

**Rampion 2 Offshore Wind Farm (Reference: EN010117)**

**West Sussex County Council (IP 200445228)**

**Deadline 6 Submission (1 August 2024)**

**Closing Position Statement**



## **1. Introduction**

- 1.1 This document has been prepared by West Sussex County Council (hereafter 'WSCC') with regards to the Rampion 2 Offshore Wind Farm Development Consent Order (hereafter 'the Project'). This 'Position Statement' seeks to assist the Examining Authority (ExA) at Deadline 6 (1 August 2024) by setting out WSCC's current position on key topics, as well as highlighting matters that remain unresolved or of significant concern. It also provides the ExA with WSCC's overall position on the Project at the close of the Examination.
- 1.2 This Position Statement should be read alongside the final Principal Areas of Disagreement Statement (PADS) submitted by WSCC and the final Statement of Common Ground (SoCG) (as signed by WSCC and the Applicant), both of which have been submitted at Deadline 6.
- 1.3 Within the Relevant Representation (RR-418), Local Impact Report (LIR) (REP-054) and initial PADS (AS-008), WSCC registered issues and concerns with regards to the Project and the potential impacts associated with it. WSCC had also set out its position on the Project, which has formed the foundation of the correspondence submitted during the Examination process when requested by the ExA.
- 1.4 During the Examination process, WSCC has actively engaged with the Applicant to reduce the areas of concern and seek to achieve the best possible outcomes for the local communities and other sensitive receptors that would be most affected by the construction and long-term operational impacts of the Project. This work has been to assist the ExA in the examination of the application and has contributed to the refinement of the PADS, as well as informing the drafting of Statements of Common Ground (SoCG) and any response to the ExA's questions during the Examination. WSCC also recognised the importance of liaising meaningfully on the detail of the Section 106 Agreement.

## **2 Overview of Closing Position**

- 2.1 WSCC acknowledges the target set by the UK Government of delivering over a third of electricity from offshore wind by 2030 and, therefore, it is supportive of the principle of offshore wind development in helping to tackle the challenges faced by climate change. WSCC recognises the national importance of having a balanced supply of electrical generation, including increasing renewable energy supplies from offshore turbines in helping decarbonise the UK's energy sector. Critical national infrastructure must not only deliver the Government's energy objectives but also deliver sustainable societal and economic impacts in the regions that are hosting them. Therefore, the Project needs to be achieved

without significant adverse effects on the environment, local communities, and economy of West Sussex.

- 2.2 The Applicant has identified that the offshore infrastructure associated with the Project will have potentially significant adverse impacts on the seascape, coastal landscapes, and people who live, work and visit West Sussex. The onshore infrastructure at the substation site also has the potential to negatively impact on a number of environmentally sensitive areas and features, and on residential amenity during the lifetime of the Project.
- 2.3 Therefore, although the Project is supported in principle by WSCC (because it would make a significant contribution to the provision of renewable energy), there are a number of matters of significant concern that have not been satisfactorily addressed to date by the Applicant. These are:
- i. Seascape, Landscape and Visual Impact (SLVIA) - concerns about the size and layout of the offshore wind turbines, the significant adverse effect on views out to sea and the lack of further design principles to reduce the potential harm;
  - ii. Socio-Economics - the limited socio-economic benefits to West Sussex (including employment opportunities, supply chain expenditure, the limited scope of the Outline Skills and Employment Strategy (OSES)), and potential adverse impacts on tourism;
  - iii. Landscape and Visual Impact (LVIA) - the scale of the onshore substation creating an adverse effect on the existing landscape and surrounding local communities;
  - iv. Historic Environment - the anticipated scale of historic environment impacts and lack of prior trial trench evaluation, which could cause an unacceptably high degree of harm to heritage assets, including those of national significance;
  - v. Traffic and Transport - lack of additional supporting information (namely Road Safety Audits) for key junctions as well as there being on-going discussions concerning option agreements for easements involving highway land; and
  - vi. Draft Development Consent Order - ensuring the commitments and mitigation measures to reduce the adverse effects presented are secured sufficiently with the dDCO, based upon the list presented in Section O of this Position Statement.

