

Richard Allen  
Lead Panel Member for the Examining Authority  
BY EMAIL ONLY

██████████@horsham.gov.uk

**Your ref:** EN010117  
**Email:**

09 July 2024

Dear Mr Allen,

**RE: Application by Rampion Extension Development Limited for an Order Granting Development Consent for the Rampion 2 Offshore Windfarm Project**

**Horsham District Council Deadline 5 Submission**

### Overview

1.1 This letter is a response at Deadline 5 (09 July 2024) from Horsham District Council (hereafter 'HDC') on the Deadline 4 submissions by Rampion Extension Development Limited (hereafter the 'Applicant').

### Response to submitted documentation by the Applicant at Deadline 4

#### *Applicant's update to the draft DCO*

1.2 HDC welcomes the amendments made at Deadline 4 (Rev E) [REP4-005]. Appendix 1 of this submission letter provides further advice on HDC'S position on matters that remain outstanding.

#### *Comments on any further information/submissions received by Deadline 4*

1.3 HDC has provided commentary on the Applicant's Deadline 4 submission at Appendix 1 of this submission letter and will continue engagement with the Applicant.

#### *Draft S106 Agreement*

1.4 HDC and the Applicant have continued to be in discussions regarding the proposed Heads of Terms for the Section 106 Agreement. HDC has provided commentary on these in Appendix 2 of this submission letter and will continue engagement with the Applicant to reach agreement.

Yours sincerely

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**Mathew Porter**  
Senior Planning Officer  
Horsham District Council

# Appendix 1

Horsham District Council Deadline 5 Submission

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

HDC Response to the Applicant's additional information/submissions received Deadline 4.

### Overview:

The Examining Authority invited commentary on the Applicant's additional information/submissions received at Deadline 4. Horsham District Council's response is set out below.

The Council's response is presented in a table, alongside extracts from the Council's response to the Applicant's Deadline 3 submission [REP4-084] to demonstrate the sequence in progress towards resolution on matters of concern to the Council.

<u>Deadline 4 Applicant's information/submission</u>	<u>HDC response to Applicant's Deadline 3 submission [REP4-084]</u>	<u>HDC RESPONSE TO DEADLINE 4 INFORMATION/SUBMISSION</u>
<b>[REP4-003] 2.6 Tree Preservation Order and Hedgerow Plan Rev C</b>		<p>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 updated Tree Preservation Order and Hedgerow Plan Rev C [REP4-003]. HDC requests 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 requests this is added to the plans.</p>
<b>[REP4-023] Environmental Statement Volume 22 Chapter 22 Terrestrial ecological and nature conservation REV B</b>		<p>The updated commitment C-5 within the commitments register [REP4-058] should be correctly copied into Chapter 22 Terrestrial Ecology report [REP4-023, Table 22-20]. C-5 within the commitments register [REP4-058] is broader in that it refers to 'features' within Appendix A Crossing Schedule of the Outline CoCP, however the description of C-5 in the Terrestrial Ecology chapter is limited only to 'main rivers, watercourses, railways and roads that form part of the Strategic Highways Network'.</p> <p>HDC notes its previous request [REP3-023] that the provision of figures for the proposed attenuation basins at Oakendene provided in Appendix A of REP3-50 have not yet been translated and cross referenced with regards to ecology and appended within Environmental Statement Volume 22 Chapter 22 Terrestrial ecological and nature conservation REV B [REP4-023]. HDC continues to request this, as doing so would provide assurance that the drainage and landscaping and ecology mitigations can all be delivered.</p> <p>HDC notes the addition of W503 to Table 22-24 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.</p> <p>Amongst other measures and mitigations, the insertion of Parkminster Wood within Requirement 23 would assist, as amended below</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 <b>Calcot Wood and Parkminister Wood (Ancient Woodlands)</b> to pedestrian access only with no ground breaking activity save where remedial action is required;
<b>[REP4-026] Environmental Statement Volume 3 Chapter 18 Landscape and visual impact assessment Figures (Part 1 of 6)</b>		HDC welcomes updates to figures and additional viewpoints to reflect the various consultees requests.
<b>[REP4-027] Environmental Statement. Volume 3 Chapter 18 Landscape and visual impact assessment Figures (Part 2 of 6)</b>		<p>SA 3 (Fig 18.12e) and SA3b (Fig 18.12j) is representative of residual effects users of PRow 1786 and Taintfield Wood would experience. As previously requested, HDC considers that further mitigation in a way of additional planting along the site's southern boundary, outside of the current DCO red line, should be secured or demonstrated that through the refining of the design, and reduction of building footprint or SuDS basin's there is scope for more effective screening to be accommodated within the confines of the DCO boundary. So far, the applicant's justification has been based on difficulties with land ownership but this shouldn't be unsurmountable or dismissed given the significant effect identified.</p> <p>Note SA7a viewpoint: PRow southwest of site, west of Taintfield Wood looking towards the temporary compound (construction phase) has been omitted from the document but it is thought this may be a typo as SA7 appears repeated in the document twice. Please reinstate. Viewpoint analysis document <b>[REP4-034]</b> still makes reference to the Oakendene west temporary construction compound and judgements to the level of effects.</p>
<b>[REP4-034] Environmental Statement Volume 4 Appendix 18.2 Viewpoint analysis REV B</b>		Page 12 – Table 1-1; SA1 – ranking of effects during construction and Year 1 has been changed from Major/Moderate to Moderate (onshore substation) and from Minor/negligible to No effect (onshore cable

