

**Application by Rampion Extension Development Limited for an Order Granting Development Consent for the Rampion 2 Offshore Wind Farm (Project Reference: EN010117)**



**Relevant Representation**

**West Sussex County Council**

**November 2023**

**1. Introduction**

- 1.1 Under Section 56 of the Planning Act 2008, West Sussex County Council (hereafter 'WSCC') was notified on 20 September 2023 by Rampion Extension Development Limited (hereafter the 'Applicant') that its application for a Development Consent Order (DCO) for the Rampion 2 Offshore Wind Farm (hereafter the 'Project') has been accepted for examination. WSCC understands that registration for Interested Parties has begun, with a deadline for submission of a Relevant Representation by 6 November 2023.
- 1.2 This document sets out a summary of WSCC's issues of concern and should be read alongside the submitted Principal Areas of Disagreement Statement (PADS), as requested by the Examining Authority (ExA) as part of a Procedural Matters (PD-005) letter dated 20 September 2023.
- 1.3 As the remit of WSCC only extends to the Mean High-Water Mark (MHWM), this representation is limited to the elements of the Project that have onshore-related impacts (including those from the construction and operation of the offshore wind turbines and associated infrastructure).

**2 Overview**

- 2.1 WSCC acknowledges the target set by the UK Government of delivering over a third of electricity from offshore wind by 2030 and, therefore, it is supportive of the principle of offshore wind development in helping to tackle the challenges faced by climate change. WSCC recognises the national importance of having a balanced supply of electrical generation, including increasing renewable energy supplies from offshore turbines in helping decarbonise the UK's energy sector. Critical national infrastructure must not only deliver the Government's energy objectives but also deliver sustainable societal and economic impacts in the regions that are hosting them. Therefore, the Project needs to be achieved without significant adverse effects on the environment, local communities, and economy of West Sussex.
- 2.2 The Applicant has identified that the offshore infrastructure associated with Rampion 2 will have potentially significant adverse impacts on the seascape, coastal landscapes, and people who live, work and visit West Sussex. The onshore infrastructure at the substation site also has the potential to negatively impact on a number of environmentally sensitive areas and features, and on residential amenity during the lifetime of the Project.

- 2.3 Therefore, although the Rampion 2 Offshore Wind Farm is supported in principle by WSCC (because it would make a significant contribution to the provision of renewable energy), there are number of matters of significant concern that have not been satisfactorily addressed to date by the Applicant. These are:
- i. Concerns about the size and layout of the offshore wind turbines and the significant adverse effect on views out to sea;
  - ii. The significant scale of the onshore substation creating an adverse effect on the existing landscape and surrounding local communities;
  - iii. The anticipated scale of historic environment impacts, which could cause an unacceptably high degree of harm to heritage assets, including those of national significance;
  - iv. Concerns about the downplaying of temporary impacts of cable route construction, without securing construction phasing and timescales within the dDCO;
  - v. The impacts on ecological receptors, including key species and habitats, and the needs for ecological enhancement (including Biodiversity Net Gain);
  - vi. Concerns about impacts on the West Sussex transport network during construction and the level of mitigation proposed through the Outline Construction Traffic Management Plan (OCTMP);
  - vii. The limited mitigation measures proposed to safeguard minerals, which require strengthening;
  - viii. The limited socio-economic benefits to West Sussex (including employment opportunities, supply chain expenditure, and the creation of a Community Benefit Fund), the limited scope of the Outline Skills and Employment Strategy (OSES), and potential adverse impacts on tourism;
  - ix. Requirement for further environmental assessment and justification of assumptions across a number of technical elements, as highlighted within this representation;
  - x. Ensuring the commitments and mitigation measures to reduce the adverse effects presented are secured sufficiently with the control documents and dDCO, including defining the role of WSCC in the discharge of requirements process; and
  - xi. The limited scope and scale of the draft section 106 principles presented by the Applicant, which indicate a disappointing level of commitment to West Sussex. The concerns are reflected in the gap in expectations that currently exist between the Applicant and WSCC.
- 2.4 As part of the DCO process, WSCC wishes to engage proactively with the Applicant to reduce the areas of concern and seek to achieve the best possible outcomes for the local communities and other sensitive receptors that would be most affected by the construction and long-term operational impacts of Rampion 2. This work will contribute to further refinement of the PADS, as well as informing the drafting of Statements of Common Ground (SoCG), Written Representations, and any response to the ExA's questions during the forthcoming examination. WSCC also recognises the importance of liaising meaningfully on the detail of the s106 Agreement.

### **3 WSCC Key Areas of Concern**

3.1 This Relevant Representation covers the following topics:

- A. Assessment of Alternatives
- B. Project Description and Construction Phase Detail
- C. Seascape, Landscape and Visual Impact (SLVIA)
- D. Socio-Economics
- E. Landscape and Visual Impact (LVIA)
- F. Noise and Vibration
- G. Ecology and Nature Conservation
- H. Arboriculture
- I. Traffic and Transport
- J. Minerals Safeguarding
- K. Historic Environment
- L. Water Environment
- M. Major Accidents and Disasters
- N. Public Health
- O. Public Rights of Way
- P. Draft Development Consent Order (dDCO)

3.2 It should be noted that the level of analysis of the DCO submission documents contained within this Relevant Representation reflects the limited time available for WSCC officers to respond to the deadline set by the Applicant, after having little sight of draft documentation through the pre-application period. Further technical analysis and assessment work will be undertaken by WSCC to support the detailed consideration of issues involved. This will be presented in the Local Impact Report (LIR) and further Written Representations during the examination.

