

Richard Allen  
Lead Panel Member for the Examining Authority  
BY EMAIL ONLY

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**Your ref:** EN010117  
**Email:**

03 June 2024

Dear Mr Allen,

**RE: Application by Rampion Extension Development Limited for an Order Granting Development Consent for the Rampion 2 Offshore Windfarm Project**

### **Horsham District Council Deadline 4 Submission**

#### **Overview**

1.1 This letter is a response at Deadline 4 (03 June 2024) from Horsham District Council (hereafter 'HDC') on the Deadline 3 submissions by Rampion Extension Development Limited (hereafter the 'Applicant').

#### **Response to submitted documentation by the Applicant at Deadline 3**

##### *Applicant's update to the draft DCO*

1.2 HDC welcomes the amendments made at Deadline 3 (Rev D) [REP3-003]. Appendix 1 of this submission letter provides further advice on HDC'S position on matters that remain outstanding.

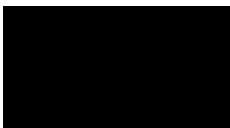
##### *Comments on any further information/submissions received by Deadline 3*

1.3 HDC has provided commentary on the Applicant's Deadline 3 submission at Appendix 1 of this submission letter and will continue engagement with the Applicant.

##### *Draft S106 Agreement*

1.4 HDC and the Applicant have been in discussions regarding the proposed Heads of Terms for the Section 106 Agreement. HDC has provided commentary on these in Appendix 2 of this submission letter and will continue engagement with the Applicant to reach agreement.

Yours sincerely



**Mathew Porter**  
Senior Planning Officer  
Horsham District Council

# Appendix 1

Horsham District Council Deadline 4 Submission

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

HDC Response to the Applicant's additional information/submissions received Deadline 3.

### Overview:

The Examining Authority invited commentary on the Applicant's additional information/submissions received at Deadline 3. Horsham District Council's response is set out below.

The Council's response is presented in a table, alongside extracts from the Council's Local Impact Report [REP1-044] and the Applicant's response [REP2-022] to demonstrate the sequence in progress towards resolution on matters of concern to the Council.

| <u>Deadline 3 Applicant's information/submission</u>                  | <u>HDC Local Impact Report (LIR) [REP1-044]</u>   | <u>Applicant Response to HDC LIR at Deadline 2 [REP2-022]</u>  | <u>HDC RESPONSE TO DEADLINE 3 INFORMATION/SUBMISSION</u>  |
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| <b>[REP3-013] Design and Access Statement Rev B</b>                   | Chapter 10: Landscape and Visual Impact   |  |   |
|   |   |  | <p>Table 2-2 Design principles and parameters: AS5, noted that change to height of protection masts refers to 18m above FFL instead of 34.25 AOD as per Draft DCO (REV D). Please amend for consistency.</p> <p>Table 2-2 Design principles and parameters set, at AS6, that the onshore substation compound area to not exceed 6 hectares.</p> <p>LVIA indicates that the maximum assessment assumptions are for the Oakendene substation compound to be 2.5 ha and Oakendene West compound 5ha.</p> <p>It is therefore assumed this to mean that the compound area has been reduced in size and combined overall compound area (substation + west Oakenden) does not exceed 6 ha. Should this be the case, there is no concern as the LVIA does cover the worst-case scenario however if not, then clarity is required.</p> |
| <b>[REP3-019] ES Volume 4 Biodiversity net gain information Rev B</b> | Chapter 9. Terrestrial Ecology  |  |   |
|   | <p><i>HDC had concerns that the delivery of BNG had not been specifically demonstrated at the LPA level, and therefore there was concern as to the level of delivery of BNG being proportional to the level of impacts within each LPA.</i></p> <p><i>HDC therefore requested that future metric submissions be divided by LPA, and also wished to raise that other projects outside of the West Sussex Local Nature Recovery</i></p> | <p><i>The Applicant agreed to actively engage with HDC and others when seeking to source biodiversity units to identify the best strategic opportunities.</i></p> <p><i>The Applicant directs towards Table 4-5 of Appendix 22.15, which they state shows the net biodiversity unit change between pre- and post-construction, representing the amount of additional units that would need to be purchased (or otherwise delivered) to meet no net loss (i.e., to compensate), with the column</i></p> | <p>It is positive to see that the biodiversity net gain calculations have been described at the district level (with HDC including areas of overlap with SDNPA). However, given the Statutory Biodiversity Metric rules, anything within the SDNPA would be classed as 'Compensation outside LPA or NCA of impact site, but in neighbouring LPA or NCA' (and subject to a spatial risk multiplier). HDC therefore request metrics be further divided by LPA, and request that any BNG to be delivered within overlapping areas of SDNPA and HDC are added to the SDNPA metric instead.</p>  |

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|  | <p><i>Strategy (LNRS, estimated to be published in late Spring 2025) also had potential to offer offsetting sites for environmental enhancements within the district, such as areas highlighted in the Green Infrastructure Strategy (2024) and Wilder Horsham District.</i></p> <p><i>HDC originally had concerns that the distinction between compensation and biodiversity net gain (BNG), in relation to the Oakendene substation habitat creation plans and the scale of off-site BNG needed to meet the 10% net gain commitment, was not clear. HDC welcomed the progressive reinstatement of habitats, and 70% of the deficit being secured prior to commencement of construction.</i></p> | <p><i>showing the unit shortfall representing the number of units that would need to be purchased (or otherwise delivered) to meet a 10% net gain.</i></p> <p><i>Requirements 12, 13 and 14 of the Draft Development Consent Order [PEPD-009] ensure that the development of all reinstated and newly created or enhanced habitats will be agreed with Horsham District Council in consultation with the statutory nature conservation body (Natural England).</i></p> | <p>HDC note that HDC (incl. areas of SDNPA) totals 263.67 of area/habitat biodiversity units, equalling an extent of 104.16ha, and plans are for; 0.12ha to be retained, 92.07ha to be reinstated, and 11.97ha are to be permanently lost. With regards to hedgerow, with a total of 25.70 biodiversity units (5.0131km); 3.3590km are to be retained, 1.0071km are to be reinstated, and 0.6470km are to be permanently lost. For watercourse units, with a total of 2.64 biodiversity units (0.3km), all/0.3km are to be reinstated.</p> <p>Screenshots of the metric calculations, subdivided by district, are appended in Annex A of the report (Appendix 22.15 Rev B, REP3-020). This provision is welcome, but note that as it stands, there is a negative net change of -9.17% for area/habitat units, -19.96% for hedgerow units, and -67.41% for watercourse units, leaving a deficit of 50.53 area units, 7.70 hedgerow units and 2.04 watercourse units to reach a target of 10% BNG, the highest deficit compared to other district areas (at present). It is noted that these calculations do not account for any advances or delays to habitat works due to unknown timings which are to be determined at specific stages, but the calculations do include reinstatement, replacement of trees/woodland to scrub, and on-site habitat creation plans at Oakendene substation. HDC also understand that there may be minor amendments to these calculations once a full survey of habitats considered to be affected is undertaken during the detailed design phase (Section 4.1.2 of REP3-020).</p> <p>The amendments in Section 5.3.6 which state ‘<i>the intention being to deliver proportionally within the affected Local Planning Authority areas</i>’ (if possible) is also welcome. HDC are still of the position that separation of compensation and BNG measures would be helpful in having a full and clear understanding as to the levels of compensation that are being delivered on-site, and any remaining deficit. It will also feed into the</p> |
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|  |  |  | <p>levels of compensation and BNG that should be offset and distributed proportionally to level of impact within each LPA, where it can't otherwise be delivered on-site.</p> <p>HDC have undertaken an exercise to investigate the levels of compensation still needed to achieve no net loss within the district. By copying the screenshotted metric entries from the deadline 3 material (Appendix 22.15 Rev B, REP3-020) into a Statutory Biodiversity Metric with a target of 0%, the number of units needed to achieve no net loss can be calculated. Taking the provided metric for HDC from REP3-020 (which includes some areas of SDNPA as mentioned above), the number of units still required to compensate to reach no net loss are:</p> <ul style="list-style-type: none"> <li>• Area/Habitat: 24.17</li> <li>• Hedgerow: 5.13</li> <li>• Watercourse: 1.78</li> </ul> <p>Until further information is forthcoming, HDC will be using these figures to inform a draft legal agreement to secure monetary contributions for Wilder Horsham District projects, to ensure proportional compensation is delivered within the district (that can't otherwise be delivered on-site). In terms of financial figures, in the absence of the totality of monetary contribution the Applicant is willing to offer, HDC have used the above number of deficit units and applied the prices of Statutory Biodiversity Credits from the national scheme by DEFRA, which would approximately equate to the following (excl. spatial risk multiplier):</p> <ul style="list-style-type: none"> <li>• Area/Habitat: £1,744,710</li> <li>• Hedgerow: £451,440</li> <li>• Watercourse: £409,400</li> </ul> <p>HDC understand that these are vast over-estimates and refer to these figures as the maximum cap. HDC do not plan to match these costs and would highlight that, at the time of writing, there are few habitat banks (for BNG) situated within Horsham District. As of February 2024, it is currently estimated that the national average of habitat bank unit prices is in the region of</p> |
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|   |   |   | £25,000 - £35,000 per unit, however this will vary with type of habitat to be created/enhanced. HDC therefore believe that the most effective and economical way to deliver proportional compensation within the LPA is via monetary contributions to nature recovery strategies, which in turn will help with the Applicant's aim to deliver 70% of the unit deficit for no net loss, prior to commencement. HDC are willing to discuss the above with the Applicant going forward.  |
| <b>[REP3-023] Outline Operational Drainage Plan Rev B</b>     | Chapter 9. Terrestrial Ecology  |   |   |
|   | <i>HDC requested feasibility of the proposed wet woodland creation at the Oakendene substation site and the integration with attenuation basins to be included within the forthcoming detailed biodiversity net gain proposal. The site's biophysical conditions should be considered, and the Applicant should demonstrate how these conditions support wet woodland establishment and long-term survival, and the proposed species composition. Additionally, it was pointed out that the attenuation basin to the north of the Oakendene substation site is immediately adjacent to retained hedgerow running along Kent Street, which is likely within the RPA of many trees. HDC therefore advised that this basin be redesigned to be located outside of the RPA.</i> | <i>The Applicant responded to concerns of feasibility of wet woodland creation with 'Planting plans will be developed in line with a detailed design of the onshore substation, including predictions of the level of inflow the detention basins may expect year to year which are secured through the provision of stage specific LEMP via Requirement 12 of the Draft DCO. As set out in Paragraphs 2.4.10 to 2.4.13 of the Outline Operational Drainage Plan [...], there is significant flexibility in how the final design of the onshore substation could be delivered [...] such that it can be revised and adapted at the detailed drainage design phase to account for biophysical conditions at the site and inform on the final design on the wet woodland habitat. Similarly, the final design and placement of the northeast basin can be refined and adapted to account for the RPA as necessary.' HDC welcome these comments and look forward to amendments in future stage specific LEMPs and Operational Drainage Plan.</i> | The provision of figures for the proposed attenuation basins at Oakendene provided in Appendix A of REP3-050 are a welcome addition. HDC request that the figures are translated and cross referenced with regards to ecology and appended within Chapter 22 Terrestrial Ecology report (APP-063). For example, will the indicative flood levels for existing ground be of a suitable depth for proposed wet woodland planting and establishment, or whether the basins will need to be redesigned to attenuate more water. The estimated seasonality/frequency of the land being inundated will also be useful to help determine species composition of these habitats. It is also requested at the detailed design stage for the Applicant to provide indicative landscaping plans for cross sections of the basins, including shelves/benches and rockery to create varying depths, aquatic and marginal vegetation composition, and deadwood for wildlife access. |
| <b>[REP3-025] Outline Code of Construction Practice Rev C</b> | Chapter 12: Noise and Vibration   |   | 2. Approach to environmental commitments<br>2.8 complaints  |

