



South Downs National Park Authority

Principal Areas of Disagreement Summary Statement - Final Issue

29 July 2024

Introduction

The South Downs National Park Authority (SDNPA) is one of the Local Authorities identified by Section 43(2) of the Planning Act 2008. As requested by the Examining Authority in the Procedural Decision (Rule 9) letter dated 20 September 2023, the SDNPA prepared its initial Principal Areas of Disagreement Summary Statement (PADSS) for consideration at pre-examination stage [AS-006]. The PADSS – Issue 1 covered only the substantive principal areas of concern, with further granular detail and matters of moderate impact provided through the SDNPA’s written submissions and at the Issue Specific Hearings.

Table 1 below covers the SDNPA’s remaining principal areas of concern, first dealing with the principle of development in the South Downs National Park (SDNP), including as it relates to the Major Development Test (as set out in paragraph 5.9.10 of National Policy Statement EN-1).

Table 2 outlines those matters of Disagreement identified in PADSS – Issue 1 that have now been resolved.

Discussions have continued throughout the Examination, seeking to reduce the number of Principal Areas of Disagreement. Whilst a number of areas of concern are still ‘disagreed’, several of these areas are regarding the method or outcomes of the assessments completed by the applicant. It is of significance that an acceptable mechanism for achieving mitigation and compensation for the overall scale of harm to the National Park has been agreed. This is further detailed in the final, signed Statement of Common Ground and summarised in our Closing Statement, submitted at Deadline 6.

Table 1 – Outstanding Principal Areas of Disagreement

Ref	Area of Concern	Explanation	Remedy Measures	Likelihood of Resolution
SDA-01	General: Cost and Scope of delivering proposals outside National Park	The consideration of alternatives for the scheme has not sufficiently demonstrated that meeting the need for offshore renewable energy could not be met through a scheme that did not intersect the South Downs National	Further assessment and demonstration of alternatives outside of the National Park needs to be considered and, if sufficiently evidenced direct incursion into the SDNP was inevitable, a robust package of mitigation	The further information provided by the applicant during Examination has not overcome the fundamental concern the SDNPA outlined and there remain

		Park (SDNP). It is therefore the case that this 'test' of the National Policy Statement EN-1 paragraph 5.9.10 has not been met.	and compensation offered and secured through S106 Agreement.	outstanding matters in order to achieve resolution.
SDA-06	Impact on National Park Special Qualities	Lack of assessment of effects on Special Qualities that underpin the NP Designation. This is evidenced throughout the Environmental Statement but is particularly relevant to the SLVIA and LVIA	Applicant to address in updated Assessments, and then mitigation and compensation package updated.	The applicant has provided further information in respect of the Special Qualities, however SDNPA consider that effects have been underestimated throughout of the assessment, meaning that the impact on the Special Qualities is greater than the applicant has concluded.
SDA-07	In-combination Landscape Effects (onshore and offshore)	Despite significant Proposed Whole Development Effects being identified in section 18.2, these appear to be omitted in Chapter 18, therefore we disagree with the conclusions in terms of the effect of the proposed development, both during construction and once operational.	Applicant to clarify where the conclusions on extent Proposed Whole Development effects can be found and further mitigation and compensation measures secured.	SDNPA still disagree with the conclusions on whole development landscape effects, which will be significant both during construction and operation.
SDA-08	Offshore proposals: Impact of Turbines on SDNP	Significant concerns of size of turbines proposed; the maximum sizes are significantly greater than the existing Rampion I turbines. The geographic extent of the proposals and significant visual effects on uninterrupted seascape views, particularly from the South Downs Way (a National Trail), will also give rise to significant visual effects for	Applicant to address in Assessment amendments and updates, including in respect of mitigation, compensation through a S106 Agreement and Commitments Register.	No change has been made to the size or geographic extent of the offshore array during the examination. The impact will therefore still compromise the purposes of designation.

		which appropriate mitigation and/or compensation has not been demonstrated.		A compensation fund has been secured that will enable the SDNPA to deliver projects to conserve and enhance the purposes and offset the identified harm.
SDA-09	SLVIA - Assessment	Rampion 1 is assessed as part of SLVIA baseline and is not considered in terms of cumulative effects. We disagree that Rampion 1 should be part of the baseline, on account of it having only a limited lifespan and the eventual decommissioning a probability.	Applicant to address in Assessment amendments and updates, including in respect of mitigation, compensation through a S106 Agreement and Commitments Register.	SDNPA provided further clarification on why it was considered this was necessary, however the applicant has not provided the further assessment. This matter has therefore not been resolved.
SDA-10	SLVIA – Assessment	Despite being requested during the preapplication stage, there is still no separate assessment of effects of Rampion 2 proposals after the decommissioning of Rampion 1. We therefore consider the current assessment is insufficient.	Applicant to address in LVA amendments and updates, including in respect of mitigation, compensation through a S106 Agreement and Commitments Register.	SDNPA provided further clarification on why it was considered this was necessary, however the applicant has not provided the further assessment. This matter has therefore not been resolved.
SDA-11	Onshore Cable Corridor – Landscape and Visual Impact	Significant concern that the geographic extent of effects on landscape character is underestimated and therefore effects are downplayed. Limited consideration of perceptual qualities in assessment. This is likely to have resulted in missing effects and	Applicant to address in LVIA amendments and updates, including to the Commitments Register, with appropriate mitigation and compensatory measures including through a S106 Agreement.	The methodology for assessing the geographic extent is not disputed, but there is a professional difference of opinion regarding the extent of the significant effects

