

09 July 2024

Dear Mr Allen,

Rampion 2 Offshore Windfarm – EN010117

Interested Party Reference – 20045298

The South Downs National Park Authority's (SDNPA) Deadline 5 response comprises detailed comments in respect of:

- SDNPA's Responses to FWQs (**Appendix A**), this includes our comments on the updated draft DCO.
- Comments on the Applicant's Deadline 4 Submission Documents.
- Update on Statement of Common Ground and Section 106 Agreement – set out below.

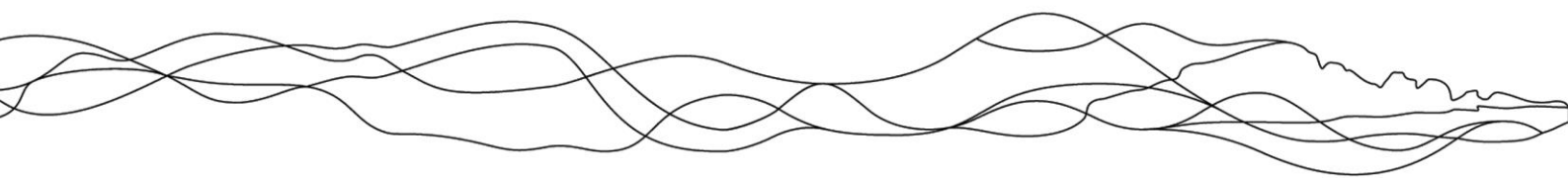
1. Summary

- 1.1. Extensive negotiations have taken place between the applicant and SDNPA, seeking to overcome issues raised by the SDNPA, particularly in respect of delivering a meaningful package of compensation through a S106 Agreement. These are nearing conclusion, however until these have been finalised, along with suggested updates to control documents, as detailed below and in Appendix A, concerns remain that the residual effects on the South Downs National Park (SDNP) overall are so significant, they could compromise the purposes of designation. We have sought to be proactive and specific in our recommendations for how this could be addressed through the details provided in this response.

2. Comments on Deadline 4 Submissions

Landscape and Visual Impact

- 2.1. SDNPA welcomes the inclusion of the amendments to the viewpoints submitted as part of the viewpoint analysis [**REP4-033**], as well as the inclusion of amendments to the analysis itself, to account for wider design changes (as noted on paragraph 1.1.3).
- 2.2. The revised viewpoint directory [**REP4-035**] is also welcomed, as it provides more comprehensive mapping of the viewpoint locations used. It does not however add any new information regarding the request for kinetic (sequential)



views, as raised in our response to ExA Written Questions at Deadline 3 [REP3-071].

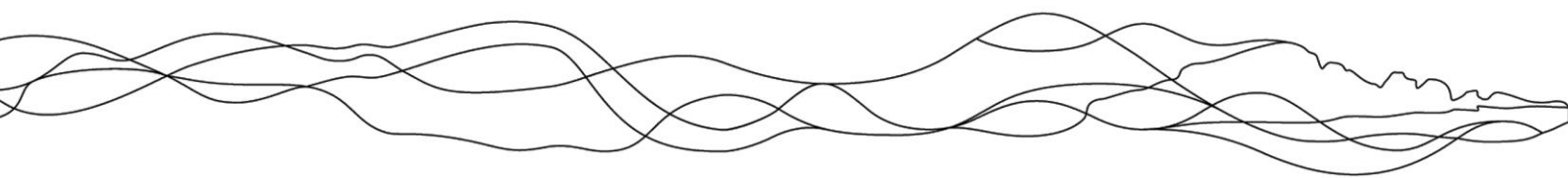
- 2.3. SDNPA welcomes the small number of wirelines from the modelling that have been shared, in addition to some images shown on screen during Expert-to-Expert meetings. These would be more useful if they were shown in conjunction with the relevant viewpoint photograph for ease of comparison.
- 2.4. The SDNPA notes the changes to the analysis of effects to some of the viewpoints in the National Park, with some showing an increase in adverse effects.
- 2.5. Other comments regarding landscape matters have also been picked up in our response to ExA Written Questions (Appendix A), particularly where they relate to the Outline Landscape and Ecological Management Plan, and below in respect of Terrestrial Ecology.

