

EN010117: Application by Rampion Extension Development Limited for the Rampion 2 Offshore Wind Farm

The Examining Authority's Written Questions and requests for information

Issued on Wednesday 3 April 2024

The following table sets out the Examining Authority's (ExA's) Written Questions and requests for information, herein referred to as WQs. If necessary, the Examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as FWQs.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 14 December 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then an issue number (indicating that it is from WQs) and a question number. For example, the first question on Alternatives is identified as ALT.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact Rampion2@planninginspectorate.gov.uk and include 'Rampion 2 Offshore Wind Farm' in the subject line of your email.

Responses and Information Requested are due by **Deadline 3, Thursday 25 April 2024**



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ONSHORE AND OFFSHORE QUESTIONS		
AL	Alternatives	
AL 1.1	<p><i>Fawley and Dungeness Alternatives</i></p> <p>Natural England The Environment Agency</p>	<p>Respond specifically to the identified environmental challenges of offshore cabling to the Fawley substation as identified in paragraphs 1.3.10 to 1.3.14, and to Dungeness substation as identified in paragraphs 1.3.19 to 1.3.29 of the Applicant’s post-Hearing submission on Fawley and Dungeness appraisals [REP1-019].</p>
AL 1.2	<p><i>Fawley and Dungeness Alternatives</i></p> <p>The Applicant</p>	<p>Further to the Applicant’s post-Hearing submission on Fawley and Dungeness appraisals [REP1-019], explain the constraint, if any, to the identified “Inshore Traffic Zone” and whether this would have any bearing on construction of a cable route to Dungeness.</p>
AL 1.3	<p><i>Bolney Substation</i></p> <p>National Grid Electricity Transmission (National Grid)</p>	<p>Confirm the Applicant explanation of the process of selecting the preferred substation at Bolney for the grid connection for the Proposed Development at Bolney as set out in ES Chapter 3 [APP-044] and within section 1.3 of the Applicant’s post-Hearing submission on Fawley and Dungeness appraisals [REP1-019].</p>
HRA	Habitats Regulations Assessment (HRA)	
HRA 1.1	<p><i>Updated Kittiwake Implementation and Monitoring Plan</i></p>	<p>The ExA notes the intention for the Applicant to provide Artificial Nesting Structures (ANS) for kittiwake as part of the Kittiwake Implementation and Monitoring Plan (KIMP), in the event</p>



	Natural England	<p>that the SoS concludes that adverse effects on the integrity of the Flamborough and Filey Coast Special Protection Area cannot be excluded.</p> <p>Regarding the Applicant's updated Kittiwake Implementation and Monitoring Plan (KIMP) submitted into the Examination at Deadline 1 [REP1-026], state whether:</p> <ul style="list-style-type: none"> a) The Applicant has adequately explained how it would develop the collaborative option for delivering the ANS. b) The proposed monitoring programme, adaptive management and reporting timeframes the Applicant is proposing are adequate. c) The requirement securing the KIMP in the draft Development Consent Order (draft DCO) [REP2-002] is adequate.
HRA 1.2	<p><i>Updated Kittiwake Implementation and Monitoring Plan and Offshore Ornithology Engagement Group</i></p> <p>The Applicant</p>	<p>Natural England provided advice to the Applicant at Deadline 2 [REP2-037] regarding the methodology to calculate requirements for compensation for kittiwake.</p> <ul style="list-style-type: none"> a) Calculate requirements for compensation for kittiwake in line with Natural England's advice and compare to the estimate previously provided. b) Explain whether the Kittiwake Implementation and Monitoring Plan (KIMP) will be updated to incorporate the compensation quantum following Natural England's advised method. c) Respond to the advice provided by Natural England at Deadline 2 [REP2-037] to set up a single Offshore Ornithology Engagement Group (OOEG) covering all projects dependent on the kittiwake tower. d) Respond to Natural England's advice at Deadline 2 [REP2-037] to provide details and explanation of which colonies will be monitored as part of the creation of a baseline.
HRA 1.3	<p><i>In-combination Assessment of Impacts for Guillemot</i></p>	<p>Comment on the adequacy of the Applicant's full in-combination assessment of impacts for guillemot and razorbill at the Flamborough and Filey Coast (FFC) SPA submitted at Deadline</p>



	<p><i>and Razorbill at the Flamborough and Filey Coast SPA</i></p> <p>Natural England</p>	<p>1 [REP1-027], specifically whether Natural England agrees with the Applicant's methodology and conclusions.</p>
HRA 1.4	<p><i>In-combination Assessment of Impacts for Guillemot at the Farne Islands SPA</i></p> <p>Natural England</p>	<p>Comment on the adequacy of the Applicant's full in-combination assessment of impacts for guillemot at the Farne Islands SPA submitted at Deadline 1 [REP1-027], specifically whether Natural England agrees with the Applicant's methodology and conclusions.</p>
HRA 1.5	<p><i>Great Black-backed Gull Littoral Seino-Marin SPA</i></p> <p>The Applicant</p>	<p>Provide an update on discussions with the French Authorities related to the potential impact on the great black-backed gull at the Littoral Seino-Marin SPA in France. Provide details of any areas of disagreement or potential areas of disagreement.</p>
HRA 1.6	<p><i>Great Black-backed Gull UK South-west & Channel BDMPS Regions</i></p> <p>The Applicant</p>	<p>a) Respond to Natural England's comments at Deadline 2 [REP2-040] on the Applicant's updated approach to assessing the potential cumulative impact on the great black-backed gull within the UK South-west & Channel BDMPS regions, specifically comment on Natural England's comments on the Applicant's:</p> <ul style="list-style-type: none">i. Revised approach collision risk modelling [REP1-038].ii. Calculation of the breeding season population.iii. Inclusion of overseas birds.iv. Calculation of the Southwest UK and Channel breeding season reference population to include colonies in the west of Scotland.



		<p>b) Respond to Natural England’s recommendation [REP2-040] to use the non-breeding season BDMPS population scale to more accurately reflect the potential cumulative effects on the relevant population.</p>
HRA 1.7	<p><i>Potential for Adverse Effect on Integrity (AEoI) to the Conservation Objectives of the Northern Pintail of the Arun Valley Ramsar site</i></p> <p>Natural England</p>	<p>In light of the Applicant’s responses at Deadline 1 [REP1-017] to Natural England’s concerns [RR-265] regarding the foraging range of the northern pintail, potential impacts from habitat fragmentation and potential temporary loss of functionally linked land of the Arun Valley Ramsar site, state:</p> <p>a) Whether the Applicant’s responses address Natural England’s concerns.</p> <p>b) What further assessment and / or mitigation is the Applicant advised to undertake / implement to address Natural England’s concerns.</p>
HRA 1.8	<p><i>Water Neutrality and Potential Likely Significant Effects on the Arun Valley designated sites (SPA, SAC and Ramsar)</i></p> <p>Natural England</p>	<p>There is no change on the level of concern in Natural England’s Risk and Issue log submitted at Deadline 2 [REP2-041] related to Water Neutrality within the Sussex North Water Supply Zone, in light of the Applicant’s further information on this provided at Deadline 1. State:</p> <p>a) Natural England’s latest position on the Applicant’s proposed actions submitted into the examination at Deadline 1 to address Water Neutrality, and whether they are sufficient.</p> <p>b) What further assessment and / or mitigation the Applicant is advised to undertake / implement to address your concerns.</p>
HRA 1.9	<p><i>Research Findings</i></p> <p>The Applicant</p> <p>Natural England</p>	<p>The Report to Inform the Appropriate Assessment (RIAA) [APP-038] contains an extensive list of references listed in section 13. Explain whether any relevant references been published subsequently that should be taken into account in the HRA that might materially change the outcome.</p>



HRA 1.10	<p><i>The RIAA - HRA Screening One</i></p> <p>The Applicant</p>	<p>The RIAA [APP-038] frequently refers to the HRA Screening One (RED 2020). The ExA requests that the Applicant submits this document to the Examination.</p>
COD	Construction, Operation and Decommissioning Matters	
COD 1.1	<p><i>Commitments Register</i></p> <p><i>Horizontal Directional Drilling (HDD)</i></p> <p>Natural England</p> <p>Environment Agency</p> <p>Forestry Commission</p> <p>South Downs National Park Authority (SDNPA)</p> <p>The Woodland Trust</p> <p>Sussex Wildlife Trust</p> <p>West Sussex County Council (West Sussex CC)</p> <p>Horsham District Council (Horsham DC)</p>	<p>Provide a response to the Applicant’s statement in the Applicant’s Responses to Relevant Representations, J3 [REP1-017] on page 416 that:</p> <p><i>“Commitment C-5 (Commitments Register [APP-254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD-033] secured via Required 22 within the Draft Development Consent Order [PEPD-009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic Worst-Case Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through amendment to the stage specific Code of Construction Practice and Crossing Schedule.”</i></p> <p>Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].</p>



	Arun District Council (Arun DC)	
COD 1.2	<i>Commitments Register - Other Trenchless Technology</i> The Applicant	The phrase ‘ <i>HDD or other trenchless technology</i> ’ is used in C-5, C-123 and C-124 within the Commitment Register [REP1-015]. Clarify what other trenchless technology could be utilised instead of HDD and how these have been assessed in the Environmental Statement (ES).
COD 1.3	<i>Commitments Register - Other Commitments</i> The Applicant	In its Local Impact Report (LIR) [REP1-044], Horsham DC set out comments and concerns in respect to a number of Commitments and have suggested eight additional Commitments to be used. Provide a response and amend accordingly.
COD 1.4	<i>Phasing/Stages Plan</i> The Applicant	<p>Horsham DC [REP1-044], Arun DC [REP1-039] and West Sussex CC [REP1-054] and others particularly in respect to Requirement 22 in the draft DCO [REP2-002] have requested further information to identify the individual stages, the timing of construction and phasing within each local authority.</p> <p>In response, the Applicant has amended Requirement 10 of the draft DCO requiring a staging plan. The Applicant also states e.g [REP2-022] that phasing and sequencing of works will be secured within the outline Code of Construction Practice (CoCP) [PEPD-033] and the outline Landscape and Ecology Management Plan (LEMP) [APP-232].</p> <p>The ExA questions why staging and phasing plans appear to be controlled in two places; Requirement 10 and within the CoCP/LEMP. Explain why staging and phasing controls are spread across Requirement 10 and the CoCP/LEMP and what aspects of the stages/phasing plan they are intended to control. Alternatively, consider a revision of Requirement 10 so that it explicitly requires the submission and approval of a staging and phasing plan for each local authority.</p>



COD 1.5	<i>Community Benefits Package</i> The Applicant	<p>West Sussex CC in its LIR [REP1-054] state that it expects to see the Applicant prepare a Community Benefits Package in respect to measures contained within the draft DCO [REP2-002]. In its response e.g [REP2-021], the Applicant states that Community Benefits Packages sit outside of the consenting process and separate to the planning process.</p> <p>The ExA wishes to better understand the purpose of the Community Benefits Package, and what it would, in practice, entail and contain.</p> <ul style="list-style-type: none">a) The ExA would like assurance that such matters contained therein are to enhance communities and are not mitigation measures brought about by the Proposed Development.b) Explain whether such Community Benefits Packages will be agreed and signed (albeit not submitted into the Examination) before the close of the Examination so that it can be reported to the Secretary of State.c) Set out which authorities the Applicant is intending to agree Community Benefit Packages with.
COD 1.6	<i>Risk of Marine Pollution from Maintenance Activities</i> The Applicant	<p>Operation and maintenance activities are detailed in section 4.8 of Chapter 4 of the ES [APP-045]. This includes consideration of maintenance inspections, painting of the wind turbine generators, cable surveys and foundation inspections.</p> <p>Explain what measures would be taken to avoid any adverse effects from maintenance activities, particularly release of pollutants from activities such as re-painting the WTG. How would these measures be secured in the DCO.</p>
COD 1.7	<i>Decommissioning</i> The Applicant MMO Natural England	The Applicant Provide an Outline Decommissioning Plan for the offshore infrastructure, as requested by Natural England [REP2-038, Page 3].



	<p>The Environment Agency</p> <p>Relevant Planning Authorities</p>	<p>Explain plans in place to follow the waste hierarchy at the decommissioning stage, particularly any plans on how the wind turbine materials might be reused or recycled.</p> <p>The Environment Agency / Natural England / MMO / Relevant Planning Authorities</p> <p>Comment on expectations for recycling or reuse of the wind turbine materials at the decommissioning stage.</p>
DCO	Draft Development Consent Order (Draft DCO) and Draft Deemed Marine Licence (Draft DML)	
DCO Articles		
DCO 1.1	<p><i>General</i></p> <p>The Applicant</p>	<p>Provide an up-to-date list of made Orders which the Applicant is citing/referencing in the preparation of the draft DCO [REP2-002].</p>
DCO 1.2	<p><i>Part 1, Article 2</i></p> <p>The Applicant</p>	<p>Definition of “Commence”</p> <p>Confirm which Schedule 1, Part 3 Requirements must be discharged before the development commences including the onshore site preparation works; i.e where onshore site preparation works must be approved as well.</p>
DCO 1.3	<p><i>Part 2, Article 5</i></p> <p>The Applicant</p> <p>Marine Management Organisation (MMO)</p> <p>National Grid</p>	<p>The MMO [REP1-056] has expressed concerns with this Article. It states that Articles 5(5), 5(8) and 5(12) conflict with provisions within the Marine and Coastal Areas Act 2009 in that the transfer of benefits to another undertaker, even as a temporary lease, cannot be undertaken without the MMO’s consent, and that the three identified paragraphs should be removed. The Applicant’s response [REP2-026] considers the provisions in the Article have been used in other made Orders.</p> <p>a) The ExA requires a further explanation from both the Applicant and the MMO as to why the Article as drafted is/is not appropriate, with specific and relevant Orders cited to demonstrate that the Secretary of State has/has not accepted similar</p>



		<p>wording regarding the transfer of benefits that did/did not require approval of the MMO.</p> <p>b) The ExA requests National Grid to respond to the Applicant’s Deadline 2 submission [REP2-028] on the wording of this Article that it does not need to expressly transfer benefits to National Grid.</p>
DCO 1.4	<p><i>Part 2, Article 6</i> The Applicant</p>	<p>In its LIR [REP1-049] the SDNPA considers the provisions of the National Parks and Access to the Countryside Act 1949 as updated by the Levelling Up and Regeneration Act 2023 to “seek to further” the purposes of the National Park should be conferred to the Applicant in this Article. The Applicant states [REP2-024] that it is already bound by s11A of the National Parks and Access to the Countryside Act 1949 and the NPS.</p> <p>Explain whether this response satisfies the initial concern and if not, justify further the need to amend Article 6 with suggested wording.</p>
DCO 1.5	<p><i>Parts 3 and 4, Articles 11(7), 12(3), 13(2), 15(5), 16(9) and 18(7)</i> Relevant Planning and Highway Authorities</p>	<p>West Sussex CC in its LIR [REP1-054] state that the 28-day time-period set out in Article 13(2) is insufficient.</p> <p>a) Confirm that the same time-period set out in the said Articles are adequate.</p> <p>b) Comment on the appropriateness of the deemed consent provisions in these (and possibly other) Articles and the Applicant’s justification for such provisions as set out in response at Deadline 2 [REP22-022].</p>
DCO 1.6	<p><i>Part 3, Article 15</i> The Applicant</p>	<p>The ExA is concerned that the power in this Article, in which the Undertaker may “<i>alter the layout of any street</i>” to be too wide and onerous. The ExA considers that at the very least, it should be restricted to those streets within the Order limits. Respond and amend the draft DCO [REP2-002] if necessary.</p>
DCO 1.7	<p><i>Part 5, Articles 23(2), 24 and 32</i></p>	<p>At Issue Specific Hearing 1 held on Wednesday 7 February 2021 and Thursday 8 February 2024 (ISH1) [EV3-001], the ExA questioned the Applicant about the general use of restrictive</p>



	<p>The Applicant</p>	<p>covenants and their apparent wide-ranging power and lack of definition. In its response at D1 [REP1-033] the Applicant stated they were all intended to be referring to a restrictive covenant (as opposed to “covenants” and “other restrictive covenants” and that the purposes for which restrictive covenants are sought in relation to land shaded blue on the Land Plans are prescribed by Schedule 7 to the Order.</p> <p>The ExA notes the Secretary of State’s decision of the M4 Motorway (Junctions 3 to 12) (Smart Motorway) DCO (paragraph 62) which, in respect to restrictive covenants, the Secretary of State decided <i>“to remove the power to impose restrictive covenants and related provisions as [the Secretary of State] does not consider that it is appropriate to give such a general power over any of the Order land [...] in the absence of a specific and clear justification for conferring such a wide-ranging power in the circumstances of the proposed development and without an indication of how the power would be used.”</i></p> <p>The ExA notes that the Secretary of State has taken a very similar position in the A556 (Knutsford to Bowdon Improvement) Order and the Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) Order.</p> <p>Provide additional justification for the need and use restrictive covenants on the plots as set out in Schedule 7, and in particular the powers the restrictive covenants will contain.</p>
<p>DCO 1.8</p>	<p><i>Article 32 (10)</i> The Applicant</p>	<p>The ExA notes the oral response given by the Applicant at the ISH1 [EV3-001] and in writing at Deadline 1 [REP1-033]. Notwithstanding, the ExA remain concerned by the broad power contained within this Article. The Applicant states that Article 32 (10) <i>“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)”</i>.</p> <p>a) The ExA would like clarification on which plots appear in <u>both</u> Schedules 9 and 7 of the draft DCO [REP2-002] and thus referred to by the Applicant.</p> <p>The Applicant further explains that: <i>“for example, plot 228 [identified as 2/28 on the Land plan [PEPD-003]] is required first for Work No. 12 (temporary ducting) and identified for that</i></p>



