



3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer  
Services: 0303 444 5000  
e-mail: [RampionWindFarm@infrastructure.gsi.gov.uk](mailto:RampionWindFarm@infrastructure.gsi.gov.uk)

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Recipient name  
Address line 1  
Address line 2  
Town  
County  
Postcode

Your Ref:

Our Ref: EN010032

Date: 25 July 2013

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Dear Sir/Madam

## **Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8**

### **Application by E.ON Climate & Renewables UK Rampion Offshore Wind Ltd (E.ON) for Rampion Offshore Wind Farm**

#### **Examination Timetable and Procedure**

I am writing to tell you about the procedural decisions made by the Examining Authority (ExA) at and following the Preliminary Meeting held on Thursday 18 July 2013 at The Brighton Centre, Kings Road, Brighton BN1 2GR. This letter provides you with the examination timetable, initial questions that the ExA is asking in the examination and other matters.

A note of the Preliminary Meeting will be made available on the Rampion Offshore Wind Farm project page on our website and will also be available for inspection at the venues listed in Annex A as soon as practicable. An audio recording of the Preliminary Meeting has also been published on our website.

#### **1. Procedural decision and timetable**

The ExA thanks all those who attended and for views expressed at the Preliminary Meeting. All matters have been carefully considered.

The ExA has now made its procedural decisions about the way in which the application is to be examined. The timetable setting this out is attached as Annex B (and a list of relevant acronyms provided at Annex C). If the ExA considers it necessary to vary the timetable, full notification will be sent to all interested parties and invitees to the Preliminary Meeting<sup>1</sup>. We will also do this if the date, time and place of any hearing are changed, except in the event of an adjournment.

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<sup>1</sup> Rule 8(3) EPR

## 2. Revised documents from the applicant

At the Preliminary Meeting the applicant requested the opportunity to provide the ExA with revised versions of several application documents. These are listed in Schedule 1 of the letter from Bond Dickinson dated 10 July 2013 which was submitted at this meeting. The ExA has decided to accept these revised documents

## 3. Written questions

The ExA has decided to ask a number of questions. These questions are set out in Annex D, and responses must be received on or before **Thursday 15 August 2013**.

The ExA also invites all interested parties to submit written representations, Statements of Common Ground and evidence on any matters concerning the application, and on relevant representations already submitted. All written representations must also be received on or before **Thursday 15 August 2013**.

Please send your representations to us using the email or postal address at the top of this letter quoting reference EN010032 and your unique reference number, if one is quoted on this letter. Representations can deal with any relevant matter. They are not restricted to the matters set out in the ExA's initial assessment of principal issues which was discussed at the Preliminary Meeting, nor restricted to the questions set out in Annex D. Please note if you are submitting a written representation, you should identify those parts of the application or specific matters with which you agree and those parts with which you do not agree. You must state the reasons for your agreement or disagreement.

In addition the ExA now requests notifications from interested parties regarding any wish to be heard at an Open Floor Hearing; or any wish to make oral representations at an Issue Specific Hearing; or any wish to make oral representations at a Compulsory Acquisition Hearing; and of any wish to attend the ExA's inspections of sites to be held on 25 and 26 September 2013, in the company of interested parties. These notifications must also be received on or before **Thursday 15 August 2013**.

It would be helpful if notifications could be sent separately from written representations and if each could be clearly titled with which form of notification it is.

## 4. Guidance for the submission of written representations

There is no prescribed form for written representations. In accordance with DCLG 'Planning Act 2008: guidance for the examination of applications for development consent for nationally significant infrastructure projects (April 2013)', participants should normally provide with their written statements, *"the data, methodology and assumptions used to support their submissions"*.

Any written representation that exceeds 1500 words should also be accompanied by a summary. This summary should not exceed 10% of the original text. The summary should set out the key facts of the written representation and must be representative of the submission made.

To assist in the timely processing of written representations to be submitted by the deadline specified, we request that interested parties send, where practicable,

electronic copies of their submissions as email attachments, to [RampionWindFarm@infrastructure.gsi.gov.uk](mailto:RampionWindFarm@infrastructure.gsi.gov.uk) on or before **Thursday 15 August 2013**. Electronic attachments should be clearly labelled with subject title and not exceed 12MB for each email. Should electronic submissions include documents of 300 pages or more, interested parties are advised to send to us, by post, an additional full paper copy of their submission<sup>2</sup>.

Timely submissions in advance of the deadlines set in the timetable are encouraged and welcomed.

## **5. Habitats and Marine Regulations<sup>3</sup>**

Explanation was provided at the Preliminary Meeting regarding the process through which the examination will provide sufficient information to enable the Secretary of State for Energy and Climate Change to meet his statutory duties as the Competent Authority under the Habitats and Marine Regulations. The applicant is now requested to update the screening and integrity matrices submitted with the application to set out the most up to date position on areas of agreement between parties in respect of potential impacts upon European Sites. The applicant should revise the matrices to include in the footnotes a summary of the evidence used to reach the conclusions along with references to any detailed supporting information within other application documents. The matrices updated by the applicant must also be received on or before **Thursday 15 August 2013**.

## **6. Availability and inspection of representations and documents**

Written representations and documents sent to the Planning Inspectorate will be made available to all interested parties and to anyone who requests an opportunity to inspect and take copies of them.

This information will be made available on the National Infrastructure, Rampion Offshore Wind Farm page of the Planning Portal website. We will also provide an opportunity for inspection and copying at a number of locations in the vicinity of the application site as indicated at Annex A.

## **7. Deadlines for receipt of documents and requests for hearings**

It is important to note that if written representations, responses to relevant representations and to written questions, local impact reports, further information or requests for hearings are not received by the dates specified in the timetable, the ExA may disregard them.

If no written requests are received by the identified deadline for Open Floor Hearings or Compulsory Acquisition Hearings the ExA is not required to hold any such hearings, although may choose to do so. The time, date and place of any confirmed hearing will

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<sup>2</sup> Subject to EPR Rule 10(6)(a), we request the applicant to supply 8 paper copies of their written representation(s) for the Examining Authority to use and make available for public inspection under Rule 21.

<sup>3</sup> Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) and the Offshore Marine Conservation (Natural Habitats &c.) Regulations 2007 (as amended) (the Marine Regulations) (referred to jointly here as the Habitats and Marine Regulations).

be notified in writing to all registered interested parties, providing at least 21 days notice.

## 8. Award of costs

Your attention is also drawn to the possibility of the award of costs against interested parties who behave unreasonably. You should be aware of the guidance issued by the Department of Communities and Local Government (July 2013) entitled 'Award of costs: examinations of applications for development consent orders' that applies to National Infrastructure Projects. The guidance is available at the following link: <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

## 9. Future notifications

If you are an interested party you will continue to receive notifications from the Planning Inspectorate about the examination throughout the process.

If you have received this letter because you were invited to attend the Preliminary Meeting but you are not an interested party you will **not** receive any further communication from us relating to this application. You can, however, visit the dedicated project page on the Planning Inspectorate's website to stay informed of the progress of the examination of the application.

If you are a statutory consultee who has not made a Relevant Representation but wishes to become an interested party, you should inform us by 15 August 2013.

**Statutory consultees who have not made a Relevant Representation and do not notify us of their wish to become an interested party will not receive any further correspondence.**

Yours faithfully

*Lorna Walker*

**Lorna Walker - Lead Member of the Examining Authority – on behalf of the Panel**

### Annexes:

- A. Availability of representations and application documents
- B. Timetable for examination of the application
- C. Acronyms used in the examination
- D. First written questions and requests for Statements of Common Ground

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

## Annex A

### Availability of relevant representations and application documents

On the National Infrastructure pages of the Planning Portal's website at:

<http://infrastructure.planningportal.gov.uk/projects/south-east/rampion-offshore-wind-farm/>

For inspection and copying: **Brighton & Hove City Council Offices**, Hove Town Hall, Norton Road, Hove, BN3 3BQ

<b>Mon</b>	08:45 – 17:00
<b>Tues</b>	08:45 – 17:00
<b>Weds</b>	08:45 – 17:00
<b>Thurs</b>	08:45 – 17:00
<b>Fri</b>	08:45 – 17:00
<b>Sat</b>	closed

**Copy Charges** – Black and white at 30p per A4 sheet, 50p per A3 sheet

**Mid Sussex District Planning Offices**, Oaklands Road, Haywards Heath, RH16 1SS

<b>Mon</b>	09:00 – 17:00
<b>Tues</b>	09:00 – 17:00
<b>Weds</b>	09:00 – 17:00
<b>Thurs</b>	09:00 – 17:00
<b>Fri</b>	09:00 – 16:00
<b>Sat</b>	closed

**Copy Charges** – Black and white at 10p per A4 sheet, 15p per A3 sheet

**Worthing Central Library**, Richmond Road, Worthing, BN11 1HD

<b>Mon</b>	09:00 – 19:00
<b>Tues</b>	09:00 – 19:00
<b>Wed</b>	09:00 – 19:00
<b>Thurs</b>	09:00 – 19:00
<b>Fri</b>	09:00 – 19:00
<b>Sat</b>	09:00 – 17:00

**Copy Charges** – Black and white at 10p per A4 sheet, 15p per A3 sheet

**The Planning Inspectorate**, Major Applications and Plans Directorate, Temple Quay House, Bristol BS1 6PN

<b>Mon</b>	10:00 – 16:00
<b>Tues</b>	10:00 – 16:00
<b>Wed</b>	10:00 – 16:00
<b>Thurs</b>	10:00 – 16:00
<b>Fri</b>	10:00 – 16:00
<b>Sat</b>	Closed

#### **Copy Charges**

Black and white at 10p per A4 sheet. Other sizes on request at additional cost  
NB Copying charges quoted are indicative costs as at May 2013

## Annex B

### Timetable for Examination of the Application

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the start day<sup>4</sup>.

Item	Matters	Due Dates
1	<b>Preliminary Meeting</b>	<b>Thursday 18 July 2013</b>
2	<b>Issue by the Examining Authority:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Examination timetable<sup>5</sup></li> <li><input type="checkbox"/> Examining Authority's first Questions<sup>6</sup> (EAQs)</li> <li><input type="checkbox"/> Requests for Statements of Common Ground (SoCG)</li> <li><input type="checkbox"/> Submission by the applicant of any documents relating to the applicant's proposed corrections and omissions to the application</li> <li><input type="checkbox"/> Submission by any other party of corrections and omissions in relation to a relevant representation</li> </ul>	<b>Thursday 25 July 2013</b>
3	<b>Issue by the Examining Authority:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Notification by ExA of date, time and place for hearings relating to the Development Consent Order and Deemed Marine Licence</li> </ul>	<b>Wednesday 7 August 2013</b>
4	<b><u>DEADLINE 1</u></b> for receipt by the Examining Authority: <ul style="list-style-type: none"> <li><input type="checkbox"/> Local Impact Reports<sup>7</sup></li> </ul>	<b>Friday 9 August 2013</b>

<sup>4</sup> s98 PA 2008

<sup>5</sup> Rule 8(1) and (2) EPR

<sup>6</sup> Rule 8(1)(b)(i) and (iii) EPR

<sup>7</sup> Rule 8(1)(j) EPR

<p><b>5</b></p>	<p><b><u>DEADLINE II</u></b> for receipt by the Examining Authority:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Written Representations (WRs) including any summaries of Written Representations of more than 1500 words<sup>8</sup></li> <li><input type="checkbox"/> Any summaries of Relevant Representations (RRs) exceeding 1500 words<sup>9</sup></li> <li><input type="checkbox"/> Responses to ExA's first written questions (EAQs)<sup>10</sup></li> <li><input type="checkbox"/> Updated matrices prepared by the applicant to inform the Report on Implications for European Sites</li> <li><input type="checkbox"/> Statements of Common Ground (SoCGs)<sup>11</sup></li> <li><input type="checkbox"/> Comments on Relevant Representations (RRs)<sup>12</sup></li> <li><input type="checkbox"/> Notification of wish to be heard at Open Floor (OF) Hearing by Interested Parties<sup>13</sup></li> <li><input type="checkbox"/> Notification of wish to make oral representation at the Issue Specific Hearing<sup>14</sup></li> <li><input type="checkbox"/> Notification of wish to make oral representation at Compulsory Acquisition (CA) Hearing<sup>15</sup></li> <li><input type="checkbox"/> Notification of wish to attend site visit in the company of interested parties and any representations relating to proposed locations to visit</li> <li><input type="checkbox"/> Deadline for Statutory Parties and persons in certain categories with interest in land<sup>16</sup> to inform the ExA of a wish to be considered as an Interested Party</li> </ul>	<p><b>Thursday 15 August 2013</b></p>
<p><b>6</b></p>	<p><b>Issue by the Examining Authority:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Notification by ExA of date, time and place for Open Floor Hearing<sup>17</sup></li> <li><input type="checkbox"/> Notification of time and place of ExA's inspection of a site to which the application/specific matters relate in the company of Interested Parties<sup>18</sup></li> </ul>	<p><b>Wednesday 21 August 2013</b></p>

