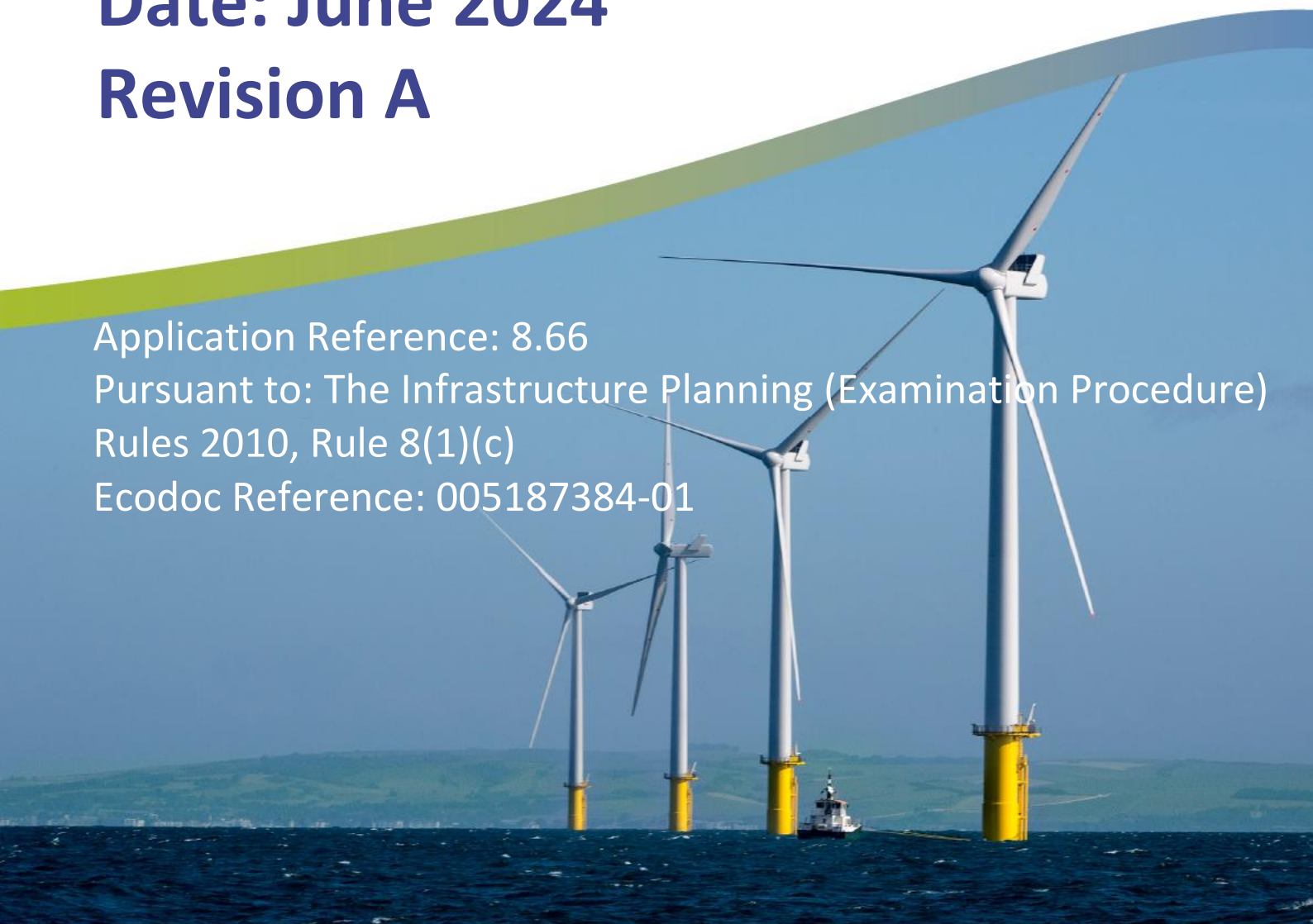


# Rampion 2 Wind Farm

## Applicant's Comments on Deadline 3 Submissions

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

Application Reference: 8.66  
Pursuant to: The Infrastructure Planning (Examination Procedure)  
Rules 2010, Rule 8(1)(c)  
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## Document revisions

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

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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 further information into the Examination.

Rampion Extension Development Limited (the 'Applicant') has taken the opportunity to review the submissions received from Interested Parties 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') 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 At Deadline 3 (25 April 2024), several Interested Parties provided the Examining Authority with further submissions which included:
- seven submissions from Local Planning Authorities;
  - 16 submissions from prescribed consultees;
  - five submissions from parish and towns councils and Members of Parliament;
  - 48 submissions from affected parties, and members of the public or businesses; and
  - five submissions from non-prescribed organisations.
- 1.2.2 The Applicant has taken the opportunity to review each submission received into the Examination at Deadline 3. In this document, the Applicant has focussed on responding to submissions made at Deadline 3 only where it will be helpful to the Examining Authority to do so. This document therefore focuses on comments that have not already been made by Interested Parties and responded to by the Applicant.
- 1.2.3 Furthermore, in the **Applicant's Response to Stakeholders' Replies to Examining Authority's Written Questions (Document reference 8.77)** (submitted at Deadline 4), the Applicant has also provided a response to Interested Parties' replies to the Examining Authority's Written Questions where it will be helpful to the Examining Authority to do so.

## 1.3 Structure of the Applicant's responses

- 1.3.1 In this document, the Applicant has focussed on responding to replies to Examining Authority Written Questions that were directed towards the Interested Parties. Each response is identified in the relevant table:
- ▶ West Sussex County Council: **Table 2-1** and **Table 2-2**;

- ▶ Cowfold Parish Council: **Table 2-3**;
- ▶ Washington Parish Council: **Table 2-4**;
- ▶ Natural England: **Table 2-5, Table 2-6, Table 2-7, Table 2-8, Table 2-9, Table 2-10, Table 2-11, Table 2-12, Table 2-12 and Table 2-13**;
- ▶ Historic England: **Table 2-14**;
- ▶ Marine Management Organisation: **Table 2-15, Table 2-16, Table 2-17 and Table 2-18**;
- ▶ National Highways: **Table 2-19**
- ▶ Constructive Heritage LLP: **Table 2-20**;
- ▶ Ancleggan Limited: **Table 2-21**;
- ▶ Aquind Limited **Table 2-22**
- ▶ Daniel & Emily Ball: **Table 2-23**
- ▶ France Secretary for the Sea: **Table 2-24**;
- ▶ Governors of St Marys Clymping CE Primary School: **Table 2-25**;
- ▶ Green Properties (Kent & Sussex): **Table 2-26**;
- ▶ Lester Aldridge LLP on behalf of Green Properties (Kent & Sussex) Ltd: **Table 2-27**;
- ▶ Network Rail: **Table 2-28**;
- ▶ Simon Kilham: **Table 2-29**;
- ▶ Winckworth Sherwood LLP on behalf of Susie Fischel: **Table 2-30**; and
- ▶ Wiston Estate: **Table 2-31**.

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

- **Appendix A: Environment Agency and Southern Water Services Meeting Minutes 09 May 2024**;
- **Appendix B: Applicant's Response to Natural England Appendix J Protected Species**;
- **Appendix C: Horsham District Council Meeting Minutes 01 May 2024**;
- **Appendix D: Dan and Emily Mulcare-Ball Site Plan**;
- **Appendix E: Buncton Manor Farm Plan**
- **Appendix F: Letter from RED to Guy Streeter 10 March 2023**;
- **Appendix G: Letter to the Land Interest's agent dated 28 February 2023**;
- **Appendix H: Letter to the Land Interest's agent dated 09 May 2024**;

- **Appendix I: Letter from the Land Interest's agent Confirming Potential Agreement to Heads of Terms - dated 30 May 2024;**
- **Appendix J: Wiston Estate Plan;**
- **Appendix K: Figure 1 Areas within Wiston Estates 'Pink' Land.**



## 2. Applicant's response to Deadline 3 submissions

**Table 2-1 Applicant's response to West Sussex County Council's Deadline 3 submission [REP3-072]**

Ref	Deadline 3 submission	Applicant's response
<b>Response to submitted documentation by the Applicant at Deadline 2</b>		
2.1.1	This section provides WSCC response to a number of revised or newly created documentation by the Applicant at Deadline 2.	The Applicant has no further comment on this matter at this time.
2.1.2	<p><i>Updated Draft DCO</i></p> <p>WSCC welcomes the amendments made to REP2-003, considering Appendix B of the West Sussex LIR (REP1-054). Appendix 1 provides further feedback on outstanding matters.</p>	The Applicant has provided responses to West Sussex County Council's comments on the <a href="#">Draft Development Consent Order [REP3-003]</a> in <a href="#">Table 2-2 references 2.2.1 to 2.2.11</a> .
2.1.3	<p><i>Updated Statement of Commonality</i></p> <p>WSCC have been progressing dialogue with the Applicant on some topic areas within the Statement of Common Ground (SoCG) since Deadline 2 and reaching agreement in areas where possible. WSCC confirms that the Statement of Commonality submitted at Deadline 2 is an accurate reflection of discussions to date with the Applicant.</p>	The Applicant welcomes West Sussex County Council's confirmation that the Statement of Commonality submitted at Deadline 2 is an accurate reflection of discussions to date at that time. The Applicant has had further dialogue with West Sussex County Council and will continue to engage with the aim of reaching agreement in areas where agreement remains outstanding where possible.
2.1.4	<p><i>Comments on the Applicants draft Itinerary for the ASI (REP2-016) and notification of wish to attend</i></p> <p>WSCC have no comments to make on the Draft Itinerary for the ASI. WSCC do wish for officer attendance at the ASI and propose for the County Ecologist and the County Arboriculturist to attend for the morning session. This has been communicated to the Applicant.</p>	The Applicant notes that this is a comment for the Examining Authority.
2.1.5	<p><i>Engagement with the Applicant on the Proposed Heads of Terms for the Section 10</i></p> <p>WSCC and the Applicant have been in discussions regarding the proposed Heads of Terms for the Section 106 Agreement. WSCC have provided commentary on these Heads of Terms and will continue engagement with the Applicant to reach agreement.</p>	The Applicant will continue to engage with West Sussex County Council to reach an agreement on the proposed Heads of Terms for the Section 106 agreement.
<b>Review of IEMA guidelines on environmental assessment of traffic and movement</b>		
2.1.6	The Applicant has submitted a 'Review of IEMA guidelines on Environmental Assessment of traffic and Movement' (REP2-017). This has been submitted to address the issue identified by WSCC concerning the Guidelines for the Environmental Assessment of Road Traffic (GEART) 1993 guidance being updated to the Environmental Assessment of Traffic and Movement (EATM) in 2023; the Applicants assessment was based on the 1993 guidance.	The Applicant welcomes West Sussex County Council's acknowledgement and agreement that the Applicant's assessment conclusions remains 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.
2.1.7	WSCC are satisfied that in light of the two rules applied to determine the scope of the study area remaining unchanged between the 1993 GEART and 2023 EATM documents that the scope of the Applicants assessment remains acceptable. It is noted that the main differences	

Ref	Deadline 3 submission	Applicant's response
	<p>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.</p>	
2.1.8	<p><i>Applicants Response to the WSCC LIR</i></p> <p>WSCC acknowledges the Applicants response (REP2-020) to the WSCC LIR (REP1-054). The sections below provide topic specific responses where it is required.</p>	<p>The Applicant has no further comment on this matter at this time.</p>
<b>Seascape, Landscape and Visual Impact (ES Chapter 15)</b>		
2.1.9	<p>It is acknowledged by both WSCC and the Applicant that offshore wind energy developments will inevitably result in changes to coastal escapes and views, which is also recognised in National Policy Statement EN-1. WSCC have reached agreement across a number of matters with regards to methodology, including viewpoints and application of the ZTVs produced.</p>	<p>The Applicant welcomes West Sussex County Council's acknowledgement that the Applicant and West Sussex County Council have reached agreement across a number of matters with regards to methodology, including viewpoints and application of the ZTVs produced.</p> <p>The Applicant agrees that offshore wind energy development will inevitably result in changes to coastal seascapes and views, which is recognised in National Policy Statement (NPS) EN-1 (Department of Energy and Climate Change (DECC), 2011a) which states "<i>Virtually all nationally significant energy infrastructure projects will have effects on the landscape</i>".</p>
2.1.10	<p>WSCC's outstanding concerns remain around the significant visual effects identified in Chapter 15: Seascape, landscape and visual impact assessment, Volume 2 of the Environmental Statement (APP-056) on views experienced by people living, working and visiting the West Sussex coastline, resulting particularly from the apparent scale and western lateral spread of wind turbine generators (WTGs) in the field of view out to sea, in combination with the operational Rampion 1 Wind Farm.</p>	<p>The Applicant notes West Sussex County Council's concerns regarding the significant visual effects identified in <b>Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</b> of the Environmental Statement [APP-056] on views experienced by people living, working and visiting the West Sussex coastline, resulting particularly from the apparent scale and western lateral spread of wind turbine generators (WTGs) in the field of view out to sea, in combination with the operational Rampion 1 wind farm.</p>
2.1.11	<p>It is acknowledged that there has been an evolution in offshore design and reduction in offshore DCO Limits prior to submission, which has been welcomed by WSCC. However, the iterative changes to the design of the offshore elements have not resulted in a major reduction to the potential visual effects upon West Sussex receptors.</p>	<p>The Applicant welcomes recognition from West Sussex County Council that there has been an evolution the offshore design and a reduction in the spatial extent of the proposed DCO Order Limits (array area), including a reduction in the eastern and western lateral spread of WTGs, and some separation between the Rampion 1 and Rampion 2 arrays in certain views from West Sussex. 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 Examining Authority Written Question (ExQ1) SLV 1.6 in Table 2-15 within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>. The Applicant confirms that it is unlikely an agreement will be reached between West Sussex County Council and the Applicant with regard to further design changes in respect of seascape and visual impacts on receptors in West Sussex. The Applicant will however continue to engage with West Sussex County Council on this matter to try and reach an agreement.</p>
2.1.12	<p>The Applicant states in (REP2-020)- that they '<i>will continue to engage with WSCC on matters regarding seascape landscape and visual impacts, however opportunities to reduce effects through further design principles specific to West Sussex are limited by the technical, economic and functional requirements of the Proposed Development to produce renewable energy, as well as other environmental factors</i>'. Without any willingness to engage with WSCC regarding further development of offshore design principles which would lead to a lesser environmental impact, or an understanding of what these limitations are, there are areas of disagreement with the Applicant on these matters.</p>	
<b>Socioeconomics (ES Chapter 17)</b>		
<b>Local Employment</b>		
2.1.13	<p>The Applicant refers to significant opportunities for West Sussex including the use of local workers during the construction of the onshore infrastructure and states that the onshore</p>	<p>The economic modelling of employment impacts in <b>Appendix 17.2: Socio-economics cost and sourcing report, Volume 4</b> of the Environmental Statement (ES) [APP164] applied</p>

Ref	Deadline 3 submission	Applicant's response
	<p>infrastructure will be located in West Sussex. The Applicant states that these jobs will be highly accessible for local people. WSCC would question what will the Applicant be doing to ensure that local people can access these jobs? There is a lot of emphasis placed on the OSES to enable this, but this document is currently very high level, limited in information and does not provide sufficient reassurance.</p>	<p>conservative supply chain sourcing assumptions. It was assumed that a certain proportion of supply chain expenditure would be secured by businesses based in Sussex, and that such businesses would be expected to draw on the local labour force.</p> <p>Building on the work currently ongoing within the region, details of commitments to maximise employment and skills benefits of the project will be developed through the production of a Skills and Employment Strategy, post-consent. This will be the subject of ongoing stakeholder engagement with key skills &amp; employment stakeholder organisations which may include activities to promote local job opportunities.</p>
2.1.14	<p>WSCC understands there to be skills shortages across the construction sector in Sussex, including for basic construction skills and more specialist sectors within the supply chain, as informed by Future Skills Sussex in its Local Skills Improvement Plan (2023)<sup>1</sup>. Future Skills Sussex undertook extensive research into the Construction Sector. This report concluded “<i>The construction sector across the South-East is expected to grow by an annual average of 1.8% between 2023- 2027. Industrial (4.0%), private housing (3.6%) and commercial (3.0%) work are expected to see the biggest annual increases. Consequently, this means that in the South-East the construction industry needs to increase current recruitment by 3,560 new workers each year to deliver the expected work between the start of 2023 and end of 2027</i>” (Sussex Local Skills Improvement Plan, Construction Sector Deep Dive, Executive Summary, February 2024 Future Skills Sussex). This report further evidence constraints on the construction labour market in Sussex.</p>	<p>The Applicant acknowledges that there are currently constraints on labour supply in the construction sector and that evidence suggests that a tight labour market is expected to continue into what would be the construction phase of Rampion 2. This points to the importance on early engagement with local supply chain as well as exploring initiatives addressing these key skills shortages.</p> <p>The Applicant will continue to engage with stakeholders and intends to hold a ‘People and skills in the supply chain workshop’ in 2025. Stakeholders will be encouraged and welcome to attend these events. The outcomes will help inform the initiatives which will be taken forward as part of the final Skills and Employment Strategy.</p>
2.1.15	<p><i>Supply Chain</i></p> <p>The Applicant has not directly responded to the point raised by WSCC. Further engagement is required to discuss the potential for further development of programmes that support local businesses to grow. The Applicant’s response refers to local businesses registering on a Suppliers Platform to supply the project, attending supplier engagement days, regular one-to-one sessions with supply chain managers and access to a supplier portal. However, further engagement is required to discuss focussed support and programmes that will provide local businesses with the opportunity to become of the Project’s supply chain.</p>	<p>The Applicant will continue to engage with local stakeholders regarding maximisation of local supply chain opportunities through the production of the Skills and Employment Strategy.</p> <p>The Suppliers Platform, Supplier Engagement Days and one-to-one sessions are examples of some of the programmes that will indeed provide local businesses with the opportunity to become part of the Project’s supply chain. Others may be identified during ongoing stakeholder engagement with key skills &amp; employment stakeholders. However, there remain a number of decisions yet to be made at this stage, such that a full suite of programmes cannot be finalised, e.g. technical details of the final project, Tier one suppliers and infrastructure decisions such as the construction project management base location.</p>
2.1.16	<p><i>Assessment of Local Impacts</i></p> <p>The Applicant has not given a satisfactory response to the point raised about a need for assessment of impacts at the local level. Indeed, their response “<i>...providing impacts at a lower spatial scale would be a useful output of the economic impact assessment</i>” would appear to suggest they recognise that an assessment of impacts at the local level would add value to the assessment.</p>	<p>The assessment within <a href="#">Chapter 17: Socio-economics, Volume 2</a> of the Environmental Statement (ES) <b>[APP-058]</b> acknowledges that a more localised impact assessment of employment opportunities generated would be a useful output but stated that it would require significantly more certainty about how the sourcing of construction opportunities would be carried. District level study areas were not proposed because of the uncertainties that would be present when conducting an economic impact assessment for a project at this stage in its development. This approach was confirmed through pre-Application consultation and engagement with stakeholders as part the scoping of the socio-economics assessment.</p>

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

**Ref**      **Deadline 3 submission**
**Applicant's response**
***Impacts on Onshore and Inshore Recreational Infrastructure, Tourism and Visitors***

**2.1.17** Whilst the Applicant has acknowledged there are impacts on PRoW, they have reiterated they do not believe there are significant effects on recreational infrastructure, tourism sector and visitor economy. The Applicant has cited Rampion 1 as an example of a Project that has had no adverse impacts on tourism in the local area. They have also questioned the primary research undertaken by Bournemouth Council to not be robust. WSCC does not believe that Rampion 1 is an appropriate comparison to use. Rampion 2 is materially different to Rampion 1 in that the former's above ground infrastructure is proposed to be significantly larger in scope and scale.

The assessment within **Chapter 17: Socio-economics, Volume 2** of the Environmental Statement (ES) **[APP-058]** (see paragraph 17.6.69) no evidence that Rampion 1 had a significant effect on tourism, and referred to it as important evidence that should be considered in the assessment. Whilst it is acknowledged that there are differences between Rampion 1 and 2, Rampion 1 is a relevant comparator to use given its proximity to the Study Area and the extent to which it is part of the baseline conditions in which tourism and other socio-economic indicators are assessed.

Ex-ante research on which Bournemouth Council drew upon applied survey evidence, including surveys which both the Council and Navitus Bay Development Limited (the applicant) had carried out to estimate the potential adverse impacts on the Bournemouth area's visitor economy. It applied percentages from responses which had indicated potential losses of trade or intentions not to visit or return as a result of the windfarm's construction and operation. West Sussex County Council indicated in its Local Impact Report (IP Reference 200445228) that a comparable impact resulting from the Rampion 2 project would constitute a negative effect on the visitor economy if realised in West Sussex.

Perceptions based survey evidence has a number of limitations, some of which were recognised in the evidence considered by Bournemouth Council, and it would not be robust to apply the scale of impact suggested by that Bournemouth study and its conclusions to the West Sussex visitor economy. Furthermore, since the Navitus Bay Wind Park did not proceed there is no means of testing ex-post whether the findings of those studies were accurate.

The limitations of perceptions-based survey research include risks of respondent bias, the need to use images about what a future development could look like and whether the quality of that imagery is a reasonable representation, and the challenge of achieving representativity in sampling over different periods, visitor types and locations.

**2.1.18** In addition, the Applicant's assertion that Rampion 1 has not had an adverse effect on the local area, appears to be based on an analysis of tourism employment data. WSCC believes this to be a very crude approach and subject to error as there are many different variables that influence volume and value of tourism in an area. Unless the Applicant has isolated the impact of Rampion 1 on local tourism, WSCC do not consider this approach to be robust.

The Applicant acknowledges multiple variables influence the volume and value of tourism in an area. However, if the construction and subsequent operation of Rampion 1 had resulted in a significant negative effect on tourism, it would be expected to be evident in change in tourism employment.

The Applicant considered a range of studies (outlined in Section 17.5 within **Chapter 17: Socio-economics, Volume 2** of the Environmental Statement (ES) **[APP-058]**) which assess impacts on tourism associated with offshore wind farm developments and this has greater weight in the Applicants' assessment than the employment data.

As noted in **Chapter 17: Socio-economics, Volume 2** of the ES **[APP-058]**, research by Hatch (2022) presents further analysis of tourism employment trends (from two years pre-construction, 2014 to 2 years post construction 2019) for seaside towns located within 30 km of the existing Rampion 1 Offshore Wind farm. The data showed that, when totalled across the nine seaside towns (Bognor Regis, Littlehampton & Worthing, Saltdean & Seaford and Brighton, Shoreham-by-sea, Southwick & Portslade-by-sea), tourism employment was higher in the operational period (23,000 full time equivalent (FTE) jobs) compared to the pre-construction period (21,000 FTE jobs). Tourism employment in the nearby seaside towns increased by 9%

Ref	Deadline 3 submission	Applicant's response
2.1.19	<p>The Applicant has critiqued the primary survey research which reported on adverse effects of windfarms, but they did not respond to WSCC's question about undertaking primary research to inform the assessment and they have not explained why this research has not been undertaken. WSCC believes there is a need for primary research to be undertaken into potential impacts on holiday/short break planning by visitors to inform the assessment of effects of on the tourism and visitor economy.</p>	<p>when comparing average employment levels in the pre-construction phase to the post-completion operational phase. This was above the growth in local districts (5%), the region (4%) and Great Britain (5%).</p> <p>The Applicant provided a response to the statutory consultation request (from Brighton and Hove City Council) for inclusion of a survey of local people and visitors within Table 17-7 of <b>Chapter 17: Socio-economics, Volume 2</b> of the Environmental Statement (ES) [APP-058]. This notes that: <i>“Recent attitudinal/perceptions surveys have been used alongside other studies to assess the relationship between offshore wind farm development and tourism as is presented in Appendix 17.3: Socioeconomics technical baseline, Volume 4 of the ES: (Document Reference 6.4.17.3). There is not a lack of research, but a lack of ex-post evidence (studies undertaken after a wind farm has been developed which assess the impact this has had on visitor volume and value). These types of studies are more robust than ex-ante studies (undertaken before a wind farm has developed) which are based on how visitors say their behaviour would change as a result of the offshore wind farm. There are significant weaknesses in ex-ante survey methods as the responses are subject to bias, depending on people’s feelings about wind farms. Because of these weaknesses and the existing ex-ante evidence base available, it is considered that an additional ex-ante visitor survey is not required. This would be subject to the same risk of bias and would not add value to the assessment. As such, no such additional surveys have been undertaken to inform the ES.”</i></p>
2.1.20	<p>The Applicant has stated that there is no evidence of offshore wind farms having a negative impact on the tourism economy of coastal areas. However, they have recognised there is a limitation to the assessment in the lack of evidence gathered after developments are in operation. WSCC does not believe the implications of these limitations have been robustly assessed by the Applicant. WSCC considers that such evidence would have a potentially important bearing on assessment findings as it would more conclusively demonstrate whether visitors are deterred from locations of infrastructure of this scale, and the loss of any income and the jobs this supports.</p>	<p>The Applicant refers in its assessment within <b>Chapter 17: Socio-economics, Volume 2</b> of the Environmental Statement (ES) [APP-058] to a range of both ex-post and ex-ante studies. Studies which have been conducted are listed in <b>Appendix 17.3: Socio-economics technical baseline, Volume 4</b> of the ES [APP-165]. <i>These studies include</i> North Hoyle (Arup Economics and Planning, 2002) and Gwynt Y Môr (RWE Renewables, 2005) wind farms off the coast of North Wales. Given the relatively limited number of ex-post primary research studies available, the assessment drew on wider evidence such as studies which provide secondary analyses of the evidence base, studies from overseas, general perceptions-based studies and general tourism surveys as well as tourism employment trends data and consideration of the local characteristics of the tourism offer.</p>
2.1.21	<p>The Applicant has said they will explore how various initiatives align with the objectives of the OSES and that they will work with stakeholders to address gaps although, as yet none of this has been documented. There is reference to further detail that will be provided <i>“within the subsequent Skills and Employment Strategy”</i> however it is not clear when this will be provided. The Applicant has confirmed there will be further engagement with WSCC on further iterations of the OSES.</p>	<p>The Applicant will continue to engage with stakeholders and intends to hold a ‘People and skills in the supply chain workshop’ in 2025. Stakeholders will be encouraged and welcome to attend these events. The outcomes will help inform the initiatives which will be taken forward as part of the final Skills and Employment Strategy. The next iteration will be the final Skills and Employment Strategy. The Applicant will continue to work with key skills stakeholders to shape this document which will be submitted prior to commencement of works.</p> <p>The Draft DCO has been updated to read: No onshore works are to commence, excluding onshore site preparation works, until a Skills and Employment Strategy, in accordance with the outline Skills and Employment Strategy, has been submitted to and approved by West Sussex County Council following consultation with the relevant planning authorities for all stages of the authorised development.</p>
2.1.22	<p>The Applicant has indicated that the list of skills programmes was discussed and agreed with stakeholders, however it is not clear who these stakeholders are. It also remains unclear</p>	<p>In conjunction with stakeholders (all those involved in the consultation are listed in table 3, section 4 ‘Consultation to date’ of the Outline Skills and Employment Strategy) the applicants</p>

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	<p>which programmes will be relevant to target from both a geographical catchment and skills perspective. The Applicant has advised these will be detailed “<i>within the subsequent Skills and Employment Strategy</i>”. However, elsewhere in their response, there is reference to a “<i>final Skills and Employment Strategy</i>”, it is not clear what information will feature in which iteration of the Strategy and when these will be produced.</p>	<p>will refine the programmes which will be documented and implemented as part of the final Skills and Employment Strategy. The next iteration will be the final Skills and Employment Strategy. The applicant will continue to work with key skills stakeholders to shape this document which will be submitted prior to commencement of works.</p> <p>Programmes will target key sectors of the population within the region, ensuring all relevant parties are supported with skills development enabling them to secure sustainable work as part of the project life-cycle. It is envisaged that these programmes will include the development of transferable skills as part of the wider ambition to ensure the value of lifelong learning for continued employment.</p>
2.1.23	<p>The Applicant has confirmed in the next iteration of the OSES that they will provide a road map to provide a direction of travel for the Strategy, but they did not respond on how they intend to ensure activities are providing net additional or provide further detail on specific outputs and outcomes.</p>	<p>The Applicant will continue to work with key skills stakeholders to shape the road map to define activities, which will form part of the final Skills &amp; Employment Strategy. The document will also include the specified outcomes of the activities and the social benefit these will provide for the local communities in the local area. The impact and value of all activities and programmes will be evaluated prior to their inclusion in the final Skills and Employment Strategy and those which demonstrate the highest returns for the community will be those which are taken forward. It is anticipated that all programmes and activities are continually monitored and evaluated, assessing both value for the community (social economic benefit) and value for money.</p>
2.1.24	<p><i>Policy</i></p> <p>With the exception of a point on National Policy Statement for Electricity Networks Infrastructure, the Applicant has not made any comments on the policy related comments raised by WSCC.</p>	<p>The Applicant noted West Sussex County Council's (WSCC) reference to the WSCC Our Council Plan 2021-2025, WSCC Economy Plan 2020-2024, West Sussex Economic Collaboration Report 2023, West Sussex Transport Plan 2022-2036 and West Sussex Rights of Way Management Plan 2018 – 2028 highlighted by WSCC under the socio-economics topic within <a href="#">Deadline 2 Submission – 8.43: Category 8: Examination Documents – Applicant's Responses to West Sussex County Council Deadline 1 Submissions [REP2-020]</a>.</p>
2.1.25	<p><i>Appendix E</i></p> <p>Whilst the Applicant has reviewed the West Sussex Transport Plan, they have not confirmed whether or not there are implications for the assessment findings.</p>	<p>The Applicant noted that it had reviewed the latest West Sussex Transport Plan 2022-2036 under the socio-economics topic within <a href="#">Deadline 2 Submission – 8.43: Category 8: Examination Documents – Applicant's Responses to West Sussex County Council Deadline 1 Submissions [REP2-020]</a>. The Applicant can confirm that the latest West Sussex Transport Plan has no implications for the assessment of effects outlined within <a href="#">Chapter 17: Socio-economics, Volume 2</a> of the Environmental Statement (ES) [<a href="#">APP-058</a>].</p>
<b>Landscape and Visual Impact (ES Chapter 18)</b>		
2.1.26	<p>The key matters raised in WSCC LIR (REP1-054), as set out in the summary at 9.1 – 9.7, remain relevant and the position of WSCC.</p>	<p>The Applicant has no further comment on this matter at this time.</p>
2.1.27	<p>The detailed responses from the Applicant concerning the various landscape and visual matters raised are acknowledged. It is welcomed that in many cases this has resulted in the Applicant committing to undertake further assessment/review and provide further information at future Deadlines.</p>	<p>The Applicant notes West Sussex County Council's welcome of the commitment to undertake further assessment/review and provide further information at future Deadlines.</p>
2.1.28	<p>This further information, in summary, includes:</p> <ul style="list-style-type: none"> <li>Chapter 18: Landscape and visual impact assessment, Volume 2 of the Environmental Statement (APP-059) to be updated for submission at Deadline 4 and to provide further</li> </ul>	<p>The Applicant notes that the following documents have been updated and submitted at Deadline 3 to provide the further information as indicated by West Sussex County Council in their response including:</p> <ul style="list-style-type: none"> <li><a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a>;</li> </ul>

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	<p>clarification and assessment in relation to Viewpoints, and associated receptors including PRoW, and transport routes;</p> <ul style="list-style-type: none"> <li>Further investigation and provision of additional viewpoints for a submission at a later examination deadline (and associated review of the LVIA where necessary);</li> <li>Updates to the DAS (AS-003) for Deadline 3 to review the wording and presentation of design principles and further consideration of WSCC recommendations to mitigate and compensate for landscape and visual impacts resulting from the substation development; Rampion 2 Offshore Wind Farm - WSCC Response at Deadline 3 April 2024 6</li> <li>Providing Heads of Terms for Deadline 3 for a consent obligation for mitigation and/or compensation of landscape and visual impacts;</li> <li>Updates to the Outline Landscape and Ecology Management Plan (APP-232) for submission at Deadline 3 with further details on mitigation measures regarding landscape design, an updated Indicative Landscape Plan and an Architectural Strategy;</li> <li>Updates to the Outline Code of Construction Practice (OCOCP) (APP-224), to include a full review of Vegetation Retention Plans (including vegetation within visibility splays), and clarification around any the mechanisms for approval of any changes at the detailed design/implementation stage;</li> <li>Further detail on vegetation loss, reinstatement, management, monitoring, and the process for delivering remedial actions (i.e. if localised planting fails) within the OCoCP (PEPD-033) and the Outline Landscape and Ecology Management Plan (APP-232) when updated at Deadline 3;</li> <li>Review the wording of mitigation measures as set out in the Commitments Register (REP1-015) and supporting control documents to increase certainty/remove ambiguity;</li> <li>Further review of the RVAA (Appendix 18.5: Residential Visual Amenity Assessment, Volume 4 of the ES (APP-171)); and</li> <li>Review outline control documents including the Design and Access Statement (AS-003), the OCoCP (PEPD-033) and the Outline Landscape and Ecology Management Plan (APP-232) in relation to vegetation overlapped by the footprint of the Oakendene construction compound and consider further vegetation retention. An update to be provided at Deadline 3.</li> </ul>	<ul style="list-style-type: none"> <li><b>Outline Code of Construction Practice [REP3-025];</b></li> <li><b>Design and Access Statement (DAS) [REP3-013];</b></li> <li><b>Commitments Register [REP3-049];</b> and</li> <li><b>Draft Heads of Terms for S106 Agreement with West Sussex County Council [REP3-066].</b></li> </ul> <p>The Applicant can confirm that further viewpoint photography from the vicinity of Oakendene Manor was undertaken in April 2024 with visualisations provided at Deadline 4.</p> <p>The Applicant notes that updates to the following documents will be provided at Deadline 5:</p> <ul style="list-style-type: none"> <li><b>Chapter 18: Landscape and visual impact, Volume 2</b> of the Environmental Statement (ES) [APP-059];</li> <li><b>Appendix 18.3: Landscape assessment, Volume 4</b> of the ES [APP-169];</li> <li><b>Appendix 18.4: Visual assessment, Volume 4</b> of the ES [APP-170]; and</li> <li><b>Appendix 18.5: Residential Visual Amenity Assessment, Volume 4</b> of the ES [APP-171].</li> </ul> <p>The Applicant will provide draft versions of the above updated documents to West Sussex County Council for comment in advance of Deadline 5.</p>
2.1.29	<p>WSCC will review any such further submissions and provide comments in due course. With regard to the Applicants' detailed responses given, notwithstanding the need to review any further information provided by the Applicant, the following sets out the key matters for which comment, concerns or conflict are raised.</p>	<p>The Applicant has no further comment on this matter at this time.</p>
2.1.30	<p>WSCC remain concerned that the Applicants' conclusions on landscape and visual impacts rely on sequencing and programming of works and reinstatement being secured as part of the Code of Construction Practice and Landscape and Ecology Management Plan (and Construction Method Statement), and that limited detail has currently been provided within those documents.</p>	<p>The Landscape and Visual Impact Assessment (LVIA) within <b>Chapter 18: Landscape and visual impact, Volume 2</b> of the Environmental Statement (ES) [APP-059], <b>Appendix 18.3: Landscape assessment, Volume 4</b> of the ES [APP-169] and <b>Appendix 18.4: Visual assessment, Volume 4</b> of the ES [APP-170] assesses a worst case (duration not factored into the level of effect or significance). The duration is reported as the onshore construction phase</p>

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2.1.31	Little comfort is gained from the Applicants reference to commitment C-103 'Areas of temporary habitat loss will begin reinstatement within 2 years of the loss, other than at the temporary construction compounds, cable joint bays, some haul roads, some construction access roads, landfall and substation location where activities may take longer to complete.' as it is the compounds, haul roads and accesses which are likely to have the greatest landscape and visual impact.	(e.g. 3.5 years for the onshore cable corridor) although it is acknowledged that in practice the level of effect will be variable over the construction phase with work undertaken in stages yet to be established. Reinstatement of vegetation along the onshore cable corridor is covered in the <a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a> (updated at Deadline 4) secured via Requirements 12 and 13 within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).
2.1.32	A worst-case scenario must be assumed insofar as reinstatement cannot be guaranteed until construction has been completed in full.	The Applicant notes a worst-case scenario has been assessed within <a href="#">Chapter 18: Landscape and visual impact, Volume 2</a> of the Environmental Statement (ES) <a href="#">[APP-059]</a> , <a href="#">Appendix 18.3: Landscape assessment, Volume 4</a> of the ES <a href="#">[APP-169]</a> and <a href="#">Appendix 18.4: Visual assessment, Volume 4</a> of the ES <a href="#">[APP-170]</a> please see response above <a href="#">reference 2.1.30</a> .
2.1.33	Whilst the Applicant's response to 9.29 is noted, WSCC remains concerned that conclusions on the level of impacts for landscape and visual impacts for receptors is influenced by the assumption of reinstatement being carried out as soon as possible (which cannot be guaranteed as phasing/sequencing of works has yet to be determined). The Applicant explains that the duration of effects is reported separately and is not part of the assessment of the level of effect, and that summary Tables 18.40-45 of Chapter 18: Landscape and visual impact, Volume 2 of the ES (APP-059), describe the sensitivity, magnitude, level of effect and its significance separately under the heading for the phase of development and its duration. However, it is apparent that considerations of magnitude of change have taken into account progressive reinstatement (for example see tables presented in the Detailed Viewpoint Analysis at section 1.5 of Appendix 18-2 (APP-168) and, Appendix 18.4 (APP170).	The Landscape and Visual Impact Assessment (LVIA) will be reviewed and updated in those instances where West Sussex County Council have flagged that the text needs to be made clearer at Deadline 5.  The Applicant notes that updates to the following documents will be provided at Deadline 5: <ul style="list-style-type: none"> <li>• <a href="#">Chapter 18: Landscape and visual impact, Volume 2</a> of the Environmental Statement (ES) <a href="#">[APP-059]</a>;</li> <li>• <a href="#">Appendix 18.3: Landscape assessment, Volume 4</a> of the ES <a href="#">[APP-169]</a>;</li> <li>• <a href="#">Appendix 18.4: Visual assessment, Volume 4</a> of the ES <a href="#">[APP-170]</a>; and</li> <li>• <a href="#">Appendix 18.5: Residential Visual Amenity Assessment, Volume 4</a> of the ES <a href="#">[APP-171]</a>.</li> </ul>
2.1.34	This is similarly the case in consideration of impacts on residential visual amenity assessed in the RVAA (Appendix 18.5: Residential Visual Amenity Assessment, Volume 4 of the ES (APP-171), which as part of the magnitude of change repeatedly considers progressive backfill and reinstatement, and for which overall conclusions for each property rely on the assumption that "The duration of these effects will be limited to 3-4 months / periodic activity with progressive restoration within the 3.5 year construction phase." WSCC remain concerned that the RVAA underestimates the visual impacts on individual residential properties and the objectivity of overall conclusions is unclear (in particular for Oakendene Manor where permanent visual impacts would occur).	The Applicant will provide draft versions of the above updated documents to West Sussex County Council for comment in advance of Deadline 5.
2.1.35	Regarding the Applicant's response to 9.30, WSCC remain concerned over consideration given to the landscape and visual impacts of required visibility splays (be that for new or upgraded side access points), and that Vegetation Retention Plans (VRPs) in Appendix B of the OCoCP (PEPD-033) do not accurately reflect a worst case scenario (whereby up to large lengths of vegetated roadside boundaries for 69 access points could be impacted).	The Applicant has reviewed vegetation losses and the outcome of this review is presented in the <a href="#">Deadline 3 Submission – 8.61: Technical Note Construction Access Update Summary [REP3-055]</a> submitted at Deadline 3. The <a href="#">Outline Code of Construction Practice [REP3-025]</a> Appendix B Vegetation Retention Plans have also been updated at Deadline 3 to include the changes in vegetation retention presented in the <a href="#">Deadline 3 Submission – 8.61: Technical Note Construction Access Update Summary [REP3-055]</a> .
2.1.36	It is however welcomed that the Applicant is undertaking a review of accesses and the extent of vegetation removal shown on the VRPs and will seek to update other DCO documents (including the LVIA) upon completion of the review. WSCC would ask that VRPs are updated to clearly identify all vegetation to be removed in a single set of consolidated plans and to indicate all hedgerows/scrub/woodland areas that could be coppiced (noting in a worst-case scenario accesses/splays and coppiced features would be required throughout	The Vegetation Retention Plans (VRPs) have been updated in Appendix B of the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (submitted at Deadline 3) and a simplified amalgamated plan has been provided.  It should be noted that coppiced as described within the <a href="#">Outline Code of Construction Practice [REP3-025]</a> is a reduction in height to 0.9m and not a traditional coppice where it



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	the entire 4 year construction programme - thus leading to prolonged landscape and visual impacts).	would be cut to ground level. The locations where this may take place are at the construction access points, but the needs and extents would be determined during the detailed design phase.
2.1.37	To clarify, WSCC consider that all trees, hedgerows and scrub (essentially all soft landscape features) in the VRPs identified for retention (Appendix B of the OCoCP [PEPD-033]), must be retained and protected. The wording currently presented in the OCoCP at paragraph 5.6.27 leaves considerable ambiguity. Any updated wording to this and supporting control documents, must ensure this would only take place in justified exceptional circumstances, and only as may be approved by the relevant planning authority.	The Applicant has updated the wording in the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (submitted at Deadline 3) for clarity. However, it is not possible at this stage to be completely certain as to the level of vegetation / habitat loss in any given location as it depends on the detailed design and approach to construction. However, the Applicant considers the vegetation retention plans (Appendix B of the <a href="#">Outline Code of Construction Practice [REP3-025]</a> updated at Deadline 4) to be a robust approximation of the realistic worst-case scenario. All changes (e.g. reduced losses or increases losses) will be justified in consultation with the relevant local planning authority as per commitment C-220 ( <a href="#">Commitments Register [REP3-049]</a> ). This provides a level of control that alongside commitment C-292 ( <a href="#">Commitments Register [REP3-049]</a> ) (implementation of the mitigation hierarchy during the detailed design) gives appropriate levels of certainty that the vegetation retention plans are reflective of what will be implemented. Both commitments C-220 and C-292 are included within the <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).
2.1.38	Additional Viewpoint (VP) locations as suggested by WSCC continue to be considered warranted to provide an accurate assessment of the level of impacts. Continued engagement on viewpoints, as suggested, would be welcomed. WSCC also highlight that corresponding visualisations will need to be provided at any new VPs, and for those at the onshore substation, these should include the 18m lightning mast. As the tallest feature on site, WSCC do not agree that the lightning mast would have limited visual impact and would not contribute towards significant visual affects as stated by the Applicant in response to 9.68.	The Applicant can confirm that further viewpoint photography from the vicinity of Oakendene Manor was undertaken in April 2024 with visualisations provided at Deadline 4. The Applicant notes that the additional visualisations include the 18m lightning mast as requested by West Sussex County Council.  <a href="#">Chapter 18: Landscape and visual impact, Volume 2</a> of the Environmental Statement (ES) <a href="#">[APP-059]</a> (including other related appendices where required) will be updated to reflect the additional information outlined above and submitted at Deadline 5.
2.1.39	Regarding the Applicant's response to 9.46, WSCC welcomes the Applicant seeking to provide further detail on vegetation loss, reinstatement, management, monitoring, and the process for delivering remedial actions within the OCoCP (PEPD-033) and the Outline Landscape and Ecology Management Plan (APP-232) when updated at Deadline 3. This should build on lessons learnt from the Rampion 1 Project.	The Applicant notes that the <a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a> and the <a href="#">Outline Code of Construction Practice [REP3-025]</a> have been updated and submitted at Deadline 3 to provide further detail on vegetation loss, reinstatement, management, monitoring, and the process for delivering remedial actions.
2.1.40	Details of existing and proposed site levels at the substation remain unclear. The Applicant's response to 9.70 provides little, if any, clarity on the matter. As previously noted, given a slope is present on the site and that all maximum heights for plant/structures are based on 'finished' ground levels, it is crucial to understand the extent of any cut and fill operations and likely final site levels. Any substantive change in site levels could result in significant changes to landscape and visual impacts.	As the final site layout and footprint will be determined during detailed design which needs to provide for the electrical design requirements of the entire scheme, it is not possible to confirm final platform elevations at this point. The final site level elevations can only be confirmed following a more detailed topographical survey, a detailed earthworks assessment that considers the final site footprint and layout and an engineering design has been completed. The Applicant has provided a response with the maximum parameters, including maximum building height limit in metres (m) Above Ordnance Datum (AOD) and maximum site footprint to allow an assessment of visual impacts by stakeholders during the consenting phase of the project.  The Zones of Theoretical Visibility (ZTV) (Figures 18.2a-c, <a href="#">Chapter 18: Landscape and visual impact – Figures (Part 1 of 6), Volume 3</a> of the Environmental Statement (ES) <a href="#">[APP-098]</a> ) have been updated and submitted at Deadline 4 to account for finished ground level of 16.25m AOD. This has made a negligible difference to the extent of ZTV coverage and would not alter

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		the Landscape and Visual Impact Assessment (LVIA) presented within <a href="#">Chapter 18: Landscape and visual impact, Volume 2</a> of the ES [APP-059].
2.1.41	As previously noted, even with mitigation (notwithstanding further updates to be made), significant landscape and visual impacts are likely to occur. WSCC considers that the Applicant should offset/compensate these impacts through the enhancement of retained hedgerows and trees both within and around the around the DCO Limits (e.g. through gapping up of hedgerows, additional native planting, management and enhancement of key landscape characteristics), and through a fund to provide for the delivery of wider PRoW enhancements and thus amenity benefits to negatively affected receptors. WSCC is engaging with the Applicant regarding Heads of Terms provided for a consent obligation for mitigation and/or compensation of landscape and visual impacts.	The gapping up of hedgerows additional native planting, management and enhancement of key landscape characteristics are agreed as suitable examples subject to landowner agreement and Section 106 agreement / Heads of Terms.
<b>Noise and Vibration (ES Chapter 21)</b>		
2.1.42	The key matters raised in WSCC LIR (REP1-054), as set out in the summary at 10.1 – 10.10, remain relevant and the position of WSCC.	The Applicant has no further comment on this matter at this time.
2.1.43	As previously noted, given the technical nature of Noise and Vibration Assessment, WSCC defer to Environmental Health Officers to provide detailed comments in respect of noise and vibration impacts. Nonetheless, regarding the Applicants' detailed responses given, the following sets out the key matters for which comment, concerns or conflict are raised.	The Applicant has no further comment on this matter at this time.
2.1.44	In general terms, the Applicant focuses on mitigation of noise impacts which it considers would be ' <i>significant</i> ' in EIA terms. In principle, adverse noise impacts should be minimised and mitigated as far as practicable, regardless of whether they may be deemed significant in EIA terms.	Adverse impacts are minimised and mitigated through design of the onshore cable route during design evolution, through embedded mitigation (Table 21-20 of <a href="#">Chapter 21: Noise and vibration, Volume 2</a> of the Environmental Statement (ES) [PEPD-018] and application of best practice measures (Section 5.2 within the <a href="#">Outline Noise and Vibration Management Plan [REP3-054]</a> ). The Applicant considers that this approach is in line with the Noise Policy Statement for England and Planning Practice Guidance Noise.
2.1.45	For operational noise arising from the Oakendene substation, the Applicant seemingly suggests that significant night-time noise impacts at residential receptors as being only those with the potential for health effects due to sleep disturbance. This is a high bar, may not be considered to accord with recognised standards and discounts the potential for adverse noise impacts below this level, which is of some concern.	The Applicant considered 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 (Section 21.8.18 within <a href="#">Chapter 21: Noise and vibration, Volume 2</a> of the Environmental Statement [PEPD-018]). This is a standard approach and considering mitigation for sound levels below this the onset of observable adverse effects, is considered by the Applicant to be an unreasonably onerous requirement.
2.1.46	WSCC remain of the opinion that proposed threshold rating levels at sensitive receptors proximate to the substation should be set closer to existing background levels to minimise the potential for adverse impacts.	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.
2.1.47	Regarding physical noise mitigation measures at the Oakendene substation, the Applicant focuses on only providing mitigation that would achieve proposed threshold levels (i.e. those required to ensure no ' <i>significant impacts</i> '). However, National Policy Statement EN-1, Paragraph 5.11.8 requires the " <i>selection of the quietest cost-effective plant available; containment of noise within buildings wherever possible; optimisation of plant layout to</i>	Layout design principal L5 within Table 2-1 in the <a href="#">Design and Access Statement [REP3-013]</a> 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 ( <a href="#">Commitments Register [REP3-049]</a> ) ensures that the detailed substation design will be built and operated such that the Rating levels (noise

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	<p><i>minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission”.</i></p>	<p>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 <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4). Bunds and noise barriers will be of little practical use in this context, as much of the noise-generating equipment is at high level (substation equipment is widely distributed) and receptors are a reasonable distance from the substation (minimum 200m). As the sound levels are below observable adverse effect levels (see Section 21.10.22 within <a href="#">Chapter 21: Noise and vibration, Volume 2</a> of the Environmental Statement (ES) <a href="#">[PEPD-018]</a>) mitigation should not be required.</p>
2.1.48	<p>WSPCC recognise a balance must be struck between potential landscape/visual/ecological impacts of any physical noise mitigation measures against the benefits of noise attenuation. However, the Applicant has provided no substantive evidence to support the claims that; there is limited scope to alter noise through optimising the layout; that the physical size of any such measures would be preventative; they would result in restrictive cost burdens; and that any benefits would unlikely be appreciable. Additional information on potential physical noise mitigation should measures be provided, including analysis of benefits/disbenefits. Consideration could also be given to requiring this detail as part of Requirement 8 of the dDCO and/or updates to the design principles and information contained within the Design and Access Statement (AS-003).</p>	<p>The noise assessment presented in Sections 21.10.22 to 21.10.27 within <a href="#">Chapter 21: Noise and vibration, Volume 2</a> of the Environmental Statement <a href="#">[PEPD-018]</a> has determined no significant observable adverse effects. 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, 2010).</p> <p>Please also see above response <a href="#">reference 2.1.47</a>.</p>
2.1.49	<p>It is apparent that the Applicant has not undertaken any detailed assessment of the potential operational noise impacts upon users of PRoW. Conclusions of no significant noise impacts on PRoW has not therefore been robustly demonstrated. Further, even if a noise impact upon a PRoW were not ‘significant’ in EIA terms, it may still result in impacts upon the amenity value of PRoW (the noise environment being part of its amenity and enjoyment value).</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 onshore 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 (BS) 4142 (British Standard Institute, 2019) 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>
2.1.50	<p>Although it is recognised that any noise impacts on PROW would be transitory for users over the section proximate to construction works/permanent development, numerous PRoW would be subject to adverse noise impacts as a result of the Project, including both on a temporary (worst case up to 4 years) and permanent basis. All reasonable mitigation measures should be proposed to reduce or offset those impacts (e.g. physical mitigation measures and securing funding for enhancement of other PRoW in the locality).</p>	<p>As stated, the only element of the works likely to give rise to onshore operational noise is the onshore substation at Oakendene. A single Public Right of Way (PRoW) passes this, with the next closest PRoW 250m away. All construction noise impacts are temporary.</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>
2.1.51	<p>WSPCC remain concerned that timeframes/duration of activities assumed within noise assessments for construction activities are not clearly set out and may have been underestimated (for example it is purported that construction noise for the cable corridor</p>	<ul style="list-style-type: none"> <li>• Construction best practice for noise and vibration;</li> <li>• Engineered mitigation and screening;</li> </ul>

Ref	Deadline 3 submission	Applicant's response
2.1.52	<p>would be time limited as trenching operations would pass quickly (less than 10 days)). Concerns are raised that assessments fail to recognise the potential for extended periods of activities associated with various construction activities including; the construction and use of compounds, haul roads (the cable corridor may serve as a key haul route and be required throughout construction), joint bays, cable pulling, cable jointing (which are unlikely to take place simultaneously based on experience of Rampion 1).</p> <p>WSCC remain concerned that considerable reliance is placed on further noise assessment, mitigation, and monitoring to be secured as part of stage specific NVMPs (to be submitted as part of any stage specific CoCP). The Applicant notes at 10.55 that they will consider the request for the provision of an Outline Noise and Vibration Monitoring Plan (ONVMP) including addressing the points raised by WSCC at a future Deadline in the Examination.</p>	<ul style="list-style-type: none"> <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> 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 <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>
2.1.53	<p>It is considered that an Outline Noise and Vibration Plan should be required at this stage. As a minimum, this should include details of how such plans would be structured, key noise management provisions to be adopted, the methodologies/scope (including timings) for proposed further noise survey/assessment and to specify all relevant noise thresholds that would be adhered to (including a definition of 'significant deviation'). It should also set out how monitoring will be undertaken and outline details of the likely mechanisms that will be adopted to address and respond to any reported noise issues (or exceedance of set thresholds).</p>	<p>These best practice measures will be employed to reduce noise above the Lowest Observable Adverse Effect Level (LOAEL) as defined in the Noise Policy Statement for England (Department for Environment, Food and Rural Affairs (Defra), 2010). Screening, or other additional mitigation, will be employed to avoid noise above the Significant Observable Adverse Effect Level (SOAEL). These are reported in the <b>Chapter 21: Noise and vibration, Volume 2</b> of the ES <b>[PEPD-018]</b>.</p> <p>Where BS 5228 (BSI, 2014a; 2014b) thresholds are predicted to be exceeded (with reference to Table 21-23 of <b>Chapter 21: Noise and vibration, Volume 2</b> of the ES <b>[PEPD-018]</b>) in Section 3.1 of the <b>Outline Noise and Vibration Management Plan [REP3-054]</b> which outlines that there will be a quantification of the reductions needed to achieve the required thresholds and commitments to show how this will be achieved in practice.</p>
2.1.54	<p>In general terms, WSCC welcomes the updates made to proposed working hours (as part of commitment C-22 within the Commitments Register (REP1- 015) and note the OCoCP (PEPD-033) will be updated to reflect this. WSCC consider that consideration should also be given to shoulder hours being adopted for deliveries in sensitive locations. As previously noted, WSCC consider that clarification should be made that working hours would apply to the use of any generators (continuous use of which at compound locations resulted in complaints for Rampion 1) which has not been addressed.</p>	<p>The Applicant has provided a response to question DCO 1.23 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 2-4. Further detail regarding the shoulder hour activities is provided in Table 2-17, reference TA 1.13.</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 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>
2.1.55	<p>The Applicant notes at 10.9 that they are reviewing the requests for noise mitigation and/or compensation.</p>	<p>The Applicant has no further comment on this matter at this time.</p>

Ref	Deadline 3 submission	Applicant's response
<b>Onshore Ecology (ES Chapter 22)</b>		
2.1.56	<p>WSSC welcomes the Applicant's proposals to review and amend various documents at Deadline 3, including the OLEMP (APP-232), OCoCP (PEPD-033) and Commitments Register (REP1-015), in response to concerns in WSSC LIR Chapter 11 (REP2-020). These include an updated OLEMP to incorporate further detail on monitoring, management and remedial actions (11.5), the establishment and management of scrub where reinstated in place of woodland (11g), tree loss and replacement (11i), any necessary remedial actions following 'hedgerow 'notching' (11m) and the requirements of notable species in habitat reinstatement and enhancement (11u). An updated OCoCP will refer to pedestrian access needs to monitor the HDD drill head at Michelgrove Park and Calcot Wood (11h). A proposed new commitment, C-292 which seeks to reduce impacts at detailed design is welcomed, as is the revision to C-208 to include destructive searches for reptiles in all suitable habitat within the construction area, including site compounds.</p>	<p>The Applicant welcomes the comments made by West Sussex County Council and confirms updates have been made to the <a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a>, <a href="#">Outline Code of Construction Practice [REP3-025]</a> and the <a href="#">Commitments Register [REP3-049]</a> as described. Further iterations of these documents have been provided at Deadline 4.</p>
2.1.57	<p><i>WSSC remains concerned over the mechanism to secure the delivery of BNG, particularly 'the front loading of 70% of biodiversity units for each stage prior to construction commencing' (Applicant's Response to WSSC LIR Chapter 11, Paragraph 11.31 [REP2-020]). It is noted that the Applicant will produce detailed proposals for BNG for each stage for discussion and agreement with the relevant planning authority. Whilst WSSC welcomes this approach, it does not agree that 'This then allows the Proposed Development to begin that stage of construction' (as stated in the Applicant's response to 11a). Even if the Applicant provides proof of purchase of BNG units from third party providers, this does not guarantee that they will be delivered on the ground in advance of construction, or in the early stages of construction. WSSC considers that Requirement 14 is inadequate to secure the delivery of BNG within the expected timescale and suggests the following wording:</i></p> <p><b>Requirement 14. Biodiversity net gain</b></p> <p><i>(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> <ul style="list-style-type: none"> <li><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></li> <li><i>(ii) The Applicant provided proof of purchase of all necessary biodiversity units from third party providers.</i></li> <li><i>(iii) At least 70% of the total number of biodiversity units as required for that stage of the development have been implemented on the ground according to the approved Biodiversity Net Gain Strategy and to the satisfaction of the relevant planning authority/authorities, including where relevant the South Downs National Park Authority.</i></li> </ul> <p><i>(2) The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in Appendix 22.15 of the Environmental Statement, with priority given to areas inside or within close proximity to the proposed DCO Limits.</i></p> <p><i>(3) The Biodiversity Net Gain Strategy for each stage must be implemented as approved.</i></p>	<p>Please see the Applicant's response to West Sussex County Council's answer to BD1.8 in <a href="#">Applicant's Response to Stakeholder's Replies to Examining Authority's Written Questions (Document reference: 8.77)</a>.</p> <p>As confirmed at the Issue Specific Hearing 2 (May 2024) and in the Applicant's post hearing submissions, the wording of Requirement 14 is considered appropriate.</p>

Ref	Deadline 3 submission	Applicant's response
	<i>(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</i>	
2.1.58	WSCC acknowledges that it may not be possible to pursue habitat enhancement opportunities, rather than simply reinstatement, with landowners before detailed design (11b). However, WSCC would welcome a statement within the OLEMP (APP-232) that opportunities for habitat enhancement will be actively sought at detailed design and included within the stage specific LEMPs and landscape plans.	A statement regarding habitat enhancement as requested by West Sussex County Council has been added to paragraph 4.1.2 of the <a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a> (updated at Deadline 3).
2.1.59	The Applicant's comments in 11.42 and 11.54 provide some reassurance regarding the handover to an OFTO part way through the 10-year aftercare period. WSCC considers that it would be helpful to include further details in the OLEMP (APP-232) and thus welcomes the Applicant's proposal to review this.	An update to the <a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a> has been provided at Deadline 4 that references the need for a detailed and comprehensive hand over. The Applicant notes however, that there is currently no contractual information available as this will be negotiated at the appropriate time following the completion of construction.
2.1.60	WSCC requested in 11d and 11e that all habitats at Oakendene and Bolney substations are managed for a minimum of 30 years, not just those which count towards the commitment to BNG, as currently proposed in the OLEMP [APP232]. Although this has been noted by the Applicant, WSCC would like to see a commitment to this effect in a revised OLEMP.	The Indicative Landscape Plans (Figures 1 and 2 of the <a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a> ) show the habitats that will be created at the onshore substation site at Oakendene and the existing National Grid Bolney substation extension. The intention is to have the area around the onshore substation at Oakendene in long term management to contribute towards biodiversity net gain (BNG) and provide other environmental benefits such as screening and water management. This intention is noted in <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the Environmental Statement <a href="#">[REP3-019]</a> . However, land negotiations are ongoing and therefore, this cannot be confirmed by the Applicant at this juncture. Similarly, at the existing National Grid Bolney substation extension discussions are being held with National Grid regarding the connection. The final design of tree planting and the contractual basis for long term management are still under discussion.
2.1.61	WSCC is pleased to note the Applicant's willingness in 11.34 to work together to achieve an early and significant contribution to the West Sussex Local Nature Recovery Strategy, due to be published in draft in March 2025.	The Applicant welcomes West Sussex County Council's comment that they are pleased to note the Applicant's willingness to work together to achieve an early and significant contribution to the West Sussex Local Nature Recovery Strategy, due to be published in draft in March 2025.
<b>Arboriculture (ES Chapters 18 and 22)</b>		
2.1.62	WSCC acknowledge the responses from the Applicant concerning the various arboricultural matters raised. With respects to a significant number of the points, it is accepted that these are being actioned and that further information will be provided either at Deadline 3. This further information includes updates to the OCoCP (PEPD-033), in addition to the Arboricultural Impact Assessment (APP-194).	The Applicant has provided an updated <a href="#">Outline Landscape and Ecology Management Plan [REP3-037]</a> and <a href="#">Outline Code of Construction Practice [REP3-025]</a> (including Appendix B Vegetation Retention Plans) at Deadline 3.  <a href="#">Appendix 22.16: Arboricultural Impact Assessment, Volume 4</a> of the Environmental Statement <a href="#">[APP-194]</a> will be updated to reflect these updates and submitted at Deadline 4.
2.1.63	12.4. The further evidence is provided (REP1-021) and provides a better understanding of the assessment of alternative substation sites considered. The approach to tree replacement is acknowledged with no further comment on this matter.	The Applicant Welcomes West Sussex County Council's comment that the further evidence provided in <a href="#">Deadline 1 Submission – 8.25.2: Applicant's Post Hearing Submission – Issue Specific hearing 1 Appendix 2 – Further Information for Action Point 4 – Wineham Lane North [REP1-021]</a> provides a better understanding of the assessment of alternative substation sites considered. The Applicant notes West Sussex County Council's comment that the approach to tree replacement is acknowledged with no further comment on this matter.

Ref	Deadline 3 submission	Applicant's response
2.1.64	12.30. The referenced response to 12.4 does not provide any further clarity for the comments made; the referred document does not consider how, or if, the assessment of alternative sites considered tree values at a site level.	The Applicant has no further comment on this matter at this time.
2.1.65	12.32. WSCC is aware that tree removal is based on the realistic worst-case scenario, however, it has not been demonstrated that these trees require removal to facilitate the onshore substation. Further, the Oakendene substation indicative landscape plan, found within the OLEMP [APP-232], shows trees reference T324, T325, T326, T327 & T328 to be retained. Measures to minimise losses through detailed design are welcomed, though these measures alone do not justify tree loss where adverse impacts can be avoided or mitigated.	The Applicant has used the realistic worst case substation layout to determine which trees require removal. These trees could not be retained within the footprint of an active substation to ensure safe functioning of the facility. The inside of an operational substation is paved in some areas and has a gravel / shale substrate across the remainder. At the detailed design phase, commitment C-292 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> (updated at Deadline 4) ensures that the detailed design will be looking to avoid and minimise vegetation losses wherever possible.
2.1.66	12.35. It is acknowledged that the area crossed is within a Source Protection Zone 2 (SPZ2) for potable groundwater. However, the Hydrogeological Risk Assessment (Environmental Statement - Volume 4 Appendix 26.4 (APP-218)) does not advise on the risk of HDD operations within the area adjacent Kitpease Copse, nor any mitigating control measures which may make HDD a tolerable approach and consequently avoiding adverse impacts on above ground features.	<p><a href="#">Appendix 26.4: Hydrogeological Risk Assessment, Volume 4</a> of the Environmental Statement (ES) [APP-218] was undertaken for the relevant proposal of open cut crossing at this location once it was selected as part of the design. The scope of <a href="#">Appendix 26.4: Hydrogeological Risk Assessment, Volume 4</a> of the ES [APP-218] was presented to the Environment Agency and Southern Water in November 2022 and both stakeholders commented that they were in agreement with the proposals which were acceptable.</p> <p>The chosen design methodology for open cut in SPZ2 came after careful consideration during several meetings with the Environment Agency and Southern Water, see paragraphs 26.3.30 - 26.3.32 within <a href="#">Chapter 26: Water environment, Volume 2</a> of the ES [APP-067] and Table 1-1 of <a href="#">Appendix 26.4: Hydrogeological Risk Assessment, Volume 4</a> of the ES [APP-218]. Following the Environment Agency's review of the Preliminary Environmental Information Report (PEIR), it stated in relation to Source Protection Zones (SPZs) that "<i>We would welcome the confirmation regarding limiting higher risk activities inside the SPZ2.</i>" Trenchless crossing represents a higher risk activity in this regard. The Environment Agency commented at the time of the outline design "<i>Having had targeted topic meetings we are confident that our position has been represented</i>".</p> <p>A meeting was recently held with the Environment Agency and Southern Water on 09 May 2024 to discuss the Examining Authority's written question about the Kitpease Copse crossing (see <a href="#">Appendix A</a>). During the meeting Southern Water confirmed that given the site sensitivities in the area trenchless crossing techniques would definitely be higher risk compared to open cut, and that Southern Water would have serious concerns if any change to a trenchless crossing was to go ahead.</p> <p>In its recent response to the Examining Authority's First Written Questions, the Environment Agency [REP3-148] 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> <p>This knowledge and understanding is consistent with the relevant parts of the <a href="#">Appendix 26.4: Hydrogeological Risk Assessment, Volume 4</a> of the ES [APP-218] that covers potential</p>

Ref	Deadline 3 submission	Applicant's response
		<p>receptors, pathways and conceptual models in the Kitpease Copse area and emphasises the key sensitivities in that locality. Also, the types of potential effects from trenchless crossings (for example horizontal directional drilling (HDD)) works are also documented elsewhere within the <a href="#">Appendix 26.4: Hydrogeological Risk Assessment, Volume 4</a> of the ES [APP-218] and further aid that understanding.</p> <p>A mitigation hierarchy has been appropriately followed in relation to both the water environment, and biodiversity to ensure that a proportionate and balanced approach has been taken. The selection of an open cut rather than a trenchless crossing is part of this mitigation.</p> <p>The potential impacts and serious consequences from a trenchless crossing are clearly higher than open cut there due to potentially large-scale disruption and impacts on the quantity and / or quality of a regionally important water supply in a populated and water stressed area.</p> <p>Due to the highly sensitive nature of the hydrogeological conditions, open cut has been selected as the most appropriate crossing methodology at Kitpease Copse. The temporary construction corridor in this approximately 45m long section has been reduced to a working width of 23m (from 30m) in order to reduce the environmental and visual impact of the construction. This is shown on the vegetation retention plan Figure 7.2.2 of the <a href="#">Outline Code of Construction Practice [REP3-025]</a>. This narrowing is aimed at reducing habitat loss and minimising reductions in habitat connectivity.</p>
2.1.67	12.45. The Applicants response is acknowledged but does not address concerns raised.	The Applicant has no further comment on this matter at this time.
2.1.68	12.48-12.49. WSCC has not contested the assessment within Chapter 25: Historic environment, Volume 2 of the ES (PEPD-020) with specific regard to this matter. In response to the note of Horsham District Councils LIR, please refer to paragraph 15.87 of WSCC's LIR: "The parkland is assessed as of low heritage significance in its own right, although some historic parkland features are present. However, it forms the historic parkland setting of Oakendene Manor and its significance is enhanced by its historic relationship with the manor house. It is the view of WSCC that the significance of the parkland may have been underassessed within the Oakendene parkland historic landscape assessment (APP-211). In particular, the contribution of individual trees which, whilst arguably falling slightly short of the criteria for Veteran Trees (see Arboricultural section of the LIR), nevertheless can be individually identified on the 1st edition OS mapping of 1875 and are likely to have formed part of deliberate planting within the historic parkland. There may also be conflation of informal naturalistic-style parkland, which nevertheless is considered a designed parkscape, with 'informal' parkland, which may have organically evolved as a result of field boundary changes".	Please see responses <b>15.41</b> , <b>15.42</b> and <b>15e</b> within <a href="#">Deadline 2 Submission – 8.43 Category 8: Examination Documents Applicant's Responses to West Sussex County Council Deadline 1 Submissions [REP2-020]</a> .
2.1.69	WSCC welcomes the acknowledgement of Appendix G Arboriculture Comments, and the commitment to review vegetation losses which will be provided at Deadline 3. Please note these are WSCC's comments rather than Horsham District Council's as stated within the response.	The Applicant has reviewed vegetation losses the outcome of which is presented in the <a href="#">Deadline 3 Submission – 8.61: Technical Note Construction Access Update Summary [REP3-055]</a> submitted at Deadline 3. The <a href="#">Outline Code of Construction Practice [REP3-025]</a> Appendix B Vegetation Retention Plans have also been updated at Deadline 3 to include the changes in vegetation retention presented in the <a href="#">Deadline 3 Submission – 8.61: Technical Note Construction Access Update Summary [REP3-055]</a> .



Ref	Deadline 3 submission	Applicant's response
<b>Traffic and Transport (ES Chapter 23)</b>		<p><b>Appendix 22.16: Arboricultural Impact Assessment, Volume 4</b> of the Environmental Statement [APP-194] has been updated to reflect these updates and submitted at Deadline 4.</p>
2.1.70	<p>WSCC acknowledges the responses from the Applicant concerning the various highways and transport matters raised. With respects to a significant number of the points, it is accepted that these are being actioned and that further information will be provided either at Deadline 3 or later in the Examination. This further information includes additional updates to the Outline Construction Traffic Management Plan (currently revision C), which will include further details of construction traffic mitigation specifically for those narrow rural lanes identified (namely Michelgrove Lane, Spithandle Lane, and Kent Street). WSCC welcomes the Applicant taking forward the design and road safety auditing of those accesses identified (namely the site compounds and permanent access associated with the substation). WSCC are keen to continue dialogue with the Applicant on the design of these works as they progress. As a point in principle, WSCC recognise that the Applicant is not intending to reduce the number of accesses further at this stage. WSCC would request that the Applicant continues to review this position.</p>	<p>The Applicant has provided a traffic management strategy to facilitate access along Michelgrove Lane and Kent Street 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 and Kent Street 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 and Kent Street in Appendix D of the <b>Outline Construction Traffic Management Plan [REP3-029]</b> at Deadline 4.</p> <p>The Applicant also notes that the <b>Outline Construction Traffic Management Plan [REP2-029]</b> has been updated at Deadline 3 in line with the <b>Deadline 2 Submission – 8.43 Category 8: Examination Documents – Applicant's Responses to West Sussex County Council's to Deadline 1 Submissions [REP2-020]</b> and a log has been provided in Section 2.5 (Stakeholder feedback) of the <b>Outline Construction Traffic Management Plan [REP3-029]</b> which details the updates made within the document.</p>
2.1.71	<p>WSCC also recognise the Applicants intention to review the Outline Construction Workers Travel Plan as per the comments made within the LIR. WSCC will review the updated document once available.</p>	<p>The Applicant has provided an updated <b>Outline Construction Workforce Travel Plan [REP3-031]</b> at Deadline 3 in line with comments made by West Sussex County Council in their Local Impact Report [REP1-054].</p>
2.1.72	<p>WSCC note from the Applicants responses that a decision has yet to be made in respects of the Operational Port (indicated as Newhaven) as well as the receiving port for Abnormal Indivisible Loads (AILs), which has been indicated as Shoreham. For the purposes of AILs, these comprise a small number of movements and as such, an assessment of these could be secured as a requirement once their starting port is known. For the Operational Port, vehicle movements are not indicated as significant in number. Whilst the ExA would need to take a view on this matter, it does not seem unreasonable for the Applicant to identify locations and undertake a suitable appraisal of these options.</p>	<p>The Applicant has provided a detailed response to the Examining Authority's traffic and access Written Question TA 1.3 'Abnormal Indivisible Loads (AIL)' [PD-009] in <b>Deadline 3 Submission - 8.54: Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>.</p>
2.1.73	<p>WSCC continues to request further clarity in terms of the calculation of Project vehicle movements (WSCC LIR (REP1-054) Appendix C, point 5.1.4). Further information is included within the Applicants response to the WSCC LIR (REP2-020), but this is still high level. WSCC acknowledge that vehicle movements are based upon estimates of materials required and the duration of activities, but it would still be beneficial for some scrutiny to be applied to the calculations of these movements given they are underpinning the transport assessment. Given that estimates are also being used, it is presumed that some margin for error will be included within the calculations.</p>	<p>The Applicant welcomes WSCC's confirmation that the assessment methodology and baseline traffic data used within <b>Chapter 23: Transport</b>, Volume 2 of the ES [APP-064] and <b>Chapter 32: ES Addendum</b>, Volume 2 of the ES [REP1-006] is agreed.</p> <p>The construction traffic calculations used within <b>Appendix 23.2: Traffic Generation Technical Note [REP3-021]</b>, <b>Chapter 23: Transport</b>, Volume 2 of the ES [APP-064] and <b>Chapter 32: ES Addendum</b>, 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>

Ref	Deadline 3 submission	Applicant's response
<b>Mineral Safeguarding (ES Chapter 24)</b>		
2.1.74	WSCC acknowledges the responses from the Applicant concerning the mineral safeguarding matters raised to date.	
2.1.75	14.4. WSCC acknowledges that it is not possible for the onshore cable route to avoid the MSAs, and that consideration has been given to avoiding the MSA to minimise the impacts. The concern is around the mechanisms to consider mineral safeguarding at the construction phase, which are alluded to in the Applicants response. Regarding soft sand, although the Applicant states that 0.1% of the MSA would be affected by the Project, it is important to note that soft sand is a scarce and heavily constrained material, namely by the South Downs National Park designation and there are limited reserves of soft sand permitted at this time. An appropriate mitigation measure has not been put in place, as set out in paragraph 14.39 of the WSCC LIR [REP1-054], Paragraph 5.11.28 of EN-1, and Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP).	<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 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>
2.1.76	14.a. The Applicant's response here does not address the concerns of WSCC, to seek strengthening of the OCoCP (PEPD-032). Instead, focus is upon why an MRA, or further assessment cannot be undertaken at this time. WSCC accepts the reasoning for not having undertaken discussions with local operators at this time, although such communication could	<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</p>

Ref	Deadline 3 submission	Applicant's response
	<p>have provided some indication of whether any incidental prior extraction secured through the preparation of the CoCP and MMPs could be managed by those operators.</p>	<p>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 all materials excavated will be replaced in the same general location that they were excavated from.</p>
2.1.77	<p>14.10. Reference is made to Paragraph 4.7.129 of the Planning Statement (APP-036) by the Applicant, which states that it would not be environmentally feasible to prior extract soft sand given the volume of infill required to provide a suitable landform. Whilst at this stage, it might be considered unfeasible, it is at the construction phase at which more information would be available, and at which stage consideration should be given to whether any soft sand (or other safeguarded minerals) can be prior extracted. Given the scarce nature of the resource (paragraphs 14.26 – 14.28 of the WSCC LIR), consideration should be given to incidental extraction even in minimal amounts, at the construction phase, through appropriate mitigation measures. It is not disputed that following decommissioning the resource would be available (and no longer sterilised), however any opportunities to extract viable soft sand should be taken.</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>
2.1.78	<p>14.22. The Applicant has oversimplified their landbank calculation, which is not appropriate. Brick clay extraction sites are permitted to supply specific brick making factories. By combining the permitted reserves in order to calculate an overall landbank is over-simplification, which suggests a shortage of clay at one brick site may be substituted from clay from another site which has over 25 years of supply, which would not occur. NPPF paragraph 220c specifically refers to “<i>maintaining a stick of permitted reserves to support...new or existing plant</i>”, rather than an overall landbank as for aggregate minerals (NPPF paragraph 219f).</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>
2.1.79	<p>14.32 and 14.39. The Applicant has not addressed the principal concern raised by WSCC, specifically that the OCoCP and the information contained within about future Materials Management Plans is limited, with no reference to mineral safeguarding or relevant policies. Without this, there is no mechanism to consider mineral safeguarding at the construction phase.</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>
2.1.80	<p>14.33. The Applicant considers that a robust assessment has been undertaken. As per 14.41, it will be for the Secretary of State to determine that appropriate measures are in place. WSCC contend that the OCoCP is insufficient to give consideration to mineral safeguarding at construction phase. As set out in WSCC response to the ExA's question MI 1.1, Policy M9(b) of the JMLP requires the Applicant to demonstrate that there is an overriding need for the development that outweighs the safeguarding of the mineral and demonstrate that prior extraction is not practicable or environmentally feasible. The ExA will need to be satisfied that prior extraction is not practicable or environmentally feasible, and it is recommended that further information is sought seeking to demonstrate this, prior to determination.</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 <a href="#">Outline Code of Construction Practice [REP3-025]</a> 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>

Ref	Deadline 3 submission	Applicant's response
		<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> <p>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>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 <a href="#">Planning Statement [APP-036]</a> also remains relevant: that the demonstrable, overriding and urgent need for the Proposed outweighs the temporary sterilisation of the minerals during the construction and operation and maintenance phases of the Proposed Development.</p>
<b>Historic Environment (ES Chapter 25)</b>		
2.1.81	The key matters raised in WSCC LIR (REP1-054), as set out in the summary at 15.1 – 15.11, remain relevant and the position of WSCC.	The Applicant has no further comment on this matter at this time.
2.1.82	The detailed responses from the Applicant concerning historic environment matters raised are acknowledged. Where the Applicant is committing to undertake further review and provide further information at future Deadlines, this is welcomed. Engagement with the Applicant is ongoing to refine control documents, shape mitigation strategies and resolve some of those matters which are still unresolved.	The Applicant notes West Sussex County Council's welcoming of the commitment to undertake further review and provide further information at future Deadlines and can confirm the <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> has been updated and submitted at Deadline 3. The Applicant will continue to engage with West Sussex County Council with the aim of resolving matters that remain unresolved where possible.
2.1.83	WSCC remains concerned about the high degree of harm to the historic environment likely to arise from the Project, including possible harm to nationally significant archaeology.	The Applicant has sought to avoid and minimise harm to the historic environment in the onshore cable route selection and Proposed Development design. The assessment presented in <a href="#">Chapter 25: Historic environment, Volume 2</a> of the Environmental Statement (ES) <a href="#">[PEPD-020]</a> has been prepared with reference to all available desk-based and geophysical survey data and has identified potential for archaeological remains of high heritage significance at certain locations along the onshore cable route.

Ref	Deadline 3 submission	Applicant's response
2.1.84	<p>WSSC remains concerned about the lack of pre-determination trial trenching, especially in the area of prehistoric downland between Km 12 and 17 (formerly onshore cable route LACR-01d) of exceptionally high archaeological significance, potential and sensitivity.</p>	<p>The <b>Outline Onshore Written Scheme of Investigation [REP3-035]</b> (updated at Deadline 3) sets out a process and protocol for completing the surveys and subsequently deciding appropriate mitigation measures to minimise harm to heritage assets of archaeological interest. This is secured via requirement 19 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). These measures will include detailed routeing, including narrowing of the cable corridor, as well as archaeological recording, and this can be achieved within flexibility incorporated within the proposed DCO Order Limits.</p> <p>The <b>Planning Statement [APP-036]</b> outlines the position with regards the planning balance with regard to the benefits of the Proposed Development and the harm to heritage assets that is identified in <b>Chapter 25: Historic environment, Volume 2</b> of the ES <b>[PEPD-020]</b>, as per paragraphs 4.7.66 and 5.4.10 of the <b>Planning Statement [APP-036]</b>.</p> <p>Archaeological field survey within land between Km 12 and 17 has comprised geophysical survey and the results are described in <b>Appendix 25.4: Onshore geophysical survey report (parts 1, 2 and 8), Volume 4</b> of the Environmental Statement (ES) <b>[PEPD-031]</b>, <b>[PEPD-113]</b> and <b>[PEPD-119]</b>. Specifically, the land between Km 12 and 17 is covered by Fields 059-094.</p> <p>Survey in this area did not identify any areas of extensive or complex archaeological remains. Within the land between Km 12 and 17 the survey identified no features identified as definite or probable archaeology within the proposed DCO Order Limits, though the remains of a bowl barrow (85_1) was identified just outside of the proposed DCO Order Limits. Other features were identified as having a possible archaeological origin, including multiple dispersed pit-type anomalies (e.g. 75_1) or areas of enhanced magnetism with unclear origins (e.g. 73_2, 74_3 and 75_2), weaker linear bands (e.g. 66_1, 66_2, 74_1) and a weak curving anomaly (e.g. 62_1), which could be of archaeological origin. These were generally isolated features, with no evidence of being anything other than responses which would typically be seen in the results of a geophysical survey.</p> <p>Please see the Applicant's response to West Sussex County Council's reply to the Examining Authority's First Written Question HE 1.8 within <b>Applicant's Response to Stakeholder's Replies to Examining Authority's Written Questions (Document Reference: 8.77)</b> and the Applicant's response to the Action Points arising from the Issue Specific Hearing in <b>Applicant's responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</b> response to Action Point 59.</p>
2.1.85	<p>The response to Comment 15.1, Table 15, point 15f and elsewhere states that <i>'the Applicant considers that further investigation would not change the outcome of the assessment.'</i> WSSC strongly disagrees with this statement on the grounds that the Applicant cannot currently describe the significance of the affected assets to the standard required by the relevant policy statements, as in this case it is not possible to do so in the absence of field evaluation. In the absence of this more complete understanding of significance, it is not possible to merely rely on mitigation to offset the anticipated harm. Please see WSSC's response to Written Question HE 1.8 for further detail.</p>	<p>The assessment presented in <b>Chapter 25: Historic environment, Volume 2</b> of the Environmental Statement (ES) <b>[PEPD-020]</b> is based on a worst-case scenario. Therefore, the Applicant considers that further investigation would not change the outcome of the assessment. Taking a landscape approach and considering all available desk-based and geophysical survey data, <b>Chapter 25: Historic environment, Volume 2</b> the ES <b>[PEPD-020]</b> identifies a high potential for archaeological remains of high heritage significance at certain locations along the onshore cable route.</p>

Ref	Deadline 3 submission	Applicant's response
2.1.86	<p>The Applicant refers on several occasions (comments 15.6, 15.76 and 15.120) to the results of the geophysical survey within the downland area of high potential as a justification for the lack of predetermination trial trenching. It is evident that the geophysics did not identify anomalies obviously indicative of high significance remains, or characteristic of classic Neolithic flint mining shafts and galleries. Nevertheless, this area contains pit-like geophysical anomalies. The ES [ES Chapter 25 Revision B, (PEPD-021) states that <i>'an archaeological origin for these anomalies cannot be ruled out, and where these anomalies do not correspond with features on historic mapping, a prehistoric date is also possible'</i>.</p>	<p>The Applicant notes and agrees that the geophysical survey outlined within <a href="#">Appendix 25.4: Onshore geophysical survey report (Parts 1, 2 and 8), Volume 4</a> of the Environmental Statement [PEPD-031], [PEPD-113] and [PEPD-119] did not identify anomalies obviously indicative of high significance remains.</p> <p>The results of the geophysical survey have demonstrated that it was effective in identifying buried archaeological remains that can be expected to be identified by a survey of this type. The Neolithic flint mines within this area survive as large concentrations of closely grouped shafts and pits. If present, these would be substantial cut features and the Applicant has a high degree of confidence that such remains would be identified in a geophysical survey and so it is highly unlikely that these exist within the proposed DCO Order Limits.</p>
2.1.87	<p>WSSC notes the Applicant's assessment of Major Adverse (significant) residual significance of effect for potential Neolithic features, coupled with the known extremely high archaeological potential and presence geophysical anomalies which may potentially represent prehistoric mining features. This information appears to be at odds with the assertion that there was no justification for predetermination evaluation. Moreover, WSSC considers that due to the acknowledged limitations of geophysical survey, in areas of known high archaeological potential (for example Archaeological Notification Areas, and proximity to recorded significant archaeological features), prior trial trench evaluation should have taken place regardless of the geophysics results.</p>	<p>Please see the Applicant's response to West Sussex County Council's reply to the Examining Authority's First Written Question HE 1.8 within <a href="#">Applicant's Response to Stakeholder's Replies to Examining Authority's Written Questions (Document Reference: 8.77)</a> and 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>
2.1.88	<p>In regard to 15.76, 15.121, WSSC would clarify that comments relating to the reliability of geophysical survey do not relate to the qualifications of the contractor, quality of the survey or appropriateness of the selected survey methodologies and technologies. But rather refer to wider issues with geophysical survey, where minor variations in geology, depths of overburden, disturbance etc, means the ability to detect archaeological features within geophysical survey is variably successful, and can vary within a site.</p>	<p>The Applicant notes the clarification provided by West Sussex County Council.</p> <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 a skilled archaeological contractor.</p> <p>For land between Km 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 Km 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 (ES) [PEPD-119] 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>
2.1.89	<p>WSSC notes the updated geophysical survey results and response to Comment 15.55 regarding available land suitable for survey.</p>	<p>The Applicant has no further comment on this matter at this time.</p>
2.1.90	<p>The change to Commitment C-225 (comments 15.80 and 15.1) is somewhat helpful in that some further details are provided on possible means of avoidance, and clarification on the difference between avoidance of impact and minimising harm by design solutions. However, the second part of C-225 outlines methods for preservation be record (i.e. archaeological excavation and recording of archaeological remains prior to their removal). This form of mitigation partially offsets the harm and total loss of significance arising from permanent</p>	<p>The scope of commitment C-225 (<a href="#">Commitments Register [REP3-049]</a>) covers the range of measures for avoidance and mitigation of effects on known and potential archaeological remains arising from construction of the Proposed Development.</p> <p>The update to the <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> at Deadline 3 includes further details on the approach to the avoidance of archaeological remains.</p>

Ref	Deadline 3 submission	Applicant's response
	destruction of irreplaceable archaeological remains. However, it is unlikely to be appropriate for remains of high significance. The Applicant has committed to including a methodology for preservation in situ of significant archaeological remains within the OOWSI (comment 15.146); WSCC looks forward to reviewing the updated document after Deadline 3.	Implementation of the measures described within the <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> is secured by Requirement 19 within the <a href="#">Draft Development Consent Order [REP3-003]</a> which ensures that effects on the significance of heritage assets of archaeological interest will be no greater than those assessed within in <a href="#">Chapter 25: Historic environment, Volume 2</a> of the Environmental Statement (ES) <a href="#">[PEPD-020]</a> .
2.1.91	The commitment to update the OOWSI to include further methodological details on procedures following discovery of previously unknown archaeological remains is welcomed. WSCC awaits the revised document, which it is hoped will sufficiently secure the preservation in situ of remains of high significance.	The Applicant has provided an update to the <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> at Deadline 3.
2.1.92	The Applicant's responses in regard to the assessment methodology for Oakendene substation are noted. Comments on the detailed design of the substation and how the relevant design commitments will be secured are welcomed. The commitment (comments 9.5 and 9.77) to make updates to the DAS (AS-003) for Deadline 3, and to review the wording and presentation of design principles is welcomed. WSCC hopes this will address concerns over uncertainty of wording of some design principles relating to the historic environment.	The Applicant has provided an update to the <a href="#">Design and Access Statement [REP3-013]</a> at Deadline 3 including a review of the wording and update to the presentation of the design principles.
2.1.93	In regard to comments 15.3, 15.51 and Table 15-point 15a, WSCC disagrees with the assessment of the Low magnitude of change during construction. Significant adverse change will be introduced into the assets' setting during construction, affecting the ability to understand and appreciate the architectural and historic interest and significance of the asset, albeit on a temporary basis.	The magnitude of effects assessed within <a href="#">Chapter 25: Historic environment, Volume 2</a> of the Environmental Statement (ES) <a href="#">[PEPD-020]</a> during the construction phase reflects the temporary nature of the effects. This is consistent with Historic England guidance on The Settings of Heritage Assets, which identifies the " <i>Anticipated lifetime/temporariness</i> " as a factor to be considered in an assessment.
2.1.94	WSCC welcomes the commitment to undertake additional viewpoint photography from the vicinity of Oakendene Manor. The response to comment 15.50 states that this additional photography will be 'reviewed to determine appropriateness for generating further visualisations for submission'. Given that the existing visualisations do not accurately depict the extent of visual changes within the setting of the manor, WSCC would reiterate the request that additional visualisations are also produced.	The Applicant can confirm that further viewpoint photography from the vicinity of Oakendene Manor was undertaken in April 2024 with visualisations provided at Deadline 4.
2.1.95	In regard to the response to comment 15.46, WSCC's comments on 'major adverse' change' during construction relate to visual changes within this specific view from PRoW 1786, not to changes to the overall significance of Oakendene.	The Applicant acknowledges the comment made by West Sussex County Council. However, the Applicant notes that the relevant issue is the effect on the significance of the asset.
2.1.96	In response to comment 15.53, WSCC will provide further definitive comment on whether harm to Oakendene is likely to be less than substantial following submission of the additional viewpoint photography and visualisations. However, WSCC agrees that the balance of evidence currently available suggests substantial harm is unlikely to arise.	The Applicant notes West Sussex County Council's agreement that the balance of evidence currently available suggests substantial harm is unlikely to arise. The Applicant can confirm that further viewpoint photography from the vicinity of Oakendene Manor was undertaken in April 2024 with visualisations provided at Deadline 4.
2.1.97	The absence of detailed comment on or commitment to the Section 106 'asks' put forward for archaeology is disappointing. WSCC notes and welcomes the commitment to further engagement on this topic from the Applicant.	The Applicant will continue to engage with West Sussex County Council on this topic.

## Water Environment

Ref	Deadline 3 submission	Applicant's response
2.1.98	16.3 WSCC acknowledges the agreed approach proposed by the Applicant. Winter groundwater monitoring will be undertaken at the site as part of the detailed design stage, post-DCO consent (if given), the result of which will be used to inform the detailed drainage design.	<p>The Applicant notes West Sussex County Councils agreement on the approach to undertaking Winter groundwater monitoring at the site as part of the detailed design stage, post-DCO consent the result of which will be used to inform the detailed drainage design. The Applicant can confirm a new environmental measure (C-293) has been added to the <b>Commitments Register [REP1-015]</b> to reinforce this commitment to winter groundwater monitoring which is secured via Requirement 17 within the <b>Draft Development Consent Order [REP3-003]</b>.</p> <p>At a recent meeting with West Sussex County Council on 30 April 2024, West Sussex County Council confirmed that they were happy with this approach and had no further concerns.</p>
2.1.99	16.4 WSCC acknowledges the Applicants commitments C-73 and C-140 that outlines the provision for sustainable drainage systems (SuDS) measures. Surface water drainage through the construction phase of the Project will be managed through the OCoCP (PEPD-033) and via the Construction Phase Drainage Plan.	<p>The Applicant welcomes West Sussex County Council's acknowledgement of commitments C-73 and C-140 that outline the provision for sustainable drainage systems (SuDS) measures.</p> <p>Surface water drainage through the construction phase of the Proposed Development will be managed through the <b>Outline Code of Construction Practice [REP3-025]</b> and via the Construction Phase Drainage Plan (as outlined in Table 3-1 which will accompany the stage specific CoCP to be submitted post-consent and approved by the local authority). This is secured as part of the Construction Phase Drainage Plan via Requirement 22 (c) of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p>
2.1.100	16.6 WSCC acknowledges that the watercourse crossing locations and type are documented within Appendix 4.1: Crossing schedule, Volume 4 of the ES [APP-122] and that discussions with WSCC and the Environment Agency at the detailed design stage will need to take place, prior to the appropriate consent process being undertaken.	<p>The Applicant welcomes West Sussex County Council's acknowledgement that watercourse crossing locations and type are documented within <b>Appendix 4.1: Crossing schedule, Volume 4</b> of the Environmental Statement (ES) [APP-122]. The Applicant notes that watercourse crossings will be discussed with West Sussex County Council and the Environment Agency at the detailed design stage and via the consenting / permitting process, which the Applicant has not sought to disapply via the Development Consent Order.</p>
2.1.101	16.8 The Applicant has acknowledged that the area between Poling and Hammerpot (in Arun District) is an area of permanent winter floodplain. The area is identified at elevated risk of groundwater flooding, as noted in Paragraphs 5.5.4, 5.5.5 and 5.5.11 of Appendix 26.2: Flood Risk Assessment, Volume 4 of the ES (APP-216). The Applicant needs to be aware that this catchment responds quickly to rainfall due the winter months when the groundwater levels are high.	<p>The Applicant notes West Sussex County Council's comment with respect to catchments response to rainfall during winter months and when groundwater levels are high.</p> <p>As stated in paragraph 5.10.9 of the <b>Outline Code of Construction Practice [REP3-025]</b>, detailed drainage investigations and hydrological assessments will determine potential location specific risks and appropriate mitigation measures developed accordingly as part of the Construction Phase Drainage Plan. In addition, paragraph 8.2 of <b>Appendix 26.2: Flood Risk Assessment, Volume 4</b> of the Environmental Statement [APP-216] outlines provisions for the Emergency Response Plan covering flood risk from fluvial, groundwater and surface water sources.</p>
2.1.102	16.9 WSCC acknowledges that alternative construction compounds have been considered. Any temporary drainage proposals for the proposed construction compounds should be agreed with WSCC, as the LLFA.	<p>The Applicant welcomes West Sussex County Council's acknowledgment that alternative temporary construction compounds have been considered. Details of temporary drainage proposals will be set out in the Construction Phase Drainage Plan which will be subject to consultation with West Sussex County Council prior to the start of construction as noted in paragraph 5.10.9 of the <b>Outline Code of Construction Practice [REP3-025]</b> and secured via Requirement 22 (4) (c) of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p>
2.1.103	16.14 The design, construction, maintenance and removal of any temporary culverts will need to be approved by WSCC or the EA as part of the consenting process prior to	<p>The Applicant notes that the design, construction, maintenance and removal of any temporary culverts will be carried out as part of the consenting process prior to construction as set out in</p>



Ref	Deadline 3 submission	Applicant's response
	<p>construction. The Applicants commitment to follow the 'Ordinary Watercourse Consent' process is acknowledged and set out in C-182, C-126 and C-17, provided in Table 8-1 of the Appendix 26.2: Flood Risk Assessment, Volume 4 of the ES (APP-216) and Table 26-10 in the Chapter 26: Water environment, Volume 2 of the ES (APP-067).</p>	<p>commitments C-182, C-17 and C-126 within the <a href="#">Commitments Register [REP3-049]</a>. The Applicant also welcomes West Sussex County Council's acknowledgement that the Ordinary Watercourse Consent Process has been considered within <a href="#">Appendix 26.2: Flood Risk Assessment, Volume 4</a> of the Environmental Statement (ES) <a href="#">[APP-216]</a> and <a href="#">Chapter 26: Water environment, Volume 2</a> of the ES <a href="#">[APP-067]</a>. Ordinary Watercourse Consents will be subject to consultation and approval from West Sussex County Council as the Lead Local Flood Authority at the post consent stage and prior to construction, in accordance with The Environmental Permitting (England and Wales) Regulations 2016 and Requirement 22 Code of construction practice (5) (c) in the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p>
2.1.104	<p>16.27 WSCC acknowledges Table 4-6 in Section 4.8 of the OCoCP (PEPD-033) outlines commitments relevant to emergency planning procedures. Any emergency response plans should be shared with WSCC and the appropriate emergency services prior to construction starting.</p>	<p>The Applicant welcomes West Sussex County Council's acknowledgement of the Commitments relevant to emergency planning procedures in Table 4-6 within Section 4.8 of the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4). The Applicant notes that these are secured as part of the emergency response plan via Requirement 22 (j) of the <a href="#">Draft Development Consent Order [PEPD-009]</a> (updated at Deadline 4). Requirement 22 of the <a href="#">Draft Development Consent Order [PEPD-009]</a> (updated at Deadline 4) states 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"</i>. This will include emergency response plans.</p>
<p><b>ExAs First Set of Written Questions</b></p>		
2.1.105	<p>WSCC have provided responses to questions, where invited by the ExA in PD-009. This has been submitted into the Examination at Deadline 3.</p>	<p>The Applicant has provided comments to West Sussex County Council's responses to the Examining Authority's first Written Questions as appropriate please see <a href="#">Applicant's Response to Stakeholder's Replies to Examining Authority's Written Questions (Document reference: 8.77)</a>.</p>

**Table 2-2 West Sussex County Council feedback to Applicant's response to dDCO comments in the West Sussex County Council Local Impact Report**

Ref	Provision	Original Comment	Applicant's feedback in REP2-020	West Sussex County Council updated response	Applicant's response
2.2.1	Part 3, article 15 (5)	WSSCC does not consider there to be a pressing need for deemed consents to be included. If deemed consents are to be included, the Applicant would need to provide further justification.	Given that the Proposed Development is a nationally significant infrastructure project, for low carbon infrastructure which it is a critical national priority to deliver (in accordance with NPS EN-1) it is considered that it is necessary that certainty is provided over the ability to programme and deliver the works necessary for implementation. The inclusion of a deeming provision is therefore justified if a decision is not reached within the specified period. This is also consistent with the approach taken in the DCO granted for the East Anglia One North and Two offshore wind farms, which were granted before the critical national priority was described in a national policy statement.	WSSCC do not understand the specific urgency implied with the use of deemed consents. Whilst it is understood that the deemed consent provides certainty in terms of programming, for a complex Project such as this, there will be inherent uncertainty regarding many aspects. As such, some flexibility will naturally be built into the programme. Nevertheless, if deemed consents are to be retained, an extended period should be incorporated. It is noted that the Applicant has already agreed to 45 days elsewhere and as such this should be taken as the standard time.	As confirmed at Issue Specific Hearing 2, and in the Applicant's post hearing submissions, West Sussex County Council had requested a change to article 13(2) in its Local Impact Report <b>[REP1-054]</b> to allow for an extended period for the authority to respond to a request specifically due to the multi-authority consultation requirements. It is considered appropriate for a shorter period to apply where a response is sought from a single authority without requirement for consultation with another body.  The Applicant's position in relation to deemed approval remains as set out in its Deadline 2 submissions included in this table.

**Schedule 1 Part 3 Requirements**

2.2.2	Requirement 14 Biodiversity Net Gain	This Requirement needs to explain the purpose and content of the proposed BNG strategy, and the mechanism to approve the delivery of both off-site and on-site BNG. Although it is proposed that significant elements of BNG will be delivered prior to the commencement of construction, plus more during the early stages of construction, the approval process for this BNG is not clear.	Requirement 14 of the Draft Development Consent Order [PEPD-009] provides for the Biodiversity Net Gain (BNG) strategy to accord with the information comprised in Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement (ES) [APP-193] which is to be certified pursuant to Article 50. This document confirms that the Proposed Development will deliver at least 10% biodiversity net gain for the onshore and intertidal areas. The document confirms that the gain can be delivered in a range of different ways and notes various options that can be explored for delivery of the gain which will be dependent on the extent of the loss	WSSCC have proposed new wording for Requirement 14 in the response to ExQ1 DCO 1.19.	The Applicant has provided comments to West Sussex County Council's response to the Examining Authority's First Written Question DCO 1.19 within <a href="#">Applicant's Response to Stakeholder's Replies to Examining Authority's Written Questions</a> ( <b>Document reference: 8.77</b> ).
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Ref	Provision	Original Comment	Applicant's feedback in REP2-020	West Sussex County Council updated response	Applicant's response
			<p>arising from the project and the availability of land and/or credits in its locality. Given the strategy set out in Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the ES [APP193] it is not considered necessary to add any more detail to the Requirement. In terms of approval, Requirement 14 of the Draft Development Consent Order [PEPD-009] (updated at Deadline 2) confirms that the stage specific biodiversity net gain strategy must accord with the information comprised in Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the ES [APP-193] and must be submitted to and approved by the relevant planning authority in consultation with the statutory nature conservation body</p>		
2.2.3	Requirement 15 – highway accesses outside of the SDNP	<p>The wording within this appears contradictory to that within Part 3, 13, where the access details are submitted to the Planning Authority who then consult with the highway authority. Schedule 1, Part 3, requires only that the details are submitted to the highway authority. This specifies WSCC as approving this Requirement. However, as with any other non-NSIP energy-related development, this should state approval by the relevant planning authority, in consultation with WSCC as Local Highway Authority (LHA). Furthermore, WSCC, as would require full cost recovery through a legal agreement to undertake the role of consultee for this requirement, due to the amount of work required to fulfil this role.</p>	<p>Article 13 deals with the location of accesses and secures that this must be approved by the relevant planning authority in consultation with the highway authority as would be the case in respect of a planning application; Requirements 15 and 16 secure the detailed design of the access with the relevant highway authority. As such this approach is not considered inconsistent. At the pre-examination procedural deadline, the Draft Development Consent Order [PEPD-009] (updated at Deadline 2), Schedule 14 (which sets out the procedure for discharge of certain approvals pursuant to Article 46) was amended to reflect that fees are payable on application for discharge in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)</p>	<p>The difference between Article 13 and Requirements 15 and 16 are understood. It should still be noted that for the purposes of Article 13, the location of the accesses is effectively being agreed by WSCC through the Examination process. Comments regarding the role of WSCC in discharging Requirements is given at the end of this table.</p>	<p>The Applicant notes West Sussex County Council's response and has no further comments on this matter at this time.</p>

Ref	Provision	Original Comment	Applicant's feedback in REP2-020	West Sussex County Council updated response	Applicant's response
			(England) Regulations 2012 or any subsequent regulations which replace them. As with any other non-NSIP energy related development, it is not intended that there should be full reimbursement of costs for consultees in respect of discharge of requirements secured through the Draft Development Consent Order [PEPD-009] (updated at Deadline 3)		
2.2.4	Requirement 16 (b)	As per the comments above, it is recommended that after the wording 'to Department for Transport Design Manual for Roads and Bridges design standards...' that the additional wording 'or as otherwise agreed with the highway authority' is included. This then affords some flexibility in the design given that the DMRB is not always appropriate. An additional paragraph is required covering the removal of any temporary works. This needs to tie in with the OCoCP vegetation retention plans.	The same applies in relation to Requirement 16 as for Requirement 15 of the Draft Development Consent Order [PEPD-009] as noted above.	The change to allow flexibility in terms of the design standards applied is noted and agreed. The inclusion of a requirement for the removal of temporary works within the DCO is not considered unreasonable even if this is covered elsewhere. Again, WSCC would request the inclusion of provisions to cover the removal of the temporary works.	The Applicant confirms that Requirement 23(2)(h) within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) requires that the stage specific onshore construction method statements include a protocol for restoration and reinstatement of land used temporarily for construction.
2.2.5	Requirement 19 – onshore archaeology Sub-paragraph (6)	This specifies being approved in writing by the relevant planning authority in consultation with West Sussex County Council. As stated in Section 6.11 of the LIR, WSCC would only wish to be a consultee on DCO Requirements that are a statutory function (LLFA or LHA) and therefore would not wish to be named as having a role in this Requirement. There is a need to avoid harm to any nationally significant archaeological remains identified post-consent within the DCO Limits. The preservation in situ of any such archaeological remains must be achieved via design changes/micrositing where	Reference to a requirement for consultation with West Sussex County Council has been removed from Requirement 19 of the Draft Development Consent Order [PEPD-009] (updated at Deadline 2). West Sussex County Council's request for additional text to be included in this requirement is noted, however the Outline Onshore Written Scheme of Investigation (WSI) [APP-231] sets out the approach to be taken to mitigation. As required by Requirement 19, site specific Written Schemes of Investigation (SSWSI) are to be submitted for each stage prior to commencement	WSCC welcomes the amendments made, as requested. With regards the additional text requested, WSCC is currently in discussion with the Applicant regarding forthcoming changes to the Outline Onshore Written Scheme of Investigation (APP-231), including inclusion of a methodology or pathway for preservation in situ of significant archaeological remains. This update is anticipated to be provided by the Applicant at Deadline 3 but WSCC has not yet had sight of the revised document. Provided that the proposed outline methodology is sufficiently robust to secure preservation in situ of nationally significant remains, WSCC is	The updated <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> (updated at Deadline 3) 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.  The Applicant notes West Sussex County Council's welcoming of changes made to Requirement 19 within the <a href="#">Draft Development Consent Order [REP3-003]</a> at Deadline 2 and that West Sussex County Council is satisfied that the proposed additional wording to Requirement 19 will not be required subject to agreement on the updated <a href="#">Outline Onshore Written Scheme of Investigation [REP3-035]</a> .

Ref	Provision	Original Comment	Applicant's feedback in REP2-020	West Sussex County Council updated response	Applicant's response
		<p>required, and a robust methodology for this micro-siting process must be secured via DCO requirements to ensure it is viable. WSCC require the addition of the wording: "In the event of the discovery of nationally significant archaeological remains within the onshore Order limits, their preservation in situ must be secured in accordance with the methodology set out within the outline onshore written scheme of investigation. The significance of any such archaeological remains and their suitability for preservation in situ must first be assessed via field evaluation". <i>Should archaeological remains be left in situ on any site, a site-specific archaeological management plan must be submitted to and approved in writing by the relevant planning authority in consultation with West Sussex County Council. Any further works, including removal and reinstatement, must be carried out in accordance with the approved site-specific archaeological management plan, unless otherwise approved by the relevant planning authority in consultation with West Sussex County Council.</i></p>	<p>of the Proposed Development within each stage, which will be tailored to the particular circumstances of each stage and sites of archaeological potential within it. The Outline Onshore WSI [APP-231] will be updated at Deadline 3 to clarify the commitment to avoidance as set out in commitment C-225 in the Commitments Register [REP1-015]. The mitigation described in the SSWSI will be specific to the stage and will be subject to approval in advance of works being undertaken.</p>	<p>satisfied that the proposed additional wording to Requirement 19 will not be required.</p>	
2.2.6	Requirement 20 – Public Rights of Way	<p>This specifies WSCC (as LHA) as approving this Requirement, in consultation with the relevant planning authority. However, as with any other non-NSIP energy-related development, this should state approval by the relevant planning authority, in consultation with WSCC as LHA. Furthermore, WSCC, as would require full cost recovery through a legal agreement to undertake the role of</p>	<p>It is considered appropriate for the Public Rights of Way to be subject to approval of the local highway authority (or South Downs National Park Authority in respect of the National Trail). This is consistent with other Development Consent Order (DCOs) where management of rights of way are required. A fee is payable to the discharging authority pursuant to the provisions in Schedule 14 (as applied by</p>	<p>Comments regarding the role of WSCC in discharging Requirements is given at the end of this table.</p>	<p>The Applicant has provided a response below see <b>reference 2.1.11</b>.</p>

Ref	Provision	Original Comment	Applicant's feedback in REP2-020	West Sussex County Council updated response	Applicant's response
		consultee for this requirement, due to the amount of work required to fulfil this role.	Article 46) of the Draft Development Consent Order [PEPD-009] (updated at Deadline 2).		
2.2.7	Schedule 2, Streets Subject to Works	Access A-46 onto Spithandle Lane is indicated as a new access but no works are indicated within this schedule as being associated with it.	Access A-46 is proposed to be light construction and operational only, the existing access at this location (to Doves Farm) does not require alteration and therefore not subject to any street works within the Proposed DCO Order Limits	Noting the Applicants response, is it the intention to update Schedule 2?	The Applicant notes Schedule 2 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) identifies a section of Spithandle Lane that may be subject to street works. These are associated with construction access A-47 only and therefore Schedule 2 within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) is correct with no update required.
2.2.8	Schedule 3, Streets to be Temporarily Closed	The proposed closure of the B2116 Shermanbury Road contradicts that included in table 7-1 of the Outline Construction Traffic Management Plan. The entry for this location in the table implies the road would remain open but would require traffic management; the road would therefore remain open.	The onshore cable route will be installed through open trench construction, which will be facilitated through either a temporary road closure or traffic management (e.g. Shuttle working traffic signals).	The Applicant's response is noted. However it doesn't address the point being raised, namely that the dDCO states that there will be a temporary road closure whereas the OTCMP implies the road will remain open. The response doesn't clarify whether a road closure will be needed. Ultimately, this is a detailed matter that can be agreed once a contractor has been appointed. Retaining the road closure within the dDCO covers a worse case situation that may change to shuttle working with traffic lights. The wording within the dDCO (to include a temporary road closure) is accepted.	<p>The Applicant notes that the <b>Outline Construction Traffic Management Plan [REP3-029]</b> was updated at Deadline 3 with additional text added to Paragraph 8.2.7 to include temporary full road closure as a traffic management option for the B2116.</p> <p>The Applicant welcomes the comment from West Sussex County Council comment that the wording within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) (to include a temporary road closure) is accepted.</p> <p>The Applicant agrees with West Sussex County Council that this is a detailed matter that can be agreed once a contractor has been appointed and that retaining the road closure within the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) covers a worse case situation that may change to shuttle working with traffic lights.</p>
2.2.9	Schedule 4, Public Rights of Way	See Table 2 below regarding PRow comments in this Schedule.	The Applicant refers to the responses in Table 18 and will review the comments made here on the closures and indicative diversions shown on the Access, Rights of Way and Streets Plan [APP012] and provide an update to the plan, Schedule 4 and the Outline Public Rights of Way Management Plan [APP-230] if necessary at a further deadline.	WSSCC awaits feedback from the Applicant on this.	The Applicant has reviewed the comments made by West Sussex County Council on the closures and indicative diversions shown on the <b>Access, Rights of Way and Streets Plan [APP-012]</b> . The Applicant is satisfied with the closures and indicative diversions shown on the <b>Access, Rights of Way and Streets Plan [APP-012]</b> and therefore do not deem any further updates necessary.

Ref	Provision	Original Comment	Applicant's feedback in REP2-020	West Sussex County Council updated response	Applicant's response
2.2.10	Schedule 13 Hedgerows	This may require amending subject to the submission of documents suggested to correct the errata highlighted by WSCC to the Applicant and further hedgerow anomalies stated.	The Applicant notes that updates to Schedule 13 were provided in revision B of the Draft Development Consent Order [PEPD009] submitted at Procedural Deadline A to address the West Sussex County Council's comments and will engage with West Sussex County Council if there are any further comments.	WSCC awaits feedback from the Applicant on this.	<p>The Applicant acknowledges West Sussex County Council's comment and has no further comments on this matter at this time.</p> <p>The Applicant has reviewed vegetation losses the outcome of which is presented in the <a href="#">Deadline 3 Submission – 8.61: Technical Note Construction Access Update Summary [REP3-055]</a> submitted at Deadline 3. The <a href="#">Outline Code of Construction Practice [REP3-025]</a> Appendix B Vegetation Retention Plans have also been updated at Deadline 3 to include the changes in vegetation retention presented in the <a href="#">Deadline 3 Submission – 8.61 Technical Note Construction Access Update Assessment Summary [REP3-055]</a>.</p> <p>Schedule 13 within the <a href="#">Draft Development Consent Order [REP3-003]</a> has been updated and submitted at Deadline 4 to reflect the changes in vegetation retention presented in the <a href="#">Deadline 3 Submission – 8.61 Technical Note Construction Access Update Assessment Summary [REP3-055]</a>.</p>
2.2.11	General concern raised through Appendix B to the West Sussex LIR – discharge of Requirements process	WSCC has raised the concerns through Appendix B to the LIR (REP1-054), that there is an inconsistent approach to WSCC's role in the discharge of DCO Requirements. As currently proposed by the Applicant, REP2-003, WSCC are to be the approver and discharging authority for a number of DCO Requirements (15,16,17,18,20,21 and 24), which is not agreed with WSCC. WSCC request they are a named consultee to the relevant planning authority for these Requirements. WSCC is content with the DCO Requirements where they are a named consultee. Furthermore, WSCC would require full cost recovery through a legal agreement to undertake the role of consultee for these Requirements, due to the amount of work required to fulfil this role.			Please see the Applicant's response to the Examining Authority's First Written Question DCO 1.26 in Table 2-4 within <a href="#">Deadline 3 Submission – 8.54: Applicants Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> and in <a href="#">Applicant's Post Hearing Submission – Issue Specific Hearing 2 (Document reference: 8.68)</a> as to the response given in respect of this matter during Issue Specific Hearing 2 (May 2024).

