

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

**Deadline 3 Submission (25 April 2024)**

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



## **1 Overview**

1.1 This document provides a response at Deadline 3 (25 April 2024) from West Sussex County Council (hereafter 'WSCC') on the following Deadline 2 submissions by Rampion Extension Development Limited (hereafter the 'Applicant') and following the Examining Authority (ExA) first set of Written Questions. These documents are:

- Updated Draft DCO (REP2-003);
- Updated Statement of Commonality (REP2-012);
- Comments on the Applicants draft Itinerary for the ASI (REP2-016) and notification of wish to attend;
- Engagement with the Applicant on the proposed Section 106 Heads of Terms;
- Review of IEMA guidelines on environmental assessment of traffic and movement (REP2-017);
- Applicants Response to WSCC LIR (REP2-020); and
- WSCC responses to the first set of ExAs Written Questions.

## **2 Response to submitted documentation by the Applicant at Deadline 2**

2.1 This section provides WSCC response to a number of revised or newly created documentation by the Applicant at Deadline 2.

### *Updated Draft DCO*

2.2 WSCC welcomes the amendments made to REP2-003, considering Appendix B of the West Sussex LIR (REP1-054). Appendix 1 provides further feedback on outstanding matters.

### *Updated Statement of Commonality*

2.3 WSCC have been progressing dialogue with the Applicant on some topic areas within the Statement of Common Ground (SoCG) since Deadline 2 and reaching agreement in areas where possible. WSCC confirms that the Statement of Commonality submitted at Deadline 2 is an accurate reflection of discussions to date with the Applicant.

### *Comments on the Applicants draft Itinerary for the ASI (REP2-016) and notification of wish to attend*

2.4 WSCC have no comments to make on the Draft Itinerary for the ASI. WSCC do wish for officer attendance at the ASI and propose for the County Ecologist and the County Arboriculturist to attend for the morning session. This has been communicated to the Applicant.

*Engagement with the Applicant on the Proposed Heads of Terms for the Section 106*

- 2.5 WSCC and the Applicant have been in discussions regarding the proposed Heads of Terms for the Section 106 Agreement. WSCC have provided commentary on these Heads of Terms and will continue engagement with the Applicant to reach agreement.

*Review of IEMA guidelines on environmental assessment of traffic and movement*

- 2.6 The Applicant has submitted a 'Review of IEMA guidelines on Environmental Assessment of traffic and Movement' (REP2-017). This has been submitted to address the issue identified by WSCC concerning the Guidelines for the Environmental Assessment of Road Traffic (GEART) 1993 guidance being updated to the Environmental Assessment of Traffic and Movement (EATM) in 2023; the Applicants assessment was based on the 1993 guidance.
- 2.7 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 conclusions reached by the Applicant remain appropriate.

*Applicants Response to the WSCC LIR*

- 2.8 WSCC acknowledges the Applicants response (REP2-020) to the WSCC LIR (REP1-054). The sections below provide topic specific responses where it is required.

*Seascape, Landscape and Visual Impact (ES Chapter 15)*

- 2.9 It is acknowledged by both WSCC and the Applicant that offshore wind energy developments will inevitably result in changes to coastal escapes and views, which is also recognised in National Policy Statement EN-1. WSCC have reached agreement across a number of matters with regards to methodology, including viewpoints and application of the ZTVs produced.
- 2.10 WSCC`s outstanding concerns remain around the significant visual effects identified in Chapter 15: Seascape, landscape and visual impact assessment, Volume 2 of the Environmental Statement (APP-056) on views experienced by people living, working and visiting the West Sussex coastline, resulting particularly from the apparent scale and western lateral spread of wind turbine generators (WTGs) in the field of view out to sea, in combination with the operational Rampion 1 Wind Farm.
- 2.11 It is acknowledged that there has been an evolution in offshore design and reduction in offshore DCO Limits prior to submission, which has been welcomed by WSCC. However, the iterative changes to the design of the offshore elements has not resulted in a major reduction to the potential visual effects upon West Sussex receptors.

- 2.12 The Applicant states in (REP2-020)- that they '*will continue to engage with WSCC on matters regarding seascape landscape and visual impacts, however opportunities to reduce effects through further design principles specific to West Sussex are limited by the technical, economic and functional requirements of the Proposed Development to produce renewable energy, as well as other environmental factors*'. Without any willingness to engage with WSCC regarding further development of offshore design principles which would lead to a lesser environmental impact, or an understanding of what these limitations are, there are areas of disagreement with the Applicant on these matters.

### Socio-economics (ES Chapter 17)

#### *Local Employment*

- 2.13 The Applicant refers to significant opportunities for West Sussex including the use of local workers during the construction of the onshore infrastructure and states that the onshore infrastructure will be located in West Sussex. The Applicant states that these jobs will be highly accessible for local people. WSCC would question what will the Applicant be doing to ensure that local people can access these jobs? There is a lot of emphasis placed on the OSES to enable this, but this document is currently very high level, limited in information and does not provide sufficient reassurance.
- 2.14 WSCC understands there to be skills shortages across the construction sector in Sussex, including for basic construction skills and more specialist sectors within the supply chain, as informed by Future Skills Sussex in its Local Skills Improvement Plan (2023)<sup>1</sup>. Future Skills Sussex undertook extensive research into the Construction Sector. This report concluded "*The construction sector across the South-East is expected to grow by an annual average of 1.8% between 2023- 2027. Industrial (4.0%), private housing (3.6%) and commercial (3.0%) work are expected to see the biggest annual increases. Consequently, this means that in the South-East the construction industry needs to increase current recruitment by 3,560 new workers each year to deliver the expected work between the start of 2023 and end of 2027*" (Sussex Local Skills Improvement Plan, Construction Sector Deep Dive, Executive Summary, February 2024 Future Skills Sussex). This report further evidences constraints on the construction labour market in Sussex.

#### *Supply Chain*

- 2.15 The Applicant has not directly responded to the point raised by WSCC. Further engagement is required to discuss the potential for further development of programmes that support local businesses to grow. The Applicant's response refers to local businesses registering on a Suppliers Platform to supply the project, attending supplier engagement days, regular one-to one sessions with supply chain managers and access to a supplier portal. However, further engagement is required to discuss focussed support and programmes that will provide local businesses with the opportunity to become of the Project's supply chain.

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<sup>1</sup> Local Skills Improvement Plans (LSIPs) were introduced in the Skills for Jobs White Paper in January 2021 and now form an integral part of the Skills and Post-16 Education Act 2022. The Sussex LSIP incorporates the local authority area of Brighton and Hove, East Sussex and West Sussex. The Sussex Chamber of Commerce and its Board have overarching responsibility for the development and delivery of Future Skills Sussex LSIP.

