

Rampion 2 Wind Farm

Statement of Common Ground- Environment Agency

May 2024

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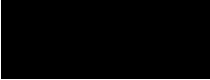
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1. Introduction

1.1 Background

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared between Rampion Extension Development Limited (RED) (hereafter referred to as ‘the Applicant’) and the Environment Agency to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) Application for the Rampion 2 Offshore Wind Farm (hereafter referred to as “Rampion 2” or “the Proposed Development”).
- 1.1.2 The need for a SoCG between the Applicant and the Environment Agency was set out within Rule 6 letter issued by the Examining Authority Inspectorate on 14th December 2023 **[PD-006]**.
- 1.1.3 This SoCG is intended to cover all topics where agreement is sought between the Applicant and the Environment Agency and covers the topics split by discipline as detailed in the Environmental Impact Assessment (EIA).
- 1.1.4 Following detailed discussions undertaken through pre-application consultation, the Applicant and the Environment Agency have sought to progress a SoCG.
- 1.1.5 It is the intention that this document provides the Planning Inspectorate with a clear overview of the level of common ground between both parties. This document will facilitate further discussions between the Applicant and the Environment Agency and will be updated as discussions progress prior to and during the Examination.

1.2 Approach to SoCG

- 1.2.1 This SoCG has been developed during the pre-examination phase and the Examination phase of Rampion 2. The EA issued their relevant representation **[RR-116]** and it was published by PINS on 06/11/2023. The SoCG makes reference to other submission documents that set out, in greater detail, the discussions that have taken place between the Environment Agency and the Applicant. These documents are:
- **Consultation Report [APP-027]**;
 - **Planning Statement [APP-036]**;
 - **Evidence Plan [APP-243 to APP-253]**; and
 - The ‘Consultation’ section included within relevant chapters of the **Environmental Statement, Volume 2 [APP-042 to APP-072]**¹.
- 1.2.2 The SoCG is structured as follows:

¹ All documents can be found [here](#) on the Planning Inspectorate website during the DCO decision process, although this is likely to be archived after the decision has been made.

- **Section 1: Introduction:** outlines the background and approach to the development of the SoCG and provides an overview of the Proposed Development;
- **Section 2: The Environment Agency's remit:** describes the main areas of discussion within the SoCG and a summary of consultation to date; and
- **Section 3: Agreement/Disagreement Log:** provides a record of the positions of the Applicant alongside those of the Environment Agency as related to the topics of discussion and the status of agreement on those positions.

1.3 The Proposed Development

- 1.3.1 The Applicant is developing Rampion 2 located adjacent to the existing Rampion Offshore Wind Farm Project (referred to as 'Rampion 1') in the English Channel.
- 1.3.2 Rampion 2 will be located between 13km and 26km from the Sussex Coast in the English Channel and the offshore array area will occupy an area of approximately 160km².
- 1.3.3 The key offshore elements of the Proposed Development will be as follows:
- up to 90 offshore wind turbine generators (WTGs) and associated foundations;
 - blade tip of the WTGs will be up to 325m above Lowest Astronomical Tide (LAT) and will have a 22m minimum air gap above Mean High Water Springs (MHWS);
 - inter-array cables connecting the WTGs to up to three offshore substations;
 - up to two offshore interconnector export cables between the offshore substations;
 - up to four offshore export cables each in its own trench, will be buried under the seabed within the final cable corridor; and
 - the export cable circuits will be High Voltage Alternating Current (HVAC), with a voltage of up to 275kV.
- 1.3.4 The key onshore elements of the Proposed Development will be as follows:
- a single landfall site near Climping, Arun District, connecting offshore and onshore cables using Horizontal Directional Drilling (HDD) installation techniques;
 - buried onshore cables in a single corridor for the maximum route length of up to 38.8km using:
 - ▶ trenching and backfilling installation techniques; and
 - ▶ trenchless and open cut crossings.
 - A new onshore substation, proposed near Cowfold, Horsham District, which will connect to an extension to the existing National Grid Bolney substation, Mid Sussex, via buried onshore cables; and

- extension to and additional infrastructure at the existing National Grid Bolney substation, Mid Sussex District to connect Rampion 2 to the national grid electrical network.

1.3.5 A full description of the Proposed Development is provided in **Chapter 4: The Proposed Development, Volume 2** of the **Environmental Statement (ES)** [APP-045].

2. The Environment Agency's Remit

2.1 Introduction

- 2.1.1 The Environment Agency is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs (Defra) with the stated purpose “*to protect or enhance the environment, taken as a whole*”. The Environment Agency has a responsibility for protecting and improving the environment, as well as contributing to sustainable development. T
- 2.1.2 The Environment Agency helps to support a greener economy through protecting and improving the natural environment for beneficial uses, working with business to reduce waste and save money and helping to ensure that the UK economy is ready to cope with climate change. The Environment Agency will facilitate, as appropriate, the development of low carbon sources of energy ensuring people, and the environment, are properly protected.
- 2.1.3 The Environment Agency has three main roles:
- An environmental regulator – taking a risk-based approach and targeting efforts to maintain and improve environmental standards and to minimise unnecessary burdens on business. We issue a range of permits and consents.
 - An environmental operator – a national organisation that operates locally, working with people and communities across England to protect and improve the environment in an integrated way, and providing a vital incident response capability.
 - An environmental advisor – compiling and assessing the best available evidence and using this to report on the state of the environment. Using their own monitoring information and that of others to inform this activity, the Environment Agency provides technical information and advice to national and local governments to support their roles in policy and decision-making.
- 2.1.4 One of the Environment Agency's specific functions is as a Flood Risk Management Authority, with a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from rivers classified as 'Main Rivers' or from the sea.
- 2.1.5 The Environment Agency will be concerned in both the construction and operation of any and all onshore design elements of the Proposed Development that can impact the above responsibilities.
- 2.1.6 The SoCG covers technical aspects of the DCO Application of relevance to Environment Agency, comprising:
- Principle of Development;
 - Onshore aspects of the DCO Application:
 - ▶ Landfall;

- ▶ Groundwater and Contaminated Land;
- ▶ Historical landfill;
- ▶ Crossings, Flood Risk and Flood Risk Activity Permits (FRAPs); and
- ▶ Biodiversity.
- Offshore aspects of the DCO Application:
 - ▶ Coastal Processes; and
 - ▶ Benthic, Subtidal and Intertidal Ecology.

