

ECOLOGY

**THE NATIONAL GRID ELECTRICITY TRANSMISSION (LITTLE HORSTED
SUBSTATION CONNECTION) COMPULSORY PURCHASE ORDER 2022**

SUMMARY STATEMENT OF EVIDENCE

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1. **QUALIFICATIONS AND EXPERIENCE**

- 1.1 I am Amy Jane Copping, Senior Ecological Consultant, BSc(hons), Associate member of the Chartered Institute of Ecology and Environmental Management (ACIEEM), Full membership pending.
- 1.2 I am a Senior Ecological Consultant at RSK Biocensus.
- 1.3 I have been leading the ecological support on the Little Horsted Substation Connection Project ("the Project") since 2019.

2. **INTRODUCTION AND SCOPE OF EVIDENCE**

- 2.1 This section sets out the scope and structure of my evidence.

3. **DESCRIPTION OF THE LITTLE HORSTED SUBSTATION CONNECTION PROJECT**

- 3.1 NGET and SEPN identified the need to establish a new GSP substation on the Bolney – Ninfield 400 kV overhead line (OHL). Works to the existing OHL are also required.

4. **ECOLOGICAL CONSIDERATIONS**

- 4.1 Plot 35/the GSP land comprises habitat suitable for protected species including GCN, common reptiles, hazel dormice, breeding birds, badgers and foraging bats. The proposed construction of new substations on the GSP land will result in the loss of the majority of these habitats. It was assessed within the ecological reports submitted as part of the planning application for the substations (Ref. WD/2021/0733/MAJ- "Planning Permission"- **CD C5**) that in the absence of mitigation, the loss of habitat on Plot 35 (which extends to c.9.7ha) had the potential to adversely affect the aforementioned protected species which would result in breaches of protected species legislation.
- 4.2 To allow activities that would otherwise be offences under protected species legislation, a non-licensed method statement will be implemented for bird, bats, badgers and reptiles (as appropriate) and, works carried out in accordance with EPS licences required for GCN and hazel dormice (**CD F5.1 and CD F5.2**). In order to compensate for the loss of habitat on Plot 35 and mitigate impacts to protected species, off-site land was required to provide compensatory habitat (Plots 58a and 58b).
- 4.3 EPS licences can only be issued if they meet three "licensing tests". One of the relevant considerations is: *will the action authorised be detrimental to the maintenance of the population of the species concerned at a favourable conservation status¹ in their natural range ('the FCS test')*². In order to ensure that the affected species requiring licenced mitigation, namely GCN and hazel dormice, will be maintained at FCS, any replacement land should:

¹ FCS is described as a situation where a habitat type or species is doing sufficiently well in terms of quality and quantity and has good prospects of continuing to do so in future. It must clearly be demonstrated that the mitigation hierarchy has been followed and that all reasonable steps have been taken to minimise/mitigate the impact and that any remaining damage will be adequately compensated. If it cannot be demonstrated that FCS will be maintained, then a licence cannot be issued.

² Natural England (2013), *EPS Mitigation Licensing: How to get a licence*

- a) be located in a place that would not risk wildlife mortality; this would be achieved by using land that avoids the need for animals to cross highways, i.e. avoiding land south of the A22;
- b) be ecologically connected to the affected habitat in Plot 35/the GSP land and the wider landscape, and as close to Plot 35/the GSP land as reasonably practicable to benefit protected species affected by the Project;
- c) be of low ecological value to minimise impacts to any protected species that might already be using the land during any habitat improvement or creation works; and
- d) be of an appropriate size/quality.

4.4 In addition to the requirement for EPS licenses, the Planning Permission for the development of the GSP land (**CD C5**) included two conditions (7 and 8) relevant to ecology requiring a 'wildlife management plan' for the protection of and mitigation relating to those protected species using Plot 35.

4.5 In order to discharge those conditions, an Ecological Mitigation and Management Strategy (EMMS)³ (**CD F10**) was prepared, which was approved in April 2022 (**CD C6**) and supported the EPS licences, granted in May 2022 (**CD F5.1 and CD F5.2**). The mitigation measures required are discussed in Section 5 below.

5. MITIGATION MEASURES

5.1 The EMMS (**CD F10**) provides mitigation measures to avoid, minimise impacts, restore and compensate the impacts arising from the Project. Compensatory habitat suitable for the protected species recorded on Plot 35 is required. This habitat is to be provided on Plots 58a and 58b, owned by RHL. Given that the habitat to be lost (c. 9.7ha) exceeds the site area to be provided as compensatory habitat (c.8.3ha comprising Plots 58a and 58b), the quantitative loss must be addressed through qualitative improvements.

5.2 The mitigation measures detailed in the EMMS (**CD F10**) and the EPS and non-licenced method statements include:

- the protection of retained habitats including priority hedges and tree root protection areas;
- translocation, protection and long-term management of locally rare plants;
- translocation of GCN and common reptiles;
- temporary displacement of hazel dormouse and the installation of habitat boxes;
- protection of nesting birds through appropriate timings of works and other measures;
- avoidance and minimisation measures to protect foraging bats;
- measures that need to be followed to protect a known bat roost and any additional roosting bats that may be recorded on site including the provision of compensatory roosting habitat;
- regular monitoring of a main badger sett and measures to mitigate impacts to badgers;
- the creation of good quality scrub and wildflower meadows, and woodland enhancements; and
- long-term management and monitoring of retained, created and enhanced habitats.

