reduces the percentage change caused by their construction vehicles. However, if the figures are to be believed, this also means that there is much more likelihood of construction vehicles encountering another vehicle, including HGVs. Their 12 hour average gives a figure of approximately one vehicle currently every 2-3 minutes instead of 10-12 minutes. This seems very high to us, but if true, this makes the passing places and the engineering of their construction even more important. It also increases the likelihood of vehicles stacking up on Kent Street, or worse, the A272, whilst construction vehicles travel down the lane.

Photographic Survey of Passing Places Kent Street

Passing Place 4

Kent Street looking north from the culvert towards the A272 and showing the length of proposed passing place 4 – much larger than current informal passing place on the right hand side which is near the current culvert. Final cone 4 can be seen in the distance. Notice thick vegetation on the left hand side which would need to be cleared including large mature oak tree not yet listed for felling. 4 x cones showing each passing place.



This passing place starts to the south of the current bridge and culvert (road only 2.85m at this bridge). It is also extremely close to the pond and habitat area to the west, by the bridge, which is outside the DCO boundary.



This passing place has a gate and bee-hive area within 3m of the tarmac road, which would be up against the new passing place.



There is also the road ditch either side of this gate which would need to be crossed, the cone depicts the southernmost point of passing place 4



Continuation northwards of passing place 4 shows ditch and thick undergrowth which would need to be cleared within 1m width from tar mac road – opening up views into the substation field.

Passing Place 3

Longer than current informal passing place on the right (east of Kent Street).



Large oak tree x 2 at 3m from road, tree root protection areas will mean trees will need to be felled to build new passing places on the west.





Passing Place 2

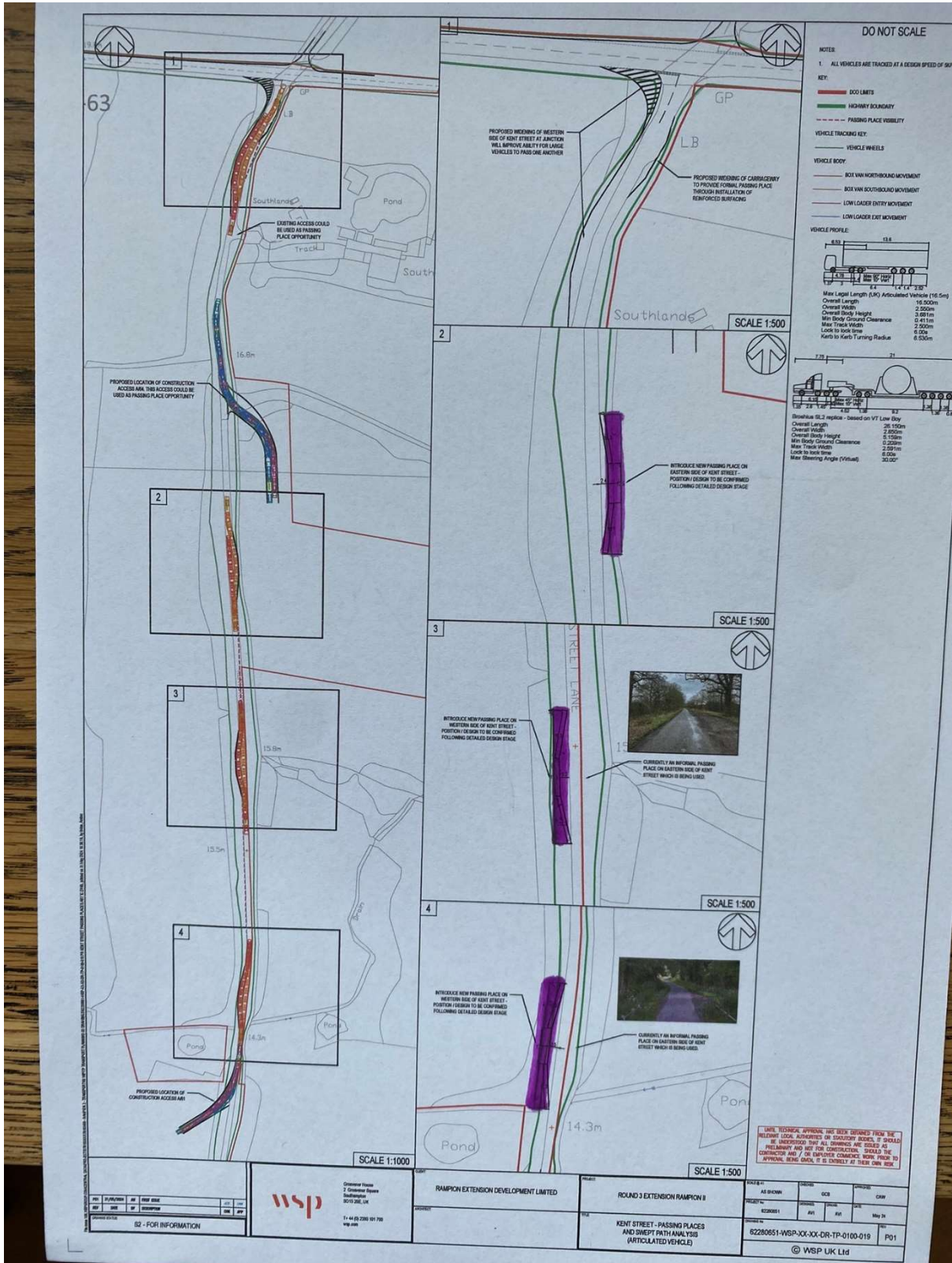
Passing place 2 is not near any current passing places, new destruction of verges and undergrowth on the east of the lane. Far north cone is only just visible in the distance next to the man in the white t shirt.



