

Rampion 2 Wind Farm

Category 4: Compulsory Acquisition

Statement of Reasons (Clean)

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Revision B**

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NO TABLE OF CONTENTS ENTRIES FOUND.

1. INTRODUCTION

- 1.1 This Statement of Reasons forms part of an application for a Development Consent Order ("DCO") known as the Rampion 2 Offshore Wind Farm Order 20XX ("the Application" and "the Order") (Document Reference: 3.1) which has been submitted to the Planning Inspectorate by Rampion Extension Development Limited ("RED" or "the Applicant") under section 37 of the Planning Act 2008 ("2008 Act"). The Application seeks consent for a new offshore windfarm 'Rampion 2' (the "Proposed Development") with an output in excess of 100 megawatts (MW). The Proposed Development is adjacent to the Rampion 1 Offshore Windfarm in the English Channel, 13km to 25km off the Sussex coast. The Proposed Development also includes offshore and onshore electricity transmission infrastructure, including a new onshore substation that will connect to the existing National Grid substation at Bolney, Mid Sussex.
- 1.2 A detailed description of the Proposed Development is set out in Volume 2, Chapter 4 of the Environmental Statement: The Proposed Development, submitted with the Application (Document Reference: 6.2.4)
- 1.3 This Statement of Reasons has been prepared in compliance with the requirements of section 37(3)(d) of the 2008 Act and Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ("the APFP Regulations") and in accordance with the guidance issued by the (then named) Department for Communities and Local Government titled "*Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land*" (September 2013) ("the Compulsory Acquisition Guidance").
- 1.4 This Statement of Reasons is required to support the Application because the Order would authorise:
 - 1.4.1 the compulsory acquisition of land;
 - 1.4.2 the acquisition of rights by the creation of new rights or the imposition of restrictive covenants;
 - 1.4.3 the extinguishment, interference, suspension or overriding of existing private rights over land; and
 - 1.4.4 the use and possession of land temporarily for the purposes of the construction and maintenance of Rampion 2.

- 1.5 This Statement of Reasons explains why it is necessary and justifiable for the Order to contain compulsory acquisition and temporary possession powers.
- 1.6 This Statement of Reasons forms part of a suite of Application documents. It should be read alongside and is informed by those documents. The following Application documents are of particular relevance to the compulsory acquisition and temporary possession powers being sought in the Order:
 - 1.6.1 The draft Order (Document Reference: 3.1), Part 5 of which includes proposed powers of compulsory acquisition and temporary possession;
 - 1.6.2 The Explanatory Memorandum (Document Reference: 3.2) which explains the compulsory acquisition, temporary possession and associated powers being sought in the draft Order;
 - 1.6.3 The Funding Statement (Document Reference: 4.2), which explains that the requisite funding is available to meet the costs of constructing Rampion 2 and to meet the costs of paying compensation in respect of the compulsory acquisition of land/rights over land, and the temporary possession of land, (including any blight claims);
 - 1.6.4 The Land Plans (Document Reference: 2.1.2), which show the land over which compulsory acquisition and temporary possession powers are sought. The land which is within the limits of land to be acquired or used for the purposes of Rampion 2 is referred to in this Statement of Reasons as the "Order Land";
 - 1.6.5 The Crown Land Plans (Document Reference: 2.8 and 2.3) which are among the Land Plans and show land in which there is a Crown interest;
 - 1.6.6 The Special Category Land Plans (Document Reference: 2.4) which identify land needed for the Proposed Development that is subject to additional legislative protection;
 - 1.6.7 The Book of Reference (Document Reference: 4.3) which details the various interests in the Order Land;
 - 1.6.8 The Works Plans (Document Reference: 2.1.1 and 2.2.2) which show where the various packages of Works comprising Rampion 2 will be carried out, for which land and new rights need to be obtained; and

- 1.6.9 The Planning Statement (Document Reference: 5.7) which explains the need and policy justification for the Proposed Development and the benefits it will deliver.
- 1.7 The following areas are addressed in this Statement:
- 1.7.1 **Section 2 (Executive Summary);**
 - 1.7.2 **Section 3 (Glossary);**
 - 1.7.3 **Section 4 (The Applicant)** provides details of the Applicant for the Order;
 - 1.7.4 **Section 5 (Description of the Proposed Development)** provides an overview of the Proposed Development and its location;
 - 1.7.5 **Section 6 (Description of and Need for the Order Land)** describes the Order Land and the works /infrastructure for which it is required;
 - 1.7.6 **Section 7 (Need for and benefits of the Proposed Development)** explains the need for and benefits of the Proposed Development with reference to relevant policy;
 - 1.7.7 **Section 8 (Site Selection and Alternatives)** explains the site selection process and the alternatives that were considered during the evolution of the Proposed Development;
 - 1.7.8 **Section 9 (Compulsory acquisition, temporary possession and other related powers)** explains the compulsory acquisition, temporary possession and other related powers being sought in the Order;
 - 1.7.9 **Section 10 (Identifying affected parties and engagement with them)** explains the process undertaken to identify persons affected by the Proposed Development and the efforts that have been made to engage and negotiate with them;
 - 1.7.10 **Section 11 (Need for Compulsory Acquisition Powers)** explains the need for compulsory acquisition powers, how the construction of the Proposed Development and associated compulsory acquisition will be funded, and compliance with relevant statutory tests and guidance;

- 1.7.11 **Section 12 (Special Considerations)** describes the Order Land that benefits from additional legislative protection;
- 1.7.12 **Section 13 (Human Rights and Equality Considerations)** sets out how regard has been had to the provisions of the First Protocol to the European Convention on Human Rights and the requirements of the Equality Act;
- 1.7.13 **Section 14 (Other Consents and Licences)** details the consents and licences required for the Project in addition to the Order;
- 1.7.14 **Section 15 (Further Information)** explains where further information about the Project, the compulsory acquisition process and compensation can be found;
- 1.7.15 **Section 16 (Conclusions).**

2. EXECUTIVE SUMMARY

2.1 The Applicant

- 2.1.1 The Applicant is a joint venture company called Rampion Extension Development Limited ("RED") (Company Registration Number: 12091939).
- 2.1.2 The Applicant is a joint venture between RWE Renewables UK Limited, Enbridge Rampion UK II Limited, and a Macquarie-led consortium. RWE and Enbridge are also legacy shareholders in the Rampion 1 project. RWE is the majority shareholder and development service provider for the Applicant's joint venture.
- 2.1.3 The Applicant was granted an electricity generation licence pursuant to section 6(1)(a) of the Electricity Act 1989 on 8 July 2021 by Ofgem, who are the Gas and Electricity Markets Authority.
- 2.1.4 Further detail about the Applicant can be found in the Funding Statement (Document Reference: 4.2).

2.2 Description of the Proposed Development

- 2.2.1 The Proposed Development involves Offshore Array Areas off the coast of West Sussex, southern England, with a landfall site at Climping near Littlehampton, and an onshore cable corridor 38.8km in length which will connect with a new onshore substation compound at Oakendene 2km east of Cowfold and then to the existing National Grid substation at Bolney.

2.3 Description of and Need for the Order Land

- 2.3.1 The Order Land is shown on the Land Plans (Document Reference: 2.1.2) which accompany the Order and is described in more detail in Section 6 of this Statement. A plan showing an overview of the Order Land (Key Plan) accompanies the Land Plans.
- 2.3.2 The main areas the Order Land may be summarised as follows:
 - 2.3.2.1 Intertidal area: off Climping Beach on the West Sussex coastline;
 - 2.3.2.2 Landfall point: at Climping Beach on the West Sussex coastline;

- 2.3.2.3 Cable route: approximately 38.8km (25 miles) in length between the landfall point at Climping Beach and the National Grid connection point at Bolney;
 - 2.3.2.4 Onshore substation compound at Oakendene at Oakendene, West Sussex;
 - 2.3.2.5 National Grid connection point: at the existing National Grid Electricity Transmission Plc ("National Grid") substation at Bolney.
- 2.3.3 The works to be carried out as part of the Proposed Development, are described in detail section 6 of this Statement.

2.4 **Need for and Benefits of the Project and Alternatives**

- 2.4.1 The Planning Statement (Document Reference: 5.7) explains the need for the Proposed Development in detail and sets out how the Proposed Development complies with and advances national, regional and local planning policy. This Statement should be read alongside the Planning Statement.
- 2.4.2 In summary, the Proposed Development will contribute materially towards:
 - 2.4.2.1 meeting the urgent national need established in National Policy Statement ("NPS") EN-1 for new renewable/low carbon electricity supply in the UK, including offshore wind which has been identified as a critical national priority ("CNP") in Draft NPS EN-1 and Draft NPS EN-3;
 - 2.4.2.2 meeting increasing energy demand, providing enhanced energy security and supporting UK Government priorities in relation to economic development; and
 - 2.4.2.3 the achievement of the UK Government's climate change commitments and carbon reduction objectives.
- 2.4.3 Additionally, it will deliver a range of environmental, social and economic benefits including biodiversity net gain, jobs creation during all phases of the project, and investment.

2.5 **Site Selection and Alternatives**

2.5.1 ES Chapter 3: Alternatives, Volume 2 (Document Reference: 6.2.3) sets out the detail of the site selection and the alternatives considered at each of the design evolution stages of the Proposed Development.

2.6 **Compulsory Acquisition, Temporary Possession and Other Related Powers**

2.6.1 The Applicant has been seeking to acquire the land, rights and restrictive covenants over land, and agreements for the temporary use of land, by voluntary agreement, in order to ensure the implementation, operation, protection, maintenance and decommissioning of the Proposed Development. Negotiations are still ongoing to secure private treaty agreements and the Applicant remains committed to progressing those negotiations. A summary of the status of negotiations immediately prior to submission is detailed within **Appendix 2**.

2.6.2 It would not be possible to conclude agreements for all the interests in land required for the Proposed Development. Compulsory acquisition and temporary possession powers are therefore being sought in order for the Applicant to be able to construct, operate, protect, maintain and decommission the Proposed Development without impediment.

2.6.3 The powers authorising the acquisition of land, or interests in and/or rights and restrictive covenants over land, and powers to temporarily use of land during construction, are principally contained in Articles 22, 24, 32 and 33 and Schedules 7 and 9 of the Order (Document Reference: 3.1).

2.6.4 Articles 25 and 26 of the Order would grant the Applicant powers to extinguish, suspend, interfere with and override existing private rights in land.

2.6.5 A detailed Plot by Plot description of the purposes for which the Order Land is required and the type of powers sought can be found in **Appendix 1** to this Statement.

2.6.6 ***Acquisition of Freehold Land***

2.6.6.1 The Applicant is taking a proportionate approach to land acquisition and only seeks to purchase of the freehold title to the Order Land for the purposes of above ground permanent

infrastructure, namely the onshore substation at Oakendene (Order Plot 33/9).

2.6.7 Acquisition of New Rights and Imposition of Restrictive Covenants

2.6.7.1 The Applicant requires rights in and restrictive covenants over land in order to construct, retain, operate, protect, maintain and decommission the Proposed Development.

2.6.7.2 The rights and covenants sought have been categorised into named 'packages'. The works in respect of which those packages of rights and covenants are required are described in section 6 of this Statement. The Plots of land where those works will be carried out/infrastructure will be situated, and over which each package of right and covenants may be acquired, are set out in Schedule 7 to the Order (Document Reference: 3.1).

2.6.8 Temporary Use of Land

2.6.8.1 Powers for the temporary use of land pursuant to Articles 32 and 33 and Schedule 9 of the Order are required in order to facilitate the use of land by the Applicant and all persons authorised on its behalf during the construction of the Proposed Development and thereafter for essential maintenance purposes.

2.6.8.2 Where land is only needed temporarily, the specific purposes for which temporary possession may be taken pursuant to Article 32 are set out in the table at Schedule 9 to the Order. Plots are listed against the purpose for which they will be used.

2.6.8.3 Where the Applicant is seeking to acquire land, new rights or restrictions over land, the power for temporary use of such land is also sought (this is provided for in Article 32 of the Order).

2.7 Identifying Affected Parties and Engagement with Them

2.7.1 *Identifying Persons with an Interest in Land*

2.7.1.1 The Applicant has carried out diligent inquiries to identify all persons with an interest in land within the Order Limits in accordance with section 44 of the PA 2008. Such persons are listed in the Book of Reference (Document Reference: 4.3) and have been consulted in respect of the Application in accordance with section 42 of the PA 2008. This is further explained in the Consultation Report (Document Reference: 5.1).

2.7.1.2 **Appendix 3** of this Statement provides details of the land referencing methodology, including the process of diligent inquiry undertaken to identify and contact persons and entities with interests in land in respect of each Category of persons as defined by section 44 of the PA 2008.

2.7.1.3 **Appendix 4** of this Statement provides further information on the approach undertaken by the Applicant to identify 'Category 3 persons' who may be entitled to claim compensation for a reduction in the value of their land as a result of either the construction or the use of the Proposed Development.

2.7.2 *Summary of Negotiations with Landowners*

2.7.2.1 **Appendix 2** of this Statement provides details of the current status of the negotiations with persons whose land/interest in land is affected by the Proposed Development. This will be updated during the course of the examination of the Application.

2.8 Need for Compulsory Acquisition Powers

2.8.1 *Compulsory Acquisition Powers and Guidance*

2.8.1.1 Section 120 and Part 1 of Schedule 5 of the PA 2008 prescribe those matters which may be included in a DCO. A DCO may impose requirements in connection with the development for which consent is granted, and in particular these include:

- 2.8.1.2 the acquisition of land, compulsorily or by agreement; and
 - 2.8.1.3 the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement.
- 2.8.2 Sections 122(1) of the PA 2008 provides that a DCO which includes powers of compulsory acquisition may only be granted if the conditions in Sections 122(2) and 122(3) of the PA 2008 are met. These conditions are as follows.
 - 2.8.2.1 Under section 122(2), that the land is:
 - (a) required for the development to which the development consent relates;
 - (b) required to facilitate or is incidental to that development; or
 - (c) is replacement land to be given in exchange for commons, open spaces etc.
- 2.8.3 For the reasons set out in detail in section 11 of this Statement, the Applicant considers that the conditions of section 122 of the PA 2008 have been met.
- 2.8.4 ***Justification for the Compulsory Acquisition Powers Sought***
 - 2.8.4.1 Each Plot of land described in the Book of Reference (Document Reference: 4.3) and shown on the Land Plans (Document Reference: 2.1.2) is required either for the purposes of the Proposed Development, or is needed to facilitate, or is incidental to the Proposed Development.
 - 2.8.4.2 The acquisition of the land or rights over land or imposition of restrictions sought by the Applicant are required for the construction, operation, protection, maintenance and decommissioning of the Proposed Development. The power to compulsorily acquire such land and rights over land is required to ensure there is no impediment to the delivery of the Proposed Development.

2.8.4.3 As explained above, the Applicant has taken a proportionate approach to acquisition.

2.8.5 ***Funding and Compensation***

2.8.5.1 The Funding Statement (Document Reference: 4.2) accompanying the Application explains how the construction of the Proposed Development, as well as the acquisition of land and interests, will be funded.

2.8.5.2 The Applicant has included in Article 52 of the Order a provision which prevents the Applicant exercising the powers of compulsory acquisition granted by the Order until guarantees, or alternative forms of security in respect of the liability of the undertakers to pay compensation, are in place. The form of guarantee or security and the amount of these must be approved by the Secretary of State.

2.9 **Special Considerations**

2.9.1 ***Land or Interests Owned by the Crown***

2.9.1.1 It is not possible to compulsorily acquire Crown land, or a Crown interest in land.

2.9.1.2 The Applicant does not require the acquisition any freehold land which is owned by the Crown for the purposes of the Proposed Development. The Order Land does include land which is owned by the Crown Estate in the intertidal area (which is shown on Crown Land Plans sheets 1a, 1b, and 1 (Document Reference: 2.8) in which there are interests held otherwise than by the Crown and over which compulsory acquisition powers are sought to compulsorily acquire new rights over that land.

2.9.1.3 This engages the requirement for consent from the Crown Estate pursuant to section 135(1) of the PA 2008 for the authorisation of compulsory acquisition powers in respect of those privately owned interests in Crown land. It also engages the requirement for consent for the inclusion of provisions in the draft Order (Document Reference: 3.1) which apply in relation to Crown Land, such as the grant of development consent

pursuant to Article 3 of the Draft Order and the supplemental powers in Part 4 of the draft Order.

2.9.1.4 The Order Land also includes land which is not owned by the Crown but in which there is a right benefitting the Crown. The requirement for consent pursuant to section 135(2) of the PA 2008 is also engaged in relation to this land because the draft Order includes provisions applying to land in which there are rights benefitting the Crown.

2.9.1.5 The Applicant will therefore be writing to the relevant Crown bodies for their consent to the making of the proposed Order pursuant to section 135(1) and/or section 135(2) as appropriate.

2.9.1.6 Article 49 of the draft Order also contains provision for the protection of Crown Land and rights benefitting the Crown from interference without the relevant Crown authority's consent having been obtained.

2.9.2 ***Special Category Land – Open Space, Commons, Allotments***

2.9.2.1 Under sections 131 and 132 of the PA 2008, a DCO is subject to Special Parliamentary Procedure ("SPP") to the extent that it authorises the compulsory acquisition of land, or a right over land, forming part of a common, open space, or a fuel or field garden allotment, unless the Secretary of State is satisfied that certain criteria are met, and that fact, and the subsection(s) concerned, are recorded in the DCO.

2.9.2.2 Section 131 of the PA 2008 is not engaged by the draft Order because the Applicant does not seek the compulsory acquisition of any such land.

2.9.2.3 Section 132 of the PA 2008 is engaged by the draft Order because the Applicant seeks the compulsory acquisition of rights over land forming part of a common, open space and garden allotments. This means that the draft Order will be subject to SPP unless the Secretary of State is satisfied that one or more of the exemptions in section 132 apply.

2.9.2.4 The Applicant does not consider it necessary to provide replacement land in exchange for the proposed compulsory acquisition of rights by the creation of new rights over the special category land. The Applicant relies upon the test in Section 132(3) of the 2008 Act which is met if:

- (a) "the order land, when burdened with the order right, will be no less advantageous that it was before to the following persons-
- (1) the persons in whom it is vested,
 - (2) other persons, if any, entitled to rights of common or other rights, and
 - (3) the public."

2.9.2.5 The Applicant considers that the exemption to the application of the SPP which is provided by section 132(3) applies to the proposed compulsory acquisition of rights over the common land, open space and allotments comprised in the Order Land.

2.9.3 ***Special Category Land – Land Held Inalienably by the National Trust***

2.9.3.1 By virtue of Section 130 of the PA 2008, a DCO is subject to SPP, to the extent that it authorises the compulsory acquisition of land held inalienably by the National Trust, if the National Trust makes and maintains an objection to the compulsory acquisition which is not withdrawn before the completion of the examination of the Application.

2.9.3.2 Should the DCO be made, it would authorise the acquisition of rights over and use of land held inalienably by the National Trust.

2.9.3.3 The Applicant is engaged in active negotiations and discussions with the National Trust and will continue to progress these in order to conclude voluntary agreements.

2.9.4 **Open Access Land**

2.9.4.1 There are two areas of Open Access Land ("OAL") within the Order Land, designated pursuant to the

Countryside and Rights of Way Act 2000, over which members of the public have a right to roam:

- (a) OAL 1 – East of Chantry Lane on the South Downs; and
- (b) OAL 2 – Bines Green, West Sussex, located on Horsham Road.

2.9.4.2 The public right to roam over this land will be unaffected once the construction of the Proposed Development is complete. Impacts on OAL will be managed through active management strategy and the Applicant will seek to reduce the overall level of disruption and loss of amenity.

2.9.5 ***Statutory Undertakers Land and Apparatus***

2.9.5.1 The Order Land includes land, rights and apparatus owned by statutory undertakers. The Schedule at **Appendix 6** provides a summary of the Applicant's position with regards sections 127 and 138 of the PA 2008 and explains the current status of negotiations with those parties in respect of land rights sought and/or the negotiation of protective provisions.

2.9.5.2 No land belonging to statutory undertakers is proposed to be acquired by the Applicant but it is proposed to acquire rights over land by the creation of new rights. The Applicant considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition of rights over land and test set out in section 127(6)(a) of the 2008 Act is therefore satisfied.

2.9.5.3 With regards to section 138 of the PA 2008, adequate protection for the statutory undertakers will be included within protective provisions in Schedule 10 of the Order and/or asset protection agreements between the parties.

2.10 **Human Rights and Equality Considerations**

2.10.1 ***Human Rights***

- 2.10.1.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights ("the ECHR"). The ECHR includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 2.10.1.2 Articles 1, 6 and 8 of the ECHR are relevant to the decision as to whether the Order should be made including powers of compulsory acquisition.
- 2.10.1.3 As explained in more detail in section 13 of this Statement, the Applicant considers that there is a compelling case in the public interest for the Order to be made including powers of compulsory acquisition, and that the interference with the private rights of those with an interest in Order Land as a result of the exercise of compulsory acquisition powers conferred by the Order would be lawful, justified and proportionate.

2.10.2 ***The Equality Act 2010***

- 2.10.2.1 The Applicant has carried out an Equalities Act Impact Assessment (Equality Statement, Appendix 28.3, Volume 4 to Environmental Statement) (Document Reference: 6.2.4). This concludes that no adverse equality effects are expected as a result of the construction, operation and maintenance, or decommissioning phases of the Proposed Development. The Applicant does not therefore consider that the Proposed Development will give rise to any impacts or differential impacts on persons who share a relevant protected characteristic as defined in the Equality Act, or upon persons who do not share such relevant protected characteristic.

2.11 **Other Consents and Licences**

- 2.11.1 Additional consents and licences needed for the Proposed Development are listed in the Other Consents and Licences register (Document Reference: 5.4) accompanying the Application, and include:

- 2.11.1.1 European Protected Species (EPS) licences from Natural England under the Conservation of Habitats and Species Regulations 2017; and
 - 2.11.1.2 Environmental permits from the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2016.
- 2.11.2 The Applicant is not aware of any reason why the other consents and licences listed in the Other Consents and Licences register (Document Reference: 5.4) accompanying the Application, will not be granted at the appropriate time.

2.12 **Conclusion**

2.12.1 This Statement demonstrates that:

- 2.12.1.1 the inclusion of compulsory acquisition powers within the Order meets the requirements of Section 122 of the PA 2008 and the Compulsory Acquisition Guidance;
- 2.12.1.2 all of the Order Land, including the proposed new rights and restrictive covenants over the Order Land are required for the purposes of the Proposed Development, to facilitate the Proposed Development, or are incidental to, the Proposed Development;
- 2.12.1.3 the extent of land within the Order Limits is reasonable and proportionate, and is no more than is reasonably necessary;
- 2.12.1.4 there is a clear need and policy support for the Proposed Development and a compelling case in the public interest for the Order to include compulsory acquisition powers given the significant public benefits that the Proposed Development will deliver.

3. GLOSSARY OF TERMS AND ABBREVIATIONS

TERM	ABBREVIATION	DEFINITION
Air Insulated Switchgear	AIS	Consist of components where active parts on high voltage are located outside open to the atmosphere.
Agricultural Land Classification	ALC	Agricultural Land Classification provides a means of assessing the quality of farmland. Its assessment is based on physical limitations of the land, such as climate, site characteristics (e.g., gradient) and soil. The assessment gives an indication of the versatility and expected yield of the land. The system classifies agricultural land in five grades. The 'best and most versatile' agricultural land is classified as 1, 2 and 3a. The Agricultural Land Classification was developed by the former Ministry of Agriculture, Fisheries and Food in 1988 and revised in 1996.
Area of Outstanding Natural Beauty	AONB	Land protected for conservation and preservation under section 82 of the Countryside and Rights of Way Act 2000 for its natural beauty.
-	APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)
Applicant	-	Rampion Extension Development Limited, or 'RED'
Application	-	The application for consent under section 37 of the Planning Act 2008 for the Rampion 2 Offshore Wind Farm Order XXX
Array Cables	-	Cables connecting the WTGs to each other and to the offshore substation(s)

TERM	ABBREVIATION	DEFINITION
Department for Business, Energy and Industrial Strategy	BEIS	The Government department formerly responsible for business; industrial strategy; science; research and innovation; energy and clean growth; and climate change.
-	BNG	Biodiversity Net Gain
Cable circuits	-	A collection of conductors necessary to transmit electric power between two points. For HVAC, this consists of three conductors (or a multiple of three)
Climate Change Act 2008	-	The Climate Change Act 2008 is an Act of the Parliament of the United Kingdom. The Act makes it the duty of the Secretary of State to ensure that the net UK carbon account for all six Kyoto greenhouse gases for the year 2050 is at least 100% lower than the 1990 baseline, toward avoiding dangerous climate change.
Compulsory Acquisition Guidance	-	The Department for Communities and Local Government guidance titled " <i>Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land</i> " (September 2013)
Critical National Priority	CNP	Within Draft NPS EN-1 and EN-3. Applies a policy presumption that, subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. CNP Infrastructure is defined as nationally significant new offshore wind development and supporting onshore

TERM	ABBREVIATION	DEFINITION
		and offshore network infrastructure and related network reinforcements.
DCO Order Limits	-	The limits within which the development authorised by the Order may be constructed, operated and maintained
Decommissioning	-	The period during which a development and its associated processes are withdrawn from service.
-	DESNZ	The Department for Energy Security and Net Zero
Development Consent Order	DCO	The means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects, under the Planning Act 2008.
Draft National Policy Statements	Draft NPSs	A series of draft NPS published in March 2023 that, when finalised and enacted, will replace the 2011 NPS and include: Overarching National Policy Statement for Energy (EN-1) (DESNZ, 2023a); and National Policy Statement for Renewable Energy (EN-3) (DESNZ, 2023b)
-	ECHR	European Convention on Human Rights
Embedded environmental measures	-	Equate to 'primary environmental measures' as defined by Institute of Environmental Management and Assessment (2016). They are measures to avoid or reduce potential impacts and subsequent effects that are directly incorporated

TERM	ABBREVIATION	DEFINITION
		into the design of the Proposed Development.
Environmental Impact Assessment	EIA	The process of evaluating the likely significant environmental effects of a proposed project or development over and above the existing circumstances (or 'baseline').
Environmental Statement	ES	The written output presenting the full findings of the Environmental Impact Assessment.
Full Time Equivalent	FTE	A unit for measuring employment which indicates the workload which indicates the workload associated with each post. One FTE is the equivalent of a full-time post, whilst an FTE of 0.5 suggests half-time.
Geophysical	-	Relating to the study of physics of the earth. This is connected with the study of physical processes occurring within rocks and other substances.
-	GHG	Greenhouse Gas
Gas Insulated Switchgear	GIS	A system that captures, stores, analyses, manages and presents data linked to location. It links spatial information to a digital database.
Gross Value Added	GVA	The contribution of individual businesses, industries and/ or sectors to the economy as a result of direct (as well as indirect/ supply chain) expenditure associated with the Proposed Development.
Habitats Regulation Assessment	HRA	The assessment of the impacts of the implementing a plan or policy on a European Site, the purpose being to consider the impacts of a project against conservation objectives of the site and to ascertain whether it

TERM	ABBREVIATION	DEFINITION
		will adversely affect the integrity of the site.
Heavy Goods Vehicles	HGV	Used for transporting cargo.
Horizontal Directional Drilling	HDD	A trenchless crossing engineering technique using a drill steered underground without the requirement for open trenches. This technique is often employed when crossing environmentally sensitive areas, major water courses and highways. This method is able to carry out the underground installation of pipes and cables with minimal surface disruption.
High Voltage Alternating Current	HVAC	These are the range of voltage that are used for power transmission over long distances.
Intertidal	-	The area of the shoreline which is covered at high tide and uncovered at low tide.
Landfall	-	The area between the transition pit and the mean low water springs tide line (MLWS).
Mean High Water Springs	MHWS	The average throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the tide is at its greatest.
Mean Low Water Springs	MLWS	The height of mean low water during spring tides in a year.
-	MSDC	Mid Sussex District Council
Megawatts	MW	A unit of power equal to one million watts, especially as a measure of the output of a power station.
National Grid Substation	-	Infrastructure where overhead power lines or underground cables are connected and electricity is

