

RAMPION 2 OFFSHORE WINDFARM EXTENSION PROJECT

**Examining Authority's (ExA)
Consultation Draft Development Consent Order (DCO)**

Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4 (D4) [REP4-004]



No.	Reference	Wording at D4 [REP4-004]	ExA's Recommended Change	ExA's Reasoning
ARTICLES				
1.	Part 1, Article 2 <i>Interpretations</i>	None	After "multileg foundation", INSERT – <u>"National Highways" means National Highways Limited (company number 09346363) whose registered office is Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ or any such successor or replacement body that may from time to time be primarily responsible for the functions, duties and responsibilities currently exercised by that statutory body;</u>	As requested by National Highways in its written response at Deadline 4 [REP4-139], and where the ExA concurs such an amendment should be made.
2.	Part 1, Article 2 <i>Interpretations</i>	None	After "street authority", INSERT - <u>"Strategic road network" means any part of the road network including trunk roads, special roads or streets for which National Highways is the highway authority;</u>	As requested by National Highways in its written response at Deadline 4 [REP4-139], and where the ExA concurs such an amendment should be made.
3.	Part 2, Article 5(2) <i>Benefit of the Order</i>	5.— (2) Subject to sub-paragraph (5), the undertaker may with the	5.— (2) Subject to sub-paragraph (5), the undertaker	The ExA has considered in full the concerns raised by the Marine Management



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		<p><i>written consent of the Secretary of State—</i></p> <p><i>(a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; and</i></p> <p><i>(b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of the Order and such related statutory rights as may be so agreed,</i></p> <p><i>except where subparagraph (8) applies, in which case no consent of</i></p>	<p><i>may with the written consent of the Secretary of State—</i></p> <p><i>(a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order <u>(excluding the deemed marine licences)</u> and such related statutory rights as may be agreed between the undertaker and the transferee; and</i></p> <p><i>(b) grant <u>transfer</u> to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of the Order <u>(excluding the deemed marine licenses)</u> and such related statutory rights as may be so agreed,</i></p>	<p>Organisation (MMO) in written response at Deadline 4 [REP4-088]. The ExA accepts a number of these concerns and considers the following suggested changes would address them.</p> <p>In this Article, the ExA considers defining that Article 5(2) to exclude the deemed marine licenses, as it had done so in the Sheringham and Dudgeon Extension Offshore Wind Farm Order 2024, would clearly define Article 5(2) from Article 5(3).</p> <p>Notwithstanding its use in the Sheringham and Dudgeon Order, the ExA is not clear why the word “<i>grant</i>” has been used for Article 5(2)(b) and considers using the word “<i>transfer</i>”, as per Article 5(2)(a) would overcome concerns raised regarding whether the Undertaker would itself be granting a licence rather than transferring it.</p>



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		<i>the Secretary of State is required.</i>	<i>except where sub-paragraph (8) applies, in which case no consent of the Secretary of State is required.</i>	
4.	Part 2, Article 5(3) <i>Benefit of the Order</i>	<p><i>(3) Subject to paragraph (5), the undertaker may with the written consent of the Secretary of State—</i></p> <p><i>(a) where an agreement has been made in accordance with paragraph (2)(a), transfer to the transferee the whole of any of the deemed marine licences and such related statutory rights</i></p> <p><i>as may be agreed between the undertaker and the transferee; or</i></p> <p><i>(b) where an agreement has been made in accordance</i></p>	<p><i>(3) Subject to paragraph (5), the undertaker may with the written consent of the Secretary of State—</i></p> <p><i>(a) where an agreement has been made in accordance with paragraph (2)(a), transfer to the transferee the whole of any of the deemed marine licences <u>granted under Schedules 11 and 12 of this Order</u> and such related statutory rights</i></p> <p><i>as may be agreed between the undertaker and the transferee; or</i></p> <p><i>(b) where an agreement has been made in accordance with paragraph (2)(b), grant <u>transfer</u> to the lessee,</i></p>	<p>The ExA is not clear why the word “grant” has been used for Article 5(3)(b) and considers using the word “transfer”, as per Article 5(3)(a) would overcome concerns raised regarding whether the Undertaker would be granting a licence rather than transferring it.</p> <p>The ExA considers adding the words “<i>granted under Schedules 11 and 12 of this Order</i>” would clarify that the Undertaker would only be transferring the deemed marine licences granted in this Order and would not usurp the authority of the MMO.</p>



