

WISTON ESTATE DEADLINE 5 – RESPONSES TO APPLICANTS REPOSE TO DEADLINE 4 SUBMISSIONS

The following response to the Applicant’s Response to Deadline 4 Submissions, is made with a view to trying not to repeat the detailed submissions which the Wiston Estate has previously made. In particular, the post hearing submissions (REP4-135) and the mineral sterilisation report (REP4-136) which the Applicant has not yet responded to.

	Document	Applicants Response	Wiston Estate Response
1.	<p>8.77 Applicant’s Response to Stakeholder’s replies to Examining Authorities Written Questions (REP4-079)</p> <p>Minerals – MI 1.1</p>	<p><i>The Applicant and West Sussex County Council (WSCC) held a meeting on 23 April 2024. At this meeting, WSCC acknowledged that having considered the Applicants response a full Minerals Resource Assessment would be difficult to achieve and therefore a proportionate response should be provided. It was agreed that more detail can be provided to confirm that safeguarded minerals will not be treated as waste material. WSCC requested confirmation to be provided on the Applicant’s position that prior extraction is not feasible and clarity to be provided that minerals would not be considered in the same way as other excavated materials (which are covered by the current procedure within the Outline Code of Construction Practice [REP3-025]). If specific measures are required to manage minerals encountered along the cable route, WSCC requested that these be considered separately in the Materials Management Plan (MMP) which will form part of the Code of Construction Practice (CoCP).</i></p>	<p>We note the proposal by the Applicant to not treat any mineral encountered as waste and that it expects that all materials excavated will be replaced in the general location they were excavated from. The Applicant has stated that they will provide a section within the Materials Management Plan to deal with minerals during construction and have provided draft headings. This detail should be provided at DCO stage.</p> <p>Once the sand is dug out it will take up significantly more space than it did in the ground. This is because once the material is excavated the material volume will increase because of disturbance during the excavation, known as bulking. Our advisers estimate this could amount to 5000 to 6000 tonnes of mineral across the Applicant’s cable route proposed on land owned by the Estate.</p> <p>There will therefore be a significant risk of loss of mineral resource, due to the construction of the cable and increase in material volume as outlined above. This will need careful managing and it will be important to make sure this excess material is either used onsite for backfilling purposes or stored elsewhere for future use.</p> <p>It should be noted, the Estate owns Rock Common Quarry, which is an active sand processing facility, which is directly abutting the DCO boundary. Space could be made available at the quarry to store excess quantities of sand if required by Rampion.</p>

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		<p><i>Following the meeting the Applicant has considered the request and undertaken a further review of construction practices for the cable route. The Applicant can confirm:</i></p> <p><i>The Applicant will not treat any mineral encountered as waste. The construction process will follow common construction practice in re-using the subsoils or minerals excavated during the cable corridor works, within the construction and reinstatement of the temporary construction corridor, chiefly through the backfilling and reinstatement of the cable trenches. It is expected that all materials excavated will be replaced in the same general location that they were excavated from.</i></p> <p><i>The Applicant confirms that full scale prior extraction is not feasible for the following key reasons: For the sand and gravel minerals safeguarding area, in the meeting on 23 April 2024 WSCC acknowledged that the thin, linear nature of the cable corridor would make prior extraction of the full thickness of the potential sand resource (possibly up to 40m thick) very difficult to achieve. This is due to the limited size of the working area available and the need to provide appropriate slope angles on the extraction faces to maintain land stability. This is particularly relevant where the cable</i></p>	<p>The DCO or commitment register needs to be explicit that any extracted sand which is not replaced in the location where it was found should be recorded and declared to the Mineral Rights Owner. This mineral is owned by the Mineral Rights Owner (Wiston Estate) and should be handed over to them in a manner agreed between the Applicant and the Estate.</p> <p>The Applicant states that full scale prior extraction is unfeasible. They have not discussed prior extraction with the Wiston Estate and many of the constraints identified by the Applicant could be overcome by working in collaboration with the Estate. For example, a wider corridor could have been allowed for within the MSA allowing a more pragmatic implementation for the sand to be excavated prior to the project. As mineral sterilisation has been an afterthought for the Applicant these discussions have not been entered into with the Estate or with WSCC.</p> <p>The Applicant states in Commitment C-69 of the Commitments Register (REP3-049) that “Construction strategies will be implemented that will seek to maximise the reuse of excavated clean materials from the onshore cable construction corridor where practicable and feasible.” The detail provided by the Applicant in their responses does not fulfil this Commitment.</p> <p>The Applicant states that they will provide details in the MMP on “How the stored minerals will then be re-used in the cable construction and reinstatement works to minimise their mixing with other excavated materials being replaced.” The Estate cannot see the difference in the Applicant’s approach here compared to areas outside the MSA, where they will be using excavated materials to back fill the trenches. There needs to be greater clarity from the Applicant as to whether they are trying to make use of this mineral in construction or simply trying to safeguard the mineral.</p>
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		<p><i>route runs adjacent to the A283. In addition, if prior extraction to any depth was achievable this would leave an open pit as a void in the landform. The backfilling of this open pit, with the amount of fill required, the transport required to deliver this backfill material and the workings needed to both extract and fill this area are not considered to be sustainable. Detailed drainage and long-term water management considerations associated with the backfilled pit would need to be undertaken. Alternatively, not filling the void and leaving an open pit feature in-situ with the cable laid within would result in significant landscape and visual impacts in the South Downs National Park. Leaving this mineral in-situ therefore provides a more sustainable approach with minimal disturbance. Complete extraction of potential minerals / aggregate materials underneath the easement corridor exclusively from within the Applicant’s permanent easement corridor is technically and economically unfeasible.</i></p> <p><i>The management of minerals encountered along the route (whether in the Minerals Safeguarding Area (MSA) areas or elsewhere) during the construction works will be managed by the proposed MMP within the stage specific Code of Construction Practice as outlined in Commitment C-69 (Commitments Register</i></p>	<p>The Applicant concludes that these measures will mean that “<i>all minerals encountered will either remain available for future extraction after the operational phase of the Project is complete or be used as a resource and are therefore safeguarded from permanent sterilisation.</i>” We do not agree with this statement as we estimate there will be approximately 5000 – 6000T of excess mineral excavated during installation of the cable route which will not be capable of being reused on estate lands. The mineral is a valuable commodity owned by the Estate and the lack of detail provided by the Applicant raises concerns about how the excess mineral will be used.</p> <p>The Estate also notes the ExA’s suggested requirement to remove the cable from the MSA following decommissioning. The Estate supports this suggestion and would also like to see the DCO amended to provide certainty that the cable will be decommissioned within the 30-year timeframe referred to by the Applicant in the application documents, to ensure the minerals are not subject to sterilisation for a longer / indefinite period.</p> <p>The Applicant states “<i>The MMP will also confirm that the position identified within the Planning Statement (APP-036) remains relevant: that the demonstrable, overriding, and urgent need for the Project outweighs the temporary sterilisation of the minerals during the construction and operational phases of the Proposed Development.</i></p> <p>The Estate considers that the Applicant is relying on the need for the Project overriding what has been a failure on the part of the Applicant to properly assess and take into account the presence of minerals along the cable route, and in particular the presence of and impact on the MSA.</p> <p>The Applicant has failed to make the need to avoid mineral sterilisation a factor in its assessment of alternatives. The Estate has made previous representations on alternatives (REP1-172, REP3-142, REP3-144, REP4-135,</p>
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		<p>[REP3049] and included in the Outline Code of Construction Practice [REP3-025] (secured via Requirement 22 within the Draft Development Consent Order [REP3003]).</p> <p>Within the MMP it is proposed that a separate section on minerals is provided (as per the addition of Section 4.13 in the Outline CoCP at Deadline 4), to differentiate these materials and the approach to their management from the other excavated materials. This minerals section would provide the following information:</p> <ul style="list-style-type: none"> • How minerals will be identified and differentiated from other sub-soil materials to be excavated, to determine if they do exist (quantity and quality) within the excavations undertaken. • How any identified minerals will be extracted and stored to ensure that they are kept separate from, and not sterilised through contamination with, other materials; • How the stored minerals will then be re-used in the cable construction and reinstatement works to minimise their mixing with other excavated materials being replaced; and • Should there be any minerals available following the construction and 	<p>REP4-136) which it does not repeat here, but which in the Estate’s view clearly demonstrate that the Applicant has not had due regard to sterilisation of minerals in selecting and subsequently promoting the cable route.</p> <p>We do not agree with the Applicant’s concluding statement that the Project will be compliant with relevant policy, including 5.11.28 of EN-1 and MP9 of the JLMP. We refer to the Estate’s post hearing submissions (REP4-135) on this point.</p>
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		<p><i>reinstatement works, how other options for the re-use of this material, either within, or outside the development, will be considered and implemented, as per the WSCC Safeguarding Guidance and subject to agreement with the minerals rights owner.</i></p> <p><i>In this way, all minerals encountered will either remain available for future extraction after the operational phase of the Project is complete or be used as a resource and are therefore safeguarded from permanent sterilisation.</i></p> <p><i>The contents of the MMP will also show accordance with Policy MP9(b) of the West Sussex Joint Minerals Local Plan, in that it will confirm that the cable construction, as a non-minerals development within a MSA, will not permanently sterilise the minerals resource identified. The MMP will also confirm that the position identified within the Planning Statement (APP036) also remains relevant: that the demonstrable, overriding and urgent need for the Project outweighs the temporary sterilisation of the minerals during the construction and operational phases of the Proposed Development.</i></p>	
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<p>2.</p>	<p>Table 2-16 Applicant’s comments on Andrew Griffith MP’s responses to Written Questions (ExQ1) [REP3-089]</p>	<p><i>The Applicant has provided a response to the Examining Authority’s Written Question reference AL 1.2 in Deadline 3 Submission – 8.54 Applicant’s Responses to Examining Authority’s First Written Questions (ExQ1) [REP3-051] (submitted at Deadline 3), please see Table 2-1, reference AL 1.2.</i></p> <p><i>In parallel with the National Grid’s feasibility study, the Applicant carried out an appraisal of various grid connection options, this included the Ninfield alternative. The Ninfield option was discounted due to technical constraints (including shipping, steep coastline geography, and ecological sites). Depending on the landfall location, the Ninfield option may have required the onshore cable to be routed through the South Downs National Park. In addition to this, the Ninfield option would incur significant additional costs due to the longer marine cable required and would not be economically viable. Chapter 3: Alternatives, Volume 2 of the Environmental Statement [APP-044] describes the alternatives studied by the Applicant and a comparison of their environmental effects across the project as a whole, including the Ninfield option.</i></p> <p><i>The Offshore Transmission Network Review (Gov.uk, n.d) was launched in August 2020 to</i></p>	<p>The Applicant has not demonstrated that the Ninfield option is not economically viable. As the Estate has stated previously, just because something may be the cheapest option, it does not mean it is the best. Nor does it mean that other options would be economically unviable. We request the Applicant provides further information about their cost benefit analysis to underpin their claims.</p> <p>We have responded to the supposed technical constraints in the Estate’s previous submissions (REP4-136). The Applicant has not demonstrated that these are true constraints.</p> <p>We also refer to our further submissions made under 20 & 21 below.</p>
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		<p><i>“to ensure that the transmission connections for offshore wind generation are delivered in the most appropriate way, and to find the appropriate balance between environmental, social and economic costs” Department for Business, Energy and Industrial Strategy (BEIS) and Ofgem published a joint Open Letter (Trevelyan, 2021) which invited stakeholders to propose potential pathfinder projects and identify perceived barriers to coordination. As the AQUIND Interconnector had already submitted its DCO Application in November 2019, it would not have been possible for the project to volunteer as a pathfinder project.</i></p> <p><i>The AQUIND Interconnector has also faced significant issues receiving development consent. In January 2022, the application for development consent for the proposed AQUIND Interconnector Project was refused by the Secretary of State. Following an Order of the High Court made on 24 January 2023, the decision of the Secretary of State dated 20 January 2022 to refuse the application by AQUIND Limited for development consent for the proposed AQUIND Interconnector Project was quashed and a final decision is yet to be made, awaiting further comments from the Ministry of Defence. In the previous submission (dated 25 March 2024), the Ministry of Defence provided a response to the</i></p>	
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		<p><i>Secretary of State's letter of 9 February 2024 stating that “its representations relate to significant national security concerns”. Due to the uncertainties set out above, a shared connection between Rampion 2 and the AQUIND Interconnector, if feasible, could have resulted in significant delays to the connection of Rampion 2, contrary to meeting the urgent need for new renewable energy generating stations as set out in National Policy Statement (NPS) EN-1 (Department for Energy and Climate Change, 2011) and Critical National Priority for the provision of low carbon infrastructure (including offshore wind generation) as set out in revised NPS EN-1 (Department for Energy Security and Net Zero, 2024).</i></p> <p><i>The Rampion 2 project is proposed as an Alternating Current (AC) project and no rights have been sought for consent parameters compatible with delivering a High-Voltage Direct Current (HVDC) connection. The Rampion 2 project also has no commercial route to secure a grid connection agreement via third party assets (to the transmission system operator) which currently do not have planning consent and no firm date for delivery. Holding a grid connection agreement is a pre-requisite for being able to qualify for Contracts for Difference (CfD) allocation rounds.</i></p>	
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		<p><i>Once a DCO Application and accompanying Environmental Impact Assessment (EIA) has been submitted, it is difficult for a project to introduce material changes (such as a shared connection with an offshore wind farm) for which environmental effects have not been assessed. The AQUIND Interconnector was submitted to the Planning Inspectorate in November 2019 and the DCO Examination commenced in March 2021. During this time, Rampion 2 was in the very early stages of pre-application and did not submit a Scoping Report (the first key milestone of the DCO process) until July 2020. Additionally, as the AQUIND Interconnector DCO Application was submitted prior to the production of the Rampion 2 Scoping Report (July 2020), there would not have been enough information available on the Rampion 2 Project for the AQUIND Interconnector to assess the viability of a shared connection.</i></p>	
<p>3.</p>	<p>4.4 Land Rights Tracked Revision D – REP4-011</p>	<p><i>The Applicant has had meetings with the Land interest to discuss and negotiate the terms of a voluntary agreement in January, February, March, April and May 2024 with the latest meeting held on 28th May 2024. At the 28th May 2024 meeting many items in the Heads of Terms were discussed and agreed with only a few points now remaining. An undertaking is</i></p>	<p>We note that the Applicant states that they met with Wiston Estate on the 28th May. Amended HOT were received on the 17th of June.</p> <p>The Applicant’s solicitors, Eversheds, have been in contact with the Estate’s solicitors and have provided a legal undertaking for costs on the 9th July, which is very late in the process.</p>

