

**Deadline to send to the ExA - 16 Jan 2024**

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**Written Representation on  
for the Rampion 2 Windfarm Examination  
Project Reference: EN010117**

**Our views on how the Rampion 2 Application should be Examined**

**PCS IP Registration Number: 20044835  
Submission Date: 14 January 2024**

**Submitted By:**

The Secretary  
Protect Coastal Sussex (PCS)  
And Member of the Rampion 2 Community Project Liaison Group

On behalf of PCS Co-Chairs:

Chris Lee, Aldwick  
Melanie Jones, Middleton on Sea  
Lawrence Haas, Littlehampton  
Meera Smethurst, Cowfold

**Written Submission by Protect Coastal Sussex**  
**Our views on how the Rampion 2 DCO Application should be examined**  
**Pre-Examination Procedural Deadline of 16 Jan 2024**

14 Jan 2024

Dear ExA Members,

This written submission responds to the Rule 6 Letter and Annexes issued by the Examination Authority (ExA) on 14 December 2023 requesting views from Interested Parties about how the Rampion 2 Application 2 should be examined.

We very much appreciate this opportunity to offer comments on how we believe this case-specific Rampion 2 Examination may proceed.

We include a 4-page Summary of the Main Submission. The latter provides more detail on the context, policy relevance and Principal Issues we would like to see given weight and accommodated in the Examination.

We also note the ExA has indicated in the Rule 6 Letter and Annexes that:

- The Examination is principally a written process.
- Written representations carry equal weight to oral representations.
- Members of the ExA may publish questions on principal issues and issue-specific hearings that all Interested Parties (IPs) may respond to by given deadlines.
- IPs may offer comments on other Representations at any time, and
- Issue specific hearings have yet to be defined and announced.

Our intention is to share this PCS submission with our Councils and more within community organisations on the south coast and inland areas affected by Rampion 2.

Secretary  
Protect Coastal Sussex  
And Member of the Rampion 2 Community Project Liaison Group

On behalf of PCS Co-Chairs:

Chris Lee, Aldwick  
Melanie Jones, Middleton on Sea  
Lawrence Haas, Littlehampton  
Meera Smethurst, Cowfold

CC: Area MPs: Nick Gibb, Andrew Griffith and Sir Peter Bottomley

# PCS Summary

Protect Coastal Sussex (PCS) herein offers views on behalf of affiliated community organisations on the Examination Authorities (ExA's) Initial Assessment of Principal Issues and approach to conduct the Rampion 2 windfarm DCO Examination.

The Examination kicks off 7 February 2024 and lasts a statutory 6 months.

We believe these views are helpful and relevant to finalise the Examination approach in a way that addresses concerns raised in pre-Application consultations and again in many Relevant Representations (RRs) and Principal Areas of Disagreement (PAD) Statements.

Comment we wish to highlight is summarised under six themes, namely.

1. Clarity on the application of OESEA visual buffer advice
2. Consideration of Alternatives under Section 4.4 of EN-1
3. Inviting expert testimony and views on Alternatives and National benefit metrics
4. Clarity on Sustainable Development metrics
5. Consideration of underwater and landscape noise
6. Drawing lessons from previous South Coast windfarm DCO Examinations

## 1. Clarity on the application of OESEA visual buffer advice

- i) The Applicant openly demonstrates blatant disregard for the UK Government's rolling Offshore Energy Strategic Environment Assessment (OESEA) visual buffer advice and argues at every opportunity, including in its Environment Statement (ES), that the OESEA is not relevant to the Rampion 2 Design, or Examination.
- ii) Unfortunately, the Rule 6 documents the ExA circulated does not indicate that the Examination process would consider, or apply, UK visual buffer advice.
- iii) We believe that runs counter to the body of relevant policy, including the National Policy Statements, as well as good design practice and common sense concerns raised by a sufficient number of statutory consultees and many Interested Parties (IPs).
- iv) Respect for OESEA visual buffer advice to provide minimum distances between large turbines clearly visible from the shore and designated landscapes is policy relevant. It otherwise needs to be a Principal Issue and explicit in the Examination. In our main Submission that follows we offer practical suggestions in that regard.

## 2. Consideration of Alternatives under Section 4.4 of EN-1

- i) The emphasis the ExA gives to the consideration of within-project alternatives in its Initial Assessment of Principal Issues in the Rule 6 Letter Annex C is welcome. However, no mention is made of applying the Alternatives Section 4.4 in NPS EN-1.
- ii) Consideration of alternatives is a clear policy requirement in Examinations of NSIP infrastructure, such as Rampion 2, that disrupt designated landscapes, their functions and national protection objectives (in this case including South Downs National Park).
- iii) Rampion 2 invokes the EN-1, para 5.9.10 policy requirement to, "... include assessment of: ... the cost of, and scope for, developing all or part of the development 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". (our underlining)
- iv) The European Convention on Landscapes, the Marine Policy Statement (2021), the NPS (2023), and the Levelling-up and Regeneration Act 2023 which came into force in late

December 2023 further reinforce and strengthen policy provisions for the protection of National Parks in ways that include the consideration of Alternatives.

- v) We suggest procedures for considering Alternative under EN-1 Section 4.4 can be announce at the Day 1 Hearing 7 Feb 2023, along with steps to provide related system value modelling analysis and relevant written or oral testimony, as indicated in Sections 2 and 3 of our main submission herein on how the Examination may be conducted.

### **3. Inviting expert views and testimony on Alternatives and National benefit metrics**

- i) The Planning Inspectorate (PINs) Advice Notes state that expert testimony is often called upon in Examinations requiring specific technical expertise to better inform the Examination process. That is important in this case, given the background of ExA members appears largely to be more Chartered Town Planning with no indicated energy sector or power system expertise and we are considering the merits of an energy project.<sup>1</sup>
- ii) Relevant Representations made this point about the need for expertise to be invited directly by this ExA, or encouraged, to help breakdown and assess the national benefits of Rampion 2, as needed to make critical policy judgements, such as whether adverse impacts (local and national disbenefits or Rampion 2 outweigh its national benefits; as well as for the consideration of Alternatives under Section 4.4.
- iii) Otherwise, those critical judgements risk being overly subjective, or superficial tick box exercises. In our view that would be highly inappropriate for considering a £3-4 bn energy infrastructure investment commitment, plus given what is at stake for local communities, as well as the wider public and national interests.
- iv) We believe the ExA approach and procedure for inviting and encouraging relevant expert testimony, preferably both written and oral should be explicit. For Examination efficiency, this can be linked with the assessment of Alternatives, as under Section 4.4 of EN-1 in the manner noted in the main representation herein.

### **4. Clarity on Sustainable Development metrics**

- i) The achievement of sustainable development, legally defined as activities (especially major infrastructure projects) that provide balance across mutually-reinforcing environment, social and economic objectives and achieve net gains under each objection is at the heart of the UK planning system.
- ii) We observed there is no mention of the word “sustainable” in the Rule 6 Letter and Annexes that set out how the Rampion 2 Examination will be framed and conducted, let alone the procedure, approach or metrics to be applied to inform the essential judgement on whether Rampion 2 would advance or undermine achieving sustainable development on the south coast and project-affected inland areas.
- iii) NPS EN-1 is clear on the overarching policy relevance of energy infrastructure contributing to the achievement of sustainable development. It requires more than a passing reference in the Rampion 2 Examination on multiple grounds, including the project’s case-specific transformative nature and unique extent of its consequent social, environment and economic effects due to its scale and inshore location.

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<sup>1</sup> This requires expertise and background in power system planning, supply reliability and affordability and across the metrics of national benefits related to carbon offsetting and delivering decarbonisation of the power sector by 2035, not only for the key policy concerns, but also to address the policy requirement for the Examination to consider EN-1 (overarching) Section 4.4 Alternatives.

