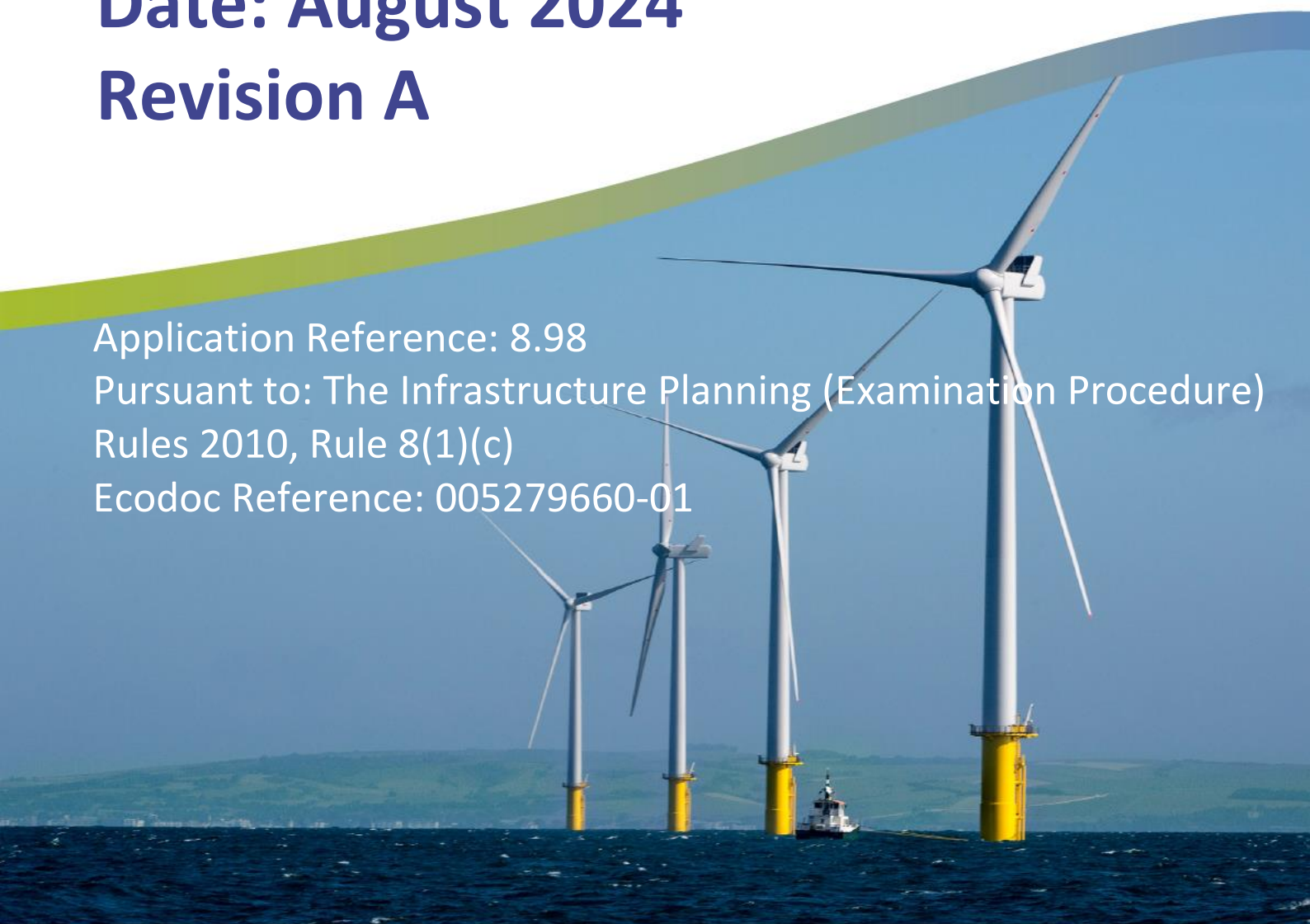


Rampion 2 Wind Farm

Applicant's Comments to Deadline 5 Submissions

Date: August 2024
Revision A

Application Reference: 8.98
Pursuant to: The Infrastructure Planning (Examination Procedure)
Rules 2010, Rule 8(1)(c)
Ecodoc Reference: 005279660-01



Document revisions

Revision	Date	Status/reason for issue	Author	Checked by	Approved by
A	01/08/2024	Issue for Deadline 6	RED / WSP / GoBe / Eversheds / Carter Jonas	RED	RED

Contents

1.	Introduction	7
1.2	Purpose of this document	7
1.3	Structure of the Applicant's comments	7
2.	Applicant's comments to Deadline 5 submissions	10
2.1	Local Planning Authorities	10

Tables

Table 2-1	Applicant's comments on Horsham District Council's Deadline 5 Comments on any further information/submissions received by Deadline 4 submission: Comments on further information [REP5-148]	10
Table 2-2	Applicant's comments on Horsham District Council's Deadline 5 Comments on ExA's commentary on, or schedule of changes to, the draft DCO submission [REP5-149]	22
Table 2-3	Applicant's comments on Horsham District Council's Deadline 5 Responses to ExA's Further Written Questions (ExQ2) submission [REP5-150]	28
Table 2-4	Applicant's comments on South Downs National Park Authority's Deadline 5 submission [REP5-143]	39
Table 2-5A	Applicant's comments on West Sussex County Council's Deadline 5 response to submitted documentation by the Applicant at Deadline 4 submission [REP5-134]	50
Table 2-5B	Applicant's comments on West Sussex County Council's Deadline 5 response to questions and requests for information raised by the ExA in Further Written Questions submission [REP5-134]	72
Table 2-6	Applicant's comments on Cowfold Parish Council's Deadline 5 submission [REP5-147]	91
Table 2-7	Applicant's comments on Twineham Parish Council's Deadline 5 submission [REP5-187]	94
Table 2-8	Applicant's comments on Washington Parish Council's Deadline 5 submission [REP5-151]	95
Table 2-9	Applicant's comments on Marine Management Organisation's Deadline 5 submission [REP5-146]	96
Table 2-10	Applicant's comments on Maritime and Coastguard Agency's Deadline 5 submission [REP5-145]	142
Table 2-11	Applicant's comments on Historic England's Deadline 5 submission [REP5-135]	144

Table 2-12	Applicant's comments on Sussex Inshore Fisheries and Conservation Authority's Deadline 5 submission [REP5-144]	145
Table 2-13	Applicant's comments on Southern Water's Deadline 5 submission [REP5-174]	149
Table 2-14	Applicant's comments on National Highway Limited's Deadline 5 submission [REP5-142]	150
Table 2-15	Applicant's comments on Natural England's Deadline 5 Cover Letter submission [REP5-136]	156
Table 2-16	Applicant's comments on Natural England's Deadline 5 Appendix B5 Advice on the further Information for Action Point 34 - Guillemot and Razorbill and the Habitats Regulations Assessment (Without Prejudice) Derogation Case Rev B submission [REP5-137]	167
Table 2-17	Applicant's comments on Natural England's Deadline 5 Appendix C5 Marine Mammals submission [REP5-138]	172
Table 2-18	Applicant's comments on Natural England's Deadline 5 Appendix E5 Fish and Shellfish submission [REP5-139]	177
Table 2-19	Applicant's comments on Natural England's Deadline 5 Appendix J5 Advice on Terrestrial Ecology submission [REP5-140]	201
Table 2-20	Applicant's comments on Natural England's Deadline 5 Appendix N5 Response to the outstanding questions from The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2 [PD-011] and The Examining Authority's Further Written Questions and requests for information [PD-012] submission [REP5-141]	209
Table 2-21	Applicant's comments on Natural England's Deadline 5 additional submissions: Cover Letter [AS-021], Advice on the Report on the Implications for European Sites [AS-022], and Advice on Landscape and Visual Impact Assessment [AS-023]	227
Table 2-22	Applicant's comments on Tim Facer's Deadline 5 submission [REP5-182]	232
Table 2-23	Applicant's comments on Green Properties (Kent & Sussex) Limited's Deadline 5 submission [REP5-155]	233
Table 2-24	Applicant's comments on Lester Aldridge LLP on behalf of Mr Dickson's Deadline 5 submission [REP5-181]	237
Table 2-25	Applicant's comments on Wiston Estate, Richard John Goring, Richard Harry Goring, P Goring, Wiston Estate Partnership, Rock Common Limited's Deadline 5 - Comments on any further information/submissions received by Deadline 4 submission [REP5-184]	244
Table 2-26	Applicant's comments on Wiston Estate, Richard John Goring, Richard Harry Goring, P Goring, Wiston Estate Partnership, Rock Common Limited's Deadline 5 Responses to ExA's Further Written Questions (ExQ2) submission [REP5-185]	278
Table 2-27	Applicant's comments on Simon Kilham's Deadline 5 submission [REP5-178]	280
Table 2-28	Applicant's comments on Emily Mulcare Ball's Deadline 5 submission [REP5-160]	281
Table 2-29	Applicant's comments on Winckworth Sherwood LLP on behalf of Susie Fischel's Deadline 5 submission [REP5-180]	282

Appendix A: Underwater Noise Impact Contours Relative to the Selsey Bill and the Hounds MC; and

Appendix B: Mr Dickson Heads of Terms.

Executive Summary

At Deadline 5 of the Examination for the Rampion 2 Offshore Wind Farm Project, Interested Parties submitted further information into the Examination.

Rampion Extension Development Limited (the 'Applicant') has taken the opportunity to review the submissions received from Interested Parties and has provided a number of comments in this document which has been submitted for Examination Deadline 6.

1. Introduction

1.1 Project overview

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

1.2 Purpose of this document

- 1.2.1 At Deadline 5 (09 July 2024), several Interested Parties provided the Examining Authority with further submissions which included:
- 5 submissions from Local Planning Authorities;
 - 12 submissions from prescribed consultees;
 - 3 submissions from parish and towns councils and Members of Parliament;
 - 4 submissions from non-prescribed consultees; and
 - 32 submissions from affected parties, and members of the public or businesses.
- 1.2.2 The Applicant has taken the opportunity to review each submission received into the Examination at Deadline 5. In this document, the Applicant has focussed on commenting on submissions made at Deadline 5 only where it will be helpful to the Examining Authority to do so. This document therefore focuses on comments that have not already been made by Interested Parties and responded to by the Applicant.

1.3 Structure of the Applicant's comments

- 1.3.1 In this document, the Applicant has focussed on commenting on Deadline 5 Submissions that were received from the Interested Parties. Each comment is identified in the relevant table:

Local Planning Authorities

- ▶ Horsham District Council:
 - Comments on any further information/submissions received by Deadline 4: **Table 2-1**;

- Comments on ExA's commentary on, or schedule of changes to, the draft DCO: **Table 2-2**;
- Responses to ExA's Further Written Questions (ExQ2): **Table 2-3**;
- ▶ South Downs National Park Authority: **Table 2-4**; and
- ▶ West Sussex County Council:
 - Response to submitted documentation by the Applicant at Deadline 4 submission: **Table 2-5A**; and
 - Response to questions and requests for information raised by the ExA in Further Written Questions: **Table 2-5B**.

Parish Councils

- ▶ Cowfold Parish Council: **Table 2-6**;
- ▶ Twineham Parish Council: **Table 2-7**; and
- ▶ Washington Parish Council: **Table 2-8**.

Prescribed Consultees

- ▶ Marine Management Organisation: **Table 2-9**;
- ▶ Maritime and Coastguard Agency: **Table 2-10**;
- ▶ Historic England: **Table 2-11**;
- ▶ Sussex Inshore Fisheries and Conservation Authority: **Table 2-12**;
- ▶ Southern Water: **Table 2-13**;
- ▶ National Highways Limited: **Table 2-14**;
- ▶ Natural England:
 - Cover Letter: **Table 2-15**;
 - Appendix B5 Guillemot and Razorbill: **Table 2-16**;
 - Appendix C5 Marine Mammals: **Table 2-17**;
 - Appendix E5 Fish and Shellfish: **Table 2-18**;
 - Appendix J5 Terrestrial Ecology: **Table 2-19**;
 - Appendix N5 Response to the outstanding questions from The Examining Authority's request for further information arising out of Issue Specific Hearing 2 and The Examining Authority's Further Written Questions and requests for information: **Table 2-20**; and
 - Additional submissions (Cover Letter, Advice on the Report on the Implications for European Sites, and Advice on Landscape and Visual Impact Assessment): **Table 2-21**.

Affected Parties

- ▶ Tim Facer: **Table 2-22**;

- ▶ Green Properties: **Table 2-23**;
- ▶ Lester Aldridge LLP on behalf of Mr Dickson: **Table 2-24**;
- ▶ Wiston Estate 1 - Comments on any further information/submissions received by Deadline 4: **Table 2-25**;
- ▶ Wiston Estate 2 - response to ExA Further Written Questions: **Table 2-26**;
- ▶ Simon Kilham: **Table 2-27**;
- ▶ Emily Mulcare Ball: **Table 2-28**; and
- ▶ Winckworth Sherwood LLP on behalf of Susie Fischel: **Table 2-29**.

1.3.2

Further to this, a number of appendices have been prepared to provide more detailed information to respond to further submission where required and they are included at the end of this document. The appendices include:

- **Appendix A:** Underwater Noise Impact Contours Relative to the Selsey Bill and the Hounds MC; and
- **Appendix B:** Mr Dickson Heads of Terms.

2. Applicant's comments to Deadline 5 submissions

2.1 Local Planning Authorities

Table 2-1 Applicant's comments on Horsham District Council's Deadline 5 Comments on any further information/submissions received by Deadline 4 submission: Comments on further information [REP5-148]

Ref	Deadline 5 submission	Applicant's response
2.1.1	HDC welcomes the amendments made at Deadline 4 (Rev E) [REP4-005]. Appendix 1 of this submission letter provides further advice on HDC'S position on matters that remain outstanding.	The Applicant has no further comment on this matter at this time.
2.1.2	HDC has provided commentary on the Applicant's Deadline 4 submission at Appendix 1 of this submission letter and will continue engagement with the Applicant.	
2.1.3	HDC and the Applicant have continued to be in discussions regarding the proposed Heads of Terms for the Section 106 Agreement. HDC has provided commentary on these in Appendix 2 of this submission letter and will continue engagement with the Applicant to reach agreement.	Noted, the Applicant has provided a response to Horsham District Council's comments on the Proposed Heads of Terms for the Section 106 Agreement see references 2.1.15 to 2.1.26.

Appendix 1

Ref	Deadline 4 Applicant's Information/ submission	Horsham District Council response to Applicant's Deadline 3 submission [REP4-084]	Horsham District Council Response to deadline 4 information/ submission	Applicant's response
2.1.4	[REP4-003] 2.6 Tree Preservation Order and Hedgerow Plan Rev C		Hedgerows H201a and H206a that have been added to Schedule 13 Part 1 of the dDCO [REP4-005] and Terrestrial Ecology Chapter [Table 22-25 of REP4-023] for temporary loss is not clearly labelled on Sheet 24 within the updated Tree Preservation Order and Hedgerow Plan Rev C [REP4-003]. HDC requests this is added on for consistency across documents (see figures in Rep4-044 for location). H507 also appears to be missing from the Outline CoCP Rev E [REP4- 046], and HDC requests this is added to the plans.	<p>The Applicant can confirm that the Tree Preservation Order and Hedgerow Plan [REP5-003] updated and submitted at Deadline 5 shows hedgerow H206a on Sheet 21. The Applicant notes that the Tree Preservation Order and Hedgerow Plan [REP5-003] has been further updated at Deadline 6 to display the missing label for hedgerow H201a.</p> <p>The Outline Vegetation Retention and Removal Plan [REP5-125] submitted at Deadline 5 shows H507 (on Figure 7.2.1k and Figure 7.2.6o). The Applicant notes that Appendix B: Vegetation Retention and Removal Plans in the Outline Code of Construction Practice [REP5-064] were updated and provided as a standalone document by the Applicant in the Outline Vegetation Retention and Removal Plan [REP5-125] at Deadline 5.</p>

Ref	Deadline 5 submission		Applicant's response
2.1.5	[REP4-023] Environmental Statement Volume 22 Chapter 22 Terrestrial ecological and nature conservation REV B	<p>The updated commitment C-5 within the commitments register [REP4-058] should be correctly copied into Chapter 22 Terrestrial Ecology report [REP4-023, Table 22-20]. C-5 within the commitments register [REP4-058] is broader in that it refers to 'features' within Appendix A Crossing Schedule of the Outline CoCP, however the description of C-5 in the Terrestrial Ecology chapter is limited only to 'main rivers, watercourses, railways and roads that form part of the Strategic Highways Network'.</p> <p>HDC notes its previous request [REP3-023] that the provision of figures for the proposed attenuation basins at Oakendene provided in Appendix A of REP3-50 have not yet been translated and cross referenced with regards to ecology and appended within Environmental Statement Volume 22 Chapter 22 Terrestrial ecological and nature conservation REV B [REP4-023]. HDC continues to request this, as doing so would provide assurance that the drainage and landscaping and ecology mitigations can all be delivered.</p> <p>HDC notes the addition of W503 to Table 22-24 which involves clearance of 10m (width) of woodland along Greentree Lane for access of cable drums. Also note that this is within 15m of Parkminster Wood (ancient woodland), with works being carried out to the south of the Lane, on the opposite side to that of Parkminster Wood. Access works for Access A-57 on the opposite side of the road (A281) to Parkminster Wood will also be taking place approximately 15m from the ancient woodland boundary. HDC therefore request assurances of mitigation that prevent any deterioration to Parkminster Wood.</p> <p>Amongst other measures and mitigations, the insertion of Parkminster Wood within Requirement 23 would assist, as amended below (b) restrict access within ecologically sensitive sites including Climping Beach Site of Special Scientific Interest, Littlehampton Golf Course and Atherington Beach Local Wildlife Site, Sullington Hill Local Wildlife Site and Michelgrove Park and Calcot Wood and Parkminster Wood (Ancient Woodlands) to pedestrian access only with no ground breaking activity save where remedial action is required</p>	<p>The Applicant notes that Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the Environmental Statement [REP5-036] has been updated and submitted at Deadline 5 to include updated commitment C-5 (Commitments Register [REP5-086]).</p> <p>The Applicant provided a response with regards the proposed drainage basins and associated landscaping at Deadline 5 in Table 2-2 (reference 2.1.3) within Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant does not consider there to be a need to add Parkminster Wood to Requirement 23 within the Draft Development Consent Order [REP5-005] Although a small part of the woodland immediately adjacent to Greentree Lane lies within the proposed DCO Order Limits commitment C-216 (see Commitments Register [REP5-086]) ensures that there is no direct land take from within this woodland. Therefore, there is no potential for access to be taken to this location.</p> <p>Mitigation for potential indirect effects on Parkminster Wood are described in the Applicant's responses to the Examining Authority's Second Written Question TE 2.20 within Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119].</p>
2.1.6	[REP4-026] Environmental Statement Volume 3 Chapter 18 Landscape and visual impact assessment Figures (Part 1 of 6)	HDC welcomes updates to figures and additional viewpoints to reflect the various consultees requests.	The Applicant acknowledges Horsham District Council's welcoming of the updates to figures and additional viewpoints to reflect the various consultees requests.

Ref	Deadline 5 submission		Applicant's response
2.1.7	REP4-027] Environmental Statement. Volume 3 Chapter 18 Landscape and visual impact assessment Figures (Part 2 of 6)	<p>SA 3 (Fig 18.12e) and SA3b (Fig 18.12j) is representative of residual effects users of PRoW 1786 and Taintfield Wood would experience. 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, should be secured or demonstrated that through the refining of the design, and 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. So far, the applicant's justification has been based on difficulties with land ownership but this shouldn't be unsurmountable or dismissed given the significant effect identified.</p> <p>Note 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. Viewpoint analysis document [REP4-034] still makes reference to the Oakdene west temporary construction compound and judgements to the level of effects.</p>	<p>The Outline Landscape and Ecology Management Plan [REP5-072] shows planting along the whole length of the southern boundary on the Indicative Landscape Plan. This planting is shown in Outline Landscape and Ecology Management Plan [REP5-072] as being delivered in the first planting season after site mobilisation on the indicative planting phasing plan ahead of further planting that will take place within Sustainable Drainage Systems (SuDS) features and other locations following construction. The Applicant notes that all areas between the onshore substation perimeter fence and the existing southern boundary of the onshore substation site is to be planted with trees/scrub.</p> <p>The Applicant has updated Figures 18.13a to 18.13h in Chapter 18: Landscape and visual – Figures (Part 2 of 6), Volume 3 of the Environmental Statement [REP5-041] to include viewpoint SA7a at Deadline 6.</p>
2.1.8	[REP4-034] Environmental Statement Volume 4 Appendix 18.2 Viewpoint analysis REV B	<p>Page 12 – Table 1-1; SA1 – ranking of effects during construction and Year 1 has been changed from Major/Moderate to Moderate (onshore substation) and from Minor/negligible to No effect (onshore cable corridor) as the outcome of changes to visualizations for viewpoint SA1 Kent Street.</p> <p>Whilst HDC does not agreed with the assessment changes, HDC conclusions does not change the outcome of the residual significance of effect and therefore no further comments are required as the level of effect for this receptor is still not significant in planning terms and the context of LVIA / EIA.</p> <p>Page 84 – viewpoint H Washington and H1 Junction of The Pike and A283, Washington. HDC welcomes the changes to the assessment and recognition that the level of effects during the construction stage are higher than originally predicted. These findings reinforce the need and justification to deliver the ExA's new requirement 41 so that mitigation measures are considered.</p>	<p>The Applicant notes that the ranking of effects for SA1 have been updated in Table 1-1 within Appendix 18.2: Viewpoint Analysis, Volume 4 of the Environmental Statement (ES) [REP5-049] submitted at Deadline 5. This includes an increase in the sensitivity of the receptor. The residual effects remain significant for construction (onshore substation and onshore cable corridor) and Year 1 (onshore substation) as outlined in Table 1-4 within Appendix 18.2: Viewpoint Analysis, Volume 4 of the ES [REP5-049].</p> <p>The Applicant acknowledges Horsham District Council's welcoming of the updates made to the assessment within Appendix 18.2: Viewpoint Analysis, Volume 4 of the ES [REP5-049] in relation to viewpoint H Washington and H1 Junction of The Pike and A283, Washington.</p> <p>With respect to Requirement 41 of the Draft Development Consent Order [REP5-005], the Applicant has provided a response to the Examining Authority's proposed changes to the draft Development Consent Order [PD-013]</p>

Ref	Deadline 5 submission		Applicant's response
2.1.9	<p>[REP4-042] Outline Operational Drainage plan REV C</p> <p>HDC Comments below submitted to [REP3-023] Outline Operational Drainage Plan Rev B</p> <p><i>The provision of figures for the proposed attenuation basins at Oakendene provided in Appendix A of REP3-050 are a welcome addition. HDC request that the figures are translated and cross referenced with regards to ecology and appended within Chapter 22 Terrestrial Ecology report (APP-063 composition of these habitats. It is also requested at the detailed design stage for the Applicant to provide indicative landscaping plans for cross sections of the basins, including shelves/benches and rockery to create varying depths, aquatic and marginal vegetation composition, and deadwood for wildlife access.). For example, will the indicative flood levels for existing ground be of a suitable depth for proposed wet woodland planting and establishment, or whether the basins will need to be redesigned to attenuate more water. The estimated seasonality/frequency of the land being inundated will also be useful to help determine species</i></p>	<p>HDC notes its previous request that the provision of figures for the proposed attenuation basins at Oakendene provided in Appendix A of REP3-50 have not yet been translated and cross referenced with regards to ecology and appended within Environmental Statement Volume 22 Chapter 22 Terrestrial ecological and nature conservation REV B [REP4-023]. HDC continues to request this, as doing so would provide assurance that the drainage and landscaping and ecology mitigations can all be delivered.</p> <p>Please note indicative SuDS plan has not been updated in line with other masterplan changes such as the retention of part of the boundary vegetation along the southern boundary which resulted in the use of a trenchless crossing.</p> <p>This is exactly the inconsistency HDC wishes to avoid as an outcome, and it is sincerely hoped that item 8 of ExA's proposed DCO changes will address this.</p>	<p>within Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121].</p> <p>The Applicant has provided a detailed response at Deadline 5 in relation to Horsham District Council's request for cross referenced figures in Table 2-2 (reference 2.1.3) within Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>In relation to Horsham District Council's second point, the Outline Operational Drainage Plan [REP5-062] is consistent with other documents for design elements related to the proposed outline drainage proposals which is the fundamental purpose of that document. Note that the Outline Operational Drainage Plan [REP5-062] is not the securing mechanism for matters concerning vegetation retention which is appropriately set out by other documents such as the Design and Access Statement [REP5-023], Outline Vegetation Retention and Removal Plan [REP5-126], Landscape and Ecology Management Plan [REP5-072], and Appendix A Crossing Schedule of the Outline Code of Construction Practice [REP5-064] secured via Requirements 8, 12, 22 4 (p) and 40 of the Draft Development Consent Order [REP5-005].</p>
2.1.10	<p>REP4-044] Outline Code of Construction Practice REV D</p> <p>In relation to [REP3-025] Outline Code of Construction Practice Rev C</p> <p>2. Approach to environmental commitments 2.8 complaints Complaints regarding the construction phase to managed in line with the Construction Communications Plan (CCP) Requirement 34. Further details of the complaints procedure to ensure it is responsive and effective. Are the tailored Communication and Mitigation Plans the responsibility of the contractors for each phase? What level of oversight and audit of the complaints process by RED is envisaged?</p>	<p>The issue remains that the OCoCP REV D still does not provide details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. Instead, there is reference to only providing a guide to the information that stage specific versions should specify in greater detail.</p> <p>HDC in its written submissions has identified sensitivities regarding noise, vibration, dust and air quality, and the consequential need for monitoring of these matters.</p> <p>As previously submitted to the Examination, monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work. This is of critical importance given that section 8 to Part 2 of the DCO "Defence to proceedings in respect of statutory nuisance" removes the power for</p>	<p>The Applicant has provided detailed responses to Horsham District Council's comments in their Deadline 5 submission [REP4-084] with respect to air quality, noise and approach to complaints in Table 2-2 (references 2.1.4, 2.1.5, 2.1.13 to 2.1.23 and 2.1.28 to 2.1.33) within Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>An Outline Construction Communication Plan [REP5-124] was submitted at deadline 5 as requested by Horsham District Council.</p> <p>The Applicant has provided responses within Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO</p>

Ref	Deadline 5 submission	Applicant's response	
	<p>4. General principles</p> <p>4.3.5 Main compounds Perimeter fencing should include provision of noise barriers where they are necessary. Some activities such as loading of excavated soils will take place higher than the hoarding height of 2.4m The compounds are to include a maintenance area for plant and machinery. This is also referenced in C-8. What kind of maintenance activities are proposed? Give the open-air nature of the compounds this activity could be a significant source of disturbance.</p> <p>4.2 Working Hours The shoulder period for the Washington compound should not include deliveries or unloading due to its proximity to noise sensitive receptors. C-22 should be amended to incorporate this restriction.</p> <p>4.12 Excavated materials With respect to the excavated soils, it should be noted that the MMPs will require regulatory approval from Local Authority to ensure no contamination is caused at receptor sites in accordance with their statutory duty. This is usually achieved through the planning process and it is important that this mechanism is reflected in the requirements attached to the DCO. C-69 should recognise the role of local authorities.</p> <p>5. Management of onshore environmental issues 5.3.4 air quality mitigation measures The majority of the specific measures relating to dust and air quality management have been deleted and instead reference is made to an Outline AQMP. Noise and vibration</p> <p>5.4.3 Commitments C-26 states that where noisy activities are planned and may cause disturbance mitigation measures may be deployed. This a poorly defined criteria for intervention leaving the judgement to the</p>	<p>local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act. Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions CoCP.</p> <p>HDC would therefore welcome the Applicant to commit to independent monitoring and auditing of the CoCP, in liaison with the relevant local authority. This will provide transparency and community reassurance. This audit and monitoring should be funded by the developer to reduce the burden on the local authority. HDC would also welcome an independent auditing of the monitoring undertaken by the Transport Coordination Officer (TCO) to ensure community confidence and to police the traffic passing through Cowfold AQMA so it does not become higher than 25% over the life of the project. As previously submitted to the Examination, it is HDC's position that for C-26 and C-263 it is considered the adoption of the values in BS5228 annex E ABC thresholds are not suitably 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 at the thresholds used in the ABC method.</p> <p>It is therefore welcomed and supported that further information has been sought by the ExA on the noise and vibration monitoring arrangements for the construction compounds and work sites, in the ExA's proposed changes to the DCO order item 19, as the matters is not currently sufficiently covered in the OCoCP REV D. There is also request for additional compliance monitoring during construction may be required as per IAQM Construction Dust Guidance (Jan-2024) as part of the OCoCP. It is also requested that the applicant add a measure to the CEMP to supplement local authority monitoring in Cowfold for NO2 during construction, which would help to increase model certainty and confidence in the results and community reassurance.</p> <p>Still require further details of the complaints procedure to ensure it is response and effective. The Construction Communication Plan secured at Requirement 34 is not tailored and the mitigation plans are not the responsibility of the contractors for each phase and there is lack of oversight and audit of the complaints process. As these matters are not covered by Requirement 34 (as an Outline Construction Communication Plan has not been submitted to Examination for comment), these matters need to be addressed in the OCoCP.</p> <p>Items 8 and 15 put forward by the ExA to the draft DCO is suggestive that the OCoCP does not sufficiently address the need for specific management and practices tailored to the sensitivities identified by HDC in its written submissions particular to certain locations (the temporary construction compounds and substation sites). Although Requirement</p>	<p>[REP5-121] with respect to items 8, 15, and 19 in the Examining Authority's proposed changes to the draft Development Consent Order [PD-013].</p> <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 Outline Construction Traffic Management Plan [REP5-069] 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>

Ref	Deadline 5 submission		Applicant's response
	<p>applicant's contractors. This commitment should be reworded to ensure it is precise and suitably protective. C-263 adopts BS-5228 as the appropriate assessment methodology for construction noise. However, the thresholds in BS5528 are considered not be sufficiently protective of noise impacts at locations where day and night background noise levels are very low. Given the DCO seeks to remove established rights under statutory nuisance a lower threshold should be adopted as set out in section E5 to BS5228-1. Any noise impact assessment must take into account the Noise Policy Statement for England.</p> <p>5.4.5 Management measures The majority of the specific measures relating to noise and vibration have been deleted and instead reference is made to an Outline Noise and Vibration Management Plan (NVMP) (Document Reference: 8.60) It is now stated that the NVMP will include compliance monitoring. This is welcomed but the results should be shared with the LPA and other relevant persons to provide clarity and reassurance to the impacted communities.</p>	<p>22 refers to stage specific CoCP it does not require specific management plans for each individual Construction Compound. The Washington compound will contain significant features such as storage of materials and equipment (up to 7m high) and a concrete batching plant up to 20m high, in proximity to neighbouring camping and caravanning sites.</p> <p>Drawing 62280651-WSP-XX-XX-DR-TP0100-0139 is not included within the document and as stated at para 3.4.4 of the technical note, REP4-046] Outline Construction Traffic Management Plan Rev E. This is required to understand concept designs for A-61 and A-64 on Kent Street.</p>	
2.1.11	<p>[REP4-046] Outline Construction Traffic Management Plan Rev E</p> <p>REP3-030 Outline Construction Traffic Management Plan Rev D</p> <p>The vegetation removal necessary to enable the delivery to the now proposed passaging places within Kent Street have not been considered within the vegetation removal plans and effects on the character and visual amenity on Kent Street. HDC would welcome its inclusion in the review of the LVIA at deadline 4 and HDC urges the applicant to further explore the use of haul roads as an alternative. Furthermore, should the nature of these works become permanent, as suggested by residents, assessment of the nature of effects and mitigation measures proposed must also be provided.</p>	<p>The OCTMP should contain clear measures of controls for HGVs to/from site, and management of HGVs and LGVs. Including a monitoring and review strategy and compliance and enforcement. It is suggested that all HGVs be tracked using GPS technology to monitor compliance with the proposed HGV routes. Including a delivery management system, which will actively control bookings of HGV, LGV and AIL deliveries to/from the main development site as well as compliance with EURO VI standards for HGVs travelling to/from the main development site.</p> <p>Controls on HGV movements are reasonable because of the impacts they create and the sensitivity of the Oakendene substation site and the Cowfold AQMA. The proposed strategy for traffic management along Kent Street has resulted in future harm to its character, albeit temporary.</p> <p>In its examination submissions, HDC has proposed that Rampion establishes a traffic management and monitoring system prior to commencement of construction in order to monitor HGVs routing to the new onshore substation and submits details of this traffic management</p>	<p>The Applicant notes that information on the monitoring strategy for construction traffic is contained within Section 9.2 of the Outline Construction Traffic Management Plan [REP5-068] updated at Deadline 6. Further details related to the requirement for monitoring reports will be provided as part of stage specific construction traffic management plans, developed in accordance with the Outline Construction Traffic Management Plan [REP5-068] updated at Deadline 6, secured by Requirement 24 of the Draft Development Consent Order [REP5-005].</p> <p>Paragraph 8.4.16 of the Outline Construction Traffic Management Plan [REP5-068] states that all road-based vehicles used in the construction of the onshore elements of the</p>

Ref	Deadline 5 submission		Applicant's response
	<p>The principle of Kent Street being used for construction traffic and HGV's is of significant concern for HDC given the likely impact it will have on the character and visual amenity of Kent Street. This is becoming more apparent and significant the more the detailed design emerges. HDC urges the applicant to further explore the use of haul roads instead.</p> <p>Please note that any vegetation loss identified within this document should also be reflected and updated within the BNG matrix and calculations.</p>	<p>and monitoring system to the LPA for approval prior to commencement of construction.</p> <p>It is unclear from the submission at deadline 4 if all control documents are informed by the proposed traffic management strategy on Kent Street. For instance, of the Outline Landscape and Ecology Management Plan insert the reinstatement measures along Kent Street. A holistic Site Specific plan for the detailed design of the substation at Oakendene would assist with resolving this (item 8 of the DCO's proposed changes to the dDCO).</p> <p>Technical note: No detail has been provided on the reinstatement of temporary passing places, widened verges and accesses. HDC would welcome to be consulted given the sensitivity of Kent Street. n the reinstatement – is this already covered somewhere?</p> <p>We note the plans at Appendix C of the Outline Construction Traffic Management Plan [REP1REP3-010029] submitted at Deadline 4, does not include concept design for A-61 and A-64, Drawing 62280651-WSPXX-XX-DR-TP0100-0139 as stated at para 3.4.4 of the technical note. From the information currently provided at appendix B of REP4-044] Outline Code of Construction Practice REV D, is still not clear the amount of vegetation clearance required to facilitate temporary and operational accesses on Kent Street. A61 is a construction and operational access which requires a new temporary construction bell mouth.</p> <p>It is also noted that the vegetation plans submitted at appendix B ref above, do not include the vegetation removal for the widening access of Kent Street as proposed by the technical note HDC has concerns with the removal and absence of assessment of this loss on the character and visual amenity of Kent Street. We await provision at Deadline 6 but in the meantime register HDC's concern.</p>	<p>Proposed Development will be to a EURO standard VI class or better wherever possible.</p> <p>The Outline Landscape and Ecology Management Plan [REP5-072] includes for the reinstatement of all temporary habitat losses including those associated with accesses (see Section 1.2). Therefore, temporary losses to deliver passing places along Kent Street will be reinstated to the habitat type and condition as current as a minimum.</p> <p>With regards habitat losses on Kent Street, the Outline Vegetation Retention and Removal Plan [REP5-125] shows losses at the junction between the A272 and Kent Street and at access points A-61 and A-64.</p> <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 Outline Construction Traffic Management Plan [REP5-069] 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>
2.1.12	[REP4-048] Outline Landscape and Ecology Management Plan REV C	<p>HDC refers to Oakendene Substation Indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 which it is noted is not listed in the List of Figures in the Contents of the OLEMP REV C [REP4-047]. Several drawings submitted at the back of the OLEMP are not included in the List of Figures, please update.</p> <p>HDC notes from the Indicative planting phase plan that the planting area denoted in the colour blue with the key to Phasing of Planting referring to 'first available planting season following commencement of the onshore substation works', includes areas to be planted beyond the site's temporary perimeter fencing (described in various ways as internal screen fence to eastern boundary/ internal construction fence to southern boundary/construction boundary fence to western boundary/temporary internal screen fence to northern boundary).</p>	<p>Please see response to reference TE 2.26 in Table 2-3.</p> <p>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.</p>

Ref	Deadline 5 submission		Applicant's response
		<p>One of the first tasks to be carried out when setting up a construction site is to erect the perimeter fencing to make a site secure (it is assumed that this is the fencing that is being referred to in differing ways on the plan and clarification on this is requested with the wording of the plan amended). Planting the area denoted in blue after the fence is erected is not practical and likely to result in poor delivery, longer planting times as access will be partially constrained and limited for maintenance purpose only.</p> <p>Assuming all references on the planting phase plan relate to the same perimeter fencing, it is understood the western boundary is to be planted prior to commencement of the onshore substation works which will have to take place within the appropriate planting season. All areas identified in blue, save for the formation of the site access, are adjacent to existing vegetation and no ground works are to take place other than planting and the erection of the perimeter fencing therefore, the need to leave the area to be planted until the first planting season available is queried. It is recommended that these areas also come forward as advance planting and the wording on the Indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 updated to reflect this.</p> <p>HDC recommended wording as follows: <i>'First available planting season prior to the erection of perimeter fencing'</i>. It is also recommended that the key includes the following wording: <i>Temporary close board fence to have access points suitable for maintenance of the landscaped areas.</i></p> <p>These necessary amendments to the indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 would satisfy HDC that the buffer zones, which are a key mitigation to the LVIA assessed mitigation strategy is delivered in a timely manner and maintained successfully.</p> <p>Alongside amendment to the phasing plan, HDC strongly supports item 8 of ExA's Proposed changes to the draft DCO which has recommended provision of an overarching site-specific plan for Oakendene prior to works commencement, to address, amongst other things, HDC's ongoing concerns regarding feasibility on habitat creation and its establishment and long-term survival (whether this is wet or dry woodland), and demonstrating how drainage will work with landscaping to deliver the necessary mitigation.</p>	
2.1.13	[REP04-058] Commitments Register Rev D	HDC maintains that several concerns with the mitigation provisions to address several unresolved issues, including noise, dust and air quality, which may be addressed by fleshed out commitments if not the Requirements themselves. The ability to amend the Commitment Register post-consent would be valuable in this regard as proposed in item 18 of the ExA's proposed changes to the draft DCO.	The Applicant has provided responses in relation to commitments C-22 and C-158 (Commitments Register [REP5-086]) within Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119] question CR2.1.

Ref	Deadline 5 submission	Applicant's response
		<p>For example;</p> <p>Throughout this Examination, HDC has in its written submission advocated the need for the routing of HGVs used during the construction period to avoid settlements of evidenced sensitivities, such as Storrington AQMA. C-158 does not refer to the Storrington Air Quality Management Area. Although in C-157 Storrington is included on the list of settlements that construction HGVs will be routed to avoid, this is only 'where possible'. It would be reassurance to HDC if the Storrington Air Quality Management Area was explicitly referenced in C-158, to reflect it being a receptor to avoid in its own right.</p> <p>As previously submitted to the Examination, it is HDC's position that for C-26 and C-263 it is considered the adoption of the values in BS5228 annex E ABC thresholds are not suitably 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 at the thresholds used in the ABC method.</p> <p>The shoulder period for the Washington compound should not include deliveries or unloading due to its proximity to noise sensitive receptors. C-22 should be amended to incorporate this restriction. No independent monitoring of the Code of Construction Practice is required under commitment 22. The implementation and operation of the construction activities with respect noise, vibration and dust should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p> <p>This is of critical importance given that section 8 to Part 2 of the DCO "Defence to proceedings in respect of statutory nuisance" removes the power for local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act. Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions Code of construction practice.</p> <p>As with the CoCP, no independent monitoring of the CTMP is required under Commitments. For similar reasoning to the CoCP, HDC advocates the implementation and operation of the traffic management route should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p>
		<p>The Applicant has provided a response with respect to the ABC method and commitments C-26 and C-263 (Commitments Register [REP5-086]) at reference 2.1.5 within Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant restricted works in the shoulder hours (07:00 -08:00 and 18:00 – 19:00) at Deadline 1 to restrict the main noise generating activities on site during these hours to reduce impacts to noise sensitive receptors. Restricting deliveries to the Washington compound to outside the shoulder hours would result in additional movements in the peak hour when roads are most congested and delay the construction schedule. Therefore, the Applicant will not be making any further amendments.</p> <p>The Applicant considers that the requested addition to Requirement 24 by Horsham District Council is not necessary and provision of vehicles to Euro VI standards or better is secured in the Outline Construction Traffic Management Plan [REP5-068] at paragraph 8.4.16. The use of wherever possible is required to cover the eventuality that a specialist piece of equipment may not be available that complies and therefore an element of flexibility is needed in such cases.</p>

Ref	Deadline 5 submission	Applicant's response
		Requirement 24 does not include any specific requirement for road vehicle class to be Euro VI as a minimum. Neither does the Commitment Register Rev D. There is only reference to Euro VI as a minimum standard at para 4.16 of the OCTMP and still only 'wherever possible'. Adherence to this minimum standard has been identified by HDC as an important mitigation. Whilst HDC would welcome a specific obligation inserted into the requirement to secure this, there could be a standalone committee securing this outcome.
2.1.14	[REP4-005] Draft Development Consent Order REV E	HDC Response to the dDCO is provided across its responses to the Applicant's deadline 4 material; to the ExA's further written questions; and to the ExA's schedule of proposed changes to the dDCO. Please refer. The Applicant has no further comment on this matter at this time.

Appendix 2

Overview

<p>2.1.15 The Examining Authority invited commentary on the Applicant's draft S106 Agreement REV A received at Deadline 4 [REP4-076]. Horsham District Council's (HDC) response is set out below. The purpose of the S106 legal agreement is to secure mitigation/compensation for the identified residual effects of the Proposed Development in Horsham District that cannot be avoided and/or mitigated further.</p>	<p>The Applicant has included a requirement in the Draft Development Consent Order [REP5-005] at Deadline 5 to secure a Horsham District Mitigation and Enhancement Scheme to secure compensation for the residual effects in Horsham District Council; the Horsham District Mitigation and Enhancement Principles document confirms the contributions will be secured by a section 106 agreement. The principles document details the contributions payable which have been agreed between the Applicant and Horsham District Council. Please refer to the Applicant's Closing Statement (Document Reference: 8.103) with regards the final position on these arrangements.</p>
--	--

Air Quality

<p>2.1.16 The draft S106 REV A now provides for Heads of Terms on air quality, securing mitigation in the form of a 'damage-cost' financial sum calculated in accordance with the methodology set out in Sussex Air quality and emissions mitigation guidance for Sussex, which determines the amount that should be spent on air quality mitigation. In the case of the Proposed Development, it is necessary to provide a financial contribution as insufficient mitigation is to be provided on-site.</p>	<p>The Applicant and Horsham District Council have agreed a final revision to the Outline Air Quality Mitigation Strategy [REP3-053] updated and submitted at Deadline 6. Consequently, no contingency sum is required. This will be secured through the requirement detailed above, the associated principles document and the section 106 agreement which is to be completed in due course.</p>
<p>2.1.17 As the traffic data in the DCO submission is not yet fixed, within the Heads of Terms, HDC is advocating a contingency fund be provided that secures proportionate mitigation in the scenario of an updated 'damage-cost' financial sum in response to an uplift in traffic data.</p>	

Residual Landscape Harm

Ref	Deadline 5 submission	Applicant's response
2.1.18	The draft S106 REV A provides for Heads of Terms for a compensation fund for residual landscape harm that cannot be mitigated. HDC and the Applicant have been in discussion on the scope and sums entailed with this compensation. HDC provided this to the Applicant on 24th June 2024. Similar approaches by West Sussex County Council and South Downs National Park Authority have been secured in principle in their respective legal agreements with the Applicant	The Applicant welcomes Horsham District Council's constructive engagement on this topic, and has been able to reach agreement on the compensation fund required for residual landscape harm.
2.1.19	HDC's scope and sums are based on robust evidence and costings of actual schemes under the Wilder Horsham nature recovery strategy that it may seek to fund to counter the residual landscape harms. These schemes comprise landscape-led nature recovery projects involving tree and hedgerow planting, delivered by Wilder Horsham in partnership with the Ouse & Adur Rivers Trust. The majority are ready to be implemented. All the projects are in Local Landscape Character areas within Horsham District that are evidenced by the Applicant's Landscape and Visual Impact Assessment [APP-059] to be the subject of residual landscape harm. The Council continues to negotiate on the final sum entailed with this compensation, to be spent on projects subject to a cascade mechanism to delivery priority within the relevant Local Character Areas.	The quantum for the compensation payment to be made to Horsham District Council has been agreed as set out in the Horsham District Mitigation and Enhancement Principles, and will be secured through a section 106 agreement in due course. Further detail is set out in the Applicant's Closing Statement (Document Reference: 8.103) .
2.1.20	At deadline 4, HDC advocated for the Wilder Horsham District compensation fund to be based on the compensation for landscape and ecology impacts that could not be delivered on-site at the site of impact [REP4-084]. It is now evident that the Applicant's approach is to follow the current biodiversity net gain procedure in the dDCO submission, and that compensation and biodiversity net gain will not be separated, and any remaining units to be offset will be sought from purchasing units from habitat banks. HDC accepts that given the resource limitations of Wilder Horsham District, quantifying the Wilder Horsham District projects in terms of habitat units in the way that would satisfy the BNG approach proposed, would have presented difficulties to successful implementation of the suggested approach.	
2.1.21	It is HDC's position that the S106 meets the planning tests related to development consent obligations and the obligations are reasonable and proportionate to the extent of the residual harm. To that end, HDC continues to negotiate on the appropriate funding sum. Heads of Terms on these matters, in expectation that the legal agreement will be signed and completed by Deadline 6.	
Cost Recovery		
2.1.22	The latest draft (REV A) does not provide for administrative cost-recovery for the Council, as advocated by HDC in its Local Impact Report (LIR) [REP1-044] and at Deadline 4 [REP4-084]. The Council continues to advocate for inclusion of these provisions during Examination, whether within the legal agreement or alternative means to securing this on the face of the DCO order itself.	Cost recovery is not required to offset harms of a development, and as such is not included in a section 106 agreement. However, the Applicant considers that a Planning Performance Agreement can be entered into with Horsham District Council for the same purpose.
2.1.23	It is also the Council's position that given HDC, via Wilder Horsham, would be the responsible authority to distribute the monies with post completion monitoring for projects in Horsham district, it is not necessary for the landowners to which the Wilder Horsham projects relate to be party to the agreement. To that end, the legal agreement for this matter at least, could be a simple monetary sum paid by the Developer to HDC. These matters are subject to ongoing discussions with the Applicant.	The Applicant agrees that the compensation payment should be paid to Horsham District Council. The compensation payment will be secured through a Section 106 agreement which is bound to land interests in the Horsham District Council administrative area as described in the Horsham District Mitigation and Enhancement Principles document.
Monitoring Fee		
2.1.24	All legal agreements require monitoring to ensure compliance with requirements and ensure financial obligations are fully met. HDC has levied a fee charge of £400 per trigger, allowed by the CIL Regulations 2010, to cover the administrative burden for monitoring compliance by planning officers over the course of an s106 agreement. The monitoring fee will cover the cost of planning administration in its responsibilities as discharge authority.	The payment of a fee towards monitoring compliance with the planning obligations is accepted by the Applicant.

Ref	Deadline 5 submission	Applicant's response
Summary		
2.1.25	HDC will continue engagement with the Applicant to reach agreement on the above compensation to achieve no net biodiversity loss. The Council will continue to advocate for the inclusion of administrative cost-recovery if not in Heads of Terms, then by way of an alternative mechanism within the DCO submission.	Please refer to the Applicant's Closing Statement (Document Reference: 8.103) with regards the final position on these arrangements.
2.1.26	The Wilder Horsham projects listing (updated 8th July 2024) and HDC Local Landscape Character Areas Map are attached overleaf.	

Table 2-2 Applicant's comments on Horsham District Council's Deadline 5 Comments on ExA's commentary on, or schedule of changes to, the draft DCO submission [REP5-149]

Ref	Deadline 5 submission		Applicant's response
Reference	Examining Authority's Reasoning	Horsham District Council Response	
8	<p>Schedule 1, Part 3, Requirement 8(1) Site-Specific Plan for the Detailed design approval onshore substation at Oakendene</p> <p>The ExA considers that the submission and approval of an overarching site-specific plan for works in the area of Oakendene Substation is necessary, as at this stage of the Examination there are many outstanding areas of concerns which will need to be addressed. These include:</p> <ul style="list-style-type: none"> • The safe construction of the works is dependent on the detailed development by the Applicant of a complex traffic management strategy involving HGV movements along the A272 and in and out of Oakendene Compound, Oakendene Substation Site and Kent Street and its approval by West Sussex County Council as Highway Authority. • The use of Kent Street a single track lane will in particular require careful detailed planning in order to facilitate the safe movement of private vehicles, pedestrians, cyclists and equestrians in combination with construction traffic; • The detailed design of the permanent access to Oakendene Substation; • Details of the vegetation loss, retention and replanting at the Oakendene site; • Details of drainage including how it will work with the landscaping. The ExA considers the suggested changed to Requirement 8 would ensure a comprehensive site specific plan for the Oakendene substation site is therefore necessary. 	<p>HDC supports the ExA's reasoning on securing an site specific plan for the detailed design approval of the onshore substation at Oakendene.</p> <p>Whilst the applicant has made supportable changes to Requirement 8 over the course of the Examination, based on the submission evidence, the successful delivery of landscaping at the Oakendene site remains a concern by HDC in particular how it would work with the drainage.</p> <p>It was also evident from the ISH2 held in May 2024 that more finer grain evidence is required to be undertaken by the applicant on the traffic management strategy and associated design work for access for this site area, including on reinstatement measures, such as passing bays along its Kent Street and widening of the road junction with the A272, to mitigate identified harms.</p> <p>It is unclear from the submission at deadline 4 if all control documents are informed by the proposed traffic management strategy on Kent Street. For instance, if the Outline Landscape and Ecology Management Plan insert the reinstatement measures along Kent Street. A holistic Site Specific plan for the detailed design of the substation at Oakendene would assist with resolving this.</p> <p>HDC suggests it would be clearer if at 8(1) as proposed, operational and maintenance water usage (which it is assumed refers to demonstrating water neutrality), be separated out from the (conventional) site surface/foul water drainage.</p> <p>Additionally, HDC recommends insertion of the word sustainable to the site drainage is changed to sustainable drainage strategy as this component of the site design needs to work with the landscaping objectives. Both changes are detailed below.</p> <p>8.—(1) Works comprising Work No. 16 together with the associated Work No. 17, Work No. 18 and Work No. 19 (excluding any onshore site preparation works) must not commence until details of —</p> <p>(a) siting and layout;</p> <p>(b) scale and quantum of development and its uses;</p> <p>(c) existing and proposed finished ground levels;</p> <p>(d) landscaping;</p>	<p>The Applicant set out its response to the examining Authority's proposal for a revised Requirement 8 in its submission Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121]. Subsequent to the issue of the Examining Authority's request for further information from the Applicant [PD-017] the Applicant has provided further comments in relation to amendment off Requirement 8 including to take account of traffic management measures.</p> <p>The Applicant has confirmed its position in respect of the site drainage arrangements and associated planting at the onshore substation in line 2.1.3 of Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Outline Landscape and Ecology Management Plan [REP5-072] includes for the reinstatement of all temporary habitat losses including those associated with accesses (see Section 1.2). Therefore, temporary losses to deliver passing places along Kent Street will be reinstated to the habitat type and condition as current as a minimum.</p> <p>With regards habitat losses on Kent Street, the Outline Vegetation Retention and Removal Plan [AS-044] shows losses at the junction between the A272 and Kent Street and at access points A-61 and A-64.</p> <p>It is not considered necessary for Requirement 8 to include reference to site drainage, as Requirement 17 already provides for an operational site drainage plan to be submitted to and approved by the local lead flood authority prior to any works to construct the onshore substation site commencing. The details must then be implemented as approved.</p>

Ref	Deadline 5 submission		Applicant's response	
Reference	Examining Authority's Reasoning	Horsham District Council Response		
		<p>(e) access; and</p> <p>(f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment;</p> <p>(g) a construction traffic plan illustrating the access and egress points, traffic routing and vision splays;</p> <p>(h) vegetation removal, retention and replanting; and</p> <p>(i) operational and maintenance water usage and</p> <p>(j) sustainable site drainage</p>		
10	Schedule 1, Part 3, Requirement 14 Biodiversity Net Gain	The ExA has reviewed all matters submitted by the Applicant at Deadline 4. The ExA acknowledges that the Applicant has indicated that matters concerning Biodiversity Net gain remain ongoing and subject to further discussion. To ensure such matters are adequately controlled, the ExA recommends Requirement 14 is strengthened as requested by the SDNPA and West Sussex CC in their respective Deadline 3 submissions [REP3-071] and [REP3- 073] and as discussed at the Issue Specific Hearing 2 held on Thursday 16 May 2024 [EV5-001] (ISH2), but where the Requirement has remained unaltered in the latest draft DCO [REP4-004].	HDC supports the ExA's reasoning on the proposed adequate controls concerning Biodiversity Net Gain in an amended Requirement 14 as proposed by WSCC and SDNPA. The ExA's proposed changes would also secures amendment put forward to Requirement 14 by HDC in its own response to written questions (EXQ1) [REP03-069] (this being, insertion of proof of purchase of all necessary biodiversity units from third party providers), which is not in the draft DCO REV E [REP4-004].	The Applicant revised the wording for Requirement 14 in the Draft Development Consent Order [REP5-005] as submitted at Deadline 5. The justification for the wording adopted was set out within Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] .
13	Schedule 1, Part 3, Requirement 22(4) Code of Construction Practice	The ExA considers the crossing schedule should be subject to an additional Requirement as set out below.	HDC supports the ExA's reasoning on this issue. This is because the number and locations of the trenchless crossings, while specified in the Crossing Schedule, remain indicative at this stage and some are subject to detailed design as a result of further ground investigations or habitat surveys (etc) (also see Section 4.2.3 of REP4-044).	The Applicant does not consider that the trenchless crossings shown in Appendix A: Crossing Schedule of the Outline Code of Construction Practice [REP5-064] are indicative; please see response 16 within Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] .
15	Schedule 1, Part 3, New Requirement 41 Site-Specific Plans for the detailed design approval temporary construction compounds at Washington and Climping	The ExA considers that the submission and approval of overarching site-specific plans for works in the areas of the Washington and Climping temporary construction compounds are necessary. These documents would provide a one-stop shop for relevant planning authorities and Interested Parties to have a greater	<p>HDC supports the ExA's reasoning on this issue for an overarching site-specific plan for works within the area of Washington construction compound but also recommends adding (d) 'to include advance planting where appropriate'. (see below)</p> <p>HDC has previously submitted to the Examination [REP3- 069] that it advocates a specific approval of tailored stage specific management plans for each individual Construction Compound, informed by site-specific mitigations, to include but not limited to: -</p>	<p>The Applicant has provided its response to the Examining Authority's proposal for a new requirement for construction compounds in line 15 of Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121].</p> <p>There is no intention for there to be specific advanced planting for the compounds as they are temporary in nature and the Applicant has committed to restoring the land to its former condition once the compound is no longer required. However</p>

Ref	Deadline 5 submission		Applicant's response
Reference	Examining Authority's Reasoning	Horsham District Council Response	
	<p>understanding of exactly what would occur in these areas as opposed to such matters being contained across a suite of documents. The ExA considers this can be achieved through a new Requirement in the DCO akin (although tightened) to Requirement 8.</p>	<p>i) appropriate landscaping/boundary treatments which must include advance planting; and</p> <p>ii) ecological mitigation and compensations; and</p> <p>iii) Communications Construction Plan,</p> <p>iv) a Dust Management Plan, which should take into account emissions of off-road construction vehicles, NOx and particulate matter provided in accordance with the measures in the OCoCP and Requirement 22.</p> <p>The purpose of this request is not to simply seek a duplication of existing measures already presented across the suite of control documents, which appears to be concern of the Applicant.</p> <p>This request is to address the need for specific management tailored to the sensitives identified by HDC in its written submissions, particular to the individual construction compounds [REP3-069].</p> <p>Although Requirement 22 refers to stage specific CoCP it does not require specific management plans for each individual Construction Compound.</p> <p>The Washington compound will contain significant features such as storage of materials and equipment (up to 7m high) and a concrete batching plant up to 20m high, in proximity to neighbouring camping and caravanning sites. There are landscape sensitivities to the compound site that require timely delivery of appropriate mitigation, such as planting.</p> <p>The Outline Noise and Vibration Management Plan [REP3- 054] only sets broad principles and defers to the site-specific noise and vibration management plans to be drawn up by the contractors. These have yet to be provided so it is not possible to consider the adequacy of these plans. HDC therefore supports Item 15 of ExA's Proposed changes to the draft DCO which recommends addition of Schedule 1, Part 3, Potential New Requirement 41, to include;</p> <p>Site-Specific Plans for the detailed design approval temporary construction compounds at Washington and Climping</p> <p>The insertion of New Requirement 41 would be considerable comfort to HDC's concern on the continued omission of tailored stage specific management plans for each individual Construction Compound from Requirement 22.</p>	<p>there will be a stage specific Construction Method Statement and a stage specific Code of Construction Practice which will apply to each compound, which documents are required to accord with the Outline Construction Method Statement [REP5-088] and Outline Code of Construction Practice [REP5-064], as well as a stage specific Landscape and Ecology Management Plan which must accord with the Outline Landscape and Ecology Management Plan [REP5-072], each of which must be approved by the relevant planning authority, and implemented as approved.</p> <p>It should also be noted that that the Outline Code of Construction Practice [REP5-064] already includes for approval of a stage specific Air Quality Management Plan (to accord with the Outline Air Quality Management Plan [REP5-113]) which includes monitoring and management for dust. It must also include a Noise and Vibration Management Plan which must accord with the Outline Noise and Vibration Management plan [REP5-111], but will inevitably have to be more specific to the stage it relates to and its specific sensitivities. This plan will also require the approval of the relevant planning authority for the stage.</p> <p>The stages of construction by reference to which requirements are to be discharged are also required to be detailed in a programme to be submitted to and approved by the relevant planning authorities pursuant to Requirement 10 of the Draft Development Consent Order [REP5-005].</p>

Ref	Deadline 5 submission		Applicant's response	
Reference	Examining Authority's Reasoning	Horsham District Council Response		
		<p>Suggested refinement as below;</p> <p>41) Works comprising Work No. 10 and Work No.11 must not commence until details of—</p> <p>(a) siting and layout;</p> <p>(b) scale and quantum of development and its uses;</p> <p>(c) existing and proposed finished ground levels;</p> <p>(d) landscaping to include advance planting where appropriate;</p> <p>(e) access; and</p> <p>(f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment; for the temporary construction compound have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex County Council and Work No.10 must be carried out in accordance with the approved details.</p>		
16	<p>Schedule 1, Part 3, New Requirement 42 Trenchless Crossing</p>	<p>The ExA understands that the locations of the trenchless crossing, while specified in the Crossing Schedule, remain indicative at this stage and some are subject to detailed design. The ExA also understand that the Applicant may increase the number of areas where trenchless crossings will be used including W110 at Green Lanes. Because of the importance of the trenchless crossing schedule and that the Applicant is still refining it, the ExA considers the approval of the Trenchless Crossing should form its own Requirement.</p>	<p>HDC supports the ExA's reasoning on this issue. This is because the number and locations of the trenchless crossings, while specified in the Crossing Schedule, remain indicative at this stage and some are subject to detailed design as a result of further ground investigations or habitat surveys (etc) (also see Section 4.2.3 of OCoCP REP4-044).</p>	<p>It is the Applicant's position that the locations of the trenchless crossings are not indicative; please see Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121]. It is acknowledged that some locations include an element of optionality as ground investigations are yet to be carried out but this does not result in indicative locations.</p>
17	<p>Schedule 1, Part 3, New Requirement 43 European Protected Species</p>	<p>A European Protected Species requirement is normal practice and has been requested by Natural England [REP4-096]. The ExA considers the Requirement should be added.</p>	<p>HDC Supports and welcomes the ExA's reasoning on this issue. The need for safeguards to European Protected Species was advocated by HDC in its written submission [REP3-069].</p> <p>The drafting of new Requirement 43 would demonstrate the Applicant has demonstrated for opportunity to exist for further specific mitigation to be adopted following preconstruction surveys.</p> <p>It is noted that as drafted, new Requirement 43 requires surveys only to be submitted to NE/LPAs where a European protected species is shown to be present 43(2). It would assist with transparency if all survey findings were subject to submission to</p>	<p>The Applicant has included the requirement proposed by the Examining Authority in the Draft Development Consent Order [REP5-005]. It is not considered necessary to add in 'including onshore site preparation works' as these are already within the definition of commencement.</p> <p>The Applicant also confirms that the stage specific Codes of Construction Practice are to be submitted and approved pursuant to Requirement 22 which shall be produced in accordance with the pre-commencement survey requirements for protected species in Section 5.6 of the Outline Code of Construction Practice [REP5-064].</p>

Ref	Deadline 5 submission		Applicant's response	
Reference	Examining Authority's Reasoning	Horsham District Council Response		
		<p>the relevant authority, for public record that the survey was undertaken to appropriate standard and no European protected species was shown present.</p> <p>There should also be a robust process and procedure for undertaking pre-commencement surveys and reporting the results to NE and LPAs in advance of any precommencement works, including site clearance works, via the submission of updated species reports under Requirement of the dDCO. This outcome could be secured if the suggested new Requirement 43 was to require both pre-commencement and pre-construction survey work, as amended below:</p> <p>(43) (1) No phase of the onshore works (including site preparation works) may commence until final precommencement and pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by that phase of the onshore works or in any of the trees to be lopped or felled as part of that phase of the onshore works.</p>	<p>In this context it should also be noted that onshore site preparation works are not excluded from the requirement to submit and secure approval for a stage specific Landscape and Ecology Management Plan prior to commencement.</p>	
18	Schedule 1, Part 3, New Requirement 44 Commitments Register	<p>As set out in the ExA Further Written Questions, the ExA remains concerned over the robustness and consistency of the Commitments in the Commitments Register [REP4-057]. The ExA has requested that the Applicant review the concerns raised by Interested Parties and the ExA and amend accordingly. Should those amendments be made, and Interested Parties confirm they are largely content with them, the ExA may not need this Requirement.</p>	<p>HDC Supports and welcomes the ExA's reasoning on this issue. HDC maintains that several concerns with the mitigation provisions to address several unresolved issues, including noise, dust and air quality, which may be addressed by fleshed out commitments if not the Requirements themselves. The ability to amend the Commitment Register post-consent would be valuable in this regard.</p>	<p>The Applicant's position is that this proposal is not appropriate: please see the Applicant's response to the proposal to revise the Commitments Register (Commitments Register [REP5-086]) Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] for clarification.</p>
19	Schedule 1, Part 3, Potential New Requirement 45 or amendments to Requirement 22 Noise, Dust and Air Quality Monitoring	<p>The ExA notes the concerns of Horsham DC in respect to monitoring of noise. The ExA has tabled a Further Written Question NV 2.4 on this matter and, dependent on the responses received, may consider it necessary to insert the suggested wording either within Requirement 22 or within a separate Requirement.</p>	<p>HDC very much supports and welcomes the ExA's reasoning on this issue.</p> <p>Throughout this Examination HDC has raised in its written submissions that Requirement 22 does not include any specific requirement for noise, vibration, dust or air quality monitoring (on the face of the Order itself).</p> <p>Whilst Requirement 22(4) requires the stage specific CoCP to accord with the OCoCP, the issue remains that the OCoCP REV D</p>	<p>Please see the Applicant's response to the proposal as set out in Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] in relation to noise monitoring. The Applicant has clarified its position in relation to noise and dust management and monitoring in its responses to Horsham District Council's comments as set out above.</p>

Ref	Deadline 5 submission		Applicant's response
Reference	Examining Authority's Reasoning	Horsham District Council Response	
		<p>[REP4-044] still does not provide details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. Instead, there is reference to only providing a guide to the information that stage specific versions should specify in greater detail.</p> <p>Given the sensitivities identified by HDC in its written submissions regarding noise, vibration, dust and air quality and the consequential need for monitoring of these matters, the ExA's suggestion to draw out the issue of monitoring by inserting the suggested wording as a separate Requirement is preferable to this issue being placed equally amongst others within Requirement 22.</p> <p>As previously submitted to the Examination, monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work. This is of critical importance given that section 8 to Part 2 of the DCO "Defence to proceedings in respect of statutory nuisance" removes the power for local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act. Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions CoCP.</p> <p>HDC would therefore welcome the Applicant to commit to independent monitoring and auditing of the CoCP, in liaison with the relevant local authority. This will provide transparency and community reassurance. This audit and monitoring should be funded by the developer to reduce the burden on the local authority. HDC would also welcome an independent auditing of the monitoring undertaken by the Transport Coordination Officer (TCO) to ensure community confidence and to police the traffic passing through Cowfold AQMA so it does not become higher than 25% over the life of the project.</p>	

Table 2-3 Applicant's comments on Horsham District Council's Deadline 5 Responses to ExA's Further Written Questions (ExQ2) submission [REP5-150]

Ref	Topic	Written Question	Document Section	Horsham District Council Response	Applicant's response
Commitments Register					
CR 2.3	Commitment C5 All Relevant Planning Authorities Natural England Wildlife Trusts	Comment on the revised wording of Commitment C-5 at Deadline 4 in the Commitments Register [REP4-057]. Is the wording adequate? If not, provide alternative suggested wording. [N.B The wording of Commitment C-5 on page 75 of the updated OCoCP at Deadline 4 [REP4-043] has not been updated. Provide an update to the OCoCP at D5 to ensure consistency with the Commitments Register.]		<p>HDC is content with the proposed wording of C-5 at Deadline 4 in the Commitment Register [REP4-057] only on the provision that the ExA's Schedule of Changes to the Draft DCO No. 16 (Schedule 1, Part 3, New Requirement 42 Trenchless Crossing) is also secured.</p> <p>This is because the number and locations of the trenchless crossings, while specified in the Crossing Schedule, remain indicative at this stage and some are subject to detailed design as a result of further ground investigations or habitat surveys (etc) (also see Section 4.2.3 of OCoCP REP4-044).</p>	<p>As set out in the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121], it is not agreed that the number and locations of the trenchless crossings is indicative; as specified in requirement 6(4) within the Draft Development Consent Order [REP5-005]: <i>'Trenchless technology must be used to install the cable circuits in the locations identified in the crossings schedule (comprising part of the code of construction practice approved pursuant to requirement 22) for the purpose of passing under a relevant obstruction'</i>.</p> <p>Please see the remainder of the Applicant's response to the proposed change in the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] for further clarification.</p>
DCO Draft Development Consent Order (Draft DCO)					
DCO 2.4	Remaining Comments All Relevant Planning Authorities Natural England Marine Management Organisation	Aside from the matters discussed above, the changes set out in the ExA's Schedule of Changes to the Draft DCO and matters concerning Articles 11(7), 12(3), 15(5), 17(9) and 19(7) in respect to the 28-day provision and deemed consent, provide, if necessary, a summary of any remaining concerns with the draft DCO and draft DML and any suggested drafting changes. [N.B – although primarily addressed to the Applicant, all relevant parties may respond to the ExA's Scheduled of Changes to the draft DCO	Schedule 13	<p>Hedgerows lists at part 1 the removal of hedgerows and Part 2, the removal of important hedgerows. Minor inconsistencies continue to be found between the list and Tree Preservation Order and Hedgerow Plans Rev C (REP4-003). This list is likely to expand if checked against the revised vegetation removal as result of construction/operational accesses design.</p> <p>For instance, Hedgerows H201a and H206a that have been added to Schedule 13 Part 1 of the dDCO [REP4-005] and Terrestrial Ecology Chapter [Table 22-25 of REP4-023] for temporary loss is not clearly labelled on Sheet 24 within the updated Tree Preservation Order and Hedgerow Plan Rev C [REP4-003]. HDC request this is added on for consistency across documents (see figures in Rep4-044 for location). H507 also appears to be missing from the Outline CoCP Rev E [REP4-046], and HDC request this is added to the plans.</p> <p>HDC expects this list to be updated against the new document requested by the ExA's to be submitted at</p>	<p>The Applicant can confirm that the Tree Preservation Order and Hedgerow Plan [REP5-003] updated and submitted at Deadline 5 shows hedgerow H206a on Sheet 21. The Applicant notes that the Tree Preservation Order and Hedgerow Plan [REP5-003] has been updated at Deadline 6 to display the missing label for hedgerow H201a on Sheet 24.</p> <p>The Outline Vegetation retention and Removal Plan [AS-044] submitted at Deadline 5 shows H507 (on Figure 7.2.1k and Figure 7.2.6o).</p>

Ref	Topic	Written Question	Deadline 5 submission Document Section / Horsham District Council Response	Applicant's response
		should they feel it necessary to do so.]	<p>deadline 5 (vegetation retention and removal plans) and welcome the opportunity to review at deadline 6.</p> <p>Requirement 22 Code of construction practice</p> <p>Communication to local communities is an important means to address impacts of works. HDC requests the stage specific CoCP include a construction communication plan. Please add the Construction Communication Plan to 22(4) (r) Construction Communication Plan. Requirement 22(4) does not require the stage specific CoCP to include a dust management plan. HDC requests a Dust Management Plan be added to 22(4) (s) Dust Management Plan.</p> <p>Throughout this Examination HDC has raised in its written submissions that Requirement 22 does not include any specific requirement for noise, vibration, dust or air quality monitoring (on the face of the Order itself).</p> <p>Whilst Requirement 22(4) requires the stage specific CoCP to accord with the OCoCP, the issue remains that the OCoCP REV D [REP4-044] still does not provide details of dust and noise monitoring mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting. Instead, there is reference to only providing a guide to the information that stage specific versions should specify in greater detail.</p> <p>HDC therefore very much supports Item 19 of ExA's Proposed changes to the draft DCO which recommends addition of Schedule 1, Part 3, Potential New Requirement 45 or amendments to Requirement 22, to include;</p> <p><i>a scheme of dust and noise mitigation giving full details of noise, dust and air quality monitoring and mitigation measures to be deployed including identification of sensitive receptors, ongoing continuous monitoring and reporting shall be submitted to and approved by the relevant planning authority, and;</i></p> <p><i>the scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the most up to date IAQM "Guidance on the assessment of dust from demolition and construction".</i></p>	<p>The Draft Development Consent Order [REP5-005] includes a separate standalone requirement 34 for the submission of a Construction Communication Plan for approval by the relevant planning authorities, rather than forming part of a stage specific code of construction practice. The final Construction Communication Plan must accord with the Outline Construction Communication Plan [REP5-124] which has been submitted to the examination and is to be certified pursuant to article 51 and schedule 16. In this context it should be noted that the Outline Construction Communications Plan (with which the later plan must accord) provides, at section 9, that there will be tailored communications for each stage of the construction works; the applicant recognises that different stages of the works will have different impacts on local communities which will need to be addressed and a range of different communication methods will be used to ensure that local people are made aware of works which are to take place in their area.</p> <p>In relation to dust, and noise and vibration please see the applicant's response to item 19 in the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121]. The plans referred to in that response do include for management, monitoring and for the logging and investigation of complaints.</p>

Ref	Topic	Written Question	Deadline 5 submission	Applicant's response
			Document Section / Horsham District Council Response	
			<p>Given the sensitivities identified by HDC in its written submissions regarding noise, vibration, dust and air quality and the consequential need for monitoring of these matters, the ExA's suggestion to draw out the issue of monitoring by inserting the suggested wording as a separate Requirement is preferable to this issue being placed equally amongst others within Requirement 22.</p> <p>As previously submitted to the Examination, monitoring compliance with requirement 22 will place significant burden on HDC and additional resource will be required to undertake this work. This is of critical importance given that section 8 to Part 2 of the DCO "Defence to proceedings in respect of statutory nuisance" removes the power for local authority to take action for nuisance and also under the provisions of the for controlling construction noise set out in the Control, of Pollution Act.</p> <p>Effective ongoing monitoring is therefore a key requirement for the enforcement of the provisions CoCP.</p> <p>HDC would therefore welcome the Applicant to commit to independent monitoring and auditing of the CoCP, in liaison with the relevant local authority. This will provide transparency and community reassurance. This audit and monitoring should be funded by the developer to reduce the burden on the local authority. HDC would also welcome an independent auditing of the monitoring undertaken by the Transport Coordination Officer (TCO) to ensure community confidence and to police the traffic passing through Cowfold AQMA so it does not become higher than 25% over the life of the project.</p> <p>HDC has previously submitted to the Examination [REP3-069] that it advocates a specific approval of tailored stage specific management plans for each individual Construction Compound, informed by site-specific mitigations, to include but not limited to: -</p> <ul style="list-style-type: none"> i) appropriate landscaping/boundary treatments which must include advance planting; and ii) ecological mitigation and compensations; and iii) Communications Construction Plan, iv) a Dust Management Plan, which should take into account emissions of off-road construction vehicles, NOx and particulate matter provided 	<p>The Applicant also directs Horsham District Council to the Outline Construction Traffic Management Plan [REP5-068] which provides, at section 9, for management of the construction traffic management plan and enforcement and provides for monitoring.</p> <p>The Applicant directs Horsham District Council to its response to item 15 in the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121].</p> <p>Please also see the Applicant's response above which clarifies the position in respect of the Construction Communication Plan secured by Requirement 34, and the Air Quality Management Plan, and Noise and Vibration Management Plan. The latter must be submitted for approval on a staged basis in addition to the stage specific Construction Method Statements which are to include details for construction compounds in accordance with the Outline Construction Method Statement [REP5-088].</p> <p>These documents are required to be submitted for approval pursuant by the relevant local planning authorities and then implemented as approved.</p>

Ref	Deadline 5 submission		Applicant's response
Topic	Written Question	Document Section / Horsham District Council Response	
		<p>in accordance with the measures in the OCoCP and Requirement 22.</p> <p>This is to address the need for specific management tailored to the sensitives identified by HDC in its written submissions, particular to the individual construction compounds [REP3-069]. For example, the shoulder period for the Washington compound should not include deliveries or unloading due to its proximity to noise sensitive receptors. C-22 should be amended to incorporate this restriction.</p> <p>Although Requirement 22 refers to stage specific CoCP it does not require specific management plans for each individual Construction Compound.</p> <p>The Washington compound will contain significant features such as storage of materials and equipment (up to 7m high) and a concrete batching plant up to 20m high, in proximity to neighbouring camping and caravanning sites. There are landscape sensitivities to the compound site that require timely delivery of appropriate mitigation, such as planting.</p> <p>The Outline Noise and Vibration Management Plan [REP3-054] only sets broad principles and defers to the site-specific noise and vibration management plans to be drawn up by the contractors. These have yet to be provided so it is not possible to consider the adequacy of these plans.</p> <p>HDC therefore supports Item 15 of ExA's Proposed changes to the draft DCO which recommends addition of Schedule 1, Part 3, Potential New Requirement 41, to include;</p> <p>Site-Specific Plans for the detailed design approval temporary construction compounds at Washington and Climping</p> <p>The insertion of New Requirement 41 would be considerable comfort to HDC's concern on the continued omission of tailored stage specific management plans for each individual Construction Compound from Requirement 22.</p>	<p>Requirement 10 of the Draft Development Consent Order [REP5-005] (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.</p>
	Requirement 23 Onshore construction	<p>HDC understands the Applicant's position that Calcot Wood is not a designation [REP4-079] however, it is Ancient Woodland so continue to request that Calcot Wood (Ancient</p>	<p>The Applicant does not consider there to be a need to add Parkminster Wood to Requirement 23 within the Draft Development Consent Order [REP5-005]. Although a small part of the woodland immediately adjacent to Greentree Lane</p>

Ref	Topic	Written Question	Deadline 5 submission Document Section / Horsham District Council Response	Applicant's response
			<p>method statement.</p> <p>Woodland) be added to restricted access under Requirement 23(2)(b).</p> <p>HDC notes the addition of W503 to Table 22-24 of the Environmental Statement Volume 22 Chapter 22 Terrestrial ecological and nature conservation REV B [REP4-023] which involves clearance of 10m (width) of woodland along Greentree Lane for access of cable drums. Also note that this is within 15m of Parkminster Wood (ancient woodland), with works being carried out to the south of the Lane, on the opposite side to that of Parkminster Wood. Access works for Access A-57 on the opposite side of the road (A281) to Parkminster Wood will also be taking place approximately 15m from the ancient woodland boundary. HDC therefore request assurances of mitigation that prevent any deterioration to Parkminster Wood. Amongst other measures and mitigations, the insertion of Parkminster Wood within Requirement 23 would assist, as amended below</p> <p>(b) restrict access within ecologically sensitive sites including Climping Beach Site of Special Scientific Interest, Littlehampton Golf Course and Atherington Beach Local Wildlife Site, Sullington Hill Local Wildlife Site and Michelgrove Park and Calcot Wood and Parkminster Wood (Ancient Woodlands) to pedestrian access only with no ground breaking activity save where remedial action is required.</p>	<p>lies within the proposed DCO Order Limits commitment C-216 (see Commitments Register [REP5-086]) ensures that there is no direct land take from within this woodland, as it lies wholly outside of the proposed DCO Order Limits. Therefore, there is no potential for access to be taken to this location.</p> <p>Mitigation for potential indirect effects on Parkminster Wood are described in the Applicant's responses to the Examining Authority's Second Written Question TE 2.20 within Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119].</p> <p>Calcot Wood has been included in Requirement 23(2)(b) to the extent it comprises ancient woodland.</p>
			<p>Requirement 24 Construction traffic management plan</p> <p>Throughout this Examination, HDC has in its written submission advocated the need for the routeing of HGVs used during the construction period to avoid settlements of evidenced sensitivities, such as Storrington AQMA. In Commitment C-157 and the OCTMP REV E (para 5.4.4) the routeing is reasoned to avoid Storrington based on its status as a settlement alongside other settlements alone rather a settlement subject to its own AQMA. Whilst, rightly, the avoidance of the Cowfold AQMA is subject of a standalone Commitment (C-158), there is no similar recognition of the need to avoid the Storrington AQMA in its own right. Commitment C-158 should be updated but so should Requirement 24 24(2)(a) to include the Storrington AQMA in recognition of it being a receptor in its own right.</p>	<p>Please see response to references 2.1.11 and 2.1.13 in Table 2-1.</p>

Ref	Deadline 5 submission		Applicant's response
Topic	Written Question	Document Section / Horsham District Council Response	
		<p>(a) a routing plan to secure that heavy goods vehicles (HGVs) used during the construction period are to avoid settlements, the Air Quality Management Areas in Cowfold and Storrington and the A24 through Findon wherever possible; Requirement 24 does not include any specific requirement for road vehicle class to be Euro VI as a minimum. Neither does the Commitment Register Rev D. There is only reference to Euro VI as a minimum standard at para 4.16 of the OCTMP and still only 'wherever possible'. Adherence to this minimum standard has been identified by HDC as an important mitigation. HDC would welcome a specific obligation inserted into the requirement to secure this, at 24(2)(d) All road based vehicles used in the construction of the onshore elements of the Proposed Development to be a EURO standard VI class or better.</p> <p>As with the CoCP, no independent monitoring of the CTMP is required under Requirement 24. For similar reasoning to the CoCP, HDC advocates the implementation and operation of the traffic management route should be subject to independent audit and monitoring by a competent person. This will provide transparency and community reassurance that traffic impacts are being minimised. This audit and monitoring should be funded by the developer to reduce the burden on the LPA.</p>	
	Requirement 33 Skills and Employment Strategy	<p>The request from HDC in the Issue Specific Hearing 2 in May 2024 and in its Deadline 3 Submission - Response to the ExA's first written questions (EXQ1) [REP3-069] was that the OSES cover all stages of the authorised development, including offshore construction, and so apply beyond just the construction phase. Offshore construction will present supply chain, employment, and apprenticeships opportunities.</p> <p>However, as amended in the draft DCO at REV E, the OSES is required to be submitted only at commencement of onshore works (and even then, excludes onshore site preparation works). The effect of this drafting denies the ability of LPAs to secure offshore construction opportunities, as there is no means by which to secure such opportunities after the fact.</p> <p>HDC requests requirement 33 is amended to re-instate 'no stage of the authorised development' and omit 'excluding</p>	<p>The Draft Development Consent Order [REP5-005] has been amended to reflect that the Outline Skills and Employment Strategy [PEPD-037] must be submitted for approval prior to the commencement of any part of the authorised development, so including offshore works. It continues to exclude onshore site preparation works nevertheless it is anticipated that onshore site preparation works opportunities will be made accessible for local contractors and could support local employment and skills opportunities.</p> <p>The requirement also requires the Outline Skills and Employment Strategy [PEPD-037] to be submitted for approval and implemented as approved.</p> <p>Requirement 33 now reads <i>(1) No works comprising the authorised development are to commence, excluding onshore site preparation works, until a skills and employment strategy, in accordance with the outline skills and employment strategy has been</i></p>

Ref	Topic	Written Question	Deadline 5 submission	Horsham District Council Response	Applicant's response
				<p>onshore site preparation works', as below: 33. (1) No stage of the authorised development onshore works are to commence, excluding onshore site preparation works, is to commence until a skills and employment strategy, substantially in accordance with the outline skills and employment strategy has been provided submitted to the and approved by West Sussex County Council following consultation with the relevant planning authority authorities for all stages of the authorised development. (2) The stage-specific skills and employment strategy must be implemented throughout the construction of the relevant stage as approved.</p>	<p>submitted to and approved by West Sussex County Council following consultation with the relevant planning authorities for all stages of the authorised development. (2) The skills and employment strategy must be implemented as approved.</p>
			<p>Requirement 34 Construction Communication Plan</p>	<p>Drafting of Requirement 34 at REV E is said by the Applicant to <i>made for clarity and to enable a single Construction Communication Plan to be implemented across the onshore elements of the authorised project, rather than stage specific plans submitted as part of the Code of Construction Practice [REP4-006].</i></p> <p>However, as advocated by HDC in its written submissions the desired purpose of a Communication Plan, is to secure effective communication to affected local communities.</p> <p>Although there will be common mechanisms by which to communicate (such as a Parish Council), each local community, such as the villages of Washington and Cowfold, will have specific receptors, requiring tailored approaches to achieve effective communication. For example, at Washington village, the recreation ground and school would be directly impacted.</p> <p>The content of the outline construction communication plan is not to be submitted until deadline 5 and so is unavailable to comment upon until then. As such, HDC is unable at this time to advise the ExA if the Requirement as it is drafted at REV E (with the omission to 'range of methods' to communicate in an 'open, regular and transparent way' with an 'accessible enquiry and complaints procedure'), secures effective communication.</p> <p>However, given the evidence of differing receptors to each community, it is likely to advocate that a series of communication plans tailored to each local community is necessary, compared to a single overarching doc applied across the entire onshore project. An approach to securing</p>	<p>An Outline Construction Communication Plan [REP5-124] has now been submitted to the examination, and will be certified pursuant to article 51 and Schedule 16 of the Draft Development Consent Order [REP5-005]. As set out above, this document confirms at section 9 how communications will be tailored to, and undertaken with local communities for each stage in advance of construction works for that stage taking place.</p>

Ref	Deadline 5 submission		Applicant's response
Topic	Written Question	Document Section / Horsham District Council Response	
<p>this outcome would be to amend Requirement 34 to secure a stage specific construction communication plan.</p> <p>As drafted at Requirement 34, the Construction Communication Plan is required to be provided only post onshore site preparation works. Site preparation works have potential for disturbance and generate public disquiet. The effect is to deny the LPAs the ability to require the Applicant to implement a communication plan to cover these works, as there is no means by which to secure this after the fact.</p> <p>HDC requests that given the importance to reacting effective communication to reassurance a local community during site preparation works as much as during construction, Requirement 34 is amended to reflect this purpose.</p> <p>Accordingly, HDC requests requirement 34 is amended to omit 'excluding any onshore site preparation works' and insert 'stage specific' and extend the scope of the communication plan to include site preparation as well as construction, as below:</p> <p>(1) No stage of the authorised project landward of MLWS, excluding any onshore site preparation works, is to commence until a construction communications community communication plan in accordance with the outline construction communication plan has been provided for the relevant stage of the works which accords with the outline construction community communication plan has been submitted to and approved by the relevant planning authorities. (2) The construction communications plan provide pursuant to sub paragraph (1) will include the following (a) A range of community communication methods and materials designed to reach communities local to the construction works in an open, regular and transparent way (b) An accessible enquiry and complaints procedure (3)(2) The construction communications plan must be implemented as approved throughout the construction of the authorised project within the onshore order limits.</p>			
<p>Soils and Agriculture</p>			
<p>SA 2.2</p>	<p>Best Most Versatile Agricultural</p>	<p>The Applicant a) Respond and where possible act upon the comment by the</p>	<p>HDC is primarily concerned with fugitive dust emissions and dust track out by vehicles which are dealt with under other provisions. Measures to control releases of fugitive dusts are</p> <p>The Outline Air Quality Management Plan [REP5-113] was updated and submitted at Deadline 5, referencing the "Guidance on the assessment of dust from demolition and construction"</p>

Ref	Deadline 5 submission			Applicant's response	
	Topic	Written Question	Document Section / Horsham District Council Response		
	Land The Applicant Relevant Planning Authorities	SDNPA in their Deadline 4 submission [REP4-085] ... Relevant Local Authorities Provide comment on these matters if required.		included in the Outline Air Quality Management Plan Rev A but only secure log booking of exceptional fugitive dust events. HDC has previously advocated that the recommendations given in the Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" January 2024 (Version 2.2) should be incorporated.	January 2024 (Version 2.2). It should be noted that the mitigation measured in the 2024 guidance are unchanged from the 2016 version.
SA 2.5	Agricultural Land Classification Surveys The Applicant All Relevant Planning Authorities	The Applicant Confirm the Agricultural Land Classification (ALC) surveys undertaken to date ... Relevant Planning Authorities Provide comment on this matter if required.		HDC makes no further comment.	The Applicant has no further comments at this time.
Terrestrial Ecology					
TE 2.23	Commitments C-112 and C217 All Relevant Planning Authorities Natural England Sussex Wildlife Trust	Comment on the revised wording to Commitment C112 and Commitment C-117 in the Applicant's Commitment Register at Deadline 4 [REP4-057]. Is the wording adequate? If not, provide alternative wording.		The phrase 'during the coldest period' may add confusion, so could be removed.	The Applicant considers that this change is not necessary, the period of October to March clearly defines when the restriction is.
TE 2.26	Outline Landscape and Ecological Management Plan All Relevant Planning Authorities	Comment on whether there any outstanding concerns with the updated Outline LEMP submitted by the Applicant at Deadline 4 [REP4-047]. If so, explain these in as much detail as possible.		HDC refers to Oakendene Substation Indicative planting phasing plan 42285-WSPEEX-ON-FG-OL-3902 which it is noted is not listed in the List of Figures in the Contents of the OLEMP REV C [REP4-047]. Several drawings submitted at the back of the OLEMP are not included in the List of Figures, please update. HDC notes from the Indicative planting phase plan that the planting area denoted in the colour blue with the key to Phasing of Planting referring to 'first available planting season following commencement of the onshore substation works', includes areas to be planted beyond the site's temporary perimeter fencing (described in various ways as internal screen fence to eastern boundary/ internal	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. The Applicant is confident that there is adequate room to enable planting and management of trees / scrub in the area between existing vegetation and the site fencing. The planting in these areas outside of the fence line (shown as blue on the Oakendene substation indicative phasing plan) would begin in the first planting season after the site was

Ref	Written Question	Deadline 5 submission	Applicant's response
Topic	Written Question	Document Section / Horsham District Council Response	Applicant's response
		<p>construction fence to southern boundary/construction boundary fence to western boundary/temporary internal screen fence to northern boundary).</p> <p>One of the first tasks to be carried out when setting up a construction site is to erect the perimeter fencing to make a site secure (it is assumed that this is the fencing that is being referred to in differing ways on the plan and clarification on this is requested with the wording of the plan amended). Planting the area denoted in blue after the fence is erected is not practical and likely to result in poor delivery, longer planting times as access will be partially constrained and limited for maintenance purpose only.</p> <p>Assuming all references on the planting phase plan relate to the same perimeter fencing, it is understood the western boundary is to be planted prior to commencement of the onshore substation works which will have to take place within the appropriate planting season. All areas identified in blue, save for the formation of the site access, are adjacent to existing vegetation and no ground works are to take place other than planting and the erection of the perimeter fencing therefore, the need to leave the area to be planted until the first planting season available is queried. It is recommended that these areas also come forward as advance planting and the wording on the Indicative planting phasing plan 42285-WSPE-EX-ON-FG-OL-3902 updated to reflect this.</p> <p>HDC recommended wording as follows: <i>'First available planting season prior to the erection of perimeter fencing'</i>. It is also recommended that the key includes the following wording: <i>Temporary close board fence to have access points suitable for maintenance of the landscaped areas.</i></p> <p>These necessary amendments to the indicative planting phasing plan 42285-WSPEEX-ON-FG-OL-3902 would satisfy HDC that the buffer zones, which are a key mitigation to the LVIA assessed mitigation strategy is delivered in a timely manner and maintained successfully.</p> <p>Alongside amendment to the phasing plan, HDC strongly supports item 8 of ExA's Proposed changes to the draft DCO which has recommended provision of an overarching site-specific plan for Oakendene prior to works commencement, to address, amongst other things, HDC's</p>	<p>mobilised. Therefore, if the site was mobilised in June, for example, planting would occur in the following winter period. Between, June and the planting date works to deliver the fencing, access track and substation could begin. The basis for this is that the immediate needs of European Protected Species (in particular hazel dormouse) are provided for through the pre-commencement planting (shown in red on the Oakendene substation indicative phasing plan) and establishment of planting to buffer existing boundaries would occur early enough in the process to allow for screening to be effectively bolstered as the construction progressed.</p> <p>However, scheduling of planting in these areas would be considered during the detailed design phase where more information was available with regards land possession / access etc. Commitment C-292 (see Commitments Register [REP5-086]) ensures that where possible the delivery of habitat creation would be as early as possible in order to minimise effects and provide local benefits.</p> <p>Please see the applicant's response to the proposed amendment to requirement 8 in the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] and the Applicant's Response to the Examining Authority's Request for Further Information (Document Reference: 8.99) submitted at Deadline 6.</p>

Ref	Deadline 5 submission		Applicant's response	
Topic	Written Question	Document Section / Horsham District Council Response		
		ongoing concerns regarding feasibility on habitat creation and its establishment and long-term survival (whether this is wet or dry woodland), and demonstrating how drainage will work with landscaping to deliver the necessary mitigation.		
TE 2.28	New Requirement 40 Regarding the Vegetation Retention and Removal Plan All Relevant Planning Authorities Statutory Nature Conservation Bodies	a) Comment on the adequacy of the newly added Requirement 40 from the Applicant at Deadline 4 (Schedule 1, Requirements 40) in Revision E of the Draft Development Consent Order [REP4-004] which secures Vegetation Retention and Removal Plan must be in line with the Outline Vegetation Retention and Removal Plan (to be submitted at D5). b) The ExA requests that all relevant Planning Authorities and SNCBs provide comments at Deadline 6 on the Outline Vegetation Retention and Removal Plans to be submitted by the Applicant at Deadline 5.	<p>a) HDC is satisfied with the adequacy of the newly added Requirement 40 and further control it gives to check any anomalies with the outline plans.</p> <p>b) HDC confirms comments to be provided at deadline 6</p>	The Applicant welcomes comments on Requirement 40 in the Draft Development Consent Order [REP5-005] and awaits Horsham District Council's comments on the Outline Vegetation Retention and Removal Plan [AS-044] at Deadline 6.

Table 2-4 Applicant's comments on South Downs National Park Authority's Deadline 5 submission [REP5-143]

Ref	Deadline 4 submission	Applicant's comments
2.4.1	<p>The South Downs National Park Authority's (SDNPA) Deadline 5 response comprises detailed comments in respect of:</p> <ul style="list-style-type: none"> • SDNPA's Responses to FWQs (Appendix A), this includes our comments on the updated draft DCO. • Comments on the Applicant's Deadline 4 Submission Documents. • Update on Statement of Common Ground and Section 106 Agreement – set out below. 	<p>The Applicant has no further comments at this time.</p>
2.4.2	<p>1. Summary</p> <p>1.1. Extensive negotiations have taken place between the applicant and SDNPA, seeking to overcome issues raised by the SDNPA, particularly in respect of delivering a meaningful package of compensation through a S106 Agreement. These are nearing conclusion, however until these have been finalised, along with suggested updates to control documents, as detailed below and in Appendix A, concerns remain that the residual effects on the South Downs National Park (SDNP) overall are so significant, they could compromise the purposes of designation. We have sought to be proactive and specific in our recommendations for how this could be addressed through the details provided in this response.</p>	<p>The Applicant disagrees with the South Downs National Park Authority's comment that the purposes of the designation as a National Park will be compromised. In the document Applicant's Post Hearing Submission – Issue Specific Hearing 2 Further information on South Downs National Park [REP4-063], the Applicant has set out its position with regards the assessment of effects on each special quality, how the Applicant has sought to further the purpose of the National Park and concludes the following with regards the effects on the designation:</p> <p><i>“While there is harm to SQ1 “Diverse, inspirational landscapes and breathtaking views” (during construction and operation) and SQ3 “Tranquil and unspoilt places” (during construction), it is not the duty to avoid all harm and such harm does not translate to compromising the statutory purpose of the SDNP. The natural beauty, wildlife and cultural heritage that make up the affected areas and the wider SDNP will remain and opportunities will still be present for understanding and enjoyment by the public of the special qualities of the SDNP and the Applicant has sought to further these purposes as described.”</i></p> <p>Nonetheless, the Applicant has made a section 106 offer which has been accepted by the South Downs National Park Authority and the Applicant has reviewed the further comments provided by South Downs National Park Authority below and made changes where appropriate to the relevant control documents. Please refer to the Applicant's Closing Statement (Document Reference: 8.103) with regards the final position on section 106 negotiations.</p> <p>The Applicant notes that the South Downs National Park Authority has not responded in writing with regards the detail within [REP4-063] to question the Applicant's assessment or demonstrate how they consider the purposes of the designation to be compromised. The claim is thus unsubstantiated.</p>
2.4.3	<p>2. Comments on Deadline 4 Submissions Landscape and Visual Impact</p> <p>2.1. SDNPA welcomes the inclusion of the amendments to the viewpoints submitted as part of the viewpoint analysis [REP4-033], as well as the inclusion of amendments to the analysis itself, to account for wider design changes (as noted on paragraph 1.1.3).</p>	<p>The Applicant has no further comments at this time.</p>
2.4.4	<p>2.2. The revised viewpoint directory [REP4-035] is also welcomed, as it provides more comprehensive mapping of the viewpoint locations used. It does not however add any new</p>	<p>The Applicant advises sequential views have been provided in the Environmental Statement and that these have been supplemented further by a series of ten 3D wirelines have been included from locations along and close to the South Downs Way at Deadlines</p>

Ref	Deadline 4 submission	Applicant's comments
	information regarding the request for kinetic (sequential) views, as raised in our response to ExA Written Questions at Deadline 3 [REP3- 071].	4 and 5 in Figures 18.77 a – j in Chapter 18: Landscape and visual impact assessment - Figures Rev C (Part 6 of 6), Volume 3 of the Environmental Statement [REP5-043].
2.4.5	2.3. SDNPA welcomes the small number of wirelines from the modelling that have been shared, in addition to some images shown on screen during Expert-to-Expert meetings. These would be more useful if they were shown in conjunction with the relevant viewpoint photograph for ease of comparison.	The Applicant notes that what has been submitted, including ten additional 3D wirelines, that have been welcomed by the South Downs National Park Authority, are sufficient. Baseline photographs would not further the assessment as the wirelines show a 'bare-ground' and worst case image of the visual effects and would not alter the assessment. The additional materials have nonetheless not changed the original stance of the South Downs National Park Authority on its perception of impacts.
2.4.6	2.4. The SDNPA notes the changes to the analysis of effects to some of the viewpoints in the National Park, with some showing an increase in adverse effects.	The Applicant has no further comments at this time.
2.4.7	2.5. Other comments regarding landscape matters have also been picked up in our response to ExA Written Questions (Appendix A), particularly where they relate to the Outline Landscape and Ecological Management Plan, and below in respect of Terrestrial Ecology.	The Applicant has no further comments at this time.
2.4.8	<p><i>Terrestrial Ecology</i></p> <p>2.6. SDNPA received the Excel versions of the Statutory Biodiversity Metric Calculation worksheets on 04 July 2024. We are currently reviewing and will provide any feedback to the applicant ahead of Deadline 6. It is noted the applicant intends to submit further updates to Appendix 22.15 (Biodiversity Net Gain Information) [REP3-019] at Deadline 5. We will provide comment on this for Deadline 6.</p>	The Applicant has no further comments at this time.
2.4.9	2.7. SDNPA strongly supports the proposed adoption of the wording proposed by WSCC in respect of Requirement 14, as proposed in the ExA's Schedule of Recommended Amendments to the draft DCO. We note the applicant's comments on this matter at Deadline 4 [REP4-079] however do not accept that this overcomes the need for the proposed updated wording.	The Applicant amended the wording of requirement 14 in the Draft Development Consent Order [REP5-005] submitted at Deadline 5 in response to the Examining Authority's Schedule of Proposed Changes as documented in Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] .
2.4.10	2.8. Both WSCC and SDNPA have raised concerns throughout the examination process regarding the open-cut crossing at Oliver Copse and Kitpease Copse [REP4-085 and REP4-086]. To date, there has been no demonstration that the risk posed by trenchless crossing in this location would be unacceptable. We therefore maintain that a thorough risk assessment for a trenchless methodology be completed to explore whether HDD could be a more appropriate possibility.	The Applicant refers to the response in Table 2-3 at reference 2.3.7 of the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] .
2.4.11	2.9. Further comments on terrestrial ecology matters can be found in Appendix A.	
2.4.12	<p><i>Historic Environment</i></p> <p>2.10. SDNPA would like to reiterate that their position in respect of the need for trial trenching (further field evaluation) along the cable corridor within the SDNP has been consistent since the final corridor route was confirmed. The applicant has maintained they consider that whilst there is a risk for high significance archaeological remains, they will be able to achieve preservation in situ based on micro-siting within the slightly enlarged cable corridor in this location. If this is the case, then a firm commitment through updated wording of Commitment C-225 and acceptance of the change of wording proposed by the ExA in the Schedule of Recommended Amendments to the draft DCO is expected.</p>	The Applicant refers to the responses provided to West Sussex County Council on these points within Table 2-5 of this document. The Applicant has amended requirement 19 in the Draft Development Consent Order [REP5-005] as submitted at Deadline 6 as agreed with West Sussex County Council. Further explanation of the Applicant's position on the commitment, the drafting of the requirement and demonstration of compliance with policy is included in the Applicant's Closing Statement (Document Reference: 8.103) .

Ref	Deadline 4 submission	Applicant's comments								
2.4.13	2.11. SDNPA understand that agreement between WSCC and the Applicant on updated wording has been reached in respect of Commitment C-225, however that provisional agreement on the wording to Requirement 19 has not been possible ahead of Deadline 5.									
2.4.14	<p>3. Section 106 Agreement – update</p> <p>3.1. The Applicant and SDNPA have continued discussions regarding a draft Section 106 Agreement. The SDNPA hope this will provide adequate means for the residual harm caused within the SDNP to be compensated for, through the delivery of projects that will further the Purposes for designation. Such projects will fall into one or more the following categories:</p> <ul style="list-style-type: none"> • Landscape and nature recovery projects to compensate for residual adverse landscape and ecological effects; • Improved accessibility and experience projects to compensate for temporary residual effects on the South Downs Way and associated rights of way network; • Offsetting for the permanent adverse effects arising from the impacts of the offshore wind turbines on the setting of the SDNP; and • Opportunities for improved understanding and enjoyment of cultural heritage. 	The Applicant has agreed a substantial financial contribution to South Downs National Park Authority to compensate for the residual effects of the Proposed Development within the South Downs National Park and to seek to further the statutory purpose of the National Park. Please refer to the Applicant's Closing Statement (Document Reference 8.103) with regards the final position in respect of the section 106 agreement.								
2.4.15	3.2. The discussions are at an advanced stage and we are optimistic resolution on the outstanding matters will be achievable. We have recently received the note from Eversheds (on behalf of the applicant) in respect of securing compensation payments. This is currently being reviewed and feedback will be provided at Deadline 6.									
2.4.16	<p><u>4. Statement of Common Ground – update</u></p> <p>4.1. The SDNPA and Applicant have continued discussions to progress the final Statement of Common Ground and seek to reduce the number of Principal Areas of Disagreement. Significant progress on this has been made since Deadline 4, however we are not yet in a position to sign and finalise the SoCG. It is understood the Applicant will be submitting the most up-to-date version, whereby conclusion on several key matters is dependent on the finalisation of the terms of the proposed Section 106 Agreement.</p>	The Applicant has no further comments at this time.								
2.4.17	<p><u>Appendix A</u> <u>Response from the South Downs National Park Authority to the Examining Authority's written questions and requests for information (FWQs)</u></p> <p>The South Downs National Park Authority's (SDNPA) response to the questions asked of it are contained in the table below, against the Examining Authority's original question for ease of reference. These responses are provided for Deadline 5 of the examination (9 July 2024).</p>	The Applicant has no further comments at this time.								
2.4.18	<table border="1"> <thead> <tr> <th>Question Reference</th> <th>Examining Authority Question</th> <th>SDNPA Response</th> <th>Applicant's Response</th> </tr> </thead> <tbody> <tr> <td>CR 2.3</td> <td>Comment on the revised wording of Commitment C-5 at Deadline 4 in the Commitments Register [REP4-057]. Is the wording adequate? If not, provide</td> <td>The revised wording removes any direct reference to where Trenchless Crossings will be undertaken, which does remove some of the ambiguity in respect of Michelgrove Park and Sullington Hill. SDNPA consider that to fully overcome this, the Crossing Schedule should be a separate document from the Code of Construction Practice, to ensure it is easily found and</td> <td>The Applicant refers to the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] with regards the additional requirements requested and referred to in South Downs National Park Authority's response, in references CR 2.3, DCO 2.4, and MI 2.1. The Applicant also refers to its comments in response to the South Downs National Park Authority's response to Action Point 37 in line 2.3.4 of Table 2.3 in Applicant's Comments on Deadline 4 Submissions [REP5-</td> </tr> </tbody> </table>	Question Reference	Examining Authority Question	SDNPA Response	Applicant's Response	CR 2.3	Comment on the revised wording of Commitment C-5 at Deadline 4 in the Commitments Register [REP4-057]. Is the wording adequate? If not, provide	The revised wording removes any direct reference to where Trenchless Crossings will be undertaken, which does remove some of the ambiguity in respect of Michelgrove Park and Sullington Hill. SDNPA consider that to fully overcome this, the Crossing Schedule should be a separate document from the Code of Construction Practice, to ensure it is easily found and	The Applicant refers to the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] with regards the additional requirements requested and referred to in South Downs National Park Authority's response, in references CR 2.3, DCO 2.4, and MI 2.1. The Applicant also refers to its comments in response to the South Downs National Park Authority's response to Action Point 37 in line 2.3.4 of Table 2.3 in Applicant's Comments on Deadline 4 Submissions [REP5-	
Question Reference	Examining Authority Question	SDNPA Response	Applicant's Response							
CR 2.3	Comment on the revised wording of Commitment C-5 at Deadline 4 in the Commitments Register [REP4-057]. Is the wording adequate? If not, provide	The revised wording removes any direct reference to where Trenchless Crossings will be undertaken, which does remove some of the ambiguity in respect of Michelgrove Park and Sullington Hill. SDNPA consider that to fully overcome this, the Crossing Schedule should be a separate document from the Code of Construction Practice, to ensure it is easily found and	The Applicant refers to the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] with regards the additional requirements requested and referred to in South Downs National Park Authority's response, in references CR 2.3, DCO 2.4, and MI 2.1. The Applicant also refers to its comments in response to the South Downs National Park Authority's response to Action Point 37 in line 2.3.4 of Table 2.3 in Applicant's Comments on Deadline 4 Submissions [REP5-							

Ref	Deadline 4 submission	Applicant's comments
	<p>alternative suggested wording.</p> <p>[N.B The wording of Commitment C-5 on page 75 of the updated OCoCP at Deadline 4 [REP4-043] has not been updated. Provide an update to the OCoCP at D5 to ensure consistency with the Commitments Register.]</p>	<p>understood. We therefore welcome the ExA's recommended amendments to the draft DCO to introduce a specific Requirement (No: 42) to address the issue of trenchless crossing. If this Requirement was accepted by the Applicant it would address our concerns.</p>
DCO 2.4	<p>Aside from the matters discussed above, the changes set out in the ExA's Schedule of Changes to the Draft DCO and matters concerning Articles 11(7), 12(3), 15(5), 17(9) and 19(7) in respect to the 28-day provision and deemed consent, provide, if necessary, a summary of any remaining concerns with the draft DCO and draft DML and any suggested drafting changes.</p> <p>[N.B – although primarily addressed to the Applicant, all relevant parties may respond to the ExA's Scheduled of Changes to the draft DCO should they feel it necessary to do so.]</p>	<p>As stated in our response to Action Point 37, following Issue Specific Hearing 2 [REP4-085] SDNPA would still like to see additional controls in the DCO, to subject the final design and layout for the offshore array to be agreed by the SoS, having taken into account the effects on seascape and landscape.</p> <p>In respect of the ExA's Scheduled Changes to the draft DCO, we would like to make the following comments:</p> <ul style="list-style-type: none"> • Sch.1, Part 3, Req 14 (Biodiversity Net Gain) – we strongly welcome the ExA's acknowledgement of the proposed changes suggested by WSCC and SDNPA and consider inclusion of such wording would strengthen the commitment to delivery. • Sch.1, Part 3, Req 19(5) (Onshore Archaeology) – we strongly support the updated wording, which includes the suggested changes to the Requirement made by WSCC at Deadline 3. • Sch.1, Part 3, Req 35 (Onshore Decommissioning) – the additional clause regarding mineral safeguarding is welcomed. • Sch.1, Part 3 New Req 41 (Site Specific Plans for Temporary Compounds at Washington and Climping) – we welcome the addition of this Requirement. In respect of the Temporary Compound at Washington, we would like to request explicit reference is made to the details being approved following consultation with the SDNPA, as the compound is within 15m of the SDNP boundary. • Sch.1, Part 3, New Req 42 (Trenchless Crossing) – we strongly welcome the addition of this requirement and consider this would provide clearer and more

Ref	Deadline 4 submission		Applicant's comments
MI 2.1	<p>Confirm whether the further information submitted into the examination by the Applicant at Deadline 4 [REP4-079] regarding mineral safeguarding allays outstanding concerns from West Sussex CC and the SDNPA on mineral safeguarding, particularly, but not exclusively, regarding whether:</p> <p>a) Other minerals alongside soft sand have been given due consideration by the Applicant in its assessment.</p> <p>b) The Materials Management Plan (MMP) has been adequately updated to provide clarity on how any minerals encountered would be managed.</p> <p>c) Outline provisions of the MMP, regarding mineral safeguarding, have been adequately set out in a revised version of the OCoCP [REP4-043].</p> <p>d) The Applicant has adequately demonstrated that requirements of Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) (July 2018, Partial Review March 2021) has been met.</p>	<p>robust commitment to the delivery of Trenchless Crossings in the proposed locations.</p> <p>• Sch.1, Part 3, New Req 43 (European Protected Species) – we consider this is an important addition and provides a clear indication that there is a need to mitigate for terrestrial ecology beyond the provision of Biodiversity Net Gain.</p> <p>SDNPA note the continued discussions that have taken place between the applicant and WSCC on the issues of minerals safeguarding. Whilst progress has been made, issues still remain. These are covered in the WSCC response to ExAQ MI 2.1, which the SDNPA supports.</p>	<p>The Applicant refers to the response provided to West Sussex County Council in Table 2-5 of this document. A close out minerals expert to expert discussion was held on 19 July 24 which included review of the Applicant's relevant amendments to Commitment C-69 (Commitment Register [REP5-086]) and wording in the Outline Code of Construction Practice [REP5-064] which has been updated at Deadline 6. West Sussex County Council and the Applicant have moved to an agreed position on this matter, this is reflected in the update to Statement of Common Ground West Sussex County Council [REP5-094] submitted at Deadline 6.</p>

Ref	Deadline 4 submission	Applicant's comments
MI 2.4	<p>e) The Applicant has provided sufficient response on why they believe it is not practical or environmentally feasible deliver full scale prior extraction, and the extent to which incidental extraction/reuse of minerals within the Project may be possible.</p> <p>West Sussex CC and SNDPA - Respond if required to the Cable Route Alternatives & Mineral Sterilisation document submitted by the Wiston Estate at Deadline 4 [REP4-136].</p>	<p>[REP4-136] refers to all areas for potential mineral extraction, not just those within the safeguarded area. SDNPA has focussed consideration on the areas affected by the proposal within the minerals safeguarding area. Those areas outside may not have been safeguarded for other environmental reasons or full consideration of their suitability through the Local Plan process has not yet been carried out.</p> <p>It is also noted that the pink and blue alternative routes proposed in the Cable Route Alternatives & Mineral Sterilisation document [REP4-136] would run through additional areas of Ancient Woodland and in close proximity to Local Wildlife Sites, SSSI and a Scheduled Monument.</p>
SLV 2.1	<p>Provide definitive comment on whether the updated Outline Landscape and Ecology Management Plan [REP4-047], updated OCoCP [REP4-043] and Applicants response to actions points arising from ISH2 particularly the action point 35 commentary [REP4-074] addresses concern at post-hearing submissions point 7 Appendix B [REP4-085].</p>	<p>The SDNPA welcomes the inclusion of the temporary access and haul roads in the reinstatement works, although are concerned about how quickly reinstatement will be possible.</p> <p>We are still concerned that the Outline LEMP relies overly on BNG, which does not consider protected species, landscape character or visual impacts. We have made suggestion at paragraph 6.2 of our Deadline 4 Submission [REP4-085] as to how that could be overcome.</p> <p>SDNPA would also like to seek clarification on the following points within the OLEMP:</p> <ul style="list-style-type: none"> • At 4.1.3, how do we distinguish between areas subject to different monitoring periods? • The inclusion of 5.1.9 and 5.1.10 are welcome. SDNPA consider this will need to tie into S106 Agreement (discussions are advanced on the S106 agreement – see covering letter).