TERM	ABBREVIATION	DEFINITION
		transformed for distribution to the local area vis the National Grid.
National Policy Statements	NPSs	<p>Part 2 of the Planning Act 2008 sets out the national policy against which NSIP applications are assessed. NPSs set out guidance to inform the decision-making process for NSIPs. NPSs relevant to energy generation include:</p> <p>Overarching National Policy Statement for Energy (EN-1) DECC, 2011a);</p> <p>National Policy Statement for Renewable Energy (EN-3) (DECC, 2011b); and</p> <p>National Policy Statement for Electricity Networks (EN-5) (DECC, 2011c).</p>
Nationally Significant Infrastructure Project	NSIP	Nationally Significant Infrastructure Projects are major infrastructure developments in England and Wales which are consented by DCO pursuant to the Planning Act 2008. These include proposals for offshore wind farms with an installed capacity over 100MW
National Trust	-	National Trust for Places of Historic Interest or Natural Beauty
-	NGET	National Grid Electricity Transmission
-	NSIP	Nationally Significant Infrastructure Project
Offshore	-	The sea further than two miles from the coast.
Offshore Array Areas	-	The offshore area within which wind turbine generators and offshore

TERM	ABBREVIATION	DEFINITION
		platforms and associated cables will be located.
Offshore export cable	-	Cables that transfer power from the offshore substation(s) to the shore.
Offshore part of the DCO Order limits	-	An area that encompasses all planned offshore infrastructure and relevant buffer areas.
Offshore substation	-	Housing for the electrical components needed to transform power supplied by the WGs.
Offshore Wind Farm	-	A group of WTGs located offshore
Onshore		Landward of MHWS
Onshore export cable	-	Cables that transfer power from the offshore export cables to the onshore substation(s).
Onshore part of the DCO Order Limits	-	An area encompasses all planned onshore infrastructure.
Onshore substation	-	A compound housing electrical equipment enabling connection to the National Grid. The onshore substation also contains equipment to help maintain stable grid voltage.
Order (or draft DCO)	-	The draft Rampion 2 Offshore Wind Farm Order 20XX
Order Land	-	Land which is shown on the Land Plans (Application Document: 2.1.2) and which is within the limited of land to be acquired or used and described in the Book of Reference (Application Document 4.3).
PEIR Assessment Boundary	-	The PEIR Assessment Boundary combines the search areas for the offshore and onshore infrastructure associated with the Proposed Development. It is defined as the rea within which the Proposed

TERM	ABBREVIATION	DEFINITION
		Development and associated infrastructure will be located, including the temporary and permanent construction and operational work areas.
	PIL(S)	Persons with an Interest in Land
Planning Act 2008	PA 2008	The legislative framework for the process of approving major new infrastructure projects.
Planning Inspectorate	PINS	The Planning Inspectorate is the government agency supervising the planning process
Plot	-	A plot of land within the Order Land which is shown and numbered on the Land Plans (Application Document 2.1.2) and described in the Book of Reference (Application Document 4.3)
Preliminary Environmental Information Report	PEIR	The written output of the preliminary environmental assessments as required under The Infrastructure Planning 'Environmental Impact Assessment' Regulations 2017. It is developed support statutory consultation and presents the preliminary findings of the assessment to allow an informed view to be developed of the Proposed Development, the assessment approach that has been undertaken, draw preliminary conclusions on the likely significant effects of the Proposed Development and environmental measures proposed.
Preliminary Environmental Information Report Supplementary Information Report	PEIR SIR	The PEIR SIR was prepared to inform the second Statutory Consultation exercise held between 18 October 2022 to 19 November 2022. The PEIR SIR provides supplementary environmental information

TERM	ABBREVIATION	DEFINITION
		associated with further alternatives onshore routing options and modifications as a result of design evolution from the consultation process. The PEIR SIR is to be read in conjunction with the PEIR.
Proposed Development	-	The Proposed Development is an offshore wind farm located in the English Channel off the Sussex coast. The Proposed Development comprises onshore and offshore infrastructure including cables, substations and landfall sites.
Public Rights of Way	PRoW	Public rights of way are routes over land that the public can use at all times even if the land is privately owned.
Receptor	-	These are defined in Regulation 5(2) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and include population and human health biodiversity, land, soil, water, air, climate, material asses, cultural heritage and landscape that may be at risk from exposure to pollutants which could potentially arise as a result of the Proposed Development.
-	RED	Rampion Extension Development Limited (The Applicant)
Rochdale Envelope	-	The Rochdale Envelope is a parameter-based approach to environmental assessment which aims to take account of the need for flexibility in the evolution of detailed design (Planning Inspectorate 2018).
Scoping Report	-	A report that presents the findings of an initial stage in the Environmental Impact Assessment process.

TERM	ABBREVIATION	DEFINITION
South Downs National Park	SDNP	South Downs National Park is a national park in Southern England stretching for 87 miles from Winchester to Eastbourne.
South Downs National Park Authority	SDNPA	The SDNPA was established in 2010 and became the planning authority for the national park in 2011. The SDNPA is responsible for promoting the statutory purposes of the national park and the interests of the people who live and work within it.
Secretary of State	-	The Secretary of State for Energy Security and Net Zero oversees the planning system and decision making with regards to development consent. This agent works within the relevant government department relating to the application.
Site of Special Scientific Interest	SSSI	Sites designated at the national level under the Wildlife & Countryside Act 1981 (as amended). They are a series of sites that are designated to protect the best examples of significant natural habitats and populations of species.
Stakeholder	-	Person or organisation with a specific interest (commercial, professional or personal) in a particular issue.
The Crown Estate	TCE	The King's Most Excellent Majesty in Right of His Crown
	TJB	Transition Joint Bay
The Proposed Development/ Rampion 2	-	The onshore and offshore infrastructure associated with the offshore wind farm, located in the English Channel in off the south coast of England.
Unexploded Ordnance	UXO	Unexploded ordnance are explosive weapons (bombs, shells, grenades, land mines, naval mines, etc.) that

TERM	ABBREVIATION	DEFINITION
		did not explode when they were deployed and still pose a risk of detonation, potentially many decades after they were used or discarded.
Wind Turbine Generators	WTGs	The components of a wind turbine, including the tower, nacelle, and rotor.
-	WSCC	West Sussex County Council

4. **THE APPLICANT**

- 4.1 The Applicant is a joint venture company called Rampion Extension Development Limited ("RED") (Company Registration Number: 12091939).
- 4.2 The Applicant is a joint venture between RWE Renewables UK Limited, Enbridge Rampion UK II Limited, and a Macquarie-led consortium. RWE and Enbridge are also legacy shareholders in the Rampion 1 project. RWE is the majority shareholder and development service provider for the Applicant's joint venture.
- 4.3 The Applicant was granted an electricity generation licence pursuant to section 6(1)(a) of the Electricity Act 1989 on 8 July 2021 by Ofgem, who are the Gas and Electricity Markets Authority.
- 4.4 RWE AG (which is the ultimate Parent Company of RWE Renewables UK Limited) is a global energy company and one of Europe's five leading electricity and gas companies. It has significant expertise in gas and lignite production, in electricity generation from gas, coal, nuclear and renewables, and in energy trading as well as electricity and gas distribution and supply. With an extensive investment and growth strategy, the company will expand its powerful, green generation capacity to 50 gigawatts internationally by 2030.
- 4.5 RWE has a strong track record in renewables and offshore wind, including those consented by way of DCO, and has taken a lead role in the delivery of the Gwynt-y-Mor, Rampion 1, and Triton Knoll offshore wind farms. It is also currently promoting the DCO for the proposed Arwel y Mor offshore wind farm. RWE AG has locations in Europe, North America and the Asia-Pacific region. It was rated as Baa2 by Moody's and BBB+ by Fitch, as of December 2022.
- 4.6 Enbridge is a leading North American energy infrastructure company with natural gas, oil and renewable power networks and a growing European offshore wind portfolio. Enbridge Inc. was most recently rated as Baa1 by Moody's and BBB+ by Standard & Poor's, with a stable outlook.
- 4.7 The Macquarie consortium, which is an investor in many other UK renewable energy assets, includes Macquarie European Infrastructure Fund 5, Corio Generation and USS (Universities Superannuation Scheme Limited) pension fund.

- 4.8 As explained in the Funding Statement, the Applicant's shareholders have substantial financial resources which it will be able to access via a tried and tested 'Gate' approval funding mechanism. The Applicant is confident the necessary resources will be available to deliver the project and meet any compensation liability that arises from the exercise of compulsory acquisition powers in the event the Order is made.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

5.1 Background to the Proposed Development

- 5.1.1 The Applicant proposes to develop an offshore electricity generating station and related connections and infrastructure.
- 5.1.2 The offshore generating station is a Nationally Significant Infrastructure project ("NSIP") within sections 14(1)(a) and 15(3) of the 2008 Act because it comprises an offshore generating station and its capacity will be more than 100MW.
- 5.1.3 As the authorised development (referred in this Statement to as the "Proposed Development") would be an NSIP, development consent must be obtained from the Secretary of State and an application for a development consent order must be made to the Secretary of State, care of the Planning Inspectorate, under section 37 of the 2008 Act.

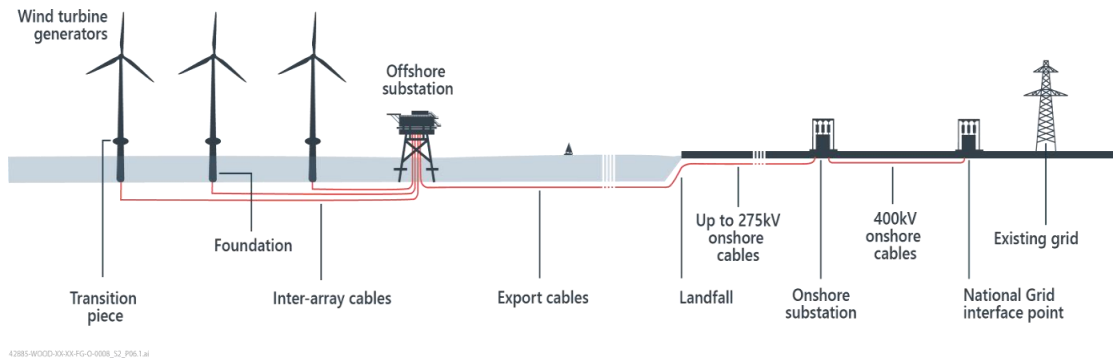
5.2 Overview and Location of the Proposed Development

- 5.2.1 The Proposed Development is proposed to be located adjacent to the existing Rampion 1 Offshore Wind Farm in the English Channel, between 13km and 25km from the Sussex coast.
- 5.2.2 The Proposed Development involves Offshore Array Areas off the coast of West Sussex, southern England, with a landfall site at Climping near Littlehampton, and an onshore cable corridor which will connect with a new onshore substation compound at Oakendene 2km east of Cowfold and then to the existing National Grid substation at Bolney. The onshore elements of the Proposed Development fall within the administrative boundaries of the following authorities:
 - 5.2.2.1 Arun District Council;
 - 5.2.2.2 Horsham District Council;
 - 5.2.2.3 Mid Sussex District Council (MSDC);
 - 5.2.2.4 South Downs National Park Authority (SDNPA); and
 - 5.2.2.5 West Sussex County Council (WSCC).

5.2.3 The location of the Proposed Development is illustrated in the Location Plan – Offshore (Document Reference: 2.10) and Location Plan Onshore (Document Reference: 2.9).

5.2.4 The Proposed Development includes the following principal components which are illustrated below.

Figure 1



5.2.5 **Offshore Infrastructure:**

5.2.5.1 Up to 90 offshore Wind Turbine Generators (“WTGs”), and associated foundation and inter-array cables, with an output in excess of 100MW;

5.2.5.2 Up to three offshore substations;

5.2.5.3 Up to four offshore export cables, each in its own trench within the overall cable corridor; and

5.2.5.4 Up to two offshore interconnector export cables between the offshore substations.

5.2.6 The location and extent of the offshore infrastructure will be confirmed through the detailed design process but will be located within the proposed Order Limits. The area comprising the WTGs, WTG foundations, offshore substations and associated foundations, and inter-array cables is approximately 196km².

5.2.7 The High Voltage Alternating Current (HVAC) offshore export cable corridor, which will connect the offshore infrastructure to the shore, is approximately 59km². The offshore export cables will come ashore at a landfall site between Middleton-on-Sea and Littlehampton at Climping.

5.2.8 **Onshore Infrastructure:**

- (a) A single landfall site, using trenchless installation techniques, most likely Horizontal Directional Drilling (HDD);
- (b) Buried onshore cables in a single corridor approximately 38.8km in length;
- (c) A new onshore substation compound at Oakendene near Cowfold that will connect to the existing National Grid Bolney substation, Mid Sussex, via buried onshore cables;
- (d) Extension at the existing National Bolney substation of around 0.35ha comprising electrical components and equipment necessary to connect the electricity generated by the Proposed Development to the existing National Grid network.

5.2.9 The onshore cable corridor is approximately 38.8 km in length and progresses in a north easterly direction from the landfall site at Climping near Littlehampton with underground cabling. The onshore cable corridor traverses the South Downs National Park (SDNP) and connects to the proposed new onshore substation compound at Oakendene 2km east of Cowfold. The overall built site footprint for the onshore substation is up to 6ha in size, within the onshore substation site boundary. The additional land is required to provide associated necessary development, such as permanent drainage infrastructure and landscaping. There will also be with a temporary works area of up to 2.5ha. The onshore cable corridor will then connect to the existing National Grid Bolney substation. New infrastructure is required at the existing National Grid Bolney substation to connect the Proposed Development to the National Grid. The proposed extension for the required components, infrastructure and equipment will have a footprint of approximately 0.35ha.

5.2.10 The boundaries of the onshore and offshore elements for the Proposed Development have been selected through a review of engineering and environmental constraints, as well as feedback from consultation with stakeholders. The approach to the selection of the location of the Proposed Development is set out in ES Chapter 3: Alternatives, Volume 2 (Document Reference: 6.2.3). Further information in respect of the location of the Proposed Development is contained in ES Chapter 4: The Proposed Development, Volume 2 (Document Reference: 6.2.4).

6. **DESCRIPTION OF AND NEED FOR THE ORDER LAND**

- 6.1 The Order Land is shown on the Land Plans (Document Reference: 2.1.2) that accompany the Order. A plan showing an overview of the Order Land (Key Plan) accompanies the Land Plans.
- 6.2 The Order Land is described in more detail below, but in summary, the main areas are as follows:
 - 6.2.1 Intertidal area: off Climping Beach on the West Sussex coastline;
 - 6.2.2 Landfall point: at Climping Beach on the West Sussex coastline;
 - 6.2.3 Cable route: approximately 38.8km (25 miles) in length between the landfall point at Climping Beach and the National Grid connection point at Bolney;
 - 6.2.4 Onshore substation compound at Oakendene at Oakendene, West Sussex;
 - 6.2.5 National Grid connection point: at the existing National Grid Electricity Transmission Plc ("National Grid") substation at Bolney.
- 6.3 That part of the Order Land required for the onshore cable corridor is primarily comprised of Agricultural Land Classification ("ALC") Grade 1, 2, 3 and 4 agricultural land comprising of a mixture of arable and pasture land. There are a number of key features within the Order Land including the following:
 - 6.3.1 The South Downs National Park;
 - 6.3.2 Ancient and Semi-Natural Woodland;
 - 6.3.3 Road crossings at the A259, A284, A27, A24, A283, B2135 and A281;
 - 6.3.4 Network Rail crossings at Arundel Junction, Littlehampton; and
 - 6.3.5 River crossings at the River Arun and River Adur.
- 6.4 The following paragraphs of this section of the Statement of Reasons describe:
 - 6.4.1 the main areas of the Order Land in more detail;

- 6.4.2 the infrastructure that will be constructed and/or installed within it and the construction works and activities that will be carried out on it; and
- 6.4.3 the land and new rights that are needed to facilitate the construction, operation and maintenance, and decommissioning of the infrastructure comprised in the Proposed Development by reference to the Land Plans and Onshore Works Plans.
- 6.5 As explained in more details below, 'packages' of rights are proposed to be acquired for the purposes of the construction, operation, maintenance and decommissioning of the Proposed Development. Rights are proposed to be acquired over land that is used in connection with dwellings such as accesses, driveways and boundary features.
- 6.6 There are multiple other land interests along the cable route in respect of infrastructure and utility assets owned and operated by statutory undertakers, including the Environment Agency, Southern Water, Scottish and Southern Electricity Networks, Southern Gas Networks, Neos Networks Limited, UK Power Networks (Operations) Limited, Vodafone Limited, Openreach Limited, Virgin Media Limited, Cityfibre Limited, OCU Group Limited, Portsmouth Water Limited, and Network Rail. In all cases negotiations are ongoing to comply with specific design, routeing and engineering requirements to meet asset protection protocols and utilise safe working methods required by the relevant authority. Please see section 12 and **Appendix 6** of this Statement for more information in that regard.
- 6.7 **Intertidal Area- Land Plan Sheets 1a, 1b and 1- Work Numbers 5 and 6 shown on Offshore Work Plan Sheet 3 and Onshore Work Plan Sheet 1**

Description of the Land

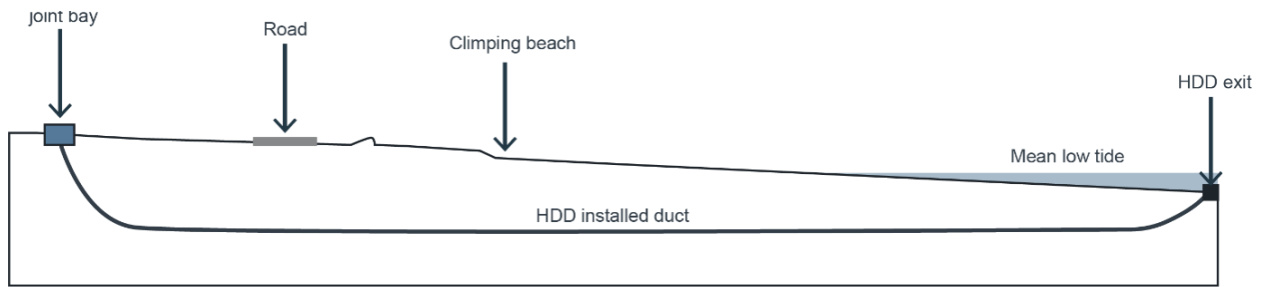
- 6.7.1 The land where Work Numbers 5 and 6 will take place comprises a shingle and pebble beach with a number of timber groynes and concrete sea defence structures. At the end of the beach there is a well-defined shingle bank that currently has a temporary road (running east – west) that provides access from Atherington to Mill Cottage.
- 6.7.2 The Crown Estate owns the land (sea bed) required for the offshore works save for a limited areas affected by Work Numbers 5. Unusually, some of the land seaward of Mean Low Water Springs (MLWS), namely Plot 1/b5, is owned by private individuals rather than the Crown. This section of the Statement, which describes and explains the need for the

Order land, therefore begins with an explanation of the land affected by and the rights required for aspects of Work Number 5 even though these are offshore works and would not ordinarily require any land rights other than from the Crown.

Infrastructure to be Installed/Works Required

- 6.7.3 Up to four main export cable circuits will be laid on or beneath the sea bed, or in ducts on or beneath the sea bed (Work Number 5) to connect the cable circuits comprising Work Number 4 and the cable circuits comprising Work Number 6 in the intertidal area. The cable circuits will cross beneath and be laid in ducts beneath the intertidal area, including the sea defences (Work Number 6).
- 6.7.4 A construction technique known as Horizontal Directional Drilling (“HDD”) will likely be used to install the ducts that will house the cables beneath Climping Beach (Work Number 7- see below) and in the intertidal area (Work Number 6). Further information on trenchless installation can be found in ES Chapter 4: The Proposed Development, Volume 2 (Document Reference: 6.2.4) and the Outline Construction Method Statement (Document Reference: 7.23).
- 6.7.5 The HDD drilling will start from the Transition Joint Bay located in a field behind Climping Beach (Work Number 8- see ‘Landfall Point’ section below) and proceed for approximately 1km beneath Climping Beach (Work Number 7), the intertidal area (Work Number 6), and exit seaward of the low water mark (Work Number 5). The location of the HDD exit point, and therefore the length of the HDD, is to be determined following further surveys, taking into account engineering and offshore vessel considerations. HDD exit pits are required offshore (Work Number 5) and will be excavated by a shallow draft barge. The schematic diagram below illustrates the HDD crossing:

Figure 2



- 6.7.6 Prior to any construction, further survey works and site clearance will be undertaken, this includes geotechnical, topographical, Unexploded Ordnance (UXO) and environmental surveys.
- 6.7.7 To minimise environmental disturbance during decommissioning of the authorised development, the current preferred option is to leave cables buried in place in the ground with the cable ends cut, sealed and securely buried as a precautionary measure. Alternatively, partial removal of the cable may be achieved by pulling the cables back out of the ducts. This may be preferred to recover and recycle the copper and/or aluminium and steel within them.

Rights Needed

- 6.7.8 A 'package' of 'Underground Cable Connection Rights' is sought over the land described at paragraph 6.7.1 above (*Article 24- Compulsory acquisition of new rights and imposition of restrictive covenants- and Schedule 7- Acquisition of new rights and imposition of restrictive covenants only*) to enable the installation, retention, operation, maintenance and decommissioning of the cables and associated infrastructure offshore and within the intertidal area (Work Numbers 5 and 6).
- 6.7.9 An 'Underground Cable Connection Restrictive Covenant' (*Article 24- Compulsory acquisition of new rights and imposition of restrictive covenants- and Schedule 7- Acquisition of new rights and imposition of restrictive covenants only*) is also sought over the land to protect the infrastructure from interference and damage, and to protect the public from injury that may result from such interference.

6.8 **Landfall Point- Land Plan Sheet 1- Work Numbers 7 and 8 shown on Onshore Work Plan Sheet 1**

Description of the Land

- 6.8.1 The land where Work Numbers 7 and 8 will take place comprises Climping Beach and agricultural fields landwards of the beach.
- 6.8.2 The fields landward of Climping Beach are low-lying agricultural land currently in arable cropping, broken by a band of deciduous woodland and bounded to the North by the Ryebank Rife.

Infrastructure to be Installed/Works Required

- 6.8.3 The offshore cable circuits (Work Numbers 5 and 6) will come ashore at a 'Landfall point' at Climping Beach, near Climping in West Sussex (Work Number 7) and will connect to the onshore cable circuits in an underground Transition Joint Bay (TJB), located in a field landward of Climping Beach (Work Number 8).
- 6.8.4 As explained above, a construction technique known as HDD will likely be used to install the ducts that will house the cables underneath Climping Beach. The offshore cables will be pulled ashore through those pre-installed ducts to the aforementioned TJB. The TJB will provide a clean, dry environment where the onshore and offshore cables are jointed (i.e. joined/connected), and will protect the joints once completed. The TJB will comprise of four pits which will be dug into the ground and lined with concrete. Once the cable joint is completed, the TJB will be covered and the land above reinstated.
- 6.8.5 There are currently two alternative locations for the TJB (Work Number 8) shown on the Land Plans, namely Plots 1/9 and 1/17. The flexibility in the location is sought to allow for ground investigation to be undertaken to inform the selection of the final location and account for the detailed design of the related offshore works.
- 6.8.6 Prior to any construction, further survey works and site clearance will be undertaken, this includes geotechnical, topographical, Unexploded Ordnance (UXO) and environmental surveys to inform detailed design decisions.

- 6.8.7 A temporary haul road will be created as part of Work Number 9 (see Onshore Cable section below) to facilitate the landfall works.
- 6.8.8 Following the installation of the cables, the land will be reinstated back to its original condition.
- 6.8.9 During the operational lifetime of the authorised development maintenance works at landfall are expected to be minimal. Periodic testing of the cable is likely to be required every two to five years. This will require access to the cables to be taken at the TJB (Work Number 8) and will involve attendance by up to three light vehicles, such as vans.
- 6.8.10 Very infrequently, cable repairs will need to take place, which will involve the use of HGVs. Subject to the location of the repair, replacing a cable/section of cable will involve building a temporary access using trackway or another temporary access road type, excavating to confirm the cable fault location using excavation equipment, and excavating the required length of cable to enable a double joint repair. The length of cable replacement will depend on the failure location and will likely be several meters in length. The several metres of failed cable will be removed, a double joint repair made, and an equivalent length replacement cable installed. Once complete, the ground and the access will be reinstated.
- 6.8.11 It is currently anticipated that the onshore electrical cables will be left in-situ with ends cut, sealed and buried to minimise environmental effects associated with removal.
- 6.8.12 The structures of the TJB, jointing pits and link boxes will be partially removed only if it is feasible with minimal environmental disturbance or if their removal is required to return the land to its current agricultural use.

Rights Needed

- 6.8.13 The Order Land boundary is wider at the landfall point due to factors which include, but are not limited to, the following:
 - 6.8.13.1 Complexity of the landfall HDD (or other trenchless installation technique) operation, due to the depth and length of the HDD ducts;
 - 6.8.13.2 Unknown ground conditions that cannot be fully identified until the HDD operations commence;

- 6.8.13.3 The size of the specialist equipment (and thus working area) required for the HDD operation;
 - 6.8.13.4 The need to establish temporary construction compounds to store equipment and materials and provide construction staff welfare facilities;
 - 6.8.13.5 The need to ensure safe access and egress from/to the HDD working area;
 - 6.8.13.6 The need to include two alternative TJB (Work No. 8) locations in case it is deemed to involve too much technical risk at the pre-construction stage to HDD from the preferred location (Plot 1/9) due to the effects of coastal flooding (see section 6.8.5 above in this regard).
- 6.8.14 A package of 'Onshore Connection Rights' is sought over the part of the land described at paragraphs 6.8.1 and 6.8.2 above comprising Order Plots 1/5, 1/6, 1/7, 1/8 and 1/16 (Work Number 7) and a package of 'Cable rights' is sought over Plots 1/9 and 1/17 (Work Number 8) (Article 24- Compulsory acquisition of new rights and imposition of restrictive covenants- and Schedule 7- Acquisition of new rights and imposition of restrictive covenants only) to enable the installation, retention, operation, maintenance and decommissioning of the cables and associated infrastructure. A 'Cable Restrictive Covenant' is also sought in respect of the land required for Works 7 and 8 to protect the infrastructure from interference and damage, and to protect the public from injury that may result from such interference.
- 6.8.15 Order Plots 1/9 and 1/17 are the two alternative locations for the TJB as explained in at paragraph 6.8.5 above. These Plots will be subject to an additional package of rights (in addition to the Cable Rights and the Cable Restrictive Covenant) known as 'Transition Joint Bay Rights' to enable the Applicant to create, use and remove HDD launch and exit pits (Work Number 8(a)) and to install, operate, maintain and decommission the TJB (Work Number 8(b)).

6.9 Onshore Cable- Land Plan Sheets 1-34- Work Numbers 9 and 19, shown on Onshore Work Plan sheets 1-34

Description of the Land (i) Climping Beach to Lyminster

- 6.9.1 The onshore cable corridor heads North from Climping Beach crossing under the A259, under the River Arun and around

the urban edge / western side of Littlehampton, crossing two railway lines (to the South and North of Arundel Junction) before crossing the A285 between the villages of Wick (to the North of) and Lyminster (to the South of).