<sup>8</sup> Rule 8(1)(a) and (i) and Rule 10(1) and (2) EPR

<sup>9</sup> Rule 8(1)(i) EPR

<sup>10</sup> Rule 8(1)(b) EPR

<sup>11</sup> Rule 8(1)(e) EPR

<sup>12</sup> Rule 8(1)(c)(i) and (d)(i) and Rule 3(2)(b) EPR

<sup>13</sup> S93(1) PA 2008, Rule 8(1)(f) and Rule 13(1) EPR

<sup>14</sup> S91 PA 2008 and Rule 8(1)(k) EPR

<sup>15</sup> Rule 8(1)(g) EPR

<sup>16</sup> S102A and s102B PA2008

<sup>17</sup> S93 PA 2008 and Rule 13(3)(a) EPR

<b>7</b>	<input type="checkbox"/> Time period reserved for hearings relating to the Development Consent Order and Deemed Marine Licence.	<b>Wednesday 28 and Thursday 29 August 2013</b>
<b>8</b>	<b><u>DEADLINE III</u></b> for receipt by the Examining Authority: <input type="checkbox"/> Post-Hearing documents including any written summary of an oral case put at any Development Consent Order and Deemed Marine Licence Hearings and any documents/amendments requested by the ExA <input type="checkbox"/> Comments on Local Impact Reports <sup>19</sup>	<b>Thursday 5 September 2013 by 12pm</b>
<b>9</b>	<input type="checkbox"/> Time reserved for an Open Floor Hearing <sup>20</sup>	<b>Wednesday 11 and Thursday 12 September 2013</b>
<b>10</b>	<b><u>DEADLINE IV</u></b> for receipt by the Examining Authority: <input type="checkbox"/> Comments on Written Representations (WRs) <sup>21</sup> <input type="checkbox"/> Comments on responses to ExA's first written questions <input type="checkbox"/> Comments on applicant's matrices to inform the Report on the Implications for European Sites <input type="checkbox"/> Comments on Statements of Common Ground <sup>22</sup>	<b>Thursday 12 September 2013 by 12pm</b>
<b>11</b>	<b><u>DEADLINE V</u></b> for receipt by the Examining Authority: <input type="checkbox"/> Post-Hearing documents including any written summary of an oral case put at any Open Floor Hearings and any documents/amendments requested by the ExA <sup>23</sup>	<b>Thursday 19 September 2013 by 12pm</b>
<b>12</b>	<b>Issue by the Examining Authority:</b> <input type="checkbox"/> Examining Authority's second written questions (EAQs)	<b>Tuesday 24 September 2013</b>
<b>13</b>	<input type="checkbox"/> Time reserved for ExA's inspection of onshore and offshore site(s) to which the application/specific matters	<b>Wednesday 25 and</b>

<sup>18</sup> Rule 16(3) EPR

<sup>19</sup> Rule 8(1)(j) EPR

<sup>20</sup> Rule 13(3)(a) EPR

<sup>21</sup> Rule 8(1)(c)(i) and (d)(i) and Rule 3(2)(b) and Rule 10(5) EPR

<sup>22</sup> Rule 8(1)(b) and Rule 8(1)(k) EPR

<sup>23</sup> Rule 8(1)(k) EPR



	relate in the company of Interested Parties <sup>24</sup>	<b>Thursday 26 September 2013</b>
<b>14</b>	<b><u>DEADLINE VI</u></b> for receipt by the Examining Authority: <input type="checkbox"/> Responses to comments on matrices prepared by the applicant to inform the Report on Implications for European Sites	<b>Wednesday 9 October 2013 by 12pm</b>
<b>15</b>	<b>Issue by the Examining Authority:</b> <input type="checkbox"/> Notification by ExA of date, time and place for Issue Specific Hearings <sup>25</sup>	<b>Wednesday 9 October 2013</b>
<b>16</b>	<b><u>DEADLINE VII</u></b> for receipt by the Examining Authority: <input type="checkbox"/> Responses to ExA's second written questions (EAQs)	<b>Tuesday 15 October 2013 by 5pm</b>
<b>17</b>	<b>Issue by the Examining Authority:</b> <input type="checkbox"/> Notification by ExA of date, time and place for hearings relating to the Development Consent Order and Deemed Marine Licence	<b>Wednesday 16 October 2013</b>
<b>18</b>	<input type="checkbox"/> Time reserved for Issue Specific Hearings <sup>26</sup>	<b>Wednesday 30 and Thursday 31 October 2013 (Friday 1 November 2013 if required)</b>
<b>19</b>	<b>Issue by the Examining Authority:</b> <input type="checkbox"/> Notification by ExA of date, time and place for Compulsory Acquisition Hearings	<b>Wednesday 6 November 2013</b>

<sup>24</sup> Rule 16(3) EPR

<sup>25</sup> S91 PA 2008 and Rule 8(1)(h) and Rule 13(3)(a) EPR

<sup>26</sup> Rule 8(1)(h)

20	<input type="checkbox"/> Time period reserved for hearings relating to the Development Consent Order and Deemed Marine Licence.	<b>Wednesday 6 and Thursday 7 November 2013</b>
21	<b>Issue by the Examining Authority:</b> <input type="checkbox"/> Notification by ExA of date, time and place for any other Hearings	<b>Tuesday 12 November 2013</b>
22	<b><u>DEADLINE VIII</u></b> for receipt by the Examining Authority: <input type="checkbox"/> Post-Hearing documents including any written summary of an oral case put at any Issue Specific Hearings and any documents/amendments requested by the ExA	<b>Tuesday 12 November 2013 by 12pm</b>
23	<b>Issue by the Examining Authority:</b> <input type="checkbox"/> Notification by ExA of date, time and place for hearings relating to the Development Consent Order and Deemed Marine Licence	<b>Thursday 14 November 2013</b>
24	<input type="checkbox"/> Time period reserved for Compulsory Acquisition Hearings	<b>Wednesday 27 and Thursday 28 November 2013 (Friday 29 November 2013 if required)</b>
25	<b><u>DEADLINE IX</u></b> for receipt by the Examining Authority: <input type="checkbox"/> Comments on responses to ExA's second written questions (EAQ)	<b>Thursday 28 November 2013 by 12pm</b>
26	<input type="checkbox"/> Time period reserved for any other hearings if required	<b>Tuesday 3 and Wednesday 4 December 2013</b>

27	<p><b><u>DEADLINE X</u></b> for receipt by the Examining Authority:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Final Statements of Common Ground (SoCGs)</li> <li><input type="checkbox"/> Post-Hearing documents including any written summary of an oral case put at any Compulsory Acquisition Hearings and any documents/amendments requested by the ExA</li> </ul>	<p><b>Thursday 5 December 2013</b></p>
28	<ul style="list-style-type: none"> <li><input type="checkbox"/> Time period reserved for hearings relating to the Development Consent Order and Deemed Marine Licence.</li> </ul>	<p><b>Thursday 5 and Friday 6 December 2013</b></p>
29	<p><b><u>DEADLINE XI</u></b> for receipt by the Examining Authority:</p> <p>Post-Hearing documents including any written summary of an oral case put at any Development Consent Order and Deemed Marine Licence Hearings and any documents/amendments requested by the ExA</p>	<p><b>Tuesday 10 December 2013 by 5pm</b></p>
30	<p><b>Issue by the Examining Authority:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> ExA's draft Development Consent Order for comments</li> <li><input type="checkbox"/> Report on the Implications for European Sites, including the matrices prepared by the ExA for consultation</li> </ul>	<p><b>Friday 13 December 2013</b></p>
31	<p><b><u>DEADLINE XII</u></b> for receipt by the Examining Authority:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Any written comments on the ExA's draft Development Consent Order.</li> <li><input type="checkbox"/> Any written comments on Report on the Implications for European Sites, including the matrices prepared by the ExA</li> </ul>	<p><b>Wednesday 8 January 2014 by 12pm</b></p>
32	<p>Final date by which examination must be completed</p>	<p><b>Saturday 18 January 2014</b></p>

## Annex C

### Acronyms used during the examination

AA	Appropriate Assessment
AM	Ancient Monument
AP	Affected Person
BHS	British Horse Society
CA	Compulsory Acquisition
CCS	Continuous Circulation System
CIA	Cumulative Impact Assessment
CRA	Collision Risk Assessment
CRM	Collision Risk Model
dB(A)	Decibel Auditory Threshold
DCLG	Department for Communities and Local Government
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
DML	Deemed Marine Licence
DWR	Deep Water Route
EA	Environment Agency
EAQ's	Examining Authority Questions
EH	English Heritage
EMF	Electromagnetic Fields
EMP	Ecological Management Plan
EPR	Examination Procedure Rules
ERCOP	Emergency Response Co-ordination Plan
ES	Environmental Statement
ExA	Examining Authority
HDD	Horizontal Directional Drilling
HGC	Heavy Goods Vehicle
HPA	Health Protection Agency
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IDB	International Drainage Board
IFCA	Inshore Fisheries and Conservation Authority
ISH	Issue Specific Hearings
IP	Interested Party
JNCC	Joint Nature Conservation Committee
LA	Local Authority
LAeq	Equivalent Continuous Sound Level (A-weighting setting)
LB	Listed Building
LBBG's	Lesser Black-backed Gulls
LIR	Local Impact Report
LPA	Local Planning Authority
MCA	Maritime and Coastguard Agency
MCZ	Marine Conservation Zone
MMO	Marine Management Organisation
MoD	Ministry of Defence

MPS	Minerals Planning Statement
NE	Natural England
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	National Planning Policy Statement for Energy
NRA	Navigation Risk Assessment
NRIL	Network Rail Infrastructure Ltd
NT	National Trust
OFH	Open Floor Hearing
OWF	Offshore Wind Farm
PA 2008	Planning Act 2008
PAM	Passive Acoustic Monitoring
PCH	Potential Collision Height
PINS	Planning Inspectorate
PVA	Population Viability Analysis
RR	Relevant representation
RA	Ramblers Association
RSPB	Royal Society for the Protection of Birds
RYA	Royal Yachting Association
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SEA	Strategic Environmental Assessment
SEI	Supplementary Environment Information
SofS	Secretary of State
SP	Statutory Party
SPA	Special Protection Area
SPL	Sound Pressure Level
SDNP	South Downs National Park
SDNPA	South Downs National Parks Authority
SDS	South Downs Society
SSSI	Sites of Special Scientific Interest
TCE	The Crown Estate
UK BAP	UK Biodiversity Action Plan
WR	Written Representation

## Annex D

### Examining Authority's Questions and requests for Statements of Common Ground

Examining Authority's first written questions (EAQs) and requests for information – responses to be received by the Examining Authority (ExA) on or before **12pm on Thursday 15 August 2013**.

Questions are asked of the interested and/or other parties identified against each question, in addition all interested parties are welcome to address any question wherever they have relevant information to offer.

It has been assumed by the Examining Authority that the applicant will have reviewed the section 55 acceptance checklist in relation to this application and will provide responses to all omissions and similar matters by the deadline set. Such responses, where incorporated in any form of written response/submission should be clearly identified.

Where questions below can be fully addressed within a Statement of Common Ground (SOCG) then a reference to the relevant SOCG will be sufficient.

Questions are addressed to Interested Parties as set out below. The Examining Authority will take all responses into account including where Interested Parties choose to address questions not directed to them below.

#### **A: Biodiversity, biological environment and ecology.**

1. Can it be demonstrated that none of the potential effects on biodiversity, the biological environment and ecology – including designated species and sites, offshore ornithology, benthic and inter-tidal ecology, marine mammals and natural fish and shellfish – are so significant and adverse as to warrant rejection of the application? If it is argued that any potential effects are likely to be significant and adverse what evidence can be brought forward to support that argument? (In this question 'potential effects' must be considered both in relation to the Rampion OWF proposal isolation and when taken in combination with the effects of other relevant built, under-construction or planned developments). **(Interested Parties (IPs))**

##### Habitats aspects

2. Is the information contained in the application and any supporting documentation sufficient to support the applicant's conclusion that there will be no significant effects on the integrity of any relevant European Sites or on other relevant protected areas/sites or protected species? If not, why is it considered insufficient and what further analysis is required? **(NE, MMO, other interested IPs, applicant)**
3. The applicant's HRA report sets out the methodological approach adopted to the habitats assessment, including the cumulative assessment. Is this approach methodologically robust? If there are any weaknesses in the

approach adopted, what are they? How significant are any weaknesses identified to the final conclusions reached regarding the type, scale and significance of any likely effects? **(NE, RSPB, Sussex Wildlife Trust, Sussex Ornithological Society, SDNPA, Local Authorities, applicant)**

4. Marine ornithology survey methods are outlined at sections 11.4.4-11.4.15 of the ES. Methods and criteria for determining significance are outlined at section 11.4.18-11.4.26 of the ES. The study area is defined at section 11.4.2. The survey areas include a 5km buffer. The rationale for the selection of the 5km buffer area is not set out in detail. For example, it is not clear to the ExA whether the 5km buffer radius correlates with the likely extent of any primary or secondary impact of the proposed project. Can the applicant clarify and provide evidence to justify the selection of the selection of the 5km buffer? Does NE support the selection of a 5km buffer and if so, why. If not, why not? Other nature conservation parties may wish to comment. **(applicant, NE, other interested IPs)**
5. It appears likely from relevant representations submitted by fishing interests and by Shoreham Port that construction and operation of the proposed Rampion OWF may displace vessels from the area now proposed for that development. However, this point does not appear to have been considered by the ES and it is not clear from the ES whether this is of relevance when considering the marine ornithological area likely to be impacted by the scheme. Can the relevant nature conservation bodies provide comments about whether the ES is sufficiently clear and comprehensive in this aspect? Can the applicant clarify the position? **(MMO, NE, other interested IPs, applicant)**
6. Table 11.1 of the ES provides a summary of issues raised by consultees at the scoping stage. It does not however document the responses received through other pre-application consultation or the statutory section 42 consultation so that an understanding of the detailed concerns of key consultees can be gained alongside evidence to demonstrate that they are satisfied with the approach that has been adopted. The applicant is requested to clarify the position. **(applicant)**
7. The ES identifies sites that have any ornithological features that could use ecological resources within or around the Rampion OWF site and/or that might overfly it. Focussing on sites that have a marine ornithological interest, the list of sites provided in the ES does not identify a number of sites highlighted in the NE representation as potentially affected by the proposed Rampion scheme, including Alde-Ore SPA and Pagham Harbour SSSI. Can the applicant and NE provide further information and commentary regarding the potential for the sites highlighted by NE to be affected by the Rampion project? Other relevant interested parties may also wish to comment regarding this matter – in particular which protected sites and species may be affected by the proposed project. Parties responding to this question should provide appropriate supporting information to underpin their comments where practicable. **(applicant, NE, other interested IPs)**

8. **European Sites:** The HRA report appears to focus solely on the effects of the offshore components of the development and does not include any assessment of the grid connection landfall or any other terrestrial aspects of the development (though these would not be expected to possibly result in any likely significant effect on any SPA or SAC) (paragraph 1.2.1). It is noted in Chapter 9 of the ES in the section documenting earlier consultation with NE that NE had indicated that the nearest Natura 2000 sites are Lyme Bay, and Margate & Long Sands (both cSACs). Neither site is addressed in any way in the HRA report. The ES indicates the locations of European sites in Chapter 9: Nature Conservation, in which the following is provided in relation to designated SACs, Sites of Community Importance, and Candidate SACs:

- '9.5.2 Designated SACs in the study area are as follows:
- Solent Maritime (38km to the west): primary features of estuaries and saltmarsh vegetation; secondary features include subtidal sandbanks, intertidal mud and sandflats and coastal lagoons.
- South Wight Maritime (42km to the west): primary interest features of reefs (both sub and inter tidal) and sea caves. Also maritime vegetation.
- Solent and Isle of Wight Lagoons (~40km to the west): primary interest feature of coastal lagoons.
- Dungeness (Kent): Supratidal vegetation (annual drift line and perennial stony); also great crested newts;
- Hastings Cliff (East Sussex): vegetated sea cliffs; and
- Pevensey Level (West Sussex, inland): ramshorn snail (freshwater).
- Bassurelle Sandbank (60km to the east): primary feature being subtidal sandbanks. Located in the mid English Channel.
- Wight Barfleur reef (56km to the southwest): primary feature being reefs.
- Located in the mid English Channel due South of the Isle of Wight.'

