

# Rampion 2 Wind Farm Category 8: Examination Documents

## Applicant's Comments on Examining Authority's Schedule of Changes to the draft DCO

**Date: July 2024**

**Revision A**

Application Reference: 8.83

Pursuant to: The Infrastructure Planning (Examination Procedure)  
Rules 2010, Rule 8(1)(c)

Ecodoc Reference: 005227004-01



## Document revisions

| Revision | Date       | Status/reason for issue | Author               | Checked by | Approved by |
|----------|------------|-------------------------|----------------------|------------|-------------|
| A        | 09/07/2024 | For Deadline 5          | Eversheds Sutherland | RED        | RED         |
|          |            |                         |                      |            |             |

# Contents

---

---

|           |  |          |
|-----------|--|----------|
| <b>1.</b> | <b>Introduction</b>  | <b>4</b> |
| 1.1       | Project overview   | 4        |
| 1.2       | Purpose of this document   | 4        |
| <b>2.</b> | <b>Applicant’s response to Examining Authority’s Schedule of recommended amendments to the Applicant’s draft DCO Submitted at Deadline 4</b> | <b>5</b> |

---

## Tables

|   |   |
|---|---|
| Table 2-1 Applicant’s response to Examining Authority’s Schedule of recommended amendments to the Applicant’s draft DCO Submitted at Deadline 4 (D4) [REP4-004] | 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 160km<sup>2</sup>. 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 Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4 **[PD-013]** on 18 June 2024 in accordance with the Examination timetable provided in the Rule 8 letter **[PD-007]**. The Applicant has taken the opportunity to provide comments on this schedule in the following section.

## 2. Applicant's response to Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4

Table 2-1 Applicant's response to Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4 (D4) [REP4-004]

| No              | Ref   | Wording at D4 [REP4-004] | ExA's Recommended Change   | ExA's Reasoning   | Applicant's Response   |
|-----------------|---|--------------------------|--|---|--|
| <b>Articles</b> |   |                          |  |   |  |
| 1               | Part 1, Article 2<br><i>Interpretations</i> | None                     | After "multileg foundation",<br>INSERT –<br><b><u>"National Highways" means National Highways Limited (company number 09346363) whose registered office is Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ or any such successor or</u></b> | As requested by National Highways in its written response at Deadline 4 [REP4-139], and where the ExA concurs such an amendment should be made. | This definition has been included in the <b>draft DCO [REP4-004]</b> as it has been updated at Deadline 5. |

| No | Ref                                       | Wording at D4 [REP4-004]  | ExA's Recommended Change  | ExA's Reasoning  | Applicant's Response   |
|----|---|---|---|--|--|
|    |   |   | <p><b><u>replacement body that may from time to time be primarily responsible for the functions, duties and responsibilities currently exercised by that statutory body;</u></b></p>                                      |  |  |
| 2  | Part 1, Article 2 Interpretations         | None  | <p>After “street authority”, INSERT - <b><u>“Strategic road network” means any part of the road network including trunk roads, special roads or streets for which National Highways is the highway authority;</u></b></p> | <p>As requested by National Highways in its written response at Deadline 4 [REP4-139], and where the ExA concurs such an amendment should be made.</p> | <p>This definition has been included in the <b>draft DCO [REP4-004]</b> as it has been updated at Deadline 5 save that ‘road network’ has been amended to ‘highway network’ to reflect the terminology at section 1 of the Highways Act 1980 so that the definition reads:</p> <p>“Strategic road network” means any part of the highway network including trunk roads, special roads or streets for which National Highways is the highway authority;</p> |
| 3  | Part 2, Article 5(2) Benefit of the Order | <b>5.— (2) Subject to sub-paragraph (5), the undertaker may</b> | <b>5.— (2) Subject to sub-paragraph (5), the undertaker may</b>   | The ExA has considered in full the concerns  | The applicant has included the wording ( <i>excluding the deemed marine licences</i> ) in both 2(a) and 2(b)   |

| No | Ref | Wording at D4<br>[REP4-004]  | ExA's<br>Recommended<br>Change  | ExA's Reasoning   | Applicant's Response   |
|----|-----|--|---|---|--|
|    |     | <p><i>with the written consent of the Secretary of State—</i><br/> <i>(a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; and</i><br/> <i>(b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of the Order and such related statutory rights as may be so agreed, except where sub-</i></p> | <p><i>with the written consent of the Secretary of State—</i><br/> <i>(a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (<b><u>excluding the deemed marine licences</u></b>) and such related statutory rights as may be agreed between the undertaker and the transferee; and</i><br/> <i>(b) <b>grant transfer</b> to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of the Order (<b><u>excluding the deemed marine licences</u></b>) and such related statutory rights</i></p> | <p>raised by the Marine Management Organisation (MMO) in written response at Deadline 4 [REP4-088]. The ExA accepts a number of these concerns and considers the following suggested changes would address them.</p> <p>In this Article, the ExA considers defining that Article 5(2) to exclude the deemed marine licenses, as it had done so in the Sheringham and Dudgeon Extension Offshore Wind Farm Order 2024, would clearly</p> | <p>of Article 5 in the <b>draft DCO [REP4-004]</b> as submitted at Deadline 5.</p> <p>However, the Applicant suggests that the word ‘grant’ should be retained.</p> <p>The terminology is considered appropriate in the context of an arrangement whereby a third party, a lessee, is afforded the ability to exercise some or all of the powers under the Order for a limited period of time, but with the undertaker still retaining a residual interest, benefit and liability according to the terms of the grant. The Applicant believes that the term “transfer” relates to the transfer of the entirety of the benefit and liability being transferred.</p> <p>The terminology therefore distinguishes these arrangements from those whereby the benefits of the provisions of the Order are transferred under (a).</p> <p>The Applicant notes that the term “grant” is consistent with article</p> |

| No | Ref                                       | Wording at D4 [REP4-004]  | ExA's Recommended Change   | ExA's Reasoning   | Applicant's Response  |
|----|---|---|--|---|---|
|    |   | <i>paragraph (8) applies, in which case no consent of the Secretary of State is required.</i> | <i>as may be so agreed, except where subparagraph (8) applies, in which case no consent of the Secretary of State is required.</i> | <p>define Article 5(2) from Article 5(3).</p> <p>Notwithstanding its use in the Sheringham and Dudgeon Order, the ExA is not clear why the word “grant” has been used for Article 5(2)(b) and considers using the word “transfer”, as per Article 5(2)(a) would overcome concerns raised regarding whether the Undertaker would itself be granting a licence rather than transferring it.</p> | 5(1)(b) of Schedule 1 to The Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 and with the wording in Article 5(2) of the Sheringham and Dudgeon Order in addition to numerous previously made DCOs for offshore wind farms and other infrastructure developments. |
| 4  | Part 2, Article 5(3) Benefit of the Order | <i>3) Subject to paragraph (5), the undertaker may with the written consent</i>               | <i>3) Subject to paragraph (5), the undertaker may with the written consent of</i>   | The ExA is not clear why the word “grant” has been used for Article   | The Applicant considers it appropriate to retain the term ‘grant’ in connection circumstances where the benefits of powers may be   |