### *Assessment of Local Impacts*

- 2.16 The Applicant has not given a satisfactory response to the point raised about a need for assessment of impacts at the local level. Indeed, their response “...providing impacts at a lower spatial scale would be a useful output of the economic impact assessment” would appear to suggest they recognise that an assessment of impacts at the local level would add value to the assessment.

### *Impacts on Onshore and Inshore Recreational Infrastructure, Tourism and Visitors*

- 2.17 Whilst the Applicant has acknowledged there are impacts on PRoW, they have reiterated they do not believe there are significant effects on recreational infrastructure, tourism sector and visitor economy. The Applicant has cited Rampion 1 as an example of a Project that has had no adverse impacts on tourism in the local area. They have also questioned the primary research undertaken by Bournemouth Council to not be robust. WSCC does not believe that Rampion 1 is an appropriate comparison to use. Rampion 2 is materially different to Rampion 1 in that the former’s above ground infrastructure is proposed to be significantly larger in scope and scale.
- 2.18 In addition, the Applicant’s assertion that Rampion 1 has not had an adverse effect on the local area, appears to be based on an analysis of tourism employment data. WSCC believes this to be a very crude approach and subject to error as there are many different variables that influence volume and value of tourism in an area. Unless the Applicant has isolated the impact of Rampion 1 on local tourism, WSCC do not consider this approach to be robust.
- 2.19 The Applicant has critiqued the primary survey research which reported on adverse effects of windfarms but they did not respond to WSCC’s question about undertaking primary research to inform the assessment and they have not explained why this research has not been undertaken. WSCC believes there is a need for primary research to be undertaken into potential impacts on holiday/short break planning by visitors to inform the assessment of effects of on the tourism and visitor economy.
- 2.20 The Applicant has stated that there is no evidence of offshore wind farms having a negative impact on the tourism economy of coastal areas. However, they have recognised there is a limitation to the assessment in the lack of evidence gathered after developments are in operation. WSCC does not believe the implications of these limitations have been robustly assessed by the Applicant. WSCC considers that such evidence would have a potentially important bearing on assessment findings as it would more conclusively demonstrate whether visitors are deterred from locations of infrastructure of this scale, and the loss of any income and the jobs this supports.

### *Outline Skills and Employment Strategy*

- 2.21 The Applicant has said they will explore how various initiatives align with the objectives of the OSES and that they will work with stakeholders to address gaps although, as yet none of this has been documented. There is reference to further detail that will be provided “*within the subsequent Skills and*

*Employment Strategy*” however it is not clear when this will be provided. The Applicant has confirmed there will be further engagement with WSCC on further iterations of the OSES.

- 2.22 The Applicant has indicated that the list of skills programmes was discussed and agreed with stakeholders, however it is not clear who these stakeholders are. It also remains unclear which programmes will be relevant to target from both a geographical catchment and skills perspective. The Applicant has advised these will be detailed “*within the subsequent Skills and Employment Strategy*”. However, elsewhere in their response, there is reference to a “*final Skills and Employment Strategy*”, it is not clear what information will feature in which iteration of the Strategy and when these will be produced.
- 2.23 The Applicant has confirmed in the next iteration of the OSES that they will provide a road map to provide a direction of travel for the Strategy, but they did not respond on how they intend to ensure activities are providing net additional or provide further detail on specific outputs and outcomes.

#### *Policy*

- 2.24 With the exception of a point on National Policy Statement for Electricity Networks Infrastructure, the Applicant has not made any comments on the policy related comments raised by WSCC.

#### *Appendix E*

- 2.25 Whilst the Applicant has reviewed the West Sussex Transport Plan, they have not confirmed whether or not there are implications for the assessment findings.

#### *Landscape and Visual Impact (ES Chapter 18)*

- 2.26 The key matters raised in WSCC LIR (REP1-054), as set out in the summary at 9.1 – 9.7, remain relevant and the position of WSCC.
- 2.27 The detailed responses from the Applicant concerning the various landscape and visual matters raised are acknowledged. It is welcomed that in many cases this has resulted in the Applicant committing to undertake further assessment/review and provide further information at future Deadlines.
- 2.28 This further information, in summary, includes:
- Chapter 18: Landscape and visual impact assessment, Volume 2 of the Environmental Statement (APP-059) to be updated for submission at Deadline 4 and to provide further clarification and assessment in relation to Viewpoints, and associated receptors including PRow, and transport routes;
  - Further investigation and provision of additional viewpoints for a submission at a later examination deadline (and associated review of the LVIA where necessary);
  - Updates to the DAS (AS-003) for Deadline 3 to review the wording and presentation of design principles and further consideration of WSCC recommendations to mitigate and compensate for landscape and visual impacts resulting from the substation development;

- Providing Heads of Terms for Deadline 3 for a consent obligation for mitigation and/or compensation of landscape and visual impacts;
- Updates to the Outline Landscape and Ecology Management Plan (APP-232) for submission at Deadline 3 with further details on mitigation measures regarding landscape design, an updated Indicative Landscape Plan and an Architectural Strategy;
- Updates to the Outline Code of Construction Practice (OCoCP) (APP-224), to include a full review of Vegetation Retention Plans (including vegetation within visibility splays), and clarification around any the mechanisms for approval of any changes at the detailed design/implementation stage;
- Further detail on vegetation loss, reinstatement, management, monitoring, and the process for delivering remedial actions (i.e. if localised planting fails) within the OCoCP (PEPD-033) and the Outline Landscape and Ecology Management Plan (APP-232) when updated at Deadline 3;
- Review the wording of mitigation measures as set out in the Commitments Register (REP1-015) and supporting control documents to increase certainty/remove ambiguity;
- Further review of the RVAA (Appendix 18.5: Residential Visual Amenity Assessment, Volume 4 of the ES (APP-171); and
- Review outline control documents including the Design and Access Statement (AS-003), the OCoCP (PEPD-033) and the Outline Landscape and Ecology Management Plan (APP-232) in relation to vegetation overlapped by the footprint of the Oakendene construction compound and consider further vegetation retention. An update to be provided at Deadline 3.

- 2.29 WSCC will review any such further submissions and provide comments in due course. With regard to the Applicants' detailed responses given, notwithstanding the need to review any further information provided by the Applicant, the following sets out the key matters for which comment, concerns or conflict are raised.
- 2.30 WSCC remain concerned that the Applicants' conclusions on landscape and visual impacts rely on sequencing and programming of works and reinstatement being secured as part of the Code of Construction Practice and Landscape and Ecology Management Plan (and Construction Method Statement), and that limited detail has currently been provided within those documents.
- 2.31 Little comfort is gained from the Applicants reference to commitment C-103 *'Areas of temporary habitat loss will begin reinstatement within 2 years of the loss, other than at the temporary construction compounds, cable joint bays, some haul roads, some construction access roads, landfall and substation location where activities may take longer to complete.'* as it is the compounds, haul roads and accesses which are likely to have the greatest landscape and visual impact.
- 2.32 A worst-case scenario must be assumed insofar as reinstatement cannot be guaranteed until construction has been completed in full.
- 2.33 Whilst the Applicant's response to 9.29 is noted, WSCC remains concerned that conclusions on the level of impacts for landscape and visual impacts for

receptors is influenced by the assumption of reinstatement being carried out as soon as possible (which cannot be guaranteed as phasing/sequencing of works has yet to be determined). The Applicant explains that the duration of effects is reported separately and is not part of the assessment of the level of effect, and that summary Tables 18.40-45 of Chapter 18: Landscape and visual impact, Volume 2 of the ES (APP-059), describe the sensitivity, magnitude, level of effect and its significance separately under the heading for the phase of development and its duration. However, it is apparent that considerations of magnitude of change have taken into account progressive reinstatement (for example see tables presented in the Detailed Viewpoint Analysis at section 1.5 of Appendix 18-2 (APP-168) and, Appendix 18.4 (APP170).