Destruction of mature oak tree not due to be felled as root protection area near passing place



Passing place drawing showing actual width and length needed as per Rampion dimensions – not vectors but areas which will be destroyed, leading to increased vegetation loss along the west of Kent Street and views into the substation site



Appendix 4: Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Tracsis Survey)

TA 3.1 Traffic Survey Data:

“The ExA notes from the latest version of the Outline Construction Traffic Management Plan (OCTMP) [REP5-068] that new traffic survey data has been obtained by the Applicant for baseline traffic flows on Michelgrove Lane and Kent Street. However, the ExA also notes that while the latest ES Traffic Generation Technical Note assessment [REP5-060] includes updated baseline traffic flows for each of these highway links their source has not been correctly referenced.

(a) All documents relating to traffic and access should be re-submitted as a consistent set at Deadline 6, with analysis and conclusions based on the latest traffic survey data and all sources correctly referenced. And

(b) What are the implications of the significantly increased baseline traffic flows on Michelgrove Lane and Kent Street highlighted by the new traffic survey data on the viability of the construction traffic management strategies for these highway links contained in the OCTMP [REP5-068]?”

Response to TA3.1a)

Table 3-4, from REP5-061 Traffic generation technical note tracked gives baseline traffic data. These figures are apparently from the Tracsis survey done for Rampion in May 2024. However, table 3-4 gives Kent Street baseline data of 338 total vehicles as opposed to 371 vehicles in 24 hrs, or even 314 in 12 hours in table 3-1 of the CTMP (REP5-069). Where have these figures come from and why are they not the same? They vary yet again in Table 2-15 in REP5-039 (see below)

And Table 3-4 gives 369 total vehicles on Michelgrove lane as opposed to 381 in 24 hrs or 339 in 12 hours in table 2-2 of the CTMP

Also, whilst they have removed the statement about not including days when the A272 was closed, and the estimation of Michelgrove:

~~*Traffic flows on Michelgrove Lane (receptor P) have been estimated from on-site observations due to traffic survey data being unavailable.~~

~~**The traffic surveys undertaken for the Enso Energy Kent Street Battery Energy Storage System CTMP between 18/10/2023 and 24/10/2023 have been utilised as the base flows for Kent Street. The days when a road closure was in place on the A272 have been excluded from the data.~~

para 1.1.5 still says “*Baseline Traffic flows updated for Kent Street to reflect traffic survey data contained in the Enso Energy Kent Street Battery Energy Storage System Construction Traffic Management Plan (CTMP) (Planning Application Ref: DC/24/0054)*”

NB the highway links in Table 3-2 of the Traffic Generation Technical note tracked (REP5-061) are numbered differently when compared to tables 2-1 and 2-2 from REP5-039, cited here in this assessment of the Tracsis survey, where we have used REP5-061 and REP5-069. This leads to confusion. (eg the high percentage HGV links referred to below as 15,17 and 29, are in REP5-039 numbered as 16, 19 and 32)

Response to TA3.1b)

It would appear that Rampion did indeed do a survey of their own and that their supplier had not 'let them down' as they said at Deadline 4.