| No | Ref | Wording at D4 [REP4-004]   | ExA's Recommended Change   | ExA's Reasoning   | Applicant's Response   |
|----|-----|--|--|---|--|
|    |     | <p><i>of the Secretary of State—</i></p> <p><i>(a) where an agreement has been made in accordance with paragraph (2)(a), transfer to the transferee the whole of any of the deemed marine licences and such related statutory rights as may be agreed between the undertaker and the transferee; or</i></p> <p><i>(b) where an agreement has been made in accordance with paragraph (2)(b), grant to the lessee, for the duration of the period mentioned in paragraph (2)(b), the whole of any of</i></p> | <p><i>the Secretary of State—</i></p> <p><i>(a) where an agreement has been made in accordance with paragraph (2)(a), transfer to the transferee the whole of any of the deemed marine licences <b><u>granted under Schedules 11 and 12 of this Order</u></b> and such related statutory rights as may be agreed between the undertaker and the transferee; or</i></p> <p><i>(b) where an agreement has been made in accordance with paragraph (2)(b), <b><u>grant transfer</u></b> to the lessee, for the duration of the period mentioned in paragraph (2)(b), the whole of any of the</i></p> | <p>5(3)(b) and considers using the word “<i>transfer</i>”, as per Article 5(3)(a) would overcome concerns raised regarding whether the Undertaker would be granting a licence rather than transferring it.</p> <p>The ExA considers adding the words “<i>granted under Schedules 11 and 12 of this Order</i>” would clarify that the Undertaker would only be transferring the deemed marine licences granted in this Order and would not usurp the authority of the MMO.</p> | <p>exercised by a third party for a limited period of time only, then reverting to the ‘grantee’ at the end of this period. It therefore distinguishes these circumstances from those where there is a permanent transfer of the benefit of a deemed marine licence.</p> <p>It should also be noted that paragraph (3)(b) confirms that only the whole of the marine licence may be ‘granted’ to a lessee, such that the scope for ‘grant’ of anything less, as created by the undertaker, is not possible.</p> <p>The wording of Article 5(3) is consistent with that used in numerous DCOs for offshore wind farms including the Hornsea Project Four Order and the East Anglia One North and Two Orders.</p> <p>The additional wording ‘<i>granted under Schedules 11 and 12 of this Order</i>’ has been included in the draft DCO [REP4-004] as it has been amended at Deadline 5, save that</p> |

| No | Ref   | Wording at D4<br>[REP4-004]  | ExA's<br>Recommended<br>Change   | ExA's Reasoning  | Applicant's Response  |
|----|---|--|--|--|---|
|    |   | <i>the deemed marine licences and such related statutory rights as may be so agreed, except where paragraph (8) applies, in which case no consent of the Secretary of State is required.</i> | <i>deemed marine licences <b>granted under Schedules 11 and 12 of this Order</b> and such related statutory rights as may be so agreed, except where paragraph (8) applies, in which case no consent of the Secretary of State is required.</i>                                  |  | 'and' has been changed to 'or' as the deemed marine licences may be transferred, or granted to a lessee, independently.   |
| 5  | Part 2, Article 5(6)<br><i>Benefit of the Order</i> | <i>(6) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the benefit of the provisions of the deemed marine licences.</i>      | <i>(6) <b>On receipt of a request under paragraphs (2) and (3),</b> <del>the</del> Secretary of State must consult the MMO, <b>and must have regard to its response</b> before giving consent to the transfer <del>or grant</del> to another person of the provisions of the</i> | The ExA considers the suggested changes would strengthen the MMO's role in this regard and ensure the Secretary of State must take the MMO's response into consideration before making any decision on whether to agree to a transfer of a | The Applicant has amended the wording of Article 5(6) in the draft DCO [REP4-004] as submitted at Deadline 5 to reflect that the Secretary of State must have regard to any response from the MMO before giving consent, but this should only relate to a request under paragraph (3) following the amendment set out above (such that (2) expressly excludes the deemed marine licence). The words 'or grant' have been retained for the reasons |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change | ExA's Reasoning   | Applicant's Response   |
|----|-----|-----------------------------|--------------------------------|---|--|
|    |     |                             | <i>deemed marine licences.</i> | DML. As discussed above, the ExA is not clear why the word “ <i>grant</i> ” has been used in this instance and should be changed accordingly. | <p>set out above in relation to Article 5(3)(b).</p> <p>Further, in order to avoid the potential for delay to a transfer or grant pending a consultation response from the MMO, the Applicant suggests that the Secretary of State’s obligation “to have regard” should only apply to a consultation response received within a specified period. The Applicant has included a period of 28 days in the <b>draft DCO [REP4-004]</b> as updated at Deadline 5. The requirement would therefore read:</p> <p><i>On receipt of a request under paragraph (3) the Secretary of State must consult the MMO, and must have regard to any response received from the MMO within 28 days of notification before giving consent to the transfer or grant to another person of the benefit of the provisions of the deemed marine licences</i></p> |

| No | Ref   | Wording at D4 [REP4-004]  | ExA's Recommended Change  | ExA's Reasoning  | Applicant's Response  |
|----|---|---|---|--|---|
| 6  | Article 5(8)<br><i>Benefit of the Order</i> | <i>(8) The consent of the Secretary of State is required for the exercise of powers under subparagraphs (2) or (3) except where—<br/>(a) the transferee or lessee is the holder of a licence under section 6 of the 1989 Act (licences authorising supply etc.); or<br/>(b) the transferee or lessee is a holding company or subsidiary of the undertaker; or<br/>(c) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—</i> | <i>(8) The consent of the Secretary of State is required for the exercise of powers under subparagraphs (2) or (3) except where—<br/>(a) the transferee or lessee is the holder of a licence under section 6 of the 1989 Act (licences authorising supply etc.); or<br/>(b) the transferee or lessee is a holding company or subsidiary of the undertaker; or<br/>(c) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—</i> | The ExA is concerned about the inclusion of Article 5(8)(b) as it is not clear whether such a holding company or subsidiary of the undertaker is a responsible holder of a deemed marine licence. The ExA is content for it to remain, subject to the insertion of subparagraph (d) which ensure the MMO has consented to the transfer in this instance. | The Applicant has deleted limb (b) of Article 5(8) in the <b>draft DCO [REP4-004]</b> as updated at Deadline 5. The revised wording of Article 5(8) has precedent in numerous DCOs for offshore wind farms including those for the East Anglia One North and Two, Hornsea Four and Sheringham and Dudgeon projects. |

| No | Ref | Wording at D4<br>[REP4-004]   | ExA's<br>Recommended<br>Change  | ExA's Reasoning | Applicant's Response |
|----|-----|---|---|-----------------|----------------------|
|    |     | <p><i>(i) no such claims have been made,<br/>(ii) any such claim has been made and has been compromised or withdrawn,<br/>(iii) compensation has been paid in final settlement of any such claim,<br/>(iv) payment of compensation into court has taken place in lieu of settlement of any such claim, or<br/>(v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation is payable.</i></p> | <p><i>(i) no such claims have been made,<br/>(ii) any such claim has been made and has been compromised or withdrawn,<br/>(iii) compensation has been paid in final settlement of any such claim,<br/>(iv) payment of compensation into court has taken place in lieu of settlement of any such claim, or<br/>(v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation is payable.</i><br/><b><u>(d) In the cases of (a), (b) and (c) the MMO been consulted and has</u></b></p> |                 |                      |