Ref	Deadline 4 submission	Applicant's comments	
		<p>SDNPA also provided additional comments on the OCoCP at Deadline 4, which we advise should be included with an updated OCoCP submitted for the next deadline. We welcome the inclusion at 4.5.4 regarding the Dark Skies Technical Advice Note. This could be strengthened by stating it will be applied within the National Park and its setting.</p> <p>SDNPA and the applicant have been making substantial progress in agreeing the terms for a S106 Agreement, that would provide a significant financial contribution to enable the SDNPA to deliver projects to compensate for the residual impacts of the development on the SDNP. Delivery of such projects would be required to further the statutory purposes of the SDNP. We are at an advanced stage of negotiation and consider that we should be in a position to agree these matters before Deadline 6.</p>	<p>substation described in [REP5-072] would also be managed and monitored in this way, although in the longer (30 years) term, it is also the intention to list this on Natural England's Biodiversity Gain Site Register. Those habitats that are to be delivered by third parties through Requirement 14 to deliver both 'no net loss' and BNG (see Appendix 22.15 Biodiversity Net Gain Information, Volume 4 of the Environmental Statement [REP5-056]) would be managed and monitored independently of the Applicant and would be secured through section 106 agreements or conservation covenants and listed on Natural England's Biodiversity Gain Site Register.</p> <p>The Applicant notes the other comments raised by South Downs National Park Authority with regards paragraphs 5.1.9 and 5.1.10 (with regards transfer of responsibilities to the OFTO), the Outline Code of Construction Practice [REP5-064] (noting that stage specific plans would address the National Park and its setting) and the progress being made with regards a section 106 agreement.</p> <p>Please refer to the Applicant's Closing Statement (Document Reference: 8.103) with regards the final position on section 106 negotiations.</p>
TA 2.2	<p>Confirm whether you are content with the latest version of the traffic management strategy for accessing construction accesses A26 and A28, contained in Appendix D of the OCTMP [REP4-045]. If not, outline the changes you would require to make it acceptable.</p>	<p>We note the latest version of the Outline Construction Traffic Management Plan [REP4-045], which has provided clearer principles in respect of potential conflict with PRow users, which is welcomed.</p> <p>Our comments on the previous version of the OCTMP [REP3- 030] and in respect of accesses A-26 and A-28 made at Deadline 4 [REP4-085] are still relevant.</p> <p>It is understood that there are outstanding points of concerns raised by WSCC as well.</p>	<p>All Public Rights of Way (PRow) affected during onshore construction works are identified in Section 4.3 within the Outline Public Rights of Way Management Plan [REP3-033]. Section 5 of the Outline Public Rights of Way Management Plan [REP3-033] outlines the proposed management measures for the impacted PRow. The completion of a stage specific Public Right of Way Management Plan and implementation of associated management measures is secured by requirement 20 in the Draft Development Consent Order [REP5-005] (updated at Deadline 6).</p> <p>In relation to the access and the Scheduled Monument adjacent to the access route to A-28, the Applicant refers to the responses to West Sussex County Council in Table 2-5 on these matters.</p>
TA 2.4	<p>Comment on the information provided by the Applicant on the potential impact of vibration and other construction and use effects from the proposed haul road at access A28, on the scheduled monument Muntham Court Romano-British site (response to Action 51, ISH2 [REP4-074]).</p>	<p>SDNPA have reviewed the response to Action 51 [REP4-074] and have liaised with WSCC in respect of the adequacy of this response. WSCC have provided a detailed response to this question, which SDNPA support.</p> <p>In summary, SDNPA finds the Applicant's response to be incomplete and does not accurately address the potential harm to the scheduled monument. Whilst vibration has been considered the other construction effects remain unaddressed.</p> <p>It should be assumed that construction traffic along access A-28 has the potential to cause physical damage to buried archaeological remains located directly below and immediately adjacent to the access track, arising from passage of heavy plant and</p>	<p>The Applicant refers to the response provided to West Sussex County Council in Table 2-5 of this document.</p>

Ref	Deadline 4 submission	Applicant's comments
TE 2.14	<p>SDNPA - The Applicant explains why it has decided not to produce a biodiversity management plan in [REP4-074] Applicant's Response to Action Points Arising from Issue Specific Hearing 2, point 3, and sets out in this point how mitigation measures for protected species would be managed and monitored, referencing the OCoCP [REP4-043]. Explain in detail why the SDNPA believes this to be inadequate in regards to a NSIP application for DCO consent</p>	<p>construction traffic for the duration of the use. There has not been adequate assessment of the harm to the significance of the scheduled monument within the Environmental Statement.</p> <p>We further question the assessment (that there is a very low magnitude for change to the asset) as the evidence presented supports a higher magnitude of change, leading to a greater adverse residual effect.</p> <p>SDNPA support the request from WSCC for design solutions to be considered and secured through control documents, to reduce impacts from construction traffic, vibration, and compaction including building up the ground surface of the existing track and/or utilising protective surfacing, to protect underlying features.</p> <p>As demonstrated by the applicant's response to action point 3, the information for biodiversity management is spread or buried within multiple documents. As with a WSI and the Crossing Schedule, we consider it is important for this matter to be treated in a more holistic and clear manner, particularly given the presence of a large proportion of the cable corridor within a nationally designated landscape where wildlife is to be conserved and enhanced.</p> <p>The series of terrestrial ecology commitments buried within a lengthy table of other commitments within the OCoCP [REP4- 043] does not give adequate reassurance that the mitigation and compensation measures have been and will be fully considered for each species group and the details not be lost within the phased works, particularly within the SDNPA boundary and with regard to designated sites, irreplaceable habitat, severance and protected species.</p> <p>As advised in our previous response [REP4-085], a Biodiversity Management Plan would give clear assurance that net loss of biodiversity – including matters relating to severance and protected species – were being mitigated and managed in accordance with the mitigation hierarchy. We have suggested in this response at paragraph 6.1 an alternative to providing a discrete biodiversity management plan, through the inclusion of additional wording in the OLEMP, which we believe would resolve the concern.</p>

Ref	Deadline 4 submission	Applicant's comments	
TE 2.18	<p>SDNPA - Comment on the quality and adequacy of the update the Applicant provided at Deadline 4 to the Further information on South Downs National Park [REP4-063], to address Action Point 7 from ISH2.</p>	<p>SDNPA remain of the opinion that it is currently not possible to conclude there would be no significant effects on ecology within the National Park, based on the quality of data that has informed the Environmental Statement.</p> <p>Despite this, SDNPA consider that the following actions would provide sufficient mitigation and/or compensation to prevent a significant effect from occurring:</p> <ul style="list-style-type: none"> • Provision of additional sections in the OLEMP and OCoCP as recommended by SDNPA in our deadline 4 response [REP4-085]; • Acceptance of additional Requirement 43 (European Protected Species); • Revisions to the Vegetation Retention Plan (as suggested by WSCC in their Deadline 5 response) including details of coppicing; • S106 Agreement securing financial contribution to deliver projects for nature recovery (discussions for which are well advanced). 	<p>The Applicant notes that the document referred to, Applicant's Post Hearing Submissions – Issue Specific Hearing 2 Further information on South Downs National Park [REP4-063] provides assessment on the effect on special qualities and the extent to which the Applicant has sought to further the purposes of the National Park. The Applicant notes that the South Downs National Park Authority has not responded to this submission, and has therefore not taken this additional information in account in asserting that the purpose of the designation of the National Park would be compromised. It is the Applicant's position, as set out in Applicant's Post Hearing Submissions – Issue Specific Hearing 2 Further information on South Downs National Park [REP4-063], that that purposes of the designation of the National Park would not be compromised.</p> <p>The Applicant notes the following with regards each bullet point:</p> <ul style="list-style-type: none"> • The Outline Landscape and Ecology Management Plan [REP5-072] was updated at Deadline 5 and includes additional text to address the South Downs National Park Authority comments in Section 6 of their response at Deadline 4 [REP4-085]. The Vegetation Retention Plans within the Deadline 4 version of the Outline Code of Construction Practice [REP4-043] were replaced with a standalone document at Deadline 5 namely the Outline Vegetation Retention and Removal Plan [AS-044] • Requirement 43 has been included in the Draft Development Consent Order [REP5-005]; • The Applicant provided a detailed response to West Sussex County Council's comments on the Vegetation Retention Plans in Table 2-4 of the Applicant's Comments on Deadline 4 Submissions [REP5-122] and provided the updated plans in the Outline Vegetation Retention and Removal Plan [AS-044]. These changes have been welcomed by West Sussex County Council Ecology experts during a final Expert to Expert meeting for Terrestrial Ecology convened on the 22 July 2024. • Severance / fragmentation of connected habitat and the effectiveness of commitments to mitigate the effect temporarily (see Commitment C-291 in the Commitments Register [REP5-086]) was evidenced in the Applicant's Comments on Deadline 4 Submissions [REP5-122], specifically in response to TE 1.11 in Table 2-3. Reinstatement of habitats within the South Downs National Park will mitigate the effect following construction. Over time the provision of Biodiversity Net Gain will provide additional habitat and connectivity, whilst compensation for landscape impacts delivered through a section 106 will also provide additional tree and hedgerow planting that will bring biodiversity benefits. Please see above and refer to the Applicant's Closing Statement (Document Reference 8.103) with regards the final position on section 106 negotiations.
TE 2.25	<p>a) Comment on the updated Outline LEMP submitted by the Applicant at Deadline 4 [REP4-047], including the newly included section on the SDNP.</p>	<p>Whilst the additional section within the OLEMP concerning the South Downs National Park is noted, SDNPA still request the measures outlined in our Deadline 4 response to be included in the OLEMP [REP4-085]. Critically, the additional section 1.3 does not highlight the importance of avoiding or mitigating</p>	<p>The Applicant considers that the rich variety of wildlife and habitats (as per Special Quality 2) are addressed explicitly in Section 1.3 of Outline Landscape and Ecology Management Plan [REP5-072] and the application of the mitigation hierarchy is clearly addressed in paragraph 1.3.4.</p> <p>The Applicant refers to the answer to TE 2.18 in this table with regards to the absence of comment from South Downs National Park Authority on the content of Applicant's Post</p>

Ref	Deadline 4 submission	Applicant's comments	
	<p>b) Comment on the update to the Deadline 1 Submission – Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 5 – Further information for Action Point 27 – South Downs National Park [REP1-024] in the Applicant's Post Hearing Submission – Issue Specific Hearing 2 Further information on South Downs National Park [REP4-063] at Deadline 4.</p> <p>c) Does the SDNPA consider that the explanations provided by the Applicant in these documents addresses the SDNPA's ecological concerns on the likely effects of the Proposed Development on the ecological features of South Downs National Park (SDNP) in the context of its elevated status, ecological function and Special Qualities and how these might be furthered by the Proposed Development? If not, explain why not and what action is required.</p>	<p>severance in relation to the rich variety of wildlife and habitats.</p> <p>Please see above answer to TE 2.18 in respect of points b) and c).</p>	<p>Hearing Submissions – Issue Specific Hearing 2 Further information on South Downs National Park [REP4-063].</p>
TE 2.26	<p>Comment on whether there any outstanding concerns with the updated Outline LEMP submitted by the Applicant at Deadline 4 [REP4-047]. If so, explain these in as much detail as possible.</p>	<p>Please see our response to SLV 2.1, TE 2.14 and TE 2.18.</p>	<p>The Applicant refers to the responses provided in this table to SLV 2.1, TE 2.14 and TE2.18.</p>
TE 2.28	<p>a) Comment on the adequacy of the newly added Requirement 40 from the Applicant at Deadline 4</p>	<p>We welcome the additional Requirement (40) securing Vegetation Retention and Removal Plans.</p>	<p>The Applicant has no further comments on this matter at this time.</p>

Ref	Deadline 4 submission	Applicant's comments
	<p>(Schedule 1, Requirements 40) in Revision E of the Draft Development Consent Order [REP4-004] which secures Vegetation Retention and Removal Plan must be in line with the Outline Vegetation Retention and Removal Plan (to be submitted at D5).</p> <p>b) The ExA requests that all relevant Planning Authorities and SNCBs provide comments at Deadline 6 on the Outline Vegetation Retention and Removal Plans to be submitted by the Applicant at Deadline 5.</p>	<p>SDNPA note the request to provide comments on the Outline Vegetation Retention and Removal Plans (to be submitted at Deadline 5 by the applicant) at Deadline 6</p>

Table 2-5A Applicant's comments on West Sussex County Council's Deadline 5 response to submitted documentation by the Applicant at Deadline 4 submission [REP5-134]

Ref	Deadline 5 submission	Applicant's response
2.5.1	<p>1 Overview</p> <p>1.1 This document provides a response at Deadline 5 (9 July 2024) from West Sussex County Council (hereafter 'WSCC') on the following Deadline 4 submissions by Rampion Extension Development Limited (hereafter the 'Applicant') and following the publication of Further Written Questions by the Examining Authority (ExA). These documents are:</p> <ul style="list-style-type: none"> • Updated Draft DCO Rev E (REP4-005); • Tree Preservation Order and Hedgerow Plan Rev C (REP4-003); • ES Chapter 22 Terrestrial Ecology and Nature Conservation Rev B (REP4-023); • ES Chapter 25 Historic Environment Rev C (REP4-025); • ES Chapter 18 LVIA Figures (Parts 1-6) (REP4-026 to REP4-030); • Appendix 18.2 Viewpoint Analysis Volume 4 (REP4-034); • ES Chapter 25 Historic Environment Figures (REP4-031 and REP4-032); • Arboriculture Impact Assessment (REP4-038); • Flood Risk Assessment Rev B (REP4-040); • Outline Operational Drainage Plan Rev C (REP4-042); • Outline Code of Construction Practice Rev D (REP4-044); • Outline Construction Traffic Management Plan Rev E (REP4-046); • Outline Landscape and Ecology Management Plan Rev C (REP4-048); • Updated Commitments Register (REP4-058); • Post Hearing Submission – ISH 2 (REP4-072); • Applicants Response to Actions points Arising from Issue Specific Hearing 2 and CAH 2 Revision A (REP4-074); • Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions (REP4-079); • Applicants Comments on Deadline 3 Submissions (REP4-070); • Engagement with the Applicant on the Draft Section 106 (REP4-075); and • Response to Further Written Questions by the ExA (PD-012). 	The Applicant has no further comment on this matter at this time.
2.5.2	<p>2 Response to submitted documentation by the Applicant at Deadline 4</p> <p>2.1 WSCC has provided a response to a number of updated documents submitted by the Applicant at Deadline 4. Further commentary is given below.</p>	The Applicant has no further comment on this matter at this time.
2.5.3	<p><i>Updated Draft DCO</i></p> <p>2.2 All comments in relation to the dDCO (REP4-005) are contained within the response to ExA's Further Written Question DCO 2.4, which are presented within Appendix 1 of this submission.</p>	The Applicant has no further comment on this matter at this time.
2.5.4	<p><i>Tree Preservation Order and Hedgerow Plan Rev C (REP4-003)</i></p> <p>2.3 The following referenced hedgerows have been identified as important or potentially important within the Tree Preservation Order and Hedgerow Plan Rev C (REP4-003): H168; H181; H228; H245; H308; H372; H377; H456; H464b; H474; H481; H507; H509; H515; H521; H527; H528.</p>	The hedgerows that are identified as important have been updated in Schedule 13 (at Deadline 6) within the Draft Development Consent Order [REP5-005] to ensure that they are consistent with The Outline Vegetation Retention and Removal Plan [AS-044] . Within the Environmental Statement (prior to Deadline 5) ecologically important and historically important hedgerows were considered separately within Chapter 22: Terrestrial Ecology and Nature Conservation ,

Ref	Deadline 5 submission	Applicant's response
2.5.5	2.4 Out of the above, only the following hedgerows are referred to as being important hedgerows requiring removal within Schedule 13 (Part 2) of the draft DCO Rev E (REP4-005): H168; H245; H372; H377; H456; H464b; H474; H481; H509; H527; H528.	Volume 2 of the Environmental Statement (ES) [REP5-036] and Chapter 25: Historic Environment, Volume 2 of the ES [REP4-024]. This has led to confusion and therefore at Deadline 5 Table 22.25 within Chapter 22: Terrestrial Ecology and Nature Conservation, Volume 2 of the ES [REP5-036] was updated to highlight all important hedgerows. The Outline Vegetation Retention and Removal Plan [AS-044] and the Tree Preservation Order and Hedgerow Plan [REP5-003] were also updated at Deadline 5.
2.5.6	ES Chapter 22 Terrestrial Ecology and Nature Conservation Rev B (REP4-023) 2.5 The updated chapter, incorporating the additional bat and hazel dormouse surveys undertaken in 2023 is welcomed.	The Applicant notes that Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the Environmental Statement [REP5-036] has been updated and submitted at Deadline 5 to include updated Commitment C-5 (Commitments Register [REP5-086]).
2.5.7	2.6 Commitment C-5 in Table 22-20 (page 114) is an old version and thus differs from that in the Updated Commitments Register Rev. D (REP4-058) and Outline CoCP Rev. D (REP4-044). This should be updated by the Applicant.	An amendment has been made to Chapter 22: Terrestrial Ecology and Nature Conservation, Volume 2 of the ES [REP5-036] (specifically paragraph 22.9.54) to note that the ash tree is a category B tree, as opposed to a category A tree.
2.5.8	2.7 Changes to Paragraph 22.9.55 refers to three areas whereby works are proposed within the proposed 25m standoff (i.e. buffer zone) for Ancient Woodland. The following comments are made in light of the statement made: <ul style="list-style-type: none"> In relation to access A-42, WSCC would like to highlight that the referred Tree Preservation Order and Hedgerow Plan (PEPD-007) does not identify the access or woodland, and that the ash tree proposed to be avoided and retained is a B category tree and not an A category tree as stated. Retention of the tree is welcomed and statutory guidance for a minimum 15m buffer zone has been applied as mitigation which is considered suitable to avoid adverse damage to trees within the ancient woodland site. In relation to A-56, WSCC identified opportunities to use an alternate accesses to avoid additional construction activity within the buffer zone of adjacent ancient woodland (Parkminster Wood), as presented within WSCC's Deadline 4 submission (REP4-086). The Applicant has advised that they are considering the suitability of using access A-55 as an alternate construction access instead of A-56m, and that in principle is possible. However, the Applicant have since advised WSCC that due to the limited time remaining within the DCO process, they are unable to commit to this change. WSCC request that the ExA and the Applicant explore the possibility of seeking this change retrospectively should the DCO application be consented. 	The Tree Preservation Order and Hedgerow Plan [AS-029] has been updated previously to reflect the changes to this access point (A-42) made during the course of the examination. However, this plan does not show ancient woodland as this is not its purpose. The Applicant has indeed investigated the possibility of using A-55 as a temporary construction access. While this may be technically possible, the potential environmental benefits have been balanced against identified potential harms. Construction traffic would need to route for longer on lower category roads, contrary to the Applicant's transport strategy, and the junction would be with 50m of residential receptors. As these impacts are balanced and the Applicant has determined to retain A-56 based on this balance, the Applicant does not consider it necessary to revisit it if the DCO Application is consented.
2.5.9	<i>ES Chapter 25 Historic Environment Rev C (REP4-025)</i> 2.8 WSCC welcomes the updated Historic Environment Environmental Statement (ES) chapter. The principal changes relate to effects on grade II listed Oakendene Manor.	The Applicant acknowledges West Sussex County Council's welcoming of the updated Chapter 25: Historic environment, Volume 2 of the Environmental Statement (ES) [REP4-024] submitted at Deadline 3 (also updated at Deadline 6), which incorporates the submission of additional viewpoint photography into the assessment of effects upon Grade II listed Oakendene Manor. The Applicant notes that the assessment outcome for Oakendene Manor has not changed. The Applicant welcomes West Sussex County Council's agreement of the assessment of magnitude of change and outcome of less than substantial harm for Oakendene Manor within Chapter 25: Historic environment, Volume 2 of the ES [REP4-024]. The Applicant confirms that the assessment outcome, as agreed by West Sussex County Council, is supported by the detailed baseline and narrative presented in Chapter 25: Historic environment, Volume 2 of the ES [REP4-024] and in Appendix 25.5 Oakendene parkland historic landscape assessment, Volume 4 of the ES [APP-211].
2.5.10	2.9 The assessment of effects upon Grade II listed Oakendene Manor has been updated, following submission of additional viewpoint photography. As requested by WSCC and other consultees, visualisations have now been provided from viewpoints adjacent to the	

Ref	Deadline 5 submission	Applicant's response
	<p>manor, allowing more accurate illustration and assessment of the likely magnitude of change within the manor's setting. The Applicant's assessment is therefore now appropriately evidenced, which WSCC welcomes.</p>	
2.5.11	<p>2.10 WSCC is now in a position to agree with the Applicant's overall assessment of a Medium magnitude of adverse change. WSCC finds that this is likely to equate to less than substantial harm, at the upper end of the scale. More detailed comments on the changes to the setting of the manor, and the resultant magnitude of harm, are set out within WSCC's answer to the ExA's Question HE 2.1 (Appendix 1).</p>	<p>The Applicant does not agree with West Sussex County Council's comment "<i>that the importance of current key views is downplayed, as is the predicted degree of change to these views during and following construction of the substation. This gives a misleading impression of the true magnitude of change to the setting of Oakendene, and the degree to which the ability to appreciate significance will be reduced.</i>" West Sussex County Council's comment appears contrary to their agreement of the Applicant's assessment of magnitude of change. The Applicant notes that the view from SA12 is through a gap in a hedge which provides field access to land outwith the historic extent of the designed parkland and the available evidence does not support the interpretation of this being "<i>designed to deliberately showcase the manor within its landscape park to passers-by</i>" as referred to by West Sussex County Council. Oakendene Parkland Historic Landscape Assessment [APP-211] does not evidence that the view from the gap in the hedge "<i>has considerable time depth</i>" as suggested by West Sussex County Council, as it is not possible to view within the historic mapping. The Applicant refers to paragraph 25.10.8 in Chapter 25: Historic environment, Volume 2 of the ES [REP4-024] which describes the relevance of viewpoint SA12, "<i>Viewpoint SA12 on PRow 1787 to the east of Taintfield Wood (Figure 18.78, Volume 3 [APP-103] (updated at deadline 4)). Incidental views of Oakendene Manor are possible through a gap in a hedge when walking along PRow 1787, which is considered secondary to the revealed views permitted south of Taintfield Wood (shown in VP SA3). In this view the manor is visible at a greater distance than that shown in VP SA3, with its architectural definition appearing much less prominent within the context of the former parkland setting, which becomes less distinguishable from the surrounding trees on the horizon due to the elevation of the viewpoint.</i>"</p>
2.5.12	<p>2.11 WSCC disagrees with aspects of the narrative assessment of effects on Oakendene Manor within the ES chapter. WSCC finds that the importance of current key views is downplayed, as is the predicted degree of change to these views during and following construction of the substation. This gives a misleading impression of the true magnitude of change to the setting of Oakendene, and the degree to which the ability to appreciate significance will be reduced.</p>	<p>The assessment was undertaken following methodology set out in Section 25.8 of Chapter 25: Historic environment, Volume 2 of the ES [REP4-024] in line with relevant policy and guidance, as set in Section 25.2. This assessment methodology is in line with what was set out at Scoping stage.</p>
2.5.13	<p>2.12 The importance of the view looking north-west towards Oakendene from the gap in the hedge on PRow 1787 (Viewpoint SA12) is downplayed in the assessment, referred to as 'distant, partially filtered views' (para. 25.10.9), and not explicitly mentioned within assessment of the contribution made by setting to the significance of the asset within the Onshore Heritage Asset Baseline Report (APP-214). WSCC identifies this as a key view which makes a positive contribution to significance of the manor. It provides one of the best opportunities to appreciate the architectural interest of the asset within its historic parkland setting. WSCC's answer to the ExA's Question HE 2.1 indicates that this view may have been designed to deliberately showcase the manor within its landscape park to passers-by, and that this view has considerable time depth, as indicated by historic mapping reproduced within the Oakendene Parkland Historic Landscape Assessment (APP-211). Changes to this view during and following construction of the substation are downplayed; the assessment states that "The onshore substation would be perceptible in long filtered views of the asset afforded when moving along the Public Right of Way". Whereas the photographic evidence submitted (Figures 18.14.4a-e (REP4-027)) indicates that the view will be almost entirely occupied and dominated by the substation structures, which will partially block the manor from view behind the firewalls and substation buildings, and entirely block views of its historic parkland setting.</p>	<p>In response to West Sussex County Council's comment, "<i>WSCC finds that this is likely to equate to less than substantial harm, at the upper end of the scale.</i>" the Applicant notes that policy only identifies two levels of harm to heritage significance, "<i>substantial harm</i>" and "<i>less than substantial harm</i>". There is no spectrum of degree of harm in the policy within the less than substantial harm category.</p>
2.5.14	<p>2.13 Changes to views looking south-east from the manor are described as '<i>heavily filtered distant views of the onshore substation from the asset looking southeast</i>'. During the construction phase and in the early years post-completion, vegetation growth will be incomplete and the visual intrusion of the substation structure within these views seems likely to be significant. The proximity of the substation, located c. 240m southeast of the manor, has been downplayed within the assessment.</p>	<p>In line with relevant policy, the Applicant has provided sufficient information to inform an understanding of the asset's significance, the contribution setting makes to that significance, the level of predicted change to the asset's setting, the resulting effect on its heritage significance and level of harm. At the request of West Sussex County Council, the Applicant has provided additional evidence during the examination to support the assessment outcome for Oakendene Manor presented in Chapter 25: Historic environment, Volume 2 of the ES [REP4-024].</p>
2.5.15	<p>2.14 A medium magnitude of change is assessed for Oakendene, which the ES assessment methodology equates automatically to less than substantial harm (paras. 25.8.18 and 25.10.11). As raised in previous responses, WSCC is not satisfied that the policy threshold of substantial harm can be automatically and uniformly applied in this manner, nor that such a blunt assessment tool should form the extent of the argument for</p>	<p>The Applicant disagrees with West Sussex County Council's comment, "<i>The ES chapter proves a single sentence to evidence their case for less than substantial harm;...the listed building itself will be physically unaltered and important elements of its setting, including its relationship with the immediately surrounding gardens and the view to the south, will be preserved [REP4-024] para. 25.10.11.</i>" The assessment is not supported by a single sentence but by a comprehensive baseline set out in Chapter 25: Historic environment, Volume 2 of the ES [REP4-024] and supporting documents. To summarise the position, the baseline description is provided in:</p>

Ref	Deadline 5 submission	Applicant's response
	<p>less than substantial harm. See WSCC's answer to the ExA's Question HE 2.1 (Appendix 1) and WSCC's comments on the Statement of Comment Ground, for further detail.</p>	
2.5.16	<p>2.15 The ES chapter proves a single sentence to evidence their case for less than substantial harm; "...the listed building itself will be physically unaltered and important elements of its setting, including its relationship with the immediately surrounding gardens and the view to the south, will be preserved" (REP4-024) para. 25.10.11). WSCC requests the Applicant update the ES chapter text with a more detailed and nuanced assessment to evidence their conclusion of less than substantial harm, this should be based on the specific impacts of the predicted changes to the asset's architectural and historic interest and overall significance. WSCC acknowledges that the requested additional assessment will be unlikely to change the magnitude of harm to substantial. However, the additional information will allow decision makers to understand the precise impact of changes within setting upon the various values that contribute to the key aspects of significance for this specific asset. This will allow decision makers to assess the harm arising from the Project in a comprehensive manner as required by the relevant policy and legislation, and thus enable a fully informed decision to be made.</p>	<ul style="list-style-type: none"> • Appendix 25.5: Oakendene parkland historic landscape assessment, Volume 4 of the ES [APP-211]; and • Section 2.11 (paragraphs 2.11.1 - 2.11.8) of Appendix 25.8: Onshore heritage asset baseline report, Volume 4 of the ES [APP-214]. <p>These documents provide a baseline description of the listed building and the associated non-designated former parkland. The contribution of the setting, including the role of the non-designated former parkland, to the heritage significance of the asset is described and this baseline description has informed the assessment in Chapter 25: Historic environment, Volume 2 of the ES [REP4-024].</p> <p>The nature of change to the significance of the assets is drawn from a number of application documents:</p> <ul style="list-style-type: none"> • Appendices A and D of Design and Access Statement [REP5-023]; • Viewpoint SA3 on PRoW 1786 south of Taintfield Wood (Figure 18.12, Chapter 18: Landscape and visual impact assessment – Figures C (part 2 of 6), Volume 3 of the ES of the ES [REP5-041]); • Viewpoint SA10 - located at the edge of the garden area to the south of Oakendene Manor (Figure 18.14.2, Chapter 18: Landscape and visual impact assessment – Figures C (part 2 of 6), Volume 3 of the ES of the ES [REP5-041]); • Viewpoint SA11 at the patio area immediately adjacent to Oakendene Manor (Figure 18.14.3, Chapter 18: Landscape and visual impact assessment – Figures C (part 2 of 6), Volume 3 of the ES of the ES [REP5-041]); and • Viewpoint SA12 on PRoW 1787 to the east of Taintfield Wood (Figure 18.14.4, Chapter 18: Landscape and visual impact assessment – Figures C (part 2 of 6), Volume 3 of the ES of the ES [REP5-041]). <p>This evidence is summarised within Chapter 25: Historic environment, Volume 2 of the ES [REP4-024], with the nature and degree of change to the significance of the heritage asset during the construction period described in paragraphs 25.9.543 to 25.9.547 and during the operational phase described in paragraphs 25.10.7 to 25.10.11. For the reasons set out, the assessment concluded that there will be a Medium magnitude of change (as defined in Table 25-25) to the asset during the operational phase.</p> <p>West Sussex County Council have acknowledged that that the assessment of Medium magnitude of change (in EIA terms) is correct and so appear now to be fundamentally in agreement with the Applicant on this matter. In addition, the Applicant also notes that Horsham District Council has confirmed agreement that there would be less than substantial harm to the listed building (Horsham District Council Local Impact Report [REP1-044], paragraph 13.9).</p> <p>The assessment of less than substantial harm to Oakendene Manor is considered when weighing harms of the proposed development against the public benefits in the Planning Statement [APP-036] (updated at deadline 6).</p>

Ref	Deadline 5 submission	Applicant's response
2.5.17	<p>2.16 Since issue of Revision C of the ES chapter, further discussions have been ongoing between WSCC and the Applicant regarding the wording of Commitment C-225. Provisional agreement on the wording of Commitment C225 has now been reached. Once WSCC has confirmed that the agreed wording is reflected within the updated control documents at Deadline 5, WSCC will be satisfied that risk of harm to nationally significant archaeology will have been significantly reduced by the commitment to preservation in situ. The ES chapter will also need subsequent updating to reflect this.</p>	<p>The Applicant welcomes West Sussex County Council's agreement of the revised wording of embedded environmental measure C-225 and that the risk of harm to nationally significant archaeology will be significantly reduced by the commitment to preservation in situ. The amended Commitment C-225 has been updated in the Commitments Register [REP5-086] (updated at Deadline 6), Outline Code of Construction Practice [REP5-064], Outline Onshore Written Scheme of Investigation [REP5-070] (updated at deadline 6), and Chapter 25: Historic environment, Volume 2 of the ES [REP4-024] (updated at deadline 6). See Applicant's response to points 2.5.48 to 2.5.52 in this table.</p>
2.5.18	<p>Appendix 18.2 Viewpoint Analysis Volume 4 (REP4-034)</p> <p>2.17 Some comments regarding the viewpoint analysis can be found below:</p> <ul style="list-style-type: none"> • In general terms the additional viewpoint analysis is welcomed, in particular at new viewpoint locations around the Oakendene substation. However, it remains crucial for outstanding updates to Chapter 18 (LVIA) and key appendices that will draw together any newly identified impacts and present the overall consolidated conclusions on their magnitude and significance. WSCC will comment in due course at Deadline 6. • WSCC highlight concerns as to whether the analysis has considered the effects of coppicing (to 0.9m) at access points (this not currently having been identified in VRPs). • It is evident that there has been an uplift in the number of receptors that would be subject to significant landscape and visual impacts (including at Oakendene Manor, the A272, surrounding PRoW, and proximate to main compounds) both during construction and operation. It is imperative therefore the any such landscape impacts are considered by the ExA as part of the planning balance, and suitably mitigated and compensated. Nonetheless, WSCC welcome progress on discussion regarding a Section 106 that could aid in compensating for landscape and visual impacts of PRoW and Highways users. <p>At the Oakendene substation, the addition of close boarded fencing around the site (upon the commencement of works) is noted. WSCC would highlight that whilst aiding in screening some low-level construction activities, it will also have an urbanising landscape effect in its own right.</p>	<p>The Applicant notes West Sussex County Council's welcoming of the provision of additional visualisations and updates made to Appendix 18.2: Viewpoint Analysis, Volume 4 of the Environmental Statement (ES) [REP4-034] in particular at new viewpoint locations around the Oakendene substation. The Applicant advises that significant landscape and visual effects were already assessed and identified within the ES including at Oakendene Manor, the A272, surrounding PRoW, and proximate to main temporary construction compounds and rather than an 'uplift' the visualisations provide further detail as to the nature of these effects. Nonetheless the Applicant can confirm the following documents have been updated and submitted at Deadline 5 and the LVIA has been reviewed to draw together any newly identified impacts and present the overall consolidated conclusions on their magnitude and significance:</p> <ul style="list-style-type: none"> • Chapter 18: Landscape and Visual Impact, Volume 2 of the ES [REP5-034]; • Appendix 18.2: Viewpoint Analysis, Volume 4 of the ES [REP5-48]; • Appendix 18.3: Landscape Assessment, Volume 4 of the ES [REP5-50]; • Appendix 18.4: Visual Assessment, Volume 4 of the ES [REP5-52]; and • Appendix 18.5: Residential Visual Amenity Assessment, Volume 4 of the ES [REP5-54].
2.5.19	<p><i>ES Chapter 18 LVIA Figures Parts 1-6 (REP4 – 025-031)</i></p> <p>2.18 Some comments regarding the LVIA figures can be found below:</p> <ul style="list-style-type: none"> • In general terms the additional visualisations (including around the Oakendene substation) are very much welcomed. • The revised viewpoints and visualisations at the Oakendene substation now more accurately serve to demonstrate the scale and nature of acknowledged significant and urbanising effects on both landscape and visual receptors, and for which the ExA will need to give careful consideration as part of the planning balance. • Given WSCC's concerns regarding potential for change in existing site levels (which the Applicant advises will only be determined at the detailed design stage) it is unclear whether the visualisations are representative of maximum AOD heights as set out in the DCO Requirement 8. • WSCC would note that at the Oakendene substation, the addition of close boarded fencing around the site (upon the commencement of works) whilst aiding in screening some low-level construction activities, will also have an urbanising landscape effect in its own right. 	<p>The Applicant has provided an update to Commitment C-224 (see Commitments Register [REP5-086] updated at Deadline 5) to note that areas of coppicing will be shown on the stage specific Vegetation Retention and Removal Plans based on detailed design.</p> <p>The Applicant can confirm that Chapter 18: Landscape and Visual Impact, Volume 2 of the ES [REP5-034] and relevant supporting appendices have been updated at Deadline 5 to include a desk-based assessment of the visibility splays at construction accesses, to determine the likelihood of the intrusive vegetation management such as coppicing of visibility splays that could lead to significant landscape and visual effects. The LVIA is supported by visibility splays and speed limits set out for construction accesses listed in Table 4-3 Access Visibility Splays in the Outline Construction Traffic Management Plan [REP5-068], in addition visibility splay diagrams and aerial photos have also been used.</p> <p>The Applicant can confirm that the photomontages are representative of the maximum AOD heights as set out in Requirement 8 of the Draft development Consent Order [REP5-005]. The methodology for their production is set out in Appendix 18.1: Landscape and visual impact assessment methodology, Volume 4 of the ES [APP-167] and accords with Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3) (Landscape Institute and IEMA, 2013) and the Landscape Institute Technical Guidance Note on Visual Representation of Development Proposals (2019). The photomontages have been created from the combination of</p>

Ref	Deadline 5 submission	Applicant's response
	<ul style="list-style-type: none"> • Figure 18.11b (SA2:A272) does not appear to show vegetation removal that is required at the junction of Kent Street and the A272 (as highlighted in the Outline Construction Traffic Management Plan [REP4-046] – Appendix D, Kent Street Drawings). As such this visualisation may underrepresent potential impacts. · It is disappointing that the requested westerly views from Climping Caravan Park (Viewpoint B) have not been provided (given the presence of the compound to its west and likely intervisibility). WSCC remain concerned that visual impacts for this receptor may be greater than presented. 	<p>baseline photographs, and computer-generated wirelines from a 3D computer model of the existing landscape (Digital Surface Model (DSM)) and the development. This 3D model includes the maximum AOD heights as set out in Requirement 8 of the Draft development Consent Order [REP5-005] which have been transposed into the photomontages, wirelines and ZTVs.</p> <p>The Applicant notes that Chapter 18: Landscape and Visual Impact, Volume 2 of the ES [REP5-034] and relevant supporting appendices (as listed above) have been updated at Deadline 5 to take account of close boarded fencing for example paragraph 18.9.25 within Chapter 18: Landscape and Visual Impact, Volume 2 of the ES [REP5-034] states '<i>Although providing screening of ground-based construction, visual unification and perceived protection of advance planting / vegetation, the close-boarded fencing will be a visible and 'sub-urbanising' feature in its own right. The scale and magnitude of these changes will be High</i>'.</p> <p>The Applicant can confirm that Figures 18.11b to 18.11e in Chapter 18: Landscape and visual – Figures (Part 2 of 6), Volume 3 of the Environmental Statement [REP5-041] have been updated and submitted at Deadline 5 to show the vegetation removal at the junction of Kent Street and the A272. This has also been taken into account within the assessment in the updated Chapter 18: Landscape and Visual Impact, Volume 2 of the ES [REP5-034] and relevant supporting appendices as listed above (updated at Deadline 5).</p> <p>The Applicant has updated Figure 18.20 to include 18.20b (westerly views from Climping Caravan Park (Viewpoint B)) in Chapter 18: Landscape and visual – Figures (Part 2 of 6), Volume 3 of the Environmental Statement [REP5-041] at Deadline 6. This has been reflected in Chapter 18: Landscape and Visual Impact, Volume 2 of the ES [REP5-034] and relevant supporting appendices submitted at Deadline 6. The visual effects for this receptor are already assessed as significant and took account of these views nonetheless the LVIA has been reviewed to ensure the magnitude and significance reflect the visualisation of the westerly views from Climping Caravan Park.</p>
2.5.20	<p><i>Arboriculture Impact Assessment (REP4-038)</i></p> <p>2.19 WSCC welcomes the changes made to the Arboricultural Impact Assessment (AIA), including further clarity on buffer zones of veteran and trees approaching veteran status and a review of arboricultural features at access points. In addition, changes reflect the retention of two high quality trees T1236 and T1273 which WSCC had previously requested. The Applicant has also advised that a revised AIA is to be submitted at Deadline 5 to incorporate the full retention of trees T609, T611, T613 and T617 (whereby trenchless crossing is proposed); both of which are reflected within the Statement of Common Ground (SoCG) to be submitted by the Applicant at Deadline 5.</p>	<p>The Applicant has updated Appendix 22.16: Arboricultural Impact Assessment, Volume 4 of the Environmental Statement [REP4-037] to incorporate the full retention of trees T609, T611, T613 and T617 submitted at Deadline 5.</p>
2.5.21	<p><i>Flood Risk Assessment Rev B (REP4-040)</i></p> <p>2.20 WSCC are satisfied with the second revision of the Flood Risk Assessment (FRA) and the identification of local flood risk at the Oakendene substation. How flood risk will be considered as the design progresses is dealt with in the FRA and the Outline Operational Drainage Plan REP4-042). Section 5.3.6 now recognises the risk of surface water flooding at the Oakendene substation, which it did not do in the previous revision. Section 10.2.3 includes the production of an Emergency Response Plan for flood events to address residual risks. It is importance that the Emergency Response Plan is available to all</p>	<p>The Applicant has no further comment on this matter at this time.</p>

Ref	Deadline 5 submission	Applicant's response
	interested parties and that it is kept up to date with regards to any changes to guidance and future emergency contacts.	
2.5.22	<p><i>Outline Code of Construction Practice Rev D (REP4-044)</i></p> <p>2.21 It is suggested, for completeness, that grassland habitats should be included in the Combined Vegetation Retention Plans in Appendix B.</p>	<p>The Applicant notes that Appendix B: Vegetation Retention and Removal Plans in the Outline Code of Construction Practice [REP4-043] has been further updated as a standalone document by the Applicant in the Outline Vegetation Retention and Removal Plan [AS-044] at Deadline 5 and includes grassland habitats.</p>
2.5.23	<p>2.22 Commitment C-5 in Table 5-9 (page 75) is an old version while the new version appears in Table 4-1 (page 26). This must be updated by the Applicant.</p>	<p>The Applicant notes that Commitment C-5 in Table 5-9 within the Outline Code of Construction Practice [REP5-064] has been updated to be consistent with Table 4-1 at Deadline 5.</p>
2.5.24	<p>2.23 Recent ecological surveys submitted by Ms. J. Creaye at Deadline 4 (REP4-112) highlight that several meadows at Crateman's Farm, Cowfold, towards the northern end of the cable route, appear to be of greater ecological value than previously assessed by the Applicant. WSCC would be grateful if the Applicant could re-assess the status of these meadows in the light of this information provided. WSCC considers that the Grassland Retention Plans are likely to need updating following this exercise. Furthermore, the cable laying method and habitat reinstatement may require modifications to take the importance of these meadows into account.</p>	<p>The Applicant has provided its position on these meadows in response to the Examining Authority's question TE 2.32 within Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119] at Deadline 5.</p> <p>It is also noted that paragraphs 4.61 and 4.62 of the Outline Landscape and Ecology Management Plan [REP5-072] have been updated to include for turf stripping, storage and replacement, as noted by West Sussex County Council (at reference 2.5.39 in this table) as an appropriate means of reinstatement for meadows with ecological importance.</p> <p>However, the Applicant notes that Chapter 22: Terrestrial Ecology and Nature Conservation, Volume 2 of the Environmental Statement (ES) [REP5-036] has been updated at Deadline 6 to demonstrate that the inclusion of the fields in question as 'neutral semi-improved grassland' does not result in a significant effect being predicted within the assessment and that the mitigation measures already in place are appropriate.</p> <p>The Applicant has not updated baseline information (Appendix 22.3: Extended Phase 1 habitat survey report, Volume 4 of the ES [APP-181]) or Appendix 22.15: Biodiversity Net Gain Information, Volume 4 of the ES [REP5-056] as the inclusion in Chapter 22: Terrestrial Ecology and Nature Conservation, Volume 2 of the ES [REP5-036] is not based on data gathered by the Applicant and has been included to demonstrate that the outcome of the assessment remains unchanged. However, the Outline Vegetation Retention and Removal Plan [AS-044] has been updated at Deadline 6 to provide confidence that particular attention will be given to this area during the detailed design stage of the Proposed Development.</p>
2.5.25	<p>2.24 Concerns remain with Commitments C-220 and C-224 which are reflected within the review of the Updated Commitments Register (REP4-058).</p>	<p>The Applicant has no further comment on this matter at this time.</p>
2.5.26	<p>2.25 With regard to Vegetation Retention Plans (VRPs), WSCC would reiterate the detailed comments provided at Deadline 4 (REP4-086) and Appendix G of WSCCs Local Impact Report (REP1-054), which highlight significant concerns over inconsistencies with other documentation, uplift in losses identified, and lack of consideration/identification of the likely extent of coppicing (to 0.9m) required (contrary to that stated within Commitment C-224), the potential for visual impacts (by opening views along the cable corridor and impacting upon key landscape features of the various landscape character areas) and the extent to the which the LVIA has considered this.</p>	<p>Please see responses references 2.5.18 and 2.5.19 in this table.</p>

Ref	Deadline 5 submission	Applicant's response
2.5.27	2.26 5.6.28 – As previously noted WSCC consider that any losses over those stated in the Vegetation retention Plans (VRP) must be agreed in writing by the Relevant Planning Authority (not only in consultation with them).	<p>The Applicant confirms that Commitment C-220 (Commitments Register [REP5-086]) has been updated at Deadline 5 and now states (underlined for emphasis):</p> <p><i>'The Outline Vegetation Retention and Removal Plan shows hedgerows, tree lines, woodland, scrub, calcareous grassland, semi-improved species-rich grassland and ponds which are to be retained or temporarily or permanently lost. Should any of these habitats shown as retained require removal due to unforeseen circumstances at the detailed design phase, they will be highlighted to the relevant competent authority with a reasoned justification provided. <u>The stage specific Vegetation Retention and Removal Plans will require approval of the relevant planning authority via Requirement 40 of the DCO.</u> Any unforeseen, additional losses would be accounted for through commitment C-104 covering the commitment to the provision of biodiversity net gain'.</i></p>
2.5.28	2.27 As a general point WSCC still have concerns over how quickly reinstatement will be possible given the exclusion of accesses, haul roads and compounds from Commitment C-103 and lack of detail over potential phasing of works/reinstatement (and based on the experience of Rampion 1 OWF where the large areas of reinstatement were only possible upon full completion of construction activities).	With respect to Commitment C-103, the Applicant provided a response to West Sussex County Council at reference 2.4.144 of the Applicant's Comments on Deadline 4 Submissions [REP5-122] .
2.5.29	2.28 2.2.4: WSCC welcome the acknowledgement that the stage specific Code of Construction Practice will specifically address any relevant commitments.	The Applicant has no further comment on this matter at this time.
2.5.30	2.29 2.7.3.: WSCC will comment on the Outline Construction Communication Plan once submitted at Deadline 5 by the Applicant.	The Applicant has no further comment on this matter at this time.
2.5.31	2.30 4.4: Working Hours - Clarification should be made that working hours would also apply to the use of any generators (continuous use of which at compound locations resulted in complaints for Rampion 1 during the construction phase).	The Applicant expects to connect to the electricity grid for the main compounds and that the use of generators would be limited to standard working hours. In the event work is required including running generators, this would be agreed in writing with the relevant authority as per paragraph 4.4.3 of the Outline Code of Construction Practice [REP5-064] (updated at Deadline 6) and would include measures such as screening to control noise as per the Outline Noise and Vibration Management Plan [REP5-064] .
2.5.32	2.31 WSCC welcomes continued discussions with the Applicant related to the safeguarded minerals, and the updates in the OCoCP to include a new section (4.13) that covers minerals. Although this goes some way to addressing how safeguarded minerals will be dealt with, concerns remain on the approach to managing any encountered resources and the adequacy of the information provided in the OCoCP to secure proper consideration via the future MMPs that the CoCP requires (via Commitment C-69).	<p>In relation to items 2.1.32 to 2.1.34, Section 4.13 of the Outline Code of Construction Practice [REP5-064] (updated at Deadline 6) has been amended to include reference to the planning policy and includes an update to Commitment C-69 (Commitments Register [REP5-086]) to address minerals.</p> <p>In relation to items 2.1.35 and 2.1.36, West Sussex County Council suggest that the mitigation process offered in the Outline Code of Construction Practice [REP5-064] is re-ordered, so that any mineral that is excavated through the cable construction works is considered for re-use prior to being replaced in the ground as backfill. This would replace the Applicant's current proposal which would see backfill occur first, and any remaining mineral material then considered for re-use.</p>
2.5.33	2.32 The updated section (4.13) on Excavated Minerals seeks to set out the approach that future MMPs would take on managing safeguarded minerals. This section fails to adequately set out why minerals are safeguarded (or reference safeguarded), with no policy links to the West Sussex Joint Minerals Local Plan (JMLP). There should be reference to the relevant Plans and key local policies for completeness, which would also provide clarity on policies of relevance to the discharging authorities. WSCC note that the applicant does make reference within REP4-079, to the JMLP policies of relevance (page 29).	The Applicant notes that the proposed change in 2.1.35 is not practicable. It presents a difficulty for a long, linear type development due to the practicalities of managing minerals across such development given the phased approach to working and the multiple mineral rights owners involved.
2.5.34	2.33 Is it noted that Section 4.13 does not make reference to, or include a table of relevant commitments. In the case of safeguarded minerals, the relevant commitment from the	

Ref	Deadline 5 submission	Applicant's response
	<p>commitments register (REP4-057) is C-69, that reads '<i>Construction strategies will be implemented that will seek to maximise the reuse of excavated clean material from the onshore cable</i>'. This commitment could be strengthened by including a specific reference to <i>re-use of minerals as a resource where practicable and environmental feasible</i>, to ensure consistency with safeguarding policies and the aims sought and should be included within a table as per the other sections of the OCoCP.</p>	<p>A typical development would normally involve a discreet, single site where the developer either owns the land or has a single minerals rights owner to deal with. In that scenario, all development occurs within a single site compound and any materials excavated can easily be stored, moved and re-used during the construction activities in that compound. It is also the case that any approvals needed to use the minerals encountered, or compensation payments to the minerals rights owner, involves discussions with only one party. Both of these elements mean that minerals are easy to manage in this context.</p>
2.5.35	<p>2.34 Paragraph 4.13.2 of the OCoCP sets out how the minerals section within the future MMPs will set out information related to mineral safeguarding. No reference to "resource" or "safeguarding" is made. WSCC are concerned that the bullet points provided do not go far enough to give proper consideration of using any safeguarded minerals. Bullet Point 3 suggests that any excavated and stored minerals will be reused in the construction and reinstatement works, and therefore the intention is to backfill surplus minerals that were extracted and stored in the first instance, before, as per bullet point (4) <i>options for the re-use of any excavated minerals, either within, or outside the development, will be considered and implemented</i>. WSCC contend that the consideration of use of all excavated mineral resources should take place before any re-instatement. The MMP should provide for the identification of any encountered material (where practicable and environmentally feasible) and consider it as a resource in the first instance, making plans for its use, rather than backfilling and only considering any leftover material for proper re-use.</p>	<p>As this is a linear development of considerable length, which will be developed in stages and with different construction activities occurring in different places at different times, there is not just one single site being developed. The project effectively has a changing number of "sites" and site locations on an almost constant basis. The balance of materials required for the project is not known at this time and will not be until the detailed design stage is reached and the detailed ground investigations process is underway prior to construction of each site. This raises complexities in how minerals are dealt with from:</p> <ul style="list-style-type: none"> • The need for approval from, and/or payments to, the minerals rights owner in relation to any minerals encountered and used. The Applicant does not own any of the land and is seeking rights to lay and maintain the onshore cable/ cable strip by way of an easement. Whilst this easement includes construction rights, it does not include rights for extracting minerals and proactively utilising them for the development. • The logistics of storage, movement and subsequent re-use, without the need for re-handling that would increase the chances of contaminating minerals with other materials or losing volumes. This includes the impacts of potential additional vehicle movements and these not having been considered in the environmental assessment. • The volumes and properties of minerals, that are required and that are available, not being known until a relatively short time before construction starts on each site. This impedes planning and procurement and presents delays to programme.
2.5.36	<p>2.35 The bullet points should be re-ordered to ensure that the process is consistent with local and national policy on mineral safeguarding. The OCoCP and associated future MMPs, should be much more specific about how encountered safeguarded minerals will be used as a mineral resource and to provide possible examples (e.g. as part of cable bedding material/as a building material), and thus reducing the need to import materials for construction from elsewhere.</p>	<p>The proposed approach to minerals mitigation which is outlined within the Outline Code of Construction Practice [REP5-064] and is also in accordance with the Outline Soils Management Plan [REP3-027] (which landowners have been consulted on) is a more practical approach in that:</p> <ul style="list-style-type: none"> • The majority of mineral material is expected to be backfilled into excavation voids at, or close to, the location it was extracted. This means that the importation of other materials is not required to fill these voids, and there is no uncertainty about the volumes of minerals that could be supplied within the project. • Minerals used for back fill would only need to be handled twice, once on excavation into storage mounds, and then secondly out of the storage mounds back into the void. There is no need for transportation of minerals along the construction corridor to different locations or to move minerals in and out of different storage mounds into these different locations. Reduced handling will reduce the chances of contamination and loss of mineral. • Whilst the backfilling of minerals may not be able to utilise all excavated minerals, it will mean there is a substantial reduction in the volumes of material which then need to be considered for

Ref	Deadline 5 submission	Applicant's response
2.5.37	<p><i>Outline Construction Traffic Management Plan Rev E (REP4-046)</i></p> <p>2.36 In addition to the comments made by WSCC on the OCTMP Revision D at Deadline 4, (REP4-086), the following comments would be made against the latest Revision (E). These along with comments made by WSCC at Deadline 4, have been sent to the Applicant ahead of Deadline 5.</p> <ul style="list-style-type: none"> • 4.6.9, table 4.3 – There number of additional locations beyond those covered in Revision D where temporary speed limits are now proposed. These are newly introduced in locations where it has previously been indicated that junction designs would be based on the existing posted speed limit. • There has previously been clear evidence provided by the Applicant as to why temporary speed limits are appropriate relating to accesses A-26, A-28, A-62, A-63, and other junctions along the A272; this primarily relates to restricted visibility from the minor arm onto the major arm. For those new additions, this is not the case and further justification would be required. WSCC acknowledge the potential betterment from reducing vehicle speeds in the vicinity of locations where vehicles are turning into and out of constructions accesses but temporary speed limits should be more selectively used. • The key aspect with the temporary speed limit is that these will need to be self-enforcing, and as such it would need to be quite clear to drivers why a temporary speed limit is in place. For both the A272 and the A283 the potential length of temporary speed limits are long with there being a concern in terms of driver compliance. Where temporary changes are proposed, the WSCC preference would consequently be towards shorter lengths of temporary speed limit (notwithstanding the WSCC Speed Limit Policy, further outlined in 	<p>re-use, with a similar minimisation of the issues arising from handling. This minimisation also reduces the number of negotiations with minerals rights owners that are needed and the subsequent payment arrangements, helping to keep the construction phases moving smoothly. This will be important when it is considered how many landowners there are along the cable route, and the fact that the minerals rights do not always lie with the landowners.</p> <p>This position has now been agreed with West Sussex County Council following an expert to expert meeting on 19 July 2024 and subsequent email communications. This agreement is confirmed in the Statement of Common Ground West Sussex County Council [REP5-095] (updated at Deadline 6).</p> <p>As noted in earlier submissions from the Applicant (most recently in Applicant's Comments on Deadline 3 Submissions Revision [REP4-070] and Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119]), the current proposed process would maintain the availability of the mineral resource in the long term, with it being available again for extraction following the end of the operational period of the Proposed Development. The Applicant believes that this is appropriate given the different development type under consideration, when considered against a more usual built development which would be considered as a permanent feature. The Applicant maintains the position that this approach will safeguard the mineral for future use and is therefore in compliance with the primary policy considerations contained within EN-1, plus the local policy considerations within Policy M9(b) of the JMLP. As such it is currently not the Applicant's intention to amend the proposed order of mitigation contained within the Outline Code of Construction Practice [REP5-064].</p> <p>The Applicant notes the comments from West Sussex County Council and has provided detailed responses to these points in Table 2-3 within the Outline Construction Traffic Management Plan [REP5-068] updated at Deadline 6.</p>

Ref	Deadline 5 submission	Applicant's response
	<p>WSCCs Local Impact Report (REP1-054) that may need to be phased as accesses are brought into use and then subsequently closed down.</p> <ul style="list-style-type: none"> • For Access A-63, this is a permanent access. The visibility for this access should be based upon the posted speed limit rather than the temporary. • Regarding issues around hedgerow/vegetation clearance and associated landscape and visual impacts, WSCC refer to the detailed comments made at Deadline 4 (REP4-086). 	
2.5.38	<p><i>Outline Landscape and Ecology Management Plan (REP4-048)</i> 2.37 WSCC previously raised concerns regarding handover arrangements to an OFTO, and associated obligations. The new sections (5.1.9 and 5.1.10) are therefore welcomed.</p>	The Applicant has no further comment on this matter at this time.
2.5.39	<p>2.38 Recent ecological surveys submitted by Ms. J. Creaye at Deadline 4 (REP4-112) highlight that several meadows at Crateman's Farm, Cowfold, towards the northern end of the cable route, appear to be of greater ecological value than previously assessed by the Applicant. The Applicant should re-assess the status of these meadows in the light of this information. As these meadows are clearly of ecological value, WSCC suggests that they should be reinstated by means of turf stripping or using the existing seed bank (as opposed to sowing a seed mixture).</p>	Please see response to reference 2.5.24 in this table.
2.5.40	<p>2.39 1.2.7: WSCC welcome the acknowledgement that the stage specific Code of Construction Practice will specifically address any relevant commitments or design principles.</p>	The Applicant has no further comment on this matter at this time.
2.5.41	<p>2.40 2.2.2: WSCC would question whether this section has or needs to be updated in light of additional viewpoints and analysis submitted by the Applicant at Deadline 4.</p>	The Applicant has reviewed Section 2.2.2 within the Outline Landscape and Ecology Management Plan [REP5-072] and does not consider further updates are required.
2.5.42	<p>Updated Commitments Register (REP4-058) 2.41 A number of concerns are raised with the updated Commitments Register. These are as follows:</p> <ul style="list-style-type: none"> • WSCC made comment at Deadline 4 (REP4-086) regarding Commitment C-19. Stating that nothing in the Outline Onshore Construction Method Statement, Section 3, that shows any indication that details of phasing and/or sections, nor reinstatement as soon as practicable. It remains unclear what a submission under Requirement 10 is likely to look like and how much detail it will provide on construction/restoration phasing within each stage. • Regarding safeguarded minerals, Commitment C-69, that reads Construction strategies will be implemented that will seek to maximise the reuse of excavated clean material from the onshore cable. This commitment could be strengthened by including a specific reference to re-use of minerals as a resource where practicable and environmental feasible, to ensure consistency with safeguarding policies and the aims sought. • Concerns remain over the effectiveness of Commitment C-103 with how quickly substantive reinstatement will be possible given the exclusion of accesses, haul roads and construction compounds. • Commitment C-165 - should include reference to Road Safety Audits being provided where agreed with WSCC. • Concerns remain with the wording of Commitment C-220 and C-224 which have been outlined within WSCCs Deadline 4 submission (REP4-086) (section 3.18). WSCC would like to see Commitment C-220 of the OCoCP amended to reflect the purpose of the 	<p>The Applicant notes that amendments have been made to the Commitments Register [REP5-086] (updated at Deadline 6) summarised as follows.</p> <ul style="list-style-type: none"> • Commitment C-69: amended to reference approach to excavated minerals; • Commitment C-165: reference to Road Safety Audits added; • Commitment C-220: the Applicant notes that the amendments were made regarding approval of stage specific Vegetation Retention and Removal Plans at Deadline 5; • Commitment C-224: The Applicant notes that the amendments were made regarding coppicing at Deadline 5 including stating that the stage specific Vegetation Retention and Removal Plans would include this information; and • C-225: the Applicant notes that the amendments were made to C-225 at Deadline 5 which accords with the wording provided by West Sussex County Council. As a consequence of further negotiations between the Applicant and West Sussex County Council since Deadline 5 the wording for requirement 19 has now been agreed between the parties and included in the Draft Development Consent Order [REP5-005] as submitted at Deadline 6 <p>With respect to Commitment C-19, the Applicant has provided a response to the comment from West Sussex County Council within Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119] question CR 2.1.</p>

Ref	Deadline 5 submission	Applicant's response
	<p>proposed dDCO Requirement 40, which in part is to seek approval of the Relevant Planning Authority for any additional habitat/vegetation losses not presented within current VRPs (not only highlighted and justified).</p> <ul style="list-style-type: none"> • Commitment C-224 needs amending to reflect that the current VRPs do not show “coppiced” hedgerows as defined and stated within the OCoCP (REP4- 044). • Commitment C-225 – The changes will enhance protections for and minimise the risk of harm to any as-yet undiscovered nationally significant remains within the DCO Limits. • Wording changes to Commitment C-225 have been informally agreed following discussions with the Applicant. Once WSCC has confirmed that the agreed wording is reflected within the updated control documents at Deadline 5, WSCC will be satisfied that risk of harm to nationally significant archaeology will have been significantly reduced by the commitment to preservation in situ. • The following amended wording is suggested for C-225: <i>‘Where previously unknown archaeological remains which are demonstrably of national heritage significance are identified within the onshore Order limits engineering and design solutions (e.g. narrowing of the construction corridor, divert cable route within DCO Order Limits, re-siting stockpiles, trenchless crossings) will be employed, subject to agreement by the relevant planning authority in consultation with WSCC. In the event that archaeological remains of national significance are deemed not suitable for preservation in situ on archaeological grounds, or necessary consent is not granted, an appropriate programme of mitigation will be undertaken to ensure preservation by record’. In the event of the discovery of archaeological remains of high heritage significance which are not suitable for preservation in situ on archaeological grounds, or cannot be avoided due to technical constraints, an appropriate programme of mitigation will be undertaken to ensure preservation by record in accordance with onshore outline WSI. All measures for mitigation and preservation in situ will be reviewed in consultation with relevant stakeholders (WSCC Archaeologist, local planning authority and Historic England). An onshore outline WSI provides detail of appropriate methodologies to be implemented during the evaluation and mitigation stages of the archaeological works.’</i> · WSCC notes that whilst Commitment C-225 has been provisionally agreed, it was not possible to reach a point of agreement with the Applicant on the wording of dDCO Requirement 19 prior to submission of the Deadline 5 documents (see sections 2 and 5 of this response for details). 	<p>With respect to Commitment C-103, the Applicant responded to West Sussex County Council in Table 2-4 (reference 2.4.144) of the Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>
2.5.43	<p><i>Post hearing Submission – ISH 2 (REP4-072)</i> 2.42 Agenda Item 7b – In response to the comments made by SDNPA, the summary states, <i>‘The Applicant was not excavating down and was also proposing to undertake trial trenching’</i>. WSCC disagrees with this assessment and must point out that any groundworks including topsoil removal have the potential to cause harm to or removal of buried archaeology. Access A28 is currently an unmade farm track and undeveloped field. The Historic Environment ES chapter states; <i>“Intrusive construction activities associated with access upgrade and installation works will truncate archaeological remains, if present, resulting in partial loss of archaeological interest.”</i> (para. 25.9.141)</p>	<p>The Applicant confirms that the comments quoted by West Sussex County Council from the Applicant's Post-hearing submission - Issue Specific Hearing 2 [REP4-072] are correct. The comments are not an assessment as referred to by West Sussex County Council but rather an acknowledgement that the works requiring construction of the access will be relatively shallow but that appropriate evaluation will be undertaken in advance of construction. The Applicant confirms that the scope of evaluation works will be set out in a site-specific written scheme of investigation, in line with the Outline Onshore Written Scheme of Investigation [REP5-070].</p>
2.5.44	<p><i>Applicants Response to Actions points Arising from Issue Specific Hearing 2 and CAH 2 Revision A (REP4-074)</i> 2.43 Action Point 51 requires the Applicant to consider the potential impact of vibration and other construction and use effects, on the ancient monument located in close proximity to</p>	<p>The construction effects referred to by West Sussex County Council are already considered within the assessment presented in Chapter 25: Historic environment, Volume 2 of the ES [REP4-024]. Vibration was identified as a theoretical impact to heritage assets in Chapter 25: Historic environment, Volume 2 of the ES [REP4-024]. However, vibration impacts on heritage assets</p>

Ref	Deadline 5 submission	Applicant's response
	<p>the proposed haul road from access A28 to the proposed cable corridor. WSCC's response to this issue is set out in detail in the answer to the ExA's question HE 2.1 (Appendix 1).</p>	<p>resulting from construction activities associated with the Proposed Development were not predicted. The Applicant's response to Action Point 51 (Applicant's Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 Revision A [REP4-074]) responds to the query regarding vibration impacts.</p>
2.5.45	<p>2.44 WSCC finds that the Applicant's responses to Action Points arising from ISH2 and CAH1 (REP4-074) is incomplete and does not accurately address the potential harm to the scheduled monument. The response correctly identifies that vibration in and of itself (when arising from traffic as opposed to pile driving) is not generally considered a severe risk to buried archaeological features. However, the Applicant's response adheres very narrowly to the impacts of vibration alone. The action point requested "The Applicant to consider the potential impact of vibration <i>and other construction and use effects</i>" (WSCC emphasis). The directly linked impacts arising from construction traffic compaction are not mentioned. And more significantly, the risk arising from construction groundworks for road widening and creation of passing places are not acknowledged by the Applicant.</p>	<p>As noted in Table 25-12 of Chapter 25: Historic environment, Volume 2 of the ES [REP4-024], direct disturbance of assets outside of the proposed DCO Order Limits was scoped out of the assessment, which was a position agreed by the Planning Inspectorate in the Scoping Opinion. The potential presence and significance of archaeological remains which may be associated with Muntham Court scheduled site (NHLE 1005850) and which could be encountered and impacted during the construction and temporary use of access A-28 is fully acknowledged in Chapter 25: Historic environment, Volume 2 of the ES [REP4-024], see Table 25-20 Zone 2: South Downs – Known and potential archaeological receptors within the onshore part of the proposed DCO Order Limits. The assessment of effects on Iron Age and Roman-British remains associated with Muntham Court scheduled site (NHLE 1005850, MWS5598) is within paragraphs 25.9.140 to 25.9.142 and considers potential for disturbance to archaeological remains during the construction phase. Effects on the setting of Scheduled monument Muntham Court Romano-British Site (NHLE 1005850) during construction and use of the access track are assessed within paragraphs 25.9.509 to 25.9.510, comprising an assessment of visual or audible changes. The potential for '<i>other construction and use effects</i>' on the Muntham Court Romano-British Site (NHLE 1005850) and associated remains is therefore fully assessed within Chapter 25: Historic environment, Volume 2 of the ES [REP4-024], with the question on vibration effects included in the Applicant's response to Action Point 51 (Applicant's Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 Revision A [REP4-074]).</p>
2.5.46	<p>2.45 It should be assumed that vibration and compaction from construction traffic along access A28 has the potential to cause physical damage to buried archaeological remains located directly below, and immediately adjacent to the access track. There is an extremely high potential for such features to be present outside the scheduled monument boundary. Any such remains identified that are demonstrably a continuation of and/or of equal significance to the scheduled remains would be subject to the same policies, in accordance with NPS-EN1 (paragraph. 5.9.6) and the NPPF (Footnote 68).</p>	<p>In response to West Sussex County Council's comments in point 2.1.46, "<i>Any such remains identified that are demonstrably a continuation of and/or of equal significance to the scheduled remains would be subject to the same policies, in accordance with NPS-EN1 (paragraph. 5.9.6) and the NPPF (Footnote 68).</i>", the Applicant clarifies the correct policy wording below, which does not refer to "continuation of":</p>
2.5.47	<p>2.46 The potential for physical impacts to buried archaeological features which may arise from widening of the existing access or creation of passing places is of considerable concern. The Outline Onshore Written Scheme of Investigation (REP3-035) makes provision for pre-construction trial trench evaluation of access A28. In the event that archaeological remains of equal significance to the scheduled monument are identified in this location, their preservation in situ would be required, in accordance with the Act, relevant policies, Commitment C-225 and dDCO Requirement 19.</p>	<ul style="list-style-type: none"> • NPS-EN1 2011 (paragraph 5.8.4) <i>There are heritage assets with archaeological interest that are not currently designated as scheduled monuments, but which are demonstrably of equivalent significance. These include:</i> <ul style="list-style-type: none"> ○ <i>those that have yet to be formally assessed for designation;</i> ○ <i>those that have been assessed as being designatable but which the Secretary of State has decided not to designate; and</i> ○ <i>those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979.</i> • NPS-EN1 2023 contains similar wording, with paragraph. 5.9.6 stating, "<i>Non-designated heritage assets of archaeological interest <u>that are demonstrably of equivalent significance to Scheduled Monuments or Protected Wreck Sites should be considered subject to the policies for designated heritage assets.</u></i>" • NPPF 2021 (Footnote 68), "<i>Non-designated heritage assets of archaeological interest, <u>which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.</u></i>" The wording remains unchanged in revised NPPF 2023, though the reference has changed to footnote 72.

Ref	Deadline 5 submission	Applicant's response
2.5.48	2.47 Action Point 60 : Discussions to finalise wording changes to C-225 and dDCO Requirement 19 are ongoing with the Applicant.	The Applicant updated the wording of Commitment C-225 (Commitments Register [REP5-086]) at Deadline 5 and acknowledges West Sussex County Council's agreement of the revised wording at reference 2.1.17. See also Applicant's response to reference 2.5.17 , in this table, which confirms the updated Commitment C-225 (Commitments Register [REP5-086]) is reflected in the relevant control documents. Following consultation with West Sussex County Council wording of Schedule 1, Part 3, Requirement 19 of the Draft Development Consent Order [REP5-005] has been updated in agreement with West Sussex County Council. The revised wording has been provided in the Draft Development Consent Order [REP5-005] at Deadline 6. In Statement of Common Ground West Sussex County Council [REP5-094] West Sussex County Council state:
2.5.49	2.48 WSCC's position remains that pre-determination trial trench evaluation is required in order to understand the significance of the affected heritage assets, as required by the relevant policies. Due to the Applicant's decision not to undertake field evaluation within areas of highest archaeological potential, The Applicant must prevent harm to nationally significant archaeology by ensure the preservation in situ of any such (suitable) remains identified within the Order Limits, through appropriate design and engineering solutions. WSCC is seeking a firm commitment within the control documents and DCO Requirements to this.	<i>"The agreed amendments to C-225 and dDCO Requirement 19 (to be submitted by the Applicant at Deadline 6), as well as updates to the OOWSI (see WSCC61) have resulted in a meaningful reduction in the magnitude of risk to nationally significant heritage. This is because its preservation in situ will be secured where appropriate and proportionate by the relevant commitments and control documents."</i>
2.5.50	2.49 Wording changes to Commitment C-225 have been informally agreed following discussions with the Applicant. Once WSCC has confirmed that the agreed wording is reflected within the updated control documents at Deadline 5, WSCC will be satisfied that risk of harm to nationally significant archaeology will have been significantly reduced by the commitment to preservation in situ within the relevant commitments and control documents.	
2.5.51	2.50 WSCC has engaged in extensive discussions with the Applicant regarding the wording of commitment C-225 and dDCO Requirement 19 and has suggested several modified wording changes, the latest of which were provisionally agreed to by the Applicant, pending approval by their legal team. However, late in the day on 8th July, the Applicant communicated that they were unfortunately not able to agree to the provisionally agreed wording of dDCO 19. Therefore, it was not possible to reach a point of agreement prior to finalisation and submission of the Deadline 5 documents.	
2.5.52	2.51 WSCC's position for Deadline 5 is therefore to support the current suggested wording of dDCO Requirement 19, as set out within the Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO [PD-013]. WSCC will continue to engage in discussions with the Applicant post-Deadline 5 to work towards an agreement before the close of Examination.	
2.5.53	2.52 Action Point 59 - The Applicant's response to the Low Carbon Solar Park 6 judgement in Appendix B is noted.	It is not necessary to repeat the argument made in Appendix B of Applicant's Responses to Action Points Arising from ISH2 and CAH1 [REP4-074] , but the Applicant maintains that sufficient information has been obtained to support an assessment of significance of heritage assets and effects on heritage significance. Also, see Applicant's response to reference 2.5.52 (in this table), regarding updated wording of Commitment C-225 (Commitments Register [REP5-086]) and Requirement 19 in the Draft development Consent Order [REP5-005] , which have been agreed with West Sussex County Council.
2.5.54	2.53 WSCC does not contest the obvious differences between that scheme and the Project, including the type and fixed location of the solar development and presence of identified geophysical anomalies of high potential. The relevancy of the judgement lies not in the direct parity between the schemes, but in the relevancy of the high court judge's pronouncement that archaeological trial trench evaluation is required to understand significance and the suitability of proposed mitigation measures. The Applicant states; <i>"the Inspector stated that in the absence of trial trenching they were not able to understand the significance of the assets, the potential impact upon them and consequently whether the mitigation proposed would avoid material harm (paragraph 31)."</i> WSCC suggests that whilst the specifics differ, this judgment is absolutely comparable and relevant to the Project.	The Applicant does not make a claim that the geophysical <i>survey was successful in identifying all significant archaeological features which might be present within the DCO Limits</i> . Nor would this be a requirement in policy terms. The limitations of the geophysical survey are fully acknowledged in Appendix 25.4: Onshore geophysical survey report, Volume 4 of the Environmental Statement (ES) [PEPD-119] and these have been considered within the assessment in Chapter 25: Historic

Ref	Deadline 5 submission	Applicant's response
2.5.55	2.54 It is not the remit of WSCC to comment on the mitigation requirements and timings of other nationally significant infrastructure projects, but rather to responded on the specifics of this Project.	<p>environment, Volume 2 of the ES [REP4-024] which has taken a precautionary approach in the assessment of archaeological potential, heritage significance and resulting effects.</p>
2.5.56	2.55 In justifying the decision not to undertaken field evaluation in the area of prehistoric South Downs landscape, the Applicant refers (here and in previous documents) to the absence of obvious high potential anomalies in the geophysical survey results in this area. The identification of an anomaly likely to represent a single previously unidentified round barrow within the survey data (outside the DCO Limits) within the downland is acknowledged. It is common for geophysical survey to pick up certain archaeological cut features but not others; WSCC does not accept this as sufficient evidence that the survey was successful in identifying all significant archaeological features which might be present within the DCO Limits. WSCC would refer to previous comments on the necessity of ground truthing the results of any geophysical survey with trial trench evaluation.	<p>The Applicant has provided sufficient information to support an assessment of significance of heritage assets and effects on heritage significance. The potential for different types of features associated with Neolithic flint mining and settlement activity on the South Downs have been considered within the assessment in Chapter 25: Historic environment, Volume 2 of the ES [REP4-024] including flint-knapping floors and flint scatters (see paragraphs 25.9.158 to 25.9.160).</p> <p>The Applicant notes that the process of archaeological evaluation itself would result in the displacement of flints and flint scatters, if present, which would need to be recorded and recovered in line with an approved written scheme of investigation. Resulting harm would therefore arise during trial trenching exercise.</p>
2.5.57	2.56 WSCC has never agreed with the Applicant's decision that trial trenching should only be undertaken targeted on high potential geophysical results. Nor that the absence of such results is sufficient to justify deferring evaluation to the post consent stage, in an area of incredibly high significance and potential. Archaeological potential is assessed on the basis of multiple sources, as the Applicant has demonstrably drawn upon in their comprehensive non-intrusive study work. WSCC does not accept that geophysical survey should be the determining factor in this case, given the wealth of other evidence pointing to high archaeological potential. WSCC points out that route option LACR-01d was selected at a late stage in the route selection process and suggests that the timing of the DCO application may have been a factor in the decision not to undertake field evaluation within this area in particular.	<p>Whilst the Applicant acknowledges West Sussex County Council's concerns regarding the timing of evaluation trenching, this would be undertaken prior to construction in line with the Outline Onshore Written Scheme of Investigation [REP5-070]. The Applicant also refers to West Sussex County Council's comments in their Local Impact Report [REP1-054], "15.54. <i>The archaeological potential and significance within the DCO Limits, as currently understood, is described within the ES Chapter and relevant technical appendices. A number of non-intrusive baseline surveys have been undertaken in support of the Project. These include archaeological desk-based assessment (APP-200-201), Lidar (APP-200-201), geophysical (magnetometry) survey (PEPD-031) and desk-based geoarchaeological and palaeoenvironmental assessment (APP-202). The ES assessment and supporting non-intrusive surveys are generally thorough, well-written and comprehensively assessed, making good use of the available information to draw logical inferences on likely archaeological potential and significance.</i>" In addition to these non-intrusive baseline surveys, trial trenching was also undertaken at Brook Barn Farm where evidence indicated the presence archaeological remains of high heritage significance which could be sufficiently targeted, see Appendix 25.6 Archaeological trial trenching at Brook Barn Farm, Volume 4 of the ES [APP-212].</p>
2.5.58	2.57 The reasoned and detailed argument relating to the likelihood of encountering flint mining evidence is acknowledged. WSCC highlights that the potential within this area is not just for Neolithic flint mining shafts, But for sensitive and ephemeral features such as flint scatters and working floors which may be extensive and would not be detectable via geophysical survey. The further details provided by the Applicant on possible options for design adjustment and avoidance of significant remains are welcomed.	<p>The Applicant refers to Chapter 3: Alternatives, Volume 2 of the ES [APP-044] for the discussion and explanation relating to selection of LACR-01d. The Applicant confirms that based on the available evidence, which included geophysical survey, the completion of trial trenching to test for the theoretical presence of remains of high heritage significance would have been untargeted and unfocussed and is not considered appropriate at this stage.</p> <p>Following Issue Specific Hearing 2, the Applicant has continued to engage with West Sussex County Council regarding the wording of Commitment C-225, which was agreed ahead of Deadline 5 and updated within in the Commitments Register [REP5-086], Outline Code of Construction Practice [REP5-064] and Outline Onshore Written Scheme of Investigation [REP5-070].</p>
Applicants Comments on Deadline 3 Submissions (REP4-070)		
2.5.59	Landscape and Visual Impact Assessment 2.58 2.1.28 – 2.1.34: Comments on individual updated submissions are provided below. WSCC appreciates the work that has, and continues to be, undertaken by the Applicant to demonstrate that a worst-case duration of landscape and visual impacts during	The Applicant can confirm the following documents have been updated and submitted at Deadline 5:

Ref	Deadline 5 submission	Applicant's response
	<p>construction has been considered. However, updated versions of documents have yet to be submitted in full (including those that will draw together any newly identified impacts and present the overall conclusions on their magnitude and significance). WSCC will review and comment in due course on their receipt, ahead of Deadline 6 and the close of the Examination.</p>	<ul style="list-style-type: none"> • Chapter 18: Landscape and Visual Impact, Volume 2 of the Environmental Statement (ES) [REP5-0]; • Appendix 18.2: Viewpoint Analysis, Volume 4 of the ES [REP5-00]; • Appendix 18.3: Landscape Assessment, Volume 4 of the ES [REP5-00]; • Appendix 18.4: Visual Assessment, Volume 4 of the ES [REP5-00]; and • Appendix 18.5: Residential Visual Amenity Assessment, Volume 4 of the ES [REP5-00].
2.5.60	<p>2.59 WSCC reserve some concerns over the lack of detail on construction/reinstatement phasing (i.e. it remains unclear what a submission under Requirement 10 would contain) and the effectiveness of Commitment C-103 (i.e. how quickly substantive reinstatement will be possible given the exclusion of accesses, haul roads and compounds).</p>	<p>With respect to Commitment C-103, the Applicant responded to West Sussex County Council at reference 2.4.144 of the Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>
2.5.61	<p>2.60 2.1.38: Additional viewpoints (VP) are welcomed. Comments on new VPs have been provided under REP4-034 and REP4 – 025-031. In general terms this confirms the extent of landscape and visual impacts being greater than initially presented (albeit WSCC await the updated LVIA chapter and appendices for full conclusions).</p>	<p>Please see response reference 2.5.59 in this table above.</p>
2.5.62	<p>2.61 2.1.40: details of existing and proposed site levels at the substation remain unclear. Whilst AOD heights have now been included, any substantive change in existing site levels (which the Applicant advises will only be determined at the detailed design stage) could result in significant changes to landscape and visual impacts (and for which visualisations may not account for) which is of some concern.</p>	<p>Please see response reference 2.5.19 in this table above.</p>
2.5.63	<p>2.62 WSCC welcome progress on discussions regarding a Section 106 agreement that could aid in compensating for landscape and visual impacts of PRoW and Highways users. Ultimately, significant landscape and visual impacts will inevitably occur (as concluded by the ES) and that the ExA will need to consider this as part of the planning balance.</p>	<p>The Applicant acknowledges West Sussex County Council's welcoming on progress on discussions regarding a section 106 agreement. Agreement has now been reached between the Applicant and West Sussex County Council as to the sum for a payment to be applied towards compensatory works and the purposes to which they may be applied as set out in the Public rights of way and landscape enhancements principles document which is secured by requirement 42.</p>
2.5.64	<p><u>Ecology and Arboriculture</u> 2.63 WSCC, in section 2.1.57, proposed revised wording of Requirement 14: Biodiversity Net Gain (BNG). WSCC does not accept the Applicant's response and maintains its position that a revised Requirement 14 is necessary to secure the delivery of BNG within the expected timescales. WSCC welcome the ExAs proposed changes and the use of WSCC's suggested wording of Requirement 14 (BNG).</p>	<p>The Applicant has provided a response to the Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4 [PD-013] with respect to Requirement 14 (point 10) within Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121]. An amended requirement 14 has been included in the Draft Development Consent Order [REP5-005].</p>
2.5.65	<p>2.64 Regarding the response provided to reference 2.1.66, WSCC acknowledges that both the Applicant and Southern Water states there will be a 'higher' risk from trenchless crossings compared with open cut crossings at this location within the SPZ2, and that the Environment Agency state there will be 'a risk'. However, neither the Applicant nor Statutory Bodies have actually demonstrated that this risk is unacceptable if further control measures are put in place to reduce this risk. Southern Water's recent response (REP4-126) states only a preference for a trenchless crossing at this location, with their response dated 25 April 2024 stating "<i>The proposed trenchless digging location is hydrogeologically very sensitive and there could be severe adverse impacts to our groundwater abstraction should the proposed construction methodology not include the correct mitigation to eliminate or reduce impacts to our public groundwater supply.</i>" This is followed by a</p>	<p>The Applicant has provided a response to this comment at Deadline 5 in Table 2-4 within Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>

Ref	Deadline 5 submission	Applicant's response
	request for a Hydrogeological Risk Assessment (HRA) of the proposed trenchless placement methodology be completed at this location to assess the possibility should HDD be explored as an option.	
2.5.66	2.65 An open cut crossing will lead to the severance of Oliver Copse and Kitpease Copse, both of which are of Ancient Woodland status and further connect with surrounding Ancient woodland sites that are situated within the SDNP. Historical mapping (Epoch 1: 1843-1893) indicates this ROW/path has been historically bordered either side with mature broadleaved trees or woodland, therefore providing an established connectivity between these sites for at least 130 years, possibly 180 years or longer. The reinstatement methodology proposed within the OLEMP (see section 4.5) would mean that the standard trees within the wayleave would not be replaced. Much smaller tree species could be planted, though these would be managed and maintained to a hedgerow of up to 5m in height and 5m in width. A drastic change from that which currently reaches up to 16m tall.	
2.5.67	2.66 The Applicant has selected open cut as their proposed crossing methodology for this crossing location, suggesting a suitable mitigation hierarchy has been applied. The ExA should therefore consider if this is acceptable without the Applicant first exploring and demonstrating if trenchless crossing methodology could include correct mitigation to eliminate or reduce impacts to our public groundwater supply, thus reducing impacts to the PRow and areas of woodland surrounding should trenchless crossing methodologies be possible with an acceptable/mitigated level of risk.	
2.5.68	<p><u>Noise and Vibration</u></p> <p>2.67 2.1.45-2.1.46: WSCC defer to Environmental Health Officers at the relevant district councils for detailed comments, however, WSCC remain of the opinion that threshold rating levels at sensitive receptors proximate to the substation should be set closer to existing background levels to minimise the potential for adverse impacts. In this regard it is noted that the greater the noise level above background, the greater the magnitude of impact.</p>	<p>The Applicant has provided responses to West Sussex County Council's earlier comments on noise and vibration (repeated here) at Deadline 5, in Table 2-4 (references 2.4.9 ,2.4.150 to 2.4.156, NV1.2 and NV1,4) within Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant has made a section 106 offer which has been accepted by West Sussex County Council. Please refer to the Applicant's Closing Statement (Document Reference: 8.103) with regards the final position on section 106 agreement.</p>
2.5.69	2.68 2.1.47 – 2.1.48: The Applicants comments offer little comfort as to the actual attenuation measures that will be adopted suggesting they will be confirmed at the detailed design stage. WSCC comments raised at Deadline 3 (REP3-072) and in relation to the DAS at Deadline 4 (REP4-086) therefore remain relevant.	
2.5.70	2.69 2.1.49 – 2.1.50: WSCC remain of the opinion that construction noise impacts upon PRow, whilst temporary, are of a duration (up to four years) and extent that would be likely to negatively affect their amenity value. In this regard WSCC welcome progress on discussions for a Section 106 that could aid in compensating for impacts on the amenities of PRow (including through noise disturbance).	
2.5.71	2.70 2.1.51-2.1.53: WSCC remain concerned that timeframes/duration of activities assumed within noise assessments for construction activities are not clearly set out and may have been underestimated. Please also refer to WSCC comments on the Outline Noise and Vibration Management Plan submitted at Deadline 4 (REP4-086).	

Ref	Deadline 5 submission	Applicant's response
2.5.72	2.71 2.1.54: WSCC consider that clarification should be made that working hours would apply to the use of any generators (continuous use of which at compound locations resulted in complaints for Rampion 1) which has not been addressed.	Please see response reference 2.5.31 in this table above.
2.5.73	<p><u>Socioeconomics - Local employment</u></p> <p>2.72 WSCC previously raised concerns regarding the Outline Skills and Employment Strategy being limited in information and not providing sufficient reassurance, in regard to commitments which would ensure that local residents can access jobs and that local businesses can be supported to grow.</p>	<p>The Outline Skills and Employment Strategy [PEPD-037] is a high level document which provides a broad overview of how the applicant intends to approach the fuller content of the Skills and Employment Strategy (SES). As an outline, it will not contain commitments. When the skills and employment strategy is composed it will carefully consider how local residents can access the jobs and roles the applicant will need to ensure a successful project delivery. The details to access relevant training to be successful in securing employment within the development of the project will also be made available in the SES. The applicant will continue to engage with key stakeholders, ensuring the content of the SES is relevant to needs and demands of those in the immediate location of the project.</p>
2.5.74	<p>2.73 WSCC acknowledges that the Applicant's response confirms that details of commitments to maximise employment and skills benefits and will be developed through the production of the Skills and Employment Strategy. WSCC welcome the suggested wording of Requirement 33 (Skills and Employment) of the dDCO by the Applicant to require that this document must be submitted to and approved by WSCC. Please see additional comments on the wording of this Requirement within the response to ExAs Question DCO 2.4 (Appendix 1). However, as this response confirms that the Outline Skills and Employment Strategy will only be developed further post-consent, WSCC remains concerned that commitments ensuring that local residents and businesses can benefit from the Project are still unclear and it is disappointed that these cannot be outlined in more detail within the Examination. On this basis, WSCC ask that the Applicant provide greater detail in the Outline Skills and Employment Strategy which has been shared to date (PEPD-038).</p>	<p>As the Skills and Employment Strategy (SES) is in development, it is not yet possible to detail the commitments which will be made by the applicant. The applicants will continue engagement with key stakeholders including West Sussex County Council to ensure they are aware of and have a clear understanding of what challenges exist and ensure stakeholders are clear on how the applicant will be working with those with local knowledge to ensure the community benefits are evident and deliverable.</p>
2.5.75	<p>2.74 The Applicant's response indicates that it is conducting ongoing stakeholder engagement with key skills and employment stakeholder organisations. WSCC welcomes the Applicant's intention to hold a workshop to engage with the local supply chain to attempt to overcome the constraints in respect of skills availability noted by WSCC. WSCC considers that it would be helpful if the Applicant were to clarify the extent of engagement which is currently ongoing, such that the scale of its intent regarding this is understood, as this is presently unclear.</p>	<p>The Applicant notes the following proposed timescales for further stakeholder engagement on the Skills and Employment Strategy:</p> <ul style="list-style-type: none"> • Beginning Q3 2024 - The next round of engagement will be to discuss potential programmes / initiatives in detail with the relevant stakeholders. • Q4 2024 - There will be a small number of "working groups" established for each relevant area of work e.g. those working with unemployed, education, support for minority groups. • Early 2025 - The skills workshop will be focused on understanding the needs of the local supply chain, this is to ensure the skills and employment strategy addresses their needs alongside the needs of skills stakeholders.
2.5.76	<p>2.75 WSCC previously questioned aspects of the approach taken by the Applicant in assessing impacts on local employment, including in respect of the scale of impacts it selected. The Applicant has provided a response to this that assessing impacts at a more local scale were not taken forward due to uncertainties in assessing such impacts at this stage in Project development. WSCC disputes this as it considers that, were there a lack of information to do a quantitative assessment, a qualitative assessment of local impact could have been undertaken which would represent a proportionate assessment. This could have entailed having reference to the impacts of comparable developments like the Applicant has applied elsewhere within its impact assessment methodology. Whilst the</p>	<p>The Applicants previous responses were clear, that the lack of detail at the point at which the assessment was carried out on the procurement of suppliers and labour, informed the decision to present the employment impacts evidence at the level of Sussex. It is not clear what West Sussex County Council require by way of qualitative assessment of local impacts. However, qualitative rather than quantitative assessment is not an approach we are aware has been adopted for other Offshore Wind Farm (OWF) NSIP assessments. In addition, any qualitative assessment would be subject to the same constraints identified above, in that it is possible that some employment and business benefits would be realized in several areas within Sussex, but without detail about how</p>

Ref	Deadline 5 submission	Applicant's response
	<p>Applicant states in its response that the approach to the assessment was confirmed through pre-application consultation and engagement with stakeholders as part of the scoping, this confirmation does not constitute acceptance of the methodology by WSCC, which provided detailed feedback on the modelling and assumptions proposed both at scoping stage and in statutory consultation.</p>	<p>construction would be procured and managed, and labour recruited, such analysis would be speculative.</p>
2.5.77	<p>2.76 Overall WSCC considers that further work should have been undertaken to understand local economic and employment impacts such that the nature and scale of any potential benefits of the Project to local residents and businesses would be better understood.</p>	<p>It should be noted that other economic impact assessments of OWF projects have taken approaches to assessing employment and assess employment impacts which use a similar level of analysis as that of the present study. For example, an impact area of North Wales was applied in the Awel y Mor economic impact assessment, East Anglia was used for the Sherringham and Dudgeon Extension economic impact assessment, and the combined area of Essex and Suffolk was used for the North Falls OWF economic impact assessment. The Applicants were also conscious of the need to present a robust economic impact assessment with a precautionary approach to the key assumptions used so as not to risk overstating the level of economic benefit to the area.</p> <p>West Sussex County Council raised several points in its scoping response relating to socio-economics. However, no West Sussex County Council comments related to the scale of the impact area(s) for the socio-economic assessment.</p>
2.5.78	<p><u>Impacts on Onshore and Inshore Recreational Infrastructure, Tourism and Visitors</u> 2.77 WSCC previously raised concerns regarding the robustness of the methodology and as a result the conclusions of the Applicant's assessment of impacts on Onshore and Inshore Recreational Infrastructure, Tourism and Visitors.</p>	<p>The Applicant has provided a position on this matter within Statement of Common Ground West Sussex County Council [REP5-091] reference number WSCC22. For convenience, this is repeated here:</p>
2.5.79	<p>2.78 The Applicant's response does not resolve these concerns and there remain a number of matters within the assessment methodology that WSCC fundamentally do not agree with. This remains an area of disagreement with the Applicant.</p>	<p>The Applicant notes that, through the scoping phase and evidence plan process, Sussex was agreed as an appropriate study area for effects on the economy and on volume and value of tourism because of the scale over which tourism impacts could occur:</p> <ul style="list-style-type: none"> • Coastal districts in Sussex with potential visual impacts from offshore infrastructure – (City of Brighton and Hove, Lewes, Wealden, Eastbourne, Worthing, Arun, Adur and Chichester); and • Districts onshore infrastructure proposed (Arun, Horsham, Mid Sussex) as well as the South Downs National Park. <p>To address concerns about more localised impacts raised following PEIR consultation feedback, the ES assessment sought to provide a more detailed assessment on coastal areas and areas in close proximity to the onshore cable infrastructure. This included consideration of areas of potentially higher sensitivity/impact. The local sensitivities were therefore considered in the assessment. Given the evidence base and local characteristics, the Applicant notes that the assessment findings would not change if the whole assessment on value and volume of tourism was conducted at a more granular local authority district level.</p> <p>The Applicant notes that 2020 population estimates were presented in Chapter 17 Socio-economics, Volume 2 of the ES [APP-058]. This is because, at the time the chapter was produced, more recent data was not yet available in the detail that was required (at the local / county district level). The Applicant has reviewed the latest data for 2022 based on the ONS Mid-Year Population Estimates. The latest data shows that in 2022 Sussex had a population of 1.7 million, 1.03 million of whom are of working age (i.e., aged 16-64). This is only slightly different to the data for 2020 presented in Chapter 17: Socio-economics, Volume 2 of the ES [APP-058] (1.73 million and 1.03 million respectively).</p> <p>Changes in demographics are not considered as a socio-economic effect in the ES (as they were scoped out in the scoping report) and therefore this data was presented as wider contextual</p>

Ref	Deadline 5 submission	Applicant's response
		<p>baseline data rather than data that is specifically used in the assessment of a change on baseline conditions.</p> <p>Whilst it is acknowledged that more recent data is now available the inclusion of more recent data available would not materially alter the findings of the assessment.</p> <p>The Applicant can confirm that none of the baseline conditions data limitations noted in Section 17.5 of Chapter 17 Socio-economics, Volume 2 of the ES [APP-058], would have a material effect on the assessment. These data limitations increase the uncertainty when assessing and quantifying impacts, but not to the extent that they would affect the significance conclusions. For example, the gaps in literature related to tourism impacts relates to a lack of ex post studies. Despite this the literature has strengthened over time. This has improved the confidence and robustness of tourism assessment findings related to offshore wind farms.</p> <p>As noted in paragraph 17.8.5 of Chapter 17 Socio-economics, Volume 2 of the ES [APP-058] <i>“the socio-economic assessment excludes the induced impacts generated by Rampion 2 across all phases, as these are typically affected by greater uncertainty and are more difficult to measure and defend robustly in terms of their scale and additionality.”</i> This follows approaches taken on other offshore wind projects. This assessment approach was taken to ensure that the economic effects were robust and not overstated. The implications of excluding this is that there are further employee expenditure related economic benefits that the assessment has not quantified. Based on the Applicants knowledge of economic multipliers and the scale of employment of Rampion 2 the inclusion of induced effects would be similar but lower than the indirect effects and would not materially impact on the magnitude of impact assessment for jobs and Gross Value Added (GVA).</p> <p>The baseline analysis presents a review of the existing baseline without the project in place. However, reference to the project is used to help put the baseline assets into the context of the Project infrastructure, especially with regard to the Study Areas over which baseline information is presented, which varies by impact.</p>
2.5.80	<p><u>Cultural Heritage</u> 2.79 2.1.84 - Please see WSCC's response to the Examining Authority's First Written Question HE 1.8 (REP3-073), WSCC's latest comments on the Statement of Common Ground and the response to Applicant's responses to Action Points Arising from ISH2 and CAH1 (REP4-079), Action Point 59 above.</p>	The Applicant has no further comments on this matter at this time.
2.5.81	2.80 2.1.88 - The identification of an anomaly likely to represent a single previously unidentified round barrow within the survey data (outside the DCO Limits) within the downland is acknowledged. However, WSCC does not accept this as sufficient evidence that the survey was successful in identifying all significant archaeological features which might be present within the DCO Limits. It is common for geophysical survey to pick up certain archaeological cut features but not others; hence the necessity to ground truth the results with trial trench evaluation.	Please see response to reference 2.5.53 to 2.5.58 in this table above.
2.5.82	2.81 2.1.94 - The provision of additional viewpoint photography is noted and commented on within this response, WSCC's latest comments on the Statement of Common Ground and within WSCC's answer to the Examining Authority's Further Written Question HE 2.1.	The Applicant has no further comments on this matter at this time.

Ref	Deadline 5 submission	Applicant's response
2.5.83	2.82 2.1.96 - Please see WSCC's answer to the Examining Authority's Further Written Question HE 2.1 (Appendix 1).	The Applicant has no further comments on this matter at this time.
2.5.84	2.83 2.2.5 - WSCC has engaged in extensive discussions with the Applicant regarding the wording of dDCO Requirement 19 and has suggested several modified wording changes, the latest of which were provisionally agreed to by the Applicant, pending approval by their legal team. However, late in the day on 8th July, the Applicant communicated that they were unfortunately not able to agree to the provisionally agreed wording of dDCO Requirement 19. Therefore, it was not possible to reach a point of agreement prior to finalisation and submission of the Deadline 5 documents.	Please see response reference 2.5.48 to 2.5.51 in this table above.
2.5.85	2.84 In the absence of pre-determination trial trench evaluation, WSCC needs to see firm commitment from the Applicant within both Commitment C-225 (now provisionally agreed) and dDCO Requirement 19 to the preservation in situ of any suitable high significance archaeological remains.	
2.5.86	2.85 WSCC's position for Deadline 5 is therefore to support the current suggested wording of dDCO Requirement 19, as set out within the Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO (PD-013). WSCC will continue to engage in discussions with the Applicant post-Deadline 5 to work towards an agreement before the close of Examination.	
<i>Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions (REP4-079)</i>		
2.5.87	2.86 WSCC acknowledges the Applicant's responses which are detailed and helpful. In Table 2-1 (Refs. DCO 1.19 and BD 1.8), WSCC does not accept the Applicant's response and maintains its position that a revised dco Requirement 14 is necessary to secure the delivery of BNG within the expected timescales. WSCC welcomes the support of WSCC's suggested wording of Requirement 14 (BNG) as part of the ExAs proposed changes to the dDCO (PD-013).	The Applicant has provided a response to the Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4 [PD-013] with respect to Requirement 14 (point 10) within Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] . An amended requirement 14 has been included in the Draft Development Consent Order [REP5-005] .
Comments on Deadline 4 submissions by other Interested Parties - Deadline 4 submission by Ms. J. Creaye (REP4-112)		
2.5.88	2.87 Recent ecological surveys submitted by Ms. J. Creaye at Deadline 4 [REP4-112] highlight that several meadows at Crateman's Farm, Cowfold, towards the northern end of the cable route, appear to be of greater ecological value than previously assessed. WSCC would be grateful if the Applicant could re-assess the status of these meadows in the light of this information. As potential Habitats of Principal Importance, it is requested that they are subject to National Vegetation Classification (NVC) surveys prior to the commencement of construction, as per Commitment C-294. Furthermore, the cable laying method and habitat reinstatement may require modifications to take the importance of these meadows into account. As these meadows are clearly of ecological value, WSCC suggests that they should be reinstated by means of turf stripping or using the existing seed bank (as opposed to sowing a seed mixture).	Please see response reference 2.5.24 in this table above.
2.5.89	3 Section 106 Agreement	Please refer to the Applicant's Closing Statement (Document Reference: 8.103) with regards the final position on section 106 negotiations.

Ref	Deadline 5 submission	Applicant's response
	3.1 WSCC has been engaging with the Applicant regarding the draft Section 106 agreement (REP4-075) and will continue to do so until the close of the Examination.	
2.5.90	4 Second Round of Written Questions from the ExA 4.1 WSCC have provided responses to the Further Written Questions by the ExA (PD-012) published on 18 June 2024. These can be found in Appendix 1 of this response.	The Applicant has no further comment on this matter at this time.
2.5.91	5 Statement of Common Ground (SoCG) 5.1 WSCC has been actively engaging with the Applicant on the Statement of Common Ground (SoCG) throughout the Examination. This has been reflected in the Statements of Commonality (SoC) submitted by the Applicant. The Applicant and WSCC 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. WSCC will then provide sign off on the final SoCG. WSCC wishes to raise one particular point regarding Historic Environment below however.	The Applicant notes that the final Statement of Common Ground has been signed with West Sussex County Council and provided at Deadline 6, please see Statement of Common Ground West Sussex County Council [REP5-091] .
2.5.92	<u>Historic Environment</u> 5.2 WSCC's latest comments on the SoCG were submitted to the Applicant on 8 July 2024. Since this document was submitted, the status of discussions regarding the wording of Commitment C-225 and dDCO Requirement 19 has changed (see Applicants Comments on Deadline 3 Submissions (REP4-070) section of this document).	Please see response reference 2.5.48 to 2.5.51 in this table above: revised wording for requirement 19 has been agreed with West Sussex County Council and included in the Draft Development Consent Order [REP5-005] submitted at Deadline 6.
2.5.93	5.3 Provisional agreement on the wording of commitment C-225 has been reached. Once WSCC has confirmed that the agreed wording is reflected within the updated control documents at Deadline 5, WSCC will be satisfied that risk of harm to nationally significant archaeology will have been significantly reduced by the commitment to preservation in situ.	
2.5.94	5.4 WSCC has engaged in extensive discussions with the Applicant regarding the wording of commitment C-225 and dDCO Requirement 19 and has suggested several modified wording changes, the latest of which were provisionally agreed to by the Applicant, pending approval by their legal team. However, late in the day on 8th July, the Applicant communicated that they were unfortunately not able to agree to the provisionally agreed wording of dDCO 19. Therefore, it was not possible to reach a point of agreement prior to finalisation and submission of the Deadline 5 documents.	
2.5.95	5.5 WSCC's position for Deadline 5 is therefore to support the current suggested wording of dDCO Requirement 19, as set out within the Examining Authority's Schedule of recommended amendments to the Applicant's draft DCO [PD-013]. WSCC will continue to engage in discussions with the Applicant post-Deadline 5 to work towards an agreement before the close of Examination.	
2.5.96	5.6 The Historic Environment section of the SoCG will therefore need to be further updated to reflect these changes.	

