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Our Ref: EN010117

Date: 17 July 2024

Dear Ms Algate

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

Application by Rampion Extension Development Limited for an Order Granting Development Consent for the Rampion 2 Offshore Wind Farm Project

Request for Additional Information

Following receipt of the written submissions at Deadline 5, the Examining Authority (ExA) considers that further amendments to the draft Development Consent Order (draft DCO) [[REP5-005](#)] may be necessary. The ExA sets these out in Annex A below, and requests the Applicant to provide a response on the suggested changes at **Deadline 6, 1 August 2024**.

In addition, the ExA has a number of final questions set out in Annexes B and C below, and again requests the Applicant to provide a response at **Deadline 6, 1 August 2024**.

Please do not hesitate to contact the Case Team using the contact details at the head of this letter should further assistance be needed.

Yours sincerely,

Richard Allen

Richard Allen
Lead Panel Member for the Examining Authority

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ANNEX A

The ExA's Additional Suggested Amendments to the draft DCO [REP5-005]

No	DCO Req	ExA's Recommended Additional/ Amended Requirement	ExA's Reasoning
1.	8(1)	<p><u>Works comprising Work No. 16 and Work No.18 together with the associated parts of Work No 17, access from Kent Street to Work No. 9 and 19 and use of Work No. 10 at Oakendene (excluding any onshore site preparation works) must not commence until -</u></p> <p><u>(a) the following details of the substation (Work No. 16):</u></p> <ul style="list-style-type: none"> (a) siting and layout; (b) scale and quantum of development and its uses; (c) existing and proposed finished ground levels; (d) landscaping; (e) access (Work No.18); and (f) external appearance, form and materials for any building structures and other infrastructure including boundary treatment; <p><u>(b) a single comprehensive construction traffic management plan covering:</u></p> <ul style="list-style-type: none"> <u>(i) the timing and routing of construction traffic along the A272 and into and out of the Oakendene compound; Substation site and Kent Street;</u> <u>(ii) the safety of construction accesses off the A272 and Kent Street;</u> 	<p>The ExA notes the Applicant's response to its proposed amendments to Requirement 8 in [REP5-121]. However, having reviewed the submissions made at Deadline 5 by IPs, the ExA is still of the view that the issues still to be resolved in the vicinity of the Oakendene substation site including:</p> <ul style="list-style-type: none"> • the safety of non-construction traffic, pedestrians, cyclists and equestrians using Kent Street alongside construction traffic; • the safety of construction accesses off the A272 and Kent Street; • the restriction of construction traffic from unsuitable routes off the A272; and • The details of vegetation removal, retention and replanting on Kent Street; <p>is best addressed by a site-specific plan.</p> <p>The ExA considers the suggested change to Requirement 8, which now more explicitly covers all the elements in the vicinity of the substation that need to be addressed than previous drafts, would ensure such a comprehensive site-specific plan.</p>

No	DCO Req	ExA's Recommended Additional/ Amended Requirement	ExA's Reasoning
		<p><u>(iii) the safety of non-construction traffic, pedestrians, cyclists and equestrians using Kent Street;</u></p> <p><u>(iv) the restriction of traffic from unsuitable routes off the A272; and</u></p> <p><u>(v) measures to minimize the volume of construction traffic passing through the Air Quality Management Area (AQMA) at Cowfold; and</u></p> <p><u>(c) details of vegetation removal, retention and replanting within Work Nos. 16 and 18 and along Kent Street at construction accesses A61 and A64, 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;</u></p> <p><i>for the onshore substation have been submitted to and approved in writing by the relevant planning authority following consultation with the local highway authority and West Sussex Fire and Rescue Service and Works comprising Works No. 16 and 18 together with the associated parts of Work No 17, access from Kent Street to Works No. 9 and 19 and use of Work No. 10 at Oakendene, must be carried out in accordance with the approved details.</i></p>	