NE does not appear to have raised any specific concerns in relation to the onshore elements of the scheme in connection to potential effects on European Sites. Can NE confirm that this impression is accurate and that NE agrees with the HRA report's conclusion that that in respect of the potential for direct habitat loss any changes to the substrate, water quality or coastal processes as a result of the development of the Rampion Offshore Wind Farm are judged to be negligible; and given the distance of all of the SPAs from these works (minimum 28 km) there is no pathway for any impact? **(NE)**

9. The applicant's HRA report only addresses sites designated for marine ornithological interest. The applicant is requested to screen other relevant marine sites i.e. those identified in the NE RR together with any European Sites mentioned within the ES? **(applicant)**

10. In relation to SPA/Ramsar sites, NE's relevant representation disagreed with the applicant's conclusion that there were no SPA/Ramsar sites identified in this HRA for which it was considered that there could be a Likely Significant Effect under the Habitats Regulations and therefore that for the marine ornithological aspects of the proposal an Appropriate Assessment under the Habitats Regulations would not be necessary. On the contrary NE held that an Appropriate Assessment was required, but



provided relatively little detail regarding what further information was needed. Can NE provide detailed advice regarding what additional or different information or assessment/interpretation is required and provide justification for its contention that an Appropriate Assessment is necessary? **(NE)**

11. When considering potential connectivity for more distant ornithological populations, the ES states that distances have been measured as the closest distance across the sea (11.5.6.). It is not clear whether this is the worst case or whether there could be shorter foraging routes across land, and whether birds would use such routes in preference to sea. Can the applicant, NE and other parties with an ornithological interest provide comments regarding their views as to the most likely position and indicate any evidence that supports any views expressed? **(applicant, NE, other interested IPs)**
12. Can the applicant clearly set out the assumptions on which the collision risk assessment (CRA) has been based, including the relevant turbine parameters and minimum separation distances and provide reasoned justification for why this represents a worst case scenario? In addition, can NE confirm whether the model used by the applicant for the CRA is appropriate, and whether the findings and conclusions of the studies informing the model are interpreted and applied appropriately, stating any supporting evidence and providing justification? Can relevant parties comment regarding whether this is a need for the DCO to include a requirement specifying some or all of the worst case parameters? **(applicant, NE, other interested IPs)**
13. The applicant, relevant consultees and relevant nature conservation parties are requested to comment regarding whether and how the extent and nature of the project and/or the terms of the DCO should have regard to maximum limits for monitored collision mortality, either on a phased or overall basis? **(applicant, MMO, NE, other interested IPs)**
14. The Rochdale Envelope approach adopted for the application in relation to ornithology is set out at Table 11.13 in the ES, which states the worst case. Could NE confirm whether it accepts the worst case identified and that this worst case would apply to all species considered? The worst case assessment relies on a number of parameters whose bases are not entirely clear. Can the applicant clarify this matter? Do the relevant nature conservation/ornithology parties consider them to offer a robust basis for modelling the worst case assessment? **(applicant, NE, RSPB, Sussex Ornithological Society)**
15. In relation to the ornithological CRA, paragraph 11.5.12 states that 'Though the sample size for common terns was small (14 flocks), the Cook et al. value was not used in the modelling as it was considered that this substantially over estimated the actual proportion of tern flights at rotor height'. It is not clear from the ES upon what evidence this conclusion has been based. Can the applicant clarify? (applicant)
16. Paragraph 11.6.5 of the ES states that '*Construction activities (e.g. piling*

*and an increase in boat traffic) at the Offshore Project site will result in noise and vibration". It is not immediately clear from this statement what assumptions in terms of noise and vibration levels have been applied in the assessment and how these were estimated. Can the applicant clarify? **(applicant)***

17. The ES assessment of construction impacts is based on an assumption that construction would not take place simultaneously over the whole site and would be restricted to geographically small areas of activity at any particular time; therefore impacts would not be expected to occur over the whole of the Offshore Project site over the whole of the construction period. Relevant parties are requested to indicate their view as to whether there is a need for specific provision(s) within the DCO/DML to ensure that the project is implemented in such a way. The applicant is asked to explain how the project could be constructed within the parameters of the DCO as currently drafted and would not fall outside the scope of the development assessed within the ES. **(MMO, NE, applicant)**
18. In the cumulative impact assessment (CIA), do relevant parties agree regarding the scope (including spatial scope), other developments and species considered, assumptions and methodologies applied? **(applicant, other interested IPs)**
19. The ES indicates that other wind farms selected for consideration in the CIA have been identified through consideration of foraging areas or migratory routes. However, no evidence appears to have been identified to substantiate this point. Can the applicant provide appropriate information and explanation/justification? **(applicant)**
20. With regard to consideration of cumulative impacts when the Rampion OWF proposal is considered together with the proposed Navitus Bay OWF, the ES states that no ornithological data was available. It is not clear what efforts were made to obtain data. Much of the consideration of operational cumulative impacts appears to have been based on the approach taken on the Galloper OWF. The ExA is not clear whether such an approach is applicable or sufficiently robust in relation to the particular circumstances of the Rampion assessment. Does NE consider that the approach adopted to the in combination/cumulative assessment is appropriate in this case? Can NE also provide an indication of evidence that would relate to the assessment and that would support any response to this question? Other parties may also wish to comment) **(NE, applicant)**
21. The HRA report states that part of the Rampion project site coincides with an area where the Crown Estate (TCE) has granted an aggregates extraction option, valid until 2013. The holder has indicated that they intend to take up this option and take up a long term licence. No evidence has been identified to demonstrate that this has been considered in relation to in combination effects. Could the applicant clarify? Other parties may wish to comment. **(applicant, NE, TCE)**
22. Can NE indicate whether the most appropriate data sources and studies have been used as the basis for the applicants' assessment? Other

SNCBs may wish to comment. **(NE, other interested IPs)**

23. Breeding bird populations are provided at Table 11.5 for SPA populations but no comparable data is provided in the main Chapter for SSSI populations. In addition, no data is presented for bird populations beyond 100Kms. Can NE and the applicant clarify the position? **(NE, applicant)**
24. It is noted that from the NE RR that concerns remain that potential impacts on SPA species during the non-breeding season have not been considered comprehensively. The ExA seeks clarification from NE and from the applicant regarding the extent to which impacts on non-breeding populations need to and have been considered in the assessment. **(NE, applicant)**
25. The primary basis for determining the likelihood that SPA bird colonies may be present at the site and therefore could be impacted by the scheme is the Thaxter et al foraging ranges. In identifying foraging distances the EIA appears to apply the Thaxter et al distances in some cases, and the findings of specific studies (and possibly colony specific information) in other cases (e.g. Sandwich tern, paragraph 11.6.13). The ExA requests the applicant to clarify which data has been applied and where? NE may wish to comment. **(applicant, NE)**
26. In the case of far-ranging species, the likelihood of the sites being regularly used by populations has been judged as unlikely partly on the basis that *'the wind farm site lies on the edge of the foraging range, well outside the global mean distances recorded'* (11.5.7). However NE has indicated in its RR that the primary consideration should be the mean maximum range (11.5.6), within which there are several SPA colonies located, and not the global mean range. Can the applicant and NE comment regarding any potential implications of the different approaches for any overall conclusions reached in the assessment? **(applicant, NE)**
27. The ES assesses the likely impact resulting from disturbance effects to herring, indirectly impacting on terns feeding on herring. The ES states that potentially significant effects would be mitigated through restrictions on timing of piling activities. Can the MMO, Sussex IFCA and the applicant comment regarding whether the submitted draft of the DCO provides adequate mitigation of the potentially significant effects upon herring? **(MMO, Sussex IFCA, applicant)**
28. Paragraph 11.6.31 states that *"Given the extent of the Offshore Project and its orientation in relation to the main seabird migration route up/down the English Channel it is unlikely that this would give rise to any significant effect on any bird species"*. The chapter does not include figures to show the main seabird migration routes to indicate distance and what is meant by orientation, in order to verify this statement. The ES states (11.6.31) that *"in its wider dimension it would present more of a barrier to terrestrial migrants crossing the English Channel, though given the broad geographical range from over which such migration would take place and the high altitude at which most of these migrants usually fly (well above rotor height) (Alerstam, 1990), this is not considered to be*

*any more than a negligible effect that would not be significant for any species".* The above statement implies that flight heights for some migratory species may not be well above rotor height. It is therefore not clear whether exceptions apply and if so, whether they have been addressed in the assessment. Can the applicant and NE comment and provide appropriate clarification, providing additional supporting information where necessary or appropriate? Other parties may wish to comment. **(applicant, NE, other interested IPs)**

29. For species where collision risk exceeded a 1% negligible magnitude threshold against the regional population, further consideration was given in the CRA to the impact on the national population. There is no consideration of impact against any specific SPA population. Can the applicant provide clarification and further explanation, if possible on a species-specific basis? **(applicant)**
30. The consideration of displacement impacts on gannet assumes that they would be displaced to locations outside the wind farm area. However it is not clear how the suitability of the area outside of the wind farm to accommodate this increase in numbers has been determined. Can the applicant clarify? Does NE have any relevant information or comments? Other parties may wish to comment **(applicant, NE, other interested IPs)**
31. The HRA assessment considers potential effects on bird species recorded within the site, the potential disturbance zone (an area that includes a 4km buffer around the site) and the wider survey area. NE's RR (5.2.4.) suggests that they would expect to see a wider assessment based not only upon the development footprint. The applicant appears to have considered effects outside of the footprint. The ExA therefore seeks clarification from NE as to where, in relation to the spatial scope of the HRA assessment, any suggested deficiencies lie. Other nature conservation bodies may wish to comment **(NE, other interested IPs)**
32. Where assumptions have been made around the displacement of species, it is concluded that the effect would be negligible. It is not clear what the effect of such displacement might be, nor is the ExA able to identify from the submitted assessment where the birds may go and that the habitat to which any displacement would occur would have the capacity to support them. Can the applicant and NE provide any evidence that would clarify the position? **(applicant, NE)**
33. The HRA report concludes that any changes to the substrate, water quality or coastal processes as a result of the development of the Rampion OWF are judged to be negligible and therefore potential effects on SPA habitats are unlikely to occur. NE does not appear to disagree with this point in its comments relating to impacts on European Sites in its relevant representation. Can NE confirm that this impression is accurate? **(NE)**
34. Table 2 of the HRA report presents survey data and identifies species that were noted within the collision zone at rotor height. The assessment has

been based on a hub height of 100m. Some limited consideration of birds that were not recorded at rotor height, is provided in the report (1.8.7-8). Can NE and the applicant comment upon whether there is any need for the DCO to limit the range for the hub height so that any effects are not rendered more adverse when the detailed design is brought forward? Other nature conservation bodies may wish to comment **(NE, applicant, other interested IPs)**

35. The HRA report makes judgements on the likely importance of the area for different species, concluding in many cases that there is no indication of the site being of particular importance (e.g. gannets 1.8.11). However it is not clear what indicators have been considered in determining the relative importance of the site for different species. The applicant is invited to clarify the position and to provide relevant additional information. **(applicant)**
36. The conclusion in relation to lesser black backed gull (1.8.15-16) states that there is the potential for the worst case assessment of collision risk to be of medium/ low magnitude. The ES identifies the species as being of very high sensitivity (Table 11.12). According to the information set out in Table 11.4 of the ES, this could result in an impact of medium to very high significance. The HRA report goes on to conclude that a significant collision risk is unlikely on the basis of empirical evidence from other wind farm studies suggesting that a worst case outcome is unlikely. On the face of the matter, the ExA is unclear whether or not this might be a relatively simplistic assessment given the potential for a significant effect. Can the applicant and NE comment? Other nature conservation bodies may wish to comment **(applicant, NE, other interested IPs)**
37. The stone curlew is listed on Annex 1 of the EU Birds Directive and Schedule 1 of the Wildlife and Countryside Act 1981 as amended. It is therefore protected from disturbance during its nesting season which extends from May to the end of July. The RSPB also noted in its relevant representation that only a very small population is present on the open arable areas of the South Downs, and that the precise location of any breeding pairs is highly sensitive and tends to change each year. It has also been identified that there is also potential for disruption to notable bird species including little egret, long-eared owl and barn owl in addition to stone curlew should construction activity overlap with their respective nesting periods. However, the effect will be confined to the proposed construction period, which involves only short periods of activity at any given location. Can the RSPB, NE or the applicant clarify whether the construction of the onshore works proposed in the application could present a threat to the stone curlew or other protected or notable species and, if so, what mitigation is or should be included in the DCO to minimise any potential threat identified? Other nature conservation bodies may wish to comment. **(RSPB, NE, applicant, other interested IPs)**