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|  |  |  | <p>Complaints regarding the construction phase to managed in line with the Construction Communications Plan (CCP) Requirement 34. Further details of the complaints procedure to ensure it is responsive and effective. Are the tailored Communication and Mitigation Plans the responsibility of the contractors for each phase? What level of oversight and audit of the complaints process by RED is envisaged?</p> <p>4. General principles<br/> 4.3.5 Main compounds<br/> Perimeter fencing should include provision of noise barriers where they are necessary. Some activities such as loading of excavated soils will take place higher than the hoarding height of 2.4m<br/> The compounds are to include a maintenance area for plant and machinery. This is also referenced in C-8. What kind of maintenance activities are proposed? Give the open-air nature of the compounds this activity could be a significant source of disturbance.</p> <p>4.4.2 Working Hours<br/> The shoulder period for the Washington compound should not include deliveries or unloading due to its proximity to noise sensitive receptors. C-22 should be amended to incorporate this restriction.</p> <p>4.12 Excavated materials<br/> With respect to the excavated soils, it should be noted that the MMPs will require regulatory approval from Local Authority to ensure no contamination is caused at receptor sites in accordance with their statutory duty. This is usually achieved through the planning process and it is important that this mechanism is reflected in the requirements attached to the DCO. C-69 should recognise the role of local authorities.</p> <p>5. Management of onshore environmental issues<br/> 5.3.4 air quality mitigation measures</p> |
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|   |                                 |  | <p>The majority of the specific measures relating to dust and air quality management have been deleted and instead reference is made to an Outline AQMP.</p> <p>Noise and vibration<br/>5.4.3 Commitments<br/>C-26 states that where noisy activities are planned and may cause disturbance mitigation measures may be deployed. This a poorly defined criteria for intervention leaving the judgement to the applicant's contractors. This commitment should be reworded to ensure it is precise and suitably protective.</p> <p>C-263 adopts BS-5228 as the appropriate assessment methodology for construction noise. However, the thresholds in BS5528 are considered not be sufficiently protective of noise impacts at locations where day and night background noise levels are very low. Given the DCO seeks to remove established rights under statutory nuisance a lower threshold should be adopted as set out in section E5 to BS5228-1. Any noise impact assessment must take into account the Noise Policy Statement for England.</p> <p>5.4.5 Management measures<br/>The majority of the specific measures relating to noise and vibration have been deleted and instead reference is made to an Outline Noise and Vibration Management Plan (NVMP) (Document Reference: 8.60)</p> <p>It is now stated that the NVMP will include compliance monitoring. This is welcomed but the results should be shared with the LPA and other relevant persons to provide clarity and reassurance to the impacted communities.</p> |
| <b>[REP3-053] Outline Noise and Vibration Management Plan Rev A</b> | Chapter 12: Noise and Vibration |  | <p>3.3 Working hours<br/>As noted above, the shoulder period should not apply at the Washington construction compound due to the</p>   |



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|  |  |  | <p>proximity of sensitive noise receptors. C-22 should be amended.</p> <p><b>3.4 Construction Plant Mitigation</b><br/> Suitable control measures should be in place to ensure any machinery plant or equipment that is generating excessive noise because it is defective or in need of repair halls be taken out of use until it is reported.</p> <p><b>3.5.3 Noise barriers</b><br/> It is unlikely that any noise barrier will offer a reduction greater than 10dB. In areas where background noise levels are very low barriers may not be effective in mitigating adverse noise impacts at the receptors, particularly at night. As the DCO seeks to remove established rights under statutory nuisance it is import that receptors in these locations are identified and additional noise mitigation measures are employed.</p> <p><b>3.8 Applications for consent under Section 61 of the Control of Pollution Act 1974</b><br/> The thresholds of significance adopted must be adequately protective of receptors in tranquil locations where day time and night time background noise levels are very low and must take into account the Noise Policy Statement for England.</p> <p><b>3.8.9 S61 Lead in Times</b><br/> S61 consents require the local authority to assess and determine the application within 28days. This is necessarily and complex and challenging task for council officers who have other statutory functions to fulfil.<br/> The majority of the onshore shore cable routes are located within HDC. Therefore, it is important that that RED provide an early indication how many s61 consents are likely to be sought. Provision of additional resource to local authorities should be secured from RED if multiple S61 applications are envisaged.</p> <p><b>3.9 Unscheduled overruns</b></p> |
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|  |  |  | <p>Overruns are acceptable only to ensure safety, engineering stability issues, or for works to mitigate environmental pollution incidents. Issues such as equipment failure or delayed delivery of materials etc are not considered sufficient justification for an overrun. Any anticipated overruns should be notified to HDC by 17:00 hours on the day the overrun is expected. Any identified receptors should also be informed.</p> <p>3.10 Commitments</p> <p>C-22 The shoulder period for the Washington compound should not include deliveries or unloading due to its proximity to noise sensitive receptors. C-22 should be amended to incorporate this restriction.</p> <p>C-263 This adopts BS-5228 as the appropriate assessment methodology for construction noise. However, the thresholds in BS5528 are considered not be sufficiently protective of noise impacts at locations where day and night background noise levels are very low. Given the DCO seeks to remove established rights under statutory nuisance a lower threshold should be adopted as set out in section E5 to BS5228-1. Any noise impact assessment must take into account the Noise Policy Statement for England.</p> <p>5. Compliance monitoring</p> <p>5.1.6 Further clarification is required regarding the selection of threshold and trigger values referred to in this section. To be effective trigger values should be set below the threshold value. Concerns remain regarding the applicability of the noise levels quoted BS5528-1 for areas when background noise levels are very low.</p> <p>5.2.1 How will the need for monitoring be identified? How will this decision be reviewed?</p> <p>5.2.2 What form will the alert mechanism take? Who will be responsible for reviewing and maintaining the alert system? Will this be the responsibility of RED or their site contractors?</p> |
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|   |   |   | <p>5.3.3 Further clarification is required regarding the selection of threshold and trigger values referred to in this section. To be effective trigger values should be set below the threshold value. Concerns remain regarding the applicability of the noise levels quoted BS5528-1 for areas when background noise levels are very low.</p> <p>5.3.4 What form will the alert mechanism take? Who will be responsible for reviewing and maintaining the alert system? Will this be the responsibility of RED or their site contractors?</p> <p>6. Communication, management and complaints</p> <p>6.2.2 How will complaints be substantiated? If the contractor is responsible for substantiating complaints, there is a clear incentive to find no issue. All complaint should be reported to the Project Team so that proper oversight of the complaints process can be maintained.</p> <p>6.2.4 Concerns have been highlighted that the thresholds of significance for noise may not be protective of receptors in areas where background noise levels are low. Where noise is exceeding thresholds by 10dB this will represent a highly intrusive level of noise. Where works exceed thresholds by 10dB activity must cease until mitigation can be incorporated, temporary respite or rehousing is provided to affected receptors.</p> <p>6.2.6 What is the escalation process referred to?</p> |
| <b>[REP3-037] Outline Landscape and Ecology Management Plan Rev B</b> | Chapter 9. Terrestrial Ecology  |   |   |
|   | <i>HDC raised concerns with the mitigation on-site at the Oakendene substation site for hazel dormouse. Gaps in the hedgerows bordering the site, specifically in the south-west of the site, meant connectivity to the wider landscape would be severed. Given that wet woodland is suboptimal</i> | <i>The Applicant responds with 'The Outline Landscape and Ecology Plan [APP-232] (secured via Requirement 12 within the Draft Development Consent Order [PEPD-009] which has been updated at Deadline 2) will be updated for Deadline 3. The indicative landscape plan within it will be revisited in light</i> | It is positive to see the amendments to the Oakendene Substation Indicative Landscape Plan with reference to the infill planting at pre-commencement stage, to close gaps in existing hedgerow providing better connectivity for hazel dormouse. Supplementary planting has also been proposed within and adjacent to existing hedgerows to provide a buffer for mitigation and compensation for the EPS.   |

