

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

Horsham District Council response to The Examining Authority's Written Questions and requests for information issued on Wednesday 3 April 2024

Deadline 3: HDC Response and Information Requested to the Examining Authority's written questions and requests for information.

Date: 24th April 2024

The Examining Authority presented Written Questions to Horsham District Council, in order to receive further information about matters it considered relevant. Horsham District Council's response is set out below.

Ref	Topic	Written Question	HDC Response
COD 1.1	Commitments Register Horizontal Directional Drilling (HDD) Natural England Environment Agency Forestry Commission South Downs National Park Authority (SDNPA) The Woodland Trust Sussex Wildlife Trust West Sussex County Council (West Sussex CC) Horsham District Council (Horsham DC)	Provide a response to the Applicant's statement in the Applicant's Responses to Relevant Representations, J3 [REP1-017] on page 416 that: "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	Amended C-5 is welcomed, but its wording could be expanded beyond the existing <i>'main river, watercourse, railways and roads that form part of the strategic highway network'</i> as Table 1.1 <i>Crossing Schedule</i> at Appendix A in the OCoCP (PEPD-033) includes other locations of HDD deployment. Perhaps C-5 could reference Table 1.1 directly. The Applicant acknowledges that there will remain a degree of uncertainty about the precise nature and extent of any direct impacts if an alternative trenchless technology to HDD is deployed. Moreover, C-5 does not form a stand-alone DCO requirement. The concern therefore remains that there was no responsibility within requirements 22 and 23 for the Applicant, or regulatory authority, to take action should the impact be in excess of the impact assessed. If unforeseen issues are uncovered, maybe worse than anticipated whereby identified impacts are in excess of those assessed, then there needs to be a mechanism to ensure that this is remediated and/or mitigated. Further, if it is found that mitigation measures have been insufficient, then further measures and/or remediation may be required to ensure the Proposed Development remains beneficial to the environment. HDC's preferred outcome is a stand-alone DCO requirement for C-5 to secure HDD, as this would assist with transparency in securing this important mitigation. However, subject to appropriate wording that addresses HDC concerns, an amended Requirement 22 may be accepted. Requirement 22 could cross reference Requirement 6(4) as this provides clearer securement of the HDD technology in the locations identified in the crossing schedule than in Requirement 22, which does not specifically refer to this. HDC considers, to provide reassurance for effective mitigation that Requirement 22 should also contain a clause requiring adaptive management measures to be implemented, and that such clause to be consulted on with relevant bodies. Including such a provision would compel the Applicant to design appropriate mitigation, in consultation with relevant stakeholders and seek necessary approvals. Suggested wording is below:

		<p>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.”</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>	<p><i>In the event that the stage specific code of construction practice and crossing schedule provided to the LPA identify impacts which are unanticipated and or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment an adaptive management plan to reduce effects to within what was predicted within the Environmental Statement and the Habitats Regulations Assessment, unless otherwise agreed by the LPA in writing, must be submitted alongside the monitoring reports submitted under sub-paragraph (4). This plan must be agreed by the LPA in consultation with the relevant statutory nature conservation bodies to reduce effects to an agreed suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitored in full to a timetable first agreed in writing with the LPA. In the event that this adaptive management or mitigation requires a separate consent, the undertaker shall apply for such consent. Where a separate consent is required to undertake the agreed adaptive management or mitigation, the undertaker shall only be required to undertake the adaptive management or mitigation once the consent is granted.</i></p>
DCO 1.5	Parts 3 and 4, Articles 11(7), 12(3), 13(2), 15(5), 16(9) and 18(7) Relevant Planning and Highway Authorities	<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</p>	<p>a) HDC is not a ‘street authority’ (as in the same meaning as in Part 3 of the 1991 Act). HDC does not have an authority remit in relation to the relevant Supplementary Powers in the Part 4 Articles listed in written question DCO 1.5, so HDC defers to the appropriate authorities in their responses regarding Part 3 and Part 4 Article 18(7); Article 11(7); Article 15(5); Article 16(9) <i>Discharge of Water</i>, and Article 12(3) <i>Public Rights of Way</i>.</p> <p>On Part 4 Article 13(2) <i>Access to Work</i>, given the authority remit, the expectation is the discharge authority would be the Local Highway Authority in consultation with</p>

		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>WSSC. This is preference for HDC. If not, and the undertaker applies to the HDC instead, it is noted in the dDCO Rev C, the applicant has extended the 28 day time period to 45 days (thereby giving HDC 45 days by which to notify the undertaker of its decision). HDC considers 45 days a reasonable time period that allows for consultation with the Local Highway Authority within the determination period, but questions why it is appropriate to apply deemed consent.</p> <p>b) HDC recognises there may be occasions where deemed consent is appropriate but it is unclear why this is considered appropriate to apply this across the vast majority of articles. There is currently few embedded provisions for Extensions of Time for discharge to be agreed between the Applicant and the discharge authority, i.e. <i>such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period</i></p>
DCO 1.13	Schedule 1, Part 1 Work No 17 Horsham DC	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>Work No. 17 relates to environmental works necessary to mitigate the impact of the substations comprising each of Work No. 16 and Work 20. The scope of 'environmental works' is not currently defined in the dDCO.</p> <p>HDC suggestion definition of 'environmental works' could be added at Part 1 Preliminary 2 Interpretation, as <i>'works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement, including historic parkland style tree planting and ecological mitigation works including habitat creation'</i>.</p>
DCO 1.18	Schedule 1, Part 3 Requirements 10, 12 and 16 Horsham DC Arun 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	<p>HDC supports the amended definition of "Commence" in Article 2 and Schedule 1 Part 3 Requirement 10 <i>Stages of onshore works</i> and Requirement 12 <i>Provision of landscaping</i>.</p> <p>HDC suggests the definition of 'onshore site preparation works' should also include external lighting, as this has evidenced impacts that require mitigation.</p>

	West Sussex CC SDNPA Mid Sussex DC	have been amended in respect to “carving-out” onshore site preparation works for the onshore Works.	HDC also queries if the definition of ‘onshore site preparation works’ should now include pre-planting of landscaping works as its carving out on certain requirements means this mitigation may not be realised at the desired time (early stage). Such as Requirement 8. The discharge authority for Requirement 16 <i>Highway accesses in the South Downs National Park</i> would be the SNDPA so HDC offers no further comment on this requirement.
DCO 1.19	Schedule 1, Part 3 Requirement 14 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 document may not contain the required evidence or clarity that BNG can be achieved, and accordingly	A significant concern raised by HDC in its LIR is the current absence in the BNG mechanism as it is currently evidenced, to secure proportioning out of BNG to administrative areas of each local planning authority, as appropriate, to secure enhancement. There remains lack of clarity in the BNG information document, Appendix 22.15 (APP-193). HDC suggests Requirement is amended as below. <i>Biodiversity net gain</i> <i>14.—(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until a biodiversity net gain strategy for the stage which accords with the outline biodiversity net gain information comprising appendix 22.15 of the environmental statement has been submitted to and approved by the relevant planning authority in following consultation with the statutory nature conservation body.</i> <i>(2) Any biodiversity net gain strategy under sub-paragraph (1) may should cover one or more all stages of the on shore works and each of the administrative areas of each local planning authority in which the on-shore works are located in accordance with the prioritisation exercise</i> <i>(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved.</i> <i>(4) <u>Proof of purchase of all necessary biodiversity units from third party providers</u></i>

		Requirement 14 is not adequate in its current guise. Interested Parties are asked to review the questions contained in BD (below) and consider whether Requirement 14 needs amending and suggest appropriate wording.	
DCO 1.25	Schedule 1, Part 3 Requirement 33 Horsham DC	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>Table 5.1 of the draft Outline Skills and Employment Strategy (OSES) Revision B (PEPD-037) demonstrates that activities and initiatives to meet the objectives set out within the OSES are subject to further exploration and not currently fixed.</p> <p>The nature of some of the suggested initiatives listed in table 5.1, including apprenticeship scheme and engagement with education, are expected to apply across multiple relevant stages of the project (i.e., the lifetime of the development build out) at the same time, and potentially into post construction. To cover these eventualities, HDC recommends Requirement 33 is amended to be worded as below;</p> <p><i>33.—(1) No stage of the authorised development, excluding onshore site preparation works, is to commence until a skills and employment strategy, substantially in accordance with the outline skills and employment strategy has been provided to <u>and approved by the relevant planning authority</u>.</i></p> <p><i>(2) The stage-specific skills and employment strategy must be implemented <u>as approved throughout the construction of the relevant stage</u></i></p>
AQ 1.3	Air Quality Horsham DC	Confirm responses provided by the Applicant at Deadline	The question from the ExA is broad and encompasses a significant part of the Council's LIR. The HDC response is presented below in bold .

