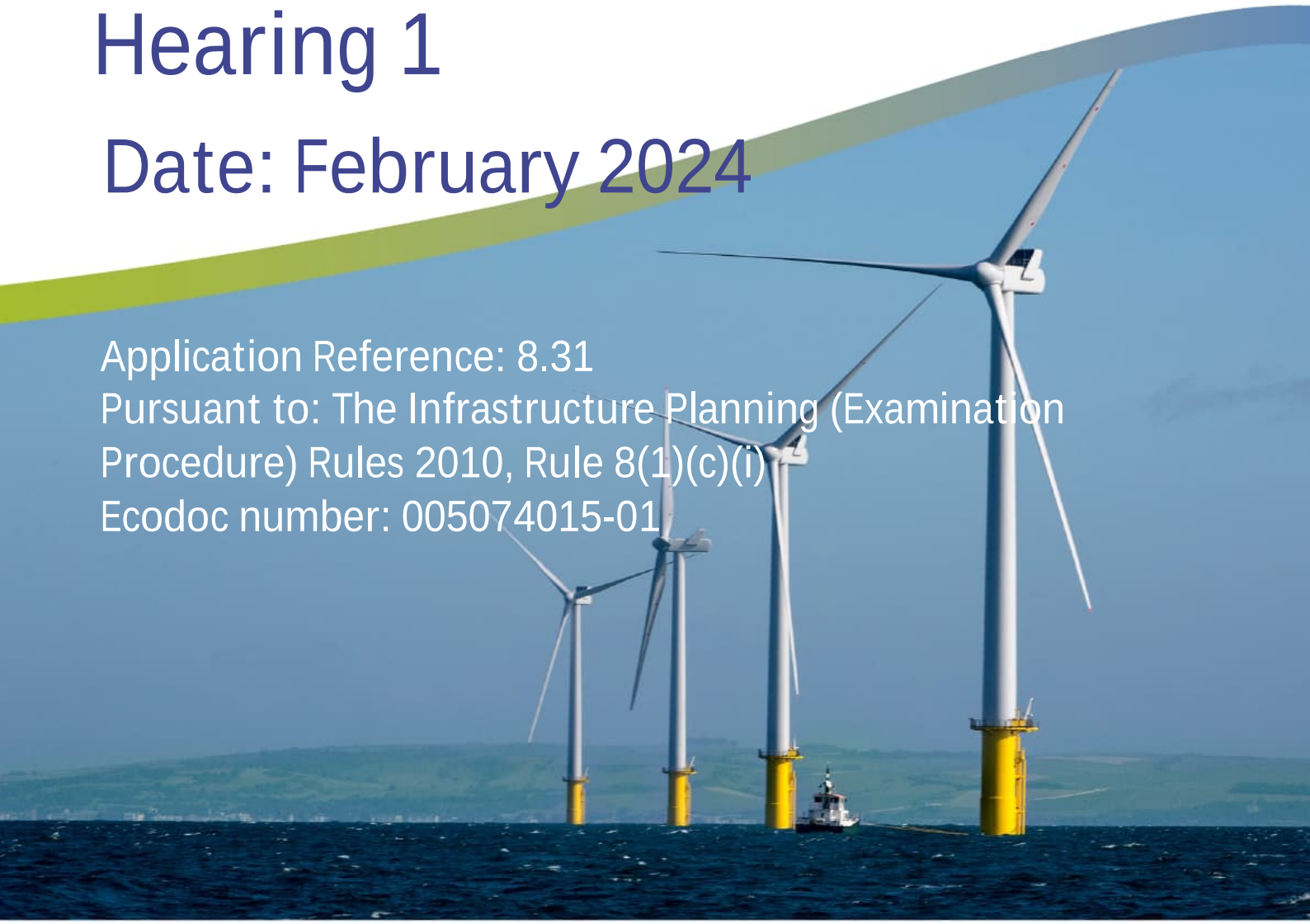
Rampion 2 Wind Farm
Category 8: Examination Documents
Applicant's Post Hearing Submission – Issue Specific Hearing 1

Date: February 2024



Application Reference: 8.31
Pursuant to: The Infrastructure Planning (Examination Procedure) Rules 2010, Rule 8(1)(c)(i)
Ecodoc number: 005074015-01

Document revisions

Revision	Date	Status/reason for issue	Author	Checked by	Approved by
A	28/02/2024	Issue for Deadline 1	WSP	RED	RED

Contents

Tables

1. Introduction

1.1 Project Overview

1.1.1 Rampion Extension Development Limited (hereafter referred to as 'RED') (the 'Applicant') is developing the Rampion 2 Offshore Wind Farm Project ('Rampion 2') located adjacent to the existing Rampion Offshore Wind Farm Project ('Rampion 1') in the English Channel.

1.1.2 Rampion 2 will be located between 13km and 26km from the Sussex Coast in the English Channel and the offshore array area will occupy an area of approximately 160km. A detailed description of the Proposed Development is set out in Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement (ES), submitted with the DCO Application **[APP-045]**.

1.2 Purpose of this document

1.2.1 This document is prepared by the Applicant to provide a summary of the oral submissions made by the Applicant at Issue Specific Hearing 1 (ISH1) held on 7 and 8 February 2024. The responses to the Examining Authority's Action Points **[EV3-020]** raised at ISH1 are provided in the Applicant's Response to Action Points Arising from ISH1 (Document reference 8.25) submitted at Deadline 1.

2. Issue Specific Hearing 1

Table 2-1: Issue Specific Hearing 1 – Onshore Effects

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
2.	**The Proposed Development and Alternatives**	
2(i)	Brief explanation of the Proposed Development The ExA asked the Applicant to explain the Proposed Development and queried if the area located behind Rampion 1 was the 'Zone 6 Area'?	The Applicant confirmed that the details of the Proposed Development are set out in the Environmental Statement - Volume 2 Chapter 4 The Proposed Development (Examination Library Reference: APP-045) as read alongside the draft Development Consent Order (Examination Library Reference: PEPD-009) and the Onshore Works Plans (Examination Library Reference: PEPD-005) and Offshore Works Plans (Examination Library Reference: PEPD-004). Collectively these documents define the Proposed Development and explain the extent of the consent sought. The existing Rampion offshore wind farm (which the Applicant refers to as 'Rampion 1') which was consented in 2014, located in the English Channel off the Sussex coast. The Proposed Development is a standalone project and there is no interaction between the project infrastructure for Rampion 1. The opportunity to bid for an extension to the existing Rampion 1 wind farm was opened by the Crown Estate in 2017, and an extension to the existing project was accepted to progress towards the award of development rights in 2018. An application for Development Consent for the Proposed Development has therefore been prepared in accordance with the requirements of the Planning Act 2008 and is currently subject to this examination. In addition to the extension area, the initial proposals for Rampion 2 considered the remainder of the area consented but not developed as part of Rampion 1, and an additional area that had been the subject of an agreement for lease from the Crown Estate but was not ultimately included in the Order Limits for Rampion 1. This area is referred to as the remaining 'Zone 6 Area' (a term which was used in the Round 3 Contracts for Difference process which resulted in the Rampion 1 project). The Proposed Development comprises areas within both the extension area and the balance of the Zone 6 area and have been identified for development of the Proposed Development taking account of the outcome of assessments, evaluations, engagement and consultation. The Zone 6 Area is not being built on in its entirety. This is the unused balance of the Rampion 1 Crown Estate allocation and the area which was leased as part of Rampion 1 application but which was not actually used. A simple overview of the key components of an offshore windfarm is provided in Graphic 4-1 (Environmental Statement - Volume 2 Chapter 4 The Proposed Development, Examination Library Reference: APP-045). The offshore elements of the Proposed Development will be located adjacent to Rampion 1 and to its south and west. The Proposed Development will have up to 90 wind turbine generators with a maximum 325m blade tip height. Marine cables will connect the wind turbine generators to up to three offshore substations, and up to four cables from these substations will transfer the electricity onshore. The spatial extent within which the offshore elements described in Part 1 of Schedule 1 of the dDCO (Examination Library Reference: PEPD-009) may be constructed is shown on the Offshore Works Plans (Examination Library Reference: PEPD-004). These comprise by reference to the key plan: o An array area shown cross-hatched within which the surface piercing elements may be constructed. These are the wind turbine generators (WTGs) (Work No 1) and offshore substations (Work No 3a). o An area within which the sub-sea transmission cables (Work Nos 2a, 2b, & 3b) may be constructed. This includes the array area just described and the remaining hatched area

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		o An area within which the electricity export cables (Work No 4) may be constructed. This is the area coloured yellow o Various works associated with the landfall and bringing the export cable onshore which will be by horizontal directional drilling (HDD) under the beach at Climping (Work Nos 5 and 6) The onshore parts of the Proposed Development comprise cable circuits to be buried underground along a route of approximately 38.8km from the landfall at Climping in West Sussex to a new onshore substation at Oakendene, near Cowfold. This will then connect to the existing National Grid Bolney substation as the National Grid interface location in Mid Sussex. The onshore cable corridor starts at Climping within the Arun District Council administrative area. At Hammerpot, it crosses the boundary of the South Downs National Park Authority. West of Washington the route leaves the South Downs National Park Authority area and crosses into the Horsham District Council administrative area. The onshore cable corridor then progresses to the proposed onshore substation at Oakendene 2km east of Cowfold, which is wholly in the Horsham administrative area. From the proposed substation at Oakendene the onshore cable corridor crosses into the MSDC administrative area immediately west of the existing National Grid Bolney substation. The principal elements of the onshore works comprise Work Nos. 7-20 as described in Part 1 of Schedule 1 of the dDCO and the spatial extent with which each of these works may be carried out are shown on the onshore works plans (Examination Library Reference: PEPD-005).
2(ii)l	Clarification on quantum of turbines to be constructed The ExA asked the Applicant: • in respect of quantum of turbines whether the Applicant was proposing to build between 65 and 90 wind turbine generators? • depending on size of turbine and rotor diameter whether this could be any number up to 90 provided this does not exceed the maximum swept area? • if the Applicant's intention is to build only one type of turbine and if so, if the wording of the dDCO could be revised to make it clear that there is to be a singular wind turbine design, size and rotor diameter? • how the swept area figure was arrived at? • how the Applicant would respond to Relevant Representations that the English Channel is not a good area for wind turbine generators and that the North Sea is more efficient?	The Applicant confirmed that the assessed Rochdale Envelope allows up to 90 wind turbine generators and the assessed parameters are based on the types of wind turbine generators which may be available on the market at the time. These are a large turbine, up to 325m in height above lowest astronomical tide, or a smaller option up to 285m comparative height. The size of model ultimately selected will also impact on the number of turbines that can be deployed; whilst up to 65 of the larger turbines can be accommodated, up to 90 of the smaller turbines could be installed. This has led to the identification of two distinct design scenarios: the installation of 90 of the smaller turbines, or 65 of the larger turbines. The draft Development Consent Order (Examination Library Reference: PEPD-009) secures a maximum of 90 turbines but with a constraint on the maximum swept area set out in Requirement 2. The Applicant confirmed that any number of turbines up to 90 could be installed provided this does not exceed the maximum swept area and that the intention was to build only one type of turbine. The Applicant set out that the maximum swept area figure was derived from the lowest number of turbines with largest rotors being installed and that this had been rounded for the purposes of Requirement 2 with the intention of a cap on the number of turbines which could be installed. The Applicant noted that the Explanatory Memorandum had not been updated at the Pre-Examination Procedural Deadline but that this would be updated to make it clearer as to the rational behind the quantum of turbines and also that it would consider if the wording of Requirement 2 should be amended to make it clearer that the turbines were proposed to have a uniform design. In response to Relevant Representations received that state the English Channel is an unsuitable location for the Proposed Development, the Applicant noted that its view is that the area is suitable and that one of its shareholders it is a commercial developer with another project in this area. The Applicant noted that the wind resource is slightly higher in the North Sea but that it would respond to the Relevant Representations raised regarding this at Deadline 1.
2(iii)	Clarification on the choice of National Grid connection and onshore substation locations The ExA asked the Applicant:	In respect of the connection location of Fawley, the Applicant confirmed that this option had a capacity of 1200MW but would have required a longer marine cable with additional cost and marine risks including unexploded ordnances and impacts on shipping and marine traffic. This added significantly to the construction costs, and further there were environmental constraints identified all of which rendered the Fawley option unviable.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	• why the connection location of Fawley was discounted and whether the length of the cable route to Fawley was a challenge or is it because of the construction challenges? • whether the significant issues with which would be caused to shipping were insurmountable and how would shipping lanes be obstructed? • how material was the increased construction cost of £200m if the Proposed Development were to connect at Fawley? • to prepare a statement on why Fawley was discounted • in relation to the substation at Oakendene, why the Wineham Line site was discounted, particularly given the additional information which was available from the Rampion 1 surveys? • to prepare a statement on the environmental and engineering constrains at the Wineham Lane site	The marine cables being longer represents higher costs and greater risk to the Proposed Development and would require more extensive site preparation activities. In relation to the cables, there are two technologies which could be deployed: an AC solution which can work up to 80 to 90km, and, after this distance, a high voltage DC which the Applicant had not applied for. The distance between the Proposed Development and the Fawley substation is less than 90km and so the AC solution could have been deployed. The Applicant noted that shipping and navigation in this area is considerable which would be logistically difficult to manage and could result in delays and additional constraints. In respect of construction activities, cables would need to have been run under the Solent, a busy shipping area, which would have impacted on Southampton Port due to both the construction activities themselves and the wider safety zones which would be required. These would have been substantial issues to overcome. The Applicant set out its position that the construction costs themselves were not determinative but that it was dealing with a basket of effects and constraints which considered in the round led to the Fawley option being discounted. In terms of overall cost considerations, the Applicant confirmed that it must be mindful about delivering an economic project through the Contracts for Difference scheme and providing the best value to the consumer and that costs are a relevant factor in this. The Applicant confirmed that two processes had been undertaken to identify the connection point, the first being the Applicant's search and the second being National Grid's process, both of which concluded that the best connection location was at Bolney. In respect of the Wineham Lane and Oakendene substation locations, the Applicant noted that both sites had been included in its first statutory consultation and as options in its Preliminary Environmental Impact Report. However, following the output of these exercises, both sites were reviewed by a multidisciplinary team in workshops, with engineering layouts produced to understand impacts and constraints. The decision to progress Oakendene was driven by 3 factors (1) space confined at Wineham Lane so there was insufficient space, which would have created issues with installing infrastructure and certifying site the site as compliant, and providing the necessary environmental mitigation (2) landowner engagement. Wineham Lane had numerous developments entering planning application (subject to screening at time the sites were considered). An application for a battery energy storage system came forward on the Wineham Lane site in March 2023. The Applicant noted the Wineham Lane site was more likely to have required use of compulsory purchase powers since there had been more successful engagement from the relevant Oakendene landowners, and contracts have been exchanged to acquire the land on a voluntary basis in the previous week (3) There were also environmental constraints which the ExA requested was provided in writing under AP4. The Applicant also noted in relation to point (2) above that the Wineham Lane site was more likely to have required use of compulsory purchase powers since there had been greater engagement from the relevant Oakendene landowners, and contracts had been exchanged to acquire the land on a voluntary basis in the previous week. In response to comments made by Interested Parties that the Oakendene site had been the subject of a proposed community development, the Applicant noted that the schemes that had been referred to were not represented in the planning system.
3.	**Traffic and Access**	
3(i)	Transport Assessment Methodology The ExA asked the Applicant: • to explain the need behind further transport modelling being carried out as indicated in the Applicant's Procedural Deadline A submission	The assessment of traffic and transport has been reported within Chapter 23 of the Environmental Statement (Examination Library Reference: APP- 064) and is aligned with the Institute of Environmental Management and Assessment (IEMA) publication Guidelines for the Environmental Assessment of Road Traffic (1993). The construction phase assessment includes consideration of construction traffic routes, associated with the movement of deliveries, equipment and staff, during peak construction periods for the onshore elements of the Proposed Development.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	• what the conclusions were to date arising from the further modelling and whether there were any interim conclusions which could be shared? • whether the modelling carried out took account of the summer 2023 update to the 1993 IEMA guidance? • to provide a note on the differences between the 1993 IEMA guidance and the 2023 update and whether any of the outcomes would differ if the 2023 guidance was applied • whether the information requested by National Highways in respect of road junctions and linkages was available and why it had not been previously shared? • to share data with National Highways as to traffic numbers, details of compound and site accesses and how such compounds would operate • to review the construction management plan figures and resubmit the document if required	The methodology used for calculating construction traffic estimates is provided in Appendix 23.2 of the ES: Traffic Generation Technical Note (Examination Library Reference: APP-197). Construction traffic estimates for the Proposed Development has been calculated using project information available on the activity, material and plant requirements and size of workforce to determine the number of HGVs and LGVs required to support each construction activity. This methodology, in combination with indicative construction programme for the Proposed Development, has allowed construction traffic movements to be calculated for all sections of the onshore cable corridor, temporary construction compounds, onshore substation and temporary construction accesses for every week of the construction period. This construction traffic was then assigned to a study area highway network using the HGV and LGV access strategies detailed within Section 5 and 6 within the Outline Construction Traffic Management Plan (Examination Library Reference: PEDP-035a). Importantly, the access strategy for HGVs includes a requirement to use strategic elements of the highway network (A27 and A23) as much as possible as stated in paragraph 5.2.2. To inform the impact assessments contained within the ES a comparison has been completed of traffic data with and without construction traffic associated with the Proposed Development. West Sussex County Council have noted within their Relevant Representation (Examination Library Reference: RR-418) that they are content with the baseline traffic data used within the ES. TEMPRO traffic growth rates were then applied to baseline traffic data to obtain forecast 2026/27 traffic flows, which is the predicted peak construction year for the Proposed Development. TEMPRO is a program developed by the Department for Transport providing traffic growth forecasts taking into account national and local projections of population, employment, housing, car ownership and trip rates. This impact assessment has been completed for eight different scenarios within the ES: **Peak Week 70:** Construction traffic associated with the peak week of the four year construction programme (as summarised in Table 23-36 of Chapter 23 of the Environmental Statement (Examination Library Reference: APP- 064)). **Section-based peak weeks**: As part of the Proposed Development the entire onshore temporary cable corridor was split into three sections: • Section 1 runs north from landfall, across the A259, the River Arun and the two railway lines before crossing the A27 near the edge of the South Downs at Warningcamp. . The peak week of construction activities for Section 1 is predicted to be week 72; • Section 2 runs north east from the Section 1 boundary to a crossing of the A24 near Washington, West Sussex. B. The peak week of construction activities for Section 2 is predicted to be week 83; and • Section 3 runs from the Section 2 boundary along the A283 corridor before turning north east to Partridge Green and further East to Wineham/Bolney. . The peak week of construction activities for Section 1 is predicted to be week 125. **Annual Average Weekday Traffic (AAWT) for year 1, 2, 3 and 4 of the construction programme** (as summarised in Table 23-38 of Chapter 23 of the Environmental Statement (Examination Library Reference: APP- 064)). The completion of these scenarios reflect that construction of the Proposed Development will be largely linear in nature and provides a robust assessment of construction impacts across the study area and construction programme. The assessments contained within Chapter 23 of the Environmental Statement (Examination Library Reference: APP- 064) also takes into account embedded mitigation measures relevant to traffic and transport as identified in Table 23-28 and measures included within the Outline CTMP (Examination Library Reference: APP-228), Outline Public Rights of Way Management Plan (Examination Library Reference: APP-230),