		<p>corridor) as the outcome of changes to visualizations for viewpoint SA1 Kent Street.</p> <p>Whilst HDC does not agreed with the assessment changes, HDC conclusions does not change the outcome of the residual significance of effect and therefore no further comments are required as the level of effect for this receptor is still not significant in planning terms and the context of LVIA / EIA.</p> <p>Page 84 – viewpoint H Washington and H1 Junction of The Pike and A283, Washington. HDC welcomes the changes to the assessment and recognition that the level of effects during the construction stage are higher than originally predicted. These findings reinforce the need and justification to deliver the ExA's new requirement 41 so that mitigation measures are considered.</p>
<p><b>[REP4-042] Outline Operational Drainage plan REV C</b></p>	<p>HDC Comments below submitted to <b>[REP3-023] Outline Operational Drainage Plan Rev B</b></p> <p><i>The provision of figures for the proposed attenuation basins at Oakendene provided in Appendix A of REP3-050 are a welcome addition. HDC request that the figures are translated and cross referenced with regards to ecology and appended within Chapter 22 Terrestrial Ecology report (APP-063). For example, will the indicative flood levels for existing ground be of a suitable depth for proposed wet woodland planting and establishment, or whether the basins will need to be redesigned to attenuate more water. The estimated seasonality/frequency of the land being inundated will also be useful to help determine species composition of these habitats. It is also requested at the detailed design stage for the Applicant to provide indicative landscaping plans for cross sections of the basins, including shelves/benches and rockery to create varying depths, aquatic and marginal vegetation composition, and deadwood for wildlife access.</i></p>	<p>HDC notes its previous request that the provision of figures for the proposed attenuation basins at Oakendene provided in Appendix A of REP3-50 have not yet been translated and cross referenced with regards to ecology and appended within Environmental Statement Volume 22 Chapter 22 Terrestrial ecological and nature conservation REV B [REP4-023]. HDC continues to request this, as doing so would provide assurance that the drainage and landscaping and ecology mitigations can all be delivered.</p> <p>Please note indicative SuDS plan has not been updated in line with other masterplan changes such as the retention of part of the boundary vegetation along the southern boundary which resulted in the use of a trenchless crossing.</p> <p>This is exactly the inconsistency HDC wishes to avoid as an outcome, and it is sincerely hoped that item 8 of ExA's proposed DCO changes will address this.</p>
<p><b>[REP4-044] Outline Code of Construction Practice REV D</b></p>	<p>In relation to [REP3-025] Outline Code of Construction Practice Rev C</p> <p>2. Approach to environmental commitments 2.8 complaints Complaints regarding the construction phase to managed in line with the Construction Communications Plan (CCP) Requirement</p>	<p>The issue remains that the OCoCP REV D 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>34. Further details of the complaints procedure to ensure it is responsive and effective. Are the tailored Communication and Mitigation Plans the responsibility of the contractors for each phase? What level of oversight and audit of the complaints process by RED is envisaged?</p> <p>4. General principles</p> <p>4.3.5 Main compounds Perimeter fencing should include provision of noise barriers where they are necessary. Some activities such as loading of excavated soils will take place higher than the hoarding height of 2.4m The compounds are to include a maintenance area for plant and machinery. This is also referenced in C-8. What kind of maintenance activities are proposed? Give the open-air nature of the compounds this activity could be a significant source of disturbance.</p> <p>4.4.2 Working Hours The shoulder period for the Washington compound should not include deliveries or unloading due to its proximity to noise sensitive receptors. C-22 should be amended to incorporate this restriction.</p> <p>4.12 Excavated materials With respect to the excavated soils, it should be noted that the MMPs will require regulatory approval from Local Authority to ensure no contamination is caused at receptor sites in accordance with their statutory duty. This is usually achieved through the planning process and it is important that this mechanism is reflected in the requirements attached to the DCO. C-69 should recognise the role of local authorities.</p> <p>5. Management of onshore environmental issues</p> <p>5.3.4 air quality mitigation measures The majority of the specific measures relating to dust and air quality management have been deleted and instead reference is made to an Outline AQMP.