| No               | Ref   | Wording at D4 [REP4-004]  | ExA's Recommended Change  | ExA's Reasoning  | Applicant's Response  |
|------------------|---|---|---|--|---|
|                  |   |   | <u><i>raised no objections.</i></u>   |  |   |
| <b>Schedules</b> |   |   |   |  |   |
| 7                | Schedule 1, Part 3, Requirement 1 <i>Time limit</i> | <i>1.—(1) The authorised project must commence no later than the expiration of seven years beginning with the date this Order comes into force.</i> | <i>1.—(1) The authorised project must commence no later than the expiration of <b>five</b> years beginning with the date this Order comes into force.</i> | The Exa remains unconvinced why the Applicant requires a seven-year time period when other DCOs (excluding Sheringham and Dudgeon) normally permit five years. | <p>The Applicant notes that several DCOs have been granted with an implementation period of 7 years or longer as set out in <a href="#">Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051]</a> question DCO 1.14.</p> <p>Further, as set out in that response the Sheringham and Dudgeon Order is the best comparator for the Rampion 2 project; it was also promoted on the basis of contributing to 2030 targets, and in making the Order the Secretary of State has implicitly accepted that a 7 year commencement period is not contrary to that objective. In addition, should there be any delays with securing a Contract for Difference, or other supply chain delays, this will also reduce the time available for</p> |

| No | Ref   | Wording at D4<br>[REP4-004]   | ExA's<br>Recommended<br>Change  | ExA's Reasoning  | Applicant's Response   |
|----|---|---|---|--|--|
|    |   |   |   |  | <p>implementation of the project. This issue is particular to offshore wind projects, and therefore comparisons with other types of NSIPs does not assist. In addition to the Sheringham and Dudgeon Order, the Applicant notes that the Hornsea Three and Hornsea Four Offshore Wind Orders both had 7- year implementation periods.</p>  |
| 8  | <p>Schedule 1, Part 3, Requirement 8(1) <b><u>Site-Specific Plan for the Detailed design approval onshore substation at Oakendene</u></b></p> | <p><b>8.—(1) Works comprising Work No. 16 (excluding any onshore site preparation works) must not commence until details of—</b><br/> <b>(a) siting and layout;</b><br/> <b>(b) scale and quantum of development and its uses;</b><br/> <b>(c) existing and proposed finished ground levels;</b><br/> <b>(d) landscaping;</b><br/> <b>(e) access; and</b></p> | <p><b>8.—(1) Works comprising Work No. 16 <u>together with the associated Work No. 17, Work No. 18 and Work No. 19</u> (excluding any onshore site preparation works) must not commence until details of—</b><br/> <b>(a) siting and layout;</b><br/> <b>(b) scale and quantum of development and its uses;</b></p> | <p><i>The ExA considers that the submission and approval of an overarching site-specific plan for works in the area of Oakendene Substation is necessary, as at this stage of the Examination there are many outstanding areas of concerns which will need to be addressed. These include:</i></p> | <p>The Applicant notes the ExA's concerns but notes that the additional information requested to be included in the Site Specific Oakendene Plan is already covered by other requirements and the amendment would result in duplication. The requirements which secure the specified details are as follows:</p> <ul style="list-style-type: none"> <li>- the construction traffic management plan, (requirement 24), and the access arrangements (requirement 15) for new item (g)</li> <li>- the vegetation retention and removal plan (requirement 40) for vegetation retention and removal for new item (h) together with the</li> </ul> |

| No | Ref | Wording at D4 [REP4-004]   | ExA's Recommended Change  | ExA's Reasoning   | Applicant's Response   |
|----|-----|--|---|---|--|
|    |     | <p>(f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment, for the onshore substation have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex Fire and Rescue Service and Work No. 16 must be carried out in accordance with the approved details.</p> | <p>(c) existing and proposed finished ground levels;<br/>(d) landscaping;<br/>(e) access; and<br/>(f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment;<br/><b><u>(g) a construction traffic plan illustrating the access and egress points, traffic routing and vision splays;</u></b><br/><b><u>(h) vegetation removal, retention and replanting; and</u></b><br/><b><u>(i) operational and maintenance water usage and site drainage</u></b></p> | <ul style="list-style-type: none"> <li>The safe construction of the works is dependent on the detailed development by the Applicant of a complex traffic management strategy involving HGV movements along the A272 and in and out of Oakendene Compound, Oakendene Substation Site and Kent Street and its approval by West Sussex County Council as Highway Authority.</li> </ul> | <p>landscape and ecological management plan (requirements 12 and 13)</p> <ul style="list-style-type: none"> <li>- the operational drainage plan (requirement 17) for (i).</li> </ul> <p>Further, the operational drainage management plan specifically for the Oakendene substation as Work No 16 pertains to the operational phase rather than construction of the substation, and is secured through requirement 17 for (i); if the proposed wording were to be included, then requirement 17 would have to be deleted.</p> <p>Insofar as Work No. 19 is associated with Work No. 16, the cable is to be installed by trenchless crossing and hence it is not considered that the additional matters addressed by the proposed amendments affect Work No. 19.</p> <p>A suite of detailed design documents must be submitted and approved for the onshore substation prior to</p> |



| No | Ref | Wording at D4 [REP4-004] | ExA's Recommended Change  | ExA's Reasoning   | Applicant's Response   |
|----|-----|--------------------------|---|---|--|
|    |     |                          | <p><i>for the onshore substation have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex Fire and Rescue Service and Work No. 16 must be carried out in accordance with the approved details.</i></p> | <ul style="list-style-type: none"> <li>• The use of Kent Street a single track lane will in particular require careful detailed planning in order to facilitate the safe movement of private vehicles, pedestrians, cyclists and equestrians in combination with construction traffic;</li> <li>• The detailed design of the permanent access to Oakendene Substation;</li> </ul> | <p>commencement of the stage in which it is located, and the Applicant envisages that these details will be prepared and submitted for approval to the relevant discharging authority at the same time.</p> <p>However should the Examining Authority determine that a change to the existing requirement is necessary the Applicant would suggest</p> <p><i>Works comprising Work No. 16 and 18 together with the associated parts of Work No 17, (excluding any onshore site preparation works) must not commence until details of—</i></p> <ul style="list-style-type: none"> <li><i>(a) siting and layout;</i></li> <li><i>(b) scale and quantum of development and its uses;</i></li> <li><i>(c) existing and proposed finished ground levels;</i></li> <li><i>(d) landscaping;</i></li> <li><i>(e) access; and</i></li> <li><i>(f) external appearance, form and materials for any buildings structures</i></li> </ul> |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change | ExA's Reasoning  | Applicant's Response  |
|----|-----|-----------------------------|--------------------------------|--|---|
|    |     |                             |                                | <ul style="list-style-type: none"> <li>● Details of the vegetation loss, retention and replanting at the Oakendene site;</li> <li>● Details of drainage including how it will work with the landscaping.</li> </ul> <p><i>The ExA considers the suggested changed to Requirement 8 would ensure a comprehensive site-specific plan for the Oakendene substation site is therefore necessary.</i></p> | <p><i>and other infrastructure including boundary treatment;</i><br/> <i>(g) a construction traffic plan illustrating the access and egress points, visibility splays and traffic routing within the substation site, which shall be consistent with the provisions of the outline construction management plan; and</i><br/> <i>(h) details of vegetation removal, retention and replanting within Work Nos. 16 and 18 which shall be consistent with the Outline Vegetation Retention and Removal Plan secured under requirement 40 and the Outline Landscape and Ecology Management Plan secured under requirement 12;</i></p> <p><i>for the onshore substation have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex Fire and Rescue Service and Work Nos. 16, 18 and the relevant parts of Work Nos. 17 must be carried out in accordance with the approved details.</i></p> |