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|  | <i>habitat for hazel dormouse, HDC requested that the connectivity of the scrub and hedgerow along the edge of the west of the site were restored with further scrub planting, to ensure mitigation is robust.</i>  | <i>of the comments raised by Horsham District Council.'</i>  |  |
|  | Chapter 10: Landscape and Visual Impact   |  |  |
|  | <i>10.14 Within the Oakendene substation, mitigation measures comprise of enhancement planting along boundaries, replacement planting, 'advance planting' and an architectural strategy. Advanced planting is given a wide range of 4 years to be delivered, anytime during the construction period and before the operational stage stages. Types of materiality to be used within the substation building and principles of the architectural strategy are not defined within the current suit of commitments, including the Design and Access Statement. HDC expects to see the content of this tightened at this stage in the DCO process to provide more certainty at detailed design stage.</i> | <i>Ref 10.14 (...)<br/><br/>The LEMP is secured through Requirements 12 and 13 of the Draft Development Consent Order [PEPD-009] which has been updated at Deadline 2. Requirement 8 (2) of the Draft Development Consent Order [PEPD-009] requires detailed design for the substation to accord with the principles established in the DAS [AS-003]. The Applicant is considering possible amends to the DAS [AS-003] as a result of matters raised at the Issue Specific Hearing 1 in February 2024.</i> | HDC welcomes the clarification at LV5 that the existing perimeter vegetation along the southern boundary will be maintained by providing a trenchless crossing and additional commitment and clarifications to advance planting. |
|  | <i>14. PRoW 1786 between east of Taintfield Wood and A272 is identified as having a residual Significant effect which is agreed with. HDC therefore queries the absence of a more robust buffer planting between the public right of way and the site's southern boundary? Whilst this area is currently outside of the application's red line boundary, it seems unsatisfactory that significant effects are left unmitigated.</i>   | <i>Ref B14<br/>The provision of off-site planting to mitigate views from PRoW 1786 would require landowner consent and is also likely to block elevated views towards Oakendene Manor from PRoW 1786. Therefore, reference has been made to the architectural strategy whilst noting also that the substation footprint is based on maximum parameters.<br/>The Outline Landscape and Ecology Management Plan [APP-232] includes a</i>   | HDC welcomes the amendment to the southern boundary treatment which now retains existing vegetation by providing a trenchless crossing (LV5).  |

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|  | <p><i>Failing the feasibility of this, reducing the footprint of the substation to allow for a wider buffer to be planted within the confines of the red line must be explored.</i></p>    | <p><i>series of landscape design principles, other opportunities and an Architectural Strategy (consistent with the DAS) to provide further mitigation in addition to the Indicative Landscape Plan (ILP). The Outline Landscape and Ecology Management Plan [APP232] is being updated for submission at Deadline 3 with further details on mitigation measures regarding landscape design, ILP and an Architectural Strategy. Further detail will also be provided in the stage specific Landscape and Ecology Management Plans that would be delivered as part of the detailed design process to the relevant authority for agreement. The delivery of these documents is secured through Requirements 12 and 13 of the Draft Development Consent Order [PEPD-009] which has been updated at Deadline 2.</i></p> <p><i>Further detail would be provided in the stage specific Landscape and Ecology Management Plans that would be delivered as part of the detailed design process to the relevant authority for agreement. The delivery of these documents is secured through Requirements 12 and 13 of the Draft Development Consent Order [PEPD-009] (updated at Deadline 2).</i></p> <p><i>The Applicant will continue to engage with Horsham District Council on these points.</i></p> |  |
| <b>[REP3-055] Technical Note Construction Access Update Assessment Summary</b> | Chapter 10: Landscape and Visual Impact  |  |  |
|  | <p><i>Ref B12<br/>The LVIA assesses 'Transport Routes: Kent Street' as having partially visibility of the substation to the west through small gaps in the trees and hedgerows for</i></p> | <p><i>The visual effect on the views from Kent Street will be intermittent along the approximately 1km of the route, viewing through gaps in the trees and hedgerows affecting short sections of the route within the overall 1km and not a continuous, clear or open view. Whilst</i></p>   | <p>HDC welcomes the findings of likely significant effects on new receptors and the applicant's commitment to review Chapter 18: Landscape and Visual Impact, at deadline 4.</p> |

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|  | <p>approximately 1km of the route due to the layers of intervening vegetation. To put it in context the approx. overall length of Kent Street is 2.5Km of winding road, which means that 1km is in fact a significant length for adverse effects to be experienced. It is also noted that no reference is made to the effects of using Kent Street during construction and the increase in construction traffic expected within the narrow rural lane, resulting in a significant increase in the level of activity in the countryside location.</p>   | <p>'increased construction traffic' is not specifically referred to, it is generally intended as part of the reference to "construction works associated with building the onshore Oakdene substation" and the "movement of other machinery, including construction vehicles". Although not related to Kent Street the landscape assessment also refers to increased vehicle activity in paragraph 18.9.21 of Chapter 18: Landscape and Visual Impact Assessment, Volume 2 of the ES [APP-059]. Specific reference to increased construction access on Kent Street and at the construction accesses A61 and A64 is noted. This would not however alter the conclusions of the LVIA which record a high magnitude of change and the highest level of effect for this receptor during construction, ranging from Major / Moderate to Moderate (Significant).</p> |  |
|  | <p>Ref 13<br/>The assessment gives the same ranking of sensitivity to Kent Street as transport routes A281 and A272. This blank approach is not appropriate and is disagreed with as it is not reflective of what is experienced in the ground. The sensitivity of Kent Street is much higher than the other two routes and this needs to be recognised as part of professional judgement. Whilst not identified as a scenic or designated tourist route, its narrow in nature, densely vegetated and overall, its intrinsic rural qualities are enjoyed by all of those that live and travel along it including walkers connecting to the public rights of way network within the area. More on Kent Street is discussed below.</p> | <p>Please see Applicant's response above reference 10.25.</p>  | <p>HDC welcome the findings of likely significant effects on new receptors and the applicant's commitment to review Chapter 18: Landscape and Visual Impact, at deadline 4.</p> <p>HDC note however that whilst suggested that REP3-024 Outline Operational Drainage Plan Rev B has been updated, HDC can still see discrepancies where, for example, the vegetation within the Kent Street/A272 junction is proposed for removal as result of the kerb widening (to facilitate construction traffic).</p> <p>HDC raises significant concern with the removal of the existing vegetation in this corner as it plays a significant role in mitigating visual effects not only at operational stage but also during construction. In addition, the widening of the bell mouth and various passing points will also have significant effects to the rural character of Kent Street and its permanent widening would not be supported.</p> |

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|  |   |   | Please note that the vegetation loss identified within this document should also be reflected and updated within the BNG matrix and calculations.  |
|  | <p><i>B4 4. At Page 9, likely significant effects have been identified on:</i><br/> <i>Visual effects Oakendene substation – the assessment identifies significant effects on receptors (prow 1786 and 1788 and road users on A272 and Kent Street) during construction, which is agreed with. It goes onto to say that these effects are likely to reduce to some degree once mitigation measures mature during operation stage but still significant residual effects to users of prow 1786. Whilst the residual significant effects to PRow 1786 are agreed with, HDC contends that there will also be significant residual effects experienced by users along 1787, Kent Street and the A272.</i></p> | <p><i>The Applicant does not agree with Horsham District Council’s challenge of a “blanket approach of categorizing receptors” in respect of the sensitivity of Kent Street and the A272. The LVIA accords with GLVIA3 as explained in paragraph 6.33 where visual receptors on transport routes are defined as “Travellers on road, rail or other transport routes tend to fall into an intermediate category of moderate susceptibility to change. Where travel involves recognised scenic routes awareness of views is likely to be particularly high.” The LVIA has assessed the sensitivity of these receptors as ranging between High to Medium taken account of recognised scenic routes and value attached to views. Reference is made to the wooded nature of Kent Street and its use as a minor road) by walkers although there is no specific footpath provision. The sensitivity of each receptor / receptor group has been considered on an individual basis (Table 18-33 of Chapter 18 Landscape and Visual Impact Assessment, Volume 2 of the ES [APP-059]).</i></p> | <p>The principle of Kent Street being used for construction traffic and HGV’s is of significant concern for HDC given the likely impact it will have on the character and visual amenity of Kent Street. This is becoming more apparent and significant the more detailed design emerges.</p> <p>HDC would welcome its inclusion in the review of the LVIA at deadline 4 and HDC urges the applicant to further explore the use of haul roads as an alternative.</p> |
| <b>REP3-030<br/>Outline Construction<br/>Traffic Management<br/>Plan Rev D</b> | Chapter 10: Landscape and Visual Impact   |   |  |
|  | <p><i>B4. At Page 9, likely significant effects have been identified on:</i><br/> <i>Visual effects Oakendene substation – the assessment identifies significant effects on receptors (prow 1786 and 1788 and road users on A272 and Kent Street) during construction, which is agreed with. It goes onto to</i></p>  | <p><i>The Applicant agrees that there will be significantly affected receptors (PRow 1786 and 1788 and road users on A272 and Kent Street) as a result of the Oakendene substation during construction and operation (PRow 1786). During operation the visual effects from the A272 and Kent Street will reduce to non-significant levels as mitigation planting shown in the Indicative Landscape</i></p>  | <p>The vegetation removal necessary to enable the delivery to the now proposed passaging places within Kent Street have not been considered within the vegetation removal plans and effects on the character and visual amenity on Kent Street.</p> <p>HDC would welcome its inclusion in the review of the LVIA at deadline 4 and HDC urges the applicant to further explore the use of haul roads as an alternative.</p>   |

