



Marine
Management
Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
F +44 (0)191 376 2681
www.gov.uk/mmo

Mr Richard Allen
Rampion 2 Lead Panel Member
Rampion 2 Offshore Wind Farm Case Team
Planning Inspectorate
Rampion2@planninginspectorate.gov.uk
(Email only)

MMO Reference: DCO/2019/00005
Planning Inspectorate Reference: EN010117
Registration Identification Reference:20045232

06 November 2023

Dear Richard Allen

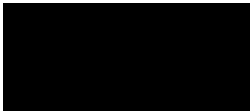
Planning Act 2008, E.On Climate and Renewables UK Ltd, Proposed Rampion 2 Offshore Wind Farm Order

This document comprises the Marine Management Organisation's ("MMO") Principal Areas of Disagreement ("PAD") in respect of the above Development Consent Order application ("DCO Application"), as requested by the Examining Board in the Rule of 9 letter dated 20 September 2023.

This does not include all comments raised within the Relevant Representation but as states the main areas of disagreement.

Please find the MMO's PAD below.

Yours faithfully,



Harriet Tyley
Marine Licensing Case Officer

D + [REDACTED]

E [REDACTED]



Table 1 – Outstanding Principal Areas of Disagreement			
Area of Concern	Explanation	Remedy Measures	Likelihood of Resolution
Complaint from commercial fisherman (Sussex Coast)	Grievance with Rampion's failure to bury rocks and boulders, leaving 'hundreds of thousands of tons of rocks' being dumped.	Removal of these rocks from original application and a written agreement (FLO) that this will not occur in Rampion 2.	MMO is hopeful that the Applicant will take this into account during Examination and it will be resolved.
Development Consent Order (DCO)/Deemed Marine Licence (DML)			
Draft DCO - Article 5, Benefits of the Order	Any reference to the Marine Management Organisation (MMO) and Deemed Marine Licence (DML) should be removed from article for transfer of the benefit of the Deemed Consent Order (DCO). This also relates to Part 1 (7).	MMO requests removing reference to the MMO in the rest of Article 5 because this transfer process should exclude the DML. However, there may be transfers which relate to the exercise of the MMO's power beyond the deeming of the marine licence. If this is the case, MMO should be consulted and this should be set out by the Applicant.	MMO is hopeful that the Applicant will make these updates and these concerns will be resolved during Examination.
Draft DCO - Part 4 Supplemental Powers (20(2) Public rights of navigation	MMO notes that the public rights of navigation where any permanent structures are located within territorial waters will be extinguished and will take effect 14 days after the undertaker has submitted a plan to the SoS, Maritime Coastguard Agency and the MMO.	MMO requests clarity on this as there are no powers under the DCO for the MMO to comment or refuse.	MMO is hopeful that these concerns will be resolved during Examination.
Draft DCO – Schedules 11 & 12 Condition 12	MMO notes submission of documents and determination date is 4 months. Due to the nature of the documents and larger scale project the MMO requests these are updated to 6 months.	MMO requests that determination dates are updated to 6 months not 4 months.	MMO believes this may not be fully resolved during Examination but is hopeful that the Applicant will discuss some if not all timescales during Examination.
Draft DCO – Schedules 11 & 12 – Additional Conditions	MMO requests additional conditions to be included in the DML to ensure all parties are aware of the stages of construction and maintenance, the Applicant abides with the Marine Noise Registry and any seasonal restriction for mitigation is within the DML.	MMO requests additional conditions are included within the DMLs.	MMO is hopeful that the Applicant will make these updates and these concerns will be resolved during Examination.

<p>Draft DCO – Condition 9: (1) <i>Unless otherwise agreed in writing by the MMO all chemicals used in the construction of the authorised project must be selected from the List of Notified Chemicals approved for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002(a) (as amended).</i></p>	<p>The MMO will provide comments on this condition in due course.</p>	<p>The MMO will provide comments on this condition in due course.</p>	<p>The MMO believes that any comments relating to this condition will be resolved during Examination.</p>
<p>The DCO states ‘no more than 116 wind turbines’, whilst the ES (non-technical summary, Section 1.2.3 states’ up to 90 offshore wind turbines’</p>	<p>Discrepancy between the ES and the DCO.</p>	<p>The DCO and ES and differing chapters within the ES should contain the same specifications for consistency, and the ensure impacts are accurately described, mitigated and monitored properly.</p>	<p>MMO is hopeful that these concerns will be resolved during Examination.</p>
<p>Coastal Processes</p>			
<p>Chapter 4 and Appendix 6.3</p>	<p>Multiple clarifications and updates are required to ensure correct understanding from the MMO. Please see comments in Section 4.2 of our relevant representative.</p>	<p>The comments should be reviewed and updated or further justification provided..</p>	<p>MMO is hopeful that the Applicant will update the information required for this to be resolved during Examination.</p>
<p>Benthic Ecology</p>			
<p>Assessment of Significance</p>	<p>There is information missing from Table 9-14 and the sensitivity from smothering</p>	<p>The comments should be reviewed and updated or further justification provided..</p>	<p>MMO is hopeful that the Applicant will update the information required</p>