| No | Ref  | Wording at D4 [REP4-004]  | ExA's Recommended Change  | ExA's Reasoning   | Applicant's Response  |
|----|--|---|---|---|---|
|    |  |   |   |   | <p><i>(2) Where details are approved pursuant to this requirement 8 then details for</i></p> <p><i>(a) access and egress points, visibility splays for the onshore substation site will not be required to be approved pursuant to requirements 24 and 15</i></p> <p><i>(b) details of vegetation removal, retention and replanting within Work Nos. 16, 17 and 18 will not be required to be approved pursuant to requirements 40 and 12</i></p> |
| 9  | Schedule 1, Part 3, Requirement 9<br><i>Detailed design approval – extension to National Grid substation</i> | <b>9.—(1) Works comprising Work No. 20 (excluding onshore site preparation works) must not commence until details of—</b><br><i>(a) siting and layout;</i><br><i>(b) scale and quantum of development and its uses;</i> | <b>9.—(1) Works comprising Work No. 20 (excluding onshore site preparation works) must not commence until details of—</b><br><i>(a) siting and layout;</i><br><i>(b) scale and quantum of development and its uses;</i> | In response to concerns raised by Bolney Parish Council [REP3-095] regarding noise generated from the operation of Work No.20 | The ExA's request for provision to be made for noise monitoring is noted. However, it is not considered appropriate for inclusion in requirement 9; this relates to the approval of details for the construction of the National Grid substation extension rather than its operation.<br><br>Further, the Applicant refers to <a href="#">Applicant's Response to</a>   |

| No | Ref | Wording at D4 [REP4-004]   | ExA's Recommended Change   | ExA's Reasoning | Applicant's Response   |
|----|-----|--|--|-----------------|--|
|    |     | <p>(c) existing and proposed finished ground levels;<br/> (d) landscaping;<br/> (e) access; and<br/> (f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment, of the extension to the National Grid substation at Bolney have been submitted to and approved in writing by the relevant planning authority and Work No. 20 must be carried out in accordance with the approved details.</p> | <p>(c) existing and proposed finished ground levels;<br/> (d) landscaping;<br/> (e) access; <del>and</del><br/> (f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment; <b><u>(g) operational noise monitoring</u></b> of the extension to the National Grid substation at Bolney have been submitted to and approved in writing by the relevant planning authority and Work No. 20 must be carried out in accordance with the approved details.</p> |                 | <p><b>Stakeholder's Replies to Examining Authority Written Questions [REP4-074]</b> in which it explained that the installed equipment at the Bolney extension substation principally provides necessary connection and isolation functionality from the Bolney substation 400kV systems, which involves the continuous operation of passive or conductive components, such as busbars, surge arrestors or disconnectors. Therefore, it is not expected that an increase to the current noise-levels at the operational national grid substation would occur from the Proposed Development. As previously submitted, the operation of switchgears is associated to highly infrequent events such as maintenance or emergency isolation, and are therefore not considered to present an adverse noise impact.</p> <p>With respect to the request for noise monitoring, the Applicant's concerns are that it will not be feasible to develop a technically</p> |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change | ExA's Reasoning | Applicant's Response  |
|----|-----|-----------------------------|--------------------------------|-----------------|---|
|    |     |                             |                                |                 | <p>robust, practical, or proportionate scheme with respect to the risk of sound generation. As the Bolney extension is not expected to give rise to adverse levels of sound, monitoring will be more susceptible to fluctuations in the underlying acoustic environment. The conditions that would give rise to noise from the Bolney extension will be the same as those that give rise to noise at the existing National Grid substation, which is larger and has more typically noise-generating equipment.</p> <p>Thus, if an increase in noise is measured during unattended monitoring, there is no way to determine if this were due to the substation extension works for the Proposed Development or the existing National Grid substation, or any other transient source of noise. There is a high risk of technical non-compliance of any noise monitoring condition, that would not be attributable or otherwise to the Rampion 2 project.</p> <p>Attended monitoring is by its nature, of a much shorter duration than unattended monitoring, and even more susceptible to environmental fluctuation. It is unlikely that attended monitoring of the</p> |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change | ExA's Reasoning | Applicant's Response   |
|----|-----|-----------------------------|--------------------------------|-----------------|--|
|    |     |                             |                                |                 | <p data-bbox="1536 389 2051 676">infrequent noise source would give any repeatable results. Notably, the extension to Bolney National Grid substation for Rampion Offshore Windfarm was separately consented (13/02342/FUL) without a condition requiring operational noise monitoring.</p> <p data-bbox="1536 719 2063 858">The Applicant therefore maintains that no noise monitoring is necessary in respect of the operational phase of Work No. 20.</p> <p data-bbox="1536 901 2074 1369">If, notwithstanding the clarification above, the ExA is minded to include any operational noise requirement that it would be most appropriate under Requirement 29 to make reference to provision of written details of the equipment to be installed at the substation extension comprising Work No. 20 and it's operational requirements and characterisation of any sound and the expected frequency and duration of</p> |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change | ExA's Reasoning | Applicant's Response   |
|----|-----|-----------------------------|--------------------------------|-----------------|--|
|    |     |                             |                                |                 | <p>any emission in the context of the existing noise environment.</p> <p>This could be included as a new limb (5) of requirement 29 to read as follows:</p> <p><i>(5) Work No. 20 must not commence, excluding onshore site preparation works, until a plan has been submitted to the relevant planning authority which provides details of the equipment to be installed at the substation extension comprising Work No. 20 including:</i></p> <p><i>(1) it's operational equipment that has the potential to generate noise emissions; and</i></p> <p><i>(2) characterisation of any sound and the expected frequency and duration of any such emissions</i></p> <p><i>to demonstrate that such emissions will not have a discernible or</i></p> |

| No | Ref  | Wording at D4<br>[REP4-004]  | ExA's<br>Recommended<br>Change   | ExA's Reasoning  | Applicant's Response   |
|----|--|--|--|--|--|
|    |  |  |  |  | <i>measurable effect in the context of the existing noise environment at the National Grid Bolney substation</i>   |
| 10 | Schedule 1, Part 3, Requirement 14 Biodiversity Net Gain | <i>(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until a biodiversity net gain strategy for the stage which accords with the outline biodiversity net gain information comprising appendix 22.15 of the environmental statement has been submitted to and approved by the relevant planning authority following consultation with</i> | <i>(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until a <del>biodiversity net gain strategy for the stage which accords with the outline biodiversity net gain information comprising appendix 22.15 of the environmental statement has been submitted to and approved by the relevant planning authority following consultation with the statutory nature conservation body</del></i> | The ExA has reviewed all matters submitted by the Applicant at Deadline 4. The ExA acknowledges that the Applicant has indicated that matters concerning Biodiversity Net gain remain ongoing and subject to further discussion. To ensure such matters are adequately controlled, the ExA recommends Requirement 14 is strengthened as requested by the SDNPA and West Sussex CC in their | The Applicant notes the ExA's concerns around BNG delivery and has made some carefully considered amendments in response. The Applicant highlights that the exact wording of the requirement as requested does not reflect how the acquisition and delivery of BNG will be secured and delivered in accordance with the accreditation system described in Defra guidance (2023, updated 2024) entitled 'Make off-site biodiversity gains as a developer' (available at <a href="https://www.gov.uk/guidance/make-off-site-biodiversity-gains-as-a-developer">https://www.gov.uk/guidance/make-off-site-biodiversity-gains-as-a-developer</a> )<br><br>In particular, in relation to (ii) 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 |



