

**EN010117: Application by Rampion Extension Development Limited for the Rampion 2 Offshore Wind Farm**  
**The Examining Authority's Further Written Questions and requests for information**  
**Issued on Tuesday 18 June 2024**

The following table sets out the Examining Authority's (ExA's) Further Written Questions and requests for information, herein referred to as FWQs.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 14 December 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then an issue number (indicating that it is from WQs) and a question number. For example, the first question on Alternatives is identified as HRA 2.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [Rampion2@planninginspectorate.gov.uk](mailto:Rampion2@planninginspectorate.gov.uk) and include 'Rampion 2 Offshore Wind Farm' in the subject line of your email.

Responses and Information Requested are due by **Deadline 5, Tuesday 9 July 2024**



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ONSHORE AND OFFSHORE QUESTIONS		
<b>HRA</b>	<b>Habitats Regulations Assessment (HRA)</b>	
HRA 2.1	<i>Kittiwake Compensation Quanta</i> <b>The Applicant</b>	Respond to Natural England’s response to Q3e-2 in the Examining Authority’s (ExA) request for further information from Natural England arising out of Issue Specific Hearing 2 [REP4-091] (ISH2) that securing sufficient nesting space for the number of kittiwake pairs required to address the 95% UCI value at a ratio of 3:1 would be a proportionate contribution and Natural England would then consider this matter resolved.
HRA 2.2	<i>Updated Schedule 17</i> <b>Natural England</b>	Comment on the Applicant’s updated Schedule 17 submitted at Deadline 4 [REP4-016], stating any areas of disagreement.
HRA 2.3	<i>Water Neutrality - Potential AEOI on Arun Valley SPA</i> <b>Natural England</b>	Update the ExA on Natural England’s position on the latest proposals by the Applicant to meet the water neutrality requirements in light of recent meetings and discussions held between Horsham DC, Natural England and the Applicant.
<b>CR</b>	<b>Commitments Register</b>	
CR 2.1	<i>Updating the Commitments Register</i> <b>The Applicant</b>	Following the submissions at Deadline 4, the ExA has identified continued concerns with the following Commitments: <ul style="list-style-type: none"> <li>- Commitment C-5 (West Sussex CC [REP4-086]).</li> <li>- Commitment C-19 (West Sussex CC).</li> <li>- Commitment C-22 (Horsham DC [REP4-084]).</li> <li>- Commitment C-24 (Horsham DC).</li> </ul>



		<ul style="list-style-type: none"><li>- Commitment C-27 (Clymping Parish Council [REP4-103]).</li><li>- Commitment C-79 (Historic England [REP4-087]).</li><li>- Commitment C-80 (Historic England).</li><li>- Commitment C-158 (Horsham DC).</li><li>- Commitment C-217 (Natural England [REP4-096]).</li><li>- Commitment C-220 (West Sussex CC).</li><li>- Commitment C-224 (West Sussex CC).</li><li>- Commitment C-225 (West Sussex CC).</li><li>- Commitment C-231 (Horsham DC).</li><li>- Commitment C-275 (Natural England).</li></ul> <p>The ExA remains concerned over the wording of some of the commitments in the Commitments Register and whether they remain imprecise. The ExA requests that the Applicant provide, in table form, its responses to the above Commitments setting out the amendments made or an explanation as to why no drafting changes are proposed.</p> <p>The Applicant is asked to ensure the Commitments contained in the Commitments Register are consistent throughout other documents by Deadline 5.</p>
CR 2.2	<b>Commitment C-216</b> <b>The Applicant</b>	<p>As set out in further detail in the Terrestrial Ecology section below, the ExA has a number of serious concerns with the effect of the Proposed Development on ancient woodland, trees and vegetation. In this example, the Applicant confirmed at ISH2 that some form of non-ground-breaking activity is planned within 25m of ancient woodland, but that is not supported by wording in C-216 or the Outline Code of Construction Practice (OCoCP) section 5.6.17 [REP4-043].</p> <p>The ExA considers, in respect to those identified working areas within 25m of ancient woodland as described in Commitment C-216 and the OCoCP that additional wording should</p>



		<p>be added to Commitment C-216 to ensure a final method statement is approved by relevant planning authorities.</p> <p>Amend C-216 as requested.</p>
CR 2.3	<p><i>Commitment C-5</i></p> <p><b>All Relevant Planning Authorities</b></p> <p><b>Natural England</b></p> <p><b>Wildlife Trusts</b></p>	<p>Comment on the revised wording of Commitment C-5 at Deadline 4 in the Commitments Register [REP4-057]. Is the wording adequate? If not, provide alternative suggested wording.</p> <p><i>[N.B The wording of Commitment C-5 on page 75 of the updated OCoCP at Deadline 4 [REP4-043] has not been updated. Provide an update to the OCoCP at D5 to ensure consistency with the Commitments Register.]</i></p>
CR 2.4	<p><i>Commitment C-104</i></p> <p><b>The Applicant</b></p>	<p>The ExA considers that Commitment C-104 should include the assurance the Applicant has made in section 5.2 of Appendix 22.15 BNG information [REP3-019], that 70% of the deficit would be delivered prior to commencement of construction.</p> <p>Respond and/or amend the Commitments Register accordingly.</p>
CR 2.5	<p><i>Additional Commitments</i></p> <p><b>The Applicant</b></p>	<p>At Deadline 4, the following additional Commitments were suggested:</p> <ul style="list-style-type: none"><li>- New Commitment that requires the Outline Landscape and Ecology Management Plan [REP4-047] to include a method, management, maintenance and monitoring strategy to be agreed in writing by the relevant planning authority (South Downs National Park Authority (SDNPA) [REP4-085] and West Sussex CC [REP4-086]).</li><li>- New Commitment to ensure that construction traffic does not filter south from the A27 through Yapton and Ford to approach Access A05 from the north from Climping Beach (Clymping Parish Council [REP4-103]).</li></ul>



		<ul style="list-style-type: none"> <li>- New Commitment to ensure construction traffic would not use Crookthorn Lane or Brookpit Lane (Clymping Parish Council).</li> <li>- New Commitment to providing landscape plans for hedgerow and treeline reinstatement, at present the Outline Landscape and Ecology Management Plan (OLEMP) only suggests these may be produced. (SDNPA [REP4-085]).</li> <li>- New Commitment providing further detail of the replacement of woodland within the South Downs National Park (SDNP) to ensure that the key landscape and ecological features characteristic of those discrete areas are recreated as closely as possible, including natural regeneration where appropriate. (SDNPA [REP4-085]).</li> </ul> <p>Respond and/or amend the Commitments Register accordingly.</p>
CR 2.6	<p><i>Additional Commitment</i></p> <p><b>The Applicant</b></p>	<p>The ExA considers that, in the event inconsistencies are discovered at the post-consent stage between specific Commitments in the Commitments Register and those within the relevant topic documents relating to the specific matter, the Commitment which has the least environmentally damaging scenario must prevail. Respond and/or amend the Commitments Register accordingly.</p>
<b>DCO</b>	<b>Draft Development Consent Order (Draft DCO) and Draft Deemed Marine Licence (Draft DML)</b>	
DCO 2.1	<p><i>Article 5, Schedules 11 and 12, paragraph 7</i></p> <p><b>The Applicant</b></p> <p><b>Marine Management Organisation</b></p>	<p>The ExA has, alongside these Further Written Questions, published its suggested changes to the draft Development Consent Order [REP4-006]. For Article 5, the ExA has suggested alterations to Articles 5(2), 5(3), 5(6) and 5(8) which we consider has addressed the concerns of the Marine Management Organisation (MMO) in its submissions at Deadline 4 [REP4-088].</p> <p>Review and confirm.</p>



		<i>[N.B – if the MMO remains of the view that Articles 5(3), 5(6) and 5(13) (and paragraph 7 of Part 1, Schedules 11 and 12) of the Order should be deleted (and in effect Article 5 only relate to the onshore benefits), confirm this at Deadline 5 and the ExA will inform the Secretary of State of this when we submit our Recommendation]</i>
DCO 2.2	<i>Part 3, Articles 11, 15</i> <b>The Applicant</b> <b>National Highways</b>	Provide a response to/justify the proposed changes to the draft DCO [REP4-006] advocated by National Highways [REP4-139] that it should be excluded from the identified Articles.
DCO 2.3	<i>Schedule 13</i> <b>The Applicant</b>	The Applicant is asked to review Schedule 13 of the draft DCO [REP4-006] and check for inconsistencies against the Tree Preservation Order and Hedgerow Plans Rev B [PEPD-007], the OCoCP [REP4-043] and the forthcoming Vegetation Retention and Removal Plans.
DCO 2.4	<i>Remaining Comments</i> <b>All Relevant Planning Authorities</b> <b>Natural England</b> <b>Marine Management Organisation</b>	Aside from the matters discussed above, the changes set out in the ExA’s Schedule of Changes to the Draft DCO and matters concerning Articles 11(7), 12(3), 15(5), 17(9) and 19(7) in respect to the 28-day provision and deemed consent, provide, if necessary, a summary of any remaining concerns with the draft DCO and draft DML and any suggested drafting changes.  <i>[N.B – although primarily addressed to the Applicant, all relevant parties may respond to the ExA’s Scheduled of Changes to the draft DCO should they feel it necessary to do so.]</i>
<b>LR</b>	<b>Land Rights</b>	
LR 2.1	<i>Efforts to Acquire the Land Required for the Proposed Development by Negotiation</i>	The ExA considers that, based upon the written evidence up to and including Deadline 4, and oral evidence discussed at the Compulsory Acquisition Hearing 1 on Friday 17 May and Tuesday 21 May 2024 [EV6-001], it may not be able to recommend to the Secretary of State that the case for Compulsory Acquisition has been made. This is based upon the apparent lack of meaningful discussions and progress with persons with interests in the land and the





	<b>The Applicant</b>	lack of advancement of voluntary agreements. The ExA would have expected the Applicant to have been at a much more advanced stage at this point in the Examination.  Provide a summary of all efforts to acquire the land required for the Proposed Development by negotiation since the close of CAH1.
LR 2.2	<i>Progress with Land Rights Negotiations</i> <b>The Applicant</b>	Provide the following information in relation to obtaining Land Rights for the Proposed Development by agreement (include figures for AP's who have not submitted RRs or WRs):  a) Total number of signed agreements required. b) Number of Key Terms issued. c) Number of Key Terms signed. d) Number of agreements completed.
LR 2.3	<i>Requirement for Compulsory Acquisition of Plots</i> <b>The Applicant</b>	Set out the implications for the Proposed Development in the event Plots 34/25, 34/26, 34/27 and 34/28 were struck out of the Book of Reference [PEPD-014] and Land Plans [PEPD-003].

**ONSHORE QUESTIONS**

<b>AQ</b>	<b>Air Quality</b>	
AQ 2.1	<i>Outline Air Quality Manage Plan and Air Quality Mitigation Strategy</i>	Comment on the issues raised by Horsham DC on the Outline Air Quality Management Plan [REP3-056] and Air Quality Mitigation Strategy [REP3-053] contained in [REP4-084].



