

Rampion Extension Development Limited

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Applicant Responses to the Secretary of State's Request for Information – Part 1

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1. INTRODUCTION

On the 25th November 2024, the Secretary of State requested additional information ahead of their final decision on whether or not to grant consent to the Rampion 2 Offshore Wind Farm Extension Project (hereafter “the Proposed Development”). Rampion Extension Development Limited (hereafter “the Applicant”) has provided responses to the requested information within this report where requested. Requests made that do not apply to the Applicant have not been presented within this report.

2. APPLICANT’S RESPONSES TO THE SECRETARY OF STATE’S REQUEST FOR INFORMATION

The Applicant’s responses to the request for information are made below within Table 2.1.

Table 2.1: The Applicant's Responses to the Secretary of State's Requests for Additional Information

Request Number	Topic	Request	Applicant’s Response
4	Post-consent adaptive management	<p>The Secretary of State notes the concerns raised by NE and the MMO throughout the Examination in relation to the efficacy of ornithological, marine mammal, fish, and benthic monitoring and mitigation. The Applicant, NE, and the MMO are requested to provide their views on the following possible Condition 18(5) of Schedules 11 and 12 (the Deemed Marine Licences (“the DML”)):</p> <p><i>“(5) In the event that the reports provided to the MMO under sub-paragraph (3) identify impacts which are unanticipated and or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment an adaptive management plan to reduce effects to within what was predicted within the Environmental Statement and the Habitats Regulations Assessment, unless otherwise agreed by the MMO in writing, must be submitted alongside the monitoring reports submitted under sub-paragraph (3). This plan must be agreed by the MMO in consultation with the relevant statutory nature conservation bodies to reduce effects to an agreed suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitored in full to a timetable first agreed in writing with the MMO. In the event that this adaptive management or mitigation requires a separate consent, the undertaker shall apply for such consent. Where a separate consent is required to undertake the agreed adaptive management or mitigation, the undertaker shall only be required to undertake the adaptive management or mitigation once the consent is granted.”</i></p>	<p>The Applicant does not consider that an additional condition 18(5) is necessary as an adaptive approach is already provided for in the draft Order.</p> <p>Condition 18(1) requires the undertaker to submit and secure approval for a monitoring plan for the post construction period. This must provide details of proposed post-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format, content and timings for providing reports on the results. Importantly it is to be in accordance with the offshore in-principle monitoring plan, and must specify each survey’s objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the Environmental Statement.</p> <p>The offshore in-principle monitoring plan [REP6-220] (which is to be a certified document under the terms of the Order) also recognises the need for an adaptive approach to monitoring and management, and that it will be the subject of ongoing consultation (see para 4.1.2). The plan identifies proposals for post construction monitoring in relation to each of the aspects where monitoring was identified as required, including drawing on the in-principle sensitive features mitigation plan ([REP5-082]), and provisions for adaptive management where necessary (see for example page 32 of the offshore in-principle monitoring plan).</p> <p>To the extent that the intention is for monitoring and management to go beyond the scope of the offshore in-principle monitoring plan and the subsequent offshore monitoring plan, the proposal is unreasonable. These documents address the conclusions of the Environmental Impact Assessment reported in the ES and the outcomes of the applicant’s shadow HRA, the</p>

Request Number	Topic	Request	Applicant’s Response
			<p>statutory regimes for which require the identification of likely significant effects. In addition, there is no current Habitats Regulation Assessment at present as this will be carried out by the Secretary of State in the determination of the application and should a further consent be necessary in order to carry out adaptive management, the undertaker will necessarily need to apply for the same to avoid breach of statutory requirements.</p> <p>In the event that the Secretary of State is minded to include an additional limb to condition 18, the Applicant has considered the wording further and requests the following amendments for clarity:</p> <p><i>In the event that the reports provided to the MMO under sub-paragraph (3) identify <u>new significant</u> impacts which are unanticipated and or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment, an adaptive management plan to reduce effects to within what was predicted within the Environmental Statement and the Habitats Regulations Assessment, unless otherwise agreed by the MMO in writing, must be submitted alongside the monitoring reports submitted under sub-paragraph (3).</i></p> <p><i>This plan must be agreed by the MMO in consultation with the relevant statutory nature conservation bodies to reduce effects to <u>an agreed suitable level for this project levels which are not significant in accordance with the methodology set out in the Environmental Statement</u>. Any such agreed and approved adaptive management or mitigation should be implemented and monitored in full to a timetable as set out in that plan first agreed in writing with the MMO. In the event that this adaptive management or mitigation requires a separate consent, the undertaker shall apply for such consent. Where a separate consent is required to undertake the agreed adaptive management or</i></p>

Request Number	Topic	Request	Applicant’s Response
			<i>mitigation, the undertaker shall only be required to undertake the adaptive management or mitigation once the consent is granted.</i>
5	Post-consent monitoring of underwater noise from piling	The Secretary of State notes the concerns raised by NE and the MMO during the Examination in relation to uncertainties concerning the efficacy of double big bubble curtains (DBBC) as a noise abatement system. The MMO requested an enhanced scheme of monitoring to be put in place to obtain measurements from the first eight piles (or eight of the first 12 piles), of each foundation type to be installed, rather than the first four piles as proposed. The Applicant is requested to provide a revised In-Principle Sensitive Features Mitigation Plan and Offshore In-Principle Monitoring Plan with possible amendments which would take account of those concerns.	The Applicant has reviewed and updated both the Offshore In-Principle Monitoring Plan (Document Reference 7.18) and the In-Principle Sensitive Features Mitigation Plan (Document Reference 7.17) to reflect the requested monitoring of eight of the first 12 piles of each foundation type to be installed. These updated documents have been provided at the deadline for Part 1 of the Request for Information.
6	Harbour Porpoise CEA	The Secretary of State notes the concerns raised by NE in its Risk and Issues Log in relation to the assessment of impacts on harbour porpoises. The Applicant should provide an updated assessment evidencing how the higher number of harbour porpoises predicted to be impacted in ES Chapter 11 Marine Mammals Tables 11-37 and 11-38 will affect the overall harbour porpoise population trajectory.	The Applicant has reviewed the methodology in the marine mammal Cumulative Effects Assessment (CEA) and has provided an updated assessment which reflects the use of Noise Abatement Systems (NAS) by EU projects, as per the approach taken on other offshore wind farm DCO applications and associated examinations. As a result, the Effective Deterrent Range (EDR) for EU projects has been reduced from 26 km to 15 km (JNCC, 2020). Additionally, the Applicant has further considered the construction timeframe for the Proposed Development. Whilst the Applicant maintains an overall offshore construction timeframe of 2025-2029 as per ES Chapter 4: The Proposed Development of the ES (Document Reference 6.2.4), the piling timeframe has been refined to 2027-2029. Updated versions of Table 11-37 and Table 11-38 of ES Chapter 11 Marine Mammals (Document Reference 6.2.11) have been provided in Appendix 1 (Table 3.1 and Table 3.2) which reflect the EDR and piling timeframe changes in relation to the harbour porpoise CEA. As a result, the maximum number of individuals disturbed from Tier 1-6 projects is 28,493 in 2027, 27,514 in 2028, and 24,339 in

Request Number	Topic	Request	Applicant’s Response
			<p>2029. These are all below the value presented in Booth <i>et al.</i> (2017), which demonstrated with iPCoD modelling that there would be low level population impacts when up to 34,396 individuals were disturbed. Therefore, the Applicant maintains the conclusion of not significant with respect to the harbour porpoise CEA.</p> <p>These changes will be incorporated into an updated ES Chapter 11 Marine Mammals (Document Reference 6.2.11) which will be provided at the deadline for Part 2 of the Request for Information (13th December 2024).</p>
7	Piling restrictions	<p>The Secretary of State notes that concerns were raised regarding underwater noise disturbance on black seabream and seahorses. The Applicant, NE, SIFCA, and the MMO should provide views on the following possible wording for a new Condition 26 of the DML:</p> <p><i>“(26) - There shall be no piling associated with the authorised development between the dates of 01 March to 31 July inclusive, unless otherwise agreed to by the MMO and the statutory nature conservation body.”</i></p>	<p>The Applicant notes that the proposed wording for condition 26 would be effective in securing a prohibition on any piling during the period 1 March to 31 July each year. However, the Applicant further notes that this wording would be inconsistent with its submissions to the Examination as to the proportionality of a such a ban across the whole of the array area during this period; please see paragraphs 5.8.13-5.8.18 of the Applicant’s Closing Statement [REP6-233]</p>
8	Outline Cable Burial Risk Assessment (“OCBRA”) and Outline Cable Specification and Installation Plan (“OCSIP”)	<p>The Secretary of State notes the Applicant has not had an opportunity to respond to points raised by NE at Deadline 6 regarding the OCBRA and OCSIP3. The Applicant should respond to NE’s comments, providing revisions to the OCBRA and OCSIP if considered appropriate, and confirm where it considers issues are now resolved with NE.</p>	<p>The Applicant notes that Natural England’s comments on the OCBRA and OCSIP primarily relate to aspects which would not be expected to be resolved until post-consent, particularly those comments referencing the need for further data collection (namely geophysical data collection) and certainty over the specific installation methods which were to be used. Furthermore, the recommendations from Natural England refer to information which they would require to see in any final CBRA or CSIP. For additional detail on the Applicant’s position regarding data collection please see paragraph 5.8.6-5.8.7 of the Applicant’s Closing Statement [REP6-233] and document 8.25 Applicant’s Response to Action Points Arising from Issue Specific Hearing 1 [REP1-018].</p>

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			<p>The Applicant further notes that the MMO will consult with Natural England on the final CSIP (and CBRA which will be a part of that document), which must be approved by the MMO prior to any works taking place. As such, the Applicant’s position is that relevant concerns from Natural England which remain in place following receipt of the final CSIP (and the data which will have been collected to underpin that) can be addressed through the standard consultation processes which form a key part of the post-consent phase of any project. Consequently, the Applicant does not consider a line by line response to Natural England’s comments on the OCBRA or OCSIP necessary at this stage.</p> <p>The Applicant welcomes the encouragement from Natural England to engage early on these matters and confirms that this would be the intention for all matters relating to the construction of the Proposed Development.</p>
9	Securing trenchless crossings underneath Irreplaceable Habitats and SSSIs	<p>The Applicant, NE, and SDNPA should provide views on the following possible drafting for a new Requirement 46 ‘Crossing Schedule’, of the DCO:</p> <p><i>“(1) No stage of the authorised development shall commence until a trenchless crossing plan showing the final locations and extent of each trenchless crossing in that stage and its compound has been submitted to and approved by the relevant planning authority. (2) The trenchless crossings in the relevant stages shall be undertaken in accordance with the approved details.”</i></p>	<p>The Applicant does not consider that an addition condition 46 is necessary as the details sought are already secured through the terms of the draft Order.</p> <p>Requirement 22 for a stage specific code of construction practice (to be in accordance with the Outline Code of Construction Practice [REP6-224]) includes provision for a crossing schedule, and liaison with landowners for the location and extent of trenchless crossings.</p> <p>Requirement 23 for a construction method statement (to be in accordance with the Outline Construction Method Statement [REP6-229]) requires submission and approval for a construction method statement prior to commencement of the authorised development in each stage and must include</p> <ul style="list-style-type: none"> – confirmation of the cable construction corridor and its width through the relevant stage which will therefore identify the trenchless crossing compound locations;