**Table 2-3 Applicant's Response to Cowfold Parish Council's Deadline 3 Submission [REP3-097]**

Ref	Deadline 3 submission	Applicant's response
2.3.1	While not a statutory authority Cowfold Parish Council's role, to quote from the National Association of Local Councils guidance, is "to represent the local area and people who live in it... being an advocate for local residents". This is a responsibility which councillors take extremely seriously and endeavour to support, as far as their remit permits, the representative views of the parish.	The Applicant has no further comments on this matter at this time.
2.3.2	The Parish Council remains dissatisfied with the evidence provided by the applicant demonstrating that sufficient traffic management planning and associated projected vehicular movement data has been identified and addressed effectively. Also the pronounced lack of consultation with wider parish residents relating to this particular aspect of the planning application.	<p>The Applicant has provided substantial transport assessment information within the DCO application, which has been updated throughout the Examination reflecting the comments received from stakeholders, this includes:</p> <ul style="list-style-type: none"> <li>• <b>Chapter 23: Transport, Volume 2</b> of the Environmental Statement (ES) [APP-064];</li> <li>• <b>Appendix 23.1 Abnormal Indivisible Loads assessment, Volume 4</b> of the ES [APP-196];</li> <li>• <b>Appendix 23.2 Traffic Generation Technical Note, Volume 4</b> of the ES [REP3-021];</li> <li>• <b>Chapter 32: ES Addendum, Volume 2</b> of the ES [REP1-006];</li> <li>• <b>Outline Operational Travel Plan [APP-227];</b></li> <li>• <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4);</li> <li>• <b>Outline Construction Workforce Travel Plan [REP3-031];</b> and</li> <li>• <b>Deadline 3 Submission – 8.61 Technical Note Construction Access Update Assessment Summary [REP3-055].</b></li> </ul> <p>Stage specific construction traffic management plans will be produced in adherence of controls contained within the <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4) secured through Requirement 24 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p> <p>Further to this, the Applicant has submitted additional information into the Examination response to the Examining Authority's Written Questions [PD-009], Written Representations, Local Impact Reports, and Relevant Representations. The Applicant has also at Deadline 4 and in response to Action Point 46 and 57 (Action Points arising from Issue Specific Hearing 2 (ISH2) [EV5-018]) of Issue Specific Hearing 2 submitted a technical note (Appendix A of <b>Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference: 8.70)</b> which provides further information on estimate construction traffic movements along the A272.</p> <p>Following stakeholder feedback, the <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4) and <b>Outline Construction Workforce</b></p>



Ref	Deadline 3 submission	Applicant's response
2.3.3	<p>Whilst appreciating that West Sussex County Council and the Highways Authority will provide technical evidence relating to these matters to the Examining Authority the voices of residents and local businesses also need to be heard. Many of these have been expressed independently to the Examining Authority. However, the Parish Council believes that on behalf of the wider parish the impact of potential increases in traffic movements both during the construction phase and throughout the life of the site, needs to be forcefully reiterated. For example Cowfold Parish Council seeks clarification from the applicant in respect of ongoing concerns among residents to suggestions of water bowser trucks travelling through Cowfold village to supply the construction site, thus amplifying traffic congestion issues. The proposed development is predicated on taking an already heavily utilised road network (specifically but not exclusively the A272, Bolney Road) to even more unacceptable levels of use. It is also noteworthy that Horsham District Council has undertaken a Horsham Transport Study (Santec December 2022) as part of its Local Plan Review. This found that when the local plan scenario outputs were modelled, the junction capacity analysis showed at least one arm of the A272/A281 roundabout north of Cowfold junction AM Peak and one arm of the A272/A281 roundabout south of Cowfold junction PM Peak would be over capacity (meaning increases in delays experienced by travellers as flows increase), even with the embedded highway mitigation to be provided elsewhere on the district's highway network in the draft local plan.</p>	<p><b>Travel Plan [REP3-031]</b> have been updated in line with the <b>Deadline 2 Submission – 8.43 Category 8: Examination Documents – Applicant's Response to West Sussex County Council's to Deadline 1 Submissions [REP2-020]</b>. A log has also been provided in Section 2.5 (Stakeholder feedback) of the <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4) which details the updates made within the document.</p> <p>The Applicant undertook extensive consultation and engagement with the Parish Council and local people prior to the submission of the application, as recorded in <b>Consultation Report [APP-027]</b>. Post consent, further engagement will be undertaken in accordance with a Constriction Communications Plan, secured by Requirement 34 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p> <p>An assessment of transport effects of the Proposed Development is presented within <b>Chapter 23: Transport, Volume 2</b> of the Environmental Statement (ES) <b>[APP-064]</b> and <b>Chapter 32: ES Addendum, Volume 2</b> of the ES <b>[REP1-006]</b>. These assessments are based upon construction traffic estimates detailed within the <b>Appendix 23.2: Traffic Generation Technical Note, Volume 4</b> of the ES <b>[REP3-021]</b>. The Applicant notes that West Sussex County Council in their response to TA 1.2 of the Examining Authority's First Written Questions <b>[REP3-073]</b> confirmed that the assessment methodology and baseline data used within the ES is acceptable.</p> <p>There are ongoing discussions with Horsham District Council and Natural England and on 22 May 2024 it was indicated that construction water use would not need to be tankered in for water neutrality purposes. This will be confirmed in due course.</p> <p>Should this be the case, it will only be necessary for water tankers to be used to support trenchless crossings (HDD). As confirmed by the Applicant as part of Agenda item 7E (water neutrality) of Issue Specific Hearing 2 (May 2024), water tanker movements associated with this activity is included within the construction traffic estimates used in assessments provided in <b>Chapter 32: ES Addendum, Volume 2</b> of the ES <b>[REP1-006]</b>. Additional construction traffic movements over those assessed within <b>Chapter 32: ES Addendum, Volume 2</b> of the ES <b>[REP1-006]</b> are therefore limited to tanker movements associated with wheel washing at site accesses and dust suppression on the haul road. These requirements would generate one tanker every 2-3 weeks across the onshore cable route and one tanker every 6 weeks across the cable route, respectively.</p> <p>The movement of water tankers would also be subject to subject construction traffic controls contained within the <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4). This means that water tankers should not route through Cowfold village in accordance with commitments C-157 and C-158 (<b>Commitments Register [REP3-049]</b> (updated at Deadline 4)), which require heavy goods vehicles (HGVs) to avoid Cowfold except to access A-56 and A-57 unless use of locally sourced materials / equipment make it impracticable.</p>

Ref	Deadline 3 submission	Applicant's response
2.3.4	<p>As the Examining Authority is already aware there are two Air Quality Management Areas (AQMAs) within Horsham District, one of which is Cowfold (A272, Bolney Road). Horsham District Council's Infrastructure Delivery Plan 2023 (Draft), Part 2, Infrastructure Provisions Within Horsham District, p.23 clearly states that "These two AQMAs are of particular relevance to any development which is close to, or is assessed as impacting on traffic levels through, Storrington or Cowfold". The Parish Council does not believe that the applicant has given sufficient thought or dedicated an appropriate level of consultation and planning to their documentation in respect of (major or minor) roads or haul routes usage. The risks of traffic over-saturation of the roads in and around the village of Cowfold, incorporating the wider parish, represents enhanced dangers to multiple elements of the community. Including those who travel through the village, i.e. road users in transit, as well as cyclists, motorcyclists and local pedestrians. Many of the latter, given the demographics of the community, are either parents with young children or residents of more mature years who may have degrees of impaired mobility. Currently, despite application to West Sussex County Council, Cowfold has no pedestrian crossing signalling system on the A272, Bolney Road to protect pedestrians' right of way. Traffic over congestion also brings to the fore the likely impact on the ease with which the emergency services will be able to traverse these additionally clogged routes</p>	<p>An assessment of transport effects of the Proposed Development is presented within <a href="#">Chapter 23: Transport, Volume 2</a> of the Environmental Statement (ES) <a href="#">[APP-064]</a> and <a href="#">Chapter 32: ES Addendum, Volume 2</a> of the ES <a href="#">[REP1-006]</a>. These assessments (provided in the DCO Application and Deadline 1) are based upon construction traffic estimates detailed within the <a href="#">Appendix 23.2: Traffic Generation Technical Note, Volume 4</a> of the ES <a href="#">[REP3-021]</a> and include an assumption for assessment purposes that approximately 25% of heavy goods vehicles (HGVs) route through Cowfold village centre. Even with this assumption, the peak week construction traffic flows reported in <a href="#">Chapter 32: ES Addendum, Volume 2</a> of the ES <a href="#">[REP1-006]</a>, are as follows for Cowfold:</p> <ul style="list-style-type: none"> <li>• At A281 south of Cowfold (Receptor 23): <ul style="list-style-type: none"> <li>▶ An HGV peak week increase of 12 HGVs per day, equivalent to an increase of 7.5% and approximately one HGV per hour; and</li> <li>▶ A total construction traffic peak week increase of one HGV per day and 71 light goods vehicles (LGVs) per day (5-6 per hour), equivalent to a 1.1% increase in total traffic flow.</li> </ul> </li> <li>• The A281 / A272 in the centre of Cowfold (Receptor 24): <ul style="list-style-type: none"> <li>▶ An HGV peak week increase of 39 HGVs, equivalent to an increase of 3.5% and 3-4 HGVs per hour; and</li> <li>▶ A total construction traffic peak week increase of 19 HGVs and 154 LGVs (12-13 per hour), equivalent to a 0.7% increase in total traffic flow.</li> </ul> </li> <li>• The A272 Station Road west of Cowfold Village centre (Receptor 25): <ul style="list-style-type: none"> <li>▶ An HGV peak week increase of 39 HGVs, equivalent to an increase of 4.6% and 3-4 HGVs per hour; and</li> <li>▶ A total construction traffic peak week increase of 19 HGVs and 154 LGVs (12-13 per hour), equivalent to a 0.9% increase in total traffic flow.</li> </ul> </li> <li>• The A272 Bolney Road east of Cowfold Village centre (Receptor E): <ul style="list-style-type: none"> <li>▶ An HGV peak week increase of 39 HGVs, equivalent to an increase of 5.5% and 3-4 HGVs per hour; and</li> <li>▶ A total construction traffic peak week increase of 19 HGVs and 147 LGVs (12-13 per hour), equivalent to a 0.8% increase in total traffic flow.</li> </ul> </li> </ul> <p>The assumption used on HGVs provides a robust assessment of potential traffic impacts within Cowfold, noting the following updates made to the <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> (update at Deadline 4):</p> <ul style="list-style-type: none"> <li>• The wording of commitments C-157 and C-158 (<a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 4)) have been amended to state that HGVs associated with the Proposed Development will only route through the village</li> </ul>

Ref	Deadline 3 submission	Applicant's response
2.3.5	<p>Therefore, Cowfold Parish Council reiterates its objection to this planning application on multiple levels, as outlined in its previous letters of representation. This includes acknowledgement of written submissions by Interested Parties which testifies there has been continued difficulties in engagement. The focus of this document is to restate the belief that to subject this parish to a perceived significant level of increased vehicular traffic of all sizes, which undoubtedly is going to lead to a greater usage of minor, single track roads as 'cut throughs', will be of conspicuous detriment to the quality of life, levels of business prosperity and exacerbate the degree of environmental damage within this community</p>	<p>centre / AQMA for trips related to accesses A-56 / A-57 or where use of locally sourced materials / equipment make its avoidance impracticable; and</p> <ul style="list-style-type: none"> <li>Peak hour restrictions have now been included on HGV deliveries to accesses A-56 and A-57. This will limit HGV deliveries traveling through Cowfold to a maximum of three HGVs between 08:00 to 09:00 and 17:00 to 18:00, which is the equivalent of one vehicle every 20 minutes.</li> </ul> <p>In combination, this means that the number of HGVs routing through Cowfold will be much lower than assessed within <a href="#">Chapter 32: ES Addendum, Volume 2</a> of the ES [REP1-006]. It is also noted that the assessments contained within <a href="#">Chapter 32: ES Addendum, Volume 2</a> of the ES [REP1-006] are based on single peaks weeks of construction traffic activity at each location. This means that construction traffic flows will be lower than assessed for the remainder of the construction programme, noting that activity around Oakendene is limited to approximately half of the four-year construction programme. During this time, construction traffic flows are predicted to be less than 50% of the peak for approximately 10 months.</p> <p>Finally, the Applicant notes that West Sussex County Council in their response to TA 1.2 of the Examining Authority's First Written Questions [REP3-073] confirmed that the assessment methodology and baseline data used within the ES is acceptable. Therefore, no further assessment is considered necessary.</p> <p>The Applicant has provided a response to the assessment of the AQMAs within the air quality assessment in response to AQ 1.2 in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>, please see Table 2-6, reference AQ 1.2.</p> <p>The Applicant has undertaken to fund air quality mitigation measures through a Section 106 agreement with Horsham District Council. <a href="#">Air Quality Mitigation Strategy [REP3-053]</a> (submitted at Deadline 3) lists support for active travel in Cowfold as a potential measure in Horsham District.</p> <p>Noted, the Applicant has no further comments at this stage.</p>

**Table 2-4 Applicant's Response to Washington Parish Council's Deadline 3 Submission [REP3-141]**

Ref	Deadline 3 submission	Applicant's response
2.1.1	<p>Difficulties experienced by the Parish Council, as the Trustee to the Charity, in the engagement/negotiations process. The Parish Council is a very small public body not experienced in these matters, and relies on third party professional advice.</p> <p>At the time of writing, the developer has not given any reassurance that they will meet all costs, reasonably incurred to allow the Parish Council to seek professional advice for this complex project and discharge its duties towards the Charity and as a public body. This is putting the Parish Council/Charity to the expense which it has no reason whatsoever to incur, and with no benefit to either. The Parish Council is asking the developer that they do not leave them out of pocket at the end of the process should they compulsorily tunnel through the Washington Recreation Ground/Village Green.</p>	<p>The Applicant emailed the Council on 30<sup>th</sup> January confirming that:</p> <p><i>"The Grantee will reimburse reasonable and proper Agents costs on exchange of the Option Agreement there being a requirement to inform RED where fees are within 10% of £2,250 (£3,500 for Solicitors costs) in order that they may be subject to review (plus any unrecoverable VAT).</i></p> <p><i>Regarding potential Abortive Costs, the Grantee will reimburse reasonable and proper Agents and Solicitors costs incurred in the event that RED withdraws from the transaction prior to exchange of the Option Agreement or where the documentation negotiations lead to the unacceptable material variation of requirements in addition or in place of the Key Terms agreed with the consequential result that either the Grantee or Grantor are unable to proceed.</i></p> <p><i>I have re-attached the Key Terms and Option and Easement documentation for your review. As you know RED will reimburse reasonable solicitors fees should the Council wish to appoint one to review the Option and Easement documentation for you."</i></p> <p>The Applicant had a meeting with the Council on 9 May 2024 to discuss professional fees in relation to advice regarding the project and confirmation was given regarding the way in which reimbursement of fees incurred would be assessed.</p> <p>The Applicant received an email response from an agent regarding acting for the Council on 13 May 2024 and responded on 14 May 2024. The Applicant chased again on 29 May via email and is awaiting feedback.</p> <p>Please see further information on reassurance that has been given to the Council within 2.1.3.</p>
2.1.2	At the OFH2 (13 <sup>th</sup> May 2024), the Council wishes to speak about the route of the proposed cable route and tunnelling under the Washington Recreation Ground.	
2.1.3	At the OFH2 (13 <sup>th</sup> May 2024), the Council wishes to speak about the process of engagement for the easement on the Washington Recreation Ground/Allotment Land, which is managed by the council as trustee to the Washington Recreation Ground Charity. Representations to be made by the council as a public body and not as the trustee.	<p>On 9 May 2024 the Applicant had an online Teams call to discuss professional fees in relation to advice regarding the project. The actions from the meeting were as follows:</p> <p><i>'1 – RICS Practice Statement document (please see attached) which covers the position with respect to reimbursement of fees where CPO powers are exercised and the principle of reimbursement of appropriate professional fees.</i></p> <p><i>2 – Zoe to obtain a view from agent regarding fees. We are happy to have an informal discussion with your agent to assist.</i></p> <p><i>3 – We will take the assumption that additional fees may be incurred dealing with Charities Act 2011 compliance matters and advise RED accordingly.'</i></p>
2.1.4	The Council wishes to draw attention to the difficulties it is experiencing with the process, in the way in which the applicant is conducting negotiations.	The Applicant understands that, following the call with the Council on 9 May 2024 to clarify matters, there is a route to progress negotiations between parties.

Ref	Deadline 3 submission	Applicant's response
2.1.5	<p>The Council will not be making any comments on the commercial aspects of the easement for the proposed cable route on its land, namely Plot Numbers 22/8 and 22/9 as stated in the Applicant's Book of Reference [APP-026] which is subject to compulsory acquisition powers in the draft Development Consent Order. Comments will be made by the Council as Trustee at the Compulsory Acquisition Hearing. Please refer to the Council's separate request to attend the CAHs on Friday 17th May and Tuesday 21st May 2024</p>	<p>The Applicant is confident that negotiations for a voluntary land agreement will progress.</p>

**Table 2-5 Applicant's Response to Natural England's Deadline 3 Submission – Cover Letter [REP3-079]**

Ref	Deadline 3 submission	Applicant's response
2.1.1	<p>1. Natural England's Deadline 3 Submissions Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 3. Please find an update of Natural England's position regarding these documents in Table 1 below, including anticipated timing of responses. In addition, Natural England is also submitting the following detailed responses, signposted from Table 1, within the following thematic appendices:</p> <ul style="list-style-type: none"> <li>• EN010117 467672 - Appendix B3 - Natural England's Advice on the Applicant's Deadline 1 submissions relating to Guillemot, Razorbill and Great black-backed gull</li> <li>• EN010117 467672 - Appendix E3 to the Natural England Deadline 3 Submission - Natural England's Advice on the Applicant's Deadline 1 submissions relating to Fish and Shellfish</li> <li>• EN010117 467672 - Appendix C3 to the Natural England Deadline 3 Submission - Natural England's advice on 8.42.1 Applicant's Response to Action Points Arising from Issue Specific Hearing 1: Marine Mammals</li> <li>• EN010117 467672 - Appendix J3 to the Natural England Deadline 3 Submission - Natural England's advice on Protected Species</li> <li>• EN010117 467672 - Appendix I3 to the Natural England Deadline 3 Submission - Natural England's advice on the Applicants Deadline 1 Submission – 8.35 SLVIA Maximum Design Scenario Principles and Visual Design Principles Clarification Note [REP1-037]</li> <li>• EN010117 467672 Appendix N3 to the Natural England Deadline 3 Submission – Natural England's Response to the Examining Authority's Written Questions (ExQ1)</li> <li>• EN010117 467672 - Appendix N3 – Annex 1 to the Natural England Deadline 3 Submission - Natural England's Response to The Examining Authority's Written Questions relating to Seascape, Landscape and Visual</li> </ul>	Noted, the Applicant has no further comment on this matter at this time.
2.1.2	<p>2. [REP2-012] - 8.21 Statement of Commonality for Statements of Common Ground</p> <p>2.1 Meetings and Statement of Common Ground (SoCG)</p> <ul style="list-style-type: none"> <li>• We suggest the second call listed relating to Natural England on 15/02/2024 'Risk and Issues Register and SoCG coordination call National Air Services' removes the reference to National Air Services.</li> <li>• We attended a call to discuss the Statement of Commonality of SoCG and NE's Risk and Issues log on 26/03/24, this should be added to the list. We discussed the Statement of Commonality of SoCG in the meeting on the 26/03/24, but did not go through our Risks and Issues log in detail.</li> <li>• Natural England has not conducted a 'page turn' of the Statement of Common Ground with the Applicant.</li> <li>• Natural England did not attend the Expert-to-Expert Meeting SLVIA/LVIA call on the 28/03/2024, this should be removed from the list accordingly.</li> </ul>	Noted, and amendments made to the Statement of Common Ground – Natural England to be submitted at Deadline 5.
2.1.3	<p>2.2 Statement of Commonality for SoCG</p> <p>As stated in our Rule 6 letter, we note that the ExA does not intend to request any draft SoCGs either before or during the Examination, with only a final SoCG required to be submitted at Deadline 6. Natural England support the approach of not requesting an updated SoCG at each deadline, as this will allow us to focus our resource on the most pertinent technical aspects. We continue to submit an updated Risks and Issues Log at each Deadline. We hope that this will assist the Applicant in updating their Statement of Commonality of SoCGs at the relevant stages identified, as well as the final SoCG.</p>	Noted, the Applicant has no further comment on this matter at this time.
2.1.4	<p>Natural England maintains our advice that the traffic light system proposed by the Applicant in the Statement of Commonality for SoCG is complex, unclear and misleading. We advise that because no issues with Natural England are coloured red or orange, this does not accurately represent the levels of risk and disagreement that still exist regarding key receptors, such as (but not limited to) impacts on seascape, landscape and visual impacts and the Kingmere Marine Conservation Zone. As Natural England has made clear with our own risk rating system within our Relevant Representations, there are a number of red and amber issues where significant disagreement exists. Given the Applicant has indicated there will be no further amendments to the proposal with respect to some of these matters, we have reached an 'agree to disagree' point. The Statement of Commonality for SoCG does not reflect this.</p>	Noted. The Applicant acknowledges the risk rating system within Natural England's Relevant Representations as being the definitive statement of their position. The <a href="#">Statement of Commonality for Statements of Common Ground [REP2-012]</a> has been updated to seek to reflect the status of discussions of Principal Areas of Disagreement (PADs) at Deadline 4.

Ref	Deadline 3 submission	Applicant's response
2.1.5	Notwithstanding our comments above, Natural England has provided a table below based on the Applicant's coding system to demonstrate where matters stand in our view:	Noted, the Applicant's responses to each point are set out below.
2.1.6	<p><b>[Document contains Table 1.1 – Response to the Applicant's Table 1.2 – Status of SoCGs in [REP2-12]]</b></p> <p>3. [REP2-013] - 8.22 Applicant's Mid-Examination Progress Tracker Rev B</p> <p>Natural England have compared the points raised in this document to our understanding on the key points that require tracking, including the advice provided in our Appendix K to the Relevant Representations of Natural England Principal Areas of Disagreement Summary Statement (PADSS). We advise that:</p>	
2.1.7	<ul style="list-style-type: none"> <li>Our points regarding recent storms as well as future coastal erosion and flooding at Climping, including in relation to Climping Site of Special Scientific Interest (SSSI) have been omitted.</li> </ul>	This has been actioned by the Applicant and is now included in Statement of Common Ground – Natural England to be submitted at Deadline 5.
2.1.8	<ul style="list-style-type: none"> <li>The point around Horizontal Directional Drilling (HDD) does not specifically mention locations where we have particular concerns in relation to impacts to terrestrial ecology and/or landscape, such as Climping Beach SSSI, Sullington Hill, and Michelgrove Park.</li> </ul>	This has been actioned by the Applicant and is now included in Statement of Common Ground – Natural England to be submitted at Deadline 5.
2.1.9	<ul style="list-style-type: none"> <li>Our concerns raised around Arun Valley about water neutrality and functionally linked land have not been covered. Please see our risks and issues log and deadline 2.5 submissions regarding this matter</li> </ul>	This has been actioned by the Applicant and is now included in Statement of Common Ground – Natural England to be submitted at Deadline 5.
2.1.10	<ul style="list-style-type: none"> <li>Our points within Appendix K regarding impacts of underwater noise from piling on the short snouted seahorse (<i>Hippocampus hippocampus</i>) feature of Beachy Head West Marine Conservation Zone (MCZ), Beachy Head East MCZ, Selsey Bill and the Hounds MCZ and Bembridge MCZ have been omitted.</li> </ul>	This has been actioned by the Applicant and is now included in Statement of Common Ground – Natural England to be submitted at Deadline 5.
2.1.11	<ul style="list-style-type: none"> <li>In relation to Kingmere MCZ, given the Applicant is not willing to adopt a full seasonal restriction in relation to underwater noise impacts on black seabream we advise this should be rated Red.</li> </ul>	This has been actioned by the Applicant and now amended to Red in Statement of Common Ground – Natural England to be submitted at Deadline 5.
2.1.12	<ul style="list-style-type: none"> <li>In relation to marine mammals this is currently rated as green. We advise that we consider this issue amber at this stage, though we are hopeful of progress.</li> </ul>	This has been actioned by the Applicant and is now amended to Amber in Statement of Common Ground – Natural England to be submitted at Deadline 5.
2.1.13	<ul style="list-style-type: none"> <li>In relation to Kittiwake as a feature of Flamborough and Filey Coast Special Protection Area (FFC SPA) we do not agree a rating of green at this stage and should be rated as amber. We advise that if the Applicant were to address our Deadline 2 comments on Kittiwake this issue may be moving towards green.</li> </ul>	This has been actioned by the Applicant and is now amended to Amber in Statement of Common Ground – Natural England to be submitted at Deadline 5.
2.1.14	<ul style="list-style-type: none"> <li>We note that there is no mention of Flamborough and Filey Coast SPA in relation to in-combination impacts on guillemot and razorbill and Farne Islands SPA in relation to in-combination impacts on guillemot. We advise that both should be included and rated as Amber.</li> </ul>	This has been actioned by the Applicant and is now included and rated as Amber in Statement of Common Ground – Natural England to be submitted at Deadline 5.
2.1.15	<ul style="list-style-type: none"> <li>We advise that Natural England appear to have been entirely omitted in relation to seascape, which is concerning given this is one of our key areas of disagreement. We advise that two rows are added in relation to our advice, one to address the comments in our PADSSs in relation to significant seascape impacts on the South Downs National Park (SDNP), including the Sussex Heritage Coast (SHC), which should be rated red. The other should be in relation to our advice on the</li> </ul>	This has been actioned by the Applicant and is now included and suitably rated in Statement of Common Ground – Natural England to be submitted at Deadline 5.

Ref	Deadline 3 submission	Applicant's response
	significant seascape impacts on the Isle of Wight Area of Outstanding Natural Beauty (IoWAONB) and Chichester Harbour Area of Outstanding Natural Beauty (CHAONB), which should be rated Amber.	
2.1.16	<ul style="list-style-type: none"> <li>• We also advise that our advice regarding Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 in our deadline 1 cover letter, which the Applicant has not responded to thus far, should be included within this document.</li> </ul>	This has been actioned by the Applicant and is now included in Statement of Common Ground – Natural England to be submitted at Deadline 5.
2.1.17	<p>3. Applicant's Responses</p> <p>This advice relates to, but is not limited to:</p> <ul style="list-style-type: none"> <li>• [REP1-017] - Applicant's Responses to Relevant Representations</li> <li>• [REP1-018] - Applicant's Response to Action Points Arising from Issue Specific Hearing 1 [REP1-033] - Applicant's post hearing submission - Issue Specific Hearing</li> <li>• [REP2-018] - Applicant's Response to Action Points Arising from ISH1 Rev A</li> <li>• [REP2-026] - Applicant's Response to Prescribed Consultees' Written Representation Rev A</li> </ul>	Noted, the Applicant has no further comment on this matter at this time.
2.1.18	<p>As set out in our response to the Rule 6 letter, Natural England advises that unless there are further updates to ES chapters, and/or named plans, any responses and commitments made by the Applicant within the above documents will not be secured and therefore will not necessarily be 'pulled through' to the post consent phases. We therefore require our risks and issues to be addressed by the Applicant in updated ES chapters, Named Plans and DCO/dML conditions, in order to provide a clear audit trail through to post consent phases. If this is not undertaken, where the Applicant's representations have structured their responses as standalone 'comments on comments', Natural England will not provide detailed responses. Where an issue remains unchanged/unresolved in our risk and issues log, it should be considered that we are awaiting the submission of an updated chapter/plan/DCO/dML conditions (at which point we will conduct a detailed review and provided further commentary/ update our risks and issues log as required), or that further commentary from the Applicant has not sufficiently addressed our advice</p>	<p>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.</p>
2.1.19	We understand that the Applicant intends to submit an updated Offshore in Principle Monitoring Plan at deadline 3 therefore we will aim to provide an update to our deadline 1 comments at deadline 4.	The Applicant has submitted an updated <b>Offshore In Principle Monitoring Plan [REP3-047]</b> at Deadline 4.
2.1.20	<p>We would particularly highlight in relation to the Appendix 8.4: Black Seabream Underwater Noise Technical Note and Survey Results – Revision A [PEPD-023] that the comments provided by the Applicant do not address our key ongoing concerns in relation to black seabream as a feature of Kingmere MCZ. We particularly highlight that any comments relating to thresholds for other windfarms do not relate to black seabream, this issue is unique to Rampion OWF.</p>	<p>Natural England is referring to response E11 p101 of <b>Deadline 2 Submission – Category 8: Examination Documents – Applicant's Response to Prescribed Consultees' Written Representations [REP2-026]</b>.</p> <p>The Applicant understands that the issue raised is specific to the Proposed Development and to black seabream as a species but highlights that the reference to other projects (Hornsea Four Offshore Wind Farm Application, Hornsea Project Three, Sheringham and Dudgeon Extension and Awel y Môr) was not in relation to the specific noise thresholds used by those projects. Rather that the approach used by the projects to the scientific data gaps and uncertainties encountered, and the use of proxy species (based on hearing ability groups, as informed by species physiology) when determining a threshold. Similar to the projects listed, the Applicant has utilised the best available scientific data in determining a precautionary behavioural threshold for black seabream.</p>



Ref	Deadline 3 submission	Applicant's response
2.1.21	<p>4. Terrestrial Ecology</p> <p>As we advised in our deadline 2 letter, our outstanding comments and responses on the Examining Authority's Written Questions arising out of Issue Specific Hearing 1 on Environmental Matters [PD-008] were provided to the examining authority on the 5th April. We understand that the examining authority intends to publish these comments after deadline 3 has closed. Our outstanding response on protected species is provided in Appendix J3.</p>	<p>The Applicant has provided a response to Natural England's Deadline 3 Submission – 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>, please see <a href="#">Appendix B</a>.</p>

**Table 2-6 Applicant's Response to Natural England's Deadline 3 Submission – Appendix B3: Guillemot, Razorbill and Great black-backed gull [REP3-080]**

Ref	Deadline 3 submission	Applicant's response
<b>Appendix B3 to the Natural England Deadline 3 Submission – Natural England's Advice on the Applicant's Deadline 1 submissions relating to Guillemot, Razorbill and Great black-backed gull</b>		
2.6.1	In formulating these comments, the following documents have been considered: [REP1-027] - 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 [REP1-038] - 8.36 Great black-backed gull assessment sensitivity [REP1-035] - 8.33 Ornithological and Marine Mammal Aerial Survey Results of Rampion 2 - 2021 [APP-150] - 6.4.12.1 Environmental Statement Volume 4, Appendix 12.1: Offshore and intertidal ornithology baseline technical report	Noted, the Applicant has no further comments on this matter at this time.
2.6.2	<b>1. Summary</b> <i>Guillemot and Razorbill</i>  We note that the Applicant has presented a full in-combination assessment of impacts on the guillemot and razorbill features of Flamborough and Filey Coast Special Protection Area (FFC SPA) and the guillemot feature of the Farne Islands SPA, as requested by Natural England, including population viability analysis under multiple scenarios.	Noted, the Applicant has no further comments on this matter at this time.
2.6.3i	The Applicant has presented two versions of the assessment for the guillemot and razorbill features of FFC SPA, one using the standard mean max +1SD foraging range from Woodward et al (2019), and a shorter one using the same dataset but excluding data from the Fair Isle colony. The effect of using the shorter foraging range for the assessment is to eliminate the connectivity in the breeding season between FFC SPA and a number of projects with relatively high impacts, such as the four consented projects on the Dogger Bank, Hornsea 1 and Hornsea 2. Whilst recognising the influence that the Fair Isle data has on the Woodward et al foraging ranges, Natural England therefore advises that the standard foraging ranges should be used for in-combination assessments.	The Applicant would like to clarify that the rationale for presenting in-combination assessments on the basis of using the Woodward <i>et al.</i> , (2019) mean max plus one SD excluding the Fair Isle data is not to eliminate the connectivity in the breeding season between Flamborough and Filey Coast Special Protection Area (FFC SPA) and a number of projects with relatively high impacts as stated by Natural England. As noted by the author, the Fair Isle data is considered erroneous because of poor prey availability during the study year, resulting in auks having to undertake significantly greater foraging trips than in a typical breeding season (Woodward <i>et al.</i> , 2019). Also suggested by the author, the inclusion of the Fair Isle data is unrepresentative of generic auk foraging strategy and significantly skews the foraging range predicted, hence why the value excluding Fair Isle data is presented within Woodward et al., (2019) and in our assessment. Additionally, it has been suggested that more generally, auk colonies north of the Pentland Firth could have a larger foraging range in contrast to more southernly UK auk colonies, due to differences in prey distribution (NatureScot, 2023). The Applicant therefore considers the exclusion of Fair Isle data to be the most appropriate generic foraging range for auks from Southern North Sea colonies based on the evidence available. This conclusion also aligns with the studies undertaken by Wakefield <i>et al.</i> , (2017), Sansom <i>et al.</i> , (2018) and Cleasby <i>et al.</i> , (2020) which suggests auks from breeding colonies predominantly forage close to the colony, and that although high density areas of utilisation do exist in the offshore environment this is more likely to be exploited by non-breeding birds.
2.6.3ii	The Applicant has argued for the use of lower displacement rates and mortality rates than those advised by Natural England. However, they have presented their preferred rates alongside those that are considered appropriate by Natural England, and those determined by the Secretary of State in previous cases.	The Applicant remains of the position that use of the lower displacement and mortality rates are most appropriate for characterising the level of potential impact posed by offshore wind farm developments. This statement is supported by the comprehensive review undertaken by APEM (2022), which examined the level of cited displacement for auks within over 20 post-construction offshore wind farm monitoring studies. These findings are further

Ref	Deadline 3 submission	Applicant's response																															
		supported by the conclusions from recent post-construction monitoring for Beatrice offshore wind farm, which concluded an absence of displacement/avoidance behaviour from auks in response to the presence of the offshore wind farm (Trinder <i>et al.</i> , 2024).																															
2.6.3iii	The Applicant has concluded that adverse effect on integrity (AEOI) can be ruled out for all of the features considered. Natural England advise that we do not agree with this conclusion and consider that Rampion 2 will make a contribution to in-combination adverse effects to the three sites under consideration, albeit a modest one. This level of contribution does however mean that a collaborative approach to compensatory measures, as proposed in-principle by the Applicant for kittiwake, has the potential to deliver a proportionate level of benefit for guillemot and razorbill.	<p>The Applicant welcomes Natural England's transparency on where they deem adverse effect on integrity (AEOI) thresholds to be exceeded.</p> <p>The Applicant remains of the position that the Proposed Development does not provide a tangible contribution to any in-combination effect, given the location of the project in contrast to the Special Protection Areas (SPAs) in question. The Proposed Development resides outside of the species foraging ranges during the breeding season and therefore following Natural England's guidance on theoretical connectivity (Parker <i>et al.</i>, 2022), potential for effect is limited to the non-breeding season only. However, when considering the recent evidence on auk non-breeding distribution undertaken by Buckingham <i>et al.</i>, (2022) the results show that auks from North Sea colonies all remain within the North Sea during the non-breeding season. This therefore suggests that potential for auks from the Flamborough and Filey Coast Special Protection Area (FFC SPA) and Farne Islands SPA to interact with the Proposed Development is limited. Furthermore, when considering the evidence stated in the above response with respect to level of potential impact posed by offshore wind farm developments combined with the stable health of the SPAs presented within <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> (updated at Deadline 4), the Applicant considers the potential for an AEOI can confidently be ruled out for both the guillemot and razorbill feature of the FFC SPA and the guillemot feature of the Farne Islands SPA for the project alone and in-combination.</p>																															
2.1.4	We note that multiple combinations of projects have been presented for each feature. Natural England's advice on each scenario is presented in the table below:																																
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2.1.5	<p><b>Great black-backed gull (GBBG)</b></p> <p>We note that the Applicant has presented a number of arguments, both qualitative and quantitative, on why great black-backed gulls should be considered at lower risk of collision with turbine blades in the Rampion 2 array area than was originally assessed.</p>	<p>The Applicant disagrees with Natural England's statement that "significant" numbers of great black-backed gulls based on the information provided within <a href="#">Deadline 1 Submission – 8.36 Great black-backed gull assessment sensitivity [REP1-038]</a>, which equated to a total of 58 great black-backed gulls roosting on platforms. This equates to significantly less than 1% (0.3%) of the UK South-west and Channel biologically defined minimum population scale (BDMPS) (based on a population of 17,742 individuals (Furness, 2015)).</p>																	
2.1.6	<p>The Applicant has demonstrated that significant numbers of gulls use the Rampion 1 turbine platforms as roosting areas, and they have speculated that this behaviour may mean that the number of birds at collision risk appears inflated. Natural England does not support this conclusion. We consider that birds attracted to turbine platforms for roosting are likely to be at significant risk of collision due to their proximity to the blades.</p>																		
2.1.7	<p>We note that the Applicant has suggested using measures to deter gulls from roosting on turbine platforms as a mitigation measure. Whilst this may merit further exploration, Natural England have concerns about the uncertainties regarding the effectiveness of gull deterrent measures. We question whether the Applicant is aware of any evidence from other existing projects that might aid in reducing this uncertainty.</p>	<p>The Applicant will investigate further any evidence from other existing projects that might aid in reducing this uncertainty and engage further with Natural England if required.</p>																	
2.1.8	<p>The Applicant has also proposed some alternative parameters to the SNCB-recommended ones to use for collision risk modelling. Due to the way the recommended parameters were calculated, we advise it is not appropriate to use alternatives.</p>	<p>Due to the level of uncertainty regarding the accuracy of Natural England's recommended parameters for collision risk modelling as detailed in <a href="#">Deadline 1 Submission – 8.36 Great black-backed gull assessment sensitivity [REP1-038]</a>, the Applicant considers that it is highly appropriate to consider a range of different input parameters, in order to ensure the full potential range of possible impact is captured. This is especially important given the models sensitivity to impacts being predicted as overly pessimistic should worst case input parameters be used, as noted by the model developer (Band, 2012).</p>																	
2.1.9	<p><i>Finally, we advise that the impacts from the Project alone and cumulatively with other projects should be assessed using the South-west UK and Channel non-breeding BDMPS population of 17,742 individuals as the reference population.</i></p>	<p>The Applicant will consider further the usefulness of presenting a revised cumulative assessment for great black-backed gull, given Morgan offshore wind farm have recently submitted updated cumulative assessments for the region.</p>																	
2.1.10	<p>Natural England continues to advise that the impacts of Rampion 2 on great black-backed gull are likely to be significant at the EIA scale when considered cumulatively with other offshore windfarms.</p>	<p>The Applicant's position remains the same as concluded within <a href="#">Chapter 12: Offshore and intertidal ornithology, Volume 2</a> of the Environmental Statement [APP-053] that the level of cumulative effect is not significant in environmental impact assessment (EIA) terms.</p>																	
2.1.11	<p><b>2. Detailed Comments</b>                      Table 1 Document Reviewed - <a href="#">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></p>																		
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	<p><i>England at the end of the Hornsea Four examination whereby they requested the exclusion of Hornsea Three from the guillemot and razorbill FFC SPA in-combination assessments due to the project being situated outside of the mean max plus one SD foraging range to the FFC SPA (Natural England, 2022). If the foraging range value inclusive of Fair Isle is used, Hornsea Three would still be considered to have partial connectivity during the breeding season.” We advise that this is not an accurate representation of Natural England’s comments. The longer foraging ranges, i.e. including the Fair Isle data, which have generally been used as standard, were used for the Hornsea Four in-combination assessment. This is illustrated by the fact that estimates for guillemot from all four Dogger Bank OWF projects and Hornseas One and Two, which would lie outside the shorter mean max +1SD foraging range, were included. The impact assessments for these six projects all concluded that there was breeding season connectivity with FFC SPA. In contrast, the majority of the Hornsea Three array area lies outside the standard mean max +1SD foraging ranges for both guillemot and razorbill, which is why it was deemed appropriate to exclude that project’s breeding season impacts from the in-combination assessment.</i></p> <p>We advise that while it is useful to consider whether a shorter foraging range might be appropriate for a particular site, given there is very limited site-specific evidence from FFC SPA, for the purposes of an in-combination assessment it is appropriate to consider the standard foraging ranges as a worst-case scenario.</p>	<p>153.7km for guillemot and 164.6km for razorbill are the appropriate ranges to consider for the in-combination assessment of impacts on auks at FFC SPA. We advise that this is generally consistent with how previous in-combination assessments have been carried out and ensures that key OWF projects that were agreed to have breeding season connectivity in their respective Examinations are included in the in-combination assessment. As this material is also presented in the report, no further action from the Applicant is needed for Natural England to draw our conclusions.</p>
2	2 9 2.2.2	<p>Natural England have previously commented on the APEM (2022) literature review on auk displacement and mortality rates as part of the Hornsea Four examination, available at: EN010098-001249-Natural England -</p> <p>We advise that it is appropriate to consider a range of displacement rates to reflect the uncertainty of this assessment and capture a range of possible scenarios, and that Natural England’s</p> <p>Please see Applicant’s response to comment <b>ID 2.6.3ii</b> above.</p>

Ref	Deadline 3 submission			Applicant's response	
				<p>Comments on any other submissions received at Deadline 1.pdf (planninginspectorate.gov.uk). We advise that the information provided in the APEM report does not provide a robust justification for the use of the 50% displacement rate and 1% mortality rate that the Applicant proposes. Natural England's range-based approach seeks to encompass a range of potential displacement effects (30-70%), as observed in post-construction monitoring studies a range of mortality rates (1-10%). This reflects the considerable uncertainty relating to site-specific drivers for, and impacts of, displacement. We also highlight that the mortality rates are a simple way of attempting to capture a range of sub-lethal as well as lethal effects from displacement e.g. adults entering the breeding season in poor condition.</p>	<p>advice is given on that basis. However, the Applicant has presented Natural England's advised range alongside their own preferred values, and therefore no further information is needed for Natural England to draw conclusions.</p>
3	3	10	3.1.1	<p>We note that the Applicant has presented mortality estimates both including and excluding the Hornsea Four values. We welcome this approach. If the mortality caused by Hornsea Four is adequately compensated for, then it would be appropriate to exclude the impacts from in-combination assessments. However, we advise that there is currently a high degree of uncertainty over whether the compensation will be adequately achieved, so it is appropriate to carry out the in-combination assessment including these values as well.</p>	<p>We advise that it is appropriate to present values that both included and exclude Hornsea Four.</p> <p>The Applicant welcomes this clarity with regard to treatment of Hornsea Four impact predictions within guillemot Flamborough and Filey Coast Special Protection Area in-combination assessments.</p>
4	3	11-14	Table 3.1	<p>We note this table contains errors in the Annual column where values from the breeding season have not been added to those of the non-breeding season. However., the Annual total values appear to be correct.</p>	<p>The Applicant should review and update these values where necessary.</p> <p>The Applicant has noted the error cited by Natural England and can confirm that this is a typo only and has not been incorporated into the accompanying assessments presented within <a href="#">Deadline 1 Submission – 8.25.8 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 7: Further Information for Action Point 33 – Kittiwake Implementation and Monitoring Plan [REP1-026]</a>. For the purpose of clarity however, the Applicant</p>

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						has submitted a revised version of <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 – Guillemot and Razorbill [REP1-027]</a> with the typo amended at Deadline 4.
5	4	65	4.1.19	Note that Natural England recently found an error in the default survival rates for razorbill in the 0-1 and 1-2 age classes within the Population Viability Analysis (PVA) tool. The corrected survival rate value is 0.794. Using the corrected figure would result in a minor increase in the projected population trend, though the effect is unlikely to alter the result significantly.	We advise that this is recalculated in an update version of the report, but that it is unlikely to alter the result significantly.	The Applicant will consider further the usefulness of undertaking such an exercise, especially given Natural England's consideration that it is unlikely to alter assessment conclusions.
6	4	73	4.1.23	<p>Natural England does not agree with the assessment that there is no potential for AEOI to the conservation objectives of the guillemot feature of Flamborough and Filey Coast SPA. Although the guillemot population at FFC has grown in recent decades, the sustainability of this growth rate is highly uncertain in the context of climate change impacts, Highly Pathogenic Avian Influenza (HPAI) and multiple other pressures. Productivity rates have been in decline for this species at FFC for some time (Lloyd and others, 2020), indicating that density-dependent effects may already be occurring. We note that it has already been determined by the Secretary of State in the Hornsea Four decision that in-combination impacts on this feature have reached a level where AEOI cannot be ruled out. Please see comment 3 above regarding the treatment of Hornsea 4 in in-combination assessments.</p> <p>When projects from all tiers are considered, we advise that AEOI cannot be ruled out regardless of whether or not Hornsea Four is excluded from the assessment.</p>	<p>We advise that AEOI cannot be ruled out for the impacts of Rampion 2 in-combination with all consented projects on the guillemot feature of FFC SPA.</p> <p>We advise that AEOI can be ruled out for the impacts of Rampion 2 in-combination with all consented projects excluding Hornsea Four on the guillemot feature of FFC SPA.</p> <p>We advise that AEOI cannot be ruled out for the impacts of Rampion 2 in-combination with all other projects (including or excluding Hornsea Four) on the guillemot feature of FFC SPA.</p> <p>It is apparent that the contribution of Rampion 2 to the in-combination total is small. This indicates that an in-principle compensation submission that seeks to collaborate with other projects has the potential to provide a proportionate response.</p>	<p>The Applicant would like to clarify that baseline characterisation data was collected between September 2020 to March 2021, well before Highly Pathogenic Avian Influenza (HPAI) was first recorded in UK seabirds. Therefore, as determined by Natural England's recommendation to the Department for Environment, Food and Rural Affairs (Defra) in relation to baseline characterisation of offshore renewable projects (Natural England, 2022), as the baseline data were collected prior to the outbreak of HPAI, the assessments should therefore be undertaken against a representation of typical seabird distribution and density, rather than include consideration of HPAI.</p> <p>The Applicant welcomes Natural England's agreement that an adverse effect on integrity (AEOI) can be ruled out for the guillemot feature of the Flamborough and Filey Coast Special Protection Area (FFC SPA) when considering the Proposed Development in-combination with all consented projects excluding Hornsea Four. When considering the justification provided within <b>Comment ID 2.6.3i, ii &amp; iii</b>, the Applicant remains of the position that</p>

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7	4	77	4.1.27	<p>Natural England does not agree with the assessment that there is no potential for AEOI to the conservation objectives of the razorbill feature of Flamborough and Filey Coast SPA. Natural England already advised as part of the Hornsea Four examination process that, due to the uncertainty about whether the current net growth of the population is sustainable in the face of numerous pressures, in-combination impacts on this feature have reached a level where AEOI cannot be ruled out.</p>
				<p>We advise that AEOI cannot be ruled out for the impacts of Rampion 2 in-combination with all consented projects on the razorbill feature of FFC SPA.</p> <p>As per guillemot above, the Applicant may wish to consider methods in which their impact could be compensated for through collaboration with other projects due to the small size of Rampion 2's contribution.</p>
				<p>an AEOI can be ruled out for the guillemot feature of the Flamborough and Filey Coast Special Protection Area when considering the Proposed Development in-combination with all projects, due to the intangible contribution the project poses.</p> <p>When considering the justification provided within <b>Comment ID 2.6.3i, ii &amp; iii</b>, the Applicant remains of the position that an adverse effect on integrity (AEOI) can be ruled out for the razorbill feature of the Flamborough and Filey Coast Special Protection Area (FFC SPA) when considering the Proposed Development in-combination with all projects, due to the intangible contribution the project poses.</p>
8	4	80-81	4.1.30-32	<p>Natural England acknowledges that due to the fact that no consented projects are within foraging range of the Farne Islands SPA for guillemot, this population may be at somewhat lower risk of displacement impacts compared to FFC SPA. We therefore advise that AEOI can be ruled out for the impact of Rampion 2 in-combination with all consented projects.</p> <p>However, the proposed Berwick Bank OWF in Scottish waters is within foraging range of the Farne Islands SPA. It therefore has breeding season connectivity with the SPA and significant numbers of guillemots displaced from its area have been apportioned to the Farne Islands SPA. We therefore consider that when the effects of Rampion 2 are considered in-combination with all projects of all tiers, AEOI cannot be ruled out due to the impacts of Berwick Bank.</p>
				<p>We advise that AEOI can be ruled out for the impact of Rampion 2 in-combination with all consented projects on the guillemot feature of the Farne Islands SPA. We advise that AEOI cannot be ruled out for the impact of Rampion 2 in-combination with all other projects on the guillemot feature of the Farne Islands SPA.</p> <p>As per FFC SPA above, the Applicant may wish to consider methods in which their impact could be compensated for through collaboration with another project due to the small size of Rampion 2's contribution.</p>
				<p>The Applicant welcomes Natural England's agreement that an adverse effect on integrity (AEOI) can be ruled out for the guillemot feature of the Farne Islands Special Protection Area (SPA) when considering the Proposed Development in-combination with all consented projects. When considering the justification provided within <b>Comment ID 2.6.3i, ii &amp; iii</b>, the Applicant remains of the position that an AEOI can be ruled out for the guillemot feature of the Farne Islands SPA when considering the Proposed Development in-combination with all projects, due to the intangible contribution the project poses.</p>

## 2.1.12 Table 2 Document Reviewed - [REP1-038] - 8.36 Great black-backed gull assessment sensitivity



Ref	Deadline 3 submission				Applicant's response	
	Point Ref	Location within Submitted Document		Key Concern	Natural England's advice to resolve the issue	Applicant's response
		Section	Page	Paragraph, Table or Figure Number		
9	2	5	2.1.1	<p>The Applicant has stated that the population of great black-backed gulls that Rampion 2 interacts with is stable. This is based on the results of Seabirds Count (Burnell et al. 2023). It should be noted that data collection for Seabirds Count took place from 2015-2021. Data collection for the key protected population of the Isles of Scilly SPA, which comprises the majority of the English breeding population, mostly took place in 2015 and showed an increase of 26% compared to the previous nationwide seabird census, Seabird 2000. We note that other English colonies generally declined between Seabird 2000 and Seabirds Count. However, the results of 2023 surveys showed that the Isles of Scilly SPA population has declined since 2015 and now has fewer apparently occupied nests (AON) (607) than were found in Seabird 2000 (695).</p> <p>Great black-backed gull populations have been reported to have suffered significantly due to the effects of HPAI (Tremlett and others, 2024) and it is not currently known what the lasting impacts of this will be. We advise that it is therefore not necessarily accurate to state that the population of great black-backed gulls in Southern England can currently be considered stable.</p>	For information only	<p>The Applicant would like to clarify that baseline characterisation data was collected between September 2020 to March 2021, well before Highly Pathogenic Avian Influenza (HPAI) was first recorded in UK seabirds. Therefore, as determined by Natural England's recommendation to the Department for Environment, Food and Rural Affairs (Defra) in relation to baseline characterisation of offshore renewable projects (Natural England, 2022), as the baseline data were collected prior to the outbreak of HPAI, the assessments should therefore be undertaken against a representation of typical seabird distribution and density, rather than include consideration of HPAI.</p>
10	2	10	2.2.5	<p>While it is reasonable to suggest that the weak attraction effect suggested by Dierschke and others (2016) means that the numbers of great black-backed gulls found in the area surrounding Rampion wind farm may be inflated compared to naturally occurring levels, we advise that it is also reasonable to assume that the construction of Rampion 2 could lead to an even greater number of great black-backed gulls using the area as the attractive effect is increased.</p>	For information only	<p>The Applicant considers that Natural England has misinterpreted the point being made by the Applicant. The Applicant is not suggesting that there has been an increase in the density of great black-backed gull within the Rampion 1 area between pre and post construction of the project due to an attraction effect. This is because no such assessment of density change has been undertaken to backup such claims. Therefore, no such claim that the density within the Proposed Development will increase post construction made by Natural England can be substantiated.</p> <p>The point being made is that there is potential for the Proposed Development</p>

Ref	Deadline 3 submission			Applicant's response		
11	2	10	2.2.6	<p>We observe that the Applicant's reasoning in this paragraph is highly speculative. The maps of monthly survey results in [REP1-035] frequently show great black-backed gulls within the Rampion 1 array area and not just on the edge. We note that in [APP-150], the Applicant describes "a high density area recorded in and around the Rampion 1 array area".</p> <p>We advise that no evidence has been provided to support the assertion that great black-backed gulls generally fly low from the sea to their roosting structures. In [REP1-035], it was calculated that the median flight height for great black-backed gulls in the survey area was 36m above Mean Sea Level (MSL), which is within collision risk height (note that Natural England does not consider these flight height calculations to be reliable or extensive nonetheless give a broad indication that the gulls generally do not avoid flying at collision risk height). Anecdotally, Natural England ornithologists have observed large gulls including great black-backed gulls flying up from turbine platforms into the collision risk zone. The Applicant's data effectively demonstrate that significant numbers of gulls are found in very close proximity to the turbine blades and are therefore at risk of collision.</p> <p>It is worth noting that the bird densities used for collision risk modelling already exclude all birds recorded roosting/standing on structures, as only birds in flight are included, so the large numbers of gulls recorded standing on turbine structures do not contribute towards the number of predicted collisions the Applicant has calculated.</p>	<p>We advise that if the Applicant can provide evidence of large gulls using turbine platforms as roosting areas without entering the array or flying at collision risk height, this point may have merit. However, as it stands, we consider that birds using turbine platforms as roosting areas are at risk of collision.</p>	<p>recorded densities to be inflated due to the close proximity of great black-backed gulls resulting in possible double counting of birds commuting to and from Rampion 1 area due to the likely shorter foraging distance, thus over inflating the level of impact predicted.</p> <p>The Applicant would like to clarify that it is not suggesting that birds are entirely avoiding the Rampion 1 array area nor that they do not fly at potential collision risk height within Rampion 1 based on the recorded behaviour of great black-backed gulls roosting on turbine platforms, as stated by Natural England. Rather, that due consideration is needed on the species-specific behaviour exhibited likely being strong meso and micro avoidance behaviour, therefore limiting the potential risk of collision for such a behaviour to be of benefit for the species. This would therefore suggest that the use of species-specific avoidance of 0.999 would be more appropriate than the skewed generic large gull avoidance rate.</p> <p>Please also see Applicant's response to <b>Comment ID 2.6.6</b> above.</p>
12	2	10	2.2.7	<p>While measures to deter gulls from roosting on turbine platforms could be considered, it is unknown how effective this would be at reducing the numbers of gulls at risk of collision, or at mitigating the possible attractive effect of the array.</p> <p>We understand that spikes can be an effective deterrent, but these are generally placed in locations where people are not expected to go (as they represent a safety hazard), which is not the case for turbine platforms. We acknowledge that barrier tape</p>	<p>Further consideration of this mitigation measure may be warranted. We question whether the Applicant is aware of any evidence from other existing projects that might aid in informing potential deterrent</p>	<p>Please see Applicant's response to <b>Comment ID 2.6.7</b> above.</p>

Ref	Deadline 3 submission			Applicant's response		
				may be more feasible to install, but gulls are highly adaptable and may habituate to its presence.	measures, so as to identify measures that are likely to be effective.	
13	3	11	3.1.1	The parameters that Natural England recommend are considered appropriately precautionary given the high levels of uncertainty inherent in collision risk modelling.	We advise that the parameters for collision risk modelling set out in Natural England's interim advice note should be used for estimating the impact of Rampion 2 on GBBG, as was done in the ES Volume 2 Chapter 12 Offshore and Intertidal Ornithology.	Please see Applicant's response to <b>Comment ID 2.6.8</b> above.
14	3	11	3.1.4	<p>Natural England do not accept the use of the great black-backed gull species-specific avoidance rate from Ozsanlav-Harris et al. (2023) due to the quality of the data available.</p> <p>Whilst individually, the large gull species had data to estimate avoidance rates from up to 12 sites, the data quality across those sites is variable. Individual species avoidance rates are rather similar (Tables 2 – 5 Ozsanlav-Harris et al. 2023), as expected from these biologically similar species, particularly for the Basic Band model. We therefore recommend use of the amalgamated 'large gull' rate for each of these species</p>	We advise that for the reasons given, it is not appropriate to use alternative avoidance rates from those advised by Natural England, and that the parameters used in the ES are appropriate.	The Applicant disagrees with Natural England's assumption that the three large gull species are ecologically similar and therefore it is appropriate to generalise their behavioural response to offshore wind farm developments. Although all three gull species have overlapping habitat niches; of the three species great black-backed gull predominately resides in the nearshore and offshore environment, whereas the other two species spend a greater degree of their life cycle in terrestrial habitats. Because of this, the three species are distinctly different with great black-backed gull being the larger bodied of the three gulls with broader, stronger wings. These biological differences between the three species therefore have the potential to affect their behavioural response to wind turbine generators. As Natural England have stated the data quality across the studies incorporated is variable and therefore has the potential to skew the avoidance rate calculated. It would therefore be inappropriate to consider only a single avoidance rate (or flight speed and nocturnal activity value) when considering the level of potential risk posed, especially given the models

Ref	Deadline 3 submission			Applicant's response		
15	3	12	3.1.5	<p>Natural England advise that in general, caution must be used when proposing alternative parameters for collision risk modelling to those recommended by the SNCBs, due to the way avoidance rates are calculated. The calculation of avoidance rates involves a comparison of how many collisions are predicted by the model, in the absence of avoidance and using given parameters, with real-world collision data collected from wind farms. If the model parameters are changed so that fewer collisions are predicted in the absence of avoidance, then a lower avoidance rate may also be warranted - the smaller the gap between predicted (without avoidance) and observed collisions, the lower the avoidance rate.</p> <p>The SNCBs are currently reviewing some of the recommended parameters for collision risk modelling, which may lead to some changes, but currently Natural England do not consider it appropriate to use a different flight speed to the recommended value as an input for sCRM, for the reasons stated above. However, we do recognise that data collection on flight speed and nocturnal activity of various seabird species is yielding further insights into seabird behaviour, and therefore it is reasonable for the Applicant to have explored the influence of different values.</p>	<p>We advise that it is not appropriate to use an alternative flight speed to that advised by the SNCBs.</p>	<p>sensitivity to impacts being predicted as overly pessimistic if worst case input parameters are used, as noted by the model developer (Band, 2012).</p> <p>Please see Applicant's response to <b>Comment ID 2.6.12i Point 14</b> above.</p> <p>The Applicant welcomes confirmation that Statutory Nature Conservation Bodies are currently reviewing some of the recommended parameters for collision risk modelling, given the concerns raised on the level of uncertainty regarding current recommended parameters, as detailed in <b>Deadline 1 Submission – 8.36 Great black-backed gull assessment sensitivity [REP1-038]</b>.</p>
16	3	15	3.3.2	<p>We advise that the information regarding the behaviour of great black-backed gulls in the array area presented is not substantiated by robust evidence. We advise that the Applicant's survey results clearly show great black-backed gulls within the Rampion 1 array area. Even if gulls were mainly using the periphery of the array, the fact remains that they are spending significant periods in close proximity to the turbines and are therefore at risk of collision. We therefore do not consider that this report provides justification for using a lower avoidance rate for collision risk modelling.</p>	<p>We advise that the collision risk modelling figures presented by the Applicant in the ES would be more appropriate figures to consider for the impact assessment.</p>	<p>Please see Applicant's response to <b>Comment ID 2.6.8 and 2.6.12 point 10, 11, and 14</b> above.</p>
17	3	16	3.3.4	<p>Regarding the cumulative impact assessment, Natural England's advice is that the largest bio-season population for each species should be used as the reference population for annual EIA-scale impacts. In the Offshore Ornithology chapter, the Applicant presented their own method for calculating the breeding season population, alongside what they consider to be Natural England's position. Natural England's method is to sum the populations of</p>	<p>We advise that the impacts from the Project alone and cumulatively with other projects should be assessed using the South-west UK and Channel non-</p>	<p>Please see Applicant's response to <b>Comment ID 2.6.9</b> above.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>all breeding colonies within the relevant Biologically Defined Minimum Population Scales (BDMPS) region for that species, as defined in Furness (2015). The Applicant has chosen also to include overseas birds in the relevant breeding populations, which Natural England does not consider to be appropriate.</p> <p>Furthermore, we do not agree with the population the Applicant has calculated using our method either. This is due to a quirk in the appendix of Furness (2015), where tables are provided listing colony sizes for UK SPAs, plus an aggregated number for non-SPA colonies. In most cases these non-SPA colonies are presented for each relevant BDMPS region, but for GBBG a total figure for all western UK colonies is presented, covering both the "West of Scotland" and "Southwest UK and Channel" BDMPS regions. Since the majority of the western non-SPA colonies are found in the west of Scotland, using this figure to create a "Southwest UK and Channel" breeding season reference population leads to a vast overestimation.</p> <p>In this instance, Natural England recommends that the non-breeding season BDMPS population for GBBG for SW UK &amp; Channel is used, which is 17,742. Using this reference population, rather than the far larger one proposed by the Applicant, would more accurately reflect the potential cumulative effects on the relevant population.</p> <p>We also reiterate that the cumulative assessment presented contained numerous data gaps and therefore cannot be considered to be comprehensive.</p>	<p>breeding BDMPS population of 17,742 individuals as the reference population.</p>

**Table 2-7 Applicant's response to Natural England's Deadline 3 Submission – Appendix C3: Marine Mammals [REP3-081]**

Ref	Deadline 3 submission	Applicant's response
<b>Appendix C3 to the Natural England Deadline 3 Submission - Natural England's advice on 8.42.1 Applicant's Response to Action Points Arising from Issue Specific Hearing 1: Marine Mammals</b>		
2.7.1	In formulating these comments, the following document has been considered: REP2-019 - Deadline 2 Submission - 8.42.1 Applicant's Response to Action Points Arising from Issue Specific Hearing 1: Marine Mammals	Noted, the Applicant has no further comments on this matter at this time.
2.7.2	<b>1. Summary</b> Natural England welcomes the Applicant's bottlenose dolphin baseline characterisation; however, we do not currently agree with the conclusions of the updated assessment. We advise consideration is given to how existing mitigation proposals may be applicable to reducing impacts on the bottlenose dolphin population.	See responses to specific points below.
2.7.3	<b>2. Main Comments</b> <i>2.1 Bottlenose dolphin baseline characterisation</i> The Applicant has included three new recent publications in their updated bottlenose dolphin baseline characterisation (as outlined in Table 2-3). We advise that of these publications, Corr et al. (2023) is most relevant to the inshore bottlenose dolphin population	Noted, the Applicant has no further comments on this matter at this time.
2.7.4	The Applicant has specifically updated the bottlenose dolphin Management Unit (MU) boundaries, to align with the latest MU report from 2023. We note the assessment now reflects that the Rampion 2 area overlaps with the Coastal West Channel (CWC) MU, and that the assessment uses the appropriate values for this MU.	Noted, the Applicant has no further comments on this matter at this time.
2.7.5	The Applicant has presented additional density estimates for Rampion 2 area and overlapping bottlenose dolphin MUs, based on the most recent published literature. Natural England previously advised that one of the densities presented was an assumed uniform density across the CWC MU, and we note that this has now been included as suggested.	The Applicant welcomes Natural England's support on the updated methodology.
2.7.6	In summary, we advise that the Applicant has used the best and most recent published literature to characterise the density and abundance of bottlenose dolphin in the Rampion 2 area. We advise that this addresses comments C4, C28 (partially) and C29 of our Relevant Representations, and partially addresses comment C14 in the Risk and Issue Log.	The Applicant welcomes Natural England's support on the literature used.
2.7.7	For future applications, Natural England recommends inclusion of up-to-date NGO/citizen observer data from coastal sites in the region. This data would provide information on the current distribution of the species, which could be more up-to-date than the published literature (e.g. Corr et al (2023), which captures data up to 2020) and will provide additional context for the assessment.	Noted, the Applicant has no further comments on this matter at this time.
2.7.8	<b>2.2 Bottlenose dolphin impact assessment</b> The Applicant has revised their assessment relative to the updated CWC MU. Based on this update the worst-case scenario is that 4 bottlenose dolphin may be disturbed per day of concurrent piling. This comprises 10% of the CWC MU. The Applicant has assessed the Magnitude of this impact as <b>Medium</b> , " <i>where temporary changes in behaviour and/or. distribution of individuals are at a scale that could result in potential reductions to lifetime reproductive success to some individuals although not enough to affect the population trajectory over a generational scale</i> ". We note that the Applicant has not provided any evidence to support their assertion that this percentage of the population disturbed	As Natural England has recommended, interim Population Consequences of Disturbance (iPCoD) modelling for both the project alone and in combination is being progressed. This will provide a quantitative assessment that will inform the magnitude score and will be submitted at Deadline 5.

Ref	Deadline 3 submission	Applicant's response
	correlates to the definition of <b>Medium</b> impact magnitude. Therefore, we advise that based on the information currently provided, we cannot agree with this impact magnitude, and the subsequent impact assessment conclusion.	
2.7.9	We advise that the Applicant should therefore present evidence to support their assessment of Medium impact magnitude. We advise that this should include iPCoD population modelling, as this would provide evidence on the population trajectory following the disturbance impact. We advise that if population modelling is done for this population, both project-alone and cumulative impacts should be modelled	As Natural England has recommended, iPCoD modelling for both the project alone and in combination is being progressed. This will provide a quantitative assessment that will inform the magnitude score and will be submitted at Deadline 5.
2.7.10	<p><b>2.3 Further consideration of mitigation and monitoring</b></p> <p>Regarding the baseline, Natural England is aware that bottlenose dolphin distribution has changed in the CWC MU since 2020, though this change is not currently captured in the published literature. We understand that the inshore population of bottlenose dolphin associated with the CWC MU is now seen less frequently in the southwest. In the Sussex region, where Rampion 2 is located, there has been a significant increase in the sightings of bottlenose dolphins since 2018. This may reflect a shift in the home range of the inshore CWC MU population. We are also aware that there is no evidence of successful reproduction in this population in the last 5 years, which may be reflective of a declining population, given it is known that the population faces many cumulative threats (Corr et al. 2023).</p>	Noted, the Applicant has no further comments on this matter at this time.
2.7.11	We are aware that noise mitigation is being proposed in relation to fish and shellfish impacts. We advise that such mitigation could also have positive benefits for bottlenose dolphin, however, the Applicant has not taken marine mammals into account during the design of mitigation, nor have any benefits been factored into the assessment. We advise that due to the concerns identified in relation to the bottlenose dolphin population, the Applicant should further consider how the mitigation proposed may reduce the possibility of negative impacts on this population.	<p>The Applicant has updated commitment C-265: <i>“Double big bubble curtains (DBBC) 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> <li>• <i>marine mammals.”</i></li> </ul> <p>The design of the DBBC is standard and will not differ based on mitigating for different receptor groups. A report on the efficacy of DBBC within the environmental conditions of the Proposed Development has been submitted at Deadline 4 (<b>Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm (Document Reference 8.40)</b>). The assumption provided in <b>Appendix 8.3: Underwater noise study for sea bream disturbance, Volume 4</b> of the Environmental Statement <b>[REP2-011]</b> is for a 15 dB reduction from DBBC.</p>
2.7.12	We advise that the conclusions of the assessment of impacts to bottlenose dolphin are validated through post-consent monitoring. As noted above, the updated impact assessment predicts that up to 10% of the inshore CWC population could be impacted by Rampion 2 (through disturbance from simultaneous piling). We note that this is ten times larger than the predicted impact to any other species MU population from Rampion 2, making it the most significant impact. Therefore, we advise that post-consent monitoring is appropriate to test the conclusion of not significant in EIA terms.	The Applicant is progressing interim Population Consequences of Disturbance (iPCoD) modelling for both the project alone and in-combination. This will provide a quantitative assessment that will inform the magnitude score and will be submitted at Deadline 5. The results of the iPCoD modelling will inform the need for post-consent monitoring of the population as if the modelling shows no significant effect of disturbance, then the Applicant considers there to be no requirement for monitoring.

**Table 2-8 Applicant's response to Natural England's Deadline 3 Submission – Appendix E3: Fish and shellfish [REP3-082]**

Ref	Deadline 3 submission	Applicant's response
<b>Appendix E3 - Natural England's advice on Fish and Shellfish</b>		
2.1.1	<p>In formulating these comments, the following documents have been considered:</p> <ul style="list-style-type: none"> <li>[REP1-007] - 6.3.8 Category 6: Environmental Statement Volume 3, Chapter 8: Fish and shellfish – Figures. Date: February 2024, Revision B.</li> <li>[REP1-012] - 7.17 Category 7: Other Documents. In Principle Sensitive Features Mitigation Plan. Date: February 2024, Revision B.</li> <li>[REP1-020] - 8.25.1 Applicant's Post Hearing Submission – Issue Specific Hearing 1 - Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise. Date: February 2024, Revision A.</li> <li>[REP2-011] - 6.4.8.3 ES Volume 4 Appendix 8.3 Underwater noise study for sea bream disturbance, Date: 20 March 2024, Revision B.</li> <li>[REP1-018] - 8.25 Applicant's Response to Action Points Arising from Issue Specific Hearing.</li> </ul>	Noted, the Applicant has no further comments on this matter at this time.
2.1.2	<p><b>1. Summary</b></p> <p><b>1.1 Kingmere Marine Conservation Zone (MCZ) - Black seabream</b></p> <p>Based on the evidence provided by the Applicant to date, Natural England maintains our advice that piling activities from 1st March to 31st July inclusive are likely to hinder the conservation objectives of Kingmere MCZ in relation to black seabream, and therefore a full seasonal restriction is needed.</p>	<p>As detailed in 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), the Applicant has committed to the implementation of various noise abatement measures throughout the black seabream nesting period, inclusive of a piling restriction in the western portion of the array from March through to June, and the use of Double Big Bubble Curtains (DBBC) with a combination of noise abatement/mitigation techniques to provide an additive level of noise attenuation in July if required. The Applicant has also committed to the use of DBBC throughout the piling campaign.</p> <p>The Applicant maintains its 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 <a href="#">[APP-049]</a>).</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> <p>The Applicant would also like to highlight that a full piling exclusion from March-July inclusive would also have significant issues for the practical development of the Proposed Development. The piling programme implications from a seasonal restriction, are detailed in Appendix K FS of <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p>
2.1.3	We note that the Applicant is still proposing piling activities during the sensitive season for black seabream. In the absence of any further mitigation being proposed, we	The Applicant confirms that without prejudice options for Measures of Equivalent Environmental Benefit (MEEB) have been detailed in <a href="#">Without Prejudice Measures of Equivalent</a>



Ref	Deadline 3 submission	Applicant's response
	<p>welcome the Examining Authority's request (Question FS 1.1) for the Applicant to submit without prejudice options for Measures of Equivalent Environmental Benefit (MEEB) for consideration in the event of the Stage 2 MCZ Assessment reaching a negative conclusion.</p> <p>Natural England advises our concerns also remain about the evidence supporting the efficacy of the mitigation measures and the level of mitigation proposed.</p>	<p><b>Environmental Benefit Review (Document reference 8.74)</b>, a <b>Without Prejudice Stage 2 Marine Conservation Zone (MCZ) assessment (Document Reference 8.76)</b> has also been submitted at Deadline 4. The options presented in Without Prejudice MEEB Review will be discussed with Natural England and will inform a without prejudice implementation and monitoring plan. The Applicant has also submitted <b>Schedule 18 - Measures of Equivalent Environmental Benefit (on a without prejudice basis) (Document Reference 8.80)</b>.</p> <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 <b>Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm (Document Reference 8.40)</b>. This report has been produced by the Institute of Technical and Applied Physics who have considerable experience monitoring noise abatement measures in Germany.</p>
2.1.4	<p><b>1.2 Seahorse MCZs</b></p> <p>Based on the evidence provided by the Applicant to date, Natural England maintains our advice that piling activities are likely to hinder the conservation objectives of Beachy Head West MCZ, Beachy Head East MCZ, Selsey Bill and the Hounds MCZ and Bembridge MCZ in relation to Short-snouted seahorse. We advise that it should be recognised that these four MCZs are the only MCZs designated for short-snouted seahorses in England and therefore potential impacts on all of these sites would affect the entire MCZ suite for this species.</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 (including behavioural effect ranges) to sensitive features such as seahorse as features of MCZs within the vicinity of Rampion 2.</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 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> <li>• <i>marine mammals."</i></li> </ul> <p>The mitigated 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 the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4).</p> <p>The mitigated impact ranges from the implementation of DBBC (as defined using the 141 dB SELss disturbance threshold) 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>It is worth noting that the mitigated impact ranges from the implementation of DBBC, as defined using the overly precautionary 135 dB SELss threshold (the use of which the Applicant does not support), also do not overlap with the MCZs. The mitigated noise contours are presented in the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4).</p>

Ref	Deadline 3 submission	Applicant's response
2.1.5	<p>We note that the Applicant has provided some further modelling of Temporary Threshold Shift (TTS) in [REP1-020], which we have provided detailed comments on below. We note that the Applicant has still not provided modelling of behavioural noise impacts on short-snouted seahorses as requested in our Relevant Representations. If this modelling were provided, it is possible that impacts on Bembridge MCZ for example may be able to be ruled out. However, based on the wider modelling we have seen to date, it is likely that behavioural impacts will occur within Beachy Head West MCZ, and potentially Beachy Head East MCZ and Selsey Bill and the Hounds MCZ.</p> <p>Natural England advises our concerns also remain about the evidence supporting the efficacy of the mitigation measures and the level of mitigation proposed.</p>	The Applicant directs Natural England to the Applicant's response to <b>reference 2.1.4</b> above.
2.1.6	<p><b>1.3 In Principle Sensitive Features Mitigation Plan</b> The revision log suggests the only changes to [REP1-012] are updates to Figures 2.1 and 5.1. As described in the Applicants Responses to Relevant Representations [REP1-017] the change to Figure 5.1 involves increasing the resolution and the change to Figure 2.1 involves ensuring all MCZs are shown. Therefore, aside from addressing our comment on Figure 2.1, our advice on this document remains the same as stated in our Relevant Representations.</p>	Noted, the Applicant has no further comments on this matter at this time.
2.1.7	In future, it would be helpful if both clean and tracked change versions of named plans are provided so it is clear what has been changed.	Noted, clean and tracked versions of the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> have been provided at Deadline 4.
2.1.8	<p><b>1.4 Underwater noise study for sea bream disturbance</b> The revision log suggests the change is an update to Figure 5. This update appears to be correcting an error where the lines were not visible, therefore our advice remains the same as stated within our Relevant Representations.</p>	Noted, the Applicant has no further comments on this matter at this time.
2.1.9	<p><b>1.5 Chapter 8: Fish and shellfish – Figures</b> We note that it is stated that Figures 8.9 and 8.10 have been amended. We note these amendments relate to herring and sandeel habitat mapping and therefore Natural England defers to MMO/Cefas with regard to the suitability of any changes.</p>	Noted, the Applicant has no further comments on this matter at this time.
2.1.10	<p><b>1.6 Applicant's Response to Action Points Arising from Issue Specific Hearing 1 (Applicant's Post Hearing Submission – Issue Specific Hearing 1 [REP1-033] Point 10 (i) - Natural England note the following key inaccuracies in relation to black seabream:</b></p> <ul style="list-style-type: none"> <li>- It is suggested that Rampion 1 only had a six-week piling restriction, when in fact this ran from the 15 April to 30 June.</li> <li>- Natural England's position is not that '135 decibels should be used instead of the 141 decibels proposed by the Applicant'. Natural England's position is that there it is not sufficient species-specific evidence from which it is possible to determine a suitable threshold for behavioural impacts on black seabream.</li> </ul>	These clarifications are noted, the Applicant has no further comments on this matter at this time.
2.1.11	<p><b>2 Detailed Comments</b> Document Reviewed - 8.25.1 Applicant's Post Hearing Submission – Issue Specific Hearing 1 - Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise. Date: February 2024, Revision A.</p>	Noted, the Applicant has no further comments on this matter at this time.

Ref	Deadline 3 submission	Applicant's response
2.1.12	<p><b>2.1 Seahorses – Section 5 and Figures 5.1 and 5.2</b></p> <p>Within our Relevant Representations Natural England requested further information on the potential for TTS and behavioural impacts on short-snouted seahorse as a protected feature of Beachy Head West MCZ, Beachy Head East MCZ, Selsey Bill and the Hounds MCZ, and Bembridge MCZ. The information provided in this document only relates to TTS therefore all our Relevant Representation comments (Appendix E) regarding behavioural impacts on short-snouted seahorses remain unaddressed. We advise this should be addressed and that the requested information is presented.</p>	<p>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 Double Big Bubble Curtains (DBBC) throughout the piling campaign.</p> <p>The mitigated impact ranges, afforded by the implementation of 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 the <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4).</p> <p>The mitigated impact ranges from the implementation of DBBC (as defined using the 141dB SELss disturbance threshold) 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>It is worth noting that the mitigated impact ranges from the implementation of DBBC, as defined using the overly precautionary 135dB SELss threshold (the use of which the Applicant does not support), also do not overlap with the MCZs. The mitigated noise contours are presented in the <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4).</p>
2.1.13	<p><b>2.1.1 TTS Modelling</b></p> <p>We note that the unmitigated contour for simultaneous piling of monopile foundations (Figure 5.1) falls in very close proximity to Beachy Head West MCZ and Selsey Bill and the Hounds MCZ and that the contour for simultaneous piling of multileg foundations (Figure 5.2) appears to overlap with the boundary of the Beachy Head West MCZ based on the resolution of the figure provided, and again is located in close proximity to Selsey Bill and the Hounds MCZ. Underwater noise modelling can provide an indication of the range of impact, but it is not sufficiently exacting in relation to precise noise levels at specific boundaries. Therefore, we remain concerned that without sufficient mitigation TTS impacts could be realised within the MCZs, particularly Beachy Head West MCZ. The conservation objectives in relation to short-snouted seahorse include maintaining the number, age and sex ratio of the short-snouted seahorse population, all of which are particularly important to successful breeding. As stated within the conservation advice for Beachy Head West MCZ '<i>Disturbance could disrupt seahorse social structures by disturbing pairs before they are established and ultimately may result in failure to reproduce. Removal or death of a member of a monogamous pair could decrease short-term reproductive output, and may reduce the size of later broods</i>'.</p>	<p>The Applicant is confident that a suitably precautionary assessment has been undertaken to establish the potential impacts from underwater noise on seahorse in <a href="#">Chapter 8: Fish and shellfish ecology, Volume 2</a> of the Environmental Statement (ES) <a href="#">[APP-049]</a>. Furthermore, the Applicant would like to direct Natural England to <a href="#">Appendix 11.3: Underwater Noise Assessment Technical Report, Volume 4</a> of the ES <a href="#">[APP-149]</a>, 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 <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (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 to sensitive features such as seahorse as features of Marine Conservation Zones (MCZs) within the vicinity of Rampion 2.</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 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> <li>• <i>marine mammals.”</i></li> </ul> <p>The mitigated TTS 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 Figures 5.1 and 5.2 of <a href="#">Deadline 1 Submission – 8.25.1</a></p>

Ref	Deadline 3 submission	Applicant's response
2.1.14	<p>We advise that information should be provided to demonstrate that the noise modelling locations selected represent the worst-case scenario in relation to impacts on each of the MCZs. We advise that visually Figures 5.1 and 5.2 do not appear to represent, for example, the closest piling locations to Beachy Head West MCZ and the closest two piles could be piled simultaneously. We understand that noise modelling is more complex than a simple visual appraisal can account for and, therefore, we would welcome justification from the Applicant in the form of evidenced reasoning as to why these locations have been chosen.</p>	<p><b>Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP1-020]</b> (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 can clarify that the East modelling location represents the eastern array boundary, which is closest to the Beachy Head West Marine Conservation Zone (MCZ). The portion to the north edge of this boundary is a Windfarm Separation Zone (where no WTGs can be built, defined on the <b>Offshore Works Plan [APP-008]</b>), see Figure 5-14 in the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4), and no piling will occur further north than the location used for modelling. Therefore, this represents the worst-case modelling location in respect of seahorse and the Beachy Head West MCZ.</p>
2.1.15	<p><b>2.1.2 Behavioural Impacts</b>            Figures 5.1 and 5.2 show that the modelled TTS contours for the worst-case scenario are in relatively close proximity to or overlapping with the boundaries of some of the MCZs. We note that modelling still has not been provided in relation to behavioural impacts on short-snouted seahorses within the MCZs listed above. Table 8-18 of [APP-049] suggests that the Applicant has placed herring and seahorses in the same hearing category (see Table 8-18 of [APP-049]) Looking at Figure 8.20 [REP1-007] the 135dB behavioural threshold modelled for herring, this shows clear overlap of this contour with almost the entirety of Beachy Head West MCZ, and possible overlap with some of the other MCZs listed above. Whilst we note that Figure 8.20 does not seem to represent the worst-case scenario, which based on Figure 5.2 seems to be simulations piling of multileg piles, it does provide evidence that the potential for behavioural impacts should be explored further by the Applicant providing modelling of behavioural impacts. It also supports the conclusion that currently it cannot be excluded that the conservation objectives will not be hindered by behavioural impacts on short-snouted seahorses.</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 Double Big Bubble Curtains (DBBC) throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise (including TTS and 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 from the implementation of DBBC (as defined using the 186SELcum TTS threshold and the 141dB SELss disturbance threshold) are presented in the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4) for the worst-case piling scenarios for both multileg and monopile foundations. As evidenced, the implementation of DBBC, will further mitigate the TTS and disturbance contours away from the MCZs designed for seahorse.</p> <p>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>It is worth noting that the mitigated impact ranges from the implementation of DBBC, as defined using the overly precautionary 135dB SELss threshold (the use of which the Applicant does not support), also do not overlap with the MCZs. The mitigated noise contours are presented in the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4).</p>
2.1.16	<p><b>2.1.3 Mitigation</b>            We advise that short-snouted seahorses are protected as features of the MCZs listed throughout the year. We highlight that the months quoted in point 5.1.5 relate to the sensitive season for black seabream within Kingmere MCZ, as opposed to specifically relating to seahorses. We advise that the piling restriction proposed in the western array in relation to impacts on black seabream does potentially have some benefit to seahorses within designated sites to the west of the development, however it does not have the same benefit for those located to the east if piling is still occurring in the eastern array year-round. We advise that were a full March to July inclusive piling restriction applied across both the western and eastern arrays for black seabream, this would also have clear benefits for breeding seahorses over part of the timeframe that</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 Double Big Bubble Curtains (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 Marine Conservation Zones (MCZs) within the vicinity of Rampion 2.</p> <p>The Applicant directs Natural England to the Applicant's response to <b>reference 2.1.4</b> above where this is detailed further.</p> <p>Furthermore, the Applicant confirms that additional work has been undertaken to provide a comparison of the environmental conditions at the Proposed Development with other projects</p>

Ref	Deadline 3 submission	Applicant's response
	<p>they are understood to breed (April to October). This is because breeding, along with pair bonding, is an aspect of their life cycle that is particularly sensitive to disturbance.</p>	<p>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.</p>
2.1.17	<p>Whilst we understand the requirement to look at minimum attenuation in order to identify a worst-case scenario, we advise that an appropriately precautionary mitigation approach that reflects the considerable uncertainties around the modelling and the efficacy of noise attenuation measures (see Appendix E of our Relevant Representations) would be for the Applicant to commit to using the combination of attenuation measures that resulted in the maximum noise mitigation realistically achievable at the time of construction. In that light, whilst Natural England supports the commitment to the use of offshore piling mitigation measures year-round in relation to providing some mitigation for impacts on short-snouted seahorses, based on the evidence available to date described above we advise that it is unlikely that the proposed use of one mitigation technology only will be sufficient to prevent the conservation objectives being hindered.</p>	<p>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 Double Big Bubble Curtains (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 Marine Conservation Zones (MCZs) within the vicinity of the Proposed Development.</p> <p>The Applicant directs Natural England to the Applicant's response to <a href="#">reference 2.1.4</a> above where this is detailed further.</p> <p>Furthermore, 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.</p> <p>The results of this work have been used to inform the underwater noise modelling of the proposed mitigations, as presented in <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4). As evident in Figures 5.2 and 5.2 of <a href="#">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), and 5.16 and 5.17 of <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4), the use of DBBC throughout the piling campaign, effectively mitigates against the potential for TTS or behavioural effects respectively, on seahorse as features of MCZs.</p> <p>It is worth noting that the mitigated impact ranges from the implementation of DBBC, as defined using the overly precautionary 135dB SELss threshold (the use of which the Applicant does not support), also do not overlap with the MCZs. The mitigated noise contours are presented in the <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4).</p>
2.1.18	<p>We note that the Applicant has suggested that they have modelled the minimum noise abatement measure (-6dB reduction, from low noise hammers). Notwithstanding our comments above regarding the efficacy of the mitigation measures and the sufficiency of one measure in relation to short-snouted seahorse MCZs, we advise that if the minimum noise reduction of -6dB noise is a year around commitment, this figure needs to be clearly committed to in the relevant plans and documents, particularly the In Principle Sensitive Features Mitigation Plan. We advise that monitoring would also need to be provided to evidence that a -6dB noise reduction is achieved in practice, and that levels within the MCZs do not reach above the 186dB threshold in relation to TTS impacts, given the modelling is showing that the 186dB contour is on the boundary of the site or in very close proximity. This is particularly needed as there is not a proven track record</p>	<p>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 Double Big Bubble Curtains (DBBC) throughout the piling campaign.</p> <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 results of this work have been used to inform the underwater noise modelling of the proposed mitigations, as presented in <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4).</p>

Ref	Deadline 3 submission	Applicant's response
	<p>of the effectiveness of noise abatement measures in environmental conditions present at the Rampion 2 location.</p>	<p>The mitigated TTS and disturbance impact ranges from the implementation of the proposed mitigation (DBBC) have been presented relative to the Marine Conservation Zones (MCZs) of which seahorse are a qualifying feature in Figures 5.2 and 5.2 of <a href="#">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), and 5.16 and 5.17 of <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4) respectively. As evident, the implementation of DBBC, effectively reduce the noise contours for the TTS and disturbance thresholds, further away from the MCZs. The Applicant is therefore confident, that the implementation of DBBC throughout the piling campaign will effectively mitigate against any impacts from underwater noise on seahorse as features of the MCZs.</p> <p>It is worth noting that the mitigated impact ranges from the implementation of DBBC, as defined using the overly precautionary 135 dB SELss threshold (the use of which the Applicant does not support), also do not overlap with the MCZs. The mitigated noise contours are presented in the <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4).</p>
2.1.19	<p><b>2.2 Black seabream - Section 6 and Figures 6.1 and 6.2</b></p> <p>We note that this section provides further information in relation to recoverable injury impacts on black seabream. Recoverable Injury being injuries including hair cell damage, minor internal or external bleeding, etc. Whilst these injuries are unlikely to cause direct mortality, they can reduce fitness (Popper et al., 2014) and therefore potentially affect breeding success. We highlight that this is a separate matter to our concerns with regards to TTS or behavioural impacts from underwater noise, the contours for which will clearly still overlap with Kingmere MCZ in the location modelled even in a -6dB reduction scenario. TTS being short or long-term changes in hearing sensitivity that can reduce fitness (Popper et al., 2014).</p>	<p>These observations regarding recoverable injury are noted by the Applicant, the Applicant assures 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 <a href="#">Chapter 8: Fish and shellfish ecology, Volume 2</a> of the Environmental Statement (ES) <a href="#">[APP-049]</a>, with the understanding that recoverable injury can lead to reduced fitness.</p> <p>The Applicant has presented the recoverable injury noise contours with, and without the implementation of one noise abatement system to provide reassurance to Natural England, following their request for further information after the submission of the DCO Application. As evident in Figures 6-1 and 6-2 of <a href="#">Appendix 9 - Further Information for Action Points 38, 39 [REP1-020]</a> (updated at Deadline 4), with the implementation of at least one noise abatement measure (offering 6 dB of noise mitigation), there is no interaction of the recoverable injury impact contours with the Kingmere Marine Conservation Zone (MCZ). Notwithstanding this, as detailed in the <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4), the Applicant has now committed to the use of Double Big Bubble Curtains (DBBC) year-round, which will offer 15 dB 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>With regards to the potential for impacts from temporary threshold shift (TTS) and behavioural effects, as detailed in <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4), the Applicant has committed to the implementation of various mitigation measures, inclusive of a piling restriction from March through to June in the western area of the array, the implementation of a piling sequencing plan in July, and the use of at least one offshore piling noise mitigation technology (DBBC) throughout the piling campaign.</p> <p>The implementation of these mitigation measures will ensure that the conservation objectives of the Kingmere MCZ are not hindered.</p>

Ref	Deadline 3 submission	Applicant's response
2.1.20	<p>We note that Figure 6.2, which relates to recoverable injury impact ranges from the sequential piling of multileg foundations, appears to show an overlap with the boundary of Kingmere MCZ in the unmitigated scenario. As highlighted above, underwater noise modelling can provide an indication, but it is not sufficiently exacting in relation to precise noise levels at specific boundaries. Therefore, we remain concerned that without sufficient mitigation recoverable injury impacts could be realised within Kingmere MCZ. We note that C-265 commits to 'At least one offshore piling noise mitigation technology will be utilised to deliver underwater noise attenuation 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'. We advise that this does not commit the Applicant to providing a minimum of a -6dB reduction as demonstrated in Figures 6.1 and 6.2. Therefore, as highlighted in our comments on seahorses we do not have confidence this minimum level will be achieved in practice. As highlighted in our Relevant Representations we also have outstanding concerns of the efficacy of the mitigation measures proposed in the 'In Principle Sensitive Features Mitigation Plan', our comments on which remain unaddressed.</p>	<p>The Applicant directs Natural England to the Applicant's response to reference 2.1.19 above.</p>
2.1.21	<p>As stated in our Relevant Representations, it does not appear visually that the modelling location used represents the worst-case scenario within Kingmere MCZ. It appears plausible that a location to the northeast of the current north-western modelling location could result in greater overlap with the MCZ in relation to the modelled noise contours. Unless it can be demonstrated that local conditions mean that the modelling location does indeed provide the worst-case scenario, we advise that modelling from the location within the array area closest to the MCZ would represent the greatest potential for overlap for a single pile. We note that if the modelling was based on the visually closest point to the MCZ then it is possible even the mitigated (-6dB) scenario would likely overlap into the MCZ.</p>	<p>The northwest modelling location within the Rampion 2 array area is situated on the closest boundary to the Kingmere Marine Conservation Zone (MCZ) but intended to be generally representative of the northern side of the array area. It is important to note that, in respect of black seabream, the exact modelling location on this boundary is in an area of the proposed DCO Order Limits within which no piling will be undertaken during the seabream-sensitive season, as set out in commitment C-280 (Commitment that no piling will occur in the piling exclusion zones during the seabream breeding period (March-July), which will be defined by the modelling in the Final Sensitive Features Mitigation Plan), and commitment C-281 (Commitment to no piling within the western part of the Rampion 2 offshore array closest to the Kingmere MCZ during the majority of the black seabream breeding period (March-June). As shown in Figure 5.13 of the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4), even with the combined mitigation measures delivering a 20dB reduction in noise emission, the modelling location and any other location within the proposed DCO Order Limits in closer proximity to the boundaries of the MCZ lie within the piling exclusion zone. Therefore, the northern modelling location is effectively in excess of the worst-case scenario.</p>
2.1.22	<p>Based on the advice provided above, the advice provided in our Relevant Representation, particularly in relation to recoverable injury impacts, remain valid. We advise that there is the potential for the conservation objectives of the Kingmere MCZ to be hindered based on the demonstration of overlap of the contour presented for recoverable injury with the site, and the uncertainty that remains over whether the scenario modelled is the worst case in terms of overlap of the recoverable injury contour with the MCZ. We advise that further clarity is provided on this matter to ensure that any impacts are fully understood.</p>	<p>This is noted by the Applicant, responses have been made to the specific comments above.</p>
2.1.23	<p><b>2.3 Herring and sandeel</b> Natural England defers to MMO/Cefas with regards to the aspects of this document that relate to herring and sandeel.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>

**Table 2-9 Applicant's response to Natural England's Deadline 3 Submission – Appendix I3: SLVIA Maximum Design Scenario [REP3-083]**

Ref	Deadline 3 submission	Applicant's response
<b>Appendix I3 to the Deadline 3 submission. Natural England's advice on the Applicants Deadline 1 Submission – 8.35 SLVIA Maximum Design Scenario Principles and Visual Design Principles Clarification Note [REP1-037]</b>		
2.1.1	<p>In formulating these comments, the following document has been considered:</p> <p>[REP1-037] Deadline 1 Submission – 8.35 SLVIA Maximum Design Scenario Principles and Visual Design Principles Clarification Note, dated February 2024, Revision A.</p>	Noted, the Applicant has no further comments on this matter at this time.
2.1.2	<p><b>1. Summary</b></p> <p>Natural England welcomes REP1-037 in response to additional evidence requested within Natural England's relevant representation [RR-265]. Table 1 provides a review of REP1-037 in relation to Natural England evidence requests a, b, c, d, e, h and j (Appendix I, pages 3&amp;4).</p>	Noted, the Applicant has no further comments on this matter at this time.
2.1.3	<p>Overall, Natural England does not accept that some Rampion 1 design principles are not appropriate for the Rampion 2 project. Natural England does not agree that the Rampion 2 principles have had a "<i>similar regard and intent to minimise adverse effects</i>" (REP1-037, paragraph 4.2.6) when compared to those of Rampion 1.</p>	<p>The Applicant considers that it has had due regard to the design principles held in the Rampion 1 Design Plan (Commitment C-61) through the Rampion 2 design principles, which have shaped the spatial extent of the Rampion 2 proposed DCO Order Limits and incorporated the intents of the Rampion 1 design principles, including:</p> <ul style="list-style-type: none"> <li>• limiting the Horizontal Field of View (HFoV) of Wind Turbine Generators (WTGs) from the South Downs National Park (SDNP) and Heritage Coast;</li> <li>• increasing as far as possible the distance of wind turbine generators (WTGs) from the Sussex Heritage Coast of the SDNP;</li> <li>• a hybrid scheme is not proposed for Rampion 2 (and this was accepted by the South Downs National Park Authority during Issue Specific Hearing (ISH) 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 Rampion 2 avoids siting larger WTGs in front of smaller (Rampion 1) to minimise the effects arising from differing WTG sizes; and</li> <li>• providing clear sight lines through the wind farm separation zones of the wind turbine layout when viewed from key viewpoints in the Heritage Coast particularly, but also other key views from inland areas of the SDNP.</li> </ul>
2.1.4	<p>Natural England are unclear if the maximum possible impacts from development in Zone 6 on the statutory purposes of the SHC and SDNP have been assessed. This is of considerable concern given the impacts on the statutory purposes of the South Downs National Park are already predicted to be of major significance.</p>	<p>The Applicant has set out the Maximum Design Scenario (MDS) for the Seascape, landscape and visual impact assessment (SLVIA) in Section 15.7 of <b>Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</b> of the Environmental Statement (ES) [APP-056] and provided more evidence in the <b>Deadline 1 Submission –SLVIA Maximum Design Scenario and Visual Design Principles Clarification Note [REP1-037]</b> (Section 6.2) in respect of the MDS for Rampion 2. The Applicant considers that the MDS layout (Figure 15.1, <b>Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 1 of 8), Volume 3</b> of the ES [APP-088]) represents the potential maximum adverse impacts from development in Zone 6 and that a greater worst-case will not occur.</p>



Ref	Deadline 3 submission			Applicant's response		
2.1.5	<b>2. Detailed Comments</b>					
	<b>Table 1 Summary of key issues based on a document review of REP1-037</b>					
Point Ref	Location within Submitted Document			Key Concern	Natural England's advice to resolve the issue	Applicant's response
	Section	Page	Paragraph, Table or Figure Number			
1	6	29	6.1.5	<p><b>NE requirement A:</b> Detail on how the Rampion 1 Design Principles have influenced the Rampion 2 maximum design scenario.</p> <p>AND</p> <p><b>NE requirement B:</b> The Applicant's justification for why the Rampion 1 mitigation measures do not directly apply to the Rampion 2 project.</p> <p>Natural England disagrees with the Applicant's view that Rampion 1 Design Principle 3 (to locate the largest turbines, in any hybrid scheme, to the southwestern portion of the Order) is not appropriate for Rampion 2. The Applicant's view is that Rampion 2 is not a hybrid scheme, because the draft DCO confirms that there would be no material difference in the size of the turbines installed across the Rampion 2 Order Limits. Natural England's view is that the Rampion 2 Project is a direct extension of the Rampion 1 array (as noted by NE in 3.5bii of RR-265). The Order Limits of both projects are contiguous, and critically Rampion 1 and 2 will be viewed and perceived together in the seascape as a hybrid array.</p>	<p>To satisfy proposed environmental measure C-61, the Rampion 2 project design must give due regard to Rampion 1 Design Principle 3. This is because the impacts of the perception of a hybrid array (Rampion 1 and Rampion 2 viewed together in the seascape) will result in greater 'major significant' effects on the Sussex Heritage Coast (SHC) part of the South Downs National Park (SDNP).</p>	<p>The Applicant considers it has adhered to the Rampion 1 Design principle (iii) to locate the largest turbines, in any hybrid scheme, to the south-west portion of the Order. A hybrid scheme is not proposed for Rampion 2, the Applicant has committed to a uniform turbine type, and this is secured through Deemed Marine Licence (DML) condition 1(1). The Rampion 2 wind turbine generators (WTGs) are however, also located to the south and south-west of Rampion 1, not to the east of it, due to the reduction in the proposed DCO Order Limits. In so doing, Rampion 2 therefore avoids siting larger WTGs in front of smaller (Rampion 1) WTGs to minimise the effects arising from differing WTG sizes and avoid the juxtaposition of larger Rampion 2 WTGs in front of smaller Rampion 1 WTGs ('Separation foreground' design principle). The Applicant's assessment is that the resulting effects of Rampion 2 will be major/moderate (significant) from the closest parts of the Heritage Coast and moderate (not significant) from the more distant parts of the Heritage Coast. The Applicant considers that the changes are not of high magnitude, given factors including the distance offshore, the apparent scale of the Rampion 2 WTGs at long range and the narrow additional lateral spread of WTGs, which ensures that the '<i>panoramic views to the sea</i>' (SQ1) are retained and there is clear separation between the valued white cliffs along the coast and the array area.</p>

Ref	Deadline 3 submission			Applicant's response		
2	6	29-31	6.1.6 – 6.1.10	<p><b>NE requirement A:</b> Detail on how the Rampion 1 Design Principles have influenced the Rampion 2 maximum design scenario.</p> <p>AND</p> <p><b>NE requirement B:</b> The Applicant's justification for why the Rampion 1 mitigation measures do not directly apply to the Rampion 2 project. Natural England disagrees with the Applicant's justification that because Rampion 2 Order Limits are proposed at a greater distance from the SHC than those of Rampion 1, the Rampion 1 design principles are not appropriate for the Rampion 2 project. This is because the Rampion 2 WTGs will appear to be nearly twice the height of the Rampion 1 WTGs from the SHC. It is therefore essential that the embedded mitigation measures provided by the Rampion 1 Design Principles are utilised by the Rampion 2 project. This mitigation related entirely to upholding the statutory purposes of the coastal portion of the SDNP and SHC (as noted by NE in 3.5a of RR-265), these mitigation measures were effective, they remain relevant, and no suitable rationale has been presented to indicate why the Rampion 1 design principles are not appropriate for the Rampion 2 project. The design of the Rampion 2 project must fully align with, and not compromise, the principles agreed for the Rampion 1 project to protect the statutory purposes of the</p>	<p>Natural England advise that every Rampion 1 design principle needs to be adopted by the Rampion 2 project, to ensure that the visual impacts of the two developments should be designed to uphold the statutory purposes of the coastal portion of the SDNP and SHC.</p>	<p>The Applicant considers that the overall design principles from Rampion 1 are appropriate (hence commitment C-61 (see <a href="#">Commitments Register [REP3-049]</a> updated at Deadline 4) and as evidenced by the adoption of the majority of those design principles for Rampion 2, as detailed in the Applicant's <b>responses 2.1.3 and 2.1.4</b> above.</p>

Ref	Deadline 3 submission			Applicant's response
3	6	44-45	6.2.8 – 6.2.11	<p>coastal portion of the SDNP and SHC.</p> <p><b>NE requirement C:</b> Evidence to demonstrate why constructing more WTG in the Zone 6 (Eastern Array Area) than described within the indicative layout would not present a 'greater worse-case effect'.</p> <p>Natural England appreciates the additional information that:</p> <ul style="list-style-type: none"> <li>• It is only possible to accommodate a <b>further four</b> of the larger WTG type in areas to the far south-western edge of the Zone 6 array.</li> <li>• The potential for further densification within the DCO order limits of the Zone 6 area is <b>very limited</b>.</li> </ul> <p>It is Natural England's opinion that the presented MDS layout will result in significant effects on the SHC portion of the SDNP, and that further development of 4 turbines in Zone 6 will intensify these significant effects. We also note that the Applicant does not provide certainty that Zone 6 could not accommodate even more than four further larger-type WTGs. Natural England's advice remains that no WTGs should be constructed in Zone 6. Natural England is concerned that the maximum possible impacts from development in Zone 6 on the statutory purposes of the SHC and SDNP have still not been assessed. This is because the current design parameters make it possible to further the density of</p> <ul style="list-style-type: none"> <li>• Evidence should be provided to confirm that the further four possible WTGs in Zone 6 will be subsumed behind closer WTGs when viewed from key sensitive viewpoints within the SHC such as at Beachy Head and Birling Gap.</li> <li>• Indicative locations of the four additional turbines in Zone 6 have not been provided.</li> <li>• Natural England's position is that any development within Zone 6 will harm the statutory purposes of the SHC and SDNP. Evidence has not been presented to demonstrate why constructing more WTGs in Zone 6 would not present a 'greater worse-case effect'. Natural England advises that a greater densification of Zone 6 will cause more harm to the statutory purposes of the SHC and SDNP.</li> </ul> <p>Please note the Applicant's <b>response 2.1.4</b> above. The Applicant considers that the maximum design scenario (MDS) layout (Figure 15.1, <b>Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 1 of 8), Volume 3</b> of the Environmental Statement) <b>[APP-088]</b> represents the potential maximum adverse impacts from development in Zone 6 and that a greater worst-case will not occur. The reasoning for this is set out in <b>Deadline 1 Submission – 8.35 SLVIA Maximum Design Scenario and Visual Design Principles Clarification Note [REP1-037]</b> (Section 6.2). The driver of magnitude of change is principally the proximity (and therefore apparent scale) of the front rows of wind turbine generators (WTGs) to the coast, and their lateral spread (HFoV) across the view, with those in the background having diminishing contribution to the effect. WTGs subsumed behind the array in the south-western part of the Zone 6 eastern area of the proposed DCO Order Limits will not increase the magnitude/effect significance threshold assessed for the MDS layout.</p> <p>The Applicant and Natural England have a different approach to concluding on the impact upon special qualities and whether the statutory purposes are compromised. Natural England (and the South Downs National Park Authority (SDNPA)) consider that the statutory purposes of the South Downs National Park (SDNP) 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 considers that some harm to a particular special quality (such as SQ1) would not compromise the reasons for the SDNPs designation, in line with other recent Development Consent Orders granted by the Secretary of State. Overall, while there would be significant visual impact resulting from the Rampion 2 WTGs, the Applicant considers that this would not prevent people's ability to experience the natural and scenic beauty of the SDNP and opportunities will still be present for the understanding and enjoyment of the special qualities of the SDNP.</p>

Ref	Deadline 3 submission	Applicant's response
4	6 45-46 6.2.14	<p>turbines in Zone 6 to that assessed in the SLVIA, while also retaining the maximum lateral spread of turbines across the extension area.</p> <p>Natural England advise that the conclusion that “a greater worst-case effect from the Zone 6 (eastern extension area) would not occur” cannot be reached.</p> <p><b>NE requirement D:</b> Evidence to show that a greater densification of WTG in either the Zone 6 Area or Extension Area will not materially increase the effect of the Proposed Development on coastal views from protected landscapes.</p> <p>Natural England are concerned that a development scenario where Zone 6 is at maximum density has not been assessed in the SLVIA, so the assertion that this development scenario is not materially different to the version assessed is not evidenced.</p> <p>It is stated that “If a greater proportion of WTGs were to be installed in any area, including a bias towards either the eastern or western parts of the proposed Order limits, WTGs will require to be located ‘behind’ and further offshore than the other WTGs in the layout”. This is not currently a requirement of the draft DCO (REP2-002), and if it was, as noted above Natural England would remain unclear as to whether these WTGs will be subsumed behind closer</p> <p>Natural England have not seen evidence to show that a greater densification of WTG in either the Zone 6 Area or Extension Area will not materially increase the effect of the Proposed Development on coastal views from protected landscapes.</p> <p>If the Applicant is proposing requirements on the design of the development as a mitigation measure, these should be formally captured in the DCO. Additionally, the Applicant should demonstrate that the WTGs in question can be subsumed behind closer WTGs from sensitive viewpoints, to demonstrate this is a viable mitigation measure.</p> <p>The Applicant refers to evidence in the <b>Deadline 1 Submission – SLVIA Maximum Design Scenario and Visual Design Principles Clarification Note [REP1-037]</b> (Section 6.2) in respect of the maximum design scenario (MDS) for Rampion 2 and the potential for ‘greater densification’. The driver of magnitude of change is principally the proximity (and therefore apparent scale) of the front rows of wind turbine generators (WTGs) to the coast, and their lateral spread (horizontal field of view (HfOV)) across the view, with those in the background, where there may be space to accommodate further WTGs, having diminishing contribution to the effect. WTGs subsumed behind the array in the south-western part of the Zone 6 eastern area of the proposed DCO Order Limits will not increase the magnitude/effect significance threshold assessed for the MDS layout. The Applicant considers that the maximum design scenario layout (Figure 15.1, <b>Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 1 of 8), Volume 3</b> of the Environmental Statement [APP-088]) represents the potential maximum adverse impacts from development in Zone 6 and that a greater worst-case will not occur.</p> <p>The Applicant notes that minimisation has been incorporated through a reduction in the spatial extent of the proposed DCO Order Limits (array area), which is embedded within the Proposed Development through the proposed DCO Order Limits and Works Areas shown on the <b>Offshore Works Plans [PEPD-004]</b> and Works Area Descriptions provided in full in Schedule 1 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p>

Ref	Deadline 3 submission			Applicant's response		
5	6	47-48	6.2.21-6.2.25	<p>WTGs when viewed from key sensitive viewpoints.</p> <p><b>NE requirement E:</b> An explanation of the balancing exercise that was undertaken between the spatial extent of the Rampion 2 array and the apparent height of Rampion 2 WTGs.</p> <p>No further evidence in the text provided.</p>	NE advice unchanged	The Applicant refers to evidence in the <a href="#">Deadline 1 Submission – SLVIA Maximum Design Scenario and Visual Design Principles Clarification Note [REP1-037]</a> (Section 6.2(e)) in respect of the balancing exercise undertaken.
6	6	31	6.1.12-6.1.24	<p><b>NE requirement H:</b> A demonstration of how the design of Rampion 2 limits as far as possible the horizontal field of view (HFoV) of WTG from the SDNP and the SHC.</p> <p>No further evidence in the text provided.</p>	NE advice unchanged	The Applicant refers to evidence in the <a href="#">Deadline 1 Submission – SLVIA Maximum Design Scenario and Visual Design Principles Clarification Note [REP1-037]</a> (Section 6.1(h)) in respect of limiting the horizontal field of view (HFoV) of wind turbine generators from the South Downs National Park and Sussex Heritage Coast.
7	6	34-43	6.1.25-6.1.77	<p><b>NE requirement J:</b> A clear and direct assessment of the impact that the Rampion 2 Design Principles have on the special qualities of the SDNP.</p> <p>Natural England welcomes that this assessment has been made available to the examination. However, no new information has been presented.</p>	As stated above, we remain concerned that the worst-case scenario has not been presented and assessed.	Please note the Applicant's <b>response 6.1.5</b> (point reference 3) above which address this point.