	<b>The Applicant</b>	
<b>BNG</b>	<b>Biodiversity Net Gain</b>	
BNG 2.1	<p><i>Mitigation Hierarchy in Respect to Biodiversity Net Gain</i></p> <p><b>The Applicant</b></p>	<p>In response to ISH2 question Q2a-2, Natural England highlight in Appendix J4b to the Natural England Deadline 4 Submission Natural England’s advice on Biodiversity Net Gain (BNG) [REP4-094], what is in their opinion, a significant risk in that the Applicant’s Biodiversity Net Gain Appendix 22.15 does not refer to adhering to the mitigation hierarchy at the detailed design phase. Natural England recommend that the BNG Appendix makes it clear whether the mitigation hierarchy would be followed throughout detailed design stage to avoid biodiversity loss in the first instance.</p> <p>Respond in full to this point and all risks and issues raised by Natural England in Appendix J4a [REP4-093] and J4b [REP4-094] to the Natural England Deadline 4 Submission Natural England’s advice on Biodiversity Net Gain.</p>
BNG 2.2	<p><i>Presentation of Retained, Reinstated and Permanently Lost Habitat in BNG Calculations</i></p> <p><b>The Applicant</b></p>	<p>Natural England state in its Deadline 4 Submission Appendix J4b Natural England’s advice on Biodiversity Net Gain [REP4-094], in point 2, that it would be clearer to display the South Downs National Park as an entirely separate set of habitats to be retained, reinstated and permanently lost rather than having some losses displayed twice. They state this would prevent any potential double counting of units in calculations. Natural England advise that baseline habitat units and status are displayed separately for Arun District, Horsham District, Mid-Sussex District and South Downs National Park.</p> <p>Horsham DC [REP4-084] have also recommended the BNG information is presented on a Local Authority basis.</p> <p>Respond to Natural England’s advice, and Local Authority recommendations ideally presenting the information as advised. If this is not possible, explain in full why not.</p>
BNG 2.3	<i>Securing BNG</i>	<p>In response to West Sussex CC comments in [REP4-086] on the Applicant’s response to ExQ1 BD 1.3 explain why Section 106 agreements between the landowner and the relevant</p>



	<b>The Applicant</b>	planning authority or conservation covenant mechanisms are not mentioned in Section 5.4 (Securing Biodiversity Net Gain) of Appendix 22.15, BNG Information Rev. B, [REP3-019].
BNG 2.4	<i>Stage Specific BNG Strategies</i> <b>The Applicant</b>	Provide outline details on the proposed content of the stage specific BNG strategies.
BNG 2.5	<i>BNG at Oakendene</i> <b>The Applicant</b>	Respond to the concern raised by West Sussex CC in [REP4-086] that if habitat created at Oakendene Substation should not be considered as BNG, whether it would still be managed and monitored for a minimum of 30 years.
BNG 2.6	<i>BNG Matrix and Calculations Including Updates to Vegetation Loss in the Outline Constriction Traffic Management Plan</i> <b>The Applicant</b>	Respond to the concern raised by Horsham DC in its comments on Deadline 3 submissions [REP4-084], on whether the updated BNG matrix and calculations in [REP3-019] includes vegetation loss identified by the latest version of the Outline Constriction Traffic Management Plan [REP4-045].
BNG 2.7	<i>BNG Workbook Calculations</i> <b>The Applicant</b>	The ExA requests that the Applicant: <ul style="list-style-type: none"><li>a) Revises the BNG workbooks to avoid double counting and overlap.</li><li>b) Submits the excel worksheets to each Local Planning Authority for interrogation rather than only the pdf versions.</li><li>c) Ensures the information is clearly presented to show in which Local Authority areas the deficit in units will be located.</li></ul>



BNG 2.8	<b>BNG Calculations</b> <b>The Applicant</b>	Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that:  <i>“the applicant has not broken the calculations down into habitat parcels (or highlighted those areas of discrete high/very high distinctiveness) and has instead conflated them into overall habitat areas within the Metric. This means that some habitats within the SDNP may have erroneously been accounted as temporary loss, reducing the necessity for compensation and enhancement. A more granular approach to recording the habitat parcels in the SDNP is an example of where it could be more clearly demonstrated what the likely effects of the proposed development are on the ecological features of the SDNP in the context of its elevated status. It would then enable the applicant to demonstrate how the purposes of the SDNP in respect of its ecological function could be furthered by the proposed development.”</i>
BNG 2.9	<b>Ecological Surveys</b> <b>The Applicant</b>	Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that:  <i>“The information required for UKHab 2.0 and BNG condition assessment is much more detailed than would normally be collected during a Phase 1 survey visit. Given that the (more detailed) NVC survey sites are no longer included within the DCO Limits, the SDNPA would have expected additional survey visits to have been carried out in 2023/24 to achieve the level of detail required. It is not clear whether these have been undertaken.”</i>
BNG 2.10	<b>Recognising in BNG Information Rev.B (REP3-019) Where the 2-year Reinstatement Period is Unlikely to be</b>	Both West Sussex CC in [REP4-086] and SDNPA in [REP4-085] have commented that new Section 4.1.7 in Biodiversity Net Gain Information Rev. B [REP3-019] stating a 2 year reinstatement period is misleading as some as temporary construction compounds, cable joint bays, some haul roads, some construction access roads and the landfall will not be reinstated until the end of the full construction period, as stated in Commitment C-103.



	<p><i>Achieved as Stated in Commitment C-103</i></p> <p><b>The Applicant</b></p>	<p>The ExA requests that section 4.1.7 in the Biodiversity Net Gain Information Rev. B [REP3-019] is updated to make this clear to avoid confusion.</p> <p>Respond to the other comments from West Sussex CC on BNG in sections 3.8 to 3.11 of [REP4-086].</p> <p>NB - Appendix 22.15 BNG information [REP3-019], contains some “Error! Reference source not found” messages for some of the references. Please correct these when resubmitting this document.</p>
<b>CC</b>	<b>Climate Change</b>	
CC 2.1	<p><i>Proposal to Leave the Cable in-situ Post-decommissioning both Onshore and Offshore</i></p> <p><b>The Applicant</b></p>	<p>Paragraphs 4.9.29 and 4.9.17 of Chapter 4 of the ES [APP-045] states that the onshore and offshore cables would be left in-situ post-decommissioning. Explain how cables would be managed in the event they were to become exposed post-decommissioning, either offshore or onshore due to, for example but not limited to, coastal erosion and was deemed either a hazard to people or the environment or causing an unacceptable visual impact.</p>
<b>HE</b>	<b>Historic Environment</b>	
HE 2.1	<p><i>Heritage Assets</i></p> <p><b>West Sussex CC</b></p>	<p>Given the Deadline 4 submission of viewpoints SA9 to SA13 [REP4-027] and the supporting viewpoint directory [REP4-036] for Work No.16, provide definitive comment on whether harm to Oakendene Manor is likely to be less than substantial or otherwise.</p>
HE 2.2	<p><i>Onshore Archaeology</i></p> <p><b>The Applicant</b></p>	<p>Confirm that the Outline Onshore Written Scheme of Investigation [REP3-035] will be amended based upon West Sussex CC suggested amendments at Table 1 [REP4-086] and Historic England’s suggested amendments at paragraphs 3.5, 3.6 &amp; 3.7 [REP4-087] and that a revised Outline Onshore Written Scheme of Investigation [REP3-035] will be submitted at Deadline 5. If not justify why not.</p>



HE 2.3	<i>Marine Archaeology</i> <b>The Applicant</b>	Given Historic England are not satisfied with the Outline Marine Written Scheme of Investigation [REP4-087] confirm that the Outline Marine Written Scheme of Investigation [REP3-041] will be amended based upon Historic England comments at paragraphs 2.3 & 2.6 to 2.9 [REP4-087] and a revised Outline Marine Written Scheme of Investigation [REP3-041] will be submitted at Deadline 5. If not justify why not.
<b>MI</b>	<b>Minerals</b>	
MI 2.1	<i>Mineral Safeguarding</i> <b>West Sussex CC</b> <b>South Downs National Park Authority</b>	Confirm whether the further information submitted into the examination by the Applicant at Deadline 4 [REP4-079] regarding mineral safeguarding allays outstanding concerns from West Sussex CC and the SDNPA on mineral safeguarding, particularly, but not exclusively, regarding whether:  a) Other minerals alongside soft sand have been given due consideration by the Applicant in its assessment.  b) The Materials Management Plan (MMP) has been adequately updated to provide clarify on how any minerals encountered would be managed.  c) Outline provisions of the MMP, regarding mineral safeguarding, have been adequately set out in a revised version of the OCoCP [REP4-043].  d) The Applicant has adequately demonstrated that requirements of Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) (July 2018, Partial Review March 2021) has been met.  e) The Applicant has provided sufficient response on why they believe it is not practical or environmentally feasible deliver full scale prior extraction, and the extent to which incidental extraction/reuse of minerals within the Project may be possible.
MI 2.2	<i>Securing Mineral Safeguarding</i>	West Sussex CC raise concerns over the likelihood that the forthcoming Materials Management Plan (MMP) at the construction stage would give proper consideration to



	<b>The Applicant</b>	<p>mineral safeguarding [REP3-073]. In response, the Applicant asserts many proposals for the MMP [REP4-079] page 26-29.</p> <p>Explain how these assertions for the contents and quality of the MMP would be secured.</p>
MI 2.3	<p><i>Mineral Safeguarding</i></p> <p><b>The Applicant</b></p> <p><b>West Sussex CC</b></p> <p><b>The Wiston Estate</b></p>	<p><b>The Applicant</b></p> <p>a) Paragraph 4.9.29 of Chapter 4 of the ES [APP-045] states that the onshore cable will be left in-situ upon decommissioning and paragraph 4.8.1 states the operational lifetime of the PD is expected to be around 30 years. Confirm whether the cable would be left in-situ post decommissioning across the Mineral Safeguarding Area (MSA), and whether the sterilisation of minerals by the cable route would be regarded as permanent or temporary i.e. would the minerals be available for extraction post decommissioning with the cable left in-situ? If temporary, confirm in the worst-case scenario from a minerals perspective, of the length of temporary sterilisation.</p> <p>b) Consider the proposed change to Requirement 35 as suggested in the ExA's Schedule of Changes to the draft DCO, which states that;</p> <p style="text-align: center;"><i>“the decommissioning plan shall demonstrate that the onshore cables within Mineral Safeguarding Area will be removed”,</i></p> <p style="text-align: center;">rather than it being left in-situ as is proposed for the rest of the cable.</p> <p><b>West Sussex CC / The Wiston Estate</b></p> <p>Comment if required.</p>
MI 2.4	<p><i>Mineral Safeguarding</i></p> <p><b>The Applicant</b></p> <p><b>West Sussex CC</b></p>	<p><b>The Applicant</b></p> <p>a) Provide a detailed response to Cable Route Alternatives &amp; Mineral Sterilisation document submitted by the Wiston Estate at Deadline 4 [REP4-136].</p> <p>b) Respond to the points raised by the Wiston Estate in the CAH1 regarding minerals, particularly the alternative options presented, both the wider alternative connecting at</p>



	<b>South Downs National Park Authority</b>	Ninfield and local cable route alternatives, including that following the existing gas pipeline. <b>West Sussex CC and SNDPA</b> Respond if required to the Cable Route Alternatives & Mineral Sterilisation document submitted by the Wiston Estate at Deadline 4 [REP4-136].
MI 2.5	<i>Commitment C-6 Minerals</i> <b>The Applicant</b>	Commitment C-6 in the Commitments Register [REP4-057] states that: <i>“Where practical sensitive sites will be avoided by the temporary and permanent onshore project footprint including...mineral resources (including existing mineral sites, minerals sites allocated in development plans and mineral safeguarding areas)”</i> Explain and justify how the Proposed Development proposal fulfils Commitment C-6, particularly in light of the evidence provided by the Wiston Estate at Deadline 4 [REP4-136].
MI 2.6	<i>Securing Mineral Safeguarding</i> <b>The Applicant</b>	In light of the evidence provided by the Wiston Estate at Deadline 4 [REP4-136], explain and justify how the Proposed Development would be compliant with the following paragraphs of EN-1: <ul style="list-style-type: none"><li>a) Paragraph 5.11.19 <i>“Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place”.</i></li><li>b) Paragraph 5.11.28 <i>“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”.</i></li></ul>





NV	Noise and Vibration	
NV 2.1	<i>Outline Code of Construction Practice</i> <b>The Applicant</b>	Comment on the issues raised by Horsham DC [REP4-084] on the OCoCP [REP4-043].
NV 2.2	<i>Outline Noise and Vibration Management Plan</i> <b>The Applicant</b>	Comment on the issues raised by Horsham DC [REP4-084] and SDNPA [REP4-085] on the Outline Noise and Vibration Management Plan [REP3-054].
NV 2.3	<i>Construction Noise and/ or Vibration Monitoring</i> <b>The Applicant</b>	<p>In paragraph 5.1.2 of the latest Outline Noise and Vibration Management Plan [REP3-054] the procedure for determining the need for monitoring noise and/ or vibration during a stage in the construction of the Proposed Development is unclear.</p> <p>Confirm:</p> <ul style="list-style-type: none"><li>a) That it is the relevant planning authority, based on stage specific information provided by the contractor, who ultimately determines the requirement for such monitoring;</li><li>b) That the monitoring would be carried out by a suitably qualified independent third party, commissioned and paid for by the Applicant; and</li><li>c) Any remedial action or mitigation required following the monitoring would be agreed with the relevant planning authority.</li></ul> <p>In addition, consider adding a new Commitment to the Commitment Register which commits to this overarching approach to the monitoring of construction noise and/ or vibration.</p>