No doubt, when asked to respond to this question, Rampion will simply point to the 'evidence' in Table 3-1 of the Kent Street Appendix to REP5-069, and to the similar Michelgrove 'results'.

Table 3-1 Kent Street Traffic Data Summary (Average Weekday flows)

	AM Peak (7 8 - 8am9am)	PM Peak (4-5pm)	12hr (7am-7pm)	24hr	Average Speed (mph)
Northbound	4116	914	92161	99190	2527
Southbound	912	812	88153	93182	2520
Two-Way	2029	1726	180314	192371	2528

We have major concerns about both the dramatically increased numbers of vehicles and where they have come from for both Kent Street and Michelgrove, and also the incredibly high percentage of HGVs, especially at Kent Street. (We also question how an average speed between 20 and 27mph becomes 28mph?) Without the full survey data being available it is impossible to give any credence to these survey 'results' for the reasons laid out below:

The baseline figures for both Kent Street and Michelgrove have increased considerably as a result of the Tracsis surveys:

In REP5-061:

Kent Street Total traffic increased from 98 and now 338, and HGVs was 25 now 80

Michelgrove Total traffic increased from 10 and now 369, and HGVs was 1 now 24

Both show an extraordinary and unexplained increase, the Michelgrove figures in particular. This is not credible for such a small lane.

REP5-069 outline CTMP tracked contains more detail on the Tracsis surveys:

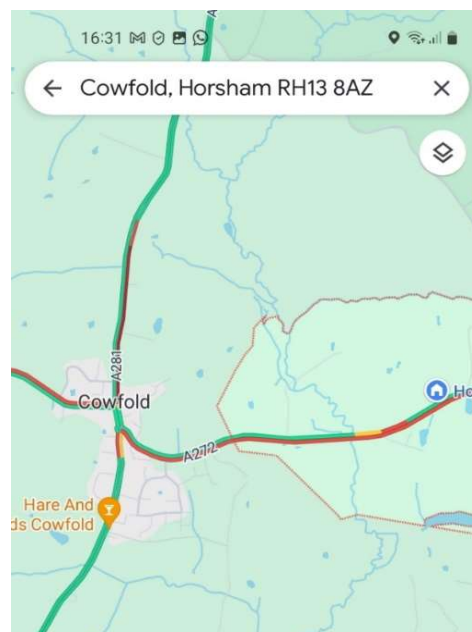
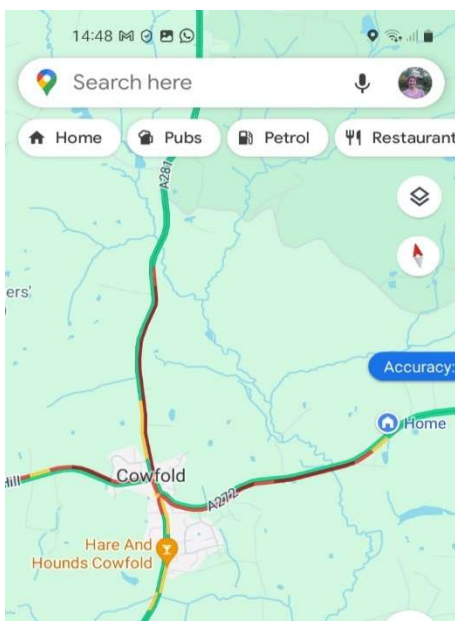
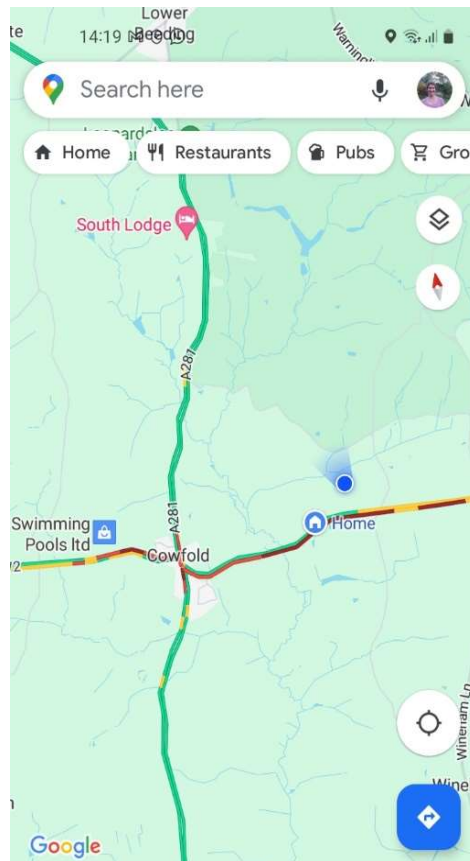
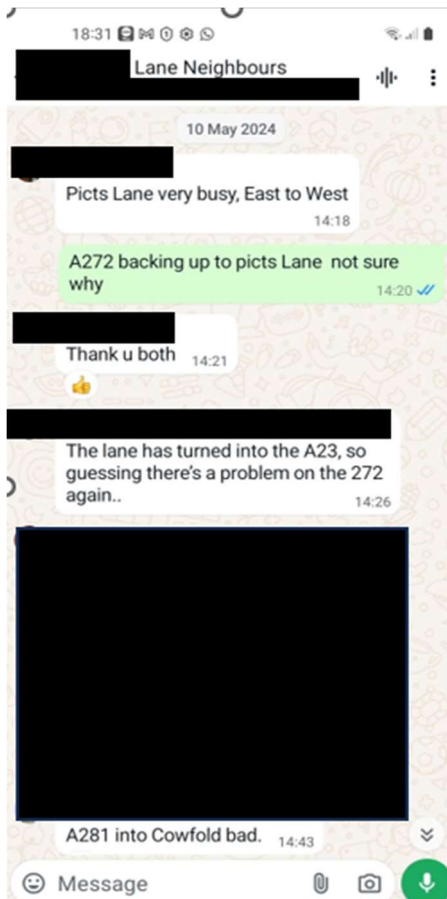
3.2.4 "Traffic data collected by Streetwise Tracsis on Kent Street is shown in Table 3-1 below. This was collected via ATC survey located approximately 1km 850m south on Kent Street from the A272 junction. AM and PM peak hours summarised in Table 3-1 show the busiest recorded hour between 8-9am and 3-4pm"

In fact, the 'survey results' in table 3-1 shows a **highly selective** part of the data from the Tracsis survey, carried out for Rampion between 8th -14th May 2024. We are simply presented with the some of the average figures for the week. **No data is given for HGVs at all, no other times are shown, so we have to take the applicant's word for the figures at other times, even though the Enso survey showed the middle of the day as the busiest, and we are given no breakdown of the vehicle classifications at all.**

A possible legitimate reason for the marked difference between these and Enso's data could be that the Tracsis monitor was cable of picking up cyclists and horses also, but without the data we cannot know. That however, could not account for the dramatic rise in HGV numbers. Why are we not being shown the full survey in the same way that Enso did for HDC?

The following could probably explain why Rampion have chosen to do this:

It will be remembered that the Enso traffic survey included three days when the A272 was closed, causing the traffic to try to get through side lanes such as Picts Lane and Kent Street and dramatically skewing the data for the survey. Rampion acknowledged this and excluded the affected days from their figures. However, in the same way, during the Tracsis survey, there was an incident on the A272 on 10th May, again causing a huge increase in traffic on the lane. The following WhatsApp chat and google map screenshots are evidence of this.