		<p><i>purpose in Schedule 9 to the Order but thereafter, would form part of an operational access for which a permanent right would be needed as identified in Schedule 7 to the Order and so it has been put into both schedules.”</i> The ExA notes the Land plan indicates Plot 2/28 is show as “blue land”, and thus where CA for new rights is sought.</p> <p>The ExA questions why the Applicant has approached TP in this way. The ExA questions why land sought for CA for new rights isn’t simply listed in Schedule 7 (to include Plot 2/28 for example) and land only for TP should be included in Schedule 9. The ExA considers the Applicant’s approach is imprecise, and moreover allows for a wide and unjustified power in which any Order land identified for TP could be changed to new rights, regardless of the Applicant’s intentions.</p> <p>b) Consider revising Schedules 7 and 9 and remove and redraft Article 32 (10) so that the Undertaker may not compulsorily acquire under this Order (Article) the land conferred to in the appropriate paragraph and in Schedule 9 of the Order.</p>
DCO 1.9	<p><i>Articles 32, 33, 43 and 44</i></p> <p>SDNPA</p>	<p>The LIR [REP1-049] considers the powers in these Articles to be imprecise and arbitrary. Justify further and set out wording for each article which would overcome the concern. Alternatively, confirm whether the Applicant’s response at Deadline 2 [REP2-024] has satisfactorily answered the concern.</p>
DCO 1.10	<p><i>Article 43</i></p> <p>The Applicant</p>	<p>The ExA notes the Applicant’s response to the term “<i>or near any part of the authorised project</i>” [REP1-033] when discussed at ISH1 [EV3-001]. The ExA considers the term could be replaced with “<i>or adjacent to any part of the authorised development</i>” to ensure this power extends only to adjacent land. Consider and, if necessary, amend the draft DCO [REP2-002] accordingly.</p>
DCO 1.11	<p><i>Articles 53, 54 and 55</i></p> <p>The Applicant</p>	<p>Explain the origin of these Articles, justification for their need and whether they have been used on other made Orders.</p>



DCO Schedules		
DCO 1.12	<p><i>Schedule 1, Part 1</i> <i>Work Nos 10, 11, 12, 13, 14 and 15</i></p> <p>The Applicant</p>	<p>Work Nos 10 to 15 contain no description of what these works entail. In its response at Deadline 2 e.g [REP2-021] the Applicant considers it is not appropriate to define these works as “<i>it is not possible to predict at this stage exactly what [they] would be used for.</i>” The Applicant cites this as the adopted approach.</p> <p>For the Southampton London Pipeline Order [2020 No.1099], an example Work No is described as “<i>works to construct a temporary compound for use during the construction of the authorised development, comprising...[x]... to include [as an example]: office, welfare and security facilities; a parking area for staff; power supplies and temporary lighting; pipe equipment and fitting storage; plant storage...</i>” and others.</p> <p>Consider whether, on reflection and given the concerns raised, a fuller explanation of these works might assist the ExA and the Secretary of State.</p>
DCO 1.13	<p><i>Schedule 1, Part 1</i> <i>Work No 17</i></p> <p>Horsham DC</p>	<p>Respond to the Applicant’s response at Deadline 2 [REP2-022] that Work No 17 should not be defined so as not to limit the scope of the environmental works to be undertaken. Set out how the Council would expect Work No 17 should be defined and cite, if possible, other Orders where this has been done.</p>
DCO 1.14	<p><i>Schedule 1, Part 2</i> <i>Requirement 1</i></p> <p>The Applicant</p>	<p>The standard time-period for commencement of a nationally significant infrastructure project is normally five years. The Secretary of State for the Drax Carbon Capture Order 2024 recently struck out a request for a seven-year commencement period.</p> <p>Justify the reason for commencement to be no later than seven years, or alternatively amend the draft DCO accordingly here and for Article 23(1).</p>
DCO 1.15	<p><i>Schedule 1, Part 3</i> <i>Requirements 6 and 7</i></p> <p>West Sussex CC</p>	<p>Respond to the amendments made to the draft DCO submitted at Deadline 2 [REP2-002] regarding changes to Requirements 6 and 7, which now separate Works Nos 6 and 7 from</p>



		Works Nos 16 and 20, and whether this overcomes the concerns identified in the LIR [REP1-054].
DCO 1.16	<i>Schedule 1, Part 3 Requirement 7</i> West Sussex CC	Provide a response to the Applicant’s assertion at Deadline 2 [REP2-020] that details of working width and haul roads, which was requested within the LIR [REP1-054] to be included within Requirement 7, will form part of the outline CoCP which is secured by Requirement 22 of the DCO [REP2-002].
DCO 1.17	<i>Schedule 1, Part 3 Requirement 8</i> The Applicant	In its WR [REP1-089], Cowfold v Rampion state that the 12.5m height above finished ground level in Requirement 8 (3)(b) is imprecise. The ExA has some sympathies with this concern. Consider and amend this Requirement and provide the height above ordnance datum.
DCO 1.18	<i>Schedule 1, Part 3 Requirements 10, 12 and 16</i> Horsham DC Arun DC West Sussex CC SDNPA Mid Sussex DC	Provide a response on the Applicant’s amendments to the draft DCO submitted at Deadline 2 [REP2-002] in which the definition of “Commence” in Article 2 and a number of Requirements have been amended in respect to “carving-out” onshore site preparation works for the onshore Works.
DCO 1.19	<i>Schedule 1, Part 3 Requirement 14</i> The Applicant Horsham DC Arun DC	There are concerns from relevant planning authorities over the provisions of this Requirement and the reliance on the provisions contained within the Biodiversity Net Gain (BNG) Strategy Information document, Appendix 22.15 to Chapter 4 of the ES [APP-193]. The ExA notes the Applicant’s responses to West Sussex CC [REP2-020] and SDNPA [REP2-024] in respect to the wording within the Requirement and the BNG Strategy Information document. However, the ExA is concerned that the BNG Strategy Information



	<p>West Sussex CC SDNPA Mid Sussex DC</p>	<p>document may not contain the required evidence or clarity that BNG can be achieved, and accordingly Requirement 14 is not adequate in its current guise.</p> <p>Interested Parties are asked to review the questions contained in BD (below) and consider whether Requirement 14 needs amending and suggest appropriate wording.</p>
DCO 1.20	<p><i>Schedule 1, Part 3, Requirement 19</i> Historic England</p>	<p>Explain, as set out in RR [RR-146] why the Requirement is “<i>not sufficient for appropriate safeguards.</i>”</p>
DCO 1.21	<p><i>Schedule 1, Part 3, Requirement 19</i> West Sussex CC</p>	<p>Respond to the Applicant’s comments to the additional wording to this Requirement, suggested by West Sussex CC in its LIR [REP1-054], are unnecessary as such matters are contained within the outline Onshore Written Scheme of Investigation [APP-231].</p>
DCO 1.22	<p><i>Schedule 1, Part 3 Requirement 20</i> West Sussex CC</p>	<p>Comment, if required, on the revisions made by the Applicant to Requirement 20 of the draft DCO submitted at Deadline 2[REP2-002]. List any further amendments, if required, to this Requirement with justification.</p>
DCO 1.23	<p><i>Schedule 1, Part 3 Requirement 22</i> The Applicant</p>	<p>Horsham DC [REP1-044], Mid Sussex DC [REP1-046] and West Sussex CC [REP1-054] have expressed views that the hours of construction, as set out in the outline CoCP [PEPD-033] should be set out in Requirement 22 so that they are firmly fixed and easier to control. West Sussex CC also states that the list of plans to be included within the submitted CoCP, as set out in paragraph (5), should also include an engagement plan as per commitment C-19 of the Commitments Register [REP1-015], and a phasing plan (see WQ CM 1.4).</p> <p>The ExA considers that the provision of clarity in the draft DCO [REP2-002] would be of benefit to the Interested Parties and may provide greater comfort to the Secretary of State when determining the Proposed Development.</p>



		<p>a) Given that construction hours are to be controlled in any event, re-consider the position set out at Deadline 2 e.g [REP2-023] and amend the draft DCO and the Commitments Register [REP1-015] if required.</p> <p>b) In pursuance of written question DCO 1.16 above, explain whether a Working Widths and Haul Route plan and a Site Restoration Plan should be added to the list set out in paragraph (4).</p>
DCO 1.24	<p><i>Schedule 1, Part 3 Requirement 29</i></p> <p>Mid Sussex DC</p>	<p>In the LIR [REP1-046], it is stated that Requirement 29 should also include Work No 20. In response, the Applicant states [REP2-023] that the ES [PEPD-018] has already assessed noise levels at the existing National Grid substation at Bolney and, because noise generated by the Proposed Development at this location is expected to be minimal, no additional mitigation is necessary.</p> <p>Provide a response, explaining whether Mid Sussex are content with the response or justify further why Work No 20 should be included within Requirement 29.</p>
DCO 1.25	<p><i>Schedule 1, Part 3 Requirement 33</i></p> <p>Horsham DC</p>	<p>Explain the need for the skills and employment strategy to be implemented during the lifetime of the development as opposed to being throughout the construction stage.</p>
DCO 1.26	<p><i>Schedule 1, Part 3 Various Requirements</i></p> <p>The Applicant</p>	<p>West Sussex CC [REP1-054] have at various points pointed to areas where there is inconsistency in the approach to approval of the Requirements. It is the ExA's understanding that, for consistency, the discharge of all necessary requirements should be the responsibility of the relevant planning authority, with appropriate consultations undertaken accordingly (as set out in each Requirement) which should or should not involve the County Council.</p> <p>Review and amend, or provide specific examples where, as in the case of Requirements 17 and 18 of the draft DCO [REP2-002], it has not been used in other Orders and the appropriateness of not submitting to the relevant planning authority.</p>



DCO 1.27	<i>Schedule 1, Part 3 New Requirements</i> The Applicant	<p>Historic England [REP1-055], Horsham DC [REP1-044] and West Sussex CC [REP1-054] have requested new Requirements on the following matters:</p> <ul style="list-style-type: none">• An Air Quality Plan to be based on the Air Quality Management Plan;• Construction Communication Plan;• Avoidance of use of the Storrington Air Quality Management Area, in line with Commitment C-158 of the Commitments Register [REP1-015] and included within the outline Construction Traffic Management Plan (OCTMP) [REP1-010]. <p>Provide a response and if necessary, amend the draft DCO [REP2-002] accordingly and Commitments Register.</p>
DCO 1.28	<i>Schedule 10</i> The Applicant	<p>Provide an updated to negotiations and a timetable for the insertion of agreed Protective Provisions into Schedule 10 of the draft DCO [REP2-002].</p>
DCO 1.29	<i>Schedule 14</i> The Applicant	<p>Horsham DC [REP1-044], SDNPA [REP1-049] and West Sussex CC [REP1-054] raised concerns with the 56-day time limits set out in paragraph (1)(3)(a) and (b) and the 15-day time-limit set out within paragraph 2(3). In respect to the latter, the ExA notes the Applicant's response at Deadline 2 [REP2-] and the addition to paragraph 2(2)(a) and (b) to the draft DCO [REP2-002] where the time-period has been extended to 20 days where the discharging authority must consult with a third party.</p> <p>The ExA is not clear how this will work practice; who would decide whether there is a third party to consult and how this would be controlled. The ExA further questions whether the additional five-day request by the local authorities would cause any serious detriment to the delivery of the Proposed Development, should the Secretary of State decide to make the Order.</p> <p>Respond, and consider amending Schedule 14 to 20-days.</p>



DCO 1.30	<i>Schedule 16</i> The Applicant	The Applicant is asked to check the documents contained within the certified documents and in particular the referencing for the Environmental Statements, which are listed as being EL reference APP-041 to APP-222, but where there are updates to the ES at subsequent deadlines.
DCO 1.31	<i>Schedule 16</i> The Applicant	<p>The Commitments Register [REP1-015] is not a certified document in Schedule 16 of the draft DCO [REP2-002] and is therefore not secured. The Applicant states in its response at Deadline 2 [REP2-026] that the Commitments Register is not intended to be a certified document in the draft DCO but that each of the Commitments itself is secured through the draft DCO or through other certified documents.</p> <p>The ExA is unclear how this is so, and indeed why the Applicant has taken a different approach to securing some Commitments through certified documents but not others. Given the importance of the Commitments to the delivery and mitigation of the Proposed Development, the ExA considers the Commitments Register should be a certified document within Schedule 16. Respond and amend accordingly.</p>
DCO 1.32	<i>Prospective Schedule 17</i> The Applicant	<p>Should the Secretary of State be minded to accept that Adverse Effect on Integrity to the Flamborough and Filey Coast SPA cannot be excluded, the Applicant confirmed at ISH1 [EV3-001] that a standalone Schedule 17 [PEPD-017] should be inserted into the DCO, should the Secretary of State be minded to make the Order. Schedule 17 would currently sit behind the certified documents Schedule 16, which is normally the final Schedule in a DCO before the Explanatory Note. Therefore, the ExA considers this would be the wrong place for it.</p> <p>Confirm where Schedule 17 would be inserted into a DCO. Consider whether two versions of the final draft DCO should be submitted into the Examination at the final deadline; one with and one without the Schedule 17 wording (in its appropriate location).</p>



DCO 1.33	<p><i>Prospective Schedule 17</i></p> <p>The Applicant Natural England</p>	<p>Should the Secretary of State be minded to accept that Adverse Effect on Integrity to the Flamborough and Filey Coast SPA cannot be excluded, the Applicant confirmed at ISH1 [EV3-001] that a standalone Schedule 17 [PEPD-017] should be inserted into the DCO should the Secretary of State be minded to make the Order. Natural England [REP1-059] have raised a number of concerns with the wording of this prospective Schedule with suggested amendments and additions. In its response at Deadline 2 [REP2-026], the Applicant states discussions are ongoing including addressing Natural England’s concern on the absence of provisions for the end of the lifetime of the project and the compensatory measures.</p> <p>Provide an update to the progress of Schedule 17 and a timescale of when an agreed position will likely be reached.</p>
Draft DML		
DCO 1.34	<p><i>Schedules 11 and 12</i> <i>Deemed Marine Licence</i></p> <p>MMO</p>	<p>In its WR, the MMO [REP1-056] have set out comments and requested changes, alterations and deletions in respect to:</p> <ul style="list-style-type: none"> • Part 1 conditions 7-9; • Part 2 conditions 3(1) and 3(5); • Part 2 condition 9(8) • Part 2 condition 10; • Part 2 condition 17; and • Part 2 condition 21 <p>Comment on the responses provided by the Applicant at Deadline 2 [REP2-026].</p>
DCO 1.35	<p><i>Schedules 11 and 12</i></p>	<p>In respect to Part 2 condition 2(6), the Applicant states in its response at Deadline 2 [REP2-026] that further changes to this condition are unnecessary as the condition refers to</p>



	<p><i>Deemed Marine Licence</i></p> <p>Natural England</p>	<p>commencement of the authorised scheme, which is defined in the deemed marine licence by reference to Works No 1 and 2 in Schedule 11 and Work Nos. 3 to 6 in Schedule 12. In respect to Part 2 conditions 11(1)(a) and (c), the Applicant states it will prepare its design plan to take account of micro-siting requirements and that construction method statement will also be required to take account of micro-siting requirements and by subject to approval hence no further amendment is considered necessary.</p> <p>Provide a response and if necessary, set out the changes required to the said conditions.</p>
DCO 1.36	<p><i>Schedules 11 and 12</i></p> <p><i>Deemed Marine Licence</i></p> <p>The Applicant</p>	<p>In its WR, the MMO [REP1-056] have requested additional conditions in respect maintenance reporting and stages of construction. On the latter point, the ExA has stated in question CM 1.4 that it would be helpful if an Outline Stages and Phasing Plan were submitted into the Examination.</p> <p>Respond and update the DML as appropriate.</p>
<p>Legal/Side Agreements</p>		
DCO 1.37	<p><i>S106 Legal Agreements</i></p> <p>The Applicant</p>	<p>Provide an update on progress on legal agreements as requested by West Sussex CC [RR-418], SDNPA [AS-006], Horsham DC [AS-010] and Brighton City Council [RR-047].</p>
DCO 1.38	<p><i>S106 Legal Agreements</i></p> <p>The Applicant</p>	<p>Provide a response to the requests by Mid Sussex DC [REP1-046], Arun DC [REP1-039], Horsham DC [REP1-044] and West Sussex CC [REP1-054] that matters concerning BNG will need to be secured by legal agreement.</p>



LR	Land Rights	
LR 1.1	<p><i>The Book of Reference (BoR)</i></p> <p>The Applicant</p>	<p>Confirm whether the BoR [PEPD-014] is fully compliant with the Department of Communities and Local Government guidance 'Planning Act 2008: procedures for the compulsory acquisition of land' (September 2013) (DCLG guidance).</p>
LR 1.2	<p><i>BoR</i></p> <p>The Applicant</p>	<p>Confirm whether there are any other persons who might be entitled to make a relevant claim if the DCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR [PEPD-014]. This could include, but not be limited to, those that have provided representations on, or have interests in: noise, vibration, smell, fumes, smoke or artificial lighting; the effect of construction or operation of the Proposed Development on property values or rental incomes; concerns about subsidence or settlement; claims that someone would need to be temporarily or permanently relocated; impacts on a business; loss of rights, e.g. to a parking space or access to a private property; concerns about project financing; claims that there are viable alternatives; or blight.</p>
LR 1.3	<p><i>Funding Statement (FS)</i></p> <p>The Applicant</p>	<p>Noting paragraphs 3.9 and 3.10 of the FS [APP-025], confirm whether the Applicant been made aware since its submission of:</p> <ul style="list-style-type: none"> a) Any persons who meet the statutory requirements for a blight notice; b) Any parties intending to serve a Blight Notice; or c) Any attempts to sell any of the affected land or property that has resulted in it only being able to be disposed of at a significantly lower price than it would have been expected to sell.
LR 1.4	<p><i>BoR, Statement of Reasons (SoR), Land Plans Onshore and Land Rights Tracker</i></p>	<p>Inform the ExA whether there are any inaccuracies in the BoR [PEPD-014], SoR [APP-021], Onshore Land plans [PEPD-003] or the Land Rights Tracker [REP2-007]? If so, please set out what these are and provide the correct details.</p>



	Affected Persons, Interested Parties	
LR 1.5	<i>BoR</i> The Applicant	Provide a summary of where the Applicant has not yet been able to identify any persons having an interest in the land, including any rights over unregistered land. Explain what further steps will be taken to identify any unknown rights during the Examination.
LR 1.6	<i>BoR</i> The Applicant	Explain what assurance and evidence the Applicant can provide of the accuracy of the land interests identified as submitted and can the Applicant indicate whether there are likely to be any changes to the land interests, including the identification of further owners / interests or monitoring and update of changes in interests.
LR 1.7	<i>Changes to the Application</i> The Applicant	Explain any envisaged changes to the Application which might engage The Infrastructure Planning (Compulsory Acquisition) Regulations 2010.
LR 1.8	<i>The Case for Compulsory Acquisition (CA)</i> The Applicant	<p>Paragraph 11.2.15 of the SoR [APP-021] states that the Applicant considers that there is a compelling case in the public interest for CA.</p> <ul style="list-style-type: none">a) Explain what assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of CA powers in each case;b) Explain how it has been demonstrated within the application that the public benefits of the scheme outweigh any residual adverse effects including private loss suffered by individual landowners and occupiers; andc) Demonstrate how such a conclusion has been reached and how the balancing exercise between public benefit and private loss has been carried out.