		<p>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>	
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			<p><i>HDC LIR comment:</i> Paragraph 11.2 Emerging Cowfold Neighbourhood Plan Aim 1: Air Quality Management supports sustainable development proposals that do not have an adverse effect upon air quality and users within the Parish and supports development proposals that include measures to provide traffic calming and/or gating with the aim of reducing queuing traffic within the Air Quality Management Area.</p> <p><i>Applicant's response:</i> The Applicant has no further comments on this paragraph of Horsham District Council's Local Impact Report.</p> <p>HDC comment: The Cowfold NP Gating option was evaluated by WSCC and HDC and the recommendation was that Given the compliance and enforcement issues associated with this scheme, and the likely difficulties in generating a business case, it is not recommended that this scheme is a further focus of investigation for the Steering Group. It is recommended that proposals consider the Cowfold Air Quality Management Area scheme proposals review, September 2017</p>
			<p><i>HDC LIR comment:</i> Paragraph 11.9. HDC is modelling the AQMAs as part of the Action Plan updating process. To understand the contribution of all sources of emissions to exceedances of the air quality objectives within the AQMAs a source apportionment was carried at Cowfold worst-location (Cowfold 7n-DT37). Source Apportionment is the identification of ambient air pollution sources and the quantification of their contribution to pollution levels. A source apportionment considering 2019 traffic data shows that HGVs passing through the AQMA account for 22% of the local sources of NO2. It is understood that even with the reroute of traffic proposed to avoid the AQMA, 25% of HGV will still travel through the AQMA, which could increase traffic queuing and air pollutant emissions aggravating the problem.</p> <p><i>Applicant's response:</i> Commitments C-157 and C-158 (Commitments Register [REP-1-015]) discourage construction traffic from routing through the Cowfold Air Quality Management Area (AQMA). Chapter 23: Transport, Volume 2 of the Environmental Statement (ES) [APP-064] and Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006] have assumed that as a worst case approximately 25% of heavy goods vehicle (HGV) traffic could route through Cowfold from the A24 and A272 east of the</p>

			<p>village centre when entering or exiting construction accesses at Oakendene, Kent Street or Wineham Lane. This assumption was applied as a robust assessment of the maximum potential effects that may occur within Cowfold and is not a prediction of HGV construction traffic flows that will travel through the AQMA during the construction phase. As such, given the control mechanisms contained within the Outline Construction Traffic Management Plan [REP-1-010] and commitment C-158 (Commitments Register [REP1-015]) that requires HGVs to avoid routing through the Cowfold AQMA where possible, it is anticipated that HGV flows through the AQMA will be much lower than assessed. Chapter 19: Air quality, Volume 2 of the ES [APP-060] presents an assessment of air quality impacts from construction traffic. The assessment concludes that the Proposed Development will not result in significant impacts on air quality, as a result of increased traffic on the local road network. An air dispersion traffic modelling study of the potential impacts on the Cowfold Air Quality Management Area (AQMA) is presented in Section 1.4 within Appendix 19.1: Full results of construction road traffic modelling, Volume 4 of the ES [APP-174] with the assessment in Chapter 19: Air quality, Volume 2 of the ES [APP-060] concluding that there are no significant impacts confirmed by the Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006] submitted at Deadline 1.</p> <p>HDC comment: Requirement 22 of the Draft Development Consent Order does not include any specific requirement for noise, vibration, dust or air quality monitoring. A specific obligation should be inserted into the requirement worded as follows:</p> <ul style="list-style-type: none"> • A scheme of dust and noise mitigation giving full details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the most up to date IAQM “Guidance on the assessment of dust from demolition and construction” and provision of weekly monitoring results to the Local Planning Authority until such point the Local Planning Authority agrees this is no longer necessary.”
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			<p>Monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work.</p> <p>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p> <p>HDC would welcome an independent auditing of the monitoring undertaken by the Transport Coordination Officer (TCO) to ensure community confidence and to police the traffic passing through Cowfold AQMA so it does not become higher than 25% over the life of the project.</p>
			<p><i>HDC LIR comment:</i> Paragraph 11.10 Additional diffusion tubes and remote sensors could be installed alongside the A272 Bolney Road and other identified Lorry routes to monitor annual concentrations of NO2 and particulate matter. The Applicant should support the cost of this additional monitoring work.</p> <p><i>Applicant's response:</i> Impacts from road traffic emissions at sensitive receptor locations within Cowfold, and Cowfold Air Quality Management Area (AQMA) specifically, have been assessed and are reported within the Chapter 19: Air quality, Volume 2 of the Environmental Statement (ES) [APP-060]. Impacts from emissions of NO2, PM10 and PM2.5 were considered. The assessment concluded that the impact from construction traffic emissions is negligible at all sensitive receptor locations, including residential receptors within the AQMA.</p> <p>HDC comment: Monitoring shall be included on the Construction Mitigation Plan. As monitoring is a vital part of construction, given the scale of the propose development, the likely high number of road traffic movements generated during the construction phase a monitoring plan should be included as a measure.</p>

			<p>Major applications should consider supplementing local authority monitoring with own monitoring - which would help to increase model certainty and confidence in the results and community reassurance.</p>
			<p><i>HDC LIR comment:</i> Paragraph 11.15 Dust Management plan: 11.15 During site clearance, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan.</p> <p><i>Applicant's response:</i> Chapter 19: Air quality, Volume 2 of the ES [APP-060] presents the construction dust assessment from the different components of the Proposed Development, undertaken in line with the Institute of Air Quality Management (IAQM) (2016) guidance on 'Assessment of Dust from Construction and Demolition' following best practice. The assessment identifies suitable mitigation according to the risk of dust impacts from the different components of the Proposed Development to ensure appropriate mitigation measures are applied. The relevant dust mitigation measures form part of the Outline Code of Construction Practice [PEPD-033] which includes an embedded environmental measure to produce Dust Management Plans for the areas within the proposed DCO Order Limits that are associated with medium dust risk. The Dust Management Plan will be included in the stage specific Code of Construction Practice (secured through Requirement 22 of the Draft Development Consent Order [PEPD-009]) which will be submitted to and approved by the relevant planning authority and in accordance with the Outline Code of Construction Practice [PEPD-033].</p> <p>HDC comment: Dust Management Plan (DMP) should be included in the Construction Environmental Management Plan (CEMP). In creating a CEMP, it is important to evaluate the potential environmental impacts of the construction project. CEMP is required to ensure that construction activities are carried out in an environmentally responsible manner. A CEMP shall also include a plan for monitoring the environmental impact of the construction project, as well as regular reviews to update the plan as needed. Construction Environmental Management Plan (CEMP) can be conditioned through a Planning Condition before commencement of any site preparation works.</p>

			<p>Requirement 22 of the dDCO does not include any specific requirement for Construction Environmental Management Plan</p>
			<p><i>HDC LIR comment:</i> Paragraph 11.16 to 11.17. The Applicant should follow the IAQM guidance and implement all the general measures categorised as Highly Recommended. Commitment-24 Best practice air quality management measures will be applied as described in Institute of Air Quality Management (IAQM) (2016) guidance on the Assessment of Dust from Demolition and Construction 2016, version 1.1.</p> <p><i>Applicant's response:</i> Commitment C-24 (Commitments Register [REP-1-015]) ensures that best practice air quality management measures will be applied during construction in line with Institute of Air Quality Management (IAQM) (2016) guidance on the Assessment of Dust from Demolition and Construction 2016, version 1.1. This is outlined in the Outline Code of Construction Practice [PEPD-033] which is secured through Requirement 22 of the Draft Development Consent Order [PEPD-009] updated at the Deadline 2 submission.</p> <p>HDC comment: The most up to date IAQM Guidance shall be used on the Assessment of Dust from Demolition and Construction.</p>
			<p><i>HDC LIR comment:</i> Paragraph 11.18 to 11.21. 11.18 Air Quality and Emissions Mitigation Guidance for Sussex (2021) takes a low-emission strategies' approach to avoid health impacts of cumulative development, by seeking to mitigate or offset emissions from the additional traffic. Hence, Applicants are required to submit a mitigation plan detailing measures to mitigate and/or offset the impacts and setting out itemised costing for each proposed measure, with the total estimated value of all the measures being equal to the total damage costs. 11.19 It is understood from the Statement of Commonality for Statements of Common Ground (PEPD-039) that an Air quality Plan, including emissions and health damage cost calculation and mitigation plan, for the construction phase of the development will be produced. Within this Air Quality Plan it is requested that the Applicant demonstrate how the overall monetary disbenefits identified will be redressed by the measures proposed.</p>

			<p>An effective air quality plan would contain the following elements for each proposed measure:•</p> <ul style="list-style-type: none"> • Costings • Performance indicators • Delivery timescales. <p>11.20 These are the essential mechanisms that enable authorities to work for the benefit of local communities and public health. It is essential that there is confidence that proper monitoring mechanisms and indicators are established at the outset and reviewed as necessary. 11.21 The Mitigation measures for the proposed development should be in line with the Sussex Air latest Air Quality and Emissions Mitigation Guidance for Sussex. Regarding the measures to be put forward in the air quality mitigation plan. HDC would request that the Applicant avoids duplication of measures that would normally be required through other regimes. Alternatively, we would support contributions:</p> <ul style="list-style-type: none"> • to support and improve air quality monitoring in Cowfold AQMA and Washington. • to measures included in the Action Plan, • to Local Energy Efficiency Improvement • to the set-up of a Cowfold car Club scheme (Leap); • towards HDC’s public building energy performance retrofit programme; • towards HDC’s vehicle replacement programme <p><i>Applicant’s response:</i> The requirement in the Air Quality and Emissions Mitigation Guidance for Sussex (Mid Sussex District Council, 2021) for damage cost calculations is not relevant to the majority of the Proposed Development considering its nature and scheduling. It is therefore anticipated, subject to a review of the revised traffic generation and considering the knowledge of the construction schedule, that damage costs will be calculated for the works at the onshore substation at Oakendene where construction is likely to last longest. An Air Quality Mitigation Plan will be produced for the onshore substation at Oakendene in line with the Air Quality and Emissions Mitigation Guidance for Sussex (Mid Sussex District Council, 2021). Following further discussions with Horsham District Council, it is anticipated that the Air Quality Mitigation Plan will be submitted at Deadline 3.</p>
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			<p>HDC comment: A Draft of the AQ mitigation strategy was submitted in April 2024 to HDC for comment as part of ongoing SOCG negotiations. HDC agree with the draft overall approach, but there is a lack of detailed information to confirm the final results is correct. HDC would request that more detail about AADT is provided, including what were the values used and whether construction HGV, LGV and passenger vehicles were considered. HDC would also like to request more details on which road links were used for the damage cost calculation.</p>
			<p><i>HDC LIR Comment:</i> Paragraph 11.22. There is a concern that the CTMP does not account for emissions of the on-road and off-road construction traffic. Section 8.4.11 of the CTMP proposes to use Euro V on road vehicles “or better whenever possible”. The emission rates for Euro V heavy duty vehicles are circa 50% higher for PM and NOx compared to those of Euro VI vehicles – so it makes a significant difference what emission standard gets adopted.</p> <p><i>Applicant’s response:</i> The Outline Construction Traffic Management Plan [REP1-010] submitted at Deadline 1 includes in paragraph 8.4.12 an updated commitment that a minimum Euro VI standard vehicles will be used to support construction of the Proposed Development. The Outline Construction Traffic Management Plan [REP1-010] is secured through Requirement 24 of the Draft Development Consent Order [PEPD-009].</p> <p>HDC Comment: Requirement 24 of the dDCO does not include any specific requirement for road vehicle class to be Euro VI as a minimum. A specific obligation should be inserted into the requirement.</p> <p><i>HDC LIR Comment:</i> Paragraph 11.25 to 11.28. 11.25 It is not clear how routing of HGVs to avoid the AQMA’s in Storrington and Cowfold is to be managed and controlled. Use of traffic surveying technology such as automatic number plate recognition cameras would offer an appropriate monitoring mechanism. 11.26 To that end, HDC Officers have contacted Obstrada, a company specialised in traffic and transport surveys to explore options on how we can police the traffic passing through Cowfold AQMA. The findings of these are attached as Appendix C. 11.27 In</p>