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		<p><i>being provided for solicitor fees to review the latest version of the heads of terms, given the amount of detail that has been inserted at the land interests request, prior to further progression. The main outstanding point remains the matter of the sand reserves which the applicant is awaiting further information from the Land Interest on</i></p>	<p>There remain significant areas of disagreement, including a compensation package to reflect the minerals sterilisation and other commercial terms. The Applicant has now agreed to meet the affected tenants’ reasonable professional fees to review the draft documentation, but this should have been provided at the outset of negotiations. Overall progress remains slow.</p> <p>It is important to note that the Affected Parties and their advisors have other matters to deal with. They are now heading into the busiest time of year for farmers, with harvest and not all parties will be able to progress quickly due to other commitments. These time pressures could have been avoided if Rampion had engaged properly at the commencement of the project.</p> <p>The situation is still not fundamentally different to the one we reported on at the CAH1. The Estate's view remains that the Applicant has not satisfied the tests for compulsory acquisition due to the almost complete lack of meaningful engagement until this very late stage in the examination process. We do not consider that the Applicant has thus far entered into negotiations in good faith with a view of securing Land Rights by agreement.</p>
<p>4.</p>	<p>8.66 Applicants Comments on Deadline 3 Submissions REP4-070</p>	<p>2.28.1</p> <p><i>Reasons for not connecting to Ninfield</i></p> <p><i>Please find the response regarding the question on Ninfield under the Examining Authority’s Questions 11 and 12 in (8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70)), at Deadline 4. The cost estimate for a Ninfield grid connection presented in Section</i></p>	<p>Please refer to our comments under 2, 20 & 21.</p>

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		<p><i>3.3 in Chapter 3: Alternatives, Volume 2 of the ES [APP-044] considers the cost difference between offshore and onshore cable construction, and includes other cost aspects related to the grid connection at Ninfield.</i></p> <p><i>In parallel with the National Grid’s feasibility study, the Applicant carried out an appraisal of various grid connection options, this included the Ninfield alternative. The Ninfield option was discounted due to technical constraints (including shipping, steep coastline geography, and ecological sites). Depending on the landfall location, the Ninfield option may have required the onshore cable to be routed through the South Downs National Park. In addition to this, the Ninfield option would incur significant additional costs due to the longer marine cable required and would not be economically viable. Chapter 3: Alternatives, Volume 2 of the Environmental Statement [APP-044] describes the alternatives studied by the Applicant and a comparison of their environmental effects across the project as a whole, including the Ninfield option.</i></p>	
<p>5.</p>		<p>2.28.5</p> <p><i>Please find the response regarding the question on Ninfield under the Examining Authority’s Questions 11 and 12 in (8.70</i></p>	<p>Please refer to our comments under 2, 20 & 21.</p>

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		<p><i>Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70)), at Deadline 4.</i></p> <p><i>The Applicant has also provided a response to the Examining Authority’s Written Question reference AL 1.2 in Deadline 3 Submission – 8.54 Applicant’s Responses to Examining Authority’s First Written Questions (ExQ1) [REP3-051] (submitted at Deadline 3), please see Table 21, reference AL 1.2.</i></p> <p><i>In parallel with the National Grid’s feasibility study, the Applicant carried out an appraisal of various grid connection options, this included the Ninfield alternative. The Ninfield option was discounted due to technical constraints (including shipping, steep coastline geography, and ecological sites). Depending on the landfall location, the Ninfield option may have required the onshore cable to be routed through the South Downs National Park. In addition to this, the Ninfield option would incur significant additional costs due to the longer marine cable required and would not be economically viable. Chapter 3: Alternatives, Volume 2 of the Environmental Statement [APP-044] describes the alternatives studied by the Applicant and a comparison of their environmental effects across the project as a whole, including the Ninfield option.</i></p>	
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		<p>2.28.6</p> <p><i>Movement of Construction Access</i></p> <p><i>The Applicant recalls that the construction access was moved at the request of the Land Interest (at a site meeting in September 2021) as it was preferred to the original proposal which caused a greater level of severance and amenity impact.</i></p> <p><i>The Applicant disagrees with the claim that the modifications implemented on the Affected Parties’ land were driven by the Applicant. The Applicant does however agree that these modifications are mutually beneficial. They were initiated and considered specifically because of constraints flagged by the Affected Parties. They would have unlikely been made as changes to design without the valued feedback provided.</i></p>	
6.		<p>2.28.7 <i>As previously detailed within this response (2.28.7), the Applicant has been actively engaging with the Wiston Estate to negotiate and agree Heads of Terms.</i></p> <p><i>Very limited rights are requested in the voluntary agreements outside of the DCO Order Limits and where they have been</i></p>	<p>The Applicant lists items of current areas of disagreement within the HOT. There are substantially more items than those listed, to include payment of Affected Parties’ time dealing with the Rampion project, commercial terms over payment and compound rates. It is also noted that the Applicant only confirmed they would meet the tenants’ reasonable professional fees at the end of May 2024, and they will require sufficient time to review the draft HOT.</p>

