

Rampion 2 Offshore Wind Farm (Project Reference: EN010117)

Deadline 5 Submission (9 July 2024)

West Sussex County Council (IP Reference 200445228)



1 Overview

1.1 This document provides a response at Deadline 5 (9 July 2024) from West Sussex County Council (hereafter 'WSCC') on the following Deadline 4 submissions by Rampion Extension Development Limited (hereafter the 'Applicant') and following the publication of Further Written Questions by the Examining Authority (ExA). These documents are:

- Updated Draft DCO Rev E (REP4-005);
- Tree Preservation Order and Hedgerow Plan Rev C (REP4-003);
- ES Chapter 22 Terrestrial Ecology and Nature Conservation Rev B (REP4-023);
- ES Chapter 25 Historic Environment Rev C (REP4-025);
- ES Chapter 18 LVIA Figures (Parts 1-6) (REP4-026 to REP4-030);
- Appendix 18.2 Viewpoint Analysis Volume 4 (REP4-034);
- ES Chapter 25 Historic Environment Figures (REP4-031 and REP4-032);
- Arboriculture Impact Assessment (REP4-038);
- Flood Risk Assessment Rev B (REP4-040);
- Outline Operational Drainage Plan Rev C (REP4-042);
- Outline Code of Construction Practice Rev D (REP4-044);
- Outline Construction Traffic Management Plan Rev E (REP4-046);
- Outline Landscape and Ecology Management Plan Rev C (REP4-048);
- Updated Commitments Register (REP4-058);
- Post Hearing Submission – ISH 2 (REP4-072);
- Applicants Response to Actions points Arising from Issue Specific Hearing 2 and CAH 2 Revision A (REP4-074);
- Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions (REP4-079);
- Applicants Comments on Deadline 3 Submissions (REP4-070);
- Engagement with the Applicant on the Draft Section 106 (REP4-075); and
- Response to Further Written Questions by the ExA (PD-012).

2 Response to submitted documentation by the Applicant at Deadline 4

2.1 WSCC has provided a response to a number of updated documents submitted by the Applicant at Deadline 4. Further commentary is given below.

Updated Draft DCO

2.2 All comments in relation to the dDCO (REP4-005) are contained within the response to ExA's Further Written Question DCO 2.4, which are presented within Appendix 1 of this submission.

Tree Preservation Order and Hedgerow Plan Rev C (REP4-003)

- 2.3 The following referenced hedgerows have been identified as important or potentially important within the Tree Preservation Order and Hedgerow Plan Rev C (REP4-003): H168; H181; H228; H245; H308; H372; H377; H456; H464b; H474; H481; H507; H509; H515; H521; H527; H528.
- 2.4 Out of the above, only the following hedgerows are referred to as being important hedgerows requiring removal within Schedule 13 (Part 2) of the draft DCO Rev E (REP4-005): H168; H245; H372; H377; H456; H464b; H474; H481; H509; H527; H528.

ES Chapter 22 Terrestrial Ecology and Nature Conservation Rev B (REP4-023)

- 2.5 The updated chapter, incorporating the additional bat and hazel dormouse surveys undertaken in 2023 is welcomed.
- 2.6 Commitment C-5 in Table 22-20 (page 114) is an old version and thus differs from that in the Updated Commitments Register Rev. D (REP4-058) and Outline CoCP Rev. D (REP4-044). This should be updated by the Applicant.
- 2.7 Changes to Paragraph 22.9.55 refers to three areas whereby works are proposed within the proposed 25m standoff (i.e. buffer zone) for Ancient Woodland. The following comments are made in light of the statement made:
- In relation to access A-42, WSCC would like to highlight that the referred Tree Preservation Order and Hedgerow Plan (PEPD-007) does not identify the access or woodland, and that the ash tree proposed to be avoided and retained is a B category tree and not an A category tree as stated. Retention of the tree is welcomed and statutory guidance for a minimum 15m buffer zone has been applied as mitigation which is considered suitable to avoid adverse damage to trees within the ancient woodland site.
 - In relation to A-56, WSCC identified opportunities to use an alternate accesses to avoid additional construction activity within the buffer zone of adjacent ancient woodland (Parkminster Wood), as presented within WSCC's Deadline 4 submission (REP4-086). The Applicant has advised that they are considering the suitability of using access A-55 as an alternate construction access instead of A-56m, and that in principle is possible. However, the Applicant have since advised WSCC that due to the limited time remaining within the DCO process, they are unable to commit to this change. WSCC request that the ExA and the Applicant explore the possibility of seeking this change retrospectively should the DCO application be consented.

ES Chapter 25 Historic Environment Rev C (REP4-025)

- 2.8 WSCC welcomes the updated Historic Environment Environmental Statement (ES) chapter. The principal changes relate to effects on grade II listed Oakendene Manor.

- 2.9 The assessment of effects upon Grade II listed Oakendene Manor has been updated, following submission of additional viewpoint photography. As requested by WSCC and other consultees, visualisations have now been provided from viewpoints adjacent to the manor, allowing more accurate illustration and assessment of the likely magnitude of change within the manor's setting. The Applicant's assessment is therefore now appropriately evidenced, which WSCC welcomes.
- 2.10 WSCC is now in a position to agree with the Applicant's overall assessment of a Medium magnitude of adverse change. WSCC finds that this is likely to equate to less than substantial harm, at the upper end of the scale. More detailed comments on the changes to the setting of the manor, and the resultant magnitude of harm, are set out within WSCC's answer to the ExA's Question HE 2.1 (Appendix 1).
- 2.11 WSCC disagrees with aspects of the narrative assessment of effects on Oakendene Manor within the ES chapter. WSCC finds that the importance of current key views is downplayed, as is the predicted degree of change to these views during and following construction of the substation. This gives a misleading impression of the true magnitude of change to the setting of Oakendene, and the degree to which the ability to appreciate significance will be reduced.
- 2.12 The importance of the view looking north-west towards Oakendene from the gap in the hedge on PRoW 1787 (Viewpoint SA12) is downplayed in the assessment, referred to as '*distant, partially filtered views*' (para. 25.10.9), and not explicitly mentioned within assessment of the contribution made by setting to the significance of the asset within the Onshore Heritage Asset Baseline Report (APP-214). WSCC identifies this as a key view which makes a positive contribution to significance of the manor. It provides one of the best opportunities to appreciate the architectural interest of the asset within its historic parkland setting. WSCC's answer to the ExA's Question HE 2.1 indicates that this view may have been designed to deliberately showcase the manor within its landscape park to passers-by, and that this view has considerable time depth, as indicated by historic mapping reproduced within the Oakendene Parkland Historic Landscape Assessment (APP-211). Changes to this view during and following construction of the substation are downplayed; the assessment states that "*The onshore substation would be perceptible in long filtered views of the asset afforded when moving along the Public Right of Way*". Whereas the photographic evidence submitted (Figures 18.14.4a-e (REP4-027)) indicates that the view will be almost entirely occupied and dominated by the substation structures, which will partially block the manor from view behind the firewalls and substation buildings, and entirely block views of its historic parkland setting.
- 2.13 Changes to views looking south-east from the manor are described as '*heavily filtered distant views of the onshore substation from the asset looking southeast*'. During the construction phase and in the early years post-completion, vegetation growth will be incomplete and the visual intrusion of the substation structure within these views seems likely to be significant. The

proximity of the substation, located c. 240m southeast of the manor, has been downplayed within the assessment.

- 2.14 A medium magnitude of change is assessed for Oakendene, which the ES assessment methodology equates automatically to less than substantial harm (paras. 25.8.18 and 25.10.11). As raised in previous responses, WSCC is not satisfied that the policy threshold of substantial harm can be automatically and uniformly applied in this manner, nor that such a blunt assessment tool should form the extent of the argument for less than substantial harm. See WSCC's answer to the ExA's Question HE 2.1 (Appendix 1) and WSCC's comments on the Statement of Comment Ground, for further detail.
- 2.15 The ES chapter proves a single sentence to evidence their case for less than substantial harm; "...the listed building itself will be physically unaltered and important elements of its setting, including its relationship with the immediately surrounding gardens and the view to the south, will be preserved" (REP4-024) para. 25.10.11). WSCC requests the Applicant update the ES chapter text with a more detailed and nuanced assessment to evidence their conclusion of less than substantial harm, this should be based on the specific impacts of the predicted changes to the asset's architectural and historic interest and overall significance. WSCC acknowledges that the requested additional assessment will be unlikely to change the magnitude of harm to substantial. However, the additional information will allow decision makers to understand the precise impact of changes within setting upon the various values that contribute to the key aspects of significance for this specific asset. This will allow decision makers to assess the harm arising from the Project in a comprehensive manner as required by the relevant policy and legislation, and thus enable a fully informed decision to be made.
- 2.16 Since issue of Revision C of the ES chapter, further discussions have been ongoing between WSCC and the Applicant regarding the wording of Commitment C-225. Provisional agreement on the wording of Commitment C-225 has now been reached. Once WSCC has confirmed that the agreed wording is reflected within the updated control documents at Deadline 5, WSCC will be satisfied that risk of harm to nationally significant archaeology will have been significantly reduced by the commitment to preservation in situ. The ES chapter will also need subsequent updating to reflect this.

Appendix 18.2 Viewpoint Analysis Volume 4 (REP4-034)

- 2.17 Some comments regarding the viewpoint analysis can be found below:
- In general terms the additional viewpoint analysis is welcomed, in particular at new viewpoint locations around the Oakendene substation. However, it remains crucial for outstanding updates to Chapter 18 (LVIA) and key appendices that will draw together any newly identified impacts and present the overall consolidated conclusions on their magnitude and significance. WSCC will comment in due course at Deadline 6.
 - WSCC highlight concerns as to whether the analysis has considered the effects of coppicing (to 0.9m) at access points (this not currently having been identified in VRPs).

- It is evident that there has been an uplift in the number of receptors that would be subject to significant landscape and visual impacts (including at Oakendene Manor, the A272, surrounding PRoW, and proximate to main compounds) both during construction and operation. It is imperative therefore the any such landscape impacts are considered by the ExA as part of the planning balance, and suitably mitigated and compensated. Nonetheless, WSCC welcome progress on discussion regarding a Section 106 that could aid in compensating for landscape and visual impacts of PRoW and Highways users.
- At the Oakendene substation, the addition of close boarded fencing around the site (upon the commencement of works) is noted. WSCC would highlight that whilst aiding in screening some low-level construction activities, it will also have an urbanising landscape effect in its own right.