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|  | <p>say that these effects are likely to reduce to some degree once mitigation measures mature during operation stage but still significant residual effects to users of proW 1786. Whilst the residual significant effects to PRoW 1786 are agreed with, HDC contends that there will also be significant residual effects experienced by users along 1787, Kent Street and the A272.</p> | <p>Plan (Outline Landscape and Ecology Management Plan [APP-232]) becomes established. The Outline Landscape and Ecology Management Plan [APP-232] is being updated for submission at Deadline 3 with further details on mitigation measures regarding landscape design, ILP and an Architectural Strategy. This will clarify advance mitigation planting along the A272 and mitigation planting along Kent Street. The delivery of these documents is secured through Requirements 12 and 13 of the Draft Development Consent Order [PEPD-009] which has been updated at Deadline 2</p> <p>Figure 18.9c, Chapter 18 Landscape and visual impact – Figure (Part 1 of 6) [APP-098] illustrates PRoW 1786 and the LVIA describes this in Table 1834 Chapter 18: Landscape and Visual Impact Assessment, Volume 2 of the ES [APP-059] as “routed between east of Taintfield Wood and the A272 via Oakendene Industrial Estate”. As such the assessment includes part of PRoW 1787 between Kent Street and Taintfield Wood. Allowing for this, it is agreed that PRoW 1786 and part of PRoW 1787 (approximately 200m) will be significantly affected during the construction period, as a result of both the construction of the onshore cable corridor and the Oakendene substation.</p> <p>During operation it is therefore also agreed that PRoW 1786 and part of PRoW 1787 will be significantly affected as described in Table 18-34 Chapter 18: Landscape and Visual Impact Assessment, Volume 2 of the ES [APP-059] “Oakendene substation components will be visible from this route through gaps and above intervening vegetation in the foreground as the path emerges north and east of Taintfield Wood”</p> | <p>Furthermore, should the nature of these works become permanent, as suggested by residents, assessment of the nature of effects and mitigation measures proposed must also be provided.</p> <p>The principle of Kent Street being used for construction traffic and HGV's is of significant concern for HDC given the likely impact it will have on the character and visual amenity of Kent Street. This is becoming more apparent and significant the more the detailed design emerges. HDC urges the applicant to further explore the use of haul roads instead.</p> <p>Please note that any vegetation loss identified within this document should also be reflected and updated within the BNG matrix and calculations.</p> |
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|  |   | <i>This includes the gap for the field gate that would allow views north from part of PRow 1787 (assessed in the ES as part of PRow 1876). Significant visual effects from PRow 1786 and from field gate along PRow 1787 will persist through the operation period.</i>   |  |
| <b>[REP3-056] Outline Air Quality Management Plan Rev A</b><br><b>[REP3-053] Air Quality Mitigation Strategy Rev A</b> | Chapter 11: Air Quality   |   |  |
|  | <b>11.2</b><br><i>Emerging Cowfold Neighbourhood Plan Aim 1: Air Quality Management supports sustainable development proposals that do not have an adverse effect upon air quality and users within the Parish and supports development proposals that include measures to provide traffic calming and/or gating with the aim of reducing queuing traffic within the Air Quality Management Area.</i>   | <i>The Applicant has no further comments on this paragraph of Horsham District Council's Local Impact Report.</i>   | Gating option was evaluated by WSCC and HDC and the recommendation was that Given the compliance and enforcement issues associated with this scheme, and the likely difficulties in generating a business case, it is not recommended that this scheme is a further focus of investigation for the Steering Group. It is recommended that proposals consider the <a href="#">Cowfold Air Quality Management Area scheme proposals review, September 2017.</a>  |
|  | <b>11.9</b><br><i>HDC is modelling the AQMAs as part of the Action Plan updating process. To understand the contribution of all sources of emissions to exceedances of the air quality objectives within the AQMAs a source apportionment was carried at Cowfold worst-location (Cowfold 7n-DT37). Source Apportionment is the identification of ambient air pollution sources and the quantification of their contribution to pollution levels. A source apportionment considering 2019 traffic data shows that HGVs passing through the AQMA account for 22% of</i> | <i>Commitments C-157 and C-158 (Commitments Register [REP-1-015]) discourage construction traffic from routeing through the Cowfold Air Quality Management Area (AQMA). Chapter 23: Transport, Volume 2 of the Environmental Statement (ES) [APP-064] and Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006] have assumed that as a worst case approximately 25% of heavy goods vehicle (HGV) traffic could route through Cowfold from the A24 and A272 east of the village centre when entering or exiting construction accesses at Oakendene, Kent Street or Wineham Lane. This assumption was applied as a robust assessment of the maximum potential effects that may occur</i> | Requirement 22 of the Draft Development Consent Order does not include any specific requirement for noise, vibration, dust or air quality monitoring. A specific obligation should be inserted into the requirement worded as follows: <ul style="list-style-type: none"> <li>A scheme of dust and noise mitigation giving full details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the most up to</li> </ul> |

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|  | <p><i>the local sources of NO2. It is understood that even with the reroute of traffic proposed to avoid the AQMA, 25% of HGV will still travel through the AQMA, which could increase traffic queueing and air pollutant emissions aggravating the problem.</i></p> | <p><i>within Cowfold and is not a prediction of HGV construction traffic flows that will travel through the AQMA during the construction phase. As such, given the control mechanisms contained within the Outline Construction Traffic Management Plan [REP-1-010] and commitment C-158 (Commitments Register [REP1-015]) that requires HGVs to avoid routing through the Cowfold AQMA where possible, it is anticipated that HGV flows through the AQMA will be much lower than assessed. Chapter 19: Air quality, Volume 2 of the ES [APP-060] presents an assessment of air quality impacts from construction traffic. The assessment concludes that the Proposed Development will not result in significant impacts on air quality, as a result of increased traffic on the local road network. An air dispersion traffic modelling study of the potential impacts on the Cowfold Air Quality Management Area (AQMA) is presented in Section 1.4 within Appendix 19.1: Full results of construction road traffic modelling, Volume 4 of the ES [APP-174] with the assessment in Chapter 19: Air quality, Volume 2 of the ES [APP-060] concluding that there are no significant impacts confirmed by the Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006] submitted at Deadline 1.</i></p> | <p>date IAQM “Guidance on the assessment of dust from demolition and construction” and provision of weekly monitoring results to the Local Planning Authority until such point the Local Planning Authority agrees this is no longer necessary.”</p> <p>Monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work.</p> <p>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p> <p>HDC would welcome an independent auditing of the monitoring undertaken by the Transport Coordination Officer (TCO) to ensure community confidence and to police the traffic passing through Cowfold AQMA so it does not become higher than 25% over the life of the project. Monitoring shall be included on the Construction Mitigation Plan. As monitoring is a vital part of construction, given the scale of the proposed development, the likely high number of road traffic movements generated during the construction phase a monitoring plan should be included as a measure. Major applications should consider supplementing local authority monitoring with own monitoring - which would help to increase model certainty and confidence in the results and community reassurance.</p> |
|  | <p><b>11.10</b><br/><i>Additional diffusion tubes and remote sensors could be installed alongside the A272 Bolney Road and other identified Lorry routes to monitor</i></p>  | <p><i>Impacts from road traffic emissions at sensitive receptor locations within Cowfold, and Cowfold Air Quality Management Area (AQMA) specifically, have been assessed and are reported within the Chapter 19: Air quality,</i></p>   | <p>Monitoring shall be included on the Construction Mitigation Plan. As monitoring is a vital part of construction, given the scale of the proposed development, the likely high number of road traffic</p>  |

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|  | <p>annual concentrations of NO2 and particulate matter. The Applicant should support the cost of this additional monitoring work.</p>  | <p>Volume 2 of the Environmental Statement (ES) [APP-060]. Impacts from emissions of NO2, PM10 and PM2.5 were considered. The assessment concluded that the impact from construction traffic emissions is negligible at all sensitive receptor locations, including residential receptors within the AQMA.</p>   | <p>movements generated during the construction phase a monitoring plan should be included as a measure. Major applications should consider supplementing local authority monitoring with own monitoring - which would help to increase model certainty and confidence in the results and community reassurance.</p>   |
|  | <p><b>11.15</b><br/>Dust Management plan: 11.15 During site clearance, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan.</p> | <p>Chapter 19: Air quality, Volume 2 of the ES [APP-060] presents the construction dust assessment from the different components of the Proposed Development, undertaken in line with the Institute of Air Quality Management (IAQM) (2016) guidance on 'Assessment of Dust from Construction and Demolition' following best practice. The assessment identifies suitable mitigation according to the risk of dust impacts from the different components of the Proposed Development to ensure appropriate mitigation measures are applied. The relevant dust mitigation measures form part of the Outline Code of Construction Practice [PEPD-033] which includes an embedded environmental measure to produce Dust Management Plans for the areas within the proposed DCO Order Limits that are associated with medium dust risk. The Dust Management Plan will be included in the stage specific Code of Construction Practice (secured through Requirement 22 of the Draft Development Consent Order [PEPD-009]) which will be submitted to and approved by the relevant planning authority and in accordance with the Outline Code of Construction Practice [PEPD-033].</p> | <p>Dust Management Plan (DMP) shall be included in the Construction Environmental Management Plan (CEMP).<br/>In creating a CEMP, it is important to evaluate the potential environmental impacts of the construction project. CEMP is required to ensure that construction activities are carried out in an environmentally responsible manner. A CEMP shall also include a plan for monitoring the environmental impact of the construction project, as well as regular reviews to update the plan as needed.<br/>Construction Environmental Management Plan (CEMP) can be conditioned through a Planning Condition before commencement of any site preparation works.<br/><br/>Requirement 22 of the Draft Development Consent Order does not include any specific requirement for Construction Environmental Management Plan.</p> |
|  | <p><b>11.16 to 11.17</b><br/>The Applicant should follow the IAQM guidance and implement all the general measures categorised as Highly Recommended.</p>   | <p>Commitment C-24 (Commitments Register [REP-1-015]) ensures that best practice air quality management measures will be applied during construction in line with Institute of Air Quality Management (IAQM) (2016) guidance on the Assessment of Dust from Demolition</p>   | <p>The most up to date IAQM Guidance shall be used on the Assessment of Dust from Demolition and Construction.</p>  |

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|  | <p><i>Commitment-24 Best practice air quality management measures will be applied as described in Institute of Air Quality Management (IAQM) (2016) guidance on the Assessment of Dust from Demolition and Construction 2016, version 1.1.</i></p>  | <p><i>and Construction 2016, version 1.1. This is outlined in the Outline Code of Construction Practice [PEPD-033] which is secured through Requirement 22 of the Draft Development Consent Order [PEPD-009] updated at the Deadline 2 submission.</i></p>   |  |
|  | <p><b>11.18 to 11.21</b><br/> <i>11.18 Air Quality and Emissions Mitigation Guidance for Sussex (2021) takes a low-emission strategies' approach to avoid health impacts of cumulative development, by seeking to mitigate or offset emissions from the additional traffic. Hence, Applicants are required to submit a mitigation plan detailing measures to mitigate and/or offset the impacts and setting out itemised costing for each proposed measure, with the total estimated value of all the measures being equal to the total damage costs.</i><br/> <i>11.19 It is understood from the Statement of Commonality for Statements of Common Ground (PEPD-039) that an Air quality Plan, including emissions and health damage cost calculation and mitigation plan, for the construction phase of the development will be produced. Within this Air Quality Plan it is requested that the Applicant demonstrate how the overall monetary disbenefits identified will be redressed by the measures proposed. An effective air quality plan would contain the following elements for each proposed measure:</i></p> <ul style="list-style-type: none"> <li>• <i>Costings</i></li> <li>• <i>Performance indicators</i></li> <li>• <i>Delivery timescales.</i></li> </ul> | <p><i>The requirement in the Air Quality and Emissions Mitigation Guidance for Sussex (Mid Sussex District Council, 2021) for damage cost calculations is not relevant to the majority of the Proposed Development considering its nature and scheduling. It is therefore anticipated, subject to a review of the revised traffic generation and considering the knowledge of the construction schedule, that damage costs will be calculated for the works at the onshore substation at Oakendene where construction is likely to last longest. An Air Quality Mitigation Plan will be produced for the onshore substation at Oakendene in line with the Air Quality and Emissions Mitigation Guidance for Sussex (Mid Sussex District Council, 2021). Following further discussions with Horsham District Council, it is anticipated that the Air Quality Mitigation Plan will be submitted at Deadline 3.</i></p> | <p>An Outline Air Quality Management Plan was submitted in April 2024. The Assessment of dust from demolition and construction - 2024 V2.2 guidance was updated and revised in 2024. Applicant should refer to the latest guidance.</p> <p>Figure 7.6.6b Local Access Routes (Outline Construction Traffic Management) shows that Storrington AQMA is a potential route for LGVs. Horsham District Council rejects routing of vehicles through Storrington. The Storrington AQMA is the only monitoring site in the district that is still recording concentrations within 10% of the annual mean objective. There are other viable alternative routes for LGVs to access the Washington compound and there should be no need for LGVs to go through the AQMA.</p> <p>Although the HGV are not proposed to go through the AQMA, there is a proposed HGV route on the A283 that leads to Storrington. More information regarding the number of HGV on this proposed route is required and also on how HGV use will monitor and controlled by the Project Team.</p> <p>Regarding the proposed monitoring strategy outlined on section 2.4, HDC would welcome additional NO2 monitoring to supplement our monitoring on construction traffic routes. This would help address concerns from residents regarding the additional construction traffic movements, and to provide community reassurance.</p> <p>A Draft of the AQ mitigation strategy was submitted in April 2024.</p> |