- 6.9.2 This section of cable passes through the River Arun and Black Ditch flood plains over a mixture of pasture and arable land and passes nearby Caravan Parks.
- 6.9.3 The section of the onshore cable corridor, between the landfall and Lyminster, is mainly low lying land. It has a mixture of freely draining slightly acid loamy soil and loamy and clayey soils of coastal flats with naturally high groundwater, growing winter combinable crops of wheat, barley and oilseed rape with occasional break crops of spring maize, peas or field beans. There are several small fields of grass / pasture used for grazing and/or silage and haylage. Land quality in this area is good to moderate being mainly ALC grade 3 with localised patches of poor ALC grade 4 land.

Description of the Land (ii) Lyminster to Sullington Hill

- 6.9.4 From Lyminster the onshore cable corridor heads East passing through arable land to the North of the village of Poling, crossing under Poling Street, before crossing under the A27 dual carriageway (at Hammerpot).
- 6.9.5 The onshore cable corridor then heads Northwards through the Angmering Park Estate and into the South Downs National Park. The land use is a mixture of pasture, arable land and woodland.
- 6.9.6 The section of the onshore cable corridor, between Lyminster and the South Downs, is of a mixture of freely draining slightly acid loamy soils and freely draining lime-rich loamy soils, growing winter combinable crops of wheat, barley and oilseed rape with occasional break crops of spring maize, peas and field beans. There are also several fields of grass / pasture used for grazing and/or silage and haylage. Land quality in this section is mainly very good ALC grade 2 with localised patches of excellent ALC grade 1 land.
- 6.9.7 As the land rises to Sullington and into the South Downs the soils become shallow lime-rich soils over chalk or limestone, growing spring and autumn cereals as well as being suitable grassland for grazing, and wooded areas. Land quality is mainly good to moderate ALC grade 3 land.

Description of the Land (iii) West and North of Washington, West Sussex

- 6.9.8 From Sullington Hill the onshore cable corridor heads North-East towards the village of Washington crossing under the A24, through National Trust land, a recreation ground and allotments and under the A283, before entering into the Wiston Estate.
- 6.9.9 Once over the South Downs, the onshore cable corridor runs through land in Washington and Wiston which comprises a mixture of freely draining lime-rich loamy soils and slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils, growing predominantly grass for grazing with some cereal crops often for feed. Land quality is a combination of both good to moderate ALC grade 3 land and poor ALC grade 4 land. South of Wiston and east of Washington there are mineral deposits comprised of river terrace sand and gravel, Sandstone, colluvium, mudstone and sandstone.

Description of the Land (iv) Wiston to Kings Lane, Oakendene

- 6.9.10 The onshore cable corridor continues through Wiston re-crossing under the A283 before heading North-East towards the village of Ashurst. The land use is a mixture of pasture, arable land and woodland.
- 6.9.11 The onshore cable corridor continues around Ashurst, crossing under the B2135, with temporary access required over the Bines Green registered common land heading North towards Partridge Green. The cable route passes in close proximity to the River Adur flood plain and crosses the South Downs Way.
- 6.9.12 The onshore cable corridor then passes to the East of the village of Partridge Green and to the West of the village of Shermanbury crossing under the B2116. The onshore cable corridor then crosses under the A281 immediately to the South of the Saint Hugh's Charterhouse Monastery before heading North East crossing under the Cowfold Stream towards Moatfield Lane / Kings Lane.
- 6.9.13 The cable route crosses under Moatfield Lane / Kings Lane before heading North into the Substation Site at Oakendene (adjacent to Kent Street).
- 6.9.14 The land use is predominantly pasture with some arable fields and interspersed wooded areas.

- 6.9.15 The section of the onshore cable corridor from Wiston, heading northeast to Ashurst, is slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soil, growing predominantly grass for grazing with some cereal crops often for feed. Land quality is a combination of both good to moderate ALC grade 3 land and poor ALC grade 4 land, with localised pockets of very good ALC grade 2 land.
- 6.9.16 The section of the onshore cable corridor from Ashurst to Kings Lane is predominantly slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soil, growing predominantly grass for grazing with some cereal crops often for feed. There is an area of soil, adjoining the River Adur, that is a loamy and clayey floodplain soil with naturally high groundwater. Land quality is a combination of both good to moderate ALC grade 3 land and poor ALC grade 4 land.

Description of the Land (v) Existing National Grid Bolney Substation Approach

- 6.9.17 The onshore cable corridor passes out of the onshore substation site in an Eastwards direction and under Kent Street before heading South West crossing under Wineham Lane and arriving from the North at the National Grid substation at Bolney.
- 6.9.18 The land use is predominantly pasture land with interspersed wooded areas.
- 6.9.19 The final section of the onshore cable corridor from Kings Lane, Oakendene, to the National Grid substation at Bolney, is predominantly slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soil, growing predominantly grass for grazing with some cereal crops often for feed. Land quality is a combination of both good to moderate ALC grade 3 land and poor ALC grade 4 land.

Infrastructure to be Installed/Works Required

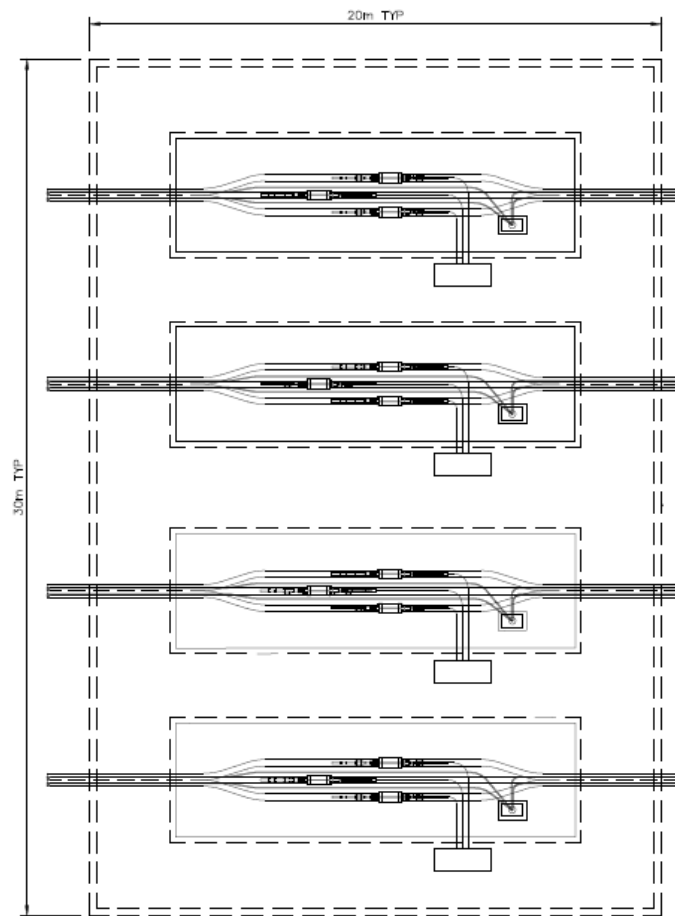
- 6.9.20 The onshore cable corridor will route from the landfall point at Climping Beach to a proposed new onshore substation compound at Oakendene, and then to the existing National Grid Bolney substation (Work Numbers 9 and 19).
- 6.9.21 There are sections of the onshore cable where the temporary construction corridor may require widening beyond the standard 40m width to allow enough space for access / equipment at trenchless crossings and to avoid obstacles.

There are two sections of the onshore cable corridor where the presence of further constraints and uncertainty in ground conditions result in a particularly enlarged area within the proposed Order Limits. These two enlarged areas are located at Michelgrove and Sullington Hill where there are a number of rights of way crossing the onshore cable route area. Following pre-construction ground investigation works the onshore cable route options will be selected. Please see the Cable and Grid Connection Statement (Document Reference: 5.5) for more information in this regard.

- 6.9.22 Four cable circuits will be installed between the TJB and the onshore substation (Work Number 9) . Each circuit will comprise up to three, up to 275kV, single core electricity cables, plus two fibre optic cables. Where trenched installation techniques are used (see below), each electricity cable will be installed in its own duct in its own trench. Where trenchless installation techniques such as HDD are used, each circuit (comprising three electricity cables and two fibre optic cables) will be installed in one duct.
- 6.9.23 Along the onshore cable corridor joint bays will be constructed to enable cable installation and cable jointing i.e. the connection of two sections of each cable.
- 6.9.24 Joint bays are subsurface structures with an associated subsurface link box and fibre optic junction box. Given that there will be three electricity cables and two fibre optic cables in each circuit, there will be one joint bay, five joints and link boxes per circuit.
- 6.9.25 Link boxes enable electrical checks and testing to be carried out on the cable system during operation and maintenance. The locations of the joint bays and link boxes will be determined during the detailed design phase. Typically, they are located every 750m to 950m. However, the location depends on factors such as the need to avoid surface features, crossings and bends.

6.9.26 Below is an illustration of a typical joint bay configuration:

Figure 3



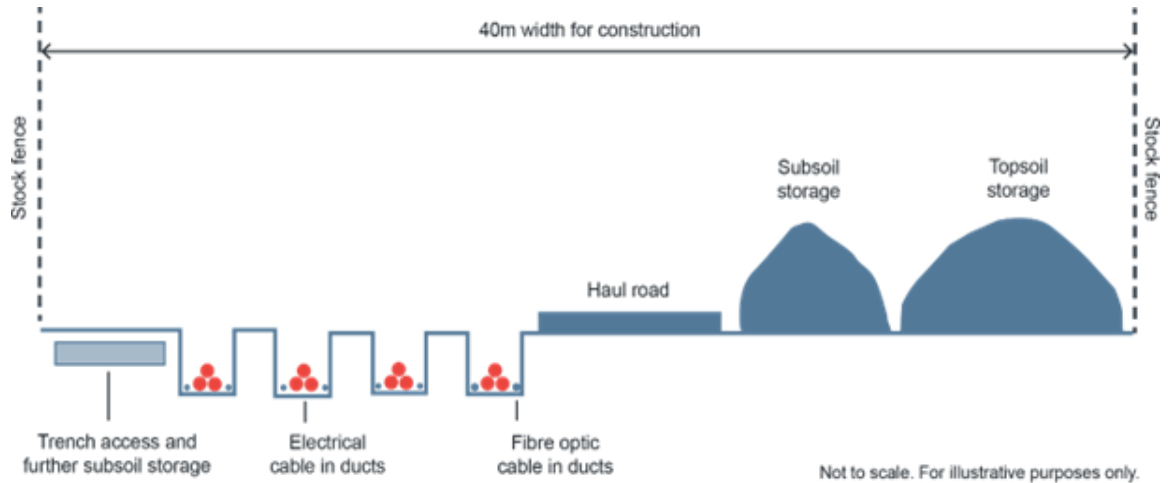
6.9.27 A 400kV cable system will connect the onshore substation compound at Oakendene to the existing National Grid Bolney substation. This system (Work Number 19) will comprise of two cable circuits in separate trenches. Each circuit will contain three electricity cables and two fibre optic cables in ducts.

6.9.28 The majority of the onshore cable will be constructed using an 'open cut' method, whereby trenches are dug, ducts are installed in the trenches and the cables are pulled through/installed within them.

6.9.29 The standard trenched cable construction 'corridor' will be up to 40m wide and consist of the trenches in which the cable circuits will be installed, excavated material and a temporary construction haul road. The temporary construction haul road will enable the transportation of plant used for topsoil stripping, subsoil excavation and for delivery of cable duct and cement bound sand (CBS) fill material. This soil will be stored in bunds within the temporary

construction corridor. It is anticipated that a mechanical excavator will be used for these activities. Below is a cross-sectional diagram of a 'standard' trenched (Non-HDD) cable construction corridor:

Figure 4



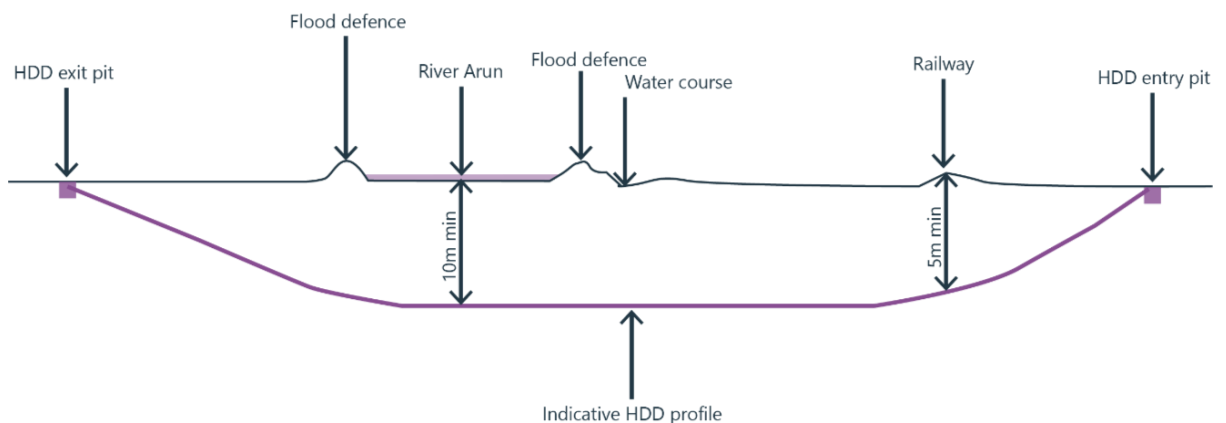
6.9.30 The construction corridor may require widening beyond 40m in certain locations, to enable trenchless construction techniques, such as HDD, to be used to avoid ('cross') obstacles, such as main watercourses, railways and roads that form part of the Strategic Highways Network. The Crossings Schedule details the proposed crossings for the onshore cable route and can be found in Appendix 4.1, Volume 4 (Application Document Reference: 6.4.4.1). Figure 4.3, Volume 3 (Application Document Reference: 6.3.4.3) shows the location of all trenchless crossings on the onshore cable corridor including the flexibility to undertake the drill from either side of the crossing point. For the reasons outlined in paragraphs 6.8.13.1-6.8.13.6 above, the use of trenchless construction techniques will require more physical space than the trenched installation technique. Further information on trenchless crossings is provided in Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement (Document Reference: 6.2.4) and the Outline Construction Method Statement (Document Reference: 7.23).

6.9.31 For trenchless crossings, HDD has been assessed in the Order application documents as this is the likely preferred option based on its reduced complexity and relatively low cost compared to other trenchless installation techniques. The detailed methodology and design of the trenchless crossings will be determined following further site

investigations and confirmed within stage-specific Onshore Construction Method Statements.

6.9.32 HDD involves drilling a bore from one location to another under the obstacle crossing. Following completion of the bore the duct lengths are strung out and connected in a line of equal length to the crossing and pulled through. Each cable circuit will have a separate HDD. The configuration and design assumptions of the trenchless crossings will be determined during the detailed design phase and informed by the Environmental Impact Assessment ("EIA") process. The diagram below shows an example of a planned trenchless crossing of the River Arun, and the Chichester to Littlehampton railway line (see Onshore Work Plan sheet 3) using a trenchless crossing of approximately 350m:

Figure 5



6.9.33 While HDD is the preferred option for making trenchless crossings due to its reduced complexity and relatively low cost when compared to other trenchless installation techniques, there are situations where other techniques may need to be employed for technical reasons.

6.9.34 Following the installation of the cables, the land will be reinstated back to its original condition.

6.9.35 During the operational lifetime of the authorised development maintenance works to the onshore cable are expected to be minimal. Periodic testing of the cable is likely to be required every two to five years. This will require access to the link boxes at defined inspection points along the onshore cable corridor. This will involve attendance by up to three light vehicles, such as vans, in a day at any one location.

- 6.9.36 Very infrequently cable repairs will need to take place which will involve the use of HGVs. Subject to the location of the repair, replacing a cable/section of cable will involve building a temporary access using trackway or another temporary access road type, excavating to confirm the cable fault location using excavation equipment, and excavating the required length of cable to enable a double joint repair. The length of cable replacement will depend on the failure location and will likely be several meters in length. The several metres of failed cable will be removed, a double joint repair made, and an equivalent length replacement cable installed. Once complete, the ground and the access will be reinstated.
- 6.9.37 It is currently anticipated that the onshore electrical cables will be left in-situ with ends cut, sealed and buried to minimise environmental effects associated with removal.
- 6.9.38 The structures of the jointing pits and link boxes will be removed only if it is feasible with minimal environmental disturbance or if their removal is required to return the land to its current agricultural use.

Rights Needed

- 6.9.39 A package of 'Cable Rights' is sought over the Order Plots comprising Work Numbers 9 and 19 (i.e. the land described at paragraphs 6.9.1 to 6.7.19 above) (Cable installation and National Grid substation connection works) (*Article 24- Compulsory acquisition of new rights and imposition of restrictive covenants- and Schedule 7- Acquisition of new rights and imposition of restrictive covenants only*) to enable the installation, retention, operation, maintenance and decommissioning of the cables and associated infrastructure.
- 6.9.40 A 'Cable Restrictive Covenant' (*Article 24- Compulsory acquisition of new rights and imposition of restrictive covenants- and Schedule 7- Acquisition of new rights and imposition of restrictive covenants only*) is also sought to protect the infrastructure from interference and damage, and to protect the public from injury that may result from such interference. Where trenchless installation techniques are used, the cables may be buried over 10m below the surface of the land. However, where the trenched installation method is used the cables will be situated at least 1.2m below the surface of the land or the true cleaned

bottom of the open drain, ditch, watercourse or river, and 0.9m below the surfaces of footpaths.

- 6.9.41 The majority of the onshore cable corridor comprises agricultural land. It is assumed that the owners and/or occupiers of the agricultural land will wish to continue to farm it after the construction of the relevant part of the Proposed Development has been completed and the land has been reinstated. The restrictive covenant does not therefore restrict the carrying out of agricultural practices/activities at a depth shallower than 0.9m from the surface of the land. Consent will however be required from the Applicant for the carrying out of agricultural activities at a depth greater than 0.9m, and for other more intrusive activities, such as the erection of buildings and other structures which could prevent access to the buried cables.
- 6.9.42 To ensure that the Proposed Development can be constructed and operated, the Cable Rights package seeks the necessary rights for the construction and installation of the cables and associated infrastructure as well as the rights required to retain, operate, maintain and decommission the installed cables. Where practicable, it is envisaged that the Applicant will seek to exercise the powers in the Order in combination so as to first take temporary possession of the wider area of land required for the construction works (which will generally require a working corridor of 40m but may require a wider working corridor at crossing points, where trenchless installation techniques will be used- please see below), in reliance on the powers in Article 32 (*Temporary use of land for carrying out the authorised project*) of the Order. This would allow the permanent rights to retain, operate, maintain and decommission the infrastructure, together with the restrictive covenant to protect the infrastructure from interference, to be acquired subsequently over a narrower corridor.
- 6.9.43 There are sections of the onshore cable where the temporary construction corridor may require widening beyond the standard 40m width to allow enough space for access / equipment at trenchless crossings and to avoid obstacles. There are two sections of the onshore cable corridor where the presence of further constraints and uncertainty in ground conditions result in a particularly enlarged area within the proposed Order Limits. These two enlarged areas are located at Michelgrove and Sullington Hill where there are a number of rights of way crossing the onshore cable route area. Following pre-construction ground investigation

works the onshore cable route options will be selected. Please see the Cable and Grid Connection Statement (Document Reference: 5.5) for more information in this regard.

- 6.9.44 The typical corridor over which the permanent rights and the restrictive covenant will be sought is likely to be 20m, but this may vary according to local conditions. A maximum value of 25m (excluding HDD crossing locations) has been assessed as a reasonable worst case scenario.
- 6.9.45 Where trenchless installation is used, the depth at which the cable ducts need to be installed under the obstruction to be 'crossed' will define the spacing needed between the ducts (within which the cables will be installed) and also the distance between the drill entry and exit pits. The depth will be guided by the nature of the obstacle to be 'crossed' beneath and the requirements of the organisation responsible for the obstacle, whilst spacing will depend on the nature/condition of the ground at that depth and its ability to absorb and transfer heat away from the cables.
- 6.9.46 Whilst the permanent cable rights and restrictive covenant will principally be acquired over a 'corridor' in which the installed infrastructure will be located, there are certain permanent rights which form part of the Cable Rights package that will need to be acquired over land which extends beyond the permanent cable corridor, such as drainage, and permanent access rights, so as to connect the installed infrastructure to the public highway, or existing drainage network.

6.10 Onshore Cable Corridor- Temporary Works and Activities- Land Plan Sheets 1-34- Work Numbers 10, 11, 12, and 13 shown on Onshore Work Plan Sheets 1-34

Description of the Land

- 6.10.1 Please see the description of the Order Land for the Onshore Cable corridor above.

Works Required

- 6.10.2 Land outside of the onshore cable corridor will need to be used temporarily to facilitate installation of the onshore cables and ancillary equipment, construction of the onshore substation and works to connect the Proposed Development to the existing National Grid substation at Bolney.

- 6.10.3 A number of Temporary Construction Compounds (Work Number 10), soil storage areas (Work Number 11) and duct stringing areas (Work Number 12) will need to be created within and along the onshore cable construction corridor.
- 6.10.4 Temporary accesses will also need to be created from the nearest public highway to the onshore cable corridor to enable personnel, with or without vehicles, materials and equipment to gain access to the cable corridor, temporary construction compounds, and soil storage and duct stringing areas (Work Number 13).
- 6.10.5 Temporary Construction Compounds will comprise of a hardstanding and a perimeter fence and will be used for the storage of plant and machinery and the stockpiling of materials, as well as for the provision of site management offices, parking, and welfare facilities for construction personnel (kitchen facilities, storerooms, toilets) in accordance with Health and Safety and Construction Design and Management Regulations.
- 6.10.6 Where the onshore cable corridor crosses areas liable to flooding, it is proposed that the excavated soil is not stored next to the cable as would normally be the case. In areas liable to flooding defined soil storage areas are therefore required, which are located close to the onshore cable corridor but outside of the flood plain. One such soil storage area can be seen on Onshore Works Plan Sheet 3 and Land Plan Sheet 3 (Plots 3/10, 3/11 and 3/12). Soil storage areas will comprise of fenced off areas.
- 6.10.7 Duct stringing involves the laying out of ducts through which electricity cables will be pulled during trenchless installation (likely HDD). The space needed for duct stringing needs to be at least the length of the drill and straight/following the direction of the drill. If the onshore cable corridor continues straight immediately following the crossing, the stringing out will occur within the working width of the onshore cable corridor. On occasion, where the onshore cable corridor changes direction immediately following a HDD, there is not sufficient space for stringing out ducts. For this reason additional space following the likely direction of the drill has been allowed to enable this stringing out. These areas are referred to as duct stringing areas. One such duct stringing area can be seen on Onshore Works Plan Sheet 22 and Land Plan Sheet 22 (Plots 22/26, 22/28 and 22/29).

- 6.10.8 Works will be required to facilitate temporary access, and the creation of temporary construction compounds, soil storage areas and duct stringing areas, such as vegetation clearance, the laying down of temporary surfaces and the erection of temporary fencing.
- 6.10.9 All physical works will be removed and the land reinstated following completion of construction.

Rights Needed

- 6.10.10 The Order Plots required to facilitate Work Numbers 10, 11, 12 and 13 may, by virtue of Article 32 (*Temporary use of the land for carrying out the authorised project*) and Schedule 9 (*Land of which temporary possession may be taken*) of the draft Order, be utilised temporarily for the purposes specified. The land specified in Schedule 9 to the Order is not proposed to be compulsorily acquired but will only be subject to the powers of temporary use in Article 32. The exceptions to this are:
- 6.10.10.1 In relation to Plot 2/28 which is to be used temporarily for duct stringing (Work Number 12) and permanently as an operational access (Work Number 15); and
- 6.10.10.2 In relation to Plots 33/14 and 33/16 which are required to be used temporarily for one purpose and permanently for another, namely as a temporary construction compound during construction (Work Number 10) and then for environmental mitigation (Work Number 17) for which a permanent package of Landscape and Environmental Mitigation Rights are sought to enable the environmental mitigation works to be retained and maintained, and an associated Landscape and Environmental Mitigation Restrictive Covenant to enable the environmental mitigation to be protected from interference/damage.
- 6.10.11 The remainder of the Order land which is subject to powers of compulsory acquisition may initially be used temporarily for the purposes specified in Article 32 prior to the exercise of compulsory acquisition powers. As explained in paragraph 6.9.42 above, the Applicant envisages using these powers to take temporary possession of the wider cable construction corridor to carry out the cable installation before acquiring

permanent rights over the narrower permanent rights corridor.

6.11 Onshore Cable Corridor- Permanent Access- Land Plan Sheets 1-34- Work Numbers 14 and 15 shown on Onshore Work Plan Sheets 1-34

Description of the Land

6.11.1 Please see the description of Order Land for the Onshore Cable corridor above.

Works Required

6.11.2 Land outside of the onshore cable corridor will need to be used to enable personnel, with or without vehicles, materials and equipment to gain access to the onshore cables to facilitate operation, maintenance and decommissioning.

6.11.3 Works may be required to facilitate such access, such as vegetation clearance and the laying down and/or repair of surfaces.

Rights Required

6.11.4 In some instances an access route will need to be used during the construction period as well as for operation and maintenance and decommissioning of the Proposed Development (Work Number 14), whilst in other instances an access route will only be needed for operation and maintenance and decommissioning (Work Number 15).

6.11.5 Two alternative rights packages are therefore included in the draft Order- 'Construction and Operational Access Rights' will be sought over the Order Plots subject to Work Number 14, and 'Operational Access Rights' will be sought over the Order Plots subject to Work Number 15 (*Article 24- Compulsory acquisition of new rights and imposition of restrictive covenants- and Schedule 7- Acquisition of new rights and imposition of restrictive covenants only*).

6.12 **Onshore Substation- Land Plan Sheet 33 and Work Numbers 16 and 17 shown on Onshore Works Plan Sheet 33**

Description of the Land

- 6.12.1 The onshore substation site (shown coloured pink and labelled as Plot 33/9 on Land Plan Sheet 33) is located to the South of the A272, to the East of the Oakendene Industrial Estate, and the Oakendene Manor, and to the West of Kent Street (running North-South from the A272).
- 6.12.2 Fields separate the onshore substation site from the Industrial Estate / Oakendene Manor with mature trees in the hedgerows around the field boundaries.
- 6.12.3 The onshore substation site will have direct access via an access road onto the A272 (between the Oakendene Industrial Estate and Kent Street).
- 6.12.4 The onshore substation site and land needed for an associated construction compound and environmental works is located to the south of the A272 approximately 2km east of Cowfold, West Sussex and 3.5km east from the A272 junction with the A23 running between London and Brighton. It is to the east of Oakendene Manor and Oakendene Industrial Estate which are both accessed from the A272. The site comprises agricultural land on slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soil, and is currently used for hay production or grazing. Land quality is a combination of both good to moderate ALC grade 3 land. The land gently slopes from the North to the South and is interspersed with hedgerows and mature trees.