| No | Ref | Wording at D4<br>[REP4-004]   | ExA's<br>Recommended<br>Change   | ExA's Reasoning   | Applicant's Response   |
|----|-----|---|--|---|--|
|    |     | <p><i>the statutory nature conservation body.</i></p> <p><i>(2) Any biodiversity net gain strategy under sub-paragraph (1) may cover one or more stages of the onshore works.</i></p> <p><i>(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved.</i></p> | <p><b><u>each of the following has been approved in writing by the relevant planning authorities:</u></b></p> <p><b><u>(i) A biodiversity net gain strategy for that stage which accords with the outline biodiversity net gain information comprising Appendix 22.15 of the Environmental Statement.</u></b></p> <p><b><u>(ii) The Undertaker has provided proof of purchase of all necessary biodiversity units from third party providers.</u></b></p> <p><b><u>(iii) At least 70% of the total number of biodiversity units as required for that stage of the development have</u></b></p> | <p>respective Deadline 3 submissions [REP3-071] and [REP3-073] and as discussed at the Issue Specific Hearing 2 held on Thursday 16 May 2024 [EV5-001] (ISH2), but where the Requirement has remained unaltered in the latest draft DCO [REP4-004].</p> | <p>been completed; it is for this reason that 70% of the units are to be 'secured' in advance of commencement.</p> <p>'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.</p> <p>Further, in relation to (iii) the Applicant's commitment is to acquire the units and evidence such acquisition. Once the Applicant purchases a unit, it is attributed to Rampion 2 on Natural England's register and the Seller of the relevant unit has 12 months from its registration to implement the scheme to deliver the unit as described in Defra Guidance (2023, updated 2024) entitled 'Sell biodiversity units as a land manager' (available at <a href="https://www.gov.uk">Sell biodiversity units as a land manager - GOV.UK (www.gov.uk)</a>).</p> |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change   | ExA's Reasoning | Applicant's Response  |
|----|-----|-----------------------------|--|-----------------|---|
|    |     |                             | <p><b><u>been implemented on the ground according to the approved biodiversity net gain strategy and to the satisfaction of the relevant planning authority including where relevant the South Downs National Park Authority.</u></b></p> <p><i>(2) Any biodiversity net gain strategy under sub-paragraph (1) may cover one or more stages of the onshore works.</i></p> <p><b><u>(2) The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in Appendix 22.15 of the Environmental</u></b></p> |                 | <p>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> <p>The terms of the amended requirement are therefore inconsistent with the Defra Guidance and the submitted Appendix 22.15.</p> <p>Express reference to the SDNPA is unnecessary as the authority comprises a relevant planning authority for land in the National Park.</p> <p>Whilst it is the Applicant's position that it is unnecessary to repeat the content of Appendix 22.15 on the face of the Order the Applicant has included the following amended wording in the draft DCO submitted at Deadline 5:</p> |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change   | ExA's Reasoning | Applicant's Response  |
|----|-----|-----------------------------|--|-----------------|---|
|    |     |                             | <p><b><u>Statement, with priority given to areas inside or within close proximity to the proposed DCO limits.</u></b></p> <p>(3) <i>The biodiversity net gain strategy for each relevant stage must be implemented as approved.</i></p> <p><b><u>(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</u></b></p> |                 | <p>(1) <i>No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until</i></p> <p>(i) <i>a biodiversity net gain strategy for that stage which accords with the outline biodiversity net gain information comprising Appendix 22.15 of the Environmental Statement has been approved in writing by the relevant planning authority</i></p> <p>(ii) <i>at least 70% of the total number of biodiversity units as required for that stage of the development have been secured and where appropriate proof of purchase provided in accordance with the approved biodiversity net gain strategy and to the satisfaction of the relevant planning authority</i></p> <p>(2) <i>The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in Appendix 22.15 of the Environmental</i></p> |

| No | Ref  | Wording at D4<br>[REP4-004]  | ExA's<br>Recommended<br>Change   | ExA's Reasoning   | Applicant's Response   |
|----|--|--|--|---|--|
|    |  |  |  |   | <p><i>Statement, with priority given to areas inside or within close proximity to the proposed DCO limits.</i></p> <p><i>(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved.</i></p> <p><i>(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</i></p> <p>The following sub paragraph has been retained as follows:</p> <p>(5) Any biodiversity net gain strategy under sub-paragraph (1) may cover one or more stages of the onshore works.</p> |
| 11 | Schedule 1, Part 3, Requirement 19 (1)<br><i>Onshore archaeology</i> | (1) No stage of the authorised project within the onshore Order limits are to commence until a site-specific written scheme of | (1) No stage of the authorised project within the onshore Order limits are to commence until a site-specific written scheme of | The ExA is minded to accept the suggested change as advanced by Historic England in its written submission at | The Applicant has liaised with WSCC and understands that they are amenable to this change. The Applicant has therefore made this change in the <b>draft DCO [REP4-004]</b> as updated at Deadline 5.   |

| No | Ref  | Wording at D4 [REP4-004]   | ExA's Recommended Change  | ExA's Reasoning   | Applicant's Response   |
|----|--|--|---|---|--|
|    |  | archaeological investigation for that stage which must accord with the outline onshore written scheme of investigation has been submitted to and approved by the relevant planning authority.                            | archaeological investigation for that stage which must accord with the outline onshore written scheme of investigation has been submitted to and approved by the relevant planning authority <b><u>in consultation with West Sussex County Council.</u></b> | Deadline 4 [REP4-087] notwithstanding West Sussex's oral submissions at ISH2 that it did not wish to be a consultee.  |  |
| 12 | Schedule 1, Part 3, Requirement 19 (5) Onshore archaeology | <i>(5) Should archaeological remains be left in situ on any site, a site-specific archaeological management plan must be submitted to and approved in writing by the relevant planning authority. Any further works,</i> | <b><u>(5) In the event of the discovery of high significance archaeological remains within the onshore Order limits, their significance and suitability for preservation in situ must be assessed by field evaluation, in accordance with</u></b>           | The ExA is minded to accept with the suggested change as advanced by Historic England and West Sussex CC in its written submission at Deadline 4 [REP4-087] and [REP4-086] notwithstanding West Sussex's oral | The Applicant considers that the Written Scheme of Investigation fully addresses the requirement to assess and respond to archaeological finds during the construction of the authorised project.<br><br>However, the Applicant has included a revised requirement 19(5) in the draft DCO [REP4-004] as updated at Deadline 5 to record how previously unknown archaeological remains of |

| No | Ref | Wording at D4 [REP4-004]   | ExA's Recommended Change   | ExA's Reasoning  | Applicant's Response   |
|----|-----|--|--|--|--|
|    |     | <p><i>including removal and reinstatement, must be carried out in accordance with the approved site-specific archaeological management plan, unless otherwise approved by the relevant planning authority.</i></p> | <p><b><u>the outline onshore written scheme of investigation. Any suitable high significance archaeological remains will be preserved in situ.</u></b><br/> <i>Should be left in situ on any site, a site-specific archaeological management plan must be submitted to and approved in writing by the relevant planning authority following consultation with West Sussex County Council.</i> Any further works, including removal and reinstatement, must be carried out in accordance with the approved site-specific archaeological</p> | <p>submissions at ISH2 that it did not wish to be a consultee.</p> | <p>high significance should be dealt with as follows<br/> <i>(5) In the event of the discovery of previously unknown high significance archaeological remains within the onshore Order limits, their significance and suitability for preservation in situ must be assessed by field evaluation, in accordance with the outline onshore written scheme of investigation. Any archaeological remains which are demonstrably of national significance will be preserved in situ, unless, following an application made to it by the undertaker, it is agreed by the relevant planning authority following consultation with WSCC, that either they are not suitable for preservation in situ or that preservation in situ cannot be achieved through acceptable engineering or design solutions having regard to technical and environmental constraints. Should archaeological remains be left in situ on any site, a site-specific archaeological management plan must be submitted to and approved in</i></p> |

