

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

Horsham District Council response to The Examining Authority's Draft DCO issued on 18th June 2024

Deadline 5: HDC Response and Information Requested to the Examining Authority's schedule of proposed changes to the draft Development Consent Order (dDCO) [PD-013]

The Examining Authority has submitted its proposed changes to the dDCO to the Examination and invited comment. Horsham District Council's response is set out below.

No.	Reference	ExA's Reasoning	HDC RESPONSE
8.	Schedule 1, Part 3, Requirement 8(1) Site-Specific Plan for the Detailed design approval onshore substation at Oakendene	<p>The ExA considers that the submission and approval of an overarching site-specific plan for works in the area of Oakendene Substation is necessary, as at this stage of the Examination there are many outstanding areas of concerns which will need to be addressed. These include:</p> <ul style="list-style-type: none"> • The safe construction of the works is dependent on the detailed development by the Applicant of a complex traffic management strategy involving HGV movements along the A272 and in and out of Oakendene Compound, Oakendene Substation Site and Kent Street and its approval by West Sussex County Council as Highway Authority. • The use of Kent Street a single track lane will in particular require careful detailed planning in order to facilitate the safe movement of private vehicles, pedestrians, cyclists and equestrians in combination with construction traffic; • The detailed design of the permanent access to Oakendene Substation; • Details of the vegetation loss, retention and replanting at the Oakendene site; • Details of drainage including how it will work with the landscaping. <p>The ExA considers the suggested changed to Requirement 8 would ensure a comprehensive site-specific plan for the Oakendene substation site is therefore necessary.</p>	<p>HDC supports the ExA's reasoning on securing an site-specific plan for the detailed design approval of the onshore substation at Oakendene.</p> <p>Whilst the applicant has made supportable changes to Requirement 8 over the course of the Examination, based on the submission evidence, the successful delivery of landscaping at the Oakendene site remains a concern by HDCm in particular how it would work with the drainage.</p> <p>It was also evident from the ISH2 held in May 2024 that more finer grain evidence is required to be undertaken by the applicant on the traffic management strategy and associated design work for access for this site area, including on reinstatement measures, such as passing bays along its Kent Street and widening of the road junction with the A272, to mitigate identified harms.</p> <p>It is unclear from the submission at deadline 4 if all control documents are informed by the proposed traffic management strategy on Kent Street. For instance, if the Outline Landscape and Ecology Management Plan insert the reinstatement measures along Kent Street. A holistic Site Specific plan for the detailed design of the substation at Oakendene would assist with resolving this.</p> <p>HDC suggests it would be clearer if at 8(1) as proposed, operational and maintenance water usage (which it is assumed refers to demonstrating water neutrality), be separated out from the (conventional) site surface/foul water drainage.</p>

			<p>Additionally, HDC recommends insertion of the word sustainable to the site drainage is changed to <i>sustainable</i> drainage strategy as this component of the site design needs to work with the landscaping objectives. Both changes are detailed below.</p> <p>8.—(1) Works comprising Work No. 16 together with the associated Work No. 17, Work No. 18 and Work No. 19 (excluding any onshore site preparation works) must not commence until details of —</p> <p>(a) siting and layout;</p> <p>(b) scale and quantum of development and its uses;</p> <p>(c) existing and proposed finished ground levels;</p> <p>(d) landscaping;</p> <p>(e) access; and</p> <p>(f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment;</p> <p>(g) a construction traffic plan illustrating the access and egress points, traffic routing and vision splays;</p> <p>(h) vegetation removal, retention and replanting; and</p> <p>(i) operational and maintenance water usage and</p> <p>(j) sustainable site drainage</p>
10.	Schedule 1, Part 3, Requirement 14 Biodiversity Net Gain	The ExA has reviewed all matters submitted by the Applicant at Deadline 4. The ExA acknowledges that the Applicant has indicated that matters concerning Biodiversity Net gain remain ongoing and subject to further discussion. To ensure such matters are adequately controlled, the ExA recommends Requirement 14 is strengthened as requested by the SDNPA and West Sussex CC in their respective Deadline 3 submissions [REP3-071] and [REP3-073] and as discussed at the Issue Specific Hearing	HDC supports the ExA's reasoning on the proposed adequate controls concerning Biodiversity Net Gain in an amended Requirement 14 as proposed by WSCC and SDNPA. The ExA's proposed changes would also secures amendment put forward to Requirement 14 by HDC in its own response to written questions (EXQ1) [REP03-069] (this being, insertion of proof of purchase of all necessary biodiversity units from third party providers), which is not in the draftDCO REV E [REP4-004].