### **3 WSCC Position on Key Topics**

- 3.1 This Position Statement covers the following topics:
- A. Assessment of Alternatives
  - B. Seascape, Landscape and Visual Impact (SLVIA)
  - C. Socio-Economics
  - D. Landscape and Visual Impact (LVIA)
  - E. Noise and Vibration

- F. Ecology and Nature Conservation
- G. Arboriculture
- H. Traffic and Transport
- I. Minerals Safeguarding
- J. Historic Environment
- K. Water Environment
- L. Major Accidents and Disasters
- M. Public Health
- N. Public Rights of Way
- O. Draft Development Consent Order (dDCO)

### **A. Assessment of Alternatives**

- 3.2 The pre-application consultation undertaken by the Applicant for a number of onshore cable route options (and the subsequent mitigation through avoidance this resulted in) is acknowledged by WSCC. However, WSCC has a significant concern about the section of the cable route known as 'option LACR-01d' taken forward by the Applicant. The archaeological sensitivity of this section of the route is exceptionally high. LACR-01d crosses a part of the South Downs that forms part of an incredibly rich and complex multi-period prehistoric landscape of national significance. The assessment of alternatives does not provide sufficient detail as to the weighting given to these sensitivities within the site selection process.

### **B. Seascape, Landscape and Visual Impacts (SLVIA)**

- 3.3 Whilst WSCC recognises that offshore wind energy would inevitably result in changes to coastal seascapes and views, the Project will result in significant seascape, landscape, and visual effects to people living, working, and visiting West Sussex during both the construction and operational phases. Therefore, WSCC continues to be concerned about the scale of likely impacts of Rampion 2, in addition to, and in combination with, the currently operating Rampion 1 Offshore Wind Farm.
- 3.4 The provided photomontages are useful tools that aid in the assessment of visual effects. They show the significance of impacts likely to be experienced by receptors in West Sussex, in particular, the impacts that would result from the lengthy westerly extension, which would significantly extend the field of view over which impacts on seascape would be experienced; this is a significant concern to WSCC.
- 3.5 The findings of the SLVIA conclude that even with embedded mitigation measures, significant adverse effects for areas of West Sussex will be felt during all stages of the Project. No attempt at further mitigation through the reduction in size and scale of the turbines or production of design principles for the detailed design stage, if consented, have been presented by the Applicant through the Examination, to reduce these effects.

- 3.6 It is acknowledged that after engagement with stakeholders, a set of design principles were developed for the offshore turbine layout during the pre-application stage. This, however, did not lead to a reduction in the offshore boundary to the western extent. WSCC has raised concerns throughout the Examination that the dDCO (REP5-006) does not secure robust design principles relevant to West Sussex receptors necessary to reduce the potential visual effects of the offshore infrastructure by sensitive detailed design if consent is given.
- 3.7 WSCC requests that the ExA considers recommending a set of design principles, secured through the DCO, specific to the most sensitive views (including those experienced from West Sussex), to ensure a lesser impactful detailed design can be secured.

### **C. Socio-Economics**

- 3.8 WSCC considers that there is potential for the Project to achieve meaningful socio-economic benefits for West Sussex residents and businesses through local economic impact, supply chain expenditure and in respect of skills, education and employment outcomes, if suitable commitments can be made by the Applicant to achieve this. As the Applicant's own assessment concludes that no beneficial impacts would be experienced in respect of socio-economics, and its commitments to maximising socio-economics benefits are unclear or insufficiently detailed, WSCC is concerned that this potential will go unrealised.
- 3.9 The methodology for the assessment of these effects is considered by WSCC to be capable of improvement such that its findings are clearly understood when interpreted, and impacts on residents and businesses are more certain. Specific aspects of the assessment which WSCC has discussed with the Applicant include the study area, consideration of local impacts and assessment of indirect impacts. The Applicant's responses have not been sufficient enough for WSCC to consider that its concerns in this regard are resolved or that the potential meaningful socio-economic benefits have been given opportunity to be established.
- 3.10 The Outline Skills and Employment Strategy (OSES) provides the principal means by which commitments to achieving beneficial outcomes are set out by the Project. WSCC has concerns with the proposals and the commitments arising from within it which remain unresolved. In summary, WSCC is concerned that the OSES; lacks detail on potential initiatives that are directly aligned with local specific issues and need; provides no explanation on whether it would differentiate between the provision and outputs offered through the Project against those offered in a 'business as usual' scenario, and; does not demonstrate net additional benefit.
- 3.11 It is acknowledged and welcomed that the Applicant has amended Requirement 33 of the dDCO to require that the OSES must be approved by WSCC before works commence. However, the Applicant has not presented information through the Examination on the details of commitments to maximise employment and skills benefits, indicating only that these will be developed through the production of the OSES post-consent. WSCC therefore ultimately remains concerned that commitments to achieving meaningful socio-economic

benefits for residents and businesses are unclear and will remain unclear until after consent, if this is granted, such that they do not provide sufficient reassurance that benefits can arise.