- iv) We believe the Examination should have a clear, explicit aim to establish whether Rampion 2 would advance or undermine the achievement of sustainable development. The approach and metrics to be employed for this assessment and judgement should be clearly set out as a Principal Issue in this Examination, and otherwise discussion and comment invited by the ExA on the metrics to inform this judgement.

## **5. Consideration of underwater and landscape noise**

- i) Both underwater noise (UWN) adversely affecting marine life and landscape noise affecting people were raised as concerning issues in a number of PAD Statements and RRs.
- ii) UWN impacts on marine mammals and fish can have significant biodiversity implications as noted in PAD Statements including the Marine Management Organisation and Natural England. Landscape noise that consists of construction noise for 4-5 years from both offshore and onshore activities (e.g., piling, horizontal drilling, construction work camp activities, traffic noise, vessel and helicopter noise, etc.) all add to the concerns.
- iii) Noise and vibration was a Principal Issue in the Navitus Bay Wind Park Examination. It does not appear in the Initial Assessment of Principal Issues for the Rampion 2 Examination.
- iv) We believe that underwater and landscape noise should be an explicit consideration in the Examination process along with appropriate coverage in topic specific hearings. UWN as it relates to impacts on marine mammals, fish and net biodiversity gain / loss, should be included in the unspecified topic-specific hearings on environment effects in the 7-9 February 2023 sessions in Brighton.

## **6. Drawing lessons from previous South Coast windfarm DCO Examinations**

- i) Two previous wind farm Examinations on the south coast offer lessons to better understand the nature and likely scale of Rampion 2 impacts, namely: Rampion 1 (consented in 2014) and the Navitus Bay Wind Park Application (refused consent in 2015).<sup>2</sup>
- ii) Drawing lessons from those Examinations should be encouraged and taken into account in this Examination. This is important as the Applicant's ES asserts Rampion 2 is equivalent to the existing Rampion installation in respect to impacts; whereas, we and many IPs see the scale and likely effects of Rampion 2 are far more like Navitus Bay.
- iii) South Downs National Park in its PAD Statement and Sussex Wildlife in their RR, for example, indicates the recovery and restoration of the Rampion 1 transmission route through the Park is problematic; not as reported by the Applicant as being successful.
- iv) Similarly, surveys and conclusions drawn on the likely socio-economic and social effects of the visual impacts of Navitus Bay turbines on south coast residents and the tourism economy are relevant. The Rampion 2 Applicant is virtually silent on Navitus Bay in its PEIR and Application documentation and even its desk study reviews of UK experience.

We see the six topics noted above as interrelated and complementary. They converge around the theme of sustainability and the achievement of sustainable development. We also see synergy and examination efficiency advantages in addressing these concerns when the ExA finalises the Principal Issues for this Examination.

An overriding concern is the Rule 6 Letter and Initial Assessment of Principal Issues fails to mention how it will consider the UK's visual buffer advice for large turbines inline with policy.

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<sup>2</sup> Comparisons of project features, impacts and how principal issues were addressed in the respective Examinations are helpful for the Rampion 2 Examination, adjusting for the policy context of today.

**Ideally a presumption in this Examination would be to fully respect and apply the existing OESEA environment / social safeguards. That adds clarity to and reinforces (i.e., does not undermine) the presumption for sustainable development. In procedural terms, it means the onus should be placed on the Applicant to prove it should be otherwise.**

Recognising the ExA has started its own review of the Applicant's visual impact assessments to judge the acceptability of visual transformation and capacity to absorb such change in the area's seascape /landscape character, we further note and ask the ExA to take into account:

- The UK's OESEA visual buffer advice is already based on a comprehensive review of domestic and international experience in 2020 using project-level seascape visual impact assessments and wireline assessment outputs interpreted in relation to policy for the protection of different landscape designations, turbine heights and visibility factors.
- The views of statutory consultees in consultations stating what needs to be done to properly assess the efficacy of the Applicant's SLVIA / LVIA analysis and conclusions should be taken up in the Examination and given substantial weight.
- Those are reported in the Applicant's ES Volume 2, Chapter 15: Seascape, landscape, and visual impact assessment in Table 15-7, starting page 43, especially comments by Natural England and the South Downs National Park Authority.
- For relevant context, we also note the Applicant consistently dismissed the relevance of OESEA visual buffer advice for Rampion 2 in the statutory public consultations. In the ES it seeks to dismiss all consultation responses in this regard.

We note more generally there are unique **national disbenefits** to be appreciated, quantified where possible with appropriate metrics, and taken into account in the Examination.

Those include the national disbenefits that result from degrading protected seascape / landscape assets and their functions. In this case they are clearly at risk from both encroachment and large machine structures so visible from land, dominating and transforming the character of the area beyond imagination – in the eyes of many and certainly with respect to OESEA advice.

This comes at the same time in the name of climate policy, Government is encouraging UK citizens to remain on these islands to take advantage of our valued coastal assets for leisure, vacations and beneficial enjoyment, as a new way of life, thus to travel less abroad. Such restrictions are even possible by 2030 when Rampion 2 would be commissioned.

Finally, the cold irony for affected local communities forced to "host" Rampion 2, if consented, is that Rampion 2 would not be permitted in the Applicant's home country under the German federal WindSeeG (Offshore Wind Act), nor across much of Europe.

This disconnected reality is noted in the UK's OESEA visual buffer update (2020) and OESEA-4 (2022), as explained in our main submission that follows.

## Main PCS Submission

### On how the Rampion 2 DCO Application should be examined

Our views on each of the six topics we highlight are noted as follows, along with what we see as the best ways to accommodate them when finalising the list of Principal Issues and the Examination procedure and schedule, as provided in the ExA's Rule 6 Letter and Annexes, namely:

1. Clarity on the application of OESEA visual buffer advice
2. Consideration of Alternatives under Section 4.4 of EN-1
3. Inviting expert testimony and views on Alternatives and National benefit metrics
4. Clarity on Sustainable Development metrics
5. Consideration of underwater and landscape noise
6. Drawing lessons from previous South Coast windfarm DCO Examinations

We view these topics as being complementary and converging around sustainability and the presumption for sustainable development, where in law, there must be a clear balance across mutually reinforcing social, environment and economic objectives and net gains achieved under each objective, not just any energy infrastructure development serving a single interest.

As in National Policy Statement (EN-1, para 2.2.27), the approach we would welcome is:

*"The Government's wider objectives for energy infrastructure include contributing to sustainable development and ensuring that our energy infrastructure is safe. Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of society and the economy..."*

#### 1. Clarity on the Application of OESEA visual buffers in this Examination

##### Relevant Context

- 1.1. The Pre-Examination documentation issued 14 Dec 2023 by the ExA is unfortunately silent on how the UK Government's strategic environmental advice to provide visual buffers for wind turbines in UK waters visible from the coast is to be applied in this Examination.
- 1.2. As noted in the Summary, this is important and relevant given the Rampion 2 design is at the extreme end of the visual impact spectrum in the UK Government's Offshore Energy Strategic Environmental Assessment programme (OESEA), as well as being contrary to accepted good design practice, not only in the UK, but across much of Europe respecting the European Convention on Landscapes to which the UK is a signatory.
- 1.3. Rampion 2 is literally off the charts as regard to visual impact and effects. The design fundamentally ignores the minimum 40 km (25 mile) buffer distance advised for turbines of this scale and height, and proximity to designated landscapes, as well as its proximity to sensitive visual receptors on the populous shores of the Sussex Bay – residents and visitors who currently enjoy the natural character of the area and its heritage values.
- 1.4. Apart from the Applicant's outright rejection of the relevance of the UK's safeguards for visual buffers, a sufficient number of statutory consultees noted significant concerns with adverse visual impacts in their PAD Statements. Equally, many relevant representations (RRs) were either very concerned or objected to the Rampion 2 Application on these grounds and failure to respect relevant OESEA visual buffer advice.

