

# Rampion 2 Wind Farm Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions

**Date: June 2024**  
**Revision A**

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## Document revisions

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# Executive Summary

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At Deadline 3 of the Examination for the Rampion 2 Offshore Wind Farm Project, Interested Parties submitted their replies to the Examining Authority's first Written Questions **[PD-009]** into the Examination. The Examining Authority's Written Questions are set out using an issue-based framework and outlined who the question was directed to (i.e. the Applicant or an Interested Party).

Rampion Extension Development Limited (the 'Applicant') has taken the opportunity to review the Interested Parties replies to each of the Examining Authority Questions received and has provided a number of responses in his document which has been submitted for Examination Deadline 4.

# 1. Introduction

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## 1.1 Project overview

- 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' or the 'Proposed Development') 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 160km<sup>2</sup>. 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 The Examining Authority published the Examining Authority's first Written Questions [PD-009] and requests for information on 3 April 2024 in accordance with the Examination timetable provided in the Rule 8 letter [PD-007].
- 1.2.2 The Examining Authority's Written Questions are set out using an issue-based framework and outline who each question was directed to (i.e. the Applicant or an Interested Party). Interested Parties took the opportunity to review the Examining Authority's Written Questions and provide replies at Deadline 3 (25 April 2024).
- 1.2.3 The Applicant has taken the opportunity to review the Interested Parties' replies to the Examining Authority's Written Questions received at Deadline 3. In this document, the Applicant has focussed on responding to replies made at Deadline 3 only where it will be helpful to the Examining Authority to do so.
- 1.2.4 Further to this, in the **Applicant's Comments on Deadline 3 Submissions (Document reference 8.66)** (submitted at Deadline 4), the Applicant has provided a response to Interested Parties' additional submissions received at Deadline 3 where it will be helpful to the Examining Authority to do so.

## 1.3 Structure of the Applicant's Responses

- 1.3.1 The Applicant has structured this document to following the issue-based approach used by the Examining Authority. The Applicant has separated each Interested Party's replies into separate table for ease of referencing. Each table row contains a unique reference number as provided in the Examining Authority's Written Questions [PD-009].

1.3.2 The Applicant's response to the Interested Parties' replies to the Examining Authority Written Questions are structured in these tables below:

- West Sussex County Council, **Table 2-1**;
- South Downs National Park Authority, **Table 2-2** including:
  - Appendix A: Response to ExQ1;
  - Appendix B: South Downs National Park Authority suggested amendments to the Development Consent Order; and
  - Appendix C: South Downs National Park Authority comments on other Deadline 2 Submissions).
- Arun District Council, **Table 2-3**;
- Brighton and Hove City Council, **Table 2-4**;
- Horsham District Council, **Table 2-5**;
- Mid-Sussex District Council, **Table 2-6**;
- Natural England, **Table 2-7**;
- Historic England, **Table 2-8**;
- Marine Management Organisation, **Table 2-9**;
- Southern Water Services, **Table 2-10**;
- Environmental Agency, **Table 2-11**;
- Woodland Trust, **Table 2-12**;
- National Grid Electricity Transmission, **Table 2-13**;
- Network Rail, **Table 2-14**;
- National Highways, **Table 2-15**;
- Andrew Griffith MP, **Table 2-16**;
- Bolney Parish Council, **Table 2-17**;
- Twineham Parish Council, **Table 2-18**; and
- Forestry Commission, **Table 2-19**.

1.3.3 Further to this, a number of appendices have been prepared to provide more detailed information to respond to Examining Authority Questions where required and they are included at the end of this document. The appendices include:

- **Appendix A: West Sussex County Council and Horsham District Council Meeting Minutes 30 April 2024**;
- **Appendix B: Horsham District Council Meeting Minutes 01 May 2024**; and
- **Appendix C: Environment Agency and Southern Water Services Meeting Minutes 09 May 2024**.



## 2. Applicant's response on Examining Authority Written Question replies

Table 2-1 Applicant's comments on West Sussex County Council's responses to Written Questions (ExQ1) [REP3-073]

Ref	Question to:	Examining Authority Written Question	West Sussex County Council's reply	Applicant's response
<b>COD Construction, Operation and Decommissioning Matters</b>				
<b>COD 1.1</b>	<p><i>Commitments Register Horizontal Directional Drilling (HDD)</i></p> <p><b>Natural England</b></p> <p><b>Environment Agency</b></p> <p><b>Forestry Commission</b></p> <p><b>South Downs National Park Authority (SDNPA)</b></p> <p><b>The Woodland Trust</b></p> <p><b>Sussex Wildlife Trust</b></p> <p><b>West Sussex County Council (West Sussex CC)</b></p> <p><b>Horsham District Council (Horsham DC)</b></p> <p><b>Arun District Council (Arun DC)</b></p>	<p>Provide a response to the Applicant's statement in the Applicant's Responses to Relevant Representations, J3 [REP1-017] on page 416 that:</p> <p><i>"Commitment C-5 (Commitments Register [APP-254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD-033] secured via Required 22 within the Draft Development Consent Order [PEPD-009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic Worst-Case Scenario has been assessed In the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through amendment to the stage specific Code of Construction Practice and Crossing Schedule."</i></p> <p>Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].</p>	<p>Amended C-5 is welcomed, however, the wording of C-5 could go beyond specifying HDD for only 'main rivers, watercourses, railways and roads that form part of the strategic Highway Network'. WSCC suggests it refers to the table in the OCoCP (PEPD-033) where the crossings are specified, for clarity. It should however be noted that there is limited weight given to these commitments, as they do not form a DCO Requirement or tied to a control document. WSCC queries why Requirement 6 (4) of the dDCO is not cross referenced, as this seems to give clearer securement to the crossing schedule than in Requirement 22, which does not specifically refer to this. The details are also quite scant in Requirement 23 on this point. The mechanisms for identifying/clarifying 'there are no materially new or materially different env effects' should be as clear as possible.</p>	<p>The Applicant notes that commitment C-5 (<b>Commitments Register [REP3-049]</b>) was updated at the Deadline 1 submission to clarify that Horizontal Directional Drilling (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the <b>Outline of Construction Practice [REP3-025]</b> which is secured via Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p> <p>The Applicant has provided a further update to commitment C-5 in the <b>Commitments Register [REP3-049]</b> at Deadline 4 to reinforce that the works will be undertaken in accordance with the <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4) which includes the details of all features that are crossed by trenchless crossings as per Appendix A - Crossing Schedule within the <b>Outline Code of Construction Practice [REP3-025]</b>. Reference to requirement 6 (4) of the <b>Draft Development Consent Order [REP3-003]</b> has also been included in the <b>Commitments Register [REP3-049]</b> as a securing mechanism.</p> <p>The Applicant also notes that further information is provided as to the locations for implementation of trenchless technologies is set out in section 4.2 of the <b>Outline Code of Construction Practice [REP3-025]</b>. Requirement 22 secures that stage specific codes of construction practice must accord with the <b>Outline Code of Construction Practice [REP3-025]</b> and must be submitted and approved by the relevant local planning authority and be implemented as approved.</p> <p>Requirement 6(4) within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) does cross reference the crossing schedule as secured through Requirement 22.</p>



Ref	Question to:	Examining Authority Written Question	West Sussex County Council's reply	Applicant's response
				<p>The Applicant has provided detailed responses to the Examining Authority's construction, operation and decommissioning matters Written Questions COD 1.1 'Commitments Register - Horizontal Directional Drilling' and COD 1.2 'Commitments Register – Other Trenchless Technology' [PD-009] in Table 2-3 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>.</p> <p>The commitment to trenchless crossings has been provided to seek to avoid impacts on features such as roads, rail, rivers as well as in places of environmental sensitivity. Further embedded environmental measures and Development Consent Order (DCO) Requirements have been provided in the DCO Application to address residual concerns of stakeholders around the use of trenchless crossings which are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Further ground investigation to inform detailed design of trenchless crossings including measures reducing any risk of frac out of drilling fluids, as described in Section 3.4 of the <b>Outline Construction Method Statement [APP-255]</b> is secured by Requirement 23 in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). See also commitments C-234, C-235, and C-236 in the <b>Commitments Register [REP3-049]</b> (updated at Deadline 4); and</li> <li>• Depths of trenchless crossings below sensitive features including 6m below veteran trees (commitment C-174) and Ancient Woodland (commitment C-216) and crossing of the Climping Beach Site of Special Scientific Interest at a minimum of 5m depth as per the <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4), are secured by Requirement 22 in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</li> </ul> <p>The Applicant also notes that paragraph 4.2.3 of the <b>Outline Code of Construction Practice [REP3-025]</b> also provides that where a change to the nature of a crossing specified in Appendix A of the <b>Outline Code of Construction Practice [REP3-025]</b> is proposed, the</p>

Ref	Question to:	Examining Authority Written Question	West Sussex County Council's reply	Applicant's response
stage specific Code of Construction Practice must be accompanied by confirmation that there will be no new or materially different environmental effects arising compared to those assessed in the Environmental Statement.				
<b>DCO Draft Development Consent Order (Draft DCO)</b>				
<b>DCO 1.5</b>	<i>Parts 3 and 4, Articles 11(7), 12(3), 13(2), 15(5), 16(9) and 18(7)</i> <b>Relevant Planning and Highway Authorities</b>	West Sussex CC in its LIR [REP1-054] state that the 28-day time-period set out in Article 13(2) is insufficient. a) Confirm that the same time-period set out in the said Articles are adequate. b) Comment on the appropriateness of the deemed consent provisions in these (and possibly other) Articles and the Applicant's justification for such provisions as set out in response at Deadline 2 [REP22-022].	The Applicants response is noted. Whilst recognised that there may be some occasions where deemed consent is appropriate, it is not considered appropriate to blanket apply this without justification.  The Applicant has clearly identified why deemed consent is necessary (hence the fact it has been included in the first place). As such, it should not be unnecessarily burdensome for the Applicant to set out these instances.	As noted by West Sussex County Council, the Applicant has set out why deemed consent is necessary and this applies to each of the articles cited. As was confirmed during Issue Specific Hearing 2 (May 2024), the period provided for the authority to respond to a request for approval under Article 13(2) has been extended to 45 days at the request of West Sussex County Council, whilst the remaining articles continue to refer to a 28-day period in the absence of a requirement for multi-party consultation.
<b>DCO 1.15</b>	<i>Schedule 1, Part 3 Requirements 6 and 7</i> <b>West Sussex CC</b>	Respond to the amendments made to the draft DCO submitted at Deadline 2 [REP2-002] regarding changes to Requirements 6 and 7, which now separate Works Nos 6 and 7 from Works Nos 16 and 20, and whether this overcomes the concerns identified in the LIR [REP1-054].	WSSCC is satisfied with the amendments made to Requirements 6 and 7 within REP2-002 and has no further comments to make.	The Applicant welcomes the comment from West Sussex County Council that they are satisfied with the amendments made to Requirements 6 and 7 within the <a href="#">Draft Development Consent Order [REP3-003]</a> at Deadline 2 and that West Sussex County Council have no further comments to make.
<b>DCO 1.16</b>	<i>Schedule 1, Part 3 Requirement 7</i> <b>West Sussex CC</b>	Provide a response to the Applicant's assertion at Deadline 2 [REP2-020] that details of working width and haul roads, which was requested within the LIR [REP1-054]	It is noted that there is some detail within the OCoCP (PEPD-033), however, WSSCC would question why this detail is not specifically listed in this requirement. Requirement 23 does specifically refer to cable corridor widths, however, the Outline Construction Method Statement (OCMS) has scant detail	Requirement 23(2)(f) has been amended in the <a href="#">Draft Development Consent Order [REP3-003]</a> updated at Deadline 4 to confirm that each stage specific construction method statement must confirm the cable <i>construction</i> corridor location and its width; this identified corridor will include the cable trenches, haul road and associated working space.

Ref	Question to:	Examining Authority Written Question	West Sussex County Council's reply	Applicant's response
			to be included within Requirement 7, will form part of the outline CoCP which is secured by Requirement 22 of the DCO [REP2-002].	on widths at this stage. Arguably both DCO Requirements and outline control documents should make very clear the parameters.
<b>DCO 1.18</b>	<p><i>Schedule 1, Part 3 Requirements 10, 12 and 16</i></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>West Sussex CC</b></p> <p><b>SDNPA</b></p> <p><b>Mid Sussex DC</b></p>	<p>Provide a response on the Applicant's amendments to the draft DCO submitted at Deadline 2 [REP2-002] in which the definition of "Commence" in Article 2 and a number of Requirements have been amended in respect to "carving-out" onshore site preparation works for the onshore Works.</p>	<p>WSCC is satisfied that the Applicant has amended the draft DCO submitted at Deadline 2 [REP2-002] with regards to the term "Commence" in both Article 2 and within the Requirements.</p>	<p>The Applicant welcomes the comment from West Sussex County Council that they are satisfied that the Applicant has amended the <b>Draft Development Consent Order [REP2-002]</b> (updates made at Deadline 2) with regards to the term "Commence" in both Article 2 and within the Requirements.</p>
<b>DCO 1.19</b>	<p><i>Schedule 1, Part 3 Requirement 14</i></p> <p><b>The Applicant</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>West Sussex CC</b></p> <p><b>SDNPA</b></p> <p><b>Mid Sussex DC</b></p>	<p>There are concerns from relevant planning authorities over the provisions of this Requirement and the reliance on the provisions contained within the Biodiversity Net Gain (BNG) Strategy Information document, Appendix 22.15 to Chapter 4 of the ES [APP-193]. The ExA notes the Applicant's responses to West Sussex CC [REP2-020] and SDNPA [REP2-024] in respect to the wording within the Requirement and the BNG Strategy Information document. However, the ExA is concerned that the BNG Strategy Information document may not contain the required evidence or clarity that BNG can be achieved, and accordingly Requirement 14 is not</p>	<p>WSCC is concerned over the lack of clarity in the BNG Information document, Appendix 22.15 (APP-193), the proposed stage specific BNG strategies and the mechanism to ensure that BNG is implemented on the ground and within the expected timescales.</p> <p>Requirement 14 is inadequate to secure BNG and the following wording is suggested:</p> <p><b>Biodiversity net gain</b></p> <p><i>14. (1). No stage of the authorised project within the onshore Order limits is to commence until each of the following has been approved in writing by the relevant planning authorities, including the South Downs National Park Authority:</i></p> <p><i>(i) A biodiversity net gain strategy for that stage which accords with the outline biodiversity net gain information comprising Appendix 22.15 of the Environmental Statement</i></p> <p><i>(ii) The Applicant provided proof of purchase of all necessary biodiversity units from third party providers.</i></p> <p><i>(iii) At least 70% of the total number of biodiversity units as required for that stage</i></p>	<p>The approach to securing biodiversity net gain was discussed under Agenda item 2(a) at Issue Specific Hearing 2 (May 2024). As was confirmed at the hearing, Requirement 14 of the <b>Draft Development Consent Order [REP3-003]</b> follows the approach adopted in the Hornsea Four Offshore Wind Farm Order 2023. For the recent Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, Biodiversity Net Gain (BNG) was secured through a broader ecological management plan which in respect of BNG specifically, was to reflect the BNG measures included in the environmental statement.</p> <p>The Applicant's approach is therefore consistent with previously made Orders and ensures that the strategy submitted for approval to the relevant local planning authority for each stage is consistent with <b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the Environmental Statement (ES) [REP3-019] (updated at Deadline 3). The content of this document addresses each of the points identified by West Sussex County Council.</p>

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			adequate in its current guise. Interested Parties are asked to review the questions contained in BD (below) and consider whether Requirement 14 needs amending and suggest appropriate wording.	<p><i>of the development have been implemented on the ground according to the approved biodiversity net gain strategy and to the satisfaction of the relevant planning authority/authorities, including where relevant the South Downs National Park Authority.</i></p> <p><i>(2) The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in Appendix 22.15 of the Environmental Statement, with priority given to areas inside or within close proximity to the proposed DCO Limits.</i></p> <p><i>(3) The biodiversity net gain strategy for each stage must be implemented as approved. (4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</i></p>
<b>DCO 1.21</b>	<i>Schedule 1, Part 3, Requirement 19</i> <b>West Sussex CC</b>	Respond to the Applicant's comments to the additional wording to this Requirement, suggested by West Sussex CC in its LIR [REP1-054], are unnecessary as such matters are contained within the outline Onshore Written Scheme of Investigation [APP-231].	The preservation in situ of significant archaeological remains as a form of mitigation and the proposed means of avoiding harm to nationally significant remains is not currently secured within the Outline Onshore Written Scheme of Investigation (APP-231) to a sufficient degree of certainty. No methodology for ensuring preservation in situ or design solutions is currently set out. However, WSCC is currently in discussion with the Applicant regarding forthcoming changes to the Outline Onshore Written Scheme of Investigation (APP-231), including inclusion of a methodology or pathway for preservation in situ of significant archaeological remains. This update is anticipated to be provided by the Applicant at Deadline 3 but WSCC has not yet had sight of the revised document. Provided that the proposed outline methodology is sufficiently robust to secure preservation in situ of nationally significant remains, WSCC is satisfied that the proposed additional wording to Requirement 19 will not be required.	<p>The updated <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> provides further information on the approach, which includes a clear protocol in Appendix B (underpinned by commitment C-225) for identification of areas where preservation in situ will be applied.</p> <p>The <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> was updated following consultation with West Sussex County Council.</p>
<b>DCO 1.22</b>	<i>Schedule 1, Part 3 Requirement 20</i>	Comment, if required, on the revisions made by the Applicant to Requirement	Requirement 20 still reflects WSCC as the discharging authority. As stated within the Local Impact Report (Appendix B) (REP1-	The Applicant has provided a response to the question as to West Sussex County Council's role as discharging authority in its response to the Examining Authority's



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		<p><b>West Sussex CC</b></p> <p>20 of the draft DCO submitted at Deadline 2[REP2-002]. List any further amendments, if required, to this Requirement with justification.</p>	<p>054) WSCC are seeking to be a consultee to a number of DCO Requirements, rather than the discharging authority, and would wish for this to be amended.</p>	<p>first written question DCO 1.26 in Table 2-4 within <a href="#">Deadline 3 Submission – 8.54: Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p>
<b>BD Biodiversity</b>				
<b>BD 1.1</b>	<p><i>Biodiversity calculations</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>SNDPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>Mid Sussex DC</b></p>	<p><b>For The Applicant</b></p> <p>a) Volume 4, Appendix 22.15 of the ES [APP-193] states metric 4.0 version of the biodiversity metric has been used to calculate the biodiversity baseline and present planned BNG outcomes. Confirm that this was the latest version at the time of submission.</p> <p>b) The ExA requests the BNG metric spreadsheet used for the calculations is submitted into the Examination.</p> <p><b>For Natural England, SDNPA, West Sussex CC</b></p> <p>c) It is noted that the latest metric is now the Statutory Biodiversity Metric. Explain whether the calculations need to be updated using the latest version.</p> <p>d) Is there agreement on the biodiversity baseline presented in</p>	<p>c) WSCC understands that the Applicant has committed to updating the calculations using the latest version of the BNG metric following detailed design. This would be welcomed.</p> <p>d) i. No, it is not clear what comprises the area and parameters used for the baseline, and what constitutes the worst-case realistic scenario.</p> <p>d) ii. No. There is insufficient information and explanation to have confidence in the initial BNG calculations as presented in the BNG Information document, Appendix 22.15 [APP-193].</p> <p>e) There is considerable lack of clarity in the BNG calculations, including what constitutes the baseline assessment, how habitats subject to temporary loss are accounted for in the matrix and the presentation of the data.</p>	<p>The Applicant has updated <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement (ES) [REP3-019] at Deadline 3 in line with the Statutory Biodiversity Metric. The analysis has also been broken down by individual local authority areas as requested by stakeholders.</p> <p>The baseline position for Biodiversity net Gain (BNG) is detailed in paragraph 3.1.7 of <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [REP3-019]. A realistic worst-case scenario of losses is based on the following:</p> <ul style="list-style-type: none"> <li>i onshore cable corridor (where open cut trenching is proposed), trenchless crossing compounds, temporary construction compounds, temporary construction accesses and onshore substation footprint represent temporary and permanent habitat loss (operational access points are excluded as light access once or twice per year with a van or 4x4 required only, using existing tracks or driving along field edges as per current practice by land managers). Therefore, the habitats that make up these areas represent the baseline.</li> <li>ii Losses of habitats shown in the updated Vegetation Retention Plan within Appendix B of the <a href="#">Outline Code of Construction Practice [REP3-025]</a> provides the levels of losses for linear features and woodland.</li> <li>iii Habitat condition has been considered for each habitat type and then proportions matching the field recordings have been assigned (e.g. habitat type X has 25% in good condition, 50% in moderate condition and 25% in poor condition). This provides a reasonable approximation of habitat condition given that a single approach to defining this changed over the course of the survey period. Further surveys will be undertaken post consent to</li> </ul>

Ref	Question to:	Examining Authority Written Question	West Sussex County Council's reply	Applicant's response
		<p>Appendix 22.15 Biodiversity Net Gain information [APP-193] for the:</p> <ul style="list-style-type: none"> <li>i. Total number of baseline units calculated for the worst-case realistic scenario.</li> <li>ii. Total number of units lost to the Proposed Development.</li> </ul> <p>e) Confirm whether clarity exists on how the calculations have been done and is there agreement on the methodology and the spatial areas for which the calculations have been presented?</p>		<p>ensure this is accurate (commitment C-294 in the <a href="#">Outline Code of Construction Practice [REP3-025]</a>).</p> <p>The Applicant has met with West Sussex County Council to clarify and discuss the approach to BNG. The Applicant notes that the approach is in line with the recently consented (14 March 2024) Yorkshire Green DCO and aligns with the mandatory system put in place by the Department for Environment, Food and Rural Affairs (Defra).</p> <p>Temporary loss of habitats have been considered in the BNG calculations as losses that are then replaced using habitat creation (using the same habitat type and condition as the baseline, other than in respect of woodland where the habitat creation is for mixed scrub). See Appendix A of <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [REP3-019].</p> <p>Further clarity is provided on approach in <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [REP3-019] through the provision of the calculation workbooks.</p>
BD 1.2	<p><i>Mitigation Hierarchy</i></p> <p><b>Natural England</b></p> <p><b>SNDPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p>	<p>Confirm that the Applicant has adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain.</p>	<p>Although the mitigation hierarchy has been followed in terms of project design, there is a distinct lack of clarity as to what constitutes compensation (as required to ensure 'no net loss') and what constitutes BNG. e.g. It is unclear whether the habitat creation at Oakendene substation is compensation for loss of habitat elsewhere along the cable corridor, or BNG. ES Chapter 22, Paragraph 22.9.73 (APP-063) states that '<i>Compensation for the loss of semi-natural broadleaved woodland will be provided through tree planting around the location of the onshore substation. This would see the planting of 2.7ha of woodland ...</i>'. However, the BNG Information document, Appendix 22.15, Paragraph 4.2.4 [APP-193] states '<i>The habitats to be created at the onshore substation site are assumed to be elements of BNG ...</i>'</p>	<p>Table 4-8 of <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement (ES) [REP3-019] shows the number of units that are required to meet no net loss in the 'net unit change' column. The overall number of units to reach no net loss and provide a Biodiversity Net Gain (BNG) of 10% is shown in the 'Unit Deficit' These figures include the habitat creation at the onshore substation location at Oakendene, which represents part of the compensation package for the Proposed Development.</p> <p>There is a caveat regarding whether the habitat creation at the onshore substation at Oakendene will be counted towards BNG. This is because it is the subject of negotiations with the landowner. Regardless this, habitat would be provided and would form compensation. The only question would be whether or not it would contribute to BNG. The Applicant expects to include this area within BNG calculations, but this would be confirmed at the detailed design stage.</p>

Ref	Question to:	Examining Authority Written Question	West Sussex County Council's reply	Applicant's response
BD 1.5	<p><i>Alignment with National and Local BNG Plans, Policies and Strategies</i></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>West Sussex CC</b></p> <p><b>Environment Agency</b></p> <p><b>SDNPA</b></p>	<p>a) Confirm that the proposal for BNG aligns with and complements relevant national or local plans, policies and strategies including the Local Nature Recovery Strategy or other relevant local plans, policies or strategies.</p> <p>b) Confirm that the mitigation hierarchy has been adequately followed to avoid then mitigate then compensate, in that order, in respect to biodiversity.</p>	<p>This Project has the potential to make an early and significant contribution to the West Sussex Local Nature Recovery Strategy, due to be published in draft in March 2025. WSCC looks forward to working with the Applicant to achieve this.</p> <p>b) The mitigation hierarchy has been followed in the design of the Project through avoidance of impacts, mitigation and then compensation, in that order.</p>	<p>The Applicant welcomes the response from West Sussex County Council and agreement that the mitigation hierarchy has been followed in the design of the Proposed Development through avoidance of impacts, mitigation and then compensation, in that order.</p> <p>The Applicant notes that Requirement 14 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) ensures that Biodiversity Net Gain will be delivered in discussion with the relevant local planning authorities and will therefore reflect local conservation priorities.</p>
BD 1.6	<p><i>Clear Differentiation between Delivery of Compensation and Enhancement.</i></p> <p><b>Natural England</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p>	<p>Concern has been raised by SNDPA [REP1-049], Sussex Wildlife Trust [RR-381], Horsham DC [REP1-044] and Natural England [RR-265] regarding the transparency between delivery of compensation for the Proposed Development i.e. no net loss of biodiversity and biodiversity enhancement of 10% i.e. 10% biodiversity net gain (BNG). The Applicant states it has used the Natural England BNG metric tool to calculate the units required for both [APP-193].</p> <p>a) Explain whether Table 4-5 on page 24 of Volume 4, Appendix 22.15 of the ES APP-193, provides a sufficiently clear and transparent explanation of how many units of each</p>	<p>This concern was also raised by WSCC in its Relevant Representation (RR-418).</p> <p>a) Table 4-5 is not easy to interpret. Further breakdown and explanation would be helpful. Whilst the table shows the 'net unit change'(i.e. The number of units required to achieve no net loss), amalgamating the unit shortfall with the 10% BNG is somewhat confusing without showing the steps in the calculation. Due to the lack of clarity in the information, WSCC is unable to agree on the number of units required to achieve no net loss and 10% BNG. WSCC will wish to carefully study the detailed BNG calculations to be produced at the detailed design before agreeing on the number of units required to achieve no net loss and 10% BNG.</p> <p>b) Given the lack of clarity over which elements constitute mitigation, compensation, enhancement and net gain, notably the fact that these activities are not depicted on plans, there is a risk of double counting.</p> <p>c) Fuller explanation of the basis of the BNG calculations and greater clarity in the presentation of the data in the tables in Appendix 22.15 of the ES (APP-193) would be welcome. e.g. Table 4-5 should include</p>	<p>The Applicant has applied the Statutory Biodiversity Metric in line with Defra Guidance and WSCC's concerns seem to be around that system. The Applicant is of the opinion that the concerns are not a reflection on something specific to this development. The Applicant has met with WSCC to present the principles and is open to further engagement should this be requested.</p> <p>The Applicant notes that the outcomes in Table 4-8 of <b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the Environmental Statement (ES) [REP3-019] as described in the response above to BD 1.2 are outputs from the Statutory Biodiversity Metric and not statistics created by the Applicant. As these are standard measures, the Applicant is of the opinion that they are appropriate for informing the assessment.</p> <p>West Sussex County Council note a risk of double counting. However, this is not possible in the way that the Statutory Biodiversity Metric is compiled. This is because the areas pre- and post-construction must match to avoid the metric spreadsheet showing an error.</p> <p>Plans for the exact location of final enhancement and net gain are impossible until BNG units are purchased. This will be in response to final design confirming final tally of losses. The worst-case scenario for losses is available in the deadline 3 submission of BNG calculations.</p>



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		<p>type are required and is there agreement on the number of units to achieve no net loss and 10% net gain.</p> <p>b) Comment on whether no double counting is clear between activities planned to deliver mitigation, compensation, enhancement and net gain.</p> <p>c) Is further explanation required? If so, please specify what is needed.</p>	<p>columns showing biodiversity units required to achieve no net loss, units required to achieve 10% BNG and the total number of units required to deliver the Project.</p>	<p>The approach to the mitigation hierarchy is as follows:</p> <ul style="list-style-type: none"> <li>• Avoidance of sensitive ecological features has been incorporated into the design of the Proposed Development wherever possible;</li> <li>• Where avoidance has not been possible, measures to minimise effects (such as trenchless crossings have been adopted);</li> <li>• Mitigation has been provided where necessary and described in commitments within the updated <b>Outline Code of Construction Practice [REP3-025]</b>. These measures are a mix of geographic specific and project wide mitigation measures and hence cannot be mapped effectively;</li> <li>• Compensation is provided through habitat creation and reinstatement within the proposed DCO Order Limits and via the provision of biodiversity units to reach a position of 'no net loss' through the biodiversity net gain (BNG) process (see <b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the ES [REP3-019]; and</li> </ul> <p>A commitment (C-104) to delivering at least 10% BNG has been made by the Applicant and secured through Requirement 14 of the <b>Draft Development Consent Order [REP3-003]</b>. Therefore, enhancement in addition to compensation to reach a position of 'no net loss' through the biodiversity net gain will be achieved.</p>
<b>BD 1.8</b>	<p><i>Timing of Delivery of Biodiversity Compensation</i></p> <p><b>Natural England</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p>	<p>The Applicant states in section 5.2.1 of Volume 4, Appendix 22.15 of the ES APP-193 that:</p> <p><i>“To avoid a deficit in biodiversity growing as the construction programme progresses, the Proposed Development will follow two courses of action. The first is to enable a progressive reinstatement of habitats, whilst the second is to secure 70%<sup>7</sup> of the deficit (as calculated in Table 4-5 – i.e., as a realistic worst-case scenario) prior to</i></p>	<p>The progressive reinstatement of habitats is an important element and must be undertaken as soon as possible. The delivery prior to commencement of construction of 70% of the total BNG units (i.e. those required in compensation, plus a 10% uplift from the baseline) seems a reasonable approach. However, WSCC has the following concerns regarding the delivery of 70% of the 'deficit' prior to commencement of construction: 1. Clarity is required that the upfront delivery of 70% BNG relates to 70% of the total BNG units, including the 10% gain, not 70% of the deficit or shortfall required to reach 'no net loss.' The Applicant's Response to WSCC LIR Chapter 11, Paragraph 11.31 (REP2-020) refers to 'the front loading of 70% of biodiversity units for each stage prior to construction</p>	<p>The Applicant confirms that the 70% refers to the total Biodiversity Net Gain (BNG) units, including the 10% gain. This is termed in the Statutory Biodiversity Metric as the 'unit deficit'.</p> <p>The units will be purchased prior to the commencement of construction from a third party. This means that some could already have been created in advance, whilst others will be created following purchase. As part of the process of allocating units on the biodiversity net gain site register to a particular development the responsible party must begin the works within 12 months. However, this timescale would be part of the negotiation with the third parties and described in the stage specific biodiversity net gain strategies that are secured through Requirement 14 of the <b>Draft Development Consent Order [REP3-003]</b>.</p>

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		<p><i>commencement of construction. Any remaining shortfall identified following detailed design will be secured prior to construction works being completed.</i></p> <p><i><sup>7</sup> It is expected that 70% of the deficit as calculated at Table 4-5, will likely be equivalent to that which will be necessary to provide to secure the commitment once detailed design has been completed.</i></p> <p>Confirm whether there is general agreement on this approach, particularly the delivery of 70% of the deficit prior to commencement of construction. Provide details of any outstanding concerns.</p>	<p>commencing'. This implies the former BNG measure.</p> <p>2. Will this 70% of BNG units be delivered on the ground prior to construction (as implied in the Applicant's Response to WSCC LIR Chapter 11, Paragraph 11.31 [REP2-020]) or simply purchased from third party providers prior to construction? If the latter, how will its implementation be secured within an agreed timeframe? Given these BNG units comprise compensation, not simply 10% BNG, it is critically important that they are delivered in advance, or early in the Project.</p> <p>3. The mechanism to secure delivery of BNG to an agreed timescale should be secured through a revised Requirement 14. See response to DCO 1.19.</p>	<p>The Applicant notes that it has volunteered to deliver 70% of units prior to commencement of construction. This is not essential for developers to do. This choice has been made by the Applicant to reduce the time delay in compensating for losses incurred and to ensure optimal outcomes for biodiversity.</p>
<b>FR Flood Risk</b>				
<b>FR 1.4</b>	<p><i>Flood Risk at the Proposed Substation site at Oakendene</i></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>The Environment Agency</b></p>	<p>Further to discussion regarding flood risk at the proposed Oakendene substation site at ISH1 [EV3-001] and evidence submitted from CowfoldvRampion [REP1-087 and REP1-089], Mr Smethurst [REP1-115 to REP1-119] and Ms Davies [REP1-159] amongst others, at Deadline 1, confirm whether there are any comments on or outstanding concerns regarding, but not limited to:</p> <p>a) The quality of and conclusions from the</p>	<p>The drainage strategy for the Oakendene site requires further development, as to date no groundwater monitoring or winter monitoring of water levels has taken place. The Applicant is aware of this and will be undertaking monitoring and will re-visit the drainage strategy and design for the site once the monitoring results are available.</p> <p>A) It has been questioned whether the Sequential and Exception Tests have been carried out correctly. Therefore, the Applicant should add greater clarity around the method used and the results.</p> <p>b) The FRA and Drainage Strategy for the Oakendene substation site will require further development once groundwater monitoring or winter monitoring of water levels has taken place.</p>	<p>The Applicant held a meeting with the Lead Local Flood Authority (LLFA) representative from West Sussex County Council and Horsham District Council on 30 April 2024 to discuss each party's response at Deadline 3 and any outstanding concerns. Everything in West Sussex County Council's response was discussed and agreed with the Applicant and the minutes of the meeting are appended in <b>Appendix A</b> ). West Sussex County Council confirmed that they were satisfied and had no outstanding concerns. The following provides a summary of some key points:</p> <p>Regarding the opening response from West Sussex County Council's to the Examining Authority's Written Question FR 1.4 that <i>"the drainage strategy for the Oakendene site requires further development..."</i> and that <i>"...the applicant... will be undertaking monitoring and will re-visit the drainage strategy and design for the</i></p>

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		<p>Applicant's Site-Specific Flood Risk Assessment [APP-216] at this site, including the approach to, application of and conclusions from the Sequential and Exception Tests.</p> <p>b) Whether the information in the FRA relating to this site is credible, fit for purpose, proportionate to the degree of flood risk and appropriate to the scale, nature and location of development and takes the impact of climate change into account.</p> <p>c) The Applicant's statement that the Oakendene site is situated within Flood Zone 1.</p> <p>d) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</p> <p>e) Whether or not the Proposed Development would increase flood risk elsewhere.</p> <p>f) The quality and likely effectiveness of the Applicant's proposed Outline Operational Drainage Plan [APP-223] and ongoing management and maintenance of drainage proposals for this site.</p> <p>g) The evidence submitted by CowfoldvRampion [REP1-087 and REP1-089] and Mr Smethurst [REP1-115 to REP1-119] at Deadline 1 regarding local flooding and drainage at</p>	<p>c) The Oakendene substation site is situated within Flood Zone 1.</p> <p>d) The Oakendene substation site is situated within Flood Zone 1. However, the mapping does not take account of flooding highlighted during the winter months by residents. The Applicant will be monitoring to better inform the drainage strategy for this site.</p> <p>e) Correctly designed development will not increase flood risk elsewhere.</p> <p>f) The Applicant's proposed Outline Operational Drainage Plan (APP-223) and ongoing management and maintenance of drainage proposals for this site will be subject to review once groundwater monitoring and winter monitoring of water levels has taken place.</p> <p>g) The evidence submitted by CowfoldvRampion (REP1-087 and REP1-089) and Mr Smethurst (REP1-115 to REP1-119) at Deadline 1 regarding local flooding is useful. It is understood that the Applicant will be undertaking monitoring of the site and updating their FRA and Drainage Strategy for the site.</p> <p>h) The current design will attenuate flow within the site boundary. Therefore, potential flood risk to downstream receptors will be mitigated.</p> <p>i) The proposed attenuation basins created to manage surface water run-off will be planted with wet woodland. Whilst this provides some habitat creation opportunities, it is noted that mature trees and hedgerows will also be lost at the substation site.</p> <p>j) No development is proposed within existing floodplain areas. Therefore, there should be no loss of net flood plain storage. The detailed design will be checked to ensure greenfield runoff rates are maintained.</p> <p>k) Groundwater monitoring to be undertaken by the Applicant.</p> <p>l) Schedule 3 of the Flood and Water Management Act 2010 has not yet been enacted. However, the planning process will ensure that any design follows 'best practice' and any proposed maintenance is appropriate for the drainage elements constructed.</p>	<p><i>site once the monitoring results are available," please see the Applicant's response to b) below.</i></p> <p>a) and d) – During the meeting on the 30 April 2024, the Applicant queried whether West Sussex County Council had any concerns in relation to the Sequential Test. For completeness the Applicant highlighted specific sections of <b>Appendix 26.2: Flood Risk Assessment, Volume 4</b> of the Environmental Statement (ES) [APP-216] (updated at Deadline 4), <b>Chapter 3: Alternatives, Volume 2</b> of the ES [APP-044] and Action Point 4 of <b>Deadline 1 Submission – 8.25: Applicant's Response to Action Points Arising from Issue Specific Hearing 1 [REP1-018]</b>. Both West Sussex County Council and Horsham District Council confirmed they are satisfied with the information provided in relation to the Sequential and Exception Tests and both West Sussex County Council and Horsham District Council confirmed they had no further concerns to raise on the matter.</p> <p>b) and f), part of g) and k) – During the meeting on the 30 April 2024, the Applicant queried the wording of West Sussex County Council's response to Examining Authority's Written Question FR1.2, particularly in relation to timing of groundwater level monitoring, the securing mechanism of this and the suggestion that update of <b>Appendix 26.2: Flood Risk Assessment, Volume 4</b> of the ES [APP-216] (updated at Deadline 4) and <b>Outline Operational Drainage Plan [REP3-023]</b> (updated at Deadline 4) reports would then be necessary subsequent to this. The Applicant noted that the wording provided in West Sussex County Council's Deadline 3 response [REP3-072] in paragraph 2.98 was consistent with what had been agreed with the Applicant previously and was the better source of any agreed wording on the matter. The Applicant noted that this matter had been resolved through the inclusion of commitment C-293 in the updated <b>Outline Operational Drainage Plan [REP3-023]</b> (updated at Deadline 4). For clarity, the measure would be implemented at the detailed design stage to inform the Operational Drainage Plan (Requirement 17 in the <b>Draft Development Consent Order [REP3-003]</b>). The Applicant also clarified that it is not envisaging updating <b>Appendix 26.2: Flood Risk Assessment,</b></p>



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		<p>the proposed substation site at Oakendene.</p> <p>h) The conclusion of the Applicant's assessment of the impact of changes to the drainage regime and construction and operation of the Proposed Development at this site on the potential flood risk to downstream receptors.</p> <p>i) The Applicant's conclusions on potential impacts from the Proposed Development to changes to the hydrology of this site on ecology.</p> <p>j) The Applicant's conclusion regarding no loss of net flood plain storage and maintenance of greenfield runoff rates.</p> <p>k) Concern regarding potential groundwater flooding at this site.</p> <p>l) Whether the proposed drainage system is feasible and whether it complies with National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.</p> <p>M) Whether the draft DCO [REP2-002] would give the most appropriate body the responsibility for maintaining the proposed drainage system.</p>	<p>M) The ultimate owner / operator of the site will have responsibility for maintaining the proposed drainage system. Maintenance requirement should be identified in the sites 'Health and Safety File' and should be adhered to.</p>	<p><b>Volume 4</b> of the ES [APP-216] (updated at Deadline 4) itself in relation to this matter. West Sussex County Council confirmed this was acceptable to them and that they had no further concerns.</p> <p>c) The Applicant has no further comments on this matter at this time.</p> <p>d) See response a) above. The Applicant has no further comments on this matter at this time.</p> <p>e) The Applicant has no further comments on this matter at this time.</p> <p>f) The Applicant has no further comments on this matter at this time.</p> <p>g) The Applicant also noted during the meeting on the 30 April 2024 that it had been agreed during the previous meeting on 27 February 2024 with West Sussex County Council, that resolution of this matter was also subject to the Applicant reviewing the photographs submitted to the Examination by CowfoldvRampion at Deadline 1 Written Representations [REP1-089] against the Risk of Flooding from Surface Water (RoFSW) flood extents. West Sussex County Council acknowledged that they were satisfied with the Applicant's review of these photographs included in Section 12.1 in Appendix A of <b>Deadline 2 Submission – 8.53 Category 8: Examination Documents Applicant's Response to Non-Prescribed Consultees' Written Representations [REP2-030]</b>. West Sussex County Council and Horsham District Council confirmed they were satisfied on this matter with no outstanding concerns.</p> <p>h) The Applicant has no further comments on this matter at this time.</p> <p>i) The Applicant has no further comments on this matter at this time.</p> <p>j) The Applicant has no further comments on this matter at this time.</p> <p>k) Please see the Applicant's response above to answer b) which is of relevance to the Applicant undertaking groundwater monitoring.</p>

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				<p>l) The Applicant has no further comments on this matter at this time.</p> <p>m) The Applicant welcomes this comment from West Sussex County Council which accords with paragraph 2.4.16 of The <a href="#">Outline Operational Drainage Plan [REP3-023]</a> (updated at Deadline 4).</p>
FR 1.5	<p><i>Natural Flood Management</i></p> <p><b>The Applicant</b></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p>	<p><b>The Applicant</b></p> <p>State whether mitigation measures have planned to make as much use as possible of natural flood management techniques.</p> <p><b>West Sussex CC and Horsham DC</b></p> <p>Comment on the adequacy of the proposed mitigation measures and whether they utilise natural flood management techniques. If not, provide alternative suggestions.</p>	<p>Proposed mitigation measures for the temporary works have been identified. However, it is difficult for these to follow natural flood management techniques given the temporary nature of the work. Any permanent works i.e. the Oakendene site does follow natural flood management techniques. However, given the size of the site, opportunities for wide scale natural flood management techniques are limited.</p>	<p>The Applicant acknowledges and agrees with these observations made by West Sussex County Council. For reference the Applicant also provided comments on the Examining Authority's Written Question FR 1.5 in <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>. The Applicant noted that, in accordance with commitments C-73 and C-140 within the <a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 4), drainage measures will be implemented for all elements of the temporary and permanent infrastructure in accordance with Sustainable Drainage System (SuDS) principles. These measures are secured via Requirement 22 (4) (c) Construction Phase Drainage Plan for temporary infrastructure and Requirement 17 Operational Drainage Plan of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p>
FR 1.6	<p><i>Local Flood Risk Management Strategy</i></p> <p><b>West Sussex CC</b></p>	<p>Confirm that the Proposed Development is in line with the local flood risk management strategy.</p>	<p>WSCC's current '<i>Local Flood Risk Management Strategy</i>' does not cover design requirements for large scale infrastructure projects. Apart from cable route construction within the existing floodplain, which will require consent from the Environment Agency, permanent construction is not being proposed within identified surface water flood risk areas.</p>	<p>The Applicant acknowledges and agrees with the observations made by West Sussex County Council. The Applicant has a range of embedded environmental measures (commitments C-17, C-126 and C-182) outlined within the <a href="#">Commitments Register [REP3-049]</a> in place for permits and consents to be obtained subject to the approval of the Environment Agency and West Sussex County Council at the post-consent stage in accordance with the Environmental Permitting (England and Wales) Regulations 2016.</p>
FR 1.7	<p><i>Flood Risk Related to the Entire Proposed Development</i></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p>	<p>Comment on any outstanding concerns regarding flood risk related to the Proposed Development as a whole, other than the Oakendene site raised in questions FR1.2 to FR1.4, related to but not limited to:</p>	<p>a) It has been questioned whether the Sequential and Exception Tests have been carried out correctly. Therefore, the Applicant should add greater clarity around the method used and the results.</p> <p>b) WSCC consider the FRA (APP-216) to be acceptable. As most of the works likely to affect local flood risk is temporary, climate change is not considered. Within the</p>	<p>a) See Applicant's response above to FR1.4 a) and the appended minutes from 30 April 2024 (<b>Appendix A</b>) which confirm that both West Sussex County Council and Horsham District Council are satisfied with the evidence for the Sequential and Exception Tests and have no further concerns.</p> <p>b) The Applicant welcomes the other responses b) – e) that West Sussex County Council consider the <a href="#">Appendix 26.2: Flood Risk Assessment, Volume 4</a></p>

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		<p><b>The Environment Agency</b></p> <p>a) The quality of and conclusions from the Applicant's Site-Specific Flood Risk Assessment [APP-216], including the approach to, application of and conclusions from the Sequential and Exception Tests.</p> <p>b) Whether the information in the FRA is credible, fit for purpose, proportionate to the degree of flood risk and appropriate to the scale, nature and location of development and takes the impact of climate change into account.</p> <p>c) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</p> <p>d) Whether or not the Proposed Development would increase flood risk elsewhere.</p> <p>e) Whether or not there would be a net loss of floodplain storage.</p>	<p>permanent works areas climate change is considered to the appropriate level.</p> <p>c) It would be difficult to steer any proposed route towards areas with the lowest flood risk, as these areas are likely to be the most populated areas along any proposed route.</p> <p>d) WSCC does not consider that flood risk will be increased elsewhere once the work is complete. The Applicant is aware of the increased flood risk during the construction phases and this is highlighted in the FRA (APP-216).</p> <p>e) WSCC does not consider that there would be a net loss of floodplain storage once the work is complete. The Applicant is aware of the increased flood risk during the construction phases and this is highlighted in the FRA (APP-216).</p>	<p>of the Environmental Statement [APP-216] (updated at Deadline 4) to be acceptable.</p> <p>c) The Applicant agrees with the comment made by West Sussex County Council that it would be difficult to steer any proposed onshore cable route towards areas with the lowest flood risk, as these areas are likely to be the most populated areas along any proposed route.</p> <p>d) The Applicant welcomes the comment that West Sussex County Council does not consider that flood risk will be increased elsewhere once the work is complete.</p> <p>e) The Applicant welcomes the comment that West Sussex County Council does not consider that there would be a net loss of floodplain storage once the work is complete.</p>
<b>HE Historic Environment</b>				
<b>HE 1.8</b>	<p><i>Onshore archaeology</i></p> <p><b>Historic England</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p>	<p>In the context of ES Chapter 25 Historic Environment [PEPD-020] that identifies a high potential of archaeological remains of high heritage significance within the South Downs area and further to SDNPA Principal Areas of Disagreement Statement (PADS) point 7 [AS006], West Sussex CC PADS points 38 to 40 [AS-008] and Historic</p>	<ul style="list-style-type: none"> <li>• WSCC's position is that further investigation could, and indeed is likely to, change the outcome of the assessment. It is not possible to fully understand significance of buried archaeological features in the absence of prior field evaluation, which the Applicant has not undertaken. The relevant policy statements (NPS EN-1 for Energy, paragraphs 5.8.8 to 5.8.10; National Planning Policy Framework paragraphs 200) place a duty upon the Applicant to describe the significance of any heritage assets affected by the</li> </ul>	<p>The Applicant notes the policy requirements within National Policy Statement (NPS) EN-1 (Department of Energy and Climate Change (DECC), 2011) which guide that in cases where heritage assets of archaeological interest may be affected by a proposed development then the applicant should prepare a desk-based assessment in order to describe the heritage significance of assets which will be affected. Where a desk-based assessment is insufficient then further survey should be undertaken, and this should be proportionate and no more than is sufficient to understand the potential impact.</p>



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		<p>England's RR [RR-146], comment upon the Applicant's assertion that further investigation would not change the outcome of the assessment at table 4-2 in response to paragraph 2.33.2 [REP1-017].</p>	<p>Project. As per WSCC's relevant representation (RR-418), paragraph 3.14, point vii], PADS (AS-008), points 38 to 40] and LIR (REP1-054), Chapter 15, paragraph 15.1, 15.6, 15.10; Table 15 points 15a and 15f; 15.56-15.60, 15.73-15.76, 15.83, 15.118-15,119, 15.127, the evidence presented by the Applicant and the surveys undertaken to date do not allow significance to be adequately described to the level required. Non-intrusive assessment and surveys have been used to good effect by the Applicant to predict the type of archaeology which may be present with the DCO Limits, and to assign value on this basis. The ES chapter (ES Chapter 25 Revision B, [PEPD-021), Table 25-30 assesses a major adverse (significant) residual significance of effect upon a small number of archaeological receptors. These comprise: Undated possible enclosures or settlement (38_1, 38_2 and 38_3 ) in Zone 1 and Neolithic evidence - Flint mining and mortuary remains; Neolithic evidence - Settlement remains; Bronze Age evidence and Early medieval evidence in Zone 2. Residual effects upon the vast majority of identified archaeological receptors (known and potential) are assessed as <b>not significant</b> in EIA terms, with significance of the majority of these assets assessed via non-intrusive surveys only. However, this is not equivalent to describing heritage significance as required by the relevant policies. In the absence of trial trench evaluation, it is not possibly to accurately describe significance, nor to characterise any archaeology which may be present. Trial trench evaluation would advance understanding of significance by confirming the presence, date, character, preservation, rarity and extent of these</p>	<p>The Applicant has complied with NPS EN-1 (DECC, 2011) with an approach that is consistent with comparable projects by the completion of a phased programme of surveys outlined in the following:</p> <ul style="list-style-type: none"> <li>• <b>Appendix 25.2: Onshore historic environment desk study (Parts 1 and 2), Volume 4</b> of the Environmental Statement (ES) [APP-200] and [APP-201];</li> <li>• <b>Appendix 25.4: Onshore geophysical survey report (Parts 1 to 8), Volume 4</b> of the ES [PEDP-031] and [PEDP-113] to [PEDP-119]; and</li> <li>• <b>Appendix 25.6: Archaeological trial trenching at Brook Barn Farm, Volume 4</b> of the ES [APP-212].</li> </ul> <p>In addition, at the request of West Sussex County Council and Historic England, the Applicant has also submitted the following:</p> <ul style="list-style-type: none"> <li>• <b>Appendix 25.3: Onshore desk-based geoarchaeological and palaeoenvironmental assessment report, Volume 4</b> of the ES [APP-202]; and</li> <li>• <b>Appendix 25.5: Oakendene parkland historic landscape assessment, Volume 4</b> of the ES [APP-211].</li> </ul> <p>The Applicant considers this to be a proportionate survey effort and the results of field surveys and remote sensing (LiDAR and aerial photographs) have been reviewed and assessed in light of the existing, desk-based information that has been collected.</p> <p>The scope of the survey work was discussed through a series of Expert Topic Group (ETG) meetings (see paragraphs 25.3.8 to 25.3.16 within <b>Chapter 25: Historic environment, Volume 2</b> of the ES [PEPD-020], updated at Deadline 4) to update on progress and agree actions. Written Schemes of Investigation (WSIs) for the geophysical survey and targeted archaeological trial trenching were agreed with West Sussex County Council and the scope of <b>Appendix 25.3: Onshore desk-based geoarchaeological and palaeoenvironmental assessment report, Volume 4</b> of the ES [APP-202] and <b>Appendix 25.5: Oakendene parkland historic landscape assessment, Volume 4</b> of the ES [APP-211].</p>



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			<p>features. It would allow confirmation of appropriate mitigation options, and in turn give reassurance that reduction in magnitude of harm which the ES models following the delivery of planned mitigation, is feasible and deliverable. Undertaking such field evaluation could therefore absolutely change the outcome of the ES assessment in terms of residual significance of effect upon archaeological assets. WSCC draws particular attention to new geophysical anomalies identified within the January 2024 updated ES Chapter (ES Chapter 25 Revision B, [PEPD-021], Table 25-30), some of which appear to be of high significance but which have not been subject to evaluation. In the absence of field evaluation, it's not possible to assess whether archaeology of equal significance to the nearby scheduled monuments is present. Any such remains would be automatically subject to the same policies as designated assets (West Sussex LIR, REP1-054), Chapter 15, paragraph 15.82. This could change the outcome of the assessment as the relevant legislation and policy sets a high bar for accepting harm to designated heritage assets. The Applicant's proposed means of harm reduction for any high significance archaeological remains is mitigation by design solution (preservation in situ). As per WSCC's relevant representation (RR-418), paragraph 3.14, points i, ii and viii, PADS (AS-008), points 39 and 45 and LIR (REP1-054), Chapter 15, paragraphs 15.5, 15.7, 15.8, 15.79, 15.80, 15.142-15.147; Table 15 points 15a and 15f, in the absence of field evaluation to characterise remains, it is not possible to guarantee that proposed mitigation, especially preservation in situ, will be possible or suitable. Nor to guarantee</p>	<p>The assessment presented in <b>Chapter 25: Historic environment, Volume 2</b> of the ES [PEPD-020] (updated at Deadline 4) has been informed by this range of baseline data to assess and describe the significance of identified heritage assets which will be affected. Taking a landscape approach and considering all available desk-based and geophysical survey data, <b>Chapter 25: Historic environment, Volume 2</b> the ES [PEPD-020] (updated at Deadline 4) identifies a high potential for archaeological remains of high heritage significance at certain locations along the onshore cable route.</p> <p>Archaeological geophysical survey and the results are described <b>Appendix 25.4: Onshore geophysical survey report (Parts 1 to 8), Volume 4</b> of the ES [PEDP-031] and [PEDP-113] to [PEDP-119]. Whilst the geophysical survey identified some limited areas where interference in the data could have masked any underlying archaeology, the survey generally produced good quality magnetic gradiometer results with good confidence that it was appropriate to assess the potential for the presence of the type of buried archaeological remains that can be expected to be identified by a survey of this type. Targeted archaeological trial trenching was undertaken where geophysical survey had identified areas of complex archaeological remains of potential high significance which could not be understood on the basis of the geophysical survey results only. Targeted archaeological trial trenching was undertaken at Brook Barn Farm and the results are reported in <b>Appendix 25.6: Archaeological trial trenching at Brook Barn Farm, Volume 4</b> of the ES [APP-212].</p> <p>West Sussex County Council has noted geophysical anomalies which were found during the completion of the geophysical survey after submission of the DCO Application and these are described in <b>Appendix 25.4: Onshore geophysical survey report (Parts 1 to 8), Volume 4</b> of the ES [PEDP-031] and [PEDP-113] to [PEDP-119] (specifically those remains identified within the surveyable part of what is identified in the report as Field 038). Effects on this area are assessed in the updated <b>Chapter 25: Historic environment, Volume 2</b> of the ES</p>

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			<p>that proposed embedded and agreed mitigation will reduce harm by the magnitude assumed. This is especially applicable within the prehistoric downland area in question, where there is a high potential for specific classes of archaeology which would be of national significance, but also likely to be especially problematic to preserve in situ (West Sussex LIR REP1-054), Chapter 15, paragraphs 15.77 and 15.136. These could include Neolithic flint mines (potentially spatially extensive and incredibly artefact-rich) and associated lithic processing and Neolithic settlement evidence (potentially spatially extensive extremely ephemeral). For the above reasons, it is the professional judgment of WSCC that further investigations in the form of appropriate pre-determination field evaluation could absolutely change the outcome of the assessment. The following pathways to change are identified; Changes to assessed/described significance of archaeological heritage assets;</p> <ul style="list-style-type: none"> <li>• Changes to the suitability and/or ability to deliver proposed mitigation, including preservation in situ of nationally significant and potentially extensive or ephemeral remains;</li> <li>• Changes to predicted reductions in magnitude of harm following mitigation;</li> <li>• Identification of new archaeological features of equal significance to, and therefore subject to the same policies as, nearby designated heritage assets, and</li> <li>• Identification of new residual significant historic environment effects, potentially including higher-than-modelled magnitudes of harm to nationally significant archaeology, as a result of any of the above.</li> </ul>	<p><b>[PEPD-020]</b> (updated at Deadline 4). The form of the identified features is wholly consistent with later prehistoric or Romano-British agricultural and settlement activity. Archaeological trial trenching will be undertaken prior to construction and the information from this would be used in the final routing of the onshore cable, with the option to narrow the construction corridor at this point. There would still however be loss of remains within the development footprint, though mitigation measures including narrowing of the onshore cable corridor and routing within the proposed DCO Order Limits would be adopted. As this area of archaeology likely extends beyond the proposed DCO Order Limits, the narrowing of the onshore cable corridor would mean that only a part of the area of archaeological interest would be disturbed and provision for archaeological recording would be secured by the <b>Outline Onshore Written Scheme of Investigation [REP3-035]</b> (updated at Deadline 3). Nevertheless, a precautionary, worst-case approach is taken in <b>Chapter 25: Historic environment, Volume 2</b> of ES <b>[PEPD-020]</b> (updated at Deadline 4), identifying this as a significant effect, though it would represent less than substantial harm.</p> <p>West Sussex County Council has also suggested the potential presence of Neolithic flint mines within the proposed DCO Order Limits. The known Neolithic flint mines such as that on Blackpatch Hill (NHLE 1015880) survive as large concentrations of closely grouped shafts and pits. If present, these would be substantial cut features and any such groups would be expected to be identified by the geophysical survey. The geophysical has proved effective at identifying what would be likely to be more shallow archaeology represented by the remains of a bowl barrow (85_1) just outside of the proposed DCO Order Limits, but there is no evidence of the sort of dense concentration of pits which would represent a flint mine. Therefore, whilst the assessment within <b>Chapter 25: Historic environment, Volume 2</b> of ES <b>[PEPD-020]</b> (updated at Deadline 4) has properly and correctly identified the potential for some remains associated with the nearby sites it is highly unlikely that a flint mine is present as suggested by West Sussex County Council. However, whilst the geophysical survey does not indicate the presence of extensive archaeological features comparable with the scheduled flint mines nearby, the Applicant has assessed the significance of effects as a worst-case, and therefore</p>

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			<p>Failure to undertake this work means that the Applicant currently cannot meet the requirements of the policies and that there is a high risk of harm to nationally significant heritage assets. WSCC would highlight a recent planning judgment on a solar farm [Low Carbon Solar Park 6 Ltd, R (On the Application Of) v Secretary of State for Levelling Up Housing and Communities &amp; Anor [2024] EWHC 770 (Admin) (05 April 2024) (bailii.org)]. An application made directly to the Secretary of State was refused planning permission, partly on the basis of insufficient archaeological field investigation, and thus lack of compliance with the principles of Overarching National Policy Statement for Energy (EN-1). The original decision notice stated "An understanding of the significance of any heritage asset is the starting point for determining any mitigation, and therefore I am unable to assess whether the mitigation proposed would be appropriate" (summarised at Low Carbon Solar Park 6 Ltd, R (On the Application Of) v Secretary of State for Levelling Up Housing and Communities &amp; Anor [2024] EWHC 770 (Admin) (05 April 2024) (bailii.org) para. 29). The decision was challenged by the applicant on grounds of procedural fairness. The challenge was subsequently dismissed in a judgment on 5th April 2024, with the court finding that the significance of historical assets had not been adequately identified, preventing a proper balancing exercise required by planning regulations. The denial of planning permission was upheld due to the lack of evidence and understanding of significance due to the lack of pre-determination trial trenching, and potential harm to archaeological remains. The High Court judge stated, "... an understanding of the significance of heritage assets is the starting point for determining any mitigation, and it is not appropriate to assess mitigation without that understanding." (Low Carbon Solar Park 6 Ltd, R (On the Application Of) v Secretary of State for Levelling Up Housing and</p>	<p>considers that further investigation by trial trenching would not change the outcome of the assessment.</p> <p>In common with established practice and to inform detailed design and routing decisions further archaeological investigations will take place prior to the commencement of development. This is described within the <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a>. Where appropriate, further evaluation will involve further geoarchaeological boreholes, geophysical survey and an extensive programme of archaeological trial trenching but may also include fieldwalking and test pitting. The <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> also sets out commitment C-225 to use engineering solutions (e.g. narrowing of the construction corridor, divert onshore cable route within proposed DCO Order Limits), in addition to measures already taken within the design process, to minimise impacts to previously unknown archaeological remains of high heritage significance along the onshore cable route. For example, flexibility has been sought in the width of the proposed DCO Order Limits where it passes west and north of Blackpatch Hill within an area of high archaeological potential to allow the detailed design to take account of further archaeological evaluation to inform the location of the final onshore cable corridor. This provides the potential to avoid areas of archaeological remains identified during further survey work. Options include:</p> <ul style="list-style-type: none"> <li>• detailed routing of the 40m-wide 'working width' following further investigations, where topsoil will be stripped under archaeological supervision, to avoid impact to archaeological remains;</li> <li>• reduction of the working width to 20m in places and relocating soil storage areas to avoid impact to archaeological remains; and</li> <li>• the use of track matting or such within the working width to protect archaeological remains immediately beneath the topsoil from the movement of plant within the working width.</li> </ul> <p>Taken together, the proposals for the further survey, avoidance measures, and mitigation by archaeological recording where appropriate (in addition to the design measures adopted in the routing) represent a</p>



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			Communities & Anor [2024] EWHC 770 (Admin) (05 April 2024) (bailii.org) para. 49).	<p>comprehensive approach to the minimisation and mitigation of effects on below ground archaeological remains and would be secured through Requirement 19 of the <a href="#">Draft Development Consent Order [REP3-003]</a> and would ensure that such harm would not exceed that which is described in <a href="#">Chapter 25: Historic environment, Volume 2</a> of ES <a href="#">[PEPD-020]</a> (updated at Deadline 4).</p> <p>The Applicant has provided a response to Issue Specific Hear 2 Action Point 59 (Low Carbon Solar Park 6 Limited) at Deadline 4 in Appendix B within <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70)</a>.</p>
<b>MI Minerals</b>				
<b>MI 1.1</b>	<p><i>Mineral Resource Assessment and Mitigation Measures to Safeguard Minerals</i></p> <p><b>West Sussex CC</b></p> <p><b>SDNPA</b></p>	<p>West Sussex CC expresses concern in its LIR [REP1-054] about the mitigation measures proposed by the Applicant to safeguard minerals. West Sussex CC state that the Applicant's proposed mitigation measure is a Commitment, secured through the OCoCP [APP224], for the Applicant to produce a Minerals Management Plan (MMP) that is prepared prior to construction. The SDNPA support this concern in their LIR [REP1-049] raising that the Applicant has not yet provided a Minerals Management Plan (MMP). Additionally, West Sussex CC believes the submitted OCoCP is lacking in detail. The Applicant has provided information on minerals in Chapter 24: Ground conditions, Volume 2 of the ES [APP-065]. The Applicant has responded in</p>	<p>WSSCC has sought a Mineral Resource Assessment, and the Applicant has stated that it not possible for a detailed minerals assessment to be provided as part of Chapter 24: Ground Conditions, Volume 2 of the ES [APP-065] at this stage. It is evident minerals sterilisation will occur. As required by JMLP Policy M9 the Applicant must therefore demonstrate that there is an overriding need for the development that outweighs the safeguarding of the mineral and demonstrate that prior extraction is not practicable or environmentally feasible. The Applicant has provided little information to demonstrate whether prior extraction would be practicable/feasible, stating that in the absence of detailed ground investigations, this is not possible at this stage. Nonetheless, WSSCC recognise that the narrow corridor over which the Project would take place, and limited extent of any deeper excavations, are such that substantial prior extraction of minerals is unlikely to be feasible. Further, it is recognised that upon decommissioning, that underlying minerals would be again available and thus permanent sterilisation avoided. The ExA will need to be satisfied that prior extraction is not practicable or environmentally feasible, and it is recommended that further information is sought setting to demonstrate this, prior to</p>	<p>The Applicant and West Sussex County Council (WSSCC) held a meeting on 23 April 2024. At this meeting, WSSCC acknowledged that having considered the Applicants response a full Minerals Resource Assessment would be difficult to achieve and therefore a proportionate response should be provided. It was agreed that more detail can be provided to confirm that safeguarded minerals will not be treated as waste material. WSSCC requested confirmation to be provided on the Applicant's position that prior extraction is not feasible and clarity to be provided that minerals would not be considered in the same way as other excavated materials (which are covered by the current procedure within the <a href="#">Outline Code of Construction Practice [REP3-025]</a>). If specific measures are required to manage minerals encountered along the cable route, WSSCC requested that these be considered separately in the Materials Management Plan (MMP) which will form part of the Code of Construction Practice (CoCP).</p> <p>Following the meeting the Applicant has considered the request and undertaken a further review of construction practices for the cable route. The Applicant can confirm:</p> <p>The Applicant will not treat any mineral encountered as waste. The construction process will follow common construction practice in re-using the subsoils or minerals excavated during the cable corridor works, within the construction and reinstatement of the temporary construction corridor, chiefly through the backfilling and reinstatement of the cable trenches. It is expected that</p>

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		<p>[REP2-020], explaining why they could not produce a MMP at this stage and that the information provided is proportionate with proper consideration based on the information available and, where appropriate, considers worst case scenarios.</p> <p>Explain whether agreement been reached on this issue of:</p> <p>a) the timing of the provision of a MMP and</p> <p>b) the level of detail in the OCoCP.</p> <p>If there are outstanding concerns, provide details of further information that the Applicant should provide.</p>	<p>determination. In addition, should substantial prior extraction be demonstrated not to be possible, the Applicant must ensure that any minerals directly encountered during construction are not needlessly sterilised and provision made for their use where practicable. In this regard, of principal concern to WSCC is ensuring that due and proper consideration is given to mineral safeguarding through the OCoCP, and that appropriate mitigation measures are in place, as required by Paragraph 5.11.28 of EN-1. As a minimum, to demonstrate compliance with Policy M9 of the JMLP, the Applicant must implement measures to ensure that any mineral resource directly encountered as part of construction works, is appropriately re-used within the Project or made available for external use. No consideration as to the potential for such uses (e.g. use of sand as a bedding material/use of clay in engineering works) has been explored or considered.</p> <p>a) The overarching Material Management Plan (not a focused Minerals Management plan as referred to by the ExA), an outline version of which has not been provided, will be prepared by the Applicant at construction phase, as required by the OCoCP (PEPD-033) (see 14.4 REP2-020). WSCC are content that a MMP is prepared and approved in advance of the construction phase, and that WSCC, as the Mineral Planning Authority, are a consultee to matters related to mineral safeguarding.</p> <p>b) However, the level of detail within the OCoCP is currently lacking, and no agreement has been reached between the Applicant and WSCC. No updates have been proposed by the Applicant to the OCoCP (PEPD-033), as suggested in the WSCC LIR submission (REP1-054). Without any reference to safeguarded minerals in West Sussex, relevant policies, or local issues, within the OCoCP, it is unlikely that the MMP would give proper</p>	<p>all materials excavated will be replaced in the same general location that they were excavated from.</p> <p>The Applicant confirms that full scale prior extraction is not feasible for the following key reasons: For the sand and gravel minerals safeguarding area, in the meeting on 23 April 2024 WSCC acknowledged that the thin, linear nature of the cable corridor would make prior extraction of the full thickness of the potential sand resource (possibly up to 40m thick) very difficult to achieve. This is due to the limited size of the working area available and the need to provide appropriate slope angles on the extraction faces to maintain land stability. This is particularly relevant where the cable route runs adjacent to the A283. In addition, if prior extraction to any depth was achievable this would leave an open pit as a void in the landform. The backfilling of this open pit, with the amount of fill required, the transport required to deliver this backfill material and the workings needed to both extract and fill this area are not considered to be sustainable. Detailed drainage and long-term water management considerations associated with the backfilled pit would need to be undertaken. Alternatively, not filling the void and leaving an open pit feature in-situ with the cable laid within would result in significant landscape and visual impacts in the South Downs National Park. Leaving this mineral in-situ therefore provides a more sustainable approach with minimal disturbance. Complete extraction of potential minerals / aggregate materials underneath the easement corridor exclusively from within the Applicant's permanent easement corridor is technically and economically unfeasible.</p> <p>For brick clay, BGS borehole information is not available along the route itself (except for a single record). Looking at BGS borehole records across the wider area, clay deposits vary in thickness and depth from the surface. Where thick clay deposits exist, full scale prior extraction is considered unlikely to be feasible due to the same reasons as sand (the depths involved (40m or more), width of corridor and voids needing to be filled). In other places, overburden could be so deep as to mean the clay is not touched by the construction works. Clay would also be replaced in the locations it is</p>

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			<p>consideration to mineral safeguarding. The Applicants focus is on applying the CL:AIRE (2011) Definition of Waste Code of Practice (DoWCoP), which is focused on management of excavated materials, however do not address safeguarding minerals.</p> <p>The Applicant has not addressed the principal concerns raised by WSCC and the OCoCP and the information contained therein about a future MMP is limited, with no reference to mineral safeguarding or relevant policies. Without this, there is no mechanism to consider mineral safeguarding at the construction phase. The Secretary of State, as the decision maker for the Project, will need to be satisfied if there is an overriding need for the Project that outweighs the safeguarding and demonstrates that prior extraction is not practicable or environmentally feasible.</p>	<p>encountered, in the same manner as described for sand.</p> <p>The management of minerals encountered along the route (whether in the Minerals Safeguarding Area (MSA) areas or elsewhere) during the construction works will be managed by the proposed MMP within the stage specific Code of Construction Practice as outlined in Commitment C-69 (<a href="#">Commitments Register [REP3-049]</a>) and included in the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (secured via Requirement 22 within the <a href="#">Draft Development Consent Order [REP3-003]</a>).</p> <p>Within the MMP it is proposed that a separate section on minerals is provided (as per the addition of Section 4.13 in the Outline CoCP at Deadline 4), to differentiate these materials and the approach to their management from the other excavated materials. This minerals section would provide the following information:</p> <ul style="list-style-type: none"> <li>• How minerals will be identified and differentiated from other sub-soil materials to be excavated, to determine if they do exist (quantity and quality) within the excavations undertaken.</li> <li>• How any identified minerals will be extracted and stored to ensure that they are kept separate from, and not sterilised through contamination with, other materials;</li> <li>• How the stored minerals will then be re-used in the cable construction and reinstatement works to minimise their mixing with other excavated materials being replaced; and</li> <li>• Should there be any minerals available following the construction and reinstatement works, how other options for the re-use of this material, either within, or outside the development, will be considered and implemented, as per the WSCC Safeguarding Guidance and subject to agreement with the minerals rights owner.</li> </ul> <p>In this way, all minerals encountered will either remain available for future extraction after the operational phase of the Project is complete or be used as a resource and are therefore safeguarded from permanent sterilisation.</p>



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				<p>The contents of the MMP will therefore be compliant with section 5.11.28 of EN-1, as it provides appropriate mitigation measures to safeguard all mineral resources (whether found in MSAs or elsewhere).</p> <p>The contents of the MMP will also show accordance with Policy MP9(b) of the West Sussex Joint Minerals Local Plan, in that it will confirm that the cable construction, as a non-minerals development within a MSA, will not permanently sterilise the minerals resource identified. The MMP will also confirm that the position identified within the Planning Statement (APP-036) also remains relevant: that the demonstrable, overriding and urgent need for the Project outweighs the temporary sterilisation of the minerals during the construction and operational phases of the Proposed Development.</p>
<b>NV Noise and Vibration</b>				
<b>NV 1.6</b>	<i>Onshore Substation</i> <b>West Sussex CC</b>	Respond to the Applicant's response contained in [REP2-020] to the issues raised in the LIR [REP1-054] with regard to the impact of operational noise and vibration from the onshore substation on residential receptors and receptors using PRowS. List any outstanding concerns and provide recommendations for addressing them.	Given the technical nature of Noise and Vibration Assessment, WSCC defer to Environmental Health Officers to provide detailed comments in respect of noise and vibration impacts. Nonetheless, WSCC would make the following observations in response to the Applicant's response contained in (REP2-020). In general terms, the Applicant focuses on mitigation of noise impacts which it considers would be 'significant' in EIA terms. In principle, any adverse noise impacts should be minimised and mitigated as far as practicable, regardless of whether they may be deemed significant in EIA terms. The Applicant seemingly suggests that significant night-time noise impacts at residential receptors as being only those with the potential for health effects due to sleep disturbance. This is a high bar, may not be considered to accord with recognised standards and discounts the potential for adverse noise impacts below this level, which	<p>Potential adverse noise and vibration effects are minimised and mitigated through design of the onshore cable route, through implementation of embedded environmental measures (Table 21-20 of <b>Chapter 21: Noise and vibration, Volume 2</b> of the Environmental Statement (ES) [PEPD-018]) and application of best practice measures (Section 5.2 within the <b>Outline Noise and Vibration Management Plan [REP3-054]</b>). The Applicant considers that this approach is in line with the Noise Policy Statement for England<sup>1</sup> (Department for Environment, Food and Rural Affairs, 2010) and Planning Practice Guidance Noise<sup>2</sup> (Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government (2019).</p> <p>The Applicant considers that for night-time noise, the onset of sleep disturbance (in line with World Health Organisation (WHO) Night Noise Guidance for Europe (ANC) (2009)) is the appropriate criterion for determining observable adverse effects (Paragraph 21.8.18 within <b>Chapter 21: Noise and vibration, Volume 2</b> of the ES [PEPD-018]). This is a standard</p>

<sup>1</sup> Department for Environment, Food and Rural Affairs (Defra), (2010). *Noise policy statement for England*. [Online] Available at: <https://assets.publishing.service.gov.uk/media/5a7956e0ed915d0422067947/pb13750-noise-policy.pdf> [Accessed 28 May 2024].

<sup>2</sup> Department for Levelling Up, Housing and Communities (DLUHC) and Ministry of Housing, Communities & Local Government (MHCLG), (2019). *Planning Practice Guidance: Noise*. [Online] Available at: <https://www.gov.uk/guidance/noise--2> [Accessed 28 May 2024].



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			<p>is of some concern. BS4142 suggests that the greater the noise level above background, the greater the magnitude of impact, and that a difference of +5dB is likely to be an indication of an adverse impact, depending on the context. Given the existing low background noise levels in the area, it therefore remains of concern that noise limits are set at +5dB above background (as specified in the Design and Access Statement (AS-003) (and secured by Requirement 29 of the Draft Development Consent Order. It is considered that proposed threshold rating levels at sensitive receptors proximate to the substation should be set closer to existing background levels to minimise the potential for adverse impacts. Regarding physical noise mitigation measures at the Oakendene substation, the Applicant focuses on only providing mitigation that would ensure proposed Design and Access Statement (AS-003) limits are achieved (i.e. those which give rise to significant impacts). WSCC recognise a balance must be struck between potential landscape/visual/ecological impacts of any physical noise mitigation measures against the benefits of noise attenuation. However, the Applicant has provided no evidence to support the claims that; there is limited scope to alter noise through optimising the layout; that the physical size of any such measures would be preventative; they would result in restrictive cost burdens; and that any benefits would unlikely be appreciable. It is therefore recommended that additional information on potential physical noise mitigation measures be provided, and the benefits/disbenefits assessed. This would enable determination as to whether good design has been demonstrated through "selection of the quietest cost-effective plant available; containment of noise within buildings wherever possible; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission" in accordance with NPS EN-1 paragraph 5.11.8.</p>	<p>approach and considering mitigation for sound levels below the onset of observable adverse effects, is considered by the Applicant to be an unreasonably onerous requirement.</p> <p>There is no published evidence to support specifying a rating level below 35dB <i>outside</i> at night. A rating level of 35dB <i>outside</i> and below are equivalent in terms of protecting the amenity of occupier. Specification of a rating level below 35dB <i>outside</i> at night does not provide additional benefit to the occupier.</p> <p>Layout design principal L5 within Table 2-1 in the <b>Design and Access Statement [REP3-013]</b> states that '<i>Opportunities to reduce the operational noise impact through equipment selection, shielding of equipment or location of equipment will be considered at detailed design</i>'. Section 3.8 within the Design and Access Statement provides further information on the attenuation of operational noise. Commitment C-231 (<b>Commitments Register [REP3-049]</b>) ensures that the detailed substation design will be built and operated such that the Rating levels (noise emissions plus any character correction) do not exceed the outlined noise levels at the private amenity space associated with the closest residential receptors. This is secured via Requirements 8 and 29 within the <b>Draft Development Consent Order [REP3-003]</b>. Bunds and noise barriers will be of little practical use in this context, as much of the noise-generating equipment is at high level (onshore substation equipment is widely distributed) and receptors are a reasonable distance from the onshore substation (minimum 200m). As the sound levels are below observable adverse effect levels (see Paragraph 21.10.22 within <b>Chapter 21: Noise and vibration, Volume 2</b> of the ES [<b>PEPD-018</b>]) mitigation should not be required.</p> <p>The noise assessment presented in Paragraphs 21.10.22 to 21.10.27 within <b>Chapter 21: Noise and Vibration, Volume 2</b> of the ES [<b>PEPD-018</b>] has determined no significant observable adverse effects.</p> <p>Application of any requirements to achieve additional reduction in noise would be unreasonable and not in line with the Noise Policy Statement for England (Department for Environment, Food and Rural Affairs (Defra), 2010).</p>

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			<p>As noted in WSCC LIR (REP1-054) consideration could be given to requiring this detail as part of Requirement 8 of the Draft Development Consent Order (PEPD-009) and/or updates to the design principles and information contained within the Design and Access Statement (AS-003). It is apparent that the Applicant has not undertaken any detailed assessment of the potential operational noise impacts upon users of PRow (including Footpath 1786 that would pass immediately alongside the southwest corner of the Oakendene substation). The conclusion of no significant noise impacts on PRow has not therefore been robustly demonstrated. Further, even if a noise impact upon a PRow were not 'significant' in EIA terms, it may still result in impacts upon the amenity value of PRow the noise environment being part of its amenity and enjoyment value) that would inevitably be the case here. Although it is recognised that any impacts on PRow would be transitory, the ExA will need to be satisfied that sufficient information has been provided on permanent noise impacts on users of PRow has been provided and that and all reasonable mitigation measures have been proposed to reduce or offset those impacts (e.g. physical mitigation measures and securing funding for enhancement of other PRow in the locality).</p>	<p>The Applicant notes that the only element of the works likely to give rise to onshore operational noise is the onshore substation at Oakendene.</p> <p>Operational sound levels from the substation are unlikely to be significantly higher than ambient residual levels during the daytime, when transient users of the public right of way (PRow) may be passing the onshore substation. Particularly in the context that the area is close to a cluster of operational manufacturing units.</p> <p>The Applicant considers that users of the PRow would not be close to the substation such that operational noise would dominate at their position for more than five minutes. When time corrections (British Standard 4142 has a reference time interval of 1 hour during the day) are applied to the rating level, negligible levels are expected irrespective of the underlying background.</p> <p>As such, the Applicant does not consider that an adverse impact on any PRow is likely from operational noise.</p>
<b>PH Public Health</b>				
<b>PH 1.1</b>	<i>Potential Damage to Utilities</i>	Respond on the provisions made by the Applicant with respect to action to be taken in the event of damage to utilities in the emergency planning section of the OCoCP [PEPD-033].	WSCC acknowledge the insertion of damage to utilities, as an anticipated hazard that will be included within the emergency planning procedures that are yet to be developed. WSCC would appreciate that once written the emergency procedures are shared with multi-agency responder partners to facilitate multi-agency response planning.	The Applicant welcomes West Sussex County Council's acknowledgement of the provisions made by the Applicant with respect to action to be taken in the event of damage to utilities in the emergency planning section in the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated of Deadline 4).
	<b>West Sussex CC</b>			
<b>SLV Seascape and Landscape and Visual</b>				
<b>SLV 1.10</b>	<i>Nighttime Viewpoint Assessments</i>	Given the Applicant's Mid-examination Progress	WSCC welcomed the submission of the	The Applicant welcomes West Sussex County Council's agreement with the night-time viewpoint assessments

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	<b>West Sussex County Council</b>	Tracker [REP2-013], in the context of the original assessment at Appendix 15.5 Volume 4 of the ES (APP-161) supplemented by night-time viewpoint assessment (PEPD-024), confirm whether night-time viewpoint assessments are now sufficient to enable an appropriate consideration of the environmental effects.	supplemented night time assessment (PEPD-024) which was missing from the ES submission. WSCC agrees with the assessment undertaken for both VP 10 and VP 13 within the document, although the assessment seems to omit the figures which support the assessment findings (15-35j-r and 15-38 j-r). The Applicant has provided these to WSCC, but WSCC requests these are submitted into the examination. The assessment concludes there is a moderate adverse effect on night time views from Pagham Harbour (VP 13). The continued view of WSCC is of concern regarding the size and scale of the turbines proposed. Consideration should be given to an offshore layout that has an overall potential for lesser impacts upon West Sussex, for both day and night time views.	undertaken for viewpoint (VP) 10 (Worthing) and VP13 (Pagham) outlined in <a href="#">Appendix 15.6: Supplementary night-time viewpoint assessment, Volume 4</a> of the Environmental Statement (ES) [PEPD-024]. The Applicant notes that the omitted figures which support the assessment findings within <a href="#">Appendix 15.6: Supplementary night-time viewpoint assessment, Volume 4</a> of ES [PEPD-024] (Figure 15-35j-r and 15-38 j-r), have since been provided to West Sussex County Council and have been submitted into the Examination at Deadline 3 ( <a href="#">Deadline 3 Submission – Viewpoint 10: Worthing sea front promenade (Night) [REP3-062]</a> and <a href="#">Deadline 3 Submission – Viewpoint 13: Pagham Beach (Night) [REP3-063]</a> ).
<b>TA Traffic and Access</b>				
<b>TA 1.1</b>	<i>Traffic Assessment Methodology</i> <b>West Sussex CC</b> <b>National Highways</b>	Are you content with the technical note submitted by the Applicant at D2 [REP2-017] comparing the Institute of Environmental Management and Assessment (IEMA) Guidelines: 'Environmental Assessment of Traffic and Movement' (EATM 2023) and the 'Guidelines for the Environmental Assessment of Road Traffic' (GEART 1993) and the conclusions reached with respect to the assessment of the Proposed Development using EATM 2023? If not, explain your concerns including your reasoning.	WSCC has reviewed the Applicants technical note (REP2-017). WSCC are satisfied that in light of the two rules applied to determine the scope of the study area remaining unchanged between the 1993 GEART and 2023 EATM documents that the scope of the Applicants assessment remains acceptable. It is noted that the main differences between the GEART 1993 and EATM 2023 is to update best practice with respects to the determination of certain impacts. WSCC are satisfied that the conclusions reached by the Applicant remain appropriate.	The Applicant welcomes West Sussex County Council's acknowledgement and agreement that the Applicant's assessment conclusions remain acceptable in light of the Guidelines for the Environmental Assessment of Road Traffic (GEART) 1993 guidance being updated to the Environmental Assessment of Traffic and Movement (EATM) in 2023.
<b>TA 1.2</b>	<i>Traffic Assessment Methodology</i> <b>West Sussex CC</b>	State whether there is agreement with the methodology, baseline data and predicted traffic movements used to assess	The Applicant and WSCC have had extensive pre-examination discussions to agree the assessment methodology and suitability of the baseline data used within ES Volume 2 Chapter 23 Transport (APP-064) and the	The Applicant welcomes WSCC's confirmation that the assessment methodology and baseline traffic data used within <a href="#">Chapter 23: Transport</a> , Volume 2 of the ES [APP-064] and <a href="#">Chapter 32: ES Addendum</a> , Volume 2 of the ES [REP1-006] is agreed.

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		<p><b>National Highways</b></p> <p>traffic and transport impacts in ES Volume 2 Chapter 23 Transport [APP-064] and ES Volume 2 Chapter 32 ES Addendum [REP1-006]. Identify outstanding issues, if any, and how they should be addressed.</p>	<p>subsequent Chapter 23 ES Addendum (REP1-006). These matters are agreed. However through the WSCC LIR (REP1-054, Appendix C, point 5.1.4), WSCC has requested further clarity in terms of the calculation of Project vehicle movements. Whilst further information is included within the Applicants response to the WSCC LIR (REP2-020), the response is still high level. WSCC acknowledge that vehicle movements are based upon estimates of materials required and the duration of activities, but it would still be beneficial for some scrutiny to be applied to the calculations of these movements given they are underpinning the transport assessment. Given that estimates are also being used, it's presumed that some margin for error will be included within the calculations.</p>	<p>The construction traffic calculations used within <a href="#">Appendix 23.2: Traffic Generation Technical Note [REP3-021]</a>, <a href="#">Chapter 23: Transport</a>, Volume 2 of the ES [APP-064] and <a href="#">Chapter 32: ES Addendum</a>, Volume 2 of the ES [REP1-006] are based on the Proposed Development's outline design to date. Due to this, a highly conservative approach has been taken to assess the worst-case scenario for potential traffic impacts. The traffic calculations are sensitive to certain activities, for example the construction of temporary accesses and haul roads along the cable corridor will require the import and then export (on reinstatement) of stone for the temporary surface. For these activities conservative values have been used to determine the traffic volumes.</p> <p>In the case of the temporary accesses and haul roads, a conservative average 6m width has been assumed to calculate the volume of stone and therefore the associated HGV movements. The width of a large proportion of the temporary accesses and haul roads will be less than this and include appropriately spaced passing places. It is noted that construction and reinstatement of temporary accesses and haul roads account for one third of all HGV movements on public roads (cable route and substation). Therefore, a reduction in average width will impact the HGV movements across the Project.</p> <p>Stone volumes required for the base of the temporary construction compounds are calculated on the compound areas presented in the works plans at each location. The size of each compound will be smaller than these allocated areas (which also allow for soil storage, drainage etc).</p> <p>The same conservative approach has been taken with LGVs. Workers travelling to site are assumed to travel to the compounds individually (1 occupant per car) and then travel 5 occupants per minibus to site. However, car sharing and even hotel pickups are common practice and the Applicant will seek to arrange this to reduce the number of light vehicle journeys across the Project.</p> <p>During detailed design the traffic volumes will be able to be refined taking into account detailed design of crossings, the exact cable route, known Contractor</p>



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				equipment, manpower requirements and required compound sizes. The Applicant is confident that the traffic volumes calculated and used within <a href="#">Appendix 23.2: Traffic Generation Technical Note [REP3-021]</a> , <a href="#">Chapter 23: Transport</a> , Volume 2 of the ES <a href="#">[APP-064]</a> and <a href="#">Chapter 32: ES Addendum</a> , Volume 2 of the ES <a href="#">[REP1-006]</a> are conservative and that refinement will reduce the traffic numbers.
<b>TA 1.8</b>	<i>Accesses</i> <b>West Sussex CC</b>	The Applicant provided responses to the comments you made in Table 1a of the LIR <a href="#">[REP1-054]</a> on construction and operational accesses in <a href="#">[REP2-020]</a> . Confirm if the responses have addressed the concerns and if there are any outstanding issues, with recommendations on how they should be addressed.	The Applicant's responses are noted. For a significant number of the points raised by WSCC, the Applicant is intending to provide further information during the Examination. WSCC will review the additional information relating to these points when available. WSCC would ask the Applicant to clarify their comment regarding access A-24. WSCC's request was whether A-24 needs to be a light construction and operational access given the nearby availability of A-22 and A-23. The Applicant's response references A-23 being unsuitable for construction purposes. However this is immediately adjacent to A-22, which is being used for construction. It remains unclear why A-24 is needed when the majority of construction traffic will use A-22.  At present, there are a significant number of points that remain outstanding.	The Applicant notes that access A-24 is identified for operational purposes within Work No. 15, shown on Sheet 7 of the <a href="#">Onshore Works Plans [PEPD-005]</a> . Noting the proximity to construction accesses A-21 and A-22 it is agreed that construction access will not be required at access A-24.  The <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> has been at Deadline 4 to reflect this correction.  The Applicant can confirm that this amendment does not impact the assessment included within <a href="#">Chapter 32: ES Addendum, Volume 2</a> of the Environmental Statement (ES) <a href="#">[REP1-006]</a> .
<b>TA 1.14</b>	<i>Assessment of Traffic Effects</i> <b>West Sussex CC</b>	Provide comments on the Applicant's response to issues raised by CowfoldvRampion on the assessment of the effects of the Proposed Development on traffic in the Cowfold area in its WR <a href="#">[REP1-089]</a> contained in section 10 of Appendix A <a href="#">[REP2-030]</a> . Confirm whether all the issues raised have been adequately addressed, subject to the agreement of a traffic management plan	The concerns raised by CowfoldvRampion and the subsequent response by the Applicant are noted. It is perhaps for the ExA to determine whether the concerns raised have been addressed.  WSCC have separately identified issues regarding traffic and traffic management in the Cowfold area (including the use of Kent Street, the Oakendene compound, and the substation) within the LIR. Some of these are common issues with those identified in the CowfoldvRampion submission. Regarding these points, <ul style="list-style-type: none"> <li>As noted within the WSCC response to TA 1.8, information is awaited from the</li> </ul>	The Applicant has provided a separate response to each bullet point below:  A traffic management Strategy for Kent Street was submitted at Deadline 3 as Appendix D of the <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> . Following a meeting held with West Sussex County Council on the 09 May and Issue Specific Hearing 2, the Applicant has updated the proposed traffic management strategy for Kent Street Construction Accesses A-26, A-28, A-61 and A-64 Traffic Management Strategies included within Appendix D of the <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> updated at Deadline 4.