ES Chapter 18 LVIA Figures Parts 1-6 (REP4 – 025-031)

2.18 Some comments regarding the LVIA figures can be found below:

- In general terms the additional visualisations (including around the Oakendene substation) are very much welcomed.
- The revised viewpoints and visualisations at the Oakendene substation now more accurately serve to demonstrate the scale and nature of acknowledged significant and urbanising effects on both landscape and visual receptors, and for which the ExA will need to give careful consideration as part of the planning balance.
- Given WSCC's concerns regarding potential for change in existing site levels (which the Applicant advises will only be determined at the detailed design stage) it is unclear whether the visualisations are representative of maximum AOD heights as set out in the DCO Requirement 8.
- WSCC would note that at the Oakendene substation, the addition of close boarded fencing around the site (upon the commencement of works) whilst aiding in screening some low-level construction activities, will also have an urbanising landscape effect in its own right.
- Figure 18.11b (SA2:A272) does not appear to show vegetation removal that is required at the junction of Kent Street and the A272 (as highlighted in the Outline Construction Traffic Management Plan [REP4-046] – Appendix D, Kent Street Drawings). As such this visualisation may underrepresent potential impacts.
- It is disappointing that the requested westerly views from Climping Caravan Park (Viewpoint B) have not been provided (given the presence of the compound to its west and likely intervisibility). WSCC remain concerned that visual impacts for this receptor may be greater than presented.

Arboriculture Impact Assessment (REP4-038)

2.19 WSCC welcomes the changes made to the Arboricultural Impact Assessment (AIA), including further clarity on buffer zones of veteran and trees approaching veteran status and a review of arboricultural features at access points. In addition, changes reflect the retention of two high quality trees T1236 and T1273 which WSCC had previously requested. The Applicant has also advised that a revised AIA is to be submitted at Deadline 5 to incorporate the full

retention of trees T609, T611, T613 and T617 (whereby trenchless crossing is proposed); both of which are reflected within the Statement of Common Ground (SoCG) to be submitted by the Applicant at Deadline 5.

Flood Risk Assessment Rev B (REP4-040)

2.20 WSCC are satisfied with the second revision of the Flood Risk Assessment (FRA) and the identification of local flood risk at the Oakendene substation. How flood risk will be considered as the design progresses is dealt with in the FRA and the Outline Operational Drainage Plan REP4-042). Section 5.3.6 now recognises the risk of surface water flooding at the Oakendene substation, which it did not do in the previous revision. Section 10.2.3 includes the production of an Emergency Response Plan for flood events to address residual risks. It is important that the Emergency Response Plan is available to all interested parties and that it is kept up to date with regards to any changes to guidance and future emergency contacts.

Outline Code of Construction Practice Rev D (REP4-044)

- 2.21 It is suggested, for completeness, that grassland habitats should be included in the Combined Vegetation Retention Plans in Appendix B.
- 2.22 Commitment C-5 in Table 5-9 (page 75) is an old version while the new version appears in Table 4-1 (page 26). This must be updated by the Applicant.
- 2.23 Recent ecological surveys submitted by Ms. J. Creaye at Deadline 4 (REP4-112) highlight that several meadows at Crateman's Farm, Cowfold, towards the northern end of the cable route, appear to be of greater ecological value than previously assessed by the Applicant. WSCC would be grateful if the Applicant could re-assess the status of these meadows in the light of this information provided. WSCC considers that the Grassland Retention Plans are likely to need updating following this exercise. Furthermore, the cable laying method and habitat reinstatement may require modifications to take the importance of these meadows into account.
- 2.24 Concerns remain with Commitments C-220 and C-224 which are reflected within the review of the Updated Commitments Register (REP4-058).
- 2.25 With regard to Vegetation Retention Plans (VRPs), WSCC would reiterate the detailed comments provided at Deadline 4 (REP4-086) and Appendix G of WSCCs Local Impact Report (REP1-054), which highlight significant concerns over inconsistencies with other documentation, uplift in losses identified, and lack of consideration/identification of the likely extent of coppicing (to 0.9m) required (contrary to that stated within Commitment C-224), the potential for visual impacts (by opening views along the cable corridor and impacting upon key landscape features of the various landscape character areas) and the extent to which the LVIA has considered this.
- 2.26 5.6.28 – As previously noted WSCC consider that any losses over those stated in the Vegetation retention Plans (VRP) must be agreed in writing by the Relevant Planning Authority (not only in consultation with them).

- 2.27 As a general point WSCC still have concerns over how quickly reinstatement will be possible given the exclusion of accesses, haul roads and compounds from Commitment C-103 and lack of detail over potential phasing of works/reinstatement (and based on the experience of Rampion 1 OWF where the large areas of reinstatement were only possible upon full completion of construction activities).
- 2.28 2.2.4: WSCC welcome the acknowledgement that the stage specific Code of Construction Practice will specifically address any relevant commitments.
- 2.29 2.7.3.: WSCC will comment on the Outline Construction Communication Plan once submitted at Deadline 5 by the Applicant.
- 2.30 4.4: Working Hours - Clarification should be made that working hours would also apply to the use of any generators (continuous use of which at compound locations resulted in complaints for Rampion 1 during the construction phase).
- 2.31 WSCC welcomes continued discussions with the Applicant related to the safeguarded minerals, and the updates in the OCoCP to include a new section (4.13) that covers minerals. Although this goes some way to addressing how safeguarded minerals will be dealt with, concerns remain on the approach to managing any encountered resources and the adequacy of the information provided in the OCoCP to secure proper consideration via the future MMPs that the CoCP requires (via Commitment C-69).
- 2.32 The updated section (4.13) on Excavated Minerals seeks to set out the approach that future MMPs would take on managing safeguarded minerals. This section fails to adequately set out why minerals are safeguarded (or reference safeguarded), with no policy links to the West Sussex Joint Minerals Local Plan (JMLP). There should be reference to the relevant Plans and key local policies for completeness, which would also provide clarity on policies of relevance to the discharging authorities. WSCC note that the applicant does make reference within REP4-079, to the JMLP policies of relevance (page 29).
- 2.33 Is it noted that Section 4.13 does not make reference to, or include a table of relevant commitments. In the case of safeguarded minerals, the relevant commitment from the commitments register (REP4-057) is C-69, that reads '*Construction strategies will be implemented that will seek to maximise the reuse of excavated clean material from the onshore cable*'. This commitment could be strengthened by including a specific reference to re-use of minerals as a resource where practicable and environmental feasible, to ensure consistency with safeguarding policies and the aims sought and should be included within a table as per the other sections of the OCoCP.
- 2.34 Paragraph 4.13.2 of the OCoCP sets out how the minerals section within the future MMPs will set out information related to mineral safeguarding. No reference to "resource" or "safeguarding" is made. WSCC are concerned that the bullet points provided do not go far enough to give proper consideration of using any safeguarded minerals. Bullet Point 3 suggests that any excavated and stored minerals will be reused in the construction and reinstatement works, and therefore the intention is to backfill surplus minerals that were extracted and stored in the first instance, before, as per bullet point (4) *options for the*

re-use of any excavated minerals, either within, or outside the development, will be considered and implemented. WSCC contend that the consideration of use of all excavated mineral resources should take place before any re-instatement. The MMP should provide for the identification of any encountered material (where practicable and environmentally feasible) and consider it as a resource in the first instance, making plans for its use, rather than backfilling and only considering any leftover material for proper re-use.

- 2.35 The bullet points should be re-ordered to ensure that the process is consistent with local and national policy on mineral safeguarding. The OCoCP and associated future MMPs, should be much more specific about how encountered safeguarded minerals will be used as a mineral resource and to provide possible examples (e.g. as part of cable bedding material/as a building material), and thus reducing the need to import materials for construction from elsewhere.

Outline Construction Traffic Management Plan Rev E (REP4-046)

- 2.36 In addition to the comments made by WSCC on the OCTMP Revision D at Deadline 4, (REP4-086), the following comments would be made against the latest Revision (E). These along with comments made by WSCC at Deadline 4, have been sent to the Applicant ahead of Deadline 5.
- 4.6.9, table 4.3 – There number of additional locations beyond those covered in Revision D where temporary speed limits are now proposed. These are newly introduced in locations where it has previously been indicated that junction designs would be based on the existing posted speed limit.
 - There has previously been clear evidence provided by the Applicant as to why temporary speed limits are appropriate relating to accesses A-26, A-28, A-62, A-63, and other junctions along the A272; this primarily relates to restricted visibility from the minor arm onto the major arm. For those new additions, this is not the case and further justification would be required. WSCC acknowledge the potential betterment from reducing vehicle speeds in the vicinity of locations where vehicles are turning into and out of constructions accesses but temporary speed limits should be more selectively used.
 - The key aspect with the temporary speed limit is that these will need to be self-enforcing, and as such it would need to be quite clear to drivers why a temporary speed limit is in place. For both the A272 and the A283 the potential length of temporary speed limits are long with there being a concern in terms of driver compliance. Where temporary changes are proposed, the WSCC preference would consequently be towards shorter lengths of temporary speed limit (notwithstanding the WSCC Speed Limit Policy, further outlined in WSCCs Local Impact Report (REP1-054) that may need to be phased as accesses are brought into use and then subsequently closed down.
 - For Access A-63, this is a permanent access. The visibility for this access should be based upon the posted speed limit rather than the temporary.
 - Regarding issues around hedgerow/vegetation clearance and associated landscape and visual impacts, WSCC refer to the detailed comments made at Deadline 4 (REP4-086).

Outline Landscape and Ecology Management Plan (REP4-048)

- 2.37 WSCC previously raised concerns regarding handover arrangements to an OFTO, and associated obligations. The new sections (5.1.9 and 5.1.10) are therefore welcomed.
- 2.38 Recent ecological surveys submitted by Ms. J. Creaye at Deadline 4 (REP4-112) highlight that several meadows at Crateman's Farm, Cowfold, towards the northern end of the cable route, appear to be of greater ecological value than previously assessed by the Applicant. The Applicant should re-assess the status of these meadows in the light of this information. As these meadows are clearly of ecological value, WSCC suggests that they should be reinstated by means of turf stripping or using the existing seed bank (as opposed to sowing a seed mixture).
- 2.39 1.2.7: WSCC welcome the acknowledgement that the stage specific Code of Construction Practice will specifically address any relevant commitments or design principles.
- 2.40 2.2.2: WSCC would question whether this section has or needs to be updated in light of additional viewpoints and analysis submitted by the Applicant at Deadline 4.

