

Rampion 2 Wind Farm

Applicant's Responses to Examining Authority's Second Written Questions (ExQ2)

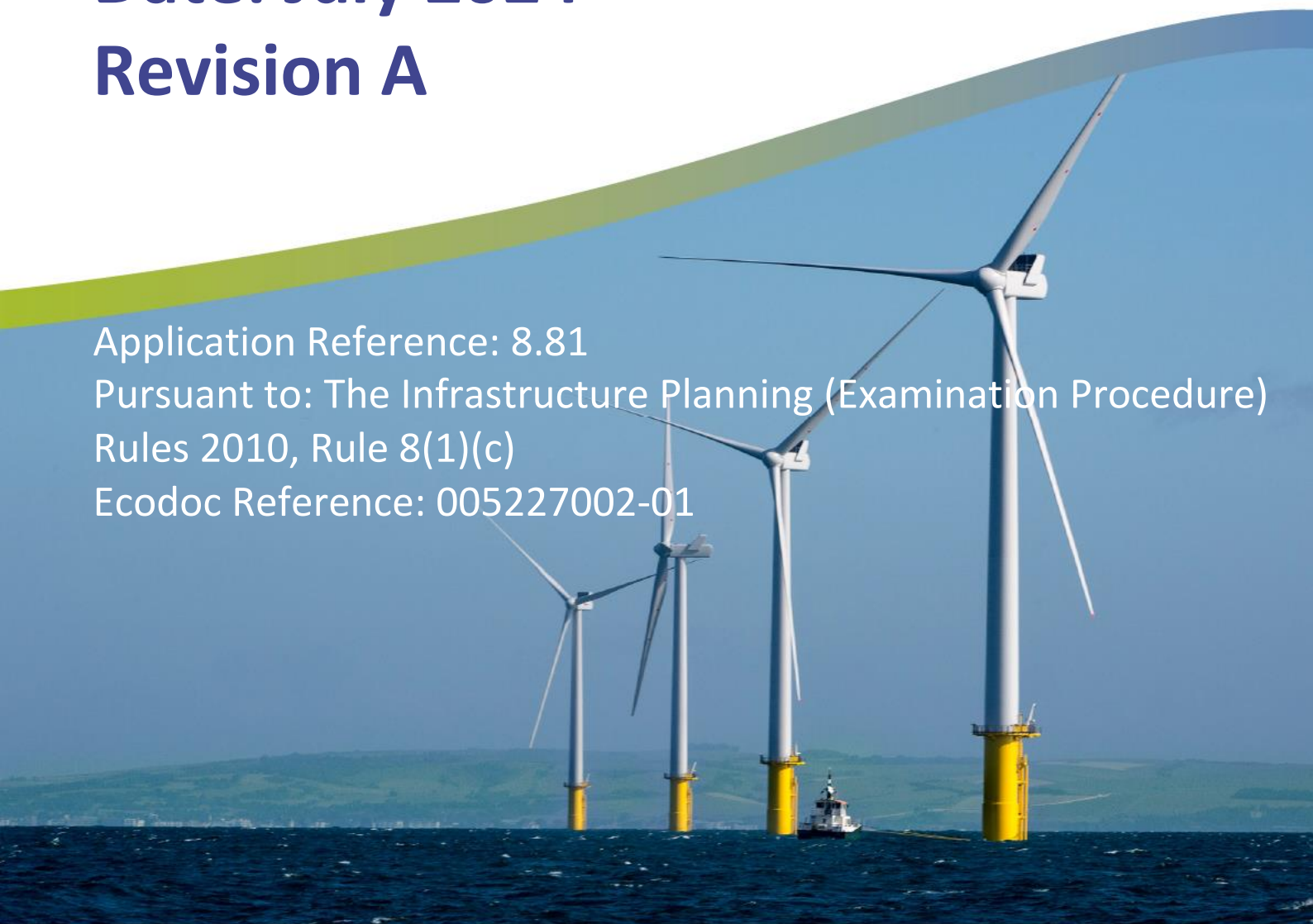
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Executive Summary

On 18 June 2024, the Examining Authority's Second Written Questions (ExQ2) **[PD-012]** and requests for information were released. The Examining Authority's Second Written Questions are set out using an issue-based framework and outlined who the question was directed to (i.e. the Applicant or an Interested Party).

Rampion Extension Development Limited (the 'Applicant') has taken the opportunity to review each of the questions received from the Examining Authority. This document provides the Applicant's responses and has been submitted for Examination Deadline 5.

1. Introduction

1.1 Project overview

- 1.1.1 Rampion Extension Development Limited (hereafter referred to as 'RED') (the 'Applicant') is developing the Rampion 2 Offshore Wind Farm Project ('Rampion 2' or the 'Proposed Development') located adjacent to the existing Rampion Offshore Wind Farm Project ('Rampion 1') in the English Channel.
- 1.1.2 Rampion 2 will be located between 13km and 26km from the Sussex Coast in the English Channel and the offshore array area will occupy an area of approximately 160km². A detailed description of the Proposed Development is set out in **Chapter 4: The Proposed Development, Volume 2** of the Environmental Statement (ES) [APP-045], submitted with the Development Consent Order (DCO) Application.

1.2 Purpose of this document

- 1.2.1 The Examining Authority published the Examining Authority's Second Written Questions (ExQ2) [PD-012] and requests for information on 18 June 2024 in accordance with the Examination timetable provided in the Rule 8 letter [PD-007]. The Examining Authority's Second Written Questions (ExQ2) [PD-012] are set out using an issue-based framework and outline who each question was directed to (i.e. the Applicant or an Interested Party).
- 1.2.2 The Applicant has taken the opportunity to review the Examining Authority's Second Written Questions (ExQ2) [PD-012] received and this document provides the Applicant's responses.

1.3 Structure of the Applicant's responses

- 1.3.1 The Applicant has structured this document to following the issue-based approach used by the Examining Authority in Examining Authority's Second Written Questions (ExQ2) [PD-012]. The Applicant has separated each issue category (i.e. Lands Rights) into separate tables for ease of referencing. Each table row contains a unique reference number as provided in the Examining Authority's Second Written Questions (ExQ2) [PD-12], grey rows indicated questions not directed to the Applicant. The Examining Authority raised 144 questions in total.
- 1.3.2 The Applicant has provided a response to all of the Examining Authority Second Written Questions directed to the Applicant. In addition to this, the Applicant has also provided a response to some questions that were directed at Interested Parties where the Applicant considers additional information would be useful for the Examining Authority.
- 1.3.3 The issue-based questions for the Examining Authority Second Written Questions are structured in these tables below:

Onshore and offshore questions

- Habitat Regulations Assessment (HRA);

- Commitments Register (CR);
- Draft Development Consent Order and Draft Deemed Marine Licence (DCO); and
- Land Rights (LR).

Onshore questions

- Air Quality (AQ);
- Biodiversity Net Gain (BNG);
- Climate Change (CC);
- Historic Environment (HE);
- Minerals (MI);
- Noise and Vibration (NV);
- Seascape and Landscape and Visual (SLV);
- Soils and Agriculture (SA);
- Traffic and Access (TA);
- Terrestrial Ecology (TE); and
- Water Environment (WE).

Offshore questions

- Fish and Shellfish (FS);
- Benthic and Offshore Processes (BP);
- Marine Mammals (MM);
- Offshore and Intertidal Ornithology (OR);
- Aviation (AV);
- Commercial Fishing and Fisheries (CF); and
- Shipping (SH).

2. Applicant's Response to Examining Authority's Second Written Questions

Table 2-1 Applicant's response to Examining Authority's Further Written Questions on HRA

Ref	Question To:	Question	Applicant's response
HRA 2.1	<i>Kittiwake Compensation Quanta</i> The Applicant	Respond to Natural England's response to Q3e-2 in the Examining Authority's (ExA) request for further information from Natural England arising out of Issue Specific Hearing 2 [REP4- 091] (ISH2) that securing sufficient nesting space for the number of kittiwake pairs required to address the 95% UCI value at a ratio of 3:1 would be a proportionate contribution and Natural England would then consider this matter resolved.	<p>This question is in respect to the Applicants without prejudice position on impacts to the kittiwake feature of Flamborough and Filey Coast (FFC) Special Protection Area (SPA).</p> <p>The Applicant does not agree that inflating the compensation requirements by using the 95% upper confidence interval (UCI) in addition to using a 3:1 ratio is necessary. With an impact of just 0.72 adult kittiwake by applying both the 95% UCI and a 3:1 ratio provides a requirement for a compensation quantum of 15.27 additional breeding pairs using the Hornsea Three Stage 1 method. This number of breeding pairs should produce five new adult recruits into the regional population each year.</p> <p>Given the multiple levels of conservatism within the assessment, and that the structure is already constructed and home to breeding kittiwake, the Applicant suggests that a 2:1 ratio on the central impact value (CIV) using the Hornsea Three Stage 1 calculation is the most appropriate. This results in a requirement to provide an additional 4.34 (5) additional nesting spaces.</p> <p>Examples of conservatism include using the species group avoidance rates as opposed to the species-specific avoidance rates and current precautionary estimates for species flight speeds and nocturnal activity factors. In addition, there is an extremely low degree of connectivity from the Rampion 2 array area to FFC SPA.</p> <p>If the Secretary of State were to accept Natural England's calculation method for the required compensation considering the 95% UCI and a ratio of 3:1 the existing DBS ANS tower at Gateshead would be able to accommodate the 16 nesting spaces required to adequately compensate for the impacts of the Proposed Development assuming the 95% UCI and a 3:1 ratio.</p>
HRA 2.2	<i>Updated Schedule 17</i> Natural England	Comment on the Applicant's updated Schedule 17 submitted at Deadline 4 [REP4-016], stating any areas of disagreement.	
HRA 2.3	<i>Water Neutrality - Potential AEOL on Arun Valley SPA</i> Natural England	Update the ExA on Natural England's position on the latest proposals by the Applicant to meet the water neutrality requirements in light of recent meetings and discussions held between Horsham DC, Natural England and the Applicant.	<p>The Applicant understands that Horsham District Council and Natural England have agreed a joint position. The position is that construction water usage can be screened out for the purposes of water neutrality on the basis that the types of indicative volumes (set out in [REP3-051]) would fall well within Horsham District Council's headroom capacity for water use. This was because over 1,000 homes were being built p/a prior to the neutrality position statement (in 2021) and that has since dropped significantly to around 300 homes p/a. This position removes the need for tankering all construction water in for Rampion 2 within the Sussex North supply zone. In relation to operational and maintenance water usage Horsham District Council agreed that the indicative volumes represented very low usage in the context of other development and could likely be accommodated by an offsetting scheme if access to such a future scheme were available. Other options are available should a strategic offsetting scheme not be available. These are documented in Chapter 26: Water environment, Volume 2 of the Environmental Statement [APP-067], Design and Access Statement [REP3-013], and secured by Requirement 8 [3] in the Draft Development Consent Order [REP4-004] (being updated at Deadline 5).</p>

Ref	Question To:	Question	Applicant's response
			<p data-bbox="1389 289 2733 390">This has resulted in the deletion of commitment C-290 from the Commitments Register [REP4-057] (updated at Deadline 5) and an agreement that the Proposed Development can deliver on water neutrality.</p> <p data-bbox="1389 426 2475 457">This position was confirmed in discussions with Natural England on 28 June 2024.</p> <p data-bbox="1389 493 2742 663">The Applicant has also amended the Requirement 8 (3) in accordance with Horsham District Council's latest comments as part of the updated Draft Development Consent Order [REP4-004] (updated at Deadline 5). The Applicant has also agreed with Horsham District Council that in Requirement 8 (3) the part which mentions construction can be removed for Deadline 6 following the receipt of Natural England's written response.</p>

Table 2-2 Applicant's response to Examining Authority's Further Written Questions on Commitments Register

Ref	Question To:	Question	Applicant's response																	
CR 2.1	<i>Updating the Commitments Register</i>	Following the submissions at Deadline 4, the ExA has identified continued concerns with the following Commitments:																		
	The Applicant	<ul style="list-style-type: none"> Commitment C-5 (West Sussex CC [REP4-086]). Commitment C-19 (West Sussex CC). Commitment C-22 (Horsham DC [REP4-084]). Commitment C-24 (Horsham DC). Commitment C-27 (Clymping Parish Council [REP4-103]). Commitment C-79 (Historic England [REP4-087]). Commitment C-80 (Historic England). Commitment C-158 (Horsham DC). Commitment C-217 (Natural England [REP4-096]). Commitment C-220 (West Sussex CC). Commitment C-224 (West Sussex CC). Commitment C-225 (West Sussex CC). Commitment C-231 (Horsham DC). Commitment C-275 (Natural England). <p>The ExA remains concerned over the wording of some of the commitments in the Commitments Register and whether they remain imprecise. The ExA requests that the Applicant provide, in table form, its responses to the above Commitments setting out the amendments made or an explanation as to why no drafting changes are proposed.</p> <p>The Applicant is asked to ensure the Commitments contained in the Commitments Register are consistent throughout other documents by Deadline 5.</p>	<table border="1"> <thead> <tr> <th>Ref</th> <th>Amendment requested by IP</th> <th>Amendment / Justification</th> </tr> </thead> <tbody> <tr> <td>C-5</td> <td>WSCC request that Commitment C-5 also mentions the HDD crossings for environmental reasons, such as Climping Beach, Sullington Hill and the ancient woodland sites.</td> <td>No amendment. The Applicant amended this commitment at Deadline 4 to remove reference that only mentioned road, rail and main rivers to make it clear that trenchless crossings will be provided for all features where identified in the crossing schedule. The Applicant also notes the Examining Authority have requested further comment from stakeholders on this commitment under CR2.3.</td> </tr> <tr> <td>C-19</td> <td>There is nothing in the Outline Onshore Construction Method Statement, Section 3, that shows any indication that details of phasing and/or sections, nor reinstatement as soon as practicable. WSCC still have no clarity what a submission under Requirement 10 is likely to look like and how much detail it will provide on construction/restoration phasing within each stage.</td> <td>Schedule 1, part 3, Requirement 10 of the Draft Development Consent Order [REP4-004] secures "a written programme identifying the stages of those works", to be provided to the relevant planning authorities for approval. Stage is defined as "a part of the onshore works within the onshore Order limits" (i.e. a geographic section of the project). The programme thus identifies the order in which these parts would be built and is secured through approval by the relevant planning authorities. All onshore host planning authorities would be considered relevant for discharge of this requirement. A programme detailing onshore site preparation works will be submitted separately.</td> </tr> <tr> <td>C-22</td> <td>The shoulder period for the Washington compound should not include deliveries or unloading due to its proximity to noise sensitive receptors. C-22 should be amended to incorporate this restriction.</td> <td>No amendment. The Applicant restricted works in the shoulder hours (07:00 -08:00 and 18:00 – 19:00) at Deadline 1 to restrict the main noise generating activities on site during these hours to reduce impacts to noise sensitive receptors. Restricting deliveries to Washington compound to outside the shoulder hours would result in additional movements in the peak hour when roads are most congested and delay the construction schedule.</td> </tr> <tr> <td></td> <td>As noted above, the shoulder period should not apply at the Washington construction compound due to the proximity of sensitive noise receptors. C-22 should be amended.</td> <td></td> </tr> </tbody> </table>	Ref	Amendment requested by IP	Amendment / Justification	C-5	WSCC request that Commitment C-5 also mentions the HDD crossings for environmental reasons, such as Climping Beach, Sullington Hill and the ancient woodland sites.	No amendment. The Applicant amended this commitment at Deadline 4 to remove reference that only mentioned road, rail and main rivers to make it clear that trenchless crossings will be provided for all features where identified in the crossing schedule. 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C-24		The most up to date IAQM Guidance shall be used on the Assessment of Dust from Demolition and Construction.	The Applicant has amended the wording of commitment C-24 to make reference to the 2024 version of the guidance.
C-27		We feel that Commitment C27 should be consistent with the wording of Commitment C7 which requires the applicant to ensure reinstatement of agricultural land on the cable route to its original grade classification.	The Applicant has amended the wording of commitment C-27 to note that commitment C-7 also applies in this regard for reinstatement of soils.
C-79		Mitigation of significant adverse effects during construction should be through avoidance first before mitigation. Only once harm has been avoided and minimised should mitigation then apply. This is detailed in the following paragraphs, but needs to be made clear here.	The Applicant has amended the wording of commitment C-79 to reflect this request applies to where preservation by record is to be undertaken. The Outline Onshore Written Scheme of Investigation [REP3-035] (updated at Deadline 5) sets in Section 4 that the preservation by avoidance should be implemented where reasonably practical.
C-80		We recommend amending 'appropriate' to 'proportionate'.	The Applicant has amended the wording of commitment C-80 to reflect this request.
C-158		The settlements should be to be avoided should be identified as set out in C-158 as Storrington, Cowfold, Steyning, Wineham, Henfield, Woodmancote. Updates to Requirement 22 and 24 of the dDCO also requested.	No amendment. The Applicant's Outline Construction Traffic Management Plan [REP4-045] shows the local access routes in Figure 7.6.6a to 7.6.6c and cannot avoid the settlements as suggested. The specific commitment here is to Cowfold Air Quality Management Area (AQMA) to limit heavy goods vehicles (HGVs) there. For Storrington AQMA, the access route is intended for light goods vehicle (LGV) use only. The other areas listed are not AQMAs and no significant effects have been identified for these settlements in Chapter 19 Air Quality, Volume 2 of the Environmental Statement (ES) ([APP-060]) or the Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006] . West Sussex County Council have confirmed that A-road routing is appropriate, and it would not be possible to avoid settlements like Henfield through which these roads run.
C-217		Natural England continues to advise wording of Commitment C-217 is changed so the winter period extends to include March. Explain whether this would have any bearing on the	The Applicant has amended the wording of commitment C-217 to extend the period to March.

Ref	Question To:	Question	Applicant's response
			delivery of the Proposed Development in respect to project feasibility and cost.
C-220	WSSC remains concerned with the wording of Commitment C-220 and paragraph 5.6.28 of the OCoCP.	<p>It is considered that any losses over those stated in the VRP must be agreed in writing by the relevant planning authority (not only in consultation with them).</p>	<p>The Applicant has amended the wording of commitment C-220 as follows to reflect the approval of the stage specific Vegetation Retention and Removal Plans (see bold text):</p> <p><i>“The Outline Vegetation Retention and Removal Plan shows hedgerows, tree lines, woodland, scrub, calcareous grassland, semi-improved species-rich grassland and ponds which are to be retained or temporarily or permanently lost. Should any of these habitats shown as retained require removal due to unforeseen circumstances at the detailed design phase, they will be highlighted to the relevant competent authority with a reasoned justification provided. The stage specific Vegetation Retention and Removal Plans will require approval of the relevant planning authority via Requirement 40 of the DCO. Any unforeseen, additional losses would be accounted for through commitment C-104 covering the commitment to the provision of biodiversity net gain.”</i></p>
C-224	Paragraph 5.6.37 suggests that coppiced tree lines will be shown as ‘temporarily lost’ within VRPs.	<p>None have been identified and no key is provided for this on the key for VRPs. Therefore, it is not known if tree line clearances shown within VRPs are permanently or temporarily lost and further clarification is required. WSSC requests amendment of Commitment C-224 to reflect tree lines.</p>	<p>Coppicing is now shown on the Vegetation Retention Plans (VRPs) and the Outline Code of Construction Practice [REP4-043] has been updated at Deadline 5 to reflect this (now paragraph 5.6.39 in the Deadline 5 version). The commitment has been updated to provide for this at detailed design as follows:</p> <p><i>“Where vegetation clearance is required to provide visibility splays at access points for the purposes of safe access and egress any hedgerows that require cutting will be retained, by cutting to a height of 90cm where safe to do so (any hedgerow trees will be considered on an individual basis). These “coppiced” hedgerows will be agreed with the relevant highways authority and displayed on the stage specific Vegetation Retention and Removal Plan secured by DCO Requirement 40.”</i></p> <p>The areas of permanent loss are shown in the Outline Vegetation Retention and Retention Plan (Document Reference 8.87), submitted at Deadline 5) as per the request of the Examining Authority.</p>

Ref	Question To:	Question	Applicant's response
C-225	<p>Suggested revisions to Commitments Register (REP3-049), Commitment C-225: "Where previously unknown archaeological remains of high heritage significance are identified through surveys along the cable route, and where these locations have not been possible to avoid during earlier design stage, engineering and design solutions (e.g. narrowing of the construction corridor, divert cable route within DCO Order Limits, re-siting stockpiles, trenchless crossings) will be employed to avoid impacts. In the event of the discovery of archaeological remains of high heritage significance which are not suitable for preservation in situ on archaeological grounds, an appropriate programme of mitigation will be undertaken to ensure preservation by record. Such measures will be reviewed in consultation with relevant stakeholders (WSSC Archaeologist local planning authority and Historic England). An onshore outline WSI provides detail of appropriate methodologies to be implemented during the evaluation and mitigation stages of the archaeological works.</p>	<p>Commitment C-225 has been revised in consultation with West Sussex County Council and updated for Deadline 5 as follows:</p>	<p><i>"Where previously unknown archaeological remains which are demonstrably of national heritage significance are identified within the onshore Order limits engineering and design solutions (e.g. narrowing of the construction corridor, divert cable route within DCO Order Limits, re-siting stockpiles, trenchless crossings) will be employed, subject to agreement by the relevant planning authority in consultation with WSSC. In the event that archaeological remains of national significance are deemed not suitable for preservation in situ on archaeological grounds, or necessary consent is not granted, an appropriate programme of mitigation will be undertaken to ensure preservation by record.</i></p>
			<p><i>In the event of the discovery of archaeological remains of high heritage significance which are not suitable for preservation in situ on archaeological grounds, or cannot be avoided due to technical constraints, an appropriate programme of mitigation will be undertaken to ensure preservation by record in accordance with onshore outline WSI.</i></p>
			<p><i>All measures for mitigation and preservation in situ will be reviewed in consultation with relevant stakeholders (WSSC Archaeologist, local planning authority and Historic England). An onshore outline WSI provides detail of appropriate methodologies to be implemented during the evaluation and mitigation stages of the archaeological works."</i></p>
			<p>Commitment C-225 has been updated in line with the updated Outline Onshore Written Scheme of Investigation [REP3-035] and in line with suggested revisions from West Sussex County Council in their Deadline 4 submission [REP4-086].</p>
C-231	<p>HDC is of the view that the noise impacts from the substation, once operational, have not been fully assessed and that noise levels below the daytime and night-time noise limits as detailed in Commitment C-231 could still result in significant noise impact to residential amenity.</p>	<p>No amendment made to commitment C-231. The Applicant considers that the design minimises noise to as low as is practicable, that is, the predicted operational noise levels are below the Lowest Observed Adverse Effect Level (LOAEL). As the Applicant demonstrated in the Deadline 4 Submission – 8.77 Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions Revision A [REP4-079]</p>	

Ref	Question To:	Question	Applicant's response
			<p><i>“There is no published evidence to support specifying a rating level below 35dB_{outside} at night. A rating level of 35dB_{outside} and below are equivalent in terms of protecting the amenity of occupier. Specification of a rating level below 35dB_{outside} at night does not provide additional benefit to the occupier.”</i> This remains the Applicants position.</p>
			<p>C-275 Whilst we welcome a commitment like C-275 regarding low order methods, we consider that the wording should be made stronger. This would align it with the imminent update to the joint position statement: Marine environment: unexploded ordnance clearance joint interim position statement - GOV.UK (www.gov.uk)</p> <p>The statement will outline that low noise methods have to be the primary method of clearance. The statement will outline that low noise methods have to be the primary method of clearance. The Applicant should revise wording of commitment C-275.</p>
			<p>The Applicant has amended commitment C-275 to align with the joint position statement: Marine environment: unexploded ordnance clearance joint interim position statement - GOV.UK (www.gov.uk) and to prioritise low noise alternatives, it now reads:</p> <p>C-275: <i>“The use of low order detonations using the ‘deflagration method’ will be the Prioritised method of disposal for Offshore UXOs, where practicable.”</i></p>
CR 2.2	Commitment C-216	As set out in further detail in the Terrestrial Ecology section below, the ExA has a number of serious concerns with the effect of the Proposed Development on ancient woodland, trees and vegetation. In this example, the Applicant confirmed at ISH2 that some form of nonground-breaking activity is planned within 25m of ancient woodland, but that is not supported by wording in C-216 or the Outline Code of Construction Practice (OCoCP) section 5.6.17 [REP4-043].	The Applicant has amended the wording of commitment C-216 as follows.
	The Applicant	The ExA considers, in respect to those identified working areas within 25m of ancient woodland as described in Commitment C-216 and the OCoCP that additional wording should be added to Commitment C-216 to ensure a final method statement is approved by relevant planning authorities.	<p><i>“All ancient woodland will be retained. A stand-off of a minimum of 25m from any surface construction works will be maintained in all locations from cable installation works. Construction traffic may operate within 25m of an ancient woodland on existing tracks, with any track maintenance works being restricted to the current width. Works to provide safe access from the highway are required in four locations within 25m of ancient woodland, being accesses A-42, A-56 and A-57. At these locations specific measures including dust control shall be detailed in the stage specific Code of Construction Practice that will manage any potential indirect effects on ancient woodland. Where ancient woodland is crossed via trenchless crossing a depth of at least 6m below ground will be maintained to avoid root damage and drill launch and retrieval pits will be at least 25m from the woodland edge.”</i></p> <p>The Applicant refers to the related response to Examining Authority Question TE 2.20 for further information in this regard and explaining why specific method statements are not considered necessary at these locations. The Applicant notes that it has submitted a notification of potential non-material changes to the DCO Application which would include amending Sheet 7 of the Onshore Works Plans [PEPD-005] to change the area adjacent to Ancient Woodland from Works No.9 (Cable Installation) to Works No. 14 (Construction and Operational Access) for using the existing track in this area for light construction and operational traffic only that would not require works, therefore an exception to require safe access from the highway is not required here.</p>
		Amend C-216 as requested.	