- 2.34 This is similarly the case in consideration of impacts on residential visual amenity assessed in the RVAA (Appendix 18.5: Residential Visual Amenity Assessment, Volume 4 of the ES (APP-171), which as part of the magnitude of change repeatedly considers progressive backfill and reinstatement, and for which overall conclusions for each property rely on the assumption that "*The duration of these effects will be limited to 3-4 months / periodic activity with progressive restoration within the 3.5 year construction phase.*" WSCC remain concerned that the RVAA underestimates the visual impacts on individual residential properties and the objectivity of overall conclusions is unclear (in particular for Oakendene Manor where permanent visual impacts would occur).
- 2.35 Regarding the Applicant's response to 9.30, WSCC remain concerned over consideration given to the landscape and visual impacts of required visibility splays (be that for new or upgraded side access points), and that Vegetation Retention Plans (VRPs) in Appendix B of the OCoCP (PEPD-033) do not accurately reflect a worst case scenario (whereby up to large lengths of vegetated roadside boundaries for 69 access points could be impacted).
- 2.36 It is however welcomed that the Applicant is undertaking a review of accesses and the extent of vegetation removal shown on the VRPs and will seek to update other DCO documents (including the LVIA) upon completion of the review. WSCC would ask that VRPs are updated to clearly identify all vegetation to be removed in a single sets of consolidated plans and to indicate all hedgerows/scrub/woodland areas that could be coppiced (noting in a worst case scenario accesses/splays and coppiced features would be required throughout the entire 4 year construction programme - thus leading to prolonged landscape and visual impacts).
- 2.37 To clarify, WSCC consider that all trees, hedgerows and scrub (essentially all soft landscape features) in the VRPs identified for retention (Appendix B of the OCoCP [PEPD-033]), must be retained and protected. The wording currently presented in the OCoCP at paragraph 5.6.27 leaves considerable ambiguity. Any updated wording to this and supporting control documents, must ensure this would only take place in justified exceptional circumstances, and only as may be approved by the relevant planning authority.
- 2.38 Additional Viewpoint (VP) locations as suggested by WSCC continue to be considered warranted to provide an accurate assessment of the level of impacts. Continued engagement on viewpoints, as suggested, would be

welcomed. WSCC also highlight that corresponding visualisations will need to be provided at any new VPs, and for those at the onshore substation, these should include the 18m lightning mast. As the tallest feature on site, WSCC do not agree that the lightning mast would have limited visual impact and would not contribute towards significant visual affects as stated by the Applicant in response to 9.68.

- 2.39 Regarding the Applicant's response to 9.46, WSCC welcomes the Applicant seeking to provide further detail on vegetation loss, reinstatement, management, monitoring, and the process for delivering remedial actions within the OCoCP (PEPD-033) and the Outline Landscape and Ecology Management Plan (APP-232) when updated at Deadline 3. This should build on lessons learnt from the Rampion 1 Project.
- 2.40 Details of existing and proposed site levels at the substation remain unclear. The Applicant's response to 9.70 provides little, if any, clarity on the matter. As previously noted, given a slope is present on the site and that all maximum heights for plant/structures are based on 'finished' ground levels, it is crucial to understand the extent of any cut and fill operations and likely final site levels. Any substantive change in site levels could result in significant changes to landscape and visual impacts.
- 2.41 As previously noted, even with mitigation (notwithstanding further updates to be made), significant landscape and visual impacts are likely to occur. WSCC considers that the Applicant should offset/compensate these impacts through the enhancement of retained hedgerows and trees both within and around the around the DCO Limits (e.g. through gapping up of hedgerows, additional native planting, management and enhancement of key landscape characteristics), and through a fund to provide for the delivery of wider PRow enhancements and thus amenity benefits to negatively affected receptors. WSCC is engaging with the Applicant regarding Heads of Terms provided for a consent obligation for mitigation and/or compensation of landscape and visual impacts.

### Noise and Vibration (ES Chapter 21)

- 2.42 The key matters raised in WSCC LIR (REP1-054), as set out in the summary at 10.1 – 10.10, remain relevant and the position of WSCC.
- 2.43 As previously noted, given the technical nature of Noise and Vibration Assessment, WSCC defer to Environmental Health Officers to provide detailed comments in respect of noise and vibration impacts. Nonetheless, regarding the Applicants' detailed responses given, the following sets out the key matters for which comment, concerns or conflict are raised.
- 2.44 In general terms, the Applicant focuses on mitigation of noise impacts which it considers would be 'significant' in EIA terms. In principle, adverse noise impacts should be minimised and mitigated as far as practicable, regardless of whether they may be deemed significant in EIA terms.



- 2.45 For operational noise arising from the Oakendene substation, 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 standards and discounts the potential for adverse noise impacts below this level, which is of some concern.
- 2.46 WSCC remain of the opinion 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.
- 2.47 Regarding physical noise mitigation measures at the Oakendene substation, the Applicant focuses on only providing mitigation that would achieve proposed threshold levels (i.e. those required to ensure no 'significant impacts'). However, National Policy Statement EN-1, Paragraph 5.11.8 requires the "*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*".
- 2.48 WSCC recognise a balance must be struck between potential landscape/visual/ecological impacts of any physical noise mitigation measures against the benefits of noise attenuation. However, the Applicant has provided no substantive 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. Additional information on potential physical noise mitigation should measures be provided, including analysis of benefits/disbenefits. Consideration could also be given to requiring this detail as part of Requirement 8 of the dDCO and/or updates to the design principles and information contained within the Design and Access Statement (AS-003).
- 2.49 It is apparent that the Applicant has not undertaken any detailed assessment of the potential operational noise impacts upon users of PRoW. Conclusions of no significant noise impacts on PRoW has not therefore been robustly demonstrated. Further, even if a noise impact upon a PRoW were not '*significant*' 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).
- 2.50 Although it is recognised that any noise impacts on PROW would be transitory for users over the section proximate to construction works/permanent development, numerous PRoW would be subject to adverse noise impacts as a result of the Project, including both on a temporary (worst case up to 4 years) and permanent basis. All reasonable mitigation measures should be proposed to reduce or offset those impacts (e.g. physical mitigation measures and securing funding for enhancement of other PRoW in the locality).
- 2.51 WSCC remain concerned that timeframes/duration of activities assumed within noise assessments for construction activities are not clearly set out and may have been underestimated (for example it is purported that construction noise for the cable corridor would be time limited as trenching operations would pass

quickly (less than 10 days)). Concerns are raised that assessments fail to recognise the potential for extended periods of activities associated with various construction activities including; the construction and use of compounds, haul roads (the cable corridor may serve as a key haul route and be required throughout construction), joint bays, cable pulling, cable jointing (which are unlikely to take place simultaneously based on experience of Rampion 1).