Updated Commitments Register (REP4-058)

- 2.41 A number of concerns are raised with the updated Commitments Register. These are as follows:
- WSCC made comment at Deadline 4 (REP4-086) regarding Commitment C-19. Stating that nothing in the Outline Onshore Construction Method Statement, Section 3, that shows any indication that details of phasing and/or sections, nor reinstatement as soon as practicable. It remains unclear what a submission under Requirement 10 is likely to look like and how much detail it will provide on construction/restoration phasing within each stage.
 - Regarding safeguarded minerals, Commitment C-69, that reads *Construction strategies will be implemented that will seek to maximise the reuse of excavated clean material from the onshore cable*. This commitment could be strengthened by including a specific reference to re-use of minerals as a resource where practicable and environmental feasible, to ensure consistency with safeguarding policies and the aims sought.
 - Concerns remain over the effectiveness of Commitment C-103 with how quickly substantive reinstatement will be possible given the exclusion of accesses, haul roads and construction compounds.
 - Commitment C-165 - should include reference to Road Safety Audits being provided where agreed with WSCC.
 - Concerns remain with the wording of Commitment C-220 and C-224 which have been outlined within WSCCs Deadline 4 submission (REP4-086) (section 3.18). WSCC would like to see Commitment C-220 of the OCoCP amended to reflect the purpose of the proposed dDCO Requirement 40, which in part is to seek approval of the Relevant Planning Authority for any additional habitat/vegetation losses not presented within current VRPs (not only highlighted and justified).

- Commitment C-224 needs amending to reflect that the current VRPs do not show "coppiced" hedgerows as defined and stated within the OCoCP (REP4-044).
- Commitment C-225 – The changes will enhance protections for and minimise the risk of harm to any as-yet undiscovered nationally significant remains within the DCO Limits.
- Wording changes to Commitment C-225 have been informally agreed following discussions with the Applicant. Once WSCC has confirmed that the agreed wording is reflected within the updated control documents at Deadline 5, WSCC will be satisfied that risk of harm to nationally significant archaeology will have been significantly reduced by the commitment to preservation in situ.
- The following amended wording is suggested for C-225:
'Where previously unknown archaeological remains which are demonstrably of national heritage significance are identified within the onshore Order limits engineering and design solutions (e.g. narrowing of the construction corridor, divert cable route within DCO Order Limits, re-siting stockpiles, trenchless crossings) will be employed, subject to agreement by the relevant planning authority in consultation with WSCC. In the event that archaeological remains of national significance are deemed not suitable for preservation in situ on archaeological grounds, or necessary consent is not granted, an appropriate programme of mitigation will be undertaken to ensure preservation by record". In the event of the discovery of archaeological remains of high heritage significance which are not suitable for preservation in situ on archaeological grounds, or cannot be avoided due to technical constraints, an appropriate programme of mitigation will be undertaken to ensure preservation by record in accordance with onshore outline WSI. All measures for mitigation and preservation in situ will be reviewed in consultation with relevant stakeholders (WSCC Archaeologist, local planning authority and Historic England). An onshore outline WSI provides detail of appropriate methodologies to be implemented during the evaluation and mitigation stages of the archaeological works.'
- WSCC notes that whilst Commitment C-225 has been provisionally agreed, it was not possible to reach a point of agreement with the Applicant on the wording of dDCO Requirement 19 prior to submission of the Deadline 5 documents (see sections 2 and 5 of this response for details).

Post hearing Submission – ISH 2 (REP4-072)

- 2.42 Agenda Item 7b – In response to the comments made by SDNPA, the summary states, *'The Applicant was not excavating down and was also proposing to undertake trial trenching'*. WSCC disagrees with this assessment and must point out that any groundworks including topsoil removal have the potential to cause harm to or removal of buried archaeology. Access A28 is currently an unmade farm track and undeveloped field. The Historic Environment ES chapter states; *"Intrusive construction activities associated with access upgrade and installation works will truncate archaeological remains, if present, resulting in partial loss of archaeological interest."* (para. 25.9.141)

Applicants Response to Actions points Arising from Issue Specific Hearing 2 and CAH 2 Revision A (REP4-074)

- 2.43 Action Point 51 requires the Applicant to consider the potential impact of vibration and other construction and use effects, on the ancient monument located in close proximity to the proposed haul road from access A28 to the proposed cable corridor. WSCC's response to this issue is set out in detail in the answer to the ExA's question HE 2.1 (Appendix 1).
- 2.44 WSCC finds that the Applicant's responses to Action Points arising from ISH2 and CAH1 (REP4-074) is incomplete and does not accurately address the potential harm to the scheduled monument. The response correctly identifies that vibration in and of itself (when arising from traffic as opposed to pile driving) is not generally considered a severe risk to buried archaeological features. However, the Applicant's response adheres very narrowly to the impacts of vibration alone. The action point requested "The Applicant to consider the potential impact of vibration *and other construction and use effects*" (WSCC emphasis). The directly linked impacts arising from construction traffic compaction are not mentioned. And more significantly, the risk arising from construction groundworks for road widening and creation of passing places are not acknowledged by the Applicant.
- 2.45 It should be assumed that vibration and compaction from construction traffic along access A28 has the potential to cause physical damage to buried archaeological remains located directly below, and immediately adjacent to the access track. There is an extremely high potential for such features to be present outside the scheduled monument boundary. Any such remains identified that are demonstrably a continuation of and/or of equal significance to the scheduled remains would be subject to the same policies, in accordance with NPS-EN1 (paragraph. 5.9.6) and the NPPF (Footnote 68).
- 2.46 The potential for physical impacts to buried archaeological features which may arise from widening of the existing access or creation of passing places is of considerable concern. The Outline Onshore Written Scheme of Investigation (REP3-035) makes provision for pre-construction trial trench evaluation of access A28. In the event that archaeological remains of equal significance to the scheduled monument are identified in this location, their preservation in situ would be required, in accordance with the Act, relevant policies, Commitment C-225 and dDCO Requirement 19.
- 2.47 **Action Point 60:** Discussions to finalise wording changes to C-225 and dDCO Requirement 19 are ongoing with the Applicant.
- 2.48 WSCC's position remains that pre-determination trial trench evaluation is required in order to understand the significance of the affected heritage assets, as required by the relevant policies. Due to the Applicant's decision not to undertake field evaluation within areas of highest archaeological potential, The Applicant must prevent harm to nationally significant archaeology by ensure the preservation in situ of any such (suitable) remains identified within the Order Limits, through appropriate design and engineering solutions. WSCC is seeking a firm commitment within the control documents and DCO Requirements to this.

- 2.49 Wording changes to Commitment C-225 have been informally agreed following discussions with the Applicant. Once WSCC has confirmed that the agreed wording is reflected within the updated control documents at Deadline 5, WSCC will be satisfied that risk of harm to nationally significant archaeology will have been significantly reduced by the commitment to preservation in situ within the relevant commitments and control documents.
- 2.50 WSCC has engaged in extensive discussions with the Applicant regarding the wording of commitment C-225 and dDCO Requirement 19 and has suggested several modified wording changes, the latest of which were provisionally agreed to by the Applicant, pending approval by their legal team. However, late in the day on 8th July, the Applicant communicated that they were unfortunately not able to agree to the provisionally agreed wording of dDCO 19. Therefore, it was not possible to reach a point of agreement prior to finalisation and submission of the Deadline 5 documents.
- 2.51 WSCC's position for Deadline 5 is therefore to support the current suggested wording of dDCO Requirement 19, as set out within the Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO [PD-013]. WSCC will continue to engage in discussions with the Applicant post-Deadline 5 to work towards an agreement before the close of Examination.
- 2.52 **Action Point 59** - The Applicant's response to the Low Carbon Solar Park 6 judgement in Appendix B is noted.
- 2.53 WSCC does not contest the obvious differences between that scheme and the Project, including the type and fixed location of the solar development and presence of identified geophysical anomalies of high potential. The relevancy of the judgement lies not in the direct parity between the schemes, but in the relevancy of the high court judge's pronouncement that archaeological trial trench evaluation is required to understand significance and the suitability of proposed mitigation measures. The Applicant states; "*the Inspector stated that in the absence of trial trenching they were not able to understand the significance of the assets, the potential impact upon them and consequently whether the mitigation proposed would avoid material harm (paragraph 31).*". WSCC suggests that whilst the specifics differ, this judgment is absolutely comparable and relevant to the Project.
- 2.54 It is not the remit of WSCC to comment on the mitigation requirements and timings of other nationally significant infrastructure projects, but rather to respond on the specifics of this Project.
- 2.55 In justifying the decision not to undertake field evaluation in the area of prehistoric South Downs landscape, the Applicant refers (here and in previous documents) to the absence of obvious high potential anomalies in the geophysical survey results in this area. The identification of an anomaly likely to represent a single previously unidentified round barrow within the survey data (outside the DCO Limits) within the downland is acknowledged. It is common for geophysical survey to pick up certain archaeological cut features but not others; WSCC does not accept this as sufficient evidence that the survey was successful in identifying all significant archaeological features which might be

present within the DCO Limits. WSCC would refer to previous comments on the necessity of ground truthing the results of any geophysical survey with trial trench evaluation.

- 2.56 WSCC has never agreed with the Applicant's decision that trial trenching should only be undertaken targeted on high potential geophysical results. Nor that the absence of such results is sufficient to justify deferring evaluation to the post-consent stage, in an area of incredibly high significance and potential. Archaeological potential is assessed on the basis of multiple sources, as the Applicant has demonstrably drawn upon in their comprehensive non-intrusive study work. WSCC does not accept that geophysical survey should be the determining factor in this case, given the wealth of other evidence pointing to high archaeological potential. WSCC points out that route option LACR-01d was selected at a late stage in the route selection process and suggests that the timing of the DCO application may have been a factor in the decision not to undertake field evaluation within this area in particular.
- 2.57 The reasoned and detailed argument relating to the likelihood of encountering flint mining evidence is acknowledged. WSCC highlights that the potential within this area is not just for Neolithic flint mining shafts, But for sensitive and ephemeral features such as flint scatters and working floors which may be extensive and would not be detectable via geophysical survey. The further details provided by the Applicant on possible options for design adjustment and avoidance of significant remains are welcomed.

Applicants Comments on Deadline 3 Submissions (REP4-070)

Landscape and Visual Impact Assessment

- 2.58 2.1.28 – 2.1.34: Comments on individual updated submissions are provided below. WSCC appreciates the work that has, and continues to be, undertaken by the Applicant to demonstrate that a worst-case duration of landscape and visual impacts during construction has been considered. However, updated versions of documents have yet to be submitted in full (including those that will draw together any newly identified impacts and present the overall conclusions on their magnitude and significance). WSCC will review and comment in due course on their receipt, ahead of Deadline 6 and the close of the Examination.
- 2.59 WSCC reserve some concerns over the lack of detail on construction/reinstatement phasing (i.e. it remains unclear what a submission under Requirement 10 would contain) and the effectiveness of Commitment C-103 (i.e. how quickly substantive reinstatement will be possible given the exclusion of accesses, haul roads and compounds).
- 2.60 2.1.38: Additional viewpoints (VP) are welcomed. Comments on new VPs have been provided under REP4-034 and REP4 – 025-031. In general terms this confirms the extent of landscape and visual impacts being greater than initially presented (albeit WSCC await the updated LVIA chapter and appendices for full conclusions).
- 2.61 2.1.40: details of existing and proposed site levels at the substation remain unclear. Whilst AOD heights have now been included, any substantive change in

existing site levels (which the Applicant advises will only be determined at the detailed design stage) could result in significant changes to landscape and visual impacts (and for which visualisations may not account for) which is of some concern.