**Table 2-10 Applicant's response to Natural England's Deadline 3 Submission – Appendix J2.5a: Terrestrial Ecology [REP3-088]**

Ref	Deadline 3 submission	Applicant's response
<b>Appendix J2.5 Natural England's Advice on terrestrial ecology matters</b>		
2.1.1	<p><b>Documents reviewed to inform this response</b></p> <ul style="list-style-type: none"> <li>• [REP1 - 017] 8.24 Applicant's Responses to Relevant Reps,</li> <li>• [REP1 – 015/16] 7.22 Commitments Register,</li> <li>• [PEPD – 033 and PEPD-034] 7.2 Outline Code of Construction Practice</li> <li>• [REP1-018] 8.25 - Applicant's Response to Action Points Arising from Issue Specific Hearing 1 Date: February 2024</li> <li>• [REP1-025] - 8.25.6 - Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 6 – Further information for Action Point 7 – Horizontal Directional Drilling at Climping Beach</li> <li>• [REP1- 021] Document 8.25.2 Appendix 2 - Further information for Action Point 4 – Wineham Lane North</li> <li>• [PEPD-007] Pre-Exam Procedural Deadline Submission - 2.6 - Tree Preservation Order and Hedgerow Plan - Revision B</li> </ul>	Noted, the Applicant has no further comments at this stage.
2.1.2	<p>Natural England do not have any further comments to make on the following documents at this time, and therefore any comments made within our relevant representations still stand:</p> <ul style="list-style-type: none"> <li>• [REP1-006] 6.2.32 Environmental Statement - Volume 2 Chapter 32 ES Addendum</li> <li>• [REP1-008 and REP1-009] 6.4.23.2 Rampion 2 ES Appendix 23.2 Traffic Generation Technical Note Rev B</li> <li>• [PEPD-035a and PEPD-036a] 7.6 Outline Construction Traffic Management Plan</li> <li>• [REP1-022] 8.25.3 Appendix 3 - Further information for Action Point 14 and 16 - Construction Accesses</li> <li>• [REP1-023] 8.25.4 Appendix 4 - Further information for Action Point 20 - Oakendene Substation Flood Risk</li> <li>• [PEPD-003] 2.1.2 - Land Plans Onshore - Revision B</li> <li>• [PEPD-005] 2.2.2 - Onshore Works Plans - Revision B</li> <li>• [PEPD-018 and PEPD-019] 6.2.21 - Environmental Statement - Volume 2 Chapter 21: Noise and Vibration - Revision B</li> <li>• [PEPD-022] 6.3.21 - Environmental Statement - Volume 3 Chapter 21: Noise and Vibration - Figures - Revision B</li> <li>• [PEPD-025 and PEPD-026] 6.4.21.1 - Environmental Statement - Volume 4 Appendix 21.1: Baseline Sound report - Revision B</li> <li>• [PEPD-027 and PEPD-028] 6.4.21.2 - Environmental Statement - Volume 4 Appendix 21.2: Construction plant list - Revision B</li> <li>• [PEPD-035a and PEPD-036a] 7.6 - Outline Construction Traffic Management Plan - Revision B (Tracked)</li> <li>• [AS-003] 5.8 Design and Access Statement</li> <li>• [PEPD-032, PEPD-113, PEPD-114, PEPD-115, PEPD-116, PEPD-117, PEPD-118, PEPD-119 and PEPD-120] 6.4.25.4 - Environmental Statement - Volume 4 Appendix 25.4: Onshore geophysical survey report - Parts 1 to 8</li> </ul>	

Ref	Deadline 3 submission	Applicant's response
2.1.3	<p><b>Summary</b> Having reviewed the documents Natural England's advice remains unchanged. Unless there are further project design modifications and/or evidence provided to support the feasibility of mitigation measures many of the terrestrial ecological risks and issues will remain unresolved.</p>	Noted, the Applicant has provided a response to the detailed points raised by Natural England in the responses below.
2.1.4	<p>While Natural England welcomes the provision of the terrestrial technical notes; Natural England advises that unless there are further updates to Environmental Statement (ES) chapters, and/or named plans, any responses and commitments made by the Applicant within these documents will not be secured and therefore will not necessarily be 'pulled through' to the post consent phases.</p>	<p>The Applicant will be providing updated Environmental Statement chapters at Deadline 6 where required, as per the Issue Specific Hearing 2 Action Point 32 [EV5-018]. 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. The <b>Commitments Register [REP3-049]</b> (updated at Deadline 4) has been updated throughout the Examination and confirms the relevant securing mechanisms for each commitment.</p>
2.1.5		
2.1.6	<p>We therefore require our risks and issues to be addressed by the Applicant in updated ES chapters, Named Plans and Development Consent Order/ Deemed Marine Licence (DCO/dML) conditions, in order to provide a clear audit trail through to post consent phases. All documents (including technical notes) should be clearly catalogued by the Applicant for easy reference during the projects post consent phases (some of which last 10+ years) as the Planning Inspectorate (PINs) do not retain this information on their website.</p> <p>We therefore highlight that in order to not confuse matters during the remainder of the examination and reflecting the number of outstanding issues; it would be beneficial for the Applicant to focus on updating the ES and/or named plans to reflect outcomes/agreements/commitments during Examination. If this is not undertaken, where the Applicant's representations have structured their responses as standalone 'comments on comments', Natural England will only be able to provide limited responses.</p>	
2.1.7	<p><b>Detailed Comments</b> <i>1. Use of Horizontal Directional Drilling (HDD) or alternative trenchless techniques as a mitigation measure</i> Having reviewed the Applicant's post application submissions to date, we continue to disagree with their position and conclusions in regard to Horizontal Directional Drilling (HDD). Please see below for more detail.</p>	Noted, the Applicant has provided a response to the detailed points raised by Natural England in the responses below.
2.1.8	<p><u>1.1 Securing commitments to HDD or use of another trenchless technique within named plans</u> Within the Applicant's updated commitments register [REP1 – 015/16] at Table 1.1 on page 6 we note that commitment C-5 has been updated to clarify that Horizontal Directional Drilling (HDD) or other trenchless technology will be deployed in accordance with Appendix A of the Outline Code of Construction Practice (CoCP). However, the updated CoCP [PEPD – 033] has omitted to update C-5 and remains as: 'C-5 Main rivers, watercourses, railways and roads that form part of the Strategic Highways Network will be crossed by HDD or other trenchless technology where this represents the best environmental solution and is financially and technically feasible (see C-17)'. We advise that this omission is rectified to reflect the updated C-5 in the Commitments Register.</p>	<p>The Applicant updated the <b>Outline Code of Construction Practice [REP3-025]</b> at Deadline 3 to incorporate the amendment to commitment C-5 (<b>Commitments Register [REP3-049]</b> updated at Deadline 4).</p>
2.1.9	<p><u>1.2 Defining HDD and other trenchless techniques</u> The terms HDD and trenchless crossings are not clearly defined in the named plans. To avoid any potential confusion, Natural England would welcome a clear definition within the documents or glossary.</p>	<p>The <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) provides definitions for both horizontal directional drilling (HDD) and trenchless crossings in Part 1 Preliminary under interpretation.</p>
2.1.10	<p><u>1.3 HDD under sensitive features</u> Natural England notes that, the text within C-5 only commits to the use of HDD or other trenchless technology for 'Main rivers, watercourses, railways and roads which form part of the Strategic Highways Network'. We advise that the text should be amended to also include the crossing of sensitive landscape and ecological features in order to strengthen and clarify this commitment and encompass important landscape and ecological features.</p>	<p>The Applicant has updated commitment C-5 in the <b>Commitments Register [REP3-049]</b> (updated 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. Reference to requirement 6 (4) of the <b>Draft Development</b></p>

Ref	Deadline 3 submission	Applicant's response
2.1.11	<p><b>1.4 Feasibility of HDD as a mitigation measure</b> We continue to advise that until a feasibility study using relevant geotechnical survey data has been completed, the use of HDD as mitigation to avoid significant landscape and biodiversity impacts at key locations cannot be relied upon.</p> <p>We continue to advise that should HDD not be feasible, the risk to landscape and biodiversity would be of major significance, with no options available to compensate for impacts on ancient woodlands and chalk scarps. We therefore advise that if HDD (or suitable alternative) cannot be delivered, a material change to the DCO and/or new permission would be required for an alternative route outside of the proposed red line boundary.</p> <p>In light of this, we believe that there is sufficient risk associated with the requirement to deliver this mitigation measure, that an Outline Horizontal Directional Drilling Feasibility study must be provided into the examination.</p>	<p><b>Consent Order [REP3-003]</b> (updated at Deadline 4) has also been included in the Commitments Register as a securing mechanism.</p> <p>The Applicant has provided a response regarding feasibility of horizontal directional drilling (HDD) to address questions raised by the Examining Authority COD 1.1 to COD 1.3 in <b>Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>, please see Table 2-3.</p> <p>The Applicant notes the Examining Authority has requested further information from Natural England <b>[PD-011]</b> and await their response to question Q2c-3 regarding this item.</p>
2.1.12	<p><b>2. Mitigation Hierarchy in regard to Hedgerows</b> Having reviewed the documents submitted at Deadline 1, Natural England has significant concerns with the application of the Mitigation Hierarchy in avoiding, reducing and mitigating impacts where possible. In considering the additional information supplied and re-assessing the ES, we consider this matter is of sufficient significance to highlight at this time.</p>	<p>The Applicant 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 <b>Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>.</p>
2.1.13	<p>The Errata has highlighted a number of hedgerows which may now be removed through the scheme, but the Tree Preservation and Hedgerow Plan (B), Outline Code of Construction Practice [PEPD-033] including Appendix B, do not demonstrate how impacts to hedgerows will first be avoided via trenchless crossings and/or locating the route through any existing gaps/ gappy sections of hedgerow.</p>	<p>The Proposed Development is designed to include flexibility to allow for micro-siting which through commitment C-292 (see <b>Outline Code of Construction Practice [REP3-025]</b> updated at Deadline 4 and <b>Commitments Register [REP3-049]</b> updated at Deadline 4) ensures that the mitigation hierarchy will be applied through the detailed design phase. Currently it is not possible to identify which existing gaps or poor-quality sections of hedgerows may be as design at this scale cannot come forward until post consent. This is because the final specification of the Proposed Development is unknown (for example the project description allows for up to four transmission cables, but this may be less). In terms of trenchless crossings, these are shown on the crossing schedule within the <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4). These have been specified for a range of features including sensitive habitats and designated sites. Trenchless crossing of all hedgerows would not be justifiable based on a range of issues including construction schedule, other environmental effects (such as noise) and cost.</p>
2.1.14	<p>The assessment has not acknowledged the importance of hedgerows as critical linear priority connecting habitats supporting Nature Recovery and therefore impacts must be reduced as much as possible. And Biodiversity Net Gain should be secured through the named plans.</p>	<p>Biodiversity Net Gain for hedgerows is secured through Requirement 14 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4) and detailed in <b>Appendix 22.15: Biodiversity Net Gain Information, Volume 4</b> of the</p>



Ref	Deadline 3 submission	Applicant's response
		<p>Environmental Statement (ES) <b>[REP3-019]</b> (submitted at Deadline 3).</p> <p>The Applicant has acknowledged the importance of hedgerows as connecting habitats within the assessment in <b>Chapter 22: Terrestrial ecology and nature conservation, Volume 2</b> of the ES <b>[APP-063]</b> (updated at Deadline 4), and commitment C-112 (<b>Commitments Register [REP3-049]</b> (updated at Deadline 4) has been included in the DCO Application to ensure impacts are reduced as much as possible. Further details are provided in the <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4) and <b>Outline Landscape and Ecology Management Plan [REP3-037]</b> (updated at Deadline 4). 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 <b>Commitments Register [REP3-049]</b> (updated at Deadline 4).</p>
2.1.15	<p>Natural England would like to highlight our landscape advice, provided in appendix H, of our relevant and written representations on this topic. The Project's environmental statement should be clearly integrated to include landscape and ecology, and consideration of all linear habitat features. The assessment must demonstrate how harm will be avoided and mitigated. Where this is demonstrably unavoidable and linear habitats are severed, compensation must assess severance at the time of impact, confidence in efficacy of reinstatement and a clear timeframe for reinstatement which is currently not presented by the Applicant. As highlighted in our relevant and written representations we advise further consideration should therefore be given to translocation being effective in the soil and climactic conditions of the SDNP.</p>	<p>The Applicant has provided on Figure 7.1.1 of the <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4) what is proposed at each hedgerow and tree line. The timeframe for reinstatement is described in commitment C-103 (see <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4) and <b>Commitments Register [REP3-049]</b> (updated at Deadline 4)) along the cable route noting that reinstatement will take place within 2 years of loss. Further, the connectivity of these hedgerows would be temporarily filled prior to reinstatement and following construction with materials such as dead hedging, straw bales or willow hurdles to support connectivity (commitment C-291, <b>Commitments Register [REP3-049]</b> (updated at Deadline 4)). Efficacy in reinstatement has been addressed in terms of monitoring, management and adaptive management in Section 5 of the <b>Outline Landscape and Ecology Management Plan [REP3-037]</b> (updated at Deadline 4). Further, it is noted that several landowners in the area have planted hedgerows in the area as part of agri-environment schemes and others are to be delivered in the near future. This demonstrates that with appropriate aftercare hedgerows can be successfully established in the area.</p>
2.1.16	<p><b>3. [REP01 -015/16] Updated 7.22 Commitments Register</b></p> <p>We have the following advice regarding the updated commitments Register:</p> <p>3.1 C-103 details that (our emphasis in bold):</p>	<p>The Applicant notes that the commitment being referred to is C-6 (see <b>Commitments Register [REP3-049]</b> updated at Deadline 4).</p> <p>This commitment was drafted early in the process, and the Applicant notes that the design reflects the avoidance and minimisation of interaction with designated sites and Priority</p>

Ref	Deadline 3 submission	Applicant's response
	<p><b>'Where practical, sensitive sites will be avoided by the temporary and permanent onshore project footprint including SSSIs'</b>. Natural England advises this is amended to remove <i>'where practical'</i>. Furthermore, this does not take into consideration Priority Habitats. Which should also be avoided.</p>	<p>Habitat. The potential effects and levels of losses are described in <b>Chapter 22: Terrestrial ecology and nature conservation, Volume 2</b> of the Environmental Statement <b>[APP-063]</b> (updated at Deadline 4).</p>
2.1.17	<p>3.2 C-19 details that the reinstatement process commenced in as <i>'short a timeframe as practicable'</i>. At regular intervals (typically 600m – 1,000m). We advise that this is critical for landscape and ecology impacts and that the term <i>'as short a timeframe as practicable'</i> does not provide sufficient assurance that reinstatement will be sufficiently swift. We therefore recommend that the wording is amended to ensure that the reinstatement takes place no later than the first planting season following the completion of works on any particular section.</p>	<p>The Applicant notes that the timing of reinstatement is set through commitment C-103 (see <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4) and <b>Commitments Register [REP3-049]</b> (updated at Deadline 4)) which specifies that reinstatement of temporary habitat loss is to begin within 2 years of loss other than at the temporary construction compounds, cable joint bays, some haul roads, some construction access roads, landfall and substation location.</p>
2.1.18	<p>3.2 C-27 details that <i>'Following construction, construction compounds will be returned to previous conditions as far as reasonably possible'</i>. Again, this does not provide certainty on the final condition of these sites. Natural England recommends that a significantly stronger commitment is provided to ensure they are returned to their previous conditions.</p>	<p>The use of the as far as reasonably possible is reasonable in this regard insofar as the exact same condition may not be achievable. The Applicant notes that reinstatement will still be subject to the requirements of management plans including the <b>Outline Landscape and Ecology Management Plan [REP3-037]</b> (updated at Deadline 4), secured by Requirement 12 in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p>
2.1.19	<p>3.3 C112 - We are concerned that this commitment does not include avoiding impacts to Climping Beach SSSI via unplanned activity (our emphasis below). It details that <i>'No groundbreaking activity or use of wheeled or tracked vehicles will take place south of the seawall (above mean high water springs) within Climping Beach Site of Special Scientific Interest (SSSI) or Littlehampton Golf Course and Atherington Beach Local Wildlife Site (LWS) unless remedial action is required. Any predicted activity will be restricted to foot access for the purpose of surveying and monitoring of the progress of the horizontal directional drill (HDD)'</i>. To avoid ambiguity, Natural England advises that the terms <i>'unless remedial action is required,'</i> and <i>'predicted'</i> are removed in order to demonstrate that the SSSI will be protected from unplanned works and that further permissions would be required should remedial works be required.</p>	<p>The Applicant is updating the <b>Outline Code of Construction Practice [REP3-025]</b> at Deadline 4 to make it clear that following rapid access control any spill and remove the drilling fluid (the approach to which will be detailed and agreed through the Pollution Incident Response Plan secured via Requirement 22 of the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4), Natural England would be contacted and the methods to achieve reinstatement and any necessary compensation would be agreed. The Applicant is of the opinion that rapid access to contain the spill is necessary to ensure that any impacts can be minimised. Natural England would be consulted in the drafting and agreeing of the Pollution Incident Response Plan detailing this approach.</p>
2.1.20	<p>3.4 C-217 confirms that: <i>'HDD at Climping to avoid period between October and February inclusive, to avoid disturbance to wintering waterbirds during the coldest period'</i>. We advise that the wintering period should include October to March inclusive.</p>	<p>The Applicant is redrafting commitment C-217 (<b>Commitments Register [REP3-049]</b>) to provide further detail and clarification for Deadline 4. However, the Applicant notes that into March sanderling will be into the migration period and less energetically challenged. It is also noted that commitment C-273 (see <b>Commitments Register [REP3-049]</b> (updated at Deadline 4)) restricts offshore works for black seabream between March and July. This in effect means that only land-based works at the landfall could occur during the March period. These are restricted to arable land at least 170m from the boundary of the SSSI and</p>

Ref	Deadline 3 submission	Applicant's response
		are masked by sand dunes, scrub and a sea wall thereby negating the potential for disturbance of sanderling.
2.1.21	<p>3.6 C-247 Climping Beach details that: <i>'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 '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 future coastal erosion and tidal flooding'</i>.</p> <p>This presents a considerable risk to the SSSI. Until this assessment has been completed, the assessment is not able to robustly demonstrate that it will avoid impacts to Climping Beach SSSI. Again, we advise that feasibility studies and ground investigation works should inform the mitigation process and should be provided into examination at the consenting phase. Please see below for further advice on the commitments for Climping Beach SSSI.</p>	<p>The Applicant has provided a response to the Examining Authority's First Written Questions regarding this concern in <a href="#">Deadline 3 Submission – Applicant's Response to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> please see Tables 2-3 and 2-8.</p> <p>Furthermore, the Applicant notes that Requirement 22 within the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) stipulates that "...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". Requirement 22 (4) (q) in the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) also stipulates that "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".</p> <p>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 <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p>
2.1.22	<p><b>4.[REP1 – 025] 8.25.6 Appendix 6 - Further information for Action Point 7 - HDD at Climping Beach</b></p> <p>This document highlights that the Applicant has not undertaken ground investigation work. Until such time as the ground investigation works and feasibility studies have been completed, the Applicant cannot rely on HDD as mitigation for impacts to Climping Beach.</p>	
2.1.23	<p>Additionally, to ensure that significant impacts to Climping Beach do not occur we advise that a commitment/consent condition is included within a named plan to prevent the option of open trenching should HDD not be feasible or Detailed ground investigation/models indicate the need for alternative options. C-247 does not prevent damage to the SSSI in this scenario, the commitment here is for additional surveys post consent.</p>	
2.1.24	<p>As highlighted above, the wording of C-112 prevents groundbreaking activity or use of wheeled or tracked vehicles within the SSSI for predicted activity only, this does not prevent direct/indirect damage to the SSSI for remedial action, or unplanned events. We advise that this matter is urgently addressed with a commitment to seek further permissions at that time.</p>	Please see the Applicant's response to <b>reference 2.1.19</b> above.
2.1.25	<p>8.25.6 Appendix 6 cites the significant cost and effort associated with detailed ground investigation and delaying until post consent is usual practice. However, we advise that that is dependent on the location of the proposed works. Because this project is making landfall next to a Site of Special Scientific Interest, we advise that these investigations are imperative at the consenting phase, as impacts to Climping Beach SSSI must be avoided.</p>	Please see the Applicant's response to <b>reference 2.1.21</b> above.
2.1.26	<p>It is stated that 'Additional works are required to inform HDD design, the profile of which will have sufficient depth to account for forecast coastal change and erosion at Climping Beach'. At this stage therefore the design, feasibility and depth required are unknown. We have requested that the works must be demonstrably resilient to coastal change at the landfall area and will remain buried for the lifetime of the project. This evidence should be provided into examination.</p>	
2.1.27	<p><b>5. [REP1- 021] Document 8.25.2 Appendix 2 - Further information for Action Point 4 – Wineham Lane North</b></p> <p>Natural England expect the choice of substation to follow the requirements of the Mitigation Hierarchy.</p>	<p>The Applicant 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</p>

Ref	Deadline 3 submission	Applicant's response
2.1.28	<p>It appears that the Oakendene substation land contains Priority Habitat (Deciduous Woodland) and is bounded by Ancient Woodland. Commitment C-126 of the Commitments Register [APP-254] provided at Deadline 1 submission states <i>“All ancient woodland will be retained. A stand-off of a minimum of 25m from any surface construction works will be maintained in all locations from cable installation works.”</i> Natural England require confirmation as to what the strategy is to protect this Ancient Woodland and how the decision was made to cross directly next to the Ancient Woodland at Taintfield Wood. Natural England require confirmation of the 25m buffer zone for Ancient Woodland at Taintfield Wood, Oakendene.</p>	<p>1.2) in Table 2-7 within <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</p> <p>Commitment C-216 ensures that a 25m stand-off will apply to Taintfield Wood (see <a href="#">Commitments Register [REP3-049]</a> updated at Deadline 4). Within this location surface construction works would not be permitted.</p>

**Table 2-11 Applicant’s response to Natural England’s Deadline 3 Submission – Appendix J2.5b: Calcerous grassland [REP3-088]**

Ref	Deadline 3 submission	Applicant’s response															
<b>Appendix J2.5c Natural England further Advice on Priority Habitat of principle importance - ‘Calcareous Grassland’</b>																	
2.11.1	In formulating these comments, the following documents have been considered: [REP1-017] 8.24. Category 8: Examination Documents Applicant’s Responses to Relevant Representations Date: February 2024 [REP1-018] 8.25. Category 8: Documents Applicant’s Response to Action Points Arising from Issue Specific Hearing 1 Date: February 2024	Noted, the Applicant has no further comments at this stage.															
2.11.2	<b>1. Summary</b> At Deadline 1 the Applicant has provided a further response to Natural England’s comments on calcareous grassland. The Applicants current baseline for potential impacts to calcareous grassland is the large expanse at Sullington Hill, which is to be crossed using non-standard trenchless crossing methods. The Applicant identified that where surveys have not been completed due to limited access, should calcareous grassland be identified during surveys prior to construction, then appropriate measures for construction and reinstatement will be developed. We advise that the Applicant needs to define and provide evidence of ‘non-standard trenchless crossing’ in relation to avoiding impacts to this Priority Habitat of Principal Importance. We advise that all calcareous grassland to be crossed using a trenchless crossing method should be identified at the consenting stage to determine if mitigation measures are sufficient in avoiding impacts to this habitat. We also query what the Applicant’s contingency is should this habitat not be avoided, including assessment of likely installation techniques, the potential need for reinstatement and the likelihood of successful recovery, including any supporting evidence.	The Applicant notes that habitat surveys have been completed in all locations in which calcareous grassland would be expected. Therefore, calcareous grassland is confirmed as only being occurring within the Sullington Hill Local Wildlife Site (LWS).  Sullington Hill LWS is to be crossed by a trenchless crossing method, see the Crossing Schedule in Appendix A of the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4) and secured via Requirement 22 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).															
2.11.3	<b>2. Detailed Comments</b>																
	<table border="1"> <thead> <tr> <th>Point Ref</th> <th>Location within Submitted Document</th> <th>Key Concern</th> <th>Natural England’s advice to resolve the issue</th> <th>Applicant’s response</th> </tr> <tr> <th></th> <th>Section Page Paragraph, Table or Figure Number</th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>1</td> <td>J122 484 4.6.2</td> <td>The Applicants response is should calcareous grassland be identified during surveys prior to construction (this would only be expected in areas where access for surveys has been previously limited) then, appropriate measures for construction and reinstatement would be described in the Code of Construction Practice (CoCP) and the Landscape and Ecology Mitigation Plan (LEMP).</td> <td>Natural England advises a tested trenchless technique is used to cross all calcareous grassland.</td> <td>Please refer to the Applicant’s <b>response 2.1.2</b> above.</td> </tr> </tbody> </table>	Point Ref	Location within Submitted Document	Key Concern	Natural England’s advice to resolve the issue	Applicant’s response		Section Page Paragraph, Table or Figure Number				1	J122 484 4.6.2	The Applicants response is should calcareous grassland be identified during surveys prior to construction (this would only be expected in areas where access for surveys has been previously limited) then, appropriate measures for construction and reinstatement would be described in the Code of Construction Practice (CoCP) and the Landscape and Ecology Mitigation Plan (LEMP).	Natural England advises a tested trenchless technique is used to cross all calcareous grassland.	Please refer to the Applicant’s <b>response 2.1.2</b> above.	
Point Ref	Location within Submitted Document	Key Concern	Natural England’s advice to resolve the issue	Applicant’s response													
	Section Page Paragraph, Table or Figure Number																
1	J122 484 4.6.2	The Applicants response is should calcareous grassland be identified during surveys prior to construction (this would only be expected in areas where access for surveys has been previously limited) then, appropriate measures for construction and reinstatement would be described in the Code of Construction Practice (CoCP) and the Landscape and Ecology Mitigation Plan (LEMP).	Natural England advises a tested trenchless technique is used to cross all calcareous grassland.	Please refer to the Applicant’s <b>response 2.1.2</b> above.													

Ref	Deadline 3 submission	Applicant's response
2	Action Point 11 26 26	<p>The Applicant confirms non-standard trenchless crossings at Sullington Hill</p> <p>Natural England requests clarity as to the Applicants interpretation of, 'non-standard trenchless crossings'. As no previous development comparable evidence or on-site Geotechnical Investigations have been provided by the Applicant. Natural England is concerned that 'non-standard' could mean, 'non-tested' without this evidence.</p> <p>The designation of "non-standard trenchless crossing" at Michelgrove Park and Sullington Hill intends to clarify that these locations require additional flexibility within the proposed DCO Order Limits to develop suitable construction design following ground investigation surveys. The "non-standard" element of these crossings is related specifically to the differences in elevation between entry and exit of the trenchless crossing, the geotechnical setting and the sensitive designated areas (Ancient Woodland &amp; Local Wildlife Site) that need to be crossed.</p> <p>The Applicant has undertaken Desktop level constructability reviews with trenchless crossing experts who confirmed in-principle feasibility of these crossings. The South Downs are an area of well-studied geology, and reasonable assumptions of the geotechnical properties that could be expected can be made. The anticipated principal engineering requirements to these crossings, their construction risks and likely mitigation strategies are therefore understood based on available data. Ultimately ground investigation surveys, which will be carried out as soon as possible following consent, will confirm these assumptions and the geotechnical variabilities at the crossing areas to form the basis of detailed engineering design.</p> <p>A similar horizontal directional drilling (HDD) crossing was completed in comparable geotechnical conditions in 2008 for the Cemex Kensworth to Rugby Pipeline project. This crossing traversed a designated Site of Special Scientific Interest (SSSI) site, was constructed within chalk ground conditions and had to provide for an elevation difference between entry and exit pit of the HDD crossing.</p> <p>The Applicant will employ best practice to manage engineering risk during the design process and follow relevant industry guidelines such as the Drilling Contractor Association's (DCA) Technical Guidelines.</p>

Table 2-12 Applicant's response to Natural England's Deadline 3 Submission – Appendix N2.5: Additional Submission [REP3-088]

Q. No	Question Topic	Question	Natural England's response	Applicant's response
<b>Agenda Item 4 – Effects of the Proposed Substation at Cowfold / Oakendene</b>				
Q4-1	Ecology, wildlife surveys and observations at Oakendene  Natural England	Confirm whether there are no designated sites, priority habitats or documented local wildlife sites at the proposed substation site at Oakendene.	While the red line boundary at this locations does not directly overlap any designated sites and local wildlife sites; there is a piece of land containing Priority Habitat Deciduous Woodland within the red line boundary at Taintfield Wood. And directly adjacent to this section of the red line boundary there is also Ancient Woodland with no 25m buffer. Natural England seeks confirmation on the strategy to protect this Ancient Woodland from both direct and indirect impacts.	For clarity, the Applicant confirms that the 25m buffer for ancient woodland applies to the activities (above ground works) being undertaken within the red line boundary at this location, in consistency with the application of the commitment across the Proposed Development.  The 25m buffer for ancient woodland is controlled through commitment C-216 (see <a href="#">Outline Code of Construction Practice [REP3-025]</a> ). This is secured through Requirement 22 and 23 of the <a href="#">Draft Development Consent Order [REP3-003]</a> updated at Deadline 4.
Q4-2		Comment on the wildlife surveys undertaken by the Applicant at the proposed substation site at Oakendene.	Natural England will provide comments on protected species and the accompanying surveys at deadline 3.	The Applicant has provided a response to Deadline 3 Submission – Appendix J3 – Natural England's advice on Protected Species <a href="#">[REP3-084]</a> , please see <a href="#">Appendix B</a> .
Q4-3		Comment on the wildlife observations made by Interested Parties in regards to this site, particularly by Ms Creaye [RR-164] and [PEPD-077] and Ms Smethurst [RR-236] and [PEPD-083] in their respective Relevant Representations and Responses to Relevant Representations.	Natural England will provide comments on protected species and the accompanying surveys at deadline 3. Following this we will await further engagement from the Applicant on our advice to better understand if any of our concerns align with interested parties. Only where there is alignment to risks and issues will Natural England provide further advice on other parties' representations. Therefore, we provide no advice on either representation at this time	
<b>Agenda Item 5 – Construction Effects</b>				
Q5-1	Biodiversity Net Gain  Natural England	Confirm whether the Applicant's approach towards Biodiversity Net Gain (BNG) [APP-193] as its method and approach of mitigating the effects of the Proposed Development is supported, given that BNG is not currently a requirement of nationally significant projects to date.	Natural England welcomes the Applicant's commitment to delivering Biodiversity Net Gain prior to it becoming mandatory for NSIP proposals; especially as the development of this project will occur after BNG will have become mandatory for NSIPs. We also highlight that the Applicant must make every effort to minimise impacts using the Mitigation Hierarchy. However, BNG should not be used as mitigation. This is because BNG is not about maintaining the baseline; it is about enhancing biodiversity ('Net 2Gain').	The Applicant appreciates Natural England's support of the Biodiversity Net Gain 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 – 8.54 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) <a href="#">[REP3-020]</a> outlines the number of biodiversity units to reach a position of no net loss is provided (i.e. compensation) and that those are

Q. No	Question Topic	Question	Natural England's response	Applicant's response
Q5-2	HDD at Climping Beach SSSI Natural England	Confirm if further discussions have taken place with the Applicant regarding drilling beneath the Site of Special Scientific Interest (SSSI) since the Application was submitted for examination in August 2023.	Natural England confirms that no further discussions have taken place with the Applicant regarding drilling beneath the Site of Special Scientific Interest (SSSI) since the Application was submitted for examination in August 2023. We have provided additional comments regarding this matter in Appendix J2.5a.	<p>provided to reach a biodiversity net gain (BNG) of at least 10% (i.e. enhancement).</p> <p>The mitigation hierarchy has been followed during the design process for the Proposed Development. Commitment C-292 (<a href="#">Commitments Register [REP1-015]</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>Further detail is provided in the Applicant's response to Natural England's Relevant Representation specifically reference J52 in <a href="#">Deadline 1 Submission – 8.24 Applicant's Responses to Relevant Representations [REP1-017]</a>.</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 Natural England would review <a href="#">Appendix 22.15: Biodiversity Net Gain Information, Volume 4</a> of the ES [<a href="#">REP3-020</a>] (updated at Deadline 3) and propose a meeting so that specialist could resolve outstanding questions, should this be required.</p> <p>A meeting was held with Natural England on 22 May 2024. Natural England welcomed the inclusion of commitment C-292 (see <a href="#">Commitments Register [REP3-050]</a> (updated at Deadline 4)) as it ensures that the design would first seek to avoid Climping Beach Site of Special Scientific Interest, based on detailed work on coastal processes and flood risk investigation undertaken post-consent. Updates to commitments C-112 and C-217 (<a href="#">Commitments Register [REP3-050]</a> (updated at Deadline 4)) were also discussed with regard providing further</p>



Q. No	Question Topic	Question	Natural England's response	Applicant's response
				confidence in the approaches taken. Draft versions of these commitments were provided to Natural England following the meeting.
Q5-3		Respond on the adequacy of Commitment C-217 of the Commitments Register [APP-254], which states "The HDD works at the landfall location will be programmed to avoid the winter	Natural England does not believe C-217 to be sufficiently adequate to protect over wintering birds and we advise that a wintering period of October to March should be secured to ensure that disturbance to the SSSI features during the coldest months are avoided.	A meeting was held with Natural England on 22 May 2024. The Applicant noted that the commitment C-217 ( <a href="#">Commitments Register [REP3-050]</a> ) was being updated to add further clarity and include a stand-off based on information on the disturbance of sanderling (a SSSI wintering bird feature). It was noted however, that the Applicant does not consider it necessary to expand the time in which no works are to take place. The draft updated wording and justification was provided to Natural England following the meeting to aid further discussions should any further changes this be required.
<b>Agenda Item 6 – South Downs National Park</b>				
Q6-4	Habitats Regulations Assessment for the Arun Valley Special Protection Area  Natural England Horsham District Council	Natural England state in their Relevant Representation (RR) [RR-265 section 5.25 page 16] and Principal Areas of Disagreement Statement [AS-011 page 4], that there is the risk of a temporary loss of functionally linked land used by waterbirds related to the Arun Valley Special Protection Area during the construction phase of the Proposed Development lasting for several years longer than predicted, before it is returned to its previous condition. It is advised that this extended timeframe needs to be further assessed within the Environmental Statement.	Natural England confirms that no further assessment has been provided since the Application was submitted for examination in August 2023	The Applicant refers to their response to HRA 1.7 in in <a href="#">Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> (submitted at Deadline 3) and response to J12 in <a href="#">Applicant's Responses to Relevant Representations [REP1-017]</a> (submitted at Deadline 1).  A meeting was held with Natural England on 22 May 2024. Natural England noted that the data presented during the meeting is likely to remove their concerns. However, it was agreed that the Applicant would provide a map directly to Natural England (this was shared on 23 May 2024 via email) showing the closest functionally linked land to the Arun Valley Ramsar site and Special Protection Area to Natural England to enable them to confirm this position. It is expected that Natural England will provide any comments in writing to the Applicant.
Q6-5	Water Neutrality  Natural England	It is advised [AS-011 page 4] and [RR-265 section 5.26 page 17] that development proposals within the Sussex North Water Supply Zone area that would lead to an increase in water demand will need to demonstrate and robustly	The Applicant has confirmed in 8.24 Appendix J; "All water to be used in the construction phase within the Sussex North Water Supply Zone including for welfare facilities and to enable trenchless crossing (such horizontal directional drilling (HDD)) will be imported into the area with no mains connections proposed. Therefore, it is possible to screen out water neutrality for the Arun Valley Special Protection Area (SPA), Special	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 <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> .

Q. No	Question Topic	Question	Natural England's response	Applicant's response
		evidence water neutrality and that an assessment of water neutrality is required to be undertaken by the Applicant in regards to the Proposed Development. Confirm whether any progress has been made or discussions have taken place with the Applicant in regard to this request.	Area for Conservation (SAC) and Ramsar site during the construction phase." Natural England welcomes this confirmation and will review the Report on the Implications for European Sites (RIES) once updated. Natural England request the Applicant provides direction to the section in the Environmental Statement where the water transportation details are provided.	<p>In light of types of estimate 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 C</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 all water requirements being tankered in for construction).</p> <p>Should this be the case, it will only be necessary for water tankers to be used to support trenchless crossings (HDD). As confirmed by the Applicant as part of Agenda item 7E (water neutrality) of Issue Specific Hearing 2 <b>[EV5-001]</b>, water tanker movements associated with this activity is included within the construction traffic estimates used in assessments provided in <b>Chapter 32: ES Addendum, Volume 2</b> of the Environmental Statement (ES) <b>[REP1-006]</b>. Additional construction traffic movements over those assessed within <b>Chapter 32: ES Addendum, Volume 2</b> of the ES <b>[REP1-006]</b> are therefore limited to tanker movements associated with wheel washing at site accesses and dust suppression on the haul road. These requirements would generate one tanker every 2-3 weeks across the onshore cable route and one tanker every 6 weeks across the cable route, respectively.</p> <p>In relation to operation and maintenance water usage, Horsham District Council agreed that the indicative volumes represented very low usage in the context of other development and could likely be</p>

Q. No	Question Topic	Question	Natural England's response	Applicant's response
				<p>accommodated by an offsetting scheme if access to such a future scheme were available. The Applicant also notes that other options are available should a strategic offsetting scheme not be available. These are documented in <b>Chapter 26: Water environment, Volume 2</b> of the ES [APP-067], <b>Design and Access Statement [REP3-013]</b> and secured by Requirement 8 [3] in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). As such there the Applicant will use the Sussex North Offsetting Water Scheme (SNOWS) scheme if available, but if not they are not overly reliant on it being in place.</p> <p>A meeting was held with Natural England, Horsham District Council, and the Applicant on 22 May 2024 to discuss this further and Natural England indicated that on the face of it the above position seemed sensible and reasonable. Natural England and Horsham District Council are set to have another meeting as soon as possible to confirm that is the case.</p>

**Table 2-13 Applicant's response to Natural England's Deadline 3 Submission – Appendix N3: SLVIA [REP3-085]**

Ref	Deadline 3 submission	Applicant's response
<p><b>SLV 1.2 - The Applicant states at table 4.14 Applicants' response to Natural England – Appendix I (Seascape, Landscape and Visual Impact) in response to Ref I1 [REP1-017] that the Proposed Development will result in not significant effects on views or special qualities of the Isle of Wight Area of Outstanding Natural Beauty (IoWAONB) (paragraphs 15.15.50 to 15.15.53 ES Chapter 15) [APP-056] and that the IoWAONB agrees with these findings (table 15.7 ES Chapter 15) [APP-056] . Explain why NE holds a different view to the Applicant and the said parties.</b></p>		
2.14.1	1. Natural England's assessment on the special qualities of the IoWAONB indicates that that the westward expansion of WTGs will result in significant effects on the seascape setting of the eastern portions of the IoWAONB at Bembridge Down and St. Boniface Down, resulting in further loss of natural beauty.	The assessment in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the Environmental Statement (ES) [APP-056] finds, as summarised in its conclusions (paragraphs 15.15.60 – 15.15.74), that the Proposed Development will result in not significant effects on views or special qualities of the Isle of Wight Area of Outstanding Natural Beauty (IoWAONB). The Isle of Wight Council is in agreement with this finding, as noted in Table 15.7 in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the ES [APP-056]).
2.14.2	2. The Applicants assessment (Tables 15.39, 15.40, 15.41, ES Chapter 15 [APP-056]) identifies a series of Moderate effects on landscape character, visual receptors (viewpoints), parts of the coastal path and special qualities of the IoWAONB. The ES states in the method (Table 15.28) that <i>“Moderate levels of effect may be significant or not significant subject to the assessor's professional opinion which shall be clearly explained.”</i>	Noted, the Applicant has no further comments on this matter at this time.
2.14.3	3. There is a difference of professional opinion between Natural England and the Applicant one significance of the Moderate effects identified by the Applicant. In Natural England's opinion this collection of at least Moderate effects should be regarded as significant for the purposes of EIA. We consider that the Magnitude of Change is greater than that identified by the Applicant. We note that Paragraph 15.7.29 (ES SLVIA) states that ‘the less HFoV that is affected, the lower the magnitude of change’. The Applicant has not provided a detailed explanation of how the magnitude of change at representative viewpoints has been determined exactly, given the Preliminary Environmental Impact Report (PEIR) or Environmental Statement (ES) design option. Natural England reference this omission within section 2.1 of our Relevant Representation.	The Applicant recognises the difference in professional opinion of the significance of effects assessed for these viewpoints in the Isle of Wight Area of Outstanding Natural Beauty (IoWAONB). The Applicant has provided a detailed explanation of how the magnitude of change at representative viewpoints has been determined in <a href="#">Appendix 15.4: Viewpoint assessment, Volume 4</a> of the Environmental Statement [APP-160] including from representative viewpoints within the IoWAONB (Viewpoint 34 and 35). In respect of Viewpoint 34 Bembridge Fort, the assessment notes that <i>“the lateral spread of the offshore elements of Rampion 2 will occupy approximately 15.6° of the field of view, which is considered a relatively narrow HFoV as a portion of the sea view component of the wider 360° panorama available to the observer”</i> .
2.14.4	4. Natural England have within our Relevant Representations also identified further evidence required for a full assessment of impacts on the special qualities of IoWAONB. These assessments are outstanding. a. <b>An assessment of the impact that the Rampion 2 Design Principles have on the special qualities of the IoWAONB.</b> The SLVIA includes no direct assessment of the impact that the Rampion 2 Design Principles have on the special qualities of the IoWAONB.	<p>An assessment of impacts on the special qualities of the Isle of Wight Area of Outstanding Natural Beauty (IoWAONB) is provided in Table 15.42 of <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the Environmental Statement (ES) [APP-056]).</p> <p>The Applicant notes that there has been a reduction in the western extent of the proposed DCO Order Limits, compared to the Preliminary Environmental Information Report (PEIR) Assessment Boundary, illustrated in Figure 3.3 of <a href="#">Chapter 3: Alternatives – Figures, Volume 3</a> of the ES [APP-075]. This resulted in an increase in the distance of the proposed DCO Order Limits from the IoWAONB of approximately 2km ('proximity' design principle).</p> <p>The offshore array area is viewed at its narrowest ('field of view' design principle) and at long range from the IoWAONB (over 34km from Bembridge Down/Culver Cliff), and it was assessed that effects were unlikely to be significant and this was agreed with the Isle of Wight Council. Further design mitigation was therefore not considered to be necessary with regards to the IoWAONB given the not significant effects arising.</p>

Ref	Deadline 3 submission	Applicant's response	
	<p>b. <b>A technical assessment, inclusive of modelling work, on potential visual effects from both navigation and aviation lighting to IoWAONB Special Quality 5.</b> We acknowledge the narrative provided in relation to night-time impacts to IoWAONB special quality 5. However, in the absence of a detailed assessment (inclusive of modelling work of potential lighting visual effects from both navigation and aviation lighting), we do not agree that effects from lighting can be discounted. Figure 15.25 (Zone of Theoretical Visibility for the aviation lighting of Rampion 2) indicates that all IoWAONB viewpoints, the maximum number of turbine aviation lights (34 – 42) are theoretically visible, and therefore this matter requires further assessment. For example, in relation to views from St Boniface Down. Here, the photomontages provided for Viewpoint 35 show that from this representative elevated location, turbine lighting will not be near the horizon or below the skyline, indicating the potential for visual effects on Special Quality 5 “dark starlit skies”</p>	<p>The Applicant has provided a response on this matter within the <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> at SLV1.8(b).</p>	
2.14.5	<p><b>SLV1.3 - In the context of the Applicant's Seascape, Landscape and Visual Impact Assessment (SLVIA) Maximum Design Scenario and Visual Design 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:</b></p>		
	Applicant's Assertion	Natural England response	Applicant's response
1	<p>There is a distinct gap between R1 and the Proposed Development</p>	<p>Natural England disagrees with this assertion. In many views, Rampion 2 appears as two separate wind farms. The perceived visible separation 'between arrays' is actually the separation between the Zone 6 Area and the Extension Area of the Rampion 2 project, and not a separation between Rampion 2 and Rampion 1.</p>	<p>The Applicant considers that inclusion of the two 'wind farm separation zones' between Rampion 1 and Rampion 2 (both south and west of Rampion 1) and avoiding turbines to the east of Rampion 1 (separation foreground) successfully acts to reduce seascape and visual effects on the most sensitive views from parts of the Sussex Heritage Coast (SHC) 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, including:</p> <ul style="list-style-type: none"> <li>• Viewpoint 1 Beachy Head (<a href="#">Figure 15.26a-f Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 4 of 8), Volume 3</a> of the Environmental Statement (ES) [APP-091]);</li> <li>• Viewpoint 2 Birling Gap (<a href="#">Figure 15.27a-f Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 4 of 8), Volume 3</a> of the ES [APP-091]);</li> <li>• Viewpoint 3 Seven Sisters (<a href="#">Figure 15.28a-f Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 4 of 8), Volume 3</a> of the ES [APP-091]); and</li> <li>• Viewpoint 28 Cuckmere Haven Beach (<a href="#">Figure 15.51a-f Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 4 of 8), Volume 3</a> of the ES [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 much of the seascape between them when viewed</p>

Ref	Deadline 3 submission	Applicant's response	
2	<p>That the Proposed Development will form a clearly separate array grouping that has a narrower lateral spread in field of view than R1</p>	<p>Natural England disagrees with this assertion.</p> <p>a. Rampion 2 cannot be considered in isolation from Rampion 1. The location and surroundings are effectively the same as Rampion 1. Rampion 2 is a direct extension of Rampion 1 and the two developments will be perceived together.</p> <p>b. The Proposed Development does not have a narrower lateral spread in field of view than Rampion 1. From viewpoints in the Sussex Heritage Coast (SHC) part of the South Downs National Park (SDNP) which look to the eastern end of the combined array the lateral spread it is approximately doubled. From other viewpoints within the SDNP the wide lateral spread is identified by the Applicant. For example, in the ES (15.15.25) the Applicant describes that “<i>....from the most elevated tops of the downs, the offshore elements of Rampion 2 will form an additional wind farm influence in the seascape, in part due to their larger vertical scale when compared to Rampion 1, but notably <b>due to the wide lateral spread of the proposed WTG array</b> when viewed from these inland areas of the SNP directly to north, in which the full western spread of the array can be appreciated within its seascape context</i>”. (bold text highlighted by Natural England)</p> <p>c. Natural England notes that a suitable demonstration of how the design of Rampion 2 limits as far as possible the horizontal field of view (HfOV) of WTG from the SDNP and the SHC has not been submitted into the Examination by the Applicant, despite this being requested in our Relevant Representations</p>	<p>from the SDNP and Heritage Coast. 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>a. The Applicant agrees that Rampion 2 cannot be considered in isolation from Rampion 1, hence why the additional lateral spread of the Rampion 2 array, over and above Rampion 1, is the key metric and this has been provided for each viewpoint in <a href="#">Appendix 15.4: Viewpoint Assessment, Volume 4</a> of the Environmental Statement (ES) [APP-160].</p> <p>b. The Applicant notes that it is the additional lateral spread of the Zone 6 (eastern array) that is often less than the lateral extent of the existing Rampion 1 array in the field of view, as is evident in Viewpoint 1 Beachy Head <a href="#">Figure 15.26, Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 4 of 8), Volume 3</a> of the ES [APP-091]. The western extension area will be located behind Rampion 1 and does not contribute to an additional spread of wind turbine generators (WTGs) in views from the Heritage Coast.</p> <p>c. A demonstration of how Rampion 2 limits the horizontal field of view (HfOV) from the South Downs National Park (SDNP) and Sussex Heritage Coast (SHC) 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> (Section 6.1).</p>
3	<p>The south of R1 is the optimal location within Zone 6.</p>	<p>a. Natural England fundamentally disagrees with this assertion. We advise that there is landscape and visual terms in relation the SHC part of the SDNP.</p> <p>b. The Applicant indicates that by aligning the eastern edge of Rampion 2 with Rampion 1 (south of R1) the eastward lateral spread is limited and this is therefore an optimal location within Zone 6. Natural England do not agree that</p>	<p>a. and b. 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) wind turbine generators (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 2 to reduce scale differences with Rampion 1.</p>

Ref	Deadline 3 submission	Applicant's response
4	<p>The additional 7 degrees over and above R1 is a relatively small lateral spread.</p>	<p>this is an optimal location, because from the most sensitive westward facing views from the SDNP the WTGs are not perceived as 'behind' the existing array but seen as a new lateral extension.</p> <p>c. The siting of WTGs in this location also directly contravenes Rampion 1 Design principle (iii) to locate the largest turbines, in any hybrid scheme, to the southwestern portion of the Order. The proposal effectively creates a hybrid scheme and does not avoid stark scale comparisons, as the Applicant asserts.</p> <p>d. Therefore, south of Rampion 1 is not an optimal location. It does not minimise impacts and harm to special qualities of the SDNP, and does not show regard to the statutory purpose of the SDNP.</p> <p>Natural England advises that this metric is misleading.</p> <p>a. The Applicant states that in views from Beachy Head and Birling Gap, the additional lateral spread of the Proposed Development (beyond that occupied by Rampion 1) will only be around 7°, which is considered a relatively small spread.</p> <p>b. As Natural England has stated, Rampion 1 and Rampion 2 cannot be considered in isolation from these viewpoints. The Applicant's own definition of the 'Field of view' Design Principle agrees. The purpose of this Principle is described as "reducing the field of view or 'horizontal extent/lateral spread' of Rampion 2 and the visually combined lateral spread of Rampion 1 and Rampion 2." (15.7.24 of ES).</p> <p>c. The combined lateral spread of Rampion 1 and Rampion 2 from these highly sensitive viewpoints is the most important statistic here, and this is not reported. Considering the additional lateral spread of Rampion 2 alone in comparison to Rampion 1 alone is misleading.</p> <p>d. As described by the Applicant in their viewpoint assessment, extending the WTG developed skyline eastwards approximately doubles the extent of the WTG array. An 100% increase in the extent of WTG in the view cannot be described as a relatively small change.</p>
		<p>c. The Applicant considers it has adhered to the Rampion 1 Design principle (iii) to locate the largest turbines, in any hybrid scheme, to the South-west portion of the Order. A 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 Rampion 2 avoids siting larger WTGs in front of smaller WTGs (Rampion 1) to minimise the effects arising from differing WTG sizes.</p> <p>d. 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 South Downs National Park and shown regard to its statutory purpose.</p> <p>a. and b. Noted, the Applicant has no further comments on this matter at this time.</p> <p>c. 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 Environmental Statement (ES) [APP-160], together with the 'additional lateral spread'. The 'additional' lateral spread of the Rampion 2 array over and above Rampion 1, is also reported and is a key metric, since it provides a better indication of how much additional spread of wind turbine generators (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.</p> <p>d and e. The Applicant would refer to the individual viewpoint assessments undertaken in <a href="#">Appendix 15.4: Viewpoint assessment, Volume 4</a> of the ES [APP-160] which take account of the additional and overall lateral spread, as well as other factors, to arrive at reasoned judgements of magnitude and significance of effect. Information to understand the combined and additional lateral spread of Rampion 2 for all viewpoints is clearly set out and available in <a href="#">Appendix 15.4: Viewpoint assessment, Volume 4</a> of the ES [APP-160]. In the view from Beachy Head (Viewpoint 1), the eastern (Zone 6) array adds only 6.5° to the horizontal field of view (HFOV) occupied by WTGs; and in the view from Birling Gap it adds only 7.3° to the HFOV occupied by WTGs.</p>

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e. Furthermore, the lateral spread of the combined arrays (R1 and R2) cannot be considered in isolation to other factors such as the difference in scale and height of R1 in comparison to R2.

To summarise, the table below provides the information used to calculate the additional lateral spread of Rampion 2 alone in comparison to Rampion 1 alone as described by the Applicant (Table 15-27 of ES). This figure is around 7 degrees. Natural England advise that information to understand the perceived combined lateral spread of WTGs at key viewpoints is not available. The Applicant's judgements of impacts to the SDNP and SHC have been informed by metrics describing the additional visible HFoV of Rampion 2, rather than the visible HFoV of Rampion 1 and Rampion 2 combined. This conflicts with the purpose of the Field of View Design Principle, which is to reduce the combined lateral spread of Rampion 1 and Rampion 2.

Viewpoint	Visible HFoV of Rampion 1 (degrees)	ES MDS - Visible HFoV of Rampion 2 (degrees)	Visible HFoV of Rampion 1 and Rampion 2 combined (degrees)
Beachy Head	9.8	17	<b>Information not available</b>
Birling Gap	10.8	19	<b>Information not available</b>

5 The WTG's will be experienced within a remote context setting beyond intervening non designated and urbanised coastal strip

Natural England advises that although views may be experienced in the context of an urbanised coastal edge this does not change the significance of the effect.

Further explanation:

a. The Applicant considers that the influence of the non-designated urbanised coastal strip is a factor that moderates the significance of effect on views and special qualities of the inland sections of the South Downs National Park (SDNP) (while accepting that it does not mean effects of Rampion 2 become not significant at all of these viewpoints).

b. The Applicant considers that the photomontages show that the elevated location means that the urbanised coastal strip is evident in the majority of views from the top of the downs and views rarely



Ref	Deadline 3 submission	Applicant's response
	<p>between the open downs and the sea.</p>	<p>a. The Applicant states in the ES (15.15.25) that <i>“The proposed development will increase the WTG developed seascape element in panoramic views from the tops of the downs however, it is at increased distance, typically experiencing the sea beyond the intervening, non-designated and urbanised coastal strip between these open down landscapes and the sea. Inland views from these areas of open downs typically experience the sea within a remote context setting beyond intervening landscape influences.”</i> However, this statement does not accord with the Applicant's own assessment which identifies numerous significant effects from these viewpoints within inland sections of the South Downs National Park.</p> <p>b. For the majority of these views, the photomontages reveal that the elevated location means that the urbanised coastal strip is not evident, and the views extend from the open downs directly out to the seascape context. The elevation further increases the perceived scale of the turbines compared to those views on the lower coastal edge. This is recognised in the ES by the identification of numerous significant effects on views experienced by people along the open tops of the downs, for example walking the South Downs Way. These locations are described by the Applicant as an <i>‘auditorium for sea views’</i> (ES 15.15.27).</p> <p>c. The Applicant's own conclusion on the significance of effects indicates that the intervening developed coastal edge (whether visible or not) does not have a mitigating influence.</p> <p>d. In conclusion, despite the fact there is an intervening more urbanised coastal edge, the nature of the topography means that this edge is not generally experienced or does not influence the views from the tops of the downs which offer panoramic views out to sea. This is borne out by the extent of significant effects identified by the Applicant from these locations on the open downs.</p> <p>e. We would draw attention to a sample of viewpoints which do include the more developed coastal strip:</p> <p>extend from the open downs directly out to the seascape context (contrary to Natural England's assertions). The Applicant disagrees with Natural England's assertion that ‘for the majority of these views, the photomontages reveal that the elevated location means that the urbanised coastal strip is not evident and views extend from the open downs directly out to the seascape context’. While this is the case from occasional views (such as Viewpoint 15 Willingdon Hill and Viewpoint 20 Spinghead Hill) these are in the minority and are not the norm. On the contrary, in the majority of views from the open downs, the urbanised coastal strip is clearly evident and influences the baseline views from the downs, for example: Viewpoint 4 Seaford Head; Viewpoint 16 Firle Beacon; Viewpoint 17 Devil's Dyke; Viewpoint 18 Cissbury Ring; Viewpoint 19 Highdown Hill; Viewpoint 21 Bignor Hill; Viewpoint 27 Hollingbury Hill; Viewpoint 29 Kingley Vale; Viewpoint 30 Halnaker; Viewpoint 31 Butser Hill; Viewpoint 50 The Trundle; and Viewpoint 55 Beeding Hill.</p> <p>c. See (a) and (b) above.</p> <p>d. The Applicant fundamentally disagrees with Natural England's assertion that the nature of the topography means this urbanised coastal edge is not generally experienced or does not influence views from the tops of the downs. The nature of the topography of the South Downs is such that it allows views from the elevated downs over the settled coastal plain and developed urban coastal strip below (see the viewpoints listed above under point (b)).</p> <p>e. The Applicant notes these sample of viewpoints that do include the more developed coastal strip and note its further sample of viewpoints above under point (b) that also include the settled coastal plan and urbanised coastal strip, which include a number of viewpoints from which moderate effects were assessed at greater distance.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>a. 4 Seaford Head  b. 16 Firle Beacon  c. 17 Devil's Dyke  d. 18 Cissbury Ring  e. 27 Hollingbury</p> <p>For all of these viewpoints the Applicant finds that effect will be at least Major/moderate and significant. So although views may be experienced in the context of an urbanised coastal edge, this does not change the significance of the effect.</p>	
	<p><b>SLV1.4 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.</b></p>	
2.14.6	<p>1. Natural England agreed with the Applicant and the Planning Inspectorate (ES 15.12.4) that the cumulative seascape, landscape and visual effect of Rampion 2 with other offshore windfarms, with the exception of Rampion 1, can be scoped out of the EIA. Natural England agrees that Rampion 1 should form part of the baseline assessment.</p>	<p>The Applicant notes Natural England's agreement that Rampion 1 should form part of the baseline. The Applicant considers that it is an agreed position between the Applicant and Natural England, that Rampion 1 is part of the baseline and that the assessment in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the Environmental Statement [APP-056]) considers the effects arising from the Proposed Development against this baseline.</p>
2.14.7	<p>2. Natural England agrees that the approach taken by the Applicant is in accordance with GLVIA3 (in particular noting paragraph 7.13). Natural England are in agreement that it is necessary to consider Rampion One Offshore Wind Farm (R1) as part of the assessment of cumulative landscape and visual effects.</p>	<p>The Applicant notes that Natural England also agrees that the approach taken by the Applicant is in accordance with GLVIA3 (Landscape Institute and Institute of Environmental Management and Assessment (IEMA), 2013) (in particular, noting paragraph 7.13). The Applicant has provided further responses with respect to the assessment of cumulative effects below (at <a href="#">reference 2.1.8</a>).</p>
2.14.8	<p>3. The Applicant identifies the potential for 'in combination' effects of Rampion 1 and Rampion 2 but does not provide a clear assessment of these. Natural England refer to our Relevant Representations where we advise that this assessment is required (Natural England evidence requirement f). We advise that this evidence is needed to ensure that the Applicant's approach is in accordance with PINS advice note 17. Paragraph 3.4.6 of PINS advice note 17 states "<i>Where significant cumulative effects between the proposed NSIP and 'other existing development and/ or approved development' are only likely to arise in relation to one environmental aspect area, the assessment should focus on that issue only.</i>". Accordingly, Natural England's advice remains that an assessment focussing on evidencing the additional harm on the SDNP and special character of the SHC from the addition of Rampion 2 into the seascape is required, and that this has not been provided by the Applicant.</p> <p>a. The ES notes that Rampion 2 will often be viewed in combination with Rampion 1, and that cumulative effects between Rampion 1 and Rampion 2 may arise. For example,</p> <p>i. ES paragraph 15.6.27 states that "<i>In views from these areas, Rampion 2 will result in visual effects arising from the appearance of Rampion 2 when viewed in-combination with Rampion 1. The apparent height of the larger Rampion 2 turbines (up to 325m) relative to</i></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): "<i>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.</i>" 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) and therefore Rampion 1 as a completed project was considered as part of the baseline, in line with Advice Note Seventeen: Cumulative Effects Assessment (Planning inspectorate, 2019).</p> <p>The assessment in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the Environmental Statement (ES) [APP-056] 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</p>

Ref	Deadline 3 submission	Applicant's response
	<p><i>the smaller operational turbines (140m) is likely to be central to the potential for cumulative visual effects arising from these areas.”</i></p> <p>ii. ES para 15.12.24 it states that “<i>It is considered that there is no potential for the offshore elements of Rampion 2 to have cumulative effects with other offshore wind farms or onshore projects, beyond those arising with the existing Rampion 1 project (which are considered in the main assessments in Sections 15.9, 15.10 and 15.11).</i>”</p> <p>Overall, Natural England advice remains that it is necessary to consider Rampion One Offshore Wind Farm (R1) as part of the assessment of cumulative landscape and visual effects. Natural England's position is that the addition of Rampion 2 into the seascape will cause further harm (than that caused by Rampion 1) to the statutory purposes of the SDNP and special character of the SHC. Natural England advise that this additional harm on the SDNP and special character of the SHC needs to be fully understood and evidenced. Natural England advised within our Relevant Representations that the outstanding question for the PINS to consider is the acceptability of further harm to the statutory purposes of the SDNP and special character of the SHC (and harm to the statutory purposes of the CHAONB and IoWAONB).</p>	<p>effect of Rampion 1 and Rampion 2 together would in effect be no different to that already assessed in <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> 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 and IEMA, 2013) (paragraph 7.8) highlights the focus of cumulative effect assessments to consider proposed developments (emphasis added) “<i>Of greater importance for LVIA are the cumulative landscape and visual effects that may result from an individual project that is being assessed interacting with the effects of other <u>proposed developments</u> in the area</i>” and that cumulative effects should then include “<i>potential schemes that are not yet present in the landscape, but are at various stages of the planning process</i>” (paragraph 7.13).</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 <a href="#">Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</a> of the ES [APP-056] is in line with guidance (Landscape Institute and IEMA, 2013 and NatureScot, 2021) and PINS 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 Planning Inspectorate 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 SDNP, which has considered impacts of Rampion 2 on the special qualities of the South Downs National Park (SDNP) 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 (NSIP) applications.</p> <p>The Applicant highlights the Examining Authority's reasoning on the recent Sheringham Shoal and Dudgeon Extension project, for which a similar issue was considered (in its recommendation report, para 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</i>” ...and in para 17.5.3 – “<i>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> <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 (SDNPA) Deadline 1</p>

Ref	Deadline 3 submission	Applicant's response
		<p>submission (paragraph 6.11)) within <a href="#">Deadline 2 Submission – 8.47 Category 8: Examination Documents – Applicant's Responses to South Downs National Park Authority Deadline 1 Submissions [REP2-024]</a>, that the decommissioning programme for Rampion 1 (Rampion Offshore Wind, 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 wind turbine generators (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><b>SLV1.5 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 purposes of the designation are compromised.</b></p>	<p>The Applicant and Natural England have a different approach to concluding on the impact upon special qualities and whether the statutory purposes are compromised.</p> <p>Natural England (and the South Downs National Park Authority (SDNPA)) consider that the statutory purposes of the South Downs National Park (SDNP) 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 Questions (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> <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 SDNP 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 SDNP.</p> <p>The Applicant considers that some harm to a particular special quality (such as SQ1) would not compromise the reasons for the SDNPs designation, in line with other recent precedents for</p>

Ref	Deadline 3 submission	Applicant's response
2.14.10	<p>2. The Applicant and decision maker for Rampion 2 must consider the new duty to seek to further the statutory purposes of the SDNP. Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty (“National Landscape”) in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers.</p>	<p>NSIPs. Overall, while there would be significant visual impact resulting from the additional Rampion 2 wind turbine generators, the Applicant considers that this would not prevent people’s ability to experience the natural and scenic beauty of the SDNP and opportunities will still be present for the understanding and enjoyment of the special qualities of the SDNP.</p> <p>The Applicant notes the duty to 'seek to further' the purposes of the South Downs National Park (SDNP) under Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act (LURA) 2023 imposed on relevant authorities in the exercise of their functions. The Applicant considers that it has sought to further the purposes through iterative project design (that has regard to special qualities), measures included within the DCO control plans and further measures proposed to be secured through a section 106 agreement, which include provision for a compensation fund to contribute to conservation and enhancement of the natural beauty, wildlife and cultural heritage of the SDNP and to promote opportunities for public enjoyment and understanding of the SDNP. The Applicant has provided a further submission in response to ISH2 Action Point 35 (<a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70)</a>), at Deadline 4, in respect of how it has sought to further the purposes of the SDNP under Section 245 of LURA (2023).</p>
2.14.11	<p>3. LVIAs/SLVIAs are not intended to assess effects on the special qualities of protected landscapes. This is why NE requested that a separate clear assessment of special qualities should be supplied by the Applicant. This evidence remains outstanding to the examination.</p> <p>a. Many special qualities will be features and characteristics which fall outside the scope of the GLVIA methodology, for example experiential considerations such as SDNP Special Quality 1 “<i>diverse, inspirational landscapes and breath-taking views</i>”, and SDNP Special Quality 3 “<i>tranquil and unspoilt places</i>”. Such impacts will need to be considered separately.</p> <p>b. For the assessment of landscape effects, the GLVIA methodology sets out the need to consider geographical location as part of an assessment of magnitude of change. For the assessment of the special qualities and thus the assessment of effects on the statutory purpose of a designated landscape, the extent of geographical harm is irrelevant. The irrelevance of geographical effect was understood and set out by the Examining Authority in the Navitus Bay Wind Park case in June 2015.</p>	<p>a. 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 and Institute of Environmental Management and Assessment (IEMA), 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 SQ1 “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 and IEMA, 2013) and draw on aspects of the draft NatureScot guidance (NatureScot, 2018), take a staged approach of describing the SDNP 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 Deadline 1 Submission ISH1: <a href="#">Appendix 5 – Further information on 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 (SDNP).</p>

Ref	Deadline 3 submission	Applicant's response
2.14.12	<p>4. Natural England advises that while the landscape and seascape evidence submitted should be used to inform the planning decision, other evidence and advice, which may include an independent assessment should also be used. In relation to the assessment of special qualities for Rampion 2 overall:</p> <ul style="list-style-type: none"> <li>a. The Applicant's assessment finds that the special qualities of the SDNP will be harmed.</li> <li>b. Natural England's assessment finds that the special qualities of the SDNP will be harmed.</li> <li>c. Natural England advise that the Examining Authority may wish to decide whether they want to seek an independent assessment.</li> </ul>	<p>Whilst some harm would be caused to 'stunning, panoramic views to the sea', defined in Special Quality 1, it is the conclusion and the position of the Applicant, that this would not compromise overall integrity and purpose of the SDNP designation, as the majority of its special qualities would be unaffected, and the natural beauty of the SDNP will remain and opportunities will still be present for understanding and enjoyment of the special qualities of the SDNP. The interest in the SDNP is intrinsic to itself and would not be harmed to such as degree that it would be compromised by the Proposed Development.</p> <p>b. The Applicant notes the Navitus Bay case and would highlight Paragraph 18 of the Secretary of State decision letter as being particularly relevant. Reference is made to Rampion 1 and commentary provided as to why it was considered acceptable and that the two wind farm locations were not comparable: <i>"The ExA decided that the two wind farms (Rampion 1 and Navitus Bay) were not comparable, as Rampion's location was set against a section of coast which, while under a national landscape designation, ran parallel to the wind farm and not, as at Navitus, at the apex of a sector which had as its circumference, the Dorset and Isle of Wight coastlines"</i>.</p> <p>In relation to geographic extent, the Applicant considers that the extent of geographical harm/extent of effects on special qualities is not irrelevant and should be part of the consideration of whether the overall integrity and purpose of the SDNP designation is compromised.</p> <p>The Applicant would point to the findings of the Examining Authority in relation to the East Anglia TWO project, paragraphs 9.5.51 and 9.5.52 (emphasis added in bold) that: <i>"The Proposed Development would not undermine the statutory purpose of the AONB. While harm is caused to a number of special qualities of the SCHAONB, this still amounts to less than half the number of the AONB's special qualities and is limited to certain locations on the coastal extent of the AONB"</i>.</p> <p>The Applicant also notes that in its consideration of geographic extent of effects of Navitus Bay on the New Forest National Park (NFNP), the Examining Authority considered (para 7.3.233) that given the limited geographic extent of visual impacts and harm on coastal views, the consequences for the NFNP designation as a whole would be not significant.</p>
		Noted, the Applicant has no further comments on this matter at this time.

**Table 2-14 Applicant's response to Historic England's Deadline 3 Submission [REP3-075]**

Ref	Deadline 3 submission	Applicant's response
4.2.1	We have reviewed the Applicant's Deadline 2 Submission – 3.1 Category 3: Development Consent Order – Draft Development Consent Order (Tracked) [Ref: REP2-003]; and Deadline 2 Submission – 3.2 Category 3: Development Consent Order – Explanatory Memorandum (Clean) [Ref: REP2-004] and we acknowledge the amendments made by the Applicant in reference to our Written Representation [Ref: REP1-055], we also offer the following comments for your consideration:	The Applicant has no further comment on this matter at this time.
4.2.2	1) Schedule 1, Part 3 Requirements (Onshore Archaeology), in Requirement 19 we noticed that the Applicant has removed “in consultation with West Sussex County Council” we suggest that in view of possible onshore archaeological implications, that it would be appropriate to have engagement with local archaeological advice	A change has been made to Requirement 19 in the <b>Draft Development Consent Order [REP3-003]</b> to remove reference to West Sussex County Council in accordance with the request made in its Local Impact Report <b>[REP1-054]</b>
4.2.3	2) Generation Assets – Schedule 11 (Deemed marine licence – Part 1), the Historic England office location has been amended as per our request.	The Applicant has no further comment on this matter at this time.
4.2.4	3) Generation Assets – Schedule 11, condition 11(2)(c) states “archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within six months of any survey being completed”. In our Written Representation (Paragraph 12.4, as referenced above) we requested within four months. In the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (as granted by Secretary of State, dated 17/04/2024), the equivalent condition in Schedule 10, Marine Licence 1, Generation, 13(e)(iii) states “archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed.” we therefore suggest amendment to be consistent across comparable offshore wind project DCOs (and Deemed Marine Licences).	Historic England has not provided any justification for the survey data to be provided within four months. It is noted that the Hornsea Four and East Anglia Orders included a six-month period for submission and the <b>Draft Development Consent Order [REP3-003]</b> is therefore consistent with comparable offshore wind farm Development Consent Orders.
4.2.5	4) Within the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (as referenced above), we are aware of the inclusion within Schedule 10 of Condition 13(e)(viii) as follows: “a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities.” We therefore suggest that the same requirement is included within these (draft) Deemed Marine Licences (Generation Assets and Transmission Assets) to support a consistency approach for offshore wind development projects.	Additional wording has been provided in the <b>Draft Development Consent Order [REP3-003]</b> as amended at Deadline 4 to reflect the request with a small amendment, such that the condition reads: “a timetable for further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within <i>relevant parts of</i> the Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities”.
4.2.6	5) Transmission Assets – Schedule 12 (Deemed marine licence – Part 1), the Historic England office location has been amended as per our request	The Applicant has no further comment on this matter at this time.
4.2.7	6) Transmission Assets DML Schedule 12 we noticed that the Applicant has removed “in consultation with West Sussex County Council” and we suggest that in consideration of potential impacts from Horizontal Directional Drilling (HDD) cables on submerged prehistoric landscapes in the intertidal zone that it would be appropriate to have engagement with local archaeological advice (West Sussex County Council).	As noted above, reference to West Sussex County Council has been removed at the authority's request.

**Table 2-15 Applicant's response to Marine Management Organisation's Deadline 3 Submission – Comments on Applicant's first update to Draft DCO [REP3-076]**

Ref	Deadline 3 submission		Applicant's response
2.16.1	<p>The MMO has substantive comments to make on the Applicant's first update to the Draft DCO. Some of our comments are summarised in the table below, but comments pertaining to the Benefit of the Order will be responded to in our next Deadline response. As detailed in section 6 of this response, the MMO intend to attend the ISH2 hearing and bring legal counsel to comment on the draft DCO. The MMO will instruct Counsel to make representation on our position, this will primarily be in relation to Article 5, but may also include representations on paragraph 9 of Schedules 11 &amp; 12 and conditions 3(5) and 10(1). In conducting this review, the MMO has considered the schedule of updates provided by the applicant and also the track changed version of the DCO (REP2-003). The MMO note that upon reviewing the tracked changes DCO, that there have been some additional changes to the document which have not been track changed.</p>		Noted, the Applicant has no further comments on this matter at this time.
Reference	Section	Marine Management Organisation comments and amendments	Applicant's response
<b>Main DCO</b>			
2.16.2	Part 2 Principal Powers	5 Benefits of the Order	
		<p>The MMO notes that none of our previous comments have been actioned. This article remains in place despite MMO's previous objection.</p> <p>The MMO's position remains it should be made clear that this section does not apply to the MMO. (See also condition (7) of both DMLs, which should also be removed)Further representations on this point will be made by Counsel at the hearing</p>	The terms of Article 5 were discussed at Issue Specific Hearing 2 (May 2024) during which the Applicant confirmed its position that the ability to transfer the benefit should apply to the deemed marine licences.
<b>Schedule 11 – Deemed Marine Licence</b>			
2.16.3	Part 1	2.(b) "...( <i>transmission</i> );;"	
		Remove second ";"	The additional ";" has been deleted in the <b>Draft Development Consent Order [REP3-003]</b> updated at Deadline 4.
2.16.4	Part 1	7. " <i>The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence only apply to a transfer not falling within article 5 (benefit of the Order) of the Order.</i> "	
		This provision has not yet been removed, along with the other sections of article 5, above. Counsel to provide representations on this point.	This is related to the Marine Management Organisation's position in relation to Article 5. If Article 5 is to continue to allow the transfer of the benefit of the deemed marine licence it will continue to be necessary to disapply Section 72 as specified.
2.16.5	Part 1	9. <i>Any amendments to or variations from the approved plans, protocols or statements must be in accordance with the principles and assessments set out in the environmental statement and approval for an amendment or variation may only be given in relation to</i>	
		The MMO's previous comments have been only partially integrated. The MMO would like to see strengthening of the wording for clarity and to ensure MMO is able to regulate sufficiently robustly. MMO proposed changes in bold:	The Applicant maintains that the wording of condition 9 in the deemed Marine Licences (dMLs) in the <b>Draft Development Consent Order [REP3-003]</b> is consistent with that in previous orders in terms of being unlikely to give rise to new or different environmental effects (with minor changes in other terminology).



Ref	Deadline 3 submission	Applicant's response	
	<p><i>immaterial changes where it has been demonstrated to the satisfaction of the MMO that the amendment or variation is unlikely to give rise to any material new or materially different environmental effects from those assessed in the environmental statement.</i></p>	<p><i>“Any amendments to or variations from the approved plans, protocols or statements must be in accordance with the principles and assessments set out in the environmental statement and approval for an amendment or variation may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the amendment or variation is unlikely to <b>will not</b> give rise to any material new or materially different environmental effects from those assessed in the environmental statement.”</i></p>	
2.16.6	<p>Part 2 Conditions</p> <p>Condition 3(2) “[...] All operations and maintenance activities shall be carried out in accordance with the submitted operations and maintenance plan.”</p>	<p>The operations should be in accordance with the plan as approved, not simply submitted. Amended with additional wording allowing for alternatives to be agreed in writing to allow for flexibility. MMO proposed changes in bold:</p> <p><i>“All operations and maintenance activities should be carried out in accordance with the <b>approved submitted operations and maintenance plan unless otherwise agreed in writing between the applicant and the MMO.</b>”</i></p>	<p>The Marine Management Organisation has not provided any justification as to why it requires to approve the operation and maintenance plan. The document has been submitted into the Examination and the subsequent document to be provided to the Marine Management Organisation will be required to accord with this outline document.</p> <p>The Proposed Development is not located in a sensitive marine area and therefore its operation and maintenance in accordance with the plan, which reflects the assessment in the Environmental Statement, does not require monitoring for any specific purpose. Should any ‘out of the ordinary’ maintenance be required a new marine licence would be required to be sought.</p>
2.16.7	<p>Part 2 Conditions</p> <p>Condition 3(5) “Where the MMO’s approval is required under paragraph (3), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the works for which approval is sought are unlikely to give rise to any material new or materially different environmental effects from those assessed in the environmental statement.”</p>	<p>This should accord with the same standard proposed in Part 1(9), above. MMO proposed changes in bold:</p> <p><i>“Where the MMO’s approval is required under paragraph (3), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the works for which approval is sought <del>are unlikely to</del> <b>will not</b> give rise to any material new or materially different environmental effects from those assessed in the environmental statement.”</i></p>	<p>The Applicant maintains that the wording of this condition is consistent with that in previous orders in terms of being unlikely to give rise to new or different environmental effects (with minor changes in other terminology).</p>
2.16.8	<p>Part 2 Conditions</p> <p>Condition 4. Any time period given in this licence given to either the undertaker or the MMO may be extended with the written agreement of the other party.</p>	<p>The MMO would like clarification in terms of which time periods the applicant is considering would apply here (both in relation to the applicant and also the MMO).</p>	<p>This is intended to apply to any time period specified given in the licence to allow both parties flexibility to agree extensions in writing.</p>
2.16.9	<p>Part 2 Conditions</p> <p>Condition 8(3) “... structures above 60meters”</p>	<p>Needs space, e.g. “... structures above 60 meters”</p>	<p>A space has been included in the <b>Draft Development Consent Order [REP3-003]</b> as updated at Deadline 4.</p>

Ref	Deadline 3 submission			Applicant's response
2.16.10	Part 2 Conditions	<p>Condition 9(8) <i>“All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable following the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out on the undertaker (such as side scan sonar) if reasonable to do and the MMO may require obstructions which are hazardous to other marine users to be removed from the seabed at the undertaker’s expense if reasonable to do so.”</i></p>	<p>This passage has been weakened since the MMO’s last requested change. The MMO requires a time frame for reporting. The Dropped Object Procedure Form isn’t defined, so shouldn’t be capitalised here. The MMO requires a broader discretion on the reasons for removing obstructions so should not be bound by the higher standard of demonstrating that the obstructions be hazardous to other marine users. (Note that any requirement must be reasonable in any event). Other minor changes recommended for clarity. MMO proposed changes in bold:</p> <p><i>“Condition 9(8) All dropped objects must be reported to the MMO using the <b>dropped object procedure form</b> <del>Dropped Object Procedure Form</del> as soon as reasonably practicable <b>and in any event within 24 hours</b> of the undertaker becoming aware of an incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so. <del>And the</del> <b>On receipt of such survey results</b> the MMO may require <b>specific</b> obstructions <del>which are hazardous to other marine users</del> to be removed from the seabed at the undertaker’s expense if reasonable to do so.”</i></p>	<p>Capitalisation has been removed as requested in the <a href="#">draft Development Consent Order [REP3-003]</a> as updated at Deadline 4.</p> <p>The requirement to notify applies as soon as reasonably practicable regardless of a specified time period. The Applicant notes that the wording reflects that in the Hornsea Four Development Consent Order (DCO), whereas in the DCOs made for the East Anglia One North and Two projects require notification within five days.</p> <p>The Applicant has updated the <a href="#">draft Development Consent Order [REP3-003]</a> at Deadline 4 to enable the MMO to require objects to be removed following receipt of survey results but it is not considered appropriate to change the wording for the circumstances for removal; this has been retained to refer to obstructions which are hazardous to other marine users. The wording proposed by the Marine Management Organisation may allow requirement for removal of any items regardless of whether it hazardous or not, which would be unduly onerous for the undertaker.</p>
2.16.11	Part 2 Conditions	<p>Condition 10(1) Force Majeure <i>“If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or if the vessel is threatened, within 48 hours full details of the circumstances of the deposit must be notified to the MMO. (2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.”</i></p>	<p>The MMO previously asked for this clause to be taken out (on the basis that it duplicates s.86 of MCAA and causes confusion).</p> <p>The applicant is asked why they require this provision to be retained since it would appear to duplicate s.86 MCAA.</p> <p>Counsel will provide further responses and clarification on this point if required.</p>	<p>The Applicant maintains its position that this is standard wording in development consent orders for offshore wind farms: it is included in East Anglia One North and Two, Hornsea Four, and is also included in the Order for Sheringham Shoals and Dudgeon Extension projects, save that this does not include limb (2).</p> <p>The inclusion of this provision was considered in the determination of the Hornsea Four Application and the Examination Authority’s (ExA) report notes that the Marine Management Organisation presented a similar argument in that Examination. It was recorded that the Applicant’s (for Hornsea Four) position was its Condition 12 – Force Majeure would not duplicate the provisions of the Marine Coastal Access Act 2009 (MCAA), rather it would be a reporting requirement which would oblige the Applicant to notify the Marine Management Organisation if unauthorised deposits were made in an emergency.</p> <p>The Examining Authority report concluded that <i>“The ExA is satisfied with the Applicant’s explanation as to why this Condition is needed. Furthermore, it notes that the</i></p>

Ref	Deadline 3 submission		Applicant's response	
2.16.12	Part 2 Conditions	Condition 11 (2)(b) a full review of high resolution geophysical survey date and arrangements to document the same with West Sussex County Council;	The MMO notes the removal of condition 11 2 (b), relating to the terrestrial interests of West Sussex Council and acknowledge that this has instead been covered under Part 3 Section 19 of the DCO, Onshore Archaeology.	<p>same condition was included in the recently made Orders for East Anglia ONE North and East Anglia TWO" and did not accept the proposed changes. The Secretary of State made no changes either in making the Hornsea Four Order.</p> <p>The Applicant has no further comments on this point.</p>
2.16.13	Part 2 Conditions	Condition 12 (3) The MMO must determine an application for approval made under condition 11 within a period of four months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.	Condition should be removed in its entirety. The MMO has internal Key Performance Indicators (KIPs) which work towards a 13 week turn around. The MMO will never unduly delay but cannot be bound by arbitrary deadlines imposed by the applicant since this would potentially prejudice other licence applications by offering expediency to the applicant at the expense of other applications. It is also unclear what consequences would result if this deadline was not met, and how that would impact on the MMO's regulatory function.	<p>The Applicant has taken account of the representations made at earlier stages of the Examination by the Marine Management Organisation requesting that a six-month period be included for the approval of documents submitted for approval, and subsequent responses making requests for specific documents to be afforded a six-month approval period. The Applicant has conceded that a six-month approval period should be provided for the Sensitive Features Mitigation Plan, the Project Environment Mitigation Plan and the Monitoring Plan as set out in Condition 11. Other plans are specified for approval within four months of their submission in accordance with Condition 12. This was reflected in the <a href="#">draft Development Consent Order [REP3-003]</a> submitted at Deadline 3.</p> <p>The inclusion of specific periods for the Marine Management Organisation to approve documents submitted by an Undertaker accords with that adopted in numerous previous Orders for offshore wind farms, notably Sheringham Shoals and Dudgeon Extension Projects, where in Condition 12 - Pre-construction plans and documentation, six-month periods are allowed for approval of specific documents whereas the majority are required to be approved within a four-month period.</p> <p>The imposition of determination periods is necessary to ensure that the project may progress on a known programme particularly given the status of low carbon energy projects as a critical national priority in the new National Policy Statement EN1 (Department for Energy Security and Net Zero, 2024).</p> <p>On the basis that the Marine Management Organisation have a KPI to respond to, submissions within 13 weeks</p>

Ref	Deadline 3 submission	Applicant's response
2.16.14	<p>Part 2 Conditions</p> <p>Condition 16(2)(b) <i>“(2) Subject to receipt from the undertaker of specific proposals pursuant to this condition, the pre-construction survey proposals must have due regard to the need to undertake— [...] (b) a survey to determine the location, extent and composition of chalk habitats, stony reef and potential Sabellaria spinulosa reef features, potential nesting sites for black seabream, and peat and clay exposures as set out within the outline in-principle monitoring plan.”</i></p>	<p>there should be no difficulty in committing to a response period of 4 months.</p> <p>If the MMO does not respond, the undertaker will have the option of applying for judicial review or requesting the Secretary of State to direct that the MMO determine the application under the terms of the MCAA 2009.</p> <p>The Applicant has already carried out some offshore surveys which have identified the possibility of the habitats identified in the draft condition being found in the Offshore Order limits. The surveys required by this condition are linked back to the content of the offshore in-principal monitoring plan which reflects the findings of these surveys. The offshore in-principal monitoring plan has been submitted to the Examination and will be a certified document.</p> <p>Further, the monitoring plan to be approved pursuant to condition 11(1)(j) must accord with the offshore in principle monitoring plan. This sets out the principles for survey for Benthic subtidal and intertidal ecology in section 4.5; this captures that the focus has been on habitats/species of principal importance pursuant to section 41 of the Natural Environment and Rural Communities Act 2006.</p> <p>As the submission proposals must be as set out in the in-principal monitoring plan the change requested is redundant.</p>
2.16.15	<p>Part 2 Conditions</p> <p>Condition 16(3): <i>“(3) The undertaker must carry out the surveys agreed under subparagraph (1) and provide the baseline report to the MMO in the agreed format and in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO and submitted to the MCA as Geographical Information System data referenced to WGS84 datum.”</i></p>	<p>Unclear what the ‘agreed timetable’ referred to here is, applicant is asked to clarify.</p> <p>The agreed timetable will be that set out in the Monitoring Plan submitted and approved in discharge of condition 11(1)(j) (for the Monitoring Plan) as per condition 16(1)</p>

## Schedule 12: Deemed Marine Licence

Ref	Deadline 3 submission		Applicant's response	
2.16.16	Part 1	7. <i>"The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence only apply to a transfer not falling within article 5 (benefit of the Order) of the Order."</i>	This provision has not yet been removed, along with the other sections of article 5, above. Counsel to provide representations on this point.	Please see the Applicant's <b>response 2.16.4</b> in relation to Schedule 11.
2.16.17	Part 1	9. <i>Any amendments to or variations from the approved plans, protocols or statements must be in accordance with the principles and assessments set out in the environmental statement and approval for an amendment or variation may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the amendment or variation is unlikely to give rise to any material new or materially different environmental effects from those assessed in the environmental statement.</i>	The MMO's previous comments have been only partially integrated. Strengthening of the wording for clarity and to ensure MMO is able to regulate sufficiently robustly. MMO proposed changes in bold:  "Any amendments to or variations from the approved plans, protocols or statements must be in accordance with the principles and assessments set out in the environmental statement and approval for an amendment or variation may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the amendment or variation is <del>unlikely to</del> <b>will not</b> give rise to any material new or materially different environmental effects from those assessed in the environmental statement."	Please see the Applicant's <b>response 2.16.5</b> in relation to Schedule 11.
2.16.18	Part 2 Conditions	Condition 2(6) <i>"Any cable protection authorised under the licence must be deployed within 10 years from the date of the Order unless otherwise agreed with the MMO."</i>	The MMO note the change to 10 years from 15.	The Applicant has no further comments in relation to this point save to note that the same change has been made to Schedule 11.
2.16.19	Part 2 Conditions	Condition 3(2) <i>"[...] All operations and maintenance activities shall be carried out in accordance with the submitted operations and maintenance plan."</i>	The operations should be in accordance with the plan as approved, not simply submitted. Amended with additional wording allowing for alternatives to be agreed in writing to allow for flexibility.  "All operations and maintenance activities should be carried out in accordance with the <b>approved submitted</b> operations and maintenance plan <b>unless otherwise agreed in writing between the applicant and the MMO.</b> "	Please see the Applicant's <b>response 2.1.6</b> (above) in relation to Schedule 11.
2.1.620	Part 2 Conditions	Condition 3(5) <i>"Where the MMO's approval is required under paragraph (3), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the works for which approval is sought are unlikely to give</i>	This should accord with the same standard proposed in Part 1(9), above. MMO proposed changes in bold:  "Where the MMO's approval is required under paragraph (3), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the	Please see the Applicant's <b>response 2.16.7</b> (above) in relation to Schedule 11.

Ref	Deadline 3 submission	Applicant's response
	<p><i>rise to any material new or materially different environmental effects from those assessed in the environmental statement."</i></p>	<p><i>works for which approval is sought <del>are unlikely to</del> <b>will not</b> give rise to any material new or materially different environmental effects from those assessed in the environmental statement."</i></p>
2.16.21	<p>Part 2 Conditions</p> <p>Condition 4. "Any time period given in this licence given to either the undertaker or the MMO may be extended with the written agreement of the other party."</p>	<p>MMO to seek clarification in terms of which time periods the applicant is considering would apply here (both in relation to the applicant and also the MMO).</p>
	<p>Part 2 Conditions</p> <p>Condition 9(8) "All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable following the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out on the undertaker (such as side scan sonar) if reasonable to do and the MMO may require obstructions which are hazardous to other marine users to be removed from the seabed at the undertaker's expense if reasonable to do so."</p>	<p>This passage has been weakened since the MMO's last requested change. The MMO requires a time frame for reporting. The Dropped Object Procedure Form isn't defined, so shouldn't be capitalised here. The MMO requires a broader discretion on the reasons for removing obstructions so should not be bound by the higher standard of demonstrating that the obstructions be hazardous to other marine users. (Note that any requirement must be reasonable in any event). Other minor changes recommended for clarity.</p> <p>"Condition 9(8) All dropped objects must be reported to the MMO using the <b>dropped object procedure form</b> <del>Dropped Object Procedure Form</del> as soon as reasonably practicable <b>and in any event within 24 hours</b> of the undertaker becoming aware of an incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so. <del>And the</del> <b>On receipt of such survey results</b> the MMO may require <b>specific</b> obstructions <del>which are hazardous to other marine users to be removed from the seabed at the undertaker's expense if reasonable to do so.</del>"</p>
2.16.22	<p>Part 2 Conditions</p> <p>Condition 10(1) Force Majeure "If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or if the vessel is threatened, within 48 hours full details of the circumstances of the deposit must be notified to the MMO. (2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained</p>	<p>The MMO previously asked for this clause to be taken out (on the basis that it duplicates s.86 of MCAA and causes confusion).</p> <p>The applicant is asked why they require this provision to be retained since it would appear to duplicate s.86 MCAA.</p> <p>Counsel will provide further representations on this point if required</p>

Ref	Deadline 3 submission	Applicant's response
2.16.23	Part 2 Conditions <i>from the MMO.</i> Condition 11(2)	The MMO notes the changes to the wording of this condition introduced in response to Historic England's Written Representations. The MMO confirms these changes to be acceptable.
2.16.24	Part 2 Conditions Condition 12 (3) <i>"The MMO must determine an application for approval made under condition 11 within a period of four months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker."</i>	Condition should be removed in its entirety. The MMO has internal KIPs which work towards a 13 week turn around. The MMO will never unduly delay but cannot be bound by arbitrary deadlines imposed by the applicant since this would potentially prejudice other licence applications by offering expediency to the applicant at the expense of other applications. It is also unclear what consequences would result if this deadline was not met, and how that would impact on the MMO's regulatory function.
2.16.25	Part 2 Conditions Condition 16 (2)(b) <i>"(2) Subject to receipt from the undertaker of specific proposals pursuant to this condition, the pre-construction survey proposals must have due regard to the need to undertake— [...] (b) a survey to determine the location, extent and composition of chalk habitats, stony reef and potential Sabellaria spinulosa reef features, potential nesting sites for black seabream, and peat and clay exposures as set out within the outline in-principle monitoring plan."</i>	The MMO considers the existing drafting overly restrictive and requests the amendments in bold:  <i>"(2) Subject to receipt from the undertaker of specific proposals pursuant to this condition, the pre-construction survey proposals must have due regard to the need to undertake— [...] (b) a survey to determine the location, extent and composition of chalk habitats, stony reef and potential Sabellaria spinulosa reef features, potential nesting sites for black seabream, and peat and clay exposures <b>and any other species or features</b> as set out within the outline in-principle monitoring plan."</i>
2.16.26	Part 2 Conditions Condition 16(3): <i>"(3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format and in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO and submitted to the MCA as Geographical Information System data referenced to WGS84 datum."</i>	Unclear what the 'agreed timetable' referred to here is, applicant is asked to clarify.
2.16.27	Part 2 Conditions Condition 18(2) <i>"The surveys to be undertaken pursuant to sub-paragraph (1) above must include a swath bathymetric survey to IHO Order 1a of those parts of the offshore Order limits where the authorised scheme has been</i>	The MMO notes the changes to the wording of this condition. The MMO confirms these changes to be acceptable.

Ref	Deadline 3 submission	Applicant's response
	<p>constructed and provide the data and survey report(s) to the MCA and UKHO. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the 155 full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications."</p>	



**Table 2-16 Applicant's response to Marine Management Organisation's Deadline 3 Submission - Comments on Applicant's first update to the Statements of Commonality of Statements of Common Ground [REP3-076]**

Ref	Deadline 3 submission	Applicant's response
2.17.1	The MMO attended a meeting with the Applicant on 23rd February 2024 in which the categorisation of issues listed in the Statement of Common Ground (SoCG) were discussed. There was no disagreement between the MMO and the Applicant as to the status of any listed issues.	Noted, the Applicant has no further comments at this stage.
2.17.2	The Applicant submitted an updated Statements of Commonality of Statements of Common Ground (Rev B) at Deadline 2. Confirmation of the MMO's position on outstanding issues is summarised below.	A further update of the <a href="#">Statement of Commonality for Statements of Common Ground [REP2-012]</a> has been submitted at Deadline 4.
2.17.3	The MMO notes that comments raised at point 4.1.13 of our Deadline 2 response concerning the incorrect categorisation of ongoing issues have not been addressed.	The Applicant has noted this point raised by the Marine Management Organisation. A clear narrative and reasoning have been provided for the selected colour codes in the <a href="#">Statement of Commonality for Statements of Common Ground [REP2-012]</a> (updated at Deadline 4). This has been implemented across all Statements of Common Ground (SoCGs). The Marine Management Organisation has reviewed a live version of the <a href="#">Statement of Commonality for Statements of Common Ground [REP2-012]</a> (updated at Deadline 4) as part of the SoCG and SoCG Page turn meeting on 23 February 2024 and updates were made. An updated <a href="#">Statement of Commonality for Statements of Common Ground [REP2-012]</a> has been provided at Deadline 2. A further update of the <a href="#">Statement of Commonality for Statements of Common Ground [REP2-012]</a> has been submitted at Deadline 4.
2.17.4	The MMO is of the belief that the categorisation of Marine Mammals and DCO and Securing Mechanism as light green (Some matters agreed / some matters under discussion) is misleading. The MMO believes these sections should be re categorised as purple (Some matters agreed, some matters not agreed, some matters under discussion) to reflect the levels of ongoing negotiations and significance of existing MMO concerns more accurately. The MMO agrees with the categorisation of all other topics.	<p>The Applicant notes Marine Management Organisation's concern regarding the matrix classification.</p> <p>The significance of ongoing discussions should not impact the categorisation for both topics as they are not at the stage of disagreement. All matters listed in the Statements of Common Ground (SoCGs) have a current status of either agreed or Ongoing Point of Discussion with no flagged at this stage as unresolvable points of disagreement.</p> <p>This is highlighted clearly in the methodology section of the <a href="#">Statement of Commonality for Statements of Common Ground [REP2-012]</a> (updated at Deadline 4) and as such has been made clear to the Examination Authority.</p>
2.17.5	The MMO welcomes future engagement with the Applicant and hopes to resolve the remaining points on our SoCG in a timely manner.	The Applicant has submitted a revised <a href="#">Statement of Commonality for Statements of Common Ground [REP2-012]</a> at Deadline 4 with the intention of setting up another page turn meeting to discuss the remaining outstanding issues.

**Table 2-17 Applicant's response to Marine Management Organisation's Deadline 3 Submission - Comments on Applicant's Submission received at Deadline 1 [REP3-076]**

Ref	Deadline 3 submission	Applicant's response
4.1.1	<p>The MMO has consulted with its technical advisors, the Centre for Environment, Fisheries and Aquaculture Science (Cefas) and reviewed the following revised documents submitted at Deadline 1:</p> <ul style="list-style-type: none"> <li>• Chapter 11: Marine mammals (REP1 – 004)</li> <li>• Outline Fisheries Liaison and Co-existence Plan, Revision B (REP1-014)</li> <li>• Fish and Shellfish (Figures) (REP1-007)</li> <li>• In Principle Sensitive Features Mitigation Plan, Revision B (REP1 – 012)</li> <li>• Benthic - Subtidal benthic characterisation survey report appendices (REP1- 036)</li> <li>• Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise (REP1- 020)</li> <li>• Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 10 – Further Information for Action Point 42 – Proximity to Marine Wildlife (REP1- 028)</li> <li>• 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)</li> <li>• Applicants Responses to Relevant Representations (REP1-017)</li> </ul> <p>MMO comments on these documents are summarised below:</p> <p><b>In Principle Sensitive Features Mitigation Plan, Revision B (REP1 – 012)</b></p> <p><i>Benthic Ecology and Coastal Processes comments</i></p>	Noted, the Applicant has no further comments on this matter at this time.
4.2.1	<p>The MMO acknowledges the Applicant's intention to conduct a preconstruction geophysical survey (side scan sonar or multibeam echosounder) to identify the presence of chalk reef, stony reef and Sabellaria spinulosa reef, which is to be followed by a drop-down video survey in the event of these habitats being confirmed.</p>	Noted, the Applicant has no further comments on this matter at this time.
4.2.2	<p>The MMO recommends that where feasible, both side scan sonar and Multi-beam Echo Sounder methods are used together to collect more information including backscatter. This supports the use of drop-down video to confirm the presence of these features.</p>	The Applicant confirms that both side scan sonar and Multi-beam Echo Sounder methods will be used together to collect more information, including backscatter, to support the use of drop-down video to confirm the presence of these features. The <a href="#">Offshore In Principle Monitoring Plan [REP3-047]</a> has been updated at Deadline 4.
4.2.3	<p>The MMO notes the Applicant's proposal to conduct a single post construction monitoring survey, only where chalk reef, stony reef and S. spinulosa reef are identified during the pre-construction survey and in the event that no stony reef or S. spinulosa reef are identified pre-construction, no post construction survey will be undertaken.</p>	Noted, the Applicant has no further comments on this matter at this time.
4.2.4	<p>The MMO disagrees with this proposal and is of the belief that a single post construction survey will not constitute sufficient temporal monitoring for these habitats.</p>	As set out in the <a href="#">Offshore In Principle Monitoring Plan [REP3-047]</a> (updated at Deadline 4), the Applicant will design the post-construction monitoring and any subsequent years that might be required following the acquisition of pre-construction monitoring data which will be consulted on with the Marine Management Organisation and its advisors.

Ref	Deadline 3 submission	Applicant's response
4.2.5	The MMO notes that only one single post-construction survey is proposed, and no timescale is given as to how soon after construction this survey will take place. No other post-installation surveys are proposed with regard to cable installation. The MMO would expect details of monitoring provisions in the event of further potential cable protection measures and after decommissioning, including the subsequent removal of any cable protection.	See <b>response 4.2.4</b> .
4.2.6	The MMO would expect additional years of monitoring to be conducted in the event that any affected habitats are identified as not having recovered by the initial post construction monitoring survey. The MMO would also expect this monitoring to be conducted for all potentially affected benthic habitats and not just those mentioned above.	See <b>response 4.2.4</b> .
4.2.7	The MMO is satisfied that the mitigation measures proposed in this document avoid direct impact of many of the sensitive benthic features identified in the habitat map (Figure 5-1, paragraph 5). The MMO considers this proposed mitigation acceptable.	The Applicant welcomes the Marine Management Organisation's support on the proposed mitigation measures.
4.2.8	The MMO agree with the mitigation measures proposed to help mitigate against impacts from physical processes, such as creating buffers from sensitive features and maximising cable burial to reduce need for secondary protection.	The Applicant welcomes the Marine Management Organisation's support on the proposed mitigation measures.
<i>Underwater Noise</i>		
4.2.9	This updated version does not contain any significant changes besides some amendments to Figure 2.1 and Figure 5.1 so no further comments have been provided at this time. Please refer to advice comments submitted in the MMO's s56 response.	The Applicant has provided an updated <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> at Deadline 4, to reflect the predicted noise abatement that could be achieved at the Proposed Development site, as set out in <b>Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm (Document Reference 8.40)</b> . This report has been produced by the Institute of Technical and Applied Physics who have considerable experience monitoring noise abatement measures in Germany.
4.2.10	Previous consultation with our technical advisors, the Centre for Environment, Fisheries and Aquaculture Science (Cefas) concluded that at a high level this plan adequately captured the monitoring requirements for Underwater Noise (UWN). 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.	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: <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> 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.
4.2.11	The MMO notes that no further information has been provided on the potential impacts of UWN on seahorses as a feature of the Beachy Head West Marine Conservation Zone (MCZ)	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

Ref	Deadline 3 submission	Applicant's response
	<p>and Kingmere MCZ. The MMO understands that the Applicant is undertaking additional work to provide a comparison of the environmental conditions at the Proposed Development with other projects where Noise Abatement Systems (NAS) have been deployed, which will be submitted into examination. The MMO defers to NE on features of MCZs as the Statutory Nature Conservation Body (SNCB) but will maintain a watching brief on this matter.</p>	<p>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.</p> <p>Furthermore, 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 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> <li><i>marine mammals.”</i></li> </ul>
<p><i>Fisheries</i></p>		
4.2.12	<p>The MMO is generally content with the mitigation proposed to mitigate disturbance to nesting Black Sea Bream from export cable laying activities. The MMO maintain that restrictions on Export Cable Corridor works during the Black Sea Bream spawning and nesting season should be conditioned on the DML as 1st March – 31st July.</p>	<p>The Applicant welcomes the agreement from the Marine Management Organisation on the proposed mitigation. The <a href="#">In Principal Sensitive Features Mitigation Plan [REP3-045]</a> (updated at Deadline 4) and the commitments contained within it, including commitment C-273 (which the Marine Management Organisation is referring to) are secured by Condition 11(1)(k) of the deemed Marine Licences (Schedules 11 and 12 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4).</p>
4.2.13	<p>The MMO support the commitment outlined in C-265, that at least one offshore piling noise abatement technology will be utilised to reduce underwater noise propagation in order to mitigate predicted impacts to sensitive receptors. However, further evidence is needed to demonstrate that the application of multiple noise abatement measures can achieve the maximum noise reduction claimed by the Applicant.</p>	<p>Please see <b>response 4.2.11</b>.</p>
4.2.14	<p>Due to continuing concerns surrounding agreed behavioural thresholds, background noise levels and the demonstrable effectiveness of proposed noise abatement strategies, the MMO do not support a spatially zoned approach to piling.</p>	<p>The Applicant has submitted further evidence to support the demonstrable effectiveness of the proposed noise abatement strategies 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>. The <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> has been also updated in line with the conclusions of the report and submitted at Deadline 4.</p>
4.2.15	<p>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, the MMO maintain our recommendation of a seasonal piling restriction from 1st March – 31st July inclusive in order to limit disturbance to adult spawning and nesting Black Sea Bream during their spawning and nesting period.</p>	<p>The Applicant directs the Marine Management Organisation to the Applicant's response to reference 1.1.22 in <a href="#">Deadline 2 Submission – 8.49 Category 8: Examination Documents – Applicant's Response to Prescribed Consultees' Written Representations [REP2-026]</a>.</p>

Ref	Deadline 3 submission	Applicant's response
4.2.16	The current mitigation options outlined in the In Principle Mitigation Plan are designed to reduce the range of impact from UWN relative to Black Sea Bream, rather than being mitigation targeted towards protecting spawning adult herring, and their eggs and larvae. For this reason, and until clarification is provided on the efficacy and achievability of the proposed noise abatement reductions, the MMO recommend a seasonal piling restriction from 1st November – 31st January inclusive in order to limit disturbance to adult spawning herring and their eggs and larvae during the spawning	Please see <b>response 4.2.11</b> .
4.2.17	The MMO continue to disagree with the proposal that underwater noise monitoring should only be conducted for the first four piles, especially given the various piling scenarios and noise abatement measures proposed in the ES (Environmental Statement).	Please refer <b>response 4.2.10</b> .
<b>Benthic - Subtidal benthic characterisation survey report appendices (REP1- 036)</b>		
4.3.1	The MMO's technical advisors Cefas have reviewed this report and have no comments to make.	Noted, the Applicant has no further comments on this matter at this time.
<b>Outline Fisheries Liaison and Co-existence Plan, Revision B (REP1-014)</b>		
4.4.1	The MMO's technical advisors Cefas have reviewed this report and have no comments to make.	Noted, the Applicant has no further comments on this matter at this time.
<b>Further information for Action Points 38 and 39 – Underwater Noise (REP1- 020)</b>		
<i>Fisheries Comments</i>		
4.5.1	In relation to impacts ranges for UWN generated by piling in relation to Black Sea Bream nesting areas and the Kingmere MCZ, it is not clear if the modelling presented in Figures 6-1 and 6-2 has been based on a fleeing or stationary receptor. The MMO request that the Applicant confirms this.	The Applicant confirms that all underwater noise modelling relating to black seabream has been based on a stationary animal modelling, due to their demersal breeding nature.
4.5.2	Based on the behavioural characteristics of Black Sea Bream, the MMO would expect all modelling of UWN relating to Black Sea Bream to be based on a stationary animal model, an approach that is consistent with other Offshore Windfarm projects.	The Applicant confirms that all underwater noise modelling relating to black seabream has been based on a stationary animal modelling, due to their demersal breeding nature.
4.5.3	In Figure 3-4 displaying Herring Spawning Habitat Suitability Assessment, the Applicant's 'heat' scale ranges from 0 – 11 which is inconsistent with the 'heat' scale defined by the MarineSpace (2013) methodology, which ranges from 0 – 16. Whilst some layers may not occur in all regions, for example the Eastern Sea Fisheries Joint Committee (ESFJC) Fishing Grounds layer, they must not be omitted as the categorisation of 'heat' associated with mapping according to MarineSpace (2013) explicitly categorises 'heat' scores into four discrete intervals: 1-4 (low), 5-8 (medium), 9-12 (high), 13-16 (very high).	The Applicant welcomes the feedback from the Marine Management Organisation in regard to the heatmapping exercise undertaken. The Applicant has completed the requested amendments to the figures in <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).
4.5.4	In Table 3-5 and Figure 3-4, it appears that the Applicant has omitted the ESFJC layer from their 'heat' map and also omitted vessel monitoring system (VMS) data as well. This represents a significant departure from the recommended 'heat' mapping approach and means the Applicant's 'heat' map may be underrepresenting the true extent and importance of herring spawning habitat. The MMO recommend that these assessments of Herring Habitat Suitability are reconducted to incorporate the recommended mapping approach as defined by the methodology of MarineSpace (2013).	The Applicant welcomes the feedback from the Marine Management Organisation in regard to the heatmapping exercise undertaken. The Applicant has completed the requested amendments to the figures in <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).