- 2.52 WSCC remain concerned that considerable reliance is placed on further noise assessment, mitigation, and monitoring to be secured as part of stage specific NVMPs (to be submitted as part of any stage specific CoCP). The Applicant notes at 10.55 that they will consider the request for the provision of an Outline Noise and Vibration Monitoring Plan (ONVMP) including addressing the points raised by WSCC at a future Deadline in the Examination.
- 2.53 It is considered that an Outline Noise and Vibration Plan should be required at this stage. As a minimum, this should include details of how such plans would be structured, key noise management provisions to be adopted, the methodologies/scope (including timings) for proposed further noise survey/assessment and to specify all relevant noise thresholds that would be adhered to (including a definition of 'significant deviation'). It should also set out how monitoring will be undertaken and outline details of the likely mechanisms that will be adopted to address and respond to any reported noise issues (or exceedance of set thresholds).
- 2.54 In general terms, WSCC welcomes the updates made to proposed working hours (as part of commitment C-22 within the Commitments Register (REP1-015) and note the OCoCP (PEPD-033) will be updated to reflect this. WSCC consider that consideration should also be given to shoulder hours being adopted for deliveries in sensitive locations. As previously noted, WSCC consider that clarification should be made that working hours would apply to the use of any generators (continuous use of which at compound locations resulted in complaints for Rampion 1) which has not been addressed.
- 2.55 The Applicant notes at 10.9 that they are reviewing the requests for noise mitigation and/or compensation.

#### Onshore Ecology (ES Chapter 22)

- 2.56 WSCC welcomes the Applicant's proposals to review and amend various documents at Deadline 3, including the OLEMP (APP-232), OCoCP (PEPD-033) and Commitments Register (REP1-015), in response to concerns in WSCC LIR Chapter 11 (REP2-020). These include an updated OLEMP to incorporate further detail on monitoring, management and remedial actions (11.5), the establishment and management of scrub where reinstated in place of woodland (11g), tree loss and replacement (11i), any necessary remedial actions following 'hedgerow 'notching' (11m) and the requirements of notable species in habitat reinstatement and enhancement (11u). An updated OCoCP will refer to pedestrian access needs to monitor the HDD drill head at Michelgrove Park and Calcot Wood (11h). A proposed new commitment, C-292 which seeks to reduce impacts at detailed design is welcomed, as is the revision to C-208 to include destructive searches for reptiles in all suitable habitat within the

construction area, including site compounds.

- 2.57 WSCC remains concerned over the mechanism to secure the delivery of BNG, particularly *'the front loading of 70% of biodiversity units for each stage prior to construction commencing'* (Applicant's Response to WSCC LIR Chapter 11, Paragraph 11.31 [REP2-020]). It is noted that the Applicant will produce detailed proposals for BNG for each stage for discussion and agreement with the relevant planning authority. Whilst WSCC welcomes this approach, it does not agree that *'This then allows the Proposed Development to begin that stage of construction'* (as stated in the Applicant's response to 11a). Even if the Applicant provides proof of purchase of BNG units from third party providers, this does not guarantee that they will be delivered on the ground in advance of construction, or in the early stages of construction. WSCC considers that Requirement 14 is inadequate to secure the delivery of BNG within the expected timescale and suggests the following wording:

**Requirement 14. Biodiversity net gain**

*(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) 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.*

*(ii) The Applicant provided proof of purchase of all necessary biodiversity units from third party providers.*

*(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 satisfaction of the relevant planning authority/authorities, including where relevant the South Downs National Park Authority.*

*(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.*

*(3) The Biodiversity Net Gain Strategy for each stage must be implemented as approved.*

*(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.*

- 2.58 WSCC acknowledges that it may not be possible to pursue habitat enhancement opportunities, rather than simply reinstatement, with landowners before detailed design (11b). However, WSCC would welcome a statement within the OLEMP (APP-232) that opportunities for habitat enhancement will be actively sought at detailed design and included within the stage specific LEMPs and landscape plans.

- 2.59 The Applicant's comments in 11.42 and 11.54 provide some reassurance regarding the handover to an OFTO part way through the 10-year aftercare period. WSCC considers that it would be helpful to include further details in the OLEMP (APP-232) and thus welcomes the Applicant's proposal to review this.
- 2.60 WSCC requested in 11d and 11e that all habitats at Oakendene and Bolney substations are managed for a minimum of 30 years, not just those which count towards the commitment to BNG, as currently proposed in the OLEMP [APP-232]. Although this has been noted by the Applicant, WSCC would like to see a commitment to this effect in a revised OLEMP.
- 2.61 WSCC is pleased to note the Applicant's willingness in 11.34 to work together to achieve an early and significant contribution to the West Sussex Local Nature Recovery Strategy, due to be published in draft in March 2025.

Arboriculture (ES Chapters 18 and 22)

- 2.62 WSCC acknowledge the responses from the Applicant concerning the various arboricultural matters raised. With respects to a significant number of the points, it is accepted that these are being actioned and that further information will be provided either at Deadline 3. This further information includes updates to the OCoCP (PEPD-033), in addition to the Arboricultural Impact Assessment (APP-194).
- 2.63 12.4. The further evidence is provided (REP1-021) and provides a better understanding of the assessment of alternative substation sites considered. The approach to tree replacement is acknowledged with no further comment on this matter.
- 2.64 12.30. The referenced response to 12.4 does not provide any further clarity for the comments made; the referred document does not consider how, or if, the assessment of alternative sites considered tree values at a site level.
- 2.65 12.32. WSCC is aware that tree removal is based on the realistic worst-case scenario, however, it has not been demonstrated that these trees require removal to facilitate the onshore substation. Further, the Oakendene substation indicative landscape plan, found within the OLEMP [APP-232], shows trees reference T324, T325, T326, T327 & T328 to be retained. Measures to minimise losses through detailed design are welcomed, though these measures alone do not justify tree loss where adverse impacts can be avoided or mitigated.
- 2.66 12.35. It is acknowledged that the area crossed is within a Source Protection Zone 2 (SPZ2) for potable groundwater. However, the Hydrogeological Risk Assessment (Environmental Statement - Volume 4 Appendix 26.4 (APP-218)) does not advise on the risk of HDD operations within the area adjacent Kitpease Copse, nor any mitigating control measures which may make HDD a tolerable approach and consequently avoiding adverse impacts on above ground features.
- 2.67 12.45. The Applicants response is acknowledged but does not address concerns raised.