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		<p><i>requested, it is on the express basis that they would be subject to further agreement between the parties. These include rights for limited ecological mitigation if required, and rights to install land drainage, if required by a drainage design, to be agreed with the landowner.</i></p> <p><i>Additional wording has been added to the Heads of Terms to clarify that all construction rights are limited to the DCO boundary.</i></p> <p><i>Draft Heads of Terms for the construction compound were provided to the landowner in Jan 2024. Discussions are ongoing on the commercial terms and all material information requests.</i></p> <p><i>Further clarification has been provided to the landowner on “plants” not including crops but restricts any plant that has a root depth of greater than 0.9m to prevent any root damage to the cable.</i></p> <p><i>Meeting with the CLA</i></p> <p><i>A meeting with the CLA took place in July 2023. The principles of the Heads of Terms were discussed and it was confirmed that ongoing discussion with landowners would be on an individual landowner basis rather than</i></p>	<p>Although we acknowledge the Applicant’s solicitors have been in touch with the Estate’s solicitors, this did not occur until June 24. Progress should have been made with the legal representatives in March 23, at the point HOTs were issued.</p> <p>The detail about the Wet Pools Compound referred to by the Applicant was delayed by RWE because we understand they were looking into visibility splays relating to access and egress to the public highway. New areas of hedging are being removed to enable visibility splays. This should have been considered at a much earlier stage of the project, indeed Wiston Estate brought highway concerns to the Applicant’s attention during the initial consultation stage.</p> <p>We note the Applicant’s comments that they are waiting for confirmation of the legal names of the Land Registry Titles. This is not an outstanding point which will slow down progress on the HOT.</p> <p>With regards to vineyards, the Applicant states that none of the land which is affected by the proposed cable route is currently planted as a vineyard. It is the Estate’s understanding that they should stop any proposals to plant once they were aware of the Rampion project, as any actions taken after that time might not be reimbursed. The substantial investment of planting vines also meant that it would be too much of a risk for either Wiston Estate or third parties to plant vines whilst under threat of compulsory purchase.</p> <p>We note the Applicant states that the permanent rights over the 40m corridors have now been removed and that this is an example of where discussions between the parties have led to appropriate refinement of the voluntary agreements. This was not confirmed until March 2024, and was a clearly inappropriate provision at the outset. The Heads of Terms and draft legal documents should have aligned from the outset.</p>
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	<p><i>discuss detailed landowner requirements in a group forum as that would clearly be inappropriate. The Applicant’s response to the CLA can be found in Table 2.6 within Deadline 2 Submission 8.51 Applicant’s Response to Affected Parties’ Written Representations [REP2-028].</i></p> <p><i>Alternative Dispute Resolution</i></p> <p><i>Where necessary and appropriate, Alternative Dispute Resolution would be utilised. There has been no request for ADR to date by the Wiston Estate, nor has the Applicant identified any particular issue between the parties that would be suitable for ADR at this stage. The Estate’s continued pressing for route options, which cannot be adopted by the Applicant, is not a matter that can be resolved via ADR. Nor has a point arisen in the Heads of Terms negotiations which reasonably requires ADR, However, the Applicant will keep this under review and will utilise where there would be benefit to all parties to unlock a particular disputed point</i></p> <p><i>Queries received from the Wiston Estate on the Heads of Terms</i></p> <p><i>The Applicant received a number of queries from the Wiston Estate in October 2023 and</i></p>	<p>This is another example of the failure of the Applicant to seek the rights by voluntary agreement and lack of meaningful engagement prior to the submission of the DCO Application.</p>
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		<p><i>November 2023, to which answers were provided in part in October 2023, November 2023, December 2023 and January 2024. Once the Estate had time to review the Option and Easement documentation (sent on 18 October 2023), a detailed set of queries was received from the Estate on 14 December 2023. The Applicant subsequently reviewed these and a date for a meeting to discuss (when both parties were available) was set for 18 January 2024. The Applicant has had further meetings with the Land Interest to discuss and negotiate the Heads of Terms of a voluntary agreement in February, March, April and May 2024. As of 28 May 2024 many items in the Heads of Terms were discussed and agreed with some points now remaining.</i></p> <p><i>Negotiation of Heads of Terms</i></p> <p><i>As previously outlined, progress has been made with the Heads of Terms negotiations since the DCO submission and the Applicant welcomes further opportunities to progress the negotiations. A 5 hour meeting took place between the Applicant and Wiston Estate on 28 May (further to similar meetings in January, February and March 2024) which are leading towards a number of agreed terms. The Applicant therefore strongly disputes that there “is no realistic prospect of achieving a</i></p>	
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		<p><i>voluntary agreement” as was cited at the CA1 hearing.</i></p> <p><i>The Applicant has reviewed the Land Interest’s queries in detail and subsequently amended the Heads of Terms where either additional assurance was required for a specific point or the Applicant agreed to an amendment to a specific point to progress negotiations and agree a suitable draft Heads of Terms.</i></p> <p><i>These discussions are ongoing with the status of the main topics being: - Clarification has been added on the rights being requested during the Option and Easement and has generally been accepted by the Land Interest as it is in accordance with the DCO rights requested. –</i></p> <p><i>Tree/vegetation planting on the easement width has been clarified and accepted. –</i></p> <p><i>Engagement with their tenant farmers has been accepted and progressed directly.</i></p> <p><i>The main outstanding points from the from the meeting on 28 May 2024 is around the indexation of the commercial terms and a commercial counterproposal on bespoke items</i></p>	
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		<p><i>The Heads of Terms also need a legal review and the Applicant’s solicitors have engaged with the Land interest’s solicitors to provide an undertaking for that review.</i></p> <p><i>Outstanding Points</i></p> <p><i>Sand Reserves – There are ongoing commercial discussion in this respect and the Applicant is awaiting a report from the Wiston Estate on their position on sand reserves.</i></p> <p><i>Wet Pools Compound – A response on the compound lease was provided by the Land Interest’s agent on 8 May 2024 and updated drafting was provided to the Land Interest on the 20 May 2024 and discussed and further outstanding matters closed at the meeting on the 28 May 2024.</i></p> <p><i>Legal Names on the Land Registry Title – The Applicant is awaiting confirmation from the land interest’s advisor regarding the legal name that the three main Title Deeds are held under, as it is understood these have been transferred in ownership.</i></p> <p><i>Vineyards – The Applicant understands that none of the land which is affected by the proposed cable route is currently planted as a vineyard. The Estate has indicated that it</i></p>	
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		<p><i>intends to develop further land as a vineyard which is affected by the proposed cable route. Whilst the Applicant received a site suitability analysis of the Estate land from the Knight Frank viticulture team on 3 May 2024, the Applicant has not seen anything to confirm the plans are progressed, such as timescales regarding the planting of vines.</i></p> <p><i>Biodiversity Net Gain (BNG) – The Applicant has had positive discussions with the Estate regarding BNG credits and looks forward to progressing these discussions when applicable.</i></p> <p><i>The Heads of Terms were not deliberately misleading. They contained the correct construction strip width of 40m. The draft legal documents however made reference to some ongoing maintenance rights over the 40m corridor. This reference has now been removed in all legal draft documents for all landowners so that it entirely aligns with the Heads of Terms. This is an example of where discussions between the Parties have led to appropriate refinement of the voluntary agreements. The Applicant is certain that other amendments to the voluntary agreements will be discussed and implemented through the course of negotiations.</i></p>	
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<p>7.</p>		<p>2.28.11</p> <p><i>Process for investigating the Blue Route</i></p> <p><i>The alternative route, to the south of Washington village including an alternative construction compound, was submitted by Wiston Parish Council (Councillor John Goring). The Alternative – known as the ‘Blue Route’ was submitted as a clearly defined cable route, described and plotted on a plan</i></p> <p><i>The Applicant investigated the route in the same way as other requests. The Applicant added the route to the project’s Geographical Information System which had relevant constraints data available at the time based on desk based research and reviewed this in detail, adding in best available construction and operational access options to make it as practical for the delivery of the project as possible. Following this a full BRAG assessment was conducted by the Applicant’s interdisciplinary team. Ground truthing site visits using public rights of way sense checked visible constraints for the route – such as topography</i></p> <p><i>The overarching rationale and decision-making process for not progressing with the</i></p>	<p>Whilst the Estate acknowledges that there was a very brief verbal communication saying that the alternative Blue Route was not possible because of engineering works and ASNW (Ancient Semi-Natural Woodland), there was no written follow up with the details of these issues, which had been promised by the Applicant at the meeting in April 2022.</p> <p>We refer to the Wiston Estate Minerals/Alternatives Report (REP4-136) which provides more details about the feasibility of the Blue Route.</p> <p>We note the Applicant discounts the Alternative Construction Route partially due to the only option for construction traffic access to this site being via a Public Right of Way. The Estate does not believe that the Rampion project does not interact with PROW elsewhere on the proposed route. Indeed, it understands that Rampion 1 partially utilised the South Downs Way – a major PROW- for construction traffic.</p> <p>It is frustrating that none of this information has been shared with the Estate until recently in this DCO process. If the Applicant had been upfront in their decision making, then the Estate could have fed into these discussions to enable both parties to get to the best final solution. It feels like the justifications provided have been an afterthought and the discussions are now much more time pressured than they needed to be.</p> <p>The Applicant states that the Blue Route would be more visible from Chanctonbury Hill and Chanctonbury Ring than the current proposal. The Estate strongly disagrees with this as the current DCO route will be very visible from Chanctonbury Ring, as the A283 is very visible from Chanctonbury Ring.</p>
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		<p><i>Blue route’ to consultation was communicated verbally by the Applicant at a site meeting with the Affected Party in April 2022 and later by way of a presentation to the neighbouring landowner Washington Parish Council at a Parish Council meeting on 7th November 2022.</i></p> <p><i>Further detail of the assessment (since provided in the written representation responses) was not communicated, as the outcome was clear cut rejection of the Blue route being much higher risk to the project on environmental and technical engineering grounds. As noted previously these are also the reasons for not presenting it in the Alternatives Chapter.</i></p> <p><i>A separate, BRAG assessment was also conducted for the requested construction compound associated with the ‘Blue Route’ to test if this may have worked as a standalone change (or in association with the Blue route). The BRAG assessment for this compound concluded that the Alternative Construction compound was not suitable for the project. The principal reasons for this were</i></p> <p><i>- Engineering: that when considering that the site is flanked by ancient woodland</i></p>	<p>With regards to the further information provided by the Applicant on the feasibility of the Blue Route, whilst the Estate understands the hierarchy of the LWS (Local Wildlife Site) and ASNW (Ancient Semi-Natural Woodland), if there is HDD under the ASNW elsewhere on the proposed route, could HDD here not be considered to minimise the impact on the ASNW?</p> <p>The Applicant discounts the Estate’s alternative proposal of a construction compound at the Chalk Quarry partly due to its size. The Quarry area identified by the Estate is sufficiently sized totalling 2.8ha (6.9acres.) This was the size of the original area of Wet Pools compound shown in the initial consultation documents.</p> <p>The Applicant states reasoning behind discounting the Washington A route was partly due to the route having to cross the landfill site. This route would never have needed to cross the landfill and could have avoided it (as demonstrated in the Estate’s representations REP4-136.) As shown in the Applicant’s alternatives, the route that went through the landfill was ‘Windmill Quarry A’ rather than ‘Washington A’. Both parties agreed going through the landfill site was not a suitable route.</p>
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		<p><i>– the application of the buffer leaves insufficient space for accommodating a construction compound.</i></p> <p><i>- Environmental: The only option for construction traffic access to this site is via Public Rights of Way</i></p> <p><i>Landscape and Visual Impacts The Applicant acknowledges that there are pros and cons to the alternatives looking at environmental impacts.</i></p> <p><i>For example, considering the ‘Blue Route’ there would be no change to the number of the Landscape Character Areas affected in comparison to the DCO, although the geographical extent and number of associated landscape elements affected by the cable route would increase for the ‘Blue Route’.</i></p> <p><i>The ‘Blue Route’ would prolong the route of the cable corridor along the chalk escarpment within the South Downs National Park and along the South Downs Way National Trail. Similar to the Preliminary Environmental Information Report (RED, 2021) PEIR option, there would be some Significant effects on the Special Qualities of the SDNP during the construction phase, although in this case they would be also occur in greater association with Chanctonbury Hill and Chanctonbury Ring and the setting of the National Park in this area. It</i></p>	
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		<p><i>is likely that there would be additional views to consider from the south eastern edge of settlement of Washington where the route would be visible skirting the base of Combe Holt and Chactonbury Hill (a distinctive wooded feature forming the skyline in views from the north)</i></p> <p><i>Overall, the DCO route compares favourably over the Blue route.</i></p> <p><i>Minerals Sterilisation</i></p> <p><i>Please refer to the full answer on how Minerals Sterilization impacts for the Alternatives compared at the point of the assessment as set out in the 8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70)</i></p> <p><i>Errata noted regarding Washington A & B in the Alternatives Chapter</i></p> <p><i>The Affected Party is incorrect in alleging that the Blue Route has not been assessed. As set out above the Applicant reviewed the specifically requested Blue Route option in its own right to consider the nuances of the Alternative rather than rejecting it on the basis of shared aspects with the 'Washington B' alternative.</i></p>	
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		<p><i>The Applicant acknowledges that the discourse on Washington options A and B is confusing in the Environmental Statement and will pick this up as errata.</i></p> <p><i>Options labelled as Washington A and B are shown in Figure 3.5 Chapter 3: Alternatives – Figures, Volume 3 of the ES [APP-075]. The Applicant has noted an errata to how this has been presented in this figure and will switch the Washington A and B option names presented. The description of Washington A in Table 3-6 of the Chapter 3 Alternatives, Volume 2 of the ES [APP-044] will also be updated. The applicant will provide an update to correct these at Deadline 6. However, the reasons that Washington A was discounted remain valid and are set out in the Chapter.</i></p> <p><i>They include the combination of following reasons:</i></p> <ul style="list-style-type: none"> <i>- The existing landfill site to the east of Windmill Quarry is an authorised landfill with an active environmental permit from the Environment Agency (EA), currently showing as in the closure phase. Putting the cable route through the landfill would change the conceptualisation of the closure phase and require the environmental permit to be</i> 	
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		<p><i>amended. The Applicant would not be able to do this as it is not the operator of the landfill which presented a risk to consent;</i></p> <p><i>- The landfill accepted household, commercial and industrial waste and presents a significant contamination risk. Given the nature of the waste and the need for the cable route to go through the containment of the landfill, it would raise objection from the EA (later confirmed during consultation). There would be additional technical design requirements and related cost impacts on this route. The route presented in the DCO Application avoids this interaction, passing south of the landfill;</i></p> <p><i>- Technical engagement with the Expert Topic Group (see paragraph 22.3.8 of Chapter 22 Terrestrial Ecology and Nature Conservation, Volume 2 of the ES [APP-063]) on 28th October 2020 included discussion of the cable route options including discussion particularly regarding ancient woodland on Washington A versus the Local Wildlife Site (LWS) at Sullington Hill on Washington B. This discussion suggested that the correct implementation of the mitigation hierarchy, where a choice between a route interacting with ancient woodland or a LWS had to be made, then the irreplaceable habitat of</i></p>	
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		<p><i>ancient woodland should take primacy for avoidance.</i></p> <p><i>The proposed ‘Blue route’ initially broadly follows the Washington A route and started from Sullington Hill and ran east, passing under the A24 and beneath the ancient woodland to the east, south of Washington Village.</i></p> <p><i>In contrast to the Washington A Alternative, the Blue Route does not cut through the existing landfill site to the east of Windmill Quarry. The Blue Route encounters different constraints where it diverges from the Washington A route</i></p>	
8.		<p>2.28.12</p> <p><i>The Applicant provided a detailed response on this in Applicant’s Response to Affected Parties’ Written Representations [REP2-028] however, it provides further explanation below as there appears to be some misunderstanding of this point.</i></p> <p><i>Ancient woodland is noted as an irreplaceable habitat in planning policy. To provide some further clarity on the woodlands and their</i></p>	<p>The Wiston Estate submitted a Minerals and Alternatives Report (REP4-136) which shows that the route past Sawyers Copse, with a 25m buffer, is possible to implement. There was no mention in the Applicant’s alternatives ES chapter about the hierarchy of mineral sterilisation. The impact of the project on mineral sterilisation has not been considered at all during this stage.</p> <p>Further, no good reason has been given as to why the Applicant could not use HDD as opposed to open-trenching in this area. The Applicant refers to ‘spatial constraints’ but these are not detailed or justified. Such</p>