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			<ul style="list-style-type: none"> – securing that the compounds for horizontal directional drilling do not exceed 50 metres x 75 metres; and – the planned methods and processes for all crossings identified in a stage specific code of construction practice to be installed by trenchless technology <p>The above details would, by their nature, require the identification of the location and size of compounds, without need for an additional requirement.</p> <p>If the SoS is minded to implement a new requirement, the Applicant has considered the wording further and requests the following amendments for clarity and to facilitate the construction of the project:</p> <p><u>“Applicant’s amendments to proposed requirement</u></p> <p><i>“(1) No stage of the authorised development <u>within the Order limits landward of MLWS (excluding any onshore site preparation works)</u> involving the construction of any trenchless crossings shall commence until <u>for that stage</u> a trenchless crossing plan showing the final locations and extent of each trenchless crossing in that stage and its compound has been submitted to and approved by the relevant planning authority.</i></p> <p><i>(2) The trenchless crossings in the relevant stages shall be undertaken in accordance with the approved details.”</i></p> <p><u>Explanation for amendments</u></p> <ul style="list-style-type: none"> • Addition – “<i>within the Order limits landward of MLWS</i>” – for consistency with other requirements. • Addition – “<i>(excluding any onshore site preparation works)</i>” – to make clear that the requirement does not apply to the site preparation works. The exclusion is

Request Number	Topic	Request	Applicant’s Response
			<p>important as in order to design a successful trenchless crossing, Ground Investigations must be undertaken as part of an onshore site preparation works stage.</p> <ul style="list-style-type: none"> • Addition – “involving the construction of any trenchless crossings” – to make clear that the requirement for approval of the plan under this requirement should only relate to stages of the onshore works which include trenchless crossing construction, as it is possible that some stages will not. • Addition – “for that stage” – to make clear that in each case, the scope of the plan approval only relates to the trenchless crossings in that stage, not all trenchless crossings across the route.
10	Outstanding mandatory consent from the Crown authorities	The Secretary of State notes that the Applicant is seeking powers of compulsory acquisition over plots of land with interests attributed to TCE, FC, and SoSfT. The Applicant, TCE, FC, and SoSfT are requested to provide an update on whether the Applicant has secured the mandatory consent from each of the relevant Crown authorities under s.135 of PA2008 to have these authorities’ land interests subject to powers of compulsory acquisition.	<p>SofST (plot 33/18): The Secretary of State for Transport issued its letter of consent on 29 November 2024. A copy of the consent can be found at Appendix 2.</p> <p>FC (plots 9/6, 11/4, 11/5, 11/7, 11/8, 21/30, 21/32, 21/33, 21/36, 21/37, 22/7): the Forestry Commission issued its letter of consent on 2 October 2024. A copy of the consent can be found at Appendix 2.</p> <p>TCE (plots 1a/1, 1a/2, 1b/1, 1b/2, 1/1, 1/2, 1/3 and 1/4). The terms for the provision of the TCE s135 consent have been agreed. The Commissioners confirmed their consent to the compulsory acquisition of the third party interests. A copy of the consent can be found at Appendix 2.</p>
11	Outstanding mandatory consent from the Crown authorities	The Applicant and SoSfT should confirm whether SoSfT is the administering body for Plot 33/18 and, subsequently, whether consent under s.135 of PA2008 is required.	The Applicant confirms that thorough investigations have determined that it is likely that plot 33/18 is owned by the SofST, and the SoSfT has given its consent (as referred to in the response to Request #10 above) in respect of that plot on that basis.

Request Number	Topic	Request	Applicant’s Response
12	Outstanding mandatory consent from the Crown authorities	The Applicant should provide a timetable indicating when these consents will be forthcoming, should they not have been obtained by the close of this request for information.	See response to Request #10 and #11.
13	Outstanding NT objection	The Secretary of State notes that the Applicant is seeking powers of compulsory acquisition over plots of land with interests attributed to NT. The Applicant and NT are requested to provide an update regarding whether NT has withdrawn its objection in accordance with s.130 of PA2008 to have its land interests subject to powers of compulsory acquisition	NT’s objection was withdrawn on 2 December 2024. This expressly includes a withdrawal of the NT’s objection to the use of compulsory acquisition powers over its inalienable land.
14	Outstanding NT objection	The Secretary of State requests that the Applicant provides a timetable indicating when NT’s objection is expected to be withdrawn, should the withdrawal not have been made by the close of this request for information.	As stated above in response to Request #13 above, NT’s objection was withdrawn on 2 December 2024.
15	Land rights	The Applicant should provide an update on the progression of Heads of Terms with Affected Persons in relation to the compulsory acquisition of land by voluntary means, and to submit an updated Land Rights Tracker.	A summary update in respect of the progress of Heads of Terms and Land Agreements with Affected Persons, can be found at Section 2 of Appendix 3. An updated Land Rights Tracker is included in this submission (Document Reference 4.4 Rev G).
16	Land rights	The Applicant , NH , NR , and NGET are requested to provide an update on whether any agreement has been reached regarding respective Protective Provisions. The Applicant should provide an update if any other Protective Provisions have been agreed by way of Side Agreement.	A summary update in respect of the progress of Protective Provisions and other agreements with Affected Persons can be found at Sections 3 and 4 Appendix 3.

3. APPENDIX 1: UPDATED HARBOUR PORPOISE CEA IMPACTS

Table 3.1 Harbour porpoise CEA - number of porpoise predicted to be disturbed (per day) by construction activity at each development alongside ongoing seismic surveys in the North Sea. The piling window for the Proposed Development is within the red box.

Project	Tier	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Rampion 2								151	151	151	
Hornsea 2	1	1,886	1,886	1,886							
Near na Gaoithe	2	1,272									
Moray East	2	323									
Borssele I	1	429	429								
Borssele II	1	429	429								
Triton Knoll	1	1,886									
Dogger Bank A	2		1,886	1,886	1,886						
Dogger Bank B	2		1,886	1,886	1,886						
Dogger Bank C	3			1,778	1,778	1,778	1,778				
Sofia	3			1,886	1,886	1,886	1,886				
Inch Cape	3	1,272	1,272	1,272	1,272	1,272	1,272	1,272	1,272	1,272	1,272
Seagreen Alpha	2	1,272	1,272	1,272							
Seagreen Bravo	2	1,272	1,272	1,272							

Project	Tier	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Moray West	3		323	323	323						
East Anglia 3	3			1,289	1,289	1,289	1,289				
Hornsea 3	3				1,886	1,886	1,886	1,886	1,886		
Hornsea 4	3					1,886	1,886	1,886	1,886	1,886	1,886
Norfolk Vanguard	4				1,289	1,289	1,289	1,289	1,289		
Norfolk Boreas	4		1,886	1,886	1,886	1,886					
East Anglia 1N	3			1,289	1,289	1,289	1,289				
East Anglia 2	3			1,289	1,289	1,289	1,289				
Dieppe - Le Treport	2				151	151	151				
Fecamp	2	151	151	151							
Five Estuaries	5								1,289	1,289	1,289
North Falls	5						1,289	1,289	1,289	1,289	1,289
Dudgeon Extension Project	4					1,886	1,886	1,886	1,886	1,886	1,886
Sheringham Extension Project	4					1,886	1,886	1,886	1,886	1,886	1,886
Outer Dowsing	5						1,886	1,886	1,886	1,886	1,886
Berwick Bank	4				1,272	1,272	1,272	1,272	1,272	1,272	1,272
Caledonia	5								323	323	323

Project	Tier	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
West of Orkney	5								323	323	323
Princess elizabeth noorhinder noord tender	6					429	429				
Borkum riffgrund	3			592	592	592					
GoDewind 3	3			196							
EnBw He Dreidt	3				592	592					
N-3.7	6					196	196				
N-3.8	6					196	196	196			
N-7.2	6						592				
Kaskasi	1		196								
Thor	5				429	429	429				
Vesterhav nord/syd	2		582								
Calvados	2		151	151	151						
Saint Breuic	2	151	151	151							
Dunkerque	5					429					
Hollandse Kust Zuid I and II	2	592	592	592							
Hollandse Kust Zuid III and IV	2	592	592	592							
Hollandse Kust Nord	2	592	592	592							

Project	Tier	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Hollandse Kust West VI	2		592	592	592	592					
Ten noorden van e Waddeneilanden	5						592				
Hollandse Kust West VII	5							592			
Hywind Tampen	2		227								
Seatwirl 2	3			97							
Dolphyn	5					1,272					
Beech	5				1,272	1,272	1,272	1,272			
Aspen	5				854	854	854	854			
Forthwind demo phase	3				1,272						
Viking IC	2	70	70	70							
Aquind IC	4				17						
Perpetuus Tidal Energy Centre	4			17	17						
Seismic 1	6	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719
Seismic 2	6	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719
Seismic 3	6	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719
Seismic 4	6	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719	2,719

Table 3.2 Harbour porpoise CEA - total underwater noise disturbance estimates across tiers. The piling window for the Proposed Development is within the red box.

	Tier 1-2		Tier 1-3		Tier 1-4		Tier 1-6	
	Total	% MU	Total	% MU	Total	% MU	Total	% MU
2021	10,917	3.1%	12,189	3.5%	12,189	3.5%	23,065	6.7%
2022	12,956	3.7%	14,551	4.2%	16,437	4.7%	27,313	7.9%
2023	11,093	3.2%	21,104	6.1%	22,990	6.6%	33,883	9.8%
2024	4,666	1.3%	18,134	5.2%	22,615	6.5%	36,046	10.4%
2025	743	0.2%	14,502	4.2%	22,721	6.6%	38,674	11.2%
2026	151	0.0%	12,726	3.7%	19,059	5.5%	37,670	10.9%
2027	151	0.0%	5,195	1.5%	11,528	3.3%	28,493	8.2%
2028	151	0.0%	5,195	1.5%	11,528	3.3%	27,514	7.9%
2029	151	0.0%	3,309	1.0%	8,353	2.4%	24,339	7.0%
2030	0	0.0%	3,158	0.9%	8,202	2.4%	24,188	7.0%
Min	0	0.0%	3,158	0.9%	8,202	2.4%	23,065	6.7%
Mean	4,098	1.2%	11,006	3.2%	15,562	4.5%	30,119	8.7%
Max	12,956	3.7%	21,104	6.1%	22,990	6.6%	38,674	11.2%

4. APPENDIX 2: CROWN CONSENT



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29 November 2024

By email: [REDACTED]@eversheds-sutherland.com and
[REDACTED]@eversheds-sutherland.com

Our ref: RW/DFT/8-99/DFT-230
Your ref: 344663.000004

Dear Sirs

**Your client: Rampion Extension Development Limited (“RED”)
The Proposed Rampion 2 Offshore Wind Farm Development Consent Order (“DCO”)
Request for consent pursuant to section 135 of the Planning Act 2008 in respect of Plot 33/18
 (“the Request”)**

I understand that you are instructed on behalf of RED, the applicant, in respect of the DCO.

I am instructed to respond on behalf of the Secretary of State for Transport (“**SoS**”) following consideration of the Request.

For clarity, this decision letter responds specifically to the request for consent made under section 135(2) of the Planning Act 2008 (“the Act”) only because section 135(1) is not engaged in this case.