		<p>therefore has not sufficiently informed an appropriate mitigation strategy.</p> <p>Lack of consideration of historic landscape character in assessment. Likely missing effects cannot be considered to inform appropriate mitigation strategy.</p> <p>Significant concerns over assessment of construction effects, which are assessed as 'negligible to zero' on South Downs Integrated Landscape Character Area (LCA) I3 Arun to Adur Scarp Down. It is difficult to see how this conclusion has been reached given the construction immediately abuts this LCA above and below scarp, as well as going under. Scarp area is open access land.</p>		<p>experienced within the National Park.</p>
SDA-14	LVIA: Viewpoints from South Downs Way	<p>Sequential testing viewpoints do not adequately reflect the continuous views as a visual receptor moves along the South Downs Way available that will be affected by the proposals. The SDNPA therefore considered the impacts on receptors have been underestimated.</p>	<p>Suggest applicant undertakes kinetic viewpoint testing (example document: Shoreham Airport application reference AWDM/ 1093/17 LVIA additional information). Mitigation measures and Commitments Register to be updated.</p>	<p>Updated wirelines have been provided during the Examination, however the effects on users of the South Downs Way for a prolonged distance have not been adequately understood or assessed. Mitigation has therefore not been specifically tailored to overcome this concern.</p>

SDA-15	Loss of key Landscape Features	<p>Significant concerns over likely success of proposed hedge notching. The examples cited for use of the technique in the Lake District and Norfolk Broads are not likely to have encountered the challenges of dry, free draining chalk soils. No proven testing undertaken to evidence proposals. If this would not work, the landscape, ecological and visual impact would be significant.</p> <p>Clarity required to explain why 6m width notching technique cannot be used for all hedges regardless of importance.</p>	<p>Applicant to provide further evidence on achievability on shallow chalk soils in Southern England.</p> <p>Applicant to provide further evidence on reasoning.</p>	<p>SDNPA are still not satisfied the proposed hedge notching will be successful in these landscape conditions. Further to this, it will not be possible to reinstate tree belts or mature trees in hedgerow, which are intrinsic features of this landscape. The effects are therefore far greater than the applicant has concluded.</p>
SDA-16	Terrestrial Ecology and Nature Conservation	<p>Significant concern that the conclusion 'no significant effects have been identified on terrestrial ecology features' is based on insufficient survey data, ecological assessment and mitigation proposals. We therefore disagree with this conclusion.</p>	<p>Robust ecological surveys need to be carried out to properly inform the impact assessment process, ensure that suitable mitigation and compensation measures can be identified and designed and to determine whether residual effects are acceptable prior to determination.</p> <p>The assessment should consider temporal and spatial changes in landscape connectivity and how these can be assessed through targeted survey, avoided and mitigated in the short term (through e.g. timing of works) and long term (e.g. through ongoing monitoring and management)</p> <p>Survey to UK Habitat Survey Level 4/5 within entire DCO limit (plus appropriate buffer), plus to National Vegetation Classification level in grassland and woodland</p>	<p>The supporting baseline data is still insufficient, particularly in relation to bats. SDNPA maintain that the effects on Terrestrial Ecology are greater than concluded by the applicant. Improvements have been made in respect of the Biodiversity Net Gain and the additional Protected Species Requirement.</p>

			areas within zone of influence, using surveyors with demonstrable competence.	
SDA-17	Horizontal Directional Drilling (HDD): Chalk Grassland and Sullington Hill	Insufficient evidence has been provided to support the conclusion of no likely significant impact of HDD drilling on chalk streams and chalk grassland habitats, as well as the impact on users of the public rights of way network and open access land.	Provide further evidence/justification based on relevant case studies and trials, etc	SDNPA consider there remains insufficient evidence that HDD will not cause significant harm to chalk streams and grassland. Further investigation should have been undertaken to ensure a route was achievable without causing harm prior to determination, although it is acknowledged that it is the applicant's risk should trenchless crossing not be possible.
SDA-18	Horizontal Directional Drilling (HDD): Ancient Woodland and Veteran Trees	Insufficient evidence provided to demonstrate 25 metre stand-off & HDD 6 metres underneath ancient woodland ground level will not cause the loss or deterioration of this irreplaceable habitat by damaging roots, damaging or compacting soils, increasing levels of air and light pollution, noise and vibration, changing the water table or drainage, damaging functional habitat connections or affecting the function of the woodland edge. Insufficient evidence is provided to support the conclusion of low frac-out risk.	Provide further evidence/justification based on relevant case studies and trials, etc	SDNPA consider there remains insufficient evidence that HDD will not cause significant harm to Ancient Woodland and Veteran Trees. Further investigation should have been undertaken to ensure a route was achievable without causing harm prior to determination, although it is acknowledged that it is the applicant's risk should trenchless crossing not be possible.
SDA-20	Impact on Historic Environment	The risk to areas of known highly significant archaeology have not been	Further investigation should be carried out through the examination to identify the risk	No change.