Table 2-5B Applicant's comments on West Sussex County Council's Deadline 5 response to questions and requests for information raised by the ExA in Further Written Questions submission [REP5-134]

CR	Commitments Register	West Sussex County Council Response	Applicant's Response	
CR 2.3	<p>Commitment C-5</p> <p>All Relevant Planning Authorities Natural England Wildlife Trusts</p>	<p>Comment on the revised wording of Commitment C-5 at Deadline 4 in the Commitments Register [REP4- 057]. Is the wording adequate? If not, provide alternative suggested wording.</p> <p>[N.B The wording of Commitment C5 on page 75 of the updated OCoCP at Deadline 4 [REP4-043] has not been updated. Provide an update to the OCoCP at D5 to ensure consistency with the Commitments Register.]</p>	<p>The revised wording of Commitment C-5 provides a securement to the CoCP Appendix A (once updated), however, WSCC welcomes the ExA's recommended amendments (PD-013) to a specific Requirement (No: 42) to address the issue of trenchless crossings, and would support its inclusion.</p>	<p>The Applicant refers to the Applicant's Comments on Examining Authority's Schedule of Changes to the Draft DCO [REP5-121] with regards the requirements listed in West Sussex County Council's (WSCC) response to CR 2.3.</p>
DCO	Draft Development Consent Order (Draft DCO)	West Sussex County Council Response	Applicant's Response	
DCO 2.4	<p>Remaining Comments</p> <p>All Relevant Planning Authorities Natural England Marine Management Organisation</p>	<p>Aside from the matters discussed above, the changes set out in the ExA's Schedule of Changes to the Draft DCO and matters concerning Articles 11(7), 12(3), 15(5), 17(9) and 19(7) in respect to the 28-day provision and deemed consent, provide, if necessary, a summary of any remaining concerns with the draft DCO and draft DML and any suggested drafting changes.</p> <p><i>[N.B – although primarily addressed to the Applicant, all relevant parties may respond to the ExA's Scheduled of Changes to the draft DCO should they feel it necessary to do so.]</i></p>	<p>The outstanding concerns regarding the latest dDCO (REP4-005) are:</p> <ul style="list-style-type: none"> • WSCC welcome the suggested amendments by the ExA at PD-013; • Comments made at Deadline 4 by WSCC remain applicable; • ExAs Amended Requirement 8 (PD-013) – <ul style="list-style-type: none"> ○ This change needs to make provision for WSCC Highways to be consulted, which it currently does not. ○ It would be useful to understand how this changed Requirement would sit alongside the umbrella of measures being agreed as part of the OTCMP or whether this will comprise an entirely separate document. • Noted that AoD maximum heights have been adopted for Requirement 8, but not for Requirement 9. This seems inconsistent. • ExAs Amended Requirement 9 (PD-013), Consultation will be required with WSCC as Highways Authority where access is concerned. • Requirement 10 –There remains no indication or outline of what a submission will include. This has not been provided by the Applicant. • Requirement 19 – WSCC has engaged in extensive discussions with the Applicant regarding the wording of dDCO Requirement 19 and has suggested several modified wording 	<p>The Applicant has provided a response to the proposed changes set out in the Examining Authority's schedule of changes to the draft Development Consent Order [PD-013] within Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121].</p> <p>The Applicant has responded to comments made by WSCC at Deadline 4 in Table 2-4 within Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant has provided a response to the Examining Authority's proposed amendment to Requirement 8 within Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121]. However following receipt of the Examining Authority's Request for Additional Information [PD-017] the Applicant has considered a further revision to Requirement 8 and has provided a response in its Deadline 6 submission Applicant's Response to the ExA's Request for Further Information (Document reference: 8.99).</p> <p>The Applicant notes that the Examining Authority's proposed amendment to Requirement 9 in the Draft Development Consent Order [REP5-005] is directed to the question of noise monitoring and the Applicant has provided a response to the proposed amend within Applicant's Comments on the Examining Authority's</p>

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
		<p>changes, the latest of which was provisionally agreed by the Applicant, pending approval by their legal team. However, late on 8th July, the Applicant communicated that they were unfortunately not able to agree to the provisionally agreed wording of dDCO Requirement 19. Therefore, it was not possible to reach a point of agreement prior to finalisation and submission of the Deadline 5 documents. In the absence of pre-determination trial trench evaluation, WSCC needs to see firm commitment from the Applicant within Commitment C-225 and dDCO Requirement 19 to the preservation in situ of any suitable high significance archaeological remains. WSCC's position for Deadline 5 is therefore to support the current suggested wording of dDCO Requirement 19, as set out within the ExAs Schedule of recommended amendments to the Applicant's draft DCO [PD-013]. WSCC will continue to engage in discussions with the Applicant post-Deadline 5 to work towards an agreement before the close of Examination.</p> <ul style="list-style-type: none"> • Requirements 33 - this Requirement should state that no offshore works, not just onshore, should commence until this Requirement has been discharged • ExAs New Requirement 41 (PD-013)- should the Oakendene compounds be include here, or is that covered under the new wording of Requirement 8? • Requirement 40 - WSCC have provide a detailed response in relation to TE 2.28 which regards the suitability of the newly proposed Requirement 40. To summarise, WSCC welcome this Requirement though request a revision of the wording, as well as further clarification of relating matters to be reflected within a revised OCoCP • ExAs New Requirement 44 (PD-013) – consideration would be needed over how this Requirement would be discharged in practice and the timing of it, to allow all required control documents linked to other Requirements to be consistent with the finalised approved register. • Schedule 13 - (Part 2) of the draft DCO Rev E [REP4-005] does not include hedgerows H181, H228 H308, H507, H515 and H521 which are identified as important (or potentially important) within the Tree Preservation Order and Hedgerow Plan Rev C (REP4-003). All of which are shown within VRPs as requiring partial clearance/removal at a worst case scenario. During the Terrestrial Ecology ETE held on 26/06/2024, the Applicants Ecologist suggested that this could be due to a difference between hedgerows identified as 'important' under the Hedgerow Regulations 1997 from an ecological perspective, versus and archaeological or historical perspective. The 	<p>Schedule of Changes to the DCO [REP5-121]. In relation to WSCC's concerns relating to access, the Applicant further notes that Requirement 9 in the Draft Development Consent Order [REP5-005] is directed towards the detailed design of the extension to the existing National Grid Bolney substation the access to which will be taken through the existing substation during its operational stage; this access will be through the National Grid substation itself. Further accesses are subject to separate approval by the highway authority pursuant to Requirement 15 in the Draft Development Consent Order [REP5-005].</p> <p>In relation to Requirement 10 in the Draft Development Consent Order [REP5-005], the Applicant has previously confirmed that the purpose of this requirement is to secure a written programme identifying the stages for the construction of the Proposed Development; discharge of requirements that require a stage specific approach will then be undertaken in accordance with this programme as approved. It is not intended that any additional information is submitted under Requirement 10 in the Draft Development Consent Order [REP5-005].</p> <p>The Applicant provided a response to the Examining Authority's proposed amendment to Requirement 19 in the Draft Development Consent Order [REP5-005] within Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] and included a revised requirement in the Draft Development Consent Order [REP5-005] submitted at Deadline 5. The Applicant notes the WSCC expressed concerns as to the wording of Requirement 19. The Applicant has continued to engage with WSCC in relation to revised wording. The Applicant is pleased that it has now reached agreement with WSCC on a revision to Requirement 19, which has been included in the Draft Development Consent Order [REP5-005] submitted at Deadline 6. The Applicant confirms that Requirement 33 has been updated in the Draft Development Consent Order [REP5-005] (submitted at Deadline 5) to reflect that it is to be submitted and approved prior to commencement of any part of the authorised development so as to encompass both onshore and offshore works.</p> <p>The Applicant provided a response to the proposed new Requirements 41 and 40 within Applicant's Comments</p>

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
		<p>definition of 'important hedgerow' within Article 44 of the dDCO, which permits the removal of such hedgerows, refers directly to the meaning stated within Hedgerow Regulation 1997 and does not differentiate between classification types. WSCC advise that all hedgerows identified as 'important' under the Hedgerow Regulation 1997 are stated within Schedule 13 (part 2) of the dDCO. This is not only to ensure the Applicant has the correct permissions in place to remove such hedgerows, but also to ensure that the ExA and RPAs (who are now proposed to be responsible for approving VRPs) are made clear which hedgerows have been identified as important directly within the DCO. WSCC are in communication with the Applicant regarding this matter, this has also been reflected within our SoCG revised for DL5.</p> <ul style="list-style-type: none"> Schedule 14 –Concern is raised again with the fee value within 3. Fees. This is based upon the current fee for discharge of planning conditions based on Regulation 16 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which is £145 per request. This will not adequately resource WSCC as a discharging authority (or indeed any other authority identified as a discharging authority) to cover its costs for the volume and complexity of work required to address these Requirements. Moreover, paragraph 3(2) of Schedule 14 provides for the repayment of any fee paid to the discharging authority within 42 days of (a) the application is rejected as invalidly made or (b) the authority not determining the application within the determination period. Paragraph 3(2) is unreasonable and should be removed: if an application is rejected, it will have been rejected because the material provided by the Applicant was unsatisfactory. The discharging authority should not be punished financially for this. Officers will have had to deal with the application even if the application is eventually rejected and the Applicant should cover that cost. Similarly, it might not be possible for a discharging authority to determine an application within the determination period if, say, information or material it has requested is not provided until late in that period. Again, the discharging authority should not be punished financially for this. WSCC welcomes the commitment by the Applicant to engage on a Planning Performance Agreement, to cover this period of work, if consent is granted. Consideration could be given to a clause as follows 'Procedure for discharge of certain approvals' that specifies <i>"Where an application is made to the relevant planning authority, a highway authority, LLFA for any consent, agreement or approval required under any of the provisions of this Order such application shall,</i> 	<p>on the Examining Authority's Schedule of Changes to the DCO [REP5-121].</p> <p>Please see the Applicant's response below to WSCC's response in relation to TE 2.28 which also relates to the proposed new Requirement 40 within in the Draft Development Consent Order [REP5-005].</p> <p>The Applicant has provided a response to the proposed new Requirement 44 within Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121] which acknowledges the difficulties identified by WSCC.</p> <p>The Applicant notes that the hedgerows mentioned are in Schedule 13 submitted at Deadline 5 (see Draft Development Consent Order [REP5-005]) The hedgerows mentioned have been updated at Deadline 6 to show these in the Important Category.</p> <p>The Applicant notes the concerns raised by WSCC but confirms that the fee for discharge of requirements has been linked to the extant fee regulations from time to time rather than a fixed amount in order that the fee can be increased in accordance with fees for discharge of conditions if this occurs. Further the wording in paragraph 3(2) follows that set out in the Planning Inspectorate's Advice Note 15 in this regard. The Applicant also confirms its intention to enter into a Planning Performance Agreement with WSCC to contribute to the procedure for discharge of obligations.</p> <p>The Applicant has commented on WSCC's proposal for an amendment to the procedure for discharge of obligations in its response to WSCC commentary on the Applicants responses to ExAs first set of Written Questions [REP4-086] in line 2.4.169 within Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>

CR	Commitments Register		West Sussex County Council Response	Applicant's Response
			<p>where appropriate, identify and demonstrate compliance with the relevant commitments as set out in Commitment Register". This would give considerable added certainty.</p>	
HE	Historic Environment		West Sussex County Council Response	Applicant's Response
HE 2.1	Heritage Assets	<p>Given the Deadline 4 submission of viewpoints SA9 to SA13 [REP4-027] and the supporting viewpoint directory [REP4-036] for Work No.16, provide definitive comment on whether harm to Oakendene Manor is likely to be less than substantial or otherwise.</p>	<p>WSCC finds that changes to the setting of Grade II listed Oakendene Manor arising from the Project are likely to amount to less than substantial harm, at the upper end of the scale.</p> <p>Long and medium range views both to and from the manor, looking across the historic parkland to the south-east of the manor, will be substantially altered by both the construction and operational phases of the Project. These views currently make a substantial positive contribution to significance. They illustrate the time-depth of the relationship between the manor and its historic parkland, which contributes to the historic interest of the asset. In particular, WSCC identifies the view from the hedge gap on PRoW 1787 (Viewpoint SA12) as a key view which makes a positive contribution to significance of the manor. It provides one of the best opportunities to appreciate the architectural interest of the asset within its historic parkland setting. The gap in the hedge is depicted on the 1st Edition Ordnance Survey map of 1875 (Oakendene parkland historic landscape assessment [APP-211]). Whilst the Tithe and earlier maps do not show sufficient detail to identify tree gaps, the footpath was already present. WSCC believes the view was deliberately designed, and the gap may have been intentionally created during parkland landscaping to facilitate this long-range view, and to showcase the manor within its landscape park to passers-by. Whilst the parkland layout, features and planting visible today are informal in appearance, this is nevertheless a managed and designed historic landscape. It was likely intentionally designed and landscaped in the informal or naturalistic style which emerged in the mid-18th century and was popularised by Capability Brown and contemporaries. The intention would have been to enhance and showcase the manor within its parkland setting. More formally designed features of interest (such as the lake to the south of the manor) would have been complemented by the more natural wider parkland expanses. Landscape gardeners took great pains to create parkland which appeared natural and informal, but was in reality carefully managed, with views and vistas created and enhanced by careful tree planting to frame, screen and direct views, and sometimes more intensive hard landscaping. The parkland itself is assessed as of low significance in its own right, but the contribution it makes to the setting of the manor is considered to be very substantial.</p> <p>The parkland setting of Oakendene is experienced overall as tranquil, characterised by a notable absence of significant modern visual or</p>	<p>Please see response to reference 2.5.9 to 2.5.17.</p> <p>Where WSCC state “The gap in the hedge is depicted on the 1st Edition Ordnance Survey map of 1875 (Oakendene parkland historic landscape assessment [APP-211]).”, the Applicant considers that this is not the case. The map shows a solid field boundary planted with sporadic trees. It is not possible to evidence any gap in a hedgerow using this map.</p> <p>As stated in the Applicant's response to reference 2.1.9 to 2.1.17, the gap in the hedgerow at viewpoint SA12 and the field into which it currently provides access, do not fall within the historic boundary of the parkland, as evidence in historic mapping provided in Appendix 25.5: Oakendene parkland historic landscape assessment, Volume 4 of the ES [APP-211]. Indeed, the Tithe map shows a probable footpath originally passing across the field (Plot 448 shown on Plate 2) south of what is now PRoW 1787, together with a pond which is likely evidence of extraction activity occurring in this view at the time the parkland was established.</p> <p>Where WSCC states in reference to the parkland, “It was likely intentionally designed and landscaped in the informal or naturalistic style which emerged in the mid-18th century and was popularised by Capability Brown and contemporaries.”, the Applicant would like to clarify that in the mid-18th century, Oakendene was a farm, as evidence in The Ditchling OS Drawing of 1798 (Plate 1) and that the existence of a parkland at what becomes known as Oakendene Manor does not occur until the 19th century, as evidence by the 1839 Cowfold Tithe map (Plate 2 and Plate 3).</p> <p>The Applicant confirms that Appendix 25.5: Oakendene parkland historic landscape assessment, Volume 4 of the ES [APP-211] was first issued to WSCC, at their request, in April 2023. Following which, no comments were received by the Applicant from WSCC on the baseline information and assessment provided therein.</p>

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
		<p>auditory intrusion, despite the proximity of the A272 and industrial estate.</p> <p>It is clear from the additional photography and photomontages submitted by the Applicant that the substation, located c.240m away, will be prominent in views south-east from the manor (Viewpoints SA10 and SA11 (APP-099), especially during the construction phase and the early years of operation. Despite WSCC disagreeing with aspects of the assessment (see below), the scale of this impact was already reflected in the assessment (APP-066).</p> <p>However, the additional photography from the hedge gap on PRoW 1787 (Viewpoint SA12), demonstrates that the magnitude of change to this view in particular (see above for the contribution this makes to significance) have been underplayed in the assessment. LVIA Figures 18.14.4a-e (REP4-027) illustrate that the presence of the substation will entirely transform the view from Viewpoint SA12. The majority of the vista will be occupied and dominated by the substation structures, transforming the character of the view from historic parkscape to modern industrial activity. The photography illustrates that the substation will partially block the manor from view behind the firewalls and substation buildings. The distinctive white structure will become visually lost behind, and almost indistinguishable amongst, the cluster of industrial substation structures. The Applicant assesses that 'The local topography and existing and proposed planting are anticipated to partly diminish the appearance of the onshore substation' within this view [REP4-024]. However, the LVIA figures indicate that even after vegetation growth in the later years of operation, existing and proposed planting will in fact not meaningfully reduce this impact (Figures 18.14.4a-e [REP4-027]). The photography indicates that the historic parkland will become almost entirely blocked from sight within this view. In addition to changes to key views, there will be permanent loss/change in use of a substantial amount of historic parkland which will partially sever the relationship between the asset and its historic parkland. Additional adverse (temporary) changes during construction will result in additional impacts. These changes will reduce the historic interest of the asset, as well as the ability to appreciate its architectural and historic interest. This will result in a reduction in significance, and in particular, in the ability to appreciate that significance.</p> <p>WSCC disagrees with aspects of the narrative assessment of effects on Oakendene Manor within the ES chapter (REP4-024). WSCC finds that the importance of current key views is downplayed, as is the predicted degree of change to these views during and following construction of the substation. This gives a misleading impression of the true magnitude of change to the setting of Oakendene, and the degree to which the ability to appreciate significance will be reduced.</p>	<p>Where WSCC states "The parkland itself is assessed as of low significance in its own right, but the contribution it makes to the setting of the manor is considered to be very substantial", the Applicant confirms that the assessment in Appendix 25.5: Oakendene parkland historic landscape assessment, Volume 4 of the ES [APP-211] does identify the historic parkland as part of the setting of Oakendene Manor and is assessed as making a moderate contribution to its heritage significance. It is of note that the existing industrial estate which lies immediately southwest of Oakendene Manor occupies land which previously formed part of the historic parkland, forming part of the manor's setting and making a negative contribution to its significance (as described in Section 2.11 of Appendix 25.8: Onshore heritage asset baseline report, Volume 4 of the ES [APP-214]).</p> <p>Where the Applicant makes reference to the "informal parkland" within the Appendix 25.5: Oakendene parkland historic landscape assessment, Volume 4 of the ES [APP-211], this term is defined and attributed to the historic parkland at Oakendene within the <i>Sussex Historic Landscape Characterisation</i> report (2010) produced in consultation with WSCC. The report provides the following definition "The Designed Landscape HLC type is divided into Formal and Informal sub-types. Where the park has been laid out according to a plan or guidance from a landscape designer, such as Capability Brown, these are described as 'Formal' whereas those which have a more organic origin through the clearance of field boundaries, instigated by the owner with no plan, these are identified as 'Informal'." The data from this HLC study, which was used in preparing Appendix 25.5: Oakendene parkland historic landscape assessment, Volume 4 of the ES [APP-211], was provided to the Applicant by the West Sussex HER.</p> <p>In consideration of the Applicant's responses above and to references 2.1.9 to 2.1.17 and emphasising that WSCC is in agreement with the assessment of magnitude of change resulting in less than significant harm to Oakendene Manor, the narrative text supporting that assessment within Chapter 25: Historic environment, Volume 2 of the ES [REP4-024] will not be updated.</p>

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
		<p>However, WSCC acknowledges that there will be no physical change to the asset, and its architectural interest will therefore remain unaffected, albeit the ability to appreciate that aspect of significance will be reduced. Some key aspects of setting will remain unaffected.</p> <p>The Applicant assesses a Medium magnitude of change to the asset. Visualisations have now been provided from viewpoints adjacent to the manor, allowing more accurate illustration and assessment of the likely magnitude of change within the manor's setting. The Applicant's assessment is therefore now appropriately evidenced. WSCC is now in a position to agree with the overall assessment finding of a Medium magnitude of adverse change, despite disagreeing with aspects of the narrative assessment of change.</p> <p>The ES chapter [REP4-024] equates '<i>Major adverse magnitude of change</i>' in EIA terms, to substantial harm (paras. 25.8.18 and 25.10.11), and by extension, any magnitude of change below Major is automatically equated to less than substantial harm.</p> <p>As raised in previous responses, WSCC is not satisfied that the policy threshold of substantial harm can be automatically and uniformly applied in this manner, nor that such a blunt assessment tool should form the extent of the argument for less than substantial harm.</p> <p>The ES chapter proves a single sentence to evidence their case for less than substantial harm; "<i>...the listed building itself will be physically unaltered and important elements of its setting, including its relationship with the immediately surrounding gardens and the view to the south, will be preserved</i>" ([REP4- 024] para. 25.10.11).</p> <p>WSCC requests the Applicant update the ES chapter text with a more detailed and nuanced assessment to evidence their conclusion of less than substantial harm. This should be based on the specific impacts of the predicted changes to the asset's architectural and historic interest and overall significance. And not solely on equating a Medium adverse magnitude of change in EIA terms, to less than substantial harm.</p> <p>WSCC acknowledges that the requested additional assessment will be unlikely to change the magnitude of harm to substantial. However, the additional information will allow decision makers to understand the precise impact of changes within setting upon the various values that contribute to the key aspects of significance for this specific asset. This will allow decision makers to assess the harm arising from the Project in a comprehensive manner as required by the relevant policy and legislation, and thus enable a fully informed decision to be made.</p>	
MI	Minerals	West Sussex County Council Response	Applicant's Response

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
MI 2.1	<p data-bbox="308 289 492 359"><i>Mineral Safeguarding</i></p> <p data-bbox="308 394 498 457">West Sussex CC</p> <p data-bbox="308 499 507 594">South Downs National Park Authority</p> <p data-bbox="537 289 1041 594">Confirm whether the further information submitted into the examination by the Applicant at Deadline 4 [REP4-079] regarding mineral safeguarding allays outstanding concerns from West Sussex CC and the SDNPA on mineral safeguarding, particularly, but not exclusively, regarding whether:</p> <p data-bbox="626 636 1041 804">a) Other minerals alongside soft sand have been given due consideration by the Applicant in its assessment.</p> <p data-bbox="626 846 1041 1045">b) The Materials Management Plan (MMP) has been adequately updated to provide clarity on how any minerals encountered would be managed.</p> <p data-bbox="626 1087 1041 1287">c) Outline provisions of the MMP, regarding mineral safeguarding, have been adequately set out in a revised version of the OCoCP [REP4-043].</p> <p data-bbox="626 1329 1041 1560">d) The Applicant has adequately demonstrated that requirements of Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) (July 2018, Partial Review March 2021) has been met.</p> <p data-bbox="626 1602 1041 1938">e) The Applicant has provided sufficient response on why they believe it is not practical or environmentally feasible deliver full scale prior extraction, and the extent to which incidental extraction/reuse of minerals within the Project may be possible.</p>	<p data-bbox="1071 289 2012 426">WSSCC welcomes continued discussions with the Applicant on the issue of mineral safeguarding. The further information goes some way towards allaying concerns regarding mineral safeguarding, however some issues remain. In response to the specific parts of the question;</p> <p data-bbox="1160 468 2012 562">a) WSSCC is satisfied that consideration has been given to other minerals within the assessment, given the constraints on data and information available.</p> <p data-bbox="1160 604 2012 667">b) No MMP has been provided. The OCoCP has been updated (see below).</p> <p data-bbox="1160 709 2012 1392">c) The outline provision of the MMP, in relation to safeguarding, is set out within the OCoCP. A new section (4.13 Excavated Minerals) provides information related to mineral safeguarding (as per the text provided in REP4-079 by the Applicant on pages 26-29). Concern remains that the proposed wording submitted in REP4- 043 by the Applicant does not provide for use of safeguarded mineral resources that are directly encountered (where practicable and environmentally feasible), until after reinstatement and construction works. WSSCC seek for the Applicant to be more specific about encountered sand and minerals being used as a mineral resource. Further information on this issue has been submitted in response to the updated OCoCP (REP4-043). Further, the OCoCP still fails to adequately set out why minerals are safeguarded, with no policy links to the West Sussex Joint Minerals Local Plan (JMLP). Inclusion within the OCoCP of key local polices should be included for completeness and would provide clarity on policies of relevance to the discharging authorities. WSSCC note that the Applicant does make reference within REP4-079, to the JMLP policies of relevance (page 29).</p> <p data-bbox="1160 1434 2012 1770">d) The Applicant has addressed the key policy points within the latest submission (REP4-079), stating that the MMP will make reference to key policies, however, as per response to Part C), the OCoCP does not reference key policies. The Project will result in the sterilisation of minerals for a considerable period of time and the Applicant contends that full prior extraction is not feasible, therefore it is crucial that when the SoS makes its decision, it is satisfied that the need for the Project outweighs the need for the safeguarding of minerals in the short-medium term.</p> <p data-bbox="1160 1812 2012 1938">e) WSSCC is satisfied that the applicant is provided sufficient response on why they believe it is not practical or environmentally feasible deliver full scale prior extraction. Concern remains that the extent to which incidental</p>	Please see response to items 2.5.32 to 2.5.36 above.

CR	Commitments Register	West Sussex County Council Response	Applicant's Response	
		<p>extraction/reuse of minerals within the Project may be possible. Further detail is provided in responses to c) and d) above, as well as the WSCC response to the updated OCoCP (REP4-043).</p>		
MI 2.3	<p><i>Mineral Safeguarding</i></p> <p>The Applicant</p> <p>West Sussex CC</p> <p>The Wiston Estate</p>	<p>The Applicant</p> <p>a) Paragraph 4.9.29 of Chapter 4 of the ES [APP-045] states that the onshore cable will be left in-situ upon decommissioning and paragraph 4.8.1 states the operational lifetime of the PD is expected to be around 30 years. Confirm whether the cable would be left in-situ post decommissioning across the Mineral Safeguarding Area (MSA), and whether the sterilisation of minerals by the cable route would be regarded as permanent or temporary i.e. would the minerals be available for extraction post decommissioning with the cable left in-situ? If temporary, confirm in the worst-case scenario from a minerals perspective, of the length of temporary sterilisation.</p> <p>b) Consider the proposed change to Requirement 35 as suggested in the ExA's Schedule of Changes to the draft DCO, which states that; <i>"the decommissioning plan shall demonstrate that the onshore cables within Mineral Safeguarding Area will be removed"</i>, rather than it being left in-situ as is proposed for the rest of the cable.</p> <p>West Sussex CC / The Wiston Estate</p>	<p>The proposal to leave the cable in-situ could potentially have some negative impacts on the viability of future extraction, albeit this is likely to be limited and must be balanced with the potential environmental and landscape impacts of cable removal at the end of the Project.</p>	<p>The Applicant has provided a response to the Examining Authority's Second Written Questions (MI2.3) in Table 2-9 within Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119].</p>

CR	Commitments Register		West Sussex County Council Response	Applicant's Response
		Comment if required.		
MI 2.4	<i>Mineral Safeguarding</i>	<p>The Applicant</p> <p>a) Provide a detailed response to Cable Route Alternatives & Mineral Sterilisation document submitted by the Wiston Estate at Deadline 4 [REP4- 136].</p> <p>b) Respond to the points raised by the Wiston Estate in the CAH1 regarding minerals, particularly the alternative options presented, both the wider alternative connecting at Ninfield and local cable route alternatives, including that following the existing gas pipeline.</p> <p>West Sussex CC</p> <p>South Downs National Park Authority</p> <p>West Sussex CC and SNDPA</p> <p>Respond if required to the Cable Route Alternatives & Mineral Sterilisation document submitted by the Wiston Estate at Deadline 4 [REP4-136]</p>	WSSCC do not wish to make any comments in response to this question, at this time.	The Applicant has no further comment on this matter at this time.
TA	Traffic and Access		West Sussex County Council Response	Applicant's Response
TA 2.1	<i>Traffic Management Strategies</i>	Confirm whether you are content with the latest version of the traffic management strategy for accessing construction accesses A64 and A61 on Kent Street, contained in Appendix D of the Outline Construction Traffic Management Plan (OCTMP) [REP4-045]. If not, outline the changes you would require to make it acceptable.	The latest version of the OTCMP (Revision E) (REP4- 045) is noted by WSSCC. This provides further details in terms of the management of non-motorised road users as well as clarification in terms of passing bay locations on Kent Street. This addresses some of the points raised by WSSCC at Deadline 4 (REP4-086). The Applicants response to these points is still required however to ensure the OTCMP addresses these fully. Further comments are provided on the OTCMP Revision E as part of the WSSCC Deadline 5 response. These comments have been shared with the Applicant ahead of Deadline 5.	The Applicant acknowledges the comments from WSSCC and notes these are not substantial. The Applicant has provided detailed responses in Table 2-3 within the Outline Construction Traffic Management Plan [REP5-068] updated at Deadline 6.
TA 2.2	<i>Traffic Management Strategies</i>	Confirm whether you are content with the latest version of the traffic management strategy for accessing construction accesses A26 and A28, contained in Appendix D of the OCTMP [REP4-045]. If not, outline	The latest version of the OTCMP (Revision E) (REP4- 045) is noted by WSSCC. WSSCC have made a number of comments at Deadline 4 (REP4-086) that are not addressed directly within the latest OTCMP revision. The Applicants response to these points are therefore required to ensure the OTCMP has been suitably updated. Further comments are provided on the OTCMP Revision E as part of the	

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
	<p>South Downs National Park Authority</p> <p>the changes you would require to make it acceptable.</p>	<p>WSSCC Deadline 5 response. These comments have been shared with the Applicant ahead of Deadline 5.</p>	
TA 2.3	<p><i>Traffic Modelling</i></p> <p>West Sussex CC</p> <p>Comment on the technical note contained in Appendix A to the Applicant's Response to the Action Points from ISH2 [REP4-074] which provides an estimate of the impact of the proposed traffic management strategy for Kent Street on the traffic modelling for the Proposed Development and its conclusions.</p>	<p>The Applicants Technical Note (TN) within Appendix A of REP4-074 has been reviewed by WSSCC. Notwithstanding the outstanding comment from WSSCC (REP1-054, Appendix C, point 5.1.4, and again within REP3-073) concerning trip generation assumptions (the TN otherwise bases its conclusions on assumptions included within the Traffic Generation Note and is accepted by WSSCC). For the purposes of the TN, this identifies and focuses on peak weeks of construction traffic. Although it is accepted that peak weeks represent worst case traffic flows, there will be construction traffic at other times throughout the construction period. This does not appear to be acknowledged in the TN. The TN should include a scenario covering average construction flows as well as identifying the duration of time construction traffic would have to pass through Cowfold.</p> <p>From the peak week flows presented, it is acknowledged that there will be increased traffic through Cowfold on the A272/A281. Table 2.2 further breaks down the peak week 83 flows to average daily flows. It is expected that most of the daily movements will be tidal (as workers arrive and then depart later in the day) rather than spread across the day. The tidal movements themselves are again likely to be spread, and in practice any traffic increases are unlikely to be discernible from existing variations in vehicle movements. WSSCC Highways also recognise that any impacts are temporary and as such wouldn't result in any impacts that could be considered severe (this being the threshold as set out within both the NPPF and the Overarching National Policy Statement for Energy (EN-1)). WSSCC Highways acknowledge the local concerns regarding increased traffic (particularly HGVs) on the A281 and A272 in the Cowfold area. The Applicant has committed to avoiding Cowfold where possible along with other mitigating measures to minimise disruption.</p> <p>In reviewing this TN, it is accepted that the construction traffic flows quoted are potentially worst case and will reduce (based on the Applicants response against 2.1.73 in REP4-070).</p>	<p>The Applicant notes that Appendix A (Applicant's Response to Action Point 46 and 57) within Deadline 4 Submission - 8.70 Applicant's Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 Revision A [REP4-074] has been updated at Deadline 6 to include a scenario covering average construction flows as well as identifying the duration of time construction traffic would have to pass through Cowfold.</p>
TA 2.4	<p><i>Potential Impact of Construction Accesses and Haul Roads on Ancient Monuments</i></p> <p>Comment on the information provided by the Applicant on the potential impact of vibration and other construction and use effects from the proposed haul road at access A28, on the scheduled monument Muntham Court Romano-British site (response to Action 51, ISH2 [REP4-074]).</p>	<p>Construction and operational access A-28 passes directly adjacent to the Scheduled Muntham Court Romano-British site (NHLE 1005850). The monument comprises the remains of Iron Age defended settlement and Roman shrine on Muntham Hill, surviving as upstanding earthworks and associated more extensive features and deposits including ditches, pits and post holes, along with associated small find assemblages. Further details are provided within the Historic Environment ES Chapter (REP4- 025), the Onshore Heritage Asset Baseline Report (APP-214), and the Applicant's responses to Action</p>	<p>Please see response to reference 2.1.44 to 2.1.47 above.</p> <p>The Applicant also notes the following additional points in relation to the WSSCC response to TA 2.4.</p> <p>The construction and use of access A-28 has the potential to affect heritage assets as a result of:</p> <ul style="list-style-type: none"> • Direct disturbance to archaeological remains within the footprint of the access track – this is

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
<p>West Sussex CC</p> <p>South Downs National Park Authority</p>		<p>Points arising from ISH2 and CAH1 (REP4-074). The features are of national significance and their designation affords them statutory protection under the Ancient Monuments and Archaeological Areas Act 1979.</p> <p>In addition to the known remains located within the boundary of the scheduled monument, there is potential for additional archaeological remains in the areas immediately adjacent. The boundary of a scheduled monument cannot always be assumed to accurately reflect the limit of archaeological remains.</p> <p>In the case of Muntham Court, the Historic England list entry states that “<i>Further archaeological remains survive in the vicinity of the monument but are not included because they have not been formally assessed.</i>” (https://historicengland.org.uk/listing/the-list/list-entry/1005850?section=official-list-entry).</p> <p>The monument comprises part of an extensive prehistoric downland landscape of high archaeological potential and significance, with numerous monuments dating from the Neolithic to the medieval period. The high potential is indicated by the extensive Archaeological Notification Area within which the monument and Access A28 lie, relating to Multi-period features on Church Hill, Muntham Court, Findon. The potential for additional remains should therefore be considered to be very high. Any such remains identified that are demonstrably a continuation of and/or of equal significance to the scheduled remains would be subject to the same policies, in accordance with NPS-EN1 (paragraph. 5.9.6) and the NPPF (Footnote 68). Any harm to such heritage assets would carry equivalent weighting to harm to a scheduled monument.</p> <p>The potential for harm to the scheduled monument and associated remains arising from construction traffic and associated activities has been identified. This harm might arise from vibration and compaction caused by passage of construction traffic and along A28, currently an unmade farm track or undeveloped field. Impacts to buried archaeology and monuments from vibration and compaction are difficult to quantify and the precise degree of impact will depend upon multiple factors. Archaeological factors include the type of features present and the physical fragility of the remains. Friable items such as bone and pottery, or fragile above-ground remains such as weak masonry, will be far more sensitive to damage than lithic artefacts or paleoenvironmental remains/microfossils, for example. The depth at which remains are buried will be a significant factor. In the case of Access A28, records of previous archaeological fieldwork in the vicinity do not report the depth of overburden. However, excavations within the scheduled monument by Worthing Archaeological Society in 1954-6 (EWS559). A photograph of the excavation area (reproduced within</p>	<p>most likely to occur during construction of the access track and is assessed within paragraphs 25.9.140 to 25.9.142 of Chapter 25: Historic environment, Volume 2 of the ES [REP4-024]; and</p> <ul style="list-style-type: none"> Change to the setting of Muntham Court Romano-British Site scheduled monument (NHLE 1005850) and this is assessed within paragraphs 25.9.509 to 25.9.510 of Chapter 25: Historic environment, Volume 2 of the ES [REP4-024]. <p>Muntham Court Romano-British Site scheduled monument (NHLE 1005850) is outside of the proposed DCO Order Limits and there will be no direct disturbance to land within the monument boundary. The question of potential damage to the scheduled monument as a result of vibration effects during use of access A-28 was raised at Issue Specific Hearing 2 (ISH2) and the Applicant's response to Action Point 51 (Applicant's Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 Revision A [REP4-074]) provides an explanation of why such effects would not reasonably be expected to arise.</p> <p>In order to manage the potential for disturbance of archaeological remains, a programme of archaeological trial trenching will be completed as described in the Outline Onshore Written Scheme of Investigation [REP5-070] prior to construction of access A-28. The Onshore Written Scheme of Investigation [REP3-035] also outlines the process that would be followed to deliver mitigation of effects on any archaeological remains. Commitment C-225 establishes the principles for this and has been agreed with WSCC and sets out that “<i>Where previously unknown archaeological remains which are demonstrably of national heritage significance are identified within the onshore Order limits, engineering and design solutions (e.g. narrowing of the construction corridor, divert cable route within DCO Order Limits, re-siting stockpiles, trenchless crossings) will be employed, subject to agreement by the relevant planning authority in consultation with WSCC.</i>” The construction method for temporary access tracks is described in Section 3.1 of the Outline construction method statement [REP5-088], involving placing successive layers of stone compacted on a layer of permeable geo-textile membrane which</p>

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
		<p>Worthing Archaeological Society Journal Volume 3, Number 3, 2004) appears to depict a very shallow later of topsoil overlying the natural chalk. This indicates that archaeological remains are likely to be very poorly protected from the effects of construction traffic.</p> <p>The severity of the impact will also depend upon the number, type and weight of vehicles and thus the severity of vibration and compaction which arises. The technical note on construction accesses A-26, A-28, A61 and A-64 Traffic Management Strategies (Appendix D of the Outline Construction Traffic Management Plan [REP3-029]) predicts that approximately 3,500 construction vehicles will use accesses A-26/A-28 in each direction over the course of the construction phase.</p> <p>The Applicant's responses to Action Points arising from ISH2 and CAH1 [REP4-074] is incomplete and does not accurately address the potential harm to the scheduled monument. The response correctly identifies that vibration in and of itself (when arising from traffic as opposed to pile driving) is not generally considered a severe risk to buried archaeological features. However, the Applicant's response adheres very narrowly to the impacts of vibration alone. The directly linked impacts arising from construction traffic compaction are not mentioned. And more significantly, the risk arising from construction groundworks for road widening and creation of passing places are not acknowledged by the Applicant. The action point requested "The Applicant to consider the potential impact of vibration <i>and other construction and use effects</i>" (WSCC emphasis), and the latter aspect remains unaddressed.</p> <p>The Applicant states, "<i>It is also notable that there are many scheduled monuments that are located alongside roads or tracks or which have them cutting through a monument. Effects of vibration from traffic is not normally considered to be a notable risk factor for below ground archaeological remains in such cases</i>". This point has some validity in regard to the effects of increased traffic where an existing road or metalled track passes adjacent to a schedule monument. However, this is not directly applicable in the case of access A28, as there will be new and significant impacts arising from construction traffic on what is currently an unmade trackway or undeveloped field. This will expose additional archaeological remains to the effects on vibration and compaction, which have until now lain outside the footprint of the track and thus been spared any such adverse effects.</p> <p>It should be assumed that construction traffic along A28 has the potential to cause physical damage to buried archaeological remains located directly below, and immediately adjacent to the access track, arising from passage of heavy plant and construction traffic for the duration of use.</p>	<p>provides additional ground stability. In the event that archaeological remains which are demonstrably of national heritage significance are found to be present within the route of access A-28 then design solutions to avoid disturbance or damage to underlying archaeological remains would be presented to the local planning authority for approval. This would take account of the nature of any identified archaeology, existing depth of soil cover and planned use of the track. In the more likely event that archaeological remains which are of less than national heritage significance are present, then excavation and recording in advance of track construction is available as an agreed mitigation approach, as set out in the Outline Onshore Written Scheme of Investigation [REP5-070]. As noted above, this is assessed within paragraphs 25.9.140 to 25.9.142 of Chapter 25: Historic environment, Volume 2 of the ES [REP4-024].</p> <p>WSCC note that the Historic England list entry for Muntham Court states that "<i>Further archaeological remains survive in the vicinity of the monument but are not included because they have not been formally assessed.</i>" As noted in the Applicant's response to Action Point 51 (Applicant's Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 Revision A [REP4-074]) these are described as a Roman well and buried remains of buildings on the southeast facing slope of the hill. This is the opposite side of the hill to the location of temporary construction access A-28. For clarity, the full paragraph within the list entry is "<i>Further archaeological remains survive in the vicinity of the monument but are not included because they have not been formally assessed. <u>On the south-east facing slope of the hill is a Roman well and associated buildings, to the west of the well, surviving as buried remains. The buildings, thought to be a Romano-British farmstead, have been identified by soil marks on aerial photographs.</u></i>"</p> <p>WSCC note that "<i>Friable items such as, or fragile above-ground remains such as weak masonry, will be far more sensitive to damage</i>". There are no known above ground masonry remains associated with Muntham Court Romano-British Site scheduled monument (NHLE 1005850).</p>

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
		<p>Direct physical impacts to the scheduled monument itself arising from construction groundworks are not anticipated. However, there is a high risk of such impacts to as-yet undiscovered archaeological remains of equivalent significance. The ES chapter states; <i>“Intrusive construction activities associated with access upgrade and installation works will truncate archaeological remains, if present, resulting in partial loss of archaeological interest.”</i> (para. 25.9.141)</p> <p>Impacts from vibration and compaction during the operational phase of the Project are assumed to be negligible. Increase in noise levels from construction traffic are not likely to result on meaningful harm to buried archaeological features, either within or adjacent to the schedule monument. Harm to the significance of the scheduled monument due to temporary changes within its setting arising during construction (traffic, noise and visual) are not adequately assessed in the ES chapter. The proximity of the construction access will result in a significant adverse change to the monument's setting during the construction phase; albeit of temporary duration. The ability to appreciate the monument's significance will be reduced for the period during which the access is utilised by construction traffic.</p> <p>The setting of the monument makes a positive contribution to its significance. The Onshore Heritage Asset Baseline Report [APP-214] states; <i>“The position of the asset at the summit of a hill and lower slopes creates a sense of dominance that can be associated with the defended settlement and later religious place. The core of the scheduled monument associated with the summit is legible as a small, circular tree-planted area... Views from the asset, particularly the core described above may grant a greater sense of deliberate, prominent siting associated with its history and use”.</i> (p. 93). The asset's setting also contributes to appreciation of its archaeological interest through the proximity of other archaeological remains and intervisibility between these assets, allowing appreciation of the monument within its prehistoric and Romano-British landscape setting. The ES assesses a Very Low magnitude of change to this asset during construction, resulting in a Minor adverse residual effect (Not Significant).</p> <p>WSSCC questions this assessment, as the evidence presented supports a higher magnitude of change to the asset's significance based on the proximity of the construction access and resultant construction traffic, and the meaningful contribution to significance made by views from the scheduled monument over the surrounding landscape.</p> <p>The potential for physical impacts to buried archaeological features which may arise from widening of the existing access or creation of passing places is of considerable concern. The Outline Onshore Written Scheme of Investigation [REP3-035] makes provision for pre-construction trial trench evaluation of Access A28. In the event that</p>	<p>WSSCC make reference to a photograph taken during excavations within the Muntham Court scheduled site in 1954-6 to draw conclusions that (presumably) land within access A-28 has thin soil which would make underlying archaeology susceptible to damage. In this regard, the Applicant notes that:</p> <ul style="list-style-type: none"> • The photograph in question is a general shot of ongoing excavations and it is not possible to draw any reliable conclusions on the depth of soil; • The excavations in question were within the scheduled monument and so not on the route of access A-28 – topsoil depth can vary due to changes in topography and land use; • If topsoil within the route of access A-28 was thin in 1954-6 then any underlying archaeology would likely have been vulnerable to damage as a result of ongoing activities, such as ploughing, over the last 70 years – reducing the potential for the survival of archaeological remains; and • As noted above, the detailed design of the access track would be undertaken following completion of trial trenching and so can take account of the nature of any surviving archaeology and the depth of overlying soils. <p>WSSCC has also asserted that there will be a <i>“significant adverse change to the monument's setting during the construction phase”</i> in contradiction to the conclusions of the ES. The Applicant is satisfied that the assessment provided within paragraphs 25.9.509 to 25.9.510 of Chapter 25: Historic environment, Volume 2 of the ES [REP4-024] is correct. This takes into account the contribution that its setting makes to the significance of the monument but also reflects that:</p> <ul style="list-style-type: none"> • The construction phase will be temporary; • Access A-28 uses the route of an existing track with an established use for vehicles; • The monument survives largely as below-ground archaeological remains and so the archaeological interests are not immediately 'visible';

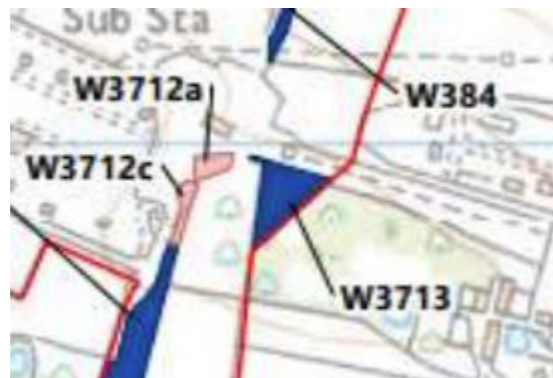
CR	Commitments Register	West Sussex County Council Response	Applicant's Response	
		<p>archaeological remains of equal significance to the scheduled monument are identified in this location, their preservation in situ would be required, in accordance with the Act, relevant policies, Commitment C-225 and dDCO Requirement 19. Access road creation, widening or enabling works might therefore not be permissible in this location, and alternative design and engineering solutions would need to be sought, or an alternative access considered. Due to the Applicant's decision not to undertake pre-submission trial trenching, the presence or significance of any archaeological remains in this location, including remains of national significance requiring preservation in situ, remains unknown. Design solutions should be considered to reduce impacts from construction traffic vibration and compaction, including building up the ground surface of the existing track and/or utilizing protective surfacing, to protect underlying features. These should be included within updates to the Commitments Register outlining a range of specific design measures which might be employed to minimise impacts and secured through the relevant control documents for this location.</p>	<ul style="list-style-type: none"> • Key archaeological remains noted in the Historic England list entry are on the south-east facing slope of the hill and therefore aligned away from the route of access A-28; and • The nature and use of an access track will not notably prevent or distract from any visual association with other sites of Iron Age to Romano-British which may arise from the introduction of permanent structures into the landscape. 	
		<p>The Commitment C-225, described above, was agreed with WSCC at Deadline 5, so no further updates are proposed. This has now been secured by Requirement 19, also agreed with WSCC (Draft Development Consent Order [REP5-005] submitted at Deadline 6).</p>		
TE	Terrestrial Ecology	West Sussex County Council Response	Applicant's Response	
TE 2.3	<p><i>Priority Habitats - Potential Loss of Deciduous Woodland</i></p>	<p>The Applicant</p> <p>Comment on the West Sussex CC response [REP4-086] at Deadline 4 to TE1.6 which states:</p> <p><i>"The Woodland Retention Plan, Figure 7.2.2h (B) of the OCoCP [REP4-043], identifies the area of deciduous woodland status within the National Grid Bolney substation as being retained (ref. W3713). This finding is contrary to that stated within the Applicant's response, as well as plans shown within inset 45 of the Arboricultural Impacts Plan found within the Arboricultural Impact Assessment [APP-194], as well as what can be achieved within the indicative plan for the AIS extension option without adverse impact (as shown within the Design and Access Statement). [REP3-013]. Therefore West Sussex</i></p>	<p>WSCC have reviewed both the OCoCP (REP4-043) and Arboricultural Impact Assessment (REP4-037) which were revised and submitted by the Applicant at Deadline 4. There has been no change which further clarifies this matter.</p>	<p>The Applicant has provided a response to the Examining Authority's Second Written Question TE 2.3 in Table 2-14 within Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119].</p>

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
----	----------------------	-------------------------------------	----------------------

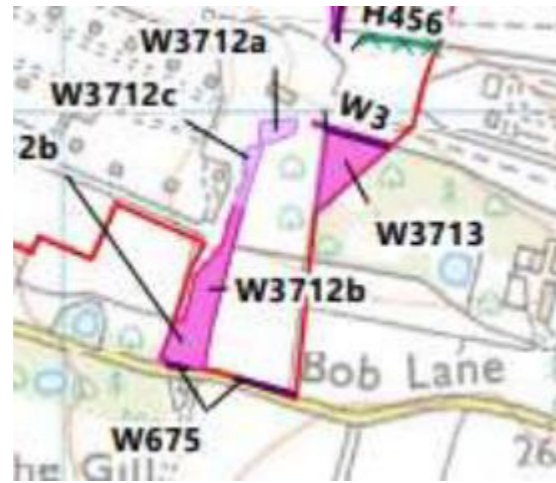
CC remains unsatisfied that the impact on deciduous woodland, a priority habitat, are at all clear at this location."



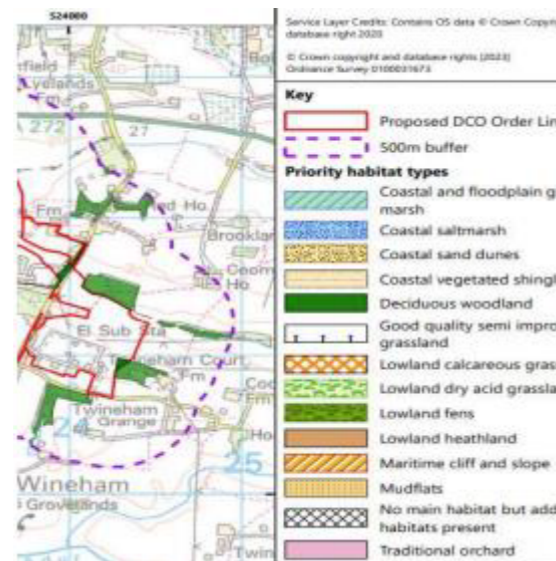
Screenshot from Inset 45 of the updated Arboricultural Impact Assessment submitted at Deadline 4 [REP4-037] indicating a section of W67 (trees not surveyed in detail) indicated in the key as 'trees to be removed' (indicated in red)



Screenshot from Figure 7.2.2h (B) Woodland retention plan in the OCoCP [REP4-043] indicating W3713 shaded blue defined in the key as 'retained'.



Screen shot from Figure 7.2.6n
 Combined Vegetation retention Plan
 Woodland retention plan in the
 OCoCP [REP4-043] indicating
 W3713 shaded dark pink defined in
 the key as 'unaffected'.



Screen shot from Figure 22.2.4d
 Priority Habitats within 500m of the
 proposed DCO order limits,
 Terrestrial ecological desk study,
 [APP-180] indicating W3713 shaded
 green defined in the key as
 'deciduous woodland'.

a) Explain why the trees within
 the DCO red line boundary of

CR	Commitments Register	West Sussex County Council Response	Applicant's Response	
	<p>W3713 were not surveyed in detail for the Arboricultural Impact Assessment.</p> <p>b) Explain the apparent inconsistencies between these documents, how they will be resolved and how this area of deciduous woodland priority habitat would be treated at this location.</p> <p>West Sussex CC / The Forestry Commission</p> <p>Provide comment if required</p>			
TE 2.23	<p><i>Commitments C-112 and C-217</i></p> <p>All Relevant Planning Authorities Natural England Sussex Wildlife Trust</p>	<p>Comment on the revised wording to Commitment C-112 and Commitment C-117 in the Applicant's Commitment Register at Deadline 4 [REP4-057]. Is the wording adequate? If not, provide alternative wording.</p>	<p>The revised wording of Commitments C-112 and C-217 are considered acceptable. (N.B. Presumably the reference to Commitment C-117 in the column to the left is an error, as this has not been updated).</p>	<p>The Applicant welcomes WSCC's comment that the revised wording of Commitments C-112 and C-217 (Commitments Register [REP5-086]) are considered acceptable.</p>
TE 2.26	<p><i>Outline Landscape and Ecological Management Plan</i></p> <p>All Relevant Planning Authorities</p>	<p>Comment on whether there any outstanding concerns with the updated Outline LEMP submitted by the Applicant at Deadline 4 [REP4-047]. If so, explain these in as much detail as possible.</p>	<p>WSCC have reviewed the Outline LEMP (OLEMP) (REP4-047) which has not addressed the following concerns recently presented within the WSCC Deadline 4 response (REP4-086) (where considered appropriate, further detail has been provided):</p> <ul style="list-style-type: none"> • (a) With regard to section 2.2, paragraph 2.2.1 states "Kent Street: Existing mature trees and hedges along this wooded road corridor will be retained and strengthened with additional native woodland planting alongside the substation provided to ensure limited views of the substation even in winter. The wooded, rural character of Kent Street will be retained." This seemingly conflicts with the latest VRPs in the OCoCP (REP4-043), which identifies that hedgerow H505 could be 'cleared to 20m'. This is of concern given the screening effect of the mature existing boundary. • (b) With regard to section 2.2 more generally, WSCC comments relating to corresponding landscape matters addressed in the DAS remain of relevance. See section 3.7 of the Deadline 4 response (REP4-086) 	<p>The Applicant responds to the bullet points in turn below (the Applicant has added cross referencing to the bulleted comments from WSCC for ease of reference):</p> <ul style="list-style-type: none"> • (a) The Applicant has updated paragraph 2.2.1 in the Outline Landscape and Ecology Management Plan [REP5-072] at Deadline 5 to address the comment from WSCC noting that some temporary habitat loss is necessary. For clarity the temporary habitat loss on Kent Street relates to a small area of vegetation at the junction with the A272 (5m of hedgerow with trees) and a construction access point (A-61, 20m of hedgerow with trees) to the south of the onshore Oakendene substation site and along the western side of Kent Street to allow access to the onshore cable corridor. A further construction access (A-64) is south of Southlands Farm and would affect vegetation on the eastern side of Kent Street.

CR	Commitments Register	West Sussex County Council Response	Applicant's Response
		<ul style="list-style-type: none"> • (c) With recognition of the ExA's written question TE 2.8, which is hoped to address this outstanding concern, paragraph 2.5.2 is believed to be incorrect or misleading: "All existing vegetation (trees and hedgerows) within the Oakendene West Construction Compound will be retained". The updated VRPs within the OCoCP (REP4-043) continue to identify that hedgerow loss will occur with the potential for tree loss to occur at all construction compounds within the vicinity of the Oakendene substation area. • (d) Paragraph 4.5.4 states "Landscape plans for hedgerow and treeline reinstatement may need to be produced in sensitive areas such as the SDNP and included within the stage specific LEMP". This suggests that stage specific LEMPs may not include landscape plans for hedgerow and treeline reinstatement, and if so, only in undefined "sensitive areas". This is very concerning and contrary to what is suggested in Section 2.7 regarding stage specific LEMPs (specifically 2.7.2). Further clarification is required as to whether landscape plans to be approved by the Relevant Planning Authority will identify the location for hedgerow and treeline reinstatement. • (e) WSCC recently identified numerous concerns regarding vegetation loss required to appropriately facilitate access points located throughout the Project (stated within (REP4- 086)). In light of these concerns, it is now apparent that the OLEMP lacks in clarity as to how detailed design will approach the reinstatement of removed vegetation (i.e. hedgerows and tree lines) required for temporary construction access points. It is considered important that wherever possible, the design of the landscape surrounding temporary accesses reinstate their previous character (by direct replacement of landscaping features such as hedgerows and treelines etc.), unless to specifically enhance habitats for those of greater ecological significance for a specific area and agreed by the Relevant Planning Authority. • (f) Section 5 needs to provide further detail as to how stage-specific LEMPs will regard the management and monitoring of temporarily translocated hedgerows, aiming to ensure their successful re-establishment and survival following translocation operations. Translocating hedgerows is a strategy of mitigation stated within Commitment C-115 and the OCoCP (REP4-043). Whilst this mitigating measure is supported by WSCC, without the provision of an outline methodology and practices to be adopted within detailed LEMPs, WSCC is not satisfied that this technique will lead to successful translocated hedgerows. Outline methodology and practices should be inclusive of translocation operations, care and protection whilst within receptor pits, as well as adequate aftercare following final translocation. It also needs to provide confidence this would be possible within areas which are difficult to access for 10 years of maintenance, especially once fields/land is back in usual operational use of the landowner or tenant. 	<ul style="list-style-type: none"> • (b) The Applicant has provided responses to WSCC's comments on the Design and Access Statement [REP5-023] at Deadline 5 in Table 2-4 (reference 2.4.9) within Deadline 5 Submission - 8.84 Applicant's Comments on Deadline 4 Submissions [REP5-122]. • (c) The Applicant updated the Outline Landscape and Ecology Management Plan [REP5-072] at Deadline 5 to address this point. • (d) The Applicant updated paragraph 4.5.4 of the Outline Landscape and Ecology Management Plan [REP5-072] at Deadline 5 to address this point. • (e) The Applicant has updated the Outline Landscape and Ecology Management Plan [REP5-072] and provided the Outline Vegetation Retention and Removal Plan [REP5-125] at Deadline 5. The Applicant has also responded to each point raised by WSCC in Table 2-4 within Applicant's Comments on Deadline 4 Submissions [REP5-122]. • (f) The Applicant updated Section 5 of the Outline Landscape and Ecology Management Plan [REP5-072] at Deadline 5 to address this point. • (g) The Applicant has provided the Outline Vegetation Retention and Removal Plan [REP5-125] at Deadline 5 which includes tabulated information on vegetation loss. It does not include details of which hedgerows will be subject to translocation and which will simply be removed. The reason why specific translocation locations have not been identified at this stage is provided in Applicant's Comments on Deadline 4 Submissions in Table 2-4 (reference 2.4.143) within Applicant's Comments on Deadline 4 Submissions [REP5-122]. • (h) The scheduling of reinstatement is discussed in Applicant's Comments on Deadline 4 Submissions in Table 2-4 (reference 2.4.144) within Applicant's Comments on Deadline 4 Submissions [REP5-122]. • (i) The Applicant welcomes the position of WSCC on the addition of paragraphs 5.1.9 and 5.1.10 within the Outline Landscape and Ecology Management Plan [REP5-072].

CR	Commitments Register	West Sussex County Council Response	Applicant's Response	
TE 2.28	<p><i>New Requirement 40 Regarding the Vegetation Retention and Removal Plan</i></p> <p>All Relevant Planning Authorities</p>	<p>a) Comment on the adequacy of the newly added Requirement 40 from the Applicant at Deadline 4 (Schedule 1, Requirements 40) in Revision E of the Draft Development Consent Order [REP4-004] which secures Vegetation Retention and Removal Plan must be inline with the Outline Vegetation Retention and Removal Plan (to be submitted at D5).</p> <p>b) The ExA requests that all relevant Planning Authorities and SNCBs provide comments at Deadline 6 on the Outline Vegetation Retention and Removal Plans to be submitted by the Applicant at Deadline 5.</p>	<p>a) The newly added Requirement 40 is considered appropriate and is welcomed by WSCC as the OCoCP (REP4-044) does not secure the need for detailed vegetation retention and removal plans to be submitted and approved by the relevant planning authority. Without such provisions, no control over vegetation loss is provided following detailed design, which should adhere to design principles, mitigation measures, and commitments identified within control documents. However, the current wording of the requirement and relating OCoCP (REP4-044) does not secure this without further amendment.</p> <p>It is considered that the wording of the requirement needs amending to ensure that detailed vegetation retention and removal plans are submitted, and that they will accord not only with the 'outline' vegetation retention and removal plans, but also the OCoCP.</p> <p>To ensure the requirement secures the appropriate detailed plans, the OCoCP to be submitted at Deadline 6 needs to provide clarity as to what the Outline Vegetation Retention and Removal Plans show, as well as providing a clear description as to what will be identified within the detailed vegetation retention and removal plans (such as coppiced/reduced hedgerows).</p> <p>b) WSCC looks forward to receiving the Outline Vegetation Retention and Removal Plans to be submitted by the Applicant at Deadline 5, and commenting for submission at Deadline 6.</p>	<p>The Applicant considers that the Outline Vegetation Removal and Retention Plan submitted at Deadline 5 [REP5-125] provides the information that West Sussex County Council requested in section 1.3 and the commitments within that document. Requirement 40 within the Draft Development Consent Order [REP5-005] ensures delivery of a stage specific vegetation retention and removal plans that accord with the Outline Vegetation Removal and Retention Plan submitted at Deadline 5 [REP5-125] and therefore provides robust security.</p> <p>The Applicant notes that discussion was held with WSCC on 22 July 2024 with respect to this plan and minor changes were agreed with respect to grassland plans that have been provided in the version submitted at Deadline 6.</p>

Table 2-6 Applicant's comments on Cowfold Parish Council's Deadline 5 submission [REP5-147]

Ref	Deadline 5 submission	Applicant's response
Traffic Management Strategies		
2.6.1	With the approval by Mid Sussex District Council (21 June 2024) of the, contiguous to Kent Street, Wineham Battery Storage site housing 184 lithium ferrous phosphate batteries and 46 battery inverters the Parish Council seeks clarification in respect of traffic management relating to this site and any potential impacts, traffic ratio enhancement, which may alter the data provided by the applicant.	Paragraphs 8.4.45 of the Outline Construction Traffic Management Plan [REP5-068] (updated at Deadline 6) includes a requirement for the Contractor to consider other construction projects taking place within the vicinity of the Proposed Development and how the management of construction traffic will be coordinated between projects. Noting that it is not possible to confirm at present if construction programmes for the Proposed Development and Enso Batter Storage site will overlap, these details will be included within stage specific construction traffic management plans, secured by Requirement 24 of the Draft Development Consent Order [REP5-005] .
2.6.2	<p>Cowfold Parish Council has made clear that any proposals of the scope envisaged must have a clear Traffic Management Plan based on unambiguous and complete data. However, the RED proposals are in conflict with themselves as shown by the following examples:</p> <p>1.2.2 states that the TMP will minimise vehicle trips yet the proposals to include a vehicle holding location at Oakendene will have the effect of doubling vehicle trips.</p> <p>1.2.2 also states that “Ensure effects and disruption on local communities is minimised...” yet by having Points A62 and A63 in close proximity this will act as a single point of congestion ensuring that disruption is maximised.</p> <p>6.5.6 includes that there will be No Routing Restrictions on LGVs which is in complete discord with 2.3.9 which states that Traffic Route Enforcement will apply to all construction vehicles.</p>	<p>The Applicant notes the comments provided on the Outline Construction Traffic Management Plan [REP5-068] (updated at Deadline 6) and responses are provided below:</p> <p>Paragraph 1.2.2 states that construction traffic trips will be minimised where possible with the proposals to use Oakendene West compound as a holding location for a limited number of HGVs considered necessary to achieve access to Kent Street and accesses A-61 and A-64. It is also noted by the Applicant that the additional journey between Oakendene West compound increases journey length by only 850m in each direction and therefore this will not have a significant impact on the operation of the highway network.</p> <p>Paragraph 1.2.2 also states that the Outline Construction Traffic Management Plan [REP5-068] will ensure that effects and disruption on local communities is minimised. The Applicant maintains that the Outline Construction Traffic Management Plan [REP5-068] updated at Deadline 6 does seek to minimise disruption caused by construction traffic taking account of construction accesses proposed and deemed necessary for the safe and efficient construction of the Proposed Development.</p> <p>Paragraph 6.5.6 states that no routing restrictions will apply to light goods vehicle (LGV) construction worker trips traveling between home and temporary construction compounds (as is usual for construction staff travelling to and from a place of work), noting the guidance contained within section 4.12 of the Outline Construction Traffic Management Plan [REP5-068] on routes that are considered unsuitable for use by construction traffic. In comparison paragraph 2.3.9 refers to enforcement of heavy goods vehicle (HGV) construction routes only.</p>
2.6.3	Table 5.3 and Table 6.3 indicate a total number of two-way vehicle movements for A62 and A63 at 17,216 HGV and 68,592 LGV, our understanding is that as these are two-way movements that the actual number of movements is double that at 34,432 HGVs and 137,184 LGVs giving a total of 205,776 movements. The project timescale is unclear as both 4 years and 4.5 years are given but based on 4.5 years, 50 weeks and 5 days/week this equates to 183 movements/day. This needs to be factored into the road capacity together with the actual data for existing movements/day for all the A272 junctions, whether private or highway, over the entire distance between Bolney and Cowfold.	<p>It should be noted that all movements are presented as two-way totals, with an HGV traveling from base to compound counted as one movement, and then the HGV returning to base counted as one movement. Doubling the total as Cowfold Parish Council have done is not necessary.</p> <p>The proposed temporary 40mph speed limit on the A272 was reduced in length following a request from West Sussex County Council as part of their Deadline 4 submission [REP4-086]. This requested that temporary speed limits are localised around the proposed access locations to aid compliance. The exact location and extent of all temporary speed limits will be confirmed and part of stage specific Construction Traffic Management Plans as secured by Requirement 24 of the Draft Development Consent Order [REP5-005].</p>
2.6.4	It is well established that road capacity remains essentially unchanged despite any alteration in traffic speed, specifically reducing the speed limit from 60mph to 40mph will not increase the capacity of the road in question. However, it will have a beneficial effect on Road Safety	

Ref	Deadline 5 submission	Applicant's response
	<p>provided it is not done in such a way as to increase the concertina effect of multiple speed limits. On this basis it is difficult to understand the reasons for the change in the 40mph zone from the entire 4km section from Bolney to Cowfold to a reduced 2.7km section as detailed in 8.2.6 and 8.2.16.</p>	<p>The impacts of these construction traffic estimates have been assessed in detail within Chapter 23: Transport, Volume 2 of the Environmental Statement (ES) [APP-064] (updated at Deadline 6) and Chapter 32: ES Addendum, Volume 2 of the ES [REP5-038] (updated at Deadline 6). The assessment methodology used by the Applicant and baseline traffic data has been agreed as acceptable by West Sussex County Council in their role as local highway authority for Cowfold. This was confirmed in their response to TA 1.2 of the Examining Authority's First Written Questions [REP3-073].</p>
2.6.5	<p>8.4.10, 8.4.12 and 8.4.22 provide details relating to working hours and shoulder hours. However, there is no supporting evidence as to the traffic flow profile with the result that the shoulder period of 07:00 to 08:00 appears to align with the period of maximum natural daily disruption and will exacerbate rather than minimise the effects and disruption for the local community.</p>	<p>Furthermore, following Issue Specific Hearing 2 (May 2024), the Applicant provided a technical note in response to Action Point 57 to provide Cowfold Parish Council with additional information regarding turning movements for accesses along the A272, please see Appendix A in Applicant's Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 [REP4-074] (updated at Deadline 6).</p>
2.6.6	<p>In summary, the Traffic Management Plan is incomplete, ambiguous and relies on incomplete or inappropriate data. For this to have any meaning it must include detailed traffic flow measurements at all the A272 road junctions specifically noting the existing traffic flow in all possible directions at all road exits and entries and only then can the project traffic projections be overlaid to establish the net effect. This will then allow a realistic judgement as to whether the proposed additional traffic movements can be accommodated and the level of detriment to both the local community and the through traffic. We specifically request that Deadline 5 will include a full report showing, with minimum time blocks of 30 minutes, the current traffic flow and journey time and the anticipated flow and journey time when the projected additional traffic movements are included.</p>	<p>This Technical Note has been updated at Deadline 6 (Applicant's Update to Action Points 46 and 57 Arising from ISH2 and CA1 (Document reference: 8.104)) following a response from West Sussex County Council in their comments on any further information/submissions received by Deadline 4 [REP5-134] to provide an average construction traffic flow scenario. In addition, peak week construction traffic flows are presented and have been updated to ensure consistency with the updated Chapter 32: ES Addendum, Volume 2 of the Environmental Statement (ES) [REP5-038].</p>
Biodiversity Net Gain		
2.6.7	<p>The Parish Council alongside residents has, as the Examining Authority is more than aware, repeatedly raised concerns over the applicant's proposed loss of grasslands, hedgerows, mature trees, habitat(s), associated species and the potential for water contamination on and around the Oakendene site(s).</p> <p>To further support these misgivings the Parish Council wishes to quote directly from Natural England's Appendix J4b submission at Deadline 4, page 2, 'Natural England's Advice on Biodiversity Net Gain, dated 3 June 2024.</p> <p><i>"Natural England wishes to highlight a significant risk in that the (Rampion 2) Biodiversity Net Gain Appendix 22.15 does not refer to adhering to the mitigation hierarchy at the detailed design phase. It is important that all biodiversity losses are avoided/reduced in the first instance, only moving to mitigation once all avenues are exhausted. We recommend that the Appendix makes it clear that the mitigation hierarchy will be followed throughout detailed design stage to avoid biodiversity loss in the first instance"</i>.</p>	<p>The Applicant provided a response to Cowfold Parish Council's comment regarding water neutrality and water contamination in Applicant's Comments on Deadline 4 submissions [REP5-122] (submitted at Deadline 5), see Table 2-7, reference 2.7.9.</p> <p>The Applicant has provided a response to Deadline 4 Submission – Appendix J4B – Natural England's advice on Biodiversity Net Gain [REP4-094] at Deadline 5 regarding this comment - please see Table 2-18 in Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>

Ref **Deadline 5 submission****Applicant's response**

2.6.8 At the risk of overstating the fact, Cowfold remains a primarily rural parish. The decision by Horsham District Council to agree the Cobwood Solar Farm (21 May 2024) on either side of the A272 (West) and Mid Sussex District Council's decision to support the Wineham Lane Battery Storage site sees Cowfold Parish and village sandwiched amidst green energy provider's substantial site footprints. Whilst the Parish Council upholds the need for ongoing green energy initiatives at both County and National levels it does question the seeming confluence of these developments in an area which already has clearly identified and significant traffic and air quality management issues. The addition of the proposed Rampion 2 imprint at two Oakdene sites it is believed will only add to these problems. Particularly in respect of the safety, wellbeing and ongoing viability of local residents and business owners within the wider community. These principles can be applied equally to the growing number of vehicle users, including home and business delivery providers, who already traverse the A272 and A28.

As stated, Cowfold Parish Council does not oppose the generation of green energy but it questions the viable density of two agreed and in the context of this Examination, one proposed project, in remarkably close proximity and the likely long-term impacts on the community which will accompany their collective impact.

The Applicant has no further comments on this matter at this time.

Table 2-7 Applicant's comments on Twineham Parish Council's Deadline 5 submission [REP5-187]

Ref	Deadline 5 submission	Applicant's response
2.7.1	<p>Twineham Parish Council notes that the red line on the map has moved to the south to be adjacent to Bob Lane. Twineham Parish Council insists that no vehicle access should be permitted at this point as Bob Lane is extremely narrow. In addition, there is currently a substantial amount of vegetation at this point, screening electrical works.</p>	<p>The Applicant has not updated the proposed DCO Order Limits at Deadline 5.</p> <p>The Change Request [AS-046] to the DCO Application has also not amended the proposed DCO Order Limits or accesses in this location (Bob Lane). No construction access is proposed from Bob Lane. An area within the DCO Order Limits north of the proposed Work No. 17 has been reclassified as Work No. 13 (for construction) access so that the environmental mitigation works (Work No. 17) can be accessed from A-68, not Bob Lane.</p>

Table 2-8 Applicant's comments on Washington Parish Council's Deadline 5 submission [REP5-151]

Ref	Deadline 5 submission	Applicant's response
2.8.1	<p>Written Representation on behalf of the Washington Parish Council (IP Ref 20042011). It is both an Interested and Affected Party for the purpose of Section 59(4) of the Planning Act (2008). Washington Parish Council remains most concerned that its principle objection to the choice of inshore cable route through Washington Village, as expressed by residents at a public meeting in 2021, is still not being recognised by the Applicant. Residents asked the Rampion 2 Project Team, through the Parish Council, to look again at the original proposed route or alternatives which would avoid the village. This is a core issue for the Washington community, and the Parish Council requests to know how it is to be addressed</p>	<p>The Applicant notes the Washington Parish Council's objection to the proposed route.</p> <p>Alternatives to the section of the cable corridor which include trenchless crossing underneath the Washington recreation ground and Jockey's Meadow have been properly considered and assessed by the Applicant. The latest set of responses from the Applicant on Alternatives in this area can be found within the Applicant response to the Wiston Estate's Applicant's Response to Deadline 2 Submissions [REP3-052] and Applicant's Comments on Deadline 3 Submissions [REP4-070]. The Applicant refers to responses provided to Washington Parish Council's in Table 3-18 of Applicant's Responses to Relevant Representations [REP1-017], Table 3-2 of Applicant's Response to Deadline 2 Submissions [REP3-052] and Table 2-4 of Applicant's Comments on Deadline 3 Submissions [REP4-070].</p>

Table 2-9 Applicant's comments on Marine Management Organisation's Deadline 5 submission [REP5-146]

Ref	Deadline 5 submission	Applicant's response
1. Comments on Applicant's update to Draft DCO (Rev E) (REP4-005) 1.1 DCO and DML Major Comments (including Schedule 11-12)		
2.9.1	Deadline 5 submission	Applicant's response
	Main DCO	
	Part 2 Principal Powers	
	5 Benefits of the Order	<p>The MMO note there have been some amendments to article 5(2)(a) and (b), which no longer include explicit reference to the DML. However, the main issues remain unresolved.</p> <p>The MMO also note that in the Applicant's Post Hearing Submission - Issue Specific Hearing 2 Rev A (REP4-072) (June 2024) the Applicant stated that a response to the MMO's written response "will be provided". The MMO understands that this has not yet been provided.</p> <p>The MMO therefore, will not enter into further substantive discussions on Article 5 here but reiterates that our objections remain outstanding and unresolved and await the Applicant's response before engaging further on this point. The MMO position on Article 5 is provided in Section 1 of our Deadline 4 response (REP4-088).</p> <p>However, the MMO have provided a response to the ExA Written Questions regarding Article 5, in Section 6 of this response.</p> <p>This also applies to paragraph 7 of the DMLs, below.</p>
	Schedule 11 & Schedule 12 – Deemed Marine Licences	

Ref	Deadline 5 submission	Applicant's response
	Part 1	
	4.(e) "plastic and synthetic material" 4. (g) "... other chemicals ..."	These broad definitions remain unchanged. The MMO considers 4(e) and 4(g) too broad. Please can the Applicant further define the type of 'synthetic materials', 'plastics' and 'other chemicals' that are anticipated to be deposited at sea.
	7. <i>"The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence only apply to a transfer not falling within article 5 (benefit of the Order) of the Order."</i>	See comments to article 5, above.
	9. <i>"Any amendment to or variation from the approved plans, protocols or statements must be in accordance with the principles and assessments set out in the environmental statement and approval for an amendment or variation may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the amendment or variation is unlikely to give rise to any new or materially different environmental effects from those assessed in the environmental statement."</i>	<p>The MMO has previously requested the following change, which has not been actioned. MMO proposed changes in bold:</p> <p>"Any amendment to or variation from the approved plans, protocols or statements must be in accordance with the principles and assessments set out in the environmental statement and approval for an amendment or variation may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the amendment or variation will not is unlikely to give rise to any new or materially different environmental effects from those assessed in the environmental statement."</p> <p>The MMO ask the Applicant to explain why this has not been actioned, given the representations the MMO made on this point.</p>
		The MMO's submission at Deadline 4 [REP4-088] indicated that the MMO was considering whether this terminology was acceptable, and only in relation to Schedule 12. It had not, at that stage, indicated that any change was required. The Applicant notes that the terminology used in Part 1, paragraph 4 of each of Schedules 11 and 12 reflects that used in the Sheringham & Dudgeon, East Anglian One North and Two, and Hornsea Four Orders. It is not considered that any change is required.
		Please see our response in respect of article 5, above.
		The Applicant has provided a response to the MMO's written response, including the requested amendment to condition 9, as part of the Applicant's response to the Examining Authority at Deadline 5 Applicant's Comments on Deadline 4 Submissions [REP5-122] at Table 2-12.

Ref	Deadline 5 submission	Applicant's response
	<p>Part 2 Conditions</p>	
Condition 3(2)	<p>“[...] all operations and maintenance activity shall be carried out in accordance with the submitted operations and maintenance plan”</p> <p>The MMO has previously requested that the operations should be in accordance with the plan as approved, not simply submitted. The MMO restates our position that the wording should be amended as follows. MMO proposed changes in bold:</p> <p><i>“All operations and maintenance activities should be carried out in accordance with the approved submitted operations and maintenance plan unless otherwise agreed in writing between the applicant and the MMO.”</i></p> <p>This is significant, as without the wording ‘approved’ there is nothing to stop the Applicant proceeding once the plan has been submitted, and this could have significant consequences if the plan is not of sufficient quality, as the MMO will have no ability to prevent the operations and maintenance activities proceeding as the applicant has proposed.</p> <p>The MMO ask the Applicant to explain why this has not been actioned, given the representations the MMO made on this point.</p>	<p>The Applicant amended the draft Development Consent Order [REP5-005] as submitted at Deadline 5 to reflect that the operations and maintenance plan should be submitted for approval and then operation and maintenance activities carried out in accordance with that document as approved. Schedules 11 and 12 are amended in the draft DCO submitted at Deadline 6 to include ‘unless otherwise agreed in writing between the applicant and the MMO’</p>
Condition 3(5)	<p>Maintenance of the authorised scheme <i>“Where the MMO’s approval is required under paragraph (3), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the works for which approval is sought are unlikely to give rise to any material new or materially different environmental effects from those assessed in the environmental statement.”</i></p> <p>The MMO has previously requested the following change, which has not been actioned. MMO proposed changes in bold:</p> <p><i>“Where the MMO’s approval is required under paragraph (3), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the works for which approval is sought will not are unlikely to give rise to any material new or materially different environmental effects from those assessed in the environmental statement.”</i></p>	<p>The Applicant has provided a response to the MMO’s written response, including the requested amendment to condition 3(5), as part of the Applicant’s response to the Examining Authority at Deadline 5 Applicant's Comments on Deadline 4 Submissions [REP5-122] at Table 2-12.</p>

Ref	Deadline 5 submission	Applicant's response
	<p>Condition 9(8) <i>“All dropped objects must be reported to the MMO using the dropped object procedure form as soon as reasonably practicable following the undertaker becoming aware of an incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaken (such as side scan sonar) if reasonable to do so and on receipt of such surveys the MMO may require obstructions which are hazardous to other marine users to be removed from the seabed at the undertaker’s expense if reasonable to do so.”</i></p>	<p>The MMO ask the Applicant to explain why this has not been actioned, given the representations the MMO made on this point.</p> <p>The Applicant’s new wording represents a partial amendment integrating some of the MMO’s requests. The MMO restates our position that wording should be amended as follows. MMO proposed changes in bold:</p> <p><i>“Condition 9(8) All dropped objects must be reported to the MMO using the dropped object procedure form as soon as reasonably practicable and in any event within 24 hours following the undertaker becoming aware of an incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so. and on On receipt of such surveys the MMO may require <i>specific</i> obstructions which are hazardous to other marine users to be removed from the seabed at the undertaker’s expense if reasonable to do so.”</i></p> <p>In regards to Condition 9(1) the MMO has received confirmation from our Strategic Renewables Unit (SRU) on the final wording of this condition.</p> <p>The MMO requests that Condition 9(1) is removed and replaced with the following condition:</p> <p><i>“Unless otherwise agreed in writing by the MMO, all chemicals and substances, including paints and coatings, used below MHWS for the undertaking of the licensed activities must be approved in writing by the MMO prior to use. Submission for approval to the MMO must take place no later than eight weeks prior to use.”</i></p> <p>This wording is to be included on all DCOs going forward. The MMO is currently reviewing offshore wind chemical consenting. This proposed condition allows the project flexibility to adapt to any process changes that may arise. We encourage the applicant to engage early</p>

Ref	Deadline 5 submission	Applicant's response
		with the MMO when seeking to discharge this condition.
Condition 10(1)	<p>Force Majeure <i>"If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or if the vessel is threatened, within 48 hours full details of the circumstances of the deposit must be notified to the MMO. (2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO."</i></p>	<p>The MMO has previously requested removal/clarification on this clause, since it duplicates s.86 of 2009 Act.</p> <p>The MMO ask the Applicant to explain why this has not been actioned, given the representations the MMO made on this point.</p> <p>The MMO position on this condition is provided in Section 1 of our Deadline 4 response (REP4-088).</p>
Condition 11(1)(a)(iii) & (v) and (c)(i) Condition 11(2)(h)	<p>Pre-construction plans and documentation</p> <p>11(a)(iii) <i>"the proposed length location and arrangement of the array cables comprising Work No. 2 and any associated micro-siting to avoid marine heritage receptors unless alternative mitigation is agreed in writing with the MMO and the statutory historic body and sensitive features as far as is practicable 2;"</i></p> <p>11(a)(v) <i>"any exclusion zones/environmental micrositing requirements, due to marine heritage constraints, environmental constraints or difficult ground conditions discovered post approval under this condition 11 (pre-construction plans and documentation) and condition 16 (pre-construction surveys),"</i></p> <p>11(c)(i) <i>"foundation installation methodology, including a dredging protocol, piling methods, including maximum proposed hammer energy, drilling methods and disposal of drill arisings and material extracted to include seabed preparation for foundation where relevant"</i></p> <p>11(2)(h) <i>"a timetable for any further site investigations. a timetable for further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the relevant parts of the offshore Order limits"</i></p>	<p>The MMO note these latest changes. Any comments the MMO have will be provided at Deadline 6.</p> <p>Noted, the Applicant has no further comments on this matter at this time.</p>

Ref	Deadline 5 submission	Applicant's response
Condition 12(3)	<p>and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities.”</p> <p><i>“The MMO must determine an application for approval made under condition 11 within four months commencing on the date the application is received by the MMO ...”</i></p>	<p>The MMO have previously stated that this Condition should be removed in its entirety. The MMO cannot be restricted to deadlines which are not under the 2009 Act. The MMO has internal KPIs which work towards a 13 week turnaround but this is not always possible. The MMO will never unduly delay but cannot be bound by arbitrary deadlines imposed by the applicant since this would potentially prejudice other licence applications by offering expediency to the applicant at the expense of other applications.</p> <p>In the absence of a removal of this Condition the following wording is recommended. MMO proposed changes in bold:</p> <p><i>“(3) The MMO will endeavour to must determine an application for approval made under condition 11 within a period of four months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.”</i></p> <p>The MMO also note that in the Applicant's Comments on Deadline 3 Submissions Rev A (REP4-070) the Applicant proposes the position of pursuing Judicial Review procedures if these deadlines are not met. The MMO response to these comments is given in Section 5.1.3 of this Deadline response.</p> <p>The Applicant notes that the inclusion of provision for the MMO to determine an application for approval in a specified period of time is well precedented in a number of previously made development consent orders. In particular the applicant notes that the Sheringham & Dudgeon Order includes provision for approval by the MMO of applications for approval within 4 months, except where otherwise stated or unless otherwise agreed with the undertaker. In relation to that Order the Examining Authority's report notes that the MMO were content that the position had been addressed, and the Examining Authority was satisfied that appropriate timescales for the consideration and discharge of dDML conditions, and the mitigation required therein, had been incorporated into the rDCO (as such terminology was used in that report).</p> <p>The Applicant has previously responded to the MMO's request for variation of the timescale for approval of documents and has adopted a position aligned to that in the Sheringham & Dudgeon Order, and has varied the time for discharge of specified conditions as requested. The Applicant also considers that a provision requiring the MMO to 'endeavour' to do something is imprecise. Further, the Applicant is seeking to deliver a renewable energy project, for which a critical national priority has been identified. The Applicant needs assurance that it will be able to develop the project in accordance with its identified build programme without undue delay.</p> <p>It is therefore not considered that any further change to these conditions is required.</p>

2. MMO Comments on Applicant's amended Application Documents submitted at Deadline 4

2.9.2	<p>2.1 The MMO in consultation with the Centre for Environment, Fisheries and Aquaculture Science (Cefas) have reviewed the following amended documents submitted at Deadline 4:</p> <ul style="list-style-type: none"> • Marine Plan and Policies Statement (REP4-068) • Statements of Commonality for Statements of Common Ground Rev C (REP4- 059) • In Principle Sensitive Features Mitigation Plan Rev D (REP4-054) • Offshore In Principle Monitoring Plan Rev C (REP4-056) • Environmental Statement Volume 2 - Chapter 11 Marine mammals Rev C (REP4-021) • Draft Piling Marine Mammal Mitigation Protocol Rev B (REP4-052) 	Noted, the Applicant has no further comments on this matter at this time.
-------	---	---

Ref	Deadline 5 submission	Applicant's response
	<ul style="list-style-type: none"> • Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (REP4-062) • Further Information for Action Point 34 - Guillemot and Razorbill Rev B (REP4- 066) 	
2.9.3	<p><u>General Comment</u></p> <p>2.2 The MMO note that when conducting our review of these documents, several inconsistencies were identified with regards to the titles and figure references of the Applicant's submissions. These include duplicates of identical documents that were submitted to the MMO with differing document references (i.e. the updated Statements of Commonality for Statements of Common Ground Rev C (REP4-059) was submitted to the MMO as both Document 8.21 and 8.22) and updated documents featuring the incorrect Rev lettering (i.e. the updated Offshore In Principle Monitoring Plan Rev C (REP4-056) was submitted to the MMO as Rev B). In order for the MMO to provide appropriate feedback to the Applicant in our Deadline responses it is important to be able to easily identify new/updated documents and ensure both ourselves and our technical advisors are reviewing the most relevant and updated versions of documents. These errors can lead to additional confusion and delays, especially when dealing with large quantities of Deadline submissions in a limited timeframe.</p>	Noted, the Applicant has no further comments on this matter at this time.
2.9.4	<p>Marine Plan and Policies Statement (REP4-068)</p> <p>2.3 The MMO acknowledge the revised Marine Plan and Policies Statement and thanks the Applicant for responding to our Deadline 3 response (REP2-026). The MMO have reviewed the updated comments for S-INF-1, S-CAB-2 and S-AGG-4 and have no further comments to make at this time.</p>	The Applicant welcomes the MMO's support on the updated Marine Plan and Policy Statement.
2.9.5	<p>Statements of Commonality for Statements of Common Ground Rev C (REP4-059)</p> <p>2.4.1 The MMO have reviewed the updated Statement of Commonality for Statements of Common Ground (SoCG) and have the following comments to make.</p>	Noted, the Applicant has no further comments on this matter at this time.
2.9.6	<p>2.4.2 The MMO consider our current position relating to Fish/Shellfish Ecology to be 'some matters under discussion/some matters not agreed', and therefore would consider our position as orange, rather than purple within the traffic light system. The MMO, the Applicant and the MMO's technical advisors Cefas (Centre for Environment, Fisheries and Aquaculture Science) had a meeting on 24 June 2024 to discuss the Applicant's recent Deadline 4 submissions, and the MMO's position following this call is detailed in Sections 2.6, 2.9 & 2.14 of this Deadline response .The MMO, Cefas and Natural England (NE) consider there to be several unresolved, major issues relating to black sea bream, sandeel and herring, and therefore the MMO do not agree with the current traffic light rating of purple.</p>	The Applicant notes the concern by the MMO regarding the traffic Light System. The Statement of Common Ground reflects the position in more granular detail regarding the major issues listed. For the purposes of the Statement of Commonality (SoC) though, the Fish/Shellfish Ecology section is accurately reflected and section 1.2.1 of the SoC states that purple depicts a mixture of agreements, ongoing points of discussion and disagreements which is correct as of the Statement of Common Ground submission at Deadline 5.
2.9.7	<p>2.4.3 The MMO have detailed verbally at Issue Specific Hearing 2 on the 15 May 2024, and in our written representations our current position on the draft DCO and the inclusion of Article 5. There remains significant disagreement between the MMO and the Applicant on the current draft DCO Rev E (REP4-005) as detailed in Section 1 of this Deadline response. The MMO therefore do not consider our position to be 'some matters agreed/some matters under discussion' and consider that 'some matters agreed, some matters not agreed, some matters under discussion' is a more appropriate category.</p>	The Applicant notes the concern by the MMO regarding the traffic Light System. The Statement of Common Ground reflects the position in more granular detail regarding the Article 5 issue and it states that the current position remains an ongoing point of discussion as agreed on the Page Turn 4 July 2024. For the purposes of the Statement of Commonality (SoC) though, the Draft DCO and Securing Mechanism section is accurately reflected and section 1.2.1 of the SoC states that the light green depicts a mixture of agreements and ongoing points of discussion which is correct as of the Statement of Common Ground submission at Deadline 5. Please see above for the Applicant's responses in respect of Article 5.
2.9.8	2.4.4 MMO SoCG page turn	A final page turn did not take place and it was agreed that the Applicant and MMO would close out the final SoCG issues by email exchange.

Ref	Deadline 5 submission	Applicant's response
2.9.9	2.4.5 The MMO and the Applicant attended a SoCG page turn meeting on 04 July 2024 to discuss the status of outstanding issues. During this meeting the MMO and the Applicant discussed all outstanding discussion points which have not yet been agreed (i.e. all discussion points with a Position Status of 'Ongoing point of discussion' 'Not agreed – No material impact' and 'Not agreed – material impact'. The results of this discussion determined that several discussion points would need to remain ongoing points of discussion due to the Applicant's intention to submit further supporting information at Deadline 5 which will require review by the MMO and our scientific advisors. The MMO and the Applicant deem that several matters relating to underwater noise impacts, including the determination of a suitable disturbance threshold for black sea bream the Applicant's position that the month of July should not be included in the defined mitigation period for the zoning plan will remain as 'Not agreed – material impact'.	Noted, the Applicant has no further comments on this matter at this time.
2.9.10	2.4.6 The MMO note that the Examining Authority (ExA) have requested that a final SoCG is submitted at Deadline 5. The MMO consider that the SoCG process should capture all discussions throughout the Examination process, therefore, the MMO wish to raise its concerns regarding the ExA wanting Interested Parties to submit a finalised version of this document prior to the last deadline of this Examination. The MMO hope that the ExA recognise that this is an impractical request and one that should not be repeated in future Examinations. The MMO understand that the ExA requests the Principle Areas of Disagreement document is to be used to track any issues that have not yet resolved, but the MMO view this as duplication of work for what is included in the SoCG, and feel this negates the purpose of the SoCG as it has been used in previous examinations.	Noted, the Applicant has no further comments on this matter at this time.
2.9.11	2.4.7 The MMO and the Applicant have both signed the final SoCG and this will be submitted at Deadline 5.	Noted, the Applicant has no further comments on this matter at this time.
In Principle Sensitive Features Mitigation Plan Rev D (REP4-054)		
2.9.12	2.5 Benthic comments 2.5.1 The MMO acknowledge the Applicant's development of a cable routing exercise to mitigate the impact, as far as possible, on sensitive benthic habitats. The approach taken will minimise the impact to known sensitive features by micrositing installation activities, while maximising the potential to achieve cable burial (and thus avoiding subsequent cable protection works) and undertaking the shortest installation route.	The Applicant welcomes the MMO's support on the development of a cable routing exercise.
2.9.13	2.5.2 The refinement of the cable route design will be undertaken in stages, with an initial 'macro-routing' followed by refinement of a buffered cable route within this larger corridor which avoids sensitive features and considers engineering requirements.	Noted, the Applicant has no further comments on this matter at this time.
2.9.14	2.5.3 Pre-construction geophysical surveys will be undertaken in advance of installation works to provide a robust assessment of sensitive features within the cable corridor and facilitate adequate micrositing. The MMO welcome these mitigation measures and consider them to be appropriate.	The Applicant welcomes the MMO's support on the mitigation measures described.
2.9.15	2.6 Fisheries comments 2.6.1 The MMO welcome the change to commitment C-273 that the period for the seasonal restriction on Export Cable Corridor activities (including construction and installation, preventive or scheduled maintenance, inspections and decommissioning) has been updated to cover the entire black sea bream breeding season 1st March – 31st July, inclusive.	The Applicant welcomes the MMO's support on the updated Commitment C-273.
2.9.16	2.6.2 In reference to commitment C-265 the MMO welcome the Applicant's commitment to deploy Double Big Bubble Curtain (DBBC) as the minimum single offshore piling noise mitigation technology to deliver underwater noise attenuation for all foundation installations throughout the construction of the Proposed Development where percussive hammers are used	The Applicant welcomes the MMO's support on the commitment to deploy DBBC.

Ref	Deadline 5 submission	Applicant's response
2.9.17	2.6.3 The MMO acknowledge in reference to commitment C-281 that the Applicant has maintained their commitment to no piling within the western part of the Rampion 2 offshore array closest to the Kingmere Marine Conservation Zone (MCZ) during the majority of the black seabream breeding period (March-June); and sequenced piling in the western part of the Offshore Array Area during July in accordance with the zoning plan to be set out in the Final Sensitive Features Mitigation Plan.	Noted, the Applicant has no further comments on this matter at this time.
2.9.18	2.6.4 The MMO has stated in our previous Written Responses (most recently in paragraph 4.3.8 of our Deadline 4 response (REP4-088) that the MMO does not consider it acceptable for the month of July to be treated separately from March-June within the Applicant's proposed zoning plan for piling during the spawning and nesting season for black sea bream. Black sea bream are at their most sensitive when undertaking spawning and nest guarding, and as a result, the conservation objectives of the Kingmere MCZ are of heightened importance during the spawning and nesting period. There is clear evidence that black sea bream continue to spawn and maintain their nests into and during July, and therefore July must be considered as an equally important part of the spawning and nesting period, and not less important than the March-June period.	The Applicant directs the MMO to read the Applicant's response ref 2.12.68 in Applicant's Response to Deadline 4 Submissions [REP5-122] submitted at Deadline 5.
2.9.19	2.6.5 The MMO refer the Applicant to paragraph 4.3.9 of our Deadline 4 response (REP4- 088) where it is highlighted that, by the Applicant's own admission, they cannot confidently confirm that piling in July would have no significant effect on black sea bream which may be present and nesting. Pilling during this time would, therefore, contravene the conservation objectives of the Kingmere MCZ. Despite this, the Applicant has chosen to pursue a zoning plan which treats July as a less important period in the black sea bream spawning season, which directly contravenes advice provided by subject specialists.	The Applicant invites the MMO and its advisors to read the Applicant's response reference 2.12.68 in Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.
2.9.20	2.6.6 The MMO acknowledge that in support of the Applicant's commitment to the use of noise abatement measures to mitigate the effects of underwater noise (UWN), the Applicant has presented UWN modelling for piling of monopile and multileg foundations in Figures 5.4 - 5.15 based on either the use of DBBC with a 15 dB reduction in source level, or the use of DBBC with one other form of noise abatement (PULSE hammer / MNRU hammer / Hydrosound Damper) to give a total maximum noise abatement of 20 dB (Figures 5.6, 5.7, 5.10 and 5.11).	Noted, the Applicant has no further comments on this matter at this time.
2.9.21	2.6.7 The modelling presents the predicted range of effect for piling noise when using one or more of the proposed mitigation measures and aims to support the Applicant's proposed zoning plan (shown in Figures 5.12 - 5.13). The modelling presented in Figures 5.4 - 5.15 are based on a 141 dB Sound Exposure Level – Single Strike (SELss) threshold to determine the range of behavioural effects for black sea bream.	Noted, the Applicant has no further comments on this matter at this time.
2.9.22	2.6.8 The MMO have consistently stated that we do not support the use of the 141 dB SELss threshold for the purpose of modelling behavioural responses in black sea bream and as such we do not support the implementation of a zoning plan that has been based on outputs of modelling that uses this 141 dB SELss threshold.	The Applicant invites the MMO and its advisors to read the Applicant's response in references 2.12.62, 2.12.72, 2.12.76 and 2.12.77 in Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.
2.9.23	2.6.9 The MMO thank the applicant for providing two new figures, Figure 5.16 and Figure 5.17 which show the full / whole noise contours for piling of monopiles and multileg foundations respectively, based on the 135 dB SELss, with and without a 15 dB reduction using a DBBC (as per commitment C-265).	The Applicant welcomes the MMO's support on the submission of the two new figures, Figure 5.16 and Figure 5.17.
2.9.24	2.6.10 Figure 5.16 shows that even with a 15 dB reduction from the DBBC there would still be an overlap of noise disturbance with Kingmere MCZ when piling at the western modelled location, and a slight overlap of noise disturbance with Kingmere MCZ when piling at the eastern modelled location. A similar result is shown in Figure 5.17 for multileg foundation piling, with an overlap of noise disturbance with the Kingmere MCZ when piling at the western modelled location. For multileg foundation piling at the eastern modelled location there is no direct overlap of noise disturbance with Kingmere MCZ, however, the mapped noise contour suggests that noise disturbance effects would still be received	The Applicant recognises that there is a degree of overlap of the noise contours with the Kingmere MCZ, where the implementation of DBBC is the sole mitigation measure. The Applicant confirms that Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan [REP5-082] , demonstrate the mitigated underwater noise contours from the implementation of DBBC only. In recognising the degree of overlap of the noise contours with the Kingmere MCZ and hence the

Ref	Deadline 5 submission	Applicant's response
		<p>potential for disturbance of nesting seabream, where the implementation of DBBC is the sole mitigation measure, additional measures are proposed during the black bream nesting season from March through to July (As detailed in paragraph 5.3.48 et seq. of the In Principle Sensitive Features Mitigation Plan [REP5-082]). These measures include the use of noise abatement systems (DBBC and another noise abatement measure) which as evidenced in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067] could lead to an overall noise reduction of 20 dB, piling sequencing and the definition of piling exclusion zones. There will therefore be no instance during the black bream breeding period, where DBBC will be the sole mitigation measure for breeding black bream as a feature of the Kingmere MCZ. The Applicant also reasserts, that with the implementation of the proposed mitigation measures, there will be no overlap of any injurious, TTS or disturbance noise contours with the Kingmere MCZ, and therefore no potential for the hindrance of the Kingmere MCZ conservation objectives. This is evidenced in Figures 5.6 to Figure 5.7 and Figure 5.10 to 5.11 of the In Principle Sensitive Features Mitigation Plan [REP5-082] which present the piling exclusion zones as defined using the 141dB SELs disturbance threshold, which in accordance with commitment C-280, will be adhered to during the black seabream breeding season (any piling outside of the exclusion zones during this period will also be subject to the use of noise abatement systems and sequencing).</p>
2.9.25	<p>2.6.11 The modelling for monopiles and multileg foundations has been based on locations at the eastern and western boundaries of the array, it is anticipated that any modelling for piling at locations situated inwards of these points (i.e. closer to Kingmere MCZ) would likely show an even greater overlap of noise contours with Kingmere MCZ. That is to say, the extent of noise will cover a larger portion of Kingmere MCZ leading to increased risk of disturbance to breeding black sea bream.</p>	<p>The Applicant directs the MMO to their response to reference 2.9.24 above. Where piling is closer to the MCZ, then the contours would be expected to extend closer to a location in that direction. However, when any piling is to occur during the black bream spawning season, an additional noise mitigation measures will be applied (as detailed in the In Principle Sensitive Features Mitigation Plan [REP5-082]), consequently reducing the affected area.</p>
2.9.26	<p>2.6.12 The modelling presented in Figures 5.16 and 5.17 demonstrates that the Applicant's zoning plan is not feasible and therefore it will not be possible to pile during the black sea bream spawning and nesting season.</p>	<p>The Applicant confirms that Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan [REP5-082], demonstrate the mitigated underwater noise contours from the implementation of DBBC only. As summarised in paragraph 5.3.48 et seq. of the In Principle Sensitive Features Mitigation Plan [REP5-082], additional measures are proposed during the black bream nesting season from March through to July. These measures include the use of noise abatement systems (DBBC and another noise abatement measure) which as evidenced in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067] could lead to an overall noise reduction of 20 dB, piling sequencing and the definition of piling exclusion zones. There will therefore be no instance during the black</p>

Ref	Deadline 5 submission	Applicant's response
		<p>bream breeding period, where DBBC will be the sole mitigation measure for breeding black bream as a feature of the Kingmere MCZ. The Applicant confirms that the mitigated impact ranges from the use of DBBC, presented in Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan [REP5-082], are presented to demonstrate the reduced impact ranges relative to the Beachy Head East and West MCZs and the Selsey Bill and the Hounds MCZs, of which seahorse are a qualifying feature, based solely upon the application of the single DBBC mitigation, thus effecting a 15 dB reduction in piling noise. The Applicant highlights that, as such, it is incorrect to conclude that the proposed zoning plan is not feasible on the basis of Figures 5.16 and 5.17, since, as described above, noise mitigation will comprise combined measures targeted at delivering 20 dB noise reduction during the black seabream nesting season. The Applicant reasserts, that with the implementation of the proposed mitigation measures, there will be no overlap of any injurious, TTS or disturbance noise contours with the Kingmere MCZ, and therefore no potential for the hindrance of the Kingmere MCZ conservation objectives. This is evidenced in Figures 5.6 to Figure 5.7 and Figure 5.10 to 5.11 of the In Principle Sensitive Features Mitigation Plan [REP5-082] which present the piling exclusion zones as defined using the 141dB SELss disturbance threshold, which in accordance with commitment C-280, will be adhered to during the black seabream breeding season (any piling outside of the exclusion zones during this period will also be subject to the use of noise abatement systems and sequencing).</p>
2.9.27	<p>2.6.13 Figures 5.16 and 5.17 also demonstrate how much of the surrounding area will also be affected by UWN caused by piling activities during the sensitive black sea bream breeding season. The MMO have consistently highlighted throughout previous advice that UWN from piling activities has the potential to not only disturb black sea bream whilst nesting, but also disrupt the migration of black sea bream. This may potentially prevent black sea bream from reaching spawning and nesting sites, as well as potentially causing physical/physiological responses in fish close to the sound source (such as temporary threshold shift (TTS) or injury) which may in turn affect their reproductive success. It should also be noted that there are black sea bream nesting sites present within the Rampion 2 export cable corridor (as recognised by the Applicant in the ES), and in the surrounding area outside of the Kingmere MCZ, which would be as affected by piling noise as black sea bream located within the MCZ. Regardless of the threshold that the modelling is based on, the Applicant's zoning plan offers little to no protection to black sea bream nesting in the areas outside of the Kingmere MCZ or those nesting within the projects export cable corridor during the spawning and nesting season.</p>	<p>The Applicant refers the MMO and its advisors to the Applicant's response in reference 2.12.65 Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5, which includes response in relation to avoiding potential impacts to black seabream migration to spawning and nesting sites, as well as to the Applicant's response to the level of mitigation that will be implemented during the nesting season given above in relation to reference 2.9.26.</p>
2.9.28	<p>2.7 Underwater noise comments 2.7.1 Figures 5.6 and 5.7 show noise impact modelling for monopile and multileg piling respectively based on the assumption that noise abatement systems can achieve a noise reduction of 20dB. This differs from the previous assumption of 22dB and 25dB reductions presented in the previous version of this document and is based on the available information on noise abatement systems from the Institute of Technical and Applied Physics (ITAP) as presented in document (REP4-067).</p>	<p>The Applicant invites the MMO and its advisors to read the Applicant's response in reference 2.12.60 Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.</p>

Ref	Deadline 5 submission	Applicant's response
2.9.29	2.7.2 The MMO notes that the revised figures (Figures 5.4 - 5.7) representing mitigated piling impacts for both monopile and multileg piling assuming dB reductions from one or more of the proposed mitigation measures are based off a 141 dB SELss impact threshold. The MMO restates that we do not consider the use of a 141 dB threshold limit acceptable for monitoring potential behavioural impacts to sensitive features, such as black sea bream.	The Applicant invites the MMO and its advisors to read the Applicant's response in references 2.12.62, 2.12.72, 2.12.76 and 2.12.77 of Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.
2.9.30	2.7.3 The MMO notes that in Figure 5.12 the piling exclusion area will be extended to encompass the western part of the offshore Array and as such no piling will therefore be undertaken in the western part of the Array during 1st March to 30th June and be subject to mitigation using the combination of DBBC and another noise abatement measure	Noted, the Applicant has no further comments on this matter at this time.
2.9.31	2.7.4 As per Figure 5.13 piling would commence with foundations located in the eastern area intersecting with the band A buffer, subsequently progressing to band B and so on as construction proceeds.	Noted, the Applicant has no further comments on this matter at this time.
2.9.32	2.7.5 During July, if piling is to be undertaken in the western part of the offshore Array, foundation installation will be conducted using the combination of a DBBC and another noise abatement measure. Activities will also be subject to a sequencing plan such that piling in July will commence at locations of the western part of the Array furthest from the Kingmere MCZ. The detailed scheduling of piling locations will be determined once the layout of Wind Turbine Generators and substations has been finalised but will commence from the pile locations in the furthest south-west corner of the western part of the Array represented by the band C buffer.	Noted, the Applicant has no further comments on this matter at this time.
2.9.33	2.7.6 From 1st August through to 28th February, no zoning plan will be implemented, however the Applicant proposes to continue to utilise DBBC noise mitigation technology during the construction period.	Noted, the Applicant has no further comments on this matter at this time.
2.9.34	2.7.7 The MMO continue to maintain our position that we do not support the Applicant's proposed zoning strategy. As previously stated, the MMO cannot support a zoning strategy which is based on 141 dB threshold that we do not consider to be appropriate for predicting behavioural impacts to black sea bream or a zoning strategy which treats July as a less important period in the black sea bream spawning season (1st March – 31st July inclusive).	The Applicant invites the MMO and its advisors to read the Applicant's response in references 2.12.62, 2.12.72, 2.12.76 and 2.12.77 in the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.
2.9.35	2.7.8 The new modelling provided by the Applicant and the assessments of the efficacy of proposed Noise Abatement Systems has implications for the potential UWN impacts to Seahorses as a feature of the Beachy Head West MCZ and Kingmere MCZ. The MMO defer to Natural England for their assessment of the updated impacts to Seahorses as a feature of MCZ's as the Statutory Nature Conservation Body on matters relating to protected sites. The MMO would inform the Applicant however, that as seahorses are a protected species it may be necessary to obtain a Wildlife Licence from the MMO if the Applicant deem that the proposed activities may cause disturbance to Seahorses. The MMO highlight that the onus is on the Applicant to determine if they believe a Wildlife Licence is necessary. Further information on Wildlife licencing in relation to seahorses can be found here: Seahorses - GOV.UK (www.gov.uk)	The Applicant invites the MMO and its advisors to read the Applicant's response in reference 2.16.11 in Applicant's Comments on Deadline 4 Submissions [REP5-122] , and the Applicant's response to point E39 in Natural England's risk and issues log in Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.
Offshore In Principle Monitoring Plan Rev C (REP4-056)		
2.9.36	2.8 Benthic comments 2.8.1 The MMO acknowledge that the Applicant's pre-construction geophysical survey will consist of side scan sonar and multibeam echosounder to identify the presence of chalk reef, stony reef and Sabellaria spinulosa reef. This will be followed by a drop-down video survey to assess habitat presence and extent where these habitats are confirmed. Where no stony reef and S. spinulosa reef are identified at preconstruction, no post construction survey will be undertaken. The MMO consider this approach appropriate.	The Applicant welcomes the MMO's support on the pre-construction survey approach.

Ref	Deadline 5 submission	Applicant's response
2.9.37	2.8.2 The MMO acknowledge the changes made to post-construction monitoring. Where a single post construction monitoring survey had been proposed previously, the Applicant has now committed to consult on post-construction monitoring with the MMO and its advisors.	The Applicant welcomes the MMO's support on the commitment to consult with the MMO on post-construction monitoring.
2.9.38	2.8.3 The MMO welcome this commitment to consult on the post-construction monitoring survey design following the acquisition, processing, and interpretation of preconstruction monitoring data. The MMO confirms that both we and our advisors are available for to consult on post construction monitoring and believe this approach to be appropriate.	The Applicant welcomes the MMO's support on the approach to consultation on post construction monitoring.
2.9.39	2.9 Fisheries comments 2.9.1 The MMO acknowledge that the Applicant now proposes to carry out underwater noise monitoring of four of the first twelve piles to validate the assumptions made within the ES and to validate the performance of the mitigation measures against assumptions made within the ES.	Please refer to the Applicant's response to reference 2.9.40 below.
2.9.40	2.9.2 As raised in the MMO's Deadline 4 response (Paragraph 5.4.1 - REP4-088) the MMO continue to question whether monitoring only four mono and multileg piled foundations will be adequate to validate the numerous predictions made in the ES in relation to UWN noise, especially given the various piling scenarios proposed that include sequential piling, simultaneous piling, as well as the various noise abatement measures (DBBC, PULSE hammer (by IHC IQIP) / MNRU hammer (by MENCK) / Hydrosound Damper) and their efficacy in water depths of 40m	The Applicant has provided an updated Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6. This includes the commitment for monitoring to be undertaken for four piling locations for each foundation type used (i.e. monopiles and multi-leg foundations) in both the black seabream spawning period in the event that piling is permitted during this period (or part thereof), and in the period encompassing the rest of the calendar year (1st August to 28th (or 29th) February). These locations will be selected from the first 12 foundations to be installed in each period in order to provide for sites with differing seabed conditions and water depths. This monitoring strategy will deliver data representative of the varying conditions within the development site, whilst ensuring data are collected for the earliest pile installations for each of the two potential noise mitigation measure scenarios (i.e. single and, on the basis that piling within the 1st March to 31st July period is permitted, combined noise abatement systems) at sites with a range of water depths, to include sites of >40 m depth for verification of predicted (modelled) noise levels.
2.9.41	2.9.3 Based on the Applicant's proposals for piling activities and the various noise abatement options being considered, there are currently eight different piling scenarios for monopiling and multileg foundation piling that should be monitored if the performance of the mitigation measures can be effectively validated against assumptions made within the Environmental Statement (ES). <ul style="list-style-type: none"> • Multileg/Mono: sequential with DBBC • Multileg/Mono: simultaneous with DBBC • Multileg/Mono: sequential with DBBC and PULSE hammer • Multileg/Mono: simultaneous with DBBC and PULSE hammer • Multileg/Mono: sequential with DBBC and MNRU hammer • Multileg/Mono: simultaneous with DBBC and MNRU hammer • Multileg/Mono: sequential with DBBC and Hydrosound Damper • Multileg/Mono: simultaneous with DBBC and Hydrosound Damper This will be doubled if piling in water depths of >40m is also factored in 	The Applicant directs the MMO to the Applicant's response to reference 2.9.40 above. The Applicant also confirms that not all scenarios listed by the MMO will materialise. As detailed in the In Principle Sensitive Features Mitigation Plan [REP5-082] (updated at Deadline 6), only 2 scenarios will be undertaken (single and combined measures), and as detailed in the updated Offshore In Principle Monitoring Plan [REP5-084] (updated at Deadline 6), both of the piling scenarios undertaken (for piling during the black seabream nesting period, and for piling outside of the black seabream nesting period) will be monitored. Furthermore, the Applicant confirms that the piling scenarios and proposed mitigation measures have been based on worst case piling parameters. It is on this basis, that the Applicant has full confidence in the mitigation measures proposed in the In Principle Sensitive Features Mitigation Plan [REP5-082] .