For the avoidance of doubt, this decision letter extends to the presumed crown interest of the SoS in Plot 33/18 of the DCO, which constitutes Crown land as defined in section 227 of the Planning Act 2008. This interest is noted on the Land Registry title as belonging to the SoS for Environment, Food & Rural Affairs (“**DEFRA**”) but DEFRA has subsequently confirmed that this is no longer held by them. Investigations indicate that it is likely that this interest is now held by the SoS, and this decision letter is given by the SoS on the basis of that assumption.

It is noted that Plot 33/18 comprises the adopted highway and a strip of verge adjacent to the A272 highway. West Sussex County Council own the freehold to Plot 33/18 and are the local highway authority for the A272. National Highways are the highway authority for other roads affected by the DCO. The SoS is concerned to ensure that the use of Plot 33/18 does not interfere with the relevant highway authority’s operational ability to manage and operate the highway in this location. This section 135(2) consent is therefore conditional upon RED complying with the following insofar as relevant to the proposed use of Plot 33/18 and the works to be undertaken thereon:

1. The relevant Protective Provisions in Part 7 of Schedule 10 of the DCO (Reference: REP6-007); and
2. The Requirement 15 in Part 3 of Schedule 1 of the DCO (Reference: REP6-007) .



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On the basis of the above confirmation and the provisions contained within Article 49 of the draft DCO, I am authorised to confirm that the SoS hereby gives consent pursuant to section 135(2) of the Act.

Yours sincerely,



Robert Wardell
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BS16 1EJ

Tel 0300 067 4000
commissioners@forestrycommission.gov.uk

2 October 2024

Zainab Latif
Planning and Infrastructure Consenting (Manchester)
Eversheds Sutherland
By e-mail only: [REDACTED]@eversheds-sutherland.com

Dear Zainab

**Rampion 2 – Onshore cable route
Forestry Commissioners interest in land affected (Forestry Dedication
Agreements)**

Thank you for your various e-mails and documents to colleagues regarding the impact, both temporary and permanent, from the proposed onshore cable route on land subject to forestry dedications.

I understand that two dedication agreements are likely to be affected if a Development Consent Order is granted, and I will address these individually.

**Title No WSX30616 – Plot Reference 11/4 (Drawing no: J0039831-24-07
dated 11/07/24 RAMPION 2 OFFSHORE WIND FARM - SHEET 11) (attached)**

For this area the Forestry Dedication Agreement made on 21 January 1959 allows the Forestry Commissioners (in paragraph 1) to permit the land to be used otherwise than for the growing of timber. We understand that if a development consent order is granted it is intended that a cable will be laid by horizontal drilling under land subject to the dedication agreement and your clients have confirmed to the Forestry Commission, their commitment to undertake the works in this way. Whilst this should not interfere with using the land for the growing of timber the Forestry Commissioners accept that temporary works over this plot forming part of the dedicated covenant may, for short period, interfere with the growing of timber. This can be permitted provided that these works are in accordance with any development consent granted and that the land does, on completion, revert to the growing of timber.

**Title No WSX327958 – Plots Reference 21/32, 21/33, 21/36 and 21/37
(Drawing no: J0039831-24-08 dated 11/07/24 RAMPION 2 OFFSHORE WIND
FARM - SHEET 21) (attached)**

For this area the Forestry Dedication Agreement made on 20 May 1954 allows the Forestry Commissioners (in the second schedule) to permit the land to be used otherwise than for the growing of timber. We understand that if a development consent order is granted it is intended that the plots numbered above may be temporarily prevented from being used for the growing of timber. The Forestry Commissioners accepts this provided that this is included in the development consent order and is in accordance with any development consent granted. The Forestry Commissioners would expect the land in question would be restored to the growing of timber as soon as the works are completed.

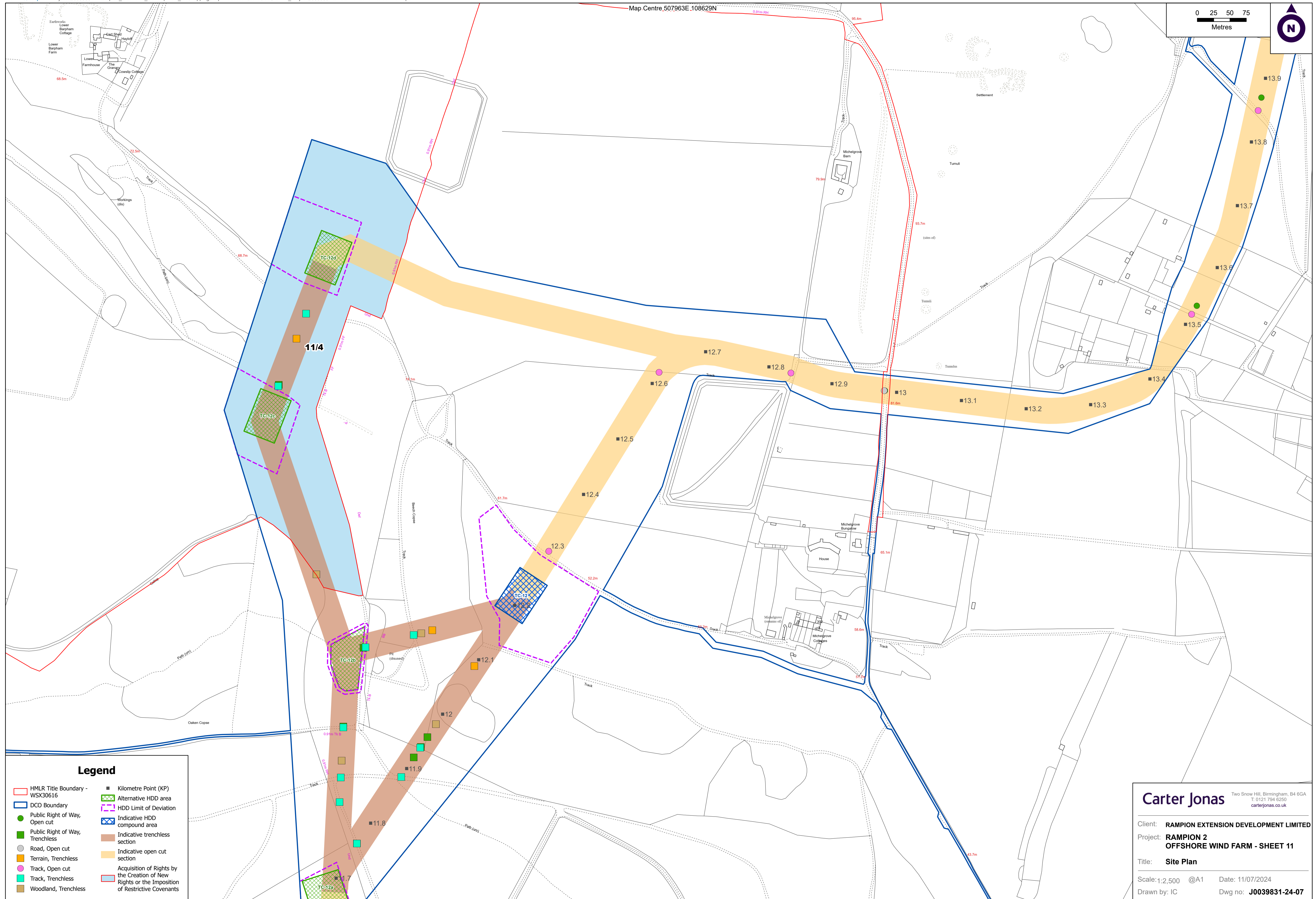
I trust that the above gives you sufficient comfort that the Forestry Dedications will not be an impediment to the progression of the onshore cable route.

Yours sincerely



Richard Barker

Secretary to the Commissioners and Data Protection Officer
Commissioners' Office



Legend

- HMLR Title Boundary - WSX30616
- DCO Boundary
- Public Right of Way, Open cut
- Public Right of Way, Trenchless
- Road, Open cut
- Terrain, Trenchless
- Track, Open cut
- Track, Trenchless
- Woodland, Trenchless
- Alternative HDD area
- HDD Limit of Deviation
- Indicative HDD compound area
- Indicative trenchless section
- Indicative open cut section
- Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants
- Kilometre Point (KP)

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T: 0121 794 6250
carterjonas.co.uk

Client: **RAMPION EXTENSION DEVELOPMENT LIMITED**

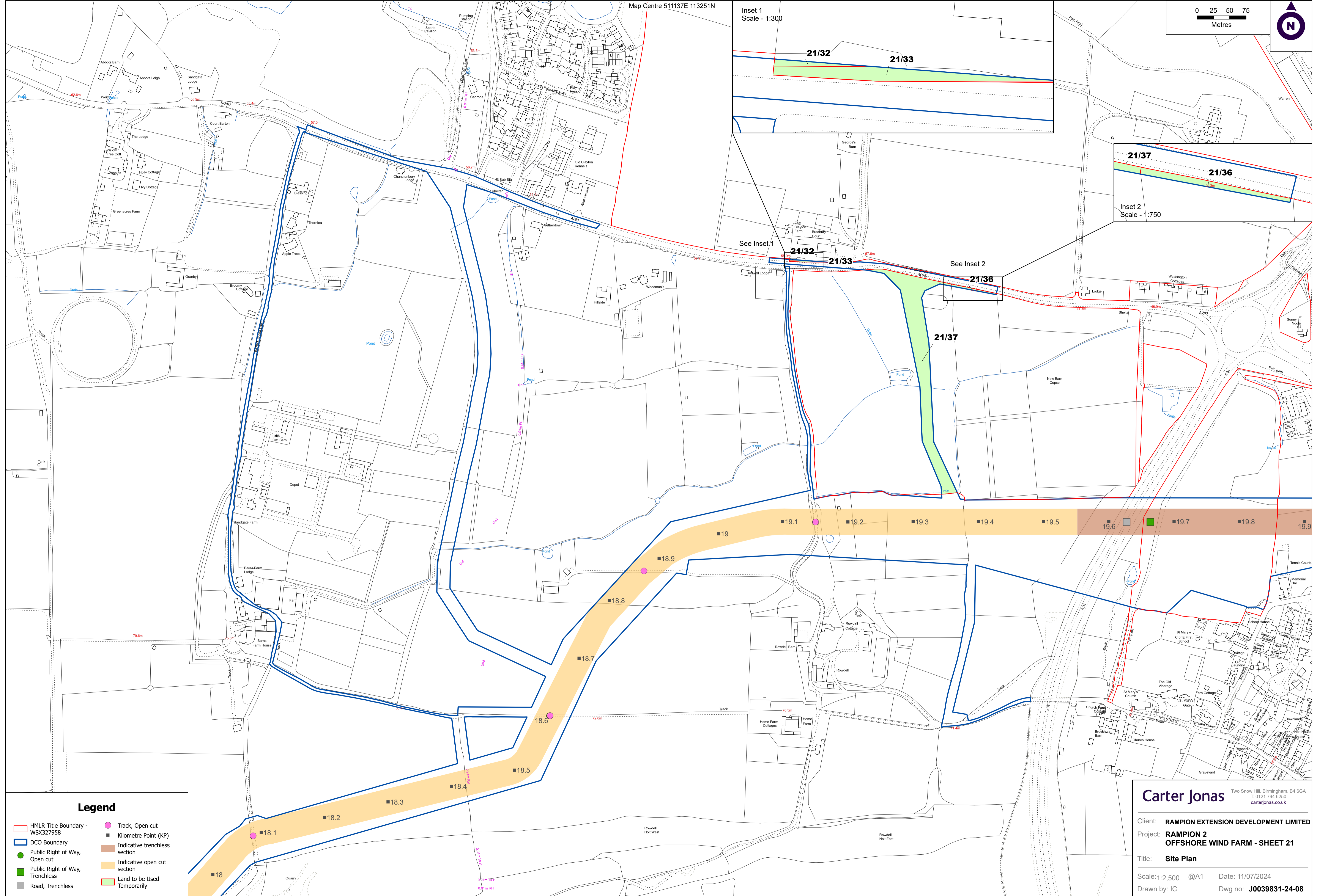
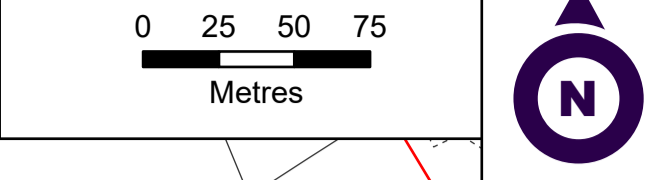
Project: **RAMPION 2 OFFSHORE WIND FARM - SHEET 11**