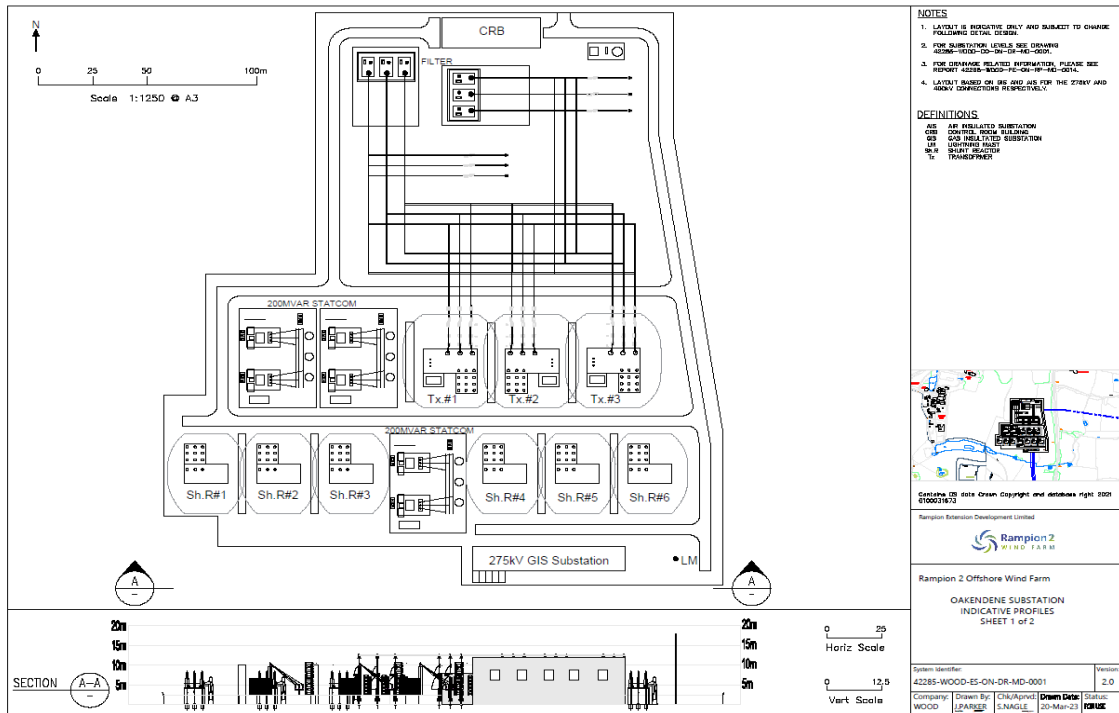
Infrastructure to be Installed/Works Required

- 6.12.5 The purpose of the new onshore substation compound at Oakendene (Work Number 16) is to increase the onshore cable corridor voltage to the 400kV required to connect to the existing National Grid substation at Bolney.
- 6.12.6 The overall built site footprint for the proposed onshore substation compound at Oakendene will be up to 6 hectares (ha) within the onshore substation site. The additional land will be used to provide necessary associated development, such as permanent drainage infrastructure and landscaping. The onshore substation itself will comprise electrical components and equipment necessary to connect the

electricity generated by the Rampion 2 offshore wind farm to the existing National Grid network. These include:

- 6.12.6.1 transformers;
 - 6.12.6.2 reactors;
 - 6.12.6.3 capacitor banks;
 - 6.12.6.4 open busbars;
 - 6.12.6.5 Air Insulated Switchgear (AIS);
 - 6.12.6.6 Gas Insulated Switchgear (GIS);
 - 6.12.6.7 fire walls;
 - 6.12.6.8 reactive compensation equipment;
 - 6.12.6.9 harmonic filters;
 - 6.12.6.10 High Voltage (HV)/Medium Voltage (MV) equipment;
 - 6.12.6.11 switch room;
 - 6.12.6.12 control building; and
 - 6.12.6.13 welfare facilities.
- 6.12.7 Some equipment will be placed outdoors and other equipment will be housed in buildings or enclosures.
- 6.12.8 An indicative layout for the onshore substation is illustrated in Figure 6 below. The final layout may not entirely align with the indicative layout, but will be subject to maximum design assumptions and parameters in accordance with Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement (Document Reference: 6.2.4) and Chapter 5: Approach to the EIA, Volume 2 of the Environmental Statement (Document Reference: 6.2.5).

Figure 6



6.12.9 Construction activities in connection with the onshore substation will include enabling works and construction works. Enabling works will prepare the site ahead of construction and include vegetation clearance, access road construction (see section 6.14 below), installation of drainage systems, delivery of materials, plant, machinery and fuel, and any earthworks necessary for the installation of the substation foundations.

6.12.10 Construction works will involve:

6.12.10.1 installation of perimeter fencing;

6.12.10.2 installation of underground services and onshore substation foundations;

6.12.10.3 construction of the control and switchgear buildings and plant buildings;

6.12.10.4 construction of cable trenches;

6.12.10.5 construction of ducts and pits;

6.12.10.6 construction of the oil containment bund;

6.12.10.7 provision of utility supplies; and

6.12.10.8 landscaping and drainage works.

- 6.12.11 Landscaping and environmental mitigation works are required in the vicinity of the new onshore substation to mitigate landscape and visual effects of the new substation and the impacts on ecological habitats and species (Work Number 17).
- 6.12.12 A construction compound will need to be created to facilitate construction of the substation (Work 10)- please see Onshore Cable corridor- Temporary works and activities- above.
- 6.12.13 Monitoring of the onshore substation will be done remotely using CCTV technology and other remote monitoring equipment. The security fencing installed during construction will remain in place. Certain areas of the onshore substation will have permanent light fittings. However, these lights will only be used when required for unscheduled maintenance or emergency repair purposes.
- 6.12.14 Inspection and minor servicing may be required for the electrical plant, but it is anticipated that the substation will require minimal scheduled maintenance and operation activities.
- 6.12.15 The onshore substation may be used as a substation site after decommissioning of the Proposed Development or it may be upgraded for use by another offshore wind project. This will be subject to a separate planning application.
- 6.12.16 Should the onshore substation need to be decommissioned fully, however, the decommissioning works are likely to be undertaken in reverse to the sequence of construction works and involve similar levels of equipment. All relevant sites will be restored to their original states or made suitable for an alternative use. Further detail will be provided in a decommissioning plan.
- 6.12.17 The decommissioning duration of the onshore infrastructure may take the same amount of time as construction of the authorised development, up to four years, although this indicative timing may reduce.
- 6.12.18 In accordance with the draft Order Requirement 11 (Document Reference: 3.1) an onshore decommissioning plan will be provided within six months of the cessation of commercial operation of the connection works.

Land and Rights Needed

- 6.12.19 As described in section 9 below, the Applicant is taking a proportionate approach to land acquisition and only seeks the purchase of the freehold title to the Order Land for the purposes of above ground permanent infrastructure, namely the onshore substation compound at Oakendene (Order Plot 33/9 shown coloured pink on Land Plan sheet 33).
- 6.12.20 As explained in section 9.9 below, the Applicant is seeking to negotiate an option for a long lease, temporary construction compound leases and environmental and landscape mitigation licence of the onshore substation site with the landowner. Negotiations are ongoing as explained in **Appendix 2**. However, in case voluntary agreement is not ultimately concluded it is necessary for the Applicant to have compulsory acquisition powers over the land available to it.
- 6.12.21 It is not possible to compulsorily create a lease. Freehold acquisition powers are therefore necessary and sought over this land in the Order to ensure that the Applicant has the necessary exclusive possession and control of the land required for the safe construction, operation, maintenance and decommissioning of the onshore substation.
- 6.12.22 A package of 'Landscaping and Environmental Mitigation Rights' (*Article 24- Compulsory acquisition of new rights and imposition of restrictive covenants- and Schedule 7- Acquisition of new rights and imposition of restrictive covenants only*) is sought over the Order Plots comprising Work Number 17 to facilitate the carrying out of necessary landscaping and environmental mitigation works. A 'Landscaping and Environmental Mitigation Works Covenant' is also sought over these plots to protect the works from damage and/or other interference (*Article 24- Compulsory acquisition of new rights and imposition of restrictive covenants- and Schedule 7- Acquisition of new rights and imposition of restrictive covenants only*).

6.13 **Onshore Substation Access Road- Land Plan Sheet 33 and Work Number 18 shown on Onshore Works Plan Sheet 33**

Description of the Land

6.13.1 Please see the description of the Order Land for the onshore substation above.

Works Required

6.13.2 Works will need to be carried out to construct a new access road from the A272 to the new onshore substation, such as vegetation clearance and the laying down of hard surfaces. A surface water drainage system will also need to be installed to remove surface water from the access road.

6.13.3 Works may be needed intermittently during the operational lifetime of the access road to repair its surface etc.

Rights Needed

6.13.4 The Applicant is seeking to negotiate an option for a lease of the substation access road land with the landowner. Negotiations are ongoing. However, in case voluntary agreement is not ultimately concluded it is necessary for the Applicant to have compulsory purchase powers over the land available to it.

6.13.5 It is not possible to compulsorily acquire a lease. A package of 'Onshore Substation Access Road Rights' (Article 24- Compulsory acquisition of new rights and imposition of restrictive covenants- and Schedule 7- Acquisition of new rights and imposition of restrictive covenants only) is therefore sought over the Plots comprising Work Number 18 to enable a new access road to be created, used and maintained, and protected from interference to ensure that access to the onshore substation is maintained at all times for safety and security reasons.

6.14 **National Grid Connection Works at Bolney- Land Plan Sheet 34- Work Number 20 shown on Onshore Work Plan Sheet 34**

Description of the Land

6.14.1 The existing National Grid substation at Bolney is located approximately 2.5 miles to the South West of the A272 / A23 Junction with access gained off the A272 via Wineham Lane.

6.14.2 The land required for connection works at the existing National Grid Bolney substation comprises land adjacent to the Bolney 400kV substation (shown coloured blue and labelled Plot 34/28 on Land Plan Sheet 34). The land is slowly permeable seasonally wet slightly acidic but base-rich loamy and clayey soil, growing grass either for grazing or mowing. Land quality is good to moderate ALC grade 3 land. This land is not in agricultural production and has become a fallow overgrown area subject to occasional maintenance.

Infrastructure to be Installed/Works Required

6.14.3 New infrastructure is required at the existing National Grid substation at Bolney to provide a cable connection from the onshore substation compound at Oakendene.

6.14.4 The proposed connection comprises a maximum of two cable circuits with a total of six single core 400kV power and four fibre optic cables (Work Number 19- see Onshore Cable section above).

6.14.5 An extension (Work Number 20/Order Plot 34/28 is required to the existing National Grid Bolney substation (Order Plot 34/29 and 34/30).

6.14.6 There are two types of infrastructure being considered for the substation extension (Work Number 20): Air Insulated Switchgear (AIS); or Gas Insulated Switchgear (GIS) (Work Number 20). The existing National Grid Bolney substation extension options are described further in paragraphs 4.6.4 to 4.6.8 of Chapter 4: Proposed Development of the Environmental Statement (Document Reference: 6.2.4). Only one of the existing National Grid Bolney substation extension options (AIS or GIS) will ultimately be required. The final choice of infrastructure and its design will be determined by National Grid. The Environmental Statement for the Proposed Development considers the design scenarios for each option based on the information available and assesses the maximum design scenario for both options.

6.14.7 At this stage, the description of the existing National Grid Bolney substation extension works is indicative and a 'design envelope' approach has been adopted which takes into account Planning Inspectorate (PINS) Advice Note Nine: Rochdale Envelope, July 2018 (PINS, 2018) to allow for an environmental assessment to be undertaken on the AIS and GIS options proposed. The provision of a design envelope is

intended to identify key design assumptions to enable the environmental assessment to be carried out whilst retaining enough flexibility to accommodate further refinement during detailed design.

AIS Extension Option

- 6.14.8 The footprint for an AIS substation extension would be approximately 6,300m² (0.63ha). The existing National Grid Bolney substation comprises of an area of approximately 109,000m² (10.9ha), therefore the AIS option extension would increase the existing substation area by approximately 5.6%.
- 6.14.9 The AIS extension would comprise electrical components and equipment necessary to connect the electricity generated by the Rampion 2 offshore wind farm to the existing National Grid network. The infrastructure required for the AIS option would be situated outdoors in the substation extension area. The works to deliver include:
- 6.14.9.1 removal of fencing from existing perimeter and erection of new fencing along the newly established perimeter;
 - 6.14.9.2 erection of two new AIS bays to connect the two 400kV circuits from the new onshore substation compound at Oakendene;
 - 6.14.9.3 AIS bays to each include a building of up to 12m in length, 3m in width and 3m in height (each approximately the size of an International Standards Organisation (ISO) container);
 - 6.14.9.4 extension of the existing busbars present at the existing National Grid Bolney substation to connect to the two new AIS bays; and
 - 6.14.9.5 vegetation screening to minimise views of the extension to the south.

6.14.10 An indicative location plan for the AIS extension to the existing National Grid Bolney substation is illustrated in Figure 7 below. The final layout may not entirely align with the indicative layout but will be subject to the maximum design parameters assessed in Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement (Document Reference: 6.2.4) and Chapter 5: Approach to the EIA, Volume 2 of the Environmental Statement (Document Reference: 6.2.5).

Figure 7



GIS Extension Option

6.14.11 The footprint for a GIS substation extension would be approximately 3,500m² (0.35ha). The existing National Grid Bolney substation comprises of an area of approximately 109,000m² (10.9ha), therefore the GIS option extension would increase the substation area by approximately 3.2%.

6.14.12 The GIS extension would comprise electrical components and equipment necessary to connect the electricity generated by Rampion 2 offshore wind farm to the existing National Grid network. The majority of the infrastructure required for the GIS option would be housed internally within a building. The works to deliver the substation extension would include:

- 6.14.12.1 removal of fencing from existing perimeter and erection of new fencing along the newly established perimeter;
- 6.14.12.2 erection of a new steel-frame GIS building of up to 35m in length, 20m in width and 12m in height containing two GIS bays to connect the two 400kV circuits from the new onshore substation compound at Oakendene;
- 6.14.12.3 extension of the existing busbars present at the existing National Grid Bolney substation to connect to the two new GIS bays; and
- 6.14.12.4 vegetation screening to minimise views of the extension to the south.

6.14.13 An indicative location plan for the GIS extension to the existing National Grid Bolney substation extension is illustrated in Figure 8 below. The final layout may not entirely align with the indicative layout but will be subject to the maximum design parameters assessed in Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement (Document Reference: 6.2.4) and Chapter 5: Approach to the EIA, Volume 2 of the Environmental Statement (Document Reference: 6.2.5).

Figure 8



- 6.14.14 It is anticipated that a monthly inspection of the AIS / GIS infrastructure will be required. Maintenance of the building(s) is anticipated to be carried out annually, with maintenance of AIS / GIS being carried out during substation outage periods, typically every few years.
- 6.14.15 Unscheduled maintenance or emergency repair visits will typically involve a very small number of vehicles, typically light vans. Infrequently, equipment may be required to be replaced, then the use of an occasional HGV may be utilised, depending on the nature of the repair.
- 6.14.16 The extension to National Grid Bolney substation will be owned by National Grid and will form part of the UK transmission network. It may be used for repowers or new connections after decommissioning of the Proposed Development. This will be subject to a separate planning application. If the extension is decommissioned, the connection bays will be disconnected from the bars, disassembled on site and removed from the site by HGVs for recycling. If GIS bays are used, the steel-frame building housing the bays will be disassembled onsite, removed from the site by HGV and recycled. The foundation of the GIS building may be broken up and removed for disposal, in which case the ground level will be reinstated as appropriate. The extension area will be returned to its original state or made suitable for an alternative use.
- 6.14.17 Landscape and environmental mitigation works are required in the vicinity of the existing National Grid substation/extension. More information about the nature of and need for these works can be found in Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement (Document Reference: 6.2.4).

Land and Rights Needed

- 6.14.18 Works will be carried out to the existing National Grid Bolney substation (Order Plots 34/29 and 34/30), which is owned and operated by National Grid, to enable the extension to be connected to it (Work Number 20). Plots 34/29 and 34/30 will not however, be subject to temporary possession or compulsory acquisition powers in the Order because these works, within the operational boundary of the existing substation, will be controlled by National Grid and delivered pursuant to a Connection Agreement with National Grid.

- 6.14.19 The land over which new rights are required for the proposed extension to the existing Bolney substation (Order Plot 34/28, shown coloured blue on Land Plan sheet 34) is also owned by National Grid but is outside of the operational boundary of the existing substation. See section 9 below which explains the negotiations that are taking place with National Grid to enable the substation extension to be delivered.
- 6.14.20 A package of 'Landscaping and Environmental Mitigation Rights' (Article 24- Compulsory acquisition of new rights and imposition of restrictive covenants- and Schedule 7- Acquisition of new rights and imposition of restrictive covenants only) is sought over the Order Plots comprising Work Number 17 works to facilitate the carrying out of necessary landscape screening and environmental mitigation works. A 'Landscaping and Environmental Mitigation Works Covenant' is also sought over these plots to protect the works from damage and/or other interference.

7. **NEED FOR AND BENEFITS OF THE PROJECT AND ALTERNATIVES**

7.1 The Planning Statement (Document Reference: 5.7) explains the need for the Proposed Development in detail and sets out how the Proposed Development complies with and advances national, regional and local planning policy. That detailed justification case is not repeated in full here and this Statement should be read alongside the Planning Statement, which demonstrates that there is a need and a compelling case in the public interest for the Proposed Development. There is clear support for the Proposed Development in national and local planning policy.

7.2 The Proposed Development will contribute materially towards:

7.2.1 meeting the urgent national need established in National Policy Statement ("NPS") EN-1 for new renewable/low carbon electricity supply in the UK, including offshore wind which has been identified as a critical national priority ("CNP") in Draft NPS EN-1 and Draft NPS EN-3;

7.2.2 meeting increasing energy demand, providing enhanced energy security and supporting UK Government priorities in relation to economic development; and

7.2.3 the achievement of the UK Government's climate change commitments and carbon reduction objectives.

7.3 Additionally, it will deliver a range of environmental, social and economic benefits including biodiversity net gain, jobs creation during all phases of the project, and investment.

7.4 **The Need for New Renewable Energy Infrastructure**

7.4.1 National policy establishes an urgent need for new renewable energy infrastructure to meet the UK's energy demands, reduce the reliance on imported oil and gas and increase energy self-sufficiency, support economic growth and facilitate the transition to net zero. On this basis, the Government has made clear that the need for new energy infrastructure has already been established.

7.4.2 NPS EN-1 states that, in order to minimise risks to energy security and resilience, there is a requirement to provide new energy infrastructure to meet the need for 59GW of new electricity capacity across the UK by 2025. Section 3.7 additionally identifies an urgent need for new electricity transmission and distribution infrastructure in the UK, driven by the need to connect to new sources of electricity

generation as well as sources of increasing electricity demand (new housing and business premises).

- 7.4.3 The need to meet a projected increase in demand for electricity is also recognised in the NPS. NPS EN-1 (paragraph 2.2.22) states that *“pathways show that the need to electrify large parts of the industrial and domestic heat and transport sectors could double demand for electricity over the next forty years.”* Whilst paragraphs 3.3.13 - 3.3.14 anticipates that demand within these sectors could even triple by 2050, depending on the choice of how electricity is supplied, paragraph 1.1.1 of NPS EN-5 (and Draft NPS-EN5) also highlights the importance of electricity networks to supporting the delivery of new electricity generation infrastructure the UK needs to transition to a low carbon economy.
- 7.4.4 Draft NPS EN-1 re-affirms the Government’s view that there is a significant need to deliver new energy infrastructure, including electricity networks, in order to provide a secure, reliable and affordable supply of energy. Draft NPS EN-1 additionally highlights that new energy provision is needed to support economic growth and productivity and help deliver the Government’s levelling-up policy. The Proposed Development will therefore support these aims.
- 7.4.5 The overarching strategy for the UK’s future clean growth was set out in the UK Government’s Clean Growth Strategy (2017). It sets out policies and targets out to 2050 for reducing GHG emissions across all sectors of the UK economy. The Energy White Paper (2020) sets out that the transformation of the energy system is central to achieving net zero in 2050. The British Energy Security Strategy (2022) was published by the UK Government following the post COVID-19 pandemic increase in energy prices. The Strategy sets out the UK Government’s plan to produce 95% of electricity from low-carbon sources by 2030. This is predominantly driven by the desire to reduce imports oil and gas, increase domestic renewable energy generation, and enhance self-sufficiency in order to ease soaring prices.
- 7.4.6 The need to diversify from fossil fuels to support energy security, meet the increasing demand for electricity and drive economic growth is clear. The Proposed Development will support the achievement by generating renewable energy.

7.5 The Need for Renewable and Low Carbon Energy Generation Capacity

- 7.5.1 There is an established, urgent need to deliver additional renewable and low carbon energy generation capacity to ensure that the UK meets its climate change commitments. The Proposed Development, as a form of renewable energy, responds to this challenge and supports the UK's transition to net zero.
- 7.5.2 The Climate Change Act 2008 commits the UK to reduce its net greenhouse gas ("GHG") emissions by at least 100% below 1990 levels by 2050 (the 'UK carbon target', often referred to as 'net zero') and requires the Government to establish five year carbon budgets. The Energy Act 2013 further outlines the UK's commitment to low carbon energy industry and investment in low carbon electricity generation.
- 7.5.3 The Proposed Development will give rise to significant lifetime GHG emissions savings and will make an important contribution to offsetting the UK's carbon budgets. At the local level, the UK's net zero target is reflected in the climate change strategies of Arun District Council, Horsham District Council, Mid Sussex District Council, South Downs National Park Authority, and West Sussex County Council. The Proposed Development will demonstrably and significantly contribute to the achievement of those local climate change targets.
- 7.5.4 NPS EN-1 recognises that the successful transition to a secure, low carbon energy system will require major investment in cleaner power generation. The Planning Statement sets out that large scale deployment of renewables will help the UK to tackle climate change by reducing the UK's emissions of CO₂, deliver jobs and reduce fossil fuel demand. Paragraph 3.4.5 establishes that, for the UK to meet its climate change commitments, *"it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent"*. The Proposed Development will contribute towards meeting this urgent need, through the provision of renewable energy.
- 7.5.5 Draft NPS EN-1 refers to the target of net zero in 2050 and a 78% reduction in emissions by 2035. Offshore wind projects like Rampion 2 and their role as part of the energy mix required to achieve net zero is reinforced at Draft NPS EN-1 paragraph 3.3.59 which states that Government has identified development of offshore wind is a critical national

priority (CNP). At 3.3.60 the Draft NPS EN-1 states that *“Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.”*

- 7.5.6 NPS EN-3 recognises that offshore wind farms are expected to make up a significant proportion of the UK’s renewable energy generating capacity up to 2020 and towards 2050. The Draft NPS EN-3 (paragraph 3.8.1) states that: *“Government expects that offshore wind (including floating wind) will play a significant role in meeting demand and decarbonising the energy system. The ambition is to deploy up to 50GW of offshore wind capacity (including up to 5GW floating wind) by 2030, with an expectation that there will be a need for substantially more installed offshore capacity beyond this to achieve net zero carbon emissions by 2050.”*
- 7.5.7 The ambition to deliver 50GW of offshore wind capacity reflects the British Energy Security Strategy published in 2022 (BEIS, 2022). The Proposed Development will contribute to the Government’s target of 50GW of offshore wind energy generation.
- 7.5.8 The Government’s objectives for energy and climate change will require further diversification of the UK’s energy sources and much greater use of renewable and other low carbon forms of generation. The role of offshore wind in delivering additional renewable energy capacity is relevant in this regard. The Proposed Development will contribute to this diversification of the UK’s energy supply and contribute to the achievement of net zero through the generation of renewable energy.
- 7.5.9 The need for Rampion 2 and offshore wind in general, being a critical national priority, is clear. In accordance with NPS policy, substantial weight should be given to the contribution which Rampion 2 will make towards the UK’s objectives and obligations in relation to low carbon electricity generation and climate change.

7.6 **The Environmental, Social And Economic Benefits Of The Proposed Development**

The Proposed Development will deliver significant environmental, economic and social benefits which are summarised below.

7.6.1 ***Environmental Benefits***

7.6.1.1 The Proposed Development has a lifetime GHG emissions saving of 35,901ktCO₂e. The Proposed Development will continue to offset GHG emissions until 2050, and therefore make a positive contribution the UK Government target to reach net zero emissions in 2050.

7.6.1.2 The Applicant has made a commitment to deliver Biodiversity Net Gain (BNG) of at least 10% for all onshore and intertidal (above the low water mark) habitats subject to permanent or temporary losses as a result of the construction and operation of the Proposed Development. The approach to delivering BNG is outlined in Chapter 22: Terrestrial ecology and nature conservation of the Environmental Statement Volume 2 (Document Reference: 6.2.22). This includes restoration and enhancement and the provision of off-site biodiversity units. The ES Appendix: 22.15 Biodiversity Net Gain information, Volume 4 provides further detail (Document Reference: 6.4.22.15).

7.6.2 ***Social and Economic Benefits***

7.6.2.1 The additional energy generation will support the economic priorities of the UK Government through the provision of green jobs.

7.6.2.2 The Proposed Development itself also represents a large capital investment (with construction estimated to be £2.87 billion (in 2019 pricing) with £1.14 billion retained by businesses in the national supply chain that will generate both direct and indirect employment opportunities and supply chain benefits during both construction and operation.

7.6.2.3 The potential employment during construction at the UK level is equivalent to 4,040 full time equivalent (FTE) jobs per annum. In the

operational phase it is expected that there will be 40-50 direct FTE and approximately 500 FTE jobs arising from supply chain expenditure supported across the UK.

7.6.2.4 The overall level of supply chain expenditure retained by local businesses is anticipated to generate around £30.1 million (in 2019-pricing) for the Sussex economy (over a construction period of up to four years). The expenditure retained locally is estimated to support around 80 FTE jobs over the construction phase.

7.6.2.5 An estimated £16 million gross value added (GVA) (or around £4.1 million per annum) is anticipated to be generated by Sussex-based businesses engaged with the Rampion 2 supply chain. There is potential for the local expenditure to be higher and the Applicant has made related commitments in relation to the supply chain.

7.6.2.6 In the operational phase potential direct, indirect and supply chain jobs based within Sussex will equate to 100-110 jobs. This, in-turn, will support the aims and objectives of local economic strategies.

7.7 The need for and the benefits of the Proposed Development demonstrate that there is a very strong and compelling case in the public interest for the Proposed Development to be delivered. The powers of compulsory acquisition sought to ensure the delivery of the Proposed Development are necessary, justified and proportionate.

8. **SITE SELECTION AND ALTERNATIVES**

8.1 ES Chapter 3: Alternatives, Volume 2 (Document Reference: 6.2.3) sets out the detail of the site selection and the alternatives considered at each of the design evolution stages of the Proposed Development. The design evolution process is iterative and has led to opportunities for the development of environmental measures which have been embedded directly into the design of the Proposed Development, known as 'embedded environmental measures'. This process has been informed by engagement and consultation with stakeholders, and section 3 of ES Chapter 3: Alternatives provides further detail on how that engagement has led to the consideration of alternatives or a change to the design.

8.2 At each stage in the evolution of the design, activities were undertaken to consider alternatives and to refine the design of both the onshore and offshore elements. This included the following activities, where appropriate:

- updating of constraints mapping as new environmental information became available;
- analysis of information collected from environmental field surveys;
- identification of technical construction challenges and engineering considerations;
- collaborative working with technical environmental specialists and engineers;
- detailed review of land ownership;
- engagement with stakeholders and landowners; and
- considering feedback from consultation.

8.3 The refinements and alternatives considered by the Applicant varied in type and scale. This included, for example, refinements to the boundary in a localised area or alternative locations for the grid connection. Therefore, a range of appraisal methods have been used, chosen based on the levels of risk, scale and complexity involved in the potential change. However, two common environmental approaches were used (constraints mapping and Black, Red, Amber, Green (BRAG) appraisal).

8.4 With regards to the requirements of NPS EN-5, the use of overhead power lines was not considered as a reasonable alternative to the use of underground cables. Overhead power lines are considered to

have a higher environmental impact, particularly with regard to landscape and visual impacts. To reduce environmental impacts, all offshore wind farms built in the UK have used underground cable to interface with the National Grid.

8.5 Design Evolution

8.5.1 A summary of the design evolution work and reasonable alternatives considered that led to the development of the Scoping Boundary were set out in the Scoping Report. The design was further refined to develop the Proposed Development that was assessed in the Preliminary Environmental Information Report, which informed the first Statutory Consultation exercise in July 2021.