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4.5.5	<p>The MMO would like to inform the Applicant that whilst MarineSpace (2013) represented the most current and appropriate 'heat' mapping methodology available when the Environmental statement was first drafted, an updated version of the methodology (Reach et al., 2013) is now available. This method takes into account changes in data availability which have occurred since the original method was published and incorporates new data to enhance the 'heat' mapping process. The MMO advises the Applicant to be mindful of these changes and recommend that any future assessments of Habitat Suitability should be conducted using the updated methodology of (Reach et al., 2013).</p>	<p>The Applicant has completed the requested amendments to the figures in accordance with the Reach et al., 2013 methodology in <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).</p>
4.5.6	<p>The Applicant has utilised the Coull et al. (1998) fisheries sensitivity maps data shapefiles as an indication of the location of spawning and nursery grounds for herring. These shapefiles provide an indication of where herring spawning grounds broadly occur but should not be relied on as the sole indicator of herring spawning. This is because spawning areas are not rigidly fixed. Further, the data used to inform the shapefiles has not been updated since their production, meaning that environmental changes in the distribution of spawning sediments is not reflected. The shapefile is also unable to quantify the nuance of how spawning activity varies spatially.</p>	<p>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.</p> <p>The presence of high densities of herring larvae (as informed by the International Herring Larvae Survey (IHLS) data) are not indicative of locations of spawning grounds and actively spawning adult herring.</p> <p>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.</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 International Herring Larvae Survey (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:</p> <p>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> <li>• <i>marine mammals.”</i></li> </ul> <p>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 <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).</p>

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4.5.7	It is more appropriate for the location of the active herring spawning grounds to be determined using International Herring Larval Survey (IHLS) data. IHLS data provide a direct measure of herring larval density (larvae per m <sup>2</sup> ) across a standardised survey grid which is sampled annually, using appropriate protocols. Downs herring stock spawning activity varies spatially across the extent of the spawning ground, but also temporally through the spawning season (November to January inclusive).	Please see <b>response 4.5.6.</b>
4.5.8	The MMO do not support the characterisation of the Downs herring spawning ground using the Coull et al., (1998) shapefiles alone, as doing so significantly under-represents the full spatial extent of the spawning ground and it is not appropriate, or supported, to discount the potential for behavioural impacts to adult herring based on this data.	Please see <b>response 4.5.6.</b>
4.5.9	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 herring larval abundance. 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.	Please see <b>response 4.5.6.</b>
4.5.10	The current mitigation options outlined in the In Principle Sensitive Features Mitigation Plan are designed to reduce the range of impact from UWN relative to Black Sea Bream, rather than being mitigation targeted towards protecting spawning adult herring and their eggs and larvae. Until clarification is provided on the efficacy and achievability of the proposed noise abatement reductions the MMO maintain the recommendation of a seasonal piling restriction from November to January inclusive in order to limit disturbance to adult spawning herring and their eggs and larvae during the spawning period.	Please see <b>response 4.5.6.</b>
<i>Underwater Noise comments</i>		
4.6.1	Figures 4-1 to 4-4 displaying the potential impacts of underwater noise on herring from a range of piling methodologies show inconsistencies in the dB SEL <sub>cum</sub> (Cumulative Sound Exposure Level) represented, with 135 dB, 186 dB and 210 dB being used in different figures.	The Applicant confirms that the threshold impact contours presented in Figures 4-1 to 4-4 in <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) for the worst-case piling scenarios are split across figures to account for the different impact responses they represent (for example, the 186 dB and 210 dB SEL <sub>cum</sub> thresholds represent injurious effects, and the 135dB SEL <sub>ss</sub> threshold accounts for behavioural responses). The thresholds also have different metrics (SEL <sub>cum</sub> and SEL <sub>ss</sub> ) and have been defined in different publications (Popper et al., 2014 and Hawkins et al., 2014 respectively) and therefore the Applicant deems it appropriate to display these thresholds separately.
4.6.2	For fish with swim bladders involved in hearing Popper et al., 2014 sets hearing thresholds for mortality and potential mortal injury from pile driving as follows, mortality and potential mortal injury (210 dB SEL <sub>cum</sub> ), recoverable injury (203 dB SEL <sub>cum</sub> ) and temporary threshold shift (TTS) (186 dB SEL <sub>cum</sub> ). Herring as a hearing specialist qualifies under this criterion, so it would be beneficial for clarity and consistency if these thresholds could be included and used across all figures relating to UWN impacts on herring.	The Applicant confirms that the threshold impact contours as presented in Figures 4-1 and 4-2 in <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), relate to the hearing categories for eggs and larvae (as defined by Popper et al., 2014), and not spawning adult herring. This is due to the location of high densities of herring larvae (as informed by International Herring Larvae Survey (IHLS) data) to the southeast of Rampion 2. During the larval stage of development, the connection between the swim bladder and the inner ear has not yet formed,

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		<p>and therefore larvae are considered less sensitive to underwater noise. Therefore, the underwater noise contours for hearing thresholds of the larval development stage have been shown.</p> <p>A comprehensive assessment of the potential for impacts from underwater noise on spawning adult herring from Rampion 2 was undertaken and reported in <a href="#">Chapter 8: Fish and shellfish ecology, Volume 2</a> of the Environmental Statement [APP-049]. Due to the distance of the herring spawning ground as defined by Coull et al. (1998) (47km southeast of the Rampion 2 array area), no significant population level effects were concluded on the Downs stock herring from all phases of the development of Rampion 2.</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 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 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> <li>• <i>marine mammals.”</i></li> </ul> <p>The Applicant, has presented the impact ranges, as mitigated using DBBC noise abatement technologies, relative to the Downs stock herring spawning grounds, and areas of high densities of herring eggs and larvae (as defined using IHLS data) in <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>.</p>
4.6.3	<p>In reference to Figures 4-3 &amp; 4-4, the MMO disagree with the Applicant's statement that there is no pathway for behavioural effects on spawning herring, as there is no significant infringement of the contour with the herring spawning ground. Both Figures 4-3 &amp; 4-4 show significant noise overlap with high intensity spawning for the East piling location.</p>	<p>The Applicant notes that as shown in Figures 4-3 &amp; 4-4 in <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 International Herring Larvae Survey (IHLS) data, as presented as a heatmap, indicates the location of high densities of herring larvae, and not the location of actively spawning adult herring. Therefore, any potential effects from underwater noise on herring are in relation to herring eggs and larvae (as there is an overlap with high densities of eggs and larvae, rather than the herring spawning ground as defined by Coull et al. (1998)). 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. The Applicant has assessed the potential for impacts on eggs and larvae in <a href="#">Chapter 8: Fish and shellfish ecology, Volume 2</a> of the Environmental Statement [APP-049]. Given the stationary nature of eggs and larvae the potential for behavioural impacts is considered limited, therefore the worst -case impact</p>



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		<p>ranges for effects on larvae is considered to relate to the potential for TTS. Given the low degree of disturbance at intermediate (100s of metres) and far (1,000s of metres) of larvae (in accordance with the Popper et al., (2014) criteria) and the distance of areas of high-density herring larvae from the Proposed Development array area (30 km), the risk of disturbance to herring larvae is considered to be low, and therefore not significant.</p> <p>Notwithstanding this, 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 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: <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> <li>• <i>marine mammals.”</i></li> </ul> <p>The mitigated impact ranges, afforded by the implementation of double big bubble curtains (DBBC) throughout the piling campaign, have been presented relative to areas of potential spawning activity in <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).</p>
4.6.4	<p>The Applicant maintains that a threshold of 141 dB SELss (Single Strike Sound Exposure Level) is a reasonable precautionary threshold for Black Sea Bream as supported by Kastelein et al. (2017). The MMO maintain that 135dB SELss as per Hawkins et al., (2014) should be used as an appropriate behavioural threshold for Black Sea Bream. The MMO is aware that discussions on this topic are ongoing, and a threshold still needs to be agreed between all interested parties (the Applicant, MMO, Cefas and Natural England).</p>	<p>The Applicant maintains that a 141dB SELss behavioural threshold, as defined by Kastelein et al. (2017) is appropriate as the stricter suggested 135 dB SELss threshold represents only a brief startle response (sudden short-lived changes in swimming speed) in a species known to be particularly sensitive, sprat, and should not be considered suitable to represent the major behavioural changes that would constitute a failure to meet conservation objectives. 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. Taking this into consideration, the behavioural impact threshold as defined by Kastelein et al. (2017) is slightly higher but still considered precautionary, and therefore a suitable threshold to apply to underwater noise sensitive receptors such as black seabream. It should be reiterated that, as stated in <a href="#">Chapter 8: Fish and shellfish ecology, Volume 2</a> of the Environmental Statement <a href="#">[APP-049]</a>, the Applicant does not support the application of the recommended 135 dB SEL contour to establish behavioural impact ranges for sensitive receptors.</p> <p>Specifically, this threshold is based on a study undertaken within a quiet loch on fish not involved in any particular activity (i.e. not spawning), and 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 by noise.</p>

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<p><b>Fish and Shellfish (Figures) (REP1-007)</b></p>		<p>Notwithstanding this, the Applicant has set out the proposed piling restrictions for sensitive features (including black seabream) as defined using a threshold of 135dB SELss for behavioural responses (based on the findings of Hawkins et al., 2014). These were submitted at Deadline 3 and are presented in Appendix H FS: Noise Thresholds for Black Seabream within <b>Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</b>. In addition, the Applicant has also presented the 135dB threshold (as based on a study by Hawkins et al. (2014) for the simultaneous piling scenarios (for multileg and monopile foundations) relative to the Kingmere MCZ, in Figures 5.16 and 5.17 of the <b>In Principle Sensitive Features Mitigation Plan [REP3-045]</b> at Deadline 4.</p>
4.7.1	<p>In relation to impacts ranges for UWN generated by piling in relation to Black Sea Bream nesting areas and the Kingmere MCZ, Figure 8.18 presents impact range noise contours for sequential piling of multileg foundations at four locations, using dB SELcum values of 207 dB, 203 dB and 186 dB, and based on a stationary receptor.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>
4.7.2	<p>With reference to Popper et al., 2014 hearing thresholds for mortality and potential mortal injury from pile driving are as follows; mortality and potential mortal injury (210 dB SELcum), recoverable injury (203 dB SELcum) and temporary threshold shift (TTS) (186 dB SELcum). It is not known whether the presented modelling has been conducted using an incorrect value of 207 db SELcum as opposed to 210 db SELcum for mortality and potential mortality injury or if this represents a typographical error in the figure legend. This error is repeated in Figures 8.19 and 8.21 for noise generated for sequential mono-piling and simultaneous multi-leg piling respectively.</p>	<p>The Applicant confirms, that as detailed in Table 8-18 of <b>Chapter 8: Fish and shellfish ecology, Volume 2</b> of the Environmental Statement (ES) [APP-049], the Applicant has classified herring as a more sensitive, Group 4 receptor (on account of having special structures mechanically linking the swim bladder to the ear). The Applicant has therefore presented the 207dB, 203dB and 186dB thresholds in figures 8-18, 8-19 and 8-21 of <b>Chapter 8: Fish and shellfish ecology – Figures, Volume 3</b> of the ES [REP1-007], in accordance with the Popper <i>et al.</i>, 2014 guidance.</p>
4.7.3	<p>In each instance the MMO request that the Applicant confirm if a value of 207 dm SELcum was used in the presented modelling or if this is simply a written error. If this is an error, it should be corrected in the Figure legends to avoid future confusion.</p>	<p>The Applicant directs the Marine Management Organisation to <b>response 4.7.2</b>.</p>
4.7.4	<p>There is no UWN modelling presented for the scenarios of simultaneous mono piling using the 210 dB, 203 dB and 186 dB (SELcum) thresholds. This figure should be presented alongside those of Figures 8.18, 8.19 and 8.21. It is unfortunate that at this advanced stage of examination, important evidence has not been provided.</p>	<p>The Applicant confirms that the worst-case piling scenario relates to the piling of multileg foundations. The impact thresholds for this scenario were therefore presented spatially relative to noise sensitive receptors in <b>Chapter 8: Fish and shellfish ecology – Figures, Volume 3</b> of the Environmental Statement [REP1-007]. For completion however, the Applicant confirms that the impact ranges from the simultaneous piling of monopile foundations are presented in <b>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]</b> (updated at Deadline 4).</p>
4.7.5	<p>No UWN modelling has been presented for simultaneous piling of multi-leg foundations, or for simultaneous mono-piling using the 135 dB SELss threshold in relation to Black Sea Bream. The MMO maintain, in line with our previous advice, that a threshold of 135 dB SELss, as per Hawkins et al., (2014), should be used as a precautionary approach to modelling.</p>	<p>The Applicant maintains that a 141 dB SELss behavioural threshold, as defined by Kastelein et al. (2017) is appropriate as the stricter suggested 135 dB SELss threshold represents only a brief startle response (sudden short-lived changes in swimming speed) in a species known to be particularly sensitive, sprat, and should not be considered suitable to represent the major behavioural changes that would constitute a failure to meet conservation objectives. 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</p>

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		<p>small changes in behaviour such as startle responses or minor movements. Taking this into consideration, the behavioural impact threshold as defined by Kastelein et al. (2017) is slightly higher but still considered precautionary, and therefore a suitable threshold to apply to underwater noise sensitive receptors such as black seabream. It should be reiterated that, as stated in <a href="#">Chapter 8: Fish and shellfish ecology, Volume 2</a> of the Environmental Statement (ES) [APP-049], the Applicant does not support the application of the recommended 135 dB SEL contour to establish behavioural impact ranges for sensitive receptors.</p> <p>Specifically, this threshold is based on a study undertaken within a quiet loch on fish not involved in any particular activity (i.e. not spawning), and 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 by noise.</p> <p>Notwithstanding this, the Applicant has set out the proposed piling restrictions for sensitive features (including black seabream) as defined using a threshold of 135 dB SELs for behavioural responses (based on the findings of Hawkins et al., 2014). These were submitted at Deadline 3 and are presented in Appendix H FS: Noise Thresholds for Black Seabream within <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>. In addition, the Applicant has also presented the 135dB threshold (as based on a study by Hawkins et al. (2014) for the simultaneous piling scenarios (for multileg and monopile foundations) relative to the Kingmere Marine Conservation Zone, in Figures 5.16 and 5.17 of the <a href="#">In Principle Sensitive Features Mitigation Plan [REP3-045]</a> at Deadline 4.</p>
4.7.6	The MMO request that modelling for simultaneous piling of multi-leg foundations and for simultaneous mono-piling using the 135 dB SELs is provided in future submissions	Please see <a href="#">response 4.7.5</a> .
4.7.7	The MMO also request to see modelling of simultaneous piling of mono pile and multi-leg foundations presented to show the impact ranges for mortality and potential mortal injury (210 dB SELcum), recoverable injury (203 dB SELcum) and temporary threshold shift (TTS) (186 dB SELcum) in line with Popper et al., 2014.	The Applicant confirms that the impact ranges from the simultaneous piling of monopile and multileg foundations are presented in <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).
<b>Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 10 – Further Information for Action Point 42 – Proximity to Marine Wildlife (REP1- 028)</b>		
4.8.1	The MMO acknowledge that a Construction Method Statement, as required under Deemed Marine Licence (DML) Condition 11(c) in Schedules 11 and 12 of the Draft Development Consent Order (DCO) (PEPD-009) will be produced, post-consent, prior to construction. This will include details of the procedures for soft start and ramp up of piling activity.	Noted, the Applicant has no further comments on this matter at this time.
4.8.2	In addition, in compliance with Condition 11 of Schedules 11 and 12 of the DCO, a Piling Marine Mammal Mitigation Protocol (MMMP) and an Unexploded Ordnance (UXO) Clearance MMMP will delineate proposed mitigation measures aimed at minimising the risk of any physical or permanent auditory injury to marine mammals during piling and UXO clearance operations. These plans will encompass embedded mitigations, including details of soft-start procedures and control measures for UXO clearance.	<p>The Applicant will be submitting a final Unexploded Ordnance (UXO) clearance Marine Mammal Mitigation Protocol (MMMP) at the post-consent stage, once geophysical surveys have taken place to confirm number of UXO. The final UXO clearance MMMP will be submitted as part of the separate UXO clearance Marine Licence Application (MLA).</p> <p>The Applicant will be submitting a final Piling MMMP at the post-consent stage once the final design parameters for piling have been confirmed and underwater noise modelling updated.</p>

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		<p>The final MMMP will be submitted as part of suite of documents under requirements set out within the deemed Marine Licence (dML).</p> <p>The final MMMPs will detail the embedded mitigations for UXO clearance and piling, the soft-start procedure for piling and control measures for UXO clearance.</p>
4.8.3	<p>The MMO welcome, that prior to construction, a detailed design of the Proposed Development will be completed, which will specify the foundation type and installation method, and the potential for significant disturbance to marine mammals will be determined. This will inform the need for further mitigation measures to minimise sound propagation and disturbance. If required, a comprehensive review will be undertaken to determine the most suitable and effective methods based on the latest available practices before construction commences. This will include a thorough examination of all suitable noise abatement measures at that time.</p>	<p>The Applicant welcomes the Marine Management Organisation's support on the proposed approach.</p>
<p><b>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)</b></p>		
<p><i>Benthic Ecology</i></p>		
4.9.1	<p>The MMO acknowledge that in response to Action Point 45 the Applicant has presented three cable protection options which are being considered for use and that these are, rock protection, concrete mattresses, and rock bags.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>
4.9.2	<p>The MMO note that the Applicant has not yet committed to a chosen cable protection method and would like to keep all options available, as it is their view that the most appropriate design solution may evolve after the initial cable burial has taken place. The MMO notes the Applicant would like to maintain the above options for cable protection as is currently set out in the application and defined in the DCO.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>
4.9.3	<p>The MMO note that in addition, the Applicant has not committed to removal of cable protection at decommissioning or the methods by which such decommissioning would be conducted as this would be subject to a separate licence application. Although the Applicant has not committed to the removal of cable protection at this time because the final methods have not been determined, the MMO is of the position 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 method which is most likely to be removable at decommissioning.</p>	<p>The Applicant has committed to C-300: 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.</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>
4.9.4	<p>The MMO advise the Applicant to provide more detail on possible suppliers and specification of potential rock bags as the information provided at present is not sufficient enough to determine the potential environmental impacts associated with rock bags as a means of cable protection.</p>	<p>The Applicant highlights that at this stage, no procurement process is yet in progress to provide details of possible suppliers and specifications of the bagging material that has the potential to be used for the gravel or rock bags which may be deployed at the Proposed Development. The Applicant would note, however, that suppliers advertising such products include a firm named Ridgeway (2024), which supply rock bags made from 100% polyester for marine applications but would note similar bags are available from other suppliers. In addition, a company named Jager Maritime Solutions (Jager Group, 2024) supply rock bags made of a basalt-based fabric.</p> <p>The Applicant would also highlight that a full assessment of the use of rock bag cable protection has been presented within the Environmental Statement (ES), as this falls within</p>

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		the maximum design scenario assessed within <a href="#">Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2</a> of the ES [APP-050] (updated at Deadline 4).
4.9.5	In response to Action Point 46, the MMO would like to thank the Applicant for providing further information on the use of gravel bags as an alternative to floatation pits as well as an assessment of their potential environmental impacts.	The Applicant welcomes the comment from the Marine Management Organisation.
<i>Coastal Processes</i>		
4.9.6	The MMO welcome the Applicant's suggestion that, with regard to alternative cable protection methods, they will seek to find products which do not involve the use of plastics. The MMO note however, that the material being proposed for use in gravel bag beds is not mentioned in this document. Could the Applicant please provide this information?	The Applicant refers to <b>response 4.9.4</b> above in regard to available information on rock bag materials. At this pre-consent stage, no detailed process has been undertaken with respect to the sourcing or supply of such items has been undertaken, however the Applicant would note that following an initial high-level search for alternative materials, at least one potential option appears to be available, notwithstanding the detailed procurement process that would be required to ensure the suitability of such products for use at the Proposed Development.
4.9.7	The MMO would also like to see consideration given as to how plastic pollution associated with damage to these bags may be prevented, specifically in relation to damage to the bags occurring through installation and removal.	Risk assessments and method statements will be utilised to minimise the potential to damage any rock bags when they are installed and if they are required to be removed.
4.9.8	The MMO note that methods for the installation and removal of gravel bags is not provided in this document and that this information is required to appropriately assess the potential impacts associated with this activity.	The methods for installing and removing gravel bags will be detailed at the construction stage. It is likely that this method will involve barges with lifting equipment, lowering and lifting the bags out of the water. It is likely that filling of the bags will take place at a port location.
4.9.9	The MMO notes the Applicant's statement that "Installation of the gravel bag beds would be completed one month prior to the planned date of the cable pull in works". Please could the Applicant provide clarity on why this time period has been proposed and what consideration, if any has been given to the potential impacts of different time periods? The MMO recommend that gravel bags are in place for as short a time as possible.	Cable landfall works are weather sensitive operations. If a gravel bag solution were to be utilised, then a sufficient amount of time would need to be allowed to ensure that a suitable weather window becomes available so the works could be executed. Where possible but noting that the likely good weather periods are already restricted by the black bream spawning period, the Applicant will aim to minimise the period over which the temporary gravel bag beds are in place.
<b>MMO Response to Applicant's comments on MMO Relevant Representations (REP1-017)</b>		
<i>Coastal Processes Comments</i>		
4.10.1	4.2.6: The Applicant's response does not fully address the question posed regarding the use of a 'jetter'. Whilst the Applicant has confirmed that a 'jetter' includes the use of a Continuous Flow Device (CFD) they have not stated whether the potential impact of this CFD has been included in the assessment.	The Applicant confirms that the potential impact of Continuous Flow Device (CFD) tools is included in the assessments of 'Increases in suspended sediment concentration (SSC) and deposition of disturbed sediments to the seabed due to cable installation'. The use of a CFD (also called a Mass Flow Excavator, (MFE)) is specified in the Maximum Design Scenario (Table 6-11) and assessed in paragraph 6.9.21 onwards of <a href="#">Chapter 6: Coastal processes, Volume 2</a> of the Environmental Statement [APP-047].
4.10.2	4.2.13 & 4.2.14: The MMO acknowledges and accepts the Applicants justification for not providing/creating new of potential impact. However, the MMO would still prefer to see information present in terms of changes in tidal currents and sediment currents with cumulative projects.	As noted in the response to 4.2.13 in <a href="#">Deadline 1 Submission – 8.24 Applicant's Response to Relevant Representations [REP1-017]</a> , a more detailed assessment of change to tidal conditions due to the proposed scheme layouts (both alone and with other relevant cumulative scenario projects) is provided in Section 4 of <a href="#">Appendix 6.3: Coastal processes technical report Impact assessment, Volume 4</a> of the Environmental Statement (ES) [APP-131]. This information is summarised in paragraph 6.10.1 onwards of <a href="#">Chapter 6: Coastal processes, Volume 2</a> of the ES [APP-047].

Ref	Deadline 3 submission	Applicant's response
		<p>These assessments describe the (very small) absolute and relative changes in tidal currents (and therefore sediment transport) as a result of the Proposed Development both alone and with other relevant cumulative scenario projects.</p> <p>The Applicant considers that the assessment and conclusion is robust and clear in the form of the statements made. As the determined effect is negligible in both absolute and relative magnitude and no new modelling has been undertaken to define a specific pattern to plot, no new map of potential impact has been created.</p>
<i>Benthic Ecology Comments</i>		
4.10.3	<p>4.3.3: The Applicant's response does not address the issue that the information presented in Table 9-14 Chapter 9 of the ES still contradicts the statement concerning habitat function in the preceding text. Table 9-14 still does not list any species considered to have an important functional presence and whilst further information on the sensitivity of each biotope is presented in Chapters 9-9 to 9-11, there is no information in these chapters on the functional roles of the habitats. The MMO suggest that these sentences be rephrased to avoid any further confusion.</p>	<p>The Applicant has provided an updated version of <b>Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2</b> of the Environmental Statement [APP-050] at Deadline 4. The Applicant has updated paragraph 9.6.31 to avoid confusion relating to value according to the functional role of the habitat or species as per the Marine Management Organisation's request.</p>
4.10.4	<p>4.3.4: The MMO note that the Applicant's categorisation of the biotope sponges and anemones as 'not sensitive' to heavy smothering is acceptable given that this statement refers to this biotope occurring on vertical rock and that this biotope has only been predicted to occur, having not been identified during drop down camera survey.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>
4.10.5	<p>The MMO note that whilst it may disagree with the categorisation of certain biotopes assessed by Marine Evidence Based Sensitivity Assessment (MarESA) as having 'low' sensitivity, given that they are characterised by species that are sensitive to suspended sediment concentration (SSC), the Assessment Confidence for some of these biotopes is listed as 'low confidence'</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>
4.10.6	<p>The MMO consider the categorisation of these biotopes acceptable, providing the Applicant can confirm that this uncertainty and lack of confidence in the MarESA assessments is taken into account in the final assessment for potential impacts on these habitats.</p>	<p>The assessment presented in <b>Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2</b> of the Environmental Statement [APP-050] (updated at Deadline 4) details further information on MarESA confidence and provides further appraisal of evidence where relevant.</p>
4.10.7	<p>4.3.5: The MMO acknowledge that whilst SSC and smothering have been defined separately in the MarESA sensitivity tables that they should not be combined into a single pressure. The MMO still consider that the potential impact of these two pressures should be assessed separately as part of any impact assessment due to the differences in the mechanism by which each pressure affects benthic organisms.</p>	<p>This is noted by the Applicant however the separate pressures have been discussed further within the body text of the assessment in some instances where there is a particular sensitivity identified, supplementing the MarESA sensitivity table.</p>
<i>Fisheries Comments</i>		
4.10.8	<p>4.6.28, 4.6.39 &amp; 4.6.48: The MMO acknowledge the Applicant's commitment within the In-principle Sensitive Features Mitigation Plan to a seasonal restriction to ensure that Offshore Export Cable Corridor installation activities are undertaken outside the Black Sea Bream breeding period (March-July) to avoid any effects from installation works on Black Sea Bream nesting within or outside of the Kingmere MCZ.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>

Ref	Deadline 3 submission	Applicant's response
4.10.9	The MMO support this commitment and request that it be conditioned within the DML that no Offshore Export Cable Corridor activities (including construction, operation and decommissioning) are permitted to take place during 1 <sup>st</sup> March – 31 <sup>st</sup> July inclusive. This condition should be made applicable during the full duration of the DML and including construction, operation and post-construction.	<p>The Applicant has updated commitment C-273 in-line with the request from the Marine Management Organisation, to state: <i>“A seasonal restriction will be put in place to ensure Offshore Export Cable Corridor activities (including construction and installation, preventive or scheduled maintenance, inspections and decommissioning) are undertaken outside the black seabream breeding period (1st March- 31st July inclusive) to avoid any effects from installation works on black seabream nesting within or outside of the Kingmere MCZ. This does not apply to emergency work required to maintain the operation, safety and integrity of the infrastructure”</i></p> <p>The <b>In Principal Sensitive Features Mitigation Plan [REP3-045]</b> (updated at Deadline 4) and the commitments contained within it, including commitment C-273 (which the Marine Management Organisation is referring to) are secured by Condition 11(1)(k) of the deemed Marine Licences (Schedules 11 and 12 of the <b>draft Development Consent Order [REP3-003]</b> (updated at Deadline 4).</p>
4.10.10	4.6.28: The MMO support the Applicant's commitment to mitigation measures proposed to minimise the impacts of Cable Installation activities on seabed habitats including, those with the potential to support Black Sea Bream nesting. These measures include minimising cable route distances, the use of offshore export cable laying techniques and maintaining a working separation distance from sensitive features.	The Applicant welcomes the Marine Management Organisation's support on the commitment to mitigation measures to minimise the impacts of cable installation activities.
4.10.11	4.6.21- 4.6.27: The MMO note that no new evidence or data has been provided to justify the continued proposed suitable behavioural response threshold for Black Sea Bream of 141 SELss based on Kastelein et al. (2017).	<p>The Applicant has undertaken a thorough review of available literature and data, 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. 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 the Marine Management Organisation, 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 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 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 Marine Management Organisation 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 Marine Management Organisation have 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</p>

Ref	Deadline 3 submission	Applicant's response
		<p>of 141 dB re 1 mPa<sub>2</sub> (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. 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 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> <p>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). Whilst the breeding habit differs between seabass and black seabream, the sensitivity of the fish to noise stimuli is physiologically derived, and therefore this proxy species as suggested by the Applicant is considered appropriate for the purposes of defining black bream noise response.</p>
4.10.12	The MMO has previously outlined, most recently in section 7.1.6 of our Deadline 2 Response, that it does not support the use of a threshold of 141SELss for Black Sea Bream. The MMO maintain, in line with our previous advice, that the threshold of 135 dB SELss, as per Hawkins et al., (2014), should be used as a precautionary approach to modelling.	Please see <b>response 4.10.11</b> .
4.10.13	4.6.34: The MMO note the Applicant's response confirming that the UWN contours for simultaneous mono-piling will be included in a technical note that will be submitted to the Examining Authority in due course	The Applicant confirms that the underwater noise contours for the simultaneous piling of monopile foundations were provided in <a href="#">Deadline 1 Submission – 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).
4.10.14	As mentioned previously, the MMO also request sight of modelling of simultaneous piling of mono pile and multi leg foundations presented to show the impact ranges for mortality and potential mortal injury (210 dB SELcum), recoverable injury (203 dB SELcum) and temporary threshold shift (TTS) (186 dB SELcum) in line with Popper et al., 2014.	The Applicant confirms that the underwater noise contours for the simultaneous piling of monopile and multileg foundations were provided in <a href="#">Deadline 1 Submission – 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).
4.10.15	4.6.36: Regarding the significant overlap of behavioural effects noise contours for sequential mono-piling and the Downs herring spawning ground in Figure 8.20 of the ES., the Applicant	The Applicant maintains their position, that the presence of high densities of herring larvae (as informed by the International Herring Larvae Survey (IHLS) data) are not indicative of



Ref	Deadline 3 submission	Applicant's response
	<p>has retained their position as stated 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 MMO disagree with this assessment.</p>	<p>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 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> <li>• <i>marine mammals.”</i></li> </ul> <p>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 <a href="#">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). 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).</p>
<p><i>Underwater Noise comments</i></p>		
<p><b>4.11.1</b></p>	<p>Appendix 11.3 Underwater noise technical report – Section 3.1: The MMO acknowledge the Applicant's explanation for the inclusion of SEL<sub>peak</sub> values. The MMO request that SEL<sub>ss</sub> values are included in future iterations of this document as offered by the Applicant.</p>	<p>The Applicant will ensure that future versions of <a href="#">Appendix 11.3: Underwater noise technical report, Volume 4</a> of the ES [APP-149] will also include explicit validation in terms of SEL<sub>ss</sub>.</p>
<p><b>4.11.2</b></p>	<p>Appendix 11.3 Underwater noise technical report – Table 5-2: It appears the Applicant's response here is potentially in relation to another query. The response given relates to operational turbine noise whilst Table 5-2 pertains to other continuous noise sources.</p>	<p>The Applicant confirms that all parameters including geometric spreading function are empirically derived. The size of the noise sources and the situation/environment in which they are located will have a large impact on the sound transmission, and this will affect the sound transmission as much as if not more than the spectrum.</p>
<p><b>4.11.3</b></p>	<p>4.7.8: The MMO note the Applicant's acknowledgement of the many uncertainties associated with fish fleeing speed but would reiterate our caution around the use of strong statements such as “highly precautionary” given the recognised levels of uncertainty.</p>	<p>The Applicant acknowledges and accepts the caution from the Marine Management Organisation but highlights that assessments were undertaken assuming the worst case of a fish remaining stationary.</p>

Ref	Deadline 3 submission	Applicant's response
4.11.4	4.7.10: The MMO acknowledge the Applicant's explanation for the classification of marine mammals within the ES as having low sensitivity to Permanent Threshold Shift (PTS). The MMO still disagree with this classification and believe that marine mammals should be classified as having high sensitivity to PTS but recognise the disagreement on this issue will go unresolved until empirical evidence can be provided to support either opinion.	<p>As per the Applicant's response in <a href="#">Deadline 3 Submission – 8.55 Applicant's Response to Deadline 2 Submissions [REP3-052]</a>: 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>
4.11.5	4.7.20 & 4.7.21: The MMO thank the Applicant for acknowledging that further empirical evidence is required to assess proposed noise abatement technologies. The MMO note that any final mitigation will need to be agreed with the MMO, Cefas and Natural England.	Noted, the Applicant has no further comments on this matter at this time.
4.11.6	MMO Points 5.7.3 & 5.7.8: The MMO thank the Applicant for referencing the modelling that has been conducted to assess proposed noise abatement technologies in relation to clearance of Unexploded Ordnance (UXO). The MMO note that any final mitigation will need to be agreed with the MMO, Cefas and Natural England.	Noted, the Applicant has no further comments on this matter at this time.
4.11.7	5.7.9 & 5.7.10: The MMO acknowledge the Applicant's explanation of their reasoning for a behavioural noise threshold of 141 db SELss. The MMO recognise that that point will not be resolved until a suitable behavioural noise threshold is agreed between the Applicant, the MMO, Cefas and Natural England.	Noted, the Applicant has no further comments on this matter at this time.

**Table 2-18 Applicant's response to Marine Management Organisation's Deadline 3 Submission - Comments on Applicant's Submission received at Deadline 2 [REP3-076]**

Ref	Deadline 3 submission	Applicant's response
5.1.1	<p>The MMO has consulted with our technical advisors and reviewed the following documents submitted at Deadline 2:</p> <ul style="list-style-type: none"> <li>6.3.9 ES Volume 3 Chapter 9 Benthic, subtidal and intertidal ecology - Figures Rev B (REP2-010)</li> <li>6.4.8.3 ES Volume 4 Appendix 8.3 Underwater noise study for sea bream disturbance Rev B (REP2-011)</li> <li>8.42.1 Appendix 1 Marine Mammals Clarification Note Rev A (REP2-019)</li> <li>Marine Plan and Policies Statement (REP2-027)</li> </ul>	Noted, the Applicant has no further comments on this matter at this time.
5.1.2	The MMO has not provided comments on the Applicant's Response to Prescribed Consultee's Written Representations in this deadline response (REP2-030). The MMO will include our detailed review of this at deadline 4.	Noted, the Applicant has no further comments on this matter at this time.
<b>Benthic, subtidal and intertidal ecology (REP2-010)</b>		
<i>Benthic Ecology</i>		
5.2.1	The MMO has addressed the information presented in this document in our Benthic Ecology considerations of action points and relevant representation responses in Section 4.	The responses to these points are in <b>Table 2-17</b> of this document
<b>Underwater noise study for sea bream disturbance Rev B (REP2-011)</b>		
5.3.1	Major issues identified from previous MMO advice on the Applicant's Black Sea Bream Underwater Noise Technical Note have not been addressed in this document. No new evidence or justification has been provided to address the comments raised in Sections 7.1.13 – 7.1.17 of our Deadline 2 response relating to concerns about the lack of explanation on the conversion of 141 dB SELss into 148 dB SPLrms; when considering that the difference between impulsive vs continuous noise sources.	This conversion between SPLrms and SELss is derived from analysis of existing piling data measured directly by Subacoustech, and in accordance with findings in Kastelein <i>et al</i> 2017. The purpose of the conversion is to demonstrate that the noise level identified in the long-term underwater noise monitoring reaches levels that are close to the predicted maximum noise levels during piling, albeit temporarily. This is approximate and intended only to be indicative of the order of magnitude that the noise levels reach occasionally at the site.
5.3.2	The data presented in this document relates to a background noise study at Kingmere MCZ that was carried out in between 4th and 19th July 2022, this data has seemingly not been updated since the initial review of this document conducted in 2022. A number of limitations were identified with this 2022 monitoring survey which were stated at the time and it is unclear as to why the information presented in this document has not been updated to reflect the more recent noise monitoring survey conducted between 8th March and 15th August 2023 which was assessed as part our Deadline 2 response. Following a call with the Applicant, Cefas and the MMO on 19th April 2024, the MMO is awaiting further information from the Applicant to resolve this point. The MMO will provide further comment on this in our next deadline response.	The results of the extended survey were presented at the Pre-Examination Procedural Deadline (16 January 2024) in <b>Appendix 8.4: Black Seabream Underwater Noise Technical Note and Survey Results – Revision A, Volume 4</b> of the ES [PEPD-023]. The results of the survey in 2023 demonstrated that the results and conclusions of the shorter survey remain valid.
5.3.3	The MMO request that the Applicant update the information in this document to reflect the most recently conducted 2023 monitoring survey or address the issues previously raised with 2022 data.	Please see <b>response 5.3.2</b> .
5.3.4	The MMO maintains the opinion that a seasonal piling restriction of March to July, inclusive is required to prevent disturbance from UWN to nesting and spawning Black Sea Bream. Until such a time that the Applicant can	The Applicant directs the Marine Management Organisation to the Applicant's response to reference

Ref	Deadline 3 submission	Applicant's response
	demonstrate that their modelling accurately represents the likelihood of potential impacts to Black Sea Bream with regard to agreed behavioural thresholds, background noise levels and demonstratable achievability of noise reduction from proposed mitigation.	1.1.22 in <a href="#">Deadline 2 Submission – Applicant's Response to Prescribed Consultees' Written Representations [REP2-026]</a> .
<b>Marine Mammals Clarification Note Rev A (REP2-019)</b>		
5.4.1	This document was produced primarily to address Action Points arising from Natural England's Relevant Representations and as such, the MMO defer largely to Natural England advice on whether this document adequately addresses the issues raised.	Noted, the Applicant has no further comments on this matter at this time.
5.4.2	The MMO note that this document contains an updated quantitative impact assessment for piling to reflect the revised Management Units and updated density estimates.	Noted, the Applicant has no further comments on this matter at this time.
5.4.3	The MMO acknowledge that the assessment of noise disturbance appears to use a species-specific dose-response approach, wherein noise contours at 5 dB intervals were generated by noise modelling and overlaid on to species density surfaces to predict the number of animals potentially disturbed. The MMO considered this approach to modelling appropriate.	The Applicant welcomes the Marine Management Organisation's support on the approach to presenting contours.
5.4.4	The MMO note in Section 3 that the Applicant states that in relation to disturbance from piling "TTS-onset impact ranges were all <100m. This would impact <1 dolphin". The MMO would like to reiterate the point that TTS and disturbance are not analogous and should not be used interchangeably. TTS typically occurs at much higher sound exposures than the onset of behavioural disturbance and so if behavioural disturbance is assumed to occur only at sound exposures where TTS would occur, this is likely to significantly underestimate the risk of disturbance.	The heading of Section 3.3 in <a href="#">Deadline 2 – Applicant's Response to Action Points Arising from Issue Specific Hearing 1: Marine Mammals Clarification note [REP2-019]</a> is incorrect and should be 'TTS from piling' and not 'disturbance from piling'. The Applicant agrees that temporary threshold shift (TTS) and disturbance are not analogous.
<b>Marine Plan and Policies Statement (REP2-027)</b>		
5.5.1	The MMO thank the Applicant for providing REP2-027 in response to comments provided in our Relevant Representation.	Noted, the Applicant has no further comments on this matter at this time.
5.5.2	The MMO has reviewed this document in full and acknowledges the Applicant's efforts to ensure that the proposed development is in line with all relevant marine policies. The below policies require further attention:	The <a href="#">Marine Plan and Policies Statement [REP2-027]</a> has been updated to explain how the Proposed Development adheres to these policies and submitted at Deadline 4.
5.5.3	S-INF-1: The MMO consider this policy relevant, and therefore it should be scoped in as the proposed development contains land-based infrastructure which facilitates marine activity (WTGs).	This has been acknowledged by the Applicant, S-INF-1 has been scoped in in the revised <a href="#">Deadline 2 Submission – 8.50 Marine Plan and Policies Statement [REP2-027]</a> submitted at Deadline 4.
5.5.4	S-CAB-2: The MMO consider this policy relevant, and therefore it should not be scoped out of the assessment. Even though Rampion 2 is not a subsea cable proposal, the Climping landfall site should still be assessed here.	This has been acknowledged by the Applicant, S-CAB-2 has been scoped in in the revised <a href="#">Deadline 2 Submission – 8.50 Marine Plan and Policies Statement [REP2-027]</a> submitted at Deadline 4.
5.5.5	S-AGG-4: The MMO acknowledge that the source of marine aggregates will not be determined until the Final Scour Protection Cable and Protection Plan is completed, which will be reviewed by the MMO.	The Applicant welcomes the MMO's support on this matter.

**Table 2-19 Applicant's response to National Highway's Deadline 3 Submission**

Ref	National Highway's response	Applicant's response
2.1.1	<p>This letter responds to the Examining Authority (ExA) Rule 8 letter dated 7 February 2024 and Deadline 3 (25 April 2024) required actions as set out on the PINS Rampion 2 webpage. It also responds to the ExA Rule 13 letter dated 11 April 2024 with regards the holding of</p> <ul style="list-style-type: none"> <li>• 13 May 2024 Open Session Hearing 2</li> <li>• 15 (&amp; 16 May if needed) 2024 Issue Specific Hearing 2</li> <li>• 17 (AM only) and 21 May 2024 Compulsory Acquisition Hearing 1 (CAH1)</li> </ul> <p>National Highways is a statutory consultee to the Development Consent Order process. It has a specific obligation to deliver economic growth through the provision of a safe and reliable SRN, in line with the provisions set out in DfT Circular 01/2022: The strategic road network and the delivery of sustainable development.</p> <p>National Highways would seek to draw the ExAs attention to the following excerpts from DfT Policy C1/22 as this provides the context for National Highways continuing concerns and requirements in connection with the Rampion 2 Application;</p> <p><b>Department of Transport C1/22 8.</b>  <i>This document is the policy of the Secretary of State in relation to the SRN which should be read in conjunction with the National Planning Policy Framework (NPPF), ... The policies may also be considered important and relevant to decisions on nationally significant infrastructure projects (NSIPs) in the absence of a stated position in the relevant national policy statement.</i></p> <p><i>9. This circular also sets out the way in which the company will engage with the development industry, public bodies and communities to assist the delivery of sustainable development. As such, these policies should be read by development promoters and their consultants, ...</i></p> <p><i>49. A transport assessment for consideration by the company must also consider existing and forecast levels of traffic on the SRN, alongside any additional trips from committed developments[footnote 21] that would impact on the same sections (link or junction) as the proposed development. Assumptions underpinning projected levels of traffic should be clearly stated ...</i></p> <p><i>54. Due consideration must be given to the geotechnical integrity of land within the SRN where development would increase the load of, or otherwise alter, an embankment. In such cases, supporting plans and reports must identify the extent of the proposed works and how any risk would be managed in accordance with the DMRB.</i></p> <p><i>57. For reasons of safety, liability and maintenance, any physical infrastructure that is necessary to mitigate the environmental effects of or on development must be located outside of the highway boundary of the SRN. In general terms, structures should be sited sufficiently far from the highway boundary of the SRN so that they cannot topple on to the SRN or undermine its geotechnical integrity[footnote 23]. Alternatively, an appropriate structural assessment that accords with the DMRB must be provided. A Road Restraints Risk Assessment must also be carried out where any furniture, structures or other features would be sited adjacent to the SRN.</i></p> <p><b>National Planning Policy Framework (updated 19 December 2023)</b>  <i>5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework)</i></p>	<p>The Applicant has been liaising with National Highways to provide the requested further information including preliminary design reports, geotechnical information, and construction traffic flow numbers to resolve this. Please see the Applicant's response to National Highways' ExA reply to TA 1.1 in <a href="#">Applicant's Response to Stakeholder's Replies to Examining Authority's Written Questions (Document Reference 8.77)</a> for further information.</p>

Ref	National Highway's response	Applicant's response
	<p>114. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:...</p> <p>b) safe and suitable access to the site can be achieved for all users; ...</p> <p>d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p> <p>115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p> <p>By reference to Policy C1/22 and the Updated NPPF National Highways focus is on the safety implications of the Rampion 2 Application and any risk of severe congestion which may be caused by construction traffic. National Highways continues to engage with the Applicant which commenced pre application and continues.</p>	
2.1.2	<p>As the ExA is aware from National Highway's Relevant Representations and PADS and submissions at the Preliminary Meeting and Issue Specific Hearing (Environmental Matters), National Highways has identified the high-level impacts of the proposed development on the SRN generally and the location of some of the more detailed impacts. However, further details on various matters are still required from the Applicant in order for the Applicant to demonstrate compliance with national policy, as set out in DfT Circular C1/2022.</p>	
2.1.3	<p>With regards the main Deadline 3 matters, National Highways responses are set out as follows:</p> <p>Appendix 1: Responses to Written Questions (ExQ1)</p> <p>Appendix 2: Comments on the Applicant's first update to the draft DCO</p> <p>Appendix 3: Comments on the Applicant's first update to the Land Rights Tracker</p> <p>Appendix 4: Comments on the first update to the Statements of Commonality of Statements of Common Ground</p> <p>Appendix 5: Comments on the Applicant's draft itinerary for the ASI (if required)</p> <p>Appendix 6: Notification of wish to attend an Accompanied Site Inspection (ASI) (if required)</p> <p>Appendix 7: Draft s106 Heads of Terms (if required)</p> <p>Appendix 8: Any further information requested by the ExA under Rule 17 of The Infrastructure Planning(Examination Procedure) Rules 2010</p> <p>Appendix 9: Comments on any further information/submissions received by Deadline 2</p>	<p>The Applicant has provided a response to National Highways Appendices below, please see <b>references 2.1.6 to 2.1.21</b>.</p>
2.1.4	<p>With regards the Rule 13 potential sessions, National Highways would seek to attend any further hearings depending on the contents of the agendas and progress with the Applicant or if required by the ExA.</p>	<p>Noted, the Applicant has no further comment on this matter at this time.</p>
2.1.5	<p>In conclusion, given the outstanding issues summarised above, National Highways is still not yet satisfied that the Applicant's proposals appropriately address National Highways' concerns and requirements to ensure the safety, reliability and operational efficiency of the SRN is safeguarded as required by national planning and transport policy. However, National Highways remain keen to resolve the concerns raised and is expecting the Applicant to urgently arrange to meet with National Highways.</p>	<p>The Applicant notes National Highways position on outstanding concerns and will work together to resolve outstanding matters. The parties met on 23 May 2024 to discuss appropriate protective provisions for inclusion in the Development Consent Order (DCO) to address National Highways' concerns and requirements, in which the impact on the Strategic Road Network (SRN) Horizontal Directional Drilling (HDD) cabling below the surface of the highway and construction access off the highway) was explained. The Applicant considers that the protective provisions should take a form reasonable and proportionate to the impact that the Proposed Development has on the SRN. The Applicant notes the contemplations in paragraph 8.7.439 and 8.7.440 of the Report to the Secretary of State dated 20 December 2023 in relation to the HyNet Carbon Dioxide Pipeline</p>

Ref	National Highway's response	Applicant's response
		regarding the need for protective provisions to afford an appropriate level of protection in the context of the proposed development.
<b>Appendix 1 is found in Document 8.77 Applicant's Response to Stakeholder's Replies to Examining Authority's Written Questions</b>		
<b>Appendix 2 Comments on the Applicant's first update to the draft DCO</b>		
2.1.6	National Highways notes that Applicant has added the National Highways Protective Provisions to the draft DCO but is concerned at the statement that it is 'engaged in ongoing discussions and negotiations with National Highways in respect of suitable protective provisions and anticipates being in a position to include final and agreed protective provisions in the DCO'. To date National Highways has not received any comment or correspondence on Protective Provisions and neither has the Applicant yet sought to meet with National Highways legal team.	<p>The Applicant confirms that it sent an annotated version of the National Highways preferred form of protective provisions to Ms Marshall for National Highways on 6 February 2024 following ISH1 with explanations as to reasons for the changes sought.</p> <p>No response was received and further correspondence was sent to Ms Marshall on 12 March 2024 seeking a response from National Highways to the amended protective provisions and clarifying the Applicant's position in relation to the 'standard approach' promoted by National Highways. The Applicant noted in <a href="#">Deadline 3 Submission – 8.55 Applicant's Response to Deadline 2 Submissions [REP3-052]</a> that the Applicant had provided comments on the draft Protected Provisions though had not received a response from National Highways.</p> <p>Again, no response was received, and a further request for comments from National Highways was sent on 13 May 2024.</p> <p>The Applicant received responses to its proposed amendments to National Highways' preferred protective provisions at 8pm on 15 May 2024 so was unable to progress discussions with National Highways in advance of matters being raised as part of the agenda at ISH2. The Applicant provided a response to National Highways on 20 May 2024, and a meeting was held on 23 May 2024. Comments were received from National Highways immediately prior to the commencement of the meeting.</p>
2.1.7	National Highway would therefore hope and expect to hear from the Applicant concerning the Protective Provisions in order that these can be agreed before close of Examination.	The Applicant is keen to resolve points between the parties as soon as ever possible, and a meeting was arranged to discuss the points between the parties on 23 May 2024. Engagement between the parties has and will continue post that meeting.
2.1.8	National Highways remains undefined in the draft DCO.	Please see the Applicant's response to National Highways' Appendix 9 below.
2.1.9	<p>Given the lack of clarity concerning the cabling route under the A27, National Highways would seek to add the following paragraphs to its Protective Provisions submitted at D1 which refers to DMRB document CG 300 and DMRB CD 622;</p> <ul style="list-style-type: none"> <li>• The design and construction of the cable route shall be subject to technical approval and certification by National Highways Safety Engineering and Standards Division in accordance with DMRB document CG 300</li> <li>• "highway structures" means any structure crossing or supporting part of or all of the strategic road network;</li> </ul>	<p>In the meeting on 23 May 2024, the cabling route and method was clearly explained to National Highways.</p> <p>The Applicant will discuss this proposal in connection with its wider negotiations in relation to protective provisions for National Highways referred to above.</p>

Ref	National Highway's response	Applicant's response
	<ul style="list-style-type: none"> <li>• [ ] (1) Any specified works which involve tunnelling, boring or otherwise installing the pipeline under the strategic road network without trenching from the surface, must be designed by the undertaker in accordance with DMRB CD622 and be subject to technical approval and certification by National Highways Safety Engineering and Standards Division in accordance with DMRB document CG 300 unless otherwise agreed in writing by National Highways.</li> <li>(2) The specified works must not commence until—               <ul style="list-style-type: none"> <li>(a) the programme of works has been approved by National Highways;</li> <li>(b) the detailed design of the specified works comprising of the following details, insofar as considered relevant by National Highways, has been submitted to and approved by National Highways—                   <ul style="list-style-type: none"> <li>(i) the detailed design information;</li> <li>(ii) the identity and suitability of the contractor and nominated persons; and</li> <li>(iii) a process for stakeholder liaison, with key stakeholders to be identified and agreed between National Highways and the undertaker;</li> </ul> </li> <li>(c) a condition survey and regime of monitoring of any National Highways assets or structures that National Highways reasonably considers will be affected by the specified works, has been agreed in writing by National Highways; and</li> <li>(d) an acceptable security in favour of National Highways for the indemnity set out in paragraph 14 below has been put in place, which security must be maintained in place until the expiry of 12 months following the completion of all of the specified works.</li> </ul> </li> </ul>	
<b>Appendix 3 Comments on the Applicant's first update to the Land Right Tracker</b>		
2.1.10	<p>National Highways notes the contents of REP2-008 Category 4: Compulsory acquisition Rampion 2 Wind Farm Date: March 2024 Revision B First Update of the Land rights Tracker (Tracked Changes).</p> <p>National Highways refers back to its comments on Appendices 1 and 2 regarding parcels of land in its ownership.</p>	<p>Heads of Terms for plot 7/18 were issued on the basis of land outside of the adopted highway. The Applicant will issue terms for all land owned by National Highways for which rights are being sought by the Applicant. The Applicant has requested contact with National Highways Estates team to engage in land rights discussions though is yet to receive a response.</p>
<b>APPENDIX 4 Comments on the first update to the Statements of Commonality of Statements of Common Ground</b>		
2.1.11	<p>National Highways note the contents of REP2-012 Category 8: Examination Documents Statement of Commonality for Statements of Common Ground Date: March 2024 Rev B.</p> <p>National Highways continues to correspond and has met with the Applicant regarding various aspects of the proposals with the aim of progressing them to the appropriate level of detail and/or agreement to meet the requirements of national policy.</p>	<p>The Applicant welcomes National Highways response and will continue to work together to resolve outstanding matters outlined in the Statement of Commonality for Statements of Common Ground.</p>
<b>APPENDIX 5 Comments on the Applicant's draft itinerary for the ASI (if required) and APPENDIX 6 Notification of wish to attend an Accompanied Site Inspection (ASI) (if required)</b>		
2.1.12 2.1.15	<p>National Highways note the contents of REP2-016 Category 8: Examination Documents Draft Accompanied Site Visit Itinerary Date: March 2024 Revision A. National Highways notes that the proposed route will include the parties driving along the A27 at Hammerpot in both directions. It will also include parties leaving and rejoining the A27 at Hammerpot in order or conduct visit 6: Suzie Smith Racing.</p> <p>National Highways would invite all parties to observe this section of the A27, its construction and configuration, topography, existing utilities and services etc as this is the proposed location for</p> <ul style="list-style-type: none"> <li>• A trenchless crossing</li> <li>• A compound on the north side, crossing the highway verge, and located within the National Park.</li> </ul>	<p>The Applicant notes this request to the Examining Authority. This section of the A27 was driven in both directions as part of the Accompanied Site Visit on 14 May 2024, but the Examining Authority did not request a stop at this location.</p>



**Ref National Highway's response****Applicant's response**

National Highways would request that the parties stop at the Suzie Smith Racing access to observe the A27 in this vicinity before rejoining the A27. The maps extract below (REP2-016) and the photographic map below indicate where the stop can safely take place.

Extract from REP2-016Photographic Map - A27 Hammerpot area at Suzie Smith Racing access.

National Highways confirms that it does not wish to attend the ASI but is prepared to do so if the ExA would find it appropriate. Please see the National Highways response to the ASI route at Appendix 5 which suggests a brief stop to allow all parties to safely view the A27 in the vicinity of the proposed trenchless crossing and compound.

Ref	National Highway's response	Applicant's response
<b>APPENDIX 7 Draft s106 Heads of Terms (if required)</b>		
2.1.16	<p>National Highways would require any legal agreements impacting the strategic road network are secured via S278 of the 1980 Highways Act.</p> <p>However, if there are to be any S106 agreements that could impact on the Strategic Road Network and/or by reference to any S278, then National Highways would require that it is appropriately consulted (or if necessary become a party) prior to the signing of any S106 agreement.</p>	<p>The Applicant does not consider that an agreement under section 278 of the Highways Act 1980 will be necessary in respect of works which may impact the Strategic Road Network (SRN) and would be authorised by the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4) if made as drafted. The interface between the proposed development and the SRN is limited to:</p> <ol style="list-style-type: none"> <li>1) The installation of cables under the SRN which does not affect the SRN itself; and</li> <li>2) One access from the SRN which will be authorised pursuant to Article 13.</li> </ol>
<p>The Applicant confirms that the proposed Section 106 agreements do not pertain to any impacts on the SRN.</p>		
<b>APPENDIX 8 Any further information requested by the ExA under Rule 17 of The Infrastructure Planning(Examination Procedure) Rules 2010</b>		
2.1.17	<p>National Highways is not aware of any Rule 17 further information requests that require its input. However, if the ExA do wish National Highways to input into any such information requests, please confirm.</p>	<p>Noted, the Applicant has no comment on this matter at this time.</p>
<b>APPENDIX 9 Comments on any further information/submissions received by Deadline 2</b>		
2.1.18	<p>National Highways has reviewed the 70+ submissions made by parties by Deadline 2 – please see comments below;</p>	<p>Noted, the Applicant has no comment on this matter at this time.</p>
2.1.19	<p><b>1. West Sussex County Council ('WSCC')</b></p> <p>National Highways note and echo WSCC comments with regards Traffic and Transport. They quote various passages from the Energy NPS and NPPF with regards the traffic and transport aspects of proposals. Based on these passages they go on to express concerns, in connection with the need for further details in connection with the Rampion 2 application. For example, in connection with</p> <ul style="list-style-type: none"> <li>• construction traffic levels, types, timings, routings etc and</li> <li>• the interplay between the Strategic and Local Road Networks (in practice only once the LRN routing and accesses are considered satisfactory from the LRN perspective can the SRN impacts be assessed) and</li> <li>• the consequential need for mitigation in many locations and • the consequential need for preliminary level design and</li> <li>• the consequential need for Road Safety Audits etc</li> </ul> <p>National Highways considers that only once the complete “package” of details (that will include an agree Transport Assessment Outline Construction Management Traffic Management Plan, Outline Construction Workforce Travel Plan etc etc) is submitted and can be holistically reviewed, will the Highway Authorities be able to proportionately and appropriately assess whether the proposals comply with national transport and planning policy.</p>	<p>The Applicant has updated the <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> (updated at Deadline 3) 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>
2.1.20	<p><b>2. Rampion 2 Category 8: Examination Documents Applicant's Response to Action Points Arising from Issue Specific Hearing 1 Date: March 2024</b></p>	<p>The Applicant reiterates its position that the relevant provisions of the <a href="#">Draft Development Consent Order [REP3-003]</a> refer to the relevant highway authority and, where a relevant stage of the Proposed Development impacts on the Strategic Road Network, the reference to discharge by, or requiring consultation with, the relevant highway authority will be National Highways by virtue of the definition of this term.</p>

**Ref National Highway's response**

62	<p>Respond to National Highways oral representations which were (amongst other things):</p> <ul style="list-style-type: none"> <li>- National Highways should be similarly defined in the draft DCO as other statutory bodies;</li> <li>- amend highway authority to include National Highways in Article 2;</li> <li>- A27 to be explicitly referred to in draft DCO; and</li> <li>- Schedule 1 lacks a governance of works.</li> </ul>	<p>The Applicant does not consider that National Highways is required to be defined in the <a href="#">draft DCO [PEPD-009]</a> updated at Deadline 2; the definition of highway authority in the draft DCO is confirmed by reference to the definition in the Highways Act 1980 which differentiates between the local highway authority and the highway authority responsible for the strategic road network. The role of National Highways in discharging requirements is in its role as highway authority as so defined. This is consistent with a change that has already been made in the <a href="#">draft DCO [PEPD-009]</a> to include a definition of statutory nature conservation body in place of specifying Natural England in case of a future change to the name of constitution of this body.</p> <p>It is not clear how National Highways require the A27 to be referred to in the <a href="#">draft DCO [PEPD-009]</a>; reference is already included to trunk roads. Neither is it clear what National Highways wish to see in terms of a governance of works in Schedule 1 of the <a href="#">draft DCO [PEPD-009]</a>. The Applicant will consider the requirement for further changes on receipt of additional detail from National Highways.</p>
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National Highways would reiterate its concern, that unless the DCO throughout clarifies which Highway Authority is being referred to, or whether both are, there will always be a risk that the Applicant or a third party may not consult and/or obtain the necessary agreements from the correct Highway Authority. National Highways often finds that local planning authorities fail to consult National Highways, or that applicants only consult with the local highway authority. This can lead to significant delay to projects and potentially additional costs to all parties. National Highways would therefore submit that it is in all party's interest to include the necessary clarity and certainty into the DCO.

National Highways concern was with regards to the places in the DCO where the A27 either was or wasn't mentioned. For example, the DCO separates in many instances how processes and actions will work within or outside the National Park. The A27 in different locations is within and outside the Park. Hence National Highways would wish the DCO to contain sufficient clarity and certainty on how all relevant aspects of the DCO would be implemented with regards the A27.

National Highways will continue to engage with the Applicant to reach consensus on the above points.

**2.1.21 3. Rampion 2 Category 8: Examination Documents Applicant's Mid Examination Progress Tracker Date: March 2024 Rev B**

National Highways notes the Applicant's comments with regards outstanding matters in connection with National Highways and the Strategic Road Network.

National Highways will continue to engage with the Applicant in seeking to resolve all matters.

**Applicant's response**

Further the Applicant is already engaging with National Highways as set out above, and the protective provisions included in the [Draft Development Consent Order \[REP3-003\]](#) provide expressly for engagement with National Highways.

As noted above the Applicant is keen to resolve points between the parties as soon as ever possible and will continue to engage with National Highways in respect of the proposed protective provisions.

The Applicant welcomes National Highways response and will work together to resolve outstanding matters outlined in the Mid-Examination Progress tracker.

**Table 2-20 Applicant's response to Constructive Heritage's Deadline 3 Submission [REP3-096]**

Ref	Deadline 3 submission	Applicant's response
2.1.1	Thank you to the applicant for the response to the concerns raised in the previous representation. There are a few issues felt still outstanding, however, these mentioned below:	
2.1.2	Regarding the previous comments by a number of interested parties on lack of visual representation of the turbines during operation, we thank the applicant for pointing out their location within the previous documentation. However, we reiterate this was not represented or readily available at the time of public engagement/consultation, nor were there moving images presented at any time. There is a question regarding the correct scale of turbines in the applicants photomontages. Images were requested at the time by numerous parties and denied on reasons of cost and practicality. Whilst understood there would be a need for representation at multiple viewpoints and the extra costs involved in video editing, such as from the South Downs National Park, for such significant visual changes planned, the public should have been made more aware. We commissioned our own audio visual expert to give us a scale panoramic idea of the moving turbines from Littlehampton pier and it was not expensive or too time consuming. Rather than repeat what others have added we would like to endorse MOSCA Middleton on Sea Coastal Alliance	The Applicant has responded to this point in Appendix B Applicant's Response to Middleton on Sea Coastal Alliance's Written Representations of <b>Deadline 2 Submission – 8.53 Category 8: Examination Documents – Applicant's Response to Non-Prescribed Consultees' Written Representations [REP2-030]</b> .
2.1.3	IP Number 20045287: Seascape, Landscape and Visual Impacts MOSCA Response to Rampion 2: Seascape, Landscape and Visual Impacts Appendix B: 2.1.1 – 5.1.4 We support: "The people who this development affects are not likely to be all scientific, big business or legally proficient. We are real human beings of all ages with real concerns who care for where we live and may not be able to interact at the level of detail and research that the Examination is asking for and which is available to Rampion 2 nor the precisely accurate speak that may be expected - it does not mean we should not be accorded respect in the requests made and where something is so important an effort or willingness can be seen to be made to allay the fears that we feel. Nor be faced with information that is represented within a response given that the presence of the information is not wholly evident to human inspection – (Teganography!)"	Noted, the Applicant has no further comments on this matter at this time.
2.1.4	Representation by Constructive Heritage LLP 2.1.11 Request for further information based around current data. The applicant states "the modelling used was undertaken using the INSPIRE underwater noise modelling software, which is dedicated to underwater noise from impact piling, is approved by the MMO, who have raised no concerns with the methodology and is continually updated with real world data". INSPIRE is an Energy flux model which is fast, physically insightful but only valid for simple cases, giving coarse descriptions of the field. It's applicable to broadband average intensity. It does not take into account sound speed profile. There is a need to conduct a large series of Sound Speed Profiles across the area at various times of the day and year to begin to achieve an accurate baseline understanding of sound propagation and decay.	The Applicant would like to clarify that parameters pertinent to acoustic propagation, such as sound speed profiles, are relevant to particular models and circumstances. There are three main issues that should be understood. <ol style="list-style-type: none"> <li>1. The most important factor in modelling is confidence and accuracy. INSPIRE is a semi-empirical underwater noise model developed specifically for impact piling noise using data primarily from waters in the UK. Many parameters, such as sound speed profile, which would be necessary inputs for numerical modelling, are intrinsic to the INSPIRE model. It has been validated by over 80 datasets of piling noise and its accuracy is not in question in relation to impact piling in the English Channel.</li> <li>2. The use of a sound speed profile is of most importance in the propagation of sound in deeper water rather than in these relatively acoustically shallow conditions.</li> <li>3. Measuring and then attempting to model using sound speed profiles from various times in the day, and seasonally, would require many multiples of the modelling requirement and huge cost and time requirements, which, in these relatively shallow, mixed water conditions, would lead to a minimal</li> </ol>

Ref	Deadline 3 submission	Applicant's response
2.1.5	The National Physical Laboratory have a calculator on the absorption of sound through water: Their simple data calculates an absorption of 0.06 db per km in typical seawater. Agree that this is subject to numerous factors but that means that high sound levels will carry over much further distances than previously stated by the applicant Therefore more accurate modelling is still needed.	effect on sound transmission and estimates of impact ranges for this sound type.  The Applicant would like to highlight that the figure quoted by Constructive Heritage is only one of many factors that an experienced acoustician would recognise and factor into predictions. Constructive Heritage suggest that this figure is a reason why sound travels further than modelling predicts, not acknowledging that the other factors that need to be considered have a much greater effect on noise attenuation. As such, this is not valid evidence for the claim of a modelling underestimation or inaccuracy. Seawater absorption has a relatively minor influence on the propagation of impact piling noise at the frequencies to which this value is relevant. In addition to this, seawater absorption is far more relevant to ultrasound (see <b>response 2.1.7</b> below).
2.1.6	We note comments and would like to endorse and defer to the MMO and NE and their relevant representations and concerns on sound noise levels during construction and operation. We would also like to refer the applicant to best practice regarding underwater and surface monitoring of all aspects of generated noise. This is a complex subject, that we trust will be overseen by the relevant authorities using BS and ISO guidelines on underwater and surface monitoring.	The Applicant agrees with the deference to the relevant authorities and their specialist advisors in respect of the complex and technical subject of underwater noise.
2.1.7	We maintain that infrasound and ultrasound will be generated and should be included in any monitoring program and future modelling. There is a published standard of relevance that should be referred to:-ISO 18406:2017 – Measurement of radiated underwater sound from percussive pile driving.	The Applicant is not aware of any published papers or documentation of the production of underwater infrasound or ultrasound from piling noise, or any risk of significant impacts on the marine environment as a result. In respect of ultrasound, it should also be noted that, using the reference from NPL stated here by Constructive Heritage, seawater absorption is a much larger factor in sound attenuation at very high frequencies and these will attenuate rapidly.  The Applicant is aware of ISO 18406:2017 – Measurement of radiated underwater sound from percussive pile driving, which has been a standard reference text in the industry since it was published.
2.1.8	Comments on MMO representation 1.1.20 “The MMO acknowledges NE concern over the lack of clarity over piling ‘worst case scenario’, and agrees that it is, currently, not possible to confidently assess whether this has been robustly assessed by the applicant. Additionally, the MMO notes concerns relating to the Vessel Management Plan (VMP) and marine mammals. The MMO also has concerns relating to underwater noise and will keep a watching brief on this topic.”	In response to the concerns raised by Natural England and by the Examining Authority at Issue Specific Hearing 2 (May 2024), the Applicant has updated <b>Chapter 11: Marine mammals, Volume 2</b> of the Environmental Statement <b>[REP1-004]</b> (updated at Deadline 4) and has provided clarification in agenda items 9 and 21 of <b>Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference: 8.70)</b> .
2.1.9	We would like to reiterate our opinion on excessive sound levels and their potential to do significant harm if not mitigated correctly as previously stated and defer to and endorse the MMO and NE on this subject. Thank you for your time and consideration in this matter	Noted, the Applicant has no further comments on this matter at this time.

**Table 2-21 Applicant's response to Ancleggan Limited's Deadline 3 Submissions {REP3-091 & REP3-092}**

Ref	Deadline 3 submission	Applicant's response
2.1.1	By way of reminder, Ancleggan Limited is developing a Battery Energy Storage System (" <b>BESS</b> ") to the northeast of Bolney electricity substation.	
2.1.2	The Applicant's current draft of the DCO boundary occupies a little under half of Ancleggan's BESS development boundary being approximately 5.6 acres of the approximately 12.7 acres on which Ancleggan proposes to construct the batteries and substation comprising the BESS (the " <b>BESS Construction Site</b> ")	The Applicant confirms that an area of 5.6 acres is required for the Proposed Development.
2.1.3	<p>The Applicant has stated that it "is not in a position to refine the construction corridor for the electrical connection at this stage" insofar as its location conflicts with the BESS Construction Site.</p> <p>Ancleggan believes that it is unreasonable for the DCO boundary to occupy so much of the BESS Construction Site for the following reasons:</p> <p>a. Ancleggan acknowledges that the Applicant has not been able to obtain clarity on its cable route into the substation with National Grid since the Applicant accepted its grid offer in 2019.</p> <p>The Applicant argues that its failure to obtain a grid connection route design from National Grid during this period is justification for the size of the overlap between the BESS Construction Site and the DCO Boundary.</p> <p>However, the Applicant has now confirmed with National Grid where the Applicant's substation will be located. Accordingly, the route of the Applicant's cable to its substation is entirely in the control of the Applicant (and not under the control of National Grid). It is therefore for the Applicant to agree the route with Ancleggan (which Ancleggan has been trying and remains willing to do) and other neighbouring landowners.</p> <p>Further, Ancleggan believes it is unreasonable that its project should be adversely affected because the Applicant had previously failed to engage adequately with National Grid in order to determine the location of its substation and that the Applicant has subsequently failed to engage adequately with neighbouring landowners in order to determine the location of the cable route more accurately.</p>	<p>There are 3 key factors for restricting the Applicant's ability to refine the proposed DCO Order limits at this stage are set out below:</p> <p>1) National Grid Electricity Transmission (NGET) required design works have been explained by the Applicant in the Applicant's response to the Ancleggan relevant representation in Table LI15 within <a href="#">Deadline 1 Submission – 8.24 Applicant's Responses to Relevant Representations [REP1-017]</a> and the Applicant's response to the NGET PLC Relevant Representation <a href="#">[RR-032]</a> in Table 4-5 within <a href="#">Deadline 1 Submission – 8.24 Applicant's Responses to Relevant Representations [REP1-017]</a>.</p> <p>The Applicant's Responses to <a href="#">Action Points Arising from ISH2 and CAH1 [Document Reference 8.70]</a> updates the NGET position. NGET have been progressing the design for the Bolney Extension on behalf of the applicant and have confirmed the location to the east of Bolney substation for the AIS infrastructure. NGET has now shown the Applicant a working draft 'base design' drawing for the extension area. NGET are expecting to have a finalised design in the last quarter of 2024. Whilst the final design is not yet completed, the Applicant is now able to utilise the known elements to progress interim cable design work for the Proposed Development from the edge of the Bolney extension area to (and including) the Worsley land over which Ancleggan has an option.</p> <p>There are a number of buried and overhead services and lines in the Ancleggan/ TC Rampion 1 OFTO/ NGET land which require approval of protective provisions or crossing agreements. The requirements / technical measures to deliver agreement to those protective provisions is not yet fully known and won't be until protective measures are designed and agreed.</p>

Ref	Deadline 3 submission	Applicant's response
2.1.4	<p>b. Ancleggan believes that losing 5.6 acres from the BESS Construction Site may render it economically unviable. Ancleggan acknowledges that the Applicant will ultimately not require the whole of the 5.6 acres which is currently encompassed within the DCO boundary. Instead, the Applicant has stated that it will require a cable corridor of between 20m and 30m through this area.</p> <p>The Applicant cannot, however, currently say where the cable corridor will be located within this 5.6-acre area.</p> <p>As a direct result of this inability, Ancleggan cannot refine its designs for its own project in order to try to mitigate the impact of the Applicant's project on Ancleggan's project. This has a material adverse effect on Ancleggan's ability to develop its project.</p>	<p>3) There are a number of proposed schemes in this area which, were these to come forward, may have an interaction with the Proposed Development and affect the detailed design in due course. These include:</p> <ul style="list-style-type: none"> <li>- the proposed early stage development in the field to the west of the Ancleggan land for a grid stabilisation scheme that whilst to date has not progressed beyond environmental scoping stage, may still be advanced;</li> <li>-The One Planet planning application, which has been in the planning system for 14 months, being subject to a series of time extensions for determination., The application has no committee date set yet and no officer report is available recommending approval or otherwise; and:</li> <li>- The Applicant is aware that there are a number of other battery storage proposals in the vicinity at different stages of planning.</li> </ul> <p>The Applicant has set out a timeframe for the completion of its concept design work for the cables through Ancleggan land in light of the development prospects. An early indication of refinement will be discussed with Ancleggan subject to the Rampion 2 design work. A commitment to refine the cable route at this time is being discussed with Ancleggan representatives whilst it has also requested Ancleggan to move the location of its substation.</p> <p>Given the current status of the Ancleggan project (which does not have planning permission, and which also requires a connection to the Grid at Bolney but with a proposed 2031 grid connection date several years after the Applicant's connection date), the Applicant does not accept that it is materially affecting the ability of Ancleggan to develop its project.</p> <p>Notwithstanding the above, it is the view of the Applicant that the conflict (which is to a significant degree due to Ancleggan's proposed chosen substation location that sits on top of the cable route in a constrained location) between the One Planet and Rampion 2 projects could be managed if the One Planet scheme secures consent. The Applicant will therefore continue to proactively engage with Ancleggan to seek to secure agreement to a mutually acceptable arrangement.</p>

Ref	Deadline 3 submission	Applicant's response
2.1.5	<p>c. The Applicant acknowledges that “loss or effect on trees is a material consideration in the planning process... it is generally incumbent on the applicant to demonstrate that the avoidance of undue impact on trees has been considered in the design process.”<sup>2</sup></p> <p>The Applicant has further “committed to reduce habitat loss and landscape and heritage impacts by “notching” tree lines and hedges to facilitate the cable crossing wherever possible...”<sup>3</sup></p> <p>Ancleggan believes that the Applicant has failed both of its own tests: the Applicant’s response to the arboricultural survey submitted by Ancleggan states that “it is not possible to confirm whether it will be possible to avoid the removal of trees on the western boundary of the Ancleggan Land (including those forming G248) at this time but minimizing the removal of mature and high quality trees across the scheme is a principal consideration that will be explored further at the detailed design stage, alongside the relevant constraints.”</p> <p>While Ancleggan acknowledges that the Applicant has not been able to obtain a detailed grid design from National Grid and therefore may require some flexibility on the ultimate location of its cable corridor this does not mean that the DCO boundary needs to extend into the north-western portion of the BESS Construction Site if the Applicant truly wishes to minimize the removal of the trees its ecologists have identified as “mature and high quality”.</p> <p>Ancleggan submits that the less the DCO boundary extends into this area, the lower the impact it will have both on the G248 group of trees and on the BESS Construction Site.</p>	<p>The <b>Outline Code of Construction Practice [REP3-025]</b> (updated at Deadline 4) includes commitment C-292 which reads “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 a suitably qualified and experienced ecologist 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”. This commitment is to secure the application of the mitigation hierarchy through the decision making process at detailed design. This ensures that tree losses will be minimised as far as is possible.</p> <p>The Rationale for the DCO Order Limits in this location is set out in the Applicant’s comments relating to 2.1.3 (1) and (2). Whilst the entry point from NGET and TCE Rampion 1 OFTO land is to the south of the Ancleggan land, the presence of extensive buried services and required discussions with asset owners in relation to protective provisions may result in alternative cable routeing design or land to fulfil protective provision requirements. There is a high risk that without the land currently proposed for inclusion in the DCO Order Limits a workable cable design with appropriate protective provision measures could not be delivered which would put the delivery of the Proposed Development in jeopardy.</p>
2.1.6	<p>d. The Applicant notes in its response “that in Mr. Howley’s [sic] assessment the same trees (those that would be removed to facilitate the proposed cable crossing) are considered to be of moderate quality (Category B)”. Ancleggan presumes that the Applicant is referring to the Arboricultural Impact Assessment prepared by Ian Howell of Barton Hyett Associates, quoted in Table 2-3 of the Applicant’s Response to Affected Parties<sup>4</sup>. If Ancleggan’s understanding is correct, the Applicant’s observation is factually incorrect: Mr. Howell makes no reference to Category B trees as stated by the Applicant</p>	<p>The Applicant is referring to <b>Appendix 22.16 Arboricultural Impact Assessment, Volume 4</b> of the Environmental Statement <b>[APP-194]</b> (updated at Deadline 4). The data gathered in the area in question includes both groups and individual trees that fall largely within Category A or Category B, with a small number of Category C trees. The feature is recorded in two parts the Category A tree line with a mixed understorey.</p>
2.1.7	<p>For the reasons stated above, Ancleggan believes that the Examiner would benefit from an Accompanied Site Inspection as previously requested in its submission made on the 11 January 2024 (<b>PEPD-060</b>) and repeats its request in this regard.</p>	

<sup>2</sup> Environmental Statement Volume 4, Appendix 22.16: Arboricultural Impact Assessment, Document Reference 6.4.22.16, Ecodoc 004866574-01, p. 65

<sup>3</sup> Environmental Statement Volume 4, Appendix 22.16: Arboricultural Impact Assessment, Document Reference 6.4.22.16, Ecodoc 004866574-01, p. 62

<sup>4</sup> Document Reference 8.51, Ecodoc 005131276-01, pp 25-28



**Table 2-22 Applicant's Response to Aquind Limited's Deadline 3 Submission [REP3-094]**

Ref	Deadline 3 submission	Applicant's response
2.1.1	We write to you further to the issue of the Relevant Representation (RR-031) on behalf of AQUIND Limited and our letter dated 28 February 2024 (REP1-071).	
2.1.2	The information contained in our previous letter regarding the matters agreed in principle between the parties remains accurate, however since the issue of that letter it has not been possible to agree the technical information to settle the required separation distances.	The parties have made significant progress in the drafting of a Cooperation Agreement to regulate ongoing relations in the delivery of the respective projects. The substantive terms are settled, and the parties have both produced technical notes regarding the information informing the required separation distances and remain in constructive conversation in the matter.
2.1.3	Moreover, there are some key commercial terms where the parties have not yet been able to agree a suitable position. AQUIND remains committed to entering into an agreement with the Applicant to regulate the interaction of both projects. However, as a responsible undertaker it will not accept any position which could mean the future safety and reliability of AQUIND Interconnector is compromised due to the Rampion 2 Proposals not being suitably located within its Order Limits in relation to the AQUIND Interconnector cables.	The parties continue the constructive conversation to conclude the Cooperation Agreement and significant steps have been made towards resolving the commercial terms.
2.1.4	For this reason, and noting the current stage of the examination of this project and the need to resolve matters before the end of the examination, we wish to put the ExA on notice that should sufficient progress not be able to be made in advance of Deadline 4 on 3 June 2024, AQUIND will submit a form of protective provisions for inclusion in the Rampion 2 Offshore Wind Farm DCO that will ensure the co-location of both projects in a safe and reliable manner.	A meeting was held on 20 April 2024 to discuss the parties' respective positions as set out in the technical notes referred to in paragraph 2.1.2 above, and the drafting of the Cooperation Agreement. In that meeting, legal representatives on behalf of Aquind indicated that there was confidence in settling the terms of the Cooperation Agreement. As such it was not seen likely that a form of protective provisions for inclusion in the Rampion 2 Offshore Wind Farm DCO would be required, and Aquind's legal representatives are not expecting to submit a form of protective provisions to the Examination at Deadline 4.

**Table 2-23 Applicant's response to Daniel & Emily Ball's Deadline 3 Submission [REP3-100]5**

Ref	Deadline 3 submission	Applicant's response	
2.1.1	We strongly object to the Rampion II proposal.	The Applicant has no further comment on these matters at this time.	
2.1.2	We are residents living on Kent Street in Oaklands / Ridgeland.		
2.1.3	I have sent written objections previously for all the deadlines and we are part of the Cowfold V Rampion group of local residents. We are an active community who will not let large business bulldoze through our area without due regard to local policy and local people and agree with our MP's view that this is the "wrong project in the wrong place"		
2.1.4	We have read, contributed and endorse the latest Submission 3 deadline document by CowfoldvRampion. For ease of reference this document is attached below		
2.1.5	<b>An email was sent to the ExA regarding compensation on the 24/4/24. The ExA in their written questions to the applicant LR1.3 and LR1.2 have asked about updates on compensation.</b>		Please see the Applicant's response to LR 1.2 and LR 1.3 submitted at Deadline 3 in <a href="#">Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> .
2.1.6	<b>I emailed on the 29/11/22 requesting details on compensation and also on the phone early Sept 2023 and by email on the 4/9/23 asking about compensation but have received no answer to date. I also requested via email a meeting with of RED with to discuss compensation on the 18/10/23 but I never received a reply. My disappointment in the lack of communication was reiterated by email on the 20/12/23 but Rampion have not replied regarding compensation since my initial emails. This would seem to be contrary to what Rampion are stating reference LR 1.3 and LR 1.2. as they are aware of my views since 2022.</b>		<p>The Land Interest requested clarification on what compensation was available to them as the owner of the property situated to the east of Kent Street. The Applicant responded to the Land Interest on 09 May 2024 summarising the potential routes to claim. The Applicant confirmed in writing to the Land Interest (on 09 May 2024) that as no permanent rights are currently proposed to be acquired over their property (nor is any permanent acquisition of any part of the property proposed), the tests for service of a successful blight notice in accordance with the relevant legislation are unlikely to be met.</p> <p>The Land Interest's property is affected by temporary possession powers only, for a proposed visibility splay/ construction access along part of Kent Street. A sliver of hedgerow/ verge on the Land Interest's title boundary (abutting Kent Street) is included within the Works No.13 area (Plot 33/6). The Land Interest also has presumed ownership of part width of subsoil over Kent Street (Plot 33/4) which is unregistered adopted Highway. Heads of Terms for an Option for a temporary construction lease to enable the construction works to take place along part of Kent Street were sent to the Land Interest in respect of this visibility splay/ temporary construction access in April 2024. In the event that the Land Interest suffers loss or damage arising from the exercise of temporary possession powers, Article 33(7) requires the Applicant to pay compensation to owners and occupiers of land.</p> <p>There are other heads of claim for compensation to which the land interest <i>may</i> be entitled to in due course and the Applicant provided links to the Land Compensation Manual, in particular, Guide 4 which provides a helpful guide to the compulsory purchase process and the rights to compensation which are available for residential owners and occupiers.</p>

<sup>5</sup> The Applicant has only provided a response to the Deadline 3 submission from Daniel and Emily Ball [REP3-110] and not the Deadline 3 submission from Emily Ball [REP3-102] as this provides duplication of the concerns included in this table.

Ref	Deadline 3 submission	Applicant's response
2.1.7	<p>As with many of the listed points in the latest CowfoldVRampion document the above yet again shows a lack of clarity, honesty and respect by the applicant in dealing with local people (see also responses in REP2-028 and his treatment). They have constantly tried to mislead and positively spin responses as listed in our document.</p>	<p>The Applicant has advised the Land Interest that they may wish to seek advice from a qualified RICS Surveyor who will be able to advise and assist on blight and/or in respect of any claim for compensation which they may be entitled to bring.</p> <p>The Land Interest does not have any permanent rights being acquired over their property. A plan of the landholding, the DCO Order and temporary construction Works areas impact on the property are detailed within the plan at <b>Appendix D</b>.</p>
2.1.8	<p><b>ESO Report</b></p> <p>The National Grid ESO have produced a comprehensive Beyond 2030 report about the grid which proposes a £58bn investment to make the grid carbon neutral by 2035.</p> <p><a href="https://www.nationalgrideso.com/news/eso-publishes-beyond-2030-ps58bn-investment-plan-future-britains-energy-system">https://www.nationalgrideso.com/news/eso-publishes-beyond-2030-ps58bn-investment-plan-future-britains-energy-system</a></p> <p>This report analyses the current over production of wind farm electricity in Scotland and The North Sea, and the wasteful current payments made to wind farm operators to not produce any electricity. It proposes off-shore cables to even out supply and demand over the UK to form a network so that energy is directed from where it is currently produced to areas where it is needed</p> <p>Rampion should be evaluated in light of this new influential report</p>	
2.1.9	<p><b>Accompanied Site Visit</b></p> <p>We are pleased that we now have a site visit to Kent Street but would like the ExA to see the traffic flow at the Kent Street / A272 junction <b>during congestion periods of 7.30am-8.30am and at 4pm-5pm</b>. The traffic comes to a standstill at these times as traffic queues in and out of Cowfold and this is only with current traffic numbers.</p> <p>We still feel that the detailed exhaustive ecology work undertaken by is not being acknowledged properly during the site visit. The 'green lane' refers to is not being visited, this area is rich in diversity and will be destroyed by the works. Can this be added to the site visit and also more time along Moatfield Lane.</p> <p><b>Daniel Ball would also like to accompany the site visit and attend the open floor hearing please.</b></p>	
2.1.10	<p>Traffic – Local issues and impacts A272/ Cowfold/ Kent Street</p> <p>We feel that the lived experience of local residents in Cowfold is not in agreement with the findings of Rampion and their traffic data and this needs to be investigated. This has been flagged from the beginning, but Rampion have not expanded on their analysis</p>	<p>The Applicant has provided a separate response to each topic below.</p> <p><b>Construction Traffic Estimates</b></p>

Ref	Deadline 3 submission	Applicant's response
2.1.11	We would comment many of the traffic figures supplied by Rampion are confusing and contradict findings between numbers and tables.	<p>Details of construction traffic estimates for the Proposed Development is provided within <a href="#">Appendix 23.2: Traffic Generation Technical Note, Volume 4</a> of the Environmental Statement (ES) [REP3-021]. This document provides details of the methodology used and assumptions applied as part of the calculation of construction traffic movements and includes estimates of total construction traffic for each year of the construction programme, total construction traffic using each access, peak Heavy Goods Vehicle (HGV) and total construction traffic flows at each access and peak construction traffic flows at receptors identified within <a href="#">Chapter 32: ES Addendum, Volume 2</a> of the ES [REP1-006].</p> <p>All construction traffic estimates provided within <a href="#">Appendix 23.2: Traffic Generation Technical Note, Volume 4</a> of the ES [REP3-021] and used within <a href="#">Chapter 32: ES Addendum, Volume 2</a> of the ES [REP1-006] include construction workers and other Light Goods Vehicle (LGV) deliveries. These estimates are robust on the basis that they assume all construction workers drive to each construction compound via single occupancy car. It is commonplace however for construction workers to be based in shared accommodation (such as hotel and B&amp;Bs) when supporting large construction projects and travel to site together. The estimates also make no provision of minibuses etc to pick-up construction workers from cluster locations such as temporary accommodation or rail stations, as included within the <a href="#">Outline Construction Workforce Travel Plan [REP3-031]</a>.</p> <p>Further to this and in response to Action Point 46 and 57 of Issue Specific Hearing 2 the Applicant has prepared a Technical Note which includes further information (derived from the <a href="#">Appendix 23.2: Traffic Generation Technical Note, Volume 4</a> of the ES [REP3-021]) on estimated construction traffic flows at junction along the A272.</p> <p>It should also be noted that all details of construction traffic contained within <a href="#">Appendix 23.2: Traffic Generation Technical Note, Volume 4</a> of the ES [REP3-021] are estimates. These have been derived using a robust set of assumptions on construction methodology and programme to provide an appropriate level of assessment. The exact number of construction vehicle movements using individual access junctions cannot be determined until design stage.</p> <p><b>Water Neutrality</b> 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 <a href="#">Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>.</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</p>
2.1.12	Already over 18,500 vehicles go through Cowfold every day and this number is increasing (WSSC figs up) as more housing development occurs around local areas and villages	
2.1.13	Originally Rampion said 8040 HGVs, this is now over 20,000 but there will be more due to water tankering vehicles for water neutrality (they may arrive from A23 but leave via Cowfold). Also due to the flagged flooding issues at Oakendene many more hardcore deliveries will need to take place	
2.1.14	Rampion do not give reliable data but REP1-009 say around 70,000 LGVs and the 20,000 HGVs above between the two compounds, is this vehicle movements or vehicles?	
2.1.15	The unknown factor is the amount of sub-contractor vans arriving and leaving every day, this could be in the hundreds and all arriving at the same time around 8am and leaving around 4pm to coincide with current congestion mentioned above at this time through Cowfold and the current traffic jams at this time down to Kent Street	
2.1.16	Even now if a lorry leaves Cowfold and tries to turn right into Oakendene Industrial estate, if there is a lot of oncoming traffic coming along the A272 from the A23 then the lorry will cause a jam up to Cowfold in minutes. We are near to capacity at peak times.	
2.1.17	Cowfold has 2 x congested mini roundabouts, these areas become blocked very quickly and are difficult to navigate in busy times with current traffic flow only.	
2.1.18	We need more clarification on exact numbers of vehicles entering and leaving the 2 Oakendene compounds every day	
2.1.19	When will Rampion publish a traffic management plan for access into Oakendene – we need this now to analyse traffic flows consequences in and out of Cowfold	
2.1.20	We believe there are too many access points along the A272 and along Kent Street, we need data to be analysed to show how all these new access points will function during the day	
2.1.21	Traffic lights must be used for safety reasons but with them the traffic jams will be too large to be functional, especially at peak rush hour times am and pm. This is the problem of having the substation placed so close to Cowfold Village. The junction from Kent Street to the A272 is extremely dangerous pulling out and heading to the A23. Many accidents have happened along this route and the local community are very worried that more will happen (a lady on the lane lost her son on this junction)	
2.1.22	Blockages on the mini roundabouts will have safety issues for elderly people in the village and for school children taken and picked up from the local school	
2.1.23	How can they prove they do not need a holding bay when this was such a positive effect in use for Rampion 1, Bolney Parish Council have raised this, and they were directly involved in Rampion 1 holding bay discussions?	
2.1.24	The added congestion will cause many more vehicles to use other side roads and quiet lanes which all have soft clay verges which will be destroyed.	

Ref	Deadline 3 submission	Applicant's response
2.1.25	Rampion have not included traffic congestion and standing traffic effects around the 2 mini roundabouts in Cowfold and the effects on the AQMA – this needs to be addressed. Defra guidance states that there is a clear distinction between vehicle emissions split between moving and stationary traffic if congestion is an issue.	remain for the duration of the construction works, owing to a housing trajectory within the Council's emerging new development plan.
2.1.26	In REP2-022-point 8.16 Rampion are still saying there is no environmental effects from traffic in Cowfold and point 8.17 Rampion still state HGV traffic will avoid Cowfold where possible – this is not good enough for the local community.	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 be mains connected and screened out (as opposed to construction water being tankered in for construction). Providing this becomes fully agreed with Natural England welfare facilities, wheel washing and batching of cement bound sand or concrete would be mains connected which would remove the need for tanker movements associated with those activities, which collectively account for over half of the movements which were presented 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> .
2.1.27	In the same REP2-022 on traffic point 11.9 - With regard to traffic flows through Cowfold and the AQMA - Rampion still only saying that they will discourage construction traffic from coming through Cowfold, then give a worst-case scenario of 25%, this is unacceptable as it is too vague.	Should water tankering be required, these HGVs would be subject to construction traffic controls contained within the <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> (updated at Deadline 4). This means that, in accordance with Commitment, C-157 and C-158 ( <a href="#">Commitments Register [REP3-049]</a> (updated at Deadline 4)), water tankers should not route through Cowfold and instead will be arrive and depart compounds from the east.
2.1.28	Safety issues on Kent Street with walkers, dog walkers and horses using the lane (WSCC reiterate this issue)	<b>Assessment Methodology</b>
2.1.29	<p>We would like to have definite and easy to understand traffic surveys of Cowfold and the A272 so that surveys can be matched with residents lived experiences. Otherwise Cowfold Village will be gridlocked for hours every day.</p> <p>Rampion are saying there will be no congestion issue and so no solution is needed. This will not be true, and more investigations need to take place asap to see how the local road network will be affected. Also, how standing traffic will affect safety in Cowfold and the impacts on pollution and businesses in the area.</p>	<p>An assessment of traffic and transport effects of the Proposed Development is presented within <a href="#">Chapter 23: Transport, Volume 2</a> of the ES [<a href="#">APP-064</a>] and <a href="#">Chapter 32: ES Addendum, Volume 2</a> of the ES [<a href="#">REP1-006</a>]. These assessments are based upon construction traffic estimates detailed within <a href="#">Appendix 23.2: Traffic Generation Technical Note, Volume 4</a> of the ES [<a href="#">REP3-021</a>]. The scope and methodology of assessment was discussed extensively with West Sussex County Council and National Highways prior to the submission of the DCO application. The Applicant also notes that West Sussex County Council in their response to TA 1.2 of the <a href="#">Examining Authority's First Written Questions [REP3-073]</a> confirmed that the assessment methodology and baseline data used within the ES is acceptable.</p> <p>All assessments have also been based upon an estimated peak week for construction traffic at individual receptors, which is short-term and temporary in nature. For example, construction activity around Cowfold and Oakendene is currently anticipated to last for approximately half of the four year construction programme, during which time estimated construction traffic flows will be less than 50% of the peak flows for approximately 10 months.</p> <p><b>Construction Traffic Management / Road Safety</b></p> <p>All construction traffic associated with the Proposed Development will be subject to controls contained within detailed Construction Traffic Management Plans, which will need to be developed in accordance with the <a href="#">Outline Construction Traffic Management Plan [REP3-029]</a> (updated at Deadline 4) as per requirement 24 of the <a href="#">Draft Development Consent Order [REP3-003]</a> (updated at Deadline 4). In</p>

Ref	Deadline 3 submission	Applicant's response
		<p>relation to the routing of HGVs though Cowfold village centre it should be noted that the <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4) submitted at Deadline 3 included updated wording on commitments C-157 and C-158 (<b>Commitments Register [REP3-049]</b> (updated at Deadline 4)). These commitments (also included within the <b>Commitments Register [REP3-049]</b>) have been updated to state that HGVs will only route through the village to access A-56 or A-57 or where use of locally sourced materials / equipment make its avoidance impracticable.</p> <p>With regards to construction and temporary construction compound access locations, these will be designed in accordance with relevant design standards and with appropriate visibility splays for the speed limit. This will ensure that safe access can be achieved by construction traffic vehicles without the need for traffic signals.</p> <p>Specifically in relation to the design for Oakendene temporary construction compound, the Applicant can confirm that a preliminary design for this junction has been prepared and the Road Safety Audit process started ahead of Deadline 4. This Road Safety Audit will consider the proposed access junction design in the context of its use by construction traffic and vehicles entering and exiting Oakendene Industrial Estate. Once complete these Road Safety Audits will be submitted to West Sussex County Council with the aim of reaching an agreement in principle on the proposed layouts before the end of the examination.</p> <p>A traffic management strategy for Kent Street is provided in Appendix D of the <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4). This includes the provision of passing place, junction widening and control mechanisms to ensure the safe use by construction traffic associated with the Proposed Development.</p> <p><b>Holding Bay</b> The Applicant has concluded that an HGV holding area would not be required to support the Proposed Development on the basis that Oakendene temporary compound and Oakendene substation are located directly off the A272, which forms part of West Sussex County Council's lorry route network and is therefore a suitable access route for HGVs. Furthermore, the traffic management strategy for Kent Street contained within Appendix D of the <b>Construction Traffic Management Plan [REP3-029]</b> (updated at Deadline 4) requires all HGVs to route to Kent Street via the Oakendene temporary construction compound, with the compound acting as a holding area until it is safe HGVs to access Kent Street.</p>
2.1.30	<p><b>Impact on the AONB</b></p> <p>Rampion are not objecting to a battery site application to the South of the substation site (Ref DC/24/0054), even though the cable route and battery site plans overlap in places and the battery site will have no access for maintenance or emergency vehicles due to it being the other side of an open trench during Rampion construction.</p>	<p>The Applicant is aware of a proposal for a battery farm/storage facility on Kent Street, which has sought a screening opinion from Horsham District Council (Planning Application reference: DC/24/0054). The proposed access road for this third party development would cross the alignment of the Rampion 2 export cable. The Applicant has engaged with the developers of this project to alleviate any potential conflicts with the proposals as the applications progress.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>Horsham DC have stated that they believe the substation and the battery site must be seen in totality with regard to landscape effects and not individually as two applications, as the two sites are only a few hundred yards apart.</p> <p>Horsham DC commissioned Place Services to analyse the battery site and how it relates and responds to the landscape setting and context of the site on their behalf. The conclusion of the report is that it is not supportive on landscape grounds.</p> <p><b>They say “we have concerns regarding the sensitivity of the site in terms of landscape character and visual amenity. The site is surrounded by a strong network of PRow and not only contains strong valued landscape features but also provides an area of sensitive vistas to the north toward the High Weald National Landscape (formally ANOB) and south toward the South Downs National Park.”</b></p> <p>This report is online under reference DC/24/0054 and should be seen as relevant for the substation site which is due north and has the same relevant receptor points due north and south.</p> <p>Please can the ExA liaise with HDC and Mathew Porter on this application and its relevance to the substation site location</p>	<p>The Applicant has previously provided a response to this concern raised, please see Section 15.4 in <a href="#">Deadline 2 Submission – 8.53 Category 8: Examination Documents – Applicant’s Response to Non-Prescribed Consultee’s Written Representations [REP2-030]</a> submitted at Deadline 2.</p>
2.1.31	<p><b>Flooding around Oakendene and the proposed substation site</b></p> <p>Flooding has been mentioned in many representations before, but Rampion have not updated any surveys or responses.</p> <p>The Applicant is still not taking our concerns on the flooding in the fields during Winter. Whether is it surface water or ground water flooding the photos over the Winter period show the amount of water on the site. With increased hard standing all this water will eventually end up in Cowfold stream and increase flood risk further down the Adur (see photos of A281 floods). WSCC are in agreement that there is both surface and ground water flooding at the site and this has not been resolved.</p> <p>The climate is changing, and the last three years have had very wet winters. We own fields locally and one cannot put machinery in fields from early Oct to May due to the rain and land being clay based. Rampion seem to think recent weather is exceptionally wet (they comment on a ‘notably wet Autumn’) but this is not the case</p>	<p>The Applicant notes that each of the representations to date in relation to flooding have been considered and addressed as part of the Examination process. The Applicant carried out a site walkover of the onshore substation at Oakendene in February 2024 and reviewed photographs provided by CowfoldvRampion against the Environment Agency Risk of Flooding from Surface Water (RoFSW) mapping in Section 12 of Appendix A in the <a href="#">Applicant’s Response to Non Prescribed Consultees’ Written Representations [REP2-030]</a>. Those Cowfold Vs Rampion photographs closely reflected the surface water flood risk map which provided further confidence in the assessment approach of the <a href="#">Flood Risk Assessment [APP-216]</a> in the Environmental Statement. This is also the case for the latest photographs submitted by CowfoldvRampion at Deadline 3, which show boggy areas which coincide with the ‘Low’ risk of surface water flood risk extent as expected. The Operational Drainage Plan will address drainage design at topographic low points as a matter of course as per the <a href="#">Outline Operational Drainage Plan [REP3-023]</a> (updated at Deadline 4) and is secured in accordance with the Requirement 17 of the <a href="#">Draft Development Consent Order [REP3-003]</a>.</p> <p>The Applicant notes that the drainage of such areas would not increase flood risk downstream, given that the features included in the Indicative SuDS Layout plan included in the <a href="#">Outline Operational Drainage Plan [REP3-023]</a> (updated at Deadline 4) will be designed to retain a ‘wet’ environment at the ground surface, similar to how the existing boggy areas currently retain water on-site.</p> <p>The Applicant submitted responses to the Examining Authority’s First Written Questions FR1.2 – FR1.5 in relation to flood risk at the onshore substation site at Oakendene. These are included Appendix E in the <a href="#">Applicant’s Responses to Examining Authority’s First Written Questions (ExQ1) [REP3-051]</a> and cover a</p>

Ref	Deadline 3 submission	Applicant's response
		<p>range of matters in detail, for instance demonstrating how the proposed drainage would work, and an explanation of how greenfield runoff rates will be maintained at the onshore substation site at Oakendene. As such, it has been clearly demonstrated that there will be no increase in flooding in the ordinary watercourse to the south of the site or other downstream watercourses (such as the Cowfold Stream or the River Adur).</p> <p>Specific flood risk and drainage meetings were held with West Sussex County Council as the Lead Local Flood Authority (and Horsham District Council) on 27 February 2024 (see Annex C of Appendix E in the <a href="#">Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>) and 30 April 2024. During both meetings, all matters in relation to flood risk and drainage were agreed, and it was confirmed that they had no remaining concerns in relation to flood risk and drainage at the onshore substation site at Oakendene.</p> <p>The Applicant acknowledges that, owing to the local clay based soils, the onshore substation site at Oakendene would naturally be prone to winter waterlogging (in the absence of any drainage measures) as noted in Paragraph 2.2.15 of the <a href="#">Outline Operational Drainage Plan [REP3-023]</a> (updated at Deadline 4). Paragraphs 12.1.5 – 12.1.10 in the <a href="#">Applicant's Response to Non Prescribed Consultees' Written Representations [REP2-030]</a> provided the factual evidence taken from Met office assessment and Environment Agency's rainfall gauges which have informed the comments about Autumn in 2023 being notably wet. It has since been recorded in National media that October 2023 to March 2024 were England's wettest winter half year period since records began<sup>6</sup>.</p>
2.1.32	<p><b>Ecology</b></p> <p>We were dismayed by Rampion's response to the detailed Ecology report by Janine Creaye and are very pleased that the ExA has asked for further assessment by statutory consultees including natural England. We look forward to seeing more details at the next deadline.</p> <p>Can the ExA also read our comments on the green lane mentioned in said report and please visit this on the accompanied site visit day</p>	<p>The Applicant provided a response with regards the ecological surveys undertaken to inform the baseline at Deadline 3 in response to the Examining Authority's First Written Question TE 1.1 (<a href="#">Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>). Furthermore, Horsham District Council noted in their response to the <a href="#">Examining Authority's First Written Question TE 1.2 (Responses to written questions (ExQ1) [REP3-069])</a> that they were satisfied with the outcomes of data collection in the area.</p> <p>The Applicant also notes that <a href="#">Appendix 22.2: Terrestrial ecology desk study, Volume 4</a> of the Environmental Statement [<a href="#">APP-180</a>] (updated at Deadline 4) references the material provided by Janine Creaye.</p>
2.1.33	<p><b>Water Neutrality</b></p> <p>Reference REP2-022 point 9.21</p>	<p>The Applicant provided indicative water volumes within Table 2-19 and WE1.1 of the <a href="#">Applicant's Responses to Examining Authority's First Written Questions (EXQ1) [REP3-051]</a>. This matter was discussed and progressed with Horsham District Council on 01 May 2024.</p> <p>During that meeting, Horsham District Council suggested that the construction water use could be considered as part of the baseline water use that occurred prior</p>

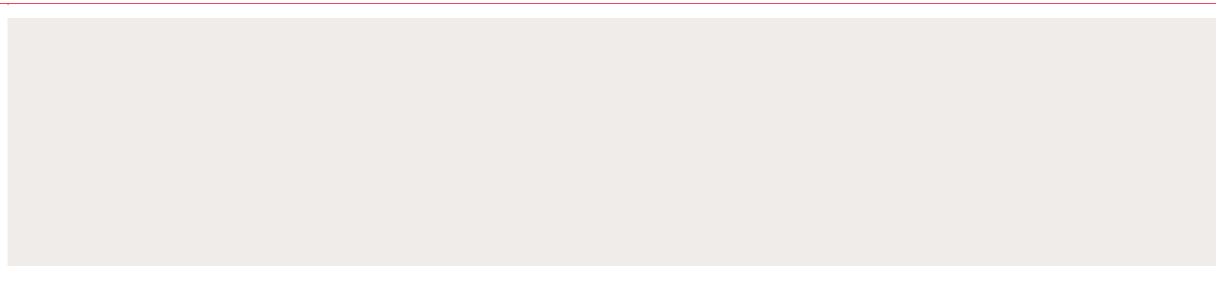
<sup>6</sup> Government Press Release (2024). [Online]. <https://www.gov.uk/government/news/national-drought-group-meets-after-record-wet-october-to-march> [Accessed 22 May 2024]



Ref	Deadline 3 submission	Applicant's response
	<p>Point 9.21 reference Water Neutrality - Rampion have not stated the predicted water usage for construction and operation of the scheme, this is a material local planning constraint, and it should have been respectfully addressed at earlier stages to HDC.</p> <p>They say water can be brought in by tanker but give no details on a strategy and / or quantity of water needed. This falls far below the bar expected as the quantities of water needed during construction will be huge. The corresponding adverse effects on traffic journeys and congestion should be added to the DCO. The intended extraction points for water and tanker journey numbers and distances need to travel should be submitted to the ExA. Many of these large water tankers will come through Cowfold Village and along the A272 or could turn left into Cowfold on leaving the compound.</p> <p>HDC may (but not definitely) have a mitigation policy in place called SNOWS for the operation of the substation but currently no details on the much larger water usage during construction are provided- this is needed asap as traffic journeys will be very large and need to be added to Traffic Numbers in the Cowfold area.</p> <p>The following policy statement from HDC is how they currently refuse applications in the area that do not adequately address water neutrality.</p> <p><i>Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats &amp; Species).</i></p> <p>It is very unfair in planning terms that other local developments and good quality sustainable schemes have been refused or put on hold due to Water Neutrality where only small amounts of offsetting would be needed. Rampion's scheme is so large during the construction phase that it would pale into significance compared to local projects. The Water Neutrality proof and intended usage needs to be provided by Rampion so as to not make a mockery of the current policy.</p> <p>HDC have correctly responded in point 9.23 that "tankering water is unenforceable (it cannot be practically required that a tanker arrives, with a prescribed quantity of water).</p> <p>Rampion respond by saying water neutrality will be achieved for both construction and operation of the development BUT how can this be stated without proper calculations</p>	<p>to when they received Natural England's publication of its Position Statement on Water Neutrality in 2021<sup>7</sup>. On that basis Horsham District Council have suggested that construction water use could be screened out without the need for tankering all construction water in.</p> <p>In relation to operation and maintenance water usage, Horsham District Council 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. The Applicant also notes that other options are available should the Sussex North Offsetting Water Scheme (SNOWS) not be available. These are documented in <b>Chapter 26: Water environment, Volume 2</b> of the Environmental Statement <b>[APP-067], Design and Access Statement [REP3-013]</b> and secured by Requirement 8 [3] in the <b>Draft Development Consent Order [REP3-003]</b> (updated at Deadline 4). As such, the Applicant will use the SNOWS scheme if available, however, the Applicant is not reliant on the scheme being in place as other options are available.</p> <p>A meeting was held with Natural England, Horsham District Council and the Applicant on 22 May 2024 to discuss this further and Natural England indicated that, based on the information presented, the above position seemed sensible and reasonable. Natural England and Horsham District Council are set to have another meeting as soon as possible to confirm that is the case.</p>

<sup>7</sup> Natural England (2021) Water Neutrality Position Statement and Response. [Online]. Available at: <https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district/position-statement> [Accessed 29 May 2024]

Ref	Deadline 3 submission	Applicant's response
2.1.34	<p><b>ESO Report</b></p> <p>As to the claims about CO2 reduction over its life, due diligence would suggest that, as Rampion 2 only offers 5 years of carbon emission reduction benefit (2030 to 2035), the calculation of all the imbedded co2 in Rampion 2 in the mining, processing, smelting, manufacture, construction, operation and maintenance would be helpful. That would help understand if greater or lesser CO2 emissions are imbedded than the 5 years savings (10 million tonnes at the assumed 2 million tonnes Co2 a year to 2035 (i.e., considering the quantum of rare earth and critical minerals mined and steel and concrete involved in turbines and the offshore and onshore works). That is important again in due diligence on the Applicant's claim that Rampion 2 is essential to save nature and ecosystems by reducing carbon emissions, as in its promotional literature. There is a trade-off against the disruption and harm to ecosystems that construction and operation entails, where all adverse ecological impacts, marine and terrestrial, certainly cannot be mitigated as accepted in the NPS and PAD Statements.</p> <p>Rampion state the operational lifetime of the project is 30 years with the decommissioning to take the same amount of time as the construction. That would be 10 years to build and remove (probably more due to supply issues and usual infrastructure projects versus estimated timelines and only 30 years of generation coupled with all the corresponding damage to our environment and ecology loss - all feeding into a grid which is planned to be Zero Carbon by 2035.</p> <p>We agree with CowfoldVRampion that the applicant is making no real attempts to answers valid local community questions but is simply reproducing standard template answers or even saying they have no comment.</p> <p><b>Rampion want the local issues around Cowfold / Oakendene to be simply overlooked and forgotten amongst all the data for the whole project and know it is difficult for the ExA to keep track of all issues</b></p>	<p>Please refer to the <a href="#">Planning Statement [APP-036]</a> for the benefits of the Proposed Development and the need for renewable energy.</p>
2.1.35	<p><b>REP2-028 – Table 2-8 – Applicant's Response to Emily Ball (REP1-097)</b></p> <p>We would like to comment on the applicant's previous responses to our representation.</p> <p>All of our comments and points of interest and objections have only been answered by Rampion by reference to previous documentation. We have read the previous documentation by Rampion but our concerns are still outstanding. We have been answered by a plethora of copy and paste answers and no further details were forthcoming.</p>	<p>The Applicant has provided numerous responses to a large volume of submissions made and is satisfied that these have been given appropriate due regard. The Applicant has no further comment on this matter at this time.</p>
2.1.36	<p><b>Summary</b></p> <p>As the DCO process continues we see many examples where Rampion are not addressing any of the local issues around Cowfold and Kent Street and are just copying and pasting standard responses, this falls below the standard expected of such a large project.</p> <p>Do the ExA realise the asymmetric nature of this DCO Application. Local residents are disparate and individuals all over the county fighting an organisation with large resources and large numbers of people. Local residents also have day jobs to pay their mortgages and are faced with a mutual billion-pound organisation whose team all specialise in producing such schemes all over the world. It is</p>	

Ref	Deadline 3 submission	Applicant's response
	<p>daunting if not impossible for residents to plough through 900-page documents, this is not our speciality.</p> <p>Our objections should be properly analysed and not answered with professional waffle. RED are trying to bulldoze through local policy because we need this scheme from a National perspective. We do not believe this 'macro good' argument is as strong as they state.</p>	

**Table 2-24 Applicant's response to France Secretary of State for the Sea's Deadline 3 Submission [REP3-104]**

Ref	Deadline 3 submission	Applicant's response
2.27.1	<p>Secretary of State for the sea Mission to coordinate public policies for the sea and the coast</p> <p>Interregional management of the sea Manche Est (East Manche) – Mer du Nord (North Sea) – referred to as the 'department' during my translation</p> <p>From the interregional director for the sea to Karen Wilkinson</p>	Noted, the Applicant has no further comments on this matter at this time.
2.1.2	<p><b><u>Subject: Comments and additional information on the extension of an offshore wind farm off the coast of Sussex (England) – Rampion 2 Project – Stage 2</u></b></p> <p>In summary, the introduction of the letter gives a brief overview of the project and its current stage by noting that a request for an opinion has been made to the General Commission for Sustainable Development, so that the French state can offer its opinion on the project during the DCO examination phase. Notably, this request has been made pursuant to regulations relating to the conservation of habitats and species, particularly those located at sea, as covered in the Habitats Regulation Assessment (HRA). The letter acknowledges that consultation has already taken place on Phase 1 of the HRA in 2021 and that now, French authorities have been invited to comment on Phase 2 "Appropriate Assessment" of the HRA. In response to the request for comment and for additional information, the department responsible for East Manche has made the following comments. Given the time constraints faced by the department in responding to the request, it should be noted that these comments mainly relate to the document titled "Report to Inform Appropriate Assessment" (Category 5: Reports).</p>	Noted, the Applicant has no further comments on this matter at this time.
2.1.3	<p><b>1) <u>Impact of the project on French fisherman activities</u></b></p> <p>In September 2021, the department highlighted the importance of long term engagement with the relevant French authorities and representatives of French fisherman during any consultation relating to the interaction of the project with the activities of French fishing (part of recommendation 1).</p> <p>At that stage, the letter notes that all "interested parties" were invited to share their opinions with the Planning Inspectorate in relation to the implementation of this project.</p> <p>Given the issues raised in the PEIR and the ES (Category 6): Environmental Volume 2, Chapter 10: Commercial fisheries) (pg 21, 22, 53 and 59), and in order to establish good cross-border corporation and to promote the acceptability of the project from a French perspective, the author of the letter believes the project team could have usefully initiated this consultation process. In addition, the first response (annex 2 of the letter) contradicts something in the ES (pg 21). The ES indicates in paragraph 10.3.23 that the consultation process has begun with FROM Nord and Lower Normandy, whilst it is also stated that the first correspondence took place in meetings carried out in 2020 (pg.22).</p> <p>It is suggested that the project leaders could also have engaged with DIRM-MEMN (a state institution which is responsible for the coordination of public policies at the 'East Manche – North Sea maritime coastline' level), and SRCAM (Service Réglementation et Contrôle des Activités maritimes, a service which monitors and supervises professional fishing activities).</p>	<p>In 2020, the Applicant via their commercial fisheries Environmental Impact Assessment (EIA) consultants (Poseidon Aquatic Resource Management Ltd) sought engagement with the following French fisheries stakeholders:</p> <ul style="list-style-type: none"> <li>• Copeche: Regional Fisheries Committee of France;</li> <li>• CME Manche Mer du Nord;</li> <li>• FROM Nord; and</li> <li>• Basse Normandie.</li> </ul> <p>At that time, the engagement request was responded to only by FROM Nord and the Applicant and their consultants held a meeting with FROM Nord in December 2020 – as recorded in <a href="#">Chapter 10: Commercial Fisheries, Volume 2</a> of the ES [APP-051], Section 10.3. In the meeting, FROM Nord stated that approximately 12-15 French vessels fished in the vicinity of the Rampion 2 boundaries in 2019 and 2020. Some of these vessels fished within the array area but the majority fished outside of the array area in the southeastern corner of ICES rectangle 30E9. Vessels bottom trawl and bottom seine for horse mackerel and whiting. Feedback provided was taken into account in the commercial fisheries impact assessment (<a href="#">Chapter 10: Commercial Fisheries, Volume 2</a> of the ES [APP-051]).</p> <p>No responses were received from the other French stakeholders that were contacted in 2020. No additional French stakeholders to be contacted were</p>

Ref	Deadline 3 submission	Applicant's response
		<p>identified at that time by the Applicant, other fisheries stakeholders, EIA consultants or the Applicant's Company Fisheries Liaison Officer.</p> <p>No response from French stakeholders was received in response to formal engagement opportunities, namely on the Scoping Report in 2020.</p> <p>During the PEIR consultation July-September 2021, The Interregional Directorate for the East Channel- North Sea's (DIRM) unit was consulted by The Applicant and DIRM provided their consultation response on 16<sup>th</sup> September 2021.</p> <p>The commercial fisheries impact assessment (<b>Chapter 10: Commercial Fisheries, Volume 2, [APP-051]</b>) explicitly considers potential effects of Rampion 2 on French fleets, noting that publicly available fisheries data indicates potential for some French fleet activity within Rampion 2, but with more actively fished grounds located to the south and east of the Rampion 2 study area. The assessment is presented in full in Chapter 10 and not repeated here. In summary, the assessment recognises the potential for minor impacts on the French fleet, which are not significant in Environmental Impact Assessment terms.</p> <p>The Applicant welcomes further engagement with French fisheries interests to ensure they are kept informed of the application's progress. Based on fisheries stakeholder engagement to date and analysis of commercial fisheries baseline data, the Applicant is of the opinion that impact assessment conclusions remain valid.</p>
2.1.4	<p><b>2) <u>Integration of French marine protected areas</u></b></p> <p>The letter acknowledges that environmental sites designated under Articles L.331, L.332, L.334, L.411, L.414, L.422 and L.924 of the Environmental Code of France have not been considered as part of the HRA. This is stated in the "Report to Inform Appropriate Assessment" (Category 5: Reports) in the introductory paragraph and again in table 4-2 (pg. 87). Recommendation 2 had suggested that marine areas protected under French law and located within the zone of influence should be assessed.</p> <p>The department 'regrets that' these environmental sites have not been considered in the AA. Despite the gap in the regulatory framework that forms part of the HRA, it is acknowledged that the project leader stated in the same email (annex 2) that impacts on habitats and species located within the parameters of French seas, and thus protected by France, would be assessed. This does not accord with the contents of table 4-2 in the AA nor have they been integrated into chapters 6, 8, 9, 10, 11, 12, 14 and 27 of the ES.</p> <p>During the pre-application phase, it was noted by the department that certain Natura 2000 sites were not taken into consideration. For example, site FR3102004. In response to Recommendation 3 made by the department (as part of the first round of consultations), the project manager had requested from the department information used to calculate the distances travelled by birds and marine mammals searching for food to improve the assessment of these issues. In response to this</p>	<p>With respect to French Avifauna and associated seabird Natura 2000 sites due consideration has been provided by the Applicant as detailed in the comments below: ID 2.1.10, 2.1.11, 2.1.12, 2.1.13 and 2.1.14.</p> <p>With respect to marine mammals and associated Natura 2000 sites due consideration has been provided by the Applicant as detailed in the comments below: ID 2.1.15.</p>

Ref	Deadline 3 submission	Applicant's response
	request, this information has been attached to this letter in Annex 1. The data comes from the French Office for Biodiversity.	
2.1.5	<p><b>3) <u>Fish</u></b> The department had previously invited the project team to consider potential impacts of electromagnetic fields on migratory fish, using research documents as evidence, such as Salmonid Management Round the Channel (SAMARCH) (this forms part of Recommendation 4). These recommendations were not added to the section on electromagnetic fields in the ES (Chapter 9, pg 230). The bibliography was also not updated to include SAMARCH.</p>	<p>The Applicant acknowledges it has not cited research documents relating to Electromagnetic Fields (EMF) from the Salmonid Management Round the Channel (SAMARCH) project, however it would highlight that assessment of electromagnetic fields (EMF) has been undertaken, notably including specific consideration of the potential for effects on migratory species as set out in Section 8.10 of <b>Chapter 8: Fish and Shellfish, Volume 2</b> of the ES [APP-049]. This section, and noting Paragraph 8.10.80 in particular, sets out that, based on a range of studies of the effects of electromagnetic fields (EMF) even where the migratory routes of electrosensitive fish species have the potential to bring migrating fish into proximity with offshore wind farm cabling, there is no evidence suggesting that there are any significant risks to migration. This is based on both the sensitivity of particular species and the highly localised extent of any EMF associated with offshore wind farm cables.</p>
2.1.6	<p><b>4) <u>Avifauna (birdlife)</u></b> The PEIR indicated that the perimeters of French protection were not connected to the environmental issues present at the Rampion 2 wind farm. Using scientific literature, the department showed that in fact the feeding zones of some species present in French waters might overlap with the perimeters of the wind farm. As a follow-up to this recommendation, certain methodological shortcomings were pointed out and the department stressed the need to revise the assessment method of the risks of impacts on seabirds, by considering only the sensitivity indices so as to overcome the bias resulting from the geographical origin of the species frequenting the wind farm (recommendation 6). The project team acknowledged this bias and requested three additional pieces of information (request 4, 5 and 6). The information can be found in annex 1.</p>	<p>With respect to French Avifauna and associated seabird Natura 2000 sites due consideration has been provided by the Applicant as detailed in the comments below: ID 2.1.10, 2.1.11, 2.1.12, 2.1.13 and 2.1.14.</p>
2.1.7	<p><b>5) <u>Maritime Planning and Integration of the Façade Strategy Document</u></b> It was noted that recommendation 7 has not been actioned by the project team. Considering the DSF (2019) and its Plan d'action (2022) would allow for a proper assessment of cross-border environmental and social issues.  In France, the DSF (2019) and its Action Plan (2022) transpose the "strategy" framework directive for the marine environment" {directive EU/2008/56 of June 17, 2008) and the framework directive "maritime space planning" (directive EU/2014/89 of July 23, 2014). As a reminder, this document defines environmental objectives aimed at achieving or maintaining good ecological status of marine waters in order to conserve ecosystem functionality and ecological diversity of the marine environment while promoting the sustainable development of activities. As such, we emphasized in our opinion dated September 16, 2021, taking this document into account would allow project leaders to understand the strong and major environmental issues in French waters likely to be impacted</p>	<p>Whilst the Applicant has not made specific reference to the Le Document stratégique de la façade Manche-Est et Mer du Nord (DSF, 2019)<sup>8</sup>, the Applicant has undertaken a comprehensive and robust assessment of all environmental impacts associated with the Proposed Development, through its construction, operation, maintenance and decommissioning phases, as reported within the Environmental Statement (ES). The detailed assessments consider all potential risks to the environment (ecological, social and economic) within clearly defined and justified extents (i.e. the potential zone of influence), which have been separately determined for each assessment topic as set out within the individual chapters (<b>Chapter 6- Chapter 31, Volume 2</b> of the ES [APP-047-APP-072]). This approach ensures that all aspects relevant to the DSF in terms of Good Ecological Status objectives under the Marine Strategy Framework Directive as part of the DSF strategic plan are provided for within the ES, with</p>

<sup>8</sup> Summary English translation of the DSF available at: [https://www.dirm.memn.developpement-durable.gouv.fr/IMG/pdf/en\\_dsfsynthetique\\_memnor\\_v1-4\\_vu\\_dirm.pdf](https://www.dirm.memn.developpement-durable.gouv.fr/IMG/pdf/en_dsfsynthetique_memnor_v1-4_vu_dirm.pdf)

Ref	Deadline 3 submission	Applicant's response
	<p>by the project. We note that this Recommendation No. 7 was not taken up by the Applicant whether in the previously mentioned email or in this report relating to “appropriate assessment” (RIAA). However, taking this document into account would have allowed the petitioner to strengthen consideration of environmental issues and socio-economic factors to be considered at the cross-border level</p>	<p>clear delimitation of the geographic extent of potential impacts and any associated potential for effects at far-field receptor locations considered.</p> <p>The Applicant would highlight that, as set out in the responses to specific points raised by the Secretary of State in the table rows below, the assessments have included consideration of French protected sites, ornithology impacts, impacts to marine mammals and cumulative effects with French projects.</p> <p>As detailed within the ES, and of specific relevance to the DSF and associated Action Plan, the Applicant notes that following the implementation of the embedded environmental measures set out in the <b>Commitments Register [REP3-048]</b>, no significant effects are expected to occur across any of the following receptor groups:</p> <ul style="list-style-type: none"> <li>• <b>Chapter 7 Other marine users, Volume 2</b> of the ES [APP-048]</li> <li>• <b>Chapter 8 Fish and shellfish ecology, Volume 2</b> of the ES [APP-049]</li> <li>• <b>Chapter 9 Benthic, subtidal and intertidal ecology, Volume 2</b> of the ES [APP-050]</li> <li>• <b>Chapter 10 Commercial fisheries, Volume 2</b> of the ES [APP-052]</li> <li>• <b>Chapter 11 Marine mammals, Volume 2</b> of the ES [REP1-004] (updated at Deadline 4)</li> <li>• <b>Chapter 12 Offshore and intertidal ornithology, Volume 2</b> of the ES [APP-053]</li> <li>• <b>Report to Inform Appropriate Assessment [APP-038]</b></li> </ul>
2.1.8	<p><b>6) Cumulative effects with other wind farms</b></p> <p>This point has not been previously raised, however it has been highlighted that French offshore windfarms should be assessed as part of the cumulative effects assessment. Some of the information mentioned in the Rampion 2 Draft Marine Conservation Zone Assessment and Appendix 5.4 of the ES (table 2-1, pg. 6) is now obsolete. Notably, two wind farms Le Treport and Fecamp located in the French waters of Dieppe which formed part of the original cumulative effects assessment and were deemed to not have any temporal overlap with Rampion 2 are now being constructed at different times. The construction of the wind farm Dieppe-Le Treport is now expected to start in Q1 2024 and finish in 2026. The construction of Fecamp wind farm is expected to begin in 2024. Transboundary effects might need to be reconsidered.</p>	<p><b>Appendix 5.4: Cumulative effects assessment shortlisted developments, Volume 4</b> of the ES [APP-128] is intended to provide an overview of the projects considered for cumulative effects and topic specific cumulative assessments have been completed for offshore ecology topics in the following Environmental Statement (ES) chapters:</p> <ul style="list-style-type: none"> <li>• <b>Chapter 8: Fish and shellfish ecology, Volume 2</b> of the ES [APP-049]</li> <li>• <b>Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2</b> of the ES [APP-050] (updated at Deadline 4);</li> <li>• <b>Chapter 11: Marine mammals, Volume 2</b> of the ES [REP1-004] (updated at Deadline 4);</li> <li>• <b>Chapter 12: Offshore and intertidal ornithology, Volume 2</b> of the ES [APP-053]</li> </ul> <p>The Applicant understands that the Fécamp wind farm is now fully operational (OffshoreWIND.biz, 2024). Due to the distance between Rampion 2 and Fécamp, cumulative effects would only be expected to occur if the construction of the two projects were to overlap as the assessments where Fécamp has been scoped in have assumed a worst-case of construction overlap. As such, no update to the cumulative assessments is required.</p> <p>Dieppe-Le Treport has been screened in and assessed for <b>Chapter 11: Marine mammals, Volume 2</b> of the ES [REP1-004]. The Applicant thanks the French SoS for the information and has submitted an update to the CEA in <b>Chapter 11:</b></p>

Ref	Deadline 3 submission	Applicant's response
		<p><b>Marine mammals, Volume 2</b> of the ES [REP1-004] (updated at Deadline 4), assuming a worst-case of construction overlap.</p> <p>With respect to offshore ornithology cumulative assessments, the Applicant can confirm that due consideration was given to the French OWF projects, however due to differences in approach to assessment practices between the UK and France it was not possible to quantitatively include French projects within assessments. If quantitative impact data was available for inclusion, the Applicant considers this would not materially change the EIA conclusions, due to the population assessed as defined in Furness (2015) excluding French seabird populations. If French projects were to be included, then the reference population for which cumulative assessments are assessed against would need to be proportionately increased to account for inclusion of French seabird populations, such additional French projects are considered to have potential connectivity to.</p>
<b>Annex</b>		
2.1.9	<p><b>Request 2: A list of non-natura 2000 designated seabird colonies and their counts is provided.</b></p> <p>At present, the OFB are not able to define the number of each bird colony for each protected marine area outside the Natura 2000 network. Instead, the table below summarises the different conservation areas and protected marine areas with the bird colonies presented or the links to the INPN website allowing you to obtain this information when the number of species is too large.</p> <p>Please refer to Table 1 below.</p>	Noted, the Applicant has no further comments on this matter at this time.
2.1.10	<p><b>Request 3: Request to provide species specific standard foraging for seabirds and marine mammals that should be used for assessing connectivity with sites in France.</b></p> <p><b>1. Marine Birds</b></p> <p>The five species presented below are the main nesting species of France and as such have a zone searching for food (foraging zone) which can extend to English waters and notably the zone where the wind farm is proposed. The Figures presented for each species correspond with the theoretic foraging zones of nesting birds across the Channel, from the Bay of Mont-Saint-Michel to the Belgium border. The data was publish from literary sources (Thaxter et al., 2012; Woodward et al., 2019) and represent the maximum average distances that species can travel during the breeding season to feed.</p> <p><b>Fulmar boreal (Northern Fulmar)</b></p> <p>This species presents a foraging zone of several kilometres. According to Thaxter et al. (2012), during the breeding season, the maximum average distances for this species is 400 (+/- 245.8km). The colonies are present in large numbers along the Littoral Seine-Marine. Some colonies are also present within the Picards Estuary and Mer d'Opale National Parks, at Cap Gris Nex, as well as in Baie de Sine and along the westerly point of Cotentin.</p> <p>Theoretical foraging zones of nesting birds (Thaxter et al. 2012) Northern Fulmar</p>	<p>The Applicant can confirm that due consideration was given to the potential for both connectivity and effect on the fulmar features of French SPAs as presented within the Screening Report. Connectivity to French SPAs was considered using the species mean max foraging range presented by Woodward et al., (2019), which the French Authorities have highlighted in their deadline 3 submission. For all French SPAs identified as having potential breeding season connectivity, no likely significant effect was concluded for fulmar features due to literature citing the species as being insensitive to potential effects from OWF developments (Bradbury et al., 2014; Dierschke et al., 2016) combined with only a single record of fulmar within the full 24 months of baseline characterisation surveys as presented within <b>Appendix 12.1 Offshore and intertidal ornithology baseline technical report, Volume 4</b> of the ES [APP-150]. The French Authorities can therefore have confidence that Rampion 2 will not have a significant adverse effect on the fulmar features of any French SPAs.</p>



## Ref Deadline 3 submission

## Applicant's response

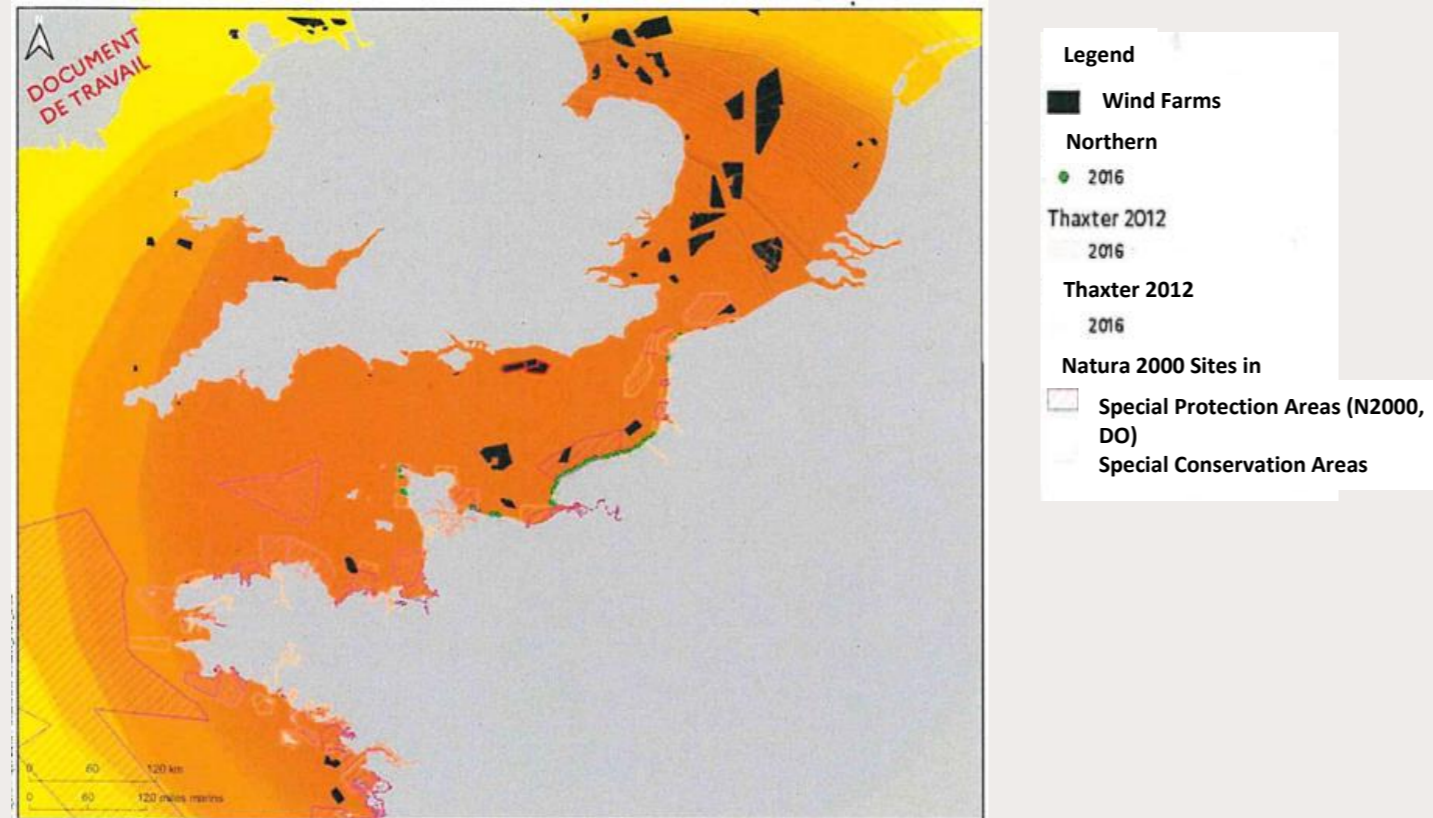


Figure 1 Theoretical foraging zones of the Northern Fulmar (According to Thaxter et al., 2012)

### Mouette tridactyles (Black-legged kittiwake)

According to Thaxter et al. (2012), during the breeding season, the maximum average distances for this species is 60 (+/- 23.3)km. However, a more recent study undertaken by Woodward et al 2019 demonstrates that the species ranges on average 156.1 (+/- 144.5)km to feed. It appears therefore relevant to retain this value whilst taking the large zone of potential presence into consideration.