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS

Outline Construction Workforce Travel Plan (Examination Library Reference: APP-229) and the Abnormal Indivisible Load assessment (Examination Library Reference: APP-196). The main conclusion from Chapter 23 of the Environmental Statement (Examination Library Reference: APP- 064) was there were no significant effects associated with the Proposed Development.

The Applicant confirmed that it had identified a further sensitivity test, noting the eight scenarios which have been assessed already, that could be carried out so as to conclude whether there were any further traffic effects on the basis of the worst case scenario being applied individually at every receptor in the study area. This methodology meant that adjacent receptors could be subject to different peak construction traffic flows for different weeks of the construction programme thereby ensuring that a worst case assessment was completed at all locations.

The Applicant confirmed that it was currently in the middle of that assessment and that some further links had been identified for further detailed environmental assessment, partly in relation to the new peak week sensitivity test, but also a review of sensitive receptors that were included in the original ES chapter. The Applicant noted that it was taking seven new links forward for detailed environmental assessment:

- A27 High Salvington;
- B2135 South of Ashurst;
- A281 South of Shermanbury;
- A272 Cowfold Road west of A23;
- B2135 North of Spithandle Lane (within Ashurst);
- A281 High Street Henfield; and
- Michelgrove Lane.

The Applicant noted that it was not predicting any significant effects and that it would submit the further analysis carried out at Deadline 1 as part of an ES Addendum.

In relation to the 2023 IEMA update, the Applicant set out that the guidance was issued too late to include in the assessments which were carried out as part of the preparation of the Application but that it has carried out a high level review of the updated guidance and key sections remain the same, such as the rules for identifying links that require detailed environmental assessment, although there have been updates to the methodology section for the assessment of fear and intimidation.

In response to submissions made by National Highways, the Applicant confirmed that the parties had continued discussions after submission of the Application and that the Applicant is working up highway access details, which would be shared as soon as possible along with further information on use of construction accesses in the vicinity of the A27.

In response to submissions made by the South Downs National Part Authority, the Applicant confirmed that it would consider the Written Representation due to be submitted on this point and respond to these in due course.

In response to submissions made by Bolney Parish Council, the Applicant noted that construction traffic will use the main junction between A272 and A23 and that the intention was not to route construction traffic through Bolney. It would instead use the A23 and A272 only. There appeared to be an error in Outline Construction Traffic Management Plan figure 7.6.8 (Examination Library Reference: PEDP-035a) which the Applicant confirmed it would review and correct as needed.

The Applicant also noted that it was not intending to use Moatfield Lane and that there appeared to be an error in Outline Construction Traffic Management Plan (Figure 7.6.9) (Examination Library Reference: PEDP-035a).

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		In response to the submissions made by Cowfold v Rampion, the Applicant noted that it had identified another receptor to the east of Cowfold village and near to the proposed construction compound which it will be considering with the additional sensitivity test to be included in the ES Addendum.
3(ii)	Michelgrove Lane The ExA asked the Applicant: • In relation to access 26, how traffic will be managed and access retained for local businesses and whether the Applicant had considered the use of trenchless crossings?	The Applicant confirmed that Michelgrove Lane is a primarily single track lane with occasional passing places accessed via the A280 Long Furlong. It is not suitable in its current to cater for construction vehicles and so up to eight passing places will be installed to provide adequate highway width for two-way traffic. In respect of trenchless crossings, it was confirmed that has been considered in the context of construction traffic movements accordingly and that the Applicant's open cutting will be to the east and north of the main access so that access is not severed for local residents. The access will be needed to bring in construction equipment, materials and personnel into location and so there is no closure of the road for open cutting through. As such HDD had not been selected for this location. In response to submissions made by West Sussex County Council, the Applicant confirmed that it was currently reviewing traffic management options for Michelgrove Lane at the junction with the A280 to account for traffic surveys completed this month, visibility splays and swept path analysis and that once a solution has been identified, it will submit this to West Sussex County Council and discuss to reach agreement in principle to that solution. In response to submissions made by the South Downs National Park Authority, the Applicant confirmed that Long Furlong Lane is needed for construction access only and that traffic will be shared between accesses 26 and 28 to be agreed with the contractor.
3(iii)	Brookside Caravan Park The ExA noted concerns about detrimental impact from noise, dust, damage to foundations and loss of revenue and asked the Applicant to explain: • why it was locating the access here? • whether alternatives had been considered? • Whether there were plans to use the access as operation access? • Can HGVs safely make turnings without moving into the path of an oncoming vehicle as a result?	The Applicant noted that the proposed access route is the only viable option as the site is constrained to south due to a water course, to the east due to a railway, to the north due to narrow roads and residents parking. As such, the only other option would be to come from the north and cross the watercourse, increasing the number of trenchless crossings required and creating more environmental issues. It was also noted that the access is on the cable route and so it was not the case that if the access were to be moved, there would not be vehicles on this part of the site. The Applicant confirmed that it would design the access so as to enable construction vehicles to have sufficient space to turn and avoid traffic management risks. It was also confirmed that the Applicant's updated Outline Code of Construction Practice (Examination Library Reference: PEPD-033) had added a noise barrier in between the haul road, with detailed design to follow as part of the construction noise and vibration plan to be submitted in accordance with Requirement 22(5)(h) of the draft Development Consent Order (Examination Library Reference: PEPD-009). The Applicant clarified that access 11, to the north of the caravan park is for operational use only, and that the construction access is located 60m north. The Applicant also noted that there was optionality on the use of accesses 13 and 15 but considered it likely that the access selected would be informed by the downgrading of the A284 and the opening of the new bypass. In response to the submissions made by Brookside Caravan Park, the Applicant noted that the Order Limits at this point were 70m wide but that approximately 40m would be required for the cable corridor, providing optionality on where this could be located. The final detail is to be secured through the onshore construction method statement to be submitted in accordance with Requirement 23(2)(f) of the draft Development Consent Order (Examination Library Reference: PEPD-009).

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
3(iv)	Construction Hours The ExA asked the Applicant: • Why the core working hours are set out in paragraph 4.4 of Outline Code of Construction Practice rather than the draft Development Consent Order? • In relation to construction HGV movements being described as usually taking place in core working hours and for an hour before and after, why this was not restricted to the core working hours? • Whether the effect of this on residents has been considered and thought given to holding back HGVs until the core working hours?	The Applicant confirmed that as all matters relating to construction are set out in the Outline Code of Construction Practice (Examination Library Reference: PEPD-033), the Applicant had taken the same approach to construction hours. The draft Development Consent Order (Examination Library Reference: PEPD-009) secures all of the detail within the Outline Code of Construction Practice (Examination Library Reference: PEPD-033) as if it were a requirement. As such, there was no impact on enforceability. The Applicant highlighted that at present the Outline Code of Construction Practice (Examination Library Reference: PEPD-033), is to be followed by the submission of a detailed Code of Construction Practice at the relevant stages of construction as secured by Requirement 22(5) of the draft Development Consent Order (Examination Library Reference: PEPD-009). One of the matters listed in Requirement 25 is the hours of construction working meaning that within the mechanism of the Requirement is the ability for a detailed Code of Construction Practice to make variations to the core construction hours for a particular are if so required. The Applicant also confirmed that the restriction on HGV movements was not intended to be inconsistent with the core working hours, the core working hours are the active working hours whereas the additional hour either side is to allow for traffic movements to enable the necessary materials to be in place at the right time for works to start. The extension to the core working hours for HGV movements was intended to allow for deliveries to be ready for the start of the day and to avoid movements during peak traffic hours. The Applicant confirmed that it would provide a note on whether HGVs could be held back until the start of core working hours at Deadline 1 The Applicant also confirmed that it would respond to Bolney Parish Council's submissions in writing as part of its response to Written Representations. It was noted that a number of specific requests have been made by Interested Parties and that the Applicant would need to take these points away to consider holistically following its review of Written Representations on this point. In response to submissions made by Cowfold v Rampion, the Applicant noted that it had nothing more to add in respect of whether a specific construction hour requirement was needed in the draft Development Consent Order (Examination Library Reference: PEPD-009) and noted that the reason for including provisos are to deal with construction constraints. The Applicant set out that with trenchless crossings, this can be done in normal working hours with the exception of specific activities which will need to be carried out over 24 hours. Although lighting will be needed, the compounds where drilling will take place have been sited as far away from residential properties as possible and mitigations will be put in place. The duration of these activities will depend on length of the drill, which is to be approved as part of the details to be submitted.
3(v)	National Highways Issues – Update The ExA invited the Applicant and National Highways to give update on solving the issues that National Highways has identified in respect of SRN and asked the Applicant to provide the detail requested by National Highways at the earliest opportunity.	The Applicant set out that National Highways in their relevant representation (Examination Library Reference: RR-263) has raised concerns on the traffic generated by, and rerouting caused by, the Proposed Development primarily on Decoy Lane and Poling Crossroads. Access A-20 on Decoy Lane south of the A27 will be for light construction vehicles only. Poling Crossroads provides routes to access A-25 to the north of the A27 and accesses A-17 and A-18 to the south of the A27. Access A-25 is for operational and light construction purposes whilst accesses A-17 and A-18 are for operational only. It is the Applicant's view that this level of construction traffic generation will not lead to a road safety issue on the A27 or adjacent junctions. The Applicant is currently reviewing junction design options for junction A-21 and A-22 to find a solution which achieves safe access for construction traffic associated with the Proposed Development. These junction designs will take account of visibility splays and swept path analysis and design standards contained within the Design Manual for Roads and Bridges. Once a preferred solution has been confirmed this will be submitted to National Highways for review and subject to an independent Road Safety Audit with an aim of reaching agreement in principle on the proposals before the end of the examination. In relation to Protective Provisions, the Applicant confirmed that meetings have been held with National Highways to discuss protective provisions, and National Highways have provided template protective provisions which the Applicant has considered and has recently provided comments back to National Highways on these with the anticipation that National Highways concerns as to interaction between the Proposed Development and the strategic road network will be addressed. The Applicant considered that there was no reason to think that discussions will