#### **A. Assessment of Alternatives**

3.3 The site selection process for identifying the least impactful option for project infrastructure should have been presented to stakeholders in a robust, transparent and detailed manner, ensuring that all environmental and social criteria had been taken into account. WSCC raises concerns that this has not been sufficiently demonstrated through the application documentation for the above ground infrastructure and the areas of continuous construction presence. Key concerns are as follows:

- i. Justification for the choice of Oakendene as the onshore substation location - a critical part of the EIA process is to review the alternatives considered during the evolution of the Project and to set out why they have been discarded in favour of preferred sites. WSCC has concerns that the limited evidence in the DCO application documents does not

- allow this process to be understood fully, especially with the Applicant stating there was only a marginal preference for the Oakendene site.
- ii. Justification for the locations of construction compounds - five main compound locations will be required along the onshore cable corridor and substation site, and whilst they are termed 'temporary', this would still represent approximately three years and six months of continuous construction presence. WSCC has concerns about the proximity of these compounds to sensitive receptors and therefore needs evidence that they have been sited in the most environmentally acceptable location.
  - iii. Justification for Longer Alternative Cable Route Option 1d (LACR-01d) – the pre-application consultation undertaken by the Applicant for a number of onshore cable route options (and the subsequent mitigation through avoidance this resulted in) is acknowledged by WSCC. However, WSCC has a significant concern about option LACR-01d taken forward by the Applicant. The archaeological sensitivity of this section of the route is exceptionally high. LACR-01d crosses an area of the South Downs that forms part of an incredibly rich and complex multi-period prehistoric landscape of national significance. The assessment of alternatives does not provide sufficient detail as to the weighting given to these sensitivities within the site selection process.

## **B. Project Description and Construction Phase Detail**

- 3.4 It is essential to ensure that key design and construction decisions do not result in unacceptable or adverse impacts on residents, visitors or businesses within West Sussex over the four-year onshore construction period. Key concerns are as follows:
- i. Given the duration of the onshore construction programme will be up to four years, there is a lack of construction phasing information, which should be presented more clearly to enable local communities and WSCC to understand if the impacts have been appropriately addressed and mitigated through the outline control documents. The proposed Construction and Communications Plan (CCP) as part of the Outline Code of Construction Practice (OCOCP) (APP-224), as very broadly outlined, is welcomed and should build upon similar arrangements adopted for Rampion 1, and experience gained and lessons learnt.
  - ii. There is limited, if any detail on how the commitment (C-19) within the Commitments Register (APP-254) to construct the onshore cables in discrete sections, will be secured and the type of information that will be provided on detailed phasing, sequencing of construction activities. Given assessments are predicated on the durations of construction activities, it is essential to understand the scope of the information to be provided and timescales of activities no longer than that assessed as a worst case.
  - iii. The detailed design for trenchless crossings (HDD) will be confirmed at the detailed design stage as part of Construction Method Statements (CMS). This leaves significant uncertainty as the potential for impacts. The Outline CMS (OCMS) (APP-255) suggests for any changes to trenchless crossings (currently identified as preferred options),

confirmation will be provided that there are no new or materially different environmental effects arising compared to those assessed in the ES. However, no methodology as to how this will be assessed/established has been provided and requires clarification.

- iv. There is a concern about the lack of detail and clarity in the CoCP and Outline Construction Traffic Management Plan (OCTMP) (APP-228). This includes in relation to some of the proposed measures to reduce the construction impact.

### **C. Seascape, Landscape and Visual Impacts (SLVIA)**

- 3.5 The Project will result in significant seascape, landscape, and visual effects to people living, working, and visiting West Sussex during both the construction and operational phases. Therefore, WSCC has concerns about the scale of likely impacts of Rampion 2, in addition to, and in combination with, the currently operating Rampion 1 Offshore Wind Farm. There are concerns that the dDCO (APP-019) does not secure robust design principles relevant to West Sussex receptors necessary to reduce the potential visual effects of the offshore infrastructure by sensitive detailed design if consent is given.

#### *Assessment Methodology*

- i. The assessment undertaken to date and presented in the DCO submission is detailed and although it provides useful information to enable the consideration of impacts on SLVIA aspects, there is a concern that a worst-case scenario relative to West Sussex receptors has not been presented. It must be demonstrated that the Maximum Design Scenario, which has balanced the number of turbines between both Zone 6 and the western Extension Area, is truly the worst case for receptors in West Sussex, if the dDCO allows for a greater number of turbines to be placed to the west.
- ii. The SLVIA does not provide an assessment of nighttime views from the agreed viewpoints outside of the International Dark Sky Reserve, relative to West Sussex receptors agreed during the Expert Topic Groups (ETGs).
- iii. The cumulative effects assessment does not include the assessment of the potential decommissioning/repowering of the Rampion 1 Offshore Wind Farm during the operational phase of the Project.

#### *Assessment of Effects*

- iv. The provided photomontages are useful tools that aid in the assessment of visual effects. They show the significance of impacts likely to be experienced by receptors in West Sussex, in particular, the impacts that would result from the lengthy westerly extension, which would significantly extend the field of view over which impacts on seascape would be experienced; this is a major concern to WSCC.
- v. Whilst WSCC recognise that offshore wind energy would inevitably result in changes to coastal seascapes and views, it had concerns about the following SLVIA related impacts to West Sussex:
  - a. The scale of both individual wind turbines and the extent of the array as a whole would result in a significantly greater visual

impact from a number of viewpoints than views of the existing Rampion 1. This would, in turn, cause the offshore wind farms to become the dominant feature in the seascape and lead to a curtaining effect across Sussex Bay;

- b. The proposed array would lie close to, and affect the setting of, a number of coastal landscape features. It would significantly affect the seascape character, and detract from the appreciation of the coastal landscape feature; and
- c. It is acknowledged that after engagement with stakeholders, a set of design principles were developed for the offshore turbine layout during the pre-application stage. This, however, did not lead to a reduction in the offshore boundary to the western extent. Therefore, consideration needs to be given to an offshore boundary and layout that has an overall potential for lesser impacts, which can be secured through the dDCO.

#### *Mitigation, Compensation and Enhancement*

- vi. The findings of the SLVIA conclude that even with embedded mitigation measures, significant adverse effects for areas of West Sussex will be felt during all stages of the Project. No attempt at further mitigation through the reduction in size and scale of the turbines or production of design principles for the detailed design stage, if consented, have been presented by the Applicant, to reduce these effects.
- vii. The Applicant must continue to work with stakeholders to further develop commitments to the layout and extent of turbines to reduce the significant visual impacts. In working with WSCC to secure a set of design principles specific to views experienced from West Sussex, there needs to be commitment by the Applicant that a lesser impactful design can be secured.

