

Rampion 2 Wind Farm Category 8: Examination Documents Applicant's Post-hearing submission - Issue Specific Hearing 2 Date: June 2024

Application Reference: 8.68

Pursuant to: The Infrastructure Planning (Examination Procedure) Rules 2010, Rule 8(1)(c)(i)

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The background of the slide features a photograph of several offshore wind turbines in the ocean. The turbines are white with yellow bases. A small boat is visible in the water between the turbines. The sky is blue, and there are green hills in the distance. A decorative green and white wave graphic is at the top left of the slide.

Document revisions

Revision	Date	Status/reason for issue	Author	Checked by	Approved by
A	03/06/2024	Issue for Deadline 4	RED / Eversheds Sutherland / WSP / GoBe	RED	RED

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Executive Summary

The second round of Issue Specific Hearings (ISH2) and a Compulsory Acquisition Hearing (CAH1) were undertaken in May 2024. This document is to provide a summary of the Oral Submissions made at Issue Specific Hearing 2 held on 15 and 16 May 2024.

1. Introduction

1.1. Overview of the Proposed Development

- 1.1.1. Rampion Extension Development Limited (hereafter referred to as 'RED') (the 'Applicant') is developing the Rampion 2 Offshore Wind Farm Project ('Rampion 2') located adjacent to the existing Rampion Offshore Wind Farm Project ('Rampion 1') in the English Channel.
- 1.1.2. Rampion 2 will be located between 13km and 26km from the Sussex Coast in the English Channel and the offshore array area will occupy an area of approximately 160km². A detailed description of the Proposed Development is set out in **Chapter 4: The Proposed Development, Volume 2** of the Environmental Statement (ES) [APP-045], submitted with the Development Consent Order (DCO) Application.

1.2. Purpose of this document

- 1.2.1. This document is prepared by the Applicant to provide a summary of the Oral Submissions made at Issue Specific Hearing 2 held on 15 and 16 May 2024.

2. Issue Specific Hearing 2

Table 2-1 Post submission hearing summary – Applicant’s summary of Oral submissions at Issue Specific Hearing 2

Ref	Action Point	Applicant’s summary of Oral submissions at Issue Specific Hearing 2
Agenda Item 2: Onshore ecology		
2a	<p>Biodiversity Net Gain including the adequacy of the Applicant’s revised BNG Appendix 22.15 [REP3-019] and the wording of Requirement 14. [NB the ExA will invite the relevant Local Authorities and the SDNPA to contribute to the discussion].</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> • Whether the updated BNG Appendix 22.15 [REP3-019] addressed the concerns raised by various Interested Parties? • Why an outline Biodiversity Management Plan is not proposed to be submitted and whether the Applicant would be content to do so? • Whether the response given by the Applicant had addressed the South Downs National Park’s concerns? • Whether the concerns with the wording of Requirement 14 of the dDCO [REP3-003] remain and whether the Applicant would be updating this? • The mechanism by which the Biodiversity Units are to be secured? 	<p>The Applicant noted that it has been engaged in regular meetings with Natural England, the local authorities (West Sussex County Council, the South Downs National Park and Horsham District Council) as well as the Environment Agency and the Sussex Wildlife Trust. In response to the comments made by West Sussex County Council, the Applicant clarified that paragraph 4.1.7 of Appendix 22.15 Biodiversity Net Gain information, Volume 4 of the Environmental Statement (ES) [REP3-019] relates to the timing of how temporary losses are considered. When considering temporary and permanent losses, the Defra matrix assumes that habitats are lost and then reinstated. The metric has an advance and a delay function to account for the period between loss and reinstatement which has not been applied at this stage due to the need for detailed design information to be available and also because biodiversity net gain will be delivered stage by stage meaning that some habitats will be being lost as others are being reinstated during the construction period. Further, provision of off-site biodiversity units will be front loaded.</p> <p>Appendix 22.15 Biodiversity Net Gain information, Volume 4 of the Environmental Statement (ES) [REP3-019] proposes the front loading of the habitat units to be provided offsite which account for 70% of the units needed to get to a position of no net losses and a 10% biodiversity net gain (BNG). Table 4.8 of this document is intended to show two main points: firstly, what the size of the deficit in habitat units is for the Proposed Development to result in no net loss and secondly, what is the unit deficit (referred to as such in the Defra workbook) to achieve biodiversity net gain. The net change unit shows the number of units required to achieve no net loss and the fifth column shows the unit short fall including to deliver 10% biodiversity net gain. The BNG for the Proposed Development is doing two things in that it is ensuring no net loss and then providing additional biodiversity net gain improvements.</p> <p>In relation to the concerns raised by the South Downs National Park Authority that there is an aggregation of no net loss with net gain, the Applicant noted that this would not be possible within the report as the Defra workbook calculation currently highlights a net loss (i.e. all measures that provide biodiversity units are contributing to no net loss – i.e. they are compensation). Net gain is then delivered through securing habitat units from third parties post consent. In terms of the breakdown of data, this has been done in accordance with district council boundaries for Horsham, Arun and Mid-Sussex and a calculation for the South Downs National Park Area on its own. The Applicant had understood that this was what the South Downs National Park was seeking but confirmed that it was content to discuss this further if needed.</p> <p>In response to point raised by Arun District Council in relation to the application of the mitigation hierarchy, the Applicant has sought to ensure this is delivered throughout the detailed design process, through commitment C-91 which is secured by the Code of Construction Practice which is required to be submitted in accordance with Requirement 22 and Requirement 23 of the Draft Development Consent Order [REP3-003].</p> <p>The Applicant acknowledged the point raised by Arun District Council in relation to the fact that there is ancient woodland within the Order limits and which is being crossed, however this has not been included in the biodiversity net gain calculation as this calculation is based on the surface work area only and the ancient woodland is not being lost.</p> <p>In respect of the Biodiversity Management Plan, the Applicant confirmed that the information which would be contained within that plan is already set out in the Outline Code of Construction Plan [REP3-025] and, to a lesser extent, the Outline Landscape and Ecology Management Plan [REP3-037], which include the management of protected species during construction and habitat reinstatement and creation, among other matters, which are the type of matters which will be included in the Biodiversity Management Plan.</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
2b	Horizontal Directional Drilling including the adequacy and wording of commitments C-5 and Requirements 22 and 23.	<p>In response to the comments made by the South Downs National Park Authority that there has been a failure to differentiate between biodiversity net gain and compensation measures, the Applicant confirmed that it had closely followed the Defra and Natural England guidance when carrying out its assessment and that this inherently includes compensation in the way the metric is structured. While this metric has not yet been made mandatory for NSIP projects, it had been adopted here as a very good model in order to deliver no net loss and biodiversity net gain. Some compensation is being delivered onsite (such as around substation) but given the linear nature of the Proposed Development and the approach of reinstatement the delivery of offsite biodiversity net gains is considered most appropriate, which is in line with the approach taken in the recently consented Yorkshire Green Energy Enablement Project.</p> <p>The Applicant confirmed that Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the Environment Statement [APP-063] will be updated at Deadline 4.</p> <p>The Applicant confirmed that the drafting of Requirement 14 in the Draft Development Consent Order [REP3-003] replicates the wording of the equivalent Requirement in the Hornsea Project Four Offshore Wind Farm Development Consent Order 2023/800. The principal difference between the Requirement 14 drafting put forward by West Sussex County Council and the drafting currently in the Draft Development Consent Order [REP3-003] is in respect of Requirements 14(1)(ii) and (iii).</p> <p>In response to comments made by the South Downs National Park Authority that there should be a separate requirement for biodiversity net gain and no net losses, the Applicant noted that there was a need for the South Downs National Park Authority to clarify how it envisages its proposals working so the Applicant can understand how the requirement should be drafted. The Applicant's approach to the drafting of Requirements more generally is not to include detail already within control documents which are then secured by Requirements rather than to pull out elements into the Requirements themselves due to issues this can create around what should be pulled out.</p> <p>The Applicant confirmed that one key difference between the drafting put forward change is that in West Sussex County Council drafting of Requirement 14(1)(i), the requirement was for the biodiversity net gain units to be secured prior to any stage of the authorised project being commenced whereas the current drafting of Requirement 14 in the Draft Development Consent Order [REP3-003], includes a carve out for site preparation works. This carve out is needed because the site preparation works (described in Chapter 4: The Proposed Development, Volume 2 of the ES [APP-045]) can include things which will alter the proposed design of the Proposed Development such as archaeology and ecological surveys and the detailed design will inform the biodiversity net gain calculations. In terms of Requirement 14(1)(ii), this is addressed in paragraph 5.4.4 of Appendix 22.15: Biodiversity Net Gain information, Volume 4 of the ES [REP3-019] and Requirement 14(1)(iii) this is already covered in paragraph 5.2.1 of Appendix 22.15: Biodiversity Net Gain information, Volume 4 of the ES [REP3-019].</p> <p>In terms of securing the necessary offsite biodiversity net gain units, the control documents do not set out how these will be negotiated and purchased from third parties since these could be secured in a variety of ways such as through Section 106 agreements, conservation covenants or a future mechanism. This will be demonstrated through the certificates once the units are registered as a biodiversity gain site on Natural England's biodiversity gain site register. The Applicant's view was that there is not much between the parties but the Applicant's view is that by committing to provide the certificates, given that the underlying documents will sit behind the certification process, the Applicant has made a commitment to provide the output of the process.</p> <p>The Applicant confirmed it would consider the submission of a biodiversity management strategy at Deadline 4. The Applicant has provided a response to Action Point 3 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>In relation to the adequacy of the commitment to using Horizontal Directional Drilling, the Applicant explained that the starting point for how this is secured is requirement 6(4) which has been amended to clarify that trenchless technology is required to be used to for the crossings set out in the Appendix 4.1: Crossing Schedule, Volume 4 of the Environmental Statement [APP-122]. Submission of a</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
	<p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> • Whether updated Commitment C-5 addressed the concerns of Interested Parties and whether there should be standalone requirement in the dDCO [REP3-003]? • The wording put forwards by Horsham District Council to secure adaptive management measures? • The comments made by Natural England and the Forestry Commission that the worst case scenario has not been properly assessed due to the lack of ground investigations to confirm if trenchless crossings are feasible in the locations proposed? 	<p>detailed crossing schedule is secured by Requirement 22(4)(q) and will form part of the stage specific Code of Construction Practice for the relevant stage. In terms of the details to be included in the stage specific Code of Construction Practice for each stage, paragraph 4.2.2 of the Outline Code of Construction Practice [REP3-025] states that this must be accompanied by a crossing schedule identifying where trenchless crossings must be provided. The baseline of crossings is as included in Appendix A of the Outline Code of Construction Practice [REP3-025] and additional crossings could be identified during detailed design and included in the stage specific Code of Construction Practice for that phase. Sections in the Outline Construction Methodology Statement [APP-255] relate to the relevant mitigation which might be involved, with the detailed Construction Methodology Statement secured by Requirement 23(2)(g).</p> <p>In response to comments made by the South Downs National Park Authority as to the wording of commitment C-5, the Applicant agreed that it would consider the wording of this commitment and update the Commitments Register [REP3-049] as necessary. The Applicant has provided a response to Action Point 4 in in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>The Applicant clarified that in respect of adaptive management measures, the Outline Code of Construction Practice [REP3-025] sets out various suggested mitigations but the stage specific Code of Construction Practice will detail the specific mitigations; if these need to change from those in the Outline Code of Construction Practice [REP3-025], this will be confirmed in the detailed Code of Construction Practice.</p> <p>The Applicant confirmed that the Draft Development Consent Order [REP3-003] only seeks consent for trenchless crossings in the locations shown in the crossing schedule. The Applicant has assessed these crossings and considers them to be viable based on its technical experience and expertise however, in the hypothetical situation that these are not viable, the Draft Development Consent Order [REP3-003] does not authorise an alternative method and so authorisation would need to be sought at that time and undergo consideration at that time.</p>
