

# Rampion 2 Wind Farm

## **Statement of Common Ground**

### **- Horsham District Council**

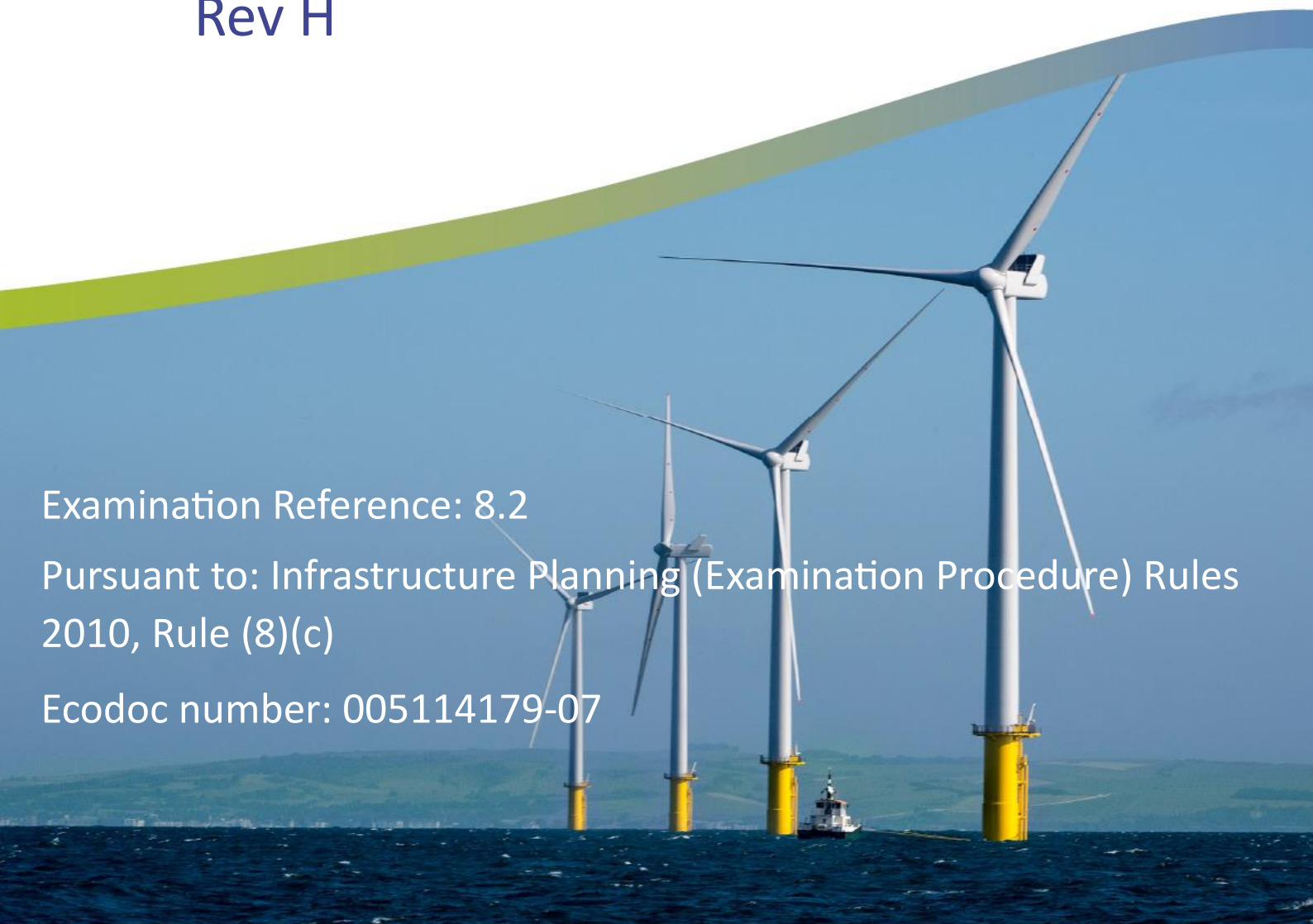
August 2024

Rev H

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A	August 2023	Initial draft issued to Horsham District Council (HDC)	RED	RED	RED
B	October 2023	Second draft issued to HDC	WSP	RED	RED
C	January 2024	Third draft issued to HDC	WSP	RED	RED
D	April 2024	Fourth Draft issued to HDC	WSP	RED	RED
E	June 2024	Fifth Draft issued to HDC	WSP	RED	RED
F	July 2024	Sixth Draft issued to HDC for sign off to reflect state of play at Deadline 5.	WSP	RED	RED
G	July 2024	Seventh Draft issued to HDC	WSP	RED	RED
H	Augsut 2024	Deadline 6 Submission	WSP	RED	RED

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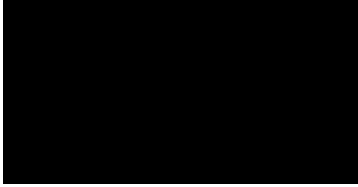
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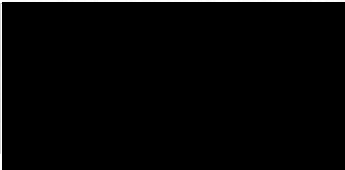
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## Signatories

Signed	
Date	31-07-2024
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For	Horsham District Council (HDC)

Signed	
Date	
Name	Karen Algate
Position	Senior Consents Manager
For	Rampion Extension Development Ltd (RED) (the Applicant)

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# 1. Introduction

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## 1.1 Background

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared between Rampion Extension Development Ltd (RED) (hereafter referred to as 'the Applicant') and Horsham District Council (hereafter referred to as 'HDC') to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order ('DCO') application for the Rampion 2 Offshore Wind Farm (hereafter referred to as "Rampion 2" or "the Proposed Development").
- 1.1.2 The need for a SoCG between the Applicant and HDC was set out within the Rule 6 letter issued by the Examining Authority on 14<sup>th</sup> December 2023 **[PD-006]**.
- 1.1.3 This SoCG is intended to cover all topics where agreement is sought between the Applicant and the HDC and covers the topics split by discipline as detailed in the Environment Impact Assessment (EIA) for Rampion 2:
- 1.1.4 This SoCG has been prepared in accordance with the '*Planning Act 2008: Guidance for the examination of applications for development consent*' (Department for Communities and Local Government (DCLG), 2015 (hereby referred to as 'DCLG guidance').
- 1.1.5 Following detailed discussions undertaken through pre-application engagement and consultation, the Applicant and HDC have sought to progress a SoCG.
- 1.1.6 It is the intention that this document provides the Planning Inspectorate with a clear overview of the level of common ground between both parties. This document will facilitate further discussions between the Applicant and HDC and will be updated as discussions during the Examination.

## 1.2 Approach to SoCG

- 1.2.1 This SoCG has been developed during the pre-examination and Examination phase the Rampion 2. HDC issued their relevant representations **[RR-148]** and Principal Areas of Disagreement **[AS-010]** which covers the topics and points of discussion. The SoCG makes reference to other submission documents that set out, in greater detail, the discussions that have taken place between HDC and the Applicant. These documents are:
- **Consultation Report [APP-027]**;
  - **Planning Statement [APP-036]**;
  - **Evidence Plan [APP-243 to APP-253]**; and

- The 'Consultation' section included within relevant chapters of the **Environmental Statement (ES), Volume 2 [APP-042 to APP-072]**.

1.2.2 The SoCG is structured as follows:

- **Section 1: Introduction:** outlines the background to the development of the SoCG and provides an overview of the Proposed Development;
- **Section 2: Horsham District Council's remit:** describes the main areas of discussion within the SoCG and a summary of consultation to date; and
- **Section 3: Agreement/Disagreement Log:** provides a record of the positions of the Applicant alongside those of HDC as related to the topics of discussion and the status on those positions.

## 1.3 The Proposed Development

1.3.1 The Applicant is developing Rampion 2 located adjacent to the existing Rampion Offshore Wind Farm Project (referred to as 'Rampion 1') in the English Channel.

1.3.2 Rampion 2 will be located between 13km and 26km from the Sussex Coast in the English Channel and the offshore array area will occupy an area of approximately 160km<sup>2</sup>.

1.3.3 The key offshore elements of the Proposed Development will be as follows:

- up to 90 offshore wind turbine generators (WTGs) and associated foundations;
- blade tip of the WTGs will be up to 325m above Lowest Astronomical Tide (LAT) and will have a 22m minimum air gap above Mean High Water Springs (MHWS);
- inter-array cables connecting the WTGs to up to three offshore substations;
- up to two offshore interconnector export cables between the offshore substations;
- up to four offshore export cables each in its own trench, will be buried under the seabed within the final cable corridor; and
- the export cable circuits will be High Voltage Alternating Current (HVAC), with a voltage of up to 275kV.

1.3.4 The key onshore elements of the Proposed Development will be as follows:

- a single landfall site near Climping, Arun District, connecting offshore and onshore cables using Horizontal Directional Drilling (HDD) installation techniques;
- buried onshore cables in a single corridor for the maximum route length of up to 38.8km using:
- trenching and backfilling installation techniques; and

- trenchless and open cut crossings.
- a new onshore substation, proposed near Cowfold, Horsham District, which will connect to an extension to the existing National Grid Bolney substation, Mid Sussex, via buried onshore cables; and
- extension to and additional infrastructure at the existing National Grid Bolney substation, Mid Sussex District to connect Rampion 2 to the national grid electrical network.

1.3.5 A full description of the Proposed Development is provided in **Chapter 4: The Proposed Development, Volume 2** of the ES **[APP-045]**.



## 2. Horsham District Council's remit

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### 2.1 Introduction

- 2.1.1 HDC's remit covers the aspects of the Proposed Development within its local authority area only which are primarily onshore in nature.
- 2.1.2 HDC's role in relation to the DCO process derives from the Planning Act 2008 (the 'Act') and secondary legislation made under the Act. HDC as a district council is classified as a consultee under section 43 of the Act, meaning applicants must consult with HDC before submitting a Nationally Significant Infrastructure Project (NSIP) application.
- 2.1.3 HDC is a host authority of the onshore works with proposed works taking place within its boundary. These include the Oakendene substation and onshore cable installation.
- 2.1.4 In terms of other responsibilities, HDC is responsible for the provision of district level public services such as such as planning applications, housing, waste collection, leisure and recreation and revenue collection (Council Tax).
- 2.1.5 The SoCG covers topics of the DCO Application of relevance to HDC, comprising:
- Onshore aspects of the DCO Application:
    - ▶ Air quality;
    - ▶ Noise and vibration;
    - ▶ Terrestrial ecology and nature conservation;
    - ▶ Socio-economics;
    - ▶ Landscape and visual impact assessment (LVIA);
    - ▶ Transport;
    - ▶ Water environment; and
    - ▶ Draft Development Consent Order and securing mitigation

### 2.2 Consultation Summary

**The Applicant** and Horsham District Council have agreed that the submitted SoCG at Deadline 5 is up to date. While the status of matters has been finalised as far as possible, some of the SOCG still report matters as being in the process of discussion. With relevant materials being submitted into Examination at Deadline 5 these need to be considered to close matters and enable the final SOCG to be submitted at Deadline 6.

Table 2-1 in this Section briefly summarises the consultation that the Applicant has undertaken with HDC including both statutory and non-statutory engagement during the pre-application and post-application phases.

- 2.2.1 The Applicant and Horsham District Council have agreed that the submitted SoCG at Deadline 5 is up to date. While the status of matters has been finalised as far as possible, some of the SOCG still report matters as being in the process of discussion. With relevant materials being submitted into Examination at Deadline 5 these need to be considered to close matters and enable the final SOCG to be submitted at Deadline 6.

2.2.2 Table 2-1 Consultation and correspondence undertaken with Horsham District Council

Date and type	Description of Consultation
26 March 2020 Early Engagement	Meeting with local authorities to introduce Project areas of search, engagement and consultation plans alongside broad timetable.
12 May 2020 Early Engagement – Email	Email from RED to HDC Email to HDC Environmental Health Team for information gathering on key constraints and local sensitivities.
5 June 2020 Further Engagement – Email	Email from RED to HDC This principally covered data requests for information on existing private water supply (PWS) information and land contamination records.
15 September 2020 Expert Topic Group (ETG)	Rampion 2 ETG Meeting – Seascape, Landscape, Archaeology, Marine Archaeology and Cultural Heritage
10 November 2020 Further Engagement Technical Note: LVIA	RED Technical Note dated 10 November 2020 LVIA Study Area and viewpoint selection was undertaken in November and December 2020 with the South Downs National Park Authority (SDNPA), Natural England (NE), West Sussex County Council (WSCC), HDC, Arun District Council (ADC) and Mid Sussex District Council (MSDC).
4 and 11 December 2020 Further Engagement and emails Technical Note: LVIA and emails regarding Viewpoint Selection	RED Technical Note dated 4 December 2020 LVIA Study Area and viewpoint selection was undertaken in November and December 2020 with the SDNPA, NE, WSCC, HDC, ADC and MSDC.
18 March 2021 ETG	Rampion 2 ETG – Meeting to discuss Seascape, Landscape and Visual Impact Assessment (SLVIA)/LVIA, Onshore and Offshore Archaeology and Cultural Heritage

Date and type	Description of Consultation
<p>Statutory Consultation carried out under Section 42 of the Planning Act 2008 (14 July to 16 September 2021)</p> <p>Statutory consultation response</p>	<p>Response from HDC dated 15 September 2021 including key aspects amongst other topics, these being::</p> <p>Historic environment, Terrestrial ecology and nature conservation and water environment.</p>
<p>04 November 2021</p> <p>ETG</p>	<p>Rampion 2 ETG – SLVIA/LVIA, Onshore and Offshore Archaeology and Cultural Heritage</p>
<p>20 April 2022</p> <p>Early Engagement – Email</p>	<p>Email from RED to HDC Environmental Health Team consulting on the proposed onshore substation noise monitoring.</p>
<p>29 June 2022</p> <p>Further Engagement – Email</p>	<p>Email from RED to HDC Environmental Health Team addressing low frequency noise concerns associated with substation operational noise.</p>
<p>10 August 2022</p> <p>Further Engagement – Email</p>	<p>Email from HDC Environmental Team to RED to confirm an objective assessment of the tonal noise should form part of the noise assessment if BS 4142 Noise Assessment of 50 Hertz (Hz) and possibly lower were used and if the Proposed Development were likely to produce ground borne low frequency noise, then BS 4142 should not be used to assess the impact from this noise source.</p>
<p>22 November 2022</p> <p>ETG</p>	<p>Rampion 2 ETG Meeting – Water environment [Onshore]</p>
<p>Statutory Consultation carried out under Section 42 of the Planning Act 2008 (18 October to 29 November 2022)</p> <p>Statutory consultation response</p>	<p>Rampion 2 Offshore Wind Farm Supplementary Consultation</p> <p>Response from HDC on 28 November 2022 including key aspects, amongst other topics, these being:</p> <p>Socio-economics, landscape and visual impact, terrestrial ecology and historic environment.</p>
<p>Statutory Consultation carried out under Section 42 of the</p>	<p>Rampion 2 Offshore Wind Farm Further Supplementary Consultation</p>

Date and type	Description of Consultation
Planning Act 2008 ( 4 February – 27 March 2023)  Statutory consultation response	Response from HDC including key aspects, amongst other topics, these being:  Socio-economics, terrestrial ecology, landscape and visual impact, historic environment, air quality, soils, noise and vibration.
13 April 2023  Further Engagement – Email	Rampion 2 Construction noise monitoring consultation
16 June 2023  ETG	Rampion 2 ETG Meeting – Air Quality, Noise & Vibration, Soils & Agriculture and Ground Conditions
29 June 2023  Further Engagement	Meeting with Horsham District Council to discuss the Air Quality Mitigation Strategy
23 January 2024  ETG Group	Rampion 2 ETG Meeting- LVIA (Areas North of SDNP)
13 February 2024  SoCG Review meeting	Rampion 2 SoCG Page Turn Review with HDC- Draft Revision C
20 February 2024  Expert to Expert Meeting	Rampion 2 Expert to Expert Meeting on Noise and Vibration
26 February 2024  Expert to Expert Meeting	Oakendene substation – Flood Risk Assessment and evidence base
18 March 2024  Expert to Expert Meeting	Rampion 2 Expert to Expert BNG Meeting
30th April 2024  Expert to Expert Meeting	Flood Risk and Drainage Expert to Expert Meeting

Date and type	Description of Consultation
1 <sup>st</sup> May 2024 Expert to Expert Meeting	Water Neutrality Expert to Expert Meeting
5 <sup>th</sup> June 2024 SoCG Meeting	Rampion 2 SoCG Page Turn with HDC- Revision D
25 <sup>th</sup> June 2024 SoCG Meeting	Rampion 2 SoCG Final Page Turn with HDC- Revision E
25 <sup>th</sup> June 2024 Expert to Expert Meeting	LVIA Expert to Expert Meeting
19 <sup>th</sup> July 2024 Expert to Expert Meeting	Air Quality Expert to Expert Meeting
23 <sup>rd</sup> July 2024 Expert to Expert Meeting	Air Quality Expert to Expert Meeting
23 <sup>rd</sup> July 2024 SoCG Meeting	Rampion 2 SoCG Final Page Turn with HDC- Revision G
23 <sup>rd</sup> July 2024 Compensation Meeting	S-106 Meeting

### 3. Agreement/Disagreement Log

- 3.1.1 The following Sections of this SoCG set out the level of agreement between the Applicant and HDC for each relevant component of the DCO Application identified in **paragraph 2.1.5**. The tables below detail the positions of the Applicant alongside those of HDC and whether the matter is agreed or not agreed.
- 3.1.2 In order to easily identify whether a matter is ‘agreed’, ‘not agreed’ or an ‘ongoing point of discussion’, the agreements logs in the tables below are colour coded to represent the status of the position according to the criteria in **Table 3-1** below.