### **D. Socio-Economics**

- 3.6 The focus of this representation is upon the socio-economics implications of the Project, namely employment, economic output, and the visitor economy. Key areas of concern relating to socio-economics, include: implications of data limitations; the methodology for assessing quantitative effects; limited local benefits of the Project during construction; lack of secured Community Benefit Fund; measures and commitments to the visitor economy sector and; details of provisions and outputs of the Outline Skills and Employment Strategy (OSES) (APP-256).

#### *Assessment Methodology*

- i. An outdated West Sussex Transport Plan has been used to inform the assessment. The ES should be reviewed against the latest plan (West Sussex Transport Plan 2022-2036) and amended as necessary.
- ii. For baseline data gathering, the justification of 2020 population estimates when more recent data is available, has not been given. The baseline data included in the OSES has no source/year and, as such, an up-to-

- date baseline with all sources referenced should be included in the document.
- iii. A number of data limitations are set out; the implications of these limitations for the assessment are not provided. This includes for people seeking work, GVA data by sector, tourism employment, and the lack of appropriate literature evidence on impacts.
  - iv. There is extensive reference within the baseline conditions analysis to specific features of the Project. This section should be a review of the baseline without the Project in place.
  - v. Effects on economy and visitor economy should be reported at a local authority level, which would be more appropriate to show how the employment opportunities will be spread within Sussex.
  - vi. The implications of the decision by the Applicant to exclude consideration of induced economic impacts are not clear.
  - vii. A key issue for WSCC is the relatively low economic beneficial impact expected for West Sussex through the construction phase and further assurance work is required. Therefore, it is requested that the Applicant works with WSCC to ensure sufficient strategies are put in place to maximise benefits locally, as per the commitment made, with a view towards the percentage figure for Sussex increasing from a currently low base.
  - viii. Concern is raised about how local businesses could capture supply chain expenditure (see detailed below).

#### *Mitigation, Compensation and Enhancement*

- ix. The assessment identifies measures aimed at reducing the disruption caused by the Project and the consequent impacts on tourism economy. However, measures and commitments that would support a boost to the tourism sector specifically are not provided. These should be provided to reflect the priority the sector is given in the Economy Plan for West Sussex.
- x. The OSES lacks specific detail with regards to existing skills gaps and current levels of provision, and on specific initiatives which are tailored to local issues and need. A route map for developing the OSES further should be provided, including setting out when engagement with WSCC and other stakeholders is needed and how it will take place.
- xi. The Applicant states they will identify opportunities for companies based or operating in the region to access the supply chain for the Project, and that this is secured through a commitment (C-34) in the OCoCP. This measure, however, is not included within the OCoCP and should be addressed.
- xii. Reference within the OSES is made to a Community Benefits Package, however it is described as 'remaining separate' from the planning process. Due to the adverse effects identified by the Project, the Community Benefits Package should be a firm commitment and secured through the DCO.

## **E. Landscape and Visual Impact (LVIA)**

- 3.7 The LVIA demonstrates that, even with mitigation, the construction and operation of the Project would give rise to wide ranging significant impacts on a number of both landscape and visual receptors. The LVIA downplays landscape and visual impacts of both construction activities (for the entire Project) and installation/operation of the Oakendene substation. In this regard, the LVIA places too great a reliance on reinstatement being carried out as soon as possible, which cannot be guaranteed, and there is too strong a reliance on specific selected viewpoint locations (for which additional VPs are considered necessary). Overall, therefore, there is a failure to give consideration the full range landscape and visual receptors likely to be impacted.
- 3.8 Visual impacts of the Oakendene substation have been downplayed, with additional viewpoint locations and associated visualisations required to best represent key visual receptors and provide accurate assessment of the level of impacts, and to inform appropriate mitigation. Design principles identified in the Design and Access Statement (AS-003) need further refinement, engagement, and to be presented in a clearer manner.

### *Assessment Methodology*

- i. The LVIA places too much reliance on specific selected viewpoint locations and fails to give consideration to the full range of landscape and visual receptors likely to be impacted, which will be wide-ranging as indicated by Zones of Theoretical Visibility (ZTVs). There is a need to provide a full assessment/quantification of all visual receptors likely to be impacted, and to recognise that selected viewpoints are only indicative of impacts for a limited proportion of receptors affected.
- ii. With specific regard to viewpoints identified, it is considered that additional viewpoints and/or amended photography/visualisations are required to understand the extent of visual impacts, in particular, at construction compounds and the Oakendene substation.
- iii. The submitted Residential Visual Amenity Assessment (RVAA) is not considered fit for purpose. The findings in respect of visual impacts (not visual amenity) identify significant impacts for most individual properties assessed, which have not been considered or incorporated into the LVIA, including as part of consideration of impacts on settlements. This demonstrates a further underestimation of the extent of significant visual impacts upon key receptors.
- iv. In addition, visualisations provided thus far omit the tallest proposed structures (lightning mast) and thus do not provide a true representation of that proposed.

### *Assessment of Effects*

- v. The LVIA downplays the potential landscape and visual impacts of construction activities, considering them short-term, when 3.5-4 years is a considerable period of time to be subjected to moderate to major and significant impacts. For the cable route, too much reliance is placed on reinstatement being carried out as soon as possible, which cannot be guaranteed as phasing/sequencing of works has yet to be determined.



Based on experience of Rampion 1, large lengths of the cable route and associated haul routes are likely to remain in place throughout the construction period to provide access and for cable pulling/jointing activities, which extend the periods over which landscape and visual impacts take place.