Hence there is either a singular failure to appreciate that the data for 10th May was out of line with the other days, or this has been a deliberate attempt to deceive. We suspect the latter, otherwise why not let the full survey be scrutinised? Either way, it throws into question the credibility of any of the data provided by Rampion. It is not the first time this has been doubted, as highlighted in the case of the meadowland surveys at Cratemans. Nor does it explain the extraordinary and unlikely hike in figures for Michelgrove.

Horsham DC Planning application DC/06/1049

In 2006 Horsham DC refused a planning application on Kent Street on the grounds that the road was so unsuitable for the small amount of extra traffic which it would generate. The applicant was asked to do a traffic count survey. This was carried out between 28th March and 5th April 2006. The full results are not available, including any HGV numbers, but the WSCC Transport Planning Services Consultation document in DC/06/1049 states that:

*“this data showed that on average 137 vehicles used the road each day [a two way total] , with an approximately **even distribution** [ie no morning or evening peak]. During a sixteen hour day (7am to midnight) this would equate to an average of 8.5 vehicles per hour (one every seven minutes) using the road.*

The traffic count also ascertained that average traffic speed at the existing site access onto Kent Street were 31mph (southbound) and 29mph (northbound)”

The average speed is much as both Rampion and Enso found. The one way traffic is approximately 69 vehicles. This is consistent with the Enso survey data for the days when the A272 was not closed, allowing for the general rise in traffic numbers throughout the county over the seventeen year period between them; more households have more than one car, more shopping is done on line etc. In addition, we believe only one new property has been built on the lane in the intervening period.

Both are vastly different from the Tracsis survey results.

Horsham DC Planning Application DC/08/0101

In 2008 another planning application was submitted to HDC on Kent Street. The WSCC consultation response dated 17/03/2008 discusses a traffic survey commissioned by the applicant. Two counters were placed towards either end of Kent Street, north and south of the application site, counting north/southbound and west/eastbound traffic flows respectively. We have obtained the full traffic survey from the applicant, but have only published the north/southbound figures as the west /eastbound fall too far south of the DCO boundary to be relevant. (in any case, they are lower still, indicating, as expected, that the southern end of the lane is quieter).

Here is the summary of the north/southbound traffic, which was carried out during the survey week (5th-12 February 2007):

Daily Traffic Data Summary 5-12th February 2007

North End of Kent Street															Totals
	Northbound Total	Cls1	Cls2	Cls3	Cls4	Cls5	Cls6	Southbound Total	Cls1	Cls2	Cls3	Cls4	Cls5	Cls6	A272 Junction
Monday	115	0	102	4	8	0	1	114	1	100	4	6	2	1	229
Tuesday	123	1	110	0	11	0	1	119	2	111	0	6	0	0	242
Wednesday	87	1	77	0	9	0	0	87	1	79	0	7	0	0	174
Thursday	90	2	78	0	9	1	0	94	1	86	1	6	0	0	184
Friday	111	1	99	1	9	1	0	118	0	103	1	13	1	0	229
Saturday	102	1	91	3	7	0	0	99	1	92	1	5	0	0	201
Sunday	83	3	75	3	2	0	0	92	4	81	2	5	0	0	175
Totals	711	9	632	11	55	2	2	723	10	652	9	48	3	1	1434
Avg per Day	102	1	90	2	8	0	0	103	1	93	1	7	0	0	205

	Cls1	Cls2	Cls3	Cls4	Cls5	Cls6
North	9	632	11	55	2	2
South	10	652	9	48	3	1

1323

111

1434 Total Cls1 to Cls6

Comparison of Enso survey and 2007 Survey

		Northbound			Southbound		
Day of week	Conducted by:	Total	Class 1 + 2	Class 4	Total	Class 1 + 2	Class 4
Mon	Enso	83	82	1	76	74	2
	2007	115	102	8	114	101	6
Tue	Enso	91	91	0	88	87	1
	2007	123	111	11	119	113	6
Wed	Enso	84	82	2	75	73	2
	2007	87	78	9	87	80	7
Thu	Enso	137	136	1	133	133	0
	2007	90	80	9	94	87	6

We have only compared these four days of the week, as, during the Enso survey, the A272 was closed from Friday to Sunday, grossly over inflating the numbers. There is some variation in the vehicle classification types between the two surveys, hence they are not entirely comparable and the figures in the 2007 survey do not always add up as the occasional class 3 vehicles has been left out. However, the total figures are accurate and the general figures are broadly in line, allowing for natural week to week variation. This variation can be seen clearly in the WSCC Elan Cite traffic data for Cowfold we previously submitted.