- 1.5. Impacted coastal communities are only now becoming aware that Rampion 2 would not be allowed in the Applicant’s home country Germany under the Wind Energy at Sea Act (WindSeeG) in effect since Jan 2017, and similar practice across much of Europe.
- As reported in the OESEA programme visual buffer update (2020), Germany limits the height of wind turbines within sight of the coast and islands in the North and Baltic Seas to 125m for multiple reasons including the avoidance of social and economic harm to coastal communities.
  - While the German-based Rampion 2 Applicant may procedurally argue that German policy and law is not material in the Rampion 2 Examination, the OESEA advice that is similar to the WindSeeG is material - despite the Applicant claiming otherwise.<sup>3</sup>
  - Moreover, in terms of good design as well as fairness, responsible corporate behaviour and plain common sense, we see the OESEA advice as powerfully relevant in the local, wider public and national interest.
  - As seen in RRs, many in the affected coastal communities are concerned about the lack of “good faith” and ethics behind not even acknowledging, let alone applying environmental and social safeguards in the Rampion 2 Design.

### **Applicable Policy**

- 1.6. We believe clarity on the interpretation and application of the OESEA visual buffer advice should be a fundamental consideration in this Examination. This includes consideration of Seascape / Landscape effects with reverence to the European Convention on Landscapes and complementary UK national policy.

Among these include:

- The NPS EN-1 and EN-3, the 2011 version in effect (on which the Rampion 2 Examination is based) and the NPS 2023 version of the same, due to come into effect early 2024 (which the Secretary of State may take into account in the Rampion 2 decision).
- The updated UK Marine Policy Statement (2021), and
- The Levelling-up and Regeneration Act 2023 that came into force in December 2023 that increased the protection of designated landscapes in UK law.

### **1.7. In this regard we note and observe further:**

- i) Relevant Representations submitted to date note the Applicant repeatedly claimed in statutory public consultations (well documented) and still maintains in the ES that UK OESEA visual buffers have no relevance to Rampion 2:
  - For example, the Applicant’s representatives who virtually attended a community-led meeting on Rampion 2 in August 2021 as well as in videos and pamphlets for its virtual only statutory consultations stated that OESEA advice did not apply:
    - a) To paraphrase, otherwise the Rampion 2 extension would not have been awarded by the Crown Estates, then cleared by many agencies such as Natural England;

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<sup>3</sup> The UK’s OESEA 4 (2022) notes, “... Considering all European countries, the average distance of offshore wind farms from the coast has been steadily increasing. Those farms installed in 2008 were on average 10.5km from the coast, rising to 12.8km in 2009, 29km in 2012, 32.9km in 2014, 43.3km in 2014 (EWEA 2016) and 52km in 2020 (WindEurope 2021)” European policies that apply visual buffers are noted in OESEA 4.



- b) The Applicant argues that community organisations and stakeholders must recognise that “*beauty is in the eye of the beholder*” also implying only that only Nimbys would oppose Rampion 2.
- PCS affiliates subsequently wrote The Crown Estates for clarification on the matter in early 2022.
  - The Crown Estates response (as indicated in the footnote) was essentially that it is the Applicant’s responsibility to comply with strategic environmental guidance on visual buffers, and that in the framework of the DCO process, that question is assessed by the ExA only at the Examination stage.<sup>4</sup>
- ii) The Applicant’s Environment Statement (ES) published in Sept 2023 reporting on the concerns that statutory consultees raised in 2021 on this theme (visual impacts due to the sheer scale, expanse and proximity of turbines) also repeatedly rejected the relevance of the UK Government’s OESEA advice.
- In the ES the Applicant specifically dismissed the OESEA as being only, “*a high level ‘buffer’ study ... it is a strategic tool and is not guidance or a roadmap for placing of wind farms...*”<sup>5</sup> and further that:
  - “*Rampion 2 responds to ‘good design’ in respect of seascape, landscape and visual receptors through the application of SLVIA topic specific design principles*”<sup>6</sup> and that the Applicant applies its “professional judgement” to assess the significance of impacts on people (residents and visitors).
  - The above is seen in ES Volume 2, Chapter 15: Seascape, landscape, and visual impact assessment, Table 15-7.
- iii) Contrary to the Applicant’s contentions and messaging, the UK’s rolling OESEA programme in effect since 2009, which deals with all offshore energy developments and the UK’s approach to managing competing uses of the seabed, is material to the Rampion 2 Application and Examination:
- The visual buffer advice for offshore windfarms updated in 2020 the former Department of Business, Energy and Industrial Strategy (BEIS) commissioned study to inform OESEA 4 (issued March 2022) is based on a comprehensive review of UK domestic and international experience with visual buffers including reviews of project-level wireline assessments and other factors affecting visibility.<sup>7</sup>
  - The advice on minimum distances wind turbines in UK waters should be from designated landscapes, as a function of turbine height and size, are set to avoid undue harm to visual receptors (people) and to respect international commitments and national policy for the protection of designated landscapes.
  - PCS notes that the rolling OESEA programme has been a point of reference and starting point for UK offshore windfarm DCO Examinations for over a decade (since

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<sup>4</sup> PCS affiliates wrote to Crown Estates about taking visual buffer into account during the 2017 bid award process who responded with words to the effect that: (1) the 2017 extension bid award did not stipulate turbine heights (2) the OESEA advice was a matter for the Applicant to consider in its design, and (3) the DCO process was structured such that the matter would be taken up in the Examination.

<sup>5</sup> ES, Volume 2, Chapter 15: Seascape, landscape, and visual impact assessment. Pages 52, 53 and further on).

<sup>6</sup> ES Chapter 15.7.23 on design principles.

<sup>7</sup> “Review and Update of Seascape and Visual Buffer study for Offshore Wind farms”, [https://assets.publishing.service.gov.uk/media/5ef9a3abd3bf7f769a4e7742/White\\_Consultants\\_2020\\_Seascape\\_and\\_visual\\_buffer\\_study\\_for\\_offshore\\_wind\\_farms.pdf](https://assets.publishing.service.gov.uk/media/5ef9a3abd3bf7f769a4e7742/White_Consultants_2020_Seascape_and_visual_buffer_study_for_offshore_wind_farms.pdf)

the OESEA started in 2008 and since the DCO process itself was introduced in 2011 amending the Planning Act (2008) via the Localism Act (2011).

- EN-3 (2011) and EN-3 2023 provisions refer Applicants who propose offshore windfarms to the OESEA.
- iv) EN-3 (2011) indicates:
- Para 2.6.17 *“Applicants should set out how they have drawn on the OESEA in making their site selection.”*
  - Para 2.6 .18, *“... These future offshore SEAs and data will be relevant to the applicants and the IPC (now the ExA reporting to the SoS) as and when they become available.”*
- v) EN-3 (2023) states under the section, “Factors Influencing Site Selection and Design by Applicants, Offshore Energy Strategic Environmental Assessment”:
- Para 2.8.4, *“In proposing sites for offshore wind and/or offshore transmission infrastructure, NSIP applicants should demonstrate that their choice of site takes into account the government’s Offshore Energy SEA 4 and any successors to it.*
  - Para 2.8.5, *“Government is undertaking a rolling SEA programme for offshore energy, including a research programme and data collection to facilitate future assessments. These future offshore SEAs and data will be relevant to the applicants and the IPC (read ExA and SoS) as and when they become available.”*
  - Para 2.8.195, *“Seascape is an additional issue for consideration given that it is an important environmental, cultural and economic asset. This is especially so where seascape provides the setting for a nationally designated landscape (National Park, The Broads or AONB) and as a defined special quality of the area supports the delivery of the designated area’s statutory purpose...”*
- vi) The BEIS commissioned visual buffer update 2020<sup>8</sup> to inform the OESEA-4 (2022) is clear that based on domestic and international experience, especially with the new generation of exceptionally large wind turbines:
- a) Wind turbines have significant impacts on people when in close proximity to coastal communities and designated landscapes, and
  - b) Suggested buffer distances are to be taken into account on wind farm proposals such as Rampion 2.

