

EN010117: Application by Rampion Extension Limited for the Rampion 2 Offshore Wind Farm

Horsham District Council response to The Examining Authority's further Written Questions and requests for information issued on 18th June 2024

Deadline 5: HDC Response and Information Requested to the Examining Authority's further written questions and requests for information [PD-012].

The Examining Authority presented further Written Questions to Horsham District Council, to receive further information about matters it considered relevant. Horsham District Council's response is set out below.

Ref	Topic	Written Question	HDC Response	
CR Commitments Register				
CR 2.3	Commitment C-5 All Relevant Planning Authorities Natural England Wildlife Trusts	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. [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.]	<p>HDC is content with the proposed wording of C-5 at Deadline 4 in the Commitment Register [REP4-057] only on the provision that the ExA's Schedule of Changes to the Draft DCO No. 16 (Schedule 1, Part 3, New Requirement 42 Trenchless Crossing) is also secured.</p> <p>This is because the number and locations of the trenchless crossings, while specified in the Crossing Schedule, remain indicative at this stage and some are subject to detailed design as a result of further ground investigations or habitat surveys (etc) (also see Section 4.2.3 of OCoCP REP4-044).</p>	
DCO Draft Development Consent Order (Draft DCO)				
DCO 2.4	Remaining Comments All Relevant Planning Authorities Natural England Marine Management Organisation	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	Schedule 13	<p>Hedgerows lists at part 1 the removal of hedgerows and Part 2, the removal of important hedgerows. Minor inconsistencies continue to be found between the list and Tree Preservation Order and Hedgerow Plans Rev C (REP4-003). This list is likely to expand if checked against the revised vegetation removal as result of construction/operational accesses design.</p> <p>For instance, Hedgerows H201a and H206a that have been added to Schedule 13 Part 1 of the dDCO [REP4-005] and Terrestrial Ecology Chapter [Table 22-25 of REP4-023] for temporary loss is not clearly labelled on Sheet 24 within the</p>

		<p>any remaining concerns with the draft DCO and draft DML and any suggested drafting changes. [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.]</p>		<p>updated Tree Preservation Order and Hedgerow Plan Rev C [REP4-003]. HDC request this is added on for consistency across documents (see figures in Rep4-044 for location). H507 also appears to be missing from the Outline CoCP Rev E [REP4-046], and HDC request this is added to the plans.</p> <p>HDC expects this list to be updated against the new document requested by the ExA’s to be submitted at deadline 5 (vegetation retention and removal plans) and welcome the opportunity to review at deadline 6.</p>
		<p>Requirement Code 22 of construction practice</p>	<p>Communication to local communities is an important means to address impacts of works. HDC requests the stage specific CoCP include a construction communication plan. Please add the Construction Communication Plan to 22(4) (r) Construction Communication Plan.</p> <p>Requirement 22(4) does not require the stage specific CoCP to include a dust management plan. HDC requests a Dust Management Plan be added to 22(4) (s) Dust Management Plan.</p> <p>Throughout this Examination HDC has raised in its written submissions that Requirement 22 does not include any specific requirement for noise, vibration, dust or air quality monitoring (on the face of the Order itself).</p> <p>Whilst Requirement 22(4) requires the stage specific CoCP to accord with the OCoCP, the issue remains that the OCoCP REV D [REP4-044] still does not provide details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. Instead, there is reference to only providing a guide to the information that stage specific versions should specify in greater detail.</p>	

		<p>HDC therefore very much supports Item 19 of ExA's Proposed changes to the draft DCO which recommends addition of Schedule 1, Part 3, Potential New Requirement 45 or amendments to Requirement 22, to include;</p> <p><i>a scheme of dust and noise mitigation giving full details of noise, dust and air quality monitoring and mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting shall be submitted to and approved by the relevant planning authority, and;</i></p> <p><i>the scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the most up to date IAQM "Guidance on the assessment of dust from demolition and construction".</i></p> <p>Given the sensitivities identified by HDC in its written submissions regarding noise, vibration, dust and air quality and the consequential need for monitoring of these matters, the ExA's suggestion to draw out the issue of monitoring by inserting the suggested wording as a separate Requirement is preferable to this issue being placed equally amongst others within Requirement 22.</p> <p>As previously submitted to the Examination, monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work. This is of critical importance given that section 8 to Part 2 of the DCO "Defence to proceedings in respect of statutory nuisance" removes the power for local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act.</p>
--	--	--