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		<p>for Kent Street and the design of the accesses to the substation site and Oakendene temporary construction compound.</p>	<p>Applicant concerning traffic management measures for Kent Street, the Oakendene compound and the proposed substation location. These issues consequently remain outstanding.</p> <ul style="list-style-type: none"> <li>• Commitments have been made by the Applicant to avoid routing HGVs through Cowfold unless these are accessing access A-56 and A-57. WSCC are content that the Applicant has sought to reduced HGV movements through Cowfold. It may be possible to further restrict HGVs to avoid the network peak times through phase specific construction management plans.</li> <li>• The Applicant has indicated within their response to the WSCC LIR that the number of HGVs accessing Kent Street, the Oakendene compound and the substation during network peak times will be low, and that as such measures are not required to limit movements during these times. WSCC accept that the movements will be low but would still request that HGV movements are restricted during the peak hours given the potential for interactions with other traffic.</li> <li>• The Applicant in their response to CowfoldvRampion have ruled out the possibility of using an off-site HGV holding area (REP2-030, paragraph 10.6). It is unclear how this conclusion has been arrived at given that traffic management measures are still being prepared. The use of a holding area in principle may well be required for HGVs accessing Kent Street.</li> <li>• Matters raised by CowfoldvRampion concerning air quality should be posed to Horsham District Council.</li> </ul> <p>Overall, it is considered that there are still issues to be addressed primarily regarding traffic management.</p>	<p>The Applicant has also prepared preliminary designs for Access A-62 (Oakendene compound) and Access A-63 (Oakendene substation) and started the Stage 1 Road Safety Audit (RSA) for these ahead of Deadline 4. Once completed the Applicant will share RSA reports with West Sussex County Council with an aim of reaching an agreement in principle of the layout of these junctions before the end of the Examination.</p> <p>The Applicant welcomes WSCC's acceptance of the peak hour restrictions at access A-56 and A-57. The use of the Delivery Management System detailed within the <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> provides an opportunity to further limit peak hour movements through booking of heavy goods vehicle (HGV) delivery slots outside of peak periods. Notwithstanding this, the Applicant will give further consideration of additional peak hour limit on HGV movements and update the <a href="#">Construction Traffic Management Plan [REP3-029]</a> as necessary before the end of the examination. Any further restrictions however will need to be considered in relation to practicality and impacts on the construction programme, noting also restrictions on construction traffic movements during construction shoulder hours.</p> <p>The Applicant has concluded that an HGV holding area is not required given that the Oakendene temporary construction compound and Oakendene substation are accessed directly from the A272. The A272 forms part of West Sussex County Council's (WSCC) lorry route network and is therefore considered appropriate to cater for HGV construction traffic associated with the Proposed Development. In comparison, the main compound for Rampion 1 was located on Wineham Lane which is not included on WSCC's lorry route network and required management of HGVs turning to / from the A272.</p> <p>In relation to air quality to the Applicant has not further comments at this time.</p> <p>With regards to outstanding issues, the Applicant will continue to discuss these with WSCC and remains confident that these will be resolved prior to the end of the examination.</p>

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TE 1.10	<p><i>Protected Species - Hazel Dormouse</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>Relevant Planning Authorities</b></p> <p><b>The Environment Agency</b></p> <p><b>SDNPA</b></p>	<p><b>The Applicant</b></p> <p>a) The ExA requests an update to the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to hazel dormouse, [PEPD-030] Environmental Statement Volume 4, Appendix 22.19: Hazel dormouse report 2023 Date: January 2024 Revision A.</p> <p>b) State whether the Best Practice Guidelines outlines in 'The Dormouse Conservation Handbook, Second Edition', have been adhered to. If not, has a detailed justification been provided? If not, the ExA requests that one is provided.</p> <p>c) State if the information this new report provides changes any of the conclusion in the Terrestrial Ecology chapter of the Environmental Statement [APP-063]</p> <p>d) State whether the survey location sites for hazel dormouse have been updated in light of changes to the proposed cable route. Have survey sites been updated in line with best practice?</p>	<p>e) WSCC is satisfied with the level of surveys undertaken for hazel dormouse to date and notes that further pre-construction surveys will be undertaken as per Commitment C-232.</p>	<p>The Applicant welcomes the comment from West Sussex County Council that they are satisfied with the level of surveys undertaken for hazel dormouse and the acknowledgement that that further pre-construction surveys will be undertaken as per commitment C-232 (<a href="#">Commitments Register [REP3-049]</a>) (updated at Deadline 4).</p>



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TE 1.11	<p><i>Protected Species - Bat Surveys</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>Relevant Planning Authorities</b></p> <p><b>The Environment Agency</b></p> <p><b>SDNPA</b></p>	<p><b>Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA</b></p> <p>e) Confirm if the surveys undertaken by the Applicant and proposed mitigation measures for hazel dormouse described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for hazel dormouse?</p> <p><b>The Applicant</b></p> <p>a) The ExA requests an update to the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to bat activities, [PEPD-029] Environmental Statement Volume 4, Appendix 22.18: Passive and active bat activity report 2023 Date: January 2024 Revision A.</p> <p>b) State if the information this report provides changes any of the conclusions in the Terrestrial Ecology chapter of the Environmental Statement [APP-063] Natural England, the Environment Agency,</p>	<p>c) The current bat mitigation measures are insufficient. WSCC notes that whilst ten bat boxes will be provided at Oakendene substation, there is no mention of providing any elsewhere. WSCC recommends that bat boxes should be installed close to all locations where mature trees, or trees with bat roost potential, are to be removed. The new Commitment C-291 to be submitted by the Applicant at Deadline 3 will provide some additional mitigation measures for bats during the construction period through the use of straw bales, dead hedging or willow hurdles to plug temporary gaps in hedgerows. This is welcomed by WSCC.</p>	<p>The Applicant notes that West Sussex County Council welcomes the provision of the new commitment C-291 (<a href="#">Commitments Register [REP3-049]</a> submitted at Deadline 3) which provides additional mitigation measures for bats during the construction phase through the use of straw bales, dead hedging or willow hurdles to plug temporary gaps in hedgerows. This is secured via Requirement 22 within the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4).</p> <p>The Applicant notes that should any bat roosts require removal as part of the Proposed Development the provision of additional roosting features will be necessary in order to gain a European Protected Species (EPS) licence. Therefore, the recommendation from West Sussex County Council is being fulfilled.</p>

Ref	Question to:	Examining Authority Written Question	West Sussex County Council's reply	Applicant's response
		<p>Relevant Planning Authorities and SDNPA</p> <p>c) Confirm if the proposed mitigation measures for bats described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for bats.</p>		
<b>TE 1.28</b>	<p><i>Potential Terrestrial Ecological Impact</i></p> <p><b>The Applicant</b></p> <p><b>The Environment Agency</b></p> <p><b>Natural England</b></p> <p><b>Relevant Planning Authorities</b></p> <p><b>SDNPA</b></p>	<p><b>The Applicant</b></p> <p>a) The ExA requests the Applicant to state the estimated worst case duration range for construction activities for:</p> <ul style="list-style-type: none"> <li>i. a 1 kilometre (km) length of open cut cable corridor</li> <li>ii. a trenchless crossing of a watercourse, PRoW or small track</li> </ul> <p>b) The ExA requests the Applicant to provide worst case construction duration times marked on a plan in sections along the whole of the cable route, in as much detail as possible. For sections where the time of year construction is undertaken would be a significant consideration, such as sensitive ecological areas, mark on the plan which months or season the construction work is proposed to be undertaken.</p>	<p>c) There are particular ecological sensitivities along the northern end of the cable corridor, such as around Crateman's Farm, including the presence of breeding nightingale which may warrant seasonal restriction of work. i.e. Avoid March-July. Whilst this is already partly addressed by Commitment C-21, which states that vegetation removal will be scheduled over the winter period to avoid the bird breeding season, avoiding or minimising disturbance in these sensitive areas during March-July would be beneficial. Works within floodplains should avoid the period October-February inclusive to prevent disturbance to waterfowl. Whilst Commitment C-117 addresses this issue in Flood Zones 2 and 3 it may also be beneficial to apply this measure to flooded grassland along the Cowfold Stream.</p>	<p>The Applicant notes that West Sussex County Council's suggestions in answer to the Examining Authority's Written Question TE 1.28 would prohibit works between October and July, leaving only August and September to install the transmission cables. The Applicant does not consider this either reasonable or necessary in light of the Applicant's response to Examining Authority's Written Question TE 1.4 in Table 2-18 within <a href="#">Deadline 3 Submission – 8.54: Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p> <p>The Applicant has already committed to using trenchless crossing methods as a mitigation measure for watercourse crossings in the area of the Cowfold Stream as can be seen in the Crossing Schedule (Appendix A of the <a href="#">Outline Code of Construction Practice [REP3-025]</a>) associated with TC-26 and in doing so avoids works impacting the Flood-Zones in this area. Further seasonal restriction along the onshore cable route would likely significantly extend the construction programme, increase impacts to landowners, residents and the environment and increase the risk for the deliverability of the Proposed Development.</p>

Ref	Question to:	Examining Authority Written Question	West Sussex County Council's reply	Applicant's response
		<p><b>The Environment Agency, Natural England, Relevant Planning Authorities, SDNPA</b></p> <p>c) In addition to the Commitment made to seasonal restriction of construction work at Climping Beach (C-217), comment on whether there are any other sensitive areas within the onshore section of the Proposed Development where a seasonal restriction on construction work is required from an ecological perspective.</p>		
<b>TE 1.30</b>	<p><i>Impacts to Ecologically Important and Sensitive Sites: Climping Beach SSSI, Littlehampton Golf Course and Atherington Beach LWS, Sullington Hill LWS, and Ancient Woodland at Michelgrove Park and Calcot Wood.</i></p> <p><b>Natural England</b></p> <p><b>The Environment Agency</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Forestry Commission</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p>	<p>Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore Construction Method Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites. Provide a response to these proposed Requirements, stating any outstanding concerns.</p>	<p>WSSCC is generally satisfied with Requirements 22 and 23 in regards to ecology. It is, however, recommended that Michelgrove Park and Calcot Wood, both ecologically sensitive ancient woodlands, are specifically mentioned with the other ecologically sensitive sites in Requirement 23 (Onshore Construction Method Statement) Section 2(b). Errata: Requirement 23 of the draft DCO [REP2-002] Section 2(b) refers to 'Climbing' Beach SSSI. It should be Climping Beach.</p>	<p>The Applicant welcomes the comment that West Sussex County Council is generally satisfied with Requirements 22 and 23 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) with respect to terrestrial ecology.</p> <p>The Applicant notes that it is not considered necessary to mention Michelgrove Park and Calcot Wood within Requirement 23 (<b>Draft Development Consent Order [REP3-003]</b>) as the vegetation retention plans shown in Appendix B of the <b>Outline Code of Construction Practice [REP3-025]</b> are directly referenced in Requirement 22 of the <b>Draft Development Consent Order [REP3-003]</b> and commitment C-216 within <b>Outline Code of Construction Practice [REP3-025]</b> also ensures protection of ancient woodland.</p> <p>The Applicant confirms Requirement 23 within the <b>Draft Development Consent Order [REP3-003]</b> has been updated at Deadline 4 to refer to 'Climping Beach SSSI'.</p>

Ref	Question to:	Examining Authority Written Question	West Sussex County Council's reply	Applicant's response
TE 1.33	<p><i>Stage Specific Landscape and Ecological Management Plans (LEMPs)</i></p> <p><b>The Applicant</b></p> <p><b>The Environment Agency</b></p> <p><b>Local Authorities</b></p>	<p>The Applicant has stated in the OLEMP [APP-232] that:</p> <p><i>“stage specific LEMPs will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with this Outline LEMP for approval of the relevant planning authority, prior to the commencement of that stage of works. The stage specific LEMPs for the onshore substation and National Grid Bolney substation extension works shall be developed and submitted for approval alongside the detailed design of this infrastructure.”</i></p> <p><b>Applicant</b></p> <p>a) If a significant period elapses between the surveys undertaken for protected species and the start of construction, explain whether it is the intention to resurvey features prior to construction</p>	<p>b) WSCC would like to further understand what a ‘relevant’ stage of construction would be and how many stages are expected.</p> <p>c) Pre-construction surveys of protected species are to be conducted, as per the Commitments Register. However, should the Project, or part of the Project, be delayed by two or more years it may be necessary to repeat the original surveys. This will depend on the species, location and the potential impacts.</p>	<p>The Applicant notes that the number and extent of each construction phase stage would be determined during detailed design by the appointed contractor.</p> <p>Pre-construction surveys would be undertaken to fit the stages identified to ensure that the shelf life of data is not tested.</p>



Ref	Question to:	Examining Authority Written Question	West Sussex County Council's reply	Applicant's response
		<p>and would the findings be included in the updated stage specific Landscape and Ecological Management Plans.</p>		
		<p><b>The Environment Agency and Relevant Planning Authorities</b> b) Comment, if required, on the approach put forward by the Applicant regarding the stage specific LEMPs. Explain if concerns remain and what approach is recommended. c) Comment, if required, on the durations between surveys and construction.</p>		

**Table 2-2 Applicant's comments on South Downs National Parks Authority's responses to Written Questions (ExQ1) [REP3-071]**

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
COD	Construction, Operation and Decommissioning Matters			
COD 1.1	<p><i>Commitments Register</i></p> <p><i>Horizontal Directional Drilling (HDD)</i></p> <p><b>Natural England</b></p> <p><b>Environment Agency</b></p> <p><b>Forestry Commission</b></p> <p><b>South Downs National Park Authority (SDNPA)</b></p> <p><b>The Woodland Trust</b></p> <p><b>Sussex Wildlife Trust</b></p> <p><b>West Sussex County Council (West Sussex CC)</b></p> <p><b>Horsham District Council (Horsham DC)</b></p>	<p>Provide a response to the Applicant's statement in the Applicant's Responses to Relevant Representations, J3 [REP1-017] on page 416 that: "Commitment C-5 (<i>Commitments Register [APP-254]</i>) (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD-033] secured via Required 22 within the Draft Development Consent Order [PEPD-009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic WorstCase Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through amendment to the stage specific Code of Construction Practice and Crossing Schedule."</p> <p>Explain whether there are any remaining concerns on the</p>	<p>There still appears to be a gap between the Commitments Register [REP1-015] and the Outline Code of Construction Practice - Appendix A: Crossing Schedule [PEPD-033]. For the consistency and clarity, the SDNPA would like to see more explicit references to Sullington Hill and Michelgrove Park in the main body of both documents. It should however be noted that there is limited weight given to the Commitment Register, as it does not form a DCO Requirement or tied to a control document.</p> <p>Subject to the above point being addressed, there would be no concerns about the commitment to HDD or other trenchless technology. There remain concerns in respect of the ability to deploy these methods in some areas, which are discussed in our response at Appendix C.</p>	<p>The Applicant notes that commitment C-5 (<b>Commitments Register [REP3-049]</b>) was updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the <b>Outline of Construction Practice [REP3-025]</b> which is secured via Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p> <p>The Applicant has provided a further update to commitment C-5 in the <b>Commitments Register [REP3-049]</b> at Deadline 4 to reinforce that the works will be undertaken in accordance with the <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4) which includes the details of all features that are crossed by trenchless crossings as per Appendix A – Crossing Schedule within the <b>Outline Code of Construction Practice [REP3-025]</b>. Reference to requirement 6 (4) of the <b>Draft Development Consent Order [REP3-003]</b> has also been included in the <b>Commitments Register [REP3-049]</b> as a securing mechanism.</p> <p>The Applicant has updated the <b>Outline Code of Construction Practice [REP3-025]</b> explicitly referring to Sullington Hill and Michelgrove Park for further clarity on what has already been secured by commitment C-5 (<b>Commitments Register [REP3-049]</b>) at Deadline 4. The Applicant notes that reference to these two sensitive areas has been included in Requirement 23(2)(b) within the <b>Draft Development Consent Order [REP3-003]</b> at Deadline 4.</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
COD 1.7	<i>Decommissioning</i> <b>The Applicant</b> <b>MMO</b> <b>Natural England</b> <b>The Environment Agency</b> <b>Relevant Planning Authorities</b>	<p>reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].</p> <p><b>The Applicant</b></p> <p>Provide an Outline Decommissioning Plan for the offshore infrastructure, as requested by Natural England [REP2-038, Page 3]. Explain plans in place to follow the waste hierarchy at the decommissioning stage, particularly any plans on how the wind turbine materials might be reused or recycled.</p> <p><b>The Environment Agency / Natural England / MMO / Relevant Planning Authorities</b></p> <p>Comment on expectations for recycling or reuse of the wind turbine materials at the decommissioning stage</p>	<p>The SDNPA will await the comments from the applicant on this matter and respond at Deadline 4.</p>	<p>The Applicant acknowledges the comment from South Downs National Park Authority and notes the Applicant has responded to the Examining Authority's Written Question COD 1.7 within <a href="#">Deadline 3 submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p>
DCO	Draft Development Consent Order (Draft DCO) and Draft Deemed Marine License (Draft DML)			
DCO 1.4	<b>Part 2, Article 6</b> <b>The Applicant</b>	<p>In its LIR [REP1-049] the SDNPA considers the provisions of the National Parks and Access to the Countryside Act 1949 as updated by the Levelling Up and Regeneration Act 2023 to "seek to further" the purposes of the National Park should be conferred to the Applicant in</p>	<p>Whilst it is noted this question has been directed to the Applicant, the SDNPA hopes that the following comments are of some assistance to the ExA.</p> <p>The SDNPA considers that explicitly acknowledging this enhanced duty when taking on the powers normally held by statutory undertakers (e.g. Local Highway Authority) would address the concern. We therefore</p>	<p>Discussion of this matter was included in the Agenda for Issue Specific Hearing 2 (ISH2) <a href="#">[EV5-001]</a>, item 9(a). The South Downs National Park Authority agreed to re-consider this request, and whether an amendment to article 6 is required following additional discussion around the duty arising under section 11A of the National Parks and Access to the Countryside Act 1949, as amended by the Levelling Up and Regeneration Act 2023 (noted in Action Point 62, where reference to Article 5 is understood to be a reference to Article 6). The Applicant awaits the submission of the clarification at Deadline 4 for its consideration. The Applicant has also made related</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
		<p>this Article. The Applicant states [REP2-024] that it is already bound by s11A of the National Parks and Access to the Countryside Act 1949 and the NPS. Explain whether this response satisfies the initial concern and if not, justify further the need to amend Article 6 with suggested wording.</p>	<p>suggest the following wording – also included in Appendix B of this response.</p>	<p>submissions on the application of the s11A duty in its response to ISH2 Action Point 35.</p>
DCO 1.5	<p><i>Parts 3 and 4, Articles 11(7), 12(3), 13(2), 15(5), 16(9) and 18(7)</i></p> <p><b>Relevant Planning and Highway Authorities</b></p>	<p>West Sussex CC in its LIR [REP1-054] state that the 28-day time-period set out in Article 13(2) is insufficient.</p> <p>a) Confirm that the same time-period set out in the said Articles are adequate.</p> <p>Comment on the appropriateness of the deemed consent provisions in these (and possibly other) Articles and the Applicant's justification for such provisions as set out in response at Deadline 2 [REP22-022].</p>	<p>The SDNPA notes that in the latest draft DCO [REP2-002] the time-period set out in Article 13(2) has been updated to 45 days. The SDNPA considers it would appropriate to amend the other Articles to 45 days as well (NB Parts 3 and 4, Articles 11(7), 12(3), 13(2), 15(5), 16(9) and 18(7)).</p>	<p>Discussion of this matter was included in the Agenda for Issue Specific Hearing 2 [EV5-001], item 9(b). As confirmed in the notes submitted post hearing, the Applicant has confirmed that the change was made in response to the request made by West Sussex County Council in its Local Impact Report for a longer period to be provided for Article 13(2) in particular due to the specific need for multi-authority consultation. The Applicant maintains that in relation to the other articles, the time period for approval is appropriate as required to be given by a single authority.</p>
DCO 1.9	<p><i>Articles 32, 33, 43 and 44</i></p> <p><b>SDNPA</b></p>	<p>The LIR [REP1-049] considers the powers in these Articles to be imprecise and arbitrary. Justify further and set out wording for each article which would overcome the concern. Alternatively, confirm whether the Applicant's response at Deadline 2 [REP2-024] has satisfactorily answered the concern.</p>	<p>The applicant's response has provided some clarification, however we consider there remains ambiguity in what is allowed through this power. Please see further comments in Appendix B.</p>	<p>Discussion of this matter was included in the Agenda for Issue Specific Hearing 2 [EV5-001], item 9I. In response to questions from the Examining Authority, the South Downs National Park Authority confirmed that it will give further consideration to whether any changes are requested to these articles or whether any residual concerns relate to the control documents, as noted in Action Point 62. The Applicant awaits the submission of the clarification at Deadline 4 for its consideration.</p>
DCO 1.18	<p><i>Schedule 1, Part 3 Requirements 10, 12 and 16</i></p> <p><b>Horsham DC</b></p>	<p>Provide a response on the Applicant's amendments to the draft DCO submitted at Deadline 2 [REP2-002] in which the definition of</p>	<p>The SDNPA welcomes the clarity provided through this amendment.</p>	<p>The Applicant welcomes the comment from the South Downs National Park Authority.</p>



Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
	<p><b>Arun DC West</b></p> <p><b>West Sussex CC</b></p> <p><b>SDNPA Mid</b></p> <p><b>Sussex DC</b></p>	<p>“Commence” in Article 2 and a number of Requirements have been amended in respect to “carving-out” onshore site preparation works for the onshore Works.</p>		
DCO 1.19	<p><i>Schedule 1, Part 3 Requirement 14</i></p> <p><b>The Applicant</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>West Sussex CC</b></p> <p><b>SDNPA</b></p> <p><b>Mid Sussex DC</b></p>	<p>There are concerns from relevant planning authorities over the provisions of this Requirement and the reliance on the provisions contained within the Biodiversity Net Gain (BNG) Strategy Information document, Appendix 22.15 to Chapter 4 of the ES [APP-193]. The ExA notes the Applicant's responses to West Sussex CC [REP2-020] and SDNPA [REP2-024] in respect to the wording within the Requirement and the BNG Strategy Information document. However, the ExA is concerned that the BNG Strategy Information document may not contain the required evidence or clarity that BNG can be achieved, and accordingly Requirement 14 is not adequate in its current guise.</p> <p>Interested Parties are asked to review the questions contained in BD (below) and consider whether Requirement 14 needs amending and suggest appropriate wording.</p>	<p>Please see our responses to the questions in the Biodiversity and Terrestrial Ecology sections below. We consider that whilst the commitment to provide biodiversity net gain is welcomed (and enhancement of wildlife is expected within the National Park in any event), the harm to ecology has been obfuscated by the approach taken by the applicant. The SDNPA suggests that it may be appropriate to create two requirements to overcome the concerns; one to cover mitigation measures associated with net loss and the other to deliver appropriate biodiversity net gain. We support the revised wording suggested by WSCC in respect of BNG (copied below):</p> <p>14. (1). No stage of the authorised project within the onshore Order limits is to commence until each of the following has been approved in writing by the relevant planning authorities, including the South Downs National Park Authority:</p> <p>(i) A biodiversity net gain strategy for that stage which accords with the outline biodiversity net gain information comprising Appendix 22.15 of the Environmental Statement.</p> <p>(ii) The Applicant provided proof of purchase of all necessary biodiversity units from third party providers.</p> <p>(iii) At least 70% of the total number of biodiversity units as required for that stage of the development have been implemented on the ground according to the approved biodiversity net gain strategy and to the satisfaction of the relevant planning authority/authorities, including</p>	<p>The approach to securing biodiversity net gain was discussed under Agenda item 2(a) at Issue Specific Hearing 2 [EV5-001]. As was confirmed at the hearing and in the Applicant's post hearing submission, requirement 14 follows the approach adopted in the Hornsea Four Offshore Wind Farm Order 2023. For the recent Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, biodiversity net gain (BNG) was secured through a broader ecological management plan which in respect of BNG specifically was to reflect the BNG measures included in the environmental statement. The Applicant's approach is therefore consistent with previously made Orders and ensures that the strategy submitted for approval to the relevant local planning authority for each stage is consistent with <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement [REP3-019]. The content of this document addresses each of the points identified by West Sussex County Council as supported by the South Downs National Park Authority. Further details are set out in the Applicant's Post Hearing Submission - Issue Specific Hearing (<b>Document reference 8.68</b>).</p> <p>It is the Applicant's position that the definition of 'relevant planning authority' in the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) already incorporates South Downs National Park Authority; pursuant to Section 4A of the Town and Country Planning Act 1990 following establishment of a National Park authority it is to be the sole local planning authority for the area of the park. It is therefore not considered necessary to include express reference to South Downs National Park Authority in this requirement.</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
DCO 1.22	<i>Schedule 1, Part 3 Requirement 20</i>  <b>West Sussex CC</b>	Comment, if required, on the revisions made by the Applicant to Requirement 20 of the draft DCO submitted at Deadline 2[REP2-002]. List any further amendments, if required, to this Requirement with justification.	<p>where relevant the South Downs National Park Authority.</p> <p>(2) The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in Appendix 22.15 of the Environmental Statement, with priority given to areas inside or within close proximity to the proposed DCO Limits.</p> <p>(3) The biodiversity net gain strategy for each stage must be implemented as approved.</p> <p>(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</p>	The Applicant has amended Requirement 20 to include the missing word 'Authority' in the <a href="#">Draft Development Consent Order [REP3-003]</a> submitted at Deadline 4.
<b>LR</b>	<b>Land Rights</b>			
LR.1.22	A27  <b>The Applicant</b>	In its WR [REP1-058], National Highways state that it is not clear from the Land plans [PEPD-003] whether some of the verges on the northern side of the A27 that are subject to Land Rights are within National Highways land or within the SDNPA. The ExA considers an enlarged section of this land may assist the ExA and National Highways in ascertaining the information needed. Consider and submit at Deadline 3.	Whilst this question has not been directed to the SDNPA, it is noted that the land to the north of the A27 can be both in National Highways' ownership and within the South Downs National Park – the SDNPA does not own land in this area although it could still be part of the designation. An enlarged section of this land would be of assistance.	The Applicant has prepared an enlarged plan which includes the South Downs National Park Authority boundary and the land owned by National Highways and trust that these plans assist in clarifying the position. See Appendix D LR: SDNP_NH Overlay Plan in <a href="#">Deadline 3 submission – 8.54: Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> .
<b>BD</b>	<b>Biodiversity</b>			

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
BD 1.1	<p><i>Biodiversity calculations</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>Mid Sussex DC</b></p>	<p>a) It is noted that the latest metric is now the Statutory Biodiversity Metric. Explain whether the calculations need to be updated using the latest version.</p> <p>b) Is there agreement on the biodiversity baseline presented in Appendix 22.15 Biodiversity Net Gain information [APP-193] for the:</p>	<p>a) The calculations should be updated using the Statutory Metric, as this is the trading tool used by habitat banks registered on the Natural England's national off-site register, to allow purchase of Biodiversity Units and/or statutory credits.</p> <p>This should include (updated) condition assessment sheets for the relevant habitats as these are a requirement of the Statutory Metric. Following the publication of the Biodiversity Net Gain Regulations (The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024) and associated Government guidance, SDNPA have recently published interim guidance on delivery of meaningful biodiversity net gain (BNG) attached as Appendix D to this submission. Attention is drawn in particular, to Paras 2.20 to 2.28 which set out the baseline and post-delivery strategic significance criteria which should be used for applications within the SDNPA in advance of the Local Nature Recovery Strategy framework, as well as guidance on Spatial Risk Multipliers for offsite delivery.</p> <p>b) No, however subject to updated info set out above (including condition assessment and review of strategic significance criteria as set out in BNG TAN) this could be resolved.</p> <p>c) The SDNPA does not agree with the methodology or the spatial areas for which calculations have currently been presented. The habitat parcels have been conflated across the DCO area and there is therefore no clear indication of the areas to which each unit relates. This should instead be split by LPA/NPA area, which would make it easier to show individual habitat parcels/groups on a series of maps which cross refer to separate lines within the Metric and therefore demonstrate more clearly what is being lost and where, and what is being delivered post consent and where. And using two separate Metrics for each LPA/NPA area to separate what elements relate to no net</p>	<p><b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the Environmental Statement (ES) <b>[REP3-019]</b> provides updated calculations using the Statutory Biodiversity Metric, breaking the analysis down by local authority areas and providing the associated workbooks (as Annex A).</p> <p>As noted in <b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the ES <b>[REP3-019]</b> habitat condition assessment was not collected in line with the criteria for the Statutory Biodiversity Metric because it was unavailable at the time of the survey programme (noting that it was the Biodiversity Metric 2.0 that was the published version at the beginning of data collection). However, commitment C-294 in the <b>Outline Code of Construction Practice [REP3-025]</b> ensures that this data will be gathered to inform the stage specific biodiversity net gain strategy documents that are secured via Requirement 14 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p> <p>South Downs National Park Authority suggest that it would like to see the analysis broken down to individual habitat polygons, as opposed to summing the total of each type of habitat (of a given habitat condition) and adding as a single row in the Statutory Biodiversity Metric workbook. This has not been provided for two reasons, firstly the length of the onshore cable route and number of polygons are way in excess of what the Statutory Biodiversity Metric workbook provided by the Department for Environment, Food and Rural Affairs (Defra) can accommodate (i.e. it has a limit on the number of rows available) and secondly, because this level of detail outside of detailed design does not provide any additional information that is of benefit in informing outcomes. Furthermore, the vegetation retention plans in the <b>Outline Code of Construction Practice [REP3-025]</b> show what is proposed to occur at those habitats of greatest interest. It is also not possible to break down the analysis to show what is contributing to no net loss and what is contributing to net gain at this stage as everything is contributing to no net loss as there is still a recognised deficit to reach both no net loss and biodiversity net gain.</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
BD 1.2	<p><i>Mitigation Hierarchy</i></p> <p><b>Natural England</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>Mid Sussex DC</b></p>	<p>Confirm that the Applicant has adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain.</p>	<p>loss and what relates to net gain (i.e. above 100%).</p> <p>The SDNPA considers the mitigation hierarchy has not been adequately followed. We advise the 'avoid, mitigate and compensate' stages are clearly addressed through the assessment, before any enhancements or net gains are considered.</p>	<p>The Applicant disagrees and is of the opinion that the mitigation hierarchy has been applied appropriately and refers to the detailed response provided to the Examining Authority's First Written Questions (BD 1.2) in Table 2-7 within <a href="#">Deadline 3 Submission – 8.54: Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p> <p>The Applicant notes that in their responses to the Examining Authority's Written Question BD 1.2 Arun District Council <b>[REP3-067]</b> states "ADC is satisfied that reasonable measures have been taken to avoid harm to statutory sites and priority habitats and species" and Horsham District Council <b>[REP3-069]</b> states "Due to the limitations of the onshore transmission assets being passed to an Offshore Transmission Owner once energised, HDC believes the Applicant has followed the Biodiversity Gain Hierarchy as much as possible".</p>
BD 1.5	<p><i>Alignment with National and Local BNG Plans, Policies and Strategies</i></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>West Sussex CC</b></p> <p><b>Environment Agency</b></p> <p><b>SDNPA</b></p>	<p>a) Confirm that the proposal for BNG aligns with and complements relevant national or local plans, policies and strategies including the Local Nature Recovery Strategy or other relevant local plans, policies or strategies.</p> <p>b) Confirm that the mitigation hierarchy has been adequately followed to avoid then mitigate then compensate, in that order, in respect to biodiversity.</p>	<p>A) Please see our response to BD 1.1.</p> <p>b) We do not consider that the mitigation hierarchy has been adequately followed, as per our response to BD 1.2. We advise that the 'avoid, mitigate and compensate' stages are properly addressed throughout the assessment, before any enhancements or net gains are considered. Further, Natural England's position is that compensatory habitat measures within an Ancient Woodland (AW) buffer zone can count up to no net loss only (as they are required to mitigate impacts on the AW (to match the approach being taken to protected site and species mitigation). It isn't possible to see if/where this might be an issue currently in relation to AW, designated sites or protected species as the mitigation/ compensation /enhancement hasn't been mapped or attached to specific habitat parcels.</p>	<p>The Applicant refers to the response above in <b>reference BD 1.1</b>, where it is noted that the distinction in the current calculations between no net loss and biodiversity net gain not relevant as there remains an overall deficit that will be managed through the purchase of biodiversity units from third parties.</p>
BD 1.6	<p><i>Clear Differentiation between Delivery of Compensation and Enhancement</i></p> <p><b>Natural England</b></p>	<p>Concern has been raised by SDNPA [REP1-049], Sussex Wildlife Trust [RR-381], Horsham DC [REP1-044] and Natural England [RR-265] regarding the transparency between delivery of</p>	<p>Please see our response to BD 1.1 with regard to the clarity and transparency of the explanation and information presented. It is therefore not possible for the SDNPA to agree on the number of units required to achieve no net loss and 10% net gain. It is also not yet possible to comment on whether any double counting has taken</p>	<p>The Applicant notes that no double counting can take place as the biodiversity losses and gains need to be the same in order for the Statutory Biodiversity Metric not to flag errors regarding areas/length. The only other possible double counting could be the use of elements that can only provide towards no net loss being attributed to biodiversity net gain. As is noted above (<b>reference BD 1.5</b>), this is not possible as there remains a deficit both to a position of no net loss and a position of biodiversity net gain.</p>



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	<b>SDNPA</b> <b>West Sussex CC</b> <b>Horsham DC</b> <b>Arun DC</b>	<p>compensation for the Proposed Development i.e. no net loss of biodiversity and biodiversity enhancement of 10% i.e. 10% biodiversity net gain (BNG). The Applicant states it has used the Natural England BNG metric tool to calculate the units required for both [APP-193].</p> <p>A) Explain whether Table 4-5 on page 24 of Volume 4, Appendix 22.15 of the ES APP-193, provides a sufficiently clear and transparent explanation of how many units of each type are required and is there agreement on the number of units to achieve no net loss and 10% net gain.</p> <p>b) Comment on whether no double-counting is clear between activities planned to deliver mitigation, compensation, enhancement and net gain. Is further explanation required? If so, please specify what is needed</p>	<p>place. It is suggested that on receipt of the additional information requested by the Examining Authority, consideration is given to whether a separate Requirement is needed in order to secure the detailed mitigation and compensation for net loss of biodiversity, before delivery of any net gain provisions.</p>	
BD 1.8	<i>Timing of Delivery of Biodiversity Compensation</i> <b>Natural England</b> <b>SDNPA</b> <b>West Sussex CC</b>	<p>The Applicant states in section 5.2.1 of Volume 4, Appendix 22.15 of the ES APP-193 that: "To avoid a deficit in biodiversity growing as the construction programme progresses, the Proposed Development will follow two courses of action. The first is to enable a progressive reinstatement of habitats, whilst the second is to secure 70%7 of the deficit (as calculated in Table 4-5 – i.e., as a realistic worst-case</p>	<p>The SDNPA are concerned about the mechanisms for securing the location/type of delivery and how this is secured within the National Park to provide a betterment on the existing baseline. Further, we are consider there is a risk that there is nothing to prevent the remaining 30% (or any element of the on-site reinstatement measures that are not wholly successful) may have to be provided off-site outside the National Park boundary. This would therefore not demonstrate that the natural beauty and wildlife of the National Park are being conserved and enhanced through the proposed development.</p>	<p>Requirement 14 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) ensures that each stage specific biodiversity net gain strategy requires agreement with the relevant planning authority. Therefore, the location and types of biodiversity units that are to be purchased for stages within the South Downs National Park will need to be discussed and agreed as appropriate with the South Downs National Park Authority (this includes both front loaded elements and any residual biodiversity units required following delivery). The Applicant is of the opinion that this provides adequate control by the South Downs National Park Authority to ensure appropriate local provision is made.</p>

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		<p>scenario) prior to commencement of construction. Any remaining shortfall identified following detailed design will be secured prior to construction works being completed." 7 It is expected that 70% of the deficit as calculated at Table 4-5, will likely be equivalent to that which will be necessary to provide to secure the commitment once detailed design has been completed." Confirm whether there is general agreement on this approach, particularly the delivery of 70% of the deficit prior to commencement of construction. Provide details of any outstanding concerns.</p>		
HE	Historic Environment			
HE 1.8	<p><i>Onshore Archaeology</i></p> <p><b>Historic England</b></p> <p><b>SDNPA</b></p> <p><b>West Sussex CC</b></p>	<p>In the context of ES Chapter 25 Historic Environment [PEPD-020] that identifies a high potential of archaeological remains of high heritage significance within the South Downs area and further to SDNPA Principal Areas of Disagreement Statement (PADS) point 7 [AS-006], West Sussex CC PADS points 38 to 40 [AS-008] and Historic England's RR [RR-146], comment upon the Applicant's assertion that further investigation would not change the outcome of the assessment at table 4-2 in response to paragraph 2.33.2 [REP1-017].</p>	<p>There is no disagreement that the area is of high heritage significance, with multiple scheduled monuments in close proximity to the order limits. The SDNPA is concerned that given the potential for significant finds and the immediate context of the site, that the mitigation proposed is not fit for purpose. Non-intrusive surveys have been undertaken, however it is not possible to accurately describe significance, nor characterise any archaeology that might be present without trial trench evaluation. See in this regard R (Low Carbon Solar Park 6 Limited) v SSLUJC [2024] EWHC 770 (Admin) at [49]. SDNPA support the views of WSCC County Archaeologist on this matter and remain of the opinion that further field work should be undertaken prior to determination. Given the optionality presented through the pre-application stage, we remain of the opinion that this part of the cable corridor should have been avoided in principle.</p>	<p>Please see the Applicant's response to the Action Points arising from the Issue Specific Hearing in <a href="#">Applicant's responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</a> response to Action Point 59.</p>

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HE 1.9	<i>Onshore Archaeology</i> <b>Historic England</b>	In the context of the applicant's second statutory consultation exercise feedback captured at table 25.7 of ES Chapter 25 Historic Environment [APP-066] and Historic England's concerns [RR-146], explain whether the amendment to C-225 [APP-254] to 'preservation by record' is preferable to the 'retention in situ' of unexpected archaeological remains of national significance that maybe discovered during works.	Whilst this question has not been directed to the SDNPA, we would like to comment in our role as the relevant Planning Authority for the area of archaeological significance between Blackpatch and Harrow Hill. The SDNPA consider it is too early to commit to a 'preferable' option at this stage, as the appropriate approach would be dictated by the nature of discovery and the impacts of reburial from land use. We consider it would be more appropriate to ensure that the full suite of options for safeguarding and custody of the historic environment is available to the archaeologists.	<p>The Applicant notes, as stated in <a href="#">Deadline 2 Submission – 8.49 Category 8: Examination Documents – Applicant's Responses to Prescribed Consultees' Written Representations [REP2-026]</a> (see reference 0.4 and 6.9), that the priority is for avoidance of impacts to archaeological remains of national significance ('retention in situ'), followed by 'preservation by record' where impacts are unavoidable. This is reflected in commitment C-225 (in the <a href="#">Commitments Register [REP3-049]</a> and secured through Schedule 1, Part 3, Requirement 19 of <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4)) which provides for mitigation by design through engineering responses.</p> <p>The <a href="#">Outline Onshore Written Scheme of Investigation (WSI) [REP3-035]</a> was updated at Deadline 3 to include a protocol which sets out the procedure following the discovery of archaeological remains of high heritage significance (see Appendix B). This protocol presents a staged approach including discovery, assessment, avoidance where possible and mitigation by record. For each stage, relevant actions, documentation and consultation requirements are outlined. The protocol clearly demonstrates the need to prioritise avoidance.</p>
MI	Minerals			
MI 1.1	<i>Mineral Resource Assessment and Mitigation Measures to Safeguard Minerals</i> <b>West Sussex CC</b> <b>SDNPA</b>	West Sussex CC expresses concern in its LIR [REP1- 054] about the mitigation measures proposed by the Applicant to safeguard minerals. West Sussex CC state that the Applicant's proposed mitigation measure is a Commitment, secured though the OcoCP [APP-224], for the Applicant to produce a Minerals Management Plan (MMP) that is prepared prior to construction. The SDNPA support this concern in their LIR [REP1-049] raising that the Applicant has not yet provided a Minerals Management Plan (MMP). Additionally, West Sussex CC believes the submitted OcoCP is lacking in detail.	The SDNPA support the response from WSCC to be submitted at Deadline 3 on this matter. In summary, concerns remain and as a minimum, further detail should be provided within the Outline CoCP in respect of mineral safeguarding at construction stage.	<p>The Applicant and West Sussex County Council (WSCC) held a meeting on 23 April 2024. At this meeting, WSCC acknowledged that having considered the Applicants response a full Minerals Resource Assessment would be difficult to achieve and therefore a proportionate response should be provided. It was agreed that more detail can be provided to confirm that safeguarded minerals will not be treated as waste material. WSCC requested confirmation to be provided on the Applicant's position that prior extraction is not feasible and clarity to be provided that minerals would not be considered in the same way as other excavated materials (which are covered by the current procedure within the <a href="#">Outline Code of Construction Practice [REP3-025]</a>). If specific measures are required to manage minerals encountered along the cable route, WSCC requested that these be considered separately in the Materials Management Plan (MMP) which will form part of the stage specific Code of Construction Practice (CoCP) to be provided pursuant to Requirement 22 (4) (d) of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p> <p>Following the meeting the Applicant has considered the request and undertaken a further review of construction practices for the cable route. The Applicant can confirm:</p> <p>The Applicant will not treat any mineral encountered as waste. The construction process will follow common construction practice in re-using the</p>

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		<p>The Applicant has provided information on minerals in Chapter 24: Ground conditions, Volume 2 of the ES [APP-065]. The Applicant has responded in [REP2-020], explaining why they could not produce a MMP at this stage and that the information provided is proportionate with proper consideration based on the information available and, where appropriate, considers worst case scenarios.</p> <p>Explain whether agreement been reached on this issue of:</p> <p>a) the timing of the provision of a MMP and</p> <p>b) the level of detail in the OcoCP. If there are outstanding concerns, provide details of further information that the Applicant should provide.</p>		<p>subsoils or minerals excavated during the onshore cable corridor construction works, within the construction and reinstatement of the temporary construction corridor, chiefly through the backfilling and reinstatement of the cable trenches. It is expected that all minerals excavated will be replaced in the same general location that they were excavated from.</p> <p>The Applicant confirms that full scale prior extraction is not feasible for the following key reasons:</p> <p>For the sand and gravel minerals safeguarding area, in the meeting on 23 April 2024, WSCC acknowledged that the thin, linear nature of the cable corridor would make prior extraction of the full thickness of the potential sand resource (possibly up to 40m thick) very difficult to achieve. This is due to the limited size of the working area available and the need to provide appropriate slope angles on the extraction faces to maintain land stability. This is particularly relevant where the cable route runs adjacent to the A283. In addition, if prior extraction to any depth was achievable this would leave an open pit as a void in the landform. The backfilling of this open pit, with the amount of fill required, the transport required to deliver this backfill material and the workings needed to both extract and fill this area are not considered to be sustainable. Detailed drainage and long-term water management considerations associated with the backfilled pit would need to be undertaken. Alternatively, not filling the void and leaving an open pit feature in-situ with the cable laid within would result in significant landscape and visual impacts in the South Downs National Park. Leaving this mineral in-situ therefore provides a more sustainable approach with minimal disturbance. Complete extraction of potential minerals / aggregate materials underneath the easement corridor exclusively from within the Applicant's permanent easement corridor is technically and economically unfeasible.</p> <p>For brick clay, British Geological Society (BGS) borehole information is not available along the route itself (except for a single record). Looking at BGS borehole records across the wider area, clay deposits vary in thickness and depth from the surface. Where thick clay deposits exist, full scale prior extraction is considered unlikely to be feasible due to the same reasons as sand (the depths involved (40m or more), width of corridor and voids needing to be filled). In other places, overburden could be so deep as to mean the clay is not touched by the construction works. Clay would also be replaced in the locations it is encountered, in the same manner as described for sand.</p> <p>The management of minerals encountered along the route (whether in the Minerals Safeguarding Area (MSA) areas or elsewhere) during the construction works will be managed by the proposed MMP within the stage specific Code of Construction Practice as outlined in Commitment C-69 (<a href="#">Commitments Register [REP3-049]</a>) and included in the <a href="#">Outline Code of</a></p>



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SLV	Seascape, Landscape and Visual			<p data-bbox="1762 340 2789 407"><b>Construction Practice [REP3-025]</b> (secured via Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4)).</p> <p data-bbox="1762 445 2789 617">Within the MMP it is proposed that a separate section on minerals is provided (as per the addition of Section 4.13 in the <b>Outline Code of Construction Practice [REP3-025]</b> updated at Deadline 4), to differentiate these materials and the approach to their management from the other excavated materials. This minerals section would provide the following information:</p> <ul data-bbox="1762 655 2789 1134" style="list-style-type: none"> <li>• How minerals will be identified and differentiated from other sub-soil materials to be excavated, to determine if they do exist (quantity and quality) within the excavations undertaken.</li> <li>• How any identified minerals will be extracted and stored to ensure that they are kept separate from, and not sterilised through contamination with, other materials;</li> <li>• How the stored minerals will then be re-used in the cable construction and reinstatement works to minimise their mixing with other excavated materials being replaced; and</li> <li>• Should there be any minerals available following the construction and reinstatement works, how other options for the re-use of this material, either within, or outside the development, will be considered and implemented, as per the WSCC Safeguarding Guidance and subject to agreement with the minerals rights owner.</li> </ul> <p data-bbox="1762 1171 2789 1302">In this way, all minerals encountered will either remain available for future extraction after the operation and maintenance phase of the Proposed Development is complete or be used as a resource and are therefore safeguarded from permanent sterilisation.</p> <p data-bbox="1762 1339 2789 1470">The contents of the MMP will therefore be compliant with section 5.11.28 of National Policy Statement (NPS) EN-1 (Department for Energy Security and Net Zero (DESNZ), 2024), as it provides appropriate mitigation measures to safeguard all mineral resources (whether found in MSAs or elsewhere).</p> <p data-bbox="1762 1507 2789 1818">The contents of the MMP will also show accordance with Policy MP9(b) of the West Sussex Joint Minerals Local Plan, in that it will confirm that the cable construction, as a non-minerals development within a MSA, will not permanently sterilise the minerals resource identified. The MMP will also confirm that the position identified within the <b>Planning Statement [APP-036]</b> also remains relevant: that the demonstrable, overriding and urgent need for the Proposed Development outweighs the temporary sterilisation of the minerals during the construction and operational phases of the Proposed Development.</p>

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SLV 1.1	<p><i>Viewpoints</i></p> <p><b>The Applicant</b></p> <p><b>SDNPA</b></p>	<p>Points 12 to 14 of its PADS submission [AS-006], SDNPA state that Kinetic Testing of viewpoints should be used at SDNP area. Having regard to the Applicant's mid examination progress tracker [REP2-013], comment upon the correct approach and confirm the policy/guidance justification for such an approach.</p>	<p>The South Downs Local Plan 2019 [APP-036] contains several strategic policies that consider the importance of views experienced for prolonged distances (relevant sections extracted):</p> <p>SD4 (Landscape) Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:...They will safeguard the experiential and amenity qualities of the landscape.</p> <p>SD6 (Safeguarding Views) Development proposals will be permitted provided they conserve and enhance sequential views, and do not result in adverse cumulative impacts within views.</p> <p>SD7 (Relative Tranquillity) Development proposals will only be permitted where they conserve and enhance relative tranquillity and should consider the following impacts: ...Experience of users of the pRoW network and other publicly accessible locations.</p> <p>SDLP explains the term at Para 5.41: Sequential views are the series of views which we see unfold when moving through the landscape, for example, when walking along a footpath or travelling along a road. Impacts on these views can arise frequently or occasionally and may be generated by periodic views of the same development or by more than one development.</p> <p>SDLP sets out at para 6.24 that '<i>The rights of way network, together with access land, non-motorised user paths and permissive paths, are some of the National Park's most important assets in attracting visitors, and the Authority will protect the quality of experience enjoyed by users. Development which harms views from, or is otherwise detrimental to the amenity value, character and tranquillity of public rights of way and other non-motorised user routes, will not be permitted.</i>'</p>	<p>The Applicant has provided a detailed response to the Examining Authority's Seascape, Landscape and Visual Written Question SLV 1.1 '<i>Viewpoints</i>' [PD-009] in Table 2-15 within <a href="#">Deadline 3 Submission – 8.54: Applicants Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p> <p>Provision of kinetic viewpoints as a form of illustration is not a requirement of Landscape and Visual Impact Assessment (LVIA)/ Guidelines for Landscape and Visual Impact Assessment (GLVIA) (Landscape Institute and Institute of Environmental Management and Assessment (IEMA), 2013) and was suggested as a choice of either sequential views or kinetic views.</p> <p>Additional viewpoints would not alter the LVIA – wirelines from the 3D computer model have been shared with the South Downs National Park Authority.</p> <p>The Applicant notes that for offshore sequential assessment of the views from the South Downs Way is set out in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the Environmental Statement (ES) [APP-056]. For onshore sequential assessment of the views from the South Downs Way is set out in <a href="#">Chapter 18: Landscape and visual impact, Volume 2</a> of the ES [APP-059]. The onshore cable corridor will be significantly visible from between 600m and 1.5km of the routes (subject to route of trenchless crossing at Sullington Hill). This part of the onshore cable route does not overlap with visibility of the offshore elements of the Proposed Development.</p> <p>Inter-related effects (both developments visible) covered in <a href="#">Chapter 30: Inter-related effects, Volume 2</a> of the ES [APP-071].</p> <p>Rampion 1 is included in the baseline and not listed as a cumulative development. Whole project effects (on and offshore) are noted where both on and offshore are visible.</p> <p>All viewpoints include 360-degree assessment as stated in <a href="#">Appendix 18.2: Viewpoint analysis, Volume 4</a> of the ES [APP-168]. It has not been considered reasonable / proportionate to illustrate 360 visualisations, but in some cases additional views (photography and visualisations are provided).</p>

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The Guidance on Landscape and Visual Impact Assessment Vol.3 (GLVIA) [APP-059] mentions in para 7.34, in particular with wind farm cumulative assessment, the *'Use of linear routes, especially footpaths or other rights of way, ... may potentially see the different developments revealed in succession or as a series of sequential views.'*

GLVIA also sets out in Table 7.1 the types of cumulative visual effects. This includes reference to *'frequently sequential effects: where the features appear regularly and with short time lapses between instances'* .

GLVIA para 7.38 sets out that *'higher levels of significance may arise from cumulative visual effects related to: - developments that are in close proximity to the main project and are clearly visible together in views from the selected viewpoints and – developments that are highly inter-visible, with overlapping ZTVs'* .

The South Downs National Park has 3200km of pRoW, with exceptional scope for walking, cycling and horse riding. The South Downs Way (SDW) is a long-distance trail of national significance from the proposed development would be experienced for a significant length (both on and onshore).

The SDNPA have provided commentary to the Applicant on viewpoints. This includes the following in relation to the Applicant's SDW Sequential assessment: *'Kinetic [sequential] testing along longer route was requested to provide experiential views. Level of detail for the assessment of impact on National Trail is far less than from other SDNP viewpoints without full explanation of reasoning for this. Not clear why appropriate to reduce size of visual representation of these views [in comparison to other viewpoints].*

Our reference to 'kinetic' testing was to demonstrate that assessment was required from more frequent points than has been provided

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SLV 1.3	<i>Lateral Spread and Proximity of WTG's</i> <b>Natural England</b>	In the context of the Applicant's Seascape, Landscape and Visual Impact Assessment (SLVIA) Maximum Design Scenario and Visual Design	<p>and this was raised during consultation, see [APP-029].</p> <p>An example of an acceptable approach to the level of testing expected was provided as part of the PADS [AS-006].</p> <p>The SDNPA confirms that this is a matter that is still under discussion with the applicant.</p> <p>Despite this extensive guidance and the evidence provided in the wireframes from the SLVIA, the LVIA consistently states for many views from the SDNP where R1 is already visible that 'None of the cumulative developments will be visible from this location. Therefore there will be no cumulative effects'.</p> <p>For example, at [APP-168] Table 1-4 LVIA Viewpoint G Chantry Hill – compare to [APP-094] SLVIA 15.67 Viewpoint 54 wireframe where R1 and R12 are both visible.</p> <p>The SDNPA suggest that this shows a lack of joined-up consideration between different strands of assessment within the ES which needs to be addressed and goes to the heart of our concerns and the request for the further testing.</p> <p>It should also be noted that GLVIA also mentions in para 7.34 about the use of 360 deg. views, in particular with wind farm cumulative assessment. This has been raised by the SDNPA in commentary to the Applicant on viewpoints and the Expert to Expert Discussion (28.03.24) where viewpoints need to consider other directions and also multiple construction and reinstatement activities taking place concurrently in the landscape.</p>	<p><b><u>Distinct gap/wind farm separation zones</u></b></p> <p>The Applicant considers that inclusion of the 'wind farm separation zones' (between Rampion 1 and Rampion 2) and avoiding turbines to the east of Rampion1 (separation foreground) successfully acts to reduce seascape and</p>



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		<p>Principles clarification note [REP1-037], comment upon the Applicants assertions at table 4.14 Applicants response to Natural England – Appendix I (Seascape, Landscape and Visual Impact) in response to Ref I6 [REP1-017], that:</p> <ul style="list-style-type: none"> <li>• There is a distinct gap between R1 and the Proposed Development.</li> <li>• That the Proposed Development will form a clearly separate array grouping that has a narrower lateral spread in field of view than R1.</li> <li>• The south of R1 is the optimal location within Zone 6.</li> <li>• The additional 7 degrees over and above R1 is a relatively small lateral spread.</li> <li>• The WTG's will be experienced within a remote context setting beyond intervening non designated and urbanised coastal strip between the open downs and the sea.</li> </ul> <p>(Natural England may wish to combine with D3 response to this document).</p>	<p>approach is being applied to the shared issues raised by the SDNPA and Natural England.</p> <p>At section 6.3 of Appendix A of the SDNPA's Written Representation [REP1-052] detailed commentary has been provided on the maximum design scenario and design principles. To summarise and with specific regard to [REP-017]:</p> <p>The SDNPA disagree there is a distinct gap. The position of the proposed development to both the south and west of R1 means that there is always some form of overlap between the two arrays without a clear and distinct gap.</p> <p>The SDNPA disagree that the proposed development has a narrower lateral spread than R1. The Field of View is extensive and with the array set to the south and west of R1, this is far wider than the lateral spread of R1, giving rise to significant adverse seascape, landscape and visual impacts on the SDNP, its Purposes and Special Qualities.</p> <p>The SDNPA consider that no location in Zone 6 is acceptable in relation to landscape and visual effects on the SDNP and in particular on the Sussex Heritage Coast. However, if it were deemed to be unavoidable, the area to the south of R1 is likely to be less impactful.</p>	<p>visual effects on the most sensitive views from parts of the Sussex Heritage Coast within the South Downs National Park (SDNP). The design principle focused on providing wind farm separation zones between each of the western and eastern array areas with Rampion 1, so that they will (in particular key views) be viewed with a clear distinction and so that the apparent scale difference of the Rampion 1 and Rampion 2 wind turbine generators (WTGs) would be minimised, insofar as possible. In views from the Heritage Coast there will be a clear line of sight between Rampion 1 and Rampion 2, and a relative balance in apparent scale and spread in perspective, with stark scale comparisons avoided.</p> <p>The Applicant considers that there is a distinct gap between Rampion 1 and the eastern array (Zone 6) of Rampion 2 in key views from the Heritage Coast, as can be seen in the photomontage views, including:</p> <ul style="list-style-type: none"> <li>• Viewpoint 1: Beachy Head (<a href="#">Figure 15.26a-f (Part 4 of 8), Volume 3 of the ES</a>) [APP-091];</li> <li>• Viewpoint 2: Birling Gap (<a href="#">Figure 15.27a-f (Part 4 of 8), Volume 3 of the ES</a>) [APP-091];</li> <li>• Viewpoint 3: Seven Sisters (<a href="#">Figure 15.28a-f (Part 4 of 8), Volume 3 of the ES</a>) [APP-091]; and</li> <li>• Viewpoint 28: Cuckmere Haven Beach (<a href="#">Figure 15.51a-f (Part 4 of 8), Volume 3 of the ES</a>) [APP-091].</li> </ul> <p>The Applicant notes that Natural England already expressed a view in its Relevant Representation [RR-265] that the inclusion of the wind farm separation zones “<i>successfully acts to significantly reduce effects on the most sensitive views from the Heritage Coast</i>”.</p> <p>The Applicant accepts that there is also separation between the Zone 6 array and western extension area of Rampion 2, however Rampion 1 occupies part of the seascape between them. The western extension area is also very distant from the Heritage Coast, so it is unlikely to be visible in all but excellent visibility.</p> <p>The Applicant considers that there is also a clear line of sight between Rampion 1 and the western extension area of Rampion 2 from a range of viewpoints on the central and eastern inland open tops of the downs of the SDNP, see the following viewpoints:</p> <ul style="list-style-type: none"> <li>• Viewpoint 15: Willingdon Hill (<a href="#">Figure 15.40a-b (Part 5 of 8), Volume 3 of the ES</a>) [APP-092];</li> </ul>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
				<ul style="list-style-type: none"> <li>• Viewpoint 17: Devil's Dyke (<a href="#">Figure 15.42a-i (Part 5 of 8), Volume 3 of the ES</a>) <b>[APP-092]</b>;</li> <li>• Viewpoint 18: Cissbury Ring (<a href="#">Figure 15.43a-h (Part 6 of 8), Volume 3 of the ES</a>) <b>[APP-093]</b>;</li> <li>• Viewpoint 19: Highdown Hill (<a href="#">Figure 15.44a-i (Part 6 of 8), Volume 3 of the ES</a>) <b>[APP-093]</b>;</li> <li>• Viewpoint 27: Hollingbury Hill Fort (<a href="#">Figure 15.50a-f (Part 6 of 8), Volume 3 of the ES</a>) <b>[APP-093]</b>;</li> <li>• Viewpoint 51: Ditchling Beacon (<a href="#">Figure 15.64a-b (Part 7 of 8), Volume 3 of the ES</a>) <b>[APP-094]</b>;</li> <li>• Viewpoint 52 Chanctonbury Ring (<a href="#">Figure 15.65a-h (Part 7 of 8), Volume 3 of the ES</a>) <b>[APP-094]</b>;</li> <li>• Viewpoint 54: Chantry Hill (<a href="#">Figure 15.67a-b (Part 7 of 8), Volume 3 of the ES</a>) <b>[APP-094]</b>; and</li> <li>• Viewpoint 55: Beeding Hill (<a href="#">Figure 15.68a-b (Part 7 of 8), Volume 3 of the ES</a>) <b>[APP-094]</b>.</li> </ul> <p>The Applicant considers that it is not possible to provide clear lines of sight between Rampion 1 and Rampion 2 from all views, it has focused on achieving separation zones when viewed from key viewing angles, particularly from the Heritage Coast.</p> <p><b><u>Horizontal Field of View and Lateral Spread</u></b></p> <p>The Applicant agrees that Rampion 2 does not have a narrower lateral spread than Rampion 1 when considered as a whole. The wide lateral spread from inland SDNP viewpoints is identified in the Applicant's assessment in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2 of the Environmental Statement (ES) [APP-056]</a>. Regard was had to limiting the horizontal field of view (hFoV) occupied by the Zone 6 (eastern array) of Rampion 2 in 'panoramic views to the sea' experienced from the Heritage Coast to address Special Quality 1 specifically. The lateral spread of WTGs has been reduced through a reduction in the Zone 6 area boundary. It is the additional lateral spread of the Zone 6 (eastern array) that is less than the lateral extent of R1 in the hFoV, as is evident in Viewpoint 1: Beachy Head Figure 15.26 in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 4 of 8), Volume 3 of the ES [APP-091]</a>. The western extension area is behind Rampion 1 and does not contribute to an additional spread of WTGs. A demonstration of how Rampion 2 limits the hFoV from the SDNP and Heritage Coast has been submitted in the <a href="#">Deadline 1 Submission – 8.35 SLVIA Maximum Design Scenario and Visual Design Principles Clarification Note [REP1-037]</a>.</p>

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				<p>The 'combined lateral spread' of Rampion 1 and Rampion 2 is reported for each viewpoint in <a href="#">Appendix 15.4: Viewpoint assessment, Volume 4</a> of the ES [APP-160], together with the 'additional lateral spread'. The Applicant considers that the additional lateral spread of the Rampion 2 array, over and above Rampion 1, is the key metric (in degrees). The additional HFOV is a key consideration since it provides a better indication of how much additional spread of WTGs Rampion 2 will contribute to the view (over and above that already affected by Rampion 1 in the view). In many cases, this additional lateral spread is less because either the eastern (Zone 6) array or the western extension area is viewed behind Rampion 1, so only part of Rampion 2 contributes to extending the lateral spread beyond the existing Rampion 1 WTGs. In Viewpoint 1: Beachy Head (Figure 15.26a-f in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 4 of 8), Volume 3</a> of the ES) [APP-091] and Viewpoint: 2 Birling Gap (Figure 15.27a-f in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 4 of 8), Volume 3</a> of the ES) [APP-091], the visible hFoV of Rampion1 and Rampion 2 combined (degrees) is the essentially same as Rampion 2 alone (i.e. 17° from Viewpoint 1 and 19° from Viewpoint 2). The Applicant notes a reduction in both the 'additional' and 'combined' lateral spread when compared to the PEIR Assessment Boundary from all viewpoints, through the omission of turbine rows from the Zone 6 area. Comparative wirelines presented from key viewpoints in Figures 15.93–15.109 in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 4 of 8), Volume 3</a> of the ES [APP-091] compare the Preliminary Environmental Information Report (PEIR) and ES maximum design scenario (MDS) layouts and very clearly illustrate how both the 'additional' and 'combined' hFoV occupied by Rampion 2 was reduced in views from the SDNP.</p> <p><b><u>The area to the south of Rampion 1 is the optimal location within Zone 6</u></b></p> <p>The Applicant notes that Natural England considers no location in Zone 6 is acceptable, but notes that the South Downs National Park Authority (SDNPA) recognise that <i>"...if it were deemed to be unavoidable, the area to the south of R1 is likely to be less impactful"</i> [REP3-071]. The Applicant agrees with the SDNPA that the area to the south of Rampion 1 is less impactful than areas to the east. The Applicant also agrees that in the views from the Heritage Coast, the Zone 6 (eastern array) WTGs are not perceived as 'behind' Rampion 1 and will be seen as a new lateral extension. To reduce effects, the Applicant focused on limiting this lateral extension, increasing the distance of the array offshore and providing a wind farm separation zone, with no WTGs located to the east of Rampion 1 to reduce scale differences with Rampion 1. While Rampion 2 is not a hybrid scheme in itself, the Applicant considers it has adhered to the Rampion 1 Design principle (iii) to locate the largest turbines to the South-west portion of the proposed DCO Order Limits. A</p>

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SLV 1.4	<i>Rampion One Offshore Wind Farm–Baseline</i>	Justify the position on how Rampion One Offshore Wind Farm (R1) should not form part of the baseline assessment. The position is contrary to the Applicant's assessment in the ES [APP-056] in which R1 does form part of the baseline. The Applicant further cites accordance of its approach with paragraph 7.13 of the Guidance for Landscape and Visual Impact Assessments and the Planning Inspectorate's (PINS) Advice Note 17.	<p>The R2 PEIR Review Seascape, landscape and visual impact assessment 2021 by White Consultants (Appendix E) in para 2.18 'It is important for the SLVIA to acknowledge that the special qualities of the National Park including the 'breathtaking views' were described before Rampion 1 was built, and therefore it does not form part of the accepted characteristics or qualities of the National Park.' This statement is also relevant to the LVIA. The SDNPA Written Rep [REP1-052] App A section 7.2.1. reiterates this point.</p> <p>The SDNPA would suggest that by considering the R1 development as part of the baseline, effects on the Special Qualities are not adequately assessed. The R1 development has itself detracted from the Special Qualities.</p> <p>Whilst the SDNPA acknowledges the GLVIA approach set out at 7.13, it would draw attention to other paragraphs too.</p> <p>[APP-128] acknowledges that R1 is a 'project with which Rampion 2 may interact to produce a cumulative effect.' (definition from section 1.1.1).</p> <p>Para 7.17 (GLVIA) sets out different types of cumulative assessment that should be considered including situations where 'the effects of an extension to an existing developments or the positioning of a new development such that it extends or intensifies the landscape and / or visual effects of the first development' and 'the interaction between different types of development, each of which</p>	<p>hybrid scheme is not proposed for Rampion 2, the Applicant has committed to a uniform turbine type and this is secured through Deemed Marine License (DML) condition 1(1). Rampion 2 WTGs are however, also located to the south and south-west of Rampion 1, not to the east of it, and in so doing it has avoided siting larger WTGs in front of smaller (Rampion 1) WTGs. The Applicant considers that through the incorporation of these design principles in the spatial extent of the proposed DCO Order Limits, it has minimised impacts and harm to special qualities of the SDNP and shown regard to its statutory purpose.</p> <p>The Applicant has followed the Planning Inspectorate's Advice Note Seventeen: Cumulative Effects Assessment (Planning Inspectorate, 2019) relevant to nationally significant infrastructure projects, in particular the note under table 2 which states (emphasis added): "Where other projects are expected to be completed before construction of the proposed NSIP and the effects of those projects are fully determined, effects arising from them should be considered as part of the baseline and may be considered as part of both the construction and operational assessment." Existing development is not included in Table 2 of Advice Note Seventeen (Planning Inspectorate, 2019), which sets out a tiered approach to assessing cumulative effects focusing on proposed developments i.e. permitted and submitted applications (Tier 1); projects where a Scoping Report has been submitted (Tier 2) and projects where a Scoping Report has not been submitted (Tier 3).</p> <p>The Applicant notes Natural England's agreement that Rampion 1 should form part of the baseline. Natural England also agrees that the approach taken by the Applicant is in accordance with GLVIA3 (Landscape Institute, 2013) (in particular, noting paragraph 7.13).</p> <p>The Applicant has considered Rampion 1 as part of the assessment in <b>Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</b> of the Environmental Statement (ES) [APP-056]. The assessment has considered the effect of Rampion 1 as part of the baseline against which Rampion 2 is assessed, so its effect is accounted for. The total effect of Rampion 1 and Rampion 2 together would in effect be no different to that already assessed in <b>Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</b> of the ES [APP-056]. This includes assessment of the effect of Rampion 2 relating to the effect with Rampion 1, such as its increase in lateral spread, aesthetic relationship and consistencies of perceived scale and spacing in comparison to the Rampion 1 wind turbine generators (WTGs).</p> <p>GLVIA3 (Landscape Institute, 2013) (paragraph 7.8) highlights the focus of cumulative effect assessments to consider proposed developments (emphasis added) "Of greater importance for LVIA are the cumulative landscape and visual effects that may result from an individual project that is</p>



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			<p><i>may have different landscape and/or visuals effects and where the total effect is greater than the sum of parts'</i></p> <p>GLVIA also sets out at para 7.18 that <i>'agreement should be reached about whether the cumulative effects assessment is to focus primarily on the additional effects of the main project under consideration, or on the combined effects of all the past, present and future proposals together with the new project'</i>.</p> <p>The SDNPA would suggest that by considering the R1 development as part of the baseline that the cumulative assessment process is not adequately considered in the assessment. The presence of R1 does not lower the magnitude of change experienced from the SDNR.</p> <p>Para 7.17 also includes reference to the situation where <i>'landscape and or visual effects resulting from a future action that removes something from the existing landscape which may have consequences for other existing or proposed development'</i>. This supports the SDNPA assertion that there should be assessment of the effects of R2 after the decommissioning and removal of R1. This assessment was requested by the SDNPA at ... and again mention in Written Rep App A section 5.6.1.</p>	<p><i>being assessed interacting with the effects of other <u>proposed developments</u> in the area" and that cumulative effects should then include "<u>potential schemes that are not yet present</u> in the landscape, but are at various stages of the planning process" (paragraph 7.13).</i></p> <p>NatureScot Guidance on assessing the cumulative landscape and visual impacts (NatureScot, 2021) also states that <i>"The purpose of a Cumulative Landscape and Visual Impact Assessment (CLVIA) is to describe, visually represent and assess the ways in which a proposed wind farm would have additional impacts when considered with other <u>consented</u> or <u>proposed</u> wind farms"</i>.</p> <p>The assessment within <b>Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</b> of the ES [APP-056] is in line with guidance (Landscape Institute, 2013 and NatureScot, 2021) and Advice Note Seventeen (Planning Inspectorate, 2019). The Applicant considers that it would be inappropriate to assess the effect of Rampion 2 against a baseline without Rampion 1 (i.e. as a stand-alone project in a seascape with no operational development). This would not be reflective of the current baseline and would not adhere to guidance or Advice Note Seventeen (Planning Inspectorate, 2019).</p> <p>The Applicant considers that it has carried out an assessment in relation to the impacts on the South Downs National Park, which has considered impacts of Rampion 2 on the special qualities of the South Downs National Park in the context of Rampion 1 in the baseline. The Applicant considers that a Cumulative Effects Assessment (CEA) that assesses the harm from the Proposed Development in addition to the harm from the existing Rampion 1 offshore wind farm would be an uncommon approach and would be contrary to the approach taken on recent nationally significant infrastructure project applications.</p> <p>The Applicant highlights the Examining Authority's reasoning on the recent Sheringham Shoal and Dudgeon Extension project (Planning Inspectorate, 2023), for which a similar issue was considered (in its recommendation report, paragraph 17.4.26) – <i>"The ExA further notes the submission from the Applicant that, on the basis of precedent set by DCO applications for other OWF developments, it would not be a standard approach to carry out a CEA which assessed the harm from the Proposed Development in addition to the harm from the existing OWF"....and in para 17.5.3 – "The ExA is satisfied that the Applicant has carried out an assessment in relation to the impacts on the Norfolk Coast AONB.... and, in the absence of further evidence to support the case for CEA put forward by Natural England, it concludes that a request to carry out a CEA which assessed the harm from the Proposed Development in addition to the harm from the existing offshore wind farm would not be justified in this case"</i>.</p>

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SLV 1.5	<p><i>Statutory Purposes of National Park</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>SDNPA</b></p>	<p>Given the Applicant's conclusions on harm to statutory purposes at table 4.14 Applicant's response to Natural England – Appendix I (Seascape, Landscape and Visual Impact) in response to Ref I1 [REP1-017]; to paragraph 3 of Natural England's response to ExA Questions Appendix N2-Annex 1 Deadline 2 Submission [REP-039], and to the SDNPA's LIR [REP1-049, explain what is the correct approach in concluding on the impact upon special qualities and whether the statutory</p>	<p>As set out in the response to Question SLV 1.4, the SDNPA would suggest that by considering the R1 development as part of the baseline that effects on the Special Qualities are not adequately assessed.</p> <p>The SdNPA has set out in our submission at Deadline 2 [REP2- 043] the correct approach to concluding on Special Qualities. We note that harm has been identified by the applicant in respect, however we consider that better mitigation and compensation is needed as the current proposals are considered highly inadequate. The Statutory Purposes are compromised at the point harm occurs – it therefore stands that until appropriate mitigation and compensation has been secured, the statutory purposes of designation are compromised.</p>	<p>In relation to assessment of effects of Rampion 2 after the decommissioning of Rampion 1, the Applicant notes as its response to the South Downs National Park Authority Deadline 1 submission (paragraph 6.11)) within <a href="#">Deadline 2 Submission – 8.47 Category 8: Examination Documents – Applicants Responses to South Downs National Park Authority Deadline 1 Submissions [REP2-024]</a>, that the decommissioning programme for Rampion 1 (Rampion Offshore Wind (ROW), 2018) (submitted in accordance with Requirement 8 of the Rampion Offshore Wind Farm Order 2014) assumes “full decommissioning will commence after the design life of the Rampion 1 WTGs (24 years)” (i.e. in 2042), but that Rampion 1 “may be ‘re-powered’ after 24 years with new wind turbines to take advantage of the available lease period with The Crown Estate (40 years), subject to the findings of a new EIA and consent application”. Under the first scenario, the decommissioning assumption is complete removal of all offshore components of Rampion 1 in 2042 (24 years after April 2018), which would represent a reduced effect (one that is less than the worst-case scenario assessed with the presence of Rampion 1).</p> <p>The Applicant therefore considers that based on the agreed position of considering operational projects as part of the baseline, and the worst-case scenario being one in which Rampion 1 is present, a separate assessment of Rampion 2 after decommissioning of Rampion 1 is not necessary, as it would be unlikely to find significant effects beyond those already assessed for Rampion 2 when considered in the context of Rampion 1, and effects arising beyond 2042 are uncertain given the potential for re-powering of Rampion 1.</p> <p>The Applicant and the South Downs National Park Authority have a different approach to concluding on the impact upon special qualities and whether the statutory purposes are compromised.</p> <p>The South Downs National Park Authority and Natural England consider that the statutory purposes of the South Downs National Park are compromised at the point harm occurs. The Applicant considers that a significant effect on a defined special quality does not equate to compromising the statutory purposes. The Applicant has taken an approach that aligns with other nationally significant infrastructure projects (NSIPs) when concluding on the effect upon special qualities and whether the statutory purposes of the designation are compromised. The Applicant has highlighted these examples in its response to the Examining Authority's First Written Question SLV 1.5 in Table 2-15 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>. There is a consistency of conclusion across these NSIPs, where a level of harm to special qualities of National Landscapes were found, yet the Examining Authority and Secretary of State concluded this would not compromise the purposes of designation affected.</p>

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		<p>purposes of the designation are compromised.</p>	<p>Requirements for further mitigation and compensation have been highlighted in our Written Representation [REP1-052] and are also still being discussed with the applicant.</p> <p>The SDNPA would also note that it is not just the effects of seascape and landscape that impact upon the Special Qualities, as has been demonstrated in our response at Deadline 2 reference above.</p>	<p>The Applicant notes that there is currently no over-arching prescriptive methodology for assessing the effects of development on the special qualities of National Landscapes in England and Wales. GLVIA3 (Landscape Institute, 2013) provides guidance for assessment of landscape qualities, which has informed the Applicant's approach, however other special qualities fall outside this guidance and cannot be considered in the seascape, landscape and visual impact assessment (SLVIA) or landscape and visual impact assessment (LVIA) (where they relate to other matters).</p> <p>Experiential considerations such as Special Quality (SQ)1 "diverse, inspirational landscapes and breath-taking views", and SQ3 "tranquil and unspoilt places" are however, considered aspects that can and have been assessed in both <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the Environmental Statement (ES) [APP-056] and <a href="#">Chapter 18: Landscape and visual impact, Volume 2</a> of the ES [APP-059], as part of a distinct and separate assessment of special qualities, that is undertaken in addition to, and informed by, assessments on landscape character and visual amenity.</p> <p>The assessments in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the ES [APP-056], <a href="#">Chapter 18: Landscape and visual impact, Volume 2</a> of the ES [APP-059] follow GLVIA3 (Landscape Institute, 2013) and draw on aspects of the draft NatureScot guidance (NatureScot, 2018), take a staged approach of describing the South Downs National Park special qualities, assessing special qualities in terms of their sensitivity and magnitude of change (supported by zone of theoretical visibility (ZTV), viewpoint analysis and site survey), and providing an assessment of significance, including the implications for the integrity of the designation.</p> <p>The Applicant's <a href="#">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]</a> provides a separate clear assessment of special qualities and sets out where and how the DCO Application includes information in relation to the effects of the Proposed Development on the special qualities of the South Downs National Park.</p> <p>Whilst some harm would be caused to 'stunning, panoramic views to the sea', defined in SQ1, it is the conclusion and the position of the Applicant, that this would not compromise overall integrity and purpose of the South Downs National Park designation, as the majority of its special qualities would be unaffected, and the natural beauty of the South Downs National Park will remain and opportunities will still be present for understanding and enjoyment of the special qualities of the South Downs National Park. The interest in the</p>

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SLV 1.9	<i>Dark Skies</i>	<p>Comment upon the conclusion of the applicant on Dark Skies in response to the submission from SDNPA paragraph 6.22 [REP2-024] and paragraph 18.11.18 of ES Chapter 18 Landscape and Visual Impact [APP-059] which states that the Proposed Development will not affect the South Downs International Dark Sky Reserve or Dark Skies within the SDNP.</p>	<p>Whilst it is noted this question has been directed to the Applicant, the SDNPA hopes that the following comments are of some assistance to the ExA.</p> <p>The SDNPA do not agree with the statement in at p11 of [APP-059] that '<i>There would be no effect on the South Downs International Dark Sky Reserve or 'dark skies' within the SDNP due to the environmental measures within the Commitments Register (Document Reference: 7.22) (C-22, C-66, and C-200)</i>'</p> <p>In recent discussions with the applicant, the SDNPA confirmed that this concern could be resolved through the provision of further details regarding lighting. This would be expected to include provision of firmer, detailed commitments in respect of lighting and working hours, with particular regard to the 24-hour working required for trenchless technology, which specifically reference the SDNPA's Dark Skies Technical Advice Note [APP-056].</p>	<p>South Downs National Park is intrinsic to itself and would not be harmed to such as degree that it would be compromised by the Proposed Development.</p> <p>It is the Applicant's position that, while there is harm to SQ1 "Diverse, inspirational landscapes and breathtaking views" (during construction and operation) and SQ3 "Tranquil and unspoilt places" (during construction), the statutory purpose of the South Downs National Park would not be compromised and reasons for its designation will not be undermined by the Proposed Development. Therefore, the Proposed Development accords with the requirements of the legal tests and the policy tests set out in the National Policy Statement (NPS) in relation to the South Downs National Park.</p> <p>The Applicant considers that some harm to a particular special quality (such as SQ1) would not compromise the reasons for the South Downs National Park's designation, in line with other recent precedents for NSIPs. Overall, while there would undoubtedly be significant visual impact resulting from the additional Rampion 2 WTGs, the Applicant considers that this would not prevent people's ability to experience the natural and scenic beauty of the South Downs National Park and opportunities will still be present for the understanding and enjoyment of the special qualities of the South Downs National Park.</p> <p>The Applicant notes a detailed response to the Examining Authority's First Written Question SLV 1.9 has been provided in Table 2-15 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p>



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SA	Soils and Agriculture			
SA 1.3	<p><i>Best Most Versatile Agricultural Land and Soils</i></p> <p><b>Natural England</b></p> <p><b>SDNPA</b></p>	<p>Confirm whether the responses and updates the Applicant has provided regarding soils and agriculture are adequate or whether there are any outstanding concerns regarding:</p> <ol style="list-style-type: none"> <li>soil surveys</li> <li>soil re-instatement</li> <li>soil stockpiles</li> <li>soil handling</li> <li>use of machinery</li> </ol> <p>the Applicant's conclusions on potential impacts of BMV agricultural land</p>	<p>The SDNPA is not aware of any further updates regarding soils and agriculture and refer to our comments in [REP1-052].</p>	<p>In response to paragraphs 9.2.4 and 9.2.11 in South Downs National Park Authority's Written Representation <b>[REP1-052]</b> the Applicant notes that Natural England in their Relevant Representation (Point 101, Section 1.2.5) <b>[RR-265]</b> has confirmed that stage specific Agricultural Land Classification (ALC) surveys are acceptable. The Applicant is committed to full soil and ALC survey coverage during pre-construction (see commitment C-183 in Table 20-17 within <b>Chapter 20: Soils and agriculture, Volume 2</b> of the Environmental Statement (ES) <b>[APP-061]</b>), the results of which will inform the stage specific Soil Management Plans (SMPs) and Materials Management Plans (MMPs) to be produced post-DCO award during pre-construction.</p> <p>In response to paragraph 9.2.6 in South Downs National Park Authority's Written Representation <b>[REP1-052]</b> regarding assessment of effects associated with the haul routes, in Table 20-15 within <b>Chapter 20: Soils and agriculture, Volume 2</b> of the ES <b>[APP-061]</b> the haul routes are included in project element and identifier 'Onshore cable corridor T3', and Table 20-16 lists the effects relevant to the onshore cable corridor, including the haul routes.</p> <p>In response to paragraph 9.2.9 in South Downs National Park Authority's Written Representation <b>[REP1-052]</b>, due to design changes during as part of the design evolution process, some ALC survey was undertaken by the Applicant on land outside the proposed DCO Order Limits, however the Applicant has only utilised ALC survey data obtained from soil observation points within the proposed DCO Order Limits to define the baseline condition for soils and agricultural land and to inform the assessment in <b>Chapter 20: Soils and agriculture, Volume 2</b> of the ES <b>[APP-061]</b>.</p>
TA	Traffic and Access			
TA 1.15	<p><i>PRoWs in the South Downs National Park</i></p> <p><b>SDNPA</b></p>	<p>Respond to the Applicant's response contained in [REP2-024] on the issues raised in the LIR [REP1-049] regarding the impact of the Proposed Development on PRoWs in the National Park. List any outstanding concerns and provide recommendations for addressing them</p>	<p>The SDNPA notes that there will be continued discussion with WSCC in respect of the proposed construction works and the effects on the highway and PRoW network at Michelgrove Park. Given the significance of these works in the National Park, and their potential impact in respect of the SDNP second Purpose, we would welcome the opportunity to be party to these conversations as well.</p> <p>The effects on users of the PRoW network within the SDNP is still considered to be greater than the applicant has suggested. Although individual PRoW closures are generally short-</p>	<p><b>Chapter 17: Socio-economics, Volume 2</b> of the Environmental Statement (ES) <b>[APP-058]</b> assesses the potential effects of the Proposed Development on Public Rights of Way (PRoWs) through the onshore recreation assessment. The assessment of the construction of Rampion 2 on onshore recreation is anticipated to have a significant residual effect (i.e., post-implementation of embedded environmental measures) on the following receptors:</p> <ul style="list-style-type: none"> <li>Moderate/major adverse residual effect (Significant) on PRoW users of 2092 and 2693; and</li> <li>Minor/moderate adverse residual effect (Significant) on PRoW users of 2208, 3514, 2211 and 2092.</li> </ul>

