

**Rampion 2 Offshore Wind Farm (Project Reference: EN010117)**

**WSCC Response to Examining Authority First Set of Written Questions (25 April 2024)**

**West Sussex County Council (IP Reference 200445228)**



This submission constitutes the responses from West Sussex County Council (hereafter WSCC) to the questions and requests for information raised by the ExA in ExQ1 (PD-009). The responses are set out in an amended form of the table provided by the ExA in ExQ1. The table has been amended to delete the questions which are not addressed to WSCC and add a response column.

<b>ONSHORE QUESTIONS</b>		
<b>COD</b>	<b>Construction, Operation and Decommissioning Matters</b>	<b>WSCC RESPONSE</b>
COD 1.1	<p><i>Commitments Register</i></p> <p><i>Horizontal Directional Drilling (HDD)</i></p> <p><b>Natural England</b></p> <p><b>Environment Agency</b></p> <p><b>Forestry Commission</b></p> <p><b>South Downs National Park</b></p>	<p>Provide a response to the Applicant’s statement in the Applicant’s Responses to Relevant Representations, J3 [REP1-017] on page 416 that:</p> <p><i>“Commitment C-5 (Commitments Register [APP-254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD-033] secured via Required 22 within the Draft Development Consent Order [PEPD-009]. The Applicant will not</i></p> <p>Amended C-5 is welcomed, however, the wording of C-5 could go beyond specifying HDD for only ‘<i>main rivers, watercourses, railways and roads that form part of the strategic Highway Network</i>’. WSCC suggests it refers to the table in the OCoCP (PEPD-033) where the crossings are specified, for clarity. It should however be noted that there is limited weight given to these commitments, as they do not form a DCO Requirement or tied to a control document.</p> <p>WSCC queries why Requirement 6 (4) of the dDCO is not cross referenced, as this seems to give clearer securement to the crossing schedule than in Requirement 22, which does</p>

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	<p><b>Authority (SDNPA)</b></p> <p><b>The Woodland Trust</b></p> <p><b>Sussex Wildlife Trust</b></p> <p><b>West Sussex County Council (West Sussex CC)</b></p> <p><b>Horsham District Council (Horsham DC)</b></p> <p><b>Arun District Council (Arun DC)</b></p>	<p><i>switch to open-cut trenching at these locations. The appropriate realistic Worst-Case Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through amendment to the stage specific Code of Construction Practice and Crossing Schedule.”</i></p> <p>Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].</p>	<p>not specifically refer to this. The details are also quite scant in Requirement 23 on this point.</p> <p>The mechanisms for identifying/clarifying ‘there are no materially new or materially different env effects’ should be as clear as possible.</p>
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DCO	Draft Development Consent Order (Draft DCO)	WSCC RESPONSE
DCO 1.5	<p><i>Parts 3 and 4, Articles 11(7), 12(3), 13(2), 15(5), 16(9) and 18(7)</i></p> <p><b>Relevant Planning and Highway Authorities</b></p>	<p>West Sussex CC in its LIR [REP1-054] state that the 28-day time-period set out in Article 13(2) is insufficient.</p> <ul style="list-style-type: none"> <li>a) Confirm that the same time-period set out in the said Articles are adequate.</li> <li>b) Comment on the appropriateness of the deemed consent provisions in these (and possibly other) Articles and the Applicant’s justification for such provisions as set out in response at Deadline 2 [REP22-022].</li> </ul>
DCO 1.15	<p><i>Schedule 1, Part 3 Requirements 6 and 7</i></p> <p><b>West Sussex CC</b></p>	<p>Respond to the amendments made to the draft DCO submitted at Deadline 2 [REP2-002] regarding changes to Requirements 6 and 7, which now separate Works Nos 6 and 7 from Works Nos 16 and 20, and whether this overcomes the concerns identified in the LIR [REP1-054].</p>
DCO 1.16	<p><i>Schedule 1, Part 3 Requirement 7</i></p>	<p>Provide a response to the Applicant’s assertion at Deadline 2 [REP2-020] that details of working width and haul roads, which was</p>

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	<b>West Sussex CC</b>	requested within the LIR [REP1-054] to be included within Requirement 7, will form part of the outline CoCP which is secured by Requirement 22 of the DCO [REP2-002].	in this requirement. Requirement 23 does specifically refer to cable corridor widths, however, the Outline Construction Method Statement (OCMS) has scant detail on widths at this stage. Arguably both DCO Requirements and outline control documents should make very clear the parameters.
DCO 1.18	<i>Schedule 1, Part 3 Requirements 10, 12 and 16</i> <b>Horsham DC</b> <b>Arun DC</b> <b>West Sussex CC</b> <b>SDNPA</b> <b>Mid Sussex DC</b>	Provide a response on the Applicant’s amendments to the draft DCO submitted at Deadline 2 [REP2-002] in which the definition of “Commence” in Article 2 and a number of Requirements have been amended in respect to “carving-out” onshore site preparation works for the onshore Works.	WSSCC is satisfied that the Applicant has amended the draft DCO submitted at Deadline 2 [REP2-002] with regards to the term “Commence” in both Article 2 and within the Requirements.
DCO 1.19	<i>Schedule 1, Part 3 Requirement 14</i> <b>The Applicant</b> <b>Horsham DC</b>	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	WSSCC is concerned over the lack of clarity in the BNG Information document, Appendix 22.15 (APP-193), the proposed stage specific BNG strategies and the mechanism to ensure that BNG is implemented on the ground and within the expected timescales.