- 3.12 WSCC considers that there is potential for the Project to have an adverse impact on the tourism sector in West Sussex; a sector which is a priority in economic plans across the county. As the Applicant's own assessment concludes that no adverse impacts would be experienced on the tourism sector, and engagement on the methodology has not changed their position, WSCC require appropriate mitigation to be provided to ensure that adverse impacts can be overcome.
- 3.13 Aspects of the methodology for the assessment of effects on the tourism sector is considered by WSCC to be flawed. This includes in respect of impacts on; specific settlements, Worthing, Bognor Regis, Littlehampton and Selsey where the assessment identifies that interrupted sea views are important to the character, sense of space within tourist/visitor areas; concurrent impacts from onshore and offshore activities and; on the ability to attract visitors to the areas. Whilst engagement on these matters has occurred during the Examination, the Applicant's responses have not been sufficient enough for WSCC to consider that its concerns are resolved such that the proposed mitigation is appropriate.
- 3.14 WSCC requests that the ExA considers recommending that measures and commitments that would support a boost to the tourism sector during operation and maintenance, be secured through the DCO, in consultation with WSCC.

#### **D. Landscape and Visual Impact (LVIA)**

- 3.15 Construction works would result in a construction corridor traversing 38.8km and the provision of construction compounds at various locations along the route over a lengthy period (of up to four years). It would also require significant volumes of removal and/or reduction (e.g. lopping, topping, coppicing, transplant) of mature hedgerows, trees and vegetation.
- 3.16 The submitted Landscape Visual Impact Assessment (LVIA) demonstrates that, even with mitigation, the Project would give rise to significant impacts on several Landscape and Visual Receptors, both during construction and operation. During construction, this would include 14 landscape character areas and visual receptors for 12 transport routes, six long distance recreational routes, five recreational and tourist destinations, 47 Public Rights of Way (PRoW) and two areas of open access land.
- 3.17 Once constructed, the Oakendene substation would comprise a large-scale development of an industrial/utilitarian nature, at odds with the predominantly rural landscape character of the immediate locality, and inevitably give rise to some permanent adverse impacts upon visual receptors including Oakendene Manor, PRoW users, and those traveling through the area on adjacent roads.
- 3.18 Taking into the submitted Residential Visual Amenity Assessment (RVAA), WSCC notes that whilst Residential Amenity Thresholds have not been

exceeded, this is a subjective judgement and, as recognised by the Applicant, there would nonetheless be an inevitable negative impact upon the visual amenities of some properties throughout the construction period, and permanently at Oakendene Manor.

- 3.19 WSCC would also highlight that the whilst the LVIA has sought to consider the potential extent of coppicing (to 90cm) and visibility splays required at various access points, concerns remain about the potential for additional vegetation losses to arise as part of detailed access designs (both at access points and the routes thereto), which would be determined at the discharge of Requirement stage. However, it is accepted that such coppicing/losses would be minimised and/or reinstated where possible, which would require the approval of the relevant planning authority as part of DCO Requirement 22 (Code of Construction Practice) and Requirements 40 (Vegetation Retention and Removal), and that a Section 106 fund to mitigate impacts for highways receptors through vegetation enhancement will be secured through a draft Requirement of the DCO.
- 3.20 On balance, it is accepted that the scale and nature of construction activities and utilitarian built infrastructure involved, is such that avoidance of landscape and visual impacts is difficult to achieve. In this regard, proposed embedded mitigation measures (as set out in Commitments, relevant Control Documents, and to be secured by DCO Requirements) as have been amended through the examination process, are, in principle, welcomed as generally well-considered measures to reduce and mitigate landscape and visual impacts. Further, subject to the Section 106 legal agreements being secured through the DCO, this will secure additional landscape and visual mitigation and compensation, it is considered that any such impacts would be minimised as far as practicable.
- 3.21 In accordance with National Policy Statements, the ExA will need to be satisfied that all landscape and visual impacts have been minimised/mitigated as far as practicable, and to determine whether any impacts would be outweighed by the benefits of the Project.
- 3.22 In this regard, WSCC would highlight that owing to a lack of certainty over phasing and exclusions contained within Commitment C-103 of the Commitments Register (REP5-087), the ExA must assume large extents of the cable route may not be reinstated until the full completion of the construction period.

## **E. Noise and Vibration**

- 3.23 Given the technical nature of Noise and Vibration assessments submitted, WSCC defers to Environmental Health Officers from the relevant district councils to provide a detailed review of likely noise and vibration impacts from the Project. Nonetheless, the following sets out the key observations of WSCC.
- 3.24 Construction works will result in the use of large machinery/plant and HGV movements over a wide linear geographical area, including the siting of large construction compounds for up to four years, and use of Horizontal Directional Drills (HDDs) at several locations along the cable route; this will inevitably result in some noise impacts for receptors proximate to the works.