- vi. It is not clear how selected Viewpoint Locations and Analysis (Appendix 18.2) has considered the impacts of visibility splays (be that for new or upgraded side access points), with the LVIA suggesting that Commitment C-165 (visibility to DMRB standards) would reduce landscape impacts. On the contrary, such a specification would likely open views and give rise to increased landscape/visual impacts. Such impacts are not reflected in visualisations.
- vii. As the key and most prominent permanent onshore structure, it is crucial that the full extent of landscape and visual impacts at the Oakendene substation are understood and opportunities to minimise impacts are maximised. At present, visual impacts at the Oakendene substation have been downplayed, with additional viewpoint locations and associated visualisations required to best represent key visual receptors and provide accurate assessment of the level of impacts and to inform mitigation.

#### *Mitigation, Compensation and Enhancement*

- viii. The mechanism to secure meaningful advance planting at the substation is unclear, and further consideration needs to be given to maximising advance planting opportunities. Design principles identified in the Design and Access Statement (DAS) need further refinement and to be presented in a clearer manner and need to provide greater certainty over the likely appearance, scale and design of structures proposed. Further, given the substation would be a significant alien feature within a rural setting, proposed planting requires refining and reinforcing to ensure that existing tree/hedgerow losses are compensated, and screening effects maximised.
- ix. Whilst the proposed mitigation measures as set out in the Commitments Register and associated outline control documents are noteworthy, in many cases there is considerable uncertainty as to extent of mitigation they may realistically provide. Many of the commitments include significant caveats such as 'where this is the best environment solution and is financially and technically feasible' or 'where practicable/necessary/possible', meaning it is unclear as to what can or will be realistically secured by DCO requirements.
- x. Of particular concern for construction activities along the cable route, is the reliance on reinstatement being carried out as soon as possible and minimising periods of activities/storage of materials. However, this cannot be guaranteed as phasing has yet to be determined (i.e. it is to be dealt with by requirement). This is a considerable area of uncertainty, which will be a key factor in determining the magnitude of landscape and visual impacts. Proposed Requirements and Outline Control documents provide little certainty as to the likely duration of impacts.

## **F. Noise and Vibration**

- 3.9 The submitted assessment of noise and vibration impacts concludes that there would be no significant noise and vibration impacts on any identified receptors either during construction or operation of the onshore elements of the Project. Given the nature of construction activities (and their significant duration, in particular, at construction compounds) and noting the low background noise levels in the vicinity of the Oakendene substation, this is concerning and considered an underestimation. Noise impacts are downplayed with too much reliance on embedded mitigation measures, the effectiveness of which cannot be certain at this stage. WSCC is also concerned that the Oakendene substation operational noise impacts are underplayed within the assessment.

### *Assessment Methodology*

- i. The methodology to establish the magnitude of construction impacts, in many cases results in noise levels above BS5228 thresholds (for medium impacts) only giving rise to low impacts, which are not significant. This underestimates potential impacts. Part of the methodology is seemingly predicated on the duration of some impacts being no more than one month; however, it is unclear how these durations have been identified, whether these represent a worst cases scenario, and even if only for a one-month that the magnitude of change should still be higher.
- ii. There is limited information on the methodology adopted to establish a 'key' receptor and how receptors (e.g. individual residential properties) have been established. Concerns are raised that some properties/receptors may have been missed or omitted, including no reference to Public Rights of Way (PRoW).
- iii. No noise contours for the cable route have been provided and the full extent of receptors are not identified in the accompanying figures.
- iv. The assessment suggests cable trenching and trenchless crossings are sufficiently temporary that cumulative impacts with other developments do not need to be considered. Given concerns regarding the potential duration and impacts of such works and high levels of noise that would be generated by trenchless crossings on a 24hr basis, concerns are raised about this omission.
- v. Construction plant identified is not comprehensive, leading to noise impact predictions being underestimated.

### *Assessment of Effects*

- vi. There is a lack of consideration and/or noise impacts of cable route construction and side access routes are downplayed. Consideration of impacts of cable route construction and use of side accesses are largely excluded as considered short in duration, despite having the potential to result in noise levels above 75dB at sensitive noise receptor locations. The assessment fails to take into account longer duration works associated with construction and does not recognise that the cable route will likely serve as a key haul route in rural areas and thus remain in place for long periods.

- vii. Noise impacts from construction compounds at night-time are underplayed. Despite noise level predictions identifying several properties/receptors close to trenchless crossings (night-time) being subject to noise levels significantly above BS5228 thresholds, conclusions downplay the magnitude of impacts as 'low' and are predicated on the use of acoustic barriers. At this stage, there are no guarantees that barriers will be effective or practicable in all circumstances.
- viii. Except for trenchless crossings, there is limited consideration of works that may be required outside of normal working hours. Whilst it is accepted that these will not be the norm and that provisions are made for further approval to be required as part of stage specific CoCPs, there are likely to be several activities that may require 'out of hours' working, which experience of Rampion 1 OWF has shown will regularly need to be exceeded.
- ix. Oakendene Substation operational noise impacts are underplayed. Despite noise level predictions identifying three properties/receptors close to the substation being above background levels by +4 or +5dB (night-time), the conclusions downplay the magnitude of impacts as 'low' and not significant.

#### *Mitigation, Compensation and Enhancement*

- x. Considerable reliance has been placed on 'embedded measures' set out in the Commitments Register, all to be captured as part of stage-specific CoCPs (C-33). Whilst such measures may well help to reduce noise, the extent to which they can reduce noise levels is uncertain at this stage (noting measures will be adopted 'where practicable' in many cases and that the Noise and Vibration Management Plan (NVMP) will be 'updated'). Only noise mitigation measures where specified attenuation levels can be confidently established/applied should be considered at this stage:
  - a. There is considerable concern about the reliance of stage specific NVMPs to be provided as part of CoCPs. Although such NVMPs will be vital in specifying appropriate noise controls for each stage, the extent to which they can reduce noise levels is uncertain at this stage. In this regard, it is concerning that the relevant commitment (C-263) states "*Where any significant deviation from the initial sound level predictions is identified, such that levels in excess of the BS 5228 thresholds of significance are likely, the NVMP shall be updated or a Section 61 application will be made to the relevant Local Planning Authority*". It is concerning that noise levels above ES predictions will only be addressed by subsequent review, at which point it is only likely to be able to minimise noise levels rather than address any potential significant impacts.
  - b. Rating levels applied at the Oakendene substation (C-231) are considered too high and at a level where adverse impacts may be expected. Further, although an operational noise management plan (NMP) is to be secured through the dDCO, no draft NMP has been provided and it is unclear how or if lessons learnt from Rampion 1 will be incorporated.