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	<p><b>Arun DC</b> <b>West Sussex CC</b> <b>SDNPA</b> <b>Mid Sussex DC</b></p>	<p>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 Requirement 14 is not adequate in its current guise.</p> <p>Interested Parties are asked to review the questions contained in BD (below) and consider whether Requirement 14 needs amending and suggest appropriate wording.</p>	<p>Requirement 14 is inadequate to secure BNG and the following wording is suggested:</p> <p><b>Biodiversity net gain</b></p> <p><i>14. (1). No stage of the authorised project within the onshore Order limits is to commence until each of the following has been approved in writing by the relevant planning authorities, including the South Downs National Park Authority:</i></p> <p><i>(i) A biodiversity net gain strategy for that stage which accords with the outline biodiversity net gain information comprising Appendix 22.15 of the Environmental Statement.</i></p> <p><i>(ii) The Applicant provided proof of purchase of all necessary biodiversity units from third party providers.</i></p> <p><i>(iii) At least 70% of the total number of biodiversity units as required for that stage of the development have been implemented on the ground according to the approved biodiversity net gain strategy and to the</i></p>
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			<p><i>satisfaction of the relevant planning authority/authorities, including where relevant the South Downs National Park Authority.</i></p> <p><i>(2) The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in Appendix 22.15 of the Environmental Statement, with priority given to areas inside or within close proximity to the proposed DCO Limits.</i></p> <p><i>(3) The biodiversity net gain strategy for each stage must be implemented as approved.</i></p> <p><i>(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</i></p>
DCO 1.21	<p><i>Schedule 1, Part 3, Requirement 19</i></p> <p><b>West Sussex CC</b></p>	<p>Respond to the Applicant’s comments to the additional wording to this Requirement, suggested by West Sussex CC in its LIR [REP1-054], are unnecessary as such matters are contained within the outline Onshore Written Scheme of Investigation [APP-231].</p>	<p>The preservation in situ of significant archaeological remains as a form of mitigation and the proposed means of avoiding harm to nationally significant remains is not currently secured within the Outline Onshore Written Scheme of Investigation (APP-231) to a sufficient degree of certainty. No methodology</p>

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			<p>for ensuring preservation in situ or design solutions is currently set out.</p> <p>However, WSCC is currently in discussion with the Applicant regarding forthcoming changes to the Outline Onshore Written Scheme of Investigation (APP-231), including inclusion of a methodology or pathway for preservation in situ of significant archaeological remains. This update is anticipated to be provided by the Applicant at Deadline 3 but WSCC has not yet had sight of the revised document.</p> <p>Provided that the proposed outline methodology is sufficiently robust to secure preservation in situ of nationally significant remains, WSCC is satisfied that the proposed additional wording to Requirement 19 will not be required.</p>
DCO 1.22	<p><i>Schedule 1, Part 3 Requirement 20</i></p> <p><b>West Sussex CC</b></p>	<p>Comment, if required, on the revisions made by the Applicant to Requirement 20 of the draft DCO submitted at Deadline 2[REP2-002]. List any further amendments, if required, to this Requirement with justification.</p>	<p>Requirement 20 still reflects WSCC as the discharging authority. As stated within the Local Impact Report (Appendix B) (REP1-054) WSCC are seeking to be a consultee to a number of DCO Requirements, rather than the discharging authority, and would wish for this to be amended.</p>



ONSHORE QUESTIONS			
BD	Biodiversity	WSCC RESPONSE	
BD 1.1	<p><i>Biodiversity calculations</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>Mid Sussex DC</b></p>	<p><b>For The Applicant</b></p> <p>a) Volume 4, Appendix 22.15 of the ES [APP-193] states metric 4.0 version of the biodiversity metric has been used to calculate the biodiversity baseline and present planned BNG outcomes. Confirm that this was the latest version at the time of submission.</p> <p>b) The ExA requests the BNG metric spreadsheet used for the calculations is submitted into the Examination.</p> <p><b>For Natural England, SDNPA, West Sussex CC</b></p> <p>c) It is noted that the latest metric is now the Statutory Biodiversity Metric. Explain whether the calculations need to be updated using the latest version.</p> <p>d) Is there agreement on the biodiversity baseline presented in Appendix 22.15</p>	<p>c) WSCC understands that the Applicant has committed to updating the calculations using the latest version of the BNG metric following detailed design. This would be welcomed.</p> <p>d) i. No, it is not clear what comprises the area and parameters used for the baseline, and what constitutes the worst-case realistic scenario.</p> <p>d) ii. No. There is insufficient information and explanation to have confidence in the initial BNG calculations as presented in the BNG Information document, Appendix 22.15 [APP-193].</p> <p>e) There is considerable lack of clarity in the BNG calculations, including what constitutes the baseline assessment, how habitats subject to temporary loss are accounted for in the matrix and the presentation of the data.</p>



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		<p>Biodiversity Net Gain information [APP-193] for the:</p> <ul style="list-style-type: none"> <li>i. Total number of baseline units calculated for the worst-case realistic scenario.</li> <li>ii. Total number of units lost to the Proposed Development.</li> </ul> <p>e) Confirm whether clarity exists on how the calculations have been done and is there agreement on the methodology and the spatial areas for which the calculations have been presented?</p>	
BD 1.2	<p><i>Mitigation Hierarchy</i></p> <p><b>Natural England</b></p> <p><b>SNDPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></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>Although the mitigation hierarchy has been followed in terms of project design, there is a distinct lack of clarity as to what constitutes compensation (as required to ensure 'no net loss') and what constitutes BNG. e.g. It is unclear whether the habitat creation at Oakendene substation is compensation for loss of habitat elsewhere along the cable corridor, or BNG. ES Chapter 22, Paragraph 22.9.73 (APP-063) states that '<i>Compensation for the loss of semi-natural broadleaved woodland will be provided through tree planting around the location of the onshore substation. This would</i></p>

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	<b>Mid Sussex DC</b>		<i>see the planting of 2.7ha of woodland ...'. However, the BNG Information document, Appendix 22.15, Paragraph 4.2.4 [APP-193] states 'The habitats to be created at the onshore substation site are assumed to be elements of BNG ...'</i>
BD 1.5	<i>Alignment with National and Local BNG Plans, Policies and Strategies</i> <b>Horsham DC</b> <b>Arun DC</b> <b>West Sussex CC</b> <b>Environment Agency</b> <b>SDNPA</b>	<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>a) This Project has the potential to make an early and significant contribution to the West Sussex Local Nature Recovery Strategy, due to be published in draft in March 2025. WSCC looks forward to working with the Applicant to achieve this.</p> <p>b) The mitigation hierarchy has been followed in the design of the Project through avoidance of impacts, mitigation and then compensation, in that order.</p>
BD 1.6	<i>Clear Differentiation between Delivery of Compensation</i>	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	<p>This concern was also raised by WSCC in its Relevant Representation (RR-418).</p> <p>a) Table 4-5 is not easy to interpret. Further breakdown and explanation would be helpful.</p>