Once again, the traffic speeds were broadly similar, as are the HGV numbers. Although there are slightly more HGVs in the 2007 survey than the Enso survey, again this may represent a difference in classification, but both are in single figures, and *very different from the Tracsis HGV numbers*.

HGV numbers in the Rampion Tracsis survey

Even the most cursory glance at this data by a casual reader will tell them that there is something very wrong with the information in the Tracsis survey:

A quick comparison with the figures for other roads in tables 2-1 and 2-2 from REP5-039 shows that the percentage of HGVs is excessive for Kent Street at **23.7%** (ie HGVs/total traffic: **80/338 x100%**). Compare this to Wineham Lane (highway link 26) which is twice the width and connects the busy A272 to the road links to the south, or the figures for the A272 (link 27) and A281(link G)

Highways link	Total traffic	HGVs	%HGVs
26	879	16	1.8
27	17406	729	4.2
G	6081	141	2.3
U	338	80	23.7

Why should such a tiny lane, which doesn't go anywhere, and has a 6'6" width restriction, have as much of 40% of the traffic as Wineham Lane and **five times the number of HGVs?**

Also, from Table 3-1 it would appear the figures for Kent Street are two-way, whereas the other roads are one-way.

The only roads which come even close to this percentage of HGVs are major connecting roads:

- Highways Link 15 : the A280 Longfurlong, which connects the A24 to the A27 west avoiding Worthing.
- Highways Link 17: A283 east of A24, which connects the A24 to the A27 east avoiding Worthing.
- Highways link 29: B2118 at Sayers Common; a rest spot for HGVs along the A23.

However, we remind the reader of our evidence about OGV1 and 2 classifications with regard to the overinflation of HGV numbers by the Enso survey (see p87 of our Deadline 5 submission REP5-152 which shows that all the vehicles in OGV1 and OGV2 were in fact the lowest possible classification from each group).

It is our belief that the Rampion survey has employed similar tactics, but without the full survey data it is impossible to be certain. All the other traffic results are WSCC data. Unless the method of determining what is defined as an HGV is identical to the WSCC, the comparison is meaningless.

Whatever, the reason, the Tracsis figures are way out of line with any comparable road or even major trunk roads and throw all the other calculations Rampion have made about the Lane into disarray.

Without being able to see the full data, this survey cannot be accepted in an unquestioning way, particularly given the evidence of downplaying of data from other types of survey.

Consequences:

These increased traffic numbers in the Tracsis survey, only partially presented by Rampion at deadline 5, suggest far more vehicles including HGVs than the previous survey for the Enso battery storage farm. On the one hand, Rampion will want the numbers to be high, as this reduces the percentage change caused by their construction vehicles, correspondingly reducing percentage impacts on noise, pollution, etc:

Table 2-15 from REP5-039 Environmental Statement Addendum Tracked:

			Peak week		percentage impact	
	Tot. vehicles	HGVs	Tot. vehicles	HGVs	Tot. vehicles	HGVs
P Michelgrove Lane	38310	251	62	40	16.2% >100%	>100%
U Kent Street	351100	8310	60	55	17.1% 60 %	66.1% >100%

However, if these bizarre figures are to be believed, this also means that

- there is **much more likelihood of construction vehicles encountering another vehicle, including HGVs**. Their 12-hour average gives a figure of approximately one vehicle currently every 2-3 minutes instead of 10-12 minutes. This seems very high to us, but if true,
- **it also increases the likelihood of vehicles stacking up on Kent Street, or more worryingly, on the A272, waiting to go up or down.**
- **It also makes the size of the passing places and the engineering of their construction even more important.** We do not believe the swept path diagrams show passing places which are wide enough to take the size of vehicle, even if, as shown they appear already to be partially in the hedges on the sides of the lane. (see Appendix 3; Kent Street Passing Places). Nor are they, at 12.5m, long enough to take the Rampion vehicles, which are up to 26.15m in length.