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		not be concluded within the Examination and no reason why National Highways' concerns will not be resolved given that there are active discussions between the parties and the Applicant is working up the necessary details and is cognisant of what is required in this regard.
4.	**Effects of the Proposed Substation at Cowfold/Oakendene**	
4(i)	Potential traffic at Kent Street and A272 The ExA asked the Applicant: • To respond to the concerns raised by Interested Parties in respect of the safety of the proposed open Dean West compound and Oakland Dean substation compound Junctions? • Whether the Applicant intended to carry out road safety audits? • What the proposed strategy is to avoid impacts on the A272 as a result of construction traffic using unsuitable routes such as Picts Lane? • In respect of the two construction accesses proposed off Kent Street, to clarify the extent of use of these, the traffic management measures proposed and the rational for not including these in the transport assessment? • Whether the Applicant had considered the use of haul roads to service access points? • To provide a plan showing the lack of alternative accesses	The Applicant confirmed that access 63 will be designed in accordance with the Design Manual for Roads and Bridges guidance in relation to visibility splay and taking into account the swept path analysis and anticipated traffic flows to ensure it is appropriate to cater for construction traffic. It was noted that the access already serves an industrial site there and so there is already existing use by construction traffic. Further, looking at peak levels of construction traffic at each junction, around 11 to 12 movements per hour at each junction have been estimated, or six vehicles entering and exiting per hour. The Applicant noted that the Oakendene junction has been subject to design for submission to West Sussex County Council, after which point the Applicant will complete an independent road safety audit on that junction and then carry out any recommendations that come from that. The Applicant intended to carry out further road safety audits in other locations where there had some discussions with West Sussex County Council over the need for designs and road safety audits. The Applicant was also completing preliminary designs and a road safety audit will be completed for the Washington compound access junction. The Applicant did not consider that it would be possible at this stage to develop designs and complete road safety audits on every access junction given the number of junctions, however there is a requirement for designs to be agreed as part of the detailed design element. Where there are concerns and when there is a high level of traffic generation, such the construction compounds, the Applicant will be looking to do so in advance of the formal detailed design process. The Applicant confirmed that the lanes to the north of the A272 were not part of prescribed assess routes and that access is intended to be taken from the A272 into the construction accesses. In terms of other avoidance, there will be monitoring of construction traffic movements throughout the construction period and the ability to apply enforcement and corrective measures through the Construction Traffic Management Plan. Kent Street is identified within the Outline Construction Traffic Management Plan (Examination Library Reference: PEPD-035a) as a single track road which will be used as a construction traffic route to accesses 61 and 64. Following concerns raised in Relevant Representations, the Applicant is currently reviewing options for the implementation of traffic management along Kent Street to provide safe access for construction and general traffic. Once the Applicant has a preferred solution, this will be discussed with West Sussex County Council as soon as possible with the aim of reaching an agreement in principle to the traffic management strategy. In respect of the use of haul roads, the Applicant confirmed that the access is off Kent Street, both the east and west cable routes and that there is no possibility to take access via a haul road through the substation compound area south nor from the other direction. It also is not possible from the east going west down to the trenchless crossing location, which then is under a river, nor from further west and running east. As such, these are the only two accesses to the cable route running east and west. In response to Cowfold v Rampion's submissions, the Applicant noted that the Oakendene junction was currently used by HGVs serving the industrial site rather than construction traffic. It was not considered that there was a need for signalisation of the junction based on the peak construction traffic associated with the Oakendene substation and it is also not considered likely that construction traffic will use lanes to the north of the A272 on the basis that these will not form prescribed traffic routes contained within the CTMP. Inclusion of wording within the CTMP to prohibit use of these routes would be taken away and considered further by the Applicant. On Kent Street generally, the Applicant agreed that this was not suitable for construction traffic in its current form, hence why it was looking at appropriate traffic management measures to ensure that it can be accessed safely.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		The Applicant noted in response to Ms Davis's submissions, that some of the data alleged to be missing is in the application documents so it would discuss this with her outside of the hearings.
4(ii)	Cowfold Air Quality Management Area (AQMA) The ExA asked the Applicant: • How the HGV strategy provides for construction traffic to avoid the AQMA? • To minimise impacts further, whether onsite haul roads could be used south from the construction compound to service areas A57, A56, A53 and A52 and from A50, whether there could be a northern haul road? • What the scale of HGV movements is against background flows? • to provide LGV figures	The Applicant confirmed that whilst Commitment 157 and 158 discourages traffic from routeing through the Cowfold AQMA for robustness within Chapter 23 of the Environmental Statement (Examination Library Reference: APP- 064), it has been assumed that approximately 25% of HGV traffic does route through Cowfold from the A24 and A272 east of the village centre when entering or exiting construction accesses at Oakendene, Kent Street or Wineham Lane to ensure the worst case has been properly assessed. The impact of this commitment is the removal of up to 22,000 two-way HGV trips (11,000 HGVs) from Cowfold village centre over the construction programme. In relation to the use of haul roads, the Applicant noted that it was not possible to rely on these due to the need for a trenchless crossing of a watercourse would be a constraint and further the location being within a flood zone making bridging more difficult. However, the Applicant had used haul roads wherever possible. The Applicant confirmed that its forecasts show an increase of 4 HGVs per day for A281 south of Cowfold, and 32 on the A281 in the centre of Cowfold and on the A272 to the west of Cowfold. This represented a 2.3% increase on the A28 to the south and a 3% increase on the A281 in the centre of Cowfold. It noted that LGV are not currently subject to the AQMA commitments but that these ought not to be moving in peak hours. The Applicant confirmed that the haul road between the A281 and Kent Street is not continuous because of watercourse crossings utilising trenchless crossing techniques requiring access from both sides. Trenchless crossing was used so as to retain the line of vegetation to the south of the substation site and to reduce the impacts from an landscape and visual perspective and an ecological perspective.
4(iii)	Kings and Moatfield Lanes ExA asked the Applicant to: • set out its proposed measures to mitigate impacts on local residents and how these will work in practice? • confirm whether there has been any consideration of HDD at this location?	The Applicant noted that in relation to its strategy for private means of access, the Applicant confirmed it would seek to minimise impacts while working in this location and would respond to any reasonable request for access but that there will be periods where no access is available. The Applicant confirmed that this would be planned and that it will give residents three months advance notice. The Applicant noted that it had set up principles to provide a general approach to crossings, but individual crossings will be part of a bespoke solution to be agreed with contractor with a nominated person for contact. It was also noted that in this location, the open cutting of the road itself is not for a long duration (a couple of days at most) so the impact of this method against trenchless crossing impacts was considered to be the lesser. The Applicant agreed that it would further consider what else it could do in this location.
4(iv)	Dragons Lane ExA asked the Applicant to: • Clarify what this access was being used for? • Whether HGVs could use another access? • how will the HDD compound be accessed? • To provide further information to the landowner (Mr Crawford Clark) and into Examination as to how the proposed route	The Applicant confirmed that the access in this location will be for operational purposes only. Paragraphs 23.4.21 and 23.4.22 within Chapter 23: Transport, Volume 2 of the Environmental Statement (Examination Library Reference: APP-064) describe the expected operational and maintenance phase activities which includes periodic testing of the cable every 2-5 years through attendance by up to three light vehicles such as vans in a day at any one location. Unscheduled maintenance or emergency repair visits for the onshore cable will typically involve a very small number of vehicles, typically light vans. Infrequently, equipment may be required to be replaced, then the use of an occasional HGV may be utilised, depending on the nature of the repair however, this would be exceptional. The Applicant confirmed that it was intended that construction traffic will come up the haul road and follow the western boundary to reduce impact in that area, and will then join back into cable route. There were no proposals to use Dragon's lane for a construction access. In response to the submissions made by Cowfold v Rampion, it was confirmed that the access was for operational uses only and the material store will be sited at the construction compounds. Within cable corridor during construction, there will be sufficient turning space for construction vehicles.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	will pass through his property and how the operational access with occasional HGV use will work when taking into account the width of the access.	
4(v)	Historic Environment - Oakendene Manor The ExA asked the Applicant: • To justify the level of detail shown on the substation indicative layout and landscape plan in terms of assessing impacts on heritage asset • To provide a note on further information requested by West Sussex County Council regarding the Applicant's assessment and provide an update on the south east corner viewpoint.	The Applicant confirmed that the heritage assessment had been carried out to understand the significance of the heritage asset and the contribution the setting makes to it which is described in Appendix 25.8 to the Environmental Statement (Examination Library Reference: APP-214), and Appendix 25.5 to the Environmental Statement (Examination Library Reference: APP-211). The assessment of the effects was based on the extent of the substation, and the temporary works include the construction compound, with landscape mitigation planting, presented in Appendix D of the Design and Access Statement (Examination Library Reference: AS-003). The Applicant's assessment has been supported by site visits and the production of a viewpoint illustration (Examination Library Reference: APP-099). As a result of these assessments, the Applicant was confident on its assessment of the degree of effects on the listed building. The Applicant confirmed that Requirement 8 of the draft Development Consent Order (Examination Library Reference: PEPD-009) relates to detailed design approval for onshore substation, with Requirement 8(2) requiring that the detailed design must accord with the principles set out in the Design and Access Statement (Examination Library Reference: AS-003) and include details of the siting and layout and landscaping proposals. The details set out in the Design and Access Statement (Examination Library Reference: AS-003) have been used to inform the Applicant's assessment and so from Applicant's perspective, sufficient detail has been available to complete this assessment. In response to submissions by Cowfold v Rampion, the Applicant confirmed that there had been an intention to take a viewpoint from the south side of Oakendene Manor but that it had been unable to get access. The landowner had been contacted, but that the Applicant had been unable to obtain access due to the landowner's personal situation. However, the Applicant had provided the construction team with the wirelines of the substation to show the extent of development from that location. The Applicant had selected viewpoint SA3 because it is the point of high ground, whereby having just exited the woodland, the public would get a sudden open view and see the house in the setting. The Applicant did not take this from the closest point on the footpath as this would have created difficulties with the montage due to the close proximity of the proposed infrastructure In response to submissions made by Interested Parties, the Applicant noted that it was important to recognise that it had not identified that there was no harm, but rather less than substantial harm, and that both councils have agreed this subject to the delivery of mitigation. It was also noted that the construction impacts on Oakendene Manor were temporary and had been assessed in accordance with Historic England Guidance.
4(vi)	Flood risk and proposed drainage plans The ExA asked the Applicant: • To explain the worst case flood scenario and drainage strategy proposed? • Figure 26.2.2 shows areas of the development within flood zones 2 and 3 – it's very difficult to see any detail of the oakendene site at this scale. Is there a map which shows this information at a larger scale at the oakendene site	The Applicant confirmed that in terms of the Applicant's Flood Risk Assessment (Examination Library Reference: APP-216), Figure 26.2.6A helps illustrate what has been considered in terms of baseline worst case scenarios. In terms of design, the primary approach taken has been one of avoidance. Two main sources taken into account in the Flood Risk Assessment (Examination Library Reference: APP-216), these were surface water flooding and fluvial flooding. For fluvial flood risk the Applicant took a suitably precautionary approach to avoid the 0.1% annual exceedance probability (AEP) event associated with the southern ordinary watercourse, which was discussed and agreed with West Sussex County Council as the lead local flood authority and Horsham District Council as the local planning authority (HDC) on 22 June 2022. This was recorded in Annex A of the flood risk assessment [APP-216]. Surface water flood risk is consistent with the underground clayey conditions in the region. Figure 26.2.6A [APP-216] shows several surface water pathways (away from the watercourse) being generally orientated from the north to the south into the southern watercourse. The approach for addressing surface water flood risk is set out in the Outline Operational Drainage Plan [APP-223] which was also suitably precautionary in its nature for various reasons. The Outline Operational Drainage Plan [APP-223] Appendix A Illustrative SuDS Plan was shown to talk through the outline design concept and how the surface water flood risk would be dealt with on-site. The surface water run-on pathways to the north of the site from Bolney Rd will be captured and diverted into an attenuation basin (P1) which will attenuate flow discharging into a swale and subsequent basin (P2) to further manage surface water before it is discharged to the watercourse. There are also several other attenuation basins to the south (P3) and to the west (P4) to attenuate surface water runoff from the substation prior to