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	<p><i>and Enhancement.</i></p> <p><b>Natural England</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p>	<p>enhancement of 10% i.e. 10% biodiversity net gain (BNG). The Applicant states it has used the Natural England BNG metric tool to calculate the units required for both [APP-193].</p> <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>Whilst the table shows the ‘<i>net unit change</i>’ (i.e. The number of units required to achieve no net loss), amalgamating the unit shortfall with the 10% BNG is somewhat confusing without showing the steps in the calculation.</p> <p>Due to the lack of clarity in the information, WSCC is unable to agree on the number of units required to achieve no net loss and 10% BNG.</p> <p>WSCC will wish to carefully study the detailed BNG calculations to be produced at the detailed design before agreeing on the number of units required to achieve no net loss and 10% BNG.</p> <p>b) Given the lack of clarity over which elements constitute mitigation, compensation, enhancement and net gain, notably the fact that these activities are not depicted on plans, there is a risk of double counting.</p> <p>c) Fuller explanation of the basis of the BNG calculations and greater clarity in the presentation of the data in the tables in Appendix 22.15 of the ES (APP-193) would be welcome. e.g. Table 4-5 should include</p>
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			columns showing biodiversity units required to achieve no net loss, units required to achieve 10% BNG and the total number of units required to deliver the Project.
BD 1.8	<p><i>Timing of Delivery of Biodiversity Compensation</i></p> <p><b>Natural England</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p>	<p>The Applicant states in section 5.2.1 of Volume 4, Appendix 22.15 of the ES APP-193 that:</p> <p><i>"To avoid a deficit in biodiversity growing as the construction programme progresses, the Proposed Development will follow two courses of action. The first is to enable a progressive reinstatement of habitats, whilst the second is to secure 70%<sup>7</sup> of the deficit (as calculated in Table 4-5 – i.e., as a realistic worst-case scenario) prior to commencement of construction. Any remaining shortfall identified following detailed design will be secured prior to construction works being completed."</i></p> <p><sup>7</sup> <i>It is expected that 70% of the deficit as calculated at Table 4-5, will likely be equivalent to that which will be necessary to provide to secure the commitment once detailed design has been completed."</i></p>	<p>The progressive reinstatement of habitats is an important element and must be undertaken as soon as possible.</p> <p>The delivery prior to commencement of construction of 70% of the total BNG units (i.e. those required in compensation, plus a 10% uplift from the baseline) seems a reasonable approach.</p> <p>However, WSCC has the following concerns regarding the delivery of 70% of the 'deficit' prior to commencement of construction:</p> <p>1. Clarity is required that the upfront delivery of 70% BNG relates to 70% of the total BNG units, including the 10% gain, not 70% of the deficit or shortfall required to reach 'no net loss.' The Applicant's Response to WSCC LIR Chapter 11, Paragraph 11.31 (REP2-020) refers to 'the front loading of 70% of biodiversity units for each stage prior to</p>

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		Confirm whether there is general agreement on this approach, particularly the delivery of 70% of the deficit prior to commencement of construction. Provide details of any outstanding concerns.	<p><i>construction commencing</i>'. This implies the former BNG measure.</p> <p>2. Will this 70% of BNG units be delivered on the ground prior to construction (as implied in the Applicant's Response to WSCC LIR Chapter 11, Paragraph 11.31 [REP2-020]) or simply purchased from third party providers prior to construction? If the latter, how will its implementation be secured within an agreed timeframe? Given these BNG units comprise compensation, not simply 10% BNG, it is critically important that they are delivered in advance, or early in the Project.</p> <p>3. The mechanism to secure delivery of BNG to an agreed timescale should be secured through a revised Requirement 14. See response to DCO 1.19.</p>
<b>FR</b>	<b>Flood Risk</b>		<b>WSCC RESPONSE</b>
FR 1.4	<i>Flood Risk at the Proposed Substation site at Oakendene</i>	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	The drainage strategy for the Oakendene site requires further development, as to date no groundwater monitoring or winter monitoring of water levels has taken place. The Applicant is aware of this and will be undertaking monitoring and will re-visit the drainage

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	<p><b>West Sussex CC</b> <b>Horsham DC</b> <b>The Environment Agency</b></p>	<p>Deadline 1, confirm whether there are any comments on or outstanding concerns regarding, but not limited to:</p> <ul style="list-style-type: none"> <li>a) The quality of and conclusions from the Applicant’s Site-Specific Flood Risk Assessment [APP-216] at this site, including the approach to, application of and conclusions from the Sequential and Exception Tests.</li> <li>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.</li> <li>c) The Applicant’s statement that the Oakendene site is situated within Flood Zone 1.</li> <li>d) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</li> </ul>	<p>strategy and design for the site once the monitoring results are available.</p> <ul style="list-style-type: none"> <li>a) It has been questioned whether the Sequential and Exception Tests have been carried out correctly. Therefore, the Applicant should add greater clarity around the method used and the results.</li> <li>b) The FRA and Drainage Strategy for the Oakendene substation site will require further development once groundwater monitoring or winter monitoring of water levels has taken place.</li> <li>c) The Oakendene substation site is situated within Flood Zone 1.</li> <li>d) The Oakendene substation site is situated within Flood Zone 1. However, the mapping does not take account of flooding highlighted during the winter months by residents. The Applicant will be monitoring to better inform the drainage strategy for this site.</li> <li>e) Correctly designed development will not increase flood risk elsewhere.</li> </ul>
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		<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] 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>f) The Applicant’s proposed Outline Operational Drainage Plan (APP-223) and ongoing management and maintenance of drainage proposals for this site will be subject to review once groundwater monitoring and winter monitoring of water levels has taken place.</p> <p>g) The evidence submitted by CowfoldvRampion (REP1-087 and REP1-089) and Mr Smethurst (REP1-115 to REP1-119) at Deadline 1 regarding local flooding is useful. It is understood that the Applicant will be undertaking monitoring of the site and updating their FRA and Drainage Strategy for the site.</p> <p>h) The current design will attenuate flow within the site boundary. Therefore, potential flood risk to downstream receptors will be mitigated.</p> <p>i) The proposed attenuation basins created to manage surface water run-off will be planted with wet woodland. Whilst this provides some habitat creation opportunities, it is noted that</p>
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		<ul style="list-style-type: none"> <li>j) The Applicant’s conclusion regarding no loss of net flood plain storage and maintenance of greenfield runoff rates.</li> <li>k) Concern regarding potential groundwater flooding at this site.</li> <li>l) Whether the proposed drainage system is feasible and whether it complies with National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.</li> <li>m) Whether the draft DCO [REP2-002] would give the most appropriate body the responsibility for maintaining the proposed drainage system.</li> </ul>	<p>mature trees and hedgerows will also be lost at the substation site.</p> <ul style="list-style-type: none"> <li>j) No development is proposed within existing floodplain areas. Therefore, there should be no loss of net flood plain storage. The detailed design will be checked to ensure greenfield runoff rates are maintained.</li> <li>k) Groundwater monitoring to be undertaken by the Applicant.</li> <li>l) Schedule 3 of the Flood and Water Management Act 2010 has not yet been enacted. However, the planning process will ensure that any design follows ‘<i>best practice</i>’ and any proposed maintenance is appropriate for the drainage elements constructed.</li> <li>m) The ultimate owner / operator of the site will have responsibility for maintaining the proposed drainage system. Maintenance requirement should be identified in the sites ‘Health and Safety File’ and should be adhered too.</li> </ul>
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FR 1.5	<p><i>Natural Flood Management</i></p> <p><b>The Applicant</b> <b>West Sussex CC</b> <b>Horsham DC</b></p>	<p><b>The Applicant</b></p> <p>State whether mitigation measures have planned to make as much use as possible of natural flood management techniques.</p> <p><b>West Sussex CC and Horsham DC</b></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>Proposed mitigation measures for the temporary works have been identified. However, it is difficult for these to follow natural flood management techniques given the temporary nature of the work.</p> <p>Any permanent works i.e. the Oakendene site does follow natural flood management techniques. However, given the size of the site, opportunities for wide scale natural flood management techniques are limited.</p>
FR 1.6	<p><i>Local Flood Risk Management Strategy</i></p> <p><b>West Sussex CC</b></p>	<p>Confirm that the Proposed Development is in line with the local flood risk management strategy.</p>	<p>WSCC`s current `Local Flood Risk Management Strategy` does not cover design requirements for large scale infrastructure projects. Apart from cable route construction within the existing floodplain, which will require consent from the Environment Agency, permanent construction is not being proposed within identified surface water flood risk areas.</p>
FR 1.7	<p><i>Flood Risk Related to the Entire Proposed Development</i></p>	<p>Comment on any outstanding concerns regarding flood risk related to the Proposed Development as a whole, other than the</p>	<p>a) It has been questioned whether the Sequential and Exception Tests have been carried out correctly. Therefore, the Applicant should add greater clarity</p>

