

# Rampion 2 Wind Farm

## Category 6:

## Environmental Statement

### Volume 2, Chapter 2: Policy and legislative context

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# Executive Summary

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The chapter summarises the consents framework and key environmental international and national legislation and policies relevant to the development of Rampion 2 within the Environmental Impact Assessment (EIA) process that have been complied with to prepare the Development Consent Order (DCO) application.

A number of international agreements underpin the UK's legislation on climate change and renewable energy. The United Nations Framework Convention on Climate Change established the basic legal framework and principles for international climate change cooperation and set binding targets for reductions in greenhouse gases.

The UK Government set out to reduce its net carbon account and greenhouse gas emissions by 80%, relative to 1990 levels, by 2050 in the Climate Change Act 2008. This target was furthered in 2019 to reduce net zero carbon emissions to 100%.

The UK's commitment to ensuring energy security is maintained whilst climate change targets are met, the UK government established revised targets of 50GW of offshore wind capacity through the British Energy Security Strategy in 2022. The revised Draft National Policy Statements (NPS) for Energy, Renewable Energy, and Electricity Networks Infrastructure published for consultation in March 2023 also reference the government's 50GW offshore wind capacity by 2030 ambition, with 45% of this to be generated through offshore wind. Furthermore, the revised Draft NPSs (EN-1 and EN3) outline the vital role of offshore wind as part of the UK's energy mix required to achieve net zero and states that there is a Critical National Priority for the provision of nationally significant new offshore wind infrastructure. As a nationally significant offshore wind project, Rampion 2 would support the UK Government's climate change, offshore wind, and energy mix targets.

Rampion 2 is classed as a Nationally Significant Infrastructure Project (NSIP). The Planning Act 2008 sets out the statutory framework for the consents required to construct, operate and maintain, and decommission NSIPs. Rampion Extension Development Limited (RED) has provided an application for development consent for Rampion 2 to the Secretary of State for the Department for Energy Security & Net Zero. To support this application for development consent, Rampion 2 are required to undertake an EIA to understand the potential impacts of the development. This EIA has been undertaken in accordance with the Infrastructure Planning (Environmental Information Assessment) Regulations 2017.



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## 2. Policy and legislative context

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### 2.1 Introduction

- 2.1.1 This chapter of the Environmental Statement (ES) presents a summary of the key policy and legislative (both national and local) context relevant to the Proposed Development (Rampion 2). This includes policy and legislation relevant to the Environmental Impact Assessment (EIA) that has been carried out.
- 2.1.2 Where specific aspects of the policy and legislation are directly relevant to particular environmental aspect assessments these are included in the relevant chapters (**Chapters 6 to 29, Volume 2** of this ES (Document References: 6.2.6 to 6.2.29)).
- 2.1.3 An assessment of Rampion 2 in terms of compliance with planning policies is provided in the **Planning Statement** (Document Reference: 5.7), which accompanies the application for development consent.

### 2.2 International and national obligations on climate change and renewable energy

#### Overview

- 2.2.1 This section outlines the policy and legislation drivers for climate change mitigation and renewable energy deployment that are relevant to Rampion 2.
- 2.2.2 National policy and legislation, influenced by the international drivers listed in this section and in **Section 2.3**, highlight the need for renewable energy infrastructure. As a renewable energy project with an estimated capacity of 1,200MW<sup>1</sup>, Rampion 2 directly responds to these ambitions and will contribute to the UK's renewable energy and climate targets (Department of Business Environment & Industrial Strategy (BEIS), 2017). The existing Rampion wind farm contains 116 wind turbine generators (WTGs) with a generating capacity of 400.2MW. Rampion 2 will provide up to 90 additional WTGs, capable of powering up to a million additional homes with clean, renewable energy. This will support the UK Government's target of delivering over a third of UK electricity from offshore wind by 2030, up from 10% today (BEIS, 2019a).
- 2.2.3 A range of environmental legislation at International, European, and National level applies to Rampion 2 and has been taken into account in the EIA. Some key or noteworthy environmental legislation taken into consideration are presented in this Section.

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<sup>1</sup> Estimated installed capacity is provided for reference only and is not a parameter. The final installed capacity will be defined by final chosen WTG technology available at time of procurement.

- 2.2.4 UK Legislation is derived from a range of international agreements (including European Union (EU) directives, regulations, and agreements) which are outlined in this Chapter. On 31 December 2020 the UK exited the “implementation period” provided for by the European Union (Withdrawal) Act 2018 (“Withdrawal Act 2018”). Section 3 of the Withdrawal Act 2018, as amended, provides that direct EU legislation, and EU-derived domestic legislation, continue to have effect in domestic law after that day. In summary, the interpretation of any retained EU law is to be the same as it was before that day, insofar as the retained EU law remains unmodified in UK law and regulations have not been made providing otherwise (s. 6(3) of the Withdrawal Act 2018).

## United Nations Framework Convention on Climate Change

- 2.2.5 The United Nations Framework Convention on Climate Change (UNFCCC) was adopted in 1992 and ratified by 197 countries. Its objective is to stabilise Greenhouse Gas (GHG) concentrations in the atmosphere to a level that would prevent dangerous human harm to the climate system (United Nations, 1992).
- 2.2.6 The UNFCCC is put into operation through an international agreement, the ‘Kyoto Protocol (UNFCCC, 1997). Adopted in 1997 by 192 parties including the UK, the agreement is a commitment to limiting and reducing GHG emissions between 2008 and 2012 in accordance with individually agreed targets. The Kyoto Protocol was ratified by the UK in 2002.
- 2.2.7 In 2012, the ‘Doha Amendment’ (UNFCCC, 2012) resulted in an extension to the Kyoto Protocol for a second commitment period from 2013 until 2020 and included a new commitment to reducing GHG emissions by 18% below 1990 levels. The EU committed to a 20% reduction in its GHG emissions as part of the Doha Amendment; this includes an option for the GHG reduction target, made under the Kyoto Protocol, to be increased to 30%.
- 2.2.8 Building on these commitments, the 21<sup>st</sup> Conference of the Parties in Paris aimed to accelerate global action for a sustainable future and resulted in the 2015 ‘Paris Agreement’. The key aim lies in “*holding the increase in the global average temperature well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.*” (United Nations, 2015, art.2(a)). To work towards this goal, the signatories have prepared and communicated nationally determined contributions (NDCs) to be maintained. The UK’s commitment, covered by the EU pledge, is a 68% reduction in GHG emissions by 2030 against the 1990 baseline. These NDCs are to be assessed together every five years to determine the collective progress made towards the aim of the Paris Agreement.

## European Union Renewables Directive

- 2.2.9 The first EU level legislation on renewable energy was implemented in 2001. *Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market* (‘Renewable Energy Directive’) aimed to encourage member states to increase the contribution of renewable energy



sources in their internal electricity market. The Directive required member states to do so by setting national indicative targets for future electricity consumption produced from renewable energy sources.

- 2.2.10 The Renewable Energy Directive was amended in 2018 (2018/2001/EU), which set a revised and binding renewable energy target of achieving a minimum of 32% energy consumption from renewable energy sources within the EU by the year 2030.

## The Climate Change Act 2008

- 2.2.11 The Climate Change Act 2008 presents the UK's legally binding commitment to reducing its GHG emissions and establishes a commitment for five-yearly carbon budgets. When originally legislated, the target was a reduction in GHG emissions by 80% by 2050, compared to 1990 levels.
- 2.2.12 In June 2019, secondary legislation, the Climate Change Act 2008 (2050 Target Amendment) Order 2019 was passed and extended the 80% reduction target to "at least 100%", compared to the 1990 levels. This target has become known as "net zero". This update was guided by advice from the Committee on Climate Change to keep in line with the UK targets made under the Paris Agreement and recent advice published within the IPCC Special Report on 1.5C.
- 2.2.13 In 2019, the UK Government also declared a Climate Emergency based on latest evidence of climate change and urgent reduction of carbon dioxide emissions needed. Measures proposed by the UK Government to address climate change include phasing out all coal plants, reducing gas plants, and increasing the use of renewable energy such as wind power (onshore and offshore), solar, hydro, and wave (BEIS, 2020a).
- 2.2.14 The UK Government sets out how the energy system will be consistent with net zero emissions by 2050 through a shift to a clean energy system in its Energy White Paper: Powering our net zero future (BEIS, 2020b).

## UK Renewable Energy Strategy

- 2.2.15 The UK Renewable Energy Strategy (HM Government, 2009) outlined the UK's commitment to source 15% of energy from renewable sources by 2020, whilst reducing its fossil fuel consumption by 10% and gas imports by 20-30%. The aim is to generate more than 30% of the UK's electricity needs, 12% of its heating needs and 10% of its transport energy with renewables. The strategy puts in place the financial mechanisms necessary for the advancement of these goals with around £30 billion to be invested between 2009 and 2020.
- 2.2.16 In 2021, 41.0% of final energy consumption in the UK was generated by renewables. Of the total electricity generated, renewables electricity amounted to 39.9% Heat from renewable sources accounted for 7.3% of total heat consumption. The share of renewables in transport energy reached 3.8% (BEIS, 2022b). The UK Renewable Energy Strategy lapsed in 2020 and the UK Government established revised targets of 50GW of offshore wind capacity through the British Energy Security Strategy in 2022, discussed in **paragraphs 2.2.27 to 2.2.29**.

## The Energy Act 2013

2.2.17 The Energy Act (2013) outlines the UK's commitment to low carbon energy industry and investment in low carbon electricity generation. The Act establishes the legislative framework to enable secure, affordable, and low carbon energy. It includes provisions on the following:

- Decarbonisation. It allows the Secretary of State (SoS) to set a 2030 decarbonisation target range for electricity in secondary legislation; and
- Electricity Market Reform (EMR) which consists of measures aimed at attracting the £110 billion investment needed for the low-carbon transition. It introduces the Contracts for Difference (CfDs), long-term contracts encouraging investment in low carbon electricity generation.

## Offshore Wind Sector Deal

2.2.18 The Offshore Wind Sector Deal (BEIS, 2019b) is an ambitious, long-term strategy that seeks to build the UK's leadership position in offshore wind by capitalising on advantages from the global shift to clean growth. The document sets out a number of governmental and sector commitments for offshore wind including, but not limited to:

- Governmental support of up to £557m for contracts of Difference;
- increasing exports fivefold to £2.6bn per annum by 2030;
- sector investments of up to £250m to strengthen the UK supply chain, creating the Offshore Wind Growth Partnership; and
- maximising new technology and developing innovative products and services.

2.2.19 The Deal brings the UK Government and industry in partnership to increase the sector's productivity and competitiveness.

## National Infrastructure Strategy

2.2.20 The National Infrastructure Strategy (HM Treasury, 2020) presents the UK Government's plans to deliver significant improvements to UK infrastructure which will enable economic growth and progress towards the net zero by 2050 ambition.