Ref	Question To:	Question	Applicant's response
CR 2.3	<p><i>Commitment C-5</i></p> <p>All Relevant Planning Authorities Natural England Wildlife Trusts</p>	<p>Comment on the revised wording of Commitment C-5 at Deadline 4 in the Commitments Register [REP4-057]. Is the wording adequate? If not, provide alternative suggested wording.</p> <p>[N.B The wording of Commitment C-5 on page 75 of the updated OCoCP at Deadline 4 [REP4-043] has not been updated. Provide an update to the OCoCP at D5 to ensure consistency with the Commitments Register.]</p>	<p>The Applicant has made the change requested under the N.B. to this question and submitted an update to the Outline Code of Construction Practice [REP4-045] at Deadline 5.</p>
CR 2.4	<p><i>Commitment C-104</i></p> <p>The Applicant</p>	<p>The ExA considers that Commitment C-104 should include the assurance the Applicant has made in section 5.2 of Appendix 22.15 BNG information [REP3-019], that 70% of the deficit would be delivered prior to commencement of construction.</p> <p>Respond and/or amend the Commitments Register accordingly.</p>	<p>The Applicant has amended The wording of commitment C-104 to add the following sentence. <i>“70% of the deficit identified in section 5.2 of Appendix 22.15 BNG information will be secured prior to commencement of construction for each stage”.</i></p> <p>The Applicant notes that the reference to “securing” rather than “delivery” is consistent with the response to the Examining Authority’s suggested amendment to Requirement 14 (see response to Reference 10 in the Examining Authority’s Schedule of recommended amendments to the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO (Document Reference 8.83) provided at Deadline 5). This is also consistent with Biodiversity Net Gain guidance from the Department for Environment, Food and Rural Affairs (Defra).</p>
CR 2.5	<p><i>Additional Commitments</i></p> <p>The Applicant</p>	<p>At Deadline 4, the following additional Commitments were suggested:</p> <ul style="list-style-type: none"> 1. New Commitment that requires the Outline Landscape and Ecology Management Plan [REP4-047] to include a method, management, maintenance and monitoring strategy to be agreed in writing by the relevant planning authority (South Downs National Park Authority (SDNPA) [REP4-085] and West Sussex CC [REP4-086]). 2. New Commitment to ensure that construction traffic does not filter south from the A27 through Yapton and Ford to approach Access A05 from the north from Climping Beach (Clymping Parish Council [REP4-103]). 3. New Commitment to ensure construction traffic would not use Crookthorn Lane or Brookpit Lane (Clymping Parish Council). 	<p>Bullet point 1. – no new commitment is proposed for the following reasons. The Outline Landscape and Ecology Management Plan [REP4-047] (updated at Deadline 5) has been provided to set out the methods for landscape and habitat creation and reinstatement in Section 3 and 4 respectively, Section 5 includes Monitoring, Management and Adaptive Management. Requirement 12 and 13 of the Draft Development Consent Order [REP4-004] (updated at Deadline 5) provides for stage specific provision of these details in accordance with Outline Landscape and Ecology Management Plan [REP4-047] (updated at Deadline 5) and approval by the relevant planning authority which includes the South Downs National Park Authority in respect of those parts of the proposed DCO Order Limits within the South Downs National Park. Commitments C-196 and C-199 in the Commitments Register [REP4-057] also reference provision of such information in the stage specific LEMPs in accordance with the Outline Landscape and Ecology Management Plan [REP4-047] (updated at Deadline 5).</p> <p>Bullet points 2. and 3. – no new commitment is proposed for the following reasons. The Outline Construction Traffic Management Plan [REP4-045] (updated at Deadline 5) includes Figure 7.6.6a showing that these areas and the lanes mentioned are avoided. The Draft Development Consent Order [REP4-004] (updated at Deadline 5) Requirement 24 already requires provision of “a <u>routeing plan to secure that heavy goods vehicles (HGVs) used during the construction period are to avoid settlements, the Air Quality Management Area in Cowfold and the A24 through Findon wherever possible</u>” in the stage specific Construction Traffic Management Plan (CTMP). Both the Requirement and C-201 require provision of stage specific CTMPs to be in accordance with the Outline Construction Traffic Management Plan [REP4-045] (updated at Deadline 5) and therefore this is considered to be adequately secured.</p> <p>Bullet points 4 and 5 – The Applicant has amended the Outline Landscape and Ecology Management Plan [REP4-047] (updated at Deadline 5) to clarify that plans showing location and reinstatement measures to be taken at each crossing of hedgerows, tree lines, scrub, woodlands, notable grasslands and watercourses / wet ditches will be provided at the detailed design phase. The Applicant has also provided a new commitment (C-301) in the</p>

Ref	Question To:	Question	Applicant's response
		<ul style="list-style-type: none"> 4. New Commitment to providing landscape plans for hedgerow and treeline reinstatement, at present the Outline Landscape and Ecology Management Plan (OLEMP) only suggests these may be produced. (SDNPA [REP4- 085]). 5. New Commitment providing further detail of the replacement of woodland within the South Downs National Park (SDNP) to ensure that the key landscape and ecological features characteristic of those discrete areas are recreated as closely as possible, including natural regeneration where appropriate. (SDNPA [REP4-085]). 	<p>Commitments Register [REP4-057] at Deadline 5 to respond to the South Downs National Park Authority requests as follows.</p> <p><i>“Plans detailing the reinstatement of habitats and landscape elements including hedgerows, tree lines, watercourses, scrub belt and woodland that are lost during construction will be provided as part of the stage specific LEMP. This shall be produced in accordance with the Outline LEMP and include planting specifications, plant schedules (detailing number of plants / density / size and species), landscape programme of works (including targeted planting seasons and advance planting opportunities) and a landscape management plan (including maintenance and monitoring)”</i></p> <p>In summary this commitment means that the key landscape and ecological features characteristic of the area will be reinstated and details will be provided as part of the agreements required to deliver stage specific Landscape and Ecology Management Plans. The Applicant also refers to the addition of the mitigation principles of tree planting added to the Outline Landscape and Ecology Management Plan [REP4-047] (updated at Deadline 5) in this regard.</p>
CR 2.6	<p><i>Additional Commitment</i></p> <p>The Applicant</p>	<p>Respond and/or amend the Commitments Register accordingly.</p> <p>The ExA considers that, in the event inconsistencies are discovered at the post-consent stage between specific Commitments in the Commitments Register and those within the relevant topic documents relating to the specific matter, the Commitment which has the least environmentally damaging scenario must prevail. Respond and/or amend the Commitments Register accordingly.</p>	<p>The Applicant has reviewed the commitments and updated the related documents to seek to avoid inconsistencies as requested. Notwithstanding this, the Applicant has amended the Commitments Register [REP4-047] (see paragraph 1.2.3) at Deadline 5 to include a statement to this effect.</p>

Table 2-3 Applicant's response to Examining Authority's Further Written Questions on the Draft Development Consent order (DCO) and Deemed Marine Licence

Ref	Question To:	Question	Applicant's response
DCO 2.1	Article 5, Schedules 11 and 12, paragraph 7 The Applicant Marine Management Organisation	<p>The ExA has, alongside these Further Written Questions, published its suggested changes to the draft Development Consent Order [REP4-006]. For Article 5, the ExA has suggested alterations to Articles 5(2), 5(3), 5(6) and 5(8) which we consider has addressed the concerns of the Marine Management Organisation (MMO) in its submissions at Deadline 4 [REP4-088].</p> <p>Review and confirm.</p> <p><i>[N.B – if the MMO remains of the view that Articles 5(3), 5(6) and 5(13) (and paragraph 7 of Part 1, Schedules 11 and 12) of the Order should be deleted (and in effect Article 5 only relate to the onshore benefits), confirm this at Deadline 5 and the ExA will inform the Secretary of State of this when we submit our Recommendation]</i></p>	Please see the Applicant's response to point 3 in Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO (Document Reference 8.83) provided at Deadline 5.
DCO 2.2	Part 3, Articles 11, 15 The Applicant National Highways	Provide a response to/justify the proposed changes to the draft DCO [REP4-006] advocated by National Highways [REP4-139] that it should be excluded from the identified Articles.	Please see the Applicant's response to points 1 and 2 in Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO (Document Reference 8.83) provided at Deadline 5.
DCO 2.3	Schedule 13 The Applicant	The Applicant is asked to review Schedule 13 of the draft DCO [REP4-006] and check for inconsistencies against the Tree Preservation Order and Hedgerow Plans Rev B [PEPD007], the OCoCP [REP4-043] and the forthcoming Vegetation Retention and Removal Plans.	The Applicant has provided an updated Schedule 13 within the Draft Development Consent Order [REP4-004] and Tree Preservation Order and Hedgerow Plan [REP4-003] at Deadline 5 which reflect the content of the Outline Code of Construction Practice [REP4-043] (updated at Deadline 5) and the Vegetation Retention and Removal Plan (Document reference: 8.87) in the (submitted at Deadline 5)
DCO 2.4	Remaining Comments All Relevant Planning Authorities Natural England Marine Management Organisation	<p>Aside from the matters discussed above, the changes set out in the ExA's Schedule of Changes to the Draft DCO and matters concerning Articles 11(7), 12(3), 15(5), 17(9) and 19(7) in respect to the 28-day provision and deemed consent, provide, if necessary, a summary of any remaining concerns with the draft DCO and draft DML and any suggested drafting changes.</p> <p><i>[N.B – although primarily addressed to the Applicant, all relevant parties may respond to the ExA's Scheduled of Changes to the draft DCO should they feel it necessary to do so.]</i></p>	

Table 2-4 Applicant's response to Examining Authority's Further Written Questions on land rights

Ref	Question To:	Question	Applicant's response
LR 2.1	<p><i>Efforts to Acquire the Land Required for the Proposed Development by Negotiation</i></p> <p>The Applicant</p>	<p>The ExA considers that, based upon the written evidence up to and including Deadline 4, and oral evidence discussed at the Compulsory Acquisition Hearing 1 on Friday 17 May and Tuesday 21 May 2024 [EV6-001], it may not be able to recommend to the Secretary of State that the case for Compulsory Acquisition has been made. This is based upon the apparent lack of meaningful discussions and progress with persons with interests in the land and the lack of advancement of voluntary agreements. The ExA would have expected the Applicant to have been at a much more advanced stage at this point in the Examination.</p> <p>Provide a summary of all efforts to acquire the land required for the Proposed Development by negotiation since the close of CAH1.</p>	<p>The Applicant has provided a summary of all efforts to acquire land for the Proposed Development by negotiation within the updated Land Rights Tracker (Document Reference: 4.4) submitted at Deadline 5.</p> <p>The Applicant intends to provide additional detail relating to its meaningful engagement with each Affected Party, in a series of Land Engagement Reports at Deadline 6. These reports include an explanation (where applicable) of the reasons why that engagement has not to date resulted in a concluded voluntary agreement; and they also include a summary of the engagement that has taken place with the relevant Affected Party since the close of the CAH1.</p> <p>A number of these reports have already been prepared and submitted at Deadline 5 (Document Reference: 4.6) with the intention that these be updated at Deadline 6. A comprehensive bundle of accompanying correspondence will also be submitted at Deadline 6 to be read alongside the Land Engagement Reports.</p> <p>In addition, the Applicant has submitted consolidated details of its Land Acquisition Strategy (Document Reference: 8.92) which explains its approach to the acquisition of land rights for the Proposed Development and how that complies with Compulsory Acquisition (CA) Guidance.</p> <p>These documents show that the Applicant has been making every effort to engage meaningfully with Affected Parties and that in the absence of concluded agreements there is clearly a need and a compelling case for the authorisation of the compulsory acquisition powers sought.</p>
LR 2.2	<p><i>Progress with Land Rights Negotiations</i></p> <p>The Applicant</p>	<p>Provide the following information in relation to obtaining Land Rights for the Proposed Development by agreement (include figures for AP's who have not submitted RRs or WRs):</p> <ol style="list-style-type: none"> Total number of signed agreements required. Number of Key Terms issued. Number of Key Terms signed. Number of agreements completed. 	<p>As of Deadline 5, the following information in relation to obtaining Land Rights for the Proposed Development by Agreement applies:</p> <ol style="list-style-type: none"> 109 agreements are required The total agreements required are broken down into separate elements being: - Onshore substation and Cable rights - 78 Construction and Operational Access – 27 Visibility splays – 4 106 Key Terms have or are to be issued Onshore substation and Cable rights - 77- 1 not issued as landowner not contactable. Construction and Operational Access – 26 – 2 not issued as land unregistered. Visibility splays – 4 – 1 Key terms is outstanding and is to be issued. 17 Key Terms signed and/or agreed Onshore substation and Cable rights – 14 (18% of the total number of Onshore substation and cable easements required) Construction and Operational Access – 3 (11% of the total number of access agreements required) Number of agreements completed Two Option agreements have been completed, and signed by the three Oakendene entities, being for the substation and cable easement (100% of the total number of agreements required for the substation land and associated compounds).

Ref	Question To:	Question	Applicant's response
LR 2.3	<i>Requirement for Compulsory Acquisition of Plots</i> The Applicant	Set out the implications for the Proposed Development in the event Plots 34/25, 34/26, 34/27 and 34/28 were struck out of the Book of Reference [PEPD-014] and Land Plans [PEPD003].	<p>The number of agreements required has increased from 106 to 109 being an additional 3: -</p> <ul style="list-style-type: none"> • 1 - a landholding that has been split and part sold to a third party with whom contact is being made to appraise them of the project requirements; • 2 - Three entities where the landholding had been entered on the basis of one entity / landholding which was actually split into three different landowning entities. <p>The Applicant would note that it is not uncommon for linear NSIPs to be in a similar position with regards the number of agreed terms and concluded agreements at this stage in the Examination, and even at the close of the Examination. For example, HyNet CO₂ Pipeline had 104 Affected Parties of which 11 Key Terms had been agreed by the close of the Examination.</p> <p>As at the close of the examination period for The Yorkshire Green Energy Enablement Project, only one Option Agreement was signed and exchanged, 69 sets of Head of Terms remained in negotiation, while two were agreed with the applicant's lands team, and 38 had been issued to the legal team to prepare the legal documentation. A further 11 sets of Heads of Terms were signed <i>after</i> the close of the examination. The Examining Authority noted surprise that more agreements had not been concluded but still concluded that there were no alternatives to the CA powers sought which ought to be preferred.</p> <p>The Net Zero Teesside Project appears to have had only one agreement concluded at the time of the Secretary of State's decision being made, but again the decision to grant CA powers was arrived at on the basis that the applicant was continuing, and would continue after the grant of the CA powers, to seek to obtain the necessary land and rights by agreement, but that the CA powers were required in order to provide certainty that the applicant will have all the land required to construct and operate the proposed development.</p> <p>By way of further example, on the Richborough Connection Project, CA powers were granted despite the fact that in respect of the applicant, only one voluntary option agreement had been exchanged out of 44 required and initiated, and heads of terms had only been signed relating to 11 of the 44 agreements. In respect of UKPN (the relevant distribution network operator), heads of terms had been signed relating to only three of the 11 required and initiated agreements.</p> <p>The Applicant submitted a notification of a change request dated 27 June 2024 which seeks to revise the land rights required over these parcels as a result of the further engagement that the Applicant has had with NGET regarding the proposed works and the requisite land rights.</p> <p>The proposed revised position sought is as follows:</p> <ul style="list-style-type: none"> - Plot 34/25: <ul style="list-style-type: none"> ○ a reduction in the area over which permanent rights and restrictive covenants (Cable Rights and Restrictive Covenants) are sought for Work no 19, having established the location of the NGET substation extension and in turn been able to delineate between the area required for the cable connection (for which permanent rights are still needed) and the remaining area required for construction access purposes only pursuant to Work no. 13 (for which temporary possession powers only are needed). ○ The land required temporarily will be re-numbered as Plots 34/39, and 34/41; ○ Similarly Plot 34/31 is now required temporarily only for the purposes of Work no. 13;

Ref	Question To:	Question	Applicant's response
			<ul style="list-style-type: none"> ○ Part of Plot 34/25 is proposed to be re-numbered as Plot 34/40. This will be retained for new rights but this will be a reduced rights package for an operational access (Work no. 15) which will allow access to the Applicant's apparatus in the extended substation. - Plot 34/26 - no change, permanent rights and restrictive covenants (Cable Rights and Restrictive Covenants) are still necessary over this land for Work no 19 for the cable connection into the substation extension; - Plot 34/27 - a reduction in the land area over which new rights and restrictive covenants are sought for Environmental and Landscape Mitigation pursuant to Work No, 17, having agreed the location of the proposed landscaping with NGET. The remainder of the plot (which will be re-numbered as Plot 34/38) to be subject to temporary possession powers for Work No. 13 to facilitate those works as there is no direct access to Plot 34/27 from the highway; - Plot 34/28 - a revision of the type of acquisition powers sought for the substation extension works (Work. No. 20) from freehold acquisition to new rights (to be called 'Unlicensed Works Rights'). This is as a result of having clarified with NGET that the Applicant will carry out the unlicensed works pursuant to Work No. 20 to construct and install the generator, and switchgear bays within the substation extension area and connect its cable thereto, but NGET will retain ownership of the substation extension land which will then become part of its operational landholding at Bolney. <p>All of the above works remain necessary for the Proposed Development in order to deliver the substation extension and connection thereto, and to operate and maintain it. The Applicant necessarily requires land rights to undertake those works and to operate, maintain and protect its infrastructure.</p> <p>Whilst positive engagement is taking place with NGET with regards to land rights, proposed to be in the form of an Option for an easement for the cable connection and land required for the substation extension, there is no binding agreement in place at present which will ensure that the Applicant has the necessary land rights it requires for these purposes.</p> <p>Accordingly, in the absence of concluded agreements, if these parcels are removed from the Order Land, and the compulsory acquisition and temporary possession powers sought over them are not authorised, the Applicant will not be able to connect to the national grid and the Proposed Development with its attendant public benefits cannot proceed.</p>

Table 2-5 Applicant's response to Examining Authority's Further Written Questions on air quality

Ref	Question To:	Question	Applicant's response
AQ 2.1	<i>Outline Air Quality Manage Plan and Air Quality Mitigation Strategy</i>	Comment on the issues raised by Horsham DC on the Outline Air Quality Management Plan [REP3-056] and Air Quality Mitigation Strategy [REP3-053] contained in [REP4-084].	The Applicant has provided a response to the comments raised by Horsham District Council [REP4-084] on the Outline Air Quality Management Plan [REP3-056] and Air Quality Mitigation Strategy [REP3-053] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.
	The Applicant		

Table 2-6 Applicant's response to Examining Authority's Further Written Questions on Biodiversity Net Gain

Ref	Question To:	Question	Applicant's response
BNG 2.1	<i>Mitigation Hierarchy in Respect to Biodiversity Net Gain</i> The Applicant	<p>In response to ISH2 question Q2a-2, Natural England highlight in Appendix J4b to the Natural England Deadline 4 Submission Natural England's advice on Biodiversity Net Gain (BNG) [REP4-094], what is in their opinion, a significant risk in that the Applicant's Biodiversity Net Gain Appendix 22.15 does not refer to adhering to the mitigation hierarchy at the detailed design phase. Natural England recommend that the BNG Appendix makes it clear whether the mitigation hierarchy would be followed throughout detailed design stage to avoid biodiversity loss in the first instance.</p> <p>Respond in full to this point and all risks and issues raised by Natural England in Appendix J4a [REP4-093] and J4b [REP4-094] to the Natural England Deadline 4 Submission Natural England's advice on Biodiversity Net Gain.</p>	<p>The Applicant has committed to the mitigation hierarchy during the detail design stage through Commitment C-292 (Commitments Register [REP4-057]). For clarity, the Applicant has updated Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement [REP3-019] at Deadline 5 to directly reference the implementation of the mitigation hierarchy (through commitment C-292; see paragraph 5.1.2) and the Biodiversity Gain Hierarchy (which will be a necessary outcome of the agreement with relevant local planning authorities, in consultation with the statutory nature conservation body to be implemented via Requirement 14 of the Draft Development Consent Order [REP4-004]).</p> <p>The Applicant has also responded to the comments, and risks and issues log [REP4-096] raised by Natural England in Appendix J4a [REP4-093] and Appendix J4b [REP4-094] in Table 2-17 and Table 2-18 respectively, in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5. The Applicant believes all matters regarding Biodiversity Net Gain are resolved. A meeting with Natural England on 28 June 2024 confirmed the plan at this stage is acceptable, and Natural England noted that they are cognisant of the constraints of Rampion 2 at this stage of the development.</p>
BNG 2.2	<i>Presentation of Retained, Reinstated and Permanently Lost Habitat in BNG Calculations</i> The Applicant	<p>Natural England state in its Deadline 4 Submission Appendix J4b Natural England's advice on Biodiversity Net Gain [REP4-094], in point 2, that it would be clearer to display the South Downs National Park as an entirely separate set of habitats to be retained, reinstated and permanently lost rather than having some losses displayed twice. They state this would prevent any potential double counting of units in calculations. Natural England advise that baseline habitat units and status are displayed separately for Arun District, Horsham District, Mid-Sussex District and South Downs National Park.</p> <p>Horsham DC [REP4-084] have also recommended the BNG information is presented on a Local Authority basis.</p> <p>Respond to Natural England's advice, and Local Authority recommendations ideally presenting the information as advised. If this is not possible, explain in full why not.</p>	<p>The Applicant has updated Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement [REP3-019] at Deadline 5 in line with this request to show the following areas as requested:</p> <ol style="list-style-type: none"> 1. Arun District (outside of the South Downs National Park) 2. The South Downs National Park 3. Horsham District (outside of the South Downs National Park) 4. Mid-Sussex District. <p>Furthermore, the Applicant has provided a response to all comments raised by Natural England in Appendix J4b Biodiversity Net Gain [REP4-094] and Horsham District Council [REP4-084] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p>
BNG 2.3	<i>Securing BNG</i> The Applicant	<p>In response to West Sussex CC comments in [REP4-086] on the Applicant's response to ExQ1 BD 1.3 explain why Section 106 agreements between the landowner and the relevant planning authority or conservation covenant mechanisms are not mentioned in Section 5.4 (Securing Biodiversity Net Gain) of Appendix 22.15, BNG Information Rev. B, [REP3-019].</p>	<p>The Applicant has updated Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement [REP3-019] at Deadline 5 to reference Section 106 agreements and conservation covenants in paragraph 5.4.4 which states: "<i>These biodiversity units would be secured through section 106 agreements or conservation covenants between the land owner and the relevant planning authority or other responsible body.</i>"</p>
BNG 2.4	<i>Stage Specific BNG Strategies</i>	<p>Provide outline details on the proposed content of the stage specific BNG strategies.</p>	<p>The stage specific Biodiversity Net Gain (BNG) strategies will be informed by a range of information that is to be gathered pre-construction. Firstly, up to date habitat survey information will be reported on and used to inform the detailed design for a stage (noting the implementation of the mitigation</p>

Ref	Question To:	Question	Applicant's response
	The Applicant		<p>hierarchy at this point) and the stage specific Vegetation Retention and Removal Plan and then the BNG calculations. The baseline survey information and the losses will underpin the stage specific BNG strategies but are associated with other pre-construction documentation secured through Requirement 14 of the Draft Development Consent Order [REP4-004], such as the stage specific Code of Construction Practices. Approaches to reinstatement and habitat creation at the onshore substation location at Oakendene will be covered in the stage specific Landscape Ecology and Management Plan secured by Requirements 8 and 12 of the Draft Development Consent Order [REP4-004].</p> <p>The BNG strategies will use this information to provide a description of the calculations undertaken and identify the unit deficit at each stage. It will then go on to identify sources of biodiversity units within a given stage and describe these with respect to the prioritisation criteria described in Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement [REP3-019] (updated at Deadline 5). The biodiversity units considered for purchase would then be highlighted for discussion with the relevant local planning authority. Assuming that the highlighted biodiversity units are agreeable, these would be purchased and the resulting certificates generated through the Biodiversity Gain Site Register administered by Natural England, this would then be appended and the BNG strategy prior to finalisation for that stage.</p> <p>It will not be possible to demonstrate purchase of all BNG units prior to commencement, as the project will not have a final figure for its Requirement until detailed design has been completed; it is for this reason that 70% of the units are to be 'secured' in advance of commencement. 'Secured' in this context means that the Applicant has purchased units and that the Seller is then under an obligation to deliver and manage them. Any remaining shortfall identified following detailed design will be secured prior to construction works being completed. This ensures that opportunities to deliver BNG within areas of temporary construction are retained should negotiations with the landowner be positive, (for example reinstatement of a construction compound to a wildflower meadow, as opposed to an area of pasture).</p> <p>Habitat management and monitoring plans would either be provided by the Applicant as part of the stage specific Landscape and Ecology Management Plan or appended from the relevant third-party provider. Precise timescales for delivery of the units acquired by the Applicant will depend on whether the units relate to habitat that has been created already or relate to new habitat (and next available planting season) but will be a maximum of 12 months from the date of acquisition.</p>
BNG 2.5	<i>BNG at Oakendene</i> The Applicant	Respond to the concern raised by West Sussex CC in [REP4-086] that if habitat created at Oakendene Substation should not be considered as BNG, whether it would still be managed and monitored for a minimum of 30 years.	<p>The Applicant intends to manage habitats at the onshore substation at Oakendene for Biodiversity Net Gain and has the opportunity on the basis of the outline agreements with the landowner to deliver this.</p> <p>Furthermore, the Applicant has provided a response to all comments raised by West Sussex County Council [REP4-086] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p>
BNG 2.6	<i>BNG Matrix and Calculations Including Updates to Vegetation Loss in the Outline</i>	Respond to the concern raised by Horsham DC in its comments on Deadline 3 submissions [REP4-084] , on whether the updated BNG matrix and calculations in [REP3-019] includes vegetation loss identified by the latest version of the Outline Construction Traffic Management Plan [REP4-045] .	The Applicant has updated Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement [REP3-019] at Deadline 5 to include the losses as shown on the Vegetation Retention and Removal Plan (Document Reference: 8.87) submitted at Deadline 5 secured via Requirement 40 of the Draft Development Consent Order [REP4-004] .

Ref	Question To:	Question	Applicant's response
	<i>Constriction Traffic Management Plan</i>		Furthermore, the Applicant has provided a response to all comments raised by Horsham District Council [REP4-084] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.
	The Applicant		
BNG 2.7	<i>BNG Workbook Calculations</i>	The ExA requests that the Applicant: a) Revises the BNG workbooks to avoid double counting and overlap. b) Submits the excel worksheets to each Local Planning Authority for interrogation rather than only the pdf versions. c) Ensures the information is clearly presented to show in which Local Authority areas the deficit in units will be located.	a) Please refer to the Applicant's response to reference BNG 2.2 above. The Applicant notes that no double counting can take place as the biodiversity losses and gains need to be the same in order for the Statutory Biodiversity Metric not to flag errors regarding areas/length. The only other possible double counting could be the use of elements that can only provide towards no net loss being attributed to biodiversity net gain. This is not possible as there remains a deficit both to a position of no net loss and a position of biodiversity net gain. b) The Microsoft Excel worksheets have been provided to the relevant local authorities ahead of Deadline 5. c) Refer to points a) and b) above.
BNG 2.8	<i>BNG Calculations</i>	Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that: <i>"the applicant has not broken the calculations down into habitat parcels (or highlighted those areas of discrete high/very high distinctiveness) and has instead conflated them into overall habitat areas within the Metric. This means that some habitats within the SDNP may have erroneously been accounted as temporary loss, reducing the necessity for compensation and enhancement. A more granular approach to recording the habitat parcels in the SDNP is an example of where it could be more clearly demonstrated what the likely effects of the proposed development are on the ecological features of the SDNP in the context of its elevated status. It would then enable the applicant to demonstrate how the purposes of the SDNP in respect of its ecological function could be furthered by the proposed development."</i>	The Applicant has provided a response to the South Downs National Park Authority's Deadline 3 submission [REP3-071] in response to the breaking down of Biodiversity Net Gain calculations further, please see Table 2-2, reference BD 1.1 in Applicant's Response to Stakeholder's Replies to Examining Authority's Written Questions [REP4-079] . Furthermore, the Applicant has provided a response to all comments raised by South Downs National Park Authority [REP4-085] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.
	The Applicant		
BNG 2.9	<i>Ecological Surveys</i>	Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that: <i>"The information required for UKHab 2.0 and BNG condition assessment is much more detailed than would normally be collected during a Phase 1 survey visit. Given that the (more detailed) NVC survey sites are no longer included within the DCO Limits, the SDNPA would have expected additional survey visits to have been carried out in 2023/24 to achieve the level of detail required. It is not clear whether these have been undertaken."</i>	The South Downs National Park Authority in [REP4-085] is requesting condition assessment sheets for each area of habitat within the onshore part of the proposed DCO Order Limits. It is noted in Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement [REP3-019] that it was not possible to deliver habitat condition assessment within the form that is now taken within the Statutory Biodiversity Metric as the surveys began in 2020 when the version of the metric in use was 2.0 (and subsequently evolved through 3.1, 3.2, and 4.0). However, Commitment C-294 (Commitments Register [REP4-057]) ensures that an up-to-date habitat survey using the habitat condition assessment associated with the Statutory Biodiversity Metric will be used to inform both detailed design and the associated updates to the Biodiversity Net Gain (BNG) calculations. The Applicant has provided calculations that ensure a good understanding of the type of units lost and the size of the shortfall. This provides the necessary information to determine the likelihood of delivery of BNG within each relevant local planning authority. The Applicant considers it would be unreasonable to repeat habitat survey with each update of the Statutory Biodiversity Metric.
	The Applicant		

Ref	Question To:	Question	Applicant's response
BNG 2.10	<p><i>Recognising in BNG Information Rev.B (REP3-019) Where the 2-year Reinstatement Period is Unlikely to be Achieved as Stated in Commitment C-103</i></p> <p>The Applicant</p>	<p>Both West Sussex CC in [REP4-086] and SDNPA in [REP4-085] have commented that new Section 4.1.7 in Biodiversity Net Gain Information Rev. B [REP3-019] stating a 2 year reinstatement period is misleading as some as temporary construction compounds, cable joint bays, some haul roads, some construction access roads and the landfall will not be reinstated until the end of the full construction period, as stated in Commitment C-103.</p> <p>The ExA requests that section 4.1.7 in the Biodiversity Net Gain Information Rev. B [REP3- 019] is updated to make this clear to avoid confusion.</p> <p>Respond to the other comments from West Sussex CC on BNG in sections 3.8 to 3.11 of [REP4-086].</p> <p>NB - Appendix 22.15 BNG information [REP3-019], contains some "Error! Reference source not found" messages for some of the references. Please correct these when resubmitting this document.</p>	<p>Furthermore, the Applicant has provided a response to all comments raised by South Downs National Park Authority [REP4-085] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p> <p>Commitment C-103 (Commitments Register [REP4-057]) outlines that not all habitat could be reinstated within 2 years. The Biodiversity Net Gain (BNG) calculations within Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement (ES) [REP3-019] assume all habitats within the working area are lost and then re-created. No habitat (including arable land) is considered temporarily lost and reinstated to target condition within 2 years (i.e. shown in the Statutory Biodiversity Metric as retained).</p> <p>However, the Applicant has updated Section 4.1.7 of Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the ES [REP3-019] at Deadline 5 to avoid confusion on this matter and to address formatting errors within the document.</p> <p>The Applicant has provided a response to all comments raised by South Downs National Park Authority [REP4-085] and West Sussex County Council on BNG [REP4-086] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p>

Table 2-7 Applicant's response to Examining Authority's Further Written Questions on climate change

Ref	Question To:	Question	Applicant's response
CC 2.1	<p><i>Proposal to Leave the Cable in-situ Post-decommissioning both Onshore and Offshore</i></p> <p>The Applicant</p>	<p>Paragraphs 4.9.29 and 4.9.17 of Chapter 4 of the ES [APP-045] states that the onshore and offshore cables would be left in-situ post-decommissioning. Explain how cables would be managed in the event they were to become exposed post-decommissioning, either offshore or onshore due to, for example but not limited to, coastal erosion and was deemed either a hazard to people or the environment or causing an unacceptable visual impact.</p>	<p>As presented in Deadline 1 Submission – 8.25.6 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 6 – Further information for Action Point 7 – Horizontal Directional Drilling at Climping Beach [REP1-025], the Applicant will undertake a 'Coastal Erosion and Future Beach Profile Estimation Assessment' for the intertidal and coastal area of the landfall parts of the Proposed Development to inform detailed design activities and thereby minimising the risk of cables becoming exposed.</p> <p>Decommissioning Plans are also required for both onshore and offshore works. The Decommissioning Plans will be live documents updated throughout the operation and maintenance phase of the Proposed Development and include relevant information from further studies such as the Coastal Erosion and Future Beach Profile Estimation Assessment. These plans will address any post-decommissioning measures to be taken in respect of the cables in accordance with requirements at the time of decommissioning.</p>

Table 2-8 Applicant's response to Examining Authority's Further Written Questions on historic environment

Ref	Question To:	Question	Applicant's response
HE 2.1	<i>Heritage Assets</i> West Sussex CC	Given the Deadline 4 submission of viewpoints SA9 to SA13 [REP4-027] and the supporting viewpoint directory [REP4-036] for Work No.16, provide definitive comment on whether harm to Oakendene Manor is likely to be less than substantial or otherwise.	
HE 2.2	<i>Onshore Archaeology</i> The Applicant	Confirm that the Outline Onshore Written Scheme of Investigation [REP3-035] will be amended based upon West Sussex CC suggested amendments at Table 1 [REP4-086] and Historic England's suggested amendments at paragraphs 3.5, 3.6 & 3.7 [REP4-087] and that a revised Outline Onshore Written Scheme of Investigation [REP3-035] will be submitted at Deadline 5. If not justify why not.	<p>The Outline Onshore Written Scheme of Investigation [REP3-035] has been updated and submitted at Deadline 5 to include amendments in response to West Sussex County Council (WSCC) suggested amendments in Table 1 [REP4-086] and Historic England's suggested amendments at paragraphs 3.6 and 3.7 [REP4-087]. The amendments are considered and discussed in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) (submitted at Deadline 5).</p> <p>Regarding Historic England's suggested amendments at paragraphs 3.5 [REP4-087], the reference to WSCC was omitted from the Outline Onshore Written Scheme of Investigation [REP3-035] at the request of WSCC, in its Local Impact Report [REP1-054]. However, at the request of the Examining Authority and following consultation with WSCC, WSCC have agreed to be included as a consultee, reflected in the updated wording of commitment C-225 (Commitments Register [REP4-057] (updated at Deadline 5)). This will also be reflected in the revised wording of Requirement 19 of the Draft Development Consent Order [REP4-004] for Deadline 6.</p>
HE 2.3	<i>Marine Archaeology</i> The Applicant	Given Historic England are not satisfied with the Outline Marine Written Scheme of Investigation [REP4-087] confirm that the Outline Marine Written Scheme of Investigation [REP3-041] will be amended based upon Historic England comments at paragraphs 2.3 & 2.6 to 2.9 [REP4-087] and a revised Outline Marine Written Scheme of Investigation [REP3-041] will be submitted at Deadline 5. If not justify why not.	<p>An updated Outline Marine Written Scheme of Investigation [REP3-041] has been submitted at Deadline 5 to address concerns raised by Historic England in 'Comments on any further information/submissions received by Deadline 3' [REP4-087] (submitted at Deadline 4). The updates include:</p> <ul style="list-style-type: none"> • Removal of Section 5.7; and • The text "and in consultation with Historic England (Generation and Transmission Assets) and West Sussex County Council (intertidal areas only) (Transmission Assets)" has been added to Table 6-4. <p>Section 6.5 has been updated to include possible sample methods (vibrocore and boreholes) as well as a methodical approach to the archaeological assessment of geotechnical cores. Further details have also been added to Section 8.4.</p>