Ref	Deadline 5 submission	Applicant's response
2.9.42	<p>2.9.10 The MMO acknowledge however, that only one of the proposed mitigation measures (PULSE hammer, MNRU hammer and Hydrosound Damper) will be used in conjunction with DBBC during construction and when confirmation of the preferred measures is provided nearer the time it will reduce the number of scenarios presented above. The Applicant has also indicated in recent discussions with the MMO and Cefas that they intend to monitor piling in a deepwater location (>40m). The MMO recommend that the Applicant updates the UWN monitoring plan presented in this document to represent these discussions and provide more clarity on their monitoring plan.</p>	<p>The Applicant has provided an updated Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6, which sets out the updates to monitoring proposed as described above in the Applicant's response to reference 2.9.40 and can confirm that this will include monitoring at sites >40 m water depth.</p>
2.9.43	<p>2.9.11 Based on the information presented in Figures 5.16 and 5.17 the MMO consider the Applicant's zoning strategy to not be feasible and maintain our position that we do not agree with the proposal to implement a spatial zoning strategy which would allow the Applicant to carry out piling during the black sea bream spawning and nesting season. Without suitable robust modelling to demonstrate the effectiveness of a spatial zoning strategy for piling, we maintain our recommendation of a complete seasonal piling restriction in order to limit disturbance to adult spawning and nesting black sea bream during their spawning and nesting period (1st March to 31st July, inclusive).</p>	<p>The Applicant refers the MMO to its response to reference 2.9.26 above in relation to the information presented in Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan [REP5-082] (updated at Deadline 6), the confirmation that combined measures will be adopted during the black seabream nesting season given paragraph 5.3.48 <i>et seq.</i> of that Plan, and the incorrect conclusion with respect to the feasibility of the zoning plan based on the presentation of mitigated 135 dB SELs noise contours based on a single (DBBC) mitigation measure.</p> <p>Furthermore, the Applicant also directs the MMO and its advisors to read the Applicant's response to reference 2.12.62 of Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5, where the Applicant details their reasoning for not supporting the use of the 135 dB threshold to inform the piling zoning mitigation measures.</p>
2.9.44	<p>2.9.12 The MMO suggest that it would be more precautionary to test the efficacy of noise abatement measures outside sensitive breeding periods rather than during them. As it is understood that the black sea bream spawning (nesting) season is March to July, the MMO recommends that measurements of non-abated piling are obtained outside of this window.</p>	<p>The Applicant confirms, that as detailed in the In Principle Sensitive Features Mitigation Plan [REP5-082] (updated at Deadline 6), the Applicant has committed to the use of DBBCs year-round (C-265, Commitments Register [REP5-086]). The Applicant therefore confirms that there will be no instances of non-abated piling during the offshore piling campaign.</p> <p>With respect to conducting a field test or trial, the Applicant considers a pre-construction field test is not feasible. Any such field test requires a substantial lead-in period in order to collect geotechnical site investigation data for the trial location, as well as for the procurement, detailed design and manufacture of a specific foundation pile. Substantial time, and significant additional expenditure, is also required to complete the design of the layout of the Proposed Development WTG array to ensure the trial location is correctly sited within an overarching optimised project design, and the procurement of the installation vessel(s), pile driving hammer and full mitigation equipment on a short-term basis. The planning, procurement and preparation for the trial is estimated to require a period of 2-3 years, with additional time incurred following the execution of the trial to provide for inclusion of the trial results into the subsequent installation strategy. All of these factors are prohibitive in terms of project timeline, availability of equipment and vessels for short-term procurement, and costs, which the Applicant has calculated as being in excess of £30 Million (direct</p>

Ref	Deadline 5 submission	Applicant's response
2.9.45	2.9.13 Given this, the MMO must maintain our recommendation that a seasonal piling restriction remains the only viable way to ensure there is no unacceptable disturbance to adult spawning and nesting black seabream during their spawning and nesting period (1st March to 31st July, inclusive).	<p>costs of the fabrication of a single monopile, reservation of an installation vessel, mobilization of the vessel, vessel day rate, equipment hire (installation hammer, noise mitigation system and support vessels)). Even leaving aside the site investigation works, the procurement of equipment and vessels would be estimated to require at least two years to complete, even if equipment could be made available for short-term charter, which is very unlikely given the scarcity of such in the market currently. The subsequent delay to the project, which notably affects its ability to enter into the financial investment decision and Contracts for Difference (CfD) Allocation Round auction process, notwithstanding any additional consents required to undertake the installation of a trial foundation pile if it is separate to the construction phase consented under the DCO for Rampion 2, makes the trialling of the installation mitigation unfeasible. The effectiveness of the noise mitigation techniques will be confirmed through comparison with the unmitigated modelling results. Measurements of underwater noise during the construction phase will be compared with the computer modelling of unmitigated piling noise, in which there is confidence as modelling is based primarily on empirical data from unmitigated piling measurements.</p> <p>The Applicant directs the MMO to its response in the updated version of the Applicant's Response to ExA's First Written Questions - Fish and Shellfish - Appendix H [REP5-109] submitted at Deadline 5.</p> <p>The Applicant maintains its position that a full piling restriction from 01 March to 31 July is disproportionate to the risk of an impact arising that could result in significant population level effects on nesting black bream. Given the proposed application of a variety of mitigation measures from March through to July, which will be secured through implementation of an approved Sensitive Features Mitigation Plan, the Applicant is confident that piling operations in accordance with the zoning plan are appropriate, achievable and impacts from underwater noise, mitigated as set out, will not hinder the Kingmere MCZ's conservation objectives.</p>
2.9.46	2.10 Underwater noise comments 2.10.1 The MMO thank the Applicant for updating the timeframe for the submission of the final Offshore In Principle Monitoring Plan for approval by the MMO from four months to six months prior to the commencement of any survey works as per previous advice.	The Applicant welcomes the MMO's support on the updated timeframe for submission of the final Offshore In Principle Monitoring Plan.
2.9.47	2.10.2 This final plan should include a detailed underwater construction noise monitoring plan. It is appropriate and recommended that both near-field and far-field measurements are undertaken to support this monitoring. The proposed monitoring should provide data to satisfy the following specific aims, to validate predicted noise levels, to validate the mitigation measures in terms of effectiveness and to validate compliance with the specified noise threshold proposed for black sea bream at the Kingmere Marine Conservation Zone (MCZ) site, should one be implemented.	As detailed in the Offshore In Principle Monitoring Plan [REP5-084] updated at Deadline 6, the underwater noise monitoring will include measurement locations in the near and far field. The Plan also sets out hypothesis-led testing to include comparison of measured noise levels against predicted levels used within the ES, the efficacy of the mitigation measure(s) employed, and compliance with the specified

Ref	Deadline 5 submission	Applicant's response
2.9.48	2.10.3 It is understood from Table 4-4 and recent discussions with the Applicant that the proposed monitoring plan will consist of undertaking monitoring at four piling locations for each foundation type used (i.e. monopiles and multi-leg foundations). It is proposed that these locations will be selected from the first 12 foundations to be installed in order to provide data for sites with differing seabed conditions (particularly water depths), whilst ensuring data are collected for the earliest pile installations for verification of predicted (modelled) noise levels. The Applicant proposes to target two foundation sites of $\leq 40\text{m}$ water depth and two sites of $\geq 40\text{m}$ depth from the initial 12 foundation locations.	noise threshold proposed for black seabream at the Kingmere MCZ site, should one be implemented. Final details, including the distances over which noise monitoring will be undertaken from the pile location, will be developed and set out on the basis of the final scheme design parameters. The Applicant refers the MMO to its response to reference 2.9.40 above. The Applicant has provided an updated Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6 setting out further details of the approach proposed to be adopted.
2.9.49	2.10.4 The MMO appreciate that the Applicant's reasoning behind this approach is to collect noise data for a range of different site conditions and to ensure that the modelling conducted is representative of the diversity of conditions present across the Rampion 2 site. The MMO would typically recommend that monitoring the first four piles is important to ensure data is collected promptly from the onset of the piling works and that data can be submitted to the MMO as soon as possible. This is necessary to ensure that recorded data can be compared to the predictions made in the ES as soon as possible, so that in the event that the monitoring reveals higher noise levels than those predicted, there is sufficient time at the start of the works for the MMO to undertake the necessary actions.	The Applicant notes the comments from the MMO and refers to its response to reference 2.9.50 below.
2.9.50	2.10.5 Due to the uncertainties that persist with the proposed monitoring, including, pile foundation type, the final noise mitigation method or methods to be used and the perceived efficacy of the proposed noise abatement systems, the MMO propose that an enhanced monitoring programme be put in place. This monitoring programme should include obtaining measurements of the first eight piles (or eight of the first 12 piles), of each foundation type, to be installed . We advise that this should include a commitment to provide initial outputs from the monitoring within 2 weeks of it concluding, highlighting any obvious deviations from what was assessed and whether the levels of noise abatement proposed have been achieved. We advise that the final reporting should submitted to the MMO within 4 weeks.	The Applicant refers the MMO to its response to reference 2.9.40 above in respect of the proposed approach to monitoring the earliest foundation piles, as set out in the updated Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6. The Applicant also highlights that details of the reporting timescales are presented in Table 4-4 of the Plan and can confirm that, as requested by the MMO, this sets out that data will be provided within two weeks of the installation of each foundation that is being monitored and that results will be included in a final report submitted to MMO within four weeks.
2.9.51	2.10.6 An enhanced monitoring programme will provide valuable data on the efficacy of the proposed noise mitigation methods and help to support the predicted noise reductions presented in the Applicant's current modelling. Further comments on the uncertainties surrounding the achievability of noise reductions from the proposed noise abatement systems is provide in Section 3.3 of this Deadline response.	The Applicant notes the comment from the MMO and also refers to its responses to comments made in Section 3.3 of the MMO's Deadline 5 response set out in the Applicant's responses to references 2.9.90 – 2.9.101 , as relevant, below.
2.9.52	2.10.7 This monitoring programme should be designed to be as representative of site conditions as possible incorporating a mix of different seabed conditions and water depths and be conducted and submitted to the MMO as early as possible.	The Applicant refers the MMO to its responses to reference 2.9.40 and reference 2.9.50 above.
2.9.53	2.10.8 Table 4-4 states that the results of the underwater noise monitoring to establish the efficacy of the mitigation measures will inform the design of the piling exclusion zones to be implemented during the sensitive season for the black seabream feature of the Kingmere MCZ. The MMO remind the Applicant that we have at no point supported their proposed zoning plan and currently maintain that lack of support.	The Applicant invites the MMO and its advisors to read the Applicant's response in references 2.12.62, 2.12.72, 2.12.76 and 2.12.77 in Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.
2.9.54	Environmental Statement Volume 2 Chapter 9 Benthic, subtidal and intertidal ecology Rev B (REP4-019) 2.11 Due to the large volume of documents submitted at Deadline 4 requiring consultation with Cefas, the MMO have not been able to review this document. Any comments we have will be included in our Deadline 6 response.	Noted, the Applicant has no further comments on this matter at this time.

Ref	Deadline 5 submission	Applicant's response
2.9.55	Environmental Statement Volume 2 - Chapter 11 Marine mammals Rev C (REP4-021) 2.12 Underwater noise comments 2.12.1 The MMO thank the Applicant for updates made to Table 11-13 to provide clarity on the maximum parameters and assessment assumptions for impacts on marine mammals.	Noted, the Applicant has no further comments on this matter at this time
2.9.56	2.12.2 The Applicant has confirmed that the worst-case scenario for the marine mammal assessment for monopiles is simultaneous installation at West and East locations with sequential piling, so 2 monopiles in West location and 2 monopiles in East location (resulting in a total of 4 monopiles). The Applicant has confirmed that the worst-case scenario for the marine mammal assessment for multileg foundations with pin piles is simultaneous installation at West and East locations with sequential piling, so 4 pin piles in the West location and 4 pin piles in the East location (resulting in a total of 8 pin piles).	Noted, the Applicant has no further comments on this matter at this time.
Draft Piling Marine Mammal Mitigation Protocol Rev B (REP4-052)		
2.9.57	2.13 Underwater noise comments 2.13.1 The MMO acknowledge that compliance with Condition 11 of Schedules 11 and 12 of the DCO, a Piling Marine Mammal Mitigation Protocol (MMMP) and an Unexploded Ordnance (UXO) Clearance MMMP will be produced in accordance with relevant guidance to minimise the risk of injury or mortality to marine mammals during the construction of Rampion 2. A Final Piling MMMP will be submitted at least six months prior to construction which will be in accordance with the measures in the Draft Piling Marine Mammal Mitigation Protocol (REP4-052).	Noted, the Applicant has no further comments on this matter at this time.
2.9.58	2.13.2 The most recent version of this document does not contain any significant changes to that which has been previously reviewed and the MMO refer the Applicant to Paragraphs 4.8.1 – 4.8.9 & 4.11.4 – 4.11.8 of our Deadline 3 response (REP3-076) and our response to the Examining Authorities Written Questions, MM1.1–MM1.3 in Table 2 of our Deadline 4 response (REP4-088). These comments relate to the suitability of proposed noise monitoring and the ongoing disagreement on the sensitivity score for cetaceans and the significance of Permanent Threshold Shift (PTS).	<p>The Applicant refers the MMO to response references: (p124, Table 2-17) 4.8.3, 4.11.4, and 4.11.7 of Applicant's Comments on Deadline 3 Submissions [REP4-070] and (p198) MM 1.1 and MM 1.3 of Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant has provided an updated Draft Piling Marine Mammal Mitigation Protocol [REP4-051] at Deadline 6.</p>
2.9.58	2.13.3 The MMO acknowledge the addition of Table 2-2 and Table 2-4 showing a summary of the worst-case ramp up scenario for monopile and pin-pile foundations respectively. We also acknowledge the update to Table 4-1 to confirm that a DBBC will be deployed as the minimum single offshore piling noise mitigation technology to deliver underwater noise attenuation for all foundation installations throughout the construction of the Proposed Development where percussive hammers are used, as per Commitment C-265.	Noted, the Applicant has no further comments on this matter at this time.
Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (REP4-062)		
2.9.59	2.14 Fisheries comments 2.14.1 The MMO thank the Applicant for amending their sandeel and herring habitat suitability assessments in line with previous advice from the MMO. These updated assessments now include the Eastern Sea Fisheries Joint Committee (ESFJC) Fishing Grounds and Vessel Monitoring System (VMS) data layers and an amended 'heat' scale in line with the described methodologies as defined by MarineSpace (2013)	The Applicant welcomes the MMO's support on the updated sandeel and herring habitat suitability assessments.
2.9.60	2.14.2 There remain outstanding issues with the sandeel habitat suitability 'heat' map provided by the Applicant, including the Applicants use of VMS data for the years 2016 – 2017 which is not a long enough time series to capture a suitable spatial extent for demersal fishing vessels. These are also not the most recent years of data available. Further to this, the methodologies described in Latto et al., (2013) and MarineSpace (2013) do not incorporate Jensen et al., (2011) as a data layer within the heatmapping exercise. Lastly, the heatmapping exercise does not	The Applicant has provided an updated Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-062] at Deadline 6. The updates include the incorporation of VMS data from 2007-2020, the removal of the Jensen et al., (2011)

Ref	Deadline 5 submission	Applicant's response
	<p>present potential 'sandeel spawning habitat' but rather potential sandeel habitat as the ecology of sandeels means that they spawn within the sediments they inhabit and therefore inhabitation in a given area includes spawning. Nonetheless, the Applicant has amended the scale attached to their sandeel habitat suitability heatmap in line with the methodology outlined in Latto et al., (2013) and MarineSpace (2013).</p>	<p>data layer, and the amendment of terminology used to describe the identification of potential sandeel habitats.</p>
2.9.61	<p>2.14.3 The MMO note that Figure 3.2 shows that the Eastern Channel region has a generally low-medium potential for sandeel habitat, with an area of medium-high potential to the east of the Rampion 2 boundary. This does not entirely align with the regional baseline assessment produced by MarineSpace (2018), which shows the area to have a higher potential for sandeel. This discrepancy is likely due to the regional assessment drawing on VMS data for the years 2002-2015, which is a much longer time series than the Applicant has used, and so data coverage of the regional assessment is of a higher quality</p>	<p>The Applicant has provided an updated Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B [REP4-061] at Deadline 6. The Applicant notes the discrepancies with the regional baseline assessment produced by MarineSpace (2018) and agrees that this could be due to the time series of the VMS data used. The Applicant confirms that the revised heatmaps submitted at Deadline 6 now include VMS data from 2007-2020. The Applicant would like to highlight, that the full scale is not presented in the legends of the MarineSpace (2018) heatmaps, and slightly different colour scales are also presented, which may also account for some of the observed presentational discrepancies between the heatmaps produced by the Applicant and MarineSpace (2018).</p>
2.9.62	<p>2.14.4 Based on the assessment for all impacts and effects to sandeel, the Applicant has concluded the project will result in Minor Adverse significance, which has been assessed as Not Significant against the Environmental Impact Assessment (EIA) terms. The MMO agree with the Applicant's conclusion.</p>	<p>The Applicant welcomes the MMO's support on the conclusion given by the Applicant.</p>
2.9.63	<p>2.14.5 The MMO note that the Applicant has updated their herring potential spawning habitat suitability assessment and provided updated Figures 3.3 and 3.4. While the Rampion 2 array itself has generally low potential as herring spawning habitat, the DCO limits are located on the edge of suitable spawning habitat.</p>	<p>The Applicant has provided an updated Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B [REP4-061] at Deadline 6. The Applicant confirms that the Rampion 2 Order Limits lie on the edge of suitable spawning habitat, but also highlights that, as informed by PSA data, preferred spawning habitats are present across the majority of the English Channel. The Applicant also notes that, as evident in Figure 3-4 of Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B [REP4-061] (updated at Deadline 6), the area identified as the highest confidence that spawning habitats are present, lies within the spawning ground as defined by Coull et al., (1998), 47 km from the Rampion 2 array area, and outwith any impacts from the Proposed Development.</p> <p>Notwithstanding this, the Applicant has committed to the use of Double Big Bubble Curtains (DBBC) throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise (including behavioural effect ranges) to outside any areas of high density herring eggs and larvae (as defined by the IHLS data), and the spawning ground (as defined by Coull et al., 1998). Commitment C-265 has been updated accordingly to reflect this proposed mitigation. The updated commitment is as follows: C-265: <i>“Double big bubble curtains will be deployed as the minimum single offshore piling noise mitigation technology to deliver underwater noise attenuation for all foundation installations throughout the construction of the Proposed Development where percussive hammers are used in order to reduce predicted impacts to:</i></p>

Ref	Deadline 5 submission	Applicant's response
2.9.64	<p>2.14.6 The Applicant's updated herring spawning habitat 'heat' map (Figure 3.4) appears to show the entire Eastern Channel region as having predominantly medium potential (heat score 8-10) herring spawning habitat which is lower than would be expected if the correct data layers and scoring approach had been followed according to the methodology as defined by MarineSpace (2013). As a comparison, the regional baseline assessment produced by MarineSpace (2018), shows the 'heat' scoring for potential herring spawning habitat in the Eastern Channel region as being much higher (heat score of 12+ over the core spawning grounds to the east and south-east of the project boundary).</p>	<p>• <i>sensitive receptors at relevant Marine Conservation Zone (MCZ) sites and reduce the risk of significant residual effects on the designated features of these sites;</i> • <i>spawning herring; and</i> • <i>marine mammals."</i></p> <p>The Applicant has provided an updated Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B [REP4-061] at Deadline 6. The Applicant notes the discrepancies with the regional baseline assessment produced by MarineSpace (2018) and agrees that this could be due to the time series of the VMS data used. The Applicant confirms that the revised heatmaps submitted at Deadline 6 now include VMS data from 2007-2020. The Applicant would like to highlight, that the full scale is not presented in the legends of the MarineSpace (2018) heatmaps, and slightly different colour scales are also presented, which may also account for some of the observed presentational discrepancies between the heatmaps produced by the Applicant and MarineSpace (2018).</p>
2.9.65	<p>2.14.7 The MMO note from Table 3.5 that the Applicant has again used only 1-year of VMS data (years 2016 – 2017) in their heatmap, compared to the 13-year timeseries (2002-2015) used to produce the MarineSpace 2018 baseline. A longer timeseries will produce a data layer with a larger spatial extent representative of the spatial extent for pelagic fishing vessels. The VMS data used by the Applicant is not a long enough timeseries to be representative of fishing activity, nor is the data the most recently available, and so it is likely that this data layer is insufficient to adequately inform the updated heatmap.</p>	<p>The Applicant has provided an updated Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] at Deadline 6. The Applicant confirms that the revised heatmaps submitted at Deadline 6 now include VMS data from 2007-2020.</p>
2.9.66	<p>2.14.8 The MMO also note from Table 3.7 that the Applicant has only applied a confidence score of 5 to International Herring Larvae Survey (IHLS) data where the larval density is >600 larvae per m². This is a departure from the methodologies of Reach et al., (2013) and MarineSpace (2013) and is not an acceptable form of filtering this data. Incorrect application of the VMS and IHLS data may have caused the down-weighting of 'heat' scores in the Applicant's updated herring spawning habitat 'heat' map.</p>	<p>The Applicant has provided an updated Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] at Deadline 6. The Applicant confirms that the revised heatmaps submitted at Deadline 6 now include VMS data from 2007-2020. The Applicant confirms that a confidence score of 5 has now been applied where larvae are recorded are present (even in very low numbers) in the IHLS dataset. This score is therefore applied across the majority of the English Channel. Notwithstanding this, the Applicant considers this approach to reduce the ability to discriminate between areas of higher or lower importance within the heat-mapping, thus losing focus on areas of peak larval densities as these are essentially discounted from the heatmapping through such blanket standardisation.</p>
2.9.67	<p>2.14.9 The MMO request that the Applicant provides the following information for each of the three Southern North Sea IHLS surveys for the years that they have incorporated into the heatmap (i.e. 2007 – 2020):</p> <ul style="list-style-type: none"> • The start and end dates for each of the three surveys • The survey station numbers where larvae presence was recorded <p>This is necessary to determine whether the correct range of data has been incorporated.</p>	<p>The Applicant has provided an updated Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] at Deadline 6. The Applicant confirms the start and end dates of the surveys, along with the survey station numbers where larval presence was recorded are provided in Appendix A of Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6).</p>

Ref	Deadline 5 submission	Applicant's response
2.9.68	<p>2.14.10 Given these uncertainties the MMO do not accept the conclusions of the Applicant in relation to the presence and importance of herring spawning grounds in the vicinity of the project, based on the heatmap presented. In addition, we have little confidence in the predicted mitigated impact ranges from underwater noise presented in Figures 3.7 and 3.8.</p>	<p>The Applicant has provided an updated Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] at Deadline 6, taking into account the MMO's feedback provided at Deadline 5.</p> <p>Furthermore, the Applicant confirms that the mitigated impact ranges from underwater noise as presented in Figures 3.7 and 3.8 of Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] are informed by additional work undertaken looking into the efficacy of NAS. As detailed in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067], submitted at Deadline 4, a noise reduction of 15dB is achievable from the implementation of DBBC. Figures 3.7 and 3.8 of Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] were updated at Deadline 4, to reflect the noise reductions offered by DBBC, as informed by the efficacy study.</p>
2.9.69	<p>2.14.11 In Figures 3.5, 3.6, 4.3 and 4.4 the Applicant has presented UWN modelling for behavioural response impact ranges for spawning herring for simultaneous Monopile and Multileg piling scenarios. These figures present the range of behavioural impact based on modelling of the 141 dB threshold as per Kastelein et al. (2017). The MMO have stated numerous times that we do not consider 141dB an appropriate threshold for monitoring behavioural responses in black sea bream and that a more appropriate threshold would be 135dB SELss, as per Hawkins et al. 2014. Herring are a hearing specialist and have an even greater hearing sensitivity than black sea bream, as such, the MMO does not consider a 141dB threshold appropriate for modelling behavioural responses in herring and other clupeid fish. The MMO direct the Applicant to Table 2 - MMO Response to Applicants response to Examining Authority's First Written Questions, provided in our Deadline 4 response (REP4-088) for our most recent comments on appropriate behavioural threshold for herring.</p>	<p>The Applicant invites the MMO and its advisors to read the Applicant's responses to reference 2.12.131 in Applicant's Comments on Deadline 4 submission [REP5-122], which details the Applicant's responses to Examining Authority's first written questions (FS 1.24 and 1.25).</p>
2.9.70	<p>2.14.12 Figures 4.1 and 4.2 present UWN modelling of mitigated and unmitigated piling impact ranges for <u>simultaneous piling</u> of <u>multileg and monopile</u> foundations, respectively. The noise contours show impact ranges for temporary threshold shift (TTS) 186 dB SELcum, and for 210 dB SELcum, modelled at the east and west piling locations. Modelling of the 186 dB SELcum threshold is appropriate for modelling TTS in adult herring, however it is not clear what physiological response the 210 dB SELcum threshold relates to. Popper et al., (2014) states that for fish with swim bladders involved in hearing, such as herring, hearing thresholds for mortality and recoverable injury from pile driving should be 207 dB SELcum and 203 dB SELcum, respectively. Modelling of the 210 dB SELcum threshold appears to relate to the range of impact for mortality and mortal injury for eggs and larvae as per Popper et al., (2014), as these figures are discussed in Section 4.2 (Potential impacts on herring eggs and larvae from underwater noise). The Applicant has not provided a clear description in the figure legend to indicate what is being presented. These figures should be amended to clarify that the 210 dB SELcum threshold relates the range of impact for mortality and potential mortal injury for eggs and larvae and this is being presented alongside the contours for TTS in adult fish with high hearing sensitivity.</p>	<p>The Applicant confirms, that as stated in paragraph 4.1.3 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-061], further information on the potential for TTS from underwater noise emissions on spawning Downs stock herring was requested by Natural England in its Relevant Representation. The TTS impact ranges relate to adult spawning herring only and were presented in Figures 4.1 and 4.2 and detailed further in Section 4.1, under Action Point 39. Section 4.1 also addressed behavioural impacts on spawning adult herring; the behavioural impact range contours were therefore presented in Figures 4.3 to 4.6, due to the different threshold metrics. The 210 dB SELcum threshold, as identified by the MMO, was also presented in Figures 4.1 and 4.2, this threshold relates to impacts to herring eggs and larvae only, and the potential impacts from underwater noise discussed under Section 4.2, under Action Point 39. The Applicant confirms that the legend of Figures 4.1 and 4.2 have been updated to clarify that the 210 dB SELcum threshold relates the range of impact for mortality and potential mortal injury for eggs and larvae, and that the TTS contours relate to adult spawning herring.</p>

Ref	Deadline 5 submission	Applicant's response
2.9.71	2.14.13 Figures 4.1 and 4.2 show there is an overlap for the effects of TTS from unmitigated simultaneous piling of multileg and monopile foundations with areas of high larval densities (48,000 – 98,500 per m ²) for herring. Areas where high larval densities occur are considered to be suitable herring spawning habitat where herring engaged in spawning activity are likely to be present. On this basis, it is reasonable to assume that herring engaged in spawning activity are likely to be affected by TTS if piling activities are operational during the Downs herring spawning season (1st November to 31st January, inclusive).	Furthermore, the Applicant confirms that Figures 4.1 and 4.2 have been updated to include the 203 dB SELcum contour for recoverable injury impacts, with and without mitigation. The Applicant directs the MMO to the Applicant's response to reference FS2.5 of Applicant's Responses to Examining Authority's Second Written Questions [REP5-119] .
2.9.72	2.14.14 These figures also present the mitigated UWN contours for TTS (with 15 dB noise abatement reduction based on a DBBC). These mitigated contours are encouraging as the range of effect for TTS seems to be greatly reduced and appears to remain within the DCO boundary where herring larval densities are lower (0.1 – 2,500 per m ²).	The Applicant welcomes the MMO's support on the mitigated UWN contours for TTS shown in Figures 4.1 and 4.2 of Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] .
2.9.73	2.14.15 Figures 4.5 and 4.6, shows a reduced range of impact with the mitigated noise contours overlapping with areas of slightly lower larval densities (23,000 – 48,000 per m ²) than the unmitigated noise contours. This does not mean that the risk of behavioural effects in adult spawning herring has been completely removed with the implementation of 15 dB noise abatement reduction based on a DBBC, as the mitigated behavioural effect contours still overlap with areas of medium larval densities (23,000 – 48,000 per metres squared (m ²)). Overlap of the mitigated behavioural effect contours in Figures 4.5 and 4.6 with areas of high larval abundance (>48,000 per m ²) appears sufficiently reduced with a 15 dB noise abatement reduction that the areas of highest potential spawning habitat are now outside of the range of impact.	Noted, the Applicant has no further comments on this matter at this time.
2.9.74	2.14.16 Providing the Applicant can achieve and commit to a reduction of 15 dB using a DBBC and based on the modelling of TTS and behavioural effect ranges presented in Figures 4.1, 4.2, 4.5 and 4.6, it may be possible for the MMO's previous recommendation of a piling restriction during the herring spawning season to be <u>amended</u> so that <u>some</u> piling may be carried out during the herring spawning season.	The Applicant confirms that following work undertaken looking into the efficacy of Noise Abatement Systems (NAS), as detailed in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067] , the Applicant is confident that taking into account the site characteristics and noise abatement levels, and considering the outputs of live monitoring of numerous projects whereby NAS have been applied successfully, up to 15 dB noise reduction can be achieved (within depths of ≤ 40 m) using a DBBC. As stated in in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067] , it was identified that in water depths of over 40 m, the achievable noise reduction could be slightly reduced by 1 or perhaps 2 dB. However, improvements to the technique/equipment, notably including the use of an enhanced Big Bubble Curtain (eBBC) is anticipated to provide an improvement of circa 2 dB in noise reduction performance, which is expected to compensate the negative effect of water depths up to 50 m. As part of the strategy to ensuring bubble curtains will provide the appropriate level of mitigation in deeper waters (-15 dB), the Applicant will be evaluating the increased mitigation efficacy provided by the use of

Ref	Deadline 5 submission	Applicant's response
2.9.75	<p>2.14.17 The MMO are however cautious to accept these mitigated contours as final as the Applicant has presented a number of modelling scenarios which have included contours with differing levels of noise abatement reductions applied (ranging from - 6 dB to -25 dB). There is also uncertainty as to whether a 15 dB noise reduction can be achieved in water depths greater than 40m.</p>	<p>eBBC in order to achieve -15 dB throughout the Proposed Development site.</p> <p>The mitigated impact ranges, afforded by the implementation of DBBC throughout the piling campaign (achieving a noise reduction of 15 dB), have been presented relative to areas of potential spawning activity in Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6).</p> <p>The Applicant acknowledges that revised mitigation measures and consequently underwater noise contours have been presented in the Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6). The Applicant reassures the MMO, that the revised mitigation scenarios and noise contours supersede those submitted at Deadline 1. The Applicant reiterates, that these mitigated contours reflect the updated commitment proposed by the Applicant to use DBBC throughout the piling campaign, to further reduce the impact ranges of underwater to sensitive features such as spawning herring. The Applicant highlights that this is a substantial additional commitment to mitigation from that initially proposed (a 6dB noise reduction). The Applicant also highlights that the revised contours reflect the outputs of the additional work undertaken looking into the efficacy of the proposed NAS (as detailed in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [RE4-067]). This additional work has also informed the mitigation proposed during the black bream breeding season, which includes the use of DBBC and another noise abatement measure to achieve an overall noise reduction of 20dB. These proposed mitigations, to achieve a 15dB reduction from the use of DBBC throughout the piling campaign, and 20dB noise reduction from the use of DBBC in combination with another noise abatement system, supersede all prior noise abatement scenarios proposed.</p> <p>The Applicant also directs the MMO to its response to reference FS 2.9 in Applicant's Responses to Examining Authority's Second Written Questions [REP5-119].</p> <p>Furthermore, as stated in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067], it was identified that in water depths of over 40 m, the achievable noise reduction could be reduced by 1-2 dB. However, the use of an enhanced Big Bubble Curtain (eBBC), noting this requires a considerable increase in the number of compressors offshore, is anticipated to bring circa 2 dB more noise reduction, which is expected to compensate any negative</p>

Ref	Deadline 5 submission	Applicant's response
2.9.76	2.14.18 In the Applicant's Deadline 4 submission ITAP - Information to support efficacy of noise mitigation abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm Rev A (REP4-067) it is stated that the achievable overall noise reduction of any noise abatement system might be slightly decreased by 1-2 dB in water depths > 40m. It is also possible that water depths greater than 40m will affect the efficacy of the other noise abatement mitigation options put forward by the Applicant. This represents a significant source of uncertainty as to whether a 15 dB noise reduction is achievable across the Rampion 2 site and the Applicant should clarify what proportion of the site (including the number of turbines) occurs in areas where water depth is greater than 40m.	<p>effect in noise reduction from DBBC beyond 40m water depths. The Applicant, therefore is confident, that a 15dB noise reduction is achievable in water depths up to 50m, and therefore the modelling of 15dB noise reduction is appropriate.</p> <p>As part of the strategy to ensuring bubble curtains will provide the appropriate level of mitigation in deeper waters (-15 dB), the Applicant will be evaluating the increased mitigation efficacy provided by the use of eBBC in order to achieve -15 dB throughout the Proposed Development site.</p>
2.9.77	2.14.19 A decrease in the noise reduction achievable by a DBBC in waters deeper than 40m could be up to 2 dB, however the Applicant has not presented UWN modelling to indicate how much of the herring spawning ground would be overlapped by mitigated UWN contours for TTS and behavioural effects which have a noise reduction of the 13 dB rather than the 15 dB reduction.	<p>The Applicant directs the MMO to their response to reference 2.9.75 above.</p> <p>Furthermore, the Applicant can confirm that the majority of the site has a bathymetry of ≤ 40m water depth. The Applicant is investigating the optimal layout, considering, <i>inter alia</i>, energy production, internal and external wake effects, visual lines, electrical export system design, geotechnical conditions, foundation design and installation strategy. Therefore, whilst it is not possible to confirm a final layout at this stage in the development process, the intention will be to minimize the number of foundations in deeper water areas as a result of the greater complexity and cost associated with foundation design, fabrication and installation at greater depths. The preliminary layouts currently have approximately 70-75% of the foundations in water depths less than 40m. The worse-case layout has around 25 turbine locations in areas with water depth greater than 40m, but it is likely that this number will be further reduced in the final design.</p>
2.9.78	2.14.20 The Applicant should clarify that a minimum reduction of 15 dB, using a DBBC or other technology, is achievable across the site in order to demonstrate that UWN at a level likely to cause TTS and behavioural effects in adult spawning herring will not significantly overlap the herring spawning ground (i.e., that the noise abatement reduction modelled in Figures 4.1, 4.2, 4.5 and 4.6 is realistic and achievable in areas of the array where water depths exceed 40m).	<p>The Applicant directs the MMO to its response to reference 2.9.75 above.</p> <p>The Applicant directs the MMO to its response to reference 2.9.75 above.</p>
2.9.79	2.14.21 If the Applicant is able to remove all uncertainties concerning the efficacy of Noise abatement Systems (NAS) across the Rampion project, there may be a possibility of the MMO to amend our previous recommendation of a full seasonal piling restriction. However, this will only be done once the Applicant can clarify the remaining uncertainties around the effectiveness of NAS below 40m.	<p>The Applicant directs the MMO to its response to reference 2.9.75 and 2.14.18 above.</p>
2.9.80	2.14.22 Due to the uncertainties that persist concerning the efficacy of noise abatement systems across the Rampion project area and the lack of empirical data to corroborate the predicted noise reductions in the Applicant's modelling, the MMO is cautious to deviate from our position of full seasonal piling restriction during the sensitive breeding periods of black sea bream and herring. The MMO has proposed an enhanced monitoring programme to compensate	<p>The Applicant has provided an updated Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6. This includes the commitment for monitoring to be undertaken for four piling locations for each foundation type used in both the black seabream spawning period</p>

Ref	Deadline 5 submission	Applicant's response
	<p>for these uncertainties and to collect data to corroborate the predictions of the noise abatement measures. The MMO would also add that, No testing of the noise abatement measures should occur during the sensitive seasons for herring (1st November – 31st January, inclusive) and black sea bream (1st March – 31st July, inclusive)”.</p>	<p>in the event that piling is permitted during this period (or part thereof), and in the period encompassing the rest of the calendar year (1st August to 28th (or 29th) February). These locations will be selected from the first 12 foundations to be installed in each period in order to provide for sites with differing seabed conditions and water depths. This monitoring strategy will deliver data representative of the varying conditions within the development site, whilst ensuring data are collected for the earliest pile installations for each of the two potential noise mitigation measure scenarios (i.e. single and, on the basis that piling within the 1st March to 31st July period is permitted, combined noise abatement systems) at sites with a range of water depths, to include sites of >40 m depth for verification of predicted (modelled) noise levels</p> <p>The Applicant however, reiterates that a field test or trial of the noise abatement measures is not a feasible solution, because of the reasons outlined in reference 2.9.44 above.</p> <p>The Applicant maintains its position that a full piling restriction from 01 March to 31 July is disproportionate to the risk of an impact arising that could result in significant population level effects on nesting black bream. Given the proposed application of a variety of mitigation measures from March through to July, which will be secured through implementation of an approved Sensitive Features Mitigation Plan, the Applicant is confident that piling operations in accordance with the zoning plan are appropriate, achievable and impacts from underwater noise, mitigated as set out, will not hinder the Kingmere MCZ's conservation objectives.</p>
2.9.81	<p>2.15 Underwater noise comments 2.15.1 The MMO note that some of the statements made in Section 3.2 with regards to impacts on spawning and language are unsupported and the language used is not appropriate e.g. <i>“Therefore, the use of DBBC throughout the piling campaign, will ensure there are no population level effects on the Downs herring stock”</i>. As stated in previous deadline responses, the MMO recommend that the use of strong language and statements should be avoided when considerable uncertainties remain.</p>	<p>The Applicant maintains their position, that on the basis of the implementation of DBBC throughout the piling campaign, as evidenced in Figures 4-1 to 4-6 of Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6), there will be no population level effects on the Downs herring stock.</p>
2.9.82	<p>2.15.2 The Applicant has not addressed comments raised in Paragraph 4.6.2 of our Deadline 3 response (REP3-076) relating to updating figures to include dB threshold used to assess impacts to herring as per Popper et al., 2014. For fish with swim bladders involved in hearing Popper et al., 2014 sets hearing thresholds for mortality and potential mortal injury from pile driving as follows, mortality and potential mortal injury (210 dB SELcum), recoverable injury (203 dB SELcum) and temporary threshold shift (TTS) (186 dB SELcum). Herring as a hearing specialist qualifies under this criterion, so it would be beneficial for clarity and consistency if these thresholds could be included and used across all figures relating to UWN impacts on herring.</p>	<p>The Applicant directs the MMO to its response to reference 2.9.70 above.</p>
2.9.83	<p>2.15.3 Figures 4.5 and 4.6 represent the predicted worst-case behavioural response impact ranges for spawning herring with and without mitigation for both monopile and multileg foundations respectively. Paragraph 4.1.11 of the document confirms that the mitigated contours are assuming a 15dB reduction from the use of a DBBC. For clarity</p>	<p>The Applicant confirms that the figures presented in Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6) have been updated to</p>

Ref	Deadline 5 submission	Applicant's response
	and ease of reference, these figure legends should be updated to confirm the value of the assumed dB reduction used to generate the contours.	confirm the value of the dB reduction offered by the proposed mitigation of DBBC.
2.9.84	2.15.4 As previously stated in Paragraph 4.6.3 of our Deadline 3 response (REP3-076) both Figures 4-3 & 4-4 representing modelled noise contours show a significant overlap with high intensity spawning for the East piling location. Therefore, it is not appropriate for the Applicant to state that <i>“as evident in Figure 4-3 and Figure 4- 4...there is no pathway for behavioural effects on spawning herring, as there is no significant infringement of the contour with the herring spawning ground...”</i> The MMO disagree with this statement.	The Applicant confirms that this statement refers to the mitigated underwater noise impact contours, with the implementation of DBBC (15dB noise reduction), which show no overlap with areas of high densities of herring larvae in Figures 4-3 & 4-4 of Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6). The Applicant therefore maintains that their statement of <i>“as evident in Figure 4-3 and Figure 4- 4 there is no pathway for behavioural effects on spawning herring, as there is no significant infringement of the contour with the herring spawning ground...”</i> is correct. The text however in paragraph 4.1.13 of Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6), has however been amended to confirm this refers to the mitigated noise contours.
2.9.85	2.15.5 In Paragraph 4.1.6 the Applicant states that <i>“there is no overlap of mitigated piling noise at a level that will disturb spawning adults (186 dB SELcum) at the recognised spawning grounds”</i> 186 dB SELcum refers to the value for TTS. As stated in previous deadline response TTS is not the same as disturbance and inappropriate to use the two terms interchangeably. The MMO would like to see this text changed to reflect this distinction	The Applicant confirms that the statement has been updated to <i>‘As evident in Figure 4 1 and Figure 4 2 there is no overlap of mitigated piling noise at a level that will cause TTS to spawning adults (186 dB SELcum) within the Downs stock herring spawning ground’</i> in Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6).
2.9.86	2.15.6 Paragraph 4.2.3 states that <i>“Given the stationary nature of eggs and larvae, the potential for behavioural impacts is considered limited, therefore the worst-case impact ranges for effects on larvae is considered to relate to the potential for TTS”</i> . In relation to eggs and larvae Popper et al. (2014) criteria only provide thresholds for mortality and potential mortal injury. Thus, it is not possible to derive impact ranges for TTS with regards to eggs and larvae. This statement is therefore not appropriate and should be amended.	This statement has been removed from paragraph 4.2.3 of Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6).
Further Information for Action Point 34 - Guillemot and Razorbill Rev B (REP4-066)		
2.9.87	2.16 The MMO acknowledge the submission of Further Information for Action Point 34 - Guillemot and Razorbill Rev B (REP4-066). The MMO is aware there is ongoing discussions between Natural England and the Applicant with regards to the In Combination Assessments for impacts to Guillemot and Razorbill within Flamborough and Filey Coast SPA and Guillemot within the Farne Islands SPA. The MMO note in Natural England Deadline 4 submission (REP4-091) they have also reviewed the Applicant's documents Kittiwake Implementation and Monitoring Plan (REP3-059) and Guillemot and Razorbill Evidence and Roadmap (REP3-060) submitted at Deadline 3 and are <i>“broadly supportive of the measures proposed”</i> . The MMO defer to Natural England on matters relating to ornithology but will maintain a watching brief on responses.	Noted, the Applicant has no further comments on this matter at this time.
3. MMO Comments on Applicant's Submissions received at Deadline 4		
ITAP - Information to support efficacy of noise mitigation abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm Rev A (REP4-067)		

Ref	Deadline 5 submission	Applicant's response
2.9.88	3.1 This document presents the results of empirical monitoring data obtained at other offshore wind farm sites during pile installation on the performance of noise mitigation measures and the comparative site consideration between those projects and Rampion 2. These have been considered to provide an assessment of the potential performance of applied noise mitigation at the Rampion 2 site.	Noted, the Applicant has no further comments on this matter at this time.
2.9.89	3.2 Fisheries comments 3.2.1 Comments on how the information presented in this document impact the MMO perceived risks from underwater noise to sensitive fish species are covered by fisheries comments provided for the Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (REP4-062) provided above in Section 2.14 of this Deadline response.	Please refer to the Applicant's responses in Section 2.14 above.
2.9.90	3.3 Underwater noise comments 3.3.1 The MMO thank the Applicant for providing this document but note that a final empirical evaluation regarding application of any noise abatement or mitigation techniques is only possible after all details of the proposed impact pile-driving activities are confirmed and available, for example pile-design, final pile-driving analysis and confirmation of mitigation measures and their planned implementation.	The Applicant agrees with the MMO that final empirical evaluation regarding application of any noise abatement or mitigation techniques is only possible after all details of the proposed impact pile-driving activities are confirmed and available, for example pile-design, final pile-driving analysis and confirmation of mitigation measures and their planned implementation.
2.9.91	3.3.2 The information provided in this document highlights that the most reliable and commonly used noise abatement system world-wide is the Big Bubble Curtain (BBC) whether single or double. This document indicates that the application of a Double Big Bubble Curtain (DBBC) is the most favourable option for achieving an overall noise reduction of 15dB using a single noise abatement system in water depths up to 40m.	Noted, the Applicant has no further comments on this matter at this time.
2.9.92	3.3.3 It is understood that as water depths increase the effectiveness of BBC noise abatement systems is reduced due to dispersion of the bubbles in the water column. It is understood that the Rampion 2 site contains areas with depths >50m in parts. This document identifies that no clear empirical evaluation of the achievable overall noise reduction by any BBC system in in water depths of >40m is currently available.	<p>The Applicant directs the MMO to its response to reference FS2.9 of Applicant's Responses to Examining Authority's Second Written Questions [REP5-119].</p> <p>Furthermore, as stated in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067], it was identified that in water depths of over 40 m, the achievable noise reduction could be slightly reduced by up to 2 dB. However, the use of state-of-the-art enhanced Big Bubble Curtain (eBBC) and Big Bubble Curtain (BBC) could bring up to 2 dB more noise reduction, which is expected to compensate the negative effect of water depths up to 50 m. The Applicant, therefore is confident, that a 15dB noise reduction is achievable in water depths up to 50m, and therefore the modelling of 15dB noise reduction is appropriate.</p> <p>As part of the strategy to ensuring bubble curtains will provide the appropriate level of mitigation in deeper waters (-15 dB), the Applicant will be evaluating the increased mitigation efficacy provided by the use of eBBC in order to achieve -15 dB throughout the Proposed Development site.</p>
2.9.93	3.3.4 This report states that a decrease in the noise reduction achievable by a DBBC in waters deeper than 40m could be up to 2 dB. As commented on above in our review of the figures presented in REP4-062, no UWN modelling to indicate mitigated UWN contours for TTS and behavioural effects on sensitive features assuming a noise reduction of 13 dB rather than the 15 dB has so far been presented.	The Applicant directs the MMO to their response to reference 2.9.92 above.

Ref	Deadline 5 submission	Applicant's response
2.9.94	3.3.5 The report notes that based on past experience, the effectiveness of any BBC system will decrease by 1 dB (unlikely 2 dB) in 50m water depth compared to 40m. It also states that to compensate or minimise the effect of the increased water depth an enhanced BBC could be applied as an inner ring in combination with a normal BBC as an outer ring. The MMO consider this information confusing as it appears to describe the process by which a DBBC is implemented. The assumed 15 dB noise reduction estimate is based on the use of a DBBC so the MMO would request that the Applicant provide some clarity on what is meant by this statement or how the method referenced differs from the DBBC methodology used to assume the 15dB noise reduction.	<p>The Applicant clarifies that an enhanced DBBC uses a different design for the inner ring of a standard DBBC, allowing a greater volume of air for this ring, improving the overall performance of the double ring system. For clarity, the enhanced DBBC still uses two rings.</p> <p>The Applicant directs the MMO to their response to reference 2.9.92 above.</p>
2.9.95	3.3.6 In order to achieve a greater overall noise reduction of 20 dB this report identifies that combination of two independent systems near and far-field, or one noise abatement system in combination with a new hammer technology must be applied.	Noted, the Applicant has no further comments on this matter at this time.
2.9.96	3.3.7 This report appropriately recognises the uncertainties that need to be considered when considering the efficacy of noise abatement systems, including, soil conditions and possible ground couplings and tunnelling effects, as well as current speed and water depth.	Noted, the Applicant has no further comments on this matter at this time.
2.9.97	3.3.8 The MMO have previously raised that frequency is also an important factor. The efficacy of a noise abatement system depends on the frequency range at which sound energy is reduced and on the target species, as each species is sensitive to a certain frequency range. Fish are typically more sensitive to sound at low frequencies, where the noise reduction from noise abatement systems tends to be smaller.	The Applicant has previously noted that Bellmann <i>et al</i> 2020, which provides some of the most comprehensive data on noise mitigation including bubble curtains, demonstrates that a DBBC is expected to provide in excess of 20 dB of attenuation down to very low frequencies as low as 32 Hz. Although the performance reduces below this, this is approaching infrasound frequencies.
2.9.98	3.3.9 In the absence of more specific evidence on efficacy of noise abatement systems at 50m depth, and given the available evidence for other depths, the MMO are generally content with the Applicant's estimate of 15 dB reduction for DBBC at 50m depth, acknowledging that there remain uncertainties around this.	The Applicant welcomes the MMO's support on the Applicant's estimate of 15 dB reduction for DBBC at 50 m depth.
2.9.99	3.3.10 To compensate for this uncertainty in noise reduction at 50m, the MMO propose that an enhanced monitoring programme be put in place. This monitoring programme should include obtaining measurements of the first eight piles (or eight of the first 12 piles), of each foundation type, to be installed.	The Applicant refers the MMO to the Applicant's response to reference 2.9.40 above.
2.9.100	3.3.11 The MMO acknowledge that this is more than the standard requirement for the first four piles of each foundation type, however given the uncertainties that persist and the requirement for empirical monitoring data at depths >40m, we believe this is justified. By measuring the first eight piles, more data will be available to determine the decrease in dB reduction experienced at 50m and the effectiveness of the proposed mitigation in achieving a minimum 15dB reduction across the whole project site.	The Applicant refers the MMO to the Applicant's response to reference 2.9.40 above.
2.9.101	3.3.12 The piling locations monitored should, where feasible, be representative of the variety of conditions that are present across the project site with regard to depth and seabed condition. These monitoring reports should be submitted to the MMO in a timely manner, to ensure that the measured noise levels are not exceeding the modelled predictions. The data gathered will provide valuable evidence on how effective NAS (such as DBBC) are in deeper waters, particularly for depths greater than 40-45m, providing a more extensive corroboration of the developer's noise reduction predictions and reducing uncertainty in future consents.	<p>The Applicant has provided an updated Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6, including details of the reporting timescales in Table 4-4.</p> <p>The Applicant refers the MMO to the Applicant's response to reference 2.9.40 above where the monitoring proposals are detailed, and reference 2.9.47 in regards to the approach to defining the noise monitoring locations.</p>

Additional Documents

Ref	Deadline 5 submission	Applicant's response
2.9.102	<p>3.4 The MMO have briefly reviewed the below documents, but due to the high volume of documents received at Deadline 4, have not been able to provide comments. The MMO defer to the advice of Natural England as the Statutory Nature Conservation Body on matters relating to protected sites and for their assessment of the appropriateness of the following documents:</p> <ul style="list-style-type: none"> • Without Prejudice Measures of Equivalent Environmental Benefit Review Rev A (REP4-078) • Schedule 18 - Measures of Equivalent Environmental Benefit (on a without prejudice basis) Rev A (REP4-081) • Kingmere Marine Conservation Zone (MCZ) Without Prejudice Stage 2 (MCZ) Assessment Rev A (REP4-071) 	Noted, the Applicant has no further comments on this matter at this time.
4. MMO Comments on Applicant's post Issue Specific Hearing 2 Documents		
Applicant's Post Hearing Submission - Issue Specific Hearing 2 Rev A (REP4-072)		
2.9.103	<p>4.1 DCO comments</p> <p>4.1.1 In response to the comments made by the MMO on Article 5 of the DLM at ISH2 the Applicant confirmed that it would respond to the written points made by the MMO in due course. Despite their assurances to the Examining Authority on page 10 of this document, we have not received anything in writing from the Applicant. The MMO note that the Applicant chose to reserve its position until it had received our written submissions; the MMO can confirm that these were provided at Deadline 4 and we would therefore ask the Applicant to provide these comments as a priority in order that they can be considered. It is important to note that the MMO continues to object to Article 5 as drafted.</p>	The Applicant provided a response to the MMO's written submission at deadline 5 in Applicant's Comments on Deadline 4 Submissions [REP5-122] .
2.9.105	4.1.2 The MMO also submitted an alternative draft Article 5 to the Applicant for their consideration on 12 June 2024 on a without prejudice basis. The MMO has so far received no response or acknowledgment of this submission.	<p>The Applicant acknowledges that the MMO provided it with an alternative form of Article 5 for consideration on a without prejudice basis.</p> <p>Whilst the Applicant has given careful consideration to the proposed wording, its position remains that the wording of Article 5 in the draft Development Consent Order [REP5-005] (updated at Deadline 6) is should be retained. The wording proposed by the MMO on a without prejudice basis is considered to be more administratively burdensome than the current regime and is likely to be slower. In summary the proposal presents similar difficulties for the Applicant as explained in the Applicant's Comments on Deadline 4 Submissions [REP5-122] (see table 2-12), most particularly as to the requirement to be able to transfer the benefits of the Order and deemed marine licence (including for an agreed period of time) contemporaneously, and to be able to utilise a single process to do so. Importantly, the process set out in the draft Development Consent Order [REP5-005] (updated at Deadline 6) has been utilised in numerous previous orders for offshore wind farms effectively.</p>
2.9.106	4.1.3 The Applicant confirmed that it would be updating their marine plans and policies assessment to take account of outstanding comments made by the MMO. The MMO has reviewed the updated Marine Plan and Policies Statement (REP4-068) and our comments on this are provided in Section 2.3 of this Deadline response.	Please refer to the Applicant's responses in reference 2.9.134 below.
2.9.107	<p>4.2 Fisheries comments</p> <p>4.2.1 In response to Action Point 3b the Applicant states with regards to herring that they are "<i>confident that spawning activities are occurring in the spawning ground as defined by Coull et al. (1998), as opposed to areas</i></p>	The Applicant directs the MMO to the Applicant's response to reference FS 2.5 in Applicant's Responses to Examining Authority's Second Written Questions [REP5-119] .

Ref	Deadline 5 submission	Applicant's response
	<p>where high densities of eggs and larvae are present (as identified by IHLS data), as eggs and larvae will be drifting away from the defined spawning ground” The MMO disagree with this statement.</p>	
2.9.108	<p>4.2.2 According to Heath & Rankine (1988) herring larvae can larvae drift up to 9km a day, and post-larval Isaacs-Kidd Midwater Trawl (MIK) net survey data carried out during International Bottom Trawl Surveys (IBTS) show that larvae generally move in an easterly direction. Virtually all stocks in western Europe drift in an easterly direction (Dickey-Collas 2005), and the transport and drift of larvae in the southern North Sea (of which the Downs spawning grounds in the eastern Channel is a part) is eastwards towards the juvenile nursery grounds from the Wadden Sea to the Skagerrak and Kattegat (Wallace, 1924; Burd, 1978). This then raises the point that, if larvae are generally drifting eastwards, they cannot be originating from the area of seabed indicated by the Coull et al., (1998) spawning ground, as this is located to the east of where the highest larval abundances are recorded (Figure 3.3).</p>	<p>The Applicant directs the MMO to the Applicant's response to reference FS 2.5 in Applicant's Responses to Examining Authority's Second Written Questions [REP5-119].</p>
2.9.109	<p>4.2.3 However, Figure 3.3 shows that there are several dense clusters of particle size analysis (PSA) data points indicating preferred and marginal herring spawning sediments located to the north and northwest of the Rampion 2 array, but crucially there is a large cluster of preferred and marginal herring spawning sediments (indicated suitable spawning beds) located between the Rampion 2 array boundary and the areas of high larval density as indicated by IHLS data. Therefore, if larvae are drifting eastwards, it follows that the larval abundances shown in Figure 3.3 originated from these spawning beds where sediments have sufficient composition to support spawning. It should also be noted that the IHLS data presented in Figure 3.3 presents the abundance of larvae less than 11mm in length, which are still likely to have some affinity with their spawning beds. Sediment class data ground-truthed using PSA data, taken alongside aggregated herring larval data remains a more reliable representation of the presence of herring spawning grounds.</p>	<p>The Applicant directs the MMO to the Applicant's response to reference FS 2.5 in Applicant's Responses to Examining Authority's Second Written Questions [REP5-119].</p> <p>The Applicant would also like to highlight to the MMO that whilst there are dense clusters of PSA data points indicating preferred and marginal herring spawning grounds between the Rampion 2 array boundary and areas of high larval densities, there are also preferred and marginal sediments located across the wider English Channel, including within the herring spawning ground as defined by Coull et al., (1998). The cluster of PSA data points is not reflective of the area being more suitable for herring spawning than the wider English Channel, rather this is purely reflective of more extensive PSA sampling in the area.</p> <p>The Applicant would also like to highlight that as detailed by Coull et al., (1998), when regarding '<i>sediment spawners, not all suitable sediment areas might be used in every year - use will depend on the size of the spawning stock</i>'. Therefore, the presence of preferred sediments for spawning between the Rampion 2 array area and the Coull et al., (1998) spawning ground, does not mean that the area is being actively used by spawning herring.</p>
2.9.110	<p>4.2.4 The Coull et al., (1998) spawning ground shapefiles provide a broad indication of where herring spawning grounds have occurred historically but should not be relied on as the sole indicator of the presence of herring spawning grounds. This is because spawning areas are not rigidly fixed, and fish will not adhere to spawning within the explicit boundaries defined in the shapefile. Further, the data used to inform the shapefiles has not been updated since their production in 1998, meaning that environmental changes in the distribution of spawning sediments and interannual variability in spawning activity is not reflected. The shapefile is also unable to quantify the nuance of how spawning activity varies spatially, for example, over prime spawning ground where sediments are suitable, spawning intensity will be higher, whereas spawning intensity may be lower around the fringes of the spawning ground.</p>	<p>The Applicant directs the MMO to the Applicant's response to reference FS2.5 in Applicant's Responses to Examining Authority's Second Written Questions [REP5-119].</p> <p>The Applicant would also like to highlight that as stated by Coull et al., (1998), the spawning grounds as defined '<i>should be seen as representing the widest known distribution</i>', therefore, given the precautionary extent of the spawning grounds as defined by Coull et al., (1998), the 'preferred' spawning substrates located across much of the spawning ground, and considering the strong hydrodynamic conditions in the English Channel transporting the fish larvae away from spawning grounds in a north easterly direction (as evidenced by the IHLS data), the Applicant is confident that herring spawning is</p>

Ref	Deadline 5 submission	Applicant's response
2.9.111	<p>4.2.5 It is therefore more appropriate for the location of the active herring spawning grounds to be determined using IHLS data, alongside broadscale and site-specific sediment and PSA data as these data represent direct measures of herring larval presence and abundance, and the presence of suitable spawning sediments, respectively.</p>	<p>occurring within the precautionary spawning ground as defined by Coull et al., (1998).</p> <p>The Applicant directs the MMO to the Applicant's response to reference FS2.5 in Applicant's Responses to Examining Authority's Second Written Questions [REP5-119].</p> <p>The Applicant notes that the IHLS data, alongside broadscale and site-specific sediment and PSA data are all proxies for the presence of spawning herring. The Applicant therefore agrees that it is appropriate to consider multiple data sources to determine the location of spawning adult herring. The Applicant however highlights, that whilst preferred sediments for spawning herring are located between the Rampion 2 array area and areas of high densities of herring larvae, there are also preferred and marginal sediments located across the wider English Channel, including within the herring spawning ground as defined by Coull et al., (1998). Furthermore, the Applicant also notes that it is important to give due consideration to the environmental conditions of the English Channel, which has strong hydrodynamic conditions, which transport herring larvae in a north easterly direction away from the herring spawning ground. A pattern that is evidenced by the IHLS data. The Applicant, therefore, maintains their position that spawning activities are occurring in the spawning ground as defined by Coull et al. (1998), as opposed to areas where high densities of eggs and larvae are present.</p>
2.9.112	<p>4.2.6 The MMO also disagree with the Applicant's statement that "<i>the identification of potentially suitable spawning habitat conditions does not necessarily equate to those areas actually supporting herring spawning. At some locations where suitable spawning habitat might be indicated by the assessment, notably areas in closer proximity to the Proposed Development, there are no data indicating spawning is occurring</i>". The Applicant should note that the highest densities of herring larvae are arguably more closely affiliated with the large cluster of preferred and marginal PSA data points. IHLS data, when presented as annual larval abundance maps demonstrates the variability in larval density over the spawning ground both spatially and temporally. As herring do not spawn over the whole spawning ground each year, the relative importance of a particular spawning area to the overall reproductive success of the Downs population will vary between years, and provided suitable habitat is available, lesser used areas of spawning ground can be re-colonised over time (Corten, 1999). It is therefore not appropriate to minimise the importance of areas of seabed where suitable spawning habitat is present, but high larval abundances are not. The MarineSpace (2018) regional baseline assessment is a more accurate heatmap representing the extent of potential herring spawning habitat in the eastern Channel area.</p>	<p>The Applicant directs the MMO to the Applicant's response to reference FS 2.5 in Applicant's Responses to Examining Authority's Second Written Questions [REP5-119]. The Applicant also directs the MMO to the Applicant's response to reference 2.9.109 above.</p> <ul style="list-style-type: none"> The Applicant agrees with the MMO, regarding the variability in larval densities both spatially and temporally and confirms that this is captured in the precautionary definition of the herring spawning grounds by Coull <i>et al.</i>, (1998). Specifically, as stated by Coull <i>et al.</i>, (1998), the spawning grounds '<i>should be seen as representing the widest known distribution</i>'. Therefore, given the precautionary extent of the spawning grounds as defined by Coull <i>et al.</i>, (1998), the 'preferred' spawning substrates located across much of the spawning ground, and considering the strong hydrodynamic conditions in the English Channel transporting the fish larvae away from spawning grounds in a north easterly direction (as evidenced by the IHLS data), the Applicant is confident that herring spawning is occurring within the precautionary spawning ground as defined by Coull <i>et al.</i>, (1998).

Applicant's Responses to Action Points Arising from ISH2 and CAH1 Rev A (REP4- 074)

Ref	Deadline 5 submission	Applicant's response
2.9.113	4.3 Fisheries comments 4.3.1 Action point 12: The MMO thank the Applicant for producing the document Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm (REP4-067). MMO comments on this submission are provided in Sections 3.1-3.3 of this Deadline response.	The Applicant welcomes the MMO's support on the submission of the Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067] .
2.9.114	4.3.2 Action point 13: The MMO welcome the commitment by the applicant to employ DBBC as the minimum single offshore piling noise mitigation technology. Further comments on this and the other updates made to the In Principle Sensitive Features Mitigation Plan are provided in Sections 2.5-2.6 of this Deadline response.	The Applicant welcomes the MMO's support on the commitment to employ DBBC.
2.9.115	4.3.3 Action point 15: The MMO provided a response to Appendix H of the Applicant's Responses to Examining Authority's First Written Questions (ExQ1) - Appendix H - FS: Noise Thresholds for Black Seabream [REP3- 051] in Paragraphs 5.10-5.11.5 and Table 2 of our Deadline 3 response (REP3-076).	The Applicant invites the MMO and its advisors to read an updated Appendix H of the Applicant's Responses to Examining Authority's First Written Questions (ExQ1) - Appendix H - FS: Noise Thresholds for Black Seabream [REP5-109] submitted at Deadline 5,
2.9.116	4.3.4 Action point 16: The MMO acknowledge the Applicant's submission of the document Without Prejudice Measures of Equivalent Environmental Benefit Review Rev A (REP4-078). The MMO defer to the advice of Natural England as the Statutory Nature Conservation Body on matters relating to protected sites for their assessment of the appropriateness of this document.	Noted, the Applicant has no further comments on this matter at this time.
2.9.117	4.4 Underwater noise comments 4.4.1 Action point 8: The MMO thank the Applicant for updating Table 11-13 in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement and for providing clarification on the worst-case number of monopiles and pin piles.	Noted, the Applicant has no further comments on this matter at this time.
2.9.118	4.4.2 The Applicant has confirmed that the worst-case for the marine mammal assessment for monopiles is simultaneous installation at West and East locations with sequential piling, so 2 monopiles in West location and 2 monopiles in East location (resulting in a total of 4 monopiles). The Applicant has confirmed that the worst-case for the marine mammal assessment for multileg foundations with pin piles is simultaneous installation at West and East locations with sequential piling, so 4 pin piles in the West location and 4 pin piles in the East location (resulting in a total of 8 pin piles).	Noted, the Applicant has no further comments on this matter at this time.
5. MMO Comments on Applicant's Comments on the MMO Deadline 3 & 4 Written Submissions		
Applicant's Comments on Deadline 3 Submissions Rev A (REP4-070)		
2.9.119	5.1 Applicant's response to MMO Comments on Applicant's first update to Draft DCO 5.1.1 The MMO will not provide any comments on the Applicant's responses to issues pertaining to Article 5 Benefits of the Order of the DCO in this section. MMO comments on the ongoing discussions around Article 5 have been provided above in Section 1.1 of this Deadline response.	The Applicant has provided a response to the MMOs comments relating to article 5 as part of the Applicant's submission at Deadline 5 Applicant's Comments on Deadline 4 Submissions [REP5-122] at Table 2-12, as also reflected at Section 1.1 of this response
2.9.120	5.1.2 The MMO acknowledge that the Applicant maintains that the wording of condition 9 in the Deemed Marine License is consistent with previous orders. As discussed by Reuben Taylor KC on behalf of the MMO at ISH2 and stated in Paragraph 1.2.50 of our Deadline 4 response (REP4-088) the MMO strongly feel that the proposed changes are necessary to ensure that the power to amend or vary is consistent with the requirements of the EIA regime as explained in the case of R. (Barker) v Bromley LBC [2007] 1 A.C. 470.	The Applicant has provided a response to the MMOs comments relating to condition 9 as part of the Applicant's submission at Deadline 5 Applicant's Comments on Deadline 4 Submissions [REP5-122] at Table 2-12 as also reflected at section 1.1 of this response.
2.9.121	5.1.3 With regards to the Applicant's comments (2.6.13), the MMO re-reiterate that Condition 12 (3) needs to be removed in its entirety. The MMO will never unduly delay but cannot be bound by arbitrary deadlines imposed by the	Please refer to the Applicant's responses to Section 1.2 above.

Ref	Deadline 5 submission	Applicant's response
	<p>Applicant since this would potentially prejudice other licence applications by offering expediency to the Applicant at the expense of other applications. The Applicant has highlighted the MMOs Key Performance Indicator (KPI) of responding to submissions within 13 weeks, however the Applicant has not acknowledged that the MMO KPI is to respond to 90% of submissions within 13 weeks. The MMO is not bound to respond to all applications within 13 weeks, and the 13 week KPI is a cross-governmental timeframe and not stated within the Marine and Coastal Access Act (2009) (MCAA). MCAA does not define a specific timeframe for the determination of marine licences, and the KPI of 90% is important as it gives the MMO flexibility to respond appropriately to complex applications that require additional consultation/stakeholder engagement. For the reasons stated above, the MMO request again that this condition be removed from the DML. The MMO is the competent authority for Marine Licensing and will not be bound by arbitrary deadlines imposed by the Applicant. However, In the absence of a removal of this Condition, the suggested wording can be found in Table 1 of this response</p>	
2.9.121	<p>5.2 Applicant's response to MMO Comments on Applicant's first update to the Statements of Commonality of Statements of Common Ground 5.2.1 The MMO acknowledge the Applicant's reasoning that the significance of ongoing discussions should not impact the categorisation of topics in the Statement of Commonality of Statements of Common Ground (SoCG) as defined by the Applicant's prescribed methodology.</p>	Noted, the Applicant has no further comments on this matter at this time.
2.9.122	<p>5.2.2 The MMO would raise the point however, that our stated disagreements with the Applicant's categorisation of subject areas and our reference to "significance of existing MMO concerns" does not refer to our perceived significance of the issues being discussed, but rather the extent of the ongoing disagreements.</p>	Noted, the Applicant has no further comments on this matter at this time
2.9.123	<p>5.2.3 The MMO acknowledge the submission by the applicant of a revised SoCG at Deadline 4 (REP4-059) and has provided comments on this document above in Section 2.4 of this Deadline response.</p>	Please refer to the Applicant's responses to Section 2.4 above.
2.9.124	<p>5.3 Applicant's response to MMO Comments on Applicant's Submission received at Deadline 1 In Principle Sensitive Features Mitigation Plan, Revision B (REP1 – 012)</p>	
2.9.125	<p>5.4 Benthic comments 5.4.1 The MMO welcome the Applicant's commitment to utilise both side scan sonar and multibeam echosounder methods to identify suitable sites to deploy a drop-down video camera and confirm the presence of sensitive benthic features.</p>	The Applicant welcomes the MMO's support on the commitment to utilise both side scan sonar and multibeam echosounder methods.
2.9.126	<p>5.4.2 The MMO welcome the Applicant's new approach to post-construction monitoring whereby they will consult with the MMO and its specialist advisors regarding details of any required post-construction monitoring following review of the pre-construction monitoring data.</p>	The Applicant welcomes the MMO's support on the approach to post-construction monitoring.
2.9.127	<p>5.5 Fisheries comments 5.5.1 The MMO acknowledge the Applicant's comments and the updates provided to this document at Deadline 4. MMO comments on the Applicant's noise abatement and noise mitigation proposals in regard to black sea bream and herring have been covered in our responses to the updated In Principle Sensitive Features Mitigation Plan Rev D (REP4-054) and Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (REP4- 062) provided in Section 2.6 and 2.14 respectively of this Deadline response.</p>	Please refer to the Applicant's responses in Section 2.6 and 2.14.
2.9.128	<p>5.6 Underwater noise comments 5.6.1 The MMO thank the Applicant for addressing comments raised in our Deadline 3 response and for the updates provided to this document at Deadline 4. Ongoing issues relating to underwater noise monitoring and impacts to sensitive features are addressed in our comments on the updated In Principle Sensitive Features Mitigation Plan Rev</p>	Please refer to the Applicant's responses in Section 2.7 and 2.10 above.

Ref	Deadline 5 submission	Applicant's response
	D (REP4-054) and Offshore In Principle Monitoring Plan Rev C (REP4-056) provided in Section 2.7 and 2.10 respectively of this Deadline response.	
Further information for Action Points 38 and 39 – Underwater Noise (REP1- 020)		
2.9.129	5.8 The MMO acknowledge the updates provided to this document at Deadline 4. MMO comments on the Applicant's noise abatement and noise mitigation proposals in regard to black sea bream and herring have been covered in our responses to the updated Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (REP4-062) provided in Section 2.14 and 2.15 of this Deadline response	Please refer to the Applicant's responses in Section 2.14 and 2.15 above.
MMO Response to Applicant's comments on MMO Relevant Representations (REP1- 017)		
2.9.130	5.8 Benthic comments 5.8.1 The MMO acknowledge the Applicant's comments and the changes to the document Environmental Statement Volume 2 Chapter 9 Benthic, subtidal and intertidal ecology Rev B (REP4-019) provided at Deadline 4. Due to the large volume of documents submitted at Deadline 4 requiring consultation with Cefas, the MMO have not been able to review this document. Any comments we have will be included in our Deadline 6 response.	Noted, the Applicant has no further comments on this matter at this time.
2.9.131	5.9 Fisheries comments 5.9.1 The MMO is content with the commitment that no works will take place within the export cable corridor during the spawning and nesting season for black sea bream (1st March to 31st July, inclusive).	The Applicant welcomes the MMO's support on this commitment.
2.9.132	5.9.2 The MMO acknowledge the updates made to the In Principle Sensitive Features Mitigation Plan Rev D (REP4-054) and Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (REP4-062) provided at Deadline 4. MMO comments on these submissions have been covered in Section 2.6 and 2.14 respectively of this Deadline response.	Please refer to the Applicant's responses in Section 2.6 and 2.14 above.
2.9.133	5.10 Underwater noise comments 5.10.1 The MMO thank the Applicant for acknowledging previous MMO comments and has no further comments to make at this time.	Noted, the Applicant has no further comments on this matter at this time.
<u>Applicant's response to MMO Comments on Applicant's Submission received at Deadline 2 Marine Plan and Policies Statement (REP2-027)</u>		
2.9.134	5.11 The MMO thank the Applicant for acknowledging the comments made in relation to this document and for providing a revised revision submitted at Deadline 4 (REP4- 068). MMO comments on REP4-068 can be found above in Section 2.3 of this Deadline response.	The Applicant welcomes the MMO's support on the revised Marine Plan and Policies Statement [REP4-068] .
Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions Rev A (REP4-079)		
2.9.135	5.12 Fisheries comments 5.12.1 FS 1.4: The MMO acknowledge that there is yet to be an agreement between interested parties and the Applicant over an agreed suitable behavioural threshold for black sea bream. The MMO continues to reject the 141 dB SELss proposed by the Applicant and maintains that 135dB SELss as per Hawkins et al., (2014) should be used as a more appropriate behavioural threshold for Black Sea Bream. However, the MMO reiterates that an agreed threshold/resolution between interested would be the best outcome.	The Applicant invites the MMO and its advisors to read the Applicant's response in references 2.12.62, 2.12.72, 2.12.76 and 2.12.77 Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.

Ref	Deadline 5 submission	Applicant's response
2.9.136	5.12.2 FS 1.9: Detailed MMO comments on the Applicant's background noise studies are addressed in Table 3 of our Deadline 4 response (REP4-088).	The Applicant invites the MMO to read the Applicant's responses to Table 3 in the Applicant's Comments on Deadline 4 Submissions [REP5-122] .
2.9.137	5.12.3 FS 1.10: The MMO have commented several times on the potential impacts of this project on black sea bream. Our most recent comments on this issue can be found in our review of the updated In Principle Sensitive Features Mitigation Plan Rev D (REP4-054) provided in Sections 2.5-2.6 of this Deadline response.	Please refer to the Applicant's responses in Section 2.5 and 2.6 above.
2.9.138	5.12.4 FS 1.20: The MMO have commented on the Applicant's most recent assessments of sandeel habitat suitability and 'heat' maps in our comments on the Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (REP4-062) provided in Section 2.14 and 2.15 of this Deadline response.	Please refer to the Applicant's responses in Section 2.14 and 2.15 above.
2.9.139	5.12.5 FS 1.21 & 1.22: The MMO have commented on the Applicant's most recent assessments of herring habitat suitability and 'heat' maps in our comments on the Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (REP4-062) provided in Section 2.14 and 2.15 of this Deadline response.	Please refer to the Applicant's responses in Section 2.14 and 2.15 above.
2.9.140	5.12.6 FS 1.24 & FS 1.25: The MMO acknowledge the Applicant's provision of updated underwater noise modelling to predict the range of effect for behavioural responses in spawning herring at the spawning ground using the 135 dB SELss threshold. The MMO have commented on this new modelling in our comments on the Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (REP4-062) provided in Section 2.14 and 2.15 of this Deadline response.	Please refer to the Applicant's responses in Section 2.14 and 2.15 above.

6. MMO Response to Examining Authority's (ExA) Second Written Questions (ExQ2)

2.9.141 The MMO have provided answers to the ExA's questions (18th June 2024) in the table below

Table 2 – MMO Response to Examining Authorities Second Written Questions

Reference	Question	MMO Response	Applicant's response
DCO	Draft Development Consent Order (Draft DCO) and Draft Deemed Marine Licence (Draft DML)		
DCO 2.1	The Applicant / Marine Management Organisation	The MMO maintain its in principle objection to the power to transfer the DMLs and consider that the existing statutory process should be retained for the reasons set out in [REP4 088]. Without prejudice to that position, the MMO set out below its position in relation to the drafting changes to Article 5 suggested by the Examining Authority.	Please see the applicant's response at Deadline 5 to the MMO's written response as part of the Applicant's Comments on Deadline 4 Submissions [REP5-122] at Table 2-12. Please also see the Applicant's Responses to Examining Authority's Second Written Questions [REP5-119] .
Article 5, Schedules 11 and 12, paragraph 7	The ExA has, alongside these Further Written Questions, published its suggested changes to the draft Development Consent Order [REP4-006]. For Article 5, the ExA has suggested alterations to Articles 5(2), 5(3), 5(6) and 5(8) which we	The Examining Authority's proposed changes in relation to the inclusion of express words to exclude the DMLs are supported. This reflects the DCO granted in respect of the Sheringham Order. This amendment addresses the concern regarding overlap between the powers in draft Articles 5(2) and 5(3).	

Ref	Deadline 5 submission	Applicant's response
-----	-----------------------	----------------------

consider has addressed the concerns of the Marine Management Organisation (MMO) in its submissions at Deadline 4 [REP4-088]. Review and confirm.

The Examining Authority's proposed changes within Article 5 to remove reference to the word "*grant*" and to replace this with "*transfer*" is supported. This would address the MMO's concerns regarding the uncertainty as to the extent of the powers in the DCO that would be created by the use of the word "*grant*".

The Examining Authority's proposed changes to Article 5(3)(a) and (b) to include reference to the "*deemed marine licences granted under Schedules 11 and 12 of this Order*" is supported as this clarifies that the Undertaker could only transfer that which is granted by the DCO.

The Examining Authority's proposed amendments to Article 5(6) which would result in the Secretary of State being required to have regard to any representations before agreeing to the transfer of a DML are supported. However, this serves to reinforce that the draft DCO creates a more cumbersome and likely longer administrative process than the existing statutory process for transfers of a DML. Accordingly, the MMO refers the Examining Authority again to its in-principle objection to Article 5 in [REP-088].

The Examining Authority's proposed amendments to Article 5(8) are not understood. Article 5(8) sets out categories of exceptions whereby the consent of the Secretary of State to the transfer of a DML would not be required. In essence, the DML can be transferred by the Undertaker if an exception applies.

The Examining Authority has recognised in its Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4 (D4) [REP4-004], at Entry 6 that this may allow for a transfer to a party which may not be a responsible holder of a deemed marine licence.

The wording of the amendment proposed via the insertion of Article 5(8) (d) is insufficient to achieve the Examining Authority's objective since it is not clear that the exceptions in 5(8)(a), (b) and (c) can only be relied upon where the MMO has been consulted and raised no objection. As draft, paragraph (d) reads as if it is another exception rather than operating as a proviso on paragraphs (a), (b) and (c).

If Paragraph 5(8) is to remain then the MMO respectfully suggests that the Examining Authority's objective is better achieved with the following wording (in bold and underlined):

Ref Deadline 5 submission

Applicant's response

*“(8) The consent of the Secretary of State is required for the exercise of powers under subparagraphs (2) or (3) except where **the MMO has been consulted and has raised no objection and —***

(a) the transferee or lessee is the holder of a licence under section 6 of the 1989 Act (licences authorising supply etc.); or

(b) the transferee or lessee is a holding company or subsidiary of the undertaker; or

(c) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—

(i) no such claims have been made,

(ii) any such claim has been made and has been compromised or withdrawn,

(iii) compensation has been paid in final settlement of any such claim,

(iv) payment of compensation into court has taken place in lieu of settlement of any such claim, or

(v) it has been determined by a tribunal or court of competent

jurisdiction in respect of any such claim that no compensation is

payable.”

Without prejudice to its more general objection to Article 5, this amendment would be supported by the MMO.

There are a number of matters of detailed drafting which have not been addressed by the Applicant or in the Examining Authority's suggested changes which are set out in REP4-088. The MMO maintains these points which include:

(a) The existing statutory transfer procedure is to be preferred and should be retained.

(b) Article 5(3)(b) even if changed as suggested by the Examining Authority, still provides for the transfer of a DML for a period of time, but does not provide for any administrative mechanisms to ensure that there is a transfer back to the Undertaker at the end of the relevant period. Such a power was not granted in the Sheringham Order. The MMO has provided wording in REP-088 which should be used in the event that a power to transfer for a limited period is considered justified.

(c) There is no power for the MMO to amend the DML it holds in its records in the event of a transfer. The MMO has provided wording in REP-088 which should be used in

Ref	Deadline 5 submission	Applicant's response
DCO 2.4	<p>All Relevant Planning Authorities / Natural England / Marine Management Organisation</p> <p>Aside from the matters discussed above, the changes set out in the ExA's Schedule of Changes to the Draft DCO and matters concerning Articles 11(7), 12(3), 15(5), 17(9) and 19(7) in respect to the 28-day provision and deemed consent, provide, if necessary, a summary of any remaining concerns with the draft DCO and draft DML and any suggested drafting changes. [N.B – although primarily addressed to the Applicant, all relevant parties may respond to the ExA's Scheduled of Changes to the draft DCO should they feel it necessary to do so.]</p>	<p>the event that a power to transfer for a limited period of time is considered justified.</p> <p>The MMO have reviewed these schedules and can confirm that these provisions are not relevant for the MMO. As such, the MMO have no further comments to make at this time.</p>
<p>Remaining Comments</p>		<p>Noted, the Applicant has no further comments on this matter at this time.</p>
FS	Fish and Shellfish	
FS 2.4	<p>Marine Management Organisation / Sussex Inshore Fisheries and Conservation Authority (IFCA)</p> <p>The Applicant noted that with the implementation of DBBC, which is now committed to within the Commitment Register [REP4-057, C-265] means</p>	<p>At Deadline 4 the Applicant presented updated UWN modelling in relation to the range of effect for temporary threshold shift (TTS) in adult herring from piling noise mitigated with a 15 dB noise abatement reduction achieved using a DBBC. Figures 4.1 and 4.2 presented in REP4-062 (<i>Applicant's Post Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B</i>) showed that the overlap of the range of effect of TTS from mitigated simultaneous piling of multileg and monopile foundations, based on a 15 dB noise abatement reduction, seems to have been greatly reduced compared to the range of effect of TTS for unmitigated piling. These mitigated contours are encouraging as the range of effect for TTS, based</p>
<p>Noise Effects on Herring</p>		<p>The Applicant welcomes the MMOs acknowledgement of the reduced impact ranges for TTS and behavioural impacts, from the implementation of DBBC, relative to areas of spawning herring.</p> <p>The Applicant confirms that following work undertaken looking into the efficacy of Noise Abatement Systems (NAS), as detailed in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067], the Applicant is confident that taking into account the site characteristics and noise abatement levels, and considering the outputs of live monitoring of numerous projects whereby NAS have been applied successfully, up to 15 dB noise</p>

Ref	Deadline 5 submission	Applicant's response
	<p>that when using the 135dB behavioural noise threshold throughout the piling campaign this would successfully mitigate against impacts to spawning herring, with underwater noise impact ranges reduced such that there is no overlap with areas of key importance to spawning herring [REP4-053, Paragraph 5.3.3].</p> <p>This was also presented in Figures 3.5 to 3.8 in Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise (updated at Deadline 4) [REP4-061].</p> <p>Consider whether the noise reduction of 15db from the use of a DBBC is reasonable, and if so, respond on whether there would be no adverse effects to herring if this form of mitigation was used as now proposed.</p>	<p>on a 15 dB noise abatement reduction, now appears to remain within the DCO boundary where herring larval densities are lower (0.1 – 2,500 per m²).</p> <p>The Applicant also presented updated modelling of the range of behavioural effects in adult herring engaged in spawning. Modelling for behavioural effects (based on the unweighted SELss 135dB as per Hawkins et al. (2014)) from sequential mono- and multileg piling mitigated with a 15 dB noise abatement reduction, presented in Figures 4.5 and 4.6, shows a reduced range of impact with the mitigated noise contours overlapping with areas of slightly lower larval densities (23,000 – 48,000 per m²) than the unmitigated noise contours. Taking the area where high larval densities occur (>35,000-48,000) to represent suitable herring spawning habitat where herring are engaged in spawning activity (in lieu of an adequate potential spawning habitat heatmap and recognising the limitations of the Coull et al., (1998) spawning ground shapefile; (as detailed in Section 2.14 of this Deadline response) the reduced range of impact may be acceptable.</p> <p>It should be noted that this does not mean that the risk of behavioural effects in adult spawning herring has been completely removed with the implementation of a 15 dB noise abatement reduction based on a DBBC, as the mitigated behavioural effect contours still overlap with areas of medium larval densities (23,000 – 48,000 per m²). However, the mitigated behavioural effect contours represent that the risk of behavioural response in adult spawning herring can potentially be reduced to an acceptable level. Overlap of the mitigated behavioural effect contours in Figures 4.5 and 4.6 with areas of high larval abundance (>48,000 per m²) appears sufficiently reduced with a 15 dB noise abatement reduction that the areas of highest potential spawning habitat are now outside of the range of impact, meaning that, in theory, it will be possible for adult herring to migrate to and aggregate over most of their spawning grounds without experiencing significant disturbance from piling noise. The modelling presented in Figures 4.1, 4.2, 4.5 and 4.6 reduces MMO concerns as to the level of disturbance that adult herring, and herring eggs and larvae will be subject to, although it should be noted that these concerns are only reduced on the basis that the Applicant can achieve a 15 dB noise abatement reduction in line with what has been modelled in Figures 4.1, 4.2, 4.5 and 4.6. Providing the Applicant can achieve and commit to a reduction of 15 dB using a DBBC and based on the modelling of TTS and behavioural effect ranges presented in Figures 4.1, 4.2, 4.5 and 4.6, it may be possible for our recommendation of a piling restriction during the herring spawning season to be amended so</p> <p>reduction can be achieved (within depths of ≤ 40 m. As stated in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067], it was identified that in water depths of over 40 m, the achievable noise reduction could be slightly reduced by up to 2 dB. However, the use of state-of-the-art enhanced Big Bubble Curtain (eBBC) and Big Bubble Curtain (BBC) could bring up to 2 dB more noise reduction, which is expected to compensate the negative effect of water depths up to 50 m.</p> <p>The mitigated impact ranges, afforded by the implementation of DBBC throughout the piling campaign (achieving a noise reduction of 15 dB), have been presented relative to areas of potential spawning activity in Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6).</p> <p>The Applicant acknowledges that revised mitigation measures and consequently underwater noise contours have been presented in the Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6). The Applicant reassures the MMO, that the revised mitigation scenarios and noise contours supersede those submitted at Deadline 1. The Applicant reiterates, that these mitigated contours reflect the updated commitment proposed by the Applicant to use DBBC throughout the piling campaign, to further reduce the impact ranges of underwater to sensitive features such as spawning herring. The Applicant highlights that this is a substantial additional commitment to mitigation. The Applicant also highlights, that the revised contours reflect the outputs of the additional work undertaken looking into the efficacy of the proposed NAS (as detailed in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [RE4-067]).</p> <p>The Applicant is considering a foundation installation schedule, whereby the Applicant will start the piling activities during the piling season in the East area and commence the piling activities in the West area later in the season, in order to avoid piling activities in the period November-January in the East area</p> <p>As said, the Applicant strives to avoid piling in the East site during Herring Spawning season (November-January). The majority of the foundations in water depths greater than 40m are located in the East site. During the Herring Spawning season, the Applicant will continue the piling activities in the West site. The majority of the foundation in the West site are well below 40m water depth. Pending the layout, there could be 1-2 foundations just beyond the 40m water depth.</p>

Ref Deadline 5 submission

Applicant's response

that some piling may be carried out during the herring spawning season.

However, the MMO are cautious to accept these mitigated contours as final as the Applicant has presented a number of modelling scenarios which have included contours with differing levels of noise abatement reductions applied (ranging from -6 dB to -25 dB). It should also be noted that there is uncertainty as to whether a 15 dB noise reduction can be achieved in water depths greater than 40m (As detailed Section 2.14 and 3.3 of this Deadline response)

The Applicant's Deadline 4 submission REP4-067 (*ITAP - Information to support efficacy of noise mitigation abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm Rev A*) stated that the achievable overall noise reduction of any noise abatement system might be slightly decreased by 1-2 dB in water depths > 40m. This represents a source of uncertainty as to whether a 15 dB noise reduction is achievable across the Rampion 2 site. It has been requested in our review of this document at Deadline 5, that the Applicant should clarify what proportion of the site (including the number of turbines) occurs in areas where water depth is greater than 40m. The report stated a decrease in the noise reduction achievable by a DBBC in waters deeper than 40m could be up to 2 dB, however we have not seen UWN modelling to indicate how much of the herring spawning ground would be overlapped by mitigated UWN contours for TTS and behavioural effects which have a noise reduction of the 13 dB rather than the 15 dB reduction presented thus far.

The Applicant should clarify that a minimum reduction of 15 dB, using a DBBC or other technology, is achievable across the site in order to demonstrate that UWN at a level likely to cause TTS and behavioural effects in adult spawning herring will not significantly overlap the herring spawning ground (i.e., that the noise abatement reduction modelled in Figures 4.1, 4.2, 4.5 and 4.6 (REP4-062) is realistic and achievable in areas of the array where water depths exceed 40m). In line with fisheries comments provided in this Deadline response, depending on how many piles the Applicant intends to install in waters deeper than 40m, it may be possible to amend our recommendation from a full seasonal piling restriction, to a recommendation that no piling, with or without mitigation, should be carried out in waters deeper than 40m during the herring spawning season due to uncertainty in the achievability of a 15 dB noise abatement reduction in water depths greater than 40m. However, any amendment of our

Ref	Deadline 5 submission	Applicant's response	
AAFS 2.6	<p>Marine Management Organisation</p> <p>The Applicant “<i>confirmed that eggs and larvae are subject to drifting due to the strong hydrodynamic conditions in the English Channel, and that it was confident that spawning activities are occurring in the spawning ground as defined by Coull et al (1998), as opposed to areas where high densities of eggs and larvae are present (as identified by IHLS data), as eggs and larvae will be drifting away from the defined spawning ground.</i>” [REP4-072, Ref 3b]</p> <p>Comment on whether MMO agrees that this suggests that the main spawning ground is as defined by Coull et al (1998) and not closer to the array areas.</p>	<p>recommendation is dependent upon the Applicant providing the clarifications requested.</p> <p>The MMO do not agree that the Coull et al., (1998) spawning ground represents the best data by which current, active herring spawning grounds should be defined. The Coull et al., (1998) spawning ground shapefiles provide a broad indication of where herring spawning grounds have occurred historically, but should not be relied on as the sole indicator of the presence of herring spawning grounds. Coull et al. (1998) acknowledges that ‘<i>spawning distributions are under continual revision. It therefore follows that these maps should not be seen as rigid, unchanging descriptions of presence or absence</i>’ and Ellis et al. (2012) highlighted that further ichthyoplankton surveys have been carried out since the Coull et al. (1998) maps were produced, and states that ‘<i>using the maps in isolation may result in misrepresentations of the data</i>’. This is because spawning areas are not rigidly fixed, and fish will not adhere to spawning within the explicit boundaries defined in the shapefile. Further, the data used to inform the Coull et al., (1998) shapefiles has not been updated since their production in 1998, meaning that environmental changes in the distribution of spawning sediments and interannual variability in spawning activity is not reflected. The shapefile is also unable to quantify the nuance of how spawning activity varies spatially, for example, over prime spawning ground where sediments are suitable, spawning intensity will be higher, whereas spawning intensity may be lower around the fringes of the spawning ground.</p> <p>A more robust means of identifying areas of seabed with high potential to support herring spawning would be to produce a ‘heat’ map following the methodologies described by Reach et al., (2013) and MarineSpace (2013), (noting that an updated methodology has also been published, as per Kyle-Henney et al., (2023)). This approach uses a suite of current and relevant data, including International Herring Larval Survey (IHLS) data, broadscale seabed sediment data, particle size analysis (PSA) data as well as fishing fleet data and other data sources, which are methodically layered and scored to generate a single ‘heatmap’ output. Simply put, areas of higher ‘heat’ are representative of areas with higher potential herring spawning habitat, or potential sandeel habitat, respectively. The Applicant provided a ‘heatmap’ of potential herring spawning habitat at Deadline 2 which was not consistent with the methodologies of Reach et al., (2013) and MarineSpace (2013). An amended ‘heatmap’ was then provided at Deadline 3 however, there remain a number of issues with the Applicant’s updated potential herring</p>	<p>The Applicant has updated the herring heatmaps, in accordance with the suggestions made by the MMO, in Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6). The Applicant confirms that these updates include the incorporation of VMS data from 2007 to 2020, and the application of a confidence score of 5 to the IHLS data where the presence of herring larvae are recorded. The update of the heatmaps in accordance with feedback from the MMO and its advisors, shows the area of greatest heat, or confidence that suitable spawning substrates are present for herring, lies within the spawning ground, as defined by Coull <i>et al.</i>, (1998), which lies 47 km from the Rampion 2 array area, and out with any impacts from the Proposed Development.</p> <p>The Applicant also directs the MMO to the Applicant’s responses to references 2.9.107 to 2.9.112 above.</p> <p>Furthermore, the Applicant has committed to the use of Double Big Bubble Curtains (DBBC) throughout the piling campaign. The implementation of this mitigation will further reduce the impact ranges of underwater noise (including behavioural effect ranges) to outside any areas of high density herring eggs and larvae (as defined by the IHLS data), and the spawning ground (as defined by Coull et al., 1998).</p> <p>Commitment C-265 has been updated accordingly to reflect this proposed mitigation. The updated commitment is as follows: C-265: “<i>Double big bubble curtains will be deployed as the minimum single offshore piling noise mitigation technology to deliver underwater noise attenuation for all foundation installations throughout the construction of the Proposed Development where percussive hammers are used in order to reduce predicted impacts to:</i></p> <ul style="list-style-type: none"> • <i>sensitive receptors at relevant Marine Conservation Zone (MCZ) sites and reduce the risk of significant residual effects on the designated features of these sites;</i> • <i>spawning herring; and</i> • <i>marine mammals.</i>” <p>The mitigated impact ranges, afforded by the implementation of DBBC throughout the piling campaign, have been presented relative to areas of potential spawning activity in Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9 – Further</p>

Ref Deadline 5 submission

Applicant's response

spawning habitat 'heatmap' and clarification is needed on the data which has been incorporated.

In lieu of an appropriately formulated 'heatmap', the most appropriate data from which the location of the active herring spawning grounds should be derived are IHLS data (amalgamated over an appropriately long 10-year timeseries), alongside broadscale sediment data and site-specific PSA data. These data represent direct measures of herring larval presence and abundance, as well as the presence of suitable spawning sediments, respectively. This has been outlined in our response to the updated Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (REP4-062) provided in Section 2.14 of this Deadline response.

With respect to herring larval drift, the MMO also disagree with the statement that *“spawning activities are occurring in the spawning ground as defined by Coull et al (1998), as opposed to areas where high densities of eggs and larvae are present (as identified by IHLS data), as eggs and larvae will be drifting away from the defined spawning ground”*. This statement is not entirely accurate. According to Heath & Rankine (1988) herring larvae can larvae drift up to 9km a day, and post-larval Isaacs-Kidd Midwater Trawl (MIK) net survey data carried out during International Bottom Trawl Surveys (IBTS) show that larvae generally move in an easterly direction¹. Virtually all stocks in western Europe drift in an easterly direction (Dickey-Collas, 2005), and the transport and drift of larvae in the southern North Sea (of which the Downs spawning grounds in the eastern Channel is a part) is eastwards towards the juvenile nursery grounds from the Wadden Sea to the Skagerrak and Kattegat (Wallace, 1924; Burd, 1978). This then raises the point that, if larvae are generally drifting eastwards, they cannot be originating from the area of seabed indicated by the Coull et al., (1998) spawning ground, as this is located to the east of where the highest larval abundances are recorded (Figure 3.3 - REP4-062).

Figure 3.3, shows that there are several dense clusters of PSA data points indicating preferred and marginal herring spawning sediments located to the north and northwest of the Rampion 2 array, but importantly there is a very large cluster of PSA data points showing preferred and marginal herring spawning sediments (indicating suitable spawning beds) located between the Rampion 2 array boundary and the areas of high larval density as indicated by IHLS data. If the larvae presented in Figure 3.3 had originated from the area of seabed indicated by

Information for Action Points 38 and 39 – Underwater Noise [REP4-061] (updated at Deadline 6).

Ref	Deadline 5 submission	Applicant's response
FS 2.8	<p>Natural England / Marine Management Organisation</p> <p>The Applicant has provided an explanation as to their chosen noise modelling locations for their Eastern point and North West point [REP4-074, PINS Ref: 9]. Respond, if required, on the choice of the modelling locations given the Applicant's explanations.</p>	<p>the Coull et al., (1998) spawning ground and drifted eastwards, then we would expect to see areas of medium and high larval abundance located closer to the Dover straight, however that is not the case. Therefore, as larvae are drifting eastwards, it follows that the larval abundances shown in Figure 3.3 originated from the spawning beds where sediments have sufficient composition to support spawning, as indicated by the PSA data. It should also be noted that the IHLS data presented in Figure 3.3 presents the abundance of larvae less than 11mm in length, which are still likely to have some affinity with their spawning beds.</p> <p>As outlined above, sediment class data which have been ground-truthed using PSA data, taken alongside aggregated herring larval data remains a more reliable representation of the presence of herring spawning grounds than the Coull et al., (1998) spawning ground taken alone.</p> <p>The MMO and our scientific advisors do not have concerns regarding the modelling locations presented by the Applicant. As per the underwater noise assessment conducted for Rampion 2, presented in APP-149 (Appendix 11.3 Underwater noise assessment technical report). In this report modelling was undertaken at four representative locations (West, North East, East and South) covering various water depths at the site, as shown on Figure 3.2. It has been confirmed that the Applicant's worst-case scenario for piling is simultaneous installation at the West and East locations. Maximum separation between the piles will likely lead to the greatest risk of disturbance.</p> <p>However, with regard to modelling the range of UWN impacts in relation to sensitive receptors, including black sea bream at the Kingmere MCZ, the modelling locations will unavoidably influence the degree of overlap of UWN contours with the protected site. Figure 5.16 (REP4-054) shows that even with a 15 dB reduction from the DBBC there would still be an overlap of noise disturbance with Kingmere MCZ when piling at the western modelled location, and a slight overlap of noise disturbance with Kingmere MCZ when piling at the eastern modelled location. A similar result is shown in Figure 5.17 (REP4-054) for multileg foundation piling, with an overlap of noise disturbance with the Kingmere MCZ when piling at the western modelled location. For multileg foundation piling at the eastern modelled location there is no direct overlap of noise disturbance with Kingmere MCZ, however, the mapped noise contour suggests that noise disturbance effects would still be received of the array, then I would expect this small unaffected area would not be present if modelling on that scenario was presented.</p>
<p>Noise Modelling Locations</p>		<p>The Applicant welcomes the MMO's support on the modelling locations presented in Appendix 11.3: Underwater noise assessment technical report, Volume 4 [REP5-046].</p> <p>The Applicant also directs the MMO to their responses to references 2.9.24, 2.6.25 and 2.6.27 above.</p> <p>The Applicant recognises that there is a degree of overlap of the noise contours with the Kingmere MCZ, where the implementation of DBBC is the sole mitigation measure. The Applicant confirms that Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan [REP5-082], demonstrate the mitigated underwater noise contours from the implementation of DBBC only. In recognising the degree of overlap of the noise contours with the Kingmere MCZ and hence the potential for disturbance of nesting seabream, where the implementation of DBBC is the sole mitigation measure, additional measures are proposed during the black bream nesting season from March through to July (as detailed in paragraph 5.3.48 et seq. of the In Principle Sensitive Features Mitigation Plan [REP5-082]). These measures include the use of combined noise abatement systems (DBBC and another noise abatement measure) which as evidenced in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067] could lead to an overall noise reduction of 20 dB, as well as piling sequencing and the definition of piling exclusion zones. There will therefore be no instance during the black bream breeding period, where DBBC will be the sole mitigation measure for breeding black bream as a feature of the Kingmere MCZ.</p>

Ref	Deadline 5 submission	Applicant's response
FS 2.9	<p>The Applicant / Natural England / Marine Management Organisation</p>	<p>In addition, the Applicant also confirms, that as detailed in the In Principle Sensitive Features Mitigation Plan [REP5-082], in recognition of the potential for nesting black seabream in the export cable corridor, the Applicant has also committed to a seasonal restriction to ensure Offshore Export Cable Corridor activities (including: construction and installation, preparatory works during cable installation, UXO clearance, preventive or scheduled maintenance, inspections and decommissioning) are undertaken outside the black seabream breeding period (1st March- 31st July inclusive) to avoid any effects from installation works on black seabream nesting within or outside of the Kingmere MCZ.</p>
<p>Noise Abatement Systems</p>	<p>In the submitted document "Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm" [REP4-067, Page 7] states that in water depths of over 40m it is known that achievable noise reduction decreases slightly with increasing water depth, for big bubble curtains.</p> <p>Explain whether this undermines the 15db reduction used in the</p>	<p>Figures 5.16 and 5.17 also demonstrate how much of the surrounding area will also be affected by UWN caused by piling activities during the sensitive black sea bream breeding season. As has been highlighted throughout our previous advice, UWN from piling activities has the potential to not only disturb black sea bream whilst nesting, but also disrupt the migration of black sea bream potentially preventing them from reaching their spawning and nesting sites, as well as potentially causing physical/physiological responses in fish close to the sound source (such as temporary threshold shift (TTS) or injury) which may in turn affect their reproductive success. It should also be noted that there are black sea bream nesting sites present within the Rampion 2 export cable corridor (as recognised by the Applicant in the ES), and in the surrounding area outside of the Kingmere MCZ, which would be as affected by piling noise as black sea bream located within the MCZ. Regardless of the threshold that the modelling is based on and the location at which the modelling originates, we maintain the Applicant's zoning plan offers inadequate protection to black seabream nesting in the areas outside of the Kingmere MCZ or those nesting within the projects export cable corridor during the spawning and nesting season.</p> <p>The ITAP report REP4-067 (<i>ITAP - Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm</i>) highlights that in the case of applying one noise abatement system (which is site and project specifically optimised, such as an optimised double Big Bubble Curtain (BBC), an overall noise reduction of 15 dB is achievable and likely until 40 m water depth. A combination of near field and far field noise abatement systems (such as a Royal IHC Noise Mitigation System (NMS)) and Double BBC) can reduce the overall noise by 20 dB (possibly 22 dB) in depths of up to 40m.</p> <p>It is our understanding that as water depth increases, bubble curtains can become less effective due to dispersion of the bubbles. It is acknowledged that water depths vary at the Rampion 2 site (with depths > 50 m in parts), and so there are a number of uncertainties that remain. The report makes clear that no empirical evaluation of the achievable overall noise reduction by any BBC system in water depths of > 40 m is currently available.</p> <p>The report notes that based on past experience, the effectiveness of any BBC system will decrease by 1 dB (unlikely 2 dB) in 50m</p>
		<p>The Applicant directs the MMO to their response to reference FS 2.9 of Applicant's Responses to Examining Authority's Second Written Questions [REP5-119].</p> <p>The Applicant confirms, that, as set out in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067], whilst in water depths of over 40 m up to 50 m the achievable noise reduction may be expected to be slightly reduced (by circa 1-2 dB), this is anticipated to be effectively offset by the use of improved bubble curtain technology (the enhanced big bubble curtain (eBBC)) though an increase in noise reduction of circa 2dB.</p> <p>The Applicant has provided an updated Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6, including details of the reporting timescales in Table 4-4. The proposed monitoring includes the commitment for monitoring to be undertaken for four piling locations for each foundation type used (i.e. monopiles and multi-leg foundations) in both the black seabream spawning period in the event that piling is permitted during this period (or part thereof), and in the period encompassing the rest of the calendar year (1st August to 28th (or 29th) February). These locations will be selected from the first 12 foundations to be installed in each period in order to provide for sites</p>

Ref	Deadline 5 submission	Applicant's response
	modelling for Double Big Bubble Curtains?	<p>water depth compared to 40m. The application of an enhanced BBC as an inner ring in combination with a normal BBC as an outer ring would be expected to compensate or minimise the effect of the increased water depth. This statement is unclear, as it appears to describe a double BBC, which is what the 15 dB noise reduction estimate is based on. It would be helpful if further clarity could please be provided.</p> <p>In the absence of more specific evidence on efficacy at 50 m depth, and given the available evidence for other depths, the MMO are generally content with the estimate of 15 dB reduction for double BBC at 50 m depth, acknowledging that there is some uncertainty around this. To compensate for this uncertainty in noise reduction at 50m, we propose that an enhanced monitoring programme be put in place that an enhanced monitoring programme be put in place. This monitoring programme should include obtaining measurements of the first eight piles (or eight of the first 12 piles), of each foundation type, to be installed. This is more than is typically required (the standard requirement is the first four piles of each foundation type) but given the uncertainties and the need for monitoring data at these depths, we think this would be justified. The monitoring data / reports would <u>need to be submitted to the MMO in a timely manner</u>, to ensure that the measured noise levels are not exceeding the modelled predictions. The data gathered would provide valuable evidence on how effective NAS (such as a double BBC) are in deeper waters, particularly for depths greater than 40-45 m, providing a more extensive corroboration of the developer's noise reduction predictions and reducing uncertainty in future consents.</p>
BP	Benthic, Coastal and Offshore Processes	<p>The Applicant notes the MMO's concern over the potential impact to the marine environment from degradation of scour protection systems. The integrity of scour protection over the operational lifetime of the project is an important consideration in the selection of such systems, The Applicant notes that the manufacturer the MMO is referring to states that their product has been applied in several UK projects and has been tested for UV degradation durability and rated for 30 years.</p> <p>The Applicant is not familiar with the details of the research by Sand et al., 2020. The Applicant is aware that Ridgeway who are the European distributor for Sumitomo rPET rockbags have also been conducting research into degradation of the rock bags. This research undertaken by Kyoto University and Queen's University in Belfast</p>
BP 2.1	<p>Natural England / Marine Management Organisation</p> <p>In relation to suggestions about the use of rock bags for cable protection, the Applicant stated [REP4-072, Ref 3c] that this could create issues with plastics, especially if they were left in situ for circa 30 years.</p>	<p>Yes, the issue of plastic release from rock bag cable protection is a shared concern as their use over the lifetime of the project may negatively affect benthic invertebrates (Porter et al., 2023).</p> <p>Polyethylene terephthalate (PET) is used in rock bags deployed as scour and cable protection (e.g., Kyowa Co. Ltd Rockbags® have been deployed at the Teeside Offshore Windfarm) and has been shown to degrade in the marine environment into microplastic fragments (Sand et al., 2020). Recent research has shown that microplastics (antifouling paint particles) fundamentally alter sediment microbial communities (Tagg et al., 2024). The impact of microplastics on benthic invertebrates varies depending on their life history and may not directly relate to microplastic burden as species traits and feeding ecology may</p>

Ref	Deadline 5 submission	Applicant's response	
	<p>Explain whether this is a concern that is shared due to the possible release of plastics if rock bags are to be used for any necessary cable protection.</p>	<p>favour the avoidance or tendency of microplastic ingestion (Porter et al., 2023).</p> <p>Endeavours to understand the abundance of microplastics in surficial sediments around the UK is in its infancy (Kukkola et al., 2022) and there remain large areas of seabed with little information.</p> <p>A potential benefit of using rock bags for cable and scour protection may be realised at the decommissioning phase of the Project as it is considered easier to fully remove rock bags from the marine environment and decommissioning rock bags may cause less impact to surrounding sediments than the removal of other scour and cable protection (e.g., free rock). Should rock bags be used at Rampion 2 Offshore Windfarm, the MMO recommend that an assessment of sediment bound microplastics is conducted pre-installation so that the abundance of microplastics can be assessed over the lifetime of the Project.</p> <p>However, the MMO would typically advocate for the use of 'native' rock (i.e., substrate like local, naturally occurring sediment) as a protection measure, when possible, as this would not necessarily require removal at the decommissioning stage. Native rock would likely become indistinguishable from the surrounding habitats over the lifetime of the Project and its colonisation by a more natural benthic assemblage would ensure comparative ecosystem function.</p>	<p>concludes that that rPET nets (as used in rockbags) showed minimal degradation and produced no visible microplastics during abrasion and aging tests. However further research is ongoing into the biological interaction of rPET, as it is thought that marine species such as bacteria, fungi, or grazing invertebrates may also be capable of stimulating microplastic production. The next phase of research regarding marine species is currently undertaken at Queen's University, Belfast, with results anticipated later this year. In addition, the Applicant is actively investigating the use of Basalt fiber rock bags and plan to install these for a first time this year at Amrumbank and will monitor the installation effectiveness and performance of this very new product. This could be an alternative to rPET bags going forward that we will be investigating further. This may mitigate the need for an assessment of sediment bound microplastics is conducted pre-installation wrt rock bag usage.</p> <p>The Applicant would not ordinarily undertake sediment bound microplastic surveys prior to installation, as the seabed characterisation campaign focuses on the geotechnical properties of the array and export cable area and this would potentially not align with the requirements of a representative survey of sediment bound microplastics. The Applicant also notes that there may not be CEFAS accredited laboratories to analyse for microplastics.</p> <p>The Applicant will consider the use of "native" rock, provided that the material properties are considered suitable for this application, and there being resources of this type available locally. The Applicant notes that local geology is dominated by Cretaceous sedimentary rocks, which may not be suitable for this application due to their low resistance to weathering. At this stage an assessment of the availability of native rock at location has not been conducted. Also at this stage a detailed evaluation naturally occurring sediment suitability to be used has not been conducted.</p>
<p>7. MMO Comments on the ExA's suggested changes to DCO Rev D (REP 4-006)</p>			
2.9.142	<p>7.1 The MMO have provided comments on the ExA's draft DCO Schedule of Changes, and these can be found in Table 2.</p>	<p>Please see the Applicant's responses to Table 2 above</p>	
<p>8. Remaining DCO/DML comments not agreed with applicant</p>			
2.9.143	<p>8.1 Summary of Position</p> <p>The MMO and the applicant are not in agreement with the following topics:</p> <ul style="list-style-type: none"> • Article 5 • Part 1, Section (7) of Schedules 11 and 12 relating to Article 5 and the Benefits of the order. • The wording of several conditions within Schedules 11 and 12. • Clarification on the need for the inclusion of Condition 10(1) of Schedules 11 and 12. • The removal of Condition 12(3) of Schedules 11 and 12. 	<p>Please see the Applicant's responses to Section 1 of the MMO's response set out above</p>	

Ref	Deadline 5 submission	Applicant's response
	The MMO have provided a detailed summary of our outstanding concerns relating to the DCO in Section 1 of this response.	

Table 2-10 Applicant's comments on Maritime and Coastguard Agency's Deadline 5 submission [REP5-145]

Ref	Reference	Deadline 4 submission		Applicant's comments	
		MCA's requested amendment (16/01/24)	Applicant's position 26/06/2024	MCA Comments 05/07/2024	
2.10.1	Schedules 11 & 12 Condition 9 (8)	All dropped objects must be reported to the MMO, UKHO and HMCG using the Dropped Object Procedure Form as soon as reasonably practicable and no later than 6 hours of the undertaker becoming aware of an incident. Immediate notification should be made to HM Coastguard via telephone where there is a perceived danger or hazard to navigation. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.	<p>All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable following the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions which are hazardous to other marine users to be removed from the seabed at the undertaker's expense if reasonable to do so.</p> <p>The Applicant has amended the Condition to remove the previous reference to notice having to be given within five days; notice must therefore be given as soon as reasonably practicable following the undertaker becoming aware of an incident in all instances; this is consistent with the condition imposed on the grant of the Hornsea Four Offshore Wind Farm Order, 2023. There is inconsistency in terms of the drafting and timings suggested by MCA and MMO but, the Applicant's drafting amendment means that this is irrelevant as the Condition secures that dropped objects will be reported 'as soon as reasonably practicable'.</p>	MCA and UKHO need to know immediately if the dropped object is a navigation hazard for warnings to be issued to mariners via HMCG. Therefore we still support notification within 6 hours. We have proposed to the MMO that this becomes standard wording for the dropped objects procedure and while we are still waiting for their position this wording is consistent with other ML authorities in the UK.	The Applicant notes that there is a difference of position between the Marine Management Organisation (MMO) and the Maritime and Coastguard Agency (MCA). The Applicant has amended the wording of this condition in the Draft Development Consent Order [REP5-005] to reflect the wording requested by the MMO (see its comment in relation to condition 9(8) [REP5-146] . The Applicant notes that the condition requires notification as soon as practicable and therefore a report is likely to be made sooner than the 24 hours specified as the longest period by which the notification must be made.
2.10.2	Schedules 11 & 12 Condition 16 (2)	A swath bathymetric survey to IHO Order 1a of the area within the Offshore Order Limits extending to an appropriate buffer around the site, must be undertaken. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications. This must be	(2) Subject to receipt from the undertaker of specific proposals pursuant to this condition, the pre-construction survey proposals must have due regard to the need to undertake- (a) a full sea floor coverage swathbathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar of those parts of the offshore Order limits in which it is proposed to carry out the authorised scheme including proposed cable locations and an appropriate buffer. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered	MCA disagrees with 'must have due regard to the need to undertake...' The requested amendment is as per MGN hydrographic guidelines in MGN 654 Annex 4 for pre-construction surveys. Having due regard for the need to undertake hydrographic surveys does not secure the requirement to conduct surveys.	The Applicant considers that the wording of condition 16(2) secures the surveys specified, as due regard must be had to 'the need' to undertake the surveys specified. The need for a full sea swathbathymetry survey is just one of the matters the pre-construction survey proposals must secure. Further, the In Principle Monitoring Plan [REP4-055] , which the survey proposals must be in accordance with, provides for a full sea floor coverage swathbathymetry survey to be carried out. The wording used by the Applicant in condition 16(2) is consistent with that used in the Sheringham and Dudgeon Order and the East Anglia One North and Two Orders.