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		<p><i>treatment: The Blue Route interacts with two areas of ancient woodland: i) a trenchless crossing at “Planted Field” was included in the appraisal of the Blue Route and ii) the requested cable route comes into the vicinity of Sawyers Copse and a neighbouring unnamed ancient woodland. Due to the gas pipeline’s placement, if open cut trenching is pursued – the commitment to maintain the 25m buffer to the ancient woodland cannot be implemented. There is insufficient space. Therefore there would be unacceptable impacts on ancient woodland. Trenchless crossing here was not considered in the appraisal due to the spatial constraints in that specific area of the corridor</i></p> <p><i>The segment of the cable corridor route that the Blue Route would have replaced does not interact with any Ancient Woodland. In terms of the principle of following the mitigation hierarchy and avoiding Ancient Woodland where possible – the selected route is therefore preferable.</i></p>	<p>unevidenced assertions cannot justify the unnecessary sterilisation of minerals.</p>
<p>9.</p>		<p>2.28.14 <i>This proposed Alternative marked in yellow strings together minor route variations that have already been responded to at previous points of engagement and at previous deadlines.</i></p>	<p>Borehole information has been provided as part of submission REP4-136 confirming that there are minerals in the Wet Pool Compound.</p> <p>The Applicant could and should have conducted investigations to ascertain the extent of the mineral resources. They were aware of the presence of the</p>

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		<p><i>The reasons for not crossing the strip of land to the North of the Pike are set out above in response to 2.28.13. The main reasons for not following the southern edge of the A283 in full is found in the ‘Applicant’s response’ column of this table (extract from Applicant’s Response to Affected Parties’ Written Representations [REP2-028]). The Applicant can note in addition that the divergence from the edge of the A283 also avoids the crossing of a block of woodland. Veteran tree T-932 is located in the southern edge of this woodland (see Appendix 22.16 Arboricultural Impact Assessment, Volume 4 of the ES [APP-194]</i></p> <p><i>Sand Reserves The Applicant’s consideration of land to the south of the A283 in relation to viability of extraction relates to the size of the land parcel available within the MSA. The MSA is the area of land that needs to be considered against Policy M9(b) of the West Sussex Joint Minerals Local Plan, and as described further in section 2.28.85,. The land parcel in questions lies south of the A283, between Lower Chancton Farm to the east and the woodland block opposite to the entrance to The Hollow to the west. Once a buffer zone around the A283 and the eastern and western boundaries are considered, this provides a plot of land which is considered to be too small to form a viable extraction unit. There is no</i></p>	<p>minerals, having been made aware by Wiston Estate in 2021, during the early stage of consultation.</p> <p>In any event, we disagree strongly that the extent of mineral could not be viably extracted. Ongoing quarrying operations at Rock Common Quarry demonstrate a significant depth of high-quality sand and borehole records show the presence of depths of mineral of approximately 40m elsewhere in the MSA. Furthermore, the borehole records show minimal depths of overburden, meaning mining operations would reach minerals with minimal effort and cost, increasing the viability of extraction. We assert the Applicant’s claims are predicated on their own lack of investigations and failure to safeguard the minerals in the area.</p>
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		<p><i>publicly available information to suggest minerals resources exist outside of the MSA in this location, which provide a larger area to work for minerals. The consideration of potential viability is therefore taken on the basis of the size of this area within the MSA. Further details on this consideration are provided within the Applicant's Responses to Action Points Arising from ISH2 and CAH1 [Document Reference 8.70] action point 9.</i></p>	
<p>10.</p>		<p>2.28.19 <i>The Applicant has met with various tenants on site prior to the submission of the DCO Application, including but not limited to on 01 September 2021, 15 September 2021, 29 April 2022, 9 May 2022, 10 May 2023 and 19 May 2023.</i></p> <p><i>The Applicant has an understanding of the farming businesses affected by the temporary works from both conversations with the Land Interest and the tenants. The Applicant is expecting to have more detailed discussions in due course to incorporate mitigation and</i></p>	<p>The Applicant needs both Landlord and Tenant consent to release tenancy agreements. The Applicant has not started consulting with the Tenants on the draft documentation until May 2024. The Applicant states that it expects to have more detailed discussions “in due course” to incorporate mitigation and accommodation works within the Heads of Terms. This should have occurred much earlier in the process, prior to submission of the DCO application, or at the very least prior to the start of the examination. Even at this late stage these statements are vague and non-committal and in the Estate’s view, demonstrate the Applicant’s failure to properly engage with land interests.</p>

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		<p><i>accommodation works within the Heads of Terms.</i></p> <p><i>The Applicant has requested copies of the tenancy agreements in place to inform it’s strategy for securing the appropriate consents and rights as and where required. Copies of the tenancy agreements have still not been supplied to the Applicant, however, a process to contact the tenants has been agreed with the Land Interest in May 2024.</i></p> <p><i>The Applicant emailed all three of the Estate tenants in May 2024 to confirm the position in respect of tenant’s fees regarding the Tenant Consent document. This email also attached the form of Tenant Consent Document and offered a meeting to discuss impact on their farming operations and possible mitigation measures</i></p>	
<p>1 1.</p>		<p>2.28.60 <i>The Applicant acknowledges the aforementioned email.</i></p> <p><i>Despite the intention at the time to issue Heads of Terms early, the Applicant had to delay offering Heads of Terms until March 2023. The cable route was still going through additional revisions and rounds of consultation due to comments received from interested parties and therefore documentation on a final</i></p>	<p>The Applicant’s response still does not confirm why the original Lift & Shift was offered in writing.</p>