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TE	Terrestrial Ecology		<p>term, the effects on users will be prolonged as regular users would experience multiple closures throughout the construction period and activity will affect PRoW users' enjoyment of the National Park more generally.</p> <p>There has not been any consideration given to events that are frequently held on the South Downs Way National Trail. It would be expected that a commitment to these being assessed and avoided as part of the Outline Public Rights of Way Management Plan.</p> <p>The SDNPA note that the applicant has confirmed they will continue to engage with us on potential enhancement opportunities within the National Park, which is welcomed.</p>	<p>For all other PRoWs (142no) the assessment concluded Negligible/minor adverse effect (not significant).</p> <p>All PRoWs affected during onshore construction works are identified in Section 4.3 within the <b>Outline Public Rights of Way Management Plan [REP3-033]</b>. Table 4-1 within the <b>Outline Public Rights of Way Management Plan [REP3-033]</b> includes each PRoW impacted by the onshore elements of the Proposed Development, the type of impact and if this impact is temporary or permanent. Paragraph 4.2.5 within the <b>Outline Public Rights of Way Management Plan [REP3-033]</b> secured via Requirement 20 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) confirms that no PRoW will be permanently affected by the Proposed Development.</p> <p>Section 5 of the <b>Outline Public Rights of Way Management Plan [REP3-033]</b> outlines the proposed management measures for the impacted PRoWs including (but not limited to):</p> <ul style="list-style-type: none"> <li>• Temporary closures and diversions;</li> <li>• Managed crossings;</li> <li>• Shared routes;</li> <li>• Inspection and maintenance;</li> <li>• Signage management; and</li> <li>• PRoW sequencing.</li> </ul> <p>Section 5.2 of the <b>Outline Public Rights of Way Management Plan [REP3-033]</b> also identifies commitments (C-18, C-32, C-161, C162, and C-202) within the <b>Commitments Register [REP3-049]</b> which have been incorporated into the management of PRoWs which are impacted by the onshore elements of the Proposed Development.</p> <p>The provision of a Public Rights of Way Management Plan to be submitted to and approved by the highway authority in consultation with the relevant planning authority is secured via Requirement 20 in the <b>Draft Development Consent Order [REP3-003]</b> updated at Deadline 4.</p> <p>Mitigation of impacts to users of PRoW 2092 (the route of which is followed by the haul road associated with access A-28) are further set out in updates to the Construction Access Traffic Management Strategies document within the updated <b>Outline Construction Traffic Management Plan [REP3-029]</b> resubmitted at Deadline 4.</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
TE 1.3	<p><i>Terrestrial Ecological Surveys and Mitigation for the Whole of the Landward part of the Proposed Development</i></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>Natural England</b></p> <p><b>The Environment Agency</b></p>	<p>Comment on whether remaining concerns exist regarding:</p> <p>a) the quality of terrestrial ecological surveys in general undertaken by the Applicant for the whole of the landward part of the Proposed Development?</p> <p>b) the conclusions the Applicant has come to for the terrestrial ecological assessments for the whole of the landward part of the Proposed Development.</p> <p>c) the extent to which the appropriate guidelines and methodologies have been followed by the Applicant when undertaking relevant terrestrial surveys for the whole of the landward part of the Proposed Development the quality and likely effectiveness of the mitigation the Applicant is proposing for potential impacts on terrestrial ecology for the whole of the landward part of the Proposed Development.</p>	<p>The SDNPA had provided initial comments on this topic in our Written Representation and whilst we have not been asked to respond directly to this question, we hope the ExA find our response useful. A sampling approach has been used throughout to provide data against which to evaluate the habitats and species present and provide a basis on which to make an assessment. Such an approach, whilst acceptable for a large scheme, still needs to cover enough of the proposed route where that species might reasonably occur, in order to obtain a representative data sample. The associated surveys should also be carried out in accordance with best practice guidance in relation to the habitats and species being targeted – including proper consideration (and where appropriate, survey) of the relevant predicted zone of influence of the proposed scheme. Furthermore, the survey data should be used to inform the evaluation and assessment stages of the Ecological Impact Assessment (EclA). Significant concerns remain throughout around the quality of the EclA in this regard. This is further discussed in our response to TE 1.11.</p>	<p>The Applicant refers South Downs National Park Authority to the response provided to Natural England within Appendix J2.5a Terrestrial ecology in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document reference: 8.66)</a>.</p>
TE 1.10	<p><i>Protected Species - Hazel Dormouse</i></p> <p><b>The Applicant</b></p> <p><b>Natural England Relevant Planning Authorities</b></p> <p><b>The Environment Agency</b></p> <p><b>SDNPA</b></p>	<p><b>The Applicant</b></p> <p>a) The ExA requests an update to the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to hazel dormouse, [PEPD-030] Environmental Rampion 2 Offshore Wind Farm -</p>	<p>The survey coverage to date within the SDNPA is considered insufficient to conclude the likely absence of Dormice.</p> <p>A 2009 record confirmed the presence of Hazel Dormice within Butler's Copse, 500m to the west/northwest of the DCO corridor and functionally linked to the application area via suitable Dormouse habitat. There are also 2021 records of Dormouse just south of the A27 at Grooms Copse, confirming presence of this species in the wider area. The 2023 Dormouse survey covered some of the area between</p>	<p>The Applicant refers South Downs National Park Authority to the response provided to Natural England within Appendix J3 Protected Species in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document reference: 8.66)</a>.</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
		<p>Examining Authority's Written Questions 61 Natural England Relevant Planning Authorities The Environment Agency SDNPA Statement Volume 4, Appendix 22.19: Hazel dormouse report 2023 Date: January 2024 Revision A.</p> <p>b) State whether the Best Practice Guidelines outlines in 'The Dormouse Conservation Handbook, Second Edition', have been adhered to. If not, has a detailed justification been provided? If not, the ExA requests that one is provided.</p> <p>c) State if the information this new report provides changes any of the conclusion in the Terrestrial Ecology chapter of the Environmental Statement [APP-063].</p> <p>d) State whether the survey location sites for hazel dormouse have been updated in light of changes to the proposed cable route. Have survey sites been updated in line with best practice?</p> <p><b>Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA</b></p> <p>Confirm if the surveys undertaken by the Applicant and proposed mitigation measures for hazel dormouse described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there</p>	<p>Butlers Copse and Kitpease Copse (Survey Area 9) and concluded that Dormice were likely not present in Kitpease Copse and therefore not a constraint to the Proposed Development at this location.</p> <p>It is surprising that no Dormice have been recorded in this location, despite there being suitable habitat present within the survey area and positive records in well-connected habitat nearby. Given the established habitat connectivity with a known Dormouse population in this location, the fact that any ecological survey is a snapshot in time, the unfavourable conservation status of the species and the construction timescale of the project, we would expect an indication of how the applicant is taking a precautionary approach to the possible presence of this species in the adjacent woodland block(s) (including suitable habitat within the DCO corridor), in terms of survey updates (including use of other emerging methods such as footprint tunnels), assessment, mitigation approach and potential habitat enhancement opportunities. The applicant should confirm that they have approached the Sussex Record Centre and any special interest groups such as Sussex Mammal Group, Peoples Trust for Endangered Species (including the National Dormouse Monitoring Programme and Footprint Tunnel Survey) Forestry Commission, Woodland Trust, etc regarding any more recent or ongoing survey or project work in the area and obtained the most up to date records for the species.</p> <p>Precaution is justified in this location as the DCO corridor interrupts the linear connection between Butlers/Hammerpot Copses to the west and similar woodland habitat in Olivers Copse and Stonyland Copse to the east and could represent a significant habitat barrier in the medium to long term for Dormice, in the event that on-site habitat reinstatement is not successful.</p>	



Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
TE 1.11	<p><i>Protected Species - Bat Surveys</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>Relevant Planning Authorities</b></p> <p><b>The Environment Agency</b></p> <p><b>SDNPA</b></p>	<p>any other approaches that you consider would be effective in terms of mitigation measures for hazel dormouse?</p> <p>Confirm if the proposed mitigation measures for bats described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for bats</p>	<p>The SDNPA considers that very little of the proposed route was surveyed for bats; the surveys that have been carried out are not complete due to significant amounts of missing data. Further, the survey approach has not been properly tailored to the species and habitats present, and the data that is available has not been properly considered in the assessment. The applicant does not appear to have taken the opportunity to consider and further investigate the emerging survey results throughout the data collection period (2020-2023), or to address any gaps which have arisen during each year of data collection during the following year(s), to ensure that the baseline for the assessment is robust and therefore in line with best practice. The assessment is therefore unreliable in its current form. Considering the amount of significant severance occurring in a highly sensitive landscape with numerous features of high potential value for roosting, foraging and commuting bats, the amount and quality of bat survey work carried out to inform the assessment is very disappointing. It does not provide confidence in the associated assessment of predicted impacts or the mitigation measures that ensure from that assessment. For example:</p> <ul style="list-style-type: none"> <li>• There has been insufficient targeting of potential crossing points,</li> <li>• Minimal (and ineffective) use of statics and minimal transect surveys,</li> <li>• No use of advanced surveys to investigate bat activity in key potential habitats along and adjacent to the proposed route,</li> <li>• No use of night vision aids in conjunction with the surveys that have been conducted and large amounts of missing data (which has not been addressed through the survey period or properly considered as a limitation),</li> </ul>	<p>The Applicant refers South Downs National Park Authority to the response provided to Natural England within Appendix J3 Protected Species in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document reference: 8.66)</a>.</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
			<ul style="list-style-type: none"> <li>• No consideration of seasonal variation in activity at key locations and what the effect of habitat severance might be in these locations for individual species in the assemblage during particular key periods, e.g. during the maternity or mating seasons.</li> </ul> <p>It is not clear how the survey approach has responded to the emerging findings through the survey period, nor how the baseline data has informed the assessment of predicted effects or the associated avoidance, mitigation and compensation strategy. For example, in 2023 no static detector data was recorded in September (a key month in terms of bat activity), data was limited for August 2023 and there was only one month during the entire data collection period (April to October) when all four static detectors were working. Activity peaks for certain species in particular locations along the survey corridor have not been discussed in the impact assessment or considered in the mitigation strategy.</p>	
TE 1.26	<p><i>Amberley Mount to Sullington Hill SSSI and Sullington Hill Local Wildlife Site</i></p> <p><b>Natural England</b></p> <p><b>Arun DC</b></p> <p><b>The Environment Agency</b></p> <p><b>SDNPA</b></p>	<p>The Applicant has stated that surface works through the Sullington Hill Local Wildlife Site (LWS) are being avoided through use of a trenchless crossing.</p> <p>Respond, if required, to the decision of the Applicant to scope out the Amberley Mount to Sullington Hill SSSI, particularly in light of the proximity of the Proposed Development red line boundary to the SSSI and/or the evidence submitted into the Examination at Deadline 1 by Grahame Rhone Kittle [REP1-100] including the discovery of a nationality scarce spider</p>	<p>The SDNPA will defer to Natural England as to whether Amberley Mount and Sullington Hill SSSI should remain scoped out of assessment. Given the evidence that has come to light [REP1-100], we consider there is a case for this decision to be revisited in respect of the potential indirect disturbance effects related to vehicular/human access and temporary construction effects.</p>	<p>The Applicant provided a detailed response to the Examining Authority's First Written Question TE 1.26 in Table 2-18 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>.</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
TE 1.28	<p><i>Potential Terrestrial Ecological Impact</i></p> <p><b>The Applicant</b></p> <p><b>The Environment Agency</b></p> <p><b>Natural England</b></p> <p><b>Relevant Planning Authorities</b></p> <p><b>SDNPA</b></p>	<p><b>The Applicant</b></p> <p>a) The ExA requests the Applicant to state the estimated worst case duration range for construction activities for: i. a 1 kilometre (km) length of open cut cable corridor ii. a trenchless crossing of a watercourse, PRoW or small track b) The ExA requests the Applicant to provide worst case construction duration times marked on a plan in sections along the whole of the cable route, in as much detail as possible. For sections where the time of year construction is undertaken would be a significant consideration, such as sensitive ecological areas, mark on the plan which months or season the construction work is proposed to be undertaken.</p> <p><b>The Environment Agency, Natural England, Relevant Planning Authorities, SDNPA</b></p> <p>In addition to the Commitment made to seasonal restriction of construction work at Climping Beach (C-217), comment on whether there are any other sensitive areas within the onshore section of the Proposed Development where a seasonal restriction on construction work is required from an ecological perspective.</p>	<p>The SDNPA suggest that the following areas should also be considered for a seasonal restriction on construction works from an ecological perspective:</p> <ul style="list-style-type: none"> <li>• Kitpease Copse/Olivers Copse (Static Locations 23-2a and 23-2b);</li> <li>• HDD compounds and activity at Michelgrove Park.</li> </ul> <p>Given the high value habitat, connectivity/linkages and broad species assemblage (including rarer species) present across the SDNPA, there are likely to be similar sensitivities in many locations at particular times of the year. It is not possible to advise further as the survey data presented does not provide sufficient coverage to indicate such areas spatially for the majority of the proposed route.</p>	<p>The Applicant does not consider it necessary to apply a seasonal restriction at Kitpease Copse / Olivers Copse. To avoid damage to active birds nests this area would be cleared during the winter period in line with commitment C-21 (see <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4) secured via Requirement 22 within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4)) thereby meaning that the loss of habitat would occur during the period when bats are not active. Further, activity in this location would take place during the daytime only, other for vehicles passing by infrequently during the trenchless crossing works at Michelgrove Park. The loss of habitat was also reduced in this location at Deadline 3 to 23m (see <a href="#">Outline Code of Construction Practice [REP3-025]</a> secured via Requirement 22 within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4)).</p> <p>The Applicant does not consider it necessary to apply a seasonal restriction at Michelgrove Park. Commitment C-216 (<a href="#">Commitments Register [REP3-049]</a>) means that there will be at least a 25m stand-off from the edge of the woodland to the working area, and Commitment C-105 (<a href="#">Commitments Register [REP3-049]</a>) will ensure that any temporary lighting used during the trenchless crossing activity will be designed in line with appropriate guidance. Both Commitments C-216 and C-105 are included in the <a href="#">Outline Code of Construction Practice [REP3-025]</a> and secured via Requirement 22 within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p> <p>Given that the works will be within arable fields and highly localised a seasonal restriction is not considered to be proportionate.</p>
TE 1.30	<p><i>Impacts to Ecologically Important and Sensitive Sites: Climping Beach SSSI,</i></p>	<p>Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore Construction Method</p>	<p>Please could specific reference to Michelgrove Park be added to the list of other ecologically sensitive sites in Requirement 23 (2b).</p>	<p>The Applicant notes that South Downs National Park Authority would like to see Michelgrove Park have restricted access provided under Requirement 23(2)(b) or a specific commitment within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4). The Applicant is of the opinion</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
	<p><i>Littlehampton Golf Course and Atherington Beach LWS, Sullington Hill LWS, and Ancient Woodland at Michelgrove Park and Calcot Wood.</i></p> <p><b>Natural England</b></p> <p><b>The Environment Agency</b></p> <p><b>SNDPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Forestry Commission</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p>	<p>Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites.</p> <p>Provide a response to these proposed Requirements, stating any outstanding concerns.</p>		<p>that commitment C-216 of the <b>Outline Code of Construction Practice [REP3-025]</b> (secured via Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4)) adequately restricts this with the only access possible within 25m restricted to pre-existing forestry tracks. However, reference has been included to Michelgrove Park in Requirement 23(2)(b) in the <b>Draft Development Consent Order</b> submitted at Deadline 4.</p>
TE 1.31	<p><i>Applicant's Approach to Hedge Notching</i></p> <p><b>Natural England</b></p> <p><b>The Forestry Commission</b></p> <p><b>The Woodland Trust</b></p> <p><b>SDNPA</b></p>	<p>The Applicant has provided further justification of its proposed hedge notching technique in responses to SNDPA in their PADS [AS-006] and WR [REP1-052], and West Sussex CC's LIR [REP1-054].</p> <p>West Sussex CC commented in their LIR submitted at Deadline 2 [REP1-054] that:</p> <p><i>“Although WSCC has concerns about the success of hedgerow ‘notching’, it recognises that this technique does offer some advantages and therefore is worth attempting provided any necessary remedial measures, such as re-stocking, are implemented immediately.”</i></p>	<p>There is evidence that bats prefer taller, wider, structurally diverse hedgerows and those with emergent trees (e.g. Boughey et al. 2011, Lacoecilhe et al. 2016). Trenching may be a more suitable approach in certain areas where hedges/treelines are particularly ecologically diverse/sensitive, or where there are species sensitivities such as significant bat movement corridors/ foraging areas which could be significantly affected by notching.</p> <p>Please see the SDNPA's previous comments at paragraphs 3.8.6- 3.8.7 of the Written Representation [REP1-052] regarding reinstatement success.</p>	<p>The Applicant has no further comment on this matter at this time.</p>



Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
TE 1.33		<p>Provide an updated response to the Applicant's proposed hedge noting technique, specifically stating whether there is agreement between the parties or any ongoing areas of disagreement or concern</p>		
		<p>The Applicant has stated in the OLEMP [APP-232] that: "<i>stage specific LEMPs will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with this Outline LEMP for approval of the relevant planning authority, prior to the commencement of that stage of works. The stage specific LEMPs for the onshore substation and National Grid Bolney substation extension works shall be developed and submitted for approval alongside the detailed design of this infrastructure.</i>"</p> <p><b>Applicant</b></p> <p>a) If a significant period elapses between the surveys undertaken for protected species and the start of construction, explain whether it is the intention to re-survey features prior to construction and would the findings be included in the updated stage specific Landscape and Ecological Management Plans.</p>	<p>Whilst the principle of stage-specific LEMPs is supported, a more robust outline LEMP is required, to provide a much clearer set of objectives for what is expected across the cable corridor. It is likely that it will not just be the contractors, but also landowners who will be responsible for ongoing management of landscape and ecological features within the cable corridor.</p> <p>Significant weight has been given in the assessment of onshore landscape effects to the success of the reinstatement planting and therefore we consider more detail of what measures will be implemented and how these will be managed long-term should be provided prior to determination.</p> <p>Further comments were provided at Section 9.1, Appendix A of the SDNPA's Written Representation [REP1-052</p>	<p>The <b>Outline Landscape and Ecology Management [REP3-037]</b> was updated and provided at Deadline 3 with a further update provided at Deadline 4.</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
		<p><b>The Environment Agency and Relevant Planning Authorities</b></p> <p>a) Comment, if required, on the approach put forward by the Applicant regarding the stage specific LEMPs. Explain if concerns remain and what approach is recommended.</p> <p>b) Comment, if required, on the durations between surveys and construction.</p>		

#### Appendix B Comments on updated draft Development Consent Order

Section / Article	Detail	Comment / Query	Applicant's Response
Part 1, Article 2	Definition of 'horizontal directional drilling'	This definition needs to be consistent with how the phrase is used elsewhere	It is not clear what change South Downs National Park Authority seek to secure in relation to this definition and would welcome clarification.
Part 1, Article 2	Definition of 'relevant planning authority'	<p>Whilst there is nothing in the wording that would exclude the SDNPA as a local planning authority, later sections of the DCO and elsewhere in the application submission have not recognised the SDNPA as such.</p> <p>Further, where aspects of the scheme, such as the Washington Construction Compound, would impact on the setting of the National Park, we would expect to be consulted on the details. This could be added as a criterion.</p> <p>UPDATE: Whilst we welcome the inclusion of SDNPA in respect of Requirement 22, this remains an outstanding matter as there is a lack of consistency.</p>	<p>As noted above in response to South Downs National Park Authority's comment on Part 1, Article 2 ('<i>definition of Horizontal Directional Drill</i>') of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4), it is the Applicant's position that the definition of 'relevant planning authority' in the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) already incorporates South Downs National Park Authority; pursuant to section 4A of the Town and Country Planning Act 1990 following establishment of a National Park authority it is to be the sole local planning authority for the area of the park.</p> <p>It is not considered necessary to amend the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) in relation to potential impacts of aspects of the scheme on the setting of the National Park as the local planning authority would be expected to take this into account and consult the adjoining authority where necessary in this regard.</p>
Part 1, Article 2	Definition of 'trenchless technologies'	The change made to the definition remains of concern, as it now appears that horizontal directional drilling is included in open cut. It is suggested that the definition be updated to "means a cable installation method to install the cable	The amendment has been included in the <a href="#">Draft Development Consent Order [REP3-003]</a> as submitted at Deadline 4.

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
			circuits underground by means other than open cut, including horizontal directional drilling".	
Part 2, Article 6	Application and modification of legislative provisions – duty to seek to further the purposes of the National Park.	As per the SDNPA's response to ExA Question DCO 1.4, we recommend the following is added to this article (7) The provisions of Section 11 of the National Parks and Access to the Countryside Act 1949 (as amended by Section 245(3) of the Levelling Up and Regeneration Act 2023) apply insofar as they relate to activities that would reasonably be carried out by Statutory Undertaker.		The Applicant notes that following discussion of this matter at Issue Specific Hearing 2 (May 2024), the South Downs National Park Authority agreed to re-consider this request. The Applicant awaits the submission of the clarification at Deadline 4 for its consideration.
Part 4, Article 32	Temporary use of land for carrying out the authorised project – including removal of vegetation.	This is a blanket power without any real constraint on its use. Given the rather arbitrary nature of this power it makes it difficult to understand and assess the actual tree and hedgerow loss associated with the development.  UPDATE: We note the clarification provided by the applicant, however consider that a more robust demonstration that these matters are secured by the documents suggested, would be appropriate.		The Applicant notes that following discussion of this matter at Issue Specific Hearing 2 (May 2024), the South Downs National Policy Authority confirmed that it will give further consideration to whether any changes are requested to these articles or whether any residual concerns relate to the control documents. The Applicant awaits the submission of the clarification at Deadline 4 for its consideration.
Part 4, Article 33	Temporary use of land for maintaining the authorised project	See comments immediately above and note this also includes the provision of means of access.		Please see above response to South Downs National Park Authority's comment on Part 4, Article 32 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).
Part 7, Article 43	Felling or lopping of trees and removal of hedgerows	This is a blanket power without any real constraint on its use. Given the rather arbitrary nature of this power it makes it difficult to understand and assess the actual tree and hedgerow loss associated with the development. Please see comments on Article 32.		
Part 7, Article 44	Trees subject to tree preservation orders	This appears to suggest that trees subject to TPO are able to be felled without any further consideration. This is of significant concern where effort should be made to retain such trees.		
Schedule 1, Part 3 Requirement 10	Programme of Works	The Applicant's updated wording, which separates 'construction' and 'onshore site preparation works' is welcomed. We consider that within Requirement 10(2) details of the specific onshore site preparation works for the associated stage should be required for submission.		The Applicant does not consider that it is appropriate that the programme of stages to be submitted pursuant to requirement 10(2) to include detail for the scope of onshore site preparation works proposed to be undertaken in relation to each identified stage.  The purpose of the programme of stages secured by requirement 10 is to identify stages in respect of which control documents must be submitted and approved in accordance with other requirements of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4). The approval of those control documents given by the appropriate discharging authority will confirm the works which are then authorised to be undertaken, and the respective requirements each ensure that the approved document must be implemented as approved.

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
Schedule 1, Part 3, Requirement 14	Biodiversity Net Gain	The SDNPA suggests that it may be appropriate to create two requirements to overcome the concerns; one to cover mitigation measures associated with net loss and the other to deliver appropriate biodiversity		It is the Applicant's position that <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement [REP3-019] appropriately details how both mitigation to secure no net loss and biodiversity net gain are secured. Consequently, there is no need to amend Requirement 14 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) which requires submission and approval of a biodiversity net gain strategy which accords with this Appendix, and for that strategy to be implemented as approved.
Schedule 1, Part 3, Requirement 16	Highway Accesses in the South Downs National Park	The SDNPA also consider that Manual for Streets would be a more appropriate standard, given the status, location and use of the roads in question. UPDATE: In discussion with WSCC, we understand that they have requested the inclusion of wording to allow the use of other standards for the design of accesses. In this particular instance, we request that Manual for Streets is inserted in place of Design Manual for Roads and Bridges, for the updated wording.		Requirement 16 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) has been amended in accordance with the request made by West Sussex County Council as highway authority in its Local Impact Report [REP1-054], which allows for reference to an alternative standard if agreed with the highway authority. The Applicant shall design to Manual for Streets standards where appropriate and agreed with the Highways Authority.
Article 46, Schedule 14 Section 2	Further Information	The SDNPA consider that 20 business days would be more appropriate. Although, the alternative is that if the request for further information is not honoured, the Local Planning Authority would be within its rights to refuse to discharge the requirement. UPDATE: We note the ExA's comments on this matter, which appear to advise that 20 business days with no caveat, in line with our recommendation, should be applied.		Paragraph 2 of Schedule 14 has been amended to refer to 20 business days in the <a href="#">Draft Development Consent Order [REP3-003]</a> as submitted at Deadline 4.

## Appendix C – SDNPA comments on other Deadline 2 Submissions

Reference	SDNPA comments	Applicant's response
<b>1 Introduction</b>		
1.1	1.1 The SDNPA remains of the opinion that the route selected for the onshore cable corridor has not demonstrated it is the most appropriate option through the South Downs National Park. The route choice has not been effective at moderating the detrimental effects on the environment, landscape and recreational opportunities.	The Applicant has provided a further note on Special Qualities in response to Issue Specific Hearing 2 Action Point 27 at Deadline 4 in <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70)</a> .
1.2	1.2 Within the SDNP, further steps are expected to demonstrate that natural beauty, wildlife and cultural heritage are being conserved and enhanced. Overall, in their response to the SDNPA's Local Impact Report and Written Representation [REP2-024] the applicant does not appear to have recognised this requirement.	
1.3	1.3 The following comments provide clarification of our concerns, where not discussed in the response to ExAQ1 (Appendix A).	The Applicant has no further comments on this matter at this time.

## 2 South Downs National Park – Special Qualities and Status of Partnership Management Plan



Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
2.1	2.1 Natural England advocate that proposals / actions should be assessed against the aims, objectives, and principles of the South Downs National Park Partnership Management Plan (PMP).			<p>The landscape and visual effects on the South Downs National Park and its Special Qualities (SLQs) are assessed <b>Chapter 18: Landscape and visual impact, Volume 2</b> of the Environmental Statement (ES) [APP-059] and associated Appendices and further information provided in <b>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]</b>.</p> <p>In this respect the Landscape and Visual Impact Assessment (LVIA) has regard to the South Downs Partnership Management Plan and emerging National Park Local Plan and other adopted planning documents and strategies.</p>
2.2	2.2 The PMP provides the framework for demonstrating how projects are contributing to the Special Qualities and how relevant bodies are performing their new duty in respect of the National Park Purposes under S245 of the Levelling Up and Regeneration Act 2023. This also applies to the offshore aspects of the scheme, as they have a direct effect on the National Park.			<p>The Applicant is aware of the duty imposed on relevant authorities to 'seek to further' the purposes of a National Park in exercising their functions. These purposes are of conserving and enhancing natural beauty and promoting understanding and enjoyment of the special qualities of the South Downs National Park. This duty will be exercised by the Secretary of State in determining whether to grant the application for development consent for the Proposed Development.</p>
2.3	2.3 The SDNPA acknowledges that the new duty does not preclude decisions that are 'harmful' to the National Park. However, the new duty requires positive evidence that the relevant authority has, in all the circumstances, sought to further the purposes. This should not merely be through the mitigation of any harm but by taking all reasonable steps to further the statutory purposes. It is considered that the new duty also underlines the importance of avoiding harm to the statutory purpose.			<p>The Applicant is continuing to engage with the South Downs National Park Authority with regards to the mitigation and additional enhancement opportunities including those that could be secured by the Development Consent Order (DCO) to 'further the purposes' of the National Park and seek to reach agreement on these matters during the course of the Examination.</p>
2.4	2.4 Natural England's <sup>3</sup> advice states: <ul style="list-style-type: none"> <li>• 'the new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reason evidence what measures can be taken to further the statutory purpose,' and</li> <li>• 'the proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition (our emphasis) to avoiding and mitigating the effects of the development.'</li> </ul>			<p>The South Downs National Park Authority has also been invited to suggest and evidence how Section 106 (s106) funding would compensate for specific identified harms and this is currently under discussion. The South Downs National Park Authority have suggested updated Heads of Terms. Examples include compensatory planting and South Downs National Park projects (Beeline / Trees for the Downs etc).</p>
2.5	2.5 Whilst it is correct that Local Plan policies do not apply directly to aspects of the development outside of the National Park, they remain a relevant consideration as they provide context for how the effects of development should be assessed in respect of the impact on the National Park Purposes and Special Qualities. They are also a reflection of how the PMP aims and objectives can be achieved. It is in this context that we consider the offshore landscape effects should be assessed.			<p>The Applicant will continue to engage with South Downs National Park Authority on this matter and discuss options for compensatory measures.</p> <p>Noting that the onshore elements are underground and mitigation embedded into the construction and reinstatement will ensure no lasting or long-term significant effect on the South Downs National Park, its landscape character or Special Qualities as a consequence of the onshore elements.</p>

### 3 Seascape and Landscape (Offshore and Onshore)

<sup>3</sup> Advice provided by Natural England to the Lower Thames Crossing DCO Examining Authority (Reference TRO010032), Annex 2 of letter dated 15 December 2023 and Advice provided by Natural England to Secretary of State on the A66 Trans-Pennine Dualling Project DCO (Reference TR010062) letter dated 19 January 2024.

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
3.1		3.1 We acknowledge the Applicant's response to our earlier representations [REP2-024]. For clarity, has been no fundamental change in our position since we submitted our Local Impact Report and Written Representation.		The Applicant has no further comments on this matter at this time.
3.2		3.2 In respect of Seascape and Landscape associated with the offshore works, we have provided a detailed assessment of seascape sensitivity as part of our earlier submission (Appendix C of SDNPA's <a href="#">Written Representations (WRs) [REP1-052]</a> ). Please also note our additional comments on ExAQ SLV 1.3 and SLV 1.5. The applicant has acknowledged there will be significant adverse effects on the Special Qualities, which underpin the statutory purposes of the National Park. These effects are therefore undermining the purposes of designation. We would strongly disagree that the offshore elements of the proposal have avoided compromising the purposes of designation.		The Applicant notes the South Down National Park Authority's assessment of seascape sensitivity as part of its earlier submission (Appendix C of South Down National Park Authority's Written Representations (WRs) <a href="#">[REP1-052]</a> ) and its additional comments on the Applicant's responses to the Examining Authority's First Written Questions SLV 1.3 and SLV 1.5 within <a href="#">Deadline 3 Submission – 8.54: Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> . The Applicant and the South Downs National Park Authority have a different approach to concluding on the impact upon Special Qualities and whether the statutory purposes of the South Downs National Park are compromised. It is the Applicant's position that the statutory purpose of the South Down National Park would not be compromised by the Proposed Development, based on the rationale provided in its previous submissions including the assessments and conclusions in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the Environmental Statement (ES) <a href="#">[APP-056]</a> , the Applicant's responses to the Examining Authority's First Written Question SLV 1.5 within <a href="#">Deadline 3 Submission – 8.54: Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> and the <a href="#">Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 5 – Further information for Action Point 27 – South Downs National Park [REP1-024]</a> and the precedents set by the findings on these matters for other nationally significant infrastructure projects.
3.3		3.3 It is within the gift of the applicant to make changes, including providing more robust detail in respect of the design principles, which proactively respond to Rampion 1 development. These steps would go some way to providing appropriate mitigation for the significant adverse effects.		Opportunities to make further design changes are limited by the technical, economic and functional requirements of the Proposed Development to produce renewable energy, as well as other environmental factors. These are explained further in the Applicant's responses to the Examining Authority's First Written Question SLV 1.6 within <a href="#">Deadline 3 Submission – 8.54: Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> . Visual design mitigation has been incorporated within the reduction in the spatial extent of the proposed DCO Order Limits (array area) and windfarm separation zones, embedded within the <a href="#">Offshore Works Plans [PEPD-004]</a> . This reduction in spatial extent was informed by a set of design principles, which have been described in the <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the ES <a href="#">[APP-056]</a> and the <a href="#">Deadline 1 Submission – 8.35 SLVIA Maximum Design Scenario and Visual Design Principles Clarification Note [REP1-037]</a> . These design principles have due regard to the design principles held in the Rampion 1 Design Plan (commitment C-61 in <a href="#">Commitments Register [REP3-049]</a> ).
3.4		3.4 It would appear that an agreement between the applicant and SDNPA is not going to be possible in respect of the assessment or conclusions reached in respect of residual seascape impact and the		The Applicant agrees that it is unlikely an agreement will be reached between the South Downs National Park Authority and the Applicant with regard to further design changes in respect of seascape and visual impacts. The South

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
		necessary mitigation. Therefore we will be discussing an appropriate package of compensation to offset this considerable harm, with the applicant.		Downs National Park Authority and the Applicant are in discussion over an appropriate compensation package, on which the South Downs National Park Authority has been invited to suggest and evidence how compensation funding would mitigate specific identified harms and this is currently under discussion. The Applicant will continue to engage with South Downs National Park Authority on this matter and discuss options for compensatory measures.
<b>4 Ecology</b>				
4.1		4.1 There remains a fundamental issue with how the ecological assessment has been carried out and how residual impacts are proposed to be resolved. Biodiversity Net Gain and the statutory metric used to quantify this, do not address protected species and do not address severance in landscape terms. The mitigation and compensation associated with these effects need to be resolved discretely as these are the mandatory requirements. The elements of net gain and enhancement can then be properly understood and secured separately.		The Applicant has provided an assessment of the effects on protected species within <a href="#">Chapter 22: Terrestrial ecology and nature conservation, Volume 2</a> of the Environmental Statement (ES) <b>[APP-063]</b> (updated at Deadline 4). The Applicant refers South Downs National Park Authority to the response provided to Natural England within Appendix J2.5a Terrestrial ecology in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document reference: 8.66)</a> . This provides the Applicant's view on a range of protected species. The Applicant also notes that local planning authorities including West Sussex County Council <b>[REP3-073]</b> , Arun District Council <b>[REP3-067]</b> and Horsham District Council <b>[REP3-069]</b> are, in general satisfied with the level of survey effort and approach to assessment.
4.2		4.2 As has been suggested previously, we have not been able to understand from the data submitted what degree of loss / harm is occurring in the National Park specifically. It therefore not possible to conclude that there would be no significant effects on terrestrial ecology at this stage.		The Applicant has provided a breakdown with regards Biodiversity Net Gain (BNG) by area in an update at Deadline 3 to <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement (ES) <b>[REP3-019]</b> . This quantifies levels of loss in the South Downs National Park. It is also noted that at Deadline 3 further updates have been made to the <a href="#">Outline Code of Construction Practice [REP3-025]</a> and the <a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a> .
4.3		4.3 The SDNPA understands that the applicant will be submitting further information that will hopefully provide a better understanding of the effects within each Local Authority area at Deadline 3.		
4.4		4.4 We remain concerned regarding the lack of investigation into the successful deployment of HDD or other trenchless technologies in ecologically sensitive areas, specifically at Michelgrove Ancient Woodland and Sullington Hill Local Wildlife Site. The applicant is risking unnecessary impacts on the Special Qualities by taking the approach of leaving further investigation to a later stage. More certainty in terms of deliverability and the route it will take should be provided now in order to ensure entirely avoidable harm is not caused to both ecological and landscape features.		<p>The Applicant notes that commitment C-5 (<a href="#">Commitments Register [REP3-049]</a>) was updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the <a href="#">Outline of Construction Practice [REP3-025]</a> which is secured via Requirement 22 within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p> <p>The Applicant has provided a further update to commitment C-5 in the <a href="#">Commitments Register [REP3-049]</a> at Deadline 4 to reinforce that the works will be undertaken in accordance with the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4) which includes the details of all features that are crossed by trenchless crossings as per Appendix A - Crossing Schedule within the <a href="#">Outline Code of Construction Practice [REP3-025]</a>. Reference to requirement 6 (4) of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) has also been included in the <a href="#">Commitments Register [REP3-049]</a> as a securing mechanism.</p>



Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
				<p>The Applicant also notes that further information is provided as to the locations for implementation of trenchless technologies is set out in section 4.2 of the <a href="#">Outline Code of Construction Practice [REP3-025]</a>. Requirement 22 secures that stage specific codes of construction practice must accord with the <a href="#">Outline Code of Construction Practice [REP3-025]</a> and must be submitted and approved by the relevant local planning authority and be implemented as approved.</p> <p>Requirement 6(4) within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) does cross reference the crossing schedule as secured through Requirement 22.</p> <p>The Applicant has provided detailed responses to the Examining Authority's construction, operation and decommissioning matters Written Questions COD 1.1 'Commitments Register - Horizontal Directional Drilling' and COD 1.2 'Commitments Register – Other Trenchless Technology' <a href="#">[PD-009]</a> in Table 2-3 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p> <p>The commitment to trenchless crossings has been provided to seek to avoid impacts on features such as roads, rail, rivers as well as in places of environmental sensitivity. Further embedded environmental measures and Development Consent Order (DCO) Requirements have been provided in the DCO Application to address residual concerns of stakeholders around the use of trenchless crossings which are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Further ground investigation to inform detailed design of trenchless crossings including measures reducing any risk of frac out of drilling fluids, as described in Section 3.4 of the <a href="#">Outline Construction Method Statement [APP-255]</a> is secured by Requirement 23 in the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4). See also commitments C-234, C-235, and C-236 in the <a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 4); and</li> <li>• Depths of trenchless crossings below sensitive features including 6m below veteran trees (commitment C-174) and Ancient Woodland (commitment C-216) and crossing of the Climping Beach Site of Special Scientific Interest at a minimum of 5m depth as per the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4), are secured by Requirement 22 in the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</li> </ul> <p>The Applicant also notes that paragraph 4.2.3 of the <a href="#">Outline Code of Construction Practice [REP3-025]</a> also provides that where a change to the nature of a crossing specified in Appendix A of the <a href="#">Outline Code of Construction Practice [REP3-025]</a> is proposed, the stage specific Code of</p>



Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
				Construction Practice must be accompanied by confirmation that there will be no new or materially different environmental effects arising compared to those assessed in the Environmental Statement.
<b>5 Highways and Access</b>				
5.1		5.1 SDNPA support WSCC's comments in respect of traffic and highways impact, particularly as it relates to Long Furlong/Michelgrove Park. It would appear that traffic generated during construction would remain high along Long Furlong and the associated accesses, for a sustained period. The tables within the Traffic Generation Technical Note [REP1- 008] however, are difficult to interpret and are without details of the exact assumptions that have been used to produce the estimates of both light and heavy good vehicles.		<p>The Applicant has provided a traffic management strategy to facilitate access along Michelgrove Lane by construction traffic in Appendix D of the <b>Outline Construction Traffic Management Plan [REP3-029]</b> submitted at Deadline 3. The Applicant notes that comments on the submitted traffic management strategies for Michelgrove Lane have been received from West Sussex County Council and discussed during a meeting on 09 May 2024. The Applicant has provided a further update to the traffic management strategies for Michelgrove Lane in Appendix D of the <b>Outline Construction Traffic Management Plan [REP3-029]</b> at Deadline 4.</p> <p>The Applicant notes that <b>Appendix 23.2: Traffic Generation Technical Note, Volume 4</b> of the ES [REP3-021] has been updated (which includes an update to Tables 6-8) and submitted at Deadline 3.</p>
5.2		5.2 We remain of the opinion that there are too many accesses within the National Park. It is recognised that these serve construction and/or operational purposes, but there are still a disproportionate number. For example, between Storrington and Washington (Works Plans PEPD-005) there are 5 operational accesses within 2km. We would welcome confirmation that this would be reviewed and reduced once a contractor was appointed.		The Applicant seeks rights for access necessary to construct and maintain the Proposed Development. Several accesses consulted upon have subsequently be removed during the course of design refinement (such as those at the Vinery) or retained only for operational use (such as Long Furlong Lane). The Applicant does not consider that any further refinement is possible at this stage.
5.3		5.3 Please see our comments in respect of ExAQ TA 1.15 for our response regarding Public Rights of Way.		<p><b>Chapter 17: Socio-economics, Volume 2</b> of the Environmental Statement (ES) [APP-058] assesses the potential effects of the Proposed Development on Public Rights of Way (PRoWs) through the onshore recreation assessment. The assessment of the construction of Rampion 2 on onshore recreation is anticipated to have a significant residual effect (i.e., post-implementation of embedded environmental measures) on the following receptors:</p> <ul style="list-style-type: none"> <li>• Moderate/major adverse residual effect (Significant) on PRoW users of 2092 and 2693; and</li> <li>• Minor/moderate adverse residual effect (Significant) on PRoW users of 2208, 3514, 2211 and 2092.</li> </ul> <p>For all other PRoWs (142no) the assessment concluded Negligible/minor adverse effect (not significant).</p> <p>All PRoWs affected during onshore construction works are identified in Section 4.3 within the <b>Outline Public Rights of Way Management Plan [REP3-033]</b>. Table 4-1 within the <b>Outline Public Rights of Way Management Plan [REP3-033]</b> includes each PRoW impacted by the onshore elements of the Proposed Development, the type of impact and if this impact in temporary or permanent.</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
				<p>Paragraph 4.2.5 within the <a href="#">Outline Public Rights of Way Management Plan [REP3-033]</a> secured via Requirement 20 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) confirms that no PRoW will be permanently affected by the Proposed Development.</p> <p>Section 5 of the <a href="#">Outline Public Rights of Way Management Plan [REP3-033]</a> outlines the proposed management measures for the impacted PRoWs including (but not limited to):</p> <ul style="list-style-type: none"> <li>• Temporary closures and diversions;</li> <li>• Managed crossings;</li> <li>• Shared routes;</li> <li>• Inspection and maintenance;</li> <li>• Signage management; and</li> <li>• PRoW sequencing.</li> </ul> <p>Section 5.2 of the <a href="#">Outline Public Rights of Way Management Plan [REP3-033]</a> also identifies commitments (C-18, C-32, C-161, C162, and C-202) within the <a href="#">Commitments Register [REP3-049]</a> which have been incorporated into the management of PRoWs which are impacted by the onshore elements of the Proposed Development.</p> <p>The provision of a Public Rights of Way Management Plan to be submitted to and approved by the highway authority in consultation with the relevant planning authority is secured via Requirement 20 in the <a href="#">Draft Development Consent Order [REP3-003]</a> updated at Deadline 4.</p>
<b>6 Cultural Heritage</b>				
6.1		6.1 The SDNPA note the applicant's assertion in response to our concerns raised in respect the cable corridor route between Harrow and Blackpatch Hills [p 32, REP2-024]. As previously advised by the County Archaeologist and in the preapplication discussions, geophysical survey is not always an appropriate investigation technique. Please see our comments in Appendix A HE 1.8.		<p>The geophysical survey was carried out in accordance with a Written Scheme of Investigation which was agreed with West Sussex County Council. It was undertaken by an experienced archaeological contractor.</p> <p>For land between KP 12 and 17, highlighted as a concern by West Sussex County Council, there was little evidence for disturbance which will have affected the survey results. There is evidence of modern utilities and other disturbance at around KP 17 (fields 86-92) but the remainder of surveyed land within the proposed DCO Order Limits was generally free of disturbance.</p> <p>The Applicant draws attention to feature 85_1 within <a href="#">Appendix 25.4: Onshore geophysical survey report (part 8), Volume 4</a> of the Environmental Statement <a href="#">[PEPD-119]</a> which is a previously unknown round barrow of likely Bronze Age date. This was identified by the geophysical survey and demonstrates the effectiveness of the survey within this area.</p>

Ref	Question to:	Examining Authority Written Question	South Downs National Park Authority reply	Applicant's response
6.2		6.2 It has also come to our attention that temporary construction access (Work No 13, Sheet 16 of the Onshore Works Plans [PEPD-005] is within the boundary of a Scheduled Monument (Muntham Court Romano British settlement). There could be c.244 heavy vehicles in two way traffic formation using this. The Scheduling record confirmed that the wider setting of the monument includes archaeological remains that were not included at the time of scheduling within the scheduled area as they had not been subject to formal investigation. There could be additional residual effects on this heritage asset as a result of the traffic generation. This concern is linked to our wider concerns regarding the number of accesses and their suitability, from Long Furlong.		<p>The temporary construction access (Work No 13, Sheet 16 of the <b>Onshore Works Plans [PEPD-005]</b> is <u>not</u> within the boundary of Muntham Court Romano-British site scheduled monument (NHLE 1005850). The temporary construction access would be located to the west of the scheduled monument, as shown on <b>Figure 25.2d in Chapter 25: Historic environment – Figures (Part 1 of 5), Volume 3</b> of the ES [APP-112].</p> <p>The reference to further archaeological remains which were not included in the scheduled monument specifically refers to what is believed to be a Romano-British farmstead located on the south-east side of the hill on which the monument is located:</p> <p><i>“Further archaeological remains survive in the vicinity of the monument but are not included because they have not been formally assessed. On the south-east facing slope of the hill is a Roman well and associated buildings, to the west of the well, surviving as buried remains. The buildings, thought to be a Romano-British farmstead, have been identified by soil marks on aerial photographs.”</i> (Muntham Court Romano-British site NHLE 1005850 Official list entry)</p> <p>This would not be affected in any way by the proposed access to the west of the scheduled monument.</p> <p>The Applicant has provided a response to Issue Specific Hearing 2 Action Point 51 (vibration effects and the scheduled monument) at Deadline 4 in <b>Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70)</b>.</p>
<b>Biodiversity Net Gain Technical Advice Note March 2024</b>				
7.1		Summary of Appendix: Submission includes a copy of the Biodiversity Net Gain Technical Advice Note 2024 published by SDNPA ( <a href="#">EN010117-001243-South Downs National Park Authority - Responses to Written Questions (ExQ1) 1.pdf (planninginspectorate.gov.uk)</a> ).		The Applicant is pleased to receive this advice note from South Downs National Park Authority.

**Table 2-3 Applicant's comments on Arun District Council's responses to Written Questions (ExQ1) [REP3-067]**

Ref	Question to:	Examining Authority Written Question	Arun District Council reply	Applicant's response
<b>COD</b>	<b>Construction, Operation and Decommissioning Matters</b>			
COD 1.1	Natural England Environment Agency Forestry Commission South Downs National Park Authority (SDNPA) The Woodland Trust Sussex Wildlife Trust West Sussex County Council (West Sussex CC) Horsham District Council (Horsham DC)	Provide a response to the Applicant's statement in the Applicant's Responses to Relevant Representations, J3 [REP1-017] on page 416 that: <i>"Commitment C-5 (Commitments Register [APP-254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD-033] secured via Required 22 within the Draft Development Consent Order [PEPD-009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic Worst-Case Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through amendment to the stage specific Code of Construction Practice and Crossing Schedule."</i>  Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].	ADC has no further concerns regarding this issue from a biodiversity perspective.	The Applicant welcomes the comment that Arun District Council have no further concerns regarding this issue from a biodiversity perspective.
COD 1.7	The Applicant MMO Natural England The Environment Agency Relevant Planning Authorities	<b>The Applicant</b>  Provide an Outline Decommissioning Plan for the offshore infrastructure, as requested by Natural England [REP2-038, Page 3].  Explain plans in place to follow the waste hierarchy at the decommissioning stage, particularly any plans on how the wind turbine materials might be reused or recycled.  <b>The Environment Agency / Natural England / MMO / Relevant Planning Authorities</b>  Comment on expectations for recycling or reuse of the wind turbine materials at the decommissioning stage.	ADC has no comments on the recycling or reuse of the wind turbine materials at the decommissioning stage	The Applicant has no further comments on this matter at this time.



Ref	Question to:	Examining Authority Written Question	Arun District Council reply	Applicant's response
<b>DCO</b>	<b>Draft Development Consent Order (Draft DCO) and Draft Deemed Marine License (Draft DML)</b>			
DCO 1.18	Horsham DC Arun DC West Sussex CC SDNPA Mid Sussex DC	Provide a response on the Applicant's amendments to the draft DCO submitted at Deadline 2 [REP2-002] in which the definition of "Commence" in Article 2 and a number of Requirements have been amended in respect to "carving-out" onshore site preparation works for the onshore Works.	ADC seeks the definition of 'commence' to include onshore preparation works (other than surveys), ecological mitigation, temporary hardstanding, or the erection of welfare facilities. ADC expects that onshore site preparation works are included (and not 'carved out') in Requirements, particularly given onshore preparation works have been updated to include temporary hardstanding, or the erection of welfare facilities. It is ADC's view that this also applies to Requirement 14.	<p>The change to the definition of "commence" in the <b>Draft Development Consent Order [REP3-003]</b> submitted at Deadline 3 does not exclude any activities and so includes onshore site preparation works.</p> <p>Requirement 10 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) provides for a programme of stages to be provided for approval, both for onshore site preparation works and for other onshore construction works.</p> <p>Where requirements are to be discharged on a staged basis, they will therefore need to be discharged in respect of each stage as identified in each programme, and consequently the requirements will need to be discharged in respect of any identified stage of onshore site preparation works.</p> <p>It is not appropriate for biodiversity net gain to be identified in respect of onshore site preparation works as, by their nature, they will be followed by works to construct the authorised development itself.</p>
DCO 1.19	The Applicant Horsham DC Arun DC	<p>There are concerns from relevant planning authorities over the provisions of this Requirement and the reliance on the provisions contained within the Biodiversity Net Gain (BNG) Strategy Information document, Appendix 22.15 to Chapter 4 of the ES [APP-193]. The ExA notes the Applicant's responses to West Sussex CC [REP2-020] and SDNPA [REP2-024] in respect to the wording within the Requirement and the BNG Strategy Information document. However, the ExA is concerned that the BNG Strategy Information document may not contain the required evidence or clarity that BNG can be achieved, and accordingly Requirement 14 is not adequate in its current guise.</p> <p>Interested Parties are asked to review the questions contained in BD (below) and consider whether Requirement 14 needs amending and suggest appropriate wording.</p>	<p>Reference to the outline biodiversity net gain (BNG) information comprising Appendix 22.15 in Requirement 14 of the draft DCO does not provide clarity of securing BNG within Arun.</p> <p>ADC advise that the current Requirement 14 wording should be amended to include the addition of a Habitat Management and Monitoring Plan securing biodiversity net gain for 30 years. Please also refer to DCO 1.18 above regarding the wording for Requirement 14.</p>	<p>As was confirmed at the hearing and in the <b>Applicant's Post Hearing Submission - Issue Specific Hearing 2 (Document reference 8.68)</b>, Requirement 14 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) follows the approach adopted in the Hornsea Four Offshore Wind Farm Order 2023. For the recent Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, Biodiversity Net Gain (BNG) was secured through a broader ecological management plan which, in respect of BNG specifically, was to reflect the biodiversity net gain measures included in the environmental statement.</p> <p>The Applicant's approach is therefore consistent with previously made Orders and ensures that the strategy submitted for approval to the relevant local planning authority for each stage is consistent with <b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the Environmental Statement (ES) [REP3-019].</p> <p><b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the ES [REP3-019] provide a mechanism to secure the delivery of BNG units by requiring proof of</p>

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				purchase of registered units. The process for registration of units ensures that satisfactory security is in place for the management and monitoring of the BNG units for a period of 30 years, either by way of Section 106 agreement or conservation covenant.
<b>BD</b>	<b>Biodiversity</b>			
BD 1.1	The Applicant Natural England SNDPA West Sussex CC Horsham DC Arun DC Mid Sussex DC	<p><b>For The Applicant</b></p> <p>a) Volume 4, Appendix 22.15 of the ES [APP-193] states metric 4.0 version of the biodiversity metric has been used to calculate the biodiversity baseline and present planned BNG outcomes. Confirm that this was the latest version at the time of submission.</p> <p>b) The ExA requests the BNG metric spreadsheet used for the calculations is submitted into the Examination.</p> <p><b>For Natural England, SDNPA, West Sussex CC</b></p> <p>c) It is noted that the latest metric is now the Statutory Biodiversity Metric. Explain whether the calculations need to be updated using the latest version.</p> <p>d) Is there agreement on the biodiversity baseline presented in Appendix 22.15 Biodiversity Net Gain information [APP-193] for the:</p> <p>i. Total number of baseline units calculated for the worst-case realistic scenario.</p> <p>ii. Total number of units lost to the Proposed Development.</p> <p>e) Confirm whether clarity exists on how the calculations have been done and is there agreement on the methodology and the spatial areas for which the calculations have been presented?</p>	<p>ADC seeks clarity on the BNG calculations within the Arun area, as this breakdown has not been provided to understand the units lost at the local level. Clarity would be provided by submission of the BNG metric spreadsheet.</p> <p>ADC expects BNG to be delivered within or close to the Development Consent Order Limits (in line with the principles of BNG) within Arun in accordance with the mitigation hierarchy.</p> <p>ADC would expect that the BNG statutory metric is used to update the BNG results.</p> <p>ADC feels clarity does not exist for the BNG calculations within the Arun area as the metric spreadsheet has not been provided.</p>	<p>The Applicant confirms that a breakdown of calculations has been provided in an updated version of <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement (ES) [REP3-019] at Deadline 3.</p> <p>The Applicant also expects Biodiversity Net Gain (BNG) to be delivered within or close to the proposed DCO Order Limits in line with the criteria laid out in <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [REP3-019].</p> <p>The Applicant confirms that the Statutory Biodiversity Metric has been used in the updated version of <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [REP3-019].</p> <p>The Applicant confirms that the Statutory Biodiversity Metric workbooks for each area are provided at Annex A of the updated version of <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [REP3-019].</p>
BD 1.2	Natural England SNDPA West Sussex CC Horsham DC Arun DC Mid Sussex DC	Confirm that the Applicant has adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain.	ADC is satisfied that reasonable measures have been taken to avoid harm to statutory sites and priority habitats and species.	The Applicant welcomes Arun District Council's satisfaction that reasonable measures have been taken to avoid harm to statutory sites and priority habitats and species.

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BD 1.5	Horsham DC Arun DC West Sussex CC Environment Agency SDNPA	<p>a) Confirm that the proposal for BNG aligns with and complements relevant national or local plans, policies and strategies including the Local Nature Recovery Strategy or other relevant local plans, policies or strategies.</p> <p>b) Confirm that the mitigation hierarchy has been adequately followed to avoid then mitigate then compensate, in that order, in respect to biodiversity.</p>	<p>ADC would like to see a commitment and clear mechanism to provide BNG at the local (District) level in line with Policy ENV DM5 of the adopted Local Plan. Without BNG in the District and, given the lack of clarity on BNG, the Project is not considered by ADC to be compliant with ADC's policy.</p> <p>ADC considers that the Applicant has adequately followed the mitigation hierarchy in relation to mitigation and compensation.</p>	<p>The Applicant notes that Requirement 14 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) requires agreement of a stage specific biodiversity net gain strategy with the relevant local authority. This provides each of the relevant local authorities the opportunity to review and agree the locations and types of biodiversity units to be provided, thereby providing control for the delivery of local biodiversity net gain (BNG).</p> <p>The Applicant welcomes Arun District Council's acknowledgement the mitigation hierarchy has been implemented appropriately.</p>
BD 1.6	Natural England SDNPA West Sussex CC Horsham DC Arun DC	<p>Concern has been raised by SNDPA [REP1-049], Sussex Wildlife Trust [RR-381], Horsham DC [REP1-044] and Natural England [RR-265] regarding the transparency between delivery of compensation for the Proposed Development i.e. no net loss of biodiversity and biodiversity enhancement of 10% i.e. 10% biodiversity net gain (BNG). The Applicant states it has used the Natural England BNG metric tool to calculate the units required for both [APP-193].</p> <p>a) Explain whether Table 4-5 on page 24 of Volume 4, Appendix 22.15 of the ES APP-193, provides a sufficiently clear and transparent explanation of how many units of each type are required and is there agreement on the number of units to achieve no net loss and 10% net gain.</p> <p>b) Comment on whether no double-counting is clear between activities planned to deliver mitigation, compensation, enhancement and net gain.</p> <p>c) Is further explanation required? If so, please specify what is needed.</p>	<p>ADC would like further clarity on BNG in the Arun area. Table 4-5 on page 24 of Volume 4, Appendix 22.15 of the ES APP-193 does not sufficiently provide clarity as the metric spreadsheet has not been submitted. ADC would seek to review the statutory metric for Arun area before being able to make comment on b).</p> <p>The Table 4-5 on page 24 of Volume 4, Appendix 22.15 of the ES APP-193 shows a net loss of biodiversity units for all unit types across the Project. It is not clear how many units of each habitat type would be lost within the Arun area.</p> <p>Volume 4, Appendix 22.15 of the ES APP-193 states they will secure 67 habitat units, 7 hedgerow units and 1 river unit across the whole Project. Evidence to the number of units to achieve no net loss and 10% net gain is not clear for the Arun area and therefore further explanation is requested.</p> <p>Further information is required as to how 10% BNG will be achieved and secured in Arun. ADC seek a Biodiversity Gain Plan and Habitat Management and Monitoring Plan to cover the Arun area to be secured.</p>	<p>Please see the Applicant's responses above to BD 1.1.</p> <p>With regards to the shortfall in units in each individual local authority area, these are now shown in the relevant workbooks provided at Annex A of <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement <a href="#">[REP3-019]</a>.</p> <p>The Applicant is of the view that a Biodiversity Gain Plan (noted as a stage specific biodiversity net gain strategy in the <a href="#">Draft Development Consent Order [REP3-003]</a> which has been updated at Deadline 4) is secured through Requirement 14. The provision of a Habitat Management and Monitoring Plan for biodiversity net gain (BNG) will be provided by each third-party provider for which units will be purchased. This will be detailed in the stage specific BNG strategy and are necessary to enable the units to be placed on the biodiversity gain site register administered by Natural England.</p>
<b>CC</b>	<b>Climate Change</b>			
CC 1.2	The Applicant The Environment Agency	<p>Is there agreement that Commitment C-278, which states a minimum depth of 5m is maintained when passing beneath Climping Beach SSSI, provides sufficient depth of HDD to be climate resilient to coastal erosion.</p>	<p>The Environment Agency is the operating authority for this section of coastline. ADC therefore refer to the comments provided by the Environment Agency on flood and erosion risk. However, ADC has provided some informative information below.</p>	<p>There is reasonable uncertainty at this time about the depth of burial that will be required to avoid exposure of cables at the landfall due to future coastal erosion. The Applicant has given a detailed overview for the relevant technical factors to be considered in future</p>



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	Clymping Parish Council  Arun DC		<p><u>Informative information</u> ADC cannot see that agreement can be reached by simply a “5m minimum” as this will not adequately address the risks highlighted. ADC’s rationale being that Elevation (Z) changes with respect to Easting (X) and Northing (Y). It is therefore possible that if the cable were to mirror the existing elevation, the cable could foreseeably be as high as 0 Ordnance Datum Newlynn (ODN) in areas. This would be inappropriate, as if erosion were to occur, the cable could become exposed.</p> <p>ADC therefore suggestion that this is reconsidered. It would be more appropriate to state the depth relative to ODN as this is the vertical datum used for the Ordnance Survey i.e. the HDD will follow an approximate drive line of (X) below ODN.</p>	<p>assessments, surveys and ultimately engineering design in <a href="#">Deadline 1 Submission – 8.25.7 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 6 – Further information for Action Point 7 – Horizontal Directional Drilling at Climping Beach [REP1-026]</a>.</p> <p>The minimum depth suggested during examination (5 to 10 m) is a reasonably expected minimum value based on the experience of the engineers and is not yet informed by any specific geotechnical information (to be collected at a later date), or new design specific studies beyond that presently available and used to inform the Environmental Statement. The Applicant is confident that the future detailed design process, informed by additional ground investigation works, will identify a suitable and achievable depth of burial to avoid exposure of the cable due to reasonably predictable patterns of future coastline retreat. The depth will be detailed and secured through the stage-specific construction method statement pursuant to requirement 23 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p>
<b>FR</b>	<b>Flood Risk</b>			
FR 1.7	West Sussex CC Horsham DC Arun DC  The Environment Agency	<p>Comment on any outstanding concerns regarding flood risk related to the Proposed Development as a whole, other than the Oakendene site raised in questions FR1.2 to FR1.4, related to but not limited to:</p> <p>a) The quality of and conclusions from the Applicant’s Site-Specific Flood Risk Assessment [APP-216], including the approach to, application of and conclusions from the Sequential and Exception Tests.</p> <p>b) Whether the information in the FRA is credible, fit for purpose, proportionate to the degree of flood risk and appropriate to the scale, nature and location of development and takes the impact of climate change into account.</p> <p>c) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</p> <p>d) Whether or not the Proposed Development would increase flood risk elsewhere.</p>	<p>As stated above, this section of coastline is managed by the Environment Agency, located in Flood Zone 3. Therefore, detailed examination of the Flood Risk Assessment (FRA) is outside of ADC’s remit. ADC therefore refer to the comments provided by the Environment Agency and West Sussex County Council (WSSCC) as the Lead Local Flood Authority.</p> <p>However, the following observations have been made;</p> <p>Within Section 2.3 and Annex A, the document refers to byelaws. Four types of watercourse permission may be required:</p> <ul style="list-style-type: none"> <li>• Ordinary Watercourse consent – See WSSCC (Lead Local Flood Authority). Consents administered by ADC on their behalf.</li> <li>• Internal Drainage Board Consent – See Environment Agency.</li> <li>• ADC Byelaw Consent.</li> <li>• Main River Consents – Environment Agency</li> </ul>	<p>These observations are noted and welcomed by the Applicant.</p> <p>The Applicant can confirm that types of watercourse permission will be applied for in liaison with West Sussex County Council, Environment Agency and Arun District Council as required and in accordance with commitment C-182 in the <a href="#">Commitments Register [REP3-049]</a> and will be secured via compliance with The Environmental Permitting (England and Wales) Regulations 2016 at the post consent stage.</p> <p>In relation to the fluvial flood extent indicated in Figure 26.2.4 of <a href="#">Appendix 26.2: Flood Risk Assessment, Volume 4</a> of the Environmental Statement (ES) [APP-216] (updated at Deadline 4), the Applicant acknowledges that the fluvial flood extents are not defined or mapped in the area south of the A259.</p> <p>This is discussed explicitly in Paragraphs 5.2.12 and 5.2.13 within <a href="#">Appendix 26.2: Flood Risk Assessment, Volume 4</a> of the ES [APP-216] (updated at Deadline 4),</p>



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		e) Whether or not there would be a net loss of floodplain storage.	In figure 26.2.4 "Fluvial Flood Extent", Rope walk and the area south of the A259 on Littlehampton West bank is not shown to be at risk; this is incorrect. The flood cell that covers this area is at risk of flooding from the sea and the river and should be reflected as such in both drawings.	whereby a precautionary approach has been set out for the assessment of fluvial flood risk in this area in the absence of any available fluvial model extents. Processed fluvial flood extents associated with the River Arun output from the Environment Agency's Lower Arun modelling study (Atkins, 2010) had been truncated to the A259 road bridge, and thus Figure 26.2.4 reflected this. For the purposes of assessing flood risk to and from this development, it was assumed in <b>Appendix 26.2: Flood Risk Assessment, Volume 4</b> of the ES [APP-216] (updated at Deadline 4) that the fluvial flood extent extends to the edge of the tidal floodplain associated with the River Arun as a conservative estimate. To acknowledge this approach in the figure as well as the report, a footnote has been provided in an updated version of Figure 26.2.4. The tidal extent was intentionally not reflected in the figure, as it is likely to be an overestimate of fluvial flood risk and could be misleading to readers as to the scale of the fluvial flood risk.
<b>HE</b>	<b>Historic Environment</b>			
HE 1.3	Arun DC	Comment upon the Applicants responses to paragraph 2.1.20 of table 2.1 [REP1-017] and response to LIR paragraphs 9.21 & 9.22 [REP2-021] that 45-47 South Terrace is scoped out of effects (table 5.1 Appendix 25.7 settings assessment scoping report vol 4 ES) [APP-213].	No. 45-47 (also identified as 6 St Augustine's Road) (along with 39-44) South Terrace have been scoped out as a result of their distance. However, these buildings have an association with the sea, which is the reason that the buildings were initially constructed – as part of the development of Littlehampton as a seaside resort.  As stated in the Local Impact Report, the wind turbine generators would be permanently in views towards the seascape and would result in significant negative visual effects on the coastline of the District. As a result, it is not clear why some of the closest listed buildings would be discounted at stage one. However, the Applicant's response now includes consideration of 45-47 South Terrace (6 St Augustine's Road). ADC would consider it as a Less than substantial harm.	The Applicant does not consider that the presence of turbines at a distance of over 15km would result in a significant effect on this listed building (No. 45-47 (also identified as 6 St Augustine's Road)). This is due to the distance to the turbine array and also noting that No. 45-47 (also identified as 6 St Augustine's Road) is somewhat set back from the seafront, with the intervening space of The Green in part occupied by built development.
HE 1.4	Arun DC	Comment upon the Applicants' conclusions on the magnitude of change on The South Terrace Area of Character and the locally listed buildings at 48-95 South Terrace & 16 Granville Road at table 2-1 response to paragraph 2.1.20 [REP1-017] and response to LIR paragraphs 9.21 & 9.22 [REP2-021].	Paragraph 2.1.20 of Table 2.1 [REP1-017] and paragraphs 9.21 [REP2-021] confirms that the Area of Character was not included within the initial assessment, although the adjacent conservation area was assessed. This was therefore a matter of consistency.	The Applicant agrees that the magnitude of change to the South Terrace Area of Character and the locally listed buildings would be the same as on the adjacent Littlehampton Seafront Conservation Area, as noted in the response to Arun District Council's Local Impact Report (LIR) paragraphs 9.21 & 9.22 within <b>Deadline 2</b>

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HE 1.5	Arun DC	Comment upon the Applicant's conclusions on the magnitude of change and resulting significance of effect of the compounds for work numbers 8, 9 and 10 in response to paragraphs 9.4 and 9.7 [REP2-021] upon the Heritage Assets identified in the above LIR paragraphs [REP1-039].	<p>It is noted that the Area of Character has since been assessed in the Applicant's response to ADC comments in the Local Impact Report. This assessment identifies that the magnitude of change would be the same as for the neighbouring conservation area. Just because the heritage assets are of local importance; it does not reduce the scale of the impact upon their significance i.e. their heritage interest. The majority of the South Terrace has been identified as a variety of heritage assets, albeit in with different classifications – one part is a conservation area with listed and locally listed buildings, whilst the remainder consists of Area of Character and locally listed buildings (non-designated heritage assets). As a result, ADC believe that the effect of the Project on the Area of Character would be the same as the neighbouring conservation area.</p> <p>In heritage terms, once any harm has been identified, the level of impact/harm should then be identified. This is then assessed against any public benefits. The current level of impact could be described as being Less than substantial harm – as identified in national policy.</p>	<p><b>Submission – 8.44 Category 8: Examination Documents – Applicants Response to Arun District Council's Deadline 1 Submissions [REP2-021].</b></p> <p>If the South Terrace Area of Character and the locally listed buildings had been assessed in the ES, it would therefore have identified a Very Low Magnitude of change to an asset of Medium Heritage Significance, as defined in <b>Chapter 25: Historic environment, Volume 2</b> of the Environmental Statement (ES) [PEPD-020] Table 25-24, resulting in a Minor (Not Significant) effect, as defined in <b>Chapter 25: Historic environment, Volume 2</b> of the ES [PEPD-020] Table 25-24).</p> <p>The Applicant notes that the 'test' of substantial or less than substantial harm set out in paragraph 5.8.14 of National Policy Statement EN-1 (Department of Energy and Climate Change, 2011a) is concerned with designated heritage assets and so is not relevant to the non-designated South Terrace Area of Character and the locally listed buildings.</p>
			<p>ADC largely agree with the magnitude of change and resulting significance of effect set out in the Applicant's response to the Local Impact Report.</p> <p>ADC notes that moderate adverse effects have been identified as 'Not Significant' in the Applicant's response, although the significance criteria in Table 25-26 of Chapter 25 of the ES identifies moderate as 'potentially significant'. Whilst it is acknowledged that the works would be 'temporary' – the level of time that the compounds would be present, particularly Climping Compound, is not a matter of a few weeks, and the impact would be experienced for some time. The temporary nature should not affect the level of impact. The impact should be assessed on the impact that the compound would have on that element of setting which is considered to contribute towards the significance of the heritage asset.</p> <p>For information, the NHLE reference of The Old Vicarage in the Applicant's response to paragraph</p>	<p>As noted in in <b>Chapter 25: Historic environment, Volume 2</b> of the Environmental Statement (ES) [PEPD-020] paragraph 25.8.15 "<i>Where effects are assessed, according to the matrix in Table 25-26, to be Potentially Significant in EIA terms, professional judgement is applied to determine whether they are Significant or Not Significant.</i>" This was done in each case, with a narrative description to explain the conclusions. As identified in Historic England guidance (The Setting of Heritage Assets 2017, GPA3) the temporariness or reversibility of an effect is relevant in considering the implications for the significance of the heritage asset.</p> <p>The Applicant notes the comments on the NHLE reference of The Old Vicarage. NHLE 1284693 is listed as The Old Vicarage, The Street, Washington, Horsham. NHLE 1027641 is listed as The Vicarage, Ford Road, Climping. Effects on both of these were assessed in <b>Chapter 25: Historic environment, Volume 2</b> of the ES [PEPD-020]. Paragraph 25.9.327 identifies that there will be a low magnitude of effect on The Vicarage (NHLE</p>

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			9.4 [REP2-021] is incorrect. The correct NHLE reference is 1027641.	1027641) resulting in a Moderate adverse residual effect which would be Not Significant. Paragraph 25.9.500 identifies that there will be no effect on The Old Vicarage (NHLE 1284693).
<b>NV</b>	<b>Noise and Vibration</b>			
NV 1.7	Arun DC Horsham DC Mid Sussex DC	Respond to the Applicant's response contained in [REP2-021] to the issues raised in the LIR [REP1-039], [REP1-044] and [REP1-046] respectively, with regard to the impact of construction noise and vibration from the Proposed Development on receptors. List any outstanding concerns and provide recommendations for addressing them.	ADC has no further comments regarding noise and vibration following the Applicant's response and further discussions with the Applicant.  We welcome an outline Noise and Vibration Management Plan being produced for the Examination, to include outline proposals for monitoring and complaints procedure.  ADC has requested the potential to secure its cost recovery of monitoring of noise impacts as part of a Section 106 to ensure that the mitigation and monitoring undertaken is acceptable in planning terms and in line with the DCO. No progress has been made on this request.	The Applicant welcomes that following further discussions with the Applicant Arun District Council has no further comments regarding noise and vibration.  The Applicant notes that an <b>Outline Noise and Vibration Management Plan [REP3-055]</b> was submitted at Deadline 3.  The Applicant considers that reasonable costs incurred by the local planning authority could be covered by a Planning Performance Agreement, as they do not meet the tests for a Section 106 agreement.
<b>TE</b>	<b>Terrestrial Ecology</b>			
TE 1.3	Horsham DC Arun DC Natural England The Environment Agency	Comment on whether remaining concerns exist regarding: a) the quality of terrestrial ecological surveys in general undertaken by the Applicant for the whole of the landward part of the Proposed Development?  b) the conclusions the Applicant has come to for the terrestrial ecological assessments for the whole of the landward part of the Proposed Development.  c) the extent to which the appropriate guidelines and methodologies have been followed by the Applicant when undertaking relevant terrestrial surveys for the whole of the landward part of the Proposed Development.  d) the quality and likely effectiveness of the mitigation the Applicant is proposing for potential impacts on terrestrial ecology for the whole of the landward part of the Proposed Development.	ADC has no further comments.	The Applicant welcomes that Arun District Council has no further comments regarding the points raised within TE1.3.
TE 1.11	The Applicant Natural England	The Applicant a) The ExA requests an update to the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to	ADC has no further concerns regarding the updated bat surveys and mitigation measures.	The Applicant welcomes that Arun District Council has no further concerns regarding the updated bat surveys and mitigation measures.

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	Relevant Planning Authorities The Environment Agency SDNPA	<p>include the information from the document submitted into the examination at the PEPD relating to bat activities, [PEPD-029] Environmental Statement Volume 4, Appendix 22.18: Passive and active bat activity report 2023 Date: January 2024 Revision A.</p> <p>b) State if the information this report provides changes any of the conclusions in the Terrestrial Ecology chapter of the Environmental Statement [APP-063].</p> <p>Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA.</p> <p>c) Confirm if the proposed mitigation measures for bats described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for bats.</p>		
TE 1.26	Natural England Arun DC  The Environment Agency SDNPA	<p>The Applicant has stated that surface works through the Sullington Hill Local Wildlife Site (LWS) are being avoided through use of a trenchless crossing.</p> <p>Respond, if required, to the decision of the Applicant to scope out the Amberley Mount to Sullington Hill SSSI, particularly in light of the proximity of the Proposed Development red line boundary to the SSSI and/or the evidence submitted into the Examination at Deadline 1 by Grahame Rhone Kittle [REP1-100] including the discovery of a nationality scarce spider.</p>	ADC has no comment as the Amberley Mount to Sullington Hill SSSI is outside ADC area.	The Applicant notes that Arun District Council has no comment as Amberley Mount to Sullington Hill Site of Special Scientific Interest is outside the Arun District Council area.
TE 1.28	The Applicant The Environment Agency Natural England Relevant Planning Authorities SDNPA	<p><b>The Applicant</b></p> <p>a) The ExA requests the Applicant to state the estimated worst case duration range for construction activities for:</p> <ol style="list-style-type: none"> <li>a 1 kilometre (km) length of open cut cable corridor</li> <li>a trenchless crossing of a watercourse, PRow or small track</li> </ol> <p>b) The ExA requests the Applicant to provide worst case construction duration times marked on a plan in sections along the whole of the cable route, in as much detail as possible. For sections where the time of year construction is undertaken would be a significant consideration, such as sensitive ecological areas, mark on the plan which months</p>	Arun has no other designated sites that would be directly impacted by the Project.	The Applicant has no further comment on this matter at this time.



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		<p>or season the construction work is proposed to be undertaken.</p> <p><b>The Environment Agency, Natural England, Relevant Planning Authorities, SDNPA</b></p> <p>c) In addition to the Commitment made to seasonal restriction of construction work at Climping Beach (C-217), comment on whether there are any other sensitive areas.</p>		
TE 1.30	<p>Natural England</p> <p>The Environment Agency</p> <p>SNDPA West Sussex</p> <p>CC Forestry Commission</p> <p>Horsham DC</p> <p>Arun DC</p>	<p>Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore Construction Method Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites.</p> <p>Provide a response to these proposed Requirements, stating any outstanding concerns.</p>	<p>ADC has no further concerns.</p>	<p>The Applicant welcomes that Arun District Council has no further concerns regarding Requirements 22 and 23 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p>
TE 1.33	<p>The Applicant</p> <p>The Environment Agency</p> <p>Local Authorities</p>	<p>The Applicant has stated in the OLEMP [APP-232] that: “stage specific LEMPs will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with this Outline LEMP for approval of the relevant planning authority, prior to the commencement of that stage of works. The stage specific LEMPs for the onshore substation and National Grid Bolney substation extension works shall be developed and submitted for approval alongside the detailed design of this infrastructure.”</p> <p><b>Applicant</b></p> <p>a) If a significant period elapses between the surveys undertaken for protected species and the start of construction, explain whether it is the intention to re-survey features prior to construction and would the findings be included in the updated stage specific Landscape and Ecological Management Plans.</p> <p><b>The Environment Agency and Relevant Planning Authorities</b></p>	<p>ADC has no comment regarding a) and b).</p> <p>For c) ADC would advise that if a period greater than one season passes between the stage LEMP and construction then re-surveys for protected species would be required.</p>	<p>The Applicant acknowledges the need to ensure that survey data is up to date and relevant to the proposed detailed design and construction works. The survey programme post consent would focus on scheduling that aligns with that of the proposed construction schedule.</p>

Ref	Question to:	Examining Authority Written Question	Arun District Council reply	Applicant's response
		<p>b) Comment, if required, on the approach put forward by the Applicant regarding the stage specific LEMPs. Explain if concerns remain and what approach is recommended.</p> <p>c) Comment, if required, on the durations between surveys and construction.</p>		
<b>WE</b>	<b>Water Environment</b>			
WE 1.4	The Applicant Arun DC  The Environment Agency	<p><b>The Applicant</b> In response to Arun DC's point 4.14 in its LIR [REP1-039] regarding the monitoring of private water supplies, the Applicant's responses states:  <i>"...any additional PWSs identified in the close vicinity of the Proposed Development post-consent will be considered for inclusion in the PWS water quality monitoring programme implemented by environmental measure C-253 in Table 26-20 of Environment Statement Chapter 26: Water environment, Volume 2 of the ES [APP-067] and also the Outline Code of Construction Practice [PEPD-033] secured through Requirement 22 of the Draft Consent Order [PEPD-009]."</i></p> <p>a) The ExA would like to further understand on what basis these water supplies would be considered for inclusion in the water quality monitoring programme.</p> <p>b) Quantitatively define the phrases "in close vicinity of the Proposed Development" mentioned above and "in proximity of the Order Limits" in Commitment C-253 of the Commitments Register [REP1-015].</p> <p>c) Confirm that Commitment C-253 of the Commitments Register includes both microbial and chemical parameters within the water quality monitoring programme.</p> <p>d) Confirm how long the water quality monitoring programme would continue for.</p> <p><b>Arun DC, The Environment Agency</b> e) Explain what distance would be considered appropriate for the definition of "in proximity of the Order Limits" in Commitment C-253 of the Commitments Register.</p> <p>f) Explain whether all private and public water supplies meeting this definition, should be included in the water</p>	<p>ADC consider that an appropriate distance would be a minimum of 250m (this equates to an SPZ2 groundwater protection zone).</p> <p>ADC consider that both private and public water supplies meeting this definition should be included in the water quality monitoring programme.</p>	<p>This comment about part e) is noted and welcomed by the Applicant.</p> <p>In response to part f) in their <b>Deadline 3 Submission – Responses to Examining Authority's First Written Questions (EXQ1) [REP3-051]</b> WE1.4 a) the Applicant identified that there are two other private water supplies (PWSs) that have been risk assessment and screened out from the monitoring regime given that there is negligible risk. Table 2-3 of the <b>Appendix 26.1: Detailed Water Environment Baseline Report, Volume 4</b> of the Environmental Statement (ES) [APP-215] and Table 3-3 of the <b>Appendix 26.4: Hydrogeological Risk Assessment, Volume 4</b> of the ES [APP-218] the grounds for their exclusion in the PWS monitoring programme. They are situated less than 250m beyond the proposed DCO Order Limits but not mentioned in the wording of commitment C-253 for inclusion in private water supply (PWS) monitoring due to their lack of hydrogeological connectivity with the Proposed Development:</p> <ul style="list-style-type: none"> <li>Pauls House (P3) is approximately 200m beyond the proposed DCO Order Limits, but groundwater flow is considered to flow predominantly to the south and south west away from the PWS and into the Black Ditch and River Arun tributaries; and</li> <li>The Decoy (P4) is approximately 150m beyond the proposed DCO Order Limits, however the borehole is located on the Lambeth Group geology and these low permeability strata above the Chalk aquifer are likely to be of significant thickness at trenchless crossing locations and a barrier to potential connectivity.</li> </ul> <p>In relation to public water supply monitoring, the Applicant has discussed and agreed that Southern Water will continue to undertake turbidity monitoring as per their normal operations. Due to the mitigation by</p>

Ref	Question to:	Examining Authority Written Question	Arun District Council reply	Applicant's response
		quality monitoring programme as default, unless agreed exempt by the Appropriate Authority.		design and site-specific measures set out in the <b>Appendix 26.4: Hydrogeological Risk Assessment, Volume 4</b> of the ES [APP-218], there will be no other sources of contamination present within the Angmering and Patching Public Water Supply Source Protection Zones. For reference, the Environment Agency confirmed it was happy with this approach as communicated via email on 14 May 2024.