#### Fish and Shellfish Ecology & Biological Environment

38. ES Section 8: Fish and shellfish ecology. ES Table 8-9 provides a summary of the life cycles of key fish and shellfish species in the area. There are no further references to this table within the ES. Can the applicant, MMO and NE provide commentary and further details regarding whether the life cycles of particular fish and shellfish species might be relevant to the assessment of the effects of the proposed Rampion OWF project and whether any effects identified are likely to be significant? **(applicant, MMO, NE)**
39. Noise modelling: Noise modelling in relation to fish and shellfish ecology has been undertaken at two locations (the easternmost and westernmost extents of the offshore site as identified in Figure 8.5 of the ES). It is unclear whether these two locations were agreed with the relevant consultees. As the westernmost location does not represent the most southerly part of the site it appears to the ExA that there could be potential for noise contours to extend further south than shown on the contour maps and therefore further into the herring spawning areas (see Figure 8.5). With this point in mind, can the relevant statutory consultees (MMO and NE) confirm that the assessment's methodology and geographical extent are sufficient to capture the full range of potential impacts and have not omitted any potentially sensitive receptors? **(MMO, NE)**
40. Piling effects: ES Table 8-10 describes the wind farm design features and their influence on the Rochdale Envelope relating to fish and shellfish. ES Section 2a describes how the worst case has been identified for the noise assessment. However the explanation is not very clear regarding this aspect. Tables 2a.24 and 2a.25 of the ES rank the highest source noise levels generated from each foundation type for the 3-4MW turbines and the 5-7MW turbines respectively. The highest ranking foundation type for worst case noise source levels are monopole foundations followed by tripod foundations and then IBGS jacket foundations. This is not subsequently reflected in Table 2a.26 of the ES which presents the worst case numbers and types of foundations for source noise levels as a mix of monopole and jacket foundations. Can the applicant:
- clarify how the effects of piling have been calculated and assessed;
  - explain why jacket foundations appear to have been chosen for the assessment when Table 2a.24 identifies tripods as the second ranked highest noise level?
- (applicant)**
41. ES paragraph 8.5.6 refers to Section 2a the worst case scenarios for the number of monopiles and other foundations which require larger pin piles. It states that up to 95 monopiles could be installed for a development using 3-4MW turbines (175 turbine layout) and up to 60 monopiles for a development using 5-7MW (100 turbine layout). The ExA is unable to understand from the submitted information how the worst case has been derived and assessed in relation to the potential noise effects upon fish and shellfish. In particular, paragraph 8.5.6 only refers to the 95 monopiles and 60 monopiles and does not appear to include effects arising from the remaining 80/40 turbines which, according to the worst case identified in Table 2a.26, are to be installed by jacket. Obviously a

jacket drive would also have an impact source. If the assessment is undertaken as set out in paragraph 8.5.6 this would appear to imply that a number of turbines will not be piled. These would therefore require gravity bases. However it appears that there is no restriction on the number of piled foundations provided for within the DCO/DML. Can the applicant clarify the position regarding the number of piles to be provided for within the DCO/DML and whether any numerical and/or geographical restrictions on piling are envisaged in order to mitigate likely effects arising from piling? **(applicant)**

42. While the noise assessment assumes that two installation vessels would be used, it appears that actual pile driving operations will not be carried out by both vessels at the same time (ES paragraph 8.5.3). The ExA can find no reference to such a restriction in the DCO/DML. Can the applicant confirm how it proposes to ensure that the scope of the DCO/DML does not permit marine pile driving operations by more than one vessel at any one time? **(applicant)**
43. The MMO's relevant representation queries the maximum hammer blow energy modelled for Scenario C and argues that 1500kJ should be used as per comparable developments such as the Humber Gateway project. However ES Table 8.4 shows that 1500kJ has been used for Scenario C. Can the applicant and MMO clarify and confirm the position in the relevant Statement of Common Ground? **(applicant, MMO)**
44. Paragraph 8.5.3 states that '*the installation of turbine foundations (encompassing all foundation types) is expected to last for around 12 months*', but it is not clear from the ES or Appendix 8.6 with what frequency or in what absolute numbers these impacts will be experienced by receptors. The ES states that piling noise will only be generated for one-twelfth (c8.5%) of any given monthly period (paragraph 8.5.4). Having noted the likely intermittency of piling activities, can the applicant clarify whether the intermittent nature of piling and its related scope for impact upon fish and shellfish has been considered in terms of the effect on fish/shellfish behaviour? Do MMO and NE wish to comment on this aspect? **(MMO, NE, applicant)**
45. The MMO's relevant representation has requested:
- further information regarding the potential use of the Rampion OWF zone and the cable corridor by brown crab mature females as they carry out their migratory movement in a westerly direction towards suitable spawning habitat, and
  - information on the sensitivity and impacts of noise on shellfish species (other than cuttlefish).
- Can the MMO clarify whether it is seeking to strengthen the ES baseline data or whether it is concerned regarding the outcome of the ES assessment in relation to these aspects? **(MMO)**
46. ES Figures 8.5-10 (and figures 4.1-4.71 of Appendix 8.6) show piling noise contour maps indicating the likely effects of piling noise upon

different fish species. Some figures show contours related to 6.5m monopiles only in relation to the identified species, while others show contours for both the 6.5m monopile and the 1.53 monopile for identified species. It is unclear why there is this variation in the type of data presented. It would be helpful if these contours could be overlapped with baseline data for known spawning grounds. Can the applicant provide supplementary information and an explanation regarding this query? **(applicant)**

47. ES paragraph 2a.6.91 states that monopile foundation designs are currently only suitable for use in depths of up to 30m and that another foundation design is therefore expected to be required to support those turbines located in deeper water. However no draft layout has been provided and the ES does not preclude the use of monopiles in any particular part of the development area. Can the applicant, MMO and NE comment regarding whether the use of monopiles should therefore be assumed as the worst case across the whole of that part of the Order area reserved for turbine development? **(applicant, MMO, NE)**
48. Given that the worst case assumption identified in the ES is the construction of a defined number of monopiles, the ExA requests the applicant, MMO and NE to comment regarding whether there is a need for incorporation within the DCO/DML provisions of a limit upon the number of monopiles to be erected as part of the authorised development or an exclusion of monopiles from water >30m deep. **(applicant, MMO, NE)**
49. ES paragraph 8.3.9 indicates that in assessing the potential impacts the duration of time before recovery is complete has been taken into account. Can the applicant confirm that this has been taken into account for all species considered in the assessment? **(applicant)**
50. Black Bream: The ES has assessed a major impact on Black Bream from the westernmost location; this would extend into the Kingmere recommended Marine Conservation Zone (rMCZ). The ES suggests that this could be reduced to a medium impact if restrictions were applied during the peak spawning period for this species and the installation of piles was permitted only in the east of the site during the spawning period. As there presently appears to be no restriction upon piling contained within the DCO/DML how does the applicant propose that this likely adverse effect should be mitigated and does the MMO agree? **(applicant, MMO)**
51. ES paragraph 8.5.14, together with the MMO's relevant representation, both highlight the risk of mortality and physical injury to seahorses arising from piling noise effects due to their limited ability to move quickly away from the noise source. No mitigation measures have been proposed in the DMO/DML. Could the applicant confirm how such mitigation measures could be secured by requirement in the DCO? MMO may wish to comment. **(applicant, MMO)**
52. Can NE and MMO confirm whether they are content that the proposed black bream restrictions incorporated into the DCO/DML are sufficient to



provide incidental mitigation for seahorses? **(MMO, NE)**

53. Is a Protected Species Licence likely to be required for any aspects of the proposed Rampion project works? If so, for which species and activities? Can the MMO/NE identify any reason why such a licence(s) would not be granted? Is MMO/NE prepared to issue a letter of comfort to the applicant in this regard? **(MMO/NE)**

54. Cumulative impacts: Cumulative impacts on fish and shellfish ecology are considered in the ES at section 8.8. In relation to seabed disturbance and noise and vibration two aggregate extraction areas are referred to in the application documents but these do not appear to have been taken into account in the cumulative assessment regarding fish and shellfish. Can the applicant clarify why this has not been considered and clarify how it proposes to address this mitigation and monitoring contingency? **(applicant, other interested IPs)**

55. Mitigation of effects on fish and shellfish: Mitigation measures are detailed at section 8.6 of the ES. Paragraph 8.6.3 identifies potential requirements for seasonal and/or spatial restrictions on piling to minimise impacts on:

- herring during the peak spawning period (November-January) – a restriction allowing only the installation of ‘smaller piles’ towards the west of the project site, which would also reduce the magnitude of impacts on seahorses around the project site during winter;
- black bream - a restriction allowing the installation of piles only in the west of the site during the spawning period of May-June, which would reduce impacts on seahorses moving to/in shallower coastal waters in spring/early summer;
- dover sole – installation of ‘smaller piles’, with no information as to the location or timing of the proposed restriction

It is unclear what size of piles the term ‘smaller piles’ refers to. The spatial extent of any potential restriction is not clearly identified in the ES. The draft submitted DCO/DML does not include any requirements or conditions in relation to piling. Condition 8 of the DML requires a plan to be approved by the MMO detailing the foundations to be used. However, there does not appear to be any proposal for a condition that would secure piling restrictions. Paragraph 8.6.6 of the ES states that timing and geographical restrictions applicable to the installation of certain pile sizes will be subject to further study post-submission of the ES, after the foundation types to be used are finalised. Can the applicant provide any further information relevant to these points that would assist the ExA’s assessment? Is the MMO content with the level of information available regarding piling-related noise mitigation within the application and with the extent and content of any relevant provisions currently secured within the submitted draft DCO/DML? **(applicant, MMO)**

56. Cable design: ES Table 8-7 shows cable design factors that will reduce or avoid EMF emissions. The table indicates that Alternating Current (AC) cables would be used for inter-array and export cables rather than Direct Current (DC) cables and that the installed cables would be protected by

metallic sheathing and armouring. There appears to be no provision relating to cable specifications within the DCO/DML. How does the applicant propose to incorporate its intended mitigation proposals within the terms of the DCO /DML? **(applicant)**

57. The assessment of effects upon fish and shellfish incorporates the assumption of a soft-start procedure (ES paragraph 8.6.2). A soft-start procedure has been secured within the DCO with reference to mammals (Deemed Marine Licence condition 8(f)(v)) and divers (Deemed Marine Licence condition 8(f)(i)) but not specifically with reference to fish. Can the applicant and MMO consider whether an appropriate specific provision should be incorporated within the DML and agree a response to this point within the relevant Statement of Common Ground? **(applicant, MMO)**

58. The MMO's relevant representation states that all cable laying from April to late August to avoid the period of egg laying for cuttlefish and the subsequent months until hatching occurs. This point does not appear to have been considered within the submitted ES nor within the provisions of the DCO/DML. Does the applicant accept the substance of the concern raised by MMO? If so can it explain how it proposes to address the points raised? **(applicant)**

59. Monitoring: The MMO's relevant representation requests provision for monitoring of the installation of the first four turbines in order to confirm predicted sound dissemination from percussive piling. Provision appears to have been made for this approach at condition 13 of the DML. Can MMO confirm whether it is content with the wording of this proposed condition? **(MMO)**

60. Paragraph 8.3.4 states that the methodology of field surveys was agreed with MMO. However, the MMO's RR has requested

- Further information regarding the potential use of the OWF zone and the cable corridor by brown crab mature females as they carry out their migratory movement in a westerly direction towards suitable spawning habitat, and
- Information on the sensitivity and impacts of noise on shellfish species (other than cuttlefish).

Can the MMO clarify whether it is seeking to strengthen the ES baseline data or whether it is concerned regarding the outcome of the ES assessment in relation to these aspects? **(MMO)**

61. Can the relevant nature conservation parties confirm that they are content with the survey approach and methodologies proposed in relation to fish and shellfish ecology? **(MMO, other interested IPs)**

## **B. Compulsory Powers (and other consents)**

### Funding the Project and Compulsory Acquisition

62. The Funding Statement forming part of the compulsory acquisition

documentation submitted by the applicant advises that funding for the acquisition of land will be provided by the UK subsidiary of the European parent company of the development vehicle. There also appears to be an implication from the Funding Statement that no external third party sources of funding are to be used as the cash is proposed to be taken from the UK subsidiary's reserves or otherwise generated from its day to day operations. Can the applicant clarify and confirm whether this is an accurate summary of:

- the Rampion project capital funding position, and
- the project-related compulsory acquisition funding position?  
**(applicant)**

63. Can the applicant confirm how the UK subsidiary to the European parent company providing the funding guarantee under the Funding Agreement will ensure the availability and provision of sufficient, necessary funds to be secured, guaranteed and drawn upon within the terms of any compulsory acquisition provisions incorporated within the DCO?  
**(applicant)**

64. It is noted that the financial statement for the UK subsidiary company providing the funding guarantee (E.ON UK PLC) is for the 2011 financial year. Can the applicant now supply the ExA with most recent relevant financial statement for that company, i.e. that for 2012? **(applicant)**

65. It is noted that the funding guarantee does not appear to be provided by the European parent (holding) company in the E.ON Group of companies (E.ON AG) but by the UK subsidiary in the current E.ON group structure, E.ON UK PLC. It is further noted that the 2011 financial statement relating to E.ON UK PLC include commentary regarding significant restructuring of the UK part of the group's business during the review period, including disposal of central networks, gas-fired and nuclear assets and related business operations. These changes appear to reflect wider shifts in the group's business strategy and priorities, presumably with related budget and financial implications. Having regard to the extended period over which the availability of funding for compulsory acquisition funding and compensation may need to be maintained - and assuming that the funding guarantee rests upon the business continuity and financial wherewithal of the Parent Company that is signatory to the Funding Agreement - can the applicant demonstrate how the financial standing of the parent company is likely to be maintained in excess of potential liabilities that would be likely to arise in relation to any compulsory acquisition funding and compensation payments to be met in relation to the proposed project? For example, if further group restructuring led to the demise of the guarantor company how would the funding guarantee be maintained? **(applicant)**

66. Can the applicant identify and evidence how any funds are to be secured and maintained if the benefit or partial benefit of any DCO provisions granted was to be transferred in accordance with the draft DCO as submitted? **(applicant)**