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		<p><i>cable route was not available until that process was fully completed.</i></p> <p><i>Given the amount of responses that were received during both the informal and formal statutory consultations (July 2021), there were numerous cable routing suggestions that required review, subsequent alterations and consultations (including in October 2022). Some of these iterations included changes requested by the Wiston Estate, which were consulted upon and then incorporated within the design.</i></p> <p><i>Once the consultations were concluded and a final route was established, it was possible to start issuing Heads of Terms to landowners from March 2023.</i></p>	
<p>1 2.</p>		<p>2.28.63 <i>The Applicant was been proactively engaging with the Land Interest since September 2021. As previously detailed within 2.28.7 Heads of Terms were issued in March 2023. The Option and Easement documentation was circulated on 18 October 2023, following which queries were received in various emails from the Wiston Estate’s agent on 20 October 2023, 17 November 2023, 22 November 2023 and 24 November 2023.</i></p>	<p>The Applicant has failed to explain why the documents were provided after the DCO application had been submitted if they were truly attempting to engage and seek the rights by negotiation.</p> <p>To clarify Wiston Estate did provide comments on the draft documents, both as part of the agents group and individually prior to December 2023, but received no response from Carter Jonas. In addition, at that stage professional fees were only payable on the signing of the key terms, leaving the Affected Parties exposed to costs.</p> <p>As the Wiston Estate has continually represented. The holding of meetings has been meaningless where the Applicant is not truly seeking to negotiate.</p>

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		<p><i>On 14 December 2023, the Wiston Estate provided a detailed response to the Heads of Terms and legal documentation which enabled meaningful negotiations to progress.</i></p> <p><i>A number of meetings have been carried out since December 2023, including in January, February, March, April and May 2024, as further detailed in 2.28.7</i></p>	
<p>1 3.</p>		<p>2.28.84 <i>The restriction within the proposed agreement is to not plant anything that has the potential to affect the cable asset i.e. which has a root depth of more than 0.9m.</i></p> <p><i>There is no evidence put forward by Wiston Estate to suggest that the disturbance of the soils and geology would mean the land is then unsuitable for growing vines as it would destroy the special qualities.</i></p> <p><i>The geology and soils would be restored in accordance with the Outline Soils Management Plan [REP3-027] and long term impacts on for example water filtration rates would not prevent future growing of vines outside of the 20m easement strip.</i></p>	<p>Wiston Estate disagrees with the Applicant’s statement that the “operations in the Outline Soils Management Plan [REP3-027] appear to be consistent with the recommended approach to preparing soil for growing vines”.</p> <p>The main issue is that the cable cuts across the North/South line of the vines. Thus, taking out 20m makes a large break in the vine rows, making it much less economically viable to grow vines in these fields, as the field operations will have to be carried out across the whole field.</p>

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		<p><i>The Applicant welcomes further discussion relating to the layout of any new vineyard as Wiston Estate’s plans progress.</i></p> <p><i>Various guides on the best approach to growing of vines suggest deep ripping of the subsoil prior to and during vine production.</i></p> <p><i>From the information the Applicant has reviewed to date the operations in the Outline Soils Management Plan [REP3-027] appear to be consistent with the recommended approach to preparing soil for growing vines</i></p>	
<p>1 4.</p>		<p>2.28.85 <i>The Applicant’s assessment of potential minerals sterilisation in this area (within Chapter 24: Ground conditions, Volume 2 of the ES [APP-065], has been undertaken in the context of both Policy M9 of the West Sussex Joint Minerals Local Plan which identifies the Minerals Safeguarding Area (MSA) for consideration, and also the publicly available information that exists on minerals within the cable route area.</i></p> <p><i>As stated by Wiston Estates in their representation, the ‘Wet Pools Compound site’ and the ‘area southwest of the A283’ are both outside of the minerals area identified by the MSA (as shown on Figure 24.3, Volume 3 of the ES [APP-111]. In addition, they are not covered by any planning policy allocations or planning applications to provide information</i></p>	<p>We refer to the submitted Minerals and Alternatives Report (REP4-136) the Applicant has vastly underestimated the mineral resource which it will sterilise, as set out in REP4-136.</p> <p>The Applicant admits that it has had no regard to any mineral resource outside of the MSA. Indeed, as is clear from the Applicant’s own alternatives assessment it also failed to have regard to the minerals within the MSA.</p> <p>With regards to the minerals outside of the MSA, there is no good reason why the Applicant could not have conducted investigations or approached the Wiston Estate for information on the mineral resource present in the area. Indeed, the Estate highlighted this issue to the Applicant in previous correspondence and meetings.</p> <p>Paragraph 5.11.19 of EN1 states ‘<i>applicants should safeguard any mineral resources on the proposed site as far as possible....’</i></p>

WISTON ESTATE DEADLINE 5 – RESPONSES TO APPLICANTS REPOSE TO DEADLINE 4 SUBMISSIONS

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		<p><i>on their potential minerals resource. As no information was available on these two sites, they have not formed part of the ES assessment within Chapter 24: Ground conditions, Volume 2 of the ES [APP-065].</i></p> <p><i>It is also relevant that none of the land in this area (other than at Rock Common Quarry, is subject to any planning permissions or policy allocations for minerals extraction. There is therefore no other publicly available information available for the assessment to have used in the consideration of any sites outside of the MSA.</i></p> <p><i>For the reasons above, the land to the north of the A283 is also considered in light of the MSA area only. The cable passes through the MSA to the north of the A283 in a limited location only: an approximately 100m stretch of route to the east of the Sussex Timber Company Buildings. Given the extent of the MSA in this area, the publicly available information suggests extraction is unlikely within the MSA due to the presence of the Sussex Timber Company buildings themselves, plus the historic Windmill Quarry and The Rough landfill sites to the west of these buildings. The landfill sites occupy land on which a previous sand quarry (Windmill Quarry) existed. It can be reasonably expected that either all of the</i></p>	<p>That policy does not apply only to minerals within an MSA but to “any mineral resources.” The failure to have regard to safeguarding the entirety of the mineral is a clear breach of EN1.</p> <p>We expect the Applicant to respond to the Estate’s Minerals and Alternatives Report (REP4-136) and we anticipate responding further on this point, once this has been reviewed.</p>
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		<p><i>soft sand resource in this area has been previously extracted, or that any remaining resource is now sterilised by the landfilling operations.</i></p> <p><i>Discussions with WSCC have continued and at a meeting on 23rd April 2024, it was agreed that a detailed Minerals Resource Assessment would be difficult to provide at this stage due to the lack of information available. It was also agreed that further detail would be provided on why prior extraction is not considered appropriate at this time and on the process for managing minerals during construction. This detail will confirm that the proposed approach is in accordance with policy both in EN-1 (DESNZ, 2024) and the Joint Minerals Local Plan. Full details of this can be found within the Applicants Deadline 4 response to WSCC (8.66 Applicant's Comments on Deadline 3 Submissions (Document reference: 8.66)).</i></p> <p><i>The reference made to document APP-065 is Chapter 24: Ground conditions, Volume 2 of the ES [APP-065], which contains the minerals assessment for the EIA. This document has been available for review by Wiston Estates since the point of submission and it is the same document which WSCC has reviewed and commented on.</i></p>	
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		<p><i>The 8.2ha area referred to in Chapter 24: Ground conditions, Volume 2 of the ES [APP-065] can be identified from Figure 24.3, Volume 3 of the ES [APP-111], being the land contained within the ‘Proposed DCO Order Limits’ where they pass through the ‘Bedrock Sand and Gravel’. Please refer to Figure 1 Minerals Calculation Information to the Applicant’s Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) Action 9</i></p> <p><i>The Applicants response to CA Hearing Action 9 Applicant’s Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) sets out detailed information on impacts of the Proposed Development minerals and summarises that using the EIA methodology and for the purposes of the impact assessment only, the Applicant has calculated that during the construction and operational phases of the Proposed Development the proposed DCO Order Limits could sterilise up to 2.9ha of land and 1,160,000m3 of sand,</i></p>	
<p>1 5.</p>		<p>2.28.11 <i>The Applicant responds to the points raised in relation to the blue route including the clarification on interaction with ancient woodland under section 2.28.12.</i></p>	<p>With regards to the ‘new avoidable HSE risks’ referred to by the Applicant in relation to running the cables parallel and in proximity to the High Pressure gas pipeline and the Applicant’s point about crossing the gas pipeline at perpendicular angles, we are aware that the general preference of asset</p>

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		<p><i>The Applicant set out the Engineering challenges in relation to the topography and gas pipeline in our response at Deadline 3 in Applicant’s Responses to Affected Parties’ Written Representations [REP2-028] and included. Further details of these risks are also set out in the Applicant’s Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) Action point 10.</i></p> <p><i>- Running parallel and in proximity to the High Pressure gas pipeline in several sections requires additional construction considerations and brings new avoidable HSE risks for the project.</i></p> <p><i>- Crossing of a gas pipeline at a pinch point between Ancient Woodland areas at would be required to the East of Chanctonbury Ring Road. The requirement for stand-off distances from construction activities to the woodlands in combination with the required safety corridor around the existing gas pipeline would have left limited space for cable corridor construction presenting a risk for the project’s deliverability. Additionally, the ability to cross the gas pipeline at perpendicular angles is severely constrained in this area putting the acceptability of this asset crossing for statutory undertakers at risk. The asset owner SGN confirmed that new services need to cross</i></p>	<p>owners is for their assets to be crossed at perpendicular angles, especially where the spacing between the respective assets is minimised. Where the spacing between the assets is increased, there is more leeway to cross at non-perpendicular angles. Crossing gas pipelines is a common feature of utilities projects, especially those involving new cable routes, and we assert the Applicant is overplaying the level of risk and complexity posed by such crossings to attempt to discount a route which is both deliverable and significantly reduces the amount of mineral sterilisation caused by the project.</p>
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		<p><i>existing pipelines at perpendicular angles, the deliverability of which presented a risk for the Applicant in the severely constrained space near the ancient woodlands. Limited working area presents a construction risk along a long cable route that runs parallel with the gas pipeline (which in itself was rated as a high risk).</i></p>	
<p>1 6.</p>	<p>8.69 Applicants Post Hearing Submission – Compulsory Acquisition Hearing 1 (REP4-073)</p>	<p><i>Victoria Hutton representing Mr Goring (Wiston Estate) raised issues relating to extent of the proposed acquisition and the lack of engagement with the Applicant. The affected party contended that the existence of materially less harmful options means that there will be no compelling case in the public interest for the compulsory acquisition. The affected party referred to issues relating to the impact on minerals in the land and the potential sterilisation of the same. The Affected Party contended that the Applicant has not given adequate consideration to alternative routes.</i></p> <p><i>The Applicant referred to the test in the context of compulsory acquisition for the consideration of alternatives (paragraph 8 of the CA Guidance) which is that the Applicant must satisfy the Secretary of State that all reasonable alternatives, including</i></p>	<p>We refer to our post submission hearings (REP4-135)</p>