8.5.2 Following the First Statutory Consultation exercise on the PEIR in July 2021, alternatives and modifications were identified for the onshore part of the original PEIR Assessment Boundary, taking account of consultation responses. These are described in full in the following reports which supported three further Statutory Consultation exercises:

- Second Statutory Consultation Exercise: Preliminary Environmental Information Report – Supplementary Information Report (PEIR SIR), published in October 2022;
- Third Statutory Consultation Exercise: Preliminary Environmental Information Report – Further Supplementary Information Report (PEIR FSIR), published in February 2023;
- Fourth Statutory consultation Exercise: Preliminary Environmental Information (PEI) – Bolney Substation Extension Works, published in April 2023.

8.5.3 Following the Statutory Consultation exercises, the Proposed Development has been refined further both onshore and offshore. Offshore, the PEIR Assessment Boundary (2021) has been reduced in size and the maximum number of turbines has reduced. Onshore, final onshore cable corridor and locations have been identified from the options described in the PEIR (2021), PEIR SIR (2022), PEIR FSIR (2023) and PEI (2023), and the proposed DCO Order Limits have been refined.

8.5.4 The Applicant provides a detailed and comprehensive assessment of site selection which takes account of reasonable alternatives within ES Chapter 3 Alternatives

(Document Reference: 6.2.3). The Chapter presents the consultation stages and process whilst identifying the main reasons for each of the options chosen and those not taken forward to a subsequent stage of the design evolution process.

- 8.5.5 The approach to site selection and the consideration of alternatives outlined accords with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the requirements of the NPS EN-1 and NPS EN-3. Further detail is provided in the section 4.4 of the Planning Statement (Document Reference: 5.7) regarding the selection of options linked to the consideration of exceptional circumstances required for NSIP development taking place in the SDNP, which are not rehearsed in detail here.

8.6 Offshore Array Area Selection

- 8.6.1 Rampion 1 Offshore Wind Farm was developed following The Crown Estate's (TCE) Round 3 offshore wind leasing programme launched in 2008. The Round 3 area within which Rampion 1 was brought forward (Zone 6, in the English Channel) was one of nine Zones identified following a process of national, strategic level planning, and represented a critical component of the UK's response to meeting international and national renewable energy targets and commitments. In 2018, TCE invited the owners of existing Round 3 wind farms to consider potential extensions of those schemes. Rampion Offshore Wind Limited (the owner of Rampion 1) applied to TCE for an extension to Rampion 1 through this wind farm extension leasing process. Following the outcome of TCE's plan-led Habitats Regulations Assessment (HRA), a new company RED was set up and was awarded the development rights for Rampion 2 in September 2019.

- 8.6.2 The offshore array area evolved over the following stages:

8.6.2.1 An initial area was identified prior to scoping.

8.6.2.2 Following scoping, and as constraints were identified, this area was refined and reduced in size to the array area presented at the First Statutory Consultation Exercise in July 2021 (and subsequent reopening in February 2022).

8.6.2.3 Following the First Statutory Consultation Exercise in July 2021, and as further constraints

were identified, the area was refined and reduced further to the array area presented in ES Chapter 3: Alternatives.

8.6.3 The evolution of the Offshore Array Areas and the reasons for refinements are summarised in the table below.

Location	Constraint	Refinement	Project stage
'Round 6' array area	Limits of ornithology survey area Fishing, shipping and navigation, and visual issues	Area reduced at the eastern end of the array area.	Area reduced before the First Statutory Consultation exercise in July 2021.
'Extension' area	Shipping and navigation, and visual issues	Area reduced at the western end of the array area.	Area reduced before the First Statutory Consultation exercise in July 2021.
Eastern part of Offshore Array Area (previously 'Round 6' array area)	Shipping and navigation, and visual issues	Area further reduced at the eastern end of the array area	Area reduced following the First Statutory Consultation in exercise July 2021.
Western Offshore Array Area (previously 'Extension' area)	Visual issues	Area further reduced at the western end of the array area	Area reduced following the First Statutory Consultation in July 2021.
Offshore array area	Provision of HeRA, Visual issues, and shipping and navigation issues.	Implementation of separation zones between Rampion 2 and Rampion 1 array	Changes made following the first Statutory Consultation exercise in July 2021
Offshore array area	Other Marine Users (Marine Aggregates Dredging Companies_	Implementation of a buffer between aggregate Licence areas and offshore structures within the array area	Changes made following the first Statutory Consultation exercise in July 2021 (at Hazard Workshop September 2022).

8.7 Grid Connection Identification

8.7.1 The grid connection location was selected from a number of options over the following stages:

8.7.1.1 Six potential grid connection locations were identified before Scoping.

8.7.1.2 A grid connection options appraisal process was carried out in parallel with site selection activities for the landfall and onshore cable corridor which considered a number of potential grid connection points

8.7.1.3 One grid connection location was presented at Scoping.

8.7.2 The site selection process for the grid connection is summarised in the table below.

Alternative Location considered	Description
Bolney	Mid Sussex, where the existing Rampion Offshore Wind Farm connects into the grid
Lovedean	Hampshire, approximately 64.8km west of Bolney
Ninfield	East Sussex, approximately 51.4km east of Bolney
Chilling	Hampshire, approximately 80km west of Bolney, on the east bank of Southampton Water

Considered as part of onshore cable corridor options and chosen as grid connection location prior to Scoping.
Considered as part of onshore cable corridor options but discounted prior to Scoping
Requires crossing of SDNP. Prohibitive additional costs of a significantly longer marine cable Other issues include shipping, steep cliffs and ecological constraints including the Pevensey Levels SSSI. Discounted prior to constraints mapping.
Additional costs would be prohibitive and render the overall Proposed Development not economically viable. Capacity limit of 700MW Discounted prior to constraints mapping.

Alternative Location considered	Description
Fawley	Hampshire, approximately 80km west of Bolney, on the west bank of Southampton Water Additional costs would be prohibitive and render the overall Proposed Development not economically viable. Discounted prior to constraints mapping.
Little Horsted	East Sussex, between Bolney and Ninfield. Considered as part of onshore cable corridor options but discounted prior to Scoping

8.8 Landfall and Onshore Cable Corridor

8.8.1 The process of identifying the landfall location and the refinements to the onshore cable corridor is described below:

8.8.1.1 Six potential landfall locations and three potential grid connection locations were identified prior to Scoping.

8.8.1.2 A constraints mapping process was carried out, which selected one corridor from landfall to grid connection. This was presented at Scoping. This constraints mapping process started in parallel with the site selection process for the grid connection, hence a range of National Grid interface point options were considered.

8.8.1.3 Following Scoping, onshore cable corridor refinements were considered at nine locations along the onshore cable corridor, and options were selected at seven of these locations. The onshore cable corridor presented at the first Statutory Consultation exercise in July 2021 included two locations where options were still being considered (near Warningcamp and the onshore substation location).

8.8.1.4 Following the first Statutory Consultation exercise in July 2021 (reopened in February 2022), three further targeted Statutory Consultation exercises were carried out in October 2022, February 2023 and May 2023 respectively. These considered a series of onshore cable corridor refinements which informed the proposed DCO Order Limits.

8.8.2 The initial options appraisals for landfall and overall cable route corridor are summarised in Table 3-5, of the ES Chapter 4 which fed into the Scoping report. The alternatives and refinements considered between Scoping and the First Statutory Consultation exercise are summarised in Table 3-6 of the ES Chapter 4. The alternatives and refinements considered following the First Statutory Consultation exercise are summarised below and in Table 3-7 of the ES Chapter 4.

Location	Options considered	Option(s) chosen
LACR-01a	Alternative onshore cable corridor to PEIR Assessment Boundary from Lyminster to Sullington Hill	Adopted
LACR-01b	Alternative onshore cable corridor to PEIR Assessment Boundary from Lyminster to Sullington Hill	Not adopted
LACR-01c	Alternative onshore cable corridor to PEIR Assessment Boundary from Lyminster to Sullington Hill	Not adopted
LACR-01d	Alternative onshore cable corridor to PEIR Assessment Boundary from Lyminster to Sullington Hill	Adopted
LACR-02	Alternative onshore cable corridor to PEIR Assessment Boundary from Lyminster to Sullington Hill	Not adopted
ACR-01	North-west of Littlehampton, to avoid areas where geophysical surveys have revealed potential archaeological finds	Not adopted
ACR-02	North of Littlehampton, to avoid commercial agricultural interests, potential archaeological constraints and reduced section of cable corridor through flood zones	Not adopted- this route was discounted following adoption of LACR-01
ACR-03	East of Crossbush, to avoid underground utilities to the northern sections of Warningcamp C route option	Not adopted- this route was discounted following adoption of LACR-01

Location	Options considered	Option(s) chosen
ACR-04	South-east of Wepham, to provide options through this highly constrained area.	Not adopted- this route was discounted following adoption of LACR-01
ACR-05	North-east of Burpham, to avoid impacts on an environmental stewardship project	Not adopted- this route was discounted following adoption of LACR-01
ACR-06	South of Ashurst, to avoid impacts on a private nature conversation scheme and engineering constraints	<p>Introduced at Second Statutory Consultation Exercise.</p> <p>No new or different significant residual effects have been identified which alter the assessment outcomes and conclusions from the first Statutory Consultation exercise presented in the PEIR (2021).</p> <p>This ACR and associated trenchless crossings were preferred over the PEIR Assessment Boundary (2021) and are included in the proposed DCO Order Limits.</p>
ACR-07	East of Bines Green to avoid new infrastructure with planning permission and in response to further engineering considerations	<p>Introduced at Second Statutory Consultation exercise.</p> <p>No new or different significant residual effects have been identified which alter the assessment outcomes and conclusions presented in the PEIR (2021). This ACR and associated trenchless crossings were preferred over the PEIR Assessment Boundary (2021) and are included in the proposed DCO Order Limits.</p>

Location	Options considered	Option(s) chosen
Modified routes	14 modified routes ("MRs") along the cable route, designed to avoid constraints such as hedgerows, planning consents and agricultural fields, or provide flexibility for construction activities.	<p>Introduced at Second Statutory Consultation Exercise</p> <p>The MRs do not change the overall assessment outcomes and conclusions outlined in the PEIR (2021).</p> <p>MRs 1, 2 and 6 to 14 were accepted and included in the proposed DCO Order Limits. Other MRs were on the discounted section of the PEIR Assessment Boundary (2021).</p>
Trenchless crossings	33 new or modified trenchless crossings along the onshore cable corridor to provide mitigation to avoid constraints and associated with the LACRs, ACRs and MRs.	<p>Introduced at the second Statutory Consultation exercise.</p> <p>The TCs do not change the overall assessment outcomes and conclusions outlined in the PEIR (2021).</p> <p>The TCs associated with LACR-01, the adopted ACRs and MRs have been included in the proposed DCO Order Limits</p>
Alternative accesses	32 alternative temporary construction and permanent accesses (AAs) along the cable corridor associated with the LACRs, ACRs and MRs.	<p>Introduced at second Statutory Consultation exercise.</p> <p>The adopted AAs associated with LACR-01, the adopted ACRs and MRs do not change the overall assessment outcomes and conclusions outlined in the PEIR (2021) and have been included in the proposed DCO Order Limits</p>

8.9 New Onshore Substation Identification

8.9.1 The options considered for the onshore substation location are summarised below:

8.9.1.1 Prior to Scoping, the existing National Grid Bolney substation was selected as the grid connection location, and the Scoping Boundary included a

wide area around this location within which the new onshore substation would be located.

8.9.1.2 Following Scoping, seven initial onshore substation locations were identified. A site selection process was carried out, and two options were presented at the first Statutory Consultation exercise. The onshore substation site selection process was carried out in parallel with the onshore cable corridor refinements, which considered a number of onshore substation options.

8.9.1.3 Following the first Statutory Consultation exercise, a further site selection process was undertaken, and the chosen onshore substation location was presented at the second Statutory Consultation exercise.

8.9.1.4 There were no further changes to the onshore substation location following the second Statutory Consultation exercise.

8.9.2 A summary of the onshore substation options considered is provided in the table below.

Location	Constraint	Project stage
Eight Acres Shaw	Within an area being promoted within the Draft Local Plan for Horsham for development of a new town (Mayfield). Too small to accommodate the permanent substation area and construction laydown area (4.9ha).	Considered at Scoping stage but discounted prior to non-statutory consultation
Frylands	Too small to accommodate the permanent substation area and construction laydown area (3.3ha). Cannot be expanded in size due to existing properties to the north, west and south and overhead 400kV lines to the east. Frylands Farm immediately to the south, has direct close-range views across the site.	Considered at Scoping stage but discounted prior to non-statutory consultation
Snake Harbour	Too small for the permanent substation area and construction laydown area (4.1ha).	Considered at Scoping stage but discounted prior to non-statutory consultation

Location	Constraint	Project stage
	Cannot be expanded in size due to the close proximity of existing properties. Open views from Snake Harbour House to the immediate west and Snake Harbour Farm to the north.	
Star Lane	Located in a floodplain, within Flood Zone 3. Further from construction traffic routes than other options. Crossed by several PRow. Potential for existing ground contamination from sewage works. On grazing marsh, and adjacent to ancient woodland, both of which are priority habitats. Taking account of the above constraints, the developable area is too small.	Considered at Scoping stage but discounted prior to non-statutory consultation.
Wineham Lane South	Proximity to ancient woodland. Proximity to Grade II listed building. Proximity to Royal Oak pub and residential properties on Wineham Lane. Feedback from local residents requesting this option is removed. Planning applications for commercial developments on part of site.	Considered as a potential location at Scoping and non-statutory consultation, then discounted prior to PEIR and not presented in the first Statutory Consultation exercise.
Wineham Lane North	Proximity to ancient woodland. Proximity to nearby properties. Onshore Cable corridor initially considered crosses an area covered by a planning consent. Crossed by PRow.	Considered as a potential location at Scoping, non-statutory consultation, and first Statutory Consultation exercise, then discounted prior to second Statutory Consultation exercise.
Oakendene, previously named Bolney Road/Kent Street	Proximity to Oakendene Manor Grade II listed building and nearby residential properties. Proximity to the High Weald AONB. Furthest substation option from the grid connection point at Bolney.	Considered as a potential location at Scoping, non-statutory consultation, and first Statutory Consultation exercise. Selected as substation location following this, and included in second

Location	Constraint	Project stage
		Statutory Consultation exercise.

8.10 Connection to the Existing National Grid Interface Point

8.10.1 The options considered for the cable corridor to the existing National Grid substation at Bolney are summarised below:

8.10.1.1 Following Scoping, and the refinement of onshore substation options to two locations (Oakendene and Wineham Lane North), two potential onshore cable corridor for the 400kV cables from Bolney Road/Kent Street were identified.

8.10.1.2 Following the first Statutory Consultation exercise, an options appraisal process was carried out on the two onshore cable corridor options in parallel to the substation site selection process. The selected onshore cable corridor is presented in the Environmental Statement.

8.10.2 The alternatives considered for cable routes from the new onshore substation to the existing National Grid Bolney substation are summarised in the table below

Route option	Constraint	Project stage
Oakendene (previously named Bolney Road / Kent Street) 1C	Proximity to ancient woodland. On a hill, so potential for visual impacts. Adjacent to planning application for a solar photovoltaic farm. Proximity to residential properties. Found to be not technically feasible following first Statutory Consultation Exercise.	Included in the PEIR Assessment Boundary (2021), but discounted following the second Statutory Consultation exercise
Oakendene (previously named Bolney Road / Kent Street) 1D	Proximity to ancient woodland. Adjacent to a planning application for a solar photovoltaic farm. Additional watercourse crossings/surface water flood risk compared to option 1C. Proximity to residential properties at Southfields Farm and Oakfield Farm.	Included in the PEIR Assessment Boundary (2021), and selected as cable route for inclusion in proposed DCO Order Limits

8.11 Existing National Grid Bolney Substation Extension

8.11.1 The options considered for the extension to the existing National Grid substation at Bolney are summarised below:

8.11.1.1 Following the first Statutory Consultation exercise and through the design evolution process, new infrastructure at the existing National Grid Bolney substation was identified. It was decided to incorporate the extension works required into the DCO Application to ensure grid connection availability upon completion of the construction of the Proposed Development.

8.11.1.2 The fourth Statutory Consultation exercise considered two options for the National Grid substation extension at Bolney. The final choice of infrastructure required at the substation is determined by National Grid Electricity Transmission, therefore both AIS and GIS options have been retained and are described in Chapter 4: Proposed Development of the Environmental Statement (Document Reference: 6.2.4).

9. **COMPULSORY ACQUISITION, TEMPORARY POSSESSION AND OTHER RELATED POWERS**

- 9.1 The Applicant has been seeking to acquire the land, rights and restrictive covenants over land and agreements for the temporary use of land by voluntary agreement, in order to ensure the implementation, operation, protection, maintenance and decommissioning of the Proposed Development. Negotiations are still ongoing to secure private treaty agreements with all parties listed in **Appendix 2** and the Applicant remains committed to progressing those voluntary discussions. A summary of the status of negotiations immediately prior to submission is detailed within **Appendix 2**. However, it would not be possible to conclude agreements for all the interests in land required for the Proposed Development within a reasonable timescale therefore it is necessary for the Applicant to seek compulsory acquisition powers to ensure this NSIP can proceed.
- 9.2 Section 120 of the 2008 Act prescribes those matters which may be provided for in a DCO. In particular, a DCO may impose requirements in connection with the development for which consent is granted. Sections 120(3) and 120(4) go on to provide that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. The matters in respect of which provision may be made include the following matters listed in Schedule 5 to the 2008 Act:
- 9.2.1 the acquisition of land, compulsorily or by agreement;
 - 9.2.2 the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement; and
 - 9.2.3 the payment of compensation.
- 9.3 The powers authorising the acquisition of land, or interests in and/or rights and restrictive covenants over land, including powers to temporarily use of land during construction, are principally contained in Articles 22, 24, 32 and 33 and Schedules 7 and 9 of the Order (Document Reference: 3.1).
- 9.4 The exercise of compulsory acquisition powers pursuant to Article 22 is limited by Article 23 which provides that permanent powers of compulsory acquisition must be exercised within 5 years of the date that the Order is made. The Applicant considers this to be an appropriate timescale for the exercise of the proposed compulsory acquisition powers owing to the complexity and scale of the Proposed Development.

- 9.5 Articles 25 and 26 of the Order would grant the Applicant powers to extinguish, suspend, interfere with and override existing private rights in land.
- 9.6 The powers in the Order are being sought in order for the Applicant to be able to construct, operate, protect, maintain and decommission the Proposed Development without impediment.
- 9.7 The purposes for which the Order Land is required and the primary acquisition powers sought in relation to those land parcels are summarised below. A detailed plot by plot description of the purposes for which the land is required and the type of acquisition powers sought can be found in the **Appendix 1** to this Statement. The works numbers in the third column of that Appendix relate to the works descriptions in Schedule 1 to the Order and reference is made to the Plot numbers detailed on the Land Plans (Document Reference: 2.1.2) and described in the Book of Reference (Document Reference: 4.3).
- 9.8 The Order contains powers to enable the temporary possession and use of land for the purposes of construction and maintenance of the Project; the acquisition of land and new rights over land for the construction, retention, operation, maintenance and decommissioning of the Proposed Development; and the imposition of restrictions to protect the Proposed Development from interference. Where the necessary land and rights over land cannot be secured by agreement with the requisite landowners and occupiers, the Order enables the possession of land and the acquisition of land and rights over land compulsorily.
- 9.9 **Acquisition of Freehold Land**
- 9.9.1 The land over which compulsory acquisition powers are sought in respect of freehold land ownership is shown edged red and shaded pink on the Land Plans (Document Reference: 2.1.2).
- 9.9.2 The description of this land on the Land Plans is "Land to be acquired" and the Book Reference confirms that "All interests in" it are to be acquired.
- 9.9.3 The Applicant is taking a proportionate approach to land acquisition and only seeks to purchase of the freehold title to the Order Land for the purposes of above ground permanent infrastructure, namely the onshore substation compound at Oakendene (Order Plot 33/9).
- 9.9.4 Onshore substation

- 9.9.4.1 The Applicant is seeking to negotiate an option for a long lease, temporary construction compound leases and environmental and landscape mitigation licence of the onshore substation site with the landowner. Negotiations are ongoing as explained in **Appendix 2**. However, in case a voluntary agreement is not ultimately concluded it is necessary for the Applicant to have compulsory purchase powers over the land available to it.
- 9.9.4.2 Given that it is not possible to compulsorily acquire a lease, powers to compulsorily acquire the freehold are therefore sought in the Order to ensure that the Applicant has the necessary exclusive possession and control of the land required for the safe construction, operation, maintenance and decommissioning of the onshore substation.

9.10 **Acquisition of New Rights and Imposition of Restrictive Covenants**

- 9.10.1 The Applicant requires rights in and restrictive covenants over land in order to construct, retain, operate, protect, maintain and decommission the Proposed Development.
- 9.10.2 The Applicant considers the imposition of restrictions on the use of land by others is necessary in order to protect the operational assets to be constructed as part of the Proposed Development.
- 9.10.3 Article 24 to the Order (Document Reference: 3.1) permits the Applicant to acquire new rights in and impose restrictive covenants over any of the land proposed to be compulsorily acquired, i.e. over the land shaded pink or blue on the Land Plans (Document Reference: 2.1.2).
- 9.10.4 Where land is shown coloured blue on the Land Plans (Document Reference: 2.1.2), the freehold of that land will not be acquired compulsorily as the nature of the compulsory acquisition powers will be limited to the acquisition of new rights or imposition of restriction covenants.
- 9.10.5 On the Land Plans (Document Reference: 2.1.2) and in the Book of Reference (Document Reference: 4.3) this land is identified as being subject to "Acquisition of Rights by the

Creation of New Rights or the Imposition of Restrictive Covenants”.

- 9.10.6 The rights and restrictive covenants are sought to facilitate the Applicant and all persons authorised on its behalf to construct, use, protect, maintain and decommission the Proposed Development. Those rights have been categorised into named packages of rights, details of which can be found in the Table at **Appendix 5**. The works in respect of which those packages of rights and covenants are required are described in section 6 of this Statement. The Plots of land where those works will be carried out/infrastructure will be situated, and over which each package of right and covenants may be acquired, are set out in Schedule 7 to the Order (Document Reference: 4.3).
- 9.10.7 In some cases more than one package of rights will be sought over a single land parcel. For example, where a land parcel is required for the purposes of environmental mitigation but is also required for the construction of the new substation access road.
- 9.10.8 Paragraph 24 of the Planning Inspectorate guidance in Advice Note 15 concerning the drafting of DCOs advises that it may be appropriate to include a power to impose restrictive covenants over part of the land which is subject to compulsory acquisition or use under the DCO. The guidance states that before deciding whether or not such a power is justified the Secretary of State will need to consider issues such as proportionality; the risk that use of land above or below a structure could be sterilised if it has to be acquired outright in the absence of a power to impose restrictive covenants; or whether there is for example a policy of establishing a continuous protection zone for the infrastructure network which could be secured more efficiently with the benefit of this power.
- 9.10.9 The guidance states that the power to impose restrictive covenants over land above a buried cable or pipe, or where a slope contains artificial reinforcement has been granted in DCOs, and cites Article 22 of the Silvertown Tunnel Order 2018 as an example. The guidance advises that in order to enable the Secretary of State to consider whether the imposition of restrictive covenants is necessary for the purposes of implementing an NSIP and appropriate in human rights terms, applicants should be prepared to fully explain and justify the need for including such powers.

9.10.10 The Applicant has had regard to this guidance in preparing its Order. Article 24 includes a power to impose restrictive covenants over land, and the land over which it is proposed acquire restrictive covenants and their purposes are explained in Schedule 7 to the Order. These proposed restrictions are required to protect the underground infrastructure from becoming exposed, damaged or built over; preventing operations which may obstruct, interrupt or interfere with the electricity supply, the infrastructure, or the exercise of any new rights required; ensuring that access for future maintenance can be facilitated and ensuring that land requirements are minimised so far as possible. In the absence of a power to impose the necessary restrictive covenants, the Applicant would need to acquire a greater extent of freehold land on a permanent basis in order to safeguard its operations and infrastructure. The formulation of the restrictive covenant is explained in section 6 above.

9.10.11 The Applicant considers the imposition of such restrictive covenants to be justified and proportionate in the circumstances of this case, in order to protect and preserve the integrity of the Proposed Development.

9.10.12 Existing National Grid Bolney substation extension

9.10.12.1 The existing Bolney substation is owned and operated by National Grid. In February 2020 National Grid confirmed that their "Connection and Infrastructure Options Note" (CION) process had concluded that their Bolney substation would be the most economic and efficient grid connection location which meets the required capacity and timeframe for the Proposed Development. This would therefore be the basis of the Connection Agreement between National Grid and the Applicant.

9.10.12.2 The Applicant has applied for and signed an offer from National Grid, for connection to their Bolney Substation; and has more recently applied-for and received a "Modification Offer" for this connection location.

9.10.12.3 Having selected a site at Oakendene as the location for the onshore substation compound, the Applicant identified the best cable connection route to the National Grid Bolney substation as

that approaching from the north of the National Grid Bolney substation.

- 9.10.12.4 A small extension to the existing National Grid Bolney substation is required, to enable the Proposed Development to connect to it. There are two possible electrical designs for the substation extension as explained in section 6 above. National Grid will decide which design is best, considering the needs of the wider substation and legal requirements that they have to follow.
- 9.10.12.5 Discussions are ongoing with National Grid for the land rights and Interface Agreement required for the Applicant's works which will enable the Proposed Development to connect into the national grid. There are also third party interests in the land identified for the substation extension. New rights over this land have therefore been included in the Order to ensure that the extension can be constructed and the authorised development connected to the National Grid.
- 9.10.12.6 It is anticipated that in practice, National Grid will wish to construct, and then own and operate the new substation extension. The Order includes an article (Article 5) which enables the benefit of the powers within the Order (including the compulsory acquisition powers) to be transferred to others, including the holders of licences under the Electricity Act 1989, such as National Grid. A transfer to the holder of a licence under the Electricity Act 1989 can be made without the consent of the Secretary of State. Following such a transfer National Grid would have the benefit of and be able to exercise the powers transferred to it.
- 9.10.12.7 As explained in section 6 above, works will also need to be carried out to the existing National Grid Bolney substation (Order Plots 34/29 and 34/30), to enable the extension to be connected to it (Work Number 20). Plots 34/29 and 34/30 will not be subject to temporary possession or compulsory acquisition powers in the Order.