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No.	Reference	Wording at D4 [REP4-004]	ExA's Recommended Change	ExA's Reasoning
		<p><i>with paragraph (2)(b), grant to the lessee,</i></p> <p><i>for the duration of the period mentioned in paragraph (2)(b), the whole of any of the deemed</i></p> <p><i>marine licences and such related statutory rights as may be so agreed,</i></p> <p><i>except where paragraph (8) applies, in which case no consent of the Secretary of State is required.</i></p>	<p><i>for the duration of the period mentioned in paragraph (2)(b), the whole of any of the deemed marine licences <u>granted under Schedules 11 and 12 of this Order</u> and such related statutory rights as may be so agreed, except where paragraph (8) applies, in which case no consent of the Secretary of State is required.</i></p>	
5.	Part 2, Article 5(6) <i>Benefit of the Order</i>	<p><i>(6) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the benefit of the provisions of the deemed marine licences.</i></p>	<p><i>(6) <u>On receipt of a request under paragraphs (2) and (3),</u> The <u>Secretary of State must consult the MMO, and must have regard to its response</u> before giving consent to the transfer or grant to another person of the benefit of the provisions of the deemed marine licences.</i></p>	<p>The ExA considers the suggested changes would strengthen the MMO's role in this regard and ensure the Secretary of State must take the MMO's response into consideration before making any decision on whether to agree to a transfer of a DML.</p> <p>As discussed above, the ExA is not clear why the word "<i>grant</i>" has been used in this instance and should be changed accordingly.</p>



No.	Reference	Wording at D4 [REP4-004]	ExA's Recommended Change	ExA's Reasoning
6.	Article 5(8) <i>Benefit of the Order</i>	<p><i>(8) The consent of the Secretary of State is required for the exercise of powers under subparagraphs</i></p> <p><i>(2) or (3) except where—</i></p> <p><i>(a) the transferee or lessee is the holder of a licence under section 6 of the 1989 Act (licences authorising supply etc.); or</i></p> <p><i>(b) the transferee or lessee is a holding company or subsidiary of the undertaker; or</i></p> <p><i>(c) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—</i></p> <p><i>(i) no such claims have been made,</i></p>	<p><i>(8) The consent of the Secretary of State is required for the exercise of powers under subparagraphs</i></p> <p><i>(2) or (3) except where—</i></p> <p><i>(a) the transferee or lessee is the holder of a licence under section 6 of the 1989 Act (licences authorising supply etc.); or</i></p> <p><i>(b) the transferee or lessee is a holding company or subsidiary of the undertaker; or</i></p> <p><i>(c) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—</i></p> <p><i>(i) no such claims have been made,</i></p>	<p>The ExA is concerned about the inclusion of Article 5(8)(b) as it is not clear whether such a holding company or subsidiary of the undertaker is a responsible holder of a deemed marine licence. The ExA is content for it to remain, subject to the insertion of subparagraph (d) which ensure the MMO has consented to the transfer in this instance.</p>



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		<p><i>(ii) any such claim has been made and has been compromised or withdrawn,</i></p> <p><i>(iii) compensation has been paid in final settlement of any such claim,</i></p> <p><i>(iv) payment of compensation into court has taken place in lieu of settlement of any such claim, or</i></p> <p><i>(v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation is payable.</i></p>	<p><i>(ii) any such claim has been made and has been compromised or withdrawn,</i></p> <p><i>(iii) compensation has been paid in final settlement of any such claim,</i></p> <p><i>(iv) payment of compensation into court has taken place in lieu of settlement of any such claim, or</i></p> <p><i>(v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation is payable.</i></p> <p><u>(d) In the cases of (a), (b) and (c) the MMO been consulted and has raised no objections.</u></p>	
SCHEDULES				
7.	Schedule 1, Part 3, Requirement 1 <i>Time limit</i>	1.—(1) The authorised project must commence no later than the expiration of seven years	1.—(1) The authorised project must commence no later than the expiration of seven <u>five</u>	The Exa remains unconvinced why the Applicant requires a seven-year time period when other DCOs (excluding