Ref	Reference	MCA's requested amendment	Deadline 4 submission	Applicant's position	MCA Comments	Applicant's comments
		(16/01/24)	26/06/2024	05/07/2024		
		submitted as soon as possible, and no later than [three months] prior to construction. The Order Limit shapefiles must be submitted to MCA. The Report of Survey must also be sent to the MMO.	to the MCA and the UKHO for the update of nautical charts and publications;	Once completed, the data must be sent to MCA in either CARIS Project Directory or GSF (Generic Sensor Format) format, as per MGN 654 Annex 4, not as Geographical Information System data.	The wording used at (3) has been amended and the Draft Development Consent Order [REP5-005] provides as follows: <i>(3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format and in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO and submitted to the MCA and submitted to the MCA in a form approved pursuant to MGN 654.</i>	

Table 2-11 Applicant's comments on Historic England's Deadline 5 submission [REP5-135]

Ref	Deadline 5 submission	Applicant's comments
2.11.1	<p>We offer comment here in regard to the ExA's further written questions and requests for information:</p> <p><u>Examining Authority's (ExA) Consultation Draft Development Consent Order – schedule of changes: Question DCO 2.4</u></p> <p>We support the amendments introduced by the Examination Authority to the draft Development Consent Order.</p> <p>However, within the draft Deemed Marine Licence we draw the Examination Authorities attention to the importance of this amendment to Schedule 12 (Transmission Assets), Condition 11(2) to include West Sussex County Council as it is possible that works could occur within the intertidal area and therefore its drafting should be subject to advice from the county archaeological advice service.</p>	<p>The Applicant confirms that reference has been included to consultation with West Sussex County Council in respect of the intertidal area in condition 11(2) of Schedule 12 of the Draft Development Consent Order [REP5-005].</p>

Table 2-12 Applicant's comments on Sussex Inshore Fisheries and Conservation Authority's Deadline 5 submission [REP5-144]

Ref	Deadline 5 submission	Applicant's response
Comments on "7.17 In Principle Sensitive Features Mitigation Plan" and "8.40 ITAP - Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm"		
2.12.1	<p>Sussex IFCA note the inclusion of using double big bubble curtains and the Hydrosound Damper as mitigation technology to reduce the impact of underwater noise on sensitive features. Due to the differences in environmental conditions at the proposed site for Rampion 2 compared to where noise mitigation has successfully been deployed, Sussex IFCA would ideally like to see this technology tested in situ for efficacy but appreciate the difficulties of doing this prior to construction.</p>	<p>The MMO, Natural England, and Sussex Inshore Fisheries and Conservation Authority (IFCA) have suggested trialling of the piling noise mitigation measures ahead of the construction phase of the Proposed Development, however the Applicant considers a pre-construction field test is not feasible. Any such field test requires a substantial lead-in period in order to collect geotechnical site investigation data for the trial location, as well as for the procurement, detailed design and manufacture of a specific foundation pile. Substantial time, and significant additional expenditure, is also required to complete the design of the layout of the Proposed Development WTG array to ensure the trial location is correctly sited within an overarching optimised project design, and the procurement of the installation vessel(s), pile driving hammer and full mitigation equipment on a short-term basis. The planning, procurement and preparation for the trial is estimated to require a period of 2-3 years, with additional time incurred following the execution of the trial to provide for inclusion of the trial results into the subsequent installation strategy. All of these factors are prohibitive in terms of project timeline, availability of equipment and vessels for short-term procurement, and costs, which the Applicant has calculated as being in excess of £30 Million (direct costs of the fabrication of a single monopile, reservation of an installation vessel, mobilization of the vessel, vessel day rate, equipment hire (installation hammer, noise mitigation system and support vessels)). Even leaving aside the site investigation works, the procurement of equipment and vessels would be estimated to require at least two years to complete, even if equipment could be made available for short-term charter, which is very unlikely given the scarcity of such in the market currently. The subsequent delay to the project, which notably affects its ability to enter into the financial investment decision and Contracts for Difference (CfD) Allocation Round auction process, notwithstanding any additional consents required to undertake the installation of a trial foundation pile if it is separate to the construction phase consented under the DCO for Rampion 2, makes the trialling of the installation mitigation unfeasible. The effectiveness of the noise mitigation techniques will be confirmed through comparison with the unmitigated modelling results. Measurements of underwater noise during the construction phase will be compared with the computer modelling of unmitigated piling noise, in which there is confidence as modelling is based primarily on empirical data from unmitigated piling measurements.</p> <p>The Applicant instead directs the Sussex IFCA to the work that has been undertaken to provide a comparison of the environmental conditions at the Proposed Development with other projects where Noise Abatement Systems (NAS) have been deployed. The outputs of this work are detailed in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067] and were incorporated into the In Principle Sensitive Features Mitigation Plan [REP5-082].</p> <p>Furthermore, the Applicant has also provided an updated Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6, which details proposed monitoring of the efficacy of the proposed noise abatement measures (as detailed in the In Principle Sensitive Features Mitigation Plan [REP5-082]). This includes the commitment for monitoring to be undertaken for four piling locations for each foundation type used in both the black seabream spawning period in the event that piling is permitted during this period (or part thereof), and in the period encompassing the rest of the calendar year (1 August to 28 (or 29) February). These locations will be selected from the first 12 foundations to be installed in each period in order to provide for sites with differing seabed conditions and water depths. This monitoring strategy will deliver data representative of the varying conditions within the development site, whilst ensuring data are collected for the earliest pile installations for each of the two potential noise mitigation measure scenarios (i.e. single and, on the basis that piling within the 1 March to 31 July period is permitted, combined noise abatement systems) at sites with a range of water depths, to include sites of >40 m depth for verification of predicted (modelled) noise levels.</p>
2.12.2	<p>Sussex IFCA welcome the opportunity to be involved with the subsequent consultation throughout the detailed design stage of the project, including in the planning and review of pre-construction surveys in the offshore export cable corridor, as well as during</p>	<p>The Applicant welcomes Sussex IFCA's support on the planning and development of this project.</p>

Ref	Deadline 5 submission	Applicant's response
	development of the final project design, construction plans and mitigation measures.	
Comments on “8.25.1 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 9”		
2.12.3	Sussex IFCA notes the inclusion of noise mitigation and abatement measures and defer to the MMOs advice that a threshold of 135dB SELs, based on a study by Hawkins et al. (2014) as a suitable threshold for behavioural responses of sensitive fish receptors.	The Applicant directs Sussex IFCA to read the Applicant's response to reference 2.12.72 to 2.12.83, and 2.12.94 to 2.12.95 of Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5, where the Applicant details their reasoning for not supporting the use of the 135 dB threshold.
Comments on “8.74 Without Prejudice Measures of Equivalent Environmental Benefit (MEEB) Review”		
2.12.4	Sussex IFCA has serious concerns about the implementation and equivalence of the proposed measures within the MEEB. Specifically, around the uptake and significance of extending voluntary measures that are already in place within Kingmere MCZ, and the relevance of litter picking as having a positive impact to black seabream populations. Sussex IFCA asserts that in their current form, both measures would likely have negligible additional benefit. Sussex IFCA support the telemetry work conducted by the University of Plymouth which is already being used to inform management decisions and would see furthering this as a positive impact on black seabream populations within Kingmere MCZ.	<p>The Applicant is confident that the MEEB detailed in the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] is sufficient to provide benefit of equivalent value to the maximum extent of the Proposed Development's effect on the black seabream spawning grounds if the Secretary of State cannot rule out that the Proposed Development would represent a significant risk of hindering the conservation objectives of the Kingmere MCZ. At this stage it is unknown if MEEB will be required, or if so, the quantum of MEEB required. However, it is proposed that the MEEB (if required) will be in place at a much greater spatial and temporal scale than the maximum extent of the impact and will be implemented prior to any piling taking place in the black seabream nesting period. This will ensure that the maximum spatial and temporal extent of the Proposed Development's effect on the black seabream feature of the Kingmere MCZ is compensated for.</p> <p>The Applicant is satisfied that each MEEB measure as detailed within the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] considers the conservation objectives of the site, to maintain the black seabream population and habitat features required for spawning in a favourable condition by alleviating pressures and/or informing management measures for the Kingmere MCZ.</p> <p>The Applicant has provided rationale within the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] as to how each MEEB provides additionality to current management measures.</p> <p>The Applicant notes that the Defra Compensation Guidance (2021) states that MEEB should be secured before the impact takes place, but recognises that this is not always possible:</p> <p><i>“Where this is not possible, it is important that necessary licences are in place, finances secured, and realistic implementation plans have been agreed with the appropriate bodies to demonstrate that the compensatory measure is secured.”</i></p> <p>However, each proposed MEEB as detailed in the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] will be implemented and effective prior to the impact.</p> <p>The Applicant has updated the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] (updated at Deadline 6) following consultation with Sussex IFCA, NE, and the MMO after submission at Deadline 4. The Applicant can confirm that Option A) Removal of marine litter, including awareness and engagement is the preferred option for MEEB. There has been a precedent set by other Offshore Windfarm Developments having marine litter/debris removal (and education and awareness) approved as a MEEB/Compensation measure. For example, on 16th July 2024, DESNZ issued a response to the Norfolk Projects Offshore Wind Farms Development, Benthic Implementation and Monitoring Plan (Royal Haskoning DHV, 2024) approving marine debris removal and education and awareness an appropriate</p>

Ref	Deadline 5 submission	Applicant's response
2.12.5	Throughout the document, the Kingmere MCZ Engagement Group (KMEG) is referred to, with regard to how any of these measures would be developed and delivered. Sussex IFCA is specifically mentioned as being a key member of this group (eg. Section 5.2.14) but would like to state we have not been consulted with or informed about this, prior to this document being submitted. Being part of this group would require significant resource and would need to be considered as part of our strategic planning processes. Specific comments on the proposed measures are below:	<p>compensation measure from impacts to a feature of an MPA (DESNZ, 2024). Options B (reduction in disturbance from watercraft) and C (research on black seabream) are presented as alternative MEEB's if the SoS is not satisfied with Option A as MEEB.</p> <p>The Applicant has updated the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] for Deadline 6 to remove references of specific members at this stage.</p>
2.12.6	<p><i>5.2 Reduction in Disturbance from Watercraft within Kingmere MCZ (voluntary seasonal speed limit/no anchor zone)</i></p> <p>Sussex IFCA have significant concerns around the comparison of boat noise, which is transient, compared to impulsive piling noise. A reduction in boat noise will not have a comparable effect on black seabream populations to a reduction in piling noise.</p> <p>Sussex IFCA already have a voluntary code of conduct (CoC) that sits aside our current management measures (April-June). This CoC states to drift if possible (no anchoring) or use a lower impact anchor. It is Sussex IFCA's understanding that Rampion have not engaged with the angling community about the possible uptake of any additional voluntary measures. From our extensive engagement with anglers during the Kingmere MCZ management development process, it was made clear that anchoring restrictions for angling would have the same impact as prohibiting them. Sussex IFCA's opinion is that it is unlikely there will be any significant additional positive impact from this proposed Measure of Equivalent Environmental Benefit.</p> <p>No evidence is presented within the document (e.g. case-studies from previous uses of voluntary measures etc) as to how these measures will have a measurable impact.</p>	<p>The Applicant has updated the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] for Deadline 6 which provides additional evidence of current levels of watercraft activity within the Kingmere MCZ.</p> <p>It is noted that Sussex IFCA have a voluntary code of conduct in place which suggests the use of low-impact anchors and to drift where possible when using the Kingmere MCZ for recreational angling. However, this does not provide a full restriction and this MEEB would restrict anchoring (for all activities that rely on anchoring) between the 1 March-31 July which is over a greater period than recreational angling is currently managed.</p> <p>At this stage it is unknown if MEEB will be required, or if so, the quantum of MEEB required. However, the MEEB will be in place at a much greater spatial and temporal scale than the maximum extent of the impact. This will ensure that the maximum spatial and temporal extent of the Proposed Development's effect on the black seabream feature of the Kingmere MCZ is compensated for.</p> <p>The Applicant has followed the Defra Hierarchy of Measures for MEEB as detailed in the Compensation Guidance, Defra (2021). This measure is considered to be in the '<i>comparable ecological function same location</i>' category. It is worth noting that the reduction in noise measure does not serve as a like-for-like compensation measure relating to the noise from piling but would be implemented to reduce the impacts associated with transient noise from watercraft.</p> <p>The Applicant has provided evidence and examples of the efficacy of Voluntary No Anchor zones within the updated Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078]. The Applicant notes that after the 2023 review of the No Anchor Zone in Studland Bay, the MMO concluded that a voluntary no anchor zone remains the most effective way to protect the sensitive features of the MPA. The Applicant is confident that a voluntary measure would be effective in this instance and will provide the benefit of equivalent value to the maximum extent of the Proposed Development's effect on the black seabream spawning grounds.</p> <p>The Applicant acknowledges that the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] does not specify how the proposed monitoring within the MCZ would quantify the underwater noise reduction. However, the Applicant notes that at this stage the monitoring details have not been fully developed as this will be developed either within the Kingmere MCZ Engagement Group (KMEG) or through a third-party consultant contracted to undertake the monitoring programme.</p>
2.12.7	<i>5.3 Removal of Marine Litter, Including Awareness and Engagement</i>	The Applicant can confirm that the MEEB is focused on removing macroplastic and other marine debris from the sea surface/water column before it impacts the features of the MCZ through either uptake within the food chain or damaging the features by settling on

Ref	Deadline 5 submission	Applicant's response
	<p>Sussex IFCA has concerns around the relevance of this measure in relation to positive impacts, specifically on black seabream. Sussex IFCA is also mentioned as a key delivery partner to remove litter from within Kingmere MCZ (section 5.3.29) but would like to again state that we have not been consulted about our resource capability to do this</p>	<p>the seafloor. As detailed within the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] (updated at Deadline 6), the removal of marine litter, specifically plastic, would be a direct means to improve habitat quality and food chain environmental benefit within the Kingmere MCZ serving to support the restoration of the fragile chalk reef, rock and mixed sediments habitat and population of black seabream. The awareness campaigns serve to stop the problem at source.</p> <p>As previously stated, it is not currently possible to confirm whether MEEB is required or the potential quantum of MEEB if it is to be required. However, the measure is considered to be scalable and therefore would be adaptable to meet the final quantum determined by the SoS, if MEEB is required in the consent.</p> <p>The Applicant acknowledges that there is limited information and data on the current levels of marine litter within the Kingmere MCZ. As detailed within the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078], the geographic focus of this offshore MEEB measure, would, as a minimum, be within the Kingmere MCZ, although, if necessary, the scale of this measure could be expanded further to include marine litter removal to areas within close proximity to the Kingmere MCZ and within the Sussex IFCA, where there is evidence of black seabream nesting habitat.</p> <p>As detailed within the updated Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] for Deadline 6, the monitoring of the effectiveness for this measure would be through a measurable amount of litter removed through the removal campaign and through the disposal bins provided. Engagement logs and surveys will also demonstrate any behaviour changes and how and who is using the disposal bins.</p>
2.12.8	<p><i>5.4 Research on Black Seabream</i></p> <p>Sussex IFCA do not necessarily consider this a Measure of Equivalent Environmental Benefit but would like to highlight the value of this proposal to furthering our understanding of black seabream populations within and around Kingmere MCZ. Sussex IFCA strongly suggest that Rampion use this proposed measure as part of their monitoring programme, in determining the impact of Rampion 2 on black seabream populations.</p>	<p>The Applicant welcomes Sussex IFCA's support on the value of the proposal for research on black seabream.</p>

Table 2-13 Applicant's comments on Southern Water's Deadline 5 submission [REP5-174]

Ref	Deadline 5 submission	Applicant's comments
2.13.1	We can confirm that our negotiations with the Applicant are taking longer than we anticipated and we have some remaining concerns about the interface between our apparatus and the proposed Development Consent Order ("the DCO"). We can confirm that discussions are ongoing with the Applicant but we have not yet reached agreement on the protective provisions. We will therefore provide a further update on this in advance of Deadline 6.	The Applicant received template Protective Provisions from Southern Water on the 8 July 2024. Following discussions, Southern Water identified the London Road Water Booster Station in Washington as a matter that would need clear cooperation between the two parties. The Applicant is considering the draft protective provisions. The Applicant is confident that the agreement can be reached with Southern Water and discussions are continuing with few outstanding issues between the parties.

Table 2-14 Applicant's comments on National Highway Limited's Deadline 5 submission [REP5-142]

Ref	Deadline 5 Submission	Applicant's response
2.14.1	<p>Please find attached to this letter National Highways Deadline 5 Response. set out in the Appendices listed below:</p> <p>Appendix 1: Responses to ExA's Further Written Questions(ExQ2) (if required)</p> <p>Appendix 2: Comments on the RIES</p> <p>Appendix 3: Comments on the Applicant's second update to the draft DCO</p> <p>Appendix 4: Comments on the Applicant's second update to the Land Tracker</p> <p>Appendix 5: Comments on ExA's commentary on, or schedule of changes to, the draft DCO (if required)</p> <p>Appendix 6: Completed and Signed Statements of Common Ground</p> <p>Appendix 7: Final Statement of Commonality of Statements of Common Ground</p> <p>Appendix 8: Any further information requested by the ExA under Rule 17</p> <p>Appendix 9: Comments on any further information/submissions received by Deadline 4</p>	<p>Noted, the Applicant welcomes the comments from National Highways and has provided a response below.</p>
2.14.2	<p>National Highways continues to engage with the Applicant's various technical advisors. However while National Highways accepts that significant progress has been made in its discussions with the Applicant, there still remains outstanding matters and information not yet received. National Highways is not yet satisfied that the Applicant's proposals where the scheme impacts the strategic road network ('SRN') have been fully addressed to ensure the safety, reliability and operational efficiency of the SRN is safeguarded as required by the Department of Transport and national planning and transport policy. However, National Highways remain willing to resolve the outstanding matters and will continue to work with the Applicant and other relevant parties.</p>	<p>The Applicant is continuing to engage with National Highways on outstanding matters related to the impacts of the Proposed Development on the Strategic Road Network.</p> <p>In relation to this, independent stage 1 Road Safety Audits for construction accesses A-21 and A-22 were issued to National Highways on the 18 and 19 July 2024. Whilst the Applicant is currently reviewing the findings of these Road Safety Audits it is accepted that it will not be possible to fully agree the outcomes of these ahead of Deadline 6. Nevertheless, the Applicant remains committed to continue engagement with National Highways beyond the end of the DCO Examination period and has agreed a timetable with National Highways to resolve all outstanding matters related to the proposed construction access proposals.</p> <p>Furthermore, following a meeting between the Applicant and National Highways held on 19 July 2024, it was agreed updates could be made to the Outline Construction Traffic Management Plan [REP5-068] (updated at Deadline 6) to resolve outstanding concerns related to the management of abnormal loads and heavy goods vehicle (HGV) movements across the construction programme. These were discussed with National Highways at a further meeting held on 29 July 2024 where it was agreed the updates made to the Outline Construction Traffic Management Plan [REP5-068] (updated at Deadline 6) resolve outstanding concerns.</p>
2.14.3	<p>Appendix 1: Responses to ExA's Further Written Questions (ExQ2) Part A Questions for National Highways;</p>	<p>The Applicant has included National Highways as a defined term in the Draft Development Consent Order [REP5-005] as confirmed in the Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121].</p> <p>The Applicant has responded fully to the submissions of National Highways in relation to its proposed protective provisions in Table 2-25 of Applicant's Comments on Deadline 4 Submissions [REP5-122], submitted at Deadline 5.</p>

Ref **Deadline 5 Submission**
Applicant's response

DCO	Draft Development Consent Order (Draft DCO) and Draft Deemed Marine Licence (Draft DML)	
DCO 2.2	Part 3, Articles 11, 15 The Applicant National Highways	Provide a response to/justify the proposed changes to the draft DCO [REP4-006] advocated by National Highways [REP4-139] that it should be excluded from the identified Articles.

National Highways Response;

Discussions are continuing between National Highways and the Applicant concerning provisions in the draft DCO.

National Highways requires that any works to or affecting the SRN need to be dealt with in the draft DCO by means of the Provisions for the Protection of National Highways at Part 7 of the draft DCO or the processes for statutory undertakers required by the New Roads & Street Works Act (NRSWA 1991). National Highways would expect any construction works impacting the SRN would be dealt with through the Outline Construction Management Plan. National Highways must retain its rights and duties as strategic highway authority and by reason of the above, the easements proposed by the Applicant are therefore considered unnecessary and unjustified.

2.14.4 Part B

Questions directed at others but with regards National Highways wish to comment:

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

Details of estimated construction traffic flows on the Strategic Road Network have been shared with National Highways on 23 June 2024 and the Applicant provided a response to initial queries on the 26 June 2024.

Following a meeting between the Applicant and National Highways held on 19 July 2024, it was agreed updates could be made to the **Outline Construction Traffic Management Plan [REP5-068]** (updated at Deadline 6) to resolve outstanding concerns related to the management of abnormal loads and heavy goods vehicle (HGV) movements across the construction programme. These were discussed with National Highways at a further meeting held on 29 July 2024 where it was agreed the updates made to the **Outline Construction Traffic Management Plan [REP5-068]** (updated at Deadline 6) resolve outstanding concerns.

Ref	Deadline 5 Submission	Applicant's response
	<p>National Highways Response National Highways is discussing the practicalities of identifying and mitigating, any expected future impacts on the SRN. At 9 July 2024, National Highways is awaiting further details on the likely numbers, flows and timing of construction traffic. For example, whether all or any of the cable drum vehicles will be classed as abnormal loads (if so the abnormal loads will be dealt with under National Highways Abnormal Loads process). National Highways needs to ensure it has sufficient information to ensure the Outline Construction Traffic Management Plan contains sufficient information and governance to avoid any risks to the safety or operational of the strategic road network; for example, mention is made of construction traffic needing to undertake a U-turn at SRN junctions which would place highway users at risk. Any impacts on the SRN and proposed mitigation must therefore be agreed by National Highways.</p>	
2.14.5	<p>Appendix 2: Comments on the RIES National Highways has no comment on the RIES.</p>	Noted, the Applicant has no further comments at this time.
2.14.6	<p>Appendix 3: Comments on the Applicant's second update to the draft DCO Draft Development Consent Order (tracked changes) Date: June 2024 Revision E 1. The Applicant's second update to the draft DCO (tracked changes) June 2024 Revision E does not incorporate any of National Highways' changes to the draft DCO (including the Provisions for the Protection of National Highways) submitted for Deadline 4 [REP4-139].</p>	The Applicant has provided a full response to National Highways' Deadline 4 submission in its Deadline 5 response Applicant's Comments on Deadline 4 Submissions [REP5-122] (see Table 2.25).
2.14.7	2. The Applicant's second update to the draft DCO does not include National Highways amendments to Articles 11(8) and 15 (6).	<p>The Applicant understands National Highways' concern relates to the deemed consent provisions in articles 11(7) and 15(5) in the Draft Development Consent Order [REP5-005].</p> <p>Article 11 contains the power to temporarily close streets, which may only be exercised subject to the conditions in that article. Consent of the street authority is a precondition and the Applicant submits that failure on the part of the street authority to respond to the request for consent should not delay the implementation of the authorised works. The Applicant notes that consent may be subject to reasonable conditions.</p> <p>Article 15 contains the power to alter layout of streets, in connection with the authorised works. It includes the requirement to restore temporary works to the reasonable satisfaction of the street authority. Again, the exercise of the power is subject to the consent of the street authority and the Applicant submits that failure to respond on the part of the street authority should not cause delay to the authorised works.</p> <p>The deemed consent provision of 28 days is a reasonable term, and is justified by the relevance and importance of delivering the proposed development.</p>
2.14.8	3. The Applicant accepts they are a statutory undertaker and National Highways submits that there is no justification for compulsory acquisition of rights of the SRN or land in the ownership of National Highways as the Applicant has statutory rights to put in apparatus under the New Roads and Streetworks Act 1991 ('NRSWA'). The Legal Opinion of Ruth Stockley KC dealing with the application of the NRSWA was submitted to Examination at Deadline 4 [REP4- 139].	The Applicant has provided a response in respect of the Counsel's opinion submitted by National Highway as part of its Deadline 5 response Applicant's Comments on Deadline 4 Submissions [REP5-122] (see Table 2.25).

Ref	Deadline 5 Submission	Applicant's response
2.14.9	4. If the Examining Authority is not minded to agree to National Highways submission regarding the Applicant's rights to undertake work under the NRSWA 1991 National Highways would ask that the draft Development Consent Order includes the Provisions for the Protection of National Highways submitted at Deadline 4 [REP4- 139]. The tracked changes draft DCO submitted at Deadline 4 ensures the protection of the SRN and rights of National Highways.	The Applicant has provided a full response to National Highways' Deadline 4 submission including the tracked changes draft DCO provided by National Highways in its Deadline 5 response Applicant's Comments on Deadline 4 Submissions [REP5-122] (see Table 2.25).
2.14.10	5. National Highways is prepared to continue to work with the Applicant on the draft Protective Provisions submitted at Deadline 4 in order to seek to provide agreed Protective Provisions to the Examining Authority before close of Examination.	The Applicant continues to engage with National Highways to seek agreement in respect of protective provisions.
2.14.11	<p>Appendix 4: Comments on the Applicant's second update to the Land Rights Tracker Compulsory acquisition Land rights Tracker (tracked changes) Date: June 2024 Revision D</p> <p>National Highways is not prepared to agree to acquisition of land rights in respect of the SRN as the acquisition of rights is not considered necessary provided the Provisions for the Protection of National Highways submitted for Deadline 4 [REP4-139] are included in the draft DCO and due the application of the NRSWA.</p>	The Applicant notes that National Highways does not attempt to substantiate its position on land rights in any more detail in its most recent submissions. The Applicant therefore refers to its response provided on this matter in Applicant's Comments on Deadline 4 Submissions [REP5-122] (see Table 2.25).

2.14.12 Appendix 5: Comments on ExA's commentary on, or schedule of changes to, the draft DCO (if required)

The changes to Article 2 proposed by the ExA have been incorporated into the [Draft Development Consent Order \[REP5-005\]](#) as confirmed in the [Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO \[REP5-121\]](#).

No.	Reference	Wording at D4 [REP4-004]	ExA's Recommended Change	ExA's Reasoning
ARTICLES				
1.	Part 1, Article 2 <i>Interpretations</i>	None	After "multileg foundation", INSERT - <u>"National Highways" means National Highways Limited (company number 09346363) whose registered office is Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ or any such successor or replacement body that may from time to time be primarily responsible for the functions, duties and responsibilities currently exercised by that statutory body;</u>	As requested by National Highways in its written response at Deadline 4 [REP4-139], and where the ExA concurs such an amendment should be made.
2.	Part 1, Article 2 <i>Interpretations</i>	None	After "street authority", INSERT - <u>"Strategic road network" means any part of the road network including trunk roads, special roads or streets for which National Highways is the highway authority;</u>	As requested by National Highways in its written response at Deadline 4 [REP4-139], and where the ExA concurs such an amendment should be made.

National Highways agrees with and therefore has no comment on the ExA's commentary on/schedule of changes to the draft DCO.

2.14.13	Appendix 6: Completed and Signed Statements of Common Ground	The Applicant welcomes National Highways agreement of the Statement of Common Ground between the parties.
---------	---	---

Ref	Deadline 5 Submission	Applicant's response
	National Highways has agreed an updated version of the Statement of Common Ground with the Applicant on 9 July 2024 which is attached.	
2.14.14	<p>Appendix 7: Final Statement of Commonality of Statements of Common Ground</p> <p>No comment from National Highways as this is a matter for the Applicant.</p>	Noted, the Applicant has no further comment at this time.
2.14.15	<p>Appendix 8: Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010</p> <p>National Highways has not received any Rule 17 requests for further information from the Examining Authority.</p>	Noted, the Applicant has no further comment at this time.
2.14.16	<p>Appendix 9: Comments on any further information/submissions received by Deadline 4</p> <p>1) Applicant's Post-hearing submission - Issue Specific Hearing 2 Date: June 2024 National Highways' comments on the Applicant's submission for Issue Specific Issue Hearing 2 June 2024 is set out below;</p> <p>a) Submission of additional information to National Highways regarding traffic management on the A283 and its potential impacts on the Strategic Road Network.</p> <p>National Highways received some information from the Applicant. However, it was anticipated that further information (the LinSig capacity assessments in the Michelgrove and Tolmare Farm Traffic Management Strategy) would be received but have not yet arrived. National Highways would require more information on the proposed rerouting from the A283 to the A24/ A27.</p>	<p>Details of the LinSig assessments completed on the A283 Long Furlong to provide access from Access A-28 is provided within Appendix C of The Construction Accesses A-26, A-28, A-61 and A-64 Traffic Management Strategies (Appendix D of the Outline Construction Traffic Management Plan [REP5-068] updated at Deadline 6). This has also been shared directly with National Highways prior to Deadline 6 with National Highways providing confirmation to the Applicant via email that this matter was resolved on 26 July 2024</p> <p>The Tolmare Farm access A-28 approach for the temporary traffic signals would operate as full time signals using infrared sensors to ensure this stage is only called when required, also allowing for existing farm traffic to also be accommodated by this temporary change. Based upon the peak construction two-way movements for accesses A-26 and A-28, it is anticipated that an average of two heavy goods vehicles (HGVs) per hour will exit the junction (one every 30 minutes). On this basis, it is not expected that these traffic signals will result in a material impact on traffic re-routing between the A283 and A24 / A27.</p>
2.14.17	<p>b) Submission to National Highways of an Road Safety Audit ('RSA') in connection with the proposed A27 Hammerpot Compound access.</p> <p>National Highways instructed the appointed audit team to carry out an audit for the proposed A27 Hammerpot Compound Access Scheme (Accesses A-21 and A-22) on 11 June 2024. National Highways confirms the audit has taken place and awaits the completed RSA report from the Applicant.</p>	<p>Independent stage 1 Road Safety Audits for construction accesses A-21 and A-22 were issued to National Highways on the 18 and 19 July 2024. Whilst the Applicant is currently reviewing the findings of these Road Safety Audits, it is accepted that it will not be possible to fully agree the outcomes of these ahead of Deadline 6. Nevertheless the Applicant remains committed to continue engagement with National Highways beyond the end of the DCO Examination period to resolve all outstanding matters related to the proposed construction access proposals.</p>
2.14.18	2) Applicant's Mid Examination Progress Tracker Date: June 2024 Rev D	Please see the Applicant's response provided at reference 2.14.2 above.

Ref Deadline 5 Submission

Applicant's response

<p>National Highways</p>	<p>The construction, operation or maintenance of a site (construction/ compound/ permanent) associated with the project adjacent to or in close proximity to the Strategic Road network (SRN) and the implications for the SRN.</p>	<p>Amber: The Applicant is sharing further details of the works on and under the strategic road network with National Highways and are confident that detailed designs can be agreed. Mitigation is considered in the Outline Construction Traffic Management Plan [APP-228] in the event that negative impacts on the SRN cannot be eliminated or reduced to an appropriate and agreeable level. The Outline Construction Traffic Management Plan [REP1-010] has been updated at Deadline 3 and discussions are ongoing.</p>
<p>APP-224 7.2 Outline Code of Construction Practice. APP-228 7.6 Outline Construction Traffic Management Plan. APP-229 7.7 Outline Construction Workforce Travel Plan.</p>		<p>Green: The Applicant considers that there is no disagreement regarding these documents.</p>
	<p>The Applicant proposes via the Book of Reference and elsewhere activities, works or consequential provisions that may affect the safety, operation, management of the Strategic Road Network (SRN) and/or the roles and responsibilities of National Highways as the Strategic Highway Authority, asset owner and/or statutory consultee. The Applicant needs to fully explain the implications of their proposals in these contexts to ensure that they comply with national planning and transport policy, the National Highways Operating Licence and do not usurp or unreasonably fetter National highways.</p>	<p>Amber: The Applicant is sharing further details of the works on and under the SRN with National Highways and are confident that detailed designs can be agreed between the two parties.</p>
<p>APP-064 6.2.23 Environmental Statement- Volume 2 Chapter 23 Transport (plus AAP107-APP110 comprising appendices thereto). APP-173 6.4.19.1 Environmental Statement- Volume 4 Appendix 19.1 Full results of construction road traffic modelling. APP-173 6.4.19 .2 Environmental Statement- Volume 4 Appendix 19.2 Full results of construction plant modelling. APP-196 6.4.23.1 Environmental Statement- Volume 4 Appendix 23.1 Abnormal Indivisible Loads Assessment.</p>		<p>Green: The Applicant notes that there is no disagreement regarding these documents.</p>

Page 8

Ref	Topic	Interested Party	Summary of Issues	Status at Deadline 4
		National Highways	Traffic attracted to, generated by or rerouted as a result of the proposals and the potential implications for the SRN	Amber: The Applicant is in consultation with National Highways regarding the concerns raised and is preparing additional evidence regarding construction access to / from the A27. Where appropriate, this additional information will be incorporated into updates to the Outline Construction Traffic Management Plan [REP3-029]. The Outline Construction Traffic Management Plan [REP3-029] was updated at Deadline 3.
			Concerns were raised regarding the Proposed Development's Compliance with DfT Policy C1/22.	Green: The main transport effects are temporary and during construction period. National Highways is satisfied that sufficient is being done by the Applicant to ensure compliance with C1/22.

National Highways comments on the Applicant's mid examination tracker are set out below;

- (a) No comment on the items marked green.
- (b) Comment on the amber items are set out below;
 - National Highways is awaiting construction traffic details from the Applicant to be included in the updated OCTMP.

Table 2-15 Applicant's comments on Natural England's Deadline 5 Cover Letter submission [REP5-136]

Ref	Deadline 5 submission	Applicant's response
2.15.1	<p>1. Natural England's Deadline 5 Submissions</p> <p>Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 4. Please find an update of Natural England's position regarding these documents in Table 1 below, including anticipated timing of responses. In addition, Natural England is also submitting the following detailed responses, signposted from Table 1, within the following thematic appendices:</p> <ul style="list-style-type: none"> EN010117 467699 - Appendix B5 - Natural England's Advice on the further Information for Action Point 34 - Guillemot and Razorbill and the Habitats Regulations Assessment (Without Prejudice) EN010117 467699 - Appendix C5 - Natural England's Advice on Marine Mammals EN010117 467699 - Appendix E5 - Natural England's Advice on Fish and Shellfish EN010117 467699 - Appendix J5 - Natural England's Advice on Terrestrial Ecology EN010117 467699 - Natural England's Response to the outstanding questions from The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2 [PD-011] and The Examining Authority's Further Written Questions and requests for information [PD-012] 	<p>The Applicant welcomes Natural England's comments within these documents and has provided a response to the Appendices below in Table 2-16 to Table 2-20.</p>
2.15.2	<p>1. Deadline 6</p> <p>Due to the volume of material submitted at Deadline 4 pertaining to some of our key concerns Natural England has deferred our responses on some topic areas until Deadline 6. Natural England has discussed this matter with the Planning Inspectorate case officer.</p> <p>Natural England's advice on the following aspects will be submitted at Deadline 6:</p> <ul style="list-style-type: none"> The Report on the implications for the European Sites (RIES) All aspects relating to the DCO – including responses to written questions, the Applicant's updated to the draft DCO, the Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4 (D4) [REP4-004], Alternative Schedule 17, Schedule 18 and the commitments register. Benthic Ecology – including Chapter 9 Benthic and subtidal ecology, In-Principle Sensitive Features Mitigation Plan, Offshore in Principle Monitoring Plan and the commitments register. Landscape Visual Impact Assessment - including: Chapter 18 Landscape and Visual Impact Assessment; Appendix 18.2 viewpoint analysis; Appendix 18.6 viewpoint directory; tree preservation order and hedgerow plan; Appendix 22.16 Arboricultural Impact Assessment: Outline Landscape and Ecology Management Plan Rev C; Code of Construction Practice and the commitments register. A final risks and issues log – we have not submitted a Deadline 5 risk and issues log due to our work on the Statement of common Ground. 	<p>Noted, the Applicant has reviewed the material submitted by Natural England at Deadline 5 as well as the further information submitted on 18 July 2024 as requested by the Planning Inspectorate in the tables below.</p>

Ref	Deadline 5 submission	Applicant's response						
2.15.3	<p>2. Statement of Common Ground (SoCG)</p> <p>Natural England received the draft SoCG from the Applicant on the 21 June 2024. We have endeavoured to progress this with the Applicant in the short time period between receiving this and Deadline 5, including providing advice verbally at a meeting on 02 July 2024 and providing written advice on 05 July 2024. We welcome the amendments made to the SoCG submitted by the Applicant at Deadline 5 and confirm that it is an accurate reflection of our current positions. Given that there are a number of key responses yet to be reviewed by Natural England we are aiming to sign off an updated and final SoCG in time for the Applicant to submit at Deadline 6.</p>	<p>The Applicant welcomes Natural England's response and is working to achieve sign off of the Statement of Common Ground for Deadline 6.</p>						
2.15.4	<p>3. Statement of Commonality of Statement of Common Ground (SoCoSoCG)</p> <p>Natural England welcomes the updates made to the SoCoSoCG. We recommend that the rating applied to Natural England's status on the 'Principle of the Development' is removed as this matter lies outside of our remit as a Statutory Nature Conservation Body (SNCB).</p> <p>In section 1.4 List of Statements of Common Ground, please note that in Table 1-1, 8.8 Natural England's first page turn of SoCG was conducted on 02 July not 15/02/2024 as stated.</p>	<p>The Applicant welcomes Natural England's comments on the Statement of Commonality of Statement of Common Ground. The Applicant has removed the 'Principle of the Development' rating, and has amended the date for Tables 1-1 to 8-8 at Deadline 6.</p>						
2.15.5	<p>4. Applicant's Mid Examination Progress Tracker Rev D</p> <p>We advise that the Applicant's Mid Examination Progress Tracker Rev D, is updated to reflect our most recent discussions of the SoCG and our Risk and Issues Log and advice submitted at Deadline 5. We advise that our concerns regarding Seascape impacts to protected landscapes are currently not included in the Progress Tracker, which is unfortunate given this is one of our highest-risk matters in the Examination.</p> <p>We note that the tracker states that all discussions regarding the status of Marine Mammals have been agreed. We advise that this is not the case, and the Applicant should refer to our Risk and Issues Log for an up-to-date status of concerns in particular relating to the CEA, bottle-nosed dolphins and harbour porpoise.</p>	<p>The Applicant welcomes Natural England's comments and has updated the Examination Progress Tracker [REP4-060] at Deadline 6 to reflect these comments accordingly, i.e. regarding Seascape impacts and marine mammals.</p>						
2.15.6	<p>5. Commitments Register</p> <p>In addition to points made in specific chapters, we have the following more general points to raise in relation to commitments within the commitments register. Natural England may have further comments to make when we have completed our review for deadline 6, in relation to landscape, benthic ecology and DCO matters.</p>	<p>Please see the Applicant's response in the table below.</p>						
	<table border="1"> <thead> <tr> <th>Commitment Number</th> <th>Comment</th> <th>Applicant's response</th> </tr> </thead> <tbody> <tr> <td>C-38/C-40</td> <td>We advise that the selection of the foundation type will additionally impact on fish and shellfish, marine mammals and benthic ecology receptors. We advise this measure is relevant to construction as well as operation.</td> <td>The Commitments Register [REP5-086] (updated at Deadline 6) and Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement (ES) [APP-049] (updated at Deadline 6), Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2 of the ES [REP5-029] (updated at Deadline 6) and Chapter 11: Marine mammals,</td> </tr> </tbody> </table>	Commitment Number	Comment	Applicant's response	C-38/C-40	We advise that the selection of the foundation type will additionally impact on fish and shellfish, marine mammals and benthic ecology receptors. We advise this measure is relevant to construction as well as operation.	The Commitments Register [REP5-086] (updated at Deadline 6) and Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement (ES) [APP-049] (updated at Deadline 6), Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2 of the ES [REP5-029] (updated at Deadline 6) and Chapter 11: Marine mammals,	
Commitment Number	Comment	Applicant's response						
C-38/C-40	We advise that the selection of the foundation type will additionally impact on fish and shellfish, marine mammals and benthic ecology receptors. We advise this measure is relevant to construction as well as operation.	The Commitments Register [REP5-086] (updated at Deadline 6) and Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement (ES) [APP-049] (updated at Deadline 6), Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2 of the ES [REP5-029] (updated at Deadline 6) and Chapter 11: Marine mammals,						

Ref	Deadline 5 submission	Applicant's response
C-39	We note that any method of scour protection used would have to have been assessed in the ES, so the other methods of scour protection that may be used should fit within the assessed parameters. We advise that scour protection would impact upon benthic and fish and shellfish receptors. We continue to advise that further consideration of the impacts from scour is required within an outline cable burial risk assessment and a decommissioning plan (see detailed comments in our Deadline 4 risks and issues log).	<p>Volume 2 of the ES [REP5-031] (updated at Deadline 6) have been updated in line with this request.</p> <p>The Applicant can confirm that the methods of scour protection listed in Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement [APP-049] (updated at Deadline 6) have been assessed in the relevant ES chapters using the parameters and assumptions set out in Table 4-6, 4-7, 4-8 and 4-10.</p> <p>An Outline Scour Protection and Cable Protection Plan [REP5-074] was submitted with the DCO Application including details of the need, type, quantity and installation methods for scour protection. This will be updated post-consent as more information becomes available and will be agreed with the relevant stakeholders prior to construction.</p>
C-42/C-96	We advise that this commitment should include ensuring consideration is given to selecting the methodology with the lowest environmental impact. We advise that these commitments are also relevant to fish and shellfish and benthic ecology.	<p>The Commitments Register [REP5-086], Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement [APP-049] and Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2 of the ES [REP5-029] have been updated in line with this request.</p> <p>The Commitments Register [REP5-086], Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement [APP-049] and Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2 of the ES [REP5-029] have been updated in line with this request. The wording in the commitments has been amended as follows with the emboldened text (for emphasis) added:</p> <p>Commitment C-42: <i>“The subsea inter-array cables and the subsea export cables will be installed using one or a combination of the three methods: ploughing, trenching or jetting. It is likely that a combination of these methods will be adopted for localised areas depending on seabed conditions. The installation methods will be selected during detailed design and tendering phases and consideration will be given to the method that minimises the environmental impacts as far as practicable.”</i></p> <p>Commitment C-96: <i>“Subsea array and export cables will be installed via either ploughing, jetting, trenching, or post-lay burial techniques, to a target burial depth of 1m. Consideration will be given to the method that minimises the environmental impacts as far as practicable.”</i></p>
C-279	We advise this commitment is also relevant to fish and shellfish.	The Commitments Register [REP5-086] and Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement [APP-049] have been updated Deadline 6 in line with this request.
C-283	We advise that the gravel bags do need to be removed and therefore this should not be ‘where practicable’. We advise that the design of the gravel bed should consider ensuring they are removable and that the bags should be monitored to ensure they remain significantly robust to be removed. We advise this commitment also relates to fish and shellfish.	<p>The Commitments Register [REP5-086] and Chapter 8: Fish and Shellfish ecology, Volume 2 of the Environmental Statement [APP-049] have been updated at Deadline 6 to highlight this commitment also relates to fish and shellfish ecology.</p> <p>The Applicant understands the concern and potential environmental harm that could be caused by not removing gravel bags after the construction. However, the Applicant is</p>

Ref	Deadline 5 submission	Applicant's response
C-289/C-300	We advise that this should be thoroughly considered within the Decommissioning Plan 9 (referenced in C111), and as previously advised this should be considered within an outline decommissioning plan, which should be submitted into the examination. We advise this is also relevant to coastal process and fish and shellfish receptors.	<p>unable to provide an unconditional commitment for the retrieval of gravel bags due to the following reasons:</p> <ol style="list-style-type: none"> 1. Detailed design of Landfall construction, vessel specification and detailed survey of the intertidal and offshore area in the Export Cable Corridor will be undertaken post-consent. Detailed design will take environmental aspects, such as those associated with the use and retrieval of gravel bags into consideration. This survey information and design work will determine the requirement for gravel bags and assess potential methods and the feasibility of their retrieval. 2. As per the Construction, Design and Management (CDM) 2015 regulations, the Applicant must consider Health and Safety aspects during planning and design stages to ensure potential Hazards are eliminated as far as possible. A firm commitment to remove gravel bags may lead to a situation where it may be necessary to rely on human diving activities for the retrieval of gravel bags, which are high risk activities. The Applicant will explore methods of removing gravel bags safely and discuss these with installation vessel operators post-consent. <p>This will be considered in the final Decommissioning Plan, the Applicant invites Natural England to read the Applicant's response to reference F11 in the Risk and Issues log submitted in Applicant's Comments on Deadline 4 Submissions (ExQ2) [REP5-122] setting out why the Applicant considers an Outline Decommissioning Plan not to be necessary. Chapter 6: Coastal processes, Volume 2 of the Environmental Statement (ES) [APP-047] and Chapter 8: Fish and shellfish ecology, Volume 2 of the ES [APP-049] have been updated at Deadline 6 to include C-289 and C-300. The Commitments Register [REP5-086] has been updated at Deadline 6 in line with the request related to commitment C-300 being relevant to coastal processes and fish and shellfish receptors.</p>
C-297	We advise this should reference gravel bags, rather than beds.	The wording of commitment C-297 has been updated in the Commitments Register [REP5-086] provided at Deadline 6.
C-298	We advise that the default option should be that monitoring data is made publicly available to benefit the industry as a whole, unless the Applicant can provide robust reasoning why it should not be made available.	The Applicant advises that there will be no change to commitment C-298 in the Commitments Register [REP5-086] . As with all major developments, some of the monitoring data collected could be commercially sensitive or there could be liability issues with the data being made publicly available.
2.15.7 6. Sheringham and Dudgeon Extension Project Decision		Noted, the Applicant awaits Natural England's further advice regarding the Draft Development Consent Order [REP5-005] .
Natural England is mindful of the recent decision for the Sheringham and Dudgeon Extension Project (SADEP). While some of the key decisions are reflected in our advice to the Development Consent Order (DCO), once our full review of the decision is complete, further advice reflecting the DCO may be provided at the earliest opportunity		
2.15.8 7. A note in relation to furthering the purposes of the South Downs National Park		The Applicant notes Natural England's comments. The principle of entering into a section 106 agreement with South Downs National Park Authority to secure payment of a compensation fund to South Downs National Park Authority has been subject to further discussion with the authority, with the amount of the compensation having been agreed in
Natural England welcomes in principle the Applicant's proposal for a fund secured via s106 with the SDNP to include landscape and nature recovery projects that intend to further the purposes of the		

Ref Deadline 5 submission

SDNP, and we understand that significant work has gone into this proposal. We may submit further comments on this proposal as appropriate following consultation with the SDNPA at Deadline 6. We note the provision of evidence within the s106 agreement to suggest enhancement opportunities for direct onshore effects (landscape). However, in relation to paragraph 1.2.2c, schedule 2 of the draft s106 agreement (document 8.73) we do not recognise the term “offsetting”, and seek clarity from the Applicant on how the opportunities within the “Compensation Fund” provide the enhancement measures required for offshore effects (seascape). In addition, and with reference to the significant offshore effects that remain in relation to the effects of the offshore array on the SDNP, Natural England seek clarity on the application of the mitigation hierarchy, and therefore details of any necessary compensation.

Applicant’s response

principle between the parties. A requirement has been included in the Draft Development Consent Order [REP5-005] (as updated at Deadline 6) to secure that a National Park Enhancement and Furtherance Scheme is submitted, in accordance with the **National Park Enhancement and Furtherance Principles (Document Reference: 8.106)** to secure the payment of compensation, which is envisaged to be provided through a section 106 agreement.

An indication as to the purposes to which the fund could be applied, to compensate for seascape effects and to seek to further the statutory purposes of the National Park, is included in the **National Park Enhancement and Furtherance Principles (Document Reference: 8.106)** submitted at Deadline 6 (and were noted in the previous iteration of this document which previously formed part of the document referred to as the **Landscape Enhancement Scheme Principles [REP5-132]**. The application of funds will be determined by a steering committee to be established for this purpose as confirmed in the **National Park Enhancement and Furtherance Principles (Document Reference: 8.106)**.

The Applicant confirms that the mitigation hierarchy has been applied in accordance with National Policy Statement EN1 to avoid, reduce and mitigate the effects of the Proposed Development prior to seeking to compensate for residual effects as set out in the Deadline 4 submission **Applicant’s Post Hearing Submission – Issue Specific Hearing 2 Further information on South Downs National Park [REP4-064]**.

2.15.9 Table 1 Natural England’s Response/Summary Position to the Applicant’s Documents Submitted at Deadline 4 that are relevant to our remit.

PINS Document reference	Applicant’s Document Name	Natural England’s Response/Position Summary	Applicant’s response
REP4-001	Deadline 4 Covering Letter	Natural England has no comments on this submission at this time.	Noted, the Applicant has no further comment on this matter at this time.
REP4-002	1.6 Application Document Tracker Rev F	Natural England has no comments on this submission at this time.	
REP4-009 & REP4-010	4.2 Funding Statement Rev B (clean & tracked)	Natural England has no comments on this submission at this time.	
REP4-075	8.71 Draft S106 Agreement with West Sussex County Council.pdf	Natural England has no comments on this submission at this time.	
REP4-076	8.72 Draft S106 Agreement with Horsham District Council.pdf	Natural England has no comments on this submission at this time.	

Ref	Deadline 5 submission		Applicant's response
REP4-068 & REP4-069	8.50 Marine Plan and Policies Statement Rev B (tracked & clean)	Natural England has no comments on this submission at this time.	
REP4-060	8.22 Mid-Examination Progress Tracker Rev D	We advise that our Risk and Issues log from Deadline 4 is referred to when updating the tracker.	The Applicant has provided an update to Natural England's Risk and Issues Log as requested by the Examining Authority in the Second Written Questions [PD-012] within Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119] submitted at Deadline 5. This has been used in the Applicant's update to Examination Progress Tracker [REP2-013] , updated at Deadline 6.
REP4-059	8.22 Statement of Commonality for Statements of Common Ground Rev C	Please see above	Please see the Applicant's response above.
REP4-070	8.66 Applicant's Comments on Deadline 3 Submissions Rev A.pdf	As previously advised, we do not intend on commenting on any direct responses by the Applicant.	
REP4-072	8.68 Applicant's Post Hearing Submission - Issue Specific Hearing 2 Rev A.pdf	Natural England has no comments on this submission at this time. We have included comments in our thematic appendices where relevant updates have been made.	Noted, the Applicant has provided a response to Natural England's thematic appendices in Table 2-16 to Table 2-20 below.
REP4-074	8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 Rev A.pdf	Natural England has no comments on this submission at this time. We have included comments in our thematic appendices where relevant updates have been made.	
REP4-076	8.72 Draft S106 Agreement with Horsham District Council.pdf	Natural England has no comments on this submission at this time.	Noted, the Applicant has no further comment on this matter at this time.
REP4-079	8.77 Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions Rev A.pdf	As previously advised, we do not intend on commenting on any direct responses by the Applicant.	
REP4-057 & REP-058	7.22 Commitments Register Rev D (clean & tracked)	Natural England have reviewed this and provided comments where relevant in the thematic Appendices. We have also included some overarching points in this letter above. We will provide any further comments relevant to the DCO, landscape and benthic ecology at Deadline 6.	Noted, the Applicant has provided a response to Natural England's overarching points above in this table, and the thematic appendices in Table 2-16 to Table 2-20 below. The Applicant awaits any Natural England's further advice that may be provided.
REP4-049 & REP-050	7.11 Outline Project Environmental Management Plan Rev B (clean & tracked)	Natural England notes that the only updates to this document are addition of Natural England's contact details, which we support. The other	The Outline Project Environmental Management Plan [REP4-050] has been updated at Deadline 6 to state "It will also be reviewed within three months of any significant changes".

Ref	Deadline 5 submission		Applicant's response
		comments within our risk and issues log remain unaddressed. We acknowledge the other change made is that the document will be reviewed at least 6 months prior to construction and 6 months after a significant change (rather than 3). We advise justification is provided for this amendment, as we advise if a significant change occurs, then the document should be updated as soon as possible to remain valid and relevant.	
REP4-018 & REP4-019	6.2.9 Environmental Statement Volume 2 Chapter 9 Benthic, subtidal and intertidal ecology Rev B (clean & tracked)	Natural England will provide our advice on this at deadline 6.	Noted, the Applicant awaits Natural England's further advice.
REP4-053 & REP4-054	7.17 In Principle Sensitive Features Mitigation Plan Rev D (clean & tracked)	Natural England has provided our advice on this in relation to fish and shellfish ecology in Appendix E5. We will provide our advice on this in relation to benthic ecology at deadline 6.	The Applicant has provided a response to Natural England Deadline 5 Submission – Advice on Fish and Shellfish Appendix E5 [REP5-139], please see Table 2-18. The Applicant awaits Natural England's further advice.
REP4-055 & REP04-056	7.18 Offshore In Principle Monitoring Plan Rev B (clean & tracked)	Natural England have reviewed this where it has been updated in relation to fish and shellfish ecology and marine mammals. Unless stated otherwise, we advise that all our previous comments remain unaddressed. We advise that offshore ornithology is updated to reflect the need for monitoring of great black backed gulls.	The Applicant maintains that Chapter 12: Offshore and intertidal ornithology, Volume 2 of the Environmental Statement [APP-053] concluded that there would be no significant effects on ornithological receptors, including great black backed gull, as a result of either Rampion 2 alone or the cumulative effects of Rampion 2 and other relevant projects. As no significant effects are predicted to occur, no further monitoring is required or proposed for offshore or intertidal ornithology.
REP4-004 & REP4-005	3.1 Draft Development Consent Order Rev E (clean & tracked)	Natural England will provide our advice on this at deadline 6.	Noted, the Applicant awaits Natural England's further advice.
REP4-006 & REP4-007	3.2 Explanatory Memorandum Rev D (clean & tracked)	Natural England will provide our advice on this at deadline 6.	
REP4-008	3.3 Schedule of Changes to the Draft Development Consent Order Rev D.pdf	Natural England will provide our advice on this at deadline 6.	
REP4-016 & REP4-017	5.10.1 Alternative Schedule 17 (on a without prejudice basis) (clean & tracked)	Natural England will provide our advice on this at deadline 6.	
REP4-051 & REP4-052	7.14 Draft Piling Marine Mammal Mitigation Protocol Rev B (clean & tracked)	Natural England's response to this document is provided in Appendix C5.	The Applicant has provided a response to the Natural England Deadline 5 Submission – Advice on Marine Mammals Appendix C5 [REP5-138], please see Table 2-17.

Ref	Deadline 5 submission		Applicant's response
REP4-061 & REP4-062	8.25.1 Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (clean & tracked).pdf	Natural England's response to this document is provided in Appendix E5.	The Applicant has provided a response to the Natural England Deadline 5 Submission – Advice on Fish and Shellfish Appendix E5 [REP5-139] , please see Table 2-18 .
REP4-067	8.40 8.40 ITAP - Information to support efficacy of noise mitigation abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm	Natural England's response to this document is provided in Appendix E5.	
REP4-071	8.67 Without Prejudice Stage 2 Marine Conservation Zone (MCZ) Assessment Rev A	Natural England's response to this document is provided in Appendix E5.	
REP4-078	8.74 Without Prejudice Measures of Equivalent Environmental Benefit Review Rev A	Natural England's response to this document is provided in Appendix E5.	
REP4-026	6.3.18 Environmental Statement Volume 3 Chapter 18 Landscape and visual impact assessment - Figures Rev B (Parts 1 to 6)	Natural England will provide our advice on this at deadline 6.	The Applicant has provided a response to Natural England Additional Submission – Advice on Landscape and Visual Impact Assessment Appendix H5.5 [AS-023] , please see Table 2-21 .
REP4-028	6.3.18 Environmental Statement Volume 3 Chapter 18 Landscape and visual impact assessment - Figures Rev B (Part 3 of 6)	Natural England will provide our advice on this at deadline 6.	
REP4-029	6.3.18 Environmental Statement Volume 3 Chapter 18 Landscape and visual impact assessment - Figures Rev B (Part 4 of 6)	Natural England will provide our advice on this at deadline 6.	
REP4-030	6.3.18 Environmental Statement Volume 3 Chapter 18 Landscape and visual impact assessment - Figures Rev B (Part 6 of 6)	Natural England will provide our advice on this at deadline 6.	

Ref	Deadline 5 submission	Applicant's response	
REP4-027	6.3.18 Rampion 2 ES Volume 3 Chapter 18 Landscape and visual impact assessment - Figures Rev B (Part 2 of 6)	Natural England will provide our advice on this at deadline 6.	
REP4-033 & REP4-034	6.4.18.2 Environmental Statement Volume 4 Appendix 18.2 Viewpoint analysis Rev B (clean & tracked)	Natural England will provide our advice on this at deadline 6.	
REP4-035 & REP4-036	6.4.18.6 Environmental Statement Volume 4 Appendix 18.6 Viewpoint directory Rev B (clean & tracked)	Natural England will provide our advice on this at deadline 6.	
REP4-047 & REP4-048	7.10 Outline Landscape and Ecology Management Plan Rev C (clean & tracked)	Natural England's response to this document in relation to terrestrial ecology is provided in Appendix J5. Natural England advice in relation to landscape will be provided at deadline 6.	The Applicant has provided a response to the Natural England Deadline 5 Submission – Advice on Terrestrial Ecology Appendix J5 [REP5-140] , please see Table 2-19 .
REP4-043 & REP4-044	7.2 Outline Code of Construction Practice Rev D (clean & tracked)	Natural England's response to this document in relation to terrestrial ecology is provided in Appendix J5. Natural England advice in relation to landscape will be provided at deadline 6.	
REP4-063 & REP4-064	8.25.5 Applicant's Post Hear Submission - Further information on South Downs National Park Rev B (tracked & clean)	Natural England has no comments on this submission at this time.	Noted, the Applicant has no further comment on this matter at this time.
REP4-020 & REP4-021	6.2.11 Environmental Statement Volume 2 - Chapter 11 Marine mammals Rev C (clean & tracked)	Natural England's response to this document is provided in Appendix C5.	The Applicant has provided a response to the Natural England Deadline 5 Submission – Advice on Marine Mammals Appendix C5 [REP5-138] , please see Table 2-17 .
REP4-051 & REP4-052	7.14 Draft Piling Marine Mammal Mitigation Protocol Rev B (clean & tracked)	Natural England's response to this document is provided in Appendix C5.	
REP4-014 & REP4-015	5.10 Habitats Regulations Assessment (Without Prejudice) Derogation Case Rev B (clean & tracked)	Natural England's response to this document is provided in Appendix B5.	The Applicant has provided a response to the Natural England Deadline 5 Submission – further Information for Action Point 34 - Guillemot and Razorbill and the Habitats Regulations Assessment (Without Prejudice) Derogation Case Rev B Appendix B5 [REP5-137] , please see Table 2-16 .
REP4-065 & REP4-066	8.25.8 - Further Information for Action Point 34 - Guillemot	Natural England's response to this document is provided in Appendix B5.	

Ref	Deadline 5 submission		Applicant's response
	and Razorbill Rev B (clean & tracked)		
REP4-003	2.6 Tree Preservation Order and Hedgerow Plan Rev C	Natural England's response to this document in relation to terrestrial ecology is provided in Appendix J5. Natural England advice in relation to landscape will be provided at deadline 6.	The Applicant has provided a response to the Natural England Deadline 5 Submission – Advice on Terrestrial Ecology Appendix J5 [REP5-140] and Advice on Landscape and Visual Impact Assessment Appendix H5.5 [AS-023] , please see Table 2-17 and Table 2-21 .
REP4-022 & REP4-023	6.2.22 Environment Statement Volume 2 Chapter 22 Terrestrial ecology and nature conservation Rev B (clean & tracked)	Natural England's response to this document is provided in Appendix J5.	
REP4-037 & REP4-038	6.4.22.16 Environmental Statement Volume 4 Appendix 22.16 Arboricultural Impact Assessment Rev B (clean & tracked)	Natural England's response to this document in relation to terrestrial ecology is provided in Appendix J5. Natural England advice in relation to landscape will be provided at deadline 6.	
REP4-039 & REP4-040	6.4.26.2 Environmental Statement Volume 4 Appendix 26.2 Flood Risk Assessment Rev B (clean & tracked)	Natural England has no comments on this submission at this time.	Noted, the Applicant has no further comment on this matter at this time.
REP4-041 & REP4-042	7.1 Outline Operational Drainage Plan Rev C (clean & tracked)	Natural England has no comments on this submission at this time.	
REP4-045	7.6 Outline Construction Traffic Management Plan Rev E (clean)	Natural England has no comments on this submission at this time.	
REP4-013	4.5 Change Log for Book of Reference Rev C	Natural England has no comments on this submission at this time.	
REP-024 & REP-025	Environmental Statement Volume 2 - Chapter 25 Historic environment Rev C (clean & tracked)	Natural England has no comments on this submission at this time.	
REP4-031 & REP4-032	6.3.25 Environmental Statement Volume 3 - Chapter 25 Historic Environment - Figures (Part 3 of 5) & (Part 4 of 5) Rev B	Natural England has no comments on this submission at this time.	

Ref	Deadline 5 submission		Applicant's response
REP4-073	8.69 Applicant's Post Hearing Submission - Compulsory Acquisition Hearing 1	Natural England has no comments on this submission at this time.	
REP4-011 & REP4-012	4.4 Land Rights Tracker Rev D (clean & tracked).pdf	Natural England has no comments on this submission at this time.	
PD-011	The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2	Natural England's additional responses to this document are provided in Appendix N5.	The Applicant has provided a response to the Natural England Deadline 5 Submission – Response to the outstanding questions from The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2 [PD-011] and The Examining Authority's Further Written Questions and requests for information [PD-012] Appendix N5 [REP5-141], please see Table 2-20 .
PD-014	Report on the Implications for European Sites	Natural England will provide our advice on this at deadline 6.	The Applicant has provided a response to Natural England Additional Submission – Advice on the Report on the Implications for European Sites Appendix O5.5 [AS-022], please see Table 2-21 .
PD-012	The Examining Authority's Further Written Questions and requests for information	Natural England's response to this document is provided in Appendix N5.	The Applicant has provided a response to the Natural England Deadline 5 Submission – Response to the outstanding questions from The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2 [PD-011] and The Examining Authority's Further Written Questions and requests for information [PD-012] Appendix N5 [REP5-141], please see Table 2-20 .
PD-013	Schedule of recommended amendments to the Applicant's draft DCO Submitted at Deadline 4 (D4) [REP4-004]	Natural England will provide our advice on this at deadline 6.	Noted, the Applicant awaits Natural England's further advice.

Table 2-16 Applicant’s comments on Natural England’s Deadline 5 Appendix B5 Advice on the further Information for Action Point 34 - Guillemot and Razorbill and the Habitats Regulations Assessment (Without Prejudice) Derogation Case Rev B submission [REP5-137]

Ref	Deadline 5 submission	Applicant’s response																						
Natural England’s Advice on the further Information for Action Point 34 - Guillemot and Razorbill and the Habitats Regulations Assessment (Without Prejudice) Derogation Case Rev B																								
2.16.1	<p>In formulating these comments, the following documents have been considered:</p> <ul style="list-style-type: none"> • [REP4-066] 8.25.8 - Applicant’s Post Hearing Submission – Issue Specific Hearing 1 Appendix 8 Further Information for Action Point 34 - Guillemot and Razorbill Rev B (Tracked) • [REP4-015] 5.10 Habitats Regulations Assessment (Without Prejudice) Derogation Case Rev B (tracked) • [REP4-058] 7.22 Commitments Register Rev D (tracked) 	Noted, the Applicant has no further comments on this matter at this time.																						
1. Summary																								
2.16.2	<p>[REP4-066] Guillemot and Razorbill in-combination assessment (tracked changes)</p> <p>The tracked changes in document [REP4-066] 8.25.8 - Further Information for Action Point 34 - Guillemot and Razorbill Rev B comprise corrections to some of the errors in one table of guillemot abundance figures which Natural England highlighted in our previous comments ([REP3-080] Appendix B3 to the Natural England Deadline 3 Submission). We note that some errors persist in other tables of abundance figures in this document and recommend that all tables are reviewed, however we do not expect any corrections to materially affect the conclusions. All other comments made in Appendix B3 to the Natural England Deadline 3 Submission regarding this document still stand. We note that the Applicant has concluded that adverse effect on integrity (AEOI) can be ruled out for all of the features considered. Natural England advise that we do not agree with this conclusion and consider that Rampion 2 will make a contribution to in-combination adverse effects to the three sites under consideration, albeit a modest one. As a range of scenarios were presented, we present this summary of our conclusions:</p> <table border="1"> <thead> <tr> <th>Species & SPA</th> <th>Projects included in in-combination assessment</th> <th>Natural England’s advice on the conclusion</th> </tr> </thead> <tbody> <tr> <td rowspan="4">Guillemot, Flamborough and Filey Coast (FFC SPA)</td> <td>Rampion 2 plus all consented projects</td> <td>AEOI cannot be ruled out</td> </tr> <tr> <td>Rampion 2 plus all consented projects (excluding Hornsea Four)</td> <td>AEOI can be ruled out</td> </tr> <tr> <td>Rampion 2 plus all other projects</td> <td>AEOI cannot be ruled out</td> </tr> <tr> <td>Rampion 2 plus all other projects (excluding Hornsea Four)</td> <td>AEOI cannot be ruled out</td> </tr> <tr> <td rowspan="2">Razorbill, FFC SPA</td> <td>Rampion 2 plus all consented projects</td> <td>AEOI cannot be ruled out</td> </tr> <tr> <td>Rampion 2 plus all other projects</td> <td>AEOI cannot be ruled out</td> </tr> <tr> <td rowspan="2">Guillemot, Farne Islands SPA</td> <td>Rampion 2 plus all consented projects</td> <td>AEOI can be ruled out</td> </tr> <tr> <td>Rampion 2 plus all other projects</td> <td>AEOI cannot be ruled out</td> </tr> </tbody> </table>	Species & SPA	Projects included in in-combination assessment	Natural England’s advice on the conclusion	Guillemot, Flamborough and Filey Coast (FFC SPA)	Rampion 2 plus all consented projects	AEOI cannot be ruled out	Rampion 2 plus all consented projects (excluding Hornsea Four)	AEOI can be ruled out	Rampion 2 plus all other projects	AEOI cannot be ruled out	Rampion 2 plus all other projects (excluding Hornsea Four)	AEOI cannot be ruled out	Razorbill, FFC SPA	Rampion 2 plus all consented projects	AEOI cannot be ruled out	Rampion 2 plus all other projects	AEOI cannot be ruled out	Guillemot, Farne Islands SPA	Rampion 2 plus all consented projects	AEOI can be ruled out	Rampion 2 plus all other projects	AEOI cannot be ruled out	<p>The Applicant notes the error highlighted and has submitted an updated version of the Guillemot and Razorbill in-combination assessment as Report to Inform Appropriate Assessment (RIAA) Appendix K In-combination assessment update for guillemot and razorbill (Document Reference 5.9) (incorporated into the final Report to Inform Appropriate Assessment [REP5-025]) at Deadline 6, though as noted by Natural England, the Applicant agrees any corrections would not materially affect the assessment conclusions.</p> <p>The Applicant responded to the points Natural England made at Deadline 3 in Table 2-6 (p50) of Applicant’s Comments on Deadline 3 Submissions [REP4-070]</p> <p>The Applicant remains of the position that an Adverse Effect on Integrity (AEOI) can be ruled out for the Project in-combination regardless of the projects included based on the justification provided within the Deadline 4 Submission – Appendix 8: Further Information for Action Point 34 – In Combination Assessment [REP4-065] (updated in RIAA Appendix K: In-combination Assessment Update for Guillemot and Razorbill [REP5-025] (updated at Deadline 6)) and Applicant’s Comments on Deadline 3 Submissions [REP4-070].</p>
Species & SPA	Projects included in in-combination assessment	Natural England’s advice on the conclusion																						
Guillemot, Flamborough and Filey Coast (FFC SPA)	Rampion 2 plus all consented projects	AEOI cannot be ruled out																						
	Rampion 2 plus all consented projects (excluding Hornsea Four)	AEOI can be ruled out																						
	Rampion 2 plus all other projects	AEOI cannot be ruled out																						
	Rampion 2 plus all other projects (excluding Hornsea Four)	AEOI cannot be ruled out																						
Razorbill, FFC SPA	Rampion 2 plus all consented projects	AEOI cannot be ruled out																						
	Rampion 2 plus all other projects	AEOI cannot be ruled out																						
Guillemot, Farne Islands SPA	Rampion 2 plus all consented projects	AEOI can be ruled out																						
	Rampion 2 plus all other projects	AEOI cannot be ruled out																						
2.16.3	HRA (without-prejudice) Derogations case (tracked changes)	<p>The Applicant provided a range of impacts within the Deadline 5 Submission - Guillemot & Razorbill Evidence and Roadmap [REP5-117] (updated at Deadline 6). The compensation requirements (using the Hornsea Four compensation calculation</p>																						

Ref	Deadline 5 submission	Applicant's response
	<p>Throughout this document, the Applicant has referred to their predicted impacts on the guillemot and razorbill features of FFC SPA and the guillemot feature of the Farne Islands SPA using a single impact value calculated using the Applicant's preferred displacement rate and displacement mortality rate of 50% and 1%, respectively. We do not agree with this and advise that the full range of possible impacts based on possible displacement rates of 30-70% and displacement mortality rates of 1-10% are presented, rather than the Applicant's preferred values alone.</p> <p>We refer to [REP4-091] Appendix B4 to the Natural England Deadline 4 Submission for our detailed comments on the Applicant's proposed compensatory measures for kittiwake, guillemot and razorbill. We broadly consider the proposed approaches to be appropriate and proportionate, although we note that significant monitoring efforts will be required at each colony considered for guillemot and razorbill compensation to establish whether recreational disturbance is currently having a significant impact on the success of those colonies, and what methods may be effective in addressing it.</p>	<p>method) have been presented for the central impact values at 50:1 and 70:2 displacement and mortality rates up to a 3:1 ratio for guillemot and razorbill impacts to FFC SPA and guillemot impacts to Farne Islands SPA. Although this does not cover the full range advised by Natural England (70:10), the Applicant believes that Natural England should be content with the information supplied because it conforms to its advice on recently consented projects.</p> <p>The Applicant welcomes Natural England's support on the proposed measures and advice on disturbance monitoring. A monitoring programme has been completed to inform site-selection. If required, a more detailed monitoring programme will be undertaken post-consent to further refine and evidence this compensation measure for auks.</p>

2. Detailed Comments

Point number	Location within Submitted Document			Natural England Response	Natural England's Advice to resolve the issue	Applicant's response
	Section	Page	Paragraph, Table or Figure Number	Key Concern		
<p>Table 1 Summary of Key Issues Document Reviewed - [REP4-066] 8.25.8 Appendix 8 – Further Information for Action Point 34 – In Combination Assessment Update for Guillemot and Razorbill (tracked changes); [REP4-015] 5.10 Habitat Regulations Assessment (Without Prejudice) Derogation case (tracked changes); [REP4-058]7.22 Commitments Register Rev D (tracked)</p>						
1	3	11-54	Tables 3.1, 3.2, 3.7, 3.8, 3.13	In our previous comments we noted some addition errors in table 3.1 and advised that the Applicant should review their figures. The Applicant has amended the figures in table 3.1, which is welcomed. However, we note that the other tables of abundance figures have not been updated and still contain multiple addition errors.	Ensure that all tables of abundance figures have been robustly reviewed so that future cumulative/in-combination assessments are based on accurate totals.	The Applicant has reviewed the Tables highlighted and can confirm that with respect to Tables 3.2 & Table 3.13 is simply due to rounding to whole numbers and can therefore confirm no amendments are required for these tables. With respect to Table 3.7 & 3.8 the Applicant notes the inconsistencies flagged in the tables and has ensured these were amended accordingly with a revised RIAA Appendix K In-combination assessment update for guillemot and razorbill (Document reference 5.9) (incorporated into the final Report to Inform Appropriate Assessment [REP5-025]) at Deadline 6, though as noted by Natural England in Comment ID 2.1.2, any corrections would not materially affect the assessment conclusions.
2	3	11-58	Tables 3.1 – 3.15	Note that Sheringham and Dudgeon Offshore Wind Extension Projects have now been consented. We note that the impacts on the guillemot feature of FFC SPA are required to be compensated for as part of those projects' Development Consent Order (DCO).	We advise that Sheringham and Dudgeon Extension Projects Offshore Wind Farm are considered as part of the consented projects.	When undertaking the updated in-combination assessments presented, the Applicant was aware of the imminent consent decision for Sheringham and Dudgeon Extension Projects and therefore specifically accounted for this by including an in-combination total for all consented projects, Rampion 2 and Sheringham and Dudgeon Extension Projects to account for the change in the project status.

Ref	Deadline 5 submission			Applicant's response		
3		Remainder of document	The only changes made to the document compared to the previous version are some corrections to the guillemot abundance figures in table 3.1, which do not affect our conclusions. Therefore, all the comments made at deadline 3 still stand for this document.	See [REP3-080] Appendix B3 to the Natural England Deadline 3 Submission for our full advice on this document, which remains unchanged. The Applicant has appropriately responded to all remaining comments in Appendix B3 to the Natural England Deadline 3 Submission in reference 2.6.1 - 2.6.3iii, 2.1.4 and 2.1.11 of Table 2-6 of Applicant's Comments to Deadline 3 Submissions [REP4-070] .		
Document Reviewed - [REP4-015] 5.10 Habitat Regulations Assessment (Without Prejudice) Derogation case (tracked changes)						
4	1,3,4,6	5, 26, 26, 29, 64	1.1.3, 3.4.2, 3.5.2, 4.2.6, 6.2.6	Throughout this document, the Applicant has only listed mortality values for guillemot and razorbill based on their preferred displacement and displacement mortality rates of 50% and 1%, respectively, which Natural England does not agree with. Instead, a range of possible mortality values should be presented, based on consideration of a range of possible displacement and displacement mortality rates, to reflect the inherent uncertainty of this assessment.	We advise that when referring to the impacts of the Project on the guillemot and razorbill features of FFC SPA and the guillemot feature of the Farne Islands SPA, the full range of possible impacts based on possible displacement rates of 30-70% and displacement mortality rates of 1-10% are presented, rather than the Applicant's preferred values alone.	The Applicant has provided a range of impacts within the Deadline 5 Submission Guillemot & Razorbill Evidence and Roadmap [REP5-117] (updated at Deadline 6). The compensation requirements (using the Hornsea Four compensation calculation method) have been presented for the central impact values at 50:1 and 70:2 displacement and mortality rates up to a 3:1 ratio for guillemot and razorbill impacts to FFC SPA and guillemot impacts to Farne Islands SPA. Although this does not cover the full range advised by Natural England (70:10), the Applicant believes that Natural England should be content with the information supplied because it conforms to their advice on recently consented projects.
5	1	11	1.3.4	Minor typo - this paragraph should read: "... Natural England disagreed with the Applicant's conclusion for impacts on kittiwake, guillemot and razorbill features of the FFC SPA, and the guillemot feature of the Farne Islands SPA, in-combination"	N/A	The Applicant has provided an updated Habitat Regulations Assessment (Without Prejudice) Derogation case [REP4-014] with this typo amended at Deadline 6.
6	6	75	6.2.43	Natural England provided comments on the Guillemot and Razorbill Evidence and Roadmap to the effect that, while it is possible that recreational disturbance is having a negative impact on the colonies the Applicant identified, any compensation would first require demonstrating this through monitoring,	We advise that Natural England's comments on 8.65 Guillemot and Razorbill Evidence Roadmap are taken into consideration (Appendix B4 to the Natural England	The Applicant provided an updated Guillemot and Razorbill Evidence Roadmap [REP5-117] which addressed this point at Deadline 5. In addition, an outline Guillemot and Razorbill Implementation and Monitoring Plan [REP5-127] was also provided. Both these documents have been updated at Deadline 6.

Ref	Deadline 5 submission				Applicant's response	
				in advance of any measure to reduce disturbance being deployed.	Deadline 4 Submission).	
7	6	76	6.2.51	Note that as of July 2024, the Marine Recovery Fund remains in development.	N/A	Noted, the Applicant has no further comments on this matter at this time.
8	6	79 – 84	6.2.63 – 6.2.102	As these measures are no longer being considered, these paragraphs are not necessary.	N/A	The Applicant has provided an updated Habitat Regulations Assessment (Without Prejudice) Derogation case [REP4-014] with this amended at Deadline 6.
9	6	85	6.2.103	We wish to clarify that the ranking of the measure within the hierarchy does not on its own indicate that the proposed measure has a high certainty of success. Our comments on the Guillemot and Razorbill Evidence Roadmap provide caveats and measures to be taken into account when considering the likelihood of success of the proposed compensation measure.	We advise that Natural England's comments on the 8.65 Guillemot and Razorbill Evidence Roadmap are taken into consideration [REP4-091] Appendix B4 to the Natural England Deadline 4 Submission).	The Applicant has taken on board Natural England's comments from [REP4-091] and provided an updated Guillemot and Razorbill Evidence Roadmap [REP5-117] at Deadline 5. In addition, an outline Guillemot and Razorbill Implementation and Monitoring Plan [REP5-127] was also provided. These documents have been updated at Deadline 6.
10	6	88	6.2.113	See Natural England's previous comments on the Kittiwake Implementation and Monitoring Plan (KIMP).	We advise that Natural England's comments on 8.64 Kittiwake Implementation and Monitoring Plan are taken into consideration [REP4-091] Appendix B4 to the Natural England Deadline 4 Submission).	The Applicant provided an updated Kittiwake Implementation and Monitoring Plan [REP5-115] at Deadline 5. This has also been updated to provide the Applicant's proposed compensation delivery quantum.
Document Reviewed - [REP4-058] 7.22 Commitments Register Rev D (tracked)						
11		167	C-298	We note that C-298 commits to undertaking post consent offshore ornithology monitoring that will be secured in the In Principle Monitoring Plan (IPMP). This commitment is also echoed in the Statement of Common Ground (SoCG). This has however, not been transferred into the IPMP. We acknowledge that there is a	In line with the detail provided in the SoCG and as discussed in our meeting with the Applicant on 17 April 2024, Natural England considers there would be merit in undertaking monitoring to better	Commitment C-298 states: <i>"Where appropriate, the results of post-consent monitoring, data and reports will be made publicly available and provided to the relevant data repositories."</i> This does not commit the Applicant to undertaking post-consent offshore ornithology monitoring, but rather that if monitoring is required, where appropriate, the details would be shared and made publicly available. The Natural England SoCG only refers to post-consent monitoring in row NE14 – relating to offshore HRA. The HRA derogation case has been provided on a without

Ref	Deadline 5 submission	Applicant's response
	<p>separate Kittiwake Implementation and Monitoring Plan.</p>	<p>understand the uncertainties regarding how great black backed gulls (GBBG) use the existing Rampion 1 array site, in particular how they roost on the outer array turbines and whether deterrents can reduce roosting behaviour and the level of activity (e.g. foraging) within the array. This monitoring should then be expanded to Rampion 2 to explore how gull behaviour changes once Rampion 2 is constructed and the effectiveness of any deterrents used at Rampion 2.</p> <p>prejudice basis, as such, post-consent monitoring for HRA would be added to the Final Monitoring Plan, if deemed necessary by the Secretary of State.</p> <p>With regards to great black-backed gulls, the Applicant maintains that a significant effect is not likely to occur and considers that additional monitoring would not be necessary. Additionally, As Natural England have concluded that the installation of roosting deterrents would be ineffective as a mitigation measure, the Applicant does consider that such additional monitoring would be appropriate for the proposed development to take. This is especially true if the ability to roost on such structures offers great black-backed gull ecological benefits such as closer proximity to foraging areas or safe roosting areas in the offshore environment.</p>

Table 2-17 Applicant's comments on Natural England's Deadline 5 Appendix C5 Marine Mammals submission [REP5-138]

Ref	Deadline 5 submission		Applicant's response		
Point	Point Number (s) from Appendix C [RR-265]	Taken from Natural England's Relevant and Written Representations Rampion 2 - Appendix C - Marine Mammals [RR-265]	Consultation, actions, progression at Deadline 5		
2.17.1	1. Summary of Key Points		The Applicant has provided a response to each of the points below in detail.		
		As stated, in our covering letter Natural England will not be submitting an overall risk and issues log at deadline 5. However, we have included an extract of the following points within tab C – Marine Mammals, where the documents submitted at deadline 4 have generated updated advice/comments from Natural England.			
2.17.2	C24	25 and 26, Summary 1 and 2, Volume 4, Appendix 11.3 Underwater noise assessment technical report	<p>The number of piles and pile locations per day needs to be clarified. In the text the Applicant has stated that up to 2 monopiles and 4 pin piles may be installed in a 24-hour period (Section 3.2.2). However, the Applicant appears to have modelled simultaneous and sequential piling occurring within a 24-hour period (Tables 4-31 and 4-33). If both sequential and simultaneous piling is within the envelope, then theoretically up to 4 monopiles or 8 jacket pin piles could be installed in a 24-hour period (and indeed this is what is stated as the worst-case scenario in Appendix 11.2). The worst-case piling scenario in a 24-hour period must therefore be clarified, modelled and used consistently. It should also be clarified whether a maximum of 2 locations may be installed in a 24-hour period. In addition, the worst-case spatial extent of the noise impact (particularly for disturbance) requires review. We query whether the east and west locations are the worst-case in terms of spatial extent of underwater noise impact, given that the worst-case propagation occurs at the South</p>	<p>The Applicant has updated the marine mammal ES chapter to reflect that 4 monopiles or 8 pin piles may be installed in a 24-hour period. We note that no corresponding change in the modelling has been undertaken.</p> <p>We advise that the Applicant clarify that the worst-case scenario has been modelled appropriately, with respect to this update in the ES chapter and our relevant representation comment regarding worst-case spatial extent.</p>	<p>The Applicant has confirmed the worst case modelling parameters of 4 monopiles or 8 pin piles installed in a 24-hour period were used in the modelling presented in Appendix 11.3: Underwater noise assessment technical report, Volume 4 of the Environmental Statement (ES) [REP5-046] and which informed the Chapter 11: Marine Mammals, Volume 2 of the ES [REP5-031] and Chapter 8: Fish and Shellfish, Volume 2 [REP5-027].</p> <p>The update to Chapter 11: Marine Mammals, Volume 2 of the ES [REP5-031] was a correction of a mistake. The modelling, and subsequent assessment used the worst case scenario. Consequently, no further modelling was required.</p> <p>In respect of the worst-case modelling locations for spatial extent, the West and East locations, given the maximum separation, present the worst case total area. Although the South location impact area alone is slightly greater than West or East, its vicinity to the East location (as suggested) provides a greater overlap and therefore a slightly smaller total area of impact than the West and East locations.</p>

Ref	Point	Point Number (s) from Appendix C [RR-265]	Deadline 5 submission Taken from Natural England's Relevant and Written Representations Rampion 2 - Appendix C - Marine Mammals [RR-265]	Consultation, actions, progression at Deadline 5	Applicant's response
			and East locations (Section 4). Should this instead be South and East (or another location)? This may make a difference to the noise impacts that occur over larger spatial scales (e.g. disturbance assessment using noise contours). The Applicant should ensure that the worst-case spatial extent for noise impacts from simultaneous piling has been modelled and update the assessments if necessary.		
2.17.3	C33	7.14 Draft Piling Marine Mammal Mitigation Protocol, 27, 32, 33, and 35, Summary 14	<p>We have several concerns regarding the MMMP: The acoustic deterrent device (ADD) duration is typically based on the permanent threshold shift (PTS) range. If the impact range is not presented for simultaneous piling, we query how an appropriate ADD duration can be calculated. The Applicant should consider this. The ADD is an important part of the mitigation measures and an appropriate duration is needed to demonstrate that its usage can reduce impacts to acceptable levels. The Applicant should present an approach to determining appropriate ADD duration for simultaneous piling.</p> <p>The MMMP should explicitly outline the soft start/ramp up procedure that has been modelled as the worst-case, and commit to not exceeding this soft start/ramp up profile. This will ensure that the worst-case impact ranges are not exceeded. Furthermore, the Joint Nature Conservation Committee</p>	<p>We note that the updated MMMP now states the ramp up profile, which partially addresses our concern. However, it still incorrectly refers to the soft start duration being 7.5 minutes.</p> <p>We note that the information provided in the "Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm" provides useful information on the considerations around NAS for this site. See Appendix E5 for further advice regarding this matter.</p> <p>Our point regarding ADD duration remains unaddressed.</p>	<p>The Applicant has updated the soft-start/ramp-up in Deadline 4 Submission – Draft Piling Marine Mammal Mitigation Protocol Revision B [REP4-051] (updated at Deadline 6) to accord with Natural England's preferred terminology and confirms the total soft-start duration is 30 minutes. The Applicant wishes to point out that is a result of differences in terminology used by the Applicant and Natural England and that the total duration of the procedure has not been changed.</p> <p>In Deadline 5 Submission – Appendix E5 – Natural England's Advice on Fish and Shellfish [REP5-139] it is stated that in Appendix I of the Deadline 3 Submission – Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051] the depth in the Rampion 2 array area ranges from 13 m to 65 m Lowest Astronomical Tide (LAT) and that this is not consistent with the information provided in Deadline 4 Submission – Draft Piling Marine Mammal Mitigation Protocol Revision B [REP4-052]. The Applicant would like to highlight to Natural England that the depths referenced in Draft Piling Marine Mammal Mitigation Protocol Revision B [REP4-052] are specifically the depths at the noise modelling locations (17.4 m at the Northwest location for underwater noise modelling and 53.4 m at the South location for underwater noise modelling), hence there is a difference between the value presented in Appendix I of the Deadline 3 Submission - Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051] as these are ranges of the total array depths and are not linked to any piling locations. To avoid confusion the Applicant has updated the text in Draft Piling Marine Mammal Mitigation Protocol Revision B [REP4-052] (updated at Deadline 6) with the water depths in the array area.</p> <p>The Applicant has provided an update to Deadline 4 Submission – Draft Piling Marine Mammal Mitigation Protocol Revision B (at Deadline 6) regarding the information provided within the Information to support the efficacy of noise mitigation /</p>

Ref	Point	Point Number (s) from Appendix C [RR-265]	Deadline 5 submission Taken from Natural England's Relevant and Written Representations Rampion 2 - Appendix C - Marine Mammals [RR-265]	Consultation, actions, progression at Deadline 5	Applicant's response
			<p>(JNCC) guidelines for piling mitigation state that the soft start should be a minimum of 20 minutes. It is therefore not appropriate to have a soft start that is 7.5 minutes. The terminology used should match that in the guidelines and clearly demonstrate that the guidelines are being adhered to.</p> <p>We welcome the inclusion of at-source noise abatement methods in the draft MMMP, however, there is limited evidence on the level of noise reduction of various systems and their efficacy in the environmental characteristics of the site that may affect their deployment. We advise that the Applicant needs to give due consideration to the uncertainties that exist regarding the level of abatement that may be achieved in the environmental conditions at the Rampion 2 site.</p>		<p>abatement techniques with respect to the site conditions at Rampion 2 Offshore Windfarm [REP4-067].</p> <p>The Applicant has provided a response regarding the ADD duration point on simultaneous piling in Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051] which explained that should simultaneous piling occur, an ADD would be required for the defined time (7.6 minutes) at both locations.</p>
2.17.4	C40	Summary 14, Comment 42, 7.18 Offshore in Principle Monitoring Plan)	Currently the only post-consent monitoring that has been proposed is the industry-standard monitoring of underwater noise from the first 4 piles. Whilst the Applicant refers to the Marine Mammal Mitigation Plan (MMMP) there is no consideration of monitoring the effectiveness of the mitigation measures in reducing the impacts to acceptable levels.	We advise that the Applicant's proposed change to monitor 4 piles from the first 12 foundations is not sufficient to address this point. We advise that further information is required with regards to consideration of monitoring the effectiveness of the mitigation measures in relation to impacts on marine mammals.	The Applicant has updated the Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6 to include monitoring of the first four of the first 12 piled foundations of each foundation type to be installed outside of the black seabream spawning season (1 August to 28 February) and compare the measured data with the predictions for received levels made in the Environmental statement. As the Applicant has committed to Double Big Bubble Curtains year round, the monitored data collected will be used to evaluate the efficacy of DBBC. Additionally, should permission to undertake foundation installation using percussive piling within the black seabream spawning season (1 March to 31 July) be granted, additional noise monitoring will also be undertaken at four of the first 12 foundations of each piled foundation. Should piling be undertaken in the black seabream spawning season, a DBBC and an additional noise mitigation measure will be used. The Applicant is therefore proposing to monitor the effectiveness of mitigation measures.

Ref		Deadline 5 submission		Applicant's response
Point	Point Number (s) from Appendix C [RR-265]	Taken from Natural England's Relevant and Written Representations Rampion 2 - Appendix C - Marine Mammals [RR-265]	Consultation, actions, progression at Deadline 5	
				<p>The Applicant considers a field test or trial of mitigation measures not a feasible solution, because of the following reasons:</p> <ol style="list-style-type: none"> 1. The Applicant calculated the additional cost for a test or trial. Only the direct cost, consisting of fabrication of a single monopile, reservation of an installation vessel, mobilization of the vessel, vessel day rate, equipment hiring, including an heavy impact hammer as well as the cost the noise mitigation system, including supporting vessels, in the access of 30mi GBP. Such significant additional cost puts the economics of the Project further under pressure. 2. The Applicant calculated that the implementation of a test or trial will delay the project by at least 1 year and likely more. The reason for this delay is that the planning, fabrication, vessel reservation for a trial or test will take 2-3 years of preparation. After execution of the trial or test, there should be sufficient time to include the results of the test into the offshore wind farm installation strategy and with regular vessel and equipment reservations of at least 2 years, will this lead to a delay in the Project.
2.17.5	C41	Mitigation, Summary 13	<p>The embedded environmental measures outlined by the Applicant (in Table 11-14 in the ES Chapter 11 Marine Mammals) should be secured in the DCO/dML. Specifically: C-51 (Vessel Management Plan) – this should be secured for all phases of the project, C-52 (piling Marine Mammal Mitigation Plan), C-102 (UXO Clearance Marine Mammal Mitigation Protocol). We note that the Table 11-14 details that C-51 and C-52 will be secured in the DCO or dML conditions. C-102 will be secured through the application for UXO clearance works marine licence. Natural England query whether this secures that the final MMMP will be in accordance with the Draft MMMP submitted with this Application. There are also two other commitments Natural England strongly support in Table 11-14 and welcome the proposal to</p>	<p>We understand that the commitments in the marine mammal ES chapter are now secured in the standalone commitments document. We note that the text in commitment C-265 of the marine mammals ES chapter has not been updated to reflect the change in the commitments register. We advise that this is updated.</p> <p>The Applicant has submitted a full suite of updated Environmental Statement chapters, including final commitments at Deadline 6. Chapter 11: Marine Mammals, Volume 2 of the ES [REP5-027] has been updated accordingly.</p> <p>In compliance with dML Condition 11(l)&(m) of Schedules 11 and 12 of the Draft Development Consent Order [REP5-005] (updated at Deadline 6), a Piling Marine Mammal Mitigation Protocol and a UXO Clearance Marine Mammal Mitigation Protocol will delineate proposed mitigation measures aimed at minimising the risk of any physical or permanent auditory injury to marine mammals during piling and UXO clearance operations (noting that UXO clearance itself is not authorised via the dMLs).</p> <ul style="list-style-type: none"> • C-51 (Vessel Management Plan) – the wording of this condition has been updated as requested by Natural England to be applicable to all phases of development, construction, operation, maintenance and decommissioning, this is secured in Schedule 11, Part 2, Condition 11 (1) (f) & Schedule 12, Part 2, Condition 11 (1) (f) of the dML of the Draft Development Consent Order [REP5-005] (updated at Deadline 6); • C-52 (piling Marine Mammal Mitigation Plan), as secured within Schedule 11, Part 2, Condition 11 (1) (l) & Schedule 12, Part 2, Condition 11 (1) (l) of the dML of the Draft Development Consent Order [REP5-005] (updated at Deadline 6) this condition specifically states <i>“in the event that driven or part-driven pile foundations are proposed to be used, a piling marine mammal mitigation protocol which accords with the draft piling marine mammal mitigation protocol”</i> • C-102 will be secured through the application for UXO clearance works marine licence, as secured within Schedule 11, Part 2, Condition 11 (1) (m) & Schedule

Ref		Deadline 5 submission	Applicant's response
Point	Point Number (s) from Appendix C [RR-265]	Taken from Natural England's Relevant and Written Representations Rampion 2 - Appendix C - Marine Mammals [RR-265]	Consultation, actions, progression at Deadline 5
		secure these in the dML: C-265 (piling noise mitigation technology), C-275 (low order detonations).	<p>12, Part 2, Condition 11 (1) (m) of the dML of the Draft Development Consent Order [REP5-005] (updated at Deadline 6) this condition states "a UXO marine mammal mitigation protocol which accords with the draft UXO marine mammal mitigation protocol";</p> <ul style="list-style-type: none"> • C-265 (piling noise mitigation technology), as secured within Schedule 11, Part 2, Condition 11 (1) (k) & Schedule 12, Part 2, Condition 11 (1) (k) of the dML of the Draft Development Consent Order [REP5-005] (updated at Deadline 6); • C-275 (low order detonations), as secured within Schedule 11, Part 2, Condition 11 (1) (m) & Schedule 12, Part 2, Condition 11 (1) (m) of the Draft Development Consent Order [REP5-005] (updated at Deadline 6);

Table 2-18 Applicant's comments on Natural England's Deadline 5 Appendix E5 Fish and Shellfish submission [REP5-139]

Ref	Deadline 5 submission	Applicant's response
2.18.1	<p>In formulating these comments, the following documents have been considered:</p> <ul style="list-style-type: none"> • [REP4-053 & REP4-054] - 7.17 In Principle Sensitive Features Mitigation Plan Rev D (clean & tracked) • [REP4-055 & REP4-056] - 7.18 Offshore In Principle Monitoring Plan Rev B (clean & tracked) • [REP4-057 & REP4-058] - 7.22 Commitments Register Rev D (clean & tracked) • [REP4-061 & REP4-062] - 8.25.1 Applicant's Post Hearing Submission – ISH 1 Appendix 9 - Further information for Action Points 38 and 39 – Underwater Noise Rev B (clean & tracked) • [REP4-067] - 8.40 8.40 ITAP - Information to support efficacy of noise mitigation abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm • [REP4-071] - 8.67 Without Prejudice Stage 2 Marine Conservation Zone (MCZ) Assessment Rev A • [REP4-078] - 8.74 Without Prejudice Measures of Equivalent Environmental Benefit Review Rev A 	Noted, the Applicant has no further comments on this matter at this time.
2.18.2	We note that the Applicant has provided [REP4-081] - 8.80 Schedule 18 - Measures of Equivalent Environmental Benefit (on a without prejudice basis) Rev A. This will be considered for deadline 6 alongside our advice on the other aspects of the DCO.	Noted, the Applicant has no further comments on this matter at this time.
1. Summary of Key Issues		
2.18.3	Natural England highlight that the key issues raised in this Appendix relate to long standing issues we have raised through pre-application, in our relevant representations and throughout the Examination. Whilst we welcome the further information provided by the Applicant at this late stage in the Examination, it should be acknowledged that many of the concerns raised within our Relevant Representations remain unresolved.	Noted, the Applicant has no further comments on this matter at this time.
2.18.4	<p>Underwater Noise Modelling of the Worst-Case Scenario</p> <p>Natural England have outstanding questions regarding the worst-case modelling scenario. We advise that a clear explanation of whether sequential or simultaneous piling has been modelled as the worst case in each situation still needs to be provided and each figure needs to be clearly labelled with which scenario it is demonstrating. Additionally, as raised in our Relevant Representations (Appendix E, Point 27), where piling is conducted simultaneously at two locations we question what the closest distance between locations is likely to be, and how this is considered in terms of impacts on the MCZ's.</p> <p>Natural England understands that, based on the explanation provided by the Applicant, the north-west modelling location does not represent the worst-case piling scenario in the absence of mitigation in relation to Kingmere MCZ. Additionally, we seek clarity on whether the south-west modelling location represents the worst-case scenario for Selsey Bill and the Hounds MCZ. Without modelling of the worse-case scenario, the extent of impacts from underwater noise cannot be fully understood.</p>	<p>All underwater noise modelling results are clearly labelled within Appendix 11.3: Underwater noise assessment technical report, Volume 4 of the Environmental Statement [REP5-046]. All results tables in sections 4.1 (marine mammals) and 4.2 (fish) relate to a single modelling location, not simultaneous piling. Section 4.3 (Multiple Location Piling) considers the potential for piling at two locations simultaneously.</p> <p>The monopile scenarios consider both one pile driven in 24 hours (e.g. Table 4-3), and two piles driven <i>sequentially</i> (e.g. Table 4-4), and this is labelled in the table titles and captions. The multileg scenario modelling considered one pile driven in 24 hours (e.g. Table 4-9) and also a worst case of four piles driven in 24 hours (e.g. Table 4-10). These are for a single location installation.</p> <p>For Section 4-3, this considers two installations, with single monopiles and pin piles, and then a worst case of including two monopiles or four pin piles installed sequentially and simultaneously at each location. This is described in the table headings and captions.</p> <p>The East and West locations were modelled to provide the maximum geographical spread of locations and therefore intended to offer the maximum total combined area of impact. Recent modelling for the MCZs relate primarily to disturbance, which is a 'single pulse'</p>

Ref	Deadline 5 submission	Applicant's response
2.18.5	<p>Black seabream – Kingmere MCZ</p> <p>Based on our comments above regarding modelling of the worst-case scenario, we cannot rule out impacts from mortality and mortal injury on black seabream within Kingmere MCZ. We also cannot fully understand the extent of the potential impacts for recoverable injury within the site. Based on the current information, it appears that recoverable injury, temporary threshold shift (TTS) and behavioural impact could all affect black seabream within Kingmere MCZ during a highly-sensitive lifecycle stage and would lead to the conservation objectives of the site being hindered. As such, we do not agree that the magnitude of these impacts is negligible.</p> <p>Natural England, as the Statutory Nature Conservation Body, whose remit specifically relates to designated sites, advise that it is not possible to establish a threshold for black seabream below which behavioural impacts that could hinder the conservation objectives of the site would not occur. Our advice remains consistent; that the only measure that will prevent the conservation objectives being hindered is a full seasonal piling restriction from 01 March to 31 July inclusive.</p>	<p>instantaneous threshold and so in case this is the source of confusion; simultaneous or sequential piling is not relevant to this impact. Consequently, in terms of behavioural effects the distance between the locations does not affect conclusions.</p> <p>In respect of the Kingmere MCZ, the Applicant has stated that the north-west location as modelled is much closer to the boundary of the MCZ than will be used during the MCZ's sensitive period. It is therefore in excess of the worst case. Considering any piling in the absence of any mitigation, also represents an unrealistic worst case.</p> <p>There is no South-west modelling location, and so the Applicant presumes that NE is referring to the West location in light of Selsey Bill and the Hounds MCZ. The Applicant has undertaken additional modelling, supplied in Appendix A of this document (and shared with Natural England ahead of Deadline 6 on 26 July 2024) at a closer location to the MCZ, located in shallower water depths. The modelling confirms that the West location as used to inform the assessment in Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement [APP-049] does indeed represent the worst case for Selsey Bill and the Hounds MCZ, due to the deeper water between the modelling location and the MCZ.</p> <p>The Applicant directs Natural England to the response to reference E91 of the Natural England's Risks and Issues Log in Appendix C of Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant also confirms that the worst-case piling scenarios of simultaneous piling of up to 2 monopiles or 4 pin piles (for one multileg foundation) at both the East and West modelling locations (4 monopiles or 8 pin piles within a 24-hour period respectively) have been used to define the mitigation measures for black seabream and inform the underwater noise modelling presented in the In Principle Sensitive Features Mitigation Plan [REP5-082]. As detailed in paragraph 8.9.204 of Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement [REP5-027] (updated at Deadline 6), and in Table 4-35 and Table 4-37 of Appendix 11.3: Underwater noise assessment technical report, Volume 4 of the Environmental Statement [REP5-046] these piling scenarios result in the greatest impact ranges for black seabream (Group 3 receptor in accordance with the Popper et al., (2014) criteria) with respect to the Kingmere MCZ, and are therefore the worst case piling scenarios.</p> <p>The Applicant recognises that there is a degree of overlap of the noise contours with the Kingmere MCZ, where the implementation of DBBC is the sole mitigation measure. The Applicant confirms that Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan [REP5-082], demonstrate the mitigated underwater noise contours from the implementation of DBBC only. In recognising the degree of overlap of the noise contours with the Kingmere MCZ and hence the potential for disturbance of nesting seabream, where the implementation of DBBC is the sole mitigation measure, additional measures are proposed during the black bream nesting season from March through to July (as detailed in paragraph 5.3.48 et seq. of the In Principle Sensitive Features Mitigation Plan [REP5-082]). These measures include the use of noise abatement systems (DBBC and another noise abatement measure) which as evidenced in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at</p>

Ref	Deadline 5 submission	Applicant's response
2.18.6	<p>Short-snouted seahorse - Beachy Head West, Beachy Head East, Selsey Bill and the Hounds MCZ, and Bembridge MCZ</p> <p>Natural England notes that based on the modelling provided there is potential for the following impacts to occur on short-snouted seahorses due to underwater noise generated from piling activities in an unmitigated scenario:</p> <ul style="list-style-type: none"> • Beachy Head West MCZ – TTS and behavioural impacts • Selsey Bill and the Hounds MCZ – behavioural impacts, with confirmation of the modelling location representing the worst-case scenario required to rule out TTS impacts <p>Natural England advises that to conclude that these impacts will not hinder the conservation objectives of these sites, mitigation is required. Natural England advises that short-snouted seahorses are protected year-round within the MCZs, however they are particularly sensitive to impacts/disturbance from underwater noise during the breeding season (April to October). We advise that if the Applicant committed to the full seasonal restriction we have advised for black seabream (March to July inclusive), this would also cover a proportion (approximately half) of the key breeding time for seahorses.</p> <p>In relation to the rest of the year, provided that the Applicant were able to field-test and evidence that a reduction in the region of 15dB is deliverable during the 'worst-case' environmental conditions at the site, we would be in a position to conclude that the conservation objectives of the four seahorse MCZs will not be hindered due to TTS and behavioural impacts from underwater noise generated from piling. Therefore, we advise that the Applicant submits proposals for testing double bubble curtains (DBBC) outside of the sensitive seasons of other species (namely black seabream and herring) into the Examination. Natural England advises that alternative Noise Abatement Systems (NAS) should remain under consideration in the event DBBCs do not demonstrate the efficacy required.</p>	<p>Rampion 2 Offshore Windfarm [REP4-067] could lead to an overall noise reduction of 20 dB, piling sequencing and the definition of piling exclusion zones. There will therefore be no instance during the black bream breeding period, where DBBC will be the sole mitigation measure for breeding black bream as a feature of the Kingmere MCZ.</p> <p>Furthermore, the Applicant maintains its position that a full piling restriction from 01 March to 31 July is disproportionate to the risk of an impact arising that could result in significant population level effects on nesting black bream. Given the proposed application of a variety of mitigation measures from March through to July, which will be secured through implementation of an approved Sensitive Features Mitigation Plan, the Applicant is confident that piling operations in accordance with the zoning plan are appropriate, achievable and impacts from underwater noise, mitigated as set out, will not hinder the Kingmere MCZ's conservation objectives.</p> <p>The Applicant directs Natural England to the response to reference E43 of the Natural England's Risks and Issues Log in Appendix C of Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant also confirms that the worst-case piling scenarios of simultaneous piling of up to 2 monopiles or 4 pin piles (for multileg foundations) at both the East and West modelling locations (4 monopiles or 8 pin piles within a 24-hour period respectively) have been used to define the mitigation measures for seahorse and inform the underwater noise modelling presented in the In Principle Sensitive Features Mitigation Plan [REP5-082]. As detailed in paragraph 8.9.204 of Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement [REP5-027] (updated at Deadline 6), and in Table 4-35 and Table 4-37 of Appendix 11.3 Underwater noise assessment technical report, Volume 4 of the Environmental Statement [REP5-046] these piling scenarios result in the greatest impact ranges for seahorse (Group 4 receptor in accordance with the Popper <i>et al.</i>, (2014) criteria), and are therefore the worst case piling scenarios.</p> <p>In a meeting held on 28 June 2024, Natural England queried the worst-case underwater noise modelling location on the western boundary of the Rampion 2 array area, with regard to the Selsey Bill and the Hounds MCZ. To provide reassurance to Natural England, the Applicant has set out the mitigated and unmitigated underwater noise behavioural impact contours (141 db SELss and the 135 dB SELss thresholds (noting that the Applicant does not support the use of the latter threshold) relative to the Selsey Bill and the Hounds MCZ from the location closest to the MCZ on the western boundary of the Rampion 2 Order Limits. These were provided to Natural England ahead of Deadline 6 and are detailed in Appendix A of this document (submitted at Deadline 6). As evidenced by the additional underwater noise modelling, the outputs of which are presented in Figure 2-1 to Figure 2-4 of Appendix A of this document, the Applicant concludes that the worst-case modelling location has been used for the assessment of underwater noise impacts on seahorse as features of the Selsey Bill and the Hounds MCZ (for injurious effects, TTS and behavioural effects). Therefore, the worst-case scenario for potential impacts to seahorse as qualifying features of the MCZs, for underwater noise has been assessed. Furthermore, the Applicant concludes, that with the implementation of DBBC, offering a 15dB noise reduction, there will be no overlap of the TTS or the behavioural impact threshold contours with the Selsey Bill and the Hounds MCZ, from piling at either location.</p>

Ref **Deadline 5 submission****Applicant's response**

The Applicant considers a pre-construction field test is not feasible. Any such field test requires a substantial lead-in period in order to collect geotechnical site investigation data for the trial location, as well as for the procurement, detailed design and manufacture of a specific foundation pile. Substantial time, and significant additional expenditure, is also required to complete the design of the layout of the Proposed Development WTG array to ensure the trial location is correctly sited within an overarching optimised project design, and the procurement of the installation vessel(s), pile driving hammer and full mitigation equipment on a short-term basis. The planning, procurement and preparation for the trial is estimated to require a period of 2-3 years, with additional time incurred following the execution of the trial to provide for inclusion of the trial results into the subsequent installation strategy. All of these factors are prohibitive in terms of project timeline, availability of equipment and vessels for short-term procurement, and costs, which the Applicant has calculated as being in excess of £30 Million (direct costs of the fabrication of a single monopile, reservation of an installation vessel, mobilization of the vessel, vessel day rate, equipment hire (installation hammer, noise mitigation system and support vessels)). Even leaving aside the site investigation works, the procurement of equipment and vessels would be estimated to require at least two years to complete, even if equipment could be made available for short-term charter, which is very unlikely given the scarcity of such in the market currently. The subsequent delay to the project, which notably affects its ability to enter into the financial investment decision and Contracts for Difference (CfD) Allocation Round auction process, notwithstanding any additional consents required to undertake the installation of a trial foundation pile if it is separate to the construction phase consented under the DCO for Rampion 2, makes the trialling of the installation mitigation unfeasible. The effectiveness of the noise mitigation techniques will be confirmed through comparison with the unmitigated modelling results. Measurements of underwater noise during the construction phase will be compared with the computer modelling of unmitigated piling noise, in which there is confidence as modelling is based primarily on empirical data from unmitigated piling measurements.