			<p>summary, four options are listed, each of them with expected cost range, pros and cons:</p> <ul style="list-style-type: none"> • Temporary CCTV Video Analysis • Temporary ANPR Data Analysis • Permanent ANPR Data Analysis • Existing ANPR Data Analysis. <p>11.28 The prices quoted are indicative as the specification of the Project is not known at this stage but HDC advocates that this detail will begin engagement with the Applicant on possible ways of controlling LDV and HGV so these do not become higher than 25% over the lifetime of the Project.</p> <p><i>Applicant's response:</i> Any such details would be confirmed as part of stage specific CTMPs that will be submitted in accordance with the Outline Construction Traffic Management Plan [REP-1-010] for the approval of the highways authority (West Sussex County Council) secured through Requirement 24 of the Draft Development Consent Order [PEPD-009].</p> <p>HDC Comment: Requirement 22 of the Ddco does not include any specific requirement for noise, vibration, dust or air quality monitoring. A specific obligation should be inserted into the requirement worded as follows:</p> <ul style="list-style-type: none"> • A scheme of dust and noise mitigation giving full details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the most up to date IAQM "Guidance on the assessment of dust from demolition and construction" and provision of weekly monitoring results to the Local Planning Authority until such point the Local Planning Authority agrees this is no longer necessary." <p>Monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work.</p>
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			<p>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p> <p>HDC would welcome an independent auditing of the monitoring undertaken by the Transport Coordination Officer (TCO) to ensure community confidence and to police the traffic passing through Cowfold AQMA so it does not become higher than 25% over the life of the project.</p>
			<p><i>HDC LIR Comment:</i> Paragraph 11.29 HDC has concerns of the modelling results for Cowfold AQMA. Details are therefore required of the model set up:</p> <ul style="list-style-type: none"> • For which construction year the model was set up? • What was the AADT considered? It is understood that even with HGV reroute in place, 25% will still go through Cowfold AQMA. The concern is that the Assessment Scenario includes assumptions on HGV routing which may not materialise for project implementation. <p><i>Applicant's response:</i> The air quality modelling for Cowfold Air Quality Management Area (AQMA) was updated and provided in Chapter 32: ES Addendum, Volume 2 of the Environmental Statement [REP1-006]. The updated assessment modelled the second year of construction; the year with the highest development traffic according to the revised traffic data for the Proposed Development presented in Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006]. The AADT used takes into account the heavy goods vehicle (HGV) routing through the Cowfold AQMA. The updated traffic data did not change the outcome of the assessment provided in Chapter 19: Air quality, Volume 2 of the ES [APP-060].</p> <p>HDC Comment: HDC has concerns regarding modelling results, as Cowfold worst-location (DT37) is still underpredicting by 24.5% even after modelling results were adjusted.</p>

			<p>There wasn't any breach of annual mean NO2 objective at HDC monitoring location in the past four years (2019-2022), but site DT37 (Cowfold 7n) reached a concentration of 36.1µg/m³ in 2019, which is within 10% of the annual mean objective. As stated on TG22: The fractional bias of the model may be used in order to identify if the model shows a systematic tendency to over or under predict. However, care should be taken when using this statistic particularly where local authorities are concerned about the performance of the model at concentrations close to the air quality objective being assessed. The fractional bias provides the tendency of the whole model to under or over predict, and local authorities should consider the performance at each site. The correlation coefficient is used to measure the linear relationship between predicted and observed data. A value of zero means no relationship and a value of 1 means absolute relationship. The correlation coefficient for the model after adjustment is 0.595, which is distant to the ideal value of 1.0. HDC concern is that with this monitoring location being severely underpredicting, the conclusion of AQ impacts at the worst-location will not be valid.</p>
			<p><i>HDC LIR Comment:</i> Paragraph 11.30. It would be helpful to have the receptors labelled on a map. This would provide the local authority with more information on the spatial variation of concentrations.</p> <p><i>Applicant's response:</i> Figure 19.2, Chapter 19: Air quality – Figures, Volume 3, of the ES [APP-104] presents the receptor location for the Cowfold model.</p> <p>HDC Comment: Although the receptors are plotted on the map (Figure 19.2, Chapter 19: Air quality – Figures, Volume 3, of the ES [APP-104]), they are not labelled, which makes reviewing the model assumptions and results a laborious process.</p> <p><i>HDC LIR Comment:</i> Paragraph 11.31 to 11.32. 11.31 HDC monitored NO2 at 10 locations in Cowfold in 2019, but only 3 of these sites were used for model verification. The Applicant has provided justification on the Statement of</p>

			<p>Commonality for Statements of Common Ground (PEPD-039) for removing diffusion tubes from the verification:</p> <ul style="list-style-type: none"> Monitoring at Cowfold 7n (DT37) has recorded values within 10% of UK objectives in 2019 (36.1 ug/m3) and it represents the worst location in Cowfold, but it was not considered for model verification. Applicant justification for removing the DT from the verification is not acceptable as the tube is not near a bus stop or a post box and it is representative of traffic emissions. Monitoring at Cowfold 4 (DT22) was also not considered for model verification. Although traffic data was assumed during model set up, the concentration monitored at this DT is representative of traffic emissions and should have been considered. <p>Although Cowfold 1,2 (DT12,20) is subject to stop/start because of traffic lights, it is representative of traffic emissions and should have been considered for model verification. 11.32 Average monitored concentrations of annual mean NO2 in Cowfold roadside locations in 2019 was 27.3ug/m3, with the worst location recording 30.7 ug/m3, which is well above the modelled concentrations at the receptors. As there is a systematic under prediction of modelled concentrations for all sites, it is recommended that the Applicant provides a review of the model provided for Cowfold AQMA.</p> <p><i>Applicant's response:</i> The air quality modelling for Cowfold Air Quality Management Area (AQMA) was updated and provided in Chapter 32: ES Addendum, Volume 2 of the Environmental Statement [REP1-006]. The updated assessment reflects the latest traffic data and considers a revised verification factor derived by also using DT37, DT22 and DT12. The verification applied ensured that the model was not under predicting. The new verification factor and updated traffic data did not change the outcome of the assessment provided in Chapter 19: Air quality, Volume 2 of the ES [APP-060]. Regarding the predicted concentration presented in the Chapter 32: ES Addendum, Volume 2 of the ES [REP1- 006], they reflect concentrations at locations of relevant exposure and none of the diffusion tubes in Cowfold are at location of relevant exposure. According to Table A.2 of HDC latest Annual Status Report (2022), the distance of the monitoring sites to a location of relevant exposure varies from 2m – 23m. Therefore, concentrations at relevant sensitive receptors are</p>
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			<p>expected to be lower than the concentration reported in the HDC Annual Status Report.</p> <p>HDC Comment: HDC have concerns regarding modelling results, as Cowfold worst-location (DT37) is still underpredicting by 24.5% even after modelling results were adjusted.</p> <p>There wasn't any breach of annual mean NO2 objective at HDC monitoring location in the past four years (2019-2022), but site DT37 (Cowfold 7n) reached a concentration of 36.1µg/m³ in 2019, which is within 10% of the annual mean objective.</p> <p>As stated on TG22: The fractional bias of the model may be used in order to identify if the model shows a systematic tendency to over or under predict. However, care should be taken when using this statistic particularly where local authorities are concerned about the performance of the model at concentrations close to the air quality objective being assessed. The fractional bias provides the tendency of the whole model to under or over predict, and local authorities should consider the performance at each site.</p> <p>The correlation coefficient is used to measure the linear relationship between predicted and observed data. A value of zero means no relationship and a value of 1 means absolute relationship. The correlation coefficient for the model after adjustment is 0.595, which is distant to the ideal value of 1.0.</p> <p>HDC concern is that with this monitoring location being severely underpredicting, the conclusion of AQ impacts at the worst-location will not be valid.</p>
BD 1.1	<p>Biodiversity calculations</p> <p>The Applicant</p> <p>Natural England</p> <p>SNDPA</p> <p>West Sussex CC</p> <p>Horsham DC</p> <p>Arun DC</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>c) The Statutory Biodiversity Metric is mandatory for all applications that are subject to the Biodiversity Net Gain (BNG) requirement. Given that NSIPs are currently exempt from BNG, it is not strictly required for NSIPs to therefore use the Statutory Biodiversity Metric until 2025 (estimated), and therefore it is of HDC's understanding that previous versions can be used to illustrate net gain. However, it is important to note that the current Statutory Biodiversity Metric has been refined from previous versions, using feedback from ecologists and users and subsequently reducing the number of errors and issues with practicality.</p>