</p> <p>Noise and vibration</p> <p>5.4.3 Commitments C-26 states that where noisy activities are planned and may cause disturbance mitigation measures may be deployed. This a poorly defined criteria for intervention leaving the judgement to the applicant's contractors. This commitment should be reworded to ensure it is precise and suitably protective. C-263 adopts BS-5228 as the appropriate assessment methodology for construction noise. However, the thresholds in</p>	<p>HDC in its written submissions has identified sensitivities regarding noise, vibration, dust and air quality, and the consequential need for monitoring of these matters.</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> <p>As previously submitted to the Examination, it is HDC's position that for C-26 and C-263 it is considered the adoption of the values in BS5228 annex E ABC thresholds are not suitably protective of noise sensitive receptors in rural locations where background noise levels are very low during the day and at night. Significant adverse effects may occur at these locations at the thresholds used in the ABC method.</p> <p>It is therefore welcomed and supported that further information has been sought by the ExA on the noise and vibration monitoring arrangements for the construction compounds and work sites, in the ExA's proposed changes to the DCO order item 19, as the matters is not currently sufficiently covered in the OCoCP REV D.</p> <p>There is also request for additional compliance monitoring during construction may be required as per IAQM Construction Dust Guidance (Jan-2024) as part of the OCoCP. It is also requested that the applicant add a measure to the CEMP to supplement local authority monitoring in Cowfold for NO2 during construction, which would help to increase</p>
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	<p>BS5528 are considered not be sufficiently protective of noise impacts at locations where day and night background noise levels are very low. Given the DCO seeks to remove established rights under statutory nuisance a lower threshold should be adopted as set out in section E5 to BS5228-1. Any noise impact assessment must take into account the Noise Policy Statement for England.</p> <p>5.4.5 Management measures</p> <p>The majority of the specific measures relating to noise and vibration have been deleted and instead reference is made to an Outline Noise and Vibration Management Plan (NVMP) (Document Reference: 8.60)</p> <p>It is now stated that the NVMP will include compliance monitoring. This is welcomed but the results should be shared with the LPA and other relevant persons to provide clarity and reassurance to the impacted communities.</p>	<p>model certainty and confidence in the results and community reassurance.</p> <p>Still require further details of the complaints procedure to ensure it is response and effective. The Construction Communication Plan secured at Requirement 34 is not tailored and the mitigation plans are not the responsibility of the contractors for each phase and there is lack of oversight and audit of the complaints process. As these matters are not covered by Requirement 34 (as an Outline Construction Communication Plan has not been submitted to Examination for comment), these matters need to be addressed in the OCoCP.</p> <p>Items 8 and 15 put forward by the ExA to the draft DCO is suggestive that the OCoCP does not sufficiently address the need for specific management and practices tailored to the sensitivities identified by HDC in its written submissions particular to certain locations (the temporary construction compounds and substation sites). Although Requirement 22 refers to stage specific CoCP it does not require specific management plans for each individual Construction Compound. 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.</p> <p>Drawing 62280651-WSP-XX-XX-DR-TP0100-0139 is not included within the document and as stated at para 3.4.4 of the technical note, REP4-046] Outline Construction Traffic Management Plan Rev E. This is required to understand concept designs for A-61 and A-64 on Kent Street.</p>
<p><b>[REP4-046] Outline Construction Traffic Management Plan Rev E</b></p>	<p>REP3-030 Outline Construction Traffic Management Plan Rev D</p> <p>The vegetation removal necessary to enable the delivery to the now proposed passaging places within Kent Street have not been considered within the vegetation removal plans and effects on the character and visual amenity on Kent Street.</p> <p>HDC would welcome its inclusion in the review of the LVIA at deadline 4 and HDC urges the applicant to further explore the use of haul roads as an alternative.</p> <p>Furthermore, should the nature of these works become permanent, as suggested by residents, assessment of the nature</p>	<p>The OCTMP should contain clear measures of controls for HGVs to/from site, and management of HGVs and LGVs. Including a monitoring and review strategy and compliance and enforcement. It is suggested that all HGVs be tracked using GPS technology to monitor compliance with the proposed HGV routes. Including a delivery management system, which will actively control bookings of HGV, LGV and AIL deliveries to/from the main development site as well as compliance with EURO VI standards for HGVs travelling to/from the main development site.</p> <p>Controls on HGV movements are reasonable because of the impacts they create and the sensitivity of the Oakendene substation site and the</p>