## Affected Interests

67. The applicant needs to make diligent inquiry in order to identify persons with a relevant interest in the land. It is also necessary for the applicant to demonstrate that compulsory acquisition is a last resort and that the land required for the proposed development cannot be acquired by negotiation and agreement. The ExA wishes to ascertain whether there remain any outstanding procedural issues in relation to identification of ownership of land and interests including those of statutory undertakers' land. Can the applicant set out the full steps that were undertaken by way of making diligent inquiry to identify those persons with relevant land interests, in relation to all the land and interests proposed to be acquired and what they have done to date to seek agreement to acquire such land and interests? This explanation should be provided on a plot by plot basis and summarised in a schedule. **(applicant)**
68. What assurance and evidence can the applicant provide of the accuracy of the land interests identified as submitted and whether there are likely to be any changes to these including the identification of further owners/interests? **(applicant)**
69. It is noted that section 7 of the applicant's Statement of Reasons for the proposed compulsory acquisition measures is dated March 2013. Given that further more detailed work and negotiations appear to have been undertaken since that date, can the applicant provide an updated summary schedule indicating
- the specific plots which it now regards as required for the proposed development
  - the specific plots which it now regards as required to facilitate or which it regards as incidental to the proposed development
  - any specific plots which it is now seeking to acquire as replacement land for commons, open spaces, etc (section 122(2))
  - any plots which it is proposed to acquire by agreement
  - any plots which are considered to be required for the development of the project but which it seeks to exclude from the compulsory acquisition.
  - If any plots now fall into the latter category, i.e. voluntary acquisitions excluded from compulsory acquisition, can the applicant explain why some plots are proposed to be acquired compulsorily and some by voluntary agreement? **(applicant)**
70. Can any 'Affected Parties' (parties whose interests may be affected by the applicant's proposed compulsory purchase of land or buildings or other interests in land) describe, quantify and explain any private loss that would be suffered as a result of the proposed compulsory acquisition of their relevant interests? **(Affected Parties - parties whose interests may be affected by the applicant's proposed compulsory purchase of land or buildings or other interests in land)**
71. Can any of the 'Affected Parties' whose interests may be affected by the proposed compulsory acquisition identify whether any of the areas of land whose acquisition is proposed by the developer are NOT needed for the

development in whole or in part? In the case of land required to facilitate or land incidental to the proposed development, is that land no more than is reasonably necessary for that/those purpose(s) and is the proposed acquisition proportionate? **(Affected Parties)**

72. Having regard to the provisions of the relevant Government National Policy Statements (EN-1 and EN-3) do any of the 'Affected Parties' seek to challenge the developer's assertion (Application Document 4.1, section 7, p16) that there is a compelling case in the public interest for the land proposed for compulsory acquisition to be acquired compulsorily as part of the development consent for the Rampion project? If so on what grounds is that argument based and what evidence is advanced to support any case put forward? **(Affected Parties)**

73. Can the applicant and GlaxoSmithKline provide written confirmation of their respective (or joint) understanding(s) of the latest position in relation to the applicant's acquisition of rights in relation to the proposed cable crossing of the GSK pipeline in Worthing? What legal provisions must be taken into account in addressing the proposed compulsory acquisition of the crossing area? **(applicant, GlaxoSmithKline)**

74. Can the applicant provide a schedule confirming in relation to the relevant plans which proposed temporary and permanent access arrangements associated with the proposed Rampion development have been agreed with the relevant planning and highways authorities in terms of their construction and use, together with any conditions or mitigation that may be required? **(applicant, LAs )**

75. Can the applicant confirm the current position in relation to compensation for injurious effects on property, rights over property or other relevant interests? The applicant should provide a schedule listing the named interests where discussions have taken place, where negotiations have been commenced, where agreements have been signed and where negotiations are in hand but agreements have not as yet been concluded or signed.  
**(applicant)**

76. In response to the proposed compulsory acquisition included as part of the Rampion OWF application for development consent do any of the Affected Parties seek to raise issues relating to human rights or equality for examination by the ExA? If so, what are they and what reasons and evidence are provided to support the case advanced? **(Affected Parties, applicant and other interested IPs )**

#### Other Consents

77. Can the applicant provide a schedule summarising the details of all other consents being sought/to be sought in connection with the proposed Rampion project, indicating:

- the nature of the legislation under which the consent is sought,
- any relevant information regarding the content of the application and

- the anticipated timescale for application submission and decision
  - and can the applicant provide copies of any such applications and any determinations by the decision-making bodies to the ExA as soon as may be practicable? **(applicant)**
78. In addition to providing the summary schedule requested above, can the applicant submit written evidence of the position of consenting bodies in relation to applications or potential applications for other consents other than the DCO/DML that may be required before the proposed project could proceed? Evidence should include any letters of comfort secured by the applicant from these consenting bodies in respect of the relevant applications. **(applicant)**
79. Can the applicant and LAs or statutory undertakers whose land or apparatus may be affected by compulsory purchase powers sought by the applicant under sections 127, 137 and/or 138 please confirm their understanding of the current position in relation to any discussions, negotiations or agreements that may have been held or concluded with respect to the relevant interests? Can the applicant confirm where relevant agreements have been concluded and signed and where no signed agreement is yet in place? **(applicant and any LAs or statutory undertakers whose land or apparatus may be affected by compulsory purchase powers sought by the applicant)**

Section 138 of the Planning Act 2008 as amended

80. Can the applicant clarify whether the interests proposed for compulsory acquisition include plots of land over which there exists a relevant right, or whether they include plots accommodating apparatus owned and/or operated by statutory undertakers which are proposed to be removed, moved or otherwise disturbed? If so, are all of these interests identified appropriately and accurately in the Book of Reference and have the owners of those infrastructure interests received the relevant notifications at the appropriate stages of the infrastructure planning process? Will the applicant be making any applications/submissions under s138(5) of the Planning Act 2008 (as amended) during the examination? If so what is the likely timescale for the application(s)/submission(s) concerned? If there are any plots to which these considerations apply will the applicant provide any relevant additional details of them in the form of a schedule? Other parties may wish to comment. **(applicant, other interested IPs)**

Crown Land and Interests (s135 of the Planning Act 2008 as amended)

81. The applicant is requested to provide a full schedule of Crown interests affected by the project proposals referenced by plot numbers and to set out what steps have been taken to obtain the appropriate Crown consent in principle or otherwise. **(applicant)**
82. In relation to the provisions of s135 of the Planning Act 2008 as amended can the applicant clarify and confirm how the foreshore crossing above

Mean Low Water mark at the landfall site in Worthing is addressed within the DCO and whether any of this land controlled by The Crown Estate?  
**(applicant)**

Section 127 to Section 132 of the Planning Act 2008 as amended

83. The applicant is requested to provide a schedule of affected statutory undertakers interests (s127) and Special Category Land interests (s131 and 132), referenced by plot numbers and indicating:

- details of the proposals in relation to those interests and a statement of the current position regarding any applications already made or to be made;
- suggested pro forma draft certificates.

**(applicant)**

### C. Development Consent Order

84. Does the publication by the Department for Communities and Local Government of new "Planning Act 2013: Guidance for the Examination of Applications for Development Consent" raise any new important and relevant issues in the examination of the application? **(applicant)**

85. Does the publication by the Department for Communities and Local Government of new "Planning Act 2013: Guidance on Associated Development Applications for major Infrastructure Projects" raise any new important and relevant issues in the examination of the application?  
**(applicant)**

86. Does the making of any recent National Infrastructure Development Consent Order raise any important and relevant issues for the examination of the application that are not otherwise covered by the questions on the DCO below? **(applicant)**

87. In Article 2, a definition of 'maintain' is given. In the MMO RR, 8.1 it is stated that the MMO does not agree with this definition and an alternative is provided. Will the applicant and the MMO give an update on this issue? Other parties may wish to comment. **(applicant, MMO, other parties)**

88. In Article 2, the 'Undertaker' is defined as 'E.ON and any person who has the benefit of the order..' Will the applicant clarify if this should include anyone whom the benefit has been transferred to under Article 7?  
**(applicant)**

89. In Article 7, 2(a) and 2(b), it is stated that the undertaker could transfer 'any or all of the benefits of the provisions', and 'grant another person ..any or all of the benefit of the provisions..'. The MMO in their RR, 8.2 state that it is not permissible to transfer partial benefits of the DML, ie that the DML may not be split. Will the applicant and the MMO give an update on this issue? **(applicant, MMO)**

90. Article 18 requires WSCC approval for access to works and many of the

requirements require approval from WSCC. In the Exploratory Memorandum, 6.1, it states that representatives of WSCC have suggested that WSCC would assume the role of lead council for discharge of requirements but that discussions were ongoing. Will the applicant give an update on this issue, and state if the requirements in the DCO need to be amended accordingly? Will WSCC clarify if they are willing to undertake this role? Will the other Local Authorities clarify if they are content with this arrangement? If not, could they suggest an alternative arrangement? **(applicant, WSCC, and other relevant LAs)**

91. Representations have been received questioning the adequacy of proposed mitigation measures during construction and operation. Will the applicant provide, in tabular format, a draft schedule of all environmental mitigation measures contained within the proposed application? This to include references from the application documents as to where each mitigation measure is referred to; and references from the draft DCO as to where the mitigation measures have been secured. In the Exploratory Memorandum there is often reference to a requirement being included to reflect the content of the ES or to ensure the development is restricted to that which has been assessed in the ES. Would the applicant demonstrate how this is achieved? **(applicant)**
92. Article 22 relates to temporary suspension of public access to Access Land. A direction from South Downs National Park Authority (SDNPA) under s.24, 25 or 26 of the Countryside Rights of Way Act 2000 is required to interfere with public access to Access Land. S.150 PA 2008 permits the inclusion in the DCO of a provision which effectively removes a requirement for a prescribed consent or authorisation to be granted if the relevant body has consented. The Infrastructure Planning (Miscellaneous Provisions) Regulations specifies that s.150 applies to the removal of a direction under the s.24, 25 or 26 the Countryside Rights of Way Act 2000. The Exploratory Memorandum states that SDNPA have consented. Would the applicant provide evidence of this agreement? Would SDNPA give their position on this? **(applicant, SDNPA)**
93. Article 33 seeks to permit the undertaker to acquire compulsory or acquire new rights or impose restrictive covenants over land belonging to statutory undertakers. Both Network Rail and National Grid Electricity Transmission PLC (NGET) object to the making of the order in its current form and suggest that their concerns could be dealt with by protective Provisions. Will the applicant provide an update on the progress regarding protective provisions or the submission of s127/s128 applications regarding Network Rail, National Grid and any other statutory undertakers affected? **(applicant)**
94. Article 40 – certification of plans does not include the ES although it is defined in Article 2 as the document certified by the decision maker for the purposes of this Order. Will the applicant explain this omission? **(applicant)**
95. Works 27 and 30 are both defined as landscaping works including planting. Should one of these be deleted? If not, would the applicant



explain in the Explanatory Memorandum why it is included twice?  
**(applicant)**

96. In the description of Works 3B and 32 at the end of point (g) it states '*and which fall within the scope of works assessed by the environmental statement*'. Would the applicant clarify if this should apply to all points (a) – (g) and if this should be amended? **(applicant)**
97. Requirement 17, Stages of authorised development onshore, states that written approval is required from WSCC. In the Explanatory Memorandum it is stated that '*It is not appropriate for this to relate to works beyond the jurisdiction of the relevant planning authority*'. Would the applicant provide clarification? **(applicant)**
98. In Schedule 13, Part 1, Details of licensed material are given. The MMO state that the dredging of the material requesting to be disposed of is also a licensable marine activity under section 66(1) of the MCAA and should therefore be listed. Would the applicant clarify this issue? The MMO may wish to comment. **(applicant, MMO)**
99. In Schedule 13, 2. -(1) (d), the MMO states that the disposal area is still required to be fully characterised, assessed and designated as a referenced disposal site. Would the applicant give an update in this regard? The MMO may wish to comment. **(applicant, MMO)**
100. In Schedule 13, Part 1, 2. -(3) (g), 'other chemicals' within the substances or articles authorised for deposit at sea. Would the applicant clarify 'other chemicals'? The MMO may wish to comment. **(applicant, MMO)**
101. In Schedule 13, Part 2, 5. -(5) it is stated that the MMO or MCA may inspect the works during construction and operation. Would the applicant clarify whether the MCA has these enforcement powers? The MMO and the MCA may wish to comment **(applicant, MMO, MCA)**
102. In Schedule 13, Part 2. 5. -8(b), would the applicant clarify why a timetable has not been included? **(applicant)**
103. In Schedule 13, Part 2, 5. -(10)(a), there is no information on when the Hydrographic Office should be notified. In 5. -(10)(b), there is no information on when the MMO, MCA and Trinity House should be notified. Would the applicant clarify these matters? The MMO, MCA and Trinity House may wish to comment **(applicant, MMO, MCA, Trinity House)**
104. In Schedule 13, Part 2, 6, concerning chemical, drilling and debris, the MMO request that an additional condition ensuring that any rock material used should be from a recognised source, be free from contamination and contain minimal fines. In addition, the MMO request that a condition be added to ensure that any rock lost or mislaid below MHWS is reported to the District Marine Office within 48 hours, and located and recovered. Would the applicant comment on whether these should be secured by conditions? The MMO may wish to comment. **(applicant, MMO)**