**Table 2-4 Applicant's comments on Brighton & Hove City Council's responses to Written Questions (ExQ1) [REP3-068]**

Ref	Question to:	Examining Authority Written Question	Brighton & Hove City Council's reply	Applicant's response
HE 1.7	Brighton & Hove City Council	The Applicant has responded at Deadline 2 [REP2-025] regarding concerns on the conclusion on the impact of offshore works on all heritage features being characterised as 'Not Significant' in the ES. Clarify the assessment outcome of specific heritage assets that are being disputed.	<p>Because the ExA has specifically requested a response to impacts on heritage assets, we will not respond to the applicant's comments regarding seascape/landscape impact.</p> <p>By way of background, the area from the Brighton Marina to Fourth Avenue contains seven conservation areas and a significant number of listed buildings, including some of the most prominent in the city. These include Madeira Terrace (including Madeira Walk, lift tower and related buildings, Grade II*), the bandstand, the Volks Electric Railway (Grade II), the Palace Pier (Grade II*), the West Pier (Grade I), and the Peace Statue (Edward VII Memorial Monument, Grade II), along with numerous kiosks, railings and shelters, not to mention the grand residential properties fronting King's Road (Royal Crescent, Sussex Square, Arundel House, Lewes Crescent, Marine Square, Brunswick Terrace, Brunswick Square etc.) and the Kemp Town Enclosures (a Grade I Registered Park and Garden). All of these protected heritage features have the sea within their setting, so any change to the seascape will affect their historic setting.</p> <p>In response to the applicant's paragraph 5.4 (p17) regarding how impacts on heritage have been reduced, we are pleased with the work the applicant has done to reduce the impact of the scheme, including reducing its spatial extent, spread, and the number of turbines. However, this does mean the final scheme is acceptable, and it does not respond in itself to the issues we have raised about the impact on the seascape as viewed from the City's coast or on the setting of its heritage features.</p> <p>We acknowledge that the applicant has assessed the impact of change within the setting of heritage assets. We do not, however, agree that there would be no significant residual effects on the heritage assets in EIA terms.</p>	<p>The Applicant notes Brighton and Hove City Council's approach to responding to the Examining Authority's Questions.</p> <p>The Applicant acknowledges the presence of these assets, and an assessment of effects on the settings of assets within Brighton &amp; Hove which are scoped in, is included in <b>Chapter 25: Historic environment, Volume 2</b> of the Environmental Statement (ES) [PEPD-020] (updated at Deadline 4). The Applicant welcomes Brighton and Hove City Council's positive opinion regarding the work undertaken regarding the spatial extent, spread, and number of the wind turbine generators to reduce the potential impact of the Proposed Development.</p> <p>The assessment presented in <b>Chapter 25: Historic environment, Volume 2</b> of the ES [PEPD-020] (updated at Deadline 4) recognises that views out to sea form part of the setting of seafront heritage assets and makes a positive contribution to heritage significance. However, this contribution to significance does not carry equal weight as far as the eye can see and diminishes with increasing distance from the asset. This is reflected in the conclusions of the in <b>Chapter 25: Historic environment, Volume 2</b> of the ES [PEPD-020] (updated at Deadline 4), considering that the turbine array will be over 18km from the heritage assets within Brighton &amp; Hove.</p>



Ref	Question to:	Examining Authority Written Question	Brighton & Hove City Council's reply	Applicant's response
			<p>The applicant's own assessment highlights the importance of the seascape to the heritage features along the coast, and notes that Rampion 1 'slightly detracts' from the setting. Despite this, they conclude that Rampion 2 would have 'no significant residual effects' due (primarily) to distance. We disagree with this conclusion.</p>	
			<p>Specifically, we disagree with the applicant's conclusions regard the East Cliff Conservation Area including Madeira Terrace, Madeira Walk, as set out in section 5.33 of Appendix 25.8 of the Environmental Statement (ES). As set out in our Local Impact Report, the Madeira Terrace is of particular importance to the city and the seafront, with the seascape setting forming an integral part. The ES highlights the importance of the sea to its setting as it <i>"evokes traditional seafront promenading, which represents the key aspect of the terrace's historical and architectural interest"</i>, and that <i>"Views of the seascape from the terrace illustrate the historical relationship between the asset and the sea, providing the key positive contribution of its setting to its historic interest"</i> (paragraph 5.33.5).</p>	<p>As described in <a href="#">Chapter 25: Historic environment, Volume 2</a> of the Environmental Statement (ES) [PEPD-020] (updated at Deadline 4), the Applicant has acknowledged that views out to sea form part of the setting of seafront heritage assets and makes a positive contribution to heritage significance.</p>
			<p>The 'Reasons for Designation' of the Grade II* listed Madeira Terrace, Madeira Walk note that <i>"it is comparable in function and design to seaside piers such as the adjacent Palace Pier"</i> and that it has group value with <i>"other seaside structures and buildings including the adjacent Palace Pier and Royal Crescent, both listed at Grade II*."</i> The seafront location is therefore very much integral to the designation of this heritage feature.</p>	<p>In the case of Madeira Terrace (NHLE 1381696), the terrace provided a shaded and sheltered promenade beneath its many arches. The monumental scale of the ironwork structure creates a clear link between Madeira Terrace and Palace Pier (NHLE 482063), and this link contributes positively to its setting, as does the connection to the promenade and views to the sea.</p> <p>Detracting elements are its poor condition, but also the barrier fencing that is required for public safety. Development of the beach at the eastern end of Madeira Terrace (bars, beachball courts, playgrounds and other structures) have also altered the setting of this part of the asset and may appear to be visually at odds with its historic character. The use of Madeira Drive as a linear car park is particularly detracting to its setting, as this notably severs the structure from the promenade and beach, as well as from associated structures such as the Palace Pier and is wholly inconsistent with Brighton &amp; Hove Council's expressed concern over views of the seascape.</p>
			<p>With this in mind, we disagree with the applicant's conclusions, set out at paragraph 25.10.85 of the ES in relation to East Cliff Conservation Area, including Grade II* Listed Madeira Terrace, Madeira Walk: <i>"The sense created in these views of a historic link with the sea central to Brighton's past development"</i></p>	<p>The conclusions of the assessment set out in <a href="#">Chapter 25: Historic environment, Volume 2</a> of the ES [PEPD-020] (updated at Deadline 4) of a <b>Low</b> magnitude of change and <b>Not Significant</b> for East Cliff Conservation Area, including Madeira Terrace (NHLE 1381696) reflects the distance of over 18km to the turbine array. With regard to Madeira Terrace (NHLE 1381696), it also reflects the detracting factors within its setting. For example, the severance created by the car parking along Madeira Drive will inevitably have a considerably greater negative influence on the setting of Madeira Terrace (NHLE 1381696) than visibility of a distant turbine array.</p>

Ref	Question to:	Examining Authority Written Question	Brighton & Hove City Council's reply	Applicant's response
			<p>would not be substantially degraded by the presence of the array, owing to distance and visual separation. This results in a <b>Low</b> magnitude of change to assets of <b>High</b> heritage significance (sensitivity), resulting in a <b>Moderate adverse</b> residual effect. Due to the distance to the WTGs, they would be seen to be over the horizon and so this would be <b>Not Significant</b>.”</p>	
			<p>We do not consider that there would be ‘minor and/or short-term changes’ to the setting of the Madeira Terrace in particular, or that these would “not affect the key characteristics and in which the historical context remains substantially intact.” (ES table 25-25 regarding methodology for establishing the magnitude of change). We consider the change to the key characteristics of the assets’ setting, namely the open horizon and seascape, would be such that it would adversely affect the importance of the numerous heritage features along the coast, giving rise to lasting harm to the significance of the assets but allowing their historic interest to be appreciated – a <u>medium</u> magnitude of change. Users would still be able to experience views out to sea so the historic interest can be appreciated (as per the applicant’s comment in response to paragraph 5.14) but the views would be diminished, and given the 34 year lifespan of the construction and operational stages, long term lasting harm would be caused. While this is ‘temporary’, in reality it would impact a generation so would, we consider, be ‘long lasting’.</p>	<p>The Applicant does not agree with this conclusion. The historical context of the seafront heritage assets in question as being located within and forming part of an historic but dynamic seaside resort would still be appreciable and understood. The heritage significance of the assets and the contribution of setting to this is described in <a href="#">Appendix 25.8: Onshore heritage asset baseline report, Volume 4</a> of the Environmental Statement (ES) [APP-214]. In the case of Madeira Terrace (NHLE 1381696), this is as a monumentally scaled iron promenade, which evokes traditional seafront promenading with visual links to related seafront structures, such as the Palace Pier, and views out to sea.</p> <p>The presence of the turbine array at a minimum distance of 15-18km would introduce relatively distant new elements in views out to see. This would be a <b>Low</b> magnitude of change with a resulting <b>Moderate adverse</b> residual effect which would be <b>Not Significant</b>, as assessed in <a href="#">Chapter 25: Historic environment, Volume 2</a> of the ES [PEPD-020] (updated at Deadline 4).</p>
			<p>It is our view that this would result in a major (significant) magnitude of change rather than the ‘moderate adverse residual effect’ cited.</p>	
			<p>Crucially, we do not agree with the conclusion that “<i>due to the distance to the WTGs, they would be seen to be over the horizon so this would be Not Significant</i>” (paragraph 25.10.85 regarding East Cliff Conservation Area, including Grade II* Listed Madeira Terrace, Madeira Walk). We note that the reference to</p>	<p>As a general rule, the distance to the horizon from sea level is approximately 5 km so at over 18 km distance, the wind turbine generators will be over the horizon, though they would be visible due to their height and, for views from a higher elevation, this would extend the distance to the horizon.</p>

Ref	Question to:	Examining Authority Written Question	Brighton & Hove City Council's reply	Applicant's response
		<p>the WTGs being 'over the horizon' is contrary to the visualisations presented in photomontages (particularly viewpoint 8) but also contrary to the applicant's reference to Rampion 1 which they note 'appear in long views' and 'on the horizon'.</p> <p>The WTGs would not be 'over the horizon' when viewed from the East Cliff Conservation Area or Madeira Terrace. The WTGs would harm the setting of these assets, resulting in a <u>major (significant)</u> magnitude of change which is offset to some degree by distance, such that the impact is <u>major/moderate</u>.</p>	<p>The setting is noted in the ES as negatively contributing towards its interests, notably its state of disrepair, lack of access due to disrepair, and the presence of Rampion 1 wind turbines which appear in long views, "slightly detracting from its historic interest due to some alteration of its relationship with the seascape; however, their small scale on the horizon results in a minor alteration." (paragraph 5.33.6).</p> <p>The poor state of repair of the Terraces is noted and the need for restoration works has been highlighted in our Local Impact Report as an opportunity to compensate for the harm to the setting caused by Rampion 2.</p>	<p>As previously described in <a href="#">Chapter 25: Historic environment, Volume 2</a> of the Environmental Statement (ES) [PEPD-020] (updated at Deadline 4), the contribution to heritage significance of views to sea from seafront heritage assets does not carry equal weight as far as the eye can see and diminishes with increasing distance from the asset. Therefore, the distance to the offshore array is an important consideration within the heritage assessment presented in <a href="#">Chapter 25: Historic environment, Volume 2</a> of the ES [PEPD-020] (updated at Deadline 4).</p> <p>The Applicant has provided a response to Brighton and Hove City Council regarding compensation at reference 7.3 in <a href="#">Deadline 2 Submission – Applicant's Responses to Brighton and Hove City Council's Deadline 1 Submissions</a> [REP2-025].</p>
		<p>For the same reasons we disagree with the conclusions regarding the impact on the Grade II Listed Band Stand (paragraphs 25.10.94 – 25.10.97 of the ES). The magnitude of change is assessed as being 'low', resulting in a moderate adverse residual effect but because the WTGs would 'be seen to be over the horizon' the impact would be 'not significant'. Again we consider there would be a major (significant) magnitude of change resulting in a <u>major/moderate</u> adverse impact taking into account the distance.</p>	<p>As noted in <a href="#">Appendix 25.8: Onshore heritage asset baseline report, Volume 4</a> of the Environmental Statement (ES) [APP-214], the Band Stand (NHLE 1027780) is of architectural interest due its design, including slender columns and copper covered roof. Its historic interest derives from its pleasure use for the playing of and enjoyment of music in a seaside context, with its special interest primarily deriving from this architectural interest. It is seen in the context of the seaside, in association with other seaside structures, such as the promenade, other leisure facilities, with the Brighton i360 being a prominent tall structure in this context, and the beach. Views out to sea are an element in this.</p> <p>As noted in <a href="#">Chapter 25: Historic environment, Volume 2</a> of the ES [PEPD-020] (updated at Deadline 4), the wind turbine generators will be at a distance of 15.4km from the Band Stand</p>	

Ref	Question to:	Examining Authority Written Question	Brighton & Hove City Council's reply	Applicant's response
				<p>and would be seen from this direction to be beyond the existing Rampion 1 array. This would introduce a change in views out to sea, that at a distance, but would not affect an appreciation of the architectural interest of the structure for which it is designated, its relationship with other seaside structures, or an appreciation of it as a place to enjoy music. The assessed <b>Low</b> magnitude of change with a resulting <b>Moderate adverse</b> residual effect which would be <b>Not Significant</b> for the Band Stand (NHLE 1027780) is accurate.</p>



**Table 2-5 Applicant's comments on Horsham District Council's responses to Written Questions (ExQ1) [REP3-069]**

Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
<b>COD</b>	<b>Construction, Operation and Decommissioning Matters</b>			
COD 1.1	Natural England Environment Agency Forestry Commission South Downs National Park Authority (SDNPA) The Woodland Trust Sussex Wildlife Trust West Sussex County Council (West Sussex CC) Horsham District Council (Horsham DC)	Provide a response to the Applicant's statement in the Applicant's Responses to Relevant Representations, J3 [REP1-017] on page 416 that: "Commitment C-5 (Commitments Register [APP-254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD-033] secured via Required 22 within the Draft Development Consent Order [PEPD-009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic Worst-Case Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the	Amended C-5 is welcomed, but its wording could be expanded beyond the existing ' <i>main river, watercourse, railways and roads that form part of the strategic highway network</i> ' as Table 1.1 Crossing Schedule at Appendix A in the OCoCP (PEPD-033) includes other locations of HDD deployment. Perhaps C-5 could reference Table 1.1 directly.  The Applicant acknowledges that there will remain a degree of uncertainty about the precise nature and extent of any direct impacts if an alternative trenchless technology to HDD is deployed. Moreover, C-5 does not form a stand-alone DCO requirement.  The concern therefore remains that there was no responsibility within requirements 22 and 23 for the Applicant, or regulatory authority, to take action should the impact be in excess of the impact assessed. If unforeseen issues are uncovered, maybe worse than anticipated whereby identified impacts are in excess of those assessed, then there needs to be a mechanism to ensure that this is remediated and/or mitigated. Further, if it is found that mitigation measures have been insufficient, then further measures and/or remediation may be required to ensure the Proposed Development remains beneficial to the environment.  HDC's preferred outcome is a stand-alone DCO requirement for C-5 to secure HDD, as this would assist with transparency in securing this important mitigation. However, subject to appropriate wording that addresses HDC concerns, an amended Requirement 22 may be accepted. Requirement 22 could cross reference Requirement 6(4) as this provides clearer securement of the HDD technology in the locations identified in the crossing schedule than in Requirement 22, which does not specifically refer to this. HDC considers, to provide reassurance for effective mitigation that Requirement 22 should also contain a clause requiring adaptive management measures to be implemented, and that such clause to be consulted on with relevant bodies. Including such a provision would compel the Applicant to design appropriate mitigation, in consultation with relevant	<p>The Applicant notes that commitment C-5 (<a href="#">Commitments Register [REP3-049]</a>) was updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A – Crossing Schedule of the <a href="#">Outline of Construction Practice [REP3-025]</a> (which includes Table 1-1 as referenced by Horsham District Council) secured via Requirement 22 within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4). The Applicant also notes that further information is provided as to the locations for implementation of trenchless technologies is set out in Section 4.2 of the <a href="#">Outline Code of Construction Practice [REP3-025]</a>. Requirement 22 secures that stage specific codes of construction practice must accord with the <a href="#">Outline of Construction Practice [REP3-025]</a> and must be submitted and approved by the relevant local planning authority and be implemented as approved.</p> <p>The Applicant has provided a further update to commitment C-5 in the <a href="#">Commitments Register [REP3-049]</a> at Deadline 4 to reinforce that the works will be undertaken in accordance with the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4) which includes the details of all features that are crossed by trenchless crossings as per Appendix A – Crossing Schedule within the <a href="#">Outline Code of Construction Practice [REP3-025]</a>. Reference to Requirement 6 (4) of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) has also been included in the <a href="#">Commitments Register [REP3-049]</a> as a securing mechanism.</p> <p>The Applicant has provided detailed responses to the Examining Authority's construction, operation and decommissioning matters Written Questions COD 1.1 '<a href="#">Commitments Register - Horizontal Directional Drilling</a>' and COD 1.2 '<a href="#">Commitments Register – Other Trenchless Technology</a>' [<a href="#">PD-009</a>] in Table 2-3 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p> <p>The commitment to trenchless crossings has been provided to seek to avoid impacts on features such as roads, rail, rivers as well as in places of environmental sensitivity. Further embedded environmental measures and Development Consent Order (DCO) Requirements have been provided in the DCO Application to address residual concerns of stakeholders around the use of trenchless crossings which are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Further ground investigation to inform detailed design of trenchless crossings including measures reducing any risk of frac out of drilling fluids, as described in Section 3.4 of the <a href="#">Outline Construction Method Statement [APP-255]</a> is secured by Requirement 23 in the <a href="#">Draft Development Consent Order [REP3-003]</a></li> </ul>

Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
		<p>relevant planning authority through amendment to the stage specific Code of Construction Practice and Crossing Schedule.” Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].</p>	<p>stakeholders and seek necessary approvals. Suggested wording is below:  <i>In the event that the stage specific code of construction practice and crossing schedule provided to the LPA identify impacts which are unanticipated and or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment an adaptive management plan to reduce effects to within what was predicted within the Environmental Statement and the Habitats Regulations Assessment, unless otherwise agreed by the LPA in writing, must be submitted alongside the monitoring reports submitted under sub-paragraph (4). This plan must be agreed by the LPA in consultation with the relevant statutory nature conservation bodies to reduce effects to an agreed suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitored in full to a timetable first agreed in writing with the LPA. In the event that this adaptive management or mitigation requires a separate consent, the undertaker shall apply for such consent. Where a separate consent is required to undertake the agreed adaptive management or mitigation, the undertaker shall only be required to undertake the adaptive management or mitigation once the consent is granted.</i></p>	<p>(updated at Deadline 4). See also commitments C-234, C-235, and C-236 in the <a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 4); and</p> <ul style="list-style-type: none"> <li>• Depths of trenchless crossings below sensitive features including 6m below veteran trees (commitment C-174) and Ancient Woodland (commitment C-216) and crossing of the Climping Beach Site of Special Scientific Interest at a minimum of 5m depth as per the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 3), are secured by Requirement 22 in the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</li> </ul>
<b>DCO Draft Development Consent Order (Draft DCO) and Draft Deemed Marine License (Draft DML)</b>				
DCO 1.5	Relevant Planning and Highway Authorities	<p>West Sussex CC in its LIR [REP1-054] state that the 28-day time-period set out in Article 13(2) is insufficient.</p> <p>a) Confirm that the same time-period set out in the said Articles are adequate.</p> <p>b) Comment on the appropriateness of the deemed consent provisions in these (and possibly other) Articles and the Applicant's justification for such provisions as set out in response at Deadline 2 [REP22-022].</p>	<p>a) HDC is not a 'street authority' (as in the same meaning as in Part 3 of the 1991 Act). HDC does not have an authority remit in relation to the relevant Supplementary Powers in the Part 4 Articles listed in written question DCO 1.5, so HDC defers to the appropriate authorities in their responses regarding Part 3 and Part 4 Article 18(7); Article 11(7); Article 15(5); Article 16(9) Discharge of Water; and Article 12(3) Public Rights of Way.</p> <p>On Part 4 Article 13(2) Access to Work, given the authority remit, the expectation is the discharge authority would be the Local Highway Authority in consultation with WSCC. This is preference for HDC. If not, and the undertaker applies to the HDC instead, it is noted in the dDCO Rev C, the applicant has extended the 28 day time period to 45 days (thereby giving HDC 45 days by which to notify the undertaker of its decision). HDC considers 45 days a reasonable time period that allows for consultation with the Local Highway Authority within the determination period,</p>	<p>a) The Applicant notes Horsham District Council's response in relation to the role of the street authority.</p> <p>In relation to Article 13(2) the time period specified i has been amended in the updated <a href="#">Draft Development Consent Order [REP3-003]</a> (also updated at Deadline 4) to 45 days in accordance with a request by West Sussex County Council to allow for a period of consultation between the relevant planning authority and the highway authority as recognised by Horsham District Council.</p> <p>It is, however, noted that the equivalent provision in the recently made Sheringham Shoals and Dudgeon Extensions Offshore Wind Farm Order 2024 (Article 12 Access to Works) provided for application to be made to the relevant planning authority and for a deemed approval to be given in the absence of a response within 28 days, including allowing for consultation with the highway authority.</p> <p>Please see response below in relation to the justification for deemed consent.</p>

Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
			<p>but questions why it is appropriate to apply deemed consent.</p> <p>b) HDC recognises there may be occasions where deemed consent is appropriate but it is unclear why this is considered appropriate to apply this across the vast majority of articles. There is currently few embedded provisions for Extensions of Time for discharge to be agreed between the Applicant and the discharge authority, i.e. such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period</p>	<p>The project is a nationally significant infrastructure project comprising low carbon infrastructure, for which there is an urgent need as identified in National Policy Statement EN-1 (Department for Energy Security and Net Zero, 2024a). As such, any unnecessary delay in its delivery should be avoided.</p>
DCO 1.13	Horsham DC	Respond to the Applicant's response at Deadline 2 [REP2-022] that Work No 17 should not be defined so as not to limit the scope of the environmental works to be undertaken. Set out how the Council would expect Work No 17 should be defined and cite, if possible, other Orders where this has been done.	<p>Work No. 17 relates to environmental works necessary to mitigate the impact of the substations comprising each of Work No. 16 and Work 20. The scope of 'environmental works' is not currently defined in the dDCO.</p> <p>HDC suggestion definition of 'environmental works' could be added at Part 1 Preliminary 2 Interpretation, as '<i>works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement, including historic parkland style tree planting and ecological mitigation works including habitat creation</i>'.</p>	<p>Work No. 17 applies to environmental works to mitigate the impacts of each of Work No. 16 (the onshore substation referred to as Oakendene) and Work No. 20 (the extension to the existing National Grid Bolney substation). Consequently, should a definition be included it would need to be capable of applying to the mitigation works in each area.</p> <p>The Applicant's position remains as set out at Deadline 2 that it is not considered appropriate to include a definition on the basis that it could only be indicative and inclusive rather than exhaustive. Further, Requirement 12 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) makes express provision that the Landscape and Ecology Management Plan to be submitted for the stage including either Work No. 16 or Work No. 20 is to include the relevant parts of Work No. 17, and must also accord with the relevant part of the <b>Design and Access Statement [REP3-013]</b> for the relevant substation works, which provides details for the planting, including mitigation planting, proposed for each substation area. The stage specific Landscape and Ecology Management Plan is to be submitted for approval by the relevant planning authority and must be implemented as approved.</p>
DCO 1.18	Horsham DC Arun DC West Sussex CC SDNPA Mid Sussex DC	Provide a response on the Applicant's amendments to the draft DCO submitted at Deadline 2 [REP2-002] in which the definition of "Commence" in Article 2 and a number of Requirements have been amended in respect to "carving-out" onshore site preparation works for the onshore Works.	<p>HDC supports the amended definition of "Commence" in Article 2 and Schedule 1 Part 3 Requirement 10 Stages of onshore works and Requirement 12 Provision of landscaping. HDC suggests the definition of 'onshore site preparation works' should also include external lighting, as this has evidenced impacts that require mitigation. HDC also queries if the definition of 'onshore site preparation works' should now include pre-planting of landscaping works as its carving out on certain requirements means this mitigation may not be realised at the desired time (early stage). Such as Requirement 8. The discharge authority for Requirement 16 Highway accesses in the South Downs National Park would be the SNDPA so HDC offers no further comment on this requirement.</p>	<p>The Applicant welcomes Horsham District Council's comments in relation to the amendment to the definition of Commence and to Requirements 10 and 12 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). In terms of the definition of onshore site preparation works it is not considered that these works will include external lighting as an activity in its own right as part of preparations. Any external lighting associated with onshore site preparation works would be addressed as part of the stage specific code of construction practice for the relevant stage in accordance with Requirement 22(4)(n) of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p> <p>The definition of onshore site preparation works already includes provision for 'pre-planting of landscape works' such that these works may be brought forward as part of a stage of onshore site preparation works where required.</p>



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DCO 1.19	The Applicant Horsham DC Arun DC	There are concerns from relevant planning authorities over the provisions of this Requirement and the reliance on the provisions contained within the Biodiversity Net Gain (BNG) Strategy Information document, Appendix 22.15 to Chapter 4 of the ES [APP-193]. The ExA notes the Applicant's responses to West Sussex CC [REP2-020] and SDNPA [REP2-024] in respect to the wording within the Requirement and the BNG Strategy Information document. However, the ExA is concerned that the BNG Strategy Information document may not contain the required evidence or clarity that BNG can be achieved, and accordingly Requirement 14 is not adequate in its current guise. Interested Parties are asked to review the questions contained in BD (below) and consider whether Requirement 14 needs amending and suggest appropriate wording.	<p>A significant concern raised by HDC in its LIR is the current absence in the BNG mechanism as it is currently evidenced, to secure proportioning out of BNG to administrative areas of each local planning authority, as appropriate, to secure enhancement. There remains lack of clarity in the BNG information document, Appendix 22.15 (APP-193). HDC suggests Requirement is amended as below.</p> <p><i>Biodiversity net gain 14.—(1) No stage of the authorised project within the onshore Order limits (<del>excluding any onshore site preparation works</del>) is to commence until a biodiversity net gain strategy for the stage which accords with the outline biodiversity net gain information comprising appendix 22.15 of the environmental statement has been submitted to and approved by the relevant planning authority in following consultation with the statutory nature conservation body.</i></p> <p><i>(2) Any biodiversity net gain strategy under sub-paragraph (1) <u>may should cover one or more all stages of the on shore works and each of the administrative areas of each local planning authority in which the on-shore works are located in accordance with the prioritisation exercise</u></i></p> <p><i>(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved.</i></p> <p><i>(4) <u>Proof of purchase of all necessary biodiversity units from third party providers</u></i></p>	<p>The approach to securing biodiversity net gain was discussed under Agenda item 2(a) at the Issue Specific Hearing 2. As was confirmed at the hearing and in the Applicant's post hearing submission, requirement 14 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) follows the approach adopted in the Hornsea Four Offshore Wind Farm Order 2023. For the recent Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, biodiversity net gain (BNG) was secured through a broader ecological management plan which in respect of BNG specifically, was to reflect the biodiversity net gain measures included in the environmental statement.</p> <p>The Applicant's approach is therefore consistent with previously made Orders and ensures that the strategy submitted for approval to the relevant local planning authority for each stage is consistent with <b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the Environmental Statement <b>[REP3-019]</b>.</p> <p>The content of this document addresses the points identified by Horsham District Council.</p>
DCO 1.25	Horsham DC	Explain the need for the skills and employment strategy to be implemented during the lifetime of the development as opposed	Table 5.1 of the draft Outline Skills and Employment Strategy (OSES) Revision B (PEPD-037) demonstrates that activities and initiatives to meet the objectives set out within the OSES are subject to further exploration and not currently fixed.	<p>The updated draft of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) has removed 'substantially' and reference the <b>Outline Skills and Employment Strategy [PEPD-037]</b> applying solely during the construction phase.</p> <p>The updated <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) also provides for a single Skills and Employment Strategy to be prepared to cover initiatives on a county wide basis rather than on a stage specific basis. As a</p>



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		to being throughout the construction stage.	<p>The nature of some of the suggested initiatives listed in table 5.1, including apprenticeship scheme and engagement with education, are expected to apply across multiple relevant stages of the project (i.e., the lifetime of the development build out) at the same time, and potentially into post construction. To cover these eventualities, HDC recommends Requirement 33 is amended to be worded as below;</p> <p><i>33.—(1) No stage of the authorised development, excluding onshore site preparation works, is to commence until a skills and employment strategy, <b>substantially</b> in accordance with the outline skills and employment strategy has been provided to <u>and approved by</u> the relevant planning authority.</i></p> <p><i>(2) The stage-specific skills and employment strategy must be implemented <u>as approved</u> throughout the construction of the relevant stage</i></p>	consequence, it is proposed to be submitted for approval by West Sussex County Council following consultation with the relevant planning authorities for all stages of the onshore works. The strategy must then be implemented as approved.
<b>AQ</b>	<b>Air Quality</b>			
AQ 1.3	Horsham DC	Confirm responses provided by the Applicant at Deadline 2[REP2-022] to issues raised on air quality in the LIR [REP1-044], particularly regarding using technology to monitor the impact of the Proposed Development on AQMAs. List any outstanding issues with recommendations on how they should be addressed.	<p>The question from the ExA is broad and encompasses a significant part of the Council's LIR. The HDC response is presented below <b>in bold</b>.</p> <p><i>HDC LIR comment:</i> Paragraph 11.2 Emerging Cowfold Neighbourhood Plan Aim 1: Air Quality Management supports sustainable development proposals that do not have an adverse effect upon air quality and users within the Parish and supports development proposals that include measures to provide traffic calming and/or gating with the aim of reducing queuing traffic within the Air Quality Management Area.</p>	The Applicant notes that Horsham District Council's responses to the Examining Authority's Written Question AQ 1.3 are presented in bold and has therefore provided comments to the responses in bold only where considered helpful to the Examining Authority.

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		<p><i>Applicant's response:</i> The Applicant has no further comments on this paragraph of Horsham District Council's Local Impact Report.</p> <p><b>HDC comment: The Cowfold NP Gating option was evaluated by WSCC and HDC and the recommendation was that Given the compliance and enforcement issues associated with this scheme, and the likely difficulties in generating a business case, it is not recommended that this scheme is a further focus of investigation for the Steering Group. It is recommended that proposals consider the Cowfold Air Quality Management Area scheme proposals review, September 2017</b></p> <p><i>HDC LIR comment:</i> Paragraph 11.9. HDC is modelling the AQMAs as part of the Action Plan updating process. To understand the contribution of all sources of emissions to exceedances of the air quality objectives within the AQMAs a source apportionment was carried at Cowfold worst-location (Cowfold 7n-DT37). Source Apportionment is the identification of ambient air pollution sources and the quantification of their contribution to pollution levels. A source apportionment considering 2019 traffic data shows that HGVs passing through the AQMA account for 22% of the local sources of NO<sub>2</sub>. It is understood that even with the reroute of traffic proposed to avoid the AQMA, 25% of HGV will still travel through the AQMA, which could increase traffic queueing and air pollutant emissions aggravating the problem.</p> <p><i>Applicant's response:</i> Commitments C-157 and C-158 (Commitments Register [REP-1-015]) discourage construction traffic from routeing through the Cowfold Air Quality Management Area (AQMA). Chapter 23: Transport, Volume 2 of the Environmental Statement (ES) [APP-064] and Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006] have assumed that as a worst case approximately 25% of heavy goods vehicle (HGV) traffic could route through Cowfold from the A24 and A272 east of the village centre when entering or exiting construction accesses at Oakendene, Kent Street or Wineham Lane. This assumption was applied as a robust assessment of the maximum potential effects that may occur within Cowfold</p>	<p>An <b>Air Quality Mitigation Strategy [REP3-053]</b> presenting the air quality damage costs using the revised Annual Average Traffic Data, was submitted at Deadline 3. Paragraphs 5.1.2 and 5.1.3 within the <b>Air Quality Mitigation Strategy [REP3-053]</b> state "The total damage cost calculated is £68,611 of which the majority will be incurred in the Horsham and Arun Districts. Mid-Sussex and Worthing Councils are also subject to damage costs. As there is a general lack of availability and resources to fund Air Quality Action Plan (AQAP) measures, the damage costs could be used to promote the aims of Sussex Council AQAPs through the provision of funding. This AEMS provides a summary of potential projects which are not currently subject to Defra funding which could be selected to offset air emissions from the project in conjunction with the District and Borough councils."</p> <p>Therefore, there is scope to include Cowfold Air Quality Management Area scheme proposals review, September 2017 (Horsham District Council, 2017).</p>

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		<p>and is not a prediction of HGV construction traffic flows that will travel through the AQMA during the construction phase. As such, given the control mechanisms contained within the Outline Construction Traffic Management Plan [REP-1-010] and commitment C-158 (Commitments Register [REP1-015]) that requires HGVs to avoid routing through the Cowfold AQMA where possible, it is anticipated that HGV flows through the AQMA will be much lower than assessed. Chapter 19: Air quality, Volume 2 of the ES [APP-060] presents an assessment of air quality impacts from construction traffic. The assessment concludes that the Proposed Development will not result in significant impacts on air quality, as a result of increased traffic on the local road network. An air dispersion traffic modelling study of the potential impacts on the Cowfold Air Quality Management Area (AQMA) is presented in Section 1.4 within Appendix 19.1: Full results of construction road traffic modelling, Volume 4 of the ES [APP-174] with the assessment in Chapter 19: Air quality, Volume 2 of the ES [APP-060] concluding that there are no significant impacts confirmed by the Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006] submitted at Deadline 1.</p> <p><b>HDC comment: Requirement 22 of the Draft Development Consent Order does not include any specific requirement for noise, vibration, dust or air quality monitoring. A specific obligation should be inserted into the requirement worded as follows: • A scheme of dust and noise mitigation giving full details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the most up to date IAQM “Guidance on the assessment of dust from demolition and construction” and provision of weekly monitoring results to the Local Planning Authority until such point the Local Planning Authority agrees this is no longer necessary.” Monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work.</b></p> <p><b>No independent monitoring of the Code of Construction Practice is required under commitment</b></p>	<p>An <b>Outline Air Quality Management Plan [REP3-056]</b> which covers dust controls, has been included as an Appendix to the <b>Outline Code of Construction Practice [REP3-025]</b> which was submitted at Deadline 3.</p> <p>The <b>Outline Air Quality Management Plan [REP3-056]</b> sets out the management measures and monitoring strategy related to air quality that will apply to all works carried out within the onshore part of the proposed DCO Order Limits. Stage specific Air Quality Management Plans will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with the <b>Outline Air Quality Management Plan [REP3-056]</b> for approval of the relevant planning authority as part of the stage specific Code of Construction Practice. This is secured via Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p> <p>Commitment C-24 which is included within the <b>Outline Air Quality Management Plan [REP3-056]</b> states that ‘<i>Best practice air quality management measures will be applied as described in Institute of Air Quality Management (IAQM) (2016) Guidance on the Assessment of Dust from Demolition and Construction 2016, version 1.1</i>’.</p> <p>Section 2.4 within the <b>Outline Air Quality Management Plan [REP3-056]</b> outlines the air quality monitoring strategy and Section 2.6 provides an example dust log report form.</p>

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		<p><b>22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</b></p> <p><b>HDC would welcome an independent auditing of the monitoring undertaken by the Transport Coordination Officer (TCO) to ensure community confidence and to police the traffic passing through Cowfold AQMA so it does not become higher than 25% over the life of the project.</b></p> <p><i>HDC LIR comment:</i> Paragraph 11.10 Additional diffusion tubes and remote sensors could be installed alongside the A272 Bolney Road and other identified Lorry routes to monitor annual concentrations of NO2 and particulate matter. The Applicant should support the cost of this additional monitoring work.</p>	<p>The Applicant has provided an <b>Outline Noise and Vibration Management Plan [REP3-054]</b> at Deadline 3. The <b>Outline Noise and Vibration Management Plan [REP3-054]</b> includes:</p> <ul style="list-style-type: none"> <li>• Construction best practice for noise and vibration;</li> <li>• Engineered mitigation and screening;</li> <li>• Mechanism for reevaluating mitigation requirements;</li> <li>• Monitoring methods;</li> <li>• Complaint investigation; and</li> <li>• Communication management.</li> </ul> <p>The <b>Outline Noise and Vibration Management Plan [REP3-054]</b> provides required management measures and mitigation to ensure onshore construction works are conducted in a way that removes or reduces effects in respect to noise and vibration receptors. The framework for determination of construction noise and vibration significance as reported in <b>Chapter 21: Noise and vibration, Volume 2</b> of the Environmental Statement (ES) <b>[PEPD-018]</b> methodologies for prediction and measures to mitigate impacts are drawn BS 5228-1:2009 + A1:2014 <i>Code of practice for noise and vibration control on construction and open sites. Part 1: Noise</i> (BSI, 2014a), and BS 5228-2:2009 + A1:2014 <i>Code of practice for noise and vibration control on construction and open sites. Part 2: Vibration</i> (BSI, 2014b).</p> <p>The Applicant refers Horsham District Council to Section 9 within the <b>Outline Construction Traffic Management Plan (CTMP) [REP3-029]</b> in particular Paragraph 9.1.2 which states that 'a <i>Transport Coordination Officer (TCO) will be appointed by the contractors to implement the CTMP (approved by NH as the strategic highways authority and WSCC as the local highway authority)</i>'. Paragraph 9.1.3 within the <b>Outline Construction Traffic Management Plan [REP3-029]</b> outlines the responsibilities of the appointed Transport Coordination Officer (TCO) which includes:</p> <ul style="list-style-type: none"> <li>• monitoring contractor obligations with regards the CTMP;</li> <li>• liaison with and reporting to the local highway authorities (WSCC) and National Highways (NH) about mitigation and remedial measures as required;</li> <li>• updating the CTMP as required ; and</li> <li>• resolving issues and problems through the liaison with relevant stakeholders.</li> </ul> <p>The Applicant Notes that monitoring and enforcement is the responsibility of the relevant local planning authority.</p>



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		<p><i>Applicant's response:</i> Impacts from road traffic emissions at sensitive receptor locations within Cowfold, and Cowfold Air Quality Management Area (AQMA) specifically, have been assessed and are reported within the Chapter 19: Air quality, Volume 2 of the Environmental Statement (ES) [APP-060]. Impacts from emissions of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> were considered. The assessment concluded that the impact from construction traffic emissions is negligible at all sensitive receptor locations, including residential receptors within the AQMA.</p> <p><b>HDC comment: Monitoring shall be included on the Construction Mitigation Plan. As monitoring is a vital part of construction, given the scale of the propose development, the likely high number of road traffic movements generated during the construction phase a monitoring plan should be included as a measure.</b></p> <p><b>Major applications should consider supplementing local authority monitoring with own monitoring - which would help to increase model certainty and confidence in the results and community reassurance.</b></p>	<p>An <b>Air Quality Mitigation Strategy [REP3-053]</b> presenting the air quality damage costs using the revised Annual Average Traffic Data, was submitted at Deadline 3. Paragraphs 5.1.2 and 5.1.3 within the <b>Air Quality Mitigation Strategy [REP3-053]</b> state "The total damage cost calculated is £68,611 of which the majority will be incurred in the Horsham and Arun Districts. Mid-Sussex and Worthing Councils are also subject to damage costs. As there is a general lack of availability and resources to fund Air Quality Action Plan (AQAP) measures, the damage costs could be used to promote the aims of Sussex Council AQAPs through the provision of funding. This AEMS provides a summary of potential projects which are not currently subject to Defra funding which could be selected to offset air emissions from the project in conjunction with the District and Borough councils."</p>
		<p><i>HDC LIR comment:</i> Paragraph 11.15 Dust Management plan: 11.15 During site clearance, preparation and construction there is the potential for local residents to experience adverse impacts from noise, dust and construction traffic movements. These should be minimised and controlled by the developer and a construction environmental management (CEMP) plan.</p>	<p>Therefore, Horsham District Council will be able to spend the funds on monitoring at their discretions.</p>
		<p><i>Applicant's response:</i> Chapter 19: Air quality, Volume 2 of the ES [APP-060] presents the construction dust assessment from the different components of the Proposed Development, undertaken in line with the Institute of Air Quality Management (IAQM) (2016) guidance on 'Assessment of Dust from Construction and Demolition' following best practice. The assessment identifies suitable mitigation according to the risk of dust impacts from the different components of the Proposed Development to ensure appropriate mitigation measures are applied. The relevant dust mitigation measures form part of the Outline Code of Construction Practice [PEPD-033] which includes an embedded environmental measure to produce Dust Management Plans for the areas within the proposed DCO</p>	

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		<p>Order Limits that are associated with medium dust risk. The Dust Management Plan will be included in the stage specific Code of Construction Practice (secured through Requirement 22 of the Draft Development Consent Order [PEPD-009]) which will be submitted to and approved by the relevant planning authority and in accordance with the Outline Code of Construction Practice [PEPD-033].</p>	
		<p><b>HDC comment: Dust Management Plan (DMP) should be included in the Construction Environmental Management Plan (CEMP). In creating a CEMP, it is important to evaluate the potential environmental impacts of the construction project. CEMP is required to ensure that construction activities are carried out in an environmentally responsible manner. A CEMP shall also include a plan for monitoring the environmental impact of the construction project, as well as regular reviews to update the plan as needed. Construction Environmental Management Plan (CEMP) can be conditioned through a Planning Condition before commencement of any site preparation works.</b></p>	<p>An <b>Outline Air Quality Management Plan [REP3-056]</b> which covers dust controls, has been included as an Appendix to the <b>Outline Code of Construction Practice [REP3-025]</b> which was submitted at Deadline 3.</p>
		<p><b>Requirement 22 of the dDCO does not include any specific requirement for Construction Environmental Management Plan</b></p>	<p>The <b>Outline Air Quality Management Plan [REP3-056]</b> sets out the management measures and monitoring strategy related to air quality that will apply to all works carried out within the onshore part of the proposed DCO Order Limits. Stage specific Air Quality Management Plans will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with the <b>Outline Air Quality Management Plan [REP3-056]</b> for approval of the relevant planning authority as part of the stage specific Code of Construction Practice. This is secured via Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). The Applicant would like to clarify that the stage specific Code of Construction Practice and stage specific Air Quality Management Plans as referenced within Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) serve the same function and purpose as the Construction Environmental Management Plan as referenced by Horsham District Council.</p>
		<p><i>HDC LIR comment:</i> Paragraph 11.16 to 11.17. The Applicant should follow the IAQM guidance and implement all the general measures categorised as Highly Recommended. Commitment-24 Best practice air quality management measures will be applied as described in Institute of Air Quality Management (IAQM) (2016) guidance on the Assessment of Dust from Demolition and Construction 2016, version 1.1.</p>	
		<p><i>Applicant's response:</i> Commitment C-24 (Commitments Register [REP-1-015]) ensures that best practice air quality management measures will be applied during construction in line with Institute of Air Quality Management (IAQM) (2016) guidance on the Assessment of Dust from Demolition and Construction 2016, version 1.1. This is outlined in the Outline Code of Construction Practice [PEPD-033] which is secured through Requirement 22 of the Draft Development Consent Order [PEPD-009] updated at the Deadline 2 submission.</p>	

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		<p><b>HDC comment: The most up to date IAQM Guidance shall be used on the Assessment of Dust from Demolition and Construction.</b></p>	<p>The dust management measures detailed in the <b>Outline Air Quality Management Plan [REP3-056]</b> have considered the 2016 Institute of Air Quality Management (IAQM) "Guidance on the assessment of dust from demolition and construction". The 2023 IAQM guidance was withdrawn due to having significant errors and was updated and issued in January 2024. The recommended dust measures in 2024 IAQM guidance are largely unchanged from the 2016 IAQM Guidance. The only substantial change is the reduction in the required area of assessment from 350m to 250m. Therefore, the submitted dust assessment was more conservative.</p>
		<p>HDC LIR comment: Paragraph 11.18 to 11.21. 11.18 Air Quality and Emissions Mitigation Guidance for Sussex (2021) takes a low-emission strategies' approach to avoid health impacts of cumulative development, by seeking to mitigate or offset emissions from the additional traffic. Hence, Applicants are required to submit a mitigation plan detailing measures to mitigate and/or offset the impacts and setting out itemised costing for each proposed measure, with the total estimated value of all the measures being equal to the total damage costs. 11.19 It is understood from the Statement of Commonality for Statements of Common Ground (PEPD-039) that an Air quality Plan, including emissions and health damage cost calculation and mitigation plan, for the construction phase of the development will be produced. Within this Air Quality Plan it is requested that the Applicant demonstrate how the overall monetary disbenefits identified will be redressed by the measures proposed.</p>	
		<p>An effective air quality plan would contain the following elements for each proposed measure:</p> <ul style="list-style-type: none"> <li>• Costings</li> <li>• Performance indicators</li> <li>• Delivery timescales.</li> </ul> <p>11.20 These are the essential mechanisms that enable authorities to work for the benefit of local communities and public health. It is essential that there is confidence that proper monitoring mechanisms and indicators are established at the outset and reviewed as necessary. 11.21 The Mitigation measures for the proposed development should be in line with the Sussex Air latest Air Quality and Emissions Mitigation Guidance for Sussex. Regarding the measures to be put forward in the air quality mitigation plan. HDC would request that the Applicant avoids duplication of measures that would normally be required through other regimes. Alternatively, we would support contributions:</p>	

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		<ul style="list-style-type: none"> <li>• to support and improve air quality monitoring in Cowfold AQMA and Washington.</li> <li>• to measures included in the Action Plan,</li> <li>• to Local Energy Efficiency Improvement</li> <li>• to the set-up of a Cowfold car Club scheme (Leap);</li> <li>• towards HDC's public building energy performance retrofit programme;</li> <li>• towards HDC's vehicle replacement programme</li> </ul> <p><i>Applicant's response:</i> The requirement in the Air Quality and Emissions Mitigation Guidance for Sussex (Mid Sussex District Council, 2021) for damage cost calculations is not relevant to the majority of the Proposed Development considering its nature and scheduling. It is therefore anticipated, subject to a review of the revised traffic generation and considering the knowledge of the construction schedule, that damage costs will be calculated for the works at the onshore substation at Oakendene where construction is likely to last longest. An Air Quality Mitigation Plan will be produced for the onshore substation at Oakendene in line with the Air Quality and Emissions Mitigation Guidance for Sussex (Mid Sussex District Council, 2021). Following further discussions with Horsham District Council, it is anticipated that the Air Quality Mitigation Plan will be submitted at Deadline 3.</p> <p><b>HDC comment: A Draft of the AQ mitigation strategy was submitted in April 2024 to HDC for comment as part of ongoing SOCG negotiations. HDC agree with the draft overall approach, but there is a lack of detailed information to confirm the final results is correct. HDC would request that more detail about AADT is provided, including what were the values used and whether construction HGV, LGV and passenger vehicles were considered. HDC would also like to request more details on which road links were used for the damage cost calculation.</b></p> <p><i>HDC LIR Comment:</i> Paragraph 11.22. There is a concern that the CTMP does not account for emissions of the on-road and off-road construction traffic. Section 8.4.11 of the CTMP proposes to use Euro V on road vehicles "or better whenever possible". The emission rates for Euro V heavy</p>	<p>The Applicant welcomes the agreement in the overall approach to the <b>Air Quality Mitigation Strategy [REP3-053]</b> (submitted at Deadline 3) by Horsham District Council.</p> <p>An <b>Air Quality Mitigation Strategy [REP3-053]</b> presenting the air quality damage costs using the revised Annual Average Daily Traffic (AADT) data, including Heavy Duty Vehicles (HDVs) and Light Duty Vehicles (LDVs), was submitted at Deadline 3.</p> <p>The <b>Air Quality Mitigation Strategy [REP3-053]</b> will be updated to include a separate table detailing the AADT traffic data and include reference to the traffic highway links used in the damage cost calculations for each construction year and issued to Horsham District Council for final agreement. Once agreed with Horsham District Council, an updated <b>Air Quality Mitigation Strategy [REP3-053]</b> will be submitted at a future Deadline.</p>



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		<p>duty vehicles are circa 50% higher for PM and NOx compared to those of Euro VI vehicles – so it makes a significant difference what emission standard gets adopted.</p> <p><i>Applicant's response:</i> The Outline Construction Traffic Management Plan [REP1-010] submitted at Deadline 1 includes in paragraph 8.4.12 an updated commitment that a minimum Euro VI standard vehicles will be used to support construction of the Proposed Development. The Outline Construction Traffic Management Plan [REP1-010] is secured through Requirement 24 of the Draft Development Consent Order [PEPD-009].</p> <p><b>HDC Comment: Requirement 24 of the dDCO does not include any specific requirement for road vehicle class to be Euro VI as a minimum. A specific obligation should be inserted into the requirement.</b></p> <p><i>HDC LIR Comment:</i> Paragraph 11.25 to 11.28. 11.25 It is not clear how routing of HGVs to avoid the AQMA's in Storrington and Cowfold is to be managed and controlled. Use of traffic surveying technology such as automatic number plate recognition cameras would offer an appropriate monitoring mechanism. 11.26 To that end, HDC Officers have contacted Obstrada, a company specialised in traffic and transport surveys to explore options on how we can police the traffic passing through Cowfold AQMA. The findings of these are attached as Appendix C. 11.27 In summary, four options are listed, each of them with expected cost range, pros and cons:</p> <ul style="list-style-type: none"> <li>• Temporary CCTV Video Analysis</li> <li>• Temporary ANPR Data Analysis</li> <li>• Permanent ANPR Data Analysis</li> <li>• Existing ANPR Data Analysis. 11.28 The prices quoted are indicative as the specification of the Project is not known at this stage but HDC advocates that this detail will begin engagement with the Applicant on possible ways of controlling LDV and HGV so these do not become higher than 25% over the lifetime of the Project.</li> </ul> <p><i>Applicant's response:</i> Any such details would be confirmed as part of stage specific CTMPs that will be submitted in accordance with the Outline Construction Traffic</p>	<p>The Applicant notes that Paragraph 8.4.12 within the <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> has been updated and now states 'All road based vehicles used in the construction of the onshore elements of the Proposed Development will be to a EURO standard VI class or better wherever possible'. The <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> is secured via Requirement 24 within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p>

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		<p>Management Plan [REP-1-010] for the approval of the highways authority (West Sussex County Council) secured through Requirement 24 of the Draft Development Consent Order [PEPD-009].</p> <p><b>HDC Comment: Requirement 22 of the Ddco does not include any specific requirement for noise, vibration, dust or air quality monitoring. A specific obligation should be inserted into the requirement worded as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>A scheme of dust and noise mitigation giving full details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the most up to date IAQM “Guidance on the assessment of dust from demolition and construction” and provision of weekly monitoring results to the Local Planning Authority until such point the Local Planning Authority agrees this is no longer necessary.”</b></li> </ul> <p><b>Monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work.</b></p> <p><b>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</b></p> <p><b>HDC would welcome an independent auditing of the monitoring undertaken by the Transport Coordination Officer (TCO) to ensure community confidence and to police the traffic passing through Cowfold AQMA so it does not become higher than 25% over the life of the project.</b></p>	<p>The Applicant refers to response above with respect to the provision of schemes for dust and noise mitigation including monitoring.</p>

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		<p><i>HDC LIR Comment:</i> Paragraph 11.29 HDC has concerns of the modelling results for Cowfold AQMA. Details are therefore required of the model set up:</p> <ul style="list-style-type: none"> <li>• For which construction year the model was set up?</li> <li>• What was the AADT considered? It is understood that even with HGV reroute in place, 25% will still go through Cowfold AQMA. The concern is that the Assessment Scenario includes assumptions on HGV routeing which may not materialise for project implementation.</li> </ul>	
		<p><i>Applicant's response:</i> The air quality modelling for Cowfold Air Quality Management Area (AQMA) was updated and provided in Chapter 32: ES Addendum, Volume 2 of the Environmental Statement [REP1-006]. The updated assessment modelled the second year of construction; the year with the highest development traffic according to the revised traffic data for the Proposed Development presented in Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006]. The AADT used takes into account the heavy goods vehicle (HGV) routing through the Cowfold AQMA. The updated traffic data did not change the outcome of the assessment provided in Chapter 19: Air quality, Volume 2 of the ES [APP-060].</p>	
		<p><b>HDC Comment: HDC has concerns regarding modelling results, as Cowfold worst-location (DT37) is still underpredicting by 24.5% even after modelling results were adjusted.</b></p>	<p>The Applicant notes that according to the latest Horsham District Council Air Quality Annual Status Report, published in August 2023, annual mean nitrogen dioxide (NO<sub>2</sub>) concentrations in 2022 were 31.7 µg/m<sup>3</sup> and 31.2 µg/m<sup>3</sup> in 2021. The Applicant notes that the fractional bias is 0.595 for DT37 however considering all diffusion tubes it is within an acceptable range. In addition, a separate verification factor for receptor points CW39 and CW40, in proximity to DT37 but at locations of relevant exposure, will not result in significant impacts due to the incremental increase in concentrations (&lt;0.5mg/m<sup>3</sup>, equivalent to 1% of the objective), reported in Table B 6 Modelled annual mean NO<sub>2</sub> impacts due to construction traffic, <a href="#">Chapter 32: ES Addendum, Volume 2</a> of the Environmental Statement (ES) [REP1-006], for CW39 and CW40.</p>
		<p><b>There wasn't any breach of annual mean NO<sub>2</sub> objective at HDC monitoring location in the past four years (2019-2022), but site DT37 (Cowfold 7n) reached a concentration of 36.1µg/m<sup>3</sup> in 2019, which is within 10% of the annual mean objective. As stated on TG22: The fractional bias of the model may be used in order to identify if the model shows a systematic tendency to over or under predict. However, care should be taken when using this statistic particularly where local authorities are concerned about the performance of the model at concentrations close to the air quality objective being assessed. The fractional bias provides the tendency of the whole model to under or over predict, and local authorities should consider the performance at each site. The correlation coefficient is used to measure the linear relationship between predicted and observed data. A value of zero means no relationship and a value of 1 means absolute</b></p>	<p>An incremental change of 1% at locations where the annual mean NO<sub>2</sub> concentration is between 76-94% of the annual mean objective (Table 6.3: Impact descriptors for individual receptors, EPUK &amp; IAQM Guidance 'Land-Use Planning &amp; Development Control: Planning For Air Quality', 2017) is classed as negligible. Therefore, the outcome of the air quality assessment as presented in <a href="#">Chapter 32: ES Addendum, Volume 2</a> of the ES [REP1-006] is valid.</p>
			<p>It should also be noted that Annual Average Daily Traffic (AADTs) flows through Cowfold Air Quality Management Area (AQMA) screen out from requiring a detailed modelling assessment according to the screening criteria of EPUK and IAQM guidance (2017). In addition, an <a href="#">Air Quality Mitigation Strategy [REP3-053]</a> presenting the air quality damage costs, was submitted at Deadline 3 with a view of funding a number of</p>

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		<p><b>relationship. The correlation coefficient for the model after adjustment is 0.595, which is distant to the ideal value of 1.0.</b></p> <p><b>HDC concern is that with this monitoring location being severely underpredicting, the conclusion of AQ impacts at the worst-location will not be valid.</b></p> <p><i>HDC LIR Comment:</i> Paragraph 11.30. It would be helpful to have the receptors labelled on a map. This would provide the local authority with more information on the spatial variation of concentrations.</p> <p><i>Applicant's response:</i> Figure 19.2, Chapter 19: Air quality – Figures, Volume 3, of the ES [APP-104] presents the receptor location for the Cowfold model.</p> <p><b>HDC Comment: Although the receptors are plotted on the map (Figure 19.2, Chapter 19: Air quality – Figures, Volume 3, of the ES [APP-104]), they are not labelled, which makes reviewing the model assumptions and results a laborious process.</b></p> <p><i>HDC LIR Comment:</i> Paragraph 11.31 to 11.32. 11.31 HDC monitored NO<sub>2</sub> at 10 locations in Cowfold in 2019, but only 3 of these sites were used for model verification. The Applicant has provided justification on the Statement of Commonality for Statements of Common Ground (PEPD-039) for removing diffusion tubes from the verification:</p> <ul style="list-style-type: none"> <li>• Monitoring at Cowfold 7n (DT37) has recorded values within 10% of UK objectives in 2019 (36.1 ug/m<sup>3</sup>) and it represents the worst location in Cowfold, but it was not considered for model verification. Applicant justification for removing the DT from the verification is not acceptable as the tube is not near a bus stop or a post box and it is representative of traffic emissions.</li> <li>• Monitoring at Cowfold 4 (DT22) was also not considered for model verification. Although traffic data was assumed during model set up, the concentration monitored at this DT is representative of traffic emissions and should have been considered. Although Cowfold 1,2 (DT12,20) is subject to stop/start because of traffic lights, it is representative of traffic emissions and should have been considered for model verification. 11.32 Average monitored concentrations of annual mean NO<sub>2</sub> in Cowfold roadside locations in 2019 was 27.3ug/m<sup>3</sup>, with the worst location recording 30.7 ug/m<sup>3</sup>, which is well above the modelled concentrations at</li> </ul>	<p>projects within the relevant planning authority to mitigate the temporary increases in emissions to air.</p> <p>The Applicant has no further comments on this matter at this time.</p>



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		<p>the receptors. As there is a systematic under prediction of modelled concentrations for all sites, it is recommended that the Applicant provides a review of the model provided for Cowfold AQMA.</p>	
		<p><i>Applicant's response:</i> The air quality modelling for Cowfold Air Quality Management Area (AQMA) was updated and provided in Chapter 32: ES Addendum, Volume 2 of the Environmental Statement [REP1-006]. The updated assessment reflects the latest traffic data and considers a revised verification factor derived by also using DT37, DT22 and DT12. The verification applied ensured that the model was not under predicting. The new verification factor and updated traffic data did not change the outcome of the assessment provided in Chapter 19: Air quality, Volume 2 of the ES [APP-060]. Regarding the predicted concentration presented in the Chapter 32: ES Addendum, Volume 2 of the ES [REP1- 006], they reflect concentrations at locations of relevant exposure and none of the diffusion tubes in Cowfold are at location of relevant exposure. According to Table A.2 of HDC latest Annual Status Report (2022), the distance of the monitoring sites to a location of relevant exposure varies from 2m – 23m. Therefore, concentrations at relevant sensitive receptors are expected to be lower than the concentration reported in the HDC Annual Status Report.</p>	
		<p><b>HDC Comment: HDC have concerns regarding modelling results, as Cowfold worst-location (DT37) is still underpredicting by 24.5% even after modelling results were adjusted.</b></p>	<p>The Applicant refers to response above in regards to the traffic modelling.</p>
		<p><b>There wasn't any breach of annual mean NO2 objective at HDC monitoring location in the past four years (2019-2022), but site DT37 (Cowfold 7n) reached a concentration of 36.1µg/m<sup>3</sup> in 2019, which is within 10% of the annual mean objective.</b></p>	
		<p><b>As stated on TG22: The fractional bias of the model may be used in order to identify if the model shows a systematic tendency to over or under predict. However, care should be taken when using this statistic particularly where local authorities are concerned about the performance of the model at concentrations close to the air quality objective being assessed. The fractional bias provides the tendency of the whole</b></p>	

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			<p>model to under or over predict, and local authorities should consider the performance at each site.</p> <p>The correlation coefficient is used to measure the linear relationship between predicted and observed data. A value of zero means no relationship and a value of 1 means absolute relationship. The correlation coefficient for the model after adjustment is 0.595, which is distant to the ideal value of 1.0.</p> <p>HDC concern is that with this monitoring location being severely underpredicting, the conclusion of AQ impacts at the worst-location will not be valid.</p>	
<b>BD</b>	<b>Biodiversity</b>			
BD 1.1	The Applicant Natural England SNDPA West Sussex CC Horsham DC Arun DC Mid Sussex DC	<p>For Natural England, SDNPA, West Sussex CC</p> <p>c) It is noted that the latest metric is now the Statutory Biodiversity Metric. Explain whether the calculations need to be updated using the latest version.</p> <p>d) Is there agreement on the biodiversity baseline presented in Appendix 22.15 Biodiversity Net Gain information [APP-193] for the:</p> <p>i. Total number of baseline units calculated for the worst-case realistic scenario.</p> <p>ii. Total number of units lost to the Proposed Development.</p>	<p>c) The Statutory Biodiversity Metric is mandatory for all applications that are subject to the Biodiversity Net Gain (BNG) requirement. Given that NSIPs are currently exempt from BNG, it is not strictly required for NSIPs to therefore use the Statutory Biodiversity Metric until 2025 (estimated), and therefore it is of HDC's understanding that previous versions can be used to illustrate net gain. However, it is important to note that the current Statutory Biodiversity Metric has been refined from previous versions, using feedback from ecologists and users and subsequently reducing the number of errors and issues with practicality.</p> <p>HDC would therefore strongly advise that future calculations be conducted using the most updated metric, in accordance with best practice.</p> <p>HDC does however understand that the accompanying condition assessments were undertaken in accordance with Biodiversity Metric 4.0 Technical Annex 2 and, given the continuous evolution of these over the survey years 2020 - 2023, professional judgement has been used to align these with current published criteria (Para 4.1.1 of Appendix 22.15 Biodiversity Net Gain Information, [APP-193]).</p>	<p>The Applicant confirms that the Statutory Biodiversity Metric has been used in the updated version of <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement (ES) [REP3-019] (submitted at Deadline 3). The Applicant also notes that the updated <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [REP3-019] now includes the Biodiversity Net Gain (BNG) Metric calculations in Annex A.</p> <p>The Applicant notes that commitment C-294 (<a href="#">Commitments Register [REP3-049]</a>) within the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4 and secured via Requirement 22 within the <a href="#">Draft Development Consent Order [REP3-003]</a> also updated at Deadline 4) ensures that the BNG calculations at the detailed design stage post-DCO award will be based on the habitat condition criteria that accompanies the Statutory Biodiversity Metric.</p> <p>The Applicant notes that post-DCO award changes to calculations around strategic significance will need to be reflected in the calculations. It is expected that all Local Nature recovery Strategies will be in place by March 2025, however if this is not the case discussion will be held with relevant local authorities. This is secured through Requirement 14 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) which requires the relevant local authorities, in discussion with Natural England, to agree stage specific biodiversity net gain strategies.</p>

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		e) Confirm whether clarity exists on how the calculations have been done and is there agreement on the methodology and the spatial areas for which the calculations have been presented?	<p>d) HDC accepts on the methodology proposed to calculate the baseline as proposed in Appendix 22.15. In the absence of a submitted metric, or division of units between areas of jurisdiction, HDC therefore assume the baseline units for the worst-case realistic scenario and total number of units lost to the Proposed Development are correct. This is said in the absence of a submitted metric.</p> <p>However, at the detailed design stage / different phases, HDC may expect minor changes to the baseline units, either due to updates from habitat and walkover surveys, or definitions of strategic significance. In the absence of the West Sussex Local Nature Recovery Strategy (LNRS), HDC would advise the Applicant to discuss definitions of strategic significance with HDC and submit local level metrics, post-consent.</p>	
BD 1.2	Natural England SNDPA West Sussex CC Horsham DC Arun DC Mid Sussex DC	Confirm that the Applicant has adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain.	<p>Due to the limitations of the onshore transmission assets being passed to an Offshore Transmission Owner once energised, HDC believes the Applicant has followed the Biodiversity Gain Hierarchy as much as possible. On-site BNG delivery is to be sought from landowners whose land is within the Proposed DCO Order Limits via a third party. Where there are still units to offset outside the DCO Order Limits, off-site solutions are to be sought as close as possible to the area of impact, such as purchasing units from habitat banks within 2km of the DCO Order Limits within the same LPA and/or NCA. Where no more options are available, the Applicant will look further afield to other NCAs/LPAs in West Sussex.</p> <p>See response to BD 1.5 for comments on how the Applicant has followed the mitigation hierarchy in terms of avoid, mitigate and compensate, as per the NPPF.</p>	The Applicant welcomes the acknowledgement by Horsham District Council that the Biodiversity Gain Hierarchy has been followed in light of the type of project being considered for development consent.
BD 1.5	Horsham DC Arun DC West Sussex CC Environment Agency SDNPA	a) Confirm that the proposal for BNG aligns with and complements relevant national or local plans, policies and strategies including the Local Nature Recovery Strategy or other relevant local plans, policies or strategies. b) Confirm that the mitigation hierarchy has been adequately	As per Appendix 22.15, and in line with the Biodiversity Gain Hierarchy, the Applicant will prioritise BNG opportunities that are described in the West Sussex Local Nature Recovery Strategy which is to be published around March 2025. The Applicant has also agreed to actively engage with HDC and others when seeking to source biodiversity units, in which HDC has highlighted potential areas of discussion, such as within HDC's Green Infrastructure Strategy (2024) and the Wilder Horsham District Nature Recovery Network (see Ref 9.26 of Applicant's Response to Horsham District Council Deadline 1 Submissions).	<p>The Applicant welcomes the acknowledgement by Horsham District Council that the mitigation hierarchy has been followed as best as possible to minimise biodiversity net loss. The Applicant welcomes Horsham District Council's acknowledgement that this has been achieved through:</p> <ul style="list-style-type: none"> <li>• pursuing the route which avoids loss of ancient woodland;</li> <li>• use of trenchless techniques around ecologically sensitive areas;</li> <li>• scheduling of construction activity to minimise disturbance to sensitive species;</li> <li>• the presence of an Ecological Clerk of Works during construction;</li> <li>• vegetation retention plans and reinstatement of habitats temporarily lost to the same condition; and</li> </ul>

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		followed to avoid then mitigate then compensate, in that order, in respect to biodiversity.	HDC believe the mitigation hierarchy has been followed as best as possible to minimise biodiversity net loss. This has been done by pursuing the route which avoids loss of ancient woodland, use of trenchless techniques around ecologically sensitive areas, scheduling of construction activity to minimise disturbance to sensitive species, the presence of an Ecological Clerk of Works during construction, vegetation retention plans and reinstatement of habitats temporarily lost to the same condition, and habitat creation at the substation site to mitigate and compensate for permanent habitat loss and impacts on protected and priority species.	<ul style="list-style-type: none"> <li>habitat creation at the onshore substation site to mitigate and compensate for permanent habitat loss and impacts on protected and priority species.</li> </ul>
BD 1.6	Natural England  SDNPA	Concern has been raised by SNDPA [REP1-049], Sussex Wildlife Trust [RR-381], Horsham DC [REP1-044] and Natural England [RR-265] regarding the transparency between delivery of compensation for the Proposed Development i.e. no net loss of biodiversity and biodiversity enhancement of 10% i.e. 10% biodiversity net gain (BNG). The Applicant states it has used the Natural England BNG metric tool to calculate the units required for both [APP-193]. a) Explain whether Table 4-5 on page 24 of Volume 4, Appendix 22.15 of the ES APP-193, provides a sufficiently clear and transparent explanation of how many units of each type are required and is there agreement on the number of units to achieve no net loss and 10% net gain.	<p>It is clear that Table 4-5 of Appendix 22.15 [APP-193] provides the total units needed to compensate and provide 10% net gain for each unit type. These figures are presented in 'Unit shortfall inc. 10% BNG'. In the absence of a submitted metric, it is assumed these figures are correct.</p> <p>In Table 4-5 there is no clear distinction as to what degree certain activities or number of units are providing mitigation or compensation (which can count in part of BNG up to no net loss) and biodiversity net gain. However, as BNG is not mandatory for the Proposed Development, it is not required.</p> <p>To demonstrate which activities are delivering mitigation/compensation and biodiversity net gain, it would be helpful if two metrics were submitted post-consent; one showing habitat creation and enhancement achieving no net loss (100% in BNG terms), and another showing the full BNG calculations (110%). The difference between the metrics will illustrate where BNG is being delivered. However, this is a very resource heavy task and is not strictly necessary, but this could be forthcoming at the detailed design stage and/or at relevant phases.</p>	<p>The Applicant welcomes the response from Horsham District Council including the acknowledgement that Biodiversity Net Gain (BNG) is not mandatory for the Proposed Development. With regards to the request to provide a breakdown of calculations showing what contributes to no net loss and net gain post consent, this can be achieved without resulting in additional calculations, as long as individual rows in the Statutory Biodiversity Metric are maintained for different activities. As the habitat creation and reinstatement described in the <a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a> (updated at Deadline 4) do not provide enough biodiversity units to reach a position of no net loss, all of this can be considered to be providing mitigation and compensation.</p>



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		<p>b) Comment on whether no double-counting is clear between activities planned to deliver mitigation, compensation, enhancement and net gain.</p> <p>c) Is further explanation required? If so, please specify what is needed.</p>		
<b>DE</b>	<b>Design</b>			
DE 1.2	The Applicant Horsham DC	Notwithstanding the Design Principles detailed within the Design and Access Statement (DAS) [AS-003] and secured by Requirement 8 of the draft DCO [REP2-002], comment upon the need for design code certified and secured in the draft DCO for the design of the Work No 16 (onshore substation).	<p>Although the current Design and Access Statement (DAS) (AS-003) references an illustrative site plan, the Applicant's intention is for the DAS to secure Principles rather than fix details, and this means the DAS in its current form does not offer a clear, specific and unambiguous set of design requirements for the physical development of the substation site.</p> <p>A combination of an amended DAS that provides more detail, including graphical illustrations in support of the principles, together with amended Requirement 8 to capture all elements of the substation development (worded such as below), would, in the view of HDC, negate the need for a certified Design Code.</p> <p><b>Detailed design approval onshore substation 8.—(1)</b> Works comprising Work No. 1616 (excluding any onshore site preparation works) must not commence until details of—</p> <p>(a) siting and layout;</p> <p>(b) scale and quantum of development and its uses;</p> <p>(c) existing and proposed finished ground levels;</p> <p>(d) landscaping;</p> <p>(e) access; and</p> <p>(f) external appearance, form and materials for any buildings, structures and other infrastructure for the onshore substation, including;</p> <p><u>i) hard surfacing materials;</u></p> <p><u>ii) vehicular and pedestrian access and parking areas;</u></p> <p><u>iii) minor structures, such as furniture, refuse or other storage units, signs and lighting; and</u></p> <p><u>iv) proposed and existing functional services above and below ground, including drainage, power and</u></p>	<p>The Applicant has provided detailed responses to the Examining Authority's design Written Question DE 1.2 '<i>Design Code</i>' [PD-009] in Table 2-9 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>.</p> <p>The Applicant considers that the design principles provided and secured in the Development Consent Order (DCO) (as referenced in Examining Authority Written Question DE 1.2) provide the appropriate and necessary embedded environmental measures, reflecting the mitigation hierarchy. The addition of a design code would not provide any additional benefit beyond that which could be secured in the design principles. The Applicant has reviewed the design principles and content of the <b>Design and Access Statement [REP3-013]</b> in light of Horsham District Council's comments in their Local Impact Report [REP1-044] and has provided an updated <b>Design and Access Statement [REP3-013]</b> at Deadline 3.</p> <p>The Applicant notes that National Policy Statement EN-1 (2011 and 2023) refer to the use of design principles for energy projects that fall under the Planning Act (2008). Design codes are referenced in the National Planning Policy Framework paragraph 133 with the responsibility for local planning authorities to produce these to guide development design.</p>

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			<p><u>communications cables and pipelines, manholes and supports.</u></p> <p><u>v) fencing and other means of enclosure.</u></p> <p><u>(a) have been submitted to and approved in writing by the relevant planning authority</u> following consultation with the West Sussex Fire and Rescue Service and Work No. 16 must be carried out in accordance with the approved details.</p> <p>(2) Any details provided by the undertaker pursuant to sub-paragraph (1) must accord with the <del>principles set out in the relevant part of the design and access statement</del> including taking account of climate change allowances, relationship to and effect on heritage assets, must accord with the drainage arrangements approved pursuant to requirement 17, include details of any water harvesting and recycling measures or any other measures necessary to ensure water neutrality, and be within the Order limits.</p> <p>(3) The details submitted pursuant to sub-paragraph (2) must demonstrate how the works to construct and operate Work No. 16 will comprise water neutrality.</p> <p>(3)(4) To the extent comprised in Work No. 16—</p> <p>(a) there must be no more than 12 buildings;</p> <p>(b) operational buildings must be no more than 12.5 metres in height above finished ground level;</p> <p>(c) the maximum building length must be no more than 70 metres;</p> <p>(d) the maximum building width must be no more than 20 metres;</p> <p>(e) lightning protection masts must be no more than a height of 18 metres above finished ground level; and</p> <p>(f) the maximum height of any fire walls must be no more than 10 metres. (4)(5) For the purposes of paragraph (3), 'finished ground level' will be defined in accordance with the design and access statement and the term 'building' excludes electrical infrastructure installations</p>	
<b>FR</b>	<b>Flood Risk</b>			
FR 1.4	West Sussex CC Horsham DC The Environment Agency	Further to discussion regarding flood risk at the proposed Oakendene substation site at ISH1 [EV3-001] and evidence submitted from CowfoldvRampion [REP1-087 and REP1-089], Mr Smethurst	Reflective of authority remit, HDC defers detailed commentary to West Sussex County Council in its capacity as the Local Lead Flood Authority (LLFA). Therefore, HDC will comment solely to written question FR 1.7, in relation to the Sequential Test.	<p>The Applicant notes that Horsham District Council defers detailed commentary to West Sussex County Council in its capacity as the Local Lead Flood Authority (LLFA).</p> <p>The Applicant notes a detailed response to the Examining Authority's First Written Questions (FR1.4) has been provided in Table 2-10 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p>

Ref	Question to: Examining Authority Written Question	Horsham District Council's reply	Applicant's response
	<p>[REP1-115 to REP1-119] and Ms Davies [REP1-159] amongst others, at Deadline 1, confirm whether there are any comments on or outstanding concerns regarding, but not limited to:</p> <p>a) The quality of and conclusions from the Applicant's Site-Specific Flood Risk Assessment [APP-216] at this site, including the approach to, application of and conclusions from the Sequential and Exception Tests.</p> <p>b) Whether the information in the FRA relating to this site is credible, fit for purpose, proportionate to the degree of flood risk and appropriate to the scale, nature and location of development and takes the impact of climate change into account.</p> <p>c) The Applicant's statement that the Oakendene site is situated within Flood Zone 1.</p> <p>d) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</p> <p>e) Whether or not the Proposed Development would increase flood risk elsewhere.</p> <p>f) The quality and likely effectiveness of the</p>		

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	<p>Applicant's proposed Outline Operational Drainage Plan [APP-223] and ongoing management and maintenance of drainage proposals for this site.</p> <p>g) The evidence submitted by CowfoldvRampion [REP1-087 and REP1-089] and Mr Smethurst [REP1-115 to REP1-119] at Deadline 1 regarding local flooding and drainage at the proposed substation site at Oakendene.</p> <p>h) The conclusion of the Applicant's assessment of the impact of changes to the drainage regime and construction and operation of the Proposed Development at this site on the potential flood risk to downstream receptors.</p> <p>i) The Applicant's conclusions on potential impacts from the Proposed Development to changes to the hydrology of this site on ecology.</p> <p>j) The Applicant's conclusion regarding no loss of net flood plain storage and maintenance of greenfield runoff rates.</p> <p>k) Concern regarding potential groundwater flooding at this site.</p> <p>l) Whether the proposed drainage system is feasible and whether it complies with National Standards published by Ministers under</p>		



Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
		paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. m) Whether the draft DCO [REP2-002] would give the most appropriate body the responsibility for maintaining the proposed drainage system.		
FR 1.5	The Applicant West Sussex CC Horsham DC	The Applicant State whether mitigation measures have planned to make as much use as possible of natural flood management techniques. <b>West Sussex CC and Horsham DC</b> Comment on the adequacy of the proposed mitigation measures and whether they utilise natural flood management techniques. If not, provide alternative suggestions.	Reflective of authority remit, HDC defers detailed commentary to West Sussex County Council in its capacity as the Local Lead Flood Authority (LLFA).	The Applicant notes that Horsham District Council defers detailed commentary to West Sussex County Council in its capacity as the Local Lead Flood Authority (LLFA).  The Applicant notes a detailed response to the Examining Authority's First Written Questions (FR1.5) has been provided in Table 2-10 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> .
FR 1.7	West Sussex CC Horsham DC Arun DC The Environment Agency	Comment on any outstanding concerns regarding flood risk related to the Proposed Development as a whole, other than the Oakendene site raised in questions FR1.2 to FR1.4, related to but not limited to: a) The quality of and conclusions from the Applicant's Site-Specific Flood Risk Assessment [APP-216], including the approach to, application of and conclusions from the Sequential and Exception Tests.	Reflective of authority remit, HDC defers detailed commentary to West Sussex County Council in its capacity as the Local Lead Flood Authority. Therefore, HDC will comment solely on point a) which relates to the Sequential Test for all sources of flooding.  On point a), HDC is satisfied that the sequential test (as it is currently defined) is in line with guidance in national plan policy and has been appropriately considered by the Applicant, as part of the site selection and design process.  Given this, the exception test needs to be considered. HDC considers that the proposed development provides wider sustainability benefits to the community in terms of renewable energy that outweigh the flood risk.  Subject to the satisfaction of LLFA on the FRA evidence presented in the DCO submission (APP-216), HDC would be satisfied that it has been demonstrated that the	The Applicant notes and welcomes the confirmation from Horsham District Council that they are satisfied that the sequential test and exception test is in line with guidance in national plan policy and has been met the Applicant, as part of the site selection and design process.  The Horsham District Council submission at Deadline 3 to FR1.7 <b>[REP3-069]</b> also noted satisfaction that the second part of the Exception Test had been met. During a meeting on the 30 April 2024, this matter was discussed between the Applicant, West Sussex County Council and Horsham District Council. In light of West Sussex County Council as Lead Local Flood Authority (LLFA) confirming their satisfaction with the flood risk and drainage evidence, Horsham District Council confirmed they are satisfied that the Exception Test had been met.  West Sussex County Council responses to Deadline 3 <b>[REP3-073]</b> were also discussed further (see <b>Appendix A</b> ).  As recorded in the minutes of the 30 April 2024 meeting included in <b>Appendix A</b> , Horsham District Council advised that they had no further flood risk or drainage related concerns.

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	<p>b) Whether the information in the FRA is credible, fit for purpose, proportionate to the degree of flood risk and appropriate to the scale, nature and location of development and takes the impact of climate change into account.</p> <p>c) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</p> <p>d) Whether or not the Proposed Development would increase flood risk elsewhere.</p> <p>e) Whether or not there would be a net loss of floodplain storage</p>	<p>infrastructure will be safe for the duration of its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere. HDC therefore would consider the exception test is met, in the circumstances that the LLFA is satisfied on the basis of the evidence submitted.</p> <p>Whilst flood zones are plainly relevant, they are designated on the basis of the risk of fluvial flooding, not surface water or other sources of flooding, and so they are not a sufficient means of assessing surface water flood risks.</p> <p>The risks of flooding from surface water are to be taken into account, as part of the sequential approach, when deciding whether to grant development consent under section 104 of the 2008 Act. Beyond that, the way in which account is to be taken of that risk raises issues of planning judgment in the application of the relevant provisions of the policies. Policy and guidance is not prescriptive in this regard.</p> <p>Therefore, it is a matter of judgment for an applicant, and ultimately the decisionmaker, as to how to apply the sequential test to flood risks from other sources, such as surface water.</p> <p>The relevant provisions of national policy do not require an applicant for development consent to demonstrate that whenever there is a risk of flooding from surface water there are no other sites reasonably available where the proposed development could be located in an area of lower surface water flood risk.</p> <p>Nonetheless, the Applicant has demonstrated site selection, design and refinements of the projects had been an iterative process considering a range of matters. The site locations identified were entirely within Flood Zone 1 and so on land at the lowest risk of flooding from rivers.</p> <p>The Environment Agency's Long Term Flood Risk Information map shows the onshore development area is primarily in an area at primarily low risk of surface water flooding i.e., outside the extent of the 1 in 1,000-year surface water flooding event, located in an area with varying risk of surface water flooding. Parts of the access roads are likely to cross areas at both high risk of surface water flooding i.e., during the 1 in 30-year event and</p>	

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			<p>medium risk of surface water flooding i.e., there is a risk of flooding during the 1 in 100-year event</p> <p>All sources of flooding have been considered by the Applicant in the design of the Proposed Development. Flood risk from surface water to the onshore substation and National Grid infrastructure will be addressed through the development of a detailed drainage design, the beginnings of which are provided in the Surface Water and Drainage Management Plan, will include Sustainable Drainage System (SuDS) measures secured under the requirements of the draft DCO, and submitted with this DCO application.</p> <p>The Applicants have considered all sources of flooding, in the absence of any criteria in national policy as to how the Sequential and Exception Tests would be applied, they have sought to address the potential risk from surface water flooding by locating the onshore substations and National Grid infrastructure in an area at low risk of surface water flooding, and by adopting appropriate mitigation measures within the design to address any remaining surface water flood risk concerns.</p>	
<b>NV</b>	<b>Noise and Vibration</b>			
NV 1.7	Arun DC Horsham DC Mid Sussex DC	Respond to the Applicant's response contained in [REP2-021] to the issues raised in the LIR [REP1-039], [REP1-044] and [REP1-046] respectively, with regard to the impact of construction noise and vibration from the Proposed Development on receptors. List any outstanding concerns and provide recommendations for addressing them.	<p>The question from the ExA is broad and encompasses a significant part of the Council's LIR. The HDC response is presented below <b>in bold</b>.</p> <p><i>HDC LIR comment:</i> Para 3.4 Given up to four years duration of the onshore construction programme, there is a lack of construction phasing information to understand if impacts have been appropriately mitigated.</p>	The Applicant notes that Horsham District Council's responses to the Examining Authority's Written Question NV 1.7 are presented in bold and has therefore provided comments to the responses in bold only where considered helpful to the Examining Authority.

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		<p><i>Applicant's response:</i> Section 4.7 of Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement (ES [APP-045] provides a summary of the indicative construction programme that has informed the assessments within the ES. Schedule 1, part 3, requirement 10 of the Draft Development Consent Order [PEPD-009] (updated at Deadline 2) secures that the detail of the stages (equivalent to phases) of works are to be submitted and approved by the relevant planning authorities</p> <p><b>HDC Response: Draft Requirement 10 only requires that a written programme identifying the stages of those works to be submitted to and approved by the relevant planning authorities. It gives no guide as to the level of details to be submitted.</b></p> <p><i>HDC LIR comment:</i> Para 6.8 2. Additional justification to the location choice of the construction compounds within Horsham district.</p> <p><i>Applicant's response:</i> Four temporary construction compound (TCC) locations were considered in the Washington area, following the Scoping stage of the project. Following further engineering design review, environmental and land reviews, these were refined to the three alternatives presented at PEIR (RED 2021), Washington TCC Option D, Washington TCC Option E and Washington TCC Option F were consulted on as part of the first Statutory Consultation. Applicant's Response Considering consultation feedback as well as the technical and environmental appraisal of each compound site, the site on The Pike near Washington Village was selected (TCC Option D, renamed as Washington Temporary Construction Compound). This compound site is: sufficiently large (3.9 hectares) for the required use; close to the A24 dual carriageway, reducing the need for construction traffic to traverse villages and rural roads; outside of the South Downs National Park and flood zones; directly on the onshore cable construction corridor; close to the site of two trenchless crossings (including the long crossing under the A24 and Washington playing fields)</p>	<p>The Applicant does not consider that it is appropriate that the programme of stages to be submitted pursuant to requirement 10 to include detail for the scope of works proposed to be undertaken in relation to each identified stage.</p> <p>The purpose of the programme of stages secured by requirement 10 is to identify stages in respect of which control documents must be submitted and approved in accordance with other requirements of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). The submission and approval of those control documents given by the appropriate discharging authority will confirm the works which are then authorised to be undertaken, and the respective requirements each ensure that the approved document must be implemented as approved.</p>



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		<p>allowing for construction efficiencies, reducing overall impact; and level with limited vegetation within the site, but well screened around the perimeter.</p> <p><b>HDC Response: It is still unclear that the impacts on the neighbouring camping and caravanning sites were taken into account in selecting the Washington TCC. The compound will contain significant features such as storage of materials and equipment (up to 7m high) and a concrete batching plant up to 20m high.</b></p> <p><i>HDC LIR comment:</i> paragraph 6.8 3 ii Need for greater certainty of the use of Construction Compounds</p> <p><i>Applicant's response:</i> The Applicant will provide further detail with regards the use of the compounds in the stage specific Code of Construction Practice, to be provided in accordance with the measures in the Outline Code of Construction Practice [PEPD-033], as per Requirement 22 of the Draft Development Consent Order [PEPD-009] which has been updated at Deadline 2.</p> <p><b>HDC Response: Requirement 22 of the dDCO does not require the activities or layout of the TCC be subject approval by the relevant authorities</b></p> <p><i>HDC LIR comment:</i> Paragraph 6.8 4 Provision of an additional Requirement for submission and approval of tailored stage specific management plans for each individual Construction Compound, informed by site-specific mitigations, to include but not limited to: - i) appropriate landscaping/boundary treatments which must include advance planting; and ii) ecological mitigation and compensations; and iii) Communications Construction Plan, iv) a Dust Management Plan, which should take into account emissions of off-road construction vehicles, NOx and particulate matter</p> <p><i>Applicant's response:</i> The Applicant will provide further detail with regards the use of the compounds in the stage</p>	<p>The Applicant confirms that neighbouring camping and caravanning sites were considered as part of the design evolution process. <b>Chapter 21: Noise and vibration, Volume 2</b> of the Environmental Statement [PEPD-018] includes this receptor named as "Compound 2 – N (Caravan Park)".</p> <p>The Applicant recognises that Requirement 22 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) does not require approval in respect of the layout or activities in the temporary construction compounds from the relevant authorities, however where mitigation is required to prevent significant noise or vibration effects, the local authority will be advised of this within the Noise and Vibration Management Plan (NVMP), and any consultation response from the relevant authorities on the ways of working identified within the NVMP will be considered.</p>

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		<p>specific Code of Construction Practice, to be provided in accordance with the measures in the Outline Code of Construction Practice [PEPD-033], as per Requirement 22 of the Draft Development Consent Order [PEPD-009] which has been updated at Deadline 2. Where relevant to the stage, this will include further detail on the temporary construction compound.</p> <p><b>HDC Response: Requirement 22 of the dDCO does not include any specific requirement for noise, vibration, dust or air quality monitoring. A specific obligation should be inserted into the requirement worded as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>A scheme of dust and noise mitigation giving full details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the IAQM “Guidance on the assessment of dust from demolition and construction” January 2024 (Version 2.2 and provision of weekly monitoring results to the Local Planning Authority until such point the Local Planning Authority agrees this is no longer necessary.”</b></li> </ul> <p><b>Monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work.</b></p> <p><b>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</b></p> <p><b>This is of critical importance given that section 8 to Part 2 of the DCO “Defence to proceedings in respect of statutory nuisance” removes the power for local</b></p>	<p>An <b>Outline Air Quality Management Plan [REP3-056]</b> which covers dust controls, has been included as an Appendix to the <b>Outline Code of Construction Practice [REP3-025]</b> which was submitted at Deadline 3.</p> <p>The <b>Outline Air Quality Management Plan [REP3-056]</b> sets out the management measures and monitoring strategy related to Air Quality that will apply to all works carried out within the onshore part of the proposed DCO Order Limits. Stage specific Air Quality Management Plans will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with the <b>Outline Air Quality Management Plan [REP3-056]</b> for approval of the relevant planning authority as part of the stage specific Code of Construction Practice. This is secured via Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p> <p>Commitment C-24 which is included within the <b>Outline Air Quality Management Plan [REP3-056]</b> states that <i>‘Best practice air quality management measures will be applied as described in Institute of Air Quality Management (IAQM) (2016) Guidance on the Assessment of Dust from Demolition and Construction 2016, version 1.1’</i>.</p> <p>Section 2.4 within the <b>Outline Air Quality Management Plan [REP3-056]</b> (submitted at Deadline 3) outlines the air quality monitoring strategy and Section 2.6 provides an example dust log report form.</p> <p>An <b>Air Quality Mitigation Strategy [REP3-053]</b> presenting the air quality damage costs using the revised Annual Average Daily Traffic (AADT) data, including Heavy Duty Vehicles (HDVs) and Light Duty Vehicles (LDVs), was submitted at Deadline 3.</p> <p>Paragraphs 5.1.2 and 5.1.3 within the <b>Air Quality Mitigation Strategy [REP3-053]</b> state <i>“The total damage cost calculated is £68,611 of which the majority will be incurred in the Horsham and Arun Districts. Mid-Sussex and Worthing Councils are also subject to damage costs. As there is a general lack of availability and resources to fund Air Quality Action Plan (AQAP) measures, the damage costs could be used to promote the aims of Sussex Council AQAPs through the provision of funding. This AEMS provides a summary of potential projects which are not currently subject to Defra funding which could be selected to offset air emissions from the project in conjunction with the District and Borough councils.”</i></p> <p>Therefore, there is scope to fund additional monitoring and this will be discussed with the relevant local planning authority to identify the preferred mitigation measures.</p>

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		<p>authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act. Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions Code of construction practice.</p>	<p>The Applicant has provided an <a href="#">Outline Noise and Vibration Management Plan [REP3-054]</a> at Deadline 3. The <a href="#">Outline Noise and Vibration Management Plan [REP3-054]</a> includes:</p> <ul style="list-style-type: none"> <li>• Construction best practice for noise and vibration;</li> <li>• Engineered mitigation and screening;</li> <li>• Mechanism for reevaluating mitigation requirements;</li> <li>• Monitoring methods;</li> <li>• Complaint investigation; and</li> <li>• Communication management.</li> </ul> <p>The <a href="#">Outline Noise and Vibration Management Plan [REP3-054]</a> outlines required management measures and mitigation to ensure onshore construction works are conducted in a way that removes or reduces effects in respect to noise and vibration receptors. The framework for determination of construction noise and vibration significance as reported in <a href="#">Chapter 21: Noise and vibration, Volume 2</a> of the Environmental Statement <a href="#">[PEPD-018]</a> methodologies for prediction and measures to mitigate impacts are drawn BS 5228-1:2009 + A1:2014 <i>Code of practice for noise and vibration control on construction and open sites. Part 1: Noise</i> (BSI, 2014a), and BS 5228-2:2009 + A1:2014 <i>Code of practice for noise and vibration control on construction and open sites. Part 2: Vibration</i> (BSI, 2014b).</p> <p>A mechanism for the deployment of noise and vibration monitoring has been provided in the <a href="#">Outline Noise and Vibration Management Plan [REP3-054]</a> submitted at Deadline 3.</p> <p>The Applicant considers that “weekly reporting” of noise or vibration monitoring, is overly onerous as other major infrastructure projects (e.g. Hinkley Point C, Thames Tideway Tunnels, Crossrail, HS2) which provide monthly reporting.</p>
		<p><i>HDC LIR comment:</i> Paragraph 8.12 Construction works would give rise to localised disturbances, including for those not living on main roads but affected by construction routes such as around the village of Cowfold, and temporary road closures and/or diversions during the construction period would cause further disruption for residents of the district, businesses, and the visitor experience. Parts of the cable route are underlain by minerals, safeguarded through the JMLP, notably soft sand aggregate, which is a scarce resource. As the planning authority for minerals and waste, WSCC will detail their comments on this in their own LIR.</p>	
		<p><i>Applicant's response:</i> A range of embedded environmental measures have been provided by the Applicant as detailed within the Commitments Register <a href="#">[REP1-015]</a> which has</p>	

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		<p>been updated at the Deadline 1 submission and secured through the Outline Construction Traffic Management Plan (CTMP) [REP1-010]. The production of a stage specific CTMP in accordance with the Outline CTMP [REP1-010] is secured through Requirement 24 of the Draft DCO [PEPD-009]. The Outline CTMP [REP1-010] has been updated at the Deadline 1 submission including:</p> <ul style="list-style-type: none"> <li>• Commitment C-157: The proposed heavy goods vehicle (HGV) routing during the construction period to individual accesses will be developed to avoid major settlements of Storrington, Cowfold, Steyning, Wineham, Henfield, Woodmancote and other smaller settlements where possible; and</li> <li>• Commitment C-158: The proposed heavy goods vehicle (HGV) routing during the construction period to individual accesses will avoid the Air Quality Management Area (AQMA) in Cowfold where possible. These commitments are also reflected in Table 5-1 of the Outline CTMP [REP1-010] which has been updated at the Deadline 1 submission and confirms prescribed local Heavy Goods Vehicle (HGV) access routes for all sections of the onshore cable corridor and Table 5-2 which details specific local constraints and proposed management of construction traffic routes.</li> </ul> <p><b>HDC Response: The status of the Outline Construction Traffic Management Plan is unclear. Commitment 24 includes the outline plan is required but this is not explicit in the commitment wording:</b></p> <p><b>“24.—(1) No stage of the authorised project within the onshore Order limits is to commence until written details of</b></p> <p><b>(a) a construction traffic management plan (which accords with the outline construction traffic management plan); and</b></p> <p><b>(b) a construction workforce travel plan (which accords with the outline construction workforce travel plan)),</b></p> <p><b>for the stage have each been submitted to and approved by the highway authority following consultation with the relevant planning authority.</b></p> <p><b>(2) The construction traffic management plan must include, as a minimum—</b></p> <p><b>(a) a routeing plan to secure that heavy goods vehicles (HGVs) used during the construction period are to avoid settlements, the Air Quality Management Area in</b></p>	<p>The Applicant refers Horsham District Council to Section 9 within the <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4) in particular Paragraph 9.1.2 which states that “a <i>Transport Coordination Officer (TCO) will be appointed by the contractors to implement the CTMP (approved by NH as the strategic highways authority and WSCC as the local highway authority)</i>”. Paragraph 9.1.3 within the <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4) outlines the responsibilities of the appointed Transport Coordination Officer (TCO) which includes:</p> <ul style="list-style-type: none"> <li>• monitoring contractor obligations with regards the CTMP;</li> <li>• liaison with and reporting to the local highway authorities (WSCC) and National Highways (NH) about mitigation and remedial measures as required;</li> <li>• updating the CTMP as required; and</li> <li>• resolving issues and problems through the liaison with relevant stakeholders.</li> </ul>



Ref	Question to: Examining Authority Written Question	Horsham District Council's reply	Applicant's response
		<p><b>Cowfold and the A24 through Findon wherever possible;</b></p> <p><b>The settlements should be to be avoided should be identified as set out in C-158 as Storrington, Cowfold, Steyning, Wineham, Henfield, Woodmancote.”</b></p> <p><b>As with the Code of Construction Practice, no independent monitoring of the Construction Traffic Management Plan is required under commitment 24. The implementation and operation of the traffic management route should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the Local Planning Authority.</b></p>	
		<p><i>HDC LIR comment:</i> Paragraph 8.13 Landowners have expressed to HDC their concerns over implications for their land holding operations, including uncertainty to the risk of degradation of land (soil) where the onshore cable route passes through, with consequential impacts for ongoing financial stability and viability for the holding, the character of the worked landscape and food security, should land use change during the construction phase be enforced by the terms of future easement. In the view of HDC, these negative effects are tempered by the DCO requirements and commitments to reinstate and re-establish the land post construction, albeit with certain planting restrictions directly above the cable corridor. HDC supports the provision of a Soil Management Plan (SMP) and note Natural England has provided extensive commentary of Defra 2009 Code of Construction Practice for the Sustainable Use of Soils on Construction Sites Document used: (APP-224) 7.2 Outline Code of Construction Practice C-27</p>	
		<p><i>Applicant's response:</i> The Applicant welcomes Horsham District Council's support for the provision of a Soil Management Plan (SMP). The Applicant is committed to developing a Soil Resource Plan (as defined in the Outline Soils Management Plan [APP-226]), during pre-construction, which will form part of the suite of management plans including the stage specific Soils Management Plan (SMP), Materials Management Plan (MMP), and Site Waste Management Plan (SWMP).</p>	

Ref	Question to: Examining Authority Written Question	Horsham District Council's reply	Applicant's response
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Commitment C-183 of the Commitments Register [REP1-015] (provided at Deadline 1 submission) states that an 'Outline Soils Management Plan (SMP) has been developed (included in the Outline CoCP) to enable construction works to be completed in accordance with the Defra Code of Construction Practice for the Sustainable Use of Soils on Construction Sites 2009 to protect soil resources from damage during the construction phase' and is secured by Requirement 22 of the Draft Development Consent Order (DCO) [PEPD-009] which has been updated at Deadline 2. In accordance with Section 5.1 of the Defra Construction Code of Practice (Defra, 2009), the Soil Resource Plan will include:

- maps showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture. identification of the person responsible for supervising soil management. Machinery to be used for soil handling is specified in paragraph 5.2.19 of the Outline Soils Management Plan [APP-226] which states that soil stripping, stockpiling, and removal from storage will be carried out in accordance with Section 5.4 in the Department for Environment, Food and Rural Affairs (Defra) Construction Code of Practice (Defra, 2009), and that soils will be reinstated, or placed, by tracked hydraulic excavator using the loose tipping method (Section 6.1 in the Defra Construction Code of Practice (Defra, 2009), with only gentle firming by tracked vehicles. The stage specific SMP(s) are to be used in conjunction with the SRP and MMP to maximise the restoration of excavated soils to their pre-existing condition and location, and if this is not possible, to maximise the reuse of soils within the Proposed Development, minimising soils being relocated outside the Proposed Development or becoming waste. Section 6 paragraph 6.1.2 within the Outline Soils Management Plan (SMP) [APP- 226] secured via Requirement 22 of the Draft Development Consent Order [APP-009] (updated at Deadline 2) states 'A preconstruction drainage programme will be necessary to divert drainage systems which will be intercepted by the works, in order to prevent waterlogging of the trench during working. This work is likely to involve the installation of one or more land drains complete with permeable fill installed parallel to intercept soil and groundwater before it reaches the trench. The Outline

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		<p>CoCP (Document Reference: 7.2) includes measures to ensure that the condition of existing drainage systems are appropriately maintained and restored'.</p> <p><b>HDC response: Measures to control releases of fugitive dusts from soil stripping, stockpiling, and removal from storage should be included in the Soils Management Plan.</b></p> <p><b>The recommendations given in the Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" January 2024 (Version 2.2) should be incorporated into the Soils Management Plan.</b></p>	<p>The <b>Outline Soils Management Plan [REP3-027]</b> has been prepared as an Appendix to the <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4), to provide the measures to manage the impact on soil resources for the onshore element of the Proposed Development. This is part of a suite of plans supporting onshore construction works for Rampion 2. The Applicant notes that an <b>Outline Air Quality Management Plan [REP3-056]</b> which covers dust controls, has also been included as an Appendix to the <b>Outline Code of Construction Practice [REP3-025]</b> which was submitted at Deadline 3.</p> <p>The <b>Outline Air Quality Management Plan [REP3-056]</b> sets out the management measures related to Air Quality that will apply to all works carried out within the onshore part of the proposed DCO Order Limits. Stage specific Air Quality Management Plans will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with the <b>Outline Air Quality Management Plan [REP3-056]</b> for approval of the relevant planning authority as part of the stage specific Code of Construction Practice. This is secured via Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p> <p>Commitment C-24 which is included within the <b>Outline Air Quality Management Plan [REP3-056]</b> states that '<i>Best practice air quality management measures will be applied as described in Institute of Air Quality Management (IAQM) (2016) Guidance on the Assessment of Dust from Demolition and Construction 2016, version 1.1</i>'.</p> <p>The recommended dust measures in 2024 IAQM guidance are largely unchanged from the 2016 IAQM Guidance. The only substantial change is the reduction in the required area of assessment from 350m to 250m. Therefore, the submitted dust assessment was more conservative.</p> <p>Table 2-3 within the <b>Outline Air Quality Management Plan [REP3-056]</b> sets out the mitigation measures for construction dust management and includes measures specific to earthworks.</p>
		<p><i>HDC LIR Comment:</i> Paragraph 8.15 Assets to the local community (Village Hall and playing fields and Primary School) would be near the Washington Construction Compound. This means that the negative effects to these assets during the construction period would also affect the local community.</p> <p><i>Applicant's response:</i> A number of management plans [APP-223 to APP-242] have been included in the DCO Application such as the Outline Code of Construction</p>	

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			<p>Practice (CoCP) [PEPD- 033] and Outline Public Rights of Way Management Plan (PRoW) [APP-230], which has been developed alongside the EIA process and provide the details of the proposed embedded environmental measures to manage effects during the construction stage. This includes measures that will be implemented to ensure minimal disruption to the local community, such as C-22 (working hours), C-32 (crossing schedule), and C-105 (site lighting) secured via requirement 22 and 20 of the Draft Development Consent Order [PEPD-009].</p> <p><b>HDC response: As noted above Requirement 22 of the dDCO does not include any specific requirement for noise, vibration, dust or air quality monitoring.</b></p> <p><b>No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the Local Planning Authority.</b></p> <p><b>This is of critical importance given that section 8 to Part 2 of the DCO “Defence to proceedings in respect of statutory nuisance” removes the power for local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act. Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions Code of construction practice.</b></p>	<p>The Applicant refers to the response provided above with respect to Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) and noise and vibration and air quality monitoring.</p>
<b>TE</b>	<b>Terrestrial Ecology</b>			
TE 1.2	Horsham DC Natural England	The ExA would appreciate a response from Horsham DC, Natural England and the Environment Agency to the Applicant's answer to WQ TE 1.1, either at or in advance of Issue Specific	<p>There are no remaining concerns from HDC relating to the following at and in the vicinity of the Oakendene substation site and cable route near to this location:</p> <ol style="list-style-type: none"> <li>1. Quantity or quality of ecological surveys.</li> <li>2. The extent to which the appropriate guidelines and methodologies have been followed.</li> <li>3. The conclusions of the ecological assessments.</li> </ol>	<p>The Applicant welcomes Horsham District Council's position regarding surveys around the onshore substation location at Oakendene and onshore cable corridor between the A281 and A272.</p> <p>The Applicant notes that the reporting of updated survey findings is secured through Requirement 22 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). In particular, through Requirement 22(4)(a) Arboricultural management statement and tree protection plan, Requirement 22(4)(b) vegetation retention plans</p>



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		Hearing 2, to be held w/c 13th May 2024, commenting on whether remaining concerns exist regarding: a) The quantity or quality of ecological surveys undertaken by the Applicant at and in the vicinity of the Oakendene substation site and cable route near to this location. b) The extent to which the appropriate guidelines and methodologies have been followed including the time of year the surveys were carried out. c) The conclusions of the ecological assessments undertaken by the Applicant at and in the vicinity of the Oakendene substation site and cable route near to this location.	<p>There should be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO.</p> <p>This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys.</p>	and Requirement 22(4)(g) biodiversity management plan all of which will require to be informed by the pre-construction survey programme.
TE 1.3	Horsham DC Arun DC Natural England The Environment Agency	<p>Comment on whether remaining concerns exist regarding:</p> <p>a) the quality of terrestrial ecological surveys in general undertaken by the Applicant for the whole of the landward part of the Proposed Development?</p> <p>b) the conclusions the Applicant has come to for the terrestrial ecological assessments for the whole of the landward part of the Proposed Development.</p> <p>c) the extent to which the appropriate guidelines and methodologies have been followed by the Applicant when</p>	<p>HDC had concerns that there was a lack of survey effort in the temporary construction compound areas – specifically Oakendene West and Washington. There is reliance on pre-construction surveys to further inform final design and mitigation (Reference 9.9 and 9.10 of Applicant's Response to Horsham District Council Deadline 1 Submissions). Whilst this is acceptable in practice, it opens opportunity for risks further down the line. For example, if a Bechstein's bat maternity roost was found on one of the proposed compound Sites, this may result in a change of location, requiring future amendments to the DCO.</p> <p>There should be a robust process and procedure for undertaking such surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO.</p> <p>This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys.</p>	<p>The Applicant welcomes the comment that Horsham District Council have no remaining concerns with regards to the quality of terrestrial ecological surveys undertaken to date, their concluding assessments, or the extent to which the appropriate guidelines and methodologies have been followed. The Applicant notes that this is subject to a robust process and procedure for undertaking pre-construction surveys and reporting the results to Natural England and relevant Local Planning Authorities in advance of any pre-commencement works. The Applicant refers Horsham District Council to the above response to TE 1.2 regarding the reporting of survey information and its use in informing aspects of the stage specific Codes of Construction Practice secured via Requirements 22 and 23 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p> <p>The Applicant notes that the compounds are situated in fields, and associated boundary vegetation is mostly retained other than at access points (see the <a href="#">Outline Code of Construction Practice [REP3-025]</a> updated at Deadline 4). Therefore, species such as Bechstein's bat (a woodland dwelling bat that typically forages around the woodland canopy) should not be of concern. It will be necessary to ensure that there are adequate measures in place to avoid indirect effects on fringing habitats, although these are already provided for example commitment C-105 (<a href="#">Commitments Register [REP3-049]</a> updated at Deadline 4 requires temporary lighting to be designed to be wildlife friendly and commitment C-204 (<a href="#">Commitments Register [REP3-049]</a> updated at Deadline 4 ensures root protection areas are in place (see the <a href="#">Outline Code of</a></p>

Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
		undertaking relevant terrestrial surveys for the whole of the landward part of the Proposed Development. d) the quality and likely effectiveness of the mitigation the Applicant is proposing for potential impacts on terrestrial ecology for the whole of the landward part of the Proposed Development.	Subject to securing this outcome, HDC have no remaining concerns with regards to the quality of terrestrial ecological surveys undertaken to date, their concluding assessments, or the extent to which the appropriate guidelines and methodologies have been followed.  As noted in Ref 9.29 of the Applicant's Response to Horsham District Council Deadline 1 Submissions, details regarding species mixes, management and monitoring of habitats including those for reinstatement, and any contingency plans in case they fail to establish, are being left to stage-specific LEMPs. HDC had concerns that these details underpin the success of habitat creation and reinstatement as mitigation and compensation efforts, and thorough assessments of likely effectiveness can only be determined and agreed with the Applicant post-consent as per Requirements 12, 13, and 15 of the Draft Development Consent Order [PEPD-009].	<b>Construction Practice [REP3-025]</b> updated at Deadline 3 and is secured via Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> also updated at Deadline 4.  The Applicant has updated the <b>Outline Landscape and Ecological Management Plan [REP3-037]</b> at Deadline 4 to provide further clarity on monitoring and remedial actions for habitat creation and reinstatement measures.
TE 1.4	The Applicant  Horsham DC  Natural England  Environment Agency	The Applicant In response to concerns raised in WRs by CowfoldvRampion [REP1-089], Ms Smethurst [REP1-132] and Ms Creaye [REP1-106] amongst others regarding potential impacts on nightingales in the vicinity to the proposed substation site at Oakendene and Cratemans Farm, explain: a) the nature, likely duration and likely time of year of construction work in the vicinity of: i. Cratemans Farm ii. The proposed substation site at Oakendene b) the outcome of the environmental assessment on this species at these locations.	HDC does not have concerns regarding the Applicant's surveys undertaken for Nightingale and their territories, as per the methodology presented in Appendix 22.13 Breeding Bird Survey.  Nightingales nest in thick vegetation, such as scrub and coppice woodland. The proposed mitigation for nightingale, including temporary removal of habitat and reinstatement to the same condition, and additional habitat creation in the form of wet woodland, woodland and scrub, is suitable nesting habitat. The SuDS and wet woodland will also provide good foraging habitat for nightingale, as it will attract invertebrates such as flies and beetles which comprise much of their diet.  It is common and accepted practice to replace like-for-like habitat as compensation for impacts on breeding birds. There are many external variables that could be reason for nightingales not returning in the following year to their migratory habitat, for example fluctuations in food abundance in the local area. Whilst site fidelity is known among nightingales, a change of site may not be attributed to one factor. In order to directly address the likelihood of nightingales returning after vegetation removal and reinstatement, the Applicant would need to source research or case studies of a similar nature (i.e., on substation sites and cable routes) evidencing nightingales returning to habitats post works.	The Applicant welcomes Horsham District Council's comments regarding adequacy of surveys for nightingale and their territories.  With regards nightingale returning to sites following vegetation removal, the British Trust for Ornithology note in their ' <i>Conservation Advice No.1 Managing Scrub for Nightingales</i> ' (British Trust for Ornithology, 2015) state that scrub needs to be managed to avoid it progressing to a stage where nightingale no longer find it suitable for their need and therefore cutting every ten to fifteen years is recommended. Cutting should be rotational, leaving some dense available habitat. Although being done for a different purpose, the removal and reinstatement of patches of scrub is akin to the suggested management.  See above response to TE 1.2 regarding the reporting of survey information and its use in informing aspects of the stage specific Codes of Construction Practice secured via Requirements 22 and 23 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).  The Applicant notes a detailed response to the Examining Authority's First Written Questions (TE 1.4) has been provided in Table 2-18 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b> .

Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
		<p>c) the proposed mitigation for nightingales at these locations and explain why it is believed to be adequate.</p> <p><b>Horsham DC, Natural England and the Environment Agency</b></p> <p>State whether there are any concerns regarding:</p> <p>a) the Applicant's surveys undertaken for Nightingale and determination of nightingale territories.</p> <p>b) the quality and likely effectiveness of the proposed mitigation for nightingale.</p> <p>c) the suggestion in the above referenced Written Representations that nightingales may be unlikely to return to the area post construction work. Comment on the adequacy of the proposed mitigation for nightingale.</p>	<p>There should be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO.</p> <p>This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys.</p>	
TE 1.5	The Applicant  Natural England  The Environment Agency  Horsham DC	<p>The Applicant The ExA acknowledges the Applicant's responses to Ms Creaye's WR in [REP2-029]. Nevertheless, for clarity and transparency, the ExA seeks specific responses from the Applicant to the following points raised by Ms Creaye in her WR [REP1-106].</p> <p>a) Provide comment and responses to Ms Creaye's comments in her WR [REP1-106] stating: i. On page 2: "Just because this has not</p>	<p>On the Priority Habitat inventory, there are no areas of lowland meadow identified within the immediate area of Crateman's Farm and Moatfield Farm. However, this is not definitive, as many habitat parcels not yet listed on the register are or can become priority habitat. Having read the ecological report provided in REP1-106, the majority of the area is described as good quality semi-improved grassland and primarily comprises 'MG-6' with areas of high quality at the edges of the fields comprising 'MG-8' (lowland meadow). Following this, some areas of grassland 'could be' classed as 'MG-5' (lowland meadow). Given this description and areas of ambiguity, it is considered likely that this grassland is semi-improved grassland of a high quality, with potential for restoration to lowland meadow given its lack of historical management. HDC agrees that the outcome of the ES would not alter with further survey and amendment to high quality semi-improved grassland, and there would be a marginal increase in biodiversity net</p>	<p>The Applicant welcomes Horsham District Council's position and agreement that the outcome of the Environmental Statement would not alter with further survey and amendment to high quality semi-improved grassland, and there would be a marginal increase in biodiversity net gain baseline units.</p> <p>The Applicant notes that commitment C-292 (<a href="#">Commitments Register [REP3-049]</a>) within the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4 and secured via Requirements 22 of the <a href="#">Draft Development Consent Order [REP3-003]</a> also updated at Deadline 4) ensures that the mitigation hierarchy will continue to be applied throughout the detailed design phase.</p> <p>The Applicant agrees with Horsham District Council's comment that the only irreplaceable habitat recorded within the vicinity of Oakendene and Crateman's Farm are pockets of ancient woodland in and near to Taintfield Wood and Farm which is outside the proposed DCO Order Limits.</p>

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	<p>been designated in the past for its wildlife value does not prove that there are no irreplaceable habitats here. Habitat Regulations list 'possible Special Areas of Conservation' for consideration."</p> <p>ii. On page 16: "We believe that there is priority habitat at Cratemans Farm and just because it has not been designated as such to date, should not be marked for destruction without proper assessment....Ecologist, Perry Hockin of Aborweald has described the whole habitat as 'irreplaceable.'"</p> <p>iii. On page 17: "We have gathered good evidence of MG5 Priority habitat Unimproved Lowland Meadow indicator species. However, the DCO submission states that there is no priority habitat in the area. We do not believe this to be true if the necessary surveys were made in the summer months."</p> <p>iv. On page 24: "The proposed development of the site in its current form would result in a substantial and irrevocable loss to biodiversity that cannot be compensated, specifically by the usage of traditional cut and cover techniques which</p>	<p>gain baseline units. If future surveys confirm that this is lowland meadow, suitable mitigation such as HDD techniques must be investigated.</p> <p>As per the definition in the NPPF, and habitats listed under The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2004, irreplaceable habitats include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, coastal sand dunes, (spartina) salt marsh, Mediterranean saltmarsh scrub and lowland fen. Using MAGIC maps, the only irreplaceable habitat recorded within the vicinity of Oakendene and Crateman's Farm are pockets of ancient woodland in and near to Taintfield Wood and Farm which is outside the DCO Order Limits.</p> <p>As per commitment C-103, semi-improved grassland will begin to be reinstated to their current condition. This is acceptable mitigation, and details of habitat management and monitoring should be forthcoming in stage specific LEMPs. As per Section 9.3.4 of Applicant's Response to Non-Prescribed Consultees' Written Representations, should the baseline and condition be reassessed post-consent and as a result, meeting the definition of semi-improved species-rich grassland, HDC would expect removal of this habitat to be justified and accounted for through provision of biodiversity net gain as per C-220.</p>	<p>The Applicant welcomes Horsham Districts Council's comments regarding commitment C-103 and acknowledgement that the proposals for reinstatement of semi-improved grassland is acceptable mitigation.</p> <p>The Applicant notes a detailed response to the Examining Authority's First Written Questions (TE 1.5) has been provided in Table 2-18 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>.</p>



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	<p>will affect the delicate soil conditions for hundreds of years to come, and by the usage of Field A as a HDD operational depot.”</p> <p>v. On page 24: “It is my professional opinion that as crossing the Cowfold Stream will require Horizontal Directional Drilling (HDD) that this section be extended to cover as much of the areas around Fields A and B as possible. Furthermore, the route should be adjusted to affect the less diverse areas of heavily grazed horse pasture in the immediate wider landscape.”</p> <p>vi. On page 30: “We believe that proper, in-depth field surveys must be completed in summer to establish the true quality of these meadows or they will be lost unnecessarily. The soil structure cannot be reinstated in our lifetimes. The DEFRA maps show very little priority habitat of Unimproved Lowland Meadow in the Horsham District or West Sussex in general.”</p> <p>b) Provide a response on whether the areas around Oakendene and Crateman's Farm contain irreplaceable habitats. Justify the explanation.</p> <p><b>Natural England and Horsham DC</b></p>		

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		<p>In light of the comments above:</p> <p>c) Comment, if required, on the Applicant's assessment and conclusions in relation to whether or not the meadow habitat around Crateman's Farm and Moatfield Farm qualifies as priority habitat lowland meadow, as summarised in the Applicant's response to CowfoldvRampion's Written Representation [REP2-030] page 56-57.</p> <p>d) Inform the ExA whether the areas around Oakendene and Crateman's Farm contain irreplaceable habitats.</p> <p>e) Comment on the mitigation for the loss of habitats in the area around Cratemans Farm and Oakendene and whether they are likely to be effective. If not, explain what additional measures would be required.</p>		
TE 1.10	Natural England  Relevant Planning Authorities  The Environment Agency  SDNPA	<p>The Applicant</p> <p>a) The ExA requests an update to the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to hazel dormouse, [PEPD-030] Environmental Statement Volume 4, Appendix 22.19: Hazel dormouse</p>	<p>The surveys undertaken for hazel dormouse are viewed as adequate. HDC originally had concerns regarding the robustness of mitigation for hazel dormouse on the Oakendene Substation, specifically with the connectivity of hedgerows across the Site. However, it is positive to see that these comments have been taken on board and HDC looks forward to reviewing a revised indicative landscape plan at Deadline 3 to address our concerns (Ref 9.17 of Applicant's Response to Horsham District Council Deadline 1 Submissions).</p> <p>There should be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-</p>	<p>The Applicant welcomes Horsham District Council's comments and notes that the Indicative Landscape Plan in the <a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a> (updated at Deadline 4) provides more information on advanced and other planting for hazel dormouse in the vicinity of the onshore substation at Oakendene.</p> <p>Pre-commencement dormouse survey is detailed under commitment C-232 (<a href="#">Commitments Register [REP3-049]</a>) in the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4). This information will be used to inform a European Protected Species licence as required and will be used in the detailed design.</p> <p>Also see above response to TE 1.2 regarding the reporting of survey information and its use in informing aspects of the stage specific Codes of Construction Practice secured via Requirements 22 and 23 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p>

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	<p>report 2023 Date: January 2024 Revision A.</p> <p>b) State whether the Best Practice Guidelines outlines in 'The Dormouse Conservation Handbook, Second Edition', have been adhered to. If not, has a detailed justification been provided? If not, the ExA requests that one is provided.</p> <p>c) State if the information this new report provides changes any of the conclusion in the Terrestrial Ecology chapter of the Environmental Statement [APP-063]</p> <p>d) State whether the survey location sites for hazel dormouse have been updated in light of changes to the proposed cable route. Have survey sites been updated in line with best practice?</p> <p>Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA</p> <p>e) Confirm if the surveys undertaken by the Applicant and proposed mitigation measures for hazel dormouse described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of</p>	<p>commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO.</p> <p>This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys, as per Commitment C-232.</p>	<p>The Applicant notes a detailed response to the Examining Authority's First Written Questions (TE 1.10) has been provided in Table 2-18 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p>

Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
TE 1.11	The Applicant  Natural England  Relevant Planning Authorities  The Environment Agency  SDNPA	mitigation measures for hazel dormouse?  The Applicant a) The ExA requests an update to the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to bat activities, [PEPD-029] Environmental Statement Volume 4, Appendix 22.18: Passive and active bat activity report 2023 Date: January 2024 Revision A. b) State if the information this report provides changes any of the conclusions in the Terrestrial Ecology chapter of the Environmental Statement [APP-063] Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA c) Confirm if the proposed mitigation measures for bats described in the Outline Landscape and Ecological Management Plan [APP- 232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for bats.	The proposed landscaping plan for the Oakendene substation site are viewed as adequate for bats, as the hedgerows, woodland and scrub provide good commuting habitat between the Site and the wider landscape. The wet woodland will also act as an attractant to flying insects, making it a good foraging area for bats. The commitment to reinstating hedgerows across the cable route also helps to retain important wildlife corridors and commuting routes.  There should be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO.  This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys.	The Applicant welcomes Horsham District Council's position on bats.  See above response to TE 1.2 regarding the reporting of survey information and its use in informing aspects of the stage specific Codes of Construction Practice secured via Requirements 22 and 23 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).  The Applicant notes a detailed response to the Examining Authority's First Written Questions (TE 1.11) has been provided in Table 2-18 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b> .
TE 1.13	The Applicant	Provide a response to the concern raised by	Many species (that have been scoped in ecological assessments as per Table 22-18 of Chapter 22 Terrestrial	The Applicant welcomes Horsham District Council's position on noise impacts on fauna from proposed temporary haul roads and the acknowledgement that all residual risk of



Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
	Horsham DC  Natural England  The Environment Agency	CowfoldvRampion [REP1-089], Ms Smethurst [REP1-132] and Ms Creaye [REP1-106] regarding the potential impact of the noise from the proposed temporary haul roads to access the proposed cable route, on ecology and wildlife.	<p>Ecology and Nature Conservation) are sensitive to noise, including badgers, bats, hazel dormouse, breeding/wintering birds and water vole. Commitment C-26 states the use of mufflers, acoustic barriers / shrouds and other suitable solutions (including for HDD) will be applied for noisy activities. Furthermore, where findings of pre-construction surveys record badger setts and/or bat roosts close to works, the Ecological Clerk of Works on Site can also impose an increased buffer zone to reduce impacts of noise (and vibration), and where necessary, mitigation (e.g., avoidance and scheduling of works) and licensing is implemented (see Section 22.9.129-130 and Section 22.9.149 of Chapter 22 and Commitment C-211). For water vole, habitat displacement will occur to prevent water vole entering work areas, minimising disturbance. An Ecological Clerk of Works will also undertake pre-construction checks and where necessary implement buffer zones (see Commitments C-203 and C-215) which could see works in the vicinity delayed. See also response to TE 1.17.</p> <p>Whilst it is acknowledged that the temporary haul roads will add increasing levels of noise over a longer period than that of works along the cable route, which is likely to have an impact on many species, it is not likely to cause major disturbance in such a way to compromise local populations' survival. All residual risk of disturbance will be covered under a mitigation licence which would be sought from Natural England.</p>	<p>disturbance will be covered under a mitigation licence which would be sought from Natural England where appropriate.</p> <p>The Applicant notes a detailed response to the Examining Authority's First Written Questions (TE 1.13) has been provided in Table 2-18 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p>
TE 1.16	Horsham DC	Comment on the statement by CowfoldvRampion in their WR [REP1-089 page 114] that: "Horsham District Council's local plan for biodiversity would clearly not support the routing of the cable through the area from the A281 to Oakendene."	<p>HDC does not agree with the statement by CowfoldvRampion in their WR [REP1-089 page 114].</p> <p>Horsham District's Local Plan is the Horsham District Planning Framework (2015 – 2031) (HDPF). It is the overarching planning document for Horsham district outside the South Downs National Park. It sets out the planning strategy for the years up to 2031 to deliver the environmental needs of the HDPF plan area. At Chapter 3: Spatial Vision and Objectives, it also sets out the framework for the protection and enhancement of the natural environment (Objective 11), detailed in full at Chapter 9: Conserving and Enhancing the Natural and Built Environment and associated Policy 31 Green Infrastructure and Biodiversity.</p> <p>Policy 31 sets out that where development is anticipated to have a direct or indirect adverse impact on sites or features</p>	<p>The Applicant welcomes the clarity provided by Horsham District Council on Policy 31 of the Horsham District Planning Framework (2015 – 2031).</p> <p>The Applicant welcomes the acknowledgement by Horsham District Council that the mitigation hierarchy has been followed as best as possible to minimise biodiversity net loss. The Applicant welcomes Horsham District Council's acknowledgement that this has been achieved through:</p> <ul style="list-style-type: none"> <li>• pursuing the route which avoids loss of ancient woodland;</li> <li>• use of trenchless techniques around ecologically sensitive areas;</li> <li>• scheduling of construction activity to minimise disturbance to sensitive species;</li> <li>• the presence of an Ecological Clerk of Works during construction;</li> <li>• vegetation retention plans and reinstatement of habitats temporarily lost to the same condition; and</li> <li>• habitat creation at the onshore substation site to mitigate and compensate for permanent habitat loss and impacts on protected and priority species.</li> </ul>

Ref	Question to: Examining Authority Written Question	Horsham District Council's reply	Applicant's response
		<p>for biodiversity, development will be refused unless it can be demonstrated that: the reason for the development clearly outweighs the need to protect the value of the site; and that appropriate mitigation and compensation measures are provided.</p> <p>Policy 31 gives particular consideration to the hierarchy of sites and habitats in the district as follows:</p> <ul style="list-style-type: none"><li>i. Special Protection Area (SPA) and Special Areas of Conservation (SAC)</li><li>ii. Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs)</li><li>iii. Sites of Nature Conservation Importance (SNCIs), Local Nature Reserves (LNRs) and any areas of Ancient woodland, local geodiversity or other irreplaceable habitats not already identified in i &amp; ii above.</li></ul> <p>The HDPF Policies Map shows the location of key nature conservation sites and further information regarding the location of areas with potential for enhancing biodiversity (biodiversity opportunity areas).</p> <p>With regard to the area from the A281 to Oakendene. This area is not a designated site or habitat as listed within Policy 31. It is not irreplaceable habitat. On the evidence in the DCO submission, which has had regard to the information available from the Sussex Biodiversity Record Centres and the applicant's own surveys the results of which are not disputed by HDC, the area is not Priority habitat. The area is not identified as a key nature conservation site nor a biodiversity opportunity area (on the HDPF Policies Map).</p> <p>Given the value of the area identified above in the mitigation hierarchy, subject to appropriate mitigation and compensation measures being provided, the policy provisions of Policy 31 that allow for the reason for the development to outweigh the need for protection of the area, would be engaged.</p> <p>Policy 31 requires development proposals to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate. The same policy supports development which makes a positive contribution to biodiversity through the creation of linkages between habitats to create local and regional ecological networks.</p>	

Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
TE 1.17	The Applicant  Horsham District Council  Natural England  The Environment Agency	In response to concerns raised by CowfoldvRampion in their WR [REP1-089] and Ms Creaye [REP1-106], regarding potential impacts on toad migration, adders, grass snakes and great crested newts in the vicinity of the proposed substation site at Oakendene and cable route leading to this site: The Applicant a) Explain why the Applicant believes the proposed mitigation for potential impacts on these species is adequate. Horsham DC,	<p>HDC considers that, on the issue of the routing of the cable through the area from the A281 to Oakendene, the mitigation hierarchy has been followed as best as possible to minimise biodiversity net loss. This has been done by pursuing the route which avoids loss of ancient woodland, use of trenchless techniques around highest ecology sensitivities, vegetation retention plans and reinstatement of habitats temporarily lost to the same condition, and habitat creation to mitigate and compensate for habitat loss and impacts on protected and priority species.</p> <p>This includes providing compensation in the area from the A281 to Oakendene to compensate for residual adverse effects on the JS Cowfold and Shermanbury Farmlands landscape character area, which will persist on a temporary basis pending establishment of restoration and reinstatement planting. In summary, subject to securing appropriate mitigation and compensation and enhancement, including to compensate of residual adverse effects which will persist on a temporary basis, in regard to the particular issue of the routing of the cable through the area from the A281 to Oakendene, there is compliance with the Council's Local Plan (the HDPF) as a whole as there is compliance with HDPF Policy 31 on this particular issue.</p> <p>HDC do not have any concerns relating to the concluding assessments with regards to common toad, adders, grass snakes and great crested newt in the vicinity of the proposed substation site at Oakendene and cable route leading to this Site.</p> <p>As per Commitment C-208, pre-construction surveys will be required for reptiles (including adders, grass snakes, slow worm and common lizard) at the proposed substation site at Oakendene to determine distribution. Following this, where necessary, mitigation efforts will involve trapping and translocation to a suitable alternative habitat within the immediate area. Along the cable route an Ecological Clerk of Works will undertake destructive search technique to ensure there is no injury or fatality to reptiles. This is compliant with common practice to ensure there are no offences under the Wildlife and Countryside Act 1981 (as amended), and therefore HDC do not have concerns regarding mitigation to reptiles. HDC do however request information on suitable receptor sites for translocated individuals during post-consent discussions.</p>	<p>The Applicant welcomes Horsham District Council's position with regards to common toad, adders, grass snakes and great crested newt in the vicinity of the proposed substation site at Oakendene and cable route leading to this Site. The Applicant also notes that additional commitments (C-295 and C-296 within the <b>Commitments Register [REP3-049]</b>) have been added to the <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4 and secured via Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b>) to manage any potential effects on common toad and includes reference to the Ecological Clerk of Works (ECoW).</p> <p>With regards to Great Crested Newts please note that a District Level License (DLL) will be sought for the Proposed Development therefore locations of compensatory habitat are determined by Nature Space (administrators of the DLL for West Sussex County Council).</p> <p>The Applicant notes a detailed response to the Examining Authority's First Written Questions (TE 1.17) has been provided in Table 2-18 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>.</p>

Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
		Natural England, The Environment Agency b) State whether there are any concerns regarding: i. the outcome of the environmental assessments for these species and ii. the proposed mitigation for potential impacts on these species	As per Commitment C-214, the same approach to the above will be taken for great crested newt. Any removal of suitable commuting habitat will be conducted under a district level licence, and all ponds will be avoided through Commitment C-23. We also request information on any EPS licences and suitable receptor sites for great crested newt to be provided during post-consent discussions.	
TE 1.24	Natural England Horsham DC The Environment Agency	In light of the evidence submitted at Deadline 1 citing toad migrations across Kent Street and surrounding land in the vicinity of the proposed substation at Oakdene and the land in the vicinity of Crateman's Farm from CowfoldvRampion [REP1-089], Ms Creaye [REP1-106] and Ms Smethurst [REP1-132]: a) Explain whether there are any specific mitigation measures for toads the organisation would expect the Applicant to commit to.	HDC are satisfied that the proposed mitigation by the Applicant of ensuring an Ecological Clerk of Works is present at common toad migration crossings during the construction phase is sufficient to minimise the effects of potential fragmentation of migration routes (Table 22-18 of Chapter 22 Terrestrial Ecology and Nature Conservation)	The Applicant welcomes Horsham District Council's position and also notes that additional commitments (C-295 and C-296 within the <a href="#">Commitments Register [REP3-049]</a> ) have been added to the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4 and secured via Requirement 22 within the <a href="#">Draft Development Consent Order [REP3-003]</a> ) to manage any potential effects on common toad and include reference to the Ecological Clerk of Works (ECoW).
TE 1.28	The Applicant The Environment Agency Natural England Relevant Planning Authorities	The Applicant a) The ExA requests the Applicant to state the estimated worst case duration range for construction activities for: i. a 1 kilometre (km) length of open cut cable corridor ii. a trenchless crossing of a watercourse, PRoW or small track b) The ExA requests the Applicant to provide worst	c) HDC consider the Functionally Linked Land (FLL) associated with the Arun Valley SAC outside of our administration authority area, and instead lies with Arun District Council. However, HDC believes that FLL constitutes as sensitive areas due to the potential disturbance to wintering birds. It is therefore recommended that works within the vicinity of FLL is conducted outside of the season that these birds are present (i.e., November to February, inclusive).	The Applicant welcomes Horsham District Council's position and notes the comment that Horsham District Council consider the Functionally Linked Land (FLL) associated with the Arun Valley SAC outside of their administration authority area, and instead lies with Arun District Council.  The Applicant also notes that commitment C-117 ( <a href="#">Commitments Register [REP3-049]</a> ) in the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4) ensures that works in these areas are not undertaken between October and February.  The Applicant notes a detailed response to the Examining Authority's First Written Questions (TE 1.28) has been provided in Table 2-18 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> .



Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
		<p>case construction duration times marked on a plan in sections along the whole of the cable route, in as much detail as possible. For sections where the time of year construction is undertaken would be a significant consideration, such as sensitive ecological areas, mark on the plan which months or season the construction work is proposed to be undertaken.</p> <p><b>The Environment Agency, Natural England, Relevant Planning Authorities, SDNPA</b></p> <p>c) In addition to the Commitment made to seasonal restriction of construction work at Climping Beach (C-217), comment on whether there are any other sensitive areas within the onshore section of the Proposed Development where a seasonal restriction on construction work is required from an ecological perspective.</p>		
TE 1.30	Natural England.	<p>Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore Construction Method Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites. Provide a response to</p>	<p>The current commitment for ancient woodland (C-216) states "Where ancient woodland is crossed via trenchless crossing a depth of at least 6m below ground will be maintained to avoid root damage and drill launch and retrieval pits will be at least 25m from the woodland edge. All ancient woodland will be retained with a stand-off of a minimum of 25m from any surface construction works. Construction traffic may operate within 25m of an ancient woodland on existing tracks should any track maintenance works be restricted to the current width."</p>	<p>The Applicant notes that Horsham District Council would like to see Calcot Wood have restricted access provided under Requirement 23(2)(b) or a specific commitment. The Applicant notes that commitment C-216 (<a href="#">Commitments Register [REP3-049]</a>) of the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4) ensures that the only access possible within 25m is restricted to pre-existing forestry tracks.</p>

Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
		these proposed Requirements, stating any outstanding concerns.	<p>HDC would like to see Calcot Wood (Ancient Woodland) added to restricted access under Requirement 23 at 2b in line with the above commitment.</p> <p>OR Specifically, an extension of restricted access to all vehicles and non-essential personnel within Calcot Wood and an associated 15m stand-off zone, excluding in emergencies. This is to reduce the effects of pollution and trampling on the ancient woodland. Access into the woodland and within the stand-off zone must be by foot only.</p>	
TE 1.33	The Applicant  The Environment Agency  Local Authorities	<p>The Applicant has stated in the OLEMP [APP-232] that: "stage specific LEMPs will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. This will be produced in accordance with this Outline LEMP for approval of the relevant planning authority, prior to the commencement of that stage of works. The stage specific LEMPs for the onshore substation and National Grid Bolney substation extension works shall be developed and submitted for approval alongside the detailed design of this infrastructure." Applicant a) If a significant period elapses between the surveys undertaken for protected species and the start of construction, explain whether it is the intention to re-survey</p>	<p>b) Pre-construction surveys for protected/priority species should be undertaken in accordance with the CIEEM Advice Note (2019) on The Lifespan of Ecological Reports &amp; Surveys and the relevant species up-to-date best practice guidelines (see a list in CIEEM Good Practice Guidance for Habitats and Species 2021 but note newer editions). Generally, when surveying for highly mobile species, the findings will be valid for 1 year and stage-specific construction should be planned within 1 year of when the surveys were undertaken. Pre-construction surveys must be conducted at an optimal time of year for that species, as per corresponding guidance. Where there have been significant changes to a habitat, e.g., ceasing of management, updated walkover surveys are also recommended to inform if further survey is required. Where an EPS mitigation licence is required, specific guidance (as referred to on Natural England application forms) should be consulted to determine the age of data needed to support an application.</p> <p>HDC would therefore like to further understand what a 'relevant' stage of construction would be and how many stages are expected.</p> <p>c) There should be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO.</p> <p>This would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys, which are to be</p>	<p>See above response to TE 1.2 regarding the reporting of survey information and its use in informing aspects of the stage specific Codes of Construction Practice secured via Requirements 22 and 23 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). This information would be gathered on a stage-by-stage basis to ensure it is of appropriate quality to inform detailed design, mitigation and compensation (i.e. data will be of an appropriate age to inform decision making as per CIEEM guidance). What constitutes a stage will be determined by the Engineering, Procurement and Construction (EPC) contractor that would be procured to deliver the Proposed Development, therefore, detail on exact stages is unknown.</p> <p>The Applicant notes a detailed response to the Examining Authority's First Written Questions (TE 1.33) has been provided in Table 2-18 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>.</p>

Ref	Question to:	Examining Authority Written Question	Horsham District Council's reply	Applicant's response
		<p>features prior to construction and would the findings be included in the updated stage specific Landscape and Ecological Management Plans.</p> <p>The Environment Agency and Relevant Planning Authorities</p> <p>b) Comment, if required, on the approach put forward by the Applicant regarding the stage specific LEMPs. Explain if concerns remain and what approach is recommended.</p> <p>c) Comment, if required, on the durations between surveys and construction</p>	<p>conducted for protected species, as per the Commitments Register.</p>	
<b>WE</b>	<b>Water Environment</b>			
WE 1.1	The Applicant	<p>The Applicant confirmed in its response [REP1-017] to Natural England's RR [RR-265], that no mains water would be used for the construction and operation of the Proposed Development and instead water would be imported for construction, operation and emergency use, such as fire suppression systems.</p> <p>a) Confirm if the imported water would be sourced from outside the Sussex North Water Supply Zone. If so, explain how this commitment would be secured.</p>	<p>Although this Written Question is not directed to HDC to answer, HDC would take opportunity to offer a response on it.</p> <p>Whilst this matter is for the Applicant to address, HDC advise that it possible to screen out adverse impacts from water use during construction works, in a consistent manner with how water use for construction work has been considered (with NE's agreement) for all other development within the district since the Natural England Position Statement was received.</p> <p>HDC have taken the view that water use during construction falls within the baseline of construction water use that occurred prior to the Position Statement. This is because prior to the Position Statement some 800+ homes were being delivered annually within the district, with peaks of 1,125 in 2017/18 and 1,369 in 2018/19. Since the Position Statement, and the constraint this has placed on development coming forward, this has dropped to 396 homes in 2022/23 (source: 2023 Authority Monitoring Report, Chapter 3: Housing Land Supply, Table 5 page 14). <a href="https://www.horsham.gov.uk/__data/assets/pdf_file/0007">https://www.horsham.gov.uk/__data/assets/pdf_file/0007</a></p>	<p>The Applicant welcomes Horsham District Council's comment and agrees that that it is possible to screen out adverse impacts from water use during construction works.</p> <p>During a meeting on 01 May 2024 with Horsham District Council, water neutrality was discussed and the Applicant presented the estimated volumes produced to answer the Examining Authority's First Written Questions WE1.1 c) in Table 2-19 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>.</p> <p>In light of the types of estimates volumes presented by the Applicant, Horsham District Council communicated their view that construction water use from the Proposed Development is capable of being considered as part of the baseline water use that occurred pre-position statement, a headroom capacity that would remain for the duration of the construction works, owing to a housing trajectory within the Council's emerging new development plan (please see minutes in <b>Appendix B</b> for specific details of the estimates and how they compare to household usage).</p> <p>On this basis, Horsham District Council confirmed that construction water use could be screened out without the need for tankering all construction water in. If this was the case, some activities at the main construction compounds could potentially be mains connected and screened out (as opposed to construction water being tankered in for construction).</p>

Ref	Question to: Examining Authority Written Question	Horsham District Council's reply	Applicant's response
	<p>b) Explain what method of transport would be used to bring the water to site.</p> <p>c) If the water would be transported by vehicles, confirm the volume of water required for construction and operation, the size of the vehicles that would be used to transport the water, the number of vehicle movements, the locations of these vehicle movements and whether these vehicle movements have been included in the traffic and transport impact assessment.</p>	<p>/132595/AMR_2022_2023-CHAPTER-3-Housing-Land-Supply.pdf</p> <p>This delivery of 400 homes a year is scheduled to continue, with Policy 37 of the Council's emerging Regulation 19 Horsham District Local Plan providing for delivery of 480 homes per annum between 2023/24 and 2027/28, rising to 901 homes thereafter.</p> <p>It is HDC's view therefore that construction water use from the Rampion 2 project is capable of being considered as part of the baseline water use that occurred pre-Position Statement, a headroom capacity that would remain for the duration of construction works owing to the housing trajectory within the Council's emerging new development plan.</p> <p>Adopting this approach via Habitat Regulations Assessment 'screening out' would negate the need for tankering of water to be used for construction phase.</p> <p>For the operational water use, the affected authorities are producing an offsetting scheme to enable planned development to come forward as water neutral. The scheme is known as the Sussex North Offsetting Water Scheme ("SNOWS"). There is currently significant work still to undertake before the scheme becomes operational with capacity to enable development to come forward. This includes a scheme of prioritisation which would have the ability to prioritise important infrastructure over other development. There is nevertheless a reasonable prospect that SNOWS will be operational with the capability of providing sufficient water credits for Rampion 2 within the lifetime of any consent, and at the point water consuming operations begin at commercial operations date (COD) identified as year 2030 on the indicative construction programme (para 4.7.3 and graphic 4-24 ES Volume 2 Chapter 4)</p> <p>The prospect of access to the local authority offsetting scheme (SNOWS) would be sufficient to enable a positive appropriate assessment to be undertaken at the point of the DCO Order being consented, avoiding the need to tanker water in.</p>	<p>In relation to operational water use, at the meeting with Horsham District Council on 01 May 2024, the Applicant also discussed the estimated volumes which were provided to answer the Examining Authority's First Written Questions WE1.1 c) in Table 2-19 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p> <p>Horsham District Council noted during the meeting on the 01 May 2024 that the indicative volumes represented very low usage in the context of other development and could likely be accommodated by an offsetting scheme (such as Sussex North Offsetting Water Scheme (SNOWS)) if access to such a future scheme were available.</p> <p>The Applicant reiterates that other options are available should SNOWS not be and that there is not an over-reliance on SNOWS being in place by 2030. These are set out in <a href="#">Chapter 26: Water environment, Volume 2</a> of the Environmental Statement <a href="#">[APP-067]</a>, the <a href="#">Design and Access Statement [REP3-013]</a> (updated at Deadline 3) and secured by Requirement 8 [2] in the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4). The Applicant notes HDC's reassurance that there is reasonable prospect that SNOWS will be operational and well suited to Rampion 2. The Applicant welcomes the opportunity participate should the scheme be up and running.</p> <p>A meeting was held with Natural England, Horsham District Council and the Applicant on 22 May to discuss this further and Natural England indicated that on the face of it the positions on water neutrality outlined above seemed sensible and reasonable for both construction and operational phase use. Natural England and Horsham District Council are set to have another meeting as soon as possible to confirm that is the case.</p>



**Table 2-6 Applicant's comments on Mid Sussex District Council's responses to Written Questions (ExQ1) [REP3-070]**

Ref	Question to:	Examining Authority Written Question	Mid Sussex District Council's reply	Applicant's response
<b>DCO – Development Consent Order</b>				
DCO 1.18	<i>Schedule 1, Part 3 Requirements 10, 12 and 16</i>	Provide a response on the Applicant's amendments to the draft DCO submitted at Deadline 2 [REP2-002] in which the definition of "Commence" in Article 2 and a number of Requirements have been amended in respect to "carving-out" onshore site preparation works for the onshore Works.	<p>There is no objection in principle to this approach. However, as written, the draft DCO only appears to give authority to whether the stages of onshore site preparation works are acceptable or not rather than what the scope of the works actually include. This could cause ambiguity over the expectations of the local planning authorities and the applicant. Therefore, to provide more clarity for all parties, it is suggested that Schedule 1, Part 3, Requirement 10 (2) (Stages of onshore works) should read:</p> <p><i>"No onshore site preparation works are to commence until a written programme identifying the stages and scope of those onshore site preparation works has been submitted to and approved by the relevant planning authorities and to the extent that it relates to works seaward of mean high water springs comprising Work No. 6 following consultation with the MMO."</i></p>	<p>The Applicant does not consider that it is appropriate that the programme of stages to be submitted pursuant to requirement 10(2) to include detail for the scope of onshore site preparation works proposed to be undertaken in relation to each identified stage.</p> <p>The purpose of the programme of stages secured by requirement 10 is to identify stages in respect of which control documents must be submitted and approved in accordance with other requirements of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). The approval of those control documents given by the appropriate discharging authority will confirm the works which are then authorised to be undertaken, and the respective requirements each ensure that the approved document must be implemented as approved.</p>
DCO 1.19	<i>Schedule 1, Part 3 Requirement 14</i>	There are concerns from relevant planning authorities over the provisions of this Requirement and the reliance on the provisions contained within the Biodiversity Net Gain (BNG) Strategy Information document, Appendix 22.15 to Chapter 4 of the ES [APP-193]. The ExA notes the Applicant's responses to West Sussex CC [REP2-020] and SDNPA [REP2-024] in respect to the wording within the Requirement and the BNG Strategy Information document. However, the ExA is concerned that the BNG Strategy Information document may not contain the required evidence or clarity that BNG can be achieved, and accordingly Requirement 14 is not adequate in its current guise.	As set out in the Mid Sussex District Council's LIR (REP1-046 para 4.38), it is essential that if BNG is to be secured on site, then the applicant will need to enter into a legal agreement with the relevant local planning authority. Therefore it is considered that this potential outcome needs to be legislated for. It is noted that the ExA has raised this matter with the applicant in the written questions at DCO 1.38.	This matter was addressed in Issue Specific Hearing 2 (May 2024) under item 2(a). As confirmed in its post hearing submissions, the Applicant has explained that the process for securing biodiversity net gain (BNG) units, as described in <b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the Environmental Statement <b>[REP3-019]</b> , requires the undertaker to provide proof of purchase of registered biodiversity net gain units. It is inherent in the registration of units (to be available for purchase) that the landowner has entered into a legal agreement with the local planning authority, or a conservation covenant. Consequently, there is no requirement for the applicant to enter into such an agreement.
	The Applicant	Interested Parties are asked to review the questions contained in BD (below) and consider whether Requirement 14 needs amending and suggest appropriate wording.		
	Horsham DC			
	Arun DC			
	West Sussex CC			
	SDNPA			
	Mid Sussex DC			

Ref	Question to:	Examining Authority Written Question	Mid Sussex District Council's reply	Applicant's response
DCO 1.24	<i>Schedule 1, Part 3 Requirement 29</i>  <b>Mid Sussex DC</b>	<p>In the LIR [REP1-046], it is stated that Requirement 29 should also include Work No 20. In response, the Applicant states [REP2-023] that the ES [PEPD-018] has already assessed noise levels at the existing National Grid substation at Bolney and, because noise generated by the Proposed Development at this location is expected to be minimal, no additional mitigation is necessary.</p> <p>Provide a response, explaining whether Mid Sussex are content with the response or justify further why Work No 20 should be included within Requirement 29.</p>	<p>The Council's Environmental Protection Officer has provided further comments on this particular matter and has stated that:</p> <p><i>"My concern is that their response wording is vague "noise generated by the Proposed Development at this location is expected to be minimal, no additional mitigation is necessary" (my emphasis). I am not disputing that they expect it to be minimal, it may well be - my concern is "what if it isn't?". We have had previous noise issues with the original substation, and low freq noise is known to be able to travel over long distances.</i></p> <p><i>I therefore request that the Applicants go further than their stated response and clearly confirm that noise levels at nearby sensitive receptors will not be noticeably increased by the substation extension. If they are not willing to do this then I would say that additional protection for the residents is required."</i></p> <p>The Council therefore requires some further assurance on this matter, with this being adequately provided in the event that Work No 20 is included within Requirement 29.</p>	<p>The proposed onshore substation at Oakendene, and the extension to the existing National Grid substation at Bolney are very different in their scale, operation, equipment and thus noise effects. Requirement 29 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) is appropriate for Work 16 at Oakendene, but it is not appropriate for the much smaller impact of Work 20 extension to the existing National Grid Bolney substation.</p> <p>The potential for noise generation of the equipment required at the existing National Grid Bolney substation extension works is minimal in that the only noise generated is during operation of the switchgear. To clarify, the switchgear would only operate in the event the offshore wind farm was isolated from the grid, this would be in an emergency, maybe once a year. The resulting noise emission resulting is expected to be over an extremely short duration of less than 1 second. This assessment was scoped out of the noise assessment due to the infrequent and short duration and it is acknowledged that any assessment in accordance with British Standards would see a negligible effect. The Applicant therefore considers that an additional Requirement is not required.</p> <p>The noise arising from operation of the existing National Grid Bolney substation extension is different in characteristics arising from the transformers and compensation equipment which operate continuously at the onshore substation at Oakendene. It has been noted in the description of Works number 20 (<b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4)) that transformers are referred to. However, it should be noted that although these are technically transformers they are 'instrumentation transformers' that convert the electricity to a lower voltage for metering purposes, these are very low voltage and are not a source of noise compared with a 'super grid transformers'. The description of Work No. 20 has been updated in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4)) to clarify the difference between the apparatus at the National Grid Bolney substation extension compared to Work No. 16 (for the project substation at Oakendene).</p>

Ref	Question to:	Examining Authority Written Question	Mid Sussex District Council's reply	Applicant's response
				The Applicant has provided a response to Issue Specific Hearing 2 Action Point 63 at Deadline 4 in <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70)</a> .
<b>BD – Biodiversity</b>				
BD 1.1	<i>Biodiversity calculations</i>	<p><b>For The Applicant</b></p> <p>a) Volume 4, Appendix 22.15 of the ES [APP-193] states metric 4.0 version of the biodiversity metric has been used to calculate the biodiversity baseline and present planned BNG outcomes. Confirm that this was the latest version at the time of submission.</p> <p>b) The ExA requests the BNG metric spreadsheet used for the calculations is submitted into the Examination.</p> <p><b>For Natural England, SDNPA, West Sussex CC</b></p> <p>c) It is noted that the latest metric is now the Statutory Biodiversity Metric. Explain whether the calculations need to be updated using the latest version.</p> <p>d) Is there agreement on the biodiversity baseline presented in Appendix 22.15 Biodiversity Net Gain information [APP-193] for the:</p> <ol style="list-style-type: none"> <li>i. Total number of baseline units calculated for the worst-case realistic scenario.</li> <li>ii. Total number of units lost to the Proposed Development.</li> </ol> <p>e) Confirm whether clarity exists on how the calculations have been done and is there agreement on the methodology and the spatial areas for</p>	<p>Mid Sussex is content for the ExA to take into account the expert ecological advice provided by Natural England, the SDNPA and West Sussex CC on this specific issue.</p>	<p>The Applicant acknowledges Mid Sussex District Council's response and has no further comment at this time.</p> <p>The Applicant notes a detailed response to the Examining Authority's First Written Questions (BD 1.1) has been provided in Table 2-7 within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p>

Ref	Question to:	Examining Authority Written Question	Mid Sussex District Council's reply	Applicant's response
		which the calculations have been presented?		
BD 1.2	<p><i>Mitigation Hierarchy</i></p> <p><b>Natural England</b></p> <p><b>SNDPA</b></p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>Mid Sussex DC</b></p>	<p>Confirm that the Applicant has adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain.</p>	<p>Mid Sussex is content for the ExA to take into account the expert ecological advice provided by Natural England, the SDNPA and West Sussex CC on this specific issue.</p>	<p>The Applicant acknowledges Mid Sussex District Council's response and has no further comment at this time.</p>
HE 1.2	<p><i>Heritage Assets</i></p> <p><b>The Applicant</b></p>	<p>Given the scoping out of effects upon Coombe House, Mid Sussex DC LIR in its LIR (paragraphs 4.48 to 4.50) [REP1-046] and the Applicant's response submitted at Deadline 2 [REP2-023], comment upon and justify the contribution of the site to the setting of Coombe House and the level of effect upon Coombe House, a Grade II Listed Building, from the proposed extension to the existing Bolney Substation. Justify the need for further mitigation at this location over and above that already shown on the illustrative landscape plans at Appendix D of the DAS [AS-003] given the Applicants scoping out of effects upon Coombe House</p>	<p>The Council's Conservation Officer has provided the expert heritage impact advice on this issue and has provided the following comments on Coombe House, its significance, the contribution the site makes to its setting and the mitigation requirements:</p> <p><i>"This is a Grade II listed greatly enlarged 15th- early 17th century house located in substantial grounds to the north east of the site. The house was enlarged and modernised in 1919 by noted Arts and Crafts architect Granville Streatfield, who was possibly also responsible for the relandscaping of the grounds at that time. A range of outbuildings to the north of the house appear to survive from the 19th century or earlier and may be regarded as curtilage listed- one of these, possibly a former lodge house, appears to have been converted to a separate dwelling. Also encircling the house to the west are a small number of 20th century buildings which are also now separate dwellings. Two PROWs run past the grounds of Coombe House- the continuation of the path described above running north from Bob Lane past Twineham Court Farm also passes to the east of the grounds, and a further path running broadly east from Wineham Lane skirts the north western corner of the group of buildings around the house before continuing east to intersect with the first pathway. This second PROW runs fairly close to the site before it reaches Coombe House, crossing the field adjacent to the site to the west.</i></p> <p><i>Coombe House would be likely to be considered to possess architectural interest arising from its design, construction and craftsmanship, aesthetic interest based in part on the use within the earlier parts of the building of vernacular materials viewed</i></p>	<p>The Applicant agrees with the Council Conservation Officer's description of the significance of Coombe House Grade II Listed Building and agrees that it is well screened by surrounding vegetation. It is further agreed that intervening vegetation ensures that there is no intervisibility between Coombe House and the existing National Grid Bolney substation extension site.</p> <p>Appendix D of the <a href="#">Design and Access Statement [REP3-013]</a> illustrates the retention of vegetation within land between the existing National Grid Bolney substation extension site and Coombe House, which will maintain screening.</p> <p><a href="#">Appendix 22.16: Arboricultural Impact Assessment, Volume 4</a> of the Environmental Statement [APP-194] (updated at Deadline 4), Annex B Inset 45 of 47 shows that existing vegetation between the existing National Grid Bolney substation extension site and Coombe House consists of ancient woodland, which will be retained along with Category B Trees and Hedgerows to also be retained. There is also an existing hedgerow and tree belt surrounding Coombe House in the direction of the existing National Grid Bolney substation extension site which will limit outward views from the house toward the substation site.</p>



Ref	Question to:	Examining Authority Written Question	Mid Sussex District Council's reply	Applicant's response
			<p><i>within the landscape from which they were drawn, as well as on the designed remodelling by Streatfield, and illustrative historical interest as a good example of a rural timber framed building (possibly originally a farmhouse) of its period. The remodelling of the garden (the house's immediate setting) by Streatfield, and surviving features and structures within it dating from this period may also be considered of interest.</i></p> <p><i>As such, the surviving wider rural setting of the house will make a positive contribution to the special interest of the building and the manner in which this is appreciated, in particular those parts of that interest which are drawn from its fortuitous aesthetic and illustrative historical interests. It should be noted however that the house and its immediate garden setting are at present is well screened on all sides by surrounding vegetation, with the west and north also the ancillary buildings and other dwellings noted above. The contribution of the rural setting beyond this to the manner in which the house, which is effectively invisible from outside its grounds at least in summer, is appreciated is consequently reduced, although it will still have an impact on the character of the approaches to it including along the adjacent PROWs.</i></p> <p><i>The application site is at a short distance from Coombe House and is separated from it by open fields and intervening planting of varying density along the field boundary, as well as part of the existing substation. As above, the boundary of the grounds to the house are also densely planted. As a result, intervisibility between the site and the house itself is likely to be impossible. The site is however more likely to potentially affect the character of the approach to the house along the PROW which runs north from Bob Lane past Twineham Court Farm, although it is fairly remote from the path and again there is intervening screening. In my opinion the site would therefore be considered to potentially make a very limited positive contribution to the special interest of the listed building and the manner in which its special interest is appreciated.</i></p> <p><i>The proposal would potentially have a minor affect on the character of the approach to Coombe House along the PROW to the east. The impact would be cumulative with the existing Bolney Substation, and is likely to be greater because of the height of the installation. In my opinion, the proposal would potentially therefore result in a degree of less than substantial harm to the special interest of the asset, at the lower end of that scale, and at a lower level than for Twineham Court Farmhouse.</i></p>	

Ref	Question to:	Examining Authority Written Question	Mid Sussex District Council's reply	Applicant's response
			<p><i>In terms of mitigation, the proposed landscaping plans for either option appear to show only the retention of existing tree and hedgerow planting, although in the case of the AIS option existing planting to the south west may be partially removed. In the further development of the scheme it may be advisable for more attention to be given to the potential for further planting around the site, in particular to mitigate any negative impact on views from the PROW to the east, and Bob Lane to the south."</i></p>	
<b>NV – Noise and vibration</b>				
NV 1.7	<p><i>Construction Noise and Vibration</i></p> <p><b>Arun DC</b></p> <p><b>Horsham DC</b></p> <p><b>Mid Sussex DC</b></p>	<p>Respond to the Applicant's response contained in [REP2-021] to the issues raised in the LIR [REP1-039], [REP1-044] and [REP1-046] respectively, with regard to the impact of construction noise and vibration from the Proposed Development on receptors. List any outstanding concerns and provide recommendations for addressing them.</p>	<p>Mid Sussex District Council has no outstanding concerns, assuming that the construction hours issue has been successfully resolved as referenced in Written Questions DCO 1.23.</p>	<p>The Applicant welcomes the comment from Mid Sussex District Council that there are no outstanding concerns with regard to the impact of construction noise and vibration from the Proposed Development on receptors.</p> <p>The Applicant notes a response to the Examining Authority's First Written Questions (DCO 1.23) has been provided in Table 2-4 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>.</p>

**Table 2-7 Applicant's comments on Natural England's responses to Written Questions (ExQ1) [REP3-086]**

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
<b>Onshore and Offshore Questions</b>				
<b>AL</b>	<b>Alternatives</b>			
AL 1.1	<i>Fawley and Dungeness Alternatives</i> <b>Natural England</b> <b>The Environment Agency</b>	Respond specifically to the identified environmental challenges of offshore cabling to the Fawley substation as identified in paragraphs 1.3.10 to 1.3.14, and to Dungeness substation as identified in paragraphs 1.3.19 to 1.3.29 of the Applicant's post-Hearing submission on Fawley and Dungeness appraisals [REP1-019].	<p>When selecting a cable route Natural England would advise in the first instance that any route looked to avoid designated sites and designated landscapes. We agree that there is the potential for cable installation impacts on designated sites in relation to a grid connection at both Fawley and Dungeness substations.</p> <p><b>Fawley substation</b> Natural England notes that the route from Rampion Offshore Windfarm to Fawley substation would likely pass through multiple designated sites including: Solent and Dorset Coast Special Protection Area (SPA) and the landfall could also potentially impact Solent Maritime Special Area of Conservation (SAC), Solent and Southampton Water SPA/Ramsar, Hythe to Calshot Marshes Site of Special Scientific Interest (SSSI) and North Solent SSSI. Additionally, the cable would make landfall within the Forest National Park. We advise that there would potentially be direct and indirect impacts on the features of these sites from:</p> <ul style="list-style-type: none"> <li>• cable preparation, installation and operational activities,</li> <li>• cable protection (including at additional cable crossings)</li> <li>• difficulties/limitations of burying a cable in a highly mobile substrate</li> <li>• from a substation location.</li> </ul> <p>There are also numerous other designations along the route, which have the potential to be indirectly affected.</p> <p><b>Dungeness substation</b> Natural England notes that the route from Rampion Offshore Windfarm to Dungeness substation would likely pass through Dungeness SAC, Dungeness, Romney Marsh and Rye Bay SPA/SSSI, and may also need to pass through Dungeness, Romney Marsh and Rye Bay Ramsar. We advise that there would potentially be direct and indirect impacts on the features of these sites from:</p> <ul style="list-style-type: none"> <li>• cable preparation, installation and operational activities,</li> <li>• cable protection etc.</li> </ul>	The Applicant notes the response from Natural England and that this aligns with the <a href="#">Deadline 1 Submission – 8.25.1 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 1 – Further information for Action Point 3 – Fawley and Dungeness [REP1-019]</a> .

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
			<ul style="list-style-type: none"> <li>from a substation location.</li> </ul> <p>In addition to the impacts on designated sites the significantly longer cable routes have the potential to impact on benthic habitats protected under Section 41 of the NERC Act, and Annex 1 habitats over a much larger area.</p>	
<b>HRA</b>	<b>Habitats Regulations Assessment (HRA)</b>			
HRA 1.1	<i>Updated Kittiwake Implementation and Monitoring Plan</i> <b>Natural England</b>	The ExA notes the intention for the Applicant to provide Artificial Nesting Structures (ANS) for kittiwake as part of the Kittiwake Implementation and Monitoring Plan (KIMP), in the event that the SoS concludes that adverse effects on the integrity of the Flamborough and Filey Coast Special Protection Area cannot be excluded. Regarding the Applicant's updated Kittiwake Implementation and Monitoring Plan (KIMP) submitted into the Examination at Deadline 1 [REP1-026], state whether: a) The Applicant has adequately explained how it would develop the collaborative option for delivering the ANS. b) The proposed monitoring programme, adaptive management and reporting	a) The Applicant has adequately explained how it would develop the collaborative option for delivering the ANS.  b) We consider the proposed monitoring programme, adaptive management and reporting timeframes the Applicant is proposing to be broadly adequate. Natural England's response to the updated KIMP submitted at Deadline 1 [REP1-027] is provided in Appendix B2.	The Applicant welcomes the support from Natural England on the collaborative approach to Artificial Nesting Structures (ANS).  The Applicant welcomes the support from Natural England on the proposed approach.



Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
		timeframes the Applicant is proposing are adequate. c) The requirement securing the KIMP in the draft Development Consent Order (draft DCO) [REP2-002] is adequate.	c) Natural England has provided comments and requested amendments to the draft schedule securing Kittiwake compensation. Those comments have not yet been addressed and we are, therefore, unable to confirm that the requirement securing the KIMP is adequate. We refer to our Deadline 1 response (Appendix A1) and our risks and issues log for detailed comments on the schedules.	The Applicant has provided an updated <a href="#">Alternative Schedule 17 (on a without prejudice basis) [PEPD-017]</a> at Deadline 4.
HRA 1.3	<i>In-combination Assessment of Impacts for Guillemot and Razorbill at the Flamborough and Filey Coast SPA</i> <b>Natural England</b>	Comment on the adequacy of the Applicant's full in-combination assessment of impacts for guillemot and razorbill at the Flamborough and Filey Coast (FFC) SPA submitted at Deadline 1 [REP1-027], specifically whether Natural England agrees with the Applicant's methodology and conclusions.	Natural England's response to the full in-combination assessment of impacts for guillemot and razorbill at the Flamborough and Filey Coast (FFC) SPA submitted at Deadline 1 [REP1-027] is provided in the (Appendix B3) and summarised in the Risk and Issue Log. The Applicant has adequately provided an in-combination assessment in line with our recommended methodology, alongside impact values calculated according to its own preferred methodology. We disagree with the Applicant's conclusions that an Adverse Effect on Integrity for these features can be ruled out when considered in combination with other Offshore Wind Farms.	The Applicant welcomes the support from Natural England on the methodology used in the in-combination assessment of impacts for guillemot and razorbill at the Flamborough and Filey Coast: <a href="#">Deadline 1 Submission – 8.25.8 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 8 – Further Information for Action Point 34 – In Combination Assessment Update for Guillemot and Razorbill [REP1-027]</a> .  The Applicant remains of the position that with respect to the guillemot and razorbill feature of the Flamborough and Filey Special Protection Area (FFC SPA) an adverse effect on integrity (AEol) can confidently be ruled out for both the guillemot and razorbill feature for the project alone and in-combination based on the conclusions drawn within the <a href="#">Deadline 1 Submission – 8.25.8 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 8 – Further Information for Action Point 34 – In Combination Assessment Update for Guillemot and Razorbill [REP1-027]</a> , with further justification for this conclusion provided within <a href="#">Applicant's Comments on Deadline 3 Submissions (Document reference 8.66)</a> .
HRA 1.4	<i>In-combination Assessment of Impacts for Guillemot at the Farne Islands SPA</i> <b>Natural England</b>	Comment on the adequacy of the Applicant's full in-combination assessment of impacts for guillemot at the Farne Islands SPA submitted at Deadline 1 [REP1-027], specifically whether Natural England agrees with the Applicant's methodology and conclusions.	Natural England's response to the full in-combination assessment of impacts for guillemot at the Farne Islands SPA submitted at Deadline 1 [REP1-027] is provided in the (Appendix B3) and summarised in the Risk and Issue Log. The Applicant has adequately provided an in-combination assessment in line with our recommended methodology, alongside figures calculated according to its own preferred methodology.	The Applicant welcomes the support from Natural England on the methodology used in the in-combination assessment of impacts for guillemot at the Farne Islands <a href="#">[REP1-027]</a> .  The Applicant remains of the position that with respect to the guillemot and razorbill feature of the Farne Islands SPA an AEol can confidently be ruled out for the guillemot feature for the project alone and in-combination based on

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
			We disagree with the Applicant's conclusions that adverse effect on integrity for these features can be ruled out when all other projects are included in the in-combination assessment.	the conclusions drawn within the <a href="#">Deadline 1 Submission – 8.25.8 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 8 – Further Information for Action Point 34 – In Combination Assessment Update for Guillemot and Razorbill [REP1-027]</a> , with further justification for this conclusion provided within Applicant's Response to Appendix B3: Guillemot, Razorbill and Great black-backed gull <a href="#">[REP3-080]</a> in Table 2-6 of <a href="#">Applicant's Comments on Deadline 3 Submissions (Document reference 8.66)</a> .
HRA 1.7	<i>Potential for Adverse Effect on Integrity (AEoI) to the Conservation Objectives of the Northern Pintail of the Arun Valley Ramsar site</i> <b>Natural England</b>	In light of the Applicant's responses at Deadline 1 [REP1-017] to Natural England's concerns [RR-265] regarding the foraging range of the northern pintail, potential impacts from habitat fragmentation and potential temporary loss of functionally linked land of the Arun Valley Ramsar site, state: a) Whether the Applicant's responses address Natural England's concerns. b) What further assessment and / or mitigation is the Applicant advised to undertake / implement to address Natural England's concerns.	Natural England welcomes the further information provided by the Applicant. Although, we do seek further clarity regarding the distances stated between the proposed project and the Arun Valley Ramsar Site and any functionally linked land. For example, the Applicant gives the closest point from the proposed DCO Order limits at 4.8 km for the Arun Valley Ramsar site but identifies the nearest functionally linked land (FLL) at over 9 km [REP1-017] [Appendix J, J17 (p432)]. Natural England requests the Applicant confirms the coordinates of the 9 km FLL location point. Natural England awaits the submission of an updated ES chapter and/or Report to Inform the Appropriate Assessment RIAA before we can advise further.	The Applicant has updated <a href="#">Chapter 22: Terrestrial ecology and nature conservation, Volume 2</a> of the Environmental Statement <a href="#">[APP-063]</a> at Deadline 4.  The Applicant met with Natural England on 22 May 2024 and provided a graphical representation of the distance between the Arun Valley Ramsar site, the proposed DCO Order Limits and the closest area of functionally linked land within the proposed DCO Order Limits. Mapping was provided for Natural England to discuss internally before confirming their position.
HRA 1.8	Water Neutrality and Potential Likely Significant Effects on the Arun Valley designated sites (SPA, SAC and Ramsar) <b>Natural England</b>	There is no change on the level of concern in Natural England's Risk and Issue log submitted at Deadline 2 [REP2-041] related to Water Neutrality within the Sussex North Water Supply Zone, in light of the Applicant's further information on this provided at Deadline 1. State: a) Natural England's latest position on the Applicant's proposed actions submitted into the examination at Deadline 1 to address Water Neutrality, and whether they are sufficient. b) What further assessment and / or mitigation the Applicant is	We advise that once the Applicants commitments are secured within a named plan this issue can be considered resolved.	The Applicant submitted an updated <a href="#">Commitments Register [REP3-049]</a> containing commitment C-290 to address water neutrality in the Sussex Northern Water Resource Zone. Please see Applicant's response to HRA 1.8 in <a href="#">Deadline 3 Submission – Applicant's Response to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> . Commitment C-290 ( <a href="#">Commitments Register [REP3-049]</a> ) is secured through the Outline Code of Construction Practice, itself secured through requirement 22 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4)  The Applicant met with Natural England and Horsham District Council on 22 May 2024. Horsham District Council outlined the differences between their position and that of Natural England. A bi-lateral meeting will be held between Horsham District Council and Natural England to agree a

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
HRA 1.9	<i>Research Findings</i> <b>The Applicant</b> <b>Natural England</b>	advised to undertake / implement to address your concerns  The Report to Inform the Appropriate Assessment (RIAA) [APP-038] contains an extensive list of references listed in section 13. Explain whether any relevant references been published subsequently that should be taken into account in the HRA that might materially change the outcome.	Natural England are not aware of any new references that would materially change the outcome.	consistent position which will then be discussed with the Applicant.  Please see Applicant's response to HRA 1.9 in <b>Deadline 3 Submission – Applicant's Response to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b> .
<b>COD</b>	<b>Construction, Operation and Decommissioning Matters</b>			
COD 1.1	<i>Commitments Register</i> <i>Horizontal Directional Drilling (HDD)</i> <b>Natural England</b> <b>Environment Agency</b> <b>Forestry Commission</b> <b>South Downs National Park Authority (SDNPA)</b> <b>The Woodland Trust</b> <b>Sussex Wildlife Trust</b> <b>West Sussex County Council (West Sussex CC)</b> <b>Horsham District Council (Horsham DC)</b> <b>Arun District Council (Arun DC)</b>	Provide a response to the Applicant's statement in the Applicant's Responses to Relevant Representations, J3 [REP1-017] on page 416 that: " <i>Commitment C-5 (Commitments Register [APP-254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD-033] secured via Required 22 within the Draft Development Consent Order [PEPD-009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic Worst-Case Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through amendment to</i>	Natural England does not agree with the Applicant that the 'worst-case scenario' has been expressed in the Environmental Statement (ES). Currently no on-site Ground Investigations (GI) have been carried out. Therefore, Natural England's has consistently advised that until such time as evidence is provided to confirm that HDD is feasible the worst-case scenario is open cut trenching.	The Applicant has provided a response to this question in <b>Deadline 3 Submission – Applicant's Response to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b> please see Table 2-3.  Further to this, the Applicant notes that Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) stipulates that " <i>no stage of any works landward of MLWS is to commence until a detailed code of construction practice for the stage has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency, the statutory nature conservation body, the highway authority and the lead local flood authority</i> ". Requirement 22 (4) (q) within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) also stipulates that " <i>The code of construction practice must accord with the outline code of construction practice and include, as appropriate to the relevant stage a crossing schedule</i> ".  A meeting was held with Natural England on 22 May 2024 in which it was explained how the proposed trenchless crossings are secured, and how alternative approaches are not covered by the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
COD 1.7	<i>Decommissioning</i> <b>The Applicant</b> <b>MMO</b> <b>Natural England</b> <b>The Environment Agency</b> <b>Relevant Planning</b> <b>Authorities</b>	<p><i>the stage specific Code of Construction Practice and Crossing Schedule.</i>" Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].</p> <p><b>The Applicant</b> Provide an Outline Decommissioning Plan for the offshore infrastructure, as requested by Natural England [REP2-038, Page 3]. Explain plans in place to follow the waste hierarchy at the decommissioning stage, particularly any plans on how the wind turbine materials might be reused or recycled.</p> <p><b>The Environment Agency / Natural England / MMO / Relevant Planning Authorities</b> Comment on expectations for recycling or reuse of the wind turbine materials at the decommissioning stage.</p>	Natural England recommends that the Outline Decommissioning Plan considers all possible options for reusing and recycling of materials, as well as fully exploring using materials in the first instance that have the potential to be removed if surface laid and reused or recycled.	The Applicant has provided a response to this question in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> , please see Table 2-3, reference COD 1.7.
<b>DCO</b>	<b>Draft Development Consent Order (Draft DCO) and Draft Deemed Marine License (Draft DML)</b>			
	<b>DCO Schedules</b>			
DCO 1.33	<i>Prospective Schedule 17</i> <b>The Applicant</b> <b>Natural England</b>	Should the Secretary of State be minded to accept that Adverse Effect on Integrity to the Flamborough and Filey Coast SPA cannot be excluded, the Applicant confirmed at ISH1 [EV3-001] that a standalone Schedule 17 [PEPD-017] should be inserted into the DCO should the Secretary of State be minded to make the Order.	Natural England has not had further discussion with the Applicant on the DCO aspect of this particular topic or seen any relevant revisions that would address our issues. We advise that an update is provided, we are open to further discussion with the Applicant to resolve these issues if required.	The Applicant has provided an updated <a href="#">Alternative Schedule 17 (on a without prejudice basis) [PEPD-017]</a> at Deadline 4.  The Applicant further notes that, should the Secretary of State find that Adverse Effects on the Integrity of the Flamborough and Filey Coast SPA cannot be excluded, the Applicant will either make a payment to the Marine Recovery Fund towards the provision of strategic



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		<p>Natural England [REP1-059] have raised a number of concerns with the wording of this prospective Schedule with suggested amendments and additions. In its response at Deadline 2 [REP2-026], the Applicant states discussions are ongoing including addressing Natural England's concern on the absence of provisions for the end of the lifetime of the project and the compensatory measures.</p> <p>Provide an update to the progress of Schedule 17 and a timescale of when an agreed position will likely be reached.</p>		<p>compensation, or adopt a collaborative approach to the delivery of compensation for its very low level of impact.</p> <p>The Applicant has submitted a letter to the Examination from Dogger Bank South Wind Farm (as an appendix to document <b>PEPD-001</b>) confirming its agreement to a collaborative approach, which has also been endorsed by Natural England.</p> <p>If this route to provision of any compensation found necessary is followed, the Applicant will be taking advantage of a small number of platforms on an artificial nesting structure provided by a third party. The Applicant will not have control over the structure or the land on which it has been provided. It is not, therefore, able to provide any commitments in respect of the end of the life of the compensatory measures. However, the mechanism provided in Schedule 17 will require the Applicant to demonstrate that compensation measures will be secured for the lifetime of the Proposed Development.</p>
<b>Draft DML</b>				
DCO 1.35	<i>Schedules 11 and 12 Deemed Marine Licence</i> <b>Natural England</b>	<p>In respect to Part 2 condition 2(6), the Applicant states in its response at Deadline 2 [REP2-026] that further changes to this condition are unnecessary as the condition refers to commencement of the authorised scheme, which is defined in the deemed marine license by reference to Works No 1 and 2 in Schedule 11 and Work Nos. 3 to 6 in Schedule 12. In respect to Part 2 conditions 11(1)(a) and (c), the Applicant states it will prepare its design plan to take account of micro-siting requirements and that construction method statement will also be required to take account of micro-siting requirements and by subject to approval hence no further amendment is considered necessary.</p>	<p>Natural England notes that some amendments have been made to the micro-siting provision which partially address our concerns. In our Deadline 1 advice (Appendix A1) we provided further changes which we consider need to be made to address this issue and would refer you to that response.</p>	<p>The Applicant has responded to Natural England's comments in <b>Deadline 2 Submission – 8.49 Category 8: Examination Documents – Applicant's Responses to Prescribed Consultees' Written Representations [REP2-026]</b> but for completeness the Applicant confirms:</p> <p>A1) it is not considered necessary to amend the definition of commencement in the deemed marine licences as each are self-contained documents with their own defined terms, each including its own definition of commence.</p> <p>A2) The Applicant has amended condition 11(1)(a) to reflect the wording relating to micro-siting used in the Hornsea Four and Sheringham Shoals and Dudgeon Extension projects.</p> <p>A4-A8) The Applicant has submitted a revised Schedule 17 at Deadline 4; please see the response to DCO 1.33 above</p>

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		Provide a response and if necessary, set out the changes required to the said conditions.		
<b>Onshore Questions</b>				
<b>BD</b>	<b>Biodiversity</b>			
BD 1.1	<i>Biodiversity calculations</i> <b>The Applicant</b> <b>Natural England</b> <b>SDNPA</b> <b>West Sussex CC</b> <b>Horsham DC</b> <b>Arun DC</b> <b>Mid Sussex DC</b>	<p><b>For The Applicant</b></p> <p>a) Volume 4, Appendix 22.15 of the ES [APP-193] states metric 4.0 version of the biodiversity metric has been used to calculate the biodiversity baseline and present planned BNG outcomes. Confirm that this was the latest version at the time of submission.</p> <p>b) The ExA requests the BNG metric spreadsheet used for the calculations is submitted into the Examination.</p> <p><b>For Natural England, SDNPA, West Sussex CC</b></p> <p>c) It is noted that the latest metric is now the Statutory Biodiversity Metric. Explain whether the calculations need to be updated using the latest version.</p> <p>d) Is there agreement on the biodiversity baseline presented in Appendix 22.15 Biodiversity Net Gain information [APP-193] for the:</p> <p>i. Total number of baseline units calculated for the worst-case realistic scenario.</p> <p>ii. Total number of units lost to the Proposed Development.</p> <p>e) Confirm whether clarity exists on how the calculations have been done and is there agreement on the methodology and the spatial</p>	<p>Natural England supports the use of the Statutory Biodiversity Metric at this stage, but we acknowledge that Metric 4.0 was the current metric at the time the application was submitted. Natural England supports the Applicant re-running their calculations using the latest version of the Metric available at the detailed design stage. Natural England is not able to assess Biodiversity Net Gain (BNG) calculations and defers to the relevant authorities.</p>	<p>The Applicant appreciates Natural England's support of the Biodiversity Net Gain (BNG) approach taken for Rampion 2 prior to it being mandatory for National Significant Infrastructure Projects. As described in the Applicant's response to references BD 1.2, 1.3, and 1.7 in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051], Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement (ES) [REP3-019].</p> <p>A meeting was held with Natural England on 22 May 2024. This meeting discussed the position on BNG and it was agreed that a further meeting with a Natural England specialist could resolve outstanding questions following a review of <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [REP3-019].</p>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
BD 1.2	<p><i>Mitigation Hierarchy</i>  <b>Natural England</b>  <b>SNDPA</b>  <b>West Sussex CC</b>  <b>Horsham DC</b>  <b>Arun DC</b>  <b>Mid Sussex DC</b></p>	<p>Confirm that the Applicant has adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain.</p>	<p>We advise that the mitigation hierarchy requires that applicants must demonstrate that all steps to avoid, biodiversity loss have been robustly assessed, including through consideration of reasonable alternatives, before reducing and mitigating impacts in order to 'maintain' biodiversity. If impacts remain then appropriate compensation will be required to offset the impact. Separate to the mitigation hierarchy 'to maintain' is the requirement to enhance biodiversity which can be delivered through Biodiversity Net Gain (BNG). We have advised that it is not currently clear how the principles of avoidance have been demonstrated and that a clear distinction is required between the mitigation hierarchy and BNG.</p>	<p>The Applicant has provided a response to this question in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>, please see Table 2-7, reference BD 1.2.</p> <p>Further to this, the mitigation hierarchy has been followed during the design process for the Proposed Development. Commitment C-292 (<a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 4)) secures the application of the mitigation hierarchy through the decision-making process at future detailed design. Commitment C-292 reads <i>"During detailed design the mitigation hierarchy will be applied to avoid losses of key habitats (e.g. woodland, hedgerows, scrub, watercourses and semi-improved grassland) where possible, and where not to minimise losses and mitigate for them. At each crossing of sensitive habitats the Ecological Clerk of Works will provide advice to the design engineers with justification of approach provided. The approach at individual crossings will be detailed in the relevant stage specific Code of Construction Practice."</i></p> <p>The Applicant met with Natural England 22 May 2024 and described the approach to the mitigation hierarchy. It was agreed that Natural England would review previous submissions on this and consider their position.</p>
BD 1.6	<p><i>Clear Differentiation between Delivery of Compensation and Enhancement.</i>  <b>Natural England</b>  <b>SDNPA</b>  <b>West Sussex CC</b>  <b>Horsham DC</b>  <b>Arun DC</b></p>	<p>Concern has been raised by SNDPA [REP1-049], Sussex Wildlife Trust [RR-381], Horsham DC [REP1-044] and Natural England [RR-265] regarding the transparency between delivery of compensation for the Proposed Development i.e. no net loss of biodiversity and biodiversity enhancement of 10% i.e. 10% biodiversity net gain (BNG). The Applicant states it has used the Natural England BNG metric tool to calculate the units required for both [APP-193].</p> <p>a) Explain whether Table 4-5 on page 24 of Volume 4, Appendix</p>	<p>We advise that Table 4.5 on page 24 of Volume 4 Appendix 22.15 of the ES [APP-193] does not currently provide a sufficiently clear and transparent explanation of the units required to achieve BNG.</p> <p>We therefore advise that the Applicant provides additional information via further narrative or tabular information to make a clear distinction between habitats to be provided via the mitigation hierarchy and those that are proposed through BNG. We advise that it is not currently clear whether units have been double counted.</p>	<p>As described in the Applicant's response to references BD 1.2, 1.3 and 1.7 in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>, <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement (ES) [REP3-019] (updated at Deadline 3) outlines the number of biodiversity units to reach a position of no net loss is provided (i.e. compensation) as are those to reach a biodiversity net gain (BNG) of at least 10% (i.e. enhancement).</p> <p>Further to this, a meeting was held with Natural England on 22 May 2024. This meeting discussed the position on BNG and it was agreed that a further meeting with a Natural England specialist could resolve outstanding questions following a review of <a href="#">Appendix 22.15:</a></p>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
BD 1.8	<p><i>Timing of Delivery of Biodiversity Compensation</i>  <b>Natural England SDNPA</b>  <b>West Sussex CC</b></p>	<p>22.15 of the ES APP-193, provides a sufficiently clear and transparent explanation of how many units of each type are required and is there agreement on the number of units to achieve no net loss and 10% net gain.</p> <p>b) Comment on whether no double-counting is clear between activities planned to deliver mitigation, compensation, enhancement and net gain.</p> <p>c) Is further explanation required? If so, please specify what is needed.</p> <p>The Applicant states in section 5.2.1 of Volume 4, Appendix 22.15 of the ES APP-193 that:  <i>“To avoid a deficit in biodiversity growing as the construction programme progresses, the Proposed Development will follow two courses of action. The first is to enable a progressive reinstatement of habitats, whilst the second is to secure 70%<sup>7</sup> of the deficit (as calculated in Table 4-5 – i.e., as a realistic worst-case scenario) prior to commencement of construction. Any remaining shortfall identified following detailed design will be secured prior to construction works being completed.”</i></p> <p><sup>7</sup> It is expected that 70% of the deficit as calculated at Table 4-5, will likely be equivalent to that which will be necessary to provide to secure the commitment once detailed design has been completed.”</p> <p>Confirm whether there is general agreement on this approach, particularly the delivery of 70% of</p>	<p>Natural England advises that any habitat provision for impacts to biodiversity assets associated with a statutory designated site should be mitigated for and fully functioning prior to any impacts occurring.</p> <p>Natural England supports the delivery of non-designated biodiversity assets at an early stage to ensure habitats have time to mature and provide biodiversity value and ecological functionality prior to impacts occurring. Natural England would advise that habitats should be monitored to ensure successful establishment and deliver the expected biodiversity value.</p> <p>Natural England has no comment to make on the project-specific percentage of biodiversity deficit that should be delivered prior to construction and would instead defer the matter to the relevant authorities.</p>	<p><b>Biodiversity Net Gain Information, Volume 4</b> of the ES [REP3-019].</p> <p>The Applicant has provided a response to this question in <b>Deadline 3 Submission – Applicant’s Responses to Examining Authority’s First Written Questions (ExQ1) [REP3-051]</b>, please see Table 2-7, reference BD 1.8.</p> <p>The Applicant met with Natural England on 22 May 2024. It was agreed that the front loading of biodiversity units was both welcome and beneficial for the delivery of new or enhanced habitats.</p>



Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
		the deficit prior to commencement of construction. Provide details of any outstanding concerns.		
<b>SLV</b>	<b>Seascape and Landscape and Visual</b>			
SLV 1.2, 1.3, 1.4 & 1.5			For all responses to SLV questions 1.2 to 1.5 inclusive please see Appendix N3 - Natural England's Response to The Examining Authority's Written Questions relating to Seascape, Landscape and Visual matters.	Please see the Applicant's response to Appendix N3 – Natural England's Response to The Examining Authority's Written Questions relating to Seascape, Landscape and Visual in Table 2-14 of <a href="#">Applicant's Comments on Deadline 3 Submissions (Document reference 8.66)</a> .
<b>SA</b>	<b>Soils and Agriculture</b>			
SA 1.2	<i>Best and Most Versatile Agricultural Land (BMV)</i> <b>Natural England</b>	Natural England raised a concern in its RR [RR-265] that Commitments should extend to returning BMV back to the same Agricultural Land Classification (ALC) grade as pre-construction. The Applicant amended Commitment C-7 in light of this concern. Confirm whether the re-draft of commitment C-7 addresses the concern.	Natural England welcomes the amended wording to commitment C-7, to restore land being restored to agricultural use and 'soft' use to the pre-existing ALC grade conditions. We advise that the pre-existing conditions should be informed by the baseline ALC grade. We advise this commitment should be clearly demonstrated in updated named plans to fully address our concerns.	The Applicant welcomes this response from Natural England. The Applicant will be providing updated Environmental Statement chapters and control documents at Deadline 6 where required, as per the Issue Specific Hearing 2 Action Point 32 <b>[EV5-018]</b> . These updates will capture the amendments that have been made throughout the Examination ensuring commitments and securing mechanisms are appropriate for the post-consent phase.
SA 1.3	<i>Best Most Versatile Agricultural Land and Soils</i> <b>Natural England SDNPA</b>	Confirm whether the responses and updates the Applicant has provided regarding soils and agriculture are adequate or whether there are any outstanding concerns regarding: a) soil surveys b) soil re-instatement c) soil stockpiles d) soil handling e) use of machinery f) the Applicant's conclusions on potential impacts of BMV agricultural land	Natural England confirms the Applicant has addressed our main outstanding concerns in their response [REP1-017] Natural England will continue to provide advice on the updated Outline Soils management Plan when submitted.	The Applicant welcomes this response from Natural England.
<b>TE</b>	<b>Terrestrial Ecology</b>			
TE 1.2	<i>Ecological Surveys in the Vicinity of the Proposed Substation Location at Oakendene and Cable Route Leading to this Site</i>	The ExA would appreciate a response from Horsham DC, Natural England and the Environment Agency to the Applicant's answer to WQ TE 1.1,	Please refer to our Appendix J3 submission on protected species.	The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species <b>[REP3-084]</b> in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
	<b>Horsham DC</b> <b>Natural England</b> <b>The Environment Agency</b>	<p>either at or in advance of Issue Specific Hearing 2, to be held w/c 13th May 2024, commenting on whether remaining concerns exist regarding:</p> <p>a) The quantity or quality of ecological surveys undertaken by the Applicant at and in the vicinity of the Oakendene substation site and cable route near to this location.</p> <p>b) The extent to which the appropriate guidelines and methodologies have been followed including the time of year the surveys were carried out.</p> <p>c) The conclusions of the ecological assessments undertaken by the Applicant at and in the vicinity of the Oakendene substation site and cable route near to this location.</p>		
TE 1.3	<p><i>Terrestrial Ecological Surveys and Mitigation for the Whole of the Landward part of the Proposed Development</i></p> <p><b>Horsham DC</b> <b>Arun DC</b> <b>Natural England</b> <b>The Environment Agency</b></p>	<p>Comment on whether remaining concerns exist regarding:</p> <p>a) the quality of terrestrial ecological surveys in general undertaken by the Applicant for the whole of the landward part of the Proposed Development?</p> <p>b) the conclusions the Applicant has come to for the terrestrial ecological assessments for the whole of the landward part of the Proposed Development.</p> <p>c) the extent to which the appropriate guidelines and methodologies have been followed by the Applicant when undertaking relevant terrestrial surveys for the whole of the landward part of the Proposed Development.</p> <p>d) the quality and likely effectiveness of the mitigation the Applicant is proposing for potential impacts on terrestrial ecology for</p>	Please refer to our Appendix J3 submission on protected species.	The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species <b>[REP3-084]</b> in <b>Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</b> (submitted at Deadline 4).