Title: **Site Plan**

Scale: 1:2,500 @A1 Date: 11/07/2024

Drawn by: IC Dwg no: **J0039831-24-07**

Map Centre 511137E 113251N



Legend

HMLR Title Boundary - WSX327958	Track, Open cut
DCO Boundary	Kilometre Point (KP)
Public Right of Way, Open cut	Indicative trenchless section
Public Right of Way, Trenchless	Indicative open cut section
Road, Trenchless	Land to be Used Temporarily

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T: 0121 794 6250
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Client: **RAMPION EXTENSION DEVELOPMENT LIMITED**
Project: **RAMPION 2 OFFSHORE WIND FARM - SHEET 21**
Title: **Site Plan**

Scale: 1:2,500 @A1 Date: 11/07/2024
Drawn by: IC Dwg no: **J0039831-24-08**

Latif, Zainab

From: Barker, Richard [REDACTED]@forestrycommission.gov.uk>
Sent: 17 October 2024 12:38
To: Latif, Zainab
Cc: [REDACTED]
Subject: RE: The Rampion 2 Offshore Wind Farm Order 20XX - s135 Planning Act 2008 consent request dated 15.09.23 - Plots 11/4, 11/5, 11/7, 11/8, 19/6, 21/32, 21/33, 21/36, 21/37 and 22/7 [ES-CLOUD_UK.FID3450063]

Dear Zainab

Thank you for your e-mail and for providing a link allowing us to access and updated plans (Crown Land – Revision D – August 2024).

I can confirm that my letter does provide consent in regard to s135(2) of the Planning Act 2008 in so far as the Commissioners interest is considered a Crown interest.

I can also confirm that the only plots in which Commissioners have an interest were those listed in my letter and exclude those you have listed below as these lie outside the boundary of the Dedication. I note that the plot numbers remain the same in the latest set of plans you provided.

I can also clarify that 'horizontal drilling' includes any trenches method of working. i.e. any method that does not result in the disturbance or removal of the growing trees.

I trust this provides the additional reassurance you are seeking and note that it is intended to include this exchange with the FC Letter in your submission to the Secretary of State.

Yours sincerely

Richard Barker
Secretary to the Commissioners
Commissioners' Office, Forestry Commission

 620 Bristol Business Park | Coldharbour Lane | Bristol | BS16 1EJ

 [REDACTED]@forestrycommission.gov.uk

Please note I work part time, my normal working days are Tuesday to Thursday.

From: Latif, Zainab [REDACTED]@eversheds-sutherland.com>
Sent: 10 October 2024 15:37
To: Latif, Zainab [REDACTED]@eversheds-sutherland.com>; Barker, Richard [REDACTED]@forestrycommission.gov.uk>
Cc: [REDACTED]

Subject: The Rampion 2 Offshore Wind Farm Order 20XX - s135 Planning Act 2008 consent request dated 15.09.23 - Plots 11/4, 11/5, 11/7, 11/8, 19/6, 21/32, 21/33, 21/36, 21/37 and 22/7 [ES-CLOUD_UK.FID3450063]

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I'm using Mimecast to share large files with you. Please see the attached instructions.

Dear Richard,

Thank you for your email and the attached letter dated 2 October 2024 ("the FC Letter") on behalf of the Forestry Commission. Your confirmation that the Forestry Dedications will not be an impediment to the Rampion 2 onshore cable scheme provided that the works are carried out in accordance with the proposed Order is very much welcomed. With regards to Plot 11/4, we would clarify, whilst it does not alter the effect of the works on the Forestry Dedication, that horizontal directional drilling is not the sole trenchless technique which may be used pursuant to the draft Order. "Trenchless Technology" is defined in article 2 of the draft Order as "a cable installation method to install the cable circuits underground by means other than open cut, including horizontal directional drilling".

Our client will submit the FC Letter to the Secretary of State ("SoS") after the parties have been notified that the Examining Authority has submitted its report to the SoS for consideration.

However, we expect that the SoS will need further confirmation of the following points:

1. That the FC Letter comprises the Forestry Commission's consent pursuant to section 135(2) of the Planning Act 2008 in respect of the Forestry Commission's interests in Plots 11/4, 21/32, 21/33, 21/36 and 21/37 of the draft Order; and
2. That the Forestry Commission does not have an interest in the Plots 11/5, 11/7, 11/8, 19/6, 22/7 of the draft Order, because these plots lie outside of the Forestry Dedications. It follows that section 135(2) consent from the Forestry Commission is not required for these parcels.

At the moment, the FC Letter does not refer to section 135 or to the other plots in which the Forestry Commission is listed as having an interest in the Book of Reference therefore we anticipate that the SoS would need to write to the Forestry Commission to seek confirmation of the position. **Please could you confirm by return email that you agree with numbered statements 1 and 2.** Our client can then disclose the email chain to the SoS alongside the letter so as to clarify any ambiguity.

Separately, we note that the Drawing Numbers within the FC Letter make reference to a previous revision of the Crown Land Plans, please therefore find attached to this email the most recent revision of these plans for your records. No changes have been made to the detail of the Forestry Commission's interests though in the updated version.

I look forward to hearing from you.

Kind regards,

Zainab

Zainab Latif | Associate | Planning and Infrastructure Consenting (Manchester) | Eversheds Sutherland



Please note that my working days are Monday to Thursday.

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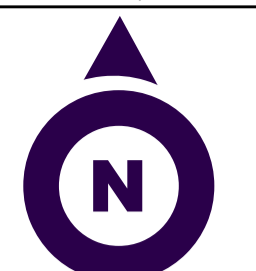
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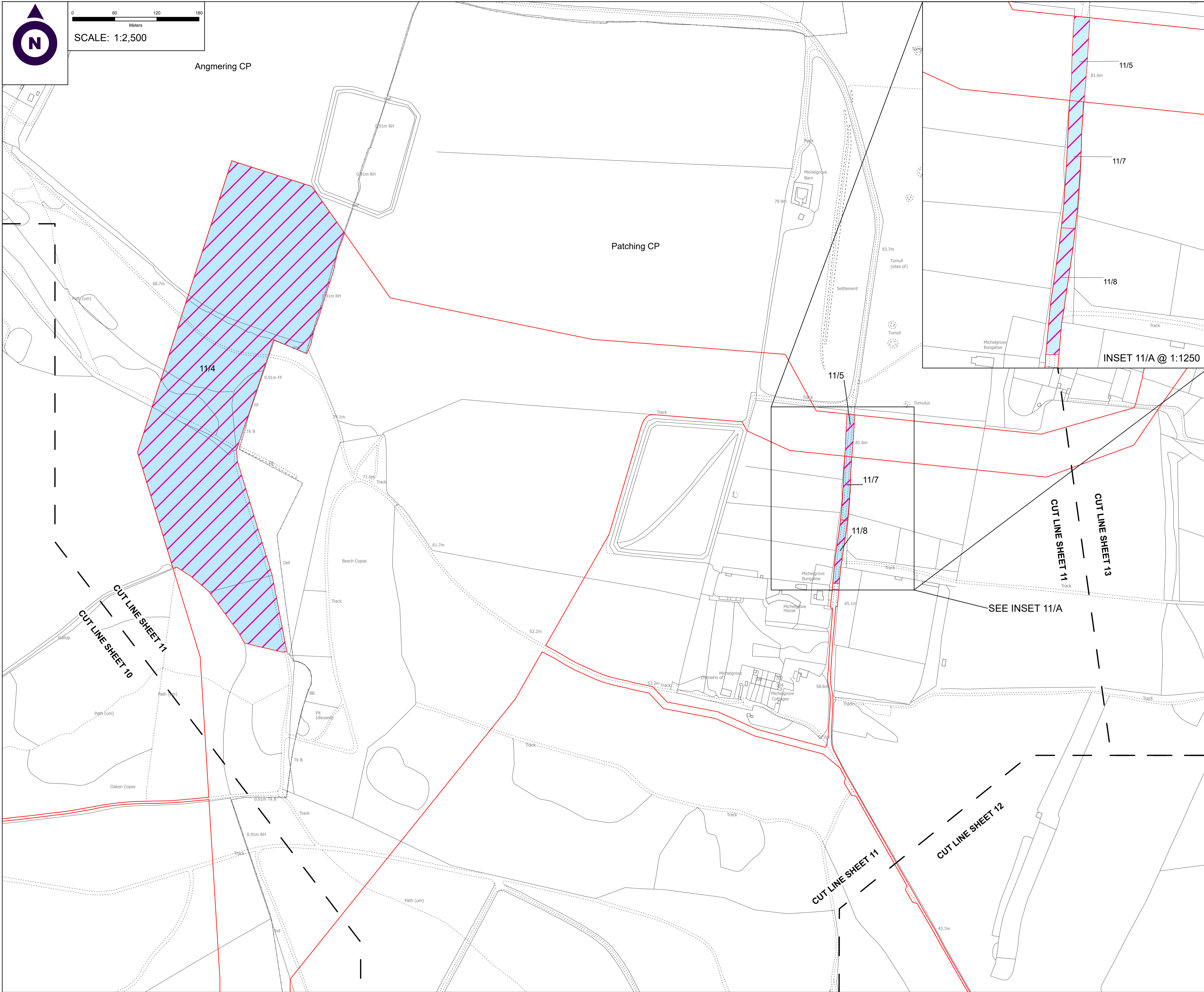
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Applicant
RAMPION EXTENSION DEVELOPMENT LIMITED

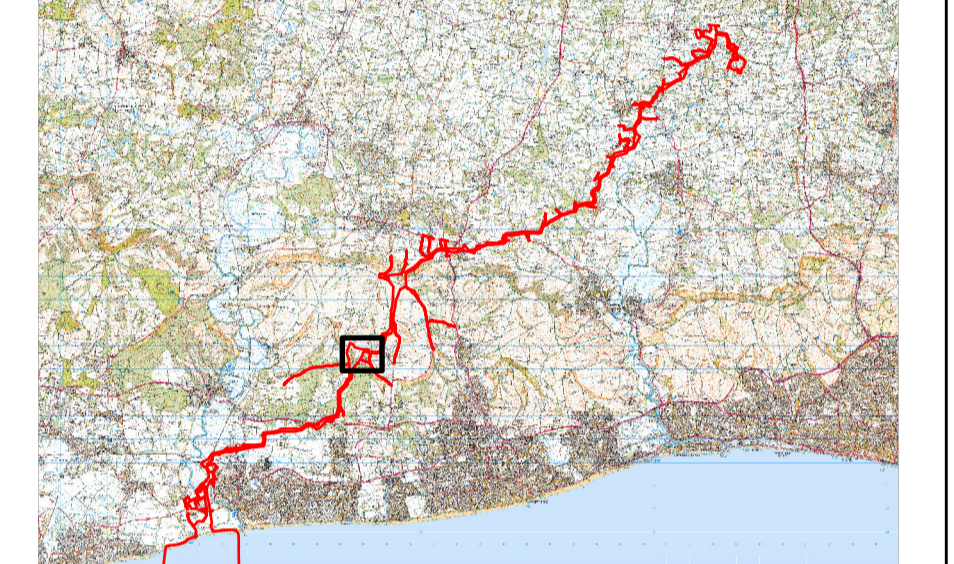
Project Title:
RAMPION 2 OFFSHORE WIND FARM