	<p>of effects and mitigation measures proposed must also be provided.</p> <p>The principle of Kent Street being used for construction traffic and HGV's is of significant concern for HDC given the likely impact it will have on the character and visual amenity of Kent Street. This is becoming more apparent and significant the more the detailed design emerges.</p> <p>HDC urges the applicant to further explore the use of haul roads instead.</p> <p>Please note that any vegetation loss identified within this document should also be reflected and updated within the BNG matrix and calculations.</p>	<p>Cowfold AQMA. The proposed strategy for traffic management along Kent Street has resulted in future harm to its character, albeit temporary.</p> <p>In its examination submissions, HDC has proposed that Rampion establishes a traffic management and monitoring system prior to commencement of construction in order to monitor HGVs routing to the new onshore substation and submits details of this traffic management and monitoring system to the LPA for approval prior to commencement of construction.</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, of 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 (item 8 of the DCO's proposed changes to the dDCO).</p> <p>Technical note: No detail has been provided on the reinstatement of temporary passing places, widened verges and accesses. HDC would welcome to be consulted given the sensitivity of Kent Street. n the reinstatement – is this already covered somewhere?</p> <p>We note the plans at Appendix C of the Outline Construction Traffic Management Plan <b>[REP1REP3-010029]</b> submitted at Deadline 4, does not include concept design for A-61 and A-64, <b>Drawing 62280651-WSP-XX-XX-DR-TP0100-0139</b> as stated at para 3.4.4 of the technical note.</p> <p>From the information currently provided at appendix B of <b>REP4-044] Outline Code of Construction Practice REV D</b>, is still not clear the amount of vegetation clearance required to facilitate temporary and operational accesses on Kent Street. A61 is a construction and operational access which requires a new temporary construction bell mouth.</p> <p>It is also noted that the vegetation plans submitted at appendix B ref above, do not include the vegetation removal for the widening access of Kent Street as proposed by the technical note.</p>
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		<p>HDC has concerns with the removal and absence of assessment of this loss on the character and visual amenity of Kent Street. We await provision at Deadline 6 but in the meantime register HDC's concern.</p>
<p><b>[REP4-048] Outline Landscape and Ecology Management Plan REV C</b></p>		<p>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.</p> <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</p>