	Mid Sussex DC	<p>d) Is there agreement on the biodiversity baseline presented in Appendix 22.15 Biodiversity Net Gain information [APP-193] for the:</p> <p>i. Total number of baseline units calculated for the worst-case realistic scenario.</p> <p>ii. Total number of units lost to the Proposed Development.</p> <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>	<p>HDC would therefore strongly advise that future calculations be conducted using the most updated metric, in accordance with best practice.</p> <p>HDC does however understand that the accompanying condition assessments were undertaken in accordance with Biodiversity Metric 4.0 Technical Annex 2 and, given the continuous evolution of these over the survey years 2020 - 2023, professional judgement has been used to align these with current published criteria (Para 4.1.1 of Appendix 22.15 Biodiversity Net Gain Information, [APP-193]).</p> <p>d) HDC accepts on the methodology proposed to calculate the baseline as proposed in Appendix 22.15. In the absence of a submitted metric, or division of units between areas of jurisdiction, HDC therefore assume the baseline units for the worst-case realistic scenario and total number of units lost to the Proposed Development are correct. This is said in the absence of a submitted metric.</p> <p>However, at the detailed design stage / different phases, HDC may expect minor changes to the baseline units, either due to updates from habitat and walkover surveys, or definitions of strategic significance. In the absence of the West Sussex Local Nature Recovery Strategy (LNRS), HDC would advise the Applicant to discuss definitions of strategic significance with HDC and submit local level metrics, post-consent.</p>
BD 1.2	<p>Mitigation Hierarchy</p> <p>Natural England</p> <p>SNDPA</p> <p>West Sussex CC</p> <p>Horsham DC</p> <p>Arun DC</p> <p>Mid Sussex DC</p>	<p>Confirm that the Applicant has adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain.</p>	<p>Due to the limitations of the onshore transmission assets being passed to an Offshore Transmission Owner once energised, HDC believes the Applicant has followed the Biodiversity Gain Hierarchy as much as possible. On-site BNG delivery is to be sought from landowners whose land is within the Proposed DCO Order Limits via a third party. Where there are still units to offset outside the DCO Order Limits, off-site solutions are to be sought as close as possible to the area of impact, such as purchasing units from habitat banks within 2km of the DCO Order Limits within the same LPA and/or NCA. Where no more options are available, the Applicant will look further afield to other NCAs/LPAs in West Sussex.</p> <p>See response to BD 1.5 for comments on how the Applicant has followed the mitigation hierarchy in terms of avoid, mitigate and compensate, as per the NPPF.</p>

BD 1.5	Alignment with National and Local BNG Plans, Policies and Strategies Horsham DC Arun DC West Sussex CC Environment Agency SDNPA	<p>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.</p> <p>b) Confirm that the mitigation hierarchy has been adequately followed to avoid then mitigate then compensate, in that order, in respect to biodiversity.</p>	<p>As per Appendix 22.15, and in line with the Biodiversity Gain Hierarchy, the Applicant will prioritise BNG opportunities that are described in the West Sussex Local Nature Recovery Strategy which is to be published around March 2025. The Applicant has also agreed to actively engage with HDC and others when seeking to source biodiversity units, in which HDC has highlighted potential areas of discussion, such as within HDC's Green Infrastructure Strategy (2024) and the Wilder Horsham District Nature Recovery Network (see Ref 9.26 of Applicant's Response to Horsham District Council Deadline 1 Submissions).</p> <p>HDC believe the mitigation hierarchy has been followed as best as possible to minimise biodiversity net loss. This has been done by pursuing the route which avoids loss of ancient woodland, use of trenchless techniques around ecologically sensitive areas, scheduling of construction activity to minimise disturbance to sensitive species, the presence of an Ecological Clerk of Works during construction, vegetation retention plans and reinstatement of habitats temporarily lost to the same condition, and habitat creation at the substation site to mitigate and compensate for permanent habitat loss and impacts on protected and priority species.</p>
BD 1.6	Clear Differentiation between Delivery of Compensation and Enhancement. Natural England SDNPA	<p>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</p>	<p>It is clear that Table 4-5 of Appendix 22.15 [APP-193] provides the total units needed to compensate and provide 10% net gain for each unit type. These figures are presented in 'Unit shortfall inc. 10% BNG'. In the absence of a submitted metric, it is assumed these figures are correct.</p> <p>In Table 4-5 there is no clear distinction as to what degree certain activities or number of units are providing mitigation or compensation (which can count in part of BNG up to no net loss) and biodiversity net gain. However, as BNG is not mandatory for the Proposed Development, it is not required.</p> <p>To demonstrate which activities are delivering mitigation/compensation and biodiversity net gain, it would be helpful if two metrics were submitted post-consent; one showing habitat creation and enhancement achieving no net loss (100% in BNG terms), and another showing the full BNG calculations (110%). The difference between the metrics will illustrate where BNG is being delivered. However, this is a</p>

		<p>England BNG metric tool to calculate the units required for both [APP-193].</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>very resource heavy task and is not strictly necessary, but this could be forthcoming at the detailed design stage and/or at relevant phases.</p>
DE 1.2	Design Code The Applicant Horsham DC	<p>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</p>	<p>Although the current Design and Access Statement (DAS) (AS-003) references an illustrative site plan, the Applicant's intention is for the DAS to secure Principles rather than fix details, and this means the DAS in its current form does not offer a clear, specific and unambiguous set of design requirements for the physical development of the substation site.</p> <p>A combination of an amended DAS that provides more detail, including graphical illustrations in support of the principles, together with amended Requirement 8 to capture all elements of the substation development (worded such as below), would, in the view of HDC, negate the need for a certified Design Code.</p>

		<p>of the Work No 16 (onshore substation).</p>	<p>Detailed design approval onshore substation</p> <p>8.—(1) Works comprising Work No. 1616 (excluding any onshore site preparation works) must not commence until details of—</p> <ul style="list-style-type: none"> (a) siting and layout; (b) scale and quantum of development and its uses; (c) existing and proposed finished ground levels; (d) landscaping; (e) access; and (f) external appearance, form and materials for any buildings, structures and other infrastructure for the onshore substation, including: <ul style="list-style-type: none"> <u>i) hard surfacing materials,</u> <u>ii) vehicular and pedestrian access and parking areas;</u> <u>iii) minor structures, such as furniture, refuse or other storage units, signs and lighting; and</u> <u>iv) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports,</u> <u>v) fencing and other means of enclosure.</u> <p>(a) have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex Fire and Rescue Service and Work No. 16 must be carried out in accordance with the approved details.</p> <p>(2) Any details provided by the undertaker pursuant to sub-paragraph (1) must accord with the principles set out in the relevant part of the design and access statement including taking account of climate change allowances, relationship to and effect on heritage assets, must accord with the drainage arrangements approved pursuant to requirement 17, include details of any water harvesting and recycling measures or any other measures necessary to ensure water neutrality, and be within the Order limits.</p> <p>(3) The details submitted pursuant to sub-paragraph (2) must demonstrate how the works to construct and operate Work No. 16 will comprise water neutrality.</p> <p>(3)(4) To the extent comprised in Work No. 16—</p> <ul style="list-style-type: none"> (a) there must be no more than 12 buildings;
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			<p>(b) operational buildings must be no more than 12.5 metres in height above finished ground level;</p> <p>(c) the maximum building length must be no more than 70 metres;</p> <p>(d) the maximum building width must be no more than 20 metres;</p> <p>(e) lightning protection masts must be no more than a height of 18 metres above finished ground level; and</p> <p>(f) the maximum height of any fire walls must be no more than 10 metres.</p> <p>(4)(5) For the purposes of paragraph (3), 'finished ground level' will be defined in accordance with the design and access statement and the term 'building' excludes electrical infrastructure installations</p>
FR 1.4	Flood Risk at the Proposed Substation site at Oakendene West Sussex CC Horsham DC The Environment Agency	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:	Reflective of authority remit, HDC defers detailed commentary to West Sussex County Council in its capacity as the Local Lead Flood Authority (LLFA). Therefore, HDC will comment solely to written question FR 1.7, in relation to the Sequential Test.
		<p>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</p>	