**Table 3-1: Position Status Key**

Position Status	Colour Code
The matter is considered to be agreed between the parties	<b>Agreed</b>
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicant or Horsham District Council is not considered to result in a material outcome on the assessment conclusions.	<b>Not agreed – No material impact</b>
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or Horsham District Council is considered to result in a materially different outcome on the assessment conclusions.	<b>Not agreed – material impact</b>

- 3.1.3 The overview of the status of discussion on all of the themes presented in the Agreement/Disagreement log has been reported throughout the Examination via the Statement of Commonality. The opening position of the stakeholder is reported against the evolving position of the Applicant. Where agreement is reached- this indicates that the stakeholder and Applicant mutually support the position stated by the Applicant. The date of agreement is noted and the ‘Record of Progress’ section of the SOCG tables captures how the issue reached the final ‘position status’ (Key for this is found in Table 3-1 above).

Table 3-2: Status of discussions related to Air Quality and Transport

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
<p><b>HDC01</b></p> <p><b>This is a Principal Area of Disagreement identified by Horsham District Council</b></p>	<p>Air Quality Mitigation Plan for construction phase of the development</p>	<p><b>Concerns</b></p> <p>Lack of a standalone Air Quality Plan for the construction phase of the development.</p> <p>The concern is that air quality improvements in the Cowfold Air Quality Management Area (AQMA) do not stall and that the improvements are continuous and maintained into the future.</p> <p>The Air quality and emissions mitigation guidance for Sussex (2021) draws on Defra's methodology for the appraisal of impacts produced by a project. It requires that each application (major and/or in relevant proximity of an AQMA) is supported by an air quality mitigation plan detailing measures to mitigate and/or offset the impacts and setting out itemised costing for each proposed measure.</p> <p><b>Desired Actions</b></p> <p>Applicant to undertake Air Quality Mitigation Plan. An effective air quality plan would contain the following elements for each proposed measure:</p> <ul style="list-style-type: none"> <li>- Costings;</li> <li>- Performance indicators;</li> <li>- Delivery timescales.</li> </ul> <p>These are the essential mechanisms that enable authorities to work for the benefit of local communities and public health. It is essential that there is confidence that proper monitoring mechanisms and indicators are</p>	<p><b>Chapter 19: Air quality, Volume 2</b> of the ES [APP-060] has considered the Air Quality and Emissions Mitigation Guidance for Sussex (Mid Sussex District Council, 2021) in defining the scope of the assessment and in particular the extent of any construction traffic modelling required for the Proposed Development.</p> <p>The Applicant concludes no significant effects on air quality are likely and does not consider that the proposed development meets the criteria set out in the Sussex Guidance for an air emissions mitigation strategy. However, recognising Horsham DC's concerns, RED has produced an Air Quality Mitigation Strategy.</p> <p>An <b>Air Quality Mitigation Strategy (REP3-053)</b> has been issued to HDC for comment and was provided to the examination at Deadline 3.</p> <p>As part of Deadline 4 further information around the traffic data (AADTs) used to calculate damage costs were included to cover the outstanding query from HDC.</p> <p>A section 106 agreement has been provided to HDC at Deadline 4. A payment towards air quality mitigation pursuant to the submitted strategy has been included in the section 106 agreement.</p>	<p><b>Agreed</b></p>	<p><b>25/06/24</b></p>	<p>01/07/2024: HDC: The overarching Air Quality Mitigation Strategy Rev A [REP3-053] is acceptable. HDC01 can be agreed.</p> <p>20/06/2024: The Applicant seeks this matter to move from yellow to green based on S106 discussions. The S106 agreement compensates for specific harms that cannot be practicably avoided or mitigated further.</p> <p>22/05/2024: HDC Comments:</p> <p>HDC requests that the current status is changed to Ongoing point of discussion and colour classified accordingly.</p> <p>HDC welcomes that an Air Quality Mitigation Strategy [REP3-053] and Outline Air Quality Management Plan [REP3-056] have been provided to the examination at Deadline 3.</p> <p>HDC agree with the overall approach of the above control documents, but there remains a lack of detailed information to confirm the final results are correct. HDC would request that more detail about AADT is provided, including what the values used for the damage cost calculation and whether construction HGV, LGV and passenger vehicles were considered. HDC would also request more details on which road links were used for the damage cost calculation.</p>



Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
		established at the outset and reviewed as necessary.				
<b>HDC02</b> <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Air Quality and Emissions Mitigation Guidance for Sussex (2021)	<p><b>Concerns</b></p> <p>Clarification is required regarding the extent to which Sussex Guidance was given consideration in assessing and mitigating the emissions associated with the construction phase of the development.</p> <p>The overarching principle of the Sussex guidance is to, as far as it is possible, design emissions out of a scheme, and mitigate or offset any residual emissions. Thus, the guidance aligns with the aims of Defra's Clean Air Strategy on reducing emissions to protect health and protect the environment, and the HDC environmental policy, which is why it is essential applicants adhere to its principles.</p> <p><b>Desired Actions</b></p> <p>Applicant to undertake Air Quality Mitigation Plan. An effective air quality plan would contain the following elements for each proposed measure:</p> <ul style="list-style-type: none"> <li>- Costings;</li> <li>- Performance indicators;</li> <li>- Delivery timescales.</li> </ul> <p>These are the essential mechanisms that enable authorities to work for the benefit of local communities and public health. It is essential that there is confidence that proper monitoring mechanisms and indicators are</p>	The Air Quality Mitigation Plan provided to HDC for comment contained costings in line with the Sussex Guidance. By providing mitigation funding to district councils directly in the form of s106 funding, there is no need for performance indicators or delivery timescales, as the authorities will be able to manage this internally.	<b>Agreed</b>	<b>22/05/2024</b>	<p>22/05/2024: HDC Comments.</p> <p>This point can now be agreed to.</p> <p>The Air Quality Mitigation Strategy [REP3-053] and Outline Air Quality Management Plan [REP3-056] both consider Sussex Guidance in assessing and mitigating the emissions associated with the construction phase of the development.</p> <p>DD/MM/YY: Air Quality Mitigation Strategy (8.59) and Air Quality Management Plan (8.62) will be issued by the Applicant at Deadline 3</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
		established at the outset and reviewed as necessary				
HDC03 <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Health Damage Cost Calculation - Methodology	<p><b>Concerns</b></p> <p>i) The emissions calculation and total calculated value of emissions' health damage cost associated with construction traffic were not included in the DCO Documents.</p> <p>ii) Understanding costs is essential to effective and necessary mitigation and Table 19-7 of ES Volume 2, Chapter 19: Air quality confirms that the applicant agreed to "consider the inclusion of an air emissions mitigation strategy". However, the strategy was not included with the DCO submission.</p> <p><b>Desired Actions</b></p> <p>Applicant to undertake the emissions calculation and health damage cost calculation and commit to meeting the costs to ensure effective and necessary mitigation is provided</p>	<p>An <b>Air Quality Mitigation Strategy (REP3-053)</b> has been issued to HDC for comment and has been provided to the examination at Deadline 3.</p> <p>A section 106 agreement has been provided to HDC at Deadline 4. A payment towards air quality mitigation pursuant to the submitted strategy has been included in the section 106 agreement.</p>	<b>Agreed</b>	<b>28/07/24</b>	<p>28/07/2024: HDC comments</p> <p>An expert-to-expert call was held between HDC and Applicant 24<sup>th</sup> July. The Applicant confirmed the AQMS will be updated to account for the 2025-2028 construction years with additional text in the Strategy on the favourable assumptions and a clarification that the traffic and noise work uses peak data and air quality uses Annual Average Daily Traffic (AADT) and therefore traffic data are not directly comparable.</p> <p>HDC confirmed that the traffic data in AQMS are on par with the technical note, and there is no expectations that the technical note traffic data can be directly compared with the AQMS traffic data table.</p> <p>HDC also confirmed the final cost calculation amount is <u>higher</u> than what is calculated using the Damage Cost Appraisal Toolkit. This is with consideration of Road Type <i>Urban (not London)</i> and <i>Road Transport</i>. These considerations are more conservative than if Rural had been applied <i>Rural</i>.</p> <p>The Applicant confirmed an updated Air Quality Mitigation Strategy and damage costs in line with discussions will be submitted at Deadline 6.</p> <p>This has been shared with HDC prior to Deadline 6, and HDC confirmed it is acceptable and has no further comment.</p> <p>On this basis, the health damage cost has been updated and is agreed, and a contingency sum is not required. This matter is now agreed.</p> <p>23/07/24: The Calculation is agreed on the basis of further clarifications being emailed across to HDC</p> <p>These included:</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
						<ul style="list-style-type: none"> <li>- Assessment years considered in the AQMS (2026-2029) don't match the Traffic Generation Technical Note (2025-2028).</li> <li>- To which extent was Table 6-9 Onshore construction traffic impact per receptor (Traffic Generation Technical Note) used in the AQ assessment.</li> <li>- Conversion of AAWT to AADT for year 2.</li> </ul> <p>01/07/2024: HDC wish to accept a fixed sum but in addition request a contingency sum clause – to ensure that final stage calculations do not leave outstanding mitigation costs.</p> <p>On the basis of the inclusion of the contingency sum clause, HDC would be satisfied with the S106 agreement and mitigations proposed in principle, but would like to see more detail about the AADT and road links that were used for the damage cost calculation.</p> <p>The Sussex Air Quality Mitigation Guidance calculates the damage cost based on emissions (not concentrations) so although there is a separate area of disagreement with monitoring site DT37, the results of model do not impact on the damage cost or discredit the principle of the air quality mitigation strategy.</p> <p>25/06/24: HDC raised concerns regarding underrepresentation of modelling at the hotspot location of Cowfold. Concern regarding modelling that for them represents under-reporting by 23%.</p> <p>HDC agree with the overall approach of the above control documents, but there remains a lack of detailed information to confirm the final results are correct. HDC would request that more detail about AADT is provided, including what the values used for the damage cost calculation and whether construction HGV, LGV and passenger vehicles were considered. HDC would also request more</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
						details on which road links were used for the damage cost calculation.
<b>HDC04a</b> <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Outline Construction Traffic Management Plan (CTMP)	<p><b>Concerns</b></p> <p>Construction traffic will use the strategic route network in the district.</p> <p>i) The key concern is that the CTMP does not account for emissions of the on-road and off-road construction traffic. Section 8.4.11 of the CTMP proposes to use Euro V on road vehicles "or better whenever possible". The emission rates for Euro V heavy duty vehicles are circa 50% higher for PM and NOx compared to those of Euro VI vehicles – so it makes a significant difference what emission standard gets adopted.</p> <p>ii) The concern is also that the details of the final HGV routes are not known, and whether those mirror the assumptions used to model the impacts.</p> <p>iii) It is very difficult to control routing through planning so there needs to be robust measures that secure effective enforcement. Currently insufficient sanctions or penalties proposed in the DCO to deal with non-compliance.</p>	<p><b>Chapter 19: Air quality, Volume 2</b> of the ES [APP-060] presents an assessment of impacts from construction traffic. The assessment concluded that the Proposed Development will not result in significant effects on air quality, as a result of increased traffic on the local road network. The <b>Outline Construction Traffic Management Plan (CTMP) [REP4-045]</b> included as part of the DCO Application details the routing of heavy goods vehicles (HGVs), detailed versions of this are required to adhere to prescribed HGV routing provided within the <b>Outline CTMP [REP4-045]</b>. The <b>Outline CTMP [REP4-045]</b> is underpinned by commitment C-158 of the <b>Commitment Register [REP4-057]</b> which outlines 'The proposed heavy goods vehicle (HGV) routing during the construction period to individual accesses will avoid the Air Quality Management Area (AQMA) in Cowfold where possible. For Cowfold, this means that HGVs will only route through the village centre for trips related to accesses A-56 or A-57 of where use of locally sourced materials / equipment make its avoidance impracticable.'</p> <p><b>Section 9</b> of the <b>Outline CTMP [REP4-045]</b> includes further information on the management and enforcement of the CTMP to ensure the objectives are met, continually monitored and reviewed.</p> <p>Measures for managing construction traffic management will be secured through Requirement 24 of the <b>draft Development Consent Order [REP4-004]</b>, via bespoke Construction Traffic Management Plans for each stage. In relation to construction traffic routing this means that stage specific construction traffic management plans will be prepared in accordance with the <b>Outline Construction Traffic Management Plan (CTMP) [REP4-045]</b>. These stage specific</p>	<b>Agreed</b>	<b>01/07/24</b>	<p>01/07/2024: HDC:</p> <p>i) The CTMP has been updated to account for emissions of the on-road and off-road construction traffic. This can be agreed.</p> <p>ii) The outline CTMP REV E [REP4-045] identifies HGV routes and the stage specific CTMP is required in accordance with the outline. Additional text added to C-157 and C-158 (Commitments Register Rev D REP4-058) states routing through Cowfold will only be for access A-56 and or A-57 or where use of locally sourced materials / equipment make its avoidance impracticable.</p> <p>Although disappointing that both C-157 and C-158 still refer to 'where possible', HDC accepts, with the strengthened wording of the commitments, this can be agreed.</p> <p>iii) CTMP REV E sets out only a limited set of measures for the management of the CMP and enforcement. The majority of measures seek to address immediate site management rather than issues enroute, such routeing to avoid certain settlements. There are no sanctions or penalties proposed in the CTMP nor on the face of the DCO order to deal with non-compliance beyond internal disciplinary procedures. HDC has suggested a proportionate and realistic measures it suggests are included, such all HGVs be tracked using GPS technology to monitor compliance with the proposed HGV routes and for a formal review mechanism at timely interventions to allow for refinement or additional control measures in the strategy to be added if necessary.</p> <p>26/06/24: The Applicant notes the outstanding issue appears to be accountability- queried if this stills stands? HDC confirmed that the absence of the Construction Communication Management Plan was the issue. The Applicant confirmed an Outline</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
		<p><b>Desired Actions</b></p> <p>Applicant to add commitment/requirement for construction traffic to use the strategic route network.</p> <p>Applicant to amend and clarify the CTMP at section 8.4.11 and details of the final HGV routes.</p> <p>Applicant to add measures that secure effective enforcement, including sanctions or penalties proposed in the DCO to deal with non-compliance.</p>	<p>construction traffic management plans will need to be submitted to and approved by the highway authority following consultation with the relevant planning authority.</p> <p>The Applicant has confirmed that the switch has been made to Euro VI vehicles and HGV lorry routes have been included in the <b>Outline Construction Traffic Management Plan (CTMP) [REP4-045]</b>.</p>			<p>Construction Communication Management Plan has been produced. HDC stressed that the local community (in particular at Washington) seek reassurance and having a site specific version would be the requested solution. In particular interested in the impacts of the traffic at construction compound location.</p> <p>The Applicant confirmed that the COCP would be issued on a phase specific basis.</p> <p>20/06/24: The Applicant is providing a further update to the <b>Outline Construction Traffic Management Plan (CTMP) [REP4-045]</b> at Deadline 5. The document provides details of construction accesses, routing, management and monitoring of construction traffic and responds to comments made by HDC at Deadline 4.</p> <p>05/06/24: at the SOCG page turn meeting, HDC clarified that they were seeking Accountability of HGV routes. The Applicant highlighted that they were submitting a revised – outline construction communication plan at DL 5 and transport forum.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with the Outline Construction Traffic Management Plan and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069]</p>
HDC04b	Construction Communication Plan	<p>Concerns</p> <p>Construction Communications Plan should include provision for regular local meetings with representatives for the communities where the construction compounds will be sited. The costs should be met by the developer.</p>	<p>The Applicant has confirmed that an Outline Construction Communications Plan has been produced and provided to the examination at Deadline 5.</p>	Agreed	28/07/24	<p>28/07/2024: HDC acknowledges the Applicant has responded to HDC's concerns by submission of a OSCP to the Examination and has presented an intention to communicate with communities within this.</p> <p>23/07/2024: Ch 9 – impacts of TCC at Oakendene and Washington need tailored communication. The intent is there but it's not explicit. Emphasised that</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
		<p>Desired Actions</p> <p>HDC have stated that it is their desire that a construction Communications plan that explains what is happening to local communities in their area.</p> <p>Applicant to add as commitment/requirement</p>				<p>Washington is most critical due to proximity to school and recreation ground.</p> <p>01/07/2024: HDC:</p> <p>Requirement 34 secures a communication plan in accordance with the outline construction communication plan. However, at deadline 4 no outline construction communication plan has been submitted to the Examination.</p> <p>HDC requests the Washington Compound be included as part of this plan. Applicant will discuss internally.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with construction communications Plans and submitted these to the examination in its Local Impact Report [REP1-044].</p>
<b>HDC04c</b>	Tailored Communication to local communities	<p>Concerns: the sensitivities of communities should be reflected in tailored communication by the Applicant during the Project</p> <p>Desired Action:</p> <p>Tailored Construction Communication Plans be submitted to the Examination</p>	<p>The Applicant has submitted an Outline Construction Communications Plan at Deadline 5. Section 9 of this document provides for tailored communications to be provided for each construction stage of the onshore works as identified pursuant to requirement 10.</p> <p>Requirement 10 of the <b>Draft Development Consent Order DCO [REP5-005]</b> (amended at Deadline 6) also provides for the programme of stages to be approved by the relevant planning authorities which will determine how the subsequent discharge of requirements on a stage specific basis will be approached. Whilst the tailored construction communication plans will not be submitted to the relevant planning authorities for approval they will be in line with the content of the outline construction communication plan and will provide for a range of communication methods to be utilised to ensure communities are made aware of construction activities to</p>	<b>Not Agreed- No Material Impact</b>	<b>30/07/24</b>	<p>HDC continues to advocate that the tailored communication intentions set out in the OCCP should reference specific settlements. For Horsham District, these should include the villages of Washington and Cowfold due to the impacts arising from temporary compounds/Oakendene substation).</p> <p>The current OCCP does refer to communication at Chapter 9 but does not explicitly reference any tailored measures relevant to particular effected communities, or does it list those communities effected, only stages.</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p>be undertaken in their locality including for Washington and Cowfold.</p> <p>Air quality and Noise management plans must be submitted for approval on a staged basis in addition to the above.</p> <p>The <b>Outline Construction Traffic Management Plan [REP5-068]</b> section 9, provides for management of the construction traffic management plan and enforcement and provides for monitoring.</p>			
<p><b>HDC05</b></p> <p><b>This is a Principal Area of Disagreement identified by Horsham District Council</b></p>	<p>Dust Management Plan – to be prepared</p>	<p><b>Concerns</b></p> <p>i) Expected that the Dust Management Plan to be prepared accounts for emissions of off-road construction vehicles.</p> <p>ii) Measures to be included to secure effective enforcement.</p> <p><b>Desired Actions</b></p> <p>Recommendation would be to ensure all Non-Road Mobile Machinery and constant speed engines comply with the requirements of the London Low Emission Zone and the London LEZ Non-Road Mobile Machinery/constant speed engines standards.</p> <p>Applicant to add measures to secure effective enforcement.</p>	<p><b>Chapter 19: Air quality, Volume 2</b> of the ES <b>[APP-060]</b> presents the construction dust assessment from the different components of the Proposed Development, undertaken in line with the Institute of Air Quality Management (IAQM) (2016) guidance on ‘<i>Guidance on the Assessment of Dust from Construction and Demolition</i>’ following best practice. The recommended dust measures in the newly published 2024 IAQM guidance are largely unchanged from the 2016 IAQM Guidance. The only substantial change is the reduction in the required area of assessment from 350m to 250m. Therefore, the submitted dust assessment was more conservative.</p> <p>The assessment identified suitable mitigation according to the risk of dust impacts from the different components of the Proposed Development.</p> <p>The <b>Outline CoCP [REP4-043]</b> includes a commitment to “<i>Ensure all non-road vehicles comply with Non-Road Mobile Machinery (NRMM) standards, where applicable and feasible</i>”.</p> <p>An <b>Outline Air Quality Management Plan (AQMP) [REP3-053]</b> was included in the updated <b>Outline CoCP [REP4-043]</b> submitted as part of Deadline 3. The <b>Outline AQMP [REP3-053]</b> incorporated the dust</p>	<p><b>Agreed</b></p>	<p><b>25/06/24</b></p>	<p>01/07/2024: HDC: This matter can be agreed.</p> <p>25/06/24: HDC do not have any further comments regarding the dust management plan and this can therefore move yellow to green.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with the Dust Management Plan and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069]</p> <p>An Outline Air Quality Management Plan (Document Reference 8.62) was submitted as an appendix to the CoCP [PEPD-033].</p> <p>And HDC comments to this will be provided by Deadline 4.</p> <p>It is not currently clear what will be the construction traffic movement in Cowfold;</p> <p>Requirement 22 of the dDCO should include a specific requirement for noise, vibration, dust and air quality monitoring.</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p>management measures identified in the construction dust assessment.</p> <p>The <b>Outline CoCP [REP4-043]</b> also includes a commitment to “Ensure all non-road vehicles comply with Non-Road Mobile Machinery (NRMM) standards, where applicable and feasible”.</p> <p>The Applicant can confirm that the updated <b>Commitment Register [REP4-057]</b>. was submitted and updated at deadline 1, 2 ,3 and 4, making clear how each commitment is secured.</p>			Applicant to add measures to secure effective enforcement.
<p><b>HDC06</b></p> <p><b>This is a Principal Area of Disagreement identified by Horsham District Council</b></p>	Construction Traffic Model set up and methodology in regard to Air Quality Modelling	<p><b>Concerns</b></p> <p>HDC dispute outcome of assessment – model is not verified by AQ monitoring station at Cowfold – out by 24%</p> <p>Need to demonstrate that model functions</p> <p>Clarification needed to understand the assumptions used in the Assessment Scenario. The concern is that the Assessment Scenario includes assumptions on HGV routing which may not materialise for project implementation.</p> <p><b>Desired Actions</b></p> <p>Regarding model verification (Appendix 19.1: Full results of construction road traffic modelling), full information is required on the methodology to select monitoring sites for model verification. It is noted that the worst-case site (Cowfold 37) was not used in model verification, neither were several other sites. Details are therefore required of the initial verification including Monitored</p>	<p>The applicant dealt with this through the ES addendum Appendix B which was discussed with HDC.</p> <p>The Applicant notes that according to the latest Horsham District Council Air Quality Annual Status Report, published in August 2023, annual mean nitrogen dioxide (NO2) concentrations in 2022 were 31.7 µg/m<sup>3</sup> and 31.2 µg/m<sup>3</sup> in 2021 (for DT37). The Applicant notes that the fractional bias is 0.595 for DT37 however considering all diffusion tubes it is within an acceptable range . In addition, a separate verification factor for receptor points CW39 and CW40, in proximity to DT37 but at locations of relevant exposure, will not result in significant impacts due to the incremental increase in concentrations (&lt;0.5mg/m<sup>3</sup>, equivalent to 1% of the objective), reported in Table B 6 Modelled annual mean NO2 impacts due to construction traffic, Chapter 32: ES Addendum, Volume 2 of the Environmental Statement (ES) [REP1-006], for CW39 and CW40. An incremental change of 1% at locations where the annual mean NO2 concentration is between 76-94% of the annual mean objective (Table 6.3: Impact descriptors for individual receptors, EPUK &amp; IAQM Guidance ‘Land-Use Planning &amp; Development Control: Planning For Air Quality’, 2017) is classed as negligible. Therefore, the outcome of the air quality</p>	<b>Agreed</b>	<b>28/07/24</b>	<p>28/07/2024: HDC comments</p> <p>An expert-to-expert call was held between HDC and Applicant on 24th July, in which the AQ Cowfold model was discussed in the context of the the limitations of the model:</p> <ul style="list-style-type: none"> <li>The length of queuing traffic in all the model road links was assumed and likely to have been underestimated according to local knowledge of the road network.</li> <li>The queuing traffic speed in the traffic model was 10kph; however, traffic speeds are likely to be variable with a lot of stop and starts affecting local pollutant concentrations.</li> <li>The traffic on several of the road links was not based on traffic counts but on DfT estimated counts and therefore did not necessarily reflect traffic in 2019, the model verification year.</li> <li>The background concentrations, taken from the Defra background maps, considered in both the verification and assessment can be potentially lower that the likely background concentration in Cowfold affecting the verification and predicted pollutant concentrations.</li> <li>Several diffusion tubes included in the verification appear to be affected from queuing traffic/stop and starts and therefore affecting the performance of the model.</li> </ul>



Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
		<p>Road NOx Contribution versus Unverified Modelled Road NOx, which monitoring sites were used, and which were removed from the verification process with justification for both.</p> <p>It is recommended that all statistical parameters for model performance including the RMSE, fractional bias and correlation coefficient, be presented to give a full picture of the model performance, in line with the recommendations of the TG(16) guidance.</p>	<p>assessment as presented in Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006] is valid. It should also be noted that Annual Average Daily Traffic (AADTs) flows through Cowfold Air Quality Management Area (AQMA) screen out from requiring a detailed modelling assessment according to the screening criteria of EPUK and IAQM guidance (2017). In addition, an Air Quality Mitigation Strategy [REP3-053] presenting the air quality damage costs, was submitted at Deadline 3 with a view of funding a number of projects within the relevant planning authority to mitigate the temporary increases in emissions to air.</p> <p><b>Chapter 32: ES Addendum, Volume 2 of the Environmental Statement (ES) [REP1-006]</b> presents all the statistical parameters for model performance, calculated based on all the diffusion tubes considered in the assessment. The Applicant notes that according to the latest Horsham District Council Air Quality Annual Status Report, published in August 2023, annual mean nitrogen dioxide (NO<sub>2</sub>) concentrations in 2022 at Cowfold 37 diffusion tube (DT37) were 31.7 µg/m<sup>3</sup> and 31.2 µg/m<sup>3</sup> in 2021.</p> <p>The Applicant notes that the fractional bias for DT37 alone is not within the Defra guidance TG(22) range, indicating the model is slightly underperforming at that location; however considering all diffusion tubes it is within an acceptable range. A separate verification factor based solely on DT37 for receptor points CW39 and CW40, in proximity to DT37 but at locations of relevant exposure, will not result in significant impacts due to the incremental increase in concentrations (&lt;0.5mg/m<sup>3</sup>, equivalent to 1% of the objective), reported in <b>Table B 6 Modelled annual mean NO<sub>2</sub> impacts due to construction traffic, Chapter 32: ES</b></p>			<p>As agreed on the call although it is acknowledged that the model is underpredicting, the outcome of the assessment is valid and there are no significant impacts from traffic emissions in Cowfold, given the level of traffic expected.</p> <p>The Applicant has confirmed an updated Air Quality Mitigation Strategy and damage costs in line with discussions will be submitted at Deadline 6.</p> <p>This matter can now be agreed.</p> <p>01/07/2024: HDC:</p> <p>Concerns have narrowed to the following technical point of disagreement, which is unlikely to be resolved before close of examination:</p> <p>DT37 is the only monitoring site in Cowfold that reported concentrations within 10% of the annual mean objective in the last 5 years (2019: 36.1), as we are looking to revoke the AQMA in the next few years, there is a concern that concentrations will rise at this location because of additional traffic generated by the proposal.</p> <p>It is important to check that a model is performing where concentrations close to the relevant objective are being considered. For example, a model may over-predict at background locations, but under-predict at higher concentrations close to the objective. Therefore, the average performance of a model is not necessarily a good description of the performance at all locations.</p> <p>It has not been evidenced that the applicant applied a separate verification factor for CW39 and CW40. HDC do not agree that the impacts would remain negligible at our hotspot location if a higher adjustment was applied. An increase in concentrations would mean HDC will not be able to undeclare this AQMA.</p> <p>26/06/2024: HDC's update on this is that the monitoring location is underperforming (rather than</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p><b>Addendum, Volume 2 of the Environmental Statement (ES) [REP1-006]</b>, for CW39 and CW40.</p> <p>Any updates to the verification factor, that is applied to both with and without development scenarios, will result in the same incremental change in concentrations as reported in <b>Chapter 32: ES Addendum, Volume 2 of the Environmental Statement (ES) [REP1-006]</b>. An incremental change of 1% at locations where the annual mean NO<sub>2</sub> concentration is between 76-94% of the annual mean objective of 40 mg/m<sup>3</sup> (Table 6.3: Impact descriptors for individual receptors, EPUK &amp; IAQM Guidance 'Land-Use Planning &amp; Development Control: Planning For Air Quality', 2017) is classed as negligible. A verification factor using just DT37 will only result in an increase in the Predicted Environmental Concentrations (PEC) at CW39 and CW40, with the PEC remaining within the 76-94% of the objective.</p> <p>Therefore, the outcome of the air quality assessment as presented in <b>Chapter 32: ES Addendum, Volume 2 of the ES [REP1-006]</b> is valid. It should also be noted that Annual Average Daily Traffic (AADTs) flows through Cowfold Air Quality Management Area (AQMA) screen out from requiring a detailed modelling assessment according to the screening criteria of EPUK and IAQM guidance (2017).</p> <p>In addition, <b>an Air Quality Mitigation Strategy [REP3-053]</b> presenting the air quality damage costs, was submitted at Deadline 3 with a view of funding a number of projects within the relevant planning authority to mitigate the temporary increases in emissions to air.</p>			<p>missing). While the Applicant addressed the original concern – the monitoring station missing). Expert to expert meeting to be conducted</p> <p>22/05/2024: HDC Comments. HDC requests that the current status is changed to Ongoing point of discussion and colour classified accordingly. Discussions are ongoing. The Council has identified outstanding issues with the Model verification in relation to NO<sub>x</sub> and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069]</p> <p>17/04/2024: Applicant's position updated – suggest this is now agreed as requested information has been supplied in ES Addendum</p>

Table 3-3: Status of discussions related to Noise and Vibration

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
<p>HDC07</p> <p><b>This is a Principal Area of Disagreement identified by Horsham District Council</b></p>	<p>Accuracy of assessments</p>	<p><b>Concerns</b></p> <p>Accurate Assessment of noise and vibration impacts should be based on detailed information on the phasing, sequencing, and duration of construction activities.</p> <p><b>Desired Actions</b></p> <p>Applicant to provide information as to when this detailed information will become available or the type of information that will be provided.</p>	<p>A worst-case construction noise assessment has been undertaken in <b>Chapter 21: Noise and vibration, Volume 2</b> of the ES [PEPD-018]. Commitment C-263 in the <b>Commitments Register [REP4-057]</b> and provides the mechanism to undertake the assessment during the detailed design and this is already included and secured through the <b>draft Development Consent Order (DCO) [REP4-004]</b>.</p> <p>A programme of works will be supplied to the relevant planning authorities prior to onshore construction commencement, identifying the stages of the works, secured by Requirement 10 of the <b>Draft DCO [REP4-004]</b>. A Noise and Vibration Management Plan will be drafted for each stage, and approved prior to the commencement of that stage, secured by Requirement 22 of the <b>draft DCO [REP4-004]</b>.</p>	<p><b>Not Agreed – No Material Impact</b></p>	<p>01/07/24</p>	<p>01/07/2024: HDC comments</p> <p>Notwithstanding the final expert to expert call, it remains that the DCO submission does not provide for sufficient detail on the phasing, sequencing and duration of construction activities, due to the nature of the DCO implementation as a phased project.</p> <p>20/06/2024: Based on a review of written responses at deadline 3, the Applicant sees that HDC still has an issue with the accuracy of assessments- on the basis that they disagree with the level of phasing and duration information available ahead of detailed design. The Applicant has provided justification for this REP [REP4-079] however the HDC position has not moved. The Applicant has changed this from yellow to orange but requests a final expert to expert call to seek if there is any further clarity that can be provided.</p> <p>25/05/2024: HDC – have reviewed the PINS ExAQs and await the Applicant's response before being able to agree this position. The Applicant has offered to provide a preview of the new commitment wording in order to seek to close out the status of this point for DL5.</p> <p>HDC queried whether the ExA's request in relation to the DCO wording drafting on phasing is being accepted by the Applicant. The Applicant confirmed that it is a mixed response with some conceded but some not being seen as practical requests. Action 19 RE Requirement 22 is of particular interest to HDC.</p> <p>20/06/2024: Based on a review of written responses at deadline 3, the Applicant sees that HDC still has an issue with the accuracy of assessments- on the basis that they disagree with the level of phasing and duration information available ahead of detailed design. The Applicant has provided justification for this REP [REP4-079] however the HDC position has</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
						<p>not moved. The Applicant has changed this from yellow to orange but requests a final expert to expert call to seek if there is any further clarity that can be provided.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with Accurate Assessment of noise and vibration impacts and submitted these to the examination in its Local Impact Report [REP1-044].</p>
HDC08	Noise levels at operational phase	<p><b>Concerns</b></p> <p>Given the low background noise levels in this part of our District, in particular during the night time hours, HDC consider the proposed rated noise levels are too high and are at level where adverse impacts may be expected.</p> <p>Mitigated noise impacts at identified receptors are reliant on specific physical mitigation measures to be adopted at the substation including harmonic filter dampening, dampening and enclosures for transformers etc.</p> <p>Whilst it is understood that such mitigation would be secured where necessary to achieve noise specified noise limits, given the low background noise levels in part of our District, as quantified in the background noise monitoring, and given the impact from low frequency noise, HDC are of the view that the noise impacts have not been fully assessed and that noise levels below the levels as detailed in Commitment C-231 could still result in significant noise impact to residential amenity.</p>	<p>The low background sound levels are acknowledged, although it is understood that HDC would prefer that the Rating levels from such electrical infrastructure is mitigated to as low as level as possible, the assessment in Chapter 21: Noise and vibration, Volume 2 of the ES [APP-062] has to consider many factors in arriving at suitable limits.</p> <p>BS 4142 (BSI, 2019) states "Where the initial estimate of the impact needs to be modified due to the context, take all pertinent factors into consideration, including the following.</p> <p>1) <i>The absolute level of sound. For a given difference between the rating level and the background sound level, the magnitude of the overall impact might be greater for an acoustic environment where the residual sound level is high than for an acoustic environment where the residual sound level is low.</i></p> <p><i>Where background sound levels and rating levels are low, absolute levels might be as, or more, relevant than the margin by which the rating level exceeds the background. This is especially true at night.</i>"</p> <p>Earlier versions of BS4142 did define +5dB as the onset of adverse impact, however the current revision BS4142:2014 +A1:2019 is more nuanced (though it should also be recognised that the earlier versions of the standard (e.g., BS4142:1997) did include low background level</p>	<b>Not agreed – No Material impact</b>	01/07/24	<p>01/07/2024 HDC:</p> <p>The suite of control docs still not employ both approaches to assessment of noise levels at operational phase.</p> <p>Status shifted to Not Agreed- non Material following Expert to Expert discussions 20/02/24 where HDC noted they are not satisfied that the use of NANR45 adequately allowed for vibrational noise to be addressed. HDC clarified that NANR45 is outdated and does not cover low frequency noise. HDC would expect that new government guidance is applied. HDC argued that they would be satisfied if both approaches were employed, and assessment results were the same.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with noise levels at operational phase and submitted these to the examination in its Local Impact Report [REP1-044].</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
		<p><b>Desired Actions</b></p> <p>Given the low frequency noise associated with the proposed substation we are of the view that an assessment in accordance with NANR45 is required in support of this application.</p>	<p>cut-off below which the standard did not apply. The Association of Noise Consultants (ANC) Good Practice Working Group prepared a Technical Note on the use of the BS4142:2009 +A1:2019 (ANC, 2020). The ANC Technical Note (ANC, 2020), although being a discussion as opposed to a prescriptive guide, is considered within the industry to be an <i>authority on how to interpret the technical elements of the standard.</i></p> <p>The Technical Note (ANC, 2020) states “<i>BS 4142 does not indicate how the initial estimate of impact should be adjusted when background and rating levels are low, only that the absolute levels may be more important than the difference between the two values. It is likely that where the background and rating levels are low, the absolute levels might suggest a more acceptable outcome than would otherwise be suggested by the difference between the values. For example, a situation might be considered acceptable where a rating level of 30dB is 10dB above a background sound level of 20dB, i.e., an initial estimate of a significant adverse impact is modified by the low rating and background sound levels. There may be situations where the opposite is true, and it is for the assessor to justify any modifications to the initial estimate of impact. BS 4142 does not define ‘low’ in the context of background sound levels nor rating levels. The note to the Scope of the 1997 version of BS 4142 defined very low background sound levels as being less than about 30 dB LA90, and low rating levels as being less than about 35 dB LAr, Tr. The WG suggest that similar values would not be unreasonable in the context of BS 4142, but that the assessor should make a judgement and justify it where appropriate.</i>”</p> <p>In addition to the above, and as provided in paragraph 21.8.19 of the <b>Chapter 21: Noise and vibration, Volume 2</b> of the ES [APP-062], the WHO Night Noise Guidance for Europe (NNG) (2009) found that below the level of 30dB<sub>L</sub>night,outside, there are no observed</p>			