		<p>Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions CoCP.</p> <p>HDC would therefore welcome the Applicant to commit to independent monitoring and auditing of the CoCP, in liaison with the relevant local authority. This will provide transparency and community reassurance. This audit and monitoring should be funded by the developer to reduce the burden on the local authority. HDC would also welcome an independent auditing of the monitoring undertaken by the Transport Coordination Officer (TCO) to ensure community confidence and to police the traffic passing through Cowfold AQMA so it does not become higher than 25% over the life of the project.</p> <p>HDC has previously submitted to the Examination [REP3-069] that it advocates a specific approval of tailored stage specific management plans for each individual Construction Compound, informed by site-specific mitigations, to include but not limited to: -</p> <ul style="list-style-type: none"> i) appropriate landscaping/boundary treatments which must include advance planting; and ii) ecological mitigation and compensations; and iii) Communications Construction Plan, iv) a Dust Management Plan, which should take into account emissions of off-road construction vehicles, NOx and particulate matter provided in accordance with the measures in the OCoCP and Requirement 22. <p>This is to address the need for specific management tailored to the sensitives identified by HDC in its written submissions, particular to the individual construction compounds [REP3-069]. For example, the shoulder period for the Washington compound should not include deliveries or unloading due to its</p>
--	--	--

		<p>proximity to noise sensitive receptors. C-22 should be amended to incorporate this restriction.</p> <p>Although Requirement 22 refers to stage specific CoCP it does not require specific management plans for each individual Construction Compound.</p> <p>The Washington compound will contain significant features such as storage of materials and equipment (up to 7m high) and a concrete batching plant up to 20m high, in proximity to neighbouring camping and caravanning sites. There are landscape sensitivities to the compound site that require timely delivery of appropriate mitigation, such as planting.</p> <p>The Outline Noise and Vibration Management Plan [REP3-054] only sets broad principles and defers to the site-specific noise and vibration management plans to be drawn up by the contractors. These have yet to be provided so it is not possible to consider the adequacy of these plans.</p> <p>HDC therefore supports Item 15 of ExA's Proposed changes to the draft DCO which recommends addition of Schedule 1, Part 3, Potential New Requirement 41, to include;</p> <p>Site-Specific Plans for the detailed design approval temporary construction compounds at Washington and Climping</p> <p>The insertion of New Requirement 41 would be considerable comfort to HDC's concern on the continued omission of tailored stage specific management plans for each individual Construction Compound from Requirement 22.</p>
	Requirement 23 Onshore	HDC understands the Applicant's position that Calcot Wood is not a designation [REP4-079] however, it is Ancient Woodland

	<p>construction method statement</p>	<p>so continue to request that Calcot Wood (Ancient Woodland) be added to restricted access under Requirement 23(2)(b).</p> <p>HDC notes the addition of W503 to Table 22-24 of the Environmental Statement Volume 22 Chapter 22 Terrestrial ecological and nature conservation REV B [REP4-023] which involves clearance of 10m (width) of woodland along Greentree Lane for access of cable drums. Also note that this is within 15m of Parkminster Wood (ancient woodland), with works being carried out to the south of the Lane, on the opposite side to that of Parkminster Wood. Access works for Access A-57 on the opposite side of the road (A281) to Parkminster Wood will also be taking place approximately 15m from the ancient woodland boundary. HDC therefore request assurances of mitigation that prevent any deterioration to Parkminster Wood. Amongst other measures and mitigations, the insertion of Parkminster Wood within Requirement 23 would assist, as amended below</p> <p>(b) restrict access within ecologically sensitive sites including Climping Beach Site of Special Scientific Interest, Littlehampton Golf Course and Atherington Beach Local Wildlife Site, Sullington Hill Local Wildlife Site and Michelgrove Park and Calcot Wood and Parkminster Wood (Ancient Woodlands) to pedestrian access only with no ground breaking activity save where remedial action is required</p>
	<p>Requirement 24 Construction traffic management plan</p>	<p>Throughout this Examination, HDC has in its written submission advocated the need for the routeing of HGVs used during the construction period to avoid settlements of evidenced sensitivities, such as Storrington AQMA. In Commitment C-157 and the OCTMP REV E (para 5.4.4) the routeing is reasoned to avoid Storrington based on its status as a settlement alongside other settlements alone rather a settlement subject</p>