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		<p><i>modifications to the scheme, have been ‘explored’, not that the Applicant must select the least harmful option or avoid harm as suggested by the affected party.</i></p> <p><i>The Applicant clarified that paragraph 25 of the CA Guidance also acknowledges that for long linear projects it is appropriate to include compulsory acquisition powers in the DCO where it is not possible to agree acquisition of required land rights.</i></p> <p><i>The Applicant confirmed that the point relating to the potential sterilisation of minerals has already been assessed and queried whether the ExA would wish to go back over this point at this the hearing or focus on the compulsory acquisition powers (it did not).</i></p> <p><i>The Applicant confirmed that there is no policy allocation, no planning permission, and no current proposals to access the minerals in the relevant land. The Applicant noted that the question of appropriate alternatives has already principally been addressed by Applicant in previous responses to the Affected Party but clarified that the ‘Ninfield option’ was ruled out on the basis of previous feasibility studies for Rampion 1 which included crossing the Pevensey Levels Site of</i></p>	
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		<p><i>Special Scientific Interest (SSSI) between the settlements of Bexhill and Pevensey Bay and bring the works in close proximity to the Dungeness SPA. These constraints can be seen in Figure 1 of Deadline 1 Submission – 8.25.1 Applicant’s Post Hearing Submission – Issue Specific Hearing 1 Appendix 1 – Further information for Action Point 3 – Fawley and Dungeness [REP1-019] alongside the Inshore Traffic Zone for which the applicant provided further information on this constraint in response to Written Question AL1.2.</i></p> <p><i>The Applicant confirmed that Ninfield was also not a site put forward by the National Grid Connection Infrastructure Options Notice process which was run in parallel to determine the grid connection location and described in the alternatives chapter. The Applicant explained that this option has been compared, but produces significant additional costs of offshore cabling, which is more expensive than onshore cabling.</i></p>	
<p>1 7.</p>	<p>8.70 Applicants Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory</p>	<p><i>The Applicant has submitted the following information on prior extraction and mitigation in relation to minerals safeguarding within Applicant’s Response to Stakeholder’s Replies to Examining Authority’s Written Questions (Document Reference 8.77) at Deadline 4.</i></p>	<p>Please refer to the Estate’s comments on MI 1.1 at 1. above.</p>

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	<p>Acquisition Hearing 1 Revision A (REP-074)</p> <p>30. Applicant to provide additional information on prior extraction and materials management plan for mitigation in relation to minerals safeguarding.</p>	<p><i>The Outline Code of Construction Practice [REP3-025] has also been updated to reflect this information at Deadline 4. The Applicant and West Sussex County Council held a meeting on 23 April 2024. At this meeting, West Sussex County Council acknowledged that a full Minerals Resource Assessment would be difficult to achieve at this stage of the project and therefore a proportionate response should be provided. It was agreed that more detail can be provided to confirm that safeguarded minerals will not be treated as waste material. West Sussex County Council requested confirmation to be provided on the Applicant’s position that prior extraction is not feasible and clarity to be provided that minerals would not be considered in the same way as other excavated materials (which are covered by the current procedure within Section 4.12 of the Outline Code of Construction Practice [REP3-025] (updated at Deadline 4).</i></p> <p><i>If specific measures are required to manage minerals encountered along the cable route, WSCC requested that these be considered separately in the Materials Management Plan (MMP) which will form part of the stage specific Code of Construction Practice (CoCP) to be provided pursuant to Requirement 22 (4)</i></p>	
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		<p><i>(d) of the Draft Development Consent Order [REP3-003] (updated at Deadline 4). Following the meeting the Applicant has considered the request and undertaken a further review of construction practices for the onshore cable route. The Applicant can confirm:</i></p> <p><i>The Applicant will not treat any mineral encountered as waste. The construction process will follow common construction practice in re-using the subsoils or minerals excavated during the cable corridor construction works, within the construction and reinstatement of the temporary construction corridor, chiefly through the backfilling and reinstatement of the cable trenches. It is expected that all minerals excavated will be replaced in the same general location that they were excavated from.</i></p> <p><i>The Applicant confirms that full scale prior extraction is not feasible for the following key reasons: For the sand and gravel minerals safeguarding area, in the meeting on 23 April 2024, West Sussex County Council acknowledged that the thin, linear nature of the onshore cable corridor would make prior extraction of the full thickness of the potential sand resource (possibly up to 40m thick) very difficult to achieve. This is due to the limited size of the working area available and the</i></p>	
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		<p><i>need to provide appropriate slope angles on the extraction faces to maintain land stability. This is particularly relevant where the cable route runs adjacent to the A283. In addition, if prior extraction to any depth was achievable this would leave an open pit as a void in the landform. The backfilling of this open pit, with the amount of fill required, the transport required to deliver this backfill material and the workings needed to both extract and fill this area are not considered to be sustainable. Detailed drainage and long-term water management considerations associated with the backfilled pit would need to be undertaken. Alternatively, not filling the void and leaving an open pit feature in-situ with the cable laid within would result insignificant landscape and visual impacts in the South Downs National Park. Leaving this mineral in-situ therefore provides a more sustainable approach with minimal disturbance. Complete extraction of potential minerals / aggregate materials underneath the easement corridor exclusively from within the Applicant’s permanent easement corridor is technically and economically unfeasible.</i></p> <p><i>For brick clay, British Geological Society (BGS) borehole information is not available along the route itself (except for a single record). Looking at BGS borehole records across the wider area,</i></p>	
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		<p><i>clay deposits vary in thickness and depth from the surface. Where thick clay deposits exist, full scale prior extraction is considered unlikely to be feasible due to the same reasons as sand (the depths of sand involved being 40m or more), width of corridor and voids needing to be filled). In other places, overburden could be so deep as to mean the clay is not touched by the construction works. Clay would also be replaced in the locations it is encountered, in the same manner as described for sand.</i></p> <p><i>The management of minerals encountered along the route (whether in the Minerals Safeguarding Area (MSA) areas or elsewhere) during the construction works will be managed by the proposed MMP within the stage specific Code of Construction Practice as outlined in commitment C-69 (Commitments Register [REP3-049] (updated at Deadline 4) and included in the Outline Code of Construction Practice [REP3-025] (updated at Deadline 4) and secured via Requirement 22 (4) (d) within the Draft Development Consent Order [REP3-003] updated at Deadline 4).</i></p> <p><i>Within the MMP, it is proposed that a separate section on minerals is provided (as per the addition of Section 4.13 in the Outline Code of Construction Practice [REP3-025] at Deadline 4) to differentiate these materials and the</i></p>	
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		<p><i>approach to their management from the other excavated materials. This minerals section would provide the following information:</i></p> <ul style="list-style-type: none"> • <i>How minerals will be identified and differentiated from other sub-soil materials to be excavated, to determine if they do exist (quality and quantity) within the excavations undertaken.</i> • <i>How any identified minerals will be extracted and stored to ensure that they are kept separate from, and not sterilised through contamination with, other materials;</i> • <i>How the stored minerals will then be re-used in the cable construction and reinstatement works to minimise their mixing with other excavated materials being replaced; and</i> • <i>Should there be any minerals available following the construction and reinstatement works, how other options for the re-use of any excavated minerals, either within, or outside the development, will be considered and implemented (as per West Sussex County Council Safeguarding Guidance and subject to agreement with the minerals rights owner).</i> <p><i>In this way, all minerals encountered will either remain available for future extraction after the operational phase of the Project is complete, or be used as a resource, and are</i></p>	
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		<p><i>therefore safeguarded from permanent sterilisation.</i></p> <p><i>The contents of the MMP will therefore be compliant with section 5.11.28 of EN-1, as it provides appropriate mitigation measures to safeguard all mineral resources (whether found in MSAs or elsewhere) (Department for Energy Security and Net Zero, 2024).</i></p> <p><i>The contents of the MMP will also show accordance with Policy MP9(b) of the West Sussex Joint Minerals Local Plan (WSCC, 2018), in that it will confirm that the cable construction, as a non-minerals development within an MSA, will not permanently sterilise the minerals resource identified. The MMP will also confirm that the position identified within the Planning Statement [APP-036] also remains relevant: that the demonstrable, overriding and urgent need for the Project outweighs the temporary sterilisation of the minerals during the construction and operation and maintenance phases of the Proposed Development.</i></p>	
<p>1 8.</p>	<p>9. The Applicant to provide an explanation of the</p>	<p><i>Within the Environmental Statement (ES) (Chapter 24: Ground conditions, Volume 2 of the ES [APP-065]) the volume of material that</i></p>	<p>The Estate refers to the submitted Minerals and Alternatives Report (REP4-136), which provides evidence that the sterilisation of sand is significantly more than 1,160,000 m3.</p>