The Applicant instead reiterates that work has been undertaken to provide a comparison of the environmental conditions at the Proposed Development with other projects where Noise Abatement Systems (NAS) have been deployed. The outputs of this work are detailed in [Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm \[REP4-067\]](#) and were incorporated into the [In Principle Sensitive Features Mitigation Plan \[REP5-082\]](#). Furthermore, the Applicant has provided an updated [Offshore In Principle Monitoring Plan \[REP5-084\]](#) at Deadline 6, which details proposed monitoring of the efficacy of the proposed noise abatement measures (as detailed in the [In Principle Sensitive Features Mitigation Plan \[REP5-082\]](#)). This includes the commitment for monitoring to be undertaken for four piling locations for each foundation type used in both the black seabream spawning period in the event that piling is permitted during this period (or part thereof), and in the period encompassing the rest of the calendar year (1st August to 28th (or 29th) February). These locations will be selected from the first 12 foundations to be installed in each period in order to provide for sites with differing seabed conditions and water depths. This monitoring strategy will deliver data representative of the varying conditions within the development site, whilst ensuring data are collected for the earliest pile installations for each of the two potential noise mitigation measure scenarios (i.e. single

Ref	Deadline 5 submission	Applicant's response
2.18.7	Herring and Sandeel Natural England defers to the advice of MMO/Cefas with regards to underwater noise impacts on herring and sandeel. We have been in regular contact with MMO/Cefas to ensure our advice into the Examination is aligned.	and, on the basis that piling within the 1st March to 31st July period is permitted, combined noise abatement systems) at sites with a range of water depths, to include sites of >40 m depth for verification of predicted (modelled) noise levels. Noted, the Applicant has no further comments on this matter at this time.
2.18.8	Noise Abatement Systems Natural England welcomes the provision of the Information to support efficacy of noise mitigation abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm document [REP4-067] and the updated In Principle Sensitive Features Mitigation Plan Rev D [REP4-053 & REP4-054]. Having reviewed these documents, our advice is that significant uncertainty remains over the efficacy of the measures proposed in the environmental conditions at the Rampion 2 site. Natural England has provided a detailed position on each of the NAS presented in 'Section 2 – Detailed Comments' below.	Please refer to the Applicant's response to Natural England's comments in 'Section 2 Detailed Comments' in this table below.
2.18.9	Stage 2 MCZ Assessment Natural England welcomes the submission of a Stage 2 MCZ Assessment, given we continue to advise that in the absence of a seasonal restriction, the conservation objectives of the Kingmere MCZ will be hindered by the proposed development. We advise that there appears to be another means of proceeding (no piling from March to July inclusive) that would prevent the site Conservation Objectives from being hindered and that this should be considered within the 'Alternative ways of Proceeding' section of the decision-maker's assessment. We note the evidence base/justifications used within the assessment reflect many of our outstanding comments/disagreements with the position presented by the Applicant, therefore we have not repeated these points in this response.	The Applicant invites Natural England to read the Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119] reference FS 2.1.
2.18.10	Measures of Equivalent Environmental Benefit (MEEB) We welcome the submission of 'Without Prejudice Measures of Equivalent Environmental Benefit' [REP4-078] for consideration. Natural England's advice is that the measures as presented do not provide Equivalent Environmental Benefit.	The Applicant notes Natural England's advice; responses to points raised in respect of the specific measures are provided in references 2.18.34 – 2.18.38 in this table below.
2.18.11	Monitoring Natural England supports the collection of underwater noise monitoring data to understand how noise propagates over distance from the source in the specific environmental conditions at the Rampion 2 site. Given the complex and variable environmental conditions at the site and the uncertainties of the efficacy of NAS in these conditions, we advise that the first eight piles (or eight of the first 12 piles), of each foundation type are monitored across a representative range of conditions. We advise this monitoring should be designed to consider if the noise levels are in line with the predictions made in the Environmental Statement and also if the NAS achieved a noise reduction in the region of 15dB. We have included more detailed comments on this in the	The Applicant has provided an updated Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6. This includes the commitment for monitoring to be undertaken for four piling locations for each foundation type used in both the black seabream spawning period in the event that piling is permitted during this period (or part thereof), and in the period encompassing the rest of the calendar year (1 August to 28 (or 29) February). These locations will be selected from the first 12 foundations to be installed in each period in order to provide for sites with differing seabed conditions and water depths. This monitoring strategy will deliver data representative of the varying conditions within the development site, whilst ensuring data are collected for the earliest pile installations for each of the two potential noise mitigation measure scenarios (i.e. single and, on the basis that piling within

Ref	Deadline 5 submission	Applicant's response
	<p>sections relating to seahorses and monitoring below. We advise that an updated In Principle Monitoring Plan (IPMP) is submitted into the Examination to reflect this advice.</p> <p>Natural England notes that the Applicant has stated that noise monitoring requirements expected to be published in the Defra marine noise policy paper may supersede part or all the measures in the IPMP. Natural England advises that based on the potential for the conservation objectives of MCZs to be hindered, site specific monitoring through the IPMP is still likely to be required.</p>	<p>the 1 March to 31 July period is permitted, combined noise abatement systems) at sites with a range of water depths, to include sites of >40 m depth for verification of predicted (modelled) noise levels.</p>
2. Detailed Comments		
2.1 Black seabream (<i>Spondyliosoma cantharus</i>) – Kingmere MCZ		
2.18.12	<p>Modelling of noise contours – North-West modelling location in relation to Kingmere MCZ</p> <p>Natural England notes that the information provided by the Applicant in [REP4-074] states that ‘alteration of the modelled location along the inshore boundary of the proposed DCO Order Limits could marginally reduce the distance between the proposed DCO Order limits and the MCZ boundary’. The Applicant suggests that because this area is in the piling exclusion zone defined in the Applicant’s mitigation plan, it is in fact in excess of the worst-case scenario. Natural England advises that the worst-case scenario in terms of the MCZ should be modelled to allow a full understanding of the extent of potential impacts before mitigation measures are considered. This is particularly key as the mitigation measures in this case may change based on the final decision made by the Secretary of State on the seasonal restriction and/or the final design information and mitigation plan, which will be developed post consent. Therefore, we advise that the Applicant’s modelling location should be amended to represent the worst-case scenario.</p> <p>We also advise that any modelling of NAS using the current modelling location may appear to show misleading results, as they are not based on the worst-case scenario. This further highlights the importance of modelling the worst-case location.</p>	<p>The Applicant clarifies that the noise modelling locations used in Appendix 11.3: Underwater noise assessment technical report, Volume 4 of the Environmental Statement [APP-149] shown on Figure 3-2 at the co-ordinates identified in Table 3-1 of that document have been chosen as the worst-case scenario for the following reasons:</p> <p>Relative to the Kingmere MCZ, of which black seabream is a qualifying feature; the Northwest modelling location is situated along the closest boundary of the proposed DCO Order Limits to the Kingmere MCZ and is appropriately representative of the northern side of the array area in informing worst-case noise propagation extents for the black seabream feature of the MCZ. The Applicant notes that, whilst slight alteration of the modelled location along the inshore boundary of the proposed DCO Order Limits could marginally reduce the distance between the proposed DCO Order limits and the MCZ boundary, the Northwest modelling location in all piling scenarios is within the area defined as a piling exclusion zone during seabream-sensitive spawning/nesting season, as set out in commitment C-280 (Commitments Register [REP5-086] updated at Deadline 6) and as described in the In Principle Sensitive Features Mitigation Plan [REP5-082] (which was updated at Deadline 4 to include the revised predicted decibel reduction to be achieved by different noise abatement measures as set out in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067]). Therefore, the Northwest modelling location is effectively in excess of the worst-case scenario when considering impacts to the black seabream feature of the Kingmere MCZ. The Applicant confirms that, as a result, the modelled (northern) location, along with any other location located along the northern boundary of this section of the proposed DCO Order Limits in proximity to the Kingmere MCZ, represents an appropriate and robust maximum design scenario for the purposes of the environmental impact assessment (EIA) and MCZ assessments submitted in support of the DCO Application.</p> <p>The Applicant also confirms that the worst-case piling scenarios of simultaneous piling of up to 2 monopiles or 4 pin piles (for multileg foundations) at both the East and West modelling locations (4 monopiles or 8 pin piles within a 24-hour period respectively) have been used to define the mitigation measures for black seabream and inform the underwater noise modelling presented in the In Principle Sensitive Features Mitigation Plan [REP5-082]. As detailed in paragraph 8.9.204 of Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement [REP5-027] (updated at Deadline 6), and in Table 4-35 and Table 4-37 of Appendix 11.3 Underwater noise assessment technical report,</p>

Ref	Deadline 5 submission	Applicant's response
Underwater Noise Impacts		<p>Volume 4 of the Environmental Statement [REP5-046] these piling scenarios result in the greatest impact ranges for black seabream (Group 3 receptor in accordance with the Popper <i>et al.</i>, (2014) criteria) with respect to the Kingmere MCZ, and are therefore the worst case piling scenarios.</p>
2.18.13	Mortality and Mortal Injury	<p>The Applicant refers to the Applicant's response to reference 2.18.12 in this table above, where the Applicant confirms that the northwest modelling location is effectively in excess of the worst-case scenario when considering impacts to the black seabream feature of the Kingmere MCZ.</p> <p>The Applicant is therefore confident, that the mortality and potential mortal injury noise contours, as presented relative to the Kingmere MCZ in Figures 8.18 and 8.19 of Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement [REP5-027] (updated at Deadline 6), represent the worst-case piling scenario. Furthermore, as evident in Figures 8.18 and 8.19 of Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement [REP5-027] (updated at Deadline 6) there is no overlap of the unmitigated injurious noise contours with the Kingmere MCZ. The Applicant also reiterates that the Applicant has committed to the use of DBBC throughout the piling campaign (Commitment C-265, Commitments Register [REP5-086] (updated at Deadline 6)), and to the implementations of several further mitigation measures during the black bream breeding season (as detailed in the In Principle Sensitive Features Mitigation Plan [REP5-082]), therefore there will be no instances of unmitigated piling during the piling campaign.</p>
2.18.14	Recoverable Injury	<p>The Applicant refers to the Applicants response to reference 2.18.12 above, where the Applicant confirms that the northwest modelling location is effectively in excess of the worst-case scenario when considering impacts to the black seabream feature of the Kingmere MCZ. The Applicant is therefore confident, that the recoverable injury noise contours, as presented relative to the Kingmere MCZ in Figures 6.1 and 6.2 of Appendix 9 – Further Information for Action Points 38 and 39 – Underwater noise [REP4-061] represent the worst-case piling scenario. Furthermore, the Applicant would like to highlight, that Figures 6.1 and 6.2 of Appendix 9 – Further Information for Action Points 38 and 39 – Underwater noise [REP4-061] represent the unmitigated and mitigated impact range contours for recoverable injury, which show the reduced impact ranges when DBBC mitigation is implemented. As evident in Figures 6.1 and 6.2, the mitigation afforded by DBBC, reduces the recoverable injury noise contours to within the immediate vicinity of the piling location, and outside of the Kingmere MCZ. The Applicant also reiterates that the Applicant has committed to the use of DBBC throughout the piling campaign (C-265, Commitments Register [REP5-086] (updated at Deadline 6)), and to the implementations of several further mitigation measures during the black bream breeding season (as detailed in the In Principle Sensitive Features Mitigation Plan [REP5-082]), therefore there will be no instances of unmitigated piling during the piling campaign. The Applicant therefore reiterates, that with the implementation of the proposed mitigations measures, there will be no interaction of the recoverable injury contours with the MCZ, and therefore no potential for hinderance of the conservation objectives of the Kingmere MCZ.</p>

Ref	Deadline 5 submission	Applicant's response
2.18.15	<p>Temporary Threshold Shift (TTS)</p> <p>Natural England notes that based on the modelling presented in the ES in an unmitigated scenario, noise levels that could result in TTS will occur within Kingmere MCZ. We advise that this impact has the potential to hinder the conservation objectives of the MCZ.</p>	<p>The Applicant refers to the Applicant's response to reference 2.18.12 above, where the Applicant confirms that the northwest modelling location is effectively in excess of the worst-case scenario when considering impacts to the black seabream feature of the Kingmere MCZ.</p> <p>The Applicant is therefore confident, that the temporary threshold shift (TTS) noise contours, as presented relative to the Kingmere MCZ in Figures 8.18 and 8.19 of Chapter 8: Fish and shellfish ecology, Volume 2 of the Environmental Statement [REP5-027], represent the worst-case piling scenario. The Applicant also reiterates that the Applicant has committed to the use of DBBC throughout the piling campaign (Commitment C-265, Commitments Register [REP5-086] (updated at Deadline 6)), and to the implementations of several further mitigation measures during the black bream breeding season (as detailed in the In Principle Sensitive Features Mitigation Plan [REP5-082], therefore there will be no instances of unmitigated piling during the piling campaign. The Applicant therefore reiterates, that with the implementation of the proposed mitigations measures, there will be no interaction of the TTS contours with the MCZ, and therefore no potential for hinderance of the conservation objectives of the Kingmere MCZ.</p>
2.18.16	<p>Behavioural Threshold</p> <p>Natural England does not support the use of a 141dB or indeed a 135dB threshold in relation to behavioural impacts on the black seabream feature of Kingmere MCZ. Natural England's position is that there is not sufficient species-specific evidence in relation to the breeding behaviours of bream protected through the conservation objectives of Kingmere MCZ to robustly establish a suitable threshold. This impact has the potential to hinder the conservation objectives of the MCZ. Therefore, given the substantial increases in noise levels that are likely to arise due to impact piling, Natural England continues to advise that a full piling restriction from 01 March to 31 July inclusive is the only measure that would prevent the conservation objectives of Kingmere MCZ being hindered.</p> <p>We note that the selected modelling locations impact the amount of overlap of the noise contours with designated sites. Whilst we do not support the use of the 135dB behavioural threshold in relation to black seabream, we have the following observations to make based on Figure 5.16 and Figure 5.17 of the In Principle Sensitive Features Monitoring Plan (IPSFMP) [REP4-054]. We highlight that Figure 5.16 (monopiles) shows that even with a 15dB reduction, there is overlap of the 135dB contour with Kingmere MCZ in relation to the western modelling location and a slight overlap from the eastern location. Figure 5.17 (multileg) shows a similar overlap at the western location. We advise that it appears likely that modelling the piling location at the closest point to Kingmere MCZ would result in a greater overlap than is currently modelled, leading to these noise levels occurring over a greater proportion of the MCZ. We advise that this further calls into question the viability of the Applicants proposed mitigation plan.</p>	<p>Regarding the Applicant's position on a suitable behavioural impacts threshold for black seabream, the Applicant would like to direct Natural England to Points E32 in the Risk and Issues log which was addressed in Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5. The Applicant would also like to direct Natural England to the Applicant's response to the Examining Authority's request for further information in point Q3b-2, of Table 2-20 of Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.</p> <p>Furthermore, the Applicant maintains its position that a full piling restriction from 01 March to 31 July is disproportionate to the risk of an impact arising that could result in significant population level effects on nesting black seabream. Given the proposed application of a variety of mitigation measures from March through to July, which will be secured through implementation of an approved Sensitive Features Mitigation Plan, the Applicant is confident that piling operations in accordance with the zoning plan are appropriate, achievable and impacts from underwater noise, mitigated as set out, will not hinder the Kingmere MCZ's conservation objectives.</p> <p>The Applicant would also like to highlight, that Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan [REP5-082], demonstrate the mitigated underwater noise contours from the implementation of DBBC only. As summarised in paragraph 5.3.48 et seq. of the In Principle Sensitive Features Mitigation Plan [REP5-082], additional measures are proposed during the black bream nesting season from March through to July. These measures include the use of noise abatement systems (DBBC and another noise abatement measure) which as evidenced in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067] could lead to an overall noise reduction of 20 dB, piling sequencing and the definition of piling exclusion zones. There will therefore be no instance during the black bream breeding period, where DBBC will be the sole mitigation measure for breeding black bream as a feature of the Kingmere MCZ.</p>

Ref	Deadline 5 submission	Applicant's response
2.18.17	<p>Underwater Noise Study</p> <p>As raised by Natural England at Deadline 4, the information in the IPSFMP has not been amended to include updated information presented in [PEPD-023] 6.4.8.4 - Environmental Statement - Volume 4- Appendix 8.4: Black Seabream Underwater Noise Technical Note and Survey Results - Revision A. Natural England provided a response to this report in Appendix E1 to our Deadline 1 Submission.</p>	<p>The Applicant invites Natural England to read the updated In Principle Sensitive Features Mitigation Plan [REP5-082] submitted at Deadline 5, where this information is provided.</p>
<p>2.2 Short-snouted seahorse (<i>Hippocampus hippocampus</i>) - Beachy Head West MCZ, Beachy Head East MCZ, Selsey Bill and the Hounds MCZ, and Bembridge MCZ, also Wildlife and Countryside Act 1981</p>	<p>2.18.18 Natural England highlights that the Beachy Head West MCZ, Beachy Head East MCZ, Selsey Bill and the Hounds MCZ, and Bembridge MCZ represent the only 4 MCZs designated for short-snouted seahorses nationally, and they therefore represent the entire national MCZ designated population. The conservation objective across all four sites for short-snouted seahorses is to 'maintain' the feature in favourable condition (as opposed to black seabream which have a restore objective). This means maintaining the quality and quantity of their habitats and the number, age and sex ratio of the population. The supplementary conservation advice does mention breeding through maintaining the reproductive and recruitment capability of the species, maintaining the presence and spatial distribution of the species, and their ability to undertake key life cycle stages and behaviours.</p> <p>Seahorses are known to be sensitive to underwater noise (Anderson et al. 2011, Palma et al. 2019). They are a spatially restricted species and are unable to move away from their home ranges easily due to limited swimming capacity. As stated in the supplementary conservation advice for the MCZ's, if disturbed individuals do move away from their territories this puts them at risk of increased predation and causes a disruption to their feeding. During the breeding season (April to October) seahorses form pair bonds within which they remain largely monogamous. For this time, it is understood that individuals will hold home ranges of less than 20 m². There is a small overlap between a pairs range, and it is in this overlap that the pair will meet daily to reinforce their pair bonding (Masonjones and Lewis, 1996). Therefore, disturbance, in this case due to underwater noise, could disrupt seahorse social structures by disturbing pairs before they are established (Foster and Vincent, 2004) and ultimately may result in failure to reproduce. Removal or death of a member of a monogamous pair could decrease short-term reproductive output, and may reduce the size of later broods, if familiarity enhances brood success (Vincent, 1994).</p>	<p>The Applicant invites Natural England to read the Applicant's response in reference 2.16.11 in Applicant's Comments on Deadline 4 Submissions [REP5-122], and the Applicant's response to point E39 in Natural England's risk and issues log in Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.</p>

Underwater Noise Impacts

Ref	Deadline 5 submission	Applicant's response
2.18.19	Mortality and Mortal Injury, and Recoverable Injury Natural England advises that based on the modelling provided, mortality/mortal injury and recoverable injury impacts from underwater noise on short-snouted seahorses will not be realised within the seahorse MCZs.	The Applicant welcomes Natural England's support on the modelling conclusions for mortality/mortal injury and recoverable injury impacts from underwater noise on short-snouted seahorses within the seahorse MCZ's.
Temporary Threshold Shift (TTS)		
2.18.20	Bembridge MCZ and Beachy Head East MCZ Natural England advises that based on the modelling provided in Figures 5.1 and 5.2 [REP4-062], temporary threshold shift impacts from underwater noise on short-snouted seahorses will not be realised within Bembridge MCZ or Beachy Head East MCZ.	<p>The Applicant welcomes Natural England's support on the modelling provided in Figures 5.1 and 5.2 of Applicant's Post Hearing Submissions – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061].</p> <p>The Applicant confirms, that as presented in Figures 5.1 and 5.2 of Applicant's Post Hearing Submissions – Issue Specific Hearing 1 Appendix 9 – Further information for Action Points 38 and 39 – Underwater Noise [REP4-061], with the implementation of DBBC (which offer a noise reduction of 15dB) there is no interaction of the TTS contours with any of the MCZs of which seahorse are a qualifying feature (Selsey Bill and the Hounds MCZ, Beachy Head East and West MCZs, and Bembridge MCZ).</p>
2.18.21	Beachy Head West MCZ We understand based on the further information presented in [REP4-074] that whilst the modelling location does not appear to represent the worst-case scenario location, because of the fixed windfarm separation zone, where no piling activities will take place at any point, this is the closest area to the Beachy Head West MCZ piling could ever occur. We are therefore content that this currently represents the worst-case scenario, but it should be recognised that should there be any future changes to this zone our advice may change. Based on the modelling undertaken (Figures 5.1 and 5.2 [REP4-062]) in an unmitigated scenario noise levels that could result in TTS impacts from underwater noise on short-snouted seahorses will occur within Beachy Head West MCZ from multileg piling, as the contour appears to overlap with the southern boundary of the western section of the site.	The Wind Farm Separation Zones are defined by the Offshore Works Plan [PEPD-004] and are required for the purposes of reducing seascape effects, and as a shipping navigation corridor, and will not change.
2.18.22	Selsey Bill and the Hounds MCZ Based on the modelling undertaken (Figures 5.1 and 5.2 [REP4-062]) in an unmitigated scenario, the contour relating to TTS does not appear to overlap with Selsey Bill and the Hounds MCZ. However, we require clarification that the modelling location is the worst-case scenario for this MCZ. We note that from discussions with the Applicant they have suggested that as with the north-west modelling location, the piling exclusion zone means that the worst-case location that piling will take place is the south-west modelling location. In addition to our concerns raised above regarding this justification, we also highlight that this exclusion zone will not be in place all year, so piling outside of March to July could result in a greater worst-case for the MCZ seahorses than is currently presented. We advise that the Applicant needs to provide clear justification why the modelling location represents the worst-case for Selsey Bill and the Hounds MCZ year-round.	In a meeting held on 28 June 2024, Natural England queried the worst-case underwater noise modelling location on the western boundary of the Rampion 2 array area, with regard to the Selsey Bill and the Hounds MCZ. To provide reassurance to Natural England, the Applicant has set out the mitigated and unmitigated underwater noise behavioural impact contours (141 db SELss and the 135 dB SELss thresholds (note the Applicant does not support the use of the latter threshold) relative to the Selsey Bill and the Hounds MCZ from the location closest to the MCZ on the western boundary of the Rampion 2 Order Limits. These were provided to Natural England ahead of Deadline 6 and are detailed in Appendix A of this document. As evidenced by the additional underwater noise modelling, the outputs of which are presented in Figure 2-1 to Figure 2-4 of Appendix A of this document, the Applicant concludes that the worst-case modelling location has been used for the assessment of underwater noise impacts on seahorse as features of the Selsey Bill and the Hounds MCZ (for injurious effects, TTS and behavioural effects). Therefore, the worst-case scenario for potential impacts to seahorse as qualifying features of the MCZs, for underwater noise has been assessed. The Applicant therefore reiterates, that with the

Ref	Deadline 5 submission	Applicant's response
2.18.23	<p>Behavioural</p> <p>Natural England advises that there is not sufficient species-specific literature to draw robust conclusions on an appropriate threshold in relation to behavioural impacts to short-snouted seahorses from underwater noise. It is however apparent from Natural England's supplementary conservation advice that seahorse breeding behaviours are sensitive to disturbance from underwater noise and that this has the potential to negatively affect breeding success. Based on their sensitivity, Natural England do not consider that 141dB (using seabass as a proxy species as reported in Kastelein et al., (2017)) is an appropriately precautionary threshold.</p> <p>Unlike black seabream, the conservation objectives for short-snouted seahorse do not have a seasonal component and are not related to the disturbance of specific breeding behaviours or locations at the site. As such, whilst there is no evidence available to confirm if a threshold of 135dB (using sprat as a proxy species as reported in Hawkins et al. (2014)) is appropriate for seahorses, we advise that on balance its use represents an adequately precautionary approach in the absence of evidence.</p> <p>We note that in Figure 5.5 and Figure 5.6 [REP4-062] the Applicant has modelled a threshold of 135dB. The 135dB contour modelled extends into both Beachy Head West MCZ and Selsey Bill & the Hounds MCZ for monopiles and multileg foundations. We advise that the extent of the overlap with Selsey Bill & the Hounds MCZ, needs to be validated by confirming the modelling location is the worst case (as above). The 135dB contour also falls in close proximity to the far eastern extent of Beachy Head East MCZ. We note Bembridge MCZ is avoided by the contour in both scenarios.</p>	<p>implementation DBBCs (which offer a noise reduction of up to 15dB), there will be no interaction of the TTS contours with the MCZ, and therefore no potential for hinderance of the conservation objectives of the Selsey Bill and the Hounds MCZ.</p> <p>The Applicant would like to direct Natural England to Points E77 and E96 in the risk and issues log which was addressed in Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5. The Applicant would also like to direct Natural England to the Applicant's response to the Examining Authority's request for further information in point Q3b-5, of Table 2-20 of Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.</p> <p>Furthermore, Natural England queried the worst-case underwater noise modelling location on the western boundary of the Rampion 2 array area, with regard to the Selsey Bill and the Hounds MCZ, in a meeting held on 28 June 2024. To provide reassurance to Natural England, the Applicant has set out the mitigated and unmitigated underwater noise behavioural impact contours (141 db SELs and the 135 dB SELs thresholds (note the Applicant does not support the use of the latter threshold) relative to the Selsey Bill and the Hounds MCZ from the location closest to the MCZ on the western boundary of the Rampion 2 Order Limits. These were provided to Natural England ahead of Deadline 6 and are detailed in Appendix A of this document. As evidenced by the additional underwater noise modelling, the outputs of which are presented in Figure 2-1 to Figure 2-4 of Appendix A of this document, the Applicant concludes that the worst-case modelling location has been used for the assessment of underwater noise impacts on seahorse as features of the Selsey Bill and the Hounds MCZ (for injurious effects, TTS and behavioural effects). Therefore, the worst-case scenario for potential impacts to seahorse as qualifying features of the MCZs, for underwater noise has been assessed. Furthermore, the Applicant highlights, that as evidenced in Figures 1 to 4 of in Appendix A of this document, with the application of DBBC (which offer a noise reduction of 15dB) there is no interaction of the 135dB or 141dB behavioural impact thresholds with any of the MCZs of which seahorse are a qualifying feature (Selsey Bill and the Hounds MCZ, Beachy Head East and West MCZs, and Bembridge MCZ).</p>
2.18.24	<p>Mitigation in relation to Beachy Head West MCZ and Selsey Bill and the Hounds MCZ</p> <p>Based on modelling that has been conducted there is a potential for impacts to occur on seahorses within Beachy Head West MCZ (TTS and behavioural) and Selsey Bill and the Hounds MCZ (behavioural). We therefore advise that mitigation is required year-round to ensure the conservation objectives are not hindered.</p> <p>We note that the Applicant has modelled a 15dB noise reduction based on their commitment to use double bubble curtains year-round in Figure 5.5 and Figure 5.6 [REP4-062]. Natural England advise that if the Applicant committed to the seasonal restriction that we have advised for black seabream (March to July inclusive), this would cover a proportion of the key breeding time for seahorses. In relation to the rest of the year, provided that the Applicant were able to field test and evidence that a reduction in the region of 15dB is deliverable during the worst-case environmental conditions at the site, we would be in a position to conclude that the conservation objectives of the four seahorse MCZ's will not be hindered due to behavioural impacts of from underwater noise generated from piling. Therefore, we advise that the Applicant submits</p>	<p>The Applicant maintains, that as evident in Figures 5.14 to 5.17 in the In Principle Sensitive Features Mitigation Plan [REP5-082], with the use of double big bubble curtains (DBBC) throughout the piling campaign, there will be no disturbance to seahorses within the MCZs, and therefore, the Conservation Objectives will not be hindered.</p> <p>As noted previously in response to reference 2.18.6 in this table above, the Applicant considers a pre-construction field test is not feasible. Any such field test requires a substantial lead-in period in order to collect geotechnical site investigation data for the trial location, as well as for the procurement, detailed design and manufacture of a specific foundation pile. Substantial time, and significant additional expenditure, is also required to complete the design of the layout of the Proposed Development WTG array to ensure the trial location is correctly sited within an overarching optimised project design, and the procurement of the installation vessel(s), pile driving hammer and full mitigation equipment on a short-term basis. The planning, procurement and preparation for the trial is estimated to require a period of 2-3 years, with additional time incurred following the execution of the trial to provide for inclusion of the trial results into the subsequent installation strategy. All of</p>

Ref	Deadline 5 submission	Applicant's response
	<p>proposals for testing double bubble curtains, outside of the sensitive seasons of other species (namely black seabream and herring) into the Examination within an updated IPMP Please refer to our more detailed advice on this matter in the section on monitoring below.</p>	<p>these factors are prohibitive in terms of project timeline, availability of equipment and vessels for short-term procurement, and costs, which the Applicant has calculated as being in excess of £30 Million (direct costs of the fabrication of a single monopile, reservation of an installation vessel, mobilization of the vessel, vessel day rate, equipment hire (installation hammer, noise mitigation system and support vessels)). Even leaving aside the site investigation works, the procurement of equipment and vessels would be estimated to require at least two years to complete, even if equipment could be made available for short-term charter, which is very unlikely given the scarcity of such in the market currently. The subsequent delay to the project, which notably affects its ability to enter into the financial investment decision and Contracts for Difference (CfD) Allocation Round auction process, notwithstanding any additional consents required to undertake the installation of a trial foundation pile if it is separate to the construction phase consented under the DCO for Rampion 2, makes the trialling of the installation mitigation unfeasible. The effectiveness of the noise mitigation techniques will be confirmed through comparison with the unmitigated modelling results. Measurements of underwater noise during the construction phase will be compared with the computer modelling of unmitigated piling noise, in which there is confidence as modelling is based primarily on empirical data from unmitigated piling measurements.</p> <p>The Applicant expresses the importance of a proper preparation of the offshore installation works. With the current market conditions and shortage of equipment and vessels, reservations must be made well in advance. A late change in a particular timing or installation methodology is therefore extremely difficult to facilitate.</p>
2.18.25	<p>Wildlife and Countryside Act 1981</p> <p>As stated in our Relevant Representations both species of UK seahorses - spiny (<i>Hippocampus guttulatus</i>) and short-snouted (<i>Hippocampus hippocampus</i>) are protected under Section 9 of the Wildlife and Countryside Act 1981 in any location. We advise that there is a possibility of seahorses being killed, injured or disturbed, or for damage or destruction to their place of shelter or protection, all of which are offences under Section 9. We advise that there is a risk that such impacts could be realised as part of all phases of the Rampion 2 development, and that underwater noise impacts from piling is one of the key pathways/mechanisms by which such impacts could be realised. We advise the Applicant engages in early discussions with the MMO regarding any requirement for a European Protected Species Licence.</p>	<p>The Applicant invites Natural England to view the Applicant's response to point E42 in the risk and issues log which was addressed in Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.</p>
	<p>2.3 Noise Abatement Systems (NAS)</p>	
2.18.26	<p>General Points</p> <p>Natural England welcomes the provision of the Information to support efficacy of noise mitigation abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm document [REP4-067] and the updated In Principle Sensitive Features Mitigation Plan (IPSMFP) Rev D [REP4-053 & REP4-054]. Having reviewed these documents our advice is that significant uncertainty remains over the efficacy of the measures proposed in some of the conditions at the Rampion 2 site.</p>	<p>The Applicant has undertaken additional work demonstrating the efficacy of the proposed noise abatement systems at the Rampion 2 site, this was submitted to the Examining Authority at Deadline 4, in Information to Support Efficacy of Noise Mitigation / Abatement Techniques with Respect to Site Conditions at Rampion 2 Offshore Windfarm [REP4-067]. The Applicant notes that, as set out in that document, the efficiency of bubble curtains in waters in excess of 40 m depth may reduce by 1-2 dB, however the report also identified that the use of an enhanced Big Bubble Curtain (eBBC) as part of the DBBC system could bring up to 2 dB more noise reduction, which is expected to compensate the negative effect of water depths up to 50 m.</p>

Ref	Deadline 5 submission	Applicant's response
	<p>Natural England understands from the Applicant's Deadline 3 submission [REP3-051 Annex I] that the environmental conditions at the Rampion 2 include water depths in the array area ranging from 13 m to 65 m below Lowest Astronomical Tide (LAT). We note that the report on the efficacy of noise mitigation [REP4-067] does not include any evidence for depths of over 50m and that many of the measures only have measured data for depths of less than 40m. Furthermore, [REP4-067] draws the conclusion that the 'application of noise abatement systems' at the Rampion 2 site 'might be challenging due to soil conditions and bathymetry for some of the foundation locations'. It is noted in [REP4-067] that limited evidence exists of NAS used in such varying/complex bathymetry and soil conditions that exist at the Rampion 2 site. Documents [REP3-051] and [REP4-052] suggest that the spring current speeds within the coastal processes study area range from 0.75 and 1.1m/s in the offshore array areas, reducing gradually from 0.9 m/s at the offshore end of the export cable corridor to 0.5 m/s at the landfall. We note that this differs to the information in [REP4-067] which uses a mean current value of 0.48 to 0.76m/s. Natural England advises that the maximum current speed of 1.1m/s, as opposed to a mean current speed (0.48 to 0.76m/s) should be considered in the report, as this is the worst-case scenario.</p> <p>Additionally, we note that current empirical data only exists for up to 10m pile diameters, and therefore there is no data in relation to the 13.5m pile diameter proposed for the project. There is also no pile driving analysis available for the hammer energies (of up to 4,400kJ for monopiles) that it is proposed could be needed to install the piles in worst-case scenario for Rampion 2. We advise this adds to the uncertainty that exists around the efficacy of noise abatement measures at this site.</p> <p>Natural England notes that the environmental information provided in the Draft Piling Marine Mammal Mitigation Proposal [REP4-052] is not consistent with the information above, for example in relation to water depths. The document has also not been updated in line with the information on the efficacy of mitigation measures presented in [REP4-067]. We advise that such documents are updated and aligned for consistency and clarity of understanding.</p> <p>We note that the evidence base and technology in relation to NAS is constantly evolving, and that by the time of construction it is possible that measures that achieve greater levels of attenuation may be available. However, this cannot be relied upon at this time. We advise that the Applicant conducts an updated review of available NAS technology for the site as part of the final pre-construction IPSFMP to ensure that measures that can most reliably achieve the greatest level of noise reduction (alone or in combination) at the time of construction are utilised.</p>	<p>The Applicant also notes that as set out in Table 2-16, row FS2.9 of the Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119], the majority (70%+) of the piling locations will be located in waters up to 40 m depth, with the remaining locations mainly in water depths between 40 and 55 m.</p> <p>The Applicant also notes that noise mitigation is an area that is rapidly evolving, and the Applicant has undertaken recent discussions with a contractor providing DBBC that identified current deployments of DBBC for offshore wind piled foundations at water depths of 60m deep where the contractor did not expect significant issues with the performance of the DBBC. It is notable that this project was in a jurisdiction that has a legal noise threshold in place, and therefore achieving the appropriate level of noise reduction is an imperative. The Applicant acknowledges that this is related to an ongoing project and at the present time monitoring information on deployed DBBC efficacy at 60m is not yet available. The Applicant further notes that as set out in Table 2-16, row FS2.10 of the Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119] that it will further optimise the technical solutions with respect to layout and the equipment required to deliver an effective DBBC at greater depths.</p> <p>The Applicant acknowledges the concern regarding larger diameter piles and the use of bubble curtains. Larger piles appear to decrease the frequency of noise that is emitted, although at this scale have not been found to significantly affect the noise level. The design of bubble curtains will develop as more projects in the near future are installed with these larger diameter piles, in the event that this is found to make a material difference to their performance. The Applicant is investigating the use of enhanced bubble curtains, which use larger bubbles that would increase their effectiveness at low frequencies that could be produced by these piles.</p> <p>The Draft Piling Marine Mammal Mitigation Protocol [REP4-052] has been updated at Deadline 6 to align with the information on the efficacy of mitigation measures presented in [REP4-067].</p> <p>The Applicant welcomes the acknowledgement from Natural England that the evidence base and technology in relation to NAS is constantly evolving, and that by the time of construction it is possible that measures that achieve greater levels of attenuation may be available. As set out in the In Principle Sensitive Features Mitigation Plan [REP5-082], the Plan will be refined and developed on the basis of the additional preconstruction data, and as the Rampion 2 project design is optimised and finalised. This will ensure the in-principle provisions set out within this Plan are appropriate and relevant to the final design, and subsequently that the mitigation measures that will be implemented are effective in avoiding significant effects as a result of Rampion 2 on sensitive features.</p>
<p>Key uncertainties relating to specific NAS</p>		
2.18.27	<p>Double big bubble curtain (DBBC)</p> <p>Natural England notes that the principal mitigation measure currently proposed is a DBBC.</p>	<p>The Applicant refers Natural England to its response to reference 2.18.26 in this table above.</p>

Ref	Deadline 5 submission	Applicant's response
	<p>Based on the information supplied the following uncertainties remain in relation to the use of this measure:</p> <ul style="list-style-type: none"> The noise reductions proposed are only valid for currents of up to 0.75 m/s. Based on the information above we advise that the currents at Rampion 2 exceeds this figure in parts of the array and that this needs to be acknowledged. We advise that the worst-case in terms of current speed is considered. The noise reduction of 15dB stated is only relevant to depths of up to 40m. We note that at depths below 40 m there is no empirical evidence of achievable noise reduction by any Big Bubble Curtain (BBC) system. It is suggested that there is a potential decrease of 1db (unlikely 2db) in 50m water depth. We note that based on the information above, the depths in the array area are between 13 m-65 m. As such, we advise that the evidence provided does not give sufficient assurance that this measure will be able to achieve the 15dB reduction proposed in all piling locations within the array. We advise that uncertainty exists in waters deeper than 40 m and no consideration of waters deeper than 50 m has been provided. Therefore, Natural England do not advise that a reduction of 15dB in the source level is a precautionary assumption. As stated in [REP4-067], the enhanced Big Bubble Curtain (eBBC) is under development and has not yet been tested offshore. It is noted that it is unlikely to be applicable for the next few years as a state-of-the-art measure. 	
2.18.28	<p>General hammer noise mitigation</p> <p>We note that the IPSFMP suggests the 'procedural measures such as "HiLo" can be implemented to reduce noise emissions. This procedure uses a high frequency low energy blow method and has been proven to have good noise control capabilities' however it is noted that these measures are potentially 'not suitable for all ground conditions due to the lower energies utilised'. We advise that this is an important consideration given the known challenging and variable ground conditions at Rampion 2.</p>	<p>As set out in the In Principle Sensitive Features Mitigation Plan [REP5-082], the Plan will be refined and developed on the basis of the additional pre-construction data (which will provide details of the offshore ground conditions), and as the Rampion 2 project design is optimised and finalised. This will ensure the in-principle provisions set out within this Plan are appropriate and relevant to the final design, and subsequently that the mitigation measures that will be implemented are effective in avoiding significant effects as a result of Rampion 2 on sensitive features.</p>
2.18.29	<p>Hydro Sound Damper (HSD)</p> <p>Based on the information supplied, the following uncertainties remain in relation to the use of this measure:</p> <ul style="list-style-type: none"> We note that it has been stated that this measure could achieve a 10dB reduction in sound levels, but that this could be affected by 'tunnelling' effects due to the complex nature of the soil conditions in the area, which could lead to a reduction in the levels of abatement achieved. It is suggested that observations on other projects have noted that with increasing pile diameter the pile-driving frequency spectrum might be shifted toward lower frequencies. We understand from the information presented that evidence does not exist in relation to 13.5m diameter piles, but that this could reduce the noise reduction achieved by 1dB- 2dB. We highlighted that document [REP3-051], Appendix I outlines that the practicability and efficiency at >40 m remains to be proven (whereas [REP4-067] suggests this is unlikely to be an issue). Document [REP3-051] also suggested this measure could only be used on pile with a diameter of 9-13 m and that it had not been tested on jacket foundations. We advise that these limitations should be clarified based on the worst-case scenario of 13.5 m piles and that fact that jacket piles form an option within the Rochdale envelope. 	<p>As noted in response to reference 2.18.28 in this table above, the Applicant has, in the In Principle Sensitive Features Mitigation Plan [REP5-082], set out that the Plan will be refined and developed on the basis of the additional preconstruction data (which will provide details of the offshore ground conditions), and as the Rampion 2 project design is optimised and finalised. The Applicant reiterates, therefore, that the most appropriate noise mitigation measures will be selected based on the final scheme design and as informed by additional site data to ensure the in-principle provisions set out within this Plan are appropriate and relevant to the final design, and subsequently that the mitigation measures that will be implemented are effective in avoiding significant effects as a result of Rampion 2 on sensitive features.</p> <p>The Applicant also wishes to highlight, that as detailed in the In Principle Sensitive Features Mitigation Plan [REP5-082], the applicant has proposed the application of this noise abatement system (if this measure is used) in combination with DBBC (15dB noise reduction), to achieve a total noise abatement of 20dB during the black bream breeding season (March to July). The Applicant therefore confirms that a noise abatement of 10dB has not been assumed for this noise abatement system, rather it would be applied in combination to achieve a further 5dB noise abatement, with the application of DBBC.</p>

Ref	Deadline 5 submission	Applicant's response
	<p>Based on the limitations above, we advise that it should not be assumed that this measure can reliably deliver noise mitigation of 10dB.</p>	
2.18.30	<p>IQIP PULSE hammer</p> <p>The IPSFMP [REP4-054] suggests 'modelled estimates based on the largest hammer available from this company, have calculated a noise reduction capability of 6 to 10dB' and that therefore a 'precautionary approach' is an 'assumption of 6dB reduction in piling noise'. However, it is noted that these 'predictions are made with limited data and should be considered indicative for the equipment and conditions at Rampion 2'. We advise that this is not supported by [REP4-067], which suggests reductions of 2dB or 3 dB, or possibly lower. Additionally, it is expected that pile driving noise will be shifted to lower frequencies, which may affect overall noise reduction in a way that is not statistically quantifiable and could also result in seabed vibrations below 10Hz. We advise that the potential impacts of this shift of noise to lower frequencies on the relevant fish receptors also needs to be considered.' It is suggested in [REP4-067] that it is also unclear what influence changes in piling procedure and soil conditions may have. Based on the current uncertainties in the evidence, we advise this measure is not currently one that should be under consideration within [REP4-054].</p>	<p>The Applicant refers Natural England to its response to reference 2.18.29 in this table above.</p>
2.18.31	<p>MENCK Noise Reduction Unit (MNRU) hammer</p> <p>The IPSFMP [REP4-054] suggests a 'modelled estimated Sound Exposure Level (SEL) reduction of 9dB and peak reduction of 12dB' and that therefore a 'precautionary approach' is an 'assumption of 9dB reduction in piling noise'. However, (as with the PULSE hammer) it is noted that these "predictions are made with limited data and should be considered indicative for the equipment and conditions at Rampion 2". We note that [REP4-067] reports that for the MNRU there are 'no empirical measurements with and without MNRU systems under real offshore conditions available, thus a reliable evaluation regarding the achievable overall noise reduction is not yet possible' and that a shift to lower frequencies will likely affect the noise reduction. Therefore, we advise that without empirical evidence, this measure is not currently one that should be under consideration within the IPSFMP.</p>	<p>The Applicant refers Natural England to its response to reference 2.18.29 in this table above.</p>
2.18.32	<p>IHC Noise Mitigation Screen</p> <p>This measure is not proposed to be used for Rampion 2 in [REP4-054]. We understand from [REP4-067] that it is unlikely to be suitable for use in the varying bathymetric conditions at the Rampion 2 site and on the pile diameters that might be required (13.5 m). This means that overall noise reduction of up 22dB proposed is not currently possible, as it appears it would require use of this measure. Clarification on this matter would be welcomed.</p>	<p>The Applicant refers Natural England to its response to reference 2.18.29 in this table above.</p> <p>Following the submission of the Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067], at Deadline 4, the Applicant revised the noise reductions in the In Principle Sensitive Features Mitigation Plan [REP5-082] and is no longer proposing a noise reduction of 22dB.</p>
2.18.33	<p>Combined Measures</p> <p>The only combination of measures that currently appear to be potentially feasible is a combination of DBBC with HSD. We note that [REP4-067] suggest that this combination could result in an overall reduction of about 18-19dB (below 40m). Based on this we advise that there is not sufficient evidence to support the 20dB reduction that is stated in the IPSFMP (and</p>	<p>The Applicant refers Natural England to its response to reference 2.18.29 above. In addition, the Applicant would highlight the findings of the additional work demonstrating the efficacy of the proposed noise abatement systems at the Rampion 2 site, as submitted to the Examining Authority at Deadline 4, in Information to Support Efficacy of Noise Mitigation / Abatement Techniques with Respect to Site Conditions at Rampion 2 Offshore Windfarm [REP4-067]. The report makes clear that based on monitoring of</p>

Ref	Deadline 5 submission	Applicant's response
	<p>presented in some of the supporting figures). We advise that further clarity is also required regarding how additive figures have been calculated. Furthermore, we advise that the evidence presented does not suggest that such figures are achievable in deeper waters.</p>	<p>offshore wind farm foundation installations in the field and consideration of the Proposed Development site, the combining of noise mitigation measures would be expected to deliver a beneficial and additive reduction in noise emission during piling. Aspects related to depths are responded to above (e.g. reference 2.18.26 in this table above).</p>
2.4 MEEB		
2.18.34	<p>Natural England advises that the measures proposed for black seabream are not sufficient to provide benefits of equivalent (or greater) value to offset the underwater noise impacts from piling at the Rampion 2 site. Please see our commentary below on each of the MEEB presented.</p> <p>Natural England considers that MEEB should wherever possible be targeted at the designated habitats or species of the MCZ which would be adversely affected by the project and should be informed by the site's conservation objectives, the nature and the extent of the impacts and the contribution of the site to the coherence of the MPA network for the affected habitats and/or species. We highlight that Kingmere MCZ is one of only four sites in the MPA network for black bream, the other three being in Dorset.</p> <p>We advise that any MEEB taken forward should be implemented and effective before the impacts take place to provide the ecological functions that they are intended to compensate for. Where this is not fully achievable, compensatory packages should consider increased or additional measures for the interim where this would serve a sound ecological compensatory function.</p>	<p>The Applicant is confident that the MEEB detailed in the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] (updated at Deadline 6) is sufficient to provide benefit of equivalent value to the maximum extent of the Proposed Development's effect on the black seabream spawning grounds—if the Secretary of State cannot rule out that the Proposed Development would represent a significant risk of hindering the conservation objectives of the Kingmere MCZ. If MEEB is required, the measures proposed will be in place at a much greater spatial and temporal scale than the maximum extent of the impact. This will ensure that the maximum spatial and temporal extent of the Proposed Development's effect on the black seabream feature of the Kingmere MCZ is compensated for.</p> <p>The Applicant is confident that each MEEB, as detailed within the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] (updated at Deadline 6), positively contributes towards the conservation objectives of the site and to maintain the black seabream population and habitat features required for spawning in a favourable condition, by alleviating pressures and/or informing management measures for the Kingmere MCZ.</p> <p>The Applicant notes that the Defra Compensation Guidance (2021) states that MEEB should be secured before the impact takes place, but recognises that this is not always possible:</p> <p><i>“Where this is not possible, it is important that necessary licences are in place, finances secured, and realistic implementation plans have been agreed with the appropriate bodies to demonstrate that the compensatory measure is secured.”</i></p> <p>Each proposed MEEB, as detailed in the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] (updated at Deadline 6), will be implemented and effective prior to the impact.</p> <p>The Applicant has updated the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] (updated at Deadline 6) following consultation with Sussex IFCA, NE and the MMO after submission at Deadline 4. The Applicant can confirm that Option A) Removal of marine litter, including awareness and engagement is the preferred option for MEEB. There has been precedent set by other Offshore Windfarm Developments using marine litter/debris removal (and education and awareness) as a MEEB/Compensation measure. For example, on 16th July 2024, DESNZ issued a response to the Norfolk Projects Offshore Wind Farms Development, Benthic Implementation and Monitoring Plan (Royal Haskoning DHV, 2024) approving marine debris removal and education and awareness an appropriate compensation measure from impacts to a feature of an MPA (DESNZ, 2024). In addition,</p>

Ref	Deadline 5 submission	Applicant's response
2.18.35	<p data-bbox="281 483 1587 525">Reduction in disturbance from watercraft within the Kingmere MCZ</p> <p data-bbox="281 546 1587 630">This measure has been proposed through a voluntary seasonal speed limit and/or a voluntary no anchor zone.</p> <p data-bbox="281 651 1587 735">Natural England do not support these measures as MEEB for underwater noise impacts from piling on black seabream because:</p> <ul data-bbox="281 756 1587 1856" style="list-style-type: none"> <li data-bbox="281 756 1587 903">• No evidence has been provided on the distribution or intensity of any current impacts on the site Conservation Objectives from engine noise/anchoring within the MCZ. This information should be presented to demonstrate there is a significant pressure that the measure could potentially ameliorate and therefore be suitable as MEEB. <li data-bbox="281 903 1587 1113">• Sussex Inshore Fisheries and Conservation Authority (IFCA) (Sussex IFCA, 2024) already have an existing voluntary code of conduct in relation to bream nesting which is to “use methods that minimise damage to sensitive areas, consider drifting (i.e., no anchor) where practicable or if necessary, use a lower impact anchor”. Therefore, it is unclear how this would provide additional benefit to existing management measures. We have recommended that the Applicant contact Sussex IFCA to seek feedback on the likely relevance and effectiveness of the measure. <li data-bbox="281 1113 1587 1218">• It has not been demonstrated or quantified that the reduction of disturbance from watercraft (engine noise/physical disturbance/habitat damage) via a voluntary measure would provide an equivalent benefit to the underwater noise impact from pile driving. <li data-bbox="281 1218 1587 1323">• No evidence has been provided to establish a ‘common currency’ between the impacts of impulsive noise from pile driving and continuous/transient noise from vessels so that the measure can be scaled. <li data-bbox="281 1323 1587 1449">• The fact that these are voluntary measures and therefore in no way enforceable introduces considerable uncertainty regarding the uptake and spatial/temporal extent of measures, and in turn whether sufficient MEEB can be generated. No evidence of stakeholder engagement has been presented. <li data-bbox="281 1449 1587 1554">• It is unclear how the proposed monitoring (e.g., vessel speed, number, type, and duration) within the MCZ would accurately quantify the underwater noise reduction and subsequent level of benefit on black seabream. <li data-bbox="281 1554 1587 1856">• The adaptive management suggested is additional workshops or engagement with stakeholders, which may not result in greater uptake. Sufficient evidence has not been provided to assume that voluntary no anchor zones would result in reduced levels of angling and alleviate impacts of angling on black seabream. 	<p data-bbox="1587 273 2837 462">following consultation with Sussex IFCA, it was stated that marine debris poses negative environmental and ecological consequences within the Sussex IFCA district, namely ghost gear. Therefore, this MEEB is considered to offset the impact and present a recognisable and positive contribution to the conservation objectives of the Kingmere MCZ and coherence of the MPA network.</p> <p data-bbox="1587 483 2837 630">The Applicant has updated the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] for Deadline 6 which provides additional evidence of current levels of watercraft activity within the Kingmere MCZ.</p> <p data-bbox="1587 651 2837 861">It is noted that Sussex IFCA have a voluntary code of conduct in place which suggests the use of low-impact anchors and to drift where possible when using the Kingmere MCZ for recreational angling. However, this does not constitute a full restriction and this MEEB would restrict anchoring (for all activities that rely on anchoring) between the 1 March-31 July which is over a greater period than recreational angling is currently managed by Sussex IFCA.</p> <p data-bbox="1587 882 2837 1071">At this stage it is unknown if MEEB will be required, or if so, the quantum of MEEB required. However, the MEEB will be in place at an equivalent spatial and greater temporal scale than the maximum extent of the potential risk of impact. This will ensure that the maximum spatial and temporal extent of the Proposed Development's effect on the black seabream feature of the Kingmere MCZ is compensated for.</p> <p data-bbox="1587 1092 2837 1302">The Applicant has followed the Defra Hierarchy of Measures for MEEB as detailed in the Compensation Guidance, Defra (2021). This measure is considered to be in the ‘<i>comparable ecological function same location</i>’ category. It is worth noting that the reduction in noise measure does not serve as a like-for-like compensation measure relating to the noise from piling but would be implemented to reduce the impacts associated with transient noise from watercraft.</p> <p data-bbox="1587 1323 2837 1659">The Applicant has provided evidence and examples of the efficacy of Voluntary No Anchor zones within the updated Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] (updated at Deadline 6). The Applicant notes that after the 2023 review of the No Anchor Zone in Studland Bay, the MMO concluded that a voluntary no anchor zone remains the most effective way to protect the sensitive features of the MPA. The Applicant is confident that a voluntary measure would be effective in this instance and will provide the benefit of equivalent value to the maximum extent of the Proposed Development's effect on the black seabream spawning grounds.</p> <p data-bbox="1587 1680 2837 1856">The Applicant acknowledges that the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] (updated at Deadline 6) does not specify how the proposed monitoring within the MCZ would quantify the underwater noise reduction. However, the Applicant notes that at this stage the monitoring details have not been fully developed, as this will be developed,</p>

Ref	Deadline 5 submission	Applicant's response
2.18.36	<p>Removal of marine litter including awareness and engagement</p> <p>We acknowledge that the measures proposed would be targeted at drifting or surface litter, particularly plastics, as opposed to removal of litter directly from the seabed. We understand that the anticipated outcome is improvements to benthic habitat quality (i.e. black seabream spawning grounds) as well as food chain benefits. Natural England advises that we are not supportive of marine litter removal and/or awareness campaigns as a compensatory measure for benthic habitats unless there is specific evidence that marine litter is impacting the conservation objectives of a site.</p> <p>Natural England do not support the measure as MEEB for underwater noise impacts from piling on black seabream at the Rampion 2 site because:</p> <ul style="list-style-type: none"> • There is currently no evidence to demonstrate that marine litter is hindering the conservation objectives of the designated site or supporting habitats for breeding black seabream. • There is currently no evidence that there is a significant amount of litter within Kingmere MCZ. • It is unclear how it will be demonstrated that the removal of litter is effectively providing MEEB for underwater noise impacts. • We do not believe that 'one off' litter removal campaigns will make a positive or discernible difference to the management of features of MCZs, and therefore cannot be considered an appropriate compensation measure for MEEB (Natural England <i>et al.</i>, 2023). • It is unclear how the awareness and engagement campaign will effectively compensate for underwater noise impacts. This includes uncertainty on uptake, how quantitative uptake of measures could be used to infer the volume of debris that would have otherwise been discarded into the marine environment, and how that could offset underwater noise impacts. • There is no on-going monitoring proposed, nor adaptive management to change the approach if it is demonstrated that it is not delivering. <p>We draw the ExA's attention to Natural England and JNCCs advice to the Secretary of State (as the relevant competent authority) on Ørsted's Hornsea Project Three (HOW03) Sandbank Implementation Plan (SBIP) and associated documents (Natural England & JNCC, 2022). We advised DESNZ that the proposed Marine Debris Removal Campaign and Marine Debris Awareness Campaign would not provide sufficient compensation in relation to the long-lasting loss of designated habitat. We have also provided the same advice to DESNZ for the Norfolk Vanguard and Boreas OWF projects which similarly proposed marine litter removal to offset benthic impacts (Natural England, 2024; Natural England <i>et al.</i> 2023). Further, the UK Statutory Nature Conservation Bodies (SNCBs) have produced a position statement confirming that marine litter is not appropriate as benthic compensation (SNCBs, 2023). As the Applicant's proposed litter clearance targets the supporting benthic habitat used by nesting bream, and given Defra's best practice advice considers that the approach to MEEB should be the same as for European sites (Defra, 2021), the above advice also applies in this case. Finally, we highlight that Marine Debris Removal has not been included in Defra's Library of Strategic Compensation Measures, indicating a broad consensus that it is not suited to compensating for impacts.</p>	<p>post examination, either within the Kingmere MCZ Engagement Group (KMEG) or through a third-party consultant contracted to undertake the monitoring programme.</p> <p>The Applicant can confirm that the MEEB is focused on removing macroplastic and other marine debris from the sea surface/water column before it impacts the features of the MCZ through either uptake within the food chain or damaging the features by settling on the seafloor. As detailed within the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] (updated at Deadline 6), the removal of marine litter, specifically plastic, would be a direct means to improve habitat quality and food chain environmental benefit within the Kingmere MCZ serving to support the restoration of the fragile chalk reef, rock and mixed sediments habitat and population of black seabream. The awareness campaigns serve to stop the problem at source.</p> <p>The Applicant notes that Natural England is not supportive of marine litter removal and/or awareness campaigns as a compensation measure and acknowledges Natural England and JNCC's advice to the Secretary of State (as the relevant competent authority) on Ørsted's Hornsea Project Three (HOW03) Sandbank Implementation Plan (SBIP). However, the Applicant notes that the Secretary of State for DESNZ recently (16th July 2024), issued a response to the Norfolk Projects Offshore Wind Farms Development, Benthic Implementation and Monitoring Plan (Royal Haskoning DHV, 2024) approving marine debris removal and education and awareness an appropriate compensation measure from impacts of the Development to a feature of an MPA (DESNZ, 2024).</p> <p>As previously stated, it is not currently possible to confirm whether MEEB is required or the potential quantum of MEEB if it is to be required. However, the measure is considered to be scalable and therefore would be adaptable to meet the final quantum determined by the Secretary of State, if MEEB is required in the consent.</p> <p>The Applicant acknowledges that there is limited information and data on the current levels of marine litter within the Kingmere MCZ. As detailed within the Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] (updated at Deadline 6), the geographic focus of this offshore MEEB measure, would be within the Kingmere MCZ, although, if necessary, the scale of this measure could be expanded further to include marine litter removal to areas within close proximity to the Kingmere MCZ and within the Sussex IFCA, where there is evidence of black seabream nesting. Following consultation with Sussex IFCA it was recognised that marine debris, poses negative environmental and ecological consequences within the Sussex IFCA district, namely in the form of ghost gear. This measure would comprise working with a delivery partner to remove marine litter located within the water column of the Kingmere MCZ, and the delivery of a programme to increase awareness and measures to improve the recovery of lost fishing gear and reduce marine litter entering the environment at source. Recovery of lost fishing gear and marine litter would be targeted at drifting or surface litter, particularly plastics. It should be noted that this MEEB measure is not for the removal of 'ghost gear' from the seafloor.</p>

Ref	Deadline 5 submission	Applicant's response
2.18.37	<p>Monitoring and research of black seabream movements within the Kingmere MCZ and surrounding areas</p> <p>Whilst it may have merit in its own right, Natural England's position is that research and development cannot be considered as compensation or MEEB. This is because there is no guarantee that the research will deliver any outputs or management measures, or if it does, that these would be sufficient to offset and provide benefit of equivalent value to the maximum extent of the proposed development's effect on black seabream.</p> <p>Natural England would welcome any discussions with the Applicant on opportunities to help improve the black seabream evidence base in and around Kingmere MCZ outside of MEEB requirements.</p>	<p>As detailed within the updated Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ) [REP4-078] for Deadline 6, the monitoring of the effectiveness for this measure would be through a measurable amount of litter removed through the removal campaign and through the disposal bins provided. Engagement logs and surveys will also demonstrate any behaviour changes and how and who is using the disposal bins.</p> <p>The Applicant notes Natural England's position on research and development not being considered as compensation or MEEB. It is the Applicant's position that improved knowledge, understanding and education of black seabream will help to inform appropriate management measures for the species which will ultimately support and improve the condition of the black seabream feature of Kingmere MCZ. As a result, the MEEB would serve to maintain the black seabream spawning grounds and other features of the Kingmere MCZ, in a favourable condition.</p>
2.18.38	<p>Marine Recovery Fund (MRF)</p> <p>The applicant has outlined an option to rely on the Marine Recovery Fund where the SoS grants permission for this as an alternative to reliance on the project alone measures outlined above. Natural England advise that the MRF is unlikely to be suitable in a relevant timescale, given the species-specific nature of the conservation objectives at Kingmere MCZ. The MRF measures are currently more focused around impacts to ornithological and benthic receptors.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>
<p>2.5 Monitoring</p>		
2.1.39	<p>Underwater Noise</p> <p>Natural England advise that key objectives of the monitoring should be to validate the predictions made in the Environmental Statement, including showing that the noise level predictions made are appropriate, that the significance of predicted impacts are justified, and to validate the efficacy of the noise abatement measures.</p> <p>Natural England supports the collection of underwater noise monitoring data to understand how noise propagates over distance from the source in the specific environmental conditions at the Rampion 2 site. Given the complex and variable environmental conditions at the site, we advise that the first eight piles (or eight of the first 12 piles), of each foundation type are monitored across a representative range of conditions. We advise this includes worst-case environmental conditions within the design envelope e.g., depths, current speeds, and ground conditions as well as hammer energy.</p> <p>In light of the uncertainties regarding the efficacy of NAS in the environmental conditions at the Rampion 2 site, the monitoring of the first eight piles (or eight of the first 12 piles), should include monitoring of the efficacy of the final noise abatement system selected. We advise that to</p>	<p>The Applicant has provided an updated Offshore In Principle Monitoring Plan [REP5-084] at Deadline 6, including details of the reporting timescales (in agreement with the timescales proposed by the MMO) in Table 4-4.</p> <p>The monitoring plan details the Applicants proposals to monitor the efficacy of the noise abatement measures. Specifically, this monitoring plan includes the commitment for monitoring to be undertaken for four piling locations for each foundation type used in both the black seabream spawning period in the event that piling is permitted during this period (or part thereof), and in the period encompassing the rest of the calendar year (1 August to 28 (or 29) February). These locations will be selected from the first 12 foundations to be installed in each period in order to provide for sites with differing seabed conditions and water depths. This monitoring strategy will deliver data representative of the varying conditions within the development site, whilst ensuring data are collected for the earliest pile installations for each of the two potential noise mitigation measure scenarios (i.e. single and, on the basis that piling within the 1 March to 31 July period is permitted, combined noise abatement systems) at sites with a range of water depths, to include sites of >40 m depth for verification of predicted (modelled) noise levels.</p>

Ref **Deadline 5 submission**

conclude that the conservation objectives of Beachy Head West MCZ and Selsey Bill and the Hounds MCZ will not be hindered, the Applicant must test and evidence a reduction in the region of 15dB from the proposed use of double bubble curtains (or another comparable noise abatement system). We advise that the Applicant submits an updated In Principle Monitoring Plan to include such testing/monitoring of noise abatement systems outside of the sensitive seasons of other species (namely black seabream and herring). We advise that this should include a commitment to provide initial outputs from the monitoring within 2 weeks of it concluding, highlighting any obvious deviations from what was assessed and whether the levels of noise abatement proposed have been achieved. We advise that the final reporting should follow this as soon as possible. The timeframe for this is for the MMO to advise on, but we advise that a 4-week timeframe is considered to ensure noise levels are not significantly higher than those predicted in good time.

In relation to the distances of monitoring stations from the pile, we note that the Applicant has suggested some distances within the In Principle Monitoring Plan. We advise that consideration should be given to the National Physics Laboratory Guidance note 133 -Underwater noise measurement when determining the final monitoring protocol. We advise that the final distance for the monitoring will need to be discussed and agreed with MMO/Cefas post consent as part of the consultation on the Final In Principle Monitoring Plan. We advise that the final proposals/hypothesis selected needs to demonstrate how they are fit for monitoring underwater noise levels generated by piling and the levels of noise reduction achieved by the NAS.

In relation to the hypotheses set out in the In Principle Monitoring Plan (IPMP) we do not support the phrasing of hypothesis 1 where it states: 'The installation of piled foundations for Rampion 2 offshore wind farm results in under water noise levels that do not significantly exceed those predicted from the modelling undertaken to inform the EIA'. We advise that the noise levels should not exceed the worst-case scenario predicted in the environmental statement. In relation to hypothesis 2, we advise that this should relate to the levels of noise reduction achieved by the NAS measures being in the region of 15dB.

Natural England highlights that we do not support the zoned approach to piling proposed or it being possible to draw an appropriate behavioural threshold for black seabream from the literature, so we have not provided advice on the monitoring proposed in hypothesis 3, which specifically relates to Kingmere MCZ. However, should the full seasonal restriction we have advised not be implemented, it should be noted that Natural England would have concerns regarding the robustness and adequacy of what has been proposed.

Applicant's response

Within regard to the distance of the monitoring stations from the pile, the Applicant confirms, that as detailed in the [Offshore In Principle Monitoring Plan \[REP5-084\]](#) (updated at Deadline 6), the noise monitoring will include measurement locations in the near and far field. Although the specific designs of the survey will depend on the exact locations of piles to be installed while monitoring takes place, we would expect that monitoring stations will be situated at 750 m, 5000 m, and others, including a location representative of the Kingmere MCZ.

Regarding the hypotheses presented in the [Offshore In Principle Monitoring Plan \[REP5-084\]](#) (updated at Deadline 6), the Applicant notes the suggestion of Natural England to amend hypothesis 1 to relate to the levels of noise reduction achieved by the NAS measures being in the region of 15dB. The Applicant confirms, that this hypothesis has not been updated at Deadline 6. The Applicant clarifies, that the proposed monitoring approach does not solely relate to achieving a noise reduction of 15dB. The monitoring instead provided for both single (DBBC, offering a noise reduction of 15dB) and combined measures (DBBC and another noise abatement measure, offering a noise reduction of up to 20dB). Therefore, to ensure that the proposed monitoring accounts for both scenarios, the Applicant has not changed this hypothesis.

The Applicant considers a pre-construction field test is not feasible. Any such field test requires a substantial lead-in period in order to collect geotechnical site investigation data for the trial location, as well as for the procurement, detailed design and manufacture of a specific foundation pile. Substantial time, and significant additional expenditure, is also required to complete the design of the layout of the Proposed Development WTG array to ensure the trial location is correctly sited within an overarching optimised project design, and the procurement of the installation vessel(s), pile driving hammer and full mitigation equipment on a short-term basis. The planning, procurement and preparation for the trial is estimated to require a period of 2-3 years, with additional time incurred following the execution of the trial to provide for inclusion of the trial results into the subsequent installation strategy. All of these factors are prohibitive in terms of project timeline, availability of equipment and vessels for short-term procurement, and costs, which the Applicant has calculated as being in excess of £30 Million (direct costs of the fabrication of a single monopile, reservation of an installation vessel, mobilization of the vessel, vessel day rate, equipment hire (installation hammer, noise mitigation system and support vessels)). Even leaving aside the site investigation works, the procurement of equipment and vessels would be estimated to require at least two years to complete, even if equipment could be made available for short-term charter, which is very unlikely given the scarcity of such in the market currently. The subsequent delay to the project, which notably affects its ability to enter into the financial investment decision and Contracts for Difference (CfD) Allocation Round auction process, notwithstanding any additional consents required to undertake the installation of a trial foundation pile if it is separate to the construction phase consented under the DCO for Rampion 2, makes the trialling of the installation mitigation unfeasible. The effectiveness of the noise mitigation techniques will be confirmed through comparison with the unmitigated modelling results. Measurements of underwater noise during the construction phase will be compared with the computer modelling of unmitigated piling noise, in which there is confidence as modelling is based primarily on empirical data from unmitigated piling measurements.

Ref	Deadline 5 submission	Applicant's response
2.18.40	<p>Monitoring of black bream nesting habitat in the cable corridor</p> <p>We note that point 5.2.14 [REP4-054] states that black seabream nesting sites in the cable corridor will be informed by 'pre-construction data that will be collected post-consent' alongside other available data sources. We highlight point E12 within our risk and issues log has not been addressed within the documents submitted. This point advises that:</p> <p>'The post consent survey, undertaken as part of a suite of pre-construction surveys, will allow a determination to be made as to the extent of the nesting area, and specifically the key nesting areas, in order to identify the best cable route, minimising interaction with key sensitive features where practical, prior to offshore export cable installation'. Natural England advise that due to both seasonal variation and interannual variation with regards to nesting locations a single pre-construction survey should not be presumed as definitively and absolutely defining nesting locations. We advise that the focus should be on ensuring that that survey identifies potentially suitable habitat for nesting and avoids this. We advise that an appropriate methodology for pre-construction surveys has yet to be agreed and that this should be agreed with the MMO in consultation with Natural England. Whilst we understand that the final details of this are likely to be agreed post-consent, we advise that an outline plan should be included in the In Principle Monitoring Plan. The micro-siting should focus on avoiding the areas identified in these surveys and also known nesting locations'.</p> <p>Natural England also stated within our Deadline 1 Fish and Shellfish IPMP response, that in addition to underwater noise monitoring, post-construction monitoring that tests whether areas identified as being potentially suitable for black seabream nesting are still suitable for nesting post-construction is presented. We advise that this is important to demonstrate that mitigation measures have achieved the levels presented in the application and to evidence recovery post-construction. We advise this matter remains unaddressed in both the IPMP and Table 7.1 of the IPSMP. These plans also fail to recognise how habitat potentially suitable for black seabream nesting will be identified to inform micrositing and how it will be monitored post construction.</p>	<p>The Applicant instead reiterates that work has been undertaken to provide a comparison of the environmental conditions at the Proposed Development with other projects where Noise Abatement Systems (NAS) have been deployed. The outputs of this work are detailed in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067] and were incorporated into the In Principle Sensitive Features Mitigation Plan [REP5-082].</p> <p>The Applicant invites Natural England to view the Applicant's response to point E12 in the risk and issues log which was addressed in Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.</p>
<p>2.6 Commitments Register</p>		
2.18.41	<p>Below is a summary of the individual commitments made by the Applicant to mitigate against impacts from piling and export cable construction activities on black seabream from the development, along with Natural England's advice on each. We advise that it is essential that the commitments register and the IPSFMP fully reflect each other.</p> <p>Natural England will be providing our advice on benthic ecology matters at Deadline 6. Therefore, we may have further comments to make relating to impacts on underlying benthic habitats suitable for black seabream at that stage.</p>	

Ref	Deadline 5 submission	Applicant's response
2.18.42	Commitment Natural England's Advice	Applicant's Response
C-265	We support the commitment to using noise abatement on each foundation installation, however there is uncertainty regarding the level of attenuation achievable using DBBC in the environmental conditions at the Rampion 2 site. To ensure the conservation objectives of MCZs designated for short- snouted seahorses are not hindered, we advise that testing is required to evidence attenuation efficacy to the level asserted as achievable by the Applicant (i.e. in the region of 15dB) prior to the works taking place. Please see our monitoring and seahorse advice above for further information. We advise this needs to be a clear commitment within all the relevant plans and documents. We advise that this commitment should relate to any kind of hammer that could be used.	The Applicant invites Natural England to view the Applicant's response to reference 2.18.24 in this table above.
C-269 & C-270	Natural England reiterate our advice provided in our Relevant Representations (Point 51 and line E50 of our risks and issues log) regarding commitment C-269 and C-270. We advise that an appropriate methodology for pre-construction surveys has yet to be agreed and that this should be agreed with the MMO in consultation with Natural England. Whilst we understand that the final details of this are likely to be agreed post-consent, we advise that an outline plan should be included in the In Principle Monitoring Plan. We advise that the buffer distance being committed to needs to be included in this commitment. We also advise that the Applicant will need to provide clear evidence to demonstrate why they cannot avoid any sensitive features as part their pre- construction survey data.	The Applicant invites Natural England to view the Applicant's response to point E50 in the risk and issues log which was addressed in Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.
C-271 & C-272	Natural England reiterate our advice provided in our Relevant Representations (Point 54 and line E53 of our risk and issues log) regarding commitment C-271 and C-272. Natural England previously advised that a Cable Burial Risk Assessment (CBRA), which contains site specific geotechnical information should be provided. We understand that the Applicant is considering submitting a CBRA into the examination at Deadline 5. We advise that 'where required' is removed, as this is required.	The Applicant will not be amending these commitments and invites Natural England to view the Applicant's response to point E53 in the risk and issues log in Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5. An Outline Cable Burial Risk Assessment [REP5-123] has been submitted at Deadline 5.
C-273	Natural England reiterate our advice provided in our Relevant Representations (point 50 and line E49) that we support this measure but advise that this includes all aspects of export cable installation, including but not limited to seabed preparation works, cable protection work and UXO works. We advise that should any activities not be included we would have concerns regarding the impacts of these. We understand that UXO works will form part of a separate licence, but it should be noted our advice is that all UXO clearance works should be undertaken outside of the sensitive season for black seabream. We also advise that a definition of emergency work is included within the dML interpretation section, which Natural England will then advise on.	Commitment C-273 has been updated in line with this request at Deadline 5. For further detail, the Applicant invites Natural England to view the Applicant's response to point E49 in the risk and issues log in Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.
C274	Natural England continue to advise against the zoned approach to piling proposed by the Applicant (see Appendix E of our Relevant Representations).	The Applicant will not be amending Commitment C-274, the Applicant invites Natural England to view the Applicant's response to point E22 and E99 in the risk and issues log in

Ref	Deadline 5 submission	Applicant's response
	<p>We do not agree with basing such an approach on a threshold of 141dB and do not believe a suitable threshold can be robustly established based on the literature. We also advise that the accuracy of modelling is not sufficient to establish clear spatial zones and we highlight issues raised above regarding the modelling showing overlap with Kingmere MCZ at 135dB, even with mitigation implemented. Additionally, once the locations furthest from the MCZ are completed, the remaining uncompleted piling locations will be closer to the MCZ. This is particularly problematic when considering piling over multiple years.</p>	<p>Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.</p>
C-280	<p>Natural England advises that we cannot agree to appropriate piling exclusion zones based on the lack of a suitable behavioural threshold to which noise levels should be mitigated to.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>
C- 281	<p>Whilst we support no piling occurring within the western part of the array from March to June, we advise that the seasonality within the conservation advice includes July and therefore this month should be treated in the same way as March to June. Natural England advises we cannot agree to a sequenced piling plan in the absence of a suitable behavioural threshold to mitigate noise levels down to. We note that it appears that some piling locations in the western array even with NAS measures are likely to result in an overlap of the 135dB contour.</p>	<p>The Applicant will not be amending Commitment C-281, the implementation of a full piling ban would have a direct effect on the construction schedule of the project by prohibiting construction in the months of the year with the most accommodating weather conditions. Until the final design of the turbines and foundations, and until comprehensive geotechnical surveys are completed, it is difficult to determine with a high level of confidence, what the magnitude of the impacts on the construction schedule would be. However, preliminary construction modelling has strongly indicated that a full piling ban would be extremely challenging, leading to an additional year or more of offshore installation activity being required.</p> <p>The Applicant recognises that there is a degree of overlap of the 135dB noise contour with the Kingmere MCZ, where the implementation of DBBC is the sole mitigation measure. The Applicant confirms that Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan [REP5-082], demonstrate the mitigated underwater noise contours from the implementation of DBBC only. In recognising the degree of overlap of the noise contours with the Kingmere MCZ and hence the potential for disturbance of nesting seabream, where the implementation of DBBC is the sole mitigation measure, additional measures are proposed during the black seabream nesting season from March through to July (as detailed in paragraph 5.3.48 et seq. of the In Principle Sensitive Features Mitigation Plan [REP5-082]). These measures include the use of noise abatement systems (DBBC and another noise abatement measure) which as evidenced in Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm [REP4-067] could lead to an overall noise reduction of 20 dB, piling sequencing and the definition of piling exclusion zones. There will therefore be no instance during the black seabream breeding period, where DBBC will be the sole mitigation measure for breeding black seabream as a feature of the Kingmere MCZ.</p> <p>The Applicant maintains their position that a full piling restriction from 1 March to 31 July (as recommended by Natural England) is disproportionate to the risk of an impact arising that could result in significant population level effects on nesting black bream. The Applicant reiterates that a full piling exclusion from March-July inclusive would also have significant issues for the practical development of the Proposed Development. The</p>

Ref	Deadline 5 submission	Applicant's response
		Applicant also directs Natural England to the Applicant's response to reference FS 2.7 of Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119] .

Table 2-19 Applicant's comments on Natural England's Deadline 5 Appendix J5 Advice on Terrestrial Ecology submission [REP5-140]

Ref	Deadline 5 submission	Applicant's response
Natural England's Advice on Terrestrial Ecology		
2.19.1	<p>In formulating these comments, the following documents have been considered:</p> <ul style="list-style-type: none"> • [REP4-023] 6.2.22 Environmental Statement Terrestrial ecology and nature conservation • [REP4-003] 2.6 Tree Preservation Order and Hedgerow Plan Rev C • [REP4-038] 6.4.22.16 Environmental Statement Volume 4 Appendix 22.16 Arboricultural Impact Assessment Rev B (tracked) • [REP4-048] 7.10 Outline Landscape and Ecology Management Plan Rev C (tracked) • [REP4-050] 7.11 Outline Project Environmental Management Plan Rev B (tracked) • [REP4-044] 7.2 Outline Code of Construction Practice Rev D (tracked) • [REP4-058] 7.22 Commitments Register (Tracked) Revision D <p>Natural England have not provided comments on the following documents, as the information within them falls outside of our core remit:</p> <ul style="list-style-type: none"> • [REP4-039 & REP4-040] 6.4.26.2 Environmental Statement Volume 4 Appendix 26.2 Flood Risk Assessment Rev B • [REP4-041 & REP4-042] 7.1 Outline Operational Drainage Plan Rev C • [REP1-010 & REP1-011] 7.6 Outline Construction Traffic Management Plan Rev E 	Noted, the Applicant has no further comments at this time.
1. Summary		
2.19.2	<p>Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 5. Our outstanding concerns are set out below with more detailed advice regarding these documents provided in Table 1. It should be noted that these comments relate to terrestrial ecology only and any comments pertaining to the landscape aspects are provided in a separate Appendix.</p>	Noted, the Applicant has reviewed and provided a response to Natural England's outstanding concerns below.
2. Main Comments		
2.19.3	<p>Natural England's position on Water Neutrality</p> <p>As set out within our Relevant Representations [RR-265], we advised that due to the scale of the Rampion 2 proposals, an assessment should be undertaken to determine whether the project would have an adverse effect on the integrity of the Arun Valley designated sites, by way of increased water demand. Where it has been identified that a project will result in a net increase in water demand, Natural England's advice is that demonstrating 'water neutrality' is one way of ensuring that any adverse effects can be suitably mitigated.</p>	Natural England's comments in references 2.19.3 to 2.19.8 are welcomed and reflect the agreement that has been reached with Natural England and Horsham District Council in relation to water neutrality. These agreements are recorded within the Applicant's Response to Examining Authority's Second Written Questions (ExQ2) [REP5-120] , and Statement of Common Ground Horsham District Council [REP5-091] and Statement of Common Ground Natural England [REP5-097] , submitted at Deadline 5.
2.19.4	<p>In response to our advice, it is understood that the Applicant has proposed that during the construction phase, 'construction water usage will not be taken from the mains, and it will instead be imported from outside of the Sussex North Water Resource Zone (via tankers)' [REP3-051]. Whilst Natural England supports the Applicant's exploration of potential mitigation options and their assessment of impacts upon the Arun Valley designated sites, Natural England has concerns around how this approach would be robustly enforced, and therefore, whether it can be considered an appropriate means of mitigation.</p>	
2.19.5	<p>As recognised within the Report on the Implications for European Sites [PD-014] and previous submissions by Horsham District Council (HDC) [REP3-069], we understand that HDC believes that it is possible to rule out</p>	

Ref	Deadline 5 submission	Applicant's response
	any adverse effects from increased water demand during construction works, in a consistent manner with how water use for construction work has been considered elsewhere within the HDC area.	
2.19.6	Having reviewed the evidence base referred to by HDC, Natural England acknowledges that the quantum of housing being delivered during the periods of 2021-2022 and 2022-2023 is significantly lower than the number of homes that were previously targeted to be delivered within the district, prior to the rollout of Natural England's advice on achieving water neutrality. Policy 37 of Horsham's emerging Local Plan only seeks to deliver 480 homes per annum in the period of 2023/2024 – 2027/2028 (later rising to 901 per annum in 2028/2029 – 2039/2040). As such, Natural England is satisfied that – as a result of the reduction in housing delivery within the district – there is sufficient headroom within the water usage baseline to accommodate the construction phase of the Rampion 2 project.	
2.19.7	Having reviewed the evidence base provided by HDC [REP3-069], it is Natural England's advice that an adverse effect on the integrity of the Arun Valley designated sites as a result of increased water demand can be ruled out during the construction phase. We would therefore reiterate that we do not believe that tankering water from outside of the Sussex North Supply Zone is necessary in order to demonstrate water neutrality.	
2.19.8	With regard to the operational phase and any water usage that may be required during this phase of the project, it is recognised that the Applicant has considered offsetting any water usage via the Sussex North Offsetting Water Scheme (SNOWS) that is being developed by the affected authorities [REP3-051]. It is Natural England's understanding that Horsham District Council is supportive of this approach in principle [REP3-069]. Whilst it is recognised that SNOWS is not operational yet, Natural England continues to work closely with the affected authorities to ensure that it will be functioning as intended by the time the operational phase of the project commences. As such, Natural England advises that, providing mitigation via SNOWS is an appropriate means of ensuring that water neutrality can be achieved during the operational phase.	
7.22 Commitments Register (Tracked) Revision D		
2.19.9	<p>Natural England welcome the deletion of ambiguous terms from commitments C-1, C-7 and C-17.</p> <p>However, as previously advised, Natural England notes that numerous commitments still include flexible wording such as 'where practical, as far as reasonably practical, as far as reasonably possible, practicable minimum, as practical, or are not practical, wherever possible, minimal time possible, shortest practical timeframe'. Such wording reduces the confidence of the delivery of the proposed commitments, which also make up embedded mitigation measures. We observe that such wording used in the following commitments C-6, C-12, C-19, C-27, C-67, C-75, C-78, C-115, C-117 and C-128. Natural England advise that such terms should be further defined by the Applicant, to understand the likely parameters and improve confidence in the delivery of these measures.</p>	<p>The Applicant notes that Commitments C-6, C-67, C-75, C-78 and C-115 (Commitments Register [REP5-086], updated at Deadline 5) are focused on avoidance by design. This avoidance and any impacts of the realistic worst-case scenario are already demonstrated in the design that has been subject to an Environmental Impact Assessment. Commitment C-292 (see Commitments Register [REP5-086]) ensures that the mitigation hierarchy will be further applied during the detailed design phase to reduce the predicted effects on biodiversity associated with the realistic worst-case scenario. Other design elements (such as cultural heritage interests) will also be further accounted for in detailed design.</p> <p>The Applicant notes that Commitment C-12 (Commitments Register [REP5-086]) limits storage time of soil to the practicable minimum. This minimum will alter dependent on different construction activities and different locations and therefore cannot be further defined until detailed design (including a detailed construction schedule) can be delivered.</p> <p>The Applicant notes that Commitment C-19 (Commitments Register [REP5-086]) reinstatement process will be commenced for the onshore</p>

Ref	Deadline 5 submission	Applicant's response
		<p>cable in a shorter time frame as possible. Elements such as the length of a cable section, the obstacles present (e.g. roads, utilities etc.) will in part govern the construction schedule for each cable section. Therefore, the timing of reinstatement cannot be further defined until detailed design (including a detailed construction schedule) can be delivered.</p> <p>The Applicant notes that Commitment C-27 (Commitments Register [REP5-086]) contains 'as far as reasonably practicable' as the longer term nature and use of the temporary construction compounds may have challenges, especially around soil structure. For this reason, this commitment was updated at Deadline 4 with a specific link to Commitment C-7 added.</p> <p>The Applicant notes that Commitment C-117 (Commitments Register [REP5-086]) has a fixed time period to avoid the disturbance of wintering birds within the flood plain. The secondary elements of this commitment to programme works where possible in late summer/early autumn is to avoid interaction with flooding. There are other commitments in place to manage the risks associated with flooding of construction areas (e.g. Commitments C-118 and C-119).</p> <p>The Applicant notes that Commitment C-128 (Commitments Register [REP5-086]) limits the time temporary crossings are in place on watercourses. This minimum will alter dependent on different construction activities and different locations and therefore cannot be further defined until detailed design (including a detailed construction schedule) can be delivered.</p>
2.19.10	<p>Natural England recommends the Applicant ensures any changes to the commitments register are accurately reflected in the documents: [REP4-023] and [REP4-044] for C-5.</p> <p><i>'C-5 - Main rivers, watercourses, railways and roads that form part of the Strategic Highways Network will be crossed by Horizontal Directional Drill (HDD) or other trenchless technology in accordance with Appendix A Crossing Schedule of the Outline of Construction Practice'</i> which is included within [REP4-023].</p> <p><i>'C-5 - Trenchless crossings will be provided for features where identified in Appendix A - Crossing Schedule of the Outline Code of Construction Practice.'</i> which is included within [REP4-058].</p>	<p>The Applicant has updated Chapter 22: Terrestrial ecology and nature conservation, Volume 2 of the Environmental Statement [REP5-036] (updated at Deadline 5) and Outline Code of Construction Practice [REP5-064] (updated at Deadline 5) at Deadline 6 to ensure commitment consistency throughout the application documents.</p>
2.19.11	<p>As previously advised, greater detail should be provided on the efficacy of embedded mitigation measure C-103 to prevent long sections of lost habitat awaiting reinstatement for long periods of time.</p>	<p>The Applicant cannot provide further detail on reinstatement until a detailed design and construction schedule are produced by the appointed contractor. However, Commitment C-292 (Commitments Register [REP5-086]) ensures that the mitigation hierarchy will be implemented during the production of the detailed design will ensure that timescales will be minimised. Commitment C-103 already ensures that the majority of habitat will have reinstatement commenced within a two-year time period.</p>
2.19.12	<p>Letters of No Impediment</p>	<p>The Applicant welcomes this comment from Natural England and refers to the position of agreement reached on this subject within the Statement of</p>

Ref	Deadline 5 submission	Applicant's response
	<p>Natural England can confirm that the Applicant is engaging with our Natural England Wildlife Licensing Service (NEWLS) to pursue letters of no impediment (LONI's) for licenses pertaining to Hazel Dormice and Water Voles.</p> <p>The Applicant has set out their reasoning for not pursuing LONI's for badgers and bats directly to Natural England. Natural England notes the Applicants decision not to pursue LONI's for these species, but caveats that any residual risks associated with this approach will be borne by the Applicant. If at any stage, the Applicant considers a protected species license is necessary for the aforementioned species, we would encourage them to engage with NEWLS as soon as possible.</p> <p>The Applicant has informed us that they are using an accredited District Level Licensing scheme from NatureSpace to address any impacts to Great Crested Newts. Natural England is content with this approach and has no further comments.</p> <p>Consequently, Natural England has no further comments to make on the Applicants approach to protected species licensing beyond the engagement that will be made directly with the Applicant on their draft licenses as they seek to obtain letters of no impediment.</p>	<p>Common Ground Natural England [REP5-097] (see reference NE3), submitted at Deadline 5.</p>

2.19.13	<p>Functionally Linked Land - Arun Valley Special Protection Area and Ramsar</p> <p>The Applicant has provided further clarification on several points raised within Natural England's Response to the Examining Authority's Written Questions (ExQ1)) [REP3-086] on impacts to Functionally Linked Land (FLL), since the Applicant's summary at Deadline 3 [REP4-070].</p> <p>The Applicant provided a map directly to Natural England (23 May 2024 via. email) showing the closest FLL to the onshore cable route. Consequently, Natural England can now advise that we are satisfied that there will be no impacts to any FLL from the onshore cable route. Natural England have no further comments to make on this issue.</p>	<p>The Applicant welcomes this comment and refers to the position of agreement reached on this subject within the Statement of Common Ground Natural England [REP5-097] (see reference NE17), submitted at Deadline 5.</p>
----------------	---	---

3. Detailed Comments

Point number	Location within Document	Submitted	Natural England Response	Applicant's response		
	Section	Page	Paragraph, Table or Figure Number	Key Concern	Natural England's Advice to resolve the issue	

Table 1 Summary of Key Issues Document Reviewed - [REP4-023] 6.2.22 Environmental Statement Terrestrial ecology and nature conservation (tracked)

1	22.7	114	Table 22-20	<p>Commitment C-5 states that 'Trenchless crossings will be provided for features where identified in Appendix A - Crossing Schedule of the Outline Code of Construction Practice.' [REP4-058].</p> <p>Commitment C-17 states that '<i>Trenchless crossing of watercourses will be provided in</i></p>	<p>Natural England notes the Applicant's proposed amendments and has no comments to make on main rivers and railways. However, our previous comments on Horizontal Directional Drill (HDD) under</p>	<p>The Applicant notes that the use of HDD to mitigate effects on features such as ancient woodland is a principal area of disagreement that is detailed within the Statement of Common Ground Natural England [REP5-097] (see reference NE2), submitted at Deadline 5.</p>
---	------	-----	-------------	--	--	--

Ref	Deadline 5 submission			Applicant's response		
				<p>accordance with Appendix A Crossing schedule of the Outline Code of Construction Practice. Where watercourses are shown in the Crossing Schedule to be crossed by open cut techniques (with flows over-pumped around the working area). Appropriate environmental permits or land drainage consents will be applied for works from the Environment Agency (for example, for Main Rivers, works on or near sea defences/flood defence structures or in a flood plain) or from the Lead Local Flood Authority (LLFA) (for Ordinary Watercourse crossings) (see C-5).'</p>	<p>habitats of importance (i.e. Ancient Woodland) remain unchanged. Natural England's advice on the latest update to C-5 is provided in Appendix N5. Deadline 5.</p>	
2	22.7	120	Table 22-20	<p>Commitment C-112 states that 'No ground-breaking activity or use of wheeled or tracked vehicles will take place south of the seawall (above mean high water springs) within Climping Beach Site of Special Scientific Interest (SSSI). Within or Littlehampton Golf Course and Atherington Beach Local Wildlife Site (LWS) vehicular access will be restricted to a low pressure rig for ground investigation purposes only during the site preparation works. Should remedial action be required in the unlikely event of a drilling fluid breakout access would be taken immediately to ensure drilling fluid can be contained and removed. Reinstatement and compensation measures would then be discussed and agreed with Natural England. This approach will be detailed in the Pollution Incident Response Plan secured through Requirement 22(5)(k) that will be agreed with the relevant planning authority in consultation with the Environment Agency and the statutory nature conservation body'.</p>	<p>Natural England's refers the ExA to our response on the latest update to C-112 by the Applicant provided in Appendix N5 of this submission.</p>	<p>The Applicant notes that updated wording of Commitment C-112 (Commitments Register [REP5-086]) has been provided at Deadline 6 to address Natural England's comment with regards the seawall. The updated C-112 will read:</p> <p><i>"No ground-breaking activity or use of wheeled or tracked vehicles will take place south of the seawall (above mean high water springs) within Climping Beach Site of Special Scientific Interest (SSSI). Within or Littlehampton Golf Course and Atherington Beach Local Wildlife Site (LWS) vehicular access will be restricted to a low pressure rig for ground investigation purposes only during the site preparation works. Should remedial action be required in the unlikely event of a drilling fluid breakout access would be taken immediately to ensure drilling fluid can be contained and removed. Reinstatement and compensation measures would then be discussed and agreed with Natural England. This approach will be detailed in the Pollution Incident Response Plan secured through Requirement 22(5)(k) that will be agreed with the relevant planning authority in consultation with the Environment Agency and the statutory nature conservation body."</i></p>
3	22.7	122	Table 22-20	<p>Commitment C-115 states that 'Hedgerows/tree lines crossed by the cable route will be 'notched' to reduce habitat loss and landscape and heritage impacts wherever possible. This is defined as removing one or more short sections (notches) within the same hedgerow/tree line. The removed sections will by default be replanted except where permanently lost on the Vegetation Retention Plan (see Appendix B – Vegetation Retention Plans in the Outline Code of Construction Practice). Where appropriate, hedgerows will be temporarily translocated to</p>	<p>Natural England welcomes the amendments in relation to terrestrial ecology and have no further comments. Please note that comments pertaining to landscape and visual impacts will be provided in our Deadline 6 response.</p>	<p>The Applicant welcomes Natural England's comment regarding terrestrial ecology amendments; and has provided a response to the Natural England Deadline 5 Submission - Advice on Landscape and Visual Impact Assessment Appendix H5.5 [AS-023], Table 2-21.</p>

Ref	Deadline 5 submission			Applicant's response
				<p><i>maintain diversity and structure and result in more rapid reinstatement. Hedgerow/tree line losses will be kept to approximately 14m total width at each hedgerow crossing point where notching can take place. For Hedgerows deemed "important" under the Hedgerows Regulations 1997 (or where there are other considerations), losses will be reduced to a 6m notch for the temporary construction haul roads only, by trenchless installation of the cable ducts under them wherever possible (see Appendix B - Vegetation Retention Plans in the Outline Code of Construction Practice for the extent of hedgerow losses at each location).</i></p> <p><i>Hedgerows subject to temporarily translocation will be lifted using a tree spade to maintain diversity and structure and result in more rapid reinstatement. Where chances of success are questionable, notches will be made by removal and reinstatement through planting. The ECoW will justify the approach being taken in line with the responsibilities of implementing the vegetation retention plan (see C-220).</i></p> <p><i>Reinstated hedgerows and tree lines will be monitored over a period of 10 years, and remedial action taken rapidly where signs of failure are identified.</i></p> <p><i>Further details are provided in the outline Code of Construction Practice and outline Landscape and Ecology Management Plan.</i></p>
4	22.7	126	Table 22-20	<p>Commitment C-200 states that <i>'Where required, construction lighting will be limited to directional task lighting positioned to minimise impacts to residents and walkers within the South Downs National Park and informed by BS EN 12464-2:2014 Lighting of outdoor workplaces, and guidance provided by the CIBSE Society of Light and Lighting, The Bat Conservation Trust and the Institution of Lighting Professionals and the Dark Skies Technical Advice Note (South Downs National Park Authority, 2021) and complied with as far as reasonably practicable and applicable to construction works.'</i></p> <p>Natural England notes C-200 as a new commitment and welcomes the adherence to best practice.</p> <p>The Applicant has informed Natural England that they will not be pursuing LONI's for bats. Natural England acknowledges the Applicant's decision on this matter, noting that the residual risk to programme scheduling should licenses</p> <p>The Applicant welcomes Natural England's comment on Commitment C-200 (Commitments Register [REP5-086]). With regards to licensing for bats, please see the Applicant's response to reference 2.19.12 above in this table.</p>

Ref	Deadline 5 submission			Applicant's response		
				be required at a later date lies with the Applicant.		
5	22.7	129	Table 22-20	<p>Commitment C-214 states that <i>'Pre-construction surveys for great crested newts will be undertaken prior to construction to determine current distribution. Where necessary appropriate mitigation will be implemented to ensure legal compliance. This will include avoidance of ponds through C-23, and removal of vegetation under licence from Natural England where necessary. Along the cable route the Ecological Clerk of Works will implement destructive search techniques to avoid the death or injury of individual animals in localised patches of suitable habitat.'</i></p>	<p>Natural England notes the amendments. The Applicant has informed Natural England that they will not be pursuing LONI's for great crested newts. Natural England acknowledges the Applicants decision on this matter, noting that that the residual risk to programme scheduling should licenses be required at a later date lies with the Applicant.</p>	<p>Please see the Applicant's response to reference 2.19.12 above in this table.</p>
6	22.7	131	Table 22-20	<p>Commitment C-217 states that <i>'All site preparation and construction works within 150m of the boundary of Climping Beach Site of Special Scientific Interest and Littlehampton Golf Course and Atherington Beach Local Wildlife Site will be programmed to avoid the winter period between October and February inclusive, to avoid disturbance to wintering waterbirds during the coldest period.'</i></p>	<p>Natural England's response on the latest update to C-112 by the Applicant is provided in Appendix N5 of this submission.</p>	<p>The Applicant notes that Commitment C-217 was updated at Deadline 5 (see the Commitments Register [REP5-086]) to extend the period where works will be restricted within 150m of Climping Beach SSSI and Littlehampton Golf Course and Atherington Beach LWS from October to March inclusive as requested by Natural England. The Applicant has provided a response to comments on Commitment C-112 from Appendix N5 in Table 2-20.</p>
7	22.7	134	Table 22-20	<p>Commitment C-291 states that <i>'Where hedgerow, tree lines or belts of scrub are temporarily lost to facilitate the installation of cable ducts, suitable material (such as straw bales, dead hedging, willow hurdles etc.) will be placed in the gaps to facilitate bat movement along linear corridors following backfill of cable trenches until such time as reinstatement begins.'</i></p>	<p>Natural England notes the amendments. The Applicant has informed Natural England that they will not be pursuing LONI's for bats. Natural England acknowledges the Applicants decision on this matter, noting that the residual risk to programme scheduling should licenses be required at a later date lies with the Applicant.</p>	<p>Please see the Applicant's response to reference 2.19.12 above in this table.</p>
8	22.7	134	Table 22-20	<p>Commitment C-292 states that <i>'During detailed design the mitigation hierarchy will be applied to avoid losses of key habitats (e.g. woodland, hedgerows, scrub, watercourses and semi-improved grassland) where possible, and where not to minimise losses and mitigate for them. At each crossing of sensitive habitats the</i></p>	<p>Whilst we welcome the commitment to further refine and minimise impacts at the Detailed Design Stage, there should be a</p>	<p>The Applicant has provided information regarding how the mitigation hierarchy has been followed in response to the Examining Authority's question BD 1.2, within Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051].</p> <p>The Applicant has demonstrated the mitigation hierarchy through avoidance by design (for example see Chapter 3: Alternatives, Volume 2</p>

Ref	Deadline 5 submission			Applicant's response	
				<p><i>Ecological Clerk of Works will provide advice to the design engineers with justification of approach provided. The approach at individual crossings will be detailed in the relevant stage specific Code of Construction Practice.</i></p> <p><i>This measure is to ensure that the detailed design process continues to implement the mitigation hierarchy to ensure effects on flora and fauna are minimised as far as possible.'</i></p>	<p>clear narrative as to how the mitigation hierarchy has been followed up to until now.</p> <p>of the Environmental Statement [APP-044] for large-scale avoidance and the Vegetation Retention and Removal Plan [AS-044] for localised avoidance), minimisation through measures such as hedgerow notching (see Commitment C-115 in the Commitments register [REP5-086]) and trenchless crossings of designated sites and ancient woodland (see crossing schedule within the Outline Code of Construction Practice [REP5-064]), mitigation through a myriad of commitments (see Outline Code of Construction Practice [REP5-064]) and compensation through reinstatement and habitat creation (see Outline Landscape and Ecology Management Plan [REP5-072], updated at Deadline 5) and delivery of a quantified no net loss and a biodiversity net gain position using DEFRA / Natural England's Statutory Biodiversity Metric (see Appendix 22.15 Biodiversity Net Gain Information, Volume 4 of the ES [REP5-056]).</p>
9	22.7	135	<p>Table 22-20 Commitment C-299 states that '<i>Where dormouse are shown to be present through pre-construction surveys, vegetation will be removed at an appropriate time of year following either a single (vegetation removed in May) or two phased approach (vegetation mostly removed between November and March with tree/hedgerow bases removed in May). Suitable methods will also be used to ensure vegetation supporting other'</i></p>	<p>Natural England note the amendments and will provide advice as part of our response to the Applicant's consultation on LONI's for this species</p> <p>Please see the Applicant's response to reference 2.19.12 above in this table.</p>	

Table 2-20 Applicant's comments on Natural England's Deadline 5 Appendix N5 Response to the outstanding questions from The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2 [PD-011] and The Examining Authority's Further Written Questions and requests for information [PD-012] submission [REP5-141]

Ref	Deadline 5 submission	Applicant's response		
2.20.1	Table 1 - Outstanding questions from The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2 [PD-011]			
		Question	Natural England's Response	Applicant's response
		Agenda Item 2b Onshore ecology - Horizontal Directional Drilling including the adequacy and wording of commitments C-5 and Requirements 22 and 23.		
Q2b-1	<i>Commitment C-5 and the Worst Case Tested in the Environmental Statement</i> Natural England	<p>It is stated at Deadline 3 [REP3-086], that there is no agreement with the Applicant that the 'worst-case scenario' has been expressed in the Environmental Statement (ES) [APP-063] as currently no on-site Ground Investigations have been carried out.</p> <p>The Applicant confirmed during ISH2 that the draft DCO [REP3-003] only seeks to consent open cut in the locations specified in the crossing schedule.</p> <p>State the latest position on this issue in light of the fact the Commitments Register (CR) [REP3-049] would be a secured document in the draft DCO and in light of discussions held at ISH2 on this topic.</p>	<p>Natural England notes that the updated Draft Development Consent Order (DCO) will only license 'trenchless' crossing through ecologically sensitive areas (such as Ancient Woodland crossings), and thus the Environmental Statement (ES) [APP-063] has assessed the 'worst-case scenario' for these crossings within the current draft DCO.</p> <p>However, Natural England's advice remains that there is a residual risk that trenchless crossings may not be feasible at these ecologically sensitive sites. Until such a time where detailed ground investigations (which feed into detailed feasibility assessments) have been undertaken at these trenchless crossing locations, we cannot have confidence in HDD being feasible as a mitigation measure. Natural England recognises that the Applicant is not minded to provide this information within the examination period and therefore disagreement will remain on this matter until such as time where is information is provided.</p> <p>Natural England draws the ExA's attention to our Deadline 2 response where we have highlighted that should it be demonstrated that trenchless techniques are not feasible then an alternative route will be required due to the irreplaceable nature of the habitats and the need to avoid impacts. We believe this is likely to require a material change to the DCO/dML as written.</p>	<p>The Applicant has confirmed a principal area of disagreement on this matter with Natural England that is detailed within the Statement of Common Ground Natural England [REP5-097] (see reference NE2), submitted at Deadline 5.</p> <p>The Applicant reiterates that trenchless crossings are considered feasible in the locations identified, but should a trenched crossing be required in a location where a trenchless crossing is proposed, this would require a variation to the Order on an alternative consent.</p>
		Agenda Item 2c Onshore ecology - Climping Beach SSSI including the adequacy and wording of commitments C-292, C-112, C-217, C-247 and Requirement 6(4).		
Q2c-1	<i>Wording of Commitment C-112 Climping Beach</i>	<p>Concerns were raised that Commitment C-112 of the CR does not include avoiding impacts to Climping Beach SSSI via unplanned</p>	<p>The Climping Beach SSSI interest features are intertidal flats for sanderling in winter, and annual and perennial vegetated shingle communities and sand dunes.</p>	<p>The Applicant does not consider it warranted to provide an outline bentonite break out/frac out management plan. Detail is already provided in the Outline Code of Construction Practice [REP5-064] in paragraphs 5.6.12 to 5.6.15 and</p>

Ref	Deadline 5 submission	Applicant's response
<p>Natural England</p>	<p>activity and advised that the terms 'unless remedial action is required,' and 'predicted' are removed.</p> <p>Respond to the Applicant's explanation in ISH2 of the inclusion of these words within Commitment C-112.</p>	<p>Natural England is concerned that the terms used in Commitment C-112 ('unless remedial action is required,' and 'predicted') could result in avoidable damage to the SSSI interest features (which are sensitive to disturbance) occurring. This includes the undertaking of proposed remediation actions for bentonite frac-out.</p> <p>We advise that the Applicant submits an outline bentonite break out/frac out management plan into the examination (with a final plan being provided post DCO consent), so that should an incident occur, actions within the SSSI can be broadly agreed beforehand. We advise this would allow for avoidance and mitigation measures to be considered.</p> <p>Natural England advises that further details could be added to Commitment C-112, to ensure that measures are in place to further avoid impacts to SSSI, if rapid action and access to the SSSI is required. Further specifics are detailed below:</p> <p><u>Emergency Access within the SSSI</u> Should access to the SSSI be required, Natural England advises that access to the SSSI using vehicles should be below Mean High-Water Spring (MHWS) (so that any tracking is reworked by the sea) or made paths to the north of the site. No vehicles of any type should be driven across the shingle above MHWS. Access above MHWS should be limited to the working corridor - all habitat should be avoided in that corridor and specifically designed vehicles used to ensure no compaction or track marks in the shingle.</p> <p><u>Defining Emergency Action within the SSSI</u> Natural England advises that it is not clear what emergency actions may be required within the SSSI, should emergency remedial action be required. It is therefore difficult to assess and understand the likely impacts to the SSSI, and consider any easily applied avoidance and mitigation measure that could be utilized in an unlikely emergency scenario.</p> <p><u>Other Comments with regard to Commitment C-112</u></p>

provision of a detailed plan is secured through Requirement 22(4)(j) of the **Draft Development Consent Order [REP5-005]** for a Pollution Prevention Plan and Pollution Incident Response Plan for approval of the relevant planning authority in consultation with the statutory nature conservation body prior to commencement of the stage of construction.

The Applicant notes that at Deadline 6 Commitment C-112 (see **Commitments Register [REP5-086]**) has been updated to remove reference to the sea wall, therefore making it clear that there are no surface works proposed within Climping Beach Site of Special Scientific Interest (SSSI).