2.2.21 The strategy highlights the importance of the offshore wind sector in delivering on the economic and environmental ambitions. The UK Government is striving to promote green growth clusters in traditional industrial areas with offshore wind amongst other initiatives. Alongside significant investment in offshore wind to increase the share of renewables in energy generation, the UK Government has set a target to deliver 40GW of offshore wind capacity in the UK by 2030 (HM Treasury, 2020). This UK Government target was subsequently revised to 50GW of offshore wind capacity through the British Energy Security Strategy in 2022, described **paragraphs 2.2.27 to 2.2.29**.

## The Ten-point Plan for a Green Industrial Revolution

- 2.2.22 The ten-point plan for a green industrial revolution (BEIS, 2020c) sets out the UK Government's aims to mobilise £12 billion of government investment and potentially £42 billion of private investment to reduce the UK's emissions by 180 million tonnes of carbon dioxide by 2030 and make the UK a global leader in green technologies.
- 2.2.23 The ten-point plan focuses on increasing ambition in the following areas:
- advancing offshore wind;
  - driving the growth of low carbon hydrogen;
  - delivering new and advanced nuclear power;
  - accelerating the shift to zero emission vehicles;
  - green public transport, cycling and walking;
  - 'jet zero' and green ships;
  - greener buildings;
  - investing in carbon capture, usage and storage;
  - protecting our natural environment; and
  - green finance and innovation.
- 2.2.24 In relation to offshore wind, the UK Government's aims are to double the amount of renewables procured through the 2021 Contracts for Difference auction, increase offshore wind power to 40GW by 2030, and to include at least 1GW of innovative floating offshore wind in the targeted 40GW. This government target was subsequently revised to 50GW of offshore wind capacity through the British Energy Security Strategy in 2022, described **paragraphs 2.2.27 to 2.2.29**.

## Net Zero Strategy: Build Back Greener

- 2.2.25 The Net Zero Strategy: Build Back Greener (BEIS, 2021a) sets out the Government's aims on how the UK will transition to a net zero economy by 2050. The strategy sets out a comprehensive road map for the UK to achieve net zero in addition to a series of further climate change initiatives planned by the UK.
- 2.2.26 A legal challenge was raised on The Net Zero Strategy: Build Back Greener and the High Court determined that the strategy was unlawful and inadequate with a view to meeting the UK's 2050 net zero ambitions. In response to court findings, in March 2023 the UK Government published further detail about achieving net zero in a series of documents including Powering Up Britain: The Net Zero Growth Plan (HM Government, 2023a), Powering Up Britain: Energy Security Plan (HM Government, 2023b) and the Carbon Budget Delivery Plan (HM Government, 2023c). These documents reaffirm that the Net Zero Strategy: Build Back Greener (BEIS, 2021a) provides the right approach but strengthens the UK Government's strategy to achieve net zero and to deliver energy security. Additionally, it recognises the role of decarbonisation in increasing the UK's international economic competitiveness.

## British Energy Security Strategy

- 2.2.27 Following the post-pandemic increase in energy price the UK Government released the British Energy Security Strategy (BESS) (BEIS, 2022a) that sets out their plan to produce 95% of electricity from low-carbon sources by 2030. This is predominantly driven by the desire to reduce imports and enhance self-sufficiency in order to ease soaring prices.
- 2.2.28 The BESS in unison with the ten-point plan for green industrial revolution (BEIS, 2020c) and the Net Zero Strategy: Build Back Greener (BEIS, 2021a) intend to drive the transition of Britain's energy infrastructure sector evolution towards renewable and low carbon sources of domestic energy supply.
- 2.2.29 Overall, the BESS outlines the UK Government's vision for enhancing the domestically produced energy from a range of technologies; this includes 50GW of offshore wind by 2030 (including 5GW of floating offshore wind).

## 2.3 Overarching environmental legislative framework

- 2.3.1 The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 made under the Withdrawal Act 2018, facilitated the necessary changes to domestic legislation that governs EIA, as a result of the UK leaving the EU. This ensures that the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("The EIA Regulations 2017") continue to apply in the same way despite the UK's departure. The same principle applies for the Directives listed in **Table 2-1**.
- 2.3.2 The Government passed the Environment Act in November 2021. This Act sets out a new environmental governance framework following the UK's departure from the EU and sets out measures required to ensure that there is no environmental governance gap now that the UK has left the EU. The key requirements of The Environment Act are summarised in **Table 2-1**.

**Table 2-1 Summary of environmental and nature conservation drivers**

Drivers	Key requirements
<b>International</b>	
<b>Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (the 'Birds Directive')</b>	Provides a framework for the conservation and management of wild birds in Europe. It places an overarching requirement on Member States to take necessary measures to maintain the populations of all wild birds at levels determined by ecological, scientific, and cultural needs. The Directive established, under Article 4, a network of Special Protection Areas (SPAs), (also classified under the Conservation of Habitats and Species Regulations 2019) for rare or vulnerable species listed in Annex I and for all regularly occurring migratory species. It also establishes a general scheme of protection for all wild birds (required by Article 5). The spa protection procedures originally set out in Article 4

Drivers	Key requirements
<p><b>Council Directive 2008/56/EC of 17 June 2008 on the protection of the marine ecosystem and biodiversity (the ‘Marine Strategy Framework Directive’)</b></p>	<p>of the Birds Directive have been replaced by the Article 6 provisions of the Habitats Directive.</p>
<p><b>Transboundary Considerations – Espoo Convention (as amended 2004)</b></p>	<p>The Marine Strategy Framework Directive aims to protect the marine environment. It required the application of an ecosystem-based approach to the management of human activities, enabling a sustainable use of marine goods and services. To implement the Directive each member state is required to: describe what they consider is a clean, healthy, and productive sea (that is, Good Environmental Status); monitor and assess the quality of their seas against Good Environmental Status; and ensure they take appropriate action to maintain or achieve Good Environmental Status. This three-step process is repeated every six years.</p> <p>The Commission produced detailed criteria and methodological standards to help Member States implement the Marine Strategy. These standards were revised in 2017.</p> <p>Presents the obligations of parties to notify and consult each other on all major projects under consideration that are likely to have significant adverse environmental effects (transboundary effects) across international boundaries.</p> <p>The Convention has been implemented in the UK for the purposes of nationally significant infrastructure projects (NSIPs) by the EIA Regulations 2017. In addition, the Planning Inspectorate’s Advice Note Twelve: Transboundary Impacts and Processes (Planning Inspectorate, 2020c) sets out the procedures for a consultation in association with a Development Consent Order (DCO) Application where there may be significant transboundary effects which occur when impacts from a development within one European Economic Area (EEA) state affects the environment of another EEA state(s).</p>
<p><b>Council Directive 2000/60/EC of 23 October 2000 on establishing a framework for Community action in the field of water policy (the ‘Water Framework Directive’ – WFD)</b></p>	<p>Introduces a holistic approach to water quality management and aims to ensure the protection and improvement of all aspects of the water environment. Establishes a framework for an integrated approach to the protection, improvement, and sustainable use of Europe’s water bodies, and requires all member states to achieve good ecological and chemical status of their water bodies (including coastal waters up to 1 nautical mile (nm) offshore) by 2015. The Directive makes Member States responsible for ensuring that all inland and coastal waters reach at least the “good status”. To improve the status of waterbodies, the implementation of river basin management plans is required.</p>



Drivers	Key requirements
	<p>Under the WFD, the Environment Agency is responsible for monitoring water quality and reports the data against Environmental Quality Standards (EQS).</p>
<p><b>Convention for the Protection of the Marine Environment of the North-East Atlantic (the ‘OSPAR Convention’) 1992 (as amended)</b></p>	<p>International cooperation to protect the marine environment of the north east Atlantic.</p> <p>OSPAR’s biodiversity strategy establishes a network of Marine Protected Areas (MPAs). The UK has currently identified 283 OSPAR MPAs (many of which are Natura 2000 sites) that also meet the relevant OSPAR selection criteria. ‘Natura 2000’ is an umbrella term for the network of protected sites that include SPAs and SACs across the EU. These important high-quality conservation sites are intended to significantly contribute to the conservation of habitats and species listed in the Birds and Habitats Directives.</p>
<p><b>The Convention on Biological Diversity 1992</b></p>	<p>The Convention on Biological Diversity is a legally binding treaty between 168 signatories including the UK which came into force in 1993. It has three main objectives:</p> <ul style="list-style-type: none"> <li>• the conservation of biological diversity;</li> <li>• the sustainable use of the components of biological diversity; and</li> <li>• the fair and equitable sharing of the benefits arising from the utilisation of genetic resources.</li> </ul> <p>The Convention recognised for the first time in international law that the conservation of biological diversity is “<i>a common concern of humankind</i>” and is an integral part of the development process. The Convention covers all ecosystems, species, and genetic resources. The establishment of Natura 2000 sites stemmed from this Convention.</p>
<p><b>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’)</b></p>	<p>Implements the Convention on the Conservation of European Wildlife and Natural Habitats and The Convention on the Conservation of Migratory Species of Wild Animals. The directive targets the conservation of wild fauna and flora natural habitats and intends to protect biodiversity by providing robust protection for those habitats and species of European importance. Annex I of the Directive lists the specific habitats under protection.</p> <p>Annexes II and IV of the Habitats Directive lists all European Protected Species (EPS), which include both marine and terrestrial animals and plants.</p>

Drivers	Key requirements
<p><b>The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention) (1971)</b></p>	<p>Ramsar Sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran in 1971 and ratified by the UK in 1976. The criteria for assessing a site for designation as a Ramsar site include whether or not the wetland supports 20,000 water birds and/or supports one percent of the individuals in a population of one species or subspecies of water bird. UK Government policy affords the same protection to Ramsar sites as European designations such as SPAs and Special Areas of Conservation (SACs) (also classified under the Conservation of Habitats and Species Regulations 2019). The UK has generally chosen to underpin the designation of its Ramsar sites through prior notification of these areas as Sites of Special Scientific Interest (SSSIs).</p>
<p><b>National</b></p>	
<p><b>The Environment Act 2021</b></p>	<p>The Environmental Act is a framework of environmental protection and sets out measures required to ensure that there is no environmental governance gap following the UK's departure of the EU. The Act makes provisions for targets, plans, and policies for environmental protection and the recovery of the natural world in four priority areas: air quality, biodiversity, water, and waste.</p> <p>The Act also establishes the independent Office for Environmental Protection (OEP). The primary function of the OEP is to contribute to environmental protection and improvement of the natural environment through the creation of a new statutory cycle of monitoring, planning, and reporting to ensure continuous improvement to the environment. In doing so, the OEP will be able to hold the Government and other public authorities to account.</p>
<p><b>The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the Conservation of Offshore Marine Habitats and Species Regulation 2017</b></p>	<p>In England and Wales, the Habitats Directive and elements of the EU Wild Birds Directive are implemented under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') onshore (landward of mean high water springs) and up to 12 nautical miles (nm) offshore and the Conservation of Offshore Marine Habitats and Species Regulations 2017 between 12 and 200nm offshore.</p> <p>The Habitats Regulations require the assessment of any significant effects on qualifying features of European Conservation Sites that are likely to arise as a result of a proposed project. These sites include SACs, SPAs, Sites of Community Importance (SCIs), and Ramsar sites.</p>