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	• Would you say the fluvial and groundwater flood risk was negligible at the oakendene site? • Can you confirm that accounting for the predicted impacts of climate change throughout the developments lifetime and that volumes and peak flow rates of surface water leaving the oakendene site would be no greater than that leaving the site prior to development. • Whether runoff from the site will cause flood risk elsewhere? • If the proposed drainage strategy compatible with wet woodland delivery? • How the drainage strategy is secured? • Whether WSCC had any comments on the matters discussed relating to flood risk assessment and proposed drainage plans at the proposed Oakendene site, and whether the Applicant have a response. • to provide additional details of the proposed onshore substation site at Oakendene with site levels in relation to flood risk.	discharge to the watercourse. The Applicant has factored in an upper end climate change allowance (45%) which in of itself is highly conservative (the final design requires (25%)). The details provided in paragraphs 2.4.10 – 2.4.13 of the Outline Operational Drainage Plan [APP-223] and in summary the attenuation requirement for the site is more than suitably accounted for by the SuDS Plan options. For instance it is stated that Basins P2-P4 alone provide more than 1,800m3 beyond what is required. There are also additional options which offer a lot of flexibility in the outline design. In summary the Applicant is confident that a highly precautionary approach has been taken in the FRA [APP-223] and Outline Operational Drainage Plan [APP-223] and there is sufficient flexibility in the outline operational drainage plan such that it can be revised and adapted accordingly at the detailed design stage. In relation to Figure 26.2.2 the Applicant commented that for clarification the Oakendene site is situated within Flood Zone 1 in relation to the EA Flood Risk Map for Planning. For that reason and because the watercourse to the south of the site is a small ordinary watercourse, the only available flood extents are based off of the EA Risk of Surface Water Mapping (RoSWF) datasets. As such the EA flood map for planning wasn't shown in greater resolution for the substation site as it wasn't deemed relevant. Instead the Applicant showed the RoSWF mapping on Figure 26.2.6A [APP-216] in high resolution as it was the most relevant data layer. When asked if fluvial and groundwater flood risk was negligible at the Oakendene Site the Applicant provided confirmation. In terms of fluvial flood risk that was because the substation was sited outside the 0.1% AEP for the southern watercourse so it is at very low risk. Also a precautionary approach has been taken for the project via commitment C-230 for adherence with the National Grid target guidance for flood resilience for the 0.1% AEP plus 57% climate change allowance plus 300mm of freeboard, which goes above the usual planning requirements. The Applicant confirmed that the ground water risks were described in Horsham District Council's strategic flood risk assessment as being negligible flood risk. The risk is addressed through the Applicant's Outline Operational Drainage Plan (Examination Library Reference: APP-223). In relation to the climate change allowances question, the Applicant confirmed that these had been taken into account to ensure that surface water leaving the substation site would be no greater than prior to development. The Applicated noted that in the Outline Operational Drainage Plan [APP-223] they have accounted for climate change for the operational period [2030 to 2060] (climate change allowance of 45% in peak rainfall intensity) and each of the measures in the plan are for attenuation to the greenfield runoff rate (Q_{BAR} or 2 l/s whichever is greater). The Applicant confirmed that runoff from the proposed development at the Oakendene substation would not cause increased flooding elsewhere. Further, the Applicant confirmed that the proposals and level of runoff meant that there would not be a flood risk posed elsewhere. This was on the basis of the aforementioned proposals, the approach of avoidance and the management of site runoff to greenfield runoff rates. The Applicant confirmed that the proposed drainage plan was compatible with the delivery of wet woodland. This was on the basis of a collaborative approach with the Applicant's Ecology team when drafting the indicative SuDS and landscape plan (Appendix A of APP-223). The Applicant commented that Requirement 17 of the draft Development Consent Order (Examination Library Reference: PEPD-009) secures the Outline Operational Drainage Plan (Examination Library Reference: APP-223) during operational development. In relation to WSCC's comments about flooding the Applicant provided a response. With regards to fluvial flood risk adherence to national grid guidance meant that we are not just using the 0.1% AEP exclusively they are also applying a large climate change allowance and 300mm freeboard which ensures the substation footprint is highly resilient to flood risk. In relation to surface water flood risk there is a large degree of flexibility built into the outline operational drainage plan. Given that the ground is weald clay the groundwater level will likely be consistent with the levels in the watercourse. Even as part of a worst case scenario if there was backing up from the watercourse via the discharge pipes and into the attenuation basins there would still be more than enough storage built into the options which was presented in the Outline Operational Drainage Plan APP-223, Appendix A. Additional storage for instance is available within Basin P1 and from the presence of granular fill in the substation base. The Applicant said they were not concerned that they can do as part of the final design as there is more than enough storage contained within those various options. There is a lot of flexibility incorporated with the design such that if there are any concerns they can be factored and taken into account as part of the final design at the post consent stage.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		In relation to the final comments from other interested parties the Applicant reiterated the key parts of the Outline Drainage Plan proposals [APP-223, Appendix A] which were put in place to appropriately capture, convey and manage surface water on-site.
4(vii)	Effects on ecology including Red list and UK BAP priority species, wildlife corridors, trees and hedgerows The ExA asked the Applicant to explain how these species were accounted for in the ecology assessment and whether there were any designated habitats on site?	The Applicant confirmed that a range of surveys had been carried out in 2020 and 2023, including a Phase 1 Habitat Survey, a hedgerow survey in accordance with the Hedgerow Regulations 1997, an aarbocultural survey, alongside a range of other species specific surveys such as great crested newt, breeding bird and reptile survey. The Applicant also carried out a desk study using local and publicly available data sets, planning data and also local data supplied by an Interested Party. Accordingly, the Applicant considered that it had carried out a considerable effort to determine the on site baseline. The habitats to be lost at Oakendene includes native hedgerow of 622m which qualifies as a Habitat of Principal Importance under the UK Biodiversity Action Plan priority habitat descriptions published by the JNCC (Joint Nature Conservation Committee). The loss of this priority habitat cannot be avoided due to the scale of the proposed substation, although quoted losses are based on the worst-case scenario regarding substation design. In addition, there will be a loss of 19 category A oak trees. The Red list and UK BAP priority species identified on site include dormice found on the boundary of Oakendene Manor, reptiles (both grass snake and slowworm) and otters, with signs of otter activity being found on the fishpond at Oakendene Manor. The Applicant has not discovered nightingales onsite but has found five territories to the south and west of the site. Each one of these ecological features has been considered in terms of the design and measures to minimise and mitigate effects. . With regards to the Oakendene site, most of that mitigation is focused on both providing additional habitat for dormice as a buffer to disturbance and provision of additional feeding opportunities, whilst maintaining corridors of movement both north south and east west. These sorts of corridors of movement are also good for bats, which are regularly on the site and in the surrounding areas. In terms of the indicative landscape planting, some of habitat would come forward pre-commencement of construction, with European Protected Species Licence applications being made to Natural England in respect of the dormice. The Applicant had also identified great crested newts in the area, although not directly on site, with a number of ponds with positive results for this species, and others with the potential to be positive in different years. An application to the district level licencing scheme run by Nature Space would made to ensure that there is a strategic delivery of new great crested newt terrestrial habitat.. The Applicant also confirmed that in terms of the specification of wet woodland within the indicative landscape plan that this has been proposed to pick up Nightingale as a local conservation priority. The wet woodland would be created within the sustainable drainage features that would take run-off from the substation. At the time of the survey there were no nightingales on site, although it was noted that they may occupy the area as they are a species of successional habitat.
5.	**Construction Effects**	
5(i)	Confirmation that trenchless crossing will be used as set out in the Outline Code of Construction Practice [PEPD-033] The ExA asked the Applicant to confirm: • Whether the crossings as set out in the crossings schedule and the CoCP are definite and whether the indicative plans need to be updated?	The Applicant confirmed that the location of the trenchless crossings is contingent on a detailed site investigation across the entire cable route which would include evaluation of all relevant site features. For example, the obstacle that is to be crossed at the relevant trenchless crossing, based on the characterisation of the site's geological factors, topographic and hydrological conditions as well as the determination of geotechnical parameters. These site investigation campaigns are standard practice now defined by established guidelines and codes, but due to the costs involved, are usually undertaken once consent has been obtained. Throughout the design evolution, a geotechnical and construction risk register will also be kept to track risks, and associated control measures for trenchless crossings. Any construction will only be undertaken if the risks are acceptable. Where the Applicant has identified certain factors that could present additional risks, it has allowed for a wider corridor and multiple alignment options along the cable route to have optionality in terms of the design that will be the output and determined by the investigation campaign. As such, the Applicant is confident that within that, it will be able to complete the trenchless crossings at the relevant locations.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	• If the site inspection prevents trenchless crossings, if this would prevent the Proposed Development from proceeding? • Whether commitments 5 and 17 could be better tied to the trenchless crossing schedule in the Code of Construction Practice	The Applicant noted that commitment 5 was made early on in the design process to avoid sensitive features. The Applicant's crossing schedule (Examination Library Reference: PEPD-033) sets out the exact locations of crossings, but the Applicant will consider whether this commitment, and additionally commitment 17 should be updated. The Applicant confirmed that the trenchless crossings set out in the crossing schedule (Examination Library Reference: PEPD-033) will be provided and that is reflected in Requirement 6 (4) of the draft Development Consent Order **[PEPD-009]**. This requirement refers to "unless otherwise agreed" so as to enable the other bodies who might be listed there to request that the Applicant does not do trenchless crossings in a particular location. However, this must also be exercised in accordance with the control mechanism that is specified through Requirement 36 around the discharge of details and amendments to the details that have been that have been approved, which set out that those details cannot be amended, otherwise than in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant authority, that the change is effectively unlikely to give rise to any material worse environmental effects from those assessed in the environmental statement. The Applicant also confirmed that from a principal engineering perspective, trenchless crossings can be undertaken in other locations, if that is required, provided that the site investigation is done in accordance with the requirements and aligned with the rest of the cable route. The updated Outline Code of Construction Practice (Examination Library Reference: PEPD-033) sets out that if an unexpected obstacle or constraint is encountered that would need to be provided in the stage specific detailed Code of Construction Practice that requires a trenchless crossing, this would need to be backed up with evidence that would not result in the new or materially different environmental effects.
5(ii)	Hedgerow / tree load and retention The ExA asked the Applicant to confirm: • the vegetation types which will be lost, in light of the Applicant's errata correction • for the Applicant to tabulate this information and submit into the Examination, including details of how much of the vegetation is situated in the South Downs National Park • the worst case number of trees that will be lost and whether the arboricultural report need to be updated due to the new information submitted? • will any ancient woodland or veteran trees be lost? • whether commitment 216 should be amended so as to remove the reference to "where"? • whether necessary hedgerow removal has been taken into account at all bell mouth access points.	The Applicant confirmed that it had committed as part of commitment 216 not to carry out surface construction activities within 25m of ancient woodland which is 10m over the Government guidelines on minimum construction buffers. This was specified so as to protect ancient woodland against indirect effects such as pollutant escape, silt laden run-off and light spill from temporary construction lighting. This stand-off allows the Applicant to implement commitment 105 effectively which is to reduce any light spill through use of wildlife friendly lighting design. Commitment 174 provides for stand offs to veteran trees. In relation to commitments 216 and 174, where ancient woodland and veteran trees are retained through use of trenchless crossings the Applicant has specified a minimum depth of the drill head below the surface to be 6m in order to protect the rooting area. This depth is based on Forestry Commission's research that identified that the majority of tree roots are at a depth of less than 2m. The Applicant has specified a 6m depth to avoid direct damage and be low enough to account for changes in substrate. In relation to the amendments made as a result of the Applicant's errata correction **[PEPD-001]** the Applicant confirmed that changes were made to account for discrepancies identified in discussion with West Sussex County Council. In respect of total losses, these would amount to effects to 89 hedgerows and 30 tree lines. The length of hedgerows be temporarily lost is 1,120 metres, 242 metres of which is identified as being species rich. The length of hedgerows permanently lost is 622 metres, all of which is identified as being species poor. In total, 34 metres of hedgerow to be temporarily lost is deemed to be important hedgerows under the Hedgerow Regulations 1997 and a further 90 metres as potentially important (these are hedgerows where the Applicant has not had sufficient access to carry out a survey). In addition, 412 metres of tree line is expected to be lost as part of the Proposed Development. In response to submissions made by Cowfold v Rampion, the Applicant noted that in terms of accesses from Kent Street, a check would be made regarding hedgerow loss and the vegetation retention plans. The Applicant noted that the engineering and ecology teams had reviewed all accesses and hedgerow crossings previously. The Applicant confirmed that commitment 174 is not dependent on the Order Limits and will be in place in all locations.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		The Applicant noted that there is a difference between the definition of 'tree/tree group/woodland/scrub' applied through the ecological assessment and the arboricultural impact assessment. This is due to the different way in which the different survey methodologies classify habitats. The Applicant agreed to ensure a review for consistency between the relevant documents is undertaken, albeit acknowledging different methodologies meaning that they will never be entirely consistent. The Applicant confirmed that 40m was the width of the cable corridor but that the Order Limits were set wider to provide optionality within this for example where trenchless crossing launch pits needed to be amended. The Applicant has a variety of construction activities within the construction corridor, some of which are intrusive and others which are not. The Applicant confirmed that in respect of the 25m buffer, this would apply so that there would not be any ground-breaking activities in this area, nor would there be any soil or equipment storage in this area. Commitment 216 is intended to create sufficient space ato avoid effects on ancient woodland. The Applicant noted that the commitment in respect of ancient woodland is commitment number 216 and that commitment number 174 applies to veteran trees. The Applicant agreed to consider the wording of commitment 216 through the removal of 'where'.
5(iii)	*Climping Beach* The effects of coastal erosion on the Horizontal Directional Drilling under Climping Beach The ExA noted that Relevant Representations received raised issues of coastal erosion, and asked the Applicant if it is possible the cable could be exposed during the Proposed Development's 30 year life span requiring further works?	The Applicant confirmed that it is aware of the occurrence of historical and ongoing coastal erosion at Climping Beach. A detailed description of the baseline conditions as for the purpose of the Environmental Statement and the EIA process is provided in paragraph 4.1.5 onwards in the Environmental Statement, Volume Four, Appendix 6.1 (Examination Library Reference: APP-219). The Applicant's coastal processes baseline document provides a more detailed baseline understanding and includes both the coastal processes that are controlling that morphological change and coastal erosion. Further, the present status and limitations of the current coastal defence measures which are in place are a factor as are the likely future strategies for coastal defence which are presently do minimum but may change in time. The Applicant noted that it was in its interests to avoid the negative effects of coastal erosion on the horizontal directional drilling under Climping Beach for both environmental, engineering and economic reasons. The Applicant expected to avoid the effects of coastal erosion through a well-informed engineering design for the horizontal directional drilling that the horizontal directional drilling should be sufficiently deep and suitably rooted from start to finish to remain buried along its whole length throughout at least the operational lifetime of the Proposed Development. There are also details of the rate of erosion, the depth and the position of the coastline along the chosen routes. The Applicant confirmed that there is information and data available of a sufficient quality and quantity at this stage, about coastal processes and the erosion rates, in addition to other factors and constraints that also affect the choice of routing. This has provided the Applicant with a realistic envelope of likely future coastline positions as a result of coastal erosion, as well as the topographic information and generalised geological information, which has informed the horizontal directional drilling design options up to this stage. The final design, location and depth of burial of the cable and other landfall infrastructure will be informed by further studies (secured by commitment C-247) including studies of coastal erosion, building on work that has been done in the past and also incorporating recent experience (such as in relation to storms). This general approach of a gradual progression towards a final design with gradual increase in confidence and amounts of data available, is typical of the normal evolution of the cable burial design process. As a result, the Applicant expects to avoid any negative effects of coastal erosion on the horizontal directional drilling by design. The Applicant was unable to confirm an exact depth of horizontal directional drilling as this will be informed by the geological and geotechnical investigations. However, there will also be input from the coastal processes side as to what the gradient of the beach and the near shore area should be, as the coastline does rollback. There will also be investigations or consideration of if the rollback occurs in certain ways. The Applicant noted that the horizontal directional drilling would be in the order of at least five to ten metres below the beach profile in all locations. To contrast that with the offshore environment where the seabed level might change by a few metres over the lifetime, the cable might only be buried a metre or so down, provided the infrastructure is buried. It has no potential to interact with the mobile part of the environment, therefore, to be affected itself or to cause an effect in the opposite direction. The Applicant confirmed it would consider whether more information can be submitted into the Examination to address Interested Parties' concerns.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	Horizontal Directional Drilling impacts on the ecological features of the SSSI The ExA asked the Applicant to explain whether alternatives had been considered and also for an update on discussions with Natural England?	The Applicant confirmed that there were two options for the horizontal directional drilling launch site, one of which will pass under the SSSI and one which will have no interaction with SSSI features. The Applicant considered that the launch site passing underneath part of SSSI will not have negative effects on the SSSI. The Applicant noted that discussions with Natural England were ongoing in regard to their concerns around erosion and also on the landfall site and they were seeking further discussions in the future.
	Potential flood risk from the sea during construction. The ExA noted that the EA Strategy is to allow the climping sea embankment to realign, and that in Feb 2020 Storm Ciara damaged the embankment. The ExA asked the Applicant to confirm the contingency measures which have been proposed to manage flooding should a similar storm occur during construction?	The Applicant set out terms of the key mitigation measures, one of which relates to an emergency response plan for flooding, set out in C-118 and in detail within section 8.2 of the Flood Risk Assessment (Examination Library Reference: APP-216). This will help ensure that staff are suitably informed and prepared on what to do in the event of flooding. The Emergency Response Plan is secured via DCO Requirement 22 (5) (j). In summary it will cover things like how staff will make the site safe prior to evacuation, removal of critical plant either by removing it from the floodplain or raising it up effectively protect site personnel and the circumstances upon which different levels of responsiveness would be triggered (e.g. such as issuing 'being prepared' and 'evacuation' orders. The plan will detail the procedure to be followed if flooding of the construction site is expected. The Applicant also emphasised that a sequential approach had been taken as part of the outline design whereby the landfall areas had been carefully sited to avoid flood risk in the first place. The Applicant referred to Figure 26.2.3a [APP-216] which illustrates the approach of avoidance. The landfall sites (TC-01 and TC-01a) are on topographically the highest areas and within Flood Zone 1, therefore this land has the lowest probability of flood risk in the area. During storm Ciara when the embankment was damaged the flood pathways resembled what is illustrated in Figure 26.2.3a. The floodwaters at the time channelled along lower lying land, away from the proposed landfall site options which are raised up on the higher land.
5(iv)	*Extent of areas in Works Plans for Work No.9 concerning:* Works Plan Sheets 2 and 3 at Littlehampton	No comments made by the Applicant.
	Michelgrove Park The ExA noted that the work plan for the area, covers the central area between the two proposed cable routes, and queried if the middle section, should be removed?	The Applicant confirmed that the right hand route was the preferred option but that this cannot be confirmed until site investigations were carried out. The crossing at Michelgrove Park is a non-standard crossing due to environmental conditions but the Applicant confirmed it would consider whether the works plan should be revised to remove the central area.
	Sullington Hill The ExA raised the same query as in respect of Michelgrove Park	The Applicant confirmed it would consider whether the works plan should be revised to remove the central area.
6.	**South Downs National Park**	
6(i)	*Landscape and seascape effects* Size, proximity and lateral spread of WTG's (including Heritage Coast) The ExA asked the Applicant: • to prepare a note setting out the special qualities of the South Downs National	The Applicant confirmed that it would consider whether it could provide a note setting out the special qualities of the South Downs National Park within the confines of the assessments undertaken and that it would prepare a note of what the special qualities are and signposting to the relevant assessments. The Applicant noted that it would address any concerns raised by the South Down National Park Authority as part of its response to Written Representations and the Local Impact Report but that in undertaking its cumulative assessment with Rampion 1, it had followed the Planning Inspectorate's Advice Note Seventeen: Cumulative effects assessment relevant to nationally significant infrastructure projects, in particular the note under table 2 which states:

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	Park with all assessments and concerns detailed • whether there was any update on the discussions between the Applicant and the South Downs National Park Authority?	*"Note: Where other projects are expected to be completed before construction of the proposed NSIP and the effects of those projects are fully determined, effects arising from them should be considered as part of the baseline and may be considered as part of both the construction and operational assessment. The ES should clearly distinguish between projects forming part of the dynamic baseline and those in the CEA."* The Applicant also confirmed that assessments it has carried out have taken into account the statutory duties which exist in respect of the South Downs National Park and its national significance. The seven special qualities of the National Park are summarised in the Environmental Statement - Volume 4 Appendix 18.3 Landscape Assessment (Examination Library Reference: APP-169) as being: '1. Diverse, inspirational landscape and breath-taking views. 2. A rich variety of wildlife and habitats including rare and internationally important species. 3. Tranquil and unspoilt places. 4. An environment shaped by centuries of farming and embracing new enterprise. 5. Great opportunities for recreational activities and learning experiences. 6. Well-conserved historical features and a rich cultural heritage. 7. Distinctive towns and villages, and communities with real pride in their area'. The onshore analysis found that qualities 1, 3 and 5 are relevant to the assessments carried out and from the outset of the evolution of the design of the Proposed Development, due consideration has been had to these. For example, the cable route selection through the National Park would avoid significant effects on settlements and employs trenchless techniques to avoid key areas such as the A27, ancient woodland, and veteran trees, and a reduced cable corridor width at other locations to reduce impacts on hedgerows and treelines. The Applicant is also proposing the coppicing, notching and replanting of impacted hedgerows and trees. The Applicant's onshore assessment has found significant effects on qualities 1 (breath-taking views) and 3 (tranquillity) but not 5 (opportunities for recreational activities). The nature of these effects would be temporary and limited to the construction period. The Applicant's offshore assessment has found significant effects on qualities 1 (breath-taking views) at some locations such as at Viewpoint 17 (Devil's Dyke, ES Figure 15.42 (Examination Library Reference: APP-092). The Applicant' offshore assessment confirmed that it had considered the array area, including the comments made during consultations, and had made changes to this to minimise impacts. It was noted that the Proposed Development is located outside of the designated National Park area, and the fact that it is visible from within the National Park is not a reason to refuse the Application. As per the National Policy Statement EN1 guidance, the Applicant has had regard to the statutory purpose of the South Downs National Park and sought to reduce effects so far as is possible to avoid compromising the National Park and to conserve its natural beauty by assessing the impact on viewpoints and reducing effects through embedded design measures/principles. While the array area size is recognised as a factor in the assessment of the Proposed Development's impact, the Applicant sought to reduce lateral spread and increase the distance between turbines and the Heritage Coast of the South Downs National Park to reduce impact on views. This is demonstrated by ES Figures 15.93 – 15.109 (Examination Library Reference: APP-095). The Applicant's conclusion on harm is that there is some harm to views but that this does not compromise the purpose of the South Downs National Park. The views would still be experienced as both panoramic and breath taking, and the public's understanding and enjoyment of the National Park would continue in that context. The Applicant confirmed that discussions between it and the South Downs National Park Authority were ongoing but that it may be unlikely for agreement to be reached between the parties due to the nature of the Proposed Development and the differences in opinion. It was considered that it was most likely that agreement can be reached around the proposed mitigations and management plans. The Applicant confirmed it would respond in detail to the Written Representations to be submitted by the South Downs National Park, including in relation to archaeological impacts.