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
TE 1.4	<p><i>Nightingale Species in the Vicinity of the Proposed Substation location at Oakendene and Cable Route leading to this Site</i></p> <p><b>The Applicant</b> <b>Horsham DC</b> <b>Natural England</b> <b>Environment Agency</b></p>	<p>the whole of the landward part of the Proposed Development.</p> <p>Horsham DC, Natural England and the Environment Agency State whether there are any concerns regarding:</p> <p>a) the Applicant's surveys undertaken for Nightingale and determination of nightingale territories.</p> <p>b) the quality and likely effectiveness of the proposed mitigation for nightingale.</p> <p>c) the suggestion in the above referenced Written Representations that nightingales may be unlikely to return to the area post construction work. Comment on the adequacy of the proposed mitigation for nightingale.</p>	<p>Natural England will consider the Applicant's response to the ExA question and provide further advice accordingly.</p>	<p>The Applicant has no further comments at this stage.</p>
TE 1.5	<p><i>Ecology of Priority and Irreplaceable Habitats in the Vicinity of the Proposed Substation site at Oakendene and Cratemans Farm</i></p> <p><b>The Applicant</b> <b>Natural England</b> <b>The Environment Agency</b> <b>Horsham DC</b></p>	<p><b>Natural England and Horsham DC</b></p> <p>In light of the comments above:</p> <p>a) Comment, if required, on the Applicant's assessment and conclusions in relation to whether or not the meadow habitat around Crateman's Farm and Moatfield Farm qualifies as priority habitat lowland meadow, as summarised in the Applicant's response to CowfoldvRampion's Written Representation [REP2-030] page 56-57.</p> <p>b) Inform the ExA whether the areas irreplaceable habitats.</p> <p>c) Comment on the mitigation for the loss of habitats in the area around Cratemans Farm and Oakendene and whether they are likely to be effective. If not, explain what additional measures would be required.</p>	<p>We refer you to Natural England's standing advice regarding irreplaceable habitats which is available on the government website and our Appendix J2.5a response in relation to the sufficiency and feasibility of the proposed mitigation measures for both priority habitats and irreplaceable habitat Impacts to these habitats should be avoided where possible whether inside of a designated site or not. Consideration will also need to be given to impacts of the special qualities of National Park.</p> <p>We defer to the local knowledge of Horsham District Council to confirm if priority and/or irreplaceable habitats are within the vicinity of Oakendene and Cratemans Farm.</p>	<p>The Applicant has provided a response to Appendix 2.5a – Additional Submission – Natural England's Terrestrial Ecology Advice of Comments on any further information/submissions received by Deadline 2 – Terrestrial Ecology <b>[REP3-088]</b> in <b>Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</b> (submitted at Deadline 4).</p>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
TE 1.10	<i>Protected Species - Hazel Dormouse</i> <b>The Applicant</b> <b>Natural England</b> <b>Relevant Planning Authorities</b> <b>The Environment Agency</b> <b>SDNPA</b>	<b>Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA</b> Confirm if the surveys undertaken by the Applicant and proposed mitigation measures for hazel dormouse described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for hazel dormouse?	Please refer to our Appendix J3 submission on protected species.	The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species [REP3-084] in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).
TE 1.11	<i>Protected Species - Bat Surveys</i> <b>The Applicant</b> <b>Natural England</b> <b>Relevant Planning Authorities</b> <b>The Environment Agency</b> <b>SDNPA</b>	<b>The Applicant</b> a) The ExA requests an update to the Terrestrial Ecology chapter of the Environmental Statement [APP-063] to include the information from the document submitted into the examination at the PEPD relating to bat activities, [PEPD-029] Environmental Statement Volume 4, Appendix 22.18: Passive and active bat activity report 2023 Date: January 2024 Revision A. b) State if the information this report provides changes any of the conclusions in the Terrestrial Ecology chapter of the Environmental Statement [APP-063] <b>Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA</b> c) Confirm if the proposed mitigation measures for bats described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in	We refer you to our advice in Appendix J3 regarding mitigation for bats.	The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species [REP3-084] in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).



Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
TE 1.13	<p><i>Potential Impacts of Haul Roads on Ecology</i></p> <p><b>The Applicant</b> <b>Horsham DC</b> <b>Natural England</b> <b>The Environment Agency</b></p>	<p>terms of mitigation measures for bats.</p> <p>Provide a response to the concern raised by Cowfold v Rampion [REP1-089], Ms Smethurst [REP1-132] and Ms Creaye [REP1-106] regarding the potential impact of the noise from the proposed temporary haul roads to access the proposed cable route, on ecology and wildlife.</p>	<p>The Applicant and their ecologist have a responsibility to consider whether any potential impacts of the scheme are likely to result in disturbance to legally protected species. This is typically done through two routes:</p> <p>1) Designing a scheme to avoid impacts which would be against wildlife law (for example, but not limited to, species protected under the Conservation of Habitats and Species Regulations 2017, which are protected from disturbance to the extents outlined in schedule 43(2) of the act)</p> <p>2) If a species is likely to be unavoidably impacted in a way which is against these wildlife laws, then a licence should be applied for. Licences must meet certain tests, which broadly ensure that licensing is a last resort and other options have been considered, and that the "favourable conservation status" of the species is maintained through mitigation and compensation measures.</p> <p>Natural England has not viewed draft license applications for these species, so is unable to comment on the appropriateness of the temporary haul road proposal in terms of licensable actions.</p> <p>Nonetheless, where a scheme considers it appropriate not to seek a licence, it is a scheme's responsibility to seek advice from an appropriately qualified ecological consultant. We advise ecological consultants and schemes keep detailed notes outlining why a license was not considered to not be required in an area which impacts to species are being avoided. These are likely to include, but are not limited to, specific information about design, the conditions on site, and the levels of disturbance to which the species are accustomed to. The standing advice that Natural England issue with regard to the licensable species concerned is outlined in our response to question TE 1.5.</p> <p>For all other ecological concerns not pertaining to protected Species we defer to the local Planning Authority and Non-Governmental Organisations (NGOs)</p>	<p>The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species [REP3-084] in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).</p>
TE 1.15	<p><i>Hibernating Species</i></p> <p><b>The Applicant</b> <b>Natural England</b></p>	<p><b>The Applicant</b></p> <p>a) Explain if the pre-construction surveys referred to in commitment C-208 would include areas of overwintering hibernaculum which may</p>	<p><b>Bats</b></p> <p>All of the bat species identified so far within the report have been observed using trees (to some extent) during the winter months for extended torpor/ hibernation. Where trees have been identified with medium-high hibernation potential and</p>	<p>The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species [REP3-084] in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).</p>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
		<p>be disturbed where hibernating species may be residing over the winter months?</p> <p>b) Explain how hibernating species in construction areas would be protected.</p> <p><b>Natural England</b></p> <p>c) Comment on what would comprise adequate mitigation for over wintering hibernaculum?</p>	<p>that will be directly impacted by works or high levels of disturbance (from December - March) there will be a requirement to evidence climbed tree inspections during the core hibernation period (Jan - February).</p> <p>In the first instance any trees identified as containing (or highly likely to contain) hibernation roost should look to be retained entirely (unless highly fragmented from adjoining habitat). Where trees are identified (or highly likely to contain) hibernation roost and they require structure works (limb removal etc.) this should be undertaken outside of December -March (inclusive). Any activities likely to cause high levels of disturbance to an identified roost- through noise and vibration should be undertaken outside of December -March (inclusive)</p> <p><b>GCN</b></p> <p>Generally, for GCN EPS Mitigation Licences, adequate mitigation for over wintering would be the creation of new hibernacula and log piles, designed to the specification set out in the Great Crested Newt Mitigation Guidelines. The amount of which would be determined by assessing the areas of suitable GCN habitat to be damaged/destroyed.</p> <p><b>Hazel Dormouse</b></p> <p>Dormice hibernate at ground level in hibernation nests, typically between November and March inclusive. Whilst hibernating, dormice are particularly vulnerable to trampling or machinery within dormouse suitable habitat.</p> <p>Where there is suspected / confirmed dormouse presence, great care must be taken and habitats should be avoided where possible. Where it is not possible to avoid these habitats during hibernation, suitable mitigation must be in place.</p> <p>We advise that any single stage clearance permitted during the hibernation season would be subject to strict measures, such as the entire area to be cleared needing to undergo hand searches for any hibernation nests immediately prior to clearance.</p> <p>We advise that a suitable hibernaculum could include brash/log piles.</p>	<p>The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species <b>[REP3-084]</b> in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).</p> <p>The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species <b>[REP3-084]</b> in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).</p>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
TE 1.17	<p><i>Species in the Vicinity of the Proposed Substation Location at Oakendene and Cable Route Leading to this Site</i></p> <p><b>The Applicant</b> <b>Horsham DC</b> <b>Natural England</b> <b>The Environment Agency</b></p>	<p>In response to concerns raised by CowfoldvRampion in their WR [REP1-089] and Ms Creaye [REP1-106], regarding potential impacts on toad migration, adders, grass snakes and great crested newts in the vicinity of the proposed substation site at Oakendene and cable route leading to this site:</p> <p><b>The Applicant</b></p> <p>a) Explain why the Applicant believes the proposed mitigation for potential impacts on these species is adequate.</p> <p><b>Horsham DC, Natural England, The Environment Agency</b></p> <p>b) State whether there are any concerns regarding:</p> <p>i. the outcome of the environmental assessments for these species and</p> <p>ii. the proposed mitigation for potential impacts on these species</p>	<p><b>Water Voles</b> Water voles do not undergo a full hibernation, but they will go into a torpid state and spend most of their time underground in their burrows. Due to this, best practice dictates that water voles are only to be displaced or trapped during the Spring period (15th February – 15th April) or during the Autumn period (15th September – 31st October).</p> <p>Please refer to our Appendix J3 submission on protected species for further advice.</p> <p><b>GCN</b> Please refer to Appendix J3.</p> <p><b>Common toads</b> Natural England's Wildlife Licensing Service (NEWLS) does not issue licences in relation to impacts from development proposals to common toads. We would expect the scheme design to clearly account for mitigation. Best practice guidance includes <i>Guidance for Planners and Highways Engineers relating to Common Toads and Roads</i> published by the Amphibian and Reptile Conservation Trust.</p> <p><b>Reptiles</b> Natural England would expect applicants to avoid impacts to adders and grass snakes, and where impacts cannot be avoided, to provide appropriate mitigating measures. The Applicant has undertaken to trap and translocate reptiles alongside the use of an Ecological Clerk of Works to carry out destructive searches in habitats suitable for use by reptiles. These proposed measures are in line with best practice and the mitigation approaches detailed by Natural England's Standing Advice for Reptiles. It is noted that detail on where translocated reptiles will be moved to, i.e. where the receptor site(s) will be, has not been discussed in the documents reviewed. The composition of any sites and habitats receiving translocated reptiles should adhere to the guidance detailed within the Standing Advice.</p>	<p>The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species [REP3-084] in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).</p> <p>The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species [REP3-084] in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).</p> <p>The Applicant has provided mitigation for toads as outlined in the response to TE 1.17 in <a href="#">Deadline 3 Submission – Applicant's Response to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3).</p> <p>The Applicant has provided a response to this question in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3), please see Table 2-18, reference TA 1.17.</p>
TE 1.18	<p><i>Protected Species, Great Crested Newt – Baseline Data</i></p> <p><b>Natural England</b></p>	<p>The Applicant responded at Deadline 1 to Natural England's concern regarding eDNA for great crested newts having been</p>	<p>Natural England advises that:</p> <p>a) Please refer to Appendix J3.</p> <p>b) Further information would be required to understand the full nature of the works covered by Commitment C-214 to determine its effectiveness.</p>	<p>The Applicant has provided a response to Appendix J3 - Natural England's advice on Protected Species [REP3-084] in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).</p>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
TE 1.19	<p><i>Protected Species, Great Crested Newt – Baseline Data</i></p> <p><b>Natural England</b></p>	<p>undertaken outside of the optimal window.</p> <p>Respond to the Applicant's explanation at Deadline 1 [REP1-017, J70] which states that:  <i>"Commitment C-214 of the Commitments Register ... [REP1-015]... (provided at Deadline 1 submission) provides for further great crested newt survey prior to construction and is secured through the Outline Code of Construction Practice [PEPD-033], Requirement 22 of the Draft Development Consent Order [PEPD-009]."</i></p> <p>A) Explain whether there are any outstanding concerns in relation to this matter. If so, please provide details.</p> <p>b) Comment on the adequacy of Commitment C-214 and its effectiveness in relation to great crested newts.</p> <p>The Applicant responded at Deadline 1 to Natural England's concern regarding eDNA for great crested newts at three waterbodies only, requested consideration of all waterbodies and questioned whether best practice guidelines were adhered to.</p> <p>Provide a response to the Applicant's explanation at Deadline 1 [REP1-017, J73 &amp; J74] which state that:  <i>"Best practice guidelines (including habitat suitability index (I)) and supporting eDNA guidelines will be adhered to. Commitment C-214 of the Commitments Register [APP-254] (provided at Deadline 1 submission) provides for further great crested newt survey prior to</i></p>	<p>Commitment C-214 to provide further surveys prior to construction would allow for a better understanding of the site and whether the mitigation and compensation proposed are adequate. Please refer to Appendix J3 for further details.</p>	<p>The Applicant has provided a response to Appendix 3 - Natural England's advice on Protected Species [REP3-084] in <b>Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</b> (submitted at Deadline 4).</p>



Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
TE 1.22	<i>Protected Species - Badger</i> <b>Natural England</b>	<p><i>construction and is secured through the Outline Code of Construction Practice [PEPD-033], Requirement 22 of the Draft Development Consent Order [PEPD-009].” and “Surveys were undertaken on waterbodies where great crested newt habitat was identified. Commitment C-214 of the Commitments Register [APP-254] (provided at Deadline 1 submission) provides for further great crested newt survey prior to construction and is secured through the Outline Code of Construction Practice [PEPD-033], Requirement 22 of the Draft Development Consent Order [PEPD-009]. This will include a review of waterbodies present at the time, with survey work then tailored to meet results.”</i></p> <p>Explain whether there are any outstanding concerns in relation to this matter. If so, please provide details.</p>	<p>Natural England advises that additional surveys should be undertaken and if any impacts to badgers are found Natural England must be contacted to obtain a badger development (A24) licence. Please refer to our Appendix J3 submission on protected species for further information.</p>	<p>The Applicant has provided a response to Appendix 3 - Natural England's advice on Protected Species <b>[REP3-084]</b> in <b>Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</b> (submitted at Deadline 4).</p>
TE 1.24	<i>Toads</i> <b>Natural England Horsham DC</b>	<p>In light of the evidence submitted at Deadline 1 citing toad migrations across Kent Street and</p>	<p>Natural England's Wildlife Licensing Service (NEWLS) does not issue licences in relation to impacts from development proposals on common toads. We would expect the scheme</p>	<p>The Applicant has provided mitigation for toads as outlined in the response to TE 1.17 in <b>Deadline 3 Submission – Applicant's Response to Examining</b></p>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
	<b>The Environment Agency</b>	surrounding land in the vicinity of the proposed substation at Oakendene and the land in the vicinity of Crateman's Farm from CowfoldvRampion [REP1-089], Ms Creaye [REP1-106] and Ms Smethurst [REP1-132]: a) Explain whether there are any specific mitigation measures for toads the organisation would expect the Applicant to commit to.	design to clearly take account of mitigation for this species. Best practice guidance includes Guidance for Planners and Highways Engineers relating to Common Toads and Roads published by the Amphibian and Reptile Conservation Trust.	<a href="#">Authority's First Written Questions (ExQ1) [REP3-051]</a> .
TE 1.26	<i>Amberley Mount to Sullington Hill SSSI and Sullington Hill Local Wildlife Site</i> <b>Natural England</b> <b>Arun DC</b> <b>The Environment Agency</b> <b>SDNPA</b>	The Applicant has stated that surface works through the Sullington Hill Local Wildlife Site (LWS) are being avoided through use of a trenchless crossing.  Respond, if required, to the decision of the Applicant to scope out the Amberley Mount to Sullington Hill SSSI, particularly in light of the proximity of the Proposed Development red line boundary to the SSSI and/or the evidence submitted into the Examination at Deadline 1 by Grahame Rhone Kittle [REP1-100] including the discovery of a nationality scarce spider.	Natural England does not provide bespoke advice on impacts to species where they do not form part of a designated site or require a license from Natural England. We defer this element of the question to the relevant authorities and NGOs.	Noted, the Applicant has no further comment at this stage.
TE 1.28	<i>Potential Terrestrial Ecological Impact</i> <b>The Applicant</b> <b>The Environment Agency</b> <b>Natural England</b> <b>Relevant Planning Authorities</b> <b>SDNPA</b>	<b>The Applicant</b> a) The ExA requests the Applicant to state the estimated worst case duration range for construction activities for: i. a 1 kilometre (km) length of open cut cable corridor ii. a trenchless crossing of a watercourse, PRow or small track b) The ExA requests the Applicant to provide worst case construction duration times marked on a plan in sections along the whole of the cable route, in as much detail as possible. For sections where the time of year construction is	Natural England highlight the importance of adhering to relevant seasonal restrictions when undertaking the works to avoid disturbance to wintering or breeding birds where Functionally Linked Land has been identified, as well as restrictions on ground-breaking activity and use of vehicles in the area.  Based on the available information Natural England has identified no further areas (to those mentioned in our Relevant Rep) requiring seasonal restrictions to avoid impacts to habitats or species associated with protected sites.	The Applicant has no further comments on this at this stage.

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
TE 1.29	<i>Application of the Mitigation Hierarchy at Climping SSSI</i> <b>Natural England</b>	<p>undertaken would be a significant consideration, such as sensitive ecological areas, mark on the plan which months or season the construction work is proposed to be undertaken.</p> <p><b>The Environment Agency, Natural England, Relevant Planning Authorities, SDNPA</b></p> <p>c) In addition to the Commitment made to seasonal restriction of construction work at Climping Beach (C-217), comment on whether there are any other sensitive areas within the onshore section of the Proposed Development where a seasonal restriction on construction work is required from an ecological perspective.</p>	<p>a) The Applicants response [REP1-017, J49] confirms the routing of the cables and that the mitigation hierarchy will be applied at the detailed design stage in 'light of engineering detail'. Natural England has consistently advised (see answer to question COD 1.1) that this presents a considerable risk to Climping Beach SSSI. Until ground investigations have been completed, the EIA is not able to robustly demonstrate that impacts to Climping Beach SSSI will be avoided. Again, we advise that feasibility studies and ground investigation works should inform the EIA mitigation process and not be conducted post consent. For this reason, Natural England does not agree that the mitigation hierarchy has been followed. Natural England also highlighted in [REP1-017, J49] that the proposed trenchless crossing (HDD) at Climping Beach should be avoided in the first instance, before relaying on embedded mitigation measures.</p> <p>b) Natural England's latest position remains unchanged and consistent in the requirement that geotechnical ground investigations at Climping Beach SSSI are required to inform the viability of the Applicants mitigation strategy and landfall works (see our Appendix J2.5a).</p> <p>c) Natural England confirms there are no ongoing discussions currently on this topic with the Applicant.</p> <p>d) Natural England confirms this concern remains red.</p>	<p>The Applicant has provided a response to TE 1.29 at Deadline 3 in <b>Applicant's Response to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>. A new commitment C-292 was introduced at Deadline 3 to ensure the mitigation hierarchy is applied at landfall during detailed design.</p> <p>The Applicant held a meeting with Natural England on 22 May 2024. The way commitment C-292 would function to ensure that avoidance of the site of special scientific interest (SSSI) was the first consideration once detailed ground investigation and consideration of coastal erosion was completed was discussed.</p> <p>Further meetings with Natural England have been agreed. Natural England are to provide availability of various specialists to discuss individual areas of interest and to update their issues and risks log.</p>

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TE 1.30	<p><i>Impacts to Ecologically Important and Sensitive Sites: Climping Beach SSSI, Littlehampton Golf Course and Atherington Beach LWS, Sullington Hill LWS, and Ancient Woodland at Michelgrove Park and Calcot Wood.</i></p> <p><b>Natural England</b> <b>The Environment Agency</b> <b>SNDPA</b> <b>West Sussex CC</b> <b>Forestry Commission</b> <b>Horsham DC</b> <b>Arun DC</b></p>	<p>Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore Construction Method Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites.</p> <p>Provide a response to these proposed Requirements, stating any outstanding concerns.</p>	<p>Natural England seeks clarity from the Applicant as to the circumstances and implications in relation to 'unless remedial action is required', in [PEPD-033] 7.2 (p51) C-112.</p>	<p>The Applicant held a meeting with Natural England on 22 May 2024. Commitment C-112 was discussed and draft wording was provided to allow Natural England to consider further and provide commentary. This wording is provided in the <a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 4).</p>
TE 1.31	<p><i>Applicant's Approach to Hedge Notching</i></p> <p><b>Natural England</b> <b>The Forestry Commission</b> <b>The Woodland Trust</b> <b>SDNPA</b></p>	<p>The Applicant has provided further justification of its proposed hedge notching technique in responses to SNDPA in their PADS [AS-006] and WR [REP1-052], and West Sussex CC's LIR [REP1-054]. West Sussex CC commented in their LIR submitted at Deadline 2 [REP1-054] that: "<i>Although WSCC has concerns about the success of hedgerow 'notching', it recognises that this technique does offer some advantages and therefore is worth attempting provided any necessary remedial measures, such as re-stocking, are implemented immediately.</i>"</p> <p>Provide an updated response to the Applicant's proposed hedge noting technique, specifically stating whether there is agreement between the parties or any ongoing areas of disagreement or concern</p>	<p>Natural England refer the ExA to our advice provided within Appendix J2.5a.</p>	<p>The Applicant has provided a response to Appendix 2.5a – Additional Submission – Natural England's Terrestrial Ecology Advice of Comments on any further information/submissions received by Deadline 2 – Terrestrial Ecology <a href="#">[REP3-088]</a> in <a href="#">Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</a> (submitted at Deadline 4).</p>
TE 1.35	<p><i>Reinstatement of Agricultural Land Commitment C-7</i></p> <p><b>Natural England</b></p>	<p>The Applicant amended the wording for Commitment C-7 relating to the reinstatement of agricultural land for the Deadline 1 submission [REP1-015]. Confirm if</p>	<p>Natural England welcomes the amended wording to commitment C-7, to restore land being restored to agricultural use and 'soft' use to the pre-existing ALC grade conditions. We advise that the pre-existing conditions should be informed by the baseline ALC grade. We advise this</p>	<p>The Applicant welcomes this response from Natural England. The Applicant will be providing updated Environmental Statement chapters and control documents at Deadline 6 where required, as per the Issue Specific Hearing 2 Action Point 32 <a href="#">[EV5-018]</a>. These updates will</p>



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TE 1.36	<i>Soils and Agriculture</i> <b>Natural England</b>	Respond to the Applicant's submission at Deadline 1 [REP1-017] to the RR [RR-265] on the following stated concerns: a) Subsoil reinstatement b) Soil stockpiles and storage c) Use of machinery d) Soil Management Plan e) Soil handling f) Soil and land classification survey to better determine percentage of Best Most Versatile agricultural land.	commitment should be clearly demonstrated in updated named plans to fully address our concerns.  Natural England confirms the Applicant has addressed our main outstanding concerns in their response [REP1-017]. Natural England advises that the Outline Soils management Plan should be updated accordingly and resubmitted into examination.	capture the amendments that have been made throughout the Examination ensuring commitments and securing mechanisms are appropriate for the post-consent phase.  The Applicant welcomes this response. The Applicant has submitted an updated <b>Outline Soils Management Plan [REP3-027]</b> at Deadline 3.
<b>Offshore Questions</b>				
FS	<b>Fish and Shellfish</b>			
FS 1.2	Seasonal Restriction Natural England	Based on the noise thresholds, Natural England advice, and the proximity of the proposed array areas to Kingmere MCZ, explain the possibility that there could be any piling within the months of March to July inclusive without the likely hindering of achieving the conservation objectives of this MCZ.	Natural England continue to advise that no piling between March to July inclusive is the only measure which will avoid hindering the conservation objectives of Kingmere MCZ. The key reasons for this are: <ul style="list-style-type: none"> <li>Black seabream are likely to be susceptible to a range of noise-related impacts that have the potential to result in hearing injury to bream and/or impact their behaviour in ways that could significantly affect fitness/survival and ability to aggregate, nest, or lay, fertilise or guard eggs during breeding. This in turn has the potential to significantly affect breeding success, resulting in a decline in the population protected by the MCZ. The population size and nest abundance have restore/recover targets within the conservation advice, and therefore impacts on breeding have the potential to move the site further away from these achieving these targets.</li> </ul>	Following a detailed assessment undertaken on a precautionary basis, as detailed in <b>Chapter 8: Fish and shellfish ecology, Volume 2</b> of the Environmental Statement (ES) [APP-049], the Applicant however maintains their position that a full piling restriction from 1 March to 31 July is disproportionate to the risk of an impact arising that could result in significant population level effects on nesting black bream.  As set out in the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4), and secured in Condition 11(1)(k) of the deemed Marine Licences (dMLs) (Schedules 11 and 12 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4), the Applicant has committed to the implementation of various noise abatement measures, inclusive of a piling restriction from March to June where piling will only be undertaken in the eastern part of the offshore Array area, and subject to mitigation using the combination of a low noise hammer technology and double big bubble curtains (DBBC). Due to the reduced spawning/nesting activity during July, when compared to March-June in the same year (as evidenced in a 2020 aggregates survey), a lesser impact on the population breeding success of black seabream is anticipated in July

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			<ul style="list-style-type: none"> <li>Based on the evidence available we do not agree that a threshold can be established below which behavioural impacts on black seabream that could hinder the conservation objectives will not occur. This makes it impossible to robustly identify a threshold that can be relied upon to reduce impacts to an acceptable level.</li> </ul>	<p>(as set out in <b>Chapter 8: Fish and shellfish ecology, Volume 2</b> of the ES [APP-049]. Acknowledging that some nesting is still potentially occurring in July (as evidenced by Natural England), the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4), the provision of which is secured in Condition 11(1)(k) of the deemed Marine Licences (dMLs) (Schedules 11 and 12 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) sets out multiple mitigation measures during the month of July; these include the combination of a low noise hammer technology and bubble curtains, and a sequencing approach to piling starting in locations furthest from the Marine Conservation Zone (MCZ). Through July, piling will still be undertaken in the eastern part of the array.</p> <p>Through the application of a variety of mitigation measures, the Applicant is confident that piling operations will not hinder the Kingmere MCZ conservation objectives. The Applicant reiterates that a full piling exclusion from March-July inclusive would also have significant issues for the practical development of the Proposed Development.</p> <p>A thorough review of available literature and data was undertaken by the Applicant, and having identified no species-specific information for black seabream, the literature review was continued to identify a suitable proxy species to further evidence the likely responses of black seabream to noise emissions.</p> <p>Seabass were identified as a suitable proxy species due to being morphologically similar to black seabream, at an equivalent life stage to the nesting black seabream. Red seabream were also identified as being a suitable proxy species, due to being in the same family as black seabream (Sparidae), and being in the same hearing category, (categories as defined by Popper et al. (2014)). Sprat are suggested as a suitable proxy by Natural England and the Marine Management Organisation (MMO), based on a study by Hawkins et al. (2014), which recorded initial responses of the species at 135 dB SELss. The Applicant does not support the use of this species as proxy, as sprat have a greater</p> <p>hearing capability and higher sensitivity (Group 4 receptor (Popper et al., 2014)) to underwater noise than black seabream (Group 3 receptor) and are therefore expected</p>

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				<p>to have a much-increased reaction to any noise stimulus. In addition, the threshold (135 dB SELss) is based on a startle response of sprat which are not involved in any particular activity (i.e. not spawning and located in quiet loch. It is therefore not considered appropriate to use this threshold within a much noisier area such as the English Channel (which is subject to high levels of anthropogenic activity and consequently noise) as the fish within this area would reasonably be expected to be accustomed to higher levels of noise and would thus have a correspondingly lower sensitivity to disturbance.</p> <p>The MMO have highlighted a study by Kastelein et al. (2017), which reported a 50% initial startle response (sudden short-lived changes in swimming speed) which occurred at an SELss of 131 dB re 1 mPa<sup>2</sup> s for 31 cm seabass and 141 dB re 1 mPa<sup>2</sup> s for 44 cm seabass. Of these thresholds, the MMO has suggested the application of the 131 dB re 1 mPa<sup>2</sup> s threshold to inform the impact assessment on nesting black seabream. The Applicant, however, is confident that a threshold of 141 dB re 1 mPa<sup>2</sup> (as based on seabass as proxy) is more appropriate. As reported by Kastelein et al. (2017), the thresholds are based on startle responses of seabass, which could be a brief change in swimming speed, direction, or body posture, in at least one of a group of four fish, with a very limited time duration, as opposed to a full abandonment of the ensonified area.</p> <p>Furthermore, there was no evidence of any consistent sustained response to sound exposure by the study animals (changes in school cohesion, swimming depth, and speed) at levels up to 166 dB SELss. As informed by Popper et al., (2014), behavioural disturbances are considered to be long term changes in behaviour and distribution, and should not include effects on single animals, or small changes in behaviour such as startle responses or minor movements. The Applicant therefore suggests the use of the disturbance threshold of 141 dB SELss (based on 44 cm seabass, as reported in Kastelien et al. (2017)) as suitably precautionary for an impact assessment on nesting black seabream. This is as the observed effects from underwater noise from pile driving on seabass were so minor (no sustained responses observed), there are unlikely to be any adverse effects on their ecology (such as sustained disturbance to nesting</p>

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FS 1.4	<p><i>Noise Thresholds for Black Seabream</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>MMO</b></p>	<p>Natural England does not support the use of 141 decibels (dB) re 1 micropascal (uPa) Sound Exposure Level – Single Strike (SELss) as a threshold for black seabream behavioural disturbance and does not agree that the threshold is highly precautionary [REP1-059a, Point E34]. Explain whether there are any other species that could be used as a proxy for black seabream in these circumstances that could be agreed on by all parties. If so, this</p>	<p>Natural England's reply</p> <hr/> <ul style="list-style-type: none"> <li>Based on the evidence presented we do not have sufficient confidence that the noise abatement methods presented will achieve the levels of abatement presented in the specific environmental conditions in the Rampion 2 location. Therefore, we advise that there is insufficient evidence that the conservation objectives of Kingmere MCZ will not be hindered due to Temporary Threshold Shift and Behavioural Impacts on black seabream.</li> </ul> <hr/> <p>Please also see our advice in Appendix E3 on the updated figures presented in relation to recoverable injury, which we continue to have concerns about, and Appendix E of Natural England's relevant representations, which contains detailed comments on this matter.</p> <hr/> <p>Natural England advises that we are not aware of any suitable studies on other species that could be used as a proxy for black seabream in these circumstances. This is because any behavioural threshold must be specific to the species (black seabream), the site (Kingmere MCZ) and the conservation objectives (including the unique breeding/spawning behaviours these cover, such as the nest guarding, displayed by male black seabream) in order to allow robust quantification of the impacts and ensure the mitigation is sufficient to prevent the conservation objectives of the site being hindered.</p>	<p>Applicant's response</p> <hr/> <p>behaviours). Therefore, this noise level is not considered to have any potential to trigger a significant effect on the black bream population within the Marine Conservation Zone (MCZ) and nor is it even likely to have an individual effect on breeding success. As the Applicant has proposed, the 141dB SELss limit, as based on seabass as a proxy, would be the maximum at the boundary of the Kingmere MCZ, and only at the maximum blow energy, no feature of the MCZ would even be expected to be exposed to this level of impact and therefore it remains conservative and sufficient to ensure no significant effects to the black bream feature of the MCZ.</p> <hr/> <p>The Applicant confirms that additional work has been undertaken to provide a comparison of the environmental conditions at the Proposed Development with other projects where Noise Abatement Systems (NAS) have been deployed. The outputs of this work are detailed in <a href="#">Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm (Document Reference 8.40)</a>. This report has been produced by the Institute of Technical and Applied Physics who have considerable experience monitoring noise abatement measures in Germany, which has had a defined limit value for impulsive underwater noise since 2011.</p> <hr/> <p>The Applicant directs the Examining Authority to their responses to Natural England in <a href="#">Deadline 1 Submission – 8.24 Applicant's Responses to Relevant Representations [REP1-017]</a> references E27 and E28.</p> <hr/> <p>The Applicant directs the ExA to <a href="#">Deadline 1 Submission – 8.24 Applicant's Responses to Relevant Representations [REP1-017]</a> references E33. The Applicant would be happy to consider an alternative proxy but is not aware (following the comprehensive literature review) of an alternative proxy species (other than those already presented) which offers the same level of similarity to black seabream, i.e. same physiology and hearing capability (which comprise the critical attributes). The Applicant also notes that the use of proxy species to inform impact assessments, where there is a lack of empirical data for a specific species, is a widely accepted approach in the offshore wind industry.</p>



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FS 1.8	<i>Nesting Season Changes</i> <b>Natural England</b>	<p>should be put forward to the Examination at Deadline 3.</p> <p>Explain why the conservation advice was changed in 2021 to include the months of March and July to the nesting season for black seabream at Kingmere MCZ. Set out what evidence was this based on.</p>	<p>Natural England's seasonality advice changed in 2021 to include new evidence on the arrival and departure of bream both in Kingmere MCZ specifically and from other breeding locations in the English Channel region. It should be noted that the conservation objectives relate to the "<i>population (whether temporary or otherwise) of that species occurring in the zone be free of the disturbance of a kind likely to significantly affect the survival of its members or their ability to <b>aggregate, nest, or lay, fertilise or guard eggs during breeding</b></i>". Therefore, the breeding season has a wider scope than just nesting.</p> <p>As detailed in Appendix N2 of Natural England's deadline 2 submission, the new evidence for July comprised of multiple years of direct observation in dedicated surveys of black bream nesting in Kingmere MCZ.</p> <p>These were conducted by the aggregates industry to satisfy their marine license conditions. The new evidence for March comprised of a mixture of observational data, supported by anecdotal reports from stakeholders across Sussex, the Solent and Dorset. This included official observations by the Sussex Inshore Fisheries and Conservation Authority (Sussex IFCA) of fishing activity within the MCZ, which was used to calculate annual catch statistics for 2016 – 2019 and 2022 seasons. This dataset records bream being caught within and around Kingmere MCZ from March, when they are thought to begin aggregating to commence breeding. However, it should be noted that this data is only indirect evidence of fish behaviour. Therefore, this data is limited to evidencing presence of bream within and around the site during each survey.</p> <p>As a general note, whilst presence has clearly been demonstrated in this instance, it would not be appropriate to use such data to definitively conclude absence or indeed to infer overall numbers present been demonstrated in this instance, it would not be appropriate to use such data to definitively conclude absence or indeed to infer overall numbers present.</p>	<p>The Applicant maintains their position that a full piling restriction from 1 March to 31 July is disproportionate to the risk of an impact arising that could result in significant population level effects on nesting black bream. This is due to the reduced spawning/nesting activity during July, when compared to March-June in the same year (as evidenced in a 2020 aggregates survey), therefore a lesser impact on the population breeding success in July is anticipated (as set out in <a href="#">Chapter 8: Fish and shellfish ecology, Volume 2</a> of the Environmental Statement [APP-049]).</p> <p>Acknowledging that some nesting is still potentially occurring in July (as evidenced by Natural England), the <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4), the provision of which is secured in Condition 11(1)(k) of the deemed Marine Licences (dMLs) Schedules 11 and 12 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) sets out multiple potential mitigation measures during the month of July; these includes double big bubble curtains, and a sequencing approach to piling starting in locations furthest from the Marine Conservation Zone (MCZ). Through July, piling will still be undertaken in the eastern part of the array.</p> <p>As set out in the <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4, and secured in Condition 11(1)(k) of the dMLs (Schedules 11 and 12 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4)), from March to June piling will only be undertaken in the eastern part of the offshore Array area, and subject to mitigation using the combination of a low noise hammer technology and double big bubble curtains (DBBC).</p> <p>Through the application of a variety of mitigation measures, which will be secured through implementation of an approved Sensitive Features Mitigation Plan, the Applicant is confident that piling operations will not hinder the Kingmere Marine Conservation Zone's conservation objectives.</p>

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FS 1.9	<i>Piling Noise – Background Noise</i> <b>Natural England MMO</b>	The Applicant has stated that as the presence of the noise at the threshold level would be limited in time and location, then for most of the time and place within the Kingmere MCZ, the noise would not be far in excess of noise that is already present at this site [REP2-026, Point E13, Page 102]. Provide a response on whether this is an agreed matter	We advise that this is not an agreed matter and Natural England do not agree with this statement based on the evidence provided by the Applicant.  Please see Appendix E1 to Natural England's Deadline 1 Submission. In summary: <i>"We do not agree with the conclusions of this survey report and as such there is no justification to revise our advice. Indeed, Natural England considers that the report usefully demonstrates that underwater noise levels at the Applicant's proposed threshold would represent a significant increase from the background underwater noise levels within the MCZ, and therefore this study supports our position that the threshold proposed is not suitable."</i>	The Applicant reiterates that a full piling exclusion from March-July inclusive would also have significant issues for the practical development of the Proposed Development.  The Applicant does not expect that this will be agreed with Natural England, as there must be some degree of subjectivity due to there being no generally agreed thresholds for this situation. The key considerations are as follows. 1. There is no expectation that the piling would not lead to an increase in the background noise at the nearest point in the MCZ. This does not automatically equate to an adverse response. 2. The extended baseline survey identified that a background noise of 134.3 dB SEL (approximately equivalent to SPL <sub>RMS</sub> for continuous background noise, converted to aid comparison as suggested by the MMO ( <b>Deadline 3 Submission – 8.55 Applicant's Response Deadline 2 Submissions</b> , reference 2.6.168, [REP3-052]) was exceeded for 1% of the time, or as a long-term average, 14 minutes a day. The proposed threshold of 141 dB SELs for piling is therefore just over 6 dB above this.  The Applicant considers this "not far in excess of" noise that is already present at this site. It is agreed that it is a "significant increase" over the underlying background noise, 108.4 dB SPL <sub>RMS</sub> , exceeded 90% of the time. As above, the baseline survey demonstrates that this is significantly exceeded (there is no technical definition to this, but 25-30 dB is implied) at the site on most days, and so "a significant increase" should not by definition be considered materially adverse or harmful to conservation objectives in this case. It is acknowledged that piling noise only at the maximum blow energies and the closest position in the MCZ will be 6 dB higher than the 1% value noted; at all other times and positions in the MCZ it will be lower, and thus close to levels that commonly exist already.
FS 1.10	<i>Rampion Impacts on Black Seabream</i> <b>Natural England MMO</b>	The Applicant stated that R1 did not identify any adverse population effects on black seabream following construction, with the surveys showing an increase between pre- and post-	We advise that this is not an agreed matter. We do not agree that there is sufficient evidence available to support this statement or to suggest that the impact of piling to black seabream during July would not result in significant effects. Natural England have reviewed the Applicant's response provided in <b>Deadline 2 Submission – 8.49 Category 8:</b>	The Applicant directs the Examining Authority to their response to Point E15, in <b>Deadline 2 Submission – 8.49 Category 8: Examination Documents – Applicant's Response to Prescribed Consultees' Written Representations [REP2-026]</b> .

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FS 1.11	<i>Minimum Noise Abatement Level</i> <b>Natural England</b>	<p>construction surveys [REP2-026, Point E15, Page 104]. Provide a response on whether this is an agreed matter. Furthermore, if you agree this evidence is accurate, explain whether this suggests that the impact of piling to black seabream during July would not result in significant effects, given that there was piling in July with the Rampion 1 development?</p> <p>Within the Applicant's document "<i>Further information for Action Points 38 and 39 – Underwater Noise</i>" [REP1-020] it uses what it considers to be the minimum noise abatement offered by the proposed mitigation. This is a 6dB reduction based on a low noise hammer. Explain whether this is a reasonable minimum and if so, does this satisfy the concern that there would be no 'recoverable' impacts to black seabream [REP1-020, Figures 6-1 and 6-2].</p>	<p><b>Examination Documents – Applicant's Responses to Prescribed Consultees' Written Representations [REP2-026]</b>, Point E15, Page 104, and advises that this does not change our previous advice on the matter provided in point 11 of Appendix E1 of Natural England's deadline 1 submission.</p> <p>In relation to the Rampion 1 post construction monitoring, this monitoring only provides a snapshot of black seabream abundance at the Rampion 1 development and as stated within the reporting it 'does not provide any information on potential changes in black seabream behaviours'. On any given day the number of fish caught in such trawls can vary, and this therefore does not provide robust population information. Furthermore, we advise that this monitoring was designed to look more broadly at impacts on fish, and the methodology is not appropriate for looking at nesting black seabream as a feature of Kingmere MCZ specifically.</p> <p>We advise that the information contained within this document does not currently satisfy our concerns in relation to impacts on black seabream within Kingmere MCZ due to recoverable injury. We advise that there is also currently no commitment to achieving this 6dB minimum reduction in practice. Please see our comments on [REP1-020] in Appendix E3 for more detailed advice.</p>	<p>The Applicant assures the Examining Authority and Natural England that a comprehensive assessment of the potential for recoverable injury impacts from underwater noise on black seabream from Rampion 2 was undertaken in <b>Chapter 8: Fish and shellfish ecology, Volume 2</b> of the Environmental Statement (ES) [APP-049], with the understanding that recoverable injury can lead to reduced fitness.</p> <p>As detailed in the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4), the Applicant has committed to the use of DBBC throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise to sensitive features such as seahorse as features of MCZs within the vicinity of Rampion 2. Commitment C-265 has been updated accordingly to reflect this proposed mitigation. The updated commitment is as follows: C-265: "<i>Double big bubble curtains will be deployed as the minimum single offshore piling noise mitigation technology to deliver underwater noise attenuation for all foundation installations throughout the construction of the Proposed Development where percussive hammers are used in order to reduce predicted impacts to:</i></p> <ul style="list-style-type: none"> <li>• <i>sensitive receptors at relevant Marine Conservation Zone (MCZ) sites and reduce the risk of significant residual effects on the designated features of these sites;</i></li> <li>• <i>spawning herring; and</i></li> </ul>

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FS 1.14	<i>Red Seabream</i> <b>Natural England</b>	The ExA notes that the MMO stated that it could be suitable to use the audiogram for red seabream as a proxy for black seabream in terms of hearing ability [RR-219, Paragraph 4.7.12]. Explain why in detail, in the view of NE, red seabream should not be used as a proxy for black seabream in these circumstances [REP1-059a, Point 35].	<p>As stated in Appendix E of Natural England's relevant representation, Natural England's remit differs to that of MMO/Cefas. Natural England's role is to advise on black seabream as a feature of Kingmere MCZ in the context of the conservation objectives, to ensure that the site fulfils its function and makes its due contribution to the Marine Protected Areas network. The MMO/Cefas remit relates to wider fish populations and fisheries.</p> <p>Whilst red seabream (<i>Pagrus major</i>) is in the same family as red seabream they are a different genus and species. No information has been presented to robustly evidence that their hearing ability would be the same. Furthermore, there is nothing to suggest the ecology and therefore the sensitivity to noise of black seabream, including the very specific spawning and nesting behaviours Kingmere MCZ is designated for, is equivalent to red seabream, which lay free-floating eggs and do not form and protect nests. Based on this it cannot be assumed that black seabream's reaction to noise would be the same as red seabream.</p> <p>The Kojima et al. 2010 study (the reference for which is missing from the document, but we understand to be the</p>	<ul style="list-style-type: none"> <li><i>marine mammals.</i>"</li> </ul> <p>The use of double big bubble curtains (DBBC) year-round, will offer 15dB of noise mitigation (as informed by additional work looking at the efficacy of noise abatement system (NAS) (as detailed in <a href="#">Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm (Document Reference 8.40)</a>), further reducing the impact ranges from recoverable injury away from the Kingmere MCZ.</p> <p>The Applicant has presented the recoverable injury noise contours with, and without the implementation of DBBC. As evident in Figures 6-1 and 6-2 of <a href="#">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]</a> (updated at Deadline 4), with the implementation of DBBC (offering 15dB of noise mitigation), there is no interaction of the recoverable injury impact contours with the Kingmere Marine Conservation Zone.</p> <p>The Applicant directs the Examining Authority to their response to reference FS 1.14, of <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p>



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FS 1.16	<p><i>Temporary Threshold Shift (TTS) Mitigation for Seahorses</i> <b>Natural England</b></p>	<p>As set out in Figures 5-1 and 5-2 [REP1-020], the mitigated impact range for TTS on seahorses do not overlap with the Beachy Head West MCZ. Confirm whether, with mitigation, there would be no adverse effects to seahorses or the conservation objectives of this MCZ.</p>	<p>study entitled 'Acoustic pressure sensitivities and effects of particle motion in red sea bream <i>Pagrus major</i>)' is conducted on a different species, in a different location, does not relate to impulsive noise such as that generated from piling activities, was conducted in a loch/lab conditions, relates to a cardiac response (as opposed to looking specifically at impacts on breeding behaviours) and was not conducted while the fish is exhibiting breeding behaviours similar to that of black seabream. The study concludes that dual sensitivity to pressure and particle motion in fish makes the study of hearing in fish difficult, in addition to the other limitations of applying this study to black seabream. Therefore, we advise that it is not appropriate to apply the findings to black bream in Kingmere MCZ.</p> <p>We have provided comments on Figure 5.1 and Figure 5.2 in Appendix E3. It should be noted that these figures only relate to temporary threshold shift and therefore in addition to our comments on these figures, our relevant representations in relation to behavioural impacts on seahorses, as a feature of the 4 MCZs listed in our representations, still remain unaddressed</p>	<p>The Applicant is confident that a suitably precautionary assessment has been undertaken to establish the potential impacts from underwater noise on seahorse. Furthermore, the Applicant would like to direct Natural England to <b>Appendix 11.3: Underwater noise assessment technical report, Volume 4</b> of the Environmental Statement [APP-149], where the built-in precaution of the noise modelling is detailed, and therefore the temporary threshold shift (TTS) impact ranges as modelled to inform the assessment are considered over precautionary.</p> <p>Notwithstanding this, as detailed in the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4), the Applicant has committed to the use of DBBC throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise to sensitive features such as seahorse as features of MCZs within the vicinity of Rampion 2. Commitment C-265 has been updated accordingly to reflect this proposed mitigation. The updated commitment is as follows: C-265: <i>"Double big bubble curtains will be deployed as the minimum single offshore piling noise mitigation technology to deliver underwater noise attenuation for all foundation installations throughout the construction of the Proposed Development where percussive hammers are used in order to reduce predicted impacts to:</i></p> <ul style="list-style-type: none"> <li>• <i>sensitive receptors at relevant Marine Conservation Zone (MCZ) sites and reduce the risk of significant residual effects on the designated features of these sites;</i></li> <li>• <i>spawning herring; and</i></li> </ul>

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FS 1.18	<i>Shallow Water Noise Transmission</i> <b>Natural England</b>	<p>The Applicant has set out, with regards to noise effects on seahorses, that depth is the most critical factor on noise travelling as deeper water lends itself to greater transmission with rapid attenuation occurring in shallower water where the environment becomes very complex and increases attenuation, in addition to increased background noise [REP1-033, Agenda Item 109(i)]. If seahorses are within shallower coastal waters, confirm agreement that this would reduce the noise effects, and if so would this reduce effects from noise to a level where there would be no likely significant effect on Seahorses?</p>	<p>We assume the point being referenced here is 10(i). Natural England were of the understanding that generally the effect of depth and seabed complexity (bathymetry) on noise attenuation would already be accounted for in the underwater noise modelling presented. We seek clarity that this has been considered in the modelling.</p> <p>We advise that insufficient evidence has been provided by the Applicant to substantiate this claim and the impact it may or may not have in the specific environment present at this location. Unless robust site-specific evidence and modelling can be provided that considers all the complex factors that might affect this, we advise that this cannot be meaningfully taken into account. Based on the lack of robust evidence presented, we cannot confirm if this would reduce the noise level and to what extent. Therefore, we cannot advise that there will be no adverse effects on seahorses based on this information.</p> <p>We advise that the advice of Cefas as underwater noise specialists, should also be sought on this question in relation to how this is taken account of within the underwater noise modelling.</p>	<ul style="list-style-type: none"> <li>• <i>marine mammals.</i>"</li> </ul> <p>The mitigated TTS impact ranges, afforded by the implementation of double big bubble curtains (DBBC) throughout the piling campaign, have been presented relative to the Marine Conservation Zones (MCZs) within the vicinity of Rampion 2, of which seahorse are a qualifying feature, in Figures 5.1 and 5.2 of <a href="#">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]</a> (updated at Deadline 4). The mitigated impact ranges from the implementation of DBBC further mitigate the underwater noise contours away from the MCZs designed for seahorse. Therefore, the Applicant is confident that with the implementation of DBBC throughout the piling campaign, the Conservation Objectives of the MCZs will not be hindered.</p> <p>The Applicant would like to clarify that, in general, shallow water &lt;10 m will lead to rapid attenuation of sound. Although the underwater noise modelling takes account of underwater features such as depth in open water, in very shallow and complex locations such as in the Beachy Head West MCZ, this shallow water benefit for noise transmission cannot be accounted for. Where potential impacts on seahorse were assessed to be marginal (impact contours reached the edge of the Beachy Head West MCZ), this gives additional confidence that any potential adverse effect at Beachy Head will be limited.</p> <p>Notwithstanding this, as detailed in the <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4), the Applicant has committed to the use of DBBC throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise (including behavioural effect ranges) to sensitive features such as seahorse as features of MCZs within the vicinity of Rampion 2. The mitigated impact ranges, afforded by the implementation of DBBC throughout the piling campaign, have been presented relative to the MCZs within the vicinity of Rampion 2, of which seahorse are a qualifying feature, in the <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4).</p>

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FS 1.19	<i>Seahorse Numbers</i> <b>Natural England</b>	The Applicant states that seahorse numbers within the vicinity of the Proposed Development are generally low [REP1-017, Page 307, Ref E40]. Provide a response.	Please see our response to Q10-5, in Appendix N2 of Natural England's deadline 2 submissions	<p>The Applicant is confident that based on these data presented in <b>Chapter 8, Fish and shellfish ecology, Volume 2</b> of the Environmental Statement [APP-049], seahorse numbers within the vicinity of the Proposed Development are generally low.</p> <p>The Applicant has undertaken a suitably precautionary assessment and assumed the presence of overwintering seahorse in the vicinity of the Proposed Development. Therefore, as detailed in the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4), the Applicant has committed to the use of double big bubble curtains (DBBC) throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise (including behavioural effect ranges) to sensitive features such as seahorse as features of Marine Conservation Zones (MCZs) within the vicinity of Rampion 2.</p> <p>The mitigated impact ranges, afforded by the implementation of DBBC throughout the piling campaign, have been presented relative to the MCZs within the vicinity of Rampion 2, of which seahorse are a qualifying feature, in the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4).</p>
<b>BP</b>	<b>Benthic and Offshore Processes</b>			
BP 1.1	<i>Predictive Modelling</i> <b>Natural England</b> <b>MMO</b>	<p>The Applicant has provided some additional information on the use of predictive modelling to provide a habitat model for the seabed [REP1-033, Agenda Item 12(i)]. The Applicant states that the model was retained for the ES as it provides wider contextualisation of habitats rather than being relied on instead of the site-specific data and the Applicant could have removed it but viewed it as useful information. The Applicant also states that the site-specific data has been updated and added to the model.</p> <p>Explain whether the use of some degree of predictive modelling a</p>	<p>We note that in Agenda Item 12(i) the question is '<i>why no geotechnical data has been provided and whether the predictive modelling relied on by the Applicant can be validated during the Examination period</i>'? Natural England advises that the predictive modelling relates to the benthic characterisation, and that this is a separate issue to geotechnical data, which would look at the underlying geological conditions. We advise that geotechnical data has not been provided.</p> <p>In relation to benthic characterisation as stated in our written/relevant representations (Appendix F) Natural England does not support the use of predictive modelling. For clarity we are aware that site specific data had been incorporated into this model, but this data has limitations in terms of how robust and comprehensive it is (we refer the ExA to full our more detailed advice in Appendix F). Therefore, our written/relevant representation comments on this point remain unchanged. And therefore reiterate our</p>	<p>The Applicant has committed to undertaking detailed pre-construction surveys as referenced in the <b>Offshore In Principle Monitoring Plan [APP-240]</b> (updated at Deadline 4), the provision of which is secured in Condition 11(1)(j) of the deemed Marine Licences (dMLs) (Schedules 11 and 12 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). Proposals for micro-siting around priority habitats, which importantly will be based on the results of the pre-construction surveys, are presented within the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4) secured in Condition 11(1)(k) of the dMLs (Schedules 11 and 12 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
BP 1.4	<i>Cable Protection</i> <b>Natural England MMO</b>	<p>suitable approach, to address any remaining data gaps at this stage, or is it a question of the degree at which predictive modelling has been relied upon.</p> <p>Explain whether there any forms of cable protection included within the ES which should be discounted where cable protection is necessary.</p>	<p>advice that due to overall concerns regarding the characterisation data, it is critical that requirements are placed on the Applicant within the DCO/dML to collect robust pre-construction baseline benthic data to inform the development of mitigation measures.</p> <p>Natural England recognises that it is standard practice to provide a Rochdale Envelop which allows for the use of a number of potential options for cable protection. Natural England's advises that under the mitigation hierarchy consideration must be given to cable protection options which minimise the environmental impacts as far as possible and that are most likely to be removable at decommissioning, in order to reduce the risk of disruption to sediment transportation and habitat loss. Natural England advises that for this reason our least preferred option from an environmental perspective is rock armouring. We refer the ExA to Appendix F of our written/relevant representation and Appendix D/F of our deadline 2 response.</p>	<p>The Applicant has committed to C-300: <i>"Cable protection will be used that minimises the environmental impacts as far as practicable. At the point of selecting a cable protection supplier, consideration will be given to using the method of cable protection which is likely to be removable at decommissioning."</i></p> <p>This has been added to the <a href="#">Commitments Register [REP3-050]</a> (updated at Deadline 4) and will be secured in the <a href="#">Outline Scour Protection and Cable Protection Plan [REP3-039]</a> at Deadline 5.</p>
BP 1.5	<i>Removal of Cable Protection</i> <b>Natural England MMO</b>	<p>The Applicant has stated that it cannot commit to the removal of cable protection, as this would be subject to a separate license application to enable decommissioning of the project [REP1-30, Paragraph 2.1.4]. Provide a response. Explain if there is a possibility that, over time, there could be ecological reasons (such as the colonisation of cable protection) for not wanting the removal of cable protection at decommissioning stage.</p>	<p>Natural England disagrees with the Applicant as the comment to remove cable protection within designated sites at the time of decommissioning has been made in the recent Hornsea Project Three, Norfolk Vanguard, Norfolk Boreas and Dudgeon and Sheringham Shoal extension project examinations and secured as a mitigation measure. We also highlight that under OSPAR there is a requirement to return the seabed to its pre impact state. Therefore, colonisation of artificial substrata is presently not a material consideration.</p> <p>In addition, four of the aforementioned projects have also committed to using a method of cable protection, which is most likely to be removable at decommissioning.</p> <p>Natural England have requested that an outline decommissioning plan is provided within Appendix F of our written/relevant representation and Appendix D/F of our deadline 2 response, in relation to this.</p> <p>We advise that it is possible that at the time of decommissioning removal of cable protection outside of designated sites may not be the best ecological option, however this would need to be considered in the context of permanent loss of the pre-construction habitat and presented in the assessment within the decommissioning plan. We advise that whilst this information will not be available until decommissioning, this does not hinder the ability of the</p>	<p>The Applicant has provided a response to the submission of an Outline Decommissioning Plan in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>, please see Table 2-3, reference COD 1.7.</p> <p>Furthermore, as detailed within BP 1.4, the Applicant has committed to commitment C-300. This has been added to the <a href="#">Commitments Register [REP3-050]</a> (updated at Deadline 4) and will be secured in the <a href="#">Outline Scour Protection and Cable Protection Plan [REP3-039]</a> at Deadline 5.</p>



Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
BP 1.6	<i>HDD Cable Depth Under Beach</i> <b>The Applicant</b>	<p>The Applicant has stated that it is not possible to outline a minimum depth of the cable underneath Climping Beach. However, it expects a target depth of at least 5-10m [REP1-025, Para. 1.3.14].</p> <p><b>The Applicant</b> Explain whether this mean that there would be a target of at least 5m, but for various reasons it could be less than this.</p> <p><b>Natural England and the MMO</b> Provide a response as to whether this is a sufficient depth of cable depth for the lifetime of the proposed development, accounting for coastal physical changes and erosion. Explain whether there is a minimum depth of HDD cable under the surface of the intertidal area and beach that should be secured.</p>	<p>Applicant to commit to use the most likely to be removable form of cable protection now based upon the current best available evidence.</p> <p>We advise that the advice of the Environment Agency should also be sought on this topic, given their remit in relation to coastal and seabed erosion.</p> <p>Natural England advises that there is insufficient information provided by the Applicant for us to understand if this is a sufficient depth, or what a sufficient depth might be. We advise it is for the Applicant to provide sufficient information to robustly answer this question. Natural England advises that we remain concerned as to whether this depth is achievable or sufficient to account for coastal change and erosion. In order to answer this question information on the geotechnical conditions would need to be provided. Additionally, we advise that the Applicant should demonstrate consideration of the most recent storm activity at Landfall and its implications for the vulnerability of buried infrastructure as well as the implications of that buried infrastructure on what is a vulnerable stretch of coast. We advise that the Applicant should demonstrate that they have considered very recent storm activity and coastal erosion in their predictions of vertical change in beach profile and coastal retreat throughout the lifetime of the project.</p> <p>We advise that without geotechnical information it is not possible to ascertain whether the 5m proposed is actually achievable at this location.</p> <p>See Appendix D and F of our relevant representation and Appendix D/F of our deadline 2 response, in relation to this.</p>	<p>In accordance with the request from the Examining Authority in Issue Specific Hearing 2 (May 2024), the Applicant has updated Requirement 23 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) to secure that the construction method statement for Work Nos 6 and 7 includes the depth of the horizontal directional drilling (HDD).</p>
BP 1.8	<i>Avoidance of Offshore Chalk</i> <b>Natural England MMO</b>	<p>The Applicant has stated that taking construction risk and the maximum distance limitations of the technique into account, it is not possible to extend the HDD to the extent that all the inshore chalk area is avoided [REP1-017, Page 344]. Given the extent of chalk near the coast provide a response that HDD cannot be used to avoid impacts to chalk. Explain whether the impacts to chalk from the</p>	<p>Natural England advise that impacts to marine chalk from the proposed cable corridor are unlikely to be entirely avoidable. However, this habitat is protected under Section 41 of the NERC Act (2006), is a scarce resource worldwide and any damage to the physical structure of chalk is permanent (please refer to Section E of Appendix F of our written/relevant representation for further detail). Therefore, as we advised in our written/relevant representations that the Applicant should demonstrate they have considered all possible options for cable installation and selected the methodology that minimises the environmental impacts the most (including the loss of marine chalk). We specifically advised that a full appraisal of all possible nearshore</p>	<p>The Applicant is considering submission of a document to compare the equipment and methodology for cable burial, including any lessons learnt from Rampion 1 and will provide an update at Deadline 5.</p> <p>The Applicant is considering submission of an outline Cable Specification and Installation Plan document and an outline Cable Burial Risk Assessment and will provide an update at Deadline 5.</p>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
		<p>proposed cable corridor would be unavoidable.</p>	<p>installation options and routes was produced, which included consideration of the option of extending the use of HDD out as far as possible, as one of the options (see also point 5 of our Appendix D/F2 deadline 2 submission). Whilst HDD may not be able to avoid impacts to chalk entirely, we advise it should be considered as one of the options to minimise the loss as far as possible.</p> <p>We highlight that part of our written/relevant representation on this point has been omitted on page 344 of the Applicant's REP1-017 document.</p> <p>We advise that an updated plan/named document or a technical note should be provided by the applicant to demonstrate how the mitigation hierarchy has been adopted.</p>	
BP 1.10	<i>Cuttings of Chalk</i> <b>Natural England MMO</b>	<p>The Applicant has confirmed that they would infill the cable trench with the chalk cuttings, where the cable is laid within the chalk [REP1-017, Page 348]. Explain whether the value of chalk cuttings the same as the chalk before it is cut, even if the cuttings are put back in the trench.</p>	<p>See point 27 of Appendix F of our written/relevant representation. Natural England supports the infilling of the cable trench with chalk cuttings as this has the potential to act as a form of cable burial protection, rather than impacting on other surrounding habitats. However, we advise that the value of the chalk cuttings is not the same as the chalk before it is cut.</p> <p>We advise that the cutting of the chalk does permanent damage to the physical structure of the chalk, which cannot be repaired/recover. Therefore, loss of the cut chalk represents a permanent loss of habitat protected under Section 41 of the NERC Act (2006). We advise that in order to maximise the retention of the chalk within the trench, measures should be put in place to ensure the clast size remains as large as possible.</p>	<p>The detailed design of the offshore cable installation works will take place post-consent once survey information has been gathered and a contractor has been selected. Part of the evaluation of the equipment proposed by contractors at the tender stage will be to consider the ability of this equipment to minimise disturbance and ensure that clast size remains as large as possible.</p> <p>Selecting a piece of equipment that is capable to complete the work to the other consent parameters, whilst having as smaller footprint as possible will help to lessen impact compared with bigger cutting tools which could also have been selected.</p>
BP 1.12	<i>Level of Geotechnical Data</i> <b>Natural England</b>	<p>NE has advised that geotechnical data is provided at the consenting stage to understand how likely cable burial is and that any associated mitigation would be effective [REP2-040, Q12-2]. If this is the case, and if no more geotechnical data is submitted, can NE take account of the proposed mitigation as included in the ES when drawing its conclusions?</p>	<p>As stated in detail throughout Appendix F of our written/relevant representations, Natural England advises that to understand how likely cable burial is and the likely effectiveness of the mitigation measures in minimising impacts on ecological receptors, geotechnical data is provided at the consenting stage to inform a Cable Burial Risk Assessment (CBRA), and an outline Cable Specification and Installation Plan (CSIP) that both clearly take into account lessons learnt from Rampion 1. We understand that the Applicants view is that geotechnical information cannot be gathered in the marine environment within the timeframe of the examination. We advise in Q12-2 that these plans are still submitted utilising all currently available data, whilst highlighting that this still may not be sufficient to address our</p>	<p>The Applicant directs the Examining Authority to <b>Deadline 1 Submission – 8.24 Applicant's Responses to Relevant Representations [REP1-017]</b> reference F11.</p> <p>The Applicant is considering submission of a document to compare the equipment and methodology for cable burial, including any lessons learnt from Rampion 1 and will provide an update at Deadline 5.</p> <p>The Applicant is considering submission of an outline Cable Specification and Installation Plan document and an outline Cable Burial Risk Assessment and will provide an update at Deadline 5.</p>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
			<p>concerns (see our answer to Q12-2 – Appendix N2 for the full explanation on this point). We cannot draw conclusions on the ecological impacts without a full understanding of the scale and extent of what these might be, as well as an understanding of how effective the proposed mitigation measures might be.</p> <p>We also highlight that geotechnical information was used to inform an Outline Cable Burial Risk Assessment submitted into examination for Hornsea Project Three, Norfolk Vanguard, Norfolk Boreas, Dudgeon and Sheringham Shoal Extension projects.</p>	
<b>MM</b>	<b>Marine Mammals</b>			
MM 1.2	<i>Worst-case Piling Scenario for Marine Mammals</i> <b>Natural England MMO</b>	State whether there are any ongoing concerns with the Applicant's modelling of the worst-case scenario for piling in relation to marine mammals.	Natural England has ongoing concerns regarding the Applicant's modelling of the worst-case scenario for piling in relation to marine mammals, as outlined in comment C24 in the Risk and Issues Log.	<p>The Applicant has submitted an update to Table 11-13 in <b>Chapter 11: Marine mammals, Volume 2</b> of the Environmental Statement [REP1-004] at Deadline 4.</p> <p>The Applicant has also responded to action point 21 in <b>Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</b> explaining the worst-case scenario.</p>
MM 1.3	<i>Offshore In-principal Monitoring Plan</i> <b>The Applicant Natural England MMO</b>	<p>Natural England's Risk and Issue log submitted at Deadline 2 [REP2-041] continues to include an amber concern (C40) with the marine mammal section of the Offshore In-Principle Monitoring Plan, regarding proposed post-consent monitoring only including the first 4 piles. It states there is no consideration of monitoring the effectiveness of the mitigation measures in reducing the impacts to acceptable levels.</p> <p><b>Natural England</b> Provide an up-to-date statement on whether the Applicant has addressed Natural England's concerns on this matter.</p>	Natural England await the submission of an updated Offshore In-Principle Monitoring Plan into the examination. We have provided some further advice regarding monitoring in Appendix B3.	<p>The Applicant has submitted an updated <b>Offshore In Principle Monitoring Plan [REP3-047]</b> at Deadline 4, which includes clear objectives in respect of collecting appropriate data to validate that the noise level predictions made in the Environmental Impact Assessment (EIA) are appropriate and that the impacts predicted, and any mitigation zones implemented as a result of them, are valid and provide the correct level of protection to marine fauna. The proposed noise monitoring will provide data to meet several specific aims, including:</p> <ul style="list-style-type: none"> <li>to show that the noise level predictions made are appropriate and that the impacts predicted are valid;</li> <li>to validate the mitigation measures in terms of effectiveness; and</li> <li>to validate mitigation zones implemented during piling; and</li> <li>to validate compliance with the specified noise threshold proposed for black seabream at the Kingmere Marine Conservation Zone site, should one be implemented.</li> </ul>

Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
				<p>The proposed monitoring includes the construction noise monitoring of four from the first twelve (12) piles to validate the assumptions made within the Environmental Statement (ES), and to monitor construction noise during the black seabream breeding season (1st March to 31 July) if foundation installation using percussive hammers is undertaken during these months.</p> <p>The Applicant will also consider the potential requirement for further marine mammal-specific monitoring if this is supported by the findings of the population modelling for bottlenose dolphins, which is being undertaken to determine if there is a potential significant impact of disturbance from piling. The Applicant will provide the outputs of this assessment at Deadline 5, with a further update to the <a href="#">Offshore In-Principle Monitoring Plan [REP3-047]</a> at Deadline 5, if required.</p>
MM 1.7	<i>Bottlenose Dolphin</i> <b>Natural England</b>	Can Natural England explain whether the updated bottlenose dolphin baseline and quantitative impact assessment provided by the Applicant at Deadline 2 [REP2-019], addresses the concerns of Natural England. If not, why no	Please refer to Appendix C3 of Natural England's Deadline 3 Submission and summarised in the Risk and Issue Log (in response to Comment C14).	In response to ISH 2 action point 22, the Applicant is submitting additional population modelling for bottlenose dolphin at Deadline 5.
MM 1.9	<i>Piling Soft Start/Ramp Up</i> <b>Natural England</b>	Natural England has previously raised concerns in its Relevant Representations [RR-265], which remain in its Risk and Issue log at Deadline 2 [REP2-041] regarding: a) The soft-start/ramp up procedure has been modelled as worst-case. b) Where in the DCO/DML a Commitment is secured to not exceeding the worst-case soft-start/ramp up profile. State whether there are any outstanding concerns regarding piling soft start/ramp up.	The concerns raised by Natural England in its Risk and Issue Log at Deadline 2 [REP2-041] remain outstanding; they have not been addressed by the Applicant.	The Applicant confirms the soft-start/ramp up procedure modelled is the worst-case as presented in <a href="#">Volume 4, Appendix 11.3: Underwater noise assessment technical report, Volume 4</a> of the Environmental Statement [APP-149]. Additionally, the Applicant has submitted an updated <a href="#">Draft Piling Marine Mammal Mitigation Protocol [APP-236]</a> at Deadline 4 containing the soft start procedures in Table 2-2 and Table 2-4.
<b>OR</b>	<b>Offshore and Intertidal Ornithology (excluding questions involving HRA which are in the HRA section of this document)</b>			
OR 1.2	<i>Cumulative Effects on Great Black-backed Gull</i> <b>Natural England</b>	Comment on the revised assessment undertaken by the Applicant [REP1-038] in relation to	Natural England's response to the revised assessment of great black-backed gull collision risk provided by the	The Applicant has provided responses to the concerns raised by Natural England with respect to great black-backed gulls within the Applicant's Response to



Ref	Question to:	Examining Authority Written Question	Natural England's reply	Applicant's response
OR 1.3	Breeding Season Figures for Great Black-backed Gull, Guillemot, and Razorbill Natural England	Provide an update on this issue, particularly stating whether Natural England has any remaining concerns regarding breeding season figures for great black-backed gull, guillemot, and razorbill.	<p>Applicant at Deadline 1 [REP1-038] is provided in the Appendix B3 and summarised in the Risk and Issue Log.</p> <p>For guillemot and razorbill, Natural England does not have concerns around the breeding season population used as a reference for EIA-scale impacts as, although the Applicant has used a method we do not agree with to calculate the population, the final figure does not vary enough from our recommended figure to make a material difference.</p> <p>For great black-backed gull, on further investigation into the data, we have found that, due to a quirk in how the data are presented in the original source (Furness 2015), the breeding season population calculated by the Applicant and used as a reference for EIA-scale impacts is significantly larger than it should be. This has the effect of making the Project's impacts on this species appear less significant than they would using the correct reference population.</p> <p>We therefore retain concerns over the cumulative impact assessment for great black-backed gull as we consider the adverse impact on the relevant population to be more significant than presented in the Environmental Statement (ES). We have provided a detailed comment on this issue in our response to the revised assessment of great black-backed gull collision risk provided by the Applicant at Deadline 1 [REP1-038] in Appendix B3. We also retain our concern that the cumulative impact assessment for great black-backed gull appears to contain multiple data gaps, and that therefore the cumulative impact on this species may be greater than presented.</p>	<p><b>Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</b> (submitted at Deadline 4).</p> <p>The Applicant welcomes Natural England's acknowledgement of no concern regarding the breeding season reference population for guillemot and razorbill.</p> <p>The Applicant has provided responses to the concerns raised by Natural England with respect to great black-backed gulls within the Applicant's Response to <b>Applicant's Comments on Deadline 3 Submissions (Document Reference 8.66)</b> (submitted at Deadline 4).</p>

**Table 2-8 Applicant's comments on Historic England's responses to Written Questions (ExQ1) [REP3-069]**

Ref	Question to:	Examining Authority Written Question	Historic England's reply	Applicant's response
<b>DCO 1.20</b>	Schedule 1, Part 3, Requirement 19 Historic England	Explain, as set out in RR [RR146] why the Requirement is "not sufficient for appropriate safeguards."	Our comments on the submitted onshore and marine Outline Written Schemes of Investigation (OWSI) need to be addressed before we can be confident that appropriate safeguards are in place regarding the historic environment.	The Applicant provided an update to the <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> and the <a href="#">Outline Marine Written Schemes of Investigation [REP3-041]</a> at Deadline 3. The update addressed the comments provided by Historic England in their Relevant Representation <a href="#">[RR-146]</a> .
<b>HE 1.8</b>	Onshore Archaeology Historic England SDNPA West Sussex CC	In the context of ES Chapter 25 Historic Environment [PEPD020] that identifies a high potential of archaeological remains of high heritage significance within the South Downs area and further to SDNPA Principal Areas of Disagreement Statement (PADS) point 7 [AS 006], West Sussex CC PADS points 38 to 40 [AS-008] and Historic England's RR [RR-146], comment upon the Applicant's assertion that further investigation would not change the outcome of the assessment at table 4-2 in response to paragraph 2.33.2 [REP1-017].	Whilst the potential for heritage has been ascertained, its presence within the route corridor and the level of significance (its importance) have not been confirmed through pre-determination evaluations. Table 4-2 is based on an HER search (which includes known data; biased to what work has been undertaken and recorded) and can only be indicative of the potential for, as yet unknown heritage assets. More archaeological investigations will be required to a standard secured by the onshore OWSI in order to address this.	<p>The assessment of potential and heritage significance has been informed by comprehensive baseline as set out in <a href="#">Chapter 25: Historic environment, Volume 2</a> of the Environmental Statement <a href="#">[PEPD-020]</a>, which includes not just the HER data, but a wide range of other sources and data including remote sensing data (LiDAR and aerial photography), a geoarchaeological assessment (as requested by Historic England), and evaluation by geophysical survey and targeted trial trenching (undertaken elsewhere on the scheme where geophysical results have indicated the potential for archaeological remains of high heritage significance within a discrete area at Brook Barn Farm). The assessment methodology is in line with relevant policy and guidance, and is aligned with that which was set out within the Scoping Report. The Applicant considers that further investigation would not change the outcome of the assessment.</p> <p>The Applicant will undertake further archaeological investigations to address concerns raised regarding potential archaeology as stated within the <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a>.</p> <p>Discussions have been ongoing with West Sussex County Council and Historic England on the <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> and on the relevant commitments. Detailed comments were received from both of these on the <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> and agreed changes made for the Deadline 3 submission. An updated commitment C-225 <a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 4) was also submitted at Deadline 2.</p> <p>Further discussions are planned to finalise the document. In addition to a number of relatively minor changes to the text, the updates have comprised:</p> <ul style="list-style-type: none"> <li>• Additional description of the approach to the avoidance of archaeology remains of high importance and the methodology for preservation in situ;</li> <li>• Specification of the range of archaeological trial trenching sampling percentages to be adopted;</li> <li>• Confirmation of proposed archaeological trial trenching areas; and</li> <li>• A commitment C-79 (<a href="#">Commitments Register [REP3-049]</a>) (updated at Deadline 4)) from the Applicant to contribute to the expansion of archive capacity where this is required to accommodate finds arising in connection with the Proposed Development.</li> </ul> <p>As discussed with stakeholders, the updated <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> sets out a clear protocol (underpinned by commitment C-225, <a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 4)) for identification of areas</p>

<p><b>HE 1.9</b></p>	<p>Onshore Archaeology Historic England</p>	<p>In the context of the applicant's second statutory consultation exercise feedback captured at table 25.7 of ES Chapter 25 Historic Environment [APP-066] and Historic England's concerns [RR-146], explain whether the amendment to C-225 [APP-254] to 'preservation by record' is preferable to the 'retention in situ' of unexpected archaeological remains of national significance that maybe discovered during works.</p>	<p>Retention in situ is the preferred option wherever possible, particularly in relation to assets of high significance. However, we agree that where impacts are unavoidable (these may be direct or indirect), preservation by record in consultation with relevant stakeholders may be the preferred option, as per the amended C-225.</p>	<p>The Applicant provided a response to this question in <a href="#">Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3), please see Table 2-11, reference HE 1.9.</p> <p>The Applicant welcomes Historic England's comment and it is the view of the Applicant that the priority is for avoidance of impacts to archaeological remains of national significance ('retention in situ'), followed by 'preservation by record' where impacts are unavoidable. This is reflected in commitment C-225 (in the <a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 3) and secured through Schedule 1, Part 3, Requirement 19 of <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) which provides for mitigation by design through engineering responses.</p> <p>The <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> has been updated at Deadline 3 to include a protocol which sets out the procedure following the discovery of archaeological remains of high heritage significance (see Appendix B of the <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a>). This protocol presents a staged approach including discovery, assessment, avoidance where possible and mitigation by record. For each stage, relevant actions, documentation and consultation requirements are outlined. The protocol clearly demonstrates the need to prioritise avoidance.</p>
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where preservation in situ of significant archaeological remains will be applied. This is set out in Appendix B of the updated [Outline Onshore Written Scheme of Investigation \[REP3-035\]](#). The updates have addressed comments provided by Historic England in their Relevant Representation [\[RR-146\]](#) and Written Representation [\[REP1-055\]](#).

Delivery of the measures set out in [Outline Onshore Written Scheme of Investigation \[REP3-035\]](#) (updated at Deadline 3) would be secured through requirement 19 of the [Draft Development Consent Order \[REP3-003\]](#) (updated at Deadline 4) and would ensure that such harm would not exceed that which is described in the Environmental Statement.

Please also see the Applicant's response to the Action Points arising from the Issue Specific Hearing in [Applicant's responses to Action Points Arising from ISH2 and CAH1 \(Document Reference 8.70\)](#) response to Action Point 59.

**Table 2-9 Applicant's comments on Marine Management Organisation's responses to Written Questions (ExQ1) [REP3-076]**

Ref	Question to:	Examining Authority Written Question	Marine Management Organisation's reply	Applicant's response
<b>COD</b>				
<b>Construction, Operation and Decommissioning Matters</b>				
COD 1.7	<i>Decommissioning</i> <b>The Applicant MMO Natural England The Environment Agency Relevant Planning Authorities</b>	<p><b>The Applicant</b> Provide an Outline Decommissioning Plan for the offshore infrastructure, as requested by Natural England [REP2-038, Page 3]. Explain plans in place to follow the waste hierarchy at the decommissioning stage, particularly any plans on how the wind turbine materials might be reused or recycled.</p> <p><b>The Environment Agency / Natural England / MMO / Relevant Planning Authorities</b></p> <p>Comment on expectations for recycling or reuse of the wind turbine materials at the decommissioning stage.</p>	Recycling and the reuse of wind turbine materials is not in the jurisdiction of the MMO. The MMO defer to the Environment Agency, Natural England and the relevant Planning Authorities.	The Applicant has provided a response in <a href="#">Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> , please see Table 2-3, reference COD 1.7.
<b>DCO</b>				
<b>Draft Development Consent Order (Draft DCO) and Draft Deemed Marine Licence (Draft DML)</b>				
<b>DCO Articles</b>				
DCO 1.3 <i>Part 2, Article 5</i>	<b>The Applicant Marine Management Organisation (MMO) National Grid</b>	<p>The MMO [REP1-056] has expressed concerns with this Article. It states that Articles 5(5), 5(8) and 5(12) conflict with provisions within the Marine and Coastal Areas Act 2009 in that the transfer of benefits to another undertaker, even as a temporary lease, cannot be undertaken without the MMO's consent, and that the three identified paragraphs should be removed. The Applicant's response [REP2-026] considers the provisions in the Article have been used in other made Orders.</p> <p>(1) The ExA requires a further explanation from both the Applicant and the MMO as to why the Article as drafted is/is not appropriate, with specific and relevant Orders cited to demonstrate that the Secretary of State has/has not accepted similar wording regarding the</p>	The MMO intends to discuss Question (a) in the ISH2 hearing, with representations made by the attendance of counsel on the question raised by ExA and on Article 5 more broadly. Question (b) is posed to the National Grid and is outside of MMO jurisdiction.	Please see the Applicant's response to the Action Points arising from the Issue Specific Hearing in <a href="#">Applicant's responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</a> response to Action Point 14.



transfer of benefits that did/did not require approval of the MMO.  
 (2) The ExA requests National Grid to respond to the Applicant's Deadline 2 submission [REP2-028] on the wording of this Article that it does not need to expressly transfer benefits to National Grid.

#### Draft DML

DCO 1.34	<p><i>Schedules 11 and 12</i>          Deemed Marine Licence          MMO</p>	<p>In its WR, the MMO [REP1-056] have set out comments and requested changes, alterations and deletions in respect to:</p> <ul style="list-style-type: none"> <li>Part 1 conditions 7-9;</li> <li>Part 2 conditions 3(1) and 3(5);</li> <li>Part 2 condition 9(8)</li> <li>Part 2 condition 10; • Part 2 condition 17; and</li> <li>Part 2 condition 21</li> </ul> <p>Comment on the responses provided by the Applicant at Deadline 2 [REP2-026].</p>	<p>The MMO has provided a response to this in section 6 of this Deadline Response.</p>	<p>Please see the Applicant's responses set out in response Marine Management Organisation's Comments on the Applicant's First update to Draft DCO [REP3-076] in Table 2-16 of <a href="#">Applicant's Response to Deadline 3 Submissions (Document Reference 8.66)</a>.</p>
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#### FS

#### Fish and Shellfish

FS 1.4	<p><i>Noise Thresholds for Black Seabream</i></p> <p><b>The Applicant Natural England MMO</b></p>	<p>Natural England does not support the use of 141 decibels (dB) re 1 micropascal (uPa) Sound Exposure Level – Single Strike (SELss) as a threshold for black seabream behavioural disturbance and does not agree that the threshold is highly precautionary [REP1-059a, Point E34]. Explain whether there are any other species that could be used as a proxy for black seabream in these circumstances that could be agreed on by all parties. If so, this should be put forward to the Examination at Deadline 3.</p>	<p>The MMO continues to not support the use of a 141 dB SELss threshold for black sea bream, and the MMO maintain that the threshold of 135 dB SELss, as per Hawkins et al., (2014), should be used as a more precautionary approach to modelling.</p> <p>The MMO have previously suggested a threshold of 135dB SELss based on a peer-reviewed paper (Hawkins et al., 2014) which presents findings from a field study involving piling playback with wild sprat which are more sensitive to Underwater Noise (UWN) than black sea bream. For these reasons, the 135 dB can be considered precautionary, but less precautionary than if we were to use the threshold of 131 dB which was found in the study by Kastelein et al. (2017) for seabass that were of the same size as reproductively mature black sea bream.</p>	<p>The Applicant directs the ExA to their response to Point FS 1.4, in <a href="#">8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p>
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However, the MMO understands that there is no agreement between MMO, Natural England and the Applicant on noise threshold or proxy species for black sea bream. As stated in our previous response, if the Applicant wants to pursue a noise threshold route, the MMO would expect to see more noise modelling based on the 135dB threshold. However, even if this is provided the MMO is unlikely to agree a threshold approach for black sea bream.

FS 1.9	Piling Noise – Background Noise Natural England MMO	<p>The Applicant has stated that as the presence of the noise at the threshold level would be limited in time and location, then for most of the time and place within the Kingmere MCZ, the noise would not be far in excess of noise that is already present at this site [REP2-026, Point E13, Page 102]. Provide a response on whether this is an agreed matter.</p>	<p>The MMO reiterates that the Applicant’s threshold of 141db SELss is not sufficiently precautionary. The MMO do not believe that it is an ‘agreed matter’ that ‘the noise will not be far in excess of noise that is already present at this site’.</p>	<p>The Applicant would like to direct the Marine Management Organisation to <a href="#">Appendix 8.4: Black Seabream Underwater Noise Technical Note and Survey Results, Volume 4</a> of the Environmental Statement (ES) [PEPD-023], issued in January 2024, which contains the results of the extended underwater noise baseline monitoring campaign from March to July 2023. The updated version of <a href="#">Appendix 8.3 – Underwater noise study for sea bream disturbance, Volume 4</a> of the ES [REP2-011], which contains the results from the 2022 monitoring survey, is also available in the Examination Library.</p>
			<p>The MMO have previously raised concerns about the lack of explanation and justification on the conversion of 141db SELss into 148dB SPLrms; when considering that the noise sources are different (i.e., impulsive vs continuous noise sources).</p>	<p>The Applicant has previously provided response to the Marine Management Organisation on the use of different metrics for underwater noise (SELss and SPLrms) (see response to MMO 4.7.17 in <a href="#">Deadline 1 Submission – 8.24 Category 8: Examination Documents Applicant’s Responses to Relevant Representations [REP1-017]</a>, as well as more detailed explanatory responses to concerns around conversion of these metrics in its response to Natural England comments E2 to E4 in <a href="#">Deadline 2 Submission - 8.49 Category 8: Examination Documents – Applicant’s Response to Prescribed Consultees’ Written Representations [REP2-026]</a>. While the comparison between continuous and impulsive noise is imperfect, it is worth reiterating that the results of the extended 2023 survey demonstrated results in line with the shorter 2022 survey, such that conclusions based on the short-term survey remain valid with the addition of the extended survey period.</p>
			<p>The MMO have also previously raised concerns about the limitations of the 2022 monitoring surveys (APP –134) given that the survey lasted 15 days and therefore provides a short window of monitoring during the latter part of the black bream nesting period (July). The MMO’s technical advisors, Cefas (Centre for Environment, Fisheries and Aquaculture Science) have previously highlighted several limitations with the 2022 monitoring survey highlighted that a short-term measure of the ambient noise should not be used as representative of the ambient noise at that location for any time other than the period of time during which the measurements were undertaken (Good Practice Guide for Underwater Noise Measurement, Marine Scotland, 2014). The Applicant should also explain why they have omitted the data from their 2023 noise monitoring survey in favour of 2022 data that came from a much shorter monitoring period and thus has more limitations associated with it.</p>	<p>Following the meeting with the Marine Management Organisation on 19 April 2024, the Applicant responded to the clarification points raised by the Marine Management Organisation on 03 May 2024 but has not yet had a response.</p>
				<p>Further details on the efficacy of the proposed noise abatement measures has been provided at <a href="#">Deadline 4 in Information to support efficacy of noise mitigation /</a></p>

The above points were discussed in a meeting with the Applicant, MMO and Cefas on 19th April. The MMO and Cefas are waiting to receive a clarification email from the Applicant, which the MMO will then re-consult our technical advisors with.