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	<p><b>West Sussex CC</b> <b>Horsham DC</b> <b>Arun DC</b> <b>The Environment Agency</b></p>	<p>Oakendene site raised in questions FR1.2 to FR1.4, related to but not limited to:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>c) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</li> <li>d) Whether or not the Proposed Development would increase flood risk elsewhere.</li> <li>e) Whether or not there would be a net loss of floodplain storage.</li> </ul>	<p>around the method used and the results.</p> <ul style="list-style-type: none"> <li>b) WSCC consider the FRA (APP-216) to be acceptable. As most of the works likely to affect local flood risk is temporary, climate change is not considered. Within the permanent works areas climate change is considered to the appropriate level.</li> <li>c) It would be difficult to steer any proposed route towards areas with the lowest flood risk, as these areas are likely to be the most populated areas along any proposed route.</li> <li>d) WSCC does not consider that flood risk will be increased elsewhere once the work is complete. The Applicant is aware of the increased flood risk during the construction phases and this is highlighted in the FRA (APP-216).</li> <li>e) WSCC does not consider that there would be a net loss of floodplain storage once the work is complete. The Applicant is aware of the increased flood risk during the construction</li> </ul>
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			phases and this in highlighted in the FRA (APP-216).
<b>HE</b>	<b>Historic Environment</b>		<b>WSCC RESPONSE</b>
HE 1.8	<p><i>Onshore Archaeology</i></p> <p><b>Historic England</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p>	<p>In the context of ES Chapter 25 Historic Environment [PEPD-020] that identifies a high potential of archaeological remains of high heritage significance within the South Downs area and further to SDNPA Principal Areas of Disagreement Statement (PADS) point 7 [AS-006], West Sussex CC PADS points 38 to 40 [AS-008] and Historic England’s RR [RR-146], comment upon the Applicant's assertion that further investigation would not change the outcome of the assessment at table 4-2 in response to paragraph 2.33.2 [REP1-017].</p>	<p>WSCC’s position is that further investigation could, and indeed is likely to, change the outcome of the assessment. It is not possible to fully understand significance of buried archaeological features in the absence of prior field evaluation, which the Applicant has not undertaken.</p> <p>The relevant policy statements (NPS EN-1 for Energy, paragraphs 5.8.8 to 5.8.10; National Planning Policy Framework paragraphs 200) place a duty upon the Applicant to describe the significance of any heritage assets affected by the Project. As per WSCC’s relevant representation (RR-418), paragraph 3.14, point vii], PADS (AS-008), points 38 to 40] and LIR (REP1-054), Chapter 15, paragraph 15.1, 15.6, 15.10; Table 15 points 15a and 15f; 15.56-15.60, 15.73-15.76, 15.83, 15.118-15,119, 15.127, the evidence presented by the Applicant and the surveys undertaken to date do not allow significance</p>

