

# **Rampion 2 Wind Farm Category 8: Examination Documents Statement on the Implications of the 2023 National Policy Statements Date: February 2024**

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# Contents

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<b>1.</b>	<b>Introduction</b>	<b>1</b>
1.1	Project Overview	1
1.2	Purpose of this document	1
<b>2.</b>	<b>Implications of the November 2023 NPSs</b>	<b>2</b>
2.1	Significant changes between the draft March 2023 NPSs and November 2023 NPSs as laid before Parliament in January 2024	2
	Summary	2

## Tables

Table 2.1: Significant changes to NPS EN-1 relevant to the Proposed Development	4
Table 2.2: Significant changes to NPS EN-3 relevant to the Proposed Development	23
Table 2.3: Significant changes to NPS EN-5	44

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# 1. Introduction

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## 1.1 Project Overview

- 1.1.1 Rampion Extension Development Limited (hereafter referred to as 'RED') (the 'Applicant') is developing the Rampion 2 Offshore Wind Farm Project ('Rampion 2') located adjacent to the existing Rampion Offshore Wind Farm Project ('Rampion 1') in the English Channel.
- 1.1.2 Rampion 2 will be located between 13km and 26km from the Sussex Coast in the English Channel and the offshore array area will occupy an area of approximately 160km. A detailed description of the Proposed Development is set out in Chapter 4: The Proposed Development, Volume 2 of the Environmental Statement (ES), submitted with the DCO Application **[APP-045]**.

## 1.2 Purpose of this document

- 1.2.1 This document is submitted in response to the Examining Authority's (ExA) request at point 8, Annex D of the Rule 6 letter **[PD-006]** for a written statement on the implications that the National Policy Statements (NPSs) for Energy, now designated by Parliament, may have for the Proposed Development. As requested, this Statement comprises a comparison of significant changes between the draft NPSs of March 2023, and referred to in the DCO Application, against the NPS as subsequently designated by Parliament in January 2024.
- 1.2.2 Section 1.6 of NPS EN-1 confirms that: 'for any application accepted for examination before designation of the 2023 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS' and that the 2023 amendments will therefore have effect 'only in relation to those applications for development consent accepted for examination, after the designation of those amendments'. However, the Applicant accepts that the now designated NPSs are important and relevant considerations that the relevant Secretary of State could consider within the framework of the Planning Act 2008. The Applicant therefore sets out below its assessment of the significance of the changes to the draft NPS in relation to the designated NPSs.

## 2. Implications of the November 2023 NPSs

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### 2.1 Significant changes between the draft March 2023 NPSs and November 2023 NPSs as laid before Parliament in January 2024

2.1.1 The Applicant considers the relevant NPSs to be:

- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for Electricity Network Infrastructure (EN-5)

2.1.2 **Tables 2.1, 2.2 and 2.3** set out the significant changes and the Applicant's assessment of how this may influence the decision on the DCO application.

### 2.2 Summary

2.2.1 The status of the Proposed Development as 'Critical National Policy' (CNP) infrastructure is confirmed in the November 2023 NPS. The importance of CNP is set out in Paragraph 3.3.63 of NPS EN-1 which confirms that subject to any legal requirements:

*'the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation.'*

2.2.2 The same paragraph states that: *'Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.'*

2.2.3 Whilst the transitional arrangements outlined at Paragraph 1.6.3 of the NPS means that the new NPSs do not have direct effect for the Proposed Development, they are important and relevant considerations that underline the importance of delivering nationally significant low carbon infrastructure at pace.

2.2.4 As noted in response to paragraph 3.3.62, this does not change how CNP was considered in the Planning Statement **[APP-036]**. This also reinforces the position set out at Paragraph 4.5.10 of the Planning Statement **[APP-036]** that outlined that the Applicant considered that there are demonstrable imperative reasons of overriding public interest, which would be strengthened by the changes in the NPS related to CNP infrastructure.

2.2.5 A number of new paragraphs have been added to the drafts, which are appraised in detail in **Table 2.1**. Some of these additional requirements are not relevant to the Rampion 2 application, and these are described accordingly. For other new

requirements, the Applicant has sought to demonstrate compliance by signposting to existing application documents.

- 2.2.6 There are also a number of changes that set out potential future requirements, that do not currently apply. For example, revised NPS EN-3 Section 2.8 Consenting process states that the British Energy Security Strategy will implement an Offshore Wind Environmental Improvement Package (OWEIP) that ‘aims to streamline environmental assessments, decrease consenting times, and maintain marine environmental protections’.
- 2.2.7 Notwithstanding that an OWEIP will be subject to public consultation and guidance that ‘*will be produced in due course*’ (NPS 3 Paragraph 2.8.9), the Applicant does not consider that there is any inherent conflict between the aim of the OWEIP and the Proposed Development, and in any case the Applicant will, as a matter of principle, be bound by all relevant legislation in delivering the Proposed Development.
- 2.2.8 Overall, the Applicant does not consider that the designation of the November 2023 NPS materially alters the conclusion of the Planning Statement, but to the extent that it does, it is to reinforce the ‘critical’ need for nationally significant low carbon infrastructure.

**Table 2.1: Significant changes to NPS EN-1 relevant to the Proposed Development**

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
3.2 Secretary of State decision making	3.2.4  3.3.81 – 3.3.85	<p><u>3.2.3</u> <del>3.3.82</del> It is not the role of the planning system to deliver specific amounts or limit any form of <del>electricity</del> infrastructure covered by this NPS. <del>3.2.4</del> It is for industry to propose new energy infrastructure projects <u>that they assess to be viable</u> within the strategic framework set by government. <u>This is the nature of a market-based energy system.</u> With the exception of new coal or large-scale oil-fired electricity generation, the government does not consider it appropriate for planning policy to set limits on different technologies but planning policy can be used to support the government’s ambitions in energy policy and other policy areas.</p>	<p>The changes explicitly identify that it is up to the industry to identify projects that they assess to be viable.</p>
3.2.3 – 3.2.5		<p><del>3.2.4</del> <del>3.3.81</del> It is not the government’s intention in presenting any of the figures or targets in this NPS to propose limits on any new infrastructure that can be consented in accordance with the energy NPSs. <del>3.3.83</del> A large number of consented projects can help deliver an affordable electricity system, by driving competition and reducing costs within and amongst different technology and infrastructure types. Consenting new projects also enables projects utilising more advanced technology and greater efficiency to come forward. <del>3.3.84</del> The delivery of an affordable energy system does not always mean picking the least cost technologies. A diversity of supply can aid in ensuring affordability for the system overall and relative costs can change over time, particularly for new and emerging technologies. It is not the role of the planning system to compare the costs of individual developments or technology types.</p>	<p>The Funding Statement <b>[APP-025]</b> outlines the assessment by the Applicant that the Proposed Development is commercially viable. The Applicant therefore concludes with confidence that the financial viability of the project is assured.</p>
3.3 The need for new nationally significant electricity infrastructure	3.3.59	<p>Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant <del>new offshore wind</del> low carbon infrastructure <del>(and supporting onshore and offshore network.</del> <u>Section 4.2 states which energy generating technologies are low carbon and are therefore CNP infrastructure).</u></p>	<p>The change broadens the definition of critical national priority (CNP) infrastructure. The Proposed Development was considered by the Applicant to be CNP infrastructure when assessed against the March 2023 NPS, as outlined in Planning Statement <b>[APP-036]</b> paragraphs 3.3.14, 4.2.1, 4.2.12, 5.5.5 and therefore this change does not materially change the draft NPS in respect of the Secretary of State’s consideration of the DCO application. The November 2023 NPS confirms that the Proposed Development is CNP.</p>
3.3.62			

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
3.3.65	3.3.63	There is an urgent need for new electricity network infrastructure to <u>be brought forward at pace</u> to meet our energy objectives.	The change emphasises that the connection of the offshore wind generating station to the National Grid is to be brought forward at pace, adding further weight to the urgent need for electricity network infrastructure. This change does not change the urgent need for the Proposed Development which is set out in Planning Statement [APP-046] Section 4.2, with the exception of highlighting that the urgent need needs to be met at pace.
3.3.70	3.3.68	<p><del>Of particular strategic importance this decade is the role of offshore wind, as stated in the British Energy Security Strategy<sup>58</sup> (up to 50GW including 5GW floating by 2030) in our generation mix which presents a challenge of connecting a large volume of generation located beyond the periphery of the existing transmission network. To support this ambition, supporting onshore and offshore transmission infrastructure is considered CNP Infrastructure. See para 3.3.59 above and 1.1.4 EN-5.</del></p> <p><u>As all new grid projects have a role in efficiently constructing, operating and connecting low carbon infrastructure to the National Electricity Grid, the scope of networks CNP infrastructure is not limited to those associated specifically with a particular project.</u></p>	The change reflects the broadened definition of CNP infrastructure and removes specific reference to onshore and offshore transmission infrastructure as CNP. The Proposed Development was therefore considered by the Applicant to be CNP infrastructure when assessed against the March 2023 NPS and therefore this change does not materially change the draft NPS in respect of the Proposed Development. The November 2023 NPS confirms that the Proposed Development is CNP. As noted in response to paragraph 3.3.62, this does not change how CNP was considered in the Planning Statement [APP-036].
3.3.77	New paragraph in November 2023 NPS	<p><u>Offshore wind and multi-purpose interconnector projects may have several consenting links: offshore wind and multi-purpose interconnector projects may be consented separately, and it is likely that development consent applications for offshore wind or multi-purpose interconnector projects may not include an application for consent for the full chain of consents (including connection to the grid). However, development consent applications should include details of how connected infrastructure will be consented, how cumulative impacts will be assessed and whether any necessary consents, permits and licences have been obtained.</u></p>	The DCO Application seeks consent for offshore wind generators and the required infrastructure for connection to the grid. Therefore, the change in the NPS does not have a material impact in the consideration of the Proposed Development.
4.1 General Policies and Considerations	4.1.7	<p>Where this NPS or the relevant technology specific NPSs require an applicant to mitigate a particular impact as far as possible, but the Secretary of State considers that there would still be residual adverse effects after the implementation of such mitigation measures, the Secretary of State should weight those residual effects against the benefits of the proposed development. <u>For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.</u></p>	This paragraph provides further commentary on the treatment of CNP in the planning balance. The paragraph amendment states that the residual effects will be outweighed by the need case “ <i>in all but the most exceptional cases.</i> ” The Proposed Development is CNP infrastructure for which the need case is established within the NPS. There are a limited number of significant negative effects as summarised in the Planning Statement [APP-036] Section 5.4. Given the urgent need for the type and scale of energy infrastructure proposed (as CNP), the Applicant considers that these adverse impacts are outweighed by the benefits of the Proposed Development.