Table 2-2: Issue Specific Hearing 1 – Offshore Effects

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
9.	**Ornithology**	
9(i)	*Worst case scenario for ornithological collision and displacement risk* Proposed number, dimensions and design of the wind turbine generators Proposed spacing and layout of the wind turbine generators The ExA asked the Applicant for confirmation as to: • how the following was calculated: o Proposed number, dimensions and design of the wind turbine generators o Proposed spacing and layout of the wind turbine generators • Is the spacing referred to in the draft Development Consent Order is the worst case scenario? • What the mechanism was which prevented the larger turbines being spaced at 830m? • how the layout of the wind turbine generators in the Proposed Development meets the criteria in EN-3 (2024) paragraph 2.8.240	The Applicant confirmed that they have undertaken collision modelling for the two maximum design scenarios, the results of which were shared and discussed with Natural England through the Expert Topic Group (ETG) meetings, in order to agree the worst-case scenario. It was noted that with respect to turbine parameters considered within collision modelling, the key factors which influence the level of predicted impact are air gap and the number of turbines. The Applicant cannot alter the air gap due to other environmental considerations and so the maximum number of turbines (the smaller WTG scenario) is concluded as the worst-case scenario. The layout and design is not accounted for in the modelling due to a lack of research on this topic. The Applicant confirmed that the level of impact predicted is strongly influenced by the total swept area below 100m against mean sea level due to seabirds showing a strong bias towards flying below this height . Having undertaking an analysis of the two turbines types, Natural England agreed that the smaller turbine had the highest collision risk and was therefore the worst case design. With respect to air gap, as the height of the turbines is increased, it has other impacts, for example landscape and visual impacts, and as such, the Applicant noted that there is a balancing act to manage the level of impact across different receptors. Natural England are very accepting that, as although they would usually advocate a project to increase the minimum turbine air gap, the circumstances of the Proposed Development mean it is not appropriate to seek a higher air gap. The Applicant confirmed that the spacing referred to in the draft Development Consent Order (Examination Library Reference: PEPD-009) is the worst-case scenario but that due to a lack of evidence, spacing is not usually taken into account in modelling. However, as part of a recent critical appraisal (APEM, 2022), the design of wind turbines was considered as an element which may affect the level of predicted displacement, with turbine spacing and overall array area size found to be statistically significant at influencing the level of displacement exhibited, with gannets less likely to enter an OWF footprint if spacing between turbines was limited. . The Applicant confirmed that turbine spacing is mainly done to improve the efficiency of a wind farm based on requirements from the manufacturers of the turbines. To avoid issues with guarantees on the turbines, developers do not typically go closer than four times the spacing. The foundations of the wind turbine generators will be spaced to take account of fishing, and the differences in the foundations of the two turbine types are relatively modest and so the spacing would not impact on ecology but would affect the benefits of the Proposed Development.
9(ii)	The effect of array areas as proposed on birds migrating to/from European and nationally important sites including Cumulative Impact Assessments The ExA asked the Applicant: • to update on the position in Statement of Common Ground with Natural England and the rational behind the figures used in the Cumulative Impact Assessments	The Applicant maintained the position that the impact on the great black-back gull population is not significant in environmental impact assessment terms. The Applicant set out that it has taken a precautionary approach to selection of input parameters used for modelling, leading to the impacts predicted being the worst-case scenario rather than a realistic impact. With respect to collision risk, the original developer of the model (Band, 2012) recommends that modelling should be based on best available evidence, rather than precautionary input parameters, as the use of compounding precaution is likely to lead to an overly pessimistic outcomes due to the sensitivity of the modelling. The Applicant has used all recommended parameters by Natural England within their interim guidance note on collision risk modelling (2023). The original developer of the CRM model within his (Band,2012) guidance document specifically stated that a precautionary approach should not be taken within the model, because incorrectly specifying biometric parameters will lead to an unrealistic collision scenario. To give an example of this, Natural England have recommended the use of a generic llarge gull avoidance rate for great black-backed gull, which when used within the model predicted the impact of 19.8 for individuals per annum. The 2023 *Review of data used to calculate avoidance rates for collision risk modelling of seabirds* undertaken by Ozsanlav-Harris, L., Inger, R. & Sherley, R. (2023. JNCC Report 732, JNCC, Peterborough, ISSN 0963-8091) recommended a species specific avoidance rate for great black-backed gull, which, when incorporated into the assessment, leads to a reduction in the overall collision risk by 85%, reducing the actual annual impact total to 2.71 individuals with only a single biometric value being changed.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		There are also other areas of significant precaution within the model, for example, flight speed which is used to calculate the flux of number of birds passing through the turbines per hour. Natural England's value is based on an extremely old paper by Alerstam et al in 2007, which uses data taken from only based on four observations for great black-backed gull. Based on the latest evidence, which has been collected by the Offshore Renewables Joint Industry Programme, as part of post consent monitoring for Thanet OWF (Skov et al., 2018), which had a significantly greater number of observations of 284 and found significantly slower flight speeds which when incorporated within the model again, led to a further reduction of 18% impacts within the actual predicted impact. Finally, another area of precaution is with respect to nocturnal activity. Natural England recommended a rate of 25% to 50%, which is based on expert opinion only, rather than empirical evidence. Nocturnal activity was collected as part of the post consent monitoring at Thanet OWF, which although was not able to identify specific species due to collecting data at night, found that activity at most was only 3% during those nocturnal hours. Similarly, within the Ozsanlav-Harris (2023) review, the recommended precautionary value is a maximum of 25%. These compounding factors are therefore what is leading to a unrealistic outcome with respect to great black-backed gull. The Applicant also noted that with respect to great black-backed gull, their population had seen an abnormal increase in the around the 1970s with respect to population incline. This was primarily due to change in fishing practice of discarding which artificially inflated the population. Similarly with regards to recycling, this created increased foraging opportunities for the species, which caused the population size to significantly increase. Now that these practices have changed, this is potentially why there are declines in the population, however this should not necessarily be taken as the population being in decline, but simply that the population is just returning to a natural level. The Applicant confirmed that it was continuing to liaise with Natural England on this point and also to try and confirm what is causing the number and behaviour of the great black-backed gulls within the area as there is a distinct hotspot for the species within the Rampion 1 array. The Applicant has identified that great black-backed gulls are roosting on WTG at Rampion 1 which is then potentially artificially inflating the population density with respect to the gulls which are being put through the collision risk model which is again artificially inflating the collision impact figures. If birds are roosting on these offshore substations, there are potentially two options: firstly that if these birds are roosting on this platform, they are likely to be exhibiting strong miso / micro avoidance, in that the birds have learned to avoid the actual windswept zones of the area and therefore are not particularly considered at risk of collision. Or alternatively, a potential mitigation option which could be pursued is to see if there are any preventative measures which would be used to deter birds from roosting in that area thereby negating any potential risk of them coming into contact with the Proposed Development.
9(iii)	Habitats Regulations Assessment The ExA asked the Applicant: • To explain its without prejudice derogation case for Kittiwake at the Flamborough and Filey Coast Special Protection Area and the compensation options available? • Whether there had been further discussions with Natural England since it had made its Relevant Representation and whether the Applicant had updated its proposals in light of the comments made? • Whether schedule 17 will be inserted into the draft Development Consent Order in the event that the Applicant accepts that the effects on Kittiwake cannot be excluded?	The Applicant set out that as a result of the comments made in Natural England's Relevant Representations (Examination Library Reference: RR-265) it has continued to pursue compensation options for Kittiwake including onshore structures as the evidence shows that these are effective and have been used for North Sea projects including Hornsea Three, East Anglia One North and Norfolk Boreas and Vanguard. Hornsea Four has also evidenced the effectiveness of offshore artificial nesting structures for Kittiwake to compensate for the potential impacts. The Applicant confirmed that it was continuing to look at onshore artificial nesting structures in collaboration with Doggerbank South. The Applicant had not had any further discussions since Natural England's Relevant Representations (Examination Library Reference: RR-265) but Natural England have been supportive of the collaborative approach with Dogger Bank South Windfarms and a Letter of Intent has been submitted at Deadline A (Examination Library Reference: **[PEPD-001]**). The Secretary of State has also approved artificial nesting structures as a strategic compensation measure. In respect of the adverse effects on site integrity, the Applicant maintained its position of de minimis contribution, due to the impact of the Proposed Development being considered to be less than a single breeding adult as the absolute worst case scenario, to any in combination assessment. The Applicant confirmed it would be updating the Kittiwake and Benthic Monitoring Plan at Deadline 1 The Applicant also confirmed that the Marine Recovery Fund was intended to be introduced towards the end of 2023 but that it had not heard anything further on this. As such, it had maintained the Marine Recovery Fund as an option while it was awaiting further details.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	• For an update on whether advice had been obtained from the French authorities regarding great black-backed gull in relation to the decision to screen them out.	The Applicant confirmed that Schedule 17 (Examination Library Reference: PEPD-017) would be inserted into the draft Development Consent Order (Examination Library Reference: PEPD-009) if this was necessary, but that it had been submitted separately given its 'without prejudice' status. In relation to impacts on guillemots and razorbill at the Flamborough and Filey Coast Special Protection Area, the Applicant confirmed it was currently undertaking in combination assessments as requested by Natural England which would be submitted at Deadline 1. Depending on the results of this assessment, the Application will put forward its derogation case as required. The Applicant confirmed that within the array area of the Proposed Development, great black-backed gulls are only present during the non-breeding season which was a significant justification for screening them out of the Habitats Regulations Assessment (Without Prejudice) Derogation Case (Examination Library Reference: APP-039). The Applicant had reached out to the French authorities but did not get a response back but confirmed it would pursue this further.
10.	**Underwater Noise**	
10(i)	Impacts on fish, shellfish, marine mammals and divers from construction activities including foundation piling and potential Unexploded Ordnance (UXO) clearance The ExA asked the Applicant: • Whether the new information by the Applicant at Procedural Deadline A has changed any of the conclusions on the underwater noise assessment? • To explain the piling types and whether the Applicant can commit to just one type of piling being used? • To confirm the worst case scenario and provide further clarification on the duration of piling? • Whether Commitment 275 should be strengthened? • To respond to Natural England's concerns in relation to the charge weight of unexploded ordinances (UXOs) used in the assessment • To respond to the concerns raised by Natural England and the MMO in their Relevant Representations • To explain why seabream are sensitive to noise during nesting season and to explain the difference of opinion between the Applicant and Natural England in relation to piling restrictions including in respect of the breading season and whether the	The Applicant confirmed that the new information submitted at the Pre Examination Procedural Deadline did not alter the conclusions reached on underwater noise. In relation to the foundation types, the primary foundation types for the wind turbine generators proposed are a multi-leg foundation (jacket) and a monopile foundation. The monopiles are typically much larger and are a single pile installed using a hammer to drive it into the seabed. The multi-leg foundations are fixed to the seabed using up to four much smaller piles (pin piles), which require less energy when driven in using a hammer and therefore generates less sound as a consequence. The Applicant confirmed it is not possible to commit to one foundation type, however monopiles are the most commonly used foundation type for turbine installation and are cost effective for this scale of development. However monopiles required for the project may be too large or beyond the manufacturing capability of the industry to be viable for the Proposed Development hence the need to retain flexibility. The Applicant noted that one pile at maximum duration, whether that be a pin pile from the jacket foundation or a monopile, could be driven in four and a half hours (although in practice it is expected that this would be significantly less time). Multiple piles are likely to be driven within a 24 hour period and so if there are two monopiles being driven in a 24 hour period by a single rig, that is a period of nine hours of piling. If pin piles are being driven, that is up to four pin piles with four and a half hours per pile, giving a total of up to 18 hours being driven within a 24 hour period. The Applicant confirmed the worst case scenario is the durations stated above, it should be noted that there could be two rigs, each in theory, being able to drive up to 18 hours within 24 hours (although unlikely in practice). The worst case scenario in reference to underwater noise also includes these parameters. The predictions are primarily related to the blow energy of the hammer used. The maximum design scenario for the monopiles is up to 4,400 kilojoules and for the pin piles for jacket foundations it is up to 2,500 kilojoules. These are the maximum capabilities of the hammer, typically the actual driving energies will be much lower, as it is in the engineers' interest to keep it as low as possible. The Applicant confirmed it would consider whether commitment 275 can be strengthened. The Applicant confirmed that UXO clearance works do not form part of the Application, however, the mitigation measures proposed in the Outline Diver Communication Plan (Examination Library Reference: APP-242) would equally apply. Additionally, as set out in commitment 275 *"The use of low order detonations to dispose of Offshore UXOs using the 'deflagration method' will be implemented, where practicable".* However, within that process, there is a hierarchy of actions and the first is to assess the UXO for the potential for a low order or deflagration method for the clearance. The Applicant confirmed that the 525 kg UXO noise estimation was based on the largest device at Rampion 1. It is worth noting in the first instance the UXO would be destroyed using a low order deflagration method, so the size of the UXO would be irrelevant. Were a high order detonation to occur, the predicted difference in noise level between 525 kg and 750 kg is approximately 1 decibel, which would be barely noticeable.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	Applicant is taking a suitably precautionary approach? • To explain what is shown by figures 8.8 and 8.10 of Chapter 8 of the Environmental Statement in respect of herring spawning? • To explain the possible impacts on herring behaviour as a result of construction noise? • Whether there is a risk of noise impacts on seahorses and how the shallower waters would assist in attenuating impacts? • To explain the risk of diver impacts such as startling, the required exclusion zones, if divers would still choose to dive and how consultation had been undertaken with local dive businesses?	In relation to the sensitivity of seabream to noise, the Applicant confirmed that when they are nesting, they will be laying eggs, and the males then protect those nests. The risk is that the males could leave for a time or completely abandon the nest and so largely mortal impacts and of recoverable injury and threshold shifts have been considered as part of the Applicant's assessment. The mitigations proposed have focused on the potential for behavioural disturbance, because were the males to leave the nest, then the eggs could be predated upon or the risk of silt covering them increases, reducing their survivability. As such, the Applicant was intending to apply a zoning plan to the piling in March to June, meaning that there would still be piling within the array but not within the zones set up by the 141 decibel behavioural threshold. The Applicant considered that March to June is the key sensitive period based on data that has been collected for the sites: in the period of June, males were found on 89.4% of nests which reduced to 5% by the 10th of July, and 0% by the end of July. As a result, it was considered that the noise abatement techniques being employed, including the scheduling and the zoning, as well as other mitigation measures are suitable for that period given the lower risk for July. The Applicant noted that as for any fish, there is always the potential for variability between breeding seasons, but that the data generally suggests March to June is the key period. Data is limited because the species and their breeding grounds in UK waters are fairly limited.. In regard to Rampion 1, it was largely assessed in the March to June period with a six week piling restriction enforced, and so July would be an extension to what has been agreed previously. The Applicant noted that it was using the best available evidence and using the other noise abatement technologies that are being proposed as an additional precautionary measure. It was noted that Rampion 1 had only a six week piling restriction but that breeding populations in the area have continued to increase both during that period and beyond, suggesting there was no impact from that piling activity. Accordingly, the Applicant considered that the approach taken was sufficiently precautionary. The Applicant noted that the evidence suggests black seabream might show strong site fidelity, so it is likely they come back to the same sites each year. It is unlikely in terms of fish behaviour and fish ecology, that the construction activities would deter them from returning in future years. As a result, any impact would just be in that single season. In response to the ExA's query as to whether additional information can be submitted in respect of black seabream, the Applicant set out that there was a limited additional evidence base on top of what has already been considered within the assessments. There are some further considerations around the zoning protocol which can be discussed to firm this up. In terms of the other hearing impacts e.g. mortal injury, the Applicant noted there are stated guidelines that can be followed that have specific thresholds for the different hearing categories of species. Behavioural impacts are a much rarer impact that can be investigated especially when it comes to egg nesting. As the data is limited for black seabream (or seabream of any species), sea bass was identified as a suitable proxy because it was in the same hearing category as seabream (category three). It was also considered to be a precautionary data set that has been used because the particular study although in laboratory conditions, did show a very small startle response from the individuals investigated, which was extremely short lived and the individuals went straight back to their normal behaviour. In a laboratory setting, there is not the same nesting behaviour and so the Applicant considered the paper and study that has been used to be the best and most precautionary from a proxy basis. The other study that Natural England have raised is around sprats, sprats are in a different hearing category to seabream and sea bass, they are known to be more highly sensitive to hearing and in category four. On that basis, the Applicant considered that it would be overly precautionary to rely on this and that sprats do not constitute a suitable proxy species. The sea bass study is more appropriate given the closer proxy to in terms of species hearing anatomy. In response to Natural England's comments that 135 decibels should be used instead of the 141 decibels proposed by the Applicant, while it was agreed the assessment would need to be remodelled in terms of what the impact would be, it would not change the seasonality because that is around the breeding season, rather than the decibel threshold. It would change the zoning pattern by increasing the area where piling could not be undertaken during that seasonal period, which would therefore limit the ability to undertake construction activity during the March to June period.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		The Applicant noted that the sound generated by a monopile being struck by a hammer of this order of magnitude would be in the region of 240 decibels at one metre. The Applicant confirmed that figure 8.10 of Chapter 8 of the Environmental Statement (Examination Library Reference: APP-081) is a series of seabed sediment assessments against criteria for potentially suitable habitat for herring spawning. The assessments were looking at clean sands and gravels within the general area and was informed by whatever points or grab data there was available. The assessment highlights areas that in theory, could be suitable for herring spawning, it should be noted that this is seabed that comprises relatively low silt influenced sand or gravel substrates which is widely occurring in the seas around the UK. The assessments do not identify areas of known herring spawning. As such, while the Applicant agreed that there are clean sands and gravels in the general area, it does not accept that this means that there is a potential for effects to arise on herring spawning within this area, notwithstanding that the potential for effects on herring spawning at the known spawning grounds in the wider area have been assessed. In respect of figure 8.8 of Chapter 8 of the Environmental Statement (Examination Library Reference: App-081), the Applicant confirmed that the black hatched areas are the identified herring spawning grounds, the closest of which is 47 kilometres away from the fish and shellfish study zone. In terms of the larvae, this is based on the international herring larval surveys, with the red areas being the highest densities. There is some interaction potentially of eggs and larvae on the very outer edges of the study zone and the potential for eggs and larvae to move into the study area. The Applicant noted that it is not possible to make the assumption that the distribution of eggs and larvae are representative of the spawning grounds, because they will be effectively passive objects that move with the currents and quickly disperse from the spawning grounds. Such a heat map is therefore not an appropriate method of identifying spawning grounds and data on spawning grounds is more appropriate. Currently, there is not any specific additional data that can be used in terms of spawning grounds, the only other potential is to look at the highest densities. Based on figure 8.8, it can be seen that the darker red areas that denote the higher densities are in extremely close proximity to the spawning grounds and represent the closest proxy to the spawning grounds. However, this would not be the case for the lower densities, which would indicate an aspect of dispersal of the larvae and exit rather than being where they originated from. In relation to herring, the Applicant noted that the behaviour impacts from piling noise would be a short term startle response and that there is no indication that that would stop their spawning activity, nor that there would be a long term response, nor that it would encourage them to leave the area. As such, during the piling activity, there may be increased physiological responses but there is no indication that it would directly stop their spawning activity or impact the success of spawning in season. The Applicant noted, the noise contours shown by figure 8.8, show proximity to the spawning ground and a large overlap with the larval density at 135 decibels. While the Applicant did not consider that to be the appropriate disturbance threshold for hearing (in common with most applications to date), the Applicant recognised that there is overlap there and a theoretical risk of some sort of disturbance. However, the overlap is with eggs and larvae, which are at the whim of the currents at this point, and to which the disturbance threshold is not relevant. The disturbance threshold is relevant for spawning adults which are located outside of the noise contour area. As such, the figure simply shows an overlap with a non-relevant level of noise for the drifting eggs and larvae receptors. The Applicant noted that it would consider whether it was able to provide a heatmap for herring. The Applicant noted that in relation to seahorses, there was a risk of overlap at the worst case scenarios in respect of Beachy Head MCZ. In relation to the shallow water providing attenuation, the Applicant set out that the depth is the most critical factor on noise travelling as deeper water lends itself to greater transmission, with rapid attenuation occurring in shallower water where the environment becomes very complex and increases attenuation, in addition to increased background noise. The Applicant's assessment has concluded there will be no significant effects on seahorses even without mitigation, particularly as the population level is patchy and so the number of individuals likely to be subject to it would be small and further the species is not particularly impacted by that type of noise. The Applicant confirmed that further detail would be provided in its Response to Natural England's Relevant Representations to be submitted at Deadline 1.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		In relation to mitigating piledriving to 135 dB, the Applicant confirmed that sound will be attenuated over the distance and a noise abatement system will be used. Potential systems have been discussed in the In Principle Sensitive Features Mitigation Plan (Examination Library Reference: APP-239). The details have not been set at this stage, but a number of different potential systems have been discussed. In terms of operational noise, the Applicant noted that the noise generated underwater from the turbines is typically very low and is orders of magnitude lower than the worst case and noise levels for activities such as piling. Usually, one turbine would not be audible significantly above background noise by the time the next one is reached. The only points when they are likely to get louder are times when there is going to be high wind, therefore high waves and so the background noise level rises. Regarding using 65 as opposed to any other number of turbines, the operational noise will be present over a larger area and so it is more about consideration of the area over which the turbines are present and operating rather than the number. The Applicant noted that, in relation to divers, there will be an exclusion area for the protection of health of 2 km. The Applicant's Outline Diver Communication Plan (Document Reference: APP-242), confirms that the Applicant will issue notices to mariners and hold specific consultations to ensure everybody is aware at least five days in advance of piling activities. Information would be communicated to dive clubs, like the approach which was taken on Rampion 1. The Applicant noted that at 2 km, there would not be an adverse effect on hearing, although the sound could be surprising. However, many in the local area are snorkellers rather than divers and so would be protected from the noise. All the assessments were done on the basis of the worst case scenario so underwater noise is unlikely to be getting to this level. Further, the Applicant has made a commitment to use at least one noise abatement technique. This is likely to be in the form of a low energy hammer, which based on the most conservative reduction of the equipment that could be used (which is approximately -6dB - in the form of a Pulse energy hammer) would reduce the range of discomfort to 1.3 km. This is secured by the Sensitive Features Mitigation Plan in condition 11(1)(k) of deemed marine licences in the draft Development Consent Order (Examination Library Reference: PEPD-009). The Applicant noted that there will be a policed exclusion area of 2 km around the piling site but beyond that the Applicant would be notifying divers, and then provided they did so outside the exclusion area, it would be up to an individual as to whether they wish to dive. It is hard to predict what individuals will do, but it was considered that distance will play a part. The general area benefits from many dive sites and so there are numerous alternative sites available.
10(ii)	Seasonal restrictions on piling as a form of mitigation The ExA asked the Applicant: • To explain the impact on the construction if there was to be the full seasonal restriction as advised by Natural England in relation to seabream and herring?	The Applicant noted the need to take into account the other piling restrictions, which would mean that the Applicant would be subject to piling restrictions with the exception of February, August, September, and October (four months of the year). February is not great for weather and as a single month, it would not be viable to carry out an installation campaign due to the cost of the vessels, mobilising the vessel, plus the likelihood the Applicant would be unable to carry out this work if the weather was particularly poor. As a result, this would leave the Applicant with a three month period during the year to do installation work. The Application is based on the Applicant being able to do foundation installation work on at least some of the site for the full 12 month period, with the works taking about two years to complete on this basis. If the Applicant were to compress that work into a three month period over two years, it would mean that a fraction of the installation work would be completed.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
10(iii)	Underwater noise abatement technologies The ExA asked the Applicant: • In relation to possible noise abatement technologies, whether there needed to be testing of these? • Whether bubble curtains been used in similar conditions and how certain were the noise reduction figures? • In respect of the 'least effective scenario' would modelling still work? • What would be the appropriate approach in respect of mitigation for marine mammals during simultaneous piling and is the impact assessment sufficiently precautionary in respect of fleeing animals? • What is proposed in respect of soft start piling mitigation and how is this commitment secured in the draft Development Consent Order?	The Applicant confirmed that no specific mitigation technology has been finalised, as this will depend on the particular type of mitigation required. The effectiveness of bubble curtains can be affected by their location, but they have used extensively by developers and the designers of the system will design the bubble curtain to take account the conditions of the Proposed Development. It was noted that bubble curtains have been installed in depths of up to 70m and provide some degree of performance and that even in more extreme conditions, these will still provide a benefit. Based on the conditions applicable to the Proposed Development, it was considered that these would provide a noise reduction of 16 dB (Bellman *et al*., 2020). However, it was noted that there are always more studies coming out as this is an active area of study. The modelling has included a typical soft start which conforms with JNCC guidelines, although it assumes that the piling starts at 20% of the maximum which is worst case for a maximum of 15 minutes. The ramp up beyond this is relatively rapid and assumes long period of maximum energy. It was noted that the modelling relied on layers of the worst case and as such was likely to lead to an unrealistic situation in practice. The parameters had only been applied for determining the worst case scenario and when determining the protocol, a new, fully compliant soft start ramp up would be used, with a duration of 30 minutes (in excess of the JNCC guidelines). The Applicant noted that in relation to simultaneous piling, this would be done with two rigs, with the same technology applied to both. The same system will be applied to all rigs regardless of the number. In relation to fleeing mammals, such as porpoise, the Applicant had applied slower speeds in its assessments (typical swimming speeds) than the sustained fleeing speeds shown in the relevant scientific studies. This was to take account the fact that a mammal might not flee in a straight line.
11.	**Marine Mammals**	
11(i)	Vessel collision risk, disturbance and the submission of an outline Vessel Management Plan The ExA asked the Applicant: • If the Vessel Management Plan addresses all stages of the Proposed Development? • Why a draft plan has not yet been submitted and can this be provided?	The Applicant confirmed that it has committed to providing a Vessel Management Plan (VMP) in at commitment 51 which will be informed by the vessel codes of conduct and the advice in the Wise Scheme, Marine Wildlife Watching Code, and Guide to best practice for watching marine wildlife. The mitigation specified in the Sections 11.9 and 11.10 of Chapter 11: Marine Mammals, Volume 2 **[APP-052]** will be delivered though the codes of conduct and can be relied upon as it is secured in the provision of the draft Development Consent Order [**PEPD-009]**. The draft deemed marine licence requires the provision of the VMP and adherences to the Marine Wildlife Watching Code, so it is secured under condition 11. Within this VMP, codes of conduct for vessel operators will be detailed, with restrictions on haul out flushing so as to maintain a minimum distance of 100 metres from haul out sights and to minimise engine over revving and reduce noise disturbance and will address impacts throughout all stages of the Proposed Development from construction to decommissioning. The Applicant is providing a Working in Proximity to Wildlife Protocol document at Deadline 1 which will detail the mitigation listed in Chapter 11: Marine Mammals, Volume 2 **[APP-052]** so as to minmise risk and disturbance and which will form part of the VMP. The Applicant confirmed that the maximum design scenario for vessel movements for each receptor covering marine mammals fishing divers is the same across all receptors and is the maximum design scenario, presented in the project description chapters and in all of the chapters of the Environmental Statement **[APP-041 to APP-077]**.
11(ii)	Harbour porpoise Cumulative Effects Assessments	The Applicant noted that there was an error in Chapter 11: Marine Mammals, Volume 2 of the Environmental Statement **[APP-052]**, and that some non-UK projects and Scottish projects in the CEA longlist that are located in the North Sea Management Unit were accidently omitted from the harbour porpoise CEA when it was updated prior to Application. The projects missing from the porpoise CEA are: 8 Scottish projects, 1 Belgian project, 3 French projects, 6 Dutch projects, 2 Norwegian projects, 2 Danish projects and 7 German projects.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	The ExA asked the Applicant to respond to Natural England's concern that not all projects have been considered in the Applicant's assessment of cumulative effects	The Applicant confirmed that these projects are listed in table 11-35 and table 11-36 of the ES assessment in Chapter 11: Marine Mammals, Volume 2 of the Environmental Statement **[APP-052]** and that these were correctly assessed in the CEA for common dolphins and minke whales as they are also located in the CGNS MU for those species. The majority of projects identified as being omitted in the harbour porpoise cumulative effect assessment for the North Sea management unit are due to construct prior to the planned Proposed Development construction timeframe. Additionally, several other projects that were omitted are in a high tier so there is a high level of uncertainty in that time frame due of those projects due to a lack of publicly available data. An increase in the number of animals disturbed through the inclusion of the omitted projects in an updated harbour porpoise cumulative effect assessment would not change the magnitude score. It is also important to note that whilst there could be an increase in the number of animals predicted to be impacted, over estimation is built into the cumulative effect assessment for marine mammals as projects in higher tiers have a lack all publicly available information and uncertainty in construction timeframes. Whilst there could potentially be an increase in the number of animals predicted to be impacted by disturbance from an update to the harbour porpoise CEA , the temporary changes in individual behaviour and/or the distribution of individuals would not occur at a scale likely enough to affect the population trajectory over a generational scale, therefore the magnitude of the cumulative increase in disturbance from construction activities for harbour porpoise in the North Sea management unit remains medium and the effect remains minor adverse significance which is not significant in EIA terms. The Applicant will update the calculations to include the missing projects and will present the revised cumulative effect assessment for the harbour porpoise North Sea MU at Deadline 1.
11(iii)	Bottlenose dolphin densities and the Coastal West Channel Management Unit	The Applicant confirmed that the marine mammal baseline (Appendix 11.1 Marine mammal baseline technical report **[APP-147]** was drafted in 2021, therefore the Applicant recognises that this document is outdated at the time of Application. The key change since the drafting of the baseline is the change in the bottlenose dolphin Management Units. At the time of writing the baseline, the Proposed Development was located within the Offshore Channel and South West England Management Unit. The boundary of the Coastal West Channel Management Unit was revised by the IAMMWG in 2023 (after the baseline was finalised) and the Proposed Development is now located partly within both the new boundary of the Coastal West Channel Management Unit and the Offshore Channel and SW England Management Unit. Impacts from the Proposed Development therefore cross into the two Management Units. Assuming the reference population is updated to be the combined MUs, this results in a reference population of: • 40 dolphins from CWC + 10,653 dolphins from OCSW = 10,693 bottlenose dolphins. This is almost the same as the reference population size used in the assessment in in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement **[APP-052]** which was 10,497 dolphins, and thus is not considered to be significantly different. No changes to the magnitude of any impact pathway would occur when considering the new reference population size. These changes had not yet been discussed with Natural England. The Applicant noted that there are a lack of density estimates for bottlenose dolphins in the Coastal West Channel Management Unit. • Assuming a uniform distribution of dolphins within the Coastal West Channel Management Unit, the density estimate would be 40 dolphins/ MU area of 18,685.3 km^2 = 0.002 dolphins/km^2 • This is substantially lower than the density used in Chapter 11: Marine mammals, Volume 2 **[APP-052]** which was 0.037 dolphins/km^2. The Applicant therefore considered that the density estimate used for bottlenose dolphins in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement **[APP-052]** remains precautionary and appropriate. The Applicant will update the marine mammal bottlenose dolphin management units at Deadline 2 to take account of Natural England's comments in relation to uniform distribution.
12.	**Offshore Physical Processes and Benthic Ecology**	