SLV	Seascape and Landscape and Visual	
SLV 2.1	<p><i>Seascape, Landscape and Visual</i></p> <p><b>South Downs National Park Authority</b></p>	<p>Provide definitive comment on whether the updated Outline Landscape and Ecology Management Plan [REP4-047], updated OCoCP [REP4-043] and Applicants response to actions points arising from ISH2 particularly the action point 35 commentary [REP4-074] addresses concern at post-hearing submissions point 7 Appendix B [REP4-085].</p>
SA	Soils and Agriculture	
SA 2.1	<p><i>Advice on Soils from Natural England</i></p> <p><b>The Applicant</b></p>	<p>Respond in detail to all advice by Natural England in Appendix J4c to the Natural England Deadline 4 Submission Natural England’s advice on Soils [REP4-095].</p>
SA 2.2	<p><i>Best Most Versatile Agricultural Land</i></p> <p><b>The Applicant</b></p> <p><b>Relevant Planning Authorities</b></p>	<p><b>The Applicant</b></p> <p>a) Respond and where possible act upon the comment by the SDNPA in their Deadline 4 submission [REP4-085] that:</p> <p><i>“It is noted that all land not yet surveyed had been classified as Grade 3 (BMV), but the estimate of area in the DCO Area is 23% Grade 2 and 35% Grade 3 (section 3.1.4 of REP3-027). Given that in the survey already undertaken, the percentage of Grade 2 land is not insubstantial, this broad classification of all soil as Grade 3 significantly plays down the potentially higher graded soil’s importance”.</i></p> <p>b) Confirm whether the presence of the underground cable would or would not prevent the land above to be used for agriculture post-reinstatement.</p> <p>c) Explain how the wording of Commitment C-7 is sufficient to ensure the following or whether it requires amendment. That all affected agricultural land is:</p>



		<ul style="list-style-type: none"><li>i. Surveyed in detail prior to construction to standards in line with the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.</li><li>ii. Surveyed by a soil scientist with enough experience to make the correct judgements when handling highly sensitive soils, a concern raised by Natural England in their Appendix J4c Advice on Soils [REP4-095].</li><li>iii. Surveyed with a method using, as a minimum, one auger boring per hectare, supported by pits dug in each main soil types to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres, as advised by Natural England in their Appendix J4c Advice on Soils [REP4-095].</li><li>iv. Surveyed such that soil data collected as part of an Agricultural Land Classification (ALC) survey will also be used to inform the soil resource plan and soil management plan as set out in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.</li><li>v. Subject to the final sign off of the soil management plans which would be based on detailed ALC surveys post consent, as advised by Natural England in [REP4-095].</li></ul> <p>d) The ExA notes that Commitment C-7 includes the phrase “<i>where the design allows</i>” and are concerned this may allow a lower standard of reinstatement to occur. Confirm whether or not the Applicant intends to remove this phrase form the wording of the commitment. If not, explain how the Applicant intends to secure an adequate standard of reinstatement and not misuse this statement.</p> <p>e) Confirm which Commitment(s) or plan would ensure that post construction, the Applicant must agree in writing with the Relevant Authority that the reinstatement of affected agricultural land has occurred to the agreed standards.</p> <p><b>Relevant Local Authorities</b></p>
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		Provide comment on these matters if required.
SA 2.3	<i>Best Most Versatile Agricultural Land</i> <b>The Applicant</b>	<p>Respond and where possible act upon all the SDNPA concerns regarding BMV agricultural land in their Deadline 4 submission [REP4-085] including:</p> <ul style="list-style-type: none"><li>a) How temporary or permanent development on the best quality agricultural land would be avoided in practice, given the physical limitations of the DCO area and the need for regular joint bays.</li><li>b) Regarding the soil tracking system to monitor the location of soil stored away from the original source, which is then to be returned, provide further clarification on:<ul style="list-style-type: none"><li>I. How far soil is being taken from the original excavation;</li><li>II. Why it could not be stored more locally to reduce lorry movements and the amount of handling the soils need (as both will impact on quality); and</li><li>III. How the tracking will work in practice.</li></ul></li></ul>
SA 2.4	<i>Best Most Versatile Agricultural Land</i> <b>The Applicant</b>	<p>In light of Natural England’s concerns in Section 3 Paragraph 3.1.4 of Appendix J4c to the Natural England Deadline 4 Submission Natural England’s advice on Soils [REP4-095], where they advise that the Applicant is currently unable to demonstrate that significant impacts to BMV will be avoided, or that the design of potential mitigation will safeguard the soil resources, explain and justify how the Proposed Development meets the following tests in EN-1;</p> <ul style="list-style-type: none"><li>a) Paragraph 5.11.12 “<i>Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5)</i>”.</li><li>b) Paragraph 5.11.34 “<i>The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the</i></li></ul>



		<i>Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.</i>
SA 2.5	<i>Agricultural Land Classification Surveys</i> <b>The Applicant</b> <b>All Relevant Planning Authorities</b>	<b>The Applicant</b> Confirm the Agricultural Land Classification (ALC) surveys undertaken to date have been in line with and will continue to be in line with, the 1988 ALC criteria and the Defra Construction Code of Practice for Sustainable Use of Soils on Construction Sites. <b>Relevant Planning Authorities</b> Provide comment on this matter if required.
<b>TA</b>	<b>Traffic and Access</b>	
TA 2.1	<i>Traffic Management Strategies</i> <b>West Sussex CC</b>	Confirm whether you are content with the latest version of the traffic management strategy for accessing construction accesses A64 and A61 on Kent Street, contained in Appendix D of the Outline Construction Traffic Management Plan (OCTMP) [REP4-045]. If not, outline the changes you would require to make it acceptable.
TA 2.2	<i>Traffic Management Strategies</i> <b>West Sussex CC</b> <b>South Downs National Park Authority</b>	Confirm whether you are content with the latest version of the traffic management strategy for accessing construction accesses A26 and A28, contained in Appendix D of the OCTMP [REP4-045]. If not, outline the changes you would require to make it acceptable.
TA 2.3	<i>Traffic Modelling</i> <b>West Sussex CC</b>	Comment on the technical note contained in Appendix A to the Applicant’s Response to the Action Points from ISH2 [REP4-074] which provides an estimate of the impact of the




		proposed traffic management strategy for Kent Street on the traffic modelling for the Proposed Development and its conclusions.
TA 2.4	<i>Potential Impact of Construction Accesses and Haul Roads on Ancient Monuments</i> <b>West Sussex CC</b> <b>South Downs National Park Authority</b>	Comment on the information provided by the Applicant on the potential impact of vibration and other construction and use effects from the proposed haul road at access A28, on the scheduled monument Muntham Court Romano-British site (response to Action 51, ISH2 [REP4-074]).
TA 2.5	<i>Outline Construction Traffic Management Plan</i> <b>The Applicant</b>	Comment on the issues raised by Horsham DC [REP4-084], SDNPA [REP4-085] and West Sussex CC [REP4-086] on the Outline Traffic Management Plan (OTMP) [REP3-030].
TA 2.6	<i>Use of Narrow Unclassified Roads</i> <b>The Applicant</b>	Outline the controls in place in the latest versions of the Outline Construction Traffic Management Plan [REP4-045] and Outline Construction Workforce Travel Plan [REP3-031] to prevent construction vehicles using unsuitable narrow unclassified roads.  Comment on Bolney Parish Council's request that all such roads are specifically named in each document [REP4-102].
<b>TE</b>	<b>Terrestrial Ecology</b>	
TE 2.1	<i>Vegetation Retention and Removal Plans</i> <b>The Applicant</b>	The ExA is concerned by the apparent inconsistencies across the documentation relating to vegetation retention and loss. The ExA would like to thank West Sussex CC for its lengthy and thorough analysis and comments on the Vegetation Retention Plans outlined in section

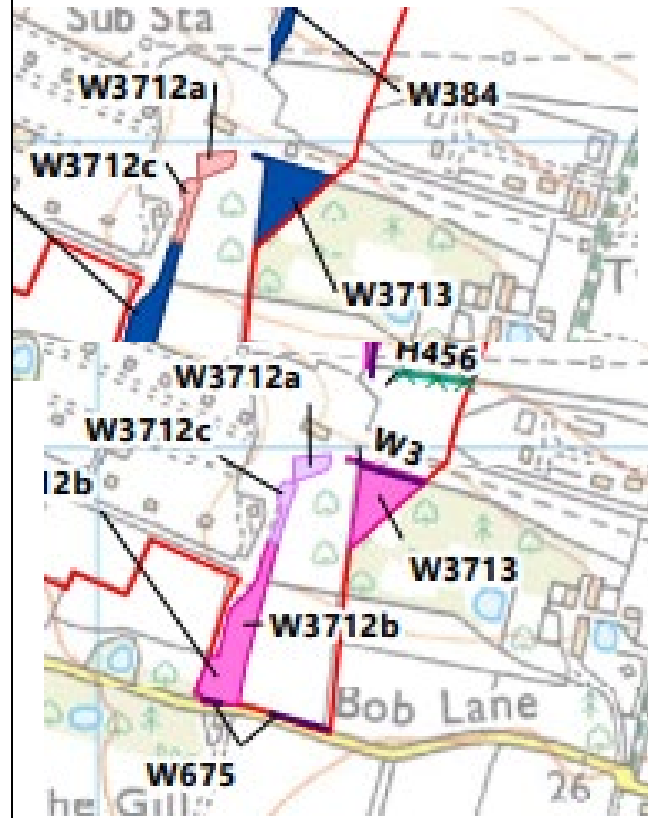


		<p>3.18 of West Sussex CC submission at Deadline 4 [REP4-086]. The ExA had similar concerns.</p> <p>While the ExA welcomes the Applicant's decision to create the Vegetation Retention and Removal Plan as the ExA suggested, the fact that we are so far through the Examination, it is very concerning that these inconsistencies are occurring across documents.</p> <p>The ExA requests the Applicant to submit at Deadline 5:</p> <ul style="list-style-type: none"><li>a) A thorough review of the documentation, including a Schedule 13 and provides a statement that it has reviewed, corrected, explained and provided all necessary additional information.</li><li>b) A written statement to assure the ExA that the worst-case environmental effects are clearly presented in relation to vegetation loss. Due to the apparent degree of inconsistencies between documents, the ExA considers that, in the event inconsistencies are discovered at the post-consent stage between specific Commitments in the Commitments Register and those within the relevant topic documents relating to the specific matter, the Commitment which has the least environmentally damaging scenario must prevail, as stated in Further Written Question CR 2.5 above.</li><li>c) A response detailing the action taken for all 20 points listed in section 3.18 of West Sussex CC submission at Deadline 4 [REP4-086].</li></ul> <p>In addition, the ExA requests that the Applicant includes Commitment C-216 and all other commitments relevant to vegetation retention and removal in the Vegetation Retention and Removal Plan to be issued by the Applicant at Deadline 5.</p>
TE 2.2	<i>Irreplaceable Habitats - Crossing Depth for Ancient Woodland</i>	<p><b>The Applicant</b></p> <p>Natural England states in point number 3 in Appendix J4a Natural England's advice on Terrestrial Ecology [REP4-093], that the Applicant has not provided sufficient information to assess whether a trenchless crossing of a depth of at least 6m below ground is sufficient to</p>



	<p><b>The Applicant</b> <b>The Forestry Commission</b></p>	<p>avoid root damage. Confirm whether the Applicant intends to provide further evidence the relation to this matter.</p> <p><b>The Forestry Commission</b></p> <p>Provide a response if required.</p>
<p>TE 2.3</p>	<p><i>Priority Habitats - Potential Loss of Deciduous Woodland</i></p> <p><b>The Applicant</b> <b>West Sussex CC</b> <b>The Forestry Commission</b></p>	<p><b>The Applicant</b></p> <p>Comment on the West Sussex CC response [REP4-086] at Deadline 4 to TE1.6 which states:</p> <p><i>“The Woodland Retention Plan, Figure 7.2.2h (B) of the OCoCP [REP4-043], identifies the area of deciduous woodland status within the National Grid Bolney substation as being retained (ref. W3713). This finding is contrary to that stated within the Applicant’s response, as well as plans shown within inset 45 of the Arboricultural Impacts Plan found within the Arboricultural Impact Assessment [APP-194], as well as what can be achieved within the indicative plan for the AIS extension option without adverse impact (as shown within the Design and Access Statement). [REP3-013]. Therefore West Sussex CC remains unsatisfied that the impact on deciduous woodland, a priority habitat, are at all clear at this location.”</i></p> <div style="display: flex; align-items: flex-start;">  <div style="margin-left: 20px;"> <p>Screenshot from Inset 45 of the updated Arboricultural Impact Assessment submitted at Deadline 4 [REP4-037] indicating a section of W67 (trees not surveyed in detail) indicated in the key as ‘trees to be removed’ (indicated in red)</p> </div> </div>

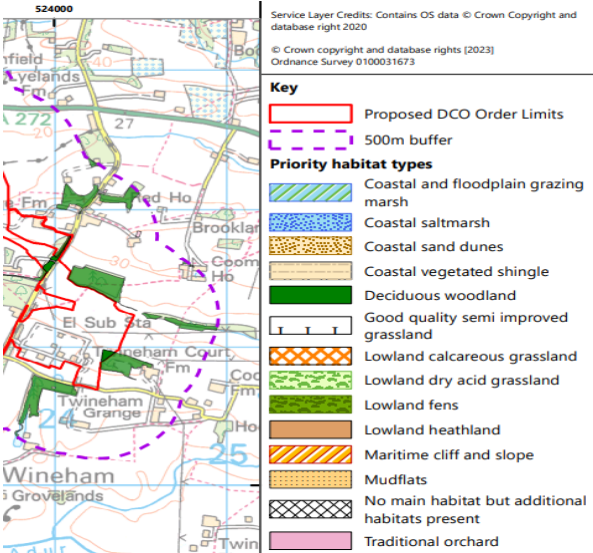




Screenshot from Figure 7.2.2h (B) Woodland retention plan in the OCoCP [REP4-043] indicating W3713 shaded blue defined in the key as 'retained'.