Table 2-9 Applicant's response to Examining Authority's Further Written Questions on minerals

Ref	Question To:	Question	Applicant's response
MI 2.1	Mineral Safeguarding West Sussex CC South Downs National Park Authority	<p>Confirm whether the further information submitted into the examination by the Applicant at Deadline 4 [REP4-079] regarding mineral safeguarding allays outstanding concerns from West Sussex CC and the SDNPA on mineral safeguarding, particularly, but not exclusively, regarding whether:</p> <p>a) Other minerals alongside soft sand have been given due consideration by the Applicant in its assessment.</p> <p>b) The Materials Management Plan (MMP) has been adequately updated to provide clarity on how any minerals encountered would be managed.</p> <p>c) Outline provisions of the MMP, regarding mineral safeguarding, have been adequately set out in a revised version of the OCoCP [REP4-043].</p> <p>d) The Applicant has adequately demonstrated that requirements of Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) (July 2018, Partial Review March 2021) has been met.</p> <p>e) The Applicant has provided sufficient response on why they believe it is not practical or environmentally feasible deliver full scale prior extraction, and the extent to which incidental extraction/reuse of minerals within the Project may be possible.</p>	
MI 2.2	Securing Mineral Safeguarding The Applicant	<p>West Sussex CC raise concerns over the likelihood that the forthcoming Materials Management Plan (MMP) at the construction stage would give proper consideration to mineral safeguarding [REP3-073]. In response, the Applicant asserts many proposals for the MMP [REP4-079] page 26-29.</p> <p>Explain how these assertions for the contents and quality of the MMP would be secured.</p>	<p>As noted at Deadline 4 within Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions [REP4-079] (see page 28), an additional section (Section 4.13) has been added to the Outline Code of Construction Practice [REP4-043] in order to provide reassurance that the Materials Management Plan (MMP) proposals in regard to minerals are secured. Requirement 22 of the Draft Development Consent Order [REP4-004] would then provide the mechanism for ensuring that these measures are actioned. Requirement 22 also requires the stage specific Code of Construction Practices and supporting documentation (such as the MMP) to be reviewed and approved by the relevant planning authority prior to each stage of the onshore cable construction programme, ensuring the contents and quality of the MMP will meet the required standards.</p>
MI 2.3	<i>Mineral Safeguarding</i> The Applicant West Sussex CC The Wiston Estate	<p>The Applicant</p> <p>a) Paragraph 4.9.29 of Chapter 4 of the ES [APP-045] states that the onshore cable will be left in-situ upon decommissioning and paragraph 4.8.1 states the operational lifetime of the PD is expected to be around 30 years. Confirm whether the cable would be left in-situ post decommissioning across the Mineral Safeguarding Area (MSA), and whether the sterilisation of minerals by the cable route would be</p>	<p>a) and b) The Applicant can confirm that the onshore cable will be left in-situ on decommissioning to avoid the creation of the adverse environmental effects which would result from removing the cable. However, as the cable would no longer be used, there would be no reason why the cable could not be removed from individual plots of land if they are approved for minerals extraction in the future. The Applicant has also included a commitment in the Outline Construction Method Statement [APP-255] (updated at Deadline 5) to use reasonable endeavours to agree appropriate mechanisms with landowners for the variation or release of land rights that are no longer required.</p> <p>In this event, the effects of removing the cable at that point would be no different from the preparation works required for the minerals extraction, where the removal or relocation of existing</p>

Ref	Question To:	Question	Applicant's response
		<p>regarded as permanent or temporary i.e. would the minerals be available for extraction post decommissioning with the cable left in-situ? If temporary, confirm in the worst-case scenario from a minerals perspective, of the length of temporary sterilisation.</p> <p>b) Consider the proposed change to Requirement 35 as suggested in the ExA's Schedule of Changes to the draft DCO, which states that; "the decommissioning plan shall demonstrate that the onshore cables within Mineral Safeguarding Area will be removed", rather than it being left in-situ as is proposed for the rest of the cable.</p>	<p>utility infrastructure is commonplace. The sterilisation of minerals by the onshore cable is therefore considered to be temporary and is only relevant for the construction and operational phases of the Proposed Development. The Applicant has reviewed the proposed change to Requirement 35 from the Examining Authority; however, the Applicant has chosen not adopted this proposed change. As there is no planning policy support, or any planning permissions allowing, minerals extraction in the Mineral Safeguarding Area (MSA) along the onshore cable route, there is not considered to be any justification for removing the cable at decommissioning and creating additional environmental effects.</p>
		<p>West Sussex CC / The Wiston Estate Comment if required.</p>	
MI 2.4	<i>Mineral Safeguarding</i>	<p>The Applicant</p> <p>a) Provide a detailed response to Cable Route Alternatives & Mineral Sterilisation document submitted by the Wiston Estate at Deadline 4 [REP4-136].</p> <p>b) Respond to the points raised by the Wiston Estate in the CAH1 regarding minerals, particularly the alternative options presented, both the wider alternative connecting at Ninfield and local cable route alternatives, including that following the existing gas pipeline.</p>	<p>a) The Applicant has provided a response to the cable route alternatives and minerals sterilisation document submitted by the Wiston Estate [REP4-136] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5, please see Table 2-30.</p> <p>b) The Applicant provided a response to the points raised by Wiston Estate at CAH1 regarding minerals in Applicant's Response to Action Points Arising from Issue Specific hearing 2 and Compulsory Acquisition Hearing 1 [REP4-074] (submitted at Deadline 4). The Applicant has provided some minor further comments in the Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5, please see Table 2-30.</p>
		<p>West Sussex CC and SNDPA</p> <p>Respond if required to the Cable Route Alternatives & Mineral Sterilisation document submitted by the Wiston Estate at Deadline 4 [REP4-136].</p>	
MI 2.5	<i>Commitment C-6 Minerals</i>	<p>Commitment C-6 in the Commitments Register [REP4-057] states that:</p> <p><i>"Where practical sensitive sites will be avoided by the temporary and permanent onshore project footprint including... mineral resources (including existing mineral sites, minerals sites allocated in development plans and mineral safeguarding areas)"</i></p> <p>Explain and justify how the Proposed Development proposal fulfils Commitment C-6, particularly in light of the</p>	<p>Commitment C-6 (Commitments Register [REP4-057]) states that, where practical, sensitive sites including mineral resources will be avoided. This commitment is being fulfilled.</p> <p>In terms of minerals resources, the proposed route avoids all existing minerals sites (either operational or with permission) and also avoids all minerals sites with allocations within development plans. The Proposed Development would cross Minerals Safeguarding Areas (MSAs) for soft sand and brick clay, however through the DCO Application documents and Examination correspondence, the Applicant has consistently provided information as to why the grid connection must be made at Bolney Substation and why suggested alternatives are not feasible (such as in response to the suggested Ninfield route – see the Applicant's response to Action Point 11 in REP4-074). For the onshore cable route to connect to the existing National Grid Bolney substation, it is not possible for</p>

Ref	Question To:	Question	Applicant's response
		evidence provided by the Wiston Estate at Deadline 4 [REP4-136].	<p>the MSAs to be avoided, due to the cable route running south to north and the MSAs running west to east. The extent of the brick clay MSA is also such that there are no alternatives which would provide a noticeable difference to potential impacts. Therefore, the proposals have sought to minimise the impact on the sand MSA as far as possible whilst also considering the wider constraints relevant to the development. The Applicant's response to Wiston Estate in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) (submitted at Deadline 5) provides further information regarding with regards policy and avoiding the MSA in Table 2-30.</p> <p>As noted in the Applicant's response to Wiston Estate in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) (submitted at Deadline 5), the details provided by Wiston Estate in relation to the potential sand resources along the cable route themselves raise questions around the potential volume of sand and the viability of extraction in this area. These queries relate both to the proposed cable route and also the alternatives suggested by Wiston Estate which also run through the sand MSA. The Applicant therefore remains of the opinion that no firm evidence currently exists as to the exact quantity or quality of sand along the onshore cable route or any of the alternatives suggested by Wiston Estate. It is therefore not possible to confirm that any particular route would affect sand to a greater or lesser degree than any of the other options. The proposed cable route seeks to minimise impacts on the sand MSA as far as practical by utilising land where extraction is already constrained.</p> <p>As the cable route cannot avoid the sand MSA, the proposed cable route has sought to minimise potential effects on sand through this area through the design of the route. In addition, appropriate mitigation measures have been put in place to safeguard mineral resources (such as the Materials Management Plan added to the Outline Code of Construction Practice [REP4-043] and secured through Requirement 22 of the Draft Development Consent Order [REP4-005], as stated in the Applicant's response to MI 2.2 above) and the Applicant has considered the long-term potential of the land use after any future decommissioning has taken place. The alternative routes that have been suggested are not considered to be suitable options and therefore the proposed cable route is considered to fulfil commitment C-6 (Commitments Register [REP4-057]).</p>
MI 2.6	Securing Mineral Safeguarding The Applicant	<p>In light of the evidence provided by the Wiston Estate at Deadline 4 [REP4-136], explain and justify how the Proposed Development would be compliant with the following paragraphs of EN-1:</p> <p>a) Paragraph 5.11.19 <i>"Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place"</i>.</p> <p>b) Paragraph 5.11.28 <i>"Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources"</i>.</p>	<p>In relation to paragraph 5.11.28 of National Policy Statement EN-1, the Applicant made a number of submissions at Deadline 4 to clarify the approach to mitigation, principally within the Applicant's Comments on Deadline 3 Submissions [REP4-070]. In this document, Section 2.1.74 – 2.1.80 provides a response to West Sussex County Council in relation to mitigation relating to minerals. This response provides clarity around why mitigation in the form of prior extraction cannot be implemented (due to the thin, linear nature of the Proposed Development making extraction difficult, and the environmental impacts of having to fill any void which was left if prior extraction was found to be possible). The mitigation proposed therefore will identify:</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 reinstatement works, how other options for the re-use of this material, either within, or outside the Proposed

Ref	Question To:	Question	Applicant's response
			<p data-bbox="1481 254 2700 321">Development, will be considered and implemented, as per the West Sussex County Council Safeguarding Guidance and subject to agreement with the minerals rights owner.</p> <p data-bbox="1389 342 2730 478">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. The Applicant considers that the mitigation proposed provides appropriate measures within the Minerals Safeguarding Area.</p> <p data-bbox="1389 514 2724 821">The minerals policy within EN-1 paragraph 5.11.19 states that applicants should safeguard minerals resources as far as possible "<i>taking into account the long-term potential of the land use after any future decommissioning has taken place</i>". The mitigation measures referred to above would allow minerals encountered (either within or outside of the Minerals Safeguarding Area) to remain in-situ and therefore they would become available for extraction again following the end of the operational phase of the Proposed Development. The minerals assessment provided therefore adheres to this policy by considering both the safeguarding of minerals resources that have been identified and considering the long-term potential of the land (i.e. retaining minerals for potential extraction after the operation and maintenance phase of the Proposed Development).</p>

Table 2-10 Applicant's response to Examining Authority's Further Written Questions on noise and vibration

Ref	Question To:	Question	Applicant's response
NV 2.1	Outline Code of Construction Practice	Comment on the issues raised by Horsham DC [REP4-084] on the OCoCP [REP4-043].	The Applicant has provided a response on items raised by Horsham District Council in [REP4-084] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.
	The Applicant		
NV 2.2	Outline Noise and Vibration Management Plan	Comment on the issues raised by Horsham DC [REP4-084] and SDNPA [REP4-085] on the Outline Noise and Vibration Management Plan [REP3-054].	The Applicant has provided a response on items raised by Horsham District Council in [REP4-084] and South Downs National Park Authority in [REP4-085] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.
	The Applicant		
NV 2.3	Construction Noise and/ or Vibration Monitoring	In paragraph 5.1.2 of the latest Outline Noise and Vibration Management Plan [REP3-054] the procedure for determining the need for monitoring noise and/ or vibration during a stage in the construction of the Proposed Development is unclear. Confirm:	a) Stage specific Noise and Vibration Management Plans (NVMPs) will be produced by the Contractor following detailed design and will accord with the Outline Noise and Vibration Management Plan [REP3-054] which forms part of the Outline Code of Construction Practice [REP4-043] secured through Requirement 22 of the Draft Development Consent Order [REP4-004] . The stage specific NVMPs will be provided to the relevant planning authority for approval prior to commencement of the relevant stage of construction. As outlined in Sections 5 and 6 of the Outline Noise and Vibration Management Plan [REP3-054] , the stage specific NVMPs will set out the requirements for noise and vibration monitoring during construction where necessary, as a result of predictions following detailed design, complaints received, or following discussions with the relevant planning authority. The works must then be undertaken in accordance with stage-specific NVMPs as approved, to manage the effects of construction noise and vibration.
	The Applicant	<p>a) That it is the relevant planning authority, based on stage specific information provided by the contractor, who ultimately determines the requirement for such monitoring;</p> <p>b) That the monitoring would be carried out by a suitably qualified independent third party, commissioned and paid for by the Applicant; and</p> <p>c) Any remedial action or mitigation required following the monitoring would be agreed with the relevant planning authority.</p> <p>In addition, consider adding a new Commitment to the Commitment Register which commits to this overarching approach to the monitoring of construction noise and/ or vibration.</p>	<p>As outlined in the Outline Noise and Vibration Management Plan [REP3-054], the requirement for noise and vibration monitoring for each stage will be agreed with the relevant planning authority and provided in the stage specific NVMP including details of duration of monitoring, measurement locations relative to each work site, suitable trigger levels and actions, form and frequency of reporting.</p> <p>b) As outlined in Section 5 of the Outline Noise and Vibration Management Plan [REP3-054], the stage specific NVMP will set out the methodologies and competency requirements for noise and vibration monitoring during construction, along with instrumentation and measurement standards that such monitoring would need to be undertaken in line with. Any scheme of noise and vibration monitoring will be developed by the suitably qualified acoustic specialist that details suitable targets (and resultant management actions if trigger levels are reached) in accordance with British Standard (BS) 5228 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise" (British Standards Institute, 2014). The Applicant confirms that all specialist noise and vibration monitoring will be designed and carried out by a suitably qualified consultant, commissioned and paid for by the Applicant, see commitment C-302 Commitments Register [REP4-057]. The Applicant will ensure that any personnel undertaking noise and vibration monitoring are competent to undertake the task and are, as a minimum, to be a member of the Institute of Acoustics.</p> <p>Further to this, Horsham District Council [REP4-084] have raised similar queries regarding the provision of fees for the purpose of independent consultant to audit the noise assessments and monitoring reports as opposed to the being undertaken by the local authority. The Applicant has</p>

Ref	Question To:	Question	Applicant's response
			<p>provided a response to this in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p> <p>c) Remedial action or mitigation may be required following noise and vibration monitoring undertaken or complaints received. Should changes such as larger acoustic barriers/site hoardings be required these will be discussed and agreed with the relevant planning authority through a stage specific NVMP update or Section 61 application (as outlined in Section 3.9 in the Outline Noise and Vibration Management Plan [REP3-054]). Other changes that can be deployed promptly, such as taking a particularly noisy item of plant out of circulation until maintenance has been carried out, will be done without prior recourse with the relevant planning authority in order to respond to monitoring outcomes or complaints received.</p> <p>The management measures and mitigation that will be implemented to ensure onshore construction works are conducted in a way that removes or reduces effects to noise and vibration receptors and the relevant commitments are outlined in the Outline Code of Construction Practice [REP4-043]. As stated in the Outline Noise and Vibration Management Plan [REP3-054], stage specific NVMPs will include detail on how commitments in the Outline Noise and Vibration Management Plan [REP3-054] are to be delivered where a commitment is applicable to that stage of works. The stage specific NVMPs will be produced and agreed with the relevant planning authority for approval prior to the relevant stage of construction as part of the stage specific Code of Construction Practice. Procedures and measures stated in the Outline Code of Construction Practice [REP4-043] including the Outline Noise and Vibration Management Plan [REP3-054] such as the production of final stage specific plans are secured through Requirement 22 of the Draft Development Consent Order [REP4-004]. As the approach to noise and vibration monitoring is secured through the Draft Development Consent Order [REP4-004], the Applicant does not consider changes to the Commitments Register [REP4-057] are required.</p>

Table 2-11 Applicant's response to Examining Authority's Further Written Questions on seascape, landscape and visual

Ref	Question To:	Question	Applicant's response
SLV 2.1	Seascape, Landscape and Visual South Downs National Park Authority	Provide definitive comment on whether the updated Outline Landscape and Ecology Management Plan [REP4-047], updated OCoCP [REP4-043] and Applicants response to actions points arising from ISH2 particularly the action point 35 commentary [REP4-074] addresses concern at post-hearing submissions point 7 Appendix B [REP4-085].	

Table 2-12 Applicant's response to Examining Authority's Further Written Questions on soils

Ref	Question To:	Question	Applicant's Response
SA 2.1	Advice on Soils from Natural England	Respond in detail to all advice by Natural England in Appendix J4c to the Natural England Deadline 4 Submission Natural England's advice on Soils [REP4-095].	The Applicant has provided a response to the advice provided by Natural England [REP4-095] on soils in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.
	The Applicant		
SA 2.2	Best Most Versatile Agricultural Land	<p>The Applicant</p> <p>a) Respond and where possible act upon the comment by the SDNPA in their Deadline 4 submission [REP4-085] that:</p> <p><i>"It is noted that all land not yet surveyed had been classified as Grade 3 (BMV), but the estimate of area in the DCO Area is 23% Grade 2 and 35% Grade 3 (section 3.1.4 of REP3-027). Given that in the survey already undertaken, the percentage of Grade 2 land is not insubstantial, this broad classification of all soil as Grade 3 significantly plays down the potentially higher graded soil's importance"</i>.</p> <p>b) Confirm whether the presence of the underground cable would or would not prevent the land above to be used for agriculture post-reinstatement.</p> <p>c) Explain how the wording of Commitment C-7 is sufficient to ensure the following or whether it requires amendment. That all affected agricultural land is:</p> <p>i. Surveyed in detail prior to construction to standards in line with the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.</p> <p>ii. Surveyed by a soil scientist with enough experience to make the correct judgements when handling highly sensitive soils, a concern raised by Natural England in their Appendix J4c Advice on Soils [REP4-095].</p> <p>iii. Surveyed with a method using, as a minimum, one auger boring per hectare, supported by pits dug in each main soil types to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres, as advised by Natural England in their Appendix J4c Advice on Soils [REP4-095].</p>	<p>a) The Applicant has provided a response to the comment raised by South Downs National Park Authority (SDNPA) [REP4-085] on Agricultural Land Classification (ALC) surveys in Applicant's Comments on Deadline 4 Submissions (Document Reference: 8.84), see reference 2.3.28 (submitted at Deadline 5).</p> <p>b) Please see response d) below.</p> <p>c) Commitment C-7 (Commitments Register [REP4-057]) is a high-level commitment to the use of a Materials Management Plan (MMP) in accordance with the CL:AIRE (2011) Definition of Waste: Development Industry Code of Practice (DoWCoP) during the construction phase for Rampion 2 and that the handling of soil will be in accordance with the current Department for Environment, Food and Rural Affairs (Defra) guidance for the sustainable use of soils during construction. Commitment C-7 (Commitments Register [REP4-057]) has been updated at Deadline 5 to remove reference to "where the design allows" to 'except where a permanent at or above ground structure including the transition joint bay, joint bays and the onshore substation and related access, landscape and drainage works are required".</p> <p>The commitment which details the measures to protect soil and agricultural land and to promote the successful reinstatement of soils and agricultural land is commitment C-183 (Commitments Register [REP4-057]). Commitment C-183 refers to the Outline Soils Management Plan [REP3-027] and commits the Applicant to pre-construction ALC surveys for all agricultural land potentially affected by Rampion 2.</p> <p>In support of commitments C-7 and C-183 (Commitments Register [REP4-057]), the specifications listed in i) to v) are included within the Outline Soils Management Plan [REP3-027] which is secured through Requirement 22 of the Draft Development Consent Order [REP4-004]:</p> <p>i) Stage specific Soils Management Plans (SMPs) will be developed and completed by suitably qualified and experienced soil scientists or experienced soil specialists prior to the relevant stage construction of the Proposed Development (as stated in Paragraph 1.2.5 within the Outline Soils Management Plan [REP3-027]). The stage specific SMPs will refer to the complete ALC survey data for the relevant stage.</p> <p>The stage specific SMPs will be in accordance with the Outline Soils Management Plan [REP3-027] using the same standards as the survey completed to date (i.e. in accordance with the Ministry of Agriculture, Fisheries and Food (MAFF) (1988) Agricultural Land Classification guidelines based on soil observations (auger boring supplemented by hand dug pits) at 100 m intervals along a grid corridor, giving a density of one observation per hectare to a maximum depth of 1.2 m; and all operations will be undertaken in accordance</p>
	The Applicant		
	Relevant Planning Authorities		

Ref	Question To:	Question	Applicant's Response
		<p>iv. Surveyed such that soil data collected as part of an Agricultural Land Classification (ALC) survey will also be used to inform the soil resource plan and soil management plan as set out in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.</p> <p>v. Subject to the final sign off of the soil management plans which would be based on detailed ALC surveys post consent, as advised by Natural England in [REP4-095].</p> <p>d) The ExA notes that Commitment C-7 includes the phrase “where the design allows” and are concerned this may allow a lower standard of reinstatement to occur. Confirm whether or not the Applicant intends to remove this phrase from the wording of the commitment. If not, explain how the Applicant intends to secure an adequate standard of reinstatement and not misuse this statement.</p> <p>e) Confirm which Commitment(s) or plan would ensure that post construction, the Applicant must agree in writing with the Relevant Authority that the reinstatement of affected agricultural land has occurred to the agreed standards.</p>	<p>with the Defra Construction code of practice for the sustainable use of soils on construction sites).</p> <p>ii) See response to i) above.</p> <p>iii) See response to i) above.</p> <p>iv) As outlined in the Outline Soils Management Plan [REP3-027], stage specific Soils Management Plans will be produced by the appointed Contractor(s) following the grant of the Development Consent Order and prior to the relevant stage of construction. All soil types and measures for their handling and storage will be confirmed in the stage specific Soils Management Plans. During pre-construction, soil volumes will be confirmed in the Materials Management Plan and Soil Resource Plan, which will interact with the stage specific Soils Management Plans. These will be submitted for the approval of the relevant planning authority as part of the stage specific Code of Construction Practice.</p> <p>v) The Applicant notes that Requirement 22 (1) within the Draft Development Consent Order [REP4-004] stipulates that “<i>no stage of any works landward of MLWS is to commence until a detailed code of construction practice for the stage has been submitted to and approved by the <u>relevant planning authority, following consultation with the Environment Agency, the statutory nature conservation body, the highway authority and the lead local flood authority</u>” (underlined for emphasis).</i></p> <p>Requirement 22 (3) within the Draft Development Consent Order [REP4-004] also stipulates that “All construction works landwards of MLWS must be undertaken in accordance with the relevant approved code of construction practice.”</p> <p>Requirement 22 (4) (f) within the Draft Development Consent Order [REP4-004] also stipulates that “<i>The code of construction practice must accord with the outline code of construction practice and include, as appropriate to the relevant stage a soil management plan which accords with the outline soils management plan.</i>”</p>
		<p>Relevant Local Authorities Provide comment on these matters if required.</p>	<p>Further to the Applicant's response to the Examining Authorities Written Question SA 2.2 c. i) to c v) above, the Applicant has provided a response to the advice provided by Natural England [REP4-095] on soils in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p>
			<p>d) Commitment C-7 (Commitments Register [REP4-057]) has been updated at Deadline 5 to remove reference to “<i>where the design allows</i>” to “<i>except where a permanent at or above ground structure including the transition joint bay, joint bays and the onshore substation and related access, landscape and drainage works are required.</i>”</p> <p>The underground cables will generally be buried at a depth of at least 1m, this will enable the baseline soil profile to be restored and support the agricultural land through which the cables are routed being restored to its original ALC grade (Commitment C-7, Commitments Register [REP4-057]). The ability to restore agricultural land to its original grade at joint bays is less certain, and the final design of these is to be confirmed in detailed design during pre-construction. The assessment in the Environmental Statement uses the maximum design scenario for the joint bays as a worst-case scenario and assumes that there is permanent loss of or degradation of soil</p>

Ref	Question To:	Question	Applicant's Response
			<p>/ agricultural land within the joint bay footprint (e.g., due to the potential requirement for imported fill materials and the need for access covers to the joint bays). During construction of Rampion 2, as much of the existing soil as possible will be restored at the joint bays, in accordance with the reinstatement measures detailed in the Outline Soils Management Plan [REP3-027] and the construction phase Materials Management Plan (MMP), to minimise effects on soils and agricultural land, and minimise the generation of surplus soils. Reinstatement measures to be applied for all soil reinstatement are detailed in the Outline Soils Management Plan [REP3-027].</p> <p>The Applicant has utilised a combination of ALC survey data and published data to inform the assessment of the effects on soils and agricultural land (within Chapter 20: Soils and agriculture, Volume 2 of the Environmental Statement (ES) [APP-061]) of the Proposed Development to provide a conservative assessment of the total area of best and most versatile (BMV) land potentially subject to effects due to the Proposed Development. The Applicant acknowledges that a site-specific ALC survey is required to confirm the ALC grade of the land affected by the Proposed Development and to confirm the soil types within the proposed DCO Order Limits to inform the stage specific SMPs and to implement commitment C-259 (Commitments Register [REP4-057]) in relation to the micro-siting of joint bays in land of the lowest ALC grade present, if this is possible.</p> <p>e) The Outline Soils Management Plan [REP3-027] plan sets out reinstatement and aftercare measures that will apply to the construction of Rampion 2. The specific reinstatement requirements discussed with the landowners / farmers (such as seeding), the approach to monitoring and compliance, and the duration of the aftercare period, are to be developed by the appointed Contractor during pre-construction and will be overseen by the Agricultural Liaison Officer (ALO) to be appointed for the construction of Rampion 2. Details of these requirements will be in the Stage Specific Soils Management Plans which will be submitted for the approval of the relevant planning authority as part of the stage specific Code of Construction Practice. The Outline Soils Management Plan [REP3-027] is secured through Requirement 22 of the Draft Development Consent Order [REP4-004].</p> <p>The noted above Requirement 22 (1) within the Draft Development Consent Order [REP4-004] stipulates that: <i>“no stage of any works landward of MLWS is to commence until a detailed code of construction practice for the stage has been submitted to and approved by the <u>relevant planning authority, following consultation with the Environment Agency, the statutory nature conservation body, the highway authority and the lead local flood authority</u>” (underlined for emphasis).</i> Requirement 22 (3) within the Draft Development Consent Order [REP4-004] also stipulates that <i>“All construction works landwards of MLWS must be undertaken in accordance with the relevant approved code of construction practice.”</i> Requirement 22 (4) (f) within the Draft Development Consent Order [REP4-004] also stipulates that <i>“The code of construction practice must accord with the outline code of construction practice and include, as appropriate to the relevant stage a soil management plan which accords with the outline soils management plan.”</i></p> <p>To ensure that post construction, the reinstatement of agricultural land has occurred to the agreed standards, paragraph 7.1.4 in the Outline Soils Management Plan [REP3-027] has been updated with additional text stating that <i>“The site-specific restoration plans detailing how the land will be restored to agricultural use, in accordance with Natural England guidance (Natural England, 2022),</i></p>