Drivers	Key requirements
	<p>The Habitats Regulations and the Offshore Marine Regulations qualify the killing, injury, capture, or disturbance of a European Protected Species as an offence except where specific licences are obtained. Licences in England are granted by Natural England for activities impacting European Protected Species up to 12nm and by the Marine Management Organisation (MMO) beyond 12nm.</p> <p>Since the UK's departure from the EU, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations ensures that the HRA process under the Habitat Regulations continues to apply in the same manner as before the UK's departure from the EU. A key element of this amendment is that protected sites under the European Conservation Sites (for instance, SPA, SAC) in the UK no longer form part of the EU's Natura 2000 ecological network, instead the Conservation of Habitats and Species Regulations has created a National Site Network and the establishment of management objectives for the National Site Network.</p>
<b>Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 – enact WFD Directive</b>	<p>The Water Environment WFD transposes the requirements of the WFD Directive into British law. The EU Exit amendment ensure that the water regime continues to operate in the same manner as before the UK's departure from the EU. The Water Environment WFD Regulations include improving the water environment to achieve good or high status, maintaining existing good or high status, and implementing mitigation to support the water environment at a catchment and waterbody scale.</p>
<b>Marine and Coastal Access Act 2009</b>	<p>The Marine and Coastal Access Act (MCAA) sets out a spatial planning system for improved management and protection of the marine and coastal environment. The MCAA established the MMO, the authority tasked with ensuring the delivery of sustainable development in the marine area. The MMO remains the monitoring and enforcement body in respect of the conditions and restrictions set out in the deemed Marine Licences. The MCAA created a relatively new type of Marine Protected Area (MPA) called Marine Conservation Zones (MCZ), which are of national importance. MCZs are intended to protect areas that are important to conserve the diversity of rare, threatened, and representative marine habitats, species, geology, and geomorphology in UK waters.</p>
<b>Natural Environment and Rural Communities Act 2006 (NERC)</b>	<p>Section 41 of the Act requires the relevant SoS to compile a list of habitats and species of principal importance for the conservation of biodiversity in England. This list is to be</p>



Drivers	Key requirements
<b>Countryside and Rights of Way Act 2000</b>	used as a guide by decision makers of public bodies, in the execution of their duties relating to biodiversity conservation in England.
<b>The Hedgerow Regulations 1997</b>	States it is an offence to remove or destroy certain hedgerows without permission from the local planning authority which is the enforcement body for offences of this kind.
<b>Protection of Badgers Act 1992</b>	The Act makes it an offence to wilfully kill, injure, or take, or attempt to kill, injure, or take a badger; and to cruelly ill-treat a badger. The Act also makes it an offence to intentionally or recklessly damage, destroy, or obstruct a badger sett, or to disturb a badger whilst in a set. A licence may be granted for the purpose of development which will interfere with a badger sett within an area specified in the licence.
<b>Wildlife and Countryside Act 1981</b>	<p>The Wildlife and Countryside Act enables the designation of SSSIs to provide statutory protection of the best flora, fauna, geological and physio-geological features. SSSI legislation applies to areas of the terrestrial and intertidal environment only. Natural England has overall responsibility for the management of the SSSI network in England. The Countryside and Rights of Way Act 2000 made improved provisions for the protection and management of SSSIs.</p> <p>The Wildlife and Countryside Act also enables Statutory Nature Conservation Bodies to declare sites which are considered to be of national importance as National Nature Reserves (NNRs). NNRs are a statutory designation made under Section 21 of the Act by principal local authorities. They are places with wildlife or geological features that are of special interest locally.</p>

Drivers	Key requirements
<b>National Parks and Access to the Countryside Act 1949</b>	<p>The Wildlife and Countryside Act defines a series of offences aimed at protecting wild birds and prohibiting the introduction and spread of invasive non-native species.</p> <p>The Act makes provision for National Parks and the establishment of a National Parks Commission. It confers powers for the establishment and maintenance of nature reserves on the Nature Conservancy and local authorities. It also makes further provision for the recording, creation, maintenance, and improvement of public paths and for securing access to open country.</p>

- 2.3.3 This list of environmental legislation is not exhaustive, and each individual environmental aspect chapter describes the legislation, policy, and guidance relevant to its assessment (**Chapters 6 to 29, Volume 2** (Document References: 6.2.6 to 6.2.29)).

## 2.4 National planning legislation and policy context

### The Planning Act 2008

- 2.4.1 The Planning Act 2008 establishes the thresholds for development that is, or forms part of, a NSIP and for which development consent is required. Rampion 2 is classed as an NSIP under Section 15(3) of the Planning Act 2008 as the Proposed Development is an offshore generating station and its capacity is more than 100MW. As required by Section 31 of the Planning Act 2008, Rampion 2 will submit an application for development consent.
- 2.4.2 The Planning Act 2008 was amended through the adoption of the Localism Act 2011, which transferred decision-making responsibilities to the relevant SoS which for Rampion 2 is the SoS for the Department for Energy Security & Net Zero (DESNZ). Under the Localism Act 2011, The Planning Inspectorate is responsible for the NSIP planning process and will examine the application for development consent and make a recommendation to the SoS to grant or refuse consent. On receipt of the recommendation report from Planning Inspectorate, the SoS then makes the final decision on whether or not to make the Order granting development consent.
- 2.4.3 The SoS's decision must be in accordance with the relevant designated National Policy Statements (NPSs) (outlined in **paragraph 2.4.12**), unless one or more of the exceptions set out in Section 104 of the Planning Act 2008 applies.
- 2.4.4 This ES considers other important and relevant national and local planning policy to ensure that the relevant environmental considerations have been appropriately assessed and taken into account.

## Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and guidance documents

- 2.4.5 The EIA Regulations 2017 transpose the provisions of the EIA Directive (2014/52/EU, amending 2011/92/EU). The EIA Regulations 2017 require that the potential effects of a project, where these are likely to have a significant effect on the environment, are taken into account in the decision-making process for that project. The EIA Regulations 2017 indicate the process and requirements for the provision of adequate environmental information to enable the EIA process.
- 2.4.6 As required under the EIA Regulations 2017, the application for development consent for the Proposed Development is accompanied by an ES (this document and associated Volumes). [Chapter 5: Approach to EIA, Volume 2](#) (Document Reference: 6.2.5) provides an explanation of how the legislation has been applied throughout the application process.

## Habitat Regulations Assessment (HRA)

- 2.4.7 In accordance with the Habitats and Birds' Directives (Council Directive 92/43/EEC and Directive 2009/147/EC) a network of protected areas has been designated by European Union member states for the protection of Europe's most valuable and threatened habitats and species. These areas are known as European sites. These sites consist of Special Areas of Conservation (SAC) and Special Protection Areas (SPA). As a matter of Government policy, listed Ramsar sites receive the same protection. Following the UK's departure from the EU, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations ensures the same protection is provided to habitats and species, however protected sites in the UK now form part of the National Site Network (established in the amended regulations) instead of the EU's Natura 2000 ecology network.
- 2.4.8 The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (the Habitats Regulations) transpose the Directives into UK law. The Habitats Regulations require that an Appropriate Assessment (AA) of the implications for a protected habitats site, in view of the site's conservation objectives must be made by the relevant decision-making authority (or competent authority) if a project (or plan) that is not directly connected to, or necessary to the management of a National Site is likely to have a significant effect on a National Site either alone, or in combination with other plans or projects. This assessment has been carried out where deemed necessary due to the proximity of Rampion 2 to protected sites. The process of determining potential impacts to European sites is known as Habitats Regulations Assessment (HRA).
- 2.4.9 In order to carry out the HRA, the competent authority, under Regulation 5(2)(g) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, requires a Report to Inform the Appropriate Assessment (RIAA) to be submitted alongside the ES.
- 2.4.10 A draft RIAA (RED, 2021a) was produced alongside the Preliminary Environmental Information Report (PEIR) (RED, 2021b), which was published as part of the Rampion 2 first Statutory Consultation exercise in 2021.

- 2.4.11 Information collated which informs the HRA is presented in **Chapter 22: Terrestrial ecology and nature conservation, Volume 2** (Document Reference: 6.2.22) of this ES. The **Report to Inform Appropriate Assessment** (Document Reference: 5.9) has been finalised and submitted as part of the application for development consent. Ultimately, the information in the **Report to Inform Appropriate Assessment** (Document Reference: 5.9) will be used by the SoS for BEIS, as the relevant competent authority, to inform its AA, if so required, for the HRA.

## National Policy Statements

- 2.4.12 Part 2 of the Planning Act 2008 makes provision for NPSs. NPSs comprise the Government's objectives for the development of NSIPs and set out national policy against which NSIP applications are assessed. The SoS is required to determine a DCO Application in accordance with an NPS, except in certain limited circumstances set out in Subsections 104(4) to (8) of Planning Act 2008.
- 2.4.13 There are currently 12 designated NPSs of which six relate to energy generation, the three NPSs of relevance to Rampion 2 are:
- Overarching National Policy Statement for Energy (EN-1) (Department of Energy and Climate Change (DECC), 2011a);
  - National Policy Statement for Renewable Energy (EN-3) (DECC, 2011b); and
  - National Policy Statement for Electricity Networks (EN-5) (DECC, 2011c).
- 2.4.14 The NPSs relevant to the Proposed Development were produced by the former Department of Energy and Climate Change (DECC), now DESNZ, and designated in July 2011. They include assessment principles and policy in respect of the consideration of impacts associated with energy infrastructure proposals, including offshore wind schemes.
- 2.4.15 NPS EN-1 presents the Government's policy for delivering major energy infrastructure and the context for any environmental assessment relating to energy infrastructure. Part 2 of EN-1 provides information regarding the Government's energy and climate change strategy including policies for mitigating climate change. Part 3 emphasises the need for new renewable electricity generation projects for the UK to meet its (then) target of 15% of its total energy coming from renewables.
- 2.4.16 Paragraph 4.1.2 of EN-1 states that "*given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the IPC should start with a presumption in favour of granting consent to applications for energy NSIPs*".
- 2.4.17 Part 4 of EN-1 sets out general assessment principles relevant to all energy projects and Part 5 sets out "*generic impacts*" that may arise from the development of energy infrastructure covered by the energy NPS.
- 2.4.18 NPS EN-3 recognises the need for 25GW of new offshore wind-derived generating capacity in the UK Renewable Energy Zone (REZ) and the territorial waters of England and Wales. It outlines the need for flexibility in the application process for offshore wind NSIPs in situations where full details of the project may be unknown

at the time of submission and recommends the use of Planning Inspectorate Advice Note Nine (the Rochdale Envelope) (Planning Inspectorate, 2018) in such instances.