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<p>volume of sand that could be sterilised in section 24.9.47 of Volume 2 – Chapter 4 Ground Conditions of the Environmental Statement [APP-065]. (REP-074)</p>	<p><i>could be sterilised by the Proposed Development within the Minerals Safeguarding Area (MSA) for sand was identified. This volume was calculated at 1,160,000m³. The details of the calculation are provided below but can be summarised as a consideration of the area covered by the proposed DCO Order Limits within the MSA, minus land which was considered to be unsuitable for minerals extraction calculation. The thickness of the sand resource in this area is then used to identify the volume of sand. The calculation was a worst-case scenario assessment, based on the information available at the time of the assessment.</i></p> <p><i>However, it should be noted that this calculation was produced only for the purposes of identifying significance in EIA terms and has not been calculated using the standards which would be required for the reporting of Mineral Resources as per the industry standards of CRIRSCO (Committee for Mineral Reserves International Reporting Standards) member organisations, which apply for Mineral Resources and Mineral Reserve estimation and reporting. It must also be noted that the usage of the term “Mineral Resource” in the context of the MSA is also not conform with the requirements of the industry standard. The text with Chapter 24: Ground</i></p>	<p>Indeed, we estimate the sterilisation of sand will be approximately 7,000,000 tonnes, which, using a norm of 1.5t/m³ equates to approximately 4,666,667 m³.</p> <p>Section 4 of the Minerals and Alternatives Report (REP4-136) states ‘We have assumed an average depth of 40m across each of the areas assessed. This is because there is a BGS borehole (REF. 578124, TQ11SW10) at Lower Chancton farm which shows a minimum depth of soft sand at 33m. At Rock Common Quarry to the west the depth of mineral is over 50m, this is underpinned by operational experience and a borehole record from 1992. As such we have assumed an average depth of 40m across the areas assessed.’ Borehole data shows the presence of a significant depth of sand and we view the Applicant’s claim that ‘the sand resource has not been demonstrated to have reasonable prospects for eventual extraction under technical, economic and environmental considerations’ as highly subjective and lacking underpinning. Furthermore, sand extraction continues on a daily basis at Rock Common Quarry which is adjacent to the land at Wet Pools and only a few hundred metres from the land south of the A2083. Previously, mineral extraction took place immediately north of the A2083, less than 100m from the land in question.</p> <p>The Applicant claims that part (a) of Policy M9 has been met, because the Project would not prejudice Rock Common Quarry’s ability to supply mineral. We dispute this as the cable route is sterilising large quantities of sand immediartely south-west of Rock Common Quarry that would otherwise have been capable of extraction via the existing work faces at Rock Common Quarry. In the Minerals and Alternatives Report (REP4-136) we conservatively used a figure of 400,000t of mineral sterilisation in this area as a result of the Applicant’s cable route.</p>
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	<p><i>conditions, Volume 2 of the ES [APP-065] clearly states that measurements used are approximate values, and some assumptions have been used such as there being no angle of slope considerations used for minerals extraction here and the full construction cable corridor (assumed to be 40m) being sterilised during the operational phase (rather than the narrower easement corridor, which is assumed to be 20m).</i></p> <p><i>It is also relevant to note that the MSA does not provide any assumption in favour of minerals extraction (as noted in the West Sussex Joint Minerals Local Plan) and the sand resource has not been demonstrated to have reasonable prospects for eventual extraction under technical, economic and environmental considerations. Care must therefore be taken in using the 1,160,000m3 volume for any other purpose than the consideration of EIA significance.</i></p> <p><i>The basis for the calculation was originally provided within Chapter 24: Ground conditions, Volume 2 of the ES [APP-065], paragraphs 24.9.2 to 24.9.9. That text has been used to form the basis of this response, with Figure 1 Minerals Calculations Information submitted to provide clarification of the calculation process.</i></p>	<p>The Applicant has asked for clarification where the second site of extraction is. This detail is provided in the submitted Minerals and Alternatives report REP4-136 which shows a number of areas where minerals are located and could be extracted.</p> <p>The information provided by the Applicant demonstrates how the Applicant has calculated the volume of 1,160,000m³. The Minerals and Alternatives report (REP4-136) clearly identifies how the Estate’s calculations are underpinned.</p> <p>The Applicant states “<i>The Applicant is only able to undertake an assessment of land within which information is available to show a sand resource may be present which is why neither of these two sites were included in the calculation</i>” and “<i>No other information has been identified by the Applicant that verifiably evidences other sand resource outside of the MSA.</i>”</p> <p>We note the onus is on the Applicant to design their project and assess the impacts of their design. The fact is they have designed a cable route which runs east to west through an area where there are known minerals and a history of mineral extraction. We have highlighted this on numerous occasions and have presented alternative routes to significantly reduce the amount of sterilisation since our first engagement with the Applicant.</p>
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		<p><i>The sand calculations have been based around the extent of the Minerals Safeguarding Area (MSA) for sand from the West Sussex Joint Minerals Local Plan Policy M9 (shown as the Sand Gravel area in Figure 1 Minerals Calculations Information). This approach accords with local planning policy, which states that: “</i></p> <p><i>(a) Existing minerals extraction sites will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities.</i></p> <p><i>(b) Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation.</i></p> <p><i>Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:</i></p> <p><i>(i) Mineral sterilisation will not occur; or</i></p> <p><i>(ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or</i></p> <p><i>(iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior</i></p>	
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		<p><i>extraction is not practicable or environmentally feasible.”</i></p> <p><i>Rock Common Quarry is the only existing minerals extraction located close to the cable corridor, and the Project would not prejudice the Quarry’s ability to supply mineral. Therefore part (a) of Policy M9 has been met.</i></p> <p><i>For Policy M9(b) the supporting text confirms that for sand, the MSA includes all of the sand and gravel mineral resources identified within Appendix E; which is the Folkestone Formation identified by BGS 1:50000 scale geology mapping. No other information has been identified by the Applicant that verifiably evidences other sand resource outside of the MSA. Wiston Estates have made reference to two plots of land (the Wet Pools Compound and land to the south west of the A283) in their Deadline 3 response [REP3-142], Wiston Estates confirm that both of these plots are outside of the MSA sand area (the Wet Pools Site is identified on Figure 1 Minerals Calculations Information, but we have not been supplied with the location of the second site). There are also no planning policy allocations or any planning applications where information may be available which may relate to any sites in this area outside of the MSA. The Applicant is only able to undertake</i></p>	
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		<p><i>an assessment of land within which information is available to show a sand resource may be present which is why neither of these two sites were included in the calculation.</i></p> <p><i>Where the onshore cable corridor passes through the MSA, the corridor will interact with approximately 8.2ha of land within the MSA (the extent of land covered by the proposed DCO Order Limits, within the Sand and Gravel area as shown on Figure 1 Minerals Calculations Information). This area consists of a thin strip of land running mainly alongside the southern side A283.</i></p> <p><i>Approximately 0.8ha of this land is covered by the A283 and has not been included in the volume calculation.</i></p> <p><i>The MSA (the sand and gravel area on Figure 1 Minerals Calculations Information) also extends to the north of the A283 in this area, however much of the MSA on the northern side of the road in this area was the former Windmill Quarry (sand) and landfill site, and the former Rough Landfill site. It can reasonably be expected that either all of the soft sand resource in this area has been previously extracted, or that any remaining resource is now sterilised by the landfilling</i></p>	
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		<p><i>operations, and therefore there is no viable resource remaining in this area. No information is publicly available to indicate otherwise. This leaves a small area of land where the cable corridor passes through the MSA (the Northern Area on Figure 1 Minerals Calculations Information), to the east of the former quarry / landfill, which is also constrained by the presence of an existing business, the Sussex Timber Company and existing woodland. This Northern Area (1ha) is considered too small to be viable for extraction and has not been included in the volume calculation.</i></p> <p><i>To the south of the A283, Figure 1 Minerals Calculations Information shows both the Western Area and the eastern Area, Within the Western Area, the A283 to the north provides an existing constraint on some of this land with other sand quarries in the area utilising an approximate 35 metre wide buffer from roads of this type. A woodland area to the western boundary of this land would also provide a constraint to extraction. These constraints would see the land available in the Western Area, become a narrow band measuring between 65-125m wide and 470m in length (approximate figures). Due to these constraints and its location at the edge of the MSA, this is considered unlikely to be a</i></p>	
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		<p><i>sufficiently large plot of land to allow a viable extraction site to be developed. The proposed DCO Order Limits through this area is therefore not considered to sterilise sand directly, or to create an area of severance between the onshore cable corridor and the A283. The Western Area (1.8ha within the cable corridor) has therefore not been included within the volume calculations.</i></p> <p><i>In the Eastern Area (Figure 1 Minerals Calculations Information) an area of land of approximately 4.5ha is covered by the proposed DCO Order Limits. If minerals extraction takes place in this location, there will need to be a buffer from the adjacent highway where minerals extraction will not take place to protect the highway. In relation to existing quarries in the nearby area, similar buffers are at least 35m wide. Due to this highways buffer, and the proximity to the buildings at Lower Chancton Farm (including Listed Buildings and residential properties) and the Sussex Timber company, some of the MSA in this area is already sterilised. The construction cable corridor will be approximately 40m wide and depending on the exact configuration of the onshore cable route within the proposed DCO Order Limits, a worst-case scenario of 2.9ha of land will therefore be sterilised during construction of</i></p>	
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		<p><i>the Proposed Development. This 2.9ha area of land has therefore been included within the volume calculation.</i></p> <p><i>The land considerations therefore identify an area of 2.9ha for inclusion in the volume calculation (shown by the green Eastern Area in Figure 1 Minerals Calculations Information).</i></p> <p><i>Information from the current planning application at Rock Common Quarry indicates that there is a sand and gravel seam of up to 40m thick at the quarry. Historic borehole records held by the BGS indicate sand and gravel deposits of at least 33m in the Lower Chancton Farm area (Borehole reference TQ11SW10, from BGS Geoindex Onshore website, accessed 23 May 2024). This resource has not been assessed to check economic viability, but if it is assumed it was viable and a similar 40m thick seam is available in this land, then a worst-case scenario of 1,160,000m³ of sand (2.9ha x 40m thickness of sand) could be sterilised during the construction and operation of the Proposed Development. A 40m thick seam also allows all construction works in the in the construction corridor to be covered by the calculations, whether shallow cable laying, or trenchless crossing excavations at deeper depths.</i></p>	
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<p>1 9.</p>	<p>10. The Applicant to provide an explanation and justification of the cable route with respect to mineral sterilisation including an evaluation of alternative routes that would minimise mineral sterilisation in response to representation from the Wiston Estate. (REP-074)</p>	<p><i>The impact on minerals and the potential for mineral sterilisation is one of the wide range of considerations for reviewing the merits of alternative routes. The interdisciplinary evaluation of the selected onshore cable route against various alternatives found it to be the most preferable when weighing up technical engineering, environmental impact (which included minerals), land interest and cost implications in the round.</i></p> <p><i>The Applicant acknowledges that there is mineral sterilisation on the selected cable route, the worst-case assessment of this is presented in the Environmental Statement (ES). The crossing of the Minerals Safeguarding Area (MSA) is unavoidable in order to connect the Proposed Development into the existing National Grid Bolney substation.</i></p> <p><i>The information provided in response to Action Point 9, shows how sand sterilisation has been calculated for the proposed onshore cable route. The Wiston Estates have provided an alternative cable route (the Blue Route) and also provided an amendment to this (Blue Route D3) within their Deadline 3 response [REP3-142]. The same methodology used for the calculation in Action Point 9, and to</i></p>	<p>The Estate is not sure what the Applicant means by the ‘Blue Route’ here rather than the ‘Blue Route D3’?</p> <p>If the Applicant is referring to the map sent as part of the Estate’s first submission on 16th September 2021, the Estate cannot understand how the Applicant has calculated there to be 10.8Ha of mineral land here. Please could the Applicant provide the details of their calculations. The Estate is confident that the curretn route chosen by the Applicant is the worst in terms of impact on mineral sterlisation.</p> <p>Although the impact on minerals and the potential for minerals sterilisation is one of a range of considerations for alternative routes, the Applicant’s own alternatives chapter does not consider minerals safeguarding as a material factor in decisions over the route. What we seem to be seeing now is retrospective justification in response to the concerns being raised by the Estate.</p> <p>The Estate considers the Applicant’s final short paragraph on interdisciplinary assessment to be weak. The Applicant states:-</p> <p><i>“In summary neither of the routes are accepted by the Applicant in favour of the selected route, the primary reasons are twofold: terrestrial ecology (specifically the mitigation hierarchy in terms of interaction with ancient woodland) and higher technical engineering risks.”</i></p> <p>We refer to the detail provided in the submitted Minerals and Alternatives Report (REP4-136) which counteracts the Applicant’s statement around the impact of the alternatives on the ancient woodland. The Applicant’s reference to “higher technical engineering risks” is very vague. Referring</p>
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		<p><i>determine EIA significance, has been applied to these alternatives.</i></p> <p><i>The Blue Route passes through the MSA in a south-west to north-east direction, passing between Bushovel Farm and Model Cottages / Wiston Village Hall. The Blue Route interacts with 10.8ha of the MSA in this location. No planning policy or planning application information is available to indicate there are sand resources outside of the MSA in this area. There will be a buffer zone adjacent to the A283 where sand extraction could not take place (measured at 35m wide). The Blue Route is located with buffer zones around nearby properties, although there is an area of ancient woodland adjacent to the Blue Route which would cause some constraint to sand extraction. Up to 9ha of land could therefore be available for sand extraction in this area.</i></p> <p><i>The depth of sand in this area is difficult to quantify. There are no British Geological Society (BGS) borehole records within the Blue Route in this location, with information to the west indicating a thickness of sand of up to 40m could be available. To the east, BGS borehole records and planning policy information for Hams Farm show varying thicknesses of between 5m and 32m. The volumes of sand within the Blue Route area</i></p>	<p>back to the Applicant’s Deadline 2 submissions, much of this relates to the gas main and again, the Report (REP4-136) has already countered this.</p> <p>The Estate also refers to REP4-135 Wiston Estate Post Hearing Submissions for its previous submissions on these points.</p> <p>Overall the Estate’s view is that the Applicant has failed to provide convincing reasons for not pursuing the alternative routes suggested by the Estate that would lead to a reduced impact on minerals. The Estate has provided detailed responses to the points put forward by the Applicant as justification for its preferred route.</p> <p>Crossing gas pipelines and other assets is a common feature of utilities projects, especially those involving new cable routes, and we assert the Applicant is overplaying the level of risk and complexity posed by such crossings to attempt to discount a route which is both deliverable and significantly reduces the amount of mineral sterilisation caused by the project. The Estate’s responses demonstrate that the Applicant’s justification does not withstand scrutiny.</p> <p>With regards to the Applicant’s claim that ‘ <i>The volumes of sand within the ‘Blue Route area’ could therefore vary anywhere from 450,000m3 to 3,600,000m3</i> ’, whilst there is some uncertainty on the location of the ‘Blue Route Area’ the Applicant refers to, the effects on mineral sterilisation of the alternative routes is assessed in the Minerals and Alternatives Report (REP4-136).</p> <p>Applying the same logic to the area referred to as the Blue Route by the Applicant would result in sterilisation over an area of approximately 350m x 40m wide. Assuming 33m depth of mineral, this would equate to an upper end of 462,000m3 rather than the 3,600,000m3 as reference by the</p>
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		<p><i>could therefore vary anywhere from 450,000m3 to 3,600,000m3.</i></p> <p><i>The impact on sand from the Blue Route D3 is also difficult to quantify, both due to the borehole data issue noted for the Blue Route, and that the option runs close to an existing gas pipeline and area of ancient woodland. Identifying how the cable would pass through this area without impacting on either of these features is uncertain. However, it is also possible that these features would already sterilise the sand in this area. Using an assumption that it would be possible for the cable construction to utilise an open trench as it enters the MSA in the south and then a trenchless crossing (and associated compound) is needed to pass underneath the ancient woodland and A283, a land area of around 1ha could be affected. Thicknesses of sand in this area of between 5m and 40m would provide volumes of between 50,000m3 and 400,000m3. If this sand was already sterilised, then no additional sterilisation would occur from Blue Route D3. However, sterilisation of volumes between 50,000m3 and 400,000m3 would be Significant in EIA terms, the same as for the proposed cable route.</i></p>	<p>Applicant, demonstrating the significant reduction in sterilisation if the alternative proposed by the Estate was adopted.</p>
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		<p><i>A direct comparison of the minerals sterilisation arising from the proposed DCO Order Limits, compared to the Blue Route or Blue Route D3 is therefore difficult to make due to the lack of geological data available on the Blue Route options. Using the EIA methodology, the Applicant has calculated that during the construction and operation and maintenance phases of the Proposed Development the proposed DCO Order Limits could sterilise up to 2.9ha of land and 1,160,000m3 of sand, which is considered significant in EIA terms. During the same phases, the Blue Route would sterilise 9ha of land and between 450,000m3 and 3,600,000m3, which would also be significant in EIA terms. The Blue Route D3 would interact with around 1ha of land during these phases, for which the sand could already be sterilised (not significant in EIA terms) or if the sand is not already sterilised, the route could sterilise between 50,000m3 and 400,000m3 (significant in EIA) terms.</i></p> <p><i>Interdisciplinary assessment of the Blue Route and Blue D3 draw the same conclusions as they largely follow the same path. In summary neither of the routes are accepted by the Applicant in favour of the selected route, the primary reasons are twofold: terrestrial ecology (specifically the mitigation hierarchy in</i></p>	
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		<p><i>terms of interaction with ancient woodland) and higher technical engineering risks. Both these matters have already been set out by the Applicant in Deadline 2 Submission – 8.51 Category 8: Examination Documents – Applicant’s Response to Affected Parties’ [REP2-028] under point 2.28.12 and further information has been provided at Deadline 4 in the Applicant’s Response to issues raised at Deadline 3. Other environmental considerations played further into the decision in addition to these lead reasons.</i></p>	
<p>20.</p>	<p>11. Applicant to provide a note comparing costs of offshore and onshore cable routes. (REP-074)</p>	<p><i>Ninfield</i></p> <p><i>There is significant construction cost difference between the construction of onshore and offshore export cables. Offshore cable installation involves the cost of survey works, pre-installation route clearance, cable laying vessel, cable burial and installation of cable protection. The charter of these vessels incurs significant cost, and with a longer offshore cable route the charter period increases.</i></p> <p><i>The grid connection at the existing National Grid Bolney substation requires an offshore cable route of circa 25km and onshore cable route of circa 39km. Estimating possible routing options for the connection at Ninfield</i></p>	<p>The Applicant’s brief response is lacking in detail.</p> <p>Even taking the Applicant’s figures at face value, it puts the estimated cost of a connection to Ninfield at £116.1m compared to the cost of connecting to Bolney at £69.8m, so a difference of £46.3m.</p> <p>This is more than £255m short of the £302m figure included in Chapter 3 of the Applicant’s ES (APP-044) at paragraph 3.3.13. Once again, the Applicant has not accounted for this very substantial difference. In the context of a scheme with an estimated cost of £3 billion (paragraph 4.1 of the Funding Statement (REP4-009)), £46.3m does not seem like a significant sum, particularly when set against the benefits of connecting to Ninfield rather than Bolney.</p> <p>Overall, the Applicant has failed to justify why Ninfield has been discounted. It is a route which avoids the SDNP and also minerals. Given its much</p>