Screen shot from Figure 7.2.6n Combined Vegetation retention Plan Woodland retention plan in the OCoCP [REP4-043] indicating W3713 shaded dark pink defined in the key as 'unaffected'.

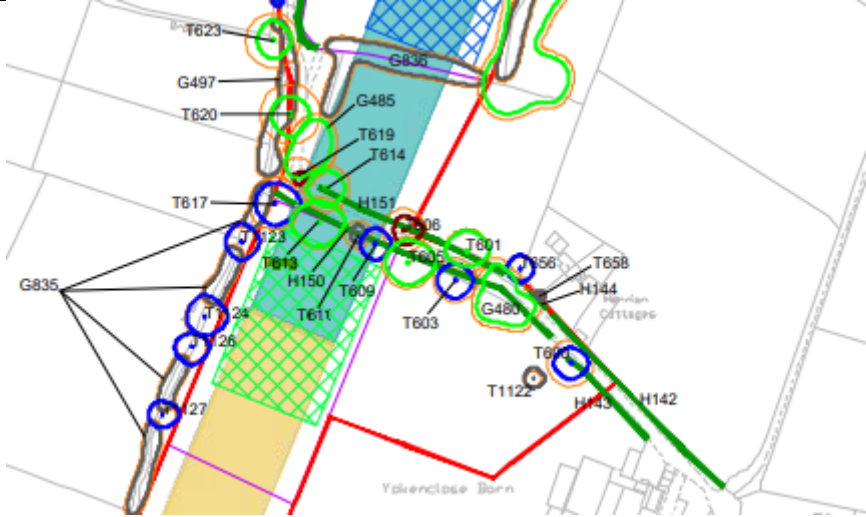


		 <p>Service Layer Credits: Contains OS data © Crown Copyright and database right 2020 © Crown copyright and database rights [2023] Ordnance Survey 0100031673</p> <p><b>Key</b></p> <ul style="list-style-type: none"> <li>Proposed DCO Order Limits</li> <li>500m buffer</li> <li><b>Priority habitat types</b> <ul style="list-style-type: none"> <li>Coastal and floodplain grazing marsh</li> <li>Coastal saltmarsh</li> <li>Coastal sand dunes</li> <li>Coastal vegetated shingle</li> <li>Deciduous woodland</li> <li>Good quality semi improved grassland</li> <li>Lowland calcareous grassland</li> <li>Lowland dry acid grassland</li> <li>Lowland fens</li> <li>Lowland heathland</li> <li>Maritime cliff and slope</li> <li>Mudflats</li> <li>No main habitat but additional habitats present</li> <li>Traditional orchard</li> </ul> </li> </ul> <p>a) Explain why the trees within the DCO red line boundary of W3713 were not surveyed in detail for the Arboricultural Impact Assessment.</p> <p>b) Explain the apparent inconsistencies between these documents, how they will be resolved and how this area of deciduous woodland priority habitat would be treated at this location.</p> <p><b>West Sussex CC / The Forestry Commission</b> Provide comment if required</p>
TE 2.4	<i>Inconsistency with Applicant's Response to ExA Question TE 1.9 - Trees T609,</i>	TE 1.9 in the Examining Authority's first written questions [PD-009] asked the Applicant to justify why trees T609, T611, T613 & T617 (including high and moderate quality trees) are identified for removal despite being within an area of trenchless crossing through HDD.



	<p><i>T611, T613 &amp; T617 - Pedunculate Oaks of Middle / Mature Age above a Trenchless Crossing</i></p> <p><b>The Applicant</b></p>	<p>The Applicant responded in [REP3-051] stating:</p> <p><i>“An updated version of Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement (ES) [APP-194] will be submitted at Deadline 4 to show these trees as retained. These trees were originally shown as lost on a precautionary basis as the limit of deviation for the trenchless crossing compound TC-22a which overlapped with the root protection areas. However, the Applicant can now confirm that these trees (T609, T611, T613 &amp; T617) would be retained as part of the Proposed Development”.</i></p> <p>However, the updated Arboricultural Impact Assessment submitted by the Applicant at Deadline 4 [REP4-037] lists trees T609 and T611 (Pedunculate oak of middle age) and T613 and T617 (Pedunculate oak of mature age), in Table 7-8 Possible tree removal due to alternative HDD crossings and Limits of Deviation, which is inconsistent with the response the Applicant gave to the Examining Authority’s question TE 1.9 and also inconsistent with the screenshot of Inset 34 of Annex 2 of the Arboricultural Impact Plan [REP4-037], shown below, which indicated the trees would be retained.</p>
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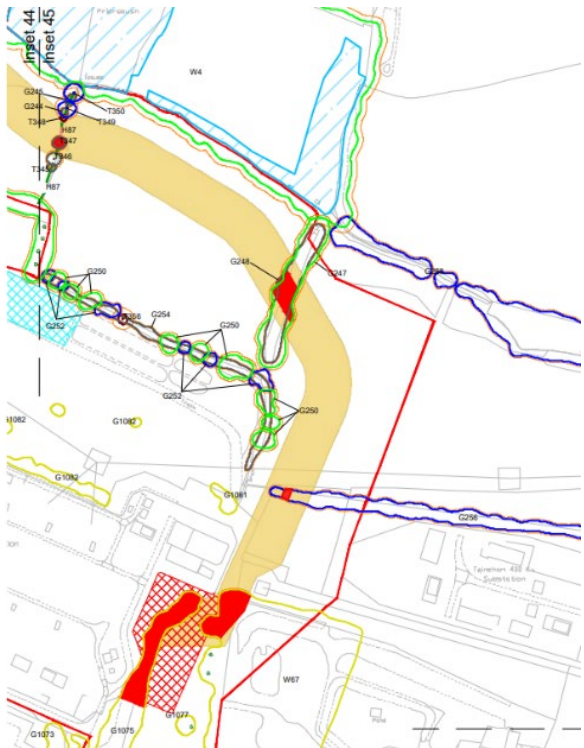


		 <p>Explain this apparent inconsistency and confirm how these trees would be treated, ensuring if necessary, that the Arboricultural Impact Assessment Table 7-8 is updated and resubmitted accurately at Deadline 5.</p>
TE 2.5	<p><i>Potential loss of Category A Trees</i></p> <p><b>The Applicant</b></p>	<p>Comment on the West Sussex CC response [REP4-086] at Deadline 4 to TE1.7 which states:</p> <p><i>“Whilst welcomed to hear that the Applicant carried out a tree survey prior to determining the substation location and that veteran trees and priority habitats were considered, the Applicant’s response lacks confidence that assigned tree values in accordance with BS5837:2012 were a consideration for selection of any substation location. The location has a proposed loss of 11 of the 14 ‘A category’ trees identified across the entire DCO Limits”.</i></p> <p>Justify the proposed loss of 11 of the 14 ‘A category trees’ identified within the DCO limits and explain what other alternatives to the proposed tree loss at the proposed Oakendene</p>







		<p>e)</p> 	<p>Explain and justify why a trenchless crossing has not been proposed to avoid the loss of Category A trees through G248.</p> <p>Screen shot taken from Inset 45 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>
<p>TE 2.7</p>	<p><i>Potential Loss of Category A Trees</i></p> <p><i>Vegetation Line W110 / G35 Known Locally as the 'Green Lane'</i></p> <p><b>The Applicant</b></p>	<p>In response to the Applicant's response to Action Point 29 in [REP4-074], explain and justify why a haul road would be required with a trenchless crossing in this location.</p> <p>Consider and respond to the following suggestions:</p> <p>a) If it is feasible to construct a trenchless crossing under W110 / G35 without a haul road. If this is not possible explain in detail why not.</p>	



		<p>b) A compromise of a trenchless crossing under W110 / G35 with the haul road for access purposes through existing tree gaps. This should reduce the loss from a total of 14m to 6m only, to allow for the haul road through existing tree gaps.</p> <p>c) Respond to these suggestions at Deadline 5.</p>
TE 2.8	<p><i>Vegetation Retention at the Oakendene West Construction Compound</i></p> <p><b>The Applicant</b></p>	<p>Paragraph 2.6.2 in the Outline Landscape and Ecological Management Plan (OLEMP) Revision C [REP4-047] states that:</p> <p><i>“All existing vegetation (trees and hedgerows) within the Oakendene West Construction Compound will be retained”.</i></p> <p>West Sussex CC state in [REP4-086] that this paragraph is either incorrect or misleading. Explain how this can be correct given that the Combined Vegetation Retention Plan in Figure 7.2.6m [REP4-043] shows hedgerow H612 as ‘<i>affected</i>’ and Figure 7.2.1k (C) Hedgerow retention and treeline retention plan [REP4-043] states hedgerow H612 would be ‘<i>cleared to 15m</i>’.</p> <p>Amend the OLEMP as required and resubmit at D5.</p>
TE 2.9	<p><i>Outline Landscape and Ecological Management Plan</i></p> <p><b>The Applicant</b></p>	<p>a) State how the Applicant has addressed all of West Sussex CC’s concerns regarding the OLEMP and Arboricultural Impact Assessment in [REP4-086].</p> <p>b) Provide a response to all outstanding concerns from West Sussex CC in Appendix A Review of Access Points and Vegetation Removal [REP4-086].</p>
TE 2.10	<p><i>Proposed Removal of Trees Above Trenchless Crossings</i></p> <p><b>The Applicant</b></p>	<p>Explain and justify the proposal to remove trees (indicated in red) above proposed trenchless crossings in each of the screen shots below, all from Annex 2 Arboricultural Impact Plan in the Environmental Statement Volume 4, Appendix 22.16: Arboricultural Impact Assessment [REP4-037].</p> <p>The OCoCP [REP4-043] states in paragraph 5.6.31:</p>





“...Where a trenchless crossing is used vehicular access will not be required other than in a small number of places where a haul road is still required (as shown on the VRP)...”.

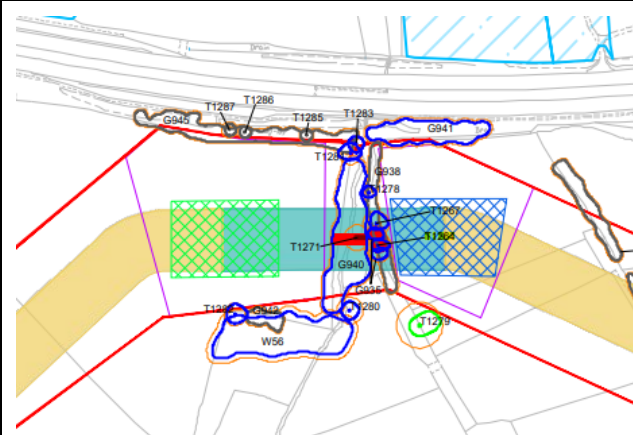
If the reason is in relation to construction access, explain in detail for each of the examples below:

- a) Why access cannot be gained from the haul road from the open cut section as for many other trenchless crossings.
- b) What alternatives have been explored.
- c) How the mitigation hierarchy has been followed at these locations.

If it is not in relation to construction access, explain and justify.

- a) The reason for the proposed removal of the trees.
- b) What alternatives have been explored.
- c) How the mitigation hierarchy has been followed at these locations.

A


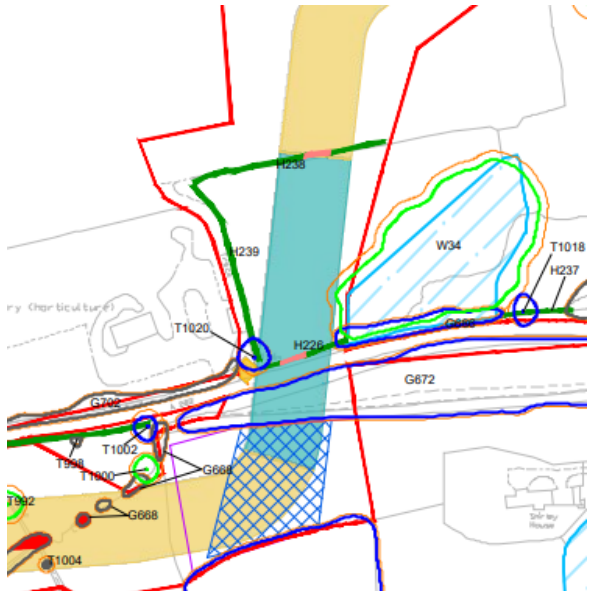


Screen shot taken from Inset 7 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].