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|  | <p>11.20 These are the essential mechanisms that enable authorities to work for the benefit of local communities and public health. It is essential that there is confidence that proper monitoring mechanisms and indicators are established at the outset and reviewed as necessary</p> <p>11.21 The Mitigation measures for the proposed development should be in line with the Sussex Air latest Air Quality and Emissions Mitigation Guidance for Sussex. Regarding the measures to be put forward in the air quality mitigation plan.</p> <p>HDC would request that the Applicant avoids duplication of measures that would normally be required through other regimes. Alternatively, we would support contributions:</p> <ul style="list-style-type: none"> <li>• to support and improve air quality monitoring in Cowfold AQMA and Washington.</li> <li>• to measures included in the Action Plan,</li> <li>• to Local Energy Efficiency Improvement</li> <li>• to the set-up of a Cowfold car Club scheme (Leap);</li> <li>• towards HDC's public building energy performance retrofit programme;</li> <li>• towards HDC's vehicle replacement programme</li> </ul> |   | <p>HDC are not able to provide comments on this documents because there is a lack of detailed information to confirm the final results is correct. HDC would request that more detail about AADT is provided, including what were the values used and whether construction HGV, LGV and passenger vehicles were considered. HDC would also like to request more details on which road links were used for the damage cost calculation.</p> |
|  | <p><b>11.22</b></p> <p>There is a concern that the CTMP does not account for emissions of the on-road and off-road construction traffic. Section 8.4.11 of the CTMP proposes to use Euro V on road vehicles "or better whenever</p>   | <p>The Outline Construction Traffic Management Plan [REP1-010] submitted at Deadline 1 includes in paragraph 8.4.12 an updated commitment that a minimum Euro VI standard vehicles will be used to support construction of the Proposed Development. The Outline Construction Traffic Management Plan</p> | <p>Requirement 24 of the Draft Development Consent Order does not include any specific requirement for road vehicle class to be Euro VI as a minimum. A specific obligation should be inserted into the requirement.</p>   |

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|  | <p>possible". The emission rates for Euro V heavy duty vehicles are circa 50% higher for PM and NOx compared to those of Euro VI vehicles – so it makes a significant difference what emission standard gets adopted.</p>  | <p>[REP1-010] is secured through Requirement 24 of the Draft Development Consent Order [PEPD-009].</p>  |   |
|  | <p><b>11.25 to 11.28</b><br/> 11.25 It is not clear how routeing of HGVs to avoid the AQMA's in Storrington and Cowfold is to be managed and controlled. Use of traffic surveying technology such as automatic number plate recognition cameras would offer an appropriate monitoring mechanism. 11.26 To that end, HDC Officers have contacted Obstrada, a company specialised in traffic and transport surveys to explore options on how we can police the traffic passing through Cowfold AQMA. The findings of these are attached as Appendix C. 11.27 In summary, four options are listed, each of them with expected cost range, pros and cons:</p> <ul style="list-style-type: none"> <li>• Temporary CCTV Video Analysis</li> <li>• Temporary ANPR Data Analysis</li> <li>• Permanent ANPR Data Analysis</li> <li>• Existing ANPR Data Analysis.</li> </ul> <p>11.28 The prices quoted are indicative as the specification of the Project is not known at this stage but HDC advocates that this detail will begin engagement with the Applicant on possible ways of controlling LDV and HGV so these do not become higher</p> | <p>Any such details would be confirmed as part of stage specific CTMPs that will be submitted in accordance with the Outline Construction Traffic Management Plan [REP-1-010] for the approval of the highways authority (West Sussex County Council) secured through Requirement 24 of the Draft Development Consent Order [PEPD-009].</p> | <p>Requirement 22 of the Draft Development Consent Order does not include any specific requirement for noise, vibration, dust or air quality monitoring. A specific obligation should be inserted into the requirement worded as follows:</p> <ul style="list-style-type: none"> <li>• A scheme of dust and noise mitigation giving full details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the most up to date IAQM "Guidance on the assessment of dust from demolition and construction" and provision of weekly monitoring results to the Local Planning Authority until such point the Local Planning Authority agrees this is no longer necessary."</li> </ul> <p>Monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work.</p> <p>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being</p> |

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|  | <p><i>than 25% over the lifetime of the Project</i></p>   |  | <p>minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p> <p>HDC would welcome an independent auditing of the monitoring undertaken by the Transport Coordination Officer (TCO) to ensure community confidence and to police the traffic passing through Cowfold AQMA so it does not become higher than 25% over the life of the project. Monitoring shall be included on the Construction Mitigation Plan. As monitoring is a vital part of construction, given the scale of the proposed development, the likely high number of road traffic movements generated during the construction phase a monitoring plan should be included as a measure. Major applications should consider supplementing local authority monitoring with own monitoring - which would help to increase model certainty and confidence in the results and community reassurance.</p>   |
|  | <p><b>11.29</b><br/> HDC has concerns of the modelling results for Cowfold AQMA. Details are therefore required of the model set up:</p> <ul style="list-style-type: none"> <li>• For which construction year the model was set up?</li> </ul> <p>What was the AADT considered? It is understood that even with HGV reroute in place, 25% will still go through Cowfold AQMA. The concern is that the Assessment Scenario includes assumptions on HGV routing which may not materialise for project implementation.</p> | <p><i>The air quality modelling for Cowfold Air Quality Management Area (AQMA) was updated and provided in Chapter 32: ES Addendum, Volume 2 of the Environmental Statement [REP1-006]. The updated assessment modelled the second year of construction; the year with the highest development traffic according to the revised traffic data for the Proposed Development presented in Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006]. The AADT used takes into account the heavy goods vehicle (HGV) routing through the Cowfold AQMA. The updated traffic data did not change the outcome of the assessment provided in Chapter 19: Air quality, Volume 2 of the ES [APP-060].</i></p> | <p>HDC have concerns regarding modelling results, as Cowfold worst-location (DT37) is still underpredicting by 24.5% even after modelling results were adjusted. There was not any breach of annual mean NO<sub>2</sub> objective at HDC monitoring location in the past four years (2019-2022), but site DT37 (Cowfold 7n) reached a concentration of 36.1µg/m<sup>3</sup> in 2019, which is within 10% of the annual mean objective.</p> <p>As stated on TG22: <i>The fractional bias of the model may be used in order to identify if the model shows a systematic tendency to over or under predict. However, care should be taken when using this statistic particularly where local authorities are concerned about the performance of the model at concentrations close to the air quality objective being assessed. The fractional bias provides the tendency of the whole model to under or over predict, and local authorities should consider the performance at each site.</i></p> <p><i>The correlation coefficient is used to measure the linear relationship between predicted and observed data. A value of zero means no relationship and a value of 1 means absolute relationship. The correlation coefficient</i></p> |

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|  |   |   | for the model after adjustment is 0.595, which is distant to the ideal value of 1.0.<br>HDC concern is that with this monitoring location being severely underpredicting, the conclusion of AQ impacts at the worst-location will not be valid.   |
|  | <b>11.30</b><br><i>It would be helpful to have the receptors labelled on a map. This would provide the local authority with more information on the spatial variation of concentrations</i>   | <i>Figure 19.2, Chapter 19: Air quality – Figures, Volume 3, of the ES [APP-104] presents the receptor location for the Cowfold model</i>   | Although the receptors are plotted on the map (Figure 19.2, Chapter 19: Air quality – Figures, Volume 3, of the ES [APP-104]), they are not labelled, which makes reviewing the model assumptions and results a laborious process.  |
|  | <b>11.31 to 11.32</b><br>11.31 HDC monitored NO2 at 10 locations in Cowfold in 2019, but only 3 of these sites were used for model verification. The Applicant has provided justification on the Statement of Commonality for Statements of Common Ground (PEPD-039) for removing diffusion tubes from the verification: <ul style="list-style-type: none"> <li>Monitoring at Cowfold 7n (DT37) has recorded values within 10% of UK objectives in 2019 (36.1 ug/m3) and it represents the worst location in Cowfold, but it was not considered for model verification. Applicant justification for removing the DT from the verification is not acceptable as the tube is not near a bus stop or a post box and it is representative of traffic emissions.</li> <li>Monitoring at Cowfold 4 (DT22) was also not considered for model verification. Although traffic data was assumed during</li> </ul> | <i>The air quality modelling for Cowfold Air Quality Management Area (AQMA) was updated and provided in Chapter 32: ES Addendum, Volume 2 of the Environmental Statement [REP1-006]. The updated assessment reflects the latest traffic data and considers a revised verification factor derived by also using DT37, DT22 and DT12. The verification applied ensured that the model was not under predicting. The new verification factor and updated traffic data did not change the outcome of the assessment provided in Chapter 19: Air quality, Volume 2 of the ES [APP-060].<br/>Regarding the predicted concentration presented in the Chapter 32: ES Addendum, Volume 2 of the ES [REP1- 006], they reflect concentrations at locations of relevant exposure and none of the diffusion tubes in Cowfold are at location of relevant exposure. According to Table A.2 of HDC latest Annual Status Report (2022), the distance of the monitoring sites to a location of relevant exposure varies from 2m – 23m. Therefore, concentrations at relevant sensitive receptors are expected to be lower than the concentration reported in the HDC Annual Status Report.</i> | HDC have concerns regarding modelling results, as Cowfold worst-location (DT37) is still underpredicting by 24.5% even after modelling results were adjusted. There was not any breach of annual mean NO2 objective at HDC monitoring location in the past four years (2019-2022), but site DT37 (Cowfold 7n) reached a concentration of 36.1µg/m³ in 2019, which is within 10% of the annual mean objective.<br>As stated on TG22: <i>The fractional bias of the model may be used in order to identify if the model shows a systematic tendency to over or under predict. However, care should be taken when using this statistic particularly where local authorities are concerned about the performance of the model at concentrations close to the air quality objective being assessed. The fractional bias provides the tendency of the whole model to under or over predict, and local authorities should consider the performance at each site. The correlation coefficient is used to measure the linear relationship between predicted and observed data. A value of zero means no relationship and a value of 1 means absolute relationship.</i> The correlation coefficient for the model after adjustment is 0.595, which is distant to the ideal value of 1.0.<br>HDC concern is that with this monitoring location being severely underpredicting, the conclusion of AQ impacts at the worst-location will not be valid. |