- 2.62 WSCC welcome progress on discussions regarding a Section 106 agreement that could aid in compensating for landscape and visual impacts of PRow and Highways users. Ultimately, significant landscape and visual impacts will inevitably occur (as concluded by the ES) and that the ExA will need to consider this as part of the planning balance.

Ecology and Arboriculture

- 2.63 WSCC, in section 2.1.57, proposed revised wording of Requirement 14: Biodiversity Net Gain (BNG). WSCC does not accept the Applicant's response and maintains its position that a revised Requirement 14 is necessary to secure the delivery of BNG within the expected timescales. WSCC welcome the ExAs proposed changes and the use of WSCC's suggested wording of Requirement 14 (BNG).
- 2.64 Regarding the response provided to reference 2.1.66, WSCC acknowledges that both the Applicant and Southern Water states there will be a 'higher' risk from trenchless crossings compared with open cut crossings at this location within the SPZ2, and that the Environment Agency state there will be 'a risk'. However, neither the Applicant nor Statutory Bodies have actually demonstrated that this risk is unacceptable if further control measures are put in place to reduce this risk. Southern Water's recent response (REP4-126) states only a preference for a trenchless crossing at this location, with their response dated 25 April 2024 stating "*The proposed trenchless digging location is hydrogeologically very sensitive and there could be severe adverse impacts to our groundwater abstraction should the proposed construction methodology not include the correct mitigation to eliminate or reduce impacts to our public groundwater supply.*" This is followed by a request for a Hydrogeological Risk Assessment (HRA) of the proposed trenchless placement methodology be completed at this location to assess the possibility should HDD be explored as an option.
- 2.65 An open cut crossing will lead to the severance of Oliver Copse and Kitpease Copse, both of which are of Ancient Woodland status and further connect with surrounding Ancient woodland sites that are situated within the SDNP. Historical mapping (Epoch 1: 1843-1893) indicates this ROW/path has been historically bordered either side with mature broadleaved trees or woodland, therefore providing an established connectivity between these sites for at least 130 years, possibly 180 years or longer. The reinstatement methodology proposed within the OLEMP (see section 4.5) would mean that the standard trees within the wayleave would not be replaced. Much smaller tree species could be planted, though these would be managed and maintained to a hedgerow of up to 5m in height and 5m in width. A drastic change from that which currently reaches up to 16m tall.
- 2.66 The Applicant has selected open cut as their proposed crossing methodology for this crossing location, suggesting a suitable mitigation hierarchy has been

applied. The ExA should therefore consider if this is acceptable without the Applicant first exploring and demonstrating if trenchless crossing methodology could include correct mitigation to eliminate or reduce impacts to our public groundwater supply, thus reducing impacts to the PRoW and areas of woodland surrounding should trenchless crossing methodologies be possible with an acceptable/mitigated level of risk.

Noise and Vibration

- 2.67 2.1.45-2.1.46: WSCC defer to Environmental Health Officers at the relevant district councils for detailed comments, however, WSCC remain of the opinion that threshold rating levels at sensitive receptors proximate to the substation should be set closer to existing background levels to minimise the potential for adverse impacts. In this regard it is noted that the greater the noise level above background, the greater the magnitude of impact.
- 2.68 2.1.47 – 2.1.48: The Applicants comments offer little comfort as to the actual attenuation measures that will be adopted suggesting they will be confirmed at the detailed design stage. WSCC comments raised at Deadline 3 (REP3-072) and in relation to the DAS at Deadline 4 (REP4-086) therefore remain relevant.
- 2.69 2.1.49 – 2.1.50: WSCC remain of the opinion that construction noise impacts upon PRoW, whilst temporary, are of a duration (up to four years) and extent that would be likely to negatively affect their amenity value. In this regard WSCC welcome progress on discussions for a Section 106 that could aid in compensating for impacts on the amenities of PRoW (including through noise disturbance).
- 2.70 2.1.51-2.1.53: WSCC remain concerned that timeframes/duration of activities assumed within noise assessments for construction activities are not clearly set out and may have been underestimated. Please also refer to WSCC comments on the Outline Noise and Vibration Management Plan submitted at Deadline 4 (REP4-086).
- 2.71 2.1.54: WSCC consider that clarification should be made that working hours would apply to the use of any generators (continuous use of which at compound locations resulted in complaints for Rampion 1) which has not been addressed.

Socioeconomics - Local employment

- 2.72 WSCC previously raised concerns regarding the Outline Skills and Employment Strategy being limited in information and not providing sufficient reassurance, in regard to commitments which would ensure that local residents can access jobs and that local businesses can be supported to grow.
- 2.73 WSCC acknowledges that the Applicant's response confirms that details of commitments to maximise employment and skills benefits and will be developed through the production of the Skills and Employment Strategy. WSCC welcome the suggested wording of Requirement 33 (Skills and Employment) of the dDCO by the Applicant to require that this document must be submitted to and

approved by WSCC. Please see additional comments on the wording of this Requirement within the response to ExAs Question DCO 2.4 (Appendix 1). However, as this response confirms that the Outline Skills and Employment Strategy will only be developed further post-consent, WSCC remains concerned that commitments ensuring that local residents and businesses can benefit from the Project are still unclear and it is disappointed that these cannot be outlined in more detail within the Examination. On this basis, WSCC ask that the Applicant provide greater detail in the Outline Skills and Employment Strategy which has been shared to date (PEPD-038).

- 2.74 The Applicant's response indicates that it is conducting ongoing stakeholder engagement with key skills and employment stakeholder organisations. WSCC welcomes the Applicant's intention to hold a workshop to engage with the local supply chain to attempt to overcome the constraints in respect of skills availability noted by WSCC. WSCC considers that it would be helpful if the Applicant were to clarify the extent of engagement which is currently ongoing, such that the scale of its intent regarding this is understood, as this is presently unclear.
- 2.75 WSCC previously questioned aspects of the approach taken by the Applicant in assessing impacts on local employment, including in respect of the scale of impacts it selected. The Applicant has provided a response to this that assessing impacts at a more local scale were not taken forward due to uncertainties in assessing such impacts at this stage in Project development. WSCC disputes this as it considers that, were there a lack of information to do a quantitative assessment, a qualitative assessment of local impact could have been undertaken which would represent a proportionate assessment. This could have entailed having reference to the impacts of comparable developments like the Applicant has applied elsewhere within its impact assessment methodology. Whilst the Applicant states in its response that the approach to the assessment was confirmed through pre-application consultation and engagement with stakeholders as part of the scoping, this confirmation does not constitute acceptance of the methodology by WSCC, which provided detailed feedback on the modelling and assumptions proposed both at scoping stage and in statutory consultation.
- 2.76 Overall WSCC considers that further work should have been undertaken to understand local economic and employment impacts such that the nature and scale of any potential benefits of the Project to local residents and businesses would be better understood.

Impacts on Onshore and Inshore Recreational Infrastructure, Tourism and Visitors

- 2.77 WSCC previously raised concerns regarding the robustness of the methodology and as a result the conclusions of the Applicant's assessment of impacts on Onshore and Inshore Recreational Infrastructure, Tourism and Visitors.
- 2.78 The Applicant's response does not resolve these concerns and there remain a number of matters within the assessment methodology that WSCC fundamentally do not agree with. This remains an area of disagreement with the Applicant.

Cultural Heritage

- 2.79 2.1.84 - Please see WSCC's response to the Examining Authority's First Written Question HE 1.8 (REP3-073), WSCC's latest comments on the Statement of Common Ground and the response to Applicant's responses to Action Points Arising from ISH2 and CAH1 (REP4-079), Action Point 59 above.
- 2.80 2.1.88 - The identification of an anomaly likely to represent a single previously unidentified round barrow within the survey data (outside the DCO Limits) within the downland is acknowledged. However, WSCC does not accept this as sufficient evidence that the survey was successful in identifying all significant archaeological features which might be present within the DCO Limits. It is common for geophysical survey to pick up certain archaeological cut features but not others; hence the necessity to ground truth the results with trial trench evaluation.
- 2.81 2.1.94 - The provision of additional viewpoint photography is noted and commented on within this response, WSCC's latest comments on the Statement of Common Ground and within WSCC's answer to the Examining Authority's Further Written Question HE 2.1.
- 2.82 2.1.96 - Please see WSCC's answer to the Examining Authority's Further Written Question HE 2.1 (Appendix 1).
- 2.83 2.2.5 - WSCC has engaged in extensive discussions with the Applicant regarding the wording of dDCO Requirement 19 and has suggested several modified wording changes, the latest of which were provisionally agreed to by the Applicant, pending approval by their legal team. However, late in the day on 8th July, the Applicant communicated that they were unfortunately not able to agree to the provisionally agreed wording of dDCO Requirement 19. Therefore, it was not possible to reach a point of agreement prior to finalisation and submission of the Deadline 5 documents.
- 2.84 In the absence of pre-determination trial trench evaluation, WSCC needs to see firm commitment from the Applicant within both Commitment C-225 (now provisionally agreed) and dDCO Requirement 19 to the preservation in situ of any suitable high significance archaeological remains.
- 2.85 WSCC's position for Deadline 5 is therefore to support the current suggested wording of dDCO Requirement 19, as set out within the Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO (PD-013). WSCC will continue to engage in discussions with the Applicant post-Deadline 5 to work towards an agreement before the close of Examination.

Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions (REP4-079)

- 2.86 WSCC acknowledges the Applicant's responses which are detailed and helpful. In Table 2-1 (Refs. DCO 1.19 and BD 1.8), WSCC does not accept the Applicant's response and maintains its position that a revised dco Requirement 14 is necessary to secure the delivery of BNG within the expected timescales.

WSCC welcomes the support of WSCC's suggested wording of Requirement 14 (BNG) as part of the ExAs proposed changes to the dDCO (PD-013).

Comments on Deadline 4 submissions by other Interested Parties - Deadline 4 submission by Ms. J. Creaye (REP4-112)

- 2.87 Recent ecological surveys submitted by Ms. J. Creaye at Deadline 4 [REP4-112] highlight that several meadows at Crateman's Farm, Cowfold, towards the northern end of the cable route, appear to be of greater ecological value than previously assessed. WSCC would be grateful if the Applicant could re-assess the status of these meadows in the light of this information. As potential Habitats of Principal Importance, it is requested that they are subject to National Vegetation Classification (NVC) surveys prior to the commencement of construction, as per Commitment C-294. Furthermore, the cable laying method and habitat reinstatement may require modifications to take the importance of these meadows into account. As these meadows are clearly of ecological value, WSCC suggests that they should be reinstated by means of turf stripping or using the existing seed bank (as opposed to sowing a seed mixture).