		B		<p>Screen shot taken from Inset 8 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>
		C		<p>Screen shot taken from Inset 9 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>



		<p>D</p> 	<p>Explain and justify why the access point is proposed through G630 and not taken off the road beyond G630 to the east (appreciating this is outside the proposed DCO limits). Explain why the DCO red line boundary has not been defined in such as way to allow access off the road without going through G630.</p> <p>Screen shot taken from Inset 24 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>
		<p>E</p> 	<p>Explain and justify why the pink section of hedgerow H226 is proposed to be removed and why the trenchless crossing cannot be extended very slightly to extend past H238.</p> <p>Screen shot taken from Inset 28 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>

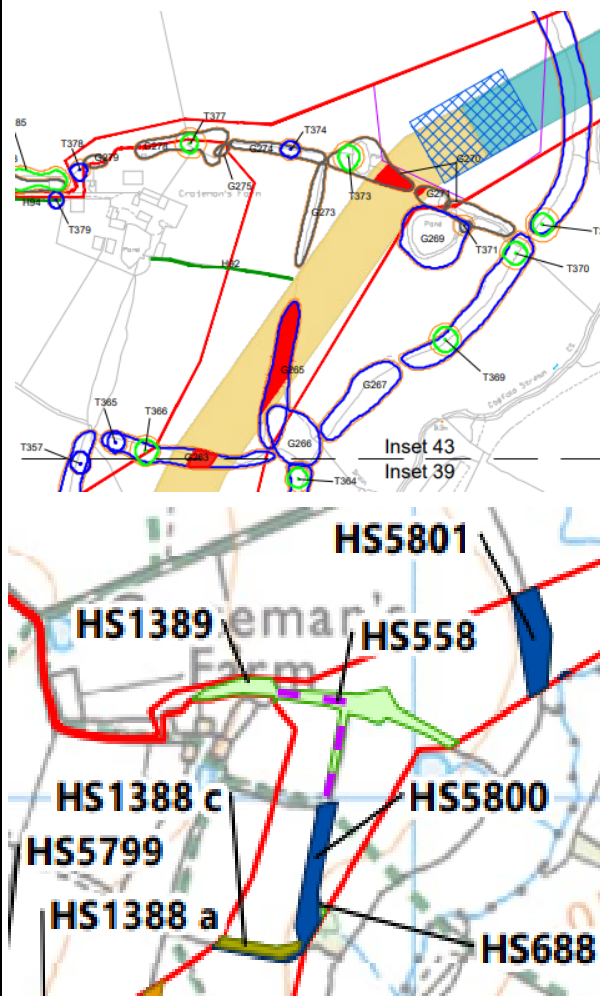


TE 2.11

*Apparent Inconsistencies in Vegetation Loss Between Documents*  
**The Applicant**

Explain the apparent inconsistencies in the following:

a)



Screen shot taken from Inset 43 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].

i) Explain the apparent inconsistency between the red section of G265 which are marked as trees to be removed whilst HS5800 / HS688 are marked as scrub features to be retained from Figure 7.2.3j Scrub retention plan and Figure 7.2.6m on Combined Vegetation retention plan which appear to be in the same location.

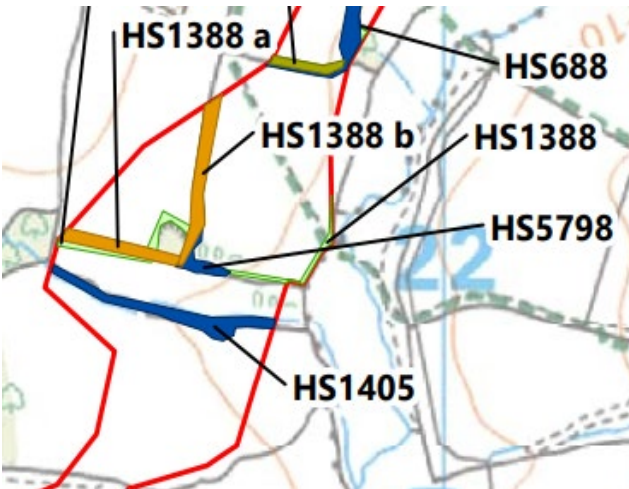
ii) Explain why G278, G274, G273 and G270 have been classified “as unsuitable for retention” according to the inset key, which are also marked as HS1389 and HS558 on Figure 7.2.3j identified as being cleared to 30m and justify their proposed clearance.

iii) Respond to Ms Creaye’s concerns regarding these features in Deadline 4 submission [REP4-112].

Screen shot taken from Figure 7.2.3j Scrub retention plan of the OCoCP [REP4-043].





		 <p>Screen shot taken from Figure 7.2.3j Scrub retention plan of the OCoCP [REP4-043].</p>
TE 2.12	<p><i>Licensable Protected Species</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p>	<p><b>The Applicant</b></p> <p>a) Confirm that the Applicant will submit draft protected species licence applications to Natural England for review via the Pre-Submission Screening Service (PSS) as per advice from Natural England in Appendix J4a to the Natural England Deadline 4 Submission Natural England’s advice on Terrestrial Ecology [REP4-093].</p> <p>b) Confirm that every effort will be made by the Applicant to obtain agreements on Letters of No Impediments from Natural England before the end of the Examination following Natural England’s advice in Appendix J4a to the Natural England Deadline 4 Submission Natural England’s advice on Terrestrial Ecology [REP4-093].</p> <p><b>Natural England</b></p> <p>c) Are there any reasons preventing Natural England being able to issue Letters of No Impediments at present. If so, explain in as much detail as possible what these reasons are.</p>



TE 2.13	<i>Licensable Protected Species</i> <b>The Applicant</b>	Respond and act upon point A6 in tab A of Natural England’s Risk and Issues log at D4 [REP4-096] which continues to state that there is no requirement in the DCO providing for surveying for European Protected Species onshore and preventing commencement of works until these surveys are completed.
TE 2.14	<i>Protected Species</i> <b>The Applicant</b> <b>South Downs National Park Authority</b>	<b>The Applicant</b> Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that:  <i>“for the SDNP we would expect a separate section within the OLEMP that specifically sets out the protected species information, with a clear strategy for how mitigation measures will be managed and monitored”.</i>  <b>SDNPA</b> The Applicant explains why it has decided not to produce a biodiversity management plan in [REP4-074] Applicant’s Response to Action Points Arising from Issue Specific Hearing 2, point 3, and sets out in this point how mitigation measures for protected species would be managed and monitored, referencing the OCoCP [REP4-043].  Explain in detail why the SDNPA believes this to be inadequate in regards to a NSIP application for DCO consent.
TE 2.15	<i>Ecological Surveys</i> <b>The Applicant</b>	Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that:  <i>“The Applicant should use historic mapping as part of their hedgerow assessment, to inform their avoidance and mitigation strategy and to identify potential for restoration within their compensation and enhancement proposals. This would again be an example of where the higher status of the SDNP could be reflected.”</i>



TE 2.16	<i>Hazel Dormouse</i> <b>The Applicant</b>	Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that:  <i>“Whilst an objection was not raised to the principle of the approach proposed to be taken for surveying at pre-application stage, it was also not agreed. Such discussions were at a high-level and prior to the final route being determined. Since submission, as per our Written Representation [REP1- 052] and D3 submission [REP3-071], we consider the baseline is lacking. Overall, the applicant has not evolved their approach with reference to new records nor has it properly liaised with nature conservation organisations about species status and distribution in this area.”</i>
TE 2.17	<i>Bats</i> <b>The Applicant</b>	Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that:  <i>“It should be noted that a 14m notched hedgerow (as explained by the Applicant in their response) becomes in ecological terms a 40m-wide gappy hedgerow where previously there were no gaps (Graphic A3 Outline LEMP REP3-037). The effect of repeated gaps in a previously continuous (and in many cases substantially wide and high) hedgerow or treelines for bats, particularly light sensitive species such as long-eared and Myotis bats that are typically averse to crossing open habitat, has not been assessed. Yet the applicant has stated that gaps of more than 10m may prevent bats using hedgerows and treelines. The measures proposed to mitigate this (plugging gaps with inert material such as straw bales) have not been evidenced as successful for the species potentially affected”.</i>
TE 2.18	<i>Special Qualities of the SDNP</i> <b>The Applicant</b>	<b>The Applicant</b> Respond and where possible act upon the SDNPA’s general comments in respect of the OLEMP in their Deadline 4 submission [REP4-085] and specifically to the following points:





	<b>South Downs National Park Authority</b>	<p><i>“Within Section 4 of the OLEMP, we would welcome a section that provided further clarification of the additional steps that will be taken within the SDNP to demonstrate the commitment to seek to further SDNP Purposes. Such measures could include:</i></p> <ul style="list-style-type: none"><li><i>• Reinstatement of habitat to the same habitat type and to an improved condition (where this will not demonstrably prevent the landowner from continuing usual activities);</i></li><li><i>• Opportunities identified for habitat creation secured alongside planting reinstatement works at temporary compounds and along the cable corridor where hedgerows, woodland, tree belts and field margins are affected;</i></li><li><i>• Employment of traditional techniques such as hedge-laying to retain local, traditional skills;</i></li><li><i>• Commitment to sourcing peat-free plants and local provenance seed mixes and plant species for replanting;</i></li><li><i>• Commitment to providing landscape plans for hedgerow and treeline reinstatement (at present the OLEMP only suggests these may be produced);</i></li><li><i>• Further detail of the replacement of woodland within the SDNP with scrub e.g. clearer commitment to what steps will be taken to ensure that the key landscape and ecological features characteristic of those discrete areas are recreated as closely as possible. This should include natural regeneration where appropriate;</i></li><li><i>• Using Dormice as an indicator of restoration and enhancement success, using habitat enhancement in locations such as Kitpease Copse / Olivers Copse to encourage movement and dispersal;</i></li><li><i>• Avoidance of chemical use;</i></li><li><i>• Planting at appropriate times of years to avoid the need for unnecessary watering and subsequent plant failures;</i></li></ul>
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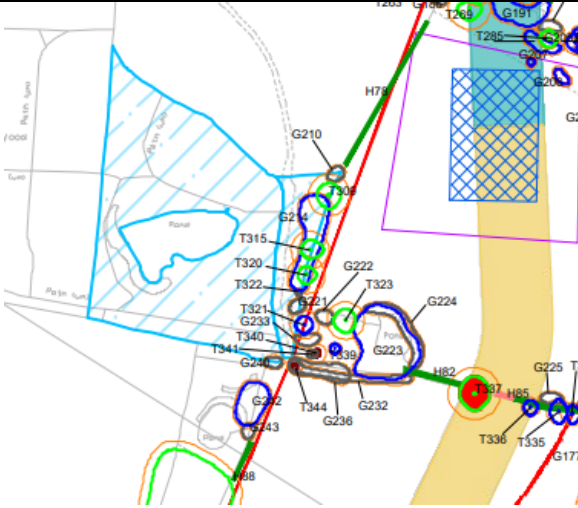
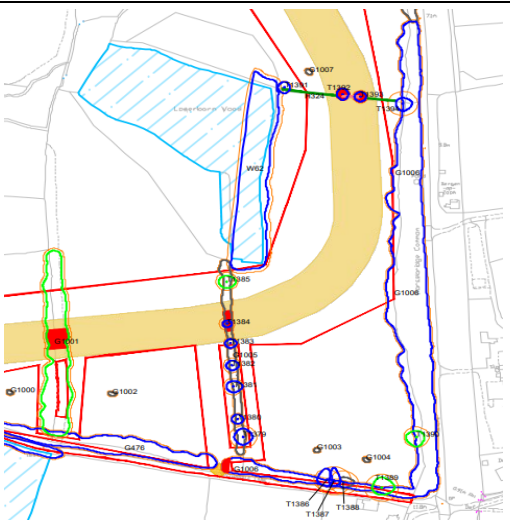
		<ul style="list-style-type: none"> <li>• <i>Details of how watering over such a vast area will be undertaken and delivered;</i></li> <li>• <i>Clear demonstration of options to achieve multiple benefits through the interventions;</i></li> <li>• <i>Clear links to the Soil Management Plan”.</i></li> </ul> <p><b>SDNPA</b></p> <p>Comment on the quality and adequacy of the update the Applicant provided at Deadline 4 to the Further information on South Downs National Park [REP4-063], to address Action Point 7 from ISH2.</p>
TE 2.19	<p><i>Commitment C-278 - Minimum Depth of 5m to be Maintained When Passing Beneath Climping Beach SSSI, Sullington Hill LWS, Atherington Beach and Littlehampton Golf Course LWS</i></p> <p><b>The Applicant</b></p>	<p>Natural England maintain in Appendix J4a to the Natural England Deadline 4 Submission Natural England’s advice on Terrestrial Ecology [REP4-093] that there is insufficient information provided by the Applicant to assess whether a minimum depth of 5m is sufficient.</p> <p>Respond to Natural England’s advice [REP4-093] that it is for the Applicant to clearly outline the evidence which underpins the proposed methodologies to avoid impacts to sensitive ecological features.</p>
TE 2.20	<p><i>25m Buffer Zone for Ancient Woodland - Accesses A-42, A-56 and A-57</i></p> <p><b>The Applicant</b></p>	<p>Paragraph 5.6.18 of the OCoCP [REP3-025] states there are three accesses where construction works are proposed take place within 25m of ancient woodland access A-42, A-56 and A-57.</p> <ul style="list-style-type: none"> <li>a) Confirm what alternatives to these three access locations have been considered.</li> <li>b) Provide details on how the mitigation hierarchy has been followed at these three locations.</li> </ul>