November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	<p>There is no unacceptable risk to human health or public safety as assessed in ES Chapter 28 Population and human health, Volume 2 [APP-069] and Chapter 27: Major accidents and disasters, Volume 2 [APP-068]; no unacceptable risk to or interference with defence interests as assessed in ES Chapter 14: Civil and military aviation, Volume 2 [APP-055]; and no unacceptable risk to or interference with irreplaceable habitats as assessed in ES Chapters 8 Fish and shellfish ecology [APP-049], 9 Benthic, subtidal, and intertidal ecology [APP-050], Chapter 11 Marine mammals [APP-052], Chapter 12 Offshore and intertidal ornithology [APP-053], and Chapter 22 Terrestrial ecology and nature conservation [APP-063].</p> <p>Additionally, there will be no unacceptable risk to, or unacceptable interference to, offshore navigation as assessed in ES Chapter 7 Other marine users [APP-048], unacceptable risk onshore to flood risk as assessed in Chapter 26 Water [APP-067], or to coastal erosion as assessed in Chapter 6 Coastal processes [APP-047].</p> <p>The Proposed Development would contribute to the achievement of net zero and would not pose a risk to its achievement as assessed in Chapter 29 Climate change [APP-70].</p>
<b>4.2 The critical national priority for low carbon infrastructure</b>  <b>4.2.1 – 4.2.9</b>	New section/paragraph	<p><u>4.2.1 Government has committed to fully decarbonising the power system by 2035, subject to security of supply, to underpin its 2050 net zero ambitions. More than half of final energy demand in 2050 could be met by electricity, as transport and heating in particular shift from fossil fuel to electrical technology.</u></p> <p><u>4.2.2 Ensuring the UK is more energy independent, resilient and secure requires the smooth transition to abundant, low-carbon energy. The UK’s strategy to increase supply of low carbon energy is dependent on deployment of renewable and nuclear power generation, alongside hydrogen and CCUS. Our energy security and net zero ambitions will only be delivered if we can enable the development of new low carbon sources of energy at speed and scale.</u></p> <p><u>4.2.3 With smart and strategic planning, the UK can maintain high environmental standards and minimise impacts while increasing the levels of deployment at the scale and pace needed to meet our energy security and net zero ambitions.</u></p>	<p>The changes reflect the broadened definition of critical national priority (CNP) infrastructure. Additionally, the changes clarifies that the CNP policy is relevant to the Secretary of State’s decision making specifically in reference to residual impacts (after application of mitigation hierarchy) and should explicitly be given consideration by the ExA when making its recommendation to the Secretary of State.</p> <p>Further significant changes include reference to the weighing up of non-HRA and non-MCZ residual impacts in the planning balance (which is considered further in paragraphs 4.2.15 – 4.2.17) and the approach to HRA derogations and MCZ assessments (considered further in paragraphs 4.2.18 – 4.2.22).</p> <p>The Proposed Development was considered by the Applicant to be CNP infrastructure when assessed against the March</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	
Section/paragraph			
		<p><u>4.2.4 Government has therefore concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.</u></p> <p><u>4.2.5 This does not extend the definition of what counts as nationally significant infrastructure: the scope remains as set out in the Planning Act 2008. Low carbon infrastructure for the purposes of this policy means:</u></p> <ul style="list-style-type: none"> <li><u>• for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready</u></li> <li><u>• for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System</u></li> <li><u>• for other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of “low carbon”, such as hydrogen distribution, and carbon dioxide distribution</u></li> <li><u>• for energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of “low carbon”, such as interconnectors, Multi-Purpose Interconnectors, or ‘bootstraps’ to support the onshore network which are routed offshore</u></li> <li><u>• Lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects</u></li> </ul> <p><u>4.2.6 The overarching need case for each type of energy infrastructure and the substantial weight which should be given to this need in assessing applications, as set out in paragraphs 3.2.6 to 3.2.8 of EN-1, is the starting point for all assessments of energy infrastructure applications.</u></p> <p><u>4.2.7 The CNP policy does not create an additional or cumulative need case or weighting to that which is already outlined for each type of energy infrastructure. The policy applies following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy. As such, it is relevant during Secretary of State decision making and specifically in reference to any residual impacts that have been identified. It should therefore also be given consideration by the Examining Authority when it is making its recommendation to the Secretary of State.</u></p>	<p>2023 NPS and therefore this change does not materially change the draft NPS in respect of the Proposed Development as CNP. As noted in response to paragraph 3.3.62, this does not change how CNP was considered in the Planning Statement <b>[APP-036]</b>. However, the changes in November 2023 NPS set out that CNP policy is relevant to decision making and consideration of the weight to be attached to residual impacts following application of the mitigation hierarchy.</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph		<p><u>4.2.8 During decision making, the CNP policy will influence how non-HRA and non MCZ residual impacts are considered in the planning balance. The policy will therefore also influence how the Secretary of State considers whether tests requiring clear outweighing of harm, exceptionality, or very special circumstances have been met by a CNP Infrastructure application. Further detail is provided in paragraphs 4.2.15 to 4.2.17, and Figure 2.</u></p> <p><u>4.2.9 During decision making, the CNP policy also explains the Secretary of State's approach to HRA derogations and MCZ assessments. Specifically, the policy explains how the alternative solutions and IROPI tests are considered by the Secretary of State. Further detail is provided in paragraphs 4.2.18 to 4.2.22, and Figure 3.</u></p>	
<b>4.2 The critical national priority for low carbon infrastructure</b>  <b>Applicant's assessment</b>  <b>4.2.10 – 4.2.13</b>	New section/paragraph	<p><u>4.2.10 Applicants for CNP infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements.</u></p> <p><u>4.2.11 Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.</u></p> <p><u>4.2.12 Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g. adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.</u></p> <p><u>4.2.13 Where residual impacts relate to HRA or MCZ sites then the Applicant must provide a derogation case, if required, in the normal way in compliance with the relevant legislation and guidance.</u></p>	<p>ES Chapter 3, Alternatives, Volume 2 <b>[APP-044]</b> outlines the alternatives considered by the Applicant. The chapter presents the staged design process whilst identifying the main reasons for each of the options chosen and those not taken forward to a subsequent stage of the design evolution process. Appropriate alternatives have been considered, having regard to operational requirements, planning policy context, site constraints and development constraints and the outcomes of the environmental assessment process.</p> <p>The topic specific ES chapters present the assessment of likely significant environmental, social and economic effects that are predicted to occur during the pre-construction, construction, operation and decommissioning phases.</p> <p>The Report to Inform Appropriate Assessment <b>[APP-038]</b> addresses the requirements to assess alternatives under the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (together, the 'Habitats Regulations'). It is noted that The RIAA has not identified any Adverse Effects on Integrity (AEoI) on the conservation objectives of any sites designated as part of the UK National Site Network.</p> <p>However, the Applicant has provided the Article 6(4) Habitats Regulations Assessment (HRA) (Without Prejudice) derogation case <b>[APP-039]</b> to provide the SoS for DESNZ with the necessary information to support a clear and overriding case for the Proposed Development should the SoS conclude AEoI</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
			<p>Flamborough and Filey Coast Special Protection Area (FFC SPA). The Applicant strongly believes that if the SoS finds AEoI in respect of the conservation objectives of the kittiwake feature of the FFC SPA, there are demonstrable imperative reasons of overriding public interest in support of the Proposed Development and the policy objectives it will serve, which outweighs the risk of any adverse impact on the FFC SPA.</p> <p>The Applicant has used feedback from relevant stakeholders and SNCB (Natural England) to inform preparation of the RIAA <b>[APP-038]</b> and in-principle compensatory measures for the Rampion 2. The Applicant has applied a five-step process to develop compensatory measures in view of existing Defra guidance and advice from Natural England (outlined in Section 6 of the HRA (Without Prejudice) derogation case <b>[APP-039]</b>).</p> <p>A Draft MCZ Assessment <b>[APP-040]</b> has been submitted. There is no risk of the Proposed Development hindering the conservation targets of the identified attributes or the achievement of the conservation objectives stated for the MCZs assessed.</p>
4.2 The critical national priority for low carbon infrastructure	New section/paragraph	<p><u>4.2.14 The Secretary of State will continue to consider the impacts and benefits of all CNP Infrastructure applications on a case-by-case basis. The Secretary of State must be satisfied that the applicant's assessment demonstrates that the requirements set out above have been met. Where the Secretary of State is satisfied that they have been met, the CNP presumptions set out below apply.</u></p>	<p>As outlined above, the Applicant's assessment accords with paragraphs 4.2.10 to 4.2.13. Therefore, the Applicant considers that the requirements have been met and that the CNP policy presumptions apply. The impacts and benefits of the Proposed Development were summarised and in Section 5.4 of the Planning Statement <b>[APP-036]</b> and weighed up in Section 5.5, which concluded that the balance was firmly in favour of the Proposed Development. The change in the NPS does not materially change the Planning Statement <b>[APP-036]</b>.</p>
Secretary of State decision making			
4.2.14			
4.2 The critical national priority for low carbon infrastructure	New section/paragraph	<p><u>4.2.15 Where residual non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts. The exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.</u></p>	<p>The changes incorporate the starting presumption that CNP infrastructure will have met the tests of "clear outweighing of harm, exceptionality or very special circumstances" which was previously referenced in the March Draft 2023 NPS EN-3 and therefore examined in the Planning Statement <b>[APP-036]</b> Section 4.2 and 4.4. There is also new direction on how CNP infrastructure should be treated in the planning balance, with the need case for CNP outweighing the residual effects "in all but the most exceptional cases". This adds further weight to</p>
4.2.15 – 4.2.17			