		<p>Sequential and Exception Tests.</p> <p>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.</p> <p>c) The Applicant's statement that the Oakendene site is situated within Flood Zone 1.</p> <p>d) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</p> <p>e) Whether or not the Proposed Development would increase flood risk elsewhere.</p> <p>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.</p> <p>g) The evidence submitted by CowfoldvRampion [REP1-087 and REP1-089]</p>	
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		<p>and Mr Smethurst [REP1-115 to REP1-119] at Deadline 1 regarding local flooding and drainage at the proposed substation site at Oakendene.</p> <p>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.</p> <p>i) The Applicant's conclusions on potential impacts from the Proposed Development to changes to the hydrology of this site on ecology.</p> <p>j) The Applicant's conclusion regarding no loss of net flood plain storage and maintenance of greenfield runoff rates.</p> <p>k) Concern regarding potential groundwater flooding at this site.</p> <p>l) Whether the proposed drainage system is feasible and whether it complies with National Standards published by Ministers under</p>	
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		<p>paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.</p> <p>m) Whether the draft DCO [REP2-002] would give the most appropriate body the responsibility for maintaining the proposed drainage system.</p>	
FR 1.5	<p>Natural Flood Management</p> <p>The Applicant</p> <p>West Sussex CC</p> <p>Horsham DC</p>	<p>The Applicant</p> <p>State whether mitigation measures have planned to make as much use as possible of natural flood management techniques.</p> <p>West Sussex CC and Horsham DC</p> <p>Comment on the adequacy of the proposed mitigation measures and whether they utilise natural flood management techniques. If not, provide alternative suggestions.</p>	<p>Reflective of authority remit, HDC defers detailed commentary to West Sussex County Council in its capacity as the Local Lead Flood Authority (LLFA).</p>
FR 1.7	<p>Flood Risk</p> <p>Related to the Entire Proposed Development</p> <p>West Sussex CC</p> <p>Horsham DC</p> <p>Arun DC</p>	<p>Comment on any outstanding concerns regarding flood risk related to the Proposed Development as a whole, other than the Oakendene site raised in questions</p>	<p>Reflective of authority remit, HDC defers detailed commentary to West Sussex County Council in its capacity as the Local Lead Flood Authority. Therefore, HDC will comment solely on point a) which relates to the Sequential Test for all sources of flooding.</p> <p>On point a), HDC is satisfied that the sequential test (as it is currently defined) is in line with guidance in national plan policy and has been appropriately considered by the Applicant, as part of the site selection and design process.</p>

	The Environment	<p>FR1.2 to FR1.4, related to but not limited to:</p> <p>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.</p> <p>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> <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>	<p>Given this, the exception test needs to be considered. HDC considers that the proposed development provides wider sustainability benefits to the community in terms of renewable energy that outweigh the flood risk.</p> <p>Subject to the satisfaction of LLFA on the FRA evidence presented in the DCO submission (APP-216), HDC would be satisfied that it has been demonstrated that the infrastructure will be safe for the duration of its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere. HDC therefore would consider the exception test is met, in the circumstances that the LLFA is satisfied on the basis of the evidence submitted.</p> <p>Whilst flood zones are plainly relevant, they are designated on the basis of the risk of fluvial flooding, not surface water or other sources of flooding, and so they are not a sufficient means of assessing surface water flood risks.</p> <p>The risks of flooding from surface water are to be taken into account, as part of the sequential approach, when deciding whether to grant development consent under section 104 of the 2008 Act. Beyond that, the way in which account is to be taken of that risk raises issues of planning judgment in the application of the relevant provisions of the policies. Policy and guidance is not prescriptive in this regard.</p> <p>Therefore, it is a matter of judgment for an applicant, and ultimately the decisionmaker, as to how to apply the sequential test to flood risks from other sources, such as surface water.</p> <p>The relevant provisions of national policy do not require an applicant for development consent to demonstrate that whenever there is a risk of flooding from surface water there are no other sites reasonably available where the proposed development could be located in an area of lower surface water flood risk.</p> <p>Nonetheless, the Applicant has demonstrated site selection, design and refinements of the projects had been an iterative process considering a range of matters. The site</p>
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			<p>locations identified were entirely within Flood Zone 1 and so on land at the lowest risk of flooding from rivers.</p> <p>The Environment Agency's Long Term Flood Risk Information map shows the onshore development area is primarily in an area at primarily low risk of surface water flooding i.e., outside the extent of the 1 in 1,000-year surface water flooding event, located in an area with varying risk of surface water flooding. Parts of the access roads are likely to cross areas at both high risk of surface water flooding i.e., during the 1 in 30-year event and medium risk of surface water flooding i.e., there is a risk of flooding during the 1 in 100-year event</p> <p>All sources of flooding have been considered by the Applicant in the design of the Proposed Development. Flood risk from surface water to the onshore substation and National Grid infrastructure will be addressed through the development of a detailed drainage design, the beginnings of which are provided in the Surface Water and Drainage Management Plan, will include Sustainable Drainage System (SuDS) measures secured under the requirements of the draft DCO, and submitted with this DCO application.</p> <p>The Applicants have considered all sources of flooding, in the absence of any criteria in national policy as to how the Sequential and Exception Tests would be applied, they have sought to address the potential risk from surface water flooding by locating the onshore substations and National Grid infrastructure in an area at low risk of surface water flooding, and by adopting appropriate mitigation measures within the design to address any remaining surface water flood risk concerns.</p>

<p>NV 1.7</p>	<p>Construction Noise and Vibration Arun DC Horsham DC Mid Sussex DC</p>	<p>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.</p>	<p>The question from the ExA is broad and encompasses a significant part of the Council's LIR. The HDC response is presented below in bold.</p>
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			<p><i>HDC LIR comment:</i> Para 3.4 Given up to four years duration of the onshore construction programme, there is a lack of construction phasing information to understand if impacts have been appropriately mitigated.</p> <p><i>Applicant's response:</i> Section 4.7 of Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement (ES [APP-045] provides a summary of the indicative construction programme that has informed the assessments within the ES. Schedule 1, part 3, requirement 10 of the Draft Development Consent Order [PEPD-009] (updated at Deadline 2) secures that the detail of the stages (equivalent to phases) of works are to be submitted and approved by the relevant planning authorities</p> <p>HDC Response: Draft Requirement 10 only requires that a written programme identifying the stages of those works to be submitted to and approved by the relevant planning authorities. It gives no guide as to the level of details to be submitted.</p>
			<p><i>HDC LIR comment:</i> Para 6.8 2. Additional justification to the location choice of the construction compounds within Horsham district.</p> <p><i>Applicant's response:</i> Four temporary construction compound (TCC) locations were considered in the Washington area, following the Scoping stage of the project. Following further engineering design review, environmental and land reviews, these were refined to the three alternatives presented at PEIR (RED 2021), Washington TCC Option D, Washington TCC Option E and Washington TCC Option F were consulted on as part of the first Statutory Consultation. Applicant's Response Considering consultation feedback as well as the technical and environmental appraisal of each compound site, the site on The Pike near Washington Village was selected (TCC Option D, renamed as Washington Temporary Construction</p>