9.11 Temporary Use of Land

- 9.11.1 Powers for the temporary use of land pursuant to Articles 32 and 33 of the Order are required in order to facilitate the use of land by the Applicant and all persons authorised on its behalf during the construction of the Proposed Development and thereafter for essential maintenance purposes.
- 9.11.2 Land over which only temporary use is sought for the carrying out of the Proposed Development pursuant to Article 32 of the Order is shown edged red and shaded green on the Land Plans (Document Reference: 2.1.2) accompanying the Application. The description of this land is identified on the Land Plans as "Land to be Used Temporarily" and in the Book Reference as being required for "Temporary possession and use".
- 9.11.3 Where land is only needed temporarily, the specific purposes for which temporary possession may be taken pursuant to Article 32 are set out in the table at Schedule 9 to the Order and replicated in the table below:

<i>Purpose for which temporary possession may be taken</i>	<i>Relevant part of the Proposed Development</i>
Temporary use as a construction compound and for access to facilitate construction of the authorised development, including any onshore Further Works, as defined in Schedule 1 to the Order, that may be required.	Work No. 10
Temporary use for the storage of excavated materials including but not limited to soil, to facilitate construction of the authorised development, including any onshore Further Works, as defined in Schedule 1 to the Order, that may be required.	Work No. 11
Temporary use for non-intrusive works for duct and cable installation preparation and stringing out, to facilitate construction of the authorised development, including any onshore Further Works, as defined in Schedule 1 to the Order, that may be required.	Work No. 12

<i>Purpose for which temporary possession may be taken</i>	<i>Relevant part of the Proposed Development</i>
<p>Temporary use for access, including effecting access to highways and the creation of visibility splays, to facilitate construction of the authorised development, including any onshore Further Works, as defined in Schedule 1 to the Order, that may be required.</p>	<p>Work No. 13</p>

- 9.11.4 Temporary works will vary in duration from a few months in the case of temporary duct stringing (Work Number 12) to circa two years in the case of temporary soil storage (Work Number 11) and circa four years in the case of construction compounds (Work Number 10) and temporary construction accesses (Work Number 13) but will be for a limited period compared to the operational life of the Proposed Development and as such temporary possession powers are being sought as opposed to powers to acquire rights.
- 9.11.5 As explained in section 6 above, there are instances where land will be used temporarily for a specified purpose and permanently for another. Order Plot 2/28 (Work Number 12) for example, will be used as a temporary duct stringing area during construction and as an operational access (Work Number 15) during operation.
- 9.11.6 Before giving up temporary possession of the land the Applicant would be required to remove all temporary works and restore the land to the satisfaction of the owner in accordance with the provisions of Article 32 of the Order.
- 9.11.7 Where the Applicant is seeking to acquire land, new rights or restrictions over land, the power for temporary use of such land is also sought (this is provided for in Article 32 of the Order). These parcels are shown shaded pink or blue on the Land Plans (Document Reference: 2.1.2). These powers enable the Applicant to enter on to land for construction purposes in advance of the acquisition of the relevant permanent land or land rights. This enables the Applicant to take a proportionate approach to permanent acquisition so as to only compulsorily acquire the minimum amount of permanent land and rights/restrictions over land required to construct, operate and maintain the Proposed Development.

9.11.8 As explained in section 6 above, it is currently envisaged that construction works (which will generally require a working corridor of 40m but may require a wider working corridor at crossing points, where trenchless installation techniques will be used), will take place in reliance on the powers in Article 32 and that rights to retain, operate, maintain and decommission, and a restrictive covenant to protect the infrastructure from interference, will be obtained subsequently over a narrower corridor (see below). However, to ensure that construction can continue, if necessary, once the temporary possession powers expire, the Cable Rights package includes rights to construct/install the cables and associated infrastructure.

9.11.9 The typical corridor over which the permanent rights and the restrictive covenant will be sought is likely to be 20m, but this may vary according to local conditions. A maximum value of 25m (excluding HDD crossing locations) has been assessed as a reasonable worst case scenario. Where trenchless installation is used, the depth at which the cable ducts need to be installed under the obstruction to be 'crossed' will define the spacing needed between the ducts (within which the cables will be installed) and also the distance between the drill entry and exit pits. The depth will be guided by the nature of the obstacle to be 'crossed' beneath and the requirements of the organisation responsible for the obstacle, whilst spacing will depend on the nature/condition of the ground at that depth and its ability to absorb and transfer heat away from the cables.

9.12 **Power to Extinguish, Suspend or Override Rights and Easements**

9.12.1 Article 25 (Private Rights) ensures that the construction and operation of the Proposed Development is not impeded by any existing private rights within the Order Land. Such rights will be extinguished over land which the Applicant acquires permanently (whether by agreement or compulsion). In relation to land over which it is proposed to acquire new rights and restrictive covenants, private rights will only be extinguished to the extent that their continuance would be inconsistent with the exercise of the new right or compliance with the restrictive covenants. Private rights will be suspended over land where the Applicant exercises powers to temporarily use land under Articles 32 and 33 of the Order for so long as the Applicant remains in lawful possession.

- 9.12.2 Article 25 provides a mechanism for the Applicant to direct that existing private rights shall continue if the Applicant decides that the powers of compulsory purchase of land, new rights and restrictions, or the temporary use of land, can be exercised without interruption, making extinguishment or suspension unnecessary.
- 9.12.3 Article 26 to the Order provides the power to override easements and other rights annexed to land and adversely affecting other land, including any natural right to support and any restrictions as to the use of land arising by virtue of a contract, where the exercise of powers under the Order or the carrying out of the Proposed Development or use of land interferes with or breaches those easements or rights.
- 9.12.4 Articles 25 and 26 apply to all of the Order Land and are necessary to ensure that the construction, operation, protection and maintenance of the Proposed Development is not prejudiced by the existence of private rights. Persons whose private rights are interfered with subject to the powers in these articles may be entitled to claim compensation for losses suffered.
- 9.12.5 Article 35 (Statutory undertakers) authorises the Applicant to acquire land and new rights in land belonging to statutory undertakers within the Order Land. It further provides for the extinguishment of rights and the removal or relocation of apparatus belonging to statutory undertakers over or within the Order Land. The exercise of this power is subject to the protective provisions set out in Schedule 10 to the Order. **Appendix 2** confirms the current status of negotiations with statutory undertakers with regard to the acquisition of interests in land and inclusion of protective provisions in the Order.
- 9.12.6 All private rights which are proposed to be extinguished, suspended or interfered with in the Order Land and which were identified through diligent enquiry are detailed in Part 3 of the Book of Reference (Document Reference: 4.3) accompanying the Application.
- 9.12.7 Unknown interests which were not identified through such measures are still subject to the provisions of the Order, including Articles 25 and 26, to enable the Proposed Development to be delivered without impediment.

10. **IDENTIFYING AFFECTED PARTIES AND ENGAGEMENT WITH THEM**

10.1 **Identifying Persons with an Interest in Land**

10.1.1 The Applicant has carried out diligent inquiries to identify all persons with an interest in land within the Order Limits in accordance with section 44 of the PA 2008. Such persons are listed in the Book of Reference (Document Reference: 4.3) and have been consulted in respect of the Application in accordance with section 42 of the PA 2008. This is further explained in the Consultation Report (Document Reference: 5.1). Diligent inquiries to identify persons with an interest in land and those with a potential claim were undertaken by the Applicant's land referencing supplier, Carter Jonas.

10.1.2 **Appendix 3** of this Statement provides details of the land referencing methodology, including the process of diligent inquiry undertaken to identify and contact persons and entities with interests in land in respect of each Category of persons as defined by section 44 of the PA 2008.

10.1.3 **Appendix 4** of this Statement provides further information on the approach undertaken by the Applicant to identify persons within Category 3 who may be entitled to claim compensation for a reduction in the value of their land as a result of either the construction or the use of the Proposed Development.

10.2 **Unknown Interests**

10.2.1 There are a number of interests identified in the Book of Reference (Document Reference: 4.3) where it has not been possible to identify ownership. The statement "Unknown" is given in the Book of Reference when diligent inquiry has been carried out and it has still not been possible to obtain ownership information. The Applicant has carried out searches and enquiries with the Land Registry, site visits and notices have been erected on site to seek to identify unknown landowners or persons with an interest in the land.

10.2.2 No responses to site notices were received where the land or interests were identified as unknown. Where responses were received, due diligence has been carried out and the details of the owners and occupiers noted in the Book of Reference accompanying the Application.

10.3 **Summary of Engagement with Landowners**

- 10.3.1 Initial desktop land referencing was carried out from May through to September 2020. All relevant landowners, lessees, tenants and occupiers identified by diligent inquiry have been notified about the Proposed Development and included in the consultation process.
- 10.3.2 The proposals for the Proposed Development were presented in virtual exhibitions held between 14 January 2021 and 11 February 2021 to raise awareness of the project and invite feedback on routing and constraints on any issues that stakeholder organisations, the local community, and affected persons felt should be taken into account, to help shape the proposals.
- 10.3.3 Contact land referencing was carried out on the route alignment and substation sites with the issuing of Request for Information forms (RFI) in July and August 2021 to confirm details of Persons with an Interest in Land (PILs). Contact then continued as part of the consultation held during the development of the Proposed Development and continued throughout the pre-application process. This included engagement on surveys and cable route alignment. Carter Jonas attended meetings, with members of the Rampion 2 team where required, and held conversations with affected persons, to discuss the Proposed Development and take account of concerns and constraints that were raised about the proposed project, in particular with regard to cable route alignment and the impact that this may have on their use of the land. Throughout the process enquiries from affected persons' were managed and where issues were raised these were fed back to the Applicant's project team so as to be taken into account in the cable route design decision making process. Once reviewed feedback was provided to the affected persons.
- 10.3.4 As a result of this consultation process, cable route amendment and construction related change requests have been subject to review by the Rampion 2 team during the evolution of the scheme design. Changes have been accommodated where justified on environmental and engineering grounds. Further information on the options and alternatives considered, including those raised by landowners, can be found in Volume 2, Chapter 3 of the Environmental Statement: Alternatives (Document Reference: 6.2.3). Chapter 8 of this Statement also explains

the alternative options that have been considered by the Applicant for the Proposed Development.

- 10.3.5 In October 2022 section 42 notices under the Planning Act 2008 were served on previously identified and newly identified affected persons to communicate onshore cable modification proposals through the formal consultation process. Drop in events were held on 1st November at Arundel Town Hall, 2nd November at Arun Yacht Club, Littlehampton, 11th November at Ashurst Village Hall and 12th November at Washington Village Memorial Hall and newly affected persons were invited to these for face to face discussions. These were attended by some affected persons and their land agents / advisors. Feedback was requested on the onshore cable route associated with the proposed modifications that were being proposed as a consequence of the ongoing consultation and further engineering and environmental work. Further detail on this engagement can be found in the Consultation Report (Document Reference: 5.1).

10.4 **Access to Land to Carry Out Surveys**

- 10.4.1 To enable surveys to be progressed to inform environmental assessment work, contact was made with affected persons to agree terms to facilitate the securing of rights to take access to carry out surveys through licence agreements where agreement could be reached.
- 10.4.2 Where survey access consent was not forthcoming follow up calls were made to affected parties with subsequent correspondence setting out the survey requirements and referring to the availability of statutory powers entry for survey pursuant to the powers in section 172 powers of the Housing and Planning Act 2016. In the region of two hundred non-invasive surveys were required to be carried out between June 2021 and Q2 2023. The survey works included the following:-
- 10.4.2.1 Water Environment surveys
 - 10.4.2.2 Arboricultural surveys
 - 10.4.2.3 Construction noise surveys
 - 10.4.2.4 Soils and agriculture surveys
 - 10.4.2.5 Historic Environment surveys including Archaeological, geophysical

10.4.2.6 Terrestrial Ecology surveys of species including bats, breeding birds, water vole etc.

10.4.3 Landowners were consulted over a six week period and seventy survey licence payments were made. In a number of cases large landholdings required a number of licence agreements to be put in place with a single licence payment to accommodate Category 1 landowners, occupiers and tenants. Sixteen survey payments have subsequently been renewed to enable further surveys/investigations to be carried out. The survey licence payments with associated licences enabled the carrying out of the required survey works.

10.4.4 Where agreement for survey access could not be reached, access having been denied, section 172 Housing and Planning Act 2016 notices were served. Twenty eight section 172 notices were served on landowners, twenty four of which were later not relied upon because agreement was reached to allow access in advance of entry being taken pursuant to the statutory notices.

10.5 **Summary of Negotiations with Landowners**

10.5.1 Carter Jonas have been conducting negotiations on behalf of the Applicant with landowners with a view to acquiring land or rights over the Order Land as necessary by agreement. This process has included an explanation of the way in which the affected person's land will be required for the Proposed Development. Throughout the engagement period the Applicant and Carter Jonas have taken time to explain the land requirements and sought to keep affected persons appraised of the project progress.

10.5.2 The Applicant's strategy for securing the land and rights required for the Proposed Development is to seek to agree what is referred to as Key Terms (i.e. heads of terms) for the following:

10.5.3 Cable route: an option agreement to enter into a 99 year Deed of Easement for the grant of the rights and restrictions required for the cable route, including for operational accesses;

10.5.4 Onshore substation (Oakendene): an option for a 99 year lease.

10.5.5 Construction accesses, construction compounds and temporary working areas: an option agreement to enter into a short term lease.

10.5.6 **Appendix 2** of this Statement provides details of the current status of the negotiations relating to the above options sought by the Applicant. This will be updated during the course of the examination of the Application.

10.5.7 The table below summarises the current position with regards to private treaty negotiations.

<i>Total No. required</i>	<i>HoT'S Negotiation</i>	<i>in HoT's Agreed</i>	<i>Option Agreements Complete</i>
<i>Cable Access Routes</i> / 172	25	3	0
<i>Substation</i> 1	1	0	0

10.6 Discussions with landowners for the land rights required for the cable route and associated operational access routes have been taking place and are ongoing with the majority of landowners and (where appropriate) their agents / advisors. Key Terms have been issued in the majority of cases where there has been active landowner engagement so as to enable heads of terms to be provided. Negotiations continue to be held with individual landowners and their land agents / advisors. Where the land is let to and/or occupied by third parties, discussions will be held as appropriate with those parties to facilitate completion of the option agreement with associated leases and term easements.

10.7 Active negotiations for the land required for the Oakendene substation have been held from July 2021 and are ongoing.

10.8 In the majority of cases, the options for short term leases for the construction accesses, construction compounds and temporary working areas are sought from landowners with whom Carter Jonas are already in negotiations for the cable easement and operational accesses.

10.9 The Applicant has confirmed its willingness to pay affected parties' reasonable agent's and legal fees incurred in the negotiation of land rights, including the completion of agreements, and fee undertakings have been given where appropriate.

- 10.10 The Applicant has adopted a consistent approach to securing the necessary land and rights, and has conducted its negotiations in accordance with the Compulsory Acquisition Guidance. It's approach to seeking rights voluntarily aims to promote co-operation with landowners.
- 10.11 The Applicant is aiming to successfully conclude commercial negotiations to enter into options to acquire all of the land and rights/restrictions required for the Proposed Development. However, and as the Compulsory Acquisition Guidance acknowledges, where a scheme entails the compulsory acquisition of many separate plots of land; and gives the example of a long, linear scheme, such as the cable route forming part of the Proposed Development, it may not always be practicable to acquire land and/or rights over land by agreement. The Compulsory Acquisition Guidance states that: "*where this is the case, it is reasonable to include provision authorising compulsory acquisition covering all the land at the outset*" and negotiate with landowners in parallel to acquire land by agreement.
- 10.12 The Applicant is therefore including all the relevant land within the Order Land to ensure that all of the land rights can be assembled and secured with certainty. In addition to the unregistered land interests referred to in section 10.2 above, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be overridden, removed and/or extinguished in order to facilitate the construction and operation of the Proposed Development without hindrance.
- 10.13 When concluded, the options to secure the required easement or lease from the landowners will include an acknowledgement from the landowners that rights of compulsory acquisition may still be sought over their land to the extent that such rights will be necessary for the installation, operation and maintenance of the Proposed Development. Commitments will be given by the Applicant to not exercise the compulsory acquisition powers other than in express limited circumstances such as in relation to third party interests, a breach of the agreement or a failure to satisfactorily deduce title.
- 10.14 The Applicant will continue to pursue the acquisition of land, rights and associated restrictive covenants, and arrangements for the temporary and permanent use of land by agreement wherever possible and practicable. However, the Applicant considers that the Proposed Development cannot be successfully delivered without compulsory acquisition powers.

11. **NEED FOR COMPULSORY ACQUISITION POWERS**

11.1 **Compulsory Acquisition Powers and Guidance**

11.1.1 Section 120 and Part 1 of Schedule 5 of the PA 2008 prescribe those matters which may be included in a DCO. A DCO may impose requirements in connection with the development for which consent is granted, and in particular these include:

11.1.1.1 the acquisition of land, compulsorily or by agreement; and

11.1.1.2 the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement.

11.1.2 Sections 122(1) of the PA 2008 provides that a DCO which includes powers of compulsory acquisition may only be granted if the conditions in Sections 122(2) and 122(3) of the PA 2008 are met. These conditions are as follows.

11.1.3 Under section 122(2), that the land is:

(a) required for the development to which the development consent relates;

(b) required to facilitate or is incidental to that development; or

(c) is replacement land to be given in exchange for commons, open spaces etc.

11.1.4 Section 122(3) of the PA 2008 requires that there is a compelling case in the public interest for the land to be acquired compulsorily.

11.1.5 The Compulsory Acquisition Guidance explains, at paragraphs 6 and 7, that before any compulsory acquisition can be authorised, the decision maker must be satisfied that one of the section 122(2) conditions is met and the applicant must therefore be prepared to justify its proposals for the compulsory acquisition of any land to the satisfaction of the Secretary of State.

11.1.6 With regard to the condition in section 122(2)(a) - that the land is required for the development to which the development consent relates - the Compulsory Acquisition Guidance (paragraph 11) requires the applicant to

demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State should be satisfied, in this regard, that the land to be acquired is no more than is reasonably required for the purposes of the development.

- 11.1.7 With regard to section 122(2)(b) - that the land is required to facilitate or is incidental to the proposed development – the Compulsory Acquisition Guidance (paragraph 11) requires the Secretary of State to be satisfied that the land to be taken is no more than is reasonably necessary for that purpose and is proportionate.
- 11.1.8 The condition in section 122(2)(c) relating to exchange land does not arise in relation to the Order as it is not proposed to compulsorily acquire special category land comprising of open space, commons or allotments so as to give rise to a requirement to provide exchange land and therefore no such exchange land is provided for in the Order. It is however proposed to acquire rights over special category land, further details of which are set in in section 12 below.
- 11.1.9 In relation to the condition in Section 122(3), the Compulsory Acquisition Guidance requires (paragraphs 12 and 13) the Secretary of State to be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily. For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss.
- 11.1.10 The Compulsory Acquisition Guidance goes on explain some of the general considerations which the Secretary of State will have regard to in deciding whether or not to include a provision authorising the compulsory acquisition of land in a DCO:
 - 11.1.10.1 that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored (paragraph 8);
 - 11.1.10.2 that the proposed interference with the rights of those with an interest in the land is for a

legitimate purpose, is necessary and is proportionate (paragraph 8);

11.1.10.3 that the applicant has a clear idea of how the land will be used (paragraph 9);

11.1.10.4 that there is a reasonable prospect of the requisite funds for acquisition becoming available (paragraph 9); and

11.1.10.5 that the purposes for which compulsory acquisition powers are sought are legitimate and sufficiently justifying interfering with the human rights of those with an interest in the affected land. In particular that Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and (in the case of acquisition of a dwelling), Article 8 of the ECHR have been considered (paragraph 10).

11.1.11 In addition, applicants will need to be able to demonstrate that (paragraph 19): any potential risks or impediments to the implementation of the scheme have been properly managed, and that they have taken account of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents which may apply to the type of development for which they seek development consent. For the reasons set out in this Statement, the Applicant considers that the conditions of section 122 of the PA 2008 have been met.

11.2 Justification for the Compulsory Acquisition Powers Sought

11.2.1 Each plot of land described in the Book of Reference (Document Reference: 4.3) and shown on the Land Plans (Document Reference: 2.1.2) is required either for the purposes of the Proposed Development, or is needed to facilitate, or is incidental to the Proposed Development.

11.2.2 The acquisition of the land or rights over land or imposition of restrictions sought by the Applicant (as explained in section 6 above) are required for the construction, operation, protection, maintenance and decommissioning of the Proposed Development. The power to compulsorily acquire such land and rights over land is required to ensure there is no impediment to the delivery of the Proposed Development.

- 11.2.3 A list showing the Plot Numbers (as shown on the Land Plans), type of acquisition and Works Number (as shown on the Works Plans) and description of works for which the land, right, restriction or temporary use is required can be found at **Appendix 1** to this Statement. Section 6 of this Statement further explains the proposed works and use of the land.
- 11.2.4 As explained in Volume 2, Chapter 3 of the Environmental Assessment: Alternatives (Document Reference: 6.2.3), and in section 6 of this Statement, feasibility studies, environmental appraisals and engineering appraisals were conducted to determine the most suitable location for the various elements of the Proposed Development. The location and extent of land has been carefully considered and designed in order to take the minimum amount of land possible whilst taking into account environmental and engineering factors.
- 11.2.5 Furthermore, as explained in section 9 of this Statement, the Applicant has sought a proportionate approach to acquisition and is seeking a combination of freehold title, permanent rights and restrictive covenants, and temporary use powers, which limits the acquisition of all interests in freehold land to where it is absolutely necessary, namely for the proposed new onshore substation compound site at Oakendene, near Cowfold, and the proposed extension to the existing National Grid substation at Bolney, to ensure that the Applicant has the necessary exclusive possession and control of the land for the safe construction, operation, protection and maintenance of the infrastructure.
- 11.2.6 In addition, as explained in section 6 above, the Applicant will seek to minimise the extent of land over which permanent rights and restrictive covenants are acquired for the underground cable infrastructure where practicable by first taking temporary possession of the land required for construction and then acquiring permanent rights and restrictions over a lesser area when the final location of the infrastructure is known.
- 11.2.7 Whilst, as explained in section 10 above and in **Appendix 2** to this Statement, the Applicant continues to seek to acquire the land rights required for the Proposed Development by agreement on appropriate commercial terms, it is clear that it will not be possible to secure all outstanding interests and rights by agreement in a reasonable timescale, if at all. The Applicant is committed to securing the necessary land and

rights required for the Proposed Development by voluntary agreement if at all possible, and has made determined and persistent efforts to engage and negotiate with landowners as set out in the Schedule at **Appendix 2**.

- 11.2.8 It is in negotiation for land agreements for the substation, cables and related access routes and construction compounds. Heads of Terms for Construction and Operational access routes only will be issued from August 2023. It is continuing to progress negotiations for these Heads of Terms for rights over the remainder of the Order Land. In order to provide certainty that all the land and rights required for the Proposed Development can be secured, it has been necessary for the Applicant to seek temporary possession and compulsory acquisition powers the Order in parallel with private treaty negotiations. The Applicant remains committed to continuing to progress negotiations and secure the necessary land and rights by agreement
- 11.2.9 Furthermore, there are unknown ownerships in the Order Land, for which it has not been possible to establish the identity of the landowners despite making reasonable and diligent inquiry. It is therefore essential that the Order is made, and compulsory acquisition powers are authorised so as to allow the Proposed Development to proceed.
- 11.2.10 Projects of the length and complexity of the Proposed Development, require the co-ordination of a number of stakeholders and workstreams, and the commitment of significant resources. The lead-in process to develop and construct a major infrastructure project of this nature is lengthy, as it involves site assembly, planning, engineering, design, funding and procurement of contractors. The certainty of having control of the necessary land and rights within the Order Land is therefore vital to the delivery of the Proposed Development so the Applicant may ensure that it comes forward in a timely, efficient and co-ordinated manner.
- 11.2.11 All of the Order Land will be retained in the Order even where option agreements are concluded with landowners. This is to ensure that the Proposed Development is not impeded by the subsequent discovery (despite diligent enquiries) of any interests or private rights in that land, or by the inability to exercise the option agreements that have been secured for any reason. The reasoning for including

land in the Order even where agreement has been reached has been explained to landowners.

11.2.12 As explained in Planning Statement (Document Reference: 5.7), and in section 7 of this Statement, the making of the Order and the delivery of the Proposed Development will facilitate significant public benefits. These will not be achieved without the authorisation of compulsory acquisition powers in the Order. The Applicant does not consider these objectives could be achieved by any other means such as any alternative proposals put forward by owners of the land. Nor are there any alternative locations which are suitable for the purpose for which the land and new rights are being acquired. As explained in Volume 2 Chapter 3 of the Environmental Assessment: Alternatives (Document Reference: 6.2.3), and in section 8 above of this Statement, alternative locations and routes were considered as part of the development of the Proposed Development, and the reasons for rejecting these have been reported.

11.2.13 Furthermore, as explained above in section 10 of this Statement and in the Consultation Report (Document Reference: 5.1), where landowners have made requests to vary elements of the project as it affects their landholding, the Applicant has given proper consideration to these requests. Whilst in some cases it has been possible to accommodate landowner change requests, this has not been considered appropriate in all circumstances.

11.2.14 The Applicant has also made a series of commitments, which will be secured by the Outline Construction Method Statement (Document Reference: 7.23), Outline Construction Code of Construction Practice (Document Reference: 7.2), and Outline Soils Management Plan (Document Reference: 7.4) which seek to mitigate the impacts of construction for landowners, including farming practices.

11.2.15 The Applicant therefore considers that the conditions in section 122 of the PA 2008 are met and that there is a compelling case in the public interest for the power to compulsorily acquire land and rights over land (together with the imposition of restrictive covenants) to be included in the Order.

11.3 Funding and Compensation

11.3.1 The Funding Statement (Document Reference: 4.2) accompanying the Application explains how it is expected

that the construction of the Proposed Development, as well as the acquisition of land and interests, will be funded.

- 11.3.2 Where the powers of compulsory acquisition and other powers included in the Order are exercised, owners of the relevant land or rights in land may be entitled to compensation. Claims for compensation will be assessed in accordance with the body of statutory provisions and caselaw known as the Compensation Code. This requires the Applicant to compensate landowners for the acquisition of their land at a fair, open market value that is unaffected by the Proposed Developments. Additional payments for disturbance and statutory loss payments may be payable in some circumstances.
- 11.3.3 Claimants will have the right to refer a dispute in respect of the compensation payable for determination by the Lands Chamber of the Upper Tribunal. The same also applies to valid claims made by Category 3 persons and to persons who suffer loss arising from the temporary use of land. Where appropriate, the Applicant will seek to resolve disputed compensation claims by means of Alternative Dispute Resolution (ADR).
- 11.3.4 The Funding Statement demonstrates that the compensation arising from the exercise of compulsory acquisition powers pursuant to the DCO will be met by the Applicant, via its shareholders, including any blight claims (howsoever unlikely). The possibility of the Applicant's shareholders being unable to meet their financial commitments in respect of land assembly is extremely remote as demonstrated by the sound credit ratings of the companies and their total assets.
- 11.3.5 The Applicant has included in Article 52 of the Order a provision which prevents the Applicant exercising the powers of compulsory acquisition granted by the Order until guarantees or alternative forms of security in respect of the liability of the undertakers to pay compensation are in place. The form of guarantee or security and the amount of these must be approved by the Secretary of State.
- 11.3.6 The Funding Statement also explains that no funding shortfalls are anticipated. Accordingly, were the Secretary of State to grant the compulsory acquisition powers sought in the Order, the Proposed Development can be undertaken and will not be prevented due to difficulties in sourcing and securing the necessary funding.

12. SPECIAL CONSIDERATIONS

12.1 Land or Interests Owned by the Crown

Introduction

- 12.1.1 It is not possible to compulsorily acquire Crown land, or a Crown interest in land. "Crown land" is defined by section 227 of the PA 2008 to mean *land in which there is a Crown interest or a Duchy interest*. Crown land includes that which is owned by a Crown institution, such as the Crown Estate, and which is owned by government departments such as the Forestry Commission.
- 12.1.2 Section 135 of the PA 2008 makes provision for the inclusion in a DCO of Crown land and Crown interests in land with the consent of the relevant body as follows:
- 12.1.2.1 Section 135(1) of the PA 2008 provides that a DCO may include provisions authorising the compulsory acquisition of an interest in Crown Land that is held otherwise than by or on behalf of the Crown only if the appropriate Crown authority consents to the inclusion of the provisions; and
- 12.1.2.2 Section 135(2) of the PA 2008 provides that a DCO may include any other provision applying in relation to Crown land, or land in which there are rights benefiting the Crown, only if the consent of the relevant Crown authority is obtained.
- 12.1.3 Order Land which either comprises Crown Land, or land owned by non-Crown persons in which there are rights benefiting the Crown, can be seen on the Crown Land Plans (Document Reference: 2.8), and is described in Part 4 of the Book of Reference (Document Reference: 4.3). Further detail is provided below. The schedule at **Appendix 7** of this Statement also provides an overview of Crown and Special Category Land.
- 12.1.4 The Applicant does not require the acquisition any freehold land which is owned by the Crown for the purposes of the Proposed Development. The Order Land does include land which is owned by the Crown Estate in the intertidal area (which is shown on Crown Land Plans sheets 1a, 1b, and 1 Document Reference: 2.8) in which there are interests held otherwise than by the Crown and over which compulsory

acquisition powers are sought to compulsorily acquire new rights over that land.