- 3.25 Owing to a lack of certainty about phasing and exclusions contained within Commitment C-103, large extents of the cable route may host intermittent noise-producing construction activities throughout the entire construction period (for example, its use as a haul route until final reinstatement is completed). WSCC remains concerned about whether noise assessments have considered a worst-case scenario for the duration of noise impacts to be experienced by receptors along the cable route construction corridor and adjacent to construction compounds.
- 3.26 During operation, the proposed Oakendene substation and siting of large electrical plant would inevitably result in permanent elevated localised noise levels in a rural area where background noise levels are relatively low. Noting the greater the noise level above background, the greater the magnitude of noise impact, WSCC considers that proposed noise 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.
- 3.27 It is accepted that the scale and nature of construction activities and utilitarian built infrastructure involved, is such that avoidance of noise and vibration impacts is difficult to achieve. In this regard, proposed embedded mitigation measures (as set out in Commitments, relevant Control Documents, and to be secured by DCO Requirements) as have been amended through the examination process, are, in principle, welcomed as generally well-considered measures to reduce and mitigate landscape and visual impacts. Further, subject to Section 106 legal agreement being finalised that would secure the wider long-term enhancement of PRoW, this would go some way to mitigating amenity impacts for PRoW users.
- 3.28 Nonetheless, WSCC considers that design principles stated within the Design and Access Statement (REP5-023) should elaborate upon physical noise mitigation and attenuation measures proposed to demonstrate measures would be adopted to 'minimise noise' as far as practicable (i.e. not only to the threshold levels).
- 3.29 In accordance with NPS, the ExA will need to be satisfied that significant adverse impacts on health and quality of life from noise have been avoided, and that remaining adverse noise impacts have been mitigated and minimised (including through selection of the quietest cost-effective plant available; containment of noise within buildings wherever possible; optimisation of plant layout to minimise noise emissions; and the use attenuation features to reduce noise transmission).

## **F. Ecology and Nature Conservation**

- 3.30 Ecological impacts during the construction phase of the onshore works will include temporary and permanent habitat loss (including broadleaved semi-natural woodland, hedgerow and semi-improved grassland), habitat fragmentation (with consequent reduction in ecological connectivity) and disturbance to species (such as from noise and lighting). The assessment within the ES is based on a 'maximum design scenario' approach. Thus, there

is the expectation to reduce some impacts at the detailed design stage.

- 3.31 To avoid a growing deficit in biodiversity as the construction programme progresses, the Project will follow two courses of action, which is accepted by WSCC. The first is to enable a progressive reinstatement of habitats, and the second is to secure 70% of the deficit in biodiversity (as calculated using Natural England's Statutory Biodiversity Metric) prior to commencement of construction. Any remaining shortfall identified following detailed design, will be secured prior to construction works being completed.
- 3.32 Rapid and successful reinstatement of habitats and landscape features along the cable corridor, and at the temporary construction compounds, will be crucial to mitigating ecological impacts. It is intended by the Applicant that the majority of habitats temporarily lost during construction works will be reinstated within two years, other than in specific locations such as the temporary construction compounds, some haul roads and Oakendene substation. WSCC's experience from Rampion 1 was that the speed, quality, and ultimate success of habitat reinstatement was extremely variable. Factors associated with failure included drought, poor aftercare maintenance, inadequate monitoring, and delays in re-planting following failure. Having raised concerns that successful reinstatement may take considerably longer than the Applicant anticipates, WSCC is reassured by the proposed approach to maintenance, management, monitoring and remedial measures.
- 3.33 WSCC welcomes the commitment to deliver a minimum of 10% BNG for the onshore works, including the cable route, temporary construction compounds and Oakendene substation. The proposal to deliver significant elements of BNG during the early stages of construction is key to mitigating biodiversity impacts during the construction phase.
- 3.34 After careful consideration, WSCC is satisfied with the approach to securing the delivery of BNG, as per the wording of Requirement 14 proposed by the Applicant at Deadline 5 (REP5-005) and (REP5-009). This will involve the securing of biodiversity units in accordance with stage-specific BNG strategies approved by the relevant planning authorities. WSCC supports the approach of securing at least 70% of the total number of biodiversity units as required for that stage of the Project pre-construction but had concerns whether off-site BNG would be implemented on the ground early in the Project. However, the mechanism to deliver of BNG is now explained more fully in the revised ES Appendix 22.15: BNG Information (REP5-056). Once registered on Natural England's Biodiversity Gain Site Register, biodiversity units must be implemented on the ground within 12 months and subject to legally binding Section 106 agreements or conservation covenants.
- 3.35 Having raised concerns regarding handover arrangements to an Offshore Transmission Owner (OFTO), WSCC is pleased to note that the revised OLEMP identifies handover obligations for monitoring, management and delivery of the stage specific LEMPs.