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			<p>effects on sleep. Furthermore, there is no evidence that biological effects observed at levels below 40dBnight,outside are harmful to health. At levels above 55dBnight,outside, the NNG detailed that adverse health effects occur frequently and there is limited evidence that the cardiovascular system is coming under stress.</p> <p>With regard to low frequency noise (LFN), the ANC (2020) Technical Note states "Sound referred to as low frequency in NANR45 is energy within the 10 – 160 Hz frequency range. The WG [Working Group] considers that BS 4142 does not necessarily exclude such a wide range. It would be reasonable to use BS 4142 down to 50 Hz and possibly lower as part of a tonality assessment, for example."</p> <p>BS 4142 has mechanisms in place that assess the likely impact of LFN. These are via the character correction penalties which penalise any tonal components of the noise – for tones to be identified between 25 Hz to 125 Hz there must be a 15 dB level difference between adjacent one-third-octave bands within this range. This subsequently informs the overall rating level in order to indicate an initial level of impact, depending on the context. It is also worth highlighting that the 50 Hz and 100 Hz components of acoustic energy are the most onerous when assessing operational substation noise, with relatively negligible acoustic energy below 50 Hz.</p> <p>NANR45 is a procedure developed by Salford University to help assist Environmental Health practitioners specifically handle complaints of low frequency noise, and is not a recognised guidance document in the context of assessing industrial noise for planning applications. BS 4142 references this document in the context of investigating specific complaints about LFN where access to the inside of affected properties and rooms is possible – the NANR45 measurement procedure requires measurements to be undertaken inside the</p>			

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p>affected rooms with precision to “within a few centimetres” of where the noise is an issue.</p> <p>Consequently, the Applicant considers BS 4142 to be the most suitable assessment methodology for substation noise and the associated low frequency components.</p>			
<b>HDC09</b>	Appropriateness of applying BS5228-1	<p><b>Concerns</b></p> <p>i) Adoption of the thresholds quoted in Annex E to BS5228-1 as Lowest Observed Adverse Effect Levels and Single Observed Adverse Effect Levels is questioned. BS5228-1 does not reference WHO documents and principally relies on publications regarding protection of site workers from noise.</p> <p>ii) The assessment methodology in Annex E states that other project-specific factors, such as the number of receptors affected and the duration and character of the impact, will also determine if there is a significant effect.</p> <p>iii) It is important to ensure the potential noise impacts for the receptors are fully understood beyond the narrow confines of BS5228-1.</p> <p><b>Desired Actions</b></p> <p>Applicant should illustrate the potential magnitude of the noise impacts by comparing the predicted construction noise levels to the existing ambient noise levels at each receptor location.</p>	<p>HDC refer to paragraph E.5 in Annex E of British Standard 5228 (British Standards Institution (BSI), 2014). However, the criteria within paragraph E.5 in Annex E of British Standard 5228 (BSI, 2014) are specifically related to long term earth moving in a single area, akin to surface extraction works, which does not represent the construction activity as part of the Proposed Development. The Applicant considers that the advice within Annex E paragraph E.2 (BSI, 2014) is more appropriate.</p> <p>Paragraph E.2 states <i>“For projects of significant size such as the construction of a new railway or trunk road, historically, there have been two approaches to determining whether construction noise levels could be significant. The older and more simplistic is based upon exceedance of fixed noise limits...”</i></p> <p>Paragraph E.2 provides an example of the fixed limits approach <i>“Noise from construction and demolition sites should not exceed the level at which conversation in the nearest building would be difficult with the windows shut. The noise can be measured with a simple sound level meter, as we hear it, in A-weighted decibels (dB(A))– see note below. Noise levels, between say 07.00 and 19.00 hours, outside the nearest window of the occupied room closest to the site boundary should not exceed:</i></p> <ul style="list-style-type: none"> <li>70 decibels (dBA) in rural, suburban and urban areas away from main road traffic and industrial noise;</li> <li>75 decibels (dBA) in urban areas near main roads in heavy industrial areas.</li> </ul>	<b>Not Agreed-Material Impact</b>	<b>20/02/24</b>	<p>01/07/2024 HDC:</p> <p>HDC's point is that the adoption of the values in BS5228 annex E ABC thresholds are not sufficiently protective of noise sensitive receptors in rural locations where background noise levels are very low during the day and at night. Significant adverse effects may occur at these locations below the thresholds used in the ABC method and this should be accounted for in the assessment of noise and vibration impacts. The assessment methodology in Annex E states that other project-specific factors, such as the number of receptors affected and the duration and character of the impact, will also determine if there is a significant effect.</p> <p>20/06/2024: Based on a review of written responses at deadline 3 and 4 the Applicant sees that HDC still has an issue with the use of the BS5228 'ABC method' assessments- on the basis that they disagree with the thresholds that have been selected. The Applicant has provided justification for this standard approach across NSIP noise assessments [REP4-079] however the HDC position has not moved. The Applicant has changed this from orange to red but requests a final expert to expert call to seek if there is any further clarity that can be provided.</p> <p>20/02/24: HDC noted concern that guidance used does not address construction noise.</p> <p>The Applicant noted that the use of BS5228-1 is appropriate, and that the WHO guidance</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p><i>These limits are for daytime working outside living rooms and offices. In noise-sensitive situations, for example, near hospitals and educational establishments – and when working outside the normal hours say between 19.00 and 22.00 hours – the allowable noise levels from building sites will be less: such as the reduced values given in the contract specification or as advised by the Environmental Health Officer (a reduction of 10 dB(A) may often be appropriate).</i></p> <p>E.2 goes on to state that “<i>The above principle has been expanded over time to include a suite of noise levels covering the whole day/week period taking into account the varying sensitivities through these periods. Examples are provided in E.3.2 (see Table E.1) and in E.4 (see Table E.2), and the levels shown in Table E.2 are often used as limits above which noise insulation would be provided if the temporal criteria are also exceeded.</i>”</p> <p>As such the approach to construction noise assessment in <b>Chapter 21: Noise and vibration, Volume 2</b> of the ES [PEPD-018] has applied the ABC method (as specified within E.3.2) and is consistent with the method as set out by BS5228 (BSI, 2014) as being appropriate for the assessment of construction noise related to construction projects of significant size. The Applicant considers that the noise assessment uses the correct methodology.</p> <p>The Applicant draws attention to the fact that BS5228 (BSI, 2014) is a statutorily supported approach to assessment of construction noise.</p> <p>Section 71 of the Control of Pollution Act 1974 (CoPA74) provides the Secretary of State the power to prepare and approve codes of practice for the purpose of giving guidance on appropriate methods for minimising noise; including the power to approve such codes of practice issued or proposed to be issued otherwise than by the Secretary of State as in</p>			<p>addresses long term exposure, which is not appropriate for Rampion 2.</p> <p>HDC would like to see a more comprehensive consideration of alternative guidance.</p> <p>The Applicant noted that the ‘ABC method’ is used within multiple sectors in the UK, and is considered appropriate. Whereas BS5228 E.5 is usually only used on quarries and ports and is not considered appropriate.</p> <p>*Status moved to Not Agreed- Non Material*</p> <p>22/05/2024: HDC Comments.</p> <p>The Council has identified outstanding issues with Appropriateness of applying BS5228-1 and submitted these to the examination in its Local Impact Report [REP1-044]</p> <p>As HDC has previously submitted, the issues around the use of BS5228 are that the noise thresholds in the standard do not fully account for loss of amenity and impacts in areas where background noise levels are low. At the core of construction noise guidance is the idea that it is temporary imposition. However, some construction projects have a longer duration and under these circumstances the standard acknowledges that alternative lower limits should be considered. This is going to be particularly important for the Washington compound which will be in operation for 3 three years. It would be more appropriate to consider the compound as an industrial/commercial noise source</p> <p>The point is that the using BS5228 is not wrong but it is being applied it in selective way and not accounting for the extended use of the compounds.</p> <p>Given these concerns HDC is unclear to why HDC08 has been put as non-material and request that at the current time, for the draft SOCG, its current status is classified and colour coded as Not agreed - Material Impact.</p>



Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p>the opinion of the Secretary of State are suitable for the purpose.</p> <p>The Control of Noise (Code of Practice for Construction and Open Sites) (England) Order 2015 approves BS 5228 part 1 (BSI, 2014) as the code of practice for assessing construction noise under s71 of CoPA74.</p> <p>That the standard does not refer to World Health Organisation (WHO) guidelines does not diminish its standing as the primary resource in the UK by which, construction noise significance is established and the mechanisms by which such noise should be controlled.</p>			
<b>HDC10</b>	<b>Concerns</b>		<p>Generally, the receptors assessed in <b>Chapter 21: Noise and vibration, Volume 2</b> of the ES <b>[PEPD-018]</b> are the most exposed to a particular element of the Proposed Development. If properties are considered to be omitted, it is likely that a more sensitive receptor at a similar distance to the Proposed Development has been used as the representative receptor.</p> <p>Although certain receptors are named as being representative, and these will generally be the nearest receptor to an element of the works, all receptors within the Study Area, which is defined within Section 21.4 of <b>Chapter 21: Noise and vibration, Volume 2</b> of the ES <b>[PEPD-018]</b>, have been assessed. Topography is included in the noise models and assessed accordingly.</p> <p>The works excluded from cumulative assessment are those that are of such a short duration that it would not be possible to quantify any such accumulation. However, the works for the Proposed Development are likely to dominate for receptors closest to the line of trenching for the short duration that the works are in the vicinity of that receptor which would not be significant.</p>	<b>Agreed</b>	<b>25/06/24</b>	<p>01/07/2024: This matter has been addressed and can be agreed.</p> <p>20/06/24: The Applicant confirms in relation to the comment below that local topography has been taken into account in relation to both noise and lines of sight. As such, the position has been moved from yellow to green</p> <p>05/06/24: at the SOCG page turn meeting, HDC HDC requested an Explanation of topography in more detail – ref Washington compound – do residents further up the hill have a line of sight to the compound, as they do to the quarry</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with Accurate Assessment of noise and vibration impacts and submitted these to the examination in its Local Impact Report [REP1-044].</p>
	<b>This is a Principal Area of Disagreement identified by Horsham District Council</b>					

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
		<p>these will be of limited duration. Given the uncertainties regarding the potential phasing, duration and impacts of such works this exclusion is not justified.</p> <p><b>Desired Actions</b></p> <p>Applicant to action HDC recommendations and include additional identified receptors into methodology.</p>	<p>The modelling carried out by the Applicant included the local topography, therefore receptors line of sight to noise was modelled in a realistic manner.</p>			

Table 3-4: Status of discussions related to Terrestrial ecology and conservation

Reference Number	Point Of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
HDC11 <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Water Neutrality	<p><b>Concerns</b></p> <p>Likely adverse effect on the integrity of the Arun Valley Sites due to a failure to demonstrate that the development would be Water Neutral.</p> <p><b>Desired Actions</b></p> <p>Revise Water Neutrality Strategy to avoid reliance on off-setting strategic solution to provide sufficient certainty to pass HRA AA.</p>	<p>A meeting was held on 22 May 2024 with Natural England and HDC to discuss water neutrality. On 01 May 2024 HDC stated that they were confident that the following could be agreed between the Applicant, HDC and natural England on the basis that it is consistent with approaches taken on similar projects nearby.</p> <p>On 22 May 2024 HDC outlined that construction water usage could be screened out as the types of indicative volumes (set out in [REP3-051]) would fall well within HDC's headroom capacity for water use. This was because over 1000 homes were being built p/a prior to the neutrality position statement (in 2021) and that has since dropped significantly to around 300 homes p/a. This position removes the need for tankering all construction water in for Rampion 2 within the Sussex North supply zone. In relation to operational and maintenance water usage Horsham District Council agreed that the indicative volumes represented very low usage in the context of other development and could likely be accommodated by an offsetting scheme if access to such a future scheme were available. The Applicant also noted that other options are available should a strategic offsetting scheme not be available. These are documented in Chapter 26 [APP-067], Design and Access Statement [REP3-013] and secured by Requirement 8 [3] in the Draft DCO [REP4-004]. At Deadline 4 DCO Requirement 8 (3) was updated [REP4-004] to address HDC's previous request for amendments</p> <p>At the meeting on 22 May 2024 Natural England commented that on the face of it this seemed like a reasonable and acceptable approach in relation to water</p>	Agreed	13/06/24	<p>01/07/2024: HDC:</p> <p>With the provision of the Updated Requirement 8(3) (DCO Rev E REP4-055) and evidence submitted at deadlines 3 and 4 alongside expert to expert meetings, HDC agrees on this matter.</p> <p>On 13/06/24 HDC commented that the likely outcome was that this matter could now be agreed but that they would confirm their position at the next page turn on 25/06/24. The status of the matter has therefore provisionally been set to agreed.</p> <p>04/06/2024: Further commentary on the position has been provided by the Applicant at Deadline 4 in response to feedback from HDC regarding the baseline assumptions for construction and commentary on SNOWS status.</p> <p>April/May Expert to Expert discussion has taken place including a joint meeting with Natural England with the Applicant's Water Environment and Terrestrial Ecology specialists.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with Water Neutrality and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069].</p> <p>24/06/24 NE confirmed that they had spoken to HDC and that they were happy with HDC's position on the matter.</p>

Reference Number	Point Of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			neutrality. On 24 June 2024 Natural England emailed the Applicant with an update since speaking with Horsham District Council and confirmed that they were happy with that position. This was fully confirmed at a follow up meeting between the Applicant and Natural England on 28 June 2024.			
<b>HDC12</b> <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Mitigation, compensation, and Terrestrial Biodiversity Net Gain at district level	<p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>i) Lack of clarity on the distinction between what constitutes essential mitigation and compensation, and BNG.</li> <li>ii) Biodiversity net gain has not been assessed at the district level. HDC would expect biodiversity net gain to be achieved within the administrative area of Horsham district.</li> </ul> <p><b>Desired Actions</b></p> <p>Applicant to provide clarity.</p> <p>Application to provide biodiversity net gain metric specifically for the area within Horsham District.</p> <p>The maintenance programme will need to align and comply with the requirements of the biodiversity net gain for Nationally Significant Infrastructure Projects, which is expected to come into force in 2025.</p> <p>Regarding Requirement 14 in the draft DCO (Part 3), HDC request that it is amended so that the biodiversity net gain strategy for stages that relate to areas within Arun is also submitted to and approved by HDC.</p>	<p>i) <b>Appendix 22.15 Biodiversity Net Gain Information, Volume 4</b> of the ES [APP-193] identifies a short fall in biodiversity units following the restoration of habitats and the provision of new habitats around the onshore substation and grid connection point. The restoration of habitats is considered mitigation as it is reducing the size of the effect (i.e., the effect becomes largely temporal) whereas the new habitat provision described in the design provides both mitigation (for example for protected species and tree loss) and compensation (e.g., provision of new habitats such as wet woodland). Regardless, the majority of compensation and the delivery of biodiversity net gain are to take place through the purchase of biodiversity units following detailed design. These will be calculated for each phase of the project and be split between the relevant local authorities.</p>	<b>Agreed</b>	<b>26/07/2024</b>	<p>26/07/2024: HDC Comments:</p> <p>A metric subdivided by local planning authority (i.e., Horsham District excluding areas of SDNP) has been provided by the Applicant, which HDC is satisfied with. HDC understands that finalised and detailed metrics will be submitted for review at the specific stages.</p> <p>23/07/2024: Accepted as green based on DL 5 reviews.</p> <p>04/07/24: The Applicant confirms that the BNG Calculation will be issued informally to HDC ahead of Deadline 5.</p> <p>01/07/2024 HDC comments</p> <p>Subject to preview of new BNG calculation, this matter can be agreed.</p> <p>25/06/24: Applicant to share preview of new BNG calculation – based on HDC review of this, it is likely to go from yellow to green.</p> <p>20/06/24: Applicant outlined how Appendix 22.15 was being updated ahead of Deadline 5 to address stakeholder comments.</p> <p>05/06/24: HDC clarified that Re-calculation needed subtracting the National Park from the figures. Applicant agreed to complete this.</p> <p>The Applicant explained that separation of compensation from BNG is not possible – HDC understood and acknowledged that from the meeting but want to discuss</p>

