

Submission ID: 25633

Joint Written Submission

This joint submission is in response to the Examination Authority's Rule 6 Letter invitation with respect to deadlines for two related issues, namely:

By 16 Jan 2024: Part A: Our views on how the Rampion 2 Application should be examined, and

By 20 Feb 2024: Part B: Our views on the implications of National Policy Statements (NPS) 22 Nov 2023 for Rampion 2.

We offer these views together now for both deadlines in the interest of examination efficiency and as the concerns overlap.

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

**Part A: Our views on how the Rampion 2 Application should be examined**

Submission Deadline: by 16 January 2024

**Part B: Our views on the implications of National Policy Statements (NPS) for Energy, 22 Nov 2023 for Rampion 2**

Submission Deadline: by 20 February 2024

Joint Written Submission on 16 January 2024 by:

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Attachments:

1. Proposed Amendments to the NPS offered by Residents in the Public Consultation (30 March to 23 June 2023) on the March 2023 NPS and Office of the Secretary of State (DESNZ).
2. Response to Proposed Amendments to the March 2023 NPS offered by Residents from the Office of the Secretary of State (DESNZ), Dec 2023.

## Joint Written Submission

This joint submission is in response to the Examination Authority's Rule 6 Letter invitation with respect to deadlines for two related issues, namely:

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**By 20 Feb 2024:**      **Part B:** Our views on the implications of National Policy Statements (NPS) 22 Nov 2023 for Rampion 2.<sup>1</sup>

We offer these views together now in the interest of examination efficiency.

### Context:

We note that the ExA's Rule 6 Letter in Annex B states:

*"The PA2008 makes it clear that, in making a decision, the relevant Secretary of State "must decide the application in accordance with any relevant NPS" (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits." (our underlining)*

PINs Advisory Note 8.4, "The Examination" referred to the ExA's Rule 6 Letter also states:

*Para 7.3, "In summary, before making a recommendation to the Secretary of State, the role of the Examining Authority is to consider whether the impacts of a development (including construction and operation) on the local community and environment, outweigh the national need for it and any other benefits.*

We note further that the initial March 2023 version of the revised NPS consulted 30 March to 23 June 2023 introduced the notion of a Critical National Priority (CNP) and identified **offshore wind as the sole CNP for the UK.**

In the November NPS to be lawful sometime early in 2024, **the CNP was changed** to the provision of nationally significant low carbon infrastructure, which includes renewable sources (offshore wind as before in the March 2023 NPS revision), but now also nuclear power generation and natural gas fired generation which is carbon capture ready.<sup>2</sup>

As Attachment 1, we include a 2-page Summary of the Brief that community organisations collaborating under the umbrella of Protect Coastal Sussex (PCS) submitted as a

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<sup>1</sup> The Applicant and IPs are invited to submit a written statement on the implications the 2023 NPSs may have for the Proposed Development including a comparison of significant changes between them and the draft NPSs of March 2023 and referred to in the ES, and upon the Secretary of State's decision-making process, with particular regard to Section 1.6 of NPS EN-1. The ExA would welcome such responses by Deadline 1, Tuesday 20 February 2024

<sup>2</sup> Low emission generation including nuclear emphasizing small modular reactors (SMRs) powering steam turbines and carbon capture and storage systems (CCS and CCUS) combined with high efficiency combine cycle power generation technology that makes abated gas generation NetZero as a point source emission. These help to ensure flexible, dispatchable decarbonised power supply by 2035 and to thereby complement variable, supply from renewable energy systems.

Consultation response on the March 2023 NPS revisions. We also submitted that directly to the Office of the Secretary of State (SOS), Department of Energy Security and Net Zero (DESNZ), as well as relevant parliamentary committees, our area MPs and industry stakeholders.

Annex 2 is the letter received from the Office of the SoS in response to the CNP amendments that Residents and community organisations proposed. We note the response from the Office of the SoS sent via our MP included:

**".... I thank Protect Coastal Sussex for sharing their concerns to the proposed CNP and for their response to our draft NPS consultation, and the additional amendments they suggested. We have now laid our updated NPS before Parliament and have published them as part of our Autumn statement package. We expect them to be designated in early 2024 when the statutory 21 days laying time has concluded. ...."**

We believe this 2-page Summary helps to explain our views expressed herein in response to the two deadlines.