		<p>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>.</p> <p>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>
<p><b>[REP04-058] Commitments Register Rev D</b></p>		<p>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 as proposed in item 18 of the ExA's proposed changes to the draft DCO.</p>

		<p>For example;</p> <p>Throughout this Examination, HDC has in its written submission advocated the need for the routing of HGVs used during the construction period to avoid settlements of evidenced sensitivities, such as Storrington AQMA. C-158 does not refer to the Storrington Air Quality Management Area. Although in C-157 Storrington is included on the list of settlements that construction HGVs will be routed to avoid, this is only 'where possible'. It would be reassurance to HDC if the Storrington Air Quality Management Area was explicitly referenced in C-158, to reflect it being a receptor to avoid in its own right..</p> <p>As previously submitted to the Examination, it is HDC's position that for C-26 and C-263 it is considered the adoption of the values in BS5228 annex E ABC thresholds are not suitably protective of noise sensitive receptors in rural locations where background noise levels are very low during the day and at night. Significant adverse effects may occur at these locations at the thresholds used in the ABC method.</p> <p>The shoulder period for the Washington compound should not include deliveries or unloading due to its proximity to noise sensitive receptors. C-22 should be amended to incorporate this restriction. No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust 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> <p>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 Code of construction practice.</p> <p>As with the CoCP, no independent monitoring of the CTMP is required under Commitments. For similar reasoning to the CoCP, HDC advocates the implementation and operation of the traffic management route</p>
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		<p>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> <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. Whilst HDC would welcome a specific obligation inserted into the requirement to secure this, there could be a standalone committee securing this outcome.</p>
<p><b>[REP4-005] Draft Development Consent Order REV E</b></p>		<p>HDC Response to the dDCO is provided across its responses to the Applicant's deadline 4 material; to the ExA's further written questions; and to the ExA's schedule of proposed changes to the dDCO. Please refer.</p>

**End**

## Appendix 2

Horsham District Council Deadline 5 Submission

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

HDC Response to the Applicant's draft S106 Agreement received Deadline 4.

#### *Overview*

1. The Examining Authority invited commentary on the Applicant's draft S106 Agreement REV A received at Deadline 4 [REP4-076]. Horsham District Council's (HDC) response is set out below. The purpose of the S106 legal agreement is to secure mitigation/compensation for the identified residual effects of the Proposed Development in Horsham District that cannot be avoided and/or mitigated further.

#### *Air Quality*

2. The draft S106 REV A now provides for Heads of Terms on air quality, securing mitigation in the form of a 'damage-cost' financial sum calculated in accordance with the methodology set out in Sussex Air quality and emissions mitigation guidance for Sussex, which determines the amount that should be spent on air quality mitigation. In the case of the Proposed Development, it is necessary to provide a financial contribution as insufficient mitigation is to be provided on-site.
3. As the traffic data in the DCO submission is not yet fixed, within the Heads of Terms, HDC is advocating a contingency fund be provided that secures proportionate mitigation in the scenario of an updated 'damage-cost' financial sum in response to an uplift in traffic data.

#### *Residual Landscape Harm*

4. The draft S106 REV A provides for Heads of Terms for a compensation fund for residual landscape harm that cannot be mitigated. HDC and the Applicant have been in discussion on the scope and sums entailed with this compensation. HDC provided this to the Applicant on 24<sup>th</sup> June 2024. Similar approaches by West Sussex County Council and South Downs National Park Authority have been secured in principle in their respective legal agreements with the Applicant.
5. HDC's scope and sums are based on robust evidence and costings of actual schemes under the Wilder Horsham nature recovery strategy that it may seek to fund to counter the residual landscape harms. These schemes comprise landscape-led nature recovery projects involving tree and hedgerow planting, delivered by Wilder Horsham in partnership with the Ouse & Adur Rivers Trust. The majority are ready to be implemented. All the projects are in Local Landscape Character areas within Horsham District that are evidenced by the Applicant's Landscape and Visual Impact Assessment [APP-059] to be the subject of residual landscape harm. The Council continues to negotiate on the final sum entailed with this compensation, to be spent on projects subject to a cascade mechanism to delivery priority within the relevant Local Character Areas.

6. At deadline 4, HDC advocated for the Wilder Horsham District compensation fund to be based on the compensation for landscape and ecology impacts that could not be delivered on-site at the site of impact [REP4-084]. It is now evident that the Applicant's approach is to follow the current biodiversity net gain procedure in the dDCO submission, and that compensation and biodiversity net gain will not be separated, and any remaining units to be offset will be sought from purchasing units from habitat banks. HDC accepts that given the resource limitations of Wilder Horsham District, quantifying the Wilder Horsham District projects in terms of habitat units in the way that would satisfy the BNG approach proposed, would have presented difficulties to successful implementation of the suggested approach.
7. It is HDC's position that the S106 meets the planning tests related to development consent obligations and the obligations are reasonable and proportionate to the extent of the residual harm. To that end, HDC continues to negotiate on the appropriate funding sum. Heads of Terms on these matters, in expectation that the legal agreement will be signed and completed by Deadline 6.