105. In Schedule 13, Part 2, 6-(4) the disposal of arisings is discussed. This disposal does not appear to have been assessed in the ES. Would the applicant either clarify if it has been assessed or state what actions are to be taken in this regard? **(applicant, MMO)**
106. In Schedule 13, Part 2, 8. concerning pre-construction plans and documentation, a time frame is not given for submission to and approval from the MMO. Would the applicant clarify this matter? The MMO may wish to comment **(applicant, MMO)**
107. Construction method statements are listed in Schedule 13, Part 2, 8. -(c). Does the MMO consider that these are sufficient? For example, disposal of dredged material has not been included. The applicant may wish to comment? **(MMO, applicant)**
108. In Schedule 13, Part 2, 12.-(1) concerning pre-construction monitoring a timeframe is not given for submission of details for written approval by MMO. Would the applicant clarify? The MMO may wish to comment. **(applicant, MMO)**
109. In Schedule 13, Part 2, 12 -(2), the pre-construction monitoring to be carried out is listed. Does the MMO consider this to be sufficient or if further monitoring should be carried out? The applicant may wish to comment? **(MMO, applicant)**
110. A benthic survey is described in Schedule 13, Part 2, 12 -2(b) to identify the location and extent of any benthic Annex 1 Habitats. Does the MMO consider that this is sufficient information or if further information should be collected? **(MMO)**
111. Construction monitoring is described in Schedule 13, Part 2, 13 where it is stated that measurements will be taken of the noise generated by the installation of the first four monopile foundations. As it has not yet been determined which foundation types will be used, should the noise generated by the installation of the first four of each discrete foundation type be monitored? Would the applicant provide clarification? The MMO may wish to comment? **(applicant, MMO)**
112. In Schedule 13, part 2, 14, -(2), details are given on post construction surveys. Does the MMO consider this to be sufficient or if further surveys or monitoring should be carried out? The applicant may wish to comment? **(MMO, applicant)**

#### **D: Effects during construction and operation**

113. The applicant refers to projects that have been included for cumulative assessment purposes. Will the applicant clarify what these projects are and whether the same projects been included for different topics. **(applicant)**
114. Will the applicant explain whether there is any further progress on

identifying the preferred port(s) for construction of the wind farm? What are the implications for the proposed application about the lack of certainty in this area? **(applicant)**

115. The applicant provides plans illustrating the proposed route of the cable corridor (Access to Works Plans 2.7). Will the applicant confirm that a 40m working width has been used for the purpose of the environmental assessment along the entire length of the proposed cable corridor? Will the applicant also confirm that the red line drawing in the plans corresponds to the 40m working width? The applicant refers to different working widths for different parts of the cable corridor. Will the applicant provide a set of plans which indicates what the proposed working width is for the different sections of the proposed cable corridor and the location of all proposed horizontal directional drilling sites? **(applicant)**
116. Will the applicant confirm proposals for the management and operation of horizontal directional drilling sites? This to include hours of operation, lighting, noise levels etc. Could the applicant also confirm how the baseline noise levels have been established? **(applicant)**
117. Will the applicant confirm whether there is any further progress on identifying the proposed route that will be taken to the cable corridor from those access points where the public highway, does not immediately abut the working width? **(applicant)**
118. Is there any further progress on identifying which locations are currently under consideration for the main compound and satellite compounds, during construction of the cable corridor? **(applicant)**
119. Will the applicant provide calculations substantiating the sizes of the proposed main compound and satellite compounds 150m x 100m for main / 50m x 50 m for satellites. **(applicant)**
120. Will the applicant provide clarity over proposals for the proposed compound sites? This to include hours of operation, lighting, noise levels, duration during which the compound will be in place etc. Could the applicant also confirm how the baseline noise levels have been established? **(applicant)**
121. What are Local Authorities views in relation to the side access identified by the applicant to access the cable corridor? **(LAs)**
122. What are Local Authorities views in relation to the road traffic implications of the side access identified by the applicant to access the cable corridor? **(LAs)**
123. What is the status of the Brighton Marina outer harbour application and what impact might this have on the proposed wind farm? **(LAs)**
124. What are the implications (if any) on the proposed wind farm project of the Shoreham Bio-Fuel Power Plant granted planning permission on 7 May 2013? **(LAs)**

125. A number of relevant representations have identified potential for environmental effects associated with construction including light pollution, noise, vibration, dust and mud on roads used for construction access. Similar issues might arise during any decommissioning. Is the information contained in the application sufficient for the Examining Authority to make an informed assessment? **(LAs, MMO, applicant)**
126. If it is accepted that there may be potential for such environmental effects are the mitigation measures provided for in the submitted draft DCO adequate to address these issues? **(LAs, MMO, , applicant, other interested IPs)**
127. Some relevant representations have identified potential landscape effects arising from the proposed construction of onshore routeing of cables and other works including construction of the proposed substation and grid connections at Bolney. Does the application information as submitted provide sufficient information regarding the detail of potential effects or should further information be sought during the examination or as a requirement included within the Order? **(LAs, MMO, applicant)**
128. Can it be demonstrated that adverse amenity and/or human health effects are likely to arise in relation to properties and the occupiers of properties directly affected by or living in the vicinity of any onshore works related to the proposed project, including the proposed Bolney sub-station and the proposed highway access thereto? What evidence is available to support any argument to this effect? Are there any potential for likely effects upon human health arising from environmental effects, operational electro-magnetic field effects, construction-related or operational pollution etc? If so please explain the areas of potential concern, whether these potential issues are capable of mitigation and whether the submitted draft DCO makes adequate provision for such mitigation. **(LAs, MMO, applicant)**
129. What are the likely effects of project-related lighting onshore and offshore at all stages of the proposed project? What requirements or control measures would need to be applied to lighting in the event that the Order was to be granted? **(MCA, Trinity House, MoD, LAs, MMO, NE.)**
130. Can the applicant clarify what is the anticipated operational life of the proposed Rampion OWF, the proposed cabling network and the proposed Bolney sub-station and grid connection? Can the applicant provide a summary schedule of the anticipated lifespan of the principal elements to be constructed and when these may need to be replaced? Can the applicant also confirm that any impacts associated with these elements of operational maintenance are fully considered in the submitted ES? **(applicant)**
131. Can the applicant explain what is proposed in relation to decommissioning of the proposed OWF, cabling network and sub-station at the end of the generating station's operational life? Can the applicant

also confirm that a separate environmental statement and consenting process outside the scope of the current application will be required for any decommissioning works proposed? **(applicant)**

132. Do any interested parties wish to comment on potential issues related to decommissioning and how decommissioning is addressed in the submitted draft DCO/DML? **(MMO and other interested IPs)**

### **E. Fishing and Fisheries**

133. Commercial fisheries baseline assessment: Can the parties concerned with fish stocks confirm whether the description of the commercial fisheries baseline set out in section 18.4 of the ES and the applicant's assumption at paragraph 18.5.1 of the ES are both reasonable? This includes the assertion at 18.5.1 that: *due to the uncertainties involved in predicting future fishing patterns, it is taken that the current baseline represents the worst realistic case in terms of the levels of fishing activity within the project site, i.e. it has been assumed that there will not be a substantial increase in activity in the absence of the Rampion project*. **(Sussex IFCA, MMO, fishermen and fishermen's representatives)**
134. Commercial fisheries impact assessment: Can the applicant confirm that the worst case described in Table 18.6 is what has been assessed for commercial fisheries impact assessment? **(applicant)**
135. Commercial fisheries impact assessment: A number of assumptions have been made throughout the assessment in relation to commercial fishing operations, including those at paragraphs 18.5.41, 18.5.44, 18.5.64, 18.5.69, 18.5.70, 18.5.79 and 18.8.9 of the applicant's Environmental Statement. Can the Sussex IFCA, MMO and other parties interested in commercial fishing and fish stocks and biodiversity comment as to whether these assumptions are all reasonable or whether any different assumptions should be considered in order to arrive at a robust assessment of the likely implications of the proposed project for stocks of commercial fish species? **(Sussex IFCA, MMO, other interested IPs)**
136. It is unclear whether the assessment has considered rock armour and matting for cable protection as the potential impacts during operation appear to relate to the presence of wind turbines rather than cables. Can the applicant clarify the potential impacts on biodiversity, fish stocks (including commercial fish stocks) and commercial fishing:
- if rock armour/matting be required where the cable cannot be buried and
  - how any adverse effects on biodiversity, fish stocks and commercial fishing anticipated can be mitigated?
- (applicant, other interested IPs).**
137. Paragraph 18.5.57 of the ES states that the maximum number of the largest piles is expected to be 90, with individual piling events each lasting 2 hours. Can the applicant demonstrate that this is the worst case? For example, if a larger number of smaller piles were to be used how would that change the assessment in relation to effects upon biodiversity

and ecological aspects, including fish, shellfish and marine mammals?  
**(applicant)**

138. The ES fishing assessment has considered vessels and landings from within the applications site and in the surrounding area of ICES triangle 30E9. The proposed development is very close to ICES triangle 30F0 but the assessment does not appear to have considered any potential for displacement of fishing activity into this triangle, together with any associated effects. Table 18.1 indicates that *'displacement of fishing activity is assessed as part of the loss of fishing grounds in this assessment'*. Can the applicant indicate where the ExA can find evidence of this within the submitted ES or otherwise clarify the position?  
**(applicant)**
139. The cumulative impact assessment (CIA) has been undertaken to assess the impacts of offshore wind farms in both UK and French waters (see Table 18.10). The ExA is unclear as to the content of Table 18.10, in that it appears to be unclear whether that table shows the expected impact of a certain wind farm upon a certain fishery type or whether the table shows the predicted cumulative impact. In addition, the table identifies a moderate impact on Belgian beam trawl fishery from a number of wind farms including Thanet, Galloper, East Anglia and Irish Sea Round 3 in the UK, yet paragraph 18.8.7 states that the contribution of Rampion to impacts on Belgian fishing grounds is negligible. The cumulative impact of all assessed wind farms does not appear to be evident from the table or any other part of the documentation. Can the applicant clarify?  
**(applicant)**
140. Can the applicant confirm the contribution of the proposed England-France interconnector to the cumulative assessment and include that information within any revised table submitted in response to the above question regarding ES Table 18.10? **(applicant)**
141. Can MMO confirm the latest position regarding the designation of Marine Conservation Zones in locations that may be relevant to the examination of the Rampion project? Is it likely that there will be fishing exclusions within these zones and is it likely that there would be any biodiversity or ecological interactions between marine life and ornithology in the zones to be designated in the Rampion project area? If so what are they and how significant are they? Do the applicant's ES and habitats assessment capture the relevant considerations in relation to the potential MCZs?  
**(MMO, other interested IPs)**
142. The statement made at paragraph 18.5.59 of the ES 'that 50m safety zones around infrastructure may apply' appears to contradict Section 18.2 of Appendix 14.1 which states that operational safety zones will not be employed. In addition, it is noted that at present the submitted draft DCO does not contain provision for safety zones. Will the applicant clarify the position? **(applicant)**
143. Table 18.11 of the ES indicates that there are limited mitigation measures proposed in relation to commercial fishing effects. Table 18.2, however,

states that: *“appropriate and feasible mitigation measures are to be discussed and agreed for the construction and operational phases with fishermen’s representatives”*. Do interested parties agree that seasonal piling restrictions referred to in earlier questions are sufficient to mitigate any impacts on the fishery in and around the offshore project area?**(applicant, other interested IPs)**

144. Paragraph 18.5.58 of the ES suggests that: *“It is possible that for certain of the local vessels there could be a significant impact [as a result of noise impacts to species] and as such, potential mitigation options are being explored”*. No further information is provided. Can the applicant clarify what these mitigation options are and how they are being accommodated within the DCO/DML? **(applicant)**
145. ES paragraph 18.5.61 states: *‘in the event that seabed rectification procedures are required, and where practically feasible, the appropriate measures will be undertaken to ensure that the seabed is returned to a condition whereby fishing can resume’*. No information is provided regarding the ‘appropriate measures’ and it is unclear how these would be secured within the mitigation provisions of the DCO/DML. Will the applicant clarify? **(applicant)**
146. ES paragraph 18.6.5 refers to ‘Fisheries Engagement Plan’ which will set out the protocol for engagement with fishermen throughout the construction and operational phases. There appears to be no reference to such a plan within the DCO/DML. Can the applicant please clarify and submit a copy of this plan to the examination if available? **(applicant)**

## **F: Landscape / Seascape / Visual and Heritage**

147. NPS EN-1 (para 5.9.9) asserts that where Development Consent is sought in National Parks that the existence of exceptional circumstances should be demonstrated. How does the current proposal meet the criteria set out in the ‘duties on relevant authorities to have regard to the purposes of National Parks?’ **(applicant)**
148. What good principles of design and of access is the Design and Access Statement intended to espouse for the design of the Windfarm and the Onshore Substation? **(applicant)**
149. Should there be independent professional design review of the design of the Offshore Wind Farm, the Onshore Substation and/or other aspects of the development, in accordance with NPS EN-1 paragraph 4.5.5? **(applicant)**
150. Will the applicant provide the detailed route of the cable corridor through Brooklands Pleasure Park, indicating what the impact will be on the existing uses of the Pleasure Park? What proposals are there for replacement facilities that would be affected by the proposal? How is it proposed that they should be secured? What is the timescale for replacement of these facilities? **(applicant)**

151. Will the applicant clarify proposals in relation to the construction of the substation site; including temporary fencing, lighting, hours of operation, noise levels. This to include detail of proposed mitigation measures during the proposed construction of the substation site and thereafter during operation. **(applicant)**
152. What criteria were used to decide which would be 'sensitive receptors' (Section 26.3 of ES)? **(applicant)**
153. What are the proposals for construction lighting of the cable corridor during the winter months and in bad weather? **(applicant)**
154. Are parties in agreement with the SLVIA and LVIA viewpoints and summary of effects provided by the applicant? **(applicant, relevant LAs, IPs)**
155. Are parties in agreement that by year 15 there will be no change on landscape resources and character? **(applicant, relevant LAs, IPs)**
156. Are Parties in agreement that by year 15 there will be no change from visual receptors within the 6 character sections? **(applicant, relevant LAs, IPs)**
157. In relation to the content of the applicant's Environmental Statement in respect of landscape and visual effects and design:
- are there any concerns regarding the methodology employed by the applicant, and
  - is there any evidence that the photo-montages and wireframe images included in the ES do not provide a reasonably accurate impression of the landscape and visual impact as the proposed project would be viewed from the principal significantly affected locations? **(relevant LAs, NE, EH, applicant.)**
158. Would the proposed development, when considered in isolation or in combination with other existing, under-construction and planned developments, result in any significant adverse effects upon achievement of the statutory objectives for the South Downs National Park or other relevant landscape/seascape, visual or design policy objectives, including those related to the Sussex Heritage Coast
- If so, would any of these impacts be so adverse following any proposed mitigation as to justify refusal of the proposed development? What reasoning or evidence is available to support any argument put forward in response to this question? (SDNPA, LAs, NE, EH, South Downs Society, applicant.)
159. In the applicant's Environmental Statement the 'worst case' assessment in terms of visual impact of the offshore wind farm is based upon the largest number of smaller wind turbines rather than a smaller number of taller and larger turbines. Is the logic of this approach accepted? If not why not and what evidence is available to support the argument put forward? **(relevant LAs, NE, EH, South Downs Society, applicant.)**