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## **Part A:**

### **On how the Rampion 2 Application should be examined:**

With a view to inform the ExA's consideration of whether the Rampion 2 Application is in breach legal or treaty obligations, we would like to see the following:

1. The Examination giving substantial weight to the implications of the **European Convention on Landscapes** as an important and relevant treaty obligation.

That in connection with the reinforcing aims of:

- a. The NPS EN-3 policy requirement for the Applicant to take the UK's Offshore Energy SEA into account, specifically the OESEA advice to provide visual buffers for wind turbines, and specifically the rationale for the buffer advice based on the 2020 review of domestic and international experience and project-level of visual impact assessments.<sup>3</sup>
- b. The UK Government's OESEA-4 (2022) conclusion that wind turbines over 250m tall sited 13 km from shore would have large to very large magnitude of effects viewed from the shore.<sup>4</sup>

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<sup>3</sup> BEIS Commissioned "Review and Update of Seascape and Visual Buffer study for Offshore Wind farms", 2020 [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)

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

- c. The OESEA-4 research illustrating how to respect for the European Convention on Landscapes is reflected in visual buffer policy and law in Europe, such as Germany under the Wind Energy at Sea Act (WindSeeG) that limits the height of turbines within sight of the shore, as well as Belgian and Netherlands policy and practice that are similar to the OESEA advice.<sup>5</sup>
  - d. The UK National Marine Policy Statement that further clarified and emphasised the linkage and equivalence Seascape / Landscape protection.<sup>6</sup>
  - e. The Levelling up and Regeneration Act (2023) now in force that significantly increased the protection of designated landscapes (and by the European Convention conjoined that increased protection for seascapes), where the requirement for protection of Designated Landscapes was raised from “to take into account” to further the purposes (objectives and functions) of National Parks.<sup>7</sup>
  - f. There is an important consideration that protection of the UK’s designated landscapes / seascapes will be an ever increasing priority for these islands as people (nationally) will be encouraged to travel less off the islands. Degrading designated coastal assets would be a **National disbenefit** and we believe counter productive as a climate action.
2. Giving full respect for the policy requirement for the consideration of alternatives in the Rampion 2 Examination, under Section 4.4 Alternatives of EN-1 (2011) and in reference to the EN-1 (2011):

*Para 5.9.10 , 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... “*

3. We further hope the Examination takes into account the fact the Applicant’s pre-application consultations did not reveal the scale and expanse of the proposed development, as documented in many AoC representations.

In this respect also, the Planning Inspectorates (PIN’s) own S51 Advice issued the same day as the Application was accepted for Examination was unequivocal on the need to clarify the “worst case” the Applicant consulted and assessed.

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<sup>5</sup> Germany limits the height of wind turbines within sight of the coast and islands in the North and Baltic Seas to 125m.

<sup>6</sup> Also reported in 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>7</sup> Text in paragraph 245, 3(b) I, page 263 in the Levelling up Act 2023, under Protected Landscapes and 1B) , “In exercising or performing any functions in relation to, or so as to affect, land in any National Park in England ... must have regard to the purposes specified in section 5(1) and if it appears that there is a conflict between those purposes, 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”.

The exchange of letters between PINs and the Applicant that followed the Acceptance on 10 Sept 2023, made it clear there are strongly divergent views on whether and how the Rochdale Envelope was applied in the Rampion 2 Design and in statutory consultations (As notes in the frank Exchange of Letters on the PINs Rampion 2 website and PINS Advice Note 9: Rochdale Envelope).

**Part B:**

**On implications of National Policy Statements (NPS) for Energy, 22 Nov 2023 for Rampion 2 proposal**

With a view to informing the ExA's consideration of whether "adverse impacts outweigh national benefits", and given that Rampion 2 is a £3-4 billion investment commitment, we specifically hope the Examination can facilitate, ensure and take into account:

1. Include consideration of low-emission generation systems that have been designated as critical national priorities under NPS EN-1 (Nov, 2023) in the policy requirement to consider alternatives in the Rampion 2 Examination under Section 4.4 of NPS EN-1 (2011). Specifically that should include consideration:
  - a) Gas-fired power generation with carbon capture, where possible to retrofit existing gas-power plants on the south;
  - b) Small modular nuclear reactors (SMRs) powering steam turbines to be co-located at decommissioned large nuclear sites (7 to be decommissioned by 2030, where all the power connections are in place).
  - c) Offshore wind sites added to an existing early stage licence area that respects the European Convention on Landscapes and OESEA visual buffer advice and Marine Policy Statement (2021), as noted in Part A.
2. The Section 4.4 assessment coupled with Para 5.9.10 requirements, apart from identifying viable alternatives to Rampion 2, should include an assessment of the extent the Section 4.4 Alternative match and/or outperform Rampion 2:
  - a) Over the economic life of Rampion 2 (i.e., from 2030 or later when Rampion 2 may be commissioned, then for 20-25 years [2050 or a few more years] until Rampion 2 would be decommissioned), and
  - b) Across all policy metrics for National benefits as identified in the NPS including longevity of the windfarm and value for money.
3. System value modelling analysis should be provided by competent authorities on Rampion 2 to support the Section 4.4 Alternatives analysis. This would be hopefully done by competent power authorities such as Ofgem as proposed in relevant representatives (RR 062) and elaborated in the documents supporting Attachment 1.<sup>8</sup>

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<sup>8</sup> To better inform the consideration of Section 4.4 Alternatives (make it less subjective) 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.

4. The national benefits indicated in Attachment 1 and mentioned in NPS EN-1 (Nov 2023) are hopefully considered in the Section 4.4 Alternative analysis.
5. All the above, as well as National disbenefits of Rampion 2 are considered in the metrics and judgements as to whether adverse impacts (local impacts and national disbenefits) outweigh National benefits.) National disbenefits would, for example, include opportunity costs, the economic value of degrading designated landscapes and natural capital.

### **Implications of Part A and Part B**

We feel that the NPS EN-1 (2011) para 1.1.2. provisos that Application must not breach legal or treaty obligations (Part A response above), and that any adverse impact of the Proposed Development would not outweigh its benefits (Part B response above), separately and in conjunction, weigh against the policy interpretation of CNP clauses in NPS (Nov, 2023) that Rampion 2 should only be refused consent under exceptional circumstances:

- As stated in EN-1 (2023 Nov) on-HRA and non-MCZ residual impacts of CNP Infrastructure, and
- Similar CNP provisions in EN-1 and EN-3 (Nov, 2023) to the effect that Rampion 2 would be consented even if it would present and unacceptable risk to the achievement of sustainable development on the Sussex South Coast and affected inland areas, including Designated Landscapes / Seascapes.

Attachment 1: Proposed Amendments offered by Residents in the NPS Public Consultation (30 March 2023 to 23 June 2023) and to the Office of the Secretary of State (DESNZ) on the March 2023 NPS

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Recommended Amendments to the Government’s proposed  
Critical National Energy Priority (CNP)

**Consultation Audiences:** “The government wants to hear from members of the public, industry, non-governmental organisations and any other organisation or public body.”

<https://www.gov.uk/government/consultations/planning-for-new-energy-infrastructure-revisions-to-national-policy-statements>

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## Summary Note

Evidence suggests that limiting the UK’s critical national energy priority (or CNP) to offshore wind alone is counterproductive and requires amendment. Any CNP must also ensure that in parallel, complementary low-emission generation and other essential system components are put in place to back-up the intrinsically intermittent offshore wind output. That is essential to deliver secure, reliable and affordable electricity supply, as well as foster the achievement of sustainable development in affected coastal and inland areas all around these islands – not undermine it.

This CNP approach actually increases UK dependency on imported energy **and** imported RE technology - at least for decades. For the foreseeable future the lion’s share of the UK’s offshore wind technology will be supplied by European commercial consortiums where the high-value green jobs, renewable subsidy and profits flow. It does little to advance home-grown green energy technology and industry capacity to provide self-reliance, or access export markets or advance UK global leadership to help other countries on their low emission journeys.