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	
		<p><u>4.2.16 As a result, the Secretary of State will take as the starting point for decision making that such infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances.</u></p> <p><u>4.2.17 This means that the Secretary of State will take as a starting point that CNP Infrastructure will meet the following, non-exhaustive, list of tests:</u></p> <ul style="list-style-type: none"> <li><u>• where development within a Green Belt requires very special circumstances to justify development;</u></li> <li><u>• where development within or outside a Site of Special Scientific Interest (SSSI) requires the benefits (including need) of the development in the location proposed to clearly outweigh both the likely impact on features of the site that make it a SSSI, and any broader impacts on the national network of SSSIs.</u></li> <li><u>• where development in nationally designated landscapes requires exceptional circumstances to be demonstrated; and</u></li> <li><u>• where substantial harm to or loss of significance to heritage assets should be exceptional or wholly exceptional.</u></li> </ul>	<p>CNP infrastructure in the balance outlined in Section 5.5 of the Planning Statement <b>[APP-036]</b>.</p> <p>Additionally, the November 2023 NPS makes it clear that the starting presumption will not apply where residual impacts present “<i>an unacceptable risk</i>” to human health and public safety, defence, irreplaceable habitats or the achievement of net zero. The same exception also applies where residual impacts present an “<i>unacceptable risk</i>” offshore to navigation, or onshore in relation to flooding and coastal erosion.</p> <p>The Proposed Development is CNP infrastructure for which the need case is established within the NPS. There are a limited number of significant negative effects as summarised in the Planning Statement Section 5.4 <b>[APP-036]</b>. As noted in response to changes to EN-1 paragraph 4.1.7, there are no unacceptable risks to the elements outlined in this paragraph. The CNP status of the Proposed Development means, when making a decision, the starting point is that the non-exhaustive list of tests of exceptionality, very special circumstances, or clear outweighing of harm in paragraph 4.2.17 are considered to be met.</p>
<b>4.2 The critical national priority for low carbon infrastructure</b>  <b>4.2.18 – 4.2.22</b>	New section/paragraph	<p><u>4.2.18 Any HRA or MCZ residual impacts will continue to be considered under the framework set out in the Habitats Regulations and the Marine and Coastal Access Act 2009 respectively.</u></p> <p><u>4.2.19 Where, following Appropriate Assessment, CNP Infrastructure has residual adverse impacts on the integrity of sites forming part of the UK national site network, either alone or in combination with other plans or projects, the Secretary of State will consider making a derogation under the Habitats Regulations.100</u></p> <p><u>4.2.20 Similarly, if during an MCZ assessment, CNP Infrastructure has residual impacts which significantly risk hindering the achievement of the stated conservation objectives for the MCZ, the Secretary of State will consider making a derogation under section 126(7) of the Marine and Coastal Access Act 2009.</u></p> <p><u>4.2.21 For both derogations, the Secretary of State will consider the particular circumstances of any plan or project, but starting from the position that energy security and decarbonising the power sector to combat climate change:</u></p>	<p>Paragraph 4.2.21 of the November 2023 NPS emphasises that the starting position is that CNP infrastructure will be capable of clearing high public interest thresholds to secure consent.</p> <p>The Report to Inform Appropriate Assessment <b>[APP-038]</b> addresses the requirements to assess alternatives under the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (together, the ‘Habitats Regulations’). It is noted that The RIAA has not identified any Adverse Effects on Integrity (AEoI) on the conservation objectives of any sites designated as part of the UK National Site Network.</p> <p>However, the Applicant has provided the ‘without prejudice’ Article 6(4) Habitats Regulations Assessment (HRA) (Without Prejudice) derogation case <b>[APP-039]</b> to provide the SoS for DESNZ with the necessary information to support a clear and</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	
		<p><u>• requires a significant number of deliverable locations for CNP Infrastructure and for each location to maximise its capacity. This NPS imposes no limit on the number of CNP infrastructure projects that may be consented. Therefore, the fact that there are other potential plans or projects deliverable in different locations to meet the need for CNP Infrastructure is unlikely to be treated as an alternative solution. Further, the existence of another way of developing the proposed plan or project which results in a significantly lower generation capacity is unlikely to meet the objectives and therefore be treated as an alternative solution; and</u></p> <p><u>• are capable of amounting to imperative reasons of overriding public interest (IROPI) for HRAs, and, for MCZ assessments, the benefit to the public is capable of outweighing the risk of environmental damage, for CNP Infrastructure.</u></p> <p><u>4.2.22 For HRAs, where an applicant has shown there are no deliverable alternative solutions, and that there are IROPI, compensatory measures must be secured<sup>101</sup> by the Secretary of State as the competent authority, to offset the adverse effects to site integrity as part of a derogation. For MCZs, where an applicant has shown there are no other means of proceeding which would create a substantially lower risk, and the benefit to the public outweighs the risk of damage to the environment, the Secretary of State must be satisfied that measures of equivalent environmental benefit will be undertaken.</u></p>	<p>overriding case for Rampion 2 should the SoS conclude AEoI Flamborough and Filey Coast Special Protection Area (FFC SPA). The Applicant strongly believes that if the SoS finds AEoI in respect of the conservation objectives of the kittiwake feature of the FFC SPA, there are demonstrable imperative reasons of overriding public interest in support of the Proposed Development and the policy objectives it will serve, which outweigh the risk of any adverse impact on the FFC SPA.</p> <p>The Applicant has utilised feedback from relevant stakeholders and SNCB (Natural England) to inform preparation of the RIAA [APP-038] and in-principle compensatory measures for the Rampion 2. The Applicant has applied a five-step process to developed compensatory measures in view of existing Defra guidance and advice from Natural England (outlined in Section 6 of the HRA (Without Prejudice) derogation case [APP-039]).</p> <p>A Draft MCZ Assessment [APP-040] has been submitted. There is no risk of the Proposed Development hindering the conservation targets of the identified attributes or the achievement of the conservation objectives stated for the MCZs assessed.</p> <p>Paragraph 4.5.10 of the Planning Statement [APP-036] outlined that the Applicant considered that there are demonstrable imperative reasons of overriding public interest, which would be strengthened by the changes in the NPS related to CNP infrastructure.</p>
4.3 Environmental Effects/Considerations	4.2.29	<p><del>Through the Environment Act 2021</del> <u>The Government has set 13 legally binding targets for England under the Environment Act 2021, covering the areas of: biodiversity; air quality; water; resource efficiency and waste reduction; tree and woodland cover; and Marine Protected Areas. The Secretary of State must consider duties under the Environment Act 2021 in relation to environmental targets and have regard to the policies set out in the Government's Environmental Improvement Plan for improving the natural environment. Meeting the legally binding targets will be a shared endeavour that will require a whole of government approach to delivery. The Secretary of State have regard to the ambitions, goals and targets set out in the Government's Environmental Improvement Plan 2023 for improving the natural environment and heritage. This includes having regard to the achievement of statutory targets set under the Environment Act.</u></p>	<p>The change sets out that the Secretary of State should have regard to the achievement of statutory targets under the Environment Act and to the "ambitions, goals and targets" of the Government's Environmental Improvement Plan 2023.</p>
4.3.20			<p>ES Chapter 6 Coastal processes, Volume 2 [APP-047] to Chapter 29 Climate change, Volume 2 [APP-070] of the ES demonstrates that the potential environmental impacts of the Proposed Development have been comprehensively assessed. Wherever practicable, likely adverse effects have been avoided or minimised through embedded environmental measures in the design of the Proposed Development, taking into account the findings of the ES, consultation with stakeholders and</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
<b>4.6 Environmental and Biodiversity Net Gain</b>	4.5.8 – 4.5.9	<p>4.6.10 Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations, <u>although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement beyond meeting the existing obligation, that enhancement will count towards net gain.</u></p> <p>4.6.11 Biodiversity net gain can be delivered onsite or wholly or partially off-site. <del>Any</del> <u>We encourage details of any</u> off-site delivery of biodiversity net gain <del>should also to</del> be set out within the application for development consent.</p>	<p>national and local policy requirements. These embedded environmental measures also include those that have been identified as good or standard practice and include actions that will be undertaken to meet existing legislation requirements.</p> <p>Mitigation for individual ecological features is described within ES Chapter 22: Terrestrial ecology and nature conservation, Volume 2 [APP-063]. The Applicant's commitment to BNG is a positive benefit of the Proposed Development. It is not a form of mitigation.</p> <p>Paragraph 4.6.11 states that details of offsite BNG are encouraged to be included in the DCO application.</p> <p>On-site delivery will focus on habitat creation at the substation location, with other habitats on-site being reinstated to current condition only. BNG will also require off-site delivery. Biodiversity Net Gain information, Volume 4, Appendix [APP-193] identifies that the Applicant has not secured any off-site units currently. This is because the commencement of construction is not scheduled until 2026, and the detailed design phase is scheduled to take place post-DCO award. However, discussions have been held with affected landowners and a number of stakeholders. The location of the biodiversity units will be focused on areas inside or within close proximity to the proposed Order Limits wherever possible. However, dependent on availability of biodiversity units this area, it could be extended across West Sussex.</p>
4.6.3	New paragraph	<p><u>The Secretary of State should give appropriate weight to environmental and biodiversity net gain, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited.</u></p>	<p>The paragraph outlines the weight that should be given to BNG, which clarifies that compliance with legal requirements, as and when they come into force, will not attract significant weight in the decision-making process.</p> <p>The Applicant has made a commitment for the Proposed Development to deliver a BNG of at least 10% for all onshore and intertidal (above the low water mark) habitats subject to permanent or temporary losses as a result of the construction and operation of the Proposed Development. Biodiversity Net Gain information, Volume 4, Appendix [APP-193] sets out further information.</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
<b>4.7 Criteria for good design for Energy Infrastructure</b>  <b>4.7.5</b>	4.6.5	To ensure good design is embedded within the project development, a project board level design champion could be appointed, and a representative design panel used to maximise the value provided by the infrastructure. Design principles <sup>122</sup> should be established from the outset of the project to guide the development from conception to operation. <u>Applicants should consider how their design principles can be applied post-consent.</u>	<p>The Applicant has also provided positive ecological enhancement proposals within the Outline LEMP <b>[APP-232]</b> which provides the proposed approach to the landscaping and habitat creation at the onshore substation at Oakendene and the existing National Grid Bolney substation extension works and reinstatement for the works associated with the onshore cable corridor.</p> <p>The change states that applicants should consider how design principles can be applied post consent.</p> <p>Chapter 3: Alternatives, Volume 2 of the ES <b>[APP-044]</b> sets out the alternatives that have been considered. The SLVIA is based on a Rochdale Envelope Approach, which is described in Section 15.7 of Volume 2, Chapter 15 of the ES: Seascape, landscape, and visual impact assessment <b>[APP-056]</b>. The Rochdale Envelope Approach and the acknowledged need to maintain flexibility until the detailed design stage, post consent, does not lend itself to further detailed consideration of WTG layout within the proposed array area within the SLVIA. However, a number of design principles have shaped the site boundary and placement of WTGs within it, as described in Section 15.7. This section of the SLVIA also sets out the embedded environmental measures applied to address effects on sensitive receptors.</p> <p>The Design and Access Statement (DAS) <b>[AS-003]</b> provides details of the physical characteristics of the onshore substation at Oakendene and the National Grid Bolney substation extension works. This DAS includes the maximum parameters of the infrastructure which has informed the EIA process. The outcomes of the EIA process have informed the development of design principles which are secured in the DAS and with which the detailed design shall be in accordance. These include landscape and visual, historic environment, ecology, flood risk and drainage, climate change and ground conditions.</p> <p>The DAS has been prepared in conjunction with the Outline LEMP <b>[APP-232]</b> which provides the proposed approach to the landscape design, habitat creation, and reinstatement for the works associated with the onshore cable corridor.</p>



November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
			<p>The submission and approval of a LEMP by the relevant planning authority in consultation with Natural England and Historic England (where relevant), that accords with the Outline LEMP, is a draft DCO requirement <b>[PEPD-009]</b>.</p> <p>The change in the NPS does not materially change how the Planning Statement <b>[APP-036]</b> considered implications relating to criteria for good design in Table 4-1.</p>
<b>4.14 Hazardous Substances</b>	New paragraph	<u>Applicants must consult the HSA and HSE at pre-application stage if the project is likely to need hazardous substances consent. Hazardous substances consents are a part of the planning regime which contributes to public safety.</u>	Paragraph 4.14.5 introduces the requirement for pre-application consultation with the Hazardous Substances Authority (HSA) and Health and Safety Executive (HSE) if hazardous substances consent is likely to be required.
<b>4.14.5</b>			<p>Planning (Hazardous Substances) Regulation 2015 do not apply to the Proposed Development.</p> <p>As noted in ES Chapter 27: Major accidents and disasters, Volume 2 <b>[APP-068]</b>, the Applicant has engaged with HSE and the relevant HSA to determine the location, and operational and future status of the only relevant Major Accident Hazard site known as Aerosol Manufacturing plc. This site was identified by HSE in its response to the Scoping Report <b>[APP-125]</b>, as it was located within the Scoping Boundary and therefore could be located in close proximity to the onshore part of the Proposed Development, as proposed at the time.</p> <p>The Applicant subsequently approached the four Hazardous Substances Authorities which cover the area (West Sussex County Council, Arun District Council, Horsham District Council, and Mid Sussex District Council) to determine the status of this site (Aerosol Manufacturing plc). Horsham District Council subsequently confirmed on 05 December 2022 that they had issued a consent for this site to the land on the Star Trading Estate in Partridge Green and the consent was still valid. Although it is unclear if this land is still being used for the storage of hazardous substances, a 150m consultation distance applies around this site. The Order Limits of the Application are now entirely outside of this consultation zone and therefore it is not likely to affect the Proposed Development.</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	The change in the NPS does not materially change how the Planning Statement <b>[APP-036]</b> considered implications relating to hazardous substances in Table 4-1.
<b>4.15 Common Law Nuisance and Statutory Nuisance</b>	New paragraph	<u>At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the EPA 1990 and how they may be mitigated or limited should be identified by the applicant so that appropriate requirements can be included in any subsequent order granting development consent (see Section 5.7 on dust, odour, artificial light etc. and Section 5.12 on noise and vibration).</u>	<p>This sets out requirements for applicant assessment of nuisance under section 79(1) of the EPA 1990 and requires applicants to identify possible sources of statutory nuisance at the application stage.</p> <p>There is no unacceptable risk to human health or public safety as assessed in ES Chapter 28 Population and human health, Volume 2 <b>[APP-069]</b>. The Application is supported by a Statutory Nuisance Statement <b>[APP-032]</b> which considers possible sources of nuisance arising from the Proposed Development and how they may be mitigated or limited under the provisions of section 79(1) of the Environmental Protection Act 1990. The Proposed Development will not result in a statutory nuisance with respect to dust, odour, artificial light, smoke, steam and insect infestation.</p> <p>ES Chapter 19: Air quality, Volume 2 of the ES <b>[APP-060]</b> has assessed the dust and impacts of the Proposed Development. Measures have been incorporated into the design of the Proposed Development to minimise dust impacts to be secured through the Outline CoCP <b>[PEPD-033]</b>. The ES Chapter <b>[APP-060]</b> also assesses potential for odour impacts. Embedded environmental measures have been incorporated into the design of the Proposed Development including seeking to avoid areas of historic and authorised landfills and other contamination where possible to reduce risk of odour impacts, to be secured through the Outline CoCP <b>[PEPD-033]</b>. There are no significant effects.</p> <p>With regards to artificial light, ES Chapter 15: Seascape, landscape and visual impact assessment, Volume 2 <b>[APP-056]</b> assesses the effects on dark night skies from night time light of the WTGs, in relation to the SDNP special quality 3 'tranquil and unspoilt places'. The effects are assessed as not significant.</p> <p>With regards to onshore elements of the Proposed Development, the effects of lighting have been assessed in ES</p>
4.15.5			

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	<p>Appendix 18.2: Viewpoint analysis, Volume 4 <b>[APP-168]</b> and Appendix 18.4: Visual assessment, Volume 4 <b>[APP-170]</b> within the overall envelope of landscape and visual assessment set out in ES Chapter 18 <b>[APP-059]</b>. Where required, construction lighting will be limited to directional task lighting positioned to minimise glare and nuisance to residents and recreational receptors, secured through DCO requirements (C-200 in the Commitments Register <b>[APP-254]</b>). Construction lighting will be avoided where possible, with work scheduled during daylight hours. Lighting during onshore operation and maintenance activities is expected to be minimal. Lighting design of all temporary and permanent lighting will be developed once contractor(s) are appointed (C-105 in the Commitments Register <b>[APP-254]</b>). Details regarding lighting design during the construction phase will be provided by the Contractor(s) in the stage specific detailed CoCP to be prepared in accordance with the Outline CoCP <b>[PEPD-033]</b>.</p> <p>The Proposed Development would not give rise to emissions of steam or smoke or have the potential for insect infestation during any aspect of development that could have a detrimental impact on amenity.</p> <p>A detailed noise assessment and embedded environmental measures are set out within Volume 2, Chapter 21: Noise and vibration of the ES <b>[PEPD-018]</b>. Embedded environmental measures for reducing noise and vibration effects are described in Section 21.7 and set out in table 21-20. One of the measures proposed is an Outline Code of Construction Practice (CoCP) <b>[PEPD-033]</b>, which has been prepared to secure the embedded environmental measures that will apply to all activities associated with the construction of the onshore elements of the Proposed Development. It includes general principles on site layout, working hours, lighting and emergency planning procedures. It also includes topic specific environmental measures to be implemented during the construction of the Proposed Development.</p> <p>The change in the NPS does not materially change how the Planning Statement <b>[APP-036]</b> considered implications relating to common law nuisance and statutory nuisance in Table 4-1 and paragraphs 4.7.203 and 4.7.207 – 4.7.216.</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
5.2 Air Quality and Emissions	New paragraph	<u>For many air pollutants there is not a threshold below which there is no health impact so it is important that energy infrastructure schemes consider not just how a scheme may impact statutory air quality limits, objectives or targets but also measures to mitigate all emissions in order to minimise human exposure to air pollution, especially for those who are more susceptible to the impacts of poor air quality.</u>	As set out within paragraph 19.7.3 of Volume 2, Chapter 19 of the ES <b>[APP-060]</b> , as part of the design process for the Proposed Development, a number of embedded environmental measures have been adopted to reduce the potential for impacts on air quality. Table 19-29 sets out the relevant embedded environmental measures within the design and how these affect the quality assessment. These are designed to ensure that there are no significant air quality effects.
5.2.3			
5.2.10	New paragraph	<u>In addition, applicants should consider the Environment Targets (Fine Particulate Matter) (England) Regulations 2022 and associated Defra guidance.</u>	<p>This change identifies that applicants should consider specific particulate matter targets.</p> <p>Table 19-1 in Volume 2, Chapter 19 Air Quality of the ES <b>[APP-060]</b> includes a list of legislation relevant to the assessment of the effects on air quality receptors. This list includes the Environment Targets (Fine Particulate Matter) (England) Regulations 2023.</p> <p>The change in the NPS does not materially change how the Planning Statement <b>[APP-036]</b> considered air quality impacts in paragraphs 4.7.189 – 4.7.185.</p>
5.4 Biodiversity and Geological Conservation	5.4.9	<u>Marine Conservation Zones (MCZs) (Marine Protected Areas in Scotland), introduced under the Marine and Coastal Access Act 2009, are areas that have been designated for the purpose of conserving marine flora or fauna, marine habitats or types of marine habitat or features of geological or geomorphological interest. The protected feature or features and the conservation objectives for the MCZ are stated in the designation order for the MCZ. <u>If a proposal is likely to have significant impacts on an MCZ, an MCZ Assessment should be undertaken as per the requirements under section 126 of the Marine and Coastal Access Act, 2009. Government has recently designated the first three Highly Protected Marine Areas in England. These are designated as MCZs but with a higher conservation objective and with a single feature of the whole ecosystem within the site boundaries.</u></u>	<p>The changes explicitly set out the requirement for a MCZ assessment to be undertaken where a proposal is likely to have significant impacts on a MCZ.</p> <p>A Draft MCZ Assessment <b>[APP-040]</b> has been submitted. There is no risk of the Proposed Development hindering the conservation targets of the identified attributes or the achievement of the conservation objectives stated for the MCZs assessed.</p> <p>There are two MCZs within the vicinity of the Proposed Development fish and shellfish Study Area, the Kingmere MCZ (protected feature includes black seabream (<i>Spondylionoma cantharus</i>)) and the Selsey Bill and The Hounds MCZ (protected feature includes European native oyster (<i>Ostrea edulis</i>)). However, the proposed Order Limits do not cross any MCZs. Any potential impacts to fish and shellfish features of the identified MCZs have been assessed in Sections 8.9, 8.10 and 8.11 of ES Chapter 8 Fish and shellfish ecology, Volume 2</p>
5.4.9			