Until such a time that the Applicant's modelling is deemed to accurately represent the likely range of behavioural impacts from UWN noise on black sea bream, and until clarification is provided on the efficacy and achievability of the proposed noise abatement reductions (which ranges from -6 dB to -25 dB) and the achievability of any potential zoning plan (which as per our previous advice is not supported based on the current evidence), the MMO must maintain our recommendation of a seasonal piling restriction in order to limit disturbance to adult spawning and nesting black sea bream during their spawning and nesting period (March to July, inclusive).

The MMO is open to discussing the refinement of this restriction either spatially or temporally post-consent, providing that suitable evidence is presented and an agreement between the Applicant, the MMO, Cefas and Natural England is reached. The MMO would not support this unless an agreement is reached between NE, MMO and Cefas.

**abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm (Document Reference 8.40).** This report has been produced by the Institute of Technical and Applied Physics (ITAP) who have considerable experience monitoring noise abatement measures in Germany. The outputs of this report, in particular the predicted decibel reduction that is likely to be achieved by different noise abatement measures, have been incorporated into the **In Principle Sensitive Features Mitigation Plan [REP3-045]** (updated at Deadline 4). The outputs of the ITAP report have been used to inform the modelling of the performance of the noise abatement technologies, in the environmental conditions specific to the Proposed Development. This process ensures confidence in the efficacy of these technologies, to provide the required mitigation for noise sensitive qualifying features of the Marine Conservation Zones.

FS 1.10	<p><i>Rampion Impacts on Black Seabream</i> <b>Natural England MMO</b></p>	<p>The Applicant stated that R1 did not identify any adverse population effects on black seabream following construction, with the surveys showing an increase between pre- and post-construction surveys [REP2-026, Point E15, Page 104]. Provide a response on whether this is an agreed matter. Furthermore, if you agree this evidence is accurate, explain whether this suggests that the impact of piling to black seabream during July would not result in significant effects, given that there was piling in July with the Rampion 1 development?</p>	<p>The MMO is responsible for reviewing post-consent monitoring for Rampion 1, alongside our technical advisor Cefas, and NE. A decision is yet to be made regarding the Year 2 submissions from Rampion 1 for fisheries as several outstanding queries from both NE and Cefas are yet to be resolved. Therefore, the MMO do not consider this an agreed matter until the post-consent monitoring has been fully discharged by the MMO.</p> <p>NE commented that the fisheries monitoring 'does not provide any information on potential changes in black seabream behaviours', and this was also mentioned by Cefas, who commented that monitoring of Black Sea Bream was not a requirement of monitoring for Rampion 1, and how little focus there is on black sea bream within</p>	<p>The Applicant directs the Examining Authority to their response to Point E15, in <b>Deadline 2 Submission – 8.49 Category 8: Examination Documents Applicant's Response to Prescribed Consultees' Written Representations [REP2-026]</b>.</p>
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post-construction monitoring for Rampion 1 given its proximity to Kingmere MCZ. Additionally, Cefas have highlighted that there are several elements of the analyses for R1 post-consent fisheries monitoring that need to be examined and rerun so that accurate results are presented, and that statistical tests have been misrepresented and require amending.

Lastly, Cefas have stated that the following conclusion from R1, that the changes to fish community composition are “in the same order of magnitude as natural seasonal differences” cannot be accepted until the uncertainties in analyses are addressed.

FS 1.20	<i>Sandeel</i> <b>MMO</b>	The Applicant has submitted further information on sandeel habitat which it says undertaken following the MarineSpace (2013a) methodology. This concludes that based on available evidence the Proposed Development would not be considered a key area for sandeel spawning activity [REP1-020, Section 3.1]. Provide a response, including whether any outstanding concerns remain with how the Proposed Development could impact sandeel spawning habitats.	The MMO is not able to provide comments relating to sandeel at this time and will include comments in our next response.	Noted, the Applicant has no further comments on this matter at this time.
FS 1.21	<i>Herring Spawning Areas</i> <b>MMO</b>	The Applicant has submitted additional information using heatmapping exercises for herring with the conclusion given that it indicates that the Order limits are in areas of very low to low confidence of herring spawning habitats [REP1-020], Paragraph 3.2.9]. Provide a response.	The Applicant has presented herring spawning habitat suitability maps in Figures 3-3 and 3-4 (REP1-020) which include existing site-specific particle size (PSA) analysis data for the Eastern English Channel. The Applicant’s figures show that although the Rampion array itself has generally low potential as herring spawning habitat, the DCO limits are located on the cusp of suitable spawning habitat. This is supported by the PSA data included in Figures 3.3 and 3.4 provides direct ground truthing of broadscale seabed sediment data and confirms the presence of sediments with potential to provide preferred spawning habitat on the boundary of the DCO limits. The PSA data have been classified into the following categories of spawning habitat suitability; ‘prime/preferred’, sub-prime/preferred’, ‘suitable/marginal’ or ‘unsuitable’ (according to Reach et al., 2013). Figure 3-3 has also used EMODnet sediment class data to delineate areas	The Applicant has provided revised heatmaps in response to feedback received from Cefas and the MMO at Deadline 3, these are in <a href="#">Deadline 1 – 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]</a> (updated at Deadline 4).  The Applicant maintains their position that the location of high densities of herring eggs and larvae approximately 45 km southeast of the array area, are due to the strong hydrodynamic conditions in the English Channel, causing fish larvae to drift away from the spawning ground (as defined by Coull et al., 1998) in a north easterly direction. This indicates that herring spawning areas are located to the south of the development area, closer to the French coast. The presence of high densities of herring larvae (as informed by the International Herring Larval Survey (IHLS) data) are not indicative of locations of herring spawning grounds and actively spawning adult herring.



of preferred and marginal herring spawning habitat. The EMODnet data and PSA data shown in Figure 3-3 indicate that the area to the north of the historic spawning ground (Coull et al., 1998) is suitable as herring spawning habitat, with dense PSA coverage showing sediments consisting of 'prime/preferred' and sub-prime/preferred' spawning habitat. This area also coincides with the area of highest larval density where concentrations of larvae are between 48,000 – 98,500 per m<sup>2</sup>.

It is also worth noting that there are several licenced marine aggregate extraction sites located in this area (Areas 1806, 1807, 529, 1803/1, 1803/2, 464, 458, 473/1, 473/2 and 478) all of which have conditions applied to their licences that place restrictions on dredging during the Downs herring spawning season between 1st December and 31st January inclusive (see Annex 2), which further demonstrates that this area is considered herring spawning habitat by Cefas Fisheries Advisors and the MMO.

Additionally, the Coull et al (1998) shapefiles provide an indication of where broadly herring spawning grounds occur but should not be relied upon as the sole indicator. The MMO consider that using International Herring Larval Survey (IHLS) data would be more appropriate to determine herring spawning grounds, and further information on this can be found in this Deadline 3 response.

The MMO does not agree that the presence of suitable Herring spawning area is 'very low' to 'low' within the DCO order limits, and a more conservative approach should be taken when uncertainty remains.

As larvae lack swim bladders or the connection between the swim bladder and the inner ear has not yet formed at this stage, they are considered to be less sensitive to underwater noise. The impact ranges for injurious effects of eggs and larvae are localised to the source, and therefore will have no interaction with areas of high larval densities.

Notwithstanding this, the Applicant has committed to the use of Double big bubble curtains (DBBC) throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise (including behavioural effect ranges) to outside any areas of high-density herring eggs and larvae (as defined by the IHLS data), and the spawning ground (as defined by Coull et al., 1998). Commitment C-265 has been updated accordingly to reflect this proposed mitigation. The updated commitment is as follows:

*C-265: "Double big bubble curtains will be deployed as the minimum single offshore piling noise mitigation technology to deliver underwater noise attenuation for all foundation installations throughout the construction of the Proposed Development where percussive hammers are used in order to reduce predicted impacts to:*

- *sensitive receptors at relevant Marine Conservation Zone (MCZ) sites and reduce the risk of significant residual effects on the designated features of these sites;*
- *spawning herring; and*
- *marine mammals."*

The mitigated impact ranges, afforded by the implementation of DBBC throughout the piling campaign, have been presented relative to areas of potential spawning activity in [Deadline 1 – 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).

FS 1.22

*Herring Spawning Areas*  
**The Applicant**  
**MMO**

The submitted evidence [REP1-020, Section 3.2.10] suggests there are areas of high confidence that suitable herring spawning substrates are present 8km to the southeast of the array areas. Explain whether this indicates that there is likely to be herring spawning as close as 8km from the Order limits and potential piling areas.

As suitable herring spawning substrates are present within proximity to the order limits (~8km) there is the potential for herring spawning to occur as close as ~8km.

The area identified by the Examining Authority, of high confidence that suitable herring spawning substrates are present (located 8 km from the array area) is classified as such due to the presence of 'Preferred' spawning substrates and densities of >600 herring larvae per m<sup>2</sup> present.

The Applicant notes however, that this is not indicative of the peak larval densities (98,500 larvae per m<sup>2</sup>) recorded in the International Herring Larval Survey (IHLS) trawls, which are

located approximately 45 km southeast of the array area. This is supported by herring larval surveys undertaken for the Rampion 1 development from November 2014 to January 2015. The surveys recorded high abundances of herring larvae in January 2015, at distances in excess of 45km south and southeast of the development area.

The Applicant notes that hydrodynamic conditions in the English Channel cause fish larvae to drift in a north-easterly direction, indicating that spawning areas are located to the south of the Proposed Development area, closer to the French coast. This is further supported by the location of a herring spawning ground, as defined by Coull et al. (1998) located 47km from the Rampion 2 array area. The Applicant is therefore confident that it is unlikely that any spawning activity is occurring as close as 8km from the Order Limits.

Notwithstanding this, the Applicant has committed to the use of double big bubble curtains (DBBC) throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise (including behavioural effect ranges) to outside any areas of high-density herring eggs and larvae (as defined by the IHLS data), and the spawning ground (as defined by Coull et al., 1998). Commitment C-265 has been updated accordingly to reflect this proposed mitigation. The updated commitment is as follows:

*C-265: "Double big bubble curtains will be deployed as the minimum single offshore piling noise mitigation technology to deliver underwater noise attenuation for all foundation installations throughout the construction of the Proposed Development where percussive hammers are used in order to reduce predicted impacts to:*

- sensitive receptors at relevant Marine Conservation Zone (MCZ) sites and reduce the risk of significant residual effects on the designated features of these sites;*
- spawning herring; and*
- marine mammals."*

The mitigated impact ranges, afforded by the implementation of DBBC throughout the piling campaign, have been presented relative to areas of potential spawning activity in [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).

FS 1.24	<p><i>Mitigated Noise Thresholds for Herring</i> <b>MMO</b></p>	<p>The Applicant has presented the unmitigated behavioural impact ranges on herring, and the reduced impact contours from the minimal noise abatement offered by the mitigation proposed (-6dB reduction from the use of a low noise hammer) during the Downs herring spawning period relative to the spawning ground [REP1-020, Paragraph 4.1.12, Figures 4-3 and 4-4]. Confirm whether there would be no behavioural effects on herring through piling noise if mitigation is used. Explain whether the 6db noise reduction used by the Applicant appropriate for such an exercise.</p>	<p>The Applicant has presented some new UWN modelling in Figures 4-3 to 4-4 to predict the range of effect for behavioural responses in spawning herring at the spawning ground using the 135 db SELss threshold (as per Hawkins et al., 2014). In Figure 4.3 there is a significant overlap between the mitigated (-6 dB) and unmitigated behavioural response noise contours with areas of high and very high larval abundance. For the reasons outlined in the point 1.21 above, and further explained in this Deadline 3 response, it is reasonable to assume that herring engaged in spawning activity are likely to exhibit behavioural responses during monopiling activities at the Rampion Extension site. The same can be said for multileg piling activities which also result in a significant overlap between the mitigated (-6 dB) and unmitigated behavioural response noise contours with areas of high and very high larval abundance, as can be seen in Figure 4-4.</p>	<p>The Applicant directs the Examining Authority to the Applicant's <b>response FS 1.21</b>.</p>
FS 1.25	<p><i>Behavioural Effects on Herring Spawning</i> <b>MMO</b></p>	<p>In a worst-case scenario, explain the potential behavioural effects of piling noise on herring whilst spawning.</p>	<p>In the ES5, the Applicant calculated the range of effect for behavioural responses in herring as a result of UWN from impulsive piling to occur as far as 67km from the source of piling, based on the recommended modelled threshold of 135dB SELss (Hawkins et al., 2014). Figure 8.20 (REP1-007) presents the noise contour for <u>sequential mono-piling</u> in the four modelling locations of Rampion Extension Array, based on the unweighted SELss 135dB, as per Hawkins et al. (2014). Figure 8.20 indicated a significant overlap with the Downs herring spawning ground, as indicated by IHLS larval abundance data. However, the Applicant concluded in paragraph 8.9.195 of the ES that, as the UWN contours did not directly overlap with the spawning grounds as indicated by the Coull et al. (1998) shapefile, they considered the magnitude of a behavioural impact to spawning herring from UWN was negligible. The Applicant appears to have retained this position in their most recent response (point 4.6.36 of REP1-017) and having reviewed the evidence provided we still fundamentally disagree with this assessment.</p> <p>Figures 8.18 and 8.19 (REP1-007) presents UWN modelling for <u>sequential piling</u> of <u>multileg</u></p>	<p>The Applicant maintains the position, that the presence of high densities of herring larvae (as informed by the International Herring Larval Survey (IHLS) data) are not indicative of locations of herring spawning grounds and actively spawning adult herring. The location of high densities of herring eggs and larvae approximately 45 km southeast of the array area, are due to the strong hydrodynamic conditions in the English Channel, causing fish larvae to drift away from the spawning ground (as defined by Coull et al., 1998) in a north easterly direction. This indicates that herring spawning areas are located to the south of the development area, closer to the French coast.</p> <p>Notwithstanding this, the Applicant has committed to the use of double big bubble curtains (DBBC) throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise (including behavioural effect ranges) to outside any areas of high-density herring eggs and larvae (as defined by the IHLS data), and the spawning ground (as defined by Coull et al., 1998).</p> <p>Commitment C-265 has been updated accordingly to reflect this proposed mitigation. The updated commitment is as follows: C-265: <i>“Double big bubble curtains will be deployed as the minimum single offshore piling noise mitigation technology to</i></p>

and monopile foundations, respectively. The noise contours show impacts ranges for mortality and potential mortal injury (207 dB SELcum), recoverable injury (203 dB SELcum) and temporary threshold shift (TTS) 186 dB SELcum. Under these scenarios, there is an overlap for the effects of TTS from sequential mono and multileg piling with areas of high larval densities (48,000 – 98,500 per m<sup>2</sup>), but no overlap for the effects of mortality and potential mortal injury or recoverable injury. As discussed above **(FS1.24) the area where high** larval densities occur is considered to be suitable herring spawning habitat where herring engaged in spawning activity are likely to be present. On this basis, it is reasonable to assume that herring engaged in spawning activity are likely to be affected by temporary injurious effects (TTS) if piling activities are operational during the Downs herring spawning season (November to January, inclusive).

1. Figure 8.20 presents the UWN modelling for sequential mono-piling in the four modelling locations of Rampion Extension Array, based on the unweighted SELss 135dB, as per Hawkins et al. (2014). There is significant overlap between the behavioural effects noise contour with the Downs herring spawning ground, as indicated by high larval abundance data. It is therefore reasonable to assume that herring engaged in spawning activities are likely to exhibit behavioural responses if piling activities are operational during the Downs herring spawning season (November to January, inclusive).

2. Figure 8.21 presents the UWN modelling for simultaneous piling of multileg foundations. The noise contours show impacts ranges for mortality and potential mortal injury (207 dB SELcum), recoverable injury (203 dB SELcum) and temporary threshold shift (TTS) 186 dB SELcum. Under this scenario, there is an overlap for the effects of TTS from simultaneous piling of multileg foundations with areas of high larval densities (48,000 – 98,500 per m<sup>2</sup>), but no overlap for the effects of mortality and potential mortal injury or recoverable injury. For the reasons above (FS 1.21 - 1.24, it is reasonable to

*deliver underwater noise attenuation for all foundation installations throughout the construction of the Proposed Development where percussive hammers are used in order to reduce predicted impacts to:*

- *sensitive receptors at relevant Marine Conservation Zone (MCZ) sites and reduce the risk of significant residual effects on the designated features of these sites;*
- *spawning herring; and*
- *marine mammals.”*

The Applicant maintains their position that the behavioural effects threshold derived from Hawkins et al. (2014) is not appropriate for determining the potential impact ranges of behavioural effects on sensitive receptors. Notwithstanding this the Applicant has presented the behavioural impacts threshold based on the Hawkins et al. (2014) study, relative to the Downs herring stock spawning ground as defined by Coull et al. (1998) in Figures 4-3 and 4-4 of **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). As evident in Figures 4-3 and 4-4, with the implementation of DBBC (15dB reduction in noise levels) there is no interaction of the highly precautionary behavioural impacts noise contours with the herring spawning ground (as defined by Coull et al., 1998).



assume that herring engaged in spawning activity are likely to be affected by temporary injurious effects (TTS) from simultaneous multileg piling if activities are operational during the Downs herring spawning season (November to January, inclusive).

BP		Benthic and Offshore Processes		
BP 1.1	Predictive Modelling Natural England MMO	The Applicant has provided some additional information on the use of predictive modelling to provide a habitat model for the seabed [REP1-033, Agenda Item 12(i)]. The Applicant states that the model was retained for the ES as it provides wider contextualisation of habitats rather than being relied on instead of the site-specific data and the Applicant could have removed it but viewed it as useful information. The Applicant also states that the site-specific data has been updated and added to the model. Explain whether the use of some degree of predictive modelling a suitable approach, to address any remaining data gaps at this stage, or is it a question of the degree at which predictive modelling has been relied upon.	This Question relates to ISH1 (REP1-033) and the MMO therefore defers to Natural England on the topic of predictive modelling.	The Applicant has no further comments on this matter at this time.
BP 1.4	Cable Protection Natural England MMO	Explain whether there any forms of cable protection included within the ES which should be discounted where cable protection is necessary	In general terms, rock placement is (or appears to be) the least reversible of the options but clearly introduce new substrate and affect flows locally. Flow energy dissipation devices should have a clearly defined design reasoning i.e., there should be a reason why flow energy should be dissipated in a specific way at a given location, and so these are unlikely to be the default option. Bags represent a useful option where removal of the protection is anticipated but mattresses may be a more robust option in some locations where bags may be damaged in-situ. In general, the MMO and our technical advisors Cefas would advise against the use of scour protection introducing plastic materials to the marine environment.  The MMO agrees with NE that the final cable protection should be the form which minimises the environmental impacts as far as possible, and that consideration should be given to using the	The Applicant has committed to C-300: <i>“Cable protection will be used that minimises the environmental impacts as far as practicable. At the point of selecting a cable protection supplier, consideration will be given to using the method of cable protection which is likely to be removable at decommissioning.”</i>  This has been added to the <b>Commitment Register [REP3-049]</b> (updated at Deadline 4) and will be secured in the <b>Outline Scour Protection and Cable Protection Plan [REP3-039]</b> at Deadline 5

method which is most likely to be removable at decommissioning.

The Applicant has stated that it cannot commit to the removal of cable protection, as this would be subject to a separate licence application to enable decommissioning of the project [REP1-30, Paragraph 2.1.4]. Provide a response. Explain if there is a possibility that, over time, there could be ecological reasons (such as the colonisation of cable protection) for not wanting the removal of cable protection at decommissioning stage.

The Applicant has provided further information on the use of gravel beds as an alternative to flotation pits. As well as an assessment of the potential impacts (REP1-030). The MMO agrees that the removal of cable protection would be subject to a separate licence and understands that this would require assessment at a later stage and is not possible to determine at this time.

The MMO is aware of complaints received by the fishing community regarding rocks left on the seafloor after the construction phase of Rampion 1. These rocks have made fishing practices challenging (e.g., trawling) and cable protection (rock, concrete mattresses, or rock bags) are likely to cause similar problems for fisheries.

There is a possibility that, over time, macrofaunal and epifaunal organisms may colonise cable protection. However, as the type of cable protection is yet to be determined by the Applicant, it is difficult to ascertain the scale of colonisation. Additionally, the materials used within cable protection are not specifically designed to enhance marine colonisation, and therefore it would be sensible to assume that colonisation is low. It is also possible that cable protection may be colonised by Invasive Species (e.g the Pacific Oyster, *Magallana gigis*), and overall have a negative impact (in addition to the permanent loss of NERC reef habitats) on local biodiversity.

The MMO does acknowledge that for certain cable protection methods, it is common practice to leave in-situ rather than to remove during decommissioning (Rock protection) but understands that the removal of rock bags is common practice (NECR403).

The Applicant welcomes the Marine Management Organisation's agreement on the need for a separate licence for cable protection and that it is not possible to determine at this time.

With regards to complaints received by the fishing community regarding Rampion 1, it should be noted that Rampion Offshore Windfarm (Rampion 1) and the Proposed Development are two distinct projects and entities, therefore the Applicant cannot comment on the works conducted during the construction of Rampion 1 or interfere with any resolution of any issues for which the Marine Management Organisation should contact Rampion 1 Offshore Windfarm directly. However, there is ongoing dialogue between the two projects/entities and information generated by Rampion 1 has been and is still being taken into account by the Applicant.

BP 1.8  
(please note  
that the

*Avoidance of Offshore  
Chalk*  
**Natural England MMO**

The Applicant has stated that taking construction risk and the maximum distance limitations of the technique into

Gravel bags as an alternative to HDD will result in unavoidable damage to inshore chalk areas. Additionally, the Applicant has not provided a

The Applicant would like to clarify that gravel bags are not being proposed as an alternative to Horizontal Directional Drilling (HDD). To reduce the impact of the landfall, HDD will

original MMO submission did not include items 1.5- 1.7)

account, it is not possible to extend the HDD to the extent that all the inshore chalk area is avoided [REP1-017, Page 344]. Given the extent of chalk near the coast provide a response that HDD cannot be used to avoid impacts to chalk. Explain whether the impacts to chalk from the proposed cable corridor would be unavoidable.

methodology for how rock bags will be installed/removed,

The MMO questions why gravel bags are proposed to be installed one month prior to the vessel. The MMO recommends placing gravel bags in-situ for as short a period as possible (for example, 2 weeks prior to vessels arriving). However, the MMO acknowledges the Applicant's assessment of gravel bag beds.

The MMO would expect the Applicant to consider all possible cable installation and selected methodology that minimises the environmental impacts the most (including the loss of marine chalk). However, on the matter of HDD and avoidance of offshore chalk the MMO defers to NE.

be used to install ducts that will house the cables under Climping beach. The export cable ducts will be installed underneath Climping beach using HDD. The drilling will start from the landfall temporary construction HDD compound for approximately 1km to exit below the mean low water spring tide (MLWS) mark. Therefore, no habitat disturbance will occur within the intertidal area from export cable installation as the two HDD works exit pits will be located within the subtidal area and will be discrete in nature.

As stated in [Deadline 1 Submission – 8.25.1 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 13 – Further Information for Action Point 45 and 46 – Physical Processes and Benthic \[REP1-030\]](#), the Proposed Development has discounted the use of floatation pits to allow the cable installation vessel to remain floating at low tide. This is due to lessons learned on Rampion 1 and from consultation with Natural England (Section 42 Consultation, see Table 9-6 of [Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2](#) of the Environmental Statement [APP-050]). However, a method still needs to be available to ensure cable installation vessels can operate at low tide, if vessel beaching is not possible (if the ground conditions and/or the vessel utilised do not allow for this). Subsequently, it is proposed that temporary gravel bag beds are used, if required.

The Applicant has responded to the remaining points raised by the Marine Management Organisation in rows 4.9.3, 4.9.8 and 4.9.9 of Applicant's response to Marine Management Organisation's Comments on Applicant's Submissions received at Deadline 1 in [Applicant's Comments on Deadline 3 Submissions \(Document Reference 8.66\)](#).

BP 1.9	<i>Disposal of Chalk</i> <b>The Applicant MMO</b>	The MMO welcomed the Applicant's commitment that they would engage with the MMO to establish whether a condition is required within the DML relating to the disposal of chalk arising from the export cable area to the array area [REP2-035, Paragraph 1.11.4]. Please provide such a condition within the DMLs, or explain why it is not necessary.	The MMO will review the condition once provided by the Applicant.	The Applicant responded at Deadline 3 in row BP 1.9 of <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> to confirm that no chalk material arising from the export cable corridor area will be transported from that area for subsequent disposal within the array area. On this basis, the Applicant does not consider there to be a need for an additional condition within the deemed Marine Licence.
BP 1.10	<i>Cuttings of Chalk</i> <b>Natural England MMO</b>	The Applicant has confirmed that they would infill the cable trench with the chalk cuttings, where the cable is laid within the chalk [REP1-017, Page 348]. Explain whether the value of chalk	The MMO's overall position is that the cutting of chalk will permanently damage the physical structure of the chalk, and this cannot be repaired by putting the chalk cuttings back inside the trench. Chalk cuttings replaced back into the	The Applicant has no further comments on this matter at this time.

cuttings the same as the chalk before it is cut, even if the cuttings are put back in the trench.

cable burial trench would have different hydrodynamic and sedimentological properties compared to the undisturbed/consolidated chalk. In general, this material may be more erodible than the previous consolidated rock and may contain a range of grain sizes, some of which may be potentially mobile under certain conditions.

On this matter the MMO defers to NE.

MM		Marine mammals		
MM 1.1	Draft Unexploded Ordnance Clearance Marine Mammal Mitigation Protocol <b>MMO</b>	<p>In the MMO's responses to WRs submitted at Deadline 2 [REP2-035] the MMO states it acknowledges the Applicant's creation of the Draft Unexploded Ordnance Clearance Marine Mammal Mitigation Protocol [APP-237] and that the Applicant is confident that appropriate mitigation can be secured. Confirm if there are any outstanding concerns from the MMO, particularly but not exclusively, relating to:</p> <ul style="list-style-type: none"> <li>a) The Marine Mammal Underwater Noise Assessment relating to fleeing animals</li> <li>b) Permanent Threshold Shift significance</li> <li>c) The TTS assessment</li> <li>d) Sensitivity score for cetaceans</li> </ul>	<p>Overall, the MMO is satisfied with the Applicant's response to MMO.4.7.8 (fleeing animals). However, the MMO emphasise that the use of strong language and statements such as "highly precautionary" should be avoided when a lot of uncertainty remains.</p> <p>With regards to the TTS assessment, it was agreed in the interest of moving forward that, as a minimum, the predicted TTS impact ranges and number of animals potentially at risk should be presented in the assessment. Whilst TTS is not assessed as an impact pathway in terms of sensitivity, magnitude or significance in the ES as such, the ES does contain a somewhat detailed 'TTS Assessment'. Thus, the associated uncertainties should be noted / recognised.</p> <p>The MMO still considers that the sensitivity assessment of all cetaceans to PTS-onset as low to be incorrect, and the MMO recommends that cetaceans should be assessed as having a high sensitivity to PTS. The MMO's position on this will not change until empirical evidence can be presented to support the Applicant's opinion.</p> <p>The MMO stated in our Deadline 2 (20th March 2024) response that concerns are shared with NE as there are no considerations for monitoring the effectiveness of suggested mitigation measures in reducing the underwater noise impacts to acceptable levels. This concern remains and has not been resolved.</p>	<p>The Applicant acknowledges the Marine Management Organisation's advice regarding language.</p> <p>The Applicant has presented an assessment of temporary threshold shift (TTS) in <b>Chapter 11: Marine mammals, Volume 2</b> of the Environmental Statement (ES) [REP1-004] (updated at Deadline 4) and <b>Appendix 11.2: Marine mammal quantitative underwater noise impact assessment, Volume 4</b> of the ES [APP-148] without assessing magnitude or sensitivity as agreed by Cefas at the Expert Topic Group meeting on 18 September 2020.</p> <p>As per the Applicant's response in <b>Deadline 3 Submission – 8.55 Applicant's Response to Deadline 2 Submissions [REP3-052]</b>: Given the current understanding of how permanent threshold shift (PTS) from piling is expected to manifest in the mammalian ear and the mechanisms that could lead to an effect on vital rates (sensu Booth &amp; Heinis, 2018), the Applicant considers that it is highly unlikely that vital rates would be altered in a biologically meaningful way as a result of PTS from piling. Therefore, the Applicant maintains the sensitivity of cetaceans to PTS from piling aligns with the definition for Low sensitivity, where vital rates may be affected but not at a biologically significant level.</p> <p>The Applicant agrees with the Marine Management Organisation that empirical data is required, however in the absence of empirical data the assessment is based on the best available information at this time.</p> <p>The Applicant has submitted an updated <b>Offshore In Principle Monitoring Plan [REP3-047]</b> at Deadline 4, which includes clear objectives in respect of collecting appropriate data to validate that the noise level predictions made in the environmental impact assessment (EIA) are appropriate and that the impacts predicted, and any mitigation zones</p>



The MMO has included additional information relating to Under Water Noise in this Deadline 3 response.

implemented as a result of them, are valid and provide the correct level of protection to marine fauna. The proposed noise monitoring will provide data to meet several specific aims, including:

- to show that the noise level predictions made are appropriate and that the impacts predicted are valid;
- to validate the mitigation measures in terms of effectiveness; and
- to validate compliance with the specified noise threshold proposed for black seabream at the Kingmere Marine Conservation Zone site, should one be implemented.

MM 1.2	<p><i>Worst-case Piling Scenario for Marine Mammals</i>  <b>Natural England MMO</b></p>	<p>State whether there are any ongoing concerns with the Applicant’s modelling of the worstcase scenario for piling in relation to marine mammals.</p>	<p>NE still have concerns regarding the Applicant’s modelling of the worst-case scenario for piling, and the MMO would like to see Cefas, the MMO and NE in agreement on this matter before we are able to consider this resolved.</p>	<p>The Applicant has submitted an update to Table 11-13 in <b>Chapter 11: Marine mammals, Volume 2</b> of the Environmental Statement (ES) [REP1-004] (updated at Deadline 4). The Applicant has also submitted <b>Applicant’s Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</b> explaining the worst-case scenario.</p>
MM 1.3	<p>Offshore In-principle Monitoring Plan  <b>The Applicant Natural England MMO</b></p>	<p>Natural England’s Risk and Issue log submitted at Deadline 2 [REP2-041] continues to include an amber concern (C40) with the marine mammal section of the Offshore In-Principal Monitoring Plan, regarding proposed post-consent monitoring only including the first 4 piles. It states there is no consideration of monitoring the effectiveness of the mitigation measures in reducing the impacts to acceptable levels.</p>	<p>The MMO consider the Offshore In-Principal Monitoring Plan to adequately capture (at a high level) the monitoring required for underwater noise. Construction noise monitoring should include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed. Full specifications will be provided in the final monitoring plan.</p> <p>However, the MMO understands that this question relates to the NE’s issues log, and therefore defers mostly to NE</p>	<p>The Applicant welcomes the Marine Management Organisation’s comments and would also note that it has submitted an updated <b>Offshore In Principle Monitoring Plan [REP3-047]</b> at Deadline 4. The Applicant also refers the Marine Management Organisation to <b>response MM 1.1</b> above.</p>

**Table 2-10 Applicant's comments on Southern Water Services' responses to Written Questions (ExQ1) [REP3-130]**

Ref	Question to:	Examining Authority Written Question	Southern Water Services' reply	Applicant's response
TE 1.8	<p><b>The Environment Agency</b></p> <p><b>Southern Water</b></p>	<p><i>Proposed Open Trench for Tree Group G887</i></p> <p>In response to a concern raised by West Sussex CC in its LIR [REP1-054], the Applicant has confirmed that open cut trenching method is proposed through tree group G887 which West Sussex CC state would temporarily sever connections from the adjacent ancient woodland site, Olivers Copse, from the nearby woodland, Kitpease Copse. West Sussex CC further state that using a trenchless crossing in this area would significantly reduce impacts on the tree group, and consequently reducing negative impacts on landscape character and the visual amenity of users of the PRow. The Applicant responded in [REP2-020] to say an open cut trenching method in this location has been specified as it lies within a Source Protection Zone (SPZ) for potable groundwater.</p> <p>a) Confirm which category of SPZ this location falls within, SPZ1 or another? b) Comment on the risk, if any, HDD could have to the public water supply at this location</p>	<p>WSCC are suggesting that the Applicant uses a no dig methodology to avoid removing some woodland, which would be through our SPZ2, not far to the east of our SPZ1 between Kitpease Copse and Olivers Copse. The geospatial route of the proposed trenchless digging location is presently unknown. The British Geological Society maps show the site to be located on the Spetisbury Chalk Member.</p> <p>SWS's Littlehampton abstraction is located approximately 250m from the proposed location and it abstracts groundwater from the unconfined Chalk, via enhanced fissure development associated with the overlying Palaeogene deposits of the Chichester Syncline. This area of the Chalk has also been mapped as having a high frequency of karstic features which further increases the groundwater vulnerability. The proposed trenchless digging location is hydrogeologically very sensitive and there could be severe adverse impacts to our groundwater abstraction should the proposed construction methodology not include the correct mitigation to eliminate or reduce impacts to our public groundwater supply.</p> <p>SWS request a Hydrogeological Risk Assessment (HRA) of the proposed trenchless placement methodology be completed. This would detail:</p> <ul style="list-style-type: none"> <li>the proposed depth of placement and its relationship with groundwater;</li> <li>methods to prevent lateral and vertical connectivity losses;</li> <li>materials to be used and demonstration that these would not cause unacceptable groundwater pollution;</li> <li>consideration of turbidity risk, both from fine particulate muds (bentonite) if any and potential mobilisation of natural materials;</li> <li>the proposed construction timeframe to ensure construction during high groundwater levels is avoided.</li> </ul> <p>Once the assessment is finalised, SWS will require review and approval of the document to confirm it's suitability. The trenchless methodology statement will need to be included in or appended to this assessment. The Environment Agency will also require review and approval of the HRA.</p>	<p>The Applicant has provided a response to this question in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3), please see Table 2-18, reference TE 1.8.</p> <p>At a meeting on 09 May 2024 (appended in <b>Appendix C</b>) this Southern Water written response to TE 1.8 was discussed. Southern Water clarified at that meeting that Southern Water take the position that trenchless crossing is higher risk compared to open cut trenching methodology.</p> <p>Southern Water also noted that the written response had stemmed from a miscommunication when the response was compiled. The Applicant clarified that the question posed by the Examining Authority to Southern Water and the Environment Agency to discern if any alternative crossing methodology (e.g. trenchless crossing) was relatively higher risk compared to the Applicant's proposal for open cut. Southern Water confirmed that given the site sensitivities in the area trenchless crossing would definitely be higher risk compared to open cut, and that Southern Water would have serious concerns if that change was in theory to go ahead. The Environment Agency also voiced similar concerns about trenchless crossing at the time.</p> <p>At the meeting Southern Water also clarified that the last paragraph of their response related to a separate ongoing discussion and agreement of protective provisions in the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4). Southern Water also confirmed that part of the response was not about any technical hydrogeological concerns with open cut at this Kitpease Copse location (or other locations).</p> <p>In the Environment Agency's responses to Written Questions <a href="#">[REP3-148]</a> it was also reiterated this point of view as follows: "<i>the location is within SPZ2 in area of known karst. HDD at this location would pose a risk to the public water supply for instance it could interrupt the karstic flow, introduce contaminants into the aquifer or result in increased turbidity of the groundwater. We have agreed the proposed open cut trenching method with the applicant and Southern Water based on discussion we have had about the risks at this location.</i>"</p>

Ref	Question to:	Examining Authority Written Question	Southern Water Services' reply	Applicant's response
			<p>Prior to development, a Construction Environmental Management Plan (CEMP) would be required to be agreed to detail communications and actions between the developers and our sites to minimise any potential for impacts. Southern Water will require review and approval of this document.</p> <p>For the broader environment, the main risks and concerns arising from HDD (if this method of trenchless excavation is selected) are as follows:</p> <ul style="list-style-type: none"> <li>• launch and reception areas direct physical impact. This is mitigated by careful location selection – we recently completed the water main installation to Isle of Sheppey with launch and reception locations within an SSSI as it was unavoidable but identifying an appropriate location and close liaison with Natural England and the EA made it possible. In this case, the launch and reception could be in arable fields which tend to be of low environmental importance;</li> <li>• chemical additives to drilling muds and their potential effects – often avoided by using non-petrochemical materials;</li> <li>• drilling mud 'breakout' which can physically smother an area. This tends to be of an increased concern when crossing watercourses. Identifying and using a sufficient depth of drill and careful monitoring can provide mitigation for this.</li> </ul> <p>SWS is aware that HDD techniques are used to mitigate sensitive area crossings. HDD proposals need to be based on a case by case assessment of the detail of the proposals and/or specific method statements. In this specific case, ignoring the SPZ water supply issue, some drilling mud in the ground would not be an environmental or ecological issue. Breakout to surface could however effect protected species if any are present in the woodland but we note that the Development proposes a reduced impact to a 40m wide area felled and soil stripped, and four sets of 1m wide trenches dug across it. The open cut through the area would reduce connectivity of habitats and loss of the area of woodland habitat.</p> <p>SWS is still considering any impacts of the Applicant's proposed open cut method on its network and what provisions or mechanisms are needed to ensure it is not adversely impacted in any way by the project. Please note that our response above</p>	

Ref	Question to:	Examining Authority Written Question	Southern Water Services' reply	Applicant's response
			as regards our concerns with the HDD proposals, should not be interpreted as SWS being in support of the open cut methodology as proposed by the Applicant, as we are considering these impacts as well.	



**Table 2-11 Applicant's response on Environment Agency's replies to Written Questions (ExQ1) [REP3-148]**

Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
AL 1.1	Fawley and Dungeness Alternatives  <b>Natural England</b>  <b>The Environment Agency</b>	Respond specifically to the identified environmental challenges of offshore cabling to the Fawley substation as identified in paragraphs 1.3.10 to 1.3.14, and to Dungeness substation as identified in paragraphs 1.3.19 to 1.3.29 of the Applicant's post-Hearing submission on Fawley and Dungeness appraisals [REP1-019].	The Environment Agency acknowledges the submitted information in relation to the identified Environmental Challenges, we have no further comment.	The Applicant notes that the Environment Agency has no further comments in relation question AL 1.1.
COD 1.1	Commitments Register Horizontal Directional Drilling (HDD)  <b>Natural England</b>  <b>Environment Agency</b>  <b>Forestry Commission</b>  <b>South Downs National Park Authority (SDNPA)</b>  <b>The Woodland Trust</b>  <b>Sussex Wildlife Trust</b>  <b>West Sussex County Council (West Sussex CC)</b>  <b>Horsham District Council (Horsham DC)</b>  <b>Arun District Council (Arun DC)</b>	Provide a response to the Applicant's statement in the Applicant's Responses to Relevant Representations, J3 [REP1-017] on page 416 that:  "Commitment C-5 (Commitments Register [APP254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD033] secured via Required 22 within the Draft Development Consent Order [PEPD009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic Worst Case Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through The Environment Agency would want to be consulted along with the relevant planning authority in the event of any amendments to stage specific Code of Construction Practice and Crossing Schedule. Otherwise we have no further comments. amendment to the stage specific Code of Construction Practice and Crossing Schedule."  Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].	The Environment Agency would want to be consulted along with the relevant planning authority in the event of any amendments to stage specific Code of Construction Practice and Crossing Schedule. Otherwise, we have no further comments.	The Applicant notes that Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) stipulates that " <i>no stage of any works landward of MLWS is to commence until a detailed code of construction practice for the stage has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency, the statutory nature conservation body, the highway authority and the lead local flood authority</i> " (underlined for emphasis). Requirement 22 (4) (q) within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) also stipulates that " <i>The code of construction practice must accord with the outline code of construction practice and include, as appropriate to the relevant stage a crossing schedule</i> ".

Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
COD 1.7	Decommissioning <b>The Applicant</b>  <b>MMO</b>  <b>Natural England</b>	<i>Decommissioning</i> <b>The Applicant</b> Provide an Outline Decommissioning Plan for the offshore infrastructure, as requested by Natural England [REP2-038, Page 3].  Explain plans in place to follow the waste hierarchy at the decommissioning stage, particularly any plans on how the wind turbine materials might be reused or recycled.  <b>The Environment Agency / Natural England / MMO / Relevant Planning Authorities</b> Comment on expectations for recycling or reuse of the wind turbine materials at the decommissioning stage.	The Environment Agency would expect the site operator to follow the waste hierarchy, as a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government guidance on the waste hierarchy in England can be found here: <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchyguidance.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchyguidance.pdf</a> The producer has duty of care to ensure waste disposed of appropriately.	The Applicant has provided a response to this question in <a href="#">Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> , please see Table 2-3, reference COD 1.7.
BD 1.5	Alignment with National and Local BNG Plans, Policies and Strategies  <b>Horsham DC</b>  <b>Arun DC</b>  <b>West Sussex CC</b>  <b>Environment Agency SDNPA</b>	a) Confirm that the proposal for BNG aligns with and complements relevant national or local plans, policies and strategies including the Local Nature Recovery Strategy or other relevant local plans, policies or strategies.  b) Confirm that the mitigation hierarchy has been adequately followed to avoid then mitigate then compensate, in that order, in respect to biodiversity.	The Environment Agency would defer to Natural England on this as the Supporting Authority	The Applicant notes the Environment Agency defers to Natural England as the Supporting Authority.
CC 1.2	Climate Resilience - Depth of HDD at Climping Beach  <b>The Applicant</b>  <b>The Environment Agency</b>	Is there agreement that Commitment C-278, which states a minimum depth of 5m is maintained when passing beneath Climping Beach SSSI, provides sufficient depth of HDD to be climate resilient to coastal erosion.	While the 5m depth seems reasonable for now, the coastline at the landfall site Climping Beach is eroding. The position of the land will change over the life of the asset, which will mean that overtime the asset would become exposed. The applicant has stated the following in the commitments register: (C-247) RED will undertake ground investigation at the landfall site at the post DCO application stage. This would be carried out to inform the exact siting and detailed design of the Transition Joint Bay and associated apparatus. In addition, this would inform a	There is reasonable uncertainty at this time about the depth of burial that will be required to avoid exposure of cables at the landfall due to future coastal erosion. The minimum depth suggested during examination (5 to 10 m) is a reasonably expected minimum value based on the experience of the engineers and is not yet informed by any specific geotechnical information (to be collected at a later date), or new design specific studies beyond that presently available and used to inform

Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
	<p><b>Clymping Parish Council</b></p> <p><b>Arun DC</b></p>		<p>'coastal erosion and future beach profile estimation assessment', which in turn would inform the need for and design of any further mitigation and adaptive measures to help minimise the vulnerability of these assets from the future coastal erosion and tidal flooding. This is secured by Requirement 26 in the submitted draft DCO which requires consultation and approval from the Environment Agency.</p>	<p>the Environmental Statement. The Applicant is confident that the future detailed design process, informed by additional ground investigation works, will identify a suitable and achievable depth of burial to avoid exposure of the cable due to reasonably predictable patterns of future coastline retreat.</p>
CC 1.3	<p>Greenhouse Gas Emissions - Sulphur Hexafluoride (SF6)</p> <p><b>The Environment Agency</b></p> <p><b>The Applicant</b></p>	<p>Comment on the Applicant's statement in Appendix 29.1 Supporting data for the Green House Green assessment [APP-222] section 1.5.1 that SF6 gas (a greenhouse gas) has: "...not been included in the assessment as these have been assumed to compose &lt; 1% of the material weight. Institute of It is not in the Environment Agency's remit to regulate any emissions from these activities. Environmental Assessment and Management (IEMA) Guidance (IEMA, 2022) states that activities can be excluded where they do not significantly change the result of the quantification.</p>	<p>It is not in the Environment Agency's remit to regulate any emissions from these activities.</p>	<p>The Applicant notes that is not the within the Environment Agency's remit to regulate any emissions from these activities.</p>
CC 1.6	<p>Greenhouse Gas Emissions</p> <p><b>The Environment Agency</b></p>	<p>Comment, if necessary, on the Applicant's greenhouse gas assessment in Appendix 29.1 Supporting data for the Green House Green assessment [APP-222] or the Greenhouse Gas Emissions sections of the ES, Chapter 29 [APP070].</p>	<p>It is not in the Environment Agency's remit to regulate any emissions from these activities.</p>	<p>The Applicant notes that is not within the Environment Agency's remit to regulate any emissions from these activities.</p>
FR 1.1	<p>Flood Mitigation and Permitting at the Landfall at Climping</p> <p><b>The Applicant</b></p> <p><b>The Environment Agency</b></p>	<p>The Environment Agency stated in their Relevant Representation [RR-116] that further details of the chosen landfall connection and associated work at Climping, including details of any flood mitigation would be required and that a Flood Risk Activity Permit would need to be obtained prior to the commencement of such works. The Applicant to confirm: a) If the appropriate Flood Risk Activity Permit would be obtained from the relevant authority prior to the commencement of any works in and around Climping beach landfall site. The Applicant and the Environment Agency to confirm: b) If there is agreement with the Environment Agency on the flood mitigation proposed by the Applicant in this area. The Environment Agency to confirm: c) Whether the Applicant has adequately followed the Sequential and Exception Tests related to coastal flooding.</p>	<p>The Environment Agency understand that the proposed development would be considered as Essential Infrastructure as defined by Annex 3 of the NPPF. The Environment Agency is satisfied with the content of the site specific Flood Risk Assessment having reviewed the information in relation to the issues within our remit. We have no further comments. We have no concerns in relation to the Exception Test.</p>	<p>The Applicant welcomes the Environment Agency's satisfaction with the content of <a href="#">Appendix 26.2: Flood Risk Assessment, Volume 4</a> of the Environmental Statement [APP-216] and that there are no concerns in relation to the Exception Test.</p>

Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
FR 1.4	<p>Flood Risk at the Proposed Substation site at Oakendene</p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>The Environment Agency</b></p>	<p>Further to discussion regarding flood risk at the proposed Oakendene substation site at ISH1 [EV3-001] and evidence submitted from CowfoldvRampion [REP1-087 and REP1-089], Mr Smethurst [REP1-115 to REP1-119] and Ms Davies [REP1-159] amongst others, at Deadline 1, confirm whether there are any comments on or outstanding concerns regarding, but not limited to:</p> <p>a) The quality of and conclusions from the Applicant's Site-Specific Flood Risk Assessment [APP-216] at this site, including the approach to, application of and conclusions from the Sequential and Exception Tests</p> <p>b) Whether the information in the FRA relating to this site is credible, fit for purpose, proportionate to the degree of flood risk and appropriate to the scale, nature and location of development and takes the impact of climate change into account.</p> <p>c) The Applicant's statement that the Oakendene site is situated within Flood Zone 1.</p> <p>d) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</p> <p>e) Whether or not the Proposed Development would increase flood risk elsewhere.</p> <p>f) The quality and likely effectiveness of the Applicant's proposed Outline Operational Drainage Plan [APP-223] and ongoing management and maintenance of drainage proposals for this site.</p> <p>g) The evidence submitted by CowfoldvRampion [REP1-087 and REP1-089] and Mr Smethurst [REP1-115 to REP1-119] at Deadline 1 regarding local flooding and drainage at the proposed substation site at Oakendene.</p> <p>h) The conclusion of the Applicant's assessment of the impact of changes to the drainage regime and construction and operation of the Proposed Development at this site on the potential flood risk to downstream receptors.</p>	<p>Local authorities have the principal role for managing the risk of flooding from surface water. This includes planning for and responding to surface water flooding. The Environment Agency is satisfied with the content of the site specific Flood Risk Assessment having reviewed the information in relation to the issues within our remit. We have no further comments.</p>	<p>The Applicant welcomes the Environment Agency's satisfaction with the content of <b>Appendix 26.2: Flood Risk Assessment, Volume 4</b> of the Environmental Statement <b>[APP-216]</b>. The Applicant can confirm it has had further dialogue with West Sussex County Council and the relevant District Councils in relation to risk of flooding from surface water and is separately agreeing any outstanding matters.</p>



Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
		<p>i) The Applicant's conclusions on potential impacts from the Proposed Development to changes to the hydrology of this site on ecology.</p> <p>j) The Applicant's conclusion regarding no loss of net flood plain storage and maintenance of greenfield runoff rates.</p> <p>k) Concern regarding potential groundwater flooding at this site.</p> <p>l) Whether the proposed drainage system is feasible and whether it complies with National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010 m) Whether the draft DCO [REP2-002] would give the most appropriate body the responsibility for maintaining the proposed drainage system.</p>		
FR 1.7	<p>Flood Risk Related to the Entire Proposed Development</p> <p><b>West Sussex CC</b></p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>The Environment Agency</b></p>	<p>Comment on any outstanding concerns regarding flood risk related to the Proposed Development as a whole, other than the Oakendene site raised in questions FR1.2 to FR1.4, related to but not limited to:</p> <p>a) The quality of and conclusions from the Applicant's Site-Specific Flood Risk Assessment [APP-216], including the approach to, application of and conclusions from the Sequential and Exception Tests.</p> <p>b) Whether the information in the FRA is credible, fit for purpose, proportionate to the degree of flood risk and appropriate to the scale, nature and location of development and takes the impact of climate change into account.</p> <p>c) Whether the development has been steered towards areas with the lowest area of flood risk from all sources of flooding.</p> <p>d) Whether or not the Proposed Development would increase flood risk elsewhere.</p> <p>e) Whether or not there would be a net loss of floodplain storage.</p>	<p>Local authorities have the principal role for managing the risk of flooding from surface water. This includes planning for and responding to surface water flooding. The Environment Agency is satisfied with the content of the site specific Flood Risk Assessment having reviewed the information in relation to the issues within our remit. We have no further comments.</p>	<p>The Applicant welcomes the Environment Agency's satisfaction with the content of <a href="#">Appendix 26.2: Flood Risk Assessment, Volume 4</a> of the Environmental Statement [APP-216]. The Applicant can confirm it has had further dialogue with West Sussex County Council and the relevant District Councils in relation to risk of flooding from surface water and is separately agreeing any outstanding matters.</p>

Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
TE 1.2	<p>Ecological Surveys in the Vicinity of the Proposed Substation Location at Oakendene and Cable Route Leading to this Site</p> <p><b>Horsham DC</b></p> <p><b>Natural England</b></p> <p><b>The Environment Agency</b></p>	<p>The ExA would appreciate a response from Horsham DC, Natural England and the Environment Agency to the Applicant's answer to WQ TE 1.1, either at or in advance of Issue Specific Hearing 2, to be held w/c 13th May 2024, commenting on whether remaining concerns exist regarding:</p> <p>a) The quantity or quality of ecological surveys undertaken by the Applicant at and in the vicinity of the Oakendene substation site and cable route near to this location.</p> <p>b) The extent to which the appropriate guidelines and methodologies have been followed including the time of year the surveys were carried out.</p> <p>c) The conclusions of the ecological assessments undertaken by the Applicant at and in the vicinity of the Oakendene substation site and cable route near to this location.</p>	<p>The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.</p>	<p>The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.</p>
TE 1.3	<p>Terrestrial Ecological Surveys and Mitigation for the Whole of the Landward part of the Proposed Development</p> <p><b>Horsham DC</b></p> <p><b>Arun DC</b></p> <p><b>Natural England</b></p> <p><b>The Environment Agency</b></p>	<p>Comment on whether remaining concerns exist regarding:</p> <p>a) the quality of terrestrial ecological surveys in general undertaken by the Applicant for the whole of the landward part of the Proposed Development?</p> <p>b) the conclusions the Applicant has come to for the terrestrial ecological assessments for the whole of the landward part of the Proposed Development.</p> <p>c) the extent to which the appropriate guidelines and methodologies have been followed by the Applicant when undertaking relevant terrestrial surveys for the whole of the landward part of the Proposed Development.</p> <p>d) the quality and likely effectiveness of the mitigation the Applicant is proposing for potential impacts on terrestrial ecology for the whole of the landward part of the Proposed Development.</p>	<p>The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.</p>	<p>The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.</p>
TE 1.4	<p>Nightingale Species in the Vicinity of the Proposed Substation location at Oakendene and</p>	<p>State whether there are any concerns regarding: a) the Applicant's surveys undertaken for Nightingale and determination of nightingale territories. b) the quality and likely effectiveness of the proposed mitigation for nightingale. c) the suggestion in the</p>	<p>The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.</p>	<p>The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.</p>

Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
	<p>Cable Route leading to this Site</p> <p><b>The Applicant</b></p> <p><b>Horsham DC</b></p> <p><b>Natural England</b></p> <p><b>Environment Agency</b></p>	<p>above referenced Written Representations that nightingales may be unlikely to return to the area post construction work. Comment on the adequacy of the proposed mitigation for nightingale</p>		
TE 1.5	<p>Ecology of Priority and Irreplaceable Habitats in the Vicinity of the Proposed Substation site at Oakendene and Cratemans Farm</p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>The Environment Agency</b></p> <p><b>Horsham DC</b></p>	<p>No Specific Question for EA</p>	<p>The Environment Agency have no comments</p>	<p>The Applicant notes that the Environment Agency has no comments with respect to TE 1.5.</p>
TE 1.8	<p>Proposed Open Trench for Tree Group G887</p> <p><b>The Environment Agency</b></p> <p><b>Southern Water</b></p>	<p>In response to a concern raised by West Sussex CC in its LIR [REP1-054], the Applicant has confirmed that open cut trenching method is proposed through tree group G887 which West Sussex CC state would temporarily sever connections from the adjacent ancient woodland site, Olivers Copse, from the nearby woodland, Kitpease Copse. West Sussex CC further state that using a trenchless crossing in this area would significantly reduce impacts on the tree group, and consequently reducing negative impacts on landscape character and the visual amenity of users of the PRow. The Applicant responded in [REP2-020] to say an open cut trenching method in this location has been specified as it lies within a Source Protection Zone (SPZ) for potable groundwater. a) Confirm which category of SPZ this location falls within, SPZ1 or another? b) Comment on the risk, if any, HDD could have to the public water supply at this location.</p>	<p>The location is within SPZ2 in area of known karst. HDD at this location would pose a risk to the public water supply for instance it could interrupt the karstic flow, introduce contaminants into the aquifer or result in increased turbidity of the groundwater. We have agreed the proposed open cut trenching method with the applicant and Southern Water based on discussion we have had about the risks at this location.</p>	<p>The Applicant welcomes the comment from the Environment Agency with respect to the risk of trenchless crossing to the public water supply at this location (within Source Protection Zone 2 (SPZ2) and in an area of known karst features) and the acknowledgement of agreement between the Applicant, Southern Water and the Environment Agency on the proposed open cut trenching method at this location.</p>

Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
TE 1.10	Protected Species - Hazel Dormouse  <b>The Applicant</b>  <b>Natural England</b>  <b>Relevant Planning Authorities</b>  <b>The Environment Agency</b>  <b>SDNPA</b>	Natural England, the Environment Agency, Relevant Planning Authorities and SDNPA e) Confirm if the surveys undertaken by the Applicant and proposed mitigation measures for hazel dormouse described in the Outline Landscape and Ecological Management Plan [APP- 232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for hazel dormouse?	The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.	The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.
TE 1.11	Protected Species - Bat Surveys  <b>The Applicant</b>  <b>Natural England</b>  <b>Relevant Planning Authorities</b>  <b>The Environment Agency</b>  <b>SDNPA</b>	c) Confirm if the proposed mitigation measures for bats described in the Outline Landscape and Ecological Management Plan [APP-232] are adequate. If not, are there any other approaches that you consider would be effective in terms of mitigation measures for bats.	The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.	The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.
TE 1.13	Potential Impacts of Haul Roads on Ecology  <b>The Applicant</b>  <b>Horsham DC</b>  <b>Natural England</b>  <b>The Environment Agency</b>	Provide a response to the concern raised by CowfoldvRampion [REP1-089], Ms Smethurst [REP1-132] and Ms Creaye [REP1-106] regarding the potential impact of the noise from the proposed temporary haul roads to access the proposed cable route, on ecology and wildlife.	The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.	The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.
TE 1.17	Species in the Vicinity of the Proposed Substation Location at Oakendene and	b) State whether there are any concerns regarding: i. the outcome of the environmental assessments for these species and ii. the proposed mitigation for potential impacts on these species	The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.	The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.



Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
	Cable Route Leading to this Site			
	<b>Horsham DC</b>			
	<b>Natural England</b>			
	<b>The Environment Agency</b>			
TE 1.24	Toads	In light of the evidence submitted at Deadline 1 citing toad migrations across Kent Street and surrounding land in the vicinity of the proposed substation at Oakendene and the land in the vicinity of Crateman's Farm from CowfoldvRampion [REP1-089], Ms Creaye [REP1-106] and Ms Smethurst [REP1-132]: a) Explain whether there are any specific mitigation measures for toads the organisation would expect the Applicant to commit to.	The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.	The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.
	<b>Natural England</b>			
	<b>Horsham DC</b>			
	<b>The Environment Agency</b>			
TE 1.26	Amberley Mount to Sullington Hill SSSI and Sullington Hill Local Wildlife Site	The Applicant has stated that surface works through the Sullington Hill Local Wildlife Site (LWS) are being avoided through use of a trenchless crossing.  Respond, if required, to the decision of the Applicant to scope out the Amberley Mount to Sullington Hill SSSI, particularly in light of the proximity of the Proposed Development redline boundary to the SSSI and/or the evidence submitted into the Examination at Deadline 1 by Grahame Rhone Kittle [REP1-100] including the discovery of a nationality scarce spider.	The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.	The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.
	<b>Natural England</b>			
	<b>Arun DC</b>			
	<b>The Environment Agency</b>			
	<b>SDNPA</b>			
TE 1.28	Potential Terrestrial Ecological Impact	c) In addition to the Commitment made to seasonal restriction of construction work at Climping Beach (C-217), comment on whether there are any other sensitive areas within the onshore section of the Proposed Development where a seasonal restriction on construction work is required from an ecological perspective.	The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.	The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.
	<b>The Environment Agency</b>			
	<b>Natural England</b>			
	<b>Relevant Planning Authorities</b>			
	<b>SDNPA</b>			

Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
TE 1.30	Impacts to Ecologically Important and Sensitive Sites: Climping Beach SSSI, Littlehampton Golf Course and Atherington Beach LWS, Sullington Hill LWS, and Ancient Woodland at Michelgrove Park and Calcot Wood.	Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore Construction Method Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites. Provide a response to these proposed Requirements, stating any outstanding concerns	The Environment Agency defer this question to Natural England as the governments lead advisor on this issue.	The Applicant notes the Environment Agency defers to Natural England as the Government's lead advisor on this issue.
	<b>Natural England</b>			
	<b>The Environment Agency</b>			
	<b>SNDPA</b>			
	<b>West Sussex CC</b>			
	<b>Forestry Commission</b>			
	<b>Horsham DC</b>			
	<b>Arun DC</b>			
TE 1.33	Stage Specific Landscape and Ecological Management Plans (LEMPs)	b) Comment, if required, on the approach put forward by the Applicant regarding the stage specific LEMPs. Explain if concerns remain and what approach is recommended. c) Comment, if required, on the durations between surveys and construction.	We have no further comments but would expect to see LEMPs submitted with Flood Risk Activity Permit applications.	Any required Flood Risk Activity Permit (FRAP) applications will be submitted post consent and prior to construction subject to discussion and approval from the Environment Agency.
	<b>The Applicant</b>			
	<b>The Environment Agency</b>			
	<b>Local Authorities</b>			
TE 1.34	Contaminated Land	The Environment Agency has noted in its RR [RR-116] that the desk study identified there may be some hotspots of contamination and that these should be appropriately managed and investigated to ensure no risk to any controlled water receptors.	We are satisfied with the Applicant's suggested approach to securing management of this risk in the draft DCO.	The Applicant welcomes the Environment Agency's agreement to this approach and has no further comment to make.
	<b>The Environment Agency</b>			

Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
		<p>The Applicant's response to this point [REP1-017] states that the Outline Code of Construction Practice (CoCP) [PEPD-033] provides the Applicant's commitment (C-71) that the locations identified in the Appendix 24.1: Phase 1 geo-environmental desk study, Volume 4 of the ES [APP-198] would be subject to further contamination assessment, post-DCO Rampion 2 Offshore Wind Farm - Examining Authority's Written Questions 72 consent, in line with the Environment Agency's guidance on land contamination and risk management (LCRM). This would be secured through Requirement 25(1) of the draft DCO [PEPD-009]. Is the Environment Agency satisfied with this response and specifically the Applicant's approach to securing management of this risk in the draft DCO?</p>		
WE 1.2	<p>Risk of Pollution to the River Adur</p> <p><b>The Environment Agency</b></p>	<p>Confirm whether there are any outstanding concerns regarding the risk of pollution to the River Adur from construction or operation of the Proposed Development</p>	<p>The applicant proposes Pollution Prevention Plan to be included in the stage specific Code of Construction Practice we would want to be consulted on these along with the relevant planning authority. We have no further comment.</p>	<p>The Applicant notes that Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) stipulates that “<i>no stage of any works landward of MLWS is to commence until a detailed code of construction practice for the stage has been submitted to and approved by the relevant planning authority, following consultation with the <u>Environment Agency</u>, the statutory nature conservation body, the highway authority and the lead local flood authority</i>” (underlined for emphasis). Requirement 22 (4) (k) within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) also stipulates that “<i>The code of construction practice must accord with the outline code of construction practice and include, as appropriate to the relevant stage pollution prevention plan and pollution incident response plan</i>”.</p>
WE 1.3	<p>Watercourse Crossings</p> <p><b>The Environment Agency</b></p>	<p>a) Provide a response to the Applicant's suggested approach to watercourse crossings summarised in its response to the Environment Agency's Relevant Representation on this point [REP1-017, points 2.32.7 and 2.32.8, page 199]</p> <p>b) Confirm whether there any further comments on the proposed crossing type for each crossing location and that the locations would be secured by Requirement 22 in the Draft DCO [REP2-002] as currently worded.</p>	<p>We are satisfied with the Applicant's suggested approach and the details secured by Requirement 22.</p>	<p>The Applicant welcomes the Environment Agency's satisfaction with the Applicant's suggested approach and the details secured by Requirement 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p>

Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
WE 1.4	<p>Private Water Supplies</p> <p><b>The Applicant</b></p> <p><b>Arun DC</b></p> <p><b>The Environment Agency</b></p>	<p>e) Explain what distance would be considered appropriate for the definition of “in proximity of the Order Limits” in Commitment C-253 of the Commitments Register</p> <p>f) ) Explain whether all private and public water supplies meeting this definition, should be included in the water quality monitoring programme as default, unless agreed exempt by the Appropriate Authority.</p>	<p>e)We are satisfied with the definition for “in proximity of the Order Limits” in Commitment C-253 of the Commitments Register – 250m we would consider to be a reasonable assumption.</p> <p>f) yes we would expect all site to be monitored, unless agreed in writing otherwise (i.e. following risks assessment which demonstrate negligible risk to a supply).</p>	<p>e) This comment is noted and welcomed by the Applicant.</p> <p>The response f) is also of relevance particularly to private water supplies (PWSs). In the Applicant's response to WE 1.4 in Table 2-19 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>, the Applicant identified that there are two other PWSs that have screened out from the monitoring regime given that there is negligible risk. Table 2-3 within <b>Appendix 26.1: Detailed Water Environment Baseline Report, Volume 4</b> of the Environmental Statement (ES) [APP-215] and Table 3-3 within <b>Appendix 26.4: Hydrogeological Risk Assessment, Volume 4</b> of the ES [APP-218] provide the grounds for their exclusion in the PWS monitoring programme. They are situated less than 250m beyond the proposed DCO Order Limits but not mentioned in the wording of commitment C-253 for inclusion in PWS monitoring due to their lack of hydrogeological connectivity with the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Pauls House (P3) is approximately 200m beyond the proposed DCO Order Limits, but groundwater flow is considered to flow predominantly to the south and south west away from the PWS and into the Black Ditch and River Arun tributaries; and</li> <li>• The Decoy (P4) is approximately 150m beyond the proposed DCO Order Limits, however the borehole is located on the Lambeth Group geology and these low permeability strata above the Chalk aquifer are likely to be of significant thickness at trenchless crossing locations and a barrier to potential connectivity.</li> </ul> <p>In relation to public water supply monitoring the Applicant has discussed and agreed that Southern Water will continue to undertake turbidity monitoring as per its normal operations, with an option to increase the monitoring frequency when construction works take place within their Angmering and Patching Source Protection Zones (SPZs). Due to the mitigation by design and site-</p>



Ref	Question to:	Examining Authority Written Question	Environment Agency's reply	Applicant's response
				<p>specific measures set out in the <a href="#">Appendix 26.4: Hydrogeological Risk Assessment, Volume 4</a> of the ES [APP-218], there will be no other sources of contamination present within the Angmering and Patching Public Water Supply SPZs. The Environment Agency confirmed it was happy with this approach, as communicated by their email on 14 May 2024.</p>

Table 2-12 Applicant's comments on The Woodland Trust's responses to Written Questions (ExQ1) [REP3-145]

Ref	Question to:	Examining Authority Written Question	Woodland Trust's reply	Applicant's response
COD 1.1	<p><b>Natural England</b></p> <p><b>Environment Agency</b></p> <p><b>Forestry Commission</b></p> <p><b>South Downs National Park Authority (SDNPA)</b></p> <p><b>The Woodland Trust</b></p> <p><b>Sussex Wildlife Trust</b></p> <p><b>West Sussex County Council (West Sussex CC)</b></p> <p><b>Horsham District Council (Horsham DC)</b></p> <p><b>Arun District Council (Arun DC)</b></p>	<p><i>Commitments Register</i></p> <p>Provide a response to the Applicant's statement in the Applicant's Responses to Relevant Representations, J3 [REP1-017] on page 416 that:</p> <p><i>"Commitment C-5 (Commitments Register [APP-254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD033] secured via Required 22 within the Draft Development Consent Order [PEPD009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic Worst-Case Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through amendment to the stage specific Code of Construction Practice and Crossing Schedule."</i></p> <p><i>Horizontal Directional Drilling (HDD)</i></p> <p>Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].</p>	<p>The Trust has been asked to explain whether it has any remaining concerns on the reliance on HDD or other trenchless technology. While we are satisfied that crossings will be undertaken at a depth of 6m and that this should not result in any impacts on the soil profile or other features of the ancient woodland, we do have some remaining concerns. Where such methods are used under ancient woodland, the Trust would have concerns with respect to maintenance of underground cables and pipelines where faults or malfunctions might occur. In such instances, would the applicant be able to fix or repair any faults without having to dig up the ancient woodland or disturb the features for which it is considered important, namely the ancient woodland soils?</p>	<p>The Applicant provided a response to COD 1.1 in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3), please see Table 2-3, reference COD 1.1.</p> <p>The Applicant can confirm that routine inspection and maintenance activities would be undertaken by accessing the link boxes at the joint bays closest to the trenchless crossing. No direct access to cables would be required in regular operation and planned maintenance circumstances. Should a major cable failure become apparent (through instrumentation and monitoring equipment of the export cable itself), the cable circuit would be extracted from the horizontal directional drilling (HDD) ducts and a new or repaired cable would be re-installed. No impact or excavation in the Ancient Woodland would be required.</p>
TE 1.31	<p><b>Natural England</b></p> <p><b>The Forestry Commission</b></p> <p><b>The Woodland Trust</b></p> <p><b>SDNPA</b></p>	<p><i>Applicant's Approach to Hedge Notching</i></p> <p>The Applicant has provided further justification of its proposed hedge notching technique in responses to SNDPA in their PADS [AS-006] and WR [REP1-052], and West Sussex CC's LIR [REP1-054].</p> <p>West Sussex CC commented in their LIR submitted at Deadline 2 [REP1-054] that: <i>"Although WSCC has concerns about the success of hedgerow 'notching', it recognises that this technique does offer some advantages and therefore is worth attempting provided any necessary remedial measures, such as re-stocking, are implemented immediately."</i> Provide an updated response to the Applicant's proposed hedge noting technique, specifically stating whether there is agreement between the parties or any ongoing areas of disagreement or concern.</p>	<p>The Trust has also been invited to comment on the applicant's proposed hedge notching technique. The Trust does not have any comments to provide on this technique and there is no ongoing area of disagreement or concern regarding this matter.</p>	<p>The Applicant welcomes this response from the Woodland Trust and has no further comments at this time.</p>

Table 2-13 Applicant's comments on National Grid Electricity Transmission's responses to Written Questions (ExQ1) [REP3-077]

Ref	Question to:	Examining Authority Written Question	NGET/ESO reply	Applicant's response
AL 1.3	<i>Bolney Substation</i> <b>National Grid Electricity Transmission (National Grid)</b>	Confirm the Applicant explanation of the process of selecting the preferred substation at Bolney for the grid connection for the Proposed Development at Bolney as set out in ES Chapter 3 [APP-044] and within section 1.3 of the Applicant's post-Hearing submission on Fawley and Dungeness appraisals [REP1- 019].	Upon review of the submitted documents the National Grid Electricity System Operator Limited is aligned with the comments made relating to the Connections Infrastructure Option Notice (CION) process. This is to identify the overall most economic, efficient and coordinated connection option, which is the agreed to by all 3 parties involved – the Relevant Transmission Licensee, the Electricity System Operator and the Generator.	The Applicant welcomes this response from National Grid Electricity Transmission and has no further comments on this matter at this time.
DCO 1.3	<i>Part 2, Article 5</i> <b>The Applicant Marine Management Organisation (MMO) National Grid</b>	<p>The MMO [REP1-056] has expressed concerns with this Article. It states that Articles 5(5), 5(8) and 5(12) conflict with provisions within the Marine and Coastal Areas Act 2009 in that the transfer of benefits to another undertaker, even as a temporary lease, cannot be undertaken without the MMO's consent, and that the three identified paragraphs should be removed. The Applicant's response [REP2-026] considers the provisions in the Article have been used in other made Orders.</p> <p>a) The ExA requires a further explanation from both the Applicant and the MMO as to why the Article as drafted is/is not appropriate, with specific and relevant Orders cited</p>	<p>The Applicant's response has not addressed the issue raised by NGET. NGET acknowledges that the Order provides for the transfer of benefit to NGET. However, NGET's position is that the DCO should grant NGET the power to carry out those works that it will deliver without the powers having to be transferred.</p> <p>The Sizewell C DCO is a precedent for this approach. There, the benefit of the Order for the defined 'grid works' extends to both the applicant and NGET:</p> <p><b>Benefit of Order</b></p> <p>8.— (1) Subject to article 9 (consent to transfer benefit of the Order), the provisions of this Order have effect solely for the benefit of NNB Generation Company (SZC) Limited save for...</p> <p>(c) in respect of any grid works, for which the provisions of this Order have effect for the benefit of NNB Generation Company (SZC) Limited and National Grid.</p> <p>Further, the Order should provide for the possibility that NGET may prefer to carry out the relevant works under a planning permission granted under Part 3 of the Town and Country Planning Act 1990 ("TCPA"). NGET may, for example, need to carry out the works ahead of implementation of the DCO and therefore may wish to carry them out under permitted development rights or an express grant of planning permission.</p> <p>Contrary to the Applicant's submission, this does not require it to "import any other planning regime" into the DCO. The DCO merely needs to make clear that, if NGET</p>	<p>Whilst it is noted that Sizewell C DCO included different wording for its equivalent of Article 5 (Benefit of the Order), the Applicant does not consider that a similar amendment is appropriate for the Proposed Development. There are numerous consequences that flow from commencement of the authorised development including compliance with articles, and discharge of, and compliance with, requirements under the terms of the Order. As such the undertaker must be able to control commencement, which would not be possible if the provisions of the Order had effect for a third party, and particularly noting that NGET may wish to carry out works at the Bolney substation early.</p> <p>NGET acknowledge that the existing wording of Article 5 provides for the transfer of benefit, and the terms of any such transfer can be agreed between the undertaker and NGET.</p> <p>The Applicant notes that NGET may prefer to carry out the relevant works under a different consent. Article 58 (Inconsistent planning permissions) of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) includes provision for development within the Order limits otherwise than pursuant to the Order; an amendment has been made to this Article to confirm that it also applies to development which is consistent with the authorised development, and that the requirements set out in Part 3 of Schedule 1 (requirements) shall not apply to development pursuant to such a permission.</p>

to demonstrate that the Secretary of State has/has not accepted similar wording regarding the transfer of benefits that did/did not require approval of the MMO.

b) The ExA requests National Grid to respond to the Applicant’s Deadline 2 submission [REP2-028] on the wording of this Article that it does not need to expressly transfer benefits to National Grid.

opts to carry out works under the TCPA, the requirements of the DCO no longer apply to those works. The A428 Black Cat to Caxton Gibbet DCO provides precedent for this in article 55:

**The Cadent Diversion Works**

55.—(1) If the undertaker implements the advanced works permission and Cadent or the undertaker undertakes the works described in Work No. 51 pursuant to planning permission granted under Part 3 of the 1990 Act then the requirements contained in Part 1 of Schedule 2 will not have effect in so far as they relate to those works unless Cadent or the undertaker serve written notice on the Secretary of State and the relevant planning authority confirming that it will—

- (a) cease to rely on planning permission granted under Part 3 of the 1990 Act; and
- (b) carry out Work No. 51 under this Order (in accordance with the requirements contained in Part 1 of Schedule 2).

(2) Cadent or the undertaker must not carry out Work No. 51 under this Order unless notice has been served under paragraph (1).

(3) Notwithstanding paragraph (2), the undertaker may exercise any other powers under this Order in respect of Work No. 51.

NGET submits that equivalent wording should be included in the Applicant’s DCO.


<p><b>LR 1.18</b></p>	<p>Permanent Acquisition of Rights <b>National Grid</b></p>	<p>Provide comments on the Applicant’s response [REP2- 028] to National Grid’s WR [REP1- 057]. Update the ExA on the current status of negotiations with the Applicant.</p>	<p>NGET is continuing discussions with the Applicant and hopes that it will be possible to agree suitable Protective Provisions (“PPs”) in due course. NGET reiterates its objection to any compulsory acquisition or temporary possession of its land (including rights in its land). The Applicant has provided no evidence to support its assertion that “any exercise of compulsory purchase powers under the Order would not cause a detriment to NGET’s undertaking”.</p> <p>NGET will continue to keep the ExA apprised of the progress of negotiations and reserves the right to make further submissions in the future if suitable PPs cannot be agreed.</p>	<p>The Applicant confirms that it continues to pursue negotiations with NGET to settle agreements in relation to the interface between the Proposed Development and NGET’s apparatus and the finalisation of protective provisions for inclusion in the draft DCO.</p> <p>For the cable Deed of Easement, detailed discussions are ongoing with NGET to secure rights for an option with sufficient flexibility for cable siting, given the complexity of the constraints in the locality, such as buried services.</p> <p>Discussions with regards to the agreement for the Bolney extension to facilitate the grid connection for the proposed development are also ongoing.</p> <p>Both parties are working proactively and collaboratively to reach a voluntary agreement and will keep the Examining Authority updated on progress.</p>
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**Table 2-14 Applicant's comments on Network Rail's responses to Written Questions (ExQ1) [REP3-122]**

Ref	Questions to:	Examining Authority Written Question	Neatwork Rail Infrastructure Ltd.'s reply	Applicant's response
LR 1.20	Network Rail	<i>Permanent Acquisition of Rights</i> Provide Comments on the Applicant's response [REP2-028] to Network Rail's written representations [REP1-060]. What is current position with respect to negotiations with the Applicant.	<p>The Applicant is currently in ongoing discussions with Network Rail's Asset Protection Team regarding asset protection agreements.</p> <p>The first stage of Clearances has been completed for the two cable crossings (Business Clearance); however Technical Clearance is yet to be completed and is currently with the stakeholders at Network Rail.</p> <p>Network Rail do require a property agreement, such as an easement to be entered into. The property agreement is being drafted by Network Rail's lawyers and will be circulated to the Applicant as soon as a full draft has been completed and it has been approved Network Rail.</p> <p>Negotiations with the Applicant are progressing and there are currently a couple of outstanding points on the protective provisions and framework agreement which will be resolved once the property agreement has been finalised and clearances have been completed. Therefore, at this point in time, Network Rail cannot remove their objection until the framework agreement is in place. However, it is anticipated that this will be possible prior to the close of the Examination and Network Rail will provide an update to the Examining Authority as soon as we can.</p>	<p>The Applicant concurs with Network Rail's response discussions are ongoing with limited points between the parties which can be settled once the technical clearance is complete.</p> <p>The draft Basic Asset Protection Agreement has now been received from Network Rail (29/05/2024). Once finalised the property agreement can be progressed.</p>

**Table 2-15 Applicant’s comments on National Highways’ responses to Written Questions (ExQ1) [REP3-078]**

Ref	Question to:	Examining Authority Written Question	National Highway’s reply	Applicant’s response
LR 1.17	National Highways	<p><i>Permanent Acquisition of Rights</i></p> <p>Provide a response to the Applicant’s Deadline 2 submission [REP2-026] in respect to the objection raised to the permanent acquisition of rights over plots 7/3, 7/5, 7/6, 7/12 and 7/13.</p>	<p>National Highways have reviewed REP2-026 <i>Category 8: Examination Documents Applicant’s Response to Prescribed Consultees’ Written Representations Date: March 2024 Rev A</i>. National Highways notes the Applicant has to date simply acknowledged National Highways previous representations.</p> <p>National Highway’s notes the August 2023 Land Plans (Document 2.1.2) show a number of plots over which Rampion 2 wish to acquire permanent rights. However, from the draft DCO, Book of Reference and elsewhere, it is unclear to National Highways exactly what rights the Applicant is seeking and for what purpose. National Highways requires this information in order to consider the implications for public safety and the operating, maintaining and/or improving the SRN now or in the future. It also remains unclear as to whether or not the Applicant’s desire to acquire permanent rights could be met by alternative means. On this basis National Highways maintains its objection to the acquisition of permanent rights of plots 7/3, 7/5, 7/6, 7/12, and 7/13.</p> <p><u>Map Extract: Rampion 2 Document 2.1.2 Map 12: National Highways A27 Plot</u></p>  <p>National Highways were contacted by the Applicant (Oliver Kirkham) by telephone on 23 April 2023 where it was stated that they had revised their list of land over which they seek to acquire permanent rights and on this basis National Highways has agreed to a meeting with the Applicant (date to be agreed). Ahead of the meeting the Applicant has agreed, to submit updated details of the plots over which they are seeking permanent rights. National Highways is expecting the Applicant to provide their justification for seeking permanent acquisition of National Highways land (which includes part of the strategic road network (A27)).</p>	<p>The Applicant will progress discussions with the National Highways based on the detail as set out in the Heads of Terms issued in connection with the sliver of land which is owned by National Highways but falls outside of the adopted highway boundary and land which falls within adopted highway. The Applicant will continue to engage with National Highways to address the concerns raised.</p>
TA 1.1	West Sussex CC	<p><i>Traffic Assessment Methodology</i></p> <p>Are you content with the technical note submitted by the Applicant at D2 [REP2-</p>	<p>National Highways notes the contents of REP2-017 Rampion 2 Wind Farm Category 8: Examination Documents: Review of IEMA Guidelines on Environmental Assessment of Traffic and Movement. Date: March 2024 Revision A.</p>	<p><u>Scope of Assessment</u></p> <p>An assessment of transport effects of the Proposed Development is contained within <b>Chapter 23: Transport, Volume 2</b> of the Environmental Statement (ES) [APP-064] and <b>Chapter 32: ES Addendum, Volume 2</b> of the ES [REP1-006]. These assessments are based upon construction traffic estimates detailed within the <b>Traffic</b></p>

Ref	Question to:	Examining Authority Written Question	National Highway's reply	Applicant's response
		<p>017] comparing the Institute of Environmental Management and Assessment (IEMA) Guidelines: 'Environmental Assessment of Traffic and Movement' (EATM 2023) and the 'Guidelines for the Environmental Assessment of Road Traffic' (GEART 1993) and the conclusions reached with respect to the assessment of the Proposed Development using EATM 2023? If not, explain your concerns including your reasoning.</p>	<p>Regardless of whether an Environmental Assessment/Statement ('EA/ES') is required, National Highways notes a Transport Assessment will be required for this Application in any event.</p> <p>In accordance with National Highway's standard approach, National Highways will focus on the Transport Assessment and impact on the strategic road network. However National Highways may need to provide comments on any relevant comments provided by statutory consultees on the EA/ES (Environment Agency and Natural England) where those comments in relation to the Transport Assessment concern an impact on the strategic road network.</p> <p>National Highways would comment that where the Environmental Assessment is produced, any transport aspects will need to align with the evidence contained in the Transport Assessment. Likewise where the Transport Assessment results in proposals concerning the carrying out of mitigation (including for non motorised users) on the strategic road network that all mitigation must comply with DMRB and subject a Road Safety Audit (RSA).</p> <p>The Applicant has now submitted their access proposals to construction compounds off the A27 and if permitted by the ExA, National Highways would seek to provide their response to those proposals for Deadline 4.</p> <p>Regarding the close proximity of the proposed access to the trenchless crossing of the A27, National Highways are concerned about the safety implications and the impact on the A27. National Highways still do not have sufficient detail to comment or agree details of the access and the proposed drilling. National Highways awaits the Applicant's detailed proposals for the trenchless crossing across the A27 and is not in a position to comment further on TA1.1.</p>	<p><b>Generation Technical Note [REP3-021]</b>. The scope of assessment was discussed with National Highways during extensive pre-application discussions as presented in Section 23.3 in <b>Chapter 23: Transport, Volume 2</b> of the ES [APP-064].</p> <p>These assessments have demonstrated that the Proposed Development will not generate any significant transport effects on the Strategic Road Network.</p> <p>Further to this, the Applicant agreed to produce a summary of construction traffic flows routing through Strategic Road Network junctions during Issue Specific Hearing 2 in May 2024, please see Appendix A Action points 46 and 57 of <b>Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</b> submitted at Deadline 4.</p> <p><u>Road Safety Audits</u> Preliminary design reports for construction access A-21 / A-22 were submitted to National Highways for review on the 29 February 2024 with reminders issued on 07 March 2024, 02 April 2024, 15 April 2024, 02 May 2024, and 10 May 2024. These designs are based upon <i>Design Manual for Roads and Bridges (DMRB) (Standards for Highways, 2020) guidelines</i>. The Applicant notes that National Highways provided feedback on these proposals on 16 May 2024, which ensures that the Applicant can now progress with relevant design updates and subsequent Road Safety Audit. It remains the intention of the Applicant to complete the Road Safety Audit process before the end of the Examination however this will be largely dependent on National Highways timescales for review of relevant information.</p> <p><u>Trenchless crossing</u> A Geotechnical Statement of Intent technical note has been issued to National Highways on 22 April 2024 with minor comments received on 13 May 2024. This feedback has been incorporated into an updated version of the technical note which to National Highways on 23 May 2024.</p>
TA 1.2	West Sussex CC	<p><i>Traffic Assessment Methodology</i> State whether there is agreement with the methodology, baseline data and predicted traffic movements used to assess traffic and transport impacts in ES Volume 2 Chapter 23</p>	<p>National Highways note the contents of APP-064 <i>ES Volume 23 Transport and REP1- 006 ES Volume 2 Chapter 32 Addendum</i>.</p> <p>National Highways would refer the ExA to National Highway's comments provided in the paragraph regarding TA 1.1 which apply equally to TA 1.2.</p> <p>National Highways notes that via document APP254 Commitment Register, Commitment C-158, the Applicant through seeking to avoid</p>	<p>The Applicant welcomes National Highways agreement of the conclusions regarding the strategic road network set out within <b>Chapter 23: Transport, Volume 2</b> of the Environmental Statement (ES) [APP-064] and National Highways position that the National Highways is content that the construction period should not present an unacceptable safety risk to, or lead to severe congestion on, the strategic road network.</p>

Ref	Question to:	Examining Authority Written Question	National Highway's reply	Applicant's response				
		<p>Transport [APP-064] and ES Volume 2 Chapter 32 ES Addendum [REP1-006]. Identify outstanding issues, if any, and how they should be addressed.</p>	<p>HGV traffic passing through the Cowfold Air Quality Management Area (AQMA) , may lead to displacement of additional HGV traffic onto the A23 and/or A27.</p> <p>National Highways notes the collision statistics, including for the A27 between A284 and A280, (APP-064 paragraphs 2.2.41 &amp; 2.2.69) and the commentary regarding the interpretation of such statistics.</p> <p>National Highways agrees with the conclusions set out at APP-064 paragraph 2.2.110 in connection with the strategic road network. Subject to agreement on the details of compound accesses direct off the strategic road network , general signage of routing that uses the strategic road network and construction management matters (for example designation of layover stops, avoidance of platooning at sensitive junctions etc), all of which will be agreed via other documents, National Highways is content that the construction period should not present an unacceptable safety risk to, or lead to severe congestion on, the strategic road network .</p> <p>National Highways has no comments on the Table 2-8 (APP-064) because these are concerned with the local highway network.</p>	<p>The construction traffic routing contained within the <b>Outline Construction Traffic Management Plan [REP3-029]</b> is based upon use of the Strategic Road Network (A27 and A23) as far as possible before routing onto the local highway network. Furthermore, they are based upon West Sussex County Council's (2021) Lorry Route Network to ensure that construction traffic uses the most appropriate routes to access construction sites associated with the Proposed Development.</p> <p>It is also noted that the Applicant will employ a Delivery Management System (DMS) during construction of the Proposed Development to control the timing of deliveries to site and minimise the number of construction vehicles on the road, particularly during peak periods. This proposed DMS is detailed in Section 8.4 of the <b>Outline Construction Traffic Management Plan [REP3-029]</b> and is consequently secured by Requirement 24 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). It is therefore not anticipated that platooning of vehicles will occur on the Strategic Road Network. This has also been demonstrated within the summary of construction traffic using Strategic Road Network junctions in Appendix A Action points 46 and 57 of <b>Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</b> submitted at Deadline 4.</p>				
LR 1.22	The Applicant	<p>A27</p> <p>In its WR [REP1-058], National Highways state that it is not clear from the Land plans [PEPD-003] whether some of the verges on the northern side of the A27 that are subject to Land Rights are within National Highways land or within the SDNPA. The ExA considers an enlarged section of this land may assist the ExA and National Highways in ascertaining the information needed. Consider and submit at Deadline 3.</p>	<p>National Highways awaits confirmation from the South Downs National Park ('SDNP') or the Applicant of the exact location of the SDNP boundary on the ground in the vicinity of the proposed compound and proposed trenchless crossing across the A27 at Hammerpot.</p> <p>SDNP has described the boundary in writing through their Deadline 2 response below but no plan has been provided to date;</p> <table border="1" data-bbox="914 1453 1507 1587"> <tr> <td>9</td> <td>Submission of detailed information on the proposed design of accesses and HDD proposals at A27 Hammerpot.</td> <td>Updates on progress (with National Highways) will be provided in forthcoming submissions. It is not the intention to submit detailed design information into the Examination for approval; this would be provided to discharge the draft DCO requirement 15 or 16.</td> <td>The northern edge of the A27 carriageway abuts the boundary with the SDNP. A number of the HDD launch/reception locations are therefore within the SDNP. Whilst it is understood further details of access would be part of a submission to discharge Requirement 16, the details pertaining to the HDD proposals are not sought by this Requirement and we would seek clarification on these details and would welcome the opportunity to discuss these further with the applicant and National Highways.</td> </tr> </table> <p>National Highways would require sight of the plans to enable it to engage with the Applicant and the South Downs National Park concerning the proposed works and compounds at Hammerpot.</p>	9	Submission of detailed information on the proposed design of accesses and HDD proposals at A27 Hammerpot.	Updates on progress (with National Highways) will be provided in forthcoming submissions. It is not the intention to submit detailed design information into the Examination for approval; this would be provided to discharge the draft DCO requirement 15 or 16.	The northern edge of the A27 carriageway abuts the boundary with the SDNP. A number of the HDD launch/reception locations are therefore within the SDNP. Whilst it is understood further details of access would be part of a submission to discharge Requirement 16, the details pertaining to the HDD proposals are not sought by this Requirement and we would seek clarification on these details and would welcome the opportunity to discuss these further with the applicant and National Highways.	<p>The Applicant has provided a response to this question in <b>Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b> (submitted at Deadline 3), please see Table 2-5, references LR 1.22.</p>
9	Submission of detailed information on the proposed design of accesses and HDD proposals at A27 Hammerpot.	Updates on progress (with National Highways) will be provided in forthcoming submissions. It is not the intention to submit detailed design information into the Examination for approval; this would be provided to discharge the draft DCO requirement 15 or 16.	The northern edge of the A27 carriageway abuts the boundary with the SDNP. A number of the HDD launch/reception locations are therefore within the SDNP. Whilst it is understood further details of access would be part of a submission to discharge Requirement 16, the details pertaining to the HDD proposals are not sought by this Requirement and we would seek clarification on these details and would welcome the opportunity to discuss these further with the applicant and National Highways.					
COD 1.1	Natural England Environment Agency	<p><i>Commitments Register Horizontal Directional Drilling (HDD)</i></p> <p>Provide a response to the Applicant's statement in the</p>	<p>National Highways would require that any crossing, trenchless or otherwise (including if the process or form of crossing is changed) where it would impact the strategic road network and any land adjoining the strategic road network, is prohibited unless National Highways has provided its consent in writing.</p>	<p>The Applicant has provided a response to this question in <b>Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b> (submitted at Deadline 3), please see Table 2-3, references COD 1.1 and COD 1.2. For clarity, as stated within reference COD 1.2, the Applicant notes that detailed</p>				



Ref	Question to:	Examining Authority Written Question	National Highway's reply	Applicant's response
	<p><b>Forestry Commission</b></p> <p><b>South Downs National Park Authority (SDNPA)</b></p> <p><b>The Woodland Trust</b></p> <p><b>Sussex Wildlife Trust</b></p> <p><b>West Sussex County Council (West Sussex CC)</b></p> <p><b>Horsham District Council (Horsham DC)</b></p>	<p>Applicant's Responses to Relevant Representations, J3 [REP1-017] on page 416 that:</p> <p><i>"Commitment C-5 (Commitments Register [APP-254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD033] secured via Required 22 within the Draft Development Consent Order [PEPD009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic Worst-Case Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through amendment to the stage specific Code of Construction Practice and Crossing Schedule."</i></p> <p>Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing</p>		<p>design of crossings of assets will also be subject to agreement with the asset owners such as National Highways in accordance with the Protective Provisions set out Schedule 10 of the <a href="#">Draft Development Consent Order [REP3- 003]</a> (updated at Deadline 4).</p> <p>As requested by National Highways, a Geotechnical Statement of Intent technical note has been issued to National Highways on 22 April 2024 with minor comments received on 13 May 2024. This feedback has been incorporated into an updated version of the technical note shared with National Highways on 23 May 2024 (see Appendix A Action points 46 and 57 of <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</a> submitted at Deadline 4).</p>

Ref	Question to:	Examining Authority Written Question	National Highway's reply	Applicant's response
		Schedule in Appendix A of the Outline of Construction Practice [PEPD-033] to be secured via Required 22 within the Draft DCO [REP2-002].		
<b>COD 1.2</b>	<b>The Applicant</b>	<i>Commitments Register - Other Trenchless Technology</i> The phrase 'HDD or other trenchless technology' is used in C-5, C-123 and C-124 within the Commitment Register [REP1-015]. Clarify what other trenchless technology could be utilised instead of HDD and how these have been assessed in the Environmental Statement (ES).		
<b>DCO 1.6</b>	<b>The Applicant</b>	<i>Part 3, Article 15</i> The ExA is concerned that the power in this Article, in which the Undertaker may "alter the layout of any street" to be too wide and onerous. The ExA considers that at the very least, it should be restricted to those streets within the Order limits. Respond and amend the draft DCO [REP2-002] if necessary.	National Highways agrees with the ExA that the power in Part 3 Article 15 where 'the Undertaker may alter the layout of any street' is too wide and onerous. National Highways submits that if provided to the Applicant, it would provide a precedent to the Applicant or a third party to usurp the rights, roles and responsibilities of National Highways in connection with the Strategic Road Network. National Highways would require that any proposed works or alteration to the strategic road network must not take place without the consent in writing of National Highways.	The Applicant has provided a response to this question in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3) confirming that the provision has precedence. The Applicant also notes that the protective provisions are included in the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) in favour of National Highways which are subject to continuing negotiation between the parties.
<b>DCO 1.7</b>	<b>The Applicant</b>	<i>Part 5, Articles 23(2), 24 and 32</i> At Issue Specific Hearing 1 held on Wednesday 7 February 2021 and Thursday 8 February 2024 (ISH1) [EV3-001], the ExA questioned the Applicant about the general use of restrictive covenants and their apparent wide-ranging	National Highways would seek to have the opportunity to comment on any answer to this question provided by the Applicant.	The Applicant welcomes National Highways' review and comments on our response to Examining Authority's Question DCO 1.7, this is provided in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3), please see Table 2-4, reference DCO 1.7.