Terrestrial Ecology

- 2.6. SDNPA received the Excel versions of the Statutory Biodiversity Metric Calculation worksheets on 04 July 2024. We are currently reviewing and will provide any feedback to the applicant ahead of Deadline 6. It is noted the applicant intends to submit further updates to Appendix 22.15 (Biodiversity Net Gain Information) [REP3-019] at Deadline 5. We will provide comment on this for Deadline 6.
- 2.7. SDNPA strongly supports the proposed adoption of the wording proposed by WSCC in respect of Requirement 14, as proposed in the ExA's Schedule of Recommended Amendments to the draft DCO. We note the applicant's comments on this matter at Deadline 4 [REP4-079] however do not accept that this overcomes the need for the proposed updated wording.
- 2.8. Both WSCC and SDNPA have raised concerns throughout the examination process regarding the open-cut crossing at Oliver Copse and Kitpease Copse [REP4-085 and REP4-086]. To date, there has been no demonstration that the risk posed by trenchless crossing in this location would be unacceptable. We therefore maintain that a thorough risk assessment for a trenchless methodology be completed to explore whether HDD could be a more appropriate possibility.
- 2.9. Further comments on terrestrial ecology matters can be found in **Appendix A**.

Historic Environment

- 2.10. SDNPA would like to reiterate that their position in respect of the need for trial trenching (further field evaluation) along the cable corridor within the SDNP has been consistent since the final corridor route was confirmed. The applicant has maintained they consider that whilst there is a risk for high significance archaeological remains, they will be able to achieve preservation in situ based on micro-siting within the slightly enlarged cable corridor in this location. If this is the case, then a firm commitment through updated wording of Commitment C-225 and acceptance of the change of wording proposed by the ExA in the Schedule of Recommended Amendments to the draft DCO is expected.



2.11. SDNPA understand that agreement between WSCC and the Applicant on updated wording has been reached in respect of Commitment C-225, however that provisional agreement on the wording to Requirement 19 has not been possible ahead of Deadline 5.

3. Section 106 Agreement – update

3.1. The Applicant and SDNPA have continued discussions regarding a draft Section 106 Agreement. The SDNPA hope this will provide adequate means for the residual harm caused within the SDNP to be compensated for, through the delivery of projects that will further the Purposes for designation. Such projects will fall into one or more the following categories:

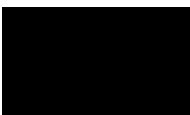
- Landscape and nature recovery projects to compensate for residual adverse landscape and ecological effects;
- Improved accessibility and experience projects to compensate for temporary residual effects on the South Downs Way and associated rights of way network;
- Offsetting for the permanent adverse effects arising from the impacts of the offshore wind turbines on the setting of the SDNP; and
- Opportunities for improved understanding and enjoyment of cultural heritage.

3.2. The discussions are at an advanced stage and we are optimistic resolution on the outstanding matters will be achievable. We have recently received the note from Eversheds (on behalf of the applicant) in respect of securing compensation payments. This is currently being reviewed and feedback will be provided at Deadline 6.

4. Statement of Common Ground – update

4.1. The SDNPA and Applicant have continued discussions to progress the final Statement of Common Ground and seek to reduce the number of Principal Areas of Disagreement. Significant progress on this has been made since Deadline 4, however we are not yet in a position to sign and finalise the SoCG. It is understood the Applicant will be submitting the most up-to-date version, whereby conclusion on several key matters is dependent on the finalisation of the terms of the proposed Section 106 Agreement.