Ref	Question To:	Question	Applicant's Response
			<i>will be defined in the stage specific SMPs. The restoration plans will include the period of aftercare and reinstatement standard (where the aftercare phase will be deemed to be complete)."</i>
SA 2.3	Best Most Versatile Agricultural Land The Applicant	Respond and where possible act upon all the SDNPA concerns regarding BMV agricultural land in their Deadline 4 submission [REP4-085] including: a) How temporary or permanent development on the best quality agricultural land would be avoided in practice, given the physical limitations of the DCO area and the need for regular joint bays. b) Regarding the soil tracking system to monitor the location of soil stored away from the original source, which is then to be returned, provide further clarification on: I. How far soil is being taken from the original excavation; II. Why it could not be stored more locally to reduce lorry movements and the amount of handling the soils need (as both will impact on quality); and III. How the tracking will work in practice.	The Applicant has provided a response to the comments raised by South Downs National Park Authority [REP4-085] on best and most versatile (BMV) agricultural land in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) , see reference 2.3.29 and 2.3.30 (submitted at Deadline 5).
SA 2.4	Best Most Versatile Agricultural Land The Applicant	In light of Natural England's concerns in Section 3 Paragraph 3.1.4 of Appendix J4c to the Natural England Deadline 4 Submission Natural England's advice on Soils [REP4-095], where they advise that the Applicant is currently unable to demonstrate that significant impacts to BMV will be avoided, or that the design of potential mitigation will safeguard the soil resources, explain and justify how the Proposed Development meets the following tests in EN-1; a) Paragraph 5.11.12 "Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5)". b) Paragraph 5.11.34 "The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to	The Applicant provided an explanation to how the Proposed Development meets the National Policy Statement EN-1 tests stated in paragraphs 4.7.135 to 4.7.139 in the Planning Statement [APP-036] : <i>"4.7.135 Chapter 20: Soils and agriculture, Volume 2 of the ES (Document Reference: 6.2.20) assesses the likely significant effects on soils and agriculture. The agricultural land quality survey undertaken identifies that Agricultural Land Classification (ALC) grades within the proposed DCO Order Limits include grade 2, grade 3a, grade 3b and grade 4, with grades 2 and 3a being classed as BMV agricultural land. Surveys to date identify that most land surveyed is grade 3b, which is not BMV agricultural land. A range of environmental measures within the Commitments Register (Document Reference: 7.22) are embedded as part of the design to remove or reduce significant environmental effects as far as possible. An Outline Soils Management Plan (SMP) (Document Reference: 7.4) has been developed and this SMPs will be developed further by the appointed construction contractor based upon additional soil and ALC survey information pre-construction (C-183).</i> <i>4.7.136 The nature of the onshore elements of the Proposed Development are such that following construction, the majority of the soils and agricultural land within the proposed DCO Order limits will be restored to baseline condition (with the exception of any permanent infrastructure). During the operation and maintenance phase there will be minimal change to the current land use. The undergrounding of the onshore cable route (C-1) allows the original soils to be replaced on top of the buried cables, the topsoil can be returned to its original state and agricultural land returned to its original grade.</i> <i>4.7.137 The areas of permanent development comprise the onshore substation (6.0ha) and onshore substation permanent access (0.22ha), the existing National Grid Bolney substation extension works (0.63ha), the operational accesses (onshore cable corridor) (3.19ha), the joint bay locations (small</i>

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		<i>be necessary, areas of poorer quality land should be preferred to those of a higher quality”.</i>	<p>above ground features at access covers and possible fencing around buried infrastructure) (0.37ha), and the onshore substation drainage and landscaping (5.8ha). This equates to a maximum area of 16.21ha where permanent development will take place. As detailed in Chapter 20: Soils and agriculture, Volume 2 of the ES (Document Reference: 6.2.20), the land for all permanent development elements is assessed on the basis that it is BMV (Subgrade 3a) agricultural land. Based on the likelihood that all soils within the onshore substation landscaping and drainage area will either stay in situ or be reinstated within the area, this equates to an area of up to 10.41ha where there is likely to be a permanent loss of soil. The ES assesses the loss of ALC as not significant.</p> <p>4.7.138 The permanent BMV agricultural land loss is primarily linked to the location of the onshore substation, which as noted in Chapter 3: Alternatives, Volume 2 of the ES (Document Reference: 6.2.3) is required to be located in proximity to the existing Bolney substation – which is located in a predominantly agricultural area – and has been identified following consideration of alternatives. The permanent loss of BMV agricultural land is limited in comparison to the overall scale of the scheme as a whole and is justified by the overriding need to develop the required infrastructure necessary to connect a national significant offshore wind farm, which is identified in the Draft NPS as a CNP, to the national grid.</p> <p>4.7.139 Based on the proposed location of the onshore substation and routing of the onshore cable corridor, plus the implementation of embedded environmental measures such as the Outline SMP (Document Reference: 7.4), no significant effects have been identified on soil and agricultural land receptors during the construction, operation and maintenance, and decommissioning phases. The Proposed Development accords with NPS EN-1 and local planning policies.”</p> <p>a) The Applicant has considered information on soils including agricultural land classification (ALC) grades, particularly where these confirm or indicate the likely presence of best and most versatile agricultural land, or where soils are within areas rich in biodiversity at each stage of the design development for Rampion 2. See response to 2.4(b). The Applicant has provided a response to the advice provided by Natural England [REP4-095] on soils in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p> <p>b) Further to the explanation provided above regarding the National Policy Statement, the Applicant has also provided a response to the comment raised by South Downs National Park Authority in relation to micro-siting of joint bays within the proposed DCO Order Limits [REP4-085] in relation to avoidance of the best quality agricultural land in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84), see reference 2.3.29 (submitted at Deadline 5).</p> <p>The Agricultural Land Classification (ALC) survey undertaken to date (Appendix 20.1: Detailed Agricultural Land Classification Report [APP-175]) has been in line with the Ministry of Agriculture Fisheries and Food (MAFF) soils mapping and agricultural land classification system (1988). This has classified agricultural land by grade according to the extent to which physical or chemical characteristics impose long-term limitations on agricultural use for food production.</p> <p>Details of the required ALC survey method, the survey coverage to be achieved, and the requirement for ALC surveys to be undertaken by suitably qualified personnel are in the updated Outline Soils Management Plan [REP3-027]. Stage specific Soils Management Plans (SMPs) will be developed and completed in accordance with the Outline Soils Management Plan [REP3-027] as per Requirement 22 within the Draft development Consent Oder [REP4-004]. Paragraph 1.2.5 within the Outline Soils Management Plan [REP3-027] confirms that future ALC surveys will be completed</p>
SA 2.5	<p>Agricultural Land Classification Surveys</p> <p>The Applicant</p> <p>All Relevant Planning Authorities</p>	<p>The Applicant</p> <p>Confirm the Agricultural Land Classification (ALC) surveys undertaken to date have been in line with and will continue to be in line with, the 1988 ALC criteria and the Defra Construction Code of Practice for Sustainable Use of Soils on Construction Sites.</p> <p>Relevant Planning Authorities</p> <p>Provide comment on this matter if required.</p>	

Ref	Question To:	Question	Applicant's Response
			<p data-bbox="1389 254 2742 457">by suitably qualified and experienced soil scientists or experienced soil specialists prior to the relevant stage construction of the Proposed Development using the same standards as the survey completed to date (i.e. in accordance with the Ministry of Agriculture, Fisheries and Food (MAFF) (1988) Agricultural Land Classification guidelines based on soil observations (auger boring supplemented by hand dug pits) at 100 m intervals along a grid corridor, giving a density of one observation per hectare to a maximum depth of 1.2 m).</p> <p data-bbox="1389 493 2742 802">The updated Outline Soils Management Plan [REP3-027] addresses the responses provided to date from Natural England, including additional details of the ALC survey methods to be used in future surveys. As stated in the Outline Soils Management Plan [REP3-027], stage specific SMPs will be produced by the appointed Contractor(s) following the grant of the Development Consent Order (DCO) and prior to the relevant stage of construction. These will be submitted for the approval of the relevant planning authority as part of the stage specific Code of Construction Practice. Procedures and measures stated in the Outline Code of Construction Practice [REP4-043] including the Outline Soils Management Plan [REP3-027] such as the production of final stage specific plans are secured through Requirement 22 of the Draft Development Consent Order [REP4-004].</p>


Table 2-13 Applicant's response to Examining Authority's Further Written Questions on traffic and access

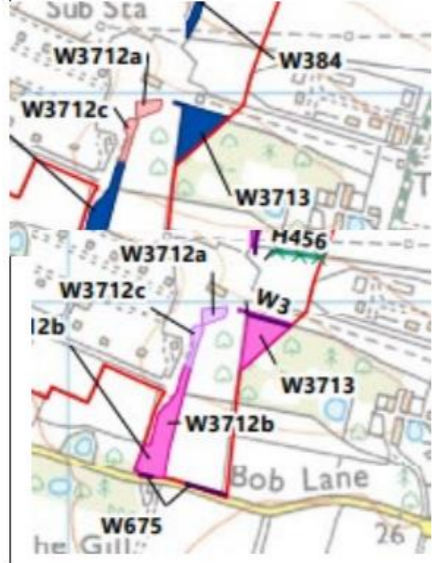
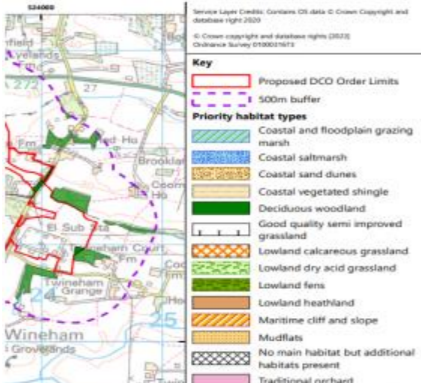
Ref	Question To:	Question	Applicant's response
TA 2.1	<i>Traffic Management Strategies</i> West Sussex CC	Confirm whether you are content with the latest version of the traffic management strategy for accessing construction accesses A64 and A61 on Kent Street, contained in Appendix D of the Outline Construction Traffic Management Plan (OCTMP) [REP4-045]. If not, outline the changes you would require to make it acceptable.	
TA 2.2	<i>Traffic Management Strategies</i> West Sussex CC South Downs National Park Authority	Confirm whether you are content with the latest version of the traffic management strategy for accessing construction accesses A26 and A28, contained in Appendix D of the OCTMP [REP4-045]. If not, outline the changes you would require to make it acceptable.	
TA 2.3	<i>Traffic Modelling</i> West Sussex CC	Comment on the technical note contained in Appendix A to the Applicant's Response to the Action Points from ISH2 [REP4-074] which provides an estimate of the impact of the proposed traffic management strategy for Kent Street on the traffic modelling for the Proposed Development and its conclusions.	
TA 2.4	<i>Potential Impact of Construction Accesses and Haul Roads on Ancient Monuments</i> West Sussex CC South Downs National Park Authority	Comment on the information provided by the Applicant on the potential impact of vibration and other construction and use effects from the proposed haul road at access A28, on the scheduled monument Muntham Court Romano-British site (response to Action 51, ISH2 [REP4-074]).	
TA 2.5	<i>Outline Construction Traffic Management Plan</i> The Applicant	Comment on the issues raised by Horsham DC [REP4-084], SDNPA [REP4-085] and West Sussex CC [REP4-086] on the Outline Traffic Management Plan (OTMP) [REP3-030].	The Applicant has responded to the issues raised by Horsham District Council [REP4-084], South Downs National Park Authority [REP4-085] and West Sussex County Council [REP4-086] on the Outline Construction Traffic Management Plan [REP3-030] within Section 2.5 of the Outline Construction Traffic Management Plan [REP4-045] updated at Deadline 5.

Ref	Question To:	Question	Applicant's response
TA 2.6	<p><i>Use of Narrow Unclassified Roads</i></p> <p>The Applicant</p>	<p>Outline the controls in place in the latest versions of the Outline Construction Traffic Management Plan [REP4-045] and Outline Construction Workforce Travel Plan [REP3-031] to prevent construction vehicles using unsuitable narrow unclassified roads.</p> <p>Comment on Bolney Parish Council's request that all such roads are specifically named in each document [REP4-102].</p>	<p>The Outline Construction Traffic Management Plan [REP4-045] provides details of construction traffic routes for the Proposed Development. The strategy for Heavy Goods Vehicle (HGV) traffic includes the use of strategic elements of the highway network (A27 and A23) as far as possible before routing onto the local highway network (as shown in Figures 7.6.5 and 7.6.6 in Appendix B of Outline Construction Traffic Management Plan [REP4-045]). Construction traffic routes that form part of the local highway network also use West Sussex County Council's prescribed Lorry Route Network wherever possible. Section 8.4 of the Outline Construction Traffic Management Plan [REP4-045] outlines how construction routes and the Delivery Management System (DMS) will be communicated with the construction workforce and delivery drivers.</p> <p>It is also noted that the Applicant will employ a DMS during construction of the Proposed Development to control all construction HGV and Light Goods Vehicle (LGV) movements associated with the onshore elements of the Proposed Development and the timing of deliveries to site and minimise the number of construction vehicles on the road, particularly during peak periods. This proposed DMS is detailed in Section 8.4 of the Outline Construction Traffic Management Plan [REP4-045] and is consequently secured by Requirement 24 of the Draft Development Consent Order [REP4-004].</p> <p>The Applicant has provided additional text within Section 4.12 of the Outline Construction Traffic Management Plan [REP4-045] updated at Deadline 5 on guidance that will be provided to construction workers and third-party suppliers making deliveries on routes which should not be used by construction traffic (both HGVs and LGVs) associated with the Proposed Development. This list of routes includes the five lanes that Bolney Parish Council have requested, (The Street and London Road north of the A272, Bolney Chapel Road, Foxhole Lane, and Spronketts Lane). The construction workforce will be made aware of these routes through Travel Information Packs that accompanies the detailed Construction Workforce Travel Plan that the Contractor will provide to the construction workforce outlined in the Outline Construction Workforce Travel Plan [REP3-031]. In addition, the Transport Coordination Officer will be responsible for informing third party suppliers of unsuitable routes when booking in deliveries for the Proposed Development as part of the DMS. This is secured through Requirement 24 of the Draft Development Consent Order [REP4-004].</p> <p>Further to this, the Applicant has provided a response to the comments raised by Bolney Parish Council [REP4-102] regarding the list of routes in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p>

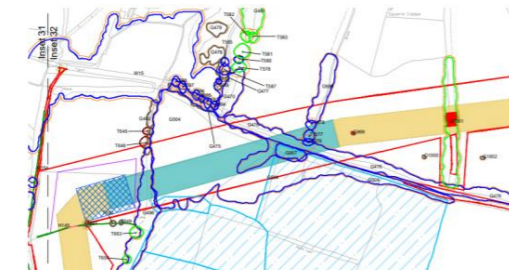


Table 2-14 Applicant's response to Examining Authority's Further Written Questions on terrestrial ecology



Ref	Question To:	Question	Applicant's response
TE 2.1	<i>Vegetation Retention and Removal Plans</i> The Applicant	<p>The ExA is concerned by the apparent inconsistencies across the documentation relating to vegetation retention and loss. The ExA would like to thank West Sussex CC for its lengthy and thorough analysis and comments on the Vegetation Retention Plans outlined in section 3.18 of West Sussex CC submission at Deadline 4 [REP4-086]. The ExA had similar concerns.</p> <p>While the ExA welcomes the Applicant's decision to create the Vegetation Retention and Removal Plan as the ExA suggested, the fact that we are so far through the Examination, it is very concerning that these inconsistencies are occurring across documents.</p> <p>The ExA requests the Applicant to submit at Deadline 5:</p> <p>a) A thorough review of the documentation, including a Schedule 13 and provides a statement that it has reviewed, corrected, explained and provided all necessary additional information.</p> <p>b) A written statement to assure the ExA that the worst-case environmental effects are clearly presented in relation to vegetation loss. Due to the apparent degree of inconsistencies between documents, the ExA considers that, in the event inconsistencies are discovered at the post-consent stage between specific Commitments in the Commitments Register and those within the relevant topic documents relating to the specific matter, the Commitment which has the least environmentally damaging scenario must prevail, as stated in Further Written Question CR 2.5 above.</p> <p>c) A response detailing the action taken for all 20 points listed in section 3.18 of West Sussex CC submission at Deadline 4 [REP4-086].</p> <p>In addition, the ExA requests that the Applicant includes Commitment C-216 and all other commitments relevant to vegetation retention and removal in the Vegetation Retention and Removal Plan to be issued by the Applicant at Deadline 5.</p>	<p>a) The Applicant has reviewed and updated the documents listed below to ensure consistency as required at Deadline 5:</p> <ul style="list-style-type: none"> • Tree Preservation Order and Hedgerow Plan [REP4-003]; • Schedule 13 of the Draft Development Consent Order [REP4-004]; • Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement [REP4-037]; and • Outline Landscape and Ecology Management Plan [REP4-047]. <p>Further to this, the Applicant has provided the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) at Deadline 5.</p> <p>b) In response to the Examining Authority's Written Question CR 2.6, the Applicant has reviewed the commitments and updated the related documents to seek to avoid inconsistencies as requested and the worst-case environmental effects have been presented. Notwithstanding this, the Applicant has amended the Commitments Register [REP4-047] at Deadline 5 to include a statement to this effect at paragraph 1.2.3.</p> <p>c) The Applicant has provided a response to the feedback from West Sussex County Council [REP4-086] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5. The Applicant notes that a majority of the comments received at Deadline 4 regarding this matter have already been resolved.</p> <p>The Applicant has included an summary of the documents that the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) interfaces with (such as the Outline Code of Construction Practice [REP4-043]) and the relevant commitments. The stage specific Vegetation Retention and Removal Plans will include detail on how commitments in the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) are to be delivered where that commitment is applicable to that stage of works. This will be produced in accordance with this Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) for approval of the relevant planning authority.</p>
TE 2.2	<i>Irreplaceable Habitats - Crossing Depth for Ancient Woodland</i> The Applicant The Forestry Commission	<p>The Applicant Natural England states in point number 3 in Appendix J4a Natural England's advice on Terrestrial Ecology [REP4-093], that the Applicant has not provided sufficient information to assess whether a trenchless crossing of a depth of at least 6m below ground is sufficient to avoid root damage. Confirm whether the Applicant intends to provide further evidence the relation to this matter.</p> <p>The Forestry Commission Provide a response if required.</p>	<p>The Applicant has used information published by the Forestry Commission (Information Note – The Influence of Soils and Species on Tree Root Depth (2005)) to demonstrate that 90 to 99% of total tree root length is in the top metre of soil, with only 5% of trees having roots deeper than 2m and none deeper than 3m. Therefore, the 6m depth is more than adequate to rule out physical damage to roots. Further, this means that there will be at least 4 or 5m of soil above the drill profile of earth prior to reaching the rooting area. This depth makes it highly unlikely that drilling fluid would reach rooting depths.</p> <p>The Applicant notes that trenchless crossings of ancient woodland have occurred elsewhere including for the connection of offshore wind farms. For example, the East Anglia One Offshore</p>

Ref	Question To:	Question	Applicant's response
TE 2.3	<p>Priority Habitats - Potential Loss of Deciduous Woodland</p> <p>The Applicant</p> <p>West Sussex CC</p> <p>The Forestry Commission</p>	<p>The Applicant</p> <p>Comment on the West Sussex CC response [REP4-086] at Deadline 4 to TE1.6 which states:</p> <p><i>“The Woodland Retention Plan, Figure 7.2.2h (B) of the OCoCP [REP4-043], identifies the area of deciduous woodland status within the National Grid Bolney substation as being retained (ref. W3713). This finding is contrary to that stated within the Applicant’s response, as well as plans shown within inset 45 of the Arboricultural Impacts Plan found within the Arboricultural Impact Assessment [APP-194], as well as what can be achieved within the indicative plan for the AIS extension option without adverse impact (as shown within the Design and Access Statement). [REP3-013]. Therefore West Sussex CC remains unsatisfied that the impact on deciduous woodland, a priority habitat, are at all clear at this location.”</i></p>	<p>Wind Farm project undertook a horizontal directional drill (HDD) under Miller’s Wood, near Ipswich, an area of semi-natural ancient woodland. The Code of Construction Practice (EA1 Code of Construction Practice Final (yudu.com)) for the construction phase of this project simply states a ‘sufficient depth’ will be maintained under constraints of all proposed trenchless crossings. In a meeting with Natural England on 28 June 2024, it was confirmed by Natural England that the justification provided was reasonable basis for the specification of a minimum drill depth of 6m. The Applicant has confirmed during the course of the Examination that consultation with the Forestry Commission was conducted during the design evolution of the Proposed Development during the pre-application stage. The mitigation was discussed with and deemed appropriate by the Forestry Commission in a meeting on 29 April 2022 (see paragraph 22.3.19 of Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the Environmental Statement [REP4-022]).</p> <p>a) Survey of these trees was not undertaken due to the Applicant not being able to obtain land access. The Applicant has noted on the revised plan that survey must be completed in this area to inform detailed design and the stage specific arboricultural method statement and tree protection plans, which are to be provided for the approval of the relevant planning authority as per Requirement 22 of the Draft Development Consent Order [REP4-004]. This would confirm the details of any individual specimens outside the woodland block and how they are affected by the works for which the Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement (ES) [REP4-037] has been updated to assume 4 based on aerial imagery.</p> <p>b) Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the ES [REP4-037] has been updated at Deadline 5 to reflect the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) in this area leaving the woodland block retained. This is the correction of an error in the Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the ES [REP4-037]. The Applicant has undertaken a comprehensive review of Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the ES [REP4-037] and Outline Vegetation Retention and Removal Plan (Document Reference: 8.87), in line with the West Sussex County Council response [REP4-086] to address any inconsistencies.</p>
		 <p>Screenshot from Inset 45 of the updated Arboricultural Impact Assessment submitted at Deadline 4 [REP4-037] indicating a section of W67 (trees not surveyed in detail) indicated in the key as ‘trees to be removed’ (indicated in red)</p>	

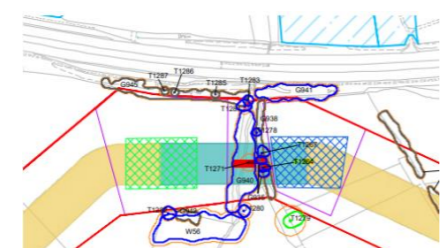



Ref	Question To:	Question	Applicant's response
		 <p>Screenshot from Figure 7.2.2h (B) Woodland retention plan in the OCoCP [REP4-043] indicating W3713 shaded blue defined in the key as 'retained'.</p> <p>Screen shot from Figure 7.2.6n Combined Vegetation retention Plan Woodland retention plan in the OCoCP [REP4-043] indicating W3713 shaded dark pink defined in the key as 'unaffected'.</p>	
		 <p>Screen shot from Figure 22.2.4d Priority Habitats within 500m of the proposed DCO order limits, Terrestrial ecological desk study, [APP-180] indicating W3713 shaded green defined in the key as 'deciduous woodland'.</p> <p>a) Explain why the trees within the DCO red line boundary of W3713 were not surveyed in detail for the Arboricultural Impact Assessment.</p> <p>b) Explain the apparent inconsistencies between these documents, how they will be resolved and how this area of deciduous woodland priority habitat would be treated at this location.</p>	
		<p>West Sussex CC / The Forestry Commission Provide comment if required</p>	
<p>TE 2.4</p>	<p><i>Inconsistency with Applicant's Response to ExA Question TE 1.9 - Trees T609,</i></p>	<p>TE 1.9 in the Examining Authority's first written questions [PD-009] asked the Applicant to justify why trees T609, T611, T613 & T617 (including high and moderate quality trees) are identified for removal despite being within an area of trenchless crossing through HDD.</p> <p>The Applicant responded in [REP3-051] stating:</p>	<p>Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement (ES) [REP4-037] has been updated at Deadline 5 to reflect the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) (submitted at Deadline 5) in this area. This is the correction of an error in Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the ES [REP4-037] submitted at Deadline 4.</p>

Ref	Question To:	Question	Applicant's response
	<p>T611, T613 & T617 - Pedunculate Oaks of Middle / Mature Age above a Trenchless Crossing</p>	<p><i>“An updated version of Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement (ES) [APP-194] will be submitted at Deadline 4 to show these trees as retained. These trees were originally shown as lost on a precautionary basis as the limit of deviation for the trenchless crossing compound TC22a which overlapped with the root protection areas. However, the Applicant can now confirm that these trees (T609, T611, T613 & T617) would be retained as part of the Proposed Development”.</i></p>	<p>The Applicant can confirm Trees T609, T611, T613 and T617 are to be retained.</p>
	<p>The Applicant</p>	<p>However, the updated Arboricultural Impact Assessment submitted by the Applicant at Deadline 4 [REP4-037] lists trees T609 and T611 (Pedunculate oak of middle age) and T613 and T617 (Pedunculate oak of mature age), in Table 7-8 Possible tree removal due to alternative HDD crossings and Limits of Deviation, which is inconsistent with the response the Applicant gave to the Examining Authority's question TE 1.9 and also inconsistent with the screenshot of Inset 34 of Annex 2 of the Arboricultural Impact Plan [REP4-037], shown below, which indicated the trees would be retained.</p>	
		<p>Explain this apparent inconsistency and confirm how these trees would be treated, ensuring if necessary, that the Arboricultural Impact Assessment Table 7-8 is updated and resubmitted accurately at Deadline 5.</p>	
<p>TE 2.5</p>	<p><i>Potential loss of Category A Trees</i></p> <p>The Applicant</p>	<p>Comment on the West Sussex CC response [REP4-086] at Deadline 4 to TE1.7 which states:</p> <p><i>“Whilst welcomed to hear that the Applicant carried out a tree survey prior to determining the substation location and that veteran trees and priority habitats were considered, the Applicant’s response lacks confidence that assigned tree values in accordance with BS5837:2012 were a consideration for selection of any substation location. The location has a proposed loss of 11 of the 14 ‘A category’ trees identified across the entire DCO Limits”.</i></p>	<p>The onshore substation footprint has been designed to represent a realistic worst-case scenario and allows enough space to account for the greatest power output possible from the wind farm and accommodate four transmission cables. The footprint was optimised (with extent minimised) based on the Oakendene site shape, with effort made to avoid loss of trees within G194. Changing the design (for example to be narrower on an east west axis, but longer on a north south axis would have seen the loss of additional trees that are to be retained further north within the site. Also, it was necessary to consider optimal placement with regards landscape and visual effects, the setting of Oakendene Manor and areas of flood risk.</p>



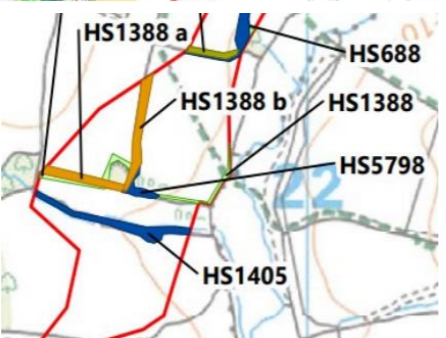
Ref	Question To:	Question	Applicant's response
<p>TE 2.6</p> <p>Potential Loss of Category A Trees</p> <p>The Applicant</p>		<p>Justify the proposed loss of 11 of the 14 'A category trees' identified within the DCO limits and explain what other alternatives to the proposed tree loss at the proposed Oakendene substation location were considered, in terms of both alternative sites and alternatives to tree loss at Oakendene.</p>	<p>At the detailed design stage commitment C-292 (Commitments Register [REP4-057]) will operate to ensure that avoidance of as many trees as possible is considered appropriately in light of other constraints.</p>
		<p>a) </p> <p>Explain and justify why the trenchless crossing could not be extended further to the west, beyond the tree group G1001, to avoid the loss of Category A trees.</p> <p>Screen shot taken from Inset 32 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>	<p>The trenchless crossing would need to extend from approximately 400m to around 575m to extend beyond G1001. Engineering complexity and increased cost are the Applicant's reasons for not extending the trenchless crossings to avoid these category A trees.</p>
		<p>b) </p> <p>Explain and justify why the trenchless crossing could not be extended further to the west, beyond the tree group G430 to avoid the loss of Category A trees. Screen shot taken from Inset 38 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>	<p>The trenchless crossing would need to extend from approximately 150m to around 350m to extend beyond G430. Engineering complexity and increased cost are the Applicant's reasons for not extending the trenchless crossings to avoid these category A trees.</p>
<p>c) </p> <p>Explain and justify why a trenchless crossing has not been proposed to avoid the loss of Category A trees through G264/G257 and T387. Screen shot taken from Inset 44 of Annex 2 Arboricultural Impact Plan of the</p>	<p>The onshore cable corridor in this area is constrained by the veteran tree buffer T367 (note reference T387 in the question TE2.6 (c) appears incorrect). The Applicant will avoid the impact on this veteran tree in line with commitment C-174, this reflects the protection for veteran trees in policy in NPS EN-1 (2011) paragraph 5.3.14 and NPS EN-1 (2023) paragraph 5.4.53. The avoidance of remaining category A trees is not reflected in policy and the Applicant notes that implementation of a further trenchless crossing would entail additional cost as well as other associated environmental impacts including noise and traffic. The Applicant notes it has committed to employ the mitigation hierarchy to avoid impacts at detailed design where possible in line with Commitment C-292.</p>		

Ref	Question To:	Question	Applicant's response
		<p>d) </p> <p>e) </p>	<p>Arboricultural Impact Assessment Revision B [REP4-037].</p> <p>Explain and justify why a trenchless crossing has not been proposed to avoid the loss of Category A trees through G455. Screen shot taken from Inset 44 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p> <p>Explain and justify why a trenchless crossing has not been proposed to avoid the loss of Category A trees through G248. Screen shot taken from Inset 45 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>
<p>TE 2.7</p>	<p><i>Potential Loss of Category A Trees</i></p> <p><i>Vegetation Line W110 / G35 Known Locally as the 'Green Lane'</i></p> <p>The Applicant</p>	<p>In response to the Applicant's response to Action Point 29 in [REP4-074], explain and justify why a haul road would be required with a trenchless crossing in this location.</p> <p>Consider and respond to the following suggestions:</p> <ul style="list-style-type: none"> a) If it is feasible to construct a trenchless crossing under W110 / G35 without a haul road. If this is not possible explain in detail why not. b) A compromise of a trenchless crossing under W110 / G35 with the haul road for access purposes through existing tree gaps. This should reduce the loss from a total of 14m to 6m only, to allow for the haul road through existing tree gaps. c) Respond to these suggestions at Deadline 5. 	<p>a) The Applicant has reviewed this alternative cable route option and have concluded that there is to be no change to the original design of the Proposed Development included in the DCO Application submission due to landowner impacts, additional cost and minor negative noise impacts. This outweighs against significant landscape and minor terrestrial ecology benefits. For further details, please see Action Point 29 from the Applicant's Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 Revision A [REP4-074].</p> <p>b) Due to the reasons noted in response to a) above, vegetation loss at W110 is notched to 14m, as presented in the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) (submitted at Deadline 5). Tree and hedgerow effects for G35 and G29 remain unchanged and are presented in Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement [REP4-037], updated at Deadline 5.</p> <p>c) Please see points a) and b) above.</p>