The visual buffer update study (2020) says;

- *“... while they (the visual buffer distances) .... do not necessarily suggest no-go areas for development .... These areas would need to be subject to careful further assessment and consideration should developments be proposed within them (within the buffer zones).”* (Our underline and brackets).
- The BEIS update goes on to state the purpose of the visual buffer advice is to support, *“analysis of wind farms coming forward in respect of their seascape and visual impact assessments (SVIAs), focussing on visual impact of a proposed development alone and cumulatively with other wind farms.”*

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<sup>8</sup>[https://assets.publishing.service.gov.uk/media/5ef9a3abd3bf7f769a4e7742/White\\_Consultants\\_2020\\_Seascape\\_and\\_visual\\_buffer\\_study\\_for\\_offshore\\_wind\\_farms.pdf](https://assets.publishing.service.gov.uk/media/5ef9a3abd3bf7f769a4e7742/White_Consultants_2020_Seascape_and_visual_buffer_study_for_offshore_wind_farms.pdf)

- PCS notes that the OESEA 4 specifically reinforces the validity of various consultation responses of statutory consultees, as reported in the Rampion ES (Chapter 15- Table 15.7) that set out what they believe needs to be assessed and interpreted in this Examination as regard to the efficacy of the Applicant’s SLVIA / LVIA analysis and the conclusions it draws (I.e., there is little or no visual impact).
- As an affiliation of interested and affected community organisations, PCS obviously concurs with Statutory Consultees in this regard. We go further to state the evidence indicates to us there should be a presumption in favour of full respect for the Government’s OESEA visual buffer advice in the Rampion 2 case. Here we emphasize again that Rampion 2 is clearly off the charts in terms of adverse visual impacts and consequences, as reported in the OESEA data.
- Equally we refer to the great lengths the Applicant goes to dismiss concerns and suggestions of statutory consultees, and as we believe, incorrectly and selectively interprets relevant visual buffer policy for commercial self-interest.<sup>9</sup>

vii) The 2020 update of visual buffers also reaffirms that seascapes are part of landscapes under the European Landscape Convention (to which the UK has been a signatory since 2006 and one of 40 Parties). The OESEA 4 (2022) reinforces this further, as indicated in the footnote.<sup>10</sup>

- The European Landscape Convention is highly significant in respect to affording equal protection to seascapes and designated national landscapes.
- Significantly this addresses comment the Application makes in the ES which is misleading / misinformation as a rebuttal to SDNPA’s consultation responses on the impact on the National Park and its statutory functions.
- It also helps to clarify the interpretation of NPS EN-3 that says seascapes alone should not be the basis for refusing consent of an offshore windfarm application.<sup>11</sup> It does so as the Landscape Convention and UK National Marine Policy (2021) reaffirm that consideration of Seascapes /Landscapes are indivisible.
- This in turn invokes the highly important NPS EN-1 (Overarching) provision that assigns priority to commitments made in international Conventions over NPS provisions, as stated in:

EN-1, para 1.1.2, *“The Planning Act 2008 also requires that the IPC (updated to the ExA recommending to the SoS) must decide an application for energy infrastructure in accordance with the relevant NPSs except to the extent it is satisfied that to do so would: lead to the UK being in breach of its international obligations...( or) ... result in adverse impacts from the development outweighing the benefits...”* (Our underlining and brackets).

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<sup>9</sup> These measures are referred to in the Applicant’s Environment Statement (ES) Volume 2, Chapter 15: Seascape, landscape, and visual impact assessment in Table 15-7, starting page 43.

<sup>10</sup> OESEA 4 2022, extract, page xvii , ” Landscape, and by extension seascape, is defined by the European Landscape Convention as “an area perceived by people, whose character is the result of the action and interaction of natural and/or human factors”, and can be separated into areas of sea, land and intervening coastline, and more recently is described in the Marine Policy Statement as, “landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other.”

<sup>11</sup> A provision in NPS EN-3 (2011) is the Application should not be refused consent solely on the grounds of an adverse effect on the seascape or visual amenity (we underline the word solely as being relevant). The linkage of seascapes / landscapes overrides that provision (we argue). Moreover, in the case of Rampion 2 seascape / landscape effects contribute substantially to the weight of adverse local and national effects and thus inform the judgement on whether they outweigh claimed national benefits – a key provision in NPS EN-1 (overarching).

Here we again note:

- The Levelling-up and Regeneration Act 2023 further increases the protection of designated landscapes in UK law is relevant to the Examination,<sup>12</sup> where the protection of Landscapes is strengthened when there are competing purposes (i.e., "must seek to further the purposes" rather than "have regard to") the statutory objectives of national parks.
- In the Rampion 2 case, that increases the importance and weight the Examination should give to the voice of South Downs National Park Authority, as regard to visual impacts, which the Applicant argues should be rejected.
- The strengthening of protection of National Parks in the Levelling up Act 2023 otherwise recognises that national benefit for all UK citizens is derived from safeguarding designated landscapes for both current and future generations - especially as citizens of the UK will be increasingly encouraged to remain on these islands and travel less for recreation and vacations, at least for the foreseeable future (i.e., to reduce lifestyle and travel-related CO2 emissions).
- It also means that from a National perspective, it makes little sense to degrade designated landscapes when Alternatives for low emission generation are available (as can be demonstrated when seriously applying Section 4.4 of NPS-1).
- Moreover, the degradation or loss of protected Landscape functions and value may be reasonably counted as a **national disbenefit** when weighing up whether "adverse impacts outweigh national benefits" in the Rampion 2 Examination.

viii) Due to the need for clarity on the position adopted by the Applicant on the relevance of visual buffer advice during the main statutory consultations (9 weeks during July - September 2021) and again in the supplemental consultations, in early 2022 PCS affiliates wrote to the former BEIS) responsible for the rolling OESEA programme.

The BEIS response in April 2022 is cited in the endnote.<sup>i</sup> It confirmed:

- Advice from the BEIS visual buffer update study in 2020 remains in effect and there have been no further updates, and
- The 2020 update of the visual buffer advice informed the OESEA 4 (March, 2022) and is to be interpreted in conjunction with the rest of the OESEA 4 report providing a generic level of guidance on the possible range of distances within which such landscapes may be affected.

ix) OESEA-4 also details the many concerns with adverse visual impacts of offshore wind turbines visible from the coast and as they become a significant component of landscape / seascape character. It reports on parallel European policy and law on visual buffers in place to address and avoid the same concerns:

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<sup>12</sup> Text in paragraph 245, 3(b) I, page 263 in the Levelling up Act 2023, under Protected Landscapes is stricter than before ("must seek to further the purposes" rather than "have regard to"). It states that if it appears that there is a conflict between those purposes (protection versus Rampion 2 purposes), decisions must attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park. It essentially places the onus on the Rampion 2 Applicant to justify to the ExA and Secretary of State there will be little or no harm to SDNP's statutory objectives and purposes, as the Applicant's ES asserts and SDNPA disagrees (as in the PSDs Statement) as well as other PAD Statements and RRs.

- The OESEA-4 specifically notes that wind turbines over 250m tall sited 13 km from shore (as proposed by the Rampion 2 design) would have large to very large magnitude of effects viewed from the shore.<sup>13</sup>
- It restates and reinforced the policy requirement that seascapes should be taken as meaning *‘landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other’*, as indicated in the international European Landscape Convention and Marine Policy Statement (2021).
- OESEA-4 states the UK objectives and indicators for seascape / landscape protection otherwise include:<sup>14</sup>
  - **Objective:** To accord with, and contribute to the delivery of the aims and articles of the European Landscape Convention and minimise significant adverse impact on seascape/landscape including designated and non-designated areas.
  - **Guide Phrases:** Activities do not adversely affect the character of the landscape/seascape, or do not exceed the capacity of the character of an area to accommodate change.
  - **Indicator:** No significant impact on nationally-designated areas (including the setting of heritage assets).