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	<p><i>substation, the shortest onshore route is circa 8km which requires a 65km offshore route. These lengths are estimated as a lowest distance, and do not take into account the need for any route diversions required to account for the seabed conditions offshore, potential locations of an onshore substation near Ninfield or the likely need to avoid sensitive areas onshore.</i></p> <p><i>The cost figures of Rampion 1 demonstrate the increased cost of constructing an export cable that is predominantly in the offshore environment. The cost of the Rampion 1 offshore cables were approximately 2.5 times the cost per km of onshore cables. An increased length of offshore cable corridor will therefore outweigh any potential savings of shorter onshore cable routing.</i></p> <p><i>Indicative cost/km for one circuit (Rampion 1)</i></p> <ul style="list-style-type: none"> <i>• Onshore Cable, £0.7m</i> <i>• Offshore Cable, £1.7m</i> <p><i>The cost estimate for a Ninfield grid connection presented in Section 3.3 in Chapter 3: Alternatives, Volume 2 of the Environmental Statement [APP-044] considers the cost difference between offshore and onshore cable construction, however this figure also includes</i></p>	<p>shorter onshore cable it is likely to lead to much less harm to terrestrial ecology and also landscape harm.</p>
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		<i>other cost aspects related to the grid connection at Ninfield.</i>	
2	12. Applicant to provide a copy of the correspondence from National Grid ruling out Ninfield as a potential grid connection point for Rampion 2. (REP-074)	<i>There is no correspondence from National Grid naming Ninfield as an unfeasible connection option. The Applicant noted during CAH1 that the National Grid Connection Infrastructure Options Notification (CION) process considered the potential grid connection location for Rampion 2. Ninfield is not included as a potential option within that process which was run in parallel to the Applicant’s own optioneering process. National Grid’s CION documents are commercially sensitive and therefore cannot be submitted into the Examination and made public. However, the Applicant has summarised the options within the CION in Chapter 3: Alternatives, Volume 2 of the Environmental Statement [APP-044] in Section 3.3 based on the National Grid feasibility study into sites that could provide the connection electrical capacity required – this did not include Ninfield and it was therefore ruled out at an early stage of optioneering. As summarised in 3.3.26 to 3.3.30, Bolney was found to best meet the National Grid Electricity Systems Operator’s (ESO) obligation to provide an economic and efficient connection. National Grid has confirmed that they are aligned with the process described in their response to Written</i>	<p>The statement “<i>There is no correspondence from National Grid naming Ninfield as an unfeasible connection option</i>” speaks for itself. Rather, what seems to have happened is that it has been wrongly excluded from the identification / selection process.</p> <p>The process may well have concluded that Bolney is the best option in economic terms, but as the Estate has stated previously, just because something may be the cheapest option, does not mean it is the best. Nor does it mean that other options would be economically unviable. The Applicant has failed to provide the National Grid correspondence that was referred to at the hearing on the basis that it is “commercially sensitive”. This is deeply unsatisfactory and in the Estate’s view, undermines what is supposed to be a transparent public process.</p> <p>The National Grid response the Applicant refers to (REP3-077) is very short indeed. Again, it confirms that Bolney was agreed as the “overall most economic, efficient and coordinated connection option”. It does not say anything about Ninfield and gives no consideration to other factors such as environmental impacts, including on the SDNP and on minerals. The fleeting consideration given to the environmental impacts of connecting to Ninfield was flawed, as demonstrated in REP4-135 (for example, because the Applicant wrongly stated that the route would require crossing the South Downs National Park).</p> <p>It appears to the Estate that Ninfield does present a feasible connection option. However, it appears to have been discounted at a very early stage on mainly economic grounds which on closer analysis are revealed to be marginal, even based on the Applicant’s own figures. The Ninfield option</p>

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		<i>Question AL1.3 in National Grid’s Response to Written Questions ExQ1 [REP3-077].</i>	should have been assessed in much greater detail due to the obvious benefits associated with an 8km onshore cable corridor rather than the the 39km corridor required to connect to Bolney and which does not cross the SDNP or sterilise minerals.
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