- c. Stage-specific construction Noise Management Plans (NVMP) will be produced; however, no drafts have been provided to date, leaving uncertainty as to the mitigation measures which may be possible in individual circumstances.

## **G. Ecology and Nature Conservation**

- 3.10 The key ecological impacts, which are associated with the construction phase, are habitat loss, habitat fragmentation and disturbance to species. The Project is reliant on a package of avoidance, mitigation, compensation and enhancement measures to address the ecological impacts. Adoption of the embedded environmental measures in the commitments register will help minimise adverse impacts. Successful and rapid reinstatement of habitats, and landscape features, along the cable corridor and at the temporary construction compounds will be key; this will require appropriate management and monitoring, plus timely remedial works, as necessary. In seeking to achieve compensatory habitat and BNG off-site, the Applicant will need to demonstrate that this is achievable and that it will deliver greater nature conservation benefits. The proposal for advance habitat creation is welcome but lacking in detail.

### *Assessment Methodology*

- i. Although the Vegetation Retention Plans for hedgerows, tree lines, woodland, scrub and grasslands are very helpful, there do not appear to be any such plans for ponds and watercourses.

### *Assessment of Effects*

- ii. The key ecological impacts are associated with the construction phase. They are habitat loss (including broadleaved semi-natural woodland, hedgerow and semi-improved grassland), habitat fragmentation (with consequent reduction in ecological connectivity) and disturbance to species (such as from noise and lighting). Habitat reinstatement may take many years to achieve.

### *Mitigation, Compensation and Enhancement*

- iii. In order to address the presented ecological impacts, the Project is reliant on a range of avoidance, mitigation, compensation and enhancement measures, including off-site compensation. Further enhancements are proposed to achieve 10% BNG. There is a lack of clarity on the distinction between what constitutes essential mitigation and compensation, and BNG. Concern is raised about the delivery of off-site habitat compensation and enhancement, including how it will be secured.
- iv. There is considerable uncertainty about the severity and duration of short-term adverse impacts, such as habitat fragmentation associated with the loss of hedgerows and woodlands, and the success of subsequent restoration. Effective mitigation measures (such as timing of the works, micro-siting of the ducts and hedgerow 'notching'), advance habitat creation and rapid, and successful reinstatement, will be essential

- to lessen the impacts on biodiversity. Additional compensation may be required.
- v. Concern is raised about the lack of information on advance habitat creation, including locations, specifications, how it will be secured and timescales. Advance habitat creation, to be implemented before and during the early stages of construction, is a key component to reduce biodiversity impacts to an acceptable level.
  - vi. In seeking to achieve the majority of BNG off-site, the Project must prove that this is achievable and that it will deliver greater nature conservation benefits.
  - vii. It is proposed to re-instate habitats along the cable corridor and at the temporary construction compounds to their current condition. Concern is raised that enhancement opportunities may not be realised.
  - viii. WSCC has concerns about the success of hedgerow 'notching', a technique that could be affected by soil type and drought. Any necessary remedial works, such as re-stocking, must be implemented as soon as possible.
  - ix. There is a lack of detail relating to the pedestrian monitoring of the HDD drill head as it passes beneath ancient woodland. Impacts on the ground flora and shrub layer must be minimised. It is requested that an Ecological Clerk of Works is present.
  - x. Further ecological guidance will be required on the content of stage specific Code of Construction Practice (CoCP) and stage specific Landscape and Ecology Management Plan (LEMP). The outline version of the latter should include advance planting, habitats to be reinstated, planting specifications and programme, maintenance and monitoring specifications.

## **H. Arboriculture**

- 3.11 The Project proposes adequate mitigation and compensation strategies to limit impacts to arboricultural features where avoidance has not been possible. However, multiple anomalies were found within information supplied in relation to hedgerows, which remains of concern and will need addressing by the Applicant going forward. Proposed landscaping for the Oakendene substation is not supported due to the impacts proposed on notable trees and hedgerows of historical relevance and limited landscape design proposed; similarly, better connectivity between green corridors was expected at the extension proposals at Bolney Substation. The Outline-LEMP negates enhancement opportunities. Of principle concern is the loss of trees reaching near veteran status and lack of protection measures to secure their retention.

### *Assessment Methodology*

- i. Although appropriate baseline information is supplied within the chapter and has derived from a number of surveys, including hedgerow and arboricultural surveys in accordance with best practice or recognised methodology, surveying is required for both hedgerows and trees where it has not yet been possible to undertake them (and valuable trees, as well as veteran trees, should be avoided or mitigated for).

- ii. The methodology for potential veteran trees only considers their biodiversity value in context with the definition within NPPF (pg. 65). Cultural or heritage value has not been demonstrated on tree lines to be removed (notably those within the Oakendene substation).

#### *Assessment of Effects*

- iii. Effects are considered to be appropriate for arboricultural-related receptors, including ancient woodland, veteran trees and woodland. However, the assessment of native hedgerows is of concern as 'important' hedgerows differ between documents and plans; the findings presented are of low confidence as a result. Worst-case scenarios are applied, though reference is made to mitigation measures, which are likely to reduce the findings further throughout detailed design and project delivery.