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		<i>beginning with the date this Order comes into force.</i>	<i>years beginning with the date this Order comes into force.</i>	Sheringham and Dudgeon) normally permit five years.
8.	Schedule 1, Part 3, Requirement 8(1) <u>Site-Specific Plan for the Detailed design approval onshore substation at Oakendene</u>	8.—(1) Works comprising Work No. 16 (excluding any onshore site preparation works) must not commence until details of— (a) siting and layout; (b) scale and quantum of development and its uses; (c) existing and proposed finished ground levels; (d) landscaping; (e) access; and (f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment, for the onshore substation have been submitted to and	8.—(1) Works comprising Work No. 16 <u>together with the associated Work No. 17, Work No. 18 and Work No. 19</u> (excluding any onshore site preparation works) must not commence until details of— (a) siting and layout; (b) scale and quantum of development and its uses; (c) existing and proposed finished ground levels; (d) landscaping; (e) access; and (f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment; <u>(g) a construction traffic plan illustrating the access and</u>	The ExA considers that the submission and approval of an overarching site-specific plan for works in the area of Oakendene Substation is necessary, as at this stage of the Examination there are many outstanding areas of concerns which will need to be addressed. These include: <ul style="list-style-type: none"> The safe construction of the works is dependent on the detailed development by the Applicant of a complex traffic management strategy involving HGV movements along the A272 and in and out of Oakendene Compound, Oakendene Substation Site and Kent Street and its approval by West Sussex County Council as Highway Authority.



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		<p><i>approved in writing by the relevant planning authority following consultation with the West Sussex Fire and Rescue Service and Work No. 16 must be carried out in accordance with the approved details.</i></p>	<p><u>egress points, traffic routing and vision splays;</u></p> <p><u>(h) vegetation removal, retention and replanting; and</u></p> <p><u>(i) operational and maintenance water usage and site drainage</u></p> <p><i>for the onshore substation have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex Fire and Rescue Service and Work No. 16 must be carried out in accordance with the approved details.</i></p>	<ul style="list-style-type: none">• The use of Kent Street a single track lane will in particular require careful detailed planning in order to facilitate the safe movement of private vehicles, pedestrians, cyclists and equestrians in combination with construction traffic;• The detailed design of the permanent access to Oakendene Substation;• Details of the vegetation loss, retention and replanting at the Oakendene site;• Details of drainage including how it will work with the landscaping. <p>The ExA considers the suggested changed to Requirement 8 would ensure a comprehensive site-specific plan for the Oakendene</p>



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				substation site is therefore necessary.
9.	<p>Schedule 1, Part 3, Requirement 9</p> <p><i>Detailed design approval – extension to National Grid substation</i></p>	<p>9.—(1) Works comprising Work No. 20 (excluding onshore site preparation works) must not commence until details of—</p> <p><i>(a) siting and layout;</i></p> <p><i>(b) scale and quantum of development and its uses;</i></p> <p><i>(c) existing and proposed finished ground levels;</i></p> <p><i>(d) landscaping;</i></p> <p><i>(e) access; and</i></p> <p><i>(f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment, of the extension to the National Grid substation at Bolney have been</i></p>	<p>9.—(1) Works comprising Work No. 20 (excluding onshore site preparation works) must not commence until details of—</p> <p><i>(a) siting and layout;</i></p> <p><i>(b) scale and quantum of development and its uses;</i></p> <p><i>(c) existing and proposed finished ground levels;</i></p> <p><i>(d) landscaping;</i></p> <p><i>(e) access; and</i></p> <p><i>(f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment; and</i></p> <p><u>(g) operational noise monitoring</u></p> <p><i>of the extension to the National Grid substation at Bolney have been submitted to and approved in</i></p>	<p>In response to concerns raised by Bolney Parish Council [REP3-095] regarding noise generated from the operation of Work No.20</p>



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		<p><i>submitted to and approved in</i></p> <p><i>writing by the relevant planning authority and Work No. 20 must be carried out in accordance with</i></p> <p><i>the approved details.</i></p>	<p><i>writing by the relevant planning authority and Work No. 20 must be carried out in accordance with</i></p> <p><i>the approved details.</i></p>	
10.	<p>Schedule 1, Part 3, Requirement 14</p> <p><i>Biodiversity Net Gain</i></p>	<p><i>(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until a biodiversity net gain strategy for the stage</i></p> <p><i>which accords with the outline biodiversity net gain information comprising appendix 22.15 of the</i></p> <p><i>environmental statement has been submitted to and approved by the relevant planning authority following consultation with the statutory nature conservation body.</i></p>	<p><i>(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until a biodiversity net gain strategy for the stage which accords with the outline biodiversity net gain information comprising appendix 22.15 of the environmental statement has been submitted to and approved by the relevant planning authority following consultation with the statutory nature conservation body <u>each of the following has been approved in writing by the relevant planning authorities:</u></i></p> <p><u>(i) A biodiversity net gain strategy for that</u></p>	<p>The ExA has reviewed all matters submitted by the Applicant at Deadline 4. The ExA acknowledges that the Applicant has indicated that matters concerning Biodiversity Net gain remain ongoing and subject to further discussion. To ensure such matters are adequately controlled, the ExA recommends Requirement 14 is strengthened as requested by the SDNPA and West Sussex CC in their respective Deadline 3 submissions [REP3-071] and [REP3-073] and as discussed at the Issue Specific Hearing 2 held on Thursday 16 May 2024 [EV5-001] (ISH2), but where the Requirement has remained</p>