#### Other relevant factors

- x) A further concern we would like taken into account in the Rampion 2 Examination in regard to turbine heights relates to the DCO Agreement in effect for Rampion 1 that indicates additional turbines (WTGs) in the area should have a difference in rotor diameter of less than 15%, i.e. no more that 15% taller than Rampion 1 turbines, which are 140m.

In the statutory Rampion Offshore Wind Farm Order 2014, Part 3, there are several design parameters that apply to the whole of the authorised development.<sup>15</sup>

- To the extent that the Rampion 2 Applicant is proposing to develop the Extension scheme (Rampion 2) within the original DCO area, our understanding and view is the same design considerations still apply, especially anything that affects visual impacts (e.g. Section 3 para. 2 (3)(4) &(5)) in the Rampion 1 Order, which is the rationale for those stipulations in the first place.
- The Rampion 2 scheme as proposed (turbines up to 325m tall and significantly larger in profile and visibility) does not reflect these limits.
- While the western extension area of the proposed Rampion 2 is outside the original 2014 DCO area limit, we feel the requirements must equally apply as they relate to the same visual impact concerns the ExA had in 2014.

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<sup>13</sup> OESEA- 4, page 369, Table 5.28: View of potential magnitude of effects for 500MW offshore wind farm scenarios viewed at 22m AOD,

<sup>14</sup> OESEA -4, page 61, Table 3.1: SEA topics, objectives and indicators, under the landscapes/seascapes section [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1061670/OESEA4\\_Environmental\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061670/OESEA4_Environmental_Report.pdf)

<sup>15</sup> 2014 No. 1873 INFRASTRUCTURE PLANNING The Rampion Offshore Wind Farm Order 2014, See [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010032/EN010032-003031-CONSENTORDER\\_163548033\(2\)\\_MASTER\\_The%20Rampion%20OWF%20Order%202014%20as%20amended-%2014%20Oct%202020.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010032/EN010032-003031-CONSENTORDER_163548033(2)_MASTER_The%20Rampion%20OWF%20Order%202014%20as%20amended-%2014%20Oct%202020.pdf)

- xi) All above comment (from i) to x)) taken as a whole, indicates that the application of OESEA visual buffers should be seen as an effective and primary safeguard against the risk of unacceptable adverse seascape / landscape visual effects, including the limited capacity to absorb that degree of transformation and change of a permanent nature.

Moreover, it avoids the controversy of dividing local communities and reducing community cohesion due to differences over the extent of perceived and real adverse social and economic consequences and policy relevance. That runs counter to the achievement of net gains across each of the three objectives of sustainable development, which legally define sustainable infrastructure development.

PCS experience is that Rampion 2 undermines present-day community cohesion and divides communities into what may be described generally as three groups, namely:

- 1.) People who would welcome wind turbines visible and prominent in the Sussex Bay inshore, under any circumstances and policy, at any costs or effect on other residents, the environment and the local economy (e.g., tourism income).
- 2.) People (we suggest a majority) who are unaware of the Rampion 2 proposal, or unaware or what is actually proposed, let alone its scale, transformative nature and the likely social, environmental and economic impacts, and
- 3.) People on the watchtowers (so to speak) who have paid attention and engaged in the DCO consultations and registered as IPs, who for the most part object to this Application. They see Rampion 2 as a dystopian industrial transformation of the seascape / landscape when viable alternatives for low-emission generation designated as critical national priorities are available to avoid local harm.

Our view is a majority of people on the south coast and affected inland areas will stampede to group 3, the objecting group, if Rampion 2 construction starts around 2026 and people are sharply and rudely awakened, i.e., when they begin to see the actual scale of the transformation and change to the character of the area, and thus step up – unfortunately too late.

**How these concerns may be best accommodated in the Examination:**

- 1-a. Ideally a presumption in this Examination should be to fully respect and apply the existing OESEA environment / social safeguards to thereby reinforce (rather than undermine) the presumption for sustainable development.
- 1-b. Procedurally, ideally the onus is placed on the Applicant and those who promote and support the Rampion 2 to prove it should be otherwise.

More specifically:

- 1-c. The OESEA visual buffer advice should be an explicit and upfront consideration in the Examination. We feel it is important to reformulate the Principal Issues in Annex C of the Rule 6 Letter numbered 5 and 8 to reflect 1a and 1b above:

5. Design, and
8. Landscape, Visual and Seascape Effects

- 1-d. Comments and views of statutory consultees offered during the pre-application consultations and in PAD Statements during the Pre-Examination stage on what needs to be assessed and interpreted as regard to efficacy of the Applicant's SLVIA / LVIA analysis and conclusions should be taken up in the Examination and given substantial weight.

This includes policy-based responses of Natural England and South Downs National Park Authority that are consistent with OESEA-4 research and findings and the consequent visual buffer advice now in effect.

These measures to consider the Applicant's SLVIA/LVIA analysis and conclusions are found in the Applicant's Environment Statement (ES) Volume 2, Chapter 15: Seascape, landscape, and visual impact assessment in Table 15-7 from page 43.

- 1-e. We also believe the European Landscape Convention is central and relevant to how NPS policy is interpreted and applied in this Examination (e.g. EN-1, para 1.1.2). Similarly, substantial weight should be given to the Marine Policy Statement (MPS, 2021) and the Levelling Up Act 2023 in the manner described previously above, in respect to the indivisibility and equal protection of designated Landscapes and Seascapes.
- 1-f. Finally, we note the Rampion Examination process, in our view, needs to take into account national disbenefits that arise from Rampion 2 degrading designated and protected seascape / landscape assets, while at the same time the UK Government is actively encouraging UK citizens to remain on these islands to take advantage of these same national coastal assets.

These considerations are important and we believe should be given substantive weight and factored into interpreting and applying relevant EN-1 and EN-3 policies such as (EN-1, para., 1.1.2), as described above.<sup>16</sup>

## **2. The consideration of Alternatives under Section 4.4 (EN-1)**

- 2.1. Community organisations welcome the fact the ExA will give consideration to whether within-project alternatives were adequately assessed by the Applicant in accordance with EIA requirements.<sup>17</sup> However, there is no mention of the requirement to consider alternatives in this Examination under the NPS-1, Section 4.4 (Alternatives).
- 2.2. The policy requirement to consider alternatives to Rampion 2 to provide low emission power is triggered by EN-3 provisions because Rampion 2 infrastructure would interfere with designated landscapes (e.g., South Downs National Park).
- 2.3. The policy requirement is to consider Alternatives that would deliver the same national benefits in some other way (or greater benefits, with less adverse effects) in the same timeframe as Rampion 2 would (i.e., from approximately 2030 to around 2050, which is the economic life of Rampion 2) and otherwise satisfy conditions in Section 4.4.

### **2.4. In this regard we further note and observe that:**

- i) The consideration of Alternatives is a clear policy requirement for all DCO Examinations where the proposed infrastructure disrupts designated landscapes, their functions and the national protection objectives.

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<sup>16</sup> Such national disbenefit (s) uniquely arise with windfarm proposals of the scale and expanse of Rampion 2 proposed close to shore, and encroaching nationally designated landscapes that have high protection status and are to be maintained for the national benefit and enjoyment of current and future generations.

<sup>17</sup> Within-project alternatives is first in the list of 9 issues in the Initial Assessment of Principal Issues (IAPI) in the Rule 6 Letter (Annex C) where it is noted as focused on alternatives to avoid (1) impacting the Clymping Beach Site of Scientific Special Interest (SSSI); (2) the route choice, including its incursion into the South Downs National Park; and (3) the onshore substation location at Oakendene, Cowfold.