- 2.68 12.48-12.49. WSCC has not contested the assessment within Chapter 25: Historic environment, Volume 2 of the ES (PEPD-020) with specific regard to this matter. In response to the note of Horsham District Councils LIR, please refer to paragraph 15.87 of WSCC's LIR: "The parkland is assessed as of low heritage significance in its own right, although some historic parkland features are present. However, it forms the historic parkland setting of Oakendene Manor and its significance is enhanced by its historic relationship with the manor house. It is the view of WSCC that the significance of the parkland may have been underassessed within the Oakendene parkland historic landscape assessment (APP-211). In particular, the contribution of individual trees which, whilst arguably falling slightly short of the criteria for Veteran Trees (see Arboricultural section of the LIR), nevertheless can be individually identified on the 1st edition OS mapping of 1875 and are likely to have formed part of deliberate planting within the historic parkland. There may also be conflation of informal naturalistic-style parkland, which nevertheless is considered a designed parkscape, with 'informal' parkland, which may have organically evolved as a result of field boundary changes".
- 2.69 WSCC welcomes the acknowledgement of Appendix G Arboriculture Comments, and the commitment to review vegetation losses which will be provided at Deadline 3. Please note these are WSCC's comments rather than Horsham District Council's as stated within the response.

Traffic and Transport (ES Chapter 23)

- 2.70 WSCC acknowledges the responses from the Applicant concerning the various highways and transport matters raised. With respects to a significant number of the points, it is accepted that these are being actioned and that further information will be provided either at Deadline 3 or later in the Examination. This further information includes additional updates to the Outline Construction Traffic Management Plan (currently revision C), which will include further details of construction traffic mitigation specifically for those narrow rural lanes identified (namely Michelgrove Lane, Spithandle Lane, and Kent Street). WSCC welcomes the Applicant taking forward the design and road safety auditing of those accesses identified (namely the site compounds and permanent access associated with the substation). WSCC are keen to continue dialogue with the Applicant on the design of these works as they progress. As a point in principle, WSCC recognise that the Applicant is not intending to reduce the number of accesses further at this stage. WSCC would request that the Applicant continues to review this position.
- 2.71 WSCC also recognise the Applicants intention to review the Outline Construction Workers Travel Plan as per the comments made within the LIR. WSCC will review the updated document once available.
- 2.72 WSCC note from the Applicants responses that a decision has yet to be made in respects of the Operational Port (indicated as Newhaven) as well as the receiving port for Abnormal Indivisible Loads (AILs), which has been indicated as Shoreham. For the purposes of AILs, these comprise a small number of movements and as such, an assessment of these could be secured as a requirement once their starting port is known. For the Operational Port, vehicle movements are not indicated as significant in number. Whilst the ExA would

need to take a view on this matter, it does not seem unreasonable for the Applicant to identify locations and undertake a suitable appraisal of these options.

- 2.73 WSCC continues to request further clarity in terms of the calculation of Project vehicle movements (WSCC LIR (REP1-054) Appendix C, point 5.1.4). Further information is included within the Applicants response to the WSCC LIR (REP2-020), but this 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 is presumed that some margin for error will be included within the calculations.

#### Mineral Safeguarding (ES Chapter 24)

- 2.74 WSCC acknowledges the responses from the Applicant concerning the mineral safeguarding matters raised to date.
- 2.75 14.4. WSCC acknowledges that it is not possible for the onshore cable route to avoid the MSAs, and that consideration has been given to avoiding the MSA to minimise the impacts. The concern is around the mechanisms to consider mineral safeguarding at the construction phase, which are alluded to in the Applicants response. Regarding soft sand, although the Applicant states that 0.1% of the MSA would be affected by the Project, it is important to note that soft sand is a scarce and heavily constrained material, namely by the South Downs National Park designation and there are limited reserves of soft sand permitted at this time. An appropriate mitigation measure has not been put in place, as set out in paragraph 14.39 of the WSCC LIR [REP1-054], Paragraph 5.11.28 of EN-1, and Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP).
- 2.76 14.a. The Applicant's response here does not address the concerns of WSCC, to seek strengthening of the OCoCP (PEPD-032). Instead, focus is upon why an MRA or further assessment cannot be undertaken at this time. WSCC accepts the reasoning for not having undertaken discussions with local operators at this time, although such communication could have provided some indication of whether any incidental prior extraction secured through the preparation of the CoCP and MMPs could be managed by those operators.
- 2.77 14.10. Reference is made to Paragraph 4.7.129 of the Planning Statement (APP-036) by the Applicant, which states that it would not be environmentally feasible to prior extract soft sand given the volume of infill required to provide a suitable landform. Whilst at this stage, it might be considered unfeasible, it is at the construction phase at which more information would be available, and at which stage consideration should be given to whether any soft sand (or other safeguarded minerals) can be prior extracted. Given the scarce nature of the resource (paragraphs 14.26 – 14.28 of the WSCC LIR), consideration should be given to incidental extraction even in minimal amounts, at the construction phase, through appropriate mitigation measures. It is not disputed that following decommissioning the resource would be available (and no longer

sterilised), however any opportunities to extract viable soft sand should be taken.

- 2.78 14.22. The Applicant has oversimplified their landbank calculation, which is not appropriate. Brick clay extraction sites are permitted to supply specific brick making factories. By combining the permitted reserves in order to calculate an overall landbank is over-simplification, which suggests a shortage of clay at one brick site may be substituted from clay from another site which has over 25 years of supply, which would not occur. NPPF paragraph 220c specifically refers to “*maintaining a stock of permitted reserves to support...new or existing plant*”, rather than an overall landbank as for aggregate minerals (NPPF paragraph 219f).
- 2.79 14.32 and 14.39. The Applicant has not addressed the principal concern raised by WSCC, specifically that the OCoCP and the information contained within about future Materials Management Plans 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.
- 2.80 14.33. The Applicant considers that a robust assessment has been undertaken. As per 14.41, it will be for the Secretary of State to determine that appropriate measures are in place. WSCC contend that the OCoCP is insufficient to give consideration to mineral safeguarding at construction phase. As set out in WSCC response to the ExA’s question MI 1.1, Policy M9(b) of the JMLP requires the Applicant to demonstrate that there is an overriding need for the development that outweighs the safeguarding of the mineral and demonstrate that prior extraction is not practicable or environmentally feasible. 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 seeking to demonstrate this, prior to determination.