Ref	Deadline 5 submission	Applicant's response
Q2c-2	<p><i>Wording of Commitment C-217</i></p> <p><i>Climping Beach</i></p> <p>Natural England</p>	<p>It is advised that the wintering period should include October to March inclusive.</p> <p>During ISH2 the Applicant confirmed it is seeking to update Commitment C-217 for Deadline 4. Respond to the Applicant's explanation on this issue at ISH2.</p>
<p>Natural England highlights that if "C -112: No ground-breaking activity or use of wheeled or tracked vehicles will take place south of the seawall" is referring to the seawall at Atherington, this wall has mainly collapsed and there is no seawall behind the SSSI. We advise clarity is provided on which seawall is being referred to and at what location, as currently this measure does not appear to be applicable to the SSSI location.</p>	<p>Natural England's review of the Wetland Bird Survey (WeBS) count data for sanderling data at Climping highlights that the latter half of winter is the most important time for sanderlings at Climping. Over a 10-year period, 2004 – 2024, the peak count occurred in February four times and in March once. We note that the Applicant has only looked at the 2 years of data from their own surveys. We advise that a more robust approach would be to combine their survey data with the other local data available. Based on the data from the past 10 years, Natural England continues to advise that in order to avoid disturbance impacts during the most sensitive period (when bird abundance is highest), the construction window should exclude October – March inclusive.</p>	<p>Commitment C-217 was updated at Deadline 5 to increase the length within which works within 150m of Climping Beach SSSI cannot occur from October to March inclusive as requested by Natural England (see Commitments Register [REP5-086]).</p>
Q2c-3	<p><i>Wording of Commitment C-247</i></p> <p><i>Climping Beach</i></p> <p>Natural England</p>	<p>It is stated at Deadline 3 [REP3-088 App J2.5a published at D3], that to ensure that significant impacts to Climping Beach do not occur a commitment/consent condition should be included within a named plan to prevent the option of open trenching should HDD not be feasible or detailed ground investigation/models indicate the need for alternative options. It is stated that Commitment C-247 of the CR as it stands does not prevent damage to the SSSI in these scenarios.</p>
<p>Natural England disagrees with the Applicant's statement that March is a time when energetic stress on birds will be lower. Temperatures in March can remain cold, meaning that birds remain vulnerable to energetic stress from disturbance during this period.</p>	<p>Natural England's position remains unchanged at Deadline 5. Natural England welcomes the Commitment Register as a certified document within the DCO. However, commitment C-247 as it stands does not prevent damage to Climping Beach SSSI, in the scenario where open cut trenching is required within the SSSI.</p>	<p>The Applicant reiterates that the Draft Development Consent Order [REP5-005] does not allow for open cut trenching works to occur within Climping Beach SSSI (see Work Nos. 6 and 7).</p> <p>Please see the Applicant's response to references Q2b1 and Q2c1 above.</p>
<p>As a section of the cable corridor covers coastline which does not intersect with the SSSI, we advise that the Applicant should consider micro-siting the cable route so that it avoids crossing the SSSI in the first instance in line with the mitigation hierarchy.</p>		

Ref	Deadline 5 submission	Applicant's response	
	<p>Does the fact the CR is now an approved document allay these concerns. If not, explain why not and what concerns are outstanding</p>	<p>We advise that the Applicant submits an outline bentonite break out/frac out management plan into the examination (with a final plan being provided post DCO consent), so that should an incident occur, actions within the SSSI can be broadly agreed beforehand. We advise this would allow for avoidance and mitigation measures to be considered.</p> <p>Natural England would welcome additional wording to commitment C-247 (or a separate additional commitment) which specifies that the cable landings are actively micro-sighted to avoid passing through the SSSI, in the event that open cut trenching is required (should HDD not be feasible).</p> <p>Please also see our response to BP 2.2 relation to the proposed 'coastal erosion and future beach profile estimation assessment'.</p>	
Agenda Item 3a Offshore ecology - Underwater noise – general matters			
Q3a-1	<p><i>Outstanding Concerns Regarding the Worst- case Scenario for Piling and Securing the Maximum Design Scenario for Piling in the draft DCO / draft DML.</i></p> <p>Natural England</p>	<p>Comment, if required, on whether the replies given by the Applicant gave to questioning on these matters at the ISH2 allays concerns on these matters.</p> <p>Natural England advises that it is unclear which offshore species this question relates to. We have provided our comments in relation to marine mammals in Appendix C5 of this submission.</p> <p>In relation to fish and shellfish, Natural England has outstanding concerns regarding whether the worst-case scenario within each of the relevant Marine Conservation Zones (MCZ) has been demonstrated by the piling locations selected. We have particular concerns regarding the piling locations selected to demonstrate the worst-case scenario within Selsey Bill and the Hounds MCZ and Kingmere MCZ.</p> <p>Whilst we note that the worst-case scenario has been updated in relation to marine mammals in an updated chapter 11, such an update has not been provided for fish and shellfish receptors. We question whether the maximum spatial scenario presented in relation to marine mammals represents the same worst-case as the maximum spatial impacts within the MCZ's designated for fish species. We advise that further justification is provided by the Applicant in relation to fish.</p>	<p>The Applicant confirms that the piling location on the western boundary used to inform the underwater noise modelling, was identified as the worst-case location on account of the bathymetry of the site (the modelled location lies in an area of deeper water). Any location inshore of this modelling location, lies in shallower water depths, where underwater noise propagation and therefore the range of impact is reduced.</p> <p>Notwithstanding this, to reassure Natural England, the Applicant has set out the mitigated and unmitigated underwater noise impact contours relative to the Selsey Bill and the Hounds Marine Conservation Zone (MCZ) from the location closest to the MCZ on the western boundary of the proposed DCO Order Limits. The Applicant confirms that, as evidenced by the additional underwater noise modelling, the outputs of which are presented in Figure 1 to Figure 6, in Appendix A, the worst case modelling location has been used for the assessment of underwater noise impacts on seahorse as features of the Selsey Bill and the Hounds MCZ.</p> <p>With regards to the underwater noise modelling locations relative to the Kingmere MCZ, the NW location as used in Appendix 11.3 Underwater noise assessment technical report, Volume 4 of the Environmental Statement [APP-149 and REP5-046] is the closest that has been modelled to the</p>

Ref	Deadline 5 submission	Applicant's response
		<p>Natural England has included more detailed advice on this topic in relation to fish receptors within Appendix E5 of this submission.</p> <p>In relation to securing this within the DCO, we will provide a response on this alongside our other comments on the DCO at deadline 6.</p>
	<p>Q3b-4 <i>Measures of Equivalent Environmental Benefit</i></p> <p>Natural England</p>	<p>MCZ boundary. It remains beyond the worst case, as it is much closer to the MCZ than where piling will occur during March to July. Any other location marginally closer to the MCZ would not represent any more realistic a location for noise, and so the NW location can still be considered a worst case for the MCZ.</p> <p>With regards to the worst-case scenarios used to inform the assessments undertaken in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement (ES) [REP4-020] and Chapter 8: Fish and shellfish ecology, Volume 2 of the ES [REP5-027], the Applicant directs Natural England to their response to reference E6 of the Risks and Issues Log in Appendix C of Applicant's Comments on Deadline 4 Submissions [REP5-122]. The Applicant also confirms that revised versions of Chapter 11: Marine mammals, Volume 2 of the Environmental Statement (ES) [REP4-020] and Chapter 8: Fish and shellfish ecology, Volume 2 of the ES [REP5-027] were submitted at Deadlines 4 and 5 respectively, with amendments captured in the maximum design scenario tables. The Applicant also confirms, that to provide further reassurance to Natural England, and the Examining Authority on the worst case scenario used to inform the assessment in Chapter 8: Fish and shellfish ecology, Volume 2 of the ES [REP5-027], the Applicant has submitted a revised version of the chapter at Deadline 6, with further clarification of the underwater noise maximum design scenario (see Table 8-12) and the piling scenarios modelled to inform the assessment (see Table 8-17). These clarifications are captured in Chapter 8: Fish and shellfish ecology, Volume 2 of the ES (REP5-028) (updated at Deadline 6).</p>
	<p>Q3b-4 <i>Measures of Equivalent Environmental Benefit</i></p> <p>Natural England</p>	<p>The Applicant has responded to this comment in Table 2-16, FS2.1 of Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119] and maintains that a full piling ban from March to July would be disproportionate.</p>
	<p>Q3b-5 <i>Seahorse Behavioural Effects</i></p>	<p>The Applicant invites Natural England to view the Applicant's response to point Q3b-5 in Table 2-20 of the Applicant's</p>

Ref	Deadline 5 submission	Applicant's response	
Natural England	<p>appropriate to be used for Seahorses. Provide a response. Furthermore, comment on whether seahorses would be likely to return to their habitat in the MCZs following any noise disturbance at the behavioural level.</p>	<p>sensitivity to noise we do not consider that 141dB (using seabass as a proxy species) is an appropriately precautionary threshold. Whilst the evidence is not available to confirm if a threshold of 135dB is appropriate for seahorses, we advise it represents a more precautionary approach in the absence of evidence. We advise that there is uncertainty around the seasonal distribution and site fidelity of seahorse, therefore we advise that there is insufficient evidence to determine whether seahorse would be likely to return to the MCZs following noise disturbance at the behavioural level. We have provided detailed comments regarding seahorses within Appendix E5 of this submission.</p>	<p>Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.</p>
Q3b-6 <i>Use of Bubble Curtain</i>	<p>At the ISH2, the Applicant stated its intent to use a bubble curtain for noise mitigation throughout the year during the construction phase. The Applicant also stated that this would provide a minimum 16dB noise reduction. If this is evidenced sufficiently, comment on whether seahorses, as features of the nearby MCZ areas, would not be affected by piling noise.</p>	<p>Natural England highlights that the Applicant's deadline 4 submissions suggest that double big bubble curtains (DBBC) will now provide a 15dB noise reduction, as opposed to 16dB.</p> <p>Natural England welcomes the provision of further information on the efficacy of noise abatement measures, particularly in the ITAP report [REP4-067] and the updated In Principle Sensitive Features Mitigation Plan (IPSFMP) [REP4-054]. Based on the information provided, Natural England remains concerned regarding the lack of evidence of the efficacy of noise abatement measures in the specific and variable environmental conditions across the Rampion 2 site. We have provided detailed comments on this within Appendix E5 of this submission.</p> <p>Natural England's advice is that testing of the DBBC is required to evidence that it can achieve a noise reduction in the region of the figures proposed within the worst-case environmental conditions at the site. If this is demonstrated and our outstanding concerns regarding the worst-case noise modelling are resolved, then we anticipate being able to advise that the conservation objectives of the relevant MCZs will not be hindered in relation to short-snouted seahorse. As such, we advise that the Applicant puts forward proposals for testing DBBC prior to the main construction work taking place. We advise this testing would need to take place outside of the sensitive</p>	<p>The Applicant has responded to these comments in reference 2.18.27 of Table 2-18.</p>

Ref	Deadline 5 submission	Applicant's response
		<p>seasons of other species (namely black seabream and herring).</p>
	<p>Agenda Item 6c Landscape Seascape and Visual Effects – Application of R1 Design Principles.</p>	
<p>Q6c-2</p>	<p><i>Rampion 1 Design Principle (iii)</i></p>	
	<p>Natural England</p>	
	<p>At the ISH2, the South Downs National Park Authority accepted the Applicant's response that Rampion 1 Design Principle (iii) is not relevant to the Proposed Development in response to Natural England's Deadline 2 submission at table 4.3 point 2.1.35 [REP3-052], and that Requirement 2 of draft DCO [REP3-004] adequately restricts the Wind Turbine Generators to a uniform height and rotor diameter.</p>	<p>The Applicant invites Natural England to view the Applicant's response to SLV 1.3 of the Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions [REP4-079].</p> <p>A hybrid scheme is not proposed for Rampion 2, the Applicant has committed to a uniform turbine type and this is secured through Deemed Marine License (DML) condition 1(1).</p> <p>At Issue Specific Hearing 2 (May 2024), the South Downs National Park Authority accepted that Rampion 1 Design Principle (iii) is not relevant to the Proposed Development in response to Natural England's Deadline 2 submission at table 4.3 point 2.1.35 [REP3-052], and that Requirement 2 of the Draft Development Consent Order [REP5-005] (updated at Deadline 6) adequately restricts the Wind Turbine Generators (WTGs) to a uniform height and rotor diameter.</p> <p>The Applicant does however consider that it has adhered to the intent of Rampion 1 Design principle (iii) to locate the largest turbines to the south-west portion of the proposed DCO Order Limits.</p> <p>Rampion 2 WTGs are located to the south and south-west of Rampion 1, not to the east of it, and in so doing it has avoided siting larger WTGs in front of the smaller Rampion 1 WTGs and this is evident when viewed from key views such as Viewpoint 1 Beachy Head and Viewpoint 2 Birling Gap (outlined in Figure 15.26 and Figure 15.27 respectively of Chapter 15: Seascape, landscape and visual impact assessment – Figures (Part 4 of 8), Volume 3 of the Environmental Statement [APP-091]).</p> <p>The Applicant considers that through the incorporation of the Rampion 2 design principles in the spatial extent of the proposed DCO Order Limits, it has minimised impacts and harm to special qualities of the South Downs National Park and both shown regard to, and sought to further its statutory purpose.</p>
	<p>Explain why Rampion 1 Design Principle (iii) is relevant and explain why the Proposed Development should be considered as a hybrid scheme.</p>	
		<p>Natural England continues to advise that the Rampion 1 Design Principle (iii) is relevant to the Rampion 2 consent. This is because it is important that the Rampion 2 consent does not undo important location and design decisions that were made and secured in the Rampion 1 Development Consent Order (DCO) to reduce the visual effects of Rampion 1.</p> <p>The Rampion 2 extension is directly adjacent to the Rampion 1 array, and the proposed Wind Turbine Generators (WTGs) are nearly twice the height. The contrast in infrastructure size between the Rampion 1 and Rampion 2 WTGs, constructed in zone 6 behind the existing array will be perceived as an expanded, hybrid, and mixed-height scheme in key views from the South Downs National Park (SDNP) and Sussex Heritage Coast (SHC), which the original Rampion 1 dML sought to avoid. Natural England's concern is that the apparent differences in size between the Rampion 1 and Rampion 2 WTGs will exacerbate the adverse seascape and visual issues for the SDNP and SHC. We understand that the Rampion 2 WTGs will be of a uniform height and rotor diameter, and this aspect of the Rampion 2 design in and of itself is not relevant to our concern. Our concern relates to how the two arrays will act in combination to affect the designated landscapes.</p> <p>The Rampion 1 Design Principle (iii) specifically acted to reduce impacts on the SDNP and SHC from arrays with more than one size of WTG. Therefore, by placing the much larger WTGs of the Rampion 2 project within Zone 6 behind the existing smaller WTGs of Rampion 1, a hybrid scheme will be perceived in key views from the SDNP and SHC, and the fundamental principle of the Rampion 1 design principle (iii) will be disregarded.</p>

Ref	Deadline 5 submission		Applicant's response	
			<p>The Applicant also invites Natural England to view the Applicant's response to point Q6c-1 in Table 2-20 of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5 regarding the application of Rampion 1 design principles.</p>	
2. 20.2 Table 2 - The Examining Authority's Further Written Questions and requests for information [PD-012]				
Question			Natural England's Response	Applicant's response
Onshore and Offshore Questions				
HRA	Habitats Regulations Assessment (HRA)			
HRA 2.2	<i>Updated Schedule 17</i>	Comment on the Applicant's updated Schedule 17 submitted at Deadline 4 [REP4-016], stating any areas of disagreement.	Natural England have deferred our response on the DCO aspects until Deadline 6. Therefore, we will also provide a response to this question at Deadline 6.	Noted, the Applicant has no further comments on this matter at this time.
	Natural England			
HRA 2.3	<i>Water Neutrality - Potential AEOI on Arun Valley SPA</i>	Update the ExA on Natural England's position on the latest proposals by the Applicant to meet the water neutrality requirements in light of recent meetings and discussions held between Horsham DC, Natural England and the Applicant.	Natural England's position on the latest proposals by the Applicant to meet the water neutrality requirements is provided in Appendix J5 of our deadline 5 submission.	The Applicant has provided a response to Natural England's Deadline 5 Submission – Advice on Terrestrial Ecology Appendix J5 [REP5-140], please see Table 2-19 .
	Natural England			
CR	Commitments Register			
CR 2.3	<i>Commitment C-5</i>	Comment on the revised wording of Commitment C-5 at Deadline 4 in the Commitments Register [REP4-057]. Is the wording adequate? If not, provide alternative suggested wording. [N.B The wording of Commitment C-5 on page 75 of the updated OCoCP at Deadline 4 [REP4-043] has not been updated. Provide an update to the OCoCP at D5 to ensure consistency with the Commitments Register.]	Natural England's response to this question is provided in our response to Q2b-1 in table 1 above.	The Applicant has provided a response to this in their response Q2b-1 above.
	All Relevant Planning Authorities			
	Natural England			
	Wildlife Trusts			
DCO	Draft Development Consent Order (Draft DCO) and Draft Deemed Marine Licence (Draft DML)			
DCO 2.4	<i>Remaining Comments</i>	Aside from the matters discussed above, the changes set out in the ExA's Schedule of Changes to the Draft DCO and matters concerning	Natural England have deferred our response on the DCO aspects until Deadline 6. Therefore, we will also provide a response to this question at Deadline 6.	Noted, the Applicant has no further comments on this matter at this time.
	All Relevant Planning Authorities			

Ref	Deadline 5 submission	Applicant's response		
<p>Natural England</p> <p>Marine Management Organisation</p>	<p>Articles 11(7), 12(3), 15(5), 17(9) and 19(7) in respect to the 28-day provision and deemed consent, provide, if necessary, a summary of any remaining concerns with the draft DCO and draft DML and any suggested drafting changes.</p> <p><i>[N.B – although primarily addressed to the Applicant, all relevant parties may respond to the ExA's Scheduled of Changes to the draft DCO should they feel it necessary to do so.]</i></p>			
<p>TE</p> <p>TE 2.12</p>	<p>Terrestrial Ecology</p> <p><i>Licensable Protected Species</i></p> <p>The Applicant</p> <p>Natural England</p>	<p>The Applicant</p> <p>a) Confirm that the Applicant will submit draft protected species licence applications to Natural England for review via the Pre-Submission Screening Service (PSS) as per advice from Natural England in Appendix J4a to the Natural England Deadline 4 Submission Natural England's advice licensing on Terrestrial Ecology [REP4-093].</p> <p>b) Confirm that every effort will be made by the Applicant to obtain agreements on Letters of No Impediments from Natural England before the end of the Examination following Natural England's advice in Appendix J4a to the Natural England Deadline 4 Submission Natural England's advice on Terrestrial Ecology [REP4-093].</p> <p>Natural England</p> <p>Are there any reasons preventing Natural England being able to issue Letters of No Impediments at present. If so, explain in as much detail as possible what these reasons are.</p>	<p>Natural England has no further comments to make on the Applicant's approach to protected species, beyond the engagement that will be made directly with the Applicant on their draft licenses to obtain Letters of No Impediment (LONI).</p>	<p>The Applicant notes Natural England's position and refers to the position reached on this topic in Statement of Common Ground Natural England [REP5-097] (see reference NE3), submitted at Deadline 5.</p>

Ref	Deadline 5 submission		Applicant's response
TE 2.23	<p><i>Commitments C-112 and C-217</i></p> <p>All Relevant Planning Authorities</p> <p>Natural England</p> <p>Sussex Wildlife Trust</p>	<p>Comment on the revised wording to Commitment C-112 and Commitment C-117 in the Applicant's Commitment Register at Deadline 4 [REP4-057]. Is the wording adequate? If not, provide alternative wording.</p>	<p>Natural England's response to this question is provided in our response to Q2c-1 in Table 1 above.</p> <p>The Applicant has provided a response to this in their response to Q2c-1 above.</p>
TE 2.24	<p><i>Commitment C-217</i></p> <p>The Applicant</p> <p>Natural England</p>	<p>The Applicant Natural England continues to advise wording of Commitment C-217 is changed so the winter period extends to include March. Explain whether this would have any bearing on the delivery of the Proposed Development in respect to project feasibility and cost.</p> <p>Natural England Commitment C-217 has been updated to restricts site preparation works within 150m of the boundary of Climping Beach Site of Special Scientific Interest and Littlehampton Golf Course and Atherington Beach Local Wildlife Site between October and February.</p> <p>Does this update allay Natural England's concerns? If not, clarify what aspects of site preparation works Natural England are concerned with occurring during March, specifying whether it is noise levels, vibration levels, physical presence of machinery or presence of people etc. Are there any activities that Natural England would consider acceptable to carry out during the month of March and suggest revised wording for the Commitment.</p>	<p>Natural England's response to this question is provided in the our response to Q2c-2 in Table 1 above .</p> <p>The Applicant has provided a response to this in their response to Q2c-2 above.</p>
TE 2.28	<p><i>New Requirement 40 Regarding the</i></p>	<p>a) Comment on the adequacy of the newly added Requirement 40 from the Applicant at</p>	<p>Natural England has no comment to make regarding Requirement 40.</p> <p>Noted, the Applicant has no further comments at this time.</p>

Ref	Deadline 5 submission	Applicant's response		
<p><i>Vegetation Retention and Removal Plan</i></p> <p>All Relevant Planning Authorities</p> <p>Statutory Nature Conservation Bodies</p>	<p>Deadline 4 (Schedule 1, Requirements 40) in Revision E of the Draft Development Consent Order [REP4-004] which secures Vegetation Retention and Removal Plan must be inline with the Outline Vegetation Retention and Removal Plan (to be submitted at D5).</p>	<p>The ExA requests that all relevant Planning Authorities and SNCBs provide comments at Deadline 6 on the Outline Vegetation Retention and Removal Plans to be submitted by the Applicant at Deadline 5.</p>		
Offshore Questions				
FS	Fish and Shellfish			
FS 2.1	<p><i>Measure of Equivalent Environmental Benefit</i></p> <p>The Applicant</p> <p>Natural England</p>	<p>At Deadline 4 the document "Kingmere Marine Conservation Zone (MCZ): Without Prejudice Stage 2 MCZ Assessment" [REP4-071] was submitted by the Applicant, to consider a potential Measure of Equivalent Environmental Benefit (MEEB), to compensate for potential adverse effects of black seabream of Kingmere MCZ.</p> <p>This document in Section 2 (Legislation and Guidance) sets out that with regard to a potential MEEB, Section 126(7) of the Marine and Coastal Access Act (MCAA) 2009 states the following:</p> <p><i>TMP".....although the person seeking the authorisation is not able to satisfy the authority that there is no significant risk of the act hindering the achievement of the conservation objectives stated for the MCZ, that person satisfies the authority that:</i></p>	<p>Natural England's advice is that the full seasonal restriction (March to July inclusive) would, in our view, represent an alternative means of proceeding that would prevent the conservation objectives of Kingmere MCZ in relation to black seabream being hindered.</p>	<p>The Applicant has responded to this comment in Table 2-16, FS2.1 of Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119] and maintains that a full piling ban from March to July would be disproportionate</p>

Ref	Deadline 5 submission	Applicant's response
	<p data-bbox="875 304 1305 997"> <i>(a) there is no other means of proceeding with the act which would create a substantially lower risk of hindering the achievement of those objectives,</i> <i>(b) the benefit to the public of proceeding with the act clearly outweighs the risk of damage to the environment that will be created by proceeding with it,</i> <i>and</i> <i>(c) the person seeking the authorisation will undertake, or make arrangements for the undertaking of, measures of equivalent environmental benefit to the damage which the act will or is likely to have in or on the MCZ.”</i> </p> <p data-bbox="786 1029 1305 1302"> With regard to (a), explain whether a restriction of when piling should be undertaken, to avoid adverse effects on black seabream in Kingmere MCZ, would be a potential alternative means of proceeding the act (constructing the Proposed Development) with a lower risk of impact. </p> <p data-bbox="786 1333 1305 1480"> Such a piling restriction could be a full March to July inclusive restriction as requested by Natural England, for example. </p> <p data-bbox="786 1512 1305 1680"> If so, explain whether this would mean there are “other means of proceeding” which would avoid such impacts. If so, would this mean that the test under (a) as set out above would not be satisfied </p> <p data-bbox="281 1711 756 1816"> FS 2.2 <i>Measure of Equivalent Environmental Benefit:</i> </p> <p data-bbox="786 1711 1305 1917"> Within the Applicant's submitted document “Without Prejudice Measures of Equivalent Environment Benefit (MEEB) Review for Kingmere Marine Conservation Zone (MCZ)” [REP4-078] the types of possible </p>	<p data-bbox="1320 1711 1944 1816"> Natural England have provided detailed comments on each of the measures proposed within Appendix E5 of this submission. </p> <p data-bbox="1973 1711 2804 1816"> The Applicant has provided a response to Natural England's Deadline 5 Submission – Advice on Fish and Shellfish Appendix E5 [REP5-139], please see Table 2-18. </p>

Ref	Deadline 5 submission	Applicant's response		
FS 2.3	<p data-bbox="454 310 721 415"><i>As Proposed by the Applicant, Without Prejudice.</i></p> <p data-bbox="454 447 691 478">Natural England</p> <p data-bbox="454 919 691 1024"><i>Noise Effects on Seahorses</i> Natural England</p>	<p data-bbox="780 310 1299 688">MEEB have been considered with the following put forward, without prejudice, as potential compensation measures for the impacts to black seabream:</p> <ul data-bbox="869 489 1299 688" style="list-style-type: none"> - Reduction in disturbance from watercraft; - Removal of marine litter, including awareness and engagement; and - Research on black seabream. <p data-bbox="780 720 1299 898">Provide a response to these potential types of MEEB and whether there would be any that would be suitable to compensate for the potential impacts to Kingmere MCZ black seabream.</p> <p data-bbox="780 930 1299 1339">The Applicant noted that with the implementation of Double Big Bubble Curtains (DBBC), which is now committed to within the Commitment Register [REP4-057, C-265] means that the 135dB behavioural noise threshold would not be breached in the MCZs where seahorse are a qualifying feature [REP4-072, Ref 3b]. See Figures 5.16 and 5.17 of the In Principle Sensitive Features Mitigation Plan (Revision D) [REP4-053].</p> <p data-bbox="780 1371 1299 1644">On this matter, consider whether the noise reduction of 15dB from the use of a DBBC is reasonable, and if so, respond on whether there would be no likely adverse effects to seahorses within MCZs (where they are a feature of the MCZ) if this form of mitigation was used as now proposed.</p>	<p data-bbox="1329 919 1952 1024">We refer you to our response to question Q3b-6 above and our detailed advice within Appendix E5 of this submission.</p>	<p data-bbox="1982 919 2798 1024">The Applicant has provided a response to Natural England's Deadline 5 Submission –Advice on Fish and Shellfish Appendix E5 [REP5-139], please see Q3b-6.</p>
FS 2.8	<p data-bbox="454 1675 691 1738"><i>Noise Modelling Locations</i></p> <p data-bbox="454 1770 691 1801">Natural England</p> <p data-bbox="454 1833 750 1913">Marine Management organisation</p>	<p data-bbox="780 1675 1299 1843">The Applicant has provided an explanation as to their chosen noise modelling locations for their Eastern point and North West point [REP4-074, PINS Ref: 9].</p>	<p data-bbox="1329 1675 1952 1913">Natural England advises that the worst-case scenario for each MCZ needs to be demonstrated within the modelling in the absence of any mitigation measures. We are content with the Applicant's explanation in relation to the eastern location, however we have outstanding concerns regarding the north</p>	<p data-bbox="1982 1675 2798 1738">The Applicant has responded to these comments in reference 2.18.4 of Table 2-18.</p>

Ref	Deadline 5 submission	Applicant's response		
FS 2.9	<p><i>Noise Abatement Systems</i></p> <p>The Applicant Natural England</p> <p>Marine Management Organisation</p>	<p>Respond, if required, on the choice of the modelling locations given the Applicant's explanations.</p> <p>In the submitted document "Information to support efficacy of noise mitigation / abatement techniques with respect to site conditions at Rampion 2 Offshore Windfarm" [REP4-067, Page 7] states that in water depths of over 40m it is known that achievable noise reduction decreases slightly with increasing water depth, for big bubble curtains.</p> <p>The Applicant Explain what percentage of the array areas where wind turbines could be erected in water depths of over 40m.</p> <p>All Parties Explain whether this undermines the 15dB reduction used in the modelling for Double Big Bubble Curtains?</p>	<p>west and south west locations in relation to Kingmere MCZ and Selsey Bill and the Hounds MCZ respectively. Natural England have provided detailed advice on this matter within Appendix E5 of this submission.</p> <p>Natural England understands that the water depths within the Rampion 2 red line boundary are up to 65m. Therefore, we advise that the lack of empirical data available for water depths over 40m does create uncertainty regarding the possibility of achieving a 15dB reduction in deeper waters. We understand from the Applicant's submission that increasing depth is likely to reduce the level of reduction achieved. In order to address this uncertainty, we advise that testing of the measures is carried out to evidence that figures in the region of the 15dB reduction can be achieved in the worst-case environmental conditions at the site. Natural England have provided detailed advice on this matter within Appendix E5 of this submission.</p>	<p>The Applicant has responded to these comments in reference 2.18.27 of Table 2-18.</p>
FS 2.10	<p><i>Maximum Hammer Energy</i></p> <p>Natural England</p>	<p>Natural England's Risk and Issues Log at Deadline 4 [REP4-096] continues to state that the maximum hammer energy is not stated in the draft DCO [REP4-006].</p> <p>The Applicant stated in [REP4-074] that it has updated the Draft Development Consent Order [REP3-003] at Deadline 4 to confirm that the maximum hammer energy for piling will be required to be specified as part of the construction method statement to be submitted for approval pursuant to condition 11(1)(c) of Schedules 11 and 12. The construction method statement must be in accordance with the construction methods assessed in the environmental statement and therefore the hammer energies must not exceed that assessed. A construction</p>	<p>Natural England have deferred our response on the DCO aspects until deadline 6. Therefore, we will also provide a response to this question at deadline 6.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>

Ref	Deadline 5 submission	Applicant's response		
	<p>programme must also be submitted for approval pursuant to condition 11(1)(b).</p> <p>Comment on whether this allays concerns on this matter.</p>			
BP	Benthic, Coastal and Offshore Processes			
BP 2.1	<p><i>Removable Cable Protection</i></p> <p>Natural England</p> <p>Marine Management Organisation</p>	<p>In relation to suggestions about the use of rock bags for cable protection, the Applicant stated [REP4-072, Ref 3c] that this could create issues with plastics, especially if they were left in situ for circa 30 years.</p> <p>Explain whether this is a concern that is shared due to the possible release of plastics if rock bags are to be used for any necessary cable protection.</p>	<p>Natural England has concerns about the use of materials for cable protection that introduce plastics to the marine environment.</p> <p>We note that there are many factors that need to be taken into consideration when determining the type of cable protection that is likely to have the least environmental impacts. As we have advised previously this should be considered as part of an outline decommissioning plan.</p>	<p>Noted, the Applicant has no further comments on this matter at this time.</p>
BP 2.2	<p><i>Coastal Works</i></p> <p>Natural England</p> <p>Environment Agency</p> <p>All Relevant Planning Authorities</p>	<p>Requirement 26 of the Draft DCO [REP4-004] requires that no works comprising Work Nos. 6 or 7 are to commence until a coastal erosion <i>and future beach profile estimation assessment</i> has been carried out and a scheme identifying and mitigation or adaptive management measures required to help minimise the vulnerability of this part of the Order land from future coastal erosion and tidal flooding (if required) has been submitted to and approved in writing by the Environment Agency.</p> <p>Furthermore, within the Commitment Register [REP4-057], commitment C-278 states that "Trenchless crossings of Climping Beach SSSI, Sullington Hill LWS, Atherington Beach and Littlehampton Golf Course LWS would be designed to ensure a minimum depth of 5m is maintained when passing beneath them is maintained when passing beneath them to reduce</p>	<p>Natural England noted in our Deadline 4 risks and issues log that the Applicant had stated in relation to the landfall location, that post consent '<i>The ground investigation will inform a coastal erosion and future beach profile estimation assessment which will advise regarding the need for and design of any further mitigation and adaptive measures to help minimise the vulnerability of these assets from future coastal erosion and tidal flooding.</i>' Whilst we support this study being undertaken, Natural England's advice remains that the consequence of these investigations being left to the post-consent phase is that the full significance of the issue and the likely effectiveness of the mitigation/adaptive measures are not adequately understood at the assessment stage due to the absence of this information.</p>	<p>Please refer to F43 in the Deadline 5 Submission, Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>

Ref	Deadline 5 submission	Applicant's response		
BP 2.3	<p><i>Chalk Impacts from Gravel Bags</i></p> <p>Natural England</p>	<p>the risk of drilling fluid breaking out to the surface..."</p> <p>With regard to the above, comment on whether there is a satisfactory level of mitigation secured to ensure against adverse effects due to future coastal erosion or changes that may have impacted the Horizontal Direct Drilling under coastal area and Climping Beach.</p>	<p>With regard to the use of gravel bags, the Applicant has stated: "... while it agreed this suggests a change or loss of some surface material, the degree of abrasion seemed very unlikely to result in a measurable loss of chalk volume. The surface texture might become slightly compacted or deformed, but measurable losses of material are not expected, nor any fundamental impact on the nature of the chalk material, and benthic habitats are likely to recover." [REP4-072, Section 3c].</p> <p>Confirm whether there is agreement with the conclusions made by the Applicant with regard to the level of impact to chalk from gravel bags.</p> <p>Natural England advises that marine chalk is an irreplaceable habitat and any damage to its physical structure is therefore permanent. Consequently, we advise that it cannot recover as the Applicant has stated. Given the soft and friable nature of chalk, it is particularly vulnerable to impacts from abrasion. As stated in our previous advice the Applicant needs to fully assess the impact of the down wearing of the chalk and show how they are seeking to minimise this occurring with the methodology selected. We continue to advise that the Applicant should provide a 'lessons learnt' from Rampion 1 and a full appraisal of all possible options for nearshore cable installation, with a commitment to using the methodology that minimises the environmental impacts, including the loss of irreplaceable marine. Chalk.</p>	<p>The Applicant invites Natural England to view the Applicant's response to point F22 in the risk and issues log which was addressed in Appendix C of the Applicant's Comments on Deadline 4 Submissions [REP5-122] submitted at Deadline 5.</p>
MM	Marine Mammals	<p>The Applicant</p> <p>Confirm whether Natural England will be provided with a draft European Protected Species licence application in relation to marine mammals within the Examination, as Natural England would prefer.</p>	<p>Natural England expects to be consulted by the MMO on the draft European Protected Species (EPS) licence application post-consent. We will only be able to advise on the application once it is received. Our advice on this will be provided to the MMO, who is the authority responsible for determining EPS licences.</p>	<p>The Applicant has provided a response in reference MM 2.5 of Applicant's Responses to Examining Authority's Second Written Questions [REP5-119] submitted at Deadline 5.</p>
MM 2.5	<p><i>Draft European Protected Species Licence Application</i></p> <p>The Applicant</p> <p>Natural England</p>	<p>Natural England</p> <p>Respond on whether any evidence exists at present that could indicate an application for European Protected Species licence application in relation</p>		

Ref	Deadline 5 submission		Applicant's response	
MM 2.7	<p><i>Conclusions of the Bottlenose Dolphin Assessment</i></p> <p>The Applicant</p> <p>Natural England</p>	<p>to marine mammals in relation to Rampion 2 may not be successful.</p> <p>Natural England Respond to the Applicant's update to Chapter 11 of the Environmental Statement Marine Mammals provided at Deadline 4 [REP4-020].</p> <p>The Applicant Respond to Natural England's continued advice that they do not agree with the assessment conclusions that the impacts on bottle-nosed dolphin would not be significant and advise further assessment and mitigation is needed, as per line C14 in their Risk and Issues Log [REP4-096] and Appendix C at Deadline 3 [REP3-081].</p>	<p>The bottlenose dolphin assessment in Chapter 11 of the Environmental Statement Marine Mammals provided at Deadline 4 [REP4-020] has not been updated to reflect the updated assessment in the Marine Mammals Clarification Note [REP2-019] submitted at Deadline 2. Natural England responded to the updated assessment in the Marine Mammals Clarification Note [REP3-081] at Deadline 3</p> <p>Natural England has provided an update of our latest position on marine mammal issues in Appendix C5, based on our review of the updated Chapter 11 of the Environmental Statement for Marine Mammals [REP4- 021] provided at Deadline 4.</p>	<p>The Applicant has provided a response to Appendix C5 to the Natural England Deadline 5 Submission – Natural England's Advice on Marine Mammals [REP5-138], please see Table 2-17. Additionally, Appendix 11.4 Bottlenose Dolphin Population Modelling, Volume 4 of the ES (Document reference 6.4.11.4) originally submitted at Deadline 5, has been submitted at Deadline 6 as an ES appendix and incorporated into the updated Chapter 11: Marine mammals, Volume 2 of the ES [REP5-031] (updated at Deadline 6).</p>
MM 2.8	<p><i>Clarification of Number of Pin Piles and Locations</i></p> <p>Natural England</p>	<p>The Applicant submitted an update to Table 11-13 in Chapter 11: Marine mammals, Volume 2 of the Environmental Statement at Deadline 4 [REP4-020] to provide clarity on the worst- case number of monopiles and pin piles and provided a response to questioning on this topic at ISH2 in the Applicant's Response to Action Points Arising from Issue Specific Hearing 2 [REP4-074]. Respond, if required, to this submission.</p>	<p>Natural England has provided a response to this submission in Appendix C5.</p>	<p>The Applicant has provided a response to Appendix C5 to the Natural England Deadline 5 Submission – Natural England's Advice on Marine Mammals [REP5-138], please see Table 2-17.</p>
MM 2.9	<p><i>Marine Mammal Mitigation Protocol (MMMP)</i></p> <p>Natural England</p>	<p>The ExA notes that there is an outstanding concern from Natural England in the Risk and Issues Log at Deadline 4 [REP4-096] regarding the MMMP and acoustic deterrent devices.</p> <p>The Applicant provided an update to the Draft Piling Marine Mammal Mitigation Protocol at Deadline 4 [REP4-051] with various updates including an update to the wording of Commitment C-265.</p>	<p>Natural England has provided a response to this submission in Appendix C5.</p>	<p>The Applicant has provided a response to Appendix C5 to the Natural England Deadline 5 Submission – Natural England's Advice on Marine Mammals [REP5-138], please see Table 2-17.</p>

Ref	Deadline 5 submission	Applicant's response		
MM 2.10	<i>Offshore in Principle Monitoring Plan</i>	Confirm whether this is sufficient to allay outstanding concerns with the MMMP.	It is typical for the DCO/DML to outline the requirement for monitoring in the post-consent stage, and that it must be developed in accordance with the In-Principle Monitoring Plan (IPMP). We therefore advise that the IPMP sets out areas of the assessment where monitoring would validate the assessment conclusions. The Applicant is relying on mitigation in their conclusion of no significant residual effects (e.g. in the MMMP, VMP), therefore we advise that validating the effectiveness of the mitigation is a reasonable target for post-consent monitoring. We are content that an outline of such monitoring of the mitigation measures in relation to marine mammals can be included in the IPMP, rather than being an additional point within the DCO/DML itself.	The Applicant has provided a response to Appendix C5 to the Natural England Deadline 5 Submission – Natural England's Advice on Marine Mammals [REP5-138], please see Table 2-17 .
The Applicant Natural England	The ExA notes that there is an outstanding concern from Natural England in the Risk and Issues Log at Deadline 4 [REP4-096] that proposed post-consent monitoring does not include monitoring the effectiveness of the mitigation measures in reducing the impacts on marine mammals to acceptable levels.	The Applicant Respond to this outstanding concern from Natural England.	Natural England Provide an example of a DCO/DML in which this level of monitoring is specified and justify why it should be implemented in this case.	
OR	Offshore and Intertidal Ornithology (excluding questions involving HRA which are in the HRA section of this document)			
OR 2.1	<i>Cumulative Impact on Great Black Backed Gull</i>	The Applicant Natural England continues to advise at Deadline 4 that the cumulative impact of Rampion 2 on great black backed gull is likely to be significant at the EIA scale.	There has been no further discussion of this topic with the Applicant since we provided our comments on submission 8.36 Great black-backed gull assessment sensitivity (see Appendix B3 to the Natural England Deadline 3 Submission).	The Applicant invites Natural England to view the Applicant's response to reference OR3.1 in Table 2-2 of the Applicant's Response to Examining Authority's Request for Further Information (Document Reference: 8.99) submitted at Deadline 6.
The Applicant Natural England	Provide a response and whether any further mitigation or compensation will be offered. Explain how the Applicant plans to resolve this issue with Natural England.	Natural England Provide an update on this issue.		

Table 2-21 Applicant's comments on Natural England's Deadline 5 additional submissions: Cover Letter [AS-021], Advice on the Report on the Implications for European Sites [AS-022], and Advice on Landscape and Visual Impact Assessment [AS-023]

Ref	Deadline 5 submission	Applicant's response
Cover Letter [AS-021]		
2.21.1	<p>Comments on the Report on the Implications for the European Sites (RIES)</p> <p>Please find these enclosed in Appendix O5.5.</p>	The Applicant welcomes Natural England's comments and has provided a response in this table below.
2.21.2	<p>Landscape Visual Impact Assessment</p> <p>Please find our advice in Appendix H5.5.</p>	
2.21.3	<p>All aspects relating to the DCO</p> <p>Natural England will not be responding to these matters by the 18th July. We note that updated versions of many of the Applicant's Deadline 4 submissions have been provided at Deadline 5. We will respond to any DCO-related submissions at Deadline 6.</p>	Noted, the Applicant has no further comments at this time.
2.21.4	<p>Benthic Ecology</p> <p>Natural England will not be responding to the benthic submissions made at Deadline 4 by the 18th July. We note that updated versions of the Applicant's Deadline 4 submissions have been submitted at Deadline 5. We highlight that a principal outstanding matter regarding benthic ecology was the absence of a Outline Cable Burial Risk Assessment (CBRA) and an Outline Cable Specification and Installation Plan, which Natural England requested in our Relevant Representations. These were not submitted at Deadline 4, meaning that progress on resolving issues was unlikely. However, these have been submitted at Deadline 5 and we will respond to them at Deadline 6.</p>	Noted, the Applicant has no further comments at this time.
2.21.5	<p>Risk and Issues Log</p> <p>The letter states that one of the documents that the ExA will not accept beyond 18th July is Natural England's final risk and issues log. We highlight that were a log to have been submitted at Deadline 5 it would not have been the final one.</p> <p>With that in mind, we hope that the ExA will accept our final risk & issues log at Deadline 6, as this will set out our closing positions on all matters raised in our relevant/written representations.</p>	Noted, the Applicant has no further comments at this time.
2.21.6	<p>Responses to Deadline 6 submissions</p> <p>We note from the Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) that the Applicant intends to submit an updated cumulative impact assessment for great black-backed gull at Deadline 6 (as sought by Natural England at Deadline 3).</p> <p>As the ExA's letter notes, Deadline 6 is just three working days before the close of the Examination, and we agree with the ExA that there would not be sufficient time to respond. Therefore, Natural England will not be able to provide advice on this or any other material that the Applicant submits pertaining to any thematic area at Deadline 6.</p>	Noted, the Applicant has no further comments at this time.

Appendix H5.5 to the Natural England Deadline 5.5 Submission [AS-023]

Ref	Deadline 5 submission	Applicant's response
2.21.7	<p>In formulating these comments, the following documents have been considered:</p> <ul style="list-style-type: none"> • [REP4-026] 6.3.18 ES Vol. 3 Chapter 18, Landscape and visual impact assessment – Figures Rev B (Part 1 of 6) • [REP4-038] ES Vol. 4, Appendix 22.16 Arboricultural Impact Assessment Rev B (tracked) • [REP4-048] 7.10 Outline Landscape and Ecology Management Plan Rev C • [REP4-044] 7.2 Outline Code of Construction Practice Rev D • [REP4-058] 7.22 Commitments Register Rev D • [REP4-064] 8.25.5 Applicant's Post Hearing Submission – Further information on South Downs National Park Rev B 	<p>The Applicant welcomes Natural England's comments within these documents and has provided a response to the Appendices below.</p>
2.21.8	<p>1. Summary</p> <p>The age and profile of the chalk stratigraphy varies across the country. Our assessment is that until full and proper ground investigations have been undertaken to determine the suitability of Horizontal Directional Drilling (HDD) in both Michelgrove Park and Sullington Hill chalk scarps and to ensure that the exit pits can be appropriately located, it cannot be concluded that it is possible to avoid irreversible impacts. Without the ground investigations there remains no certainty in the maximum design parameters and worse-case scenario presented in relation to potential irreversible harm to the chalk scarp. In addition, Natural England highlights that alternative approaches to that of HDD i.e. open cut trenching, have not been assessed in the Landscape Visual Impact Assessment (LVIA). Therefore, we cannot advise that the landscape character and the statutory purpose manifest through the special qualities of the designated landscape will not be adversely impacted by the proposed development and/or that there are any suitable alternative installation techniques.</p> <p>If the project receives a DCO, then we anticipate that should it be determined post consent that HDD cannot sufficiently mitigate the impacts, and there are resultant changes in design parameters including (but not exclusively) increases in scale and significance of the predicted impacts and/or installation techniques beyond those assessed and consented, there would be a requirement for further consultation with the regulators and potentially the Secretary of State.</p>	<p>The Applicant has confirmed a principal area of disagreement on this matter with Natural England that is detailed within the Statement of Common Ground Natural England [REP5-097] (see reference NE2), submitted at Deadline 5.</p>
2.21.9	<p>2. Main Comments</p> <p><u>Horizontal Directional Drilling (HDD)</u></p> <p>The chalk geology/scarps of the SDNP, are one of the key reasons for its designation and they underpin its special qualities. The chalk scarps are therefore of the highest landscape and visual sensitivity. Any harm to them will result in permanent, irreversible harm to the natural beauty and landscape character, and the special qualities of this nationally designated landscape. HDD (alongside corridor reinstatement and the replanting of vegetation) is one of the key embedded mitigation measures which supports the LVIA's conclusion that there will be no residual effects on the SDNP and on its special qualities, setting or integrity</p> <p>Natural England continues to maintain that until full and detailed ground investigations/designs by qualified experts have been undertaken on the actual stratigraphy of each of the chalk scarps it is not possible to know whether or not HDD can take place through the South Downs National Park (SDNP) scarps. The Applicant provided an example of successful drilling at Dunstable Downs for the CEMEX Kensworth to Rugby Pipeline Project (2008) to demonstrate success of HDD. However, the age and properties of the zig-zag chalk at Dunstable Downs are significantly different to that in the SDNP. Therefore, we advise that this does not prove that HDD will be successful through the chalk scarps of the SDNP at Michelgrove Park and Sullington Hill. It remains that no relevant site-specific ground investigation information has been provided to support the 'no dig' specialist's claim that the proposed trenchless crossing locations are suitable for HDD.</p> <p>In the absence of the ground investigation data, Natural England advises that as a minimum an HDD risk assessment and feasibility study should be completed and consulted upon with the Local Planning Authority and relevant interested parties prior to commencement of construction to ensure that irreversible impacts can be avoided. We advise that this requirement should be secured in the DCO. We will provide further advice on this aspect of the DCO at Deadline 6.</p>	<p>The Applicant notes that the Outline Construction Method Statement [REP5-088] includes the further stages of ground investigation and detailed design required prior to commencement to inform the stage specific Construction Method Statement (CMS) to be provided pursuant to Requirement 23 of the Draft Development Consent Order [REP5-005]. This requirement already includes approval in writing by the relevant planning authority in consultation with the statutory nature conservation body.</p>

Ref	Deadline 5 submission	Applicant's response
2.21.10	<p><u>SDNP Special Qualities</u></p> <p>We welcome the revision B additions in relation to furthering the purpose of the SDNP in [REP4-026]. Further Information on the South Downs National Park However, this does not alter our position that based on the uncertainty of HDD there is an under assessment of the harm the landscape and special qualities of the SDNP, specifically Special Quality 1, 'diverse, inspirational landscapes and breath-taking views' and Special Quality 3, 'tranquil and unspoilt places'</p>	Please see the Applicant's responses to 2.21.8 and 2.21.9 above with regards to the trenchless crossings at Michelgrove Park and Sullington Hill.
2.21.11	<p><u>Viewpoint Analysis and Viewpoint Directory</u></p> <p>We have not reviewed the Viewpoint Analysis [REP4-034] or Viewpoint Directory [REP4-036] both Revision B as the SDNPA have provided detailed responses in relation to viewpoints, which NE supports.</p>	Noted, the Applicant has no further comments at this time.

Appendix O5.5 to the Natural England Deadline 5.5 Submission [AS-022]

2.21.12	Point number	Location within Submitted Document		Natural England Response	Natural England's Advice to resolve the issue	Applicant's response	
		Section	Page	Paragraph, Table or Figure Number			Key Concern
	1		2	1.1.4	As previously advised to PINS and DESNZ, Natural England does not consider consultation on the Report on the Implications for European Sites (RIES) adequately discharges the statutory requirement to consult Natural England on Appropriate Assessments, as the RIES draws no conclusions on whether adverse effects on can be ruled out for the sites in question.	To note.	Noted, the Applicant has no further comments at this time.
	2		3	1.1.6	Given the RIES is only based on material submitted into the Examination up to Deadline 4, it is disappointing that the RIES will not be updated to take account of any interested parties representations, including responses to Deadline 4 submissions.	Natural England considers that the RIES should be updated at the end of the Examination to include any relevant material provided post Deadline 4.	Noted, the Applicant has no further comments at this time.
	3		8	2.4.5	RIES Q1: Can NE confirm that it agrees with the outcomes of the screening assessment undertaken	No action needed.	Noted, the Applicant has no further comments at this time.

Ref	Deadline 5 submission			Applicant's response	
			by the Applicant as presented in [APP-038]?		
			Yes, we confirm that we agree with the outcomes of the screening assessment.		
4	10	3.3.4	<p>RIES Q3: Can Natural England confirm they agree with the conclusions of the Applicant regarding herring gull feature of FFC SPA?</p> <p>Herring gull is a component of the Flamborough Filey Coast Special Protection Area (FFC SPA) breeding seabird assemblage feature rather than a qualifying feature in its own right. We agree that the predicted impacts on herring gull will not result in Adverse Effect on Integrity (AEOI).</p> <p>For clarity, the interest features of the SPA are: kittiwake, gannet, guillemot, razorbill, seabird assemblage. As well as these species, the seabird assemblage contains northern fulmar as a main component. Puffin, herring gull, shag and cormorant are also components of the assemblage.</p>	No action required.	Noted, the Applicant has no further comments at this time.
5	12	Table 3.1 – 3.1.3	RIES Q6: Does Natural England consider that its concerns about water neutrality in relation to the Arun Valley European sites are likely to be resolved before the end of the Examination?	We confirm that after progressing this area with Horsham District Council, we consider this matter closed. Please see the SoCG and Natural England's Deadline 5 submission on terrestrial ecology (REP5-140).	The Applicant welcomes confirmation from Natural England regarding previous comments on water neutrality. Please see the Statement of Common Ground Natural England [REP5-097] at Deadline 6.
6	14	Table 3.1.3 – 3.1.4	RIES Q9: Please clarify the status of the Northern pintail in the Ramsar site, noting that it is listed as a feature for possible future inclusion in the Ramsar citation rather than being a confirmed feature. Please also confirm if	<p>We confirm that the Northern Pintail is not a feature of the Arun Valley SPA and Ramsar site, but is considered one of the main components of the waterbird assemblage.</p> <p>We note that the Joint Nature Conservation Committee (JNCC) Ramsar Information Sheet</p>	The Applicant notes agreement reached on no adverse effects on the integrity of the Arun Valley SPA and Ramsar site at reference NE17 in the Statement of Common Ground Natural England [REP5-097] , submitted at Deadline 5.

Ref	Deadline 5 submission	Applicant's response
	<p>Northern pintail is part of the waterbird assemblage that is one of the features of the Arun Valley SPA.</p>	<p>(RIS) for the Arun Valley Ramsar Site (https://jncc.gov.uk/jnccassets/RIS/UK11004.pdf), last updated June 2008, states that populations of Northern pintail has been listed as a possible feature for designation. We are however not aware of when the Arun Valley RIS will next be updated.</p>

Table 2-22 Applicant's comments on Tim Facer's Deadline 5 submission [REP5-182]

Ref	Deadline 5 submission	Applicant's response
2.22.1	I am extremely annoyed that RWE have still not addressed my concerns in writing regarding the exact cable route across my land. I understand from Carter Jonas that the cable can be installed anywhere within the Indicative Application boundary and therefore part of the route could end up being very close to my house.	The proposed DCO Order Limits and cable installation works in the location of Cratemans Farm are presented on Sheet 31 of the Onshore Works Plans [AS-026] . The precise location of the cable route within the propose DCO Order Limits will be defined at the detailed design stage of the project via an onshore construction method statement for the construction of the relevant stage. Whilst the closest part of the proposed DCO Order Limits is over 50 metres away from the house, the cable route was amended to allow construction of the cable works further from the residential property as explained in Table LI14 to REP107. This is secured through Requirement 23 (2) (f) in the Draft Development Consent Order [REP5-005] . Please see further the Applicant's Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 [REP4-074] (CAH Action 1) which explained in detail how and when the detailed design of the Proposed Development will be undertaken and how this process will be governed by the plans which are secured as Requirements in Schedule 1 of the Draft Development Consent Order [AS-031] .
2.22.2	I have also asked on numerous occasions about the magnetic field the cables generate but, to date, no answer has been given	<p>As described in paragraphs 28.10.15 to 28.10.17 of Chapter 28: Population and Human Health, Volume 2 of the Environmental Statement (ES) [APP-069], the maximum calculated magnetic field strength associated with the 275kV cable will be 19.9µT, which equates to approximately 6% of the CoP 360µT public exposure guideline limit for the protection of health. On the basis that the maximum calculated magnetic field strength produced by the 275kV cable is well below the CoP 360µT public exposure guideline limit set to protect health, the magnitude of impact on human health will be Negligible.</p> <p>Potential exposure to electric fields is removed through embedded environmental measures as the onshore cable route is proposed to be completely buried underground (C-1 in Table 28-13, Chapter 28: Population and Human Health, Volume 2 of the ES [APP-069]); as such any potential receptors would be shielded against electric fields reducing any potential for exposure.</p>

Table 2-23 Applicant's comments on Green Properties (Kent & Sussex) Limited's Deadline 5 submission [REP5-155]

Ref	Deadline 5 submission	Applicant's response
2.23.1	This is a further written submission on behalf of Green Properties (Kent and Sussex Ltd) ("Green Properties") in respect of the position of compulsory acquisition and engagement with the Applicant.	
2.23.2	<p>We refer the Examining Authority ("ExA") to the previous submission made on behalf of Green Properties:</p> <p>[REP1-101]: Deadline 1 Submission – Written Representations (WRs)</p> <p>[REP3-109]: Deadline 3 Submission – Comments on any further information/submissions received by Deadline 3 iii. Ref.</p> <p>[REP3-110]: Deadline 3 Submission – Comments on any further information/submissions received by Deadline 3</p> <p>[REP4-111] – Deadline 4 – Post hearing submission</p>	
2.23.3	<p>We refer to the ExA's Further Written Questions and requests for information [EN010117] issued to the Applicant on 18 June 2024. Specifically:</p> <p><i>The ExA considers that, based upon the written evidence up to and including Deadline 4, and oral evidence discussed at the Compulsory Acquisition Hearing 1 on Friday 17 May and Tuesday 21 May 2024 [EV6-001], it may not be able to recommend to the Secretary of State that the case for Compulsory Acquisition has been made. This is based upon the apparent lack of <u>meaningful discussions and progress with persons with interests in the land and the lack of advancement of voluntary agreements</u>. The ExA would have expected the Applicant to have been at a much more advanced stage at this point in the Examination. Provide a summary of all efforts to acquire the land required for the Proposed Development by negotiation since the close of CAH1.</i></p> <p><i>Provide the following information in relation to obtaining Land Rights for the Proposed Development by agreement (include figures for AP's who have not submitted RRs or WRs):</i></p> <p><i>a) Total number of signed agreements required. b) Number of Key Terms issued. c) Number of Key Terms signed. d) Number of agreements completed.</i></p>	
2.23.4	<p>There is no need to repeat the respective requirements in the Planning Act 2008 (the "Planning Act"), specifically Section 122, and the guidance provided within the Compulsory Purchase Order (CPO) Guidance (the "Guidance") in substantive detail within this submission. This is comprehensively addressed in the deadline for submission of 03 June 2024 [REP4-111] and at the compulsory acquisition hearing of 23rd May 2024. It has further been referred to by other represented landowners during the course of the examination.</p>	
2.23.5	<p>5. The ExA is however reminded that the Guidance states:</p> <p>'25. Applicants should seek to acquire land by negotiation wherever practicable. <u>As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</u></p> <p>Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land. Where this is the case, it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset.</p>	<p>No agreement has been reached with regard to the key proposals and terms required for a voluntary agreement. Despite extensive efforts by representatives on both sides, Mr Dickson has:</p> <ul style="list-style-type: none"> - Not confirmed agreement to the revised key terms plan put forward by the Applicant with extended crossing under the saplings as the Applicant understands the haul road routing is not accepted - Not responded on the revised key terms with amended key terms plan which were provided on 8 July 24.

Ref	Deadline 5 submission	Applicant's response
2.23.6	<p><i>Summary of position</i></p> <p>The ExA is reminded of the Applicant's position expressed at the CAH, wherein the Applicant asserted its commitment to pursuing voluntary agreements. Despite repeated assertions, nearly four years have elapsed without any substantive or meaningful progress. The Applicant has purposely and consistently failed to engage in genuine negotiations that would facilitate an agreed settlement.</p>	<p>Please see Applicant's response to the Land Interest's Deadline 5 submissions Applicant's Comments on Deadline 4 Submissions [REP5-122]. The Applicant refutes the accusations made. It has followed a reasoned, balanced approach to decision making on the siting of the onshore cable route after consultation with a range of statutory and non-statutory consultees. Meaningful negotiations have been attempted by the Applicant, however, the Land Interest's unwillingness to accept the engineering and environmental reasons provided as to why his preferred routes could not be taken forward. This has prejudiced the ability of the Applicant to make meaningful progress.</p>
2.23.7	<p>As we have previously set out, Green Properties case is far from novel. The Applicant has demonstrated a pattern of blatant disregard and contempt for the affected parties and the examination process. The necessity for the ExA to repeatedly admonish the Applicant for their lack of engagement is indicative of this behavior. Given these circumstances, it is inconceivable and entirely untenable for the Secretary of State to conclude that compulsory acquisition powers should be lawfully granted.</p>	
2.23.8	<p>The Applicant will seek to persuade the ExA that it should be granted compulsory acquisition powers because – as it said at the CAH - <i>“it continues to seek to reach voluntary agreement”</i>. <i>This statement does not indicate that meaningful engagement has occurred for the Secretary of State to be satisfied that there is a compelling case in the public interest to decisively demand that such powers are granted. As the Secretary of State will be aware, if there is any reasonable doubt on the matter, the balance must be resolved in favour of the citizen.</i></p>	
2.23.9	<p>The full extent of the Applicant's misrepresentations will be submitted to the ExA prior to the close of the examination. In this submission, we wish to direct the ExA's attention to specific points demonstrating that compulsory purchase powers cannot be granted. While this is not an exhaustive account, it illustrates the Applicant's conduct and apparent unwillingness to make meaningful progress toward an agreed settlement. We have regrettably concluded that the application has no real intention of securing a binding commitment and has instead merely intentionally 'ran down the clock'.</p>	<p>Multiple attempts have been made to meet with Mr Dickson on the land owned by Green Properties. The offers of site meetings by the Applicant and rejections by Mr Dickson on behalf of Green Properties are recorded in the Compulsory Acquisition Land Engagement Reports – Green Properties [REP5-014]. It is clear from this report that extensive attempts to meaningfully engage were made by the Applicant and it continues to seek to engage.</p>
2.23.10	<p>We wish to draw the ExA to the following:</p> <ul style="list-style-type: none"> - Neither the Applicant nor their agents have ever met with Green Properties on the land during the consultation period or prior to the acceptance of the DCO application for examination, except for a dormouse survey conducted on 13 July 2021. - Despite the Applicant's dishonest claim in DCO Application that “the Applicant has met onsite & Engaged with the Landowner & their professional advisers” the first and only time this occurred was on 24th April 2024. - In correspondence with Green Properties the Applicant sought to suggest the preferred cable route “accommodates substantial existing buried services”. This is entirely false. - The Applicant has repeatedly ignored information supplied by Guy Streeter, Savills as previously set out in prior submissions. 	<p>See above response in relation to attempted meetings. The Applicant refutes the claim of dishonesty – particularly when the Land Interest's representative confirms that a meeting took place.</p>
2.23.11	<p>As suggested, the full extent of the Applicant's misrepresentations will be submitted to the ExA prior to the close of the examination. However, it is only now, after repeated warnings from the ExA and after the CAH, that the Applicant has begun to attempt to advance negotiations. Despite this, the Applicant repeatedly engages in misrepresentations and</p>	<p>The rationale for the cable route is set out in reference 2.11.6 of the Applicant's Response to Affected Parties' Written Representations [REP2-028] and Agenda Item 10a of the Applicant's Post-hearing Submission - Compulsory Acquisition Hearing 1 [REP4-073] which states:</p> <p><i>The Applicant noted that the internal site layout will need to take into account the location of HDDs under Kent Street and the substation layout itself which is subject to final detailed design and the market (cost and availability) of equipment at the relevant point in time as the Applicant is required to pursue optimisation opportunities. Additional considerations relate to environmental features – ponds, vegetation features including at the corridor to the East. In the eastern edge of the corridor consideration must also be given to the existing overhead cables and relevant stand-off distances for the construction of the project for health and safety reasons.</i> The Applicant's claim is not false.</p> <p>The Applicant has considered the consultation responses and representations submitted by all Mr Dickson's advisors since early consultation in 2021 up to this Deadline 6.</p>

Ref	Deadline 5 submission	Applicant's response
	<p>inaccuracies. They continue to introduce broad caveats effectively granting themselves unfettered discretion and rendering their commitments ineffective. Consequently, there is an absence of any binding commitment from the Applicant to address Green Properties' concerns regarding a preferred reasonable alternative.</p>	<p>It is only since the commencement of the Examination and in particular the appointment of Simon Mole that Mr Dickson has accepted some key principles required by the Applicant to deliver the Proposed Development. Since these decisions have been made by Mr Dickson, new design proposals have been put forward by Mr Dickson's representatives and considered by the Applicant at the request of the Land Interest. At Kent Street this has resulted in an adjustment made to the length of the trenchless crossing within the DCO order limits. Please refer to D5 submission reference 2.1.27-2.1.29 of the Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>Assessment of alternatives have been carried out since engagement with Mr Dickson and his representatives in 2021. More recent discussions were reignited upon the appointment of Mr Dickson's latest land agent – Simon Mole. This reigniting of discussions started before the Compulsory Acquisition Hearing and continues with the Applicant awaiting a response from Simon Mole on the latest key terms and associated key terms plan (sent on 8 July) with trenchless crossing extension which has also now been incorporated into the trenchless crossing plans (Updated Crossing Schedule Appendix A: Outline Code of Construction Practice [REP4-043]).</p>
2.23.12	<p>The Applicant is now out of time to commit to legally securing the alternative route during the Examination through a change application, if such application should be required. If the Applicant had any genuine intention of securing a deal with Green Properties, it would have properly and meaningfully considered reasonable alternatives from the outset and properly engaged with Green Properties and their advisors to assess route corridors which would have mitigated the impact of the Scheme on their retained land. Instead, the DCO submission chose the most damaging route</p>	<p>There is no alternative cable route currently under discussion between the Applicant and the Land Interest and it is therefore unclear as to which alternative route or change request, these point relates to. See above with regard to the amended trenchless crossing plans which the Applicant has committed to and which does not require a change to the Order. The Applicant included the extended trenchless crossing on the key terms plan which it sent to the Land Interest for agreement and the Applicant has yet to receive a response.</p>
2.23.13	<p>The Applicant's recent correspondence can only be interpreted as a desperate attempt to discharge their obligations pursuant to Guidance and the Act. This is both scandalous and disingenuous. The Applicant has compelled affected parties to incur unnecessary costs due to its failure to undertake genuine attempts to secure alternative options. Having only met the Green Properties once during a four year period, the Applicant cannot demonstrate it has done everything necessary to discharge its legal obligations as referred to in the Deadline 4 submission [REP4-111].</p>	<p>As noted above it is not clear which alternative it is claimed the Applicant should have implemented. The Land Interest has not proposed any such final alternative route nor any evidence to support any such route, nor indicated a willingness to enter into a binding land agreement for an alternative route r. There are no alternatives to compulsory acquisition which should be preferred to the DCO.</p>
2.23.14	<p>Conclusion</p> <p>14. The ExA must critically assess the position, recognising that the Applicant has failed, over a four-year period, to make any substantive progress in negotiations with an affected party who is both professionally represented and willing to enter into a deal. This prolonged inaction has caused significant frustration and financial strain on the affected parties. Green Properties has exhausted itself trying to secure a deal with the Applicant. This is a scandal rivaling that of the Post Office Horizon, highlighting the dire need for accountability and resolution.</p>	<p>It remains the Applicant's position that there is a compelling case in the public interest for the compulsory acquisition powers sought in relation to this land.</p>
2.23.15	<p>15. The Secretary of State must uphold the principles of fairness and justice, ensuring that the affected parties are not unduly burdened by the Applicant's inaction. In <i>R v Secretary of State for Transport, ex p de Rothschild</i> 2 Slade LJ referred to judgements in the cases of <i>Priest and Brown</i> and commended that they gave:</p>	

Ref	Deadline 5 submission	Applicant's response
	<p><i>A warning that, in cases where a compulsory purchase order is under challenge, the draconian nature of the order will itself render it more vulnerable to successful challenge...</i></p>	
2.23.16	<p>Either the ExA must recommend the DCO is not granted, or it must, as set out in [REP4-130], recommend Article 23 (3) of Part 5 Powers of Acquisition of the Draft Rampion 2 Offshore Wind Farm Order 20XX is amended as follows:</p>	
	<p><i>(3) The power to compulsorily acquire land conferred under paragraph (1) does not apply to the Order land shown numbered [33/24, 33/25, 33/26], 34/29 and 34/30 on the land plans</i></p>	
2.1.17	<p>As we have previously stated, Green Properties has expressed its willingness to reach a voluntary agreement with the Applicant throughout the process. The Applicant's conduct has made this impossible due to their failure to engage meaningfully and at any point prior to the submission of the DCO and commencement of the examination phase. The Secretary of State cannot demonstrate that compulsory acquisition powers are either necessary or nor constitute a compelling case in the public interest.</p>	

Table 2-24 Applicant's comments on Lester Aldridge LLP on behalf of Mr Dickson's Deadline 5 submission [REP5-181]

Ref	Deadline 5 submission	Applicant's response
2.24.1	Introduction 1. This is a further written submission on behalf of Mr Dickson in respect of the position of compulsory acquisition and engagement with the Applicant.	
2.24.2	2. We refer the Examining Authority ("ExA") to the previous submission made on behalf of Mr Dickson: i. Ref. [AOC-020]: Comments on the Applicant's Pre-Application Consultation ii. Ref. [REP1-168]: Deadline 1 Submission – Written Representations (WRs) iii. Ref. [REP3-137]: Deadline 3 Submission – Comments on any further information/submissions received by Deadline 3 iv. Ref. [REP3-1338]: Submission – Responses to Written Questions (ExQ1) v. Ref. [REP4-130]: Deadline 4 Submission – Post Hearing submissions including written submission of oral cases.	
2.24.3	3. We further refer to the ExA's Further Written Questions and requests for information [EN010117] issued to the Applicant on 18 June 2024. Specifically: <i>The ExA considers that, based upon the written evidence up to and including Deadline 4, and oral evidence discussed at the Compulsory Acquisition Hearing 1 on Friday 17 May and Tuesday 21 May 2024 [EV6-001], it may not be able to recommend to the Secretary of State that the case for Compulsory Acquisition has been made. This is based upon the apparent <u>lack of meaningful discussions and progress with persons with interests in the land and the lack of advancement of voluntary agreements</u>. The ExA would have expected the Applicant to have been at a much more advanced stage at this point in the Examination. Provide a summary of all efforts to acquire the land required for the Proposed Development by negotiation since the close of CAH1.</i> <i>Provide the following information in relation to obtaining Land Rights for the Proposed Development by agreement (include figures for AP's who have not submitted RRs or WRs): a) Total number of signed agreements required. b) Number of Key Terms issued. c) Number of Key Terms signed. d) Number of agreements completed.</i>	
2.24.4	4. There is no need to repeat the respective requirements of the Planning Act 2008 (the "Planning Act"), specifically Section 122, and the guidance provided within the Compulsory Purchase Order (CPO) Guidance (the "Guidance") in substantive detail within this submission. This is comprehensively addressed in the Deadline 4 submission of 03 June 2024 [REP4-130] and at the compulsory acquisition hearing of 23rd May 2024. It has further been referred to by other represented landowners during the course of the examination.	
2.24.5	5. The ExA is however reminded that the Guidance states: '25. Applicants should seek to acquire land by negotiation wherever practicable. <u>As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</u> Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land. Where this is the case, it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset.	No agreement has been reached with regard to the key proposals and terms required for a voluntary agreement. Despite extensive efforts by representatives on both sides, Mr Dickson has: <ul style="list-style-type: none"> - Not confirmed agreement to the revised key terms plan and key terms put forward by the Applicant. - Not confirmed agreement to the key principles of pursuing the in principle agreed amended cable route (sent to the Mr Dickson's agent on 27 June 24).

Ref	Deadline 5 submission	Applicant's response
2.24.6	<i>Summary of position</i>	
	6. The ExA is reminded of the Applicant's position expressed at the CAH, wherein the Applicant asserted its commitment to pursuing voluntary agreements. Despite repeated assertions, nearly four years have elapsed without any substantive or meaningful progress. The Applicant has consistently failed to engage in genuine negotiations that would facilitate an agreed settlement.	
2.24.7	7. Mr. Dickson's case is far from novel. The Applicant has demonstrated a pattern of blatant disregard and contempt for the affected parties and the examination process. The necessity for the ExA to repeatedly admonish the Applicant for their lack of engagement is indicative of this behavior. Given these circumstances, it is inconceivable and entirely untenable for the Secretary of State to conclude that compulsory acquisition powers should be lawfully granted.	
2.24.8	8. The Applicant will seek to persuade the ExA that they should be granted compulsory acquisition powers because – as it said at the CAH - “it continues to seek to reach voluntary agreement”. This statement does not indicate that meaningful engagement has occurred for the Secretary of State to be satisfied that there is a compelling case in the public interest to decisively demand that such powers are granted. As the Secretary of State will be aware, if there is any reasonable doubt on the matter, the balance must be resolved in favour of the citizen.	
2.24.9	9. We will document the full experience with the Applicant, who has unequivocally failed to achieve any substantive progress in securing a deal over nearly four years, in our closing submission in August. However, in this submission, we wish to direct the ExA's attention to specific correspondence and meetings. While this is not an exhaustive account, it illustrates the Applicant's conduct and apparent unwillingness to make meaningful progress toward an agreed settlement. We have regrettably concluded that the Applicant has no real intention of securing a binding commitment and has instead merely intentionally 'ran down the clock'.	The relevance of these pieces of correspondence which the Land Interest has expressly drawn attention to is unclear. The correspondence does not demonstrate a pattern of behaviour or a lack of willingness on the part of the Applicant to engage with Mr Dickson or his representatives.
2.24.10	10. We wish to draw the ExA to the following correspondence: 27 January 2021: An email sent on behalf of Mr. Dickson by [REDACTED] BLB Surveyors stated that the Applicant promised a site visit with an engineer on Wednesday, 25th November 2020. The visit was supposed to take place immediately after Christmas, early in the New Year. However, it was delayed by several months, occurring on 11th August 2021, during the consultation period. This sequence is clearly flawed, as the information was required prior to the consultation.	The Applicant has previously responded to matters relating to survey access and the request that the land interest not be sent Heads of Terms in the Applicant's response to Affected Parties Written Representations (2.11.21 of Applicant's Response to Affected Parties' Written Representations [REP2-028]). In relation to the latter, the accusation that “Mr Dickson could not have possibly requested that no Heads of Terms be issued to their Agents as falsely claimed by the Applicant, since he did not have an Agent at that time” is baseless. The telephone conversation where Mr Dickson made the request was between the Applicant's land transaction manager Vicky Portwain and Mr Dickson. Vicky Portwain recorded the request and emailed this record through to Carter Jonas (see Appendix B). The simple point is that Mr Dickson requested no heads of terms were sent because he was unhappy with the Applicant's position with regard to the cable routeing. As he at that point had stopped using his appointed agent, it was not possible to pick this up with a land agent representative going forwards. It has previously been explained that heads of terms were not issued prior to 2023 as the cable route and construction corridor widths had not been set. Heads of terms were issued to Mr Dickson's land agent when it became clear that these were wanted in January 2024.
2.24.11	25 June 2021: An email sent by [REDACTED] of the Applicant thanking Mr Dickson for welcoming them onto this land demonstrating his cooperation.	The Applicant has made its position on this matter clear in its Deadline 4 response in Table 2-1 (reference 2.1.10) within Applicant's Comments on Deadline 3 Submissions (CONFIDENTIAL) – Mr Dickson [REP4-080] and has no further comment.
2.24.12	12 July 2021 and 12 August 2021: A site meeting to undertake surveys in which the Applicant dishonestly claims was restricted. The assertion that “the extent of the survey was restricted both in	

Ref	Deadline 5 submission	Applicant's response
	<p>the locations allowed to be accessed and the time they were allowed to be present" is categorically false. The documented times for these visits were precisely 1 hour and 45 minutes and 1 hour and 5 minutes, respectively, with signatures confirming these durations. Mr Dickson met with the surveyors on both occasions. The visits were conducted amicably, with no restrictions imposed on the surveyors of any kind. They were granted unrestricted access to the entire property, allowing them to carry out their activities as they deemed necessary.</p>	
2.24.13	<p>15 June 2022: A site meeting took place on 15 June 2022 between representatives of the Applicant and Mr Dickson, and Mr Dickson's agents Savills recorded the upshot of the meeting in a letter to the Applicant's agents Carter Jonas on 19 July 2022. These points were recorded in submission [AOC-020] and are repeated below for ease of reference:</p> <p>a. The fact the open cut route cross-farm preferred route of the Applicant would result in the extinguishment and destruction of Mr Dickson's livelihood of a single farmer [REDACTED]</p> <p>b. Mr Dickson was led to believe that the proposal of the alternative route would be included and properly considered in the targeted consultation of sixty landowners that ran from 18 October – 29 November 2022. This was never included.</p> <p>c. Request for some estimation and reasoning on the relatively financial burden of the alternative route proposed by Mr Dickson, and the Applicant's preferred route has never been justified. No information however brief has been provided on that issue of relative or absolute financial considerations.</p> <p>d. The admission by Applicant's agent that the meeting of 15 June 2022 ought to have taken place two years before.</p>	<p>The Land Interest's representations mix up a number of points here. The Applicant did consider moving the route north but rejected it without needing to undertake intrusive surveys because there was not the justification to move the route (because the Applicant's assessment was that the disadvantages outweighed the benefits). Other assertions have no evidence, in particular the claims relating to the non-issue of Heads of Terms.</p> <p>The Land Interest did not show a willingness to engage on key terms until recently, which the Applicant understands was in large part as a result of the Land Interest's in-principle objections to route and detailed siting decisions taken by the Applicant. The complexities surrounding the setting up of site meetings, changing representatives on behalf of the Land Interest, and the general nature and tone of communications from this Land Interest have added to the difficulties in engagement. These have not been experienced by the Applicant with other parties elsewhere along the cable route, even in similar circumstances where the routing has not been agreed. Please refer to the updated Land Engagement Report – Dickson (Document Reference: 4.6.6) for the detailed position on engagement with this Land Interest.</p>
2.24.14	<p>Letter of 24 May 2023: A letter from the Applicant regarding Mr. Dickson's proposed northern cable route. The Applicant stated that it had considered moving the route closer to the northern tree line but had rejected the proposal on various grounds without conducting further surveys or any intrusive investigation. This is also around the time the Applicant claims Mr Dickson requested that Heads of Terms were not issued. The assertion that "the Land Interest specifically requested that the Applicant does not issue Head of Terms to the Land Interest or their Agent" is dishonest for the following reasons:</p> <ul style="list-style-type: none"> - At no time did the Applicant provide a set of Heads of Terms or seek to discuss their detailed contents with the Mr Dickson during this time. The Applicant had refused to issue Heads of Terms for a period exceeding two years and despite Mr Dickson trying to discuss an alternative route. - The Applicant could not have sought to discuss Heads of Terms with his Agent as claimed because Mr Dickson did not have an Agent at that time. - Mr Dickson could not have possibly requested that no Heads of Terms be issued to their Agents as falsely claimed by the Applicant, since he did not have an Agent at that time. 	
2.24.15	<p>Meeting of 15 March 2023: A meeting was convened at College Wood Farm with the following attendees: [REDACTED], and T.R. Dickson, to discuss the proposed alternative northern route. [REDACTED] explicitly refused the proposal, resulting in the immediate cessation of discussions and the abandonment of the meeting.</p>	
2.24.16	<p>Letter of 31 July 2023: Letter sent by Mr Dickson setting out various inaccuracies and numerous misleading statements from the Applicant, which were never dealt with. A response was only received over 6 months later in January 2024.</p>	

Ref	Deadline 5 submission	Applicant's response
2.24.17	Letter of 28th August 2023: Mr Dickson wrote to the Planning Inspectorate expressing his continued anxiety and concern that he had not received Heads of Terms whilst setting out the Applicants lack of meaningful engagement.	
2.24.18	11. As suggested, the full extent of the Applicant's misrepresentations will be submitted to the ExA prior to the close of the examination. It is only now, after repeated warnings from the ExA and after the CAH, that the Applicant has begun to attempt to advance negotiations. Despite this, the Applicant repeatedly engages in misrepresentations and inaccuracies. They continue to introduce broad caveats concerning environmental and engineering requirements, effectively granting themselves unfettered discretion and rendering their commitments ineffective. Consequently, there is an absence of any binding commitment from the Applicant to address Mr. Dickson's concerns regarding a northern route.	
2.24.19	12. In an email of 6 June 2024 the Applicant stated: <i>I note in this regard that NPS EN-1 states that where an alternative is first put forward by a third party after an application has been made, the Secretary of State may place the onus on the person proposing the alternative to provide the evidence for its suitability as such and the Secretary of State should not necessarily expect the applicant to have assessed it. - para 4.3.29 EN-1.</i>	
2.24.20	13. In a further email to Mr Dickson's agent on the 21 June 2024, the Applicant suggested that given the 28-day consultation period required for a change application, they anticipate that it will be difficult to get to Stage 4 and consult on the change prior to the end of the examination. They allude that on timing, <i>because this is a change proposed late in the day and which the Applicant have not currently assessed</i> , the NPS places the onus on Mr Dickson to demonstrate its suitability. This is unacceptable conduct of the Applicant to place the onus on an individual landowner to fund the evidence required to demonstrate the suitability of an alternative in place of the well-funded Applicant.	The Applicant and the Landowner have recently been in discussions regarding a newly proposed cable route (referred to for these purposes as the "June 2024 Proposals". This is a variation of the January 2023 and Examination "Alternative 3" cable routes proposed by Mr Dickson's land agent several months after the conclusion of the Second Statutory Consultation (which was held in October/November 2022). The Applicant has agreed to look to progress the June 2024 Proposals, but this is necessarily subject to the parties reaching agreement on some proposed principles that would enable it to be taken forward, including the need to undertake further assessment work and potential consultation with stakeholders and other land owners.
2.24.21	14. We refer to the ' <i>Nationally Significant Infrastructure Projects - Advice Note Sixteen: requests to change applications after they have been accepted for examination</i> ' and statutory mechanism for a change application through the Act. It is explicitly clear that <u>only the Applicant</u> holds the authority to modify their application. This is a position that should be well known to the Applicant who has a suite of professional consultants and legal advisors. To now suggest, after nearly four years of correspondence with an Affected Party who has consistently demonstrated full cooperation, that the responsibility now falls on him – relying on the NPS EN-1, first published on 01 November 2023 – is both preposterous and a flagrant disregard for the Guidance and the relevant compulsory purchase legislation.	There are material differences between the June 2024 Proposals currently being explored and the January 23 and "Alternative 3" proposals. These are summarised below: 1) <u>Removal of Trenchless Crossings</u> - The June 2024 Proposals do not involve any trenchless crossings, whereas the Land Interest's Alternative 3 proposals involved multiple trenchless crossings. The use of trenchless crossings in this location is not justified on environmental, engineering or cost grounds, nor is it proportionate to the nature of the land use, and this was a key reason why the Applicant could not
2.24.22	15. There is clear and documented evidence of a northern route being proposed by Mr Dickson as early as 2023. A direct comparison between the 2023 proposal and current proposed route is provided below for the ExA's reference. They will note the similarities between the two: Initial route plan of 2023:	

Ref **Deadline 5 submission**
Applicant's response


Current proposed route:



- 2.24.23** 16. The fact remains that Mr. Dickson proposed a reasonable alternative, which is not materially different from the currently proposed route, yet the Applicant is only now suggest it *might* undertake the relevant surveys and environmental assessments to make this proposal possible.
- 2.24.24** 17. The Applicant now admits it is out of time to commit to legally securing the alternative route – which is deliverable - during the examination through a change application. If the Applicant had any genuine intention of securing a deal with Mr. Dickson, it would have properly and meaningfully considered reasonable alternatives from the outset. It would not have frustrated the process, given that there was ample time and funding to conduct all necessary assessments and surveys. Claiming now that it cannot be delivered on procedural grounds is wholly unacceptable.

accept the Land Interest's January 2023 or Alternative 3. Mr Dickson has continued to press for multiple trenchless crossings (in his further Alternative 'Option 3') during the examination, to which the Applicant responded in **PIN ref 13 (page 56 and 57)** of **Applicant's Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 Revision A [REP4-074]**.

- There was no indication from the Land Interest or their agent that there would be a willingness to compromise on the request for trenchless crossings. Indeed, in Guy Streeter's email of 18th January 2023, he stated that "*The remaining issue is his access road, we maintain that you must consider a short throw HDD to get under the road and adjoining ancient woodland relic ditch and hedgerow.*" Only some 4 years later, in an email from Simon Mole dated 19th June, has there been any suggestion that the Land Interest might be willing to accept a proposal that does not involve trenchless crossings so as to enable the parties to work towards an agreement "*We are willing to compromise on the farm drive crossing in terms of open cut but will want some controls around timing of the works and reinstatement so these can happen asap (say no more than 2 weeks)*". This is a positive development which the Applicant hopes will lead to agreement being reached.
- 2) Siting of cable route outside of the 25m ancient woodland buffer
- The Land Interest's January 2023 and 'Alternative 3' proposals required use of the ancient woodland buffer which is not acceptable to the Applicant as it does not accord with the mitigation hierarchy, whereas the Applicant's June 2024 Proposal avoids this. The rationale for the mitigation hierarchy, ancient woodland buffer and relevant commitments are outlined in **PIN ref 13 (page 56 and 57)** of the **Applicant's Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 Revision A [REP4-074]**.
 - The Land Interest has been critical of the Applicant's position in relation to restricting works in the ancient woodland buffer, strongly urging for the cable route to encroach into this buffer area. Only very recently does it appear that the Land Interest has accepted that the use of the ancient woodland buffer should be avoided, and therefore only since Mr Mole's emails of 14th June and 20th June has there been an apparent consensus on this point which would enable the Applicant to take the discussions forward.
- 3) South West Cable route alignment
- The Alternative 3 and January 2023 Landowner alternatives proposed that the cable route runs further north than in the Applicant's June 2023 Proposal. The January 2023 and Alternative 3 proposals were dependent on an access gate

Ref	Deadline 5 submission	Applicant's response
2.24.25	<p>18. The recent correspondence from the Applicant can only be interpreted as a desperate attempt to discharge their obligations pursuant to Guidance and the Act. This is both scandalous and disingenuous. The Applicant has compelled affected parties to incur unnecessary costs due to its failure to undertake genuine attempts to secure alternative options, such as by undertaking sufficient assessments. It is only now, as the examination period nears its end, that the Applicant suggests such assessments to facilitate an alternative—which it admits could be delivered—can be commissioned. The Applicant cannot demonstrate it has done everything necessary to discharge its legal obligations as referred to in the Deadline 4 submission [REP4-130].</p>	<p>(labelled “Existing gateway to remain unaffected” on the plan shown in the Alternatives table (email of 14.6.24) Land Engagement Report – Dickson (Document Reference: 4.6.6)) being avoided by the cable corridor by either being sited further north (January 2023) or subject to the Landowner’s proposed trenchless crossing (Alternative 3).</p> <ul style="list-style-type: none"> - It was only in June 2024 that Mr Dickson accepted the Applicant’s proposed cable route alignment in the south western part of his landholding in the email from Simon Mole of 20th June. <p>Whilst the above matters may not be immediately apparent from merely looking at the 2 plans presented by the Land Interest in his Deadline 5 Submissions, they do present material differences, particularly in terms of Environmental Impact Assessment considerations. These include the avoidance of a water feature and greater surface water impacts as explained in PIN ref 13 (page 56 and 57) of the Applicant’s Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1 Revision A [REP4-074].</p> <p>The apparent willingness of the Land Interest to accept these points will now enable the parties to progress detailed discussions. The fact that this progress is being made at this stage of the examination does not demonstrate a failure on the Applicant’s part, rather it has come about because the Land Interest has been willing to engage on points which previously presented a barrier to meaningful discussion. This progress is welcomed by the Applicant who has agreed to assess and if appropriate consult on the potential revised alignment.</p> <p>The Applicant has explained to the Land Interest why it cannot simply seek a change to the order, and what steps it needs to go through. The Applicant has set out the basis of an agreement for taking this forward, but has not received a substantive reply. In the circumstances, any suggestion by the land interest that the Applicant is delaying matters is unfounded.</p> <p>Furthermore, any suggestion that a change request should be made by the applicant for a route that requires assessment, may require consultation, and does not have the benefit of a binding commitment from the land interest in relation to land rights, is wholly unjustifiable.</p> <p>In the circumstances there is no alternative to compulsory acquisition which should be preferred.</p>
2.24.26	<p>Conclusion</p> <p>19. The ExA must critically assess the position, recognising that the Applicant has failed, over a four-year period, to make any substantive progress in negotiations with an affected party who is both professionally represented and willing to enter into a deal. This prolonged inaction has caused significant frustration and financial strain on the affected parties. The fact is Mr Dickson has exhausted himself trying to secure a deal with the Applicant, seeking only to protect his livelihood and</p>	<p>The Applicant has carried out extensive engagement attempts to secure agreed development proposals through the landowner’s land. The Applicant notes that discussions on new alternatives took place before CAH 1, that progress has been iterative and attempts to find a voluntary solution continue to be made by the Applicant.</p>

Ref	Deadline 5 submission	Applicant's response
	<p>wellbeing. This is a scandal rivaling that of the Post Office Horizon, highlighting the dire need for accountability and resolution.</p>	
2.24.27	<p>20. The Secretary of State must uphold the principles of fairness and justice, ensuring that the affected parties are not unduly burdened by the Applicant's inaction. In <i>R v Secretary of State for Transport, ex p de Rothschild</i> Slade LJ referred to judgements in the cases of Priest and Brown and commended that they gave:</p> <p><i>A warning that, in cases where a compulsory purchase order is under challenge, the draconian nature of the order will itself render it more vulnerable to successful challenge...</i></p>	<p>Whilst progress has been made, refinements and adjustments must follow the appropriate process and the Applicant expects that if this is accepted by the Land Interest (by agreement of the principles of progressing the change), this progress will continue.</p>
2.24.28	<p>21. Either the ExA must recommend the DCO is not granted, or it must, as set out in [REP4-130], recommend Article 23 (3) of Part 5 Powers of Acquisition of the Draft Rampion 2 Offshore Wind Farm Order 20XX is amended as follows:</p> <p><i>(3) The power to compulsorily acquire land conferred under paragraph (1) does not apply to the Order and shown numbered [25/2, 25/3, 25/4, 25/5] 34/29 and 34/30 on the land plans.</i></p>	
2.24.29	<p>22. As we have previously stated, Mr Dickson has expressed his willingness to reach a voluntary agreement with the Applicant throughout the process. However, the Applicant's conduct has made this impossible due to their failure to engage meaningfully and at any point prior to the submission of the DCO and commencement of the examination phase. The Secretary of State cannot demonstrate that compulsory acquisition powers are either necessary or nor constitute a compelling case in the public interest.</p>	

Table 2-25 Applicant's comments on Wiston Estate, Richard John Goring, Richard Harry Goring, P Goring, Wiston Estate Partnership, Rock Common Limited's Deadline 5 - Comments on any further information/submissions received by Deadline 4 submission [REP5-184]

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
2.26.1	8.77 Applicant's Response to Stakeholder's replies to Examining Authorities Written Questions (REP4-079) Minerals – MI 1.1	<p><i>The Applicant and West Sussex County Council (WSSCC) held a meeting on 23 April 2024. At this meeting, WSSCC acknowledged that having considered the Applicants response a full Minerals Resource Assessment would be difficult to achieve and therefore a proportionate response should be provided. It was agreed that more detail can be provided to confirm that safeguarded minerals will not be treated as waste material. WSSCC requested confirmation to be provided on the Applicant's position that prior extraction is not feasible and clarity to be provided that minerals would not be considered in the same way as other excavated materials (which are covered by the current procedure within the Outline Code of Construction Practice [REP3-025]). If specific measures are required to manage minerals encountered along the cable route, WSSCC requested that these be considered separately in the Materials Management Plan (MMP) which will form part of the Code of Construction Practice (CoCP). Following the meeting the Applicant has considered the request and undertaken a further review of construction practices for the cable route. The Applicant can confirm:</i></p> <p><i>The Applicant will not treat any mineral encountered as waste. The construction process will follow common construction practice in re-using the subsoils or minerals excavated during the cable corridor works, within the construction and reinstatement of the temporary construction corridor, chiefly through the backfilling and reinstatement of the cable trenches. It is expected that all materials excavated will be replaced in the same general location that they were excavated from.</i></p> <p><i>The Applicant confirms that full scale prior extraction is not feasible for the following key reasons: For the sand and gravel minerals safeguarding area, in the meeting on 23 April 2024 WSSCC acknowledged that the thin, linear nature of the cable corridor would make prior extraction of the full thickness of the potential sand resource (possibly up to 40m thick) very difficult to achieve. This is due to the limited size of the working area available and the need to provide appropriate slope angles on the extraction faces to maintain land stability. This is particularly relevant where the cable route runs adjacent to the A283. In addition, if prior extraction to any depth was achievable this would leave an open pit as a void</i></p>	<p>We note the proposal by the Applicant to not treat any mineral encountered as waste and that it expects that all materials excavated will be replaced in the general location they were excavated from. The Applicant has stated that they will provide a section within the Materials Management Plan to deal with minerals during construction and have provided draft headings. This detail should be provided at DCO stage.</p> <p>Once the sand is dug out it will take up significantly more space than it did in the ground. This is because once the material is excavated the material volume will increase because of disturbance during the excavation, known as bulking. Our advisers estimate this could amount to 5000 to 6000 tonnes of mineral across the Applicant's cable route proposed on land owned by the Estate.</p> <p>There will therefore be a significant risk of loss of mineral resource, due to the construction of the cable and increase in material volume as outlined above. This will need careful managing and it will be important to make sure this excess material is either used onsite for backfilling purposes or stored elsewhere for future use.</p> <p>It should be noted, the Estate owns Rock Common Quarry, which is an active sand processing facility, which is directly abutting the DCO boundary. Space could be made available at the quarry to store excess quantities of sand if required by Rampion.</p> <p>The DCO or commitment register needs to be explicit that any extracted sand which is not replaced in the location where it was found should be recorded and declared to the Mineral Rights Owner. This mineral is owned by the Mineral Rights Owner (Wiston Estate) and should be handed over to them in a manner agreed between the Applicant and the Estate.</p> <p>The Applicant states that full scale prior extraction is unfeasible. They have not discussed prior extraction with the Wiston Estate and many of the constraints identified by the Applicant could be overcome by working in collaboration with the Estate. For example, a wider corridor could have been allowed for within the MSA allowing a</p>	<p>The information that has been submitted within the Outline Code of Construction Practice [REP5-064] and Applicant's Comments on Deadline 3 Submissions [REP4-070] outline that due to the construction process, the primary aim of the minerals mitigation will be to return minerals to the ground via backfilling and safeguard this mineral for future extraction. Any surplus mineral which is then produced (whether by displacement, bulking or otherwise) will be considered for re-use and this will be undertaken in discussion with the land (or minerals rights owner) as necessary. This approach applies to all mineral that might be encountered either within the MSAs or elsewhere. In the case of any surplus minerals arising from Wiston Estates land, the proximity of the Rock Common Quarry processing facility is noted by the Applicant as being potentially relevant.</p> <p>Prior extraction is only relevant where it can be undertaken within the parameters of the proposed development. In the case of Rampion 2, the case has been stated that prior extraction is not practicable and this has been accepted by West Sussex County Council. There is no requirement in policy to look to expand the proposed workings or change the design of a project to accommodate prior extraction.</p> <p>Minerals sterilisation has been considered by the Applicant throughout the project, and it was a subject which was identified within the Land Use chapter of the PEIR provided for statutory consultation in Autumn 2021.</p> <p>The Applicant has responded to the other points made here previously. Relevant documents include:</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>in the landform. The backfilling of this open pit, with the amount of fill required, the transport required to deliver this backfill material and the workings needed to both extract and fill this area are not considered to be sustainable. Detailed drainage and long-term water management considerations associated with the backfilled pit would need to be undertaken. Alternatively, not filling the void and leaving an open pit feature in-situ with the cable laid within would result in significant landscape and visual impacts in the South Downs National Park. Leaving this mineral in-situ therefore provides a more sustainable approach with minimal disturbance. Complete extraction of potential minerals / aggregate materials underneath the easement corridor exclusively from within the Applicant's permanent easement corridor is technically and economically unfeasible.</i></p> <p><i>The management of minerals encountered along the route (whether in the Minerals Safeguarding Area (MSA) areas or elsewhere) during the construction works will be managed by the proposed MMP within the stage specific Code of Construction Practice as outlined in Commitment C-69 (Commitments Register [REP3049] and included in the Outline Code of Construction Practice [REP3-025] (secured via Requirement 22 within the Draft Development Consent Order [REP3003]). Within the MMP it is proposed that a separate section on minerals is provided (as per the addition of Section 4.13 in the Outline CoCP at Deadline 4), to differentiate these materials and the approach to their management from the other excavated materials. This minerals section would provide the following information:</i></p> <ul style="list-style-type: none"> <i>• How minerals will be identified and differentiated from other sub-soil materials to be excavated, to determine if they do exist (quantity and quality) within the excavations undertaken.</i> <i>• How any identified minerals will be extracted and stored to ensure that they are kept separate from, and not sterilised through contamination with, other materials;</i> <i>• How the stored minerals will then be re-used in the cable construction and reinstatement works to minimise their mixing with other excavated materials being replaced; and</i> <i>• Should there be any minerals available following the construction and reinstatement works, how other options for the re-use of this material, either within, or outside the development, will be considered and implemented, as per the WSCC Safeguarding Guidance and subject to agreement with the minerals rights owner.</i> 	<p>more pragmatic implementation for the sand to be excavated prior to the project. As mineral sterilisation has been an afterthought for the Applicant these discussions have not been entered into with the Estate or with WSCC.</p> <p>The Applicant states in Commitment C-69 of the Commitments Register (REP3-049) that “<i>Construction strategies will be implemented that will seek to maximise the reuse of excavated clean materials from the onshore cable construction corridor where practicable and feasible.</i>” The detail provided by the Applicant in their responses does not fulfil this Commitment.</p> <p>The Applicant states that they will provide details in the MMP on “<i>How the stored minerals will then be re-used in the cable construction and reinstatement works to minimise their mixing with other excavated materials being replaced.</i>” The Estate cannot see the difference in the Applicant's approach here compared to areas outside the MSA, where they will be using excavated materials to back fill the trenches. There needs to be greater clarity from the Applicant as to whether they are trying to make use of this mineral in construction or simply trying to safeguard the mineral.</p> <p>The Applicant concludes that these measures will mean that “<i>all minerals encountered will either remain available for future extraction after the operational phase of the Project is complete or be used as a resource and are therefore safeguarded from permanent sterilisation.</i>” We do not agree with this statement as we estimate there will be approximately 5000 – 6000T of excess mineral excavated during installation of the cable route which will not be capable of being reused on estate lands. The mineral is a valuable commodity owned by the Estate and the lack of detail provided by the Applicant raises concerns about how the excess mineral will be used.</p> <p>The Estate also notes the ExA's suggested requirement to remove the cable from the MSA following decommissioning. The Estate supports this suggestion and would also like to see the DCO amended to provide certainty that the cable will be decommissioned within the 30-year timeframe referred to by the Applicant in the application documents, to ensure the minerals are not subject to sterilisation for a longer / indefinite period.</p>	<ul style="list-style-type: none"> • Sections 2.31.71 (ix and x) in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122]; • Outline Code of Construction Practice [REP5-064]; • Applicant's Comments on Deadline 3 Submissions [REP4-070]; • Applicant's Response to Action Points Arising from Issue Specific hearing 2 and Compulsory Acquisition Hearing 1 [REP4-074]; • Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119]; • Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121]; and • Applicant's Response to Stakeholder's Replies to Examining Authority Written Questions [REP4-079].

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>In this way, all minerals encountered will either remain available for future extraction after the operational phase of the Project is complete or be used as a resource and are therefore safeguarded from permanent sterilisation.</i></p> <p><i>The contents of the MMP will also show accordance with Policy MP9(b) of the West Sussex Joint Minerals Local Plan, in that it will confirm that the cable construction, as a non-minerals development within a MSA, will not permanently sterilise the minerals resource identified. The MMP will also confirm that the position identified within the Planning Statement (APP036) also remains relevant: that the demonstrable, overriding and urgent need for the Project outweighs the temporary sterilisation of the minerals during the construction and operational phases of the Proposed Development.</i></p>	<p>The Applicant states "The MMP will also confirm that the position identified within the Planning Statement (APP-036) remains relevant: that the demonstrable, overriding, and urgent need for the Project outweighs the temporary sterilisation of the minerals during the construction and operational phases of the Proposed Development.</p> <p>The Estate considers that the Applicant is relying on the need for the Project overriding what has been a failure on the part of the Applicant to properly assess and take into account the presence of minerals along the cable route, and in particular the presence of and impact on the MSA.</p> <p>The Applicant has failed to make the need to avoid mineral sterilisation a factor in its assessment of alternatives. The Estate has made previous representations on alternatives (REP1-172, REP3-142, REP3-144, REP4-135, REP4-136) which it does not repeat here, but which in the Estate's view clearly demonstrate that the Applicant has not had due regard to sterilisation of minerals in selecting and subsequently promoting the cable route.</p> <p>We do not agree with the Applicant's concluding statement that the Project will be compliant with relevant policy, including 5.11.28 of EN-1 and MP9 of the JLMP. We refer to the Estate's post hearing submissions (REP4-135) on this point.</p>	
2.26.2	Table 2-16 Applicant's comments on Andrew Griffith MP's responses to Written Questions (ExQ1) [REP3-089]	<p><i>The Applicant has provided a response to the Examining Authority's Written Question reference AL 1.2 in Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051] (submitted at Deadline 3), please see Table 2-1, reference AL 1.2.</i></p> <p><i>In parallel with the National Grid's feasibility study, the Applicant carried out an appraisal of various grid connection options, this included the Ninfield alternative. The Ninfield option was discounted due to technical constraints (including shipping, steep coastline geography, and ecological sites). Depending on the landfall location, the Ninfield option may have required the onshore cable to be routed through the South Downs National Park. In addition to this, the Ninfield option would incur significant additional costs due to the longer marine cable required and would not be economically viable. Chapter 3: Alternatives, Volume 2 of the Environmental Statement [APP-044] describes the alternatives studied by the Applicant and a comparison of</i></p>	<p>The Applicant has not demonstrated that the Ninfield option is not economically viable. As the Estate has stated previously, just because something may be the cheapest option, it does not mean it is the best. Nor does it mean that other options would be economically unviable. We request the Applicant provides further information about their cost benefit analysis to underpin their claims.</p> <p>We have responded to the supposed technical constraints in the Estate's previous submissions (REP4-136). The Applicant has not demonstrated that these are true constraints.</p> <p>We also refer to our further submissions made under 20 & 21 below.</p>	<p>The Applicant has responded these points regarding Ninfield option in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant has no further comments.</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>their environmental effects across the project as a whole, including the Ninfield option.</i></p> <p><i>The Offshore Transmission Network Review (Gov.uk, n.d) was launched in August 2020 to “to ensure that the transmission connections for offshore wind generation are delivered in the most appropriate way, and to find the appropriate balance between environmental, social and economic costs” Department for Business, Energy and Industrial Strategy (BEIS) and Ofgem published a joint Open Letter (Trevelyan, 2021) which invited stakeholders to propose potential pathfinder projects and identify perceived barriers to coordination. As the AQUIND Interconnector had already submitted its DCO Application in November 2019, it would not have been possible for the project to volunteer as a pathfinder project.</i></p> <p><i>The AQUIND Interconnector has also faced significant issues receiving development consent. In January 2022, the application for development consent for the proposed AQUIND Interconnector Project was refused by the Secretary of State. Following an Order of the High Court made on 24 January 2023, the decision of the Secretary of State dated 20 January 2022 to refuse the application by AQUIND Limited for development consent for the proposed AQUIND Interconnector Project was quashed and a final decision is yet to be made, awaiting further comments from the Ministry of Defence. In the previous submission (dated 25 March 2024), the Ministry of Defence provided a response to the Secretary of State's letter of 9 February 2024 stating that “its representations relate to significant national security concerns”. Due to the uncertainties set out above, a shared connection between Rampion 2 and the AQUIND Interconnector, if feasible, could have resulted in significant delays to the connection of Rampion 2, contrary to meeting the urgent need for new renewable energy generating stations as set out in National Policy Statement (NPS) EN-1 (Department for Energy and Climate Change, 2011) and Critical National Priority for the provision of low carbon infrastructure (including offshore wind generation) as set out in revised NPS EN-1 (Department for Energy Security and Net Zero, 2024).</i></p> <p><i>The Rampion 2 project is proposed as an Alternating Current (AC) project and no rights have been sought for consent parameters compatible with delivering a High-Voltage Direct Current (HVDC) connection. The Rampion 2 project also has</i></p>		

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>no commercial route to secure a grid connection agreement via third party assets (to the transmission system operator) which currently do not have planning consent and no firm date for delivery. Holding a grid connection agreement is a pre-requisite for being able to qualify for Contracts for Difference (CfD) allocation rounds.</i></p> <p><i>Once a DCO Application and accompanying Environmental Impact Assessment (EIA) has been submitted, it is difficult for a project to introduce material changes (such as a shared connection with an offshore wind farm) for which environmental effects have not been assessed. The AQUIND Interconnector was submitted to the Planning Inspectorate in November 2019 and the DCO Examination commenced in March 2021. During this time, Rampion 2 was in the very early stages of pre-application and did not submit a Scoping Report (the first key milestone of the DCO process) until July 2020. Additionally, as the AQUIND Interconnector DCO Application was submitted prior to the production of the Rampion 2 Scoping Report (July 2020), there would not have been enough information available on the Rampion 2 Project for the AQUIND Interconnector to assess the viability of a shared connection.</i></p>		
2.26.3	4.4 Land Rights Tracked Revision D – REP4-011	<p><i>The Applicant has had meetings with the Land interest to discuss and negotiate the terms of a voluntary agreement in January, February, March, April and May 2024 with the latest meeting held on 28th May 2024. At the 28th May 2024 meeting many items in the Heads of Terms were discussed and agreed with only a few points now remaining. An undertaking is being provided for solicitor fees to review the latest version of the heads of terms, given the amount of detail that has been inserted at the land interests request, prior to further progression. The main outstanding point remains the matter of the sand reserves which the applicant is awaiting further information from the Land Interest on</i></p>	<p>We note that the Applicant states that they met with Wiston Estate on the 28th May. Amended HOT were received on the 17th of June.</p> <p>The Applicant's solicitors, Eversheds, have been in contact with the Estate's solicitors and have provided a legal undertaking for costs on the 9th July, which is very late in the process.</p> <p>There remain significant areas of disagreement, including a compensation package to reflect the minerals sterilisation and other commercial terms. The Applicant has now agreed to meet the affected tenants' reasonable professional fees to review the draft documentation, but this should have been provided at the outset of negotiations. Overall progress remains slow.</p> <p>It is important to note that the Affected Parties and their advisors have other matters to deal with. They are now heading into the busiest time of year for farmers, with harvest and not all parties will be able to progress quickly due to other commitments. These time pressures could have been avoided if Rampion had engaged properly at the commencement of the project.</p>	<p>The updated Heads of Terms were provided to the land agent and the solicitor on the 17 June 2024, however further discussions were required between the Applicants solicitors and the Landowners solicitors in order to agree a form of words for the financial undertaking, which was eventually agreed and the undertaking provided.</p> <p>A further meeting was held with the Landowner on the 29 July 2024 where a revised financial offer was proposed for the Washington Site compound, and was accepted by the landowner. Further information was also provided on the Biodiversity Net Gain requirements to allow for the landowner to provide a commercial proposal to the Applicant for acquisition of required BNG Units. The final commercial matter outstanding, that was discussed at the meeting on 29 July 2024 was the temporary minerals sterilisation given the submission of a potential claim from the landowner received by the Applicant on the 19 July 2024. The</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
			<p>The situation is still not fundamentally different to the one we reported on at the CAH1. The Estate's view remains that the Applicant has not satisfied the tests for compulsory acquisition due to the almost complete lack of meaningful engagement until this very late stage in the examination process. We do not consider that the Applicant has thus far entered into negotiations in good faith with a view of securing Land Rights by agreement.</p>	<p>Applicant has confirmed to the landowner that they are seeking specialist valuation advice on this aspect of the Landowner's counter offer and will revert shortly on any updated offer should that be appropriate.</p> <p>The Applicant refutes that we have not engaged with the Affected Party and it continues to have regular meetings with them in order to reach a mutually agreeable deal on their voluntary agreement, the latest meeting of which has reached an agreed compound rental value for the main construction compound at Washington Compound.</p> <p>At Deadline 5 the Applicant submitted an LER to summarise the engagement to date with the Wiston Estate, please see Land Engagement Report – Wiston (Document Reference: 4.6.8). An update of this will be submitted at Deadline 6 .</p>
2.26.4	8.66 Applicants Comments on Deadline 3 Submissions REP4-070	<p>2.28.1 <i>Reasons for not connecting to Ninfield</i></p> <p><i>Please find the response regarding the question on Ninfield under the Examining Authority's Questions 11 and 12 in (8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70)), at Deadline 4. The cost estimate for a Ninfield grid connection presented in Section 3.3 in Chapter 3: Alternatives, Volume 2 of the ES [APP-044] considers the cost difference between offshore and onshore cable construction, and includes other cost aspects related to the grid connection at Ninfield.</i></p> <p><i>In parallel with the National Grid's feasibility study, the Applicant carried out an appraisal of various grid connection options, this included the Ninfield alternative. The Ninfield option was discounted due to technical constraints (including shipping, steep coastline geography, and ecological sites). Depending on the landfall location, the Ninfield option may have required the onshore cable to be routed through the South Downs National Park. In addition to this, the Ninfield option would incur significant additional costs due to the longer marine cable required and would not be economically viable. Chapter 3: Alternatives, Volume 2 of the Environmental Statement [APP-044] describes the</i></p>	Please refer to our comments under 2, 20 & 21.	We have replied under these points.

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>alternatives studied by the Applicant and a comparison of their environmental effects across the project as a whole, including the Ninfield option.</i></p>		
2.26.5		<p>2.28.5</p> <p><i>Please find the response regarding the question on Ninfield under the Examining Authority's Questions 11 and 12 in (8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document reference: 8.70)), at Deadline 4.</i></p> <p><i>The Applicant has also provided a response to the Examining Authority's Written Question reference AL 1.2 in Deadline 3 Submission – 8.54 Applicant's Responses to Examining Authority's First Written Questions (ExQ1) [REP3-051] (submitted at Deadline 3), please see Table 21, reference AL 1.2.</i></p> <p><i>In parallel with the National Grid's feasibility study, the Applicant carried out an appraisal of various grid connection options, this included the Ninfield alternative. The Ninfield option was discounted due to technical constraints (including shipping, steep coastline geography, and ecological sites). Depending on the landfall location, the Ninfield option may have required the onshore cable to be routed through the South Downs National Park. In addition to this, the Ninfield option would incur significant additional costs due to the longer marine cable required and would not be economically viable. Chapter 3: Alternatives, Volume 2 of the Environmental Statement [APP-044] describes the alternatives studied by the Applicant and a comparison of their environmental effects across the project as a whole, including the Ninfield option.</i></p> <p>2.28.6</p> <p><i>Movement of Construction Access</i></p> <p><i>The Applicant recalls that the construction access was moved at the request of the Land Interest (at a site meeting in September 2021) as it was preferred to the original proposal which caused a greater level of severance and amenity impact.</i></p> <p><i>The Applicant disagrees with the claim that the modifications implemented on the Affected Parties' land were driven by the Applicant. The Applicant does however agree that these modifications are mutually beneficial. They were initiated and considered specifically because of constraints flagged by the</i></p>	Please refer to our comments under 2, 20 & 21.	We have replied under these points.