The main colonies are located at Calais, Bolougne-sur-Mer, littoral de la Siene Maritime et du Calvados.

Theoretical foraging zones of nesting birds (Thaxter et al. 2012) Black-legged kittiwake

The Applicant can confirm that due consideration was given to the potential for both connectivity and effect on the kittiwake features of French SPAs as presented the HRA screening (RED, 2020). Connectivity to French SPAs was considered using the species mean max foraging range presented by Woodward et al., (2019), which the French Authorities have highlighted in their Deadline 3 submission **[REP3-104]**.

Following conclusions from the Project's HRA screening the potential for a Likely Significant Effect could not be ruled out for the Littoral seino-marin and Falaise du Bessin Occidental SPA, therefore further consideration of potential effects were undertaken as detailed within Section 7.5 of the **Report to Inform Appropriate Assessment [APP-038]**.

Following UK best practice guidelines to assessment, the level of predicted additional mortality apportioned to either SPA was well under a single breeding adult bird from either SPA per annum. This level of impact was confidently concluded as a non-tangible impact, therefore, will not affect the achievement of the conservation objectives for the SPAs and as a result will not have an adverse effect on the integrity of the SPA from the project alone or in-combination with other projects and plans.

Ref Deadline 3 submission

Applicant's response

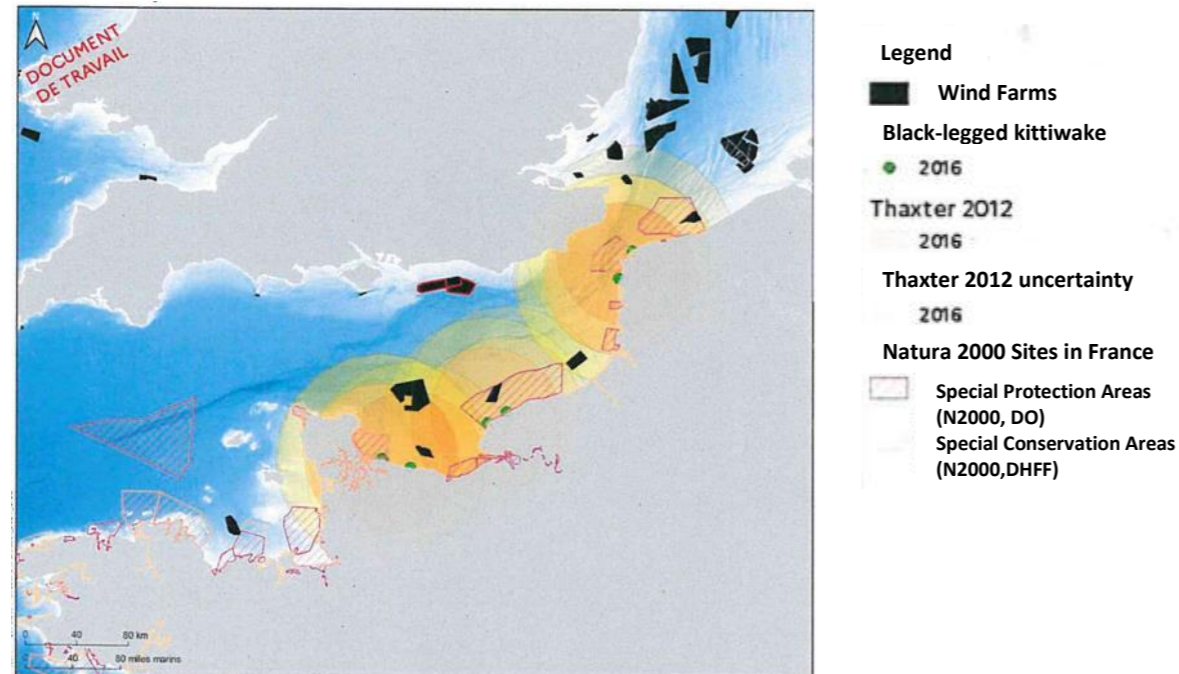


Figure 2 Theoretical foraging zones of the Black-legged kittiwake (According to Thaxter et al., 2012)

Theoretical foraging zones of nesting birds (Woodward et al. 2019) Black-legged kittiwake

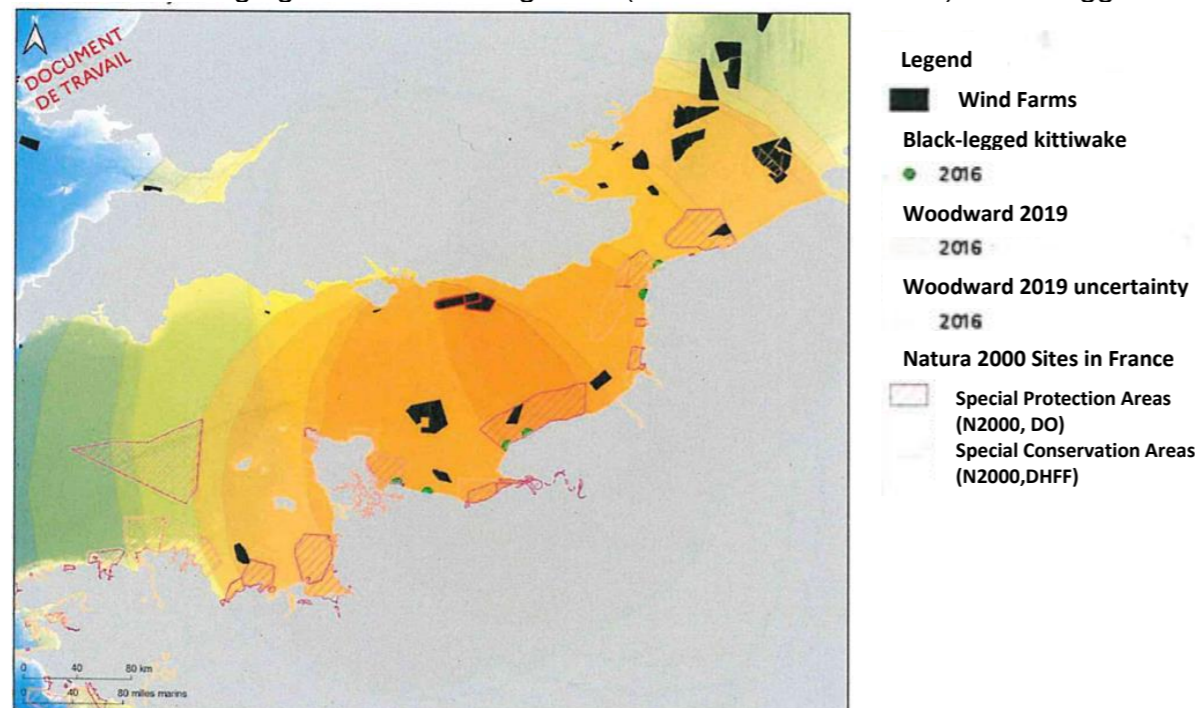


Figure 3 Theoretical foraging zones of the Black-legged kittiwake (According to Woodward et al., 2019)

**2.1.12 Goeland brun (Lesser black-backed gull)**

With regards to the Lesser black-backed gull, according to Thaxter et al. (2012), the maximum average distances for this species is 141 +/- 50.8km during the breeding season. In France, the main colonies are found across all littoral areas across The Channel/North Sea, specifically, Baie du Mont Saint

The Applicant can confirm that due consideration was given to the potential for both connectivity and effect on the lesser black-backed gull features of French SPAs as presented within the HRA screening (RED, 2020). Connectivity to French SPAs was considered using the species mean max foraging range presented by Woodward et al., (2019), which has superseded the Thaxter et al.,

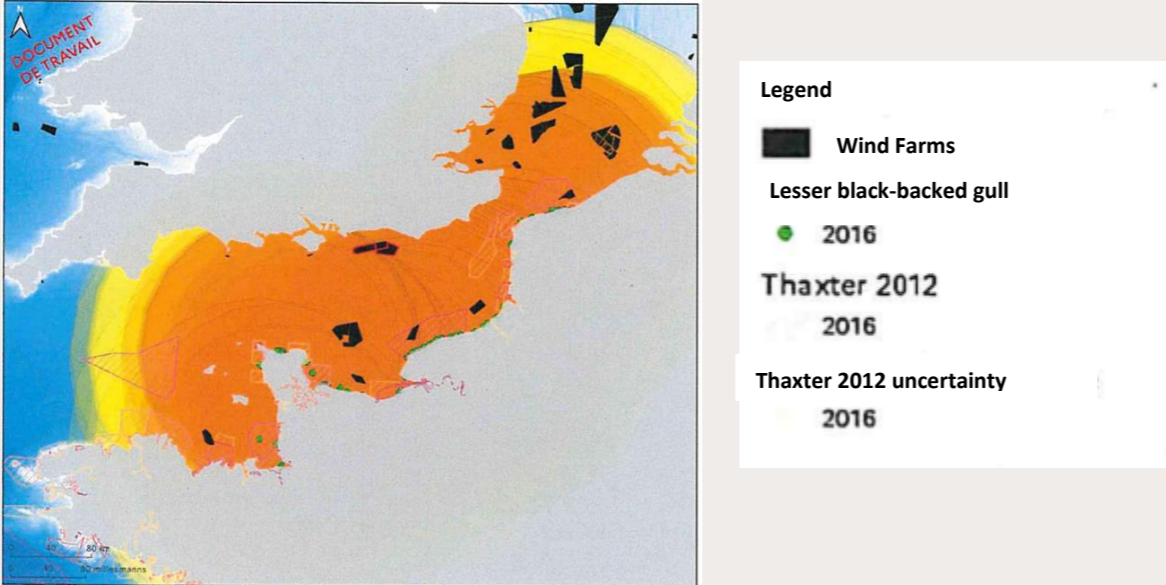
Ref	Deadline 3 submission	Applicant's response
	<p>Michel extending to the Belgium border with a concentration on the littoral Seine Marin, like the Northern Fulmar.</p> <p>Theoretical foraging zones of nesting birds (Thaxter et al. 2012) Lesser black-backed gull</p>  <p>Figure 4 Theoretical foraging zones of the Lesser black-backed gull (According to Thaxter et al., 2012)</p>	<p>(2012) foraging range the French Authorities have highlighted in their Deadline 3 submission <b>[REP3-104]</b>.</p> <p>Following conclusions from the Project's HRA screening (RED,2020) the potential for a Likely Significant Effect could not be ruled out for the Littoral seino-marin and Falaise du Bessin Occidental SPA, therefore further consideration of potential effects was undertaken as detailed within Section 7.5 of the <b>Report to Inform Appropriate Assessment [APP-038]</b>.</p> <p>Following UK best practice guidelines to assessment, the level of predicted additional mortality apportioned to either SPA was well under a single breeding adult bird from either SPA per annum. This level of impact was confidently concluded as a non-tangible impact, therefore, will not affect the achievement of the conservation objectives for the SPAs and as a result will not have an adverse effect on the integrity of the SPAs from the project alone or in-combination with other projects and plans.</p>
2.1.13	<p><b>Fou de Bassan (Norther gannet)</b></p> <p>According to Thaxter et al (2012), during the breeding season, the maximum average distances for this species is 229.4 +/- 123.4 km. However, a more recent study by Woodward et al. (2019) demonstrated the Norther gannet can range up to 315.2 +/- 194.2 km. to feed. It appears therefore relevant to retain this value whilst taking the large zone of potential presence of this species in the Channel, into consideration.</p> <p>In France, the main colony can be found in the National nature reserve of the Seven Isles (not demonstrated on figures owing to the populations main presence being located in the Channel/ North Sea, but Isle of Saint-Marcouf in Baie de Seine constitutes an occasional site of reproduction.</p> <p>In light of maximum average distance that these species can travel, the colonies of Norther gannet in the Seven Isles have also been considered within the study.</p> <p>Theoretical foraging zones of nesting birds (Thaxter et al. 2012) Norther gannet</p>	<p>The Applicant can confirm that due consideration was given to the potential for both connectivity and effect on the gannet features of French SPAs as presented within the HRA screening (RED, 2020). Connectivity to French SPAs was considered using the species mean max foraging range presented by Woodward et al., (2019), which the French Authorities have highlighted in their Deadline 3 submission <b>[REP3-104]</b>.</p> <p>Following conclusions from the Project's HRA screening the potential for a Likely Significant Effect could not be ruled out for the Côte de Granit Rose-Sept Iles SPA, therefore further consideration of potential effects was undertaken as detailed within Section 7.5 of the <b>Report to Inform Appropriate Assessment [APP-038]</b>.</p> <p>Following UK best practice guidelines to assessment, the level of predicted additional mortality apportioned to the SPA was under a single breeding adult bird from either SPAs per annum. This level of impact was confidently concluded as a non-tangible impact, therefore, will not affect the achievement of the conservation objectives for the SPA and as a result will not have an adverse effect on the integrity of the SPA from the project alone or in-combination with other projects and plans.</p>



Figure 5 Theoretical foraging zones of the northern gannet (According to Thaxter et al., 2012) Northern gannet

Theoretical foraging zones of nesting birds (Woodward et al. 2019) Northern gannet

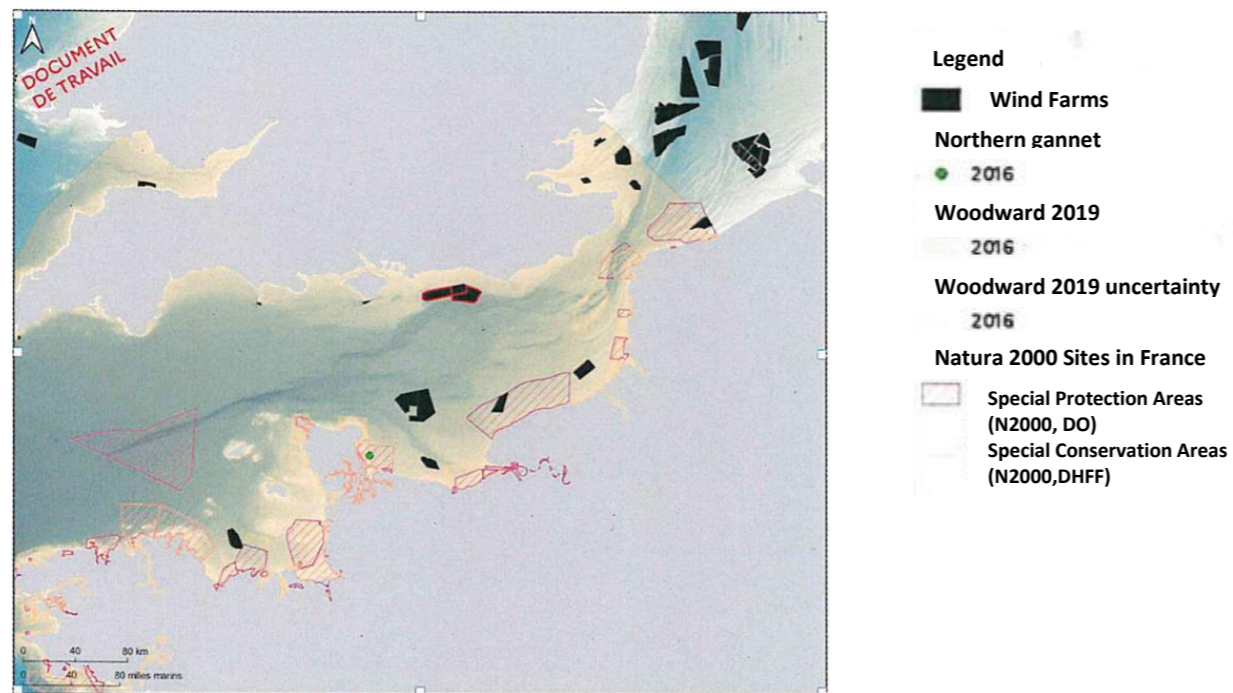


Figure 6 Theoretical foraging zones of the northern gannet (According to Woodward et al., 2019) Northern gannet

**Ref**      **Deadline 3 submission**

**2.1.14**      **Goéland argenté (European herring gull)**

The theoretical foraging zones of the European Herring Gull are found within the limits of the Rampion site and could notably be present in Zone 6 of the Rampion Wind Farm. According to Thaxter et al. (2012), during the breeding season the maximum average distance for this species is 61.1 +/- 44 km. In France, the main colonies are present across the entire littoral stretch of the Channel, meaning from the Baie de Mont Saint Michel to the Belgium border with an important concentration of population on the littoral Seine-Marine, as per the Northern fulmar and Lesser black-backed gull.

Theoretical foraging zones of nesting birds (Thaxter et al. 2012) European Herring Gull

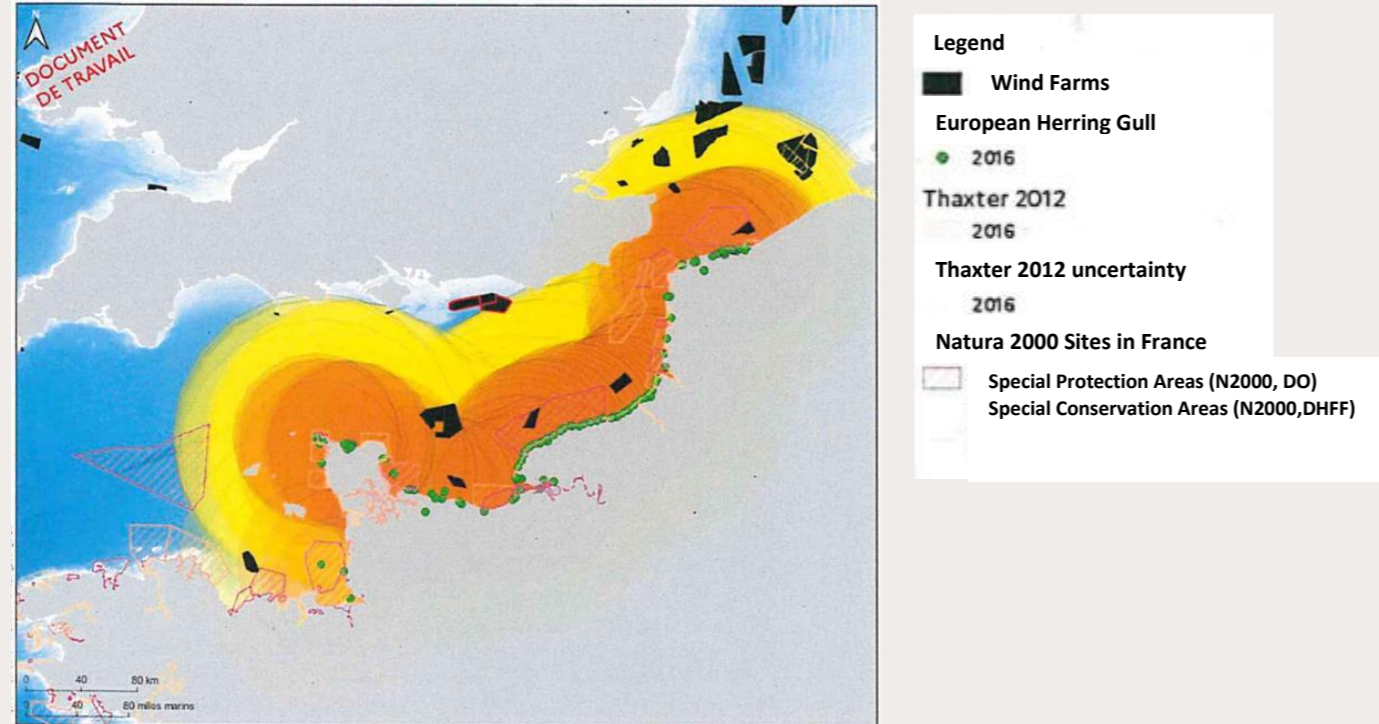


Figure 7 Theoretical foraging zones of the European herring gull (According to Thaxter et al., 2012) European Herring Gull

**Applicant's response**

The Applicant can confirm that due consideration was given to the potential for both connectivity and effect on the European herring gull features of French SPAs as presented within the HRA screening (RED, 2020). Connectivity to French SPAs was considered using the species mean max foraging range presented by Woodward et al., (2019), which has superseded the Thaxter et al., (2012) foraging range the French Authorities have highlighted in their Deadline 3 submission **[REP3-104]**. Based on all French SPAs (including those breeding colonies cited by the French authorities) with herring gull as a qualifying feature being outside of the species mean max foraging range no connectivity was concluded during the breeding season. During the non-breeding season wider mixing of individuals occurs from different populations with species no longer restricted in movements due to colony attendance. The potential for a material effect to be apportioned back to any single SPA within the non-breeding season is therefore highly limited. Because of this the potential for a likely significant effect was ruled out for all herring gull features of French SPAs. The French Authorities can therefore have confidence that Rampion 2 will not have a significant adverse effect on the herring gull features of any French SPAs.

**2.1.15**      **2. Marine Mammals**

According to Planque et al. (2020), the presence of grey seals equipped with tags GPS/GSM between 2008 and 2012 in the base de Somme, move along the English coasts, specifically, within the immediate vicinity of the Rampion Wind Farm (Figure 8)

Following consultation on the Applicant's HRA screening (RED, 2020), the Screening was revisited with respect to grey seals and harbour seals (see Appendix A of the **Report to Inform Appropriate Assessment [APP-038]**). On 9 October 2020, Natural England commented (by email) 'For grey seals and harbour seals, receptor ranges of 145km and 120km have been used respectively. Natural England would advise that seal management units should be used'. The Applicant has applied the relevant Seal Management Unit (South England – unit 10) provided by the Special Committee on Seals (SCOS). This indicated that there are no Special Areas of Conservation (SACs) for either seal species that share the Management Unit (MU) with the Proposed Development. Consequently, no sites were identified for either seal species for Screening and the conclusion remained that there was no potential for Likely Significant Effects (LSE).

## Ref Deadline 3 submission

## Applicant's response

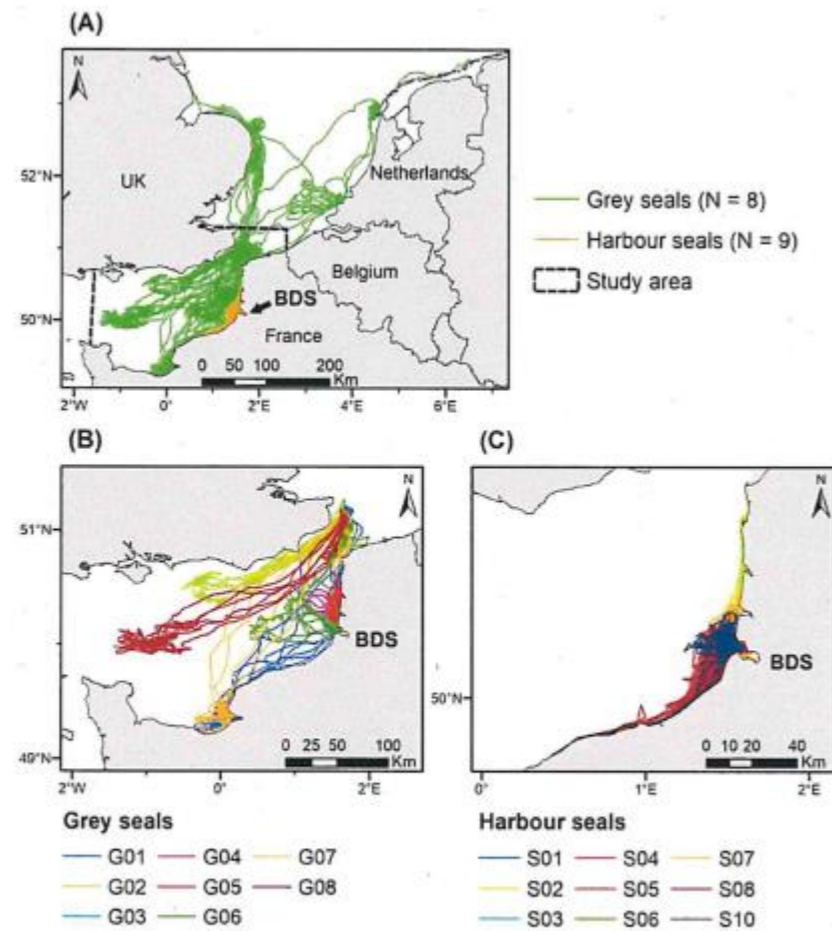


Figure 8 : A: All tracks from nine harbour seals and eight grey seals captured in the Baie de Somme (BDS), in 2008 and 2012 respectively, and fitted with GPS/GSM tags. B & C: grey and harbour seal individual tracks selected for analysis (Planque et al. 2020).

Additionally, according to this work, the probable hunting zones for the common seal and grey seals were characterised by the highest diving rates in ARS (Area-Restricted Search), it should be noted this is taking horizontal approach (surface area) to optimize the search for resources, and vertical approach dives into consideration. The main hunting areas determined by the two approaches are characterized by a strong correlation when the data for all individuals of the same species are grouped together, whether referring to the common seal or grey seals (Figure 9). For grey seals, certain probable hunting areas are in the immediate vicinity of the Rampion Wind Farm.

A full revised Screening is set out in the [Report to Inform Appropriate Assessment \[APP-038\]](#) (in particular, Appendix B of the [Report to Inform Appropriate Assessment \[APP-038\]](#)).

Grey seal sites are typically assessed during critical period e.g. breeding and moulting. Current advice from Statutory Nature Conservation Bodies in the UK defines site connectivity distances as 20 km for grey seal.

A screening range of 20 km would not result in any additional sites being screened in as the closest designated site for grey seals to Rampion 2 is the closest SAC (Ridens et dunes hydrauliques du détroit du Pas-de-Calais SAC), which is 73.6 km from the Rampion 2 Array Area and 107.6 km from the Offshore Export Cable Corridor. All other French sites are located further away than this one.

Ref Deadline 3 submission

Applicant's response

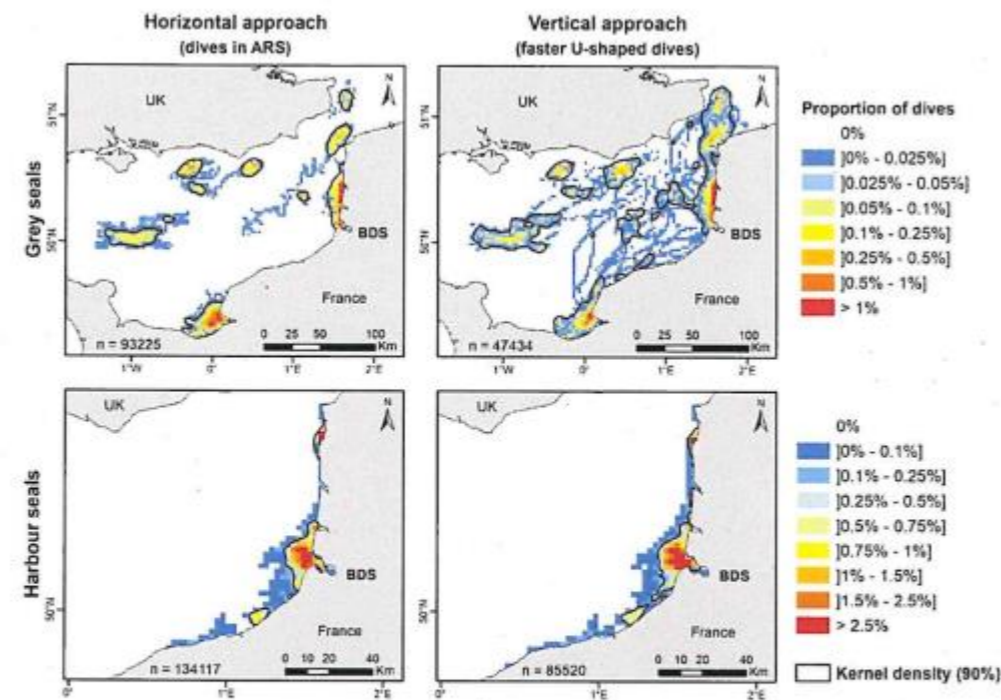


Figure 9 : Likely foraging areas of all grey seals (top) and harbour seals (bottom), captured in 2012 and in 2008 respectively, determined using the horizontal (left) and vertical (right) approaches. The foraging areas are represented on grids of 2.5 x 2.5 km cells and characterized by the spatial density of dives in ARS selected from the horizontal approach and faster U-shaped dives selected from the vertical approach. Cores to extended foraging areas are represented by 90% kernel densities of foraging locations (black lines). BDS Baie de Somme, the capture site. (Planque et al., 2020)

#### 2.1.16 Request 4: Request to identify additional designated species missed by only using English / British scores of sensitivities.

The French Office of Biodiversity (Office Française de la biodiversité – OFB) cannot respond to this request due to lack of knowledge of the sensitivity thresholds used in the United Kingdom. In France, a national method is applied for information, to identify and prioritize the ornithological issues of each marine subregion\*. It appears that The Channel/ North Sea marine sub-region has a major responsibility for the conservation of the Balearic shearwater, the Roseate tern and the Velvet scoter, along with an additional 16 species:

The Applicant can provide clarity that the Applicant has followed CIEEM guidance (2022) which constitutes UK recommended guidance to EIA assessment approaches, which includes guidance on defining species importance thresholds. Further details of the Project's approach to defining significance thresholds can be found in Section 12.10 of [Chapter 12: Offshore and intertidal ornithology, Volume 2](#) of the ES [APP-053].

Further information on the species recorded within the Project's baseline characterisation surveys is detailed in [Appendix 12.1: Offshore and intertidal ornithology baseline technical report, Volume 4](#) of the ES [APP-150], though the Applicant can confirm that no Balearic shearwater, Roseate tern or Velvet scoter were recorded in the entire 24 months of digital aerial surveys. With respect to the other 16 key species cited, the Applicant can confirm that for any of the species recorded, it was concluded that the level of potential effect predicted from the Proposed Development alone and cumulatively would not lead to a significant adverse effect in EIA terms as detailed within [Chapter 12: Offshore and intertidal ornithology, Volume 2](#) of the ES [APP-053].

Ref	Deadline 3 submission	Applicant's response
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Common name	Nester	Breeding
Balearic shearwater		7.5
Roseate tern	7.0 <sup>13</sup>	
Velvet scoter		6.3
Northern fulmar	5.8	5.0
Atlantic puffin		5.3
Razorbill		
Common murre		
Light-bellied Brent Geese		5.3
Black-tailed godwit	3.0	5.0
Common eider	Rare	5.0
Black-throated loon		
Red-throated loon		5.0
Common loon		
Black-legged kittiwake	5.0	3.8
Greater scaup		4.5
Bewick's Swan		4.3
Eurasian oystercatcher	3.5	4.3
Horned grebe		4.3
Common Ringed Plover	4.0	2.0

With regards to the levels of responsibilities, it would be relevant for these species to be taken into consideration as a present issue and for mitigation measures to be put in place as part of the project to extend the Rampion Wind Farm in Rampion.

\*The Table above presents the Responsibility Index  $\text{marine sub-region} = \text{Average (Vulnerability}_{sp}; \text{Representative}_{\text{marine sub-region}})$ . Representative describes the number of a species distributed within the area and the total surface area occupied by a habitat, or total biomass. Vulnerability represents the maximum values (IUCN red list; Europe; France; including short and long term trends).

In order to interpret the results, thresholds of 6 and 4 points were applied.

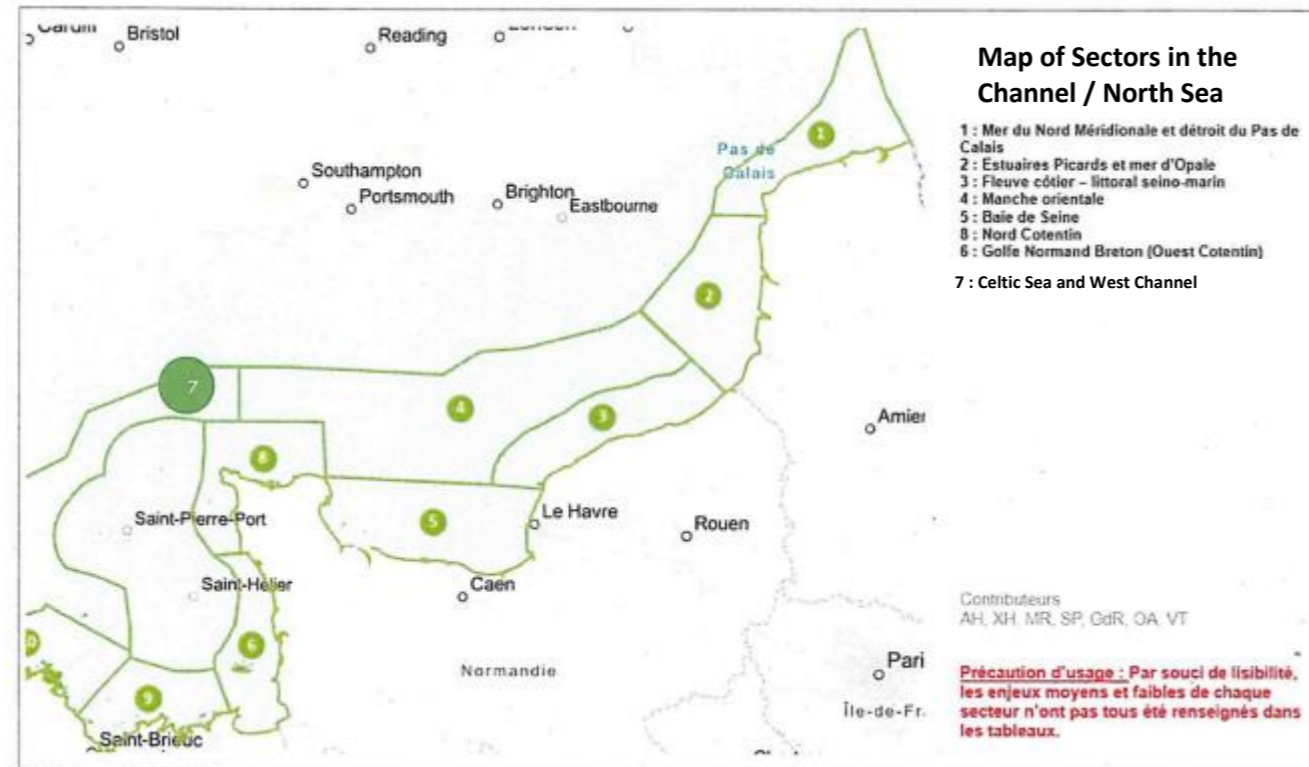
- Major responsibility (more than 6 points)
  - critically endangered species whose numbers in the marine subregion (SRM) represent 10 to 20% of the French population.
  - near-threatened species (NT) for which the marine subregion hosts 100% of the French population and 40% of the European population
- Strong responsibility (4 to 6 points)



Ref	Deadline 3 submission	Applicant's response
	<ul style="list-style-type: none"> <li>o endangered species (EN) present within the marine subregion.</li> <li>o least concern species (LC) for which the marine subregion hosts 100% of the French population and France, 15% of the European population.</li> </ul> <p>Medium to low responsibility (1 to 4 points) for other species.</p>	

**2.1.17 Request 5: Request to identify species (seabirds) whose sensitivity scores should be updated.** Please see Applicant's response to comment ID 2.1.16 above.

As part of the development of the framework, strategic documents for the 2nd cycle of The Marine Strategy Framework Directive (Directive-Cadre Stratégie pour le Milieu Marin - DCSMM), including work to identify and prioritise issues was carried out by the OFB with the help of researchers, local experts, and state services. On the scale of the framework, this work was carried out on several sectors which can be seen in the figure below.



The results of this work is presented in the following table:

Sectors	Seabird Colonies and Foraging Zones	Wintering site for waterbirds	Maximum density zones and functional zones for seabirds during the breeding period
1	<p><b>Major:</b> Black-legged kittiwake</p> <p><b>Strong:</b> Common tern</p>		<b>Strong:</b> dense population of all species

Ref	Deadline 3 submission	Applicant's response	
	<b>Medium:</b> Northern fulmar, Sandwich tern, Little tern		
2	<b>Strong:</b> Black-legged kittiwake	<b>Strong:</b> Northern pintail, Northern shoveler, Common shelduck, Eurasian oystercatcher	<b>Major:</b> dense population of all species <b>Strong:</b> Wintering site for diving sea birds
3	<b>Strong:</b> Northern fulmar, European herring gull <b>Medium:</b> Black-legged kittiwake	<b>Medium:</b> wintering site for Great crested grebe	<b>Major:</b> dense population of all species
4	Foraging sites in the Channel Islands		<b>Strong:</b> dense population of all species
5	<b>Strong:</b> Northern Fulmar, Great cormorant, Black-legged kittiwake <b>Medium:</b> European herring gull Note: foraging site in the Channel Islands	<b>Strong:</b> Northern pintail Birds, Northern shoveler, Barnacle goose, Velvet scoter  <b>Medium:</b> Common scoter	<b>Major:</b> dense population of all species
8	<b>Medium:</b> European herring gull Note: foraging site in the Channel Islands		<b>Medium:</b> dense population of all species
6	<b>Medium:</b> European shag, Great black-backed gull, Roseate tern Note: foraging site in the Channel Islands	<b>Strong:</b> Black-tailed godwit, Dunlin, Grey plover, Common shelduck, Brant, Eurasian oystercatcher, Common scoter	<b>Major:</b> Balearic shearwater, wintering site and molting of Common scoter <b>Strong:</b> dense population of all species
7	<b>Strong:</b> Northern gannet <b>Medium:</b> European herring gull		<b>Strong:</b> dense population of all species and wintering site for Northern fulmar

Ref	Deadline 3 submission	Applicant's response
	<div style="background-color: #0070C0; width: 40px; height: 60px; display: inline-block;"></div> <b>Weak:</b> Lesser black-backed gull, Great black-backed gull	
	<p>Given the extent of issues, it would be relevant for species with a major - strong stake in sectors 2,3,4,5,7 and 8 to be taken into consideration when raising the sensitivity scores.</p>	
2.1.18	<p><b>Request 6: Request to provide the proportion of individuals form each French SPA colony that enter the UK waters (during the on-breeding bio-season), specifically within the relevant biologically defined minimum population scales (BDMPS) region defined for each species in Funs (2015).</b></p> <p>The OFB cannot answer this question since telemetric monitoring is not carried out on each ZPS for each seabird colony.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>

**Table 1 List of marine protected areas outside Natura 2000 and the bird colonies present or links to the sites listing the species**

Name of Marine protected area	Type	Status	Designated Status	Date of creation	National Museum of Historic Nature ID	Total surface area (km <sup>2</sup> )	Marine surface area (km <sup>2</sup> )	Administrative Region	Bird Colonies (those in blue justified the designation)
Platier d'Oye	National Nature Reserve	National	Designated	1987	FR3600086	4	2	Hauts-de-France	106 bird species: <a href="https://inpn.mnhn.fr/espace/protege/FR3600086/tab/especes">https://inpn.mnhn.fr/espace/protege/FR3600086/tab/especes</a>
Cap Blanc Nez	Biotype Protection Area	National	Designated	2011	FR3801058	1.3	1	Hauts-de-France	<i>Larus argentatus</i> , <i>Rissa tridactyla</i> , <i>Fulmarus glacialis</i>
Pointe de la Crèche	Biotype Protection Area	National	Designated	2021	FR3801059	0.6	0.5	Hauts-de-France	<i>Fulmarus glacialis</i>
Baie de Canche	National Nature Reserve	National	Designated	1987	FR3600087	4.9	0.3	Hauts-de-France	92 bird species: <a href="https://inpn.mnhn.fr/espace/protege/FR3600087/tab/especes">https://inpn.mnhn.fr/espace/protege/FR3600087/tab/especes</a>
Baie de Somme	National Nature Reserve	National	Designated	1994	FR3600118	34	31.3	Hauts-de-France	303 bird species: <a href="https://inpn.mnhn.fr/espace/protege/FR3600118/tab/especes">https://inpn.mnhn.fr/espace/protege/FR3600118/tab/especes</a>
	Ramsar Site (Wetland)	International	Designated	1998	FR7200018	190	109	Hauts-de-France	365 bird species: <i>Tachybaptus ruficollis</i> , <i>Podiceps cristatus</i> , <i>Phalacrocorax carbo</i> , <i>Casmerodius albus</i> , <i>Bubulus ibis</i> , <i>Egretta garzetta</i> , <i>Nycticorax nycticorax</i> , <i>Ciconia Ciconia</i> , <i>Platalea leucorodia</i> , <i>Cygnus olor</i> , <i>Anser albifrons</i> , <i>Anser anser</i> , <i>Tadorna tadorna</i> , <i>Anas penelope</i> , <i>Anas strepera</i> , <i>Anas crecca</i> , <i>Anas platyrhynchos</i> ,

Ref	Deadline 3 submission								Applicant's response
	Marine Protected Zone under the OSPAR Convention	International	Designated	2007	FR7600037	34	34	Hauts-de-France	<p><i>Anas acuta, Anas clypeata, Aythya farina, Aythya fuligula, Somateria mollissima, Bucephala clangula, Mergellus albellus, Fulia atra, Haematopus ostralegus, Recurvirostra avosetta, Vanellus vanellus, Pluvialis ostralegus, Recurvirostra avosetta, Vanellus vanellus, Pluvialis squatarola, Charadrius hiaticula, Limosa limosa, Limosa lapponica, Numenius Arquata, Tringa tetanus, Calidris canutus, Calidris alpina, Larus canus, Laurs argentatus, Larus ridibundus vanelvanellus, Pluvialis ostralegus, Recurvirostra avosetta, Vanellus vanellus, Pluvialis squatarola, Charadrius hiaticula, Limosa limosa, Limosa lapponica, Numenius Arquata, Tringa tetanus, Calidris canutus, Calidris alpina, Larus canus, Laurs argentatus, Larus ridibundus</i></p> <p><a href="https://inpn.mnhn.fr/docs/espacesProteges/Ramsar/FR720001819980130.pdf">https://inpn.mnhn.fr/docs/espacesProteges/Ramsar/FR720001819980130.pdf</a></p> <p><i>Laurs minutus, Sterna hirundo, Sterna paradisaea, Sterna sandvicensis, Podiceps auratus, Gavia arctica, Gavia stellata</i></p>
Cordon de galets de la Mollière	Biotype Protection Area	National	Designated	2004	FR3800638	2.6	1.1	Hauts-de-France	Charadrius alexandrinus, Charadrius dubius, Charadrius hiaticula
Estuaires picards et met d'Opale	Marine National Park	National	Designated	2012	FR9100005	2343	2337	Hauts-de-France	<a href="https://inpn.mnhn.fr.espace/protege/FR3600137/tab/especes">https://inpn.mnhn.fr.espace/protege/FR3600137/tab/especes</a>
Littoral cauchois	Marine Protected Zone under the OSPAR Convention	International	Designated	2012	FR7600029	62.9	45.6	Normandy	<p>Melanitta fusca, Melanitta nigra, Somateria mollissima, Alca torda, <a href="#">Uria aalgae</a>, Laurs argentatus, <a href="#">Larus fuscus</a>, Larus marinus, Larus melanocephalus, Larus minutus, Larus ridibundus, Larus sabini, <a href="#">Rissa tridactyla</a>, Sterna albifrons, Sterna hirundo, Sterna paradisaea, Sterna sandvicensis, Catharacta skua, Stercorarius longicaudus, Stercorarius parasiticus, Stercorarius pomarinus, Phalacrocorax aristotelis, Phalacrocorax carbo, Podiceps auratus, Podiceps cristatus, Podiceps grisesgena, Podiceps nigricollis, Gavia Arctica, Gavia immer, Gavia stellata, Hydrobates pelagicus, Oceanodroma leucorhoa, Fulmarus glacialis, Puffinus griseus, Puffinus puffinus, Morus bassanus, <a href="#">Puffinus mauretanicus</a></p>
Estuaire de la Seine	National Nature Reserve	National	Designated	1997	FR3600137	85.0	36.2	Normandy	190 species: <a href="https://inpn.mnhn.fr.espace/protege/FR3600137/tab/especes">https://inpn.mnhn.fr.espace/protege/FR3600137/tab/especes</a>
	Marine Protected Zone under the OSPAR Convention	International	Designated	2012	FR7600035	109.0	85.1	Normandy	<p>Melanitta fusca, Melanitta nigra, Somateria mollissima, Alca torda, Uria aalgae, Larus argentatus, Larus canus, Larus fuscus, Larus marinus, Larus melanocephalus, Larus minutus, Larus ridibundus, Rissa tridactyla, Sterna albifrons, Sterna caspia, <a href="#">Sterna dougallii</a>, <a href="#">Sterna hirundo</a>, Sterna paradisaea, <a href="#">Sterna sandvicensis</a>, Catharacta skua, Stercorarius parasiticus, Stercorarius pomarinus, Phalacrocorax aristotelis, Phalacrocorax carbo, <a href="#">Podiceps</a></p>

Ref	Deadline 3 submission								Applicant's response
									<a href="#">auratus</a> , <a href="#">Podiceps cristatus</a> , <a href="#">Podiceps nigricollis</a> , <a href="#">Gavia Arctica</a> , <a href="#">Gavia immer</a> , <a href="#">Gavia stellata</a> , <a href="#">Fulmarus glacialis</a> , <a href="#">Puffinus griseus</a> , <a href="#">Puffinus puffinus</a> , <a href="#">Haematopus ostralegus</a> , <a href="#">Morus bassanus</a> , <a href="#">Tachybaptus ruficollis</a> , <a href="#">Larus delawarensis</a> , <a href="#">Recurvirostra avosetta</a> , <a href="#">Larus michahellis</a>
Falaise du Bessin occidental	Marine Protected Zone under the OSPAR Convention	International	Designated	2012	FR7600034	12.5	12.5	Normandy	<a href="#">Alca torda</a> , <a href="#">Uria aalga</a> , <a href="#">Larus argentatus</a> , <a href="#">Larus fuscus</a> , <a href="#">Rissa tridactyla</a> , <a href="#">Phalacrocorax carbo</a> , <a href="#">Gavia stellata</a> , <a href="#">Fulmarus glacialis</a>
Maurais du Contentin et du Bessin – baie des Veys	Ramsar Site (Wetland)	International	Designated	1991	FR7200001	390.0	49.0	Normandy	<a href="https://rsis.ramsar.org/fr/ris/516">https://rsis.ramsar.org/fr/ris/516</a>
Domaine de Beauguillot	National Nature Reserve	National	Designated	1980	FR3600042	8.2	4.1	Normandy	189 bird species: <a href="https://inpn.mnhn.fr.espace/protege/FR3600042/tab/especes">https://inpn.mnhn.fr.espace/protege/FR3600042/tab/especes</a>
	Marine Protected Zone under the OSPAR Convention	International	Designated	2006	FR7600038	8.2	5.4	Normandy	<a href="#">Sterna hirundo</a> , <a href="#">Sterna paradisaea</a> , <a href="#">Sterna sandvicensis</a> , <a href="#">Gavis arctica</a> , <a href="#">Gavia stellata</a>
Cordon dunaires	Biotype Protection Area	National	Designated	1984	FR3800070	0.5	0.2	Normandy	<a href="#">Larus fuscus</a> , <a href="#">Thalasseus sandivensis</a> , <a href="#">Charadrius alexandrinus</a>
Le Mont Saint-Michel et sa baie	Ramsar Site (Wetland)	International	Designated	1994	FR7200009	474.4	360.0	Normandy	<a href="https://rsis.ramsar.org/ris/709?language=en">https://rsis.ramsar.org/ris/709?language=en</a>

**Table 2-25 Applicant's response to Governors of St Marys Clymping CE Primary School's Deadline 3 Submission [REP3-146]**

Ref	Deadline 3 submission	Applicant's response
2.27.1	<p>The governors at St Mary's Clymping Church of England Primary School would like to express our support for the stance taken by Clymping Parish Council with regard to the proposals for the onshore work plans for Rampion2 wind farm.</p> <p>The governors are particularly concerned about the negative impact the onshore work will pose for St Mary's school. The health and safety of the children and their families is our top priority.</p> <p>In its written representation to the planning inspectorate, Clymping Parish Council states the following (in section 3):</p> <p>"... the Parish object strongly to any use of Crookthorn Lane, Brookpit Lane and Byway 197, Bread Lane as access to the work areas south of A259. The lanes are narrow with blind corners and they are simply not suitable for additional works traffic and heavy vehicles. The grass edges that are easily damaged and prone to flooding. They provide the primary driven and walking access to the primary school. There are no pavements. The limitations of the lanes are such that at busy times the school operates a voluntary one system for parents driving their children to and from school.</p> <p>"Bread Lane passes directly past the school entrance and the byway is the community's primary walking route to the beach and open countryside of the Littlehampton to Middleton gap in this area. Although unrestricted it is not suitable for use by heavy vehicles.</p> <p>"The Parish is pressing for an alternative dedicated route south from Ferry Road as this would be far more suitable and less disruptive."</p> <p>The governors would like to second this view. We emphasise that Brookpit Lane and Crookthorn Lane are very narrow roads which are prone to heavy flooding, and which include blind corners. Significantly, because there are no pavements on these roads, school children and their families (including very young siblings) must walk in the roads themselves. This is hazardous at the best of times, and introducing large vehicles into the mix could be disastrous.</p> <p>Furthermore, twice a day, during school drop off and pick up, vehicles park along large stretches of these roads (including the whole of Crookthorn Lane), rendering them effectively single-track routes. During these peak hours the school operates a voluntary one-way system (travelling west from Ferry Road). Because of the large volume of vehicles involved in the school run, and because of the presence of children in the road, vehicles travelling in the opposite direction can cause significant traffic complications. Reversing and other manoeuvres pose a safety hazard for the children and their families who are on foot.</p> <p>Brookpit Lane and Crookthorn Lane are also used by the school during normal school hours for pupil walks to the local church, Village Hall and other sites. Bread Lane itself is regularly used by the school for walks to the beach.</p> <p>We strongly argue for an alternative dedicated route south from Ferry Road to reach the work sites south of the A259. This would significantly reduce the safety risk to the St Mary's school community.</p>	<p>The governors of St Mary's CE Primary wrote the same letter to the Applicant on 23 April 2024. The Applicant provided the following response:</p> <p><i>"Many thanks for your enquiry and letter.</i></p> <p><i>I have read the concerns raised in your letter regarding construction access and I believe there may be some misunderstanding on this issue.</i></p> <p><i>Our construction access is indeed A-01 on Ferry Road, which is the road you are suggesting we use. Your letter refers to Crookthorn Lane, Brookpit Lane, Byway 197 and Bread Lane, all of which are near your school. However, please note that we would not be putting construction traffic past your school, and that we will use Ferry Road as you suggest.</i></p> <p><i>Access A-04 is for operational/maintenance use only by light vehicles, which is subject to only very occasional access by a van during the operational phase of the project.</i></p> <p><i>Please see Sheet 01 on page 4 of our Access Plans on the Planning Inspectorate website, here <a href="https://www.planninginspectorate.gov.uk/EN010117-000161-2.5%20Rampion%20Access,%20Rights%20of%20Way%20and%20Street%20Plans.pdf">EN010117-000161-2.5 Rampion 2 Access, Rights of Way and Street Plans.pdf (planninginspectorate.gov.uk)</a>.</i></p> <p><i>I hope this helps clarify the situation and alleviates any concerns regarding construction traffic using the A-04 access near your school, which is for occasional operational access only."</i></p> <p>This location was also discussed at Issue Specific Hearing 2 on 16 May 2024. The Applicant's response is recorded in <a href="#">Applicant's Post Hearing Submission – Issue Specific Hearing 2 (Document Reference 8.68)</a> see reference 7d, and further justification for the use of Access A-01 is provided in response to Action Point 54 in <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</a>.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>Clymping Parish Council also request in their statement that clarity be provided “with regards the timing of daily operations and works traffic (daily start and finish times), the extent of 24- hour drilling operations and the overall timescales envisaged for what is referred to as a ‘temporary’ construction phase. All these factors could impact the daily lives of residents and negatively impact to local natural environment. We have yet to see a detailed construction management plan. We have also yet to see the steps the applicant plans to take to mitigate the impacts on the community and local environment.”</p> <p>The negative impacts that residents will experience will also apply to St Mary’s School, and even more so if operational vehicles travel in close proximity to the school. We would like to see clarification on noise levels, works traffic (daily start and end times as well as number of and types of vehicles) and the overall timescale for the construction phase.</p> <p>We would also like to see the steps Rampion plans to take to mitigate negative impacts on the school.</p> <p>The governors are happy to discuss this matter further if required.</p>	

**Table 2-26 Applicant's response to Green Properties (Kent & Sussex) Ltd's Deadline 3 Submission [REP3-108 & REP3-110]**

Ref	Deadline 3 submission	Applicant's response
2.1.1	2.11.4 The response does not reflect the true facts & is disputed. The loss of BNG over 30 years will be very substantial.	The Applicant notes that this is the first time that the planting has been identified as being created for BNG purposes. The Applicant requests further information on how the BNG has been secured, noting that it was previously understood that these saplings were planted with grant funding as part of the Queen's Canopy. The Applicant has offered an extended trenchless crossing to avoid the recently planted saplings, which were viewed on the recent site visit, where possible. This offer has not yet been accepted by the Land Interest and further discussions relating to this are ongoing.
2.1.2	<p>2.11.05 The Applicant or their Representatives or their Agents have never ever met the Land Interest at the Property at Kent Street apart from for an amicable Door ? Survey. The dates given here are misleading as they are confused with dates for a different Land Interest not Green Properties (Kent &amp; Sussex) Ltd. Applicants' response is false.</p> <p>The applicant has received a response to this letter some time ago to their Agent and a meeting is arranged for Wednesday 24th April. Despite their false claim.</p>	<p>The Applicant had arranged to meet the Land Interest (and the Land Interest's agent) at Kent Street on 23<sup>rd</sup> February 2023, only for the Land Interest to cancel the meeting the day before. The Applicant notified the Land Interest's agent of the Land Interest cancelling the proposed site meeting at Kent Street in a letter to the Land Interest's agent dated 28<sup>th</sup> February 2023 (See <b>Appendix G</b>).</p> <p>Upon the Land Interest's appointment of Montagu Evans, an on-site meeting was held on 24<sup>th</sup> April 2024 which included walking the Land Interest's proposed alternative cable route, discussing the location of the trenchless crossing and the rights the Applicant is seeking, and reviewing the Queen's Green Canopy planted saplings and the access point off Kent Street.</p>
2.1.3	<p>2.11.6 The response here does not reflect the true facts and is disputed. Full details were replayed by Savills to the Applicant. The Applicant had full information of the entire Project.</p> <p>The Land Interest disputes the Applicants claim here that "this section of the cable route accommodates substantial existing buried services" is entirely false. The only buried services on the Land Interest Land is one single cable at the extreme Eastern end of the Property where the corridor narrows down substantially into the neighbour.</p>	<p>The only information forwarded to the Applicant regarding the planting project's association with Woodland Trust and the Queens Green Canopy project was a plan of proposed planting including substantive land belonging to Mr Ball, outside of the Land Interest's ownership sent to the Applicant in 2022 and some generic email correspondence referring to potential different rewilding schemes from the Land Interest's relevant agent instructed by the Land Interest at this time (Martin Page of BLB Utilities and Guy Streeter of Savills respectively).</p> <p>Despite requests for clarification and copies of the planting proposals put forward for consideration, no further information was received during 2023 further to the letter of 19<sup>th</sup> March 23 .The plan showing proposed planting on neighbouring land owned by Mr Ball was never supported by further correspondence or explanation and there was no other indication at the time that Mr Ball was involved in a planting scheme with Mr Dickson. The Applicant requested the information to understand the conflict and consider opportunities for compatible schemes. No material information was provided in 2022 or 2023 beyond an email from the land interest's agent in 2022 reporting that he had applied for "numerous trees for a rewilding project" over the entire holding. There was no information relating to the planting project funder requirements, anticipated planting dates, woodland planting layouts with retained access pathways etc. which is what was requested by the Applicant in early 2023.</p> <p>Having recently been provided with a plan in April 2024 which shows the area that has now in fact been planted with saplings, the Applicant notes that this area differs from and is substantially less than the area indicatively put forward for planting in 2022/ early 2023 correspondence and is confined to the Land Interest's land. The Land Interest has left an unplanted strip which it asserts is sufficient for the cable corridor. The Applicant explained the reasons why this is not sufficient in its letter to the Land Interest dated 9<sup>th</sup> May 2024.</p>



Ref	Deadline 3 submission	Applicant's response
		<p>Buried services The <b>Applicant's response to Written Representations [REP2-028]</b> (2.11.6) is not false and must be read in the correct context. The Applicant describes the Section of cable route between Oakendene and Bolney as accommodating substantial buried services. The Land Interest's land accommodates the electricity cable, a HV-overhead line and the Applicant expects water pipes and drainage present. The response states in relation to this particular Land Interest's land "<i>The requirement for HDD, the nature of the existing infrastructure and buried services and the potential requirement for mitigation further to pre-construction surveys all necessitate the width of the DCO red line in this location.</i>"</p> <p>Especially the coincidence of a HV buried cable in close proximity to the overhead power line (referred to as existing infrastructure) presents an engineering challenge that requires flexibility during detailed design. The required flexibility for the location of the trenchless crossing is also driven by the substation design.</p>
2.1.4	2.11.6 See Annexed 4 letters.	
2.1.5	2.11.8 The Land Interest did not suggest that there was shared information, shared working or shared development proposals between Rampion & JBM. Rampion 2 is a joint venture partner with RWE. We believe this very close connection should be investigated fully despite the Applicants attempt to distance itself.	The Applicant is not clear on what matter is to be investigated, what its relevance is to the Proposed Development and has no further comment.
2.1.6	<p>2.11.15 The Woodland Trust had numerous site meetings to discuss the project. The Applicants attempt to undermine those negotiations here and dictate to the Woodland Trust Refer to 2.11.6.</p> <p>The Applicant has misrepresented the Land Interest here as they know very well that the contents of the letter of the 10th March were withdrawn &amp; superseded with an apology from Vaughn Weighill with another letter on 20th March 2023. However the Applicant has seen fit not to reveal this valuable information. Annex letter 20/3/23.</p>	<p>The Applicant has not sought to undermine negotiations but sought further information from the Land Interest about the proposed planting project and offered to speak with the Woodland Trust directly.</p> <p>The letter dated 10<sup>th</sup> March 2023 from Vaughan Weighill to Guy Streeter is attached for transparency (<b>Appendix F</b>). The letter set out in detail the Applicant's requests for information relating to the QGC planting project. It also clarified the weight the Applicant had been advised it should attribute to the QGC project according to the information provided. The letter recorded the following key points further to telephone conversations with Mr Dickson:</p> <p>Green Properties representative stated his intention to:</p> <p><i>a) not disclose to ourselves or the future Development Consent Order (DCO) Examining Authority the letter he has received from the Queen's Green Canopy (QGC) Committee in relation to his 70 acre QGC application in which I understand they have raised concerns about the impact of the proposed cable on the proposed planting at Kent Street and indicated that they would withdraw support for Green Property's proposed scheme; and</i></p> <p><i>b) instead be prepared to swear under oath that he had received such a letter at a future DCO Hearing during the Examination of our project application.</i></p> <p>Vaughan Weighill advised that the Applicant needed further detail about the QGC application to be able to apply appropriate weight to Mr Dickson's statement relating to the QGC Committee's position.</p> <p>The letter summarises as follows:</p>

Ref	Deadline 3 submission	Applicant's response
		<p><i>Drawing all of the above together, I confirm that the statements made in your letter of 7th March are insufficient to change the weight that we would apply to our current understanding of the Committee's position that has been presented to us verbally by Mr Dickson relating to the "northern" cable route alternative. Nor would a sworn statement by Mr Dickson which merely repeats the italicised text in your letter take the matter any further.</i></p> <p><i>Our land agent, Nigel Abbott, has confirmed to Mr Dickson that we are exploring whether we could make any amendments to the "southern" cable route alternative to overcome some of the challenges that that route presents. However, this was predicated on the expectation that we would receive a full or redacted version of the QGC Committee letter imminently, and that seeing the context of this would show that the northern route is, in their eyes, fundamentally incompatible with any planting scheme that accommodates our cable route proposals and in such a way that could not be overcome by collaborative working.</i></p> <p><i>In the interests of achieving a mutually beneficial understanding of our relative positions and Mr Dickson's evidence, I have asked my team to postpone a final decision on preferred routeing from this week to next. I would therefore once again urge Mr Dickson to provide whatever evidence he can in relation to the QGC Committee's position and the context in which it was reached.</i></p> <p>The letter also noted the following: <i>Although we are aware that Mr Dickson has received a letter, we still do not have any understanding of the context in which the QGC's Committee's position was formed, what information was available to them when considering their decision, whether their decision represents their settled view and/or whether there is scope for engagement on the detail to find a mutually workable solution;</i>  <i>We consider this context essential if we are to apply material weight to the letter and the views of the QGC Committee. Our expectation is that the aims of the QGC project can be progressed to work harmoniously with our cable route. As yet, in the absence of any further detail on how the QGC Committee's position was formed, we are unable to conclude why our cable route could not be accommodated through collaborative evolution of Mr Dickson's planting regime and design;</i>  <i>-I would expect the Examining Authority would want to understand similar points if ... the Land Interest... put in representations against the Rampion 2 proposals based on the QGC Committee's views</i></p> <p>The follow up letter dated 20 March 2023 appended to Green Properties Deadline 3 submission <b>(REP3-110)</b> recorded the applicant's understanding of the position having spoken to the Land Interest's representative that day and that the Land Interest would be willing to submit such a letter into the future Examination phase of the project application.</p>
2.1.7	2.11.25 See 2.11.8. [Ref 2.1.5]	The Applicant has no comment on this beyond 2.1.5.
2.1.8	2.11.25 The Applicant may not be progressing an unrelated project but its parent company, hence the unreversible close connection.	Please see Applicant's response to 2.1.5 above.
2.1.9	2.11.19 The Applicant appears to be aware of other companies which the Land Interest is not aware of. The Land Interest did not raise invoices as the Applicant well knows, because the Applicant had refused to pay professional costs.	The Applicant has no further comment other than that provided at Deadline 3 Land Interest's Written Representation as set out in <a href="#">Applicants Response to Written Representations [REP2-028]</a> , reference 2.11.19.

Ref	Deadline 3 submission	Applicant's response
2.1.10	2.11.21 This whole response is entirely disputed as dealt with elsewhere in detail. The Land Interest appeals to the Examining Authority to decide where the truth lies.	The Applicant has no comment except to confirm that the Applicant has clarified all statements made in responses to representations from Green Properties.
2.1.11	2.11.22 The reasons were considered not genuine.	The Applicant has communicated the reasons which are based on factual information.
2.1.12	2.11.42 The response here does not reflect the true facts & is disputed. No request was ever made for site of the acceptance letter. We refer to 2.11.6.	The letter of 10 <sup>th</sup> March 23 from Vaughan Weighill stated " <i>I hope that, as requested previously, Mr Dickson is able to provide a copy of the letter, redacted if required, or provide such other documentation as evidence of the context in which the Committee's advice was provided.</i> "
2.1.13	<p>2.11.43 The Land Interest disputes this response. The statement here is untrue. No detailed evidence to support Applicants claim. See copy email to prove their claim is wrong. Annex letter.</p> <p>The Applicant has repeatedly ignored information supplied by Guy Streeter, Savills in their determined agenda to use the Northern route throughout regardless. See 2.11.6 Annexed letters.</p>	The Applicant wishes to reiterate its response to the Land Interest's Written Representation as set out in <a href="#">Applicants Response to Written Representations [REP2-028]</a> reference 2.11.43 which includes justification supporting the decision making process in letters to the Land Interest dated 28 March 2023 and 18 May 2023 respectively.
2.1.14	2.11.44 The Applicants response here makes no sense.	
2.1.15	2.11.47 The Land Interest notes your admission that an SSSI was not an honest assessment and the Applicant has retracted this statement.	The Applicant has confirmed the correct status as not SSSI. While the Applicant acknowledges that there had been miscommunication, SSSI status had not been considered as part of the assessments. The other reasons provided to the Affected Party justifying the rejection of the proposed alternative remain valid.
2.1.16	2.11.66 Re Land Interest disputes this response.	The Applicant is unclear as to what is disputed. No further comment.
2.1.17	2.11.71 The Land Interest considers this response inadequate.	<p>Further to the Applicant's response to the Land Interest's Written Representation as set out in <a href="#">Applicants Response to Written Representations [REP2-028]</a> reference 2.11.71, the Applicant wishes to reiterate that the Applicant seeks to secure voluntary agreements where possible.</p> <p>Further to the Land Interest's appointment of new agent Montagu Evans, the Applicant's agent has subsequently been in regular correspondence with the Land Interest's new agent.</p> <p>Correspondence has been exchanged in March in relation to:</p> <ul style="list-style-type: none"> <li>▪ receiving written confirmation that the Land Interest now wished to proceed with progressing Heads of Terms,</li> <li>▪ seeking to arrange a meeting with the Land Interest's agent to discuss the Heads of Terms in more detail,</li> <li>▪ requesting further information on the extent of the tree / sapling planting,</li> <li>▪ discussing potential mitigation measures,</li> <li>▪ and agreeing to consider the Land Interest's alternative route proposals.</li> </ul> <p>Correspondence has been exchanged in April in relation to:</p> <ul style="list-style-type: none"> <li>▪ arranging an on-site meeting with the Land Interest and Land Interest's agent on 24 April 2024</li> </ul>

Ref	Deadline 3 submission	Applicant's response
		<ul style="list-style-type: none"> <li>▪ comments from the Land Interest's agent in relation to the Heads of Terms,</li> </ul> <p>Correspondence has been exchanged in May in relation to:</p> <ul style="list-style-type: none"> <li>▪ providing the Land Interest's agent with a copy of the Applicant's Notes of Site Meeting on 24 April 2024,</li> <li>▪ receiving the Land Interest's agent's Minutes from Site Meeting on 24 April 2024,</li> <li>▪ issuing a letter dated 9 May 2024 (See <b>Appendix H</b>) to the Land Interest's agent</li> <li>▪ receiving further comments from the Land Interest agent in relation to the Heads of Terms,</li> <li>▪ making arrangements with the Land Interest's agent to accommodate the Accompanied Site Inspection (ASI)</li> <li>▪ receiving letter dated 30 May 2024 (See <b>Appendix I</b>) from the Land Interest's agent confirming potential agreement to Heads of Terms - subject to the HDD location being moved (within the Red Line Boundary (RLB), and access being taken at a different location directly off Kent Street.</li> </ul>
2.1.18	2.11.85 The Land Interest considers this response inadequate.	<p>The Applicant wishes to reiterate their response to the Land Interest's Written Representation as set out in <a href="#">Applicants Response to Written Representations [REP2-028]</a> reference 2.11.85 which states that the Applicant considers that the decision to progress the Northern route is based on sound engineering and environmental reasons, as set out to the Land Interest in the Applicant's letter dated 18 May 2023.</p>
2.1.19	2.11.86 The Land Interest totally rejects this response.	<p>The Applicant wishes to reiterate their response to the Land Interest's Written Representation as set out in <a href="#">Applicants Response to Written Representations [REP2-028]</a> reference 2.11.86.</p>

**Table 2-27 Applicant's response to Lester Aldridge LLP on behalf of Green Properties (Kent & Sussex) Ltd's Deadline 3 Submission [REP3-109]**

Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
2.1.1	<p>2.11.4</p> <p>The Applicant notes that the land is currently a mixture of permanent pasture, newly planted saplings and cattle corral. Previously agriculturally productive land has been planted with saplings. The Land Interest does not explain what income it expects to lose as a result of the Proposed Development. In any event the Applicant notes that the Land Interest has recently sought to sell this land as "Land with Strategic Potential" which brings into question the Land Interest's need for it as part of a productive land holding. The sales particulars (dated 6th July 2023) are attached at Appendix A. The land is being marketed in 3 lots with the land subject to the Proposed Development included in Lot 2. Lot 2 is described in the marketing material as being mainly pasture but including a newly established plantation, area of woodland, three ponds and is gently undulating comprising of:</p> <ul style="list-style-type: none"> <li>• Gated Access from Kent Street</li> <li>• Post and Rail Fencing</li> <li>• 3 Ponds</li> <li>• Newly Established Plantation (Queen's Green Canopy Initiative)</li> <li>• Area of Established Woodland</li> <li>• Road Connecting Fields.</li> </ul>	<p>The proposed DCO cable corridor area contains both woodland planting and permanent pasture.</p>	<p>The Applicant notes that there has been c.3 acres of trees planted which are saplings. The remainder of the land is grassland and ponds.</p>
2.1.2	<p>2.11.4</p> <p>The Applicant notes that the plantation is marketed as being associated with the Queen's Green Canopy Initiative.</p>	<p>The Applicant notes that the plantation is marketed as being associated with the Queen's Green Canopy Initiative, which is very prestigious and important to the Land Interest. The Applicant must grapple with the fact that the existing use of the land is more important than the purpose for which it is to be acquired in the context of there being a suitable and proportionate alternative.</p>	<p>The Applicant does not agree with the statement that the existing use of the land is more important than the purpose of the Proposed Development. The Rampion 2 project is a nationally significant infrastructure project which will provide renewable electricity. There is an urgent need to develop sources of renewable energy, which the Proposed Development will support through the provision of an estimated 1,200MW of generating capacity. The Proposed Development will make a positive contribution to the national and local economy. Please refer to the <a href="#">Planning Statement [APP-036]</a> for references to National Policy Statement in this regard.</p>
2.1.3	<p>2.11.4</p> <p>Notwithstanding the above, the Applicant is keen to progress discussions with the Land Interest to understand how best to mitigate any temporary severance of land during the construction period. Mitigation measures envisaged include temporary accommodation works (e.g. fences, gates and crossing points). In this location, the temporary cable installation area runs through the centre of the pasture land and area of new saplings.</p> <p>The Applicant has sought to engage further to understand the Land Interest's specific agricultural and other land use operations – including the new plantation. Further to clarification of operational activities, appropriate measures to accommodate the haylage/ farm</p>	<p>The Land Interest is an elderly farmer and has explained on several occasions how he is not able to safely operate crossing points. The Applicant is aware that pursuant to Article 8 of the European Convention on Human Rights (ECHR), any infringement on private property rights must be proportionate, i.e., it should be necessary within the confines of a democratic society and should serve the public interest. It explicitly demands a "fair balance" between the public's rationale for acquisition and the rights of the private property owner. In essence, any decision to appropriate must be justified,</p>	<p>The Applicant has explained its use of crossing points along cable construction corridors where requested and required for farming operations. The Applicant understands these have been rejected by the Land Interest however the Applicant awaits information on whether the Land Interest is intending to bring cattle back onto the land at Kent Street and if so where cattle would need to be moved from and to within the landholding so that further consideration can be given to access and grazing mitigation measures in light of current circumstances.</p> <p>The Applicant has requested clarification on:</p>

Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
	<p>management and new sapling operations, can be discussed with the Land Interest to minimise disturbance wherever possible. The Land Interest's agent has recently indicated that he would like to meet on site to discuss these measures which could include crossing points to be agreed with the Land Interest across onshore connection works (Works No.19) and potentially if required the construction and operational access area (Works No.14) to ensure parts of the field will remain available for pasture or hay use or accessible for sapling management. Detailed cable routeing and mitigation measures will be refined following pre-construction surveys. The Applicant has committed to try and reduce impacts where possible through detailed siting within the DCO boundary and proposed to progress those discussions alongside the voluntary agreement in the letter from the Applicant dated 18 May 2023 (attached at Appendix B). In this letter, the intention to issue Heads of Terms was also communicated but for the reasons set out in response to E1.9 of this written representation below these were not issued to the Land Interest until January 2024.</p>	<p>upholding this "fair balance", based on the unique circumstances of each case. The Applicant must provide this justification.</p> <p>Specific details will be discussed during a site meeting taking place 24 April 2024.</p>	<p>- which land is to be grazed within the landholding now that the planted saplings are in situ - whether crossing agreements would be required in the context of hay cropping</p> <p>The Applicant has requested this information from the Land Interest's agent together with information relating to his future plans for the land given the land is currently on the market for sale with no cattle currently grazing the land. The site meeting on 24 April was intended to discuss these matters in the context of the current farming operations however no cattle were present and the Land Interest wanted to focus on the cable construction corridor alternatives.</p> <p>Further to the site meeting on 24 April, consideration was given to the Land Interest's further proposed alternative cable route. Whilst the Applicant is not in a position to progress the relocation of the cable to the south, it has offered an extension of the trenchless crossing to exit beyond the sapling planted area. The Applicant has fully justified its proposed project in relation to environmental, engineering and land use factors. The Applicant has balanced the impacts fairly given the information made available to it. The Applicant awaits a response to the offer of the extended trenchless crossing.</p>
2.1.4	<p>2.11.6 <u>DCO Order Limit Requirement</u> The land area within the Development Consent Order (DCO) Order Limits through this land is c.100m. The land is adjacent to Kent Street where trenchless crossing methodology is expected to be utilised. A trenchless crossing compound is therefore likely to be required and flexibility for the trenchless crossing requires a 100m width to ensure that the crossing can be achieved taking into consideration potential ground conditions and the nature of the crossing obstacle itself and further environmental and physical constraints. The cable construction corridor beyond the trenchless crossing compound area will be refined to a c.40m construction corridor prior to the start of construction. This is in line with the Applicant's approach set out in the Statement of Reasons [PEPD-012]. Paragraphs 6.9.42-6.9.45 and 9.11.7 -9.11.9 outline the Applicant's approach to proportionality and the intention to use the powers in Article 32 (Temporary use of land for carrying out the authorised project) to take temporary possession of the wider cable construction corridor of 40m (wider at crossing points where trenchless installation techniques will be used) then permanent</p>	<p>As the Land Interest has set out, it is well established that, in order to dispossess a landowner from his land, it must be demonstrated that it is necessary. In <i>Brown v Secretary of State for the Environment</i> (1980) 40 P. &amp; C.R. 285:</p> <ul style="list-style-type: none"> <li>there is a very long and respectable tradition for the view that an authority that seeks to dispossess a citizen of his land must do so by showing that it is necessary, in order to exercise the powers for the purposes of the Act under which the compulsory purchase order is made, that the acquiring authority should have authorisation to acquire the land in question. If, in fact, the acquiring authority is itself in possession of other suitable land—other land that is wholly suitable for</li> </ul>	<p>The Applicant is seeking temporary construction rights and permanent rights for the cable. The Landowner will be able to continue farming operations on land not impacted by construction during the construction phase and wholly further to construction. No other suitable land which meets the requirements of the Applicant has been put forwarded by the Land Interest.</p> <p>The land area within the Development Consent Order (DCO) Order Limits through this land is c.100m. The land is adjacent to Kent Street where trenchless crossing methodology is expected to be utilised. A trenchless crossing compound is therefore likely to be required and flexibility for the trenchless crossing requires a 100m width to ensure that the crossing can be achieved taking into consideration potential ground conditions and the nature of the crossing obstacle itself and further environmental and physical constraints.</p>

Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
	<p>acquisition of the land rights and a restrictive covenant is required over a narrower permanent area of approximately 20m to retain, operate, maintain and decommission the infrastructure. The construction corridor for onshore connection works (Work no. 19 between Oakendene Substation and Bolney National Grid substation is proposed to accommodate 2 cable circuits in this location compared with 4 cable circuits for the rest of cable route. The construction corridor is likely to be reduced down to 30m with a permanent easement of 15m. Although there is an anticipated reduction in construction working corridor width of 10m, the Applicant notes that this section of the cable route accommodates substantial existing infrastructure and buried services. The DCO red line has been drawn to accommodate the required flexibility for this particular section of the cable route rather than a standardised width. The requirement for HDD, the nature of the existing infrastructure and buried services and the potential requirement for mitigation further to pre-construction surveys all necessitate the width of the DCO red line in this location.</p> <p>With regard to the trenchless crossing locations, Section 9.11.9 of the Statement of Reasons [PEPD-012] states that where trenchless installation is used, the depth at which the cable ducts need to be installed under the obstruction to be 'crossed' will define the spacing needed between the ducts (within which the cables will be installed) and also the distance between the drill entry and exit pits. The depth will likely be guided by the nature of the obstacle to be 'crossed' beneath and the requirements of the organisation responsible for the obstacle, whilst spacing will depend on the nature/condition of the ground at that depth and its ability to absorb and transfer heat away from the cables.</p> <p>Access to the cable construction corridor for farm management will be discussed with the Land Interest and agreed crossing points implemented for the construction period. As set out in the Applicant's Response to Relevant Representations [REP1-017] Table LI73 Applicant's Response to Lester Aldridge LLP (Lester Aldridge LLP) on behalf of Green Properties (Kent &amp; Sussex) Ltd [RR-138], the Applicant has requested information relating to the Queens Green Canopy (QGC) application but no information has ever been provided. The letter dated 19th March 2023 appended to the Applicant's Response to Relevant Representations [REP1-017] Table LI73 Applicant's Response to Lester Aldridge LLP (Lester Aldridge LLP) on behalf of Green Properties (Kent &amp; Sussex) Ltd [RR-138] response requested further information in relation to the planting proposal. The Applicant further advised on a number of occasions that it expected the Proposed Development would overall be compatible with such a planting regime based on our own analysis and publicly available</p>	<p>that purpose—then it seems to me that no reasonable Secretary of State faced with that fact could come to the conclusion that it was necessary for the authority to acquire other land compulsorily for precisely the same purpose.</p> <p>The Applicant's response does not explain why the DCO Limits of Deviation are 100m wide through the entirety of the Land Interest's land (circa 327m in length). It may be possible to justify a wider width in the areas immediately adjacent to the Kent Street trenchless crossing for, say the first 25m but not thereafter.</p> <p>This also completely contradicts the statement made in the Applicant's letter dated 27th January 2023 to the Landowner's agent where they clearly stated that the construction corridor between the Oakendene Substation and NGET Bolney substation can be reduced to 30m with a 15m permanent easement.</p> <p>The Applicant must provide a detailed explanation at point in the project it will relinquish its temporary notices (affecting a wider area) and revert to a narrower corridor. At present this is undefined and unlimited. It must further provide evidence when it will reduce its requirement from 100m to 10m. This seems to be a land grabbing exercise and reflects the very limited design information carried out by the Applicant so far which leads to an unjustifiable CPO approach.</p> <p>The CPO Guidance sets out that acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted [Tier 1, Stage 3, Paragraph 17]. The Applicant must demonstrate why it has not considered the alternative route purposely left by the Land Interest on other land that is wholly suitable for the same purpose.</p> <p>This statement completely contradicts the Applicants Key terms which state: "The</p>	<p>The construction corridor for onshore connection works (Work no. 19 between Oakendene Substation and Bolney National Grid substation is proposed to accommodate 2 cable circuits in this location compared with 4 cable circuits for the rest of the cable route. The construction corridor is likely to be reduced down to 30m. Although there is an anticipated reduction in construction working corridor width of 10m, the Applicant notes that this section of the cable route accommodates existing infrastructure and buried services and therefore flexibility is required to be maintained. Please refer to <a href="#">Crossing Schedule</a> sheet 26 [APP-122] which gives an indication of the flexibility allowed for within the DCO corridor.</p> <p>The DCO red line has been drawn to accommodate the required flexibility for this particular section of the cable route rather than a standardised width. The requirement for trenchless crossing, the nature of the existing infrastructure and buried services and the potential requirement for mitigation further to pre-construction surveys all necessitate the width of the DCO red line in this location.</p> <p>There is no proposal by the Applicant to reduce the required land from 100m – 10m as stated. The Applicant has explained that the permanent requirement (as set out in the Statement of Reasons doc ref APP-021) is for a permanent easement for the cable of <i>approximately</i> 20m. The stage specific <a href="#">Construction Method Statement</a> [APP-255], which is required to be approved by the relevant planning authority for the relevant stage of the works pursuant to Requirement 23(f) of the draft Order, will include the final location and width of the cable corridor for this stage. A plan will be included in this document showing the working corridor and any wider areas required for trenchless crossings, together with the associated trenchless crossing compounds.</p> <p>The Applicant has considered the alternative 35m cable route proposed by the land interest. The Applicant's conclusions as to the suitability of this option have been communicated to the Land Interest in the letter to Simon Mole dated 9<sup>th</sup> May 2024, a copy of which is attached at <a href="#">Appendix H</a>. The key factor in the decision is set out below:</p>

Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
	<p>information from the Woodland Trust (who administer the Queens Green Canopy "certification") regarding bio-diverse mixed woodlands. No contrary evidence from the Land Interest, his agents or the Woodland Trust was provided and no evidence of withdrawal of support forwarded.</p>	<p>Grantor.... not to allow any plant or tree to grow in the Easement Strip. The draft DCO contains similar provisions to remove or fell any trees.</p>	<p><i>"Your suggested route would require the cable route to exit from further south in the Oakendene substation site. Our lead engineer, Toby Lee, who was at the site visit has discussed this with his engineering team. The ongoing design work on the substation layout indicates that movement of the trenchless crossing entry point south within the Oakendene site cannot be accommodated due to the requirements of the substation site infrastructure."</i></p>
2.1.5	<p>2.11.7 A 7 year commencement period is not unprecedented. Other similar DCOs have been made with 7 year commencement terms such as Hornsea 3 and Hornsea 4. National Grid's Hinckley C Connection project DCO was made with an 8 year commencement period.</p> <p>A 7-year period for commencement of the Proposed Development is required due to;</p> <ul style="list-style-type: none"> <li>- the requirement to win a Contract for Difference (CfD) round to secure a route to market.</li> <li>- supply chain challenges</li> <li>- the scale of the Proposed Development</li> </ul> <p>The timing and outcome of the CfD bidding round process is outside the control of the Applicant. The Applicant cannot bid into CfD rounds until consent for the project has been obtained and it is commercially compliant with the rules of that round. There is a risk that a CfD might not be won in the first round entered and therefore in consideration of the need to procure construction plant after successfully winning a CfD (which could take two or three attempts) a commencement of 7 years is required. Challenging supply chain conditions further exacerbate the</p>	<p>The response by the Applicant clearly demonstrates the application for DCO is premature and fundamentally flawed.</p> <p>Prior to commencing construction and/or obtaining funding for the project the Applicant is required to:</p> <ul style="list-style-type: none"> <li>• Win a Contract for Difference (CfD).</li> <li>• Overcome supply chain challenges.</li> <li>• Manage the scale of the project.</li> </ul> <p>There is a fundamental lack of substantive, factual evidence to demonstrate that the scheme is financially viable on the following basis:</p> <ul style="list-style-type: none"> <li>• The timing and outcome of the CfD bidding round process is outside the control of the Applicant.</li> <li>• The Applicant has no idea who is going to supply its WTG and substations and when.</li> <li>• The Project is reliant on 3 major National Grid infrastructure works, one of which is the Great</li> </ul>	<p>The Applicant has submitted an updated <a href="#">Funding Statement [APP-025]</a> at Deadline 4 which sets out the financial viability of the proposed development.</p> <p>With regards to grid upgrades, as stated in CAH 1 one of these is the works required at Bolney and included within this application. The second is part of the great grid upgrade which is the largest grid overhaul in a generation. NGENSO list 30 projects which are dependent on this infrastructure overhaul, the Applicant doesn't consider it a risk to delivery of the scheme with current delivery anticipated for 2026.</p>



Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
	<p>time restriction risk of a consent under 7 years. There are a small number of OEMs (Original Equipment Manufactures, known as 'Tier1s') and importantly for the Applicant there are also a very low number of WTG and substation plant suppliers. There is expected to be even further increasing demand for offshore wind in the next few years. The Applicant expects to utilise framework agreements and measures such as blocking out manufacturing 'slots' several years in advance, however the number of other projects also requiring supply contracts impacts the 'Tier 1' timescales for delivery over which the Applicant has limited control. The Applicant could be waiting a longer than anticipated time for supply contracts.</p> <p>The Rampion 2 project is reliant on 3 major National Grid infrastructure works to facilitate 100% access to the transmission network. One such project forms part of The Great Grid Upgrade which is the largest overhaul of the grid in generations. In a similar manner for the project, these infrastructure works are subject to supply chain challenges and the major upgrade works has their own DCO application to process. Significantly, this upgrade is proposed to utilise HVDC technology, which is experiencing much more significant supply chain challenges than the HVAC technology which Rampion 2 is looking to employ. National Grid are also currently assessing further design changes to this scheme, looking to add complexity to their scheme and potentially delays.</p> <p>The proposed 7 year time period in Article 23 of the Order is therefore necessary and justified to ensure that this Nationally Significant Infrastructure Project (NSIP) project comprising critical national infrastructure can proceed.</p>	<p>Grid Upgrade. None of these projects are funded and/or within any sort of consenting regime.</p> <ul style="list-style-type: none"> <li>• The Applicant has no clear date as to when it can commence the Project and is wholly reliant on matters outside of its control.</li> </ul> <p>The Applicant must provide financial viability appraisals or substantive information to demonstrate that the scheme is financially viable on a long-term basis particularly with the steep rising costs of materials and energy.</p>	
2.1.6	<p>2.11.10 As explained in paragraphs 6.9.42-6.9.44 of the Statement of Reasons [PEPD-012] the standard trenched cable construction corridor is 40m wide, with an expected 20m permanent easement. The construction corridor and permanent easement in the location of the Land Interest's land is expected to be narrower due to the use of two circuits rather than four. Flexibility is however required for the confirmed routing of the cable further to confirmation of cable design and further detailed site investigations and pre-construction ecological surveys.</p> <p>The Applicant's Order Limits have been widened at the location east of Kent Street to allow for flexibility in the final design to accommodate the trenchless crossing and compound in the context of potential unknown constraints such as ground conditions, ecology and buried services.</p>	<p>As above.</p> <p>The Applicant has not communicated the need for ecological mitigation requirements in this location. Can they confirm what they are (if any). It is not acceptable to 'hold' land for unknown requirements.</p> <p>The DCO will extinguish the Landowner's rights to access their land from Kent Street.</p>	<p>Great Crested Newt have been identified in the pond in the vicinity and mitigation will be required to secure an appropriate license. Further protected species are very mobile such as Badgers and new setts can be created within several weeks. If there is no sufficient space to avoid harm to protected species the project will be undeliverable.</p> <p>The Applicant's approach to maintaining access for landowner's requirements is set out in the <a href="#">Outline Code of Construction Practice [REP3-025]</a> (updated at Deadline 4) Section 2.6 and 5.7.10. On this basis access will be maintained contrary to the Land Interest's statement.</p>

Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
	<p>The Applicant does not consider it possible to reduce the cable corridor width in this location until the pre-construction stage. Flexibility and capacity is required for the trenchless crossing, particularly when taking into consideration engineering requirements and potential ecological mitigation requirements. The Applicant will progress discussions with the Land Interest regarding retained use of the existing private field access from Kent Street (plot 33/25) so as to facilitate ongoing use by the Land Interest. Further details relating to the continued use of access by the Land Interest are set out in response to E2.28 below. The Applicant refers to the principles of Private Means of Access (PMA) as set out in the Outline Code of Construction Practice [PEPD-033] Section 5.7.10</p>		
2.1.7	<p>2.11.4 The plan included in the response to E16 of this written representation was provided to the Applicant by the Land Interest's agent further to the second statutory consultation in October 2022 showing two alternative proposed routes to the south of the two cable route options being considered by the Applicant. This plan however showed areas of tree planting outside of the ownership of the Land Interest. Further to requests by the Applicant to the Land Interest for clarification, no further information was supplied. The Applicant confirmed that at that time it considered the Queens Green Canopy (QGC) planting scheme compatible with the Proposed Development (on the basis that there would be coordination with regard to planting layout etc) and therefore would not have impacted on the substation decision. The Applicant went onto explain how the QGC might be designed to facilitate compatibility in terms of layout. The Applicant was sent an indicative area of the Queens Green Canopy planting plan on 8th November 2022. This shows that the planting carried out within the DCO red line. A corridor has been left clear by the Land Interest which the Applicants understands may be outside of the DCO red line and the reasons for that are not clear and will be discussed at the meeting on the 22 March 2024</p>	<p>How is this relevant? The Landowner provided a clear plan showing the location of tree planting on his land. See above regarding Key Terms and DCO which contradicts with this statement.</p>	<p>The Plan was confusing to the Applicant, given it showed proposals on land that was not in the Land Interest's ownership and included proposals not put forward by the registered owner of the land. It is relevant because the Land Interest asked the Applicant to consider this proposal and the Applicant was unclear on the requested parameters for consideration. It is directly relevant to seek to clarify the ownership of land in the context of proposals being cited as being put forward for grant schemes. There is no contradiction.</p>
2.1.8	<p>2.11.15 The Land Interest refers to a letter dated 15 December 2022 from Savills which states:</p> <ul style="list-style-type: none"> <li>• <i>"The Woodland Trust and Queen's Jubilee Woodland Committee have confirmed to my client that they will not accept land being entered into their scheme if there is a threat of or likely damage to the woodland from the Rampion 2 construction corridor"</i></li> </ul> <p>There is no attached email or letter and no record of information provided to the Woodland Trust to explain the Proposed Development</p>	<p>The Applicant states:</p> <ul style="list-style-type: none"> <li>• <i>Our expectation is that the aims of the QGC project can be progressed to work harmoniously with our cable route</i></li> </ul> <p>Can the Applicant explain how it determined a cable running through the middle of the planting would not disrupt the QGC project? Regardless of whether Kent Street Properties disclosed the letter from the QGC Committee, it is irrational for the Applicant to state their expectation is that the</p>	<p>The Land Interest fails to include the further text which invites details of the QGC so that discussions could be progressed. No such details were provided.</p> <p>The Applicant had sought further information from the Land Interest over the planting proposals, and whether over a 70-acre site there would be woodland rides / open spaces that could be included within a planting design that could accommodate the cable route and therefore not prejudice the Land Interest from being accepted into the QGC project. Unfortunately, the Land Interest never provided this</p>

Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
	<p>and its impacts. It is therefore difficult to understand how The Woodland Trust would have come to an informed conclusion about a potential conflict with the proposed development with the Queens Green Canopy.</p> <p>The Applicant sought further clarification of this before settling its final route selection prior to its letter of 28 March 2023. In its email dated 10 March 2023 to Guy Streeter in which the Applicant set out the following record of engagement on a phone call dated 6 March 2023 with the Land Interest:</p> <ul style="list-style-type: none"> <li>• <i>"In that call Mr Dickson stated his intention to:-not disclose to ourselves or the future Development Consent Order (DCO) Examining Authority the letter he has received from the Queen's Green Canopy (QGC) Committee in relation to his 70 acre QGC application in which I understand they have raised concerns about the impact of the proposed cable on the proposed planting at Kent Street and indicated that they would withdraw support for Mr Dickson's proposed scheme; and instead be prepared to swear under oath that he had received such a letter at a future DCO Hearing during the Examination of our project application."</i></li> </ul> <p>The email summarises the Applicant's position at that time as follows:</p> <ul style="list-style-type: none"> <li>• <i>"As a promoter, we have to make decisions on pre-application matters such as routeing based on evidence and responses made to us at the time. We cannot retrospectively reconsider the weight we should apply to the factors that inform our decisions, particularly where this might affect the outcome, or where relevant information is withheld until a later date;</i></li> <li>• <i>Although we are aware that Mr Dickson has received a letter, we still do not have any understanding of the context in which the QGC's Committee's position was formed, what information was available to them when considering their decision, whether their decision represents their settled view and/or whether there is scope for engagement on the detail to find a mutually workable solution;</i></li> <li>• <i>We consider this context essential if we are to apply material weight to the letter and the views of the QGC Committee. Our expectation is that the aims of the QGC project can be progressed to work harmoniously with our cable route. As yet, in the absence of any further detail on how the QGC Committee's position was formed, we are unable to conclude why our cable route could not be accommodated through collaborative evolution of Mr Dickson's planting regime and design;</i></li> </ul>	<p>aims of the QGC project could be progressed harmoniously when they have chosen the current route ignoring a suitable alternative.</p>	<p>information despite numerous requests to do so until April 2024.</p>

Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
2.1.9	<p data-bbox="371 394 1279 457">The Applicant notes that the land is being marketed for sale as a QGC woodland.</p> <p data-bbox="371 491 1279 590">2.11.16 The Land Interest refers to a letter dated 28 March 2023 which is attached at Appendix D and states:</p> <ul data-bbox="418 596 1279 905" style="list-style-type: none"> <li>• <i>I write to confirm that further to our discussions and, in light of the above, I have instructed the project team to proceed to make a decision on our potential proposed northern or southern cable routes based on what you have informed us to be the position. That decision will be on the assumption that, when they wrote to you, the Woodland Trust were fully aware of the details of our cable route proposals in terms of routing, construction (30m) and permanent easement (20m) widths and the potential for shallow root planting over our cable route.</i></li> </ul> <p data-bbox="371 940 1279 1003">This consideration will comprise two scenarios albeit for the reasons stated above:</p> <ul data-bbox="418 1010 1279 1255" style="list-style-type: none"> <li>• That, on the basis of the Woodland Trust response, you abort planting work that you stated is underway and do not proceed to complete your proposed woodland resulting in this opportunity not being realised; or</li> <li>• That you proceed with your proposed woodland, and it is necessary for Rampion 2 to remove saplings along the cable corridor.</li> </ul> <p data-bbox="371 1291 1279 1390">This communication was not a threat to remove saplings but an explanation that Rampion 2 took into account both possibilities before arriving at the final cable route.</p> <p data-bbox="371 1425 1279 1734">In a further letter dated 18th May 2023 the Applicant stated that: <i>"You ...asked for the cable to be located as far south as possible in the northern cable route corridor (as consulted on in summer 2021). I explained that there are tree and hedge buffers which need to be maintained which prevent the siting of the cable immediately adjacent to the field boundary, but that we would seek, in our final design, to site the cables as far south as possible within the DCO application boundary to reduce interference with any tree planting carried out by you so far as practicable.</i></p> <p data-bbox="371 1740 1279 1906">I confirm that, further to the above, the northern cable route as shown on the enclosed plan will be included in our DCO red line boundary for our consent application. We remain of the view that, with ongoing planning and mutual co-operation, our proposals and the tree planting regime you have started to implement can both be delivered.</p>	<p data-bbox="1338 491 1976 590">Can the Applicant explain how it took into account both possibilities? It is not clear from their response.</p> <p data-bbox="1338 632 1976 867">Can the Applicant explain how they took on board the Land Interest's suggestion of siting the northern corridor adjacent to the field boundary? The DCO corridor is straight through the middle of the fields causing maximum destruction to the Queen's Green Canopy Initiative. The Applicant must demonstrate it has considered alternatives.</p>	<p data-bbox="2021 491 2807 632">The assessment takes into account both of these scenarios as a baseline for the Environmental Assessment i.e. loss of the saplings has been taken into account as has the loss of 'potential trees', when considering the alternative options.</p> <p data-bbox="2021 663 2807 800">The Applicant has given the reasons for siting of the cable corridor as set out in <a href="#">Deadline 2- Submission – 8.51 Applicant's response to Affected Parties Written Representations [REP2-028]</a>.</p>

Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
2.1.10	<p>2.11.20</p> <p>The Applicant has committed to make payments towards reasonably incurred professional fees on the provision of an accompanying timesheet to any fee account as set out in the Heads of Terms for the Voluntary Agreement and in accordance with the RICS Professional Statement (Surveyors advising in respect of compulsory purchase and statutory compensation).</p>	<p>This response is disingenuous as it suggests the Applicant has committed to pay landowners reasonable professional fees without limitation. However, the factual position is that the payment of (limited) professional fees are conditional on landowners signing up to the key terms document within 6 weeks of them being issued (of which are there several issues) with a further capped contribution at the point the parties exchange the Option Agreement (a copy of which has not been provided by the Applicant).</p> <p>The Applicant makes reference to the RICS Professional Statement. The relevant extract from the PS is: <i>“Regarding the reimbursement of professional fees, although the Acquiring Authority has no statutory liability to reimburse professional fees until notices have been served, the Acquiring Authority may find it beneficial to agree to reimburse professional fees reasonably incurred by the claimant prior to when a statutory obligation arises”</i>.</p> <p>It is not clear how the Applicant has adhered to this and/or is adhering by making the recovery of a limited amount of fees conditional.</p>	<p>Draft precedent Option and Deed of easement documents were issued to interested parties where requested in September 2023. As negotiations have progressed, where Agents have fully engaged with the Applicant to negotiate terms, the Applicant has requested that the Agents, where appropriate provide fee estimates in the event that the fees, as being expected by the Applicant to be between £1,500 through to £4,250 (depending on the nature of the required interest) plus any unrecoverable VAT, are considered to be insufficient. As a way forward the Applicant has agreed, in a number of cases, to reimburse professional fees reasonably and properly incurred in accordance with RICS professional standards, upon the return of the signed Heads of Terms, subject to a requirement for the Agent to inform the Applicant, where fees are within 10% of the agreed estimated fee level, at which stage the fees incurred would be subject to review by the Applicant. If the fees incurred were reasonably and properly incurred, then these have been paid and further fee estimates to enable the parties to conclude negotiations and complete the relevant documents, have been requested from the Applicant's Agent.</p>
2.1.11	<p>2.11.22</p> <p>The Applicant responded to the Land Interest's letter of 31st July 2023 in a letter dated 11th January 2024. The Applicant states in their letter of 11th January 2024 that the reason for the delay was due to the Applicant being aware that the Land Interest was preparing representations to PINS and did not want to confuse matters in relation to the Land Interest's submissions.</p>	<p>A delay of 6 months is bad practice and the excuse given by the Applicant is, at best, tenuous.</p> <p>It is in breach of Tier 1, Stage 3, paragraph 19 of the CPO Guidance requiring that any delay is kept to a minimum. The Applicant again fails to grapple with the seriousness of his matter in the context of the Land Interest's personal circumstance.</p> <p>It is further in breach of Tier 1, Stage 3, Paragraph 17 of the CPO Guidance demonstrating that meaningful attempts at negotiation have been pursued or at least genuinely attempted and were prompted only because of the upcoming preliminary meeting on 06 February 2024.</p>	<p>Upon receipt of the Land Interest's letter of 31<sup>st</sup> July 2023 the Applicant gave proper consideration to the content which required input from the engineering, ecology and lands teams.</p> <p>The Applicant subsequently received a letter dated 11<sup>th</sup> August 2023 from the Land Interest's newly appointed agent (at the time) seeking to arrange to meet in September 2023 to discuss the proposed cable route and to review the Queens Green Canopy newly planted woodland. The Land Interest's agent was dis-instructed by the Land Interest shortly thereafter and the proposed meeting in September 2023 did not proceed. At the Land Interest's request, the following documents were couriered to the College Wood Farm on 26<sup>th</sup> October 2023:</p> <ul style="list-style-type: none"> <li>• <a href="#">Environmental Assessment Non-Technical Summary [APP-041]</a>,</li> </ul>

Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
2.1.12	<p>2.11.24 The letter dated 27th January 2023 from the Applicant to the Land Interest states:</p> <ul style="list-style-type: none"> <li>“we have now considered further the matter of our construction corridor width and have concluded that the section of the route between Oakendene and the NGET Bolney substation can be reduced further: to a construction corridor of 30m width and a 15m wide permanent easement. This corridor width reduction is made possible by our intention to install only two cable circuits between Oakendene and Bolney; and while it will not affect our cable corridor proposals at College Wood Farm wanted to convey this information, whilst we are still looking at the routeing”.</li> </ul> <p>The Applicant considers however that flexibility for the location of the cable construction corridor within the DCO red line is required for engineering (trenchless crossing related) and ecological reasons. The reasons are outlined in the Applicant's above response to point 6 of this written representation.</p>	See comments above.	<ul style="list-style-type: none"> <li>Document 6.2.20 Environmental Statement – <a href="#">Vo. 2. Ch. 20 – Soils and Agriculture [APP-061]</a>,</li> <li>Document 6.2.22 Environmental Statement – <a href="#">Vol. 2 Ch. 22 – Terrestrial Ecology &amp; Nature Conservation [APP-063]</a>,</li> <li>Document 6.2.26 Environmental Statement – <a href="#">Vol. 2 Ch. 26 – Water Environment [APP-067]</a>,</li> <li>Document 6.3.25 Environmental Statement – <a href="#">Vo. 3 Ch. 25 – Historic Environment [APP-112]</a>,</li> <li><a href="#">Outline Code of Construction Practice [APP-224]</a>,</li> <li><a href="#">Outline Soils Management Plan [APP-226]</a>,</li> <li>and <a href="#">Commitment Register (C204) [APP-254]</a>.</li> </ul>
2.1.13	<p>2.11.64 The Land Interest seeks to reduce the DCO red line to no more than 30m. For the reasons set out in response to point 2.11.6, which include:</p> <ul style="list-style-type: none"> <li>the wider area required for trenchless crossing, the precise siting of which will be confirmed following detailed design</li> <li>it is not possible to ‘fix’ the construction corridor at this stage due to preconstruction SI and ecological surveys prior to undertaking detailed construction design.</li> </ul>	See comments at [ref 2.1.2] above	See Applicant's response to 2.1.2 above.