#### Historic Environment (ES Chapter 25)

- 2.81 The key matters raised in WSCC LIR (REP1-054), as set out in the summary at 15.1 – 15.11, remain relevant and the position of WSCC.
- 2.82 The detailed responses from the Applicant concerning historic environment matters raised are acknowledged. Where the Applicant is committing to undertake further review and provide further information at future Deadlines, this is welcomed. Engagement with the Applicant is ongoing to refine control documents, shape mitigation strategies and resolve some of those matters which are still unresolved.
- 2.83 WSCC remains concerned about the high degree of harm to the historic environment likely to arise from the Project, including possible harm to nationally significant archaeology.
- 2.84 WSCC remains concerned about the lack of pre-determination trial trenching, especially in the area of prehistoric downland between Km 12 and 17 (formerly onshore cable route LACR-01d) of exceptionally high archaeological significance, potential and sensitivity.

- 2.85 The response to Comment 15.1, Table 15, point 15f and elsewhere states that *'the Applicant considers that further investigation would not change the outcome of the assessment.'* WSCC strongly disagrees with this statement on the grounds that the Applicant cannot currently describe the significance of the affected assets to the standard required by the relevant policy statements, as in this case it is not possible to do so in the absence of field evaluation. In the absence of this more complete understanding of significance, it is not possible to merely rely on mitigation to offset the anticipated harm. Please see WSCC's response to Written Question HE 1.8 for further detail.
- 2.86 The Applicant refers on several occasions (comments 15.6, 15.76 and 15.120) to the results of the geophysical survey within the downland area of high potential as a justification for the lack of predetermination trial trenching. It is evident that the geophysics did not identify anomalies obviously indicative of high significance remains, or characteristic of classic Neolithic flint mining shafts and galleries. Nevertheless, this area contains pit-like geophysical anomalies. The ES [ES Chapter 25 Revision B, (PEPD-021) states that *'an archaeological origin for these anomalies cannot be ruled out, and where these anomalies do not correspond with features on historic mapping, a prehistoric date is also possible'*.
- 2.87 WSCC notes the Applicant's assessment of Major Adverse (significant) residual significance of effect for potential Neolithic features, coupled with the known extremely high archaeological potential and presence geophysical anomalies which may potentially represent prehistoric mining features. This information appears to be at odds with the assertion that there was no justification for predetermination evaluation. Moreover, WSCC considers that due to the acknowledged limitations of geophysical survey, in areas of known high archaeological potential (for example Archaeological Notification Areas, and proximity to recorded significant archaeological features), prior trial trench evaluation should have taken place regardless of the geophysics results.
- 2.88 In regard to 15.76, 15.121, WSCC would clarify that comments relating to the reliability of geophysical survey do not relate to the qualifications of the contractor, quality of the survey or appropriateness of the selected survey methodologies and technologies. But rather refer to wider issues with geophysical survey, where minor variations in geology, depths of overburden, disturbance etc, means the ability to detect archaeological features within geophysical survey is variably successful, and can vary within a site.
- 2.89 WSCC notes the updated geophysical survey results and response to Comment 15.55 regarding available land suitable for survey.
- 2.90 The change to Commitment C-225 (comments 15.80 and 15.1) is somewhat helpful in that some further details are provided on possible means of avoidance, and clarification on the difference between avoidance of impact and minimising harm by design solutions. However, the second part of C-225 outlines methods for preservation be record (i.e. archaeological excavation and recording of archaeological remains prior to their removal). This form of mitigation partially offsets the harm and total loss of significance arising from permanent destruction of irreplaceable archaeological remains. However, it is unlikely to be appropriate for remains of high significance. The Applicant has



committed to including a methodology for preservation in situ of significant archaeological remains within the OOWSI (comment 15.146); WSCC looks forward to reviewing the updated document after Deadline 3.

- 2.91 The commitment to update the OOWSI to include further methodological details on procedures following discovery of previously unknown archaeological remains is welcomed. WSCC awaits the revised document, which it is hoped will sufficiently secure the preservation in situ of remains of high significance.
- 2.92 The Applicant's responses in regard to the assessment methodology for Oakendene substation are noted. Comments on the detailed design of the substation and how the relevant design commitments will be secured are welcomed. The commitment (comments 9.5 and 9.77) to make updates to the DAS (AS-003) for Deadline 3, and to review the wording and presentation of design principles is welcomed. WSCC hopes this will address concerns over uncertainty of wording of some design principles relating to the historic environment.
- 2.93 In regard to comments 15.3 , 15.51 and Table 15 point 15a, WSCC disagrees with the assessment of the Low magnitude of change during construction. Significant adverse change will be introduced into the assets' setting during construction, affecting the ability to understand and appreciate the architectural and historic interest and significance of the asset, albeit on a temporary basis.
- 2.94 WSCC welcomes the commitment to undertake additional viewpoint photography from the vicinity of Oakendene Manor. The response to comment 15.50 states that this additional photography will be '*reviewed to determine appropriateness for generating further visualisations for submission*'. Given that the existing visualisations do not accurately depict the extent of visual changes within the setting of the manor, WSCC would reiterate the request that additional visualisations are also produced.
- 2.95 In regard to the response to comment 15.46, WSCC's comments on 'major adverse' change' during construction relate to visual changes within this specific view from PRoW 1786, not to changes to the overall significance of Oakendene.
- 2.96 In response to comment 15.53, WSCC will provide further definitive comment on whether harm to Oakendene is likely to be less than substantial following submission of the additional viewpoint photography and visualisations. However, WSCC agrees that the balance of evidence currently available suggests substantial harm is unlikely to arise.
- 2.97 The absence of detailed comment on or commitment to the Section 106 'asks' put forward for archaeology is disappointing. WSCC notes and welcomes the commitment to further engagement on this topic from the Applicant.

### Water Environment

- 2.98 16.3 WSCC acknowledges the agreed approach proposed by the Applicant. Winter groundwater monitoring will be undertaken at the site as part of the detailed design stage, post-DCO consent (if given), the result of which will be used to inform the detailed drainage design.