- 2.4.19 NPS EN-3 also addresses the need for flexibility in the application process for offshore wind NSIPs to allow for situations where full parameters of the project may be unknown at the time of submission (NPS EN-3, paragraph 2.6.43). In such instances, EN-3 recommends using the 'Rochdale Envelope' method (from here on referred to as the 'maximum design scenario'), which allows for the maximum adverse and positive scenario to be assessed in the EIA and a DCO granted on this basis (NPS EN-3, paragraph 2.6.43). Advice Note Nine outlines this approach in accordance with the requirements of the EIA Regulations 2017.
- 2.4.20 The approach to the maximum design scenario is a key element of this ES and is described further in [Chapter 5: Approach to the EIA, Volume 2](#) (Document Reference: 6.2.5). [Chapter 4: The Proposed Development, Volume 2](#) (Document Reference: 6.2.4) sets out the design parameters for the maximum design scenario for Rampion 2.
- 2.4.21 NPS EN-5 (DECC, 2011c) relates to electricity networks infrastructure and should be read in conjunction with the overarching principles of EN-1 (DECC, 2011a). It advises for a variety of topic areas what the Applicant's assessment should address. It also advises on how consideration should be given to certain issues and on the treatment of mitigation measures, particularly how these may be enforced through requirements or obligations. It states that subsea and underground cables, along with associated infrastructure may constitute associated development for which consent is sought along with an NSIP, such as a generating station.

**Table 2-2 NPS EN-1, EN-3, and EN-5 Compliance**

Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
<b>Overarching National Policy Statement for Energy (EN-1) (DECC, 2011a)</b>		
<b>4.2 Environmental Statement – cumulative effects</b>	The methodology for undertaking the cumulative impact assessment is set out in <a href="#">Chapter 5: Approach to the EIA, Volume 2</a> (Document Reference: 6.2.5). Each aspect chapter provides a description of the cumulative and inter-related effects of the Proposed Development.	<a href="#">Chapter 5: Approach to the EIA, Volume 2</a> (Document Reference: 6.2.5), and aspect <a href="#">Chapters 6 to 29</a> (Document References: 6.2.6 to 6.2.29).
<b>4.2 Environmental statement - flexibility</b>	The ES justifies where and why design flexibility is sought and provides a description of the design parameters.	<a href="#">Chapter 2: Policy and legislative context, Volume 2</a> (Document Reference: 6.2.2), and <a href="#">Chapter 4: The Proposed Development,</a>



Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
4.3 Habitat and Species Regulations	A <b>Report to Inform Appropriate Assessment</b> (Document Reference: 5.9) has been submitted as part of the application for development consent. A record of engagement with Natural England and the Joint Nature Conservation Committee (JNCC) is provided in the Report.	<p><b>Volume 2</b> (Document Reference: 6.2.4).</p> <p>The <b>Report to Inform Appropriate Assessment</b> (Document Reference: 5.9) has been submitted within the application for development consent.</p>
4.4 Alternatives	The ES includes a description of the main alternatives considered and sets out the main reasons why choices were selected, taking account of environmental, social, and economic impacts.	<b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3).
4.5 Good design	<p>A Design and Access Statement is provided as part of the application for development consent setting out how the Proposed Development has applied 'good design' criteria.</p> <p>The ES sets out the design approach and process for the Proposed Development.</p>	<b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3).
4.8 Climate change Adaptation	The ES sets out how the projected impacts of climate change have been assessed and the design measures built into the Proposed Development to ensure climate resilience.	<b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4) and <b>Chapter 29: Climate Change, Volume 2</b> (Document Reference: 6.2.29).
4.13 Health	<p>The ES identifies any adverse health impacts and proposed embedded environmental measures to avoid and reduce these impacts through the individual assessments.</p> <p>The ES provides an assessment of the potential effects of the Proposed Development on human health. This has been addressed through a</p>	<b>Chapter 28: Human Health, Volume 2</b> (Document Reference: 6.2.28), <b>Chapter 24: Ground conditions, Volume 2</b> (Document Reference: 6.2.24), <b>Chapter 21: Noise and vibration, Volume 2</b> (Document Reference: 6.2.21), <b>Chapter 19: Air quality, Volume 2</b>

Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
	<p>standalone topic chapter as well as individual assessments for ground conditions, noise and vibration, air quality and socio-economics. A WFD assessment has been provided. This considers the potential for contaminated sediments near bathing waters. A greenhouse gas assessment examines the wider consequences of GHG emissions arising from the Proposed Development</p>	<p>(Document Reference: 6.2.19), <b>Chapter 17: Socio-economics, Volume 2</b> (Document Reference: 6.2.17), <b>Appendix 26.3: Water Framework Directive compliance assessment, Volume 4</b> (Document Reference: 6.4.26.3), and <b>Chapter 29: Climate change, Volume 2</b> (Document Reference: 6.2.29).</p>
<p><b>5.2 Air quality and emissions</b></p>	<p>The ES includes a description of baseline air quality levels, the changes to these levels, significant air emissions, and any proposed embedded environmental measures.</p>	<p><b>Chapter 19: Air quality, Volume 2</b> (Document Reference: 6.2.19), and <b>Chapter 29: Climate change, Volume 2</b> (Document Reference: 6.2.29).</p>
<p><b>5.3 Biodiversity and geological conservation</b></p>	<p>The ES sets out embedded environmental measures and measures to enhance biodiversity and geological conservation interests. It includes an assessment of the effects on designated and non-designated sites of ecological and geological importance, and habitats and species. Potential indirect impacts on Sites of Special Scientific Interest and Ancient Woodland are also considered.</p>	<p><b>Chapter 8: Fish and shellfish ecology, Volume 2</b> (Document Reference: 6.2.8), <b>Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2</b> (Document Reference: 6.2.9), <b>Chapter 10: Commercial fisheries, Volume 2</b> (Document Reference: 6.2.10), <b>Chapter 11: Marine mammals, Volume 2</b> (Document Reference: 6.2.11), <b>Chapter 12: Offshore ornithology, Volume 2</b> (Document Reference: 6.2.12), <b>Chapter 22: Terrestrial ecology and nature conservation, Volume 2</b> (Document Reference: 6.2.22), and <b>Chapter 24: Ground conditions, Volume 2</b> (Document Reference: 6.2.24).</p>
<p><b>5.4 Civil and military</b></p>	<p>The ES provides an assessment of the potential effects of the Proposed</p>	<p><b>Chapter 14: Civil and military aviation, Volume 2</b></p>

Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
<b>aviation and defence interests</b>	<p>Development on civil or military aviation and defence assets. It provides a record of engagement with the Ministry of Defence, the Civil Aviation Authority, NATS and any aerodrome with the potential to experience an effect.</p>	<p>(Document Reference: 6.2.14).</p>
<b>5.5 Coastal change</b>	<p>The ES includes an assessment of the potential effects of the Proposed Development on coastal processes and geomorphology and the implications for any Shoreline Management Plan, marine ecology, biodiversity and any protected sites have been considered in this ES.</p> <p>The effect of the Proposed Development on the maintenance of coastal recreation sites and features is considered in this ES.</p>	<p><b>Chapter 6: Coastal processes, Volume 2</b> (Document Reference: 6.2.6), <b>Chapter 8: Fish and shellfish ecology, Volume 2</b> (Document Reference: 6.2.8), <b>Chapter 9: Benthic, subtidal and intertidal Ecology, Volume 2</b> (Document Reference: 6.2.9), <b>Chapter 10: Commercial fisheries, Volume 2</b> (Document Reference: 6.2.10), <b>Chapter 11: Marine mammals, Volume 2</b> (Document Reference: 6.2.11), <b>Chapter 12: Offshore ornithology, Volume 2</b> (Document Reference: 6.2.12), <b>Chapter 17: Socio-economics, Volume 2</b> (Document Reference: 6.2.17), and <b>Report to Inform Appropriate Assessment</b> (Document Reference: 5.9).</p>
<b>5.6 Dust, odour, artificial light, smoke, steam and insect infestation</b>	<p>A Statement of Statutory Nuisances is provided as part of the application for development consent.</p> <p>The ES includes an assessment of dust emissions and a consideration of potential impacts resulting from artificial light.</p>	<p><b>Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</b> (Document Reference: 6.2.15), <b>Chapter 18: Landscape and visual impact, Volume 2</b> (Document Reference: 6.2.18), and <b>Chapter 19: Air quality, Volume 2</b> (Document Reference: 6.2.19).</p>



Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
<b>5.7 Flood risk</b>	The ES includes a Flood Risk Screening Assessment and includes the minimum requirements set out in EN-1 (DECC, 2011a). The ES presents engagement undertaken with the Environment Agency in relation to the Flood Risk Assessment.	<b>Chapter 26: Water environment, Volume 2</b> (Document Reference: 6.2.26) and <b>Appendix 26.2: Flood Risk Assessment, Volume 4</b> (Document Reference: 6.4.26.2).
<b>5.8 Historic environment</b>	The ES includes an assessment of potential effects on the onshore and offshore historic environment resulting from the Proposed Development, including a description of heritage assets, a desk based archaeological assessment and the results of field survey.	<b>Chapter 16: Marine archaeology, Volume 2</b> (Document Reference: 6.2.16) and <b>Chapter 25: Historic environment, Volume 2</b> (Document Reference: 6.2.25).
<b>5.9 Landscape and visual</b>	The ES includes an assessment of the potential effects on seascape character, landscape character, views and visual amenity resulting from the Proposed Development, including the impact of light pollution.  Alternatives for developing the Proposed Development outside a National Park are considered.	<b>Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</b> (Document Reference: 6.2.15), <b>Chapter 18: Landscape and visual impact, Volume 2</b> (Document Reference: 6.2.18), and <b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3).
<b>5.10 Land use including open space, green infrastructure and Green Belt</b>	This ES includes an assessment of the impact of the Proposed Development in existing and proposed land uses. The potential effects on coastal recreational sites, agricultural land and soil resources are also considered.	<b>Chapter 17: Socio-economics, Volume 2</b> (Document Reference: 6.2.17), <b>Chapter 18: Landscape and visual impact, Volume 2</b> (Document Reference: 6.2.18), and <b>Chapter 20: Soils and agriculture, Volume 2</b> (Document Reference: 6.2.20).
<b>5.11 Noise and vibration</b>	The ES includes an operational noise and vibration assessment. The potential for effects on protected species and other wildlife resulting from noise are also considered.	<b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4), <b>Chapter 21: Noise and vibration, Volume 2</b>

Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
	Noise mitigation has been embedded into the design of the Proposed Development.	(Document Reference: 6.2.21), and <b>Chapter 22: Terrestrial ecology and nature conservation, Volume 2</b> (Document Reference: 6.2.22).
<b>5.12 Socio-economic</b>	The ES includes an assessment of socio-economic impacts, including the creation of jobs and training opportunities, the impacts on local services and tourism, and the impact of the influx of workers. The existing socio-economic conditions are described, and consideration given to relevant local planning policies.	<b>Chapter 17: Socio-economics, Volume 2</b> (Document Reference: 6.2.17).
<b>5.13 Traffic and transport</b>	The ES includes a transport assessment. An Outline Travel Plan is submitted as part of the application for development consent.	<b>Chapter 23: Transport, Volume 2</b> (Document Reference: 6.2.23).
<b>5.14 Waste management</b>	The ES includes a description of the measures proposed for managing waste, and the ability of waste management facilities to accommodate this waste. An Outline Site Waste Management Plan has been prepared and submitted as part of the application for development consent.	<b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4), <b>Outline Code of Construction Practice</b> (Document Reference: 7.2), <b>Chapter 20: Soils and agriculture, Volume 2</b> (Document Reference: 6.2.20) and <b>Chapter 24: Ground conditions, Volume 2</b> (Document Reference: 6.2.24).
<b>5.15 Water quality and resources</b>	The ES includes an assessment of the potential effects the Proposed Development on water quality and a description of water resources and the physical characteristics of the water environment in accordance with the requirements set out in EN-1 (DECC, 2011a).  A Water Framework Directive assessment is provided to	<b>Chapter 26: Water environment, Volume 2</b> (Document Reference: 6.2.26) and <b>Appendix 26.3: Water Framework Directive compliance assessment, Volume 4</b> , (Document Reference: 6.4.26.3).

Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
	demonstrate consideration of River Basin Management Plans.	
<b>National Policy Statement for Renewable Energy (EN-3) (DECC, 2011b)</b>		
<b>2.3 Climate change adaptation</b>	The ES sets out how the offshore windfarm aspect of the Proposed Development will be resilient to storms.	<b>Chapter 29: Climate change, Volume 2</b> (Document Reference: 6.2.29).
<b>2.4 Good design</b>	<p>A Design and Access Statement is provided as part of the application for development consent, which sets out how the Proposed Development has applied 'good design' criteria.</p> <p>The ES outlines how good design has been considered in respect to landscape and visual amenity, and in the design of embedded environmental measures for noise and ecology.</p>	<b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3), <b>Chapter 18: Landscape and visual impact, Volume 2</b> (Document Reference: 6.2.18), <b>Chapter 21: Noise and vibration, Volume 2</b> (Document Reference: 6.2.21) and <b>Chapter 22: Terrestrial ecology and nature conservation, Volume 2</b> (Document Reference: 6.2.22).
<b>2.6 Site selection and design</b>	The ES assesses the impact of the foundation design on marine biodiversity, physical environment, and marine heritage assets.	<b>Chapter 8: Fish and shellfish ecology, Volume 2</b> (Document Reference: 6.2.8), <b>Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2</b> (Document Reference: 6.2.9), <b>Chapter 11: Marine mammals, Volume 2</b> (Document Reference: 6.2.11), and <b>Chapter 16: Marine archaeology, Volume 2</b> (Document Reference: 6.2.16).
<b>2.6 Flexibility in the project details</b>	The ES justifies where and why design flexibility is sought and provides a description of the design parameters.	<b>Chapter 2: Policy and legislative context, Volume 2</b> (Document Reference: 6.2.2) and <b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4).

Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
<b>2.6 Biodiversity</b>	<p>The ES assesses the potential effects of the Proposed Development on fish, seabed habitats, marine mammals, and birds. Consideration will be given to disturbance and habitat loss.</p> <p>The ES details consultation undertaken with statutory consultees with the aim of agreeing assessment methodologies and refers to any relevant post-construction ecological monitoring from the existing Rampion 1 project, where appropriate.</p>	<p><b>Chapter 8: Fish and shellfish ecology, Volume 2</b> (Document Reference: 6.2.8), <b>Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2</b> (Document Reference: 6.2.9), <b>Chapter 10: Commercial fisheries, Volume 2</b> (Document Reference: 6.2.10), <b>Chapter 11: Marine mammals, Volume 2</b> (Document Reference: 6.2.11), <b>Chapter 12: Offshore ornithology, Volume 2</b> (Document Reference: 6.2.12) and <b>Chapter 22: Terrestrial ecology and nature conservation, Volume 2</b> (Document Reference: 6.2.22).</p>
<b>2.6 Fish</b>	<p>The ES considers the potential effects of the Proposed Development on fish communities (in relation to spawning, nursery and feeding grounds), over-wintering areas for crustaceans and migration routes.</p> <p>Proposed embedded environmental measures for Electric and Magnetic Fields (EMF) is also considered.</p>	<p><b>Chapter 8: Fish and shellfish ecology, Volume 2</b> (Document Reference: 6.2.8).</p>
<b>2.6 Intertidal</b>	<p>Any alternative landfall sites and cable installation methods considered are described in this ES.</p> <p>The assessment of intertidal impacts considers potential loss of habitat, disturbance, increased suspended sediment loads, and the recovery rates from temporary effects. The ES describes embedded environmental measures, where they are required.</p>	<p><b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3), <b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4), and <b>Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2</b> (Document Reference: 6.2.9).</p>
<b>2.6 Marine Mammals</b>	<p>The ES presents an assessment of the potential effects on marine</p>	<p><b>Chapter 11: Marine mammals, Volume 2</b></p>

Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
	<p>mammals resulting from the Proposed Development. These include changes to likely feeding areas, known birthing areas/haul out sites, nursery grounds, known migration or commuting routes. The assessment considers the impacts of noise and piling on marine mammals. Measures to reduce the noise impacts on marine mammals are also described.</p>	<p>(Document Reference: 6.2.11) and <b>Appendix 11.2: Marine mammal quantitative underwater noise impact assessment, Volume 4</b> (Document Reference: 6.4.11.2).</p>
<b>2.6 Birds</b>	<p>The ES and the RIAA consider the impacts of the Proposed Development on birds including collision, habitat loss, disturbance, displacement, and any barrier effects. It presents ornithological surveys agreed with the JNCC, Natural England, and the wider Expert Topic Group attendees (ETG) (via the Evidence Plan Process (EPP) detailed in Chapter 1, Section 1.5).</p> <p>The ES draws on any relevant information from other offshore wind farms. Embedded environmental measures are defined which take account of the considerations set out in EN-3 paragraphs 2.6.107 – 110.</p>	<p><b>Chapter 12: Offshore and intertidal ornithology, Volume 2</b> (Document Reference: 6.2.12) and <b>Report to Inform Appropriate Assessment</b> (Document Reference: 5.9), provided alongside the ES.</p>
<b>2.6 Subtidal</b>	<p>The ES includes an assessment of potential subtidal effects resulting from the Proposed Scheme and considers potential loss of habitat, disturbance, increased suspended sediment loads, and the recovery rates from temporary effects. An assessment on inter-array, cable routes, and installation methods is provided.</p>	<p><b>Chapter 9: Benthic, subtidal and intertidal Ecology, Volume 2</b> (Document Reference: 6.2.9).</p>
<b>2.6 Commercial Fisheries and fishing</b>	<p>The ES describes the consultation undertaken with statutory advisors and the fishing industry. It includes detailed surveys of the effects on fish stocks of commercial interest including the reduction of stocks, and</p>	<p><b>Chapter 10: Commercial fisheries, Volume 2</b> (Document Reference: 6.2.10).</p>

Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
	<p>constraints that may be imposed on fishing activity.</p> <p>The ES assesses the impacts of safety zones, and outlines the consultation undertaken with the Maritime and Coastguard Agency.</p>	
<b>2.6 Historic environment</b>	<p>The ES considers potential direct and indirect effects on heritage assets in the marine environment, both adverse and beneficial. The assessment draws on geophysical surveys. The application of Archaeological Exclusions Zones (AEZ) is described. A record of consultation undertaken with Historic England is provided.</p>	<p><b>Chapter 16: Marine archaeology, Volume 2</b> (Document Reference: 6.2.16).</p>
<b>2.6 Navigation and shipping</b>	<p>The ES considers the potential impact of the Proposed Development on navigation, including the impact on barrier creation, communications and radar, and the impact of safety zones. Assessment considers the potential impact on recreational craft.</p> <p>The ES outlines consultation undertaken with the navigation sector, including those bodies listed in paragraph 2.6.153 of EN-3 (DECC, 2011b).</p> <p>Information on internationally recognised sea lanes has been considered. A Navigational Risk Assessment has been carried out in accordance with the requirements of EN-3. Embedded environmental measures have been considered and described.</p>	<p><b>Chapter 13: Shipping and navigation, Volume 2</b> (Document Reference: 6.2.13).</p>
<b>2.6 Oil, gas and other offshore infrastructure and activities</b>	<p>The ES assesses the potential impact of the Proposed Development on other offshore activities. It includes a summary of the consultation undertaken with interested parties of other offshore activities.</p>	<p><b>Chapter 7: Other marine users, Volume 2</b> (Document Reference: 6.2.7).</p>



Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
<b>2.6 Physical Environment</b>	<p>The ES considers the impacts of the Proposed Development on the physical environment including water quality, waves, and tides, scour effect, sediment transport, and suspended solids.</p> <p>Consultation with the Environmental Agency, the MMO, and Centre for Environment, Fisheries and Aquaculture science (CEFAS) on the assessment methodology in relation to physical processes are described. Geophysical surveys undertaken to inform the assessment are described. Geotechnical data collected has informed the design, assessment, and appropriate construction techniques for Rampion 2. Cable burial depths and scour protection techniques are described.</p>	<p><b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4), <b>Chapter 6: Coastal processes, Volume 2</b> (Document Reference: 6.2.6), <b>Chapter 8: Fish and shellfish ecology, Volume 2</b> (Document Reference: 6.2.8), <b>Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2</b> (Document Reference: 6.2.9), <b>Chapter 10: Commercial fisheries, Volume 2</b> (Document Reference: 6.2.10), <b>Chapter 11: Marine mammals, Volume 2</b> (Document Reference: 6.2.11), <b>Chapter 13: Shipping and navigation, Volume 2</b> (Document Reference: 6.2.13), <b>Chapter 16: Marine archaeology, Volume 2</b> (Document Reference: 6.2.16), and <b>Appendix 26.2: Flood Risk Assessment, Volume 4</b> (Document Reference: 6.4.26.2).</p>
<b>2.6 Seascape and visual effects</b>	<p>The ES considers the impacts of the Proposed Development on the seascape, landscape, and visual receptors.</p>	<p><b>Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</b> (Document Reference: 6.2.15).</p>
<b>National Policy Statement for Electricity Networks (EN-5) (DECC, 2011c)</b>		
<b>2.4 Climate change adaptation</b>	<p>The ES describes whether the Proposed Development will be vulnerable to climate change, and measures proposed to ensure resilience. It considers the impact of flooding, particularly for substations, the effects of wind and storms, the effect of higher average temperatures on potential transmission losses, and</p>	<p><b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4), <b>Chapter 29: Climate change, Volume 2, Volume 2</b> (Document Reference: 6.2.29) and <b>Appendix 26.2: Flood Risk Assessment, Volume 4</b></p>

Impacts	How this has been addressed within DCO Application	Where addressed in ES / DCO documents
	the impact of earth movement or subsidence caused by flooding or drought for underground cables.	(Document Reference: 6.4.26.2).
<b>2.5.2 Consideration of good design</b>	A Design and Access Statement is provided as part of the application for development consent. This sets out how the Proposed Development has applied 'good design' criteria.	<b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3) and <b>Chapter 18: Landscape and visual impact, Volume 2</b> (Document Reference: 6.2.18).
<b>2.8 Landscape and Visual</b>	The ES describes the consideration given to the undergrounding of the overhead line to minimise landscape and visual effects. The ES outlines the consideration of configuration and siting of the onshore substation to minimise landscape and visual effects.	<b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4) and <b>Chapter 18: Landscape and visual impact, Volume 2</b> (Document Reference: 6.2.18).
<b>2.10 Electric and Magnetic Fields (EMFs)</b>	The ES assesses EMF effects of the underground cables.	<b>Chapter 22: Terrestrial ecology and nature conservation, Volume 2</b> (Document Reference: 6.2.22), and <b>Chapter 28: Population and Human health, Volume 2</b> (Document Reference: 6.2.28).