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<i>Affected Parties. They would have unlikely been made as changes to design without the valued feedback provided.</i>		
2.26.6		<p>2.28.7 As previously detailed within this response (2.28.7), the Applicant has been actively engaging with the Wiston Estate to negotiate and agree Heads of Terms.</p> <p>Very limited rights are requested in the voluntary agreements outside of the DCO Order Limits and where they have been requested, it is on the express basis that they would be subject to further agreement between the parties. These include rights for limited ecological mitigation if required, and rights to install land drainage, if required by a drainage design, to be agreed with the landowner.</p> <p>Additional wording has been added to the Heads of Terms to clarify that all construction rights are limited to the DCO boundary.</p> <p>Draft Heads of Terms for the construction compound were provided to the landowner in Jan 2024. Discussions are ongoing on the commercial terms and all material information requests.</p> <p>Further clarification has been provided to the landowner on "plants" not including crops but restricts any plant that has a root depth of greater than 0.9m to prevent any root damage to the cable.</p> <p>Meeting with the CLA</p> <p>A meeting with the CLA took place in July 2023. The principles of the Heads of Terms were discussed and it was confirmed that ongoing discussion with landowners would be on an individual landowner basis rather than discuss detailed landowner requirements in a group forum as that would clearly be inappropriate. The Applicant's response to the CLA can be found in Table 2.6 within Deadline 2 Submission 8.51 Applicant's Response to Affected Parties' Written Representations [REP2-028].</p> <p>Alternative Dispute Resolution</p> <p>Where necessary and appropriate, Alternative Dispute Resolution would be utilised. There has been no request for ADR to date by the Wiston Estate, nor has the Applicant identified any particular issue between the parties that would be suitable for ADR at this stage. The Estate's continued</p>	<p>The Applicant lists items of current areas of disagreement within the HOT. There are substantially more items than those listed, to include payment of Affected Parties' time dealing with the Rampion project, commercial terms over payment and compound rates. It is also noted that the Applicant only confirmed they would meet the tenants' reasonable professional fees at the end of May 2024, and they will require sufficient time to review the draft HOT.</p> <p>Although we acknowledge the Applicant's solicitors have been in touch with the Estate's solicitors, this did not occur until June 24. Progress should have been made with the legal representatives in March 23, at the point HOTs were issued.</p> <p>The detail about the Wet Pools Compound referred to by the Applicant was delayed by RWE because we understand they were looking into visibility splays relating to access and egress to the public highway. New areas of hedging are being removed to enable visibility splays. This should have been considered at a much earlier stage of the project, indeed Wiston Estate brought highway concerns to the Applicant's attention during the initial consultation stage.</p> <p>We note the Applicant's comments that they are waiting for confirmation of the legal names of the Land Registry Titles. This is not an outstanding point which will slow down progress on the HOT.</p> <p>With regards to vineyards, the Applicant states that none of the land which is affected by the proposed cable route is currently planted as a vineyard. It is the Estate's understanding that they should stop any proposals to plant once they were aware of the Rampion project, as any actions taken after that time might not be reimbursed. The substantial investment of planting vines also meant that it would be too much of a risk for either Wiston Estate or third parties to plant vines whilst under threat of compulsory purchase.</p> <p>We note the Applicant states that the permanent rights over the 40m corridors have now been removed and that this is an example of where discussions between the parties have led to appropriate refinement of the voluntary</p>	<p>A further update was received from the landowner's agent on the 25 July 2024 on the wording in the Heads of Terms which has raised additional points not raised during previous meetings. The Applicant is currently considering the requests and will respond shortly.</p> <p>A meeting was held with the Landowner on the 29 July 2024 and the three remaining points were discussed, being compound rental value, temporary mineral sterilisation claim and BNG. The Applicant has responded with an updated compound rental value, which has been accepted and information on the BNG requirements. The final commercial matter discussed was the Mineral Sterilisation matter which the Applicant is obtaining specialist advice on the landowners claim.</p> <p>The access point A-39 into the Washington Construction Compound was amended to be further East along the A283 due to updates to bellmouth design with checks on swept path analysis for expected vehicles and horizontal visibility splays, as described in Table 1-1 of the Technical Note Construction Access Update Assessment Summary [REP3-055]. The Landowner was updated at the meeting in May 2024 with the design change along with confirmation that any traffic calming measures would take into account his own traffic measures proposed in his application to reinstate Rock Common Quarry, with a decision on his application expected in September 2024.</p> <p>Heads of Terms and legal documentation are agreed with the legal owner of the land (The Grantor). The Applicant has been relying on the Proprietor names as detailed within the Title documents on the Land Registry. Sometimes these details are historic owing to delays within Land Registry itself. When the Heads of Terms were provided to the</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>pressing for route options, which cannot be adopted by the Applicant, is not a matter that can be resolved via ADR. Nor has a point arisen in the Heads of Terms negotiations which reasonably requires ADR, However, the Applicant will keep this under review and will utilise where there would be benefit to all parties to unlock a particular disputed point</i></p> <p><i>Queries received from the Wiston Estate on the Heads of Terms</i></p> <p><i>The Applicant received a number of queries from the Wiston Estate in October 2023 and November 2023, to which answers were provided in part in October 2023, November 2023, December 2023 and January 2024. Once the Estate had time to review the Option and Easement documentation (sent on 18 October 2023), a detailed set of queries was received from the Estate on 14 December 2023. The Applicant subsequently reviewed these and a date for a meeting to discuss (when both parties were available) was set for 18 January 2024. The Applicant has had further meetings with the Land Interest to discuss and negotiate the Heads of Terms of a voluntary agreement in February, March, April and May 2024. As of 28 May 2024 many items in the Heads of Terms were discussed and agreed with some points now remaining.</i></p> <p><i>Negotiation of Heads of Terms</i></p> <p><i>As previously outlined, progress has been made with the Heads of Terms negotiations since the DCO submission and the Applicant welcomes further opportunities to progress the negotiations. A 5 hour meeting took place between the Applicant and Wiston Estate on 28 May (further to similar meetings in January, February and March 2024) which are leading towards a number of agreed terms. The Applicant therefore strongly disputes that there "is no realistic prospect of achieving a voluntary agreement" as was cited at the CA1 hearing.</i></p> <p><i>The Applicant has reviewed the Land Interest's queries in detail and subsequently amended the Heads of Terms where either additional assurance was required for a specific point or the Applicant agreed to an amendment to a specific point to progress negotiations and agree a suitable draft Heads of Terms.</i></p>	<p>agreements. This was not confirmed until March 2024, and was a clearly inappropriate provision at the outset. The Heads of Terms and draft legal documents should have aligned from the outset.</p> <p>This is another example of the failure of the Applicant to seek the rights by voluntary agreement and lack of meaningful engagement prior to the submission of the DCO Application.</p>	<p>landowner, one of their advisers queried the details on file, as they believed all Titles affected by the proposed works had recently been transferred to Richard Goring's name alone. The Applicant was waiting for an update from the land interest on this point (who was seeking feedback from their solicitors, as detailed within meeting action notes from 20 March 2024 and 12 April 2024). However, a recent Title search on Land Registry showed the updated ownership information and the Heads of Terms were updated to include the correct legal ownership details and circulated with the landowner on 4 July 2024.</p> <p>Please refer to the Land Engagement Report – Wiston (Document Reference: 4.6.8) provided at Deadline 5 and updated at Deadline 6 for the history of engagement .</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>These discussions are ongoing with the status of the main topics being: - Clarification has been added on the rights being requested during the Option and Easement and has generally been accepted by the Land Interest as it is in accordance with the DCO rights requested. – Tree/vegetation planting on the easement width has been clarified and accepted. – Engagement with their tenant farmers has been accepted and progressed directly.</i></p> <p><i>The main outstanding points from the from the meeting on 28 May 2024 is around the indexation of the commercial terms and a commercial counterproposal on bespoke items The Heads of Terms also need a legal review and the Applicant's solicitors have engaged with the Land interest's solicitors to provide an undertaking for that review.</i></p> <p><i>Outstanding Points</i></p> <p><i>Sand Reserves – There are ongoing commercial discussion in this respect and the Applicant is awaiting a report from the Wiston Estate on their position on sand reserves.</i></p> <p><i>Wet Pools Compound – A response on the compound lease was provided by the Land Interest's agent on 8 May 2024 and updated drafting was provided to the Land Interest on the 20 May 2024 and discussed and further outstanding matters closed at the meeting on the 28 May 2024.</i></p> <p><i>Legal Names on the Land Registry Title – The Applicant is awaiting confirmation from the land interest's advisor regarding the legal name that the three main Title Deeds are held under, as it is understood these have been transferred in ownership.</i></p> <p><i>Vineyards – The Applicant understands that none of the land which is affected by the proposed cable route is currently planted as a vineyard. The Estate has indicated that it intends to develop further land as a vineyard which is affected by the proposed cable route. Whilst the Applicant received a site suitability analysis of the Estate land from the Knight Frank viticulture team on 3 May 2024, the Applicant has not seen anything to confirm the plans are progressed, such as timescales regarding the planting of vines.</i></p>		

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>Biodiversity Net Gain (BNG) – The Applicant has had positive discussions with the Estate regarding BNG credits and looks forward to progressing these discussions when applicable.</i></p> <p><i>The Heads of Terms were not deliberately misleading. They contained the correct construction strip width of 40m. The draft legal documents however made reference to some ongoing maintenance rights over the 40m corridor. This reference has now been removed in all legal draft documents for all landowners so that it entirely aligns with the Heads of Terms. This is an example of where discussions between the Parties have led to appropriate refinement of the voluntary agreements. The Applicant is certain that other amendments to the voluntary agreements will be discussed and implemented through the course of negotiations.</i></p>		
2.26.7		<p>2.28.11 <i>Process for investigating the Blue Route</i></p> <p><i>The alternative route, to the south of Washington village including an alternative construction compound, was submitted by Wiston Parish Council (Councillor John Goring). The Alternative – known as the 'Blue Route' was submitted as a clearly defined cable route, described and plotted on a plan</i></p> <p><i>The Applicant investigated the route in the same way as other requests. The Applicant added the route to the project's Geographical Information System which had relevant constraints data available at the time based on desk based research and reviewed this in detail, adding in best available construction and operational access options to make it as practical for the delivery of the project as possible. Following this a full BRAG assessment was conducted by the Applicant's interdisciplinary team. Ground truthing site visits using public rights of way sense checked visible constraints for the route – such as topography</i></p> <p><i>The overarching rationale and decision-making process for not progressing with the Blue route' to consultation was communicated verbally by the Applicant at a site meeting with the Affected Party in April 2022 and later by way of a presentation to the neighbouring landowner Washington Parish Council at a Parish Council meeting on 7th November 2022.</i></p> <p><i>Further detail of the assessment (since provided in the written representation responses) was not communicated, as the outcome was clear cut rejection of the Blue route being much</i></p>	<p>Whilst the Estate acknowledges that there was a very brief verbal communication saying that the alternative Blue Route was not possible because of engineering works and ASNW (Ancient Semi-Natural Woodland), there was no written follow up with the details of these issues, which had been promised by the Applicant at the meeting in April 2022.</p> <p>We refer to the Wiston Estate Minerals/Alternatives Report (REP4-136) which provides more details about the feasibility of the Blue Route.</p> <p>We note the Applicant discounts the Alternative Construction Route partially due to the only option for construction traffic access to this site being via a Public Right of Way. The Estate does not believe that the Rampion project does not interact with PROW elsewhere on the proposed route. Indeed, it understands that Rampion 1 partially utilised the South Downs Way – a major PROW- for construction traffic.</p> <p>It is frustrating that none of this information has been shared with the Estate until recently in this DCO process. If the Applicant had been upfront in their decision making, then the Estate could have fed into these discussions to enable both parties to get to the best final solution. It feels like the justifications provided have been an afterthought and the discussions are now much more time pressured than they needed to be.</p> <p>The Applicant states that the Blue Route would be more visible from Chanctonbury Hill and Chanctonbury Ring than</p>	<p>The Applicant has responded in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>higher risk to the project on environmental and technical engineering grounds. As noted previously these are also the reasons for not presenting it in the Alternatives Chapter.</i></p> <p><i>A separate, BRAG assessment was also conducted for the requested construction compound associated with the 'Blue Route' to test if this may have worked as a standalone change (or in association with the Blue route). The BRAG assessment for this compound concluded that the Alternative Construction compound was not suitable for the project. The principal reasons for this were</i></p> <ul style="list-style-type: none"> <i>- Engineering: that when considering that the site is flanked by ancient woodland – the application of the buffer leaves insufficient space for accommodating a construction compound.</i> <i>- Environmental: The only option for construction traffic access to this site is via Public Rights of Way</i> <p><i>Landscape and Visual Impacts The Applicant acknowledges that there are pros and cons to the alternatives looking at environmental impacts.</i></p> <p><i>For example, considering the 'Blue Route' there would be no change to the number of the Landscape Character Areas affected in comparison to the DCO, although the geographical extent and number of associated landscape elements affected by the cable route would increase for the 'Blue Route'.</i></p> <p><i>The 'Blue Route' would prolong the route of the cable corridor along the chalk escarpment within the South Downs National Park and along the South Downs Way National Trail. Similar to the Preliminary Environmental Information Report (RED, 2021) PEIR option, there would be some Significant effects on the Special Qualities of the SDNP during the construction phase, although in this case they would be also occur in greater association with Chanctonbury Hill and Chanctonbury Ring and the setting of the National Park in this area. It is likely that there would be additional views to consider from the south eastern edge of settlement of Washington where the route would be visible skirting the base of Combe Holt and Chactonbury Hill (a distinctive wooded feature forming the skyline in views from the north)</i></p> <p><i>Overall, the DCO route compares favourably over the Blue route.</i></p> <p><i>Minerals Sterilisation</i></p>	<p>the current proposal. The Estate strongly disagrees with this as the current DCO route will be very visible from Chanctonbury Ring, as the A283 is very visible from Chanctonbury Ring.</p> <p>With regards to the further information provided by the Applicant on the feasibility of the Blue Route, whilst the Estate understands the hierarchy of the LWS (Local Wildlife Site) and ASNW (Ancient Semi-Natural Woodland), if there is HDD under the ASNW elsewhere on the proposed route, could HDD here not be considered to minimise the impact on the ASNW?</p> <p>The Applicant discounts the Estate's alternative proposal of a construction compound at the Chalk Quarry partly due to its size. The Quarry area identified by the Estate is sufficiently sized totalling 2.8ha (6.9acres.) This was the size of the original area of Wet Pools compound shown in the initial consultation documents.</p> <p>The Applicant states reasoning behind discounting the Washington A route was partly due to the route having to cross the landfill site. This route would never have needed to cross the landfill and could have avoided it (as demonstrated in the Estate's representations REP4-136.) As shown in the Applicant's alternatives, the route that went through the landfill was 'Windmill Quarry A' rather than 'Washington A'. Both parties agreed going through the landfill site was not a suitable route.</p>	

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>Please refer to the full answer on how Minerals Sterilization impacts for the Alternatives compared at the point of the assessment as set out in the 8.70 Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) Errata noted regarding Washington A & B in the Alternatives Chapter</i></p> <p><i>The Affected Party is incorrect in alleging that the Blue Route has not been assessed. As set out above the Applicant reviewed the specifically requested Blue Route option in its own right to consider the nuances of the Alternative rather than rejecting it on the basis of shared aspects with the 'Washington B' alternative.</i></p> <p><i>The Applicant acknowledges that the discourse on Washington options A and B is confusing in the Environmental Statement and will pick this up as errata.</i></p> <p><i>Options labelled as Washington A and B are shown in Figure 3.5 Chapter 3: Alternatives – Figures, Volume 3 of the ES [APP-075]. The Applicant has noted an errata to how this has been presented in this figure and will switch the Washington A and B option names presented. The description of Washington A in Table 3-6 of the Chapter 3 Alternatives, Volume 2 of the ES [APP-044] will also be updated. The applicant will provide an update to correct these at Deadline 6. However, the reasons that Washington A was discounted remain valid and are set out in the Chapter.</i></p> <p><i>They include the combination of following reasons:</i></p> <ul style="list-style-type: none"> <i>- The existing landfill site to the east of Windmill Quarry is an authorised landfill with an active environmental permit from the Environment Agency (EA), currently showing as in the closure phase. Putting the cable route through the landfill would change the conceptualisation of the closure phase and require the environmental permit to be amended. The Applicant would not be able to do this as it is not the operator of the landfill which presented a risk to consent;</i> <i>- The landfill accepted household, commercial and industrial waste and presents a significant contamination risk. Given the nature of the waste and the need for the cable route to go through the containment of the landfill, it would raise objection from the EA (later confirmed during consultation). There would be additional technical design requirements and related cost impacts on this route. The route presented in the DCO</i> 		

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>Application avoids this interaction, passing south of the landfill;</i></p> <p><i>- Technical engagement with the Expert Topic Group (see paragraph 22.3.8 of Chapter 22 Terrestrial Ecology and Nature Conservation, Volume 2 of the ES [APP-063]) on 28th October 2020 included discussion of the cable route options including discussion particularly regarding ancient woodland on Washington A versus the Local Wildlife Site (LWS) at Sullington Hill on Washington B. This discussion suggested that the correct implementation of the mitigation hierarchy, where a choice between a route interacting with ancient woodland or a LWS had to be made, then the irreplaceable habitat of ancient woodland should take primacy for avoidance.</i></p> <p><i>The proposed 'Blue route' initially broadly follows the Washington A route and started from Sullington Hill and ran east, passing under the A24 and beneath the ancient woodland to the east, south of Washington Village.</i></p> <p><i>In contrast to the Washington A Alternative, the Blue Route does not cut through the existing landfill site to the east of Windmill Quarry. The Blue Route encounters different constraints where it diverges from the Washington A route</i></p>		
2.26.8		<p>2.28.12</p> <p><i>The Applicant provided a detailed response on this in Applicant's Response to Affected Parties' Written Representations [REP2-028] however, it provides further explanation below as there appears to be some misunderstanding of this point.</i></p> <p><i>Ancient woodland is noted as an irreplaceable habitat in planning policy. To provide some further clarity on the woodlands and their treatment: The Blue Route interacts with two areas of ancient woodland: i) a trenchless crossing at "Planted Field" was included in the appraisal of the Blue Route and ii) the requested cable route comes into the vicinity of Sawyers Copse and a neighbouring unnamed ancient woodland. Due to the gas pipeline's placement, if open cut trenching is pursued – the commitment to maintain the 25m buffer to the ancient woodland cannot be implemented. There is insufficient space. Therefore there would be unacceptable impacts on ancient woodland. Trenchless crossing here was not considered in the appraisal due to the spatial constraints in that specific area of the corridor</i></p>	<p>The Wiston Estate submitted a Minerals and Alternatives Report (REP4-136) which shows that the route past Sawyers Copse, with a 25m buffer, is possible to implement. There was no mention in the Applicant's alternatives ES chapter about the hierarchy of mineral sterilisation. The impact of the project on mineral sterilisation has not been considered at all during this stage.</p> <p>Further, no good reason has been given as to why the Applicant could not use HDD as opposed to open-trenching in this area. The Applicant refers to 'spatial constraints' but these are not detailed or justified. Such unevicenced assertions cannot justify the unnecessary sterilisation of minerals.</p>	<p>The Applicant has responded to these points in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>The segment of the cable corridor route that the Blue Route would have replaced does not interact with any Ancient Woodland. In terms of the principle of following the mitigation hierarchy and avoiding Ancient Woodland where possible – the selected route is therefore preferable.</i></p>		
2.26.9		<p>2.28.14 <i>This proposed Alternative marked in yellow strings together minor route variations that have already been responded to at previous points of engagement and at previous deadlines.</i></p> <p><i>The reasons for not crossing the strip of land to the North of the Pike are set out above in response to 2.28.13. The main reasons for not following the southern edge of the A283 in full is found in the 'Applicant's response' column of this table (extract from Applicant's Response to Affected Parties' Written Representations [REP2-028]). The Applicant can note in addition that the divergence from the edge of the A283 also avoids the crossing of a block of woodland. Veteran tree T-932 is located in the southern edge of this woodland (see Appendix 22.16 Arboricultural Impact Assessment, Volume 4 of the ES [APP-194])</i></p> <p><i>Sand Reserves The Applicant's consideration of land to the south of the A283 in relation to viability of extraction relates to the size of the land parcel available within the MSA. The MSA is the area of land that needs to be considered against Policy M9(b) of the West Sussex Joint Minerals Local Plan, and as described further in section 2.28.85,. The land parcel in questions lies south of the A283, between Lower Chancton Farm to the east and the woodland block opposite to the entrance to The Hollow to the west. Once a buffer zone around the A283 and the eastern and western boundaries are considered, this provides a plot of land which is considered to be too small to form a viable extraction unit. There is no publicly available information to suggest minerals resources exist outside of the MSA in this location, which provide a larger area to work for minerals. The consideration of potential viability is therefore taken on the basis of the size of this area within the MSA. Further details on this consideration are provided within the Applicant's Responses to Action Points Arising from ISH2 and CAH1 [Document Reference 8.70] action point 9.</i></p>	<p>Borehole information has been provided as part of submission REP4-136 confirming that there are minerals in the Wet Pool Compound.</p> <p>The Applicant could and should have conducted investigations to ascertain the extent of the mineral resources. They were aware of the presence of the minerals, having been made aware by Wiston Estate in 2021, during the early stage of consultation.</p> <p>In any event, we disagree strongly that the extent of mineral could not be viably extracted. Ongoing quarrying operations at Rock Common Quarry demonstrate a significant depth of high-quality sand and borehole records show the presence of depths of mineral of approximately 40m elsewhere in the MSA. Furthermore, the borehole records show minimal depths of overburden, meaning mining operations would reach minerals with minimal effort and cost, increasing the viability of extraction. We assert the Applicant's claims are predicated on their own lack of investigations and failure to safeguard the minerals in the area.</p>	<p>It should be noted that the Applicant's text within 2.28.14 of Applicants Comments on Deadline 3 Submissions [REP4-070] does not relate to the Wet Pools Compound, but to land to the south of the A283. Otherwise, the Applicant has responded to these points in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>
2.26.10		<p>2.28.19 <i>The Applicant has met with various tenants on site prior to the submission of the DCO Application, including but not limited</i></p>	<p>The Applicant needs both Landlord and Tenant consent to release tenancy agreements. The Applicant has not started consulting with the Tenants on the draft documentation</p>	<p>The Applicant has responded to these points within Section 2.31.71 Applicant's</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>to on 01 September 2021, 15 September 2021, 29 April 2022, 9 May 2022, 10 May 2023 and 19 May 2023.</i></p> <p><i>The Applicant has an understanding of the farming businesses affected by the temporary works from both conversations with the Land Interest and the tenants. The Applicant is expecting to have more detailed discussions in due course to incorporate mitigation and accommodation works within the Heads of Terms.</i></p> <p><i>The Applicant has requested copies of the tenancy agreements in place to inform it's strategy for securing the appropriate consents and rights as and where required. Copies of the tenancy agreements have still not been supplied to the Applicant, however, a process to contact the tenants has been agreed with the Land Interest in May 2024.</i></p> <p><i>The Applicant emailed all three of the Estate tenants in May 2024 to confirm the position in respect of tenant's fees regarding the Tenant Consent document. This email also attached the form of Tenant Consent Document and offered a meeting to discuss impact on their farming operations and possible mitigation measures</i></p>	<p>until May 2024. The Applicant states that it expects to have more detailed discussions "in due course" to incorporate mitigation and accommodation works within the Heads of Terms. This should have occurred much earlier in the process, prior to submission of the DCO application, or at the very least prior to the start of the examination. Even at this late stage these statements are vague and non-committal and in the Estate's view, demonstrate the Applicant's failure to properly engage with land interests.</p>	<p>Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant's approach has been to agree Heads of Terms with the landowner, engaging first with the landowner affected by the cable route. The tenants have been consulted and their views considered, but discussions have initially been with the landowner who has the legal capacity to grant the rights to the project.</p> <p>The Tenant Consent document was first sent to the Estate on 19 March 2024 for their approval. It was subsequently sent to the tenants on 31 May 2024 following the Estate's approval.</p> <p>On 18 July 2024, the Applicant met with both Chris and Caroline Hodgkins (the AHA tenant at Locks Farm) and Charles How (the AHA tenant at Lower Chancton Farm / Great Barn Farm) on site to introduce an Agricultural Land Liaison Officer (ALLO). The purpose of this visit was for the ALLO to explain the following:</p> <ul style="list-style-type: none"> • the practical steps the project takes to minimise disturbance to farming the rest of the land. • how crossing points are designed/ managed • how the project manages the water during construction including pre and post construction drainage designs. • Reinstatement methodologies of the land post construction. • It is therefore more tailored for parties that are working the land directly and are concerned about direct impacts to livelihoods. <p>The Applicant will consider mitigation measures with regards to farming business, such as crossing points. The tenant's preference for the best location for crossing points has been requested from the tenants</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
				<p>and their agents and the Applicant is awaiting feedback.</p> <p>The Applicant has met with Mr Kilham on various occasions since 2021. Throughout this time Mr Kilham was free to submit comments on the proposals. Feedback was received on the initial cable routing which was considered, but no suggested crossing point locations have been put forward by him. The Applicant suggested the 18 July 2024 as a date for Mr Kilham to meet the ALO (As detailed above). However, Mr Kilham declined as a result of his agent being on holiday then. The Applicant has suggested 7 August 2024 as an alternative date and is currently awaiting feedback on whether he can attend. Further information can be found within the Land Engagement Report - Simon Kilham (Document Reference: 4.6.5) update at Deadline 6.</p>
2.26.11		<p>2.28.60 <i>The Applicant acknowledges the aforementioned email.</i></p> <p><i>Despite the intention at the time to issue Heads of Terms early, the Applicant had to delay offering Heads of Terms until March 2023. The cable route was still going through additional revisions and rounds of consultation due to comments received from interested parties and therefore documentation on a final cable route was not available until that process was fully completed.</i></p> <p><i>Given the amount of responses that were received during both the informal and formal statutory consultations (July 2021), there were numerous cable routing suggestions that required review, subsequent alterations and consultations (including in October 2022). Some of these iterations included changes requested by the Wiston Estate, which were consulted upon and then incorporated within the design.</i></p> <p><i>Once the consultations were concluded and a final route was established, it was possible to start issuing Heads of Terms to landowners from March 2023.</i></p>	<p>The Applicant's response still does not confirm why the original Lift & Shift was offered in writing.</p>	<p>The Applicant responded to this point within Section 2.28.86 in Applicant's Comments on Deadline 3 Submissions [REP4-070].</p>
2.26.12		<p>2.28.63 <i>The Applicant was been proactively engaging with the Land Interest since September 2021. As previously detailed within 2.28.7 Heads of Terms were issued in March 2023. The</i></p>	<p>The Applicant has failed to explain why the documents were provided after the DCO application had been</p>	<p>Please refer to Table 2.28.60 within Applicant's Comments on Deadline 3 Submissions [REP4-070].</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>Option and Easement documentation was circulated on 18 October 2023, following which queries were received in various emails from the Wiston Estate's agent on 20 October 2023, 17 November 2023, 22 November 2023 and 24 November 2023.</i></p> <p><i>On 14 December 2023, the Wiston Estate provided a detailed response to the Heads of Terms and legal documentation which enabled meaningful negotiations to progress.</i></p> <p><i>A number of meetings have been carried out since December 2023, including in January, February, March, April and May 2024, as further detailed in 2.28.7</i></p>	<p>submitted if they were truly attempting to engage and seek the rights by negotiation.</p> <p>To clarify Wiston Estate did provide comments on the draft documents, both as part of the agents group and individually prior to December 2023, but received no response from Carter Jonas. In addition, at that stage professional fees were only payable on the signing of the key terms, leaving the Affected Parties exposed to costs.</p> <p>As the Wiston Estate has continually represented. The holding of meetings has been meaningless where the Applicant is not truly seeking to negotiate.</p>	<p>The Applicant has had various meetings with the Wiston Estate and their tenants since 2021. These meetings resulted in the assessment of alternative routes proposed by the Estate (and their tenants), some of which were taken forwards to the final DCO Order Limits. The period between 2021 and 2023 was for engagement, the assessment of alternative routes, and the gathering of survey data. The reviewing and assessment of alternative routes requested by landowners forms part of the first stage of engagement and negotiation.</p> <p>As previously outlined within Table 2.28.60 within Applicant's Comments on Deadline 3 Submissions [REP4-070], only when there was a final proposed cable route (design freeze) was it possible to send the first round of Heads of Terms to landowners in March 2023. The Option and Easement documentation was provided in October 2023.</p> <p>The Applicant responded to the queries posed by the Group of agents as follows:</p> <ul style="list-style-type: none"> - On 16 March 2023, Heads of Terms were issued to the Land Interest and their agent. - On 24 April 2023, a group of agents (with clients affected by the project) responded collectively with comments on the Heads of Terms included within an excel table. - On 15 May 2023, an updated spreadsheet with Carter Jonas comments on the issues raised was then circulated by Carter Jonas via email, to the same group of agents for comment. - No further responses were received from the agents specifically relating to the spreadsheet. - On 7 June 2023, Carter Jonas emailed the same group of agents, where it was confirmed that on the basis no

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
2.26.13	<p>2.28.84 <i>The restriction within the proposed agreement is to not plant anything that has the potential to affect the cable asset i.e. which has a root depth of more than 0.9m.</i></p> <p><i>There is no evidence put forward by Wiston Estate to suggest that the disturbance of the soils and geology would mean the land is then unsuitable for growing vines as it would destroy the special qualities.</i></p> <p><i>The geology and soils would be restored in accordance with the Outline Soils Management Plan [REP3-027] and long term impacts on for example water filtration rates would not prevent future growing of vines outside of the 20m easement strip.</i></p> <p><i>The Applicant welcomes further discussion relating to the layout of any new vineyard as Wiston Estate's plans progress. Various guides on the best approach to growing of vines suggest deep ripping of the subsoil prior to and during vine</i></p>	<p>Wiston Estate disagrees with the Applicant's statement that the "operations in the Outline Soils Management Plan [REP3-027] appear to be consistent with the recommended approach to preparing soil for growing vines".</p> <p>The main issue is that the cable cuts across the North/South line of the vines. Thus, taking out 20m makes a large break in the vine rows, making it much less economically viable to grow vines in these fields, as the field operations will have to be carried out across the whole field.</p>	<p>response had been received on the issued responded to on 15 May 2023, as set out within the spreadsheet, going forward there would be ongoing dialogue with individual agents in relation to specific landowner queries.</p> <ul style="list-style-type: none"> - Subsequently, Carter Jonas began discussions with various agents in relation to landowner specific details within the Heads of Terms, but did not receive feedback from Rachel Patch until October 2023. Partial feedback was then sent in a variety of emails (as previously detailed) between October 2023 and November 2023, before a comprehensive response was received within an excel schedule in December 2024. <p>The Applicant disagrees with the accusation that they did not receive answers to their queries prior to December 2023. The Applicant responded to many of the Estate's queries in October 2023 and November 2023 as detailed within the Wiston Estate LER submitted at Deadline 5 and updated at Deadline 6, please see Land Engagement Report – Wiston (Document Reference: 4.6.8).</p>	<p>The Applicant has not been shown detailed vineyard plans and it is not clear why planning future vineyards (as yet not planned) cannot take into consideration the cable construction route orientation. The Applicant continues to question why given the Estate totals circa 6,000 acres over which only 30 acres is currently a vineyard, the Estate has no other option but this field to plant vines.</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>production. From the information the Applicant has reviewed to date the operations in the Outline Soils Management Plan [REP3-027] appear to be consistent with the recommended approach to preparing soil for growing vines</i></p>		
2.26.14		<p><i>2.28.85 The Applicant's assessment of potential minerals sterilisation in this area (within Chapter 24: Ground conditions, Volume 2 of the ES [APP-065], has been undertaken in the context of both Policy M9 of the West Sussex Joint Minerals Local Plan which identifies the Minerals Safeguarding Area (MSA) for consideration, and also the publicly available information that exists on minerals within the cable route area.</i></p> <p><i>As stated by Wiston Estates in their representation, the 'Wet Pools Compound site' and the 'area southwest of the A283' are both outside of the minerals area identified by the MSA (as shown on Figure 24.3, Volume 3 of the ES [APP-111]). In addition, they are not covered by any planning policy allocations or planning applications to provide information on their potential minerals resource. As no information was available on these two sites, they have not formed part of the ES assessment within Chapter 24: Ground conditions, Volume 2 of the ES [APP-065].</i></p> <p><i>It is also relevant that none of the land in this area (other than at Rock Common Quarry, is subject to any planning permissions or policy allocations for minerals extraction. There is therefore no other publicly available information available for the assessment to have used in the consideration of any sites outside of the MSA.</i></p> <p><i>For the reasons above, the land to the north of the A283 is also considered in light of the MSA area only. The cable passes through the MSA to the north of the A283 in a limited location only: an approximately 100m stretch of route to the east of the Sussex Timber Company Buildings. Given the extent of the MSA in this area, the publicly available information suggests extraction is unlikely within the MSA due to the presence of the Sussex Timber Company buildings themselves, plus the historic Windmill Quarry and The Rough landfill sites to the west of these buildings. The landfill sites occupy land on which a previous sand quarry (Windmill Quarry) existed. It can be reasonably expected that either all of the soft sand resource in this area has been previously extracted, or that any remaining resource is now sterilised by the landfilling operations.</i></p>	<p>We refer to the submitted Minerals and Alternatives Report (REP4-136) The Applicant has vastly underestimated the mineral resource which it will sterilise, as set out in REP4-136.</p> <p>The Applicant admits that it has had no regard to any mineral resource outside of the MSA. Indeed, as is clear from the Applicant's own alternatives assessment it also failed to have regard to the minerals within the MSA.</p> <p>With regards to the minerals outside of the MSA, there is no good reason why the Applicant could not have conducted investigations or approached the Wiston Estate for information on the mineral resource present in the area. Indeed, the Estate highlighted this issue to the Applicant in previous correspondence and meetings.</p> <p>Paragraph 5.11.19 of EN1 states '<i>applicants should safeguard any mineral resources on the proposed site as far as possible....'</i></p> <p>That policy does not apply only to minerals within an MSA but to "any mineral resources." The failure to have regard to safeguarding the entirety of the mineral is a clear breach of EN1.</p> <p>We expect the Applicant to respond to the Estate's Minerals and Alternatives Report (REP4-136) and we anticipate responding further on this point, once this has been reviewed.</p>	<p>The Applicant has responded to these points in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>Discussions with WSCC have continued and at a meeting on 23rd April 2024, it was agreed that a detailed Minerals Resource Assessment would be difficult to provide at this stage due to the lack of information available. It was also agreed that further detail would be provided on why prior extraction is not considered appropriate at this time and on the process for managing minerals during construction. This detail will confirm that the proposed approach is in accordance with policy both in EN-1 (DESNZ, 2024) and the Joint Minerals Local Plan. Full details of this can be found within the Applicants Deadline 4 response to WSCC (8.66 Applicant's Comments on Deadline 3 Submissions (Document reference: 8.66)).</i></p> <p><i>The reference made to document APP-065 is Chapter 24: Ground conditions, Volume 2 of the ES [APP-065], which contains the minerals assessment for the EIA. This document has been available for review by Wiston Estates since the point of submission and it is the same document which WSCC has reviewed and commented on.</i></p> <p><i>The 8.2ha area referred to in Chapter 24: Ground conditions, Volume 2 of the ES [APP-065] can be identified from Figure 24.3, Volume 3 of the ES [APP-111], being the land contained within the 'Proposed DCO Order Limits' where they pass through the 'Bedrock Sand and Gravel'. Please refer to Figure 1 Minerals Calculation Information to the Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) Action 9</i></p> <p><i>The Applicants response to CA Hearing Action 9 Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) sets out detailed information on impacts of the Proposed Development minerals and summarises that using the EIA methodology and for the purposes of the impact assessment only, the Applicant has calculated that during the construction and operational phases of the Proposed Development the proposed DCO Order Limits could sterilise up to 2.9ha of land and 1,160,000m³ of sand,</i></p>		
2.26.15		<p>2.28.11 <i>The Applicant responds to the points raised in relation to the blue route including the clarification on interaction with ancient woodland under section 2.28.12.</i></p> <p><i>The Applicant set out the Engineering challenges in relation to the topography and gas pipeline in our response at Deadline 3 in Applicant's Responses to Affected Parties' Written</i></p>	<p>With regards to the 'new avoidable HSE risks' referred to by the Applicant in relation to running the cables parallel and in proximity to the High Pressure gas pipeline and the Applicant's point about crossing the gas pipeline at perpendicular angles, we are aware that the general preference of asset owners is for their assets to be crossed at perpendicular angles, especially where the spacing</p>	<p>See the Applicant's response in 2.31.51 in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>Representations [REP2-028] and included. Further details of these risks are also set out in the Applicant's Responses to Action Points Arising from ISH2 and CAH1 (Document Reference 8.70) Action point 10.</i></p> <p><i>- Running parallel and in proximity to the High Pressure gas pipeline in several sections requires additional construction considerations and brings new avoidable HSE risks for the project.</i></p> <p><i>- Crossing of a gas pipeline at a pinch point between Ancient Woodland areas at would be required to the East of Chanctonbury Ring Road. The requirement for stand-off distances from construction activities to the woodlands in combination with the required safety corridor around the existing gas pipeline would have left limited space for cable corridor construction presenting a risk for the project's deliverability. Additionally, the ability to cross the gas pipeline at perpendicular angles is severely constrained in this area putting the acceptability of this asset crossing for statutory undertakers at risk. The asset owner SGN confirmed that new services need to cross existing pipelines at perpendicular angles, the deliverability of which presented a risk for the Applicant in the severely constrained space near the ancient woodlands. Limited working area presents a construction risk along a long cable route that runs parallel with the gas pipeline (which in itself was rated as a high risk).</i></p>	<p>between the respective assets is minimised. Where the spacing between the assets is increased, there is more leeway to cross at non-perpendicular angles. Crossing gas pipelines is a common feature of utilities projects, especially those involving new cable routes, and we assert the Applicant is overplaying the level of risk and complexity posed by such crossings to attempt to discount a route which is both deliverable and significantly reduces the amount of mineral sterilisation caused by the project.</p>	
2.26.16	8.69 Applicants Post Hearing Submission – Compulsory Acquisition Hearing 1 (REP4-073)	<p><i>Victoria Hutton representing Mr Goring (Wiston Estate) raised issues relating to extent of the proposed acquisition and the lack of engagement with the Applicant. The affected party contended that the existence of materially less harmful options means that there will be no compelling case in the public interest for the compulsory acquisition. The affected party referred to issues relating to the impact on minerals in the land and the potential sterilisation of the same. The Affected Party contended that the Applicant has not given adequate consideration to alternative routes.</i></p> <p><i>The Applicant referred to the test in the context of compulsory acquisition for the consideration of alternatives (paragraph 8 of the CA Guidance) which is that the Applicant must satisfy the Secretary of State that all reasonable alternatives, including modifications to the scheme, have been 'explored', not that the Applicant must select the least harmful option or avoid harm as suggested by the affected party.</i></p>	<p>We refer to our post submission hearings (REP4-135)</p>	<p>We have replied under these points.</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>The Applicant clarified that paragraph 25 of the CA Guidance also acknowledges that for long linear projects it is appropriate to include compulsory acquisition powers in the DCO where it is not possible to agree acquisition of required land rights.</i></p> <p><i>The Applicant confirmed that the point relating to the potential sterilisation of minerals has already been assessed and queried whether the ExA would wish to go back over this point at this the hearing or focus on the compulsory acquisition powers (it did not).</i></p> <p><i>The Applicant confirmed that there is no policy allocation, no planning permission, and no current proposals to access the minerals in the relevant land. The Applicant noted that the question of appropriate alternatives has already principally been addressed by Applicant in previous responses to the Affected Party but clarified that the 'Ninfield option' was ruled out on the basis of previous feasibility studies for Rampion 1 which included crossing the Pevensy Levels Site of Special Scientific Interest (SSSI) between the settlements of Bexhill and Pevensy Bay and bring the works in close proximity to the Dungeness SPA. These constraints can be seen in Figure 1 of Deadline 1 Submission – 8.25.1 Applicant's Post Hearing Submission – Issue Specific Hearing 1 Appendix 1 – Further information for Action Point 3 – Fawley and Dungeness [REP1-019] alongside the Inshore Traffic Zone for which the applicant provided further information on this constraint in response to Written Question AL1.2.</i></p> <p><i>The Applicant confirmed that Ninfield was also not a site put forward by the National Grid Connection Infrastructure Options Notice process which was run in parallel to determine the grid connection location and described in the alternatives chapter. The Applicant explained that this option has been compared, but produces significant additional costs of offshore cabling, which is more expensive than onshore cabling.</i></p>		
2.26.17	8.70 Applicants Response to Action Points Arising from Issue Specific Hearing 2 and Compulsory Acquisition Hearing 1	<p><i>The Applicant has submitted the following information on prior extraction and mitigation in relation to minerals safeguarding within Applicant's Response to Stakeholder's Replies to Examining Authority's Written Questions (Document Reference 8.77) at Deadline 4.</i></p> <p><i>The Outline Code of Construction Practice [REP3-025] has also been updated to reflect this information at Deadline 4. The Applicant and West Sussex County Council held a</i></p>	Please refer to the Estate's comments on MI 1.1 at 1. above.	We have replied under these points.

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
	<p>Revision A (REP-074)</p> <p>30. Applicant to provide additional information on prior extraction and materials management plan for mitigation in relation to minerals safeguarding.</p>	<p><i>meeting on 23 April 2024. At this meeting, West Sussex County Council acknowledged that a full Minerals Resource Assessment would be difficult to achieve at this stage of the project and therefore a proportionate response should be provided. It was agreed that more detail can be provided to confirm that safeguarded minerals will not be treated as waste material. West Sussex County Council requested confirmation to be provided on the Applicant's position that prior extraction is not feasible and clarity to be provided that minerals would not be considered in the same way as other excavated materials (which are covered by the current procedure within Section 4.12 of the Outline Code of Construction Practice [REP3-025] (updated at Deadline 4).</i></p> <p><i>If specific measures are required to manage minerals encountered along the cable route, WSCC requested that these be considered separately in the Materials Management Plan (MMP) which will form part of the stage specific Code of Construction Practice (CoCP) to be provided pursuant to Requirement 22 (4) (d) of the Draft Development Consent Order [REP3-003] (updated at Deadline 4). Following the meeting the Applicant has considered the request and undertaken a further review of construction practices for the onshore cable route. The Applicant can confirm:</i></p> <p><i>The Applicant will not treat any mineral encountered as waste. The construction process will follow common construction practice in re-using the subsoils or minerals excavated during the cable corridor construction works, within the construction and reinstatement of the temporary construction corridor, chiefly through the backfilling and reinstatement of the cable trenches. It is expected that all minerals excavated will be replaced in the same general location that they were excavated from.</i></p> <p><i>The Applicant confirms that full scale prior extraction is not feasible for the following key reasons: For the sand and gravel minerals safeguarding area, in the meeting on 23 April 2024, West Sussex County Council acknowledged that the thin, linear nature of the onshore cable corridor would make prior extraction of the full thickness of the potential sand resource (possibly up to 40m thick) very difficult to achieve. This is due to the limited size of the working area available and the need to provide appropriate slope angles on the extraction faces to maintain land stability. This is particularly relevant where the cable route runs adjacent to the A283. In addition, if prior extraction to any depth was achievable this would leave an</i></p>		

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>open pit as a void in the landform. The backfilling of this open pit, with the amount of fill required, the transport required to deliver this backfill material and the workings needed to both extract and fill this area are not considered to be sustainable. Detailed drainage and long-term water management considerations associated with the backfilled pit would need to be undertaken. Alternatively, not filling the void and leaving an open pit feature in-situ with the cable laid within would result insignificant landscape and visual impacts in the South Downs National Park. Leaving this mineral in-situ therefore provides a more sustainable approach with minimal disturbance. Complete extraction of potential minerals / aggregate materials underneath the easement corridor exclusively from within the Applicant's permanent easement corridor is technically and economically unfeasible.</i></p> <p><i>For brick clay, British Geological Society (BGS) borehole information is not available along the route itself (except for a single record). Looking at BGS borehole records across the wider area, clay deposits vary in thickness and depth from the surface. Where thick clay deposits exist, full scale prior extraction is considered unlikely to be feasible due to the same reasons as sand (the depths of sand involved being 40m or more), width of corridor and voids needing to be filled). In other places, overburden could be so deep as to mean the clay is not touched by the construction works. Clay would also be replaced in the locations it is encountered, in the same manner as described for sand.</i></p> <p><i>The management of minerals encountered along the route (whether in the Minerals Safeguarding Area (MSA) areas or elsewhere) during the construction works will be managed by the proposed MMP within the stage specific Code of Construction Practice as outlined in commitment C-69 (Commitments Register [REP3-049] (updated at Deadline 4) and included in the Outline Code of Construction Practice [REP3-025] (updated at Deadline 4) and secured via Requirement 22 (4) (d) within the Draft Development Consent Order [REP3-003] updated at Deadline 4).</i></p> <p><i>Within the MMP, it is proposed that a separate section on minerals is provided (as per the addition of Section 4.13 in the Outline Code of Construction Practice [REP3-025] at Deadline 4) to differentiate these materials and the approach to their management from the other excavated materials. This minerals section would provide the following information:</i></p>		

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
2.26.18	9. The Applicant to provide an explanation of the volume of sand that could be sterilised in section 24.9.47 of Volume 2 – Chapter 4	<p> <ul style="list-style-type: none"> • How minerals will be identified and differentiated from other sub-soil materials to be excavated, to determine if they do exist (quality and quantity) within the excavations undertaken. • How any identified minerals will be extracted and stored to ensure that they are kept separate from, and not sterilised through contamination with, other materials; • How the stored minerals will then be re-used in the cable construction and reinstatement works to minimise their mixing with other excavated materials being replaced; and • Should there be any minerals available following the construction and reinstatement works, how other options for the re-use of any excavated minerals, either within, or outside the development, will be considered and implemented (as per West Sussex County Council Safeguarding Guidance and subject to agreement with the minerals rights owner). <p><i>In this way, all minerals encountered will either remain available for future extraction after the operational phase of the Project is complete, or be used as a resource, and are therefore safeguarded from permanent sterilisation.</i></p> <p><i>The contents of the MMP will therefore be compliant with section 5.11.28 of EN-1, as it provides appropriate mitigation measures to safeguard all mineral resources (whether found in MSAs or elsewhere) (Department for Energy Security and Net Zero, 2024).</i></p> <p><i>The contents of the MMP will also show accordance with Policy MP9(b) of the West Sussex Joint Minerals Local Plan (WSPCC, 2018), in that it will confirm that the cable construction, as a non-minerals development within an MSA, will not permanently sterilise the minerals resource identified. The MMP will also confirm that the position identified within the Planning Statement [APP-036] also remains relevant: that the demonstrable, overriding and urgent need for the Project outweighs the temporary sterilisation of the minerals during the construction and operation and maintenance phases of the Proposed Development.</i></p> <p><i>Within the Environmental Statement (ES) (Chapter 24: Ground conditions, Volume 2 of the ES [APP-065]) the volume of material that could be sterilised by the Proposed Development within the Minerals Safeguarding Area (MSA) for sand was identified. This volume was calculated at 1,160,000m³. The details of the calculation are provided below but can be summarised as a consideration of the area covered by the proposed DCO Order Limits within the MSA, minus land which was considered to be unsuitable for</i></p> </p>	<p>The Estate refers to the submitted Minerals and Alternatives Report (REP4-136), which provides evidence that the sterilisation of sand is significantly more than 1,160,000 m³.</p> <p>Indeed, we estimate the sterilisation of sand will be approximately 7,000,000 tonnes, which, using a norm of 1.5t/m³ equates to approximately 4,666,667 m³.</p>	<p>he Applicant has responded to these points in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
	Ground Conditions of the Environmental Statement [APP-065]. (REP-074)	<p><i>minerals extraction calculation. The thickness of the sand resource in this area is then used to identify the volume of sand. The calculation was a worst-case scenario assessment, based on the information available at the time of the assessment.</i></p> <p><i>However, it should be noted that this calculation was produced only for the purposes of identifying significance in EIA terms and has not been calculated using the standards which would be required for the reporting of Mineral Resources as per the industry standards of CRIRSCO (Committee for Mineral Reserves International Reporting Standards) member organisations, which apply for Mineral Resources and Mineral Reserve estimation and reporting. It must also be noted that the usage of the term "Mineral Resource" in the context of the MSA is also not conform with the requirements of the industry standard. The text with Chapter 24: Ground conditions, Volume 2 of the ES [APP-065] clearly states that measurements used are approximate values, and some assumptions have been used such as there being no angle of slope considerations used for minerals extraction here and the full construction cable corridor (assumed to be 40m) being sterilised during the operational phase (rather than the narrower easement corridor, which is assumed to be 20m).</i></p> <p><i>It is also relevant to note that the MSA does not provide any assumption in favour of minerals extraction (as noted in the West Sussex Joint Minerals Local Plan) and the sand resource has not been demonstrated to have reasonable prospects for eventual extraction under technical, economic and environmental considerations. Care must therefore be taken in using the 1,160,000m³ volume for any other purpose than the consideration of EIA significance.</i></p> <p><i>The basis for the calculation was originally provided within Chapter 24: Ground conditions, Volume 2 of the ES [APP-065], paragraphs 24.9.2 to 24.9.9. That text has been used to form the basis of this response, with Figure 1 Minerals Calculations Information submitted to provide clarification of the calculation process.</i></p> <p><i>The sand calculations have been based around the extent of the Minerals Safeguarding Area (MSA) for sand from the West Sussex Joint Minerals Local Plan Policy M9 (shown as the Sand Gravel area in Figure 1 Minerals Calculations</i></p>	<p>Section 4 of the Minerals and Alternatives Report (REP4-136) states 'We have assumed an average depth of 40m across each of the areas assessed. This is because there is a BGS borehole (REF. 578124, TQ11SW10) at Lower Chancton farm which shows a minimum depth of soft sand at 33m. At Rock Common Quarry to the west the depth of mineral is over 50m, this is underpinned by operational experience and a borehole record from 1992. As such we have assumed an average depth of 40m across the areas assessed.' Borehole data shows the presence of a significant depth of sand and we view the Applicant's claim that 'the sand resource has not been demonstrated to have reasonable prospects for eventual extraction under technical, economic and environmental considerations' as highly subjective and lacking underpinning. Furthermore, sand extraction continues on a daily basis at Rock Common Quarry which is adjacent to the land at Wet Pools and only a few hundred metres from the land south of the A2083. Previously, mineral extraction took place immediately north of the A2083, less than 100m from the land in question.</p> <p>The Applicant claims that part (a) of Policy M9 has been met, because the Project would not prejudice Rock Common Quarry's ability to supply mineral. We dispute this as the cable route is sterilising large quantities of sand immediately south-west of Rock Common Quarry that would otherwise have been capable of extraction via the existing work faces at Rock Common Quarry. In the Minerals and Alternatives Report (REP4-136) we conservatively used a figure of 400,000t of mineral sterilisation in this area as a result of the Applicant's cable route.</p> <p>The Applicant has asked for clarification where the second site of extraction is. This detail is provided in the submitted Minerals and Alternatives report REP4-136 which shows a number of areas where minerals are located and could be extracted.</p> <p>The information provided by the Applicant demonstrates how the Applicant has calculated the volume of 1,160,000m³. The Minerals and Alternatives report (REP4-136) clearly identifies how the Estate's calculations are underpinned.</p>	

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p>Information). This approach accords with local planning policy, which states that: “</p> <p>(a) Existing minerals extraction sites will be safeguarded against non-mineral development that prejudices their ability to supply minerals in the manner associated with the permitted activities.</p> <p>(b) Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:</p> <p>(i) Mineral sterilisation will not occur; or</p> <p>(ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or</p> <p>(iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.”</p> <p>Rock Common Quarry is the only existing minerals extraction located close to the cable corridor, and the Project would not prejudice the Quarry's ability to supply mineral. Therefore part (a) of Policy M9 has been met.</p> <p>For Policy M9(b) the supporting text confirms that for sand, the MSA includes all of the sand and gravel mineral resources identified within Appendix E; which is the Folkestone Formation identified by BGS 1:50000 scale geology mapping. No other information has been identified by the Applicant that verifiably evidences other sand resource outside of the MSA. Wiston Estates have made reference to two plots of land (the Wet Pools Compound and land to the south west of the A283) in their Deadline 3 response [REP3-142], Wiston Estates confirm that both of these plots are outside of the MSA sand area (the Wet Pools Site is identified on Figure 1 Minerals Calculations Information, but we have not been supplied with the location of the second site). There are also no planning policy allocations or any planning applications where information may be available which may relate to any sites in this area outside of the MSA. The Applicant is only able to undertake an assessment of land within which information is available to show a sand resource may be present which is why neither of these two sites were included in the calculation.</p>	<p>The Applicant states “The Applicant is only able to undertake an assessment of land within which information is available to show a sand resource may be present which is why neither of these two sites were included in the calculation” and “No other information has been identified by the Applicant that verifiably evidences other sand resource outside of the MSA.”</p> <p>We note the onus is on the Applicant to design their project and assess the impacts of their design. The fact is they have designed a cable route which runs east to west through an area where there are known minerals and a history of mineral extraction. We have highlighted this on numerous occasions and have presented alternative routes to significantly reduce the amount of sterilisation since our first engagement with the Applicant</p>	

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p>Where the onshore cable corridor passes through the MSA, the corridor will interact with approximately 8.2ha of land within the MSA (the extent of land covered by the proposed DCO Order Limits, within the Sand and Gravel area as shown on Figure 1 Minerals Calculations Information). This area consists of a thin strip of land running mainly alongside the southern side A283.</p> <p>Approximately 0.8ha of this land is covered by the A283 and has not been included in the volume calculation.</p> <p>The MSA (the sand and gravel area on Figure 1 Minerals Calculations Information) also extends to the north of the A283 in this area, however much of the MSA on the northern side of the road in this area was the former Windmill Quarry (sand) and landfill site, and the former Rough Landfill site. It can reasonably be expected that either all of the soft sand resource in this area has been previously extracted, or that any remaining resource is now sterilised by the landfilling operations, and therefore there is no viable resource remaining in this area. No information is publicly available to indicate otherwise. This leaves a small area of land where the cable corridor passes through the MSA (the Northern Area on Figure 1 Minerals Calculations Information), to the east of the former quarry / landfill, which is also constrained by the presence of an existing business, the Sussex Timber Company and existing woodland. This Northern Area (1ha) is considered too small to be viable for extraction and has not been included in the volume calculation.</p> <p>To the south of the A283, Figure 1 Minerals Calculations Information shows both the Western Area and the eastern Area, Within the Western Area, the A283 to the north provides an existing constraint on some of this land with other sand quarries in the area utilising an approximate 35 metre wide buffer from roads of this type. A woodland area to the western boundary of this land would also provide a constraint to extraction. These constraints would see the land available in the Western Area, become a narrow band measuring between 65-125m wide and 470m in length (approximate figures). Due to these constraints and its location at the edge of the MSA, this is considered unlikely to be a sufficiently large plot of land to allow a viable extraction site to be developed. The proposed DCO Order Limits through this area is therefore not considered to sterilise sand directly, or to create an area of severance between the onshore cable</p>		

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p>corridor and the A283. The Western Area (1.8ha within the cable corridor) has therefore not been included within the volume calculations.</p> <p>In the Eastern Area (Figure 1 Minerals Calculations Information) an area of land of approximately 4.5ha is covered by the proposed DCO Order Limits. If minerals extraction takes place in this location, there will need to be a buffer from the adjacent highway where minerals extraction will not take place to protect the highway. In relation to existing quarries in the nearby area, similar buffers are at least 35m wide. Due to this highways buffer, and the proximity to the buildings at Lower Chancton Farm (including Listed Buildings and residential properties) and the Sussex Timber company, some of the MSA in this area is already sterilised. The construction cable corridor will be approximately 40m wide and depending on the exact configuration of the onshore cable route within the proposed DCO Order Limits, a worst-case scenario of 2.9ha of land will therefore be sterilised during construction of the Proposed Development. This 2.9ha area of land has therefore been included within the volume calculation.</p> <p>The land considerations therefore identify an area of 2.9ha for inclusion in the volume calculation (shown by the green Eastern Area in Figure 1 Minerals Calculations Information).</p> <p>Information from the current planning application at Rock Common Quarry indicates that there is a sand and gravel seam of up to 40m thick at the quarry. Historic borehole records held by the BGS indicate sand and gravel deposits of at least 33m in the Lower Chancton Farm area (Borehole reference TQ11SW10, from BGS Geindex Onshore website, accessed 23 May 2024). This resource has not been assessed to check economic viability, but if it is assumed it was viable and a similar 40m thick seam is available in this land, then a worst-case scenario of 1,160,000m³ of sand (2.9ha x 40m thickness of sand) could be sterilised during the construction and operation of the Proposed Development. A 40m thick seam also allows all construction works in the in the construction corridor to be covered by the calculations, whether shallow cable laying, or trenchless crossing excavations at deeper depths.</p>		
2.26.19	10. The Applicant to provide an explanation and justification of	The impact on minerals and the potential for mineral sterilisation is one of the wide range of considerations for reviewing the merits of alternative routes. The interdisciplinary evaluation of the selected onshore cable route against various alternatives found it to be the most preferable when weighing	<p>The Estate is not sure what the Applicant means by the 'Blue Route' here rather than the 'Blue Route D3'?</p> <p>If the Applicant is referring to the map sent as part of the Estate's first submission on 16th September 2021, the</p>	The Applicant has responded to these points in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122] .

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
	<p>the cable route with respect to mineral sterilisation including an evaluation of alternative routes that would minimise mineral sterilisation in response to representation from the Wiston Estate. (REP-074)</p>	<p><i>up technical engineering, environmental impact (which included minerals), land interest and cost implications in the round.</i></p> <p><i>The Applicant acknowledges that there is mineral sterilisation on the selected cable route, the worst-case assessment of this is presented in the Environmental Statement (ES). The crossing of the Minerals Safeguarding Area (MSA) is unavoidable in order to connect the Proposed Development into the existing National Grid Bolney substation.</i></p> <p><i>The information provided in response to Action Point 9, shows how sand sterilisation has been calculated for the proposed onshore cable route. The Wiston Estates have provided an alternative cable route (the Blue Route) and also provided an amendment to this (Blue Route D3) within their Deadline 3 response [REP3-142]. The same methodology used for the calculation in Action Point 9, and to determine EIA significance, has been applied to these alternatives.</i></p> <p><i>The Blue Route passes through the MSA in a south-west to north-east direction, passing between Bushovel Farm and Model Cottages / Wiston Village Hall. The Blue Route interacts with 10.8ha of the MSA in this location. No planning policy or planning application information is available to indicate there are sand resources outside of the MSA in this area. There will be a buffer zone adjacent to the A283 where sand extraction could not take place (measured at 35m wide). The Blue Route is located with buffer zones around nearby properties, although there is an area of ancient woodland adjacent to the Blue Route which would cause some constraint to sand extraction. Up to 9ha of land could therefore be available for sand extraction in this area.</i></p> <p><i>The depth of sand in this area is difficult to quantify. There are no British Geological Society (BGS) borehole records within the Blue Route in this location, with information to the west indicating a thickness of sand of up to 40m could be available. To the east, BGS borehole records and planning policy information for Hams Farm show varying thicknesses of between 5m and 32m. The volumes of sand within the Blue Route area could therefore vary anywhere from 450,000m³ to 3,600,000m³.</i></p> <p><i>The impact on sand from the Blue Route D3 is also difficult to quantify, both due to the borehole data issue noted for the Blue Route, and that the option runs close to an existing gas</i></p>	<p>Estate cannot understand how the Applicant has calculated there to be 10.8Ha of mineral land here. Please could the Applicant provide the details of their calculations. The Estate is confident that the current route chosen by the Applicant is the worst in terms of impact on mineral sterilisation.</p> <p>Although the impact on minerals and the potential for minerals sterilisation is one of a range of considerations for alternative routes, the Applicant's own alternatives chapter does not consider minerals safeguarding as a material factor in decisions over the route. What we seem to be seeing now is retrospective justification in response to the concerns being raised by the Estate.</p> <p>The Estate considers the Applicant's final short paragraph on interdisciplinary assessment to be weak. The Applicant states:-</p> <p><i>"In summary neither of the routes are accepted by the Applicant in favour of the selected route, the primary reasons are twofold: terrestrial ecology (specifically the mitigation hierarchy in terms of interaction with ancient woodland) and higher technical engineering risks."</i></p> <p>We refer to the detail provided in the submitted Minerals and Alternatives Report (REP4-136) which counteracts the Applicant's statement around the impact of the alternatives on the ancient woodland. The Applicant's reference to "higher technical engineering risks" is very vague. Referring back to the Applicant's Deadline 2 submissions, much of this relates to the gas main and again, the Report (REP4-136) has already countered this.</p> <p>The Estate also refers to REP4-135 Wiston Estate Post Hearing Submissions for its previous submissions on these points.</p> <p>Overall the Estate's view is that the Applicant has failed to provide convincing reasons for not pursuing the alternative routes suggested by the Estate that would lead to a reduced impact on minerals. The Estate has provided detailed responses to the points put forward by the Applicant as justification for its preferred route.</p> <p>Crossing gas pipelines and other assets is a common feature of utilities projects, especially those involving new</p>	

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<p><i>pipeline and area of ancient woodland. Identifying how the cable would pass through this area without impacting on either of these features is uncertain. However, it is also possible that these features would already sterilise the sand in this area. Using an assumption that it would be possible for the cable construction to utilise an open trench as it enters the MSA in the south and then a trenchless crossing (and associated compound) is needed to pass underneath the ancient woodland and A283, a land area of around 1ha could be affected. Thicknesses of sand in this area of between 5m and 40m would provide volumes of between 50,000m³ and 400,000m³. If this sand was already sterilised, then no additional sterilisation would occur from Blue Route D3. However, sterilisation of volumes between 50,000m³ and 400,000m³ would be Significant in EIA terms, the same as for the proposed cable route.</i></p> <p><i>A direct comparison of the minerals sterilisation arising from the proposed DCO Order Limits, compared to the Blue Route or Blue Route D3 is therefore difficult to make due to the lack of geological data available on the Blue Route options. Using the EIA methodology, the Applicant has calculated that during the construction and operation and maintenance phases of the Proposed Development the proposed DCO Order Limits could sterilise up to 2.9ha of land and 1,160,000m³ of sand, which is considered significant in EIA terms. During the same phases, the Blue Route would sterilise 9ha of land and between 450,000m³ and 3,600,000m³, which would also be significant in EIA terms. The Blue Route D3 would interact with around 1ha of land during these phases, for which the sand could already be sterilised (not significant in EIA terms) or if the sand is not already sterilised, the route could sterilise between 50,000m³ and 400,000m³ (significant in EIA) terms.</i></p> <p><i>Interdisciplinary assessment of the Blue Route and Blue D3 draw the same conclusions as they largely follow the same path. In summary neither of the routes are accepted by the Applicant in favour of the selected route, the primary reasons are twofold: terrestrial ecology (specifically the mitigation hierarchy in terms of interaction with ancient woodland) and higher technical engineering risks. Both these matters have already been set out by the Applicant in Deadline 2 Submission – 8.51 Category 8: Examination Documents – Applicant's Response to Affected Parties' [REP2-028] under point 2.28.12 and further information has been provided at Deadline 4 in the Applicant's Response to issues raised at</i></p>	<p>cable routes, and we assert the Applicant is overplaying the level of risk and complexity posed by such crossings to attempt to discount a route which is both deliverable and significantly reduces the amount of mineral sterilisation caused by the project. The Estate's responses demonstrate that the Applicant's justification does not withstand scrutiny.</p> <p>With regards to the Applicant's claim that ' <i>The volumes of sand within the 'Blue Route area' could therefore vary anywhere from 450,000m³ to 3,600,000m³</i> ', whilst there is some uncertainty on the location of the 'Blue Route Area' the Applicant refers to, the effects on mineral sterilisation of the alternative routes is assessed in the Minerals and Alternatives Report (REP4-136).</p> <p>Applying the same logic to the area referred to as the Blue Route by the Applicant would result in sterilisation over an area of approximately 350m x 40m wide. Assuming 33m depth of mineral, this would equate to an upper end of 462,000m³ rather than the 3,600,000m³ as reference by the Applicant, demonstrating the significant reduction in sterilisation if the alternative proposed by the Estate was adopted.</p>	

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
		<i>Deadline 3. Other environmental considerations played further into the decision in addition to these lead reasons.</i>		
2.26.20	11. Applicant to provide a note comparing costs of offshore and onshore cable routes. (REP-074)	<p><i>Ninfield</i></p> <p><i>There is significant construction cost difference between the construction of onshore and offshore export cables. Offshore cable installation involves the cost of survey works, pre-installation route clearance, cable laying vessel, cable burial and installation of cable protection. The charter of these vessels incurs significant cost, and with a longer offshore cable route the charter period increases.</i></p> <p><i>The grid connection at the existing National Grid Bolney substation requires an offshore cable route of circa 25km and onshore cable route of circa 39km. Estimating possible routing options for the connection at Ninfield substation, the shortest onshore route is circa 8km which requires a 65km offshore route. These lengths are estimated as a lowest distance, and do not take into account the need for any route diversions required to account for the seabed conditions offshore, potential locations of an onshore substation near Ninfield or the likely need to avoid sensitive areas onshore.</i></p> <p><i>The cost figures of Rampion 1 demonstrate the increased cost of constructing an export cable that is predominantly in the offshore environment. The cost of the Rampion 1 offshore cables were approximately 2.5 times the cost per km of onshore cables. An increased length of offshore cable corridor will therefore outweigh any potential savings of shorter onshore cable routing.</i></p> <p><i>Indicative cost/km for one circuit (Rampion 1)</i></p> <ul style="list-style-type: none"> • Onshore Cable, £0.7m • Offshore Cable, £1.7m <p><i>The cost estimate for a Ninfield grid connection presented in Section 3.3 in Chapter 3: Alternatives, Volume 2 of the Environmental Statement [APP-044] considers the cost difference between offshore and onshore cable construction, however this figure also includes other cost aspects related to the grid connection at Ninfield.</i></p>	<p>The Applicant's brief response is lacking in detail.</p> <p>Even taking the Applicant's figures at face value, it puts the estimated cost of a connection to Ninfield at £116.1m compared to the cost of connecting to Bolney at £69.8m, so a difference of £46.3m.</p> <p>This is more than £255m short of the £302m figure included in Chapter 3 of the Applicant's ES (APP-044) at paragraph 3.3.13. Once again, the Applicant has not accounted for this very substantial difference. In the context of a scheme with an estimated cost of £3 billion (paragraph 4.1 of the Funding Statement (REP4-009)), £46.3m does not seem like a significant sum, particularly when set against the benefits of connecting to Ninfield rather than Bolney.</p> <p>Overall, the Applicant has failed to justify why Ninfield has been discounted. It is a route which avoids the SDNP and also minerals. Given its much shorter onshore cable it is likely to lead to much less harm to terrestrial ecology and also landscape harm.</p>	<p>The Applicant has responded these points regarding Ninfield option in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant has no further comments.</p>
2.26.21	12. Applicant to provide a copy of the correspondence from National	<p><i>There is no correspondence from National Grid naming Ninfield as an unfeasible connection option. The Applicant noted during CAH1 that the National Grid Connection Infrastructure Options Notification (CION) process considered the potential grid connection location for Rampion 2. Ninfield</i></p>	<p>The statement "<i>There is no correspondence from National Grid naming Ninfield as an unfeasible connection option</i>" speaks for itself. Rather, what seems to have happened is that it has been wrongly excluded from the identification / selection process.</p>	<p>The Applicant has responded further regarding Ninfield option in Table 2-30 of the document Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>

Ref	Document	Applicant's Response at Deadline 4	Wiston Estate Response at Deadline 5	Applicant's response
	Grid ruling out Ninfield as a potential grid connection point for Rampion 2. (REP-074)	<p><i>is not included as a potential option within that process which was run in parallel to the Applicant's own optioneering process. National Grid's CION documents are commercially sensitive and therefore cannot be submitted into the Examination and made public. However, the Applicant has summarised the options within the CION in Chapter 3: Alternatives, Volume 2 of the Environmental Statement [APP-044] in Section 3.3 based on the National Grid feasibility study into sites that could provide the connection electrical capacity required – this did not include Ninfield and it was therefore ruled out at an early stage of optioneering. As summarised in 3.3.26 to 3.3.30, Bolney was found to best meet the National Grid Electricity Systems Operator's (ESO) obligation to provide an economic and efficient connection. National Grid has confirmed that they are aligned with the process described in their response to Written Question AL1.3 in National Grid's Response to Written Questions ExQ1 [REP3-077].</i></p>	<p>The process may well have concluded that Bolney is the best option in economic terms, but as the Estate has stated previously, just because something may be the cheapest option, does not mean it is the best. Nor does it mean that other options would be economically unviable. The Applicant has failed to provide the National Grid correspondence that was referred to at the hearing on the basis that it is "commercially sensitive". This is deeply unsatisfactory and in the Estate's view, undermines what is supposed to be a transparent public process.</p> <p>The National Grid response the Applicant refers to (REP3-077) is very short indeed. Again, it confirms that Bolney was agreed as the "overall most economic, efficient and coordinated connection option". It does not say anything about Ninfield and gives no consideration to other factors such as environmental impacts, Including on the SDNP and on minerals. The fleeting consideration given to the environmental impacts of connecting to Ninfield was flawed, as demonstrated in REP4-135 (for example, because the Applicant wrongly stated that the route would require crossing the South Downs National Park).</p> <p>It appears to the Estate that Ninfield does present a feasible connection option. However, it appears to have been discounted at a very early stage on mainly economic grounds which on closer analysis are revealed to be marginal, even based on the Applicant's own figures. The Ninfield option should have been assessed in much greater detail due to the obvious benefits associated with an 8km onshore cable corridor rather than the the 39km corridor required to connect to Bolney and which does not cross the SDNP or sterilise minerals.</p>	<p>The Applicant has no further comments.</p>

Table 2-26 Applicant's comments on Wiston Estate, Richard John Goring, Richard Harry Goring, P Goring, Wiston Estate Partnership, Rock Common Limited's Deadline 5 Responses to ExA's Further Written Questions (ExQ2) submission [REP5-185]

No	Examining Authority Proposal	Wiston Estate response	Applicant's response
14	<p>Add the following to Requirement 35: (3) The decommissioning plan shall demonstrate that the onshore cables within the Mineral Safeguarding Area will be removed unless otherwise agreed to in writing by the relevant planning authority</p>	<p>We request that this Requirement is amended to require the removal of the onshore cables within the Mineral Safeguarding Area, without the ability for the relevant planning authority to agree that they can remain in place:</p> <p><i>"The decommissioning plan shall demonstrate that the onshore cables within the Mineral Safeguarding Area will be removed unless otherwise agreed to in writing by the relevant planning authority"</i></p> <p>This is due to the importance of the Mineral Safeguarding Area and the need to prevent long-term sterilisation.</p>	<p>The Applicant has set out the reasons for why it is not appropriate to remove the onshore infrastructure within the MSA at deadline 5, see Applicant's Responses to Examining Authority's Second Written Questions (ExQ2) [REP5-119] (MI 2.3) and Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121]. The Applicant has been in discussion with Wiston regarding the inclusion of a specific provision in a voluntary agreement relating to decommissioning given the length of the easement and the presence of the MSA. In principle if the wind farm no longer exists and the cable is no longer in use and landowner has appropriate consents to extract minerals Wiston could "trigger" the decommissioning / termination which would mean they could remove any old cables left in situ when extracting minerals.</p>
15	<p>New Requirement: (41) Works comprising Work No. 10 and Work No.11 must not commence until details of— (a) siting and layout; (b) scale and quantum of development and its uses; (c) existing and proposed finished ground levels; (d) landscaping; (e) access; and (f) external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment; for the temporary construction compound have been submitted to and approved in writing by the relevant planning authority following consultation with the West Sussex County Council and Work No.10 must be carried out in accordance with the approved details.</p>	<p>The requirement to produce the overarching site-specific plans for the compounds should form part of the DCO process and should not be a subsequent condition. This is so Interested Parties can fully understand the impact of the proposals. The impact on Wiston Estate and its operations from the construction compounds will be significant.</p>	<p>Please see the Applicant's response at point 15 of Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO [REP5-121].</p>
LR 2.1	<p>Efforts to Acquire the Land Required for the Proposed Development by Negotiation</p>	<p>We acknowledge that a further meeting has been held with Rampion and Carter Jonas (CJ) on the 28th of May to discuss the proposed Heads of Terms and mineral sterilisation.</p> <p>On the 31st of May Rampion confirmed they will meet the professional fees of the affected tenants to review the draft documents. However, Rampion have not confirmed they will meet affected parties (Wiston Estate and tenants) time in dealing with Rampion matters, which would be usual in a CPO situation.</p> <p>Revised Heads of Terms were received from CJ on 17th June.</p> <p>A report outlining the effect of the cable on the minerals was sent to Rampion on the 18th of June. No response has yet been received.</p>	<p>Please refer to Land Engagement Report – Wiston (Document Reference: 4.6.8) submitted at Deadline 5 and the revision submitted at Deadline 6.</p> <p>A response to Mr Kilham was provided on 26 June 2024 (via email) with regards to his tenant's time associated with the project. Further email correspondence has been received following this, resulting in another email confirming a revised hourly rate sent on 27 July 2024.</p> <p>The Applicant has received further comments on the 17 June 2024. Revised Heads of Terms from the Affected Party on the 25 July 2024 and the requested amendments are currently being reviewed by the Applicant.</p>

No	Examining Authority Proposal	Wiston Estate response	Applicant's response
		<p>Although the Estate acknowledges that efforts have been made by Rampion to engage and progress the HOT over the last 6 weeks, it remains disappointed with the level of engagement at this late stage in the process. The majority of these discussions should have been had prior to the submission of the DCO application.</p> <p>If Rampion were willing to truly engage on the HOT at the early stage, much of the detail (such as restricting permanent rights to the easement) could have been agreed prior to the DCO application.</p> <p>It is important to note that the affected parties and their advisors have other matters to be dealing with. Many affected parties are running substantial farming business and are coming into the busiest time of year with harvest.</p>	<p>The report outlining effects to minerals is the same report submitted to the examining authority as a late submission in Deadline 4, dated 4 June 2024 and responses have been provided in documents Applicant's Comments on Deadline 3 Submissions [REP4-070] and Applicant's Comments on Deadline 4 Submissions [REP5-122].</p> <p>The Applicant has detailed all the engagement to date in the Wiston Landowner Engagement Report showing the engagement throughout the project to date.</p> <p>The Applicant acknowledges that summer is a very busy time for farmers and will continue to engage with their professional representatives where appropriate to progress voluntary agreements.</p>
MI 2.1	<i>Mineral Safeguarding</i>	<p>Please refer to our responses on this point in the Estate's Response to the Applicant's Response to Deadline 4 Submissions being submitted separately at this Deadline 5</p>	<p>The Applicant has responded to these points in Table 2-30 in the Applicant's Comments on Deadline 4 Submissions [REP5-122].</p>
MI 2.3	<i>Mineral Safeguarding</i>	<p>There remains significant uncertainty about how long the minerals will remain sterilised during the operation of the cable. Rampion are seeking a 99-year easement from the Estate and during that period no mineral extraction will be permitted within the easement or feasible on the severed land.</p> <p>In Paragraph 4.9.29 of Chapter 4 of the ES [APP-045] Rampion states that the onshore cable will be left in-situ upon decommissioning and paragraph 4.8.1 states the operational lifetime of the development is expected to be around 30 years.</p> <p>There does not appear to be anything in the draft DCO requiring Rampion to decommission the onshore works within the 30-year timeframe they are referring to.</p> <p>We request that the draft DCO is amended to reflect the 30-year operational lifetime, to provide certainty that the cable will be decommissioned in this time frame and the minerals will not be sterilised for a longer or indefinite period.</p> <p>The DCO wording should be amended to clarify that decommissioning must take place following the 30-year life span in a reasonable period after the cessation of operation (e.g 3 years)</p> <p>Please refer to our response on the mineral sterilisation in the Estate's Response to the Applicant's Response to Deadline 4 Submissions being submitted separately at this Deadline 5</p>	<p>The Proposed Development has an anticipated 30-year life-span, and once it has been decommissioned, the buried cables across the Land Interest's land will no longer be 'live' and will be capable of removal. The Applicant has given commitments to all Affected Parties in its Outline Construction Method Statement (clean) [REP5-088] to seek appropriate mechanisms for the release of land rights that have become surplus, and will engage further to offer bespoke commitments to the Wiston Estate as part of the negotiations for a voluntary agreement, see Compulsory Acquisition Land Engagement Reports - Wiston [REP5-020]. Any impact upon the Land Interest's ability to exploit the minerals is therefore in the short to medium term only and will not affect the Land Interest's desire to protect the minerals resource for future generations.</p>

Table 2-27 Applicant's comments on Simon Kilham's Deadline 5 submission [REP5-178]

Ref	Deadline 5 Submission	Applicant's response
2.27.1	At present we are trying to program a meeting that I and the Land Agent can make, which is quite tricky at this time of year with hay making, silaging and harvest on top of the fact it is so close to the deadline. We are being pushed into a corner that makes us come across as being non engaging and awkward, which is not true.	The Applicant has offered meetings with an Agricultural Land Liaison Officer (ALLO) on 18 July 2024 (which he did not attend on the advice of his agent, who was on holiday at the time). In addition, the Applicant has offered a meeting with an ALLO on 7 August 2024 and is awaiting feedback from Mr Kilham and his agent on whether he will attend. Please see Land Engagement Report - Simon Kilham (Document Reference: 4.6.5) submitted at Deadline 6.
2.27.2	To have all of this viewed and legally set up within the time scale is not possible, however willing both parties are. No satisfactory Tenant Consent has been signed.	
2.27.3	Rampion have had 4 years to sort this out and have left it so late in the day to negotiate.	

Table 2-28 Applicant's comments on Emily Mulcare Ball's Deadline 5 submission [REP5-160]

Ref	Deadline 5 submission	Applicant's response
2.28.1	<p>We received a letter about claiming professional fees and costs from the Applicant, it on the 26/6/24 but was dated on the 6/6/24 – this has always been the case with our communication with the Applicant. This letter has only been issued due to concerns expressed in open hearings about fees and insistence by the ExA. The Applicant is failing in its duty to compensate fees and only 'persons affected' with considerable money are able to constantly keep updated in the DCO process. This is why so many affected persons are not participating in the deadlines.</p> <p>Another example of delayed communication. We received our heads of terms for an option on a small piece of land on the 22nd April 2024 but the letter was dated 15th March 2024, Lucy Tebutt confirmed to me on the phone on the 25/4/24 that the wrong date had been put on the letter.</p> <p>Communication and negotiation has been terrible by the Applicant and the high hurdle of the DCO process has not been achieved.</p>	<p>The Applicant confirms that the incorrect dates was an unfortunate administrative error. However, this does not negate the content of the letter, the aim of which was to clarify the Applicant's position in respect of fees for professional advice.</p> <p>The Applicant is seeking to negotiate an Option for a Construction Lease over Plot 33/6 (45 sqm) comprising hedgerow / roadside verge to the east of Kent Street which is owned by Dan & Emily Mulcare-Ball. The area is within the proposed DCO Order Limits as a proposed temporary Construction access (Works No.13) for which temporary rights are sought. The Applicant has requested feedback on the Heads of Terms from Dan & Emily Mulcare-Ball, the latest of which was via email on 30 July 2024.</p>

Table 2-29 Applicant's comments on Winckworth Sherwood LLP on behalf of Susie Fischel's Deadline 5 submission [REP5-180]

Ref	Deadline 5 submission	Applicant's response
2.29.1	<p>1. Introduction</p> <p>1.1. This is a written submission made on behalf of Susie and Fischel (Fischels) in respect of the Applicant's change notification request dated 27 June 2024, the Applicant's submissions at Deadline 4, and an update on engagement between the Fischels and the Applicant following on from the Compulsory Acquisition Hearing (CAH).</p>	Noted, the Applicant has no further comments on this matter at this time.
2.29.2	<p>2. The Applicant's Change Notification Request – Change C, to the Ancient Woodland (Lowerbarn Wood) on Sweethill Farm</p> <p>2.1. The Fischels received a copy of the Applicant's Change Notification to the Examining Authority on Friday 28 June 2024, and note that change C relates to land south and east of the Ancient Woodland at Sweethill Farm, where the DCO order limits have been reduced so that they no longer cross through the 25m buffer required for Ancient Woodland. The Fischels acknowledge and are in support of this change which reflects the existing Commitment C-216.</p>	
2.29.3	<p>2.2. It is however disappointing that this change has only been proposed 6 weeks before the end of the Examination, after the Fischels have expended a significant amount of time and incurred considerable professional fees; and in respect of a matter which should have been unnecessary, as the Applicant's own suite of documents should, to be consistent, have required this minimum 25m buffer to be observed right from the beginning of the process.</p>	
2.29.4	<p>3. Applicant's Comments on Deadline 3 submissions Revision A – REP4-070</p> <p>3.1. At Deadline 4 in REP4-070, the Applicant has provided its response to the Fischels' Deadline 3 submissions, set out in Table 2-30 from page 199, including a catalogue of site visits, meetings, emails and letters. The Fischels refute any suggestion that they have not at all times engaged constructively and pro-actively with the Applicant.</p>	Please refer to the Applicant's comments on D4 Submissions (reference 2.29.10 in the Applicant's Comments on Deadline 4 Submissions [REP5-122]) and the Land Engagement Report – Fischel [REP5-019] .
2.29.5	<p>3.2. As a result of the Fischels engaging with the Applicant, the Applicant was able to identify in a timely fashion the clear deficiencies and infeasibility of its original proposed route through Sweethill Farm, that specified in the first round of Statutory Public Consultation in 2021, and change this route, significantly for its own benefit, for the second round of Public Consultation in 2022. It is therefore not right for the Applicant to suggest that changes the Applicant has made to the proposed cable corridor have been solely for the Fischels' benefit.</p>	The Applicant has responded to this through the course of the Examination and has no further comments on this matter.
2.29.6	<p>3.3. The Fischels remain critical of the Applicant for failing to respond to their submission of November 2022 to the second round of Public Consultation until October 2023, notably after the Applicant had already submitted the DCO application. During this 11 month period, the Fischels were repeatedly assured that a response would be forthcoming shortly (and which explains why they deferred a meeting in April 2023).</p>	
2.29.7	<p>3.4. The Fischels have suggested a number of options to the Applicant, mostly alternative exit points from Sweethill Farm, largely because they continue to believe that the NE exit point from Sweethill Farm across the B2135 is not well chosen by the Applicant and is likely to cause them problems, which could have been avoided had the Applicant had a will to do so.</p>	The Applicant has responded to this through the course of the Examination and has no further comments on this matter.
2.29.8	<p>3.5. The Fischels have expended considerable time and money in trying to resolve their concerns but are still, from a legal point of view, in the same position as they were in at the beginning of the Examination and, in fact, as they were in several years ago.</p>	

Ref	Deadline 5 submission	Applicant's response
2.29.9	3.6. Therefore, while the Applicant appears to consider that its engagement has been extensive, the Fischels' experience, as they have made clear, is that the Applicant's engagement since November 2022 has not enabled the parties to achieve anything of substance.	
2.29.10	4. Update on negotiations 4.1. Given the limited opportunities to update the Examining Authority before the close of the Examination, we summarise progress on negotiations here.	The Applicant has outlined in previous submissions the actions that have been taken to respond to the requests of the Fischels. The Applicant welcomes the positive engagement that is taking place and that the Fischels are willing to work towards voluntary agreements.
2.29.11	4.2. The Examining Authority gave a clear indication to the Applicant at the CAH on 21 May 2024 that further progress needed to be made on negotiations. The Fischels have continued to engage with the Applicant, with further interaction since Deadline 4. There now appears to be a willingness on the part of the Applicant to consider the legal documentation points that the Fischels have consistently made to them both before and during the Examination process. For example, last Friday 5 July 2024, contact was at last instigated by Rampion's lawyers to the Fischels' lawyers: this was however the first time such contact has been made, despite the fact that the Applicant has known for a considerable time that the Fischels had engaged lawyers.	The Applicant has responded to this through the course of the Examination and has no further comments on this matter.
2.29.12	4.3. The Fischels are fully prepared to work with the Applicant with a view to progressing legal matters to a satisfactory outcome, however there is of course no certainty on that point until the legal documents are negotiated and concluded.	
2.29.13	4.4. It is notable that the Applicant left these matters very late in the process, and had it shown a greater degree of willingness to engage on legal matters much earlier, there might have been a greater chance of resolution. We do of course welcome progress, but even the most optimistic of Interested Parties working with a committed Applicant might doubt its chances of negotiating and concluding an agreement within 4 weeks. If the Applicant had genuinely wished to reach agreement, it should have carried out the actions now proposed before the Examination or, failing that, once the Examination had started or, even then, as soon as possible after the CAH.	Noted, the Applicant has no further comments on this matter at this time.
2.29.14	4.5. The Fischels welcome the offer to open legal negotiations and will try to progress them as much as possible with the Applicant, not least because the Applicant's statement at the CAH that it would stay to the right-hand side with the redline boundary is not yet recorded in any legally binding commitment. However, there is a real risk that there is now insufficient time to complete an agreement before the close of the Examination.	
2.29.15	4.6. Given the timing of the Applicant's offer – and bearing in mind that it has still not made any legally binding commitment – the crux of the Fischels' case remains as set out at the CAH and at Deadline 4, namely that the Applicant has not done enough to justify the inclusion of compulsory acquisition powers within the Development Consent Order (DCO) and the use of those powers over the Fischels' land.	

Appendix A

Underwater Noise Impact Contours

Relative to the Selsey Bill and the Hounds

MC

Introduction

Overview

Rampion Extension Development Limited (hereafter referred to as 'RED') (the 'Applicant') is developing the Rampion 2 Offshore Wind Farm Project ('Rampion 2') located adjacent to the existing Rampion Offshore Wind Farm Project ('Rampion 1') in the English Channel.

Rampion 2 will be located between 13km and 26km from the Sussex Coast in the English Channel and the offshore array area will occupy an area of approximately 160km². A detailed description of the Proposed Development is set out in **Chapter 4: The Proposed Development, Volume 2** of the Environmental Statement (ES) [APP-045], submitted with the Development Consent Order (DCO) Application.

Purpose of this Document

In a meeting held on 28 June 2024, Natural England queried the worst-case underwater noise modelling location on the western boundary (Location 2 on **Figure 1** to **Figure 4**) of the Rampion 2 array area, with regard to the Selsey Bill and the Hounds MCZ. This was also raised at Deadline 5, reference Q3a-1 of Appendix N5 to the **Natural England Deadline 5 Submission – Natural England's Response to the outstanding questions from The Examining Authority's request for further information from Natural England arising out of Issue Specific Hearing 2 [PD-011] and The Examining Authority's Further Written Questions and requests for information [PD-012] [REP5-141]**, and references 2.1.4, 2.1.6 and 2.1.22 of Appendix E5 to the **Natural England Deadline 5 Submission – Natural England's Advice on Fish and Shellfish [REP5-139]**. To provide reassurance to Natural England, this document sets out the mitigated and unmitigated underwater noise impact contours relative to the Selsey Bill and the Hounds MCZ from the location closest to the MCZ on the western boundary of the Rampion 2 proposed DCO Order Limits.

The Applicant confirms that, as evidenced by the additional underwater noise modelling, the outputs of which are presented in **Figure 1** to **Figure 6**, the worst case modelling location has been used for the assessment of underwater noise impacts on seahorse as features of the Selsey Bill and the Hounds MCZ.

Underwater Noise Impact Contours Relative to the Selsey Bill and the Hounds MCZ

The Applicant confirms that the piling location on the western boundary (Location 2 on **Figure 1** to **Figure 6**) of the proposed DCO Order Limits was identified as the worst-case location on account of the bathymetry of the site (the modelled location lies in an area of deeper water). Any location inshore of this modelling location, lies in shallower water depths, where underwater noise propagation and therefore the range of impact is reduced.

Notwithstanding this, to provide reassurance to Natural England, the Applicant has provided the underwater noise impact contours (for temporary threshold shift (TTS) and behavioural impacts) for the worst case mitigated and unmitigated underwater noise impact contours relative to the Selsey Bill and the Hounds MCZ from the location closest to the Marine Conservation Zone MCZ on the western boundary of the Rampion 2 Order Limits (Location 3 on **Figure 1** to **Figure 6**). To allow for comparison, the worst-case modelling location contours on the eastern (Location 1) and western boundaries (Location 2) (which have been used for the assessment presented in the Environmental Statement) of the Rampion 2 Order Limits are also presented.

As detailed in the [In Principle Sensitive Features Mitigation Plan \[REP5-082\]](#), the Applicant has committed to the implementation of various noise abatement measures, inclusive of the use of DBBC noise mitigation technology throughout the piling campaign. The implementation of DBBC offers mitigation to reduce the extents of all noise impact criteria (mortality and potential mortal injury, recoverable injury, TTS and behavioural effects) for seahorse both as features of MCZs (when they are resident within the sites), and for seahorse outside of such designated sites during their overwintering period.

The mitigated underwater noise impact range contours (from the implementation of DBBC) from the closest location on the western boundary (Location 3) to the Selsey Bill and the Hounds MCZ, as defined using the 141dB SELss disturbance threshold (based on a study by Kastelein *et al.* (2017)) are presented in **Figure 1** and **Figure 2** relative to the MCZs of which seahorse are a qualifying feature. As evident, piling at a location in closer proximity to the MCZ (Location 3), does not represent the worst-case scenario for underwater noise. Furthermore, the use of DBBC at this location will also mitigate the behavioural impact underwater noise contours away from the MCZs designated for seahorse. The Applicant therefore confirms that the underwater noise modelling undertaken, and presented in **Figure 1** and **Figure 2** demonstrates that the Applicant has used the worst case modelling location for the assessment of underwater noise impacts on seahorse as features of the Selsey Bill and the Hounds MCZ. The Applicant is therefore confident that piling at Location 3 will not result in any impacts from underwater noise in exceedance of those assessed in the ES, based on modelling from Location 2.

As detailed in [Volume 2 Chapter 8 Fish and shellfish ecology \[APP-049\]](#) (updated at Deadline 6), a threshold of 135dB SELss, based on a study by Hawkins *et al.* (2014) has been suggested by the MMO as a suitable threshold for behavioural responses of sensitive fish receptors. It is important in this context to note that the use of the 135 dB

SELss threshold in an open water receiving environment with a higher ambient noise level as a result of frequent shipping traffic is highly precautionary and very unlikely to elicit a comparable response to that observed by Hawkins *et al.* (2014) in a quiet sea lough. The use of this threshold is also not supported in the literature for use in impact assessments. It is on this basis that the Applicant does not support the use of this threshold to determine potential behavioural effects of noise sensitive species.

Notwithstanding this, the Applicant has also presented the underwater noise impact range contours (mitigated with the implementation of DBBC) from the closest location on the western boundary to the Selsey Bill and the Hounds MCZ (Location 3), as defined using the 135 dB SELss threshold. The 135 dB SELss contours modelled from Locations 1 and 2 are also presented to show spatial extent from the worst-case locations in relation to other MCZs in the study area where seahorse are a qualifying feature. As evident in **Figure 3** and **Figure 4** the mitigated impact ranges from all of the modelling locations, as defined using the overly precautionary 135dB SELss threshold, show no overlap with any of the MCZs.

The mitigated underwater noise impact range contours for TTS (with the implementation of DBBC) from the closest location on the western boundary (Location 3) to the Selsey Bill and the Hounds MCZ, were also requested to be presented by Natural England at Deadline 5. These are presented in **Figure 5** and **Figure 6** below, relative to the MCZs of which seahorse are a qualifying feature. As evident, piling at a location closer to the MCZ (Location 3), does not represent the worst-case scenario for TTS impacts from underwater noise. Furthermore, the use of DBBC at this location, will also further mitigate the TTS underwater noise contours further away from the MCZs designated for seahorse.

Figure 1 Predicted Worst Case Unmitigated and Mitigated (DBBC) Behavioural Response Impact Ranges for Sensitive Features from the Piling of Monopile Foundations (141dB SELss)

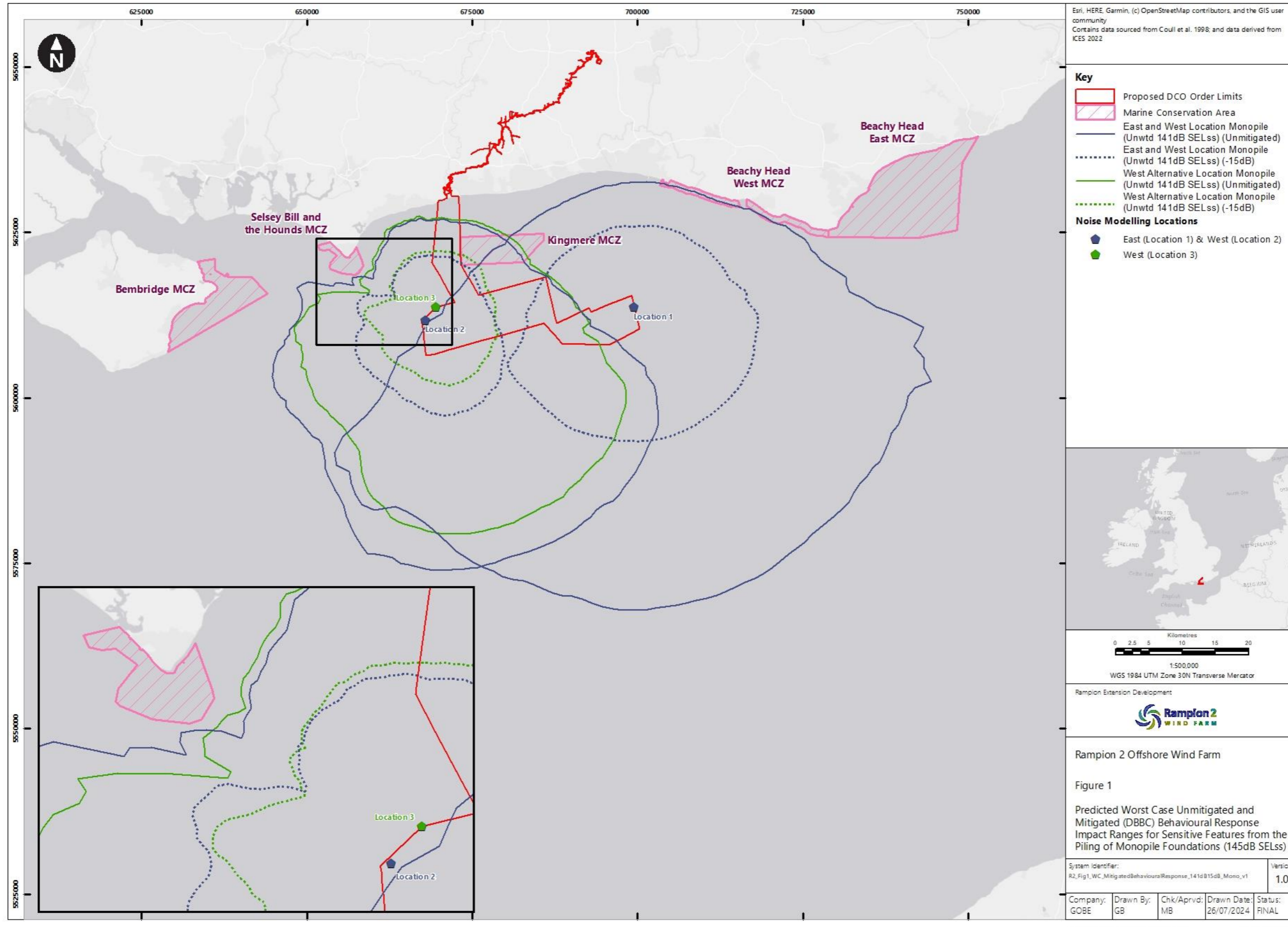


Figure 2 Predicted Worst Case Unmitigated and Mitigated (DBBC) Behavioural Response Impact Ranges for Sensitive Features from the Piling of Multileg Foundations (141dB SELss)

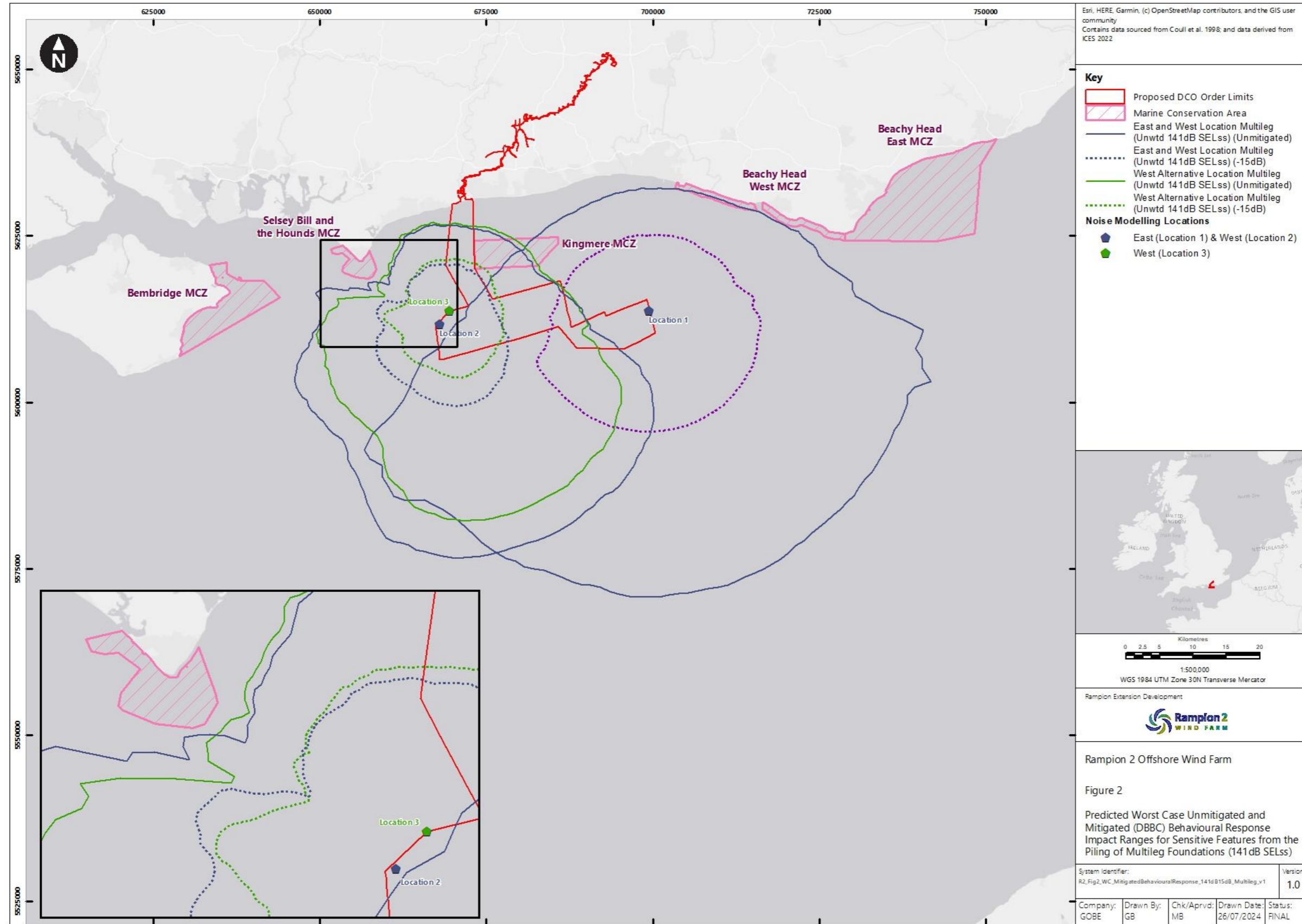


Figure 3 Predicted Worst Case Unmitigated and Mitigated (DBBC) Behavioural Response Impact Ranges for Sensitive Features from the Piling of Monopile Foundations (135dB SELss)

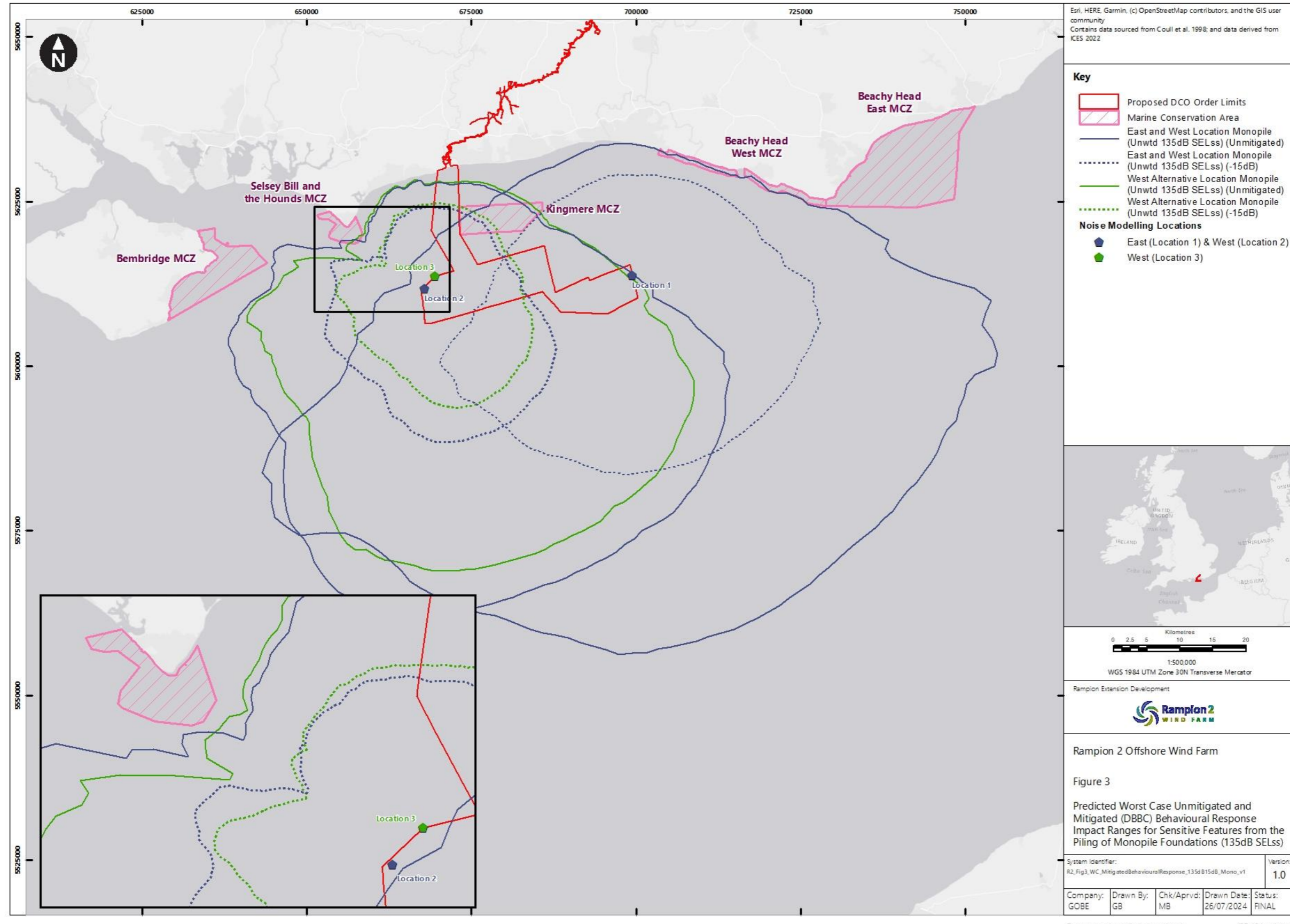


Figure 4 Predicted Worst Case Unmitigated and Mitigated (DBBC) Behavioural Response Impact Ranges for Sensitive Features from the Piling of Multileg Foundations (135dB SELss)

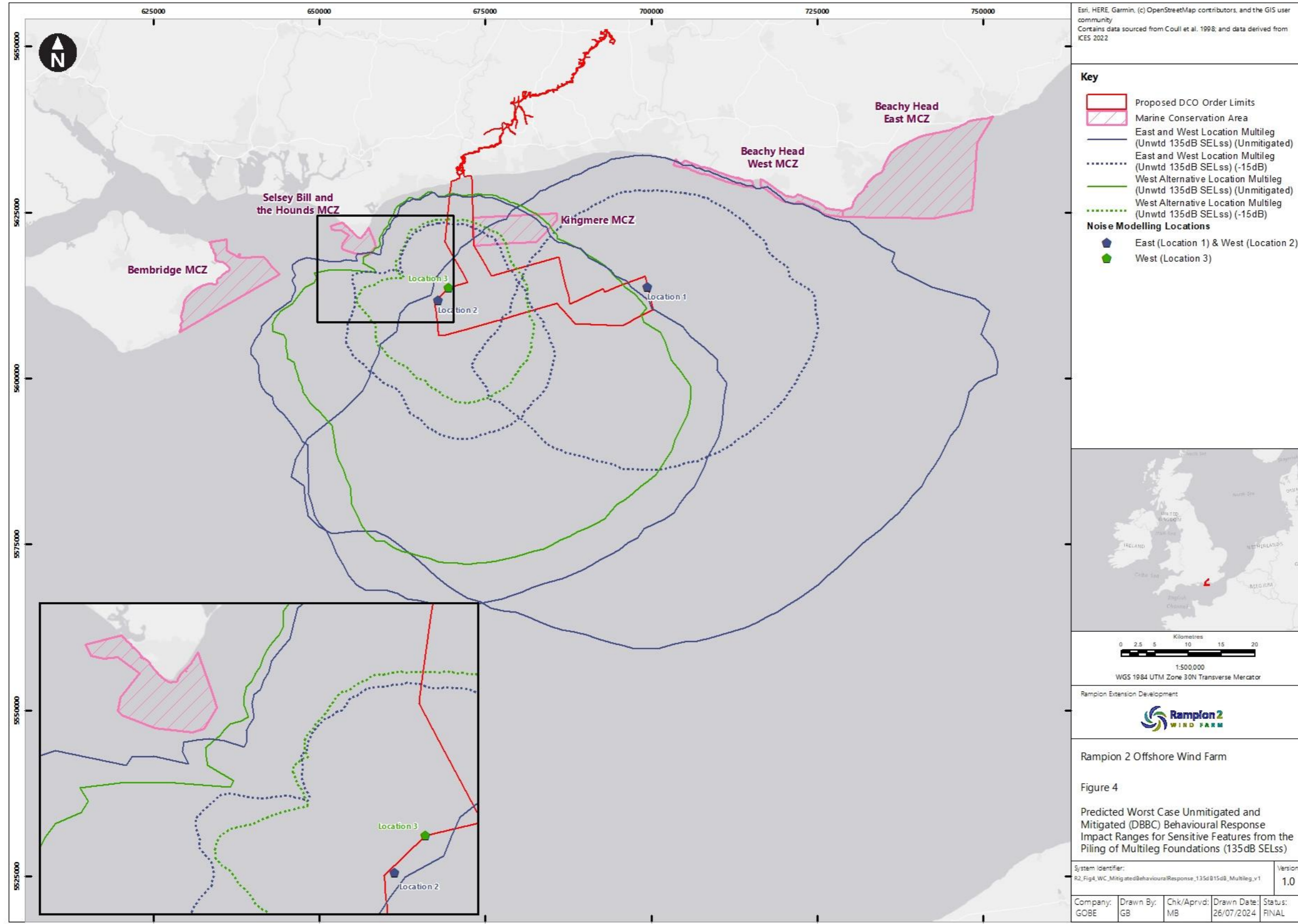


Figure 5 Predicted Worst Case Unmitigated and Mitigated (DBBC) TTS Impact Ranges for Sensitive Features from the Piling of Multileg Foundations (186dB SELcum)

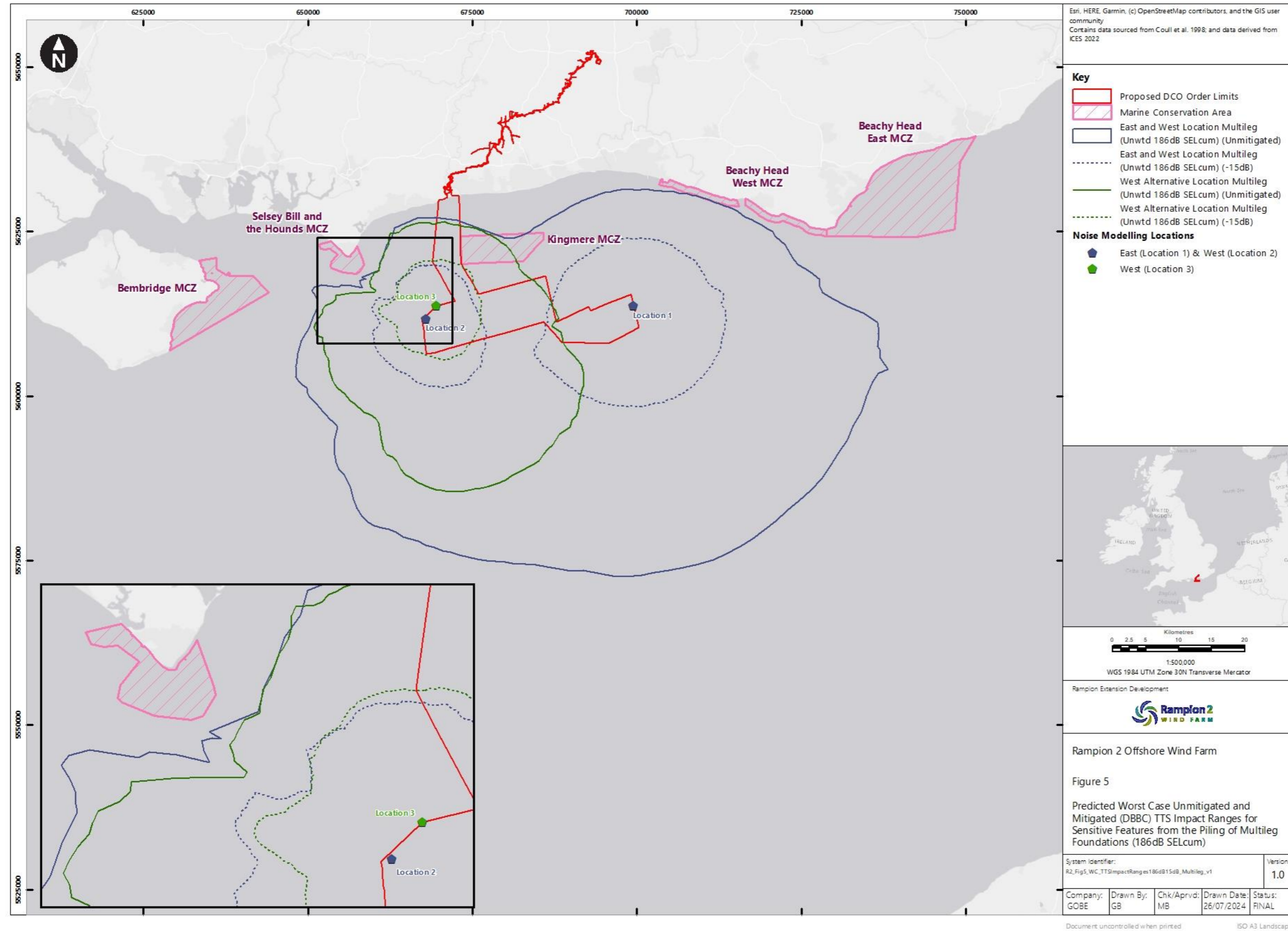
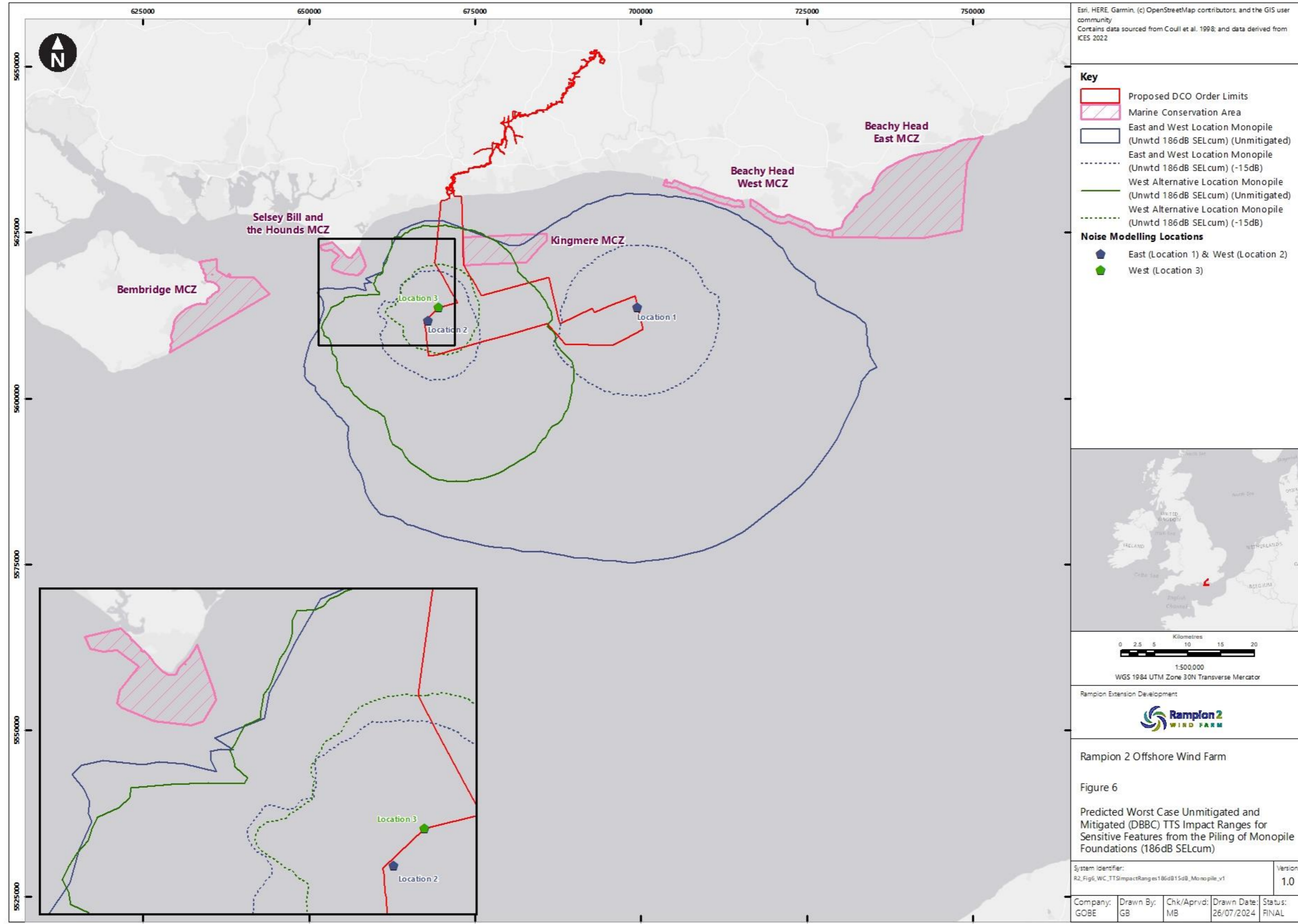


Figure 6 Predicted Worst Case Unmitigated and Mitigated (DBBC) TTS Impact Ranges for Sensitive Features from the Piling of Monopile Foundations (186dB SELcum)



Appendix B

Mr Dickson Heads of Terms

Subject: Mr Dickson HOTs

Date: 25/05/2023 14:00

From: [REDACTED]

[REDACTED]

Hi all

Please note that I spoke with Mr Dickson on Monday (22nd May) (he had received my letter). He specifically asked that we DO NOT send HOTs to him.

Please can this be logged on your engagement records.

Thanks

[REDACTED]
External Consultant
Land Transaction Manager

[REDACTED]



RWE Renewables UK

Web: [REDACTED]
Twitt [REDACTED]
Insta [REDACTED]
Linke [REDACTED]

Registered Office:

RWE Renewables UK Limited: Greenwood House, Westwood Way, Westwood Business Park, Coventry, United Kingdom CV4 8PB. Registered in England and Wales no. 03758404

RWE Renewables UK Swindon Limited: Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire SN5 6PB. Registered in England and Wales no. 02550622

RWE Renewables Management UK Limited: Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire SN5 6PB. Registered in England and Wales no. 12087808