#### *Cost Recovery*

8. The latest draft (REV A) does not provide for administrative cost-recovery for the Council, as advocated by HDC in its Local Impact Report (LIR) [REP1-044] and at Deadline 4 [REP4-084]. The Council continues to advocate for inclusion of these provisions during Examination, whether within the legal agreement or alternative means to securing this on the face of the DCO order itself.
9. It is also the Council's position that given HDC, via Wilder Horsham, would be the responsible authority to distribute the monies with post completion monitoring for projects in Horsham district, it is not necessary for the landowners to which the Wilder Horsham projects relate to be party to the agreement. To that end, the legal agreement for this matter at least, could be a simple monetary sum paid by the Developer to HDC. These matters are subject to ongoing discussions with the Applicant.

#### *Monitoring Fee*

10. All legal agreements require monitoring to ensure compliance with requirements and ensure financial obligations are fully met. HDC has levied a fee charge of £400 per trigger, allowed by the CIL Regulations 2010, to cover the administrative burden for monitoring compliance by planning officers over the course of an s106 agreement. The monitoring fee will cover the cost of planning administration in its responsibilities as discharge authority.

#### *Summary*

11. HDC will continue engagement with the Applicant to reach agreement on the above compensation to achieve no net biodiversity loss. The Council will continue to advocate for the inclusion of administrative cost-recovery if not in Heads of Terms, then by way of an alternative mechanism within the DCO submission.
12. The Wilder Horsham projects listing (updated 8<sup>th</sup> July 2024) and HDC Local Landscape Character Areas Map are attached overleaf.



## Project Proposals For Rampion Funding with Wilder Horsham District

### Homelands Farm – Year 1 (2024/25)

Completion of the Homelands Farm wetland and flood storage project previously discussed.

**Total: £20,000**

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### Pooks Farm

1. **Year 1:** Creation of 250m of cross slope hedgerow to reduce surface water velocities, increase infiltration and provide linkage between two woodland blocks. Associated fencing will be required.
2. **Year 2:** River habitat works to include augmentation of gravel, tree works and berm construction, contractor will be required on site for implementation

Landowner agreement in place, FRAP for river works required

**Total: £13,020**

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### Newells Farmhouse

**Year 1:** Materials and construction of 25 leaky dams, strategically placed across headstreams of the River Adur near Horsham. All consenting and landowner agreement has been obtained.

Planting of 1km of hedgerow, reinstating historic connectivity across the agricultural landscape.

**Total: £6,750**

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### Shermanbury Place

**Year 2:** Creation of 3 scrapes for water storage and habitat creation. 1.1km hedgerow planting to connect woodland areas. All consents and permissions in place.

**Total: £12,600**

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### Falconers

**Year 2:** Creation of scrapes for water storage and habitat creation, re-naturalisation of ditch network through ditch blocking, bank reprofiling etc. Planting 800m of hedgerow connecting existing woodland blocks

**Total: £14,230**

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**Gay Street Farm**

**Year 2:** Creation of scrapes and a wildlife pond to provide seasonal water storage and habitat.

**Total: £11,300**

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**Blackstone Farm**

**Year 2/3:** Part of a whole farm restoration/re-wilding project, installation of 1.1km of hedgerow and planting of 2,500 trees

**Total: £7,200**

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**Total Capital Costs: £85,100**

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**Ancillary Costs** (mileage, admin, QA, reporting): £8,500

Inflation and Risk Budget: £8,500

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**Total Project Delivery Costs: £102,100**

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**Caveats and Conditions**

Options from above can be chosen to meet available budget and are presented in order of preference.

Ancillary Costs are calculated at 10% of capital costs so will change according to the options chosen

Lead in time to commence works is one month from confirmation of funding in writing

OART will not accept liability for non-completion of works due to adverse weather conditions or other force majeure outside of its control.

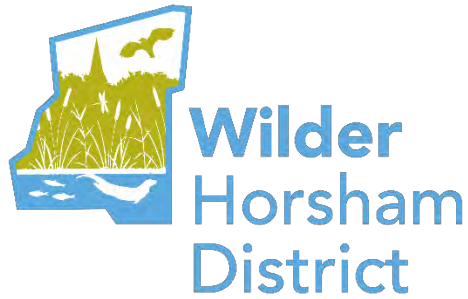
All publicity and promotion, press releases or otherwise in direct relation to these projects must be approved by OART prior to being put into the public domain.