#### *Mitigation, Compensation and Enhancement*

- iv. Environmental mitigation measures have been adopted to aid considerate design of the project resulting in minimised likely effects to arboricultural receptors; further, proposed mitigation measures to protect trees as appropriate are also outlined. Although the mitigation technique of 'notching' is welcomed, there is a lack of methodology, aftercare and assessment of suitability.
- v. Although a strategy for the compensation of arboricultural loss is proposed, which proportionately reflects the loss of arboricultural features, the landscape design strategy for tree planting is not clear (replacing removed landscape features trees contribute to should be considered).
- vi. The majority of the proposed planting is expected to be planted within the DCO limits. Where this is not possible and offsite planting is required to provide essential compensation, it is considered that a planning obligation should require the submission of such detail to the responsible LPA.
- vii. The OLEMP provides no enhancements to arboricultural features; this is disappointing given the scale of the project and significant findings of worst-case design scenarios. Landscape proposals for both the Oakendene Substation and the extension proposals at Bolney Substation, lack proportionate and appropriate landscape design to compensate hedgerow and tree loss.

### **I. Traffic and Transport**

- 3.12 The focus of this representation is on the traffic and transport implications of the onshore elements of the proposals (specifically the construction of the cable route and associated works, as well as permanent works including the Oakendene substation and vehicle accesses) on the West Sussex transport network.

### *Assessment Methodology*

- i. The assessment has been undertaken in accordance with rescinded and replaced guidance from IEMA, Guidelines for Environmental Impact Assessment of Road Traffic (1993). This was replaced in July 2023 by Environmental Assessment of Traffic and Movement. The ES should be reviewed against the latest guidance and as necessary amended.
- ii. WSCC is content with the base data used within the assessment. This data includes traffic surveys of all routes that will be used by construction traffic.

### *Assessment of Effects*

- iii. For the purposes of the transport network, it is acknowledged that most effects will occur during the construction phase and, as such, will be temporary in nature (albeit for an approximately four-year period). Once operational, traffic impacts will be minimal. Details of permanent, operational accesses, including that serving the onshore substation, are yet to be agreed with WSCC.
- iv. There remain areas of concern relating to transport matters as presented in the DCO submission documents. These relate primarily to construction phase impacts on the West Sussex transport network, and the concern about the measures outlined in the OCTMP (APP-228).

### *Mitigation, Compensation and Enhancement*

- v. The focus of the highway assessment provided by the Applicant is on the construction phase, which has been accepted by WSCC given the anticipated increase in traffic flows during this time compared with the operational phase. Although an OCTMP has been submitted by the Applicant to provide mitigation during construction, there are a number of concerns, including:
  - a. Those relating to the physical construction access arrangements, including the overall number of accesses and the ability to achieve necessary visibility splays at identified accesses (including those to the main construction compounds);
  - b. Areas where additional mitigation is necessary, including the provision of road safety audits and the management of traffic on single track roads; and
  - c. Aspects where clarification is required or where information appears to be missing from the submitted information. This includes numbered accesses being missing or construction vehicle trips being absent from tables within the OCTMP.
- vi. Some minor comments are made in respects of measures within the Outline Operational Travel Plan (OOTP) (APP-227).
- vii. In reviewing the submitted information, it is acknowledged that some construction traffic will route through the Air Quality Management Area (AQMA) in Cowfold. For the purposes of traffic routing, this traffic will make use of A-classed roads (the A281, which runs north to south, and the A272, which runs east to west). Notwithstanding the AQMA, in light of their classification, these roads are appropriate for construction traffic.

Further mitigation measures will nevertheless be expected for the purposes of managing traffic through the AQMA and Cowfold itself, and WSCC expects this traffic to be reduced to the minimum where possible.

- viii. Mitigation will need to be agreed for the end-of-life decommissioning. A commitment should be secured as part of the DCO requiring a decommissioning construction traffic management plan to be submitted and agreed with WSCC. This CTMP should be provided and agreed prior to decommissioning works commencing.

## **J. Minerals Safeguarding**

- 3.13 WSCC is concerned that proper consideration has not been given to avoiding needless sterilisation of safeguarded minerals. The potential volumes of material that could be recovered are unknown and there are no clear mechanisms in place to secure prior extraction or which demonstrate that prior extraction is not practicable or environmentally feasible.

### *Assessment Methodology*

- i. Parts of the cable route are underlain by minerals (building stone, brickmaking clay, and soft sand) that are safeguarded by the West Sussex Joint Minerals Local Plan (JMLP) (July 2018, Partial Review March 2021). The NPS for Energy (EN-1) states that, '*where development has an impact upon a Mineral Safeguarding Area (MSA), appropriate mitigation measures should be put in place...*'. It is important, therefore, that consideration is given to ensuring that minerals are not needlessly sterilised. Of particular importance is soft sand aggregate, a safeguarded resource that is scarce and for which the landbank is below the required seven years (NPPF Para 213e).
- ii. Chapter 24 of the ES (APP-065) seeks to address the issue of mineral safeguarding and Figure 24.3 shows the cable route crosses the above noted mineral resources. However, the Applicant has not provided a Mineral Resource Assessment, which assesses impacts on safeguarded minerals or addresses the issue of severance of resources.

### *Assessment of Effects*

- iii. The assessments for clay and building stone focus on current demand, needs, and quarries in the vicinity, and not the safeguarding of minerals for future generations as intended. The assessments do not provide any quantitative assessment of the amount of mineral that may be sterilised (either directly or through severance). Therefore, WSCC questions whether the assessment of significance of impact for clay and stone has been underplayed.
- iv. The assessment states that some 1.16 million m<sup>3</sup> of soft sand may be sterilised (para 24.9.47, APP-065), and that the sensitivity of the soft sand resource is 'medium' and during the construction phase, the magnitude of change is 'high' (para 24.9.47 – 24.9.50, APP-065), and that the proposed development will therefore lead to 'major negative' effect, considered to be 'significant' (para 24.10.11 and Table 24-24, APP-065). This is of concern, and this must be recognised in any final assessment of overriding need.