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	
			<p><b>[APP-049]</b>. There are no significant effects on the features of these MCZs.</p> <p>There are three MCZs within the benthic subtidal and intertidal ecology study area (secondary ZOI), which comprise of the Kingmere, Offshore Overfalls and Pagham Harbour MCZs. Benthic features of these MCZs have been assessed within Section 9.9 to 9.12 of ES Chapter 9, Benthic, subtidal and intertidal ecology <b>[APP-050]</b>. There are no significant effects on the features of these MCZs.</p> <p>The change in the NPS does not materially change how the Planning Statement [APP-036] considered effects on MCZ in paragraphs 4.6.27 – 4.6.29, 4.6.41 - 4.6.42.</p>
5.4.30	5.4.30	<p>Applicants should work closely at an early stage in the pre-application process with SNCB and Defra/Welsh Government to develop a compensation plan for all protected sites adversely affected by the development. <u>Applicants should engage with the relevant Local Planning Authority at an early stage regarding the proposed location of compensatory measures. Applicants should also take account of any strategic plan level compensation plans in developing project level compensation plans.</u></p>	<p>The changes to the NPS designated by parliament identify that, in terms of the location of compensatory measures, applicants should engage with the LPA and take account of any strategic plan level compensation plans.</p> <p>See consideration of Habitats Regulations Assessment (HRA) in response to the changes to paragraphs 4.2.10 – 4.2.13 of NPS EN-1. The Applicant’s Habitats Regulations Assessment derogation case <b>[APP-039]</b> outlines the ‘without prejudice’ derogation case and approach to compensation.</p> <p>The Applicant’s preferred options for compensation are to provide a monetary contribution to strategic compensation via the Marine Recovery Fund MRF, or to collaborate with another offshore wind farm developer to provide an artificial nesting structure (ANS) for kittiwake.</p> <p>Details regarding the implementation of these measures will be provided once agreements regarding monetary contributions or partnerships are made. If other compensation measures are deemed necessary, details regarding the implementation of these measures will be provided in the Final Kittiwake Implementation and Management Plan (KIMP), which will be developed in collaboration with Natural England (SNCB) and other stakeholders. An Outline Kittiwake Implementation and Monitoring Plan is included in Appendix A of the Habitats Regulations Assessment (HRA) derogation case <b>[APP-039]</b>.</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
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Section/paragraph			
5.4.55	5.4.56	<p>The Secretary of State should refuse consent where harm to <del>the habitats or a protected species and their habitats</del> <u>relevant habitat</u> would result, unless <del>the benefits (including need) of the development outweigh that harm</del> <u>there is an overriding public interest and the other relevant legal tests are met</u>. In this context the Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance or the climate resilience and the capacity of habitats to store carbon, which it considers may result from a proposed development.</p>	<p>The change states that consent should be refused where there is harm to a protected species and relevant habitat unless there is an overriding public interest and relevant tests are met.</p> <p>Paragraph 4.2.21 of the November 2023 NPS designated by Parliament emphasises that the starting position is that CNP infrastructure will be capable of clearing high public interest thresholds to secure consent.</p> <p>The effects on protected species and on habitats and other species identified as being of importance for the conservation of biodiversity are assessed in ES Chapter 22 Terrestrial ecology and nature conservation, Volume 2 <b>[APP-063]</b>. No significant effects are assessed.</p>
5.9 Historic Environment	New paragraph	<p><u>5.9.19 Where the loss of significance of any heritage asset has been justified by the applicant on the merits of the new development and the significance of the asset in question, the Secretary of State should consider:</u></p> <ul style="list-style-type: none"> <li>• <u>imposing a requirement in the Development Consent Order</u></li> <li>• <u>requiring the applicant to enter into an obligation</u></li> </ul> <p><u>5.9.20 That will prevent the loss occurring until the relevant part of the development has commenced, or it is reasonably certain that the relevant part of the development is to proceed.</u></p>	<p>The change highlights that the Secretary of State should consider a DCO requirement or obligation with regards to loss of significance of heritage assets.</p> <p>An Outline Onshore Written Scheme of Investigation (WSI) <b>[APP-231]</b> has been prepared to manage impacts to archaeological remains during construction of the onshore elements of the Proposed Development. Where features or areas of archaeological interest will be lost as a result of construction of onshore elements of the Proposed Development then the Outline Onshore WSI <b>[APP-231]</b> makes provision for an appropriate level of archaeological investigation and recording and this will be secured by Requirement 19 of the draft DCO <b>[PEPD-009]</b>. The archaeological works will necessarily be undertaken in advance of construction of the relevant part of the Proposed Development but the required programme of further evaluation and subsequent excavation will mean that it will be completed only when there is sufficient and reasonable confidence that the development will proceed. The Outline Onshore WSI <b>[APP-231]</b> also makes provision for post-excavation assessment, reporting, dissemination and archiving, and this is also secured through Requirement 19 of the draft DCO <b>[PEPD-009]</b>.</p>
5.10 Landscape and Visual	5.10.7 – 5.10.8	<p>5.10.7 National Parks, the Broads and AONBs have been confirmed by the government as having the highest status of protection in relation to landscape and natural beauty. Each of these designated areas has specific statutory purposes <del>which help ensure their</del></p>	<p>The changes clarify wording in relation to the purposes of nationally designated landscapes. Additionally, the changes state that, for development proposals located in designated</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
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Section/paragraph			
5.10.7 – 5.10.8		<p><del>continued protection and which. Projects should be designed sensitively given the various siting, operational, and other relevant constraints. For development proposals located within designated landscapes the Secretary of State should have regard to in their decisions be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.</del></p> <p>5.10.8 The duty to <del>have regard</del> <u>seek to further</u> the purposes of nationally designated areas <u>landscapes</u> also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. <del>The aim should be to avoid harming</del> <u>In these locations, projects should be designed sensitively given the various siting, operational, and other relevant constraints. The Secretary of State should be satisfied that measures which seek to further the purposes of the designation or to minimise adverse impacts on designated areas, and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. This should include projects are</u> <u>sufficient, appropriate and proportionate to the type and scale of the development.</u></p>	<p>landscapes, the Secretary of State should be satisfied that the measures to further the purposes are “<i>sufficient, appropriate and proportionate to the type and scale of the development.</i>”</p> <p>The changes clarify that the duty to further the statutory purposes also applies outside the designated landscape. The changes are material to the consideration of the Proposed Development by the Secretary of State, given that the Proposed Development includes onshore development that takes place within the South Downs National Park (SDNP), whilst it also includes development outside nationally designated landscapes that could have impacts on them. The ES has assessed the impacts on nationally designated landscapes.</p> <p>The effects on the Special Landscape Qualities of the SDNP and High Weald AONB and their setting are assessed in Appendix 18.3: Landscape assessment, Volume 4 of the ES [APP-169] and summarised in Sections 18.9 to 18.13 of ES Chapter 18 Landscape and visual impact, Volume 2 [APP-059]. The chapter [APP-059] notes that the assessment of the SDNP has drawn from both the landscape and the visual assessment as well as further assessment of the likely effects of the onshore elements of the Proposed Development on the special qualities of the SDNP and its setting and integrity. It is likely that during the construction period there will be a significant effect on two of the seven special qualities of the SDNP. These include the “Diverse, inspirational landscapes and breathtaking views” (Special Quality 1), and “Tranquil and unspoilt places” (Special Quality 3).</p> <p>The assessment notes that because of the short duration of these residual effects, occurring in discrete sections and their largely reversible nature (the onshore cable corridor will be reinstated and vegetation re-planted) the integrity of this part of the SDNP will not be significantly affected by the landscape and visual effects during the construction phase.</p> <p>The methodologies that will be used to ensure construction (including restoration) is undertaken in a sensitive and appropriate way can be found in the Outline Construction Method Statement [APP-255], the Outline Code of Construction Practice (CoCP) [PEPD-033], and the Outline</p>

November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
			<p>Landscape and Ecology Management Plan (LEMP) <b>[APP-232]</b>. These documents are secured within the draft DCO <b>[PEPD-009]</b> under Requirements 12, 22 and 23.</p> <p>During the operation and maintenance phase, the effects on the SDNP will reduce and considering the replacement planting and its maintenance for 10 years as set out in the Outline LEMP <b>[APP-232]</b>; there will be no remaining significant effects resulting from the onshore elements of the Proposed Development on the SDNP and its special qualities, setting or integrity.</p> <p>The effects of the Proposed Development on views and perceived special qualities of the SDNP, Chichester Harbour AONB (CHAONB) and Isle of White AONB (IoWAONB) are assessed in ES Chapter 15: Seascape, landscape and visual impact assessment, Volume 2 <b>[APP-056]</b> Section 15.9 to 15.12, with the main long term effects during the operational phase assessed in Section 15.10. Section 15.7 sets out how the design of the Proposed Development shows regard to the statutory purpose of these receptors with the aim of minimising harm to their special qualities.</p> <p>Significant seascape, landscape and visual effects of the Proposed Development have been identified for areas of the SDNP. There will be some change to the SDNP's special qualities, in particular 'diverse, inspirational landscapes and breath-taking views' (Special Quality 1). No measures are available to completely mitigate the significant effects on views from coastal settlements, the SDNP and Heritage Coast. However, a number of measures are embedded as part of the Proposed Development design to avoid, minimise or reduce any significant environmental effects on seascape, landscape and visual receptors, as far as possible.</p> <p>The Applicant considers; however, that the Proposed Development will not undermine the statutory purpose of the SDNP: harm is caused to one of the SDNP's special qualities and this is limited to certain locations, particularly on the coastal extent of the SDNP and the elevated tops of the downs. Whilst harm will be caused to this quality ('breath-taking views' and 'stunning, panoramic views to the sea'), this will not</p>



November 2023 NPS EN-1	March 2023 NPS (Draft) EN-1	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	<p>compromise the purpose of the designation, as the natural beauty of the SDNP will remain and opportunities will still be present for understanding and enjoyment of the special qualities of the SDNP, and the Proposed Development will not therefore undermine the statutory purpose of the SDNP or compromise the purposes of its designation.</p> <p>The assessment found no significant effects on the special qualities of the loW AONB. The residual effect of the offshore elements of Rampion 2 on CHAONB is assessed as significant only on the perceived 'unique blend of land and sea' (SQ1) and 'significance of... distant landmarks across land and water' (SQ3) experienced from a limited area of the coastal edges/open seascape at the mouth to Chichester Harbour, at the coastal strip edges of LCA F1 South Hayling Island, where there are open views of the sea and in particular views south-east along the Witterings toward Selsey Bill. Although there are some significant effects on views and perceived special quality of this designation, no effects are of such magnitude or significant enough, on their own or cumulatively to compromise statutory purposes of the designation.</p>
5.10.33	5.10.32	<p><u>For development proposals located within designated landscapes the Secretary of State should be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.</u> The Secretary of State should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary.</p>	<p>The changes bring through wording added to paragraph 5.10.7 and is material to the consideration of the Proposed Development. See response to paragraphs 5.10.7 – 5.10.8.</p>