**160.** What mitigation of any identified adverse landscape/seascape and visual effects of the proposed project would be practicable? Does the submitted draft Development Consent Order/Deemed Marine Licence provide adequately for appropriate visual and landscape impact mitigation measures? **(relevant, LAs, NE, EH, South Downs Society, applicant. )**

**161.** In addition to unaccompanied site inspections, the ExA is considering a site inspection on 25 and 26 September 2013, in the company of any Interested parties who wish to attend, of some of the following locations:

- A 259 / Landfall / Brooklands Pleasure Park
- Tottington Mount (on the proposed onshore cable corridor)
- A27 Sompting By Pass (crossing with the proposed on shore cable corridor)
- Horizontal directional drilling site (crossing of the proposed on shore cable corridor with the railway line (south of A27)
- Horizontal directional drilling site of River Adur / A283 (crossing of the proposed onshore cable corridor)
- A23 junction with Wineham Lane
- Bolney Substation, Bob Lane and Wineham Lane (proposed Onshore Substation Station location)
- Heritage Coast
- Peacehaven Heights

Do Parties have a view on which of these locations are the priorities for the ExA to inspect and/or do they suggest additional locations for this inspection in the company of Interested parties or for other unaccompanied site inspections by the ExA? **(IPs, applicant)**

#### Heritage and built environment

**162.** Is the data used as a basis for the Environmental Statement and assessment of heritage and built environment effects robust? Are any other data needed in order for the ExA to come to an informed view of the likely effects of the proposed Rampion OWF project on heritage assets and the built environment? **(English Heritage, MMO, National Trust, relevant LAs, applicant)**

**163.** What are the potential effects of the proposed development on heritage assets located within or near the development site (or where the proposed project would be visible within the setting of any heritage asset) including assets of marine archaeological interest, listed buildings, historic landscapes and gardens, ancient monuments etc? **(English Heritage, MMO, National Trust, relevant LAs, applicant)**

**164.** Does the submitted draft Development Consent Order/Deemed Marine Licence wording provide satisfactory safeguards and/or provision for adequate mitigation of any potential negative effects on heritage assets including marine archaeology and ancient monuments? **(English Heritage, MMO, National Trust, applicant)**

**165.** Are any other consents required in relation to marine archaeology before the development could be implemented? If so what they are they and what progress has been made? Are there any other outstanding heritage and built environment matters that should be considered in relation to the Development Consent Order application and as part of this examination? **(English Heritage, MMO, National Trust, applicant)**

## **G: Marine and Coastal Processes**

**166.** What are likely to be the effects of the various stages of the proposed project upon the charted depth of the sea, including effects arising from rock and sediment dumping, installation of rock mattresses and other cable protection measures etc and how significant would they be? **(The applicant, EA, MMO and the relevant coastal LAs.)**

**167.** What are likely to be the effects of the various stages of the proposed project upon tidal flows, wave heights and sediment dynamics including erosion, transport and deposition and how significant would they be? **(The applicant, EA, MMO and the relevant coastal LAs.)**

**168.** What are likely to be the effects of the various stages of the proposed project on local climate, for example as a result of any reduction in wind and wave energy, and how significant would they be? **(The applicant, EA, MMO and the relevant coastal LAs.)**

**169.** What effects could be anticipated on flooding and/or coastal protection as a result of the various stages of the proposed project and how significant would they be? **(The applicant, EA, MMO and the relevant coastal LAs.)**

**170.** We have received a relevant representation suggesting possible direct and/or indirect benefits arising from reductions in coastal erosion due to the construction of the Rampion OWF. Can the applicant, relevant coastal LAs and the EA provide relevant commentary or quantitative information regarding the nature and scale of any direct or indirect benefits or disbenefits resulting from reduction in wave heights and coastal erosion, including any implications for the public purse, e.g. in relation to coastal defence works, together with any implications for private and public property along the shoreline as a result of changes in coastal processes? **(The applicant, EA, MMO and relevant coastal LAs.)**

## **H: Navigation and Risk**

**171.** Can the applicant clarify whether the description of the offshore area in the ES incorporates baseline information concerning the cable corridor or is solely related to the area where the wind turbines will be located? On which basis has the assessment been undertaken? **(applicant)**

**172.** It is clear that the applicant held a pre-application stakeholder consultation in the form of a Hazard Review Workshop in Brighton involving a number of shipping and navigation bodies. Can the applicant and relevant shipping and navigation parties confirm that the ES shipping and navigation

assessment methodology was agreed with relevant bodies during the pre-application stage prior to completion and submission of the Rampion application including the ES? **(applicant, other interested IPs)**

**173.** Does the AIS track information included with the application documents provide an adequate representation of movements for non-AIS vessels, including fishing vessels and recreational craft? If not, why is this data inadequate? What differences in the pattern of vessel movements would have been revealed had non-AIS data been made available? **(MCA, Sussex IFCA, MMO, applicant)**

**174.** The site of the proposed development lies close to the busy designated English Channel Traffic Separation Scheme and within an Inshore Traffic Zone. It also directly affects or lies close to anchorage/holding areas and approach routes or channels leading to the commercial ports of Shoreham and Newhaven together with some smaller harbours used primarily by fishing and recreational vessels. Can it be demonstrated that the proposed development (considered in isolation or in combination with other existing, under-construction and planned developments) is likely to create any significant adverse effects upon:

- ports,
- navigation and
- search and rescue operations?

If so, should any specific mitigation measures be required in addition to those already proposed within the submitted draft Development Consent Order? Is any more specific information or assessment required in relation to the effects of the project upon the safety of vessels anchoring beyond the exit of the English Channel TSS? **(Chamber of Shipping, MCA, Trinity House, MoD, Shoreham and Newhaven Port Authorities; RYA; Cruising Club; Fishermen's Associations and Fishermen who are registered as IPs, applicant.)**

**175.** Shoreham Port – In its relevant representation Shoreham Port Authority has queried the accuracy of the ES shipping and navigation assessment, in particular whether *'Shoreham Port has been considered as a major or minor port or whether the anchorages are for small or large ships. Without this information we are unable to agree the veracity of the NRA (Navigation Risk Assessment) in particular the finding in Table 14.8 that the Residual Effect of "the physical presence of the wind farm structures may reduce access to local ports" is found to be Major/Moderate. If Shoreham is considered a major port (which it is) the sensitivity becomes high (not medium) and the residual effect becomes major'*. In addition, the Port Authority considers that the option to move CS1 buoy has not been sufficiently evaluated.

What additional information or assessment can the applicant provide and what comments or relevant information can the other shipping and navigation parties provide that would provide the ExA with further illumination on these specific topics? **(applicant, other interested IPs)**

**176.** The Shoreham Port Authority relevant representation states that the Navigational Risk Assessment methodology 'shows that the outputs from

this process will include an ALARP (As Low As Reasonably Practicable) Statement. Can the applicant provide the ALARP Statement to enable assessment of this element underpinning the NRA and to permit comments by other parties to the examination? **(applicant)**

- 177.** With regard to the export cable, the Shoreham Port Authority relevant representation states that: *'appropriate burial within 3 miles of the entrance to Shoreham Port will have to be much greater than 3-4m and regular survey and maintenance would also be necessary'*. Condition 8(g) of the DML provides that a cable specification and installation plan be submitted to and approved by the MMO and that cable burial depth be in accordance with industry good practice. It is unclear whether this provision relies on any particular published and officially recognised guidance. The relevant representation goes on to suggest that: *'a more effective mitigation would be to move the eastern edge of the cable route area further to the west so that it is at least 3 miles clear of the entrance to the port'*. Can Shoreham Port Authority provide information to substantiate the points contained within its relevant representation? Can the applicant confirm what process is to be undertaken to determine the final offshore cable route and what consultation will be undertaken? Do any other relevant shipping and navigation parties wish to comment regarding this topic? **(applicant, Shoreham Port Authority, other interested IPs)**.
- 178.** The ES identifies a number of residual shipping and navigation effects at moderate and moderate/major level which will not be mitigated further. For example, increase steaming time for vessels which could affect vessels meeting schedules, increase fuel cost and missing tides at ports. Do any shipping and navigation parties wish to comment regarding this aspect of the Rampion ES assessment? **(interested IPs)**.
- 179.** Do the terms of the submitted draft DCO (including the draft DML) adequately address any navigation issues, including any outstanding issues relating to temporary or permanent extinguishment of navigation rights, lighting installations and other navigation-related matters? If not please explain in detail the justification for any concerns raised. **(MCA, other interested IPs)**.
- 180.** The applicant is requested to provide evidence (including confirmation from the MCA) that relevant bodies responsible for, or involved with, Search and Rescue operations are not concerned regarding the potential in-isolation or in-combination effects of the proposed development in relation to search and rescue operations. **(MCA, MoD, applicant)**
- 181.** Is there any evidence that the proposed development, when considered in isolation or in combination with other existing, under-construction or planned developments, is likely to result in any significant adverse effects on navigation, ports and harbours or search and rescue operations that would justify refusal of the application? **(MCA, MoD, MMO, other interested IPs)**
- 182.** Does the proposed project present any specific or particular navigational, safety or other risks to smaller vessels (such as leisure or fishing craft)? If

so, please provide detailed explanation regarding any risks identified. Should any mitigation measures be considered that are not currently set out within the submitted draft DCO/DML or are the provisions adequate in their proposed form to mitigate foreseeable risks? **(RYA, Cruising Club, IFCA, Fishermen's organisations and fishermen registered as IPs)**

**183.** Cumulative impacts – Cumulative impacts have been considered within the ES at section 14.10. The following projects have been identified:

- Navitus Bay OWF (>50nm);
- Offshore wind farms off the coast of northern France (i.e. Treport, Fecamp and Courseulles-Sur-Mer);
- Aggregate extraction areas: 453 and 488 (c5nm NW of the Rampion site, both proposals at application stage) and area 499 at pre-application stage.

Can the applicant confirm that the areas selected for the cumulative assessment were agreed with the relevant shipping and navigation bodies? Can the relevant bodies confirm that they are content with the scope of the cumulative assessment or, if not, can they identify any other sites that should be included in the shipping and navigation cumulative assessment? **(applicant, MCA, Trinity House, MoD, MMO, other interested IPs)**

**184.** Mitigation and monitoring – Proposed shipping and navigation effect mitigation measures are identified in ES Section 14.8 and are summarised in Table 14.8. Paragraph 14.8.1 states that "*specific measures to be employed will be agreed in consultation with the MCA Safety Branch, Trinity House Lighthouse Services and other relevant statutory stakeholders where required*". How does the applicant propose that these points be incorporated into the DCO/DML? Do any of the shipping and navigation parties wish to comment regarding mitigation or provide relevant **MCA, Trinity House, other interested IPs, applicant)**

**185.** ERCoP and ASMS – The ES identified the need for an Emergency Response Cooperation Plan (ERCoP) and an Active Safety Management System (ASMS), both of which are detailed in Requirement 7 of the submitted draft DCO. The DCO states that the ASMS will "*take account of safety and mitigation measures as referred to in the navigation risk assessment in the environmental statement*" (Requirement 7(2)). Can the applicant provide copies of the draft ERCoP and ASMS or an indication of the timescale for their preparation? Can applicant provide written evidence that the arrangements to be set out within these documents are likely to be acceptable to the relevant statutory bodies? **(MCA, applicant, other interested IPs )**

**186.** It is noted that Appendix 14.1 Table 5.1 records that during the pre-application stage Hanson Aggregates Marine Ltd (of pre-application dredge site Area 499) highlighted '*the need for 2km east to west buffers and 500m north to south buffers around aggregate extraction licenses, until such time as the aggregate resource has been extracted and the area is suitable for handing back*'. With this in mind:

- can the applicant provide evidence of a written agreement with Hanson Aggregates regarding buffer zones and how these are to be secured and

- operated? **(applicant)**
- Alternatively, if this is not possible, can the applicant explain why not and how it is proposed to address this matter? **(applicant)**
- Do any other shipping and navigation parties wish to comment on this topic? **(other interested IPs)**

**187.** ES paragraph 14.9.46 indicates that: *“consideration will be given to the installation of fenders/bollards on the wind farm structures in order to mitigate low speed collisions”*. These measures do not appear to have been taken into account in the assessment. Can the applicant clarify the position and whether/how it is proposed to make provision for this safety mitigation within the DCO/DML? **(applicant)** Do any other parties wish to comment on this matter? **(other interested IPs)**

**188.** Other mitigation proposed – In relation to shipping and navigation effects the ES has proposed measures including the promulgation of information during construction, marking on maps and adherence to lighting requirements. Can the applicant confirm how and where these mitigation provisions are included within the DCO/DML? **(applicant)** Do other parties wish to comment on these mitigation aspects? **(other interested IPs)**

## **I: Socio-Economic**

**189.** Representations have been received suggesting establishment of a local share offer / community ownership of a turbine in the array through a community energy scheme. What is the applicant’s response to this proposal? **(applicant)**

**190.** What consideration has been given by the applicant to the timing of landfall works in the overall programme to avoid peak tourist season? **(applicant)**

**191.** Is the assessment of socio-economic impacts in the region and at potential ports for the construction and for Operation and Maintenance adequate for the purposes of issuing a DCO **(relevant LAs)**

**192.** Representations have been received indicating that the potential regeneration opportunities brought by the proposal will be an important boost to parts of the local economy. How will these potential benefits be achieved and retained in the local economy, and how does the DCO secure this? **(applicant, relevant LAs)**

**193.** What socio-economic benefits will accrue to communities affected by the route of the connection and how will these be put into effect? **(applicant, relevant LAs)**

**194.** Is a s106 agreement in draft to address any of the issues raised in relation to the socioeconomic impacts of the development? **(applicant, relevant LAs)**

**195.** What are the best sources of evidence and estimates for the numbers, sizes and types of companies and numbers of individuals and households

that might be affected by the project when assessed in isolation or in combination with other developments? Are these the sources used in the applicants' Environmental Statement? **(relevant LAs, Sussex ICFA, Port Authorities, Chamber of Shipping, National Trust, applicant)**

**196.** Is the data included within the application regarding socio-economic effects (when considered in isolation and in combination with other existing, under-construction and planned developments) sufficient to enable the examining authority to come to an informed view regarding the likely socio-economic effects of the proposed Rampion OWF development? If not what gaps and weaknesses have been identified, what additional information may be required and what is the justification for the view expressed? **(relevant LAs, Sussex ICFA, Port Authorities, Chamber of Shipping, National Trust, applicant)**

**197.** What are the scales and types of likely socio-economic effects likely to arise from the Rampion OWF proposal when considered in isolation and in combination with other existing, under-construction and planned developments? Are any of them likely to be significant and, if so, are they likely to be positive or negative? **(LAs, Sussex ICFA, Port Authorities, Chamber of Shipping, National Trust, applicant)**

**198.** What are likely to be the socio-economic effects on relevant ports and harbours including the Ports of Shoreham and Newhaven? **(LAs, Sussex ICFA, Port Authorities, Chamber of Shipping, National Trust, applicant)**

**199.** What is the likely level and significance of any negative or positive impact on incomes and on the wider economy, including:

- any changes in the incomes of fishing-related businesses and their employees
- any changes in the personal incomes of individuals and households reliant in whole or in part upon income from fishing
- any changes to the wider economy of the areas affected.