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|   | <p><i>model set up, the concentration monitored at this DT is representative of traffic emissions and should have been considered.</i></p> <p><i>Although Cowfold 1,2 (DT12,20) is subject to stop/start because of traffic lights, it is representative of traffic emissions and should have been considered for model verification. 11.32 Average monitored concentrations of annual mean NO2 in Cowfold roadside locations in 2019 was 27.3ug/m3, with the worst location recording 30.7 ug/m3, which is well above the modelled concentrations at the receptors. As there is a systematic under prediction of modelled concentrations for all sites, it is recommended that the Applicant provides a review of the model provided for Cowfold AQMA</i></p> |  |  |
| <b>[REP3-50]<br/>Commitments Register<br/>Rev C</b> |  |  | Please note: HDC commentary on specific commitments has been provided within the Council's response on individual control document submissions at deadline 3 |
|   | Chapter 10: Landscape and Visual Impact  |  |  |
|   | <p><i>B3 Executive summary 3. Page 8 Embedded environmental measures (table 18-25) re C-115 – proposes that reinstated hedgerows and tree lines will be monitored over a period of 10 years and remedial action swiftly taken. This has followed through into the LEMP but no guidance on procedure as yet. Para 2.6.11 (of the LEMP) says this is to be submitted with the maintenance works but not</i></p>  | <p><i>The Applicant will consider Horsham District Council's recommendations as stated with respect to specific commitments and where updates are made these will be provided in an updated Commitments Register [REP1015] at a future Deadline.</i></p> <p><i>The Outline Code of Construction Practice [PEPD-033] and the Outline Landscape and Ecology Management Plan [APP-232] are being updated for Deadline 3. An amendment</i></p> | HDC welcomes the amendments made.  |

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|   | <p>clear at what stage this is to be submitted. Does it mean with a LEMP for each phase? It is HDC's position that the delivery of mitigation measures triggers is key to correct implementation as the whole LVIA conclusions are based on the success of these.</p> | <p>has been made to the Draft Development Consent Order (DCO) [PEPD-033] requirement 13 to confirm when the 10 year period to management and maintenance commences.</p> |  |
|   | Chapter 12: Noise and Vibration   |   | <p>HDC is of the view that the noise impacts from the substation, once operational, have not been fully assessed and that noise levels below the daytime and night-time noise limits as detailed in Commitment C-231 could still result in significant noise impact to residential amenity.</p>  |
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| <p><b>[REP3-051] Applicant's Response to Examining Authority's First Written Questions (ExQ1)</b></p> | Chapter 10: Landscape and Visual Impact   |   | <p>HDC welcomes the submission of cross sections indicating depths and design of the proposed basins submitted in response to EXA questions FR1.2 Drainage Proposals for the Proposed Substation Site at Oakendene.</p> <p>HDC requests that these are embedded within the DAS as benchmark for future detailed applications. Furthermore, HDC have been advised by the applicant that the current attenuation basin scheme is over engineered and that there is opportunity to reduce the basins slopes and depths, as well as shallow the bund slope. HDC would also request the inclusion of wording to that effect within the DAS.</p> |
|   | Chapter 9: Terrestrial Ecology  |   | <p>HDC's position on Water Neutrality is set out in its response to First Written Questions [REP3-069] and is unchanged. HDC welcomes the applicant's submitted calculations of types of indicative volume of water usage (construction and operational) at deadline 3.</p> <p><i>Construction Water Usage</i></p>   |

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|  |  |  | <p>Given the significant fall in construction of new housing in Horsham District since the Natural England Position Statement (from circa 1,000dpa to circa 400dpa) , there is substantial headroom capacity to accommodate construction water usage of Rampion. This is evidenced in HDC Authority Monitoring Report 2022/2023.<sup>1</sup> Additionally, future planned housing has been suppressed by Water Neutrality in the HDC emerging local plan. This is evidenced in the Council's Regulation 19 Local Plan Consultation which plans for circa 480 dpa until 2028.<sup>2</sup>.</p> <p>This position would remove the need for tankering all construction water in for Rampion 2 within the Sussex North supply zone, which HDC considers to be unenforceable. It would enable construction water usage to be screened out for HRA AA purposes.</p> <p>It should be noted that Natural England have previously accepted this evidence as justification to screen out construction water use for all other development in the water supply zone.</p> <p><i>Operational and maintenance Water Usage</i><br/> The indicative volumes provided by the applicant at deadline 3 demonstrate the indicative volumes represent very low usage in the context of other development and could likely be accommodated by an offsetting scheme (named SNOWS – the Local Planning Authority offsetting scheme currently in production for the Sussex North Water Resource Zone), if access to such a future scheme were available. The Applicant also notes that other options are available should a strategic offsetting scheme not be available. These are documented in Chapter 26 {APP-067}, Design and Access Statement [REP3-013]</p> |
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<sup>1</sup> [https://www.horsham.gov.uk/\\_data/assets/pdf\\_file/0007/132595/AMR\\_2022\\_2023-CHAPTER-3-Housing-Land-Supply.pdf](https://www.horsham.gov.uk/_data/assets/pdf_file/0007/132595/AMR_2022_2023-CHAPTER-3-Housing-Land-Supply.pdf)

<sup>2</sup> [https://strategicplanning.horsham.gov.uk/Regulation\\_19\\_Local\\_Plan/consultationHome](https://strategicplanning.horsham.gov.uk/Regulation_19_Local_Plan/consultationHome)

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|  |  |  | but an amended wording to Requirement 8 [3] in the Draft DCO [REP3-003] is requested to confidently secure this. As such the Applicant will use the SNOWS scheme if available, but if not, they are not overly reliant on it being in place.   |
|  | Chapter 10: Noise and Vibration  |  | <p>Table 2.13 Noise and Vibration</p> <p>Nv1.1<br/>The Outline Noise and Vibration Management Plan only sets broad principles. and defers to the site-specific noise and vibration management plans to be drawn up by the contractors. These have yet to be provided so it is not possible to consider the adequacy of these plans.</p> <p>Nv1.3 (b)<br/>The maximum source noise modelled for the temporary construction compounds and was considered worst case and atypical of actual noise levels.<br/>This It should be made clear that these high values are not used to set the threshold of significance for calculating noise impacts or for determining mitigation. For sites with longer durations such as the construction compounds reduced thresholds should be considered as set out in E5 of BS5228:2009-1<br/>The shoulder period for the Washington compound should not include deliveries or unloading due to its proximity to noise sensitive receptors. C-22 should be amended to incorporate this restriction.</p> |
|  | <p>3.4<br/><i>Given up to four years duration of the onshore construction programme, there is a lack of construction phasing information to understand if impacts have been appropriately mitigated.</i></p> | <p><i>Section 4.7 of Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement (ES [APP-045] provides a summary of the indicative construction programme that has informed the assessments within the ES. Schedule 1, part 3, requirement 10 of the Draft Development Consent Order [PEPD-009] (updated at Deadline 2) secures that the detail of the stages (equivalent to phases) of works are to be submitted and approved by the relevant planning authorities.</i></p> | <p>NV 1.7<br/>Draft requirement 10 only requires that a written programme identifying the stages of those works to be submitted to and approved by the relevant planning authorities. It gives no guide as to the level details to be submitted.</p>   |

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|  | <p>6.8<br/>2. Additional justification to the location choice of the construction compounds within Horsham district</p> | <p>Four temporary construction compound (TCC) locations were considered in the Washington area, following the Scoping stage of the project. Following further engineering design review, environmental and land reviews, these were refined to the three alternatives presented at PEIR (RED 2021), Washington TCC Option D, Washington TCC Option E and Washington TCC Option F were consulted on as part of the first Statutory Consultation. Considering consultation feedback as well as the technical and environmental appraisal of each compound site, the site on The Pike near Washington Village was selected (TCC Option D, renamed as Washington Temporary Construction Compound). This compound site is: sufficiently large (3.9 hectares) for the required use; close to the A24 dual carriageway, reducing the need for construction traffic to traverse villages and rural roads; outside of the South Downs National Park and flood zones; directly on the onshore cable construction corridor; close to the site of two trenchless crossings (including the long crossing under the A24 and Washington playing fields) allowing for construction efficiencies, reducing overall impact; and level with limited vegetation within the site, but well screened around the perimeter.</p> | <p>It is still unclear that the impacts on the neighbouring camping and caravanning sites were taken into account in selecting the Washington TCC. The compound will contain significant features such as storage of materials and equipment (up to 7m high) and a concrete batching plant up to 20m high.</p> |
|  | <p>6.8<br/>3 ii Need for greater certainty of the use of Construction Compounds.</p>                                    | <p>The Applicant will provide further detail with regards the use of the compounds in the stage specific Code of Construction Practice, to be provided in accordance with the measures in the Outline Code of Construction Practice [PEPD-033], as per Requirement 22 of the Draft Development Consent Order [PEPD-009] which has been updated at Deadline 2.</p>  | <p>Requirement 22 of the Draft Development Consent Order does not require the activities or layout of the TCC be subject approval by the relevant authorities.</p>   |
|  | <p>6.8<br/>4 Provision of an additional Requirement for submission and</p>  | <p>The Applicant will provide further detail with regards the use of the compounds in the stage specific Code of Construction Practice, to be</p>  | <p>Requirement 22 of the Draft Development Consent Order does not include any specific requirement for noise, vibration, dust or air quality monitoring. A specific</p>  |