| No | Ref   | Wording at D4 [REP4-004]   | ExA's Recommended Change  | ExA's Reasoning  | Applicant's Response   |
|----|---|--|---|--|--|
|    |   |  | <i>management plan, unless otherwise approved by the relevant planning authority.</i>   |  | <i>writing by the relevant planning authority following consultation with WSCC. Any further works, including removal and reinstatement, must be carried out in accordance with the approved site-specific archaeological management plan, unless otherwise approved by the relevant planning authority</i>   |
| 13 | Schedule 1, Part 3, Requirement 22(4)<br><i>Code of Construction Practice</i> | <i>(4) The code of construction practice must accord with the outline code of construction practice and include, as appropriate to the relevant stage—<br/>(q) a crossing schedule</i> | <i>(4) The code of construction practice must accord with the outline code of construction practice and include, as appropriate to the relevant stage—<br/><del>(q) a crossing schedule</del></i> | The ExA considers the crossing schedule should be subject to an additional Requirement as set out below. | <p>Whilst the Applicant understands the ExA's request for an additional requirement, it still considers that that additional requirement would best operate with the retention of the crossing schedule in the CoCP. Further, the inclusion of a new requirement for a trenchless crossings plan and its removal from the OCoCP will also require other consequent changes to the draft DCO including to requirement 6(4)</p> <p>Please see response in relation to the proposed new requirement below which provides further explanation.</p> |

| No | Ref  | Wording at D4 [REP4-004]   | ExA's Recommended Change  | ExA's Reasoning                                     | Applicant's Response  |
|----|--|--|---|---|---|
| 14 | Schedule 1, Part 3, Requirement 35<br><br><i>Onshore Decommissioning</i> | <b>35.—(1) The undertaker must notify the relevant planning authority of the permanent cessation of commercial operation of the authorised development within 28 days following the date of permanent cessation.</b><br><b>(2) Within six months of the cessation of commercial operation of the connection works an onshore decommissioning plan must be submitted to the relevant planning authority for approval unless otherwise agreed in</b> | <b>35.—(1) The undertaker must notify the relevant planning authority of the permanent cessation of commercial operation of the authorised development within 28 days following the date of permanent cessation.</b><br><b>(2) Within six months of the cessation of commercial operation of the connection works an onshore decommissioning plan must be submitted to the relevant planning authority for approval unless otherwise agreed in writing by the relevant planning authority. (</b><br><b><u>3) The decommissioning plan shall</u></b> | Refer to the ExA's Further Written Question MI 2.3. | The Applicant does not consider that the amendment is necessary nor reasonable.<br><br>In particular, the Applicant notes:<br><br>As set out in paragraph 4.9.29 of Chapter 4 of the <b>Environmental Statement [APP-045]</b> "it is anticipated that the onshore electrical cables will be left in-situ with ends cut, sealed and buried to minimise environmental effects associated with removal".<br><br>The environmental effects associated with removal have therefore not been assessed and the Applicant anticipates that such effects would be materially more adverse than currently concluded due to the associated excavation and removal activity.<br><br>Furthermore, it does not consider that the continued presence of an obsolete cable prevents the future extraction of sand in the event that |



| No | Ref                                    | Wording at D4 [REP4-004]   | ExA's Recommended Change   | ExA's Reasoning  | Applicant's Response   |
|----|--|--|--|--|--|
|    |  | <p>writing by the relevant planning authority.</p> <p>(3) The approved decommissioning plan must be implemented unless otherwise agreed in writing by the relevant planning authority.</p> | <p><b><u>demonstrate that the onshore cables within the Mineral Safeguarding Area will be removed unless otherwise agreed to in writing by the relevant planning authority.</u></b></p> <p><del>(3)</del> <b><u>(4) The approved decommissioning plan must be implemented unless otherwise agreed in writing by the relevant planning authority.</u></b></p> |  | <p>permission is granted for such an activity. The cable would simply be removed by the entity undertaking such activity.</p> <p>By contrast removal the cable would require further excavation of previously restored areas in the National Park. Accordingly the Applicant does not consider that the imposition of the proposed addition to the requirement would seek to further its purposes.</p> |
| 15 | Schedule 1, Part 3, New Requirement 41 | None   | <p><b><u>(41) Works comprising Work No. 10 and Work No.11 must not commence until details of—</u></b></p> <p><b><u>(a) siting and layout;</u></b></p> <p><b><u>(b) scale and quantum of development and its uses;</u></b></p>  | The ExA considers that the submission and approval of overarching site-specific plans for works in the areas of the Washington and Climping temporary construction compounds are | The Applicant considers that the details sought for the compounds comprising Work No.10 will be secured through the protected construction method statement (secured through requirement 23 of the <b>draft DCO [REP4-004]</b> updated at deadline 5) and stage specific code of construction practice (secured through requirement 22): see section 2.5 of the <b>Outline</b>                         |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change   | ExA's Reasoning   | Applicant's Response   |
|----|-----|-----------------------------|--|---|--|
|    |     |                             | <p><b><u>(c) existing and proposed finished ground levels;</u></b><br/> <b><u>(d) landscaping;</u></b><br/> <b><u>(e) access; and</u></b><br/> <b><u>(f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment;</u></b><br/> <b><u>for the temporary construction compound have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex County Council and Work No.10 must be carried out in accordance with the approved details.</u></b></p> | <p>necessary. These documents would provide a one-stop shop for relevant planning authorities and Interested Parties to have a greater understanding of exactly what would occur in these areas as opposed to such matters being contained across a suite of documents. The ExA considers this can be achieved through a new Requirement in the DCO akin (although tightened) to Requirement 8.</p> | <p><b>Construction Method Statement [APP-255]</b> updated at Deadline 5, and paragraph 4.3.5 of the <b>Outline Code of Construction Practice [REP4-043]</b> updated at Deadline 5.)</p> <p>Should the ExA be minded to recommend inclusion of an additional requirement the Applicant considers that this should only apply to Work No. 10, as the details specified are not relevant to temporary soil storage areas.</p> <p>Further, not all of the listed items are appropriate for the temporary compounds, such as landscaping and features for permanent structures. The Applicant suggests the following:</p> <p>(x)(1) Works to provide the temporary construction compounds comprising Work No. 10 must not commence until details of—</p> <p>(a) siting and layout;</p> <p>(b) scale and quantum of uses to be undertaken;</p> |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change | ExA's Reasoning | Applicant's Response  |
|----|-----|-----------------------------|--------------------------------|-----------------|---|
|    |     |                             |                                |                 | <p><i>(c) existing and proposed ground levels throughout the use of the compound;</i></p> <p><i>(d) access; and</i></p> <p><i>(e) infrastructure including boundary treatment;</i></p> <p><i>for the temporary construction compound have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex County Council</i></p> <p><i>(2) Where details are approved pursuant to this requirement x then details for</i></p> <p><i>(a) access and egress points, visibility splays for the temporary construction compounds will not be required to be approved pursuant to requirements 24 and 15</i></p> <p><i>(3) the temporary construction compounds must be provided in accordance with the approved details.</i></p> |