	should be reconsidered. Please see comments in Section 4.3 of our relevant representative.		for this to be resolved during Examination.
Fish Ecology			
Discrepancies between the maximum duration of piling per day state in the UWN Impact Assessment and throughout Chapter 8.	There is discrepancies between Chapter 8 and Appendix 11.3 on the worst-case duration of monopile and jacket foundation installation.	Discrepancies to be amended with the correct maximum duration of piling per day, so that impacts can be assessed properly and mitigated.	MMO is hopeful that the Applicant will update the discrepancies and provide any additional information required so this will be resolved during Examination.
Habitat suitability assessments including Herring and Sandeel mapping	Whilst the applicant has completed a herring potential spawning habitat and Sandeel potential habitat suitability assessment. The Applicant has not followed the recommended MarineSpace (2013a) and (2013b) methodologies.	MMO requests that the Applicant revises their habitat suitability assessments by following the MarineSpace (2013a and 2013b) methods and provides 'heat' maps of herring potential spawning habitat, and sandeel potential habitat, for the fish ecology study area as an addendum to the ES and update the conclusion from this information.	MMO is hopeful that the Applicant will update the assessments and Maps to accord with the recommended methods so this will be resolved during Examination.
Black seabream UWN disturbance threshold	A threshold approach has been based on a threshold of 141dB re 1µPa SELss as defined by Kastelein et al., (2017). This has also been used to form the basis of mitigation.	MMO does not consider a SELss of 141 dB re 1 mPa ² s used for a 44cm captive seabass to be an appropriate or conservative threshold. MMO understands there was no agreement between MMO, Natural England (NE) and the Applicant on a noise threshold or proxy species for black seabream prior to submission of the Application. If the Applicant wants to pursue a noise threshold route the MMO would expect to see more noise modelling based on the 135 dB threshold. However, even if this is provided the MMO is unlikely	MMO believes this may not be fully resolved during Examination but is hopeful that the Applicant will provide the modelling and further discussions can take place. MMO hopes these concerns will be resolved during Examination, noting they have not been resolved through pre examination.

		to agree a threshold approach for black seabream. Further mitigation may be required.	
Mitigation for spawning herring conclusion	The Applicant has concluded in paragraph 8.9.195 that, as the UWN contours do not directly overlap with the spawning grounds as indicated by the Coull et al. (1998) shapefile, the magnitude of a behavioural impact to spawning herring from UWN is considered to be negligible. Whilst the Coull et al. (1998) spawning maps are valuable for providing an indication of the location of herring spawning grounds based on historic data, it is more appropriate for the Applicant to draw their conclusions from overlap with areas of higher IHLS larval abundance as this is a more recent, direct measure of herring spawning intensity for this region. Further to this, Figures 8.18, 8.19 and 8.21, which present UWN for sequential pin-piling, sequential mono-piling, and simultaneous pin-piling, all indicate that the likely range of impact of TTS in fish is also anticipated to overlap the herring spawning grounds.	Updated to the conclusion should be made and further discussion on mitigation should take place.	MMO believes this may not be fully resolved during Examination but is hopeful that the Applicant will provide the updates and further discussions can take place. MMO hopes these concerns will be resolved during Examination, noting they have not been resolved through pre examination.
Noise abatement during – exclusion of July	It is not clear why July has been treated separately within the Applicant's proposed mitigation zoning plan. Black seabream are at their most sensitive when undertaking spawning and guarding their nests, and as a result, the conservation objectives of the Kingmere Marine Conservation Zone (MCZ) are of heightened importance during the spawning period. As we have clear evidence that black seabream continues to	July should be included in the defined mitigation period for the zoning plan however as above any mitigation must have the correct modelling.	MMO believes this may not be fully resolved during Examination but is hopeful that the Applicant will provide the updates and further discussions can take place. MMO hopes these concerns will be resolved during Examination, noting they have not been resolved through pre examination.