3 Section 106 Agreement

- 3.1 WSCC has been engaging with the Applicant regarding the draft Section 106 agreement (REP4-075) and will continue to do so until the close of the Examination.

4 Second Round of Written Questions from the ExA

- 4.1 WSCC have provided responses to the Further Written Questions by the ExA (PD-012) published on 18 June 2024. These can be found in Appendix 1 of this response.

5 Statement of Common Ground (SoCG)

- 5.1 WSCC has been actively engaging with the Applicant on the Statement of Common Ground (SoCG) throughout the Examination. This has been reflected in the Statements of Commonality (SoC) submitted by the Applicant. The Applicant and WSCC have agreed that the submitted SoCG at Deadline 5 is up to date. While the status of matters has been finalised as far as possible, some of the SoCG still report matters as being in the process of discussion. With relevant materials being submitted into Examination at Deadline 5, these need to be considered to close matters and enable the final SoCG to be submitted at Deadline 6. WSCC will then provide sign off on the final SoCG. WSCC wishes to raise one particular point regarding Historic Environment below however.

Historic Environment

- 5.2 WSCC's latest comments on the SoCG were submitted to the Applicant on 8 July 2024. Since this document was submitted, the status of discussions regarding the wording of Commitment C-225 and dDCO Requirement 19 has changed (see Applicants Comments on Deadline 3 Submissions (REP4-070) section of this document).

- 5.3 Provisional agreement on the wording of commitment C-225 has been reached. Once WSCC has confirmed that the agreed wording is reflected within the updated control documents at Deadline 5, WSCC will be satisfied that risk of harm to nationally significant archaeology will have been significantly reduced by the commitment to preservation in situ.
- 5.4 WSCC has engaged in extensive discussions with the Applicant regarding the wording of commitment C-225 and dDCO Requirement 19 and has suggested several modified wording changes, the latest of which were provisionally agreed to by the Applicant, pending approval by their legal team. However, late in the day on 8th July, the Applicant communicated that they were unfortunately not able to agree to the provisionally agreed wording of dDCO 19. Therefore, it was not possible to reach a point of agreement prior to finalisation and submission of the Deadline 5 documents.
- 5.5 WSCC's position for Deadline 5 is therefore to support the current suggested wording of dDCO Requirement 19, as set out within the Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO [PD-013]. WSCC will continue to engage in discussions with the Applicant post-Deadline 5 to work towards an agreement before the close of Examination.
- 5.6 The Historic Environment section of the SoCG will therefore need to be further updated to reflect these changes.

Rampion 2 Offshore Wind Farm (Project Reference: EN010117)
Submission at Deadline 5 (9 July 2024)
West Sussex County Council (IP 200445228)

Rampion 2 Offshore Wind Farm (Project Reference: EN010117)

WSCC Response to Examining Authority Further Set of Written Questions (9 July 2024)

West Sussex County Council (IP Reference 200445228)



This submission constitutes the responses from West Sussex County Council (hereafter WSCC) to the questions and requests for information raised by the ExA in Further Written Questions (PD-012). The responses are set out in an amended form of the table provided by the ExA. The table has been amended to delete the questions which are not addressed to WSCC and add a response column.

TA 2.CR	Commitments Register		WSCC Response
CR 2.3	<i>Commitment C-5</i> 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.]	The revised wording of Commitment C-5 provides a securement to the CoCP Appendix A (once updated), however, WSCC welcomes the ExA's recommended amendments (PD-013) to a specific Requirement (No: 42) to address the issue of trenchless crossings, and would support its inclusion.



DCO	Draft Development Consent Order (Draft DCO)		WSCC Response
DCO 2.4	<p><i>Remaining Comments</i></p> <p>All Relevant Planning Authorities</p> <p>Natural England</p> <p>Marine Management Organisation</p>	<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><i>[N.B – although primarily addressed to the Applicant, all relevant parties may respond to the ExA’s Scheduled of Changes to the draft DCO should they feel it necessary to do so.]</i></p>	<p>The outstanding concerns regarding the latest dDCO (REP4-005) are:</p> <ul style="list-style-type: none"> • WSCC welcome the suggested amendments by the ExA at PD-013; • Comments made at Deadline 4 by WSCC remain applicable; • ExAs Amended Requirement 8 (PD-013) – <ul style="list-style-type: none"> ○ This change needs to make provision for WSCC Highways to be consulted, which it currently does not. ○ It would be useful to understand how this changed Requirement would sit alongside the umbrella of measures being agreed as part of the OTCMP or whether this will comprise an entirely separate document. ○ Noted that AoD maximum heights have been adopted for Requirement 8, but not for Requirement 9. This seems inconsistent. • ExAs Amended Requirement 9 (PD-013), Consultation will be required with WSCC as Highways Authority where access is concerned.



			<ul style="list-style-type: none">• Requirement 10 –There remains no indication or outline of what a submission will include. This has not been provided by the Applicant.• Requirement 19 – WSCC has engaged in extensive discussions with the Applicant regarding the wording of dDCO Requirement 19 and has suggested several modified wording changes, the latest of which was provisionally agreed by the Applicant, pending approval by their legal team. However, late on 8th July, the Applicant communicated that they were unfortunately not able to agree to the provisionally agreed wording of dDCO Requirement 19. Therefore, it was not possible to reach a point of agreement prior to finalisation and submission of the Deadline 5 documents. In the absence of pre-determination trial trench evaluation, WSCC needs to see firm commitment from the Applicant within Commitment C-225 and dDCO Requirement 19 to the preservation in situ of any suitable high significance archaeological remains. WSCC’s position for Deadline 5 is therefore to support the current suggested wording of dDCO Requirement 19, as set out within the ExAs Schedule of
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			<p>recommended amendments to the Applicant's draft DCO [PD-013]. WSCC will continue to engage in discussions with the Applicant post-Deadline 5 to work towards an agreement before the close of Examination.</p> <ul style="list-style-type: none">• Requirements 33 - this Requirement should state that no offshore works, not just onshore, should commence until this Requirement has been discharged• ExAs New Requirement 41 (PD-013)- should the Oakendene compounds be include here, or is that covered under the new wording of Requirement 8?• Requirement 40 - WSCC have provide a detailed response in relation to TE 2.28 which regards the suitability of the newly proposed Requirement 40. To summarise, WSCC welcome this Requirement though request a revision of the wording, as well as further clarification of relating matters to be reflected within a revised OCoCP• ExAs New Requirement 44 (PD-013) - consideration would be needed over how this Requirement would be discharged in practice and the timing of it, to allow all required control
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			<p>documents linked to other Requirements to be consistent with the finalised approved register.</p> <ul style="list-style-type: none">• Schedule 13 - (Part 2) of the draft DCO Rev E [REP4-005] does not include hedgerows H181, H228 H308, H507, H515 and H521 which are identified as important (or potentially important) within the Tree Preservation Order and Hedgerow Plan Rev C (REP4-003). All of which are shown within VRPs as requiring partial clearance/removal at a worst case scenario. During the Terrestrial Ecology ETE held on 26/06/2024, the Applicants Ecologist suggested that this could be due to a difference between hedgerows identified as 'important' under the Hedgerow Regulations 1997 from an ecological perspective, versus and archaeological or historical perspective. The definition of 'important hedgerow' within Article 44 of the dDCO, which permits the removal of such hedgerows, refers directly to the meaning stated within Hedgerow Regulation 1997 and does not differentiate between classification types. WSCC advise that all hedgerows identified as 'important' under the Hedgerow Regulation 1997 are stated within Schedule 13 (part 2) of the dDCO. This is not only to ensure the Applicant
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			<p>has the correct permissions in place to remove such hedgerows, but also to ensure that the ExA and RPAs (who are now proposed to be responsible for approving VRPs) are made clear which hedgerows have been identified as important directly within the DCO. WSCC are in communication with the Applicant regarding this matter, this has also been reflected within our SoCG revised for DL5.</p> <ul style="list-style-type: none">• Schedule 14 –Concern is raised again with the fee value within 3. Fees. This is based upon the current fee for discharge of planning conditions based on Regulation 16 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which is £145 per request. This will not adequately resource WSCC as a discharging authority (or indeed any other authority identified as a discharging authority) to cover its costs for the volume and complexity of work required to address these Requirements. Moreover, paragraph 3(2) of Schedule 14 provides for the repayment of any fee paid to the discharging authority within 42 days of (a) the application is rejected as invalidly made or (b) the authority not determining the application
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			<p>within the determination period. Paragraph 3(2) is unreasonable and should be removed: if an application is rejected, it will have been rejected because the material provided by the Applicant was unsatisfactory. The discharging authority should not be punished financially for this. Officers will have had to deal with the application even if the application is eventually rejected and the Applicant should cover that cost. Similarly, it might not be possible for a discharging authority to determine an application within the determination period if, say, information or material it has requested is not provided until late in that period. Again, the discharging authority should not be punished financially for this.</p> <ul style="list-style-type: none">• WSCC welcomes the commitment by the Applicant to engage on a Planning Performance Agreement, to cover this period of work, if consent is granted.• Consideration could be given to a clause as follows 'Procedure for discharge of certain approvals' that specifies "<i>Where an application is made to the relevant planning authority, a highway authority, LLFA for any consent, agreement or approval required under any of the</i>
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			<p><i>provisions of this Order such application shall, where appropriate, identify and demonstrate compliance with the relevant commitments as set out in Commitment Register". This would give considerable added certainty.</i></p>
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HE	Historic Environment		WSCC Response
HE 2.1	<p><i>Heritage Assets</i></p> <p>West Sussex CC</p>	<p>Given the Deadline 4 submission of viewpoints SA9 to SA13 [REP4-027] and the supporting viewpoint directory [REP4-036] for Work No.16, provide definitive comment on whether harm to Oakendene Manor is likely to be less than substantial or otherwise.</p>	<p>WSCC finds that changes to the setting of Grade II listed Oakendene Manor arising from the Project are likely to amount to less than substantial harm, at the upper end of the scale.</p> <p>Long and medium range views both to and from the manor, looking across the historic parkland to the south-east of the manor, will be substantially altered by both the construction and operational phases of the Project. These views currently make a substantial positive contribution to significance. They illustrate the time-depth of the relationship between the manor and its historic parkland, which contributes to the historic interest of the asset. In particular, WSCC identifies the view from the hedge gap on PRoW 1787 (Viewpoint SA12) as a key view which makes a positive</p>