Ref	Applicant's response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Landowner's Response	Applicant's response
2.1.14	<p>2.11.68 and 2.11.69</p> <p>The Applicant is only seeking rights within the Grantor' Estate, which will not necessarily reflect the Land Interest's registered title. The Applicant acknowledges that the Grantor's Estate has yet to be agreed / defined, but this will be defined over the course of the Heads of Terms negotiations.</p> <p>The Applicant is only seeking to acquire permanent rights over the Easement Strip, and temporary rights for the construction corridor and construction access routes within the DCO Application Red Line Boundary. For the avoidance of doubt, this does not include dwelling houses and buildings.</p> <p>The Applicant is only seeking rights within the Grantor' Estate, which will not necessarily reflect the Land Interest's registered title. The Applicant acknowledges that the Grantor's Estate has yet to be agreed / defined, but this will be over the course of the Heads of Terms negotiations.</p> <p>Again, the Land Interest will only require seeking the Applicant's consent, not to be unreasonably withheld or delayed in relation to any improvements or works being undertaken over the Easement Strip.</p>	<p>These comments are demonstrations as to why the Key Terms cannot be progressed as drafted. In turn this means there is no ability for the Land Interest to recover any professional costs.</p>	<p>The Applicant is seeking to negotiate key terms with Land Interest's. The Applicant is negotiating commercial and other terms in accordance with the requirements of the project. The Applicant has committed to reimbursing reasonable costs incurred in agreeing key terms. The Applicant is willing to have discussions with the Land Interest with regard to abortive costs should the Land Interest not sign key terms. Such discussions have taken place with other Land Interests in the course of engagement. Please refer to 2.1.10 above</p>
2.1.15	<p>2.11.83</p> <p>The Applicant notes that a 30 m construction corridor is likely to be required with potential widening for HDD purposes. This is not considered to be significant in the context of the approximate 80-acre landholding.</p>	<p>See comments at [ref 2.1.2].</p>	<p>See Applicant's response to 2.1.2 above.</p>

**Table 2-28 Applicant's response to Network Rail's Deadline 3 Submission [REP3-123]**

Ref	Deadline 3 submission	Applicant's response
2.1.1	<p>1. Introduction</p> <p>1.1 This written representation is submitted on behalf of Network Rail Infrastructure Limited (Network Rail) in response to the application by Rampion 2 Extension Development Limited (Rampion 2) for The Rampion 2 Offshore Wind Farm DCO (the DCO).</p>	Noted.
2.1.2	<p>1.2 The Book of Reference identifies Network Rail:</p> <ul style="list-style-type: none"> <li>- as the freehold owner of plot 3/4, described as "2352 square metres of land being railway track (Brighton to Littlehampton Line) lying to the north of River Arun and to the south of allotment gardens in the parish of Littlehampton CP." The proposed onshore (underground) cable route, forming part of the authorised development described in Schedule 1 to the DCO, will, if authorised, cross under Network Rail's operational infrastructure in this location.</li> <li>- As the freehold owner of plot 3/23, described as 4262 square metres of land being railway track (West Coastway Line) and drain lying north of Brook Barn Farm and to the north of allotment gardens in the parish of Littlehampton CP.</li> <li>- As the freehold owner of plot 3/24, described as 2724 square metres of land being scrubland, lying north of Brook Barn Farm and to the north of allotment gardens in the parish of Littlehampton CP.</li> <li>- As having rights over plot 3/18 (in respect of rights and restrictive covenants contained within conveyance dated 31 May 1928 registered under title WSX437617), described as 84 square metres of land being private road and verge (Tatlow Close) and overhead electricity and telecommunication lines, lying south of Brook Barn Farm and east of allotment gardens in the parish of Littlehampton CP.</li> </ul>	
2.1.3	<p>1.3 The proposed onshore cables route would start with landfall at Climping Beach, traverses the South Downs National Park to the East of the Arun river and would connect to the National Grid Substation at Bolney. The planned export cable will cross underneath Network Rail's asset and connect to the National Grid substation.</p>	Noted.
2.1.4	<p>1.4 The DCO includes the power to compulsory acquire the Rights (by the creation of New Rights) (as defined in the Book of Reference) and imposition of restrictive covenants over Plot 3/4, 3/18, 3/23 and 3/24 as set out in Schedule 7 of the draft DCO.</p>	
2.1.5	<p>1.5 Network Rail objects to any compulsory acquisition of rights over operational railway land and objects to the seeking of powers to carry out works in the vicinity of the operational railway until relevant agreements (including asset protection) have been entered into by Rampion 2 to ensure that Network Rail's interests as operator of the national rail network are properly protected and that Network Rail's ability to carry out its obligations as a statutory rail undertaker are not affected by the DCO.</p>	<p>There is a clear need for rights and restrictive covenants over land to enable the Applicant to construct and maintain the authorised development. The Applicant wishes to progress discussions with Network Rail to reach agreement as to the relevant rights over land. In the current absence of a concluded agreement it remains necessary for powers to compulsorily acquire rights and restrictive covenants over the relevant land to be included in the Order in conjunction with the protective provisions which are currently being negotiated with Network Rail.</p>
2.1.6	<p>1.6 Network Rail submitted a Section 56 Representation on 31 October 2023.</p>	
2.1.7	<p>1.7 Network Rail welcomes the inclusion of its protective provision in its favour in the submission draft of the DCO. However, the protective provisions included in the draft order are not the agreed version or Network Rail's standard protective provision. To ensure the safe and efficient operation of the railway network, it is essential that the development proceeds in consultation and agreement with Network Rail and that the form of the protective provisions annexed to these written representations is included in the final form of the Order instead.</p>	<p>The Applicant notes Network Rail's comments as to the form of the protective provisions included within the current <b>Draft Development Consent Order [REP3-003]</b>.</p>



Ref	Deadline 3 submission	Applicant's response
2.1.8	1.8 Network Rail is continuing to discuss with Rampion 2 arrangements to ensure that the proposed development can be carried out while safeguarding Network Rail's undertaking. Any agreed arrangements are subject to the outcome of Network Rail's internal clearance process which is detailed in section 3 below.	The Applicant confirms that it is continuing to discuss arrangements for the development of the Proposed Development insofar as it interfaces with Network Rail's assets and the operation of its undertaking.
2.1.9	1.9 In order to ensure that interests are protected, Network Rail requests the examining authority recommend the attached form of protective provisions is included as Part 3 of Schedule 10 to the DCO.	The Applicant continues to negotiate the form of the protective provisions for inclusion in the <b>Draft Development Consent Order [REP3-003]</b> . The Applicant envisages that the version of the provisions in the <b>Draft Development Consent Order [REP3-003]</b> will be updated once the necessary framework agreement has been finalised between the parties, and that matters will be settled during the course of the Examination.
2.1.10	2. The Status of Network Rail 2.1 Network Rail owns, operates and maintains the railway infrastructure of Great Britain. Network Rail operate the railway infrastructure pursuant to a network licence (the Network Licence) granted under section 8 of the Railways Act 1993. The Network Licence contains a set of conditions under which Network Rail must operate. Network Rail's duties under the Network Licence are enforceable by the Office of Rail Regulation (ORR).	Noted.
2.1.11	2.2 Under the terms of the Network Licence, Network Rail is under a duty to secure the operation, maintenance, renewal and enhancement of the network in order to satisfy the reasonable requirements of customers and funders. If the ORR were to find Network Rail in breach of its Licence obligations, including this core duty, then enforcement action could be taken against Network Rail.	Noted.
2.1.12	2.3 Network Rail considers there is no compelling case in the public interest for the compulsory acquisition of rights over its land and Rampion 2 should negotiate matters by private agreement to secure the necessary powers by consent. As a statutory undertaker, the Secretary of State is obliged to have regard to S127 of the Planning Act 2008 where compulsory purchase powers are proposed in relation to operational land.	The Applicant acknowledges that section 127(6) of the Planning Act 2008 is engaged because the Applicant seeks the compulsory acquisition of new rights and the imposition of a restrictive covenant to enable the onshore cable to be laid underneath the railway using trenchless crossing techniques. Network Rail has made a representation in relation to the proposed compulsory acquisition.
2.1.13	3 Network Rail Clearance 3.1 Clearance is a two stage process by which Network Rail's technical and asset protection engineers review a proposal before clearance can be granted for a proposal to proceed. Clearance may be granted to subject to conditions and requirements.	The Applicant has received a Draft Feasibility Basic Asset Protection Agreement (BAPA) for signature from Network Rail. The Applicant is reviewing this draft document presently with the intention of concluding this agreement as soon as possible.
2.1.14	3.2 Network Rail is in the process of applying for clearance. Until the outcome of the clearance process is known Network Rail is unable to comment fully on the impact of the proposals on its operational railway.	The Applicant takes note of this. The Applicant is reviewing the draft Feasibility BAPA presently with the intention of concluding this agreement as soon as possible.
2.1.15	3.3 Network Rail intends to keep the Examining Authority and Rampion 2 informed regarding the clearance process at the relevant examination deadlines.	
2.1.16	4 Powers sought by Rampion 2 and the impact on Network Rail	The rights and restrictive covenant sought by the Applicant are not wide ranging but are no more than is necessary for

Ref	Deadline 3 submission	Applicant's response
	<p>4.1 The draft Order seeks powers to compulsorily acquire new rights and impose restrictive covenants over plots 3/4,3/18, 3/23 and 3/24 which are plots of land either owned by Network Rail for the purpose of its statutory undertaking and is used for that purpose or where Network Rail have rights. Those rights are wide ranging, and include:</p> <p>I. Cable Rights – all rights necessary for the purposes of the constructions, installation, retention, operation, maintenance and decommissioning of the authorised development comprising works no. 8,9 and 19, including works (a)-(y) listed at Schedule 7.</p> <p>II. Cable Restrictive Covenant – A restrictive covenant over the land for the benefit of the remainder of the Order land to do such works as listed at (a)-(g) of Schedule 7.</p> <p>III. Operational Access Rights - All rights necessary for the purposes of the operation, maintenance and decommissioning of the authorised development including the works listed at (a)-(j) of Schedule 7.</p>	<p>the installation of the cable infrastructure, its retention, its future maintenance and its protection. Furthermore, the rights and restrictive covenants sought are consistent with the proposed easement for which the Applicant has issued heads of terms to Network Rail, and to which a response is awaited.</p>
2.1.17	<p>4.2 Network Rail does not consider that the scope of those rights is acceptable; the rights will have a detrimental impact on Network Rail's undertaking. The precise impact of the works on the railway line is being assessed and the carrying out of any works is subject to the clearance process as explained above. Even if the impact of the physical works is considered acceptable, the rights sought are very wide-ranging and exercisable over the entirety of the aforementioned plots. For example, they are not limited to subsoil, or the subterranean tunnel within which the cable will be located.</p>	<p>Whilst Network Rail asserts that these rights are wide ranging, and that their scope is not acceptable, it does not identify any rights which it considers are not required by the Applicant for the Proposed Development, or to facilitate it, or is incidental to it.</p> <p>The Applicant has committed to install the cable by way of trenchless crossings TC03 and TC04 [Appendix A Crossing schedule, <a href="#">Outline Code of Construction Practice [REP3-025]</a> therefore the surface land and the use of the operational railway will be unaffected by the proposed works and the acquisition of the rights.</p>
2.1.18	<p>4.3 Network Rail considers that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that the acquisition of New Rights and imposition of restrictive covenants can be exercised without detriment to the carrying on of Network Rail's undertaking, nor can any detriment to the carrying on of the undertaking, in consequence of the acquisition of the rights, be made good by the use of other land belonging to, or available for acquisition by, Network Rail.</p>	<p>In addition to the land rights sought, the Applicant is in discussions with Network Rail for a Basic Asset Protection Agreement (BAPA), and in relation to protective provisions which will ensure that the works are carried out and the rights are exercised in accordance with Network Rail's technical and safety requirements. This will ensure that there is no serious detriment to the carrying on of Network Rail's undertaking.</p>
2.1.19	<p>4.4 Network Rail is concerned that Article 5(7)(c) enables the benefit of the provisions of the Order to be transferred or leased to any person without the approval of the Secretary of State where the timeframe for all compensation claims has passed and all claims have been settled. After that point the benefit of the powers could be transferred without any scrutiny of the standing of the transferee by Secretary of State. However, that overlooks that there are provisions in the DCO and Network Rail's protective provisions (including paragraph 13 (maintenance of the authorised development), 14 (illuminated signs etc) and 16 (indemnity) for which there is an on-going liability. Network Rail request that Article 5(7)(c) is deleted.</p>	<p>The Applicant is seeking to address Network Rail's concerns in this regard as part of the negotiations relating to the protective provisions.</p>
2.1.20	<p>5 Protective Provisions 5.1 Network Rail engaged with Rampion 2 prior to submission of the Order regarding Network Rail's required form of protective provisions. These were shared with Rampion 2's legal representatives on 29 March 2023.</p>	<p>The Applicant confirms that Network Rail has provided its preferred form of protective provisions.</p>
2.1.21	<p>5.2 In order to properly protect its undertaking Network Rail requires the form of protective provisions at Annex A to this document to be included in the final form of the Order. For reference, the amendments against the submitted draft of the Order are shown on the comparison document at Annex B.</p>	<p>Please see response 2.1.9.</p>

Ref	Deadline 3 submission	Applicant's response
2.1.22	<p>6 Conclusion</p> <p>6.1 Network Rail is liaising closely with Rampion 2, and subject to the clearance being obtained, is willing to enter into private agreements to govern the carrying out of the proposed works.</p>	<p>The Applicant confirms that it continues to engage with Network Rail to settle the terms of private agreements as to the carrying out of the proposed works, subject to clearance</p>
2.1.23	<p>6.2 The discussions relate to the following documents:</p> <ul style="list-style-type: none"> <li>(a) Network Rail's standard protective provisions for inclusion in the DCO;</li> <li>(b) a property agreement (easement) to govern the installation, operation and maintenance of the cable (subject to Network Rail's clearance process); and</li> <li>(c) a framework agreement that describes and attaches the document referred to above, the protective provisions, clearance conditions and any necessary basic asset protection agreement, asset protection agreement or other engineering documents required for the benefit and protection of Network Rail's assets.</li> </ul>	<p>The Applicant notes the differences between Network Rail's proposed form of protective provisions and the form included in the <b>Draft Development Consent Order [REP3-003]</b>. The Applicant continues to liaise with Network Rail to resolve the outstanding matters between the parties. It is anticipated that on settlement of the framework agreement and property agreements the protective provisions will be capable of being agreed.</p>
2.1.24	<p>6.3 Without those agreements and satisfactory protective provisions being in place Network Rail considers the proposed development, if carried out in relation to the aforementioned plots, would have serious detrimental impact on the operation of the railway and would prevent Network Rail from operating the railway safely and efficiently and in accordance with its Network Licence. Until such agreements are in place, and clearance has been obtained, Network Rail is unable to withdraw its objection to the DCO.</p>	<p>Please see response at 2.1.23.</p>
2.1.25	<p>6.4 In the event that insufficient progress is made regarding the protective provisions and private agreements, Network Rail would like to reserve its position to request to be heard in an appropriate hearing to explain the impact of the proposals on its railway undertaking.</p>	<p>In accordance with Action Point 3 from the Compulsory Acquisition Hearing, the Applicant will work with Network Rail to submit a joint set of protective provisions with tracked changes on the differences, together with an explanation for additions/omissions between the parties' positions.</p>
<p><b>Appendix A Protective Provisions Part 3 For the Protection of Railway Interest</b></p>		<p>Appendix A comprises the Network Rail preferred protective provisions. The Applicant has no comments at this stage.</p>

**Table 2-29 Applicant's response to Simon Kilham's Deadline 3 Submission [REP3-135]**

Ref	Deadline 3 submission	Applicant's response
2.1.1	<p>Having only met once on my farm they show no level of understanding of any part of my business. They claim I am a tenant over pastureland, this is incorrect. I run a mixed farm which includes arable wheat, barley and maize in a rotation with grass for grazing and mowing. The cable route severs the arable fields and pastureland and would ruin my cropping rotation/stocking densities.</p> <p>It is correct we do run other farms across the Wiston Estate. There have been no consultations on these areas at all. No site visits or meetings. How could they understand the disruption Rampion would cause me.</p> <p>Define temporary – 1 day, 1 week, 1 month. Up to 3 years is not temporary in a farming business. Anything over a month needs to be planned to make sure financial impact is minimalised. This has not been done.</p> <p>This will cause huge disruption both to the arable and livestock enterprises. Although the applicant says they are keen to discuss, no “ongoing discussion” has taken place. The applicant is misleading the Examination Authority by stating this in its response. No plans have been given or disclosed. No discussions have ever taken place on “farm management operations” or how to manage the disruption.</p>	<p><b>Farming Activities</b></p> <p>The Applicant understands Mr Kilham holds a farm business tenancy (FBT) at Guessgate Farm, a farm forming part of the Wiston Estate which extends to 123 acres. The Applicant understands Mr Kilham also contract farms part of Buncton Manor Farm (part of the Wiston Estate), which extends to over 173 acres, and he uses the Buncton Manor Farm buildings for farming activities. A plan is attached at <b>Appendix E</b>.</p> <p>The Applicant is not aware of any other land affected by the proposed DCO Order Limits which Mr Kilham farms, either under an FBT or a contract farming agreement.</p> <p>The Applicant has offered to meet with Mr Kilham again on the project side of things, or to meet with him and the Wiston Estate to understand more about the nature of his tenancy interest and his farming activities currently impacted by the proposed temporary works.</p> <p>Occupiers will continue to be consulted throughout the life of the project, with communications and engagement anticipated to continue with the introduction of an Agricultural Liaison Officer (ALO). As outlined above, the Applicant has contacted Mr Kilham via email and would like to meet with him to discuss the role of the Agricultural Liaison Officer (ALO) to understand how disruption will be managed and/ or mitigated. The ALO would be employed to assist in the day-to-day liaison between landowners, farmers and occupiers, and the client and contractor for the duration of the project construction phase. They will oversee the works being delivered in compliance with legal agreements, consents and approved construction methodologies so as to mitigate disruption to agricultural and other rural operations particularly where they intersect with agricultural land or rural environments. Further information can be found within Section 2.6 of the <a href="#">Outline Code of Construction Practice [REP3-025]</a> submitted at Deadline 4.</p> <p><b>Engagement</b></p> <p>The Applicant has consulted with Mr Kilham via the Statutory process and has met with him on site on 15 September 2021 to discuss site specific issues relevant to Guessgate Farm. At this site meeting the Applicant showed Mr Kilham the maps which detailed the project proposals and cable route in this location. The Applicant and Mr Kilham walked the route and Mr Kilham requested that a more direct route was taken to avoid hedgerow loss. Mr Kilham also queried the size of the operational access area which was subsequently reduced down. It is understood that Mr Kilham holds an FBT over the farm and operates a mixed farming business, for which a disturbance compensation claim can be submitted should he be in occupation during the temporary construction works.</p>

Ref	Deadline 3 submission	Applicant's response
2.1.2	<p>The applicant writes words about engaging further with land interested parties but no engagement at all has happened, past, present or in the future (no meetings planned).</p> <p>There may well be provision within the Freehold Landowners "Heads of Terms" but to date I have not seen these. Furthermore, my Landlord informs me the draft Heads of Terms are still to be agreed. Again, they are misleading the Examination Authority by including this in their response.</p> <p>For complete transparency they should have given the compensation rates to us, without these we are being placed at a disadvantage and in an up hill struggle to recoup any losses.</p> <p>I appointed a Land Agent but since Rampion will not pay his fees I have had to stop using him. I can ill afford to run up a bill with an Agent to be told further down the line Rampion will not compensate me for this expense. This again places us at a disadvantage and I get the impression this is part of their plan to minimise opposition.</p> <p>They have never fully engaged with me. If they had then none of the above would have been necessary. As I have expressed before the willingness to negotiate has been minimal. I refer to the old adage, don't tell me show me.</p> <p>At this point all Rampion have shown me is in fact they wish to ride rough shod over me and have no regard for the effect on my business.</p> <p>How can a decision be made on this application with such a poor consultation leading to so many inaccuracies and anomalies</p>	<p>In addition, the Applicant has met with Mr Kilham at a site meeting on 9 August 2021 (at a neighbouring landowner's site meeting); on 29 April 2022 (at a meeting with the wider Wiston Estate and their tenants) the purpose of which was to discuss the route alterations that had been considered and outline reasoning behind these decisions, and what will be taken forwards to Consultation; and at a consultation event on 11 November 2022 where Mr Kilham spoke with a member of the RWE team regarding the impact on his farming operations. A site meeting was offered to Mr Kilham in May 2023 to discuss his farming operations, when site specific meetings were held with other tenants of the Estate, however Mr Kilham did not attend.</p> <p>A meeting was offered to Mr Kilham via email in May 2024 and the Applicant is awaiting feedback.</p> <p><b>Engagement</b></p> <p>Please see comments in 2.1.1.</p> <p><b>Heads of Terms</b></p> <p>The Applicant's approach has been to seek to agree Heads of Terms with the landowner, engaging firstly with the landowner affected by the cable route. The tenants have been consulted, and their views considered, however, discussions for the required land rights are initially with the landowners who have the legal capacity to grant the rights to the project.</p> <p>The Applicant requires further information on the tenancy structure to get a full idea of what Mr Kilham's position is, and clarification with regards to the rights and terms of the tenancy. The nature of the interest will govern his entitlement to compensation. The Applicant has requested a copy of the tenancy agreement from the Estate but has not received it to date.</p> <p>In the majority of cases, tripartite legal agreements between the landowner, tenant and the Applicant will not be required in order for the landowner to grant the rights, and the Applicant envisages that a tenant consent document will instead be sought. This approach has been discussed between the Applicant and the Wiston Estate who is Mr Kilham's landlord. A copy of this document was sent to Mr Kilham in May 2024 for his review.</p> <p><b>Fees</b></p> <p>Reasonable and proportionate agent fees and solicitor's fees will be paid in connection with considering the request for tenant consent and the associated documentation. This was confirmed in writing to the tenant via an email in May 2024.</p> <p>If compulsory acquisition powers are utilised to acquire the rights, then a lawful occupier would be entitled to claim compensation for losses (such as crop loss)</p>

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Ref	Deadline 3 submission	Applicant's response
		<p data-bbox="1691 283 2846 367">under the Compensation Code. This would also include reasonable fees for appropriate professional representation for the making and settlement of the claim.</p> <p data-bbox="1691 388 2196 430"><b>Mitigation on Agricultural Impacts</b></p> <p data-bbox="1691 451 2846 535">The Applicant acknowledges there will be temporary impacts on some of the land that Mr Kilham currently farms during the construction period.</p> <p data-bbox="1691 556 2846 777">The Applicant will consider reasonable and proportionate mitigation measures with regards to the farming business (e.g. crossing points to minimise severance). The Applicant will also consider the temporary and permanent impact of its proposals on any environmental schemes in force at the time of construction and look to mitigate those impacts. Please see comments in 2.1.1 above regarding the proposals for an ALO.</p>

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**Table 2-30 Applicant's response to Winckworth Sherman LLP on behalf of Susie Fischel's Deadline 3 Submission [REP3-136 & REP3-137]**

Ref	Deadline 3 submission	Applicant's response
2.1.1	The updated Land Rights Tracker includes the engagement that the Applicant has had with the Fischels - reference 039 (page 6 and page 18) [REP2-008]. While the Fischels do not dispute the record of when various exchanges occurred, they do question the Applicant's statement that <i>"The Applicant has been in regular correspondence with the Land Interest and their agent since February 2021"</i> . It is worth being clear what is meant by "regular".	Please see summary in 2.1.2 below.
2.1.2	As set out in their Written Representation [REP1-163] (see section 6), in 2020 the Fischels were actively engaged in discussions with the Applicant, and at that time the Applicant worked constructively with the Fischels to adjust the proposed cable route to follow an overall alignment that reflected some of the Fischels' concerns, and the Fischels welcomed this initial cooperation. However, despite that positive start, the Applicant effectively discontinued engagement once matters were essentially handed over to its advisors in 2022.	<p>The Applicant welcomes the acknowledgement of having worked constructively with the Fischels to adjust the proposed cable route (presented in the Preliminary Environmental Information Report (PEIR) (Rampion Extension Development, 2021)) to follow an overall alignment that reflected some of the Fischels' concerns. However, it is not the case that contact was 'effectively discontinued in 2022'. The Applicant and its advisors have had the following engagement throughout 2022, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Email and telecom correspondence regarding ecological surveys in January, February, March, April, May, June, July, September and October 2022.</li> <li>• Site Visit on 21 January 2022 where engineers from the project team and members of the RWE project team attended. This was in response to receiving the Fischels consultation response dated 2 February 2021 (which requested an alternative route be assessed, including Option C) and following site meetings in February 2021, May 2021, July 2021 and a Landowner Surgery in July 2021 to engage with and understand concerns. The project team subsequently considered an alternative route and showed a map of a proposed route and walked the route with the Fischels who outlined their concerns. Of particular note were the mature oak trees on the south-western boundary of the property (where they requested the HDD was extended to include an additional hedgerow), they queried whether Calcot Wood was designated ancient woodland, and raised concerns about the stream to the north east of their property and suggested another alternative route (Option A), albeit no map was provided.</li> <li>• Letter received from the Fischel's agent dated 25 January 2022 commenting that <i>'this variation is an improvement on the original cable route'</i>. Nevertheless, they maintained that <i>'their original proposed route (coloured yellow on the plan) remains a far better solution.'</i> Concerns were also raised about the mature oaks on the southern boundary of the farm.</li> <li>• Site Visit in April 2022 to present the proposed alternative route (Option B), an initial iteration of which was presented at the meeting in January 2022. The reasoning behind the decision to move forwards with Option B was presented verbally at this meeting, as well as additional mitigation measures the Fischels had requested and that the Applicant had included within design, such as extending the HDD to avoid another mature tree line at the south-west corner (TC-13) and proposing an HDD under the stream and road to the north-eastern of the land holding (TC-14). The Applicant also committed to including a wider boundary in this location, so that there is flexibility for avoiding mature trees in two treelines crossed by micro siting individual cables to run through gaps where possible (Plot 26/3). The wider</li> </ul>

Ref	Deadline 3 submission	Applicant's response
		<p>boundary also allows for hedgerow notching to take place during cable installation in the least impactful way. The Applicant walked the proposed re-route with the Land Interest and listened to their comments on the proposed re-route. The Land Interest confirmed Option B is clearly preferable to the original route within their formal letter/ consultation responses (dated 25 January 2022 and 28 November 2022).</p> <ul style="list-style-type: none"> <li>• Letter received from the Fischel's agent dated 11 April 2022 which stated <i>'my clients acknowledge that this variation is an improvement on the original cable route.'</i></li> <li>• Formal Letter sent from the Applicant to the Fischels dated 19 July 2022, in response to their 2021 Consultation response and subsequent engagement meetings. This Letter was included at Appendix 17 within <b>Applicant's Responses to Relevant Representations [REP1-017]</b>.</li> <li>• Letter received from the Fischel's agent dated 21 September 2022 which stated <i>'we acknowledge that your revised route is an improvement on your original proposal'</i> as well as other requests and queries.</li> <li>• Telecommunications on 13 October 2022 regarding the upcoming consultation.</li> <li>• Statutory Consultation Material sent to the Fischels on 14 October 2022</li> <li>• Telecommunications and email to the Fischels on 4 November 2022</li> <li>• Landowner Surgery Consultation event on 12 November 2022 in Washington Village Hall, where discussions were held with RWE representative, Rob Gully. The Fischels commented on ACR-06 and requested the proposed HDD (TC-13) was extended to avoid a further field boundary within their land holding.</li> <li>• Formal Consultation response received dated 28 November 2022 which stated <i>'the proposed revised route is clearly preferable to the original route'</i> as well as raising other concerns.</li> </ul> <p>The engagement with the Land Interest needs to be considered in context of engagement from early 2021 through to the present (2024). This includes seven site meetings (as well as one which was turned down in June 2023), the review of three alternative routes (plus an additional route known as Option D) and two formal letters in response to their consultation responses. As well as alleviating the Fischels concerns about the original route, the project team included a number of additional measures within design to further deal with their concerns. Therefore, to summarise, the benefits of the route taken to DCO (Option B) are as follows:</p> <ul style="list-style-type: none"> <li>• Avoiding a rewilded area to the west of the land, thereby reducing amenity and environmental impacts.</li> <li>• Avoiding various ponds and watercourses.</li> <li>• Including a trenchless crossing under Calcot Wood</li> <li>• Minimising impact on mature boundary oak tree lines/ field boundaries to the south of the title abutting Spithandle Lane, including extending the HDD.</li> <li>• Trenchless crossing proposed for the north eastern corner, under the water course.</li> </ul>



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**Ref**      **Deadline 3 submission****Applicant's response**

Engagement and assessment of various alternatives has continued, however the further changes requested did not compare favourably to the amended route (Option B) which had already reduced impacts.

**Current Status of Negotiations**

- Heads of Terms were issued to the Land Interest and their agent on 16 March 2023. A plan accompanied these Heads of Terms detailing the proposed Order Limits of the DCO Boundary.
- In June 2023, the Applicant requested a site meeting with the Land Interest and their agent to talk through concerns raised within their consultation response and discuss the Heads of Terms that were sent to them in March 2023. This meeting was rejected on 6 June 2023.
- On 17 October 2023 a Formal Letter was sent to the Fischels detailing the reasoning for the rejection of the alternative routes and selection of Option B as the proposed route within the DCO Order Limits. A copy of this Letter can be found at Appendix 18 within [Applicant's Responses to Relevant Representations \[REP1-017\]](#).
- On 24 October 2023 the Land Interest's agent confirmed that the Fischels would like to progress discussions on Heads of Terms.
- On 24 October 2023, the Option and Easement documentation was sent to the Land Interest's agent.
- On 21 December 2023, the Applicant sent a chaser email to the Land Interest's agent requesting feedback on the Heads of Terms and Option and Easement documentation.
- On 30 January 2024, the Applicant responded to the Land Interest's agent's request for solicitors details, before any comments had been received back on the Heads of Terms.
- On 6, 7, 12 and 15 February 2024 the Land Interest's agent requested the Applicant provide details from the Planning Inspectorate website in order that he could include these within his relevant representation, to which the Applicant responded.
- On 27 February 2024 the Applicant emailed the Land Interest's agent, following an in person meeting at the first Open Floor Hearing and requested a date for meeting.
- On 6 March 2024, the Land Interest's agent responded to state that a meeting would not be possible until April 2024, given their current commitments.
- On 18 March 2024, the Land Interest's agent responds, suggesting 3 April 2024 as a suitable meeting date.
- On 25 March 2024, the Applicant confirmed the site meeting date.
- On 3 April 2024 the Applicant had a meeting at the Land Interest's property to review the Heads of Terms and the draft precedent option and deed of easement documents. In addition, the Applicant walked the proposed cable route. At this meeting various queries were raised verbally by the agent. A written response to comments on the key terms plan and next steps was provided to the agent and land interest by the Applicant following the

Ref	Deadline 3 submission	Applicant's response
		<p>meeting on 8 April 2024. At the meeting the Land Interest noted that it was difficult to progress negotiations before a suitable plan was agreed. On 3 April 2024, an extensive number of points on the option and deed of easement were discussed, some of which the Applicant agreed in principle to consider amendment to in light of the Land Interest's specific circumstances at the legal stage.</p> <ul style="list-style-type: none"> <li>• On 14 April 2024 the land interest provided further amendments to the meeting notes from 3 April 2024.</li> <li>• On 22 April 2024 the Applicant summarized the details within the plan that was being prepared by the Applicant.</li> <li>• On 22 April 2024 the Land Interest provided further comments on the meeting notes from 3 April 2024.</li> <li>• On 8 May 2024 the plan requested at the meeting on 3 April 2024 was provided to the Land Interest via email.</li> <li>• On 10 May 2024 the Land Interest responded and commented that the map did not satisfy their requirements.</li> <li>• On 10 May 2024 the Land Interest confirmed the exact route of the cable alternative, as drawn by the Applicant in response to the Land Interest's comments (Option D – a variation of Option A) was correct. This Option will not be progressed by the Applicant for most of the same reasons as the very similarly route (Option A), an earlier alternative proposal put forward by the Land Interest. The Applicant will present the reasoning to the Fischels in a letter week commencing 3/6/2024.</li> <li>• On 18 May 2024, the Applicant emailed the Land Interest and their agent regarding solicitor's fees.</li> <li>• On 29 May 2024, the Land Interest's agent requested clarification on the Works areas at the southern boundary of the land Interest's freehold title.</li> <li>• On 29 May 2024, the Applicant responded to the Land Interest's agent to clarify points from his earlier email.</li> <li>• On 31 May 2024, the land interest's agent responded requesting further clarification on the extent of the 'cutting back' along the visibility splay.</li> </ul>
2.1.3	As recorded in the Land Rights Tracker, the Fischels made formal representations during the second round of consultation (on 28 November 2022) – however, despite repeated assurances to the Fischels during this period that a response would be forthcoming shortly, the Applicant did not respond to those representations until 17 October 2023 – notably, after the draft Development Consent Order (dDCO) application was submitted.	The Applicant sent a letter to the Fischels dated 17 October 2023 which dealt with the points within their Consultation response. Please see Appendix 18 within <a href="#">Applicant's Responses to Relevant Representations [REP1-017]</a> .
2.1.4	Therefore while the Land Rights Tracker accurately records these dates of correspondence, the Applicants suggestion that it has been in "regular correspondence" is misleading; an 11 month delay in response might be considered "regular" in the sense that engagement happens once a year or so, but such infrequent engagement would suggest that it has not been a priority for the Applicant to resolve points of difference between itself and the Fischels.	The Applicant acknowledges there was a delay in sending the letter (dated 17 October 2023), which summarised detailed reasoning for the rejection of Option A and the choice of Option B. The Applicant offered an engagement meeting to the Land Interest in June 2023 at their property to discuss matters within their consultation response, however this was rejected by their agent In addition, the 2023 letter was sent subsequently to a letter dated 19 July 2022 summarising the reasoning for the rejection of Option C and responding to other queries within their Consultation response.

Ref	Deadline 3 submission	Applicant's response
2.1.5	<p>This is an important point to note because the Fischels consider that if the Applicant had continued with its positive engagement from 2022 onwards, then their concerns might have been able to have been addressed before the dDCO was submitted; unfortunately, now that the dDCO has been submitted, the available options to address the Fischels' concerns are significantly limited now that the red line boundary of the proposed cable route has been submitted as part of the dDCO application (discussed in more detail below).</p>	<p>The delay in sending the letter does not negate the significant amount of engagement that the Fischels have had, nor the outcome of the assessments of what is the most suitable route in this location. It would not have been possible to facilitate a change to the DCO boundary for the constraints identified within Option A (and detailed with the Letter dated 17 October 2023 – Appendix 18 within <a href="#">Applicant's Responses to Relevant Representations [REP1-017]</a>). The consultations were meaningful and led to the proposal of a materially more favourable cable route to the Fischels. This cable route was considered to be more suitable by the Fischels and the Applicant than the originally proposed PEIR (RED, 2021) route and was therefore taken forwards to DCO submission.</p>
2.1.6	<p>This is particularly relevant as the approach the Applicant has adopted is not consistent with the Guidance on Compulsory Acquisition for DCO projects (Compulsory Acquisition Guidance) 1 and the Guidance on the pre-application process (Pre-application Guidance).<sup>2</sup> Paragraph 24 of the Compulsory Acquisition Guidance states (emphasis added):</p> <p><i>Applicants are required under section 37 of the Planning Act to produce a consultation report alongside their application, which sets out how they have complied with the consultation requirements set out in the Act. Early consultation with people who could be affected by the compulsory acquisition can help build up a good working relationship with those whose interests are affected, by showing that the applicant is willing to be open and to treat their concerns with respect. It may also help to save time during the examination process by addressing and resolving issues before an application is submitted, and reducing any potential mistrust or fear that can arise in these circumstances.</i></p> <p>And paragraph 4.1.19 of the Pre-application Guidance states:</p> <p><i>Early engagement both before and at the formal pre-application stage between the applicant and key stakeholders [...] and those likely to have an interest in a proposed energy infrastructure application, is strongly encouraged in line with the Government's pre-application guidance</i></p> <p>Unfortunately, the consultation the Applicant undertook with the Fischels failed to achieve this, (particularly the matters bolded above); the change in approach that the Fischels experienced from 2022 onwards gave the appearance that the Applicant was no longer meaningfully listening to their concerns, and the fact that it took the Applicant 11 months to respond to the Fischels November 2022 representations meant that the opportunity to resolve them before the application was submitted was lost. The Fischels therefore consider that the Applicant's approach to consultation falls short of the standard expected of Applicants in DCO application processes, as set out in the Compulsory Acquisition Guidance. While there was some engagement at an early stage, this did not continue, and the Fischels are finding themselves having to take up time during the examination process to resolve issues – such as inconsistencies between Application documents as to the cable corridor width – that could have been dealt with during the pre-application process.</p>	<p><b>Consultation</b></p> <p>The Applicant disagrees with the allegation that consultation did not take place with the Fischels. Further to the points outlined in 2.1.2, the Fischels were consulted in line with Statutory requirements. This is detailed further within the <a href="#">Consultation Report [APP-027]</a>.</p> <p>As a response to the concerns raised within the 2021 consultation, re-routes were considered, with the most suitable being taken forwards to consultation in 2022.</p> <p><b>Engagement and Land Negotiations</b></p> <p>The history of engagement since Heads of Terms were issued in March 2023 and correspondence since the Land Interest's agent confirmed in writing that they would like to progress discussions on the agreement in October 2023 is shown in 2.1.2 and 2.1.8.</p> <p>The Applicant has meaningfully listened to the Land Interest's concerns as part of these negotiations. Regarding concerns about the cable corridor width, at the site meeting on 3<sup>rd</sup> April 2024, the Applicant explained the constraints to identifying a 40m construction corridor location at this stage but stated that the Applicant could commit to locating the cable as far south and east as possible subject to engineering and environmental requirements. The DCO restrictions on works within the ancient woodland buffer were also explained to Mr and Mrs Fischel together with the <a href="#">Commitments Register [REP3-049]</a> commitment to minimise hedgerow and tree loss where possible.</p> <p>Mr and Mrs Fischel stated that whilst these were commitments contained in the DCO, their preference would be for them to also be captured in the voluntary agreements and if required initially the key terms. The Applicant subsequently included this commitment on an updated Heads of Terms plan which also clearly marks up the commitment to ensure no intrusive works are undertaken within the 25m buffer adjacent to the ancient woodland (See response 2.1.9 for further details).</p> <p>The Applicant continues to engage with Mr and Mrs Fischel and their land agent. On 29 May 2024, the Land Interest and their agent requested clarification on the</p>

Ref	Deadline 3 submission	Applicant's response
2.1.7	<p>The Fischels also note that the Applicant's updates to the Land Rights Tracker indicates that they are not alone in struggling to receive meaningful engagement from the Applicant, as the document suggests that the Applicant has not made much progress with other Affected Parties either. There are several references throughout the document to the Applicant attempting to follow up with landowners in February and March of this year. Very few of these attempts appear to have generated a landowner response, and even less appear to have resulted in signed Heads of Terms.</p> <p>This is surprising, given that the Examining Authority noted its concern at Issue Specific Hearing 1 as to the Applicant's approach to consultation, after, at the Open Floor Hearing, the Examining Authority heard "multiple times from various parties on the absence of adequate consultation being undertaken, specifically post submission". The Examining Authority stated that it expected the Applicant to make "significant progress" with its negotiations in the coming deadlines. The Examining Authority reminded the Applicant that the Secretary of State will only exercise the [compulsory acquisition] powers as a matter of last resort, and "will expect agreement on the vast majority of plots that are needed for compulsory acquisition, or at least a demonstration of considerable discussion taking place."</p>	<p>visibility splays and Works areas at the southern boundary of their land holding. The Applicant responded with further information on visibility splay requirements for access onto Spithandle Lane via email to the Land Interest and their agent on 29 May 2024. A meeting to progress discussions has been discussed between the Land Interest and the Applicant, but no date is yet set.</p> <p>The Applicant is involved in detailed discussions with various Land Interests across the route to work towards agreement of the Heads of Terms for voluntary agreements. These discussions are in varying stages of progression and involve issues specific to individual land holdings.</p> <p>The Applicant has carried out extensive consultation on many more alternative routes and options than is typically carried out for this type of Proposed Development. This is evidenced in the Consultation report (APP -027). The Applicant with its team of land agents has spent nearly 4 years engaging with landowners, communicating proposed development requirements, consulting on alternatives and preparing fair agreements for negotiation. However, Land Interests also need to engage in discussions on Heads of Terms if agreement is to be reached. In some cases, Land Interests are not willing to engage. The Applicant continues to progress discussions and is seeking to communicate this more effectively to Land Interests where progress has not been as desired.</p>
2.1.8	<p>The Applicant, together with agent did carry out a site visit at Sweethill Farm on 3 April 2024, and the Fischels welcomed the opportunity to explain again their concerns to the Applicant. However, the follow-up to that meeting has not amounted to anything of substance or progress.</p> <p>The Fischels received the agents draft meeting summary, to which the Fischels have responded with comments in respect of significant omissions, but although the meeting illustrates a willingness to engage, the Applicant does not offer any firm commitments.</p>	<p>The meeting that was held on 3 April 2024 was organised to progress discussions on the Heads of Terms. After the Applicant and the Land Interest walked the route on the farm, the Applicant listened to the Land Interest's concerns regarding the impact on the farm and the variation of Option A which the Land Interest wanted to be scoped as an alternative option (Option D). The Heads of Terms were then discussed in detail, however, the Land Interest and their agent maintained that a plan with various commitments was produced before any detailed discussions could be progressed. Please see 2.1.9.</p>
2.1.9	<p>At the site visit, the agent showed the Fischels a revised "work in progress" indicative route of where the cable route could be moved to. This was presented to the Fischels as an "indicative work in progress", and the Fischels indicated that such a map would need to be legally binding for it to go any way towards resolving their concerns. On Monday 22 April, in relation to this revised plan, the Fischels received an email from the Applicant stating:</p> <p><i>...this plan will only show the DCO red line and not a revised 40m working corridor as we cannot carry out an engineering design for refinement over a few weeks. The refined 40m working corridor will be shared further to detailed engineering design and site investigations and can take account of the above commitment. <b>Whilst a plan with a cable alignment has previously been forwarded with the key terms – this cable routeing was indicative only. The main purposes of sharing the plan was for calculating likely cable easement payment and as discussed at our meeting the corridor is highly likely to change position. In summary the blue line does not represent Rampion 2's current preferred route. I hope the commitment to locate as far south as possible on the plan and in the key terms will give you some comfort on this matter at this stage.</b></i></p> <p>This point bolded above is particularly disappointing, because it appears to revoke any progress towards agreement in principle that was made during the site visit. Throughout the discussions with</p>	<p>The Applicant is committed to obtain all the rights it requires for the project by voluntary agreement. The Applicant has committed to an updated plan with associated commitments as summarised in 2.1.6.</p> <p>At the site visit on 3 April 2024 the Applicant brought a plan with information from the <a href="#">Appendix 4.1: Crossing Schedule, Volume 4</a> of the Environmental Statement (ES) [APP-122]. The Applicant noted that this was an indicative plan only at this stage as detailed cable design would only be carried out further to site / ground investigations and further ecological survey work.</p> <p>It is indicated from Mr and Mrs Fischel's response that they would prefer the key terms plan to show the 40m indicative onshore cable construction corridor that is included on the crossing schedule plan between two potential trenchless crossing points attached to the key terms, rather than the proposed DCO Order Limits plan without the 40 cable corridor currently attached to the key terms. The Applicant is willing to include this plan with a commitment to keep the cable as far south and east as possible, subject to appropriate caveats relating to potential additional land</p>

Ref	Deadline 3 submission	Applicant's response
	<p>the Applicant (and its agents), the Fischels have made abundantly clear that their key concern is with the location and width of the proposed cable route, and the responses that the Applicant has provided fall well short of addressing that concern. This lack of willingness to address the Fischels concerns is addressed in more detail in section 4 below.</p>	<p>requirements for the trenchless crossings, engineering and environmental requirements. This request had not been communicated clearly to the Applicant.</p> <p>As discussed at the meeting on 3 April 2024, the Applicant is not in a position to carry out an informed detailed design of the cable construction corridor at this stage but it will, subject to a full understanding of ground conditions and final survey results commit to meeting the Land Interest's requested micro-siting preference within the DCO limits when that detailed design happens. There is no lack of willingness on the part of the Applicant to address concerns and it is prepared to agree to appropriate commitments in a voluntary agreement which seek to address landowner concerns whilst also ensuring that the Applicant has sufficient rights to construct the Proposed Development. The Applicant looks forward to progressing these discussions.</p>
<p><b>2.1.10</b></p>	<p>There has still been no useful engagement from their legal advisors with regards to terms; in the email to the Fischels on 22 April, the Applicant repeated that the Applicant would be “looking for confirmation of key commercial and in principle terms such as the headline cable easement payment figure” before the voluntary agreement would be progressed – despite the Fischels making it clear that they require an undertaking regarding their professional fees. It is disappointing that despite the Examining Authority clearly stating that the Applicant needs to improve its approach to consultation with affected parties, no significant progress appears to have been made since the first set of hearings.</p> <p>The Fischels' experience with the Applicant's consultation leaves them with the impression that the Applicant is simply doing the bare minimum in terms of its engagement with them, to give the appearance of engagement rather than providing any genuine, meaningful attempt to resolve their concerns.</p>	<p>The Applicant is following the industry standard approach that it is not usual practice for lawyers to be involved in negotiating the detail within the Heads of Terms. Heads of Terms are ordinarily negotiated by land agents, and whilst the expectation is that they are signed, they are not legally binding and can be subject to legal advice. The Land Interest has an agent instructed and discussions on the Heads of Terms have taken place with that agent. The role of a solicitor is ordinarily to draft the option and easement documentation once there is consensus on the majority, if not all, of the Heads of Terms.</p> <p>The Applicant is willing to include commitments within the Heads of Terms. However, if there are specific commercial/ legal concerns regarding certain items within the Heads of Terms, the Applicant will consider either removal of the item, so it can be dealt with at the legal stage or consider a fee undertaking for legal input into that item of concern.</p> <p>The Applicant understood Mr and Mrs Fischel to have requested an undertaking for legal fees for reviewing key terms. The Applicant communicated at the April 2024 site meeting that key commercial terms are usually agreed before instruction of solicitors as the key terms present an agreement in principle of the intention of both sides to reach a voluntary agreement. The Applicant remains of the view that it is important for there to be some record of commitment of the willingness on both sides to reach a voluntary agreement based on the proposed development before involving solicitors prematurely and with potentially disproportionate costs. However, the Applicant has asked Mr and Mrs Fischel by email dated 18 May 2024 to identify the legal aspects of concern and is prepared to offer an undertaking for costs once these are identified even if key terms cannot be signed before instructing solicitors. For the avoidance of doubt, whilst the Applicant still awaits a response from Mr and Mrs Fischel's land agent on the commercial offer, for which there have been numerous chasing attempts, the Applicant is willing to provide an appropriate legal undertaking in an attempt to progress matters and will confirm this in writing to Mr and Mrs Fischel.</p>

Ref	Deadline 3 submission	Applicant's response
2.1.11	The inclusion of Sweethill Farm as reference 3 on the Draft Site Visit Itinerary [REP2-016] is welcomed, and the Fischels look forward to welcoming the Panel members to the site so that they can see the areas of concern.	
2.1.12	<p>The draft itinerary notes the location to visit will be “[a] walk to fields at corner of B2135 and Spithandle Lane”. The Fischels are content with this proposed location, as it will allow them to show the Examining Authority:</p> <ul style="list-style-type: none"> <li>• The area where the cable route is proposed, to demonstrate how complex the proposed exit would be, given its sloping and flood prone location.</li> <li>• The area further south of the proposed cable route, where the Fischels consider it would be preferable for the project to exit from Sweethill Farm and cross the B2135, namely between the two houses fronting Sweethill Farm on the opposite side of the B2135.</li> </ul>	
2.1.13	In addition, the walk across the fields will assist the Examining Authority in understanding why the Fischels consider the dDCO red line boundary to be more than is reasonably required (see 4.5 below), unnecessarily close to the ASNW Lower Barn Wood (see 4.12 below) and with an unjustified sweep to the North West before exiting the farm.	
2.1.14	The Fischels hope that this site visit will assist the Examining Authority to understand their concerns about both the feasibility and effect of the proposed route for the cable corridor.	
2.1.15	<p>The Applicant has responded to the Fischels' Written Representation at Table 2-26 (page 149) of REP2-028:  <i>The width and flexibility that the Applicant is seeking over Sweethill Farm in relation to the proposed cable route</i></p> <p>Firstly, it is noted that, in its response, the Applicant has referred to the Applicant's Statement of Reasons (Para 9.11.7-9.11.9) [PEPD-012]; in the Examination Library [PEPD-012] is labelled “Category 4: Compulsory Acquisition Statement of Reasons Appendix 1: List of Land Parcels, Proposed Acquisitions and Works for which the land is required (clean)” [dated January 2024]. This document does not include any reasons itself, but is instead a list of the land parcels, proposed acquisition and works for which the land is required – as the title suggests, it is an Appendix to the Statement of Reasons, rather than the Statement of Reasons itself. We have been unable to locate an updated Statement of Reasons from the Applicant since document titled “4.1 Statement of Reasons” [APP-021] was submitted as part of the Application documents in August 2023.</p>	<p>A response to Mr and Mrs Fischel in respect of the justification for the extent of land required at Sweethill Farm is set out in Applicant's Response to <b>Affected Parties' Written Representations [REP2-028]</b> (2.1) which states: “<i>The final routing is not fixed and will be dependent upon matters such as pre-construction surveys. As explained in the paragraphs in the Statement of Reasons, the Applicant will seek to minimise the extent of permanent rights required by taking temporary possession first of the wider construction corridor and then permanently acquiring the rights required over the narrower area when the location is known. Specific reasons for required design flexibility over the Fischel's Land relate to:</i></p> <ul style="list-style-type: none"> <li>• <i>The land covers a segment of the cable route between two HDD sections as can be seen on Sheet 19 of the Crossing Schedule in Appendix A of the Outline Code of Construction Practice [PEPD033] (extract below). Final siting and extent of each of the trenchless crossings will influence the cable routing of the open cut trench section between.</i></li> <li>-<i>The cable construction works must comply with the stand-off distance to the AWL as defined in Commitment C-216 in the Commitments Register [REP1-015].</i></li> <li>• <i>In plot 26/3 the route passes through two mature tree lines and a mature hedge (with some trees). Flexibility is sought to allow the cable to be routed to reduce the impact as much as practicable. To further reduce impact the cable construction width will be reduced as much as practically possible when crossing the tree lines/hedge and therefore greater soil storage areas either side will be required.</i></li> <li>• <i>For the trenchless crossing of Spithandle lane an area, in addition to the normal corridor working width, is required within plot 26/3 for stringing out of ducting to be pulled into the trenchless crossing. The ducting, once strung, will be equal in length to the trenchless crossing.</i></li> </ul>

Ref	Deadline 3 submission	Applicant's response
2.1.16	<p>The Fischels have therefore considered the [APP-021] Statement of Reasons to try to understand the Applicant's reasoning for taking the proposed cable route over their land. It appears that the Applicant's reference to paragraphs 9.11.7-9.11.9 in [PEPD-012] also apply to the first Statement of Reasons it submitted in August 2023, being [APP-021]. The explanation that the Applicant has provided there is as follows (emphasis added):</p> <ul style="list-style-type: none"> <li>• Where the Applicant is seeking to acquire land, new rights or restrictions over land, the power for temporary use of such land is also sought (this is provided for in Article 32 of the Order). These parcels are shown shaded pink or blue on the Land Plans (Document Reference: 2.1.2). These powers enable the Applicant to enter on to land for construction purposes in advance of the acquisition of the relevant permanent land or land rights. This enables the Applicant to take a proportionate approach to permanent acquisition <b>so as to only compulsorily acquire the minimum amount of permanent land and rights/restrictions over land required to construct, operate and maintain the Proposed Development.</b></li> <li>• As explained in section 6 above, it is currently envisaged that construction works <b>(which will generally require a working corridor of 40m but may require a wider working corridor at crossing points, where trenchless installation techniques will be used)</b>, will take place in reliance on the powers in Article 32 and that rights to retain, operate, maintain and decommission, and a restrictive covenant to protect the infrastructure from interference, will be obtained subsequently over a narrower corridor (see below). However, to ensure that construction can continue, if necessary, once the temporary possession powers expire, the Cable Rights package includes rights to construct/install the cables and associated infrastructure.</li> <li>• <b>The typical corridor over which the permanent rights and the restrictive covenant will be sought is likely to be 20m, but this may vary according to local conditions. A maximum value of 25m (excluding HDD crossing locations) has been assessed as a reasonable worst case scenario.</b> Where trenchless installation is used, the depth at which the cable ducts need to be installed under the obstruction to be 'crossed' will define the spacing needed between the ducts (within which the cables will be installed) and also the distance between the drill entry and exit pits. The depth will be guided by the nature of the obstacle to be 'crossed' beneath and the requirements of the organisation responsible for the obstacle, whilst spacing will depend on the nature/condition of the ground at that depth and its ability to absorb and transfer heat away from the cables.</li> </ul> <p>Further, the Applicant has pointed to Sheet 19 of the Crossing Schedule in Appendix A of the Outline of Code of Construction Practice [PEPD-033] which indicates that a segment of the cable route between two HDD sections will be on Sweethill Farm. In its responses to the Fischels' Written</p>	<p><i>Each of these aspects will be considered in the process of further construction design development and informed by onshore site investigation works.</i></p> <p><i>The Applicant welcomes the Land Interest's willingness to discuss matters further and confirms that it will engage further with the Land Interest regarding the refinement of the final land area and appropriate and reasonable mitigation measures during construction of the project to minimise disturbance to the Land Interest.</i></p> <p>Please see the response to point 2.1.15.</p> <p>The Applicant has explained the need for flexibility within the Order Limits, within which the 40m working corridor will be sited, and the permanent 20m easement will then be located within that corridor. The Applicant has provided a detailed explanation in relation to the process for refining those land requirements and how this will be communicated to landowners in response to CAH1 Action 1 (see <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</a>). The 20m easement is expected to be the standard width of easement but there will be locations where a greater width is required, such as at crossings. It is not therefore possible to include a restriction that the easement corridor shall be no more than 20m. The Applicant's response to CAH1 Action 6 (see <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</a>) further explains why permanent rights cannot be limited to the linear corridor.</p>

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	<p>Representation, the Applicant states “Final siting and extent of each of the trenchless crossings will influence the cable routing of the open cut trench section between” at 2.1 of [REP2-028].</p> <p>The Fischels understand that the Applicant requires some flexibility at this stage, however, they do not consider that the response that the Applicant has provided explains or justifies why a wide corridor has been proposed on Sweethill Farm, i.e. wider than the 40m referred to in the Applicant's documents, and stand by submissions made in their Written Representation in this respect. The red line boundary on sheet 19 (referenced above), and the Onshore Land Plans [APP-007] – in particular sheets 25, 26, and 27 – indicate that a particularly wide section of land is proposed to be used for the cable route across Sweethill Farm, and the Applicant's response has not explained this in sufficient detail. The Secretary of State can therefore not be satisfied that the Applicant is seeking no more than is reasonably required for the purposes of development, in accordance with section 122(2) of the Planning Act 2008.</p>	
<p><b>2.1.17</b></p>	<p>As set out above, the Fischels met with a representative of the Applicant and an agent for the Applicant on 3 April 2024 on Sweethill Farm, where they had the opportunity to show the Applicant and the agent the areas of concern. At the site visit, the agent showed the Fischels a revised “work in progress” indicative route of where the cable route could be moved to. This was presented to the Fischels as an “indicative work in progress” map; the Fischels made clear that they would require the map to be legally binding before it could go any way towards addressing their concerns – and they thought the agent for the Applicant understood that position.</p> <p>Despite this, and as set out above, in its most recent correspondence the Applicant stated (by email to the Fischels on 22 April 2024) that the map that was presented was indicative only, and the corridor [on the map the Fischels were shown at the site visit] “is highly likely to change” and does not represent the Applicant's preferred route.</p> <p>This statement from the Applicant is particularly frustrating for the Fischels, because not only does it appear to seek to rescind what was discussed at the site visit, it takes the parties back to square one; the Fischels have been explicitly clear throughout all their discussions with the Applicant that what they are seeking is an updated map that limits the cable corridor. Therefore despite all the discussions that have occurred between the parties, and the recent site visit, no progress has been made on addressing that concern.</p>	<p>At the site visit meeting on 3<sup>rd</sup> April 2024, the Applicant explained (as per the DCO documentation) the reasons why the DCO Order Limits cannot be constrained to the 40m working corridor and that the crossing schedule plan information shows an indicative cable corridor which is highly likely to change. Whilst the indicative trenchless crossing plan <a href="#">Appendix 4.1: Crossing Schedule, Volume 4</a> of the Environmental Statement (ES) [APP-122] sheet 19 shows a 40m corridor within the DCO Order Limits – this is an approximate indication. The representation indicates that Mr and Mrs Fischel are seeking a maximum 40m working corridor shown on the plan which it has been explained is not possible. The Applicant is however willing to discuss options for agreeing an appropriately caveated plan showing an indicative working corridor if this is the preference- however it will be subject to change. The reasons for the proposed DCO order limits are noted above in response to 2.1.15. The Applicant confirms that the plan would be included in the voluntary option agreement so it would be legally binding.</p>
<p><b>2.1.18</b></p>	<p>The Fischels note the Examining Authority's First Written Questions [PD-009] include question LR1.9, which asks the Applicant to, in essence, justify every location where the 40m cable corridor is exceeded. The Fischels look forward to receiving the Applicant's response on this point.</p>	<p>Please refer to the Applicant's response to LR1.9 (see <a href="#">Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>) for a full response. The Applicant expects there to be exceptions to the requirement for a typical 40m wide construction corridor at specified locations as explained in the <a href="#">Statement of Reasons</a> paragraph 6.9.30 [APP-021]. Within the Order Limits wider sections of construction corridors are likely to be required to facilitate: - trenchless crossings – as shown on sheet 19 <a href="#">Appendix 4.1 Crossing schedule, Volume 4</a> of the ES [APP-122].</p> <p>The provision of flexibility required in the wider onshore cable corridor locations at trenchless crossing points does not mean that all of the space shown within the Order Limits will be required for the permanent cable corridor. However, a wider cable construction corridor width will be required to implement a trenchless crossing design that takes account of technical requirements which will be</p>



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2.1.19	<p>The Fischels note the Applicant's indication that it is keen to have ongoing discussions to understand how best to mitigate any temporary severance. 4.11.</p> <p>However, the Fischels stand by their request for the dDCO route to follow the existing field boundaries more closely, and look forward to the Examining Authority having the opportunity to see for themselves why this is sought when they visit the site shortly. The Applicant states that the trenchless entry and exit pits require a stand-off distance from the crossing obstacle (in this case, the B2135 and Spithandle Lane), which will be finally confirmed following site investigation and detailed design.</p> <p>The Fischels anticipate that when that site investigation and detailed design is carried out, the Applicant will realise that the exit point it has proposed is unnecessarily complex and challenging, given its particular characteristics – namely its sloping and flood prone location.</p>	<p>identified from site investigations and the final electrical design of the project (including cable rating requirements and thermal resistivity calculations). Spacing between cable circuits must be larger at trenchless crossings than in areas of open cut trenching for the reasons set out in LR1.9 (see <a href="#">Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a>).</p> <p>The reasons for the likely required wider corridor in this location is set out above in 2.1.15.</p> <p>As Mrs and Mr Fischel indicate in their representation, areas of severed land may not be significant depending on the final siting of the cable construction corridor. Discussions relating to any appropriate crossing points will be more informed at the detailed cable design stage and would be carried out by an Agricultural &amp; Land Liaison Officer (ALLO) at this stage.</p> <p>The ALLO will oversee the works being delivered in compliance with legal agreements, consents and approved construction methodologies so as to mitigate disruption to agricultural and other rural operations particularly where they intersect with agricultural land or rural environments. Duties to be conducted by the ALO include the following:</p> <ul style="list-style-type: none"> <li>• Liaison with stakeholders to agree temporary, and permanent accommodation works to include fencing requirements, gates, crossing points, crossing surfacing, water supplies, stock relocation and access to severed land parcels and report and oversee repairs required as a consequence of damage caused by Contractor(s);</li> </ul> <p>Please see section 2.6 of the <a href="#">Outline Code of Construction Practice [REP3-025]</a> for details of the role of the ALLO.</p>
2.1.20	<p>In response to the Fischels' Written Representation on this inconsistency, the Applicant states:</p> <ul style="list-style-type: none"> <li>• In relation to concerns raised regarding the proximity of the red line boundary to Ancient Semi Natural Woodland - It is noted that commitment C-216 ensures that a 25m stand-off between ancient woodland and any ground works would be implemented.</li> <li>• Commitment C-216 is applied in this location. There is no intention for any ground works to take place within the 25 m buffer adjacent to Lowerbarn Wood – a block of Ancient Woodland. However, the full extent of the red line boundary is available for activities that do not break the ground that are needed to accommodate works in a constrained area.</li> </ul> <p>The Applicant confirms that Commitment C-216 applies in this location to protect the Ancient Semi Natural Woodland (Lowerbarn Wood). However, the statement that works that do not break the ground may still occur in the red line boundary and therefore right up to the edge of Lowerbarn Wood is of concern, as it is not clear how the Ancient Semi Woodland would be protected in such situations. The dDCO allows for works to be carried right up to the boundary of Lowerbarn Wood, and there is no gap between the red line boundary and the edge of Lowerbarn Wood (see Sheet 26 of the Land Plans [APP-007]).</p>	<p>The Applicant stands by its previous statements and has further explained the application of C-216 to Lowerbarn Wood under point 2.1.21 below.</p> <p>The 25m buffer for ancient woodland is controlled through commitment C-216 (see <a href="#">Outline Code of Construction Practice [REP3-025]</a>). This is secured through Requirement 22 and 23 of the <a href="#">Draft Development Consent Order [REP3-003]</a> updated at Deadline 4.</p>
2.1.21	<p>The Fischels consider that there should be other protections in place to protect the Ancient Semi Natural Woodland, because it is foreseeable that other works (and not only groundworks) could</p>	<p>The commitment to the use of a 25m buffer zone for Ancient Woodland including Lowerbarn Wood (as opposed to the 15m standard) is to provide comfort that all</p>

Ref	Deadline 3 submission	Applicant's response
	<p>cause damage and disturbance to the delicate habitat and wildlife. The Fischels stand by the request in their Written Representation for a commitment from the Applicant that works are carried out as far away from Lowerbarn Wood as practicable.</p>	<p>direct and indirect effects can be managed effectively. These indirect effects are potentially associated with dust, drainage, light and noise. Management of indirect effects would usually be expected to be achieved outside of the 25m buffer wherever possible. However, due to the nature of the cable route in this location (see response to 2.1.15) flexibility is being sought to ensure that appropriate measures can be implemented. No works within the 25m buffer would be intrusive or be of a nature where other indirect effects (e.g. soil compaction) would be realised.</p> <p>The Applicant has followed the mitigation hierarchy to minimise biodiversity net loss. 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>
2.1.22	<p>The Fischels note the request from the Examining Authority in its Written Questions [PD-009] for an update to a number of the environmental assessments carried out by the Applicant, namely TE1.11 in relation to the Bat Surveys.</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 2-18, reference TE 1.11.</p>
2.1.23	<p>As noted in their Written Representation, the Fischels intend to retest Ponds 78-80 on Sweethill Farm (as identified in Applicant's Great Crested Newt report [APP-185]), as they do not consider that the results from the Applicant's assessment reflect their own observations.</p>	<p>The Applicant notes the intention of the Interested Party and has no further comment at this stage.</p>
2.1.24	<p>The Applicant states that three alternative route proposals have been investigated in respect of Sweethill Farm. The Fischels stand by the position set out in their Written Representation, that the Applicant's response to the alternative proposed by the Fischels in November 2022 was only provided in October 2023 – after the dDCO had been applied for. This meant that it was too late for the Fischels to consider the Applicant's revised route and provide further input to amend the proposed cable route.</p> <p>As set out at paragraph [2.7] above, this approach is not consistent with the Compulsory Acquisition Guidance that the Applicant should be following in terms of engagement with parties whose land may be subject to compulsory acquisition, in particular paragraphs 24 and 25. Paragraph 24 is set out above, and paragraph 25 of the Compulsory Acquisition Guidance states:</p> <ul style="list-style-type: none"> <li>• <b>25. Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</b> Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of</li> </ul>	<p>A delay in the letter does not change the outcome of the assessments of what is the most suitable route in this location. It would not have been possible to facilitate a change to the DCO boundary for the constraints identified within Option A.</p> <p>As detailed within 2.1.2 and 2.1.6 above, the Applicant has been negotiating with the Land Interest regarding the Heads of Terms and has included various concessions within the final design at their request. Whilst it has not been possible to adopt every suggestion and revision of the route put forward by the Fischels, that does not of itself mean that the Applicant has not given proper consideration to alternative options.</p> <p>As noted in 2.1.2 further changes requested by Mr and Mrs Fischel did not compare favourably to the amended route which had already reduced impacts.</p> <p>The Applicant has consulted with the Land Interest which includes seven site meetings and the assessment of alternative routes. The Applicant is confident that the most suitable route (Option B) has been taken forwards within the final DCO boundary which alleviates a number of the Fischel's concerns.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>land. Where this is the case it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset.</p> <p>[Footnote 3: It should be noted that in some cases it may be preferable, or necessary, to acquire compulsorily rather than by agreement....</p>	
2.1.25	<p>The approach that the Applicant has taken to date does not demonstrate a genuine attempt to negotiate for the acquisition of the relevant land on Sweethill Farm, as the responses they have received from the Applicant have continued to reiterate the same, general and high level points, rather than respond specifically to the concerns that the Fischels have raised. As the Compulsory Acquisition Guidance makes clear, while an Applicant can seek powers to compulsorily purchase land through a development consent order, it is still required to attempt to reach an agreement with affected parties. Compulsory purchase powers therefore do not absolve an applicant of continued engagement.</p>	<p>The Applicant is committed to obtain all the rights it requires for the project by voluntary agreement and discussions are ongoing with the Fischels. The response to point 2.1.15 above sets out the detailed history of negotiations for land rights, the most recent position being a meeting that was held in April 2024 and the Applicant is waiting for a response on the key commercial terms from the Land Interest and their agent.</p>
2.1.26	<p>In relation to the Heads of Terms, the Applicant has clearly informed the Fischels that lawyers will only be engaged once the Heads of Terms had been signed in the form sent by the Applicant (and which were in terms highly favourable to the Applicant), or largely agreed.</p> <p>The Fischels have sought an undertaking on numerous occasions that the professional fees they would incur in negotiating with the Applicant would be covered by the Applicant, however the Applicant has so far declined to make this commitment. The Fischels note this is not consistent with the standard approach taken by Applicants in the DCO process, and they have incurred professional fees by having to engage in the DCO process, because of the approach that the Applicant has taken to consultation.</p> <p>It is noted that the Examining Authority in its Written Questions has asked the Applicant to outline its approach to the reimbursement of Affected Parties' professional fees (LR1.12), and the Fischels look forward to receiving the Applicant's response on this.</p>	<p>Please see summary in 2.1.10. The Applicant has never put the position to any Land Interest that the key terms are wholly un-negotiable. As noted in response to 2.1.10 the Applicant has requested a response and engagement on the commercial terms which has not been forthcoming from Mr and Mrs Fischel's agent The Applicant's position relating to legal advice and fees is set out above in response to 2.1.10.</p> <p>The Applicant has sought to mitigate any further confusion about professional fees by writing to all landowners to set out the position. See <a href="#">8.69 Applicant's Post Hearing Submission Compulsory Acquisition Hearing 1 (Document Reference: 8.69)</a>.</p>
2.1.27	<p>As outlined above, in the most recent email the Fischels have received from the Applicant (22 April 2024), the Applicant continues to assert that it will not provide an undertaking for legal fees until the "key commercial and in principle terms such as the headline cable easement payment figure" have been confirmed. This approach is preventing the parties from making any progress; the Fischels have been clear that their concern and focus is on the details of the proposed cable route corridor, and without this it does not make sense to be negotiating other terms. Put another way, there is no reason to enter a Heads of Terms with the Applicant until the Fischels' have some certainty that any subsequent agreement would actually address their concerns.</p>	<p>Please see response to 2.1.10. Furthermore, it appears from the last sentence of this representation that the Land Interest does not wish to engage in discussions relating to commercial terms unless their preferred route details are adopted. The Applicant acknowledges that this has been a 'blocker' to progressing discussions. However, the Applicant is willing to reverse the usual order of such agreements and has offered to provide an undertaking to cover legal aspects which Mr and Mrs Fischel are concerned about. The Applicant will write to Mr and Mrs Fischel to again request the points of concern are highlighted but also to confirm that it will provide an undertaking prior to the key commercial offer being agreed.</p>
2.1.28	<p>At the 3 April site visit, the parties discussed (and it was thought, agreed to) next steps being the Applicant providing the Fischels with a revised map, at which point the Fischels land agent and lawyers could review that map and provide detailed comments. However, if the Applicant continues to assert that it will not provide an undertaking for the professional fees incurred in that review, then the Fischels do not understand how it can consider that it is genuinely attempting to address their concerns. In the Fischels' view, rather than assisting resolution of their concerns, the Applicant's approach is in fact preventing any progress being made.</p>	<p>The Applicant has provided a map with the following commitments.</p> <ul style="list-style-type: none"> <li>• To locate the cable as far south as practicable taking into consideration environmental and engineering requirements.</li> <li>• The area within the 25m ancient woodland buffer where activities will be restricted.</li> <li>• Please refer to the Applicant's response to 2.1.10 and 2.1.27 with regard to the requested fees undertaking.</li> </ul>

Ref	Deadline 3 submission	Applicant's response
2.1.29	<p>For completeness, the Fischels note that they have reviewed the Applicant's response to [redacted] Written Representation, in so far as it relates to matters that they are also concerned with (set out at Table 2-15 on page 57 of REP2-029).</p> <p>The Fischels agree with the comments made by [redacted] in relation to flood patterns that drive biodiversity, grassland habitat of unimproved lowland meadow, the Green Lane wildlife corridor and tree boundary, and tree and scrub loss.</p>	The Applicant notes this and has no further response.
2.1.30	<p>The Fischels look forward to receiving the Applicant's response to the Examining Authority's First Written Questions, in particular in terms of its justification as to why the 40m cable corridor is exceeded on Sweethill Farm and its approach to reimbursement of professional fees of Affected Parties', and are hopeful that the responses the Applicant provides to those questions are more substantive than the responses the Fischels have received so far when they have asked the same question.</p>	Please see the Applicant's response to 2.1.15 for the justification of the proposed DCO Order limits in this location and the Applicant's response to 2.1.10 and 2.1.27 with regard to reimbursement of professional fees.
2.1.31	<p>In terms of next steps, and as the Fischels have made abundantly clear throughout all engagement with the Applicant, to address their concerns the Fischels hope to receive a revised map from the Applicant that amends the location and narrows the width of the cable corridor that passes through Sweethill Farm – with an indication from the Applicant that the intention is that this map will be legally binding. The Fischels advisors could then review that map and provide detailed comments, with the aim of reaching agreement with the Applicant as to the revised route. Going back and forth with the Applicant seeking to agree compensation for the cable easement and Heads of Terms will not assist with resolving these concerns or progressing matters.</p>	The Applicant sent a revised map to the Land Interest on 8 May 2024. Please see the Applicant's comments in relation to the plan in response to 2.1.9.

**Table 2-31 Applicant's response to Wiston Estate's Deadline 3 Submissions [REP3-142, REP3-143 & REP3-144]**

Ref	Deadline 3 submission		Applicant's response	
Ref	Written Representation Comment (as set out in [REP-172])	Applicants Response (as set out in <a href="#">Deadline 2 Submission - 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> )	Wiston Estate Further Response [REP3-142]	
2.28.1	<p>1.1 Wiston Estate extends to over 2,420ha centred on Wiston House and Park, which has been owned by the Goring family since 1743.</p> <p>The estate comprises, 1,765ha of farmland, 495ha woodland, 100ha parkland, 70ha of quarries and 24ha of ponds and wetland. There are 106 in-hand and let residential properties, 11 in-hand and let farms, and 22 commercial units.</p>	<p>The Rampion 2 project proposals affect a small proportion of the Wiston Estate's total area. The proposed Works areas (No.9, No.10, No.12, No.13 and No.14 - the maximum area of land that may be affected by the proposals prior to route refinements) impacts 1.80% of the entire area of the Estate (excluding parkland, woodland, quarries and pond areas). A Plan of Wiston Estate is attached at <b>Appendix K</b>.</p>	<p>The impact of the proposals far exceeds the land impacted directly by the Rampion 2 Project.</p> <p>The proposal dissects the estate east to west and causes significant disruption to the estates own farming business and the businesses of their tenants. We included details of this impact in our Written Representation [REP1-172]. Some further examples of this include:-</p> <p>Impact on 7 access tracks and roads to farmsteads, commercial businesses, and residential properties.</p> <p>Loss of arable and pasture during the construction period. The 1.80% stated by the Applicant is misleading, the lost farmable areas including construction areas and severed land are summarised below: -</p> <ul style="list-style-type: none"> <li>- Guessgate Farm – 8 acres out of 123 acres in total</li> <li>- Buncton Farm – 18.36 acres out of 173.61 acres in total</li> <li>- Lower Chancton Farm – 8.76 acres of 395 acres in total</li> <li>- Locks Farm – 23.95 out of 180 acres in total</li> </ul> <p>The cable crosses fields with a cumulative area of over 247 acres</p> <p>Disruption and disturbance to high value residential properties at Lower Chancton Farm and Shirley House, which are let on Assured Short-Hold Tenancies</p> <p>Disruption to the Sussex Timberyard, a commercial tenant of Wiston Estate and a growing local entrepreneurial business.</p> <p>A number of the fields being used for the project are installed with clay land drains and the cable route will bisect these land drains. This will cause both short-term and long-term impacts on the usability of these fields, as it will be impossible to reinstate these land drains. This will cause ongoing drainage issues in the entire fields, causing loss of productivity.</p>	<p><b>Total Area of the Wiston Estate Impacted</b></p> <p>The Applicant has provided two plans at <b>Appendix K</b> to illustrate the total extent of the Wiston Estate, the Order Limits and indicative cable route through the Estate.</p> <p>The Estate is located to the east of Washington village and is bisected by the A283, also known as Steyning Road. The proposed route roughly tracks the southern boundary of the Steyning Road, before heading north-eastwards to Ashurst.</p> <p>The Applicant acknowledges there will temporary construction works which will impact four farms, and three main tenancies as detailed within the maps at <b>Appendix L</b>.</p> <p><b>Compensation</b></p> <p>As previously advised, compensation for loss of farmable area will be considered as part of a disturbance compensation claim for the occupier of the land. <b>Please see 2.28.19.</b></p> <p><b>Residential Properties</b></p> <p>The Applicant notes the driveway to Lower Chancton Farm (both residential and farm buildings), and the field adjacent to Shirley House will be impacted by the temporary construction works. Please see detailed response within <b>2.28.20.</b></p> <p><b>Timber Yard</b></p> <p>The Proposed Development does not interact directly with the timber yard. A construction access is proposed next to the yard from the A283 just to the east of the timber yard entrance. There will be no disruption to the timber yard from</p>

**Ref Deadline 3 submission**

**Applicant's response**

The Applicant stating the impact being 1.8% of the entire area of the estate is misleading and dismissive. The development will make a significant impact on the local area. Just under half of the route across Wiston Estate lies within the South Downs National Park (SDNPA). We are in agreement with the SDNPA's first two points in Document AS-006 (SDA-01 and SDA-02) which have not been properly addressed:

*“The consideration of alternatives for the scheme has not sufficiently demonstrated that meeting the need for offshore renewable energy could not be met through a scheme that did not intersect the South Downs National Park (SDNP). It is therefore the case that this ‘test’ of the National Policy Statement EN-1 paragraph 5.9.10 has not been met.”*

In reference to the above point we do not believe the Applicant has fully scoped or given detailed reasoning as to why the landfall is not in the ‘Bexhill/Cooden’ location, as scoped in Rampion 1 (see [https://tethys.pnnl.gov/sites/default/files/publications/Rampion\\_ES-Alternatives.pdf](https://tethys.pnnl.gov/sites/default/files/publications/Rampion_ES-Alternatives.pdf)) and the onshore cable route of 6km taken to connect to the Ninfield substation.

Whilst the Applicant says this option has been discounted because of the reasoning given in Rampion 1, this reasoning does not stand for the cable route chosen for Rampion 2, as it is much longer. This is shown in the table below. (Page A3.1-4 of Rampion 1 Alternatives RSK/HE/P41318/03/Appendix3 Alternatives)

**Table 1: Comparison of 400kV connection points**

Connection Point	Offshore distance	Onshore Cable length estimate	Budget Cost of Connection	Conclusion
Lovedean	15-19km	50-60km	Not considered – cost prohibitive	Not economically viable due to onshore and offshore cable route length
Bolney	15-19km	19-20km	Baseline	Identified by NGET to be most economic and efficient connection option
Ninfield	54km	6km	+ £132m to £138m	Not economically viable 60km on the limits of AC technology, HVDC could add further £17m overall

The cable route scoped for Rampion 1 did not cross the SDNPA, or steep cliffs, so for the Applicant to put these as reasons not to choose this route as shown in table 3-4 (ES Volume 2 Chapter 3 – Alternatives) (APP-044) seems disingenuous:

the Proposed Development as alleged by the Land Interest. Construction access design will be undertaken to highway standards and in consultation with the local highways authority. The existing use of the access into the wood yard will be taken into consideration and an appropriate solution be implemented. The Applicant refers to the principles set out by the **Outline Construction Traffic Management Plan [REP3-029]**. The Applicant has not received an objection from the timber yard occupier.

**Drainage**

Drainage specialists will be engaged as part of the construction of the project to design a suitable pre and post construction drainage system in each field. A Construction Phase Drainage Plan (CPDP) will be provided by the contractor following design and prior to construction and included in the stage specific Code of Construction Practice. Please see relevant Commitment C-28 in the **Commitment Register [REP3-049]**.

**Reasons for not connecting to Ninfield**

Please find the response regarding the question on Ninfield under the Examining Authority's Questions 11 and 12 in **(8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70))**, at Deadline 4.

The cost estimate for a Ninfield grid connection presented in Section 3.3 in **Chapter 3: Alternatives, Volume 2** of the ES **[APP-044]** considers the cost difference between offshore and onshore cable construction, and includes other cost aspects related to the grid connection at Ninfield.

**Ref**      **Deadline 3 submission**

**Applicant's response**

<b>Ninfield</b>	East Sussex, approximately 51.4km east of Bolney	Requires crossing of SDNP. Prohibitive additional costs of a significantly longer marine cable Other issues include shipping, steep cliffs and ecological constraints including the Pevensey Levels SSSI.  Discounted prior to constraints mapping described in <b>Section 3.4</b> .
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There is a small section of the Pevensey Levels SSSI that would need to be crossed (700m) but on closer inspection the area west of Cooden where landfall could be made is actually a golf course.

We would ask the Examining Authority to investigate this option thoroughly and to fully understand the potential cost uplift in going down this route. The Applicant has claimed this to be £302m extra. This seems very high given that the entire Morray – Caithness cable route, which included 50km onshore cable and 110km offshore cable with considerable substation infrastructure costs, was completed recently for £970m.

We believe a thorough investigation into the costs of this 'Ninfield' option should be provided to weigh up against the enormous impact on the SDNPA and also on the sterilisation of vital minerals within West Sussex (this point is picked up in detail later in this response under 2.28.85 and 2.28.88).

2.28.2      1.2. Wiston Estate Winery and the Chalk Farm Restaurant sit to the south of the estate and are managed directly by the estate. There are 12ha of vineyards and the estate produces award winning wines, winning the Wine GB "Winery of the Year" twice. Wiston Estate directly employ 80 number of people and support over 20 number of businesses operated by others.

The proposed Rampion 2 cable route or associated works do not affect any of the existing Wiston Estate vineyards and we envisage will not directly affect current vineyard operations. Plan at **Appendix K** shows the Wiston Estate existing and proposed vineyards.

Ref	Deadline 3 submission	Applicant's response
2.28.3	<p>1.3. The proposed Rampion Scheme bisects the property from east to west and runs for more than 5km representing over 15% of the onshore cable route. The impact both on the overall estate and estate tenants and their associated business will be severe and will restrict the economic development of the estate in perpetuity.</p>	<p>The Applicant understands the Wiston Estate owns land affected by approximately 4km of proposed cable route which accounts for circa 10% of the total onshore cable route length. The Wiston Estate land registry ownership (impacted by the proposals) extends to the area coloured shaded on the Plan at <b>Appendix K</b>, with the proposed onshore cable construction corridor shaded in yellow. The land subject to the proposal is arable and pasture land and forms a proportion of the total Estate land holding (circa.1.80%). The 4km of proposed cable route affects three main farming occupiers (two larger tenancies and one smaller tenancy). There are a number of residential tenants whose rights of access are affected by construction access and cable installation proposals on these farms and elsewhere on the route.</p> <p>Details of the onshore cable route as it passes through the Land Interest's land holding are shown on Sheets 22, 23, 24 and 25 of the</p>



Ref	Deadline 3 submission	Applicant's response
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**Onshore Works Plans [PEPD-005].**

Arable and pasture land is affected by the proposed cable works (Works No.9 – Cable Installation works (including construction and operational access)), for which a package of Cable Rights and a Cable Restrictive Covenant are sought.

There are proposed construction access areas (Works No.13 – Temporary construction access) that affects roadside verges and one strip of agricultural land, for which Construction Access Rights are sought. In addition, an area of pasture land is affected by the proposed Works No.12 (Temporary duct stringing area)

A proposed construction and operational access (Works No.14) affects two existing tracks, for which Construction and Operational Access Rights are sought. There are several proposed areas to be affected by operational access (Works No.15), including field boundaries with existing gateways, for which permanent operational

Ref	Deadline 3 submission	Applicant's response
2.28.4	<p>1.4. This is a Summary of the full Written Representations submitted on behalf of Wiston Estate.</p>	<p>access possession powers are sought.</p> <p>In addition, pasture land is affected by Works No.10 (Temporary construction compound), for which temporary possession powers are sought.</p> <p>Rights are defined in Schedule 7 of the <b>draft Development Consent Order (DCO) [PEPD-009]</b>.</p>
2.28.5	<p>2.1. The route is damaging to the estate, their farm tenants, the South Downs National Park, the visual landscape, and the wider environment. We have extracted the relevant parcels of land and provided additional commentary on both the construction and long-term impacts within the Written Representation.</p>	<p>The Applicant notes the issues raised in this relevant representation. Route alternatives and matters raised within this Relevant Representation have been responded to by the Applicant in <b>Table 6-4 'Route / Alternatives'</b>. Environmental impact matters provided within this Relevant Representation, including Landscape and visual impact, have been responded to by the Applicant in <b>Table 6-2 'Environment and disturbance'</b>.</p> <p>As detailed above we do not believe the Applicant has given enough evidence of why the route to Ninfield substation, scoped by Rampion 1, has not been chosen to mitigate the effects on the SDNPA and visual landscape.</p>

Please find the response regarding the question on Ninfield under the Examining Authority's Questions 11 and 12 in **(8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70))**, at Deadline 4.

The Applicant has also provided a response to the Examining Authority's Written Question reference AL 1.2 in **Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]** (submitted at Deadline 3), please see Table 2-1, reference AL 1.2.

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

Ref	Deadline 3 submission	Applicant's response		
2.28.6	<p>3.1. The level of response by Rampion to the Wiston estate's attempts to engage has been disappointing and below the standard to be expected for a project of this scale. There has been change of personnel both within the Rampion project team and their agents Cater Jonas.</p>	<p>The landscape and visual effects are assessed in <b>Chapter 18: Landscape and visual impact</b>, Volume 2 of the ES [APP-059] and the following are also relevant, providing an assessment of viewpoints along the onshore cable corridor, effects on landscape and the South Downs National Park and effects on views and visual amenity experienced by people within the area.</p> <p><b>Appendix 18.2: Viewpoint Analysis, Volume 4 of the ES [APP-168];</b></p> <p><b>Appendix 18.3: Landscape Assessment, Volume 4 of the ES [APP-169];</b></p> <p>and</p> <p><b>Appendix 18.4: Visual Assessment, Volume 4 of the ES [APP-170].</b></p> <p>Consultation and Engagement The Applicant has consulted (both statutorily and informally) with the Land Interest (Wiston Estate), over the period 2020 to 2024.</p> <p>A site meeting was initially held in September 2021, where the Land Interest expressed a number of concerns about macro and micro re-routing of</p>	<p>The amendment to the construction route and the removal of the proposed operational access were changes which assisted the Applicant more than the Estate.</p> <p>It is also noted that these were the only changes made to the proposed route. No other amendments to the proposed route were made following the suggestions made by Wiston Estate. The minor Route variations requested include:-</p> <p>Moving the cable further north to "hug" the A283 to the south, this would avoid sand reserves and lessen the impact on farming operations.</p> <p>Moving the cable to sit in a strip of land between Rock Common and the A283.</p>	<p>not be economically viable. <b>Chapter 3: Alternatives, Volume 2</b> 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><b>Movement of Construction Access</b></p> <p>The Applicant recalls that the construction access was moved at the request of the Land Interest (at a site meeting in September 2021) as it was preferred to the original proposal which caused a greater level of severance and amenity impact.</p> <p>The Applicant disagrees with the claim that the modifications implemented on the Affected Parties' land were driven by the Applicant. The Applicant does however agree that these modifications are mutually beneficial. They were initiated and considered specifically because of constraints flagged by the Affected Parties. They would have unlikely been made as changes to design without the valued feedback provided.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>the cable. These views were reiterated within various consultation responses.</p> <p>An alternative route, to the south of Washington village, was proposed by the Land Interest (in conjunction with other neighbouring landowners), which was given detailed consideration by the Applicant. The rationale and decision-making process for not progressing with the route to consultation was communicated verbally by the Applicant at a meeting in April 2022 and later by way of a presentation to the neighbouring landowner Washington Parish Council at a Parish Council meeting on 7th November 2022. In addition, in September 2021, the Land Interest proposed an alternative construction access route and removal of a proposed operational access. Subsequently both requests were factored into the design, and presented to the Land Interest at a site meeting in April 2022. These were included in the targeted statutory consultation and subsequently adopted as design changes.</p>	<p>Further detail about these proposed minor route alternatives are included under 2.28.14 To confirm, Richard Goring and advisor [REDACTED] has been in place since consultation began. [REDACTED] Knight Frank has been providing advice since 2023.</p>
	<p><b>Minor Route Alternatives</b></p> <p>The minor routes were assessed as potential route alternatives, however, as per the Applicant's responses in <b>2.28.13, 2.28.14</b> and <b>2.28.15</b> these options were not taken forward to consultation.</p>	

Ref	Deadline 3 submission	Applicant's response
2.28.7	<p>3.2. Summary and brief Heads of Terms for an option and easement agreement were not provided</p>	<p>Further site meetings were held in January 2023 and May 2023, with the Applicant working in conjunction with the Land Interest and the farm tenants to understand the main concerns.</p> <p>Whilst there has been a change of personnel dealing with the negotiations with the Land Interest, that is not unusual for a project that has a lengthy lead-in period up to an application. The Applicant's Land Transaction Manager (Vicky Portwain) has however now been engaged on this project since September 2022. The same Carter Jonas agent (Lucy Tebbutt) has been appointed by RWE as the agent for the duration of the project.</p> <p>There has been a change of personnel within the Wiston Estate, including their advising agents (prior to the appointment of Knight Frank) and their internal property lead.</p> <p><b>Voluntary Agreement – Engagement and Negotiation</b> Heads of Terms were issued to the Land</p>
		<p>Heads of Terms were received in March 2023 from the Applicant. These were inappropriate and not suitable for Wiston Estate. Some examples of these include:-</p> <p><b>Heads of Terms Negotiations</b> As previously detailed within this response (2.28.7), the Applicant has been actively engaging with the Wiston Estate to negotiate and agree Heads of Terms.</p>

Ref	Deadline 3 submission		Applicant's response	
	<p>until Spring 2023, however, there has been no meaningful discussion about these terms and their suitability for the Wiston Estate until more recently. A group of agents representing a large proportion of affected landowners attempted to engage as a group and received very perfunctory responses. There was a refusal from Rampion and their agents to meet with the agent group to discuss the key terms.</p>	<p>Interest in March 2023. The agent has confirmed that the Land Interest would like to work collaboratively with the Applicant to agree terms.</p> <p>The Applicant has been in correspondence with the Land Interest, which included meeting with various tenants on site in May 2023. The Applicant has held on-line and in person meetings to discuss the Heads of Terms in detail on 23 January 2024 and 12 February 2024 respectively, with the latest meeting held on 19 March 2024 to negotiate and agree points within the Heads of Terms.</p> <p>The Applicant seeks to negotiate rights for an easement to lay a cable within the proposed Order Limits. The easement will be finalised taking no greater area than required.</p> <p>The Applicant welcomes the Land Interest's willingness to discuss matters further and confirms that circulated by Carter Jonas via email, to the same group of agents for further comment.</p>	<p>Included references to the Wiston Estate's entire Land Registry Title and granting rights over a significantly wider area than the land area impacted by the DCO.</p> <p>The HOT did not limit the rights to the DCO Boundary.</p> <p>The HOT had inadequate provision for Agent and Solicitor fees, which would leave Wiston Estate unacceptably exposed to professional fees.</p> <p>The initial HOT were missing key information, such as details of construction and operational accesses.</p> <p>The initial HOT did not include all of the key legal information, such as proposed Heads of Terms for the Wet Pools Compound.</p> <p>The HOT permitted the Applicant to plant trees anywhere within the Grantor's Title and prohibited the growing of "plants" within the easement.</p> <p>General comments on the Heads of Terms were provided by the group of agents, which is a group of agents who collectively represents 40 landowners who will be affected by the proposed Rampion 2 project and more particularly own circa 34.11km of the proposed cable route from Climping to Bolney.</p> <p>The response received in May 2023 from Carter Jonas was brief, dismissive and did not invite further engagement or a meeting to progress discussions.</p> <p>The repeated comment from Carter Jonas was "this is Rampion 2, not Rampion 1" to the concerns raised by the Agents Group.</p> <p>Whilst it is appreciated that this is a separate project, it is noted that the majority of the agents in the group were also involved in Rampion 1.</p> <p>Rampion 1 was a very similar project, bringing an onshore cable from Lancing to Bolney, through the SDNP. The project should represent a comparable on which Rampion 2 could have based their HOT.</p> <p>It is noted that the terms offered by Rampion 2 differ from the terms offered by Rampion 1 and are significantly less favourable for landowners.</p> <p>It is also noted that we believe the majority of landowners had signed HOT with Rampion 1 prior to the Compulsory Purchase process. Which is reflective of the engagement process experienced in Rampion 1 and the poor engagement and consultation carried out by the Applicant.</p>	<p>Very limited rights are requested in the voluntary agreements outside of the DCO Order Limits and where they have been requested, it is on the express basis that they would be subject to further agreement between the parties. These include rights for limited ecological mitigation if required, and rights to install land drainage, if required by a drainage design, to be agreed with the landowner.</p> <p>Additional wording has been added to the Heads of Terms to clarify that all construction rights are limited to the DCO boundary.</p> <p>Agent and Solicitor fees were included in the Heads of Terms including a standardised cap. Further discussions are ongoing with the landowner on agreeing a suitable revised cap given any complexities in their specific agreements. All Wiston Estate professional fees, upon review of timesheets, which have been presented to the Applicant have been paid up to date.</p> <p>Draft Heads of Terms for the construction compound were provided to the landowner in Jan 2024. Discussions are ongoing on the commercial terms and all material information requests.</p> <p>Further clarification has been provided to the landowner on "plants" not including crops but restricts any plant that has a root depth of greater than 0.9m to prevent any root damage to the cable.</p> <p><b>Meeting with the CLA</b></p> <p>A meeting with the CLA took place in July 2023. The principles of the Heads of Terms were discussed and it was confirmed that ongoing discussion with landowners would be on an individual landowner basis rather than discuss detailed landowner requirements in a group forum as that would clearly be inappropriate. The Applicant's response to the CLA can be found in Table 2.6 within <a href="#">Deadline 2 Submission 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028]</a>.</p> <p><b>Alternative Dispute Resolution</b></p> <p>Where necessary and appropriate, Alternative Dispute Resolution would be utilised. There has been no request for</p>

Ref	Deadline 3 submission	Applicant's response	
	<ul style="list-style-type: none"> <li>• No further responses were received from the agents specifically relating to the points addressed in the spreadsheet.</li> <li>• In June 2023, Carter Jonas emailed the same group of agents to confirm that in light, the absence of any further comment on the previous issues raised about the Key Terms, the Applicant would proceed to issue these and undertake dialogue with individual agents in relation to specific land owner queries.</li> <li>• Subsequently, Carter Jonas began discussions with various agents in relation to landowner specific details within the Key Terms.</li> <li>• In October 2023, the legal documentation relating to the Key Terms was sent to agents where requested and feedback sought.</li> <li>• Active engagement is ongoing and the Applicant welcomes the opportunity to further discuss the Key Terms as they specifically relate to individual land interests.</li> </ul>	<p>In our view if meaningful engagement had been made with the group of agents, then the HOT would have been progressed much quicker and this would be reflected in the Land Rights Tracker.</p> <p>We won't repeat the CLA's representation made in Table 2-6 of document REP2-027, but it is noted that Carter Jonas and the Applicant rejected the offer for the CLA to facilitate a meeting with the agents' group to progress discussions on the Heads of Terms.</p> <p>We also note that in the Applicant's response to the CLA's written submission they state:-</p> <p><i>"Where it has been necessary and appropriate and would enable meaningful negotiations and discussions with interested parties and their agents to move forward alternative options have been put forward, including the offer to conduct Alternative Dispute Resolution in order to seek to resolve any outstanding concerns that may relate to agreeing the amount of compensation payable, the proposed works and acquisition, as well as mitigation measures and accommodation works which may be adopted or undertaken. Alternative Dispute Resolution will continue to be offered going forward as appropriate."</i></p> <p>This is incorrect no offer of Alternative Dispute Resolution has been made or discussed.</p> <p>We strongly refute the suggestion that Wiston Estate did not engage on the Heads of Terms until the 14th of December 2023.</p> <p>Throughout April and May 2023 Wiston Estate facilitated meetings with their affected Tenants and Carter Jonas.</p> <p>Information and detail within the Heads of Terms was severely lacking and discussions with Carter Jonas about Wiston specific issues was continuing between January 2023 to date. The HOT contained completely inappropriate rights, such as rights over the entirety of the Grantors Title. The Applicant did not confirm rights would be limited to the DCO boundary until November 2023.</p> <p>In April 2023 a Teams meeting between Wiston Estate's agent and Carter Jonas was held. A follow up email was sent to Carter Jonas on the 21st of April summarising the actions and outstanding information required.</p> <p>It was also stated that it is unreasonable for Parties to be expected to sign HOT in 6 weeks to receive an incentive payment when there is so much information outstanding.</p>	<p>ADR to date by the Wiston Estate, nor has the Applicant identified any particular issue between the parties that would be suitable for ADR at this stage. The Estate's continued pressing for route options, which cannot be adopted by the Applicant, is not a matter that can be resolved via ADR. Nor has a point arisen in the Heads of Terms negotiations which reasonably requires ADR, However, the Applicant will keep this under review and will utilise where there would be benefit to all parties to unlock a particular disputed point.</p> <p><b>Queries received from the Wiston Estate on the Heads of Terms</b></p> <p>The Applicant received a number of queries from the Wiston Estate in October 2023 and November 2023, to which answers were provided in part in October 2023, November 2023, December 2023 and January 2024. Once the Estate had time to review the Option and Easement documentation (sent on 18 October 2023), a detailed set of queries was received from the Estate on 14 December 2023. The Applicant subsequently reviewed these and a date for a meeting to discuss (when both parties were available) was set for 18 January 2024. The Applicant has had further meetings with the Land Interest to discuss and negotiate the Heads of Terms of a voluntary agreement in February, March, April and May 2024. As of 28 May 2024 many items in the Heads of Terms were discussed and agreed with some points now remaining.</p> <p><b>Negotiation of Heads of Terms</b></p> <p>As previously outlined, progress has been made with the Heads of Terms negotiations since the DCO submission and the Applicant welcomes further opportunities to progress the negotiations. A 5 hour meeting took place between the Applicant and Wiston Estate on 28 May (further to similar meetings in January, February and March 2024) which are leading towards a number of agreed terms. The Applicant therefore strongly disputes that there "is no realistic prospect of achieving a voluntary agreement" as was cited at the CA1 hearing.</p> <p>The Applicant has reviewed the Land Interest's queries in detail and subsequently amended the Heads of Terms where either additional assurance was required for a specific point or the Applicant agreed to an amendment to a</p>

Ref	Deadline 3 submission	Applicant's response	
	<ul style="list-style-type: none"> <li>Specifically with regard to the Wiston Estate, the Applicant received detailed comments on the Heads of Terms on 14 December 2023 via a spreadsheet. The Applicant responded to these via comments within a spreadsheet following meetings in January 2024, February 2024 and March 2024.</li> <li>Discussions are ongoing and the Applicant is awaiting further information from the Wiston Estate to progress negotiations.</li> </ul>	<p>In addition, the draft easement and option agreement were requested so these could be reviewed, considering the limited details contained within the HOT.</p> <p>Some information was received throughout the summer of 2023 such as the HDD sites, but key information such as plans showing operational and construction accesses, and compound information remained outstanding.</p> <p>An email was sent to Cater Jonas on in August 2023 outlining the key concerns with the HOT and summarising the information outstanding. Further emails were sent in September 2023 requesting meetings to go through the HOT and outstanding queries.</p> <p>On the 2<sup>nd</sup> of October 2023 a detailed letter was sent to Carter Jonas summarising the outstanding information and providing further responses on the HOT.</p> <p>On the 9<sup>th</sup> of October 2023 a Teams meeting between Carter Jonas and Knight Frank to go through outstanding queries and the HOT was held.</p> <p>Updated actions from the meeting and the draft easement and option agreement were provided by Carter Jonas on the 19th October 2023.</p> <p>Queries were raised on these documents and HOT throughout October and November 2023 by email, with limited progress.</p> <p>As an effort by Wiston Estate to progress matters, a great deal of time was spent pulling together the Heads of Terms and queries raised into a working draft, in the form of a spreadsheet. This was only done due to lack of meaningful progress with the Applicant.</p> <p>To be clear this was the not first response made by Wiston Estate on the Rampion proposals on the HOT as the Applicant's response has implied.</p> <p>In light of the above it is the Estate's view that the Applicant has not made a sufficient effort to acquire the land and rights by negotiation during the pre-application stage. Rather, it has waited until after the DCO application was submitted to make a meaningful effort in this regard. Contrary to paragraph 25 of the guidance on compulsory acquisition, authority to acquire the land and rights compulsorily is not being sought as part of the DCO because attempts to acquire by agreement have failed.</p>	<p>specific point to progress negotiations and agree a suitable draft Heads of Terms. These discussions are ongoing with the status of the main topics being:</p> <ul style="list-style-type: none"> <li>Clarification has been added on the rights being requested during the Option and Easement and has generally been accepted by the Land Interest as it is in accordance with the DCO rights requested.</li> <li>Tree/vegetation planting on the easement width has been clarified and accepted.</li> <li>Engagement with their tenant farmers has been accepted and progressed directly.</li> </ul> <p>The main outstanding points from the from the meeting on 28 May 2024 is around the indexation of the commercial terms and a commercial counterproposal on bespoke items.</p> <p>The Heads of Terms also need a legal review and the Applicant's solicitors have engaged with the Land interest's solicitors to provide an undertaking for that review.</p> <p><b>Outstanding Points</b></p> <p><b>Sand Reserves –</b> There are ongoing commercial discussion in this respect and the Applicant is awaiting a report from the Wiston Estate on their position on sand reserves. .</p> <p><b>Wet Pools Compound –</b> A response on the compound lease was provided by the Land Interest's agent on 8 May 2024 and updated drafting was provided to the Land Interest on the 20 May 2024 and discussed and further outstanding matters closed at the meeting on the 28 May 2024.</p> <p><b>Legal Names on the Land Registry Title –</b> The Applicant is awaiting confirmation from the land interest's advisor regarding the legal name that the three main Title Deeds are held under, as it is understood these have been transferred in ownership.</p> <p><b>Vineyards –</b> The Applicant understands that none of the land which is affected by the proposed cable route is currently planted as a vineyard. The Estate has indicated that it intends to develop further land as a vineyard which is affected by the proposed cable route. Whilst the Applicant received a site suitability analysis of the Estate land from the Knight Frank viticulture team on 3 May 2024, the Applicant has not seen anything to confirm the plans are</p>



Ref	Deadline 3 submission	Applicant's response
2.28.8	<p>3.3. The draft easement and option documents were not provided until late October 2023. There was insufficient time for Wiston Estate to review these and take professional advice, prior to the DCO process (the DCO application was submitted in August 2023).</p>	<p>As outlined in Point 3.2, progress has been made with the Heads of Terms negotiations since the DCO submission and the Applicant welcomes further opportunities to progress the negotiations.</p> <p>See comments above 2.28.7</p>
2.28.9	<p>3.4. Due to lack of proper engagement and consultation the rights being sought by Rampion are too wide. We are aware that Rampion 1 proposed an easement width of 15m, subject to maximum of 30 m2 for physical obstacles. No acceptable justification has been provided by Rampion to substantiate why they require such wide and far-reaching rights over and above what was agreed in Rampion 1.</p>	<p>The final permanent easement width for Rampion 2 is proposed to be 20 metres. This is driven by an engineering requirement to bury the cables spaced 5 metres on centres between each HVAC export circuit, there being a maximum of four export circuits. Please refer to Section 4.5 of <b>Chapter 4: The Proposed Development [APP-045]</b>. Rampion 1 operates two export circuits.</p> <p>The final permanent easement width differs to the construction and maintenance strip width,</p> <p>We note the Applicant proposes an easement of 20m. We would be pleased to receive amended plans which show this reduced 20m easement.</p> <p>It is not clear why the Applicant has requested permanent rights over such a wide area within the DCO boundary.</p> <p>These boundaries should be reduced to reflect the 20m easement which has been requested by the Applicant.</p> <p>Throughout negotiations, we have also queried the proposal in the draft legal documents to retain permanent access and construction rights over a 40m width. Any permanent rights should be restricted to the easement width of 20m.</p> <p>The Heads of Terms were deliberately misleading as they implied the 40m construction and maintenance strip would be temporary. On receipt of the draft legal documents, the Applicant was seeking a permanent 40m right to access land for construction and maintenance purposes.</p>

progressed, such as timescales regarding the planting of vines.

**Biodiversity Net Gain (BNG)** – The Applicant has had positive discussions with the Estate regarding BNG credits and looks forward to progressing these discussions when applicable.

The Applicant has explained the need for flexibility within the Order Limits, within which the 40m working corridor will be sited, and the permanent 20m easement will then be located within that corridor. The Applicant has provided a detailed explanation in relation to the process for refining those land requirements and how this will be communicated to landowners in response to CAH1 Action 1 (see [8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 \(Document Reference 8.70\)](#)). The 20m easement is expected be the standard width of easement but there will be locations where a greater width is required, such as at trenchless crossings. It is not therefore possible to include a restriction that the easement corridor shall be no more than 20m. The Applicant's response to CAH1 Action 6 (see [8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 \(Document Reference 8.70\)](#)) further explains why permanent rights cannot be limited to the linear corridor.

The Heads of Terms were not deliberately misleading. They contained the correct construction strip width of 40m. The draft legal documents however made reference to some ongoing maintenance rights over the 40m corridor. This reference has now been removed in all legal draft

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		<p>which extends to 40 metres (with exceptions detailed within the Option documentation). The requirements of the construction and maintenance strip has been explained and discussed in detail in meetings with the Land Interest in January, February and March 2024.</p>		<p>documents for all landowners so that it entirely aligns with the Heads of Terms. This is an example of where discussions between the Parties have led to appropriate refinement of the voluntary agreements. The Applicant is certain that other amendments to the voluntary agreements will be discussed and implemented through the course of negotiations.</p>
2.28.10	<p>3.5. Notwithstanding the above, we acknowledge that several meetings have been held with Rampion and their agents in the past month, where some more meaningful progress has been made. It is disappointing that this has taken so long and as a result Wiston Estate has incurred unnecessary professional costs in engaging in the DCO process.</p>	<p>The Applicant welcomes that acknowledgment. As outlined in point 3.2, the Applicant has held three meetings with the Land Interest in January, February and March 2024 to discuss the Heads of Terms in detail, and discussions are ongoing. The Grantee will reimburse reasonable and proper Agents costs in the negotiation of Heads of Terms.</p>	<p>In our view, progress is now only being made as the Applicant is under pressure to secure signed Heads of Terms before the DCO Hearings.</p>	<p>The Applicant disagrees with this statement. As previously detailed, the Applicant and the Wiston Estate have had various detailed and productive discussions to negotiate the Heads of Terms and reach an agreement. As detailed in Point 2.28.7, a number of points have been agreed in principle (including at the meeting on 28 May 2024). There remains a number of outstanding points relating principally to the commercial offer.</p>
2.28.11	<p>4.1.1. The Washington Parish Council submitted a major alternative route proposal in their paper dated 11th February 2021 – the 'Blue Route'. This is identified below in blue.</p>	<p>The Applicant's Response to Relevant Representations [REP1-017] provided the following summary response to explain why the 'Blue Route' was not taken forward:</p> <p>"Consideration of Major Route Amendments The Applicant has considered potential</p>	<p>Please can we make a correction to our Written Representations. This Alternative Route was submitted by Wiston Parish Council (Councillor John Goring), not Washington Parish Council.</p> <p>From a visual perspective this "Southern/Blue" Route hugs the northern edge of the scarp face of the Downs and is therefore has less of a visual impact to the proposed route. This route also avoids Washington as we have previously stated.</p> <p>We note the Applicants comment about the pinch point of the gas pipe. The cable has to cross gas pipes at points elsewhere on the route and this should not be an obstacle that cannot be overcome.</p>	<p><b>Process for investigating the Blue Route</b></p> <p>The alternative route, to the south of Washington village including an alternative construction compound, was submitted by Wiston Parish Council (Councillor John Goring). The Alternative – known as the 'Blue Route' was submitted as a clearly defined cable route, described and plotted on a plan.</p> <p>The Applicant investigated the route in the same way as other requests. The Applicant added the route to the project's Geographical Information System which had</p>

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major route alternatives for the cable that avoid the underground crossing of the Washington Recreation Ground, including the referenced 'southerly alternative' requested by the Parish Councils.