Ref	Question To:	Question	Applicant's response
TE 2.8	Vegetation Retention at the Oakendene West Construction Compound	<p>Paragraph 2.6.2 in the Outline Landscape and Ecological Management Plan (OLEMP) Revision C [REP4-047] states that:</p> <p><i>“All existing vegetation (trees and hedgerows) within the Oakendene West Construction Compound will be retained”.</i></p> <p>The Applicant West Sussex CC state in [REP4-086] that this paragraph is either incorrect or misleading.</p> <p>Explain how this can be correct given that the Combined Vegetation Retention Plan in Figure 7.2.6m [REP4-043] shows hedgerow H612 as 'affected' and Figure 7.2.1k (C) Hedgerow retention and treeline retention plan [REP4-043] states hedgerow H612 would be 'cleared to 15m'.</p> <p>Amend the OLEMP as required and resubmit at D5</p>	<p>The Applicant has updated the Outline Landscape and Ecology Management Plan [REP4-047] at Deadline 5 to ensure that it acknowledges that loss at the access point will occur.</p>
TE 2.9	Outline Landscape and Ecological Management Plan	<p>a) State how the Applicant has addressed all of West Sussex CC's concerns regarding the OLEMP and Arboricultural Impact Assessment in [REP4-086].</p> <p>b) Provide a response to all outstanding concerns from West Sussex CC in Appendix A Review of Access Points and Vegetation Removal [REP4-086].</p> <p>The Applicant</p>	<p>The Applicant has responded to the points raised by West Sussex County Council [REP4-086] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5</p> <p>In most instances clarity has been provided as to reasoning for extent of losses (e.g. noting the realistic worst case scenario) or no losses being shown (e.g. use of an existing gap already used for access within the hedgerow in question). In addition, the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) and Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement [REP4-037] have been updated for Deadline 5.</p>
TE 2.10	Proposed Removal of Trees Above Trenchless Crossings	<p>Explain and justify the proposal to remove trees (indicated in red) above proposed trenchless crossings in each of the screen shots below, all from Annex 2 Arboricultural Impact Plan in the Environmental Statement Volume 4, Appendix 22.16: Arboricultural Impact Assessment [REP4-037].</p> <p>The Applicant The OCoCP [REP4-043] states in paragraph 5.6.31:</p> <p><i>“...Where a trenchless crossing is used vehicular access will not be required other than in a small number of places where a haul road is still required (as shown on the VRP)...”.</i></p> <p>If the reason is in relation to construction access, explain in detail for each of the examples below:</p> <ol style="list-style-type: none"> Why access cannot be gained from the haul road from the open cut section as for many other trenchless crossings. What alternatives have been explored. How the mitigation hierarchy has been followed at these locations. 	<p>The Applicant has sought to utilise existing accesses to provide construction access to the onshore cable corridor where possible and to reduce the number of construction accesses, in order to reduce vegetation loss by principle. Additionally, the development of the construction accesses is a result of an interdisciplinary process that also considered aspects including land, social, ecological and traffic requirements. As a result, it has not always been possible to avoid loss across features crossed by trenchless methods and therefore required to retain 6m notching across these features in some instances. The loss of 6m for haul roads only reflects that this impact has been reduced.</p> <p>The Applicant notes that the : Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement [REP4-037] illustrates an indicative worst case scenario for purposes of assessment and loss would be avoided or reduced during detailed design stages where possible.</p> <p>A –</p> <ol style="list-style-type: none"> Trees within a treegroup to be removed to allow access for all necessary equipment noting that access A-20 from the A27 on to Decoy Lane is for light construction access only as this access is not considered suitable for use by the largest vehicles (e.g. low-loaders, HDD equipment). Construction access will be taken along the open cut section haul road from the west. Required to facilitate construction of the cable corridor up to the trenchless crossing under the A27 highway

Ref	Question To:	Question	Applicant's response
		<p>If it is not in relation to construction access, explain and justify.</p> <p>a) The reason for the proposed removal of the trees.</p> <p>b) What alternatives have been explored.</p> <p>c) How the mitigation hierarchy has been followed at these locations.</p>	<p>b) Construction access from the east via access A-20 was considered but discounted due to unsuitable level access for HGV and Low-Loaders off the A-27.</p> <p>c) The Applicant notes the nature of a linear scheme will inevitably result in multiple crossings of such features. The Applicant has sought to avoid impacts at such crossings as far as possible but where access is not available, a haul road will still be required. This reduces the impact as far as possible.</p>
A		 <p>Screen shot taken from Inset 7 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>	<p>B –</p> <p>a) The trees will be retained. An error has now been corrected in the presentation of the requirements at this location in the Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement [REP4-037] (submitted at Deadline 5). The document has been updated to remove the tree loss shown in this area. This is also reflected in reference W7 in the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) (submitted at Deadline 5). It should be noted that National Highways are reviewing various options for access in this location. Currently losses at access A-22 are included showing a worst case in terms of extent of losses. As no trees are being lost at this location, no alternatives need to be considered.</p> <p>c) The Mitigation hierarchy has been followed and avoidance is demonstrated.</p>
B		 <p>Screen shot taken from Inset 8 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>	<p>C –</p> <p>a) This loss is required as the access point from the A27 is west of the tree line, which will serve to provide access along the open cut section of the cable construction to the east until Michelgrove Park.</p> <p>b) Alternatives have been reviewed, but avoidance of this vegetation loss would result in greater losses of vegetation elsewhere, as a further access would need to be constructed from the A27 to facilitate the required level of construction access.</p> <p>c) Mitigation hierarchy has been followed through review of alternative access locations, resulting in minimised vegetation loss.</p>
C		 <p>Screen shot taken from Inset 9 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p>	<p>D –</p> <p>a) The Applicant notes that the linear treegroup feature G630 ends where a wooden pole overhead line ensures that there is a small break in vegetation as regular management occurs in this location. After a brief break for the overhead line trees continue along the roadside beyond access A-40 (which is on the opposite side of the A283). Therefore, even if access A-39 was moved eastwards tree loss would be inevitable as the location with the overhead line would need to be avoided. Moving to the east of the overhead line would require losses of more semi-natural habitat than currently proposed including additional grassland and scrub. Additionally, required junction design further east along the A283 could encroach towards the scarp of Rock Common Quarry and therefore present ground stability concerns.</p> <p>b) Alternatives have been reviewed as noted above in a).</p> <p>c) Mitigation hierarchy has been followed through review of alternative access locations, resulting in minimised vegetation loss.</p>
D		 <p>Explain and justify why the access point is proposed through G630 and not taken off the road beyond G630 to the east (appreciating this is outside the proposed DCO limits). Explain why the DCO red line boundary has not been defined in such as way to allow access off the road without going through G630. Screen shot taken from Inset 24 of Annex 2 Arboricultural Impact Plan</p>	<p>E –</p>

Ref	Question To:	Question	Applicant's response
E		<p>of the Arboricultural Impact Assessment Revision B [REP4-037]. Explain and justify why the pink section of hedgerow H226 is proposed to be removed and why the trenchless crossing cannot be extended very slightly to extend past H238. Screen shot taken from Inset 28 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037]</p>	<p>a) Losses in both of these hedgerows are driven by the need to access this section from the A238 via construction and operational access A-42 and is not related to the cable installation via trenchless methods underneath the A283.</p> <p>b) The Applicant notes that a response relevant to alternatives for A-42 is provided in TE2.20. Access A-42 was originally to follow the existing entrance to a timber yard. However, following further review it was established that to provide the required access off the A283, a mature ash tree (T1020) would need to be felled and a long length of hedgerow removed adjacent to an existing track to enable widening. The Applicant has therefore considered it more appropriate to minimise vegetation loss by moving the access point slightly to the east and be able to retain the ash tree. This encroaches an area within 25m of ancient woodland but does maintain the 15m minimum described within Government guidance.</p> <p>Mitigation hierarchy has been followed through review of alternative access locations, resulting in minimised vegetation loss at construction and operational access A-42.</p>
TE 2.11	<p>Apparent Inconsistencies in Vegetation Loss Between Documents</p> <p>The Applicant</p>	<p>Explain the apparent inconsistencies in the following:</p> <p>a)</p> <p>i) Explain the apparent inconsistency between the red section of G265 which are marked as trees to be removed whilst HS5800 / HS688 are marked as scrub features to be retained from Figure 7.2.3j Scrub retention plan and Figure 7.2.6m on Combined Vegetation retention plan which appear to be in the same location.</p> <p>ii) Explain why G278, G274, G273 and G270 have been classified “as unsuitable for retention” according to the inset key, which are also marked as HS1389 and HS558 on Figure 7.2.3j identified as being cleared to 30m and justify their proposed clearance.</p> <p>iii) Respond to Ms Creaye’s concerns regarding these features in Deadline 4 submission [REP4-112]. Screen shot taken from Figure 7.2.3j Scrub retention plan of the OCoCP [REP4-043].</p>	<p>i. The Applicant has submitted an Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) for Deadline 5, updated with HS5800/HS688 now shown as cleared to 20m, to ensure consistency with Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement (ES) [REP4-037] (also updated at Deadline 5).</p> <p>ii. As described in section 4.5.18 of the Arboricultural Impact Assessment, Volume 4 of the ES [REP4-037] (also updated at Deadline 5), “category U trees and groups unsuitable for long-term retention in the vicinity of a significant target such as roads, pedestrians, or buildings. They may be dead, dying, diseased, or have a serious structural defect. These trees may still provide important habitats and where significant targets do not exist their retention is often desirable.” HS1389 and HS558 are shown in Figure 7.2.3j as cleared to 30m in the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) for Deadline 5 for the construction of the onshore cable route. The section of hedgerow referenced in the plan is for the full feature.</p> <p>iii. The Applicant has submitted an Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) for Deadline 5, updated with HS5800/HS688 now shown as an affected scrub feature.</p>

Ref	Question To:	Question	Applicant's response
		<p>Screen shot taken from Figure 7.2.6m Combined Vegetation retention plan of the OCoCP [REP4-043].</p>  <p>b)</p>  <p>i) Justify why the DCO boundary limits extend far wider than the cable route to the west at this location.</p> <p>ii) Quantify, explain and justify the loss of vegetation through HS1388b / G251.</p>  <p>iii) Respond to Ms Creaye's concerns regarding these features in Deadline 4 submission [REP4-112].</p> <p>Screen shot taken from Figure 7.2.3j Scrub retention plan of the OCoCP [REP4-043].</p>	<p>Screen shot taken from Figure 7.2.6m Combined Vegetation retention plan of the OCoCP [REP4-043].</p> <p>Screen shot taken from Inset 39 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037].</p> <p>i. The proposed DCO Order Limits are wider in this location as the ditch course is crossed by the trenchless crossing (such as HDD) at a point where it is within the flood zone. Further, there were signs of water vole recorded in this location. By moving the haul road to the west, a previous crossing of the ditch can form the basis of the crossing (i.e. targeting an area previously disturbed), the flood zone is avoided by surface works and it is closer to woodland/scrub making the potential for water vole to be present lower and reflecting the survey results.</p> <p>ii. HS1388b is crossed by the haul road as the construction access from A57 is used to finally reach the trenchless crossing of the Cowfold Stream (TC26).</p> <p>iii. Please see TE 2.32 for the Applicant's response.</p>
<p>TE 2.12</p>	<p><i>Licensable Protected Species</i></p> <p>The Applicant</p> <p>Natural England</p>	<p>The Applicant</p> <p>a) Confirm that the Applicant will submit draft protected species licence applications to Natural England for review via the Pre-Submission Screening Service (PSS) as per advice from Natural England in Appendix J4a to the Natural England Deadline 4 Submission Natural England's advice on Terrestrial Ecology [REP4-093].</p> <p>b) Confirm that every effort will be made by the Applicant to obtain agreements on Letters of No Impediments from Natural England before the end of the Examination following Natural England's advice in Appendix J4a to the Natural England Deadline 4 Submission Natural England's advice on Terrestrial Ecology [REP4-093].</p> <p>Natural England</p>	<p>a) The Applicant can confirm that draft protected species licence applications for hazel dormouse and water vole have been made to Natural England. Furthermore, the Applicant has discussed and provided justification as to why applications for badgers and bats are not required.</p> <p>b) The Applicant has held useful and constructive discussions with Natural England on 22 May 2024 to discuss which draft licences should be submitted and the information they should contain and 27 June 2024 to understand progress on review of the submitted materials and aims to secure letters of no impediment as soon as possible.</p>

Ref	Question To:	Question	Applicant's response
		c) Are there any reasons preventing Natural England being able to issue Letters of No Impediments at present. If so, explain in as much detail as possible what these reasons are.	
TE 2.13	<i>Licensable Protected Species</i> The Applicant	Respond and act upon point A6 in tab A of Natural England's Risk and Issues log at D4 [REP4-096] which continues to state that there is no requirement in the DCO providing for surveying for European Protected Species onshore and preventing commencement of works until these surveys are completed.	As recorded in Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO (Document Reference: 8.83) , the Applicant has updated the Draft Development Consent Order [REP4-004] at Deadline 5 to include a requirement for providing European Protected Species surveys onshore prior to the commencement of works, see Requirement 43. This has been noted on the Applicant's response back to tab A of Natural England's Risk and Issues log at D4 [REP4-096].
TE 2.14	<i>Protected Species</i> The Applicant South Downs National Park Authority	<p>The Applicant</p> <p>Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that: <i>"for the SDNP we would expect a separate section within the OLEMP that specifically sets out the protected species information, with a clear strategy for how mitigation measures will be managed and monitored"</i>.</p> <p>SDNPA</p> <p>The Applicant explains why it has decided not to produce a biodiversity management plan in [REP4-074] Applicant's Response to Action Points Arising from Issue Specific Hearing 2, point 3, and sets out in this point how mitigation measures for protected species would be managed and monitored, referencing the OCoCP [REP4-043].</p> <p>Explain in detail why the SDNPA believes this to be inadequate in regards to a NSIP application for DCO consent.</p>	<p>The Applicant provided a response on legally protected species describing the technical engagement, survey effort, mitigation, compensation, and licensing in Applicant's Comments on Deadline 3 submissions [REP4-070] at Deadline 4.</p> <p>The Applicant notes that this information, alongside pre-construction survey results, will be used to inform the detailed design and the specification of stage specific plans that are secured via Requirement 22 of the Draft Development Consent Order [REP4-004] including stage specific Code of Construction Practice (including a Biodiversity Management Plan) and Requirement 12 of the Draft Development Consent Order [REP4-004] for a stage specific Landscape and Ecology Management Plan.</p> <p>Information on how protected species will be managed during the construction phase is provided in the Outline Code of Construction Practice [REP4-043] (specifically paragraphs 5.6.51 to 5.6.82), and as stated in response to TE 2.13 above, the Applicant has updated the Draft Development Consent Order [REP4-004] at Deadline 5 to include a requirement for providing European Protected Species surveys onshore prior to the commencement of works, see Requirement 43 as proposed by the Examining Authority, see No 17 in Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO (Document Reference: 8.83).</p> <p>Further to this, the Applicant has responded to the points raised by South Downs National Park Authority [REP4-085] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p>
TE 2.15	<i>Ecological Surveys</i> The Applicant	Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that: <i>"The Applicant should use historic mapping as part of their hedgerow assessment, to inform their avoidance and mitigation strategy and to identify potential for restoration within their compensation and enhancement proposals. This would again be an example of where the higher status of the SDNP could be reflected."</i>	<p>The Applicant has used historic mapping as part of their hedgerow assessment.</p> <p>The Applicant is minimising and mitigating for hedgerow losses (and the connectivity they provide) across the entire onshore cable route through:</p> <ul style="list-style-type: none"> • avoidance of crossings where possible; • allowing adequate room within the proposed DCO Order Limits to microsite towards existing gaps or to avoid standard trees; • through use of a notching technique to minimise the amount of hedge lost within the cable corridor and minimise the size of gaps created temporarily; • the provision of inert materials to fill gaps in hedgerows between construction activity ending and reinstatement beginning – Commitment C-291 (Commitments Register [REP4-057]); and

Ref	Question To:	Question	Applicant's response
			<ul style="list-style-type: none"> reinstatement of temporary losses (through replanting or translocation) within 2 years of losses occurring (in most instances) – Commitment C-103 (Commitments Register [REP4-057]). <p>The Applicant also notes from reviewing historic mapping, that the hedgerow layout Ordnance Survey (OS) 1:2,500 (1948-1973) is largely similar to the current situation. During the 1800's, it appears that much of the land between Michelgrove Park and Sullington Hill was more extensive downland (as opposed to enclosed fields), with the field pattern elsewhere still being largely reflective of the current field layouts within the area of the South Downs National Park that overlaps with the proposed DCO Order Limits.</p> <p>It is noted that a full habitat survey using a method to deliver all necessary information to inform updated Statutory Biodiversity Metric calculations at the detailed design phase has been committed to in commitment C-294 (Commitments Register [REP4-057]) which is included within the Outline Code of Construction Practice [REP4-043] and secured via Requirement 22 in the Draft Development Consent Order [REP4-004].</p> <p>Localised enhancements have been proposed, where land-owner agreement can be secured, that are outside (i.e. additional) of the commitment to Biodiversity Net Gain (see paragraph 4.1.2 of the Outline Landscape and Ecology Management Plan [REP4-047]) and compensation / biodiversity net gain is secured through Requirement 14 of the Draft Development Consent Order [REP4-004] and described in Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the Environmental Statement [REP3-019]). Further, a compensation fund will be provided that will be used (in part) to plant trees, hedgerows etc. Within the South Downs National Park.</p> <p>Further to this, the Applicant has responded to the points raised by South Downs National Park Authority [REP4-085] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p>
TE 2.16	Hazel Dormouse The Applicant	Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that: <i>"Whilst an objection was not raised to the principle of the approach proposed to be taken for surveying at pre-application stage, it was also not agreed. Such discussions were at a high-level and prior to the final route being determined. Since submission, as per our Written Representation [REP1-052] and D3 submission [REP3-071], we consider the baseline is lacking. Overall, the applicant has not evolved their approach with reference to new records nor has it properly liaised with nature conservation organisations about species status and distribution in this area."</i>	<p>The Applicant provided a response on legally protected species describing the technical engagement, survey effort, mitigation, compensation, and licensing in Applicant's Comments on Deadline 3 submissions [REP4-070] at Deadline 4.</p> <p>The Applicant also notes that discussions with Natural England on hazel dormouse and licensing have been positive, and a draft licence application has been provided as basis for further discussion and ultimately the provision of a letter of no impediment. Please see the Applicant's responses to TE 2.13 and TE 2.14 above regarding European Protected Species surveys.</p> <p>Further to this, the Applicant has responded to the points raised by South Downs National Park Authority [REP4-085] in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5.</p>
TE 2.17	Bats The Applicant	Respond and where possible act upon the SDNPA comment in their Deadline 4 submission [REP4-085] that: <i>"It should be noted that a 14m notched hedgerow (as explained by the Applicant in their response) becomes in ecological terms a 40m-wide gappy hedgerow where previously there were no gaps (Graphic A3</i>	<p>The Applicant notes that the notching of hedgerows is proposed to minimise habitat loss, with the more typical solution for linear projects to remove between 10 and 40m of hedgerow at each crossing dependent on the specification of the infrastructure. Where cables and haul road cross a feature it is accurate to suggest that this temporarily creates a 'gappy hedgerow', however the</p>

Ref	Question To:	Question	Applicant's response
		<p>Outline LEMP REP3-037). The effect of repeated gaps in a previously continuous (and in many cases substantially wide and high) hedgerow or treelines for bats, particularly light sensitive species such as longeared and Myotis bats that are typically averse to crossing open habitat, has not been assessed. Yet the applicant has stated that gaps of more than 10m may prevent bats using hedgerows and treelines. The measures proposed to mitigate this (plugging gaps with inert material such as straw bales) have not been evidenced as successful for the species potentially affected”.</p>	<p>individual gaps would mainly be between 2m and 6m wide and could be crossed by bats. Although it is noted that not all individual bats would make the crossings.</p> <p>To increase the rate of crossing it is proposed to plug gaps temporarily with inert materials (see Commitment C-291, Commitments Register [REP4-057]) until reinstatement begins. This method has been used on a series of large linear schemes known as Anglian Water's Strategic Pipeline Alliance (see Anglian Water's Strategic Pipeline Alliance (2022) waterprojectsonline.com). It is also proposed by Norwich County Council for the Norwich Western Link (Norwich Western Link - ES Chapter 11: Bats Appendix 6a: Temporary Flightlines (oc2.uk)).</p> <p>Slack (2022) undertook monitoring of the effectiveness of using temporary heras type fencing draped with camouflage net for the Anglian Water project referenced above and demonstrated that it was effective in increasing the levels of bats passing across gaps of up to 33m (see BritishIslandsBats_VolThree_2022.pdf).</p>
TE 2.18	Special Qualities of the SDNP	<p>The Applicant Respond and where possible act upon the SDNPA's general comments in respect of the OLEMP in their Deadline 4 submission [REP4-085] and specifically to the following points:</p> <p>The Applicant South Downs National Park Authority</p> <p><i>“Within Section 4 of the OLEMP, we would welcome a section that provided further clarification of the additional steps that will be taken within the SDNP to demonstrate the commitment to seek to further SDNP Purposes. Such measures could include:</i></p> <ul style="list-style-type: none"> <i>• Reinstatement of habitat to the same habitat type and to an improved condition (where this will not demonstrably prevent the landowner from continuing usual activities);</i> <i>• Opportunities identified for habitat creation secured alongside planting reinstatement works at temporary compounds and along the cable corridor where hedgerows, woodland, tree belts and field margins are affected;</i> <i>• Employment of traditional techniques such as hedge-laying to retain local, traditional skills;</i> <i>• Commitment to sourcing peat-free plants and local provenance seed mixes and plant species for replanting;</i> <i>• Commitment to providing landscape plans for hedgerow and treeline reinstatement (at present the OLEMP only suggests these may be produced);</i> <i>• Further detail of the replacement of woodland within the SDNP with scrub e.g. clearer commitment to what steps will be taken to ensure that the key landscape and ecological features characteristic of those discrete areas are recreated as closely as possible. This should include natural regeneration where appropriate;</i> <i>• Using Dormice as an indicator of restoration and enhancement success, using habitat enhancement in locations such as Kitpease Copse / Olivers Copse to encourage movement and dispersal;</i> 	<p>The Applicant has updated Section 4 of the Outline Landscape and Ecology Management Plan [REP4-047] (submitted at Deadline 5) to address the points listed by South Downs National Park Authority [REP4-085].</p> <p>With regards the individual points raised:</p> <ul style="list-style-type: none"> • The Outline Landscape and Ecology Management Plan [REP4-047] (see paragraphs 2.7.12 to 2.7.18) acknowledges that local enhancements would be sought and delivered (outside of the commitment to Biodiversity Net Gain (BNG)) in agreement with landowners. It is noted that these would need to be applied to whole features (e.g. diversifying a hedgerow and managing it sympathetically is of recognisable value, whereas trying to initiate better management on a short section of reinstated hedgerow does not). The South Downs National Park and furtherance of its aims is referenced, see paragraph 4.1.2. • The Outline Landscape and Ecology Management Plan [REP4-047] acknowledges that local enhancements would be sought and delivered, with larger extents being delivered through the commitment to BNG (commitment C-104, Commitments Register [REP4-057]). Again, it is acknowledged that this would require landowner agreement, see paragraphs 2.7.12 to 2.7.18. • The use of traditional skills to manage habitats could apply to either localised enhancements or BNG. This would be detailed in either the stage specific Landscape and Ecology Plans (LEMPs) (secured via Requirements 12 and 13 of the Draft Development Consent Order [REP4-004], or through the stage specific Biodiversity Net Gain strategies (secured through Requirement 14 of the Draft Development Consent Order [REP4-004]). Use of these skills is however referenced in the Outline Landscape and Ecology Management Plan [REP4-047], see paragraph 4.1.3. • Commitments to sourcing peat free plants and local provenance seeds would be detailed in the stage specific LEMPs. However, it is noted that the vast majority of planting stock would be bare root and therefore by process would be peat free and seed source would be dependent on habitat type (e.g. if winter bird cover margins were being replaced the seed source is likely to be that which the landowner used initially). Seed sources and

Ref	Question To:	Question	Applicant's response
		<ul style="list-style-type: none"> • Avoidance of chemical use; • Planting at appropriate times of years to avoid the need for unnecessary watering and subsequent plant failures; • Details of how watering over such a vast area will be undertaken and delivered; • Clear demonstration of options to achieve multiple benefits through the interventions; • Clear links to the Soil Management Plan". <p>SDNPA Comment on the quality and adequacy of the update the Applicant provided at Deadline 4 to the Further information on South Downs National Park [REP4-063], to address Action Point 7 from ISH2.</p>	<p>plants of local provenance are identified as preferable within the Outline Landscape and Ecology Management Plan [REP4-047], see paragraph 4.1.5.</p> <ul style="list-style-type: none"> • Wording of the Outline Landscape and Ecology Management Plan [REP4-047] has been updated to note that plans would be created for every tree line and hedgerow subject to temporary losses, see paragraph 2.2.1. • Methods to replace woodland loss with scrub, would be detailed in the stage specific LEMPs. Natural regeneration could be considered, and this would be subject to approval by South Downs National Park Authority via Requirements 12 and 13 of the Draft Development Consent Order [REP4-004]. Wording in the Outline Landscape and Ecology Management Plan [REP4-047] has been updated to allow for natural regeneration where appropriate, see paragraph 4.3.3. • A commitment to using dormouse to monitor the success of habitat restoration at Kitpease Copse is not logical at this stage as surveys show that they are likely absent or present at very low densities. Should pre-construction surveys show dormouse to be present this measure would be introduced through European Protected Species licensing as a matter of course. • Chemical use for weed control would be avoided in favour of the use of mulches or weed mats to control weed growth. However, chemical use may be required should there be issues with non-native invasive species such as Japanese knotweed). Wording has been updated in the Outline Landscape and Ecology Management Plan [REP4-047] to reflect this position, see paragraph 5.1.4. • The Outline Landscape and Ecology Management Plan [REP4-047] describes planting times and approach to watering, see paragraphs 4.5.4 to 4.5.6. <p>The Soil Management Plan is referenced in the Outline Landscape and Ecology Management Plan [REP4-047], see paragraph 4.1.5.</p>
TE 2.19	<i>Commitment C-278 - Minimum Depth of 5m to be Maintained When Passing Beneath Climping Beach SSSI, Sullington Hill LWS, Atherington Beach and Littlehampton Golf Course LWS</i>	<p>Natural England maintain in Appendix J4a to the Natural England Deadline 4 Submission Natural England's advice on Terrestrial Ecology [REP4-093] that there is insufficient information provided by the Applicant to assess whether a minimum depth of 5m is sufficient.</p> <p>Respond to Natural England's advice [REP4-093] that it is for the Applicant to clearly outline the evidence which underpins the proposed methodologies to avoid impacts to sensitive ecological features.</p>	<p>The Applicant has responded to the points raised by Natural England [REP4-093] regarding the minimum depth of trenchless crossings in Applicant's Comments on Deadline 4 Submissions (Document Reference: 8.84) submitted at Deadline 5.</p>
	The Applicant		
TE 2.20	<i>25m Buffer Zone for</i>	<p>Paragraph 5.6.18 of the OCoCP [REP3-025] states there are three accesses where construction works are proposed take place within 25m of ancient woodland access A-42, A-56 and A-57.</p>	<p>a) The Applicant has developed the locations of the construction and operational accesses in parallel and coordinated with the development of the onshore cable route. Access locations need to provide a suitable level access to support the construction or meet the</p>

Ref	Question To:	Question	Applicant's response
	<p><i>Ancient Woodland - Accesses A-42, A-56 and A-57</i></p> <p>The Applicant</p>	<p>a) Confirm what alternatives to these three access locations have been considered.</p> <p>b) Provide details on how the mitigation hierarchy has been followed at these three locations.</p> <p>c) Submit draft Method Statements approved In-Principle by the relevant Local Authorities into the Examination at Deadline 6 specifically for each of the three accesses which ensure no damage would occur to the ancient woodland.</p>	<p>needs for maintenance and inspection during the operational phase of the project. In principle, access locations were selected via existing accesses and shortest route to the cable corridor to reduce the need for vegetation loss as much as practicable and to accord with the construction traffic routing strategy of using trunk roads and A-roads preferentially. & b): The following demonstrates how alternatives have been considered – and how the selection process and design has sought to avoid, minimise and mitigate for impacts in the round:</p> <ul style="list-style-type: none"> • Construction and operational access A-42 was originally to follow the existing entrance to a timber yard. However, following further review it was established that to provide the required access off the A283, a mature ash tree would need to be felled and a long length of hedgerow removed adjacent to an existing track to enable widening. The Applicant has therefore considered it more appropriate to minimise vegetation loss by moving the access point slightly to the east and be able to retain the ash tree. This encroaches an area within 25m of ancient woodland but does maintain the 15m minimum described within Government guidance. The transmission cables in this location will be installed using trenchless methods under the A283 at this location and therefore it is only access works that would take place on the surface within 25m of the ancient woodland. The creation of a temporary stone road could result in two main indirect effects on ancient woodland, these being dust creation and silt laden run-off from the track towards the ancient woodland. Both of these things would be controlled as a matter of course through existing commitments namely C-24 (for dust) and C-73 and C-121 (for run-off). As A-42 provides suitable level of access via the shortest route to the proposed DCO Order Limits from an A-road, the Applicant has not considered other alternatives for this access, as these would be expected to require longer access routes and therefore potentially more impact on local ecology, businesses and residents. • Alternatives to construction and operational Access A-56 have been considered, including using the operational access at A-55 as an alternative construction access. However, access A-56 has been retained for construction access due to sensitive residential receptors immediately south of access A-55 and because using A-55 as the construction access it would be required to route construction traffic via the B2115 Partridge Green Road, in addition to the A281. Works at A56 would take place on the southern side of Greentree Lane and measures would be put in place to avoid the potential for indirect effects (including commitments C-24, C-26, C-74, C-105) from noise, visual disturbance, run-off and lighting. • Construction and operational access A-57 is on the opposite side of the A281 as the ancient woodland. Although, works to increase the size of the existing access will be required these will not have any direct effects on ancient woodland and the typical good practice measures within the Outline Code of Construction Practice [REP4-043] (e.g. dust control via Commitment C-24) will adequately control any indirect effects. Alternatives to access the cable corridor to the east of the A281 via an existing northern access were consulted upon but discounted as they would have involved routing the construction traffic through an operating farm. <p>c)The Applicant has existing commitments which control the potential indirect effects onto Ancient Woodland associated with construction access construction and operation which are included in the response to TE2.20 a) for each access above. Therefore, a specific method</p>

Ref	Question To:	Question	Applicant's response
TE 2.21	Irreplaceable Habitats - 25m Buffer Zone for Ancient Woodland The Applicant	<p>Paragraph 5.6.17 in the OCoCP Revision D [REP4-043] states: <i>“Where Ancient Woodland is avoided, a stand-off distance will be implemented between any construction activity and the edge of the woodland (the only exception being if existing forestry tracks or highway is being used by construction vehicles). This stand-off distance will be a minimum of 25m from the woodland edge (C-216); within this area no activity will be permitted including soil storage, materials storage, or drainage. Fencing will be positioned appropriately to prevent accidental egress”.</i> (Emphasis added).</p> <p>The ExA would like to understand why there are several locations where the redline DCO boundary directly abuts an area of ancient and semi natural woodland or ancient replanted woodland and where open cut trenching is proposed and why this land is required given that the paragraph above suggests no activity would be permitted in these areas at all. This appears to be in contradiction with the response the Applicant gave to Winckworth Sherman LLP on behalf of Susie Fischel’s Deadline 3 Submission [REP3-136 & REP3-137] Written Representation, point 2.1.20 page 209 which states: <i>“Commitment C-216 is applied in this location. There is no intention for any ground works to take place within the 25 m buffer adjacent to Lowerbarn Wood – a block of Ancient Woodland. However, the full extent of the red line boundary is available for activities that do not break the ground that are needed to accommodate works in a constrained area”.</i></p> <p>If the intention of the wording above is to carry out a form of activity within 25m of ancient woodland in these areas, explain in detail what that activity could be and how it is in line with the wording of Commitment C-216 and paragraph 5.6.17 in the OCoCP Revision D [REP4-043]. If no activity would occur, justify the reason for the land being within the DCO redline boundary. Examples of these areas are, but not limited to:</p>	<p>statement for this is not considered by the Applicant necessary as it would not contain any measures that are not to be delivered via commitments already secured.</p> <p>The Applicant confirms that it has submitted a notification of potential non-material changes to the Examining Authority to reduce the proposed DCO Order Limits at locations A – D to ensure that the 25m stand-off from ancient woodland is outside of the proposed DCO Order Limits. With regards to point E, the Applicant has also notified the Examining Authority of the intention to amend Sheet 7 of the Onshore Works Plans [PEPD-005] to change the area adjacent to Ancient Woodland from Works No.9 (Cable Installation) to Works No. 14 (Construction and Operational Access) for using the existing track in this area for light construction and operational traffic only that would not require works, therefore an exception to require safe access from the highway is not required here.</p>

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In the vicinity of Bolney substation. If the intention is to carry out a form of activity within 25m of ancient woodland here, explain in detail what that activity could be. If no activity would occur, justify the reason for the land being within the DCO redline boundary. Screen shot taken from Inset 45 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037]. Ancient woodland indicated by light blue shaded area.