2c	<p>Climping Beach SSSI including the adequacy and wording of commitments C-292, C-112, C-217, C-247 and Requirement 6(4)</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> • The Applicant's response to Natural England's concerns that Commitment C-112 does not avoid impacts on the Climping beach SSSI and the amendments proposed • The Applicant's response to comments made by Natural England in relation to Commitment C-217 that the wintering period should be longer? • The Applicant's response to comments made by Natural England in relation to Commitment C-247 • Whether any Interested Parties had any comments on C-292 	<p>In response to the concerns raised by Natural England, the Applicant confirmed that commitment C-112 has been drafted to include the wording "unless remedial action is required" to provide for an event such as an unforeseen drilling fluid breakout so that immediate action can be taken to halt the spill, such as through the use of sandbags. Through Requirement 22(4)(k) of the Draft Development Consent Order [REP3-003], the Applicant would expect to agree a pre-commencement pollution incident response plan which would give details of the process of be followed. Within that plan, the Applicant would expect to state rapid action to contain the spill and to agree reinstatement measures with Natural England. The Applicant confirmed that it had arranged to meet Natural England on 22 May 2024 and that it would discuss this point further with them during this meeting. A meeting was held with Natural England on 22 May 2024 and commitment C-112 was discussed. Draft wording for an updated commitment has been provided for Natural England comment. The updated wording is provided in the Commitments Register [REP3-049] (updated at Deadline 4)].</p> <p>The Applicant confirmed that it was proposing to update commitment C-217 at Deadline 4 to further clarify the commitment and provide additional information. In response to Natural England's comments that the wintering period should be extended, the Applicant confirmed that based on the survey data collected and noting that the greatest energetic requirement of the sandling feature would be between November and February, this would be the key period in which disturbance should be avoided. The Applicant noted that birds are disturbed frequently by members of the public and would be during construction of the Proposed Development. The Applicant did not agree that the period should be extended to March but would discuss this further with Natural England during the planning meeting on 22 May 2024. [A meeting was held with Natural England on 22 May 2024 and commitment C-217 was discussed. Draft wording for an updated commitment has been provided for Natural England comment. The updated wording is provided in the Commitments Register [REP3-049] (to be updated at Deadline 4)].</p> <p>The Applicant noted that Natural England's concern in relation to commitment C-247 was covered off by comments which had been made around the trenchless crossing commitment (C-112).</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
2d	<p>Protected species including the adequacy of surveys for DCO application, adequacy of proposed mitigation and commitments in the draft DCO, post consent mitigation licences for protected species.</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> For the Applicant's response to Natural England's comments on the adequacy of protected species surveys to inform the Application, the adequacy of proposed mitigation and commitments in the dDCO [REP3-003], and in relation to post-consent licences for protected species. For the Applicant's comments on whether there is any evidence that a protective species licence would not be possible to obtain due to the surveys carried out. The Applicant's response to a question raised by Horsham District Council about the procedure which would apply if bats were discovered on site. 	<p>The Applicant confirmed that it will put in a response to Natural England's comments at Deadline 4 and that it would be discussing Natural England's Deadline 3 Submission [REP3-147] with them the following week. As to how the survey specifications were come to as set out in Section 22.2.3 of Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the Environmental Statement [APP-063], the Applicant consulted with the expert topic group on ecology, which included Natural England, the local authorities and other nature bodies such as the Sussex Ornithological Society and Sussex Wildlife Trust as consultees. The survey programme and interim survey results were given to the group on at least six occasions and those present asked if they were content with the approach to surveys, with no objections received.</p> <p>In relation to protected species such as hazel dormice and bats, the Applicant reviewed the surveys in the recent Southampton to London Pipeline Project as this also passed through the South Downs National Park and any agreements made by Natural England on these in the Statement of Common Ground. In relation to hazel dormice, currently Natural England note that frequency sample is lower than it would expect, but this is higher than the frequency which was used for the Southampton to London Pipeline Project as part of which Natural England signed a Statement of Common Ground that it was content with the approach.</p> <p>There are two occasions in which hazel dormice may be affected. Firstly, there are permanent losses at Oakendene: the Outline Landscape and Ecology Management Plan [REP3-037] which was updated at Deadline 3, sets out an indicative landscape plan and a planting phasing plan, both of which identify how habitats will be created in advance, just after site mobilisation and post-construction to provide the dormice with connectivity and greater extent of habitat both in the short and longer term. The design is to negate against disturbance of the dormice using the habitat in which they have been found previously.</p> <p>Natural England highlighted that commitment C-21 requires that vegetation clearance is only undertaken in winter due to the statutory guidance on birds but that this prevents the removal of vegetation sympathetically to dormice (which is usually done entirely in May or top clearance done in winter and rootstock in May). However, the Applicant noted that the way commitment C-21 is worded by the inclusion of the final sentence which requires clearance to take account of other protected species meant that this was balanced. The Applicant noted that it would be providing an additional dormouse commitment at Deadline 4 requiring temporary habitat losses to be carried out in compliance with the <i>Dormouse Conservation Handbook (second edition) Bright et. Al 2006</i>.</p> <p>In respect of temporary habitat losses (for example where cable ducts are installed which cross hedgerows), the Applicant will comply with the Handbook guidance which recommends sensitive clearance and the passive relocation of populations where hedgerow clearance is less than 100 metres or the woodland or strip being cleared is less than 50 metres wide. Commitment C-291 (described in the Outline Code of Construction Practice [REP3-025]) requires the Applicant to fill hedgerow gaps prior to their reinstatement with material to ensure there is a structure in place for dormice to move through. The Applicant noted that dormice are known to move through large areas, for example when crossing roads to reach central reservations. The Applicant concluded that the measures and commitments it has proposed are those which would be replicated in any protective species licence.</p> <p>The Applicant noted that the presence, absence and type of species of bats, and the approach taken to surveys was discussed pre-application with the expert topic group on ecology. The Southampton to London Pipeline Project did not do any activity surveys and relied on a habitat mapping process. The Yorkshire Green Project conducted sampling, similarly to the approach taken by the Applicant. When it comes to the Horsham District Council example of Bechstiens bats at the Oakendene compound, the Applicant noted that there would be no loss of habitat suitable for this species in this area, as all vegetation losses would be existing grass and field rather than woodland / scrub with the exception of a stretch of hedgerow along the existing access to the Oakendene industrial estate. The Applicant highlighted that Commitment C-105 requires the design of temporary and permanent lighting to follow the Institute of Lighting Professional and the Bat Conservation Trust guidance to reduce and limit light spill and also that the effect of a number of commitments (such as in relation to root protection areas) is to create a step back from woodland from the fencing of compounds. For a number of protected species, there will be a post application survey to ensure that any particular issues are identified as required as they are mobile.</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
		<p>In relation to the concerns raised by the South Downs National Park Authority that the scale of bat assessments being carried out by the Applicant is inadequate, the Applicant noted that there are two impacts occurring: the loss of permanent habitats (for example at the Oakendene compound) or through tree losses along the cabling route. Pre-construction surveys will be carried out under commitment C-211 as set out in the Outline Code of Construction Practice [REP3-025], aimed at identifying trees with bat roosts. In the first instance, commitment C-292 would require the mitigation hierarchy to be followed and the Applicant would need to seek to avoid such trees, with the Order limits providing the opportunity for micro-siting to be used to try to retain trees. If this cannot be achieved, the Applicant will then look to obtain a protected species licence for these specific trees. This approach was agreed on the Southampton to London Pipeline Project, as set out in the Statement of Common Ground with Natural England, where licences were proposed to be obtained on a tree-by-tree basis.</p> <p>In relation to temporary habitat loss, this would be the notching of hedgerows or other habitats for which bats may be foraging along or commuting past. The Applicant would use open trenching to minimise hedgerow losses and maintain connectivity as far as possible. The vast majority of hedgerows are being notched at six meters where this is required for a haul road and by making four two-metre notches for cable routing. One reason for this approach is that the <i>JNCC Habitat Management for Bats and Bat Conservation Trust Landscape And Urban Design For Bats And Biodiversity</i> guidance recommends that gaps of more than 10 metres should be avoided to minimise effects on connectivity. The Applicant also highlighted that Commitment C-291 requires the Applicant to block up hedgerow gaps following construction activities but prior to reinstatement activities so as to mitigate potential loss of connectivity.</p> <p>In response to comments made by CowfoldvRampion about the loss of bat habitat at the Oakendene substation site, the Applicant agreed that there would be a 647-metre loss of hedgerow at this location but that it would be implementing habitat creation measures at this location, along with measures for dormice aimed at providing connectivity.</p>
2e	<p>Updated monitoring, management and remedial actions in the latest Outline Landscape and Ecology Management Plan [REP3-037].</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> Whether comments made by the South Downs National Park Authority and West Sussex County Council around reinstatement had been addressed in the latest Outline Landscape and Ecology Management Plan [REP3-037]. 	<p>The Applicant set out that the key updates made to the Outline Landscape and Ecology Management Plan [REP3-037] are to Section 5 which deals with monitoring and management. Specifically, the Applicant had updated the timings for when monitoring activities are to be carried out, as where failure is identified, action will be taken in the following planting season and so the Applicant had sought to ensure the monitoring will not take place at a time of year where there will be a delay to this being carried out. The Applicant had also updated the timings around watering and other aftercare.</p> <p>In response to comments made by West Sussex County Council that the Outline Landscape and Ecology Management Plan [REP3-037] should include handover provisions for the OFTO, the Applicant confirmed that it would take this issue away and consider further amending the document. [The Applicant has provided an updated version of the Outline Landscape and Ecology Management Plan [REP3-037] at Deadline 4].</p> <p>The Applicant also agreed it would consider further the comments made by the South Downs National Park that the Outline Landscape and Ecology Management Plan [REP3-037] was missing detail about how habitats will be created so as to benefit species. In response to Cowfold Parish Council, the Applicant confirmed that in relation to habitat creation at Oakendene, the Outline Landscape and Ecology Management Plan [REP3-037] provides details of the proposed planting and that this would be a mixture of young and older planting stock. In relation to reinstatement, the Applicant acknowledged that it takes time for planting to mature but stated that this is accounted for in terms of value through the Biodiversity Net Gain Metric as the time to condition is a multiplying risk factor.</p>
2f	<p>Ecological aspects of concern specifically for the areas within the SNDP including for example, Sullington Hill SSSI and Local Wildlife Site and Michelgrove Park.</p> <p>The Examining Authority asked the Applicant to respond to concerns raised by the South Downs</p>	<p>The Applicant noted that the sensitive sites within the South Downs National Park which had been raised as a concern would either not be directly affected by construction activities or are proposed to be crossed using trenchless crossings. Amberley Mount to Sullington Hill Site of Special Scientific Interest (SSSI) was highlighted as a concern due to an operational access (Access A-30) running alongside it. However, this is an existing track which is already used by the current landowner. As stated in the Applicant's response to Deadline 3 Submission – 8.54: Applicant's Responses to Examining Authority's First Written Questions (ExAQ1) [REP3-051], maintenance of onshore cables is expected to be minimal during operation and maintenance, periodic testing of the cable is likely to be required every two to five years. This will require access to link boxes at defined inspection points along the onshore cable route and</p>