Ref	Question to:	Examining Authority Written Question	National Highway's reply	Applicant's response
		<p>power and lack of definition. In its response at D1 [REP1-033] the Applicant stated they were all intended to be referring to a restrictive covenant (as opposed to "covenants" and "other restrictive covenants" and that the purposes for which restrictive covenants are sought in relation to land shaded blue on the Land Plans are prescribed by Schedule 7 to the Order.</p>		
		<p>The ExA notes the Secretary of State's decision of the M4 Motorway (Junctions 3 to 12) (Smart Motorway) DCO (paragraph 62) which, in respect to restrictive covenants, the Secretary of State decided "<i>to remove the power to impose restrictive covenants and related provisions as [the Secretary of State] does not consider that it is appropriate to give such a general power over any of the Order land [...] in the absence of a specific and clear justification for conferring such a wide-ranging power in the circumstances of the proposed development and without an indication of how the power would be used.</i>"</p>		
		<p>The ExA notes that the Secretary of State has taken a very similar position in the A556 (Knutsford to Bowdon Improvement) Order and the Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of</p>		

Ref	Question to:	Examining Authority Written Question	National Highway's reply	Applicant's response
		Heysham to M6 Link Road)) Order.  Provide additional justification for the need and use restrictive covenants on the plots as set out in Schedule 7, and in particular the powers the restrictive covenants will contain.		
<b>DCO 1.18</b>	<b>Horsham DC Arun DC West Sussex CC SDNPA Mid Sussex DC</b>	<i>Schedule 1, Part 3 Requirements 10, 12 and 16</i> Provide a response on the Applicant's amendments to the draft DCO submitted at Deadline 2 [REP2-002] in which the definition of "Commence" in Article 2 and a number of Requirements have been amended in respect to "carving-out" onshore site preparation works for the onshore Works.	National Highways, submits that the draft development consent order does not provide a definition of "complete" or "completion". Without a definition there could be risks of mitigation or commitments which impact the strategic road network being delayed or never being implemented if a dispute arises on whether or not the relevant aspect of the project is complete or has been completed. Appropriate definitions used, typically for highways mitigation, "completion" is defined as when the improvement works are open to traffic. Thus the landscaping, snagging lists etc, forming part of the project, could continue for some time without delaying related aspects such as promoting the delivery of other commitments or allowing other aspects of the project to come forward	The Applicant notes that the articles referred to in DCO1.18 relate to the programme of stages (Requirement 10), provision of landscaping (Requirement 12) and 16 (highway accesses in the South Downs National Park). These articles do not use the term 'complete'. The Applicant is unclear as to which provisions of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) to which a definition of 'complete' would apply and hence the need for such a definition.
<b>DCO 1.26</b>	<b>The Applicant</b>	<i>Schedule 1, Part 3 Various Requirements</i> West Sussex CC [REP1-054] have at various points pointed to areas where there is inconsistency in the approach to approval of the Requirements. It is the ExA's understanding that, for consistency, the discharge of all necessary requirements should be the responsibility of the relevant planning authority, with appropriate consultations undertaken accordingly (as set out in each Requirement) which should or should not involve the County Council.  Review and amend, or provide specific examples	National Highways would require the Applicant obtains consent in writing from National Highways to undertake works that impact the strategic road network or any National Highways land adjoining the strategic road network. National Highways must be consulted on any proposals, conditions/ requirements that could have the potential to impact on the safe, reliable and/or efficient operation of the strategic road network (as required in policy DfT C1/22 and the NPPF (updated) where;  a) The traffic attracted to, generated by or rerouted as a result of proposals and/or b) the construction, operation or maintenance of a site adjacent to or in close proximity to the SRN.  In the case of this application, it will be the implications of the construction phase (works. compounds, construction traffic) that will need to be the subject of requirements and/or conditions and prior consent obtained from National Highways.  Any consultations/ agreement processes would need to include a timetable and provide sufficient time for National Highways to respond.	The Applicant has provided a response to this question in <b>Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b> (submitted at Deadline 3). This confirms the Applicant's position that where the statutory responsibility for matters secured by a Requirement sits with a specific statutory body, the Applicant considers that it is appropriate for those Requirement to be discharged by the relevant statutory body (i.e. the relevant highway authority for highway related matters). This would be National Highways for requirements that relate to the Strategic Road Network.  The Applicant also notes that the protective provisions are included in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) in favour of National Highways which are subject to continuing negotiation between the parties.



Ref	Question to:	Examining Authority Written Question	National Highway's reply	Applicant's response
		where, as in the case of Requirements 17 and 18 of the draft DCO [REP2-002], it has not been used in other Orders and the appropriateness of not submitting to the relevant planning authority.		
<b>LR 1.21</b>	<b>The Applicant</b>	<i>Progress with Land Rights Negotiations</i> Provide the following information in relation to obtaining Land Rights for the Proposed Development by agreement (include figures for AP's who have not submitted RRs or WRs): a) Total number of signed agreements required; b) Number of Key Terms issued; c) Number of Key Terms signed; and d) Number of agreements completed	National Highways notes the LR1.21 requirements and may need to provide comment. Please see National Highways comments for LR 1.17.	The Applicant has provided a response above to National Highways comment in <b>response LR 1.17</b> .
<b>TA 1.3</b>	<b>The Applicant</b>	<i>Abnormal Indivisible Loads (AIL)</i> Confirm that Shoreham Port will be utilised for AIL deliveries associated with the Proposed Development and that ES Volume 4 Appendix 23.1: Abnormal Indivisible Loads Assessment [APP-196] is still applicable.	National Highways will need to comment on the Applicant's response.  National Highways has a standard process to be followed by any party seeking to move an abnormal indivisible load on the strategic road network. An abnormal indivisible load ('AIL') is defined by National Highways as: <i>a vehicle that has any of the following:</i> <ul style="list-style-type: none"> <li>• a weight of more than 44,000kg</li> <li>• an axle load of more than 10,000kg for a single non-driving axle and 11,500kg for a single driving axle</li> <li>• a width of more than 2.9 metres</li> <li>• a rigid length of more than 18.65 metres</li> </ul> Any AIL will need to register with and then use the Electronic Service Delivery for Abnormal Loads ('ESDAL') system that contains fulsome guidance for users.  <i>The ESDAL system makes this process easier for hauliers, structure owners, highway authorities and the police.</i> <i>If you are a Haulier, you can use ESDAL to:</i>	The Applicant has provided a response to this question in <b>Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b> (submitted at Deadline 3), please see Table 2-17, reference TA 1.3. For clarity, as stated within reference TA 1.3, the Applicant notes that regardless of the final Abnormal Indivisible Load (AIL) route selected, the contractor responsible for completion of AIL deliveries will be required to comply with the statutory regulations in terms of consulting with the highway authority and police prior to undertaking the works. The notification requirements and process are provided in the Road Vehicles (Authorisation of Special Types) (General) Order 2003, which will be completed through use of the Electronic Service Delivery for Abnormal Loads (ESDAL) system.

Ref	Question to:	Examining Authority Written Question	National Highway's reply	Applicant's response
			<ul style="list-style-type: none"> <li>• plan your route and check its suitability for your load</li> <li>• get full details of all the organisations and authorities you need to notify before you travel</li> <li>• notify the police, highways and bridge authorities of your abnormal indivisible load (AIL) movements around the road network</li> <li>• submit your notifications</li> <li>• get advance notice of any possible route problems</li> <li>• save vehicle details and routes for future use</li> </ul> <p>It remains the case that while there are national AIL routes, those routes may not always be appropriate or usable by a particular AIL or be available at the time of the proposed move. Therefore, National Highways cannot guarantee that Shoreham Port can be utilised at all times for all loads. National Highways would expect the Applicant to follow the National Highways standard process for the movement of AILs on the strategic road network.</p>	
TA 1.9	The Applicant	<p><i>Construction Traffic Movements and HGV Deliveries</i></p> <p>The ExA notes that the Applicant has committed to reviewing West Sussex CC's request to avoid construction traffic movements at peak periods in its response to the LIR [REP2-020].</p> <p>For Deadline 3, also consider how HGV deliveries could be managed to avoid peak periods at traffic sensitive locations and for any measures proposed (for both construction traffic and HGV deliveries), confirm how they would be secured in the draft DCO [REP2-002].</p>	<p>National Highways would seek to have the opportunity to consider the implications of the Applicant's responses and any updated documents and will respond accordingly. National Highways notes that the local highway authorities have raised concerns regarding the details of the OCTMP.</p>	<p>The Applicant has provided a response to this question in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3), please see Table 2-17, references TA 1.9 and TA 1.11.</p> <p>The Applicant has updated the <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> (updated at Deadline 4) and <a href="#">Outline Construction Workforce Travel Plan [REP3-031]</a> (updated at Deadline 3), these documents have been updated in line with the <a href="#">Deadline 2 Submission – 8.43 Category 8: Examination Documents – Applicant's Response to West Sussex County Council's to Deadline 1 Submissions [REP2-020]</a>. A log has also been provided in Section 2.5 (Stakeholder feedback) of the <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> (updated at Deadline 3) which details the updates made within the document. The Applicant welcomes National Highways review and comments on the updated plans.</p>
TA 1.11	The Applicant	<p><i>Outline Construction Traffic Management Plan</i></p> <p>The ExA notes that the Applicant in response to issues raised in West Sussex CC's LIR [REP2-020] has committed to amend or consider amending the</p>		

Ref	Question to:	Examining Authority Written Question	National Highway's reply	Applicant's response
		<p>OCTMP and provide an updated version at Deadline 3.</p> <p>In addition to the updated document, provide a log of all the issues for which such a commitment was made and how it has been addressed.</p>		

**Table 2-16 Applicant's comments on Andrew Griffith MP's responses to Written Questions (ExQ1) [REP3-089]**

Ref	Question to:	Examining Authority Written Question	Andrew Griffith's reply	Applicant's response
AL 1.1	Natural England The Environment Agency	<i>Fawley and Dungeness Alternatives</i> Respond specifically to the identified environmental challenges of offshore cabling to the Fawley substation as identified in paragraphs 1.3.10 to 1.3.14, and to Dungeness substation as identified in paragraphs 1.3.19 to 1.3.29 of the Applicant's post-Hearing submission on Fawley and Dungeness appraisals [REP1-019].	<p>I am writing further to your written questions and requests for information, specifically with regards to the Alternatives (AL 1.1 -1.3). I do so as the Member of Parliament for Arundel and South Downs, and as a registered Interested Party.</p> <p>I do not believe the Applicant has demonstrated diligent evaluation of other potentially viable alternatives with a lower environmental impact. The first is a possible connection at Ninfield which could be a more suitable and less damaging connection to the one proposed at Bolney which will cut through huge swathes of the South Downs?</p> <p>While the location of Ninfield may have been explored for the purpose of Rampion 1, I cannot find evidence that this has been properly re-examined for Rampion 2 – which I should point out is an entirely new offshore wind farm comprising of much larger turbines, with an entirely new cable route which is some 18 kilometres longer than the first one, and a proposed connection to a new substation, and should in no way be seen as simply an extension of the existing site. Therefore, I think it wholly appropriate that alternatives are reviewed in isolation of anything put forward for Rampion 1.</p> <p>While Ninfield was dismissed for the purpose of evaluating Rampion 1 alternatives, based on projected connection costs, we do know that Rampion 2 as a scheme requires a much longer and more damaging cable route and should therefore be evaluated again. It is unclear how the additional projected costs for a Ninfield connection were estimated to be £132- £138million for Rampion 1, but are now assessed as £302million for Rampion 2 despite the additional 18km of cabling that would be needed to connect to Bolney.</p> <p>Further to this, I can see no evaluation has been made to explore a connection with the Aquind Interconnector project which could enable a Rampion 2 offshore wind farm to connect onshore, where the interconnector will be located to the western side of</p>	<p>The Applicant has provided a response to the Examining Authority's Written Question reference AL 1.2 in <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3), please see Table 2-1, reference AL 1.2.</p> <p>In parallel with the National Grid's feasibility study, the Applicant carried out an appraisal of various grid connection options, this included the Ninfield alternative. The Ninfield option was discounted due to technical constraints (including shipping, steep coastline geography, and ecological sites). Depending on the landfall location, the Ninfield option may have required the onshore cable to be routed through the South Downs National Park. In addition to this, the Ninfield option would incur significant additional costs due to the longer marine cable required and would not be economically viable. <a href="#">Chapter 3: Alternatives, Volume 2</a> of the Environmental Statement [APP-044] describes the alternatives studied by the Applicant and a comparison of their environmental effects across the project as a whole, including the Ninfield option.</p> <p>The Offshore Transmission Network Review (Gov.uk, n.d) was launched in August 2020 to “to ensure that the transmission connections for offshore wind generation are delivered in the most appropriate way, and to find the appropriate balance between environmental, social and economic costs” Department for Business, Energy and Industrial Strategy (BEIS) and Ofgem published a joint Open Letter (Trevelyan, 2021) which invited stakeholders to propose potential pathfinder projects and identify perceived barriers to coordination. As the AQUIND Interconnector had already submitted its DCO Application in November 2019, it would not have been possible for the project to volunteer as a pathfinder project.</p> <p>The AQUIND Interconnector has also faced significant issues receiving development consent. In January 2022, the application for development consent for the proposed AQUIND Interconnector Project was refused by the Secretary of State. Following an Order of the High Court made on 24 January 2023, the decision of the Secretary of State dated 20 January 2022 to refuse the application by AQUIND Limited for development consent for the proposed AQUIND Interconnector Project was quashed and a final decision is yet to be made, awaiting further comments from the Ministry of Defence. In the previous submission (dated 25 March 2024), the Ministry of Defence provided a response to the Secretary of State's letter of 9 February 2024 stating that “its representations relate to significant national security concerns”. Due to the uncertainties set out above, a shared connection between Rampion 2 and the AQUIND Interconnector, if feasible, could have resulted in significant delays to the connection of Rampion 2, contrary to meeting the urgent need for new renewable energy generating stations as set out in National Policy Statement (NPS) EN-1 (Department for Energy and Climate Change, 2011) and Critical National Priority for the provision of low carbon infrastructure (including offshore wind generation) as set out in revised NPS EN-1 (Department for Energy Security and Net Zero, 2024).</p>
AL 1.2	The Applicant	<i>Fawley and Dungeness Alternatives</i> Further to the Applicant's post-Hearing submission on Fawley and Dungeness appraisals [REP1-019], explain the constraint, if any, to the identified “Inshore Traffic Zone” and whether this would have any bearing on construction of a cable route to Dungeness.		
AL 1.3	National Grid Electricity Transmission (National Grid)	<i>Bolney Substation</i> Confirm the Applicant explanation of the process of selecting the preferred substation at Bolney for the grid connection for the Proposed Development at Bolney as set out in ES Chapter 3 [APP-044] and within section 1.3 of		



Ref	Question to:	Examining Authority Written Question	Andrew Griffith's reply	Applicant's response
		the Applicant's post-Hearing submission on Fawley and Dungeness appraisals [REP1-019].	the proposed turbine array. Interconnectors, such as the Aquind project, will help integrate more electricity generated from renewable sources and offer prospect of exporting energy to make better use of generation assets. In terms of such significant energy infrastructure projects located within the same area, the planning could be more joined up with these options being fully explored to reduce impacts on communities, landscapes and habitats. This would have the benefit of gaining far greater support where Rampion 2 does not have the support of communities, particularly in the South Downs.	<p>The Rampion 2 project is proposed as an Alternating Current (AC) project and no rights have been sought for consent parameters compatible with delivering a High-Voltage Direct Current (HVDC) connection. The Rampion 2 project also has no commercial route to secure a grid connection agreement via third party assets (to the transmission system operator) which currently do not have planning consent and no firm date for delivery. Holding a grid connection agreement is a pre-requisite for being able to qualify for Contracts for Difference (CfD) allocation rounds.</p> <p>Once a DCO Application and accompanying Environmental Impact Assessment (EIA) has been submitted, it is difficult for a project to introduce material changes (such as a shared connection with an offshore wind farm) for which environmental effects have not been assessed. The AQUIND Interconnector was submitted to the Planning Inspectorate in November 2019 and the DCO Examination commenced in March 2021. During this time, Rampion 2 was in the very early stages of pre-application and did not submit a Scoping Report (the first key milestone of the DCO process) until July 2020. Additionally, as the AQUIND Interconnector DCO Application was submitted prior to the production of the Rampion 2 Scoping Report (July 2020), there would not have been enough information available on the Rampion 2 Project for the AQUIND Interconnector to assess the viability of a shared connection.</p>

**Table 2-17 Applicant's comments on Bolney Parish Council's responses to Written Questions (ExQ1) [REP3-095]**

Ref	Question to:	Examining Authority Written Question	Bolney Parish Council's reply	Applicant's response
COD 1.5	<b>The Applicant</b>	<p><i>Community Benefits Package</i></p> <p>West Sussex CC in its LIR [REP1-054] state that it expects to see the Applicant prepare a Community Benefits Package in respect to measures contained within the draft DCO [REP2-002]. In its response e.g [REP2-021], the Applicant states that Community Benefits Packages sit outside of the consenting process and separate to the planning process.</p> <p>The ExA wishes to better understand the purpose of the Community Benefits Package, and what it would, in practice, entail and contain.</p> <p>a) The ExA would like assurance that such matters contained therein are to enhance communities and are not mitigation measures brought about by the Proposed Development.</p> <p>b) Explain whether such Community Benefits Packages will be agreed and signed (albeit not submitted into the Examination) before the close of the Examination so that it can be reported to the Secretary of State.</p> <p>c) Set out which authorities the Applicant is intending to agree Community Benefit Packages with.</p>	<p>Bolney Parish Council would ask that the Applicant includes the Parish Council as an authority it intends to agree Community Benefit Packages with.</p> <p>Residents in the Parish living close to Wineham Lane, the Rampion 1 and the Bolney National Grid substations have already had to put up with 6 years of construction noise, vibration, dust and increased daily construction traffic movements along Wineham Lane during the construction of the Rampion 1 substation, cable corridor and the extension to the National Grid substation associated with the Rampion 1 project. At times, the permitted construction hours were extended to 7 days a week and from 07.00 to 21.30 hours hugely impacting on the amenity of local residents. In recognition of this, the Community Benefits Fund created as part of the Rampion 1 project ring-fenced a sum of money specifically for the benefit of the residents of 42 properties in the Parishes of Bolney, Twineham, Cowfold and Shermanbury located close to Wineham Lane, the cable route corridor and the National Grid and Rampion 1 substations.</p> <p>This same group of residents are now going to be impacted again by the construction works associated with the Rampion 2 project. Although the new substation site will be located in Cowfold, the underground connecting cable and haul road from the new substation to the National Grid substation will be constructed across Wineham Lane and through the Parish of Bolney. It is proposed that there will be HDD cable construction compounds on Wineham Lane and another located to the north of the Bolney National Grid substation resulting in multiple daily HGV and LGV movements along Wineham Lane. All of these proposals will impact on the properties on Wineham Lane in the Parish of Bolney and on the properties in the Parish to the north of the cable route corridor and the Bolney substation.</p> <p>Although the Parish Council is grateful for the grants made from the Area 3 Rampion Community Benefit Fund which benefited the wider community, Rampion refused to include direct compensation to the residents who were actually impacted by the years of construction noise and traffic.</p> <p>The Parish Council would therefore ask that any Community Benefits Package in the Rampion 2 project also includes direct compensation to the residents in the Parish who will again have to live with several more years of construction noise and traffic and whose quiet enjoyment of their homes will be negatively impacted by the project.</p>	<p>The Applicant has provided a response to this question in <a href="#">Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3), please see Table 2-3, reference COD 1.5.</p>
DCO 1.24	<b>Mid Sussex DC</b>	<p><i>Schedule 1, Part 3 Requirement 29</i></p> <p>In the LIR [REP1-046], it is stated that Requirement 29 should also include Work No 20. In response, the Applicant states [REP2-023] that the ES [PEPD-018] has already</p>	<p>Bolney Parish Council considers it imperative that Work No 20 should be included within Requirement 29.</p> <p>The site selected for the extension to the National Grid substation is located on a ridge in the Low Weald landscape and consequently construction and</p>	<p>The proposed onshore substation at Oakendene, and the extension to the existing National Grid substation at Bolney are very different in their scale, operation, equipment and thus noise impacts.</p>

Ref	Question to:	Examining Authority Written Question	Bolney Parish Council's reply	Applicant's response
		<p>assessed noise levels at the existing National Grid substation at Bolney and, because noise generated by the Proposed Development at this location is expected to be minimal, no additional mitigation is necessary.</p>	<p>operational noise from the site will be audible at surrounding nearby properties. The topography of the local area when combined with the prevailing wind from the south west is such that noise from Work No 20 will impact particularly on the properties to the north of the substation site within the Parish of Bolney. Although there are some trees and mitigation planting from the Rampion 1 project between the National Grid substation and the properties to the north, the plantings are located in an area that is lower in the landscape and therefore will not help mitigate the construction and operational noise from Work No 20. It should also be noted that sections of field boundaries and trees to the north of the Work No 20 site will be removed as part of the Rampion 2 project which will only exacerbate the problem of noise for local residents to the north.</p> <p>It should also be noted that residential properties in the area already have to tolerate significant cumulative operational noise from the National Grid substation, the Rampion 1 substation and particularly a 'silt buster' installed at the Rampion 1 substation site to filter pollutants from surface water run-off before it is discharged into a nearby watercourse. Noise from construction work and operational noise from the substation extension will inevitably increase noise levels for residents.</p>	<p>Requirement 29 within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) is appropriate for Work 16 at Oakendene, but it is not appropriate for the much smaller impact of Work 20 Bolney substation extension.</p> <p>The potential for noise generation of the equipment required at the existing National Grid Bolney substation extension works is minimal in that the only noise generated is during operation of the switchgear. To clarify, the switchgear would only operate in the event the offshore wind farm was isolated from the grid, this would be in an emergency, maybe once a year. The resulting noise emission resulting is expected to be over an extremely short duration of less than 1 second. This assessment was scoped out due to the infrequent and short duration – any assessment in accordance with British Standards would see a negligible effect. It is therefore considered that the requirement is unnecessary.</p> <p>The noise arising from the existing National Grid Bolney substation extension works is different in characteristics arising from the transformers and compensation equipment which operate continuously at the onshore Oakendene substation. It has been noted in the description of works number 20 that transformers are referred to and the Applicant will make an amendment to this work description at Deadline 4 to clarify this point.</p>
HE 1.2	Mid Sussex DC	<p><i>Heritage Assets</i> Given the scoping out of effects upon Coombe House, Mid Sussex DC LIR in its LIR (paragraphs 4.48 to 4.50) [REP1-046] and the Applicant's response submitted at Deadline 2 [REP2-023], comment upon and justify the contribution of the site to the setting of Coombe House and the level of effect upon Coombe House, a Grade II Listed Building, from the proposed extension to the</p>	<p>Coombe House is a Grade II Listed Building located in the Parish of Bolney to the north of the site proposed for the extension to the National Grid substation.</p> <p>The Applicant scoped out the effects of the extension works on the Listed Building 'due to the intervening distance, buildings, topography and plantings between Coombe House and the substation'. The MSDC Conservation officer disagrees with the Applicant's assessment of the effect of the construction works on the setting of Coombe House.</p>	<p>Appendix D of the <a href="#">Design and Access Statement [REP3-013]</a> illustrates the retention of vegetation within land between the Bolney substation site and Coombe, which will maintain screening.</p> <p>It is assumed that the hedgerow removal referred to in <a href="#">Appendix 22.16: Arboricultural Impact Assessment, Volume 4</a> of the Environmental Statement</p>

Ref	Question to:	Examining Authority Written Question	Bolney Parish Council's reply	Applicant's response
		existing Bolney Substation. Justify the need for further mitigation at this location over and above that already shown on the illustrative landscape plans at Appendix D of the DAS [AS-003] given the Applicants scoping out of effects upon Coombe House.	<p>Bolney Parish Council supports the concerns of the MSDC Conservation Officer. It is further concerned by the need to remove a section of hedgerow to the north of the substation site for the connecting cable corridor which will reduce the screening of the site from the Listed Building to the north [See APP-194 Appendix B Inset 45 of 47].</p> <p>The ExA questions whether further mitigation is required given the landscape plans at Appendix D of the DAS [AS-003]. However, these plans show that there are no proposals for any plantings to the north of the substation extension site to replace the hedgerow being removed, only some new planting to the south along Bob Lane. The Parish Council asks that the Applicant review these landscaping plans so as to mitigate the impact of extension at the National Grid substation on the setting of Coombe House.</p> <p>As part of the Rampion 1 project, several local residents living in Bolney to the north to the new substation were offered trees to plant in their own gardens to help mitigate the visual impact of the substation. The Parish Council would ask the Applicant in this project to consider a similar package to help mitigate the impact of the substation extension on local properties to the north of the site including Coombe House.</p>	<p>(ES) <b>[APP-194]</b> (updated at Deadline 4), Annex B Inset 45 of 47 is the section to be removed is for the onshore cable corridor and will be reinstated following the construction stage. However, Inset 45 shows that existing vegetation between the existing National Grid Bolney substation site and Coombe House consists of ancient woodland, which will be retained and Category B Trees and Hedgerows to be retained.</p> <p>There is also an existing hedgerow and tree belt surrounding Coombe House in the direction of the existing National Grid Bolney substation site which will limit outward views from the house toward the substation site.</p>
NV 1.7	<b>Arun DC</b> <b>Horsham DC</b> <b>Mid Sussex DC</b>	<i>Construction Noise and Vibration</i> Respond to the Applicant's response contained in [REP2-021] to the issues raised in the LIR [REP1-039], [REP1-044] and [REP1-046] respectively, with regard to the impact of construction noise and vibration from the Proposed Development on receptors. List any outstanding concerns and provide recommendations for addressing them.	<p>In Rampion 1, noise monitors were placed on the boundaries of two residential properties located close to the Rampion 1 substation construction site and to the construction access road from Wineham Lane, to monitor the noise levels for the benefit of local residents. The monitors were located on the boundaries of two Listed Buildings, namely Twineham Court Farmhouse in Twineham to the east of the site and Coombe House to the north in Bolney.</p> <p>The same residential properties in the Bolney/Twineham area will again be impacted by the noise and vibration in the Rampion 2 project from the construction of underground cable route from the Oakendene substation to the National Grid substation and by the extension work at the National Grid substation.</p> <p>Bolney Parish Council would ask that the Applicant consider installing noise monitors again around the route of the connecting cable corridor and the National Grid substation to ensure that noise levels do not exceed accepted limits for local residents living in Bolney and Twineham.</p>	<p>The Applicant has submitted an <b>Outline Noise and Vibration Management Plan [REP3-054]</b> (submitted at Deadline 3), to provide the measures to manage the impact on noise and vibration for the onshore elements of the Proposed Development. Stage specific Noise and Vibration Management Plans (NVMPs) will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. The stage specific NVMPs are secured by Requirement 22 of the <b>Draft Development Consent Order [REP3-003]</b>.</p> <p>This NVMP will set out the methodology for noise and vibration monitoring. Any monitoring regime will be agreed with the relevant planning authority and details included in the stage specific NVMP.</p>
TA 1.13	<b>The Applicant</b>	<i>Core Working Hours for Construction</i> The Applicant updated commitment C-22 within the Commitments Register [REP1-015] at D1 to:	Bolney Parish Council is very pleased to note the decision of the Applicant to introduce 'shoulder hours' between 07:00 to 0:800 and 18:00 to 19:00 before and after the core working hours Monday to Friday.	The Applicant has provided a response to this question in <b>Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b> (submitted



Ref	Question to:	Examining Authority Written Question	Bolney Parish Council's reply	Applicant's response						
		<p><i>“Core working hours for construction of the onshore components will be 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 on Saturdays, apart from specific circumstances that are set out in the Outline COCP, where extended and continuous periods of construction are required. Prior to and following the core working hours Monday to Friday, a ‘shoulder hour’ for mobilisation and shut down will be applied (07:00 to 08:00 and 18:00 to 19:00).”</i></p> <p>The activities permitted in the “shoulder hour” would include “deliveries to site and unloading.”</p> <p>Respond to West Sussex CC’s preference set out in its LIR [REP1-046] for core working hours: “08:00 to 19:00 hours Monday to Friday; and 09:00 to 13:00 hours on Saturday”, with no HGV movements and other construction traffic taking place an hour before or after the stated working hours unless there is a need associated with the specific activities or circumstances highlighted by the applicant that may occur outside of these hours.”</p>	<p>The Parish Council is concerned however that the Applicant has included ‘deliveries to the site and unloading’ within these ‘shoulder hours’ and supports WSCC’s concerns about the inclusion of these activities. The Applicant’s decision to include unloading is at odds with the activities that were permitted within the same ‘shoulder hours’ introduced in Rampion 1. In paragraph 9 of the Rampion 1 Construction Health, Safety and Environment Plan produced by the applicant:</p> <p>‘construction and unloading activities are restricted in the shoulder hours of 0700 to 0800 and 1800 to 1900’.</p> <p>This was repeated in the Stage 1 Site Access Design Document (Stage 1 being the substation construction site) which confirmed:</p> <p>‘Construction activities (including the reversing and unloading of HGVs) at the substation site are only permitted during the following hours:</p> <table data-bbox="1190 842 1745 947"> <tr> <td>Mon – Fri</td> <td>0800hrs – 1800hrs</td> </tr> <tr> <td>Sat</td> <td>0800hrs – 1300hrs</td> </tr> <tr> <td>Sun</td> <td>Closed’</td> </tr> </table> <p>In Rampion 1, although HGV deliveries to the substation site were technically permitted during the ‘shoulder hours’, because all HGVs had to report to the holding area before being permitted to drive to the substation site and because the manoeuvring and unloading of HGVs was prohibited in these quiet ‘shoulder hours’, the combined effect was that there were in fact limited HGV arrivals at the site during the ‘shoulder hours’ which resulted in quieter overall construction vehicle noise for local residents during these ‘shoulder hours’, particularly in the early mornings.</p> <p>Bolney Parish Council would ask that reversing and the loading and unloading of HGVs be excluded from the activities permitted in the ‘shoulder hours’.</p>	Mon – Fri	0800hrs – 1800hrs	Sat	0800hrs – 1300hrs	Sun	Closed’	<p>at Deadline 3), please see Table 2-17, reference TA 1.13.</p>
Mon – Fri	0800hrs – 1800hrs									
Sat	0800hrs – 1300hrs									
Sun	Closed’									

**Table 2-18 Applicant's comments on Twineham Parish Council's responses to Written Questions (ExQ1) [REP3-139]**

Ref	Question to:	Examining Authority Written Question	Twineham Parish Council's reply	Applicant's response
<b>COD 1.5</b>	The Applicant	<p><i>Community Benefits Package</i> West Sussex CC in its LIR [REP1-054] state that it expects to see the Applicant prepare a Community Benefits Package in respect to measures contained within the draft DCO [REP2-002]. In its response e.g [REP2-021], the Applicant states that Community Benefits Packages sit outside of the consenting process and separate to the planning process.</p> <p>The ExA wishes to better understand the purpose of the Community Benefits Package, and what it would, in practice, entail and contain.</p> <p>a) The ExA would like assurance that such matters contained therein are to enhance communities and are not mitigation measures brought about by the Proposed Development.</p> <p>b) Explain whether such Community Benefits Packages will be agreed and signed (albeit not submitted into the Examination) before the close of the Examination so that it can be reported to the Secretary of State.</p> <p>c) Set out which authorities the Applicant is intending to agree Community Benefit Packages with.</p>	<p>With the Bolney National Grid substation being located in the Parish of Twineham, Twineham Parish Council wishes to be included in any Community Benefits package. Residents of Twineham Parish have already endured 6 years for the construction of the Rampion 1 substation and cable route, which were constructed in the Parish of Twineham. This entailed a lot of noise, dust and construction traffic. There were occasions when construction work was extended to 7 days a week from 07.00 hours to 21.30 hours throughout one summer. A Community Benefits fund was available to the approximately 40 residential properties impacted by these works. Although residents are very grateful for such items as benches for the cricket pitch, those who benefit from the items are not necessarily the people who endured such horrendous works. At a meeting of West Sussex County Council Environmental &amp; Community Services Select Committee on 12th July 2013 for Rampion 1 it was stated, "That more work is done to consider the need for adequate compensation to individuals....." and that, "In considering the definition of affected individuals, communities and businesses, this definition is not applied too narrowly." Unfortunately, direct compensation was not forthcoming for individuals, but it is something about which Twineham Parish Council feels very strongly, given the very adverse impact previous works have caused.</p>	<p>The Applicant has provided a response to this question in <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3), please see Table 2-3, reference COD 1.5.</p>
<b>DCO 1.23</b>	The Applicant	<p><i>Schedule 1, Part 3 Requirement 22</i> Horsham DC [REP1-044], Mid Sussex DC [REP1-046] and West Sussex CC [REP1-054] have expressed views that the hours of construction, as set out in the</p>	<p>Twineham Parish Council considers that the permitted hours should be a Requirement, and therefore easier to control. Twineham Parish Council insists that hours are 08.00 - 18.00 hours, Monday - Friday, and 08.00 hours - 13.00 hours on Saturdays with absolutely no works on Saturday afternoons, Sundays or Bank Holidays. We understand that there will be</p>	<p>The Applicant has provided a response to question DCO 1.23 in <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3), please see Table 2-4. Further detail regarding the shoulder hour activities is provided in Table 2-17, reference TA 1.13.</p>

Ref	Question to:	Examining Authority Written Question	Twineham Parish Council's reply	Applicant's response
		<p>outline CoCP [PEPD-033] should be set out in Requirement 22 so that they are firmly fixed and easier to control. West Sussex CC also states that the list of plans to be included within the submitted CoCP, as set out in paragraph (5), should also include an engagement plan as per commitment C-19 of the Commitments Register [REP1-015], and a phasing plan (see WQ CM 1.4).</p> <p>The ExA considers that the provision of clarity in the draft DCO [REP2-002] would be of benefit to the Interested Parties and may provide greater comfort to the Secretary of State when determining the Proposed Development.</p> <p>a) Given that construction hours are to be controlled in any event, re-consider the position set out at Deadline 2 e.g [REP2-023] and amend the draft DCO and the Commitments Register [REP1-015] if required.</p> <p>b) In pursuance of written question DCO 1.16 above, explain whether a Working Widths and Haul Route plan and a Site Restoration Plan should be added to the list set out in paragraph (4).</p>	<p>"Shoulder Hours" from 07.00 - 8.00 hours and 18.00 - 19.00 hours for opening up and shutting down the site and for deliveries. Twineham Parish Council also insists that there is no loading or unloading of deliveries during these hours. Experience has shown that this is a very noisy activity and there are a number of residential properties in close proximity to the site.</p>	<p>The Applicant notes that, following feedback during the Examination, the core working hours have been updated in the <b>Outline Code of Construction Practice [REP3-025]</b> to 08:00 to 18:00 with a 'shoulder hour' for mobilisation and shut down being applied (07:00 to 08:00 and 18:00 to 19:00), secured by Requirement 22 in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). The Applicant considers that the control of construction hours is appropriately secured through the <b>Outline Code of Construction Practice [REP3-025]</b> so as to provide a single source for confirmation of permitted working hours in any local authority area and allow a degree of flexibility where this is required. This approach allows control to be exercised by the relevant local planning authority but also ensures that should there be any need for a change this can be secured through amending the terms of the Code of Construction Practice, with the agreement of the local planning authority, without either requiring amendment to the Order or the Applicant breaching its terms.</p> <p>The activities permitted during the shoulder hours include staff arrivals and departures, briefings and toolbox talks, deliveries to site and unloading, and activities including site and safety inspections and plant maintenance. Such activities shall not include noise generating activity including use of heavy plant or activity resulting in impacts between objects resulting in loud noises, ground breaking or earthworks. This change in core working hours does not change the assessment outcomes of <b>Chapter 21: Noise and vibration, Volume 2</b> of the Environmental Statement <b>[PEPD-018]</b>.</p>
<b>DCO 1.24</b>	Mid Sussex DC	<p><i>Schedule 1, Part 3 Requirement 29</i> In the LIR [REP1-046], it is stated that Requirement 29 should also include Work No 20. In response, the Applicant states [REP2-023] that the ES [PEPD-018] has already assessed noise levels at the existing National Grid substation at Bolney and, because noise</p>	<p>Twineham Parish Council has concerns regarding noise, particularly given the topography of the site. There is already noise from the National Grid substation, the Rampion 1 substation and UK Power Networks, together with a noisy "silt buster" installed by Rampion 1 to filter pollutants from surface water run-off before it runs into a watercourse.</p>	<p>The proposed onshore substation at Oakendene, and the extension to the existing National Grid Bolney substation are very different in their scale, operation, equipment and thus noise effects. Requirement 29 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) is appropriate for Work 16 at Oakendene, but it is not appropriate for the much smaller impact of Work 20 extension to the existing National Grid Bolney substation.</p>

Ref	Question to:	Examining Authority Written Question	Twineham Parish Council's reply	Applicant's response
		<p>generated by the Proposed Development at this location is expected to be minimal, no additional mitigation is necessary.</p> <p>Provide a response, explaining whether Mid Sussex are content with the response or justify further why Work No 20 should be included within Requirement 29.</p>		<p>The potential for noise generation of the equipment required at the existing National Grid Bolney substation extension works is minimal in that the only noise generated is during operation of the switchgear. To clarify, the switchgear would only operate in the event the offshore wind farm was isolated from the grid, this would be in an emergency, maybe once a year. The resulting noise emission resulting is expected to be over an extremely short duration of less than 1 second. This assessment was scoped out of the noise assessment due to the infrequent and short duration and it is acknowledged that any assessment in accordance with British Standards would see a negligible effect. The Applicant therefore considers that an additional Requirement is not required.</p> <p>The noise arising from operation of the existing National Grid Bolney substation extension is different in characteristics arising from the transformers and compensation equipment which operate continuously at the onshore substation at Oakendene. It has been noted in the description of Works number 20 (<a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4)) that transformers are referred to. However, it should be noted that although these are technically transformers they are 'instrumentation transformers' that convert the electricity to a lower voltage for metering purposes, these are very low voltage and are not a source of noise compared with a 'super grid transformers'.</p> <p>The Applicant has provided further information regarding operational noise monitoring at the existing National Grid Bolney substation extension in response to Issue Specific Hearing 2 Action Point 8 at Deadline 4 in <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70)</a>.</p>
<b>NV 1.7</b>	Arun DC Horsham DC Mid Sussex DC	<p><i>Construction Noise and Vibration</i></p> <p>Respond to the Applicant's response contained in [REP2-021] to the issues raised in the LIR [REP1-039], [REP1-044] and [REP1-046] respectively, with regard to the impact of construction noise and vibration from the Proposed Development on receptors. List any outstanding concerns and provide recommendations for addressing them.</p>	<p>During the construction of Rampion 1, noise monitors were placed on the boundaries of two residential properties in close proximity to the Rampion 1 substation site and the access from Wineham Lane. This was to monitor the noise levels to ensure that they did not exceed accepted limits. The levels will particularly affect Coombe House, in Bolney Parish, and Twineham Court Farm in Twineham Parish. Both of these are Listed buildings.</p>	<p>The Applicant has provided an <a href="#">Outline Noise and Vibration Management Plan [REP3-054]</a> (submitted at Deadline 3), which provides measures to manage the effects of noise and vibration for the onshore elements of the Proposed Development. Stage specific Noise and Vibration Management Plans will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction.</p> <p>The stage specific Noise and Vibration Management Plans will set out the methodology for noise and vibration monitoring. Any monitoring regime will be agreed with the relevant planning</p>



Ref	Question to:	Examining Authority Written Question	Twineham Parish Council's reply	Applicant's response
TA 1.13	The Applicant	<p><i>Core Working Hours for Construction</i></p> <p>The Applicant updated commitment C-22 within the Commitments Register [REP1-015] at D1 to:</p> <p><i>“Core working hours for construction of the onshore components will be 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 on Saturdays, apart from specific circumstances that are set out in the Outline COCP, where extended and continuous periods of construction are required. Prior to and following the core working hours Monday to Friday, a ‘shoulder hour’ for mobilisation and shut down will be applied (07:00 to 08:00 and 18:00 to 19:00).”</i></p> <p>The activities permitted in the “shoulder hour” would include “deliveries to site and unloading.”</p> <p>Respond to West Sussex CC’s preference set out in its LIR [REP1-046] for core working hours: “08:00 to 19:00 hours Monday to Friday; and 09:00 to 13:00 hours on Saturday’, with no HGV movements and other construction traffic taking place an hour before or after the stated working hours unless there is a need associated with the specific activities or circumstances highlighted by the applicant that may occur outside of these hours.”</p>	<p>Twineham Parish Council has already stated that hours should be 08.00 - 18.00 hours, Monday - Friday, and 08.00 - 13.00 hours on Saturdays, with no work on Saturday afternoons, Sundays or Bank Holidays. The "Shoulder Hours" of one hour before and one hour after working hours are noted. We insist that there should be no loading or unloading during these hours. (See DCO 1.23 above)</p>	<p>authority and details included in the stage specific Noise and Vibration Management Plan.</p> <p>Please refer to the Applicant’s response to Twineham Parish Council’s reply in <b>reference DCO 1.23</b> above.</p>

Ref	Question to:	Examining Authority Written Question	Twineham Parish Council's reply	Applicant's response
TA 1.14	West Sussex CC	<p><i>Assessment of Traffic Effects</i> Provide comments on the Applicant's response to issues raised by CowfoldvRampion on the assessment of the effects of the Proposed Development on traffic in the Cowfold area in its WR [REP1-089] contained in section 10 of Appendix A [REP2-030]. Confirm whether all the issues raised have been adequately addressed, subject to the agreement of a traffic management plan for Kent Street and the design of the accesses to the substation site and Oakendene temporary construction compound.</p>	<p>Although this relates to traffic in the Cowfold Area, Twineham Parish Council would add that no use should be made of the lanes in the Parish of Twineham by any construction traffic: Hickstead Lane Bolney Chapel Road Twineham Lane Bob Lane Wineham Lane</p> <p>The proposal that use should be made of the southern end of Wineham Lane is very concerning. Wineham Lane has been strengthened from the A272 to the entrance to the National Grid. The southern end of Wineham Lane is very narrow with 2 very narrow bridges.</p> <p>Should any of the above matters be on the Agenda for the Issue Specific Hearings in mid-May, a representative of Twineham Parish Council would wish to be present</p>	<p>Hickstead Lane, Bolney Chapel Road, Twineham Lane and Bob Lane are not permitted construction traffic routes contained within the <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4) and therefore will not be used by construction heavy goods vehicles (HGVs) associated with the Proposed Development. Wineham Lane is a permitted construction traffic route for HGVs only between the existing National Grid Bolney substation extension site and A272 as stated in the <b>Outline Construction Traffic Management Plan [REP3-029]</b> secured by Requirement 24 in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). Construction traffic HGVs will not be permitted to use Wineham Lane south of the existing National Grid Bolney substation.</p>

**Table 2-19 Applicant's comments on The Forestry Commission's responses to Written Questions (ExQ1) [REP3-103]**

Ref	Question to:	Examining Authority Written Question	Forestry Commission's reply	Applicant's response
<b>COD 1.1</b>	Commitments Register  Horizontal Directional Drilling (HDD)  Natural England  Environment Agency  Forestry Commission  South Downs National Park Authority (SDNPA)  The Woodland  Sussex Wildlife Trust  West Sussex County Council (West Sussex CC)  Horsham District Council (Horsham DC)  Arun District Council (Arun DC)	<p>Provide a response to the Applicant's statement in the Applicant's Responses to Relevant Representations, J3 [REP1-017] on page 416 that:</p> <p><i>"Commitment C-5 (Commitments Register [APP-254] (provided at Deadline 1 submission) has been updated at the Deadline 1 submission to clarify that Horizontal Directional Drill (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the Outline of Construction Practice [PEPD033] secured via Required 22 within the Draft Development Consent Order [PEPD009]. The Applicant will not switch to open-cut trenching at these locations. The appropriate realistic Worst-Case Scenario has been assessed in the ES. Note, that in the unlikely event that another trenchless technology is deployed at a specific crossing, this would require demonstration that there are no materially new or materially different environmental effects. Any change will need to be approved by the relevant planning authority through amendment to the stage specific Code of Construction Practice and Crossing Schedule."</i></p> <p>Explain whether there are any remaining concerns on the reliance on HDD or other trenchless technology at the locations specified by the Applicant in the Crossing Schedule in Appendix A of the</p>	<p><b>Horizontal Directional Drilling (HDD)</b></p> <p>We continue to accept the principle of Horizontal Direct Drilling underneath ancient woodland compared to more harmful methods where suitable evidence demonstrates that this is feasible and will not result in loss or deterioration of ancient woodland, and where all viable alternatives have been fully exhausted including moving the route away from ancient woodland.</p> <p>However, despite the applicant's commitment C-5 (APP-254), we remain concerned regarding the viability of this approach being able to fully avoid loss or deterioration of ancient woodland in line with the mitigation hierarchy. While we have accepted the principle of the approach and the applicant asserts the risks are low, it is our view that there is currently insufficient evidence to provide the level of confidence required at the Examination stage to ensure that a trenchless method, which full avoids deterioration or loss of ancient woodland, will be viable.</p> <p>We advise that the assessment within the ES should be based on detailed ground investigations and geomorphological surveys as part of a feasibility study is required to provide an acceptable level of confidence that deterioration and loss can be fully avoided. There is a risk that if consent is permitted before the above measures have been carried out, it could result in a scenario where open trench solutions are the only technical solution that remains technically viable over alternatives.</p> <p>In addition, the route appears to have changed from what we had consulted on during the Consultation stage to a route that which now requires HDD over a greater extent of ancient woodland including Oaken Copse and Michelgrove Park in addition to Wapham Wood (ie from the turquoise route to the dashed red route in the below map). We are of the understanding from previous engagement with this project that it would not be viable to drill the distance involved to avoid damage to ancient woodland via this route, and that there would be a need for clearance of ancient woodland. We ask that further consideration and assurance are given regarding to the feasibility of this particular aspect of the route and ask the</p>	<p>The Applicant notes that Commitment C-5 (<b>Commitments Register [REP3-049]</b>) was updated at the Deadline 1 submission to clarify that Horizontal Directional Drilling (HDD) or other trenchless technology will be deployed in accordance with Appendix A: Crossing Schedule of the <b>Outline of Construction Practice [REP3-025]</b> secured via Required 22 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p> <p>The Applicant has provided detailed responses to the Examining Authority's construction, operation and decommissioning matters Written Questions COD 1.1 'Commitments Register - Horizontal Directional Drilling' and COD 1.2 'Commitments Register – Other Trenchless Technology' [PD-009]) in Table 2-3 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>. As stated in the Applicant's response to COD 1.1:</p> <p>The commitment to trenchless crossings has been provided to seek to avoid impacts on features such as roads, rail, rivers as well as in places of environmental sensitivity. Further embedded environmental measures and DCO Requirements have been provided in the DCO Application to address residual concerns of stakeholders around the use of trenchless crossings which are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Further ground investigation to inform detailed design of trenchless crossings including measures reducing any risk of frac out of drilling fluids, as described in Section 3.4 of the <b>Outline Construction Method Statement [APP-255]</b> is secured by Requirement 23 in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). See also commitments C-234, C-235, and C-236 in the <b>Commitments Register [REP3-049]</b> (updated at Deadline 4); and</li> <li>• Depths of trenchless crossings below sensitive features including 6m below veteran trees (C-174) and Ancient Woodland (C-216) and crossing of the Climping Beach Site of Special Scientific Interest at a minimum of 5m depth as per the <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4), are secured by Requirement 22 in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</li> </ul>

Ref	Question to:	Examining Authority Written Question	Forestry Commission's reply	Applicant's response
TE 1.30	Impacts to Ecologically Important and Sensitive Sites: Climping Beach SSSI, Littlehampton Golf Course and Atherington Beach LWS, Sullington Hill LWS, and Ancient	Requirements 22 and 23 of the draft DCO [REP2-002] secure a CoCP and onshore Construction Method Statement. The onshore Construction Method Statement (at 2b) restricts access within these sensitive sites.	<p><b>Impacts to designated sites and Ancient Woodland</b></p> <p>As advised in previous responses (most recently on the 6th of November 2023), we appreciate the efforts that have been made to avoid impacts to trees and woodland. However, we do have concerns regarding the residual impacts and provide the below advice that we request be committed to as part of ensuring suitable mitigation measures will be in place as part of the detailed landscape and ecological management plan.</p>	<p><b>Connectivity</b></p> <p>There are twelve areas of woodland where temporary or permanent habitat loss is proposed to take place along the circa 39km onshore cable corridor and at the connection point to the national grid equating in total to 0.48ha). Other than at the connection point all losses are temporary, with scrub to be established at reinstatement. These woodlands are generally isolated from each other but are connected by hedgerows and scrub in the wider landscape. Losses in each location are small</p>



Ref	Question to:	Examining Authority Written Question	Forestry Commission's reply	Applicant's response
<p>Woodland at Michelgrove Park and Calcot Wood.</p> <p>Natural England The Environment Agency SNDPA West Sussex CC Forestry Commission Horsham DC Arun DC</p>	<p>Provide a response to these proposed Requirements, stating any outstanding concerns.</p>	<p><b>Connectivity</b></p> <p>We have previously raised concerns regarding the impacts of habitat fragmentation and loss of connectivity from the project. The ES states that impacts relating to habitat fragmentation are 'negligible'. However, the extent of hedgerow/linear habitat loss or disruption does not appear to have been fully quantified in the supporting documentation. It is therefore unclear how a negligible effect has been established with enough confidence especially given the multiple areas of woodland that are being reduced in extent or severed, and the cumulative impact this could have on the wider network of habitats. We advise that in order to comply with the mitigation hierarchy, connectivity should be retained as far as possible, and that any residual loss of connectivity is compensated with significant and targeted habitat creation and enhancement to improve connectivity between new and existing woodland habitat. This could include a variety of measures to provide coordinated and joined up wildlife corridors and stepping stone habitats: additional native hedgerow creation, bolstering/widening of existing hedgerows, targeted tree planting and enhancement of existing hedgerow enhancement such as through hedge-laying. For all measures, appropriate management and maintenance is also required to ensure successful establishment. We request that the above measures are included within the detailed LEMP and biodiversity net gain design as this emerges and ask that commitments are made to this effect before consent is granted.</p> <p><b>Buffer zones</b></p> <p>We welcome the principle of using a bigger buffer than the minimum quoted in the Standing Advice (25m instead of 15m). However, it is not clear how this figure has been ascertained and whether this is suitable for avoiding all indirect and direct impacts on ancient woodland, in line with the Standing Advice for ancient woodland, ancient trees and veteran trees. For example, changes to hydrology as a result of construction works proposed, and the impacts this can have on woodland habitat. We also request that the buffer areas are enhanced ecologically</p>	<p>and would not result in a significant change to connectivity either locally or at a wider landscape scale.</p> <p>A total of 103 hedgerows and 33 tree lines will be subject to losses, with all of these being temporary, other than at the location of the onshore substation at Oakendene. The majority of the losses will be highly localised and small with either a loss of 6m or 14m (made up of a 6m notch and four 2m notches) which are small enough to ensure that species such as bats and dormice could still move through these areas. Further, commitment C-291 (<a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 4) has been adopted to ensure that between construction and reinstatement structures (such as dead hedging, straw bales or willow hurdles) the potential effects of fragmentation are minimised secured via Requirement 22 within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 3).</p> <p><b>Buffer zones</b></p> <p>The commitment to the use of a 25m buffer zone (as opposed to the 15m standard) is to provide comfort that all indirect effects can be managed effectively. These indirect effects are potentially associated with dust, drainage, light and noise. All of these elements can be controlled effectively within the working area. The hydrogeology of the ancient woodland will not be changed based on the assessment described within <a href="#">Chapter 26: Water environment, Volume 2</a> of the Environmental Statement (ES) [<a href="#">APP-067</a>].</p> <p><b>Compensation measures</b></p> <p>Compensation for woodland will be provided. This includes both on-site elements at the onshore substation at Oakendene, but also off-site as part of the delivery of no net loss and biodiversity net gain (BNG) outlined in <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [<a href="#">REP3-019</a>] (updated at Deadline 3).</p> <p><a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [<a href="#">REP3-019</a>] was updated at Deadline 3 with a breakdown of BNG calculations by Local Planning Authority area. This provides Local Planning Authorities an understanding of the level of losses and gains to biodiversity delivered by the Proposed Development and the level of additional biodiversity units required to reach both a point of no net loss and biodiversity net gain. Requirement 14 of the <a href="#">Draft</a></p>	

Ref	Question to:	Examining Authority Written Question	Forestry Commission's reply	Applicant's response
			<p>as part of avoiding impacts by bolstering woodland edges with habitat creation/enhancement and as part of targeting beneficial net gains in biodiversity in the project's approach to BNG.</p> <p><b>Compensation measures</b></p> <p>We ask that active management to enhance woodland condition be included as part of the project's mitigation and compensation measures where this is in scope of the project. In particular, management of ancient woodland should be prioritized given the inherently high value of its soils and potential for biodiversity that is harder and takes much longer in new woodland creation.</p> <p>While we welcome the commitment to woodland creation to compensate for woodland loss (which is predominantly priority broad-leaved woodland habitat), we advise that the scale of creation does not seem proportionate to the loss (0.47 Ha lost to 2.7 Ha gained) when considering the years of establishment that the new woodland will take to provide the same level of value to biodiversity. However, without the detailed biodiversity net gain calculations based on suitable ecological surveys, it is difficult to provide a fully informed view. We request that the latest biodiversity net gain Metric and good practice (including the Metric user guide) is followed as part of the project's commitment to biodiversity net gain to ensure that this is achievable. We request that we are directly consulted as part of the final detailed LEMP so that we can provide more detailed advice that follows good practice.</p>	<p><b>Development Consent Order [REP3-003]</b> (updated at Deadline 3) ensures that stage specific biodiversity net gain strategy is provided for approval by the relevant Local Planning Authority in consultation with the statutory nature conservation body. This provides each Local Planning Authority with a good degree of control over where biodiversity units will be provided, giving the secured driver for local delivery.</p> <p>Compensation is provided through habitat creation and reinstatement within the proposed DCO Order Limits and via the provision of biodiversity units to reach a position of 'no net loss' through the BNG process (see <b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the ES <b>[REP3-019]</b> (updated at Deadline 3). Further to this, a commitment to delivering at least 10% BNG has been made by the Applicant and secured through Requirement 14 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 3). Therefore, enhancement in addition to compensation to reach a position of '<i>no net loss</i>' through the biodiversity net gain will be achieved.</p> <p>The Applicant can confirm that the Biodiversity Metric 4.0 was the most up to date version of the metric at the time of the DCO Application in August 2023. The Statutory Biodiversity Metric was not published until 29 November 2023. The Applicant has updated commitment C-104 (<b>Commitments Register [REP3-049]</b> (updated at Deadline 4) to acknowledge explicitly that the Statutory Biodiversity Metric (i.e. the latest version) will be used during the detailed design phase to quantify losses and gains. Commitment C-104 now states "<i>RED will deliver a Biodiversity Net Gain (BNG) of at least 10% for the onshore elements of the project, measured using the Statutory Biodiversity Metric. BNG will be delivered in line with the Biodiversity Gain Information provided.</i>"</p>
<b>TE 1.31</b>	Applicant's Approach to Hedge Notching Natural England  The Forestry Commission The Woodland Trust SDNPA	The Applicant has provided further justification of its proposed hedge notching technique in responses to SNDPA in their PADS [AS-006] and WR [REP1-052], and West Sussex CC's LIR [REP1-054]. West Sussex CC commented in their LIR submitted at Deadline 2 [REP1-054] that:	<p><b>Approach to hedge notching</b></p> <p>We have no further comments regarding hedge notching at this time except that we support in principle that this be accompanied by suitable monitoring and restocking to ensure measures are achieved in practice, in addition to the measures requested above to improve connectivity.</p> <p>We hope that you find our response helpful and we remain committed to supporting the</p>	The Applicant welcomes the Forestry Commission's support in principle in relation to hedge notching, monitoring and restocking.

Ref	Question to:	Examining Authority Written Question	Forestry Commission's reply	Applicant's response
		<p><i>“Although WSCC has concerns about the success of hedgerow ‘notching’, it recognises that this technique does offer some advantages and therefore is worth attempting provided any necessary remedial measures, such as re-stocking, are implemented immediately.”</i></p> <p>Provide an updated response to the Applicant's proposed hedge noting technique, specifically stating whether there is agreement between the parties or any ongoing areas of disagreement or concern.</p>	<p>Examining Authority and applicant further to help avoid impacts as far as possible and maximise the value of biodiversity gains.</p>	

# **Appendix A**

## **West Sussex County Council and Horsham District Council Meeting Minutes 30 April 2024**

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# Meeting Minutes



**Date:** 30/04/2024 14:00 – 15:00

**Meeting at:** Online – Microsoft Teams

**Subject / Purpose:**

Rampion 2: Flood Risk and Drainage Expert to Expert meeting

Attendee	Role
[REDACTED] (RC) - WSP	Flood risk and sustainable drainage
[REDACTED] WSP	Flood risk and sustainable drainage
[REDACTED] ) - WSP	Water environment lead
[REDACTED] (KM) – West Sussex County Council (WSSC)	Lead Local Flood Authority, flood risk and drainage lead
[REDACTED] (MP) – Horsham District Council (HDC)	Planning – Project coordinator for Rampion 2

**Apologies:** [REDACTED] (FK) – Rampion Extension Development Ltd

**Overview of meeting**

This meeting enabled experts from WSSC, HDC and The Applicant to discuss flood risk and drainage topics of joint interest. The specific focus for this session was to discuss the submissions at Deadline 3 provided by the Applicant, WSSC and HDC, to understand any remaining areas of concern ahead of the next examination hearing, and make progress with the Statements of Common Ground.

**Actions Summary**

Number	Action
1	Applicant to update OODP for re-issue at a future deadline to include consideration of a surcharged outfall when designing the drainage system post consent at detailed design stage.

	Topic of Discussion	Actions
1	<p><b>Applicant submission at Deadline 3</b></p> <p>RC introduced the meeting and set out the agenda.</p> <p>RC set out the main elements of the applicant’s response to FR1.2 and FR1.3 (relating to the Outline Operational Drainage Plan (OODP) at the proposed onshore substation site at Oakendene), to assist in WSSC and HDC understanding ahead of their review of the applicant’s deadline 3 submission.</p> <p>RC highlighted that to provide a comprehensive response to FR1.2 and FR1.3, tasks associated with detailed design were undertaken (cross sections of the basins in relation to flood levels from the ordinary watercourse to the south, and Causeway Flow modelling of a potential drainage system for the proposed substation, including a surcharged outfall associated with flooding of the ordinary watercourse based on a ReFH2 hydrograph). RC stressed that this additional information has been provided to the Examination to</p>	

	<b>Topic of Discussion</b>	<b>Actions</b>
	<p>provide further evidence that the Outline Operation Drainage Plan (OODP) as submitted with the DCO application is achievable – the information submitted at Deadline 3 should not be considered part of the detailed design (which may differ) and is secured by DCO Requirement 17.</p> <p>RC advised that the headlines of the additional information was to demonstrate that, at the elevations considered in the cross sections (which will be determined at detailed design stage), the results indicate that the drainage strategy can be delivered without encroaching on the floodplain of the ordinary watercourse to the south, whilst achieving greenfield discharge rates, as set out in the OODP. The results indicate that the water level 'head' would enable the basins to continue to drain during a flood event in the watercourse, and 'spare' volume is available within the basins such that the flexibility in the final platform elevation (indicated in response to the applicant's submission in response to Action Point 20 (of the first Issue Specific Hearing)) remains.</p> <p>KM queried whether there has been any allowance for freeboard within the basins. RC noted that, as modelled, basin 'P2' is indicated to only half-fill, thus indicating that freeboard to account for uncertainty could be incorporated at the detailed design stage. KM accepted this explanation.</p> <p>RC explained the approach taken remains precautionary (as is the case for the approach taken in the OODP) for a number of reasons, including consideration of 1% AEP plus climate change events of differing critical storm durations in the ordinary watercourse and the drainage system concurrently, the combined probability of which would exceed 1% AEP plus climate change in reality. RC also noted that detailed modelling of the ordinary watercourse, which is anticipated to inform adherence to the National Grid target guidance for flood resilience (as committed to in the DAS), is anticipated to result in a lower peak flood water level than those assumed to date based on the RoFSW extents.</p>	
2	<p><b>WSCC and HDC submissions at Deadline 3</b></p> <p>RC noted ExA question FR1.4 directed to WSCC and HDC and provided opportunity for KM and MP to raise any concerns.</p> <p>KM stated that WSCC have no specific concerns and noted the Applicant's commitment to undertake winter groundwater monitoring to be incorporated into the detailed design stage.</p> <p>The WSCC responses to deadline 3 were discussed further. RC queried the wording of response FR1.2), particularly in relation to timing of groundwater level monitoring, securing mechanism and update of FRA and OODP reports. RC highlighted that the wording set out in paragraph 2.98 of WSCC's Deadline 3 submission (IP Reference 200445228) was clearer and consistent with the approach agreed during the previous meeting with WSCC, and that this would be a better source of any wording to be included on this matter in the SoCG. RC also clarified that the applicant are not envisaging updating the FRA itself in relation to this matter. KM confirmed this was acceptable to WSCC.</p> <p>In relation to the wording of WSCC's response to FR1.4 a) RC queried whether WSCC had any concern raised in relation to the Sequential Test. KM clarified that WSCC</p>	

Continued...

	<b>Topic of Discussion</b>	<b>Actions</b>
	<p>themselves did not have any concern about the Sequential Test and that their responses was based on previous questions raised by HDC. For completeness RC highlighted specific sections of FRA, Chapter 3 of the ES and Action Point 4 of ISH1 to KM for evidence of the Sequential Test application. MP advised that HDC's submission at Deadline 3 MP confirmed that HDC are satisfied with the demonstration of site appraisals to satisfy the Sequential Test and HDC response to FR1.7 confirms that this is the case. As such was confirmed by MP and KM there are no remaining concerns from HDC and WSCC in relation to the Sequential Test and Exception Test.</p> <p>MP also reiterated HDC position as set out in the previous meeting that technical flood risk matters deferred to WSCC, as highlighted in HDC's response to FR1.4, FR1.5, and FR1.7 at Deadline 3.</p>	
3	<p><b>Other updated submissions</b></p> <p>RC provided overview of other updated submissions, comprising the updated OODP with commitment for groundwater level monitoring and inclusion of meeting minutes for meeting held on 1 April 2022 erroneously missing from the FRA submitted with the DCO application.</p> <p>RC outlined intent to update the OODP at a future deadline to include consideration of a surcharged outfall when designing the drainage system, to ensure the challenge provided by the Examining Authority would be secured as a matter to be considered as part of the detailed design. MP queried whether the intent is for the additional information provided at Deadline 3 (cross sections, Causeway Flow modelling etc) should be included in an updated version of the OODP. RC counselled against such an amendment on the basis that it related to detailed consideration of a potential option, thus going beyond the outline consent sought by the DCO. GD clarified that the principles for design of the final drainage strategy are set out in the OODP, and that the information presented is simply a demonstration to show that the drainage strategy is ultimately achievable. Presentation of specific parameters in relation to basin dimensions, outfall inverts and substation platform level which may give the impression that certain parameters are fixed for design. Instead, the applicant's suggested and proposed approach was to update the OODP to reflect the challenge posed by the Examining Authority (consideration of a surcharged outfall), being a matter to be considered at detailed design stage. Inclusion of the need to consider such a scenario in the OODP thus ensuring it is secured via DCO Requirement 17. KM agreed with the proposed approach.</p> <p>In relation to the cross sections provided by the Applicant at Deadline 3, and specifically the proposed outfalls to the ordinary watercourse, MP queried the location of the DCO Order Limits. RC highlighted that the plans indicate that the DCO Order Limits are coincident with the righthand bank of the ordinary watercourse (and the right bank of the downstream lake), and that outfalls from the basins would necessarily need to be delivered above the permanent water level for the watercourse and lake to be deliverable within the DCO Order Limits.</p> <p>MP queried the location and suitability of the wet woodland planting across the areas shown in the Indicative SuDS Plan. RC highlighted that wet woodland is shown in the OODP both within the attenuation basins, as well as between the basins and the ordinary watercourse. MP noted that if other environmental aspects such as biodiversity are reliant on the wet woodland planting for mitigation, then there needs to be</p>	<p>1. Applicant to update OODP for re-issue at a future deadline to include consideration of a surcharged outfall when designing the drainage system post consent at detailed design stage. Post meeting note: This has been done as part of the DL4 submission.</p>

Continued...

	Topic of Discussion	Actions
	<p>reassurance that the wet woodland is deliverable<sup>1</sup>. Furthermore, KM queried the maintenance plans for the basins, given the possibility for attenuation capacity to be compromised over time given that the wet woodland could self-seed. RC acknowledged these points and highlighted that wet woodland could be delivered in the basins subject to suitable design and maintenance arrangements, and that good practice would be followed for developing the detailed design. RC highlighted that potential approaches to address this which could be available at detailed design stage could include the provision of additional freeboard in the basins to account for future loss of attenuation capacity associated with vegetation growth. RC acknowledged that the OODP could be updated in this regard. RC noted that final details with regard to wet woodland siting and maintenance will be developed at the detailed design stage as part of the final Operational Drainage Plan (DCO Requirement 17).</p> <p>RC reiterated the point made in previous meetings that the proposed substation footprint is indicative at this stage and based on the maximum possible design parameters for the substation. As such, we should remember that the drainage layout is indicative (and precautionary), and that the final SuDS may be different.</p>	
4	<p><b>Statement of Common Ground discussion (SoCG)</b></p> <p>RC provided update on the status of Principal Areas of Disagreement (PAD) HDC31, HDC32, and HDC33. It was agreed by all that HDC31 and HDC33 had already been resolved during the previous meeting on 27 February 2024.</p> <p>RC shared the wording included in the updated OODP submitted at Deadline 3 relating to the commitment for winter groundwater monitoring for the resolution of HDC32. RC also noted that it had been agreed during the previous meeting on 27 February 2024, that resolution of this matter was also subject to the applicant reviewing the CowfoldvRampion photographs of flooding against the RoFSW flood extents, the applicants review of which were included in Section 12.1 of their Deadline 2 submission (Appendix A of 8.53 Category 8: Examination Documents Applicant’s Response to Non Prescribed Consultees’ Written Representations, (REP2-030)). KM confirmed that WSCC were satisfied on both matters and that HDC32 PAD could be moved into matters resolved/agreed in the SoCG. MP confirmed that HDC had no concerns to raise on this matter.</p> <p>RC reiterated the applicant's previously suggested approach of including wording in the SoCG acknowledging WSCC and HDC’s broad agreement that the FRA, OODP and DCO Requirements are satisfactory. KM and MP agreed that they are happy with this approach and that they have no outstanding areas of concern in relation to flood risk and drainage.</p>	

<sup>1</sup> Post meeting note: The Applicant’s Terrestrial Ecology Lead has made the following comment about wet woodland: “Wet woodland is being proposed as it provides a Habitat of Principal Importance at the substation location that also has benefits for a range of legally protected and notable species including breeding birds such as nightingale, herptiles, bats etc. There is an assumption that species more characteristic of wet woodland situations will thrive as the run-off from the substation will ensure the detention basins are wetter in nature than the general surrounds. However, the Proposed Development is not reliant on the wet woodland and therefore should conditions not be wet enough to realise this community, then other wooded habitat would grow in its stead. However, it is likely that species such as alder, willow and birch will establish well and be able to cope with the fluctuations in levels of run-off expected during different periods of the year.”



# **Appendix B**

## **Horsham District Council Meeting**

### **Minutes 01 May 2024**

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# Meeting Minutes



**Date:** 01/05/2024 14:00 – 15:00

**Meeting at:** Online – Microsoft Teams

**Subject / Purpose:**

Rampion 2: Water Neutrality Expert to Expert meeting

Attendee	Role
[Redacted]	Onshore Rampion 2 Project Manger
[Redacted] ogika Consultants	Ecology Lead
[Redacted] (GD) - WSP	Water environment lead
[Redacted] (AS) - Horsham District Council (HDC)	Planning team leader – water neutrality lead
[Redacted] (MP) – Horsham District Council (HDC)	Planning – Project coordinator for Rampion 2

**Apologies;** [Redacted] - RWE

**Overview of meeting**

This meeting enabled experts from WSCC, HDC and Rampion 2 to discuss water neutrality topics of joint interest in relation to the construction and operation of the Proposed Development. The specific focus for this session was to discuss the submissions at Deadline 3 provided by the Applicant, and HDC, to reach an overall consensus and resolve the Principal Area of Disagreement (PAD15).

**Actions Summary**

Number	Action
1	GD to review the securing mechanism for water neutrality as a requirement of the DCO and how the multi-tiered commitment at the substation is captured by commitment.
2	GD to draft text on water neutrality to convert the PAD into a SoCG (subject to the action 1 being agreeable to MP and AS).
3	AS to approach Natural England to discuss a common water neutrality position prior to the meeting on the 22 <sup>nd</sup> May. AK to invite AS and MP and GD to that meeting.

	Topic of Discussion	Actions
1	<p>Discussion about Construction Water Use and Neutrality</p> <p>GD presented the Applicant’s position on construction water use and the current commitment (C-290) to tankering water which means construction water can effectively be screened out from neutrality considerations. The measure is currently secured via the Outline Code of Construction Practice via DCO Requirement 22.</p>	

	Topic of Discussion	Actions
	<p>AS pointed out that the HDC position was that water use during construction falls within the baseline of construction water use that occurred prior to the Water Neutrality Position Statement (in 2021). Prior to that around 1000 homes were being annually delivered within the district. Since then this has been dropped to around 400 homes a year. AS said it was HDC’s view that construction water use could be delivered within the 600 home p/a headroom capacity that would remain for the duration of construction works owing to the housing trajectory within the Council’s emerging development plan. AS also added that a commitment to tankering is difficult to enforce on a project by the local planning authority.</p> <p>This reflects HDC position as submitted in its LIR submission and responses to the ExA’s written questions.</p> <p>GD presented the estimated volumes which have been produced to answer ExA WE1.1 c). The volumes which were broken down by construction activity with an overall estimated figure of 75,213m3 across the whole cable route (i.e. both inside and outside the Sussex North Water Supply Zone) over a 4 year period. AS estimated that this was equivalent to an annual consumption of roughly 51,500 litres annually or 184 homes (based on a household with a consumption of 110 litres per person/per day). AS commented that this level of usage was within the 600 home headroom capacity and once the indicative calculations are confirmed, the construction water use could be considered as part of the baseline water use that occurred pre-position statement. On that basis suggested that construction water use could be screened out without the need for tankering all construction water in.</p> <p>MP suggested refraining from updating the Commitment C-290 until matter is discussed with Adam Simpson from Natural England on 22<sup>nd</sup> May. HDC were confident it could be agreed on the basis that it is consistent with approaches taken on similar projects recently.</p>	<p>AK will invite AS and GD to the meeting with Natural England on the 22<sup>nd</sup> May.</p> <p>Further to meeting Natural England and HDC. The Applicant is to review C-290 and associated statements in the OCOCP and DCO.</p> <p>Post meeting note: The Applicant will consider updating the rationale for screening out construction water usage in the ES.</p>
2	<p>Discussion about Operational Water Use and Neutrality</p> <p>GD talked through the multi tiered approach to securing neutrality which is set out in Chapter 26 [APP-067], DAS [AS-003] and secured by Requirement 8 [2] in the Draft DCO. GD then provided the estimated volumes which were provided in the Applicant’s Deadline 3 submission (WE1.1 c)).</p> <p>GD talked through the different activities including firefighting (370m3 in year 2030 only), and lower and upper end welfare scenarios (32.5m3 p/a – 97.5m3 p/a) for attendance once and three times per week (for 5 people) respectively.</p>	

Continued...

	Topic of Discussion	Actions
	<p>AS estimated that the lower end scenario was equivalent to 89 litres per day which is less than the daily use for one person in a household.</p> <p>AS agreed that the indicative volumes represented very low usage in the context of other development and could likely be accommodated by an offsetting scheme if access to such a future scheme were available. AS added that Rampion 2 would be high priority on the delivery of SNOWS if available. AS added that there was a reasonable prospect SNOWS would be available by the start of operation (2030).</p> <p>GD pointed out that other options are available should SNOWS not be and that there wasn't an over-reliance on SNOWS being in place by 2030.</p>	
3	<p>Statement of Common Ground discussion (SoCG)</p> <p>GD asked whether PAD15 could be updated to an agreed matter on the basis of the discussion. MP asked for how neutrality is currently secured and said he would review and expect it to be demonstrated by the applicant that the current mechanisms for securing neutrality are appropriate and fit for purpose, before PAD15 could be confirmed as an agreed matter. GD said he would do the same.</p>	<p>GD and MP to look into the wording of how neutrality is currently secured.</p> <p>GD to update the Applicant wording to reflect the progress made between the Applicant and HDC.</p>
4	<p>AOB</p> <p>MP queried how tankering would be taken into the account as part of the wider application. GD noted that an initial response was provided in WE1.1 c) response and JZ commented that the transport team will incorporate figures into an addendum at a future deadline.</p>	



# **Appendix C**

## **Environment Agency and Southern Water Services Meeting Minutes 09 May 2024**

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# Meeting Minutes



Date: 09/05/2024 14.00 – 14.30

Meeting at: Online – Microsoft Teams

**Subject / Purpose:**

Rampion 2: ExA Response Discussion

Attendee	Role
[REDACTED] (FK) – Rampion Extension	Rampion 2 Onshore Consents Manager
[REDACTED] (GD) - WSP	Water Environment Lead
[REDACTED] (TW) – Environment Agency	Technical Specialist - (Groundwater Quality and Contaminated Land)
[REDACTED] (SB) – Environment Agency	Planning Advisor
[REDACTED] (K) – Southern Water	Hydrogeology Specialist

Apologies: None

**Overview of meeting**

This meeting enabled experts from Southern Water, Environment Agency and The Applicant to discuss Examining Authority Written Question TE1.8 in relation to the crossing of the cable corridor between Olivers Copse and Kitpease Copse. The meeting covered the Southern Water response to date and provided an opportunity for the Applicant to clarify proposals, and Southern Water to explain its response in advance of an upcoming Examination Hearing

**Actions Summary**

Number	Action
1	WK to discuss the clarifications from this meeting with colleagues at Southern Water who will provide a follow up submission to the ExA
2	GD to speak to WK about the post-meeting note under Item 4 regarding water supply monitoring

	Topic of Discussion	Actions
1	<p><b>TE1.8 Examining Authority Question and brief recap of proposals</b></p> <p>GD asked WK whether he had been involved in drafting the Southern Water response. WK commented that he had provided part of it, but that colleagues in a non-technical team, working on protective provisions had coordinated and wrote the response itself. FK provided WK with details of people at Southern Water who had likely been involved in relation to the text on protective provisions.</p> <p>SB clarified that the EA was yet to submit its responses to the ExA but that it would do so imminently.</p> <p>GD introduced the question and provided background context as to its origin. GD clarified that the Applicant’s proposals remain as they were for the ES Application</p>	

	<b>Topic of Discussion</b>	<b>Actions</b>
	<p>i.e. for open cut at the crossing of the PRoW between Kitpease Copse and Olivers Copse.</p> <p>GD briefly explained that whilst WSCC had posed an alternative hypothesis that the crossing would be HDD to reduce terrestrial ecology concerns, the Applicant had retained open cut proposals in the area in line with advice received from Southern Water and the Environment Agency at the pre-application stage. This included the avoidance of higher risk activities such as HDD within SPZ2. GD showed an extract of a map and Figure 26.4.5 and described the hydrogeological setting. GD noted that the crossing was in SPZ2 within Chalk and to the north of a sensitive setting which had been fully taken into account within the Application, its Hydrogeological Risk Assessment (HRA) [APP-218] and numerous site-specific mitigation proposals. FK added that from an ecology perspective the working width had been reduced in this area as further mitigation at deadline 3 and that ecological constraints have in parallel been addressed in this way.</p>	
2	<p><b>Southern Water (and EA) TE1.8 Response</b></p> <p>The Southern Water written response to TE1.8 was discussed. WK clarified that Southern Water take the position that HDD is higher risk compared to open cut trenching methodology.</p> <p>The written response had stemmed from a miscommunication – it was assumed that the Applicant was proposing a new HDD crossing to replace open cut crossing - but that no information on its parameters had been provided. In the absence of any information on basic design Southern Water called for this - in the form of another HRA . GD clarified that the Applicant is not proposing HDD at this location, in accordance with the pre-application advice from Southern Water and the EA (to limit higher risk activities in SPZ2). WK welcomed this clarification and explained that there had likely been some miscommunication within Southern Water when the response was compiled. GD clarified that the question was posed by the ExA to Southern Water and the EA to discern if any alternative crossing methodology (e.g. HDD) was relatively higher risk compared to the Applicant’s proposal for open cut. WK confirmed that given the site sensitivities in the area HDD would definitely be higher risk compared to open cut, and that Southern Water would have serious concerns if that change was in theory to go ahead.</p> <p>GD asked TW for feedback who confirmed that the EA shared similar concerns if there was a change from open cut proposals to HDD. Both TW and WK confirmed they were happy with the Applicant’s proposals for open cut in SPZ2.</p> <p>GD queried the last paragraph of the Southern Water response which talked about “Southern Water considering impacts of the Applicant’s proposed open cut method on its network and what provisions or mechanisms are needed to ensure it is not adversely impacted in any way by the project.” WK confirmed that this text related to a separate ongoing discussion and agreement of protective provisions in the draft DCO. WK also confirmed that part of the response was not about any technical hydrogeological concerns with open cut at this Kitpease Copse location (or other locations).</p>	<ol style="list-style-type: none"> <li>1. WK to discuss the clarifications from this meeting with colleagues at Southern Water. Southern Water will provide a follow up submission to the ExA to clarify their position.</li> </ol>

Continued...

	<b>Topic of Discussion</b>	<b>Actions</b>
	<p>FK provided WK with contacts at Southern Water and asked whether he could liaise with them to provide a follow up clarification to the ExA in light of the discussions.</p> <p>FK also noted that in the interim the minutes of this meeting could serve as an evidence base in the lead up to the hearing (scheduled 15<sup>th</sup> May) if Southern Water were not in attendance themselves. SB added that the EA would provide its written submission in advance of the hearing.</p>	
<b>3</b>	<p><b>The Applicant's TE1.8 Response</b></p> <p>GD briefly ran through the Applicant's response to the question which covered the hydrogeological context, the avoidance of HDD in SPZ2 and the various site specific mitigation proposals which have been in place following close stakeholder engagement with the EA and Southern Water. WK and TW welcomed these points.</p>	
<b>4</b>	<p><b>AOB</b></p> <p>FK arranged a follow up meeting with SB and TW to go through the EA Statements of Common Ground (SoCG) on the 20<sup>th</sup> May 2024.</p> <p>TW asked GD for clarification about was agreed as a default distance for private water supplies (PWSs) in relation to another ExA Question WE1.4 e) regarding Commitment 253. GD noted that for PWSs 250m was the default distance (as an equivalent to SPZ2 in the absence of SPZs) used in keeping with prior statutory consultation advice from the EA. There are two PWSs that are situated less than 250m beyond the proposed DCO Order Limits but not included in the PWS monitoring programme due to their lack of hydrogeological connectivity following screening in Chapter 26 [APP-067] and the HRA [APP-218] (e.g. Pauls House and The Decoy).</p>	<p>2. Post-meeting note: Southern Water is expected to continue to routinely monitor the water quantity and quality of its public water supplies (TBC with WK). On this basis monitoring would be undertaken by Southern Water as per their normal arrangements. For information the modelled SPZs are considered to be more precautionary than a default 250m distance (for public water supplies) and so would be better referenced when determining which public water supplies to monitor. GD to discuss with WK and TW about the scope for monitoring data sharing.</p>



### 3. References

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