No	DCO Req	ExA's Recommended Additional/ Amended Requirement	ExA's Reasoning
2.	23(2)(b)	<p><i>(b) comply with commitments C-112, C-114 and C-216 of the Commitments Register with regards to the restriction of access within ecologically sensitive sites. restrict access within ecologically sensitive sites including Climping Beach Site of Special Scientific Interest, Littlehampton Golf Course and Atherington Beach Local Wildlife Site, Sullington Hill Local Wildlife Site, and Michelgrove Park.</i></p>	<p>The ExA understand the reasons given for the removal of wording in this Requirement as set out at deadline 5 [REP5-009]. In so doing, the ExA considers Requirement 23(2)(b) as currently worded is an unnecessary repetition of Commitments C-112, C-114 and C-216 of the Commitments Register. It would be better if Requirement 23(2)(b) was reworded to adhere to the said Commitments as suggested. The ExA further considers this amendment would address the concerns raised by Horsham DC at Deadline 5 [REP5-149].</p>
3.	39	<p><i>(1) Prior to commencement of the authorised development seaward of MHWS the undertaker must provide details of the number, specification (including lightning protection) and dimensions of each wind turbine generator and its location to the Airport Operator and provide confirmation of the same to the Secretary of State.</i></p> <p><i>(2) Within 21 days of providing the information specified in sub-paragraph (1) above <u>(or such other period as may be agreed in writing between the undertaker and the Secretary of State) the Undertaker, with any written confirmation of the Airport Operator, must confirm to the Secretary of state that—</u></i></p> <p><i>(a) none of the turbines to be installed in accordance with the information submitted pursuant to sub-paragraph (1) above would have an impact on the instrument flight procedures of Shoreham Airport; or</i></p> <p><i>(b) a turbine or turbines to be installed in accordance with the details submitted pursuant to sub-paragraph (1)</i></p>	<p>The ExA considers that there should not be a requirement put on a third party (in this case Shoreham Airport). Any requirements should be on the undertaker of the development only. The ExA also considers that it should be the relevant Secretary of State who decides whether all stages and aspects of the Requirement are agreed.</p>

No	DCO Req	ExA's Recommended Additional/ Amended Requirement	ExA's Reasoning
		<p><i>above or their turbine blades would have an impact on the instrument flight procedures of Shoreham Airport and that an IFP Scheme is required.</i></p> <p><i>(3) There shall be no commencement of the authorised development seaward of MHWS unless and until such time as—</i></p> <p><i>(a) <u>the Secretary of State has confirmed and agreed in writing under paragraph 2(a);</u> or</i></p> <p><i>(b) in the event that written notification under paragraph 2(b) is received, the Secretary of State has confirmed in writing that they are satisfied that the undertaker has put in place a binding undertaking to pay the Airport Operator such sums as are demonstrably and reasonably required by the Airport Operator for producing and securing the implementation of the IFP Scheme.</i></p> <p><i>(4) If an IFP Scheme is required, no wind turbine generator or turbine blade that has been identified as having an impact on instrument flight procedures may be erected or fitted unless and until such time as the Secretary of State <u>receives written confirmation and evidence from the Undertaker that—</u></i></p> <p><i>(a) an IFP Scheme has been approved by the Airport Operator; and</i></p> <p><i>(b) the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required).</i></p> <p><i>(5) For the purposes of this requirement—</i> <i>“Airport Operator” means the operator of Shoreham Airport being Brighton City Airport Limited of The Terminal Building, Cecil Pashley Way, Shoreham-by-sea, West Sussex, BN43 5FF or any successor as holder of a</i></p>	

No	DCO Req	ExA's Recommended Additional/ Amended Requirement	ExA's Reasoning
		<i>licence under the Commission Regulation (EU) No. 139/2014 (or any successor regulation) from the Civil Aviation Authority to operate Shoreham Airport; and "IFP Scheme" means a scheme to address the identified potential impact of certain wind turbine generators or turbine blades to be constructed on the instrument flight procedures of Shoreham Airport.</i>	
No	DML Conditions	ExA's Recommended Additional/ Amended Requirement	ExA's Reasoning
4.	NEW	<i>Notwithstanding the mitigation measures proposed within the submitted information and the Commitment Register, there shall be no piling associated with this development between the dates of 01 March to 31 July inclusive, unless otherwise agreed in writing before the commencement of any piling by the Marine Management Organisation</i>	<p>Natural England have requested this restriction based on the potential impact of underwater noise from piling on Black Seabream during their breeding/nesting season within the Kingmere MCZ.</p> <p>The Applicant is requested to comment on this potential additional condition and its wording, should the Secretary of State decide that it is required within the Deemed Marine Licences.</p>

ANNEX B

ADDITIONAL QUESTIONS

ONSHORE/OFFSHORE QUESTIONS		
BP 3.1	<p><i>Outline Cable Burial Risk Assessment and an Outline Cable Specification and Installation Plan</i></p> <p>Natural England Marine Management Organisation</p>	At Deadline 5 the Applicant submitted an Outline Cable Burial Risk Assessment [REP5-123] and an Outline Cable Specification and Installation Plan [REP5-126]. Provide comments on these documents and confirm which previous concerns expressed have been addressed by the submission of these documents.
BP 3.2	<p><i>Chalk Impacts</i></p> <p>The Applicant</p>	Natural England [REP5-141] continues to advise that a full appraisal of all possible options for nearshore cable installation is necessary, with a commitment to using the methodology that minimises the environmental impacts, including the loss of irreplaceable marine chalk. Provide a response to these comments.
CR 3.1	<p><i>Commitments Register</i></p> <p>All Relevant Interested Parties</p>	The Applicant considers [REP5-121] that the updated Commitments Register submitted at Deadline 5 [REP5-086] now address all remaining concerns. Briefly confirm this, without rehearsing previous comments.
DCO 3.1	<p><i>Schedule 1, Requirements 22, 24, 33 and 40</i></p> <p><i>Schedules 11 and 12, Conditions 9(8) and 16(2)</i></p>	Provide a response and update the draft DCO [REP5-005] in respect to the suggested amendments advanced by Horsham DC [REP5-150], the Marine and Coastguard Agency [REP5-045] and West Sussex CC [REP5-134].