| No | Ref   | Wording at D4 [REP4-004] | ExA's Recommended Change  | ExA's Reasoning   | Applicant's Response  |
|----|---|--------------------------|---|---|---|
| 16 | Schedule 1, Part 3, New Requirement 42<br><b><u>Trenchless Crossing</u></b> | None                     | <b><u>(42) (1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until a trenchless crossing plan, indicating the final areas for trenchless crossing, in accordance with the outline trenchless crossing plan, has been submitted to and approved by the relevant planning authority following consultation with West Sussex County Council, the Environment Agency, Southern Water and the</u></b> | <p>The ExA understands that the locations of the trenchless crossing, while specified in the Crossing Schedule, remain indicative at this stage and some are subject to detailed design. The ExA also understand that the Applicant may increase the number of areas where trenchless crossings will be used including W110 at Green Lanes.</p> <p>Because of the importance of the trenchless crossing schedule and that</p> | <p>The Applicant does not consider that the locations of the trenchless crossings remain indicative; as specified in requirement 6(4) trenchless crossings must be provided in the locations specified in the crossing schedule forming part of the stage specific Code of Construction Practice (CoCP) approved pursuant to requirement 22 of the <b>draft DCO [REP4-004]</b>. The stage specific CoCP must be in accordance with the outline document which is to be certified pursuant to article 51.</p> <p>Whilst it is acknowledged that some optionality has been retained some environmentally sensitive sites, the trenchless crossing compounds are identified with limits of deviation in the crossing schedule comprising part of the <b>outline CoCP [REP4-043]</b>. Further, details for the cable construction corridor location and the</p> |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change   | ExA's Reasoning   | Applicant's Response  |
|----|-----|-----------------------------|--|---|---|
|    |     |                             | <p><b><u>statutory nature conservation body.</u></b><br/> <b><u>(2) Development shall be carried out in accordance with the approved plan.</u></b></p> | <p>the Applicant is still refining it, the ExA considers the approval of the Trenchless Crossing should form its own Requirement.</p> | <p>planned methods and processes for the trenchless crossings to be provided as part of the stage specific <b>Construction Method Statement [APP-255]</b> (amended at deadline 5) and secured by requirement 23 of the <b>draft DCO [REP4-004]</b> (updated at deadline 5), will also confirm the final locations for trenchless crossings.</p> <p>Should the ExA remain minded to include an additional requirement in relation to trenchless crossings notwithstanding the comments above the Applicant suggests:</p> <p><i>'(1) No stage shall commence until a trenchless crossing plan showing the final location and extent of each trenchless crossing in that stage and its compound has been submitted to and approved by the relevant planning authority!</i></p> <p><i>(2) The trenchless crossings in the relevant stages shall be undertaken in accordance with the details approved pursuant to paragraph (1)</i></p> |

| No | Ref   | Wording at D4 [REP4-004] | ExA's Recommended Change   | ExA's Reasoning  | Applicant's Response   |
|----|---|--------------------------|--|--|--|
| 17 | Schedule 1, Part 3, New Requirement 43<br><u>European Protected Species</u> | None                     | <b><u>(43) (1) No phase of the onshore works may commence until final pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by that phase of the onshore works or in any of the trees to be lopped or felled as part of that phase of the onshore works.</u></b><br><b><u>(2) Where a European protected species is shown to be present, the relevant phase of the onshore works</u></b> | A European Protected Species requirement is normal practice and has been requested by Natural England [REP4-096]. The ExA considers the Requirement should be added. | The Applicant considers that the requirement or otherwise for a European Species Licence is secured by other statutory regimes and is also referred to in the <b>Outline CoCP [REP4-043]</b> (updated at deadline 5) but has included the requirement as requested as requirement 43 in the <b>draft DCO [REP4-004]</b> as updated at Deadline 5 |

| No   | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change | ExA's Reasoning | Applicant's Response |
|--|-----|-----------------------------|--------------------------------|-----------------|----------------------|
| <p data-bbox="887 392 1200 1417"> <u>must not commence until, after consultation with Natural England and the relevant planning authority, a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority or a European protected species licence granted by Natural England.</u><br/> <u>(3) The onshore works must be carried out in accordance with the approved scheme.</u><br/> <u>(4) In this requirement “European protected species” has the same meaning as in</u> </p> |     |                             |                                |                 |                      |

| No | Ref   | Wording at D4 [REP4-004] | ExA's Recommended Change   | ExA's Reasoning  | Applicant's Response   |
|----|---|--------------------------|--|--|--|
|    |   |                          | <u>regulations 42 and 46 of the 2017 Regulations.</u>  |  |  |
| 18 | Schedule 1, Part 3, New Requirement 44 <b><u>Commitments Register</u></b> | None                     | <b><u>(44) (1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until the commitments register, in accordance with the outline commitments register, has been submitted to and approved by the West Sussex County Council in consultation with the relevant planning authorities, the Environment Agency and the</u></b> | As set out in the ExA Further Written Questions, the ExA remains concerned over the robustness and consistency of the Commitments in the Commitments Register [REP4-057]. The ExA has requested that the Applicant review the concerns raised by Interested Parties and the ExA and amend accordingly. Should those amendments be made, and Interested Parties confirm they are largely content with | <p>The Applicant considers that amendments made to the commitments register at Deadline 5 address the ExA's concerns and that therefore this requirement is unnecessary.</p> <p>Further, since the commitments in the commitments register are then carried through into the outline control documents the commitments register is not a document which is intended to evolve post-consent as this could then lead to inconsistencies with outline control documents secured by requirements and certified as such, and therefore result in a lack of clarity and precision as to the measures which detailed control plans need to contain.</p> |



| No | Ref   | Wording at D4 [REP4-004] | ExA's Recommended Change  | ExA's Reasoning   | Applicant's Response  |
|----|---|--------------------------|---|---|---|
|    |   |                          | <p><u>statutory nature conservation body.</u><br/> <u>(2) Development shall be carried out in accordance with the approved plan.</u></p>  | <p>them, the ExA may not need this Requirement.</p>   |   |
| 19 | Schedule 1, Part 3, Potential New Requirement 45 or amendments to Requirement 22 <b><u>Noise, Dust and Air Quality Monitoring</u></b> | None                     | <p><b><u>(1) A scheme of dust and noise mitigation giving full details of noise, dust and air quality monitoring and mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting shall be submitted to and approved by the relevant planning authority. The ExA notes the concerns of Horsham DC in respect to monitoring of noise.</u></b></p> | <p>The ExA notes the concerns of Horsham DC in respect to monitoring of noise. The ExA has tabled a Further Written Question NV 2.4 on this matter and, dependent on the responses received, may consider it necessary to insert the suggested wording either within Requirement 22 or within a separate Requirement.</p> | <p>It is not considered that an additional requirement is necessary; both an <b>Outline noise and vibration management plan</b> and an <b>Outline air quality management plan</b> have been submitted to the Examination (<b>REP3-054</b> and <b>REP3-053</b> respectively) and are secured as part of the <b>Outline Code of Construction Practice [REP4-043]</b> through requirement 22. Each plan secures monitoring measures and are subject to approval on a stage specific basis by the relevant planning authority; see the Applicant's response to question NV2.3, and see section 2.4 of the <b>Outline air quality management plan</b> for monitoring of air quality [<b>REP3-056</b>]. Further to this the Applicant has provided commitment C-302 and C303 in the</p> |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change   | ExA's Reasoning | Applicant's Response   |
|----|-----|-----------------------------|--|-----------------|--|
|    |     |                             | <p><b><u>The ExA has tabled a Further Written Question NV 2.4 on this matter and, dependent on the responses received, may consider it necessary to insert the suggested wording either within Requirement 22 or within a separate Requirement.</u></b></p> <p><b><u>(2) The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the most up to date IAQM</u></b></p> |                 | Outline noise and vibration management plan and Outline air quality management plan at Deadline 5 and within the <a href="#">Commitments Register [REP4-057]</a> (updated at Deadline 5) |