2.2 Consultation summary

2.2.1 **Table 2-1** in this Section briefly summarises the consultation that the Applicant has undertaken with the Environment Agency including both statutory and non-statutory engagement during the pre-application and post-application phases.

Table 2-1 Consultation and correspondence undertaken with the Environment Agency pre-application

Date and type	Description of consultation
17 September 2020 Expert Topic Group (ETG)	Rampion 2 ETG meeting – Methodology for Physical Processes, Water Framework Directive (WFD), Benthic ecology, Fish & Shellfish Ecology and Nature Conservation
2 December 2020 Further Engagement – Email regarding water environment	Email from RED to Environment Agency including a data request for the Adur Eastern Branch climate change data email exchange between environment agency West Sussex office.
28 October 2020 ETG Meeting	Rampion 2 ETG meeting – Onshore Ecology, Hydrology and Nature Conservation
23 March 2021 ETG Meeting	Rampion 2 ETG meeting – Onshore Ecology, Hydrology and Nature Conservation
24 March 2021 ETG Meeting	Rampion 2 ETG meeting – Methodology for Physical Processes, WFD, Benthic ecology, Fish & Shellfish Ecology and Nature Conservation

Date and type	Description of consultation
Statutory Consultation carried out under Section 42 of the Planning Act 2008 (14 July to 16 September 2021) Statutory consultation response	Response from Environment Agency dated 14 September 2021 including key aspects: Ground Conditions, Water Environment, Flood Risk, Marine Licence, Biodiversity
3 November 2021 ETG Meeting	Rampion 2 ETG Meeting – Onshore Ecology, Hydrology & Nature Conservation
21 December 2021 Targeted Meeting	Meeting with Environment Agency and Southern Water to discuss constraints at Warningcamp to New Down Local Wildlife Site (LWS) regarding source protection zones and proposed onshore cable re-routes.
15 February 2022 Targeted Meeting	Additional targeted Offshore Cable Corridor meeting
03 March 2022 Targeted Meeting	Additional Targeted WFD Meeting
22 March 2022 Targeted Meeting	Microsoft Teams Call Meeting with Environment Agency to discuss flood risk and activities within the floodplain.
5 May 2022 Targeted Meeting	Meeting with Southern Water and the Environment Agency to discuss constraints in relation to potential route changes
26 May 2022 ETG Meeting	Rampion 2 ETG meeting – Methodology for Physical Processes, WFD, Benthic ecology, Fish & Shellfish Ecology and Nature Conservation
14 September 2022 Targeted Meeting	Meeting with Southern Water and the Environment Agency to discuss monitoring proposals for groundwater levels and ground investigation works.

Date and type	Description of consultation
Statutory Consultation carried out under Section 42 of the Planning Act 2008 (18 October to 29 November 2022) Statutory consultation response	Rampion Offshore Wind Farm Supplementary Consultation Response from the Environment Agency including key aspects: Groundwater and contaminated land, flood risk, biodiversity and the landfall at Climping.
8 November 2022 ETG Meeting	Rampion 2 ETG Meeting – Terrestrial ecology and nature conservation
21 November 2022 ETG Meeting	Rampion 2 ETG Meeting – Soils & agriculture and Ground conditions
22 November 2022 ETG Meeting	Rampion 2 ETG Meeting – Water environment [Onshore]
Statutory Consultation carried out under Section 42 of the Planning Act 2008 (4 February – 27 March 2023) Statutory consultation response	Rampion 2 Offshore Wind Farm Further Supplementary Consultation Response from the Environment Agency including key aspects: Flood risk, ecology, groundwater and contaminated land.
2 March 2023 ETG Meeting	Rampion 2 ETG Meeting – Noise and Vibration, Air Quality, Soils and Agriculture and Ground Conditions
7 March 2023 ETG Meeting	Rampion 2 ETG Meeting – Terrestrial Ecology and Water Environment
Statutory Consultation carried out under Section 42 of the Planning Act 2008 (28 April – 30 May 2023)	Rampion 2 Offshore Wind Farm Bolney Substation extension Consultation No objection response from Environment Agency

Date and type	Description of consultation
Statutory consultation response	
22 June 2023 ETG Meeting	ETG meeting for water environment to discuss progress since March 2023, EIA considerations for the final onshore cable route, and outstanding ETG actions.
15 February 2024	Page Turn meeting to discuss Rev C of the Statement of Common Ground, and propose clarify positions on discussion matters now responses have been provided to initial concerns.
18 March 2024	Rampion 2 Expert to Expert BNG Meeting
09 May 2024	Rampion 2 Expert to Expert Meeting about cable laying in SPZ2 and Kitpease Copse
20 May 2024	Rampion 2 Co-Ordination Meeting in Preparation for Deadline 4

3. Agreement/Disagreement Log

- 3.1.1 The following sections of this SoCG set out the level of agreement between the Applicant and the Environment Agency for each relevant component of the DCO Application identified in **paragraph 2.1.6. Table 3-2 to Table 3-8** below detail the positions of the Applicant alongside those of the Environment Agency and whether the matter is agreed or not agreed.
- 3.1.2 To easily identify whether a matter is ‘agreed’, ‘not agreed’ or an ‘ongoing point of discussion’, the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in **Table 3-1** below.