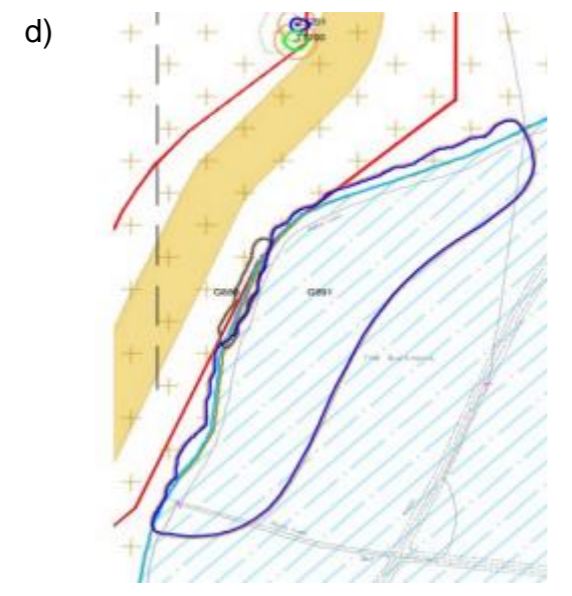


South of the proposed Oakendene substation site. If the intention is to carry out a form of activity within 25m of ancient woodland here, explain in detail what that activity could be. If no activity would occur, justify the reason for the land being within the DCO redline boundary. Screen shot taken from Inset 44 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037]. Ancient woodland indicated by light blue shaded area.


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If the intention is to carry out a form of activity within 25m of ancient woodland here, explain in detail what that activity could be. If no activity would occur, justify the reason for the land being within the DCO redline boundary. Screen shot taken from Inset 32 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037]. Ancient woodland indicated by light blue shaded area.



Area of ancient replanted woodland directly to the east of Angmering Park Farm, south of Michelgrove and to the west of Patching Hill. If the intention is to carry out a form of activity within 25m of ancient woodland here, explain in detail what that activity could be. If no activity would occur, justify the reason for the land being within the DCO redline boundary. Screen shot taken from Inset 12 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037]. Ancient woodland indicated by light blue shaded area.

Ref	Question To:	Question	Applicant's response
		<p>e) </p> <p>If the intention is to carry out a form of activity within 25m of ancient woodland here, explain in detail what that activity could be. If no activity would occur, justify the reason for the land being within the DCO redline boundary. Screen shot taken from Inset 8 of Annex 2 Arboricultural Impact Plan of the Arboricultural Impact Assessment Revision B [REP4-037]. Ancient woodland indicated by light blue shaded are</p>	
<p>TE 2.22</p>	<p><i>Irreplaceable Habitats - Ancient Woodland Buffer Zone</i></p> <p>The Applicant</p>	<p>Respond to Natural England's advice in Appendix J4a to the Natural England Deadline 4 Submission Natural England's advice on Terrestrial Ecology [REP4-093] that further consideration should be given by the Applicant to the Ancient Woodland guidance that:</p> <p><i>"where possible, a buffer zone should:</i></p> <ul style="list-style-type: none"> <i>• contribute to wider ecological networks</i> <i>• be part of the green infrastructure of the area A buffer zone should consist of semi-natural habitats such as:</i> <i>• woodland</i> <i>• a mix of scrub, grassland, heathland and wetland.</i> <p><i>The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone. You should consider if access is appropriate. You can allow access to buffer zones if the habitat is not harmed by trampling."</i></p>	<p>The Applicant notes that there are no temporary construction works within 25m of ancient woodland, other than at three locations where access is taken from the highway (see response to TE 2.20 above). It is also noted (as described in the response to TE 2.21 above) that a change notification has been submitted to the Examining Authority, reflecting the Applicant's intention to revise the proposed DCO Order Limits to remove areas that are within 25m of ancient woodland in five areas.</p> <p>The proposed DCO Order Limits are of a width that enable indirect effects to be managed appropriately via commitments including C-24 (air quality management), C-26 (noisy activity mitigation), C-74 (retention of sub-surface flow pathways), and C-105 (lighting design) (Commitments Register [REP4-057]). The works are also temporary and no residual effects on ancient woodland are expected. Therefore, the Applicant does not consider it necessary to deliver habitat creation in the buffer zone between construction works and ancient woodland. Further, it would compromise landowner use of these areas in the future (most of which are pasture or arable fields at present).</p> <p>The Applicant met with Natural England on 27 June 2024 and it was agreed that this was a desirable outcome, but not necessary to control any potential effects.</p>
<p>TE 2.23</p>	<p><i>Commitments C-112 and C-217</i></p> <p>All Relevant Planning Authorities</p> <p>Natural England</p>	<p>Comment on the revised wording to Commitment C-112 and Commitment C-117 in the Applicant's Commitment Register at Deadline 4 [REP4-057]. Is the wording adequate? If not, provide alternative wording.</p>	

Ref	Question To:	Question	Applicant's response
Sussex Wildlife Trust			
TE 2.24	<i>Commitment C-217</i> The Applicant Natural England	<p>The Applicant Natural England continues to advise wording of Commitment C-217 is changed so the winter period extends to include March. Explain whether this would have any bearing on the delivery of the Proposed Development in respect to project feasibility and cost.</p> <p>Natural England Commitment C-217 has been updated to restricts site preparation works within 150m of the boundary of Climping Beach Site of Special Scientific Interest and Littlehampton Golf Course and Atherington Beach Local Wildlife Site between October and February. Does this update allay Natural England's concerns? If not, clarify what aspects of site preparation works Natural England are concerned with occurring during March, specifying whether it is noise levels, vibration levels, physical presence of machinery or presence of people etc. Are there any activities that Natural England would consider acceptable to carry out during the month of March and suggest revised wording for the Commitment.</p>	The Applicant has updated commitment C-217 (Commitments Register [REP4-057]) to extend the winter period through March. In a meeting held with Natural England on 27 June 2024 it was agreed that with the restriction extended to March then there are no further discussions needed for this commitment.
TE 2.25	<i>Outline LEMP</i> South Downs National Park Authority	<p>a) Comment on the updated Outline LEMP submitted by the Applicant at Deadline 4 [REP4-047], including the newly included section on the SDNP.</p> <p>b) Comment on the update to the Deadline 1 Submission – Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 5 – Further information for Action Point 27 – South Downs National Park [REP1-024] in the Applicant's Post Hearing Submission – Issue Specific Hearing 2 Further information on South Downs National Park [REP4-063] at Deadline 4.</p> <p>c) Does the SDNPA consider that the explanations provided by the Applicant in these documents addresses the SDNPA's ecological concerns on the likely effects of the Proposed Development on the ecological features of South Downs National Park (SDNP) in the context of its elevated status, ecological function and Special Qualities and how these might be furthered by the Proposed Development? If not, explain why not and what action is required.</p>	The Applicant notes that further updates have been made to the Outline Landscape and Ecology Management Plan [REP4-047] at Deadline 5 to address points raised by South Downs National Park Authority [REP4-047] at Deadline 4.
TE 2.26	<i>Outline Landscape and Ecological Management Plan</i> All Relevant Planning	Comment on whether there any outstanding concerns with the updated Outline LEMP submitted by the Applicant at Deadline 4 [REP4-047]. If so, explain these in as much detail as possible.	The Applicant notes that further updates have been made to the Outline Landscape and Ecology Management Plan [REP4-047] at Deadline 5 to address comments from the Examining Authority and stakeholders.

Ref	Question To:	Question	Applicant's response
Authorities			
TE 2.27	<i>Outline Landscape and Ecological Management Plan</i>	The ExA requests that the Applicant considers, responds and acts where possible to all points listed by West Sussex CC on pages 21, 22 and 23 of their Deadline 4 submission [REP4-086] regarding OLEMP, Rev B (OLEMP) [REP3-037].	The Applicant notes that further updates have been made to the Outline Landscape and Ecology Management Plan [REP4-047] at Deadline 5 that includes directly addressing points raised by West Sussex County Council [REP4-086] , and the Applicant has responded to the comments in Applicant's Comments on Deadline 4 Submissions (Document Reference: 8.84) submitted at Deadline 5.
The Applicant			
TE 2.28	<i>New Requirement 40 Regarding the Vegetation Retention and Removal Plan</i>	a) Comment on the adequacy of the newly added Requirement 40 from the Applicant at Deadline 4 (Schedule 1, Requirements 40) in Revision E of the Draft Development Consent Order [REP4-004] which secures Vegetation Retention and Removal Plan must be inline with the Outline Vegetation Retention and Removal Plan (to be submitted at D5). b) The ExA requests that all relevant Planning Authorities and SNCBs provide comments at Deadline 6 on the Outline Vegetation Retention and Removal Plans to be submitted by the Applicant at Deadline 5.	
All Relevant Planning Authorities			
Statutory Nature Conservation Bodies			
TE 2.29	<i>Technical Note: Construction Access Update Assessment Summary [REP3-055]</i>	The ExA requests that the Applicant considers, responds and acts where possible to all points listed by West Sussex CC in section 3.70 of their deadline 4 submission [REP4-086] regarding the Technical Note: Construction Access Update Assessment Summary [REP3-055]	The Applicant has responded to the points raised by West Sussex County Council [REP4-086] construction accesses in Applicant's Comments on Deadline 4 Submissions (Document Reference: 8.84) submitted at Deadline 5.
The Applicant			
TE 2.30	<i>Appendix A Construction Access Review [REP4-086]</i>	The ExA requests that the Applicant considers, responds and acts where possible to all outstanding concerns listed by West Sussex CC in Appendix A Construction access review of their Deadline 4 submission [REP4-086]	The Applicant has responded to the points raised by West Sussex County Council [REP4-086] construction accesses in Applicant's Comments on Deadline 4 Submissions (Document Reference: 8.84) submitted at Deadline 5 and has updated the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) as necessary. In most instances, the Applicant has provided clarifications.
The Applicant			
TE 2.31	<i>Priority Habitat – Deciduous Woodland within the National Grid</i>	The ExA requests that the Applicant considers, responds and acts where possible to all outstanding concerns listed by West Sussex CC in Appendix A of their deadline 4 submission [REP4-086] regarding TE 1.6 which states remaining concerns on the impact on deciduous	The Applicant has updated Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement [REP4-037] at Deadline 5 to ensure consistency with the Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) .

Ref	Question To:	Question	Applicant's response
	<i>Bolney Substation ref W3713</i>	woodland, a priority habitat at the National Grid Bolney substation ref W3713.	Further to this, the Applicant has reviewed and responded to the points raised by West Sussex County Council [REP4-086] in their review of access points and vegetation removal in Applicant's Comments on Deadline 4 Submissions (Document Reference: 8.84) submitted at Deadline 5.
	The Applicant		
TE 2.32	<i>Preliminary Ecological Appraisal at Crateman's Farm</i>	Respond in full to Ms Creaye's Deadline 4 submission [REP4-112], in particular commenting on: <ul style="list-style-type: none"> a) The conclusion of the Preliminary Ecological Appraisal area surrounding Crateman's Farm. b) Whether the Proposed Development has applied the mitigation hierarchy in relation to the ecological value of the area. c) The proposals for how the affected land would be reinstated once the cable was laid and the detail and duration of monitoring that would be undertaken post construction, referencing the relevant Commitments. d) The suggestion in the conclusion to undertake further HDD across this area. 	<p>The Applicant has laid out the survey programme it undertook in the area in response to the Examining Authority' question TE 1.1 [REP3-051] and answers to TE 1.4 and TE 1.5 in Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051] to provide the Applicants response to differing survey results for both habitats and nightingale.</p> <p>Furthermore, Horsham District Council noted in their response to the Examining Authority's First Written Question TE 1.2 (Responses to Written Questions (ExQ1) [REP3-069]) that they were satisfied with the outcomes of data collection in the area and stated that the outcome of the Environmental Statement would not alter with further survey and amendment to high quality semi-improved grassland, and there would be a marginal increase in biodiversity net gain baseline units. The Applicant welcomed Horsham District Council's comments regarding commitment C-103 and acknowledgement that the proposals for reinstatement of semi-improved grassland is acceptable mitigation. The Applicant agrees with Horsham District Council's comment that the only irreplaceable habitat recorded within the vicinity of Oakendene and Crateman's Farm are pockets of ancient woodland in and near to Taintfield Wood and Farm which is outside the proposed DCO Order Limits.</p> <p>The mitigation hierarchy has been applied to all parts of the onshore cable route but noting that the drivers of location are note solely driven by terrestrial ecology. There are a myriad of constraints in the vicinity of the onshore cable route in this location including residential dwellings, flood zone, ancient woodland and the Cowfold Stream. The application of the mitigation hierarchy has been implemented as trenchless crossings have been specified for crossing the Cowfold Stream, one of its tributaries (which supports water vole) and the flood zone.</p> <p>Commitment C-294 (Commitments Register [REP4-057]) confirms that a further detailed habitat survey would take place prior to the detailed design being finalised. Commitment C-292 (Commitments Register [REP4-057]) ensures that the mitigation hierarchy will be implemented at the detailed design phase. This could result in actions such as micro-siting of the cable to avoid sensitive patches of habitat, extensions of trenchless crossings if deemed feasible and appropriate taking account all relevant factors, the stripping of turf, its maintenance and its replacement or the harvesting and strewing of green hay (see Outline Landscape and Ecology Management Plan [REP4-047]).</p> <p>The Applicant has set out in the Outline Landscape and Ecology Management Plan [REP4-047] that the reinstated habitat will be managed for 10 years (unless secured for Biodiversity Net Gain purposes for a 30 year period).</p> <p>Currently the Applicant is not proposing to extend the trenchless crossings specified in the area as the proposed outline design has avoided the sensitive environmental features that necessitate mitigation.</p>
	The Applicant		

Ref	Question To:	Question	Applicant's response
TE 2.33	<i>Cable Route and Potential Tree Impacts at Coombe Farm, Bob Lane</i> The Applicant	Following up on the Applicant's response to TE 1.27 in [REP3-051] state if the design principles presented within the Design and Access Statement [REP3- 012] for this location focusing on micro-siting follow the mitigation hierarchy and would aim to minimise losses of trees within the site.	During the detailed design phase, the mitigation hierarchy will be applied (via Commitment C-292, Commitments Register [REP4-057] which is secured through the Outline Code of Construction Practice [REP4-043] and Outline Vegetation Retention and Removal Plan (Document Reference: 8.87) not the Design and Access Statement [REP3-013]). The detailed design will seek to avoid impacts where possible and minimise where not. In this location there will be consideration given to avoiding or minimising tree loss, for example through use of the existing gap for access, transmission cables, or both.
TE 2.34	<i>Natural England's Risk and Issues Log</i> The Applicant	Within Natural England's Risk and Issues Log at Deadline 4 [REP4-096], there remains numerous points where Natural England have remaining concerns or objections within the Terrestrial Ecology section denoted as Amber and Red. Provide a document to address all these points clearly, other than where it is covered by the other ExA questions.	Meetings with Natural England on 27 June 2024 and 02 July 2024 were held to discuss the risk and issues log regarding terrestrial ecology and a large number of items were resolved. Appendix E in Applicant's Comments on Deadline 4 Submissions (Document Reference: 8.84) provides an update of Natural England's Risk and Issues Log tab J which has been discussed, updated, and shared with Natural England.
TE 2.35	<i>Vegetation above the cable post-decommissioning</i> The Applicant	If the onshore cable is left in situ post-decommissioning, confirm whether trees would be permitted to grow above the cable route post-decommissioning. If so, state where in the documentation this is clearly stated.	The Applicant's Decommissioning Plan will detail the future land use for the cable easement and will be aligned with discussions with Landowners at that time. The Applicant has committed in paragraph 2.2.7 of the Outline Construction Method Statement [APP-255] (updated at Deadline 5) to seek appropriate variations and/or release of land rights and restrictions that are no longer required, which would include any rights that have become surplus due to the decommissioning of the Proposed Development.

Table 2-15 Applicant's response to Examining Authority's Further Written Questions on water environment

Ref	Question To:	Question	Applicant's response
WE 2.1	Operational Drainage at the Proposed Oakendene Substation The Applicant	Respond to the queries and requests raised by Horsham DC at Deadline 4 in [REP4-084] regarding the operational drainage plans, proposed attenuation basins, estimated seasonality/frequency of land inundation regarding species composition of these habitats and requested updates to Chapter 22 Terrestrial Ecology [APP-063].	The Applicant has provided a response to the queries and requests raised by Horsham District Council in [REP4-084] regarding the Outline Operational Drainage Plan [REP4-041] (updated at Deadline 5), attenuation basins, and species composition in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) submitted at Deadline 5, please see reference 2.2.3.
WE 2.2	Water Neutrality The Applicant	In the eventuality that there is no agreement from Natural England to use headroom to solve the water neutrality issue, can it be assumed the fallback position would be to revert to the tankering option for water required for construction? If so, the ExA requests the Applicant to submit clear evidence that the vehicle movements for tankering the required water have been included in the traffic modelling.	<p>Agreement has been reached with Natural England as well as Horsham District Council on the subject of water neutrality. It has been agreed that Rampion 2 construction water usage can be screened out for Habitat Regulations Assessment (HRA) Appropriate Assessment purposes. In terms of the operational and maintenance phase water use, neutrality will be achieved using the Sussex North Offsetting Water Scheme (SNOWS) or other options (if SNOWS is not available) as documented in Chapter 26: Water environment, Volume 2 of the Environmental Statement [APP-067] and the Design and Access Statement [REP3-013] which is secured by Requirement 8 (3) in the Draft Development Consent Order [REP4-004] (updated at Deadline 5). The agreements are recorded now in the Statements of Common Ground submitted within Statement of Common Ground Horsham District Council (Document Reference 8.2) and Statement of Common Ground Natural England (Document Reference 8.8), submitted at Deadline 5.</p> <p>A meeting was held on 22 May 2024 whereby Horsham District Council clearly conveyed their position to Natural England, that construction water usage fell within their available headroom and thus could effectively be screened out.</p> <p>On 24 June 2024, Natural England emailed the Applicant with an update since speaking with Horsham District Council and confirmed that they were happy with their position (for screening out construction water usage using the available headroom) and that they would be providing a response at Deadline 5 to that effect. Therefore, all parties are in agreement that any fallback position for water neutrality will not be required. On that basis the Applicant has removed the tankering commitment (C-290) from the Outline Code of Construction Practice [REP4-043] and Commitments Register [REP4-057] (both updated at Deadline 5) as a result of the agreement with Horsham District Council and Natural England on water neutrality.</p>

Table 2-16 Applicant's response to Examining Authority's Further Written Questions on fish and shellfish

Ref	Question To:	Question	Applicant's Response
FS2.1	<p><i>Measure of Equivalent Environmental Benefit</i></p> <p>The Applicant Natural England</p>	<p>At Deadline 4 the document "Kingmere Marine Conservation Zone (MCZ): Without Prejudice Stage 2 MCZ Assessment" [REP4-071] was submitted by the Applicant, to consider a potential Measure of Equivalent Environmental Benefit (MEEB), to compensate for potential adverse effects of black seabream of Kingmere MCZ.</p> <p>This document in Section 2 (Legislation and Guidance) sets out that with regard to a potential MEEB, Section 126(7) of the Marine and Coastal Access Act (MCAA) 2009 states the following: TMP "...although the person seeking the authorisation is not able to satisfy the authority that there is no significant risk of the act hindering the achievement of the conservation objectives stated for the MCZ, that person satisfies the authority that: (a) there is no other means of proceeding with the act which would create a substantially lower risk of hindering the achievement of those objectives, (b) the benefit to the public of proceeding with the act clearly outweighs the risk of damage to the environment that will be created by proceeding with it, and (c) the person seeking the authorisation will undertake, or make arrangements for the undertaking of, measures of equivalent environmental benefit to the damage which the act will or is likely to have in or on the MCZ."</p> <p>With regard to (a), explain whether a restriction of when piling should be undertaken, to avoid adverse effects on black seabream in Kingmere MCZ, would be a potential alternative means of proceeding the act (constructing the Proposed Development) with a lower risk of impact. Such a piling restriction could be a full March to July inclusive restriction as requested by NE, for example.</p> <p>If so, explain whether this would mean there are "other means of proceeding" which would avoid such impacts. If so, would this mean that the test under (a) as set out above would not be satisfied.</p>	<p>The Applicant would highlight that it does not agree with Natural England that piling, with the proposed mitigation methods which would be implemented during the black bream spawning period, would hinder the conservation objectives of the Marine Conservation Zone (MCZ). The Applicant accepts there is a risk of impact on noise sensitive species such as black seabream arising from noise generated by piling, and this has, therefore, been appropriately and robustly assessed within the Environmental Statement (ES). The Applicant has committed to a range of mitigation measures during piling works to reduce the levels of noise received by sensitive receptors to 141 dB SELss; a level at which the best available evidence for comparable proxy species elicits no more than a short-lived and initial startle response (Kastelein <i>et al.</i>, 2017). The Applicant fundamentally disagrees that the startle response for seabass (used as a proxy species due to its common physiology with black seabream; physiology being the most critical aspect determining noise-sensitivity) evidenced in the research would lead to a population level effect on black seabream such that the Conservation Objectives of the Kingmere MCZ would be hindered, i.e. at a level "likely to significantly affect the survival of its members or their ability to aggregate, nest, or lay, fertilise or guard eggs during breeding".</p> <p>This position is further supported through consideration of other relevant factors, including:</p> <ul style="list-style-type: none"> the level of exceedance above ambient noise levels (which are evidenced in the 2022 and 2023 survey reports Appendix 8.3: Underwater noise study for sea bream disturbance [REP2-011] and Appendix 8.4: Black seabream Underwater Noise Technical Note and Survey Results [PEPD-023]) arising at 141 dB SELss, and the rationale for using such to inform the identification of a meaningful behavioural threshold in a site-specific context for the Kingmere MCZ as set out in the Rampion 2 Technical Note: Underwater noise mitigation for sensitive features in the Evidence Plan (Part 9 of 11) [APP-251]; . behavioural context, as echoed in the Marine Management Organisation's (MMO's) Deadline 4 submission in response to the ExA's question FS 1.25 [REP4-088] and the likelihood that species engaged in certain activities, including spawning and subsequent nest guarding, may be highly motivated to continue such activities even if subjected to what comprises (with mitigation) a relatively minor stimulus (which would elicit an initial short-lived startle reaction); and the lack of any apparent decline in black seabream populations in the area following the construction of Rampion 1. <p>This latter point is important as Rampion 1 undertook piling during the month of July, which has since been included in the black seabream sensitive spawning/nesting season period. The Applicant accepts that the hammer energies employed in the installation of foundations for Rampion 1 were lower than those assessed for the Proposed Development, but highlights that during the construction of Rampion 1, including throughout the month of July, no noise abatement systems were implemented and the levels of received noise at the Kingmere MCZ are estimated to have been between 147 to 156 dB SELss, based on extrapolations of the measurements from the noise monitoring undertaken at the time, as noted in Appendix 8.4: Black seabream Underwater Noise Technical Note and Survey Results [PEPD-023].</p> <p>The implementation of a full piling ban would have a direct effect on the construction schedule of the project by prohibiting construction in the months of the year with the most accommodating weather conditions. Until the final design of the turbines and foundations, and until comprehensive</p>

Ref	Question To:	Question	Applicant's Response
			<p>geotechnical surveys are completed, it is difficult to determine with a high level of confidence, what the magnitude of the impacts on the construction schedule would be. However, preliminary construction modelling has strongly indicated that a full piling ban would be extremely challenging, leading to an additional year or more of offshore installation activity being required.</p> <p>In recent months a key Rampion 2 shareholder has followed other developers around the world in taking decisions not to bid in auction rounds or to cancel projects. The economic viability of proposed developments is key. An extensive piling ban with the associated increase in the cost of the construction schedule, in addition to other mitigation measures such as double bubble curtains, considerably limits the project's prospects of securing funding and getting built. As noted in the paragraph above, work has already commenced to model the construction programme, given the proposed constraints. This work may conclude that the costs associated with repeated installation spread mobilisations to avoid the breeding season, in combination with the equipment required to meet the proposed stringent noise restriction, prevent the Applicant submitting a competitive bid at the next Auction Round.</p> <p>The Applicant has determined that the financial and logistical implications of a full piling ban would result – as a minimum - in a reduction of the total capacity of generation that could be installed or could make the project unviable. This would be in conflict with the urgent need for renewable energy set out in NPS EN-1 (2011), the Critical National Priority status for offshore wind set out in NPS EN-3 (2023), and the 50 GW by 2030 target for offshore wind set out in the British Energy Security Strategy (2022). Bearing in mind that a single rotation of the proposed turbines could power a household for over 2 days, the reduction of any turbines installed would have a significant effect on generating capacity over the 30 year lifetime of the Proposed Development. As a result of this direct conflict with the urgent need set out in the 2011 and 2023 NPS, the Applicant considers that a full piling ban is not an appropriate means of proceeding and is not considered proportionate to the assessed potential for effects on the Conservation Objectives of the Kingmere MCZ as set out within the Environmental Statement.</p>
FS2.2	<p><i>Measure of Equivalent Environmental Benefit: As Proposed by the Applicant, Without Prejudice.</i></p> <p>Natural England</p>	<p>Within the Applicant's submitted document "Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ)" [REP4-078] the types of possible MEEB have been considered with the following put forward, without prejudice, as potential compensation measures for the impacts to black seabream:</p> <ul style="list-style-type: none"> • Reduction in disturbance from watercraft; • Removal of marine litter, including awareness and engagement; and • Research on black seabream. 	<p>Provide a response to these potential types of MEEB and whether there would be any that would be suitable to compensate for the potential impacts to Kingmere MCZ black seabream.</p>

Ref	Question To:	Question	Applicant's Response
FS2.3 <i>Noise Effects on Seahorses</i>	Natural England	<p>The Applicant noted that with the implementation of Double Big Bubble Curtains (DBBC), which is now committed to within the Commitment Register [REP4-057, C-265] means that the 135dB behavioural noise threshold would not be breached in the MCZs where seahorse are a qualifying feature [REP4-072, Ref 3b]. See Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan (Revision D) [REP4-053].</p> <p>On this matter, consider whether the noise reduction of 15db from the use of a DBBC is reasonable, and if so, respond on whether there would be no likely adverse effects to seahorses within MCZs (where they are a feature of the MCZ) if this form of mitigation was used as now proposed.</p>	<p>Noting that the question is directed to Natural England, the Applicant confirms that additional work has been undertaken looking into the efficacy of Noise Abatement Systems (NAS). This work is detailed in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067]. As detailed in the report, taking into account the site characteristics and noise abatement levels, and considering the outputs of live monitoring of numerous projects whereby NAS have been applied successfully, it is apparent that up to 15 dB noise reduction can be achieved (within depths of ≤ 40 m. It was also identified that in water depths of over 40 m, the achievable noise reduction could be slightly reduced by up to 2 dB. However, the use of state-of-the-art enhanced Big Bubble Curtain (eBBC) and Big Bubble Curtain (BBC) could bring up to 2 dB more noise reduction, which is expected to compensate the negative effect of water depths up to 50 m.</p> <p>The mitigated impact ranges afforded by the implementation of Double Big Bubble Curtain (DBBC) throughout the piling campaign have been presented relative to the MCZs of which seahorse are a qualifying features in the In Principle Sensitive Features Mitigation Plan [REP4-053] (updated at Deadline 5), and the Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further Information for Action Points 38 and 39 – Underwater Noise Revision B [REP4-061]. The mitigated impact ranges from the implementation of DBBC (as defined using the 141 dB SELss disturbance threshold), further mitigate the underwater noise contours away from the MCZs of which seahorse are a qualifying feature. It is worth noting that the mitigated impact ranges from the implementation of DBBC, as defined using the overly precautionary 135 dB SELss threshold (the use of which the Applicant does not support), also do not overlap with the MCZs. The mitigated noise contours are presented in the In Principle Sensitive Features Mitigation Plan [REP4-053] (updated at Deadline 5), and the Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further Information for Action Points 38 and 39 – Underwater Noise Revision B [REP4-061].</p>
FS2.4	<p><i>Noise Effects on Herring</i></p> <p>Marine Management Organisation</p> <p>Sussex Inshore Fisheries and Conservation Authority (IFCA)</p>	<p>The Applicant noted that with the implementation of DBBC, which is now committed to within the Commitment Register [REP4-057, C-265] means that when using the 135dB behavioural noise threshold throughout the piling campaign this would successfully mitigate against impacts to spawning herring, with underwater noise impact ranges reduced such that there is no overlap with areas of key importance to spawning herring [REP4-053, Paragraph 5.3.3]. This was also presented in Figures 3.5 to 3.8 in Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 - Further information for Action Points 38 and 39 –Underwater Noise (updated at Deadline 4) [REP4-061].</p> <p>Consider whether the noise reduction of 15db from the use of a DBBC is reasonable, and if so, respond on whether there would be no adverse effects to herring if this form of mitigation was used as now proposed.</p>	