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
12(i)	The effects of the proposed offshore works on Habitats of Principle Importance and Annex 1 habitats, particularly related to the effectiveness of proposed mitigation. The ExA asked the Applicant: • How a commitment to use specialist cable installation measures can be justified where it appears only 46% can be done via this methodology? • What was meant by the term offshore specialist cable laying technique? • In relation to the routing design exercise shown at figure 5.1 of the in principle sensitive features mitigation plans, should the ExA assume the cable centre line would follow this route subject to micrositing changes or could the final course alter substantially from this? If so, will the refinements still avoid sensitive features? • Whether cable protection measures can be removed during decommissioning? • Why no geotechnical data has been provided and whether the predictive modelling relied on by the Applicant can be validated during the Examination period? • The alternative to chalk floatation pits which are proposed and whether this will result in an environmental impact which has not been assessed? • Whether the Applicant had considered the impact of the Proposed Development on the Sussex kelp regeneration project? • How the Applicant would respond to the Environment Agency's concerns about the release of bentonite during the drilling process?	The Applicant confirmed that the estimates of the proportion of special cable installation measures to be used are correct, however the fact that some needs to be mechanically trenched does not mean it automatically needs cable protection (as this will be determined by site investigations/surveys). The use of different techniques will have different consequences and impacts and where mechanical trenching is to be required, the Applicant confirmed that it will look to use specialist equipment, noting that there are various provisions in the mitigation plans to use equipment with a narrower footprint to minimise disturbance. This could still be a mechanical cutter, but one which has less impact. The Applicant noted that the cable centre line refers to first part of the figure shown at figure 5.1 of the In Principle Sensitive Features Mitigation Plan **[APP-239]**. The Applicant has considered where it can take a cable to avoid sensitive features and overlaying constraints so as to identify a proposed route which is what can be seen in the third figure. The design could vary but is based on geogenic features which are unlikely to change. There will be refinement of the route following pre-construction surveys which will need to be undertaken, as this has been an early desktop exercise, at the route will be designed by a contractor. The figures show a reasonable constraints figure of where the cable route could be based on the baseline characterisation evidence, but is subject to the detailed design. In relation to biogenic reef sensitive features within the array area and the offshore export cable corridor, the Applicant identified from the baseline characterisation surveys, a small patch of *S. spinulosa* biogenic reef at the entrance of the array area. The full extent of biogenic reef features (which are ephemeral in nature) will be determined during the pre-construction survey campaign and avoidance of such features through micro-siting will be undertaken where practicable. One of the challenges for the Proposed Development is the exposure of the chalk bed within the near-shore area, which extends quite significantly across the southern coastline and which become re-exposed and buried over time. However, the impact of that will be determined from pre-construction services and the Applicant will work through the mitigation hierarchy in that instance. The Applicant considered that it would be a challenge to extend trenchless crossings in this area as the Application includes a duct extension as it was anticipated that the near shore area is very shallow. The Applicant confirmed that it will try and get it out as far as possible, but this will depend on how the landfall works can be carried out and the Applicant will be looking to the market to provide a solution to be assessed. However, at this stage the Applicant cannot assess how reliant it will need to be on this approach. The Applicant would look to use a reasonable endeavours clause in the contract for the selected installer to reach the target depth. Where that is not possible, the Applicant would look to deploy cable protection, typically rock dumping. This would involve placing relatively large sized pieces of rock over the cable to provide the equivalent of burial to ensure that the cable is not exposed and subject to damage from the shipping, and also to maintain separation from electro-sensitive species as well. This solution is designed to remain be in situ to avoid the need to replace this periodically. The Applicant noted that it would be possible to use rock bags and that this had been done on previous projects. The Applicant confirmed it would respond in relation to the removal of cable protection material and in relation to the use of rock bags or other proposed cable protection material in writing. The Applicant confirmed that it will not be providing any geotechnical information during the consenting stage of the Proposed Development because this would be incredibly expensive (in the £10m(s)). These will be produced shortly after post consent so that information can inform tendering activities for construction of the project as the Applicant will need to have reasonable certainty on the project before it can successfully obtain such funding from its shareholders. The Applicant noted that the predictive habitat model was created to address site specific survey data gaps for the delivery of PEIR, with the best available data. Subsequently the model was updated and supplemented with all of the site specific benthic data and geophysical data. The model was retained for the ES as it provides wider contextualisation of habitats rather than being relied on instead of the site-specific data and the Applicant could have removed it but viewed it as useful information. The Applicant confirmed it would clarify this with Natural England. In relation to floatation pits, the Applicant set out that the approach to landfall is relatively shallow and that it will be undertaking geotechnical surveys to understand the seabed conditions, so that would not be included within the tender package for the cabling installation works. Ideally, the information obtained will provide enough comfort to the installation installers that they can ground vessels in the shallow areas at low tide. Floatation pits were used on Rampion 1 because they could not get comfortable with that particular position. In the event this happened on the