Table 3-1 Position status key

Position Status	Colour Code
The matter is considered to be agreed between the parties	Agreed
The matter is neither ‘agreed’ or ‘not agreed’ and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Ongoing point of discussion
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicant or the Environment Agency is not considered to result in a material outcome on the assessment conclusions.	Not agreed- No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or the Environment Agency is considered to result in a materially different outcome on the assessment conclusions.	Not agreed- material impact

Table 3-2 Status of discussions related to Principle of Development

Reference Number	Point of Discussion	Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
EA01	Principle of Development	The Environment Agency do not object in principle to the Proposed Development. However, we have concerns that harm to the environment may result from its construction, operations and maintenance, and decommissioning.	<p>The Applicant welcomes Environment Agency's acceptance of the principle to the Proposed Development.</p> <p>The project will contribute materially towards meeting the urgent national need for renewable energy generation, significantly reducing carbon emissions from energy.</p> <p>Concerns around specific environmental impacts remain in discussion and are noted in other parts of this SOCG.</p>	Agreed	06/11/2023	

Table 3-3 Status of discussions related to Coastal Processes

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
EA02	Physical processes	Agreement of assessment Study Area.	The Applicant welcomes Environment Agency's agreement that the study area within the DCO application documents is the most suitable.	Agreed	17/09/2020	
EA03	Physical processes	Agreement of data gathered for baseline considered acceptable for assessment.	The Applicant welcomes Environment Agency's agreement that the study area and data sources gathered for the baseline for assessment within DCO application documents are the most suitable	Agreed	17/09/2020	
EA04	Physical processes	Agreement of assessment approach/methodology.	The Applicant welcomes Environment Agency's agreement of the assessment approach/methodology within the DCO application documents is the most suitable.	Agreed	17/09/2020	

Table 3-4 Status of discussions related to Benthic, Subtidal and Intertidal Ecology

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
EA05	Benthic ecology	Agreement on assessment Study Area.	The Applicant welcomes Environment Agency's agreement of the Study Area within the DCO application documents is the most suitable.	Agreed	17/09/2020	
EA06	Benthic ecology	Agreement on data sources gathered for baseline considered acceptable for assessment.	The Applicant welcomes Environment Agency's agreement that the data sources gathered for the baseline for assessment within DCO application documents are the most suitable	Agreed	17/09/2020	
EA07	Benthic ecology	Concerns of cables passing through chalk feature and permanent habitat loss.	The Applicant has adopted an appropriate approach to minimising potential impacts to priority habitats and species in the intertidal and subtidal environment, with avoidance through informed design / micrositing and, where avoidance is not possible, minimisation of impacts through mitigation as set out within the In Principle Sensitive Features Mitigation Plan [APP-239] . The Applicant has based its assessment of cable burial potential on current data, which is considered appropriate at this pre-consent stage; a full Cable Burial Risk Assessment based on the results of the pre-construction surveys will be undertaken when the final cable design parameters are determined post-consent	Agreed	21/05/24	<p>The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant.</p> <p>Agreement formed following EA consideration of the Applicant's response to Relevant Representations.</p> <p>Has moved from Yellow to Green during Examination.</p>
EA08	Release of sediment contaminants	<p>Concerns about the release of significant quantities of Bentonite during the drilling process during the offshore construction phase and the potential impacts to the newly establishing kelp beds in proximity.</p> <p>Assurances were given at the last expert topic group meeting that contact had been made with the Sussex Kelp Recovery Project and discussions/consultation were ongoing. The Environment Agency would welcome further clarification on this.</p>	The Applicant is engaging with Sussex Kelp Recovery Project (SKRP) and SKRP is aware that the Rampion 2 DCO Application has been published on the Planning Inspectorate's website. Whilst the Applicant has not engaged with SKRP on direct impacts on the kelp beds, Chapter 9: Benthic, Subtidal and Intertidal Ecology, Volume 2 [APP-050] has assessed all algae features, including kelp, and has determined there would be no significant effects. It is therefore considered unlikely that construction works, including the potential release of bentonite during drilling activities at landfall, would result in the deterioration of relevant biological quality elements under the Water Framework Directive (WFD) (England and Wales) Regulations 2017, although it is also noted that the Sussex coastal water body is not assessed / classified for macroalgae.	Agreed	21/05/24	<p>The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant.</p> <p>Agreement formed following EA consideration of the Applicant's response to Relevant Representations.</p> <p>Marine specialist team confirmed as agreed 20/05/24.</p> <p>Has moved from Amber to Green during Examination.</p>