LR 1.9	<i>The Case for Compulsory Acquisition (CA)</i> The Applicant	Table 8-1 of the Cable and Grid Connection Statement [APP-034] sets out the maximum onshore cable corridor (OCC) assessment assumptions. This indicates that the maximum temporary construction corridor width would be 40 meters (m), with a permanent easement with of up to 25m. The ExA notes that there are locations along the OCC where the 40m width is exceeded. Provide: <ul style="list-style-type: none">a) A list of all such locations;b) The justification at each location for the increase in width; andc) Where this is due to uncertainties in design and or ground conditions how this is accounted for in considering the impact on Affected Persons and their interests and the balancing exercise between public benefit and private loss.
LR 1.10	<i>The Case for Compulsory Acquisition (CA)</i> The Applicant	For the avoidance of doubt, set out all the factors that are regarded as constituting evidence for a compelling case in the public interest for the CA and Temporary Possession (TP) powers sought and where, giving specific paragraph references, these are set out in the submitted documentation.
LR 1.11	<i>BNG</i> The Applicant	BNG is not currently a requirement for nationally significant infrastructure projects. Accordingly, the ExA considers the compulsory acquisition of land for the sole purpose of meeting BNG may not be justified. Provide a statement that land to be the subject of CA for environmental mitigation is proportionate and necessary for the Proposed Development, and whether BNG is the appropriate tool to calculate the required environmental mitigation.
LR 1.12	<i>Professional Fees</i> The Applicant	Outline your approach to the reimbursement of AP's professional fees.



LR 1.13	<i>Affected Persons' Suggestions/ Requests</i> The Applicant	Outline your approach to the investigation of suggestions/ requests made by APs to reduce or mitigate the impact of the Proposed Development on their interests. Explain whether this approach has been consistently followed for all APs.
LR 1.14	<i>Protected Characteristics</i> The Applicant	Confirm that all stages of the Proposed Development, including Land Rights negotiations, have complied fully with the Equality Act 2010 including considering AP's protected characteristics.
LR 1.15	<i>Acquisition of Other Land or Rights</i> The Applicant	Are any land or rights acquisitions required in addition to those sought through the draft DCO (dDCO) before the Proposed Development could become operational?
LR 1.16	<i>Protected Characteristics</i> Lester Aldridge LLP on behalf of Thomas Ralph Dickson	The ExA notes Mr Dickson's Relevant Representation (RR) [RR-396] and the Applicant's response with respect to protected characteristics [REP1-017]. Confirm that you have informed the Applicant of the protected characteristic(s) you believe your client has in accordance with the Equality Act 2010 and how it/ they are impacted by the Proposed Development.
LR 1.17	<i>Permanent Acquisition of Rights</i> National Highways	Provide a response to the Applicant's Deadline 2 submission [REP2-026] in respect to the objection raised to the permanent acquisition of rights over plots 7/3, 7/5, 7/6, 7/12 and 7/13.
LR 1.18	<i>Permanent Acquisition of Rights</i> National Grid	Provide comments on the Applicant's response [REP2-028] to National Grid's WR [REP1-057]. Update the ExA on the current status of negotiations with the Applicant.



LR 1.19	<i>Permanent Acquisition of Rights</i> National Trust	Provide comments on the Applicant's response [REP2-028] to National Trust's WR [REP1-166]. What is the current position with respect to negotiations with the Applicant?
LR 1.20	<i>Permanent Acquisition of Rights</i> Network Rail	Provide comments on the Applicant's response [REP2-028] to Network Rail's WR [REP1-060]. What is the current position with respect to negotiations with the Applicant?
LR 1.21	<i>Progress with Land Rights Negotiations</i> The Applicant	Provide the following information in relation to obtaining Land Rights for the Proposed Development by agreement (include figures for AP's who have not submitted RRs or WRs): a) Total number of signed agreements required; b) Number of Key Terms issued; c) Number of Key Terms signed; and d) Number of agreements completed
LR 1.22	<i>A27</i> The Applicant	In its WR [REP1-058], National Highways state that it is not clear from the Land plans [PEPD-003] whether some of the verges on the northern side of the A27 that are subject to Land Rights are within National Highways land or within the SDNPA. The ExA considers an enlarged section of this land may assist the ExA and National Highways in ascertaining the information needed. Consider and submit at Deadline 3.
LR 1.23	<i>Crown Land</i> The Applicant	Confirm that the Proposed Development complies with any constraining conditions in the lease awarded from the Crown Estate.



LR 1.24	<i>Michelgrove Park and Sullington Hill</i> The Applicant	<p>As indicted on the Land plans [PEPD-003] in relation to Plots 11/1, 11/2, 11/3 and 11/4 (Michelgrove Park) and Plots 15/1, 15/2, 19/1 and 19/2 (Sullington Hill), significant areas of new rights are sought. The equivalent Works plans [PEPD-005] show two “arms” for the cable route where the Applicant is yet to decide which cable route to pick, with land between those “arms” not required for any Works. The ExA voiced at ISH1 [EV3-001] that it did not consider this to be justified to meet the tests of Planning Act 2008. Notwithstanding, these areas remain, and powers are sought within the Land plans.</p> <ul style="list-style-type: none">a) The ExA is not clear why the area of land between the two “arms” is required for CA for new rights. Justify how land can be included in the BoR for CA without any attached Works. Alternatively, remove these plots from the Land plans.b) Explain, once the cable routes at these locations have been selected, how the powers over the other “arms” will be removed from the BoR and how this is secured in the draft DCO [REP2-002].
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ONSHORE QUESTIONS		
AQ	Air Quality	
AQ 1.1	<p><i>Outline Air Quality Management Plan</i></p> <p>The Applicant</p>	<p>The ExA notes that a Dust Management Plan (DMP) would be submitted to the relevant planning authority for approval, at relevant stages of the Proposed Development, secured as part of the detailed CoCP under Requirement 22 of the draft DCO [REP2-002].</p> <p>Consider:</p> <ul style="list-style-type: none"> a) Whether, as it will address both the management of dust generated by the construction of the Proposed Development and wider air quality management measures, the document should not be called an ‘Air Quality Management Plan’ (AQMP); and b) Providing an Outline DMP or Outline AQMP at D3 which would have the advantage by reference to the assessments reported in the ES of setting out all the key air quality and dust management measures in a single document.
AQ 1.2	<p><i>Air Quality Management Areas</i></p> <p>The Applicant</p>	<p>While it is noted that the OCTMP [REP1-010] contains a commitment that HGV routing for the Proposed Development will avoid major settlements where possible including Storrington (C-1570), explain why there isn’t a specific commitment to avoid its Air Quality Management Area (AQMA) as provided for Cowfold’s AQMA (C-158).</p>
AQ 1.3	<p><i>Air Quality</i></p> <p>Horsham DC</p>	<p>Confirm responses provided by the Applicant at Deadline 2[REP2-022] to issues raised on air quality in the LIR [REP1-044], particularly regarding using technology to monitor the impact of the Proposed Development on AQMAs.</p> <p>List any outstanding issues with recommendations on how they should be addressed.</p>



BD	Biodiversity	
BD 1.1	<p><i>Biodiversity calculations</i></p> <p>The Applicant Natural England SNPPA West Sussex CC Horsham DC Arun DC Mid Sussex DC</p>	<p>For The Applicant</p> <p>a) Volume 4, Appendix 22.15 of the ES [APP-193] states metric 4.0 version of the biodiversity metric has been used to calculate the biodiversity baseline and present planned BNG outcomes. Confirm that this was the latest version at the time of submission.</p> <p>b) The ExA requests the BNG metric spreadsheet used for the calculations is submitted into the Examination.</p> <p>For Natural England, SDNPA, West Sussex CC</p> <p>c) It is noted that the latest metric is now the Statutory Biodiversity Metric. Explain whether the calculations need to be updated using the latest version.</p> <p>d) Is there agreement on the biodiversity baseline presented in Appendix 22.15 Biodiversity Net Gain information [APP-193] for the:</p> <ol style="list-style-type: none"> i. Total number of baseline units calculated for the worst-case realistic scenario. ii. Total number of units lost to the Proposed Development. <p>e) Confirm whether clarity exists on how the calculations have been done and is there agreement on the methodology and the spatial areas for which the calculations have been presented?</p>
BD 1.2	<p><i>Mitigation Hierarchy</i></p> <p>Natural England</p>	<p>Confirm that the Applicant has adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain.</p>



	SNDPA West Sussex CC Horsham DC Arun DC Mid Sussex DC	
BD 1.3	<i>Plans for On-site and Off-site Delivery of BNG</i> The Applicant	<p>a) Clearly present any further details of planned on-site, off-site, or partially off-site delivery of BNG to that documented in section 5 of APP-193 since the application was submitted in August 2023.</p> <p>b) Explain how off-site delivery of BNG by a third party, would achieve the intended nature conservation benefits in the expected timeframe and what risks are associated with this approach.</p> <p>c) Explain how off-site BNG would be secured.</p> <p>d) In the Applicant's response to SDNPA's LIR at Deadline 2 [REP2-024] the Applicant states:</p> <p><i>"The reinstatement has been considered within the assessment as the realistic worst case which is the replacement of habitat like for like (i.e. the opportunity for enhancement is not considered). This is because agreements with individual landowners can only be made when a detailed design is understood and a delivery schedule known. Regardless of the reinstatement, it is likely that there will remain a shortfall of units to reach 'no net loss' (i.e. compensation) and subsequently BNG. This shortfall will be delivered through BNG as secured via Requirement 14 of the Draft Development Consent Order [PEPD-009]."</i></p>



		The ExA would like to better understand the shortfall described above. In the worst-case scenario, how large would the shortfall be and where would it occur.
BD 1.4	<i>Compulsory Acquisition</i> The Applicant	a) Confirm whether any compulsory acquired land would be used to deliver BNG no net loss i.e. compensation. b) Confirm whether all land used for BNG enhancement would be either through voluntary landowner agreements or through the BNG market.
BD 1.5	<i>Alignment with National and Local BNG Plans, Policies and Strategies</i> Horsham DC Arun DC West Sussex CC Environment Agency SDNPA	a) Confirm that the proposal for BNG aligns with and complements relevant national or local plans, policies and strategies including the Local Nature Recovery Strategy or other relevant local plans, policies or strategies. b) Confirm that the mitigation hierarchy has been adequately followed to avoid then mitigate then compensate, in that order, in respect to biodiversity.
BD 1.6	<i>Clear Differentiation between Delivery of Compensation and Enhancement.</i> Natural England SDNPA	Concern has been raised by SNDPA [REP1-049], Sussex Wildlife Trust [RR-381], Horsham DC [REP1-044] and Natural England [RR-265] regarding the transparency between delivery of compensation for the Proposed Development i.e. no net loss of biodiversity and biodiversity enhancement of 10% i.e. 10% biodiversity net gain (BNG). The Applicant states it has used the Natural England BNG metric tool to calculate the units required for both [APP-193].



	<p>West Sussex CC Horsham DC Arun DC</p>	<p>a) Explain whether Table 4-5 on page 24 of Volume 4, Appendix 22.15 of the ES APP-193, provides a sufficiently clear and transparent explanation of how many units of each type are required and is there agreement on the number of units to achieve no net loss and 10% net gain.</p> <p>b) Comment on whether no double-counting is clear between activities planned to deliver mitigation, compensation, enhancement and net gain.</p> <p>c) Is further explanation required? If so, please specify what is needed.</p>
<p>BD 1.7</p>	<p><i>Clear Differentiation between Delivery of Compensation and Enhancement.</i></p> <p>The Applicant</p>	<p>Due to the concerns raised by SNDPA [REP1-049], Sussex Wildlife Trust [RR-381], Horsham DC [REP1-044] and Natural England [RR-265] regarding the transparency between delivery of compensation for the Proposed Development, the ExA wishes to better understand in respect to environmental mitigation, what comprises mitigation, compensation, enhancement and BNG. The ExA requests the Applicant provides plans showing mitigation and BNG measures that clearly distinguish between mitigation, compensation, enhancement and net gain.</p>
<p>BD 1.8</p>	<p><i>Timing of Delivery of Biodiversity Compensation</i></p> <p>Natural England SDNPA West Sussex CC</p>	<p>The Applicant states in section 5.2.1 of Volume 4, Appendix 22.15 of the ES APP-193 that:</p> <p><i>“To avoid a deficit in biodiversity growing as the construction programme progresses, the Proposed Development will follow two courses of action. The first is to enable a progressive reinstatement of habitats, whilst the second is to secure 70%⁷ of the deficit (as calculated in Table 4-5 – i.e., as a realistic worst-case scenario) prior to commencement of construction. Any remaining shortfall identified following detailed design will be secured prior to construction works being completed.”</i></p>



		<p>⁷ <i>It is expected that 70% of the deficit as calculated at Table 4-5, will likely be equivalent to that which will be necessary to provide to secure the commitment once detailed design has been completed.</i></p> <p>Confirm whether there is general agreement on this approach, particularly the delivery of 70% of the deficit prior to commencement of construction. Provide details of any outstanding concerns.</p>
BD 1.9	<p><i>Biodiversity Calculations</i></p> <p>The Applicant</p>	<p>a) Provide calculations for the losses of biodiversity for the Proposed Development within:</p> <ul style="list-style-type: none"> • The Arun DC area; • The Horsham DC area; and • The SDNPA area. <p>b) Explain whether the Applicant is planning to compensate for net biodiversity loss experienced within <u>each</u> area with compensation also located within each area.</p> <p>c) In respect to the Oakendene site, explain whether the Applicant is planning to use the site to compensate for biodiversity loss within each of the areas. If not, where else is the Applicant planning to compensate for biodiversity loss.</p>
CC	Climate Change	
CC 1.1	<p><i>Climate Resilience - Drainage Proposals for the Proposed</i></p>	<p>Explain how the drainage proposals at the proposed substation site at Oakendene meet expectations on climate resilience in National Policy Statement (NPS) EN-1 and EN-3, both 2011 and 2024 versions.</p>



	<p><i>Substation Site at Oakendene</i></p> <p>The Applicant</p>	
CC 1.2	<p><i>Climate Resilience - Depth of HDD at Climping Beach</i></p> <p>The Applicant The Environment Agency Clymping Parish Council Arun DC</p>	<p>Is there agreement that Commitment C-278, which states a minimum depth of 5m is maintained when passing beneath Climping Beach SSSI, provides sufficient depth of HDD to be climate resilient to coastal erosion.</p>
CC 1.3	<p><i>Greenhouse Gas Emissions - Sulphur Hexafluoride (SF₆)</i></p> <p>The Environment Agency The Applicant</p>	<p>Comment on the Applicant’s statement in Appendix 29.1 Supporting data for the Green House Green assessment [APP-222] section 1.5.1 that SF₆ gas (a greenhouse gas) has:</p> <p><i>“...not been included in the assessment as these have been assumed to compose < 1% of the material weight. Institute of Environmental Assessment and Management (IEMA) Guidance (IEMA, 2022) states that activities can be excluded where they do not significantly change the result of the quantification.”</i></p>
CC 1.4	<p><i>Greenhouse Gas Emissions - Sulphur Hexafluoride (SF₆)</i></p> <p>The Applicant</p>	<p>Explain why quantities of SF₆ gas have been provided for the gas insulated components of the Oakendene substation in Table 1-2 of Appendix 29.1 Supporting data for the Green House Green assessment [APP-222] but not for the Bolney substation extension.</p>



CC 1.5	<i>Greenhouse Gas Emissions - Sulphur Hexafluoride (SF₆)</i> The Applicant	NPS EN-5 states Applicants should at the design phase of the process consider carefully whether the proposed development could be reconceived to avoid the use of SF ₆ -reliant assets. a) Explain what other designs have been considered that avoid the use of SF ₆ and why they have been rejected. b) Explain how SF ₆ gas would be prevented from being released into the atmosphere during decommissioning of any substations or other assets where it has been used.
CC 1.6	<i>Greenhouse Gas Emissions</i> The Environment Agency	Comment, if necessary, on the Applicant's greenhouse gas assessment in Appendix 29.1 Supporting data for the Green House Green assessment [APP-222] or the Greenhouse Gas Emissions sections of the ES, Chapter 29 [APP-070].
DE	Design	
DE 1.1	<i>Good Design</i> The Applicant	Notwithstanding that the ES describes how the Proposed Development responds to 'Good Design', notably at Section 15.7 of ES Chapter 15 Seascape [APP-056], explain how the proposed development achieves 'Good Design'. Explain how the Applicant would ensure 'Good Design' is carried through all stages of the development including post-decision and construction.
DE 1.2	<i>Design Code</i> The Applicant Horsham DC	Notwithstanding the Design Principles detailed within the Design and Access Statement (DAS) [AS-003] and secured by Requirement 8 of the draft DCO [REP2-002], comment upon the need for design code certified and secured in the draft DCO for the design of the Work No 16 (onshore substation).