## G. Arboriculture

- 3.36 The Project will impact upon trees, hedgerows and woodlands through their removal to facilitate the various construction components, many of which will be clearly visible from the highway and PRow network. The Arboricultural Impact Assessment (REP5-058) demonstrates that across the Project (other than the location of the proposed substation), arboricultural loss has been minimised proportionately and is considerate of the arboricultural quality of these features. It also identifies that the loss of ancient woodland and veteran trees has been avoided. Provision has been made to appropriately mitigate non-adverse impacts that could occur to such features during construction phases, preventing their deterioration or decline.
- 3.37 Further arboricultural surveys are required to inform the detailed designs and control documents, though the three tree groups and single woodland adversely impacted are not likely to be of significance in relation to the scale of the Project and treescape.
- 3.38 The proposed Oakendene Substation will require the permanent loss of two high quality (A category) trees approaching the criteria for veteran status (T247 and T262), remnant features of the field system characteristic of the surrounding landscape, which were likely to have been purposely planted/retained. The loss of these aged and important trees is considered to be a 'lifetime' effect as the proposed tree planting bordering and within the substation area would take centuries of careful management to replicate their size and characteristics. The additional removal within the site of a further nine high quality (A category) trees, ten moderate quality (B category) trees, and the permanent loss of 647m of hedgerow (some of circa. 200 years old), presents a significant loss of arboricultural features that are not able to be compensated for in full within the area of the substation (and not necessarily in the area surrounding it). It is felt this demonstrates that the retention of important arboricultural features was clearly low on the agenda when considering suitable substation locations and associated constraints.
- 3.39 A tree planting strategy is proposed aiming to compensate the effects of tree loss in relation to both their size and primary value. Such planting may be required to occur well outside the DCO Limits due to the quantity of tree planting required, with its delivery being subject to landowner agreement derived post-consent. The benefits of such planting is therefore unlikely to be fully accounted for within the area of loss; on balance, this approach is accepted by WSCC due to the vast scale of the Project and necessity to retain the functionality of the landscape that would be diminished if all tree planting were to be compensated for entirely within the DCO Limits. Further tree planting enhancements will occur as a result of the BNG strategy in the form of individual trees, woodlands and hedgerows which is welcomed. Commitment C-103 identifies that for the excluded construction areas stated, reinstatement of habitats including hedgerow, scrub and woodland will not occur until construction is completed for those areas. Therefore, large extents of the cable route may not be reinstated until the full completion of construction including elements adjacent the highway which is a concern.

- 3.40 However, the proposed Section 106 fund for hedgerow and tree planting and enhancement will go some way to further to compensate resulting impacts on features adjacent the highways and PRow network.

## **H. Traffic and Transport**

- 3.41 For the purposes of traffic impact, WSCC accepts that the main impacts will be during construction with there being limited movements during the operational phase. Although WSCC has worked with the Applicant to resolve the majority of highway related matters, as noted below, there are issues that have not been fully resolved. This includes the submission of additional supporting information (namely Road Safety Audits - RSA) for key junctions as well as there being on-going discussions concerning option agreements for easements involving highway land.
- 3.42 In reviewing this Project, WSCC fully acknowledges that there will be an increase in traffic (particularly HGVs) during construction. Where possible, routing makes use of A class roads with local roads only used for end journey purposes. A specific commitment is included in the dDCO regarding vehicle routing. Specific construction traffic mitigation has already been presented for certain locations (namely Michelgrove Lane and Kent Street as well as the requirement for temporary speed limits in several other locations). WSCC would require flexibility to allow changes to the mitigation already set out. For example, concerns remain regarding the duration of time that temporary traffic signals would be required at access A-29 and the impact this will have on programming other works in the locality. Details of construction traffic mitigation for other locations is to be agreed through subsequent phase specific construction traffic management plans where necessary.
- 3.43 As noted, there are matters outstanding. This includes that RSAs have not been agreed for those locations identified by WSCC (namely the site compound accesses at Climping, Washington, and Oakendene, as well as the permanent access for the Oakendene substation). The purpose of requesting RSAs at this time was to ensure these key accesses are safely deliverable. WSCC recognises that the DCO includes an access approval requirement through which the details of the accesses can be agreed. Agreed design principles and parameters for accesses are also set out within the Outline Construction Traffic Management Plan (OCTMP). The lack of information nevertheless remains outstanding.
- 3.44 It should be noted that there are also on-going discussions in terms of an options agreement for easements where the cable route crosses land owned by WSCC but which also forms part of the adopted highway network. The option agreements also include the Lyminster by-pass. The by-pass itself is presently under construction and not due for completion until early 2025. There are various complications surrounding some of the land parcels obtained by WSCC through a Compulsory Purchase Order for the construction of the by-pass. These complications include the likelihood of CPO land obtained for temporary construction purposes being returned to the original owner. WSCC cannot agree to restrictive terms on this land, which will be passed onto a future owner. WSCC has expressed concerns with other provisions in the options