Drawing Title:
**CROWN LAND PLANS
REGULATION 5(2)(n) OF THE INFRASTRUCTURE
PLANNING (APPLICATIONS: PRESCRIBED
FORMS AND PROCEDURE) REGULATIONS 2009
SHEET 11**

Legend

- Limits of Land to be Acquired
- Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants
- Land to be Used Temporarily
- Crown Land
- Land in which there is a Crown Interest

The Legend is identical on all sheets of the Crown Land Plans and therefore not all items specified in the Legend are found on each sheet



INSET 11/A @ 1:1250

Fourth Revision	RL	AP	29/07/24	04
Third Revision	RL	AP	11/07/24	03
Second Revision	RL	AP	13/11/23	02
Revision Details	By	Check	Date	Suffix

Purpose of issue
DEADLINE 6

Development Consent Order Number:
EN010117

Application Document Number:
2.8

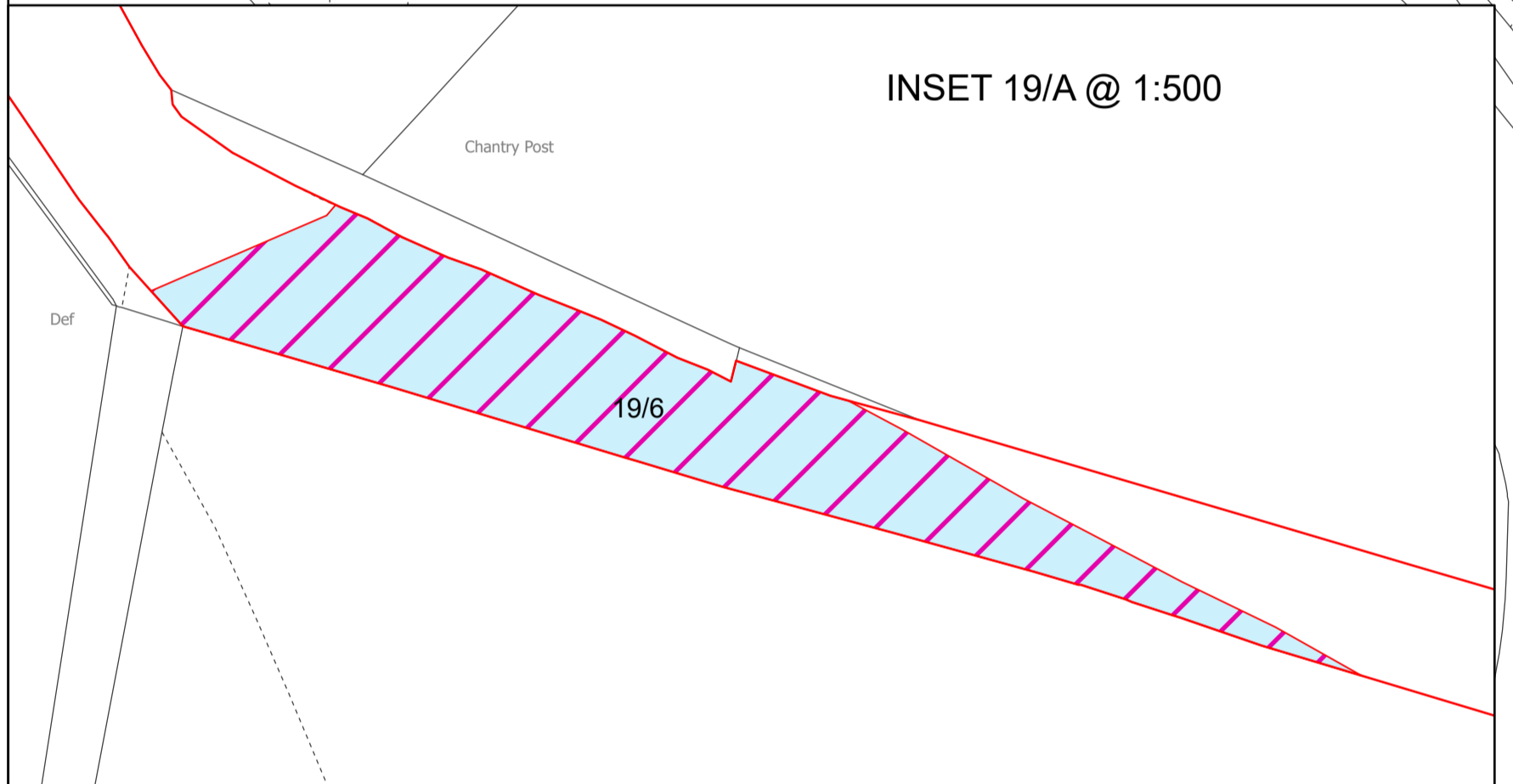
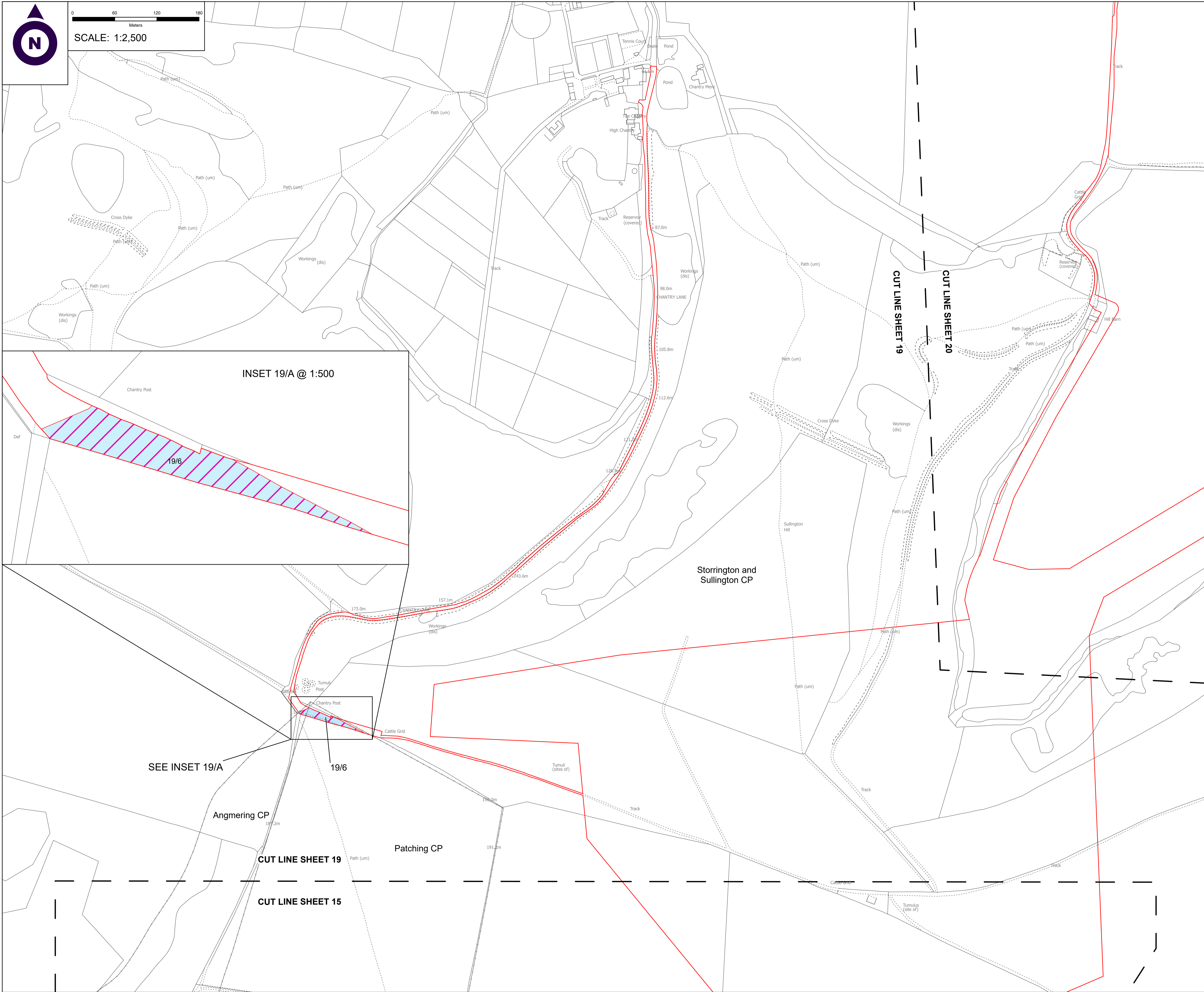
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Internal Project Number: J0039831-24-08		Suitability DCO SUBMISSION	
Scale @ A1 1:2,500		Zone WHOLE SITE	

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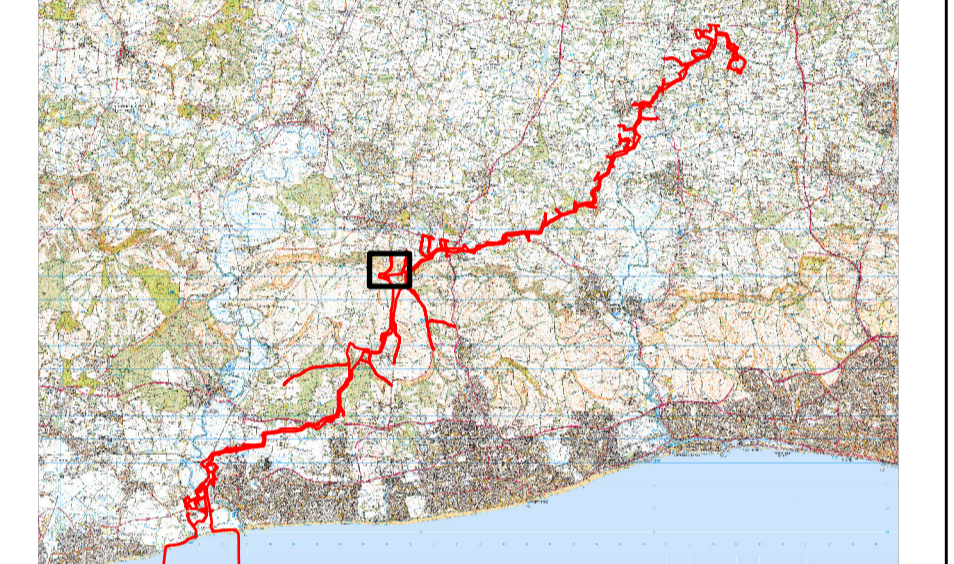
Applicant
RAMPION EXTENSION DEVELOPMENT LIMITED