DE 1.3	<i>Work No 16</i> The Applicant	Justify the extent and definition of design principles within the DAS [AS-003] and embedded environmental measures within the Commitment Register [REP1-015] for Work No 16 (onshore substation) both in relation to achieving 'Good Design' and the impact upon heritage assets.
DE 1.4	<i>Work No 20</i> The Applicant	Explain why the decision on the extension to the existing substation insulation i.e. Air Insulated Substation (AIS) or Gas Insulated Substation (GIS) is deferred to the detailed design stage.
FR	Flood Risk	
FR 1.1	<i>Flood Mitigation and Permitting at the Landfall at Climping</i> The Applicant The Environment Agency	<p>The Environment Agency stated in their Relevant Representation [RR-116] that further details of the chosen landfall connection and associated work at Climping, including details of any flood mitigation would be required and that a Flood Risk Activity Permit would need to be obtained prior to the commencement of such works.</p> <p>The Applicant to confirm:</p> <ul style="list-style-type: none"> a) If the appropriate Flood Risk Activity Permit would be obtained from the relevant authority prior to the commencement of any works in and around Climping beach landfall site. <p>The Applicant and the Environment Agency to confirm:</p> <ul style="list-style-type: none"> b) If there is agreement with the Environment Agency on the flood mitigation proposed by the Applicant in this area. <p>The Environment Agency to confirm:</p> <ul style="list-style-type: none"> c) Whether the Applicant has adequately followed the Sequential and Exception Tests related to coastal flooding.



<p>FR 1.2</p>	<p><i>Drainage Proposals for the Proposed Substation Site at Oakendene</i></p> <p>The Applicant</p>	<p>Written Representations (WR) were submitted at Deadline 1 from CowfoldvRampion [REP1-087 and REP1-089], Mr Smethurst [REP1-115 to REP1-119] and Ms Davies [REP1-159] regarding flooding and drainage at the proposed substation site at Oakendene. West Sussex CC as the Lead Local Flood Authority made comments regarding flooding at this site expressed in its LIR [REP1-054] and verbally at ISH1. The Applicant is asked to:</p> <ul style="list-style-type: none">a) Clearly explain how the proposed drainage from the site would operate at times when the ordinary watercourse to the south of the site is in flood, supporting this with diagrams and calculations.b) Clearly explain whether or not there would be sufficient space for the required calculated storage to ensure no net loss of floodplain storage and to maintain greenfield runoff rates, within the Order Limits, supported with diagrams and calculations.c) Confirm whether or not the deflection or constriction of flood flow routes would be safely managed within the site.d) Provide details of and clearly explain the outcomes from assessments of potential impacts from the Proposed Development to changes to the hydrology of this site on ecology.e) Provide details of any proposed changes to the ground level at this site and how this has been incorporated in the Site-Specific Flood Risk Assessment (FRA) and outline drainage proposals.f) Clearly explain the outcome of the Applicant's assessment of the impact of changes to the drainage regime at this site on the potential flood risk to downstream receptors, supported by clear calculations.
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<p>FR 1.3</p>	<p><i>Flood Risk at the Proposed Substation site at Oakendene</i></p> <p>The Applicant</p>	<p>The Flood Risk Assessment [APP-216] states that the proposed substation site at Oakendene is within Flood Zone 1 and this was confirmed by the Applicant during questioning at ISH1 [EV3-001] whilst Mr Smethurst believes the site falls within Flood Zone 3 [REP1-115]. Figure 26.2.2 in the Flood Risk Assessment [APP-216] shows which areas of the whole of the Proposed Development fall within various flood zones in Figure 26.2.2 but the ExA considers it difficult to see any detail at this scale for the proposed Oakendene substation site.</p> <p>For transparency, submit clear evidence into the examination, through a zoomed in plan, together with explanation to clearly demonstrate which flood zone(s) the proposed substation at Oakendene falls within and clearly explain:</p> <ul style="list-style-type: none">a) The definition of flood zones 1, 2, 3a and 3b, particularly differentiating between zones 3a and 3b.b) The definition of Risk of Flooding from Surface Water (RoFSW).c) How the proposed substation site at Oakendene site is located in respect to all sources of flooding.
<p>FR 1.4</p>	<p><i>Flood Risk at the Proposed Substation site at Oakendene</i></p> <p>West Sussex CC</p> <p>Horsham DC</p> <p>The Environment Agency</p>	<p>Further to discussion regarding flood risk at the proposed Oakendene substation site at ISH1 [EV3-001] and evidence submitted from CowfoldvRampion [REP1-087 and REP1-089], Mr Smethurst [REP1-115 to REP1-119] and Ms Davies [REP1-159] amongst others, at Deadline 1, confirm whether there are any comments on or outstanding concerns regarding, but not limited to:</p> <ul style="list-style-type: none">a) The quality of and conclusions from the Applicant's Site-Specific Flood Risk Assessment [APP-216] at this site, including the approach to, application of and conclusions from the Sequential and Exception Tests.



		<ul style="list-style-type: none">b) Whether the information in the FRA relating to this site is credible, fit for purpose, proportionate to the degree of flood risk and appropriate to the scale, nature and location of development and takes the impact of climate change into account.c) The Applicant's statement that the Oakendene site is situated within Flood Zone 1.d) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.e) Whether or not the Proposed Development would increase flood risk elsewhere.f) The quality and likely effectiveness of the Applicant's proposed Outline Operational Drainage Plan [APP-223] and ongoing management and maintenance of drainage proposals for this site.g) The evidence submitted by CowfoldvRampion [REP1-087 and REP1-089] and Mr Smethurst [REP1-115 to REP1-119] at Deadline 1 regarding local flooding and drainage at the proposed substation site at Oakendene.h) The conclusion of the Applicant's assessment of the impact of changes to the drainage regime and construction and operation of the Proposed Development at this site on the potential flood risk to downstream receptors.i) The Applicant's conclusions on potential impacts from the Proposed Development to changes to the hydrology of this site on ecology.j) The Applicant's conclusion regarding no loss of net flood plain storage and maintenance of greenfield runoff rates.k) Concern regarding potential groundwater flooding at this site.l) Whether the proposed drainage system is feasible and whether it complies with National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.
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		m) Whether the draft DCO [REP2-002] would give the most appropriate body the responsibility for maintaining the proposed drainage system.
FR 1.5	<i>Natural Flood Management</i> The Applicant West Sussex CC Horsham DC	The Applicant State whether mitigation measures have planned to make as much use as possible of natural flood management techniques. West Sussex CC and Horsham DC Comment on the adequacy of the proposed mitigation measures and whether they utilise natural flood management techniques. If not, provide alternative suggestions.
FR 1.6	<i>Local Flood Risk Management Strategy</i> West Sussex CC	Confirm that the Proposed Development is in line with the local flood risk management strategy.
FR 1.7	<i>Flood Risk Related to the Entire Proposed Development</i> West Sussex CC Horsham DC Arun DC The Environment Agency	Comment on any outstanding concerns regarding flood risk related to the Proposed Development as a whole, other than the Oakendene site raised in questions FR1.2 to FR1.4, related to but not limited to: <ul style="list-style-type: none">a) The quality of and conclusions from the Applicant's Site-Specific Flood Risk Assessment [APP-216], including the approach to, application of and conclusions from the Sequential and Exception Tests.b) Whether the information in the FRA is credible, fit for purpose, proportionate to the degree of flood risk and appropriate to the scale, nature and location of development and takes the impact of climate change into account.



		<p>c) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</p> <p>d) Whether or not the Proposed Development would increase flood risk elsewhere.</p> <p>e) Whether or not there would be a net loss of floodplain storage.</p>
HE	Historic Environment	
HE 1.1	<i>Heritage Assets</i> The Applicant	Paragraph 4.7.63 of the Planning Statement [APP-036] states that the use of alternative HDD Compounds TC 11a and TC 17 could reduce the magnitude of change on the setting of The Old Cottage and Green Common Farmhouse. Provide justification for not stipulating the location of the HDD Compounds at this location during the application stage.
HE 1.2	<i>Heritage Assets</i> Mid Sussex DC	Given the scoping out of effects upon Coombe House, Mid Sussex DC LIR in its LIR (paragraphs 4.48 to 4.50) [REP1-046] and the Applicant's response submitted at Deadline 2 [REP2-023], comment upon and justify the contribution of the site to the setting of Coombe House and the level of effect upon Coombe House, a Grade II Listed Building, from the proposed extension to the existing Bolney Substation. Justify the need for further mitigation at this location over and above that already shown on the illustrative landscape plans at Appendix D of the DAS [AS-003] given the Applicants scoping out of effects upon Coombe House.
HE 1.3	<i>Heritage Assets</i> Arun DC	Comment upon the Applicants responses to paragraph 2.1.20 of table 2.1 [REP1-017] and response to LIR paragraphs 9.21 & 9.22 [REP2-021] that 45-47 South Terrace is scoped out of effects (table 5.1 Appendix 25.7 settings assessment scoping report vol 4 ES) [APP-213].
HE 1.4	<i>Locally Listed Buildings</i> Arun DC	Comment upon the Applicants' conclusions on the magnitude of change on The South Terrace Area of Character and the locally listed buildings at 48-95 South Terrace & 16 Granville Road at table 2-1 response to paragraph 2.1.20 [REP1-017] and response to LIR paragraphs 9.21 & 9.22 [REP2-021].



HE 1.5	<i>Heritage Assets</i> Arun DC	Comment upon the Applicant's conclusions on the magnitude of change and resulting significance of effect of the compounds for work numbers 8, 9 and 10 in response to paragraphs 9.4 and 9.7 [REP2-021] upon the Heritage Assets identified in the above LIR paragraphs [REP1-039].
HE 1.6	<i>Heritage Assets</i> The Applicant	Comment on Ms Turok's RR [RR-376] and CowfoldvRampion WR section 11 [REP1-089] that both identify Kent Street as an Historic Area with many Listed Buildings effected by the Proposed Development.
HE 1.7	<i>Heritage Assets</i> Brighton & Hove City Council	The Applicant has responded at Deadline 2 [REP2-025] regarding concerns on the conclusion on the impact of offshore works on all heritage features being characterised as 'Not Significant' in the ES. Clarify the assessment outcome of specific heritage assets that are being disputed.
HE 1.8	<i>Onshore Archaeology</i> Historic England SDNPA West Sussex CC	In the context of ES Chapter 25 Historic Environment [PEPD-020] that identifies a high potential of archaeological remains of high heritage significance within the South Downs area and further to SDNPA Principal Areas of Disagreement Statement (PADS) point 7 [AS-006], West Sussex CC PADS points 38 to 40 [AS-008] and Historic England's RR [RR-146], comment upon the Applicant's assertion that further investigation would not change the outcome of the assessment at table 4-2 in response to paragraph 2.33.2 [REP1-017].
HE 1.9	<i>Onshore Archaeology</i> Historic England	In the context of the applicant's second statutory consultation exercise feedback captured at table 25.7 of ES Chapter 25 Historic Environment [APP-066] and Historic England's concerns [RR-146], explain whether the amendment to C-225 [APP-254] to 'preservation by record' is preferable to the 'retention in situ' of unexpected archaeological remains of national significance that maybe discovered during works.



HE 1.10	<i>Onshore Archaeology</i> The Applicant	In the context of Historic England’s concern raised in RR and Deadline 1 [RR-146 & REP1-055] on how the ES has assessed magnitude of impact, the significance of effect, and the use of embedded environmental measures as mitigation to subsequently downgrade the effects, provide commentary to justify the precedents quoted in response to paragraph 6.7 of table 2-1 Applicants response to Historic England's WR Doc Ref 8.49 [REP2-026].
HE 1.11	<i>Marine Archaeology</i> The Applicant	Section 16.8 of Chapter 16 Marine Archaeology of the ES [APP-057] at paragraph 16.8.13 states that any effects with a significance level of minor or less will be considered as not significant. However, table 16-19 Significance Assessment Matrix shows scenario’s which could potentially be significant for minor magnitude of change when the sensitivity of receptor is very high/high. Confirm what level is considered to be significant for the purposes of Marine Archaeology.
MI	Minerals	
MI 1.1	<i>Mineral Resource Assessment and Mitigation Measures to Safeguard Minerals</i> West Sussex CC SDNPA	<p>West Sussex CC expresses concern in its LIR [REP1-054] about the mitigation measures proposed by the Applicant to safeguard minerals. West Sussex CC state that the Applicant’s proposed mitigation measure is a Commitment, secured though the OCoCP [APP-224], for the Applicant to produce a Minerals Management Plan (MMP) that is prepared prior to construction. The SDNPA support this concern in their LIR [REP1-049] raising that the Applicant has not yet provided a Minerals Management Plan (MMP). Additionally, West Sussex CC believes the submitted OCoCP is lacking in detail.</p> <p>The Applicant has provided information on minerals in Chapter 24: Ground conditions, Volume 2 of the ES [APP-065]. The Applicant has responded in [REP2-020], explaining why they could not produce a MMP at this stage and that the information provided is proportionate with proper consideration based on the information available and, where appropriate, considers worst case scenarios.</p> <p>Explain whether agreement been reached on this issue of:</p>



		<p>a) the timing of the provision of a MMP and</p> <p>b) the level of detail in the OCoCP.</p> <p>If there are outstanding concerns, provide details of further information that the Applicant should provide.</p>
NV	Noise and Vibration	
NV 1.1	<p><i>Management of Noise and Vibration</i></p> <p>The Applicant</p>	<p>The ExA notes that a Noise and Vibration Management Plan (NVMP), would be submitted to the relevant planning authority for approval, secured as part of the detailed CoCP under Requirement 22 of the draft DCO [REP2-002]. The ExA considers an outline plan would be useful at this stage of the Examination.</p> <p>Provide an Outline Noise and Vibration Management Plan (ONVMP) at Deadline 3, which by reference to the assessments reported in the ES, sets out all the key noise and vibration management measures in a single document.</p> <p>The ONVMP should also include outline proposals for monitoring noise and vibration and complaint procedures which would be incorporated in stage specific NVMPs.</p>
NV 1.2	<p><i>Construction - Receptors</i></p> <p>The Applicant</p>	<p>Table 21-10 of ES Volume 2, Chapter 21: Noise and Vibration [PEPD-018], identifies receptor groups using “Leisure Areas” including Public Rights of Way (PRoW) as requiring assessment for noise and vibration. Explain how the assessment of such areas has been carried out and the outcome.</p>
NV 1.3	<p><i>Construction – Receptors</i></p> <p>The Applicant</p>	<p>Given the uncertainty at this stage, regarding the exact line of the onshore cable corridor within the draft Order Limits, provide:</p> <p>a) An explanation of how receptors requiring assessment for noise and vibration were identified.</p>



		<p>b) An explanation of how the worst-case effects of noise and vibration for these receptors were calculated.</p> <p>c) A 'worst case' noise contour map for cable trenching activities.</p>
NV 1.4	<p><i>Offshore Construction Noise</i></p> <p>The Applicant</p>	<p>The ExA notes that paragraph 21.9.78 of ES Volume 2, Chapter 21: Noise and Vibration [PEPD-018] concludes that the temporary noise effects from offshore piling for the foundations of WTGs would not be significant in ES terms.</p> <p>However, West Sussex CC in its LIR [REP1-054] "<i>noted that construction of the offshore elements of Rampion 1 did result in several complaints/concerns being reported (including report of sleep disturbance), which the Rampion 1 team reported were attributable to foundation piling works combined with specific weather conditions.</i>"</p> <p>Consider whether it would be beneficial for the draft DCO [REP2-002] to include a Requirement limiting the level of offshore construction noise at night in on shore wind conditions, measured at the nearest onshore receptor.</p>
NV 1.5	<p><i>Vibration</i></p> <p>The Applicant</p>	<p>A number of residents of Brookside Caravan Park have raised concerns over the proximity of a construction access road for the Proposed Development and the potential for vibration from HGVs to cause structural damage.</p> <p>The Applicant's response to Relevant Representations on this issue [REP1-017] states: "<i>Whilst the onshore trenching works are undertaken, the haul road will be used by up to 3 HGVs per hour. The mitigation provided by locating this route 50m or more from caravans, means that there will be no significant noise or vibration from such vehicle movements.</i>"</p> <p>Provide an assessment which demonstrates the level of effect from vibration at the caravan park and assess whether this is likely to be significant or not.</p>
NV 1.6	<p><i>Onshore Substation</i></p>	<p>Respond to the Applicant's response contained in [REP2-020] to the issues raised in the LIR [REP1-054] with regard to the impact of operational noise and vibration from the onshore</p>



	West Sussex CC	substation on residential receptors and receptors using PRoWs. List any outstanding concerns and provide recommendations for addressing them.
NV 1.7	<i>Construction Noise and Vibration</i> Arun DC Horsham DC Mid Sussex DC	Respond to the Applicant's response contained in [REP2-021] to the issues raised in the LIR [REP1-039], [REP1-044] and [REP1-046] respectively, with regard to the impact of construction noise and vibration from the Proposed Development on receptors. List any outstanding concerns and provide recommendations for addressing them.
PH	Public Health	
PH 1.1	<i>Potential Damage to Utilities</i> West Sussex CC	Respond on the provisions made by the Applicant with respect to action to be taken in the event of damage to utilities in the emergency planning section of the OCoCP [PEPD-033].
PH 1.2	<i>Onshore Substation</i> The Applicant	The ExA notes the potential for Work No 16 (onshore substation) to be GIS. Explain whether there are any proposals to SF ₆ gas. If so, explain how it would be controlled to avoid a risk to public health or damaging the environment.
SLV	Seascape and Landscape and Visual	
SLV 1.1	<i>Viewpoints</i> The Applicant SDNPA	Points 12 to 14 of its PADS submission [AS-006], SDNPA state that Kinetic Testing of viewpoints should be used at SDNP area. Having regard to the Applicant's mid examination progress tracker [REP2-013], comment upon the correct approach and confirm the policy/guidance justification for such an approach.