- v. The assessment states that the impacts will only occur during construction; however, the presence of a cable, and 35m buffer, would mean sterilisation throughout the life of the windfarm.
- vi. The assessment does not consider the suggestions set out within the West Sussex Mineral Safeguarding guidance, which is referenced in APP-065. The assessment does not provide any details of the likely volumes of material that may be possible to prior extract (given the limited extent and depths of proposed excavations for the cable route), as proposed to be secured by a Materials Management Plan (MMP). Therefore, the effectiveness of any mitigation is unknown at this stage.
- vii. The Secretary of State (SoS), as the decision maker for the Project, will be required to consider whether there is an overriding need for the Project. Consideration is required to ensure that the mechanisms proposed are sufficient to avoid needless sterilisation.

#### *Mitigation, Compensation, and Enhancement*

- viii. The Applicant intends to mitigate against mineral sterilisation through the preparation of a MMP that will be produced prior to construction and to be secured through the OCoCP (APP- 224). However, the OCoCP and the information contained within the MMP is limited, with no reference to mineral safeguarding (particularly soft sand), prior extraction, or evidence of discussions with local mineral operators that have the required equipment to process any safeguarded minerals that are extracted. The potential volumes of material that could be recovered are unknown and there are no clear mechanisms in place to secure prior extraction or to demonstrate that prior extraction is not practicable or environmentally feasible.

### **K. Historic Environment**

- 3.14 The main focus of this representation is the concern about the anticipated scale of historic environment impacts that may arise as a result of the Project. The risk of harm to heritage assets, including those of national significance, along with the absence of field investigations and inconsistent approach to evaluation of high-risk areas, results in the possibility of an unacceptably high degree of harm to the historic environment.

#### *Assessment Methodology*

- i. WSCC disagrees with some aspects of the ES methodology, principally the assessment of: the significance for high value heritage assets; the magnitude of change; the assessment of effects of mitigation; substantial vs less than substantial harm and how these equate to the EIA assessment framework; medium (potentially significant) residual effects; and what constitutes a 'worst-case scenario'.
- ii. WSCC is concerned that some of the content and wording of the Commitments Register and Draft DCO may not robustly secure the delivery of historic environment commitments, including mitigation measures, public engagement measures, and appropriate archive provision.

- iii. WSCC remains concerned that heritage assets were not afforded sufficient consideration in the selection of viewpoint locations within the LVIA. As a result, visualisations are not always sufficient to assess the degree of change within the setting of heritage asset.

#### *Assessment of Effects*

- iv. Due to the scale of the proposals, significant effects upon the historic environment are inevitable. Given the absence of field evaluation, a risk to nationally significant archaeology has not yet been ruled out.
- v. Despite acknowledging major concerns about LACR-01d, consideration of alternatives (Chapter 3) appears to give insufficient weighting to the historic environment and to the risk to nationally significant archaeology and associated NPS-EN1 policy requirements.
- vi. Concern is raised about the identified significant residual adverse effects to a number of heritage assets, and lower levels of harm to a large number of additional heritage assets.

#### *LACR-01d*

- vii. The archaeological sensitivity of sections of the route is exceptionally high. LACR-01d crosses an area of the South Downs, which forms part of an incredibly rich and complex multi-period prehistoric landscape of national significance, including scheduled Early Neolithic flint mining sites constituting the earliest evidence industrial activity in Britain. In particular, the lack of field evaluation within this area is wholly unacceptable.
- viii. There is an identified risk of harm to highly sensitive and nationally significant heritage assets. Notwithstanding the comprehensive package of field investigations and mitigation measures set out within the OOWSI, it cannot currently be demonstrated that mitigation will reduce potential harm to acceptable levels. Mitigation via 'avoidance by micro-siting' is not demonstrated to be a securable option within the application.

#### *Oakendene substation*

- ix. WSCC is concerned about the proposed harm to grade II listed Oakendene Manor, arising via permanent changes to its setting from construction and operation of Oakendene substation and compounds. Locations of viewpoints do not allow accurate assessment of the magnitude of change within the setting of the asset. WSCC does not consider that there is sufficient evidence to conclusively rule out substantial harm.

#### *Offshore*

- x. Some concerns remain regarding the impact of offshore arrays on onshore designated heritage assets, arising via changes to their wider settings. Whilst significant effects are not identified for individual assets, there will be less than substantial harm to a large number of designated heritage assets. This amounts to a not insignificant cumulative effect on the historic environment.

- xi. WSCC is concerned that assessment methodologies for medium residual effects have been used to downplay the effects of offshore turbines on onshore designated heritage assets.

*Mitigation, Compensation and Enhancement*

- xii. The OOWSI sets out a comprehensive suite of proposed archaeological mitigation measures which in general will allow for appropriate and proportionate mitigation, to be secured via the SSWSIs. However, some areas need to be addressed, including:
  - a. Timing, scope, extents and sampling size of field evaluations;
  - b. Provision for further detailed geophysical survey and/or alternative survey techniques, if appropriate;
  - c. Research aims, including specific palaeo-environmental research questions; and
  - d. Details of the mechanisms for and feasibility of securing 'avoidance by micro-siting', if nationally significant and potentially spatially extensive remains are encountered.

*Oakendene Substation*

- xiii. Embedded mitigations cannot fully offset the identified harm to Oakendene Manor and are likely to be limited by the required functionality of the substation.
- xiv. Identified mitigation (landscaping and design) measures are not yet sufficiently secured by design principles. Options for changes to the indicative layout should be explored, and further details of the design (roofline, materials, colour scheme, landscaping etc) should be provided during the Examination.

## **L. Water Environment**

- 3.15 The focus of this representation is on the implications of the Project on flood risk across West Sussex. As the Lead Local Flood Authority (LLFA), WSCC is concerned with flooding from surface water, groundwater, and ordinary watercourses. Key areas of concern relating to flood risk include the consideration of the drainage hierarchy, use of source control Sustainable urban Drainage Systems (SuDS) features, and further detail being required to demonstrate the drainage design.

*Assessment Methodology*

- i. The Applicant should adhere to the requirements of the Land Drainage Act 1991 and WSCC's policy with regards to the requirements of work within ordinary watercourses, which has not been fully recognised in the documents.