These figures should not be accepted at face value without evidence, except perhaps where it leads to the detriment of their application. They have had three years to produce these surveys. To throw in partial results with sudden radically different figures is not acceptable at the eleventh hour.

Appendix 5: Extracts from comments objecting to Enso Energy Kent Street battery storage farm submitted to HDC June 2024:

- Kent Street is a narrow and poorly maintained country lane, used by residents, horse riders and dog walkers. There are few passing places and the verges are rutted and even more dangerous in the winter months when the lane is icy and flooded. It cannot cope with extra traffic, let alone numerous heavy construction vehicles. Access into and out of Kent Street to the A272 is difficult at most times and this would be exacerbated by more traffic.
- I wish to report a totally false statement made in the applicant's recently published Construction Traffic Management Plan. In section 4 paragraph 4.2 and again in section 5 paragraph 5.4 Kent Street is described as a single carriageway road, that has no central markings. Kent Street is NOT single carriageway road it is a single track road. Of course it has no central markings, it is too narrow for passing vehicles to pass each other without one or both vehicles driving their near side wheels of the road which is usually the soft grass verges. Kent Street is barely one cars width at its narrowest point and has a six foot six inch width restriction for through traffic. Kent Street is also a type 4 road, it does not have strong foundations and is totally unsuitable for large volumes of HGV vehicles. From an access point of view, down this narrow country lane it would be hard to imagine a more unsuitable location for this proposed Battery Storage plant.
- ...they are proposing to industrialise a field accessed via a width-restricted, single track lane. The issues faced by the lane are not about getting dirty - it's used by agricultural vehicles, after all - but about interacting safely with existing users. There is no analysis of non-HGV traffic so the proposal's precise impact is impossible to assess.
- Kent Street Lane qualifies for Quiet Lane status and its description in para. 5.4 as a "a single carriageway road subject to a 60mph speed limit" is misleading at best. There are very few passing places but several sections of well-disguised, steep-sided ditches. The document justifies the site's suitability by highlighting that there have been no recorded traffic accidents in the vicinity, which is to look at the wrong sort of data for the lane. **Instead, the issue is how many lorries and cars have had to be towed out of ditches by local farmers when non-local drivers have tried passing in the wrong places.** ...No mention is made of the amenity users of Kent Street Lane and how they will be able to safely continue to enjoy Rights of Way along the lane. To be clear, Kent Street is an invaluable connector for dogwalkers, cyclists and equestrians. It connects Picts Lane with Buckhatch Lane Bridleway which in turn connects to the lanes and PROW's going east via Frylands Lane across to Hickstead and west to Shermanbury and thence the Downs Link. Additionally, Buckhatch Lane bridleway and then the bridleway to St. Giles, Shermanbury is an essential route for horse exercise, offering the cantering opportunity for horses in the area.
- The applicant incorrectly refers to Kent Street as "a single carriageway road with no central markings." This is incorrect; Kent Street is merely a single track lane; with restricted width access and no formal passing places. It is bordered by ditches into which several vehicles have fallen recently, while trying to pass oncoming traffic. It has been poorly maintained - much of its poor state results from the installation of a fibre cable duct under the lane about

five years ago. **The running surface is starting to collapse and** will not withstand the heavy goods traffic the applicant states it will deploy to carry out the construction work. The applicant has suggested that traffic management would include deploying "Banksmen" but the 'plan' has not considered the significant amount of equestrian usage. Equestrians would need to have sole use of the lane, while transiting. Horses and heavy goods vehicles do not mix; horses tend to bolt when frightened. Hence construction traffic could not be allowed to travel along the 1000m length of Kent Street between A272 and the site while equestrians were in transit. This would hold up construction traffic for up to 10 minutes per horse; causing significant backup towards the junction at the A272