5.3 GCN and hazel dormice (as agreed in the EPS licences), reptiles and foraging bats (following good practice guidelines) are reliant on off-site compensation on Plots 58a/b to offset the unavoidable habitat losses on Plot 35. To ensure the affected species will be maintained at

³ RSK Biocensus (2022), *Little Horsted Grid Supply Point, Substation and associated Works – Ecological Mitigation and Management Strategy*. RSK Biocensus, on behalf of National Grid.

FCS, the following measures (detailed in the EMMS (**CD F10**)) are to be accommodated on Plots 58a/b:

- scrub creation;
- wildflower meadow creation;
- woodland enhancement;
- long-term management and maintenance of the newly created habitats; and
- monitoring surveys to assess the success of the newly created habitats for maintaining protected species populations.

6. **CONSIDERATION OF ALTERNATIVES**

Alternative land options considered for mitigation purposes:

- 6.1 Various land options were considered for mitigation purposes based on the requirements set out in paragraph 4.3 above. Two fields owned by RHL (totalling c.13.7 ha) were initially identified as suitable. RHL explained that they were not willing to allow NGET to use those fields but were, in principle, amenable to NGET using an alternative area (Plots 58a and 58b) (**Appendix 1**).
- 6.2 Four other nearby land parcels (belonging to different landowners) were identified as being potentially suitable. Of these options (illustrated in **Appendix 2**), only Option 1 (Plots 58a/b) was accessible from an existing road, did not risk animals impacted by the development having to cross roads to access the land, and was located within the natural range of GCN (typically 500m). Option 1 (Plots 58a/b) therefore met the first two criteria outlined above.
- 6.3 Ecological surveys of Plots 58a/b were carried out to acquire baseline habitat information; these confirmed this land to be of low ecological value, thereby meeting the third criterion. Although Plots 58a/b are slightly smaller in extent than Plot 35, the quality of habitats to be created on Plots 58a/b would ensure that the quantitative reduction would be addressed through qualitative improvements. This has been accepted by the LPA and Natural England in discharging conditions 7 and 8 of the Planning Permission (**CD C6**) and granting of EPS licences.
- 6.4 The EMMS (**CD F10**) and EPS licences (**CD F5.1 and F5.2**) require the delivery of compensatory habitat on Plots 58a and 58b. That land is therefore required to facilitate the delivery of the Project.

Nature of the interest to be acquired

- 6.5 It is necessary for the compensatory habitat to be secured in the long term, and not reversed by subsequent development or incompatible uses of the land that are not in keeping with maintaining the FCS of the species covered by the EPS licences (**CD F5.1 and 5.2**).
- 6.6 NGET needs to secure the compensatory habitat in perpetuity. I am advised that NGET is not able to acquire a leasehold interest through compulsory acquisition. In my view, the acquisition of rights would not be sufficient in preventing detrimental uses for the lifetime of the Project, which is anticipated to be at least 60 years. Therefore, the freehold of Plots 58a and 58b is required.

7. **RESPONSE TO OBJECTIONS**

7.1 RHL raised the following points in their objection (**CD D9**):

- i. Compulsory purchase of Plots 58a and 58b is not 'required' for the stated purpose;
- ii. Compulsory purchase would impact the farm and business;
- iii. Alternatives to compulsory acquisition have not been considered;
- iv. Alternatives to Plots 58a and 58b have not been properly considered.

7.2 As to (i), Plots 58a and 58b provide essential mitigation to address the ecological impacts of the Project on Plot 35. The creation of compensatory habitat is required pursuant to the EMMS (**CD F10**) and the EPS licences (**CD F5.1 and 5.2**), without which the works on Plot 35 would constitute an offence. Failure to comply with the approved EMMS would constitute a breach of planning control.

7.3 As to (iv), my understanding is that CPO guidance requires the acquiring authority to consider alternatives to compulsory acquisition, rather than alternative plots of land on which to accommodate the relevant mitigation measures. Notwithstanding that, NGET has considered a number of alternatives to Plots 58a and 58b for the purposes of compensatory habitat. Plots 58a and 58b have been identified as suitable and were suggested by RHL in preference to other land which had been identified as potentially suitable within their landholding.

8. **CONCLUSIONS**

8.1 The creation of compensatory habitat is a legal requirement, pursuant to the EPS licences (**CD F5.1 and 5.2**), with which NGET must comply in order to deliver the Project. Plots 58a and 58b are ecologically suitable to provide appropriate compensatory habitat.

8.2 In my view, freehold of Plots 58a and 58b is required.

9. **DECLARATION**

9.1 This proof of evidence has been prepared and provided for this inquiry and given in accordance with the guidance of the Chartered Institute of Ecology and Environmental Management (CIEEM). I further confirm that the opinions expressed are my true and professional opinions.



Amy Copping

17 November 2022