*Assessment of Effects*

- ii. The Outline Operational Drainage Plan (OODP) (APP-223) defines the basis of the design for the operational drainage at the Oakendene substation and National Grid extension works, following the outputs of

the flood modelling and drainage assessments undertaken. WSCC raises concerns that the current Flood Risk Assessment (FRA) (APP-216) and design proposals for the Oakendene substation do not truly reflect the winter flooding that occurs at this location. Therefore, evidence that consideration of local ground water conditions have been factored into the FRA and outline design is required.

#### *Mitigation, Compensation and Enhancement*

- iii. Surface water flood risk should be considered within any emergency response plan, given the topography of the central section of the onshore cable route and historic flooding records. The OCoCP does not cover this within its emergency response planning.
- iv. Temporary haul roads and accesses should be constructed so as not to cut-off existing surface water flow paths. This could increase surface water flood risk off-site and should be demonstrated within the documents.

### **M. Major Accidents and Disasters**

3.16 WSCC requires the dDCO to secure consultation with West Sussex Fire and Rescue Service (WSFRS) during detailed design and pre-construction phases for the Oakendene substation, to ensure that it has the opportunity to apply control measures to mitigate a number of risks and uncertainties raised through the DCO documentation. These are:

- i. Responding- the potential for extended response times for emergency service attendance at incidents.
- ii. Emergency Planning - sharing of emergency plans associated with Oakendene substation and Bolney substations, and associated works during Rampion 2 onshore construction.
- iii. Allowing for pre-planning - development of emergency plans, potential additional training of FRS personal through the emergence of new technologies, and suppressions systems/techniques required to safely deal with emergency incidents.
- iv. Fire suppression systems – WSFRS will require information on the intended access to the substation, the alternative access if the layout requirements require, and the supply of water for firefighting.

### **N. Public Health**

3.17 The focus of this representation is on the assessment of the communities affected by the Project during the construction and operational phases and the Equality Impact Assessment (EqIA) (APP-221) undertaken by the Applicant. Key concerns are as follows:

- i. In periods of overnight drilling, nearby receptors will be impacted, which could impede on the residents' quality of sleep, affecting health and wellbeing. Stage-specific CMS and the OCoCP need to satisfy these concerns regarding noise, vibration and lighting at the construction compounds and drilling sites. Impacts must be kept to a minimum

- through secured mitigation, including detailed plans on phasing of the onshore works to ensure construction timescales are minimised.
- ii. HGVs movement during construction should, where possible, avoid routes through the Cowfold and Storrington AQMAs. For the occasions where this cannot be avoided, WSCC seeks assurance that all mitigation has been taken to reduce impacts on air quality and disruption to residents.
  - iii. WSCC seeks assurances that the emergency response plans, secured through the dDCO, will include timely actions that are taken in the event of damage to utilities, which is a potential risk due to trenching a large swathe through the County. Owing to the potential for, and significant issues associate with, utility outages, delays in the mobilisation of support to the communities affected, especially to those who are vulnerable in the communities, needs to be planned and mitigated for.
  - iv. The Application does not evidence engagement with the affected communities and how the outcome of those engagements have influenced the Applicant's assumptions used as a basis for the assessment findings and decisions on mitigation measures to reduce these impacts. Specifically, impacts on communities near the proposed site of the onshore substation and the temporary construction compound sites.
  - v. WSCC seeks assurance that the EqIA for any decommissioning in the future would be carried out prior to decommissioning as this is estimated 30 years in the future and would require updating to include any changes within that timeframe.

## **O. Public Rights of Way**

- 3.18 The principles set out in the Outline Public Rights of Way Management Plan (OPRoWMP) (APP-230) are accepted by WSCC. Mitigation measures are considered for each location where a PRow will be impacted, to reduce this potential effect upon the public user. However, there are current inaccuracies in the documents that may affect the extent of these measures and should be addressed by the Applicant.

### *Assessment Methodology*

- i. The status of the route being impacted must be clearly presented, as this will determine what public rights exist. Currently there are some inaccuracies in the documents in relation some of the routes, which will have a big effect upon the proposed mitigation measures presented. These will be further discussed with the Applicant.

### *Assessment of Effects*

- ii. The construction phase presents potential effects to a number of PRow, some heavily used such as the Downs Link and the South Downs Way. The interactions of these routes with construction activities needs to be kept to a minimum and any management, including alternative routes, must be suitable for lawful users.

*Mitigation, Compensation and Enhancement*

- iii. The OPRoW makes reference to users waiting whilst construction traffic passes over the route. It is important to note that public access rights take precedent over any private right of vehicular access; therefore, vehicles should give way to lawful public path users and this should be addressed in the outline plan.

**P. Draft Development Consent Order (APP-019)**

3.19 In June 2023, WSCC commented on an early draft of the dDCO and while the Applicant has made some of the changes suggested, WSCC remains concerned about numerous matters. These will be shared with the Applicant in due course and set out in the LIR. A summary of the main concerns (which is not exhaustive) is set out below:

- i. The definition of '*commencement*' and, in particular, the implications arising from certain operations that fall outside that definition and which do not appear to be controlled.
- ii. Article 43 (1) & 44. (2) should be referenced in accordance with approved plans and 25m maximum easement, not the entire DCO limits.
- iii. Part 3 Requirements - the drafting of certain requirements including Requirement 10 (programme of works), Requirement 22 (OCoCP), Requirement 19 (onshore archaeology) and Requirement 23 (onshore construction method statements).
- iv. Clarification within each Requirement for named stakeholders.
- v. Role of WSCC in the discharging of Requirements.
- vi. Schedule 13 - permit excessive powers to fell or lop trees within DCO limits; not reflect appropriate plans to be approved; and contain multiple mistakes.
- vii. Schedule 14 - The timeframes for determining applications (and requesting further information) by the relevant authority after consent is granted need to be extended and the fees proposed for determining applications need including.

Rampion 2 Offshore Wind Farm (Project Reference: EN010117)  
Relevant Representation  
West Sussex County Council  
Submitted on 3 November 2023