		<p>to its own AQMA. Whilst, rightly, the avoidance of the Cowfold AQMA is subject of a standalone Commitment (C-158), there is no similar recognition of the need to avoid the Storrington AQMA in its own right. Commitment C-158 should be updated but so should Requirement 24 24(2)(a) to include the Storrington AQMA in recognition of it being a receptor in its own right.</p> <p>(a) a routeing plan to secure that heavy goods vehicles (HGVs) used during the construction period are to avoid settlements, the Air Quality Management Areas in Cowfold and Storrington and the A24 through Findon wherever possible;</p> <p>Requirement 24 does not include any specific requirement for road vehicle class to be Euro VI as a minimum. Neither does the Commitment Register Rev D. There is only reference to Euro VI as a minimum standard at para 4.16 of the OCTMP and still only 'wherever possible'. Adherence to this minimum standard has been identified by HDC as an important mitigation. HDC would welcome a specific obligation inserted into the requirement to secure this, at 24(2)(d) All road based vehicles used in the construction of the onshore elements of the Proposed Development to be a EURO standard VI class or better.</p> <p>As with the CoCP, no independent monitoring of the CTMP is required under Requirement 24. For similar reasoning to the CoCP, HDC advocates the implementation and operation of the traffic management route should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p>
--	--	---

	Requirement 33 and Skills Employment Strategy	<p>The request from HDC in the Issue Specific Hearing 2 in May 2024 and in its Deadline 3 Submission - Response to the ExA's first written questions (EXQ1) [REP3-069] was that the OSES cover all stages of the authorised development, including offshore construction, and so apply beyond just the construction phase. Offshore construction will present supply chain, employment, and apprenticeships opportunities.</p> <p>However, as amended in the draft DCO at REV E, the OSES is required to be submitted only at commencement of onshore works (and even then, excludes onshore site preparation works). The effect of this drafting denies the ability of LPAs to secure offshore construction opportunities, as there is no means by which to secure such opportunities after the fact.</p> <p>HDC requests requirement 33 is amended to re-instate 'no stage of the authorised development' and omit 'excluding onshore site preparation works', as below:</p> <p>33.—(1) No stage of the authorised development onshore works are to commence, excluding onshore site preparation works, is to commence until a skills and employment strategy, substantially in accordance with the outline skills and employment strategy has been provided submitted to the and approved by West Sussex County Council following consultation with the relevant planning authority authorities for all stages of the authorised development. (2) The stage-specific skills and employment strategy must be implemented throughout the construction of the relevant stages as approved.</p>
	Requirement 34 Construction Communication Plan	Drafting of Requirement 34 at REV E is said by the Applicant to <i>made for clarity and to enable a single Construction Communication Plan to be implemented across the onshore elements of the authorised project, rather than stage specific</i>

		<p><i>plans submitted as part of the Code of Construction Practice [REP4-006].</i></p> <p>However, as advocated by HDC in its written submissions the desired purpose of a Communication Plan, is to secure effective communication to affected local communities.</p> <p>Although there will be common mechanisms by which to communicate (such as a Parish Council), each local community, such as the villages of Washington and Cowfold, will have specific receptors, requiring tailored approaches to achieve effective communication. For example, at Washington village, the recreation ground and school would be directly impacted.</p> <p>The content of the outline construction communication plan is not to be submitted until deadline 5 and so is unavailable to comment upon until then. As such, HDC is unable at this time to advise the ExA if the Requirement as it is drafted at REV E (with the omission to 'range of methods' to communicate in an 'open, regular and transparent way' with an 'accessible enquiry and complaints procedure'), secures effective communication.</p> <p>However, given the evidence of differing receptors to each community, it is likely to advocate that a series of communication plans tailored to each local community is necessary, compared to a single overarching doc applied across the entire onshore project. An approach to securing this outcome would be to amend Requirement 34 to secure a stage specific construction communication plan.</p> <p>As drafted at Requirement 34, the Construction Communication Plan is required to be provided only post onshore site preparation works. Site preparation works have potential for</p>
--	--	---

		<p>disturbance and generate public disquiet. The effect is to deny the LPAs the ability to require the Applicant to implement a communication plan to cover these works, as there is no means by which to secure this after the fact.</p> <p>HDC requests that given the importance to reacting effective communication to reassurance a local community during site preparation works as much as during construction, Requirement 34 is amended to reflect this purpose.</p> <p>Accordingly, HDC requests requirement 34 is amended to omit 'excluding any onshore site preparation works' and insert 'stage specific' and extend the scope of the communication plan to include site preparation as well as construction, as below:</p> <p>(1) No stage of the authorised project landward of MLWS, excluding any onshore site preparation works, is to commence until a construction communications community-communication plan in accordance with the outline construction communication plan has been provided for the relevant stage of the works which accords with the outline construction community communication plan has been submitted to and approved by the relevant planning authorities. (2) The construction communications plan provide pursuant to sub-paragraph (1) will include the following (a) A range of community communication methods and materials designed to reach communities local to the construction works in an open, regular and transparent way (b) An accessible enquiry and complaints procedure (3)(2) The construction communications plan must be implemented as approved throughout the construction of the authorised project within the onshore order limits.</p>
SA Soils and Agriculture		