Table 2.2: Significant changes to NPS EN-3 relevant to the Proposed Development

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
<b>2.1.7 Introduction</b>	New paragraph	<u>2.1.7 As stated in Section 4.2 of EN-1, to support the urgent need for new low carbon infrastructure, all onshore and offshore electricity generation covered in this NPS that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon) are considered to be Critical National Priority (CNP) Infrastructure.</u>	The change reflects the broadened definition of critical national priority (CNP) infrastructure and removes specific reference to onshore and offshore transmission infrastructure as CNP. The Proposed Development was therefore considered by the Applicant to be CNP infrastructure when assessed against the March 2023 NPS and therefore this change does not materially change the draft NPS in respect of the Proposed Development. The November 2023 NPS confirms that the Proposed Development is CNP. As noted in response to NPS EN-1 paragraph 3.3.62, this does not change how CNP was considered in the Planning Statement <b>[APP-036]</b> .
<b>2.1.8</b>	New paragraph	<u>2.1.8 The assessment principles outlined in Section 4 of EN-1 continue to apply to CNP infrastructure. Applicants must show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. Early application of the mitigation hierarchy is strongly encouraged, as is engagement with key stakeholders including SNCBs, both before and at the formal pre-application stage.</u>	The change reflects the broadened definition of critical national priority (CNP) infrastructure and removes specific reference to onshore and offshore transmission infrastructure as CNP. The Proposed Development was considered by the Applicant to be CNP infrastructure when assessed against the March 2023 NPS and therefore this change does not materially change the draft NPS in respect of the Proposed Development. The November 2023 NPS confirms that the Proposed Development is CNP. As noted in response to paragraph 3.3.62, this does not change how CNP was considered in the Planning Statement <b>[APP-036]</b> .  As set out in response to the changes to EN-1, Chapter 3: Alternatives, Volume 2 of the Environmental Statement (ES) <b>[APP-044]</b> details staged design process. The range of assessments in Chapter 6: Coastal processes, Volume 2 <b>[APP-047]</b> to Chapter 29: Climate change, Volume 2 <b>[APP-070]</b> of the Environmental Statement (ES) demonstrate how the Applicant has taken assessed the likely significant effects of the Proposed Development and applied the mitigation hierarchy. Where relevant, the Applicant has engaged with the SNCBs and other stakeholders as necessary.
<b>2.3.6 National Designations</b>	3.3.6	<del>In</del> <u>When considering applications for CNP Infrastructure in sites with nationally recognised designations (such as SSSIs, National Nature Reserves, National Parks, the Broads, Areas of Outstanding Natural Beauty and, Registered Parks and Gardens), consent for renewable energy projects should only be granted where, and World Heritage Sites), the</u>	The paragraph provides further commentary on the treatment of CNP in the planning balance, in line with changes to NPS EN-1 under Section 4.2. The Proposed Development is CNP infrastructure for which the need case

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
		<u>Secretary of State will take as the starting point that the relevant tests in Sections 5.4 and 5.10 of EN-1 are have been met, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits urgent need for this type of infrastructure.</u>	is established within the NPS. There are a limited number of significant negative effects as summarised in the Planning Statement [APP-036] Section 5.4. Given the urgent need for the type and scale of energy infrastructure proposed (as CNP), the Applicant considers that these adverse impacts are outweighed by the benefits of the Proposed Development.
2.3.7	3.3.7	The Secretary of State should have regard to the aims, goals and targets ( <u>including targets set under the Environment Act 2021</u> ) of the government's Environmental Improvement Plan (of which the 25 Year Environment Plan is the first), and other existing and future measures and targets in England, <del>including under the new strategy for nature,</del> as well as Welsh policy, such as the Wales National Marine Plan, Planning Policy Wales and Technical Advice Note (TAN) 5, <u>the Wellbeing of Future Generations Wales Act and compliance with the Environment Act 2021.</u>	The change sets out that the Secretary of State should have regard to the achievement of targets set under the Environment Act.  ES Chapter 6 Coastal processes, Volume 2 [APP-047] to Chapter 29 Climate change, Volume 2 [APP-070] of the ES demonstrates that the potential environmental impacts of the Proposed Development have been comprehensively assessed. Wherever practicable, likely adverse effects have been avoided or minimised through embedded environmental measures in the design of the Proposed Development, taking into account the findings of the ES, consultation with stakeholders and national and local policy requirements. These embedded environmental measures also include those that have been identified as good or standard practice and include actions that will be undertaken to meet existing legislation requirements.
2.3.23	New paragraph	<u>Applicants must approach the Marine Licensing regulator (MMO in England and NRW in Wales) early in the pre-application process to ensure that they are aware of any needs for additional marine licence consents alongside their DCO application.</u>	This change seeks to encourage engagement with the MMO as early in the process as possible. The draft DCO [PEPD-009] contains, insofar as possible, all consents and powers required to construct, operate and maintain the Proposed Development including approval for Deemed Marine Licences (DML). Section 4.6 of the Planning Statement [APP-036], which covered assessment of offshore policy requirements did not specifically state that <i>early pre-application</i> was undertaken although as noted this was undertaken by the Applicant.
2.4.4 Climate Change Adaptation and Resilience	New paragraph	<u>Section 5.6 Coastal Change and Section 5.8 Flood Risk of EN-1 set out generic considerations that applicants and the Secretary of State should take into account in order to manage coastal change and flood risks.</u>	The change directs the applicant and the Secretary of State to sections of NPS EN-1 but does not provide additional requirements for applicants to comply with. There is no material change to the NPS in that the sections were in place in the March 2023 Draft NPS.

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
2.5.2 Consideration of Good Design for Energy Infrastructure	3.5.2	Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine <u>and terrestrial uses</u> , and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage.	<p>The change specifically makes reference to terrestrial uses, which is a material change to this paragraph but reflects the broader policy imperatives already in place in the March 2023 Draft NPS.</p> <p>The design decisions taken in terms of the infrastructure and location are set out in ES Chapter 3 Alternatives, Volume 2 <b>[APP-044]</b>. From the outset the environment has been central to the design of Rampion 2, from its earliest stages, and this is demonstrated through the development of the Commitments Register <b>[APP-254]</b>.</p> <p>Further design considerations are set out in the Design and Access Statement <b>[AS-003]</b> which describes the approach to landscaping and appearance of the proposed onshore substation at Oakendene and the National Grid Bolney substation extension works.</p> <p>The Outline Landscape and Ecological Management Plan (oLEMP) <b>[APP-232]</b> includes the landscaping and habitat creation at the onshore substation at Oakendene and the existing National Grid Bolney substation extension works and reinstatement for the works associated with the onshore cable corridor. The onshore cable route will be completely buried for its entire length. Chapter 18 Landscape and visual impact, Volume 2 <b>[APP-059]</b> assesses the impacts on landscape. Opportunities to minimise impacts have been embedded into the design, as far as possible.</p> <p>With regards to the offshore infrastructure, good design has been embedded in the Proposed Development as far as possible, which has included sighting the WTG to reduce seascape, landscape and visual effects as far as possible (as assessed in ES Chapter 15 Seascape, landscape and visual impact assessment <b>[APP-056]</b>).</p>
2.5.3	New paragraph	<u>Defra will consult on a series of Offshore Wind Environmental Standards (OWES) before drafting clear OWES Guidance. The OWES Guidance will aim to support the achievement of good design for offshore wind farms and/or offshore transmission infrastructure which is detailed in section 2.8.87.</u>	<p>The change identifies that a series of OWES will be consulted on and OWES Guidance then produced.</p> <p>The OWES has not be brought forward, and no OWES Guidance drafted. The change to the NPS therefore has no</p>

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	material relevance to the consideration of the Proposed Development.
<b>2.8.2 Offshore Wind - Introduction</b>	New paragraph	<u>To meet its objectives Government considers that all offshore wind developments are likely to need to maximise their capacity within the technological, environmental, and other constraints of the development.</u>	This change outlines that Government accepts that it is likely all offshore wind developments will need to maximise their capacity subject to environmental and technological constraints. The change effectively confirms that offshore wind projects, and their locations, should not be compared to one another, and all projects are considered to be necessary to meet the urgent need for low carbon infrastructure, and are to be assessed on basis of the benefits and impacts of the individual scheme.  ES Chapter 3 Alternatives, Volume 2 [APP-044] Section 3.2 outlines the approach taken to the scale of generation identified in the Proposed Development. This outlines that there are multiple considerations for sizing a project, which principally include: The area of likely seabed available; Density of generation; and Likely available grid capacity. 1,200MW was estimated as the likely potential capacity of the Site, seeking to maximise generating capacity, within reasonably likely environmental and technical limits.
<b>2.8.5</b>	New paragraph	<u>2.8.5 In addition, this section on offshore wind makes many references to cabling and offshore transmission. Applicants bringing forward proposals for that infrastructure should note all such references; cabling refers to all types of electricity network infrastructure including offshore transmission as well as the inter-array cables for a wind farm.</u>	The change ensures it is clear that references to cabling and offshore transmission. This clarification does not materially change the NPS.
<b>2.8.8 Consenting Process</b>	3.8.6	<del>2.8.8 3.8.6 The British Energy Security Strategy sets an ambition to reduce the consenting process to 12 months and establish a fast track consenting route for certain projects where quality standards are met. 3.8.7 The British Energy Security Strategy also proposes an offshore wind<sup>30</sup> committed to implementing an Offshore Wind Environmental Improvement Package (OWEIP), including committing to establishing Offshore Wind Environmental Standards (formerly nature-based design standards), required to assist a project's passage through the consenting process. Applicants can find further guidance at paragraphs 2.8.102 of this NPS.</del> The critical national priority for offshore wind <del>3.8.8 As set out in EN-1, more than half of final energy demand in 2050 could be met by electricity, as transport and heating in particular shift from fossil fuel to electrical technology. The security, reliability, climate change, and cost implications of this requires a focus on renewable and other low carbon sources of electricity.</del>	The change states that the British Energy Security Strategy will implement an Offshore Wind Environmental Improvement Package (OWEIP).  An OWEIP has yet to be implemented, and therefore the change to the NPS has no material relevance to the consideration of the Proposed Development.

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	
		<p><del>3.8.9 The UK's resources, with its shallow seabeds and high winds, offer unique advantages that have made the country a global leader in offshore wind and pioneers of floating wind.</del></p> <p><del>3.8.10 In addition, along with strong public support for offshore projects<sup>27</sup>, the cost of offshore wind power has fallen dramatically. Offshore wind prices in the Round 4 Contracts for Difference auctions were around 65% less than those achieved in the first allocation round in 2015, making offshore wind one of the lowest cost ways of generating electricity.</del></p> <p><del>3.8.11 With smarter planning the UK can maintain high <u>which aims to streamline environmental assessments, decrease consenting times, and maintain marine environmental protections.</u> The OWEIP includes measures to:</del></p> <ul style="list-style-type: none"> <li><del>• <u>revise Marine Protected Area assessment guidance (including Habitats Regulations and Marine Conservation Zone (MCZ) Assessments) to streamline and simplify information applicants must supply.</u></del></li> <li><del>• <u>revise the Habitats Regulations and MCZ assessment process for offshore wind to facilitate the delivery of compensation measures whilst maintaining valued protection for wildlife.</u></del></li> <li><del>• <u>facilitate the delivery of strategic environmental compensation measures to offset environmental effects and reduce delays to projects, including development of a library of compensation measures, through the Collaboration on Offshore Wind Strategic Compensation (COWSC) programme.</u></del></li> <li><del>• <u>implement an industry-funded Marine Recovery Fund (MRF), into which developers can choose to contribute to meet their environmental compensation obligations.</u></del></li> <li><del>• <u>develop offshore wind environmental standards and minimise impacts while increasing the levels of deployment needed to meet our 2030 ambitions and net zero. to set a minimum common requirement for designing wind farms and offshore transmission infrastructure, providing greater certainty and speeding up the consenting process.</u></del></li> <li><del>• <u>develop a strategic approach to environmental monitoring.</u></del></li> </ul>	
2.8.9 - 2.8.10	New paragraphs	<p><u>2.8.9 Various aspects of the Offshore Wind Environmental Improvement Package (OWEIP) will be subject to public consultation and guidance will be produced in due course.</u></p> <p><u>2.8.10 The OWEIP applies to “the planning, construction, operation or decommissioning of offshore wind electricity infrastructure” and the identification of an area for such an activity<sup>31</sup>. Infrastructure is defined in the Energy Act and includes offshore transmission infrastructure such as bootstraps.</u></p>	As noted above, an OWEIP has yet to be implemented, and therefore the change to the NPS has no material relevance to the consideration of the Proposed Development.
2.8.25 <b>Marine Planning</b>	3.8.37	<p><del>3.8.37</del> <u>2.8.25 Individual project lease agreements from The Crown Estate often include limits on development (such as a maximum generation capacity), which are used by The Crown Estate as a proxy to establish environmental effects at the plan level. Consistent</u></p>	This change is significant as it identifies that any site-specific capacity limits set by The Crown Estate through its leasing