Table 3-5 Status of discussions related to Water Environment

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
EA09	Landfall flood risk	<p>The Environment Agency would urge the applicant to ensure that they are satisfied that the risk to their equipment is appropriately mitigated.</p> <p>Further details of the chosen landfall connection and associated work at Climping, including details of any flood mitigation will be required.</p> <p>In addition, a Flood Risk Activity Permit will need to be obtained prior to the commencement of such works.</p>	<p>Further ground investigation will be carried out at the landfall at the post-DCO Application stage as outlined in commitment C-247 (Commitments Register [APP-254]) and secured within the Draft Development Consent Order (DCO) [APP-019] Requirement 26. The ground investigation will inform a 'coastal erosion and future beach profile estimation assessment' which would inform the need for and design of any further mitigation and adaptive measures to help minimise the vulnerability of these assets from future coastal erosion and tidal flooding.</p> <p>During the detailed design stage post-DCO award, the preparation of the Flood Risk Activity Permit (FRAP) application will contain further detailed information. The Applicant will commence this process in advance of any construction works.</p>	Agreed	20/05/2024	<p>The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant.</p> <p>During meeting on 20/05/24: EA has welcomed the assessment that will be undertaken pre-construction, and as such there is no need for additional assessment at this time.</p> <p>Agreement formed following EA consideration of the Applicant's Relevant Representations.</p> <p>Has moved from Yellow to Green during Examination.</p>
EA10	Flood Risk Activity Permits (FRAPs)	<p>The requirement to obtain Flood Risk Activity Permits (FRAPs) from the Environment Agency before commencement of works in, under, over or within 8 metres of the top of the bank of any designated Main River and 16 metres from a Coastal Defence.</p> <p>The Environment Agency has not yet received any detailed methodology for such works, and therefore are not able to comment on this aspect, nor indicate whether such permits can be obtained, or advise upon any requirements that would be applied to such permits if obtained. It is Environment Agency's understanding that the Applicant does not intend to disapply the need for FRAPs under section 150 of the Planning Act 2008.</p>	<p>Detailed methodologies for works where there is a requirement for a Flood Risk Activity Permit (FRAP) (e.g., works in, under, over or within 8m of the top of the bank of any designated Main River and 16m from a Coastal Defence) will be provided by the contactor who will be appointed following the Examination phase.</p> <p>The permitting requirements within embedded environmental measure C-17 are set out in Section 26.7 (Table 26-20) of Chapter 26: Water environment, Volume 2 [APP-067].</p> <p>The Applicant confirmed in a consultation meeting with the Environment Agency on 22 June 2023 that it is not intending to disapply the need for permitting under section 150 of the Planning Act 2008.</p>	Agreed	06/11/2023	

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
EA11	Disapplication of the need for FRAPs	<p>Further discussion regarding disapplication of consents for FRAPs will be required.</p> <p>The Environment Agency would expect methodologies to be provided for its examination (with sufficient time granted for this work) and also recommend that a number of protective provisions are included in the DCO.</p> <p>It has been noted that this has been acknowledged in the latest documentation, but we would recommend that a requirement is included in the DCO, to cover the need for such permits to be obtained prior to works being undertaken.</p>	<p>As outlined in EA18 (above), the Applicant is not seeking to disapply the need for FRAPs.</p> <p>The requirement for permitting is captured within the embedded environmental measure C-17 as set out in Section 26.7 (Table 26-20) of Chapter 26: Water environment, Volume 2 [APP-067]. It is also identified in Table 3-1 in Category 5: Other Documents: Other Consents and Licences [APP-033] which sets out the other consents and licences which will be required in connection with the Proposed Development, such as Flood Risk Activity Permits. Part 4, Point 16 (7) of the Draft Development Consent Order (DCO) [APP-019] acknowledges that the article does not authorise entry into controlled waters as prohibited by the Environmental Permitting (England and Wales) Regulations 2016. The Applicant will apply for Flood Risk Activity Permits in adherence with the Environmental Permitting (England and Wales) Regulations 2016 as required.</p>	Agreed	20/05/25	<p>The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant.</p> <p>Agreement formed following EA consideration of the Applicant's response to Relevant Representations.</p> <p>Has moved from Yellow to Green during Examination.</p>
EA12	Preferred method of crossing a Main River is via trenchless crossing (i.e., horizontal directional drilling (HDD))	<p>The Environment Agency's preferred method for crossing a Main River is HDD, as this presents the least risk in terms of flood risk and effects on river ecology.</p> <p>The documentation has stated that all "main rivers" and watercourses considered to provide good habitat for fish are proposed to be crossed by "trenchless crossing".</p> <p>The Environment Agency requires justification for those exceptions. The statement "where this represents the best environment solution, is financially & technically feasible" infers some ambiguity. More clarity is needed on this.</p>	<p>Commitment C-5 in the Commitments Register [APP-254] states that: "<i>Main Rivers, watercourses, railways and roads that form part of the Strategic Highways Network will be crossed by HDD or other trenchless technology where this represents the best environment solution and is financially and technically feasible</i>".</p> <p>For clarity, the Applicant confirms that all Main Rivers will be crossed by trenchless crossing technology as reflected in Figure 26.2a-t of Chapter 26: Water Environment – Figures (Part 1 of 2), Volume 3 [APP-117] and recorded in the Appendix 4.1: Crossing Schedule, Volume 4 [APP-122] and paragraph 5.10.13 of the Outline CoCP [APP-224].</p> <p>Also, as outlined in Table 26-7 of Chapter 26: Water environment, Volume 2 [APP-067], a collaborative approach was carried out between the water environment and terrestrial ecology aspects in the design of the Proposed Development to identify sensitive watercourses which required trenchless crossings. A fisheries habitat survey report recorded the key findings in Appendix 22.6 Fisheries Habitat Survey Report, Volume 4 [APP-184]. All</p>	Agreed	20/05/24	<p>The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant.</p> <p>Agreement formed following EA consideration of the Applicant's response to Relevant Representations.</p> <p>Has moved from Yellow to Green during Examination.</p>