Yours sincerely,

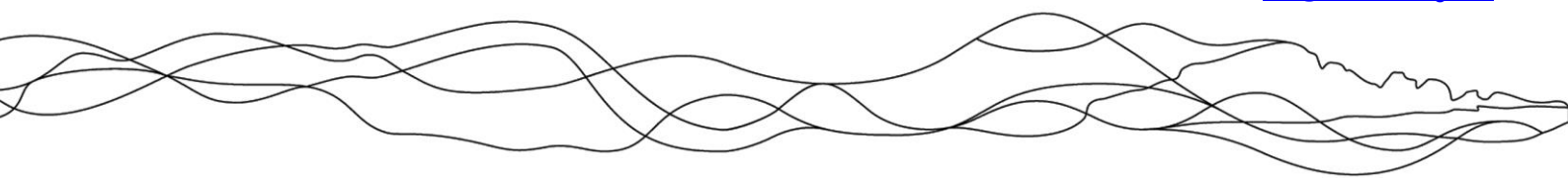


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Appendix A

Response from the South Downs National Park Authority to the Examining Authority’s written questions and requests for information (FWQs)

The South Downs National Park Authority’s (SDNPA) response to the questions asked of it are contained in the table below, against the Examining Authority’s original question for ease of reference. These responses are provided for Deadline 5 of the examination (9 July 2024).

Question Reference	Examining Authority Question	SDNPA Response
CR 2.3	<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>[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>	<p>The revised wording removes any direct reference to where Trenchless Crossings will be undertaken, which does remove some of the ambiguity in respect of Michelgrove Park and Sullington Hill. SDNPA consider that to fully overcome this, the Crossing Schedule should be a separate document from the Code of Construction Practice, to ensure it is easily found and understood. We therefore welcome the ExA’s recommended amendments to the draft DCO to introduce a specific Requirement (No: 42) to address the issue of trenchless crossing. If this Requirement was accepted by the Applicant it would address our concerns.</p>

Question Reference	Examining Authority Question	SDNPA Response
DCO 2.4	<p>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.</p> <p>[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>As stated in our response to Action Point 37, following Issue Specific Hearing 2 [REP4-085] SDNPA would still like to see additional controls in the DCO, to subject the final design and layout for the offshore array to be agreed by the SoS, having taken into account the effects on seascape and landscape.</p> <p>In respect of the ExA’s Scheduled Changes to the draft DCO, we would like to make the following comments:</p> <ul style="list-style-type: none"> • Sch.1, Part 3, Req 14 (Biodiversity Net Gain) – we strongly welcome the ExA’s acknowledgement of the proposed changes suggested by WSCC and SDNPA and consider inclusion of such wording would strengthen the commitment to delivery. • Sch.1, Part 3, Req 19(5) (Onshore Archaeology) – we strongly support the updated wording, which includes the suggested changes to the Requirement made by WSCC at Deadline 3. • Sch.1, Part 3, Req 35 (Onshore Decommissioning) – the additional clause regarding mineral safeguarding is welcomed. • Sch.1, Part 3 New Req 41 (Site Specific Plans for Temporary Compounds at Washington and Climping) – we welcome the addition of this Requirement. In respect of the Temporary Compound at Washington, we would like to request explicit reference is made to the details being approved following consultation with the

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		<p>SDNPA, as the compound is within 15m of the SDNP boundary.</p> <ul style="list-style-type: none"> • Sch.1, Part 3, New Req 42 (Trenchless Crossing) – we strongly welcome the addition of this requirement and consider this would provide clearer and more robust commitment to the delivery of Trenchless Crossings in the proposed locations. • Sch.1, Part 3, New Req 43 (European Protected Species) – we consider this is an important addition and provides a clear indication that there is a need to mitigate for terrestrial ecology beyond the provision of Biodiversity Net Gain.
MI 2.1	<p>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:</p> <ol style="list-style-type: none"> 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. 	<p>SDNPA note the continued discussions that have taken place between the applicant and WSCC on the issues of minerals safeguarding. Whilst progress has been made, issues still remain. These are covered in the WSCC response to ExAQ MI 2.1, which the SDNPA supports.</p>