## Draft National Policy Statements

- 2.4.22 The UK Government in the Energy White Paper announced a review of the energy NPS (BEIS, 2020b). The energy NPSs are currently subject to judicial review following a claim made by The Good Law Project in March 2020. The basis for this review is the belief that the NPSs, designated in 2011, do not accommodate the Government's 2050 net zero commitment.
- 2.4.23 As part of the Government's review of the suite of energy NPSs, the Department for Business, Energy & Industrial Strategy (BEIS) published draft NPSs, including EN-1 (BEIS, 2021b), EN-3 (BEIS, 2021c) and EN-5 (BEIS, 2021d), that were the subject of consultation between September and November 2021. In March 2023 the Department for Energy Security & Net Zero (DESNZ) published revised draft NPSs including EN-1 (DESNZ, 2023a), EN-3 (DESNZ, 2023b), and EN-5 (DESNZ,



2023c)<sup>2</sup>. While this review is undertaken, the current suite of energy NPSs remain relevant UK Government policy and, therefore, the extant 2011 NPSs listed above continue to have effect for the purposes of the Planning Act 2008. On this matter, the transitional arrangements set out in Draft NPS EN-1 (paragraph 1.6.2) confirm that for any application accepted for examination before the designation of the 2023 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPSs. The draft NPSs will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of those amendments. Notwithstanding this, Draft NPS EN-1 paragraph 1.6.3 (DESNZ, 2023a) states that emerging draft NPS “*are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each development consent order application*”.

- 2.4.24 It is considered that the draft NPSs are important and relevant to the determination of this application for development consent. Within this Environmental Statement, the draft NPSs are referred to in the policy assessment outline in this chapter and are considered particularly pertinent to the consideration of the Proposed Development where they provide new or amended policy provisions that differ to the current NPS. Additionally, where applicable, the ES aspect chapters (**Chapters 6 to 29, Volume 2** (Document References: 6.2.6 to 6.2.29)) provide a review of draft NPS provisions of relevance to the aspect.

## **Draft National Policy Statement for Renewable Energy Infrastructure (EN-1) (DESNZ, 2023a)**

- 2.4.25 The Draft NPS EN-1 was published for consultation in March 2023. In Section 2 the Draft NPS refers to the target of net zero in 2050 and a 78% reduction in emissions by 2035.
- 2.4.26 The role of offshore wind as part of the energy mix required to achieve net zero is reinforced at Draft NPS EN-1 paragraph 3.3.59 (DESNZ, 2023a) which states that “*Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant new offshore wind infrastructure (and supporting onshore and offshore network infrastructure).*”
- 2.4.27 At paragraph 3.3.60 Draft NPS EN-1 (DESNZ, 2023a) continues: “*As set out in EN-3, subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be*

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<sup>2</sup> Additionally, in March 2023, the UK Government also published further detail about achieving net zero in a series of documents including Powering Up Britain: The Net Zero Growth Plan (HM Government, 2023a), Powering Up Britain: Energy Security Plan (HM Government, 2023b) and the Carbon Budget Delivery Plan (HM Government, 2023c) following a successful legal challenge to the Net Zero Strategy.

*progressed as quickly as possible.*” This complements changes outlined for Draft EN-3 (DESNZ, 2023b, paragraph 3.8.15) which states that the SoS will take as a starting point that CNP infrastructure will have met any test “*requiring a clear outweighing of harm, exceptionality, or very special circumstances*” in EN-1, EN-3, or any other planning policy. This exceptionality includes consideration of CNP development taking place in nationally designated landscapes.

- 2.4.28 The Draft NPS (EN-1) also references the ambition to achieve 50GW of offshore wind capacity by 2030 set out in the British Energy Security Strategy (BEIS, 2022).
- 2.4.29 The Draft NPS EN-1 states that individual radial connections developed project by project may continue to be the most appropriate approach in some areas but for regions with multiple wind farms a more co-ordinated approach to connecting offshore wind is expected (paragraph 3.3.69).
- 2.4.30 The Draft NPS EN-1 includes assessment principles in Section 4. Many of these principles are the same as the 2011 NPS. Notably the Draft NPS EN-1 references environmental net gain. It states that environmental net gain only currently applies to terrestrial and intertidal components and that projects in England “*should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain.*” (paragraph 4.5.2).
- 2.4.31 Additionally, new requirements are added for marine considerations. Draft NPS EN-1 (paragraph 4.4.11) states that “*the Secretary of State will determine if and how proposals meet the high-level marine objectives, plan vision, and all relevant policies.*” Paragraph 4.4.12 continues: “*In the event of a conflict between an NPS and any marine planning documents, the NPS prevails for purposes of decision making.*”
- 2.4.32 Paragraph 4.4.8 states that: “*Applicants for a development consent order must take account of any relevant Marine Plans and are expected to complete a Marine Plan assessment as part of their project development, using this information to support an application for development consent.*”

## **Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (DESNZ, 2023b)**

- 2.4.33 The revised Draft NPS EN-3 was published for consultation in March 2023. The Draft NPS EN-3 outlines that the new offshore wind development is a CNP (as referenced above in relation to Draft NPS EN-1). The Draft NPS EN-3 (paragraph 3.8.14) states that where there are residual non-HRA impacts other than unacceptable risk to/interference with human health, national defence, or navigation in all but the most exceptional cases, these will not be considered to outweigh the urgent need for offshore wind turbines. Paragraph 3.8.15 states that the SoS “*will take as the starting point for decision-making that such infrastructure is to be treated as if it has met any test requiring a clear outweighing of harm, exceptionality, or very special circumstances within EN-1, this NPS or any other planning policy.*” Paragraph 3.8.16 continues: “*this means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests: ... [including] where development in nationally designated landscapes requires exceptional circumstances.*” The Draft NPS EN-3

also references the ambition to deploy up to 50GW of offshore wind capacity by 2030.

- 2.4.34 Draft NPS EN-3 sets out a range of assessment and technology specific policy requirements. The Draft proposes a number of changes to the assessment for offshore wind with new policy added on co-ordinated offshore transmission, environmental net gain, and the 25-year Environment Plan.
- 2.4.35 Linked to Draft NPS EN-1, Draft NPS EN-3 (paragraph 3.8.86) states that applicants should demonstrate “*that they have considered how their proposals can contribute towards environmental net gain.*” Linked to Draft NPS EN-1, paragraph 3.8.46 of Draft NPS EN-3 asserts the expectation of a co-ordinated approach to transmission from multiple offshore windfarms, based on the ongoing review and reform to the offshore transmission network review.

## Draft National Policy Statement for Electricity Networks Infrastructure (EN-5) (DESNZ, 2023c)

- 2.4.36 The Draft NPS EN-5 (paragraph 2.9.20) changes the emphasis of undergrounding for electricity networks. Outside of National Parks, the Broads, and Areas of Outstanding Natural Beauty (AONB) overhead lines are the strong starting presumption. The Draft notes that within these designated areas the strong presumption is that lines will be undergrounded.
- 2.4.37 As stated in **Chapter 4: Proposed Development, Volume 2** (Document Reference: 6.2.4) the onshore cable corridor is partly located within the SDNP. At paragraph 5.9.10 the NPS EN-1 (2011) states that “*IPC may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of:*
- *the need for the development, including in terms of national considerations, and the impact of consenting or not consenting it upon the local economy;*
  - *the cost of, and scope for, developing elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in Section 4.4; and*
  - *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*”
- 2.4.38 At paragraph 5.9.12, the NPS EN-1 (2011) states that the duty to have regard to the purpose of nationally designated areas also applies to applications outside the boundary of a nationally designated site but which may have impacts within them and that “*the aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints*”. Paragraph 5.9.13 notes that being “*visible from within a designated area should not in itself be a reason for refusing consent*” for a proposed project.

## UK Marine Policy Statement

- 2.4.39 The UK Marine Policy Statement (MPS) (Department for Environment, Food & Rural Affairs (Defra), 2011) prepared for the purposes of section 44 of the Marine and Coastal Access Act 2009, provides the policy framework for preparing marine plans and aims to contribute to sustainable development of the UK marine area. The MPS will support the development of marine plans which will (Defra, 2011, p.3):
- *“Promote sustainable economic development;*
  - *Enable the UK’s move towards a low-carbon economy, in order to mitigate the causes of climate change and ocean acidification and adapt to their effects;*
  - *Ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and our heritage assets; and*
  - *Contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues.”*
- 2.4.40 The MPS presents offshore wind as an integral component of renewable energy in the UK with some of the best wind resources in the world. Offshore wind will also allow clear progression towards the national GHG and carbon reduction targets.

## The National Planning Policy Framework

- 2.4.41 The National Planning Policy Framework (NPPF) sets out the Government’s economic, environmental, and social planning policies for England and how these should be applied (Ministry of Housing, Communities and Local Government (MHCLG), 2021). The NPPF helps inform decision-making on planning applications as well as the production of local and neighbourhood plans. It replaces the Planning Policy Guidance Notes and Planning Policy Statements which previously provided national planning guidance to local planning authorities.
- 2.4.42 The first Statutory Consultation exercise and associated PEIR (RED, 2021a) considered the NPPF version that was published in February 2019 (MHCLG, 2019), as it was the latest version of the NPPF at the time of the production. The NPPF has since been updated. This ES considers the latest version of the NPPF, which was published in July 2021 (MHCLG, 2021).
- 2.4.43 Whilst paragraph 5 of the NPPF (MHCLG, 2021) states that it does not contain specific policies for NSIPs, the NPPF itself may be considered by the SoS to be an *“important and relevant”* consideration to its decision in accordance with s104 of the Planning Act 2008. These policies are concerned with protection and conservation of the natural and built environment as well as sustainable growth and development. **Table 2-3** further details the relevant principles of the NPPF.