Project Title:
RAMPION 2 OFFSHORE WIND FARM

Drawing Title:
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REGULATION 5(2)(n) OF THE INFRASTRUCTURE
PLANNING (APPLICATIONS: PRESCRIBED
FORMS AND PROCEDURE) REGULATIONS 2009
SHEET 19**

- Legend**
- Limits of Land to be Acquired
 - Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants
 - Land to be Used Temporarily
 - Crown Land
 - Land in which there is a Crown Interest

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Second Revision	RL	AP	13/11/23	02
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Purpose of issue
DEADLINE 6

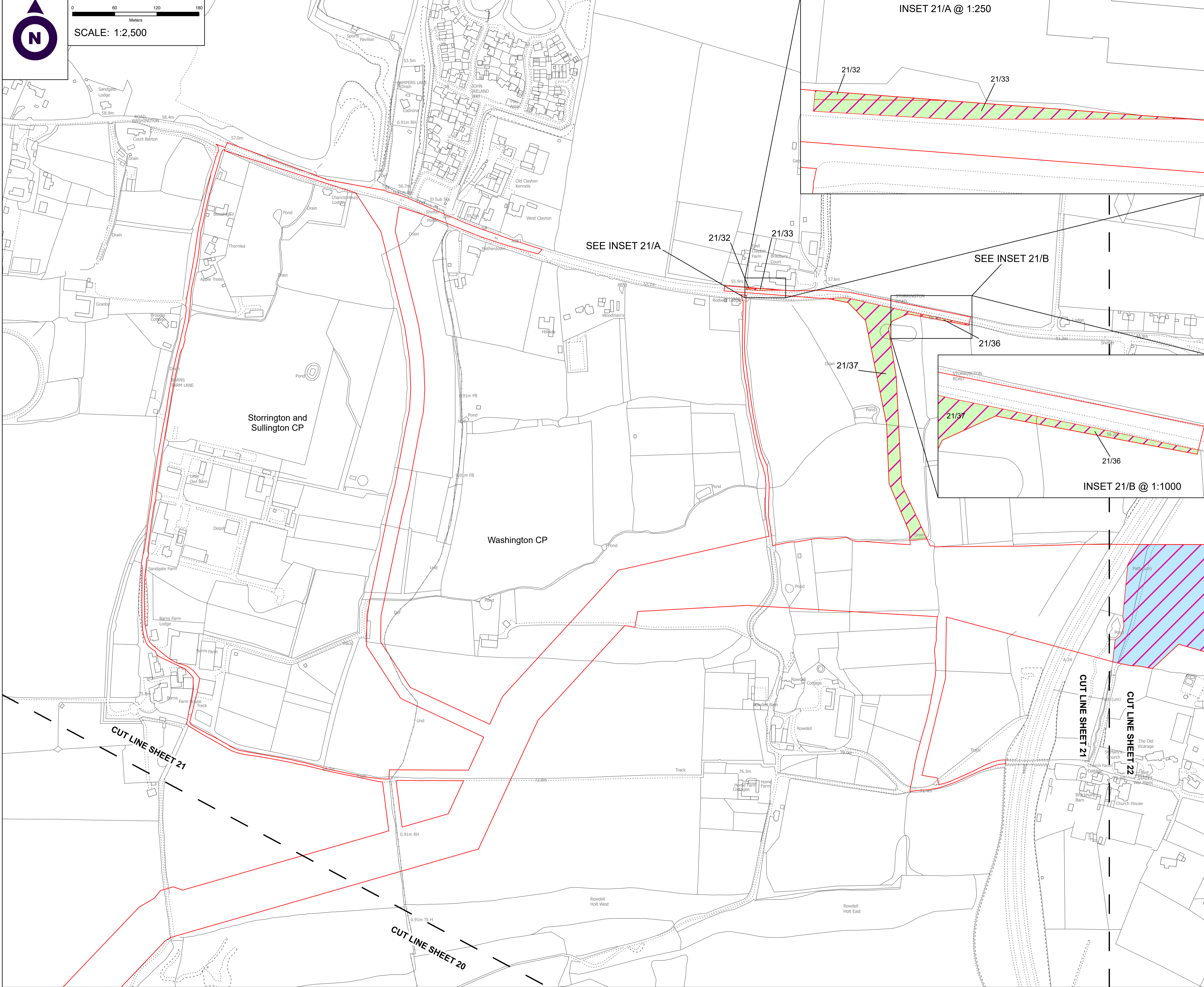
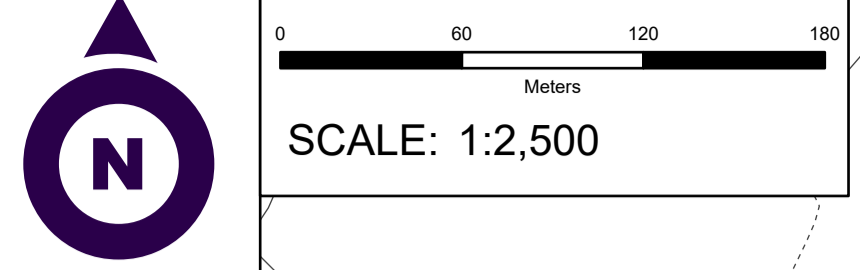
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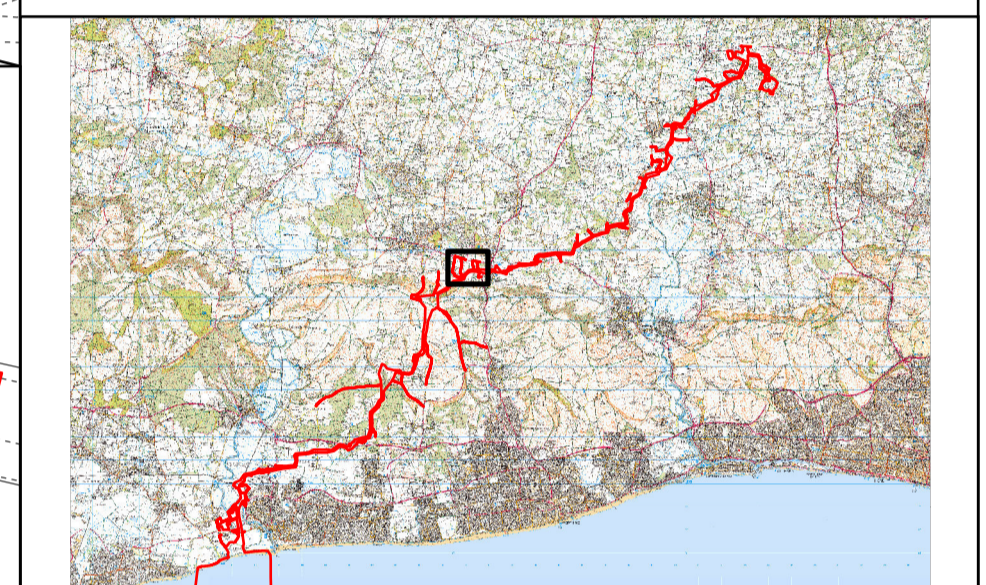
Applicant
RAMPION EXTENSION DEVELOPMENT LIMITED

Project Title:
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Drawing Title:
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SHEET 21**

- Legend**
- Limits of Land to be Acquired
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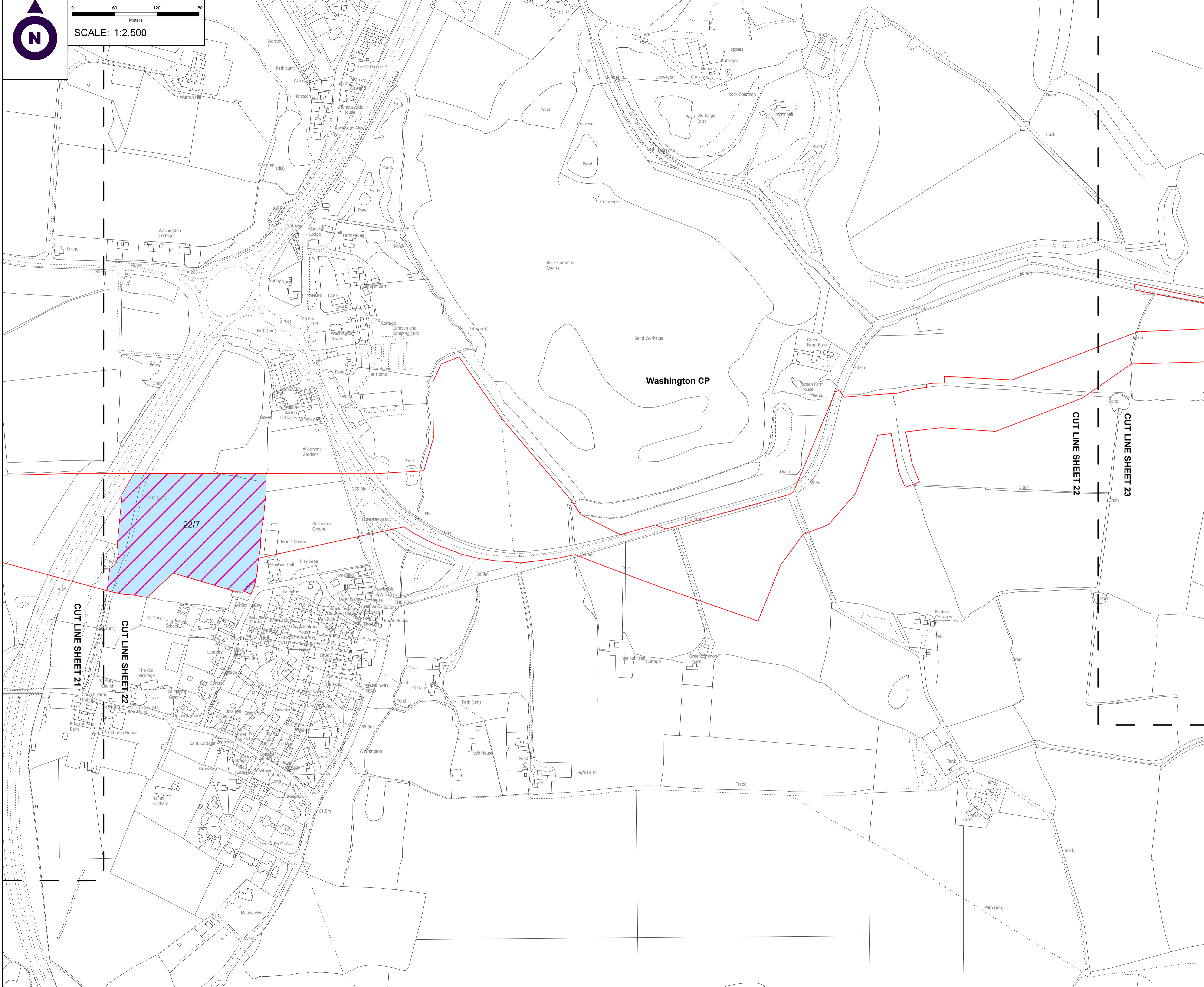
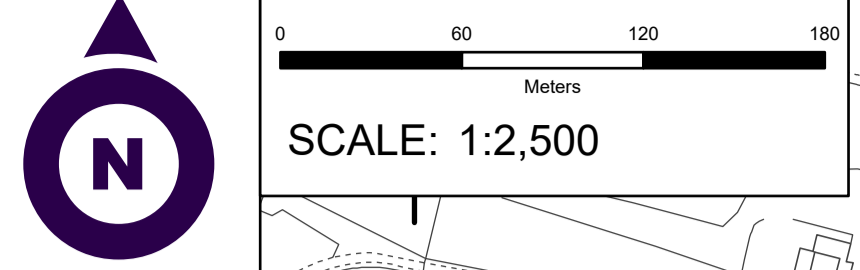
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SHEET 22**

- Legend**
- Limits of Land to be Acquired
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Purpose of issue
DEADLINE 6

Development Consent Order Number:
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- NOTES**
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The Crown Estate

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Web: www.thecrownestate.co.uk

National Infrastructure Planning
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

AND BY EMAIL: Rampion2@planninginspectorate.gov.uk

06/12/2024 2024

Dear Sirs

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by Rampion Extension Development Limited ("the Applicant") for an Order Granting
Development Consent for The Rampion 2 Offshore Wind Farm Order**

I write further to the above.