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			<p>contribution to significance of the manor. It provides one of the best opportunities to appreciate the architectural interest of the asset within its historic parkland setting. The gap in the hedge is depicted on the 1st Edition Ordnance Survey map of 1875 (Oakendene parkland historic landscape assessment [APP-211]). Whilst the Tithe and earlier maps do not show sufficient detail to identify tree gaps, the footpath was already present. WSCC believes the view was deliberately designed, and the gap may have been intentionally created during parkland landscaping to facilitate this long-range view, and to showcase the manor within its landscape park to passers-by.</p> <p>Whilst the parkland layout, features and planting visible today are informal in appearance, this is nevertheless a managed and designed historic landscape. It was likely intentionally designed and landscaped in the informal or naturalistic style which emerged in the mid-18th century and was popularised by Capability Brown and contemporaries. The intention would have been to enhance and showcase the manor within its parkland setting. More formally designed features of interest (such as the lake to the south of the manor) would have been complemented by the</p>
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			<p>more natural wider parkland expanses. Landscape gardeners took great pains to create parkland which appeared natural and informal, but was in reality carefully managed, with views and vistas created and enhanced by careful tree planting to frame, screen and direct views, and sometimes more intensive hard landscaping. The parkland itself is assessed as of low significance in its own right, but the contribution it makes to the setting of the manor is considered to be very substantial.</p> <p>The parkland setting of Oakendene is experienced overall as tranquil, characterised by a notable absence of significant modern visual or auditory intrusion, despite the proximity of the A272 and industrial estate.</p> <p>It is clear from the additional photography and photomontages submitted by the Applicant that the substation, located c.240m away, will be prominent in views south-east from the manor (Viewpoints SA10 and SA11 (APP-099), especially during the construction phase and the early years of operation. Despite WSCC disagreeing with aspects of the assessment (see below), the scale of this impact was already reflected in the assessment (APP-066).</p>
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			<p>However, the additional photography from the hedge gap on PRow 1787 (Viewpoint SA12), demonstrates that the magnitude of change to this view in particular (see above for the contribution this makes to significance) have been underplayed in the assessment. LVIA Figures 18.14.4a-e (REP4-027) illustrate that the presence of the substation will entirely transform the view from Viewpoint SA12. The majority of the vista will be occupied and dominated by the substation structures, transforming the character of the view from historic parkscape to modern industrial activity. The photography illustrates that the substation will partially block the manor from view behind the firewalls and substation buildings. The distinctive white structure will become visually lost behind, and almost indistinguishable amongst, the cluster of industrial substation structures. The Applicant assesses that <i>'The local topography and existing and proposed planting are anticipated to partly diminish the appearance of the onshore substation'</i> within this view [REP4-024]. However, the LVIA figures indicate that even after vegetation growth in the later years of operation, existing and proposed planting will in fact not meaningfully reduce this impact (Figures</p>
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			<p>18.14.4a-e [REP4-027]). The photography indicates that the historic parkland will become almost entirely blocked from sight within this view.</p> <p>In addition to changes to key views, there will be permanent loss/change in use of a substantial amount of historic parkland which will partially sever the relationship between the asset and its historic parkland. Additional adverse (temporary) changes during construction will result in additional impacts. These changes will reduce the historic interest of the asset, as well as the ability to appreciate its architectural and historic interest. This will result in a reduction in significance, and in particular, in the ability to appreciate that significance.</p> <p>WSCC disagrees with aspects of the narrative assessment of effects on Oakendene Manor within the ES chapter (REP4-024). WSCC finds that the importance of current key views is downplayed, as is the predicted degree of change to these views during and following construction of the substation. This gives a misleading impression of the true magnitude of change to the setting of Oakendene, and the degree to which the ability to appreciate significance will be reduced.</p>
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			<p>However, WSCC acknowledges that there will be no physical change to the asset, and its architectural interest will therefore remain unaffected, albeit the ability to appreciate that aspect of significance will be reduced. Some key aspects of setting will remain unaffected.</p> <p>The Applicant assesses a Medium magnitude of change to the asset. Visualisations have now been provided from viewpoints adjacent to the manor, allowing more accurate illustration and assessment of the likely magnitude of change within the manor's setting. The Applicant's assessment is therefore now appropriately evidenced. WSCC is now in a position to agree with the overall assessment finding of a Medium magnitude of adverse change, despite disagreeing with aspects of the narrative assessment of change.</p> <p>The ES chapter [REP4-024] equates '<i>Major adverse magnitude of change</i>' in EIA terms, to substantial harm (paras. 25.8.18 and 25.10.11), and by extension, any magnitude of change below Major is automatically equated to less than substantial harm.</p> <p>As raised in previous responses, WSCC is not satisfied that the policy threshold of substantial harm can be automatically and uniformly applied in this manner,</p>
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			<p>nor that such a blunt assessment tool should form the extent of the argument for less than substantial harm.</p> <p>The ES chapter proves a single sentence to evidence their case for less than substantial harm; “...<i>the listed building itself will be physically unaltered and important elements of its setting, including its relationship with the immediately surrounding gardens and the view to the south, will be preserved</i>” ([REP4-024] para. 25.10.11).</p> <p>WSCC requests the Applicant update the ES chapter text with a more detailed and nuanced assessment to evidence their conclusion of less than substantial harm. This should be based on the specific impacts of the predicted changes to the asset’s architectural and historic interest and overall significance. And not solely on equating a Medium adverse magnitude of change in EIA terms, to less than substantial harm.</p> <p>WSCC acknowledges that the requested additional assessment will be unlikely to change the magnitude of harm to substantial. However, the additional information will allow decision makers to understand the precise impact of changes within setting upon the various values that contribute to the key aspects of significance for this specific asset. This will allow decision makers to assess the harm arising from the</p>
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			Project in a comprehensive manner as required by the relevant policy and legislation, and thus enable a fully informed decision to be made.
MI	Minerals		WSCC Response
MI 2.1	<p><i>Mineral Safeguarding</i></p> <p>West Sussex CC</p> <p>South Downs National Park Authority</p>	<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> <ul 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 	<p>WSCC welcomes continued discussions with the Applicant on the issue of mineral safeguarding. The further information goes some way towards allaying concerns regarding mineral safeguarding, however some issues remain. In response to the specific parts of the question;</p> <ul style="list-style-type: none"> a) WSCC is satisfied that consideration has been given to other minerals within the assessment, given the constraints on data and information available. b) No MMP has been provided. The OCoCP has been updated (see below). c) The outline provision of the MMP, in relation to safeguarding, is set out within the OCoCP. A new section (4.13 Excavated Minerals) provides information related to mineral safeguarding (as per the text provided in REP4-079 by the Applicant on pages 26-29). Concern remains that the proposed wording submitted in REP4-043 by the Applicant does not provide for use of

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		<p>encountered would be managed.</p> <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>	<p>safeguarded mineral resources that are directly encountered (where practicable and environmentally feasible), until after reinstatement and construction works. WSSC seek for the Applicant to be more specific about encountered sand and minerals being used as a mineral resource. Further information on this issue has been submitted in response to the updated OCoCP (REP4-043).</p> <p>Further, the OCoCP still fails to adequately set out why minerals are safeguarded, with no policy links to the West Sussex Joint Minerals Local Plan (JMLP). Inclusion within the OCoCP of key local policies should be included for completeness and would provide clarity on policies of relevance to the discharging authorities. WSSC note that the Applicant does make reference within REP4-079, to the JMLP policies of relevance (page 29).</p> <p>d) The Applicant has addressed the key policy points within the latest submission (REP4-079), stating that the MMP will make reference to key policies, however, as per response to Part C), the OCoCP does not reference key policies. The Project will result in the sterilisation of minerals for a considerable period of time and the Applicant contends that full prior extraction is not</p>
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			<p>feasible, therefore it is crucial that when the SoS makes its decision, it is satisfied that the need for the Project outweighs the need for the safeguarding of minerals in the short-medium term.</p> <p>e) WSCC is satisfied that the applicant is provided sufficient response on why they believe it is not practical or environmentally feasible deliver full scale prior extraction. Concern remains that the extent to which incidental extraction/reuse of minerals within the Project may be possible. Further detail is provided in responses to c) and d) above, as well as the WSCC response to the updated OCoCP (REP4-043).</p>
<p>MI 2.3</p>	<p><i>Mineral Safeguarding</i></p> <p>The Applicant</p> <p>West Sussex CC</p> <p>The Wiston Estate</p>	<p>The Applicant</p> <p>a) Paragraph 4.9.29 of Chapter 4 of the ES [APP-045] states that the onshore cable will be left in-situ upon decommissioning and paragraph 4.8.1 states the operational lifetime of the PD is expected to be around 30 years. Confirm whether the cable would be left in-situ post</p>	<p>The proposal to leave the cable in-situ could potentially have some negative impacts on the viability of future extraction, albeit this is likely to be limited and must be balanced with the potential environmental and landscape impacts of cable removal at the end of the Project.</p>

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		<p>decommissioning across the Mineral Safeguarding Area (MSA), and whether the sterilisation of minerals by the cable route would be regarded as permanent or temporary i.e. would the minerals be available for extraction post decommissioning with the cable left in-situ? If temporary, confirm in the worst-case scenario from a minerals perspective, of the length of temporary sterilisation.</p> <p>b) Consider the proposed change to Requirement 35 as suggested in the ExA's Schedule of Changes to the draft DCO, which states that;</p> <p><i>"the decommissioning plan shall demonstrate that the onshore cables within Mineral</i></p>	
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		<p><i>Safeguarding Area will be removed”,</i></p> <p>rather than it being left in-situ as is proposed for the rest of the cable.</p> <p>West Sussex CC / The Wiston Estate</p> <p>Comment if required.</p>	
MI 2.4	<p><i>Mineral Safeguarding</i></p> <p>The Applicant</p> <p>West Sussex CC</p> <p>South Downs National Park Authority</p>	<p>The Applicant</p> <p>a) Provide a detailed response to Cable Route Alternatives & Mineral Sterilisation document submitted by the Wiston Estate at Deadline 4 [REP4-136].</p> <p>b) Respond to the points raised by the Wiston Estate in the CAH1 regarding minerals, particularly the alternative options presented, both the wider alternative connecting at Ninfield and local cable route alternatives, including</p>	<p>WSCC do not wish to make any comments in response to this question, at this time.</p>



		<p>that following the existing gas pipeline.</p> <p>West Sussex CC and SNDPA</p> <p>Respond if required to the Cable Route Alternatives & Mineral Sterilisation document submitted by the Wiston Estate at Deadline 4 [REP4-136]</p>	
TA	Traffic and Access	WSCC Response	
TA 2.1	<p><i>Traffic Management Strategies</i></p> <p>West Sussex CC</p>	<p>Confirm whether you are content with the latest version of the traffic management strategy for accessing construction accesses A64 and A61 on Kent Street, contained in Appendix D of the Outline Construction Traffic Management Plan (OCTMP) [REP4-045].</p> <p>If not, outline the changes you would require to make it acceptable.</p>	<p>The latest version of the OTCMP (Revision E) (REP4-045) is noted by WSCC. This provides further details in terms of the management of non-motorised road users as well as clarification in terms of passing bay locations on Kent Street. This addresses some of the points raised by WSCC at Deadline 4 (REP4-086). The Applicants response to these points is still required however to ensure the OTCMP addresses these fully. Further comments are provided on the OTCMP Revision E as part of the WSCC Deadline 5 response. These comments have been shared with the Applicant ahead of Deadline 5.</p>