Question Reference	Examining Authority Question	SDNPA Response
	<p>c) Outline provisions of the MMP, regarding mineral safeguarding, have been adequately set out in a revised version of the OCoCP [REP4-043].</p> <p>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.</p> <p>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.</p>	
MI 2.4	West Sussex CC and SNDPA - Respond if required to the Cable Route Alternatives & Mineral Sterilisation document submitted by the Wiston Estate at Deadline 4 [REP4-136].	<p>[REP4-136] refers to all areas for potential mineral extraction, not just those within the safeguarded area. SDNPA has focussed consideration on the areas affected by the proposal within the minerals safeguarding area. Those areas outside may not have been safeguarded for other environmental reasons or full consideration of their suitability through the Local Plan process has not yet been carried out.</p> <p>It is also noted that the pink and blue alternative routes proposed in the Cable Route Alternatives & Mineral Sterilisation document [REP4-136] would run through additional areas of</p>

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		Ancient Woodland and in close proximity to Local Wildlife Sites, SSSI and a Scheduled Monument.
SLV 2.1	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>The SDNPA welcomes the inclusion of the temporary access and haul roads in the reinstatement works, although are concerned about how quickly reinstatement will be possible.</p> <p>We are still concerned that the Outline LEMP relies overly on BNG, which does not consider protected species, landscape character or visual impacts. We have made suggestion at paragraph 6.2 of our Deadline 4 Submission [REP4-085] as to how that could be overcome.</p> <p>SDNPA would also like to seek clarification on the following points within the OLEMP:</p> <ul style="list-style-type: none"> • At 4.1.3, how do we distinguish between areas subject to different monitoring periods? • The inclusion of 5.1.9 and 5.1.10 are welcome. SDNPA consider this will need to tie into S106 Agreement (discussions are advanced on the S106 agreement – see covering letter). <p>SDNPA also provided additional comments on the OCoCP at Deadline 4, which we advise should be included with an updated OCoCP submitted for the next deadline. We welcome the inclusion at 4.5.4 regarding the Dark Skies Technical Advice Note. This could be strengthened by stating it will be applied within the National Park and it's setting.</p>

Question Reference	Examining Authority Question	SDNPA Response
		<p>SDNPA and the applicant have been making substantial progress in agreeing the terms for a S106 Agreement, that would provide a significant financial contribution to enable the SDNPA to deliver projects to compensate for the residual impacts of the development on the SDNP. Delivery of such projects would be required to further the statutory purposes of the SDNP. We are at an advanced stage of negotiation and consider that we should be in a position to agree these matters before Deadline 6.</p>
TA 2.2	<p>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.</p>	<p>We note the latest version of the Outline Construction Traffic Management Plan [REP4-045], which has provided clearer principles in respect of potential conflict with PRow users, which is welcomed.</p> <p>Our comments on the previous version of the OCTMP [REP3-030] and in respect of accesses A-26 and A-28 made at Deadline 4 [REP4-085] are still relevant.</p> <p>It is understood that there are outstanding points of concerns raised by WSCC as well.</p>
TA 2.4	<p>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]).</p>	<p>SDNPA have reviewed the response to Action 51 [REP4-074] and have liaised with WSCC in respect of the adequacy of this response. WSCC have provided a detailed response to this question, which SDNPA support.</p> <p>In summary, SDNPA finds the Applicant's response to be incomplete and does not accurately address the potential harm</p>