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|  | <p><i>approval of tailored stage specific management plans for each individual Construction Compound, informed by site-specific mitigations, to include but not limited to: -</i></p> <p><i>i) appropriate landscaping/boundary treatments which must include advance planting; and</i></p> <p><i>ii) ecological mitigation and compensations; and</i></p> <p><i>iii) Communications Construction Plan,</i></p> <p><i>iv) a Dust Management Plan, which should take into account emissions of off-road construction vehicles, NOx and particulate matter</i></p> | <p><i>provided in accordance with the measures in the Outline Code of Construction Practice [PEPD-033], as per Requirement 22 of the Draft Development Consent Order [PEPD-009] which has been updated at Deadline 2. Where relevant to the stage, this will include further detail on the temporary construction compound.</i></p> | <p>obligation should be inserted into the requirement worded as follows:</p> <ul style="list-style-type: none"> <li>• A scheme of dust and noise mitigation giving full details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the IAQM “Guidance on the assessment of dust from demolition and construction” January 2024 (Version 2.2 and provision of weekly monitoring results to the Local Planning Authority until such point the Local Planning Authority agrees this is no longer necessary.”</li> </ul> <p>Monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work.</p> <p>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p> <p>This is of critical importance given that section 8 to Part 2 of the DCO “Defence to proceedings in respect of statutory nuisance” removes the power for local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act. Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions Code of construction practice.</p> |
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|  | <p>8.12<br/>Construction works would give rise to localised disturbances, including for those not living on main roads but affected by construction routes such as around the village of Cowfold, and temporary road closures and/or diversions during the construction period would cause further disruption for residents of the district, businesses, and the visitor experience. Parts of the cable route are underlain by minerals, safeguarded through the JMLP, notably soft sand aggregate, which is a scarce resource. As the planning authority for minerals and waste, WSCC will detail their comments on this in their own LIR.</p> | <p>A range of embedded environmental measures have been provided by the Applicant as detailed within the Commitments Register [REP1-015] which has been updated at the Deadline 1 submission and secured through the Outline Construction Traffic Management Plan (CTMP) [REP1-010]. The production of a stage specific CTMP in accordance with the Outline CTMP [REP1-010] is secured through Requirement 24 of the Draft DCO [PEPD-009]. The Outline CTMP [REP1-010] has been updated at the Deadline 1 submission including:</p> <ul style="list-style-type: none"> <li>• Commitment C-157: The proposed heavy goods vehicle (HGV) routing during the construction period to individual accesses will be developed to avoid major settlements of Storrington, Cowfold, Steyning, Wineham, Henfield, Woodmancote and other smaller settlements where possible; and</li> <li>• Commitment C-158: The proposed heavy goods vehicle (HGV) routing during the construction period to individual accesses will avoid the Air Quality Management Area (AQMA) in Cowfold where possible.</li> </ul> <p>These commitments are also reflected in Table 5-1 of the Outline CTMP [REP1-010] which has been updated at the Deadline 1 submission and confirms prescribed local Heavy Goods Vehicle (HGV) access routes for all sections of the</p> | <p>The status of the Outline Construction Traffic Management Plan is unclear Commitment 24 includes the outline plan is required but this is not explicit in the commitment wording:</p> <p>“24.—(1) No stage of the authorised project within the onshore Order limits is to commence until written details of</p> <p>(a) a construction traffic management plan (which accords with the outline construction traffic management plan); and</p> <p>(b) a construction workforce travel plan (which accords with the outline construction workforce travel plan)),</p> <p>for the stage have each been submitted to and approved by the highway authority following consultation with the relevant planning authority.</p> <p>(2) The construction traffic management plan must include, as a minimum—</p> <p>(a) a routeing plan to secure that heavy goods vehicles (HGVs) used during the construction period are to avoid settlements, the Air Quality Management Area in Cowfold and the A24 through Findon wherever possible;</p> <p>The settlements should be to be avoided should be identified as set out in C-158 as Storrington, Cowfold, Steyning, Wineham, Henfield, Woodmancote.”</p> <p>As with the Code of Construction Practice, no independent monitoring of the Construction Traffic Management Plan is required under commitment 24. The implementation and operation of the traffic management route should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p> |
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|  | <p>8.13<br/>Landowners have expressed to HDC their concerns over implications for their land holding operations, including uncertainty to the risk of degradation of land (soil) where the onshore cable route passes through, with consequential impacts for ongoing financial stability and viability for the holding, the character of the worked landscape and food security, should land use change during the construction phase be enforced by the terms of future easement. In the view of HDC, these negative effects are tempered by the DCO requirements and commitments to reinstate and re-establish the land post construction, albeit with certain planting restrictions directly above the cable corridor. HDC supports the provision of a Soil Management Plan (SMP) and note Natural England has provided extensive commentary of Defra 2009 Code of Construction Practice for the Sustainable Use of Soils on Construction Sites Document used: (APP-224) 7.2 Outline Code of Construction Practice C-27.</p> | <p>The Applicant welcomes Horsham District Council's support for the provision of a Soil Management Plan (SMP). The Applicant is committed to developing a Soil Resource Plan (as defined in the Outline Soils Management Plan [APP-226]), during pre-construction, which will form part of the suite of management plans including the stage specific Soils Management Plan (SMP), Materials Management Plan (MMP), and Site Waste Management Plan (SWMP). Commitment C-183 of the Commitments Register [REP1- 015] (provided at Deadline 1 submission) states that an 'Outline Soils Management Plan (SMP) has been developed (included in the Outline CoCP) to enable construction works to be completed in accordance with the Defra Code of Construction Practice for the Sustainable Use of Soils on Construction Sites 2009 to protect soil resources from damage during the construction phase' and is secured by Requirement 22 of the Draft Development Consent Order (DCO) [PEPD-009] which has been updated at Deadline 2. In accordance with Section 5.1 of the Defra Construction Code of Practice (Defra, 2009), the Soil Resource Plan will include:</p> <ul style="list-style-type: none"> <li>• maps showing topsoil and subsoil types, and the areas to be stripped and left in-situ.</li> <li>• schedules of volumes for each material.</li> <li>• expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be ained for landscape areas, used as structural fill or for topsoil manufacture.</li> <li>• identification of the person responsible for supervising soil management.</li> </ul> <p>Machinery to be used for soil handling is specified in paragraph 5.2.19 of the Outline Soils Management Plan [APP-226] which</p> | <p>Measures to control releases of fugitive dusts from soil stripping, stockpiling, and removal from storage should be included in the Soils Management Plan.</p> <p>The recommendations given in the Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" January 2024 (Version 2.2) should be incorporated into the Soils Management Plan.</p> |
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|  |      | <p>states that soil stripping, stockpiling, and removal from storage will be carried out in accordance with Section 5.4 in the Department for Environment, Food and Rural Affairs (Defra) Construction Code of Practice (Defra, 2009), and that soils will be reinstated, or placed, by tracked hydraulic excavator using the loose tipping method (Section 6.1 in the Defra Construction Code of Practice(Defra, 2009), with only gentle firming by tracked vehicles.</p> <p>The stage specific SMP(s) are to be used in conjunction with the SRP and MMP to maximise the restoration of excavated soils to their pre-existing condition and location, and if this is not possible, to maximise the reuse of soils within the Proposed Development, minimising soils being relocated outside the Proposed Development or becoming waste. Section 6 paragraph 6.1.2 within the Outline Soils Management Plan (SMP) [APP-226] secured via Requirement 22 of the Draft Development Consent Order [APP-009] (updated at Deadline 2) states ‘A preconstruction drainage programme will be necessary to divert drainage systems which will be intercepted by the works, in order to prevent waterlogging of the trench during working. This work is likely to involve the installation of one or more land drains complete with permeable fill installed parallel to intercept soil and groundwater before it reaches the trench. The Outline CoCP (Document Reference: 7.2) includes measures to ensure that the condition of existing drainage systems are appropriately maintained and restored’.</p> |   |
|  | 8.15 | A number of management plans [APP-223 to APP-242] have been included in the DCO   | As noted above Requirement 22 of the Draft Development Consent Order does not include any |

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|  | <p>Assets to the local community (Village Hall and playing fields and Primary School) would be near the Washington Construction Compound. This means that the negative effects to these assets during the construction period would also affect the local community.</p> | <p>Application such as the Outline Code of Construction Practice (CoCP) [PEPD- 033] and Outline Public Rights of Way Management Plan (PRoW) [APP-230], which has been developed alongside the EIA process and provide the details of the proposed embedded environmental measures to manage effects during the construction stage. This includes measures that will be implemented to ensure minimal disruption to the local community, such as C-22 (working hours), C-32 (crossing schedule), and C-105 (site lighting) secured via requirement 22 and 20 of the Draft Development Consent Order [PEPD-009].</p> | <p>specific requirement for noise, vibration, dust or air quality monitoring.</p> <p>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p> <p>This is of critical importance given that section 8 to Part 2 of the DCO "Defence to proceedings in respect of statutory nuisance" removes the power for local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act. Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions Code of construction practice.</p> |
| <p><b>[REP3-003] Draft Development Consent Order Rev D</b></p> |  |  | <p>Please note: HDC commentary on specific Requirements has been provided within the Council's response on individual control document submissions at deadline 3</p>  |
|  | <p>Chapter 10: Landscape and Visual Impact</p>   |  | <p>HDC welcomes the changes made to parameter 8 - detailed design approval onshore substation, works no 16.</p> <p>(b) The commitment that the building will not exceed 28.75m above OD (instead of 12.5m above FFL) gives certainty that the final positioning of the building will not exceed this value, independent of the final finish floor level once detail design is carry out. The LPA is now satisfied that the worst-case scenario has been assessed within the LVIA.</p> <p>(e) similarly light protections masts are now referenced as maximum 34.25 above OD instead of 18m above FFL.</p>   |

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|  |  |  | <p>Notwithstanding, the applicant is encouraged in exploring the reduction of the FFL and or building design as detail design progresses as this would reduce identified visual impacts.</p> <p>Schedule 13 Hedgerows, lists at part 1 the removal of hedgerows and Part 2, the removal of important hedgerows. Minor inconsistencies were found between the list and Tree Preservation Order and Hedgerow Plans Rev B (PEPD-007). This list is likely to expand if checked against the revised vegetation removal as result of construction/operational accesses design. HDC will welcome this list to be updated against the new document requested by the examining authority where all vegetation retention and removal is to be shown in one place.</p> |
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**End**

## Appendix 2

Horsham District Council Deadline 4 Submission

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

HDC Response to the Applicant's draft S106 Agreement received Deadline 3.

