

Date: 16 January 2024  
Our ref: 461720  
Your ref: EN010117



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## VIA WEBSITE ONLY

Dear Richard Allen,

### **Application by Rampion Extension Development Ltd for an Order Granting Development Consent for the Rampion 2 Offshore Wind Farm Project – Rule 6 Letter**

Thank you for your consultation dated 14 December 2023. The following constitutes Natural England's formal statutory response to the Rule 6 Letter. Natural England is an Interested Party (IP) within the examination of the Rampion 2 Offshore Wind Farm Project.

Please accept this letter as Natural England's comments in relation to the contents of the Rule 6 letter and an overview of how Natural England proposes to provide our statutory advice to the Examining Authority (ExA) during the examination phase of the project.

Due to the amount of Offshore Wind Farm NSIPs due to go through the examination process in 2024, Natural England will be focussing our engagement where it is most beneficial in helping to resolve environmental risks and issues during the consenting phase, whilst continuing to meet our statutory obligations.

#### **1. Attendance of the Preliminary Meeting**

Thank you for your invitation to the Preliminary Meeting on the 6 February 2024. Natural England can confirm we will not be attending, we hope this letter will suffice in providing our input into this meeting.

#### **2. Accompanied Site Inspections (ASI)**

Natural England does not plan to attend any site inspections, as we are not permitted to provide advice during these visits.

#### **3. Compulsory Acquisition Hearings (CAH)**

Natural England does not plan to attend any Compulsory Acquisition Hearings, as these fall outside of our remit.

#### **4. Open Floor Hearings (OFH) and Issue Specific Hearings (ISH)**

To date we are not aware of any significant progression of key issues since the submission of our combined Relevant Representations and Written Representations, and we are not aware of any key new information from the Applicant that is proposed to be discussed in the initial hearings. Therefore, in line

with our engagement across other NSIPs, we will not be attending OFH 1 or ISH 1. Natural England will only attend future hearings if a significant likelihood of resolving significant environmental issues is identified, and in such instances our attendance will be virtual. We highlight that where Natural England does not attend hearings, this should not be construed as a lack of concern on outstanding issues.

We understand that the ExA intend on issuing written questions deemed necessary arising from OFH1, ISH1 and/or CAH1 after they have taken place, with responses expected at Deadline 3. Natural England would be pleased to respond to any questions arising from these hearings or relating to our representations at this stage.

## **5. Engagement with the Applicant**

During the Examination Natural England will where possible engage with the Applicant to ensure issues are progressed. Due to the resource implications of multiple OWF examinations, Natural England will focus our engagement on key issues where new or updated assessments present an opportunity for issue resolution.

## **6. Statement of Common Ground (SoCG), Statement of Commonality of Statements of Common Ground (Statement of Commonality of SoCGs) and Principal Areas of Disagreement Statements (PADS)**

Natural England will submit our own Risk and Issues log to sit beside the Applicants SoCG and Statement of Commonality of SoCGs. The updated Risk and Issues log will be provided at all Deadlines (1-7). This will include any relevant points regarding ongoing engagement with the Applicant. We hope this will be of assistance to the ExA in understanding Natural England's current outstanding issues and on demonstrating progress on issue resolution. We also hope that this will assist the Applicant in updating their Statement of Commonality of SoCGs at the relevant stages identified as well as the final SoCG.

Natural England observe that the ExA does not intend to request any draft SoCGs either before or during the Examination, with only a final SoCG required to be submitted at Deadline 6. Natural England support the approach of not requesting an updated SoCG at each deadline, as this will allow us to focus our resource on the most pertinent technical aspects.

Natural England provided PADS as part of our Relevant/Written Representations. We welcome the opportunity to submit an updated final PADS at Deadline 7.