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			<p>to be adequately described to the level required.</p> <p>Non-intrusive assessment and surveys have been used to good effect by the Applicant to predict the type of archaeology which may be present with the DCO Limits, and to assign value on this basis. The ES chapter (ES Chapter 25 Revision B, [PEPD-021], Table 25-30 assesses a major adverse (significant) residual significance of effect upon a small number of archaeological receptors. These comprise: <i>Undated possible enclosures or settlement (38_1, 38_2 and 38_3 )</i> in Zone 1 and <i>Neolithic evidence - Flint mining and mortuary remains; Neolithic evidence - Settlement remains; Bronze Age evidence and Early medieval evidence</i> in Zone 2.</p> <p>Residual effects upon the vast majority of identified archaeological receptors (known and potential) are assessed as <b>not significant</b> in EIA terms, with significance of the majority of these assets assessed via non-intrusive surveys only.</p>
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			<p>However, this is not equivalent to describing heritage significance as required by the relevant policies. In the absence of trial trench evaluation, it is not possible to accurately describe significance, nor to characterise any archaeology which may be present. Trial trench evaluation would advance understanding of significance by confirming the presence, date, character, preservation, rarity and extent of these features. It would allow confirmation of appropriate mitigation options, and in turn give reassurance that reduction in magnitude of harm which the ES models following the delivery of planned mitigation, is feasible and deliverable. Undertaking such field evaluation could therefore absolutely change the outcome of the ES assessment in terms of residual significance of effect upon archaeological assets.</p> <p>WSCC draws particular attention to new geophysical anomalies identified within the January 2024 updated ES Chapter (ES Chapter 25 Revision B, [PEPD-021], Table 25-30), some of which appear to be of high</p>
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			<p>significance but which have not been subject to evaluation.</p> <p>In the absence of field evaluation, it's not possible to assess whether archaeology of equal significance to the nearby scheduled monuments is present. Any such remains would be automatically subject to the same policies as designated assets (West Sussex LIR, REP1-054), Chapter 15, paragraph 15.82. This could change the outcome of the assessment as the relevant legislation and policy sets a high bar for accepting harm to designated heritage assets.</p> <p>The Applicant's proposed means of harm reduction for any high significance archaeological remains is mitigation by design solution (preservation in situ). As per WSCC's relevant representation (RR-418), paragraph 3.14, points i, ii and viii, PADS (AS-008), points 39 and 45 and LIR (REP1-054), Chapter 15, paragraphs 15.5, 15.7, 15.8, 15.79, 15.80, 15.142-15.147; Table 15 points 15a and 15f, in the absence of field evaluation to characterise remains, it is not possible to</p>
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			<p>guarantee that proposed mitigation, especially preservation in situ, will be possible or suitable. Nor to guarantee that proposed embedded and agreed mitigation will reduce harm by the magnitude assumed. This is especially applicable within the prehistoric downland area in question, where there is a high potential for specific classes of archaeology which would be of national significance, but also likely to be especially problematic to preserve in situ (West Sussex LIR REP1-054), Chapter 15, paragraphs 15.77 and 15.136. These could include Neolithic flint mines (potentially spatially extensive and incredibly artefact-rich) and associated lithic processing and Neolithic settlement evidence (potentially spatially extensive extremely ephemeral).</p> <p>For the above reasons, it is the professional judgment of WSCC that further investigations in the form of appropriate pre-determination field evaluation could absolutely change the outcome of the assessment. The following pathways to change are identified;</p>
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			<ul style="list-style-type: none"><li>• Changes to assessed/described significance of archaeological heritage assets;</li><li>• Changes to the suitability and/or ability to deliver proposed mitigation, including preservation in situ of nationally significant and potentially extensive or ephemeral remains;</li><li>• Changes to predicted reductions in magnitude of harm following mitigation;</li><li>• Identification of new archaeological features of equal significance to, and therefore subject to the same policies as, nearby designated heritage assets, and</li><li>• Identification of new residual significant historic environment effects, potentially including higher-than-modelled magnitudes of harm to nationally significant archaeology, as a result of any of the above.</li></ul>
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			<p>Failure to undertake this work means that the Applicant currently cannot meet the requirements of the policies and that there is a high risk of harm to nationally significant heritage assets.</p> <p>WSCC would highlight a recent planning judgment on a solar farm [<a href="#">Low Carbon Solar Park 6 Ltd, R (On the Application Of) v Secretary of State for Levelling Up Housing and Communities &amp; Anor [2024] EWHC 770 (Admin) (05 April 2024) (bailii.org)</a>]. An application made directly to the Secretary of State was refused planning permission, partly on the basis of insufficient archaeological field investigation, and thus lack of compliance with the principles of Overarching National Policy Statement for Energy (EN-1). The original decision notice stated "<i>An understanding of the significance of any heritage asset is the starting point for determining any mitigation, and therefore I am unable to assess whether the mitigation proposed would be appropriate</i>" (summarised at <a href="#">Low Carbon Solar Park 6 Ltd, R (On the Application Of) v Secretary of State for</a></p>
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			<p><a href="#">Levelling Up Housing and Communities &amp; Anor [2024] EWHC 770 (Admin) (05 April 2024) (bailii.org)</a> para. 29). The decision was challenged by the applicant on grounds of procedural fairness. The challenge was subsequently dismissed in a judgment on 5th April 2024, with the court finding that the significance of historical assets had not been adequately identified, preventing a proper balancing exercise required by planning regulations. The denial of planning permission was upheld due to the lack of evidence and understanding of significance due to the lack of pre-determination trial trenching, and potential harm to archaeological remains. The High Court judge stated, "... <i>an understanding of the significance of heritage assets is the starting point for determining any mitigation, and it is not appropriate to assess mitigation without that understanding.</i>" (<a href="#">Low Carbon Solar Park 6 Ltd, R (On the Application Of) v Secretary of State for Levelling Up Housing and Communities &amp; Anor [2024] EWHC 770 (Admin) (05 April 2024) (bailii.org)</a> para. 49).</p>
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<b>MI</b>	<b>Minerals</b>	<b>WSCC RESPONSE</b>
MI 1.1	<p><i>Mineral Resource Assessment and Mitigation Measures to Safeguard Minerals</i></p> <p><b>West Sussex CC</b></p> <p><b>SDNPA</b></p>	<p>West Sussex CC expresses concern in its LIR [REP1-054] about the mitigation measures proposed by the Applicant to safeguard minerals. West Sussex CC state that the Applicant’s proposed mitigation measure is a Commitment, secured through the OCoCP [APP-224], for the Applicant to produce a Minerals Management Plan (MMP) that is prepared prior to construction. The SDNPA support this concern in their LIR [REP1-049] raising that the Applicant has not yet provided a Minerals Management Plan (MMP). Additionally, West Sussex CC believes the submitted OCoCP is lacking in detail.</p> <p>The Applicant has provided information on minerals in Chapter 24: Ground conditions, Volume 2 of the ES [APP-065]. The Applicant has responded in [REP2-020], explaining why they could not produce a MMP at this stage and that the information provided is proportionate with proper consideration based on the</p>