- As formulated the CNP spectacularly fails to take account of policy and regulatory failures over past decades that have placed “too many energy eggs” in one basket and has made UK electricity unaffordable for many households and small businesses today.
- Ironically, the UK is now saddled with among the highest electricity bills in Europe, despite having among the largest shares of wind and solar of any major economy in the world, now approaching 50 percent on an average annual basis, ignoring variability and intermittency.
- Military threats to all energy infrastructure fixed offshore, including wind installations, have not receded after 2022-2023 events and given geopolitical realignments now underway. In terms of promoting National Security, the CNP claims may be seen as wishful thinking, even reckless.
- It may also be argued this single technology focus is London-centric as directly harmful impacts are “out of sight, out of mind”. It assumes that all offshore wind projects have the same benefit-risk tradeoffs, thus can be imposed on coastal and inland communities simply by restricting time and local voice in the consenting processes, regardless of location and “residual impacts”.
- **Most concerning** is this CNP formulation ignores key recommendations of national and international bodies who have deeply considered the UK’s energy priorities and ways to effectively deliver decarbonisation of the power sector by 2035, and eventually NetZero, notably:
  - The Parliamentary Committee on Climate Change in their recent Progress Report of March 2023 calling for an “equal focus to low-carbon flexible solutions as to the delivery of its existing renewable and nuclear commitments”;



- Ofgem and ESO statements on priorities to maintain reliable and affordable electricity supply as the share of variable RE is grown while the national grid comes under pressure from electrification mandates for transport and heating, at least doubling demand by 2035-2050;
- The World Bank Energy Sector Management Assistance Programme (ESMAP) and IEA, both advising on ways to responsibly integrate variable RE into electric power grids;
- The CBI urging Government to prioritise new nuclear power and scale-up carbon capture technology for flexible generation to power a competitive economy and reach NetZero; and
- The European Commission in 2022 which urgently classified natural gas and nuclear as green energy sources essential for the multi-decade transition (to unblock ESG financing).

It may be reasonably argued that this CNP reflects the same “wilfully blind” thinking and narrative that landed the UK in the present-day mess: lots of variable RE generation (sometimes, and more to come) yet among the highest electricity bills in the world; leaving these islands more vulnerable to volatile international markets and supply chains for both imported RE technology and raw energy (i.e. LNG imports and gas pipelines and power interconnects with the continent).

A more balanced and responsible way forward is to amend this CNP, namely by:

- i. Including clean, low-emission generation systems under the CNP umbrella to complement weather-dependent wind and electrification mandates, specifically flexible generation from abated gas-fired power (adding carbon capture to existing power stations) and deploying small modular reactors (SMRs) where existing large nuclear plant are decommissioned, as already provided in technology-specific NPS, but with no real sense urgency or priority;
- ii. Focusing offshore wind development in the designated Renewable Energy Zone (REZ) wisely identified as such in the UK Energy Act (i.e. from 12 to 200 nautical miles seaward);
- iii. Giving legal status to the Government’s own existing Offshore Energy Strategic Environmental Assessment (OESEA) advice on ensuring visual buffers for large wind turbines (distance from significant receptors, or from shore) to ensure consistency, fairness to coastal communities and thereby reduce controversy and delay;
- iv. Ensuring system value analysis / modelling of all NSIP offshore windfarm proposals are routinely undertaken by relevant authorities (such as Ofgem or ESO) to inform each DCO application and to optimally time and sequence low-emission generation additions with the essential transmission and ancillary services; and
- v. Rank and prioritise locations to systematically license investment in offshore wind by appropriate criteria such as efficiency, energy performance, system fit and value for money.

Further it will massively help to introduce a **fast track category of offshore wind developments** that satisfy simple location and policy criteria, as suggested herein.

These proposed amendments are common sense and reflect considered advice of the bodies noted above. They are prudent and measured given the Government’s ambition is to collapse the consenting process for offshore wind from the present average of 4 years to 1 year, in effect by removing safeguards, close scrutiny and local voice - contrary to the wisdom of the Localism Act.

### **Protect Coastal Sussex**

Protect Coastal Sussex (PCS) is a group of informed residents and independent, voluntarily affiliated community organisations and groups along the Sussex Coast and inland who passionately support local environmental stewardship, renewable energy development and a sensible approach to the clean energy transition delivered in a responsible manner.

**Attachment 2: Proposed CNP Amendments offered the Public Consultation (30 March 2023 to 23 June 2023) and the Office of the Secretary of State (DESNZ) on the March 2023 NPS (Via Hon Nick Gibb)**

I hope Protect Coastal Sussex will find this reply helpful.

Yours ever,



**RT HON CLAIRE COUTINHO**