| No  | Ref           | Wording at D4<br>[REP4-004]  | ExA's<br>Recommended<br>Change   | ExA's Reasoning  | Applicant's Response   |
|---|---------------|--|--|--|--|
|   |               |  | <p><b><u>“Guidance on the assessment of dust from demolition and construction”.</u></b></p>  |  |  |
| <p><b>Schedules 11 and 12 Deemed Marine Licence</b></p> |               |  |  |  |  |
| 20  | Part 1 Para 9 | <p><i>9. Any amendments to or variations from the approved plans, protocols or statements must be in accordance with the principles and assessments set out in the environmental statement and approval for an amendment or variation may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the</i></p> | <p><i>9. Any amendments to or variations from the approved plans, protocols or statements must be in accordance with the principles and assessments set out in the environmental statement and approval for an amendment or variation may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the amendment or variation is unlikely to</i></p> | <p>As suggested by the MMO in its written submission at Deadline 4 [REP4-088].</p> | <p>The Applicant does not consider that this proposed change is appropriate: please see the Applicant's response to the MMO's Deadline 4 response (Document Reference 8.84).</p> |

| No | Ref                   | Wording at D4 [REP4-004]   | ExA's Recommended Change   | ExA's Reasoning   | Applicant's Response   |
|----|-----------------------|--|--|---|--|
|    |                       | <i>amendment or variation is unlikely to give rise to any material new or materially different environmental effects from those assessed in the environmental statement.</i>   | <b><i>will not</i></b> give rise to any material new or materially different environmental effects from those assessed in the environmental statement.   |   |  |
| 21 | Part 2 Condition 3(2) | <i>(2) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise. All operation and maintenance activities shall be carried out in accordance with the submitted operations and maintenance plan.</i> | <i>(2) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise. All operation and maintenance activities shall be carried out in accordance with the submitted <b>approved</b> operations and maintenance plan.</i> | As suggested by the MMO in its written submission at Deadline 3 [REP3-076]. | The Applicant has accepted that the Operations and maintenance plan should be submitted for approval and implemented as approved. The necessary changes have been made to Part 2 Condition 3 of the deemed marine licences at Schedules 11 and 12 of the <b>draft DCO [REP4-004]</b> as amended at deadline 5. |

| No | Ref                       | Wording at D4 [REP4-004]  | ExA's Recommended Change   | ExA's Reasoning  | Applicant's Response  |
|----|---------------------------|---|--|--|---|
| 22 | Part 2 Condition 3(5)     | <i>(5) Where the MMO's approval is required under paragraph (3), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the works for which approval is sought are unlikely to give rise to any material new or materially different environmental effects from those assessed in the environmental statement.</i> | <i>(5) Where the MMO's approval is required under paragraph (3), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the works for which approval is sought <del>are unlikely to</del> <b>will not</b> give rise to any material new or materially different environmental effects from those assessed in the environmental statement.</i> | may be given only where it has been demonstrated to (5) Where the MMO's approval is required under paragraph (3), approval may be given only where it has been demonstrated to the satisfaction of the MMO | The Applicant does not consider that this proposed change is appropriate: please see our response to the MMO's Deadline 4 response (Document Reference 8.84).   |
| 23 | Part 2 Condition 11(1)(a) | None  | INSERT AFTER (v)<br><br><b><u>(vi) a commitment to microsite around features of ecological or</u></b>  | As suggested by Natural England in its written submission at Deadline 4 [REP4-096].  | The Applicant had responded to Natural England's previous request to amend condition 11(1)(a) in its <b>draft DCO [REP4-004]</b> as submitted at Deadline 4; the revised wording required the design plan for |

| No | Ref | Wording at D4<br>[REP4-004] | ExA's<br>Recommended<br>Change  | ExA's Reasoning | Applicant's Response   |
|----|-----|-----------------------------|---------------------------------|-----------------|--|
|    |     |                             | <u>conservation importance.</u> |                 | <p>submission pursuant to condition 11(1)(a) to show, at (v), '<i>any exclusion zones/ environmental micrositeing requirements due to marine heritage constraints, environmental constraints or difficult ground conditions discovered post approval under this condition 11 (pre-construction plans and documentation) and condition 16 (pre-construction surveys)</i>,' This amendment reflected the approach adopted in DCOs including Hornsea Four and Sheringham and Dudgeon Orders.</p> <p>The Applicant considers that its existing wording is preferable to the wording now proposed as it secures that the Applicant must show micrositeing for a range of sensitive features, including by reference to the outcome of surveys, rather than requiring a commitment to microsite.</p> |

| No | Ref                    | Wording at D4 [REP4-004]   | ExA's Recommended Change  | ExA's Reasoning  | Applicant's Response   |
|----|------------------------|--|---|--|--|
| 24 | Part 2 Condition 11(2) | <i>(2) The authorised scheme must not commence unless no later than six months prior to the commencement a written scheme of archaeological investigation has been submitted to and approved by the MMO, in accordance with the outline marine written scheme of investigation, and in accordance with industry good practice, following consultation with the statutory historic body to include—</i> | <i>(2) The authorised scheme must not commence unless no later than six months prior to the commencement a written scheme of archaeological investigation has been submitted to and approved by the MMO <b><u>following consultation with West Sussex County Council and the statutory historic body</u></b>, in accordance with the outline marine written scheme of investigation, and in accordance with industry good practice, following consultation with the statutory historic body to include—</i> | As suggested by Historic England in its written submission at Deadline 4 [REP4-087]. | The Applicant has amended the <b>draft DCO [REP4-004]</b> as updated at Deadline 5 to include for consultation with WSCC and the statutory historic body, save that for WSCC this is limited to the intertidal area which is within their area of statutory responsibility |

| No | Ref                       | Wording at D4 [REP4-004]   | ExA's Recommended Change  | ExA's Reasoning  | Applicant's Response   |
|----|---------------------------|--|---|--|--|
| 25 | Part 2 Condition 11(2)(c) | <i>(c) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within six months of any survey being completed.</i> | <i>(c) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within <del>six</del> <b>four</b> months of any survey being completed.</i> | As suggested by Historic England in its written submission at Deadline 4 [REP4-087] and in line with the Sheringham and Dudgeon Order. | <p>The Applicant does not support a reduction in the period for submission of archaeological analysis of data post survey.</p> <p>It is not clear to the Applicant why the survey information should be provided to the MMO within four months rather than six; no reasoning for this request has been provided by Historic England. It is not considered that the survey results are time sensitive, and the Applicant will have a significant quantity of data to process following the surveys, including requiring specialist third party input. In this context a six month period is both more achievable and reduces the risk of delay for the project.</p> |
| 26 | Part 2 Condition 16(2)(b) | <i>(b) a survey to determine the location, extent and composition of chalk habitats, stony reef and potential Sabellaria</i>   | <i>(b) a survey to determine the location, extent and composition of chalk habitats, stony reef and potential Sabellaria spinulosa</i>  | As suggested by the MMO in its written submission at Deadline 3 [REP3-076].  | It is not considered that the amendment proposed is appropriate. The surveys must be in accordance with the outline in principle monitoring plan, and this condition reflects the content of that document: there are no other species or features   |



| No | Ref | Wording at D4<br>[REP4-004]   | ExA's<br>Recommended<br>Change  | ExA's Reasoning | Applicant's Response   |
|----|-----|---|---|-----------------|--|
|    |     | <i>spinulosa reef features, potential nesting sites for black seabream, and peat and clay exposures as set out within the outline in-principle monitoring plan;</i> | <i>reef features, potential nesting sites for black seabream, and peat and clay exposures <b><u>and any other species or features</u></b> as set out within the outline in-principle monitoring plan;</i> |                 | detailed in the outline in-principle monitoring plan that would be 'caught' by the additional wording. |