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		<p>information available and, where appropriate, considers worst case scenarios.</p> <p>Explain whether agreement been reached on this issue of:</p> <ul style="list-style-type: none"><li>a) the timing of the provision of a MMP and</li><li>b) the level of detail in the OCoCP.</li></ul> <p>If there are outstanding concerns, provide details of further information that the Applicant should provide.</p>	<p>extraction of minerals is unlikely to be feasible. Further, it is recognised that upon decommissioning, that underlying minerals would be again available and thus permanent sterilisation avoided.</p> <p>The ExA will need to be satisfied that prior extraction is not practicable or environmentally feasible, and it is recommended that further information is sought setting to demonstrate this, prior to determination.</p> <p>In addition, should substantial prior extraction be demonstrated not to be possible, the Applicant must ensure that any minerals directly encountered during construction are not needlessly sterilised and provision made for their use where practicable. In this regard, of principal concern to WSCC is ensuring that due and proper consideration is given to mineral safeguarding through the OCoCP, and that appropriate mitigation measures are in place, as required by Paragraph 5.11.28 of EN-1.</p> <p>As a minimum, to demonstrate compliance with Policy M9 of the JMLP, the Applicant must implement measures to ensure that any</p>
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			<p>mineral resource directly encountered as part of construction works, is appropriately re-used within the Project or made available for external use. No consideration as to the potential for such uses (e.g. use of sand as a bedding material/use of clay in engineering works) has been explored or considered.</p> <p>a) The overarching Material Management Plan (not a focused Minerals Management plan as referred to by the ExA), an outline version of which has not been provided, will be prepared by the Applicant at construction phase, as required by the OCoCP (PEPD-033) (see 14.4 REP2-020). WSCC are content that a MMP is prepared and approved in advance of the construction phase, and that WSCC, as the Mineral Planning Authority, are a consultee to matters related to mineral safeguarding.</p> <p>b) However, the level of detail within the OCoCP is currently lacking, and no agreement has been reached between the Applicant and WSCC. No updates have been proposed by the Applicant to</p>
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			<p>the OCoCP (PEPD-033), as suggested in the WSCC LIR submission (REP1-054). Without any reference to safeguarded minerals in West Sussex, relevant policies, or local issues, within the OCoCP, it is unlikely that the MMP would give proper consideration to mineral safeguarding. The Applicants focus is on applying the CL:AIRE (2011) Definition of Waste Code of Practice (DoWCoP), which is focused on management of excavated materials, however do not address safeguarding minerals.</p> <p>The Applicant has not addressed the principal concerns raised by WSCC and the OCoCP and the information contained therein about a future MMP is limited, with no reference to mineral safeguarding or relevant policies. Without this, there is no mechanism to consider mineral safeguarding at the construction phase.</p> <p>The Secretary of State, as the decision maker for the Project, will need to be satisfied if there is an overriding need for the Project that outweighs the safeguarding and</p>
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			demonstrates that prior extraction is not practicable or environmentally feasible.
<b>NV</b>	<b>Noise and Vibration</b>		
NV 1.6	<p><i>Onshore Substation</i></p> <p><b>West Sussex CC</b></p>	<p>Respond to the Applicant’s response contained in [REP2-020] to the issues raised in the LIR [REP1-054] with regard to the impact of operational noise and vibration from the onshore substation on residential receptors and receptors using PRowS. List any outstanding concerns and provide recommendations for addressing them.</p>	<p>Given the technical nature of Noise and Vibration Assessment, WSSC defer to Environmental Health Officers to provide detailed comments in respect of noise and vibration impacts. Nonetheless, WSSC would make the following observations in response to the Applicant’s response contained in (REP2-020).</p> <p>In general terms, the Applicant focuses on mitigation of noise impacts which it considers would be ‘<i>significant</i>’ in EIA terms. In principle, any adverse noise impacts should be minimised and mitigated as far as practicable, regardless of whether they may be deemed significant in EIA terms.</p> <p>The Applicant seemingly suggests that significant night-time noise impacts at residential receptors as being only those with the potential for health effects due to sleep disturbance. This is a high bar, may not be considered to accord with recognised</p>

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			<p>standards and discounts the potential for adverse noise impacts below this level, which is of some concern.</p> <p>BS4142 suggests that the greater the noise level above background, the greater the magnitude of impact, and that a difference of +5dB is likely to be an indication of an adverse impact, depending on the context. Given the existing low background noise levels in the area, it therefore remains of concern that noise limits are set at +5dB above background (as specified in the Design and Access Statement (AS-003) (and secured by Requirement 29 of the Draft Development Consent Order. It is considered that proposed threshold rating levels at sensitive receptors proximate to the substation should be set closer to existing background levels to minimise the potential for adverse impacts.</p> <p>Regarding physical noise mitigation measures at the Oakendene substation, the Applicant focuses on only providing mitigation that would ensure proposed Design and Access Statement (AS-003) limits are achieved (i.e. those which give rise to significant impacts). WSCC recognise a balance must be struck</p>
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			<p>between potential landscape/visual/ecological impacts of any physical noise mitigation measures against the benefits of noise attenuation. However, the Applicant has provided no evidence to support the claims that; there is limited scope to alter noise through optimising the layout; that the physical size of any such measures would be preventative; they would result in restrictive cost burdens; and that any benefits would unlikely be appreciable.</p> <p>It is therefore recommended that additional information on potential physical noise mitigation measures be provided, and the benefits/disbenefits assessed. This would enable determination as to whether good design has been demonstrated through <i>“selection of the quietest cost-effective plant available; containment of noise within buildings wherever possible; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission”</i> in accordance with NPS EN-1 paragraph 5.11.8.</p>
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			<p>As noted in WSCC LIR (REP1-054) consideration could be given to requiring this detail as part of Requirement 8 of the Draft Development Consent Order (PEPD-009) and/or updates to the design principles and information contained within the Design and Access Statement (AS-003).</p> <p>It is apparent that the Applicant has not undertaken any detailed assessment of the potential operational noise impacts upon users of PRoW (including Footpath 1786 that would pass immediately alongside the southwest corner of the Oakendene substation). The conclusion of no significant noise impacts on PRoW has not therefore been robustly demonstrated. Further, even if a noise impact upon a PRoW were not '<i>significant</i>' in EIA terms, it may still result in impacts upon the amenity value of PRoW (the noise environment being part of its amenity and enjoyment value) that would inevitably be the case here.</p> <p>Although it is recognised that any impacts on PRoW would be transitory, the ExA will need to be satisfied that sufficient information has been provided on permanent noise impacts on</p>
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			users of PRow has been provided and that and all reasonable mitigation measures have been proposed to reduce or offset those impacts (e.g. physical mitigation measures and securing funding for enhancement of other PRow in the locality).
<b>PH</b>	<b>Public Health</b>		
PH 1.1	<p><i>Potential Damage to Utilities</i></p> <p><b>West Sussex CC</b></p>	Respond on the provisions made by the Applicant with respect to action to be taken in the event of damage to utilities in the emergency planning section of the OCoCP [PEPD-033].	WSCC acknowledge the insertion of damage to utilities, as an anticipated hazard that will be included within the emergency planning procedures that are yet to be developed. WSCC would appreciate that once written the emergency procedures are shared with multi-agency responder partners to facilitate multi-agency response planning.
<b>SLV</b>	<b>Seascape and Landscape and Visual</b>		
SLV 1.10	<p><i>Nighttime Viewpoint Assessments</i></p> <p><b>West Sussex County Council</b></p>	Given the Applicant's Mid-examination Progress Tracker [REP2-013], in the context of the original assessment at Appendix 15.5 Volume 4 of the ES (APP-161) supplemented by night-time viewpoint assessment (PEPD-024), confirm whether night-time viewpoint assessments are now sufficient to enable an	WSCC welcomed the submission of the supplemented night time assessment (PEPD-024) which was missing from the ES submission. WSCC agrees with the assessment undertaken for both VP 10 and VP 13 within the document, although the assessment seems to omit the figures which