	<i>Schedules 13 and 14</i> The Applicant	
FS 3.1	<i>Worst Case Scenario – Piling Noise for Fish and Shellfish</i> The Applicant Natural England	<p>The ExA notes that Natural England has remaining concerns/questions with regards to the modelling of underwater noise and the worst-case scenarios for different situations [REP5-139, Page 2]. It states:</p> <p><i>“We advise that a clear explanation of whether sequential or simultaneous piling has been modelled as the worst case in each situation still needs to be provided and each figure needs to be clearly labelled with which scenario it is demonstrating. Additionally, as raised in our Relevant Representations (Appendix E, Point 27), where piling is conducted simultaneously at two locations we question what the closest distance between locations is likely to be, and how this is considered in terms of impacts on the MCZ’s.”</i></p> <p>The ExA also acknowledge that the Applicant has responded on these matters raised by NE, such as the response to Point E27 at Deadline 1 [REP1-017], for example.</p> <p>The ExA requests the Applicant and Natural England resolve these issues before the close of the Examination. If the parties are unable to resolve these matters, provide a joint Position Statement and the options available to the Secretary of State.</p>
FS 3.2	<i>Double Bubble Curtains/ Noise Abatement</i> The Applicant	<p>Natural England [REP5-139] have stated the following:</p> <p><i>“..provided that the Applicant were able to field-test and evidence that a reduction in the region of 15dB is deliverable during the ‘worst-case’ environmental conditions at the site, we would be in a position to conclude that the conservation objectives of the four seahorse MCZs will not be hindered due to TTS and behavioural impacts from underwater noise generated from piling.”</i> (Page 3)</p> <p>Provide the ExA with a statement with details of field testing as described above at the Rampion 2 site, including in depths of over 40m, or explain in detail why this cannot be done. It is also advised by MMO [REP5-146, Paragraph 2.14.21] that no testing of the noise abatement measures should occur during the sensitive seasons for herring (1st November – 31st January, inclusive) and black sea bream (1st March – 31st July, inclusive).</p>

HRA 3.1	<i>Outline Guillemot and Razorbill Implementation and Monitoring Plan</i> Natural England	Confirm whether the Outline Guillemot and Razorbill Implementation and Monitoring Plan submitted by the Applicant at Deadline 5 [REP5-117] adequately secures the likely feasible delivery mechanisms for and quanta of compensation from the evidence presented in the Outline Guillemot and Razorbill roadmap submitted by the Applicant at Deadline 3 [REP3-060], upon which Natural England provided comments at D4 [REP4-091] to confirm they are broadly supportive.
LR 3.1	<i>Land Rights Flow Chart</i> The Applicant	Confirm that the flow chart in Annex C (based on the Applicant's response to Compulsory Acquisition Hearing 1 (CAH 1) Action 1 [REP4-074]) is correct.
MM 3.1	<i>Worst case piling scenario</i> The Applicant	<p>Natural England has requested clarification in Appendix C5 of their Deadline 5 submission [REP5-138] of whether the worst-case number of piles and pile locations per day in the updated marine mammal ES chapter, updated at D4 [REP4-020], is reflected in the underlying modelling and assessment.</p> <p>a) Provide confirmation of whether or not the underlying modelling and assessment, particularly in Appendix 11.2: Marine mammal quantitative underwater noise impact assessment [APP-148] and Appendix 11.3 Underwater noise assessment technical report [APP-149] is reflective of the worst-case piling scenario presented in the updated Marine Mammal ES Chapter 11 [REP4-020].</p> <p>b) Provide a comprehensive response to all points C24, C33, C40 and C41 in Appendix C5 to the Natural England Deadline 5 Submission [REP5-138].</p>
OR 3.1	<i>Great Black-backed Gull</i> The Applicant	<p>As indicated by Natural England in its Deadline 5 response [REP5-141], there remains concern over the cumulative impact on the great black-backed gull. The ExA notes that the Applicant remains in disagreement with Natural England regarding this point [REP5-141] and that both parties agree that no effective mitigation is possible in this circumstance. Also of note is that no compensation measures have been offered by the Applicant for this impact.</p> <p>If the Secretary of State is minded to accept the advice of Natural England regarding the cumulative effects on the great black-backed gull and subsequently wishes compensation measures to be implemented, advise the Secretary of State what could be achieved and how this might be secured in the draft DCO.</p>