Reference Number	Point Of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p>ii) Detailed calculation of losses and details of the gains to be made will come forward on a phase-by-phase basis at the detailed design stage. At this juncture calculations will show losses and gains in individual districts, including Horsham DC, enabling an understanding of how local delivery may be achieved. Appendix 22.15: Biodiversity Gain Information, Volume 4 of the ES <b>[REP3-019]</b> demonstrates losses based on a realistic worst case to demonstrate that the scale of the overall reduction in biodiversity value can be compensated for and a net gain achieved.</p> <p>Biodiversity Net Gain will be delivered in line with Government guidance as published on 29<sup>th</sup> November 2023 (and reflect any changes to this to be published in January 2024). This includes provision of information on how biodiversity units will be secured, managed and monitored in the long term.</p> <p>Section 5.3 describes how biodiversity units will be sourced, and the prioritisation of local delivery. On current understanding, it is likely that all required biodiversity units could be delivered within 2km of the proposed Order Fplimits. Local delivery is incentivised through the metric, so there is no need for this to be secured further.</p> <p>For HDC no irreplaceable habitats are to be lost and all protected species</p>			<p>whether Wilder Horsham units could be treated as compensation. The request would be to be similar to the manner that onsite compensation is treated within BNG.</p> <p>Consider S-106 route for funding this mitigation- but enable it to account towards compensation. BNG is not yet a legal requirement- therefore requesting considering it as a bespoke solution for HDC.</p> <p>04/06/2024: The Applicant submitted a breakdown of BNG calculations at District Level at deadline 3 and awaits HDCs feedback on the basis of this.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with Net Gain at district level and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069].</p>

Reference Number	Point Of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p>mitigation that is necessary is either covered by a separate district level licence (for great crested newts) or qualifies for inclusion within the standard calculation (e.g., for dormouse).</p> <p>Requirement 14 of the <b>draft Development Consent Order (DCO) [REP4-004]</b> seeks approval of the BNG strategy from West Sussex County Council and South Downs National Park Authority. It is unclear whether HDC are suggesting that this should be a district council function.</p> <p>A section 106 agreement has been provided to HDC at Deadline 4. It is the applicant's position that the compensation fund secured by the agreement fully compensates for the residual effects of the Proposed Development in Horsham District</p>			
<b>HDC13</b> <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Feasibility of habitat creation at Oakendene substation site	<p><b>Concerns</b></p> <p>i) Unclear if SUDs (to receive the additional run-off from the substation) designed for dual purpose to secure delivery of wet woodland (i.e., root penetration and impact on storage capacity, basin depth, slopes/gradients (cross-section) and tree pits, species tolerance of fluctuations of wetter/drier conditions (e.g., willows and alder).</p> <p>ii) Ensure scrub connectivity is not disrupted by the scattered tree planting and wet woodland skirting the western side of the substation as these are</p>	<p>Detailed design of sustainable drainage systems (SUDs) will be finalised in line with the final layout / scale of the onshore substation at detailed design. However, compatibility between woodland and SUDs is feasible and the concept is to utilise the run-off from the substation for the support of the wet woodland habitat. The outline design presents the creation of basins and a swale along the southern perimeter of the substation where wetter ground conditions would be expected.</p> <p>The Applicant notes that the types of woodland habitats being considered such as alder, birch or willow are tolerant of a wide range of antecedent wetness conditions and is confident that they can be delivered at this location.</p>	<b>Agreed</b>	<b>28/07/24</b>	<p>28-07-2024: HDC Comments</p> <p>HDC agree it is available to the Applicant to defer feasibility to the detailed design stage. It recognises the final SUDs design is dependent upon knowing site requirements that will not be finalised until a later stage. The DAS doc now obliges regard to be had to the iwork done on this already (drainage strategy) HDC accepts that the Applicant has made all the necessary amendments that can be done at this time.</p> <p>26/07/2024: HDC comments</p> <p>HDC acknowledge the Applicant's response to HDC Deadline 4 submissions, with regards to feasibility of wet woodland and the landscape/drainage plans at Oakendene substation. HDC agree with the ExA proposal of schedule changes to the dDCO that this information should be consolidated in a site-specific plan for Oakendene and</p>

Reference Number	Point Of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
	iii)	<p>suboptimal habitats for hazel dormouse.</p> <p>Feasibility of habitat creation is important to understand at application stage, to deliver necessary mitigation and BNG. Potential for additional planting to south of Substation site outside of DCO limits as BNP.</p> <p><b>Desired Actions</b></p> <p>Applicant to evidence detail of a SUDS strategy that is compatible with delivery of wet woodland.</p> <p>Applicant to evidence the scrub habitat will be running continuously along the western side, to ensure mitigation is robust</p>	<p>Further information will be presented at detailed design regarding the appropriate mix of trees based on the amount and frequency of water likely present. The worst case is scenario that the areas become 'broadleaved woodland' as opposed to 'wet woodland'.</p> <p>An acknowledgment of this has been added in paragraphs 2.4.19 to 2.4.21 in an updated version of the <b>Outline Operational Drainage Plan [REP4-041]</b> (updated at Deadline 5), and the detailed rationale for deferring it until detailed design is provided in the Applicant's Response to Deadline 4 Submission to HDC (provided at Deadline 5) (references 2.1.3 and 2.1.26).</p> <p>The final layout of habitats will alter at detailed design as the footprint of the onshore substation currently shown in <b>Appendix D Oakendene onshore substation – Indicative Landscape Plan</b> of the <b>Design and Access Statement [REP3-013]</b> is the maximum design concept so it is expected to reduce in size. It is also noted that the habitats lost to the onshore substation are also sub-optimal for dormouse and are most likely to be used for commuting as opposed to nesting. Therefore, connectivity is being maintained, but will be focused on in greater detail as a European Protected Species licence is applied for.</p> <p>Approaches to potential planting outside of the DCO limits is covered in the Appendix 22.15: Biodiversity Gain Information, Volume 4 of the ES <b>[REP3-019]</b>.</p> <p>The indicative landscape plan shown in <b>Appendix D Oakendene onshore substation – Indicative Landscape</b></p>			<p>approved by local planning authorities, and that Requirement 8 is amended to reflect this.</p> <p>23/07/2024: Agreed based on review of final LEMP issued at DL5.</p> <p>01/07/2024: HDC comments</p> <p>HDC is not seeking to accurately design the detail of the SUDS and the planting plans at this stage. What it is seeking is for it to be convincingly demonstrated the two outcomes can be mutually delivered.</p> <p>On efforts so far to evidence this, the Applicant has provided more detail on the SUDS, such as indicative basin cross sections and cross section alignments.</p> <p>However, this evidence has been presented as an appendix A supporting information for FR1.2 (diagrams and calculations) in the Applicant's responses to ExA first written questions Rev A [REP3-051]. It has not been incorporated into any control suite document, including the Flood Risk Assessment REV B [REP4-040] and Design and Access Statement Rev B [REP3-14], to inform the framework for final design of the Oakendene substation site, and therefore outside of means of influencing delivery of this outcome (via Requirement and commitments).</p> <p>It is noted, the value of consolidating this detail in a site specific plan for Oakendene, to secure this outcome, has been advocated by the ExA in its proposed changes to the DCO order.</p> <p>HDC request that as a minimum the DAS at least make reference to those cross sections already submitted as evidence, as one possible way to deliver the SUDS.</p> <p>26/06/24: HDC keen to understand if the Applicant will deliver the site specific plan for Oakendene – bringing together the design of</p>

Reference Number	Point Of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p><b>Plan of the Design and Access Statement [REP3-013]</b> shows that there will be a continuous band of suitable vegetation (including retained and new habitats) for dormouse and bats along the length of the western boundary of the substation location. It is noted that at the detailed design stage habitat connectivity, structure and type will be revisited.</p>			<p>the drainage to the design of the SUDs- to ensure that everything is aligned via a cross section. The Applicant confirmed once more that request for such detailed design is untimely. It is not possible to accurately design the detail of the SUDs and the planting plans. The plans are stated as outline. The proposal for woodland planting can be removed, but this would seem like an undesirable outcome for all. HDC confirmed they agree that keeping outline woodland planting in is a better outcome.</p> <p>20.06.2024 Agreed based on expert to expert discussions</p> <p>Either wetland woodland or broad leaf woodland.</p> <p>04/06/2024: The Applicant submitted an updated version of the LEMP and outline landscaping plan for Oakendene at DL 3 and has responded regarding written responses querying wet woodland planting. The revised outline landscaping plan has added further planting to ensure a continuous scrub belt is achieved down the western edge as requested. The matter was also discussed at an expert to expert meeting regarding Oakendene substation flood risk mitigation. The Applicant awaits HDCs feedback on the basis of the dialogue.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with feasibility of habitat creation at Oakendene substation site and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069].</p>



Reference Number	Point Of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
HDC14 <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	External Lighting	<p><b>Concerns</b></p> <p>Permanent light fittings proposed for the substation will only be used when required for unscheduled maintenance and emergency repair purposes.</p> <p><b>Desired Actions</b></p> <p>Applicant to add as standalone commitment/requirement</p>	<p>Paragraph 2.5.5 in the <b>Design and Access Statement (DAS) [REP3-013]</b> states that under normal operating conditions illumination at night at the Oakendene onshore substation and existing National Grid Bolney substation extension is not required, and that lighting will be used only when required for maintenance outages or emergency repairs occurring at night.</p> <p>The control of artificial light emissions during operational phase is secured through Requirements 30 and 31 in the <b>draft Development Consent Order (DCO) [REP4-004]</b> which requires an operational light emissions management plan (to be developed in accordance with the <b>DAS [REP3-013]</b>) to be submitted to and approved by the relevant planning authority.</p>	<b>Agreed</b>	<b>11/06/2023</b>	<p>01/07/2024 The draft DCO [REP4-004] provides sufficient control on this matter, and this can be agreed.</p> <p>22/05/2024: HDC Comments. This point can be agreed.</p>

Table 3-5: Status of discussions related to Socio-economics

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
HDC15 <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Outline Skills and Employment Strategy (OSES)	<p><b>Concerns</b></p> <p>Lack of information on Implementation Plan, performance, measures targets, funding, and financial management, monitoring, and reporting. Implementation plan is not identified.</p> <p><b>Desired Actions</b></p> <p>Applicant to provide more detail on performance, financial management, monitoring and reporting systems will be set out in detail in the Implementation Plan.</p>	<p>The <b>OSES [PEPD-037]</b> has been updated and is provided to the examination at the pre-examination deadline. Local stakeholders were involved in this revision.</p> <p>The draft Development Consent Order Requirement 33 was updated at Deadline 4 to provide local authority approval of the Skills and Employment Strategy and updated again at Deadline 5 to require that this is before commencement of the authorised development.</p>	<b>Agreed</b>	<b>12/07/24</b>	<p>12/7/24 Draft DCO updated at Deadline 5 that the SES be approved before works commence, as requested by HDC.</p> <p>01/07/2024: HDC comments</p> <p>Subject to amendment to Requirement 33 in the draft DCO (REP4-005) to re-instate that the OSES be implemented before the construction of offshore works (as this phase of the scheme offers substantive skills and employment opportunities), this matter can be agreed.</p> <p>Deadline 4 submission for HDC to consider and confirm their agreement.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with the wording of the Requirement relation to secure the OSES and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069].</p>
HDC16 <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Alignment with local needs	<p><b>Concerns</b></p> <p>Lack of detail/clarity around how the OSES (Skills and Employment Strategy) will deliver benefits to Horsham District residents and businesses. HDC is not listed as a consultee.</p> <p><b>Desired Actions</b></p> <p>HDC to be listed as a consultee. Applicant, as part of the OSES should provide more detail on potential tailored initiatives that would specifically align with and support Horsham District residents and businesses. The strategy should ensure that the economic benefits are delivered to Horsham District.</p>	HDC are now included as a consultee on the <b>OSES [PEPD-037]</b>	<b>Agreed</b>	<b>16/01/2024</b>	<p>01/07/2024: HDC</p> <p>As a consultee, HDC will have opportunity to influence the content of the OSES at discharge stage in order to address alignment with local needs, and this can be agreed.</p> <p>22/05/2024: HDC Comments.</p> <p>This point can be agreed.</p>

<p>HDC17</p> <p><b>This is a Principal Area of Disagreement identified by Horsham District Council</b></p>	<p>Community Benefits Package</p>	<p><b>Concerns</b></p> <p>HDC is of the view that the district will not significantly benefit from the Project, rather the district will experience disruption and significant adverse effects.</p> <p><b>Desired Actions</b></p> <p>Applicant to align community benefits package with mitigations</p>	<p>Benefits of the project include the generation of renewable energy and a corresponding reduction in carbon emissions. The <b>Planning Statement [APP-036]</b> demonstrates that the benefits of the proposed development outweigh the harms.</p> <p>A Community Benefits Package will be consulted upon locally in 2024. This is not part of the Development Consent Order (DCO) Application submission, nor should it be secured within it, as such packages cannot be considered within the planning assessment.</p>	<p><b>Agreed</b></p>	<p><b>01/07/24</b></p>	<p>01/07/24: HDC</p> <p>HDC concedes that the community benefits package will be delivered outside of DCO process, and this can be agreed.</p> <p>22/05/2024: HDC Comments.</p> <p>This point can be agreed.</p>
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Table 3-6: Status of discussions related to Landscape and Visual Impact Assessment (LVIA)

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
HDC18 <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Outline Landscape and Ecology Management Plan (LEMP)	<p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>i) Delivery of advanced and existing hedgerow management arrangements actioned from the outset (see detailed comments within HDC Relevant Representation).</li> <li>ii) Currently no commitment made to 'advanced planting' within the schedule or reference made within the DCO.</li> <li>iii) Commitment to action some of the mitigation measures as early as possible should also be secured.</li> </ul> <p><b>Desired Actions</b></p> <p>Applicant to amend/clarify triggers of Commitment-199 to ensure all new planting established within 10 years of completion and managed and maintained for a further 10 years post planting.</p>	<p>The Indicative Landscape Plan (ILP) for the Oakendene onshore substation and its design principles are set out in the <b>Design and Access Statement (DAS) [REP3-013]</b> and further expanded on in the <b>Outline Landscape and Ecology Management Plan (LEMP) [REP4-047]</b>. This includes indicative areas of advance planting on the ILP and design principles committing to maximising opportunities for advanced planting. Further information on advanced planting is provided in paragraph 2.6.4 of the <b>Outline LEMP [REP4-047]</b>. The LEMP is secured through Requirements 12-13 of the <b>draft Development Consent Order [REP4-004]</b>.</p> <p>The Applicant clarifies that appropriate monitoring, maintenance and management will be undertaken for 10 years post-planting as per C-199. This is in the Outline LEMP <b>[REP3-013]</b> in Section 5 and is secured in the draft DCO <b>[REP4-004]</b> in requirement 12 and 13.</p> <p>The ILP and indicative planting phasing plan contained in the <b>Design and Access Statement (DAS) [REP3-013]</b> and <b>Outline LEMP [REP4-047]</b> is secured through Requirements 8 and 12-13 respectively of the <b>draft Development Consent Order [REP4-004]</b>. The ILP and phasing plan detail all areas of advance planting at Oakendene and confirm when this would be undertaken.</p> <p>In addition, a new commitment (C-301) confirms detailed landscape plans will be provided for vegetation reinstatement for all areas affected by the onshore</p>	Agreed	28/07/2024	<p>28/07/2024: HDC comment that HDC has reviewed the OLEMP Rev D issued at Deadline 5. It is considered that the Requirements and Commitments and allied suite of outline control documents including the OLEMP REV D at Deadline 5 are now, as an overall package, sufficient to provide for i) delivery of advanced and existing hedgerow management arrangements, ii) 'advanced' planting', and for iii) mitigation measures as early as possible are secured. This matter can now be agreed.</p> <p>28/06/24: HDC commented that they await to review the Applicant's response to the issue raised on Exa's question doc about planting the other side of the perimeter fence post deadline 5.</p> <p>25/06/24: HDC have reviewed the OLEMP and COCP issued by the Applicant at DL4. In relation to operational accesses it was clarified that existing accesses would be used as existing, with no changes to its formation such as widening and vegetation loss and therefore no advance planting would be necessary. Existing accesses are used for operational access in general. HDC accepted this was a rational position – if there is no change then no advance planting would be needed. However, should this change at any stage of the project, and works are required, HDC would seek for mitigation/advance planting where appropriate</p> <p>The Applicant will confirm position on (ii) in Applicant's Position column for clarity.</p> <p>24/06/24: EtoE Meeting has been set up for 25/06/24 to confirm position.</p> <p>The Applicant awaits HDCs feedback and will amend Commitment-199 in the <b>Code of Construction Practice</b> to match the <b>Commitment Register</b> (updated Deadline 4) <b>[REP4-058]</b>:</p> <p>In addition, new commitment confirms detailed landscape plans will be provided for vegetation reinstatement for all areas affected by the onshore elements of the Proposed Development as part of stage specific LEMP.</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			elements of the Proposed Development as part of stage specific LEMP.			<p>It is suggested this should now be agreed on this basis – moving from yellow to green.</p> <p>04/06/2024: The Applicant submitted an updated version of the LEMP and outline landscaping plan for Oakendene at DL 3 The Applicant awaits HDCs feedback on the basis of this.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with the LEMP and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069].</p>
HDC19	Advanced Planting	<p><b>Concerns</b></p> <p>i) LEMP should identify clear triggers for monitoring and must include a programme schedule for each phase if it is agreed the 10-year maintenance is to be considered from completion of each phase or clarification otherwise.</p> <p>ii) Submission of planting plans for all aspects of work must be secured and must include proposed new planting and reinstatement works.</p> <p><b>Desired Actions</b></p> <p>Applicant to amend draft DCO to provide clarification to the provision of landscaping within the part 3 requirements (detailed in HDC Relevant Representation).</p>	<p>i) <b>Agreed</b> – please see response to HDC22 above. The <b>Outline Landscape and Ecology Management Plan (LEMP) [REP-4-047]</b> outlines monitoring and maintenance on pages 15-16 and in Section 5. Programmes, plans, schedules will be required to administer this process.</p> <p>ii) <b>Agreed</b> - please see response to HDC22 above. Commitment C-301 in the <b>Commitments Register [REP4-057]</b>, sets out that Stage specific LEMP's will be developed and approved with the relevant planning authority and Natural England (this will include planting plans / planting schedules / specification).</p> <p>iii) The <b>Outline LEMP [REP4-047]</b> and <b>Commitments Register [REP4-057]</b> are secured through Requirements 8 and 12-13 respectively of the <b>draft Development Consent Order [REP4-004]</b>.</p>	<b>Agreed</b>	<b>28/07/2024</b>	<p>28/07/2024</p> <p>HDC has reviewed OLEMP REV D [REP5-073] issued at Deadline 5.</p> <p>HDC acknowledges the changes to this important outline control document. HDC has a single comment to make, as it is noted that HDC's requirement at Deadline 5 [REP5-150] to amend wording to the Indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 appended to this document has not been actioned by the Applicant in the Rev D OLEMP.</p> <p>HDC Recommended wording as follows:</p> <p>'First available planting season prior to the erection of perimeter fencing'. It is also recommended that the key includes the following wording: Temporary close board fence to have access points suitable for maintenance of the landscaped areas.</p> <p>It would be desirable if this change were action before Deadline 6 but HDC acknowledges that the Applicant is now aware of this change, so could be a matter that could be addressed at later detailed design stage.</p> <p>25/06/24: Confirmed as agreed.</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
						<p>24/06/24: EtoE Meeting has been set up for 25/06/24 to confirm position.</p> <p>The Applicant awaits HDCs feedback - it is suggested this should now be agreed.</p> <p>04/06/2024: The Applicant submitted an updated version of the LEMP and outline landscaping plan for Oakendene at DL 3 This added in further detail on maintenance and remedial action and adaptive management. The Applicant awaits HDCs feedback on the basis of this.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with Advanced Planting and submitted these to the examination in its Local Impact Report [REP1-044].</p>
HDC 20a	Construction Compound design detail missing (Oakendene West and substation compound)	In relation to outstanding concerns associated with the construction compound layouts at Oakendene West and Washington, HDC continues to support the ExA's revised amendments to the wording of Requirement 8, register some concern with applicant's removal of clause (b) of Requirement 22 if changes to Requirement 8 are not accepted. HDC regrets that the EXA's new requirement 41 (deadline 5) related to site specific plans for the detailed design approval of construction compounds at Washington, have not been accepted by the Applicant and urges the ExA to consider if without, the DCO is sufficiently tightened to secure and clearly deliver these details.	<p>The Applicant has responded to the ExA's further suggested amendments to Requirement 8 (see [PD-017] in the <a href="#">Applicant's Response to the ExA's Request for Further Information</a> (Document Reference; 8.99).</p> <p>The Applicant's position regarding the site specific plans for detailed design of main construction compounds remains as per the <a href="#">Applicant's Comments on Examining Authority's Schedule of Changes to the draft DCO [REP5-121]</a>. The Applicant added the description of activities (within the envelope of assessment) at the compounds to the <a href="#">Outline Code of Construction Practice [REP5-064]</a> at 4.3.5 and notes the stage specific CoCP shall confirm the layout.</p> <p>The Applicant also notes that Requirement 40 Vegetation Retention and Removal was added to the draft DCO in place of of 22 (b) following the ExA's request for a separate</p>	<b>Not agreed – No material impact</b>	<b>28/07/24</b>	Not agreed – based on the position statements noted.