In this letter:

"the book of reference" shall have the meaning given to it in the Order;

"the Commissioners" shall mean the Crown Estate Commissioners;

"Draft DCO" shall mean the Applicant's draft development consent order (reference REP006-007, Rev H and dated August 2024); and

"Order" shall mean The Rampion 2 Offshore Wind Farm Order 20[XX] once made by the Secretary of State.

As you are aware, the Commissioners disagree with any view that section 135(1) of the Planning Act 2008 ("the Act") provides that any provision authorising the acquisition of third party interests in Crown land may only be included in a development consent order if the unconditional consent of the appropriate Crown body to the acquisition is obtained before the development consent order is made.

However, and without prejudice to the Commissioners' position set out in the preceding paragraph, the Commissioners have reached a separate agreement with the Applicant which provides the Commissioners with sufficient assurance as to the way in which compulsory acquisition powers (as contained in Articles 23 and 25 of the Draft DCO) may be exercised in respect of third party interests in Crown land forming part of the Crown Estate. As such, and subject to the below, the Commissioners confirm their consent to the compulsory acquisition of the third party interests in Plot 1a/1, Plot 1b/1, Plot 1b/2, Plot 1/1, Plot 1/2, Plot 1/3, Plot 1/4, and Plot 1a/2 (to the extent that Plot 1a/2 forms part of The Crown Estate), for the purpose of section 135(1) of the Act.

The Commissioners' consent is granted subject to:

1. the inclusion and continuing application of the following amended "Crown rights" wording in the Order at Article 50:

"50.— (1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any lessee or licensee to take, use, enter on or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)

The Crown Estate

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London, SW1Y 4AH

Web: www.thecrownestate.co.uk

- (a) *belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;*
- (b) *belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or*
- (c) *belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.*

(2) Sub-paragraph(1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown."

(3) A consent under sub-paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

and;

2. the Commissioners being consulted further if any variation to the Draft DCO is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act.

Section 135(2) consent is required for an order granting development consent to include provisions(s) to apply to Crown land or rights benefiting the Crown (other than provisions(s) authorising the compulsory acquisition of third-party interests in Crown land). The Commissioners disagree with any view that section 135(2) consent is required where (as here) none of the provisions in a development consent order authorise the acquisition of or interference with offshore Crown land two agreements for lease have been entered into, and an additional agreement for lease is being entered into, in relation to such land.

However, and without prejudice to the Commissioners' position, subject to:

1. the inclusion of Article 50 in the Order as referred to above and its continuing application (subject to any drafting amendments which the Secretary of State may make that do not alter the meaning or effect of the Article);
2. the Commissioners being consulted further if any variation to the Draft DCO is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act, and
3. the Applicant or any beneficiaries of the Order having an agreement for lease or lease from the Commissioners in respect of the offshore Crown land forming part of the Crown Estate to which the Order applies.

the Commissioners confirm their consent to Articles 3, 4, 5, 6(2), 19, 26, 27, 33, 34, 40, 42, 43 and 46 of the Draft DCO, to the extent that they are included in the Order, applying in relation to Crown land forming part of The Crown Estate within the Order limits including Plot 1a/1, Plot 1b/1, Plot 1b/2, Plot 1/1, Plot 1/2, Plot 1/3, Plot 1/4, and Plot 1a/2 (to the extent that Plot 1a/2 forms part of The Crown Estate) for the purpose of section 135(2) of the Act.

Yours sincerely

Signed by:  6/12/2024

Jonathan Treadaway

Senior Legal Counsel

For and on behalf of the Crown Estate Commissioners

5. APPENDIX 3: THE APPLICANT’S UPDATE ON THE PROGRESS OF LAND AGREEMENTS WITH AFFECTED PERSONS, STATUTORY UNDERTAKER AGREEMENTS AND PROTECTIVE PROVISIONS AND OTHER AGREEMENTS WITH AFFECTED PERSONS

1. Purpose of this Document

This document and its appendices sets out the Applicant’s further updates with regards to the ongoing negotiations with affected parties as committed to in the Applicant’s Closing Statements [REP6-233] and further to the responses to queries 10, 11, 12, 13, 14, 15 and 16 of the Secretary of State’s request for further information of 25 November 2024.

This document should be read alongside the responses set out in **Applicant Responses to the Secretary of State’s Request for Information – Part 1**. Table 2.1 and the updated Land Rights Tracker which accompanies this submission and which seeks to provide additional information as appropriate.

This document does not seek to re-iterate the position in respect of every affected party, nor to repeat matters which are already set out in documents previously submitted – rather its purpose is to provide an update where the position has substantively changed since the close of the Examination, in particular in relation to Protective Provisions which have been agreed with Statutory Undertakers, but also in respect of agreements reached with other affected persons.

2. Snapshot Update on the progress of Private Treaty Land Agreements

The Applicant has, since the close of the Examination, continued to negotiate with relevant landowners to acquire the land and rights in land necessary for the Rampion 2 Offshore Wind Farm Proposed Development making every effort to engage meaningfully with Affected Parties. As can be seen from the updated Land Rights Tracker, demonstrable progress has been made since the close of the Examination both in terms of agreeing Protective Provisions and obtaining signed Heads of Terms, but also in respect of engaging and progressing the negotiations with parties, many of which are now significantly closer to having reached agreement and a number of which have now instructed solicitors to engage in the drafting and negotiation of the formal legal documentation required to enable the voluntary acquisition of rights.

The table below sets out a summary of the current position with regards to private treaty negotiations with Affected Parties as at 6/12/24. This is an update of the information provided in the Applicant’s Closing Statement (**REP6-233 8.103** – paragraphs 6.45-6.47).

Agreements required for the various elements of the Proposed Development = 109
<ul style="list-style-type: none"> • Onshore substation and Cable rights - 80 • Construction and Operational Access – 26 • Visibility splays – 3
Key Terms signed and/or agreed = 28
<ul style="list-style-type: none"> • Onshore substation and Cable rights - 22 (x2 additional Key terms signed since close of the Examination) • Construction and Operational Access – 6 (x1 additional Key terms signed since close of the Examination)
Number of agreements completed = 4,
Being the two Option agreements that have been completed with the three Oakdene entities, for the substation and cable easement and the two agreements completed with The National Trust for the cable easement and temporary lease for visibility splays.

3. The Applicant’s Update on the progress of Negotiations / Protective Provisions for Statutory Undertakers (Land, rights and apparatus owned by statutory undertakers)

The table below provides an update on the progress of private treaty negotiations for land rights and protective provisions with Statutory Undertakers including updates further to the Secretary of State’s request of 25 November 2024 (Request #16) for updates on agreements and protective provisions for NGET, NR and NH assets.

Name	Operator or Undertaker	Type of Interest	Apparatus	Type of acquisition/use relating to specified Plot(s)		Engagement of Section 127 or S138	Status of Negotiation on Protective Provisions and/ or Land Agreement
				Type of acquisition/use	Plot Number		
UK Power Networks (Operations) Limited	Statutory Undertaker	Part 1, Part 2 & Part 3	Yes	Land to be Acquired	33/9, 34/29, 34/30	S127 - The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of UK Power Networks (Operations) Limited undertaking. The Applicant is not intending to extinguish any rights belonging to UK Power Networks (Operations) Limited.	The Applicant and UK Power Networks have agreed protective provisions in the form of a side agreement to set out the arrangements which will apply in respect of works undertaken in proximity to their assets. The agreement has been signed by both parties with completion to follow shortly.
				Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants	3/14, 3/17, 3/18, 3/21, 3/23, 6/4, 6/5, 7/1, 7/2, 7/5, 7/12, 7/23, 7/28, 7/29, 7/36, 10/6, 11/8, 11/11, 12/4, 12/5, 13/4, 13/8, 17/3, 17/9, 17/10, 19/9, 21/5, 21/7, 21/9, 21/22, 21/23, 21/24, 21/39, 21/42, 21/43, 22/2, 22/4, 22/5, 22/6, 27/16, 27/18, 27/22, 28/18, 28/21, 29/5, 29/10, 29/20, 29/21, 30/5, 30/7, 30/14, 30/15, 31/4, 31/8, 31/13, 31/14, 32/3, 32/4, 32/6, 32/7, 32/8, 33/1, 33/14, 33/15, 33/16, 33/17, 33/19,		
				Land to be Used Temporarily	12/8, 16/2, 21/11, 21/14, 21/16, 21/17, 21/20, 21/35, 21/37, 29/16, 30/6, 30/8, 30/9,		

Name	Operator or Undertaker	Type of Interest	Apparatus	Type of acquisition/use relating to specified Plot(s)		Engagement of Section 127 or S138	Status of Negotiation on Protective Provisions and/or Land Agreement
				Type of acquisition/use	Plot Number		
					33/4, 33/8, 33/12, 33/21, 33/22, 34/15, 34/31, 34/37, 34/38, 34/39, 34/41		
Southern Water Services Limited	Statutory Undertaker	Part 1, Part 2 & Part 3	Yes	Land to be Acquired	None	s127 – The Applicant considers that the rights can be acquired without serious detriment to the carrying on of Southern Water Services Limited's undertaking. The Applicant is not intending to extinguish any rights belonging to Southern Water Services Limited	The Applicant has discussed the project with Southern Water on an ongoing basis since 2022. The Applicant and Southern Water are currently seeking to agree suitable protective provisions in the form of a side agreement, with few points now outstanding. The Applicant expects to reach agreement with Southern Water but progress has been slow (despite regular email requests from the Applicant's legal team on 14/05, 21/05, 5/06, 17/06 and 3/7, initial comments on the protective provisions in the draft DCO were not provided by Southern Water until a meeting held on 19/07. The Applicant returned the draft on 24/07 but did not receive further comments until 29/10 despite regular email requests. A further draft was returned to Southern Water on 18/11 and Southern Water provided a revised draft on 28/11).
				Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants	1/18, 1/21, 2/12, 2/14, 3/18, 3/19, 3/20, 3/21, 4/15, 4/16, 5/7, 5/8, 5/11, 6/2, 8/2, 9/1, 9/2, 9/3, 11/4, 11/5, 11/7, 11/8, 12/5, 13/5, 13/6, 14/1, 14/2, 14/3, 17/10, 19/6, 20/14, 21/7, 21/9, 21/28, 21/29, 21/41, 22/7, 22/8, 22/9, 22/11, 22/12, 22/13, 22/14, 22/18, 22/22, 22/23, 22/24, 22/25, 22/27, 22/30, 22/34, 23/8, 23/9, 23/16, 23/18, 23/19, 24/2, 24/3, 24/5, 25/5, 25/10, 25/12, 26/2, 26/13, 27/1, 27/2, 27/26, 27/28, 28/2, 28/19, 28/20, 28/22, 28/23, 29/7, 29/10, 29/11, 29/12, 29/17, 29/21, 30/5, 31/15, 32/5, 32/14, 32/15, 33/14, 33/15, 33/16,		