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	National Park Authority as to the effects on the National Park in these locations	<p>scheduled maintenance or emergency repair visits will typically involve attendance of up to three light vehicles such as vans in a day at any one location.</p> <p>The Applicant therefore considers this to be commensurate with how the track is currently being used and is not viewed as being a particular issue in terms of ecological impacts by the Applicant. In relation to Sullington Hill SSSI and Michelgrove Park, the Applicant noted that these locations are outside of the National Park boundary and measures can be put in place to mitigate any effects on them.</p> <p>In response to comments made by the South Downs National Park in relation to the effects on the National Park as a result of activities at these features, the Applicant noted that it had explained the nature of potential effects and that the South Downs National Park appeared to understand these and was not disagreeing with the effects at these locations, albeit the Applicant understood the wider contextual point. The Applicant confirmed it would be discussing this further with the South Downs National Park Authority. [The Applicant has provided a response to Action Point 7 in in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)].</p>
2g	<p>Potential for Adverse Effect on Integrity to the Conservation Objectives of the Northern Pintail of the Arun Valley Ramsar site.</p> <p>The Examining Authority asked if the Applicant can provide further clarity as to the distances between the Northern Pintail of the Arun Valley Ramsar site and the Proposed Development</p>	<p>The Applicant confirmed that the National Grid reference for the closest point of functionally linked land to the Arun Valley Ramsar site is TQ0178041, which is located 9km from designation boundary. The Applicant noted that the Arun Valley SPA and Ramsar Site is approximate 4.7 kilometres from the boundary of the Proposed Development but that this location refers to the access at Sullington Hill which does not provide functionally linked land to the Ramsar site. The Applicant met with Natural England on 22 May 2024 and showed them mapping to display the distance between potentially functionally linked land and the Arun Valley Ramsar site. Mapping was provided to Natural England for internal discussion and confirmation of position.</p>
Agenda Item 3: Offshore ecology		
3a	<p>Underwater noise – general matters</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> - Outstanding concerns regarding the worst-case scenario for piling. • What the worst case scenario is for the number of piles which could be driven in 24 hours and whether table 11.13 of Chapter 11 of the Environmental Statement [REP1-004] could be made clearer? • Why the worst case assessment does not appear to use the closest location points to the MCZ? • For the Applicant to address the comments made by Natural England in relation to worst case scenario and location of points? <p>- Securing the maximum design scenario for piling in the draft DCO / draft DML.</p>	<p>The Applicant confirmed that the worst-case scenario for piling, as set out in Table 11.13 of Chapter 11: Marine mammals, Volume 2 in the Environmental Statement (ES) [REP1-004], represented each individual piling location, and that this scenario would be undertaken twice in the modelling. As such, Natural England was correct in its assessment of the worst case as being up to two monopiles or four jacket pin piles being driven from one rig, or four monopiles and eight jacket pin piles if there are two rigs operating on the site. The Applicant confirmed it would consider whether this could be made clearer. The Applicant has submitted an updated document to provide this clarity in Table 11.13 of Chapter 11: Marine mammals, Volume 2 in the ES [REP1-004] (updated at Deadline 4).</p> <p>The Applicant explained that it would also be making a further commitment at Deadline 4 as it had been looking into other mitigation measures which could be put in place. This process had been complex as the Applicant needed to consider impacts on the construction process and any supply issues however, as a result of its work on what was technically feasible, the Applicant will commit to the use of double big bubble curtains (DBBC) through the piling works which will lead to a greater reduction in noise than the minimum indicative attenuation previously proposed. This will be included in the In-Principle Sensitive Features Mitigation Plan [REP3-045] submitted at Deadline 4 and secured through Condition 11 of the Deemed Marine Licences within the Draft Development Consent Order [REP3-003] (updated at Deadline 4).</p> <p>In relation to the Examining Authority's question about the location points used for the worst-case assessment, the Applicant confirmed that in relation to the eastern location, the modelling location is the worst case for the Proposed Development because to the north of that, there is an area in which WTGs will not be located as this comprises a windfarm separation zone as defined on the Offshore Works Plans [PEPD-004]. As such, the modelled point represents the worst-case location. The Applicant confirmed that it would provide further comments on the choice of points for the worst-case scenario at Deadline 4. Please see Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) - Action point 8.</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
	<ul style="list-style-type: none"> the maximum design scenario and where is this secured in the dDCO [REP3-003]? whether maximum hammer energy could be specified in a commitment? <p>- Proposals for post consent monitoring for underwater noise.</p> <ul style="list-style-type: none"> The ExA asked the Applicant whether, in the event that monitoring does not validate the Environmental Statement, adaptive management measures should be considered? 	<p>The Applicant confirmed that in relation to the maximum design scenario, hammer energy is not currently secured as a maximum parameter. The Applicant was content to include this in the method statement required by Condition 11(1)(c) of the Deemed Marine Licences within the Draft Development Consent Order [REP3-003] but noted that this statement must be in accordance with the methods assessed in the Environmental Statement and so hammer energy would need to be less than that which had been assessed in Chapter 4, noting the differences in hammer energy specified for different foundation types. However, the Applicant agreed it would consider whether hammer energy could be included as a commitment and would respond at Deadline 4. Please see The Applicant's responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>The Applicant confirmed that it recognised that there may be a need to validate the performance of the mitigation and the piling parameters and that it was currently considering how best to do so. The Applicant confirmed that it will submit proposals for doing so at Deadline 4 and that it would seek to consult with Natural England and the Marine Management Organisation on the measures proposed.</p> <p>The Applicant also confirmed that it would include consideration of potential adaptive management measures within its Deadline 4 submission to the Examination, (Offshore In Principle Monitoring Plan [REP3-047] (updated at Deadline 4)), based on the results of monitoring</p>
3b	<p>Issues relating to noise effects on fish and shellfish</p> <p>The Examining Authority asked questions as to:</p> <p>- The effect of noise on Black Seabream nesting activity, relating to, for example, the noise threshold levels used in modelling. The possible necessity for a Measure of Equivalent Environmental Benefit (MEEB) if adverse effects to Kingmere Marine Conservation Zone (MCZ) cannot be avoided.</p> <ul style="list-style-type: none"> In relation to quantity of nests, whether there could be a comparable number in July as in the preceding months? Whether the lack of certainty as to the number of nests which might be present meant that a greater restriction on piling activities is needed in July? Whether the Marine Management Organisation would be content to agree amended restrictions in July if these were based on a 135dB noise contour? How the Applicant could be confident that a 20dB reduction can be secured through utilising two noise reduction measures and whether evidence can be put forward as to how the measures might perform at the location of the Proposed Development? 	<p>The Applicant confirmed that the data which exists to inform the Applicant assessment of Black Bream nesting activity suggests that the density of nests in July is far lower than in the preceding months and so it seemed unlikely that there would be a higher concentration of nests at this time in future years. However, in any event, the Applicant acknowledges the inter annual variability in July and for that reason has proposed mitigation measures to address the risk in July which it anticipated would be effective and would mean that the piling activities would not hinder the conservation objectives of the Marine Conservation Zone (MCZ) without the need to restrict piling in the month of July.</p> <p>The Applicant noted that the change to the breeding season is relatively recent and was based on some observations of repeat spawning, and that the data which the Applicant has was indicative of substantially lower amounts of spawning occurring in July. The Applicant's position was that the mitigation measures proposed would be effective throughout the breeding sessions from March to July, although this was not agreed by all parties. As a result, the Applicant has therefore agreed to complete avoidance of piling activities within certain areas to provide additional mitigation. July is a critical month for construction of the Proposed Development and it is only this month that the Applicant was proposing to carry out piling activities in accordance with the zoning plan in the western part of the array area. The Applicant is seeking to apply greatest mitigation in the key months and appropriate mitigation to enable limited piling to be undertaken in the less key month of July. The Applicant noted that it was not offering less mitigation, just increasing the proximity to the MCZ area and applying mitigation to ensure that the meaningful threshold for disturbance will not arise at that site. Further the extension of the breeding season into July is thought to represent repeat spawning and so the population is undertaking one more brood in a single season and is therefore additional to what was previously the number of events in a single season.</p> <p>In relation to the ExA's question as to the Applicant's confidence that a 20dB reduction can be achieved, the Applicant noted that in relation to confirmation of the efficacy of the noise reduction measures, there has been extensive testing of these in various locations throughout the world. It is recognised that every location will be slightly different but the suppliers are well versed in how to set these systems up. Most systems will not change their performance based on the conditions, aside from bubble curtains which are designed specifically for the areas in which these are put into. The Applicant confirmed that it has used the lower performance figures, but it was unable to confirm absolutely what the reduction would be as it can only rely on the statements of the manufacturers and research that has been presented. The Applicant confirmed that it would look to collate the data it can find in relation the efficacy of double bubble curtains at similar depths and location to the Proposed Development's array area but that it knew that bubble curtains have been used at depths of up to 50 metres.</p> <p>The Applicant confirmed that it would be possible to provide monitoring at the boundary of the MCS, but that in terms of adaptive management following results of monitoring, it would be submitting proposals at Deadline 4 (Offshore In Principle Monitoring Plan</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
	<ul style="list-style-type: none"> • Whether a restriction on piling activities in July in the locations proposed would be sufficient to satisfied the Marine Management Organisation? • As a back up to mitigation and zoning, whether it would be possible to monitor the MCZ boundary to ensure noise levels are not exceeded and if it were, whether a commitment could be made for piling to cease until further evidence of compliance can be put forward? • Whether, if the Marine Management Organisation were to agree to noise from piling being up to 141dB at the edge of the MCZ, features in the centre of the MCZ would be less affected? • As to the accuracy of the noise modelling as some noise contours are close to boundary of the MCZ? • For an update on the discussion between the Applicant and Natural England as to the arrangements for MEEB? <p>- The effects of piling noise on seahorses</p> <ul style="list-style-type: none"> • As to the noise threshold for behavioural effects on seahorses and what the potential effects would be? <p>- The effects of piling noise on Herring spawning activity.</p> <ul style="list-style-type: none"> • Whether the fact that there is a high confidence of suitable herring spawning areas near to the array area, meant there could be spawning grounds closer than is shown on the Applicant's mapping? • Whether these is interannual variability and any further research which the Applicant can point to? <p>- Continued concerns of the MMO and others relating to Article 5 of the draft DCO and Schedules 11 and 12 of the draft DML.</p> <ul style="list-style-type: none"> • The Marine Management Organisation's concerns and why the Secretary of State 	<p>[REP3-047]). The Applicant noted that it would be very difficult to completely stop piling activities but there may be lessons it can take from the approaches used in the Netherlands and Germany to achieve thresholds.</p> <p>In response to the Examining Authority's question as to the accuracy of the noise modelling, the Applicant confirmed that, there is always a margin of error and so if the absolute worst-case scenario occurred, then there could be a risk of noise impacts being worse than the contours shown. However, the contours are based on the worst of every parameter, a situation which is unlikely to actually arise.</p> <p>The Applicant maintained its position that the MCZ's conservation objectives will not be hindered and confirmed that the Measure of Equivalent Environmental Benefit (MEEB) case is being put forward on a without prejudice basis at Deadline 4. The Applicant will submit a Stage 2 Marine Conservation Zone Assessment and Kingmere Marine Conservation Zone MEEB review at Deadline 4. They will not have been consulted on at this stage but is envisaged to include measures such as research and development to better understand black sea bream behaviour and population dynamics, no anchor zones potentially in the MCZ, eco moorings and a reduction in recreational vessel traffic. The Applicant confirmed that Deadline 4 will be the first time that Natural England sees these measures.</p> <p>The Applicant confirmed that 141dB behavioural effects threshold as defined by Kastelein <i>et al.</i> in 2017 is appropriate for seahorse and those potential behavioural effects included disruption to breeding and courting behaviours and possible displacement from breeding sites. Seahorses show strong site fidelity, and the Applicant was confident they would return to their breeding sites after disturbance, but the Applicant's position is that the objectives of the MCZ will not be hindered as a result of the piling activities proposed. The Applicant noted that with the implementation of DBBC, while the use of the 135dB threshold was not agreed by the Applicant, the measure means that the 135dB threshold will not be breached in the MCZs where seahorse are a qualifying feature. The Applicant agreed to provide a figure showing noise contours using both 141dB and 135dB thresholds (Figure 5.14 to Figure 5.17 inclusive, in the In Principle Sensitive Features Mitigation Plan [REP3-045] (updated at Deadline 4)).</p> <p>In relation to herring spawning, the Applicant confirmed that eggs and larvae are subject to drifting due to the strong hydrodynamic conditions in the English Channel, and that it was confident that spawning activities are occurring in the spawning ground as defined by Coull <i>et al.</i> (1998), as opposed to areas where high densities of eggs and larvae are present (as identified by IHLS data), as eggs and larvae will be drifting away from the defined spawning ground. Regarding suitable spawning areas, the Applicant undertook a heatmapping exercise (based on the Reach <i>et al.</i>, (2013) methodology (as adapted from MarineSpace (2013)) which reviews a variety of data sources, and identifies areas as being potentially suitable for spawning, however the Applicant asserted that the identification of potentially suitable spawning habitat conditions does not necessarily equate to those areas actually supporting herring spawning. At some locations where suitable spawning habitat might be indicated by the assessment, notably areas in closer proximity to the Proposed Development, there are no data indicating spawning is occurring. In the absence of such, and on the basis of such areas being small and at distance from the recognised spawning grounds, the Applicant noted that it did not consider this to be an issue of concern, particularly at a population level. The Applicant also noted that while there can be some inter annual variability, herring are substrate dependant spawners, and display site fidelity, therefore any interannual variability will be minor. The Applicant confirmed that in response to feedback received from the Marine Management Organisation and its advisors Centre for Environment, Fisheries and Aquaculture Science (Cefas), the Applicant would provide a revised heatmapping note at Deadline 4 (Deadline 1 Submission – 8.25.1 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP1-020] (updated at Deadline 4)), providing more information on the heatmapping exercise undertaken to determine areas of confidence that potentially suitable spawning habitat is present.</p> <p>In response to comments made by the Marine Management Organisation on Article 5 of the Draft Development Consent Order [REP3-003], the Applicant confirmed that it will respond in writing to the points the Marine Management Organisation would be submitting into the Examination in due course. As per Deadline 3 Submission – 8.54: Applicant's Responses to Examining Authority's First Written Questions (ExAQ1) DCO 1.3 [REP3-051], the Applicant confirmed that Article 5 is in a number of made</p>