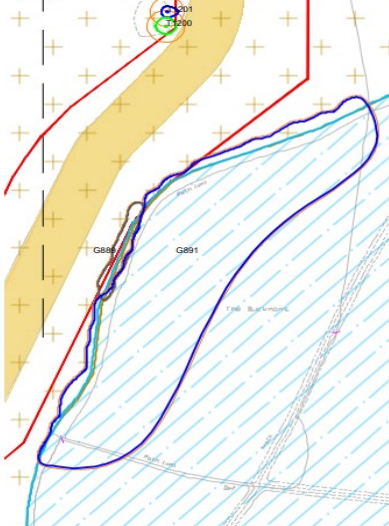
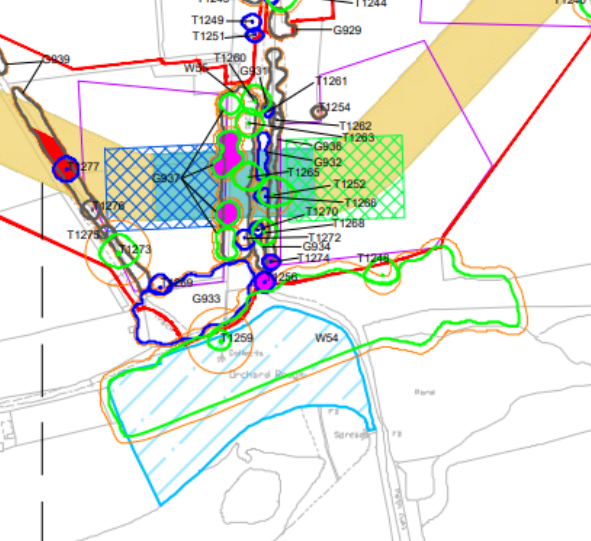
		<p>c) Submit draft Method Statements approved In-Principle by the relevant Local Authorities into the Examination at Deadline 6 specifically for each of the three accesses which ensure no damage would occur to the ancient woodland.</p>
<p>TE 2.21</p>	<p><i>Irreplaceable Habitats - 25m Buffer Zone for Ancient Woodland</i></p> <p><b>The Applicant</b></p>	<p>Paragraph 5.6.17 in the OCoCP Revision D [REP4-043] states:</p> <p><i>“Where Ancient Woodland is avoided, a stand-off distance will be implemented between any construction activity and the edge of the woodland (the only exception being if existing forestry tracks or highway is being used by construction vehicles). This stand-off distance will be a minimum of 25m from the woodland edge (C-216); within this area <b>no activity will be permitted</b> including soil storage, materials storage, or drainage. Fencing will be positioned appropriately to prevent accidental egress”. (Emphasis added).</i></p> <p>The ExA would like to understand why there are several locations where the redline DCO boundary directly abuts an area of ancient and semi natural woodland or ancient replanted woodland and where open cut trenching is proposed and why this land is required given that the paragraph above suggests no activity would be permitted in these areas at all. This appears to be in contradiction with the response the Applicant gave to Winckworth Sherman LLP on behalf of Susie Fischel’s Deadline 3 Submission [REP3-136 &amp; REP3-137] Written Representation, point 2.1.20 page 209 which states:</p> <p><i>“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”.</i></p> <p>If the intention of the wording above is to carry out a form of activity within 25m of ancient woodland in these areas, explain in detail what that activity could be and how it is in line with the wording of Commitment C-216 and paragraph 5.6.17 in the OCoCP Revision D [REP4-</p>





		<p>b)</p>  <p>South of the proposed Oakendene substation site. If the intention is to carry out a form of activity within 25m of ancient woodland here, explain in detail what that activity could be. If no activity would occur, justify the reason for the land being within the DCO redline boundary.</p> <p>Screen shot taken from Inset 44 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037]. Ancient woodland indicated by light blue shaded area.</p>
		<p>c)</p>  <p>If the intention is to carry out a form of activity within 25m of ancient woodland here, explain in detail what that activity could be. If no activity would occur, justify the reason for the land being within the DCO redline boundary.</p> <p>Screen shot taken from Inset 32 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037]. Ancient woodland indicated by light blue shaded area.</p>



		d)		<p>Area of ancient replanted woodland directly to the east of Angmering Park Farm, south of Michelgrove and to the west of Patching Hill.</p> <p>If the intention is to carry out a form of activity within 25m of ancient woodland here, explain in detail what that activity could be. If no activity would occur, justify the reason for the land being within the DCO redline boundary.</p> <p>Screen shot taken from Inset 12 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037]. Ancient woodland indicated by light blue shaded area.</p>
		e)		<p>If the intention is to carry out a form of activity within 25m of ancient woodland here, explain in detail what that activity could be. If no activity would occur, justify the reason for the land being within the DCO redline boundary.</p> <p>Screen shot taken from Inset 8 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037]. Ancient woodland indicated by light blue shaded area</p>



TE 2.22	<p><i>Irreplaceable Habitats - Ancient Woodland Buffer Zone</i></p> <p><b>The Applicant</b></p>	<p>Respond to Natural England’s advice in Appendix J4a to the Natural England Deadline 4 Submission Natural England’s advice on Terrestrial Ecology [REP4-093] that further consideration should be given by the Applicant to the Ancient Woodland guidance that:</p> <p><i>“where possible, a buffer zone should: • contribute to wider ecological networks • be part of the green infrastructure of the area A buffer zone should consist of semi-natural habitats such as: • woodland • a mix of scrub, grassland, heathland and wetland. The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone. You should consider if access is appropriate. You can allow access to buffer zones if the habitat is not harmed by trampling.”</i></p>
TE 2.23	<p><i>Commitments C-112 and C-217</i></p> <p><b>All Relevant Planning Authorities</b></p> <p><b>Natural England</b></p> <p><b>Sussex Wildlife Trust</b></p>	<p>Comment on the revised wording to Commitment C-112 and Commitment C-117 in the Applicant’s Commitment Register at Deadline 4 [REP4-057]. Is the wording adequate? If not, provide alternative wording.</p>
TE 2.24	<p><i>Commitment C-217</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p>	<p><b>The Applicant</b></p> <p>Natural England continues to advise wording of Commitment C-217 is changed so the winter period extends to include March. Explain whether this would have any bearing on the delivery of the Proposed Development in respect to project feasibility and cost.</p> <p><b>Natural England</b></p> <p>Commitment C-217 has been updated to restricts site preparation works within 150m of the boundary of Climping Beach Site of Special Scientific Interest and Littlehampton Golf Course and Atherington Beach Local Wildlife Site between October and February.</p>



		Does this update allay Natural England's concerns? If not, clarify what aspects of site preparation works Natural England are concerned with occurring during March, specifying whether it is noise levels, vibration levels, physical presence of machinery or presence of people etc. Are there any activities that Natural England would consider acceptable to carry out during the month of March and suggest revised wording for the Commitment.
TE 2.25	<i>Outline LEMP</i> <b>South Downs National Park Authority</b>	<ul style="list-style-type: none"><li>a) Comment on the updated Outline LEMP submitted by the Applicant at Deadline 4 [REP4-047], including the newly included section on the SDNP.</li><li>b) Comment on the update to the Deadline 1 Submission – Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 5 – Further information for Action Point 27 – South Downs National Park [REP1-024] in the Applicant's Post Hearing Submission – Issue Specific Hearing 2 Further information on South Downs National Park [REP4-063] at Deadline 4.</li><li>c) Does the SDNPA consider that the explanations provided by the Applicant in these documents addresses the SDNPA's ecological concerns on the likely effects of the Proposed Development on the ecological features of South Downs National Park (SDNP) in the context of its elevated status, ecological function and Special Qualities and how these might be furthered by the Proposed Development? If not, explain why not and what action is required.</li></ul>
TE 2.26	<i>Outline Landscape and Ecological Management Plan</i> <b>All Relevant Planning Authorities</b>	Comment on whether there any outstanding concerns with the updated Outline LEMP submitted by the Applicant at Deadline 4 [REP4-047]. If so, explain these in as much detail as possible.





TE 2.27	<p><i>Outline Landscape and Ecological Management Plan</i></p> <p><b>The Applicant</b></p>	<p>The ExA requests that the Applicant considers, responds and acts where possible to all points listed by West Sussex CC on pages 21, 22 and 23 of their Deadline 4 submission [REP4-086] regarding OLEMP, Rev B (OLEMP) [REP3-037].</p>
TE 2.28	<p><i>New Requirement 40 Regarding the Vegetation Retention and Removal Plan</i></p> <p><b>All Relevant Planning Authorities</b></p> <p><b>Statutory Nature Conservation Bodies</b></p>	<p>a) Comment on the adequacy of the newly added Requirement 40 from the Applicant at Deadline 4 (Schedule 1, Requirements 40) in Revision E of the Draft Development Consent Order [REP4-004] which secures Vegetation Retention and Removal Plan must be inline with the Outline Vegetation Retention and Removal Plan (to be submitted at D5).</p> <p>b) The ExA requests that all relevant Planning Authorities and SNCBs provide comments at Deadline 6 on the Outline Vegetation Retention and Removal Plans to be submitted by the Applicant at Deadline 5.</p>
TE 2.29	<p><i>Technical Note: Construction Access Update Assessment Summary [REP3-055]</i></p> <p><b>The Applicant</b></p>	<p>The ExA requests that the Applicant considers, responds and acts where possible to all points listed by West Sussex CC in section 3.70 of their deadline 4 submission [REP4-086] regarding the Technical Note: Construction Access Update Assessment Summary [REP3-055)].</p>
TE 2.30	<p><i>Appendix A Construction Access Review [REP4-086]</i></p> <p><b>The Applicant</b></p>	<p>The ExA requests that the Applicant considers, responds and acts where possible to all outstanding concerns listed by West Sussex CC in Appendix A Construction access review of their Deadline 4 submission [REP4-086].</p>
TE 2.31	<p><i>Priority Habitat – Deciduous Woodland within the National</i></p>	<p>The ExA requests that the Applicant considers, responds and acts where possible to all outstanding concerns listed by West Sussex CC in Appendix A of their deadline 4</p>



	<i>Grid Bolney Substation ref W3713</i> <b>The Applicant</b>	submission [REP4-086] regarding TE 1.6 which states remaining concerns on the impact on deciduous woodland, a priority habitat at the National Grid Bolney substation ref W3713.
TE 2.32	<i>Preliminary Ecological Appraisal at Crateman's Farm</i> <b>The Applicant</b>	Respond in full to Ms Creaye's Deadline 4 submission [REP4-112], in particular commenting on: <ul style="list-style-type: none"><li>a) The conclusion of the Preliminary Ecological Appraisal area surrounding Crateman's Farm.</li><li>b) Whether the Proposed Development has applied the mitigation hierarchy in relation to the ecological value of the area.</li><li>c) The proposals for how the affected land would be reinstated once the cable was laid and the detail and duration of monitoring that would be undertaken post construction, referencing the relevant Commitments.</li><li>d) The suggestion in the conclusion to undertake further HDD across this area.</li></ul>
TE 2.33	<i>Cable Route and Potential Tree Impacts at Coombe Farm, Bob Lane</i> <b>The Applicant</b>	Following up on the Applicant's response to TE 1.27 in [REP3-051] state if the design principles presented within the Design and Access Statement [REP3- 012] for this location focusing on micro-siting follow the mitigation hierarchy and would aim to minimise losses of trees within the site.
TE 2.34	<i>Natural England's Risk and Issues Log</i> <b>The Applicant</b>	Within Natural England's Risk and Issues Log at Deadline 4 [REP4-096], there remains numerous points where Natural England have remaining concerns or objections within the Terrestrial Ecology section denoted as Amber and Red. Provide a document to address all these points clearly, other than where it is covered by the other ExA questions.