**Table 2-3 NPPF principles relevant to Rampion 2**

<b>Principles</b>	<b>Advice</b>	<b>Where addressed in ES</b>
<b>Achieving sustainable development</b>	The planning system aims “ <i>to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i> ” (Paragraph 8)	<b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3), <b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4), and aspect <b>Chapters 6 to 29, Volume 2</b> (Document References: 6.2.6 to 6.2.29).
<b>Making Effective Use of Land</b>	“ <i>Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.</i> ” (Paragraph 119)	<b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3), and <b>Chapter 20: Soils and agriculture, Volume 2</b> (Document Reference: 6.2.20).
<b>Achieving Well-Designed Places</b>	“ <i>The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.</i> ” (Paragraph 126)	<b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3), <b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4), <b>Chapter 18: Landscape and Visual Impact, Volume 2</b> (Document Reference: 6.2.18), <b>Chapter 21: Noise and Vibration, Volume 2</b> (Document Reference: 6.2.21), and <b>Chapter 22: Terrestrial ecology and nature conservation, Volume 2</b> (Document Reference: 6.2.22).
<b>Meeting the Challenge of Climate Change, Flooding and Coastal Change</b>	“ <i>The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise</i>	<b>Chapter 4: The Proposed Development, Volume 2</b> (Document Reference: 6.2.4), <b>Chapter 29: Climate change, Volume 2</b> (Document Reference: 6.2.29), <b>Chapter 6:</b>



Principles	Advice	Where addressed in ES
<b>Conserving and Enhancing the Natural Environment</b>	<p><i>vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.” (Paragraph 152)</i></p> <p><i>“Planning policies and decisions should contribute to and enhance the natural and local environment by:</i></p> <ul style="list-style-type: none"> <li><i>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</i></li> <li><i>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</i></li> <li><i>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</i></li> <li><i>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</i></li> <li><i>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</i></li> <li><i>f) remediating and mitigating despoiled, degraded, derelict, contaminated and</i></li> </ul>	<p><b>Coastal processes, Volume 2</b> (Document Reference: 6.2.6), <b>Chapter 26: Water environment, Volume 2</b> (Document Reference: 6.2.26), and <b>Appendix 26.2: Flood Risk Assessment, Volume 4</b> (Document Reference: 6.4.26.2).</p> <p>Aspect <b>Chapters 6 to 29, Volume 2</b> (Document References: 6.2.6 to 6.2.29).</p>



Principles	Advice	Where addressed in ES
	<i>unstable land, where appropriate”.</i> (Paragraph 174)	
<b>Conserving and Enhancing the Natural Environment</b>	<i>“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”</i> (Paragraph 176)	<b>Chapter 18: Landscape and visual impact, Volume 2</b> (Document Reference: 6.2.18), and <b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3).
<b>Conserving and Enhancing the Natural Environment</b>	<i>“Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate unless it is compatible with its special character.”</i> (Paragraph 178)	<b>Chapter 15: Seascape, landscape and visual impact assessment, Volume 2</b> (Document Reference: 6.2.15), and <b>Chapter 3: Alternatives, Volume 2</b> (Document Reference: 6.2.3).
<b>Conserving and Enhancing the Historic Environment</b>	<i>“[Heritage] assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”</i> (Paragraph 189)	<b>Chapter 16: Marine archaeology, Volume 2</b> (Document Reference: 6.2.16) and <b>Chapter 25: Historic environment, Volume 2</b> (Document Reference: 6.2.25).

## 2.5 Regional and local planning policy

### South Inshore and South Offshore Marine Plan

2.5.1 The South Marine Plan (Defra, 2018) was prepared for the purposes of Section 51 of the Marine and Coastal Access Act and has been adopted with the agreement of the Secretary of State for Environment, Food and Rural Affairs. The Plan introduces a strategic planning approach within the inshore and offshore waters between Folkestone (Kent) and the River Dart (Devon). The Plan aims to ensure appropriate activities are undertaken in appropriate locations whilst protecting and improving the marine environment. It provides a framework that will shape and inform decisions over how the areas' waters are developed, protected, and improved.

### Local Development Plans

2.5.2 Although an application for development consent is not subject to Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004, EN-1 (DECC, 2011a) advises that the SoS should consider environmental, social, and economic benefits and adverse impacts at a local level.

2.5.3 Local authorities prepare and maintain Local Development Plans which outline their intentions for use and development of the land within the area under their remit. Local development plan policies may be relevant considerations where they inform the assessment of potential effects (for example, by identifying land allocations and environmentally sensitive areas). However, if there is a conflict between the NPS and local policies, the NPS takes precedence.

2.5.4 The onshore area of the Proposed Development falls within the jurisdiction of Arun District Council, Horsham District Council, Mid-Sussex District Council, South Downs National Park Authority, and West Sussex County Council. Therefore, the following key policy documents adopted by these authorities have been considered in this ES (see **Table 2-4**):

- Arun Local Plan (Arun District Council, 2018);
- Horsham District Planning Framework (Horsham District Council, 2015); and
- Mid-Sussex District Plan (Mid-Sussex District Council, 2018).

2.5.5 The South Downs National Park Authority (SDNPA) has also been consulted and its local plan, the South Downs Local Plan (SDNPA, 2019), has been considered in this ES due to the onshore temporary cable corridor lying partly within the National Park. This sets out a landscape led planning policy framework for development proposals within the SDNP to 2033 including identification of the housing requirements up to 2033. There are no other planning documents adopted for the SDNPA.

2.5.6 West Sussex County Council (WSCC) provides minerals and waste policies and a local transport plan for the area. The onshore infrastructure is within the boundary of the WSCC authority. The West Sussex Waste Local Plan (2014) and the West Sussex Joint Minerals Local Plan (2018) cover the onshore development area and have been considered in this ES. The West Sussex Transport Plan 2022 to 2036

(WSCC, 2022) sets out how WSCC intends to address key challenges by improving, maintaining and managing the transport network in the period 2022 – 2036, and this has been considered in the ES.

- 2.5.7 The documents listed in **Table 2-4** have helped inform the site selection for the onshore components of the Proposed Development, for which further details are provided in **Chapter 3: Alternatives, Volume 2** (Document Reference: 6.2.3).
- 2.5.8 **Figures 2.1a and 2.1b, Volume 3** (Document Reference: 6.3.2) illustrate the administrative boundaries within the Rampion 2 area.

**Table 2-4 Planning policy documents from Local Planning Authorities**

Local Planning Authority	Adopted Development Plan Document	Emerging Development Plan Document
<b>Arun District Council</b>	Arun Local Plan 2011-2031	N/A
<b>Horsham District Council</b>	Horsham District Planning Framework	Draft Horsham District Local Plan 2019-2036
<b>Mid-Sussex District Council</b>	Mid-Sussex District Plan 2014-2031	Mid Sussex District Plan 2021-2039
<b>SDNPA</b>	South Downs Local Plan 2014-2033	N/A
<b>West Sussex County Council</b>	West Sussex Local Plan and West Sussex Joint Minerals Local Plan	N/A

## 2.6 Other relevant guidance and advice

- 2.6.1 The EIA has been undertaken in line with legislation and policy and specifically in accordance with the requirements of the EIA Regulations 2017. In addition, the EIA has considered a range of up-to-date advice and guidance documents which include (but are not limited to):
- Advice Note Three: EIA consultation and notification (Version 7) (Planning Inspectorate, 2017a);
  - Advice Note Six: Preparation and submission of application documents (Version 11) (Planning Inspectorate, 2022b);
  - Advice Note Seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping (Version 7) (Planning Inspectorate, 2020a);
  - Advice Note Nine: Rochdale Envelope (Version 3) (Planning Inspectorate, 2018);
  - Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects (Version 9) (Planning Inspectorate, 2022);

- Advice Note Eleven: Working with public bodies in the infrastructure planning process (Version 4) (Planning Inspectorate, 2017c);
- Advice Note Twelve: Transboundary Impacts and Process (Version 5) (Planning Inspectorate, 2020c);
- Advice Note Seventeen: Cumulative effects assessment relevant to nationally significant infrastructure projects (Version 2) (Planning Inspectorate, 2019);
- Advice Note Eighteen: The Water Framework Directive (Version 1) (Planning Inspectorate, 2017d);
- Cumulative Impact Assessment Guidelines – Guiding Principles For Cumulative Impact Assessment in Offshore Wind Farms (RenewableUK, 2013);
- Environmental Impact Assessment Guide to: Delivering Quality Development (IEMA, 2016);
- Delivering Proportionate EIA. A Collaborative Strategy for Enhancing UK Environmental Impact Assessment Practice (IEMA, 2017);
- Offshore Wind Farms: Guidance Note for Environmental Impact Assessment in Respect of FEPA and CPA Requirements (Version 2) (Centre for Environment, Fisheries and Aquaculture Science (CEFAS), 2004);
- Design Principles for National Infrastructure (National Infrastructure Commission, 2020); and
- Offshore Energy Strategic Environmental Assessment (SEA): An overview of the SEA process (BEIS and Offshore Petroleum Regulator for Environment and Decommissioning, 2022).

2.6.2 These advice notes and guidance documents have informed the production of this ES.

## 2.7 PINS Scoping Opinion responses

2.7.1 **Table 2.5** sets out the comments received in Section 1.1 of the Planning Inspectorate’s Scoping Opinion (Planning Inspectorate, 2020d) relevant to policy and legislative context and how these have been addressed in this ES. Full details of the Planning Inspectorate’s Scoping Opinion comments and responses is provided in [Appendix 5.2: Response to the Scoping Opinion, Volume 2](#) (Document Reference: 6.4.5.2). Regard has also been given to other stakeholder comments that were received in relation to the Scoping Report (RED, 2020) and during the Statutory Consultation exercises for Rampion 2.

**Table 2.5 Planning Inspectorate’s Scoping Opinion responses – Policy and legislative context**

<b>PINS ID number</b>	<b>Scoping Opinion comment</b>	<b>How this is addressed in this ES</b>
<b>PINS12</b> <b>Para 1.1.12</b>	In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on ‘the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)’.	This comment is acknowledged. This ES accompanying the DCO Application is based on the most recent Scoping Opinion adopted (Planning Inspectorate, 2020d).
<b>PINS13</b> <b>Para 1.1.13</b>	The Inspectorate notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2017 and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (the Habitats Regulations). This assessment must be co-ordinated with the EIA in accordance with Regulation 26 of the EIA Regulations. The Applicant’s ES should therefore be co-ordinated with any assessment made under the Habitats Regulations.	This comment is acknowledged. This ES has been co-ordinated with any potential assessment under the Habitats Regulations.



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## 2.8 Glossary of terms and abbreviations

Table 2-6 Glossary of terms and abbreviations

Term (acronym)	Definition
<b>AA</b>	Appropriate Assessment
<b>Areas of Outstanding Natural Beauty (AONBs)</b>	Land protected for conservation and preservation under section 82 of the Countryside and Rights of Way Act 2000 for its natural beauty.
<b>BEIS</b>	Department of Business Environment & Industrial Strategy
<b>BESS</b>	British Energy Security Strategy
<b>CEFAS</b>	Centre for Environment, Fisheries and Aquaculture Science
<b>CfDs</b>	Contracts for Difference
<b>Climate Change</b>	A change in the state of the climate that can be identified (for example, by using statistical tests) by changes in the mean and/or the variability of its properties, and that persists for an extended period, typically decades or longer. Climate change may be due to natural internal processes, to external forcing or to persistent anthropogenic changes in the composition of the atmosphere, ocean or in land use.
<b>Climate Change Act</b>	Legislation enacted in 2008 by the UK Parliament to establish a framework for the reduction of greenhouse gas, which includes a target for the year 2050 emissions, a system of carbon budgeting, establishing the Committee on Climate Change, carbon trading schemes and other provisions.
<b>Cumulative impact</b>	Impacts that result from incremental changes caused by other past, present, or reasonably foreseeable actions together with the Proposed Development.
<b>DCO Application</b>	An application under Planning Act 2008 for consent to undertake a Nationally Significant Infrastructure Project made to the Planning Inspectorate who will consider the application and make a recommendation to the Secretary of State, who will decide on whether development consent should be granted for the Proposed Development.
<b>Defra</b>	Department for Environment, Food and Rural Affairs
<b>Department for Business, Energy &amp; Industrial Strategy (BEIS)</b>	A department of His Majesty's Government responsible for business; industrial strategy; science; research and innovation; energy and clean growth; and climate change.