- 12.1.5 As explained further below, this engages the requirement for consent from the Crown Estate pursuant to section 135(1) of the PA 2008 for the authorisation of compulsory acquisition powers in respect of those privately owned interests in Crown land. It also engages the requirement for consent for the inclusion of provisions in the draft Order (Document Reference: 3.1) which apply in relation to Crown Land, such as the grant of development consent pursuant to Article 3 of the Draft Order and the supplemental powers in Part 4 of the draft Order.
- 12.1.6 The Order Land also includes land which is not owned by the Crown but in which there is a right benefitting the Crown. The requirement for consent pursuant to section 135(2) of the PA 2008 is also engaged in relation to this land because the draft Order includes provisions applying to land in which there are rights benefitting the Crown.
- 12.1.7 The Applicant will therefore be writing to the relevant Crown bodies for their consent to the making of the proposed Order pursuant to section 135(1) and/or section 135(2) as appropriate.
- 12.1.8 Article 49 of the draft Order also contains provision for the protection of Crown Land and rights benefitting the Crown from interference without the relevant Crown authority's consent having been obtained.
- 12.1.9 In addition, the Crown Estate also owns the majority of land below the mean low water mark which is needed for the Proposed Development, as can be seen on the Offshore Crown Land Plan (Document Reference: 2.3). The exception being Plot 1b/5 which is in private ownership. The offshore wind farm array area and offshore cabling will be situated within seabed owned and managed by the Crown Estate and no compulsory acquisition is proposed in this area. The Applicant has signed two Agreements for Lease with the Crown Estate (one in September 2020, the other in February 2021), for seabed areas and for the wind farm array. A third Agreement for Lease is currently under discussion regarding rights required for Transmission Assets, which is proposed to include land up to the mean high water mark. The Crown Estate have also been contacted with respect to rights required in an area of foreshore subject to a regulating lease to Arun District Council in July 2022 and discussions are

ongoing. The Applicant expects to conclude these agreements before the close of the examination into the Order.

Crown Land

Order Plots 1a/1, 1b/1, 1b/2, 1/1, 1/2, 1/3 and 1/4

12.1.10 These plots are comprised of a shingle/pebble beach with timber groynes forming part of the intertidal area at Climping Beach in West Sussex (including part of West Beach Local Nature Reserve). The plots are shown hatched grey on Sheets 1a, 1b, and 1 of the Crown Land Plans (Document Reference: 2.8).

12.1.11 The land is owned by the Crown Estate but Arun District Council has a leasehold interest over the land (except for Plot 1/3) and Portsmouth Water Limited has apparatus under the land, namely an underground fire main. The status of negotiations with this statutory undertaker are set out in the **Appendix 6** to this Statement. The land is also used for the purpose of public recreation including water sports and coastal activities at the beach, and is used regularly by windsurfers and kite surfers, as well as for dog walking and horse riding. This is an assumed area of open space, which is considered further at section 12.2 below.

12.1.12 The acquisition of rights is required for the underground landfall connection works in the intertidal area under Work Number 6 where a package of Underground Cable Connection Rights and Underground Cable Connection Restrictive Covenants are sought over the land. HDD construction techniques will be used for these works to ensure uninterrupted access and it is anticipated that the impact on the recreational use of the land will be negligible.

12.1.13 Consent is required under section 135(1) from the Crown Estate for the authorisation of compulsory acquisition powers in respect of the non-Crown interests in this land. Consent is also required under section 135(2).

Crown Land - Presumed Ownership

Order Plot 1a/2

12.1.14 This parcel of land is shown hatched grey on Sheet 1a of the Crown Land Plan (Document Reference: 2.8). It is unusual as it consists of foreshore situated between two MLWS. The plot is accessible to the public at low water for recreational

purposes. Ownership of the land is unregistered but is understood to be owned by the Crown Estate. The Applicant is engaging with the Crown Estate in order to confirm the same. Portsmouth Water Limited's underground fire main also runs under this land. This is also an assumed area of open space, which is considered further at section 12.2 below.

12.1.15 The acquisition of rights are required for the underground landfall connection works in the intertidal area under Work Number 6 and therefore a package of Underground Cable Connection Rights and Underground Cable Connection Restrictive Covenants are sought over the land. The proposed works have the potential to reduce access to the offshore area during construction however it is anticipated that such activity will have a low impact on the recreational use.

12.1.16 In the event it is confirmed that the land is owned by the Crown, the Applicant will require both section 135(1) and section 135(2) consent from the Crown Estate.

Land in Private Ownership which is Subject to Crown Interests – DEFRA, Forestry Commission, and The Official Solicitor and Public Trustee

Order Plots 7/30, 7/31 and Plot 8/1

12.1.17 These plots are comprised of agricultural land, wooded area and verge, shown hatched pink on Sheet 7 and Sheet 8 of the Crown Land Plans (Document Reference: 2.8). The land is privately owned however the Official Solicitor and Public Trustee ("OSPT") holds an interest in the land which is registered against the freehold title WSX124458, namely: the benefit of rights of light and rights of way over the land and neighbouring land, granted pursuant to a conveyance dated 25 February 1968 between (1) The Public Trustee and (2) The Right Honourable John David Earl of Perth and Schroder Executor and Trustee Company Limited.

12.1.18 The Department for Environment, Food and Rural Affairs ("DEFRA") also has an interest in the land by virtue of a conveyance dated 17 August 1977 between (1) Schroder Executor and Trustee Company Limited and others and (2) The Minister of Agriculture Fisheries and Food, namely the benefit of a right of way over the land.

12.1.19 The compulsory acquisition of rights is required over all three plots to enable cable installation works comprising

Works Number 9. Plots 7/30 and 7/31 are additionally required for operational access under Works Number 15. As such the Applicant is seeking to acquire a package of Cable Rights, Cable Restrictive Covenants and Operational Access Rights over these land parcels. As the works will be carried out using open cut trenching it is anticipated that the works will have a temporary impact upon the Crown bodies' rights of way over this land. The works will involve temporary restricted access during construction which may affect the rights of light held by the OSPT but the exercise of the rights which benefit the Crown bodies will be only temporarily affected by the Proposed Development and the compulsory acquisition of the rights sought in the draft Order.

12.1.20 The Applicant is in active negotiations with the owners of these land parcels to conclude an option agreement for the cable easement. The Applicant will be engaging with the DEFRA and the OSPT (being the appropriate Crown authorities) in order to obtain their consent pursuant to section 135(2) to the inclusion of provisions in the draft Order in respect of land in which there are rights benefitting the Crown.

Order Plot 7/32

12.1.21 This plot is comprised of a private road, public bridleways (ANG/2187_1/1 and ANG/2187_1/3), public footpath (ANG/2186/1) and verge, shown hatched pink on Sheet 7 of the Crown Land Plans (Document Reference: 2.8). The land is privately owned by the same parties as Plots 7/30, 7/31 and 8/1 above and is subject to the same rights which benefit the OSPT and DEFRA. West Sussex County Council is the local highway authority in respect of the public bridleways and footpath.

12.1.22 The land is required to deliver an operational access in accordance with Work Number 15 and the Applicant is seeking to acquire a package of Operational Access Rights over it. The exercise of the rights of access over this land will be consistent with the rights of access which benefit the Crown bodies. Nor will there be any above ground infrastructure that could give rise to a breach of the OSPT's rights to light. The rights which benefit the Crown Bodies will therefore be unaffected by the Proposed Development or the compulsory acquisition of the rights sought in the draft Order.

12.1.23 The Applicant will be engaging with the DEFRA and the OSPT in order to obtain their consent pursuant to section 135(2) to the inclusion of provisions in the draft Order in respect of land in which there are rights benefitting the Crown.

Order Plots, 11/4, 11/5, 11/7, 11/8 and 19/6

12.1.24 These plots are privately owned and are shown hatched pink on Sheets 11 and 19 of the Crown Land Plans (Document Reference: 2.8). The land comprises agricultural land, private road (Michelgrove Lane), verge and public bridleways (PAT/2208_1/2, ANG/2175/1 and PAT/2264/5) and public restricted byways (SAS/2092/1 and SAS/2092/13).

12.1.25 The land is subject to restrictive covenants pursuant to a Deed of Covenant dated 21 January 1959 between the (1) Forestry Commissioners and (2) the Most Noble Bernard Marmaduke Duke of Norfolk which benefits the Forestry Commission and binds land in title WSX30616. This contains a forestry dedication covenant pursuant to the Forestry Act 1947 which prevents the land from being used otherwise than for the growing of timber in accordance with the rules or practice of good forestry, unless the Forestry Commission consents in writing.

12.1.26 West Sussex County Council is the local highway authority in respect of the public bridleways. The Environmental Agency and Southern Water Services Limited also have interests in the land. The interests held by Statutory Undertakers are considered further at section 12.5 below.

12.1.27 In respect of Plots 11/4 and 11/5, the acquisition of Cable Rights and Cable Restrictive Covenants are required to enable cable installation works comprising Works Number 9 and the subsequent operation, maintenance and protection of the cable. As the cable installation works will be carried out using open cut trenching it is anticipated that they will have a temporary impact upon the use of the surface of the land during the construction period. The cable will be buried and as such there will be a limited impact on the use of the land once the cable is in situ and during its operation.

12.1.28 In respect of Plots 11/7 and 11/8, the acquisition of rights is required to enable construction and operational access comprising Works Number 14. The Applicant is seeking to acquire a package of Construction and Operational Access Rights over existing access tracks which are subject to public

rights of way. The rights sought over these Plots are consistent with the existing use of the land.

12.1.29 In respect of Plot 19/6, operational access is required under Works Number 15 and the Applicant is seeking to acquire a package of Operational Access Rights over existing access tracks which are subject to public rights of way. The rights sought over these Plots are consistent with the existing use of the land.

12.1.30 The Applicant will be engaging with the Forestry Commission in order to obtain its consent pursuant to section 135(2) to the inclusion of provisions in the draft Order in respect of land in which there are rights benefitting the Crown.

Order Plots 21/32, 21/33, 21/36 and 21/37

12.1.31 These land parcels are owned by the National Trust and are shown hatched pink on Sheet 21 of the Crown Land Plans (Document Reference: 2.8). The land comprises scrubland lying north of Home Farm and it is subject to a restrictive covenant benefitting the Forestry Commission which is registered against the National Trust's freehold title number WSX30616. The interest held by the National Trust is considered further at section 12.3 below.

12.1.32 Plots 21/32, 21/33 and 21/37 are let to the Lorica Trust Limited. West Sussex County Council also has the benefit of rights to enter on to the land. A number of utilities also affect Plot 21/37, in which Openreach Limited has underground telecommunication lines and UK Power Networks (Operations) Limited has underground and overhead electricity lines. Southern Water Services Limited also has rights and apparatus in the land.

12.1.33 The Applicant seeks only the power to temporarily use the land during construction pursuant to the powers in Article 32 (Temporary use of land for carrying out the authorised project) and Schedule 9 (Land of which is temporary possession may be taken) to the draft Order for the purposes of a temporary use for access under Works Number 13. The forestry covenant over the land will be only temporarily affected by the Proposed Development or the compulsory acquisition of the rights sought in the draft Order.

12.1.34 The Applicant will be engaging with the Forestry Commission in order to obtain its consent pursuant to section 135(2) to

the inclusion of provisions in the draft Order in respect of land in which there are rights benefitting the Crown.

Order Plot 22/7

- 12.1.35 This parcel is owned by the National Trust and is shown hatched pink on Sheet 22 of the Crown Land Plans (Document Reference: 2.8). The land comprises agricultural land, known locally as Jockey's Meadow, and public footpath (WAS/2698/1). It is assumed to be open space as it is used by the public for recreational purposes. This is considered below at paragraph 12.2. The interest held by the National Trust is considered further at section 12.3 below.
- 12.1.36 The land is subject to the same restrictive covenant benefitting the Forestry Commission as plots 21/32, 21/33, 21/36 and 21/37 above which is registered against the National Trust's freehold title number WSX327958.
- 12.1.37 The land is let to the Lorica Trust Limited and West Sussex County Council also has the benefit of rights to enter on to the land. Openreach Limited has underground telecommunication lines and UK Power Networks (Operations) Limited has underground and overhead electricity lines. Southern Water Services Limited also has rights and apparatus in the land.
- 12.1.38 The acquisition of rights is required to enable cable installation works comprising Works Number 9. The Applicant is seeking to acquire a package of Cable Rights and Cable Restrictive Covenants. As the works will be carried out using HDD construction techniques it is anticipated that the works will have no impact during construction or upon the permanent use of the land. The forestry covenant over the land will be unaffected by the Proposed Development or the proposed compulsory acquisition of rights over the land.
- 12.1.39 The Applicant will be engaging with the Forestry Commission in order to obtain its consent pursuant to section 135(2) to the inclusion of provisions in the draft Order in respect of land in which there are rights benefitting the Crown.

Order Plot 33/18

- 12.1.40 This parcel is owned by West Sussex County Council and is shown hatched pink on Sheet 33 of the Crown Land Plans (Document Reference: 2.8). The land comprises the adopted highway and verge (Bolney Road, A272) and DEFRA has the benefit of a restriction registered against the title which

specifies that no disposition is to be registered unless made in accordance with the Development and Road Improvement Fund Acts 1909 and 1910.

12.1.41 The acquisition of rights are required to enable construction and operational access comprising Works Number 14. The Applicant is seeking to acquire a package of Construction and Operational Access Rights. The acquisition of the rights sought are consistent with the current use of the land as a highway and therefore it is anticipated that the works will have a negligible impact during construction and no impact upon the permanent use of the land.

12.1.42 The Applicant will be engaging with DEFRA in order to obtain its consent pursuant to section 135(2) to the inclusion of provisions in the draft Order in respect of land in which there are rights benefitting the Crown.

12.2 **Special Category Land – Open Space, Commons, Allotments**

Introduction

12.2.1 Under sections 131 and 132 of the PA 2008, a DCO is subject to Special Parliamentary Procedure ("SPP") to the extent that it authorises the compulsory acquisition of land, or a right over land, forming part of a common, open space, or a fuel or field garden allotment, unless the Secretary of State is satisfied that certain criteria are met, and that fact, and the subsection(s) concerned, are recorded in the DCO.

12.2.2 Section 131 of the PA 2008 is not engaged by the draft Order because the Applicant does not seek the compulsory acquisition of any such land.

12.2.3 Section 132 of the PA 2008 is engaged by the draft Order because the Applicant seeks the compulsory acquisition of rights over land forming part of a common, open space and garden allotments. This means that the draft Order will be subject to SPP unless the Secretary of State is satisfied that one or more of the exemptions in section 132 apply.

12.2.4 For the purposes of section 132 of the PA 2008, 'common', 'open space', and 'field garden allotment' have the same meanings as in Section 19 of the Acquisition of Land Act 1981, namely:

12.2.4.1 *"common" includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,*

12.2.4.2 *"fuel or field garden allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,*

12.2.4.3 *"open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.*

12.2.5 The above land is collectively referred to as 'Special Category Land'. Land within the Order Land which comprises Special Category Land can be seen on the Special Category Land Plans (Document Reference: 2.4), and is described in Part 5 of the Book of Reference. Further detail is provided below. The schedule at **Appendix 7** of this Statement also provides an overview of Crown and Special Category Land.

12.2.6 The Applicant does not consider it necessary to provide replacement land in exchange for the proposed compulsory acquisition of rights by the creation of new rights over the special category land. The Applicant relies upon the test in Section 132(3) of the 2008 Act which is met if:

12.2.6.1 *"the order land, when burdened with the order right, will be no less advantageous that it was before to the following persons-*

(a) *the persons in whom it is vested,*

(b) *other persons, if any, entitled to rights of common or other rights, and*

(c) *the public."*

12.2.7 The Applicant considers that the exemption to the application of the SPP which is provided by section 132(3) applies to the proposed compulsory acquisition of rights over the common land, open space and allotments comprised in the Order Land.

Common Land

12.2.8 Plots 27/6, 27/9, 27/10, 27/11, 27/12, 27/24, 27/25 and 27/26 of the Order Land form part of Bines Green Common which is subject to rights of common namely, rights to graze cattle and/or horses over the land, which are in the Register of Common Land (C.L.21) administered by West Sussex County Council. The common rights were first applied for in 1967 and the registration became final on 17 December 1971.

12.2.9 There are eight registered parties that hold a right of common over the land but given the age of the entries it is likely that the Commons Register does not contain the up to date details of the commoners who are entitled to exercise the commons rights. The Applicant therefore made diligent enquiries to seek to ascertain the details of the parties who are currently entitled to exercise the rights. This included writing to all named parties in the Commons Register and erecting site notices along the length of the common land from Ashurst to Bines Green. This resulted in confirmation that two of the registered parties no longer have the benefit of the common rights. Only two parties responded to confirm that they still exercise the rights. Details of the persons with commons rights are provided in Part 5 of the Book of Reference (Document Reference: 4.3).

12.2.10 The land within Bines Green Common is also Open Access Land, which is considered at paragraph 12.4 of this Statement below.

Common Land Over which Compulsory Acquisition Powers are Sought

Order Plots 27/10, 27/24, 27/25 and 27/26

12.2.11 The title to Order Plots 27/10, 27/25 and 27/26 is unregistered with the land presumed to be owned by Lavinia Norfolk's Family Charitable Trust . The land is comprised of track, public footpath (AST/2519/2) and grassed verge area and can be seen hatched orange on Sheet 27 of the Special Category Land Plans (Document Reference: 2.4).

12.2.12 Plot 27/24 is privately owned by Alan David Llewhellin Griffiths and Janice Elizabeth Griffiths and is comprised of land being track and verge adjacent to the adopted highway (Horsham Road, B2135) which is shown hatched orange on Sheet 27 the Special Category Land Plans (Document Reference: 2.4).

12.2.13 The acquisition of rights are required over these parcels for a construction and operational access, comprising Works Number 14, and the Applicant is seeking to acquire a package of Construction and Operational Access Rights for that purpose.

12.2.14 The land is already principally comprised of private and adopted tracks, over which the rights of common may be exercised to the extent that is feasible given the potential for conflict with vehicles along the highway. The rights

sought by the Applicant are consistent with the current use of the land by the commoners and the general public. During construction of the Proposed Development, there may be limited traffic management measures put in place which temporarily restrict access to the land for safety reasons such as the temporary closure of the public footpath (AST/2519/2) as indicated on the Access, Rights of way and Streets Plan (Document Reference: 2.5).

12.2.15 Following construction, once the Proposed Development is operational, the existing use of the land, including the public rights of way over the highway and public footpath; the public right to access the land as Open Access Land; and the commoners rights over the land will be unaffected. No permanent closure or termination of the public rights or commons rights over these plots is sought by the draft Order.

12.2.16 All rights of common, save for a potential temporary interruption to access during construction, will remain exercisable and will be unaffected by the proposed compulsory acquisition of rights sought by the Applicant.

12.2.17 It is therefore considered that the use of the common land will be no less advantageous to those persons than it was before the compulsory acquisition of rights and the test set out in section 132(3) is satisfied.

12.2.18 The Applicant therefore considers that Plots 27/10, 27/24, 27/25 and 27/26 of the Order Land, when burdened with the proposed Construction and Operational Access Rights, will be no less advantageous than it was before to the persons in whom it is vested, persons entitled to rights of common, and the public. The Applicant submits that the test set out in section 132(3) is satisfied.

12.2.19 The Applicant is engaged in active negotiations and discussions with the landowners to progress voluntary agreement in respect of the rights needed as specified above.

Common Land Over which Only Temporary Possession Powers are Sought

Order Plots 27/6, 27/9, 27/11, 27/12

12.2.20 Title to these parcels is unregistered but the land is presumed to be owned by Lavinia Norfolk's Family Charitable Trust. The land comprises part of a grassed verge

and wooded area together with part of the adopted highway (Horsham Road, B2135), public footpath (AST/2519/2). The land can be seen hatched orange on Sheet 27 of the Special Category Land Plans (Document Reference: 2.4).

- 12.2.21 The Applicant does not seek compulsory acquisition powers over these parcels and there will be no permanent impact upon the existing uses of the land. The Applicant seeks only the power to temporarily use the land during construction pursuant to the powers in Article 32 (Temporary use of land for carrying out the authorised project) and Schedule 9 (Land of which temporary possession may be taken) to the draft Order for the purposes of a temporary use for access from the nearest public highway to the onshore cable corridor, comprising Works Number 13.
- 12.2.22 During construction of the Proposed Development, there may be limited traffic management measures put in place which temporarily restrict access to the land for safety reasons such as the temporary closure of the public footpath (AST/2519/2) as indicated on the Access, Rights of way and Streets Plan (Document Reference: 2.5). Otherwise the use of the land by the public and the persons with commons rights will be unaffected. No permanent closure or termination of the public rights or commons rights over these plots is sought by the draft Order.
- 12.2.23 The proposed exercise of temporary possession powers over Order Plots 27/6, 27/9, 27/11, 27/12 does not engage the provisions of section 132 of the PA 2008 so as to potentially require the Order to be subject to SPP, because no powers of compulsory acquisition are sought over the land. Notwithstanding, it is clear that the proposed temporary use of the land by the Applicant meets the criteria in section 132(3) because the use of the Order Land, when the proposed temporary possession powers are exercised, will be no less advantageous than it was before to the persons in whom it is vested, persons entitled to rights of common, and the public.
- 12.2.24 The Applicant has issued an offer of Heads of Terms for a voluntary agreement to the landowners for the acquisition of the rights required by way of an option to enter into an easement and the Applicant will be engaging in discussions to the same.

Registered Open Space

Order Plots 22/8 and 22/9 - Allotments and the Washington Recreation Ground

12.2.25 These land parcels are shown hatched purple on Sheet 22 of the Special Category Land Plans (Document Reference: 2.4). The land is owned by Washington Parish Council and is comprised of part of allotment gardens together with part of a large recreation ground which includes grassed sports pitches. The recreation ground is currently managed by Washington Parish Council and used for recreational purposes on a regular basis by local residents, local clubs, a local school and visitors to the area.

12.2.26 The Allotments and the Washington Recreation Ground form part of a town and village green, as in the Register of Town and Village Greens (Y.G.4) administered by West Sussex County Council and registered on the 11th April 1972. There are understood to be 16 allotment gardens in total but not all of the allotments fall within the Order Land. The allotment holders have tenancies and whilst Washington Parish Council has provided a list of the current tenants, the Applicant does not have a plan to ascertain who owns which allotment or confirm which allotments may be included within the Order Land. Part 5 of the Book of Reference therefore lists the details of all allotments holders provided to it by the Parish Council.

12.2.27 The acquisition of rights are required for cable installation works comprising Works Number 9 and the Applicant is seeking to acquire a package of Cable Rights and Cable Restrictive Covenant. The cables will be installed beneath the surface of the allotments and the Recreation Ground by HDD construction techniques therefore there will not be any impact upon the use of the land during the construction of the Proposed Development.

12.2.28 Once the cables have been installed, there will be a restrictive covenant which restricts potentially intrusive and damaging activities from being carried out upon the land. The form of restrictive covenant, referred to as the Cable Restrictive Covenant, can be found in Schedule 7 (Acquisition of new rights and imposition of restrictive covenants only) to the Draft Order but is also replicated in **Appendix 5** to this Statement. The covenant will not restrict the existing uses of either the Allotments or the Recreation Ground or impact upon their status as a town and village

green. Furthermore, it expressly permits agricultural practices carried out at a depth up to 0.9 metres from the surface of the land.

12.2.29 The Applicant therefore considers that Plots 22/8 and 22/9 of the Order Land, when burdened with the proposed Cable Rights and Cable Restrictive Covenant, will be no less advantageous than it was before to the persons in whom it is vested, persons entitled to use the land for recreational use, and the public. The Applicant submits that the test set out in section 132(3) is satisfied.

12.2.30 The Applicant is engaged in active negotiations and discussions with Washington Parish Council and will continue to progress these to seek to conclude a voluntary agreement.

Assumed Open Space

Order Plot 22/7

12.2.31 This land is owned by the National Trust and shown hatched purple on Sheet 22 of the Special Category Land Plans (Document Reference: 2.4). The land is known locally as Jockey's Meadow and is comprised of a large hay meadow. It is understood that the National Trust permits its use by members of the public for recreational purposes such as dog walking and it is also used by a local school for their forest school. The land is adjacent to the Allotments and Washington Recreation Ground referred to above.

12.2.32 Whilst the land is not designated or registered as open space, the Applicant is taking the precautionary approach of assuming that it comprises 'open space' for the purposes of section 132 of the PA 2008. This parcel is also considered at section 12.3 below due to the interest held by the National Trust and above in section 12.1 due to a crown interest in the land.

12.2.33 The acquisition of rights are required for cable installation works comprising Works Number 9 and the Applicant is seeking to acquire a package of Cable Rights and Cable Restrictive Covenant. The cables will be installed beneath the surface of Jockey's Meadow by HDD construction techniques, and there will not be any requirement to fence off the land during construction. There will not be any impact upon the use of the land during the construction of the Proposed Development and access will be maintained unless there is an unforeseen health and safety requirement.

12.2.34 Once the cables have been installed, there will be a restrictive covenant which restricts potentially intrusive and damaging activities from being carried out upon the land. The form of restrictive covenant, referred to as the Cable Restrictive Covenant, can be found in Schedule 7 (Acquisition of new rights and imposition of restrictive covenants only) to the Draft Order but is also replicated in **Appendix 5** to this Statement. The covenant will not restrict the existing uses of Jockey's Meadow, nor will the public's enjoyment of the land for recreational purposes be affected. Furthermore, the proposed restrictive covenant expressly permits agricultural practices carried out at a depth up to 0.9 metres from the surface of the land and will not impact upon the ability to grow and crop hay.

12.2.35 The Applicant therefore considers that Plot 22/7 of the Order Land, when burdened with the proposed Cable Rights and Cable Restrictive Covenant, will be no less advantageous than it was before to the persons in whom it is vested, persons entitled to use the land for recreational use, and the public. The Applicant submits that the test set out in section 132(3) is satisfied.

Order Plots 1a/1, 1a/2, 1b/1, 1b/2, 1b/3, 1b/4, 1/1, 1/2, 1/3, 1/4 and 1b/6

12.2.36 These land parcels are shown hatched purple on Sheets 1a, 1b, and 1 on the Special Category Land Plans (Document Reference: 2.4).

12.2.37 Plots 1a/1, 1a/2, 1b/2, 1b/1, 1/1, 1/2, 1/3 and 1/4 are owned by (or in the case of plot 1a/2 assumed to be owned by) the Crown Estate. Due to the Crown ownership of the land these plots are also considered in section 12.1 above. Plots 1b/3 and 1b/4 are privately owned and Plot 1b/6 is owned by Arun District Council.

12.2.38 The land comprises of a shingle/pebble beach with timber groynes at Climping Beach, (including part of West Beach LNR) near Climping in West Sussex Whilst the land is not designated or registered as open space, the Applicant is taking the precautionary approach of assuming that it comprises 'open space' for the purposes of section 132 of the PA 2008 due to its use by members of the public for the purposes of recreation including dog walking and horse riding and water sports/ coastal activities including windsurfing and kite surfing.