Ref	Question To:	Question	Applicant's Response
FS2.5	<p><i>Herring Spawning Evidence</i></p> <p>The Applicant</p>	<p>The Applicant has stated that “<i>The presence of high densities of herring larvae (as informed by the International Herring Larvae Survey (IHLS) data) are not indicative of locations of spawning grounds and actively spawning adult herring.</i>” [REP4-070, Paragraph 4.5.6]</p> <p>Provide evidence to support this.</p>	<p>The Applicant maintains its position that the presence of high densities of herring eggs and larvae (as informed by the International Herring Larvae Survey (IHLS) data) to the southeast of the array area, are not indicative of locations of spawning grounds and actively spawning adult herring. The Applicant maintains that herring spawning activity occurs in areas located to the south of the development area, closer to the French coast (as defined by Coull <i>et al.</i>, 1998). Strong hydrodynamic conditions in the English Channel transport fish larvae away from spawning grounds in a north easterly direction. Studies examining patterns of larval drift in the southern North Sea and English Channel provide supportive evidence of this, demonstrating the movement of herring larvae in the southern North Sea in a north-easterly direction with dispersion of larvae in high numbers along the Dutch coastline as they are transported towards the German Bight and Skaggeak (Burd, 1978; Dickey-Collas, 2005; ICES, 2010; ICES, 2013). Tiessen <i>et al.</i> (2014) also reported a northeasterly drift direction of particles in the English Channel. This was also evidenced in Corten (2013), which illustrated drift routes of herring larvae from the English Channel, in a northeasterly direction to nursery grounds in the Dutch Wadden Sea.</p> <p>The Applicant acknowledges the MMO's position, as detailed in a response letter received on 28 June 2024, that the larvae do not drift away from the spawning ground (as defined by Coull <i>et al.</i>, 1998) in a north easterly direction, but instead drift eastwards from spawning beds where sediments have sufficient composition to support spawning, located between the Rampion 2 array boundary and the areas of high larval density as indicated by IHLS data.</p> <p>Notwithstanding this, following the submission of the DCO Application, the MMO requested that a herring habitat suitability assessment was undertaken following the methodology as detailed in Reach <i>et al.</i> (2013) as adapted from MarineSpace <i>et al.</i>, (2013b). This was subsequently also requested by the ExA in its list of Action Points arising from Issue Specific Hearing 1 of the Rampion 2 Examination [EV3-020]. The heatmapping exercise was submitted to the Rampion 2 Examination, at Deadline 1 in Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP1-020]. Feedback was provided by the MMO and its advisors Cefas at Deadline 3, and revisions were subsequently made, and submitted to Examination at Deadline 4 (Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061]). Following the Reach <i>et al.</i> (2013) methodology, potential herring spawning substrates and active spawning areas were assessed through the overlapping of data layers deemed to be indicative of herring spawning habitats and activity (inclusive of IHLS data). This process identified areas of high confidence (score 12) that suitable spawning substrates are located 47 km southeast of the array area (due to the presence of a herring spawning ground (as defined by Coull <i>et al.</i>, 1998), 'Preferred' spawning substrates, pelagic fishing activities and densities of >600 herring larvae per m² (with larval densities peaking at 63,000 larvae per m²)), further supporting the Applicant's position that actively spawning herring are located south of the development area, closer to the French coast.</p> <p>Furthermore, the Applicant has committed to the use of Double Big Bubble Curtains (DBBC) throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise (including behavioural effect ranges) to outside any areas of high-density herring eggs and larvae (as defined by the IHLS data), and the spawning ground (as defined by Coull <i>et al.</i>, 1998). Commitment C-265 has been updated accordingly to reflect this proposed mitigation. The updated commitment is as follows: C-265: “<i>Double big bubble curtains will be deployed as the minimum single offshore piling noise mitigation technology to deliver underwater noise attenuation for all foundation installations</i>”</p>

Ref	Question To:	Question	Applicant's Response
			<p>throughout the construction of the Proposed Development where percussive hammers are used in order to reduce predicted impacts to:</p> <ul style="list-style-type: none"> • sensitive receptors at relevant Marine Conservation Zone (MCZ) sites and reduce the risk of significant residual effects on the designated features of these sites; • spawning herring; and • marine mammals.” <p>The mitigated impact ranges, afforded by the implementation of DBBC throughout the piling campaign, have been presented relative to areas of potential spawning activity in Deadline 1 Submission – 8.25.1 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061].</p>
FS2.6	<p><i>Drifting Herring Eggs and Larvae</i></p> <p>Marine Management Organisation</p>	<p>The Applicant “<i>confirmed that eggs and larvae are subject to drifting due to the strong hydrodynamic conditions in the English Channel, and that it was confident that spawning activities are occurring in the spawning ground as defined by Coull et al (1998), as opposed to areas where high densities of eggs and larvae are present (as identified by IHLS data), as eggs and larvae will be drifting away from the defined spawning ground.</i>” [REP4-072, Ref 3b]</p> <p>Comment on whether MMO agrees that this suggests that the main spawning ground is as defined by Coull et al (1998) and not closer to the array areas.</p>	<p>Noting that this question is directed to the MMO, the Applicant would like to direct the Examining Authority to its response to reference FS2.5 above.</p>
FS2.7	<p><i>Effects of Piling Restrictions on Construction</i></p> <p>The Applicant</p>	<p>If there were to be piling restrictions, as a result of the potential effects of piling noise on black seabream within Kingmere MCZ, the ExA wants to understand the ramifications of this.</p> <p>Set out in detail the effects on the construction phase of piling restrictions based on a 135db behavioural noise impact threshold zoning plan; and also of a full March to July inclusive piling restriction, as is being required by Natural England. Compare these effects on the construction phase to the effects that would result from the piling restrictions being currently proposed by the Applicant (such as the use of the zoning plan based on the 141db threshold).</p>	<p>The Applicant would like to reiterate that until the final design of the turbines and foundations, and until comprehensive geotechnical surveys are completed, it is difficult to determine with a high level of confidence, what the magnitude of the impacts on the construction schedule of the different scenarios would be. Current modelling of the 141db threshold and the 135 dB threshold with 20dB noise abatement displayed in Figures H-1 to H-4 in Appendix H FS: Noise Thresholds for Black Seabream of the 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051] indicate that the adoption of a 135dB threshold would result in a significant increase in the extent of the piling exclusion zones. Following the installation of the first piles, which will be subject to underwater noise monitoring, and in accordance with the Offshore In Principle Monitoring Plan [REP4-055] (updated at Deadline 5), the exclusion zones will be re-modelled to take account of the measured efficacy of the Noise Abatement System (NAS) utilised (i.e. DBBC and potentially a second noise abatement measure). This represents adaptive management based on empirical data collected at the Proposed Development as well as confirmation of the performance of the noise mitigation measures applied.</p> <p>Whilst the Applicant has confidence in both the evidence supporting the efficacy of the noise mitigation measures and the accuracy of the noise modelling, there is an inherent element of uncertainty in the level of adjustment to the piling exclusion zones that will be required based on the results of the monitoring. This inevitably adds a layer of risk to the project. That risk is obviously much greater for the 135dB threshold than it is for 141dB threshold as, on the basis of the piling exclusion areas developed for the latter threshold, this leaves a greater flexibility in terms of</p>

Ref	Question To:	Question	Applicant's Response
			<p>exclusion zone refinement, whilst retaining a commercially viable area within which to continue piling. This is an important consideration for the Applicant as the commencement of construction brings with it the need to procure vessels and associated equipment at the outset. Based on the target capacity, the Applicant has calculated that due to the combined noise and piling restrictions, it will not be possible to install all foundations with one 'state of the art' installation vessel within one season (before March the following year). Therefore, and pending the availability of installation vessels, the turbine size and the total capacity, a foundation installation period of 2 or 3 seasons is calculated. The Applicant would not be in a position to accommodate the risk of mobilising, for instance, 6 large vessels and associated equipment (2 installation vessels and 4 vessels for deployments of 2 DBBC systems) and subsequently need to have those on standby following piling exclusion zone refinement to the point where there are no more allowable foundation locations that can be piled. When the layout and piling campaigns are finalised the Applicant will have to balance the attendant levels of risks, which as noted are substantially greater at 135 dB than at 141 dB. It is possible that enforcing a threshold of a 135dB threshold might impose a de facto piling ban, the consequences of which have been discussed in FS2.1.</p>
FS2.8	<p><i>Noise Modelling Locations</i></p> <p>Natural England</p> <p>Marine Management organisation</p>	<p>The Applicant has provided an explanation as to their chosen noise modelling locations for their Eastern point and North West point [REP4-074, PINS Ref: 9].</p> <p>Respond, if required, on the choice of the modelling locations given the Applicant's explanations.</p>	
FS2.9	<p><i>Noise Abatement Systems</i></p> <p>The Applicant</p> <p>Natural England</p> <p>Marine Management Organisation</p>	<p>In the submitted document "Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm" [REP4-067, Page 7] states that in water depths of over 40m it is known that achievable noise reduction decreases slightly with increasing water depth, for big bubble curtains.</p> <p>The Applicant Explain what percentage of the array areas where wind turbines could be erected in water depths of over 40m.</p> <p>All Parties Explain whether this undermines the 15db reduction used in the modelling for Double Big Bubble Curtains?</p>	<p>Based on preliminary studies of possible layouts for the offshore wind farm the Applicant expects around 30% of the turbines locations to be in water depths of over 40 m. The majority of this 30% will be in the range of 40-50m and a few locations in the range of 50-55m. With the current available technology for foundation installation, it is more complicated to install monopiles at depths above 55m, due to construction and installation limitations in handling foundation structures of such lengths and weights, as well as in their manufacture. The Applicant notes, however, that as the technologies evolve to facilitate easier production and installation of larger foundations, deeper water areas become more feasible and economic.</p> <p>With the great majority, if not all, of the turbines located in depths less than 50 m, the Applicant is confident in the performance of the noise mitigation measure it has proposed. This is supported by the Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067], which sets out that although in water depths of over 40 m up to 50 m the achievable noise reduction may be expected to be slightly reduced (by circa 1-2 dB), this is similarly anticipated to be effectively offset by the use of improved bubble curtain technology (the enhanced big bubble curtain (eBBC)) though an increase in noise reduction of circa 2dB.</p> <p>Noise mitigation is an area that is rapidly evolving and the Applicant has undertaken recent discussions with a contractor providing DBBC that identified current deployments of DBBC for offshore wind piled foundations at water depths of 60m deep where the contractor did not expect significant issues with the performance of the DBBC. It is notable that this project was in a jurisdiction that has a legal noise threshold in place, and therefore achieving the appropriate level of noise reduction is an imperative. The Applicant acknowledges that this is related to an ongoing</p>

Ref	Question To:	Question	Applicant's Response
			project and at the present time monitoring information on deployed DBBC efficacy at 60m is not yet available. The Applicant will further optimise the technical solutions with respect to layout and the equipment required to deliver an effective DBBC at greater depths.
FS2.10	<p><i>Maximum Hammer Energy</i></p> <p>Natural England</p>	<p>Natural England's Risk and Issues Log at Deadline 4 [REP4-096] continues to state that the maximum hammer energy is not stated in the draft DCO [REP4-006].</p> <p>The Applicant stated in [REP4-074] that it has updated the Draft Development Consent Order [REP3-003] at Deadline 4 to confirm that the maximum hammer energy for piling will be required to be specified as part of the construction method statement to be submitted for approval pursuant to condition 11(1)(c) of Schedules 11 and 12. The construction method statement must be in accordance with the construction methods assessed in the environmental statement and therefore the hammer energies must not exceed that assessed. A construction programme must also be submitted for approval pursuant to condition 11(1)(b).</p> <p>Comment on whether this allays concerns on this matter.</p>	
FS2.11	<p><i>Natural England Risk and Issues Log</i></p> <p>The Applicant</p>	<p>For Fish and Shellfish Ecology within the NE Risk and Issues Log [REP4-096], there remains numerous points where NE still have concerns or objections, denoted as either Red or Amber. Provide a document to address all these points clearly, other than where it is covered by the other ExA questions in this section.</p>	<p>The Applicant has responded to the Risk and Issues log in Appendix C in Applicant's Comments on Deadline 4 Submissions (Document Reference: 8.84).</p>

Table 2-17 Applicant's response to Examining Authority's Further Written Questions on benthic and offshore processes

Ref	Question To:	Question	Applicant's response
BP2.1 <i>Removable Cable Protection</i>	Natural England Marine Management Organisation	<p>In relation to suggestions about the use of rock bags for cable protection, the Applicant stated [REP4-072, Ref 3c] that this could create issues with plastics, especially if they were left in situ for circa 30 years.</p> <p>Explain whether this is a concern that is shared due to the possible release of plastics if rock bags are to be used for any necessary cable protection.</p>	
BP2.2 Coastal Works	Natural England Environment Agency All Relevant Planning Authorities	<p>Requirement 26 of the Draft DCO [REP4-004] requires that no works comprising Work Nos. 6 or 7 are to commence until a coastal erosion and future beach profile estimation assessment has been carried out and a scheme identifying and mitigation or adaptive management measures required to help minimise the vulnerability of this part of the Order land from future coastal erosion and tidal flooding (if required) has been submitted to and approved in writing by the Environment Agency.</p> <p>Furthermore, within the Commitment Register [REP4-057], commitment C-278 states that "Trenchless crossings of Climping Beach SSSI, Sullington Hill LWS, Atherington Beach and Littlehampton Golf Course LWS would be designed to ensure a minimum depth of 5m is maintained when passing beneath them to reduce the risk of drilling fluid breaking out to the surface..."</p> <p>With regard to the above, comment on whether there is a satisfactory level of mitigation secured to ensure against adverse effects due to future coastal erosion or changes that may have impacted the Horizontal Direct Drilling under coastal area and Climping Beach.</p>	
BP2.3 <i>Chalk Impacts from Gravel Bags</i>	Natural England	<p>With regard to the use of gravel bags, the Applicant has stated: "...while it agreed this suggests a change or loss of some surface material, the degree of abrasion seemed very unlikely to result in a measurable loss of chalk volume. The surface texture might become slightly compacted or deformed, but measurable losses of material are not expected, nor any fundamental impact on the nature of the chalk material, and benthic habitats are likely to recover." [REP4-072, Section 3c].</p>	

Ref	Question To:	Question	Applicant's response
		Confirm whether there is agreement with the conclusions made by the Applicant with regard to the level of impact to chalk from gravel bags.	
BP2.4 <i>Natural England Risk and Issues Log</i>	The Applicant	For Benthic Ecology and Other Plans – Marine within the Risk and Issues Log [REP4-096], there remains numerous points where NE still have concerns or objections, denoted as either Red or Amber. Provide a document to address all these points clearly, other than where it is covered by the other ExA questions.	The Applicant has responded to the Risk and Issues log in Appendix D in Applicant's Comments on Deadline 4 Submissions (Document Reference: 8.84).
BP2.5 <i>Adaptive Management</i>	The Applicant	For Condition 18 (Post-Construction Monitoring) of the Draft DMLs in Schedules 11 and 12 [REP4-004] there is no clear requirement for adaptive management should the post-construction monitoring show impacts greater than anticipated. Provide amended Conditions to include adaptive management measures or explain why this cannot or should not be done.	As detailed in the Offshore In Principle Monitoring Plan [REP4-055] (updated at Deadline 5), the requirement for post-construction sensitive habitat monitoring will be dependent on the findings of the pre-construction surveys. Where chalk habitat, stony reef, peat and clay exposures and <i>S. spinulosa</i> reef are identified during the baseline survey, a single post-construction survey specifically targeting those habitats and reefs identified in the baseline survey will be undertaken as a check on their condition using the same methodology set out for pre-construction monitoring. If significant impacts are observed post-construction the potential requirement for further surveys will be agreed with the Marine Management Organisation (MMO) following review of the post-construction survey data. The assessment presented within Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2 of the Environmental Statement (ES) [REP4-018] (updated at Deadline 5), provides for the worst-case scenario that some impact to sensitive features is unavoidable from Rampion 2. On this basis and noting that the Applicant has included assessment of the potential for impacts to arise on sensitive habitats, it is unclear where the potential for impacts greater than those assessed would arise. This is based on engineering experience, evidence presented on habitat/species recoverability characteristics and a precautionary assessment. This being the case, the Applicant does not consider there to be a need for establishing any further adaptive management measures associated with impacts arising for these works. However, as noted by the Applicant above, following review of the post-construction survey works on benthic resources (if required), adaptive management will be developed and discussed if monitoring show impacts greater than anticipated; this wording has been added to the Offshore In Principle Monitoring Plan [REP4-055] (updated at Deadline 5).

Table 2-18 Applicant's response to Examining Authority's Further Written Questions on marine mammals

Ref	Question To:	Question	Applicant's response
MM2.1 <i>Status of Discussions with Natural England</i>	The Applicant	<p>The Applicant's Mid Examination Progress Tracker Revision D [REP4-060] submitted a Deadline 4, states agreement with Natural England on all topics related to Marine Mammals. The status in the updated Statements of Commonality for SoCG Rev C [REP4-059] gives this a light green colour with an X indicating some matters agreed / some matters under discussion, which is inconsistent with the statement in [REP4-059] about all aspects being agreed.</p> <p>Provide an accurate statement on the latest status on discussions regarding Marine Mammals with Natural England.</p>	<p>The Applicant confirms that the rating given for the status of discussions for the Natural England Statement of Common Ground (SoCG) (Document Reference: 8.8) within the Statement of Commonality is reflective of that which was requested in Natural England's Deadline 3 submissions [REP3-079].</p> <p>In the following page turn for the SoCG Natural England advised that other still unresolved aspects pertaining to marine mammals would also need to be included in the SoCG. These matters have now been included in the SoCG as new issues and indeed that section has now some matters agreed / some matters under discussion and both the SoCG and Statement of Commonality are aligned.</p> <p>In Deadline 1 Submission – 8.24 Applicant's Responses to Relevant Representations [REP1-017] Natural England advised the Applicant to update the bottlenose dolphin baseline. The Applicant has provided an update to the bottlenose dolphin baseline in Deadline 2 Submission – 8.42.1 Applicant's Response to Action Points Arising from Issue Specific Hearing 1: Marine Mammals [REP2-019] based on Natural England's advice regarding the update to the Management Units (MU) (IAMMWG, 2023). Natural England concluded in Deadline 3 Submission – Appendix C3 – Natural England's advice on 8.42.1 Applicant's Response to Action Points Arising from Issue Specific Hearing Marine Mammals [REP3-081] that the updated bottlenose dolphin baseline is correct and up to date.</p> <p>In in Deadline 3 Submission – Appendix C3 - Natural England's advice on 8.42.1 Applicant's Response to Action Points Arising from Issue Specific Hearing Marine Mammals [REP3-081] Natural England advised that the Applicant should present evidence to support their assessment of medium impact magnitude to bottlenose dolphins in the Coastal West Channel MU and use interim Population Consequences of Disturbance (iPCoD) population modelling to provide evidence of the population trajectory following the disturbance impact. As advised by Natural England, iPCoD population modelling has been conducted to justify the assessment conclusions for bottlenose dolphins. This has been provided at Deadline 5 in Applicant's Response to Action Point 22 – Bottlenose Dolphin Population Modelling (Document reference 8.90).</p> <p>In Deadline 1 Submission – 8.24 Applicant's Responses to Relevant Representations [REP1-017] Natural England highlighted they were concerned not all relevant projects had been included in the harbour porpoise cumulative effect assessment (CEA). The Applicant acknowledged some projects had been missed off in error and submitted an updated CEA in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement (ES) [REP1-004]. In Deadline 2 Submission – Natural England's Risk and Issues Log [REP2-041] Natural England concluded that the list of projects appeared complete but that the total number of individuals disturbed from tier 1-6 projects was now greater than the value from Booth et al., (2017) therefore, the Applicant was requested to provide further evidence that the higher number will not impact the population. The Applicant provided a response to the request for additional evidence in Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]. In Deadline 4 Submission – Natural England's Risk and Issues Log [REP4-096], Natural England stated there was no change in their position and directed to their response to Q3d-1 in The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2 [PD-011]. The Applicant provided an update to the CEA in Chapter 11:</p>

Ref	Question To:	Question	Applicant's response
MM2.2 <i>Potential Impacts on the Harbour Porpoise Population Trajectory</i>	The Applicant	<p>Respond in detail to Natural England's advice stated in Q3d-1 in The ExA's request for further information from Natural England arising out of Issue Specific Hearing 2 submitted at Deadline 4, [REP4-097] that the Applicant needs to provide further evidence as to why the number of animals predicted in the worst-case scenario of the Cumulative Effects Assessment (CEA) will not lead to population-level effects.</p> <p>Natural England Advice – extract from [REP4-097], repeated for convenience:</p> <p>Natural England do not agree with the rationale in the Applicant's response to Ref MM 1.6 presented in [REP3-050]. In the response [REP3-050], the Applicant has stated that the number of harbour porpoise impacted from Tier 1-3 projects is below the number from Booth et al. (2017) that would lead to low probability of population impact. However, we do not agree that only Tier 1-3 projects should be used in the assessment. Indeed, the Applicant's original assessment was based on all Tiers (1 to 6). Tier 4-6 Projects include projects such as Dudgeon and Sheringham Extension Projects, and other Round 4 Projects. We consider these projects foreseeable with a high likelihood of development, and so we advise that they should be included in the cumulative effects assessment (CEA). We note that the study by Booth et al. (2017) undertook modelling over a 12-year period, whereas the CEA undertaken by the Applicant is over a 10-year period. We advise that this is simply a difference in the assessment timeframes. Offshore wind development will continue beyond the 10-year timeframe of the CEA; impacts to harbour porpoise will not stop after 10 years. We therefore advise that it is not reasonable to use this shorter timeframe as a reason why impacts will be lower.</p> <p>We note that the maximum number of animals predicted to be disturbed in the Applicant's CEA (45,897, for Tiers 1-6), is much higher than the numbers presented in Brown et al. (2023). We therefore advise that we cannot agree that Brown et al. (2023)'s results regarding population-level effects are applicable here. We advise that the higher number of animals disturbed in the CEA may lead</p>	<p>Marine mammals, Volume 2 of the ES at Deadline 4 [REP4-020]. Natural England provided more information as to their position in Deadline 4 Submission – Appendix N4- Natural England's Response to the Examining Authority's Request for further information from Natural England arising out of Issue Specific Hearing 2 [REP4-097]. The Applicant has responses to this point in MM2.2 within this document. The Applicant has provided an update to the CEA in Chapter 11: Marine mammals, Volume 2 of the ES [REP4-020] (updated at Deadline 5).</p> <p>The Applicant confirms they have provided an assessment of all projects in Tiers 1-6 screened in for the harbour porpoise cumulative effects assessment (CEA) in Table 11-37 and Table 11-38 in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement (ES) [REP4-020] (updated at Deadline 5) and not just an assessment of Tier 1-3 projects. The Applicant has highlighted the main areas of precaution in the CEA methodology in paragraph 11.12.24 and detailed that the assessment of projects in Tiers 1-2 and Tiers 1-3 is a more robust approach when considering the definitions of the tiers provided in the advice by Natural England (2021), as only projects that have been consented or are under construction are considered therefore there is increased certainty in the timeline provided by the developer. When including Tiers 4-6 there is unnecessary uncertainty introduced into the assessment and as a result it does not present a realistic assessment of what could happen in the years that Rampion 2 is piling.</p> <p>The Applicant has provided an update to the CEA in Chapter 11: Marine mammals, Volume 2 of the ES [REP4-020] (updated at Deadline 5) for projects where the status has now changed and which are now considered Tier 3. These projects are Dudgeon and Sheringham Extension Project, Norfolk Boreas and Norfolk Vanguard. The CEA for harbour porpoise has also been updated to incorporate the reduced impacts ranges of the Proposed Development as a result of commitment C-265 (the use of double bubble curtains throughout the piling campaign). The conclusion of the updated CEA is that the number of harbour porpoises impacted from Tier 1-3 projects (25,459) is lower than the number reported in Booth <i>et al.</i> (2017) (34,396), therefore the Applicant maintains this would result in a low probability of a population level impact. Booth <i>et al.</i>, (2017) remains an appropriate comparator as it provides an assessment on the potential aggregate effects on harbour porpoise in the North Sea that could arise from 12 years of planned offshore wind farm construction. The conclusion of this assessment was that the simulations conducted indicated that the risk to the North Sea harbour porpoise management unit (MU) of a 1% or greater annual decline over the 12-year simulated construction period is likely to be low. The population base used in the model was the IAMMWG (2015) of 227,298 animals for the North Sea MU. The CEA presented in Chapter 11: Marine mammals, Volume 2 of the ES [REP4-020] (updated at Deadline 5) is based on the impact to the same North Sea MU population as Booth <i>et al.</i>, (2017), just with the updated number of individuals as provided in the more recent IAMMWG (2022).</p> <p>The contribution to disturbance from Rampion 2 is only during the years in which it will be constructing, it is not the responsibility of Rampion 2 to provide an assessment of future construction events beyond this time as the Proposed Development would not be contributing to disturbance from construction. Subsequently, the period over which the Booth <i>et al.</i>, (2017) study was conducted does not alter the conclusions of the CEA. The Applicant has provided a 10-year period in the CEA that covers the time from when the Preliminary Environmental Information Report (PEIR) was submitted (2021) through to 2030 when Rampion 2 is expected to have completed construction. This covers years prior to Rampion 2 constructing to provide a 'baseline' for comparison for years without the additional impact from the Proposed Development.</p>

Ref	Question To:	Question	Applicant's response
		<p>to greater population impacts than predicted by Brown et al. (2023). In summary, we advise that the Applicant needs to provide further evidence as to why the number of animals predicted in the worstcase scenario of their CEA will not lead to population-level effects. We advise that the results from Nabe-Nielsen et al. (2018), whilst useful context, should not be relied upon in place of a robust project-specific assessment.</p>	<p>The Applicant notes Natural England's position on the Brown et al., (2023) when projects in Tiers 1-6 are considered but highlights that the maximum number of individuals disturbed by Tier 1-2 projects in Chapter 11: Marine mammals, Volume 2 of the ES [REP4-020] (updated at Deadline 5) is below this value. Given the evidence provided regarding the certainty of projects in Tiers 1-2, the Applicant maintains Booth et al., (2017) is of relevance. The Applicant introduced Brown et al., (2023) as additional evidence in response to the question "Provide further evidence as to whether the higher number of animals predicted to be impacted in the Applicant's updated Cumulative Effects Assessment for Harbour Porpoise in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement [REP4-020], may have an effect upon the overall harbour porpoise population" from the Examining Authority in Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051].</p> <p>The Applicant also wishes to highlight some of the over-precaution built into the assessment which makes the resulting estimates extremely precautionary and unrealistic.</p> <ul style="list-style-type: none"> • The maximum number of porpoises disturbed from Tier 1-6 projects assumes 4 airgun seismic surveys, 24 offshore wind farms undertaking piling and piling at Rampion 2 taking place on the same day. This scenario cannot happen in practice as there is a limited number of specialist vessels available on the market capable of the required method of piling, to allow simultaneous piling at 24 sites; therefore, the methodology used is highly precautionary. • Some of the impacts have been over estimated. A 26 km Effective Deterrent Radius has been used for piling of all offshore wind farms; the Applicant highlights that European Union projects (e.g. those in the German North Sea), have to implement noise mitigation measures so a 15 km EDR would have been more appropriate. Additionally, given the increasing evidence base for low order deflagration, high order unexploded ordnance (UXO) detonation is unlikely to occur and certainly would not occur without mitigation (e.g. bubble curtains). <p>The challenge of providing an accurate and robust estimate over relatively large timescales and very large spatial scales for a mobile species is commonly acknowledged. To address this, the Applicant has applied precaution at every step of the CEA, which ultimately provides layers upon layers of precaution, generating unrealistic estimates very likely to be much greater than that of the worst-case scenario.</p>
MM2.3 <i>Marine Mammal Monitoring</i>	The Applicant	<p>The ExA notes that Natural England's Risk and Issues Log at Deadline 4 [REP4-096] continues to state there is no monitoring for marine mammals in the draft DCO and has categorised this as red. Respond with whether the Applicant is minded to address this point in the draft DCO or draft DML [REP4-004].</p>	<p>As no significant effects are expected following assessment, subject to the implementation of mitigation, including the Applicant's commitment to use Double Big Bubble Curtains (DBBC) throughout the piling campaign, no further monitoring or independent surveys are proposed for marine mammals specifically, however monitoring of underwater noise levels arising from the installation of four piles from the first 12 foundations will be undertaken to validate, within reason, noise levels predicted within the Environmental Statement (ES).</p> <p>Commitment C-265 (DBBC) is detailed in the In Principle Sensitive Features Mitigation Plan [REP4-053] which is secured by Condition 11 (1)(k) of the deemed Marine Licence (dML), Schedules 11 and 12 of the Draft Development Consent Order [REP4-004] (updated at Deadline 5). The approach to validating the performance of noise mitigation measures in terms of effectiveness is detailed in Offshore In Principle Monitoring Plan [REP4-055] (updated at Deadline 5).</p>