agreement and discussions are very much on-going with the Applicant on these matters.

### **I. Minerals Safeguarding**

- 3.45 Parts of the proposed cable route are underlain by minerals (building stone, brickmaking clay, and soft sand) that are safeguarded by the West Sussex Joint Minerals Local Plan (JMLP) (July 2018, Partial Review March 2021). The NPS for Energy (EN-1), paragraph 5.11.28 also covers the issue of mineral resources.
- 3.46 WSCC welcomes the clarifications and strengthening of mitigation measures (within the OCoCP) proposed by the Applicant to manage safeguarded minerals. WSCC accepts that the prior extraction of safeguarded minerals is not likely to be practicable or environmentally feasible. The Applicant's agreement to update Commitment C-69 to strengthen and better align with the strategy for managing safeguarded minerals (as set out in the updates to the OCoCP to be submitted by the Applicant at Deadline 6) is welcomed and provides some comfort that minerals resources will be appropriately managed through the forthcoming Material Management Plans, secured via the CoCP.
- 3.47 The Applicant confirms (Chapter 24 of the ES (APP-065)) that minerals will be sterilised during the life of the Project, albeit the exact volumes are difficult to ascertain. Regarding Soft Sand, the ES assessment (at paragraphs 24.9.46–24.9.47) indicates that up to 1.16 million m<sup>3</sup> of soft sand may be sterilised (estimated to be some 692,000 tonnes). The annual provision rate set out in the [West Sussex LAA 2024](#) for soft sand is 330,000 tonnes per annum, and the landbank is now four years. The same can be seen across much of the South East of England, pointing to an increasing scarcity of this important aggregate mineral. The NPPF (paragraph 213e) requires that Mineral Planning Authorities seek to maintain a landbank of at least seven years for aggregate minerals.
- 3.48 The Secretary of State, as the decision maker for the Project, will need to be satisfied on whether there is an overriding need for the Project that outweighs the safeguarding of minerals, and that the Applicant has demonstrated that prior extraction is not practicable or environmentally feasible (as required by Joint Minerals Local Plan Policy M9(b)), as well as considering whether the applicant has proposed appropriate mitigation measures to safeguard mineral resources (paragraph 5.11.28, EN-1).

### **J. Historic Environment**

- 3.49 WSCC recognises the efforts made by the Applicant to address concerns raised in relation to the scale of harm to the historic environment. However, there are a number of key concerns remaining.
- 3.50 WSCC remains concerned that the cable corridor intersects with an area of the South Downs of exceptionally high archaeological significance, potential and sensitivity, comprising a multi-period prehistoric landscape characterised by Early Neolithic flint mining features and prehistoric settlement and funerary activity. The Applicant's assessment acknowledges the high potential and significance of this area and for the most part has adopted a worst-case

scenario approach, having identified the likelihood of substantial harm to certain types of archaeology. However, WSCC still disagrees with this choice of route due to the risk of harm to nationally significant heritage assets, and the general scale of harm to heritage assets and historic landscapes of less than national significance within this area, notwithstanding the robust outline mitigation package proposed by the Applicant.