- 12.2.39 The acquisition of rights is required for underground landfill connection works in the intertidal area, comprising Work Number 6. The Applicant is seeking to acquire a package of Underground Cable Connection Rights and Underground Cable Connection Restrictive Covenants.
- 12.2.40 The installation works underneath Climping Beach are to be implemented using HDD construction techniques and as the cables will be directionally drilled underneath the beach there will be little or no impact on the beach and no direct interruption to the public's access for recreational purposes during the works however there may be some temporary reduced amenity during construction.
- 12.2.41 No above ground works are proposed which will permanently affect the public recreational use of the land or its physical appearance. Once the underground cables have been installed and the Proposed Development is operational, there will be no impact on the public's enjoyment of this land.
- 12.2.42 The Applicant therefore considers that Plots 1a/1, 1a/2, 1b/1, 1b/2, 1b/3, 1b/4, 1b/6, 1/1, 1/2, 1/3 and 1/4 of the Order Land, when burdened with the proposed Underground Cable Connection Rights and Underground Cable Connection Restrictive Covenants, will be no less advantageous than it was before to the persons in whom it is vested, persons entitled to use the land for recreational use, and the public. The Applicant submits that the test set out in section 132(3) is satisfied.
- 12.2.43 The Applicant has issued an offer of Heads of Terms for a voluntary agreement to the landowners of Plots 1b/3 and 1b/4 for the acquisition of the rights required by way of an option to enter into an easement and will continue to process the same in order to conclude a voluntary agreement.
- 12.2.44 In respect of the Crown Interest in the land set out in section 12.1 above, the Applicant continues to engage with the Crown Estate and Arun District Council in order to conclude a regulating lease with respect to rights required, before the close of the examination into the Order.

Order Plot 1b/5

- 12.2.45 This parcel of land is privately owned and are shown hatched purple on Sheet 1b of the Special Category Land Plans (Document Reference: 2.4). The land is comprised of the seabed and part of the English Channel. Whilst the plot is

mostly underwater, the land is assumed open space by virtue of the public use at low tide for recreational activities such as kite-surfing.

12.2.46 The acquisition of rights is required for the installation of extension ducts comprising Works Number 5, and the Applicant is seeking to acquire a package of Underground Cable Connection Rights and Underground Cable Connection Restrictive Covenants.

12.2.47 The installation works underneath Climping Beach are to be implemented using HDD construction techniques and as the cables will be directionally drilled underneath the beach there will be little or no impact on the beach and no direct interruption to the public's access for recreational purposes during the works however there may be some temporary reduced amenity during construction.

12.2.48 No above ground works are proposed which will permanently affect the public recreational use of the land or its physical appearance. Once the underground cables have been installed and the Proposed Development is operational, there will be no impact on the public's enjoyment of this land.

12.2.49 The Applicant therefore considers that Plot 1b/5 of the Order Land, when burdened with the proposed Underground Cable Connection Rights and Underground Cable Connection Restrictive Covenants, will be no less advantageous than it was before to the persons in whom it is vested, persons entitled to use the land for recreational use, and the public. The Applicant submits that the test set out in section 132(3) is satisfied.

Order Plots 1/5 and 1/6

12.2.50 These land parcels are privately owned and are shown hatched purple on Sheet 1 of the Special Category Land Plans (Document Reference: 2.4). The land is comprised of a shingle/pebble beach with timber groynes at Climping Beach and a public footpath (CLI/829/1). The land is assumed open space due to the use of the beach by the public for recreational purposes.

12.2.51 The acquisition of rights are required in order to carry out underground landfall connection works onshore, comprising Works Number 7 and the Applicant is seeking to acquire a package of Underground Landfall connection works onshore.

12.2.52 The installation works underneath Climping Beach are to be implemented using HDD construction techniques and as the cables will be directionally drilled underneath the beach there will be little or no impact on the beach and no direct interruption to the public's access for recreational purposes during the works however there may be some temporary reduced amenity during construction. Additionally, the public footpath is not proposed to be affected.

12.2.53 No above ground works are proposed which will permanently affect the public recreational use of the land or its physical appearance. Once the underground cables have been installed and the Proposed Development is operational, there will be no impact on the public's enjoyment of this land.

12.2.54 The Applicant therefore considers that Plots 1/5 and 1/6 of the Order Land, when burdened with the proposed Onshore Connection Rights and Cable Restrictive Covenants will be no less advantageous than it was before to the persons in whom it is vested, persons entitled to use the land for recreational use, and the public. The Applicant submits that the test set out in section 132(3) is satisfied.

12.2.55 The Applicant has met and engaged with the landowners and will continue to do so in order to progress these negotiations and conclude a voluntary agreement for the rights required.

12.3 **Special Category Land – Land held inalienably by the National Trust**

12.3.1 By virtue of Section 130 of the PA 2008, a DCO is subject to SPP, to the extent that it authorises the compulsory acquisition of land held inalienably by the National Trust, if the National Trust makes and maintains an objection to the compulsory acquisition which is not withdrawn before the completion of the examination of the Application.

12.3.2 As described in Part 5 of the Book of Reference (Document Reference: 4.3) and shown on the Special Category Land Plans (Document Reference: 2.4), should the Order be made, it would authorise the acquisition of rights of land held inalienably by the National Trust.

Land Held Inalienably by the National Trust Over which Compulsory Acquisition Powers are Sought

Order Plot 22/7

- 12.3.3 This land is held inalienably by the National Trust and is shown hatched light grey Sheet 22 of on the Special Category Land Plans (Document Reference: 2.4). The land is known locally as Jockey's Meadow and is described in section 12.2 above due to the assumption of the land being open space and in section 12.1 above due to a crown interest over the land.
- 12.3.4 The compulsory acquisition of rights are required for cable installation works comprising Works Number 9 and the Applicant is seeking to acquire a package of Cable Rights and Cable Restrictive Covenants.
- 12.3.5 The Applicant is engaged in active negotiations and discussions with the National Trust and will continue to progress these in order to conclude a voluntary agreement .

Land Held Inalienably by the National Trust Over which Only Temporary Possession Powers are Sought

Order Plots 21/32, 21/33, 21/36, 21/37

- 12.3.6 These land parcels, which are held inalienably by the National Trust, are shown hatched light grey on Sheet 21 of the Special Category Land Plans (Document Reference: 2.4).
- 12.3.7 Plots 21/32 and 21/33 are comprised of scrubland north east of Sandgate Farm and are subject to a leasehold interest held by Lorica Trust Limited.
- 12.3.8 Plot 21/36 comprises scrubland adjacent to the public highway (Storrington Road, A283).
- 12.3.9 Plot 21/37 is subject to the leasehold interest held by Lorica Trust Limited and is comprised of grazing land in connection with Clayton Farm.
- 12.3.10 The Lorica Trust's lease extends over a larger area outside of the Order Land known as Clayton Farm which spans both sides of A283, Storrington Road. The Lorica Trust's main farm activities, which the public are permitted to visit, are unaffected by the Proposed Development as they are outside the Order limits. Plot 21/37 is understood to be used by

Lorica Trust for the purposes of grazing in connection with the wider farm.

12.3.11 The Applicant does not seek compulsory acquisition powers over any of these land parcels and there will be no permanent impact upon the existing uses of the land. The Applicant seeks only the power to temporarily use the land during construction pursuant to the powers in Article 32 (Temporary use of the land for carrying out the authorised project) and Schedule 9 (Land of which temporary possession may be taken) to the draft Order for the purposes of a temporary construction access from the nearest public highway to the onshore cable corridor, comprising Works Number 13.

12.3.12 During construction of the Proposed Development, there may be temporary disruption to the Lorica Trust's use of Plots 21/32, 21/33 and 21/37 to the extent that these land parcels are used for grazing purposes. The Applicant will where appropriate install appropriate fencing (such as stock-proof fencing) along construction access routes, in order to avoid cattle or other farm animals gaining access to the construction works. Detailed access arrangements such as appropriate gates would be discussed with Lorica Trust.

12.3.13 The Applicant is continuing to engage with the National Trust to secure a short term lease for use of this land during the construction works. In the absence of agreement, the provisions of section 130 of the PA 2008 so as to potentially require the Order to be subject to special parliamentary procedure, are not engaged in relation to these parcels because no powers of compulsory acquisition are sought over these plots.

Other Land Interests held by the National Trust within the Order Land

Order Plot 21/30

12.3.14 Title to Plot 21/30 is unregistered. The land is shown hatched light grey on Sheet 21 of the Special Category Land Plans (Document Reference: 2.4). It is comprised of adopted highway and verge (Storrington Road, A283) for which West Sussex County Council are the local highway authority. The National Trust are the adjacent land owners and therefore are assumed to own the subsoil to the part width of the highway.

12.3.15 It is not clear whether this land is held inalienably by the National Trust because it only has a presumed subsoil interest in the land. Furthermore, the land forms part of the public highway, and is controlled and maintained by the highway authority.

12.3.16 In any event, the Applicant only seeks temporary possession powers over this parcel for the purposes of a temporary construction access, comprising Works Number 13. As such, the provisions of section 130 of the PA 2008 so as to potentially require the Order to be subject to special parliamentary procedure, are not engaged in relation to this parcel because no powers of compulsory acquisition are sought.

The Normanby Covenant

12.3.17 The National Trust also has the benefit of a covenant that binds Plots 1b/3, 1b/4, 1b/5, 1/5 and 1/6, which was entered into under Section 8 of the National Trust Act 1937, pursuant to which the National Trust has the ability to accept covenants without the need of owning any benefiting land. The National Trust has the statutory power to enforce these covenants.

12.3.18 The land the subject of the Normanby Covenant is not shown on the Special Category Land Plans because the National Trust has confirmed to the Applicant that this covenant does not comprise inalienable land for the purposes of Section 130 of the PA 2008 and does not potentially engage special parliamentary procedure.

12.3.19 The Applicant is continuing to work with The National Trust on detailed design and mitigation matters to ensure that the purpose of the covenant is not prejudiced by the Proposed Development.

12.4 Open Access Land

12.4.1 There are two areas of Open Access Land within the Order Land, designated pursuant to the Countryside and Rights of Way Act 2000, over which members of the public have a right to roam. These can be seen on the Open Access Land Plan (Document Reference: 2.7) and are referred to in the Outline Public Rights of Way Management Plan (Document Reference: 7.8) as:

12.4.1.1 OAL 1 – East of Chantry Lane on the South Downs; and

12.4.1.2 OAL 2 – Bines Green, West Sussex, located on Horsham Road (B2135)

OAL 1

- 12.4.2 OAL 1 is east of Chantry Lane on the South Downs where a narrow strip of Open Access Land falls within that part of the Order Land required for the onshore cable corridor, which is proposed to be constructed via a trenchless crossing method. This is privately owned land and comprises agricultural land, woodland, National Trail (South Downs Way), public bridleways (SAS/2688/1, SAS/2108_1/4, SAS/2282/4, SAS/2282/6, SAS/2282_1/1) and public restricted byways (SAS/2092/3 and SAS/2693/5).
- 12.4.3 The acquisition of rights are required over OAL1 for cable installation works comprising Work Number 9, and the Applicant is seeking to acquire a package of Cable Rights and Cable Restrictive Covenants.
- 12.4.4 The Outline Public Rights of Way Management Plan (Document Reference: 7.8) explains the impacts as follows:
- 12.4.5 The cables will be installed beneath the surface of the land by HDD construction techniques and it is anticipated that the works will have a negligible and temporary impact on the public use during construction.
- 12.4.6 Public access to part of this land will be temporarily restricted, namely the restricted byway (2693) which will need to be temporarily diverted during the construction of the Proposed Development however, banksmen will be on site to assist the public in navigating around the temporary construction areas.
- 12.4.7 The public right to roam over this land will be unaffected once the construction of the Proposed Development is complete. Impacts on open access land will be managed through active management strategy and the Applicant will seek to reduce the overall level of disruption and loss of amenity.
- 12.4.8 Whilst OAL 1 is not special category land for the purposes of the compulsory acquisition powers in the PA 2008, the proposed compulsory acquisition of rights and restrictive covenants over that land complies with the test in section 132(3) of the PA 2008, given that the Order Land, when burdened by the proposed Cable Rights and Cable Restrictive Covenants will be no less advantageous than it

was before to the persons in whom it is vested, persons entitled to access the land, and the public.

OAL 2

12.4.9 OAL 2 is located in Bines Green, West Sussex, on Horsham Road (B2135). This area is also common land, as explained in section 12.2 above, and for which the tests to enable the compulsory acquisition of rights and restrictions over land pursuant to section 132(3) of the PA 2008 are met. This area will not be crossed by the cable corridor but runs alongside the access track for accesses A-48 and A-49. The public right to roam over this land will be unaffected once the construction of the Proposed Development is complete. Impacts on open access land will be managed through active management strategy and the Applicant will seek to reduce the overall level of disruption and loss of amenity.

Article 21

12.4.10 Article 21 (Temporary suspension of public access to land) of the draft Order (Document Reference: 3.1) includes a provision which permits the temporary suspension of public access to the Open Access Land to facilitate the construction works in a safe manner. These can be seen on Access, Rights of way and Streets Plan and will be included in Schedule 6 of the Order. The Applicant is required to provide 28 days' notice to the South Downs National Park Authority before exercising those powers.

12.5 Statutory Undertakers Land and Apparatus

12.5.1 Statutory undertakers' land is afforded protection from compulsory acquisition under section 127 of the 2008 Act if:

12.5.1.1 land has been acquired by the statutory undertaker for the purposes of its undertaking;

12.5.1.2 the land is used for those purposes or an interest in the land is held for those purposes; and

12.5.1.3 the statutory undertaker makes and does not withdraw a representation about the proposed DCO before the completion of the examination of the Application.

12.5.2 Section 127(2) of the 2008 Act states that a DCO may only include provision authorising the compulsory acquisition of

statutory undertakers' land to the extent that the nature and situation of the land are such that:

12.5.2.1 It can be purchased and not replaced without serious detriment to the carrying on of the undertaking; or

12.5.2.2 If purchased, it can be replaced by other land belonging to, or available for acquisition by, the undertaker without serious detriment to the carrying on of the undertaking.

12.5.3 Section 127(5) of the 2008 Act states that a DCO may only include provision authorising the compulsory acquisition of a right over statutory undertakers' land, by the creation of a new right, to the extent that the nature and situation of the land are such that:

12.5.3.1 the right can be purchased without serious detriment to the carrying on of the undertaking; or

12.5.3.2 any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertaker by the use of other land belonging to or available for acquisition by them.

12.5.4 Section 138 of the 2008 Act, which provides for the extinguishment of 'relevant rights', and the removal of 'relevant apparatus' of, statutory undertakers, applies if an order granting development consent authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a relevant right, or there is on, under or over the land relevant apparatus.

12.5.5 "Relevant right" means "*a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, which—*

12.5.5.1 *is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking, or*

12.5.5.2 *is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network".*

12.5.6 "Relevant apparatus" means:

- 12.5.6.1 *"(a) apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or*
- 12.5.6.2 *electronic communications apparatus kept installed for the purposes of an electronic communications code network"*.
- 12.5.7 Article 36 (Statutory Undertakers) of the draft Order will permit the Applicant to extinguish the relevant rights or relocate the relevant apparatus of statutory undertakers. However, such power may only be included in the Order if the Secretary of State is satisfied the extinguishment or removal is necessary for the Proposed Development.
- 12.5.8 The Order Land includes land, rights and apparatus owned by statutory undertakers which is described in the Schedule at **Appendix 6** to this Statement. The Schedule provides a summary of the Applicant's position with regards sections 127 and 138 of the PA 2008 and explains the current status of negotiations with those parties in respect of land rights sought and/or the negotiation of protective provisions.
- 12.5.9 No land belonging to statutory undertakers is proposed to be acquired by the Applicant but it is proposed to acquire rights over land by the creation of new rights. The Applicant considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the compulsory acquisition of rights over land and test set out in section 127(6)(a) of the 2008 Act is therefore satisfied.
- 12.5.10 With regards to section 138 of the PA 2008, adequate protection for the statutory undertakers will be included within protective provisions in Schedule 10 of the Order and/or asset protection agreements between the parties.

13. HUMAN RIGHTS AND EQUALITY CONSIDERATIONS

13.1 Human Rights

13.1.1 The Human Rights Act 1998 incorporated into UK law the ECHR. The ECHR includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

13.1.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the ECHR. The position is summarised in paragraph 13 of the Compulsory Acquisition Guidance, which states that compulsory acquisition powers should only be authorised where the Secretary of State is:

13.1.2.1 *"persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired"*.

13.1.3 Paragraph 14 goes on to explain that:

13.1.3.1 *"in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition"*.

13.1.4 The Secretary of State, as the decision maker, is therefore under a duty to consider whether the exercise of powers interacts with the rights protected by the ECHR.

13.1.5 The following Articles of the ECHR are relevant to the decision as to whether the Order should be made including powers of compulsory acquisition:

13.1.6 Article 1 of the First Protocol to the ECHR:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

13.1.7 Article 6 of the ECHR states:

"In the determination of his civil rights and obligations...everyone is entitled to a fair and public hearing"

within a reasonable time by an independent and impartial tribunal established by law."

13.1.8 Article 8 of the ECHR states:

"Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

13.1.9 The inclusion of compulsory acquisition powers in the Order has the potential to infringe the Article 1 rights of persons who hold interests in the Order Land by enabling the Applicant to deprive them of their property/interest. Such an infringement can be authorised by law provided that:

13.1.9.1 The appropriate statutory procedures for making the Order are followed and a compelling case in the public interest for the compulsory acquisition/interference with the convention right is made out; and

13.1.9.2 the interference with the convention right is proportionate.

13.1.10 In preparing the Application, the Applicant has considered Article 1 and the potential infringement of the ECHR rights in consequence of the inclusion of compulsory acquisition powers within the Order and has sought to minimise the amount of land over which it requires powers of compulsory acquisition. The Applicant considers that there would be a very significant public benefit arising from the grant of the Order. The benefit is only realised if the Order is accompanied by the grant of powers of compulsory acquisition.

13.1.11 The Applicant has concluded that on balance the significant public benefits outweigh the effects upon persons who own property within the Order Land. For those affected by expropriation or dispossession, compensation is payable in accordance with the Compensation Code. The Applicant considers that the Order will therefore strike the right balance between the public interest in the delivery of the

Project and those private rights that will be affected by the Order.

- 13.1.12 In relation to Article 6, there has been opportunity to make representations regarding the preparation of the Application. As explained in the Consultation Report (Document Reference: 5.1), the Project has been extensively publicised and consultation has taken place with the community, affected landowners and occupiers, and key stakeholders.
- 13.1.13 With regards to Article 8, whilst rights are proposed to be acquired over land that is used in connection with dwellings such as accesses, driveways and boundary features, and there are residential dwellings in proximity to the Order Limits, there are no dwellings within the Order Land. No residents will be displaced by the powers of compulsory acquisition sought in the Order and no residential dwellings are proposed to be acquired or demolished for the purposes of the Proposed Development. Only limited powers of compulsory acquisition and/or temporary use are sought over land used in connection with a dwelling so as to provide access for construction and/or operational purposes.
- 13.1.14 The owners of dwellings that are situated outside of the Order Limits which may suffer a depreciation in the value of the land as a result of the construction or operation of the Proposed Development, have been identified as Category 3 persons, as defined in Section 57 of the 2008 Act, and listed in Part 2 of the Book of Reference (Document Reference: 4.3). Those parties were identified using the Diligent Inquiry methodology, as set out in **Appendix 4** of this Statement of Reasons.
- 13.1.15 In accordance with Part 5 of the 2008 Act, the Applicant has consulted with persons set out in the categories contained in Section 44 of the 2008 Act, which includes owners of land within the Order Land and those who may be able to make claims either under Sections 7 and 10 of the Compulsory Purchase Act 1965 in respect of injurious affection or under Part 1 of the Land Compensation Act 1973. Also, the beneficiaries of rights overridden by the exercise of powers in the Order would be capable of making claims under Section 10 of the Compulsory Purchase Act 1965.
- 13.1.16 Furthermore, representations can also be made in response to notice given under Section 56 of the 2008 Act for consideration at examination of the Application by the

Planning Inspectorate (PINS) and in any written representations procedure which the PINS decides to uphold or at any compulsory acquisition hearing held under Section 92 of the 2008 Act.

- 13.1.17 Should the Order be made, any person aggrieved may challenge the Order in the High Court if they consider that the grounds for doing so are made out pursuant to Section 118 of the 2008 Act. Such statutory processes are in compliance with Article 6 of the ECHR.
- 13.1.18 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the ECHR. Affected persons will also have the right to apply to the Upper Tribunal (Lands Chamber), which is an independent judicial body to determine the compensation payable.
- 13.1.19 For the above reasons, any infringement of the ECHR rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with national and European law.
- 13.1.20 For the reasons set out in this Statement of Reasons, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.
- 13.1.21 The Applicant has sought to keep any interference with the rights of those with interests in the Order Land to a minimum. The Order Land has been limited to the minimum required for the Project to be constructed, operated, maintained and protected from interference. Furthermore, the substation site and route selection process for the linear infrastructure has ensured that the impact on land use and neighbouring properties is minimised in so far as possible.
- 13.1.22 The requirements of the Human Rights Act 1998 and the ECHR, particularly the rights of landowners, have therefore been fully taken into account.
- 13.1.23 The Applicant considers that the Order strikes a fair balance between the public interest in the Project going ahead and the interference with the private rights of those that will be affected by it.

13.1.24 The Applicant considers that there is a compelling case in the public interest for the Order to be made including powers of compulsory acquisition, and that the interference with the private rights of those with an interest in Order Land as a result of the exercise of compulsory acquisition powers conferred by the Order would be lawful, justified and proportionate.

13.2 **The Equality Act 2010**

13.2.1 The Applicant has had regard to the public sector equality duty set out in s149(1) of the Equality Act 2010 and has, in promoting the DCO, undertaken a landowner engagement exercise as detailed in the Consultation Report (Document Reference: 5.1).

13.2.2 The Applicant has taken account of and considered potential receptors and effects on those receptors through its environmental assessment processes for the Proposed Development as detailed in Volume 2, Chapters 5 to 29 the Environmental Statement accompanying the Application (Document References: 6.2.5 to 6.2.29).

13.2.3 The Applicant has carried out an Equalities Act Impact Assessment (Appendix 28.3, Volume 4 to Environmental Statement) (Document Reference: 6.4.28.3). This concludes that no adverse equality effects are expected as a result of the construction, operation and maintenance, or decommissioning phases of the Proposed Development. The Applicant does not therefore consider that the Proposed Development will give rise to any impacts or differential impacts on persons who share a relevant protected characteristic as defined in the Equality Act, or upon persons who do not share such relevant protected characteristic.

13.2.4 It should be noted that in Table 14 of the Equality Statement, consideration is given to the potential for effects on protected persons during the construction works, such as the ability to access recreational land and public rights of way. However, as there are no particular protected characteristic groups which use those recreational resources, and they are enjoyed by the public in general, the Equality Statement concludes that no specific equality groups would be disproportionately or differentially affected by the works.

13.2.5 The engagement process is ongoing and the Applicant's position will be continually monitored and should any

persons be identified who may be adversely impacted by the Proposed Development, the Applicant will seek to identify and implement appropriate assistance measures if reasonably required so as to mitigate so far as practicable any identified activity that may have an adverse impact on these persons.

14. **OTHER CONSENTS AND LICENCES**

- 14.1 The Order will grant consent for the construction, operation, maintenance and decommissioning of the Project. There are however, a number of additional consents and licences that may be required from bodies such as Natural England and the Environment Agency.
- 14.2 These additional consents and licences are listed in the Other Consents and Licences register (Document Reference: 5.4) accompanying the Application, and include:
- 14.2.1 European Protected Species (EPS) licences from Natural England under the Conservation of Habitats and Species Regulations 2017; and
 - 14.2.2 Environmental permits from the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2016.
- 14.3 The Applicant is not aware of any reason why the other consents and licences listed in the Other Consents and Licences register (Document Reference: 5.4) accompanying the Application, will not be granted at the appropriate time.

15. FURTHER INFORMATION

15.1 Proposed Development

15.1.1 Further information about the Application can be found on the Applicant's project website – www.Rampion2.com or by email rampion2@rwe.com or by phone on 0800 2800 886.

15.2 Negotiations

15.2.1 Owners and occupiers of property located within the Order Land and affected by the Proposed Development who wish to negotiate a voluntary agreement for land/rights and/ or discuss matters of compensation should email Carter Jonas at rampion@carterjonas.co.uk or write to Rampion 2 Project Team, 2 Snowhill, Birmingham, B4 6GA or phone on 0121 7946250.

15.3 Compensation

15.3.1 Provision is made by statute with regard to compensation for the compulsory acquisition of land and rights over land and the depreciation in value of properties. Further information can be found in the Funding Statement (Document Reference: 4.2) accompanying the Application.

15.3.2 More information is given in the series of booklets published by the Department of Levelling Up, Housing and Communities entitled "Compulsory Purchase and Compensation" listed below which are available to download for free:

- **Compulsory purchase and compensation: guide 1 – procedure**

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-1-procedure>

- **Compulsory purchase and compensation: guide 2 – compensation to business owners and occupiers**

www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-2-compensation-to-business-owners-and-occupiers

- **Compulsory purchase and compensation: guide 3 – compensation to agricultural owners and occupiers**

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-3-compensation-to-agricultural-owners-and-occupiers>

- **Compulsory purchase and compensation: guide 4 - compensation to residential owners and occupiers**

www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-4-compensation-to-residential-owners-and-occupiers

16. **CONCLUSION**

- 16.1 This Statement demonstrates that the inclusion of compulsory acquisition powers within the Order meets the requirements of Section 122 of the PA 2008 and the Compulsory Acquisition Guidance.
- 16.2 This Statement and its Appendices explain that all of the Order Land, including the proposed new rights and restrictive covenants over the Order Land are required for the purposes of the Proposed Development, to facilitate the Proposed Development, or are incidental to, the Proposed Development. All of the land subject to compulsory acquisition and temporary possession powers is necessary to either construct, operate, protect, and maintain the Proposed Development . The extent of land within the Order Limits is reasonable and proportionate, and is no more than is reasonably necessary.
- 16.3 There is a clear need and policy support for the Proposed Development and a compelling case in the public interest for the Order to include compulsory acquisition powers given the significant public benefits that the Proposed Development will deliver.
- 16.4 The Applicant has set out clear and specific proposals for how the Order Land will be used and the land and rights over land sought are no more than is reasonably required for the Proposed Development .
- 16.5 All reasonable alternatives to compulsory acquisition have been explored.
- 16.6 A proportionate approach to acquisition is being taken and the freehold of land is only being sought in limited circumstances for the new onshore substation compound, proposed at Oakendene near Cowfold.
- 16.7 For the remainder of the Order Land, including the onshore cable infrastructure, temporary possession powers will be utilised during construction and bespoke 'packages' of permanent rights and restrictions will be acquired for the operation, maintenance and protection of the Proposed Development, so as to minimise the amount of permanent rights required so far as possible.
- 16.8 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose and is necessary and proportionate to that purpose.
- 16.9 The Applicant is committed to securing the necessary land and rights required for the Proposed Development by voluntary agreement if at all possible, and has made determined and persistent efforts to

engage and negotiate with landowners as set out in the Engagement Schedule at **Appendix 2** and is continuing to progress negotiations for Heads of Terms for rights over the remainder of the Order Land.

- 16.10 In order to provide certainty that all the land and rights required for the Proposed Development can be secured within a reasonable timescale, it has been necessary for the Applicant to seek temporary possession and compulsory acquisition powers in the Order in parallel with private treaty negotiations. The Applicant remains committed to continuing to progress negotiations and secure the necessary land and rights by agreement. Without compulsory acquisition powers, the Order Land could not be assembled and the Proposed Development would not proceed.
- 16.11 Requisite funding will be available to meet the costs of constructing the paying compensation in respect of the compulsory acquisition of land/rights over land, and the temporary possession of land, required for the Proposed Development , as and when required (including any advance payments of compensation and blight claims).
- 16.12 The Applicant is not aware of any reason why the other consents and licences listed in the Other Consents and Licences register (Document Reference: 5.4) accompanying the Application, will not be forthcoming.
- 16.13 The Applicant therefore believes the inclusion of powers of compulsory acquisition in the Order for the Project meets the conditions of section 122 of the 2008 Act and the Guidance and submits that the Order should be made including them.