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			requirement on this matter. The removal of 22 (b) was to avoid duplication.			
HDC20b <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Construction Compound design detail missing (Oakendene West and substation compound)	<p><b>Concerns</b></p> <p>LVIA assessment related - concerns regarding the substantial size of the compounds and limited detail to their use and length of time in operational use.</p> <p><b>Desired Actions</b></p> <p>Applicant to provide further detail of compounds, including justification to size and length of operational use is sought.</p> <p>A description (comparable detail to other work no. descriptions) of its use is sought in the draft DCO or another document where there is commitment to comply with the description.</p>	<p>The outline of the requirement and description of uses for the construction compounds is given in the <b>Statement of Reasons [APP-021]</b> (Paragraph 6.10.5). Relevant commitments, as set out in the <b>Commitments Register [REP4-057]</b>, regarding effects of construction compounds during and after construction are: C-27 (Reinstatement), C-129 (Aggregate for Surface Protection), C-196 (Landscape Re-instatement), C-204 (BS5837, tree protection), C-282 and C-285 (Arboricultural Method Statement).</p> <p>The LVIA has been based on a maximum envelope for construction development within the construction compounds (<b>Figure 18.2c, Volume 3</b> of the ES <b>[APP-098]</b>). The Applicant acknowledges that significant landscape and visual effects associated with the presence of the compound on the local landscape character and views from the A272, PRow and residential properties.</p> <p>The <b>Outline Code of Construction Practice (OCoCP) [REP4-043]</b> has been amended at Deadline 3 to provide further information on screening (paragraph 4.3.5) and layout (paragraph 4.4.4). The LVIA has been updated for Deadlines 4 and 5 to account of the OCoCP and Construction Access A-62 and visibility splays as per - Deadline 3 Submission - 8.61 Technical Note Construction Access Update Assessment <b>[REP3 – 055]</b>.</p> <p>ES Chapter 4 will be updated at the end of the Examination process to reflect changes.</p>	<b>Agreed</b>	<b>28/07/24</b>	<p>30/07/2024 Applicant's comments:</p> <p>The Applicant welcomes HDC's comments on the LVIA – that it provides a “good understanding of the expected landscape and visual impacts”.</p> <p>The Applicant notes the concerns on Requirement 8 and welcomes HDC's confirmation that any differences in professional opinion related to the LVIA do not relate to Significant effects. Because LVIA involves subjective assessment it is not unusual for professional assessors to have a difference of opinion (although it should be noted there is agreement on significant effects).</p> <p>28/07/2024: HDC Comments</p> <p>The matter regarding Requirement 8 (as set out under HDC20a) is considered in the context of the LVIA findings at Deadline 5, to which whilst some differences in judgements between HDC and the Applicant remains with the rankings and some of the conclusion, the discrepancies in judgement are not considered to raise the effects of the identified receptors to a Significant Landscape or Visual Effect and therefore, whilst this matter continues to be a disagreement it is of not of material impact on the assessment conclusions of the LVIA.</p> <p>The amendments to the LVIA at Deadline 5 now provides a clearer rational and overall provides a good understanding of the expected landscape and visual impacts.</p> <p>.</p> <p>23/07/2024: Agreed based on consideration of Applicant's position, to be confirmed.</p> <p>4/7/24: The Applicant does not consider that the suggested changes to Requirement 8 or the additional Requirement 41 are necessary, as the contents are secured by other overarching requirements. While suggested wording for these has been provided to the examination on a 'without</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
						<p>prejudice' basis, the Applicant does not support such changes.</p> <p>25/06/24: HDC need to check on materials submitted at DL 4 in order to agree fully. The ExA request for a site specific plan for Washington and Oakendene construction compounds – is being considered by the Applicant. If the Applicant provides this to the satisfaction of HDC, it would go to green. If this is not provided, the status will remain yellow.</p> <p>24/06/24: EtoE Meeting has been set up for 25/06/24 to confirm position.</p> <p>The Applicant awaits HDCs feedback - it is suggested this should now be agreed.</p> <p>The <b>Outline Code of Construction Practice (OCoCP) [REP4-043]</b> has been amended at Deadline 3 to provide further information on screening (paragraph 4.3.5) and layout (paragraph 4.4.4). The LVIA has been updated for Deadlines 4 and 5 to account of the OCoCP and Construction Access A-62 and visibility splays as per - Deadline 3 Submission - 8.61 Technical Note Construction Access Update Assessment <b>[REP3 – 055]</b>.</p> <p>ES Chapter 4 will be updated at the end of the Examination process to reflect changes.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with Construction compound design and submitted these to the examination in its Local Impact Report [REP1-044].</p>
HDC21	Operational phase of Oakendene Substation site Commitment C-68 amendment request	<b>Concerns</b> Landscape and visual impact assessment recognises significant impacts at operational stage around the Oakendene substation.	The Applicant proposes to amend Commitment C-68 of the <b>Commitments Register [REP4-057]</b> as follows, subject to agreement with HDC:  <i>"The final form of the onshore substation will be finished to a high standard of design, using quality materials and</i>	<b>Agreed</b>	<b>25/06/24</b>	01/07/2024 HDC comments:  Commitment 68 [REP4-58] is acceptable, and this can be agreed.  24/06/06: The Applicant has made the changes that HDC have requested. HDC has had site of



Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
by Horsham District Council		<p>Identified effects are assessed as softening and reducing in significance, based on design landscape principles and parameters proposed for the Oakendene substation presented in the documents, included DAS (including, amongst others, indicative developable area, site layout, building scale and form, heights (including concrete base) and materials palette), and as proposed mitigation measures (planting) matures. The LVIA conclusions are also based on the inclusion of these measures.</p> <p><b>Desired Actions</b></p> <p>Applicant to amend Commitment 68 to take account of WSCC's land management guidelines and local character areas guidelines and characteristics within the J3 Cowfold and Shermanbury Farmlands, of the Horsham District Character assessment.</p>	<p><i>integrated into the surrounding environment through the adoption of a robust, sustainable landscape planting strategy, taking account of the West Sussex Landscape Land Management Guidelines, Landscape Character Assessment of West Sussex (West Sussex Council, 2003), notably the <u>Strategy for the West Sussex Landscape, page 32 and local character areas guidelines and characteristics within the Low Weald LW10 Eastern Low Weald which includes the local LCA J3 Cowfold and Shermanbury Farmlands, of the Horsham District Character assessment (Chris Blandford Associates, Horsham District Council, 2003). A detailed landscape plan will be developed to mitigate landscape and visual effects and where possible, protect landscape character, key characteristics and elements, and enhance landscape quality through use of sustainable landscape design techniques. The detailed landscape plan will be developed in accordance with the further principles and indicative landscape design included in the Design and Access Statement.</u></i></p>			<p>these and supports moving this from yellow to green.</p> <p>24: EtoE Meeting has been set up for 25/06/24 to confirm position.</p> <p>- it is suggested this should now be agreed.</p> <p>04/06/2024: Applicant seeks views on rewording of C-68 (new text underlined)</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with commitment C-68 and submitted these to the examination in its Local Impact Report [REP1-044].</p>
HDC22	Operational phase of Oakendene Substation - DCO amendment request	Applicant to amend and refine draft DCO 8(1) (a) – (f) for onshore substation for more precise parameters to be fixed, to reflect the indicative site plan and building shown within DAS.	The maximum parameters for the onshore substation are secured in the draft DCO [APP-019] in requirement 8 (3) (a) – (e). An indicative layout and landscape design has been provided in the Design and Access Statement [REP3-013]. The provision of the detailed design for approval of Horsham District Council is secured by 8 (1) (a) – (f) (including layout). This will be accompanied by a detailed landscape design which shall be in accordance with the design principles as per requirement 12 (3).	Agreed	31/07/24	<p>31/07/2024: The matter of disagreement concerning the residual impacts at Year 10 for Kent Street, identified by HDC at 28<sup>th</sup> July 2024 below has been resolved through an increased compensation offer to Horsham District in the form of the S106 Agreement. The matter was that HDC does not agree with the assessment range in the LVIA to be Minor/Negligible at Year 10 for Transport Routes Kent Street. In HDC's view this should be Moderate/Minor.</p> <p>30/07/2024: Applicant has provided corresponding responses on HDC's comments dated 28<sup>th</sup> July in the Applicant's Position statement.</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p>The Applicants position on Requirement 8 is confirmed at deadline 6 as follows: The Applicant has responded to the ExA's further suggested amendments to Requirement 8 (see [PD-017] in the <b>Applicant's Response to the ExA's Request for Further Information</b> (Document Reference; 8.99).</p> <p>In relation to HDC's comments 28<sup>th</sup> July the Applicant's position is as follows:</p> <ol style="list-style-type: none"> <li>1. The Applicant welcomes HDC's acknowledgement of the LVIA revisions in relation to Kent Street (significant effects during construction and Years 1-5).</li> <li>2. -. - The LVIA identifies significant operational effects on J3: Cowfold &amp; Shermanbury Farmlands and associated trees / treelines, where the substation is located during operation (Years1-10) assessed as Major / Moderate to Moderate. - LVIA is clear that there will be significant adverse effects on Kent Street during construction and up to Year 5 operation - but that with reinstatement of accesses / passing places and the growth / management of replacement planting the wooded and rural character will reinstate.</li> <li>3. Vegetation removal along Kent Street to allow for construction access and within the footprint of the Oakendene substation is set out in the Outline Vegetation Retention and Removal Plan [REP5-125]. The Indicative Landscape Plan shows the sequence of replanting as set out in the Outline LEMP at Deadline 5. All of this in addition to information on traffic</li> </ol>			<p>The Applicant however, welcomes HDC's confirmation that any differences in professional opinion related to the LVIA do not relate to Significant effects. Because LVIA involves subjective assessment it is not unusual for professional assessors to have a difference of opinion (although it should be noted there is agreement on significant effects). -</p> <p>28/07/2024: HDC comments</p> <p>HDC has reviewed the updated suite of outline control docs, and LVIA issued at Deadline 5. Inconsistencies across the suite of outline control documents have already been identified.</p> <ol style="list-style-type: none"> <li>1. In regard to the LVIA, HDC welcomes the recognition that receptors along Kent Street and residual visual effects, are higher than originally anticipated and now moved to the Significant ranking during construction, Year 1 and Year 5.</li> <li>2. Although the mitigation measures will help integrate the substation, this remains an uncharacteristic feature within the character area and at most it will be a residual Minor Effect. Equally, HDC considers that the loss of the tree line and woods within the area are likely to remain a residual Moderate effect. Or that as result of the temporary loss of vegetation during construction works, the wooded, rural character of Kent Street will be adversely impacted but in time the features will be reinstated.</li> <li>3. HDC does not find the information submitted under the Vegetation Retention and Removal Plan [REP5-125] provides the level of details that is helpful to understand the extent of vegetation removal and reinstatement to be carried out, particularly at site scale in the vicinity of Kent Street and the Oakendene substation. This includes timing sequence of vegetation removal, retention and replanting on Kent Street, despite request for amendment to this in the</li> </ol>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p>management, construction accesses and visibility splays (Outline Construction Traffic Management Plan Rev F [REP5-069]) has informed the LVIA.</p> <p>4. In relation to Indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 please note the Applicant's previous response to HDC D5 submissions "<i>The Applicant notes the comments from Horsham District Council regarding the timing of erecting perimeter fencing and planting, but that the level of detail at this stage is appropriate for the DCO Application. Matters such as sequencing and maintenance will be addressed in detail in the stage specific LEMP with specialist contractors on board.</i></p> <p>HDC is advised that the Outline and detailed stage specific Vegetation Retention and Removal Plan is secured new Requirement 40 – hence the removal of clause (b).</p> <p>The Applicant therefore does not agree with HDC comments 28<sup>th</sup> July. The Applicant however, welcomes HDC's confirmation that any differences in professional opinion related to the LVIA do not relate to Significant effects. Because LVIA involves subjective assessment it is not unusual for professional assessors to have a difference of opinion (although it should be noted there is agreement on significant effects). Therefore, the conclusion should be (as per HDC 23) "<i>this is not pursued further.</i>" and Status changed to 'Green' and 'Agreed'.</p>			<p>Design and Access Statement and OLEMP at deadline 5 [REP5-150].</p> <p>As previously raised at Deadline 5 [REP5-150], there is no drawing 62280651-WSP-XX-XX-DR-TP0100-0139 as stated at para 3.4.4 (A272/Kent Street – Accesses A61 and A64)) in the Outline Construction Traffic Management Plan Rev F [REP5-069].</p> <p>4. For the DAS, HDC's requirement at Deadline 5 to amend wording to the Indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 appended to this document has not been actioned. Recommended wording as follows:</p> <p>'First available planting season prior to the erection of perimeter fencing'. It is also recommended that the key includes the following wording: Temporary close board fence to have access points suitable for maintenance of the landscaped areas.</p> <p>Please also note HDC's requirement at Deadline 5 to amend wording to the Indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 appended to this document. Recommended wording as follows:</p> <p>'First available planting season prior to the erection of perimeter fencing'. It is also recommended that the key includes the following wording: Temporary close board fence to have access points suitable for maintenance of the landscaped areas.</p> <p>In relation to these outstanding concerns associated with the Oakendene Substation layout and mitigation strategy, given the inconsistencies that continue to found between across the control doc suite, HDC supports and welcomes the ExA's revised amendments to the wording of Requirement 8, to secure a holistic site specific plan that ensures details of vegetation removal, retention and replanting within Work Nos. 16 and 18 and along Kent Street at construction accesses A61 and A64, which shall be consistent with the Outline Vegetation Retention and Removal Plan secured under requirement 40 and the Outline</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p>The Applicant notes that paragraph 3.4.4 in Appendix D Technical Note – Construction Accesses A-26, A-28, A-61 and A-64 Traffic Management Strategies of the <b>Outline Construction Traffic Management Plan [REP5-069]</b> has been updated at Deadline 6 to refer to the correct figure references <i>Drawing 62280651-WSP-XX-XX-DR-TP-0100-015 to 019</i> which show designs for A-61 and A-64 on Kent Street and were included at the Deadline 3 submission</p>			<p>Landscape and Ecology Management Plan secured under requirement 12.</p> <p>HDC also registers some concern with applicant's removal of clause (b) of Requirement 22 if changes to Requirement 8 are not accepted. HDC regrets that the ExA's requirement 8 (deadline 5), have not been accepted by the Applicant and urges the ExA to consider if without, the DCO is sufficiently tightened to secure and clearly deliver these details.</p> <p>23/07/2024: HDC to confirm their position regarding Requirements</p> <p>4/7/24: The Applicant does not support the suggested amendments to Requirement 8, which would not result in the provision of additional information as sought by HDC, but duplicate the content of other requirements.</p> <p>25/06/24: HDC welcomes that the Applicant has already fleshed out the DAS and draft DCO requirements. If the Applicant is willing to take forward the ExA's suggestion on amendments to requirement 8 – this can be agreed as green.</p> <p>If the ExA's suggestions are not taken forward, the status remains at yellow.</p> <p>24/06/24: EtoE Meeting 25/06/24 to confirm position - it is suggested this should now be agreed.</p> <p>04/06/2024: Applicant submitted redraft of the DCO at DL3 – awaits HDC feedback.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with DCO amendment request related to operational phase of Oakendene Substation and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069].</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
HDC23	Landscape and Visual Impact Assessment methodology	<p><b>Concerns</b></p> <p>i) LVIA does not include assessment of relevant individual receptors within the core assessment document.</p> <p>ii) The grouping of some of the receptors into a wider bracket is minimising some effects that are considered significant.</p> <p>iii) Equally, overreliance by the assessor on the success of the general concept of replacement planting, is currently playing down the identified adverse effects in the core document which without delving down into the various associated appendices, this will not be picked up and is difficult to follow.</p> <p><b>Desired Actions</b></p> <p>Consistently apply the proposed LVIA methodology so that all receptors are given due consideration, and the adverse effects are clear to the reader.</p>	<p>The LVIA and its appendices must be read as a whole and it has proved necessary to focus the detailed landscape and visual assessment of receptors along the onshore cable corridor within separate appendices (<b>Appendix 18.3 Landscape Assessment, Volume 4</b> of the ES [APP-169] and <b>Appendix 18.4 Visual Assessment Volume 4</b> of the ES [APP-170]).</p> <p>It is not agreed that the grouping of some receptors is minimising the effects.</p> <p>Summary assessment Tables 18.40-45 presented in <b>Chapter 18: Landscape and Visual Impact, Volume 2</b> of the ES [APP-059] set out how mitigation including reinstatement will reduce the effects over time. The reliance on mitigation is part of the DCO and the onshore development. The assessment of residual effects is a requirement of the EIA process.</p> <p>The LVIA methodology has been consistently applied. Further clarification is sought from HDC, and the Applicant will continue to engage with HDC on these points.</p> <p>Amendments made by the Applicant at deadline 4 respond to comments in Appendix B of HDC's Local Impact Report [REP1-044]:</p> <ul style="list-style-type: none"> <li>Paragraphs 2 and 13, 24-27 - Sensitivity of receptors on Kent Street increased to account of road users such as walkers and horse riders, details of access and passing places included in the assessment.</li> <li>Paragraph 4, 8, 10, 15, and 16 – Amended Chapter 18 takes account of vegetation lost internal to the</li> </ul>	Agreed	28/07/24	<p>28/07/2024: HDC comments</p> <p>HDC has reviewed the updated LVIA issued at Deadline 5.</p> <p>In response to i) and ii) Reference to landscape elements and key characteristics of the LCA's are welcomed. Whilst these remain not assessment separately as individual receptors, its reference clarifies to the reader that the individual elements are acknowledged and considered within the assessment.</p> <p>HDC acknowledge and welcomes the additional information and amendments to the assessment. Whilst some difference of judgements remains with the rankings and some of the conclusion, the discrepancies in judgement are not considered to raise the effects of the identified receptors to a Significant Landscape or Visual Effect and therefore this is not pursued further.</p> <p>HDC is overall satisfied that the amendments to the assessment provided a clearer rational and overall provides a good understanding of the expected landscape and visual impacts.</p> <p>Detailed response below:</p> <p>Environmental Statement – Volume 4 Appendix 18.3 Landscape Assessment (tracked) REV B:</p> <p>Whilst HDC remains in disagreement with some of the ranking of the effects shown on the tables supplied, the ranking are in the 'Not Significant' range and therefore would not change the overall conclusions of the assessment. For example, HDC disagrees that there are no residual effects (Year 10) for J3: Cowfold &amp; Shermanbury Farmlands, where the substation is located. Although the mitigation measures will help integrate the substation, this remains an uncharacteristic feature within the character area and at most it will be a residual Minor Effect. Equally, HDC considers that the loss of the tree line and woods within the area are likely to remain a residual Moderate effect. Or that as result of the temporary loss of vegetation during construction works, the wooded, rural</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
			<p>substation and residual visual effects through gap in hedge on PRow 1787 (Paragraphs 14 and 19 – off-site planting east of Taintfield Wood, would require landowner agreement.)</p> <ul style="list-style-type: none"> <li>Paragraphs 5, 9, 22, and 23 – LVIA updated to include Washington recreation ground, allotments and assessments of PRow 2699, 2701, 2089/2, 2703, 2704 and 2705 reviewed (noting that 2704 is in woodland and 2705 is beyond 1km distance).</li> <li>Paragraph 11 – LVIA updated re site entrance off A272 and additional photomontages provided.</li> <li>Paragraphs 18-21 – the LVIA reports mitigation of significant effects on landscape character by year 10, although it is recognised that mature trees cannot be replaced, established mitigation should not be assessed as an significant negative change to the landscape character. The linear pattern of vegetation and elements will be well established by Year 10 with species growing to heights of 10-15m. Linear vegetation has a variable skyline profile as part of its character and throughout its life.</li> </ul> <p>Cumulative sites (DC/24/0054 and DC/23/2172) – it is for those sites to undertake a cumulative assessment of what has gone before them in the planning system</p>			<p>character of Kent Street will be adversely impacted but in time the features will be reinstated.</p> <p>Environmental Statement – Volume 2 Chapter 18 Landscape and visual impact (tracked) REV B:</p> <p>HDC acknowledge and welcomes the additional information and amendments to the assessment. Whilst some difference of judgements remains with the rankings and some of the conclusion, the discrepancies in judgement are not considered to raise the effects of the identified receptors to a Significant Landscape or Visual Effect and therefore this is not pursued further. HDC is overall satisfied that the amendments to the assessment provided a clearer rational and overall provides a good understanding of the expected landscape and visual impacts.</p> <p>REP5-041 - 6.3.18 Environmental Statement Volume 3 Chapter 18 Landscape and visual impact assessment - Figures Rev C (Part 2 of 6):</p> <p>HDC acknowledges and welcomes the amendments to viewpoint SA2 A272 indicating the widening of Kent Street during construction. As raised at deadline 4, SA7a viewpoint PRow southwest of site, west of Taintfield Wood looking towards the temporary compound (construction phase) has been omitted from the document but it is thought this may be a typo as SA7 appears repeated in the document twice. Please reinstate.</p> <p>REP5-049 - 6.4.18.2 Environmental Statement Viewpoint analysis (tracked):</p> <p>HDC welcomes the recognition that receptors along Kent Street and residual visual effects, are higher than originally anticipated and now moved to the Significant ranking during construction, Year 1 and Year 5. Amongst others additions and clarifications, the separate assessment of Washington recreation ground is appreciated.</p> <p>23/07/2024: HDC accept based on review of DL5 materials.</p> <p>04/07/24 Applicant - It is agreed that views of the Oakendene substation from part of PRow 1786</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
						<p>would result in significant, residual visual effects. The footpath route is one of a number of routes a walker could take as there are a number of informal paths through the wood, exiting further to the west which would not view the substation. Although long term (beyond 10 years) it is likely that these views would eventually be screened by planting proposed in the Indicative Landscape Plan as indicated by the height of existing trees retained along the site boundary and visible in Figure 18.12, SA3.</p> <p>Further mitigation is proposed through the implementation of the Architectural Strategy already within the DAS which will aim to reduce and soften visual effects of the substation, further detailed stage specific LEMP will respond to more detailed design (currently illustrated as a worst case) and compensation is proposed as part of the s106 Agreement.</p> <p>28/06/24 HDC comments on progress under:</p> <p>Concern i) still to review</p> <p>Concern ii) still to review</p> <p><b>Concern iii)</b> is still not satisfied that the residual effect identified for PRow 1786 and Taintfield Wood on SA3 (fig 18.12e) and SA3b, (fig18.12j) [REP4-027] is sufficiently mitigated justified by the fact that the possible mitigation would have to be delivered outside of the current DCO boundary. As previously requested, HDC considers that further mitigation in a way of additional planting along the site's southern boundary, outside of the current DCO red line, must be secured or demonstrated that through the refining of the design, (which would have to result in a reduction of building footprint or SuDS basin's) there is scope for more effective screening to be accommodated within the confines of the DCO boundary.</p> <p>Ongoing....</p>

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
						<p>26/06/24: HDC need to review materials that are due to be formally issued at DL 5. Welcome the additional work being completed by the Applicant. There were certain circumstances where HDC have in the felt the mitigation may have been overly optimistic- happier now with the detail backing assumptions and maintenance plans etc.</p> <p>24/06/24: EtoE Meeting has been set up for 25/06/24 to confirm position.</p> <p>–The LVIA accords to GLVIA3 and whilst HDC may not agree on some details, there is agreement on the main areas of significant effect. It is suggested that either this point is Agreed or we agree to a position of 'Not Agreed – no material impact'.</p> <p>04/06/2024: Applicant has provided updates to Appendix 18.2 and 18.6 at Deadline 4 with Appendices 18.3, 18.4 and 18.5 to follow at Deadline 4-5. The Applicant awaits HDCs specific feedback.</p> <ul style="list-style-type: none"> <li>.</li> </ul> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with LVIA and submitted these to the examination in its Local Impact Report [REP1-044]</p>
<b>HDC24</b>	Section 106 Agreement request has been made in relation to funding landscape restoration projects to compensate for residual harms.		A Section 106 agreement has been provided by the Applicant to compensate for residual impacts where further mitigation is not possible.	<b>Agreed</b>	<b>28/07/24</b>	<p>28/07/2024: HDC comments</p> <p>Head of Terms for Landscape Compensation Fund have been agreed.</p> <p>Discussions are ongoing regarding the scope and scale of S106 and a final position can be reported at deadline 6.</p>



Table 3-7: Status of discussions related to Transport

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
HDC25 <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Temporary and permanent accesses	<p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>i) WSCC previously questioned need for number temporary accesses particularly onto rural roads and the A283. In various instances, two or more accesses in close vicinity (e.g., A01 and A02, and A40 and A41).</li> <li>ii) Further, limited information for accesses themselves. Whilst some design information can be secured through the DCO process and provided as each phase of works progresses, certainty would be required that the accesses indicated are feasible. For example, concerns the indicated required visibility splays at certain accesses cannot be achieved. In other situations, notably on declassified rural roads, potentially excessive splays are indicated. Speed surveys will be required to inform the access designs at some locations.</li> <li>iii) Road Safety Audits also required for some accesses. Scope for these should be agreed.</li> </ul> <p><b>Desired Actions</b></p> <p>Applicant should seek to reduce the number of accesses or justify the need and purpose for those accesses shown.</p> <p>Provide sufficient information to support and demonstrate the proposed access arrangements are feasible and can be delivered.</p> <p>Agree extent of information required to support detailed access designs.</p>	<p>Temporary construction accesses will be designed in accordance with Standards for Highways (2023) Design Manual for Roads and Bridges (DMRB) and/or Manual for Streets (DfT 2007) guidance to meet relevant WSCC requirements where appropriate. All temporary construction accesses are required to support the safe and efficient construction of the Proposed Development, accounting for the transient nature of the construction process and different construction processes (open cut trenching / trenchless crossings).</p> <p>Further to this, the Applicant is preparing additional information for key junctions, including concept designs, completion of Speed Surveys and Road Safety Audits, with the aim of reaching an agreement in principle to the proposals before the end of the DCO Examination. Details of Road Safety Audit requirements for all construction traffic junctions (as per WSCC's Local Impact Report) is provided in Appendix C of the <b>Outline Construction Traffic Management Plan [REP4-046]</b>.</p> <p>A review of accesses is presented at Deadline 3 within the Technical Note <b>Construction Access Update Assessment Summary [REP3-055]</b> which demonstrates how bellmouths and visibility splays are achieved.</p>	Agreed	25/06/24	<p>01/07/2024: HDC:</p> <p>This point is agreed following clarification during examination that West Sussex County Council will lead on highway matters pertaining to the need for temporary accesses, the highway specifications of visibility splays, and scoping of road safety audits, reflective of its remit as Local Highway Authority.</p> <p>25/06/24: WSCC are responsible authority and as such is no longer considered an outstanding issue for HDC Therefore this position is agreed</p> <p>20/06/24: Road Safety Audits are currently in progress for locations required to be completed by WSCC prior to the end of the Examination and the Applicant remains confident that agreement can be reached on proposals for these before the end of the examination. Further information on visibility splay requirements for construction accesses has been provided within an update to the Outline CTMP submitted at Deadline 5.</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with temporary and permanent accesses and submitted these to the examination in its Local Impact Report [REP1-044]</p>
HDC30	Mitigation included within the	<p><b>Concerns</b></p>	<p>Two <b>Construction Access Traffic Management Strategies</b> have been provided appended to <b>7.6 Outline</b></p>	Agreed	25/06/24	<p>01/07/2024: HDC: This point is agreed following clarification during examination that West Sussex County Council will lead on</p>

**This is a Principal Area of Disagreement identified by Horsham District Council**

Outline Construction Traffic Management Plan

Locations are identified as requiring access via single track roads. No mitigation or management measures are detailed.

iv) Unclear how access would be managed on Michelgrove Lane (a single-track road) where an open cut trench highway crossing is proposed.

v) Existing wording covering the extent of highway condition surveys within the OTCMP is unclear.

**Desired Actions**

Additional measures would need to be included in the OTCMP to cover these matters.

**Construction Traffic Management Plan [REP4-046]** which set out proposals for use of single track roads at Kent Street and Michelgrove Lane. These would be for highways authority approval under Requirement 24. Passing places for both roads are included within the Order Limits shown on **2.2.2 Onshore Works Plans [PEPD-005]**, and in detail within the Strategies document.

Procedure for open cut trench crossing of highways is explained from 8.2.8 of **7.6 Outline Construction Traffic Management Plan [REP4-046]**.

Details of highway condition surveys was updated at D3 and included within paragraphs 8.4.31 and 8.4.32 of the OCTMP. The OCTMP states that for highway condition surveys “the scope, extent and requirement of any survey may vary from location to location and will be agreed with WSCC / NH”, so the highway authority will have approval over the nature of these works.

highway matters pertaining to Michelgrove Lane and highway condition surveys, reflective of its remit as Local Highway Authority.

25/06/24: WSCC are responsible authority and as such is no longer considered an outstanding issue for HDC Therefore this position is agreed

18/06/2024: The Applicant updated the position statement in relation to this PAD. Further information on the proposed traffic management strategy to facilitate use of Kent Street and Michelgrove Lane by construction traffic has been provided within the Outline CTMP submitted at Deadline 4.

22/05/2024: HDC Comments.

Discussions are ongoing.

The Council has identified outstanding issues with temporary and permanent accesses and submitted these to the examination in its Local Impact Report [REP1-044]

Table 3-8: Status of discussions related to Water environment

Reference Number	Point of Discussion	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
HDC31 <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Assessment Methodology	<p><b>Concerns</b></p> <p>Adhere to the requirements of the Land Drainage Act 1991 and WSCC's policy with regards to the requirements of work within ordinary watercourses, which has not been fully recognised in the documents.</p> <p><b>Desired Actions</b></p> <p>Applicant should adhere to the requirements of the Land Drainage Act 1991 and WSCC's policy.</p>	<p>The requirements of the Land Drainage Act and Ordinary Watercourse Consent (OWC) are adhered to, as outlined by the Applicant in specific commitments provided in Table 8-1 of the <b>Flood Risk Assessment FRA [REP4-039]</b> and Table 26-10 in the <b>Chapter 26: Water environment, Volume 2 [APP-067]</b>. These are:</p> <ul style="list-style-type: none"> <li>- C-182 – requirements for Environment Agency and Lead Local Flood Authority (LLFA) consent for works close to watercourse banktops;</li> <li>- C-17 – open-cut crossing techniques, including requirements for relevant Environment Agency and/or LLFA consent; and</li> <li>- C-126 – temporary watercourse crossing methodology, including requirements for the Environment Agency and/or LLFA consent.</li> </ul> <p>In addition, paragraph 26.2.8 of the <b>Chapter 26: Water environment, Volume 2</b> of the ES [APP-067] outlines the need for OWC, with specific reference to WSCC's regulatory role as LLFA.</p> <p>The Applicant would like to make reference to a recent meeting held with HDC (and WSCC) on 27 February 2024. Following discussion, all parties agreed that WSCC53 (Acknowledgement of Ordinary Watercourse Consent from WSCC as Lead Local Flood Authority (LLFA) can be converted from a PAD to a SoCG as an agreed matter.</p>	Agreed	27/02/24	<p>01/07/2024: HDC:</p> <p>This point is agreed following expert to expert meetings and clarification during examination that West Sussex County Council will lead on matters of flood risk, reflective of its remit as Local Lead Flood authority</p> <p>22/05/2024: HDC Comments.</p> <p>This point is agreed.</p>
HDC32 <b>This is a Principal Area of Disagreement identified by Horsham District Council</b>	Assessment of Effects for winter flooding at at the Oakendene substation and National Grid extension works	<p><b>Concerns</b></p> <p>The Outline Operational Drainage Plan (OODP) [APP-223] defines the basis of the design for the operational drainage at the Oakendene substation and National Grid extension works, following the outputs of the flood modelling and drainage assessments undertaken.</p> <p>Concerns that the current Flood Risk Assessment (FRA) [APP-216] and design proposals for the Oakendene substation do not</p>	<p>Groundwater flood risk is considered in Section 5.5 of the <b>Flood Risk Assessment (FRA) [REP4-039]</b> At the Oakendene substation site, the risk of groundwater flooding has been informed based on the Area's Susceptible to Groundwater Flooding data and GeoSmart Groundwater Flood Risk Map (GW5), both of which are presented in the Horsham District Council (HDC) Strategic Flood Risk Assessment (SFRA) (Appendix A, Figure 3A and 3B) (HDC, 2010). The risk of groundwater flooding is indicated as '&lt;25%' in Figure 3A, and as 'Negligible' within the more detailed GeoSmart data in Figure 3B. On this basis, the risk of groundwater flooding (and the possibility of high groundwater levels) at the Oakendene substation site was not considered</p>	Agreed	27/02/24	<p>01/07/2024: HDC:</p> <p>This point is agreed following expert to expert meetings and clarification during examination that West Sussex County Council will lead on matters of flood risk, reflective of its remit as Local Lead Flood authority</p> <p>22/05/2024: HDC Comments.</p> <p>This point is agreed.</p>

truly reflect the winter flooding that occurs at this location.