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
			<p>watercourse crossings which were identified as having 'good' potential fisheries habitat have trenchless crossings proposed (RVX-01, RVX-02, STRX-18). One crossing which was identified as offering 'moderate – good' coarse fishery habitat near Buncton adjacent to Water Lane (STRX-05) was updated to a trenchless crossing to minimise effects from channel disturbance at that location. Several others were described as having 'moderate' potential fisheries habitat (STRX-14, STRX-15, STRX-16), and a range of mitigation measures (such as erosion control, channel profile management, soil storage, bank reinstatement, works timing and duration, pump screening, fish rescue etc) have been embedded to minimise potential effects at those locations, as set out in the Chapter 22: Terrestrial ecology and nature conservation, Volume 2 [APP-063]. The crossings which were identified as having 'poor' potential fisheries habitat are predominantly open cut trenched crossings, owing to their low overall sensitivity.</p>			
EA13	Temporary culvert crossings	<p>As far as practically possible, the Environment Agency encourage the Applicant to avoid the use of temporary culvert crossings. The Environment Agency recommend the use of existing access points or using temporary bridges as an alternative.</p> <p>As previously discussed, and as far as practically possible, encourage the applicant to avoid the use of temporary culvert crossings.</p> <p>The Environment Agency welcome a further discussion when more detailed locations have been determined.</p>	<p>Feedback from the Environment Agency regarding temporary culvert crossings was taken into account in the Outline CoCP [APP-224] paragraphs 5.10.13 – 5.10.14.</p> <p>In the context of this Proposed Development, temporary crossings relate to the proposed temporary haul roads only as the onshore cable will be installed below the bed of watercourses.</p> <p>All trenchless cable watercourse crossings would have no need for associated temporary haul road crossings as they would be accessed via adjacent fields / accesses.</p> <p>An embedded environmental measure (C-229) outlined in the Commitments Register [APP-254] has been included to ensure that, where the onshore cable route is open cut trenched, certain watercourse locations are being crossed by open span haul road bridges (e.g., DTX-1de-14 and STRX-1de-03 as outlined in the Crossing Schedule [AP-122]). This is outlined in paragraph 5.10.14 of the Outline CoCP [APP-224] which states that</p>	Agreed	20/05/24	<p>The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant.</p> <p>Agreement formed following EA consideration of the Applicant's response to Relevant Representations.</p> <p>Has moved from Yellow to Green during Examination.</p>

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
			<p>"Clear span bridges will also be used for those watercourses too wide or deep to be crossed using culverts" and that "watercourse crossings will be designed to minimise morphological and conveyance effects and sized to maintain existing flow conveyance". The Crossing Schedule [APP-122] provides information on proposed cable crossing methodologies and of those listed, only open cut trenched crossings of Ordinary Watercourses will require temporary haul road crossings.</p>			
EA14	Crossings requiring FRAPs	The Environment Agency welcomes the opportunity to look at in more detail and comment on those crossings which will require FRAPs, including methods to create dry working areas, over-pumping, and temporary crossings or culverts.	<p>On the basis of the above information (EA20 and EA21), all Main Rivers identified by the Environment Agency would be crossed via trenchless crossing technology with no need for associated temporary culverts. As such, it is not anticipated that there will be any Flood Risk Activity Permit (FRAP) requirements associated with methods to create dry working areas, over-pumping and temporary crossings or culverts, but there may be FRAP requirements for drilling under the Main Rivers (River Arun, Black Ditch, River Adur and Cowfold Stream). Methodologies for works where there is a requirement for a FRAP (e.g., works in, under, over or within 8m of the top of the bank of any designated Main River and 16m from a Coastal Defence) will be provided by the contactor who will be appointed following the Examination phase.</p>	Agreed	20/05/24	<p>The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant.</p> <p>Agreement formed following EA consideration of the Applicant's response to Relevant Representations, and these FRAPs will now inform</p> <p>Has moved from Yellow to Green during Examination.</p> <p>future permitting requirements.</p>
EA15	Stockpiles situated outside of Flood Zones 2 and 3.	It is noted that the Applicant has acknowledged in the latest documentation that stockpiles should be ideally situated outside of Flood Zones 2 and 3. If stockpiles are in the floodplain, the Applicant should ensure the floodplain is connected to minimise any impacts on flow conveyance. Steps have been taken to address the issue, but the location of stockpiles will still need to be agreed.	Table 8-1 of the Flood Risk Assessment [APP-216] identifies a range of flood risk management measures identified to ensure there will be no adverse impacts on flood conveyance and these include commitments C-130, C-131, C-132, C-179, C-180 and C-133 of the Commitments Register [APP-254] . C-132 commits to a ratio of regular stockpile gaps at topographic low points to prevent floodplain compartmentalization. Stockpiling activities will be carried out in accordance with the principles discussed with the Environment Agency on 22 March 2022, with follow up email correspondence from the Applicant on 03 August	Agreed	06/11/2023	

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
			2022 with the Environment Agency. During those exchanges on 11 August 2022 the Environment Agency noted that it agreed in principle with the approaches to soil stockpile management within the Arun Valley floodplain. Engagement will continue throughout the DCO Examination. During the post-DCO detailed design stage, the Flood Risk Activity Permit (FRAP) applications will contain further detailed information about specific stockpile locations.			
EA16	Construction access and compounds	Further details of access tracks and construction compounds will need to be discussed, with any consenting requirements considered.	The five proposed temporary construction compounds and indicative temporary construction haul road (related to the onshore cable corridor) are shown in the Flood Risk Assessment (FRA) [APP-216] figures 26.2.1a – e and 26.2.2. As noted in paragraph 10.1.9, the temporary construction compounds will be located in Flood Zone 1 with runoff rates from those areas limited to pre-development rates through site specific drainage strategies incorporating sustainable drainage systems (SuDS) principles as outlined in C-73 (Commitments Register [APP-254]). Information on temporary construction access and haul road parameters are presented in Paragraph 4.4.19 to 4.4.20 of the FRA [APP-216] . The temporary construction haul road will run along the length of the onshore cable route, except for locations where there are trenchless or road crossings (e.g., Main Rivers). In areas where it is anticipated that the raised stone haul road and associated stockpiles may cause an obstruction to flood water (e.g., on the floodplain), then road mats (also often referred to as 'trackway') placed on the existing ground surface will be used instead (thus avoiding both the raised stone road and the associated stockpiles) as outlined in C-119 (Commitments Register [APP-254]). The temporary construction haul road will be approximately 6m in width, occasionally increasing to 10m at its widest point. The temporary construction haul road will be used during installation works and construction activities and will be removed prior to final reinstatement. Detailed methodologies for works where there is a requirement for a Flood Risk Activity Permit (FRAP) (e.g., works in, under, over or within 8m of the top of	Agreed	15/02/2024	The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant. Has moved from Yellow to Green during Examination.