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	
		<p><u>with the Government's objectives in this NPS, project developers should seek to maximise their capacity within the technological, environmental, and other constraints of the project. At the development consent stage, the Secretary of State will use detailed maximum project parameters to assess environmental impacts, and these will be reflected in the DCO. Such parameters may differ from the limits on development assumed by The Crown Estate in the agreement for lease e.g., as a rule, the Secretary of State will not include a maximum capacity limit within the DCO. Future offshore development may occur in rounds, as piecemeal development or using any other development mechanism as required</u></p>	<p>process should not be a barrier to delivery of greater capacity at the consenting stage.</p> <p>ES Chapter 3 Alternatives, Volume 2 <b>[APP-044]</b> Section 3.2 outlines the approach taken to the scale of generation identified in the Proposed Development. This outlines that there are multiple considerations for sizing a project, which principally include: The area of likely seabed available; Density of generation; and Likely available grid capacity. 1,200MW was estimated as the likely potential capacity of the Site, seeking to maximise generating capacity, within reasonably likely environmental and technical limits. The change is relevant in that the Proposed Development site is comprised of two conjoined areas of seabed for which the Applicant holds separate agreements for lease with The Crown Estate. The eastern area agreement for lease resulted from the development of the Zone 6, which was originally awarded as part of Round 3, and the western area agreement for lease was awarded from a call to extend existing operational wind farms with Rampion 1 as the qualifying project.</p>
<b>2.8.43</b> <b>Offshore-Onshore</b> <b>Network</b> <b>Connection</b>	3.8.55	<p>The design of <del>both</del> wind farms, and <u>offshore transmission (including interconnection and Multi-Purpose Interconnector)</u> projects should seek to be sufficiently flexible so that they are future- proofed as far as possible to enable future connections with <del>either</del> <u>interconnectors-different types of offshore transmission</u> or wind farms respectively, where these are proposed to be spatially proximate.</p>	<p>The change identifies that flexibility should be included in scheme design relating to future proofing to enable future connections. The design is outlined in Chapter 4: The Proposed Development, Volume 2 of the ES <b>[APP-045]</b>. A 'design envelope' approach has been employed. The provision of a design envelope is intended to identify key design assumptions to enable the environmental assessment to be carried out whilst retaining enough flexibility to accommodate further refinement during detailed design. However, it is not anticipated that the Proposed Development would enable future connections.</p>
<b>2.8.47</b> <b>Other offshore</b> <b>infrastructure and</b> <b>activities</b>	3.8.59	<p>Prior to the submission of an application involving the development of the seabed, applicants should engage with <u>key stakeholders, such as The Crown Estate and statutory bodies</u> to ensure they are aware of any current or emerging interests on or underneath the seabed which might give rise to a conflict with a specific application. <u>This will ensure adequate opportunity to reduce potential conflicts and increase time to find a resolution.</u></p>	<p>The change broadens the engagement requirements. Consultation with key stakeholders and SNCB has been undertaken through the Rampion 2 Evidence Plan Process (reported in the Evidence Plan <b>[APP-243 – APP253]</b>).</p> <p>As noted in paragraph 4.6.88 of the Planning Statement <b>[APP-036]</b> the Applicant undertook pre-application consultation with interested parties namely to inform</p>

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As came into Force 2024	Section/paragraph		
Section/paragraph			
<b>2.8.51</b> <b>Marine Protected Areas</b>	3.8.63	The UK Government has obligations to protect the marine environment with a network of well managed Marine Protected Areas (MPAs), <u>which also includes Highly Protected Marine Areas (HPMAs)</u> . MCZs together with <del>HRA-HPMAs, SACs SPAs, and Ramsar sites</del> and marine elements of SSSIs form an ecologically coherent network of MPAs. <u>Government has set a target for MPA condition under the Environment Act 2021.</u>	assessment in Chapter 7: Other marine users, Volume 2 of the ES [APP-048].  The closest HPMA to the Proposed Development is the Dolphin Head HPMA, which is designated for benthic habitats and features as well as the general marine ecosystem of the area. The offshore element of the Proposed Development is located approximately 29km from the location of the Dolphin Head HPMA at its closest point. The Dolphin Head HPMA was designated in June 2023 posterior to the writing of the ES which was submitted to the Planning Inspectorate in August 2023. Due to its distance from the Project, there will be no direct or indirect impacts to benthic features or habitats of the Dolphin Head HPMA. The maximum distance that temporary localised increases in suspended sediment concentrations (SSC) and sediment deposition are expected to reach is a 16-kilometre (km) buffer from the array and the offshore export cable route, informed by the tidal excursion extent and coastal processes modelling undertaken as described in Chapter 6: Coastal processes, Volume 2 of the ES [APP-047]. The Dolphin Head MPMA would therefore be screened out of any further assessment.
<b>2.8.52</b>	3.8.64	Given the scale of offshore wind deployment required to meet 2030 and 2050 ambitions, applicants will need to give close consideration to impacts on MPAs, either alone or in combination, <del>in addition to</del> <u>and employ the mitigation measures hierarchy, and/or if necessary, provide</u> compensation (both individually and in combination with other plans or projects) which may be needed to approve their projects.	The change does not materially change the March 2023 NPS in terms of application of mitigation hierarchy during consideration of impacts on MPAs.
<b>2.8.56</b>	3.8.68	Applicants are expected to seek advice from SNCBs and Defra <u>for projects in England, in conjunction with relevant regulators, Local Planning Authorities and/or landowners,</u> on potential mitigation and/or compensation requirements at the earliest opportunity and comply with future statutory requirements and/or guidance once available.	This change broadens the range of consultees for the development of mitigation and/or the compensation plans. See consideration of NPS EN-1, paragraph 5.4.30 above.
<b>2.8.86</b> <b>Future Monitoring</b>	3.8.99	Monitoring should be presented in formal reports which must be made publicly available. <u>Monitoring data should be provided to The Crown Estate's Marine Data Exchange.</u>	This change seeks to ensure that monitoring data is provided to The Crown Estate's Marine Data Exchange. The Offshore In Principle Monitoring Plan [APP-240] sets out the basis for delivering offshore monitoring measures for the Proposed Development as expected to be required under the Deemed Marine Licences (comprising Schedules 11 and 12 of the draft DCO [PEPD-009]).



November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
<b>2.8.90 - 2.8.91 Offshore Wind Environmental Standards</b>	3.8.103 - 3.8.104	<p>2.8.90 <del>3.8.103</del> As part of the Offshore Wind Environmental Improvement Package set out in the British Energy Security Strategy, Government committed to establishing Offshore Wind Environmental Standards (<u>OWES</u>; previously referred to as Nature Based Design Standards) to accelerate deployment whilst <del>enhancing</del> <u>offering greater protection</u> of the marine environment. <u>OWES aim to support developers to take a more consistent approach to avoiding, reducing, and mitigating the impacts of an offshore wind farms and/or offshore transmission infrastructure. The measures could apply to the design, construction, operation and decommissioning of offshore wind farms and offshore transmission (as defined in EN-5 at section 2.12).</u></p> <p><del>3.8.104 In 2023 Defra will consult on guidance setting out Offshore Wind Environmental Standards applicable to the design, construction, operation and decommissioning of offshore wind farms.</del></p> <p><del>3.8.105 Once the final guidance<sup>41</sup> setting out Offshore Wind Environmental Standards applicable to the design, construction, operation and decommissioning of offshore wind farms Defra will consult on a series of OWES before drafting clear OWES Guidance, which sets out where and how Defra expects each measure to be applied to a development. Once the OWES Guidance is issued, the Secretary of State will expect applicants to have applied the guidance relevant measures to their proposals applications.</del></p> <p>2.8.91 <del>3.8.106</del> Applicants should explain how their proposals comply with the guidance <del>and support its targets</del> or, alternatively, the grounds on which a departure from them is justified. <u>Any reasons for departure from the OWES should be fully detailed within the application documents, with details of any agreements made with statutory consultees.</u></p>	<p>The change identifies that a series of OWES will be consulted on and OWES Guidance then produced. The change also states that any departure from OWES should be detailed in application documents.</p> <p>The OWES has not be brought forward, and no OWES Guidance drafted. The change to the NPS therefore has no material relevance to the consideration of the Proposed Development.</p>
<b>2.8.104</b>	3.8.118	<p>2.8.104 <del>3.8.118</del> Applicants should consult at an early stage of pre-application with relevant statutory consultees, <u>and energy not-for profit organisations/non governmental organisations</u> as appropriate, on the assessment methodologies, baseline data collection, and potential avoidance, mitigation and compensation options should be undertaken.</p>	<p>The change broadens the engagement requirements. Consultation with key stakeholders has been undertaken through the Rampion 2 Evidence Plan Process (reported in the Evidence Plan [<b>APP-243 – APP253</b>]).</p> <p>As set out within Volume 2, Chapter 5 of the ES: Approach to the EIA [<b>APP-046</b>] consultation and engagement has been central to the delivery of the EIA. A range of statutory consultation and non-statutory consultation has been carried out, including on the assessment methodologies, baseline data collection, and potential avoidance, mitigation and compensation options. Specific information on any feedback received is presented in the individual environmental aspect chapters (Chapters 6: Coastal processes to 29: Climate change, Volume 2 of the ES [<b>APP-047 – APP-070</b>] which include a 'Consultation and engagement' section. A Consultation Report has also been submitted [<b>APP-027 –</b></p>

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	<b>APP-030]</b> which summarises the consultation that has been undertaken and how the responses received have influenced the DCO application.
2.8.108 - 2.8.109	3.8.122 - 3.8.123	<p>2.8.108 <del>3.8.122</del> Applicants are expected to have regard to guidance issued in respect of Marine Licence requirements <u>and consult at an early stage of pre-application with the MMO or NRW.</u></p> <p>2.8.109 <del>3.8.123</del> Applicants should have regard to <u>duties in relation to Good Environmental Status (GES) of marine waters under the UK Marine Strategy<sup>49</sup> and MPA target (including any interim target) in England, set under the Environment Act 2021.</u> 48</p>	<p>This change states that applicants are expected to consult with the MMO in relation to Marine Licence Requirements.</p> <p>As set out within Section 11.3 (Consultation and Engagement) of Volume 2, Chapter 11 of the ES: Marine Mammals <b>[APP-052]</b>, early engagement was undertaken with a number of consultation bodies including the MMO. As a result, the draft DCO contains, insofar as possible, all consents and powers required to construct, operate and maintain the Proposed Development including approval for Deemed Marine Licences (DML).</p>
2.8.111 <b>Physical Environment</b>	3.8.125	<p>The construction, operation and decommissioning of offshore energy infrastructure (including the preparation and installation of the cable route) <u>and any electricity networks infrastructure</u> can affect the following elements of the physical offshore environment, which can have knock on impacts on other biodiversity receptors:</p> <ul style="list-style-type: none"> <li>• water quality – disturbance of the seabed sediments or release of contaminants can result in direct or indirect effects on habitats and biodiversity, as well as on fish stocks thus affecting the fishing industry;</li> <li>• waves and tides – the presence of the turbines can cause indirect effects through change to wave climate and tidal currents on flood <del>defences</del> <u>and coastal erosion risk management</u>, marine ecology and biodiversity, marine archaeology and potentially coastal recreation activities;</li> <li>• scour effect – the presence of wind turbines and other infrastructure can result in a change in the water movements within the immediate vicinity of the infrastructure, resulting in scour (localised seabed erosion) around the structures. This can indirectly affect navigation channels for marine vessels, marine archaeology and impact biodiversity and seabed habitats;</li> <li>• sediment transport – the resultant movement of sediments, such as sand across the seabed or in the water column, can indirectly affect navigation channels for marine vessels, could affect sediment supply to sensitive coastal sites and impact biodiversity and seabed habitats;</li> <li>• suspended solids – the release of sediment during construction, operation and decommissioning can cause indirect effects on marine ecology and biodiversity;</li> <li>• sandwaves – the modification/clearance of sandwaves can cause direct physical <u>(such as in affecting unknown archaeological remains)</u> and ecological effects both at the seabed and within the water column due to disturbance and suspension of</li> </ul>	<p>The material change relates to the inclusion of coastal erosion under waves and tides. The predicted impact of Rampion 2 on coastal processes for the construction, operation and maintenance, and decommissioning phases is considered in ES Chapter 6 Coastal processes, Volume 2 <b>[APP-047]</b>. This has taken into account the government's Flood and Coastal Erosion Risk Management Policy Statement.</p> <p>A commitment has been made (C-247 in the Commitments Register <b>[APP-254]</b>) to undertake ground investigation at the landfall site at the post-DCO application stage. This would be carried out to inform the exact siting and detailed design of the Transition Joint Bay (TJB) and associated apparatus. In addition, this would inform a 'coastal erosion and future beach profile estimation assessment', which in turn would inform the need for and design of any further mitigation and adaptive measures to help minimise the vulnerability of these assets from future coastal erosion and tidal flooding.</p> <p>Paragraph 4.6.75 of the Planning Statement <b>[APP-036]</b> considered the impacts of the Draft NPS 2023 and reflection on the further requirements in line with the above would not substantively change the assessment.</p>