<b>Term (acronym)</b>	<b>Definition</b>
<b>DESNZ</b>	Department for Energy Security & Net Zero
<b>Development Consent Order (DCO)</b>	This is the means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects, under the Planning Act 2008.
<b>EEA</b>	European Economic Area
<b>EIA Regulations, 2017</b>	<p>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>The EIA regulations require that the effects of a project, where these are likely to have a significant effect on the environment, are considered in the decision-making process for the project.</p>
<b>EMR</b>	Electricity Market Reform
<b>Environmental Impact Assessment (EIA)</b>	The process of evaluating the likely significant environmental effects of a proposed project or development over and above the existing circumstances (or 'baseline').
<b>Environmental Quality Standards (EQS)</b>	The Environmental Quality Standards determines priority substances and certain other polluting chemicals as set out in the Water Framework Directive and Environmental Quality Standards Directive. A value is provided, generally defined by regulation, which specifies the maximum permissible concentration of a potentially hazardous chemical in an environmental sample, generally of air or water.
<b>Environmental Statement (ES)</b>	The written output presenting the full findings of the Environmental Impact Assessment.
<b>EPS</b>	European Protected Species
<b>EQS</b>	Environmental Quality Standards
<b>European Union (EU)</b>	The union of 27 European member states.
<b>GHG</b>	Greenhouse Gas
<b>Habitats Regulation Assessment (HRA)</b>	The assessment of the impacts of implementing a plan or policy on a European Site, the purpose being to consider the impacts of a project against conservation objectives of the site and to ascertain whether it would adversely affect the integrity of the site.
<b>Habitats Regulations</b>	EC Council Directive 92/43/EEC, known as the Habitats Directive, was transposed in the UK by the Habitats Regulations 1994 (as amended). The Habitats Regulations apply to UK land

<b>Term (acronym)</b>	<b>Definition</b>
	and territorial waters and act to ensure biodiversity of natural habitats and of wild flora and fauna through a range of measures including designation of SACs.
<b>Impact</b>	The changes resulting from an action.
<b>Indirect effects</b>	<p>Effects that result indirectly from the Proposed Development because of the direct effects, often occurring away from the site, or as a result of a sequence of interrelationships or a complex pathway. They may be separated by distance or in time from the source of the effects.</p> <p>Often used to describe effects on landscape character that are not directly impacted by the Proposed Development such as effects on perceptual characteristics and qualities of the landscape.</p>
<b>Institute of Environmental Management and Assessment (IEMA)</b>	International membership organisation for environment and sustainability professionals.
<b>Likely Significant Effects</b>	It is a requirement of Environmental Impact Assessment Regulations to determine the likely significant effects of the Proposed Development on the environment which should relate to the level of an effect and the type of effect.
<b>MCAA</b>	Marine and Coastal Access Act
<b>Marine Conservation Zone (MCZ)</b>	A Marine Conservation Zone (MCZ) is a type of marine nature reserve in UK waters. They were established under the Marine and Coastal Access Act (2009) and are areas designated with the aim to protect nationally important, rare or threatened habitats and species.
<b>Marine Management Organisation (MMO)</b>	MMO is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs. MMO license, regulate and plan marine activities in the seas around England so that they are carried out in a sustainable way.
<b>MHCLG</b>	Ministry of Housing, Communities and Local Government
<b>MPA</b>	Marine Protected Area
<b>MPS</b>	Marine Policy Statement
<b>NDC</b>	Nationally Determined Contributions

<b>Term (acronym)</b>	<b>Definition</b>
<b>National Policy Planning Framework (NPPF)</b>	The National Policy Planning Framework sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local plans can be developed which reflect the community's needs.
<b>National Policy Statements (NPSs)</b>	Part 2 of the Planning Act 2008 sets out the national policy against which NSIP applications are assessed. NPSs set out guidance to inform the decision-making process for NSIPs. NPSs relevant to energy generation include: <ul style="list-style-type: none"> <li>• Overarching National Policy Statement for Energy (EN-1) (DECC, 2011a);</li> <li>• National Policy Statement for Renewable Energy (EN-3) (DECC, 2011b); and</li> <li>• National Policy Statement for Electricity Networks (EN-5) (DECC, 2011c).</li> </ul>
<b>Nationally Significant Infrastructure Project (NSIP)</b>	Nationally Significant Infrastructure Projects are major infrastructure developments in England and Wales which are consented by DCO. These include proposals for offshore wind farms with an installed capacity over 100MW.
<b>Natural England</b>	The government advisor for the natural environment in England.
<b>NNR</b>	National Nature Reserves
<b>OEP</b>	Office for Environmental Protection
<b>Offshore</b>	The sea further than two miles from the coast.
<b>Offshore Wind Farm</b>	An offshore wind farm is a group of wind turbines in the same location (offshore) in the sea which are used to produce electricity.
<b>PCPA</b>	Planning and Compulsory Purchase Act
<b>Planning Act 2008</b>	The legislative framework for the process of approving major new infrastructure projects.
<b>Planning Inspectorate</b>	The Planning Inspectorate deals with planning appeals, national infrastructure planning applications, examinations of local plans and other planning-related and specialist casework in England and Wales.
<b>Preliminary Environmental Information Report (PEIR)</b>	The written output of the Environmental Impact Assessment undertaken to date for the Proposed Development. It is developed to support public consultation and presents the preliminary findings of the assessment to allow an informed view to be developed of the Proposed Development, the assessment

Term (acronym)	Definition
	approach that has been undertaken, draw preliminary conclusions on the likely significant effects of the Proposed Development and environmental measures proposed.
<b>Preliminary Environmental Information Report Supplementary Information Report (PEIR SIR)</b>	The PEIR Supplementary Information Report (SIR) identified and provided additional supporting preliminary environmental information associated with proposed alternatives and modifications to the onshore part of the original PEIR Assessment Boundary which have been identified since the publication of the original PEIR (RED, 2021) in July 2021.
<b>Preliminary Environmental Information Report Further Supplementary Information Report (PEIR FSIR)</b>	The PEIR Further Supplementary Information Report (FSIR) identified and provided further preliminary environmental information associated with the proposed alternative route option identified since the publication of the original PEIR and PEIR SIR in July 2021 and October 2022 respectively (RED, 2021; 2022).
<b>Preliminary Environmental Information (PEI)</b>	Preliminary Environmental Information – Bolney Substation Extension Works identified and provides further preliminary environmental information associated with the proposed Bolney substation extension works identified since the publication of the original PEIR, PEIR SIR, and PEIR FSIR in July 2021, October 2022, and February 2023 respectively (RED, 2021; 2022; 2023).
<b>Proposed Development</b>	The development that is subject to the application for development consent, as described in <a href="#">Chapter 4: The Proposed Development, Volume 2</a> (Document Reference: 6.2.4).
<b>PRoW</b>	Public Right of Way
<b>Receptor</b>	These are as defined in Regulation 5(2) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and include population and human health, biodiversity, land, soil, water, air, climate, material assets, cultural heritage and landscape that may be at risk from exposure to pollutants which could potentially arise as a result of the Proposed Development.
<b>REZ</b>	Renewable Energy Zone
<b>RIAA</b>	Report to Inform the Appropriate Assessment
<b>Rochdale Approach</b>	The Rochdale Approach is a parameter-based approach to environmental assessment which aims to take account of the need for flexibility in the evolution of detailed design.

<b>Term (acronym)</b>	<b>Definition</b>
<b>Scoping Opinion</b>	A Scoping Opinion is adopted by the Secretary of State for a Proposed Development.
<b>Scoping Report</b>	A report that presents the findings of an initial stage in the Environmental Impact Assessment process.
<b>SEA</b>	Strategic Environmental Assessment
<b>Secretary of State (SoS)</b>	The body who makes the decision to grant development consent.
<b>Significance</b>	A measure of the importance of the environmental effect, defined by criteria specific to the environmental aspect.
<b>Significant effects</b>	It is a requirement of the EIA Regulations to determine the likely significant effects of the development on the environment which should relate to the level of an effect and the type of effect. Where possible significant effects should be mitigated.
<b>Site of Community Importance (SCI)</b>	SCIs are defined in the European Commission Habitats Directive (92/43/EEC) as a site which, in the biogeographical region or regions to which it belongs, contributes significantly to the maintenance or restoration at a favourable conservation status of a natural habitat type or of a species and may also contribute significantly to the coherence of Natura 2000, and/or contributes significantly to the maintenance of biological diversity within the biogeographic region or regions concerned.
<b>Site of Special Scientific Interest (SSSI)</b>	Sites designated at the national level under the Wildlife & Countryside Act 1981 (as amended). They are a series of sites that are designated to protect the best examples of significant natural habitats and populations of species.
<b>Special Area of Conservation (SAC)</b>	International designation implemented under the Habitats Regulations for the protection of habitats and (non-bird) species. Sites designated to protect habitats and species on Annexes I and II of the Habitats Directive. Sufficient habitat to maintain favourable conservation status of the feature in each member state needs to be identified and designated.
<b>Special Protection Area (SPA)</b>	Sites designated under EU Directive (79/409/EEC) to protect habitats of migratory birds and certain threatened birds under the Birds Directive.
<b>Stakeholder</b>	Person or organisation with a specific interest (commercial, professional, or personal) in a particular issue.
<b>Sustainability</b>	The principle that the environment should be protected in such a condition and to such a degree that ensures new development



Term (acronym)	Definition
<b>Temporary or permanent effects</b>	meets the needs of the present without compromising the ability of future generations to meet their own needs.
<b>The Applicant</b>	Rampion Extension Development Limited (RED).
<b>Transboundary effects</b>	Assessment of changes to the environment caused by the combined effect of past, present and future human activities and natural processes on other European Economic Area Member States.
<b>United Nations</b>	The United Nations is an international organization founded in 1945 to maintain global peace and security.
<b>UNFCC</b>	United Nations Framework Convention on Climate Change
<b>Water Framework Directive</b>	A substantial piece of EU water legislation that came into force in 2000, with the overarching objective to get all water bodies in Europe to attain Good or High Ecological Status. River Basin Management Plans have been created which set out measures and potential mitigation to ensure that water bodies in England and Wales achieve 'Good Ecological Status'.
<b>WTG</b>	Wind Turbine Generator

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## 2.9 References

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