			<p>Compound). This compound site is: sufficiently large (3.9 hectares) for the required use; close to the A24 dual carriageway, reducing the need for construction traffic to traverse villages and rural roads; outside of the South Downs National Park and flood zones; directly on the onshore cable construction corridor; close to the site of two trenchless crossings (including the long crossing under the A24 and Washington playing fields) allowing for construction efficiencies, reducing overall impact; and level with limited vegetation within the site, but well screened around the perimeter.</p> <p>HDC Response: It is still unclear that the impacts on the neighbouring camping and caravanning sites were taken into account in selecting the Washington TCC. The compound will contain significant features such as storage of materials and equipment (up to 7m high) and a concrete batching plant up to 20m high.</p> <p><i>HDC LIR comment:</i> paragraph 6.8 3 ii Need for greater certainty of the use of Construction Compounds</p> <p><i>Applicant's response:</i> The Applicant will provide further detail with regards the use of the compounds in the stage specific Code of Construction Practice, to be provided in accordance with the measures in the Outline Code of Construction Practice [PEPD-033], as per Requirement 22 of the Draft Development Consent Order [PEPD-009] which has been updated at Deadline 2.</p> <p>HDC Response: Requirement 22 of the dDCO does not require the activities or layout of the TCC be subject approval by the relevant authorities</p> <p><i>HDC LIR comment:</i> Paragraph 6.8 4 Provision of an additional Requirement for submission and approval of tailored stage specific management plans for each individual Construction Compound, informed by site-specific mitigations, to include but not limited to: -</p> <ul style="list-style-type: none"> i) appropriate landscaping/boundary treatments which must include advance planting; and ii) ecological mitigation and compensations; and iii) Communications Construction Plan,
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			<p>iv) a Dust Management Plan, which should take into account emissions of off-road construction vehicles, NOx and particulate matter</p> <p><i>Applicant's response:</i> The Applicant will provide further detail with regards the use of the compounds in the stage specific Code of Construction Practice, to be provided in accordance with the measures in the Outline Code of Construction Practice [PEPD-033], as per Requirement 22 of the Draft Development Consent Order [PEPD-009] which has been updated at Deadline 2. Where relevant to the stage, this will include further detail on the temporary construction compound.</p> <p>HDC Response: Requirement 22 of the dDCO does not include any specific requirement for noise, vibration, dust or air quality monitoring. A specific obligation should be inserted into the requirement worded as follows:</p> <ul style="list-style-type: none"> • A scheme of dust and noise mitigation giving full details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the IAQM "Guidance on the assessment of dust from demolition and construction" January 2024 (Version 2.2 and provision of weekly monitoring results to the Local Planning Authority until such point the Local Planning Authority agrees this is no longer necessary." <p>Monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work.</p> <p>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being</p>
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			<p>minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p> <p>This is of critical importance given that section 8 to Part 2 of the DCO “Defence to proceedings in respect of statutory nuisance” removes the power for local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act. Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions Code of construction practice.</p> <p><i>HDC LIR comment:</i> Paragraph 8.12 Construction works would give rise to localised disturbances, including for those not living on main roads but affected by construction routes such as around the village of Cowfold, and temporary road closures and/or diversions during the construction period would cause further disruption for residents of the district, businesses, and the visitor experience. Parts of the cable route are underlain by minerals, safeguarded through the JMLP, notably soft sand aggregate, which is a scarce resource. As the planning authority for minerals and waste, WSCC will detail their comments on this in their own LIR.</p> <p><i>Applicant’s response:</i> A range of embedded environmental measures have been provided by the Applicant as detailed within the Commitments Register [REP1-015] which has been updated at the Deadline 1 submission and secured through the Outline Construction Traffic Management Plan (CTMP) [REP1-010]. The production of a stage specific CTMP in accordance with the Outline CTMP [REP1-010] is secured through Requirement 24 of the Draft DCO [PEPD-009]. The Outline CTMP [REP1-010] has been updated at the Deadline 1 submission including:</p> <ul style="list-style-type: none"> • Commitment C-157: The proposed heavy goods vehicle (HGV) routing during the construction period to individual accesses will be developed to avoid major settlements of Storrington, Cowfold, Steyning, Wineham, Henfield, Woodmancote and other smaller settlements where possible; and • Commitment C-158: The proposed heavy goods vehicle (HGV) routing during the construction period to individual accesses will avoid the Air Quality Management Area (AQMA) in Cowfold where possible.
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			<p>These commitments are also reflected in Table 5-1 of the Outline CTMP [REP1-010] which has been updated at the Deadline 1 submission and confirms prescribed local Heavy Goods Vehicle (HGV) access routes for all sections of the onshore cable corridor and Table 5-2 which details specific local constraints and proposed management of construction traffic routes.</p> <p>HDC Response: The status of the Outline Construction Traffic Management Plan is unclear. Commitment 24 includes the outline plan is required but this is not explicit in the commitment wording:</p> <p>“24.—(1) No stage of the authorised project within the onshore Order limits is to commence until written details of</p> <ul style="list-style-type: none"> (a) a construction traffic management plan (which accords with the outline construction traffic management plan); and (b) a construction workforce travel plan (which accords with the outline construction workforce travel plan)), <p>for the stage have each been submitted to and approved by the highway authority following consultation with the relevant planning authority.</p> <p>(2) The construction traffic management plan must include, as a minimum—</p> <ul style="list-style-type: none"> (a) a routeing plan to secure that heavy goods vehicles (HGVs) used during the construction period are to avoid settlements, the Air Quality Management Area in Cowfold and the A24 through Findon wherever possible; <p>The settlements should be to be avoided should be identified as set out in C-158 as Storrington, Cowfold, Steyning, Wineham, Henfield, Woodmancote.”</p> <p>As with the Code of Construction Practice, no independent monitoring of the Construction Traffic Management Plan is required under commitment 24. The implementation and operation of the traffic management route should be</p>
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			<p>subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the Local Planning Authority.</p> <p><i>HDC LIR comment:</i> Paragraph 8.13 Landowners have expressed to HDC their concerns over implications for their land holding operations, including uncertainty to the risk of degradation of land (soil) where the onshore cable route passes through, with consequential impacts for ongoing financial stability and viability for the holding, the character of the worked landscape and food security, should land use change during the construction phase be enforced by the terms of future easement. In the view of HDC, these negative effects are tempered by the DCO requirements and commitments to reinstate and re-establish the land post construction, albeit with certain planting restrictions directly above the cable corridor. HDC supports the provision of a Soil Management Plan (SMP) and note Natural England has provided extensive commentary of Defra 2009 Code of Construction Practice for the Sustainable Use of Soils on Construction Sites Document used: (APP-224) 7.2 Outline Code of Construction Practice C-27</p> <p><i>Applicant's response:</i> The Applicant welcomes Horsham District Council's support for the provision of a Soil Management Plan (SMP). The Applicant is committed to developing a Soil Resource Plan (as defined in the Outline Soils Management Plan [APP-226]), during pre-construction, which will form part of the suite of management plans including the stage specific Soils Management Plan (SMP), Materials Management Plan (MMP), and Site Waste Management Plan (SWMP). Commitment C-183 of the Commitments Register [REP1- 015] (provided at Deadline 1 submission) states that an 'Outline Soils Management Plan (SMP) has been developed (included in the Outline CoCP) to enable construction works to be completed in accordance with the Defra Code of Construction Practice for the Sustainable Use of Soils on Construction Sites 2009 to protect soil resources from damage during the construction phase' and is secured by Requirement 22 of the Draft Development Consent Order (DCO) [PEPD-009] which has been updated at Deadline 2. In accordance with Section 5.1 of the Defra Construction Code of Practice (Defra, 2009), the Soil Resource Plan will include:</p>
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			<ul style="list-style-type: none"> • maps showing topsoil and subsoil types, and the areas to be stripped and left in-situ. • schedules of volumes for each material. • expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture. identification of the person responsible for supervising soil management. Machinery to be used for soil handling is specified in paragraph 5.2.19 of the Outline Soils Management Plan [APP-226] which states that soil stripping, stockpiling, and removal from storage will be carried out in accordance with Section 5.4 in the Department for Environment, Food and Rural Affairs (Defra) Construction Code of Practice (Defra, 2009), and that soils will be reinstated, or placed, by tracked hydraulic excavator using the loose tipping method (Section 6.1 in the Defra Construction Code of Practice (Defra, 2009), with only gentle firming by tracked vehicles. The stage specific SMP(s) are to be used in conjunction with the SRP and MMP to maximise the restoration of excavated soils to their pre-existing condition and location, and if this is not possible, to maximise the reuse of soils within the Proposed Development, minimising soils being relocated outside the Proposed Development or becoming waste. Section 6 paragraph 6.1.2 within the Outline Soils Management Plan (SMP) [APP- 226] secured via Requirement 22 of the Draft Development Consent Order [APP-009] (updated at Deadline 2) states ‘A preconstruction drainage programme will be necessary to divert drainage systems which will be intercepted by the works, in order to prevent waterlogging of the trench during working. This work is likely to involve the installation of one or more land drains complete with permeable fill installed parallel to intercept soil and groundwater before it reaches the trench. The Outline CoCP (Document Reference: 7.2) includes measures to ensure that the condition of existing drainage systems are appropriately maintained and restored’. <p>HDC response: Measures to control releases of fugitive dusts from soil stripping, stockpiling, and removal from storage should be included in the Soils Management Plan.</p> <p>The recommendations given in the Institute of Air Quality Management document “Guidance on the assessment of dust from demolition and</p>
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			<p>construction” January 2024 (Version 2.2) should be incorporated into the Soils Management Plan.</p> <p><i>HDC LIR Comment:</i> Paragraph 8.15 Assets to the local community (Village Hall and playing fields and Primary School) would be near the Washington Construction Compound. This means that the negative effects to these assets during the construction period would also affect the local community.</p> <p><i>Applicant’s response:</i> A number of management plans [APP-223 to APP-242] have been included in the DCO Application such as the Outline Code of Construction Practice (CoCP) [PEPD- 033] and Outline Public Rights of Way Management Plan (PRoW) [APP-230], which has been developed alongside the EIA process and provide the details of the proposed embedded environmental measures to manage effects during the construction stage. This includes measures that will be implemented to ensure minimal disruption to the local community, such as C-22 (working hours), C-32 (crossing schedule), and C-105 (site lighting) secured via requirement 22 and 20 of the Draft Development Consent Order [PEPD-009].</p> <p>HDC response: As noted above Requirement 22 of the dDCO does not include any specific requirement for noise, vibration, dust or air quality monitoring.</p> <p>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the Local Planning Authority.</p> <p>This is of critical importance given that section 8 to Part 2 of the DCO “Defence to proceedings in respect of statutory nuisance” removes the power for local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act. Effective</p>
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			ongoing monitoring is therefore a key requirement for the enforcement of the provisions Code of construction practice.
TE 1.2	Ecological Surveys in the Vicinity of the Proposed Substation Location at Oakendene and Cable Route Leading to this Site Horsham DC Natural England	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: 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. 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.	There are no remaining concerns from HDC relating to the following at and in the vicinity of the Oakendene substation site and cable route near to this location: 1. Quantity or quality of ecological surveys. 2. The extent to which the appropriate guidelines and methodologies have been followed. 3. The conclusions of the ecological assessments. There should be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO. This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys.