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
		<p>sediment, and potentially indirect effects (e.g., changes to seabed morphology in water depths where waves can influence the seabed, which can in turn affect wave climate and sediment transport); and</p> <ul style="list-style-type: none"> <li>• water column – wind turbine structures can also affect water column features such as tidal mixing fronts or stratification due to a change in hydrodynamics and turbulence around structures.</li> </ul>	
2.8.119 <i>Intertidal and Coastal Habitats and Species</i>	3.8.138	<p>Applicant assessment of the effects of installing <del>cable-offshore transmission infrastructure</del> across the intertidal/coastal zone should demonstrate compliance with mitigation measures <del>identified by The Crown Estate</del> in any <u>relevant</u> plan-level HRA <del>produced including those prepared by The Crown Estate</del> as part of its leasing round, and include information, where relevant, about:</p> <ul style="list-style-type: none"> <li>• any alternative landfall sites that have been considered by the applicant during the design phase and an explanation for the final choice;</li> <li>• any alternative cable installation methods that have been considered by the applicant during the design phase and an explanation for the final choice;</li> <li>• potential loss of habitat;</li> <li>• disturbance during cable installation, maintenance/repairs and removal (decommissioning);</li> <li>• increased suspended sediment loads in the intertidal zone during installation and maintenance/repairs;</li> <li>• <u>potential risk from invasive and non-native species</u>;</li> <li>• predicted rates at which the intertidal zone might recover from temporary effects, based on existing monitoring data; and</li> <li>• Protected sites.</li> </ul>	<p>This change asks applicants to consider potential risk from invasive and non-native species within their assessment of the effects of installing offshore transmission infrastructure across the intertidal / coastal zone.</p> <p>An Assessment of the effects of Rampion 2 on benthic, subtidal and intertidal ecology is provided in sections 9.9 - 9.11 of Volume 2, Chapter 9 of the ES <b>[APP-050]</b>.</p> <p>The Proposed Development embedded measures (as shown in Table 9-16 of Volume 2, Chapter 9 of the ES) includes measures to avoid the introduction or spread of Marine Invasive Non-Native Species (INNS) through the implementation of an Outline Project Environmental Management Plan <b>[APP-233]</b> which will be secured through the DCO <b>[PEPD-009]</b>.</p> <p>This includes through the use of best-practice techniques set out at section 4.2.4 of the Outline Project Environmental Management Plan.</p> <p>Paragraph 4.6.22 - 4.6.29 of the Planning Statement <b>[APP-036]</b> considered the Applicant assessment against this paragraph and reference to invasive and non-native species (in reflection of the above) would provide additional commentary but not substantively change the assessment.</p>
2.8.126 <i>Subtidal Habitats and Species</i>	3.8.166	<p>Applicant assessment of the effects on the subtidal environment should include:</p> <ul style="list-style-type: none"> <li>• loss of habitat due to foundation type including associated seabed preparation, predicted scour, scour protection and altered sedimentary processes, e.g. sandwave/boulder/UXO clearance;</li> <li>• environmental appraisal of inter-array and <del>export cable routes</del> <u>other offshore transmission</u> and installation/maintenance methods, including predicted loss of habitat due to predicted scour and scour/cable protection and sandwave/boulder/UXO clearance;</li> </ul>	<p>The change includes reference to impacts on natural ecosystem functioning. Changes to the subtidal environment (including elevations in SSC) are described in Section 6.9 paragraphs 6.9.1 to 6.9.33 of Volume 2, Chapter 6 of the ES: Coastal processes <b>[APP-047]</b>. Where possible, the assessment includes estimates of the rates which the subtidal zone might recover from temporary effects. The impact of the Proposed Development on identified coastal</p>

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
		<ul style="list-style-type: none"> <li>• habitat disturbance from construction and maintenance/repair vessels' extendable legs and anchors;</li> <li>• increased suspended sediment loads during construction and from maintenance/repairs;</li> <li>• predicted rates at which the subtidal zone might recover from temporary effects;</li> <li>• potential impacts from EMF on benthic fauna;</li> <li>• <u>potential impacts upon natural ecosystem functioning</u>;</li> <li>• protected sites; and</li> <li>• potential for invasive/non-native species introduction.</li> </ul>	<p>processes receptors is considered for the construction phase in Section 6.9, Section 6.10 for the operation and maintenance phase and Section 6.11 for the decommissioning phase. Section 6.12 assesses the potential cumulative effects. The potential for habitat loss/change is discussed within Chapter 9: Benthic, subtidal and intertidal ecology, Volume 2 of the ES <b>[APP-050]</b>.</p> <p>Paragraph 4.6.22 - 4.6.29 of the Planning Statement <b>[APP-036]</b> considered the Applicant assessment against this paragraph and would not be substantively changed by the addition.</p>
2.8.132 <b>Marine Mammals</b>	3.8.145	The scope, effort and methods required for marine mammal surveys <u>and impact assessments</u> should be discussed with the relevant SNCB.	<p>This change encourages applicants to discuss the scope, effort and methods required for impact assessments with the relevant SNCB. This was discussed throughout the Evidence Plan Process (see Evidence Plan <b>[APP-243 – APP-253]</b>).</p> <p>Paragraph 4.6.47 - 4.6.49 of the Planning Statement <b>[APP-036]</b> considered the Applicant assessment against this paragraph and would not be substantively changed by the addition.</p>
2.8.133	3.8.146	The applicant should discuss any proposed noisy activities with the relevant statutory body and must reference the joint JNCC and SNCB underwater noise guidance <u>and any successor of this guidance</u> , in relation to noisy activities (alone and in- combination with other plans or projects) within HRA <u>SACs SPAs, and Ramsar sites</u> , in addition to the JNCC mitigation guidelines <del>to for</del> piling, explosive use, and geophysical surveys. <u>NRW has a position statement on assessing noisy activities which should also be referenced where relevant.</u>	<p>The change includes the correct referencing for designated sites and that successor underwater noise guidance should be referenced. The changes are not materially different to the draft March 2023 NPS.</p> <p>The mitigation measures for underwater noise are specified in table 11-14 of ES Chapter 11 Marine mammals, Volume 2 <b>[APP-052]</b> and further detail can be found in the Draft Piling Marine Mammal Mitigation Protocol (MMMP) <b>[APP-236]</b> and Draft UXO Clearance MMMP <b>[APP-237]</b>, which draws on the relevant guidance.</p> <p>The impacts of the Proposed Development on designated sites are assessed in the RIAA <b>[APP-038]</b>.</p>
2.8.135	3.8.148	2.8.135 <del>3.8.148</del> The applicant should develop a Site Integrity Plan (SIP) <u>or alternative assessments for projects in English and Welsh waters</u> to allow the cumulative impacts of underwater noise to be reviewed closer to the construction date, when there is more certainty in other plans and projects.	The change broadens the requirement for a Site Integrity Plan (SIP) to include alternative assessments, although it is not relevant to the Proposed Development. Volume 2, Chapter 11 Marine mammals of the ES <b>[APP-052]</b> identifies

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
<b>2.8.144</b> <b>Birds</b>	3.8.157	2.8.144 <del>3.8.157</del> Applicants must undertake collision risk modelling, as well as displacement and population viability assessments for certain species of birds. <del>Advice can be sought</del> <u>Applicants are expected to seek advice from SNCBs.</u>	<p>that a SIP is not required as the closest site is &gt;26km from the Proposed Development.</p> <p>This change places a stronger onus on the applicant to seek advice from SNCBs in relation to collision risk modelling and displacement and population viability assessments.</p> <p>Collision risk modelling has been undertaken for the Proposed Development, using parameters that were agreed with SNCBs through the Evidence Plan process (see Evidence Plan <b>[APP-243 – APP-253]</b>). The collision risk modelling is presented in Appendix 12.3: Collision risk modelling, Volume 4 of the ES <b>[APP-152]</b> and Appendix 12.4 <b>[APP-153]</b>. Potential effects from collision risk are presented and assessed in Section 12.13 of Volume 2, Chapter 12 of the ES: Offshore and intertidal ornithology <b>[APP-053]</b>.</p> <p>Population Viability Analysis (PVA) has also been conducted to aid analysis of gannet, great black-backed gull and herring gull. This can be found at Appendix 12.5: Offshore and intertidal ornithology population viability analysis, Volume 4 of the ES <b>[APP-154]</b>.</p> <p>Paragraph 4.6.53 - 4.6.57 of the Planning Statement <b>[APP-036]</b> considered the Applicant assessment against this paragraph and would not be substantively changed by the addition.</p>
<b>2.8.153</b> <b>Commercial Fisheries and Fishing</b>	New paragraph	<u>2.8.153 The UK fishing industry is diverse. The type and significance of impacts will therefore vary depending on the section of the fleet affected. Applicants should consider both direct impacts on fishing activity and indirect impacts such as displacement (on both the industry and Marine Protected Sites) and the ability of fishers to relocate.</u>	<p>The impacts of the Proposed Development on the UK fishing industry are considered in Volume 2, Chapter 10 of the ES: Commercial fisheries <b>[APP-051]</b>. Both direct and indirect impacts are assessed in Sections 10.9 - 10.11.</p> <p>Paragraph 4.6.60 - 4.6.65 of the Planning Statement <b>[APP-036]</b> considered the Applicant assessment in regards to commercial fisheries and would not be substantively changed by the addition.</p>
<b>2.8.157</b>	3.8.174	<u>2.8.157</u> <del>3.8.174</del> Applicant assessments should include robust baseline data and detailed surveys of the effects on fish stocks of commercial interest, and any potential reduction or increase in such stocks, <del>as well as any likely</del> <u>that will result from the presence of the wind</u>	The change outlines that any benefits to fishing activity should also be assessed with evidence provided (along with constraints). The impacts (whether beneficial or adverse) of

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
		<u>farm development and of any safety zones (see paragraph 2.8.152-2.8.164). The assessments should also provide evidence regarding any likely benefits or constraints on fishing activity within the project's boundaries.</u>	<p>the Proposed Development on the UK fishing industry are assessed in Volume 2, Chapter 10 of the ES: Commercial fisheries [APP-051].</p> <p>Paragraph 4.6.60 - 4.6.65 of the Planning Statement [APP-036] considered the Applicant assessment in regards to this paragraph and would not be substantively changed by the addition.</p>
2.8.175 <b>Marine Historic Environment</b>	3.8.190	<p>2.8.175 <del>3.8.190</del> Once a site has been chosen, it may be necessary to undertake further archaeological assessment, including field evaluation <u>investigations prior to construction, to understand a known site's significance and full extent, and, to identify as yet unknown heritage assets when considering the options for detailed site development, which may also include ancillary matters, such as those described in Section 5.9 of EN-1 in accordance with an archaeological written scheme of investigation included with the application.</u></p>	<p>The change explicitly states that field evaluation investigations should be undertaken prior to construction and is therefore a material change from the March 2023 NPS.</p> <p>As part of the Proposed Development design process, a number of embedded environmental measures have been adopted to reduce the potential for impacts on marine archaeology. These are set out within table 16-16 of Volume 2, Chapter 16 of the ES: Marine archaeology [APP-057]. This includes conducting geophysical and geotechnical surveys throughout the lifetime of the project (as per C-58 and C-59 in the Commitments Register [APP-254]). Archaeological assessment of the data collected as part of these surveys will provide a greater understanding of the archaeological significance and potential of the development area, and to locations of sites and areas that will be avoided.</p> <p>In addition, as per C-60 (Commitments Register [APP-254]), all intrusive activities undertaken during the life of the project will be routed and microsited to avoid any identified marine heritage receptors pre-construction, with Archaeological Exclusion Zones (AEZs). This is detailed in the Outline Marine Written Scheme of Investigation (offshore) submitted with the application [APP-235].</p>
2.8.183 <b>Offshore Wind Impacts: Navigation and Shipping</b>	3.8.198	<p>2.8.183 <del>3.8.198</del> There may be some situations where reorganisation of <u>shipping</u> traffic activity might be both possible and desirable when considered against the benefits of the wind farm <u>and/or offshore transmission</u> application and such circumstances should be discussed with the <u>Government officials, including Secretary of State</u> and Maritime and Coastguard Agency (MCA), <del>Government,</del> <u>and other stakeholders, including</u> Trinity House, <u>as The General Lighthouse Authority consultee,</u> and the commercial shipping sector. <u>It should be recognised that alterations might require national endorsement and</u></p>	<p>The change includes additional wording related to the reorganisation of shipping lanes and that such changes may be subject to national and international endorsement. The changes are not materially different to the March 2023 NPS and are not relevant to the consideration of the Proposed Development.</p>