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		Proposed Development, the Applicant was proposing an alternative which is to effectively use a layer of gravel bags to support the vessel should it need to ground on the seabed for the cable installation works. During tendering, an alternative solution may be proposed by contractors which does not require the vessel to ground. The Applicant confirmed that it had not yet assessed that additional gravel protection within the nearshore environment but that it had assessed cable protection mechanisms and the two methods were likely to have similar impacts. The Applicant agreed to consider this and provide more information. The Applicant confirmed that where there is a direct impact to kelp beds, this will be the removal of that species in that exact area and will have a very small footprint. In terms of the secondary impacts, these would be limited to the installation activities as kelp itself is relatively resilient and capable of recovery. Impacts on kelp were considered as part of the Applicant's assessments, and one of the major concerns identified is light attenuation as a result of seabed disturbance siltation or suspended sediments in the water column. From the assessment of these effects, if these should arise they will be localised and short term and so there are no anticipated significant effects to the potential for kelp to establish and grow in the area as a result of the construction, operation and maintenance of the Proposed Development. Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2 of the Environmental Statement (Examination Library Reference: [APP-050]) presents a full assessment of the potential for increased suspended sediment concentrations in the array as a result of foundation installation as well as cable installation into array and export. As such the Applicant is confident that it will not affect the kelp regeneration project long term or any other algal species or four species and set out in the assessment. The Applicant set out that drilling fluid (also referred to as drilling mud) is a high concentration suspension of bentonite clay in water. The drilling fluid is inserted into the drill string under pressure where it is used to lubricate and power the drill head, and to provide a medium for the retrieval of rock cuttings. Bentonite clay is a naturally occurring mineral that is non-toxic and non-reactive. Concerns normally relate to the release of a limited volume of drilling fluid under pressure at the time and location of 'punch out' (the initial breach of the drill into the underwater HDD exit pit area). Initially, a dense cloud of high-concentration drilling fluid might form at the seabed in local depressions and is likely to 'pond' due to its relatively high fluid density. The material is likely to become resuspended over time and diffuse gradually and widely (to very low concentrations) into the surrounding water environment. The release of bentonite as drilling fluid during drilling at the landfill is one of the potential impacts in relation to changes to suspend a sediment concentrations bed levels and sediment type. A more detailed technical assessment can be found in Section 2.9 of Volume 4, Appendix 6.3 of the Environmental Statement **[APP-131]**, including the nature of that likely plume in the marine environment and the fate of that material.
13.	**Commercial Fishing**	
13(i)	Effects of shipping restrictions and the presence of operational turbines on commercial fishing, particularly the potting fleet. The ExA asked the Applicant: • For an update on communications with the commercial fishing fleet? • In relation to concerns raised by local fishing businesses about the effects caused by Rampion 1, whether the Applicant was aware of this and where there were any lessons to be learned? • If greater impacts on fishing are identified as part of the Proposed Development whether anything can be done to mitigate these in the future?	The Applicant confirmed that consultation with the fishing industry has been ongoing across a number of years and that there has been direct consultation with stakeholders and local industry including potting fleet operators. The responses received as part of this engagement has been useful in shaping the Application and helped the Applicant understand that fishing has continued around Rampion 1. The Applicant further noted that the process of consultation had involved both day to day discussions, the establishment of working groups and specific consultations with relevant parties including National Fisherman Federation and local industry members and international organisations. The information gained from this exercise informed the Applicant's impact assessment. The Applicant noted that it will add further details of consultation to its Post Hearing Submissions. The Applicant set out that it was aware of the effects of Rampion 1 on fishing and that it has taken account of the lessons that can be learned when designing the Proposed Development. It noted that it cannot comment on specific issues with Rampion 1 as it is not the Applicant's project however, it has taken onboard comments made through liaisons with third party stakeholders. The Applicant's commercial fisheries study area includes Rampion 1 and this has allowed information to be collated across both projects between 2016 to 2022. This has been taken into account in the baseline for the Applicant's fisheries impact assessment. The Applicant confirmed that its Outline Fisheries Liaison and Co-existence Plan **[APP-241]** provides a mechanism for industry concerns to be raised, but on the basis of the conclusion reached in the Environmental Statement Volume 2, Chapter 10: Commercial Fisheries **[APP-051]**, no further monitoring is proposed.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	• In relation to compensation payments, how would disputes over whether payment is warranted be resolved and whether the Applicant would be bound to enter into the dispute resolution process and how this is secured? • Whether compensation would be available for impacts caused to other fishing crews as a result of displaced fishing crews fishing in their areas during construction? • Whether the array area for the Proposed Development would be likely to be avoided by fishing vessels for transit and for active fishing?	In relation to commercial disruption compensatory payments, the Applicant confirmed that these will be paid out as part of an evidence-based process requiring evidence to be provided to the Applicant so as to enable it to have an informed understanding of the forecast losses of a particular fishing business. If an agreement cannot be reached on the compensation due, there is an independent arbitration process in place for both the quantum and merits of compensation. The nature of the dispute will determine how that particular mechanism will apply. The Applicant confirmed that it would consider whether its Outline Fisheries Liaison and Co-existence Plan **[APP-241]** can be updated to provide greater clarity on this. The Applicant noted that the impacts of displacement have been considered and found not to be significant. The Applicant's aim is to manage temporary reductions in access to fishing grounds during construction so as to avoid any displacement effects and potential gear conflicts. The Applicant had assumed fishing in the array area would be possible during the operational phase of the Proposed Development but noted that transiting and fishing through this area will come down to individual skipper decisions, which could be influenced by weather. The fact that individual skippers may decide not to navigate through here is accounted for in the Applicant's assessment.
14.	**Shipping and Navigation**	
14(i)	Effects of array areas as proposed on shipping navigational safety The ExA asked the Applicant: • Whether it would be possible to commit to straight rows of turbines as requested by the MCA • Whether safety zones result in navigation problems if the wind turbine generators were located at edge of redline boundary • Whether there would be a navigational risk or pinch point as vessels leave the corridor into the Dover Strait to the south into the English Channel	The Applicant noted that the Navigational Risk Assessment **[APP-155]** complies fully with the requirements of the Maritime and Coastguard Agencies (MCA) Marine Guidance Note 654 [Safety of Navigation: Offshore Renewable Energy Installations (OREIs) - Guidance on UK Navigational Practice, Safety and Emergency Response – MCA 2021]. Further, layout approval is secured by a condition within the deemed marine licences [Schedules 11 and 12] of the draft Development Consent Order **[PEPD-009]** which commits the Applicant to a design plan, which will be agreed in consultation with the Maritime and Coastguard Agency and Trinity House. This plan will be in accordance with the Marine Guidance Note 654 and will consider elements such as search and rescue facilitation and internal navigation. As stated in Marine Guidance Note 654, the Applicant is required to consider at least two lines of orientation and should a constraint be identified at the time of surveys, then that would be a conversation held with the Maritime and Coastguard Agency at that time. The Applicant also noted that Rampion 1 was designed with a three axis grid pattern but if considered from the top down there are a number of turbines not installed within the middle of the wind farm so as to avoid a geological feature. The project was able to maintain the grid pattern and keep the rows whilst avoiding the geological feature. Further, the structures exclusion zone (a minimum spacing of one nautical mile required by the Maritime and Coastguard Agency) has also been implemented between the Rampion 1 and the Proposed Development to mitigate the need for alignment with the existing array, as there will likely be some changes in turbine size, and therefore row spacing may differ. The Applicant confirmed that it will liaise with the MCA and Trinity House post consent in terms of the construction buoyage that will be deployed around the site, this will include consideration of any construction safety zones, which are a maximum of 500 metres and are on a rolling basis. The construction buoyage will take into account impacts on any routes to ensure that these are minimised. During the operational phase, the Applicant is not proposing any permanent safety zones in line with MCA best practice and any maintenance safety zones of 500 metres will be of a temporary nature. The Applicant noted that it had undertaken substantial consultation on navigational risk within the north south gap between Rampion 1 and the Proposed Development during both pre- and post-PEIR consultation. During this consultation the separation distances from traffic exiting the Dover Straits was considered and all feedback was positive. There is not any limitation on the size or type of vessels that could use the gap and so it would be the Masters decision as to whether they decided to use that gap or not.
14(ii)	The effects due to resultant shipping deviations or displacement around the	The Applicant confirmed that a Pilot Exemption Certificate (PEC) is a standard function of any port that is operating commercial shipping in and out of it but it is not an essential requirement as the vessels could still take pilots offered by the port themselves. The Applicant confirmed it would