TE 1.3	Terrestrial Ecological Surveys and Mitigation for the Whole of the Landward part of the Proposed Development Horsham DC Arun DC Natural England The Environment Agency	<p>Comment on whether remaining concerns exist regarding:</p> <p>a) the quality of terrestrial ecological surveys in general undertaken by the Applicant for the whole of the landward part of the Proposed Development?</p> <p>b) the conclusions the Applicant has come to for the terrestrial ecological assessments for the whole of the landward part of the Proposed Development.</p> <p>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.</p> <p>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.</p>	<p>HDC had concerns that there was a lack of survey effort in the temporary construction compound areas – specifically Oakendene West and Washington. There is reliance on pre-construction surveys to further inform final design and mitigation (Reference 9.9 and 9.10 of Applicant’s Response to Horsham District Council Deadline 1 Submissions). Whilst this is acceptable in practice, it opens opportunity for risks further down the line. For example, if a Bechstein’s bat maternity roost was found on one of the proposed compound Sites, this may result in a change of location, requiring future amendments to the DCO.</p> <p>There should be a robust process and procedure for undertaking such surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO.</p> <p>This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys.</p> <p>Subject to securing this outcome, HDC have no remaining concerns with regards to the quality of terrestrial ecological surveys undertaken to date, their concluding assessments, or the extent to which the appropriate guidelines and methodologies have been followed.</p> <p>As noted in Ref 9.29 of the Applicant’s Response to Horsham District Council Deadline 1 Submissions, details regarding species mixes, management and monitoring of habitats including those for reinstatement, and any contingency plans in case they fail to establish, are being left to stage-specific LEMPs. HDC had concerns that these details underpin the success of habitat creation and reinstatement as mitigation and compensation efforts, and thorough assessments of likely effectiveness can only be determined and agreed with the Applicant post-consent as per Requirements 12, 13, and 15 of the Draft Development Consent Order [PEPD-009].</p>
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TE 1.4	Nightingale Species in the Vicinity of the Proposed Substation location at Oakendene and Cable Route leading to this Site 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. c) the proposed mitigation for nightingales at these locations and explain why it is believed to be adequate. Horsham DC, Natural England and the Environment Agency State whether there are any concerns regarding: a) the Applicant's surveys undertaken for Nightingale	HDC does not have concerns regarding the Applicant's surveys undertaken for Nightingale and their territories, as per the methodology presented in Appendix 22.13 Breeding Bird Survey. Nightingales nest in thick vegetation, such as scrub and coppice woodland. The proposed mitigation for nightingale, including temporary removal of habitat and reinstatement to the same condition, and additional habitat creation in the form of wet woodland, woodland and scrub, is suitable nesting habitat. The SuDS and wet woodland will also provide good foraging habitat for nightingale, as it will attract invertebrates such as flies and beetles which comprise much of their diet. It is common and accepted practice to replace like-for-like habitat as compensation for impacts on breeding birds. There are many external variables that could be reason for nightingales not returning in the following year to their migratory habitat, for example fluctuations in food abundance in the local area. Whilst site fidelity is known among nightingales, a change of site may not be attributed to one factor. In order to directly address the likelihood of nightingales returning after vegetation removal and reinstatement, the Applicant would need to source research or case studies of a similar nature (i.e., on substation sites and cable routes) evidencing nightingales returning to habitats post works. There should be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO. This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys.
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		<p>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>	
TE 1.5	<p>Ecology of Priority and Irreplaceable Habitats in the Vicinity of the Proposed Substation site at Oakendene and Cratemans Farm</p> <p>The Applicant</p> <p>Natural England</p> <p>The Environment Agency</p> <p>Horsham DC</p>	<p>The Applicant</p> <p>The ExA acknowledges the Applicant's responses to Ms Creaye's WR in [REP2-029]. Never-the-less, 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: "Just because this has not been designated in the past</p>	<p>On the Priority Habitat inventory, there are no areas of lowland meadow identified within the immediate area of Cratemans Farm and Moatfield Farm. However, this is not definitive, as many habitat parcels not yet listed on the register are or can become priority habitat. Having read the ecological report provided in REP1-106, the majority of the area is described as good quality semi-improved grassland and primarily comprises 'MG-6' with areas of high quality at the edges of the fields comprising 'MG-8' (lowland meadow). Following this, some areas of grassland 'could be' classed as 'MG-5' (lowland meadow). Given this description and areas of ambiguity, it is considered likely that this grassland is semi-improved grassland of a high quality, with potential for restoration to lowland meadow given its lack of historical management. HDC agrees that the outcome of the ES would not alter with further survey and amendment to high quality semi-improved grassland, and there would be a marginal increase in biodiversity net gain baseline units. If future surveys confirm that this is lowland meadow, suitable mitigation such as HDD techniques must be investigated.</p> <p>As per the definition in the NPPF, and habitats listed under The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2004, irreplaceable habitats</p>

		<p>for its wildlife value does not prove that there are no irreplaceable habitats here. Habitat Regulations list 'possible Special Areas of Conservation' for consideration."</p> <p>ii. On page 16: "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 proper assessment....Ecologist, Perry Hockin of Aborweald has described the whole habitat as 'irreplaceable.'"</p> <p>iii. On page 17: "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."</p> <p>iv. On page 24: "The proposed development of the site in its current form</p>	<p>include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, coastal sand dunes, (spartina) salt marsh, Mediterranean saltmarsh scrub and lowland fen. Using MAGIC maps, the only irreplaceable habitat recorded within the vicinity of Oakendene and Crateman's Farm are pockets of ancient woodland in and near to Taintfield Wood and Farm which is outside the DCO Order Limits.</p> <p>As per commitment C-103, semi-improved grassland will begin to be reinstated to their current condition. This is acceptable mitigation, and details of habitat management and monitoring should be forthcoming in stage specific LEMPs. As per Section 9.3.4 of Applicant's Response to Non-Prescribed Consultees' Written Representations, should the baseline and condition be reassessed post-consent and as a result, meeting the definition of semi-improved species-rich grassland, HDC would expect removal of this habitat to be justified and accounted for through provision of biodiversity net gain as per C-220.</p>
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		<p>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.”</p> <p>v. On page 24: “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.”</p> <p>vi. On page 30: “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</p>	
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		<p>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.”</p> <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</p>	
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		<p>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>	
TE 1.10	<p>Protected Species - Hazel Dormouse</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,</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 Statement Volume 4, Appendix 22.19: Hazel dormouse report 2023 Date: January 2024 Revision A.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</p>	<p>The surveys undertaken for hazel dormouse are viewed as adequate. HDC originally had concerns regarding the robustness of mitigation for hazel dormouse on the Oakendene Substation, specifically with the connectivity of hedgerows across the Site. However, it is positive to see that these comments have been taken on board and HDC looks forward to reviewing a revised indicative landscape plan at Deadline 3 to address our concerns (Ref 9.17 of Applicant's Response to Horsham District Council Deadline 1 Submissions).</p> <p>There should be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO.</p> <p>This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys, as per Commitment C-232..</p>

	<p>[PEPD-030] Environmental Rampion 2 Offshore Wind Farm - Examining Authority's Written Questions 61 Natural England Relevant Planning Authorities The Environment Agency SDNPA</p>	<p>provided? If not, the ExA requests that one is provided. 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] 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? Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA 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</p>	
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		mitigation measures for hazel dormouse?	
TE 1.11	Protected Species - Bat Surveys The Applicant Natural England Relevant Planning Authorities The Environment Agency SDNPA	<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] Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA</p> <p>c) Confirm if the proposed mitigation measures for bats described in the Outline Landscape and Ecological Management Plan [APP-</p>	<p>The proposed landscaping plan for the Oakendene substation site are viewed as adequate for bats, as the hedgerows, woodland and scrub provide good commuting habitat between the Site and the wider landscape. The wet woodland will also act as an attractant to flying insects, making it a good foraging area for bats. The commitment to reinstating hedgerows across the cable route also helps to retain important wildlife corridors and commuting routes.</p> <p>There should be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO.</p> <p>This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys.</p>

		232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for bats.	
TE 1.13	Potential Impacts of Haul Roads on Ecology The Applicant Horsham DC Natural England The Envi	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.	<p>Many species (that have been scoped in ecological assessments as per Table 22-18 of Chapter 22 Terrestrial Ecology and Nature Conservation) are sensitive to noise, including badgers, bats, hazel dormouse, breeding/wintering birds and water vole. Commitment C-26 states the use of mufflers, acoustic barriers / shrouds and other suitable solutions (including for HDD) will be applied for noisy activities. Furthermore, where findings of pre-construction surveys record badger setts and/or bat roosts close to works, the Ecological Clerk of Works on Site can also impose an increased buffer zone to reduce impacts of noise (and vibration), and where necessary, mitigation (e.g., avoidance and scheduling of works) and licensing is implemented (see Section 22.9.129-130 and Section 22.9.149 of Chapter 22 and Commitment C-211). For water vole, habitat displacement will occur to prevent water vole entering work areas, minimising disturbance. An Ecological Clerk of Works will also undertake pre-construction checks and where necessary implement buffer zones (see Commitments C-203 and C-215) which could see works in the vicinity delayed. See also response to TE 1.17.</p> <p>Whilst it is acknowledged that the temporary haul roads will add increasing levels of noise over a longer period than that of works along the cable route, which is likely to have an impact on many species, it is not likely to cause major disturbance in such a way to compromise local populations' survival. All residual risk of disturbance will be covered under a mitigation licence which would be sought from Natural England.</p>
TE 1.16	Local Plan Horsham DC	Comment on the statement by CowfoldvRampion in their WR [REP1-089 page 114] that:	<p>HDC does not agree with the statement by CowfoldvRampion in their WR [REP1-089 page 114].</p> <p>Horsham District's Local Plan is the Horsham District Planning Framework (2015 – 2031) (HDPF). It is the overarching planning document for Horsham district outside</p>

		<p>"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."</p>	<p>the South Downs National Park. It sets out the planning strategy for the years up to 2031 to deliver the environmental needs of the HDPF plan area. At Chapter 3: Spatial Vision and Objectives, it also sets out the framework for the protection and enhancement of the natural environment (Objective 11), detailed in full at Chapter 9: <i>Conserving and Enhancing the Natural and Built Environment</i> and associated Policy 31 Green Infrastructure and Biodiversity.</p> <p>Policy 31 sets out that where development is anticipated to have a direct or indirect adverse impact on sites or features for biodiversity, development will be refused unless it can be demonstrated that: the reason for the development clearly outweighs the need to protect the value of the site; and that appropriate mitigation and compensation measures are provided.</p> <p>Policy 31 gives particular consideration to the hierarchy of sites and habitats in the district as follows: i. Special Protection Area (SPA) and Special Areas of Conservation (SAC) ii. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs) iii. Sites of Nature Conservation Importance (SNCIs), Local Nature Reserves (LNRs) and any areas of Ancient woodland, local geodiversity or other irreplaceable habitats not already identified in i & ii above.</p> <p>The HDPF Policies Map shows the location of key nature conservation sites and further information regarding the location of areas with potential for enhancing biodiversity (biodiversity opportunity areas).</p> <p>With regard to the area from the A281 to Oakendene. This area is not a designated site or habitat as listed within Policy 31. It is not irreplaceable habitat. On the evidence in the DCO submission, which has had regard to the information available from the Sussex Biodiversity Record Centres and the applicant's own surveys the results of which are not disputed by HDC, the area is not Priority habitat. The area is not identified as a key nature conservation site nor a biodiversity opportunity area (on the HDPF Policies Map).</p> <p>Given the value of the area identified above in the mitigation hierarchy, subject to appropriate mitigation and compensation measures being provided, the policy</p>
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			<p>provisions of Policy 31 that allow for the reason for the development to outweigh the need for protection of the area, would be engaged.</p> <p>Policy 31 requires development proposals to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. The same policy supports development which makes a positive contribution to biodiversity through the creation of linkages between habitats to create local and regional ecological networks.</p> <p>HDC considers that, on the issue of the routing of the cable through the area from the A281 to Oakendene, the mitigation hierarchy has been followed as best as possible to minimise biodiversity net loss. This has been done by pursuing the route which avoids loss of ancient woodland, use of trenchless techniques around highest ecology sensitivities, vegetation retention plans and reinstatement of habitats temporarily lost to the same condition, and habitat creation to mitigate and compensate for habitat loss and impacts on protected and priority species.</p> <p>This includes providing compensation in the area from the A281 to Oakendene to compensate for residual adverse effects on the JS Cowfold and Shermanbury Farmlands landscape character area, which will persist on a temporary basis pending establishment of restoration and reinstatement planting.</p> <p>In summary, subject to securing appropriate mitigation and compensation and enhancement, including to compensate of residual adverse effects which will persist on a temporary basis, in regard to the particular issue of the routing of the cable through the area from the A281 to Oakendene, there is compliance with the Council's Local Plan (the HDPF) as a whole as there is compliance with HDPF Policy 31 on this particular issue.</p>
TE 1.17	in the Vicinity of the Proposed Substation Location at	In response to concerns raised by CowfoldvRampion in their WR [REP1-089] and Ms Creaye [REP1-106],	HDC do not have any concerns relating to the concluding assessments with regards to common toad, adders, grass snakes and great crested newt in the vicinity of the proposed substation site at Oakendene and cable route leading to this Site.

