



Department for
Business, Energy
& Industrial Strategy

Sam Maidens
Southern Electric Power Distribution Plc
Walton Road
Portsmouth
PO6 1UJ

**Department for Business, Energy &
Industrial Strategy**

Level 3, Victoria 1
1 Victoria Street,
London SW1H 0ET
S37-wayleaves@beis.gov.uk
www.gov.uk/beis

Our ref: 1399U
Your ref: Ebernoe Common SM

21 September 2022

Dear Mr Maidens,

**SCREENING DECISION BY THE SECRETARY OF STATE UNDER THE ELECTRICITY WORKS
(ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2017 (“THE
2017 REGULATIONS”)**

NAME OF SCHEME: FERNHURST TO FIVEOAKS EBERNOE COMMON EBERNOE WEST SUSSEX

LOCATION: SOUTH OF STREEL'S LANE, EBERNOE, WEST SUSSEX GU28 9LD

Screening decision for a proposed development (“the Development”) to:

- Install five (5) new H-poles with a maximum height of 12 metres supporting a 33 kilovolt (kV) overhead electricity line of approximately 600 metres. The proposal will also involve the removal of the existing rutter poles on the same section of the electricity line.

The Development requires Section 37 consent under the Electricity Act 1989 and is subject to the 2017 Regulations.

The Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) has considered the factors set out in Schedule 3 of the 2017 Regulations, together with the information within the supplied documentation (“the Application”) by Southern Electric Power Distribution Plc (“the Applicant”) in relation to the impacts on the environment of the Development and the views of the South Downs National Park Authority (“the LPA”). In particular, in reaching his decision the Secretary of State notes the following factors:

1. The Development does not fall within Schedule 1 (mandatory EIA).
2. The Development falls under Schedule 2 of the 2017 Regulations as the electricity line is to be installed above ground in a sensitive area.
3. It is noted that the LPA has assessed the Development under the requirements of the 2017 Regulations and provided their screening views stating that the Development



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would not produce an adverse impact on the qualities of the protected area (Screening Views, Appendix A, dated 22 August 2022). Additionally, the LPA has stated that an environmental statement is not applicable for the Development (Form B dated 09 April 2021, ref. SDNP/21/01135/OHL).

4. The Development is to install five H-poles in close proximity of the location of the existing poles. Following the construction of the replacement H-poles the existing poles will be dismantled.
5. The Development is located within the Ebernoe Common Site of Special Scientific Interest (SSSI) Ebernoe Common Special Areas of Conservation (SAC), Ebernoe Common National Nature Reserves (NNR) and the South Downs National Park ("the site"). The site is designated for its ancient woodlands and is also identified as having the potential to support nesting birds, bats, reptiles, Badger, Hazel Dormouse and Great Crested Newts. According to the Application the habitat present in the area of the Development is composed predominantly of dense Bramble scrub and sapling trees. The Development is also in close proximity to Furnace Pond, a large body of water fed by streams.
6. The Application states that no tree felling will be required in the woodland area and access for machinery will be limited to the pre-existing access tracks. In addition, as the works are small in scale there would be no effects on the woodland habitat as well as for roosting, foraging or commuting bats. A minimal amount of vegetation clearance, mainly dense or scattered scrub will be required to facilitate the Development. However, any vegetation clearance will be carried out under the ecological supervision of an Ecological Clerk Works (ECoW) to ensure that there is no harm to protected species should their presence be found. The Application therefore concludes that there will be no significant effects to the features for which the SSSI and NNR are designated.
7. The Application includes a Preliminary Ecological Appraisal ("PEA") and a Habitats Regulation Assessment ("HRA") which detail avoidance and mitigation measures and good practice measures. Such measures also include:
 - a. Sensitive removal of vegetation under the supervision of a ECoW to monitor that the development proceeds in accordance with relevant environmental requirements and in adherence with the required good practice and mitigation measures,
 - b. All staff will be provided with a Toolbox Talks with the procedure to follow and actions to take should any protected species be found on site,
 - c. Vegetation searches using hand tools and carried out in stages and under the supervision of the ECoW will be done for the areas of vegetation likely to support Hazel Dormouse and reptiles, and a Hazel Dormouse Mitigation licence will be obtained prior to vegetation clearance works.
 - d. Measures to minimise light disturbance and the use of low ground pressure vehicles.

The Application states that there are seven ponds within 250 metres of the Development, however it also confirms that surveys and eDNA testing to determine the presence of Great Crested Newts ("GCN") will be conducted prior to the start of the works. Any necessary mitigations, including the obtaining of a European Protected Species Licence will be implemented should it be confirmed that there would be impacts to GCN arising from the Development.