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	<p>should deviate from the wording which had been used in other made DCOs?</p> <ul style="list-style-type: none"> For the Applicant to review The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024/564 and consider whether deemed marine licences should be excluded from Article 5(3) of the dDCO [REP3-003]? Whether the exact wording of Article 5 has been included in another made Order previously? For the Applicant to consider the requested amendments to the Deemed Marine Licences from Natural England and the Marine Management Organisation? 	<p>Orders, including most of the made Orders of offshore wind farms over the past 10 years including The East Anglia ONE North Offshore Wind Farm Order 2022/432, The East Anglia TWO Offshore Wind Farm Order 2022/433, The Hornsea Four Offshore Wind Farm Order 2023/800, The Norfolk Vanguard Offshore Wind Farm Order 2022/138, and The Norfolk Boreas Offshore Wind Farm Order 2021/1414. While the Applicant reserved its position until it has seen the Marine Management Organisation's written submissions, it noted that many of the points it had raised during the hearing appeared to have been considered in The Hornsea Four Offshore Wind Farm Examination, within which the Examining Authority had noted that the provisions were well precedented and should be retained on that basis, and the Secretary of State had included them in the Order on that basis. The Applicant confirmed that it was not suggesting anything novel and, in all likelihood, there will be circumstances where a transfer of the benefit of the Order will be required, the most obvious example being where an OFTO is identified and there is a transfer of assets to it. The rationale behind the Article was seeking to address a concern that in such circumstances, the Secretary of State could agree to such a transfer but the Marine Management Organisation could refuse a transfer of the Deemed Marine Licence.</p> <p>The Applicant confirmed it would consider the amendments to the Deemed Marine Licences which had been proposed by Natural England and the Marine Management Organisation and would update the Draft Development Consent Order [REP3-003] accordingly where these could be agreed or provide a response as to why they could not be at Deadline 4. The Applicant has set out its responses in response to Action Point 14 at Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) and an updated Draft Development Consent Order [REP3-003] has been submitted at Deadline 4 incorporating amendments where agreed.</p>
3c	<p>Benthic environment</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> The effects of cable installation on seabed chalk. As to the depth of cable into the near shore seabed beach and dunes area and whether a minimum depth of 5 meters can be secured in the dDCO [REP3-003]? Whether a duct extension would be beneficial if more seabed works are required? Whether there was any additional information in respect of extending horizontal directional drilling out from the coast and whether a zone could be set as a parameter? The use of gravel beds for cable installation vessels, particularly the effects of the gravel beds on the seabed and benthic ecology. As to how recovery would occur and the impact on features? Whether the use of the phrase "where practical" in relation to micrositing meant that some features cannot be avoided? 	<p>The Applicant confirmed that trenchless cable installation from into the near shore seabed beach and dunes area to offshore would be at least five meters deep except where it enters and exits as a transition point. The Draft Development Consent Order [REP3-003] submitted at Deadline 3 included 'depth' within the details of the trenchless cable installation to be provided in the Construction Method Statement in accordance with Requirement 23 and the Applicant confirmed it would consider whether this drafting could be further improved. If required, further detail would be provided in the Outline Construction Method Statement [APP-255].</p> <p>The Applicant clarified that the principle behind using the duct extension is to try to get the horizontal directional drilling (HDD) cable installation to reach as far offshore as possible to get further away from the seabed chalk. The Applicant will start from the location shown in the Works Plans and drill out as far as possible, with the minimum being to Low Water Springs and if it is deemed an appropriate method, the Applicant would consider the use of a duct extension. The reason for using the duct extension is that a vessel will not be able to float at low tide in this area. While the duct extension would need to be trenched into the chalk, any cable installation would require trenching in some form and the key benefit behind it would be to avoid the need for gravel beds.</p> <p>The Applicant highlighted that while it would look to use horizontal directional drilling out as far as possible, there is only so far that this technology will work. Two possible launch locations had been proposed, with one being further from the coast than the other, and the decision on which to use will be based on ground conditions. The Applicant has not yet carried out any site investigation works to be able to ascertain which option would be preferable, but once this information is available to the Applicant, it will go out to tender to find solutions based on what is available on the market. The Applicant was unable to make any commitments at this stage due to the distance being determined by the technology available on the market.</p> <p>The Applicant confirmed that following the removal of substrata, chalk cannot be replaced, however, provided that large areas are not being harmed, the Marlin sensitivity assessment of the key ecology i.e. piddocks, is that they can recolonise within 2-10 years. The Applicant also noted that in relation to the physical impacts, the Applicant had considered the comments on abrasion which had been made by Natural England and concluded that while it agreed this suggests a change or loss of some surface material, the degree of abrasion seemed very unlikely to result in a measurable loss of chalk volume. The surface texture might become slightly compacted or deformed, but measurable losses of material are not expected, nor any fundamental impact on the nature of the chalk material, and benthic habitats are likely to recover. The Applicant considered that it was fair to assume some interaction but that the benthic community will assist the surface to recover.</p>