- Specifically, the Rampion 2 case invokes the NPS policy requirement to “... ***include assessment of: (including) the cost of, and scope for, developing all or part of the development 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”. (our brackets and underlining)
- ii) The Marine Policy Statement (2021) and Levelling-up and Regeneration Act 2023 further reinforce and strengthen provisions for protection of National Parks, which include the consideration of Alternatives as discussed previously under Section 1 of this Main Submission.
- iii) Considering Alternatives to “meeting the need for it (i.e., the need for low emission generation) in some other way...”, was raised by the South Downs National Park PAD Statement and RR as well as several RRs by IPs including PCS.

The SDNPA states in its PAD:

*“The consideration of alternatives for the scheme has not sufficiently demonstrated that meeting the need for offshore renewable energy could not be met through a scheme that did not intersect the South Downs National Park (SDNP). ***It is therefore the case that this ‘test’ of the National Policy Statement EN-1 paragraph 5.9.10 has not been met.***”* (our underlining)

- iv) That statement is correct. The importance and relevance of the consideration of Alternatives was reinforced by the High Court Decision January 2023 to dismiss a DCO decision where alternatives were not properly taken into account for an undersea power interconnection between France and the UK.<sup>18</sup>

#### **Which Section 4.4 Alternatives?**

- v) NPS EN-1 Para 3.5.6 stipulates that, “New nuclear power therefore forms one of the three key elements of the Government’s strategy for moving towards a decarbonised, diverse electricity sector by 2050: (i) renewables; (ii) fossil fuels with carbon capture and storage (CCS); and (iii) new nuclear”.
- vi) EN-1 thus provides the priority as to which Section 4.4 alternatives are eligible and reasonable to consider in the Rampion 2 Examination, namely:
  - In the case of renewables:  
It means considering an alternative location for the Rampion turbines such as in strong wind regimes that fully respect strategic environment advice (for visual buffers), such as where it is possible to add to existing licence award (in this case with the same developer RWE with early stage licenses on Dogger Bank where economies of scale are possible ) – assuming political will for negotiated outcomes and innovation in the public interest and national interest, as well as efficiency and value for money principles;
  - In the case of carbon capture:  
It means considering retrofitting existing combined-cycle gas turbine power stations with carbon capture and storage units given that natural gas power stations close to load centres form the bulk of UK generation assets in the south and comprise most of the dependable power supply capacity (required to complement the build out of

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<sup>18</sup> That case will be cited in a Written Representation on the Consideration of Alternative to follow during the Examination



intermittent and variable renewable generation), already have transmission and gas supply networks in place, and in light of the UK Government’s ambition to have carbon storage facilities in operation by 2030.

- In the case of nuclear:  
it means small modular nuclear reactors (SMRs) driving steam turbines starting with co-locating SMRs at decommissioned large nuclear sites (9 sites expected to be decommissioned by 2030), in parallel with co-location with new large nuclear, where the necessary power system infrastructure and transmission is already in place and available to evacuate power, and capacity to fast track planning approvals and deployment, as is consistently proposed by UK industry.

vii) Consideration of these three energy systems as a policy requirement in the Rampion 2 Examination under Section 4.4 is further reinforced by:

- EN-1 2023 (in effect in early 2024) which states all three low emissions systems above are to be designated as critical national priorities for the UK.

In effect, this is a NPS-relevant Section 4.4 consideration or calibration as to which critical national priority energy system is best in these particular circumstances, and in terms of whether the “adverse impacts outweigh the national benefit”.

viii) To better inform the consideration of Section 4.4 Alternatives (make it less subjective as warranted for a £3-4 billion investment commitment plus subsidies in the CfD arrangements) the ExA may wish to invite or request power system value analysis of Rampion 2 and reasonable alternatives for low emission generation to be performed by a competent authority (Ofgem or National Grid) applying the system value model developed and used recently in the Net-Zero Teesside DCO Examination.<sup>19</sup>

This was for a new gas turbine scheme with carbon capture (expected to be operational by 2026-2027) (as provided also on the PINS and Net-Zero proponents websites) or similar power system modelling.

The system value modelling can include or be supplemented with parameters and metrics for different national benefits to make judgements more robust.

ix) We note also that National Benefit should be systematically considered across all policy metrics of National Benefit noted in the NPS, as can reasonably be established and quantified for Rampion 2 and with each Section 4.4 Alternative considered to give a benchmark and indicators including, for example:

- National benefit in terms of :
  - i. energy security (for the energy resource and supply chains for the conversion technology);
  - ii. power output (quantity and quality , intermittent or dependable supply, reliability);
  - iii. attributes impacting national affordability and benefit: such as longevity (economic life); whether it requires parallel investment in complementary

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<sup>19</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/north-east/the-net-zero-teesside-project/> and [https://www.netzeroteesside.co.uk/wp-content/uploads/2020/06/System Value to UK Power Market of Carbon Capture and Storage June20.pdf](https://www.netzeroteesside.co.uk/wp-content/uploads/2020/06/System-Value-to-UK-Power-Market-of-Carbon-Capture-and-Storage-June20.pdf)

- generation (back-up), transmission and other power system infrastructure for ancillary services;
  - iv. power system value: the role in least cost low-emission generation expansion to meet mandated electrification demand in the heating and transport sector, and impacting on consumer tariffs and national affordability;
  - v. to climate policy: co2 offsetting and relative contribution to decarbonisation of power supply by 2035 on the road to Net Zero across the economy by 2050;
  - vi. to contribution to building a viable industrial strategy and for export with net job creation, etc.;
- The system value modelling would necessarily take into account value for money as it impacts on electricity affordability at the household level (i.e., via consumer and small business tariffs) and at the national level via power system value.
  - Otherwise this Examination should include national disbenefits in calculations and judgements. This would include taking into account the opportunity in a £3-4 billion investment decision.<sup>20</sup>
  - Section 3 of this Submission offers our view that expert testimony should be invited and encouraged from industry actors and public agencies involved with the Alternatives and power sector investment and operation to thus help inform the ExA judgements on all aspects and criteria in Section 4.4 alternatives EN-1.

**How these concerns may be accommodated in the Examination:**

- 2.5. Given the opportunity and synergy afforded by assessing national benefits of Rampion 2 systematically together with the policy requirement for consideration of alternatives (EN-1 Alternatives Section 4.4), and in the interest of examination efficiency, it is our view that:
- 2-a. The Initial Principal Issue “Alternatives” in the Rule 6 Letter Annex C that identifies within-project Alternatives should be expanded to include the consideration of Alternatives under Section 4.4 of EN-1.
  - 2-b. Ideally there is mention of the low-emission sources for all three critical national priority (CNP) low emission generation Alternatives that will be considered, as provided in EN-1 (2023), and also indicated as national priorities in EN-1 (2011) statements.
  - 2-c. It is unclear to us what amount of time is allocated in the Examination for the consideration of Alternatives in Day 1 Topic Specific Hearing, 7 Feb 2024 “*Need for the Proposed Development and Alternatives (Day 1)*”. Our suggestion to invite relevant expert testimony (written or oral) for consideration of Alternatives under Section 4.4 needs to be done well in advance of the topic-specific hearing where Alternatives are taken up.

Given this is a £3-4 billion investment decision and in the interest of Examination efficiency, our view is the ExA may thus give consideration to:

- i) In conjunction with PINS and DESNZ invite competent power authorities (eg. Ofgem or ESO to prepare system value modelling with / without Rampion 2 and to

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<sup>20</sup> Given also the escalating development cost of Rampion 2 and the rationale for the 60% increase in strike price for offshore wind DCO Applicants in Cfd subsidy agreements announced by the UK Government in Sept 2023.

substitute and compare those results across national benefit metrics with system value model analysis runs of the Section 4.4 Alternatives.

- ii) Announce this approach as well as the invitation for written and oral testimony at the Day 1 Session on Alternatives already planned 7 Feb 2023. And announce then also that a further session on Alternatives may be held once the system value analysis model runs are available for the ExA and IPs to see.