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8. The Application confirms that the Sussex Wildlife Trust (SWT) was consulted and made no objections to the Development. Additionally further measures will be agreed by the Applicant with the SWT prior to the commencement of the Development including on enhancement opportunities, timing for vegetation clearance and potential damage to trees (letter dated 25 March 2021).
9. Natural England was consulted and issued assent under Section 28H of the Wildlife and Countryside Act 1981 (as amended), further confirming that in their view there would be no likely significant effects on the Ebernoe Common Special Area of Conservation (SAC) (assent dated 3 November 2021, ref. 1810211152CA).
10. In view of the above, the Secretary of State considers that any potential likely significant effects to protected species or to the sensitive features of the site will be mitigated subject to the implementation of adequate measures as detailed in the PEA and as agreed with the SWT and Natural England.
11. The Application does not indicate any potential effects on water quality, provided that the best practice pollution control measures included in the PEA are followed.
12. With regards to production of waste associated with the Development, the Application states that all waste material will be removed from the site and disposed of appropriately.
13. The Application does not include information with regards to the use of natural resources, however it indicates measures for the storage and reinstatement of excavated soils. It is noted that on this matter the LPA's screening views do not raise any concerns.
14. The Application does not include information with regards to potential flood risk or drainage problems however the Applicant will be required to make a flood risk assessment and agree any necessary measure with the LPA prior to the commencement of the Development should this be required. It is noted that the LPA's screening views do not raise any concerns on this matter.
15. The Application does not include information on Biodiversity Net Gain (BNG) for the Development. However as stated above, the Application confirms that only a minimal amount of vegetation clearance will be required, which will be left to regenerate after completion of the Development. The Applicant also proposes some enhancements opportunities which will be agreed with the SWT prior to the commencement of the development. It is also noted that there is no advice from Natural England on requiring any BNG schemes to be delivered as part of the Development (assent dated 3 November 2021, ref. 1810211152CA). Further the LPA's screening views do not raise any concerns in relation to BNG.
16. The Application does not include information with regards to designated heritage assets, however it is noted that the Development does not pass through any of these. The closest scheduled monument is the "Brick and tile works on Ebernoe Common, 592m SSW of Mill House" Scheduled Monument which is at approximately 128 metres from the Development and based on the information available, it does not appear that any harm is anticipated to arise to the heritage significance of this asset. Further the LPA's screening views do not raise any concerns in relation to this matter.
17. The Application does not include information with regards to potential impacts to archaeological remains, however as mentioned above the Development is to replace existing infrastructure in an area that has therefore been disturbed previously. On the



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basis of the information available it therefore appears reasonable to conclude that there is very limited potential for buried archaeology and heritage assets to be present and impacted by the Development. In addition, the LPA's screening views do not raise any concerns on this matter.

18. The Application does not include information with regards to listed buildings in the vicinity of the Development, however it is noted that the Holy Trinity Church Grade II listed building is at approximately 180 metres from Development. Nevertheless, as the Development is to replace existing infrastructure it is considered unlikely that there would be any significant effects to the setting of the Grade II building. Further, the LPA's screening views do not raise any concerns on this matter.
19. The Application does not include information with regards to potential impacts to residential receptors. However due to the temporary and limited nature of the construction works, it is considered unlikely that there would be any potential significant effects to the surrounding residential receptors. This is further confirmed by the LPA's screening views which states that *"In landscape terms, the proposed works are relatively contained visually and follow an established route. The replacement poles are marginally bulkier in appearance than the existing monopole arrangement but will have a similar impact to the supports further to the west of Streels Lane. Overall, the works would have no adverse impact on the landscape quality of the SDNP"*.
20. The Development forms part of a wider maintenance works which are planned to take place on the existing overhead line and support poles along the Fernhurst to Fiveoaks high voltage power line ("the wider development"). Although the wider development is not included as part of the Development requiring Section 37 under the Electricity Act 1989, it is noted that the applicant has undertaken an EcoCheck ecological constraints survey of the entire line. In addition, it is noted that the LPA has reviewed the plans for the entire wider development and has raised no concerns provided that the works are carried out in strict accordance with the scheme of mitigation set out in the methodology and mitigation strategy set out in the Preliminary Ecological Appraisal and with the Assent granted by Natural England (letter dated 9 April 2021 ref. SDNP/21/01135/OHL).
21. Therefore, with regards to cumulative effects with other existing and approved developments, considering the temporary and localised nature of the Development, the measures proposed to protect the site and the approval by the LPA to the plans for the wider development, the Secretary of State agrees that it is unlikely that there would be any localised likely significant effects from the Development in combination with other existing or approved projects.

Taking account of the abovementioned factors and information received, the Secretary of State concludes that the Development is **not an EIA** development under the 2017 Regulations and does not require a statutory EIA as it is unlikely to have significant effects on the environment due to its nature, location and size. A copy of this letter has been sent to the LPA for information.

Francesco Marolda



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Overhead Lines Manager
Energy Infrastructure Planning