The option was not presented or commented on in the Alternatives Chapter as it was deemed less suitable on technical engineering and environmental grounds, specifically in relation to the pinchpoint of the proposed route crossing a gas pipeline in the vicinity of the ancient woodland. Constrained access from the A24, and the need for existing tracks forming the South Downs Way to be widened, with impacts on hedgerows was a further key factor. The Applicant attended and presented feedback on this decision at the Washington Parish Council meeting on the 7 November 2022".

As we have previously stated this route also has the benefit of reducing the sterilisation of minerals identified in the WSCC MSA, potentially by more than 70%. We have asked an independent specialist the quantum of sterilisation which could have been saved by using this alternative route, which we believe might be over 3million cubic meters.

We are surprised that the Applicant did not investigate this Alternative route sufficiently and we understand they have not carried out any environmental surveys on this land. This Southern/Blue Route was not included in the Applicants 2022 Preliminary Environmental Information Report (PIER).

The Applicant has also not dealt with this "Southern/Blue" route in the Alternatives Chapter as might be expected.

Indeed, the Applicant seems to state in APP-075(Environmental Statement – Volume 2 Chapter 3 Alternatives Figures) that this "Southern/Blue" route was the **prior** route and was discounted, which is why the Applicant went with the current proposed route.

Confusingly the two plans in document APP-075 has Washington A & B the other way around to the Map.



Please also see further comments under 2.28.71 and 2.28.72

relevant constraints data available at the time based on desk based research and reviewed this in detail, adding in best available construction and operational access options to make it as practical for the delivery of the project as possible. Following this a full BRAG assessment was conducted by the Applicant's interdisciplinary team. Ground truthing site visits using public rights of way sense checked visible constraints for the route – such as topography.

The overarching rationale and decision-making process for not progressing with the Blue route' to consultation was communicated verbally by the Applicant at a site meeting with the Affected Party in April 2022 and later by way of a presentation to the neighbouring landowner Washington Parish Council at a Parish Council meeting on 7th November 2022.

Further detail of the assessment (since provided in the written representation responses) was not communicated, as the outcome was clear cut rejection of the Blue route being much higher risk to the project on environmental and technical engineering grounds. As noted previously these are also the reasons for not presenting it in the Alternatives Chapter.

A separate, BRAG assessment was also conducted for the requested construction compound associated with the 'Blue Route' to test if this may have worked as a standalone change (or in association with the Blue route). The BRAG assessment for this compound concluded that the Alternative Construction compound was not suitable for the project.

The principal reasons for this were

- Engineering: that when considering that the site is flanked by ancient woodland – the application of the buffer leaves insufficient space for accommodating a construction compound.
- Environmental: The only option for construction traffic access to this site is via Public Rights of Way.

**Landscape and Visual Impacts**

The Applicant acknowledges that there are pros and cons to the alternatives looking at environmental impacts.

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		<p>For example, considering the 'Blue Route' there would be no change to the number of the Landscape Character Areas affected in comparison to the DCO, although the geographical extent and number of associated landscape elements affected by the cable route would increase for the 'Blue Route'.</p> <p>The 'Blue Route' would prolong the route of the cable corridor along the chalk escarpment within the South Downs National Park and along the South Downs Way National Trail. Similar to the Preliminary Environmental Information Report (RED, 2021) PEIR option, there would be some Significant effects on the Special Qualities of the SDNP during the construction phase, although in this case they would be also occur in greater association with Chanctonbury Hill and Chanctonbury Ring and the setting of the National Park in this area.</p> <p>It is likely that there would be additional views to consider from the south eastern edge of settlement of Washington where the route would be visible skirting the base of Combe Holt and Chactonbury Hill (a distinctive wooded feature forming the skyline in views from the north).</p> <p>Overall, the DCO route compares favourably over the Blue route.</p> <p><b>Minerals Sterilisation</b></p> <p>Please refer to the full answer on how Minerals Sterilization impacts for the Alternatives compared at the point of the assessment as set out in the <a href="#">8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</a>.</p> <p><b>Errata noted regarding Washington A &amp; B in the Alternatives Chapter</b></p> <p>The Affected Party is incorrect in alleging that the Blue Route has not been assessed. As set out above the Applicant reviewed the specifically requested Blue Route option in its own right to consider the nuances of the Alternative rather than rejecting it on the basis of shared aspects with the 'Washington B' alternative.</p> <p>The Applicant acknowledges that the discourse on Washington options A and B is confusing in the Environmental Statement and will pick this up as errata.</p>

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Options labelled as Washington A and B are shown in Figure 3.5 **Chapter 3: Alternatives – Figures, Volume 3 of the ES [APP-075]**. The Applicant has noted an errata to how this has been presented in this figure and will switch the Washington A and B option names presented. The description of Washington A in Table 3-6 of the **Chapter 3 Alternatives, Volume 2 of the ES [APP-044]** will also be updated. The applicant will provide an update to correct these at Deadline 6. However, the reasons that Washington A was discounted remain valid and are set out in the Chapter.

They include the combination of following reasons:

- The existing landfill site to the east of Windmill Quarry is an authorised landfill with an active environmental permit from the Environment Agency (EA), currently showing as in the closure phase. Putting the cable route through the landfill would change the conceptualisation of the closure phase and require the environmental permit to be amended. The Applicant would not be able to do this as it is not the operator of the landfill which presented a risk to consent;
- The landfill accepted household, commercial and industrial waste and presents a significant contamination risk. Given the nature of the waste and the need for the cable route to go through the containment of the landfill, it would raise objection from the EA (later confirmed during consultation). There would be additional technical design requirements and related cost impacts on this route. The route presented in the DCO Application avoids this interaction, passing south of the landfill;
- Technical engagement with the Expert Topic Group (see paragraph 22.3.8 of **Chapter 22 Terrestrial Ecology and Nature Conservation, Volume 2 of the ES [APP-063]**) on 28th October 2020 included discussion of the cable route options including discussion particularly regarding ancient woodland on Washington A versus the Local Wildlife Site (LWS) at Sullington Hill on Washington B. This discussion suggested that the correct implementation of the mitigation hierarchy, where a choice between a route interacting with ancient woodland or a LWS had to be made, then the

Ref	Deadline 3 submission	Applicant's response
2.28.12	<p>4.1.2. At a meeting on the 1st September 2021 Rampion suggested that this proposed route would pass through an area of Ancient Woodland on the north scarp of the downs south-east of Washington Village. Had they inspected the woodland they would have known that it is predominantly a single species woodland suffering from acute ash-die back disease. It is therefore due for an imminent clear fell under Forestry Commission guidelines. In addition only a small part of this area of woodland is designated an Ancient Woodland. We are aware that Rampion are Directional Drilling underneath woods, such as Calcott</p> <p>To expand on the above and answer this more detailed comment: Ancient woodland is noted as an irreplaceable habitat in planning policy Overarching National Planning Policy EN-1 (2011) paragraph 5.3.14 and Overarching National Planning Policy EN-1 (2023) paragraph 5.4.54. This policy considers both ancient semi-natural woodland and plantation woodland on ancient woodland sites to be irreplaceable. This is because of the ancient woodland soils that are present (including seed bank, fungi etc.). Therefore, the Applicant has to treat this woodland as irreplaceable habitat regardless of the current condition of the trees present. The Blue route interacts with two areas of Ancient Woodland. It's a core principle for the project to follow the</p>	<p>Whilst we are aware that there is a small section of Ancient Woodland within this "Blue" Route, its length is less than 15m. There would also be the option of using HDD to go under this area of woodland, as they are doing in Calcott Wood. It is important to balance this short distance of Ancient Woodland against the positive impact this alternative route would have, as detailed above.</p> <p>irreplaceable habitat of ancient woodland should take primacy for avoidance.</p> <p>The proposed 'Blue route' initially broadly follows the Washington A route and started from Sullington Hill and ran east, passing under the A24 and beneath the ancient woodland to the east, south of Washington Village.</p> <p>In contrast to the Washington A Alternative, the Blue Route does not cut through the existing landfill site to the east of Windmill Quarry. The Blue Route encounters different constraints where it diverges from the Washington A route.</p> <p>The Applicant provided a detailed response on this in <a href="#">Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> however, it provides further explanation below as there appears to be some misunderstanding of this point.</p> <p>Ancient woodland is noted as an irreplaceable habitat in planning policy. To provide some further clarity on the woodlands and their treatment: The Blue Route interacts with two areas of ancient woodland: i) a trenchless crossing at "Planted Field" was included in the appraisal of the Blue Route and ii) the requested cable route comes into the vicinity of Sawyers Copse and a neighbouring unnamed ancient woodland. Due to the gas pipeline's placement, if open cut trenching is pursued – the commitment to maintain the 25m buffer to the ancient woodland cannot be implemented. There is insufficient space. Therefore there would be unacceptable impacts on ancient woodland. Trenchless crossing here was not considered in the appraisal due to the spatial constraints in that specific area of the corridor.</p> <p>The segment of the cable corridor route that the Blue Route would have replaced does not interact with any Ancient Woodland. In terms of the principle of following the mitigation hierarchy and avoiding Ancient Woodland where possible – the selected route is therefore preferable.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>Wood (which is also a Ancient Wood in part) as detailed above. Could this not have been considered for the proposed "Blue Route".</p> <p>mitigation hierarchy and avoid Ancient Woodland where possible, followed by the application of mitigation measures (such as trenchless crossing) where avoidance is not possible. The length of the cable corridor route that the Blue Route would have replaced does not interact with any Ancient Woodland.</p> <p>The consideration of this option also included a review of how the works could be accessed. The route was more constrained from a transport perspective, with difficulty accessing the route, particularly at the A24 dual carriageway during construction compared to the available accesses from the A283 on the PEIR route option. There would also be an increase in interaction and likely effects on the South Downs Way (SDW). The route would be required to run parallel to the SDW for approximately 2km from Sullington Hill down to the A24, affecting amenity of users on this section. Additionally, the SDW runs along sections of existing track to the east and west of the A24 that would have been</p>	

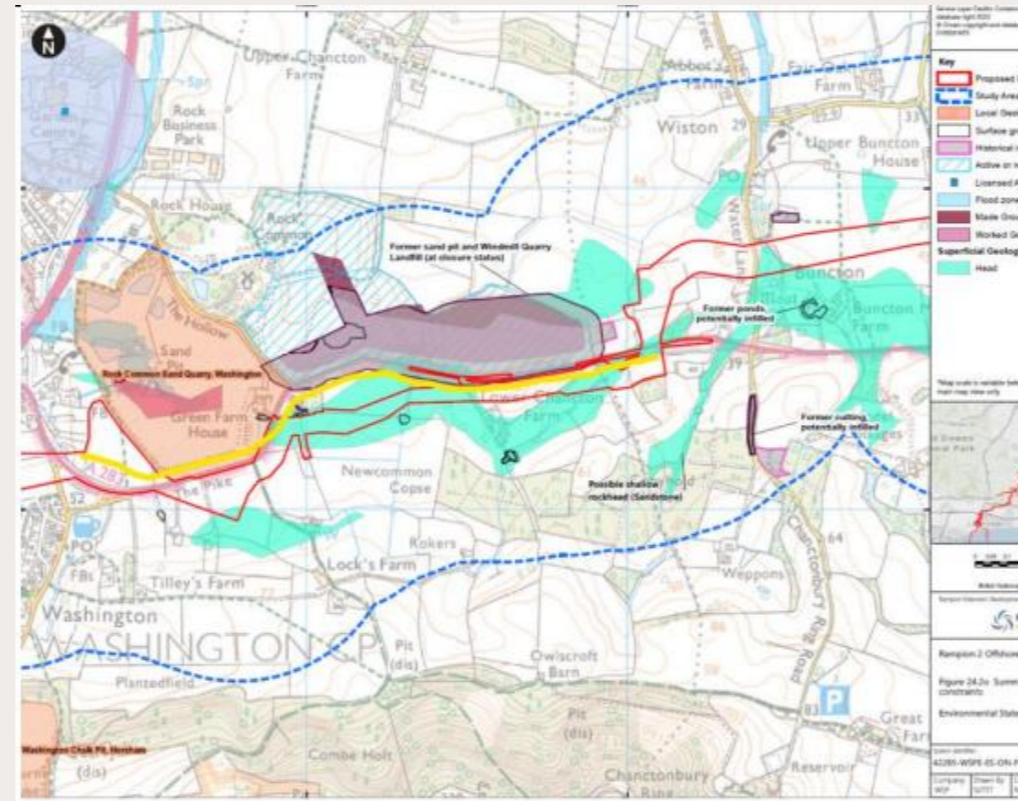
Ref	Deadline 3 submission	Applicant's response		
2.28.13	<p>4.2.1 Minor route variations have also been proposed, which have not been properly considered by Rampion. There is a strip of land between the Rock Common sand pit 54metres wide that sits to the north of the Pike (A283). This represents a better location for the cable than the route to the south of the Pike which crosses the entrance to a highly biosecurity sensitive rare breed sheep farm to the south, referred to above.</p>	<p>required for use for construction traffic and a further crossing</p> <p><b>Strip of land to the north of the Pike (A283)</b> The minor route variation proposed on a strip of land to the North of A283 adjacent to Rock Common was considered but not taken to consultation because of technical engineering issue and health and safety concerns associated with existing utilities running through the narrow available area to North of A283. This was presented verbally to the Land Interest at site meeting in April 2022. The proposal also included moving the cable route which sat south of the A283 closer to the road to reduce severance. A version of this was consulted upon (as Modified Roue 08) and subsequently adopted into the order limits.</p>	<p>Although the Applicant has stated that this route variation was not possible due to existing utilities, it has not given details of what these were or how they could be overcome.</p>	<p>To expand on the <a href="#">Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> – the area north of the A283 contains overhead poles and underground water pipes which conflict with the requested alternative. The potential area is narrow and constrained by the adjacent licenced extraction area and vegetation.</p>
2.28.14	<p>4.2.2 Generally, a route which follows the southern edge of the road boundary (from Rock Common sandpit eastwards) will see less injurious affection of the farms to the south. It minimises the loss of</p>	<p><b>Minor Route Variation Assessment</b> The minor route variation which followed the southern edge of the A283 was considered but not taken to consultation because through engagement, the Environment Agency</p>	<p>Please see enclosed plan under 2.28.11 which is taken from. (Figure 24.2 Summary of Ground Conditions Constraints – APP-065)</p> <p>We have mapped Wiston Estate's proposed alternatives onto this plan in yellow.</p>	<p>This proposed Alternative marked in yellow strings together minor route variations that have already been responded to at previous points of engagement and at previous deadlines.</p> <p>The reasons for not crossing the strip of land to the North of the Pike are set out above in response to 2.28.13. The main reasons for not following the southern edge of the A283 in full is found in the 'Applicant's response' column of this table (extract from <a href="#">Applicant's Response to Affected</a></p>



**Ref Deadline 3 submission**

long-term excavatable sand reserves and future vineyards sites, which are detailed below.

expressed concern over the proximity of the authorised landfill at Windmill Quarry which is situated along the northern edge of the A283. The Environment Agency noted that with the proposed route of the cable corridor being on the far side of the A283 and at least 50m from the boundary of the landfill there would not be any pollution control or permitting concerns. Sand Reserves The Applicant accepts that there is a potential for unexploited mineral reserves to become inaccessible for future extraction as a result of the cable route. However, the area of sand reserves to the south of the A283 referenced above would most likely be unviable for extraction in isolation as a result of the requirement to cross the A283 to the south whilst undertaking mining activities. Therefore, the effect of decision in relation to this minor route amendment potentially has a neutral effect on the viability of future prospects. The Applicant will work with the Land Interest to ensure that the impact on the viability of exploiting remaining sand reserves can be



The Applicant’s statement below is incorrect when considered against this plan: -

*‘The Environment Agency expressed concern over the proximity of the authorised landfill at Windmill Quarry which is situated along the northern*

**Applicant’s response**

**Parties' Written Representations [REP2-028]).** The Applicant can note in addition that the divergence from the edge of the A283 also avoids the crossing of a block of woodland. Veteran tree T-932 is located in the southern edge of this woodland (see **Appendix 22.16 Arboricultural Impact Assessment, Volume 4** of the ES [APP-194].

**Sand Reserves**

The Applicant’s consideration of land to the south of the A283 in relation to viability of extraction relates to the size of the land parcel available within the MSA. The MSA is the area of land that needs to be considered against Policy M9(b) of the West Sussex Joint Minerals Local Plan, and as described further in section 2.28.85,. The land parcel in questions lies south of the A283, between Lower Chancton Farm to the east and the woodland block opposite to the entrance to The Hollow to the west. Once a buffer zone around the A283 and the eastern and western boundaries are considered, this provides a plot of land which is considered to be too small to form a viable extraction unit. There is no publicly available information to suggest minerals resources exist outside of the MSA in this location, which provide a larger area to work for minerals. The consideration of potential viability is therefore taken on the basis of the size of this area within the MSA. Further details on this consideration are provided within the **Applicant's Responses to Action Points Arising from ISH2 and CAH1 [Document Reference 8.70]** action point 9.

Ref	Deadline 3 submission	Applicant's response
2.28.15	4.2.3 This route was proposed at a meeting with Rampion on the 1st	The Applicant considered how the issues of concern for the Affected Party could be
	<p>minimised and look forward to further discussions. Vineyards From the information we have been provided by the Estate, we understand there are no immediate plans to convert surface land affected by this proposed minor route amendment to vines. Further information is provided in our response to Ref 6.1.</p>	<p><i>edge of the A283. The Environment Agency noted that with the proposed route of the cable corridor being on the far side of the A283 and at least 50m from the boundary of the landfill there would not be any pollution control or permitting concerns'.</i></p> <p>By following the Southern Edge of the A283 boundary along the whole of this section, this would not put the Development any closer to the former land fill site than already shown further east on the Applicant's proposed route. The Applicant's proposed section which does abut the A283 is less than 50m from the boundary of the landfill.</p> <p>Wiston Estate's proposed alternative would significantly minimise the land take and disruption to Locks Farm.</p> <p><b>Sand Reserves</b></p> <p>We note the Applicant's agreement of the Sand Potential which will be impacted by the proposals – see further detail under 2.28.85. This proposal suggested by the Estate would have minimised the impact on the sand deposits.</p> <p>We note the Applicants comment that this area of extraction is most likely to be unviable. We refute this.</p> <p>The potential for sand extraction must be viewed in light of the 99 year easement. Wiston Estate are experienced in quarrying and working with quarry operators. The minerals on the Rock Common site have been worked for over 80 years. They own all of the surrounding land around this area and therefore they have the ability to access neighbouring land to facilitate extraction. It would not be extracted in isolation as stated by the Applicant.</p> <p>The Applicant also states there would be a requirement to cross the A283 whilst undertaking mining operations. The A283 is part of the Lorry Network and directly adjoining a major trunk road – the A24. As stated above Wiston Estate owns the land either side of the A283 abutting the A24 and therefore can facilitate access to this A road should it be required.</p> <p>We provide further details on WSCC JMLP under 2.28.89</p> <p>This is an example of one of the Estate's minor route variations which was requested but the Applicant has not considered sufficiently.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>of September 2021. Following that meeting Rampion stated they would investigate the feasibility of this route and acknowledged the benefits as it avoided the severance of various accesses and driveways. No detailed response was received from Rampion following this meeting and suggestion</p>	<p>avoided or minimised, in lieu of being able to take forward the requested alternatives. Please see the specific response to this under point 15.8 in this set of Written Representations.</p> <p><b>Maintenance of Access</b></p> <p>Plans for private means of access during construction are described in Paragraph 5.7.10 of the <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>. The following general principles will apply to the managed or private means of access during the cable route construction:</p> <ul style="list-style-type: none"> <li>• • Any access restrictions or effect on individual properties will be kept to a minimum and the Applicant will work with local stakeholders to develop individual solutions to keep disruptions as low as is reasonably possible;</li> <li>• • All crossings of private means of access will be developed to allow emergency access at all times;</li> <li>• • Contractors will be required to accommodate reasonable requests for access during the working</li> </ul>

Ref	Deadline 3 submission	Applicant's response		
2.28.16	<p>5.1. Information has been requested and not been provided in its entirety, or insufficient information has been provided by Rampion and their agents. For example, plans showing the operational and construction accesses were requested in the Summer of 2023 so the impact of the project could be fully understood. This detailed information was only provided more recently. Without this information it is difficult to understand</p>	<p>• • A nominated point of contact on behalf of the Applicant will be communicated to all residents and businesses at least three months before the start of construction.</p> <p>A final Code of Construction Practice will be required to be submitted and approved on a staged basis, in accordance with the <b>Outline CoCP [PEPD-033]</b>, pursuant to requirement 22 of the <b>Draft Development Consent Order [PEPD-009]</b>.</p> <p>The Applicant has consulted (both statutorily and informally) with the Land Interest (Wiston Estate), over the period 2020 to 2024. The plans sent to the Land Interest as part of the statutory consultations detail temporary construction access areas and operational access areas within the Works Plan documents produced for the 2021 and 2022 consultations. The final Works plans were shared in the Summer of 2023. The Applicant has provided the following plans:</p> <ul style="list-style-type: none"> <li>- Relevant sheets of the <b>Onshore Works Plans</b></li> </ul>	<p>Although plans have been provided, these have been provided piecemeal and after chasing. If the information was provided in one pack upfront when the HOT were originally issued in March 2023, this would have reduced significantly the time spent reviewing and following up on missing documents.</p> <p>A clear example of this is that the Key Heads of Terms were provided in March 2023, but the Heads of Terms for the compound was not provided until March 2024.</p>	<p>Further information is being provided to the Estate in response to questions raised by them at the meeting on 28 May 2024. The project also continues to receive additional information from the Wiston Estate.</p> <p>Discussions are ongoing and the Applicant is awaiting further information from the Wiston Estate to progress negotiations. The Applicant understands Wiston Estate would like to submit to us a quantitative assessment on the financial impact of the sterilisation of the sand reserves.</p> <p>Further clarification and information is being provided to the Land Interest in response to their requests, including during the meeting on the 28 May 2024.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>the long-term impact of the proposals.</p>	<p><b>[PEPD-005]</b> (via email on 18 October 2023 and on 02 February 2024);</p> <ul style="list-style-type: none"> <li>- Details of the proposed indicative HDD locations (via email on 04 May 2023), and with greater detail (via email on 02 February 2024).</li> <li>- The legal documentation to accompany the Head of Terms (via email on 18 October 2023).</li> <li>- Wiston Estate landownership plan and Tenant maps (via email on 15 March 2023).</li> <li>- The PEIR Works Plans from the 2021 Consultation (via email on 15 March 2023).</li> <li>- Indicative plan of the construction corridor within the Order Limits and details of accesses across the route (via email on 02 February 2024).</li> </ul> <p>The Applicant is continuing to engage with the Land Interest. Several meetings have been held (including on 23 January 2024, 12 February 2024 and 19 March 2024) and we continue to discuss the draft documentation for the voluntary agreement. Please see summary in 3.2 above.</p> <p>In our recent meeting (02 February 2024) we</p>

Ref	Deadline 3 submission	Applicant's response
2.28.17	<p>6.1. Wiston Estate has a successful vineyard and winery business. This is an important and expanding part of the estate and significant investments have been made over the recent years, including the opening of Chalk Restaurant. Fields suitable for s will be dissected by the cable. Plans of the affected fields were provided to Rampion at an early stage and has not been fully considered by the project.</p>	<p>have been able to clarify a number of the Estate's queries, including construction corridor, proposed easement area, and the rights to re-instate trees.</p> <p>The Applicant understands that none of the land (at the Wiston Estate) which is affected by the proposed cable route is currently planted as a vineyard.</p> <p>The Applicant has received a plan identifying fields that the Wiston Estate have allocated for future vineyard locations from the Estate's representatives. The Applicant has overlaid this information on a plan also showing the Proposed Development, The Wiston Estate landownership and the existing vineyards and this is attached at <b>Appendix K</b>. Two of these fields are impacted by the proposed cable route, one of which is currently used for grazing and one of which is currently in arable use.</p> <p>Further to meetings held on 23 January 2024 and 12 February 2024, the Applicant is awaiting details of their proposals, layout and</p>

Ref	Deadline 3 submission	Applicant's response
	<p>programme regarding the future development of the vineyard business and any commercial proposals from third parties to lease the land.</p> <p>Therefore, consideration can be given to the potential conflict with the Proposed Development and how impacts (were the expansion to progress) might be managed. It is noted by the Applicant that the fields proposed for vineyards are a substantial size and spacing is required between the rows of vines.</p> <p>The permanent easement is 20m width and therefore if there is any sterilisation this will only be a proportion of the land which the Applicant considers could be factored into the design and for example utilised for accesses.</p>	
2.28.18	<p>7.1. Wiston Estate owns Rock Common, a working quarry, which adjoins the route. Neighbouring Wiston land impacted by the proposals has the geological benefit of sitting upon significant reserves of building sand.</p>	<p>Please refer to summary in 4.2.2 and 20.5, 20.6, 20.7, 20.8 and 20.9</p> <p>Please see further comment under 2.28.29</p>

Ref	Deadline 3 submission	Applicant's response
2.28.19	<p>Therefore, the proposed underground cable, which requires a 20-metre width corridor together with the potential severance, will sterilise in-situ sand in perpetuity.</p> <p>8.1. The position of the route takes a significant amount of land out of agricultural use during construction. It also severs fields making large areas unusable. Some of the affected land is farmed by farm tenants, and the proposals will severely impact their livelihoods. We detailed some of the practical issues in the Written Representation</p>	<p><b>Impacts and Mitigation on Agricultural Uses</b></p> <p>The Applicant is keen to have ongoing discussions with the Land Interest and their tenants to understand how best to mitigate any temporary severance of land during the construction period, which can include temporary accommodation works (e.g. fences, gates and crossing points). In this location the temporary cable installation area crosses through the centre of some fields/pasture land. The Applicant will continue to engage to further understand the Land Interest's specific requirements to accommodate the tenants farming and business operations and minimise disturbance wherever possible. This could include crossing points to be agreed with the Land Interest across the cable installation area (Works No.9) to ensure parts of the field</p> <p>The Estate or their tenants have not had detailed discussions about mitigation and accommodation works with the Applicant. We note the Applicant intends to have these conversations and we look forward to discussing these points further.</p>
		<p>The Applicant has met with various tenants on site prior to the submission of the DCO Application, including but not limited to on 01 September 2021, 15 September 2021, 29 April 2022, 9 May 2022, 10 May 2023 and 19 May 2023.</p> <p>The Applicant has an understanding of the farming businesses affected by the temporary works from both conversations with the Land Interest and the tenants. The Applicant is expecting to have more detailed discussions in due course to incorporate mitigation and accommodation works within the Heads of Terms.</p> <p>The Applicant has requested copies of the tenancy agreements in place to inform its strategy for securing the appropriate consents and rights as and where required. Copies of the tenancy agreements have still not been supplied to the Applicant, however, a process to contact the tenants has been agreed with the Land Interest in May 2024.</p> <p>The Applicant emailed all three of the Estate tenants in May 2024 to confirm the position in respect of tenant's fees regarding the Tenant Consent document. This email also attached the form of Tenant Consent Document and offered a meeting to discuss impact on their farming operations and possible mitigation measures.</p>



Ref	Deadline 3 submission	Applicant's response
2.28.20	<p>8.2. The separation of the buildings from the main area of the holdings will have a detrimental effect on the ability to run the agricultural enterprises.</p>	<p>will remain available for use. Detailed cable routeing will be refined further to pre-construction surveys.</p> <p><b>Compensation</b> Affected Land Interests will be compensated in accordance with the provisions of the Compensation Code. Claims for disturbance and crop loss will be considered where reasonable, substantiated and shown to be caused as a direct consequence of the temporary use of the land and the works in accordance with the relevant legislation.</p> <p>Once the cable has been constructed and the land reinstated, the land can be returned to normal use.</p> <p><b>Accommodation Works</b></p> <p>The Applicant will seek to engage further with the Land Interest and their tenants regarding detailed construction access design and accommodation works in accordance with <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>.</p> <p><b>Fencing</b> - The Applicant confirms that the</p>

Ref	Deadline 3 submission	Applicant's response
	<p>construction area within the Order Limits will be fenced off for the duration of construction.</p> <p><b>Crossing/ Access Points -</b> Accommodation works (to include access points over the construction area) to seek to mitigate the impact will be discussed with the Land Interest in due course.</p> <p>The Applicant will discuss in more detail Accommodation Works with the Land Interest to ensure access is facilitated to any severed land. Where severed land cannot be farmed the Applicant would be willing to negotiate an appropriate compensation claim for disturbance.</p> <p><b>Maintaining Access to Farms</b> Mindful of residents' concerns, the Applicant updated the <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b> at the pre-examination deadline. Additional detail has been provided at Section 5.7.10 to explain how construction and access will be managed. In summary:</p>	

Ref	Deadline 3 submission	Applicant's response
2.28.21	<p>9.1. Further information on the proposed Wet Pools Compound has been requested (shown on the plan as Work No.10). It is understood that this is a major compound. The estate has serious concerns over access, Highway safety and the impact on the local road network as the current access is poor.</p>	<p>Access restrictions will be kept to a minimum, with a diversion provided if possible; Contractors will work with local stakeholders and accommodate reasonable requests for access; The trench will be covered outside of working hours, and access will be restored in emergencies; and Closures will be communicated to local residents in advance.</p> <p>The Applicant is willing to discuss appropriate and reasonable mitigation measures across the property during construction.</p> <p>As part of the DCO process, a thorough assessment of the likely impact of traffic upon the local road network and highway assets during the construction phase of works has been completed. Traffic volumes in relation to compounds have been presented in assessments undertaken the <b>Chapter 23: Transport of the ES [APP-064]</b> and <b>Chapter 32: ES Addendum [REP1-006]</b>. These assessments concluded that the Proposed Development will not generate any significant effects in relation to</p>
		<p>We note the Applicant's proposal to produce a detailed design for this access and complete a Road Safety Audit, which will be agreed with WSCC. As the outcome of this will affect Wiston Estate land, as the field boundary and hedge line may need to be removed, we maintain this work should have been completed prior to the DCO and this information provided to the Landowner and their agreement sought.</p>
		<p>Access A-39 is identified as a construction and operational access within the <b>Outline Construction Traffic Management Plan [REP3-029]</b> (updated a Deadline 4). The Applicant disagrees that the design of this junction should have been agreed prior to submission of the DCO as such matters would usually be completed post consent as part of the detailed design process.</p> <p>The applicant is currently completing a preliminary design for the access junction for a Stage 1 Design Manual for Roads and Bridges (DMRB) Road Safety Audit. The Applicant intends to provide this to the LHA before the end of the Examination. This is aligned to the request made by West Sussex County Council in their Local Impact Report.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>transport network within Washington.</p> <p>Furthermore, given that the Wet Pools site will act as a temporary construction compound the Applicant is in the process of producing a highway access design for Access A-39, which will be compliant with requirements of the Design Manual for Roads and Bridges. This design will be discussed with West Sussex County Council and subject to an independent Road Safety Audit with an aim of reaching agreement on an acceptable layout prior to the end of the examination.</p>	
2.28.22	<p>9.2. The estate has previously put forward alternative sites for a compound, which have not been considered properly.</p>	<p>Four alternative construction compound locations in this area were considered and consulted on, leading to the selection of the Washington construction compound. Within the September 2021 consultation response, the Wiston Estate put forward an alternative construction compound location. This site was located to the south of Washington, to the east of the A24 and Washington Bostal. The alternative was rejected principally on the basis that it conflicts with a</p>

Ref	Deadline 3 submission	Applicant's response
		<p>key design principle - this construction compound area would be within the South Downs National Park. Furthermore, site access would have been using an access off the A-24 that forms part of the South Downs Way National Trail. The road is very narrow in width and would have required significant upgrades. The site itself is smaller than the area accommodating the Washington construction compound. It is further reduced by the 25m buffer applied to the Ancient Woodland that borders the northern and eastern edges of the site. Given these reasons it is not considered to be a reasonable alternative.</p>
2.28.23	<p>10.1. It is understood that Manhole covers will be erected at 1km intervals on the route and access to these will be retained in perpetuity. We understand from Rampion that location of these will not be provided until the construction period, and they will be limited to where they can go due to the cable being in set lengths. If they are</p>	<p>Locations of the joint bays will not be known until the final design of the onshore cable route has been completed and will depend on several factors including cable specifications and other construction requirements. We are required to install a surface mounted link box man hole cover at certain joint bay locations in order to monitor the cable during operation and if one is</p>

Ref	Deadline 3 submission	Applicant's response
2.28.24	<p>located inappropriately, such in the middle of the field, this will have significant implications both operationally, such as arable farming, and for future uses, such as vineyards.</p> <p>11.1. Throughout the consultation and survey period, there has been a failure to cover the affected parties' professional costs. Much wasted professional time has been spent following up their chaotic approach to matters. This is unequitable when Wiston Estate have only incurred these costs due to the proposed project.</p>	<p>required then an additional payment is included in the voluntary agreement.</p> <p>When locations of the joint bays are incorporated into the design, the Applicant will engage with the land interest accordingly.</p> <p>The Applicant first received a fee timesheet from the agent acting for the Wiston Estate on 30 January 2024. The Applicant has reviewed these timesheets and can confirm that reasonable and properly incurred professional agent's fees will be reimbursed in the negotiation of Heads of Terms. The Applicant has not received any further timesheets from this agent or any other agent acting for the Wiston Estate.</p> <p>To clarify timesheets were not sent previously as the Applicant did not confirm they will meet Wiston Estates professional fees before the key terms were signed, until January 24</p> <p>The Applicant has paid all fees upon review of timesheets sent to date and will continue to review timesheets as negotiations continue.</p>
2.28.25	<p>12.1. Without prejudice to the objections above the parties are seeking to agree a position relating to several points above as well as an option and easement agreement and a compensation agreement.</p>	<p>The Applicant welcomes the Land Interest's willingness to discuss matters further and confirms that it will engage further with the Land Interest regarding negotiating the Heads of Terms.</p>
2.28.16	<p>13.1. Wiston Estate reserves the position</p>	

Ref	Deadline 3 submission	Applicant's response
2.28.27	<p>to submit further information, issues, and objections as part of the DCO process.</p> <p>1.1. Wiston Estate extends to over 2,420ha centred on Wiston House and Park, which has been owned by the Goring family since 1743. The estate comprises, 1,765ha of farmland, 495ha woodland, 100ha parkland, 70ha of quarries and 24ha of ponds and wetland. There are 106 in-hand and let residential properties, 11 in-hand and let farms, and 22 commercial units.</p>	Please see summary in 1.1
2.28.28	<p>1.2. Wiston Estate Winery and the Chalk Farm Restaurant sit to the south of the estate and are managed directly by the estate. There are 12ha of vineyards and the estate produces award winning wines, winning the Wine GB "Winery of the Year" twice. Wiston Estate directly employ 80 number of people and support over 20 number of businesses operated by others.</p>	Please see summary in 1.2

Ref	Deadline 3 submission	Applicant's response
2.28.29	<p>1.3. The proposed Rampion Scheme bisects the property from east to west and runs for more than 5km representing over 15% of the onshore cable route. The impact both on the overall estate and estate tenants and their associated business will be severe and will restrict the economic development of the estate in perpetuity.</p>	<p>Please see summary in 1.3</p>
2.28.31	<p>2.1. The route is damaging to the estate, their farm tenants, the South Downs National Park, the visual landscape, and the wider environment. We have extracted the relevant parcels of land and provided additional commentary on both the construction and long-term impacts below.</p>	<p>Please see summary in 2.1</p>
2.28.32	<p>2.2. Wet Pools Compound – Land Parcel Reference – 22/15, 22/14</p>	
2.28.33	<p>2.2.1. This parcel of Grade 2 land extends to 10.03 acres and is let on an Agricultural Holdings Act Tenancy for agricultural use.</p>	<p>The Applicant has met with the Land Interest and discussed with them the impact on their tenants in this particular location. The Applicant accepts that there will</p>



Ref	Deadline 3 submission		Applicant's response	
2.28.34	<p>Rampion have requested permanent rights for the land shaded blue (22/14) and temporary rights for the land shaded green (22/15). This land will be used for a major compound for the works to underground the Rampion cable under Washington and will be used for the duration of the project. This will reduce the land available to the tenants' farming business and impact on their operations.</p>	<p>be a temporary reduction in grazing area throughout the construction period and this will affect the farming operations of this particular tenant.</p> <p>The Applicant welcome further opportunities to discuss how grazing can be compensated for, either utilising alternative land offsite, or by other means (e.g. supplementary forage). The Applicant will work with the Land Interest to create a mitigation plan when construction timescales are known.</p>	<p>The Applicant acknowledges the Land Interest's comment. The Applicant understands however that there is no specific allocation within the Local Planning authorities local plan for development over this parcel of land.</p>	<p>Clarification of the rights required for the easement was provided to the landowner in meetings and associated minutes in February 2024.</p> <p>The Applicant confirmed the Easement rights will be limited to a 20m corridor, or greater if required for a trenchless crossing, and this is detailed within their Heads of Terms, including an indicative plan.</p>
2.28.35	<p>2.2.3. The width of the permanent rights being sought within 22/14 is approximately 122m from the highway boundary and is over half of the field. This</p>	<p>The area comprising 22/14 is located to the east of a major proposed directional drill location. As a result of the trenchless construction techniques applied to cross the A24</p>	<p>We note the Applicant's proposal to reduce the width of the permanent easement and look forward to receiving their proposals. It would be helpful if the Applicant could confirm the date by which the updated proposals will be provided.</p> <p>In addition, the Applicant has not taken into account the presence of sand within this area. Wiston Estate has historical records from Tarmac which state there are 400,000 Tonnes of sand under the Wet Pools Compound</p>	<p>Clarification of the rights required for the easement was provided to the landowner in meetings and associated minutes in February 2024.</p> <p>The Applicant confirmed the Easement rights will be limited to a 20m corridor, or greater if required for a trenchless crossing, and this is detailed within their Heads of Terms, including an indicative plan.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>will permanently restrict what can be carried out in the field. The permanent rights being requested both here and elsewhere on the route should be restricted to the 20m width of the cable where possible. The request for compulsory powers over a width of 122m is excessive.</p>	<p>and A283 roads, a wider than normal spacing between the cables is required at this location.</p> <p>The permanent easement is proposed to cover the area of ground occupied by the cable. Across the route this will generally be 20m, with a greater width where required (for example if the cables have to avoid obstacles). Footnote no.4 of Table 4-19 in Chapter 4: The Proposed Development [APP045] notes that a typical corridor easement is likely to be 20m, but this may vary according to local conditions. A maximum value of 25m (excluding HDD crossing locations) has been assessed as a reasonable worst case scenario. As noted in paragraph 4.5.8 of the Chapter 4: The Proposed Development [APP-045] the standard temporary construction corridor will be up to 40m wide and consist of the trenches, excavated material and a temporary construction haul road. The temporary construction corridor may require widening beyond the standard width to allow enough space for access / equipment at site. See further information under 2.28.5. and 2.28.11 with routes which would have mitigated this sterilisation.</p>

Ref	Deadline 3 submission	Applicant's response
2.28.36	2.3. Locks & Tilley's Farm – Land Parcel Reference – 22/23, 22/25,22/26, 22/29, 22/30, 22,34, 22,35, 23/1	<p>trenchless crossings and to avoid obstacles.</p> <p>Following installation of the cable, the field can be returned to normal agricultural use. However, the Applicant acknowledges there will be restrictions over any future development of this area and will look to reduce the width of the permanent easement to align with the as built cable route as much as possible.</p>
2.28.37	2.3.1. Locks and Tilley's Farm extends to approximately 180 acres. It is let on an Agricultural Holdings Act Tenancy and is used as a specialist sheep farm, breeding high value New Zealand Romney Sheep. The fields are used intensively due to the specialist nature of this farming operation.	The Applicant has met with the tenant of Locks Farm and understands the ewes (New Zealand Romney sheet) farmed there have 'high health status', including being maedi visna and scrapie accredited. The fields are primarily used for rotational grazing
2.28.38	2.3.2. During the construction period the usable acreage of the farm will be reduced by approximately 50%.	<p><b>Areas of the Farm Impacted by Temporary Construction</b></p> <p>The Applicant understands a total of</p>

Ref	Deadline 3 submission	Applicant's response
	<p>This will cause significant disruption and losses to the farming business, impacting on that business viability during the construction period. The Rampion Cable route will dissect the main farm drive, causing significant disturbance to the users of that access.</p> <p>approximately 9.6 acres are affected by the proposed Wet pools construction compound (Plot 22/14 - Works No.9 and Plot 22/15 – Works No.10). As the location of the proposed construction compound, this area will be temporarily out of agricultural use for approximately 3 years. This field is situated north of The Pike, being separated from the rest of the farm and is more challenging to access, as the livestock must be shepherded across the road.</p> <p>To the south of the Pike, there are areas included within the Order for cable installation Works (Works No.9), including Plots 22/23, 22/25, 22/30 and 23/1. These extend to approximately 12.58 acres. In addition, there is an area of Locks Farm that has been included within the Order Limits for temporary duct stringing (Works No.12 – Plots 22/26 and 22/29) which extend to 2.3 acres. This area is located to the south of The Pike.</p> <p>Consequently, the Applicant understands the total area of Locks Farm impacted by the proposed construction</p>	

Ref	Deadline 3 submission	Applicant's response
	<p>works extends to approximately 24.5 acres. The Applicant welcomes the opportunity to discuss these details further and consider mitigation measures such as crossing points to minimise the impact on the tenant farmers.</p> <p><b>Continuation of Agricultural use and Mitigation</b> The Applicant considered how the issues of concern for the Affected Party could be avoided or minimised, in lieu of being able to take forward the requested alternative of moving the red line boundary to the North of the Pike. (Please refer to the answer to point 4.2.1 in this Written Representation regarding reasons for rejecting that alternative).</p> <p>There have been reductions in the extent of the Order Limits area south of the A283 compared to those proposed in the PEIR. The adjusted Order Limits boundary stays as North as possible to avoid a small woodland area. Part of the section to the South of the road was removed from PEIR, but a smaller</p>	

Ref	Deadline 3 submission	Applicant's response
	<p>additional section is added to PEIR next to the road and further away from the residential properties. This change, presented at Targeted Consultation and subsequently implemented also served to reduce severance of agricultural fields.</p> <p><b>Maintenance of Access</b></p> <p>In this location, the proposed methodology for installing the cable from the construction compound location (Plot 22/14) underneath the road (The Pike) to Plot 22/25 is by Horizontal Directional Drill (HDD). From here the cable will then be installed to the east using open-trench methodology, meaning that the driveway to Greencommon House (Plot 22/27) will be temporarily affected by the construction activities. Plans for private means of access during construction are described in Paragraph 5.7.10 of the <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>. Site specific mitigations that are feasible here are that where the cable corridor cuts across the main farm drive, access</p>	

Ref	Deadline 3 submission	Applicant's response
	<p>is to be maintained via a temporary reroute of these accesses.</p> <p>A final Code of Construction Practice will be required to be submitted and approved on a staged basis, in accordance with the <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>, pursuant to requirement 22 of the <b>Draft Development Consent Order [PEPD-009]</b>. In all cases consultation will take place with the Land Interest and stakeholders and where practicable and reasonable, as alluded to above, accommodation works will be provided so as to mitigate the impact of the construction works on the farming operations.</p> <p>The Applicant will seek to engage fully with the Land Interest and stakeholders regarding detailed construction access, design and accommodation works in accordance with <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b> so as to mitigate the impact that the project may have on the operation and consequential viability of the</p>	

Ref	Deadline 3 submission	Applicant's response		
2.28.39	<p>2.4. Lower Chancton Farm &amp; land adjacent to Shirley House – Land Parcel Reference – 23/2, 23/3, 23/4, 23/7, 23/11, 23/12, 23/15</p>	<p>agricultural holdings and businesses.</p> <p>Where Land Interests and stakeholders are adversely affected by the works compensation will be payable in accordance with the provisions of the Compensation Code. Claims for disturbance and crop loss will be considered where reasonable, substantiated and shown to be caused as a direct consequence of the temporary use of the land and the works in accordance with the relevant legislation.</p>	<p>We understand this access was removed as the Applicant could not provide any justification to why it was requested.</p>	<p>As part of the process of optioneering, the operational access was originally included to facilitate access to the cable route. The access was removed in response to consultation feedback on the need to reduce the impacts on the working farms. This could be accommodated given there were other operational accesses within the locality.</p>
2.28.40	<p>2.4.1. This part of the route passes through Lower Chancton Farm, which is a working livestock and arable farm let on an Agricultural Holdings Act Tenancy and land adjacent to Shirley House which is a residential property let on an AST tenancy agreement.</p>	<p>The Applicant received feedback following the PEIR proposals regarding the need to reduce impacts on the working farm. Consequently, a proposed access running to the South of Lower Chancton farm was removed further to the first Statutory Consultation (July 2021 and reopened 2022).</p>	<p>We understand this access was removed as the Applicant could not provide any justification to why it was requested.</p>	<p>As part of the process of optioneering, the operational access was originally included to facilitate access to the cable route. The access was removed in response to consultation feedback on the need to reduce the impacts on the working farms. This could be accommodated given there were other operational accesses within the locality.</p>



Ref	Deadline 3 submission	Applicant's response
2.28.41	<p>2.4.2. The cable route will dissect the access track to Lower Chancton Farm. This is a busy access servicing a residential property, a working farm, and a business unit. We understand the proposal is to dig an open trench. This will cause significant disruption to these tenants and businesses.</p>	<p>The Applicant will seek to engage further with the Land Interest and their tenants regarding detailed construction access design and accommodation works in accordance with <b>Outline Code of Construction Practice (CoCP) [PEPD-033].</b></p> <p><b>Fencing</b> - The Applicant confirms that the construction area within the Order Limits will be fenced off for the duration of construction.</p> <p><b>Crossing/ Access Points</b> - Accommodation works (to include access points over the construction area) to seek to mitigate the impact will be discussed with the Land Interest in due course.</p> <p>Alternative crossing points which are suitable for agricultural machinery and livestock so as to minimise impact on the business, farming operation and residential property will be considered.</p> <p>The Applicant will discuss in more detail Accommodation Works with the Land Interest to ensure access is facilitated to any severed land. Where severed land cannot be farmed the Applicant</p>

Ref	Deadline 3 submission	Applicant's response
2.28.42	2.4.3. There are two residential properties here which are affected by the Rampion project, Lower Chancton Farmhouse and Shirley Farmhouse.	<p>would be willing to negotiate an appropriate compensation claim for disturbance.</p> <p><b>Maintaining Access to Farms</b> Mindful of residents' concerns, the Applicant updated the <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b> at the pre-examination deadline. Additional detail has been provided at Section 5.7.10 to explain how construction and access will be managed. In summary: Access restrictions will be kept to a minimum, with a diversion provided if possible; Contractors will work with local stakeholders and accommodate reasonable requests for access; The trench will be covered outside of working hours, and access will be restored in emergencies; and Closures will be communicated to local residents in advance.</p> <p>HDD noise was assessed at Shirley House in <b>Chapter 21: Noise and vibration, Volume 2</b> of the Environmental Statement <b>[PEPD-019]</b>.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>We understand that there will be a Directional Drill (HDD) compound adjacent to Shirley House. This will cause noise &amp; dust disturbance to this property during construction. We request that accommodation works are agreed to minimise any impact to these residential properties.</p>	<p>The assessment determined that unmitigated noise from the HDD was below the daytime threshold of significance for construction noise and 7 dB higher than the night time threshold of significance. As such, mitigation by way of acoustic screening has been proposed at this HDD site and significant noise is expected to be avoided. Further mitigation will be applied through noise and vibration management plans that will be produced ahead of the works starting in this location and are secured as a requirement (Requirement 22 5h) through the <b>draft Development Consent Order [PEPD-009]</b> Emissions of dust from construction are assessed in <b>Chapter 19: Air Quality Volume 2</b> of the Environmental Statement <b>[APP-060]</b> on the assumption of worst-case emissions from a 40m wide corridor. This may be expanded where temporary compounds are required within the order limits. In proximity to Lower Chancton Farmhouse and Shirley Farmhouse, the requirement for good</p>

Ref	Deadline 3 submission	Applicant's response
2.28.43	2.5. Buncton Manor Farm – Land Parcel Reference – 23/16, 23/17, 23/20, 23/21, 24/1, 24/4, 24/5, 24/6, 24/7, 24/8,	<p>practice mitigation is acknowledged and will include measures proportionate to the risk of impacts which will be described in the dust management plan produced ahead of the works. The plan will incorporate measures specific to this location and will be approved by the Local Authority as described in <b>Table 19-36 of Chapter 19: Air Quality Volume 2</b> of the Environmental Statement <b>[APP-060]</b>. This will be secured as a requirement of the <b>CoCP [PEPD-033]</b> (Requirement 22 5i) through the <b>draft Development Consent Order [PEPD-009]</b>.</p>
2.28.44	2.5.1. Once the route has crossed the A283, it passes up a track very close to the east of Sussex Wood Yard, who are a tenant of Wiston Estate. This is a busy timber yard which processes timber and is open to the public for direct sales. There are heavy vehicle	<p>Construction access design will be undertaken to highway standards and in consultation with the local highways authority. The existing use of the access into the wood yard will be taken into consideration and an appropriate solution be implemented. The Applicant refers to the principles set out by the</p>

Ref	Deadline 3 submission	Applicant's response
2.28.45	<p>movements in and out of this access.</p> <p>2.5.2. The route will cause disruption to this business, and we request that the access to the wood yard is not disturbed or impacted. The track to the east of the wood yard is very narrow, we understand this track is proposed to be used for construction traffic. Directly abutting the track is a timber framed building which is used by the wood yard business as an office and a shop. This building will need to be protected to ensure that no damage is done due to the proximity of heavy machinery passing.</p>	<p><b>Outline Construction Traffic Management Plan [REP1-010]</b> Section 4.4 for further relevant information regarding construction accesses. The Applicant has consulted the Timber yard occupier and notes that no concerns have been raised by the Timber yard occupiers. However, the Applicant welcomes any opportunity to discuss further.</p> <p>The Applicant has consulted the Timber yard occupier on the Proposed Development and notes that there has been no representation submitted to Rampion 2 raising any concerns on business impacts. The Land Interest notes the existing office is located within the yard where wood processing takes place using machinery and large equipment and vehicles.</p>

Ref	Deadline 3 submission	Applicant's response
2.28.46	<p>2.5.3. The route then passes through Buncton Manor Farm, this is farmed in hand by the Wiston Estate and is used for arable cropping. The cable route will cause significant disruption to the farming operations, fields will be severed and become unusable during the construction period. The losses suffered by the farming business will be more significant than just the cable route. Corners of fields will be severed and will be unusable during the construction period due to their size and the size of modern farming equipment.</p>	<p>The extent of the Order Limits area was reduced as much as possible compared to that presented at PEIR. While this may not seem a large change, the land take has been reduced as much as possible to accommodate the standard working width required for the delivery of the works.</p> <p><b>Impacts and Mitigation on Agricultural Uses</b></p> <p>The Applicant is keen to have ongoing discussions with the Land Interest and their tenants to understand how best to mitigate any temporary severance of land during the construction period, which can include temporary accommodation works (e.g. fences gates and crossing points). In this location the temporary cable installation area crosses through the centre of some fields/ pasture land.</p> <p>The Applicant will continue to engage to further understand the Land Interest's specific requirements to accommodate the tenants farming and business operations and minimise disturbance wherever possible. This could include crossing</p>

Ref	Deadline 3 submission	Applicant's response
	<p>points to be agreed with the Land Interest across the cable installation area (Works No.9) to ensure parts of the field will remain available for use. Detailed cable routeing will be refined further to pre-construction surveys.</p> <p><b>Compensation</b> If Compulsory Purchase Powers are used, affected Land Interests will be compensated in accordance with the provisions of the Compensation Code. Claims for disturbance and crop loss will be considered where reasonable, substantiated and shown to be caused as a direct consequence of the temporary use of the land and the works in accordance with the relevant legislation.</p> <p>The Applicant will discuss in more detail Accommodation Works with the Land Interest to ensure access is facilitated to any severed land. Where severed land cannot be farmed the Applicant would be willing to negotiate an appropriate compensation claim for disturbance. Once the cable has been constructed and the land reinstated, the land</p>	

Ref	Deadline 3 submission	Applicant's response		
2.28.47	<p>2.5.4. An operational and construction access is being proposed (24/8). This runs straight through the middle of the arable field and will cause disruption to the farming operations on the land shaded grey.</p>	<p>can be returned to normal use.</p> <p>The Applicant attended meetings in July 2021 and September 2021 with the Land Interest. At these meetings (and summarised in subsequent engagement notes), the Land Interest proposed an alternative construction and operational access following the existing track (detailed by Plots 24/8, 24/7 and 24/5) as a suitable alternative to the original access included within the PEIR. The construction access that was proposed in the PEIR ran through the fields of Buncton Manor Farm, to the west of the track down to Old school House. The Land Interest raised concerns about impacts on the residential amenity and severance of fields caused by the original route. The Applicant considered concerns raised by the directly Affected Parties about impacts and consulted on the selected new construction and operational access. The original access was removed further to the first Statutory Consultation (July 2021 and reopened 2022).</p>	<p>We would like to clarify that this variation to the proposed access was suggested to assist the Applicant as it avoided them having to create an entirely new entrance onto the A283 and a hard track right across the field. The change did not benefit Wiston Estate and stills causes disruption to the farming operations.</p>	<p>The Applicant prefers to use existing tracks where possible to minimise disruption to farmland. However, please see response to 2.28.6.</p>



Ref	Deadline 3 submission	Applicant's response
2.28.48	<p>2.5.5. More importantly this access and the cable route is adjacent to the Old School House. This is a Grade II Listed former School House. This property has now come back to Wiston Estate following being in the same tenanted occupation for a long period of time.</p>	<p>Note, the directly affected party had requested a specific routing for the accesses, however this was rejected in favour of the Alternative Accesses presented for consultation. The directly Affected Party's option involved multiple crossings of a shallow gas pipe-line which is less desirable</p> <p>Please see <b>paragraphs 25.9.396 to 25.9.399</b> of the <b>Environmental Statement - Volume 2 Chapter 25: Historic environment [PEPD-020]</b> for the historic environment assessment on the Grade II Listed The Old School (NHLE 1284545), which concluded the minor adverse residual effect would be not significant.</p> <p>The Applicant understands the property is currently vacant. The Applicant has inspected the property both internally and externally with the Land Interest and concurs that the building will require significant repair and improvement to make it lettable.</p> <p>The Applicant cannot comment on the viability of such a project,</p>
		<p>We note in paragraph 25.9.398 of the same document the Applicant states:-</p> <p><i>It is anticipated that these elements of the Proposed Development will present a short-term negative contribution to the setting of the asset, with minimal harm to its interests by detracting from the tranquillity of its rural setting.</i></p> <p>We do not agree that the impact on the property would not be significant, when considered in light of the proposed Holiday Use.</p> <p>Wiston Estate has not suggested that the proposal “<i>may be constrained by the requirement to demonstrate water neutrality.</i>”</p> <p>This is factually incorrect. We would like to understand the Applicant's proposal to deal with Water Neutrality within the Wet Pools Compound site</p>
		<p>The Applicant refers Wiston Estate to Section 25.8 of <b>Chapter 25: Historic environment, Volume 2</b> of the ES <b>[PEPD-020]</b> (updated at deadline 4) which sets out the assessment methodology use to determine the effects on heritage assets through change to their setting. The assessment undertaken for Grade II Listed The Old School (NHLE 1284545) is in line with this methodology.</p> <p>In mentioning water neutrality the Applicant was only wanting to alert the Estate of the need to understand the implications (if any) of the local water neutrality policy on its building proposals.</p> <p>In terms of water neutrality at the proposed Wet Pools compound, the Applicant provided additional information in the April 2024 submission of the <b>Outline Code of Construction Practice [REP3-025]</b>:</p> <p><i>C-290 In relation to water neutrality in the Sussex North Water Resource Zone, construction water usage will not be taken from the mains, and it will instead be imported from outside of the Sussex North Water Resource Zone (via tankers) to main compounds (for their welfare facilities and wheel washing) and Trenchless Crossing (TC) compounds (for their welfare facilities, use in horizontal directional drilling (HDD) drilling fluids, batching of cement bound sand or concrete, wheel washing and dust suppression).</i></p>

Ref	Deadline 3 submission	Applicant's response
2.28.50	<p>2.5.7. We request that Rampion enter discussions around accommodation works to be considered to this cottage to protect it from the impact of the project.</p>	<p>however, there is clearly a need to first obtain planning permission which the Land Interest has suggested may be constrained by the requirement to demonstrate water neutrality.</p>
2.28.51	<p>2.6. Guesses and Guess Gate Farms</p>	<p>The Applicant welcomes the opportunity to further understand the impacts of the construction activity on the properties in this location, including maintenance of access. Further mitigation measures could include noise attenuation, for example.</p>
2.28.52	<p>2.6.1. Guesses and Guessgate Farms are arable and livestock farms let on a Farm Business Tenancy. The proposed route goes directly through the centre of the</p>	<p>The Applicant acknowledges that during construction there may be some temporary severance of the land in this location .</p>
2.28.50	<p>2.5.7. We request that Rampion enter discussions around accommodation works to be considered to this cottage to protect it from the impact of the project.</p>	<p>The Applicant notes that the property is in close proximity to a proposed construction access route. However, the proposed access route that was agreed with the Land Interest as a preferred route alternative from the original proposal (which ran to the west – Please see summary in 15.17).</p> <p>To clarify this access route was suggested to assist Rampion, as there was already a surfaced track, rather than a new access being created from the A283. This wasn't a suggestion which brought any benefit to Wiston Estate.</p> <p>We would welcome the opportunity to discuss mitigation and accommodation works in detail with the Applicant. The access to the property will need to be maintained for the duration of the construction works.</p>
2.28.6.	<p>Please see response to 2.28.6.</p> <p>The Applicant has confirmed its position in relation to mitigation, accommodation works and access in responses.</p>	

Ref	Deadline 3 submission	Applicant's response
	<p>farms and severs many of the fields. This will cause significant disruption to the ability to farm these fields during the construction period. The majority of the fields are used to grow grass to feed the livestock.</p>	<p>The Applicant will seek to engage further with the Land Interest and their tenants regarding detailed construction access design and accommodation works in accordance with <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>.</p> <p><b>Fencing</b> – The Applicant confirms that the construction area within the Order Limits will be fenced off for the duration of construction.</p> <p><b>Crossing/ Access Points</b> – Accommodation works (to include access points over the construction area) to seek to mitigate the impact will be discussed with the Land Interest in due course.</p> <p>Alternative crossing points which are suitable for agricultural machinery and livestock so as to minimise impact on the business, farming operation and residential property will be considered.</p> <p>The Applicant will discuss in more detail Accommodation Works with the Land Interest to ensure access is facilitated to any severed land. Where</p>

Ref	Deadline 3 submission	Applicant's response
	<p>severed land cannot be farmed the Applicant would be willing to negotiate an appropriate compensation claim for disturbance.</p> <p>The Applicant is willing to discuss appropriate and reasonable mitigation measures across the property.</p>	
2.28.53	<p>2.6.2. An alternative more direct route was proposed which avoided various tree lines and would have caused less disruption to the farming operations by the tenant farmer.</p> <p>The Applicant understands the affected party suggested a cable route which avoided various tree lines, which followed a similar path to the route within the Order Limits.</p> <p>The cable route in this location has been routed to minimise impact on mature trees and hedgerows where possible.</p> <p>The Applicant considered how the issues of concern for the Affected Party could be avoided or minimised. There has been a reduction in the extent of the Order Limits width, which was reduced as much as possible compared to that presented at PEIR. While this may not seem a large change, the land take has been reduced to a width which is required to facilitate the</p>	

Ref	Deadline 3 submission	Applicant's response
		<p>Proposed Development allowing for appropriate flexibility to allow for cable route refinement taking into account site investigation (SI), preconstruction ecology surveys and final cable design requirements.</p> <p>The Applicant further adjusted the Order Limits boundary with the reduction of / removal of a significant area originally included within the PEIR for operational access. The area removed from the proposals can be shown by the area coloured grey to the north of Plot 24/15.</p>
2.28.54	2.7. Calcott Wood (25/11)	
2.28.55	2.7.1. Calcott Wood forms part of Wiston Estate Forestry enterprise. We understand it is proposed to Directional Drill under this area of woodland. We have asked for clarification on the impact of the cable on the operation of this area of woodland. For example, if timber was extracted from this area of woodland in the future it is important for Wiston	The Applicant can confirm that replanting Woodland over the trenchless crossing section at Calcott Wood is acceptable, as it is in line with the current land use and as such considered in the cable construction design.

Ref	Deadline 3 submission	Applicant's response
2.28.56	<p>Estate to able to replant this area.</p> <p>3.1. The level of response by Rampion to the Wiston estate's attempts to engage has been disappointing and below the standard to be expected for a project of this scale. There has been change of personnel both within the Rampion project team and their agents Cater Jonas.</p>	<p>Please refer to summary in <b>3.1 and 3.2</b></p>
2.28.57	<p>.2. Meetings have been postponed or rearranged at short notice, for example a meeting was arranged with the estate and their tenants on Tuesday 24th August 2021. This was cancelled by email with less than 24 hours' notice by Carter Jonas. Bearing in mind the number of parties involved this was not helpful.</p>	<p>The Applicant acknowledges that the meeting was postponed and took place on 1 September 2021, when all parties were in a position to attend.</p> <p>To clarify this meeting was postponed by Carter Jonas. At the postponed meeting not all parties attended. Vaughan Weighill, James Alasandro and Simon Mole, all key representatives of the project, did not attend.</p>
2.28.58	<p>3.3. Actions have not been recorded or followed up sufficiently. For example, queries around the proposed</p>	<p>The Applicant acknowledges there was a delay to provide the information required. At this stage (September 2021), there</p>

Ref	Deadline 3 submission	Applicant's response
	<p>compound (traffic information and size of the compound) were requested by Richard Goring by email to (Rampion) on the 5 th September 2021. No answer was received. Wiston Estate requested this information so they could suggest alternative sites further to the east to minimise the disruption that this compound will have to the local Highway and the estate.</p>	<p>were three proposed locations for the compound being considered, with detailed assessments being carried out for each.</p>
2.28.59	<p>3.4. Minutes from meetings were received late. Minutes from a meeting held between Wiston Estate, Rampion and Carter Jonas on the 23/07/2021 was not received until the 16<sup>th</sup> September 2021, the date of the end of the consultation period. With a note which stated, "If you were awaiting these minutes before making your written representation (as part of the statutory consultation) I can inform you that Rampion will accept late submissions (emailed to Rampion2@rwe.com)</p>	<p>The meeting took place in July 2021, and the Applicant acknowledges the meeting notes were sent on 16 September 2021.</p>

Ref	Deadline 3 submission	Applicant's response	
2.28.60	<p>up until 3 0<sup>th</sup> September 2021". This was hours before the end of the consultation period and Wiston had already submitted their response. This was emblematic of the entire consultation period.</p> <p>3.5. On the 24<sup>th</sup> March 2021 Rampion stated in an email "As mentioned we are just in the process of seeking approval from our Board for a comprehensive package which we expect to be able to send to you fairly soon, with proposed commercial terms (including support for advisors fees), which we then look forward to discussing in more detail with you." No proposal was received until the standard Heads of Terms were provided in 2023, as detailed below. When the Heads of Terms were received they were not customised for Wiston specific issues.</p>	<p>The cable routing design and works areas have evolved as a result of consultation and feedback received from affected parties since 2021. The email in March 2021 pre-dates the first and second statutory consultations, which were fundamental in obtaining feedback on the route proposals and establishing and settling the final DCO red line boundary and works requirements. The email in March 2021 was at a time when there was still optionality within the design. The final boundaries along sections of the route were partially fixed by March 2023, when Heads of Terms were issued to the Wiston Estate. These were customised to the Wiston Estate based on the total length of cable impacting the land and the requirements for a construction compound over one land parcel.</p> <p>If the Applicant were not able to share the terms to be offered in March 2021, why did they state they were going to? This is another example of things not materialising sufficiently far in advance of the DCO application being submitted.</p> <p>See comments under 2.28.7 which deals with the Heads of Terms negotiations.</p>	<p>The Applicant acknowledges the aforementioned email.</p> <p>Despite the intention at the time to issue Heads of Terms early, the Applicant had to delay offering Heads of Terms until March 2023. The cable route was still going through additional revisions and rounds of consultation due to comments received from interested parties and therefore documentation on a final cable route was not available until that process was fully completed.</p> <p>Given the amount of responses that were received during both the informal and formal statutory consultations (July 2021), there were numerous cable routing suggestions that required review, subsequent alterations and consultations (including in October 2022). Some of these iterations included changes requested by the Wiston Estate, which were consulted upon and then incorporated within the design.</p> <p>Once the consultations were concluded and a final route was established, it was possible to start issuing Heads of Terms to landowners from March 2023.</p>



Ref	Deadline 3 submission	Applicant's response	
2.28.61	<p>3.6. Summary and brief Heads of Terms for an option and easement agreement were not provided until Spring 2023, however, there has been no meaningful discussion about these terms and their suitability for the Wiston Estate until more recently. A group of agents representing a large proportion of affected landowners attempted to engage as a group and received very perfunctory responses. There was a refusal from Rampion and their agents to meet with the agent group to discuss the key terms.</p>	<p>Specifically with regard to the Wiston Estate, the Applicant received detailed comments on the Heads of Terms on 14 December 2023 via a spreadsheet. The Applicant responded to these comments within a spreadsheet following meetings in January 2024, February 2024 and March 2024.</p>	<p>Please see 2.28.7</p>
2.28.62	<p>3.7. We were informed that draft legal documentation was only to be</p>	<p>The Applicant was keen that both parties' solicitors exchanged correspondence with</p>	

Ref	Deadline 3 submission	Applicant's response	
2.28.63	<p>provided to parties who were willing to engage. This was an unhelpful position as it is not possible to assess the terms offered until full legal documentation was provided. An incentive payment was applied to the Heads of Terms should they be signed within 6 weeks; this was entirely unreasonable considering the complex nature of the scheme and the lack of detail in the documents.</p> <p>3.8. The draft easement and option documents were not provided until late October 2023. There was insufficient time for Wiston Estate to review these and take professional advice, prior to the DCO process (the DCO application was submitted in August 2023). There are additional rights and restrictions contained within these drafts which are important for Wiston to understand and make representations on. For example, the draft legal documents included the provision for Rampion to use</p> <p>respect to the detailed draft documentation, once instructed and following agreement of the principles within the Heads of Terms. However, full draft Option and Easement documentation has now been provided to the Land Interest for further consideration and is currently under discussion.</p> <p>The Applicant is continuing to discuss the detail within the draft documentation in order to reach a voluntary agreement. Meetings have been held in January 2024, February 2024 and March 2024.</p> <p>The Applicant has clarified that the restriction with regards to planting of trees will apply only to the easement width over the final cable route and not across all the land shown within the DCO boundary.</p> <p>The Applicant has also included within the draft voluntary agreement provision to allow for</p>	<p>These meetings should have been instigated by the Applicant long in advance if they were truly keen to work collaboratively on the project.</p> <p>See comment under 2.28.7 which deals with the Heads of Terms negotiations.</p>	<p>The Applicant was been proactively engaging with the Land Interest since September 2021. As previously detailed within <b>2.28.7</b> Heads of Terms were issued in March 2023. The Option and Easement documentation was circulated on 18 October 2023, following which queries were received in various emails from the Wiston Estate's agent on 20 October 2023, 17 November 2023, 22 November 2023 and 24 November 2023.</p> <p>On 14 December 2023, the Wiston Estate provided a detailed response to the Heads of Terms and legal documentation which enabled meaningful negotiations to progress.</p> <p>A number of meetings have been carried out since December 2023, including in January, February, March, April and May 2024, as further detailed in 2.28.7.</p>

Ref	Deadline 3 submission	Applicant's response
2.28.64	<p>additional land areas subject to predetermined payment rates and to plant trees anywhere within the Grantors Title. Clearly these will be unacceptable to a complex business such as the Wiston Estate.</p> <p>3.9. Wiston Estate was informed that further Heads of Terms are to be issued for the Wet Pools compound by the 20th t October 2023. These were not provided until February 2024.</p>	<p>planting within the cable easement subject to consent from Rampion 2, so each planting case can be considered against potential impact to the cable. The Applicant is working with the Land Interest to find an acceptable solution to the extent of any additional land requirement.</p> <p>The Applicant notes your comments and acknowledges that further discussions are taking place with regards to the Wet Pools compound.</p>
2.28.65	<p>3.10. Rampion stated that they would prefer to secure the agreement by private treaty but until more recently we have noted very little evidence of any meaningful negotiations. For example, Rampion only confirmed in late November 2023 that rights will be partly limited by reference to the DCO plan, this is after the DCO application has been submitted. We await explanations of key definitions within the draft documents and</p>	<p>Please see summary in <b>3.2, 16.8 and 16.14.</b></p>

Ref	Deadline 3 submission	Applicant's response
2.28.66	<p>plans showing the areas where these key definitions apply to.</p> <p>3.11. Due to lack of proper engagement and consultation the rights being sought by Rampion are too wide. We are aware that Rampion 1 proposed an easement width of 15m, subject to maximum of 30 m2 for physical obstacles. No acceptable justification has been provided by Rampion to substantiate why they require such wide and far-reaching rights over and above what was agreed in Rampion 1.</p>	<p>Please see summary in <b>3.4</b></p>
2.28.67	<p>3.12. Notwithstanding the above, we acknowledge that several meetings have been held with Rampion and their agents in the past month, where some more meaningful progress has been made. It is disappointing that this has taken so long and as a result Wiston Estate has incurred unnecessary professional costs in engaging in the DCO process.</p>	<p>Please see summary in <b>3.5</b></p>

Ref	Deadline 3 submission	Applicant's response
2.28.68	<p>3.13. We note that in the Land Rights Tracker submitted by Rampion (PEPD-016), two sets of Heads of Terms have been agreed and no land agreements have been completed as of January 2024. This is out of the 85 entries. This is symbolic of the consultation and engagement process.</p>	<p>The Applicant is engaging with all parties to progress voluntary agreements. The Applicant will update the Land Rights Tracker at Deadline 2.</p>
2.28.69	<p>3.14. Although the Estate acknowledges that there has been some engagement with Rampion since 2021, as noted above, the Estate's view is that this has been disappointing and below the standard to be expected for a project of this scale. The guidance on compulsory acquisition for DCO projects<sup>1</sup> states at paragraph 24 that "Early consultation with people who could be affected by the compulsory acquisition can help build up a good working relationship with those whose interests are affected, by showing that the applicant is willing to be open and to treat their concerns with</p>	<p>The Applicant has consulted (both statutorily and informally) with the Land Interest (Wiston Estate), over the period 2020 to 2024. Further details can be found in the answer to <b>3.1</b>. The Applicant has carried out extensive consultation with affected parties, including the Wiston Estate, and their respective representatives since 2020, as referred to within the <b>Consultation Report [APP-027]</b>, Chapter 6 of which provides information on the consultation material provided under Section 42 of the Planning Act 2008 and additional methods of consultation. There has been extensive engagement by the Applicant with affected parties and their</p> <p>Please refer to 2.28.56, 2.28.57, 2.28.58, 2.28.59 and 2.28.60 above</p>

Ref	Deadline 3 submission	Applicant's response
	<p>respect. It may also help to save time during the examination process by addressing and resolving issues before an application is submitted, and reducing any potential mistrust or fear that can arise in these circumstances." It is the Estate's view that Rampion's approach to engagement has at times fallen short of the standard expected by this guidance, with the consequence that it was not possible to address and resolve all of the issues raised by the Estate before the DCO application was submitted. 1 Planning Act 2008: guidance related to procedures for the compulsory acquisition of land (MHCLG, September 2013)</p>	<p>representatives (including the Wiston Estate), including via site meetings, telephone, email and letters in relation to matters such as the assessment and consideration of alternative routes. The Applicant carried out non-statutory consultation from January to February 2021 via the "Rampion 2 2021" and the exhibition document was uploaded to the Rampion 2 website following the consultation. The document included plans identifying cable route options. The Applicant carried out a first formal public consultation from July to September 2021. The Estate submitted a consultation response in September 2021 which was reviewed by the Applicant alongside the meeting minutes from a site meeting with the Wiston Estate in September 2021.</p> <p>The second Statutory Consultation was from October to November 2022 which identified proposed onshore works modifications. The modifications being consulted upon included a number of minor cable</p>

Ref	Deadline 3 submission	Applicant's response
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route amendments proposed by the Wiston Estate within their consultation response and at the site meeting in September 2021. Through these exercises, route alignments were modified following consultation with the affected parties. The Applicant having considered and assessed the various cable route options put forward by the land interest., before settling on the Applicant's proposed cable route that would be progressed. The Applicant has been open to meaningful discussion on cable routing since 2020 and negotiation with the Estate and their agent following issue of the Key Terms in March 2023. The Applicant has appointed experienced specialist advisors, Carter Jonas, to assist with its engagement and negotiation of Key Terms. At all times, the Applicant and/ or its advisors have complied with the guidance and sought to negotiate and treat people with respect. The Applicant have been willing and available to meeting parties and/ or their agents to progress

Ref	Deadline 3 submission	Applicant's response
2.28.70	<p>3.15.Paragraph 25 of the guidance states: "Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail." As indicated in this written representation, the Estate is willing in principle to enter into agreements with Rampion to enable Rampion to acquire the interests it needs for the scheme. However, the</p>	<p>discussion, whether in person, on site or by virtual meetings. The Applicant's acquisition strategy is firmly based on seeking to reach voluntary agreement with affected parties, and it only wishes to rely on compulsory acquisition powers as a last resort. Active engagement is ongoing and the Applicant welcomes the opportunity to further discuss the Heads of Terms and provide clarity on cable routing decisions if required.</p> <p>The Applicant acknowledges that ongoing negotiations are taking place with the Land Interest.</p>



Ref	Deadline 3 submission	Applicant's response
	<p>Estate's interests must be properly protected and the impacts on it must be minimised. It is the Estate's view that Rampion's attempts to acquire the interests it needs by agreement have not failed, and that it would therefore be premature for compulsory acquisition powers to be granted in respect of the Estate's interests.</p>	
2.28.71	<p>4.1.1. The Washington Parish Council submitted a major alternative route proposal in their paper dated 11th February 2021 – the 'Blue Route'. This is identified below in blue.</p>	Please See comments under 2.28.11
2.28.72	<p>4.1.2. At a meeting on the 1st September 2021 Rampion suggested that this proposed route would pass through an area of Ancient Woodland on the north scarp of the downs south-east of Washington Village. Had they inspected the woodland they would have known that it is predominantly a single species woodland suffering</p>	<p>Please see response to 4.1.1 above. Please see 2.28.12 above</p>

Ref	Deadline 3 submission	Applicant's response
	<p>from acute ash-die back disease. It is therefore due for an imminent clear fell under Forestry Commission guidelines. In addition only a small part of this area of woodland is designated an Ancient Woodland. We are aware that Rampion are Directional Drilling underneath woods, such as Calcott Wood (which is also a Ancient Wood in part) as detailed above. Could this not have been considered for the proposed "Blue Route".</p>	
2.28.73	<p>4.1.3. This route passes far fewer dwellings and interrupts far fewer businesses. It is a superior route that has not been properly evaluated. The Blue Route also avoids the estate's sand reserves which are shown coloured pink on the plan under section 7.</p>	<p>Please see response to 4.1.2 above.</p>
2.28.74	<p>4.1.4. We note Rampion state in the Land Rights Tracker that the "rationale and decision-making process for not progressing with the</p>	<p>Please see response to 4.1.2 above.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>route to consultation was communicated verbally by the Applicant at a site meeting in April 2022." Although a brief explanation was given at this meeting, no detail on this decision was provided and no further written clarification was received. There has been no further engagement from Rampion on this alternative proposal.</p>	
2.28.75		
2.28.76	<p>4.2.1 Minor route variations have also been proposed, which have not been properly considered by Rampion. There is a strip of land between the Rock Common sand pit 54metres wide that sits to the north of the Pike (A283). This represents a better location for the cable than the route to the south of the Pike which crosses the entrance to a highly bio-security sensitive rare breed sheep farm to the south, referred to above.</p>	<p>Please see response 4.2.1 above.</p>
2.28.77	<p>4.2.2 Generally, a route which follows the southern edge of</p>	<p>Please see summary provided in <b>4.2.1</b></p>

Ref	Deadline 3 submission	Applicant's response
2.28.78	<p>the road boundary (from Rock Common sandpit eastwards) will see less injurious affection of the farms to the south. It minimises the loss of long-term excavatable sand reserves and future vineyards sites, which are detailed below.</p> <p>4.2.3 This route was proposed at a meeting with Rampion on the 1<sup>st</sup> of September 2021. Following that meeting Rampion stated they would investigate the feasibility of this route and acknowledged the benefits as it avoided the severance of various accesses and driveways. No detailed response was received from Rampion following this meeting and suggestion.</p>	<p>Please see summary provided in <b>4.2.1</b></p>
2.28.79	<p>5.1. Information has been requested and not been provided in its entirety, or insufficient information has been provided by Rampion and their agents. For example, plans showing the operational and</p>	<p>Please see summary provided in 5.1 above.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>construction accesses were requested in the Summer of 2023 so the impact of the project could be fully understood. This detailed information was only provided more recently. Without this information it is difficult to understand the long-term impact of the proposals.</p>	
2.28.80	<p>6.1. Wiston Estate has a successful vineyard and winery business. This is an important and expanding part of the estate and significant investments have been made over the recent years, including the opening of Chalk Restaurant. The enclosed plan below showing the fields suitable for vines was provided to Rampion at an early stage and has not been fully considered by the project.</p>	<p>Please see summary provided in 6.1 above.</p>
2.28.81	<p>6.2. This land has been identified as being suitable for vines due to its soil type and geology and has been assessed by the estate vineyard consultants, Vinescapes. These fields are on</p>	<p>Please see summary provided in 6.1 above</p>

Ref	Deadline 3 submission	Applicant's response		
2.28.82	greensand, they are south facing and free draining making them ideal for planting vines. The vineyard fields affected by the Rampion 83779069.1 project are identified with a red cross below and extend to 27.82 acres. The proposed Rampion Route dissects both fields.			
2.28.84	<p>6.4. We have received mixed messages from Rampion as to whether Vines will be permitted to be planted under the terms of the easement. However, even if they are it will be a significant financial risk to plant vines on land which could be disturbed in the future.</p> <p>Notwithstanding the damage to the soil structure and geology during construction meaning that they will never be suitable for planting vines in the future. The proposals severely limit the future expansion of the estate winery business on the available fields which would be suitable for vines.</p>	<p>No planting can be undertaken where there is a risk of damage to the cable asset.</p> <p>Rampion 2 welcomes further discussion with the Land Interest on potential impacts between vines and the cable to minimize the impact of this overarching requirement to potential vine planting.</p> <p>The Applicant has received a plan identifying fields that the Wiston Estate have allocated for future vineyard locations from the Estate's representatives. The Applicant understands that none of the land (at the Wiston Estate) which is affected by the proposed cable route is currently planted as a vineyard.</p>	<p>Wiston Estate has not taken into account the information provided within Outline Soil Management Plan (SMP) [APP-226], as this is the first time it has been referenced by the Applicant.</p> <p>We still maintain the position that the geology of this land, which makes it so suitable for growing vines, will not be able to be reinstated to protect these special qualities. In addition, the Applicant has confirmed that vines will not be able to be planted within the 20m easement strip, in any event</p>	<p>The restriction within the proposed agreement is to not plant anything that has the potential to affect the cable asset i.e. which has a root depth of more than 0.9m.</p> <p>There is no evidence put forward by Wiston Estate to suggest that the disturbance of the soils and geology would mean the land is then unsuitable for growing vines as it would destroy the special qualities. The geology and soils would be restored in accordance with the <a href="#">Outline Soils Management Plan [REP3-027]</a> and long term impacts on for example water filtration rates would not prevent future growing of vines outside of the 20m easement strip. The Applicant welcomes further discussion relating to the layout of any new vineyard as Wiston Estate's plans progress.</p> <p>Various guides on the best approach to growing of vines suggest deep ripping of the subsoil prior to and during vine production. From the information the Applicant has reviewed to date the operations in the <a href="#">Outline Soils Management Plan [REP3-027]</a> appear to be consistent with the recommended approach to preparing soil for growing vines.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>Two of these fields are impacted by the proposed cable route, one of which is currently used for grazing and one of which is currently in arable use.</p> <p>The Applicant does not agree that the soil structure and geology will be permanently damaged as a result of Proposed Development. The Applicant does not accept that as a result of the Proposed Development the soil will be unsui'able for planting vines and it is not clear if the Land Interest has taken into consideration the provisions in the <b>Outline Soil Management Plan (SMP) [APP-226]</b>. The <b>Outline SMP [APP-226]</b> sets out baseline information on soil types and agricultural land quality (Section 2 and Section 3);</p> <p>measures regarding timing of works (Section 4); measures to manage soil stripping, handling, storage, re-instatement and aftercare methods (Section 5, Section 6 and Section 7); and requirements for monitoring and auditing of compliance with the <b>Outline SMP [APP-226]</b></p>	

Ref	Deadline 3 submission	Applicant's response
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(and subsequent stage specific SMPs (see further information below in Paragraphs 1.2.5 to 1.2.6) during construction, and verification of land reinstatement being completed to the required standard (Section 7 and Section 8). The **Soil Management Plan (SMP) [APP-226]** states that a stage specific Materials Management Plan (MMP) will seek to maximise the reuse of excavated soils during the construction work, including where soils cannot be reinstated at their original location due to permanent infrastructure, and ensure that all soils are suitable for their intended use. During pre-construction, soil volumes will be confirmed in the MMP ...and the MMP will interact with the stage specific SMP. Paragraph 3.1.5 of the SMP states that The measures in this Outline SMP [APP-226] and subsequent stage specific SMPs are intended to ensure that the soils can be handled, stored and reinstated in such a manner that following the aftercare period and any required



Ref	Deadline 3 submission	Applicant's response
2.28.85	<p>7.1. Wiston Estate owns Rock Common, a working quarry, which adjoins the route. Neighbouring Wiston land impacted by the proposals has the geological benefit of sitting upon significant reserves of building sand. Therefore, the proposed underground cable, which requires a 20-metre width corridor together with the potential severance, will sterilise in-situ sand in perpetuity.</p>	<p>remediation (see Sections 7 and 8), the agricultural land quality in the onshore cable corridor does not deteriorate from the baseline as a result of the construction of the Proposed Development.</p>
	<p>Noted. <b>Chapter 24: Ground conditions, Volume 2 of the ES [APP-065]</b> and <b>Planning Statement [APP-036]</b> both acknowledge the potential for mineral sterilisation in the area around Rock Quarry.</p>	<p>With respect to mineral resources, the Applicant needs to demonstrate that minerals resources are not being needlessly sterilised, noting that NPS EN-1 requires applicants to safeguard any mineral resources as far as possible (5.11.19). The Applicant states in the Planning Statement [APP-036] that up to 1,160,000m<sup>3</sup> of sand will be sterilised during the construction of the Development.</p> <p>We dispute this figure and do not believe that Applicant has taken into account the true extent of the sand in this area. Wiston Estate has historical records from Tarmac which state there are 400,000 Tonnes of sand under the Wet Pools Compound site.</p> <p>In addition, there are 500,000 Tonnes on an area southwest of the A283. These areas are both outside of the 'minerals' area shown on the map in ES Chapter 24 Ground Conditions Plan. We do not believe the Applicant is correct in their assessment of the sand which will be sterilised, and that their estimate of 1,160,00m<sup>3</sup> is significantly underestimated.</p> <p>We refer to 24.9.42 of Chapter 24: Ground Conditions, Volume 2 (APP065) which states "<i>WSSCC states that soft sand is a rare resource, the potential for sterilisation of which needs to be firstly avoided where possible and secondly assessed within the EIA.</i>"</p> <p>The Applicant states in paragraph 24.9.44 that the soft sand extends to the North of the A283, but concludes that all of the soft sand in this area has been previously extracted. We refute this as Wiston Estate owns land adjacent with Rock Common Quarry which would be suitable for sand extraction.</p> <p>The Applicant also states in paragraph 24.9.46 that an area of land approximately 4.5ha which would be suitable for sand extraction would be sterilised by the DCO. They assume a worst-case scenario of 2.9ha of sand would be sterilised. Wiston Estate owns all this land and therefore the considerations such as proximity to the Sussex Timber Company would be discounted. Please could the Applicant provide copies of the plans where these areas have been identified.</p>
		<p>The Applicant's assessment of potential minerals sterilisation in this area (within <b>Chapter 24: Ground conditions, Volume 2</b> of the ES [APP-065], has been undertaken in the context of both Policy M9 of the West Sussex Joint Minerals Local Plan which identifies the Minerals Safeguarding Area (MSA) for consideration, and also the publicly available information that exists on minerals within the cable route area. As stated by Wiston Estates in their representation, the 'Wet Pools Compound site' and the 'area southwest of the A283' are both outside of the minerals area identified by the MSA (as shown on <b>Figure 24.3, Volume 3</b> of the ES [APP-111]. In addition, they are not covered by any planning policy allocations or planning applications to provide information on their potential minerals resource. As no information was available on these two sites, they have not formed part of the ES assessment within <b>Chapter 24: Ground conditions, Volume 2</b> of the ES [APP-065].</p> <p>It is also relevant that none of the land in this area (other than at Rock Common Quarry, is subject to any planning permissions or policy allocations for minerals extraction. There is therefore no other publicly available information available for the assessment to have used in the consideration of any sites outside of the MSA.</p> <p>For the reasons above, the land to the north of the A283 is also considered in light of the MSA area only. The cable passes through the MSA to the north of the A283 in a limited location only: an approximately 100m stretch of route to the east of the Sussex Timber Company Buildings. Given the extent of the MSA in this area, the publicly available information suggests extraction is unlikely within the MSA due to the presence of the Sussex Timber Company buildings themselves, plus the historic Windmill Quarry and The Rough landfill sites to the west of these buildings. The landfill sites occupy land on which</p>

Ref	Deadline 3 submission	Applicant's response
	<p>We note that the Applicant has concluded that the sensitivity of the soft sand resource is Medium and during the construction phase, the magnitude of change is High. The effect of Rampion 2 will therefore be Major Negative which is Significant in EIA terms.</p> <p>Wiston Estate notes WSCC and SDNP concerns about the mitigation measures proposed by the Applicant to safeguard minerals. We support this concern and request that the Applicant produces a Minerals Resource Assessment and a Minerals Management Plan (MMP) as part of this DCO process and provide this to the Estate for review. We note this document should include:-</p> <ul style="list-style-type: none"> <li>- Reference to mineral safeguarding, not limited to considering current demand levels</li> <li>- The volumes and types of minerals expected</li> <li>- Mechanisms to avoid needless sterilisation of minerals including prior extraction and avoiding severance</li> <li>- Evidence of discussions with local operators, who could process and manage any minerals.</li> </ul> <p>It is deeply disappointing that the Applicant has not shared the details of their investigations (document APP-065) into the proposed developments impact on the sand deposits at an early stage. None of these documents referred to have been brought to Wiston Estate's attention before the Applicant's response to their Written Representation.</p> <p>This is despite Wiston Estate raising the impact on the sand as a key concern at the start of the consultation and repeating this throughout this process. The Estate had shared the Mineral Safeguarding plans with the Applicant but did not receive any detailed response on this point.</p> <p>Wiston Estate requested that the Applicant contribute towards the Estate seeking independent advice on the impact of the proposed development on the sand deposits. This was refused by the Applicant.</p> <p>It is extremely frustrating to now realise that the Applicant held detailed information about the impact on the sand deposits, which had been engaged on with WSCC but had not been shared with the Estate. This is emblematic of the Applicant's dismissive approach and demonstrates their unwillingness to truly engage.</p> <p>We request that the Applicant shares the information about the sand deposits, including the plans where they have assessed that the onshore cable corridor will interact with approximately 8.2ha of land within the Minerals Safeguarding Area, in order that Wiston Estate can fully understand the proposed impact.</p>	<p>a previous sand quarry (Windmill Quarry) existed. It can be reasonably expected that either all of the soft sand resource in this area has been previously extracted, or that any remaining resource is now sterilised by the landfilling operations.</p> <p>Discussions with WSCC have continued and at a meeting on 23<sup>rd</sup> April 2024, it was agreed that a detailed Minerals Resource Assessment would be difficult to provide at this stage due to the lack of information available. It was also agreed that further detail would be provided on why prior extraction is not considered appropriate at this time and on the process for managing minerals during construction. This detail will confirm that the proposed approach is in accordance with policy both in EN-1 (DESNZ, 2024) and the Joint Minerals Local Plan. Full details of this can be found within the Applicants Deadline 4 response to WSCC (<a href="#">8.66 Applicant's Comments on Deadline 3 Submissions (Document reference: 8.66)</a>).</p> <p>The reference made to document APP-065 is <a href="#">Chapter 24: Ground conditions, Volume 2</a> of the ES [<a href="#">APP-065</a>], which contains the minerals assessment for the EIA. This document has been available for review by Wiston Estates since the point of submission and it is the same document which WSCC has reviewed and commented on.</p> <p>The 8.2ha area referred to in <a href="#">Chapter 24: Ground conditions, Volume 2</a> of the ES [<a href="#">APP-065</a>] can be identified from <a href="#">Figure 24.3, Volume 3</a> of the ES [<a href="#">APP-111</a>], being the land contained within the 'Proposed DCO Order Limits' where they pass through the 'Bedrock Sand and Gravel'. Please refer to Figure 1 Minerals Calculation Information to the <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</a> Action 9.</p> <p>The Applicants response to CA Hearing Action 9 <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</a> sets out detailed information on impacts of the Proposed Development minerals and summarises that using the EIA methodology and for the purposes of the impact assessment only, the Applicant has calculated that during the construction and operational phases of the Proposed</p>

Ref	Deadline 3 submission	Applicant's response
2.28.86	<p>7.2. At a meeting on the 23/07/2021 between Richard Goring (Wiston Estate), (Rampion) and (Carter Jonas) various issues relating to Wiston Estate was discussed. One of the issues was the sand reserves at Wiston Estate. In the meeting notes provided by Carter Jonas it states, "JDA confirmed the Deed of Grant would provide a Diversion Clause in the event the landowner achieved planning permission for certain development activities including housing and working of minerals".</p>	<p>The Applicant did not consider it appropriate to include the a 'lift and shift' or 'diversion' clause into the Land Interest's key terms. The Applicant considers that such a clause carries a disproportionate commercial and technical risk to the Proposed Development, particularly when impacts on potential for development or working are not proven to be committed or considered to be significant.</p>
2.28.87	<p>7.3. It was therefore a surprise that when the Key Terms were issued in Spring 2023, there was no Diversion Clause proposed. During discussion with Carter Jonas the only response provided was "This is Rampion 2 not Rampion 1. There will be no lift and shift clause."</p>	<p>See response to 20.2</p>
<p>This is another example of the Applicant offering something, which is not then followed up. Why was the Lift &amp; Shift clause offered in writing in 2021 to mitigate Wiston Estate's mineral concerns and then not included in the HOT provided in 2023?</p> <p>The Applicants response is dismissive to this valid question.</p>		<p>Development the proposed DCO Order Limits could sterilise up to 2.9ha of land and 1,160,000m<sup>3</sup> of sand,</p> <p>The detail within the Option and Easement documentation was provided in October 2023 and does not include a Lift &amp; Shift clause, such a clause is commercially inappropriate to RED. Whilst initial consideration was given to such a clause, following project progression it became apparent that such a clause could not be accommodated due to substantive project risk that would arise were the cable to be moved. This would also mean additional engineering operations and impacts and shutting down of the operational windfarm.</p>

Ref	Deadline 3 submission	Applicant's response	
2.28.88	<p>7.4. Rock Common Quarry is an operational facility operated by Dudman Ltd. We understand the estimated insitu sand reserves is in the order of 100,000 tonnes with an estimated operational life in the order of 2 years, therefore demand for sand is strong.</p> <p>The Applicant notes that Rock Quarry is an operational facility and that there is an undetermined planning application lodged with West Sussex County Council (ref: WSCC/028/21) for the continued working of the quarry including the winning, working and processing of sand and the importation of inert classified engineering and restoration material, the stockpiling and treating of the imported material, the placement of the imported material within the quarry void and the restoration and landscaping of the quarry . The Chanctonbury Landfill Action Group – CLAG3 and have submitted detailed objections to the proposal and despite the application being submitted in 2021 it remains undetermined. The cable route has been designed to avoid any impact on the operational quarry and therefore the Applicant does not consider there to be any conflict between the cable route and the</p>	<p>We have submitted a letter dated 25th April 2024 from Dowsett Mayhew Planning consultant, which deals with the effect on the Mineral Reserves on the Wiston Estate. We set out the detail of this letter below.</p> <p><i>Rampion 2 acknowledge that the proposed cable route would cross areas of the Estate which have (the potential for) mineral resources. They acknowledge that the development would sterilise these reserves (at least for the duration of the development) but consider that this is justified, substantively on the basis of the absence of preferred alternatives.</i></p> <p><i>It is understood that the mineral reserve comprises 'soft sand'. Paragraph 6.2.13 of the West Sussex Joint Minerals Local Plan (WSJMLP) states that land-won soft sand is of a particular quality that cannot be substituted by other minerals. It notes that soft sand resource is heavily constrained due to its location within or adjacent to the South Downs National Park. It notes that at the time of the partial review of the WSJMLP (March 2021) the reserves of soft sand over the Plan period up to 2033 were some 6.2 years.</i></p> <p><i>The Annual Monitoring Report (AMR) (dated 2022/2023) indicates that the land bank for soft sand may be as little as 4 years (see Table 1 on page 9 of the AMR). The WSJMLP sets out that Policy M2 will be used to determine planning applications for soft sand extraction in West Sussex including extensions of time and physical extensions on allocated and unallocated sites.</i></p> <p><i>This states that proposals for land-won soft sand extraction will be permitted, provided that:</i></p> <ul style="list-style-type: none"> <li>• <i>The proposal is needed to ensure a steady and adequate supply of soft sand and to maintain at least a 7-year land bank, as set out in the most recent local aggregates assessment; and</i></li> <li>• <i>The site is allocated within Policy M11 of the Plan, or if the proposal is on an unallocated site, it can be demonstrated that the need cannot be met through the sites allocated for that purpose; and</i></li> <li>• <i>Where transportation by rail or water is not practicable or viable, the proposal is well related to the lorry route network. The policy also notes that proposals located outside of the SDNP must not adversely impact on its setting; whilst proposals within the SDNP and which constitute major development will be refused other than exceptional circumstances and where it can be demonstrated to be in the public interest.</i></li> </ul> <p><i>Paragraph 6.9.8 of the WSJMLP states that the approach to safeguarding soft sand is to include the whole of the unconsolidated sand and gravel mineral resource. It states that soft sand resources may also have the potential to be of silica sand quality which is of national importance.</i></p>	<p><b>Minerals Policy</b></p> <p>The Applicant held a meeting with WSCC on 23<sup>rd</sup> April 2024 where it was agreed that a detailed Minerals Resource Assessment would be difficult to provide at this stage due to the lack of information available, but that further detail would be provided on why prior extraction is not considered appropriate at this time and on the process for managing minerals during construction. This detail will confirm that the proposed approach is in accordance with policy both in EN-1 (DESNZ, 2024) and the Joint Minerals Local Plan. Full details of this can be found within the <a href="#">8.66 Applicants Comments on Deadline 3 Submissions (Document Reference 8.66)</a>.</p> <p><b>Rock Common Quarry</b></p> <p>The planning application which is currently under consideration by WSCC for the continued working of Rock Common Quarry has been identified for consideration under the Cumulative Effects Assessment included in the ES (<a href="#">Appendix 5.4 Cumulative effects assessment shortlisted developments, Volume 4</a> of the ES [APP-128]).</p> <p>In regard to potential impacts from the Project on the continued working of the quarry, the Proposed Order Limits have been designed so as to avoid all of the working areas Rock Common Quarry, so the Project will not prejudice the quarry's ability to supply minerals (in accordance with Policy M9(a) of the Joint Minerals Local Plan (West Sussex County Council, 2018). Given the nature of the quarrying operations at Rock Common Quarry, it is also not considered that the Project would result in any indirect effects that would impact on the quarry working. This includes on traffic on the A283, where the Transport chapter of the ES (<a href="#">Chapter 23 Transport, Volume 2</a> of the ES [APP-064]) considers a future baseline with increased traffic numbers.</p>

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*It notes this approach takes account of their more limited distribution and ensures that the safeguarding of these resources is maximised. In support of this Policy M9 of the WSJMLP relates to safeguarding minerals. It states that existing minerals extraction sites will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities; and soft sand (including potential silica sand) are safeguarded against sterilisation. It notes that proposals for non-mineral development within the Minerals Safeguarded Areas as detailed in the Plan will not be permitted unless:*

- (i) Mineral sterilisation will not occur; or*
- (ii) It is appropriate and practicable to extract the mineral prior to the development taking place, having regard to the other policies in this Plan; or*
- (iii) The overriding need for the development outweighs the safeguarding of the mineral, and it has been demonstrated that the prior extraction is not practicable or environmentally feasible.*

*Paragraph 6.9.14 in support of the policy states that where non-mineral development is proposed, developers may be required to carry out investigation work to ascertain whether extraction is practicable. The results of this should be reported in a 'Minerals Resource Assessment' that is submitted within any application.*

*It notes that for authorities to raise no objection to the non-mineral development, they will need to be satisfied that either mineral sterilisation will not occur (either because the mineral resources are not economically viable or that an appropriate and practicable level of prior extraction can take place) or because there is an overriding need for the development. Further detail on this is set out in the WSCC Minerals and Waste Safeguarding Guidance (March 2020). This confirms that safeguarded mineral resources includes soft sand and that all mineral safeguarding areas include a 250m buffer to protect resources from inappropriate proximal development.*

*The supplementary guidance notes that a Mineral Resource Assessment (MRA) should be proportionate to the size of the site and scarcity of the mineral and sets out a number of potential matters to be included. This includes an assessment of the geological information about the site; site investigations and borehole data; consideration of other locations for the development that are outside of the MSA; assessment of whether the proposal can be modified to avoid sterilisation; and an assessment of the potential for the use of the mineral in the proposed development and whether it is feasible and viable to extract the mineral resource ahead of the development.*

*The supplementary guidance also provides further information on the approach to prior extraction. It notes an example of this occurring in*

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*relation to the Rolls Royce development near Chichester where sharp sand was extracted prior to the development and taken for processing nearby, and a factory was built within the resulting land form to reduce its visual impact.*

*Within this context, and from the information I have seen, it appears that the applicant has provided inadequate appraisal of the effect of the development on the sterilisation of mineral reserves to accord with these policy requirements.*

*There is little explanation as to how alternative options for the cable route have been explored to minimise effect. The applicant appears to heavily rely on the argument that it is inevitable that there will be impact. However, this fails to detail how considerations have been undertaken to minimise the impact (rather than avoid impact altogether).*

*The applicant also appears to give inadequate consideration to the prospect of prior extraction, simply arguing that this is not economically viable.*

*I have also not seen evidence of a Mineral Resource Assessment to explore in detail the potential resource.*

*Whilst it is likely that the applicant will argue compliance with the requirements of Policy M9 (Safeguarding Minerals) by reference to Policy M9(iii), that there is an overriding need for the development that outweighs safeguarding, it is my view that this does not obviate the applicant from the need to minimise and mitigate against impact to the maximum possible extent.*

*This is particularly important given the relative scarcity of soft sand, the inability to use an alternative material for its purpose, and the current land bank position set against policy requirements.*

*Cumulative Effects Arising from Rock Common Quarry Development Proposals*

*The Environment Impact Assessment Regulations require applicants to describe the likely significant effects of proposed development on the environment resulting from the accumulation of effects with other existing and/or approved projects.*

*I note that you are concerned about the potential impact of the Rampion scheme on the application proposals for development at Rock Common Quarry that is currently under consideration (LPA reference WSCC/028/21) with particular reference to traffic impacts.*

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*The Rock Common Quarry application was submitted in 2021. The applicant of Rampion 2 asserts that there appears to be no obvious date for determination and it emphasises the objections that have been submitted by local interested parties.*

*As you know, we have received informal assurance from the LPA Case Officer that the application is now being prepared to be reported to Committee, with a target date of 6th June 2024. Even were this missed, it demonstrates that there is a clear intent for the application to be determined in the near future*

*The application has been the subject of 2 full public and statutory consultation exercises, with further targeted reconsultation of a number of specialist technical consultees.*

*In response to each round of consultation, representatives of the applicant have prepared and submitted Addendum information to the WPA.*

*The intent, and consequence of this, is that the submitted further information has iteratively addressed outstanding queries and concerns, in particular from statutory technical consultees.*

*I understand that that there are now no technical objections to the application from such statutory consultees. On this basis, and notwithstanding residual concerns of local residents, I consider that the application is in accordance with relevant Development Plan and other planning guidance. It is therefore likely to be reported to Planning Committee for determination, with an officer recommendation for approval.*

*The Rock Common Quarry application comprises two elements. The first is the continued winning, working and processing of sand. The application submitted that it is estimated that there are between 100,000 and 150,000 tonnes of sand reserves remaining in the quarry, and that these would be extracted as part of the proposed works.*

*Alongside this, and subsequently, the second element of the application is the proposed restoration of the quarry via the importation of a total of circa 2.7 million m<sup>3</sup> of material imported at an annual rate of some 345,000 m<sup>3</sup> over a circa 8 year period.*

*The application is supported by details that evidence that the currently approved restoration of the quarry (via the filling of the void with water) is not environmentally acceptable due to the risk of contamination. The application explains the need for the importation of material to ensure a safe and satisfactory restoration scheme.*

Ref	Deadline 3 submission	Applicant's response
2.28.89	<p>7.5. The land to the north of Rock Common Quarry has planning permission for a ready-mixed concrete batching plant and for the importation of materials for blending, thus providing added value products. We would anticipate that Dudman Ltd would</p>	<p>The Applicant notes the separate planning permissions by which the ready mixed concrete batching plant and the importation of materials for blending have operated under. It is also noted these activities have previously been approved on the basis that they cease when quarrying operations</p>
		<p><i>It evidences that the material to be imported is the minimum necessary (for example it does not seek to fill the quarry to its pre-existing surface level) as required by Development Plan guidance (Policy W8 of the West Sussex Waste Local Plan).</i></p> <p><i>The commentary on the Rock Common Quarry application by the Rampion representatives appears relatively modest. It seeks to focus on the compatibility of the cable route with the physical extent of the Rock Common Quarry application area.</i></p> <p><i>This fails to take account of the requirements of the EIA Regulations, to consider the cumulative environmental effects of other existing and/or approved projects. Whilst it is not yet approved, I consider that there is a strong prospect that the Rock Common Quarry application will secure consent ahead of determination of the Rampion 2 application.</i></p> <p><i>It is therefore important that that the latter application takes account of the consequence of the development, including compatibility and effect on traffic.</i></p> <p><i>The Rock Common Quarry application provides detailed proposals for the routing of vehicles, in order to ensure there is an acceptable impact within the local area. Whilst there are concerns among local residents in respect of the capacity of the highway network, it has been demonstrated the Rock Common Quarry application can be delivered with an acceptable impact on highway safety and capacity. This view has been endorsed by West Sussex County Council as the Highway Authority.</i></p> <p><i>Notwithstanding this, the Rampion 2 application should be required to take full account of the potential operation of this proposed development in relation to the traffic effects, given that the Rock Common Quarry restoration period which would be running simultaneously with the Rampion 2 construction period.</i></p>
		<p>We refer to comments made above under 2.28.88</p>



Ref	Deadline 3 submission	Applicant's response
	<p>wish to continue these service lines subject to virgin sand being available. In addition, this land provides the associated sand processing plant. Clearly these are established operations and would support an application to quarry in land owned by Wiston shaded pink on the plan below. Going forward there is potential for development of the sand associated with land to the north of the A283, which could be easily linked by conveyor to the existing Dudman Ltd processing and concrete batching site.</p>	<p>cease at Rock Common Quarry itself. It is also noted that planning application WSCC/028/21 seeks to bring these activities under a single planning permission with the main quarry site. As such, the use of the concrete batching plant is linked to the lifespan of Rock Common Quarry, and any other future use would require a separate permission.</p> <p>With regard to the land shaded pink in the provided plan, the Applicant notes that there are no planning permissions or submitted planning applications for minerals extraction in relation to this land. It is only designated in the West Sussex Joint Minerals Local Plan (JMLP) as a Minerals Safeguarding Area (MSA), which is a different matter to policy support for minerals extraction.</p> <p>The JMLP therefore does not provide any specific policy support for future minerals extraction in this area. The Applicant notes that there has been no representation submitted by Dudman Ltd to the Proposed Development and there</p>

Ref	Deadline 3 submission	Applicant's response
2.28.90	<p>7.6. A mineral specialist has applied a high-level assessment of the mineral reserves, assuming a depth of 5 metres with ratio of 1 cubic metre to 1.5 tonnes. This high-level approach provides in the order of 5.2 million tonnes for the cable corridor and for the assumed severed land east and west of the cable corridor.</p>	<p>is no planning policy, planning applications or planning permissions which would support the idea of minerals extraction in the land owned by Wiston Estate and shaded pink on the provided plan.</p> <p>Therefore limited weight can be given to the consideration of the potential of this type of development in this pink area.</p> <p>The Applicant assumes that the area of land containing the 5.2 million tonnes of sand quoted by Wiston Estates relates to the entirety of the pink-shaded area on the plan provided. No evidence has been submitted to the DCO Examination to show that there are sand resources available across all of this pink-shaded area.</p> <p>The MSA which is identified in the West Sussex JMLP is based on geological information provided by BGS and this indicates that the sand resources do not exist across all this pink-shaded area. The plan provided here by the Applicant shows the overlap of the proposed cable route, the MSA and the pink-</p>
		<p>Please can the Applicant confirm which plan they are referring to which is marked "A" "B" &amp; "C"</p> <p>WSCC mineral safeguarding plan has been provided to the Applicant, which shows the area of sand owned by Wiston Estate. These areas are also referenced in the Applicant's own documents, including the Planning Statement [APP-036].</p> <p>We disagree that severance and sterilisation will not apply. Indeed we note that WSCC has previously requested that the Applicant consider the issue of severance, particularly for soft sand. WSCC state in Document APP-065 -<i>no such assessment or consideration has been given. If the cable route results in severance of parcels of land underlain by the safeguarded resource, this could effectively sterilise the economic viability that would enable extraction.</i>"</p> <p>Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.</p>
		<p>The Plan showing the areas marked "A", "B", and "C" was referred to in the <a href="#">Applicant's Response to Affected Parties' Written Representations [REP2-028]</a> but was accidentally omitted from that document. The plan is provided at Figure 1 Wiston Estates 'Pink' Land. <b>Appendix K</b> It is based on the Plan provided by Wiston Estates and replicated in REP2-028 at section 2.28.91 and should be read in conjunction with the response the Applicant provided at provided at 2.28.90.</p> <p>The issue of severance was considered within the minerals assessment provided within ES Chapter 24 Ground Conditions (APP-65) although it was not specifically stated this was the case. A clarification of how severance was considered was provided to the WSCC comments within the Applicant's Response to West Sussex County Council Deadline 1 Submissions, <b>[REP2-020]</b>.</p> <p>Please refer to the Applicant's response to mitigation measures in reference 2.28.88 above.</p>

Ref	Deadline 3 submission	Applicant's response
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shaded area provided by Wiston Estates. Land within the MSA and within the proposed cable route would be directly sterilised by the Proposed Development during the construction and operational stages. Land marked as 'A' contains potential sand resources but these would still be available for extraction as they are not sterilised by the cable route itself or from severance. Land marked as 'C' is outside of the MSA and the geological records of sand resource available, therefore no sterilisation can occur. This leaves a small area of land marked 'B' which is potentially subject to sterilisation from severance.