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<p>TA 2.2</p>	<p><i>Traffic Management Strategies</i></p> <p>West Sussex CC</p> <p>South Downs National Park Authority</p>	<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].</p> <p>If not, outline the changes you would require to make it acceptable.</p>	<p>The latest version of the OTCMP (Revision E) (REP4-045) is noted by WSCC. WSCC have made a number of comments at Deadline 4 (REP4-086) that are not addressed directly within the latest OTCMP revision. The Applicants response to these points are therefore required to ensure the OTCMP has been suitably updated. Further comments are provided on the OTCMP Revision E as part of the WSCC Deadline 5 response. These comments have been shared with the Applicant ahead of Deadline 5.</p>
<p>TA 2.3</p>	<p><i>Traffic Modelling</i></p> <p>West Sussex CC</p>	<p>Comment on the technical note contained in Appendix A to the Applicant’s Response to the Action Points from ISH2 [REP4-074] which provides an estimate of the impact of the proposed traffic management strategy for Kent Street on the traffic modelling for the Proposed Development and its conclusions.</p>	<p>The Applicants Technical Note (TN) within Appendix A of REP4-074 has been reviewed by WSCC. Notwithstanding the outstanding comment from WSCC (REP1-054, Appendix C, point 5.1.4, and again within REP3-073) concerning trip generation assumptions (the TN otherwise bases its conclusions on assumptions included within the Traffic Generation Note and is accepted by WSCC). For the purposes of the TN, this identifies and focuses on peak weeks of construction traffic. Although it is accepted that peak weeks represent worst case traffic flows, there will be construction traffic at other times throughout the construction period. This does not appear to be acknowledged in the TN. The TN should include a scenario covering average construction flows</p>



			<p>as well as identifying the duration of time construction traffic would have to pass through Cowfold.</p> <p>From the peak week flows presented, it is acknowledged that there will be increased traffic through Cowfold on the A272/A281. Table 2.2 further breaks down the peak week 83 flows to average daily flows. It is expected that most of the daily movements will be tidal (as workers arrive and then depart later in the day) rather than spread across the day. The tidal movements themselves are again likely to be spread, and in practice any traffic increases are unlikely to be discernible from existing variations in vehicle movements. WSCC Highways also recognise that any impacts are temporary and as such wouldn't result in any impacts that could be considered severe (this being the threshold as set out within both the NPPF and the Overarching National Policy Statement for Energy (EN-1)). WSCC Highways acknowledge the local concerns regarding increased traffic (particularly HGVs) on the A281 and A272 in the Cowfold area. The Applicant has committed to avoiding Cowfold where possible along with other mitigating measures to minimise disruption.</p> <p>In reviewing this TN, it is accepted that the construction traffic flows quoted are potentially worst</p>
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			case and will reduce (based on the Applicants response against 2.1.73 in REP4-070).
TA 2.4	<p><i>Potential Impact of Construction Accesses and Haul Roads on Ancient Monuments</i></p> <p>West Sussex CC</p> <p>South Downs National Park Authority</p>	<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>Construction and operational access A-28 passes directly adjacent to the Scheduled Muntham Court Romano-British site (NHLE 1005850). The monument comprises the remains of Iron Age defended settlement and Roman shrine on Muntham Hill, surviving as upstanding earthworks and associated more extensive features and deposits including ditches, pits and post holes, along with associated small find assemblages. Further details are provided within the Historic Environment ES Chapter (REP4-025), the Onshore Heritage Asset Baseline Report (APP-214), and the Applicant’s responses to Action Points arising from ISH2 and CAH1 (REP4-074). The features are of national significance and their designation affords them statutory protection under the Ancient Monuments and Archaeological Areas Act 1979.</p> <p>In addition to the known remains located within the boundary of the scheduled monument, there is potential for additional archaeological remains in the areas immediately adjacent. The boundary of a scheduled monument cannot always be assumed to accurately reflect the limit of archaeological remains.</p>

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			<p>In the case of Muntham Court, the Historic England list entry states that "<i>Further archaeological remains survive in the vicinity of the monument but are not included because they have not been formally assessed.</i>" (https://historicengland.org.uk/listing/the-list/list-entry/1005850?section=official-list-entry).</p> <p>The monument comprises part of an extensive prehistoric downland landscape of high archaeological potential and significance, with numerous monuments dating from the Neolithic to the medieval period. The high potential is indicated by the extensive Archaeological Notification Area within which the monument and Access A28 lie, relating to Multi-period features on Church Hill, Muntham Court, Findon. The potential for additional remains should therefore be considered to be very high. Any such remains identified that are demonstrably a continuation of and/or of equal significance to the scheduled remains would be subject to the same policies, in accordance with NPS-EN1 (paragraph. 5.9.6) and the NPPF (Footnote 68). Any harm to such heritage assets would carry equivalent weighting to harm to a scheduled monument.</p> <p>The potential for harm to the scheduled monument and associated remains arising from construction traffic</p>
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			<p>and associated activities has been identified. This harm might arise from vibration and compaction caused by passage of construction traffic and along A28, currently an unmade farm track or undeveloped field. Impacts to buried archaeology and monuments from vibration and compaction are difficult to quantify and the precise degree of impact will depend upon multiple factors. Archaeological factors include the type of features present and the physical fragility of the remains. Friable items such as bone and pottery, or fragile above-ground remains such as weak masonry, will be far more sensitive to damage than lithic artefacts or paleoenvironmental remains/microfossils, for example. The depth at which remains are buried will be a significant factor. In the case of Access A28, records of previous archaeological fieldwork in the vicinity do not report the depth of overburden. However, excavations within the scheduled monument by Worthing Archaeological Society in 1954-6 (EWS559). A photograph of the excavation area (reproduced within Worthing Archaeological Society Journal Volume 3, Number 3, 2004) appears to depict a very shallow later of topsoil overlying the natural chalk. This indicates that archaeological remains are likely to be very poorly protected from the effects of construction traffic.</p>
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			<p>The severity of the impact will also depend upon the number, type and weight of vehicles and thus the severity of vibration and compaction which arises. The technical note on construction accesses A-26, A-28, A-61 and A-64 Traffic Management Strategies (Appendix D of the Outline Construction Traffic Management Plan [REP3-029]) predicts that approximately 3,500 construction vehicles will use accesses A-26/A-28 in each direction over the course of the construction phase.</p> <p>The Applicant's responses to Action Points arising from ISH2 and CAH1 [REP4-074] is incomplete and does not accurately address the potential harm to the scheduled monument. The response correctly identifies that vibration in and of itself (when arising from traffic as opposed to pile driving) is not generally considered a severe risk to buried archaeological features. However, the Applicant's response adheres very narrowly to the impacts of vibration alone. The directly linked impacts arising from construction traffic compaction are not mentioned. And more significantly, the risk arising from construction groundworks for road widening and creation of passing places are not acknowledged by the Applicant. The action point requested "The Applicant to consider the potential impact of vibration <i>and other</i></p>
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			<p><i>construction and use effects"</i> (WSCC emphasis), and the latter aspect remains unaddressed.</p> <p>The Applicant states, <i>"It is also notable that there are many scheduled monuments that are located alongside roads or tracks or which have them cutting through a monument. Effects of vibration from traffic is not normally considered to be a notable risk factor for below ground archaeological remains in such cases"</i>. This point has some validity in regard to the effects of increased traffic where an existing road or metalled track passes adjacent to a schedule monument. However, this is not directly applicable in the case of access A28, as there will be new and significant impacts arising from construction traffic on what is currently an unmade trackway or undeveloped field. This will expose additional archaeological remains to the effects on vibration and compaction, which have until now lain outside the footprint of the track and thus been spared any such adverse effects.</p> <p>It should be assumed that construction traffic along A28 has the potential to cause physical damage to buried archaeological remains located directly below, and immediately adjacent to the access track, arising</p>
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			<p>from passage of heavy plant and construction traffic for the duration of use.</p> <p>Direct physical impacts to the scheduled monument itself arising from construction groundworks are not anticipated. However, there is a high risk of such impacts to as-yet undiscovered archaeological remains of equivalent significance. The ES chapter states; <i>"Intrusive construction activities associated with access upgrade and installation works will truncate archaeological remains, if present, resulting in partial loss of archaeological interest."</i> (para. 25.9.141)</p> <p>Impacts from vibration and compaction during the operational phase of the Project are assumed to be negligible. Increase in noise levels from construction traffic are not likely to result on meaningful harm to buried archaeological features, either within or adjacent to the schedule monument.</p> <p>Harm to the significance of the scheduled monument due to temporary changes within its setting arising during construction (traffic, noise and visual) are not adequately assessed in the ES chapter. The proximity of the construction access will result in a significant adverse change to the monument's setting during the</p>
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			<p>construction phase; albeit of temporary duration. The ability to appreciate the monument's significance will be reduced for the period during which the access is utilised by construction traffic.</p> <p>The setting of the monument makes a positive contribution to its significance. The Onshore Heritage Asset Baseline Report [APP-214] states; <i>"The position of the asset at the summit of a hill and lower slopes creates a sense of dominance that can be associated with the defended settlement and later religious place. The core of the scheduled monument associated with the summit is legible as a small, circular tree-planted area... Views from the asset, particularly the core described above may grant a greater sense of deliberate, prominent siting associated with its history and use"</i>. (p. 93). The asset's setting also contributes to appreciation of its archaeological interest through the proximity of other archaeological remains and intervisibility between these assets, allowing appreciation of the monument within its prehistoric and Romano-British landscape setting. The ES assesses a Very Low magnitude of change to this asset during construction, resulting in a Minor adverse residual effect (Not Significant).</p>
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			<p>WSCC questions this assessment, as the evidence presented supports a higher magnitude of change to the asset’s significance based on the proximity of the construction access and resultant construction traffic, and the meaningful contribution to significance made by views from the scheduled monument over the surrounding landscape.</p> <p>The potential for physical impacts to buried archaeological features which may arise from widening of the existing access or creation of passing places is of considerable concern. The Outline Onshore Written Scheme of Investigation [REP3-035] makes provision for pre-construction trial trench evaluation of Access A28. In the event that archaeological remains of equal significance to the scheduled monument are identified in this location, their preservation in situ would be required, in accordance with the Act, relevant policies, Commitment C-225 and dDCO Requirement 19. Access road creation, widening or enabling works might therefore not be permissible in this location, and alternative design and engineering solutions would need to be sought, or an alternative access considered. Due to the Applicant’s decision not to undertake pre-submission trial trenching, the presence or significance of any archaeological remains in this location, including</p>
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			remains of national significance requiring preservation in situ, remains unknown. Design solutions should be considered to reduce impacts from construction traffic vibration and compaction, including building up the ground surface of the existing track and/or utilizing protective surfacing, to protect underlying features. These should be included within updates to the Commitments Register outlining a range of specific design measures which might be employed to minimise impacts and secured through the relevant control documents for this location.
TE	Terrestrial Ecology	WSSC Response	
TE 2.3	<p><i>Priority Habitats - Potential Loss of Deciduous Woodland</i></p> <p>The Applicant West Sussex CC</p>	<p>The Applicant</p> <p>Comment on the West Sussex CC response [REP4-086] at Deadline 4 to TE1.6 which states:</p> <p><i>"The Woodland Retention Plan, Figure 7.2.2h (B) of the OCoCP [REP4-043], identifies the area of deciduous woodland status within the National Grid Bolney substation as being retained (ref. W3713). This finding is</i></p>	<p>WSSC have reviewed both the OCoCP (REP4-043) and Arboricultural Impact Assessment (REP4-037) which were revised and submitted by the Applicant at Deadline 4. There has been no change which further clarifies this matter.</p>