## **7. National Policy Statements (NPS) and Levelling Up and Section 245 (Protected Landscapes) of the Regeneration Act 2023**

Natural England welcome the invitation for interested parties to provide a written statement on the implications the 2023 NPS may have for the Proposed Development at Deadline 1. Natural England wish to draw the ExA's attention to [Section 245 \(Protected Landscapes\) of the Levelling Up and Regeneration Act 2023](#), regarding which we will provide further advice at Deadline 1.

## **8. Examination Progress Tracker and Updated Documents**

We note that the ExA have requested an Examination Progress Tracker from the Applicant to prevent the continued submission of draft documents and updates throughout the Examination.

Whilst we support the ExA's desire to streamline the Examination process, for issue resolution to be effective 'on the ground', Natural England advises that it will still be necessary for the Applicant to reflect any additional commitments in updated Named Plans, Technical Notes, DCO/dML conditions etc., and where appropriate Environmental Statement (ES) chapters. These documents will be the focus of our review and written submissions at each Deadline, and they provide a clear audit trail of commitments through the Examination that is readily available in the post consent phase. Should these documents not be updated, Natural England has concerns that any responses and commitments made by the Applicant are unlikely to be translated effectively into the post consent phases.

## **9. Response to Deadlines**

Throughout the examination it is anticipated that many documents will be submitted and published on the PINS website. Natural England will screen all documents; however, we will only conduct detailed review and provide feedback on documents deemed relevant to our statutory function and the issues we have raised. We will advise the ExA in writing at each Deadline of which documents we have reviewed. If there is a document Natural England has not reviewed that the ExA wishes to have our advice on, then please inform us as soon as possible and we will endeavour to review ahead of the next Deadline or advise which Deadline comments can be expected. Any documents not listed within our Deadline responses should be assumed to have not undergone detailed review by Natural England.

## **10. Draft Examination Timetable**

Natural England note that the publication of written questions (ExQ1) has been scheduled for the 28 March. This is immediately followed by the two Easter Bank Holidays and the accompanying school holidays. We advise that this is likely to present a resourcing challenge for those consulted to provide responses to these questions by Deadline 4 on the 18 April. We note that there appears to be a significant gap between Deadline 4 and Deadline 5 which is scheduled on the 3 June. We therefore request that Deadline 4 is extended to the 30 April. Hopefully this would not impede the overall programme, whilst still allowing responses to be received 2 weeks in advance of the potential second ISH. This amendment would allow all parties to provide sufficiently considered responses, which will aid in ensuring information is provided as early on in the examination process as possible.

Natural England note that Deadline 7 and the potential ISH3 fall within the school summer holidays, when resourcing across all organisations is likely to be more constrained and relevant specialists may not be available. We highlight that this places importance on addressing outstanding issues at Deadline 6.

## **11. Introduction of New Deadlines**

Natural England will not provide response to documents allowed to be submitted into Examination between Deadlines. Should there be documents submitted between Deadlines, we suggest these are issued at the next appropriate Deadline, and we will respond at the following Deadline, or if time does not allow the subsequent Deadline.

## **12. Submissions of other parties**

We highlight that Natural England does not intend to comment on any direct responses by the Applicant or other IPs on our representations, unless new technical information is included.

More generally, Natural England will not respond on the submissions of other parties unless we become aware of a fundamental point of clarity which is required. Our focus will be on providing advice under our remit on nature conservation concerns, rather than advising on the merits of the submissions of others.

## **13. Report on the Implications for European Sites (RIES)**

Natural England notes in Annex E of the Rule 6 letter that only submissions up to Deadline 5 on 3 June 2024 will be considered in the RIES. As a result the RIES will not take account of updated advice on various Habitats Regulations Assessments (HRA) aspects beyond that point. Natural England recommends that the RIES is updated before it is included alongside the ExA report to the Secretary of State (SoS), so that a full account of the Examination's consideration of HRA matters is presented in one place.

Nevertheless, as previously advised to PINS and BEIS, Natural England does not consider consultation on the RIES adequately discharges the statutory requirement to consult Natural England on Appropriate Assessments.

We hope these comments assist the ExA at the Preliminary Hearing. For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

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