### **3. Inviting expert testimony and views on Alternatives and National Benefit metrics**

- 3.1. Planning Inspectorate (PINs) Advice Notes state relevant expert testimony is often called upon in DCO Examinations requiring specialist expertise to better inform the Examination.
- 3.2. That is important given the technical nature of the consideration of low-emission generation alternatives using national benefit metrics; also given that the background and experience of ExA members appears to be largely Chartered Town Planning with no specialised energy sector, renewable energy technology or power system economics or modelling expertise, as we understand.
- 3.3. RR-287 and RR-062 from PCS supporters provides a list of organisations we suggest may be appropriate to invite directly or encourage written or oral representations or expert testimony on specific technical issues or questions.<sup>21</sup>
- 3.4. The two areas where relevant background and expertise are needed to inform the Examination stage discussions and ultimately key judgements of the ExA are:<sup>22</sup>
  - a. In connection with the consideration of Alternatives under Section 4.4, including selecting and applying suitable metrics for that assessment as provided by EN-1 (para, 5.9.10), and
  - b. On whether the adverse impacts of Rampion 2 outweigh its national benefits (EN-1 para 1.1.2), specifically for calibrating the national benefit (and disbenefit) side of that calculation.

#### **3.5. We note and observe further that:**

- i) Relevant Representations suggested the need for expert testimony and provided a list of government and industry actors and academia the Examination Authority who may be directly invited or encouraged to offer relevant expert testimony (e.g. RR-287).
- ii) This includes the opportunity to add value with appropriate power system modelling and system value analysis for with /without Rampion 2 scenarios, and to calibrate the National benefits of Rampion 2 relative to the Section 4.4 Alternatives considered.
- iii) Power system value modelling is already available and has been used in other DCO Examinations. The system value analysis model and approach from the Net-Zero Teesside (NZE) Examination can be adapted and applied.<sup>23</sup>

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<sup>21</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010117/EN010117-000490-Rampion2%20Relevant%20Reps%20Exam%20Library.pdf>

<sup>22</sup> Appropriate metrics applied in the assessment of those key policies are important, in our view, as for any large £3-4 bn energy infrastructure investment commitment. But especially so in the Rampion 2 case considering what is at stake for local communities with the degree of transformation of the seascape / landscape and character of the area, all visible from the coast and designated landscapes, as well as unique impacts across all dimensions of sustainable development and the biodiversity (net gain/loss) calculation given that Rampion 2 is in ecologically sensitive inshore waters.

<sup>23</sup> The DCO Application for a 850 MW gas-fired power station with carbon capture, utilisation and storage (CCUS) to be operational by 2026-2027 if consented in February 2024 (pending). That is a Net zero compliant low emission generation

- iv) Relevant capacity, data and expertise exists within Ofgem and National Grid, for example, to provide modelling for the system value calculation for Rampion 2 in conjunction with the consideration of Section 4.4 alternatives to thus benchmark the National benefits of Rampion 2.
- v) This modelling can include any National Benefit parameters that the ExA may request to have tested and evaluated to help ensure there is a fully robust and less subjective consideration of relevant NPS policy.
- vi) Our view otherwise is that system value analysis should be routinely provided for all DCO energy infrastructure Examinations and made available to ExAs to help reduce the subjectivity of key judgments on multi-billion pound infrastructure. That step would be overwhelmingly in the local and national interest in the Rampion 2 case.
- vii) We in fact see the Rampion Examination as a timely opportunity to replicate how the Net Zero Teesside DCO Application and Examination has added value in this manner, especially as Section 4.4 (Alternatives) invites comparison between what are now designated as different critical national priority (CNP) Alternatives to be supported by the Government under the new NPS (2023).

**How these concerns may be accommodated in the Examination:**

- 3-a. The procedure for the Rampion 2 ExA inviting, encouraging and assuring relevant expert testimony in regards to the above should be made explicit.
- 3-b. In our view the best way forward on this is the ExA taking expert testimony on power system modelling and value analysis linked with the assessment of alternatives under Section 4.4 EN-1 and for the consideration of EN-1 1.1.4 with the support of competent power bodies such as Ofgem and the electricity system operator for Great Britain (ESO).
- 3-c. The ExA should initiate discussion with the PINs and the DESNZ on providing the requisite system modelling and system value analysis with / without Rampion 2 and consideration of Section 4.4 Alternatives in a timely manner for the Examination.
- 3-d. Given the Rule 6 letter has already indicated 7 Feb 2024 is that date national benefit and alternative are to be considered, we suggest that ideally the ExA would announce its intentions to directly invite and encourage relevant expert testimony and set the timeframes for that, and otherwise invite comment on the Questions the ExA may have in these regards from Interested Parties.

**4. Sustainable Development metrics**

- 4.1. It was disappointing that the Rule 6 documentation and Initial Assessment of Principal Issues list for the Examination makes no mention of sustainability or the need to consider the

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alternative (Net Zero as a point source emission) and is indicated as a Critical National Priority (CNP) in the NPS (2023) coming into effect shortly. <https://www.netzeroteesside.co.uk/wp-content/uploads/2020/06/System-Value-to-UK-Power-Market-of-Carbon-Capture-and-Storage-June20.pdf> and <https://infrastructure.planninginspectorate.gov.uk/projects/north-east/the-net-zero-teesside-project/?ipcsection=relreps&relrep=44475> )

contribution to the achievement of sustainable development, given its overwhelming policy relevance in the Planning Act (2008), NPPF and NPS.

- 4.2. Sustainable development may be considered a Principal Issue in the context of being a relevant policy lens and organising framework for the Examination to better weigh across social, environment and economic objectives, whether:
- a. Rampion 2 would undermine, rather than support the achievement of sustainable development of the south coast inshore waters and affected coastal and inland communities in the near and longer term, and
  - b. Adverse impacts of Rampion 2 outweigh the benefits over the economic life of the proposed development assuming it is operating approximately 2030 to 2050 or a few years later.
- 4.3. Our view is the Examination must give explicit attention and weight to these considerations and the metrics that it will apply to inform that judgement.
- 4.4. We further note and observe:**
- i) The overarching principle of sustainable development is legally embedded at all levels of UK policy and planning from regional and international conventions and agreements, through national policy statements, and down to the neighbourhood plan and local community levels.
  - ii) Sustainable development is the central policy and objective of the UK Planning system as given by the Planning Act, NPPs and NPS.
  - iii) The NPPF (2023) also offers a workable current definition where, “the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)”; namely the social, economic and environmental objectives.
  - iv) The sustainable development framework offers the ExA and IPs a tangible, less subjective way of breaking down, discussing and arriving at judgements on issues most important to people. That is helpful in the context of considering the local impact reports offered by statutory consultees and related comments by other IPs in their relevant and written representations.
  - v) In practical terms, it enables looking at the balance across the 3-pillars of sustainable development in the Examination from construction, through operation and decommissioning stages, thus considering how Rampion 2 impacts current and future residents and the visitor economy.
  - vi) It would also take into account the longevity risk (how long turbines are expected to last) and recent evidence in this regard, such as indicated today in the insurance markets regarding the reliability and longevity of the current generation of exceptionally large offshore turbines.<sup>24</sup>

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<sup>24</sup> <https://www.offshorewind.biz/2023/05/04/ever-growing-offshore-wind-turbines-bring-unsustainable-market-risks-gcube/>

- vii) EN-1 (2011 and 2023) note they provide the primary basis for assessment of an Application and Examination recommendation on whether to grant or withhold development consent.
- Section 2.2.4 EN-1 (2011) states.... *“It is important that, in doing this, the planning system ensures that development consent decisions take account of the views of affected communities and respect the principles of sustainable development.”* (our underlining)
  - And under, “Delivering Government’s wider objectives” Para 2.2.27 states“ ... *The Government’s wider objectives for energy infrastructure include contributing to sustainable development and ensuring that our energy infrastructure is safe. Sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of society and the economy...”* (our underlining)

**How this concern may be accommodated in the Examination:**

- 4-a. Our view is the Examination should have a clear explicit aim to address the question of whether Rampion 2 would advance or undermine the achievement of sustainable development. This would look at the three objectives and assesses whether they are in balance and net gains are achieved across each objective.
- 4-b. This should be clearly set out as a Principal Issue (whether Rampion 2 advances or undermines the achievement of sustainable development) and otherwise discussion and comment invited on the metrics to inform that judgement.
- 4-c. Discussion on this question can be initiated in the Topic Specific hearings scheduled on 8-9 Feb 2023 and continued later in the Examination process, along with the consideration of Local Impact Reports due to be submitted 20 Feb 2024.