No.	Reference	Wording at D4 [REP4-004]	ExA's Recommended Change	ExA's Reasoning
		<p>(2) Any biodiversity net gain strategy under sub-paragraph (1) may cover one or more stages of the onshore works.</p> <p>(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved.</p>	<p><u>stage which accords with the outline biodiversity net gain information comprising Appendix 22.15 of the Environmental Statement.</u></p> <p>(ii) <u>The Undertaker has provided proof of purchase of all necessary biodiversity units from third party providers.</u></p> <p>(iii) <u>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</u></p>	<p>unaltered in the latest draft DCO [REP4-004].</p>



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			<p><u>authority including where relevant the South Downs National Park Authority.</u></p> <p>(2) Any biodiversity net gain strategy under sub-paragraph (1) may cover one or more stages of the onshore works.</p> <p><u>(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.</u></p> <p>(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved.</p> <p><u>(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to</u></p>	



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No.	Reference	Wording at D4 [REP4-004]	ExA's Recommended Change	ExA's Reasoning
			<u>construction works being completed.</u>	
11.	Schedule 1, Part 3, Requirement 19 (1) <i>Onshore archaeology</i>	<i>(1) No stage of the authorised project within the onshore Order limits are to commence until a site-specific written scheme of archaeological investigation for that stage which must accord with the outline onshore written scheme of investigation has been submitted to and approved by the relevant planning authority.</i>	<i>(1) No stage of the authorised project within the onshore Order limits are to commence until a site-specific written scheme of archaeological investigation for that stage which must accord with the outline onshore written scheme of investigation has been submitted to and approved by the relevant planning authority <u>in consultation with West Sussex County Council.</u></i>	The ExA is minded to accept the suggested change as advanced by Historic England in its written submission at Deadline 4 [REP4-087] notwithstanding West Sussex's oral submissions at ISH2 that it did not wish to be a consultee.
12.	Schedule 1, Part 3, Requirement 19 (5) <i>Onshore archaeology</i>	<i>(5) Should archaeological remains be left in situ on any site, a site-specific archaeological management plan must be submitted to and approved</i>	<i>(5) <u>In the event of the discovery of high significance archaeological remains within the onshore Order limits, their significance and suitability for preservation in situ must be assessed by field evaluation, in accordance with the outline</u></i>	The ExA is minded to accept with the suggested change as advanced by Historic England and West Sussex CC in its written submission at Deadline 4 [REP4-087] and [REP4-086] notwithstanding West Sussex's



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		<p><i>in writing by the relevant planning authority.</i></p> <p><i>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.</i></p>	<p><u>onshore written scheme of investigation. Any suitable high significance archaeological remains will be preserved in situ.</u> Should 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 <u>following consultation with West Sussex County Council.</u> 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.</p>	<p>oral submissions at ISH2 that it did not wish to be a consultee.</p>
13.	Schedule 1, Part 3, Requirement 22(4) <i>Code of Construction Practice</i>	<p><i>(4) The code of construction practice must accord with the outline code of construction practice and include, as appropriate to the relevant stage—</i></p>	<p><i>(4) The code of construction practice must accord with the outline code of construction practice and include, as appropriate to the relevant stage—</i></p>	<p>The ExA considers the crossing schedule should be subject to an additional Requirement as set out below.</p>