		appropriately weighted, investigated and assessed through the selection process for the cable corridor or the final assessment of the proposed development.	and impacts and an appropriate mitigation and compensation package proposed and secured.	
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Table 2 – Resolved Principal Areas of Disagreement

Ref	Area of Concern	Explanation	Remedy Measures	Likelihood of Resolution
SDA-02	General: Extent to which the detrimental effects on environment, landscape and recreational opportunities within the National Park could be moderated	The final route of the onshore cable corridor, as a result of the impact it would have on landscape character and in views, ecological features, historic environment and users of the public right of way network, is considered to be more harmful than other route options that could have been selected (e.g. adjacent to the existing Rampion 1 cable route). It is therefore the case that this 'test' of the National Policy Statement EN-1 has not been met.	Further assessment and demonstration of alternatives considered and if sufficiently evidenced direct incursion into the SDNP was inevitable, a robust package of mitigation and compensation offered and secured through S106 Agreement.	Notwithstanding the selection of the route itself does not demonstrate the effects on the environment of the National Park have been moderated, SDNPA and the applicant have reached agreement on a sizeable compensation fund to address the harm caused by the proposed development. Additional and revised mitigation measures, strengthened commitments and clearer wording of Requirements have also improved the capacity for effects to be moderated.
SDA-03	Mitigation, Compensation and Enhancement Measures	Commitments Register is not definitive about the actions that will be taken in	Applicant to provide firm solutions and proposals to address all 'grey' areas in commitments register. This could include	As above.

		respect of mitigation, using vague and non-committed language.	both mitigation and compensation measures through a S106 Agreement.	
SDA-04	Section 106 Agreement	The proposed Heads of Terms for a Section 106 Agreement do not address the significant adverse effects on the SDNP in respect of landscape, seascape, ecology and cultural heritage.	Where harm cannot be avoided or appropriately mitigated for within the SDNP, suitable compensatory measures should be secured through S106 Agreement	SDNPA and the applicant have reached agreement on the Terms for a S106 Agreement as well as the mechanism for securing this Agreement, which are to be submitted at Deadline 6.
SDA-05	Lessons learnt from Rampion I	Disagree with assertion that Rampion I cable corridor was successfully reinstated – there remain several areas where corridor is still visible and it took much longer in other sections (3+ years) for the corridor to demonstrate improvement. There also remain outstanding issues regarding ongoing management and maintenance of the route including failure of wildflower, hedgerow and grass planting, retention of fencing and reluctance to manage as agreed.	Applicant to provide further evidence on how Rampion I lessons have been taken into consideration and demonstration of how these will be dealt with through Commitments Register, Requirements and S106 Agreement (where appropriate).	Further commitments in the Outline Landscape and Ecological Management Plan and Outline Code of Construction Practice, as well as strengthened Requirements have resolved these concerns.
SDA-12	LVIA – Landscape Character Assessment	It is not clear how views have been selected and assessed in respect of the effect on landscape character, including tranquillity.	Clarification of process used required.	Applicant provided further clarification during the course of the Examination.
SDA-13	LVIA: Viewpoint siting	At the Third Statutory Consultation Exercise (Further Supplementary Information Report – 2023) the SDNPA advised micro-siting of viewpoints be	Further work by the applicant required to refine the locations in collaboration with stakeholders.	Viewpoints (excepting sequential/kinetic views) have been updated and reassessed.

		<p>undertaken in consultation with Stakeholders.</p> <p>This has not taken place and viewpoint locations have not been agreed.</p>		
SDA-19	Lighting and Dark Night Skies	<p>Lack of consideration of effects on Dark Skies in assessment of landscape and visual impact and on sensitive ecological features. Trenchless crossings are in the most vulnerable ecological locations by definition (excepting roads) and are located within a dark skies landscape. As HDD areas will be lit at night during active drilling operations, it is critical that artificial light spill and glare is avoided around sensitive features (woodland/scrub/boundary vegetation/hedges/treelines). A standard construction lighting approach set out in the OCCP is not sufficient.</p>	<p>A detailed, bespoke lighting constraints plan must be provided for each HDD area following up to date BCT/ILP Guidance (2023) and suitable mitigation measures demonstrated at determination stage. The impacts must also be properly addressed in the Landscape and Visual Impact Assessment.</p>	<p>Outline Code of Construction Practice has been updated to make specific reference to the South Downs National Park Dark Night Skies Technical Advice Note.</p>