- Visual Impact: The large-scale installation will dominate the landscape and alter the character of the area. The height and size of the facility will be visually intrusive and may create an eyesore that detracts from the natural beauty of the surrounding environment.
- The single-track road on Kent Street **is already prone to congestion during peak hours**, and the addition of large vehicles delivering and maintaining the BESS equipment will exacerbate this issue. The narrow road will become even more hazardous, especially for emergency services and local residents.
- The traffic management plan acknowledges that Kent Street is a single carriageway road but fails to recognise that it is bordered by hedgerows and ditches with **a few unofficial passing places that have come about through necessity and fail to meet any highways standard**. The TM Plan suggests the use of Banksman to regulate the traffic entering and exiting the site but does not deal with how to manage the traffic once on Kent Street itself. The construction traffic will meet other vehicle traveling in the opposite direction how is it expected to negotiate such occurrences with limited or inappropriate passing places for the types of vehicles that will be associate with the construction process.....Along with vehicular traffic on Kent Street it is also used by walkers and rider has their safety been appropriately considered.
- When the work causing delays on the busy Wineham Lane is being carried out. where will they be diverting the traffic. **The only route for traffic heading North/South along Wineham Lane will be along Kent Street with its limited passing spaces. Even if this is not a proposed diversion those travelling this route regularly will use Kent Street as a cut through.**
- The planning application to Mid Sussex DM/24/0136 relating to this development envisages in excess of 500 two-way HGV journeys along Kent St, which I object to even for a limited period. Kent St is a poorly maintained single track width country lane. All passing places are 'ad hoc' and heavily rutted. The speed limit of 60 is by default and not indicative of the road capacity or safety. My objection isn't solely the impact of increased vehicular traffic but the prospect of conflict between the existing mix of users which includes horse riders, cyclists and walkers. Kent St is primarily used by local traffic, we have recent experience of the chaos when an accident blocked the A272 forcing drivers to find alternative routes. As a result we can assert an increase in vehicular traffic will have a significant adverse effect on existing residents.

- **The plan attempts to make an unsuitable location seem acceptable**, but it falls significantly short in several areas. Firstly, the plan presents an overly optimistic scenario of traffic accessing the site without addressing the actual conditions. ...In reality, Kent Street is a narrow lane with a 6 foot 6 inch width restriction, too narrow for central markings and no formal passing places. Local traffic users frequently struggle to pass each other, even when the verges are dry and not deeply furrowed. The difficulty is exacerbated by the lane's bends, encroaching hedgerows, and deep ditches. This lane is not accustomed to regular HGV traffic or high traffic volumes, making the proposed BESS site construction highly problematic. The substantial increase in traffic, including heavy goods vehicles, will significantly elevate the risk to other road users, including pedestrians, dog walkers, cyclists, and horse riders. The CTMP also fails to consider the additional risks posed during winter months, such as unusable verges and slippery surfaces, which increase the likelihood of accidents.
- As the applicant identifies, Kent Street is a single carriageway road that has no central markings. What the applicant fails to identify, manage, and mitigate is that Kent Street is a single carriageway bordered by hedgerows and, in many areas, natural ditches. Indeed, Kent Street has few, if any, passing places. The applicant has suggested Banksman for entry/exit to the site but nothing regarding how to manage traffic once on Kent Street....We can be fairly sure that, at some point, HGV and Construction traffic is going to meet vehicles traveling in the opposite direction on a single carriageway road with limited, if any, passing spaces.
- With reference to Construction Traffic Management Plan, the applicant fails to identify that Kent Street is a width restricted single track lane with ditches, soft verges and no hard passing points. Try visiting Kent Street when there is a road diversion and the road is used by hundreds of vehicles. Also, try travelling along Kent street in the depths of winter with its lethal and never treated icy surface. **What is more, it is nearly impossible for two cars to pass each other let alone many HGVs.**
- In terms of the June 2024 "Construction Traffic Management Plan" 526 two way traffic movements are a large number to manage, when balancing the requirements of locals who may have very limited, if any, alternative routes available. Deviations can often be lengthy, which may be acceptable for a few days but not over a period of 6 - 8 months. Kent Street may have a 60mph speed limit, but the surveys show that 30mph is more appropriate along this single track road with few passing places, which are muddy and pot holed. The Lanes in this area are not suitable for HGV traffic nor the additional workforce traffic ...There would be a high risk of an accident occurring between HGV's and vehicles, pedestrians or horses.