Ref	Question To:	Question	Applicant's response
MM2.4 <i>Definitions of Magnitude and Sensitivity in the ES</i>	The Applicant	<p>Natural England continues to advise at Deadline 4 in their Risk and Issues Log [REP4-096] that the Applicant should:</p> <p>a) Define what a “significant level” of change is, in the context of the definitions of medium and low sensitivity.</p> <p>b) Review the sensitivity assigned in the individual impact assessments and provide robust, transparent justification for the final sensitivity rating.</p> <p>c) Make clearer the definitions of low and medium magnitude and /or justification for one chosen magnitude over another should be made more robust in the species-specific assessments.</p> <p>d) Use consistently throughout the ES the defined terminology for magnitude.</p> <p>Explain how the Applicant intends to resolve this issue with Natural England.</p>	<p>a) The Applicant clarified in Deadline 1 Submission – 8.24 Applicant's Responses to Relevant Representations [REP1-017] that the reference to significance in the ‘Sensitivity definition’ was intended to clarify the likelihood of an impact impacting the vital rates of an individual. A ‘significant’ level of change is intended to correlate to ‘non-negligible’ or to distinguish from ‘inconsiderable’ or more ‘trivial’ effects. As is standard, ‘Magnitude’ addresses the consequence of any impact at a population level (see Magnitude definitions).</p> <p>The Applicant can see how the use of this term has detracted from the focus of the ‘Sensitivity’ element of the assessment – which (as stated above) is related to the likelihood of an event occurring.</p> <p>b) The Applicant has provided:</p> <ol style="list-style-type: none"> a response on the justification of the sensitivity score for minke whales from PTS and TTS in row C36 of the Deadline 1 Submission – 8.24 Applicants Responses the Relevant Representations [REP1-017]. a response to the Marine Management Organisation (MMO) regarding the justification for all cetaceans having a sensitivity score from PTS of low in row 2.6.50 of Deadline 3 Submission – 8.55 Applicant's Response to Deadline 2 Submissions [REP3-052]. further response to the MMO regarding the sensitivity score for cetaceans in row MM 1.1 in Deadline 4 Submission – 8.77 Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions Revision A [REP4-079]. <p>In Deadline 3 Submission – Responses to Written Questions (ExQ1) [REP3-076] the MMO stated “<i>The MMO still considers that the sensitivity assessment of all cetaceans to PTS-onset as low to be incorrect, and the MMO recommends that cetaceans should be assessed as having a high sensitivity to PTS. The MMO's position on this will not change until empirical evidence can be presented to support the Applicant's opinion</i>”. The Applicant agreed in row MM 1.1 of Deadline 4 Submission – 8.77 Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions Revision A [REP4-079] that more empirical data is required to provide more detail on the sensitivity of cetaceans to anthropogenic sound sources, but that in the absence of empirical data the assessment is based on the best available information at this time.</p> <p>c) In Table 11-16 in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement (ES) [REP4-020] (updated at Deadline 5), Medium magnitude is defined as a lifetime change in reproductive success and Low magnitude is defined as a short-term change in reproductive success.</p> <p>d) The Applicant accepts that some of the terminology used for magnitude in the version of the chapter initially submitted (Chapter 11: Marine mammals, Volume 2 of the ES [APP-052]) was not consistent with the definitions provided in Table 11-16. The term ‘negligible’ is not defined terminology for magnitude and that the correct defined terminology is ‘Very Low’. This was corrected in the ‘Errata’ submitted at Deadline 1.</p> <p>The Applicant has responded to these points throughout the Examination in the Relevant and Written Representations and considers point a, c and d resolved. Regarding point b, the Applicant is aware that Natural England and MMO maintain the position that the sensitivity score for cetaceans should be high, and that more empirical data is required to conclude a different sensitivity score. The applicant agrees with the statutory nature conservation bodies (SNCBs) that more empirical data is required but based on expert opinion, the Applicant maintains that the sensitivity score is low. This</p>

Ref	Question To:	Question	Applicant's response
MM2.5 <i>Draft European Protected Species Licence Application</i>	The Applicant Natural England	<p>The Applicant Confirm whether Natural England will be provided with a draft European Protected Species licence application in relation to marine mammals within the Examination, as Natural England would prefer.</p> <p>Natural England Respond on whether any evidence exists at present that could indicate an application for European Protected Species licence application in relation to marine mammals in relation to Rampion 2 may not be successful.</p>	<p>matter will not be resolved within the timescale of the examination as more data and further studies are required.</p> <p>The Applicant incorrectly stated in Table 11-2 in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement (ES) [APP-052] (in the version submitted in the DCO Application) that a draft European Protected Species (EPS) licence had been submitted alongside the ES as part of the DCO Application. This was corrected in 'Errata' submitted at Deadline 1. The text has been amended to reflect this in Chapter 11: Marine mammals, Volume 2 of the ES [REP4-020] (updated at Deadline 5).</p> <p>In row 4 in the marine mammal tab of the Deadline 4 Submission – Appendix M4 – Natural England's Risk and Issues Log [REP4-097] Natural England state they expect to receive a draft EPS post-consent and request that this is received sufficiently far in advance of the licence being required to ensure sufficient mitigation measures are in place and for them to advice on any further mitigation that might be required. The Applicant will actively engage with Natural England in the post-consent stage on the EPS licences required.</p>
MM2.6 <i>Vessel Management Plan (VMP) and Working in Proximity to Wildlife Protocol</i>	The Applicant	<p>Natural England continues to seek assurance at Deadline 4 in their Risk and Issues log [REP4-096] that the VMP will be in place, applicable and enforced to all phases of development, construction, operation, maintenance and decommissioning. They advise this issue can be closed out if this assurance is provided by the Applicant.</p> <p>Provide a response.</p>	<p>The Applicant confirms that a Vessel Management Plan (VMP) will be in place and in Deadline 1 Submission – 8.25.10 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 10 – Further Information for Action Point 42 [REP1-028] the Applicant stated that this will be enforced throughout all stages of the Proposed Development. The DCO condition has been updated so that the VMP will incorporate the Working in Proximity to Wildlife document, which Natural England welcome (Schedules 11 and 12 of the Draft Development Consent Order [REP4-004], Condition 11(1)(f)). The Draft Development Consent Order [REP4-004] (updated at Deadline 5) has been updated to confirm that, whilst submitted pre-construction, the VMP must cover the operational lifetime of the authorised scheme.</p>
MM2.7 <i>Conclusions of the Bottlenose Dolphin Assessment</i>	The Applicant Natural England	<p>Natural England Respond to the Applicant's update to Chapter 11 of the Environmental Statement Marine Mammals provided at Deadline 4 [REP4-020].</p> <p>The Applicant Respond to Natural England's continued advice that they do not agree with the assessment conclusions that the impacts on bottle-nosed dolphin would not be significant and advise further assessment and mitigation is needed, as per line C14 in their Risk and Issues Log [REP4-096] and Appendix C at Deadline 3 [REP3-081].</p>	<p>As advised by Natural England, interim Population Consequences of Disturbance (iPCoD) population modelling has been conducted to justify the assessment conclusions for bottlenose dolphins. This has been provided at Deadline 5 in Applicant's Response to Action Point 22 – Bottlenose Dolphin Population Modelling (Document reference 8.90). The Applicant has completed the additional quantitative assessment requested by Natural England (i.e. the iPCoD modelling). The results of the modelling show that survival and reproductive rates are very unlikely to be impacted to the extent that the population trajectory will be altered. This results in a minor (not significant) impact.</p>
MM2.8 <i>Clarification of Number of Pin Piles and Locations</i>	Natural England	<p>The Applicant submitted an update to Table 11-13 in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement at Deadline 4 [REP4-020] to provide clarity on the worst-case number of monopiles and pin piles and provided a response to questioning on this topic at ISH2 in the Applicant's Response to Action Points Arising from Issue Specific Hearing 2 [REP4-074]. Respond, if required, to this submission.</p>	
MM2.9	Natural England	<p>The ExA notes that there is an outstanding concern from Natural England in the Risk and Issues Log at Deadline 4</p>	

Ref	Question To:	Question	Applicant's response
<i>Marine Mammal Mitigation Protocol (MMMP)</i>		<p>[REP4-096] regarding the MMMP and acoustic deterrent devices.</p> <p>The Applicant provided an update to the Draft Piling Marine Mammal Mitigation Protocol at Deadline 4 [REP4-051] with various updates including an update to the wording of Commitment C-265.</p> <p>Confirm whether this is sufficient to allay outstanding concerns with the MMMP.</p>	
MM2.10 <i>Offshore in Principle Monitoring Plan</i>	The Applicant Natural England	<p>The ExA notes that there is an outstanding concern from Natural England in the Risk and Issues Log at Deadline 4 [REP4-096] that proposed post-consent monitoring does not include monitoring the effectiveness of the mitigation measures in reducing the impacts on marine mammals to acceptable levels.</p> <p>The Applicant Respond to this outstanding concern from Natural England.</p> <p>Natural England Provide an example of a DCO/DML in which this level of monitoring is specified and justify why it should be implemented in this case.</p>	<p>The Applicant is proposing to monitor the effectiveness of noise mitigation measures as detailed in the Offshore In Principle Monitoring Plan [REP4-055]. Measured data from four of the first 12 foundations installed will be compared with underwater noise modelling in the Environmental Statement (ES). The hypothesis tested will be; if the deployment of noise abatement or mitigation measures during installation of piled foundations for Rampion 2 result in underwater noise levels that do not exceed those predicted from the modelling undertaken in the environmental impact assessment (EIA). As the Applicant has committed to using Double Big Bubble Curtains (DBBC) for all piled foundation, the effectiveness of NAS will be monitored.</p> <p>Commitment C-265 (DBBC) is detailed in the In Principle Sensitive Features Mitigation Plan [REP4-053] which is secured by Condition 11 (1)(k) of the deemed Marine Licence (dML), Schedules 11 and 12 of the Draft Development Consent Order [REP4-004] (updated at Deadline 5).</p>
MM2.11 <i>Natural England's Risk and Issues Log</i>	The Applicant	<p>Within Natural England's Risk and Issues Log at Deadline 4 [REP4-096], there remains numerous points where NE have remaining concerns or objections within the Marine Mammals section denoted as Amber. Provide a document to address all these points clearly, other than where it is covered by the other ExA questions.</p>	<p>The Applicant's responses to Natural England's Risk and Issues Log are provided in Appendix B in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84).</p>

Table 2-19 Applicant's response to Examining Authority's Further Written Questions on offshore and intertidal ornithology (excluding questions involving HRA which are in the HRA section of this document)

Ref	Question To:	Question	Applicant's response
OR2.1 <i>Cumulative Impact on Great Black Backed Gull</i>	The Applicant Natural England	<p>The Applicant Natural England continues to advise at Deadline 4 that the cumulative impact of Rampion 2 on great black backed gull is likely to be significant at the EIA scale.</p> <p>Provide a response and whether any further mitigation or compensation will be offered. Explain how the Applicant plans to resolve this issue with Natural England.</p> <p>Natural England Provide an update on this issue.</p>	<p>The Applicant remains in disagreement with Natural England that there is potential for significant EIA impacts when considered cumulatively with other offshore windfarms, predominately based on the likely level of overestimate of impact due to the use of compounding precaution when following Natural England's recommended parameters. The use of precautionary input parameters was not advised by the collision risk model developer (Band, 2012) due to the likelihood for such an approach to lead to overly pessimistic impacts, as presented in Deadline 1 Submission – 8.36 Great black-backed gull assessment sensitivity [REP1-038]. The likelihood of overestimate of impacts is also corroborated by current offshore wind specific post construction monitoring studies which note, limited to no collisions of large gull species based on multiple years of monitoring (Skov et al., 2018; AOWFL, 2023).</p> <p>Nevertheless, as requested by Natural England within their Relevant Representations [RR-265], the Applicant reviewed the potential for any further mitigation options which may provide a reduction of risk with respect to great black-backed gulls from the Proposed Development. For species identified at being risk of collision, such as great black-backed gull, mitigation for such an impact is implemented through the commitment to a Wind Turbine Generator with a higher air gap between the lowest blade tip height and the sea surface. However, such an option is not feasible to the Project, due to the potential for such a design change to lead to increased negative effects on other receptors (SLVIA). Natural England acknowledged that increasing the air gap would not be feasible for the Proposed Development as noted within 5.5 Summary of Key Environmental Concerns, Relevant Representation [RR-265].</p> <p>The Applicant considered how great back-backed gulls utilise the area to try and identify mitigation measures, as presented in Deadline 1 Submission – 8.36 Great black-backed gull assessment sensitivity [REP1-038] submitted at Deadline 1. The review identified that great black-backed gulls were recorded roosting on the adjacent Rampion 1 infrastructure. Subsequently, in a meeting with Natural England on 17th April, the Applicant proposed that roosting deterrents could be installed as a potential mitigation measure to reduce the number of great black-backed gull utilising the Offshore Array Area. The Applicant also provided collision risk modelling impact predictions to ensure predicted impacts accounted for the high degree of meso / micro avoidance exhibited which would be expected from this species to allow them to successfully roost on offshore infrastructure. As presented in Deadline 1 Submission – 8.36 Great black-backed gull assessment sensitivity [REP1-038] Table 3.2, the amendment of a single value within the CRM resulted in an impact prediction change of up to ~86%, which highlights the sensitivity of the model to result in overly pessimistic impacts when compounding precaution is included within assessment.</p> <p>Although the Applicant does not predict any significant effects on great black-backed gull, the Applicant discussed with Natural England during a consultation meeting on the 17 April 2024, the potential use of roosting deterrents as mitigation for reducing predicted collision impacts. Feedback received from Natural England, indicated that they are interested in the use of deterrents to deter birds from roosting on infrastructure, however they do not consider it likely to mitigate predicted collision impacts. This is echoed in Natural England's Deadline 3 submission [REP3-080].</p> <p>The Applicant does not predict any significant effects on great black-backed gull would occur. Natural England and the Applicant are in agreement that there is no feasible mitigation that could be</p>

Ref	Question To:	Question	Applicant's response
			<p>implemented for the Proposed Development which wouldn't negatively impact other receptors or the viability of the Proposed Development (such as introducing a higher air gap). Additionally, the Applicant considers that there is no feasible method for the project to provide compensation for great black backed gull.</p> <p>The Applicant has acknowledged Natural England's request in their Deadline 3 submission [REP3-080] to provide an updated cumulative assessment for great black-backed gull and the Applicant will submit this additional assessment at Deadline 6.</p>
OR2.2 <i>Natural England's Risk and Issues Log</i>	The Applicant	<p>Within Natural England's Risk and Issues Log at Deadline 4 [REP4-096], there remains numerous points where Natural England have remaining concerns or objections within the Offshore Ornithology section denoted as Amber.</p> <p>Provide a document to address all these points clearly, other than where it is covered by the other ExA questions.</p>	Please refer to Appendix A in Applicant's Comments on Deadline 4 Submissions (Document Reference 8.84) .

Table 2-20 Applicant's response to Examining Authority's Further Written Questions on aviation

Ref	Question To:	Question	Applicant's response
AV2.1 <i>Update on Progress with National Air Traffic Services (NATS)</i>	The Applicant NATS	Provide an update on negotiations and progress towards the possible removal of the holding objection from NATS, and also any comments NATS has on Requirement 38 of the Draft DCO (Revision E) [REP4-004].	The Applicant and NATS are finalising an agreement to implement the necessary radar mitigation. There are no material open issues between the parties on the form of the agreement or the wording of the Requirement to be included in the DCO and the Applicant and NATS are confident that the agreement will be finalised and signed before Deadline 6 of submission.
AV2.2 <i>Condition 8 of the draft DCO</i>	The Applicant NATS	<p>Condition 8 of both draft DMLs within the Draft DCO [REP4-004] relates to Aviation Safety. The Condition requires the undertaker to inform both the Defence Infrastructure Organisation Safeguarding and the MMO of the details of the development, including positioning of the turbines and timings of construction.</p> <p>Whilst the Applicant has stated that this is a military/defence aviation Condition, the ExA considers that these notifications, such as the date any wind turbine generators are intended to be brought into use, would also be important for civilian aviation bodies. The ExA therefore requests Condition 8(2) in both DMLs are amended to also include notification to both NATS and the Civil Aviation Authority (CAA) so they would be informed of these details of development prior to construction. Provide a response and/or amend the draft DMLs accordingly.</p>	The Applicant has included provision for notification to NATS and Civil Aviation Authority (CAA) in Condition 8(2) of both Deemed Marine Licences (dMLs) in the Draft Development Consent Order [REP4-004] in the update at Deadline 5.
AV2.3 <i>Brighton City Airport Update</i>	The Applicant Brighton City Airport Civil Aviation Authority	<p>Provide an update on negotiations with Brighton City Airport.</p> <p>Provide confirmation of whether wording of Requirement 39 of the Draft DCO (Revision E) [REP4-004] has been agreed by Brighton City Airport and the CAA.</p> <p>Furthermore, Section 2(b) of Requirement 39 refers to Shoreham Airport. Confirm whether this should read as Brighton City Airport.</p>	<p>The Applicant has reached an agreement with Brighton City Airport that the Instrument Flight Procedures for the airport will not be updated until the post consent stage of the Proposed Development. This is because, depending on the final turbine design, it may not be necessary for the Instrument Flight Procedures to be updated.</p> <p>The Applicant has shared Requirement 39 with Brighton City Airport, who replied by email on the 22 May 2024 stating that the suggested wording was acceptable, without amendment. Shoreham Airport confirmed that it would not be necessary to agree the wording of the DCO with the Civil Aviation Authority (CAA).</p> <p>With regards to whether the DCO should state Shoreham Airport, or Brighton City Airport, in their email response, the Airport confirmed that Clause 2a and 2b should refer to Shoreham Airport rather than Brighton City Airport as "<i>the Instrument Flight Procedures are notified under the UK Aeronautical Information Publication under Shoreham Airport and are thus traceable to an authoritative document</i>".</p>

Table 2-21 Applicant's response to Examining Authority's Further Written Questions on commercial fishing and fisheries

Ref	Question To:	Question	Applicant's response
CF2.1 <i>Dispute Resolution</i>	The Applicant Sussex Inshore Fisheries and Conservation Authority (IFCA)	<p>Applicant: Within the Outline Fisheries Liaison and Co-existence Plan [REP1-013] at Paragraph 3.5.4 it states that if there is a dispute then both parties would have to agree to refer their dispute to Alternative Dispute Resolution (ADR). Explain the circumstances should the Applicant not agree to ADR.</p> <p>IFCA: Comment, if required, on whether the compensation and dispute resolution approach, as set out in the revised Outline Fisheries Liaison and Co-existence Plan [REP1-013], is suitable and appropriate.</p>	<p>The Applicant seeks to reiterate that it is committed to seeking to resolve any legitimate disputes which may arise with fishers relating to the adherence to, or agreement of cooperation agreements which are in place or being negotiated between fishers and the Applicant.</p> <p>ADR may be a suitable process to resolve legitimate disputes relevant to (commercial) cooperation agreements, which are required to facilitate fishing gear clearance to allow safe and unhindered offshore operations during the development and construction phase.</p> <p>The Applicant will act reasonably and engage in Alternative Dispute Resolution (ADR) where it is deemed to be an appropriate and effective course of action to resolve legitimate disputes on cooperation agreements without the need for formal litigation.</p> <p>In the unlikely event that the Applicant was unable to agree to the use of ADR in a particular circumstance or situation, this is likely to be where the use of ADR in relation to that dispute would be against the Applicant's corporate policy on fisheries engagement, or where the dispute arose from patently unreasonable or unjustified requests for compensation or other arrangements from an affected fisheries stakeholder. In this situation the Applicant's position would be informed by the interests of fairness and to ensure that each fisheries stakeholder is treated in an equal manner according to the Applicant's standard approach to cooperation agreements.</p> <p>In the interest of fairness to all stakeholders and interested parties, it is not appropriate for ADR to replace any statutory processes (i.e. the consenting process). For example, the Applicant would not agree to an ADR process to address or resolve any disputes arising from the detail of the Applicant's consent application.</p> <p>The Applicant has provided considerable detail on the approach to disruption payments and ADR within the Outline Fisheries Liaison and Co-existence Plan [REP1-013] to ensure transparency of its intended approach and to assure stakeholders that there will be processes in place for approaching disruption payments and any associated disputes in line with industry best practice.</p>

Table 2-22 Applicant's response to Examining Authority's Further Written Questions on shipping

Ref	Question To:	Question	Applicant's response	
SH2.1 <i>Maritime and Coastguard Agency (MCA) Suggested Changes to Commitments</i>	The Applicant	<p>Within the MCA letter [PEPD-056] there was suggested amendments to the Deemed Marine Licences (some are reflected in the Commitments Register) in Schedule 11 and 12 of the Draft DCO (Revision E) [REP4-004]. There have been some amendments, but not fully to that suggested by the MCA.</p> <p>The ExA requires either further amendments to the wording of these Schedules or full reasoning why the Applicant does not consider the suggested MCA amendments as appropriate or necessary.</p>	MCA Comment	Applicant response
			<p>5(12) move to Schedule 12 and amend to:</p> <p>o In case of buried cables becoming exposed on or above the seabed, the undertaker must within three days following identification of a cable exposure, notify mariners, regional fisheries contacts and the Kingfisher Information Service of Seafish of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House, and the UKHO within 5 days.</p> <p>9 (8) Amend to: o All dropped objects must be reported to the MMO, UKHO and HMCG using the Dropped Object Procedure Form as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.</p>	<p>Condition 5(12) is included in both schedules 11 and 12 as both deemed marine licences include for the installation of buried cables. The text of the paragraph in the draft Order refers to 'cable circuit exposure' for consistency with the remainder of the Order and excludes reference to 'extent of exposure' as this may not be evident on first identification of the exposure.</p> <p>This condition has been amended following consideration of a representation by the Marine Management Organisation (MMO) and now reads:</p> <p><i>"All dropped objects must be reported to the MMO using the dropped object procedure form as soon as reasonably practicable following the undertaker becoming aware of an incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and on receipt of such surveys the MMO may require obstructions which are hazardous to other marine users to be removed from the seabed at the undertaker's expense if reasonable to do so."</i></p> <p>The Applicant notes that the timescale for a response differs in the condition as requested by the MMO and Maritime and Coastguard Agency (MCA), however considers that the requirement for the undertaker to notify the MMO as soon as practicable is appropriate.</p> <p>As the Applicant has noted in its response to the MMO it is considered that only obstructions which are hazardous to other marine users should be requested to be removed.</p>

Ref	Question To:	Question	Applicant's response	
			<p>13(1) the condition implies there must be a safety zones application. This is not a mandatory requirement and suggest it can be removed.</p>	<p>The Applicant notes that this is not a mandatory requirement.</p>
			<p>14 remove reference to ERCoP. Amend to: o No part of the authorised project may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised project contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.</p>	<p>The requested wording has been included at condition 14.</p>
			<p>16(2)(a) amend to: o A swath bathymetric survey to IHO Order 1a of the area within the Offshore Order Limits extending to an appropriate buffer around the site, must be undertaken. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications. This must be submitted as soon as possible, and no later than [three months] prior to construction. The Order Limit shapefiles must be submitted to MCA. The Report of Survey must also be sent to the MMO.</p>	<p>Condition 16(2)(a) and (3) have been amended to read:</p> <p><i>"(2)(a) a full sea floor coverage swath– bathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar of those parts of the offshore Order limits in which it is proposed to carry out the authorised scheme including proposed cable locations and an appropriate buffer. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications;</i></p> <p><i>(3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format and in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO and submitted to the MCA and submitted to the MCA in a form approved pursuant to MGN 654."</i></p> <p>The timetable will be identified in the monitoring plan submitted in discharge of condition 11(1)(j).</p>

Ref	Question To:	Question	Applicant's response
			<p>24 amend to:</p> <ul style="list-style-type: none"> o The undertaker must submit a close out report to the MMO, MCA, UKHO and the relevant statutory nature conservation body within three months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include the following details: <ul style="list-style-type: none"> - the final number of installed wind turbine generators; - as built plans; and - latitude and longitude coordinates of the centre point of the location for each wind turbine generator and offshore platform, substation, booster station and meteorological mast; <p>provided as Geographical Information System data referenced to WGS84 datum.</p>
			<p>The condition has been included to read: <i>“The undertaker must submit a close out report to the MMO, MCA, UK Hydrographic Office and the statutory nature conservation body within three months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include the following details—</i> <i>(a) the final number of installed wind turbine generators;</i> <i>(b) a plan of the layout of installed wind turbine generators;</i> <i>(c) latitude and longitude coordinates of the centre point of the location of each wind turbine generator provided as Geographical Information System data referenced to WGS84 datum;</i> <i>(d) latitude and longitude coordinates of the inter array cable routes provided as Geographical Information System data referenced to WGS84 datum; and</i> <i>(e) the installed wind turbine generator parameters relevant for seascape, landscape and visual impact.”</i></p> <p>The wording therefore addresses the points raised by the Maritime and Coastguard Agency.</p>
			<p>Schedule 12: 5(8) add MCA for receiving notices.</p>
			<p>The condition includes reference to the Maritime and Coastguard Agency (MCA).</p>
			<p>Schedule 12: 5(9) add MCA for receiving notifications</p>
			<p>The condition includes reference to the Maritime and Coastguard Agency (MCA).</p>
			<p>Schedule 12: 5(11) replace with wording from Schedule 11 Condition 5(12).</p>
			<p>Schedule 12 replicates conditions (11) and (12) from schedule 11 as both schedules (and deemed marine licences) authorise the installation of buried cables: schedule 11 includes inter-array cables, and schedule 12 comprises the export cables.</p>
			<p>9(8) amend to: o All dropped objects must be reported to the MMO, UKHO and HMCG using the Dropped Object Procedure Form as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM</p>
			<p>Please see above.</p>

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			<p>Coastguard via telephone where there is a perceived danger or hazard to navigation. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO/NRW/MS/DAERA may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.</p>
			<p>13 remove condition. Safety zones do not apply to cables.</p>
			<p>14 remove reference to ERCoP. Amend to: o No part of the authorised project may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised project contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.</p>
			<p>16(2)(a) amend to: o A swath bathymetric survey to IHO Order 1a of the cable routes within the Offshore Order Limits extending to an appropriate buffer around the site, must be undertaken. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications. This must be submitted as soon as possible, and no later than [three months] prior to construction. The Order Limit shapefiles must be submitted to MCA. The Report of Survey must also be sent to the MMO.</p>
			<p>18 add the following post-construction hydrographic survey requirement: o The undertaker must conduct a swath bathymetric survey to IHO Order 1a of the installed export cable route and provide the data and survey report(s) to the MCA and UKHO. The MMO should be notified once this has been done, with</p>
			<p>Please see above.</p>
			<p>The requested wording has been included at condition 14.</p>
			<p>The same wording is included as for Schedule 11, in respect of which please see above.</p>
			<p>Condition 18 is included in both schedules (and both deemed marine licences) as both include for installation of buried cables. The condition states:</p> <p><i>"(1) The undertaker must, in discharging condition 11(1)(j), submit a monitoring plan for</i></p>

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			<p>a copy of the Report of Survey also sent to the MMO. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications.</p> <p><i>the post-construction monitoring providing details of proposed post-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in accordance with the in-principle monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement and 155 is to include a survey to determine the location, extent and composition of and Sabellaria spinulosa reef and potential nesting sites for black seabream.</i></p> <p><i>(2) The surveys to be undertaken pursuant to sub-paragraph (1) above must include a swath bathymetric survey to IHO Order 1a of those parts of the offshore Order limits where the authorised scheme has been constructed and provide the data and survey report(s) to the MCA and UKHO. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications.</i></p> <p><i>(3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO."</i></p> <p>The deemed marine licence applies to the offshore substations as well as the export cables.</p> <p>The condition as included in schedule 12 includes for confirmation of the location of the infrastructure to which the licence applies; this is the offshore substations and export cables;</p>
			<p>24 amend to:</p> <p>o The undertaker must submit a close out report to the MMO, MCA, UKHO and the relevant statutory nature conservation body within three</p>

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SH2.2 <i>Structures Exclusion Zone</i>	The Applicant	Given the importance of the Structures Exclusion Zone in providing a shipping corridor (as set out in the Navigational Risk Assessment [APP-155], including Figure 17.1), provide this within the Commitments Register as a clear commitment for this corridor to be used by future shipping and for it to be compliant with Marine Guidance Note (MGN) 654.	<p>months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include the following details: - latitude and longitude coordinates of the inter array and export cable routes; provided as Geographical Information System data referenced to WGS84 datum.</p> <p>MCA contact details in Schedules 11 and 12 Parts 1 to be amended to: Maritime and Coastguard Agency UK Technical Services Navigation Spring Place 105 Commercial Road Southampton SO15 1EG Tel: 020 3817 2554 Email: @mcga.gov.uk</p>	<p>the inter-array cables are included in the deemed marine licence for the generation assets.</p> <p>The contact details have been included save for the email address.</p>
			<p>The Applicant wishes to clarify that the Structures Exclusion Zone referred to in the Appendix 13.1: Navigational Risk Assessment, Volume 4 of the Environmental Statement [APP-155], is referred to elsewhere in the Environmental Statement as the Windfarm Separation Zones. However, these two names refer to the same area, as defined on the Offshore Works Plans [PEPD-004] by the areas to the west and south of Rampion 1, shown by diagonal hatching only. As defined by the Offshore Works Plans [PEPD-004], no turbines will be constructed in the diagonally hatched areas.</p>	
			<p>The Applicant has added commitment C-304 “<i>The Windfarm Separation Zone to the west of Rampion 1, as set out in the Figure 17.1 of the Navigational Risk Assessment and as secured by the Offshore Works Plans, will be open to navigation for all vessels and compliant with Marine Guidance Note (MGN) 654.</i>” This has been secured in Condition 11(1)(a) of the dML, Schedules 11 and 12 of the Draft Development Consent Order [REP4-004] (updated at Deadline 5).</p>	