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Should any further information be required in relation to the above please contact







**Additional Project Proposals for Rampion Funding 2024/25**

Projects are presented in order of readiness.

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**Sparright Farm** (Character area E1)

Removal of invasive Rhododendron and restoration of native habitats linking areas of heathland and woodland.

Landowner agreement in place. Other permissions still required.

**Total: £20,500**

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**Brookhouse Farm** (Character area F1)

Creation of scrub/hedgerow habitat corridors by a combination of planting and deer exclusion.

Landowner agreement in place. No permissions required.

**Total: £9,850**

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**Danefold Farms** (Character area J3)

Pond, scrapes and planting/restoration of hedgerow creation to link habitats.

Landowner agreement in place. Other permissions still required.

**Total: £11,750**

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# SUSSEX WILDLIFE TRUST

## **South Lodge Estate** (Character area J3 and M1)

Wetland improvement creation of reedbeds and development of scrub/hedgerows linking habitats, Materials and construction of 25 leaky dams strategically placed across headstreams of River Adur.

All permissions still required.

**Total: £14,000**

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 (Character areas F1 and J2)

Creation of wetland features including reedbeds, scrapes and rills. Materials and construction of leaky dams. Planting of hedgerows to reduce surface water velocities, increase infiltration and provide habitat linkage.

All permissions still required.

**Total: £28,000**

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**Total Capital Costs: £84,100**

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**Ancillary Costs (mileage, admin, QA, reporting): £8,400**

**Inflation and Risk Budget: £8,400**

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**Total Project Delivery Costs: £100,900**

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## **Caveats and Conditions**

Options from above can be chosen to meet available budget.

Ancillary Costs are calculated at 10% of capital costs so will change according to the options chosen.

All publicity and promotion related to these projects should be agreed between WHD, SWT and HDC prior to being put into the public domain.

WHD and SWT will not accept liability for non-completion of works due to force majeure

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For further information contact: 

**A Open Upper Downs**

- A1 Beeding Downs
- A2 Amberley to Steyning Downs

**B Major Dry Valley**

- B1 Findon Valley

**C Scarp**

- C1 Beeding to Edburton Scarp
- C2 Washington to Steyning Scarp
- C3 Amberley to Sullington Scarp

**D Scarp Footslope Rolling Farmlands**

- D1 Amberley to Steynin g Farmlands
- D2 Henfield & Small Dole Farmlands

**E Pasture, Woodland and Heath Mosaic**

- E1 Parham & Storrington Wooded Farmlands &Heaths
- E2 Coldwaltham Farmlands

**F Mixed Farmlands and Horticulture**

- F1 Pulborough, Chillington & Thakeham Farmlands

**G Wooded Small Scale Farmlands**

- G1 Ashurst & Wiston Wooded Farmlands
- G2 Itchingfield & Barns Green Wooded Farmlands
- G3 Slinfold & Five Oaks Wooded Farmlands
- G4 Southwater & Shipley Wooded Farmlands

**H Plateau Farmlands**

- H1 Southwater & Christs Hospital Farmlands

**I Wooded Ridges**

- I1 Rowhook & Rudgwick Wooded Ridge
- I2 Warnham & Rusper Wooded Ridge

**J Broad Clay Vale Farmland**

- J1 Billingshurst & North Heath Farmlands
- J2 Broadford Bridge to Ashington Farmlands
- J3 Cowfold & Shermanbury Farmlands

**K Narrow Clay Vale Farmlands**

- I1 Rowhook & Rudgwick Wooded Ridge
- I2 Warnham & Rusper Wooded Ridge

**L Forest Ridges & Ghylls**

- L1 St Leonards Forest

**M Wooded Ridge & Ghyll Farmlands**

- M1 Crabtree & Nuthurst Ridges & Ghylls

**N Open Ridge & Valley Farmlands**

- N1 Mannings Heath Farmlands

**O Major River Valleys**

- O1 Amberley & Pulborough Brooks
- O2 Lower Arun Valley
- O3 Steyning & Henfield Brooks
- O4 Lower Adur Valley

**P Minor River Valley**

- P1 Upper Arun Valleys
- P2 Upper Adur Valleys