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	<p>- Whether there is robust enough data at this stage to inform micro-siting of the cable route.</p> <ul style="list-style-type: none"> • Whether the Applicant has enough data to provide an outline cable burial risk assessment and a cable specification and installation plan. <p>- Potential use of mechanical trenchers and cable protection across much of the export cable route and the effects this would have on the benthic environment.</p> <ul style="list-style-type: none"> • Whether a comparison of equipment and methods of cable burial can be set out, including lessons learned from Rampion 1 and provided at Deadline 4? • As to the most likely type of cable protection to be used if this were to be removable? 	<p>The Applicant noted that the main feature of conservation concern is likely to be chalk as sea bream will not be nesting this close to the shore. The wording “where practical” had been used in Commitment C-203 because chalk extends across majority of the environment and so it may not be possible to avoid this. The Applicant confirmed it would consider whether the wording could be amended to refer to chalk features only however, it was noted that there is a potential for ephemeral features which might need to be included within the scope of the commitment, Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>In relation to the Examining Authority's question as to whether there was sufficient to provide a methodology document for cable burial using lessons learned from Rampion 1 and cable burial risk assessment, the Applicant confirmed that it had gathered information on siting, and that it would consider and respond to this request at Deadline 4, Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>In respect of Natural England's request for a comparison of the equipment and methods of cable burial, including lessons learned from Rampion 1, the Applicant confirmed it would consider whether this could be provided and respond at Deadline 4 (Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)). However, this was likely to be difficult in practice due to differences in the equipment and tools between used and proposed to be used across the two Projects. The Applicant emphasised that it wanted to be able to allow the market to guide it in choosing the right tool to get the job done and minimise impacts.</p> <p>In relation to the ExA's question as to the most likely type of cable protection to be used if this were to be removable, the Applicant noted that this was difficult to answer as it was not aware of such works actually having taken place, and that it did not want to use cable protection at all if it did not need to, with the preference being to bury the cable. The Applicant also noted that when it came to removal, the material used would have been in situ for 30 years and therefore removal was likely to be challenging whatever type of material was used. The Rampion 1 project had used rock protection, but it was not at a stage where it had to remove this, although it was noted this was likely to involve dredging. In relation to suggestions about the use of rock bags, it was noted that this created issues with plastics and in terms of the use of concrete mattresses, it was not certain this would be intact at the end of the 30-year period.</p>
3d	<p>Marine Mammals</p> <p>The Examining Authority asked questions as to:</p> <p>- Draft Piling Marine Mammal Mitigation Protocol, soft start / ramp up including securing commitments C-52 and C-265.</p> <ul style="list-style-type: none"> • The worst case piling scenario, and whether it is two monopiles or eight pin piles being driven in 24 hours? • Whether the soft start ramp up procedure in Commitment C-52 has changed? • The Marine Management Organisation's concerns on the draft mammal mitigation protocol <p>- Revised bottlenose dolphin impact assessment including evidence to support assessment of 'Medium' impact magnitude, mitigation and post-consent monitoring.</p>	<p>The Applicant confirmed it would check the worst-case scenario which had been used in the Chapter 11: Marine mammals, Volume 2 of the Environmental Statement [REP1-004] and confirm at Deadline 4 whether this was based on up to four monopiles or eight pin piles being driven in a 24-hour period.</p> <p>The Applicant confirmed that in relation to commitment C-52, there has been no change to the soft start ramp up time period.</p> <p>The Applicant confirmed that it was currently running population modelling of bottlenose dolphins as per the Natural England request for both the Proposed Development alone and in combination with other projects. The Applicant confirmed that it will use the results of the population modelling to justify a conclusion from the magnitude score which will be submitted at Deadline 5.</p> <p>The Applicant confirmed that the noise abatement mitigation measures proposed for underwater noise will effectively provide protection for all receptors in the water. The Applicant confirmed that it had plots showing relevant noise threshold levels and how this propagates through the water column which it will be submitting at Deadline 4 within Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm (Document Reference 8.40).</p> <p>The Applicant confirmed that the evidence of the latest number of harbour porpoise likely to be impacted by the Proposed Development would not affect the overall harbour porpoise projection trajectory, as set out in the response submitted into the Examination at Deadline 3, in Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]. The Applicant had not yet discussed with Natural England and that it had not had correspondence from Natural England on this matter.</p> <p>The Applicant confirmed that it had made a commitment to monitoring four of the first piles in line with the relevant guidance from the authorities and to using a noise abatement system. The Applicant confirmed that there was an acceptance of the need to validate its methodology and that it was currently considering how best to do so. The Applicant confirmed that it would submit its proposals at</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
	<ul style="list-style-type: none"> • Whether post consent monitoring is needed to test the Applicant's conclusions on the assessment of impacts. • Whether the Applicant has taken marine mammals into account in the design of mitigation? <p>- Potential impacts on the harbour porpoise population trajectory.</p> <ul style="list-style-type: none"> • Whether Natural England's request for further evidence that impacts from the Proposed Development will not affect population trajectory has this been discussed between the parties? <p>- Marine Mammal section of the Offshore In-Principal Monitoring Plan.</p> <ul style="list-style-type: none"> • For the Applicant to provide an update on the progress made in this area <p>- Potential Marine Mammal transboundary issues highlighted in the transboundary consultation response from France [REP3- 104].</p> <ul style="list-style-type: none"> • Whether there were any comments from the Applicant in response to the issues highlighted? 	<p>Deadline 4 but that these would be a work in progress and that it would consult with Natural England on these after Deadline 4 as part of deciding these.</p> <p>The Applicant confirmed that it would respond to the potential Marine Mammal transboundary issues highlighted in the Transboundary Consultation Response from France [REP3-104]. However, it noted that in relation to the seal management units for South England, no sites have been screened in based on the screening advice from Natural England. As such, the Applicant's conclusion remained that no significant transboundary effects were likely. While the Applicant was aware that some literature was applying longer distances, the established connective distance was 20km. The closest French site which has grey seal as a feature is 73km away from Rampion and therefore was not connected to the management units.</p>
3e	<p>Offshore Ornithology</p> <p>The Examining Authority asked questions as to:</p> <p>- Cumulative impact assessment for great black-backed gull.</p> <ul style="list-style-type: none"> • The Applicant's response to Natural England's comments that it considers that the impacts of the proposed Development are likely to be significant and that these should be assessed on a cumulative basis? • For the Applicant to explain table 4-1 • Whether there were any comments on derogations made in respect of other NSIPs where the Examining Authority took a different approach to that recommended by Natural England? 	<p>The Applicant confirmed that it disagrees with Natural England's conclusion that the impacts on great black-backed gull are significant because Natural England's approach to collision modelling may result in an overly pessimistic result, as presented in the Applicant's Deadline 1 Submission – 8.36 Great black backed gull assessment sensitivity [REP1-038] which showed that in simply changing one single value, you can get an 86% reduction in an impact for one single project. If assessments from multiple projects are considered cumulatively, the overcaution would increase. The Applicant noted that Natural England applies a low avoidance rate across all gull species and the Applicant disagrees with this. The Applicant disagrees with Natural England's assumption that the three large gull species are ecologically similar and therefore grouping them together is appropriate. Herring gull and Lesser black-backed gull can be considered a terrestrial species which may spend time in the offshore environment, whereas great black-backed gulls are far more pelagic. Nearly 75% Herring Gull now breed in terrestrial environments (as evidenced in the latest sea bird counts (<i>Burnell et al 2023</i>)). Therefore, although on the surface the species might seem ecologically similar, based on appearance alone, the species show different behaviours and responses based on the different habitats in which they find to be their niche. The use of a species-specific avoidance rate should therefore be considered given the potential for the large gull generic rate to be skewed by the other two gull species. The Applicant also noted that Natural England usually use a range-based approach, therefore due consideration should be given to the parameters presented within the Deadline 1 Submission – 8.36 Great black backed gull assessment sensitivity [REP1-038], especially given the accuracy of Natural England's proposed parameters. The Applicant noted that their approach to cumulative assessment of combining the Southwest and the English Channel as well as the West of Scotland BDMPS regions was also considered for Awel Y Mor Offshore Windfarm project, which is the last project consented in the Western Waters region. As is the case for Rampion</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
	<p>- Proposed compensation for impacts on Flamborough and Filey Coast SPA and Farne Islands SPA seabird features. - Schedule 17 of the draft DCO.</p> <ul style="list-style-type: none"> • Whether Natural England and the Applicant are in agreement with compensation values in table 8.1? • Whether Applicant intends to include compensation for guillemot and razorbill in the version of Schedule 17 to be submitted at Deadline 4? • Whether the Applicant was aware of any concerns from Natural England regarding the drafting of Schedule 17? <p>- Potential Ornithological transboundary issues highlighted in the transboundary consultation response from France [REP3-104].</p>	<p>2, the decision was also made for Awel Y Mor due to the potential connectivity to both regions for the projects considered cumulatively. The Examining Authority's conclusions for Awel Y Mor was no significant impacts found with respect to Offshore Ornithology EIA conclusions.</p> <p>The Applicant noted that table 4-1 of its Kittiwake Implementation and Monitoring Plan [REP3-058] set out different compensation requirements or quantities that might be required based on various scenarios. The top of the table has the requirements based on a central impact value of 0.72 breeding adults from Flamborough Coast, and that the stage 1 and 2 columns are two different stages of the methods to calculate quantum based on the approach taken by the Hornsea Three Offshore Wind Farm project (which is the most precautionary approach) and the compensation ratios which can then be applied. In general, a higher ratio is applied if there is lower connectivity or lower certainty of success in the measure. The Applicant confirmed that it considers the central value is most accurate given that there is precaution built into all the assessments carried out.</p> <p>The Applicant confirmed that Natural England are aware that the impact is low however, it is just seeking for the full range to be shown and that it has not provided a position on the most appropriate values to be used.</p> <p>The Applicant confirmed that Natural England had not been consulted on the compensation values set out in Table 8.1 of the Applicant's Compensation Plan in Kittiwake Implementation and Monitoring Plan [REP3-058] and that it was seeking to obtain feedback by Deadline 4.</p> <p>The Applicant confirmed that it would be submitting a revised Schedule 17 at Deadline 4 to include Guillemot and Razorbill within its without prejudice compensation case.</p> <p>The Applicant confirmed that it was unsure if Natural England had any concerns in relation of the drafting of Schedule 17 and that it was only aware of the overarching points of concern raised by Natural England. Once these points have been resolved, The Applicant confirmed it will consider if amendments to the drafting of Schedule 17 are necessary.</p> <p>The Applicant confirmed it would provide a response to the Transboundary Consultation Response from France [REP3-104] at Deadline 4 as well as a translation of the consultation response, see Applicant's Comments on Deadline 3 Submissions (Document reference 8.66) (submitted at Deadline 4).</p>
3f	<p>Remaining potential transboundary issues with France highlighted in the transboundary consultation response from France [REP3-104], if not covered earlier</p>	<p>The Applicant confirmed it will respond to all elements of the Transboundary Consultation Response from France [REP3-104] at Deadline 4 and highlighted that the consultation undertaken with French fishing industry is detailed in the Environmental Statement, see Applicant's Comments on Deadline 3 Submissions (Document reference 8.66) (submitted at Deadline 4).</p>
<p>Agenda Item 4: Applicant to update the ExA on progress to or latest position on:</p>		
4a	<p>Radar/Aviation negotiations and the potential need for Requirements to ensure necessary mitigation</p>	<p>The Applicant confirmed that in relation to primary surveillance radar, it was in communication with NATS around this. It is likely to involve inserting a new Requirement into the Draft Development Consent Order [REP3-003], there is a fairly standard requirement that has been used in a number of made Orders dealing with impacts on radar which the Applicant anticipated can be agreed and inserted into the Draft Development Consent Order [REP3-003]. The Applicant confirmed it would provide an update at Deadline 4 whether the agreement is now in place however, it was understood that the mitigation itself was agreed, it is just the delivery method still under discussion. Please see Applicant's responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70). The Applicant agreed that the draft Requirement would be included in the Draft Development Consent Order [REP3-003] at Deadline 4 although the exact wording of this is likely to still be the subject of discussion between the parties.</p> <p>The Applicant confirmed that it was not aware of a response from the Ministry of Defence in relation to military radar.</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
		<p>In relation to Brighton Airport, the Applicant noted that mitigation cannot be finalised until post consent and so it would be including a new Requirement in the Draft Development Consent Order [REP3-003] dealing with this. Drafting had been provided to the Airport and the Applicant was liaising with them to agree the wording. The Applicant confirmed that the new Requirement would be included in the version of Draft Development Consent Order [REP3-003] submitted at Deadline 4, although the exact wording may still be under discussion.</p> <p>The Applicant agreed to consider the ExA's question as to why NATS and the Civil Aviation Authority were not included within the notification requirements of Condition 8(2) of the Deemed Marine Licences and that it would respond at Deadline 4. The Applicant can confirm that it is not appropriate for these two bodies to be notified pursuant to condition 8(2) as it relates to defence requirements. The Applicant notes that the operational lighting scheme is to be submitted to both the Defence Infrastructure Organisation and the CAA for approval.</p>
4b	Tree and hedgerow loss calculations and the planned update to the Arboricultural Impact Assessment	<p>The Applicant confirmed that the Vegetation Retention Plan had been submitted at Deadline 3 as part of the updated Outline Code of Construction Practice [REP3-025]. The Arboricultural Impact Assessment was being updated in line with these plans and will be submitted at Deadline 4. The Applicant confirmed that the Arboricultural Impact Assessment would be consistent with the Vegetation Retention Plan in respect of the location, length and area of vegetation being removed, however due to differences in the established methodology for each discipline, there would be differences in the classification of some vegetation types. The Applicant confirmed that the Vegetation Retention Plan will be controlled as part of the Code of Construction Practice secured under Requirement 22 but agreed that it would consider whether tree retention should be subject to a specific Requirement in the Draft Development Consent Order [REP3-003]. [The Applicant confirms that Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement has been updated at Deadline 4 [APP-194], as has the Outline Code of Construction Practice [REP3-025].</p>
4c	Updates made to the Vegetation Retention Plans submitted in the updated Code of Construction Practice [REP3-025] at Deadline 3	<p>The Applicant confirmed it would provide a response to the ExA's question about vegetation removal near to the Anncluggan land at Deadline 4. The Applicant's response to Action Points 28 is provided in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>The Applicant confirmed that it needed to clear vegetation on the land near to Crateman's Farm (as shown in figure 7.2.3k of the Scrub Retention Plan) for a trenchless crossing which is located nearby and the additional area will be required for duct stringing activities.</p> <p>[The Applicant would like to correct this statement made in the ISH2. The Applicant stated that vegetation clearing at Crateman's Farm was likely due to the need for duct stringing activities in this area, this is not correct. Duct stringing would be undertaken from the north-eastern side of the stream crossing.</p> <p>With relation to the Scrub feature HS558 as shown in Figure 7.2.6.m in Appendix B of the Outline Code of Construction Practice [REP3-025], the Applicant requires the ability to create a clearing of up to 30m across the entire feature to account for the worst-case environmental outcome due to the following construction related reasons:</p> <ul style="list-style-type: none"> • Detailed trenchless crossing design and associated siting of HDD compound / TC26 is yet to be determined and subject to ground investigation. The cable route leading up to the TC will need to align to this, as a result impacting the scrub feature. Note that cable spacing for trenchless crossing will be wider than in open cut areas, as a result taking also a wider area in the approach to trenchless crossings. The area near this trenchless crossing is already spatially constrained. • The existing overhead electricity line would need to be considered in construction planning, and either a required temporary diversion or exclusion zones around the OHL to be implemented. <p>The Applicant confirmed it would provide a response to the ExA's question about the importance given to the Green Lane feature W110 on figure 7.2.6 of the Outline Code of Construction Practice [REP3-025] and the justification for its removal at Deadline 4. The Applicant's response to Action Points 29 is provided at in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
		<p>The Applicant summarised the key changes to the updated Vegetation Retention Plans submitted in the updated Outline Code of Construction Practice [REP3-025] as being: 102 hedgerows loss, up from 89 at Application, total tree lines lost has risen from 28 to 33, length of hedgerow temporarily lost has risen from 1,130meters to 1,279 meters (with important hedgerows rising from 42 meters to 34 meters and potentially important hedgerows from 84 meters to 90 meters), permanent losses have increased from 622 meters to 647 meters. Tree line temporarily lost has increased from 378 meters to 466 meters and the total woodland lost has risen from 0.4h to 0.48h.</p> <p>The Applicant confirmed that it will respond to the clarifications sought by Cowfold v Rampion in relation to hedgerow losses in writing, but that in relation to the comments made about the vegetation classified as being 'hedgerow with trees', it was described in this way due to the requirements of the Habitat Survey methodology requirements. The explanation for this will be set out in Arboricultural Impact Assessment to be submitted at Deadline 4. The Applicant confirmed that vehicle tracking had been assessed based on the worst-case scenario as and such it had confidence in its calculations of what is being lost. The Applicant also confirmed that standard vegetation management required on highway land had not been included in its calculations.</p>
4d	Mineral safeguarding	<p>The Applicant met with West Sussex County Council on 23 April 2024, and discussed this matter as part of that meeting. West Sussex County Council acknowledged that the detailed assessment it had previously been requesting would be very difficult to achieve given the information available at this time. The Council also provided clarity on the additional information it would like to see in terms of prior extraction and why this was not considered to be practical in the circumstances, and as to the level of detail it would like to see in the Materials Management Plan in terms of the mitigation and the processes that will be involved during construction to ensure that any minimal sterilisation is avoided or minimised.</p> <p>The Applicant confirmed that it is providing a response at Deadline 4 where it will answer these clarifications. The explanation of why prior extraction is not considered practicable would be based around the depth of results and the working area that would be available as well as the technical difficulties of minerals extraction in that the area. Further, if any extraction was achievable, it would leave a void that will then need to be refilled. In terms of the mitigation procedures, the Applicant confirmed it would outline how the Materials Management Plan will identify the minerals that may be encountered during the stages of the construction and the expected volumes and uses. It will set out the stages of mitigation that will go into the Materials Management Plan, which should address the queries from West Sussex County Council.</p>
4e	Proposed method of cable laying in SPZ2 between Kitpease Copse and Olivers Copse	<p>The Applicant confirmed that it had met with Southern Water and the Environment Agency the previous week and that during this meeting the Applicant had clarified with Southern Water's response to ExAQ1 with Southern Water's hydrological expert. Southern Water had thought that there had been a design change, and so the Applicant had confirmed that the proposal is still for open trenching in this location. Southern Water confirmed that it was in agreement with the proposal and the response put forward by the Environment Agency at Deadline 3 which emphasised that horizontal directional drilling (HDD) was clearly a riskier option and that it would provide confirmation of this at a future deadline. The Applicant noted that it would review the comments to be submitted by Southern Water at Deadline 4 and determine whether a Statement of Common Ground would be needed.</p> <p>In response to the comments made by the South Downs National Park Authority that the question the Applicant ought to be asking Southern Water and the Environmental Agency was whether HDD was feasible in this location, the Applicant clarified that during the pre-application process which took place between 2021-2023, the Environment Agency made the point that high risk activities need to be limited and avoided in this Source Protection Zone (SPZ) area. Horizontal directional drilling was one of these high-risk activities due to the potential to contaminate the aquifer and in its recent response, the Environment Agency had stressed that a trenchless crossing at this location would result in a great risk to public drinking sources. The Applicant confirmed that it had surveyed this area after Southern Water had shared its data about this location, due to its inherent sensitivity. The Applicant confirmed that Southern Water had expressed serious concerns about the use of HDD in this area and that while the Applicant had considered a variety of crossing options in this location, the risk posed by a trenchless crossing was such that it would be disproportionate. The Applicant had reduced the width of the open trench crossing at this location.</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
		The Applicant confirmed that Appendix 26.4: Hydrogeological Risk Assessment, Volume 4 of the Environmental Statement [APP-218] had been provided but not in relation to the use of HDD at Kitpease Copse specifically, as open cut had been put in place as a form of mitigation by design in accordance with the Environment agency and Southern Water pre-application advice. The Applicant noted however that the hydrogeological risk assessment contained applicable information including conceptual models, and baseline which provided a knowledge and understanding of the sensitivities and risks in the locality.
4f	Adherence to relevant marine plans and policies	The Applicant confirmed that it would be updating its marine plans and policies assessment to address the outstanding comments made by the Marine Management Organisation but it was thought that the Proposed Development is in adherence with both polices and that the document will just need to be updated to reflect this. This has been submitted at Deadline 4 in Marine Plan and Policies Statement [REP2-027] .
4g	Updates to the Environmental Statement	The Applicant confirmed that it would be submitting clean and tracked Environmental Statement Chapters at Deadline 4 where this was necessary due to changed assessments but that this may not be necessary in relation to every chapter. The Applicant confirmed that it would be submitting an updated Environmental Statement at Deadline 6.