**5. Consideration of Underwater and Landscape Noise**

**5.1.** Noise from Rampion 2 activities will adversely impact residents and many living species especially the construction stage, but also over longer term operation. This issue cuts across social and environmental domains of sustainable development as it impacts fish productivity, marine mammals and biodiversity as well as local residents.

**5.2. We further note and observe that:**

- i) Both underwater noise (UWN) affecting marine life and landscape noise affecting people were raised as concerning issues in a number of PAD Statements and RRs. Noise and vibration was a Principal Issue in the Navitus Bay Wind Park Examination. It does not appear in the Initial Assessment of Principal Issues for Rampion 2.
- i) Noise can be a major environmental health problem and noise pollution is reportedly a growing concern as population densities increase. Research to be cited in written representations indicates noise has been shown to have significant deleterious physiological and psychological effects, such as stress, high blood pressure, deafness and tinnitus.
- ii) UWN impacts on marine mammals and fish risks significant net biodiversity implications. Landscape noise consists of construction noise for years from both offshore and onshore activities (e.g., piling to install turbine bi-poles, horizontal drilling, construction work camp activities, traffic noise, support vessels helicopters, etc.)

### **The Policy relevance**

- iii) Section 2.4 of NPS EN-3 (2011) indicates that renewable energy proposals should demonstrate good design in relation to landscape and visual amenity, whilst also demonstrating how design has evolved to mitigate impacts such as noise and effects on ecology (paragraph 2.4.2).
- iv) Chapter 21, Paragraph 5.11.9: of the Applicant's ES notes that NPS policy is , "*The IPC [now the ExA and SoS] should not grant development consent unless it is satisfied that the proposals will meet the following aims:*
  - *avoid significant adverse impacts on health and quality of life from noise;*
  - *mitigate and minimise other adverse impacts on health and quality of life from noise; and*
  - *where possible, contribute to improvements to health and quality of life through the effective management and control of noise*".
- v) Sufficient numbers of PAD Statements raised UWN as a concern impacting fish productivity and biodiversity and marine mammals. Recent transboundary impact assessments of Rampion 2 by the Planning Inspectorate indicate
- vi) Similarly, landscape noise (construction activities from piling turbine monopoles into the seabed to workcamp to construction and maintenance traffic noise and those from increased vessel traffic and helicopters). Concerns range from identifying (noise) receptors and noise assessment procedures to noise impacts being underplayed, to concerns over noise standards and the effectiveness of noise mitigation measures.
- vii) No mention is made however of a specific noise mitigation plan in the ES.
- viii) Noise otherwise adds to the accumulation of adverse impacts and uncertainty which may be seen to outweigh benefits and certainly in respect to undermining the environment and social dimensions of sustainable development.

### **How this may be accommodated in the Examination:**

- 5-a. We believe underwater and landscape noise should be an explicit consideration in the Examination process along with appropriate coverage in topic specific hearings.
- 5-b. UWN as it relates to impacts on mammals, fish and net biodiversity gain / loss, and we believe should be included in the unspecified topic-specific hearings on environment effects in 7-9 February 2023.

## **6. Drawing Lessons from previous South Coast Windfarm DCO Examinations**

- 6.1. The two previous wind farm Examinations on the south coast offer lessons to help understand the nature and scale of likely Rampion 2 impacts, namely Rampion 1 (consented in 2014) and the Navitus Bay Wind Park Application (refused consent in 2015).<sup>25</sup>

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<sup>25</sup> Comparisons of project features, impacts and how principal issues were addressed in the respective Examinations are helpful for the Rampion 2 Examination, adjusting for the policy context of today (e.g.,

- 6.2. Drawing lessons from those Examination processes and decisions should be encouraged and taken into account in this Examination.
- 6.3. This is especially important as the Applicant's ES relies heavily on its desk study assertions that Rampion 2 is equivalent to the existing Rampion installation in respect to adverse impacts; whereas, we and many IPs see the circumstances, scale and likely effect of Rampion 2 are obviously more like Navitus Bay; and in some respects greater, including cumulative impacts.

**6.1. We further note and observe:**

- i) South Downs National Park in its PAD Statement, for example, indicates the recovery and restoration of the Rampion 1 transmission route through the Park is problematic and not as reported by the Applicant as being successful as did Sussex Wildlife Trust in its RR.
- i) Similarly, conclusions drawn on likely socio-economic and social effects of the visual impacts of Navitus Bay on residents and the tourism economy are relevant, whereas the Applicant seeks only to draw comparisons with the Rampion 1 installation.
- i) The Applicant is virtually silent on Navitus Bay in its PEIR desk study and in its Application documentation.
- i) We note also the application of visual buffers to the Rampion 1 and Navitus Bay Applications is described in the OESEA visual Buffer updated (2020).

**How this may be accommodated in the Examination:**

- 6-a. We believe the ExA should give weight to relevant lessons arising from Rampion 1 and Navitus Bay Wind Park Applications.
- 6-a. It should take into account views expressed concerning the restoration of the transmission right-of-way as it impacts on the National Park and protected areas.
- 6-a. The approach Visit England used to conduct visitor surveys for Navitus Bay using before and after visuals and specific questions should be considered in contrast to the telephone base opinion surveys that were commissioned by the Rampion 2 Applicant that conflate general support for renewable energy development with support for the Rampion 2 project (that will be the subject of a further written Representation).
- 6-a. In particular the methodology used to estimate impact on the visitor economy the Bournemouth Borough Council used for the Navitus Bay Application can be compared with the assessment method employed by the Rampion 2 Applicant to assess its validity. The Examination findings and information in the Secretary of State Decision Letters also apply.
- 6-a. The OESEA visual buffer write-up on the Navitus Bay and Rampion 1 Examinations on this matter can also be considered for relevant context.

Endnote

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increased protection of designated landscapes and introduction of critical national priorities that informs the consideration of Alternatives.



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<sup>i</sup> PCS Affiliate Correspondence, From: Offshore Energy Strategic Environmental Assessment [oesea@beis.gov.uk](mailto:oesea@beis.gov.uk) Date: Mon, 4 Apr 2022 at 13:05 Subject: RE: OESEA4: On Visual Buffers for Offshore Wind farms. PCS Question: Does the White Report (2020a) remain in effect as part of the BEIS rolling SEA programme? BEIS Response: The report was commissioned to inform OESEA4 and given the scale of the turbines it covers, is it considered that it will usefully inform the SEA programme for some time. The report is an independent piece of research and is not considered to have a time limited period of currency; it relies on a review of project level assessment outputs, current policy, wireline assessment and other factors affecting visibility which may need to be updated at some point in the future to reflect technology and other advances. PCS Question: Specifically, do the suggested distances for visual buffers in the White Report (2020a) as shown Table 13.4 at the end of this email, remain in effect? BEIS Response: There have been no updates to the distances in Table 13.4 of the White Consultants (2020a) report since its publication. It is recommended that Table 13.4 be read and interpreted in conjunction with the rest of the report. The table does not reflect universal distances within which wind farms should not be sited, but instead reflects a combination of the review of seascape visual impact assessment and wireline assessment outputs interpreted in relation to current policy for the protection of different landscape designations, providing a generic level of guidance on the possible range of distances within which such landscapes may be affected.

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