		2 held on Thursday 16 May 2024 [EV5-001] (ISH2), but where the Requirement has remained unaltered in the latest draft DCO [REP4-004].	
13.	Schedule 1, Part 3, Requirement 22(4) Code of Construction Practice	The ExA considers the crossing schedule should be subject to an additional Requirement as set out below.	HDC supports the ExA's reasoning on this issue. 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 REP4-044).
15.	Schedule 1, Part 3, New Requirement 41 Site-Specific Plans for the detailed design approval temporary construction compounds at Washington and Climping	The ExA considers that the submission and approval of overarching site-specific plans for works in the areas of the Washington and Climping temporary construction compounds are necessary. These documents would provide a one-stop shop for relevant planning authorities and Interested Parties to have a greater understanding of exactly what would occur in these areas as opposed to such matters being contained across a suite of documents. The ExA considers this can be achieved through a new Requirement in the DCO akin (although tightened) to Requirement 8.	<p>HDC supports the ExA's reasoning on this issue for an overarching site-specific plan for works within the area of Washington construction compound but also recommends adding (d) '<i>to include advance planting where appropriate</i>'. (see below)</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>The purpose of this request is not to simply seek a duplication of existing measures already presented across the suite of control documents, which appears to be concern of the Applicant.</p>

			<p>This request 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].</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</p>
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			<p>tailored stage specific management plans for each individual Construction Compound from Requirement 22.</p> <p>Suggested refinement as below;</p> <p>41) Works comprising Work No. 10 and Work No.11 must not commence until details of—</p> <p>(a) siting and layout;</p> <p>(b) scale and quantum of development and its uses;</p> <p>(c) existing and proposed finished ground levels;</p> <p>(d) landscaping to include advance planting where appropriate;</p> <p>(e) access; and</p> <p>(f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment; for the temporary construction compound have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex County Council and Work No.10 must be carried out in accordance with the approved details.</p>
16.	Schedule 1, Part 3, New Requirement 42 Trenchless Crossing	<p>The ExA understands that the locations of the trenchless crossing, while specified in the Crossing Schedule, remain indicative at this stage and some are subject to detailed design. The ExA also understand that the Applicant may increase the number of areas where trenchless crossings will be used including W110 at Green Lanes.</p> <p>Because of the importance of the trenchless crossing schedule and that the Applicant is still refining it, the ExA considers the approval of the Trenchless Crossing should form its own Requirement.</p>	<p>HDC supports the ExA's reasoning on this issue. 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>

17.	Schedule 1, Part 3, New Requirement 43 European Protected Species	A European Protected Species requirement is normal practice and has been requested by Natural England [REP4-096]. The ExA considers the Requirement should be added.	<p>HDC Supports and welcomes the ExA's reasoning on this issue. The need for safeguards to European Protected Species was advocated by HDC in its written submission [REP3-069].</p> <p>The drafting of new Requirement 43 would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following pre-construction surveys.</p> <p>It is noted that as drafted, new Requirement 43 requires surveys only to be submitted to NE/LPAs where a European protected species is shown to be present 43(2). It would assist with transparency if all survey findings were subject to submission to the relevant authority, for public record that the survey was undertaken to appropriate standard and no European protected species was shown present.</p> <p>There should also be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any pre-commencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO. This outcome could be secured if the suggested new Requirement 43 was to require both pre-commencement and pre-construction survey work, as amended below:</p> <p><i>(43) (1) No phase of the onshore works (including site preparation works) may commence until final pre-commencement and pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by that phase of the onshore</i></p>
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			<i>works or in any of the trees to be lopped or felled as part of that phase of the onshore works.</i>
18.	Schedule 1, Part 3, New Requirement 44 Commitments Register	As set out in the ExA Further Written Questions, the ExA remains concerned over the robustness and consistency of the Commitments in the Commitments Register [REP4-057]. The ExA has requested that the Applicant review the concerns raised by Interested Parties and the ExA and amend accordingly. Should those amendments be made, and Interested Parties confirm they are largely content with them, the ExA may not need this Requirement.	HDC Supports and welcomes the ExA's reasoning on this issue. HDC maintains that several concerns with the mitigation provisions to address several unresolved issues, including noise, dust and air quality, which may be addressed by fleshed out commitments if not the Requirements themselves. The ability to amend the Commitment Register post-consent would be valuable in this regard.
19.	Schedule 1, Part 3, Potential New Requirement 45 or amendments to Requirement 22 Noise, Dust and Air Quality Monitoring	The ExA notes the concerns of Horsham DC in respect to monitoring of noise. The ExA has tabled a Further Written Question NV 2.4 on this matter and, dependent on the responses received, may consider it necessary to insert the suggested wording either within Requirement 22 or within a separate Requirement.	<p>HDC very much supports and welcomes the ExA's reasoning on this issue.</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>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</p>

			<p>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. 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>
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