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
			the bank will be provided by the contactor who will be appointed following the Examination phase. The relevant permitting and consenting requirements contained within embedded environmental measure C-17 are set out in Section 26.7 (Table 26-20) of Chapter 26: Water environment, Volume 2 [APP-067] .			
EA17	Pre-construction and post-construction asset condition surveys	Consideration for pre-construction and post-construction asset condition surveys will be required. This will be relevant to any construction activities in close proximity to Main Rivers and subsequent assets. Further details of this will be required as part of the consenting process.	The Applicant acknowledges that any requirements for asset condition surveys would be covered under the relevant permits as part of the consenting process. Table 26-9 in Chapter 26: Water Environment, Volume 2 [APP-067] outlines “ <i>Environmental measures (C-17, C-77, C-126, C-142 and C-182) are included to ensure adherence to the permitting regime (see Section 26.7) which will cover any temporary construction activities in close proximity to Main Rivers and subsequent assets</i> ”. This relates to the trenchless crossings of the Main Rivers such as River Arun, Black Ditch, River Adur (West Branch) and Cowfold Stream as well as the Environment Agency flood defences at the Climping Beach frontage, River Arun and River Adur (West Branch).	Agreed	15/02/24	The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant. Has moved from Yellow to Green during Examination.
EA18	Discrepancy in Water Environment Document (River Adur Catchment 26.6.18-25)	There is some confusion in the Water Environment Document (River Adur Catchment 26.6.18-25) it appears that several times when the tidal Arun is referred to this is an error, and further on in the document. This is important to amend to remove uncertainty.	This is noted as an errata to the DCO (attached to the covering letter for Procedural deadline A dated 16th January 2024).	Agreed	06/11/2023	
EA19	Standoff distance proposed from watercourse bank tops	The Environment Agency supports the standoff distance proposed from watercourse bank tops, though this currently has no specified distance. Clarification would be welcomed and should be a minimum of 3m in most locations.	Stand-offs to watercourses will be implemented in all locations where they are not crossed using open cut trenching methodology or where an access road is located. Outside of crossing points (by openly trenched cable or access road) a stand-off in excess of 3m will be achieved from all construction works. The exception to this will be where any existing access routes (e.g., farm tracks), including existing crossing points, require repair and their original alignment takes them in close proximity to a watercourse.	Agreed	15/02/24	EA has agreed this having reviewed revised commitment wording – submitted by the Applicant at deadline 3. Preview provided April 2024 stating: “ C-135 A stand-off distance of at least 3m (with greater distances implemented based on local biodiversity and pollution control

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
						<p>considerations) will be applied from watercourse bank tops (other than for watercourse crossings) to account for potential issues such as water vole burrows, otter holts and pollution control".</p> <p>Has moved from Yellow to Green during Examination.</p>
EA20	Vegetation removal for watercourse crossings which are open cut.	There is mention of 30m length of vegetation removal for watercourse crossings which are "open cut". The Environment Agency would also like confirmation if this is 30m on both banks (i.e., 60m in total) or 15m per bank.	Watercourse crossings that are subject to open cut trenching would require 30m of vegetation removed on each bank (60m in total) to enable the duct blocks to be craned into place and give access to excavators etc. This is a realistic worst-case scenario and may be reduced at detailed design stage.	Agreed	15/02/24	<p>The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant.</p> <p>Has moved from Yellow to Green during Examination.</p>
EA21	Pond retention and consideration as Habitats of Principal Importance	The Environment Agency is pleased to see that all 17 ponds within the Development Consent Order limit are confirmed to be retained, and that all ponds have been considered Habitats of Principal Importance (HPI).	The Applicant welcomes the Environment Agency's support for the approach to ponds. For clarity there are a total of 13 ponds and 4 ditches within the order limits. A ponds plan has been included as a visual aid alongside the vegetation retention plan.	Agreed	06/11/2023	
EA22	Hydrogeological Risk Assessment	The Environment Agency is largely satisfied with the hydrogeological risk assessment as provided.	The Applicant welcomes the Environment Agency's Representation with respect to the content within Appendix 26.1: Hydrogeological Risk Assessment, Volume 4 [APP-218] .	Agreed	06/11/2023	
EA23	Request for Monitoring data regarding private and public water supplies.	We also note that monitoring will take place of private and public water supplies in the vicinity of the development corridor. The Environment Agency would find it helpful if they could also be supplied with this monitoring data.	<p>The Applicant acknowledges the Environment Agency's request for future public and private water supply monitoring data where monitoring is undertaken.</p> <p>Commitment C-253 in the Commitments Register [APP-254] sets out commitments in relation to Private Water Supply (PWS) monitoring which are all registered with Arun District Council (ADC).</p>	Agreed	20/05/24	<p>The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant.</p> <p>Discussed in email correspondence 14 May 2024.</p>