TE 2.35	<i>Vegetation above the cable post-decommissioning</i> <b>The Applicant</b>	If the onshore cable is left in situ post-decommissioning, confirm whether trees would be permitted to grow above the cable route post-decommissioning. If so, state where in the documentation this is clearly stated.
<b>WE</b>	<b>Water Environment</b>	
WE 2.1	<i>Operational Drainage at the Proposed Oakendene Substation</i> <b>The Applicant</b>	Respond to the queries and requests raised by Horsham DC at Deadline 4 in [REP4-084] regarding the operational drainage plans, proposed attenuation basins, estimated seasonality/frequency of land inundation regarding species composition of these habitats and requested updates to Chapter 22 Terrestrial Ecology [APP-063].
WE 2.2	<i>Water Neutrality</i> <b>The Applicant</b>	In the eventuality that there is no agreement from Natural England to use headroom to solve the water neutrality issue, can it be assumed the fallback position would be to revert to the tankering option for water required for construction? If so, the ExA requests the Applicant to submit clear evidence that the vehicle movements for tankering the required water have been included in the traffic modelling.

<b>OFFSHORE QUESTIONS</b>		
<b>FS</b>	<b>Fish and Shellfish</b>	
FS 2.1	<i>Measure of Equivalent Environmental Benefit</i> <b>The Applicant</b> <b>Natural England</b>	At Deadline 4 the document “Kingmere Marine Conservation Zone (MCZ): Without Prejudice Stage 2 MCZ Assessment” [REP4-071] was submitted by the Applicant, to consider a potential Measure of Equivalent Environmental Benefit (MEEB), to compensate for potential adverse effects of black seabream of Kingmere MCZ.



		<p>This document in Section 2 (Legislation and Guidance) sets out that with regard to a potential MEEB, Section 126(7) of the Marine and Coastal Access Act (MCAA) 2009 states the following:</p> <p><i>TMP“.....although the person seeking the authorisation is not able to satisfy the authority that there is no significant risk of the act hindering the achievement of the conservation objectives stated for the MCZ, that person satisfies the authority that:</i></p> <p><i>(a) there is no other means of proceeding with the act which would create a substantially lower risk of hindering the achievement of those objectives,</i></p> <p><i>(b) the benefit to the public of proceeding with the act clearly outweighs the risk of damage to the environment that will be created by proceeding with it, and</i></p> <p><i>(c) the person seeking the authorisation will undertake, or make arrangements for the undertaking of, measures of equivalent environmental benefit to the damage which the act will or is likely to have in or on the MCZ.”</i></p> <p>With regard to (a), explain whether a restriction of when piling should be undertaken, to avoid adverse effects on black seabream in Kingmere MCZ, would be a potential alternative means of proceeding the act (constructing the Proposed Development) with a lower risk of impact. Such a piling restriction could be a full March to July inclusive restriction as requested by NE, for example.</p> <p>If so, explain whether this would mean there are “other means of proceeding” which would avoid such impacts. If so, would this mean that the test under (a) as set out above would not be satisfied.</p>
<p>FS 2.2</p>	<p><i>Measure of Equivalent Environmental Benefit:</i></p> <p><i>As Proposed by the Applicant, Without Prejudice.</i></p>	<p>Within the Applicant’s submitted document “Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ)” [REP4-078] the types of possible MEEB have been considered with the following put forward, without prejudice, as potential compensation measures for the impacts to black seabream:</p>



	<b>Natural England</b>	<ul style="list-style-type: none"> <li>- Reduction in disturbance from watercraft;</li> <li>- Removal of marine litter, including awareness and engagement; and</li> <li>- Research on black seabream.</li> </ul> <p>Provide a response to these potential types of MEEB and whether there would be any that would be suitable to compensate for the potential impacts to Kingmere MCZ black seabream.</p>
FS 2.3	<i>Noise Effects on Seahorses</i> <b>Natural England</b>	<p>The Applicant noted that with the implementation of Double Big Bubble Curtains (DBBC), which is now committed to within the Commitment Register [REP4-057, C-265] means that the 135dB behavioural noise threshold would not be breached in the MCZs where seahorse are a qualifying feature [REP4-072, Ref 3b]. See Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan (Revision D) [REP4-053].</p> <p>On this matter, consider whether the noise reduction of 15db from the use of a DBBC is reasonable, and if so, respond on whether there would be no likely adverse effects to seahorses within MCZs (where they are a feature of the MCZ) if this form of mitigation was used as now proposed.</p>
FS 2.4	<i>Noise Effects on Herring</i> <b>Marine Management Organisation</b> <b>Sussex Inshore Fisheries and Conservation Authority (IFCA)</b>	<p>The Applicant noted that with the implementation of DBBC, which is now committed to within the Commitment Register [REP4-057, C-265] means that when using the 135dB behavioural noise threshold throughout the piling campaign this would successfully mitigate against impacts to spawning herring, with underwater noise impact ranges reduced such that there is no overlap with areas of key importance to spawning herring [REP4-053, Paragraph 5.3.3]. This was also presented in Figures 3.5 to 3.8 in Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 - Further information for Action Points 38 and 39 –Underwater Noise (updated at Deadline 4) [REP4-061].</p> <p>Consider whether the noise reduction of 15db from the use of a DBBC is reasonable, and if so, respond on whether there would be no adverse effects to herring if this form of mitigation was used as now proposed.</p>



FS 2.5	<p><i>Herring Spawning Evidence</i></p> <p><b>The Applicant</b></p>	<p>The Applicant has stated that “<i>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.</i>” [REP4-070, Paragraph 4.5.6]</p> <p>Provide evidence to support this.</p>
FS 2.6	<p><i>Drifting Herring Eggs and Larvae</i></p> <p><b>Marine Management Organisation</b></p>	<p>The Applicant “<i>confirmed that eggs and larvae are subject to drifting due to the strong hydrodynamic conditions in the English Channel, and that it was confident that spawning activities are occurring in the spawning ground as defined by Coull et al (1998), as opposed to areas where high densities of eggs and larvae are present (as identified by IHLS data), as eggs and larvae will be drifting away from the defined spawning ground.</i>” [REP4-072, Ref 3b]</p> <p>Comment on whether MMO agrees that this suggests that the main spawning ground is as defined by Coull et al (1998) and not closer to the array areas.</p>
FS 2.7	<p><i>Effects of Piling Restrictions on Construction</i></p> <p><b>The Applicant</b></p>	<p>If there were to be piling restrictions, as a result of the potential effects of piling noise on black seabream within Kingmere MCZ, the ExA wants to understand the ramifications of this.</p> <p>Set out in detail the effects on the construction phase of piling restrictions based on a 135db behavioural noise impact threshold zoning plan; and also of a full March to July inclusive piling restriction, as is being required by Natural England. Compare these effects on the construction phase to the effects that would result from the piling restrictions being currently proposed by the Applicant (such as the use of the zoning plan based on the 141db threshold).</p>
FS 2.8	<p><i>Noise Modelling Locations</i></p> <p><b>Natural England</b></p> <p><b>Marine Management organisation</b></p>	<p>The Applicant has provided an explanation as to their chosen noise modelling locations for their Eastern point and North West point [REP4-074, PINS Ref: 9].</p> <p>Respond, if required, on the choice of the modelling locations given the Applicant’s explanations.</p>



FS 2.9	<p><i>Noise Abatement Systems</i></p> <p><b>The Applicant</b></p> <p><b>Natural England</b></p> <p><b>Marine Management Organisation</b></p>	<p>In the submitted document “Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm” [REP4-067, Page 7] states that in water depths of over 40m it is known that achievable noise reduction decreases slightly with increasing water depth, for big bubble curtains.</p> <p><b>The Applicant</b></p> <p>Explain what percentage of the array areas where wind turbines could be erected in water depths of over 40m.</p> <p><b>All Parties</b></p> <p>Explain whether this undermines the 15db reduction used in the modelling for Double Big Bubble Curtains?</p>
FS 2.10	<p><i>Maximum Hammer Energy</i></p> <p><b>Natural England</b></p>	<p>Natural England’s Risk and Issues Log at Deadline 4 [REP4-096] continues to state that the maximum hammer energy is not stated in the draft DCO [REP4-006].</p> <p>The Applicant stated in [REP4-074] that it has updated the Draft Development Consent Order [REP3-003] at Deadline 4 to confirm that the maximum hammer energy for piling will be required to be specified as part of the construction method statement to be submitted for approval pursuant to condition 11(1)(c) of Schedules 11 and 12. The construction method statement must be in accordance with the construction methods assessed in the environmental statement and therefore the hammer energies must not exceed that assessed. A construction programme must also be submitted for approval pursuant to condition 11(1)(b).</p> <p>Comment on whether this allays concerns on this matter.</p>
FS 2.11	<p><i>Natural England Risk and Issues Log</i></p> <p><b>The Applicant</b></p>	<p>For Fish and Shellfish Ecology within the NE Risk and Issues Log [REP4-096], there remains numerous points where NE still have concerns or objections, denoted as either Red or Amber. Provide a document to address all these points clearly, other than where it is covered by the other ExA questions in this section.</p>



BP	Benthic, Coastal and Offshore Processes	
BP 2.1	<p><i>Removable Cable Protection</i></p> <p><b>Natural England</b> <b>Marine Management Organisation</b></p>	<p>In relation to suggestions about the use of rock bags for cable protection, the Applicant stated [REP4-072, Ref 3c] that this could create issues with plastics, especially if they were left in situ for circa 30 years.</p> <p>Explain whether this is a concern that is shared due to the possible release of plastics if rock bags are to be used for any necessary cable protection.</p>
BP 2.2	<p><i>Coastal Works</i></p> <p><b>Natural England</b> <b>Environment Agency</b> <b>All Relevant Planning Authorities</b></p>	<p>Requirement 26 of the Draft DCO [REP4-004] requires that no works comprising Work Nos. 6 or 7 are to commence until a <i>coastal erosion and future beach profile estimation assessment</i> has been carried out and a scheme identifying and mitigation or adaptive management measures required to help minimise the vulnerability of this part of the Order land from future coastal erosion and tidal flooding (if required) has been submitted to and approved in writing by the Environment Agency.</p> <p>Furthermore, within the Commitment Register [REP4-057], commitment C-278 states that “Trenchless crossings of <b>Climping Beach SSSI</b>, Sullington Hill LWS, Atherington Beach and Littlehampton Golf Course LWS would be designed to ensure a minimum depth of 5m is maintained when passing beneath them is maintained when passing beneath them to reduce the risk of drilling fluid breaking out to the surface...”</p> <p>With regard to the above, comment on whether there is a satisfactory level of mitigation secured to ensure against adverse effects due to future coastal erosion or changes that may have impacted the Horizontal Direct Drilling under coastal area and Climping Beach.</p>
BP 2.3	<p><i>Chalk Impacts from Gravel Bags</i></p> <p><b>Natural England</b></p>	<p>With regard to the use of gravel bags, the Applicant has stated: “...while it agreed this suggests a change or loss of some surface material, the degree of abrasion seemed very unlikely to result in a measurable loss of chalk volume. The surface texture might become slightly compacted or deformed, but measurable losses of material are not expected, nor any</p>