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	The Forestry Commission	<i>contrary to that stated within the Applicant's response, as well as plans shown within inset 45 of the Arboricultural Impacts Plan found within the Arboricultural Impact Assessment [APP-194], as well as what can be achieved within the indicative plan for the AIS extension option without adverse impact (as shown within the Design and Access Statement). [REP3-013]. Therefore West Sussex CC remains unsatisfied that the impact on deciduous woodland, a priority habitat, are at all clear at this location."</i>	
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Screenshot from Inset 45 of the updated Arboricultural Impact Assessment submitted at Deadline 4 [REP4-037] indicating a section of W67 (trees not surveyed in detail) indicated in the key as 'trees to be removed' (indicated in red)

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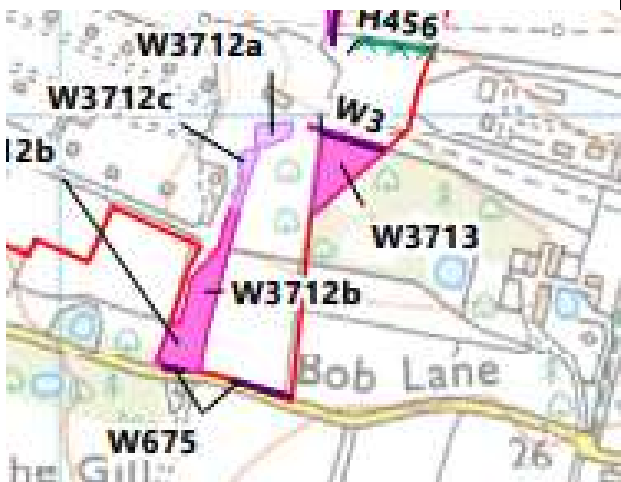
Screenshot from Figure 7.2.2h (B) Woodland retention plan in the OCoCP [REP4-043] indicating W3713 shaded blue defined in the key as 'retained'.

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		 <p>Screen shot from Figure 7.2.6n Combined Vegetation retention Plan Woodland retention plan in the OCoCP [REP4-043] indicating W3713 shaded dark pink defined in the key as 'unaffected'.</p>	
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		<p>Service Layer Credits: Contains OS data © Crown Copyright and database right 2020 © Crown copyright and database rights [2023] Ordnance Survey 0100031673</p> <p>Key</p> <ul style="list-style-type: none"> Proposed DCO Order Limits 500m buffer Priority habitat types Coastal and floodplain grazing marsh Coastal saltmarsh Coastal sand dunes Coastal vegetated shingle Deciduous woodland Good quality semi improved grassland Lowland calcareous grassland Lowland dry acid grassland Lowland fens Lowland heathland Maritime cliff and slope Mudflats No main habitat but additional habitats present Traditional orchard 	<p>Screen shot from Figure 22.2.4d Priority Habitats within 500m of the proposed DCO order limits, Terrestrial ecological desk study, [APP-180] indicating W3713 shaded green defined in the key as 'deciduous woodland'.</p>
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		<p>a) Explain why the trees within the DCO red line boundary of W3713 were not surveyed in detail for the Arboricultural Impact Assessment.</p> <p>b) Explain the apparent inconsistencies between these documents, how they will be resolved and how this area of deciduous woodland priority habitat would be treated at this location.</p> <p>West Sussex CC / The Forestry Commission</p> <p>Provide comment if required</p>	
TE 2.23	<i>Commitments C-112 and C-217</i>	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	The revised wording of Commitments C-112 and C-217 are considered acceptable. (N.B. Presumably the reference to Commitment C-117 in the column to the left is an error, as this has not been updated).

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	<p>All Relevant Planning Authorities</p> <p>Natural England</p> <p>Sussex Wildlife Trust</p>	<p>wording adequate? If not, provide alternative wording.</p>	
TE 2.26	<p><i>Outline Landscape and Ecological Management Plan</i></p> <p>All Relevant Planning Authorities</p>	<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>WSCC have reviewed the Outline LEMP (OLEMP) (REP4-047) which has not addressed the following concerns recently presented within the WSCC Deadline 4 response (REP4-086) (where considered appropriate, further detail has been provided):</p> <ul style="list-style-type: none"> • With regard to section 2.2, paragraph 2.2.1 states "<i>Kent Street: Existing mature trees and hedges along this wooded road corridor will be retained and strengthened with additional native woodland planting alongside the substation provided to ensure limited views of the substation even in winter. The wooded, rural character of Kent Street will be retained.</i>" This seemingly conflicts with the latest VRPs in the OCoCP (REP4-043), which identifies that hedgerow H505 could be '<i>cleared to 20m</i>'. This is

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WSCC Response to Examining Authority Further Set of Written Questions (9 July 2024)

West Sussex County Council (IP Reference 200445228)



			<p>of concern given the screening effect of the mature existing boundary.</p> <ul style="list-style-type: none">• With regard to section 2.2 more generally, WSCC comments relating to corresponding landscape matters addressed in the DAS remain of relevance. See section 3.7 of the Deadline 4 response (REP4-086)• With recognition of the ExA's written question TE 2.8, which is hoped to address this outstanding concern, paragraph 2.5.2 is believed to be incorrect or misleading: <i>"All existing vegetation (trees and hedgerows) within the Oakendene West Construction Compound will be retained"</i>. The updated VRPs within the OCoCP (REP4-043) continue to identify that hedgerow loss will occur with the potential for tree loss to occur at all construction compounds within the vicinity of the Oakendene substation area.• Paragraph 4.5.4 states <i>"Landscape plans for hedgerow and treeline reinstatement may need to be produced in sensitive areas such as the SDNP and included within the stage specific LEMP"</i>. This suggests that stage specific LEMPs may not include landscape plans for hedgerow and treeline reinstatement, and if so, only in undefined <i>"sensitive areas"</i>. This is very
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Rampion 2 Offshore Wind Farm (Project Reference: EN010117)

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			<p>concerning and contrary to what is suggested in Section 2.7 regarding stage specific LEMPs (specifically 2.7.2). Further clarification is required as to whether landscape plans to be approved by the Relevant Planning Authority will identify the location for hedgerow and treeline reinstatement.</p> <ul style="list-style-type: none">• WSCC recently identified numerous concerns regarding vegetation loss required to appropriately facilitate access points located throughout the Project (stated within (REP4-086)). In light of these concerns, it is now apparent that the OLEMP lacks in clarity as to how detailed design will approach the reinstatement of removed vegetation (i.e. hedgerows and tree lines) required for temporary construction access points. It is considered important that wherever possible, the design of the landscape surrounding temporary accesses reinstate their previous character (by direct replacement of landscaping features such as hedgerows and treelines etc.), unless to specifically enhance habitats for those of greater ecological significance for a specific area and agreed by the Relevant Planning Authority.
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			<ul style="list-style-type: none">• Section 5 needs to provide further detail as to how stage-specific LEMPs will regard the management and monitoring of temporarily translocated hedgerows, aiming to ensure their successful re-establishment and survival following translocation operations. Translocating hedgerows is a strategy of mitigation stated within Commitment C-115 and the OCoCP (REP4-043). Whilst this mitigating measure is supported by WSCC, without the provision of an outline methodology and practices to be adopted within detailed LEMPs, WSCC is not satisfied that this technique will lead to successful translocated hedgerows. Outline methodology and practices should be inclusive of translocation operations, care and protection whilst within receptor pits, as well as adequate aftercare following final translocation. It also needs to provide confidence this would be possible within areas which are difficult to access for 10 years of maintenance, especially once fields/land is back in usual operational use of the landowner or tenant.• WSCC continue to request the provision of a tabular schedule of the vegetation removal plans within the stage-specific LEMPs. It is of particular importance to understand which hedgerows will
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			<p>be proposed for notching through translocation, which is currently proposed to be determined during detailed design.</p> <ul style="list-style-type: none"> • WSCC still have concerns over how quickly reinstatement will be possible given the exclusion of accesses, haul roads and construction compounds from Commitment C-103 (and based on WSCC experience of Rampion 1 OWF where the large areas of reinstatement were only possible upon full completion of construction activities). • The addition of sections 5.1.9 and 5.1.10 are welcomed by WSCC.
TE 2.28	<p><i>New Requirement 40 Regarding the Vegetation Retention and Removal Plan</i></p> <p>All Relevant Planning Authorities</p>	<p>a) Comment on the adequacy of the newly added Requirement 40 from the Applicant at Deadline 4 (Schedule 1, Requirements 40) in Revision E of the Draft Development Consent Order [REP4-004] which secures Vegetation Retention and Removal Plan must be inline with the Outline Vegetation Retention and</p>	<p>a) The newly added Requirement 40 is considered appropriate and is welcomed by WSCC as the OCoCP (REP4-044) does not secure the need for detailed vegetation retention and removal plans to be submitted and approved by the relevant planning authority. Without such provisions, no control over vegetation loss is provided following detailed design, which should adhere to design principles, mitigation measures, and commitments identified within control documents. However, the current wording of the</p>



	<p>Statutory Nature Conservation Bodies</p>	<p>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>requirement and relating OCoCP (REP4-044) does not secure this without further amendment.</p> <p>It is considered that the wording of the requirement needs amending to ensure that detailed vegetation retention and removal plans are submitted, and that they will accord not only with the 'outline' vegetation retention and removal plans, but also the OCoCP.</p> <p>To ensure the requirement secures the appropriate detailed plans, the OCoCP to be submitted at Deadline 6 needs to provide clarity as to what the Outline Vegetation Retention and Removal Plans show, as well as providing a clear description as to what will be identified within the detailed vegetation retention and removal plans (such as coppiced/reduced hedgerows).</p> <p>b) WSCC looks forward to receiving the Outline Vegetation Retention and Removal Plans to be submitted by the Applicant at Deadline 5, and commenting for submission at Deadline 6.</p>
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