Agenda Item 6: Seascape, Landscape and Visual Effects

6a	<p>Development Test in National Park</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> The position whereby the Secretary of State has accepted the alternatives case and the Environmental Statement and baseline methodology (on a without prejudice basis). <p>- Minimisation of harms</p> <ul style="list-style-type: none"> Clarification on the minimisation of harms: whether this is provided for by Commitment C-66, the overall design principles and Requirements 12 and 13 of dDCO [REP3-003] and associated control documents? Whether the South Downs National Park Authority considered these to be adequate? How harms will be measured against the special qualities of the National Park? Consideration of the wording of Commitment C-66 and Requirements 12, 16 and 22 <p>- Mitigation and Compensation</p> <ul style="list-style-type: none"> The status of the s106 agreements and when a further update can be expected? Whether planning obligations would address the concerns of the South Downs National 	<p>The Applicant confirmed that the South Downs National Park has been at the forefront of its considerations when designing the Proposed Development and that the Applicant had sought to minimise harm to the special qualities of the National Park and provide mitigation through design principles where this had not been possible. For example, the Applicant had reduced the spatial extent of development (as reflected in Offshore Works Plans [PEPD-004] and through Commitment C-66), to reduce harm and have regard to the National Park's special purposes.</p> <p>In relation to the onshore elements of the Proposed Development, The Applicant noted that this was limited to the section of the underground cable which will run through the National Park as there is no particular above ground infrastructure which would be a permanent addition. The Applicant has sought to minimise harm through delivering the Proposed Development to high environmental standard (as required by paragraphs 5.10.29 and 5.10.35 of the Overarching National Policy Statement for energy (EN-1)) which is demonstrated by the detail and quality of the Environmental Statement and future submissions to be consulted on with stakeholders.</p> <p>The Applicant also highlighted that it had applied the mitigation hierarchy to the site and route selection by reducing the impacts on the South Downs National Park after the PIER stage of consultations and, unlike the position at PIER, there are now no significant impacts on settlements in the National Park. Further, the Applicant highlighted that the cable route corridor for the Proposed Development had had over 29 viewpoints taken, compared with less than 10 for whole route of Rampion 1, as well as a full arboricultural survey to refer to, 3D modelling of the route, a ZTV analysis, and the production of Annex A of the outline Landscape and Ecology Management Plan [REP3-037] which includes cross sections through the cable corridor and hedgerows to show how the cable can be threaded through these features). The Code of Construction Practice [REP3-025] and Commitments Register [REP3-049] have been driven to a high standard through technical and stakeholder consultation and the Applicant has been considering the detail down to the last meter of hedgerows at visibility splays and bell mouths, which for example has been reduced at Kitpease Copse down to 23 meters of clearance from 30 meters.</p> <p>The Vegetation Retention Plan in Annex B to the Code of Construction Practice [REP3-025] has an almost bespoke level of treatment of hedges as they go through the works and reinstatement planning looking at a variety of methods including notching, coppicing, pruning and translocation, as well as outline monitoring and maintenance programs, a Public Rights of Way Management Plan [REP3-033] and detailed assessment in the Landscape and ecological Monitoring Plan. The Applicant has also sought to mitigate construction lighting and has agreed with the South Downs National Park Authority to adopt the recommendations with the Authority's 2021 lighting technical note within the measures set out in the Code of Construction Practice.</p>
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Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
	<p>Park Authority in respect of mitigation and compensation?</p> <p>- S245 of LURA including furtherance</p> <ul style="list-style-type: none"> The evidence the Applicant intends to submit as positive evidence of furtherance and whether this would address the concerns of the South Downs National Park Authority? 	<p>In relation to the minimisation of harms, the Applicant clarified that in respect of highways accesses in the South Downs National Park, this is secured by Requirement 16, and in respect of public rights of way, Requirements 20 and 21 of the Draft Development Consent Order [REP3-003], with there also being a relationship between the Construction Method Statement secured by Requirement 23 and the Code of Construction Practice secured by Requirement 22.</p> <p>In response to comments made by the South Downs National Park Authority's that it was unclear how the Applicant had taken account of the National Park and its special qualities, the Applicant highlighted that it had submitted a note on setting out an assessment of Special Qualities (Deadline 1 Submission – 8.25.5 Applicant's Post Hearing Submission – Issue Specific Hearing 1, Appendix 5 – Further information for Action Point 27 – South Downs National Park [REP1-024]) in response to an action point from ISH1 at Deadline 1 drawing together all the conclusions of the Environmental Statement on a worst case basis. The Applicant noted that it was on the basis of the assessments undertaken that the Examining Authority will make its recommendation and the Secretary of State will make her decision as to whether the Proposed Development should be granted consent. This decision will be on the basis of the information secured by the control plans, and the Applicant will, if it is to pursue the scheme in accordance with the Order which has been granted, need to ensure the detailed plans accord with the outline plans that the Secretary of State will have considered as acceptable, as well as the Environmental Statement. These are the standards to which the Applicant will have committed and which will be secured through the Order.</p> <p>In response to the comments made by the South Downs National Park Authority that the Outline Landscape and Ecology Management Plan [REP3-037] does not explicitly refer to the South Downs National Park, the Applicant set out its view that the Outline Landscape and Ecology Management Plan [REP3-037] does go further than on other schemes not situated in a National Park. For example, Annex A has a number of cross sections in a considerable amount of detail, looking at how the cable will fit within hedgerows to minimise losses, which had been added with the National Park in mind.</p> <p>The Applicant confirmed that it will consider if it can include additional wording in commitment C-66 Requirements 12, 16 and 22 of the Draft Development Consent Order [REP3-003] to secure an obligation to consider impacts on the National Park when submitting these details but noted that the current wording was not an attempt by the Applicant not to consider the National Park when bringing forward the detailed design, and that the evolution of the Proposed Development shows it has already been doing so.</p> <p>In relation to the s106 agreement being progressed with the South Downs National Park Authority, the Applicant confirmed that there had been further discussions with, and feedback had been received from the Authority relating to the mitigation and compensation measures. The draft s106 agreement will be submitted at Deadline 4 and will include the outcomes of these further discussions and feedback received on the Heads of Terms, although this will not yet be in an agreed form. The Applicant confirmed that discussions will continue and the s106 agreement will give more context on where these have progressed to.</p> <p>The Applicant noted that it was grateful for the South Downs National Park Authority's comments that the s106 agreement is intended to provide for compensation to address the Authority's residual concerns where harm arising from the Proposed Development cannot be mitigated which accords with the Applicant's thinking.</p> <p>The Applicant confirmed that it would submit a document at Deadline 4 which would assist the Secretary of State in concluding if the special purposes of the National Park had been furthered, by setting out how the design evolution of the Proposed Development has sought to further the special purposes through conserving them where it can, through mitigation measures secured via the control documents and, where this was not possible, through providing compensation via the s106 agreement. In respect of compensation, the Applicant noted that it was for the National Park Authority to confirm where it would want compensation funds to be spent, but that it was aware of projects such as 'Beelines'(wildflower meadows), 'Ouse Valley Climate Action' or 'Trees for the Downs' (i.e. projects that repair landscape character gapping up and reinstating old hedgerows lost to post and wire fencing, modern farming Projects to reinforce and bring back or repair 'borstal lanes' and 'landscape recovery projects') which would probably be appropriate compensation.</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
6b	<p>Seascape Visual Design Principles.</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> - Separation or otherwise between Arrays and R1 • Whether the South Downs National Park Authority's concerns about visual incoherence were based on height? • Whether references to improving proposals in this context were in respect of increasing separation zones or decreasing WTG height. <p>- Horizontal Field of View and Lateral Spread</p> <ul style="list-style-type: none"> • Clarification of the maximum design scenario and what was meant by 'remote' in the context of setting? 	<p>The Applicant confirmed that, in response the South Downs National Park Authority's comments on the amended section 11A duty, that it agreed that the duty is to seek to further the special qualities rather than to actually succeed in furthering them, and as such was not a requirement to result in no harm. The Applicant noted that it would provide further comment at Deadline 4. Please see Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>The Applicant confirmed that it recognised that the design measures put forward by the South Downs National Park Authority in respect of the size and positioning of turbines could reduce impacts on the National Park, if there were opportunity to further change those parameters. However, even if these measures were implemented, it was unlikely that visual impacts would reduce to a non-significant effect, and given economic, viability and technical constraints, the measures already put in place minimise impacts as far as the Applicant can reasonably do within these constraints. The Applicant also noted that it was not possible to consider the effect in isolation, due to the need have regard to the context in which Proposed Development is coming forwards, since, as set out in the latest version of Overarching National Policy Statement for energy (EN-1), there is a policy requirement for projects to maximise generating capacity. Measures to reduce impacts on the National Park such as by constraining the extent of the array area, and the size and type of turbines, will constrain the generating capacity of the Proposed Development and there is therefore a tension between energy policy and the South Downs National Park. The Proposed Development in the English Channel also means that there are shipping and navigation constraints which need to be taken into account.</p> <p>In response to comments made about the visual impact of the array area from different viewpoints by Mr Brown, The Applicant confirmed that its focus had been on the views from the heritage coast and from the tops of the downs and that these views had been given considerable importance in setting the design objectives, due to their special qualities and panoramic views to the sea which give rise to the Special Qualities of the National Park.</p> <p>In response to comments made by Middleton-on-Sea Coastal Alliance regarding turbine movement, the Applicant confirmed that it recognised this is part of characteristics of wind turbines when out at sea but noted that this is already a dynamic seascape due to the presence of the Rampion 1 turbines and also due to waves and boats. The Applicant noted that night time effects of the Proposed Development have been assessed in Chapter 15: Seascape, landscape and visual impact assessment of the Environmental Statement [APP-056] and further visual assessments were submitted into the Examination at Deadline 3, including a view point from Climping (Viewpoint 40) and a number of viewpoints along this section of coast to allow a greater understanding of visual impacts in this location.</p> <p>In response to comments made by West Sussex County Council, the Applicant noted that the design principles are embedded with the spatial Order limits, with the western array area having been reduced between the drafting of the PIER and Environmental Statement. The Applicant has also used a separation zone between the western Rampion 2 and Rampion 1 arrays to provide a break between the turbine arrays.</p> <p>The Applicant confirmed that it had sought to avoid the use of the term 'remote' in the assessment which had been carried out but noted that it did consider the Proposed Development to be remote given the distance from the National Park and the scale of seascape that is visible in the views and the intervening features in the landscape. The Applicant was seeking to convey that given the landform of the National Park and the elevated landform, it is evident in the views from the tops of the downs that the amount of landscape and seascape that is visible between those viewpoints and the coast, the urbanised coastal strip which tends to separate the National Park with the seascape is very prominent. The offshore element of the Proposed Development is outside of the National Park and would not be perceived to be part of it. The Applicant confirmed that the term was intended to refer to both distance from and disconnection with the South Downs National Park but noted that the impacts of the Proposed Development need to be assessed in accordance with the visualisation materials provided with the Application and the assessment in the Environmental Statement rather than considering whether it is or is not remote.</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
6c	<p>Application of R1 Design Principles including Commitment Register C-61</p> <p>The Examining Authority asked the Applicant to explain whether its position was that Design Principle 3 of Rampion 1 was not suitable to apply to the Proposed Development as it is not a hybrid scheme.</p>	<p>In response to the Examining Authority's question as to whether Design Principle 3 of Rampion 1 is relevant, the Applicant agreed with the South Downs National Park Authority that it is not, as Rampion 2 is an application for a uniform turbine height and not a hybrid scheme, whereas Design Principle 3 was intended to avoid bigger turbines being placed in front of smaller turbines, which has been avoided through the design spatial extent of the Rampion 2 array boundary.</p>
6d	<p>Assessment of harm to Special Qualities and whether the Statutory Purposes of the South Downs National Park are compromised.</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> The South Downs National Park Authority's view that the special qualities of the National Park are compromised as the point of harm? Whether the comments were still relevant given the Applicant's response to ExAQ1 SVL1 5.1 App F which set out examples of permitted DCOs which affect statutory qualities. 	<p>The Applicant confirmed that it has been correctly identified by Examining Authority that other Orders have grappled with the issue of harm to a national landscape, and that it disagreed that the compromise of the South Downs National Park's Statutory Purposes sits at the threshold of harm, noting that it would be possible to for there to be harm without these being compromised. The need to avoid compromising the Statutory Purposes requires a wider consideration of how these Purposes are met rather than just harm to nationally designated area. The Applicant also noted that it was important to remember the limitations of the landscape and visual impact assessment as visual impacts are only one aspect and are only assessing the sensitivity and magnitude of effect. It is also necessary to consider wider impacts such as the duration of impacts, whether these are direct or indirect, what comes after and how long will this take.</p> <p>In response to comments made by the South Downs National Park Authority that harm compromises the Special Qualities of the National Park, the Applicant reiterated that an assessment of significant effects does not equate to a judgement that the Statutory Purposes have been compromised. The Applicant noted that the impacts of projects such as the Southampton to London Pipeline are very similar to the Proposed Development in that the pipeline went through the National Park, and the Examining Authority noted that although there were impacts on the Special Quality of tranquillity, the effects would be transient and of a short duration and should therefore attract neutral weight in the planning balance.</p>
6e	<p>Assessment of Cumulative Effects including R1</p> <p>The Examining Authority asked questions as to the SDNPA's position that Rampion 1 should not be included in the baseline for the Proposed Development</p>	<p>In response to comments made by the South Downs National Park that the effects of Rampion 1 should not have been included in the baseline, the Applicant noted that it had discussed this in detail in response to Natural England. The Applicant highlighted that its approach and focus has been to follow the advice given in Planning Inspectorate Advice Note 17, that effects arising from a project should be considered as part of baseline where the project is completed and operational. The Applicant noted that it had followed the tiered approach set out in the Advice Note and had focused on future projects for cumulative assessment and that it agreed with the comments which had been made by Natural England that it is correct to include Rampion 1 in the baseline. The Applicant had evaluated factors like the spread of Rampion 1 and the relationship and consistencies of scale between the Rampion 1 turbines and the Proposed development.</p> <p>In response to comments made by the South Downs National Park that this was based on an Environmental Impact Assessment based approach rather than considering the impact on Special Qualities, the Applicant noted that similar issues had been considered in the Sheringham and Dudgeon Extension Projects Examination and that it would put this into the Examination at Deadline 4 if the Applicant had not already done so and respond further. The Applicant has also responded to this point in row 2.1.6, Natural England (Appendix N3 SLVIA) of Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66).</p> <p>In response to a query from Middleton-on-Sea Coastal Alliance, the Applicant confirmed that the Application was proceeding on the basis of a Rochdale envelope approach which assesses the range and number of turbines on a worst-case basis. The Applicant is seeking consent for any development within that envelope, subject to the controls set out in the Draft Development Consent Order [REP3-003] (updated at Deadline 4). draft Development Consent Order [REP3-003].</p>

Agenda Item 7: Traffic and Access

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
7a	<p data-bbox="314 296 863 327">Kent Street Traffic Management Strategy</p> <p data-bbox="314 365 952 396">The Examining Authority asked questions as to:</p> <ul data-bbox="314 434 973 1906" style="list-style-type: none"> <li data-bbox="314 434 923 533">• The plan for HGV access to Kent Street including a step by step process of access and exit? <li data-bbox="314 539 952 674">• Whether the land necessary for the passing places and junction widening are in order limits and whether this is existing highway or private land? <li data-bbox="314 680 923 779">• Whether Kent Street can support the HGV movements proposed and whether strengthening is required? <li data-bbox="314 785 973 846">• What contingencies are in place if Kent Street fails? <li data-bbox="314 852 923 884">• How remedial works would be carried out? <li data-bbox="314 890 914 951">• The construction methods for the passing places? <li data-bbox="314 957 943 1018">• How would passing places be removed and Kent Street returned to its former character? <li data-bbox="314 1024 952 1123">• The times that HGVs would be moving and whether this includes the shoulder hours set out in Commitment C-22? <li data-bbox="314 1129 961 1228">• How communication will be maintained between banksmen, the compound and HGV drivers? <li data-bbox="314 1234 943 1295">• How it is proposed to stop vehicles on North Kent Street? <li data-bbox="314 1302 973 1400">• What would happen if a non-construction HGV entered Kent Street when a construction HGV is leaving? <li data-bbox="314 1407 931 1470">• When HGVs get to the works, how will they be turned around and held? <li data-bbox="314 1476 893 1537">• Whether there is a method of control for pedestrian and equestrian users? <li data-bbox="314 1543 952 1604">• The progress that had been made with West Sussex County Council? <li data-bbox="314 1610 973 1709">• Whether the planting which is to be removed due to the widening of Kent Street to the east, and at the access to the substation site has been accounted for? <li data-bbox="314 1715 973 1906">• Whether, given the amount of planting and trees which need to be removed for access, this would give a short term impact in respect of the screening of the substation? 	<p data-bbox="997 296 2792 636">The Applicant confirmed that the Kent Street Traffic Management Strategy aims to deal with Kent Street being a single-track lane so as to avoid need for heavy goods vehicles (HGVs) to pass each other. The location of the compound means there is a means of managing access into Accesses A61 and A64, and in addition to this, to facilitate access via the provision of four passing places and the widening of the junction with the A272 to facilitate access out of that junction. These works fall within Work No. 13 and are temporary in nature and will be removed after construction. The passing places to be created are in close proximity to existing passing places, and the Applicant is seeking to upgrade this arrangement to make it available for use year-round. The work site would call in HGVs to the construction access when it is safe to do so, and HGVs will be held when exiting onto Kent Street so as to avoid HGVs passing each other. Further, a banksman will be placed on Kent Street to manage non-construction traffic and pedestrians when a HGV is coming or going from the site. The passing places are intended to be used as a fail-safe; the Strategy aims to avoid any need for a HGV to pass traffic when exiting or entering Kent Street.</p> <p data-bbox="997 674 1715 705">In terms of a step-by-step process for access and exit:</p> <ol data-bbox="997 743 2748 982" style="list-style-type: none"> <li data-bbox="997 743 2154 774">1. There will be no direct access for HGVs and all would have to go via the compound. <li data-bbox="997 781 2326 812">2. The HGV will wait at the compound, radio into the worksite and confirm that no HGVs are exiting. <li data-bbox="997 819 2748 879">3. If the route is clear, the HGV will be called into the site, and a banksman placed on Kent Street. The HGV can then complete its journey. <li data-bbox="997 886 2748 947">4. When exiting, the management of incoming vehicles mean that once there are no HGVs coming into the site, a banksman will be placed on Kent Street to stop traffic to ensure clear access. <li data-bbox="997 953 2421 982">5. Once there is clear access down Kent Street, the HGV will be able to exist and travel away from the site. <p data-bbox="997 1020 2763 1155">The Applicant confirmed that the land needed for the passing places and junction widening is within Order limits and so no more land would be needed. The passing places were understood to be within highway land, which the Applicant has confirmed at Deadline 4 in response to Action Point 38 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p data-bbox="997 1192 2778 1369">The Applicant confirmed that it had not carried out a detailed structural assessment of Kent Street at this stage but noted that Kent Street does not currently have a weight limit and so can be assumed to be suitable for the proposed HGV movements. Should works subsequently be required to strengthen Kent Street, these can be undertaken under the powers contained within the Draft Development Consent Order [REP3-003]. However, as the Applicant was not aware of a need for strengthening works so none have been proposed at this time.</p> <p data-bbox="997 1407 2778 1610">The Applicant confirmed it would consider the contingencies which would be in place in the event of a sudden failure of Kent Street during construction and respond at Deadline 4. This has been provided at Deadline 4 in response to Action Point 39 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70). However, the Applicant noted that the Outline Construction Traffic Management Plan [REP3-029] requires an assessment of carriageway conditions prior to start of construction, plus regular reviews of that during the construction period, and then a requirement to ensure that it's brought back up to a level which is at least comparable with the existing conditions at the end of construction.</p> <p data-bbox="997 1648 2763 1782">The Applicant confirmed it would provide details of the timeframe for completing any remedial works at Deadline 4 but noted that any works would need to be fully agreed with West Sussex County Council as highway authority. This has been provided at Deadline 4 in response to Action Point 39 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p data-bbox="997 1820 2748 1921">In relation to how works to create passing places would be carried out, the Applicant noted that this was a matter for detailed design, but that it would ensure the carriageway is a suitable strength to cater for HGVs. In relation to reinstatement, the Applicant confirmed that the passing places would be removed and the verges returned to their original state but this is a detailed design point which</p>