	<p>Oakendene and Cable Route Leading to this Site The Applicant</p>	<p>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: The Applicant a) Explain why the Applicant believes the proposed mitigation for potential impacts on these species is adequate. Horsham DC, Natural England, The Environment Agency b) State whether there are any concerns regarding: i. the outcome of the environmental assessments for these species and ii. the proposed mitigation for potential impacts on these species</p>	<p>As per Commitment C-208, pre-construction surveys will be required for reptiles (including adders, grass snakes, slow worm and common lizard) at the proposed substation site at Oakendene to determine distribution. Following this, where necessary, mitigation efforts will involve trapping and translocation to a suitable alternative habitat within the immediate area. Along the cable route an Ecological Clerk of Works will undertake destructive search technique to ensure there is no injury or fatality to reptiles. This is compliant with common practice to ensure there are no offences under the Wildlife and Countryside Act 1981 (as amended), and therefore HDC do not have concerns regarding mitigation to reptiles. HDC do however request information on suitable receptor sites for translocated individuals during post-consent discussions.</p> <p>As per Commitment C-214, the same approach to the above will be taken for great crested newt. Any removal of suitable commuting habitat will be conducted under a district level licence, and all ponds will be avoided through Commitment C-23. We also request information on any EPS licences and suitable receptor sites for great crested newt to be provided during post-consent discussions.</p>
TE 1.24	<p>Toads In light of the evidence submitted at Deadline 1 citing toad migrations across Kent Street and</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 vicinity of Crateman's Farm from</p>	<p>HDC are satisfied that the proposed mitigation by the Applicant of ensuring an Ecological Clerk of Works is present at common toad migration crossings during the construction phase is sufficient to minimise the effects of potential fragmentation of migration routes (Table 22-18 of Chapter 22 Terrestrial Ecology and Nature Conservation).</p>

	surrounding land in the vicinity of the proposed substation at Oakendene and the land in the Rampion 2 Offshore Wind Farm - Examining Authority's Written Questions 67 Natural England Horsham DC The Environment Agency	CowfoldvRampion [REP1-089], Ms Creaye [REP1-106] and Ms Smethurst [REP1-132]: a) Explain whether there are any specific mitigation measures for toads the organisation would expect the Applicant to commit to.	
TE 1.28	Potential Terrestrial Ecological Impact The Applicant The Environment Agency Natural England Relevant Planning Authorities	The Applicant a) The ExA requests the Applicant to state the estimated worst case duration range for construction activities for: 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	c) HDC consider the Functionally Linked Land (FLL) associated with the Arun Valley SAC outside of our administration authority area, and instead lies with Arun District Council. However, HDC believes that FLL constitutes as sensitive areas due to the potential disturbance to wintering birds. It is therefore recommended that works within the vicinity of FLL is conducted outside of the season that these birds are present (i.e., November to February, inclusive).

		<p>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> <p>The Environment Agency, Natural England, Relevant Planning Authorities, SDNPA</p> <p>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</p>	
TE 1.30	Impacts to Ecologically Important and	Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore	The current commitment for ancient woodland (C-216) states "Where ancient woodland is crossed via trenchless crossing a depth of at least 6m below ground will be maintained to avoid root damage and drill launch and retrieval pits will be at least

	<p>Sensitive Sites: Climping Beach SSSI, Littlehampton Golf Course and Atherington Beach LWS, Sullington Hill LWS, and Ancient Woodland at Michelgrove Park and Calcot Wood. Natural England</p>	<p>Construction Method Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites. Provide a response to these proposed Requirements, stating any outstanding concerns.</p>	<p>25m from the woodland edge. All ancient woodland will be retained with a stand-off of a minimum of 25m from any surface construction works. Construction traffic may operate within 25m of an ancient woodland on existing tracks should any track maintenance works be restricted to the current width.”</p> <p>HDC would like to see Calcot Wood (Ancient Woodland) added to restricted access under Requirement 23 at 2b in line with the above commitment.</p> <p>OR Specifically, an extension of restricted access to all vehicles and non-essential personnel within Calcot Wood and an associated 15m stand-off zone, excluding in emergencies. This is to reduce the effects of pollution and trampling on the ancient woodland. Access into the woodland and within the stand-off zone must be by foot only.</p>
TE 1.33	<p>Stage Specific Landscape and Ecological Management Plans (LEMPs)</p>	<p>The Applicant has stated in the OLEMP [APP-232] that: “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</p>	<p>b) Pre-construction surveys for protected/priority species should be undertaken in accordance with the CIEEM Advice Note (2019) on The Lifespan of Ecological Reports & Surveys and the relevant species up-to-date best practice guidelines (see a list in CIEEM Good Practice Guidance for Habitats and Species 2021 but note newer editions). Generally, when surveying for highly mobile species, the findings will be valid for 1 year and stage-specific construction should be planned within 1 year of when the surveys were undertaken. Pre-construction surveys must be conducted at an optimal time of year for that species, as per corresponding guidance. Where there have been significant changes to a habitat, e.g., ceasing of management, updated walkover surveys are also recommended to inform if further survey is required. Where an EPS mitigation licence is required, specific guidance (as referred to on Natural England application forms) should be consulted to determine the age of data needed to support an application.</p> <p>HDC would therefore like to further understand what a ‘relevant’ stage of construction would be and how many stages are expected.</p>

		<p>National Grid Bolney substation extension works shall be developed and submitted for approval alongside the detailed design of this infrastructure.” 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. 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>c) There should be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO.</p> <p>This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys, which are to be conducted for protected species, as per the Commitments Register.</p>
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WE 1.1	Water Neutrality The Applicant	<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> <p>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.</p> <p>b) Explain what method of transport would be used to bring the water to site.</p> <p>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</p>	<p>Although this Written Question is not directed to HDC to answer, HDC would take opportunity to offer a response on it.</p> <p>Whilst this matter is for the Applicant to address, HDC advise that it possible to screen out adverse impacts from water use during construction works, in a consistent manner with how water use for construction work has been considered (with NE's agreement) for all other development within the district since the Natural England Position Statement was received.</p> <p>HDC have taken the view that water use during construction falls within the baseline of construction water use that occurred prior to the Position Statement. This is because prior to the Position Statement some 800+ homes were being delivered annually within the district, with peaks of 1,125 in 2017/18 and 1,369 in 2018/19. Since the Position Statement, and the constraint this has placed on development coming forward, this has dropped to 396 homes in 2022/23 (source: 2023 Authority Monitoring Report, Chapter 3: Housing Land Supply, Table 5 page 14). https://www.horsham.gov.uk/data/assets/pdf_file/0007/132595/AMR_2022_2023-CHAPTER-3-Housing-Land-Supply.pdf</p> <p>This delivery of 400 homes a year is scheduled to continue, with Policy 37 of the Council's emerging Regulation 19 Horsham District Local Plan providing for delivery of 480 homes per annum between 2023/24 and 2027/28, rising to 901 homes thereafter.</p> <p>It is HDC's view therefore that construction water use from the Rampion 2 project is capable of being considered as part of the baseline water use that occurred pre-Position Statement, a headroom capacity that would remain for the duration of construction works owing to the housing trajectory within the Council's emerging new development plan.</p> <p>Adopting this approach via Habitat Regulations Assessment 'screening out' would negate the need for tankering of water to be used for construction phase.</p>
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		<p>included in the traffic and transport impact assessment.</p>	<p>For the operational water use, the affected authorities are producing an offsetting scheme to enable planned development to come forward as water neutral. The scheme is known as the Sussex North Offsetting Water Scheme (“SNOWS”). There is currently significant work still to undertake before the scheme becomes operational with capacity to enable development to come forward. This includes a scheme of prioritisation which would have the ability to prioritise important infrastructure over other development. There is nevertheless a reasonable prospect that SNOWS will be operational with the capability of providing sufficient water credits for Rampion 2 within the lifetime of any consent, and at the point water consuming operations begin at commercial operations date (COD) identified as year 2030 on the indicative construction programme (para 4.7.3 and graphic 4-24 ES Volume 2 Chapter 4)</p> <p>The prospect of access to the local authority offsetting scheme (SNOWS) would be sufficient to enable a positive appropriate assessment to be undertaken at the point of the DCO Order being consented, avoiding the need to tanker water in.</p>
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