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
			<p>Provision of monitoring data to the Environment Agency will be subject to the consent from the PWS supply owners and ADC under General Data Protection Regulation (GDPR).</p> <p>During its Section 42 response the Environment Agency suggested 250m as an appropriate default distance for the consideration of PWSs during the design evolution. 250m is therefore considered to be an appropriate default distance from the proposed Order Limits and Proposed Development at which the Applicant would carry out a review of PWS information post-consent. This would be secured through Outline Code of Construction Practice (OCoCP) [PEPD-033] via Requirement 22 of the draft DCO [REP2-002].</p> <p>The 250m default distance however does not apply to public water supplies which have their own modelled Source Protection Zones (SPZs) and don't rely on default distances in the same way. The Applicant also considers any low to negligible risk of changes to the water quality of public water supplies to be sufficiently mitigated by way of site-specific mitigation measures which were agreed with the EA and Southern Water (C-137, C-246,C-250, C-251). This was reported in Section 5 of the HRA [APP-218].</p> <p>In relation to public water supply monitoring the Applicant has discussed and agreed that Southern Water will continue to undertake turbidity monitoring as per its normal operations at their Angmering and Patching SPZs. Southern Water have agreed to supply the Environment Agency with their data. In an email on 14 May 2024 the Environment Agency have confirmed that they are happy with this arrangement and do not expect the Applicant to monitor the Southern Water sources themselves.</p>			<p>Clarification has been provided by the Applicant in the last paragraph of their position on 20/05/24 (that Southern Water will be doing public water supply monitoring and that they have agreed to share their data with the Environment Agency.</p> <p>Has moved from Yellow to Green during Examination.</p>
EA24	WFD assessment	Agreement of WFD assessment Study Area.	The Applicant welcomes Environment Agency's agreement that the study area for assessment within DCO application documents is the most suitable	Agreed	24/03/2021	

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
EA25	WFD assessment	The Environment Agency agreed guidance provided in the WFD assessment was acceptable.	The Applicant welcomes Environment Agency's agreement that the guidance provided within DCO application documents are the most suitable	Agreed	24/03/2021	
EA26	WFD assessment	Agreement of assessment approach.	The Applicant welcomes Environment Agency's agreement that the approach to assessment within DCO application documents is the most suitable	Agreed	24/03/2021	
EA27	WFD assessment	Agreed that the 2019 interim WFD classification was the best option for the baseline WFD classification (in the absence of more up to date classification data).	The Applicant welcomes Environment Agency's agreement that the 2019 interim WFD classification was the best option for the baseline WFD classification.	Agreed	03/03/2022	
EA28	Lyminster Bypass	The Lyminster bypass, currently being built, is not mentioned in cumulative effects although the proposed cable route intersects with this. The Environment Agency would like it to be acknowledged in the documents that contact has been made with the developers as this is now more pertinent than the A27 bypass which is currently on hold.	This is noted as an errata to the DCO (attached to the covering letter for Procedural deadline A dated 16th January 2024).	Agreed	06/11/2023	
EA43	Arun Internal Drainage Board Byelaws	The EA acknowledged that the consenting process for byelaws within the Arun Internal Drainage Board (IDB) were adequately represented in the ES Application documentation.	The Applicant and EA are agreed that byelaw consenting will take place as set out in the Flood Risk Assessment [APP-216] , which notes the byelaw consenting process within the Arun Internal Drainage District (IDD) and that the EA are the responsible body for the IDB consents. C-182 in Table 8-1 of in the Flood Risk Assessment [APP-216] also covers the consenting process within the IDB district.	Agreed	20/05/2024	<p>The EA has considered the Applicant's Position, and has confirmed during a page turn meeting that this point is now agreed with the Applicant.</p> <p>Has moved from Yellow to Green during Examination.</p>

Table 3-6 Status of discussions related to Terrestrial Ecology and Nature Conservation

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
EA29	Nature conservation area	Agreement on nature conservation assessment Study Area.	The Applicant welcomes Environment Agency's agreement that the study area for assessment within DCO application documents is the most suitable	Agreed	17/09/2020	
EA30	Nature conservation baseline	Agreement of data gathered for baseline considered acceptable for assessment.	The Applicant welcomes Environment Agency's agreement that the data sources gathered for the baseline for assessment within DCO application documents are the most suitable	Agreed	17/09/2020	
EA31	Nature conservation assessment methodology	Agreement of assessment approach / methodology.	The Applicant welcomes Environment Agency's agreement that the approach/methodology for assessment within DCO application documents are the most suitable	Agreed	24/03/2021	
EA32	Water dependent habitats and species – methodology and management of impacts	The Environment Agency is happy with the quantity of data collected on biodiversity elements and comfortable that concerns the Environment Agency has previously raised are being addressed.	The Applicant welcomes Environment Agency's agreement that the quantity of data collected on biodiversity elements within DCO application documents are satisfactory.	Agreed	06/11/2023	
EA33	Preconstruction surveys for water vole and Great Crested Newts	Preconstruction surveys will be carried out for water vole and Great Crested Newts where the route intersects suitable habitat. The Environment Agency supports this given the timeframes involved in the proposal.	The Applicant welcomes the Environment Agency's support for the approach to preconstruction surveys.	Agreed	06/11/2023	

Table 3-7 Status of discussions related to Fish and Shellfish Ecology

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
EA34	Fish and shellfish ecology		The Applicant welcomes Environment Agency's agreement that the study area and data sources gathered for the baseline for assessment within DCO application documents are the most suitable	Agreed	17/09/2020	