**(Sussex ICFA, fishermen's organisations and fishermen registered as interested parties, relevant LAs, applicant)**

**200.** How significant might be any effects upon tourism and what might be the effects, if any on the wider economy in the areas that are most reliant on income generated from visitors? **(relevant LAs, National Trust, RYA, applicant)**

**201.** Are there likely to be any effects upon tourism and the marine economy related to recreational sailing and other marine uses? What evidence is available regarding the likely types and scales of such effects? **(LAs, National Trust, RYA, Cruising Club, applicant)**

**202.** What mitigation can be applied to restrict or offset any negative socio-economic effects and does the submitted draft DCO and DML make adequate provision for it? Is there any need for a development agreement to ensure adequate mitigation? **(Relevant LAs, applicant, other interested IPs)**

- 203.** Are any identified negative socio-economic effects of the proposed development (when considered in isolation or in combination with other developments) so significant and adverse after any mitigation proposed by the applicant as to justify refusal of the application? If so, for what reasons and what evidence is available to support that view? **(All relevant parties, LAs, applicant)**
- 204.** Can the applicant confirm what financial or commercial mitigation/compensation agreements have been reached with fishermen whose businesses are likely to be affected adversely by the project directly, e.g. as a result of loss of fishing grounds, or indirectly, e.g. as a result of displacement of fishing activity? Do any agreements that have been reached or are being discussed follow the principles set out in the FLOWW convention? If not can the applicant explain why not and what principles are being followed in any alternative approach being taken? Do any other parties concerned with fishing wish to comment regarding this aspect? **(applicant, Sussex IFCA, MMO, Fishermen's organisations or fishermen registered as interested parties)**

## **J: Transport and Traffic**

- 205.** Representations have been received concerning the impact of additional traffic generated during the proposed cable construction period. How has the applicant addressed these concerns? **(applicant)**
- 206.** How has the evidence to suggest that private construction workers will car share, been established? **(applicant)**
- 207.** How has the evidence to suggest that the majority of deliveries of construction goods will come via the A27 east of Shoreham, been established? **(applicant)**
- 208.** Can the applicant clarify what vehicle movements are associated with each section of the cable corridor and the capacity of the existing road network to accommodate these proposed vehicle movements? **(applicant)**
- 209.** Concerns have been raised about the impact on traffic and pedestrian use of roads and footpaths. Are the mitigation measures proposed for road and footpath users adequate? If not what mitigation measures would satisfy your concerns? **(relevant LAs, Ramblers' Association, BHS, applicant)**
- 210.** Are the mitigation measures included in the Outline Access Management Scheme, Traffic Management Plan and Travel Plan adequate for the purposes of the construction period of both the infrastructure grid connection developments, the construction and delivery of wind farm equipment and the servicing of the wind farm during its operation and decommissioning? Should these Schemes and Plans be included in the DCO? **(applicant, relevant LAs, Ramblers' Association, BHS)**
- 211.** A series of diversions are proposed to rights of way during the cable-laying period. Are the proposals sufficient to compensate for the disruption



during this period and will the management of these arrangements be adequate? **(relevant LAs, Ramblers' Association, BHS, applicant)**

**212.** Is the submitted data adequate in relation to the likely effects of the project when assessed in isolation or in combination with other developments upon traffic congestion, highway safety and rights of way? If not why not and what additional information should be sought? **(LAs, Ramblers' Association, BHS, applicant.)**

**213.** It has been suggested in some of the relevant representations that there is likely to be potential for a disruptive effect upon highways from proposed onshore cable-laying construction activity, for example upon:

- access to Worthing via the A259 and A27;
- access to businesses (including those on industrial estates) if the Western Road in Lancing is closed to provide access for project construction traffic or if other traffic management or constraint measures are applied;
- highways around or close to the Bolney sub-station that would be used for construction and operational access.

Are any of the traffic and transportation effects of the proposals likely to be so adverse as to justify refusal of the application? If so what are they and what evidence is available to support that argument? **(LAs, applicant)**

**214.** Given the likely effects of any construction, operational and decommissioning traffic that would be generated by the project if progressed, what mitigation should be included in the DCO and does the current content of the Order provide for adequate mitigation of any negative effects identified. If not what additional or different provision should be made? What justification or evidence is put forward to support the views expressed? **(relevant LAs, applicant)**

**215.** The application documentation has identified the possible need for temporary or permanent highway or rights-of-way diversions or closures in order to accommodate the proposed development, including its construction and operation. Is the data available and the approach taken sufficient to enable an informed assessment by the ExA and are the proposals satisfactory in their current form? If not, why not - and what evidence can be provided to support that view? **(LAs, relevant Parish Councils, Ramblers' Association, BHS, applicant)**

## **Statements of Common Ground (SoCGs)**

The Examining Authority will be assisted by the preparation of Statements of Common Ground (SoCGs). These are written statements prepared jointly by the applicant and other relevant parties and submitted to the examination by the applicant. The purpose is to agree factual information that should identify where there is agreement and where there is disagreement; highlighting the key outstanding issues.

SoCGs are usually between the applicant and other relevant parties. Other persons who may have a clear interest but no strong view can also be involved in their

preparation. This ensures that they are consulted on emerging common ground between parties whose disagreement might affect their interest.

Parties are encouraged to consider the potential clarity that may be provided by a multi-party statement in relation to each topic. However, it is recognised that bi-party statements may also be of value.

## **A. BIODIVERSITY, BIOLOGICAL ENVIRONMENT & ECOLOGY**

**The applicant, Marine Management Organisation (MMO), Environment Agency (EA), Natural England (NE), Joint Nature Conservation Committee (JNCC), Royal Society for the Protection of Birds (RSPB), Sussex Inshore Fisheries and Conservation Authority (IFCA), relevant local authorities (LAs), Sussex Ornithological Society**

Including effects on fish and shellfish stocks and onshore and offshore ornithology including:

- Effects of project construction, operation and decommissioning upon the sea bed and water column environment
- Effects on fish and shellfish stocks, including for example effects on habitats, food supplies, breeding, migration, life cycle and life span and mortality rates etc
- Effects of electro-magnetic field (EMF) and of thermal radiation on terrestrial and marine life arising from any aspect of the proposed project
- Effects of project construction, operation and decommissioning on onshore and offshore ornithology.

## **B. COMPULSORY POWERS – ONSHORE POWERS.**

**The applicant, relevant local authorities (LAs), EA**

Including independently from any planning case relating to NPS policy:

- Whether the full extent of the proposed cable corridor land acquisition (and the full extent of all other onshore plots) is required for the proposed works
- Other compulsory powers on streets and to make temporary use of land
- Relationship of the development to schemes permitted by other planning permissions.

## **C. COMPULSORY POWERS – STATUTORY UNDERTAKERS' LAND/APPARATUS**

**The applicant, relevant Statutory Undertakers (including National Grid and Network Rail Infrastructure Limited and Southern Water), relevant Port Authorities**

Including:



- Whether and what any statutory undertakers land may be acquired/apparatus removed in view of the provisions of s127 and s138 of the Planning Act 2008.

#### **D. CONSTRUCTION, OPERATION AND HUMAN HEALTH**

**The applicant, Public Health England, MMO, EA, relevant local authorities, Southern Water, Royal Yachting Association (RYA)**

Construction, Operation and Human Health effects including:

- The appropriateness of the cable route corridor
- Any implications for drainage and water supply and whether are positive or negative
- Implications of substation site, construction and operation
- Onshore and offshore noise and vibration effects and their mitigation
- Working hours
- Noise and Vibration- degree of potential impact and mitigation required
- Air quality - degree of potential impact and mitigation required
- Health and safety of offshore construction and operational personnel
- The effect of electro-magnetic fields on human receptors
- Related land contamination impacts.
- Draft DCO provisions agreed / not agreed and reasons for this.

#### **E. HABITATS REGULATIONS ASSESSMENT**

**The applicant, NE, MMO, RSPB, Joint Nature Conservation Committee (JNCC), Sussex Ornithological Society; Sussex Inshore Fisheries and Conservation Authority; Southern Water**

Including effects upon ecology and habitats:

- Agreement of data and methodologies
- Agreement of effects on migratory and non-migratory birds including onshore and offshore habitats, food supply, movement, displacement, breeding and mortality rates.
- Effects on protected species and sites/areas both onshore and offshore, including European Sites and sites/areas designated by the UK Government or by local authorities.
- Whether it is considered that an Appropriate Assessment is required
- Position in relation to any other consents relevant eg Protected Species

Licenses

## **F. HERITAGE AND BUILT ENVIRONMENT**

**The applicant, English Heritage (EH), relevant local authorities (LAs), MMO, National Trust**

Heritage and built environment effects including:

- Effects upon Ancient Monuments(AM), Listed Buildings(LB) and other protected heritage assets
- Archaeological effects, including buried archaeological remains on and adjoining the site of the proposed offshore and onshore works
- Effects upon the setting of AMs, LBs and other protected heritage assets.

## **G. LANDSCAPE/ SEASCAPE, VISUAL IMPACTS AND DESIGN**

**The applicant, NE, EH, relevant local authorities (LAs), Twineham Parish Council**

The effects of the development on the landscape, effects on the South Downs National Park and Heritage Coast and proposed mitigation including:

- Substation site selection and impact on local amenity
- The effect of horizontal directional drilling (HDD) and trenching on protected and veteran trees and hedgerows
- Visual impact of the Bolney substation including design and building heights
- Effects of onshore lighting during construction.
- Effects of drilling beneath the River Adur
- The adequacy of the DCO for the design and phasing of the construction and operation of the wind farm and associated development
- Effects in relation to the statutory designation objectives and purposes of the South Downs National Park.

## **H. MARINE AND COASTAL PROCESSES**

**The applicant, MMO, EA, relevant local authorities (LAs), NE**

**Effects on marine and coastal processes including:**

- Effects on charted depth, including effects arising from rock and sediment dumping
- Effects on tidal flows, wave heights and deposition/erosion/sedimentary dynamics
- Effects on local climate e.g. as a result of reduction in wind/wave energy
- Effects on flooding and/or coastal protection.
- Potential economic benefits/disbenefits in terms of safeguarded or damaged coastal infrastructure and property

## **I. NAVIGATION AND RISK**

**The applicant, Maritime and Coastguard Agency (MCA), Shoreham Port Authority, Newhaven Port Authority, Chamber of Shipping, Trinity House, Royal Yachting Association (RYA), Sussex Inshore Fisheries and Conservation Authority (IFCA), Southern Water**

**Effects on navigation, maritime safety and related risks including:**

- Effects upon navigation given the project's proximity to shipping lanes/channels, harbours and anchorage/holding areas,
- Effects on local ports
- Effects on existing cables and pipelines
- Effects on marine traffic routeing
- Effects on drifting Ship Collision risks and mitigation, including salvage and tug assistance
- Effects on Safety Zones, Active Safety Management System and Emergency Response Coordination Plan (ERCOP)
- Effects on Search and Rescue

## **J. SOCIO-ECONOMIC EFFECTS**

**The applicant, relevant local authorities (LAs), Port Authorities, IFCA, Fishermen's associations, commercial fisheries, MMO, RYA**

**Socio-economic effects, including effects on ports and harbours, tourism, fishing and displacement of fishing activity including:**

- Adequacy of the socio-economic impact assessment methodology and data
- Effects on ports and harbours including Shoreham and Newhaven Ports
- Effects on fishing businesses and fishing communities
- Effects on main tourist centres, attractions /facilities and accommodation
- Effects on local businesses including farming
- Extent of benefits through direct and indirect employment, local skills, training and development.
- Effects on recreational tourism
- Identification of the preferred port for construction

## **K. TRANSPORT AND TRAFFIC**

**The applicant, relevant local highway authorities, Highways Agency, Network Rail Infrastructure Limited**

**Transport and traffic effects falling within the remit of the local highway authorities and Highways Agency including:**

- The adequacy of the traffic data in the Environmental Statement
- Mitigation through the traffic management plan, travel plan and other measures
- Impacts on the Public rights of Way network
- Working arrangements during construction and operation
- Environmental effects related to transport and traffic
- In combination effects with other proposals
- Effects on other road users.
- Draft DCO provisions agreed / not agreed and reasons.