SLV 1.2	<i>National Landscapes</i> Natural England	<p>The Applicant states at table 4.14 applicants' response to Natural England – Appendix I (Seascape, Landscape and Visual Impact) in response to Ref I1 [REP1-017] that the Proposed Development will result in not significant effects on views or special qualities of the Isle of Wight Area of Outstanding Natural Beauty (IoWAONB) (paragraphs 15.15.50 to 15.15.53 ES Chapter 15) [APP-056] and that the IoWAONB agrees with these findings (table 15.7 ES Chapter 15) [APP-056] .</p> <p>Explain why NE holds a different view to the Applicant and the said parties.</p>
SLV 1.3	<i>Lateral Spread and Proximity of WTG's</i> Natural England	<p>In the context of the Applicant's Seascape, Landscape and Visual Impact Assessment (SLVIA) Maximum Design Scenario and Visual Design Principles clarification note [REP1-037], comment upon the Applicants assertions at table 4.14 Applicants response to Natural England – Appendix I (Seascape, Landscape and Visual Impact) in response to Ref I6 [REP1-017], that:</p> <ul style="list-style-type: none">• There is a distinct gap between R1 and the Proposed Development.• That the Proposed Development will form a clearly separate array grouping that has a narrower lateral spread in field of view than R1.• The south of R1 is the optimal location within Zone 6.• The additional 7 degrees over and above R1 is a relatively small lateral spread.• The WTG's will be experienced within a remote context setting beyond intervening non designated and urbanised coastal strip between the open downs and the sea. <p>(Natural England may wish to combine with D3 response to this document).</p>



SLV 1.4	<p><i>Rampion One Offshore Wind Farm - Baseline</i></p> <p>Natural England</p> <p>SDNPA</p>	<p>Justify the position on how Rampion One Offshore Wind Farm (R1) should not form part of the baseline assessment. The position is contrary to the Applicant's assessment in the ES [APP-056] in which R1 does form part of the baseline. The Applicant further cites accordance of its approach with paragraph 7.13 of the Guidance for Landscape and Visual Impact Assessments and the Planning Inspectorate's (PINS) Advice Note 17.</p>
SLV 1.5	<p><i>Statutory Purposes of National Park</i></p> <p>The Applicant</p> <p>Natural England</p> <p>SDNPA</p>	<p>Given the Applicant's conclusions on harm to statutory purposes at table 4.14 Applicant's response to Natural England – Appendix I (Seascape, Landscape and Visual Impact) in response to Ref I1 [REP1-017]; to paragraph 3 of Natural England's response to ExA Questions Appendix N2-Annex 1 Deadline 2 Submission [REP-039], and to the SDNPA's LIR [REP1-049, explain what is the correct approach in concluding on the impact upon special qualities and whether the statutory purposes of the designation are compromised.</p>
SLV 1.6	<p><i>Seascape - Design Principles</i></p> <p>The Applicant</p>	<p>In its Mid-examination Progress Tracker submitted at Deadline 2 [REP2-013], together with its responses to West Sussex CC [REP2-020], SDNPA [REP2-024] and Natural England [REP2-026] in which the Applicant responds on reducing the visual effects through further design principles, explain further what is meant by "<i>these opportunities are limited by the technical, economic and functional requirements of the Proposed Development to produce renewable energy, as well as other environmental factors</i>"</p>
SLV 1.7	<p><i>Special Quality 3</i></p> <p>The Applicant</p>	<p>Comment upon Natural England's assertions at table 1 in response to ExA Q6.1 [REP2-039] in relation to the impact of Special Quality 3 that for the coastal parts and the Sussex Heritage Coast the assessment of significance will be significant (major) rather than not significant (moderate) Section 15.15 ES chapter 15 Seascape [APP-056].</p>
SLV 1.8	<p><i>National Landscapes</i></p> <p>The Applicant</p>	<p>Comment upon Natural England's Response to ExA Q6.3 [REP2-040] that the ExA does not have information on whether:</p>



		<p>a) The Design Principles have been applied to the consideration of effects on the Chichester Harbour Area of Outstanding Natural Beauty (CHAONB) /National Landscape and Isle of Wight Area of Outstanding Beauty (IoWAONB) /National Landscape.</p> <p>b) Navigation and aviation lighting will result in significant effects on IoW AONB/National Landscape Special Quality 5 which includes 'dark starlit skies'.</p>
SLV 1.9	<p><i>Dark Skies</i> The Applicant</p>	<p>Comment upon the conclusion of the applicant on Dark Skies in response to the submission from SDNPA paragraph 6.22 [REP2-024] and paragraph 18.11.18 of ES Chapter 18 Landscape and Visual Impact [APP-059] which states that the Proposed Development will not affect the South Downs International Dark Sky Reserve or Dark Skies within the SDNP.</p>
SLV 1.10	<p><i>Nighttime Viewpoint Assessments</i> West Sussex County Council</p>	<p>Given the Applicant's Mid-examination Progress Tracker [REP2-013], in the context of the original assessment at Appendix 15.5 Volume 4 of the ES (APP-161) supplemented by night-time viewpoint assessment (PEPD-024), confirm whether night-time viewpoint assessments are now sufficient to enable an appropriate consideration of the environmental effects.</p>
SA	Soils and Agriculture	
SA 1.1	<p><i>Materials Management Plan</i> The Applicant</p>	<p>Chapter 20: Soils and Agriculture [APP-061] frequently refers to an Outline Materials Management Plan.</p> <p>The ExA requests that an Outline Materials Management Plan is submitted into the Examination at Deadline 3.</p>
SA 1.2	<p><i>Best and Most Versatile Agricultural Land (BMV)</i> Natural England</p>	<p>Natural England raised a concern in its RR [RR-265] that Commitments should extend to returning BMV back to the same Agricultural Land Classification (ALC) grade as pre-construction. The Applicant amended Commitment C-7 in light of this concern. Confirm whether the re-draft of commitment C-7 addresses the concern.</p>



SA 1.3	<p><i>Best Most Versatile Agricultural Land and Soils</i></p> <p>Natural England</p> <p>SDNPA</p>	<p>Confirm whether the responses and updates the Applicant has provided regarding soils and agriculture are adequate or whether there are any outstanding concerns regarding:</p> <ul style="list-style-type: none"> a) soil surveys b) soil re-instatement c) soil stockpiles d) soil handling e) use of machinery f) the Applicant's conclusions on potential impacts of BMV agricultural land
SA 1.4	<p><i>Outline Soils Management Plan</i></p> <p>The Applicant</p>	<p>The Applicant has stated in its response to Natural England's RR [REP1-017] that the Outline Soils Management Plan [APP-226] will be updated, particularly in reference to section 5.2. The ExA requests this is submitted at Deadline 3.</p>
TA	Traffic and Access	
TA 1.1	<p><i>Traffic Assessment Methodology</i></p> <p>West Sussex CC</p> <p>National Highways</p>	<p>Are you content with the technical note submitted by the Applicant at D2 [REP2-017] comparing the Institute of Environmental Management and Assessment (IEMA) Guidelines: 'Environmental Assessment of Traffic and Movement' (EATM 2023) and the 'Guidelines for the Environmental Assessment of Road Traffic' (GEART 1993) and the conclusions reached with respect to the assessment of the Proposed Development using EATM 2023? If not, explain your concerns including your reasoning.</p>
TA 1.2	<p><i>Traffic Assessment Methodology</i></p> <p>West Sussex CC</p>	<p>State whether there is agreement with the methodology, baseline data and predicted traffic movements used to assess traffic and transport impacts in ES Volume 2 Chapter 23 Transport [APP-064] and ES Volume 2 Chapter 32 ES Addendum [REP1-006]. Identify outstanding issues, if any, and how they should be addressed.</p>



	National Highways	
TA 1.3	<i>Abnormal Indivisible Loads (AIL)</i> The Applicant	Confirm that Shoreham Port will be utilised for AIL deliveries associated with the Proposed Development and that ES Volume 4 Appendix 23.1: Abnormal Indivisible Loads Assessment [APP-196] is still applicable.
TA 1.4	<i>Kent Street</i> The Applicant	The ExA notes that the Traffic Management Plan requested for Kent Street at ISH1 [EV3-001] and to be provided at Deadline 2 is now to be provided at Deadline 3. The ExA is expecting this document to be based on actual traffic count surveys, not estimated data and that all other documents using estimated figures for this link are updated and submitted into the Examination at the same Deadline.
TA 1.5	<i>Kings and Moatfield Lane</i> The Applicant	Demonstrate how the measures set out OCoCP [PEPD-033] including advance warning, plating, backfilling outside working hours and localised diversions around the works would in practice be deployed to maintain access for residents and businesses of Kings and Moatfield Lane.
TA 1.6	<i>Michelgrove Lane</i> The Applicant	Provide an update on the development of a traffic management strategy for Michelgrove Lane.
TA 1.7	<i>Access Rights</i> The Applicant	The ExA notes from the Applicant's response to a request at ISH1 [EV3-001] to explain the use of Dragons Lane by Heavy Goods Vehicles (HGVs) in the operational phase of the Proposed Development [REP1-018], that this would be " <i>in exceptional circumstances during unscheduled maintenance or operational faults</i> " and further " <i>in the very unlikely event that the operational access proves unsuitable for the type of vehicle required for a repair, further consents and land rights may need to be procured if required for larger vehicle access.</i> " For clarity during all phases of the Proposed Development, should Schedule 7 of the draft DCO [REP2-002] specify:



		<p>a) The type of vehicle permitted to use construction, light construction and operational accesses. And;</p> <p>b) The type of vehicle permitted and in what phase of the Proposed Development for construction and operational and light construction and operational accesses.</p>
TA 1.8	<p><i>Accesses</i> West Sussex CC</p>	<p>The Applicant provided responses to the comments you made in Table 1a of the LIR [REP1-054] on construction and operational accesses in [REP2-020]. Confirm if the responses have addressed the concerns and if there are any outstanding issues, with recommendations on how they should be addressed.</p>
TA 1.9	<p><i>Construction Traffic Movements and HGV Deliveries</i> The Applicant</p>	<p>The ExA notes that the Applicant has committed to reviewing West Sussex CC's request to avoid construction traffic movements at peak periods in its response to the LIR [REP2-020].</p> <p>For Deadline 3, also consider how HGV deliveries could be managed to avoid peak periods at traffic sensitive locations and for any measures proposed (for both construction traffic and HGV deliveries), confirm how they would be secured in the draft DCO [REP2-002].</p>
TA 1.10	<p><i>Construction Duration</i> The Applicant</p>	<p>Confirm the length of the construction programme and ensure that it has been used consistently throughout the ES.</p>
TA 1.11	<p><i>Outline Construction Traffic Management Plan</i> The Applicant</p>	<p>The ExA notes that the Applicant in response to issues raised in West Sussex CC's LIR [REP2-020] has committed to amend or consider amending the OCTMP and provide an updated version at Deadline 3.</p> <p>In addition to the updated document, provide a log of all the issues for which such a commitment was made and how it has been addressed.</p>
TA 1.12	<p><i>Oakendene Industrial Estate</i> The Applicant</p>	<p>Explain how would access for tenants, customers and deliveries (including by HGV) to Oakendene Industrial Estate be safely maintained throughout the Proposed Development.</p>



TA 1.13	<p><i>Core Working Hours for Construction</i></p> <p>The Applicant</p>	<p>The Applicant updated commitment C-22 within the Commitments Register [REP1-015] at D1 to:</p> <p><i>“Core working hours for construction of the onshore components will be 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 on Saturdays, apart from specific circumstances that are set out in the Outline COCP, where extended and continuous periods of construction are required. Prior to and following the core working hours Monday to Friday, a ‘shoulder hour’ for mobilisation and shut down will be applied (07:00 to 08:00 and 18:00 to 19:00).”</i></p> <p>The activities permitted in the “shoulder hour” would include “deliveries to site and unloading.”</p> <p>Respond to West Sussex CC’s preference set out in its LIR [REP1-046] for core working hours: “08:00 to 19:00 hours Monday to Friday; and 09:00 to 13:00 hours on Saturday”, with no HGV movements and other construction traffic taking place an hour before or after the stated working hours unless there is a need associated with the specific activities or circumstances highlighted by the applicant that may occur outside of these hours.”</p>
TA 1.14	<p><i>Assessment of Traffic Effects</i></p> <p>West Sussex CC</p>	<p>Provide comments on the Applicant’s response to issues raised by CowfoldvRampion on the assessment of the effects of the Proposed Development on traffic in the Cowfold area in its WR [REP1-089] contained in section 10 of Appendix A [REP2-030].</p> <p>Confirm whether all the issues raised have been adequately addressed, subject to the agreement of a traffic management plan for Kent Street and the design of the accesses to the substation site and Oakendene temporary construction compound.</p>
TA 1.15	<p><i>PRoWs in the South Downs National Park</i></p> <p>SDNPA</p>	<p>Respond to the Applicant’s response contained in [REP2-024] on the issues raised in the LIR [REP1-049] regarding the impact of the Proposed Development on PRoWs in the National Park. List any outstanding concerns and provide recommendations for addressing them.</p>



TE	Terrestrial Ecology	
TE 1.1	<p><i>Ecological Surveys in the Vicinity of the Proposed Substation Location at Oakendene and Cable Route Leading to this Site</i></p> <p>The Applicant</p>	<p>Provide a detailed explanation of the surveys undertaken at, and in the vicinity of, the proposed substation at Oakendene and the cable route leading to this site around the Cowfold Stream crossing and Cratemans Farm detailing:</p> <ol style="list-style-type: none"> a) The type of survey. b) Date and timings undertaken. c) Level of qualifications and experience of those who undertook the surveys. d) Whether they were desktop or field surveys. e) Which guidelines were followed and any deviations from the stated methodology. f) Duration of the survey and frequency of data collection. g) Quality of the data collected, including details such as whether field monitors were in working order throughout. <p>For any desk studies clearly explain the source of the data used.</p>
TE 1.2	<p><i>Ecological Surveys in the Vicinity of the Proposed Substation Location at Oakendene and Cable Route Leading to this Site</i></p> <p>Horsham DC</p> <p>Natural England</p>	<p>The ExA would appreciate a response from Horsham DC, Natural England and the Environment Agency to the Applicant's answer to WQ TE 1.1, either at or in advance of Issue Specific Hearing 2, to be held w/c 13th May 2024, commenting on whether remaining concerns exist regarding:</p> <ol style="list-style-type: none"> a) The quantity or quality of ecological surveys undertaken by the Applicant at and in the vicinity of the Oakendene substation site and cable route near to this location. b) The extent to which the appropriate guidelines and methodologies have been followed including the time of year the surveys were carried out.



	The Environment Agency	c) The conclusions of the ecological assessments undertaken by the Applicant at and in the vicinity of the Oakendene substation site and cable route near to this location.
TE 1.3	<i>Terrestrial Ecological Surveys and Mitigation for the Whole of the Landward part of the Proposed Development</i> Horsham DC Arun DC Natural England The Environment Agency	Comment on whether remaining concerns exist regarding: a) the quality of terrestrial ecological surveys in general undertaken by the Applicant for the whole of the landward part of the Proposed Development? b) the conclusions the Applicant has come to for the terrestrial ecological assessments for the whole of the landward part of the Proposed Development. c) the extent to which the appropriate guidelines and methodologies have been followed by the Applicant when undertaking relevant terrestrial surveys for the whole of the landward part of the Proposed Development. d) the quality and likely effectiveness of the mitigation the Applicant is proposing for potential impacts on terrestrial ecology for the whole of the landward part of the Proposed Development.
TE 1.4	<i>Nightingale Species in the Vicinity of the Proposed Substation location at Oakendene and Cable Route leading to this Site</i> The Applicant Horsham DC Natural England Environment Agency	The Applicant In response to concerns raised in WRs by CowfoldvRampion [REP1-089], Ms Smethurst [REP1-132] and Ms Creaye [REP1-106] amongst others regarding potential impacts on nightingales in the vicinity to the proposed substation site at Oakendene and Cratemans Farm, explain: a) the nature, likely duration and likely time of year of construction work in the vicinity of: i. Cratemans Farm ii. The proposed substation site at Oakendene b) the outcome of the environmental assessment on this species at these locations.