Within this area of land, the MSA only exists as a relatively narrow band measuring between 100- 160m wide and 600m in length (approximate figures). The A283 to the north provides an existing constraint on some of this land, with other sand quarries in the area utilising an approximate 35 wide buffer from roads of this type. A woodland area to the western boundary of this land would also

Ref	Deadline 3 submission	Applicant's response
2.28.91	<p>7.7. We enclose a WSCC plan showing the sand deposits in the county. You will note the band of sand which runs west to east through the county. Rock Common is identified on the plan. The Rampion proposal runs straight through these sand deposits.</p>	<p>provide a constraint to extraction. These constraints would see the area of land available become a narrow band measuring between 65-125m wide and 470m in length (approximate figures). Due to its location at the edge of the MSA, and as described in Paragraph 24.9.45 of Chapter 24: Ground Conditions, Volume 2 of the ES [APP-065], this is unlikely to be considered as a sufficiently large plot of land to allow a viable extraction site to be developed.</p> <p>Therefore severance is not considered to be relevant in this area.</p> <p>The Applicant has acknowledged the proposed cable route does pass through the sand resource identified by the West Sussex JMLP in <b>Chapter 24: Ground conditions, Volume 2</b> of the ES [APP-065] and in the <b>Planning Statement [APP-036]</b>. Due to the north/south orientation of the cable route and the east/west orientation of the sand resource it is not possible for the cable route to avoid this feature.</p> <p>See comments under 2.28.85 and 2.28.88</p>

Ref	Deadline 3 submission	Applicant's response		
2.28.92	<p>7.8. WSCC had previously requested Wiston Estate consider putting this land into the Local Waste Plan due to the quality of the sand in this area. For strategic reasons Wiston Estate did not take this forward, as they have a live planning application for the restoration of Rock Common Quarry currently being considered. This application has been submitted to seek permission for the restoration of the quarry once extraction activities have ceased.</p>	<p>The Applicant assumes that reference here to the 'Local Waste Plan' actually means the JMLP, as this would be the appropriate document for sand extraction. It is noted that the adopted JMLP does not contain any reference to the pink-shaded land other than where it falls within the MSA. The JMLP does not provide any specific policy support for sand extraction in this area.</p>	<p>See comments under 2.28.85 and 2.28.88</p>	
2.28.93	<p>7.9. However, the sand potential should be considered in light of Wiston Estate ownership structure, the estate is a multi-generational estate held by the same family since 1743. Therefore, they take a long-term view and if the Rampion project goes ahead this sand potential will be sterilised for the next generation.</p>	<p>The sand resource within the MSA that overlaps directly with the cable route could be sterilised for the construction and operational stages of the Proposed Development and this is acknowledged and assessed within <b>Chapter 24: Ground conditions, Volume 2 of the ES [APP-065]</b> and <b>Planning Statement [APP-036]</b>. There is potential for the sand to be subject to prior extraction for sale/use outside of the Proposed Development (although <b>Chapter 24:</b></p>	<p>There will be a considerable cost saving for the Applicant to re-use the sand within the Proposed Development. This has not been discussed with Wiston Estate and should be reflected in the compensation offered.</p>	<p>A meeting was held with the Wiston Estate on 28 May 2024 where clarification was provided that any materials excavated during the construction of the trenches will be reinstated into the same location at the end of construction and any minerals kept separate from soils where practicable in accordance with the <b>Outline Code of Construction Practice [REP3-025]</b> and <b>Outline Soils Management Plan [REP3-027]</b> Should any materials not be able to be reinstated into their original location, which is not expected to be the case, then further discussions will be held with the landowner on any appropriate and available re-uses of the materials.</p>

Ref	Deadline 3 submission	Applicant's response
2.28.95	<p>8.1. The position of the route takes a significant amount of land out of agricultural use during construction. It also severs fields making large areas unusable. Some of the affected land is farmed by farm</p>	<p><b>Ground conditions, Volume 2</b> of the ES [APP-065] explains why this is considered to be unlikely) but greater potential exists for sands to be re-used within the proposed Development. The exact amounts available for re-use would be subject to the results of ground investigation work at later phases of the proposed development which would allow the exact quantities and quality of sand to be identified. This re-use would be controlled by the <b>Outline Code of Construction practice [PEPD-033]</b>. Any remaining sand which would be sterilised would then become available again once the Proposed Development reaches the decommissioning stage. This would maintain a long-term opportunity for minerals development opportunities in this area.</p> <p>The Applicant will seek to engage further with the Land Interest and their tenants regarding detailed construction access design and accommodation works in accordance with <b>Outline Code of Construction Practice (CoCP) [PEPD-033]</b>.</p>

Ref	Deadline 3 submission	Applicant's response
	<p>tenants, and the proposals will severely impact their livelihoods. We detailed some of the practical issues above.</p>	<p><b>Fencing</b> – The Applicant confirms that the construction area within the Order Limits will be fenced off for the duration of construction.</p> <p><b>Crossing/ Access Points</b> – Accommodation works (to include access points over the construction area) to seek to mitigate the impact will be discussed with the Land Interest in due course. Alternative crossing points which are suitable for agricultural machinery and livestock so as to minimise impact on the business, farming operation and residential property will be considered. The Applicant will discuss in more detail Accommodation Works with the Land Interest to ensure access is facilitated to any severed land. Where severed land cannot be farmed the Applicant would be willing to negotiate an appropriate compensation claim for disturbance.</p>
2.28.96	<p>8.2. The separation of the buildings from the main area of the holdings will have a detrimental effect on the ability to run the</p>	<p>The Applicant has carried out extensive consultation with affected parties, including farm tenants of the Wiston Estate since</p>

Ref	Deadline 3 submission	Applicant's response
	<p>agricultural enterprises. Some of the farm tenants have had a poor experience with the project, having correspondence ignored and surveys being carried out without consent, which has resulted in concerns that farm tenants will not be treated fairly.</p>	<p>2020 as referred to within the <b>Consultation Report [APP-027]</b>, Chapter 6 of which provides information on the consultation material provided under Section 42 of the Planning Act 2008 and additional methods of consultation. The Applicant is keen to have ongoing discussions with the land interest and their farming tenants to understand how best to implement temporary accommodation works during the construction period (e.g. fences, gates and crossing points). Also the Applicant will continue to engage further to understand the Land Interest's specific requirements to accommodate the tenant's farming and business operations and minimise disturbance wherever possible.</p>
2.28.97	<p>8.3. Some examples of this include: -</p> <ul style="list-style-type: none"> <li>• On the 19th May and the 20th May 2021 ecology surveys took place on Guess Gate Farm in advance of the environmental survey licence being agreed and signed. At this point the tenant had not even been provided with a copy</li> </ul>	<p>The Applicant had been given verbal consent by the Land Interest's agent (which was subsequently redacted) to access the land for surveys in May 2021. Following this, all surveys were postponed until the licence was signed. In September 2021 a survey licence was signed by Wiston Estate and surveyors</p>



Ref	Deadline 3 submission	Applicant's response
	<p>of the licence to be signed. This raised significant health &amp; safety and biosecurity concerns of unauthorised third party access onto a working livestock farm. • On the 21st September 2021 surveyors turned up unannounced to Guess Gate Farm, despite terms being agreed in the access licence which stated that the estate and their tenants would be notified of proposed surveys and the surveyors would sign into farm log books where required.</p>	<p>attended site. The Applicant understands that there was a misunderstanding regarding access instructions. As a response, planned surveys were suspended and the protocol put in place to ensure appropriate contacts were made with the farming tenant prior to surveys taking place and logs books signed.</p>
2.28.98	<p>9.1. Further information on the proposed Wet Pools Compound has been requested (shown on the plan as Work No.10). It is understood that this is a major compound. The estate has serious concerns over access, Highway safety and the impact on the local road network as the current access is poor.</p>	<p>Information on the proposed compound at Washington is set out in <b>Chapter 4 of the Environmental Statement-Proposed Development [APP-045]</b>. Stage specific traffic management plan for this location will contain further details regarding the construction traffic using the compound in accordance with the <b>Outline Construction Traffic Management Plan [REP1-010]</b> An outline design and road safety audit for this location will be provided by the Applicant during</p>

Ref	Deadline 3 submission	Applicant's response
	<p>the Examination period to West Sussex County Council as requested by them as Highway Authority.</p>	
2.28.99	<p>9.2. No detailed plans for the compound have been provided, including details of use such as working hours and access arrangements. Head of Terms for use of this compound were only received on the 2nd February 2024.</p>	<p>Detailed layout plans for the temporary construction compound at Washington will be completed as part of detailed design once a principal contractor is appointed. Working hours for the construction including the temporary compound locations are communicated as part of the DCO-Application. Please see <b>Commitment C-22</b> in the <b>Commitments Register [REP1- 015]</b> for details on working hours. Detailed access arrangements are being worked on in coordination with the Local Highways Authority, to comply with DMRB standards. The Applicant welcomes the opportunity to discuss the Heads of Terms for the compound with the Land Interest.</p>
2.28.100	<p>9.3. We note in Rampion's submitted outline Code of Construction Practice they intend to operate with the following core working hours: 07:00 to 19:00 hours</p>	<p>Core working hours have now been reduced, with the provision of shoulder hours. Please see updated <b>Commitment C-22</b> in the <b>Commitments</b></p>

Ref	Deadline 3 submission	Applicant's response
	<p>Monday to Friday and 08:00 to 13:00 hours on Saturday. This would result in significant traffic and disturbance on this compound during the rush hours.</p>	<p><b>Register [REP1- 015]</b> for details on working hours. Impacts to local traffic have been assessed in the <b>Outline Construction Traffic Management Plan [REP1-010]</b> and further detailed in the <b>Traffic Generation Technical Note [REP1-008]</b></p>
2.28.10 1	<p>9.4. The estate has previously put forward alternative sites for a compound, which have not been considered properly.</p>	<p>Please see summary in 9.2</p>
2.28.10 2	<p>10.1. It is understood that Manhole covers will be erected at 1km intervals on the route and access to these will be retained in perpetuity. We understand from Rampion that location of these will not be provided until the construction period, and they will be limited to where they can go due to the cable being in set lengths. If they are located inappropriately, such in the middle of the field, this will have significant implications both operationally, such as arable farming, and for future uses, such a vineyards.</p>	<p>Please see summary in 10.1</p>

Ref	Deadline 3 submission	Applicant's response		
2.28.10 3	11.1. Throughout the consultation and survey period, there has been a failure to cover the affected parties' professional costs. Much wasted professional time has been spent following up their chaotic approach to matters. This is unequitable when Wiston Estate have only incurred these costs due to the proposed project	Please see summary in 11.1	Please see 2.28.24	
2.28.10 4	11.2. Rampion refused to pay professional costs during the initial consultation period. This fundamentally undermines the engagement process, especially given professional costs were reimbursed during the development of Rampion 1.	The Applicant has confirmed that reasonably incurred professional fees will be reimbursed, on the provision of an accompanying timesheet to any fee account being as set out in the Key Terms for the Voluntary Agreement and in accordance with the RICS Professional Statement (Surveyors advising in respect of compulsory purchase and statutory compensation).	Please see 2.28.24	
2.28.10 5	11.3. We do acknowledge that Rampion have confirmed they will meet professional costs during the Heads of Terms negotiations.			
2.28.10 6	12.1. We note in Rampion	The Applicant notes this response. It should be	We note WSCC requests that the mechanism to deliver off-site BNG, including the sign off process and proof of purchase of Biodiversity units, is	The Applicant has discussed Biodiversity Net Gain (BNG) requirements with the Wiston Estate.

Ref	Deadline 3 submission	Applicant's response
2.28.10 7	<p>submissions – Appendix 22.15: Biodiversity Net Gain Information (Document reference: 6.4.22.15) it is stated that “Three Landowners with interests over large land holdings have expressed interest to RED for the delivery of biodiversity units”.</p> <p>noted that the potential to provide BNG to deliver commitment C-104 (see the <b>Commitments Register [REP1-015]</b>) which is secured via Requirement 14 of the <b>draft Development Consent Order [PEPD-009]</b> will be developed in detail should the Proposed Development receive consent. This is because the detailed design is necessary to get an accurate understanding of the needs to deliver both ‘no net loss’ and BNG. It is at this point when discussions with landowners would be entered into in detail (as described in <b>Appendix 22.15 Biodiversity Net Gain Information [APP-193]</b>). The Applicant is aware of the Wiston Estate’s interest in delivering BNG based on information on the websites of the Weald to Waves Project and Bidwells.</p> <p>Please see response to 25.1.</p> <p>12.2.Biodiversity Net Gain was discussed with Rampion in 2021 when they engaged with the Weald and Waver Project. Wiston Estate is partner in this project. Since 2021 despite attempts to engage no further responses</p>	<p>secured through the DCO requirement. Wiston Estate would support this view.</p> <p>The Applicant has been sent details of an off-site Wiston Estate BNG offer which is likely to be compatible with some of the Proposed Development BNG requirements.</p> <p>Discussions relating to a separate agreement will be progressed at the appropriate time and in any event further to the Applicant’s confirmation of the cable route (and therefore BNG requirement).</p>

Ref	Deadline 3 submission	Applicant's response
2.28.10 8	<p>have been received from Rampion with respect to BNG.</p> <p>13.1. Without prejudice to the objections above the parties are seeking to agree a position relating to several points above as well as an option and easement agreement and a compensation agreement.</p>	<p>The Applicant welcomes further discussions on the Heads of Terms.</p>
2.28.10 9	<p>14.1. Wiston Estate reserves the position to submit further information, issues, and objections as part of the DCO process.</p>	
<b>Appendix A</b>		
	<p>Appendix A contains email correspondence between Richard Goring and Dale Mayhew regarding the effect on mineral reserves on the Wiston Estate resulting from Rampion 2.</p>	
<b>Appendix B</b>		
2.28.1	<p>We refer in our response to the Alternative Route "Ninfield Option". We attach a plan "Rampion 2 Alternative Landfall Options" which shows the proposed route from Ninfield. It is noted that the onshore route is significantly less than the Applicants current proposals and would not impact on the SDNP or the minerals within WSCC MSA. As stated, we do not believe this Ninfield route has been investigated properly by the Applicant.</p>	<p>Please refer to the <a href="#">Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</a>.</p>

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**Appendix C**

2.28.11

We refer in our response to the alternative route submitted by Wiston Parish Councillor (Councillor John Goring), referred to as the “Southern/Blue Route”. The Plan attached (Rampion 2 – Alternative Cable Routes) shows this alternative route in Blue.

This plan also shows where this alternative route would cross the Ancient Woodland, referred to by the Applicant under 2.28.12. As stated, this length of Ancient Woodland is only 15m and could have been crossed using HDD as the Applicant is proposing to do under Calcott Wood.

This plan also shows the approximate location of the gas pipeline, referred to by the Applicant under 2.28.47. We understand it is acceptable to lay a cable within 15m of a gas pipeline. For this alternative, the proposed route is at least 30m away from the gas pipeline and therefore should be acceptable. It would not involve “multiple crossings of a shallow gas pipeline which is less desirable” as stated by the Applicant under 2.28.47.

Given the easement of the in-situ gas line, the Applicant could have significantly minimised the sterilisation of the sand within WSCC MSA (shown in yellow on the attached plan) by running the cable route parallel across the sand seam. As stated, we do not believe this alternative has been given sufficient consideration by the Applicant.

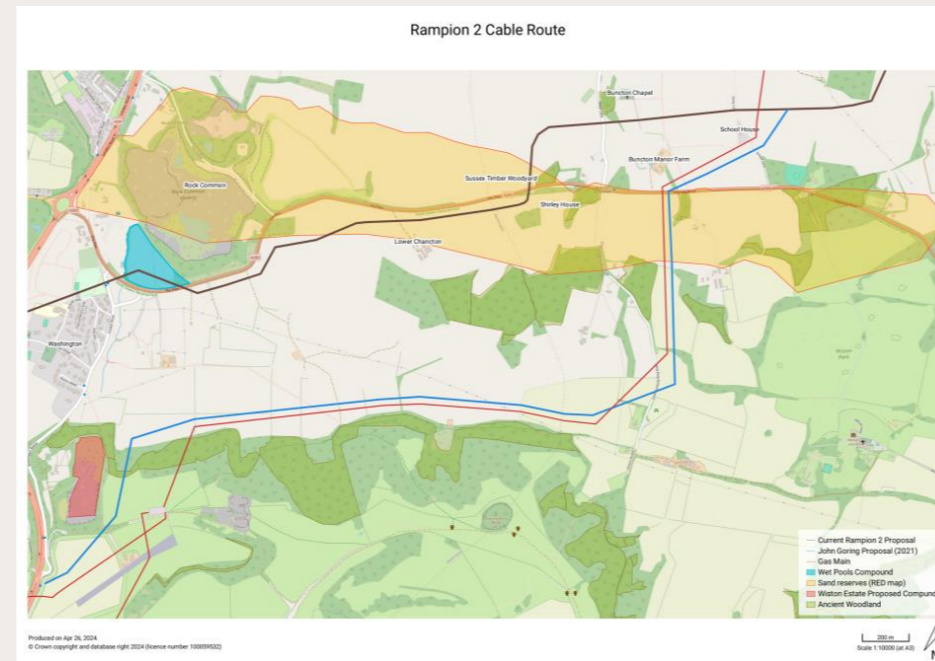
The Applicant responds to the points raised in relation to the blue route including the clarification on interaction with ancient woodland under section 2.28.12.

The Applicant set out the Engineering challenges in relation to the topography and gas pipeline in our response at Deadline 3 in **Applicant's Responses to Affected Parties' Written Representations [REP2-028]** and included. Further details of these risks are also set out in the **Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)** Action point 10.

- Running parallel and in proximity to the High Pressure gas pipeline in several sections requires additional construction considerations and brings new avoidable HSE risks for the project.
- Crossing of a gas pipeline at a pinch point between Ancient Woodland areas at would be required to the East of Chanctonbury Ring Road. The requirement for stand-off distances from construction activities to the woodlands in combination with the required safety corridor around the existing gas pipeline would have left limited space for cable corridor construction presenting a risk for the project's deliverability. Additionally, the ability to cross the gas pipeline at perpendicular angles is severely constrained in

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this area putting the acceptability of this asset crossing for statutory undertakers at risk. The asset owner SGN confirmed that new services need to cross existing pipelines at perpendicular angles, the deliverability of which presented a risk for the Applicant in the severely constrained space near the ancient woodlands. Limited working area presents a construction risk along a long cable route that runs parallel with the gas pipeline (which in itself was rated as a high risk).



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# **Appendix A**

## **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 Development Ltd	Rampion 2 Onshore Consents Manager
[REDACTED] (D) - 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	<b>TE1.8 Examining Authority Question and brief recap of proposals</b>  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.  SB clarified that the EA was yet to submit its responses to the ExA but that it would do so imminently.  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	

Continued...

	<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...

	Topic of Discussion	Actions
	<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>	
3	<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>	
4	<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>

# **Appendix B**

# **Applicant's Response to Natural**

# **England Appendix J Protected Species**

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# **Rampion 2 Wind Farm Category 8: Examination Documents**

## **The Applicant's Response to Natural England Appendix J: Protected Species**

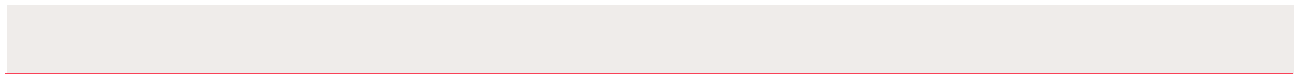
**Date: June 2024**

**Revision A**



## Document revisions

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



# 1. The Applicant's response to Natural England Appendix J: Protected Species

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## 1.1 Introduction

- 1.1.1 Natural England provided Appendix J3 – Natural England's advice on Protected Species **[REP3-084]**. This included Natural England's advice to the Examining Authority with regards a range of protected species for which derogation licences could be required to deliver the Proposed Development.
- 1.1.2 This technical note provides the Applicant's response to **REP3-084** and provides information on:
- Pre-application technical engagement with the Expert Topic Group (ETG) on terrestrial ecology;
  - Post-application technical engagement with Natural England with regards protected species; and
  - Information on the baseline, mitigation and compensation on the following legally protected species – hazel dormouse, bats, otter, water vole, badger and great crested newts.

## 1.2 Pre-application technical engagement

- 1.2.1 During the pre-application stage the Applicant sought to undertake a reasonable and proportionate ecology survey programme to inform the assessment described in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the Environmental Statement (ES) **[APP-063]**. This was supported by a desk study as described in **Appendix 22.2: Terrestrial ecology desk study, Volume 4** of the ES **[APP-180]**. Outlining the approach to surveys and the regular presentation of interim results to the ETG during the pre-application stage was undertaken in part to ensure that stakeholders were content with the approach being taken.
- 1.2.2 Natural England were part of the ETG on terrestrial ecology. During this period, the approach to terrestrial ecology surveys and the presentation of provisional results were provided on several occasions as detailed in Section 22.3 of **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES **[APP-063]**. Specific dates where the terrestrial ecology survey programme (including provision of interim and full results) was discussed with the ETG were as follows:
- 28 October 2020;
  - 23 March 2021;
  - 03 November 2021;

- 08 November 2022;
- 07 March 2023; and
- 27 June 2023.

1.2.3 In these meetings any objections, advice or suggestions were requested from the stakeholders to ensure that a reasonable and proportional approach was being followed. The identified inadequacy of the survey approach identified by Natural England at Deadline 3 were not raised during these meetings. Further to these meetings, the draft baseline reports were provided to ETG members ahead of the application on 22 August 2023 (no response on the issue of these reports was received).

### 1.3 Post-application technical engagement

1.3.1 Natural England submitted feedback in writing at Deadline 3 [**REP3-084**].

1.3.2 Following the application meetings that included discussion of protected species and associated surveys were held on 25 April 2024 and 22 May 2024.

1.3.3 On 25 April 2024 (prior to the publication of **REP3-084**), outline discussions were held with Natural England confirming at a high level that they would submit concerns regarding Protected Species, although the contents of Appendix J were not described in detail. Following this meeting and the Deadline 3 submission and ahead of that on the 22 May 2024, a draft version of this technical note was provided to elicit discussion.

1.3.4 On the 22 May 2024 the approach to dealing with the outstanding issues on protected species were discussed and a plan to address these agreed. This plan includes the provision of two draft licence applications for consideration by Natural England's licensing specialists (with accompanying specialist meetings) and a provision of a statement as to why other species will not require draft licence applications to be made (for comment by Natural England's local area team).

### 1.4 Hazel Dormouse

1.4.1 Natural England state in Appendix J that they typically require full surveys of all suitable habitat for dormouse where permanent or temporary habitat loss is proposed. They state that there is currently insufficient information on which to robustly determine the presence of dormouse across the whole Proposed Development. Natural England would like additional survey information provided in order to make a robust recommendation with regards potential European Protected Species licensing.

1.4.2 Natural England would like to understand more about mitigation and compensation for dormouse, including with regard the timings of habitat loss and measures to limit fragmentation.

1.4.3 In Natural England's Risk and Issues Log Deadline 3 (see J61, [**REP3-087**]) it is outlined that they 'strongly recommend that the best practice guidelines outlined in *'The Dormouse Conservation Handbook, Second Edition'* are adhered to. Should you chose to deviate from this, detailed justification will be required to ensure

*appropriate and robust conclusions have been drawn, should an EPS mitigation licence be required*. This response is given an 'amber' status.

- 1.4.4 It should be noted that the surveys undertaken were in adherence with the *Dormouse Conservation Handbook, Second Edition* (Bright et al, 2006) at each location. Therefore, it is assumed that it is the extent of the survey (i.e. a sampling approach vs a full coverage approach) that is in question. This technical note provides the Applicant's justification on approach to survey.
- 1.4.5 At J65 [REP3-087] Natural England suggest that should hazel dormouse be present along the 'linear impact route' (assumed to be the cable corridor) a European Protected Species (EPS) licence would be required. As the status for this is 'green' it is assumed that Natural England consider that, in principle, a EPS licence could be granted.
- 1.4.6 This following sections provide information on:
- Comparison of the approach to dormouse surveys with a consented Nationally Significant Infrastructure Project of a linear nature that crosses through the South Downs National Park;
  - The approach to mitigation and compensation for dormouse due to permanent habitat losses; and
  - The approach to mitigation and restoration for dormouse due to temporary habitat losses.

## 1.5 Linear DCO comparators

- 1.5.1 In addition to the technical engagement outlined in **Section 1.2**, the Applicant sought to ensure that a reasonable and proportionate approach to dormouse survey was being undertaken by reviewing the documentation for the Southampton to London Pipeline Project (EN070005), due both to its linear nature and its route across parts of the South Downs National Park.
- 1.5.2 The Southampton to London Pipeline Project was granted development consent by the Secretary of State on 7 October 2020. This pipeline of approximately 97km passes through Hampshire, Surrey and the London Borough of Hounslow. Part of the route through Hampshire passes through the South Downs National Park.
- 1.5.3 In the application, dormouse surveys were undertaken at 16 discrete sites (ESSO, 2019a) across an approximate 97km route versus nine for the Proposed Development across approximately 38.8 km). These sites were located in suitable dormouse habitat but did not include all areas of woody vegetation (noting there were 270 hedgerow crossings proposed versus 135 (including tree lines for the Proposed Development)). Desk study records were also used to infer presence in some locations, particularly in surveyed areas that returned null results. Losses of potential dormouse habitat for the Southampton to London Pipeline Project were considerably greater than for the Proposed Development (e.g. 0.48ha of woodland for the Proposed Development versus 9.55ha for the Southampton to London Pipeline Project).

- 1.5.4 The approach to survey was agreed as appropriate between Natural England and the Southampton to London Pipeline Project in a Statement of Common Ground (ESSO, 2019b).
- 1.5.5 To account for temporary habitat loss the Southampton to London Pipeline Project provided the following mitigation:
- Finger tip searches by a licensed ecologist prior to vegetation clearance;
  - Single and double stage vegetation clearance, with the latter being used where breeding birds could also be affected;
  - Provision of dormouse boxes to mitigate for temporary habitat loss; and
  - Habitat reinstatement.
- 1.5.6 The approach to survey used for the Southampton to London Pipeline Project is akin to that for the Proposed Development, i.e. samples were taken from the areas of habitat considered most likely to support dormouse. It was also notable that the extent of the surveys both in time and location were to some degree governed by access agreements to private land. Based on the length of the Southampton to London Pipeline Project, the much greater extent of woodland loss proposed and the greater number of hedgerow crossings for that project it is apparent that the level of survey intensity has been greater for the Proposed Development.

## **1.6 Permanent habitat loss and approach to mitigation and compensation**

- 1.6.1 Dormouse (a single juvenile) were identified in habitat within the grounds of Oakdene Manor immediately adjacent to the substation location. Within this area there is a proposed permanent loss of 647m of intact species poor hedgerow with trees (mostly mature oak standards). The hedgerows that may be subject to loss (final losses dependent on detailed design of the substation) do not provide the structure or the food resource to provide dormouse with opportunities for foraging, nesting and hibernating throughout the year. These hedgerows are most likely to be used by dispersing individuals. In addition to the loss, the habitat in which the juvenile dormouse was recorded is immediately adjacent to the Proposed DCO Order Limits. Therefore, the potential effects on dormouse at the proposed onshore substation location are habitat loss, fragmentation and disturbance. The following measures i. to iv. (below) are detailed to mitigate and compensate and ensure the favourable conservation status of the local dormouse population (see **Outline Landscape and Ecology Management Plan [REP3-025]** for the Indicative Landscape Plan and the Indicative Planting Phasing Plan). The measures below are secured through stage specific Landscape and Ecology Management Plans in accordance with the **Outline Landscape and Ecology Management Plan [REP3-025]** as secured through Requirement 12 of the **Draft Development Consent Order [REP3-003]**:
- i. Advanced planting (pre-commencement of any habitat loss) of a strip of woodland / scrub 15m wide adjacent to the habitat within which dormouse were recorded. This will provide a stand-off to any activity, additional foraging and nesting habitat. This habitat will be created from a range of trees and shrubs,

including a mix of standard sizes (i.e. whips, light standards, heavy standards etc.). This area is approximately 270m long and 15m wide equating to 0.4ha. Along its entire length it is bolstering existing vegetation. All of the advanced planting will be outside of the fence line that will be established to mark the areas within which construction activities may take place, thereby creating a buffer.

- ii. Further advanced planting is proposed contiguous with that at (1) that ensures the north-south connectivity is improved compared to the current situation. This is approximately 0.2ha of planting (linear measure of approximately 280m) that bolsters existing linear features that would be retained.
- iii. Following site mobilisation (e.g. first actions will be to gain access and erect site fencing), further planting will then take place in the first available planting season outside of the fence line. This will include approximately 0.3ha of woodland/scrub planting along 825m of existing tree line and scrub, woodland planting (approximately 0.1ha) by the A272 and parkland tree planting along the western boundary.
- iv. Prior to the completion of the construction programme areas of woodland and tree planting shown on the indicative landscape plan will be completed including screening planting for the onshore substation.

1.6.2 The planting overall provides the following:

- Native woodland – 0.8ha;
- Native wet woodland – 1.9ha (provides foraging and linking habitat);
- Native scrub – 0.9ha; and
- Semi-mature parkland trees – no. 9.

1.6.3 The advanced planting provides a greater area of habitat than that lost. It consists of habitat that can provide a greater range of services for dormouse (i.e. foraging, nesting, commuting and hibernating) and maintains links to the wider landscape. Its locations also provide a buffer between active construction areas and the location where dormouse were previously located. In the medium and longer term the total amount of habitat for dormouse in this location will increase markedly and will be of better quality than the habitat that is being lost.

1.6.4 Although not explicitly detailed in the **Outline Code of Construction Practice [REP3-025]**, the timing of habitat removal would be done either as a two-phase removal (first stage November to March and second stage in May) or a single stage clearance during May. Natural England notes that commitment C-21 (see **Commitments Register [REP3-049]** updated at Deadline 4) precludes this from occurring, however the Applicant disputes this. Commitment C-21 is a general commitment to removal of vegetation over winter to avoid damage or destruction of active birds' nests, eggs or young and is to comply with the Wildlife and Countryside Act 1981 (as amended). However, it does allow for vegetation to be removed at any time of year should this be required under supervision from the Ecological Clerk of Works. It acknowledges in the final sentence that '*Suitable methods will also be used to ensure vegetation supporting other legally protected species is removed sensitively and in a legally compliant way*'.

1.6.5 In order to bring further clarity, a new commitment (C-299) has been added to the **Commitments Register [REP3-049]** at Deadline 4 (detailed in the **Outline Code of Construction Practice [REP3-025]** which is secured through Requirement 22 of the **Draft Development Consent Order [REP3-003]**) which reads:

*“Where dormouse are shown to be present through pre-construction surveys, vegetation will be removed at an appropriate time of year following either a single (vegetation removal in May) or two-phased approach (vegetation mostly removal between November and March with tree/hedgerow bases removed in May). Suitable methods will also be used to ensure vegetation supporting other legally protected species is removed sensitively and in a legally compliant way”*

1.6.6 The Applicant considers that the tests which Natural England must apply in order to provide a European Protected Species licence can be met. Evidence for the cases for Imperative Reasons of Overriding Public Interest (IROPI) can be found in Section 3.3 of the Overarching National Policy Statement for Energy (EN-1) (Department for Energy Security and Net Zero , 2011). This NPS states that *it is ‘critical’* that the UK continues to have secure and reliable supplies of electricity as it makes the transition to a low carbon economy which means ensuring that:

- there is sufficient capacity (including a greater proportion of low carbon generation) to meet an increasing demand at all times, including a safety margin of spare capacity to accommodate fluctuations in supply or demand;
- this capacity is reliable enough to meet demand as it arises; and
- phasing out non-renewable generating sources and replacing with renewable energy sources.”

The recently adopted Overarching National Policy Statement for Energy (EN-1) (Department for Energy Security and Net Zero , 2023) confirms that the *“Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant new offshore wind infrastructure (and supporting onshore and offshore network infrastructure).”*

1.6.7 and the design process where alternative onshore substation locations were considered (see Section 3.6 of **Chapter 3: Alternatives, Volume 2** of the Environmental Statement **[APP-044]**). With regards the favourable conservation status of dormouse, then the advanced planting ensures that there will be new habitat provided that is at least as large and connected as that to be lost, additional early planting following site mobilisation will provide even more new habitat that reinforces existing connectivity and upon completion of construction the extent of suitable habitat will be markedly greater. The creation of habitat outside of the construction area fence line and then the imposition of a fence line to ensure human activity is limited near the location of the juvenile dormouse found during the survey ensures disturbance will not be of concern. Lastly, it is notable that a single juvenile was located, suggesting that if a breeding population is present it is at very low density.



## 1.7 Temporary habitat loss and approach to mitigation and reinstatement

- 1.7.1 Potential dormouse habitat could be temporarily removed to facilitate installation of cables at crossing points of hedgerows, woodland and scrub. At each of the crossing points the extent of vegetation removal is small. The majority of hedgerows are notched at either 6m or 14m (4 x 2m notches and a single 6m notch), with the maximum loss being 30m; when crossing woodland or scrub the maximum corridor width is 30m. This is outlined in commitment C-115 **Outline Code of Construction Practice [REP3-025]** which is secured through Requirement 22 of the **Draft Development Consent Order [REP3-003]**. The Dormouse Conservation Handbook, Second Edition (Bright et al. 2006) states that for lengths of less than 100m of hedgerow or 50m wide strips of woodland the most effective mitigation is to undertake sensitive clearance to passively displace dormouse. This would be done following the timings described in the new commitment outlined above. Further, to help retain connectivity prior to reinstatement occurring materials such as dead hedging, straw bales and willow hurdles will be used to fill gaps (see commitment C-291 in the **Outline Code of Construction Practice [REP3-025]**). Regardless of commitment C-291 the size of gaps being created are capable of being crossed by a dormouse as described in The Dormouse Monitor (Chanin, 2012). All crossing points of habitat that could be used by dormice (e.g. hedgerows, scrub, woodland etc.) will be subject to survey prior to the commencement of construction as per commitment C-232 in the **Outline Code of Construction Practice [REP3-025]**, which in turn is secured through Requirement 22 of the **Draft Development Consent Order [REP3-003]**.
- 1.7.2 The Applicant considers that the favourable conservation status of dormouse would be maintained through temporary construction works on the following basis:
- i. Should surveys identify dormouse, recommended (via the Dormouse Conservation Handbook (Bright et al., 2006)) mitigation would be put in place to avoid injury or death of individuals (commitment C-232);
  - ii. Habitat losses at any given location would be very small and not create gaps that are too wide for a dormouse to navigate (commitment C-232);
  - iii. Hesitancy in crossing any gaps created in hedgerows, tree lines or belts of scrub is minimised through the provision of materials such as dead hedging, straw bales and willow hurdles (as per commitment C-291); and
  - iv. The mitigation hierarchy will be applied during the detailed design phase (commitment C-292 in the **Outline Code of Construction Practice [REP3-025]**, which in turn is secured through Requirement 22 of the **Draft Development Consent Order [REP3-003]**).

## 1.8 Applicant's conclusions

- 1.8.1 The Applicant is of the view that suitable levels of survey have been carried out on the basis that a similar approach was deemed acceptable by Natural England with regards the Southampton to London Pipeline Project.

- 1.8.2 The Applicant is of the view that there is adequate mitigation and compensation for all permanent losses at the proposed substation location to manage the favourable conservation status of dormouse in this location. Particularly noting both that the population is either at very low density or is characterised by dispersing individuals only and that in the medium to long term there will be a marked benefit in terms of habitat suitability and extent.
- 1.8.3 The Applicant is of the view that the temporary habitat losses along the cable corridor are highly localised, small (at each point of loss) and can be managed effectively to ensure the favourable conservation status of dormouse should they be located. The current sampling data and desk study records suggest that dormouse will be absent from the majority of areas, but if they do occur it will be at low densities. The effort to identify dormouse through survey is secured via the Development Consent Order.
- 1.8.4 Overall, the habitat creation at the onshore substation at Oakendene and the provision of high levels of habitat creation and enhancement associated with the commitment to delivering biodiversity net gain will provide more extensive habitat for dormouse than will be lost to the development.

## **Bats**

- 1.8.5 The Applicant has undertaken a range of bat surveys including the establishment of 14 transects over which manual activity surveys and static detectors were deployed (see [Appendix 22.8: Passive and active bat activity report, Volume 4](#) of the Environmental Statement [APP-186] and [Appendix 22.18: Passive and active bat activity report 2023, Volume 4](#) of the Environmental Statement [PEPD-029]). In addition, an assessment of trees for their potential to support roosting bats was completed (see [Appendix 22.17: Bat tree ground level visual assessment survey report, Volume 4](#) of the Environmental Statement [APP-195]). This transects were designed to be approximately 3.5 to 4km in length and focused on a variety of habitat types to provide a good understanding of the bat community present.
- 1.8.6 Natural England are concerned that there is not sufficient information on the bat community present in order to draw robust conclusions regarding impacts, noting that some groups of bats that are difficult to differentiate between based on bat sound analysis have not been identified to species level (e.g. grey long eared bat and brown long eared bat are grouped together). Natural England note that because there has been no identification of roosts or potential roosts understanding issues around the granting of a European Protected Species licence would be problematic.
- 1.8.7 It should be noted that Natural England appear not to have reviewed [Appendix 22.17: Bat tree ground level visual assessment survey report, Volume 4](#) of the ES [APP-195], having only listed the two reports that deal with bat activity ([Appendix 22.8: Passive and active bat activity report, Volume 4](#) of the ES [APP-186] and [Appendix 22.18: Passive and active bat activity report 2023, Volume 4](#) of the ES [PEPD-029]). Within [Appendix 22.17: Bat tree ground level visual assessment survey report, Volume 4](#) of the ES [APP-195] a total of 376 trees with potential for roosting bats were identified. Of these 190 are within the

proposed DCO Order Limits (35 having high potential, 99 moderate potential and 56 low potential). Within **Appendix 22.17: Bat tree ground level visual assessment survey report, Volume 4** of the ES [APP-195] there is also a detailed desk study that identified a total of 27 roosts in the area, all outside of the proposed DCO Order Limits.

- 1.8.8 In Natural England's Risk and Issues Log Deadline 3 (see J58 to J60, [REP3-087]) the status is provided as 'green', suggesting that the advice provided in Appendix J [REP3-084] is relevant to the post application period.
- 1.8.9 This following sections provide information on:
- Comparison of the approach to bat surveys with a consented Nationally Significant Infrastructure Project of a linear nature that crossed through the South Downs National Park;
  - The approach to mitigation and compensation for bats due to permanent habitat losses; and
  - The approach to mitigation and restoration for bats due to temporary habitat losses.

#### Linear DCO comparators

- 1.8.10 The Yorkshire Green project (EN020024) is a linear project with new, altered and refurbished overhead lines as well as extensions to substations and construction of sealing end compounds, it was granted consent by the Secretary of State on 14 March 2024. The application documents confirm that bat activity was sampled along five activity transects across an onshore length of approximately 30 to 35km. An assessment of the potential of trees likely to be directly affected by the development were subject to a preliminary ground level roost assessment, with 58 of these trees being subject to aerial tree climbing inspections (National Grid, 2022). Natural England agreed in a Statement of Common Ground (National Grid, 2023) that it would not be commenting on the surveys and instead referred to standing advice. Following additional ground level visual assessment of trees undertaken during the examination (following an update on Arboricultural losses) a roost was identified. However, Natural England confirmed a derogation licence (and therefore a letter of no impediment) was not required as the roost could be retained.
- 1.8.11 The Southampton to London Pipeline Project (EN070005) did not carry out any bat activity surveys along its 97km length (ESSO, 2019c). Instead, a habitat suitability map was produced, and a preliminary ground level roost assessment, tree climbing and emergence/re-entry surveys were undertaken. The approach to survey was agreed as appropriate between Natural England and the Southampton to London Pipeline Project in a Statement of Common Ground (ESSO, 2019b). The tree climbing assessment was reflective of the narrow Order Limits leaving limited scope for avoidance within the working area. Natural England note in their response to the Examining Authority's written questions and requests for information (EXQ1) (Natural England, 2019) that agreement was reached with the Applicant (Esso) noting that a Letter of No Impediment was not required with regards losses of bat roosts in trees that need to be felled to facilitate delivery

because it has not yet been confirmed that any bats would be harmed (i.e. because detailed design has not taken place). It was also agreed that project level licenses would be applied for once a decision on the route was made.

- 1.8.12 The approach to survey used for the Yorkshire Green project is akin to that for the Proposed Development. The assessment conclusions of the Southampton to London Pipeline Project (ESSO, 2019d) are in line with the Proposed Development as is the approach to avoiding bat roosts wherever possible through detailed design. The outcome of the Yorkshire Green assessment is also similar to the Proposed Development (National Grid, 2022b) although it is noted that most of the linear infrastructure is overhead lines so it is not directly comparable.

#### Permanent habitat loss and approach to mitigation and compensation

- 1.8.13 Permanent habitat loss for bats consists of two elements, the first is the loss of commuting and foraging habitat around the onshore substation and grid connection locations, with the second being loss of trees that potentially support tree roosts (noting that bats are typically roosting in mature trees and therefore any replanting of trees does not account for roost loss). Trees with bat roost potential will be lost to the Proposed Development, although only a very small proportion of these trees will actually be supporting roosting bats. Tree roosts need to be identified as close as possible to the potential loss as they can change frequently as individual trees become more or less suitable over time. Commitment C-211 secured through Requirement 22 of the **Draft Development Consent Order [REP3-003]** ensures that bat surveys will take place prior to construction commencing. Where tree roosts are identified, the first consideration will come through the implementation of the mitigation hierarchy (commitment C-292 in the **Outline Code of Construction Practice [REP3-025]**). In most instances it is likely that an individual tree can be retained as the cable trenches and haul road have the potential to be micro-sited to ensure retention (noting that the indicative cable corridor is 40m wide and in most locations the proposed DCO Order Limits are 100m wide). If this is not possible, small scale trenchless techniques would be considered for cable installation should this be appropriate taking account of all material considerations. Should avoidance not be possible (for example if there was a bat roost within the footprint of the onshore substation at Oakendene) a European Protected Species licence would be applied for. This would describe the roost and provide details such as timing of felling, provision of alternative roost features (noting that provision of ten bat boxes is already included at the onshore substation at Oakendene as part of the indicative landscape design described in the **Outline Landscape and Ecology Management Plan [REP3-037]**) and description of any necessary habitat creation. It should be noted that the proposed habitat creation at the onshore substation at Oakendene described above with regards hazel dormouse will also be of benefit to bats.

#### Temporary habitat loss and approach to mitigation and reinstatement

- 1.8.14 Temporary habitat loss for bats is habitats such as hedgerows and scrub with no roosting potential that provide opportunities for foraging and commuting. The majority of this loss occurs along the cable route or at access points from the highway and is small in extent. The majority of hedgerows will be subject to either

a 14m (which will be realised as 1 x 6m notch and 4 x 2m notches retaining the parts of hedgerow in between the notches) or 6m loss, with the largest being at 30m (see Figures 7.2.1 to 7.2.5 in the **Outline Code of Construction Practice [REP3-025]**). These temporary losses will be reinstated within 2 years as described in commitment C-103 and secured through Requirement 22 of the **Draft Development Consent Order [REP3-003]**. Prior to reinstatement material (e.g. dead hedging, straw bales, willow hurdles etc.) will be placed in gaps following construction to minimise any fragmentation (commitment C-291). However, the Joint Nature Conservation Committee's (JNCC) '*Habitat management for bats: a guide for land managers, landowners and their advisors*' (2001) outlines that (in point 1 on page 12) '*...even gaps as small as 10m may prevent bats using hedgerows and tree lines*'. Similarly, the Bat Conservation Trust in their guidance '*Landscape and urban design for bats and biodiversity*' (Gunnell, Grant and Williams, 2012) recommend avoiding the opening of gaps greater than 10m in extent. This suggests that for the vast majority of hedgerows affected temporarily bats will be able to continue to utilise these areas.

- 1.8.15 Lighting will be used in a discrete number of locations during the construction period, including at the location of trenchless crossings and construction compounds. There will also be a limited amount of lighting required at the substation, although this would not be expected to be used permanently. All types of lighting would be designed in accordance with guidance from the Bat Conservation Trust and Institution of Lighting Professionals as described in commitment C-105 (see the **Outline Code of Construction Practice [REP3-025]**).

#### Applicant's conclusions

- 1.8.16 The Applicant is of the view that suitable levels of survey have been carried out on the basis that a similar approach was deemed acceptable by Natural England, various local planning authorities and ultimately the Secretary of State with regards the Yorkshire Green project. It is also notable that the Southampton to London Pipeline project that also crosses the South Downs National Park did not undertake any activity surveys, despite also severing linear features such as hedgerows.
- 1.8.17 The Applicant is of the view that European Protected Species licences for bats may not be required given the opportunity for micro-siting or localised trenchless techniques to avoid individual tree roosts between the landfall location and the substation. There will be less flexibility with regards loss of trees at the onshore substation at Oakendene, the grid connection at the existing National Grid Bolney substation and at some access locations from the highway. However, should a licence be required there is the opportunity to provide adequate mitigation / compensation such as the provision of bat boxes.
- 1.8.18 Overall, the habitat creation at the onshore substation at Oakendene and the provision of high levels of habitat creation and enhancement associated with the commitment to delivering biodiversity net gain will provide more extensive habitat for bats than will be lost to the development.

## Otter

- 1.8.19 Natural England state that they typically require surveys covering the location of potential effect plus a length of 200m both up and downstream. Natural England require confirmation of the survey extent.
- 1.8.20 Natural England noted that the Applicant states within **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES [APP-063] that, with regards otter, “*this species is not considered to be resident in West Sussex, or present in small numbers only*”. Natural England have requested further information on this assertion.
- 1.8.21 In Natural England’s Risk and Issues Log Deadline 3 (see J71, [REP3-087]) the status is provided as ‘yellow’, although the accompanying text notes that they agree that otters can be scoped out of the ecological impact assessment.
- 1.8.22 This following sections provide information on:
- Comparison of the approach to otter surveys with a consented Nationally Significant Infrastructure Project of a linear nature; and
  - The approach to mitigation and compensation for otter due to temporary habitat losses.
- 1.8.23 Where the Applicant states within **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES [APP-063] that, with regards otter, “*this species is not considered to be resident in West Sussex, or present in small numbers only*” this is based on the following:
- The fifth National Otter Survey (Environment Agency, 2009) which shows very limited occurrence of otter in Sussex in 2009-10 and none in 2000 – 2002; and
  - Observations from Sussex Wildlife Trust including information such as the first individual otter was caught on camera in Sussex in 2016 after an absence of almost five decades (Sussex Wildlife Trust, 2018) and confirmation in 2018 that otter are now present in two catchments (unnamed in the article) in Sussex (Sussex Wildlife Trust, 2018).

## Linear DCO comparators

- 1.8.24 The Yorkshire Green Project, consented on 14 March 2024, used the same survey envelope as the Proposed Development (i.e. 50m from the proposed DCO Order Limits) (National Grid, 2022c). Natural England agreed in a Statement of Common Ground with National Grid on the Yorkshire Green project that it would not be commenting on the surveys and instead referred to standing advice (National Grid, 2023).
- 1.8.25 It should be noted that the survey envelope for the Proposed Development is, in reality, larger than the 50m stated as the proposed DCO Order Limits are wider than the indicative cable construction corridor..

## Temporary habitat loss and approach to mitigation and reinstatement

- 1.8.26 Otter activity was identified at the fishpond at Oakendene Manor only, although many of the watercourses present in the area have the potential to support this species. Given the location of the positively identified sign of activity, it is highly likely that an individual or individuals is present using the Cowfold Stream and associated tributaries and nearby ponds and lakes.
- 1.8.27 There are 41 crossings of rivers, streams and ditches associated with the installation of the transmission cable. Twenty-two streams or wet ditches maybe subject to open cut crossings, with the two main rivers (the Arun and the Adur) being crossed trenchlessly. At crossing points where open cut methodology is proposed, 30m of vegetation will be removed from each bankside. Works within the channel would require temporary dams to be put in place, with water over pumped for the 30m stretch. The dams would be in place for approximately 48 hours. During this period duct blocks would be installed, the bed material replaced and bank sides reprofiled as necessary (see the [Outline Code of Construction Practice \[REP3-025\]](#)).
- 1.8.28 Open trenching works on any given watercourse or wet ditch would be undertaken sequentially and therefore, not all 22 would be subject to works at the same time. The works would also be highly localised and could easily be by-passed by any otter due to their high mobility and ability to use terrestrial habitats to move between different stream courses, ponds or lakes. All open cut activities would be undertaken during normal working hours allowing otters to move through the areas undisturbed over-night.
- 1.8.29 The surveys undertaken provide evidence that otter are present near (record of activity was 220m away) the proposed DCO Order Limits but are suggestive that they are in low numbers. This is in line with the desk study findings (see [Appendix 22.11: Badger, otter & water vole survey report \(NON-CONFIDENTIAL\), Volume 4](#) of the ES [\[APP-189\]](#)). The surveys did not identify any places that otter have been using for shelter, which is not unusual given the large ranges that they occupy and the relatively small extent of interaction with watercourses within the proposed DCO Order Limits. Notably these places of shelter will change over time and therefore, additional survey is required prior to construction works. This survey is secured through Requirement 22 for the provision of stage specific Codes of Construction Practice and detailed in commitment C-210 in the [Outline Code of Construction Practice \[REP3-025\]](#). The updated survey data will be used to inform the detailed design. The mitigation hierarchy (secured through Requirement 22 for stage specific Codes of Construction Practice – see commitment C-292 in [Outline Code of Construction Practice \[REP3-025\]](#)) will be implemented throughout the detailed design process and therefore in the event of a place of shelter for an otter being identified avoidance will be the first consideration. Given the use of a Rochdale Envelope approach the potential for avoiding points of interest is high. Should this not be possible, a European Protected Species licence would be applied for which would clearly explain why this is not possible.
- 1.8.30 Other commitments (detailed in the [Outline Code of Construction Practice \[REP3-025\]](#)) that benefit otter directly are:

- Commitments C-8, C11, C-72, C129, C-150, C-151 and C-167 – all commitments focused on pollution prevention;
- Commitment C-105 – wildlife friendly lighting design for both temporary and permanent lighting;
- Commitment C-106 – implementation of a 10mph speed limit on access tracks and haul roads to minimise potential for traffic collisions with mammals and birds, including otter;
- Commitment C-135 – implementation of a stand-off at least 3m from watercourses of construction work, unless at a crossing point; and
- Commitment C-207 – the employ of an Ecological Clerk of Works

1.8.31 The approach to otters and licensing is the same as that taken by the Yorkshire Green project. Which is, based on survey data across the proposed DCO Order Limits a European Protected Species licence for otter is not required. Pre-construction surveys will be undertaken to ensure this species has not taken up occupation in any of the proposed working areas. Should a resting site for otter be identified, then in the first instance the detailed design would seek ways to avoid it (e.g. micro-siting the cable route) or minimise effects (e.g. trenchless crossing) prior to considering applying for a European Protected Species licence. Even should a licence be required, works on any given watercourse or wet ditch will be completed rapidly and will not be undertaken simultaneously.

#### Applicant's conclusions

1.8.32 The Applicant is of the view that suitable levels of survey have been carried out to enable otter to have been scoped out of the Ecological Impact Assessment (as corroborated by Natural England in **REP3-087**). There are a range of commitments that are secured via Requirement 22 within the **Draft Development Consent Order [REP3-004]** that ensure that should signs of otter be identified prior to construction taking place then a suitable plan can be put in place to avoid any effects. Although the Applicant considers it unlikely to be necessary, a European Protected Species licence application would be made to Natural England should a location of a place of shelter for otter be identified and could not be retained. There is suitable flexibility within the **Draft Development Consent Order [REP3-004]** to enable the implementation of necessary mitigation and compensation should it ever be required.

#### Water Vole

1.8.33 Natural England state that they typically require surveys covering the location of potential effect plus a length of 200m both up and downstream. Confirmation is requested as the survey extent, noting that **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES [**APP-063**] provides a survey envelope up to 250m from the proposed DCO Order Limits, whereas **Appendix 22.11: Badger, otter & water vole survey report (NON-CONFIDENTIAL), Volume 4** of the ES [**APP-189**] notes the extent as 50m (although the accompanying figures show a survey extent of 250m).



- 1.8.34 They also note that survey coverage was commensurate with the extended Phase 1 habitat survey at 90.75% of the proposed DCO Order Limits.
- 1.8.35 The Applicant has reviewed the data gathered and confirms that in many locations signs of water vole more than 50m from the proposed DCO Order Limits have been recorded suggesting that on many occasions the extent of the survey was larger than reported in **Appendix 22.11: Badger, otter & water vole survey report (NON-CONFIDENTIAL), Volume 4** of the ES [APP-189]. However, on review of the land access arrangements in many locations access was not available and therefore it was more appropriate to state the shorter survey distance to avoid overstating the level of survey effort. As with many linear projects, land access was not available to all land parcels. This is why the coverage of 90.75% coverage is quoted within **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** of the ES [APP-063]. Much of the area that has not been subject to Phase 1 habitat survey does not support habitat that could support water vole (i.e. ditches, watercourses etc. are not present) or would be crossed by trenchless crossing.
- 1.8.36 In Natural England's Risk and Issues Log Deadline 3 (see J69 and J70, [REP3-087]) the status of the survey extent status is set as 'yellow' and describes the need for pre-commencement surveys (which are already committed to through the commitment C-210 (see **Outline Code of Construction Practice [REP3-025]**). With regards licensing Natural England give a 'green' status and give advice on relevant mitigation measures.

#### Linear DCO comparators

- 1.8.37 Please refer to **Section 1.8**, as the approach to otter and water vole survey has been approached as a suite of riparian mammal surveys.

#### Temporary habitat loss and approach to mitigation and reinstatement

- 1.8.38 Water vole activity or possible water vole activity was located in several locations along the 39km long cable route. This included both signs of activity (burrows, runs etc.) and the remains of a water vole predated by mink. It is likely at the time of construction that water vole will still be present, although populations may be under pressure by the presence of mink.
- 1.8.39 There are 41 crossings of rivers, streams and ditches associated with the installation of the transmission cable. Twenty-two streams or wet ditches maybe subject to open cut crossings, with the two main rivers (the Arun and the Adur) being crossed trenchlessly). At these crossing points 30m of vegetation will be removed from each bankside. Works within the channel would require temporary dams to be put in place, with water over pumped. The dams would be in place for approximately 48 hours. During this period duct blocks would be installed, the bed material replaced and bank sides reprofiled as necessary (see the **Outline Code of Construction Practice [REP3-025]**). Open trenching works on any given watercourse or wet ditch would be undertaken sequentially and therefore, not all 22 would be subject to works at the same time.
- 1.8.40 Should water vole be identified by pre-construction surveys (commitment C-210) then there are a number of relevant commitments in place to minimise impacts. At

the forefront is commitment C-292 that ensures the mitigation hierarchy will be implemented within the detailed design process to minimise impacts. However, where avoidance is not possible there are commitments that manage pollution risk (commitments C-8, C11, C-72, C129, C-150, C-151 and C-167 detailed in the **Outline Code of Construction Practice [REP3-025]** and secured through Requirement 22 of the **Draft Development Consent Order [REP3-003]**), ensure a stand-off to all watercourses and wet ditches other than at crossing points (commitment C-135), provide an Ecological Clerk of Works (commitment C-207) and specify use of clear span bridges instead of culverts (commitment C-229).

- 1.8.41 Should a development licence be required, works on any given watercourse or wet ditch will be completed rapidly and will not be undertaken simultaneously. They will remain passable to water vole, other than for a period of approximately 48 hours. The type of construction work proposed including its extent on a given watercourse and the time taken to complete physical works suggests strongly that passive displacement would be the most appropriate technique to ensure animals were not present in the area. Displacement would be undertaken at an appropriate time of year (spring or autumn) and be achieved through staged vegetation management that was monitored closely by the Ecological Clerk of Works.

#### Applicant's conclusions

- 1.8.42 The Applicant is of the view that suitable levels of survey have been carried out to enable a robust assessment of water vole to be undertaken. There are a range of commitments that are secured via requirements within the **Draft Development Consent Order [REP3-003]** that ensure that should signs of water vole be identified prior to construction taking place then a suitable plan can be put in place to avoid or minimise any effects. It is likely that a development licence for water vole will be required for the Proposed Development based on current survey results. However, water vole will be displaced from the working area (30m of watercourse or wet ditch in any given location) for a short period only (physically excluded for 48 hours only, but lack of vegetation following installation will limit usage of the working area for some time). The level of effect would be small and rapid and therefore, it is the Applicants view that the conservation status of the water vole population in the area would not be challenged by the Proposed Development. Passive displacement would be scheduled to the most appropriate seasons with works carried out in locations with water vole present either between February and April or between September and October. This would be secured through the necessary development licence.

#### Badgers

- 1.8.43 The Applicant agrees with Natural England that based on current knowledge of badger sett locations (including their absence at the proposed onshore substation location at Oakendene and the connection point at the existing National Grid Bolney substation) that no badger licence is required. In Natural England's Risk and Issues Log Deadline 3 (see J67 and J68, **[REP3-087]**) status is given as 'green'.
- 1.8.44 Commitment C-209 ensures that a survey will be undertaken prior to construction (see the **Outline Code of Construction Practice [REP3-025]**). This information

will be used to inform detailed design. Commitment C-292 will ensure that the mitigation hierarchy is implemented during the detailed design, meaning that in the first instance any badger setts identified will be avoided if at all possible. Should this not be possible a development licence would be applied for from Natural England.

## Great crested newts

- 1.8.45 Natural England have concerns regarding the extent of the great crested newt survey, both in terms of the effort to survey all ponds within 250m of the proposed DCO Order Limits (as opposed to 500m) and the lack of access to a number of ponds where landowner consent was withheld. Advice is also provided with regards on obtaining a EPS licence from Natural England.
- 1.8.46 In Natural England's Risk and Issues Log Deadline 3 (see J50 to J67, [REP3-087]) status is given as a range between 'green' and 'amber'. All the amber and yellow status comments are associated with survey effort, as opposed to the principal of granting a EPS licence.

## Linear DCO comparators

- 1.8.47 In addition to the technical engagement outlined in **Section 1.2**, the Applicant sought to ensure that a reasonable and proportionate approach to great crested newt survey was being undertaken by reviewing the documentation for the Southampton to London Pipeline Project (EN070005), due both to its linear nature and its route across parts of the South Downs National Park.
- 1.8.48 In the application for this project great crested newt surveys were undertaken within 250m of the proposed DCO Order Limits (ESSO, 2019d). This was on the basis of the mainly temporary nature of the losses of habitat and the subsequent reinstatement. The approach to survey was agreed as appropriate between Natural England and the Southampton to London Pipeline Project in a Statement of Common Ground (ESSO, 2019b).
- 1.8.49 Current guidance (Natural England, 2022) states that '*Surveys up to 250 metres are usually sufficient, but developers may need to increase this to 500 metres if there are no obvious barriers to newts dispersing into the wider environment.*' As all ponds within the proposed DCO Order Limits of the Proposed Development (both those with positive and negative surveys for presence of great crested newt) are to be retained and all losses of potential terrestrial habitat is temporary the survey extent is considered by the Applicant to be reasonable and in line with the approach taken to the Southampton to London Pipeline Project.
- 1.8.50 It should be noted that further great crested newt survey will be undertaken via commitment C-214 (see **Outline Code of Construction Practice [REP3-025]**), which also includes measures to avoid the death or injury of individual animals.

## District Level Licensing

- 1.8.51 Natural England provide information on how a great crested licence could be granted to the Proposed Development should it be applied for directly from Natural England. However, **Chapter 22: Terrestrial ecology and nature conservation**,

**Volume 2** of the ES [APP-063] notes that the Applicant's intention is to apply to the district level licence scheme run by NatureSpace in the West Sussex area to provide strategic compensation for the permanent and temporary losses of terrestrial habitats. The outcome of the district level licensing scheme is the provision of strategically located great crested newt habitat within West Sussex that is aimed at securing strongholds for this species. It negates the need for full survey results to inform an application and, in most instance, for certain types of mitigation to be avoided (such as trapping and translocation or use of herptile fencing).

#### Applicant's conclusions

- 1.8.52 The Applicant concludes that sufficient survey effort has been undertaken to inform a district level licence applications. Further pre-construction surveys are also committed to that will help inform both the district level licence and on site mitigation implemented by the Ecological Clerk of Works. The district level licence will provide all necessary compensation and will lead to greater levels of suitable habitat for great crested newt than that being permanently or temporarily lost to the Proposed Development.

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# Appendix C

## 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] gika Consultants	Ecology Lead
[Redacted] D) - WSP	Water environment lead
[Redacted] S) - 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...

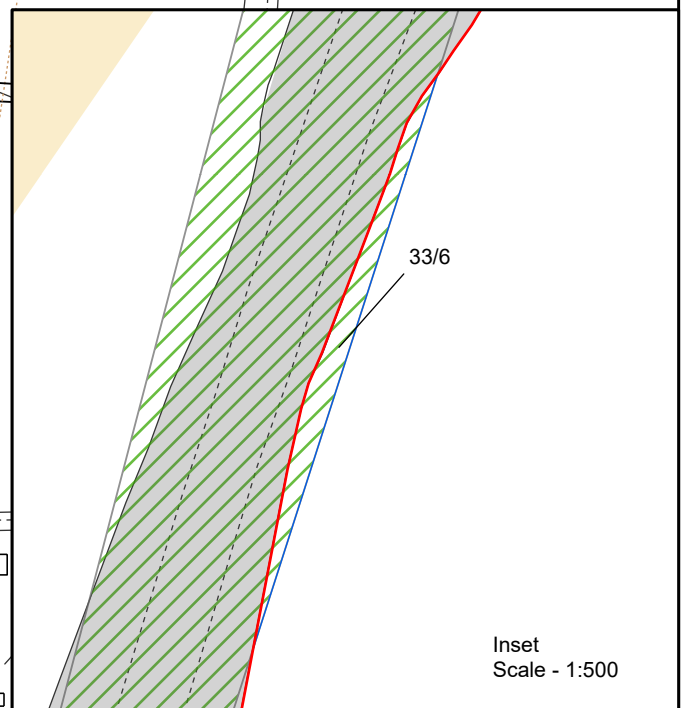
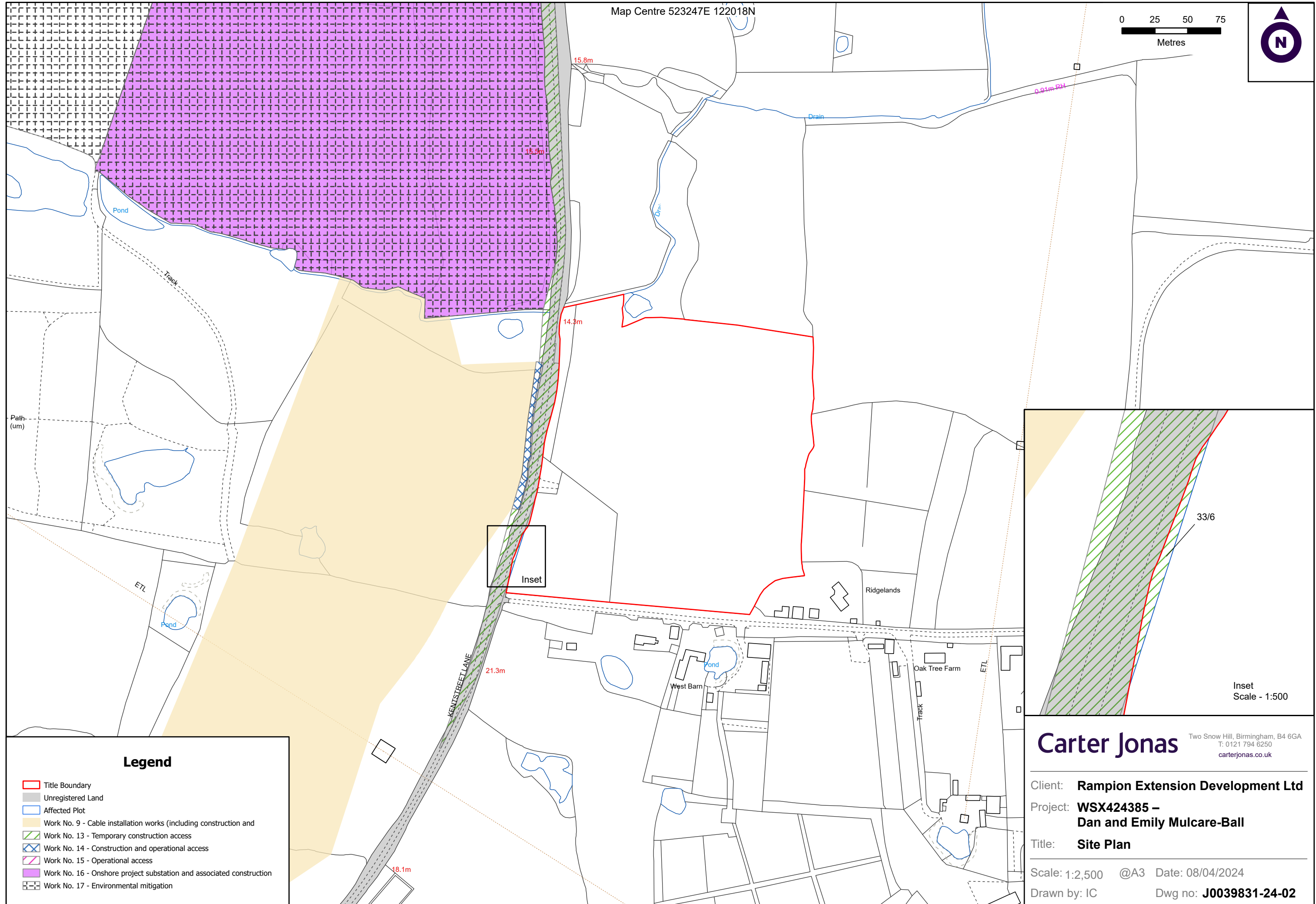
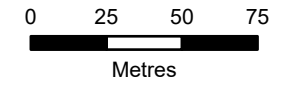
	<b>Topic of Discussion</b>	<b>Actions</b>
	<p>AS estimated that the lower end scenario was equivalent to 89 litres per day which is less than the daily use for one person in a household.</p> <p>AS agreed that the indicative volumes represented very low usage in the context of other development and could 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>	
<b>3</b>	<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>
<b>4</b>	<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 D

## Dan and Emily Mulcare-Ball Site Plan

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Map Centre 523247E 122018N



### Legend

- Title Boundary
- Unregistered Land
- Affected Plot
- Work No. 9 - Cable installation works (including construction and
- Work No. 13 - Temporary construction access
- Work No. 14 - Construction and operational access
- Work No. 15 - Operational access
- Work No. 16 - Onshore project substation and associated construction
- Work No. 17 - Environmental mitigation

## Carter Jonas

Two Snow Hill, Birmingham, B4 6GA  
T: 0121 794 6250  
carterjonas.co.uk

Client: **Rampion Extension Development Ltd**

Project: **WSX424385 – Dan and Emily Mulcare-Ball**

Title: **Site Plan**

Scale: 1:2,500 @A3 Date: 08/04/2024

Drawn by: IC Dwg no: **J0039831-24-02**

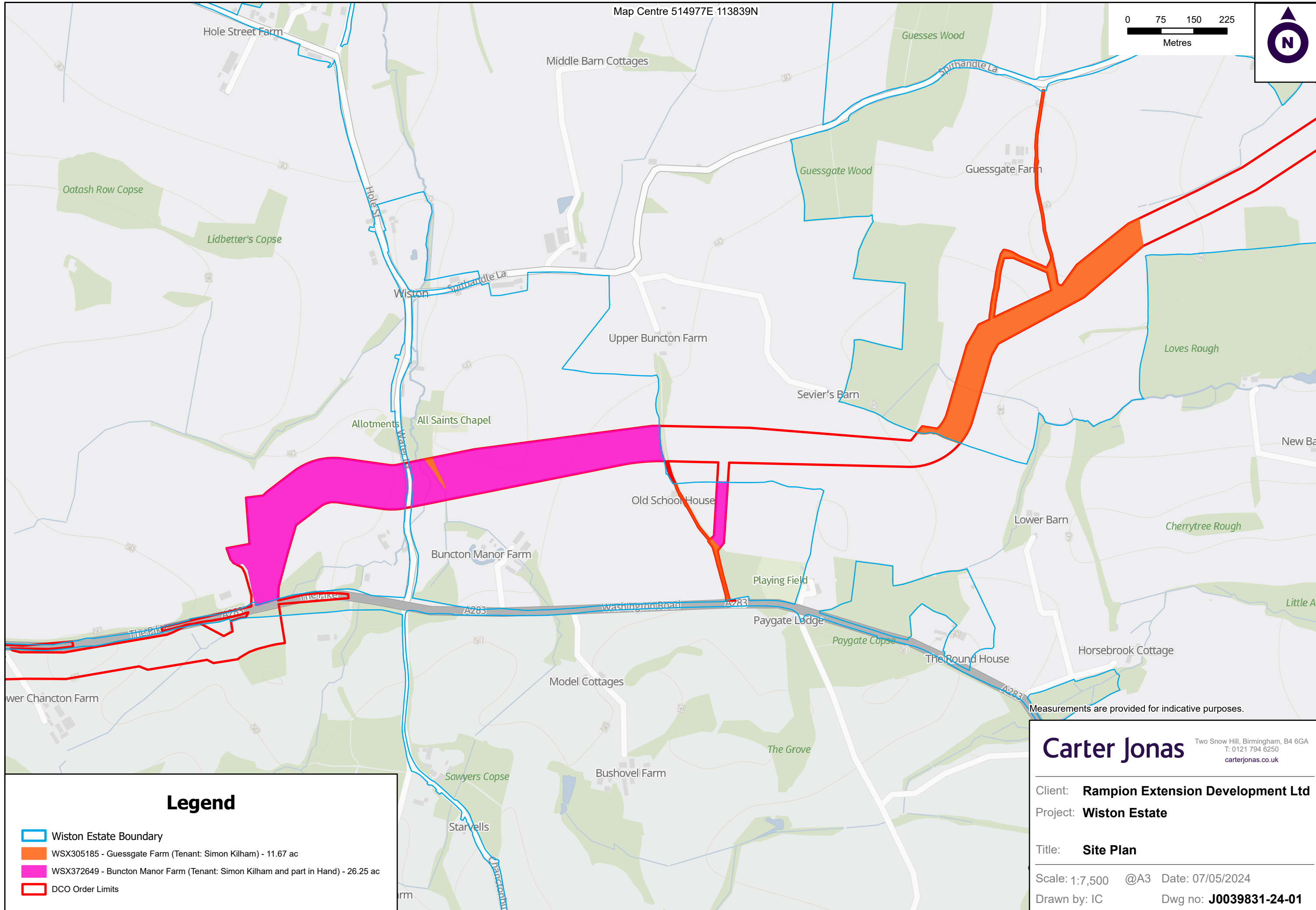
# Appendix E

## Buncton Manor Farm Plan

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Map Centre 514977E 113839N

0 75 150 225  
Metres



Measurements are provided for indicative purposes.

### Legend

- Wiston Estate Boundary
- WSX305185 - Guessgate Farm (Tenant: Simon Kilham) - 11.67 ac
- WSX372649 - Buncton Manor Farm (Tenant: Simon Kilham and part in Hand) - 26.25 ac
- DCO Order Limits

**Carter Jonas** Two Snow Hill, Birmingham, B4 6GA  
T: 0121 794 6250  
carterjonas.co.uk

Client: **Rampion Extension Development Ltd**  
Project: **Wiston Estate**

Title: **Site Plan**

Scale: 1:7,500 @A3 Date: 07/05/2024  
Drawn by: IC Dwg no: **J0039831-24-01**

# **Appendix F**

## **Letter from RED to Guy Streeter 10**

### **March 2023**

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Mr Guy Streeter  
Savills  
Exchange House  
Petworth  
West Sussex  
GU28 0BF

Rampion 2 Project  
Rampion Extension Development Ltd  
Windmill Hill Business Park,  
Whitehill Way  
Swindon  
Wiltshire  
SN5 6PB

[Note new registered office]

Sent by email only

10<sup>th</sup> March 2023

Dear Guy,

### **Proposed Cable Route in respect of Rampion 2 Project**

I write with reference to your letter of 7<sup>th</sup> March 2023, regarding my conversation with your client Mr Dickson the previous day.

In that call Mr Dickson stated his intention to:-

- a) not disclose to ourselves or the future Development Consent Order (DCO) Examining Authority the letter he has received from the Queen's Green Canopy (QGC) Committee in relation to his 70 acre QGC application in which I understand they have raised concerns about the impact of the proposed cable on the proposed planting at Kent Street and indicated that they would withdraw support for Mr Dickson's proposed scheme; and
- b) instead be prepared to swear under oath that he had received such a letter at a future DCO Hearing during the Examination of our project application.

I advised that we needed something as evidence to be able to apply appropriate weight to Mr Dickson's statement relating to the QGC Committee's position. This was to inform discussions taking place in our project team during the latter part of this week, to which you have alluded in your letter. I confirmed that a statement of some kind from Mr Dickson might be sufficient, but that I would need to seek advice from my specialist team on what form this should be.

I subsequently secured this advice, and it is in relation to this that my Senior Consents Manager (Rob Gully) made a number of attempts to contact you by phone on Tuesday 7<sup>th</sup> and Wednesday 8<sup>th</sup> March, to discuss our position before Mr Dickson advanced further with any statements following our call.

I have set out below the matters which Rob intended to raise for clarity:-

- As a promoter, we have to make decisions on pre-application matters such as routing based on evidence and responses made to us at the time. We cannot

retrospectively reconsider the weight we should apply to the factors that inform our decisions, particularly where this might affect the outcome, or where relevant information is withheld until a later date;

- Although we are aware that Mr Dickson has received a letter, we still do not have any understanding of the context in which the QGC's Committee's position was formed, what information was available to them when considering their decision, whether their decision represents their settled view and/or whether there is scope for engagement on the detail to find a mutually workable solution;
- We consider this context essential if we are to apply material weight to the letter and the views of the QGC Committee. Our expectation is that the aims of the QGC project can be progressed to work harmoniously with our cable route. As yet, in the absence of any further detail on how the QGC Committee's position was formed, we are unable to conclude why our cable route could not be accommodated through collaborative evolution of Mr Dickson's planting regime and design;
- I would expect the Examining Authority would want to understand similar points if Mr Dickson put in representations against the Rampion 2 proposals based on the QGC Committee's views;
- Although the DCO Examination process does include oral Hearings (which may be open or specific), the process is predominantly based on written submissions;
- The DCO Examination is a planning process and parties, including Expert Witnesses, are not required to undertake any form of oath. Although the Examining Authority has the ability to allow inquiry style "cross-examination" at its discretion, the general approach is to undertake a non-adversarial and open examination of the matters in hand;
- We are not aware of anything that would preclude Mr Dickson progressing a Statutory Declaration or other means at his disposal, however, this would not have any bearing on the weight we can give to information we have from him at this current time, or our ability to retrospectively reconsider the impact of Rampion 2 on the proposed QGC planting project during DCO Examination .

Drawing all of the above together, I confirm that the statements made in your letter of 7<sup>th</sup> March are insufficient to change the weight that we would apply to our current understanding of the Committee's position that has been presented to us verbally by Mr Dickson relating to the "northern" cable route alternative. Nor would a sworn statement by Mr Dickson which merely repeats the italicised text in your letter take the matter any further.

Our land agent, Nigel Abbott, has confirmed to Mr Dickson that we are exploring whether we could make any amendments to the "southern" cable route alternative to overcome some of the challenges that that route presents. However, this was predicated on the expectation that we would receive a full or redacted version of the QGC Committee letter imminently, and that seeing the context of this would show that the northern route is, in their eyes, fundamentally incompatible with any planting scheme that accommodates our cable route proposals and in such a way that could not be overcome by collaborative working.

In the interests of achieving a mutually beneficial understanding of our relative positions and Mr Dickson's evidence, I have asked my team to postpone a final decision on preferred routeing from this week to next. I would therefore once again urge Mr Dickson to provide whatever evidence he can in relation to the QGC Committee's position and the context in which it was reached. I hope this would include:

- Details of the information about the Rampion 2 project that were provided to the QGC Committee;
- What assumptions were made by the QGC Committee about the width/extent of our cable route relative to Mr Dickson's overall QGC proposal;
- To what extent the QGC Committee were aware that the cable route can form a glade as part of a complex woodland mosaic, which we understand to be a key aim of the QGC rather than mass block planting;
- Whether this represents QGC's final decision or, for example, whether they have asked for further engagement and information; and
- Any other matters that the QGC Committee relied on in drawing a conclusion that the implementation of our "northern" cable route would void Mr Dickson's QGC application.

I hope that, as requested previously, Mr Dickson is able to provide a copy of the letter, redacted if required, or provide such other documentation as evidence of the context in which the Committee's advice was provided.

My team is making arrangements to meet Mr Dickson on Wednesday 15<sup>th</sup> March. I confirm that, if the letter or other written evidence is provided by Tuesday 14<sup>th</sup>, then we will be in a position to confirm at the meeting whether it is sufficient to allow us to reconsider the weight that should be given to the QGC Committee's position which has previously been stated to us.

Yours sincerely



**Vaughan Weighill**  
**Project Manager Rampion 2, RWE**

# **Appendix G**

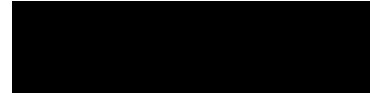
## **Letter to the Land Interest's agent dated 28 February 2023**

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Mr Guy Streeter  
Savills  
Exchange House  
Petworth  
West Sussex  
GU28 0BF

Rampion 2 Project  
Rampion Extension Development Ltd  
Windmill Hill Business Park,  
Whitehill Way  
Swindon  
Wiltshire  
SN5 6PB

[Note new registered office]



Sent by email only

28<sup>th</sup> February 2023

Dear Guy,

### **Proposed Cable Route in respect of Rampion 2 Project**

I write in reference to recent conversations I have had with your client Mr Dickson, as land owner at Kent Street and also representing land registered in the name of Green Properties (Kent and Sussex) Limited. We understand Mr Dickson is a Director of the company, and sole representative in respect of discussions regarding the company land interest.

As you are aware a potential meeting was arranged for our representative to attend Mr Dickson's Kent Street site during last week, which was cancelled at Mr Dickson's request. Subsequently Mr Dickson telephoned me on 24<sup>th</sup> February and we spoke at more length on 27<sup>th</sup> February. I write with reference to some of the matters raised in the latter call.

### **Future meetings**

Mr Dickson has made strong representations to us on a number of occasions regarding his opposition to both the "northern" and "southern" cable route alternatives that would affect his landholding in this area. In response to my offer of a rescheduled site meeting later this week, Mr Dickson confirmed that he would not be willing to allow this to take place if the northern route is our proposal.

Whilst I appreciate that Mr Dickson maintains his strong opposition to this route, I would once again encourage engagement with our project. We would fully respect Mr Dickson's right to maintain a "without prejudice" position on any route if he wishes.

### **The Queen's Green Canopy (QGC)**

We have written previously in relation to the QGC project and proposed that we discuss potential interaction between our project and your client's proposals, on a without prejudice basis if required. We consider that whilst our cable route would introduce some constraints to land use and planting, it would be possible to work together to create a harmonious outcome that would not undermine the Woodland Trust's overarching aim

to create a “*network of individual trees, avenues, copses and whole woodlands*” and, further, with “*every tree planted bringing benefits for people, wildlife and climate, now and for the future.*”

In my telephone call with Mr Dickson, he indicated that he had a letter from a committee or similar authority within the QGC project advising that the presence of the Rampion 2 cable across his land at Kent Street would void his QGC application. As a project promoter, we take all relevant matters into account in a balanced decision-making process when determining final electricity cable routeings. Such information from the QGC project would be relevant in our decision-making process and we would give it weight accordingly. However, Mr Dickson has advised that he is not willing to share the QGC correspondence with us at this time, but that it would be presented in a future DCO Examination Hearing.

Therefore I would strongly encourage Mr Dickson to provide a copy of his correspondence so that we can consider it and apply appropriate weight to it. Without sight of the letter, and an understanding of the context in which the QGC Committee formed the position he advises, we would have to give their purported statement comparably lesser weight.

We respect that Mr Dickson may have matters contained within QGC correspondence that he does not wish to share, such as commercial matters, and we would fully respect that it may only be possible to share a redacted version of correspondence with the QGC.

Furthermore, the Planning Act 2008 process for DCOs places the onus on promoters to make progress during the pre-application phase. Whilst that burden falls heavily on the promoter, this is far more effective where consultees engage actively with the process and share information at an early stage. The Examining Authority may not look favourably on the withholding of evidence until the hearings.

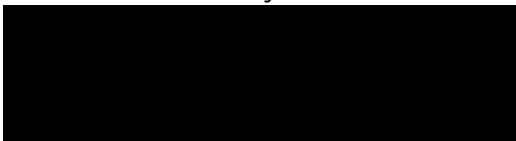
### **“Southern route”**

In my call with Mr Dickson he alluded to being more amenable to agreement of the southern route where it passes through his landholding. That is a position that we will consider in our final decision, along with the status of discussions with other land interests, alongside all other evidence that is presented to us.

We do however need to make that final decision imminently and so would urge Mr Dickson to share the letter referred to above so that we can make the decision in light of all available information.

I hope the above is helpful in reflecting on the recent calls and I restate our willingness to meet with Mr Dickson to discuss our progress with him when convenient.

Yours sincerely



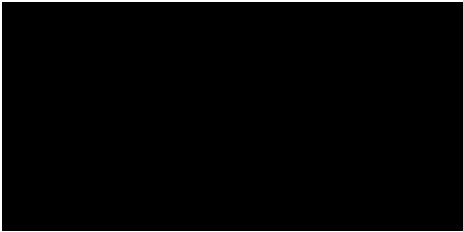
**Vaughan Weighill**  
**Project Manager Rampion 2, RWE**

# Appendix H

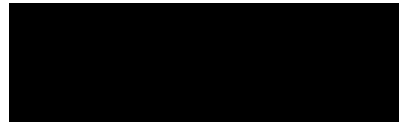
## Letter to the Land Interest's agent dated 09 May 2024

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Mr Thomas Ralph Dickson



Rampion 2 Project  
Rampion Extension Development Ltd  
Windmill Hill Business Park,  
Whitehill Way  
Swindon  
Wiltshire  
SN5 6PB



9<sup>th</sup> May 2024

Dear Mr Dickson,

**Proposed Cable Route in respect of the Rampion 2 Project**

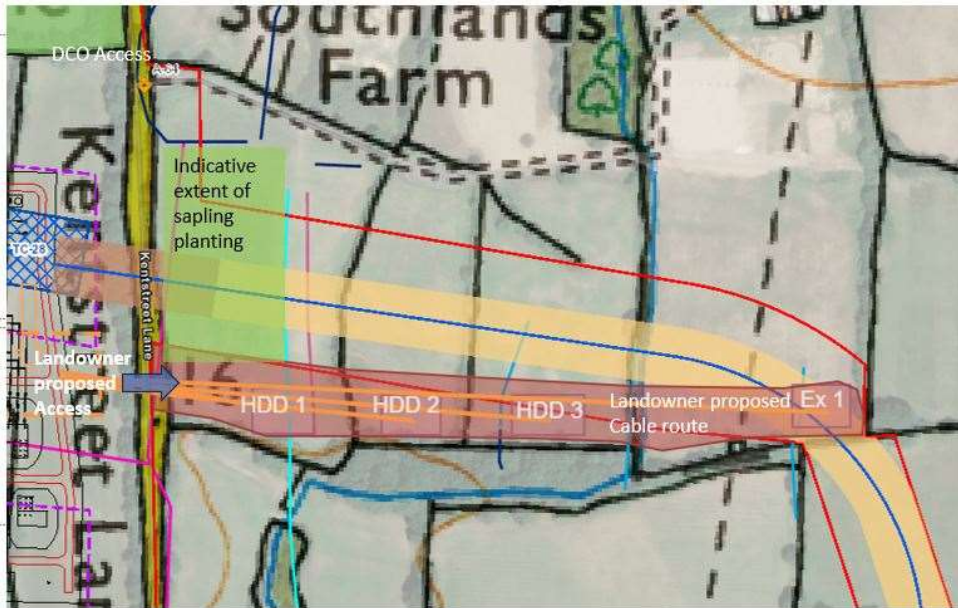
I write further to our visits to Kent Street and College Wood Farm on 24<sup>th</sup> April 2024. A note of this meeting was sent to Simon Mole and is attached to this letter for reference.

**Kent Street**

We looked on site at your proposed cable route as shown on the plan sent by email from Simon Mole on 18<sup>th</sup> April. We have transposed this onto the Rampion 2 Works plan base and this is included below for ease of reference. The cable route proposed by you is identified in shaded red and labelled 'Ex1' on the plan. It was noted on site that your proposed cable route is of varying width and partially within and to the south of the DCO red line boundary shown by the red lines. We also discussed trenchless crossing exit locations in the different fields east of Kent Street.

Figure 1: Mr Dickson proposed Cable route at Kent Street 18/4/24





The current DCO route shown by the red lines (and an indicative cable centreline by a blue line) at Figure 1) exits eastwards from the proposed Oakendene substation and crosses Kent Street by trenchless crossing method. Your suggested route would require the cable route to exit from further south in the Oakendene substation site. Our lead engineer, Toby Lee, who was at the site visit has discussed this with his engineering team. The ongoing design work on the substation layout indicates that movement of the trenchless crossing entry point south within the Oakendene site cannot be accommodated due to the requirements of the substation site infrastructure.

It is noted that we previously assessed a route described as the 'southern route' (favoured by you) to the south of your latest proposed 'shaded red' Ex1 cable route. The 'southern route' was rejected (ref. my letter to you dated 18<sup>th</sup> May 2023). Although the 'southern route' was rejected, a further cable route proposal was put forward by us on plan 42285-WOOD-CO-ON-PN-MD-0020 enclosed with my letter of 18<sup>th</sup> May 2023. At the time, this cable route was considered acceptable to Rampion 2, however I understand that it was not acceptable to you.

Within your proposed cable corridor shown shaded red, a trenchless crossing exiting in the second field east of Kent Street (HDD2) may be feasible from an engineering perspective, however such a location is not appropriate from an environmental perspective due to proximity to ecological features including a pond supporting great crested newts which could be compromised by trenchless crossing works and tree and hedgerow buffers. A trenchless crossing exit in the third field (HDD3) would involve a significantly greater length of trenchless crossing which substantially increases costs and would therefore not be acceptable nor would it be consistent with other cable routing decisions on the Project. An access through the hedgerow from Kent Street would also have environmental impacts.

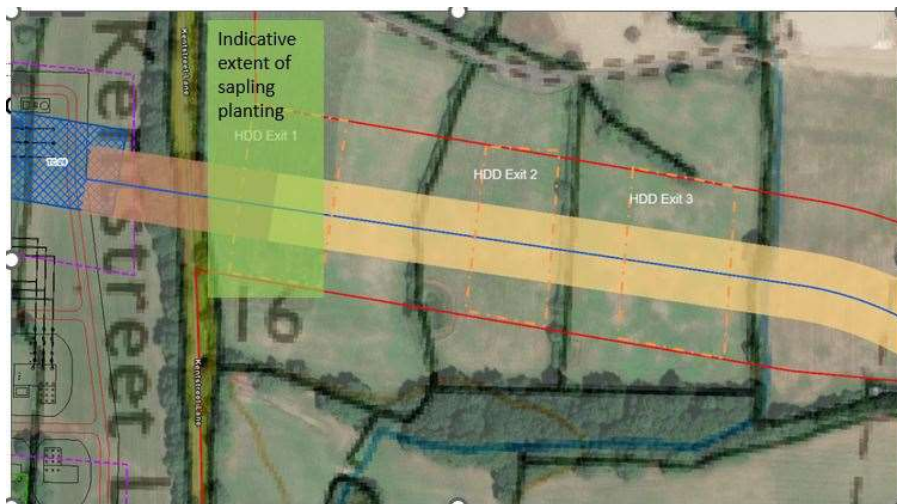
The Rampion 2 assessment of your proposed route therefore shows that there are greater engineering and environmental impacts compared with the DCO red line cable route. This position is consistent with the position we reached in relation to other cable routing options considered in this vicinity in 2023 when I explained that there are tree and hedge buffers which need to be maintained and which prevent the siting of the cable immediately adjacent to the field boundaries. I noted in May 2023 that we would seek, in our final design, to site the cables as far south as possible within the DCO application

boundary to reduce interference with any tree planting carried out by you so far as practicable, which brings me to the further proposal set out below.

### Further Rampion 2 Proposal at Kent Street

The Rampion 2 team has considered how it would be feasible to address some of your concerns by avoiding existing sapling planting. For example, by retaining the cable corridor within the current DCO boundary but extending the trenchless crossing exit to the second field east of Kent Street (HDD 2). The requirements for access from Kent Street to the location of the trenchless crossing exit and onwards along the cable route would still need to be discussed and agreed as it is likely this would still be required from the existing access off Kent Street, which I note is not currently in vehicular use due to it being blocked by the storage container. Furthermore, appropriate offsetting from the pond would be required. I would be grateful if you could let me know if you would be prepared to continue discussions on this basis (via Simon Mole if appropriate). Please note that the extended trenchless crossings beyond the second field (HDD3) were deemed to be of unacceptable additional cost due to the significantly extended length of trenchless crossing which are not justified. It is noted that in any event the saplings would be avoided by exiting in the second field.

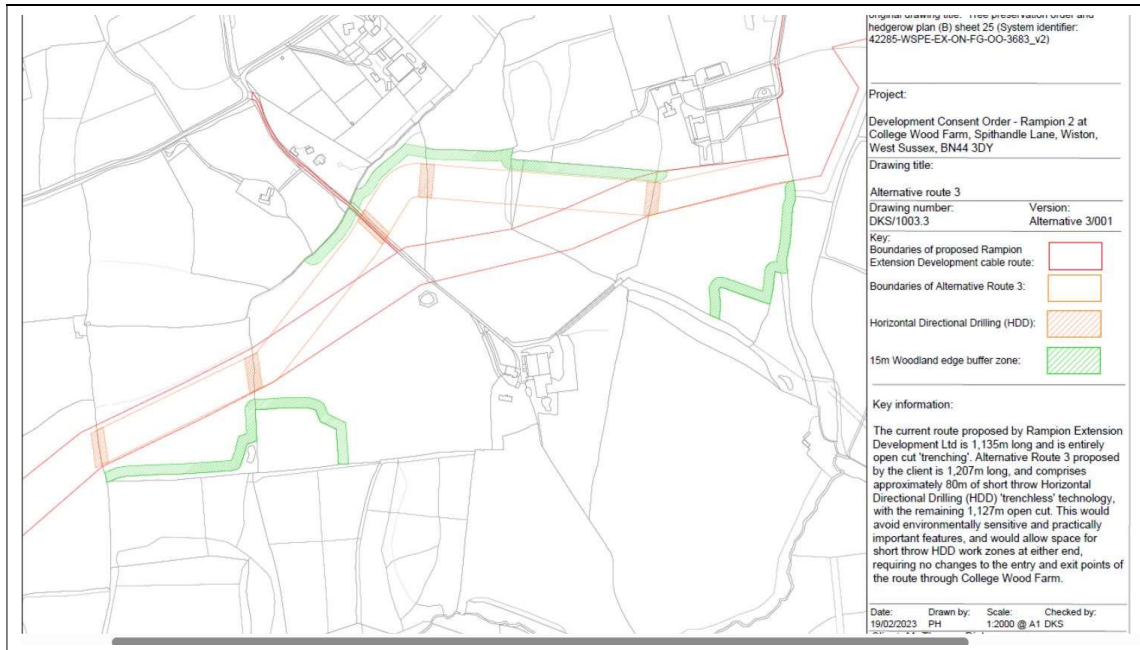
Fig 1a



### College Wood Farm

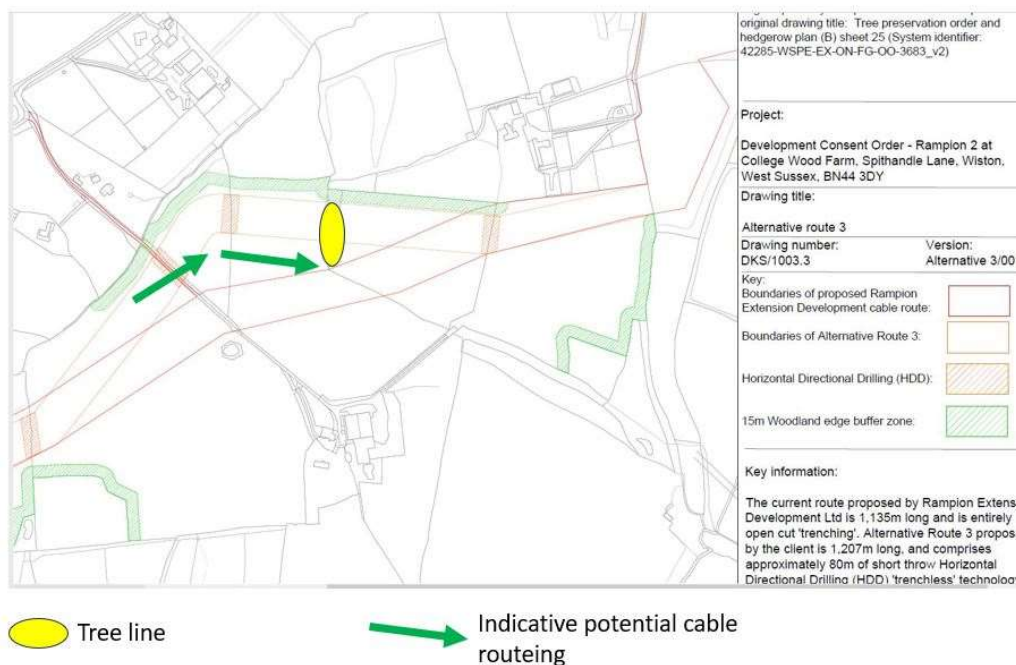
Rampion 2 has assessed the proposal which you have put forward as “Alternative Route 3” shown on your plan (DKS/1003.3 at Figure 2 below) as submitted in your relevant representation. We understand that this is now your preferred alternative of the 3 options presented in your relevant representation, but please confirm.

Figure 2:



We cannot progress Alternative Route 3 because it would require crossing the tree line (as shown by the yellow circle we have marked on your plan at Figure 3 below). We also note the 5 trenchless crossings of features proposed in Alternative Route 3 which, as explained in our responses to your relevant representations, are not considered to merit trenchless crossings.

Figure 3 – Mr Dickson's proposed “Alternative route 3” with Rampion 2's identified tree line constraint.



Whilst Alternative Route 3 cannot be wholly adopted, we have considered the feasibility of moving the cable route to the north to reduce field severance as far as possible, as requested by Simon Mole during the site visit. As discussed on site, movement of the cable route further north, outside of the current DCO order limits as indicated by the green arrows on the plan at Figure 3 below, may be feasible for Rampion 2 however it

would not wholly accord with your proposed Alternative Route 3 for the following reasons:

- we would require the cable route to be located further south than Alternative Route 3 on the northeastern side of College Wood farm driveway to avoid the tree line shown in yellow
- We would require the cable route to be aligned appropriately on the southwestern side of College Wood Farm entrance drive to facilitate the above (i.e it would likely be sited further to the south in the vicinity of College Wood farm drive)
- We would not propose incorporating trenchless crossings due to the proposed crossing features not warranting this construction method.

Figure 3 shows an indicative cable routing solution (the green arrows) which is potentially acceptable to Rampion 2 and this option proposes the cable route in a location as far north as practicable, taking into account the known constraints. It maximises the extent of land to the south of the cable corridor whilst being acceptable in engineering and environmental terms.

I note however that if you do not want Rampion 2 to facilitate a safe crossing point across the construction corridor, moving the cable north would still result in temporary severance of some of your land, in particular to the east of the College Wood farm entrance drive. This would also be the case, albeit to a lesser degree with your Alternative Route 3. At the site visit I noted your concerns relating to this and your indication that this routing to the south of the tree line was unlikely to be acceptable to you. We are therefore unclear as to whether movement of the cable route to the north as indicated by the green arrows would satisfy your concerns and overcome the points you have raised in the representations submitted, including:

- the use of a 25m buffer from ancient woodland and lack of balancing with Mr Dickson's requests
- the requirement for the route to be "moved to the field edges such that the majority of the remaining grassland is not fragmented"

Please provide your feedback on this as soon as possible because it would involve going outside of the current DCO boundary and Rampion 2 could therefore only progress such a route with your express documented agreement.

We remain committed to try and reduce impacts where possible through detailed siting of the cable within the DCO red line boundary and further conversations relating to HDD exit locations for the crossing at Kent Street. We still wish to secure any such route in a voluntary agreement and in this regard we look forward to progressing discussions on Heads of Terms which I understand Nigel has reverted to Simon Mole on yesterday.

**Vicky Portwain**  
**Land Transaction Manager, Rampion 2**

# **Appendix I**

## **Letter from the Land Interest's agent Confirming Potential Agreement to Heads of Terms - dated 30 May 2024**

---

**Confidential**

Vicky Portwain  
Rampion 2 Project  
Rampion Extension Development Ltd  
Windmill Hill Business Park  
Whitehill Way  
Swindon  
SN5 6PB

**By Email Only**30<sup>th</sup> May 2024

Dear Vicky

**RAMPION 2 – LAND AT KENT STREET, GREEN PROPERTIES**

Further to your letter to Mr Dickson dated 9<sup>th</sup> May 2024 and our discussion at the CAH1 please see below our response in respect to the land at Kent Street which is owned by Green Properties (Kent & Sussex) Ltd.

Route Corridor

- Following yesterday's CAH discussions I understand the position of the HDD beneath Kent Street is constrained by the layout of the Oakendene Substation.
- This means our proposed corridor to follow the southern field boundary is not possible.
- Your Fig 1a diagram in your letter suggests an alternative solution to extend the HDD trenchless exit into the second field beyond the sapling planting and pond.
- This is broadly acceptable and we wish for Rampion to take this option forward into the Key Terms.
- Please note we would expect Rampion to reduce its construction requirements down to a maximum of 40m and permanent rights over a maximum of 20m. This is in line with the previous commitments given in writing by Vaughan Weighill and the comments made by Toby Lee at our recent site visit where he confirmed this is a minor HDD crossing.

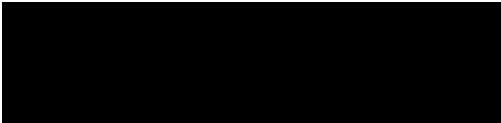
Access Point

- The proposed access in the Key Terms and DCO envisages the use of the 'northern' entry point off Kent Street where the trailer is currently blocking the gateway.
- My client does not want Rampion to use this access for a number of reasons:
  - o It provides sole access to entire block of land and Ridglands Farm
  - o There is a large soil bund which would need to be displaced
  - o There is planning permission for the construction of a cattle building and handling facilities which would clash with Rampion's proposals. Development has commenced to provide a TB cattle testing and isolation facility, the use of which will clash with the current access proposals.
- Therefore we wish for Rampion to either create a new access within the DCO limits or make use of the southern access point from Kent Street

These are the main points we wish to see incorporated into the Key Terms with reference to a corresponding (updated) plan based on Fig 1a in your letter. If these points can be agreed and a binding agreement (by way of a legal undertaking) can be reached our client will withdraw his representations in respect of the land at Kent Street.

I look forward to hearing from you at the earliest possible opportunity.

Yours sincerely,



**SIMON MOLE**

**Partner**



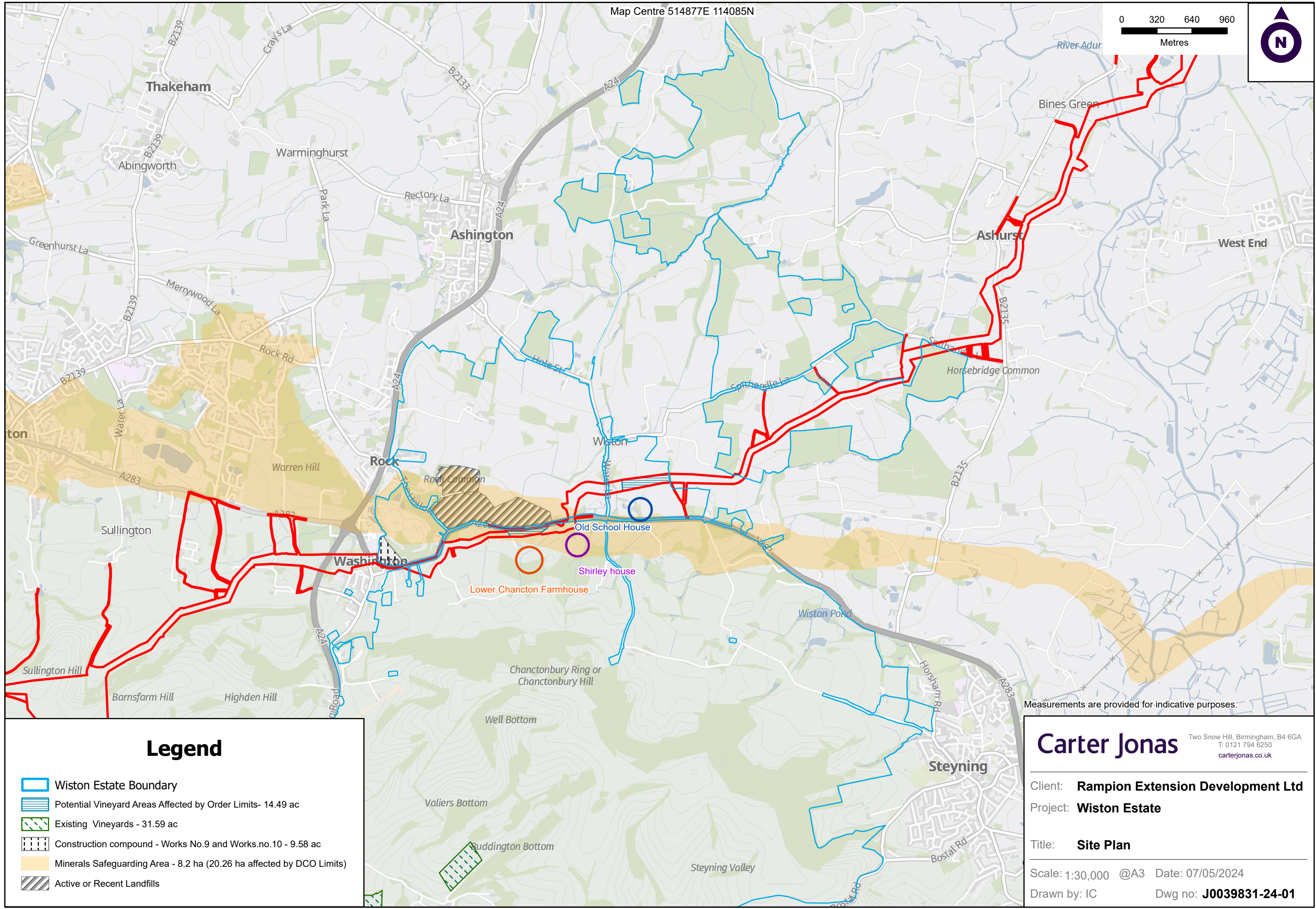
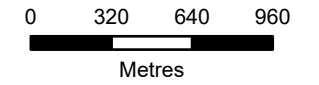
# Appendix J

## Wiston Estate Plan







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Map Centre 514877E 114085N



### Legend

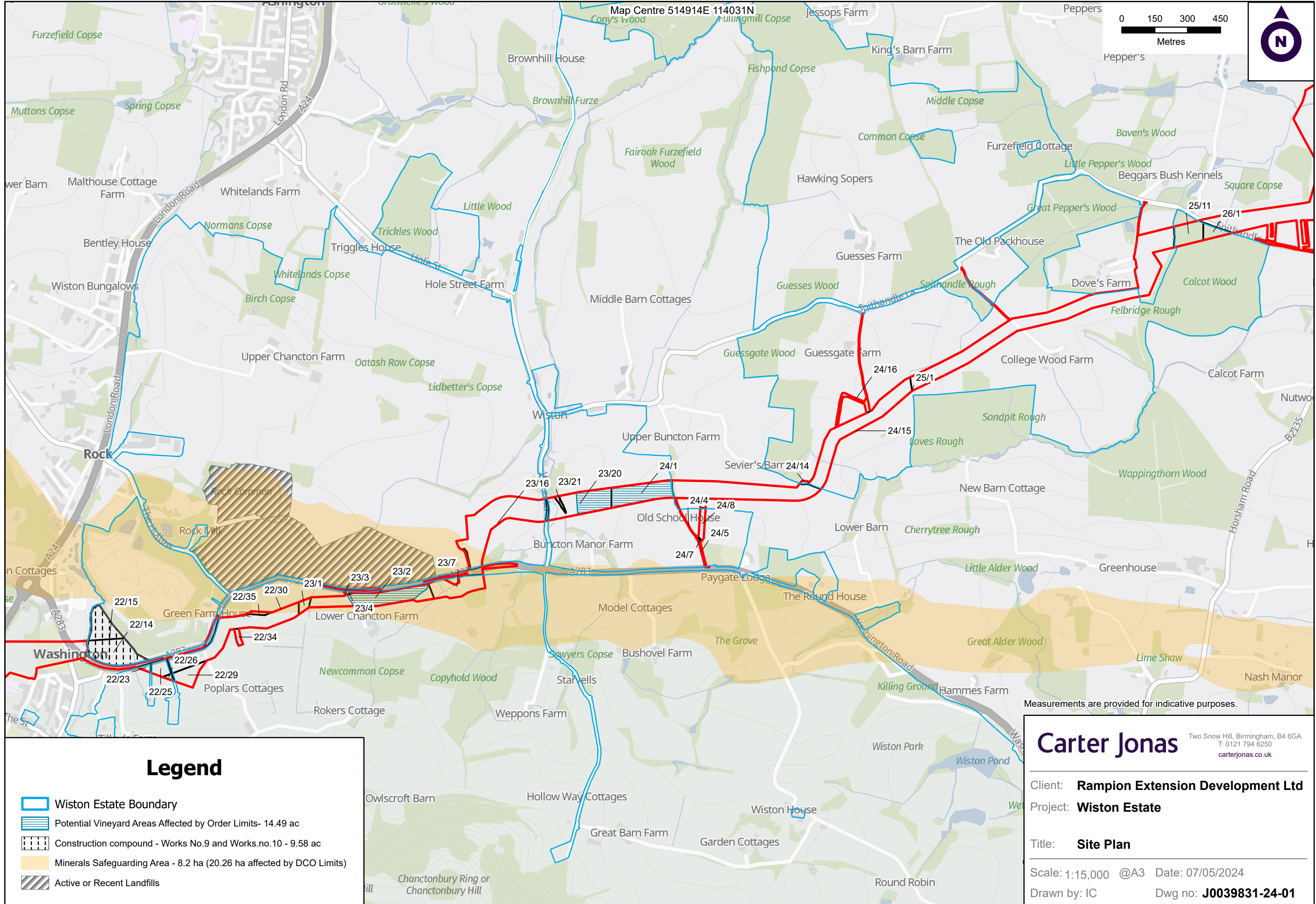
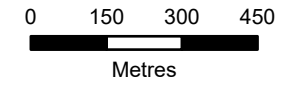
-  Wiston Estate Boundary
-  Potential Vineyard Areas Affected by Order Limits- 14.49 ac
-  Existing Vineyards - 31.59 ac
-  Construction compound - Works No.9 and Works.no.10 - 9.58 ac
-  Minerals Safeguarding Area - 8.2 ha (20.26 ha affected by DCO Limits)
-  Active or Recent Landfills

Measurements are provided for indicative purposes.

**Carter Jonas** Two Snow Hill, Birmingham, B4 6GA  
T: 0121 794 6250  
carterjonas.co.uk






Client: **Rampion Extension Development Ltd**  
 Project: **Wiston Estate**  
 Title: **Site Plan**  
 Scale: 1:30,000 @A3 Date: 07/05/2024  
 Drawn by: IC Dwg no: **J0039831-24-01**

Map Centre 514914E 114031N



Measurements are provided for indicative purposes.

### Legend

-  Wiston Estate Boundary
-  Potential Vineyard Areas Affected by Order Limits- 14.49 ac
-  Construction compound - Works No.9 and Works.no.10 - 9.58 ac
-  Minerals Safeguarding Area - 8.2 ha (20.26 ha affected by DCO Limits)
-  Active or Recent Landfills

**Carter Jonas**  
 Two Snow Hill, Birmingham, B4 6GA  
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 carterjonas.co.uk

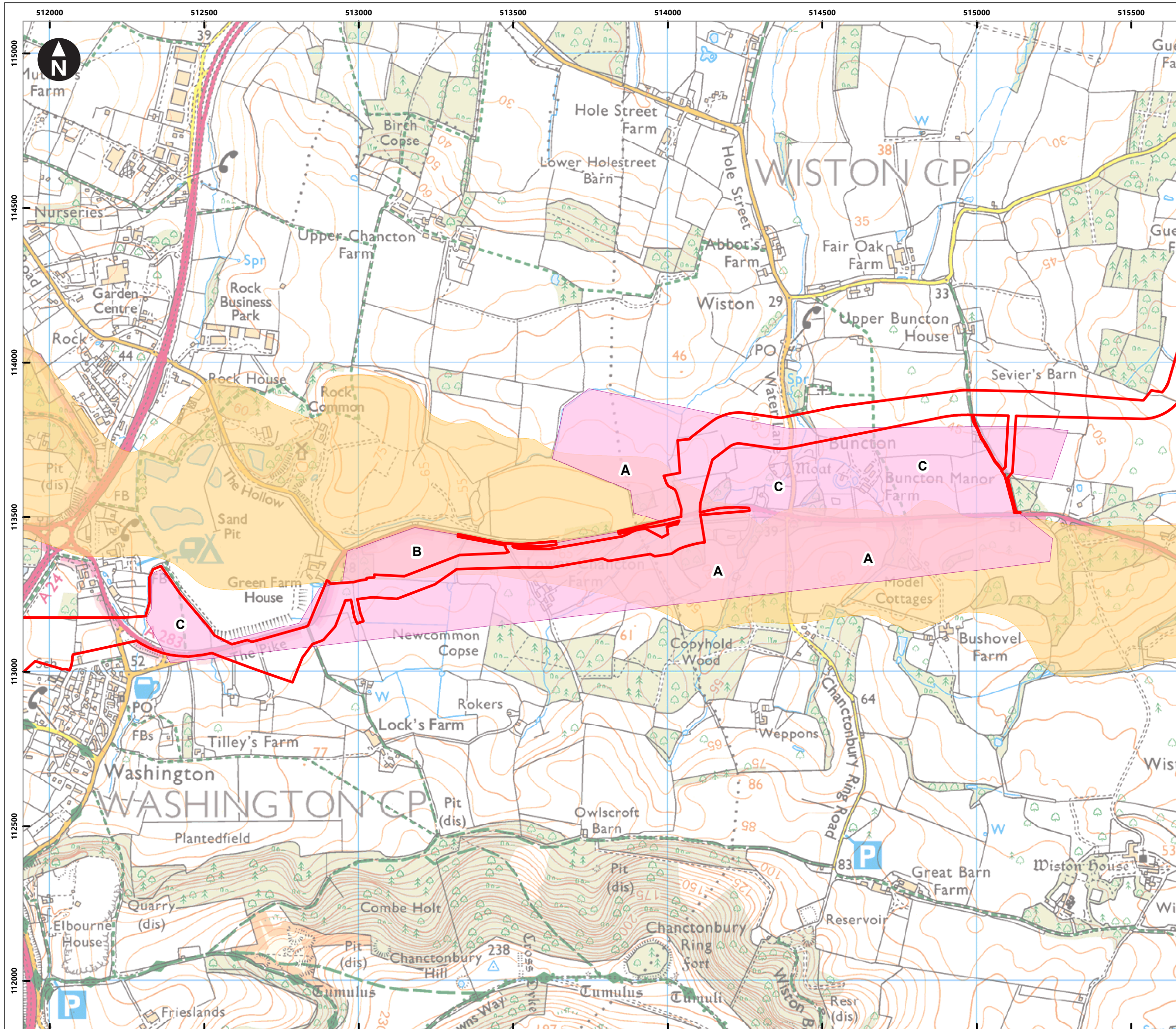
Client: **Rampion Extension Development Ltd**  
 Project: **Wiston Estate**  
 Title: **Site Plan**

Scale: 1:15,000 @A3 Date: 07/05/2024  
 Drawn by: IC Dwg no: **J0039831-24-01**

# Appendix K

## Figure 1 Areas within Wiston Estates 'Pink' Land

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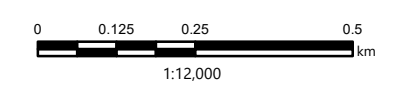
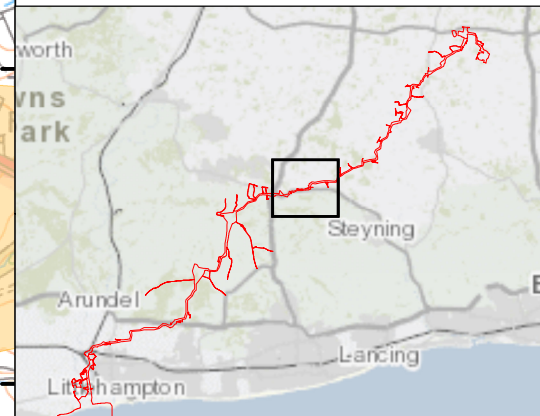


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**Key**

- Proposed DCO Order Limits
- Sand and Gravel area (BGS)
- Wiston Estate 'Pink' Land



Rampion Extension Development



Rampion 2 Offshore Wind Farm  
 Figure 1. Areas within Wiston Estates 'Pink' land

System Identifier:	Version:
42285-WSPE-EX-ON-FG-OG-1695	1.0

Company:	Drawn By:	Chk/Prvrd:	Drawn Date:	Status:
WSP	SUTET	MARLN	03/06/2024	FINAL