- 2.99 16.4 WSCC acknowledges the Applicants commitments C-73 and C-140 that outlines the provision for sustainable drainage systems (SuDS) measures. Surface water drainage through the construction phase of the Project will be managed through the OCoCP (PEPD-033) and via the Construction Phase Drainage Plan.
- 2.100 16.6 WSCC acknowledges that the watercourse crossing locations and type are documented within Appendix 4.1: Crossing schedule, Volume 4 of the ES [APP-122] and that discussions with WSCC and the Environment Agency at the detailed design stage will need to take place, prior to the appropriate consent process being undertaken.
- 2.101 16.8 The Applicant has acknowledged that the area between Poling and Hammerpot (in Arun District) is an area of permanent winter floodplain. The area is identified at elevated risk of groundwater flooding, as noted in Paragraphs 5.5.4, 5.5.5 and 5.5.11 of Appendix 26.2: Flood Risk Assessment, Volume 4 of the ES (APP-216). The Applicant needs to be aware that this catchment responds quickly to rainfall due the winter months when the groundwater levels are high.
- 2.102 16.9 WSCC acknowledges that alternative construction compounds have been considered. Any temporary drainage proposals for the proposed construction compounds should be agreed with WSCC, as the LLFA.
- 2.103 16.14 The design, construction, maintenance and removal of any temporary culverts will need to be approved by WSCC or the EA as part of the consenting process prior to construction. The Applicants commitment to follow the 'Ordinary Watercourse Consent' process is acknowledged and set out in C-182, C-126 and C-17, provided in Table 8-1 of the Appendix 26.2: Flood Risk Assessment, Volume 4 of the ES (APP-216) and Table 26-10 in the Chapter 26: Water environment, Volume 2 of the ES (APP-067).
- 2.104 16.27 WSCC acknowledges Table 4-6 in Section 4.8 of the OCoCP (PEPD-033) outlines commitments relevant to emergency planning procedures. Any emergency response plans should be shared with WSCC and the appropriate emergency services prior to construction starting.

### **3 ExAs First Set of Written Questions**

- 3.1 WSCC have provided responses to questions, where invited by the ExA in PD-009. This has been submitted into the Examination at Deadline 3.

Rampion 2 Offshore Wind Farm (Project Reference: EN010117)  
Submission at Deadline 3 (25 April 2024)  
West Sussex County Council (IP 200445228)

## Appendix 1 - WSCC feedback to Applicants response to dDCO comments in the WSCC LIR

WSCC have provided feedback on the outstanding matters that have not been addressed satisfactorily by the Applicant regarding the dDCO, in either the response to the LIR (REP2-020) or in the Updated dDCO (REP2-003), submitted by the Applicant at Deadline 2.

Provision	Original Comment	Applicants feedback in REP2-020	WSCC updated response
<b>Part 3</b> , article 15 (5)	WSCC does not consider there to be a pressing need for deemed consents to be included. If deemed consents are to be included, the Applicant would need to provide further justification.	Given that the Proposed Development is a nationally significant infrastructure project, for low carbon infrastructure which it is a critical national priority to deliver (in accordance with NPS EN-1) it is considered that it is necessary that certainty is provided over the ability to programme and deliver the works necessary for implementation. The inclusion of a deeming provision is therefore justified if a decision is not reached within the specified period. This is also consistent with the approach taken in the DCO granted for the East Anglia One North and Two offshore wind farms, which were granted before the critical national priority was described in a national policy statement.	WSCC do not understand the specific urgency implied with the use of deemed consents. Whilst it is understood that the deemed consent provides certainty in terms of programming, for a complex Project such as this, there will be inherent uncertainty regarding many aspects. As such, some flexibility will naturally be built into the programme.  Nevertheless, if deemed consents are to be retained, an extended period should be incorporated. It is noted that the Applicant has already agreed to 45 days elsewhere and as such this should be taken as the standard time.
<b>Schedule 1 Part 3 Requirements</b>			
<b>Requirement 14</b> Biodiversity Net Gain	This Requirement needs to explain the purpose and content of the proposed BNG strategy, and the mechanism to approve the delivery of both off-site and on-site BNG.	Requirement 14 of the Draft Development Consent Order [PEPD-009] provides for the Biodiversity Net Gain (BNG) strategy to accord with the information comprised	WSCC have proposed new wording for Requirement 14 in the response to ExQ1 DCO 1.19.

Provision	Original Comment	Applicants feedback in REP2-020	WSCC updated response
	<p>Although it is proposed that significant elements of BNG will be delivered prior to the commencement of construction, plus more during the early stages of construction, the approval process for this BNG is not clear.</p>	<p>in Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement (ES) [APP-193] which is to be certified pursuant to Article 50. This document confirms that the Proposed Development will deliver at least 10% biodiversity net gain for the onshore and intertidal areas. The document confirms that the gain can be delivered in a range of different ways and notes various options that can be explored for delivery of the gain which will be dependent on the extent of the loss arising from the project and the availability of land and/or credits in its locality. Given the strategy set out in Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the ES [APP193] it is not considered necessary to add any more detail to the Requirement. In terms of approval, Requirement 14 of the Draft Development Consent Order [PEPD-009] (updated at Deadline 2) confirms that the stage specific biodiversity net gain strategy must accord with the information comprised in Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the ES [APP-193] and must be submitted to and approved by the relevant planning authority in consultation with the statutory nature conservation body</p>	

Provision	Original Comment	Applicants feedback in REP2-020	WSCC updated response
<p><b>Requirement 15</b> – highway accesses outside of the SDNP</p>	<p>The wording within this appears contradictory to that within Part 3, 13, where the access details are submitted to the Planning Authority who then consult with the highway authority. Schedule 1, Part 3, requires only that the details are submitted to the highway authority.</p> <p>This specifies WSCC as approving this Requirement. However, as with any other non-NSIP energy-related development, this should state approval by the relevant planning authority, in consultation with WSCC as Local Highway Authority (LHA). Furthermore, WSCC, as would require full cost recovery through a legal agreement to undertake the role of consultee for this requirement, due to the amount of work required to fulfil this role.</p>	<p>Article 13 deals with the location of accesses and secures that this must be approved by the relevant planning authority in consultation with the highway authority as would be the case in respect of a planning application;</p> <p>Requirements 15 and 16 secure the detailed design of the access with the relevant highway authority. As such this approach is not considered inconsistent. At the pre-examination procedural deadline, the Draft Development Consent Order [PEPD-009] (updated at Deadline 2), Schedule 14 (which sets out the procedure for discharge of certain approvals pursuant to Article 46) was amended to reflect that fees are payable on application for discharge in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 or any subsequent regulations which replace them.</p> <p>As with any other non-NSIP energy related development, it is not intended that there should be full reimbursement of costs for consultees in respect of discharge of requirements secured through the Draft Development Consent Order [PEPD-009] (updated at Deadline 2).</p>	<p>The difference between Article 13 and Requirements 15 and 16 are understood. It should still be noted that for the purposes of Article 13, the location of the accesses is effectively being agreed by WSCC through the Examination process.</p> <p>Comments regarding the role of WSCC in discharging Requirements is given at the end of this table.</p>