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	<ul style="list-style-type: none"> Whether there has been an assessment of the possible impact of using Access A63 plus a haul street against the traffic management measures proposed at Kent Street? The impact of the proposed access strategy on the existing traffic management model given that there are three accesses in close proximity? 	<p>Applicant would respond further in relation to remediation works. This has been provided at Deadline 4 in response to Action Point 40 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>In relation to the times that HGVs would be travelling, the Applicant confirmed this would be during the shoulder hours set out in commitment C-22 (7-8am and 6-7pm), and during core construction hours.</p> <p>The Applicant confirmed that communication would most likely be maintained between banksmen, the compound and HGV drivers via radio or something similar and that it understood this is done regularly by contractors.</p> <p>In relation to how vehicles were proposed to be stopped on the northern section Kent Street, the Applicant confirmed that a banksman will help vehicles come in and withhold traffic by using a stop and go board.</p> <p>If a non-construction HGV were to enter Kent Street when a construction HGV is leaving, the Applicant confirmed that the passing places would act as the failsafe to allow two-way traffic movements. The Applicant understood that there would be sufficient width to enable this to occur but that it would clarify this at Deadline 4. This has been provided at Deadline 4 in response to Action Point 41 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70). The Applicant noted that there was sufficient width in the cable corridor for HGVs to enter, turn around and exist from site.</p> <p>The Applicant noted that the banksman would also assist equestrian and pedestrian users by providing a warning. Horses could be held at a similar distance to a car, but the Applicant would provide further detail of how this would work. This has been provided at Deadline 4 in response to Action Point 42 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>In relation to progress which had been made with West Sussex County Council, the Applicant noted that it was finalising the junction designs and it would be starting its road safety audits in the next few weeks. This process is unlikely to be completed before Deadline 5 but the Applicant was confident can be completed within the course of the Examination.</p> <p>The Applicant noted that the planting and shrubs which needed to be removed for the access had been taken into account in the documents submitted at Deadline 3. However, the Applicant confirmed it would respond in detail at Deadline 4. This has been provided at Deadline 4 in response to Action Point 47 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>In relation to the feasibility of servicing the cable route from Access 63 plus a haul road to avoid the need to use Kent Street, the Applicant confirmed it would respond in detail to this proposal at Deadline 4. This has been provided at Deadline 4 in response to Action Point 45 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>In relation to impacts on traffic flows along the A272 and in the vicinity of the Oakendene Industrial Estate, the Applicant confirmed that it had considered this and had confidence that the Kent Street Traffic Management Strategy will not lead to concerns with the overarching Construction Traffic Management Plan [REP3-029]. At peak construction, there would be an additional HGV coming in every 12-15 minutes at most, and in scale of the how junction operates, this is not expected to result in significant delays to general traffic. In relation to the Oakendene Industrial Estate, the Applicant confirmed it was working up a design to amend the existing spur road slightly to ensure safe access to both the compound and industrial estate. The Applicant confirmed that it would be providing a note on this at Deadline 5.</p> <p>The Applicant noted in response to comments made by Cowfold v Rampion that the loss of hedgerow would affect the character of Kent Street, that Access A59 is an operational access and that there would be no hedgerow loss as it is not a construction access. In</p>

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		<p>response that the Applicant had incorrectly identified Access A-61 during ASI1, the Applicant noted that this is as marked on the diagram just south of the island within the redline boundary.</p> <p>In response to comments made by Cowfold v Rampion about the source of the traffic data used, the Applicant noted that it is correct that it had used traffic data from the Enso Energy Battery Storage Construction Traffic Management Plan to inform its strategy in addition to the surveys which had recently been completed on behalf of the Applicant. In relation to these recently conducted traffic surveys, the Applicant clarified that it had been let down by its supplier and so these had been delayed. In relation to Cowfold v Rampion's query about whether the vehicle types recorded in the data were correct, the Applicant confirmed that is confident numbers provided and that it had excluded days when the A272 was closed to avoid skewing the data. The Applicant noted that the Enso data categorises any vehicles over 7.5 tonnes as Class 1.</p> <p>In response to comments made by Cowfold v Rampion as to the suitability of the passing places, the Applicant noted that it will be providing a response to this at Deadline 4. This has been provided at Deadline 4 in response to Action Point 40 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) but that much of the detail requested would be determined as part of the detailed design process. In relation to comments made about the width of Kent Street, the Applicant noted that its plans provide for widening in the vicinity of its junction with the A272 to allow vehicles to pass. The Applicant clarified that the A272 is included in the Applicant's Kent Street Traffic Management Strategy, and that is it not proposing banksman in this location and further that the accesses along Kent Street are being designed at an angle to enable turning with minimal hedgerow losses.</p> <p>In response to comments made by Cowfold v Rampion in relation to visibility splays and the swept path analysis, the Applicant confirmed that these have been fully considered in its design work and the Kent Street Traffic Management Strategy. While the Applicant understood the concerns raised in respect of HGV access, the Kent Street Traffic Management Strategy is based on the need for securing safe access for all, and the Applicant is confident it can do this, particularly given that the peak weeks for HGV movements are very defined and that outside of these peak weeks, only 1-2 HGVs per hour are predicted.</p> <p>The Applicant clarified in response to points made by Interested Parties about the condition of Kent Street, that any required improvements can be carried out under Article 9 of the Draft Development Consent Order [REP3-003]. The Applicant confirmed that it would provide more details as to the proposals for equestrian use but that in terms of passing places, while these are noted as temporary works, the Applicant can consider keeping on a permanent basis with agreement from West Sussex County Council.</p>
7b	<p>Michelgrove and Tolmare Farm Traffic Management Strategy</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> • A summary of the Management Strategy? • Whether the passing places are within the Order limits and whether this is existing highway land? • Whether exit movements need to be supported by banksman from Access A26? • How the Applicant would manage any entry and exit conflicts at Tolmare Farm? • Whether the movements at Access A26 are based on a desk study? • How the Applicant will maintain pedestrian and equestrian access? 	<p>The Applicant noted that Accesses A-26 (Michelgrove Lane) and A-64 (Tolmare Farm) are located on the A280 Long Furlong and approximately 2.5km apart. Each of the existing junctions include constraints relating to visibility splays and carriageway width but given their proximity it is possible to employ a combined strategy that takes account of these constraints whilst also making use of their functional elements. For example, Tolmare Farm access has poor visibility and requires traffic signals to safely facilitate exit by HGVs onto the A280 but the A280 carriageway in the vicinity of the junction has space to accommodate temporary signals. In addition, visibility splays from Michelgrove Lane are appropriate when applying a temporary 40mph speed limit but no space for traffic signals. It is also made suitable to accommodate two-way construction traffic use by the provision of passing places already provided for in the order limits. This means it can be used to facilitate heavy goods vehicles (HGVs) entry and light goods vehicles (LGV) exit onto the A280.</p> <p>During enabling / reinstatement the traffic management strategy is based upon a number of key principles:</p> <ul style="list-style-type: none"> • Access for construction HGV traffic from the A280 will be taken as a left-turn into A-26 or A-28. HGVs arriving from the north will therefore be required to travel south to Clapham Roundabout to complete a U-turn; • Exit for construction traffic out onto the A280 Long Furlong will primarily be taken from A-28, noting that it will be necessary for some tipper HGVs to use access A-26 for enabling and reinstatement works; • Access A-28 will be controlled by temporary traffic signals to facilitate safe movement of vehicles out of the junction; • LGV access will be via A-26 where possible with entry and exit permitted from both directions;

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		<ul style="list-style-type: none"> • Where required LGVs will be permitted to enter A-28 from the south but exit in both directions under traffic signal control. • During the cable installation construction works: • Access for HGV traffic from the A280 will be taken as a left turn into A-26 or A-28; • Exit for HGV traffic onto the A280 will be taken solely from access A-28, which will be controlled by temporary traffic signals; • LGV access will be permitted to enter and exit A-26 from both directions; • Limited LGV entry and exit will be permitted via A-28 only from the south with exit controlled by temporary traffic signals. • In addition to these specific control measures the following will also be applied for the entirety of the construction programme • a temporary 40mph speed limit will be applied along the A280 in the vicinity of the construction accesses as a reduction to the existing national speed limit; and • Up to 8 passing places will be installed along Michelgrove Lane as shown on Sheet 12 of the Onshore Works Plans [PEPD-005]. <p>The Applicant confirmed that the land needed for the passing places is within Order limits and was understood to be highway land, but the Applicant confirmed that it would need to check this and confirm at Deadline 4. This has been provided at Deadline 4 in response to Action Point 50 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>The Applicant confirmed that exit movements from Access A-26 will be supported by a banksman. During the initial set up of enabling works, the Applicant noted that it will not have a right of way along the cable corridor and so HGVs will need to use Access A-26. This is also similar for Access A-28. The Strategy submitted at Deadline 3 [REP3-029] included the ability to turn left and right but after meeting with West Sussex County Council, the Applicant agreed to apply a restriction to allow turning right only as this is an easier turn. The Strategy will be updated at Deadline 4 to reflect this change.</p> <p>In response to the Examining Authority's query about how any conflict between HGVs entering and existing would be managed, the Applicant noted that this would be similar to the proposals for Kent Street in that HGVs will be stopped on the access route until it is safe to move and avoid the need for passings.</p> <p>The Applicant confirmed that the movements at Access A-26 were based on a desk study and had been the subject of a swept path analysis using the available OS mapping. In respect of access for pedestrian and equestrian users, the Applicant noted that there are a number of public rights of way which meet with Michelgrove Lane, however, the numbers of HGVs are not significant, with just a few using the Access per an hour. The provision of passing places and visibility means that there will be sufficient space available to avoid conflicts but the Applicant confirmed it would update the Strategy at Deadline 4 to give more consideration to pedestrian and equestrian movements.</p> <p>In response to comments made by West Sussex County Council regarding traffic signals, the Applicant confirmed that these had been proposed on basis that there were safe locations to install temporary signals in the vicinity of the access. In relation to the operation of the traffic signals, the Applicant noted that it had completed a LinSig traffic signal junction capacity assessment as part of the Strategy which showed that they operated well within capacity at peak periods and so at this stage, there is no need to apply any peak hour restrictions.</p> <p>In response to comments made by the South Downs National Park Authority in relation to Access A-28 being located adjacent to a Scheduled Monument, the Applicant clarified that the route would be passing to the west of Scheduled Monument, outside of the designated zone, and that this comprised a temporary construction access route. The Order limits in this location have a width of approximately 10 meters and so there would be sufficient space to enable passing places to be provided. The Applicant was not excavating down and was also proposing to undertake trial trenching. The Applicant also noted that while there was a bridleway in that location, only part of this would need to be closed while the haul road is being constructed and would be reopened once the haul road is completed. The Applicant also noted that in addition to passing places, HGV drivers will be educated on safe passings with equestrian users. The Applicant confirmed it would respond to the South Downs National Park's comments about the effects of vibration on the</p>

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		<p>scheduled monument at Deadline 4. This has been provided at Deadline 4 in response to Action Point 51 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>In response to comments from National Highways that it wished to be included in the design of traffic lights, the Applicant confirmed that it had included LinSig capacity assessments in the Michelgrove and Tolmare Farm Traffic Management Strategy but that it will forward these on to National Highways. Its intention is for the signals to be detector based, and so only called when a construction vehicle is waiting to leave.</p> <p>The Applicant confirmed it would be providing an update on Construction Traffic Management Plan at Deadline 4 providing specific commentary on abnormal load routes.</p>
7c	<p>Need for Access A24</p> <p>The Examining Authority asked questions as to the need for Access A24 due to the close proximity of Access to A22?</p>	<p>The Applicant confirmed that Access A-24 was only now required for operational purposes as given its proximity to construction Accesses A-21 and A-28, it was not necessary to use Access A-24 for construction purposes. The Applicant confirmed that the relevant plans included in the Outline Construction Traffic Management Plan would be updated at Deadline 4.</p>
7d	<p>Brookpit and Crookthorn Lanes</p> <p>The Examining Authority asked questions as to the use of Access A04 at this location and how the Applicant would avoid the use of school routes?</p>	<p>The Applicant confirmed that in relation to Brookpit and Crookthorn Lanes, these lanes provide a route to Access A-04, which is an operational route that would not be used during construction. As such, use would be limited to very infrequent use by light vans. During the construction phase, the Applicant noted that Access A-01 provides suitable access, and that there would be no need to use these routes to A-04. All contractors will be issued with details of the permitted route as part of the measures to be included in the detailed Construction Traffic Management Plan.</p> <p>The Applicant confirmed it would consider and respond to the comments made by Climping Parish Council on the suitability of Access A04 for operational purposes at Deadline 4. This has been provided at Deadline 4 in response to Action Point 54 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p>
7e	<p>Tankering and Vehicle Movements to Address Water Neutrality</p> <p>The Examining Authority asked questions as to why the Applicant's commitment to import water using tankers from outside of the Sussex catchment would not impact on road users?</p>	<p>The Applicant provided an update that there had been discussions with Horsham District Council on 01 May following its Deadline 3 submission [REP3-069] and its Local Impact Report [REP1-044]. Horsham District Council is of the view that construction water use can be screened out from consideration now on the basis that, following to its position statement on water neutrality, the number of homes being delivered within the catchment has fallen from 1,000 to 400 and so there should now be some headroom previously allocated to these construction projects. At Deadline 3, Horsham District Council suggested the usage from Rampion 2 would likely fit within capacity and the parties had a meeting on the 1 May 2024 to follow up on this. During the meeting, the Applicant presented the likely volumes and Horsham District Council commented that it was likely that this type of use would fit within headroom capacity; if this is correct and National England agree, there would not be a need to tanker in water to the main compounds for uses such as welfare facilities, concrete batching, and producing cement bound sand. The Applicant had arranged a meeting the following Wednesday 22 May 2024 with Horsham District Council and Natural England to see if a consensus can be reached. It was noted that some locations, such as facilities at some of the trenchless crossing sites, are more remote so they would need water to be tankered in but if the use does fit within the headroom available, the tanker numbers in the Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051] would be reduced by over half. The Applicant confirmed it would provide an update at Deadline 4. The Applicant has provided an update in Action Point 55 of the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) which notes that on the face of it, Natural England considered Horsham District Council's position to be a reasonable one, and that they would fully confirm this with them at another meeting as soon as possible.</p> <p>The Applicant clarified that there was an error made in the response to WE1.1 Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051], where the Applicant had stated that the indicative tanker movements were above those assessed in Chapter 32: ES Addendum, Volume 2 to the Environmental Statement [REP1-006].</p>