Table 3-8 Status of discussions related to Ground Conditions

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
EA35	Contamination risk	The Environment Agency notes the presence of historical landfill(s) within the route plans. These probably represent the largest contamination risk, though we acknowledge that these are largely non-biodegradable waste, and mostly fairly old This would reduce the overall risk potential.	The Applicant welcomes the Environment Agency's agreement that the historical landfill(s) likely represent the largest contamination risk and the acknowledgement that the overall risk from the historical landfills is low given their age and waste type.	Agreed	06/11/23	
EA36	Containment features	Any works associated with this scheme must not compromise any containment features of these landfills or create preferential pathways for contaminants within the landfill, to offsite receptors. The Environment Agency would though acknowledge that due to the age and suspected nature of the landfill, it is unlikely that many containment features were incorporated in their designs, however if any features are present then proposed works must ensure that these are not compromised	The Applicant welcomes the Environment Agency's comment that whilst works must not compromise any containment features, the age of the historical landfills means containment features are unlikely to be present. The Outline Code of Construction Practice (CoCP) [APP-224] outlines the Applicant's commitment that the historical landfills (as one of the locations identified in Appendix 24.1: Phase 1 geo-environmental desk study, Volume 4 [APP-198]) will be subject to further contamination assessment, post-DCO consent, and that appropriate remediation will be implemented where required in line with the Environment Agency's guidance on land contamination and risk management (LCRM). This is secured through Paragraph 25 of the draft Development Consent Order (DCO) [APP-019] .	Agreed	06/11/23	
EA37	Historical landfill removals classification as waste	The Environment Agency would also like any waste material removed from the landfills, as part of construction would be classed as waste material. As such they cannot be re-deposited and must be appropriately disposed of as waste material.	Section 4.12 of the Outline Code of Construction Practice (CoCP) [APP-224] provides the Applicant's commitments to the management of excavated soils in line with the Contaminated Land: Applications in Real Environments (CL:AIRE) (2011) Definition of Waste Code of Practice and Waste Regulations (DoWCoP). This includes development of a Materials Management Plan (MMP) declared by a Qualified Person and for material that is not suitable for reuse to be managed as waste material in accordance with the Waste Regulations (2011) and removed offsite for treatment / disposal under Duty of Care (commitment C-31 and C-69).	Agreed	06/11/23	
EA38	Disused boreholes decommissioning	Disused boreholes should be suitably decommissioned and backfilled, prior to constructions, this must be done to ensure it	Where boreholes are installed by the Applicant or found to be present onsite prior to construction, these will be decommissioned in line with Environment Agency (2012) <i>Good Practice for</i>	Agreed	06/11/23	

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
		does not represent a rapid pathway to any underlying aquifers.	<i>decommissioning redundant boreholes and wells.</i> The Applicant considers that this forms part of the commitment in the Outline Code of Construction Practice (CoCP) [APP-224] to ensure land is suitable for the proposed use in line with the Environment Agency's land contamination and risk management (LCRM) guidance.			
EA39	Contamination and remedial works	If, during development works, contamination (including any contamination not previously identified) is found to be present then appropriate remedial works should be undertaken to address any residual risks.	The Outline Code of Construction Practice (CoCP) [APP-224] provides the Applicant's commitment that an unexpected contamination protocol will be developed and in place prior to construction to ensure appropriate management of unexpected contamination in line with the Environment Agency's land contamination and risk management (LCRM) guidance as detailed in commitment C-72 in the Commitments Register [APP-254] . This is secured through Paragraph 25(3) of the draft Development Consent Order (DCO) [APP-019] .	Agreed	06/11/23	
EA40	Drilling Fluids	The risk assessment does not preclude the use of drilling fluids containing hazardous or environmental harmful substance. The Environment Agency would wish to agree as to exactly where and in what circumstances drilling fluids containing hazardous or environmentally harmful substances are used. We are comfortable that this can be agreed as part of general works moving forward.	The Commitments Register [APP-254] and Appendix 26.4: Hydrogeological Risk Assessment, Volume 4 [APP-218] identify commitment C-137 which outlines that " <i>there will be no storage of hazardous materials including chemicals, oils and fuels within any SPZ</i> ". Further assurances regarding use of drilling fluids are provided within the Mitigation Measures paragraph 5.2.16 of Appendix 26.4: Hydrogeological Risk Assessment, Volume 4 [APP-218] , which states that " <i>Environmentally hazardous drilling fluids, or those containing groundwater hazardous substances, will not be used during trenchless crossings (including HDD)</i> " (C-245). The locations of the indicative trenchless crossing (including HDD) compounds and their Limits of Deviation are shown on Figures 26.6a-n in Chapter 26: Water Environment – Figures (Part 2 of 2), Volume 3 [APP-118] .	Agreed	15/02/2024	Noted 15/02/2024 this is now agreed. EA has considered the Applicants response to Relevant Representations. Has moved from Yellow to Green during Examination.
EA41	Geo-environmental desk study and	The Environment Agency is generally satisfied with the geo-environmental desk study and remains of the opinion that the	The Applicant welcomes the Environment Agency's Representation with respect to the content within Appendix 24.1: Phase 1 geo-environmental desk	Agreed	06/11/23	

Reference Number	Point of Discussion	The Environment Agency's Position	Applicant's Position	Current Status	Date of Agreement	Comments/Notes
	historic contamination risks	historic contamination risks associated with the study area are on the whole low.	study, Volume 4 [APP-198] and the agreement that historic contamination risks associated within the study areas are on the whole low.			
EA42	Management of contamination hotspots identified in the Geo-environmental desk study	Hotspots of contamination identified in the geo-environmental desk study should be appropriately managed and investigated to ensure no risk to any controlled water receptors.	The Outline Code of Construction Practice (CoCP) [APP-224] provides the Applicant's commitment (C-71) that the locations identified in the Appendix 24.1: Phase 1 geo-environmental desk study, Volume 4 [APP-198] will be subject to further contamination assessment, post-DCO consent, in line with the Environment Agency's guidance on land contamination and risk management (LCRM). This is secured through Paragraph 25(1) of the draft Development Consent Order (DCO) [APP-019] .	Agreed	06/11/23	

4. References

Environment Agency, (2012). *Good practice for decommissioning redundant boreholes and wells*. [Online] Available at:

[REDACTED]
[REDACTED] [Accessed 13 December 2023].

Rampion 2 DCO Project Glossary:

[1.7 Rampion 2 Application Document Tracker \(planninginspectorate.gov.uk\)](#)

Rampion 2 DCO Examination Document Library:

[EN010117-000419-Rampion 2 Exam Library.pdf \(planninginspectorate.gov.uk\)](#)