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		appropriate consideration of the environmental effects.	support the assessment findings (15-35j-r and 15-38 j-r. The Applicant has provided these to WSCC, but WSCC requests these are submitted into the examination. The assessment concludes there is a moderate adverse effect on night time views from Pagham Harbour (VP 13). The continued view of WSCC is of concern regarding the size and scale of the turbines proposed. Consideration should be given to an offshore layout that has an overall potential for lesser impacts upon West Sussex, for both day and night time views.
<b>TA</b>	<b>Traffic and Access</b>		<b>WSCC RESPONSE</b>
TA 1.1	<i>Traffic Assessment Methodology</i> <b>West Sussex CC</b> <b>National Highways</b>	Are you content with the technical note submitted by the Applicant at D2 [REP2-017] comparing the Institute of Environmental Management and Assessment (IEMA) Guidelines: 'Environmental Assessment of Traffic and Movement' (EATM 2023) and the 'Guidelines for the Environmental Assessment of Road Traffic' (GEART 1993) and the conclusions reached with respect to the assessment of the Proposed Development	WSCC has reviewed the Applicants technical note (REP2-017). WSCC are satisfied that in light of the two rules applied to determine the scope of the study area remaining unchanged between the 1993 GEART and 2023 EATM documents that the scope of the Applicants assessment remains acceptable. It is noted that the main differences between the GEART 1993 and EATM 2023 is to update best practice with respects to the determination of certain impacts. WSCC are satisfied that the

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		using EATM 2023? If not, explain your concerns including your reasoning.	conclusions reached by the Applicant remain appropriate.
TA 1.2	<p><i>Traffic Assessment Methodology</i></p> <p><b>West Sussex CC</b></p> <p><b>National Highways</b></p>	<p>State whether there is agreement with the methodology, baseline data and predicted traffic movements used to assess traffic and transport impacts in ES Volume 2 Chapter 23 Transport [APP-064] and ES Volume 2 Chapter 32 ES Addendum [REP1-006]. Identify outstanding issues, if any, and how they should be addressed.</p>	<p>The Applicant and WSCC have had extensive pre-examination discussions to agree the assessment methodology and suitability of the baseline data used within ES Volume 2 Chapter 23 Transport (APP-064) and the subsequent Chapter 23 ES Addendum (REP1-006). These matters are agreed. However through the WSCC LIR (REP1-054, Appendix C, point 5.1.4), WSCC has requested further clarity in terms of the calculation of Project vehicle movements. Whilst further information is included within the Applicants response to the WSCC LIR (REP2-020), the response is still high level. WSCC acknowledge that vehicle movements are based upon estimates of materials required and the duration of activities, but it would still be beneficial for some scrutiny to be applied to the calculations of these movements given they are underpinning the transport assessment. Given that estimates are also being used, it's presumed that some margin for error will be included within the calculations.</p>

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TA 1.8	<p><i>Accesses</i></p> <p><b>West Sussex CC</b></p>	<p>The Applicant provided responses to the comments you made in Table 1a of the LIR [REP1-054] on construction and operational accesses in [REP2-020]. Confirm if the responses have addressed the concerns and if there are any outstanding issues, with recommendations on how they should be addressed.</p>	<p>The Applicant’s responses are noted. For a significant number of the points raised by WSCC, the Applicant is intending to provide further information during the Examination. WSCC will review the additional information relating to these points when available. WSCC would ask the Applicant to clarify their comment regarding access A-24. WSCC’s request was whether A-24 needs to be a light construction and operational access given the nearby availability of A-22 and A-23. The Applicant’s response references A-23 being unsuitable for construction purposes. However this is immediately adjacent to A-22, which is being used for construction. It remains unclear why A-24 is needed when the majority of construction traffic will use A-22.</p> <p>At present, there are a significant number of points that remain outstanding.</p>
TA 1.14	<p><i>Assessment of Traffic Effects</i></p> <p><b>West Sussex CC</b></p>	<p>Provide comments on the Applicant’s response to issues raised by CowfoldvRampion on the assessment of the effects of the Proposed Development on traffic in the Cowfold area in</p>	<p>The concerns raised by CowfoldvRampion and the subsequent response by the Applicant are noted. It is perhaps for the ExA to determine whether the concerns raised have been addressed.</p>

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		<p>its WR [REP1-089] contained in section 10 of Appendix A [REP2-030].</p> <p>Confirm whether all the issues raised have been adequately addressed, subject to the agreement of a traffic management plan for Kent Street and the design of the accesses to the substation site and Oakendene temporary construction compound.</p>	<p>WSCC have separately identified issues regarding traffic and traffic management in the Cowfold area (including the use of Kent Street, the Oakendene compound, and the substation) within the LIR. Some of these are common issues with those identified in the CowfoldvRampion submission. Regarding these points,</p> <ul style="list-style-type: none"><li>• As noted within the WSCC response to TA 1.8, information is awaited from the Applicant concerning traffic management measures for Kent Street, the Oakendene compound and the proposed substation location. These issues consequently remain outstanding.</li><li>• Commitments have been made by the Applicant to avoid routing HGVs through Cowfold unless these are accessing access A-56 and A-57. WSCC are content that the Applicant has sought to reduced HGV movements through Cowfold. It may be possible to further restrict HGVs to avoid the network peak times through phase</li></ul>
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			<p>specific construction management plans.</p> <ul style="list-style-type: none"><li>• The Applicant has indicated within their response to the WSCC LIR that the number of HGVs accessing Kent Street, the Oakendene compound and the substation during network peak times will be low, and that as such measures are not required to limit movements during these times. WSCC accept that the movements will be low but would still request that HGV movements are restricted during the peak hours given the potential for interactions with other traffic.</li><li>• The Applicant in their response to CowfoldvRampion have ruled out the possibility of using an off-site HGV holding area (REP2-030, paragraph 10.6). It is unclear how this conclusion has been arrived at given that traffic management measures are still being prepared. The use of a holding area in principle may well be required for HGVs accessing Kent Street.</li></ul>
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			<ul style="list-style-type: none"> <li>Matters raised by CowfoldvRampion concerning air quality should be posed to Horsham District Council.</li> </ul> <p>Overall, it is considered that there are still issues to be addressed primarily regarding traffic management.</p>
TE	Terrestrial Ecology		WSCC RESPONSE
TE 1.10	<p><i>Protected Species - Hazel Dormouse</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>Relevant Planning Authorities</b></p> <p><b>The Environment Agency</b></p> <p><b>SDNPA</b></p>	<p><b>The Applicant</b></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.</p> <p>b) State whether the Best Practice Guidelines outlines in 'The Dormouse Conservation Handbook, Second Edition', have been adhered to. If not, has a detailed justification been provided? If</p>	<p>e) WSCC is satisfied with the level of surveys undertaken for hazel dormouse to date and notes that further pre-construction surveys will be undertaken as per Commitment C-232.</p>