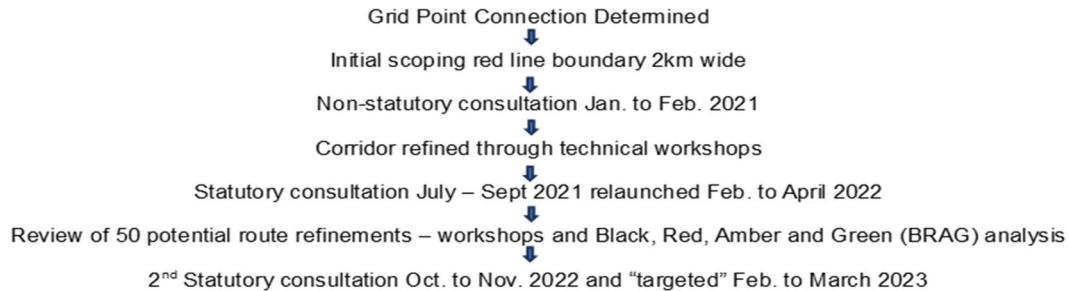
TA 3.1	<p><i>Traffic Survey Data</i></p> <p>Applicant</p>	<p>The ExA notes from the latest version of the Outline Construction Traffic Management Plan (OCTMP) [REP5-068] that new traffic survey data has been obtained by the Applicant for baseline traffic flows on Michelgrove Lane and Kent Street. However, the ExA also notes that while the latest ES Traffic Generation Technical Note assessment [REP5-060] includes updated baseline traffic flows for each of these highway links their source has not been correctly referenced.</p> <p>(a) All documents relating to traffic and access should be re-submitted as a consistent set at Deadline 6, with analysis and conclusions based on the latest traffic survey data and all sources correctly referenced. And</p> <p>(b) What are the implications of the significantly increased baseline traffic flows on Michelgrove Lane and Kent Street highlighted by the new traffic survey data on the viability of the construction traffic management strategies for these highway links contained in the OCTMP [REP5-068]?</p>
UWN 3.1	<p><i>Enhanced Monitoring</i></p> <p>The Applicant</p>	<p>The Marine Management Organisation (MMO), in [REP5-146], Paragraph 2.10.5, state that due to persisting uncertainties relating to underwater noise and noise abatement efficacy, they require an enhanced monitoring programme. They explain this as follows:</p> <p><i>“This monitoring programme should include obtaining measurements of the first eight piles (or eight of the first 12 piles), of each foundation type, to be installed. We advise that this should include a commitment to provide initial outputs from the monitoring within 2 weeks of it concluding, highlighting any obvious deviations from what was assessed and whether the levels of noise abatement proposed have been achieved. We advise that the final reporting should be submitted to the MMO within 4 weeks.”</i></p> <p>Submit a revised enhanced monitoring programme in line with the MMO request, or explain in detail why this cannot be done.</p>

ANNEX C

LAND RIGHTS FLOW CHART

Rampion 2 – Land Rights Flow Chart

Pre-application



Application/ Examination

Draft DCO (dDCO) limits in application – Onshore Works Plans show limits for works in **Schedule 1** and Onshore Land Plans show limits for corresponding land rights **Article 25 and Schedule 7**.

Post Consent

If Order, made **Article 19 (dDCO)** used to facilitate detailed site investigations

Constraints and features dataset used to refine cable corridor taking into account mitigation hierarchy and dDCO and private land commitments

Project Finance - **Contract for Difference (CfD)** secured

Stage Specific **Construction Method Statement (CMS)** (agreed by the relevant planning authority) will include plan showing final location of cable corridor

Construction

Applicant takes temporary possession of land and carries out works using **Article 33(1)(a)(ii) (dDCO)**:

"the Applicant may (prior to acquiring permanent rights or imposing such restrictive covenants) take possession of any of the Blue Land and Pink Land on the Land Plans Onshore and "construct any works on that land as are mentioned in Part 1 of Schedule 1 (authorised development) and Part 2 of Schedule 1 (ancillary works) on that land".

Permanent Acquisition Rights

Once installation of the cable complete, "as built" plans prepared to show the permanent cable easement comprising the cable and a protective buffer zone (20 to 25m). Plan shared with the landowners and forms basis of the 99-year voluntary deeds of grant for the easement or the compulsory acquisition (**Articles 23 and 25, dDCO**)

Return & Reinstatement

Wider construction corridor land no longer required once construction has completed, to be reinstated in accordance with **Requirement 22, Outline Soils Management Plan (OSMP)** and **Requirement 12, Outline Landscape and Ecology Management Plan (OLEMP)** and returned to the landowner, as required by **Articles 33(5) and 33(6) (dDCO)**.