		<p><i>fundamental impact on the nature of the chalk material, and benthic habitats are likely to recover.</i>" [REP4-072, Section 3c].</p> <p>Confirm whether there is agreement with the conclusions made by the Applicant with regard to the level of impact to chalk from gravel bags.</p>
BP 2.4	<p><i>Natural England Risk and Issues Log</i></p> <p><b>The Applicant</b></p>	<p>For <i>Benthic Ecology and Other Plans – Marine</i> within the Risk and Issues Log [REP4-096], there remains numerous points where NE still have concerns or objections, denoted as either Red or Amber. Provide a document to address all these points clearly, other than where it is covered by the other ExA questions.</p>
BP 2.5	<p><i>Adaptive Management</i></p> <p><b>The Applicant</b></p>	<p>For Condition 18 (Post-Construction Monitoring) of the Draft DMLs in Schedules 11 and 12 [REP4-004] there is no clear requirement for adaptive management should the post-construction monitoring show impacts greater than anticipated. Provide amended Conditions to include adaptive management measures or explain why this cannot or should not be done.</p>
<b>MM</b>	<b>Marine Mammals</b>	
MM 2.1	<p><i>Status of Discussions with Natural England</i></p> <p><b>The Applicant</b></p>	<p>The Applicant's Mid Examination Progress Tracker Revision D [REP4-060] submitted a Deadline 4, states agreement with Natural England on all topics related to Marine Mammals. The status in the updated Statements of Commonality for SoCG Rev C [REP4-059] gives this a light green colour with an X indicating some matters agreed / some matters under discussion, which is inconsistent with the statement in [REP4-059] about all aspects being agreed.</p> <p>Provide an accurate statement on the latest status on discussions regarding Marine Mammals with Natural England.</p>
MM 2.2	<p><i>Potential Impacts on the Harbour Porpoise Population Trajectory</i></p>	<p>Respond in detail to Natural England's advice stated in Q3d-1 in The ExA's request for further information from Natural England arising out of Issue Specific Hearing 2 submitted at Deadline 4, [REP4-097] that the Applicant needs to provide further evidence as to why the</p>



	<b>The Applicant</b>	number of animals predicted in the worst-case scenario of the Cumulative Effects Assessment (CEA) will not lead to population-level effects.
MM 2.3	<i>Marine Mammal Monitoring</i> <b>The Applicant</b>	The ExA notes that Natural England’s Risk and Issues Log at Deadline 4 [REP4-096] continues to state there is no monitoring for marine mammals in the draft DCO and has categorised this as red. Respond with whether the Applicant is minded to address this point in the draft DCO or draft DML [REP4-004].
MM 2.4	<i>Definitions of Magnitude and Sensitivity in the ES</i> <b>The Applicant</b>	Natural England continues to advise at Deadline 4 in their Risk and Issues Log [REP4-096] that the Applicant should: <ul style="list-style-type: none"><li>a) Define what a “significant level” of change is, in the context of the definitions of medium and low sensitivity.</li><li>b) Review the sensitivity assigned in eth individual impact assessments and provide robust, transparent justification for the final sensitivity rating.</li><li>c) Make clearer the definitions of low and medium magnitude and /or justification for one chosen magnitude over another should be made more robust in the species-specific assessments.</li><li>d) Use consistently throughout the ES the defined terminology for magnitude.</li></ul> Explain how the Applicant intends to resolve this issue with Natural England.
MM 2.5	<i>Draft European Protected Species Licence Application</i> <b>The Applicant</b>	<b>The Applicant</b> Confirm whether Natural England will be provided with a draft European Protected Species licence application in relation to marine mammals within the Examination, as Natural England would prefer.



	<b>Natural England</b>	<b>Natural England</b> Respond on whether any evidence exists at present that could indicate an application for European Protected Species licence application in relation to marine mammals in relation to Rampion 2 may not be successful.
MM 2.6	<i>Vessel Management Plan (VMP) and Working in Proximity to Wildlife Protocol</i> <b>The Applicant</b>	Natural England continues to seek assurance at Deadline 4 in their Risk and Issues log [REP4-096] that the VMP will be in place, applicable and enforced to all phases of development, construction, operation, maintenance and decommissioning. They advise this issue can be closed out if this assurance is provided by the Applicant. <b>The Applicant</b> Provide a response.
MM 2.7	<i>Conclusions of the Bottlenose Dolphin Assessment</i> <b>The Applicant</b> <b>Natural England</b>	<b>Natural England</b> Respond to the Applicant's update to Chapter 11 of the Environmental Statement Marine Mammals provided at Deadline 4 [REP4-020]. <b>The Applicant</b> Respond to Natural England's continued advice that they do not agree with the assessment conclusions that the impacts on bottle-nosed dolphin would not be significant and advise further assessment and mitigation is needed, as per line C14 in their Risk and Issues Log [REP4-096] and Appendix C at Deadline 3 [REP3-081].
MM 2.8	<i>Clarification of Number of Pin Piles and Locations</i> <b>Natural England</b>	The Applicant submitted an update to Table 11-13 in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement at Deadline 4 [REP4-020] to provide clarity on the worst-case number of monopiles and pin piles and provided a response to questioning on this topic at ISH2 in the Applicant's Response to Action Points Arising from Issue Specific Hearing 2 [REP4-074]. Respond, if required, to this submission.



MM 2.9	<i>Marine Mammal Mitigation Protocol (MMMP)</i> <b>Natural England</b>	<p>The ExA notes that there is an outstanding concern from Natural England in the Risk and Issues Log at Deadline 4 [REP4-096] regarding the MMMP and acoustic deterrent devices.</p> <p>The Applicant provided an update to the Draft Piling Marine Mammal Mitigation Protocol at Deadline 4 [REP4-051] with various updates including an update to the wording of Commitment C-265.</p> <p>Confirm whether this is sufficient to allay outstanding concerns with the MMMP.</p>
MM 2.10	<i>Offshore in Principle Monitoring Plan</i> <b>The Applicant</b> <b>Natural England</b>	<p>The ExA notes that there is an outstanding concern from Natural England in the Risk and Issues Log at Deadline 4 [REP4-096] that proposed post-consent monitoring does not include monitoring the effectiveness of the mitigation measures in reducing the impacts on marine mammals to acceptable levels.</p> <p><b>The Applicant</b></p> <p>Respond to this outstanding concern from Natural England.</p> <p><b>Natural England</b></p> <p>Provide an example of a DCO/DML in which this level of monitoring is specified and justify why it should be implemented in this case.</p>
MM 2.11	<i>Natural England's Risk and Issues Log</i> <b>The Applicant</b>	<p>Within Natural England's Risk and Issues Log at Deadline 4 [REP4-096], there remains numerous points where NE have remaining concerns or objections within the Marine Mammals section denoted as Amber. Provide a document to address all these points clearly, other than where it is covered by the other ExA questions.</p>



<b>OR</b>	<b>Offshore and Intertidal Ornithology (excluding questions involving HRA which are in the HRA section of this document)</b>	
OR 2.1	<p><i>Cumulative Impact on Great Black Backed Gull</i></p> <p><b>The Applicant</b> <b>Natural England</b></p>	<p><b>The Applicant</b></p> <p>Natural England continues to advise at Deadline 4 that the cumulative impact of Rampion 2 on great black backed gull is likely to be significant at the EIA scale.</p> <p>Provide a response and whether any further mitigation or compensation will be offered. Explain how the Applicant plans to resolve this issue with Natural England.</p> <p><b>Natural England</b></p> <p>Provide an update on this issue.</p>
OR 2.2	<p><i>Natural England's Risk and Issues Log</i></p> <p><b>The Applicant</b></p>	<p>Within Natural England's Risk and Issues Log at Deadline 4 [REP4-096], there remains numerous points where Natural England have remaining concerns or objections within the Offshore Ornithology section denoted as Amber.</p> <p>Provide a document to address all these points clearly, other than where it is covered by the other ExA questions.</p>
<b>AV</b>	<b>Aviation</b>	
AV 2.1	<p><i>Update on Progress with National Air Traffic Services (NATS)</i></p> <p><b>The Applicant</b> <b>NATS</b></p>	<p>Provide an update on negotiations and progress towards the possible removal of the holding objection from NATS, and also any comments NATS has on Requirement 38 of the Draft DCO (Revision E) [REP4-004].</p>



<p>AV 2.2</p>	<p><i>Condition 8 of the draft DCO</i></p> <p><b>The Applicant</b> <b>NATS</b></p>	<p>Condition 8 of both draft DMLs within the Draft DCO [REP4-004] relates to Aviation Safety. The Condition requires the undertaker to inform both the Defence Infrastructure Organisation Safeguarding and the MMO of the details of the development, including positioning of the turbines and timings of construction.</p> <p>Whilst the Applicant has stated that this is a military/defence aviation Condition, the ExA considers that these notifications, such as the date any wind turbine generators are intended to be brought into use, would also be important for civilian aviation bodies. The ExA therefore requests Condition 8(2) in both DMLs are amended to also include notification to both NATS and the Civil Aviation Authority (CAA) so they would be informed of these details of development prior to construction. Provide a response and/or amend the draft DMLs accordingly.</p>
<p>AV 2.3</p>	<p><i>Brighton City Airport Update</i></p> <p><b>The Applicant</b> <b>Brighton City Airport</b> <b>Civil Aviation Authority</b></p>	<p>Provide an update on negotiations with Brighton City Airport.</p> <p>Provide confirmation of whether wording of Requirement 39 of the Draft DCO (Revision E) [REP4-004] has been agreed by Brighton City Airport and the CAA.</p> <p>Furthermore, Section 2(b) of Requirement 39 refers to Shoreham Airport. Confirm whether this should read as Brighton City Airport.</p>
<p><b>CF</b></p>	<p><b>Commercial Fishing and Fisheries</b></p>	
<p>CF 2.1</p>	<p><i>Dispute Resolution</i></p> <p><b>The Applicant</b> <b>Sussex Inshore Fisheries and Conservation Authority (IFCA)</b></p>	<p><b>Applicant:</b></p> <p>Within the Outline Fisheries Liaison and Co-existence Plan [REP1-013] at Paragraph 3.5.4 it states that if there is a dispute then both parties would have to agree to refer their dispute to Alternative Dispute Resolution (ADR). Explain the circumstances should the Applicant not agree to ADR.</p> <p><b>IFCA:</b></p>



		Comment, if required, on whether the compensation and dispute resolution approach, as set out in the revised Outline Fisheries Liaison and Co-existence Plan [REP1-013], is suitable and appropriate.
<b>SH</b>	<b>Shipping</b>	
SH 2.1	<i>Maritime and Coastguard Agency (MCA) Suggested Changes to Commitments</i> <b>The Applicant</b>	<p>Within the MCA letter [PEPD-056] there was suggested amendments to the Deemed Marine Licences (some are reflected in the Commitments Register) in Schedule 11 and 12 of the Draft DCO (Revision E) [REP4-004]. There have been some amendments, but not fully to that suggested by the MCA.</p> <p>The ExA requires either further amendments to the wording of these Schedules or full reasoning why the Applicant does not consider the suggested MCA amendments as appropriate or necessary.</p>
SH 2.2	<i>Structures Exclusion Zone</i> <b>The Applicant</b>	<p>Given the importance of the Structures Exclusion Zone in providing a shipping corridor (as set out in the Navigational Risk Assessment [APP-155], including Figure 17.1), provide this within the Commitments Register as a clear commitment for this corridor to be used by future shipping and for it to be compliant with Marine Guidance Note (MGN) 654.</p>



<b>Abbreviations Used</b>	
ADD	Acoustic Deterrent Device
ADR	Alternative Dispute Resolution
ALC	Agricultural Land Classification
BNG	Biodiversity Net Gain
BoR	Book of Reference
CAA	Civil Aviation Authority
CAH1	Compulsory Acquisition Hearing 1 held on Friday 17 May 2024 and Tuesday 21 May 2024
CEA	Cumulative Effects Assessment
CTMP	Construction Traffic Management Plan
dB	Decibels
DBBC	Double Big Bubble Curtain
Draft DCO	Draft Development Consent Order
DML	Deemed Marine Licence
EL	Examination Library





<b>Abbreviations Used</b>	
ES	Environmental Statement
ExA	Examining Authority
Horsham DC	Horsham District Council
HRA	Habitats Regulations Assessment
ICFA	Sussex Inshore Fisheries and Conservation Authority
ISH2	Issue Specific Hearing 2 held on Wednesday 15 May 2024 and Thursday 16 May 2024
IP	Interested Party
JMLP	Joint Minerals Local Plan
km	kilometre
LEMP	(outline) Landscape and Ecological Management Plan
m	Metres
MCZ	Marine Conservation Zone
MEEB	Measures of Equivalent Environment Benefit
MGN	Marine Guidance Note



<b>Abbreviations Used</b>	
MMMP	Marine Mammal Management Plan
MMO	Marine Management Organisation
MMP	Materials Management Plan
NATS	National Air Traffic Services
NE	Natural England
NVMP	Noise and Vibration Management Plan
OAQMP	Outline Air Quality Management Plan
OCoCP	Outline Code of Construction Practice
OCTMP	Outline Construction Traffic Management Plan
OLEMP	Outline Landscape and Ecology Management Plan
ONVMP	Outline Noise and Vibration Management Plan
PINS	The Planning Inspectorate
RR	Relevant Representation
SDNP	South Downs National Park



<b>Abbreviations Used</b>	
SDNPA	South Downs National Park Authority
SSSI	Site of Special Scientific Interest
TP	Temporary Possession
WR	Written Representation
West Sussex CC	West Sussex County Council