#### Overview

1. The Examining Authority invited commentary on the Applicant's draft S106 Agreement received Deadline 3 [REP3-064]. Horsham District Council's (HDC) response is set out below.
2. The draft legal agreement Heads of Terms is to provide compensation for the specific harms arising from the Project onto Horsham District. The draft S106 does not provide for Heads of Terms on air quality cost-damage or administrative cost-recovery for the Council, as advocated by HDC in its Local Impact Report (LIR) [REP1-044]. This is disappointing and the Council will continue to advocate for inclusion of these provisions during Examination.

#### Compensation to achieve no net biodiversity loss.

3. HDC have undertaken an exercise to investigate whether no net loss will be achieved on-site, as per submitted material to date.
4. By copying the screenshotted metric entries from the Applicant's deadline 3 material (Appendix 22.15 Rev B, [REP3-020]) into a Statutory Biodiversity Metric with a target of 0%, the number of units needed to achieve no net loss can be calculated. Screenshots of the exercise undertaken are provided below.

Figures entered into a biodiversity metric with a target of 0% (i.e. not net loss):

| Area created must match area lost for both onsite and offsite ▲ |        |                |                |              |
|---|--------|----------------|----------------|--------------|
| Unit Type   | Target | Baseline Units | Units Required | Unit Deficit |
| <i>Habitat units</i>  | 0.00%  | 263.67         | 263.67         | 24.17        |
| <i>Hedgerow units</i>   | 0.00%  | 25.70          | 25.70          | 5.13         |
| <i>Watercourse units</i>  | 0.00%  | 2.64           | 2.64           | 1.78         |

Compared with the 10% target in the deadline 3 material:

| Area created must match area lost for both onsite and offsite ▲ |        |                |                |              |
|---|--------|----------------|----------------|--------------|
| Unit Type   | Target | Baseline Units | Units Required | Unit Deficit |
| <i>Habitat units</i>  | 10.00% | 263.67         | 290.04         | 50.53        |
| <i>Hedgerow units</i>   | 10.00% | 25.70          | 28.27          | 7.70         |
| <i>Watercourse units</i>  | 10.00% | 2.64           | 2.90           | 2.04         |

5. Taking the provided metric for HDC from REP3-020 (which still includes areas of South Downs National Park Authority, which HDC requested be separated out [REP3-069]), the number of units still required to compensate to reach no net loss are:
  - Area/Habitat: 24.17
  - Hedgerow: 5.13
  - Watercourse: 1.78
6. Until further information is forthcoming from the Applicant, HDC will be referring to the above exercise to inform negotiations on the draft legal agreement to secure monetary contributions for nature recovery projects, to ensure habitat loss is compensated for and delivered within the district.
7. As of February 2024, it is currently estimated that the national average of habitat bank unit prices is in the region of £25,000 - £35,000 per unit, however this will vary with type of habitat to be created/enhanced. HDC understand that these average prices per unit are likely to be higher than the amount required for local nature recovery projects, and therefore believe monetary contributions via HDC is the most effective and economical way to deliver proportional compensation within the administrative area of Horsham District (beyond the South Downs National Park), which in turn will help with the Applicant's aim to deliver 70% of the unit deficit for no net loss, prior to commencement.
8. In partnership with Sussex Wildlife Trust, HDC operates a nature recovery strategy within its administrative area, named Wilder Horsham. Details of this strategy, including its governance structure within Horsham District Council, was provided in HDC's Local Impact Report [REP1-044]. Wilder Horsham operates its own post completion monitoring. The Council has recently endorsed to extend the project in its Annual Plan 2024-2025<sup>1</sup>.
9. In this deadline 4 submission, HDC has listed costings (capital and ancillary) of a series of project proposals, within the 2km vicinity of the Project to compensate for residual adverse effects on the J3 Cowfold & Shermanbury Farmlands landscape character area. These landscape-led nature recovery projects would be delivered by Wilder Horsham in partnership with the Ouse & Adur Rivers Trust. The projects complement the DEFRA funded Landscape Recovery project in Horsham District, The Adur River Restoration Project, and the majority are ready to be implemented.
10. The purpose of presenting this project list at deadline 4 is to demonstrate that the project costings would be highly competitive to the Applicant compared to the alternative route of habitat bank unit prices in the region, which would present uncertainty to delivery of compensation on the ground, in the administrative area of Horsham District. Notwithstanding this, habitat banks within Horsham District are limited, and are expected to be limited for the foreseeable. To that end, the project list is not exhaustive, and HDC will be able to present additional projects in its continued engagement with the Applicant on Heads of Terms before close of Examination.
11. Given the evidence presented above, HDC does not see the need for the S106 to limit the number of Wilder Horsham projects provided to deliver the compensation, but rather the priority of compensation being delivered locally within Horsham District and not concentrated in one single site via a habitat bank. Timely delivery of the projects is important and HDC is seeking early payment of the contribution to account for wilder Horsham project lead in times, to be reflected in the Head of Terms. The suggestion is for a cascade mechanism to delivery priority of; Wilder Horsham projects with the J3 Character

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<sup>1</sup> <https://www.horsham.gov.uk/council-democracy-and-elections/finance-and-council-performance/council-plan-2023-2027/inspiring-greener-futures/igf-annual-plan-2023-2024>

Area, followed by habitat banks in the administrative area of the district and, only once the two former are exhausted, habitat banks elsewhere.

12. It is also the Council's position that given HDC, via Wilder Horsham, would be the responsible authority to distribute the monies with post completion monitoring for projects in Horsham district, it is not necessary for the landowners to which the projects relate to be party to the agreement. To that end, the legal agreement for this matter at least, could be a simple monetary sum paid by the Developer to HDC. These matters are subject to ongoing discussions with the Applicant.

#### *Air Quality Damage Cost*

13. The draft legal agreement at deadline 3 does not include air quality damage cost, which is sought by HDC.

#### *Monitoring Fee*

14. All legal agreements require monitoring to ensure compliance with requirements and ensure financial obligations are fully met. HDC has levied a fee charge of £400 per trigger, allowed by the CIL Regulations 2010, to cover the administrative burden for monitoring compliance by planning officers over the course of an s106 agreement. The monitoring fee will cover the cost of planning administration in its responsibilities as discharge authority.

#### *Cost Recovery*

15. The Monitoring fee levy is separate to wider Cost Recovery, which continue to be sought by HDC to cover the administrative burden across the Council as a whole (such as the Council's Environmental Health function). This includes the consenting discharge regime the current dDCO would generate. Local authorities are, and will, for some time continue to operate under severe pressure particularly with regards to resources and provision within dDCO for the discharge authority and applicant to agree Extensions of Time for consenting timescales will assist local authorities greatly in this matter.
16. S61 consents require the local authority to assess and determine the application within 28 days. This is necessarily and complex and challenging task for council officers who have other statutory functions to fulfil. The majority of the onshore shore cable routes are located within HDC. Therefore, it is important that provision of additional resource to local authorities be secured from the applicant via the legal agreement, if multiple S61 applications are envisaged.
17. Monitoring compliance of Requirements, including particularly, Requirement 22, will place significant burden on HDC and additional resource will be required to undertake this work. No independent monitoring of the Code of Construction Practice is required under Commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the Local Authority.
18. This is of critical importance given that section 8 to Part 2 of the DCO "Defence to proceedings in respect of statutory nuisance" removes the power for local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act. Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions Code of construction practice.

19. As with the Code of Construction Practice, no independent monitoring of the Construction Traffic Management Plan is required under Commitment 24. The implementation and operation of the traffic management route should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the Local Authority.

*Summary*

20. HDC will continue engagement with the Applicant to reach agreement on the above compensation to achieve no net biodiversity loss. The Council will continue to advocate for the inclusion of air quality and administrative cost-recovery in Heads of Terms.
21. The Wilder Horsham projects listing (dated 03 June 2024) is attached overleaf.



**Project Proposals For Rampion Funding with Wilder Horsham District**

**2024/25**

**Homelands Farm**

Completion of the Homelands Farm wetland and flood storage project previously discussed.

**Total: £20,000**

Project to potentially include sluice gate removal, at an additional cost of approx. £10,000.

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**Pooks Farm**

1. Creation of 250m of cross slope hedgerow to reduce surface water velocities, increase infiltration and provide linkage between two woodland blocks. Associated fencing will be required.
2. River habitat works to include augmentation of gravel, tree works and berm construction, contractor will be required on site for implementation

Landowner agreement in place, FRAP for river works required

**Total: £13,020**

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**Newells Farmhouse**

Materials and construction of 25 leaky dams, strategically placed across headstreams of the River Adur near Horsham. All consenting and landowner agreement has been obtained.

**Total: £3,750**

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**Shermanbury Place**

Creation of 3 scrapes on land to the front of the property for water storage and habitat creation. All consents and permissions in place.

**Total: £8,600**

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**Falconers**

Creation of scrapes for water storage and habitat creation, re-naturalisation of ditch network through ditch blocking, bank reprofiling etc.

**Total: £11,850**

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## **Gay Street Farm**

Creation of scrapes and a wildlife pond to provide seasonal water storage and habitat.

**Total:** £11,300

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**Total Capital Costs:** £68,520

With Sluice removal £78,520

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**Ancillary Costs** (mileage, admin, QA, reporting): £6,852

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**Total Project Delivery Costs:** £75,372

With Sluice removal £85,372

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### **Caveats and Conditions**

Options from above can be chosen to meet available budget and are presented in order of preference.

Ancillary Costs are calculated at 10% of capital costs so will change according to the options chosen

Lead in time to commence works is one month from confirmation of funding in writing

OART will not accept liability for non-completion of works due to adverse weather conditions or other force majeure outside of its control.

All publicity and promotion, press releases or otherwise in direct relation to these projects must be approved by OART prior to being put into the public domain.

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Should any further information be required in relation to the above please contact

██████████@oart.org.uk and ██████████@oart.org.uk.