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		<p>not, the ExA requests that one is provided.</p> <p>c) State if the information this new report provides changes any of the conclusion in the Terrestrial Ecology chapter of the Environmental Statement [APP-063]</p> <p>d) State whether the survey location sites for hazel dormouse have been updated in light of changes to the proposed cable route. Have survey sites been updated in line with best practice?</p> <p><b>Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA</b></p> <p>e) Confirm if the surveys undertaken by the Applicant and proposed mitigation measures for hazel dormouse described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for hazel dormouse?</p>	
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<p>TE 1.11</p>	<p><i>Protected Species - Bat Surveys</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>Relevant Planning Authorities</b></p> <p><b>The Environment Agency</b></p> <p><b>SDNPA</b></p>	<p><b>The Applicant</b></p> <p>a) The ExA requests an update to the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to bat activities, [PEPD-029] Environmental Statement Volume 4, Appendix 22.18: Passive and active bat activity report 2023 Date: January 2024 Revision A.</p> <p>b) State if the information this report provides changes any of the conclusions in the Terrestrial Ecology chapter of the Environmental Statement [APP-063]</p> <p><b>Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA</b></p> <p>c) Confirm if the proposed mitigation measures for bats described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be</p>	<p>c) The current bat mitigation measures are insufficient.</p> <p>WSCC notes that whilst ten bat boxes will be provided at Oakendene substation, there is no mention of providing any elsewhere. WSCC recommends that bat boxes should be installed close to all locations where mature trees, or trees with bat roost potential, are to be removed.</p> <p>The new Commitment C-291 to be submitted by the Applicant at Deadline 3 will provide some additional mitigation measures for bats during the construction period through the use of straw bales, dead hedging or willow hurdles to plug temporary gaps in hedgerows. This is welcomed by WSCC.</p>
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		effective in terms of mitigation measures for bats.	
TE 1.28	<p><i>Potential Terrestrial Ecological Impact</i></p> <p><b>The Applicant</b></p> <p><b>The Environment Agency</b></p> <p><b>Natural England</b></p> <p><b>Relevant Planning Authorities</b></p> <p><b>SDNPA</b></p>	<p><b>The Applicant</b></p> <p>a) The ExA requests the Applicant to state the estimated worst case duration range for construction activities for:</p> <ul style="list-style-type: none"> <li>i. a 1 kilometre (km) length of open cut cable corridor</li> <li>ii. a trenchless crossing of a watercourse, PRoW or small track</li> </ul> <p>b) The ExA requests the Applicant to provide worst case construction duration times marked on a plan in sections along the whole of the cable route, in as much detail as possible. For sections where the time of year construction is undertaken would be a significant consideration, such as sensitive ecological areas, mark on the plan which months or season the construction work is proposed to be undertaken.</p> <p><b>The Environment Agency, Natural England, Relevant Planning Authorities, SDNPA</b></p>	<p>c) There are particular ecological sensitivities along the northern end of the cable corridor, such as around Crateman’s Farm, including the presence of breeding nightingale which may warrant seasonal restriction of work. i.e. Avoid March-July. Whilst this is already partly addressed by Commitment C-21, which states that vegetation removal will be scheduled over the winter period to avoid the bird breeding season, avoiding or minimising disturbance in these sensitive areas during March-July would be beneficial.</p> <p>Works within floodplains should avoid the period October-February inclusive to prevent disturbance to waterfowl. Whilst Commitment C-117 addresses this issue in Flood Zones 2 and 3 it may also be beneficial to apply this measure to flooded grassland along the Cowfold Stream.</p>

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		<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	<p><i>Impacts to Ecologically Important and Sensitive Sites: Climping Beach SSSI, Littlehampton Golf Course and Atherington Beach LWS, Sullington Hill LWS, and Ancient Woodland at Michelgrove Park and Calcot Wood.</i></p>	<p>Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore Construction Method Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites.</p> <p>Provide a response to these proposed Requirements, stating any outstanding concerns.</p>	<p>WSCC is generally satisfied with Requirements 22 and 23 in regards to ecology.</p> <p>It is, however, recommended that Michelgrove Park and Calcot Wood, both ecologically sensitive ancient woodlands, are specifically mentioned with the other ecologically sensitive sites in Requirement 23 (Onshore Construction Method Statement) Section 2(b).</p> <p><i>Errata:</i> Requirement 23 of the draft DCO [REP2-002] Section 2(b) refers to 'Climbing' Beach SSSI. It should be Climping Beach.</p>

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	<p><b>Natural England</b></p> <p><b>The Environment Agency</b></p> <p><b>SNDPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Forestry Commission</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p>		
TE 1.33	<p><i>Stage Specific Landscape and Ecological Management Plans (LEMPs)</i></p> <p><b>The Applicant</b></p> <p><b>The Environment Agency</b></p>	<p>The Applicant has stated in the OLEMP [APP-232] that:</p> <p><i>"stage specific LEMPs will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with this Outline LEMP for approval of the relevant planning authority, prior to the commencement of that stage of works. The stage specific</i></p>	<p>b) WSCC would like to further understand what a 'relevant' stage of construction would be and how many stages are expected.</p> <p>c) Pre-construction surveys of protected species are to be conducted, as per the Commitments Register. However, should the Project, or part of the Project, be delayed by two or more years it may be necessary to repeat the original surveys. This will depend on the species, location and the potential impacts.</p>



	<p><b>Local Authorities</b></p>	<p><i>LEMPs for the onshore substation and National Grid Bolney substation extension works shall be developed and submitted for approval alongside the detailed design of this infrastructure.”</i></p> <p><b>Applicant</b></p> <p>a) If a significant period elapses between the surveys undertaken for protected species and the start of construction, explain whether it is the intention to re-survey features prior to construction and would the findings be included in the updated stage specific Landscape and Ecological Management Plans.</p> <p><b>The Environment Agency and Relevant Planning Authorities</b></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>	
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