SA 2.2	Best Most Versatile Agricultural Land The Applicant Relevant Planning Authorities	The Applicant a) Respond and where possible act upon the comment by the SDNPA in their Deadline 4 submission [REP4-085] ... Relevant Local Authorities Provide comment on these matters if required.	HDC is primarily concerned with fugitive dust emissions and dust track out by vehicles which are dealt with under other provisions. Measures to control releases of fugitive dusts are included in the Outline Air Quality Management Plan Rev A but only secure log booking of exceptional fugitive dust events. HDC has previously advocated that the recommendations given in the Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" January 2024 (Version 2.2) should be incorporated.
SA 2.5	Agricultural Land Classification Surveys The Applicant All Relevant Planning Authorities	The Applicant Confirm the Agricultural Land Classification (ALC) surveys undertaken to date ... Relevant Planning Authorities Provide comment on this matter if required.	HDC makes no further comment.
TE Terrestrial Ecology			
TE 2.23	Commitments C-112 and C-217 All Relevant Planning Authorities Natural England Sussex Wildlife Trust	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.	The phrase 'during the coldest period' may add confusion, so could be removed.
TE 2.26	Outline Landscape and Ecological Management	Comment on whether there any outstanding concerns with the updated Outline LEMP submitted by the	HDC refers to Oakendene Substation Indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 which it is noted is not listed in the List of Figures in the Contents of the OLEMP REV C [REP4-047]. Several drawings submitted at the back of the OLEMP are not included in the List of Figures, please update.

	Plan Relevant Planning Authorities	All Applicant at Deadline 4 [REP4-047]. If so, explain these in as much detail as possible.	<p>HDC notes from the Indicative planting phase plan that the planting area denoted in the colour blue with the key to Phasing of Planting referring to ‘first available planting season following commencement of the onshore substation works’, includes areas to be planted beyond the site’s temporary perimeter fencing (described in various ways as internal screen fence to eastern boundary/ internal construction fence to southern boundary/construction boundary fence to western boundary/temporary internal screen fence to northern boundary).</p> <p>One of the first tasks to be carried out when setting up a construction site is to erect the perimeter fencing to make a site secure (it is assumed that this is the fencing that is being referred to in differing ways on the plan and clarification on this is requested with the wording of the plan amended). Planting the area denoted in blue after the fence is erected is not practical and likely to result in poor delivery, longer planting times as access will be partially constrained and limited for maintenance purpose only.</p> <p>Assuming all references on the planting phase plan relate to the same perimeter fencing, it is understood the western boundary is to be planted prior to commencement of the onshore substation works which will have to take place within the appropriate planting season. All areas identified in blue, save for the formation of the site access, are adjacent to existing vegetation and no ground works are to take place other than planting and the erection of the perimeter fencing therefore, the need to leave the area to be planted until the first planting season available is queried. It is recommended that these areas also come forward as advance planting and the wording on the Indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 updated to reflect this.</p> <p>HDC recommended wording as follows: <i>‘First available planting season prior to the erection of perimeter fencing’.</i> It is also recommended that the key includes the following wording: <i>Temporary close board fence to have access points suitable for maintenance of the landscaped areas.</i></p>
--	------------------------------------	---	--

			<p>These necessary amendments to the indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 would satisfy HDC that the buffer zones, which are a key mitigation to the LVIA assessed mitigation strategy is delivered in a timely manner and maintained successfully.</p> <p>Alongside amendment to the phasing plan, HDC strongly supports item 8 of ExA's Proposed changes to the draft DCO which has recommended provision of an overarching site-specific plan for Oakendene prior to works commencement, to address, amongst other things, HDC's ongoing concerns regarding feasibility on habitat creation and its establishment and long-term survival (whether this is wet or dry woodland), and demonstrating how drainage will work with landscaping to deliver the necessary mitigation.</p>
TE 2.28	New Requirement 40 Regarding the Vegetation Retention and Removal Plan All Relevant Planning Authorities Statutory Nature Conservation Bodies	<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 in line 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>	<p>a) HDC is satisfied with the adequacy of the newly added Requirement 40 and further control it gives to check any anomalies with the outline plans.</p> <p>b) HDC confirms comments to be provided at deadline 6</p>

End