- 3.51 The magnitude of harm to the historic environment within this route section cannot be fully and accurately assessed on the basis of the evidence presented by the applicant. WSCC notes the points raised by the Applicant in previous submissions, with regard to the non-intrusive survey work undertaken to advance understanding of significance. Nevertheless, WSCC's position remains that the significance of any affected heritage assets must be confirmed by trial trench evaluation, given the known archaeological context and the unusually high risk for spatially extensive and nationally significant archaeological remains to be present within this section of the Order Limits. In the absence of this intrusive evaluation, WSCC maintains that it is not possible to completely understand the significance of any affected archaeological remains, the feasibility of options for avoidance by design and engineering solutions (preservation in situ) and the suitability of mitigation measures set out within the OOWSI. WSCC notes that the Applicant has stated they will not undertake such work prior to determination of the DCO.
- 3.52 The Applicant has now committed to preservation in situ of archaeological remains of national and high significance, if present within the Order Limits, and providing these are assessed as suitable for preservation in situ. WSCC welcomes this and recognises the Applicant's efforts to avoid or minimise such harm by the recent amendments to Commitment C-225 updates to the OOWSI. The Applicant has proposed a revised wording for dDCO Requirement 19 to be submitted at Deadline 6, to which WSCC has agreed. This has resulted in a meaningful reduction of the magnitude of risk.
- 3.53 The agreed wording of dDCO Requirement 19 Part 3, proposed for submission at Deadline 6 is as follows: *'In the event of the discovery of previously unknown archaeological remains within the onshore Order limits, their significance and suitability for preservation in situ must be assessed by field evaluation, in accordance with the outline onshore written scheme of investigation. Any archaeological remains which are demonstrably of national significance will be preserved in situ, unless it is agreed with the relevant planning authority following consultation with WSCC, that either they are not suitable for preservation in situ or that preservation in situ cannot be achieved acceptably (including obtaining all necessary consents). Should archaeological remains be left in situ on any site, a site-specific archaeological management plan must be submitted to and approved in writing by the relevant planning authority following consultation with WSCC. Any further works, including removal and reinstatement, must be carried out in accordance with the approved site-specific archaeological management plan, unless otherwise approved by the relevant planning authority.'*
- 3.54 This commitment does not entirely remove the risk of harm to nationally significant remains. If not suitable for preservation in situ, there remains a risk they will be totally or partially removed (following appropriate mitigation).

There remains a scenario in which nationally significant remains may be present within the DCO Limits in a location where the range of design and engineering solutions proposed by the Applicant may not be feasible, and an additional trenchless crossing may be required. As this is currently not included within the crossing schedule set out within the OCoCP, the feasibility of this solution would rely upon the Applicant obtaining the necessary consents for an additional trenchless crossing from the LPA (in consultation with WSCC). A degree of risk therefore still remains. However, WSCC is willing to accept the revised wording of Requirement 19 proposed by the Applicant on the basis that this risk is relatively low.

- 3.55 WSCC recognises the robust outline archaeological mitigation strategy set out within the OOWSI (REP5-075). The OOWSI sets out overarching archaeological mitigation measures which in general will allow for appropriate and proportionate mitigation, to be secured via the SSWSIs. Following the updates to this document at Deadline 5, WSCC is satisfied with the scope and methodology of these measures.
- 3.56 WSCC remains concerned about the proposed harm to grade II listed Oakendene Manor, arising via changes within its setting from construction and operation of Oakendene substation and compounds. WSCC welcomes the additional viewpoint photography provided by the Applicant, and considers the assessment is now appropriately evidenced. WSCC is now in a position to agree with the overall assessment of a Medium magnitude of adverse change to Oakendene Manor.
- 3.57 WSCC disagrees with aspects of the narrative assessment of effects on Oakendene Manor within the ES chapter, which downplay the importance of current key views and the predicted degree of change to these views during and following construction if the substation and associated works. 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. WSCC also disagrees with the methodology employed for assessing substantial, versus less than substantial harm. WSCC's Deadline 5 submission and WSCC's response to the ExA's Further Written Question HE 2.1 (REP5-134) provides further detail on this matter.

## **K. Water Environment**

- 3.58 WSCC is satisfied with the approach taken by the Applicant and with the second revision of the Flood Risk Assessment (FRA) (REP4-040), which identifies 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), which is agreed by WSCC. 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, which were key concerns of WSCC as Lead Local Flood Authority (LLFA).

## **L. Major Accidents and Disasters**

- 3.59 WSCC welcomes the Applicant securing consultation with West Sussex Fire and Rescue Service (WSFRS) during detailed design and pre-construction phases for the Oakendene substation (through Requirement 8), to ensure that it has the opportunity to apply control measures to mitigate a number of risks and uncertainties raised through the DCO documentation.

## **M. Public Health**

- 3.60 Through the process, WSCC raised a number of issues with the Applicant that have been satisfactorily addressed. These include the impact on communities, (specifically the vulnerable) should during construction works any utilities be damaged. The Applicant has added measures in the event of damage to utilities in the OCoCP. Concern was also raised about the engagement that had taken place with the communities close to works, including the issues of noise and vibration, specifically when night time drilling was taking place. The Applicant demonstrated through the OCoCP that mitigation will be in place and also through the OCTMP that mitigation of these air quality impacts by construction traffic, specifically the Air Quality Management Areas at Cowfold and Findon, will be in place. It was recommended that the assessment of Electronic Field Receptors was included for the reassurance of the public which was agreed.