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		<i>(q) a crossing schedule</i>	<i>(q) a crossing schedule</i>	
14.	Schedule 1, Part 3, Requirement 35 <i>Onshore Decommissioning</i>	<p>35.—(1) <i>The undertaker must notify the relevant planning authority of the permanent cessation of commercial operation of the authorised development within 28 days following the date of permanent cessation.</i></p> <p>(2) <i>Within six months of the cessation of commercial operation of the connection works an onshore decommissioning plan must be submitted to the relevant planning authority for approval unless otherwise agreed in writing by the relevant planning authority.</i></p> <p>(3) <i>The approved decommissioning plan must</i></p>	<p>35.—(1) <i>The undertaker must notify the relevant planning authority of the permanent cessation of commercial operation of the authorised development within 28 days following the date of permanent cessation.</i></p> <p>(2) <i>Within six months of the cessation of commercial operation of the connection works an onshore decommissioning plan must be submitted to the relevant planning authority for approval unless otherwise agreed in writing by the relevant planning authority.</i></p> <p><u>(3) The decommissioning plan shall demonstrate that the onshore cables within the Mineral Safeguarding Area will be removed unless</u></p>	Refer to the ExA's Further Written Question MI 2.3.



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		<p><i>be implemented unless otherwise agreed in writing by the relevant planning authority.</i></p>	<p><u>otherwise agreed to in writing by the relevant planning authority.</u></p> <p>(3) (4) <i>The approved decommissioning plan must be implemented unless otherwise agreed in writing by the relevant planning authority.</i></p>	
15.	<p>Schedule 1, Part 3, New Requirement 41</p> <p><u>Site-Specific Plans for the detailed design approval temporary construction compounds at Washington and Climping</u></p>	None	<p><u>(41) Works comprising Work No. 10 and Work No.11 must not commence until details of—</u></p> <p><u>(a) siting and layout;</u></p> <p><u>(b) scale and quantum of development and its uses;</u></p> <p><u>(c) existing and proposed finished ground levels;</u></p> <p><u>(d) landscaping;</u></p> <p><u>(e) access; and</u></p>	<p>The ExA considers that the submission and approval of overarching site-specific plans for works in the areas of the Washington and Climping temporary construction compounds are necessary. These documents would provide a one-stop shop for relevant planning authorities and Interested Parties to have a greater understanding of exactly what would occur in these areas as opposed to such matters being contained across a suite of documents. The ExA considers this can be</p>



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			<p><u>(f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment;</u></p> <p><u>for the temporary construction compound have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex County Council and Work No.10 must be carried out in accordance with the approved details.</u></p>	achieved through a new Requirement in the DCO akin (although tightened) to Requirement 8.
16.	Schedule 1, Part 3, New Requirement 42 <u>Trenchless Crossing</u>	None	<u>(42) (1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until a trenchless crossing plan, indicating the final areas for trenchless crossing, in accordance with the outline trenchless</u>	The ExA understands that the locations of the trenchless crossing, while specified in the Crossing Schedule, remain indicative at this stage and some are subject to detailed design. The ExA also understand that the Applicant may increase the number of areas where trenchless



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			<p><u>crossing plan, has been submitted to and approved by the relevant planning authority following consultation with West Sussex County Council, the Environment Agency, Southern Water and the statutory nature conservation body.</u></p> <p><u>(2) Development shall be carried out in accordance with the approved plan.</u></p>	<p>crossings will be used including W110 at Green Lanes.</p> <p>Because of the importance of the trenchless crossing schedule and that the Applicant is still refining it, the ExA considers the approval of the Trenchless Crossing should form its own Requirement.</p>
17.	Schedule 1, Part 3, New Requirement 43 <u>European Protected Species</u>	None	<p><u>(43) (1) No phase of the onshore works may commence until final pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by that phase of the onshore works or in any of the trees to be lopped or felled as part of that phase of the onshore works.</u></p> <p><u>(2) Where a European protected species is shown to</u></p>	<p>A European Protected Species requirement is normal practice and has been requested by Natural England [REP4-096]. The ExA considers the Requirement should be added.</p>



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			<p><u>be present, the relevant phase of the onshore works must not commence until, after consultation with Natural England and the relevant planning authority, a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority or a European protected species licence granted by Natural England.</u></p> <p><u>(3) The onshore works must be carried out in accordance with the approved scheme.</u></p> <p><u>(4) In this requirement "European protected species" has the same meaning as in regulations 42 and 46 of the 2017 Regulations.</u></p>	
18.	Schedule 1, Part 3, New Requirement 44 <u>Commitments Register</u>	None	<p><u>(44) (1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to</u></p>	As set out in the ExA Further Written Questions, the ExA remains concerned over the robustness and consistency of the Commitments in the