		<p>c) the proposed mitigation for nightingales at these locations and explain why it is believed to be adequate.</p> <p>Horsham DC, Natural England and the Environment Agency</p> <p>State whether there are any concerns regarding:</p> <p>a) the Applicant’s surveys undertaken for Nightingale and determination of nightingale territories.</p> <p>b) the quality and likely effectiveness of the proposed mitigation for nightingale.</p> <p>c) the suggestion in the above referenced Written Representations that nightingales may be unlikely to return to the area post construction work.</p> <p>Comment on the adequacy of the proposed mitigation for nightingale.</p>
<p>TE 1.5</p>	<p><i>Ecology of Priority and Irreplaceable Habitats in the Vicinity of the Proposed Substation site at Oakendene and Cratemans Farm</i></p> <p>The Applicant Natural England The Environment Agency Horsham DC</p>	<p>The Applicant</p> <p>The ExA acknowledges the Applicant’s responses to Ms Creaye’s WR in [REP2-029]. Nevertheless, for clarity and transparency, the ExA seeks specific responses from the Applicant to the following points raised by Ms Creaye in her WR [REP1-106].</p> <p>a) Provide comment and responses to Ms Creaye’s comments in her WR [REP1-106] stating:</p> <p>i. On page 2: <i>“Just because this has not been designated in the past for its wildlife value does not prove that there are no irreplaceable habitats here. Habitat Regulations list ‘possible Special Areas of Conservation’ for consideration.”</i></p> <p>ii. On page 16: <i>“We believe that there is priority habitat at Cratemans Farm and just because it has not been designated as such to date, should not be marked for destruction without</i></p>



		<p><i>proper assessment. ...Ecologist, Perry Hockin of Aborweald has described the whole habitat as ‘irreplaceable.’</i></p> <p>iii. On page 17:</p> <p><i>“We have gathered good evidence of MG5 Priority habitat Unimproved Lowland Meadow indicator species. However, the DCO submission states that there is no priority habitat in the area. We do not believe this to be true if the necessary surveys were made in the summer months.”</i></p> <p>iv. On page 24:</p> <p><i>“The proposed development of the site in its current form would result in a substantial and irrevocable loss to biodiversity that cannot be compensated, specifically by the usage of traditional cut and cover techniques which will affect the delicate soil conditions for hundreds of years to come, and by the usage of Field A as a HDD operational depot.”</i></p> <p>v. On page 24:</p> <p><i>“It is my professional opinion that as crossing the Cowfold Stream will require Horizontal Directional Drilling (HDD) that this section be extended to cover as much of the areas around Fields A and B as possible. Furthermore, the route should be adjusted to affect the less diverse areas of heavily grazed horse pasture in the immediate wider landscape.”</i></p> <p>vi. On page 30:</p> <p><i>“We believe that proper, in-depth field surveys must be completed in summer to establish the true quality of these meadows or they will be lost unnecessarily. The soil structure cannot be reinstated in our lifetimes. The DEFRA maps show very little priority habitat of Unimproved Lowland Meadow in the Horsham District or West Sussex in general.”</i></p>
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		<p>b) Provide a response on whether the areas around Oakendene and Crateman’s Farm contain irreplaceable habitats. Justify the explanation.</p> <p>Natural England and Horsham DC</p> <p>In light of the comments above:</p> <p>c) Comment, if required, on the Applicant’s assessment and conclusions in relation to whether or not the meadow habitat around Crateman’s Farm and Moatfield Farm qualifies as priority habitat lowland meadow, as summarised in the Applicant’s response to CowfoldvRampion’s Written Representation [REP2-030] page 56-57.</p> <p>d) Inform the ExA whether the areas around Oakendene and Crateman’s Farm contain irreplaceable habitats.</p> <p>e) Comment on the mitigation for the loss of habitats in the area around Cratemans Farm and Oakendene and whether they are likely to be effective. If not, explain what additional measures would be required.</p>
<p>TE 1.6</p>	<p><i>Response to West Sussex LIR – Arboriculture</i></p> <p>The Applicant</p>	<p>Provide a response to the following points in West Sussex CC’s LIR [REP1-054] Table 12: Summary of Impacts – Arboriculture, starting on page 107:</p> <ul style="list-style-type: none"> • Significant loss of high and moderate quality trees (category A & B), including locally notable trees (historically) and unjustified tree loss within Oakendene substation. • No unnecessary loss of, or adverse impacts to, retained arboricultural features to facilitate the final project design subject to implementation of mitigation measures. • No adverse impacts or loss of veteran trees and ancient woodland - subject to implementation of mitigation measures. • No loss of deciduous woodland or traditional orchards (HPI) within surveyed features.



		<ul style="list-style-type: none"> Woodland fragmentation due to tree loss at Bolney Substation extension, identified as potential for deciduous woodland.
TE 1.7	<p><i>Tree Value – Oakendene</i></p> <p>The Applicant</p>	<p>Explain how the assessment of alternative sites to that of the proposed substation site at Oakendene, considered tree values at a site level, to inform design layout and therefore site selection, as recommended within BS5837:2012.</p>
TE 1.8	<p><i>Proposed Open Trench for Tree Group G887</i></p> <p>The Environment Agency</p> <p>Southern Water</p>	<p>In response to a concern raised by West Sussex CC in its LIR [REP1-054], the Applicant has confirmed that open cut trenching method is proposed through tree group G887 which West Sussex CC state would temporarily sever connections from the adjacent ancient woodland site, Olivers Copse, from the nearby woodland, Kitpease Copse. West Sussex CC further state that using a trenchless crossing in this area would significantly reduce impacts on the tree group, and consequently reducing negative impacts on landscape character and the visual amenity of users of the PRoW. The Applicant responded in [REP2-020] to say an open cut trenching method in this location has been specified as it lies within a Source Protection Zone (SPZ) for potable groundwater.</p> <p>a) Confirm which category of SPZ this location falls within, SPZ1 or another?</p> <p>b) Comment on the risk, if any, HDD could have to the public water supply at this location.</p>
TE 1.9	<p><i>Trees T609, T611, T613 & T617</i></p> <p>The Applicant</p>	<p>Justify why trees T609, T611, T613 & T617 (including high and moderate quality trees) are identified for removal despite being within an area of trenchless crossing through HDD.</p>
TE 1.10	<p><i>Protected Species - Hazel Dormouse</i></p> <p>The Applicant</p>	<p>The Applicant</p> <p>a) The ExA requests an update to the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to hazel dormouse, [PEPD-030] Environmental</p>



	<p>Natural England Relevant Planning Authorities The Environment Agency SDNPA</p>	<p>Statement Volume 4, Appendix 22.19: Hazel dormouse report 2023 Date: January 2024 Revision A.</p> <p>b) State whether the Best Practice Guidelines outlines in ‘The Dormouse Conservation Handbook, Second Edition’, have been adhered to. If not, has a detailed justification been provided? If not, the ExA requests that one is provided.</p> <p>c) State if the information this new report provides changes any of the conclusion in the Terrestrial Ecology chapter of the Environmental Statement [APP-063]</p> <p>d) State whether the survey location sites for hazel dormouse have been updated in light of changes to the proposed cable route. Have survey sites been updated in line with best practice?</p> <p>Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA</p> <p>e) Confirm if the surveys undertaken by the Applicant and proposed mitigation measures for hazel dormouse described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for hazel dormouse?</p>
<p>TE 1.11</p>	<p><i>Protected Species - Bat Surveys</i> The Applicant Natural England Relevant Planning Authorities The Environment Agency SDNPA</p>	<p>The Applicant</p> <p>a) The ExA requests an update to the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to bat activities, [PEPD-029] Environmental Statement Volume 4, Appendix 22.18: Passive and active bat activity report 2023 Date: January 2024 Revision A.</p> <p>b) State if the information this report provides changes any of the conclusions in the Terrestrial Ecology chapter of the Environmental Statement [APP-063]</p> <p>Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA</p>



		c) Confirm if the proposed mitigation measures for bats described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for bats.
TE 1.12	<i>Removal of Trees and Hedgerows</i> The Applicant	a) Confirm whether the stage specific Arboricultural Method Statement (AMS) (Commitment C-282) must align with Commitment C-21 to schedule vegetation removal over winter months to avoid the breeding bird season. b) Confirm whether the AMS must align with the recent domestic hedgerow Regulations announced by Defra in March 2024 to include a restriction to remove or cut back hedgerows between 1 March and 31 August to protect nesting birds or other wildlife as per the recent domestic hedgerow Regulations.
TE 1.13	<i>Potential Impacts of Haul Roads on Ecology</i> The Applicant Horsham DC Natural England The Environment Agency	Provide a response to the concern raised by CowfoldvRampion [REP1-089], Ms Smethurst [REP1-132] and Ms Creaye [REP1-106] regarding the potential impact of the noise from the proposed temporary haul roads to access the proposed cable route, on ecology and wildlife.
TE 1.14	<i>Legally Protected Species, Including Bats, Hazel Dormouse, Water Vole, Badger, Great</i>	The Applicant's response [REP2-020] to West Sussex CC's LIR [REP1-054] states that commitment C-208 has been updated [REP1-015]. It is not clear how this commitment has changed. Explain the difference to the previous version and how any changes address West Sussex CC concern.



	<p><i>Crested Newt and Reptiles.</i></p> <p>The Applicant</p>	
TE 1.15	<p><i>Hibernating Species</i></p> <p>The Applicant</p> <p>Natural England</p>	<p>The Applicant</p> <p>a) Explain if the pre-construction surveys referred to in commitment C-208 would include areas of over wintering hibernaculum which may be disturbed where hibernating species may be residing over the winter months?</p> <p>b) Explain how hibernating species in construction areas would be protected.</p> <p>Natural England</p> <p>c) Comment on what would comprise adequate mitigation for over wintering hibernaculum?</p>
TE 1.16	<p><i>Local Plan</i></p> <p>Horsham DC</p>	<p>Comment on the statement by CowfoldvRampion in their WR [REP1-089 page 114] that:</p> <p><i>"Horsham District Council's local plan for biodiversity would clearly not support the routing of the cable through the area from the A281 to Oakendene."</i></p>
TE 1.17	<p><i>Species in the Vicinity of the Proposed Substation Location at Oakendene and Cable Route Leading to this Site</i></p> <p>The Applicant</p>	<p>In response to concerns raised by CowfoldvRampion in their WR [REP1-089] and Ms Creaye [REP1-106], regarding potential impacts on toad migration, adders, grass snakes and great crested newts in the vicinity of the proposed substation site at Oakendene and cable route leading to this site:</p> <p>The Applicant</p> <p>a) Explain why the Applicant believes the proposed mitigation for potential impacts on these species is adequate.</p>



	<p>Horsham DC Natural England The Environment Agency</p>	<p>Horsham DC, Natural England, The Environment Agency</p> <p>b) State whether there are any concerns regarding:</p> <p>i. the outcome of the environmental assessments for these species and</p> <p>ii. the proposed mitigation for potential impacts on these species</p>
TE 1.18	<p><i>Protected Species, Great Crested Newt - Baseline Data</i></p> <p>Natural England</p>	<p>The Applicant responded at Deadline 1 to Natural England’s concern regarding eDNA for great crested newts having been undertaken outside of the optimal window.</p> <p>Respond to the Applicant’s explanation at Deadline 1 [REP1-017, J70] which states that:</p> <p><i>“Commitment C-214 of the Commitments Register ...[REP1-015]... (provided at Deadline 1 submission) provides for further great crested newt survey prior to construction and is secured through the Outline Code of Construction Practice [PEPD-033], Requirement 22 of the Draft Development Consent Order [PEPD-009].”</i></p> <p>a) Explain whether there are any outstanding concerns in relation to this matter. If so, please provide details.</p> <p>b) Comment on the adequacy of Commitment C-214 and its effectiveness in relation to great crested newts.</p>
TE 1.19	<p><i>Protected Species, Great Crested Newt - Baseline Data</i></p> <p>Natural England</p>	<p>The Applicant responded at Deadline 1 to Natural England’s concern regarding eDNA for great crested newts at three waterbodies only, requested consideration of all waterbodies and questioned whether best practice guidelines were adhered to.</p> <p>Provide a response to the Applicant’s explanation at Deadline 1 [REP1-017, J73 & J74] which state that:</p> <p><i>“Best practice guidelines (including habitat suitability index (HSI)) and supporting eDNA guidelines will be adhered to. Commitment C-214 of the Commitments Register [APP-254] (provided at Deadline 1 submission) provides for further great crested newt survey prior to construction and is secured through the Outline Code of Construction</i></p>



		<p><i>Practice [PEPD-033], Requirement 22 of the Draft Development Consent Order [PEPD-009].”</i></p> <p>and</p> <p><i>“Surveys were undertaken on waterbodies where great crested newt habitat was identified. Commitment C-214 of the Commitments Register [APP-254] (provided at Deadline 1 submission) provides for further great crested newt survey prior to construction and is secured through the Outline Code of Construction Practice [PEPD-033], Requirement 22 of the Draft Development Consent Order [PEPD-009]. This will include a review of waterbodies present at the time, with survey work then tailored to meet results.”</i></p> <p>Explain whether there are any outstanding concerns in relation to this matter. If so, please provide details.</p>
TE 1.20	<p><i>Protected Species - Great Crested Newt Compensation</i></p> <p>The Applicant</p>	<p>The Applicant has stated it will apply to join the district level licence scheme in West Sussex for strategic compensation for great crested newts [APP-063].</p> <p>a) Explain what this application depends on.</p> <p>b) How is this secured in the draft DCO [REP2-002].</p>
TE 1.21	<p><i>Protected Species - Badger</i></p> <p>The Applicant</p>	<p>In response to Written Representations from CowfoldvRampion [REP1-089], Ms Creaye [REP1-106] regarding badgers, explain the procedure to be undertaken and mitigation (Commitment C-209) in the event of discovery of a badger sett in the pathway of the proposed development during construction.</p>
TE 1.22	<p><i>Protected Species - Badger</i></p> <p>Natural England</p>	<p>Commitment C-209 in the Commitments Register [APP-254] states that:</p> <p><i>“Pre-construction surveys for badger will be undertaken prior to construction. Where badger setts are located within or close to the working area suitable mitigation, under</i></p>



		<p><i>a development licence from Natural England where necessary, will be delivered under supervision from an Ecological Clerk of Works.”</i></p> <p>Comment on the adequacy of Commitment C-209. If not adequate, provide further details.</p>
TE 1.23	<p>Toads</p> <p>The Applicant</p>	<p>ES Volume 2, Chapter 22: Terrestrial ecology and nature conservation [APP-063] states in section 22.5.59 on page 77 that:</p> <p><i>“There are no records of common toad within the proposed DCO Order Limits”</i></p> <p>and states on page 102 in Table 22-18 that the common toad has been scoped out of the Environmental Assessment as:</p> <p><i>“although toads are known to be widespread across this area of West Sussex, Rampion 2 will not result in the loss of any ponds and installation of cables will be rapid (150m per day) and Ecological Clerk of Works (EcoW) present minimising the effects of any potential fragmentation of migration routes.”</i></p> <p>Respond to the WR submitted at Deadline 1 from CowfoldvRampion [REP1-089], Ms Creaye [REP1-106] and Ms Smethurst [REP1-132] citing toad migrations across Kent Street and surrounding land in the vicinity of the proposed substation at Oakendene and the land in the vicinity of Crateman’s Farm.</p> <ol style="list-style-type: none"> a) Explain whether this information changes the Applicant’s conclusions regarding potential adverse effects on toads. b) Explain the further risk assessments or specialist toad surveys the Applicant plans to undertake in light of this information. c) Explain the specific mitigation measures proposed for toads, particularly during the migration season to prevent being run over by construction vehicles, being trapped in ditches created during construction or other possible hazards.
TE 1.24	<p>Toads</p>	<p>In light of the evidence submitted at Deadline 1 citing toad migrations across Kent Street and surrounding land in the vicinity of the proposed substation at Oakendene and the land in the</p>



	<p>Natural England Horsham DC The Environment Agency</p>	<p>vicinity of Crateman’s Farm from CowfoldvRampion [REP1-089], Ms Creaye [REP1-106] and Ms Smethurst [REP1-132]:</p> <p>a) Explain whether there are any specific mitigation measures for toads the organisation would expect the Applicant to commit to.</p>
TE 1.25	<p><i>Amberley Mount to Sullington Hill SSSI and Sullington Hill Local Wildlife Site</i></p> <p>The Applicant</p>	<p>The Applicant has stated that surface works through the Sullington Hill Local Wildlife Site (LWS) are being avoided through use of a trenchless crossing. However, it is noted that the red line boundary of the Proposed Development runs very close to the boundary of the Amberley Mount to Sullington Hill SSSI and Sullington Hill Local Wildlife Site.</p> <p>a) Explain whether the evidence from the biodiversity audit and natural history training at Sullington Manor Farm in January 2022 [REP1-100], has changed the Applicant’s conclusions for scoping out potential impacts of the Proposed Development on Amberley Mount to Sullington Hill from the Ecological Impact Assessment stated in the Environmental Statement - Volume 2 Chapter 22 Terrestrial ecology and nature conservation [APP-063] Table 22-18 page 90, commenting on the citing of various species, particularly a discovery of a single male <i>Theridion familiar</i> spider.</p> <p>b) Provide details of any ecological surveys undertaken in the vicinity of the Proposed Development near the Amberley Mount to Sullington SSSI, their conclusions.</p> <p>c) Explain whether the evidence from the biodiversity audit and natural history training at Sullington Manor Farm in January 2022 mentioned in a) has changed the Applicant’s conclusions or driven any proposed mitigations.</p>
TE 1.26	<p><i>Amberley Mount to Sullington Hill SSSI and Sullington Hill Local Wildlife Site</i></p>	<p>The Applicant has stated that surface works through the Sullington Hill Local Wildlife Site (LWS) are being avoided through use of a trenchless crossing.</p> <p>Respond, if required, to the decision of the Applicant to scope out the Amberley Mount to Sullington Hill SSSI, particularly in light of the proximity of the Proposed Development red</p>



	<p>Natural England Arun DC The Environment Agency SDNPA</p>	<p>line boundary to the SSSI and/or the evidence submitted into the Examination at Deadline 1 by Grahame Rhone Kittle [REP1-100] including the discovery of a nationality scarce spider.</p>
TE 1.27	<p><i>Cable Route and Potential Tree Impacts at Coombe Farm, Bob Lane</i> The Applicant</p>	<p>The Arboricultural Impact Assessment at Coombe Farm, Bob Lane undertaken by Ian Howell from Barton Hyett Associates submitted at Deadline 1 [REP1-066] suggests an alternative cable route within the site to reduce potential impact to the Root Protection Areas of mature English oak and common ash trees.</p> <p>Explain the reason for not pursuing the suggested alternative route.</p>
TE 1.28	<p><i>Potential Terrestrial Ecological Impact</i> The Applicant The Environment Agency Natural England Relevant Planning Authorities SDNPA</p>	<p>The Applicant</p> <ul style="list-style-type: none"> a) The ExA requests the Applicant to state the estimated worst case duration range for construction activities for: <ul style="list-style-type: none"> i. a 1 kilometre (km) length of open cut cable corridor ii. a trenchless crossing of a watercourse, PRoW or small track b) The ExA requests the Applicant to provide worst case construction duration times marked on a plan in sections along the whole of the cable route, in as much detail as possible. For sections where the time of year construction is undertaken would be a significant consideration, such as sensitive ecological areas, mark on the plan which months or season the construction work is proposed to be undertaken. <p>The Environment Agency, Natural England, Relevant Planning Authorities, SDNPA</p> <ul style="list-style-type: none"> c) In addition to the Commitment made to seasonal restriction of construction work at Climping Beach (C-217), comment on whether there are any other sensitive areas



		within the onshore section of the Proposed Development where a seasonal restriction on construction work is required from an ecological perspective.
TE 1.29	<p><i>Application of the Mitigation Hierarchy at Climping SSSI</i></p> <p>Natural England</p>	<p>Comment on the Applicant’s response at Deadline 1 [REP1-017, J49] to Natural England’s relevant representation [RR-265] that the mitigation hierarchy should be followed at Climping Beach SSSI. Specifically comment on:</p> <ul style="list-style-type: none"> a) Whether the mitigation hierarchy has been adequately followed by the Applicant at this location. b) Natural England’s latest position on the Applicant’s explanation for landfall works at this site and mitigation plans. c) Whether further discussions with the applicant are ongoing. d) Whether there is a change to Natural England’s categorisation of this concern as ‘red’.
TE 1.30	<p><i>Impacts to Ecologically Important and Sensitive Sites: Climping Beach SSSI, Littlehampton Golf Course and Atherington Beach LWS, Sullington Hill LWS, and Ancient Woodland at Michelgrove Park and Calcot Wood.</i></p> <p>Natural England</p>	<p>Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore Construction Method Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites.</p> <p>Provide a response to these proposed Requirements, stating any outstanding concerns.</p>