Name	Operator or Undertaker	Type of Interest	Apparatus	Type of acquisition/use relating to specified Plot(s)		Engagement of Section 127 or S138	Status of Negotiation on Protective Provisions and/or Land Agreement
				Type of acquisition/use	Plot Number		
					33/19, 33/20, 33/23, 33/26, 34/5, 34/25		
				Land to be Used Temporarily	1/19, 1/22, 2/9, 2/10, 2/11, 2/16, 2/18, 4/10, 4/11, 4/12, 4/18, 4/19, 12/6, 12/7, 12/8, 12/10, 12/11, 16/2, 21/11, 21/13, 21/16, 21/17, 21/30, 21/35, 22/16, 22/17, 22/21, 22/31, 22/32, 22/33, 23/5, 23/6, 23/10, 23/13, 23/14, 23/15, 24/7, 26/8, 27/4, 27/8, 27/9, 27/12, 27/13, 28/13, 29/16, 30/6, 30/9, 33/4, 33/22, 34/6, 34/15, 34/32, 34/37, 34/39		
Scottish and Southern Energy Power Distribution Limited	Statutory Undertaker	Part 1, Part 2 & Part 3		Land to be Acquired	None	s127 – The Applicant considers that the rights can be acquired without serious detriment to the carrying on of Scottish and Southern Energy Power Distribution Limited's undertaking. The Applicant is not intending to extinguish any rights belonging to Scottish and Southern	The Applicant has been liaising with Scottish and Southern Energy with regard to progressing negotiation of protective provisions from July 2023. The Applicant has agreed protective provisions with Scottish and Southern Energy in the form of the protective provisions included in the draft DCO submitted at Deadline 6 [REP6-007] and an associated side agreement. The parties have signed the side agreement and
				Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants	1/14, 1/15, 1/24, 1/25, 2/21, 4/6, 4/9, 4/25, 5/12, 5/13, 5/14, 6/2, 6/6		
				Land to be Used Temporarily	1/19, 1/22, 1/23, 2/1, 4/10, 4/11, 4/17, 4/18, 4/20, 4/21		

Name	Operator or Undertaker	Type of Interest	Apparatus	Type of acquisition/use relating to specified Plot(s)		Engagement of Section 127 or S138	Status of Negotiation on Protective Provisions and/or Land Agreement
				Type of acquisition/use	Plot Number		
						Energy Power Distribution Limited	are currently in the process of arranging completion, which is expected to occur shortly.
Southern Gas Networks	Statutory Undertaker	Part 1, Part 2 & Part 3	Yes	Land to be Acquired	None	s127 – The Applicant considers that the rights can be acquired without serious detriment to the carrying on of Southern Gas Networks' undertaking. The Applicant is not intending to extinguish any rights belonging to Southern Gas Networks	Various meetings have taken place since December 2021 between Southern Gas Networks and the Applicant's engineers to discuss the on shore cable route alignments and engineering requirements for crossings of gas pipelines and assets. The parties have agreed suitable protective provisions in the form of the agreed PPs in the draft DCO submitted at Deadline 6 [REP6-007] and a side agreement which has now been completed.
				Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants	2/21, 2/39, 4/16, 5/7, 5/8, 5/11, 9/2, 15/2, 17/10, 19/2, 19/7, 19/8, 20/7, 20/8, 20/9, 20/10, 20/14, 21/1, 21/2, 21/3, 21/4, 21/6, 21/29, 21/41, 21/42, 22/2, 23/2, 23/3, 23/7, 24/4, 24/10, 27/16, 28/2, 28/18, 28/19, 28/20		
				Land to be Used Temporarily	4/10, 4/11, 4/18, 19/12, 21/21, 21/30, 21/34, 21/35, 23/4, 29/16		
National Grid Electricity	Statutory Undertaker	Part 1, Part 2 & Part 3	Yes	Land to be Acquired	33/9, 34/29, 34/30	S127 - The Applicant considers that the rights can be acquired without serious detriment to the carrying on of National Grid Electricity's undertaking. The Applicant is not intending to extinguish	Discussions have been ongoing with National Grid since 2019 in relation to the project's grid connection. Discussions with regard to the protection of National Grid's assets and land rights required for the Proposed Development progressed at the end of 2022.
				Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants	14/6, 15/1, 16/1, 17/1, 17/2, 17/3, 18/5, 18/9, 19/1, 32/2, 32/5, 32/15, 32/16, 33/1, 33/2, 33/10, 33/14, 33/15, 33/16, 34/16, 34/19, 34/20, 34/21, 34/22, 34/23, 34/24, 34/25,		

Name	Operator or Undertaker	Type of Interest	Apparatus	Type of acquisition/use relating to specified Plot(s)		Engagement of Section 127 or S138	Status of Negotiation on Protective Provisions and/or Land Agreement
				Type of acquisition/use	Plot Number		
					34/26, 34/27, 34/28, 34/33, 34/34, 34/40	any rights belonging to National Grid Electricity.	The Applicant has sought to agree Heads of Terms with National Grid for a land agreement, however the parties have, to date been unable to agree the extent of land over which rights are to be granted (in part due to lack of progression of the NGET design work). The Applicant has put forward proposed restrictions on the use of its proposed land rights to protect National Grid's statutory duties, however no response to that wording has been provided by National Grid's representatives. The Applicant continues to meaningfully engage with NGET and are in discussions with NGET regarding the principle of a side agreement which would set out a framework for how the parties intend to agree an option area at a future date, given NGET is not prepared to agree the option area required at present. NGET's proposed side agreement principles recently put forward however do not commit NGET to providing the land rights required at this stage and as such the Applicant does not consider that it
			Land to be Used Temporarily	33/5, 33/7, 33/8, 33/12, 33/13, 34/15, 34/31, 34/32, 34/35, 34/37, 34/38, 34/39, 34/41			
			Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants	1b/3, 1b/4, 1b/5, 1/5, 1/6, 1/7, 1/8, 1/9, 1/10, 1/11, 1/12, 1/13, 1/14, 1/16, 1/17, 1/18, 1/24, 2/2, 2/4, 2/5, 2/6, 2/7, 2/8, 2/12, 2/22, 2/23, 2/25, 2/26, 2/28, 2/29, 2/30, 2/32, 11/4, 11/5, 11/7, 11/8, 19/6			
			Land to be Used Temporarily	1/23, 1/25, 2/1, 2/9, 2/10, 2/11, 7/9, 7/10			

Name	Operator or Undertaker	Type of Interest	Apparatus	Type of acquisition/use relating to specified Plot(s)		Engagement of Section 127 or S138	Status of Negotiation on Protective Provisions and/or Land Agreement
				Type of acquisition/use	Plot Number		
							<p>can rely on the agreement in place of compulsory acquisition rights. As a result, the Applicant has been unable to agree to any restriction on its ability to use compulsory purchase powers over land in which NGET has an interest, and has therefore been unable to reach agreement on the protective provisions for the reasons set out in Appendix 2 to the Explanatory Memorandum [REP6-010] submitted at Deadline 6.</p> <p>The Applicant will continue attempts to establish key principles upon which a direct (side) agreement can be progressed which provides sufficient confidence and flexibility to deliver the Proposed Development's connection.</p>
Network Rail	Statutory Undertaker	Part 1, Part 2 & Part 3	Yes	Land to be Acquired	None	S127 and s138 - The Applicant considers that the rights can be acquired without serious detriment to the carrying on of Network Rail's Undertaking	The Applicant has continued negotiations to progress a Property Agreement for the rights required by the Applicant within Order Limits. Key commercial terms have not however been agreed. The Applicant considers that the Commercial terms previously requested by Network
				Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants	3/4, 3/18, 3/23, 3/24		

Name	Operator or Undertaker	Type of Interest	Apparatus	Type of acquisition/use relating to specified Plot(s)		Engagement of Section 127 or S138	Status of Negotiation on Protective Provisions and/or Land Agreement
				Type of acquisition/use	Plot Number		
				Land to be Used Temporarily		<p>The Applicant is not intending to extinguish any rights belonging to Network Rail.</p> <p>Rail are not proportionate and not reasonable. Discussions are ongoing between the parties on the commercial terms and detailed property agreement contents.</p> <p>A Basic Asset Protection Agreement has been signed by the Applicant and Network Rail with associated “technical clearance” of the proposed development by Network Rail demonstrating no impact in principle on NR’s statutory undertaking responsibilities. As it has so far not been possible to enter into a land agreement with NR, the Applicant cannot agree to any restriction on its ability to use compulsory purchase powers over land in which NR has an interest. It has therefore not been able to reach agreement on the protective provisions for the reasons set out in Appendix 3 to the Explanatory Memorandum [REP6-010] submitted at Deadline 6. The Applicant is continuing to negotiate to agree a modified version of the protective provisions set out in the draft DCO [REP7-007] in the form of a</p>	

Name	Operator or Undertaker	Type of Interest	Apparatus	Type of acquisition/use relating to specified Plot(s)		Engagement of Section 127 or S138	Status of Negotiation on Protective Provisions and/or Land Agreement
				Type of acquisition/use	Plot Number		
							Framework Agreement, which is largely agreed but is subject to a property agreement being entered into.
National Highways	Statutory Undertaker	Part 1, Part 2 & Part 3	Yes	Land to be Acquired	None	S127 - The Applicant considers that the rights can be acquired without serious detriment to the carrying on National Highways Undertaking. The Applicant has been seeking to engage in discussions with National Highways and are looking to progress negotiations to take forward discussions associated with the necessary agreements relating to the land rights required. The Applicant considers that National	Discussions with National Highways have been ongoing since November 2022 regarding the proposed development and impacts on National Highways assets (A27 at Arundel). National Highways has confirmed that they have no current concerns about the principle of the Applicant's proposed development. Following on from the position outlined in the Applicant's Closing Submissions [REP6-233] submitted at Deadline 6, the Applicant has continued to regularly seek to engage with National Highways to agree a suitable side agreement but has not received any further engagement from its legal team.
				Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants	7/3, 7/5, 7/6, 7/12, 7/13		
				Land to be Used Temporarily	7/7, 7/8, 7/9, 7/14, 7/15, 7/16, 7/17, 7/18, 7/19		

Name	Operator or Undertaker	Type of Interest	Apparatus	Type of acquisition/use relating to specified Plot(s)		Engagement of Section 127 or S138	Status of Negotiation on Protective Provisions and/or Land Agreement
				Type of acquisition/use	Plot Number		
						Highways' undertaking will be appropriately protected via the proposed protective provisions.	
South Eastern Power Networks plc (UK Power Networks)	Statutory Undertaker	Part 1, Part 2 & Part 3	Yes	Land to be Acquired	34/30	S127 - The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of South Eastern Power Networks and UK Power Networks (Operations) Limited undertaking The Applicant is not intending to extinguish any rights belonging to South Eastern Power Networks (Operations) Limited.	This is the same entity as UK Power Networks (Operations) Limited
				Acquisition of Rights by the Creation of New Rights or the Imposition of Restrictive Covenants	21/42, 22/2, 25/2, 34/19, 34/20		
				Land to be Used Temporarily	12/8, 34/31		