#### **Desired Actions**

Reference to WSCC as responsible authority in its capacity as Local Lead Flood Authority.

Applicant to evidence that consideration of local ground water conditions has been factored into the FRA and outline design is required.

further. The key flood risk to the site was deemed to be from surface water, given the underlying soils detailed in Paragraphs 2.2.15 and 2.2.16 of the **Outline Operational Drainage Plan [REP4-041]** which are noted to be "*slowly permeable seasonally wet with impeded drainage*". The drainage hierarchy was followed and, on this basis, infiltration was not considered by the Applicant to be a viable means for the surface water drainage strategy. Therefore, high groundwater is not thought to be driving local flood risk in this area. The outline drainage strategy presented within the **Outline Operational Drainage Plan [REP4-041]** is based on several conservative assumptions (regarding the maximum design parameters for the substation, impermeability and climate change allowance) and is not reliant on attenuation storage. There is thought to be sufficient flexibility within the current strategy to address any concerns regarding winter flooding and loss of basin storage.

However, a commitment has been drafted in an effort to resolve concerns in relation to the potential for perched groundwater raised by HDC (and WSCC) in this PAD. The principle of such a commitment (to undertake limited monitoring of groundwater levels at the time of wider ground investigation works at detailed design stage) was discussed and provisionally agreed with WSCC and HDC during a meeting on 27 February 2024. Measure C-293 has been drafted and states that "RED will undertake ground investigation at the substation site at the detailed design stage, including groundwater monitoring in at least one appropriate location in close proximity to the watercourse to the south of the site, for one winter period (September to April). This would be carried out to inform the detailed design of the substation, including design of the drainage system and its associated landscaping and planting measures. The measure is within the latest version of the **Commitments Register [REP4-057]**, **Outline Operational Drainage Plan [REP4-041]** being updated at Deadline 3, and is secured via Requirement 17 of the **Draft Development Consent Order [REP4-004]**. At the meeting on 27 February 2024 HDC/WSCC advised that this matter can be converted from a PAD to a SoCG as an agreed matter, on the basis of this groundwater monitoring.

<p>HDC33</p> <p><b>This is a Principal Area of Disagreement identified by Horsham District Council</b></p>	<p>Mitigation, Compensation and Enhancement</p>	<p><b>Concerns</b></p> <ul style="list-style-type: none"> <li>i) Surface water flood risk should be considered within any emergency response plan, given the topography of the central section of the onshore cable route and historic flooding records. The OCoCP does not cover this within its emergency response planning.</li> <li>ii) Temporary haul roads and accesses should be constructed so as not to cut-off existing surface water flow paths. This could increase surface water flood risk off-site.</li> </ul> <p><b>Desired Actions</b></p> <p>Applicant to amend OCoCP to cover surface water flood risk.</p> <p>Applicant to demonstrate temporary haul and accesses construction cut off existing surface water flow paths so do not increase surface water flood risk off site.</p>	<p>i) Table 4-6 in Section 4.8 of the <b>Outline Code of Construction Practice [REP4-043]</b> outlines commitments relevant to emergency planning procedures which includes commitment C-118 of the <b>Commitments Register [REP4-057]</b> 'Emergency Response Plans (ERP's) for flood events will be prepared for all construction activities, working areas, access and egress routes in floodplain areas (tidal and fluvial)'. The requirements of the Emergency Response Plan are outlined in Section 8.2 of the <b>FRA [REP4-039]</b>. Paragraph 8.2.3 includes provisions for surface water flood risk outlining that "the circumstances under which different responses will be implemented should be specified, with an escalation of response associated with increasing levels of danger. For example, a 'be prepared' alert may be raised upon receipt of an Environment Agency Flood Alert or a Met Office Severe Weather Warning for heavy rain, followed by an 'evacuate' order upon receipt of an Environment Agency Flood Warning, or at the discretion of the site Health, Safety, Security and Environment (HSSE) Manager, based upon an appraisal of local conditions". The Applicant considers that these measures will be sufficient to address surface water flood risk to construction activities and personnel.</p> <p>ii) A number of embedded environmental measures have been included within the <b>FRA [REP4-039]</b> to ensure that temporary haul roads and associated crossings do not result in a detrimental impact to flood risk. Specifically, environmental measure C-73 states that: "Where the development intersects overland flow pathways or areas of known surface water flooding appropriate measures will be embedded into the design". In addition, environmental measure C-181 states that "Access roads will have cross drainage provided where necessary at topographic low points". Commitments C-128, C-145, C-176, C-177 and C-178 of the <b>Commitments Register [REP4-057]</b> outline further provisions made in relation to temporary watercourse crossings. These environmental measures have been secured by the <b>Outline Code of Construction Practice (OCoCP) [REP4-043]</b> via the Construction Phase Drainage Plan (as outlined in Table 3-1 which will accompany the CoCP to be submitted post-consent and approved by the local authority), which,</p>	<p><b>Agreed</b></p>	<p><b>27/02/24</b></p>	<p>01/07/2024: HDC:</p> <p>This point is agreed following expert to expert meetings and clarification during examination that West Sussex County Council will lead on matters of flood risk, reflective of its remit as Local Lead Flood authority.</p> <p>22/05/2024: HDC Comments.</p> <p>This point is agreed.</p>
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as set out in paragraph 5.10.9, states that “*Details of construction phase drainage will be developed by the Contractor(s) and will be presented in a Construction Phase Drainage Plan and approved as part of the stage specific CoCP. Details of the Construction Phase Drainage Plan will be subject to consultation with WSCC and other relevant consenting authorities prior to the start of construction*”.

The Applicant would like to make reference to a recent meeting held with HDC (and WSCC) on 27 February 2024. The Applicant highlighted the above commitments as set out in Table 8.1 of the **Flood Risk Assessment, Volume 4** of the ES [REP4-039], which are secured in the **Outline Code of Construction Practice [REP4-043]**, and the surface water mapping provided in Figure 26.2.5 of the **Flood Risk Assessment, Volume 4** of the ES [REP4-039]. Following discussion, all parties agreed that this matter can be transferred from a PAD to a SoCG as an agreed matter.

Table 3-9: Status of discussions related to Draft Development Consent Order and Securing Mitigation

Reference Number	Matter of Contention	HDC's Position	Applicant's Position	Current Status	Date of Agreement	Record of Progress
HDC34	<p>Commitments Register firmness and securing mechanisms with the following exceptions:</p> <p>C-26 C-157/C-158 C-201 C-231 C-263 C-302</p>	<p><b>Concerns</b></p> <p>i) Across topic areas of concern, lack of effective controls and enforceable measures to manage the development within agreed environmental parameters and managed through control mechanisms, which will ensure mitigation is sufficient and effective. For example, the mitigation set out in the Commitments Register refers to where practicable, where feasible, if necessary. Furthermore, some mitigation/compensations do not appear to be defined and followed through to a commitment and/or securing mechanism.</p> <p>ii) HDC will incur additional expenditure relating to discharge of requirements/associated applications and monitoring cost.</p> <p><b>Desired Actions</b></p> <p>Firmer commitments to mitigation/compensation and these to be followed through to securing mechanism. This includes HGV and construction vehicle routing, in particular to avoid Cowfold AQMA. Evidenced closely alignment of compensation (e.g., community fund) to mitigation measure</p>	<p>The <b>Commitments Register [REP4-057]</b> includes a column for the securing mechanism for each embedded environmental measure and its related commitment reference. This cross-refers to the mechanism, for example a requirement in the <b>draft Development Consent Order Schedule 1 Part 3 [REP4-004]</b>. Where there is an accompanying document such as an outline plan submitted with the DCO Application with which works must be undertaken in accordance with, this is also referred to under the 'Relevant Application Documents' column. The Applicant has updated the Commitments Register as the Examination has progressed to refine the wording of commitments and provide assurance in respect of mitigation delivery. Further information has also been provided within the Application documents (as referenced in the Commitments Register [REP4-057]) as to how mitigation measures will be delivered. This includes updates to the Construction Traffic Management Plan [REP4-045], with stage specific management plans to accord with this document secured by requirement 24 of the draft Development Consent Order [REP4-004]. Please see row below (HDC35) in respect of compensation.</p> <p>An amendment has been made to the Schedule 14 to the draft development consent order [REP4-004] to provide for a fee to be paid on submission of applications for discharge of requirements</p>	Agreed	28/07/24	<p>28/07/2024: xxx HDC comments</p> <p>HDC acknowledges the work that has gone into amendment to the Commitments Register during the Examination. Across the topic areas of concern, there has been narrowing of points of disagreement to firm up and secure appropriate mechanisms to the Commitment Register.</p> <p>However, there remains a limited number of outstanding matters related to a limited number of the commitments.</p> <p>25/06/2024: This cannot be fully closed out as requests in relation to commitments and securing mechanisms are still ongoing at deadline 5.</p> <p>Updated by Applicant at DL 3.</p> <p>An amendment has been made to the Schedule 14 to provide for a fee to be paid on submission of applications for discharge of requirements</p> <p>22/05/2024: HDC Comments.</p> <p>Discussions are ongoing.</p> <p>The Council has identified outstanding issues with the Commitments Register and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069].</p>

		outcomes. Seek to recover costs associated with discharging requirements/applications and monitoring cost				
HDC34b	Firmness and securing mechanisms for Commitments C-26; C-231; C-263	<p>C-26 . The thresholds of significance described BS5228 are not sufficiently protective for works in tranquil locations, vulnerable receptors (e.g. Washington camping and caravanning site) and for works at night. Lower thresholds should be applied in these locations.</p> <p>C-231 Low frequency noise not included</p> <p>C-263 requires RED to apply to the LA for a s61 consent where BS5228 threshold will be exceeded. This has resource implications</p>	<p>The Applicant considers that their assessment has followed government guidance appropriately – see row HDC09 regarding the application of BS5228 and HDC08 regarding low frequency noise.</p> <p>The Applicant seeks to secure a Planning Performance Agreement to ensure that the local authorities are sufficiently resourced to undertake their duties at the construction stage.</p>	Not agreed-material impact	28/07/24	<p>28/07/24: HDC Comments</p> <p>Appropriateness of applying BS5228-1 is a matter of disagreement of material impact, as explained at HDC09, and it follows that the allied commitments c-26 and c-263 would also be a disagreement of material impact.</p> <p>C-231 is allied to the matter of disagreement HDC08 relates to noise from operational phase of non-material impact, and it follows that this commitment would also be a disagreement of non-material impact.</p>
HDC34c	Firmness and securing mechanisms for Commitments C-157/C-158; C-201; C-302	<p>C-158 Storrington AQMA should also be included in this commitment.</p> <p>C-201 LA's as well as WSCC be included. LA's have responsibility for air quality impacts not the highways authority.</p> <p>C-302 no requirement for independent review. This will fall to the LPA's and be another resource issue.</p>	<p>Storrington is listed in C-157 as a settlement for construction traffic to avoid. Storrington is not on the approved HGV routeing secured in the Construction Traffic Management Plan [REP5-068]. Commitment 201 accurately reflects the discharge process of Requirement 24 within the draft Development Consent Order [REP5-005].</p> <p>The Noise and Vibration Management Plan will be developed for approval by LPAs. The Applicant seeks to secure a Planning Performance Agreement to ensure that the local authorities are sufficiently resourced to undertake their duties at the construction stage.</p>	Not agreed – no material impact	28/07/24	<p>28/07/24: HDC Comments</p> <p>C-158, C-2021, and C-302 require amendment to align with the outcomes of agreed matters on air quality and monitoring, all are matters of non-material impact.</p>
HDC35	Limited engagement on the proposed Section 106	<p><b>Concerns</b></p> <p>Expected discrepancy between the Applicant and Horsham District Council on scope and scale of funding required to mitigate the impact of the project.</p>	<p>The <b>Planning Statement [APP-036]</b> demonstrates that the benefits of the proposed development outweigh the harms. Local authorities have been invited to suggest and evidence how s106 funding would mitigate specific identified</p>	Agreed	28/07/24	<p>28/07/24: HDC comments</p> <p>The Heads of Terms of the S106 between HDC and the Applicant have been agreed, including the scope and sums entailed.</p> <p>25/06/24: HDC acknowledge that there has been meaningful engagement and efforts to update EIA</p>



**District Council**

**Desired Actions**

Meaningful engagement between the Applicant and local authorities informed by accurate and updated assessments, given the concerns raised across the various topic areas of concern

harms. Heads of Terms were then provided to HDC for a s106 agreement.

A section 106 agreement has been provided to HDC at Deadline 4. It is the applicant's position that the compensation fund secured by the agreement will fully compensate for the identified residual effects of the Proposed Development in Horsham District

work. HDC need to receive feedback on their specific S106 requests which detail the scope and the sums entailed – this was provided to the Applicant 24/06/24.

Status TBC 25/06/2024 SOCG page turn.

20/06/2024: The Applicant awaits HDC to confirm the scale and the scope of the funding as this is still outstanding- and has requested it is disclosed at the meeting on the 25<sup>th</sup> June. The Applicant seeks this matter to move from yellow to green based on S106 discussions but is unsure of the request so has left this 'yellow'. The S106 agreement compensates for specific harms that cannot be practicably avoided or mitigated further. The Applicant requests that HDC base the request on cost estimate for typical schemes you may seek to fund to counter the residual harms that are impacting the HDC area. The sum should accord with policy on development consent obligations and be reasonable and proportionate to the extent of the residual harm. Terrestrial ecology related impacts on biodiversity are compensated for and enhancement is being achieved via the BNG proposals for the project– so the harms being targeted with the S106 should be related to compensating for other residual harms.

04/06/24: HOTs updated by Applicant at DL 4.

Review from DHC received and incorporated into S106 HOTs draft. Discussion of value of S106 is outstanding.

22/05/2024: HDC Comments.

Discussions are ongoing.

The Council has identified outstanding issues with the S106 and submitted these to the examination in its Local Impact Report [REP1-044] and response to ExA written questions [REPS-069].

<p><b>HDC35b</b></p>	<p>Mechanism by which to secure the S106 legal agreement</p>	<p><b>Not agreed – material impact</b></p>	<p><b>28/07/24</b></p>	<p>28/07/24: HDC comments</p> <p>Note on Securing Compensation Payments, produced by Eversheds Sutherland and submitted into Examination on 09 July is unacceptable to HDC.</p> <p>Note has been reviewed by the respective legal representatives for Horsham District Council.</p> <p>It is common for development to be subject to a Section 106 Agreement where there is an Option on</p>
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land registrable on title. This does require the freeholder/landowner to be a party on such an obligation along with a clause to indemnify them in respect of the financial obligations. It would appear that the Applicant is at this stage already in respect of the onshore substation, which should satisfy the requirements for a S106 to be bound for WSCC and HDC. This was also the mechanism followed for the S106 Agreements for Rampion 1.

The Note which, as noted above, was submitted into the Examination ahead of engagement with all the Local Planning Authorities, has not been presented as a 'fallback' position. Rather, it appears to be the approach on which the Examining Authority are being asked to take into consideration when considering the Proposed Development.

A key concern for the tri-partite arrangement (affecting SDNPA and Horsham DC) is the enforceability of such an Agreement. It is not satisfactory for a contribution of this scale, over this length of time period (35 years) to be paid to Horsham DC as a 'stakeholder' and it is wholly unreasonable to expect Horsham DC to cover enforcement of this obligation on land in another Local Planning Authority's jurisdiction.

A meeting was held 23<sup>rd</sup> July between the Applicant and HDC/SDNPA in which it was agreed for Deadline 6 that the Applicant would present an alternative solution to the tri-partite arrangement; by imposing of separate requirements for each of the three authorities that would secure their Heads of Terms set out in a Principles Document, to enable deferral of the completion of the legal agreement.

Whilst HDC accepts that this alternative Requirement approach is necessary in terms of timings to close of Examination in order to enable the ExA to apply appropriate weight to the legal agreement when carrying out the balance of negative and positive impacts in its recommendations, for HDC the Heads of Terms have been agreed so HDC does not see reason why the signing of its s106 legal agreement should be delayed further.

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