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	proposed development and also the effects on port access. The ExA asked the Applicant: • In relation to obtaining a pilot exemption certificate for Littlehampton harbour, how important is this/how easy is this to get? • In relation to additional facilities at Newhaven harbour, whether these are these needed or whether an existing facility can be used?	respond in writing as to how much sea time or how many trips into Littlehampton are required for a master to be able to get that pilot exemption certificate but noted that this is a fairly standard and straightforward process, whatever port it is. The Applicant would likely look into obtaining a PEC for its vessels if they were going to be within the area frequently particularly given its proximity to Climping Beach. It was noted that even if there was a vessel which was not going into Littlehampton Harbour, but came within that kind of radius, that the pilot would have to be involved or a PEC would need to be in place. The Applicant noted that the Rampion 1 project had constructed base at Newhaven which is owned by Rampion 1. The Applicant could look at either Newhaven or another port along the coastline for doing operations and maintenance work from, but this has not been decided yet and will be consented through separate process. The Applicant confirmed that its understanding is that there has been assessment of potential impacts of any new port facility might have in conjunction with the Proposed Development as the Application provides indicative locations of these facilities.
15.	**Aviation**	
15(i)	Effects on wind turbines on Shoreham Airport, in particular this airport's Instrument Flight Procedures (IFPs) and the process needed for any necessary changes to these. The ExA asked the Applicant for an update on discussions with Brighton City Airport and the Civil Aviation Authority (CAA)	The Applicant confirmed that there have been conversations with the Brighton City Airport and noted that the CAA was responsible for producing the regulations and the Airport for implementing the necessary safeguarding. The CAA rarely get directly involved in a particular application, they assume that the Airport has the correct procedures in its safety management system, and they will conduct audits as necessary. The Airport has the responsibility and accountability for maintaining safe operations and would not operate the IFPs (Instrument Flight Procedure) in the presence of these turbines but would withdraw the procedures, which obviously has an impact on the business. The Applicant noted that implication for the Airport is that 'the minimum' (the decision point for a pilot to either land or go around and try again) would be raised. This can be critical for airports that are subject to lots of bad weather because even a change in decision height of 100 feet can make a significant difference to an airport, because aircraft will divert and so ultimately, the airport loses the business. Nevertheless, on this occasion, the Brighton City Airport are willing to accept a higher minimum on both ends, requiring them to redesign the IFP because effectively it will be a new procedure. As such, the Applicant confirmed that it had a way forward and just needed the commercial agreements to implement it. It was noted that the timescales for changing IFPs can be years, not months and that the CAA is restricted on its resources meaning that final approvals could be delayed several years. The Applicant was aware of this and was managing the risk. The Applicant confirmed that the process to be followed is that the Airport will appoint an IFP designer which has to be approved by the CAA and which must follow the CAA's design manual procedures. Once the IFPs are ready, they get submitted for review to the CAA and any comments will need to be addressed before the IFPs are subject to final approval and implementation. Any delays are likely to be in getting a response from the CAA rather than the quantity of changes and the time it takes to implement them. The Applicant also noted that in the event of there being a reasonably short period to get arrangements in place, the Applicant could obtain a 'notice to Airmen', which is a temporary advisory that there is an obstruction there, for example when there is a crane in operation, and the Airport would take the necessary steps to properly inform pilots. This would be more appropriate during the construction rather than operational phase of the Proposed Development but could be used in the short term to authorise the wind turbines if necessary (although the CAA would want to see that the changes to IFPs were near completion). The Applicant was not anticipating any problems other than the need to raise the terminal arrivals altitude for both ends by 102 and 100 feet, respectively, which will be subject to the final design process which includes a check of the integrity of the data sources and approval by the CAA. Alternatively, the Applicant could reduce the height of the wind turbine generators to avoid the need to amend the IFPs but for the purposes of the Application, the Applicant had assessed the worst case scenario in terms of heights. This will be revisited once the Applicant has finalised its designs.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
15(ii)	Effects of wind turbines on NATS radar facilities, such as at Pease Pottage Primary Surveillance Radar (PSR). The ExA asked the Applicant for an update on discussions with NATS	The Applicant confirmed that it was in discussions with NATS and that there is a technical solution which NATS was prepared to implement subject to the commercial arrangements being finalised. It was anticipated that these arrangements will be finalised during the Examination.
15(iii)	Effects of the proposed development on UK Defence aviation The ExA asked the Applicant for an update on discussions with the Ministry of Defence	The Applicant confirmed that it was not aware of any discussions as initially there had been a Danger Zone issue, but the footprint of the Proposed Development was adjusted to accommodate this. The Applicant confirmed that it would check the position and provide an update if needed.
16.	**Draft Development Consent Order**	
16	The ExA asked the Applicant: • To respond to West Sussex County Council's comments on the need to tighten the definition of "Commence" in Article 2 and to consider whether amendments are required to Requirements 10, 12 and 16 • To respond to Natural England's comments as to whether the outline offshore operations and maintenance plans should be included in the list of plans within Article 2 and Schedule 16 • Whether the definition of 'Statutory Undertaker' should be defined with reference to section 138(4)? • Whether Article 2(2) is novel drafting? • Whether Article 7 is necessary? • Whether Article 18(4) is necessary given Article 49 does not permit any Undertaker to take land from the crown • Whether Article 23(2) is justified in relation to the length of time land may be temporarily possessed for? • Whether Article 32 is sufficiently precise in respect of the power of temporary possession? • In relation to what is meant by "covenants" in the various compulsory powers of	The Applicant confirmed that the definition of commence does carve out certain works as are defined within 'onshore site preparation works', i.e. works to be undertaken at an early stage either by way of the site survey, an investigation or sort of working site establishment work. The draft Development Consent Order **[PEPD-009]** already brings requirements 19 (onshore archaeology), 20 (public rights of way), 21 (Open Access land), 22 (code of construction practice), and 24 (construction traffic management plan) within the scope of any commencement works, rather than being subject to the carve out. The Applicant agreed it would consider whether any further requirements need similar amendment and will update the draft Development Consent Order as necessary at Deadline 2. The Applicant set out its understanding that the outline offshore operations and maintenance plan **[APP-238]** was not intended to be included the list of plans within Article 2 as it was not proposed to be certified however, the Applicant agreed to consider this further and will update the draft Development Consent Order as necessary at Deadline 2. The Applicant agreed it would consider whether the definition of 'Statutory Undertaker' should be amended and will update the draft Development Consent Order as necessary at Deadline 2. The Applicant confirmed that Article 2(2) is wording commonly found on the face of compulsory purchase orders made under the Electricity Act 1989 (for example The National Grid Viking Link Limited (Viking Link Interconnector) Compulsory Purchase Order 2019 and National Grid London Power Tunnels CPOs[1]) to clarify that where the appropriate powers exist, that persons other than the undertaker, such as the assignees, successors in title or whomever has been authorised to acquire rights under the Order may also exercise the right. The Applicant was not aware of this drafting being included in other development consent orders. The Applicant confirmed that Article 7 contains additional wording to be inserted into Article 3 of the Rampion Offshore Wind Farm Order 2014/1873 so as to prevent the theoretical scenario where further turbines could be built out under this Order as a highly precautionary position. The Proposed Development has been designed on the basis that Rampion 1 remains as built and it is on this basis that the Environmental Impact Assessment has been carried out. The purpose of Article 7 is to amend the Rampion Offshore Wind Farm Order 2014 (Statutory Instrument 2014/1873) to make it clear that the 'as built' position will remain in the event that the Proposed Development comes forward. The Applicant confirmed that this amendment had been agreed with the operator of the Rampion 1 project and that a letter confirming this is appended to the Explanatory Memorandum **[APP-020]**.

[1] The National Grid Electricity Transmission PLC (London Power Tunnels 2) (Bengeworth Road Connection) Compulsory Purchase Order 2021; The National Grid Electricity Transmission PLC (London Power Tunnels 2) (Circuit 1 – Wimbledon to New Cross) Compulsory Purchase Order 2019; The National Grid Electricity Transmission PLC (London Power Tunnels 2) (Circuit 2 – New Cross to Hurst) Compulsory Purchase Order 2019; The National Grid Electricity Transmission PLC (London Power Tunnels 2) (Circuit 3 – Hurst to Crayford) Compulsory Purchase Order 2019

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
	acquisition set out in the draft Development Consent Order? • As to the intention behind Article 43 and the power to lop or cut back any tree or shrub within the order limits or near any part of the Authorised Development? • As to what is meant by an "inconsistent planning permission" in Article 57? • Whether Requirement 2 should be amended to ensure uniform turbine size. • The reasoning behind amendments to the Requirements made at the Procedural Deadline to remove the words "exceed" and "not exceed"? • Whether the amendment requested by Natural England to Requirement 5 was incorrectly made to Requirement 6? • Whether Requirement 22 should also refer to temporary construction compounds and soil storage works • Whether the requirement to survey European Protected Species was omitted from the Requirements or intentionally not included? • To update the ExA on the status of the Protective Provisions and any planning agreements?	In relation to Article 18(4), the Applicant confirmed that entering Crown Land to undertake the envisaged powers of survey (trial pits or boreholes) would be a matter which falls under Section 135(2) of the Planning Act 2008 as opposed to the exercise of a compulsory acquisition of power under Section 135(1) to which the restriction in Article 49 principally relates. The Applicant considers it appropriate to retain that provision. In respect of Article 23, the Applicant confirmed that it is correct that the temporary possession powers under Article 32 must be exercised before the seven years have expired, and also for temporary possession of the land for construction purposes pursuant to the exercise of those powers to have been taken before this cut off. Article 32(4) requires the undertaker to have vacated the land within one year of the date of completion of the relevant works for which the possession was taken and thereby provides an end date. Article 23(2) acts to ensure that there is not an arbitrary cut off due to the c time limit for the exercise of compulsory acquisition powers so that ongoing works can continue. Further, Article 32(4)(b) confirms that the undertaker may exercise compulsory acquisition powers once it has taken temporary possession but the exercise of those compulsory acquisition powers remains subject to the time limit set out in Article 23. Article 23(2) sets the overall power that the undertaker must serve temporary possession notice and take possession within a seven year period and Article 32(4) requires that, unless the owner of the land agrees otherwise, once the relevant part of the Proposed Development is completed the undertaker has one year in which to vacate the land and return it to the landowner. The Applicant noted that Article 32 is a provision which can be found in the majority of recent Development Consent Orders and effectively allows a promoter of linear projects in particular (where there is a degree of flexibility required over the final land requirements for permanent rights), to take temporary possession first of land in order to construct the cable within a wide working corridor but then to permanently acquire the easement over the narrower corridor. In the circumstances of the Proposed Development, this is intended to apply to Work No. 9 as this will require a 40 metre wide working corridor in most cases to install the cable, and then approximately 20 meters for the permanent easements. Accordingly, this power allows compulsory and temporary powers in the order to be exercised proportionately and ensures that the undertaker does not need to exercise permanent acquisition powers over the entire 40 metre or so corridor. Article 32(1) confirms that the temporary possession power may only be used in connection with the carrying out the Proposed Development which is authorised pursuant to the Order. The purposes for which the power in Article 32(1)(a)(ii) to take possession of 'any other Order Land' is expected to be used mirrors the construction rights packages, which are sought in Schedule 7 to the draft Development Consent Order **[PEPD-009]**. Schedule 7 allows the undertaker to construct, install, retain, and maintain the authorised development (in the same way that a standard easement would) and the purposes for which the temporary possession would be taken over that land are consistent with the nature of the rights packages which enable the carrying out of the Proposed Development. The purposes for which temporary possession may therefore be taken are clear, and consistent with the packages of permanent of rights which the Applicant is seeking over the Order Land. Article 32(2) simply provides flexibility in the legal mechanism by which the Applicant may implement those powers for those purposes. The Applicant noted that there was further explanation of this in the Statement of Reasons (paragraphs 6.9.42-6.9.45, and 8.11.7-9.121.9) **[APP-021]**. The Article 32(1)(a)(ii) power to take temporary possession of 'any other Order Land' applies to the land that is listed in Schedule 7 to the Order and shown blue on the Land Plans (acquisition of new rights and restrictive covenants) and to the land that is listed in Schedule 7 to the Order and shown blue on the Land Plans (acquisition of new rights and restrictive covenants) and pink (the freehold land) on the Land Plans Onshore **[APP-007]**. Accordingly, the reference in the Article to "any other order land" is referring to the blue and the pink land. The Applicant noted that the only area where there could be potentially a question as to what this is intended to relate to is in relation the land which is shown yellow on relating to the existing National Grid substation at Bolney, which is not proposed to be a compulsorily acquired. The Applicant agreed to consider the drafting and will update the draft Development Consent Order as necessary at Deadline 2. The Article 32(1)(a)(i) power applies to the land specified in Schedule 9 of the Order and is shaded green on the Land Plans Onshore **[APP-007]**. Green land is subject to temporary possession powers only with certain limited exceptions as prescribed by Article 32(10). The Applicant confirmed that Article 32(10) is only intended to apply in relation to a number of very limited and specified circumstances, namely the parcels of land that are both listed in the temporary possession schedule (Schedule 9) and are also identified in Schedule 7 (new rights). The reason why they have been treated in that way is because the proposed permanent rights purpose identified in Schedule 7 for those parcels is different from the purpose for which temporary possession would be taken in accordance with Schedule 9. For example, plot 228 is required first for Work No. 12 (temporary ducting) and identified for that purpose in Schedule 9 to the Order but thereafter, would form part of an operational access for

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		which a permanent right would be needed as identified in Schedule 7 to the Order and so it has been put into both schedules. The Applicant would not be entitled to use Article 32(10)(a) in relation to any green land that is not expressly identified in and controlled by Schedules 9 and 7. The Applicant confirmed it would consider if the drafting needs to be made more precise to make clear that there are only certain plots it only applies to and for certain reasons. The Applicant confirmed that the various references to 'covenants' in the Articles containing compulsory powers of acquisition were all intended to be referring to a restrictive covenant, i.e. the restriction that can be put on land, to restrict the use of the land. The Applicant agreed it would review the draft Development Consent Order **[PEPD-009]** and consider whether any amendments are required. to ensure consistency of drafting. The purposes for which restrictive covenants are sought in relation to land shaded blue on the Land Plans Onshore are prescribed by Schedule 7 to the Order. The Applicant confirmed that in terms of the application of the Article 43 power in relation to land within the Order Limits, this is defined. In relation to "near any part of the authorised project", this is a general power found in many Orders, but in the context of the Authorised Development could be used for example, where there are trees on third party land, which may prevent access for particular loads to a particular area of the project, when it would allow the applicant to lop that tree in order to be able to gain access with that load. In respect of the arboricultural retention plan, this relates to the way in which the Proposed Development is undertaken, and its construction is regulated in this regard. In response to comments made by West Sussex County Council, the Applicant noted that such works would be subject to the Code of Construction Practice and the method statements and plans that are referred to in it and so there is not a gap between what is authorised under Article 43 and the regulatory mechanism that comes forward through Requirement 22 and the Code of Construction Practice mechanism. The power under Article 43 is intended to be simply a general permissive power subject to the regulatory regime that might come forward in the in the plans referred to under the Code of Construction Practice. The Applicant confirmed that Article 57 had been introduced in a number of DCOs that are largely still in the course of examination or awaiting determination in response to a case that was heard in the Supreme Court in 2022, which ruled that where there are two planning permissions which relate to a particular site, and one of them is implemented, to the extent that it is that it will be inconsistent to implement the other one, then the unimplemented planning permission or the benefit of it is lost. The Article is therefore seeking to avoid this risk in the future should a separate planning permission be secured and implemented in respect of land within the Order limits rather than being intended to refer to a particular inconsistent planning permission currently in existence. The Applicant confirmed it would consider if "inconsistent" is the correct terminology to use. The Applicant confirmed it would consider whether Requirement 2 should be amended to ensure uniform turbine size and will update the draft Development Consent Order as necessary at Deadline 2. The Applicant set out that the amendments made to the wording of the parameters set out in the Requirements (relating to whether the wording should be 'more than' or should 'not exceed') at the Pre-Examination Procedural Deadline were made in response to Section 51 advice that the Applicant should ensure consistent terminology was used throughout the draft Development Consent Order (Examination Library Reference: PEPD-009). The Applicant confirmed that the intent behind the amendment Requirement 2(6) in respect to the volume of scour protection is to give an overall limit in respect of all of the turbines comprising Work No. 1, rather than a per foundation response limit, and that this was considered the best place to address this rather than at requirement 2(5) as pre Natural England's request. In relation to Requirement 22, the Applicant confirmed that it would consider whether the list should make any reference to temporary construction compounds and soil storage works and will update the draft Development Consent Order as necessary at Deadline 2. In response to comments made by Horsham District Council, the Applicant confirmed that it would consider whether Requirement 8 needed to be clarified so as to include delivery timescales and a more defined parameters plan within the Design and Access Statement **[AS-003]** following receipt of the Council's Written Representations and Local Impact Report.

REF	AGENDA ITEM	APPLICANT'S SUMMARY AND RESPONSES TO ACTION POINTS
		The Applicant also agreed to review the Outline Code of Construction Practice **[PEPD-033]** in response to comments made by Natural England as to how the requirement to survey European Protected Species was secured. The Applicant currently considers that the best place to secure this was in the Outline Code of Construction Practice **[PEPD-033]**. The Applicant confirmed that protective provisions are expected to be agreed with respect of National Rail (in respect of which it was noted that there was already a set of provisions included in the draft Development Consent Order (Examination Library Reference: PEPD-009) but these had not yet been agreed with Network Rail) National Grid Electricity Transmission, Scottish and Southern Electricity, National Highways, Southern Gas Networks, Southern Water and UKPN (although this will be through a side agreement rather than through a specific set of protective provisions on the face of the Order). Protective provisions were not required with National Gas and the Environmental Agency and Portsmouth Water had each confirmed they were also not seeking any. Rampion 1 had also confirmed that they were not seeking protective provisions to be included in the draft Development Consent Order **[PEPD-009]**. In relation to Aquind, the Applicant confirmed that both it and Aquind had submitted correspondence to the Examination of the application for each project showing the latest position **[AS-013, AS-015]** and the parties were engaged in dialogue as to whether there is a need for reciprocal protective provisions in both Orders, if made. It was confirmed that a meeting was due to take place the following week to discuss the terms of a side agreement outside of the formal determination process to resolve matters as between the Applicant and Aquind. The Applicant noted that it could not confirm what order the protective provisions would appear in the draft Development Consent Order **[PEPD-009]**. The Applicant noted that it was making good progress in agreeing the various protective provisions and was in active discussion (with the exception of Southern Water where it was awaiting the template protective provisions for review). In relation to National Highways, the Applicant noted that the interaction between the Proposed Development and the strategic road network is limited. Detailed design work is currently ongoing in relation to the junctions which will be shared shortly with National Highways with the hope of progressing discussions in respect of junction design and protective provisions in respect of the impact on the A27 in parallel to conclude matters satisfactorily. In respect of the Protective Provisions currently contained in the draft Development Consent Order **[PEPD-009]**, the Applicant noted that there were generic provisions for the operators of electronic communication code networks. These are in a standard form and no problems were anticipated with the retention of those provisions as they are. There were also provisions for rail operators on a more generic basis. In respect of planning agreements, the Applicant confirmed that it was keeping this under review and was considering the various requests which had been made in Relevant Representations from local authorities and would enter into discussions with the relevant parties. The Applicant also confirmed that it would insert Schedule 17 in the draft Development Consent Order **[PEPD-009]** if it was determined that adverse effects on integrity for migrating Kittiwake on the Flamborough and Filey Coasts could not be excluded and compensation was required.


Rampion 2
WIND FARM