## **N. Public Rights of Way**

- 3.61 Due to the large scale of this Project and the linear nature of the proposals, the scale of the impact on PRow is very high. With just under 60 individual interventions across the PRow network crossed by the Project, this highlights the impact on users both exercising their legal rights for utility or recreational purposes.
- 3.62 The Applicant has proposed measures to mitigate these effects, through the Outline Public Rights of Way Management Plan (OPRowMP), which is secured through a Requirement in the DCO, these are accepted by WSCC. Although it does set out clear mitigation for the network, this will negatively impact lawful path users within the County due to the large extent of temporary closures and diversions.
- 3.63 Subject to the Section 106 legal agreement being secured via a DCO Requirement, which would secure additional PRow enhancements, it is therefore considered that any such impacts would be minimised as far as practicable.

## **O. Section 106**

- 3.64 WSCC has been in discussion with the Applicant since Autumn 2023 regarding the need to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure compensation against certain elements of residual impact of the Project identified through the WSCC LIR (REP1-054).

3.65 It is therefore disappointing that so close to the end of Examination, the Applicant has been unable to finalise the agreement with the landowner of the onshore substation. WSCC understands that this has been due to recent land transactions and delays with HM Land Registry in registering title. The Applicant has assured WSCC that a Section 106 agreement, substantially in the form of an agreed document, will be completed once title has been registered with HM Land Registry. In order to secure the enhancements in lieu of the completed Section 106 agreement, the Applicant has proposed an additional draft Requirement in the dDCO which obligates the Applicant to submit a '*Public Rights of Way and Landscape Enhancement Scheme*' to WSCC for approval prior to commencement of the Project. In the absence of a Section 106 agreement at this stage of the process, WSCC agrees to this proposed approach.

**P. Draft Development Consent Order (REP5-006)**

- 3.66 WSCC has actively engaged with the Applicant through the DCO process on the content and wording of the dDCO. Many areas of concern have been addressed by the Applicant to the satisfaction of WSCC. There are a small number of concerns still outstanding, which should be considered by the ExA in the recommendation phase. These are:
- i. Within Part 3, article 16 (2) Temporary Speed Limits, WSCC has previously advised (REP4-08) that a minimum of eight week notice is required. The dDCO still refers to four weeks. The wording needs to be updated to reference an eight week notice period.
  - ii. WSCC supports the ExA's Amended Requirement 8 (PD-013), which has not been accepted by the Applicant, but also notes that:
    - o This change needs to make provision for WSCC Highways to be consulted, which it currently does not.
    - o 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.
    - o Noted that AoD maximum heights have been adopted for Requirement 8, but not for Requirement 9. This seems inconsistent.
  - iii. WSCC supports the ExA's Amended Requirement 9 (PD-013), which has not been accepted by the Applicant. It should be noted that consultation will be required with WSCC as Highways Authority where access is concerned.
  - iv. WSCC supports the ExA's New Requirement 41 (PD-013), which has not been accepted by the Applicant; however it queries whether the Oakendene compounds should be include here or covered under Requirement 8.
  - v. WSCC supports the ExA's request for a Trenchless Crossing Requirement, which has not been accepted by the Applicant.
  - vi. WSCC supports the ExA's New Requirement 44 (PD-013), which has not been accepted by the Applicant. However, consideration would be needed about 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.
- vii. Schedule 13 - There are remaining differences between 'important' hedgerows as identified between the Draft Development Consent Order (Schedule 13, Part 2) (REP5-005) and the Outline Vegetation Retention and Removal Plan (REP5-125), which has been communicated to the Applicant ahead of Deadline 6. Whilst not considered by WSCC to be consequential to the determination of the application, it would be of the benefit of the Applicant to ensure that the DCO is correct to avoid the further need to apply for the removal of important hedgerows under the Hedgerow Regulations (1997).
  - viii. 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 from 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.
  - ix. WSCC welcomes the commitment by the Applicant to engage on a Planning Performance Agreement, to cover work on the discharge of requirements, if consent is granted.
  - x. Consideration could be given to a clause as follows 'Procedure for discharge of certain approvals', which specifies "*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, where appropriate, identify and demonstrate compliance with the relevant commitments as set out in Commitment Register*". This would give considerable added certainty.

Rampion 2 Offshore Wind Farm (Project Reference: EN010117)  
Closing Position Statement  
West Sussex County Council (IP 200445228)  
Deadline 6 - Submitted on 1 August 2024