Provision	Original Comment	Applicants feedback in REP2-020	WSCC updated response
<p><b>Requirement 16 (b)</b></p>	<p>As per the comments above, it is recommended that after the wording <i>'to Department for Transport Design Manual for Roads and Bridges design standards...'</i> that the additional wording <i>'or as otherwise agreed with the highway authority'</i> is included. This then affords some flexibility in the design given that the DMRB is not always appropriate.</p> <p>An additional paragraph is required covering the removal of any temporary works. This needs to tie in with the OCoCP vegetation retention plans.</p>	<p>The same applies in relation to Requirement 16 as for Requirement 15 of the Draft Development Consent Order [PEPD-009] as noted above.</p>	<p>The change to allow flexibility in terms of the design standards applied is noted and agreed.</p> <p>The inclusion of a requirement for the removal of temporary works within the DCO is not considered unreasonable even if this is covered elsewhere. Again, WSCC would request the inclusion of provisions to cover the removal of the temporary works.</p>
<p><b>Requirement 19 – onshore archaeology</b> Sub-paragraph (6)</p>	<p>This specifies being approved in writing by the relevant planning authority in consultation with West Sussex County Council. As stated in Section 6.11 of the LIR, WSCC would only wish to be a consultee on DCO Requirements that are a statutory function (LLFA or LHA) and therefore would not wish to be named as having a role in this Requirement.</p> <p>There is a need to avoid harm to any nationally significant archaeological remains identified post-consent within the DCO Limits. The preservation in situ of any such archaeological remains must be achieved via design changes/micrositing where required, and a robust methodology for this micro-siting process must be secured via DCO requirements to ensure it is viable. WSCC require the addition of the wording:</p> <p><i>"In the event of the discovery of nationally significant archaeological remains within the</i></p>	<p>Reference to a requirement for consultation with West Sussex County Council has been removed from Requirement 19 of the Draft Development Consent Order [PEPD-009] (updated at Deadline 2).</p> <p>West Sussex County Council's request for additional text to be included in this requirement is noted, however the Outline Onshore Written Scheme of Investigation (WSI) [APP-231] sets out the approach to be taken to mitigation. As required by Requirement 19, site specific Written Schemes of Investigation (SSWSI) are to be submitted for each stage prior to commencement of the Proposed Development within each stage, which will be tailored to the particular circumstances of each stage and sites of archaeological potential within it. The Outline Onshore</p>	<p>WSCC welcomes the amendments made, as requested.</p> <p>With regards the additional text requested, 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. Provided that the proposed outline methodology is</p>

Provision	Original Comment	Applicants feedback in REP2-020	WSCC updated response
	<p><i>onshore Order limits, their preservation in situ must be secured in accordance with the methodology set out within the outline onshore written scheme of investigation. The significance of any such archaeological remains and their suitability for preservation in situ must first be assessed via field evaluation". Should archaeological remains be left in situ on any site, a site-specific archaeological management plan must be submitted to and approved in writing by the relevant planning authority in consultation with West Sussex County Council. Any further works, including removal and reinstatement, must be carried out in accordance with the approved site-specific archaeological management plan, unless otherwise approved by the relevant planning authority in consultation with West Sussex County Council."</i></p>	<p>WSI [APP-231] will be updated at Deadline 3 to clarify the commitment to avoidance as set out in commitment C-225 in the Commitments Register [REP1-015]. The mitigation described in the SSWSI will be specific to the stage and will be subject to approval in advance of works being undertaken.</p>	<p>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>
<p><b>Requirement 20 – Public Rights of Way</b></p>	<p>This specifies WSCC (as LHA) as approving this Requirement, in consultation with the relevant planning authority. However, as with any other non-NSIP energy-related development, this should state approval by the relevant planning authority, in consultation with WSCC as LHA. Furthermore, WSCC, as would require full cost recovery through a legal agreement to undertake the role of consultee for this requirement, due to the amount of work required to fulfil this role.</p>	<p>It is considered appropriate for the Public Rights of Way to be subject to approval of the local highway authority (or South Downs National Park Authority in respect of the National Trail). This is consistent with other Development Consent Order (DCOs) where management of rights of way are required. A fee is payable to the discharging authority pursuant to the provisions in Schedule 14 (as applied by Article 46) of the Draft Development Consent Order [PEPD-009] (updated at Deadline 2).</p>	<p>Comments regarding the role of WSCC in discharging Requirements is given at the end of this table.</p>

Provision	Original Comment	Applicants feedback in REP2-020	WSCC updated response
<b>Schedule 2,</b> Streets Subject to Works	Access A-46 onto Spithandle Lane is indicated as a new access but no works are indicated within this schedule as being associated with it.	Access A-46 is proposed to be light construction and operational only, the existing access at this location (to Doves Farm) does not require alteration and therefore not subject to any street works within the Proposed DCO Order Limits	Noting the Applicants response, is it the intention to update Schedule 2?
<b>Schedule 3,</b> Streets to be Temporarily Closed	The proposed closure of the B2116 Shermanbury Road contradicts that included in table 7-1 of the Outline Construction Traffic Management Plan. The entry for this location in the table implies the road would remain open but would require traffic management; the road would therefore remain open.	The onshore cable route will be installed through open trench construction, which will be facilitated through either a temporary road closure or traffic management (e.g. Shuttle working traffic signals).	<p>The Applicant's response is noted. However it doesn't address the point being raised, namely that the dDCO states that there will be a temporary road closure whereas the OTCMP implies the road will remain open. The response doesn't clarify whether a road closure will be needed.</p> <p>Ultimately, this is a detailed matter that can be agreed once a contractor has been appointed. Retaining the road closure within the dDCO covers a worse case situation that may change to shuttle working with traffic lights.</p> <p>The wording within the dDCO (to include a temporary road closure) is accepted.</p>
<b>Schedule 4,</b> Public Rights of Way	See Table 2 below regarding PRow comments in this Schedule.	The Applicant refers to the responses in Table 18 and will review the comments made here on the closures and indicative diversions shown on the Access, Rights of	WSCC awaits feedback from the Applicant on this.



Provision	Original Comment	Applicants feedback in REP2-020	WSCC updated response
		Way and Streets Plan [APP012] and provide an update to the plan, Schedule 4 and the Outline Public Rights of Way Management Plan [APP-230] if necessary at a further deadline.	
<b>Schedule 13</b> Hedgerows	This may require amending subject to the submission of documents suggested to correct the errata highlighted by WSCC to the Applicant and further hedgerow anomalies stated.	The Applicant notes that updates to Schedule 13 were provided in revision B of the Draft Development Consent Order [PEPD009] submitted at Procedural Deadline A to address the West Sussex County Council's comments and will engage with West Sussex County Council if there are any further comments.	WSCC awaits feedback from the Applicant on this.
General concern raised through Appendix B to the West Sussex LIR – discharge of Requirements process	WSCC has raised the concerns through Appendix B to the LIR (REP1-054), that there is an inconsistent approach to WSCC's role in the discharge of DCO Requirements. As currently proposed by the Applicant, REP2-003, WSCC are to be the approver and discharging authority for a number of DCO Requirements (15,16,17,18,20,21 and 24), which is not agreed with WSCC. WSCC request they are a named consultee to the relevant planning authority for these Requirements. WSCC is content with the DCO Requirements where they are a named consultee.  Furthermore, WSCC would require full cost recovery through a legal agreement to undertake the role of consultee for these Requirements, due to the amount of work required to fulfil this role.		