	<p>The Environment Agency SNDPA West Sussex CC Forestry Commission Horsham DC Arun DC</p>	
TE 1.31	<p><i>Applicant's Approach to Hedge Notching</i></p> <p>Natural England The Forestry Commission The Woodland Trust SDNPA</p>	<p>The Applicant has provided further justification of its proposed hedge notching technique in responses to SNDPA in their PADS [AS-006] and WR [REP1-052], and West Sussex CC's LIR [REP1-054].</p> <p>West Sussex CC commented in their LIR submitted at Deadline 2 [REP1-054] that:</p> <p><i>“Although WSCC has concerns about the success of hedgerow ‘notching’, it recognises that this technique does offer some advantages and therefore is worth attempting provided any necessary remedial measures, such as re-stocking, are implemented immediately.”</i></p> <p>Provide an updated response to the Applicant's proposed hedge noting technique, specifically stating whether there is agreement between the parties or any ongoing areas of disagreement or concern.</p>
TE 1.32	<p><i>Delivery of Hedgerow Units</i></p> <p>The Applicant</p>	<p>Respond to the point made by Natural England in their Relevant Representation [RR-265] which states:</p> <p><i>“To reduce impact of severance, delivery of hedgerow units should be located in close proximity to the hedgerows which are to be temporarily and permanently lost.”</i></p>



<p>TE 1.33</p>	<p><i>Stage Specific Landscape and Ecological Management Plans (LEMPs)</i></p> <p>The Applicant The Environment Agency Local Authorities</p>	<p>The Applicant has stated in the OLEMP [APP-232] that:</p> <p><i>“stage specific LEMPs will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with this Outline LEMP for approval of the relevant planning authority, prior to the commencement of that stage of works. The stage specific LEMPs for the onshore substation and National Grid Bolney substation extension works shall be developed and submitted for approval alongside the detailed design of this infrastructure.”</i></p> <p>Applicant</p> <p>a) If a significant period elapses between the surveys undertaken for protected species and the start of construction, explain whether it is the intention to re-survey features prior to construction and would the findings be included in the updated stage specific Landscape and Ecological Management Plans.</p> <p>The Environment Agency and Relevant Planning Authorities</p> <p>b) Comment, if required, on the approach put forward by the Applicant regarding the stage specific LEMPs. Explain if concerns remain and what approach is recommended.</p> <p>c) Comment, if required, on the durations between surveys and construction.</p>
<p>TE 1.34</p>	<p><i>Contaminated Land</i></p> <p>The Environment Agency</p>	<p>The Environment Agency has noted in its RR [RR-116] that the desk study identified there may be some hotspots of contamination and that these should be appropriately managed and investigated to ensure no risk to any controlled water receptors.</p> <p>The Applicant’s response to this point [REP1-017] states that the Outline Code of Construction Practice (CoCP) [PEPD-033] provides the Applicant’s commitment (C-71) that the locations identified in the Appendix 24.1: Phase 1 geo-environmental desk study, Volume 4 of the ES [APP-198] would be subject to further contamination assessment, post-DCO</p>



		<p>consent, in line with the Environment Agency’s guidance on land contamination and risk management (LCRM). This would be secured through Requirement 25(1) of the draft DCO [PEPD-009].</p> <p>Is the Environment Agency satisfied with this response and specifically the Applicant’s approach to securing management of this risk in the draft DCO?</p>
TE 1.35	<p><i>Reinstatement of Agricultural Land Commitment C-7</i> Natural England</p>	<p>The Applicant amended the wording for Commitment C-7 relating to the reinstatement of agricultural land for the Deadline 1 submission [REP1-015]. Confirm if this is now deemed to be satisfactory and if not, comment on the wording of this Commitment.</p>
TE 1.36	<p><i>Soils and Agriculture</i> Natural England</p>	<p>Respond to the Applicant’s submission at Deadline 1 [REP1-017] to the RR [RR-265] on the following stated concerns:</p> <ul style="list-style-type: none"> a) Subsoil reinstatement b) Soil stockpiles and storage c) Use of machinery d) Soil Management Plan e) Soil handling f) Soil and land classification survey to better determine percentage of Best Most Versatile agricultural land.
TE 1.37	<p><i>Calcareous Grassland</i> Applicant</p>	<p>Natural England have raised a concern in their Risk and Issues log at Deadline 2 [REP2-041] that reinstatement of calcareous grassland could prove challenging at certain times of year. Explain which Commitment(s) in the Commitments Register [REP1-015] address concerns regarding:</p> <ul style="list-style-type: none"> a) Timing and duration of storage of the seedbank stockpile



		<ul style="list-style-type: none"> b) Seasonal timing of remediation for calcareous grassland c) Frequency of monitoring and watering of reinstated calcareous grassland
WE	Water Environment	
WE 1.1	<p><i>Water Neutrality</i></p> <p>The Applicant</p>	<p>The Applicant confirmed in its response [REP1-017] to Natural England’s RR [RR-265], that no mains water would be used for the construction and operation of the Proposed Development and instead water would be imported for construction, operation and emergency use, such as fire suppression systems.</p> <ul style="list-style-type: none"> a) Confirm if the imported water would be sourced from outside the Sussex North Water Supply Zone. If so, explain how this commitment would be secured. b) Explain what method of transport would be used to bring the water to site. c) If the water would be transported by vehicles, confirm the volume of water required for construction and operation, the size of the vehicles that would be used to transport the water, the number of vehicle movements, the locations of these vehicle movements and whether these vehicle movements have been included in the traffic and transport impact assessment.
WE 1.2	<p><i>Risk of Pollution to the River Adur</i></p> <p>The Environment Agency</p>	<p>Confirm whether there are any outstanding concerns regarding the risk of pollution to the River Adur from construction or operation of the Proposed Development.</p>
WE 1.3	<p><i>Watercourse Crossings</i></p>	<ul style="list-style-type: none"> a) Provide a response to the Applicant’s suggested approach to watercourse crossings summarised in its response to the Environment Agency’s Relevant Representation on this point [REP1-017, points 2.32.7 and 2.32.8, page 199].



	<p>The Environment Agency</p>	<p>b) Confirm whether there any further comments on the proposed crossing type for each crossing location and that the locations would be secured by Requirement 22 in the Draft DCO [REP2-002] as currently worded.</p>
<p>WE 1.4</p>	<p><i>Private Water Supplies</i></p> <p>The Applicant</p> <p>Arun DC</p> <p>The Environment Agency</p>	<p>The Applicant</p> <p>In response to Arun DC’s point 4.14 in its LIR [REP1-039] regarding the monitoring of private water supplies, the Applicant’s responses states:</p> <p><i>“...any additional PWSs identified in the close vicinity of the Proposed Development post-consent will be considered for inclusion in the PWS water quality monitoring programme implemented by environmental measure C-253 in Table 26-20 of Environment Statement Chapter 26: Water environment, Volume 2 of the ES [APP-067] and also the Outline Code of Construction Practice [PEPD-033] secured through Requirement 22 of the Draft Consent Order [PEPD-009].”</i></p> <p>a) The ExA would like to further understand on what basis these water supplies would be considered for inclusion in the water quality monitoring programme.</p> <p>b) Quantitatively define the phrases <i>“in close vicinity of the Proposed Development”</i> mentioned above and <i>“in proximity of the Order Limits”</i> in Commitment C-253 of the Commitments Register [REP1-015].</p> <p>c) Confirm that Commitment C-253 of the Commitments Register includes both microbial and chemical parameters within the water quality monitoring programme.</p> <p>d) Confirm how long the water quality monitoring programme would continue for.</p> <p>Arun DC, The Environment Agency</p> <p>e) Explain what distance would be considered appropriate for the definition of <i>“in proximity of the Order Limits”</i> in Commitment C-253 of the Commitments Register.</p>

		f) Explain whether all private and public water supplies meeting this definition, should be included in the water quality monitoring programme as default, unless agreed exempt by the Appropriate Authority.
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OFFSHORE QUESTIONS		
FS	Fish and Shellfish	
FS 1.1	<p><i>Marine Conservation Zone (MCZ) Impacts</i></p> <p>The Applicant</p>	<p>There remains continued disagreement between NE and the Applicant over the likely effects on black seabream as a consequence of piling noise during the construction phase, and whether such effects would hinder the achievement of the conservation objectives stated for the Kingmere MCZ. On this basis, and without prejudice, with regard to the Marine and Coastal Access Act 2009 the Applicant is required to submit potential options for a Measure of Equivalent Environmental Benefit (MEEB) to be assessed.</p>
FS 1.2	<p><i>Seasonal Restriction</i></p> <p>Natural England</p>	<p>Based on the noise thresholds, Natural England advice, and the proximity of the proposed array areas to Kingmere MCZ, explain the possibility that there could be any piling within the months of March to July inclusive without the likely hindering of achieving the conservation objectives of this MCZ.</p>
FS 1.3	<p><i>Noise Abatement Measures</i></p> <p>The Applicant</p>	<p>The Applicant has stated that it is undertaking additional work to provide a comparison of the environmental conditions at the Proposed Development with other projects where Noise Abatement Systems have been deployed, and this will be submitted to the Examination in due course [REP1-107 Page 257]. Explain what information is likely to be received and when. This should include a minimum decibel level reduction expected for each noise abatement method for the Rampion 2 site and offshore environment.</p>
FS 1.4	<p><i>Noise Thresholds for Black Seabream</i></p> <p>The Applicant Natural England MMO</p>	<p>Natural England does not support the use of 141 decibels (dB) re 1 micropascal (uPa) Sound Exposure Level – Single Strike (SELss) as a threshold for black seabream behavioural disturbance and does not agree that the threshold is highly precautionary [REP1-059a, Point E34]. Explain whether there are any other species that could be used as a proxy for black seabream in these circumstances that could be agreed on by all parties. If so, this should be put forward to the Examination at Deadline 3.</p>



<p>FS 1.5</p>	<p><i>Noise Thresholds for Black Seabream</i> The Applicant</p>	<p>The MMO suggests a threshold of 135db SELss is used (as per Hawkins et al, 2014) for the reasons set out in section 7.1.6 [REP2-035]. Please respond to the MMO comments in this section of their submission. Furthermore, if this threshold was adopted by the Applicant, please set out how that would affect mitigation such as zoning of piling, using diagrams where possible.</p>
<p>FS 1.6</p>	<p><i>Black Seabream Noise Acclimatisation</i> The Applicant</p>	<p>Natural England state [REP1-059, Point E31] that the concept of black seabream acclimatising to noise would not be appropriate in this circumstance due to the time taken for this fish to acclimatise, which could impact the breeding success. Provide a response.</p>
<p>FS 1.7</p>	<p><i>July Seabream Nesting</i> The Applicant</p>	<p>Whilst the Applicant has submitted evidence that July had fewer active nests than previous months when surveyed, NE do not agree that this difference constitutes evidence that July is not important to black seabream nesting. NE state that it is thought possible that later spawning could be an important ‘last attempt’ if spawning has been unsuccessful earlier in the season. NE advise that July should be considered equally important in line with the conservation advice [REP2-041, Point E70]. Provide a response. Furthermore, consider whether it could be the case that seasonal variability would mean greater number of active black seabream nests in future July months.</p>
<p>FS 1.8</p>	<p><i>Nesting Season Changes</i> Natural England</p>	<p>Explain why the conservation advice was changed in 2021 to include the months of March and July to the nesting season for black seabream at Kingmere MCZ. Set out what evidence was this based on.</p>
<p>FS 1.9</p>	<p><i>Piling Noise – Background Noise</i> Natural England MMO</p>	<p>The Applicant has stated that as the presence of the noise at the threshold level would be limited in time and location, then for most of the time and place within the Kingmere MCZ, the noise would not be far in excess of noise that is already present at this site [REP2-026, Point E13, Page 102]. Provide a response on whether this is an agreed matter.</p>



FS 1.10	<i>Rampion Impacts on Black Seabream</i> Natural England MMO	The Applicant stated that R1 did not identify any adverse population effects on black seabream following construction, with the surveys showing an increase between pre- and post-construction surveys [REP2-026, Point E15, Page 104]. Provide a response on whether this is an agreed matter. Furthermore, if you agree this evidence is accurate, explain whether this suggests that the impact of piling to black seabream during July would not result in significant effects, given that there was piling in July with the Rampion 1 development?
FS 1.11	<i>Minimum Noise Abatement Level</i> Natural England	Within the Applicant's document "Further information for Action Points 38 and 39 – Underwater Noise" [REP1-020] it uses what it considers to be the minimum noise abatement offered by the proposed mitigation. This is a 6dB reduction based on a low noise hammer. Explain whether this is a reasonable minimum and if so, does this satisfy the concern that there would be no 'recoverable' impacts to black seabream [REP1-020, Figures 6-1 and 6-2].
FS 1.12	<i>Black Seabream Datasets</i> The Applicant	The Applicant has stated that it is in discussions to potentially purchase additional black seabream datasets [REP1-017, Page 287]. Provide an update on this matter and when the additional datasets could be submitted for the Examination. Explain whether the information in the datasets would affect the conclusions of the ES or mitigation measures.
FS 1.13	<i>Bubble Curtains</i> The Applicant	The Applicant has stated that bubble curtains could have a noise reduction effect of 16db [REP1-033, Agenda Item 10 (iii)]. Explain whether this an average or a minimum. Explain whether this figure is specifically applicable to the Proposed Development offshore environment.
FS 1.14	<i>Red Seabream</i> Natural England	The ExA notes that the MMO stated that it could be suitable to use the audiogram for red seabream as a proxy for black seabream in terms of hearing ability [RR-219, Paragraph 4.7.12]. Explain why in detail, in the view of NE, red seabream should not be used as a proxy for black seabream in these circumstances [REP1-059a, Point 35].



FS 1.15	<i>Noise Abatement Zoning</i> The Applicant	The MMO has recommended that a conservative approach to include noise abatement across the entire site rather than using a zoning approach should be adopted [REP2-035, Paragraph 1.17.2]. Provide a response on this approach.
FS 1.16	<i>Temporary Threshold Shift (TTS) Mitigation for Seahorses</i> Natural England	As set out in Figures 5-1 and 5-2 [REP1-020], the mitigated impact range for TTS on seahorses do not overlap with the Beachy Head West MCZ. Confirm whether, with mitigation, there would be no adverse effects to seahorses or the conservation objectives of this MCZ.
FS 1.17	<i>Behavioural Noise Threshold of Seahorses</i> The Applicant	Natural England have stated that no evidence has been provided to support 141dB (SELss) being a suitable behavioural threshold for seahorses [REP1-059a, Point E96]. Provide a response and, if necessary, additional evidence to support the assertion.
FS 1.18	<i>Shallow Water Noise Transmission</i> Natural England	The Applicant has set out, with regards to noise effects on seahorses, that 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 [REP1-033, Agenda Item 109(i)]. If seahorses are within shallower coastal waters, confirm agreement that this would reduce the noise effects, and if so would this reduce effects from noise to a level where there would be no likely significant effect on Seahorses?
FS 1.19	<i>Seahorse Numbers</i> Natural England	The Applicant states that seahorse numbers within the vicinity of the Proposed Development are generally low [REP1-017, Page 307, Ref E40]. Provide a response.
FS 1.20	<i>Sandeel</i> MMO	The Applicant has submitted further information on sandeel habitat which it says undertaken following the MarineSpace (2013a) methodology. This concludes that based on available evidence the Proposed Development would not be considered a key area for sandeel



		spawning activity [REP1-020, Section 3.1]. Provide a response, including whether any outstanding concerns remain with how the Proposed Development could impact sandeel spawning habitats.
FS 1.21	<i>Herring Spawning Areas</i> MMO	The Applicant has submitted additional information using heatmapping exercises for herring with the conclusion given that it indicates that the Order limits are in areas of very low to low confidence of herring spawning habitats [REP1-020, Paragraph 3.2.9]. Provide a response.
FS 1.22	<i>Herring Spawning Areas</i> The Applicant MMO	The submitted evidence [REP1-020, Section 3.2.10] suggests there are areas of high confidence that suitable herring spawning substrates are present 8km to the southeast of the array areas. Explain whether this indicates that there is likely to be herring spawning as close as 8km from the Order limits and potential piling areas.
FS 1.23	<i>Noise Threshold Overlap with Herring Spawning</i> The Applicant	At ISH1 [EV3-001], the Applicant indicated that, at the very worst case, boundaries between the 135dB noise threshold for herring behavioural effects and the herring spawning ground could overlap. Confirm whether there could be significant herring spawning grounds outside of that defined by <i>Coull et al</i> (1998) which could be within the 135db noise threshold area for herring behavioural effects.
FS 1.24	<i>Mitigated Noise Thresholds for Herring</i> MMO	The Applicant has presented the unmitigated behavioural impact ranges on herring, and the reduced impact contours from the minimal noise abatement offered by the mitigation proposed (-6dB reduction from the use of a low noise hammer) during the Downs herring spawning period relative to the spawning ground [REP1-020, Paragraph 4.1.12, Figures 4-3 and 4-4]. Confirm whether there would be no behavioural effects on herring through piling noise if mitigation is used. Explain whether the 6db noise reduction used by the Applicant appropriate for such an exercise.
FS 1.25	<i>Behavioural Effects on Herring Spawning</i>	In a worst-case scenario, explain the potential behavioural effects of piling noise on herring whilst spawning.