	spawn and maintain their nests into and during July, we must consider that July is part of the spawning period.		
Seasonal Piling Restriction	The MMO considers it necessary for a seasonal piling restriction to be implemented in order to prevent disturbance to spawning herring and their eggs and larvae at the Downs spawning ground during the spawning period of 1st November to 31st January (inclusive).	This restriction may be subject to refinement, providing the additional UWN modelling (135Db) and further discussions on mitigation. However, at this time, the MMO considers that a seasonal piling restriction be implemented.	MMO believes this may not be fully resolved during Examination but is hopeful that the Applicant will provide the updates and further discussions can take place. MMO hopes these concerns will be resolved during Examination, noting they have not been resolved through pre examination.
Pre- and post-construction surveys	4.6.64 Pre- and post-construction surveys should be implemented to enhance the baseline data and to validate any predictions made in the ES on nesting habitat recoverability. These surveys should be suitably timed and use appropriate methods.	Therefore, MMO recommends that a requirement for pre- and post-construction monitoring of black bream nesting habitat be included in the DML to ensure that the habitat recovers and continues to support black bream nesting, and that comparisons of nest location and density pre- and post-construction can be made. This should be clearly referred to within conditions 16-18.	MMO believes this may not be fully resolved during Examination but is hopeful that the Applicant will provide the updates and further discussions can take place. MMO hopes these concerns will be resolved during Examination, noting they have not been resolved through pre examination.
Appendix 8.3 Underwater noise study for sea bream disturbance, August 2023.	Please see section 4.7.12 onwards of our relevant representative in relation to this document.	Updates are required to this document.	MMO is hopeful that the Applicant will update this document for this to be resolved during Examination.
Appendix 11.3 Underwater noise assessment technical report	Please see section 4.7.7 onwards of our relevant representative in relation to this document.	Updates are required to this document	MMO is hopeful that the Applicant will update this document for this to be resolved during Examination.
Under Water Noise			
Permanent Threshold Shift	In the Environmental Statement, the sensitivity of all cetaceans to PTS-onset is assessed as Low. In the PEIR, all	Until and unless empirical evidence can shed light on whether this opinion holds water, the precautionary principle will	MMO is hopeful that the Applicant will update the sensitivity and provide anything additional

(PTS) onset assessment	cetaceans were originally assessed as having a 'Medium' sensitivity to PTS.	continue to apply. Therefore, cetaceans should be assessed as having a high sensitivity to PTS.	information required so this will be resolved during Examination.
Dredge and Disposal			
Trace heavy metal analysis	The MMO has not been able to determine the method of extraction and what digest or if sieving has been applied to these sediments. Therefore, we have been unable to say whether the comparison to Cefas action levels is appropriate.	The MMO recommends that this is confirmed alongside the name of the laboratory undertaking the analysis for trace heavy metals and Polyaromatic Hydrocarbons.	MMO is hopeful that the Applicant will provide these updates for this to be resolved during Examination.
Excavation at the punch out site	The MMO notes that each of the four cables may require excavation at the punch out site. If this material were to contain chalk, then this might cause mounds on the seabed and the impact of chalk rather than silt sand and gravel has not been considered.	The impact of chalk should be considered as part of the discussion in the impact assessment.	MMO is hopeful that the Applicant will provide these updates for this to be resolved during Examination.
Other Plans and Documents			
Outline Offshore Operations and Maintenance Plan	Please see Section 5.6 of our relevant representative in relation to this document.	Updates are required to this document.	MMO is hopeful that the Applicant will provide these updates for this to be resolved during Examination.
In Principle Sensitive Features Mitigation Plan	Please see Section 5.7 of our relevant representative in relation to this document.	Updates are required to this document.	MMO believes this may not be fully resolved during Examination but is hopeful that the Applicant will provide the updates and further discussions can take place. MMO hopes these concerns will be resolved during Examination, noting they have not been resolved through pre examination.

<p>Offshore In Principle Monitoring Plan</p>	<p>Please see Section 5.8 of our relevant representative in relation to this document.</p>	<p>Updates are required to this document.</p>	<p>MMO believes this may not be fully resolved during Examination but is hopeful that the Applicant will provide the updates and further discussions can take place. MMO hopes these concerns will be resolved during Examination, noting they have not been resolved through pre examination.</p>
--	--	---	--