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		<p>However, tanker movements have already been included in traffic movements in relation to the welfare stations at the trenchless crossing sites. As such, the tanker movements which have not been assessed amount to less than 20 movements per week and so are not considered to impact on the assessments carried out.</p> <p>In response to comments made by Interested Parties, the Applicant clarified that there would not be a need to tanker water to the Climping compound as this would be outside of the water neutrality zone so the Applicant would not need to rely on tankering in this location regardless of the outcome of the discussions with Horsham District Council and Natural England. The Applicant also clarified that in respect of contamination arising from construction activities, drainage will be managed through controls secured in the construction phase drainage plans which will form part of the Construction Method Statements. The Applicant noted that the width of the tankers was unlikely to be wider than 2.85m and that they would therefore be able to pass over the Kent Street culvert.</p>
7f	<p>Traffic Modelling</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> • Whether West Sussex County Council's concerns about a lack of details regarding traffic modelling has been resolved following the submission of the Traffic Generation Technical Note at Deadline 3? • When the traffic model and underlying documents will be updated? 	<p>The Applicant confirmed that it is working through its assessment of the outcomes of the Kent Street and Michelgrove Lane traffic management and what this means for the Environmental Statement assessments and that it will also take the opportunity to include the traffic survey results that have recently been completed. The Applicant would not be able to submit this at Deadline 4 as it usually takes a few weeks to receive the data but confirmed it would submit the update at Deadline 5.</p> <p>In response to comments made by Cowfold v Rampion in relation to the accuracy of figures, the Applicant clarified that it is confident that the numbers of heavy goods vehicle (HGV) are robust; these are based on a number of inputs such as length of activity and volume of materials and plant required and the number of construction workers needed and it was not aware of any inconsistencies in the HGV numbers but the Applicant confirmed it would check this. This has been provided at Deadline 4 in response to Action Point 58 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>In relation to assessment of peak hours traffic, the Applicant noted that it had been agreed by West Sussex County Council that no further work is required. Further, all the construction traffic movements include light goods vehicle (LGV) movements and estimates of construction worker movements and have been based on an assumption that every single construction worker drives themselves to site with zero car sharing. However, the Applicant was aware that it is common practice for construction workers to stay in accommodation nearby and travel together. For this reason, the movements used in the assessments will be very robust. The Applicant also noted that the proposed 40mph speed limit was not considered to have a negative impact on the assessments which have been carried out and would most likely improve road safety on the A272.</p> <p>In response to comments made at by Cowfold Parish Council, the Applicant confirmed it would share details of turning movements at the Kent Street and Oakdene junctions at Deadline 4 This has been provided at Deadline 4 in response to Action Points 46 and 57 in the Applicant's Response to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70).</p> <p>In response to comments made at by Cowfold Parish Council, the Applicant confirmed that the estimates of HGV numbers are based on volumes of construction materials. The Applicant had been conservative in these estimates and allowed for more than is required and allowed more passing places than needed to ensure it is over these values. These material movements are based on parameters of the Proposed Development and so the Applicant was limited in respect of any deviation from what had been considered.</p> <p>In response to comments made by CowfoldvRampion, the Applicant clarified that it was seeking to reduce numbers of HGVs routing through the air quality area to only those which cannot be avoided.</p> <p>In response to comments made by National Highways, the Applicant noted that it had been agreed during the morning that it would provide further information to National Highways in respect of the impacts on the strategic road network and that it was now in a position to work through the road safety audit process for Accesses A-21 and A-22. The Applicant noted that it would be difficult to complete this process before the end of the Examination due to the need to get designs signed off by National Highways, but that it will work as hard as possible to do so and that National Highways have agreed to speed up its own internal process to assist. The Applicant noted that while it had now received comments from National Highways, the designs were issued on 29 February 2024.</p>

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Agenda Item 8: Onshore Archaeology		
8a	<p>Field Evaluation and assessment of Significance</p> <p>The Examining Authority asked questions as to whether the level of significance of buried archaeological features has been understood and characterised in absence of intrusive works?</p>	<p>The Applicant confirmed that in relation to the approach to the archaeological assessment, the Applicant had started with a desk study and then used LIDAR and aerial photography as well as geophysical survey over as much of the proposed DCO Order Limits as possible, given that some land was not suitable for survey. Where this assessment had identified areas of complex archaeology within the proposed Order limits, targeted trial trenching was undertaken. This was considered to be a proportionate approach to gaining an understanding of the historic environment. The Applicant noted that in respect of the geophysical survey on the South Downs, the geophysical results were limited in terms of archaeology, and nothing had shown up which could not be sufficiently understood using the information gained from the desk-based assessment. While this did not mean that there could not be the potential for yet undiscovered assets, as there always will be, the Applicant had accounted for this in the Environmental Statement. The Applicant noted that the approach it had taken to assessment was comparable with other similar projects such as the Southampton to London Pipeline, which did not undertake trial trenching, but utilised a desk-based study and geophysical survey to identify where further assessment was needed.</p> <p>In response to comments made by the South Downs National Park Authority about the conclusions to be drawn from the <i>R (Low Carbon Solar Park 6 Limited) v. Secretary of State for Levelling Up Housing and Communities & Uttlesford District Council – High Court – [2024] EWHC 770 (Admin)</i> case, the Applicant confirmed that it would provide a note explaining the implications of this for the proposed development at Deadline 4. However, the Applicant noted that the circumstances of the case are different from the Proposed Development proposals and the circumstances in which the challenge was brought can be distinguished; the more comparable schemes are the ones that the Applicant referred to such as the Southampton to London Pipeline.</p>
8b	<p>Commitments Register including C-79, C-80 & C-225 and DCO Requirement 19 and the updated Outline Onshore Written Scheme of Investigation [REP3-035].</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> • Whether the updated WSI addresses West Sussex County Council's concerns? • Whether West Sussex County Council should be made a consultee in respect of Requirement 19? 	<p>In response to comments made by West Sussex County Council on the need for further trial trenching, the Applicant noted that, in relation to the general assessment of significance, this was referring to is unknown, undiscovered archaeology. The Applicant had made an assessment of the significance of that within Chapter 25 Historic environment, Volume 2 of the Environmental Statement [PEPD-020] based on the information that it has been able to uncover from historic records and from the geophysical survey and related trial trenching. Accordingly, West Sussex County Council's position is in effect, debating the need for further trial trenching on a speculative basis in order to identify these unknown archaeological assets. The Applicant considered the approach it has taken proportionate and one which is used on other projects. It noted that Requirement 19 did originally include West Sussex County Council as a consultee but that the reference had been removed at Council's request. The Applicant further noted that the purpose of the written scheme of investigation is to provide for the treatment of remains and the carrying out of additional surveys to inform detailed design which is usual for projects of this type. It also makes provision for detailed design measures and the dissemination of results.</p> <p>In response to comments made by the South Downs National Park Authority that the position was not unknown, the Applicant clarified that it was not speculating on the potential for assets and finds, but rather describing the need for further trial trenching as speculative in order to find unknown and undiscovered assets without any indication of where to dig.</p>
Agenda Item 9: Draft Development Consent Order Matters concerning (but not limited to) the following (which have not been discussed elsewhere on the agenda):		
9a	<p>Article 6 (concerning measures within s245(3) of the Levelling Up and Regeneration Act 2023).</p> <p>The Examining Authority asked questions as to why the South Downs National Park Authority is seeking a new Article 6(6)?</p>	<p>The Applicant confirmed that its preference would be to address the South Down National Park's concerns regarding the enhanced Section 11A of the National Parks and Access to the Countryside Act 1949 duty through the Requirements and noted that the Draft Development Consent Order [REP3-003] does not seek to remove or disapply the 1994 Act duty.</p>
9b	<p>Articles 11(7), 12(3), 15(5), 17(9) and 19(7) concerning the "28-day" time-period.</p>	<p>The Applicant confirmed that it had amended the time period in Article 13(2) to 45 days in response to comments made in the Local Impact Report submitted by West Sussex County Council [REP1-054]. The reason only this time period had been changed is due to the</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
	The Examining Authority asked questions as to whether the 28 day time period should be amended to 45 days in line with Article 13(2)?	multi-authority consultation process required by this Article whereas the other Articles require a single authority approval process and so for these the 28-day period has been retained.
9c	SDNPA to clarify its answer to DCO 1.9 in respect to Articles 33, 34, 44 and 45.	[The Examining Authority directed questions to the South Downs National Park Authority].
9d	<p>Requirement 29 and whether it should include Work No.20.</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> The control of noise during the operation for Work No. 20 and whether the Applicant will add this to Requirement 29? Where a Commitment could be added in respect of noise monitoring and whether the Applicant can monitor noise for a year to evidence that this is negligible? 	<p>The Applicant clarified that the proposed substations at Oakendene and Bolney are very different in terms of scale, equipment and noise impacts. At Bolney, the potential for noise generation by the equipment is minimal as this comprises only operational switch gear, to be used only in an emergency (once a year) if the windfarm has to be isolated from the grid. The resultant noise would only last for one second and on this basis, has been scoped out as a negligible effect in accordance with the British Standards and not included within Requirement 29. The Applicant noted that it has noticed that the description of Work No. 20 refers to transformers and as such, it will look to refine wording to refer to small instrumentation transformers to avoid confusion with the larger transformers to be installed at Oakendene.</p> <p>In response to comments made by Bolney Parish Council in regard to noise monitoring, the Applicant noted that there is a distinction between the switch gear when operational, and construction noise. The Applicant's submitted an Outline Noise and Vibration Monitoring Plan [REP3-054] addresses noise monitoring during construction and while the Applicant could consider an operational noise commitment, given the nature and duration of the operational noise, it is unclear how this would be picked up, particularly as the gear operates in an emergency. However, the Applicant confirmed it would consider whether it could monitor noise for a year at the Bolney substation and respond at Deadline 4. A response has been provided in the Applicant's Response to Action Points, action point 63.</p>
9e	<p>Requirement 33 and the adequacy of the Outline Skills and Employment Strategy.</p> <p>The Examining Authority asked questions as to Horsham District Council's comments that the Strategy should apply throughout the construction phase?</p>	<p>The Applicant agreed to consider whether it could remove "substantially" from Requirement 33 in relation to the implement the Skills and Employment Strategy and respond at Deadline 4 but noted that there were some issues around approval and implementation which may prevent inclusion of the request for the Strategy to be approved. It noted that more detail is to be provided as to how the scheme will work and that it was agreed it will apply beyond the construction phase. The Applicant has updated the Draft Development Consent Order [REP3-003] at Deadline 4 in response to the requests made.</p>
9f	<p>The discharging authority in Part 3 Schedule 1.</p> <p>The Examining Authority asked questions as to West Sussex County Council's comments that it did not wish to be the discharging authority.</p>	<p>In response to West Sussex County Council's comments about wishing to be a consultee rather than the discharging authority, the Applicant confirmed it had no further comments to make and that it should simply be a case of making the application to the relevant body.</p>
9g	<p>Additional requirements questions</p> <p>The Examining Authority asked questions as to:</p> <ul style="list-style-type: none"> Requirement 20 – whether 'Authority' needs to be added after 'South Downs National Park Authority' Requirement 21 – whether there should be a requirement for measures to be in accordance with the open access land 	<p>The Applicant confirms Requirement 20 has been updated accordingly in the Draft Development Consent Order [REP3-003] submitted at Deadline 4.</p> <p>In response to comments made by the Examining Authority, the Applicant confirmed it would consider whether Requirement 21 should be updated to require the implementation of the measures within the open access land management plan following its approval. The requirement has been updated accordingly in the Draft Development Consent Order [REP3-003] submitted at Deadline 4.</p> <p>The Applicant also confirmed it would consider whether Requirements 27 and 28 should be updated to enable the local planning authorities to comment on the content of these documents. The Applicant does not consider it necessary for the Requirements to be</p>

Ref	Action Point	Applicant's summary of Oral submissions at Issue Specific Hearing 2
	<p>management plan following approval of the plan</p> <ul style="list-style-type: none"> Requirement 27 and 28 – how local planning authorities will be consulted on the plans to be submitted under these requirements? Requirement 34 – how the communications strategy will work and whether a liaison officer can be appointed or an outline plan submitted? 	<p>amended; the Applicant will be liaising closely with the local authorities post consent and the content of the plans will be directed by the detailed design for the works which will have been subject to consultation and approval.</p> <p>In response to comments made by the Examining Authority and Interested Parties, the Applicant confirmed it would consider whether Requirement 34 should be updated to require measures to be put in place “in advance of construction works starting” and also whether an outline plan could be submitted into the Examination or a commitment made to appointing a community liaison officer. The Applicant confirms that it will provide an outline Construction Communication Plan into the Examination at Deadline 5 and requirement 34 has been amended in the Draft Development Consent Order [REP3-003] submitted at Deadline 4 in anticipation of this. As the document must be submitted and approved prior to commencement and must be implemented as approved it is not considered necessary for the requirement to be amended further in relation to timings.</p>
Agenda Item 10: Applicant to update the ExA on progress to or latest position on:		
10a	Agreement of Updated Outline Marine Written Scheme of Investigation [REP3-042]	This hearing item was not discussed.
10b	Submission date for additional viewpoint (s) at Oakendene Manor	The Applicant confirmed that the additional viewpoint(s) would be submitted at Deadline 4.
10c	Magnitude of Change and Effect upon East Cliff Conservation Area including Madeira Terrace and Maderia Walk and the Band Stand [REP3-068]	The Applicant confirmed it would provide its response to this submission at Deadline 4.