	MMO	
BP	Benthic and Offshore Processes	
BP 1.1	<i>Predictive Modelling</i> Natural England MMO	<p>The Applicant has provided some additional information on the use of predictive modelling to provide a habitat model for the seabed [REP1-033, Agenda Item 12(i)]. The Applicant states that 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 also states that the site-specific data has been updated and added to the model.</p> <p>Explain whether the use of some degree of predictive modelling a suitable approach, to address any remaining data gaps at this stage, or is it a question of the degree at which predictive modelling has been relied upon.</p>
BP 1.2	<i>Predictive Modelling</i> The Applicant	Provide the ExA with information as to the level of evidence/data which is based on predictive modelling and the amount which has been based on survey work and data.
BP 1.3	<i>Offshore Use of Plastics</i> The Applicant	The Applicant has committed to minimising the use of plastics into the marine environment and to use suitable alternatives where practicable [REP1-017, Page 338]. Explain whether it is possible to commit to not using plastics for gravel or rock bags, or other forms of cable protection, completely. If not, explain why this is the case.
BP 1.4	<i>Cable Protection</i> Natural England MMO	Explain whether there any forms of cable protection included within the ES which should be discounted where cable protection is necessary.
BP 1.5	<i>Removal of Cable Protection</i>	The Applicant has stated that it cannot commit to the removal of cable protection, as this would be subject to a separate licence application to enable decommissioning of the project [REP1-30, Paragraph 2.1.4]. Provide a response. Explain if there is a possibility that, over



	Natural England MMO	time, there could be ecological reasons (such as the colonisation of cable protection) for not wanting the removal of cable protection at decommissioning stage.
BP 1.6	<i>HDD Cable Depth Under Beach</i> The Applicant	<p>The Applicant has stated that it is not possible to outline a minimum depth of the cable underneath Climping Beach. However, it expects a target depth of at least 5-10m [REP1-025, Para. 1.3.14].</p> <p>The Applicant</p> <p>Explain whether this mean that there would be a target of at least 5m, but for various reasons it could be less than this.</p> <p>Natural England and the MMO</p> <p>Provide a response as to whether this is a sufficient depth of cable depth for the lifetime of the proposed development, accounting for coastal physical changes and erosion. Explain whether there is a minimum depth of HDD cable under the surface of the intertidal area and beach that should be secured.</p>
BP 1.7	<i>Mechanical Cutters</i> The Applicant	The Applicant states that it would 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. It states that this could still include the use of a mechanical cutter, but one that had less impact. Provide examples of such equipment and how it could have lesser impact than other forms of mechanical cutters.
BP 1.8	<i>Avoidance of Offshore Chalk</i> Natural England MMO	The Applicant has stated that taking construction risk and the maximum distance limitations of the technique into account, it is not possible to extend the HDD to the extent that all the inshore chalk area is avoided [REP1-017, Page 344]. Given the extent of chalk near the coast provide a response that HDD cannot be used to avoid impacts to chalk. Explain whether the impacts to chalk from the proposed cable corridor would be unavoidable.



BP 1.9	<i>Disposal of Chalk</i> The Applicant MMO	The MMO welcomed the Applicant's commitment that they would engage with the MMO to establish whether a condition is required within the DML relating to the disposal of chalk arising from the export cable area to the array area [REP2-035, Paragraph 1.11.4]. Please provide such a condition within the DMLs, or explain why it is not necessary.
BP 1.10	<i>Cuttings of Chalk</i> Natural England MMO	The Applicant has confirmed that they would infill the cable trench with the chalk cuttings, where the cable is laid within the chalk [REP1-017, Page 348]. Explain whether the value of chalk cuttings the same as the chalk before it is cut, even if the cuttings are put back in the trench.
BP 1.11	<i>Avoidance of Sensitive Features</i> The Applicant	The Applicant has stated its objective to avoid sensitive features where practicable and minimise the impacts where this cannot be achieved [REP1-017, Page 365]. From the survey work and the anticipation of the route, explain what sensitive receptors might not be avoided, through micro-siting for instance.
BP 1.12	<i>Level of Geotechnical Data</i> Natural England	NE has advised that geotechnical data is provided at the consenting stage to understand how likely cable burial is and that any associated mitigation would be effective [REP2-040, Q12-2]. If this is the case, and if no more geotechnical data is submitted, can NE take account of the proposed mitigation as included in the ES when drawing its conclusions?
BP 1.13	<i>Use of Gravel Bag Beds</i> The Applicant	NE have raised concerns with the use of gravel bag beds, due to the potential for abrasion of the chalk beds and the possible downwearing of chalk, which NE state could cause a permanent loss of irreplicable chalk [REP2-038, Page 4, Point 4]. Has the Applicant taken these potential impacts into consideration and how would such impacts be avoided if gravel bag beds were used?
BP 1.14	<i>Location of Gravel Bag Beds</i> The Applicant	Explain whether the location of any gravel bag beds would be flexible. If yes, could the Applicant confirm that the location be chosen to avoid sensitive benthic features or chalk structures.



BP 1.15	<i>HDD Under the Nearshore Area</i> The Applicant	Can the Applicant provide a calculation of how far the HDD could be extended offshore from the coast, to avoid or minimize adverse effects to chalk or avoid the use of gravel bag beds, for example?
MM	Marine Mammals	
MM 1.1	<i>Draft Unexploded Ordnance Clearance Marine Mammal Mitigation Protocol</i> MMO	In the MMO's responses to WRs submitted at Deadline 2 [REP2-035] the MMO states it acknowledges the Applicant's creation of the Draft Unexploded Ordnance Clearance Marine Mammal Mitigation Protocol [APP-237] and that the Applicant is confident that appropriate mitigation can be secured. Confirm if there are any outstanding concerns from the MMO, particularly but not exclusively, relating to: a) The Marine Mammal Underwater Noise Assessment relating to fleeing animals b) Permanent Threshold Shift significance c) The TTS assessment d) Sensitivity score for cetaceans
MM 1.2	<i>Worst-case Piling Scenario for Marine Mammals</i> Natural England MMO	State whether there are any ongoing concerns with the Applicant's modelling of the worst-case scenario for piling in relation to marine mammals.
MM 1.3	<i>Offshore In-principal Monitoring Plan</i>	Natural England's Risk and Issue log submitted at Deadline 2 [REP2-041] continues to include an amber concern (C40) with the marine mammal section of the Offshore In-Principal Monitoring Plan, regarding proposed post-consent monitoring only including the first 4 piles.



	<p>The Applicant Natural England MMO</p>	<p>It states there is no consideration of monitoring the effectiveness of the mitigation measures in reducing the impacts to acceptable levels.</p> <p>The Applicant</p> <p>Provide a response to Natural England’s concerns on the Offshore In-Principal Monitoring Plan. Include an update on the latest status of the marine mammal section of the Offshore In-Principal Monitoring Plan. Address Natural England’s detailed questions on this topic related to, but not limited to:</p> <ul style="list-style-type: none"> a) The hypotheses being tested. b) Design of monitoring to achieve mitigation outcomes. c) Timing of surveys. d) Lessons learnt from previous surveys. e) Effectiveness of measures employed. <p>Natural England</p> <p>Provide an up-to-date statement on whether the Applicant has addressed Natural England’s concerns on this matter.</p> <p>MMO</p> <p>Provide a response on this matter.</p>
<p>MM 1.4</p>	<p><i>Offshore In-principal Monitoring Plan</i></p> <p>The Applicant</p>	<p>Provide a response to the MMO’s request to have a review period of six months as opposed to four months for the Offshore In-Principal Monitoring Plan.</p>



MM 1.5	<p><i>Working in Proximity to Marine Wildlife Protocol</i></p> <p>The Applicant</p>	<p>Confirm:</p> <ul style="list-style-type: none"> a) If this document is an Outline document and whether further documentation would be produced post-consent. b) How will the commitment to develop parts of the Vessel Management Plan in line with the Working in Proximity to Marine Wildlife Protocol be secured in the DCO conditions. c) How will it be secured that Natural England should be consulted on the follow-on document produced post consent.
MM 1.6	<p><i>Harbour Porpoise Cumulative Effects Assessment</i></p> <p>The Applicant</p>	<p>Provide further evidence as to whether the higher number of animals predicted to be impacted in the Applicant’s updated Cumulative Effects Assessment for Harbour Porpoise [REP1-004], may have an effect upon the overall harbour porpoise population.</p>
MM 1.7	<p><i>Bottlenose Dolphin</i></p> <p>Natural England</p>	<p>Can Natural England explain whether the updated bottlenose dolphin baseline and quantitative impact assessment provided by the Applicant at Deadline 2 [REP2-019], addresses the concerns of Natural England. If not, why not.</p>
MM 1.8	<p><i>Marine Mammal Mitigation Protocol (MMMP)</i></p> <p>Applicant</p>	<p>In its Mid-Examination progress tracker submitted at Deadline 2 [REP2-013] the Applicant states on page 18 that:</p> <p><i>“The Applicant welcomes agreement with Natural England on all topics related to marine mammals”</i></p> <p>Yet Natural England’s risk and issues log submitted at Deadline 2 [REP2-041], states there has been no change in Natural England’s concerns regarding the Marine Mammal Mitigation Protocol (MMMP) and categorises this issue as ‘amber’ which is defined as meaning that Natural England does not agree with the Applicant’s position or approach and consider that this could make a material difference to the outcome of the decision-making process of this project.</p>



		<p>a) Explain why the Applicant believes all issues raised by Natural England relating to marine mammals to be resolved.</p> <p>Additionally, explain how the Applicant believes Natural England’s concerns in point C33 of their Risk and Issues log [REP2-041] have been resolved, particularly:</p> <p>b) How an appropriate acoustic deterrent device (ADD) duration can be calculated if the impact range for simultaneous piling is not presented.</p> <p>c) Whether the terminology used in the MMMP clearly demonstrates whether the Joint Nature Conservation Committee guidelines for piling mitigation are being adhered to.</p> <p>d) In line with Natural England’s request, provide a document that presents:</p> <p>e) Consideration of the uncertainties in the levels of noise abatement at-source noise abatement methods in the draft MMMP.</p> <p>f) An approach to determining appropriate ADD duration for simultaneous piling.</p> <p>g) Considerations for monitoring the effectiveness of suggested mitigation measures in reducing the underwater noise impacts to acceptable levels.</p>
MM 1.9	<p><i>Piling Soft Start/Ramp Up</i></p> <p>Natural England</p>	<p>Natural England has previously raised concerns in its Relevant Representations [RR-265], which remain in its Risk and Issue log at Deadline 2 [REP2-041] regarding:</p> <p>a) The soft-start/ramp up procedure has been modelled as worst-case.</p> <p>b) Where in the DCO/DML a Commitment is secured to not exceeding the worst-case soft-start/ramp up profile.</p> <p>State whether there are any outstanding concerns regarding piling soft start/ramp up.</p>



OR	Offshore and Intertidal Ornithology (excluding questions involving HRA which are in the HRA section of this document)	
OR 1.1	<i>Vessel Management Plan</i> The Applicant	NPS EN-3 (2024) Paragraph 2.8.242 – requires that, <i>“Construction vessels and post-construction maintenance vessel traffic associated with offshore wind farms and offshore transmission should, where practicable and compatible with operational requirements and navigational safety, avoid rafting seabirds during sensitive periods and follow agreed navigation routes to and from the site and minimise the number of vessel movements overall.”</i> Explain why a Vessel Management Plan is not included in the list of ornithological commitments as it is for Marine Mammals.
OR 1.2	<i>Cumulative Effects on Great Black-backed Gull</i> Natural England	Comment on the revised assessment undertaken by the Applicant [REP1-038] in relation to cumulative effects on the great black-backed gull submitted at Deadline 1.
OR 1.3	<i>Breeding Season Figures for Great Black-backed Gull, Guillemot, and Razorbill</i> Natural England	Provide an update on this issue, particularly stating whether Natural England has any remaining concerns regarding breeding season figures for great black-backed gull, guillemot, and razorbill.



AV	Aviation	
AV 1.1	<i>Defence Aviation</i> The Applicant Ministry of Defence	<p>The ExA understands that an email was sent from the Applicant to the MoD in February 2024. Confirm whether this was responded to, and, for the Ministry of Defence, whether any observations on the Proposed Development will be made.</p>
AV 1.2	<i>Brighton City Airport</i> Brighton City Airport	<p>The Applicant has stated that Brighton City Airport are willing to accept a higher minimum altitude on both ends (approach directions), requiring the Airport to redesign the Instrument Flight Procedures (IFPs) because effectively it would be a new procedure [REP1-033, Point 15(i)]. Confirm that there has been communication with the Applicant and that there is an agreement to potentially altering the IFPs if the final height of the proposed wind turbines exceed a certain level.</p>
AV 1.3	<i>Radar Impacts</i> The Applicant National Air Traffic Services (NATS)	<p>Update the ExA and confirm that there is an agreed technical solution with regard to the potential effects on the Pease Pottage radar installation and the progress with any commercial agreements necessary. Provide an estimated time as to when these issues can be concluded and the holding objection from NATS removed.</p>
CF	Commercial Fishing and Fisheries	
CF 1.1	<i>Alternative Dispute Resolution</i> The Applicant	<p>The Outline Fisheries Liaison and Co-existence Plan [REP1-013, Section 3.5.4] states that either party can activate the Alternative Dispute Resolution (ADR), but both parties have to agree to refer the dispute to the ADR. Based on a scenario where some fishery business wants to activate the ADR process, explain whether the Applicant therefore could decline to enter into this process, and what would happen in this scenario.</p>
CF 1.2	<i>Winter Fishing in Array Areas</i>	<p>In the Applicant's submission "Further Information for Action Point 31 – Winter Fishing" [REP-029] it suggests that there has been lower level of activity in the R1 array area during</p>



	Sussex Inshore Fisheries and Conservation Authority (SIFCA)	winter, possibly due to the winter weather and also the perceived risks of operating within a windfarm array area. Would the SIFCA agree with the conclusions of this document and what would be the long-term consequences of commercial fishing post construction, particularly within the proposed Rampion 2 array areas?
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Abbreviations Used	
Arun DC	Arun District Council
ADD	Acoustic Deterrent Device
ADR	Alternative Dispute Resolution
AIS	Air Insulated Substation
AMD	Arboricultural Method Statement
AEol	Adverse Effect on Integrity
AP	Affected Persons
AQMA	Air Quality Management Area
BDMPS	Biologically Defined Minimum Population Scale
BNG	Biodiversity Net Gain
BoR	Book of Reference
CA	Compulsory Acquisition
Cefas	Centre for Environment, Fisheries and Aquaculture Science
CoCP	Code of Construction Practice



Abbreviations Used	
CHAONB	Chichester Harbour Area of Outstanding Natural Beauty
CTMP	Construction Traffic Management Plan
dB	Decibels
Draft DCO	Draft Development Consent Order
DAS	Design and Access Statement
DCLG Guidance	Department for Communities and Local Government Guidance on...
DML	Deemed Marine Licence
DMP	Dust Management Plan
EL	Exam Library
eDNA	Environmental DNA
ES	Environmental Statement
ExA	Examining Authority
FFC	Flamborough and Filey Coast
FRA	Flood Risk Assessment



Abbreviations Used	
FS	Funding Statement
GHG	Greenhouse Gas
GIS	Gas Insulated Substation
GLVIA	Guidance Landscape Visual Impact Assessments
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicles
HPI	Habitat of Principal Importance
Horsham DC	Horsham District Council
HRA	Habitats Regulations Assessment
IEMA	Institute of Environmental Management and Assessment
IFP	Instrument Flight Procedures
IoWAONB	Isle of Wight Area of Outstanding Natural Beauty
ISH1	Issue Specific Hearing 1 held on Wednesday 7 February 2024 and Thursday 8 February 2024
IP	Interested Party



Abbreviations Used	
KIMP	Kittiwake Implementation and Monitoring Plan
km	kilometre
LIR	Local Impact Report
LVIA	Landscape Visual Impact Assessment
LEMP	(outline) Landscape and Ecological Management Plan
m	Metres
MCZ	Marine Conservation Zone
MMMP	Marine Mammal Management Plan
MMO	Marine Management Organisation
MMP	Minerals Management Plan
MoD	Ministry of Defence
MRA	Mineral Resource Assessment
Mid Sussex DC	Mid Sussex District Council
NATS	National Air Traffic Services



Abbreviations Used	
NPS	National Policy Statement
NVMP	Noise and Vibration Management Plan
OAQMP	Outline Air Quality Management Plan
OCC	Onshore Cable Corridor
OCoCP	Outline Code of Construction Practice
OCTMP	Outline Construction Traffic Management Plan
ODMP	Outline Dust Management Plan
ONVMP	Outline Noise and Vibration Management Plan
OnSS	Onshore Substation
OOEG	Offshore Ornithology Engagement Group
PADS	Principal Areas of Disagreement Statement
PINS	The Planning Inspectorate
PRoW	Public Right of Way
R1	Rampion One Offshore Wind Farm



Abbreviations Used	
RIAA	Report to Inform the Appropriate Assessment
RoFSW	Risk of Flooding from Surface Water
RR	Relevant Representation
SAC	Special Area of Conservation
SF ₆	Sulphur hexafluoride
SIFCA	Sussex Inshore Fisheries and Conservation Authority
SLViA	Seascape, Landscape Visual Impact Assessment
SDNP	South Downs National Park
SDNPA	South Downs National Park Authority
SPA	Special Protection Area
SPZ	Source Protection Area
SoR	Statement of Reasons
SSSI	Site of Special Scientific Interest
TP	Temporary Possession

Abbreviations Used	
TTS	Temporary Threshold Shift
UXO	Unexploded Ordnance
WR	Written Representation
West Sussex CC	West Sussex County Council
WTG	Wind Turbine Generator