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			<p><u>commence until the commitments register, in accordance with the outline commitments register, has been submitted to and approved by the West Sussex County Council in consultation with the relevant planning authorities, the Environment Agency and the statutory nature conservation body.</u></p> <p><u>(2) Development shall be carried out in accordance with the approved plan.</u></p>	Commitments Register [REP4-057]. The ExA has requested that the Applicant review the concerns raised by Interested Parties and the ExA and amend accordingly. Should those amendments be made, and Interested Parties confirm they are largely content with them, the ExA may not need this Requirement.
19.	Schedule 1, Part 3, Potential New Requirement 45 or amendments to Requirement 22 <u>Noise, Dust and Air Quality Monitoring</u>	None	<p><u>(1) A scheme of dust and noise mitigation giving full details of noise, dust and air quality monitoring and mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting shall be submitted to and approved by the relevant planning authority.</u></p>	The ExA notes the concerns of Horsham DC in respect to monitoring of noise. The ExA has tabled a Further Written Question NV 2.4 on this matter and, dependent on the responses received, may consider it necessary to insert the suggested wording either within Requirement 22 or within a separate Requirement.



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			<u><i>(2) The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the most up to date IAQM "Guidance on the assessment of dust from demolition and construction".</i></u>	
Schedules 11 and 12		DEEMED MARINE LICNECE		
20.	Part 1 Para 9	<i>9. 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</i>	<i>9. 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 will not give rise to</i>	As suggested by the MMO in its written submission at Deadline 4 [REP4-088].



No.	Reference	Wording at D4 [REP4-004]	ExA's Recommended Change	ExA's Reasoning
		<i>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>	<i>any material new or materially different environmental effects from those assessed in the environmental statement.</i>	
21.	Part 2 Condition 3(2)	<i>(2) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise. All operation and maintenance activities shall be carried out in accordance with the submitted operations and maintenance plan.</i>	<i>(2) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise. All operation and maintenance activities shall be carried out in accordance with the submitted approved operations and maintenance plan.</i>	As suggested by the MMO in its written submission at Deadline 3 [REP3-076].
22.	Part 2 Condition 3(5)	<i>(5) Where the MMO's approval is required under paragraph (3), approval may be given only where it has been demonstrated to</i>	<i>(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</i>	As suggested by the MMO in its written submission at Deadline 4 [REP4-088].



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No.	Reference	Wording at D4 [REP4-004]	ExA's Recommended Change	ExA's Reasoning
		<i>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.</i>	<i>that the works for which approval is sought are unlikely to will not give rise to any material new or materially different environmental effects from those assessed in the environmental statement.</i>	
23.	Part 2 Condition 11(1)(a)	None	INSERT AFTER (v) <u>(vi) a commitment to microsite around features of ecological or conservation importance.</u>	As suggested by Natural England in its written submission at Deadline 4 [REP4-096].
24.	Part 2 Condition 11(2)	<i>(2) The authorised scheme must not commence unless no later than six months prior to the commencement a written scheme of archaeological investigation has been submitted to and approved by the MMO, in accordance with the outline marine written scheme of investigation, and in</i>	<i>(2) The authorised scheme must not commence unless no later than six months prior to the commencement a written scheme of archaeological investigation has been submitted to and approved by the MMO following <u>consultation with West Sussex County Council and the statutory historic body,</u> in</i>	As suggested by Historic England in its written submission at Deadline 4 [REP4-087].



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No.	Reference	Wording at D4 [REP4-004]	ExA's Recommended Change	ExA's Reasoning
		<i>accordance with industry good practice, following consultation with the statutory historic body to include—</i>	<i>accordance with the outline marine written scheme of investigation, and in accordance with industry good practice, following consultation with the statutory historic body to include—</i>	
25.	Part 2 Condition 11(2)(c)	<i>(c) 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.</i>	<i>(c) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within six four months of any survey being completed.</i>	As suggested by Historic England in its written submission at Deadline 4 [REP4-087] and in line with the Sheringham and Dudgeon Order.
26.	Part 2 Condition 16(2)(b)	<i>(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</i>	<i>(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 and any other species or features as set out within the outline in-principle monitoring plan;</i>	As suggested by the MMO in its written submission at Deadline 3 [REP3-076].



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No.	Reference	Wording at D4 [REP4-004]	ExA's Recommended Change	ExA's Reasoning
		<i>out within the outline in-principle monitoring plan;</i>		

Responses are to be received by **Deadline 5, Tuesday 9 July 2024.**