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		<p>to the scheduled monument. Whilst vibration has been considered the other construction effects remain unaddressed.</p> <p>It should be assumed that construction traffic along access A-28 has the potential to cause physical damage to buried archaeological remains located directly below and immediately adjacent to the access track, arising from passage of heavy plant and construction traffic for the duration of the use. There has not been adequate assessment of the harm to the significance of the scheduled monument within the Environmental Statement.</p> <p>We further question the assessment (that there is a very low magnitude for change to the asset) as the evidence presented supports a higher magnitude of change, leading to a greater adverse residual effect.</p> <p>SDNPA support the request from WSCC for design solutions to be considered and secured through control documents, to reduce impacts from construction traffic, vibration, and compaction including building up the ground surface of the existing track and/or utilising protective surfacing, to protect underlying features.</p>
TE 2.14	SDNPA - 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	As demonstrated by the applicant's response to action point 3, the information for biodiversity management is spread or buried within multiple documents. As with a WSI and the Crossing Schedule, we consider it is important for this matter to be treated in a more holistic and clear manner, particularly given the

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	<p>species would be managed and monitored, referencing the OCoCP [REP4-043].</p> <p>Explain in detail why the SDNPA believes this to be inadequate in regards to a NSIP application for DCO consent.</p>	<p>presence of a large proportion of the cable corridor within a nationally designated landscape where wildlife is to be conserved and enhanced.</p> <p>The series of terrestrial ecology commitments buried within a lengthy table of other commitments within the OCoCP [REP4-043] does not give adequate reassurance that the mitigation and compensation measures have been and will be fully considered for each species group and the details not be lost within the phased works, particularly within the SDNPA boundary and with regard to designated sites, irreplaceable habitat, severance and protected species.</p> <p>As advised in our previous response [REP4-085], a Biodiversity Management Plan would give clear assurance that net loss of biodiversity – including matters relating to severance and protected species – were being mitigated and managed in accordance with the mitigation hierarchy. We have suggested in this response at paragraph 6.1 an alternative to providing a discrete biodiversity management plan, through the inclusion of additional wording in the OLEMP, which we believe would resolve the concern.</p>
TE 2.18	SDNPA - 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.	SDNPA remain of the opinion that it is currently not possible to conclude there would be no significant effects on ecology within the National Park, based on the quality of data that has informed the Environmental Statement.

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		<p>Despite this, SDNPA consider that the following actions would provide sufficient mitigation and/or compensation to prevent a significant effect from occurring:</p> <ul style="list-style-type: none"> • Provision of additional sections in the OLEMP and OCoCP as recommended by SDNPA in our deadline 4 response [REP4-085]; • Acceptance of additional Requirement 43 (European Protected Species); • Revisions to the Vegetation Retention Plan (as suggested by WSCC in their Deadline 5 response) including details of coppicing; • S106 Agreement securing financial contribution to deliver projects for nature recovery (discussions for which are well advanced).
TE 2.25	<p>a) Comment on the updated Outline LEMP submitted by the Applicant at Deadline 4 [REP4-047], including the newly included section on the SDNP.</p> <p>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.</p>	<p>Whilst the additional section within the OLEMP concerning the South Downs National Park is noted, SDNPA still request the measures outlined in our Deadline 4 response to be included in the OLEMP [REP4-085]. Critically, the additional section 1.3 does not highlight the importance of avoiding or mitigating severance in relation to the rich variety of wildlife and habitats.</p> <p>Please see above answer to TE 2.18 in respect of points b) and c).</p>

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	<p>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.</p>	
TE 2.26	<p>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.</p>	<p>Please see our response to SLV 2.1, TE 2.14 and TE 2.18.</p>
TE 2.28	<p>a) Comment on the adequacy of the newly added Requirement 40 from the Applicant at Deadline 4 (Schedule I, 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</p>	<p>We welcome the additional Requirement (40) securing Vegetation Retention and Removal Plans.</p> <p>SDNPA note the request to provide comments on the Outline Vegetation Retention and Removal Plans (to be submitted at Deadline 5 by the applicant) at Deadline 6.</p>

Question Reference	Examining Authority Question	SDNPA Response
	Deadline 6 on the Outline Vegetation Retention and Removal Plans to be submitted by the Applicant at Deadline 5.	