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
		<u>international agreement and that the negotiations involved may take considerable time and do not have a guaranteed outcome.</u>	
2.8.189	3.8.204	2.8.189 <del>3.8.204</del> Applicants <del>should</del> must undertake a Navigational Risk Assessment (NRA) in accordance with relevant government guidance prepared in consultation with the MCA and the other navigation stakeholders listed above.	The change states that applicants must (rather than should) undertake a Navigational Risk Assessment (NRA), and this imperative is significant. An NRA has been submitted with the DCO application (Appendix 13.1, Volume 4 of the ES [APP-155]). Paragraph 4.6.69 of the Planning Statement [APP-036] outlined that a NRA had been undertaken.
2.8.195	3.8.210	2.8.195 <del>3.8.210</del> <del>Should consent for the offshore wind farm be granted, applicants</del> Applicants should undertake a detailed <u>Navigational Risk Assessment, which includes Search and Rescue Response Assessment prior to commencement of construction.</u> <del>58 This assessment could be secured by a requirement to any consent. 3.8.211</del> However, where there are significant concerns over the frequency or the consequences of such incidents, applicants may be required to take a full assessment before the application can be determined and emergency response assessment prior to applying for consent. <sup>63</sup> <u>The specific Search and Rescue requirements will then be discussed and agreed post-consent.</u>	<p>The change states that a Search and Rescue Response Assessment should be explicitly included in the NRA prior to applying for development consent. This is a material change to when an assessment should be undertaken.</p> <p>An NRA has been submitted with the DCO application (Appendix 13.1, Volume 4 of the ES [APP-155]). This includes an assessment of the reduction of emergency response, including Search and Rescue capability, in Section 20.7. ES Chapter 13: Shipping and navigation, Volume 2 [APP-054] assesses the impacts on Search and Rescue emergency response provision in the operation and maintenance phase in section 13.10. The predicted effect on is assessed as not significant.</p> <p>An Emergency Response Cooperation Plan (ERCoP) will be submitted to the Maritime and Coastguard Agency (MCA) in line with the requirements of MGN 654 (MCA, 2021) (C-87 in the Commitments Register [APP-254]).</p> <p>Paragraph 4.6.80 of the Planning Statement [APP-036] references the development of the Emergency Response Cooperation Plan.</p>
2.8.207 <b>Seascape and Visual Effects</b>	3.8.223	2.8.207 <del>3.8.223</del> Applicants should follow relevant guidance including, but not limited to seascape <u>and landscape</u> character assessments, <u>landscape sensitivity assessments</u> , and marine plan seascape character assessments (e.g., NRW Marine Character Areas (with associated guidance) England's marine plans).	<p>Relevant seascape character assessments and landscape sensitivity assessments have been referenced within Chapter 15: Seascape, landscape and visual impact assessment, Volume 2 of the ES [APP-056] and are set out in Table 15-11.</p> <p>Paragraph 4.6.98 - 4.6.107 of the Planning Statement [APP-036] considered the Applicant assessment with regards to</p>

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
2.8.209	3.8.225	<p>2.8.209 <del>3.8.225</del> Where necessary, assessment of the seascape should include an assessment of four principal considerations on the likely effect of offshore wind farms on the coast:</p> <ul style="list-style-type: none"> <li>the limit of visual perception from the coast under poor, good and best lightening conditions;</li> <li>the effects of navigation and hazard prevention lighting on dark night skies;</li> <li>individual landscape and visual characteristics of the coast and the special qualities of designated landscapes, such as World Heritage Sites <u>and National Parks</u>, which limits the coasts capacity to absorb a development; and</li> <li>how people perceive and interact with the coast and natural seascape.</li> </ul>	<p>seascape and would not be substantively changed by the addition.</p> <p>The change specifically includes National Parks as one of four principal considerations in the assessment of seascape. Chapter 15: Seascape, landscape and visual impact assessment, Volume 2 of the ES <b>[APP-056]</b> assesses likely significant effects on the South Downs National Park.</p> <p>Paragraph 4.6.98 - 4.6.107 of the Planning Statement <b>[APP-036]</b> considered the Applicant assessment with regards to seascape and would not be substantively changed by the addition.</p>
2.8.213	3.8.229	<p>2.2.213 <del>3.8.229</del> Applicants must always employ the mitigation hierarchy, in particular to avoid as far as is possible the need to find compensatory measures for coastal, inshore and offshore developments affecting <u>HRA SACs SPAs, and Ramsar sites</u> and/or MCZs. It is essential that applicants involve SNCBs, <u>other statutory environmental bodies (e.g. Historic England)</u> and Defra, <u>in conjunction with the relevant regulators</u>, as early as possible in the planning process to enable discussions of what is and isn't a significant and/or adverse effect, subsequent implications, and if required, mitigation and/or compensation.</p>	<p>Given the requirements already in the Draft March 2023 NPS related to the application of the mitigation hierarchy, this is not considered to be materially different. Consultation with key stakeholders and SNCB has been undertaken through the Rampion 2 Evidence Plan Process (reported in the Evidence Plan <b>[APP-243 – APP253]</b>). The specific consultation undertaken for each topic is reported in Chapter 6: Coastal processes, Volume 2 <b>[APP-047]</b> to Chapter 29: Climate change, Volume 2 <b>[APP-070]</b> of the ES.</p>
2.8.215	New paragraph	<p><u>Applicants should undertake a review of up-to-date research and all potential avoidance, reduction and mitigation options presented for all receptors.</u></p>	<p>This change crystallises changes elsewhere in the NPS. As set out within Volume 2, Chapter 5 of the ES: Approach to the EIA <b>[APP-046]</b> a range of statutory consultation and non-statutory consultation has been carried out, including on the assessment methodologies, baseline data collection, and potential avoidance, mitigation and compensation options for receptors. Specific information on any feedback received is presented in the individual environmental aspect chapters (Chapters 6: Coastal processes to 29: Climate change, Volume 2 of the ES <b>[APP-047 – APP-070]</b> which include a 'Consultation and engagement' section. A Consultation Report has also been submitted <b>[APP-027 – APP-030]</b> which summarises the consultation that has been undertaken and how the responses received have influenced the application for each of the ES aspect chapters, relevant desk top study and up-to-date survey has informed the assessments.</p>



November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
2.8.216	3.8.231	Only once all feasible <del>alternatives</del> <u>avoidance, reduction</u> and mitigation measures have been employed, should applicants explore possible compensatory measures to <del>make good</del> <u>compensate for</u> any remaining significant adverse effects to site integrity.	Given the requirements already in the Draft March 2023 NPS related to the application of the mitigation hierarchy this is not considered to be materially different.
2.8.221 <b>Biodiversity and Ecological Mitigation</b>	3.8.236	Applicants <del>are advised to</del> <u>must</u> develop an ecological monitoring programme to monitor impacts during the pre-construction, construction and operational phases to identify the actual impacts caused by the project and compare them to what was predicted in the EIA/HRA.	<p>The change state that applicants must, rather than should, develop an ecological monitoring programme and this imperative is significant.</p> <p>An Offshore In Principle Monitoring Plan (IPMP) has been submitted [APP-240] following consultation with the Marine Management Organisation (MMO) and other relevant statutory consultees. It sets out the basis for delivering offshore monitoring measures for the Proposed Development and covers (inter alia) the following topics: offshore and intertidal ornithology; benthic subtidal and intertidal ecology; fish and shellfish ecology; and marine mammals.</p>
2.8.229 <b>Intertidal and Coastal Habitats and Species</b>	3.8.245	Where HDD is proposed, the applicant should provide <del>an alternative</del> <u>a mitigation plan to account for installing the infrastructure in the event possibility</u> that HDD fails.	<p>The change specifically references that applicants should account for the possibility that HDD fails. Section 4.4 of the ES Chapter 4: The Proposed Development [APP-045] outlines the approach to HDD at the landfall site. A wide corridor has been included in the proposed Order Limits for at the landfall site to permit multiple drilling attempts, if required.</p> <p>The Applicant has provided further information on the HDD at the landfall at Deadline 1 in response to Action Point 7 related to the Issue Specific Hearings.</p>
2.8.234 <b>Subtidal Habitats and Species</b>	3.8.251	<p>Mitigation measures which applicants are expected to have considered <del>may</del> include:</p> <ul style="list-style-type: none"> <li>• surveying and micrositing of the turbines, <u>designing array layout</u>, or re-routing of the export and inter-array cables to avoid adverse effects on sensitive/protected habitats, biogenic reefs or protected species;</li> <li>• <u>Reducing as much as possible the amount of infrastructure that will cause habitat loss in sensitive/protected habitats</u></li> <li>• burying cables at a sufficient depth, taking into account other constraints, to allow the seabed to recover to its natural state; and</li> <li>• the use of anti-fouling paint <del>might</del> <u>could</u> be minimised on subtidal surfaces <u>in certain environments</u>, to encourage species colonisation on the structures, <u>unless this is within a soft sediment MPA and thus would allow colonisation by species that would not normally be present.</u></li> </ul>	The change provides additional mitigation measures that are expected to be considered by the applicant. Section 9.7, table 9-16 of ES Chapter 9: Benthic, subtidal and intertidal ecology [APP-050] sets out a number of embedded environmental measures that have been adopted to reduce the potential for impacts on benthic subtidal and intertidal ecology. These embedded measures have evolved over the development process as the EIA has progressed and in response to consultation. Paragraph 4.6.23 - 4.6.24 of the Planning Statement [APP-036] would not be substantively changed by the additions.

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
<b>2.8.250</b> <b>Commercial Fisheries and Fishing</b>	3.8.268	Any mitigation proposals should result from the applicant having detailed consultation with relevant representatives of the fishing industry, <u>IFCAs</u> , the MMO and the relevant Defra policy team in England and NRW and the relevant Welsh Government policy team in Wales.	<p>The change identifies consultation with the relevant Inshore Fisheries and Conservation Authority (IFCA) on mitigation proposals as an additional requirement.</p> <p>Chapter 10: Commercial fisheries <b>[APP-051]</b> outline that consultation has taken place with the Sussex IFCA about mitigation. As part of the Rampion 2 design process, a number of embedded environmental measures have been adopted to reduce the potential for impacts on commercial fisheries. These embedded environmental measures have evolved over the development process as the EIA has progressed and in response to consultation. Table 10-12 of Volume 2, Chapter 10: Commercial fisheries <b>[APP-051]</b> sets out the relevant embedded environmental measures within the design and how these affect the commercial fisheries assessment.</p> <p>The assessment in paragraph 4.6.60 - 4.6.65 of the Planning Statement <b>[APP-036]</b> would not be substantively changed by the addition.</p>
<b>2.8.257</b> <b>Marine Historic Environment</b>	New paragraph	<u>To ensure a programme of archaeological works have been secured, an outline WSI, covering the entirety of the defined project area and full duration of the project, that complies with the policy in this NPS, should be submitted within the application.</u>	<p>The change specifically requires an Outline Written Scheme of Investigation be submitted with a DCO application, which provides an additional requirement.</p> <p>An Outline Marine Written Scheme of Investigation (offshore) was submitted with the application <b>[APP-235]</b> and referenced in paragraph 4.6.113 of the Planning Statement <b>[APP-036]</b>.</p>
<b>2.8.265</b> <b>Compensatory Measures</b>	3.8.282	With increasing deployment of offshore wind farms <u>and offshore transmission</u> , cumulative environmental impacts upon HRA <u>SACs SPAs, and Ramsar sites</u> and MCZs <u>(individually and as part of a network)</u> may not be addressed by avoidance, reduction, or mitigation alone, therefore compensatory measures <u>(through derogation for SACs SPAs, Ramsar sites, and, MCZs)</u> may be required <u>at a plan or project level</u> where adverse effects on site integrity and/or on conservation objectives cannot be ruled out	Given the requirements already in the Draft March 2023 NPS related to the application of the mitigation hierarchy this is not considered to be materially different. See consideration of NPS EN-1 paragraphs 4.2.10 – 4.2.13 and 4.2.18 – 4.2.22 above.
<b>2.8.269</b>	3.8.286	<p>This information includes:</p> <ul style="list-style-type: none"> <li>• assessment of alternative solutions, showing the relevant tests on alternatives have been met;</li> <li>• a case showing that the relevant tests for IROPI or Measures of Equivalent Environmental Benefit have been met; and</li> </ul>	The change specifically includes references to the Environmental Act 2021 targets. See consideration of NPS EN-1 paragraphs 4.2.10 – 4.2.13 and 4.2.18 – 4.2.22 above.

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
		<ul style="list-style-type: none"> <li>appropriate securable environmental compensation, <u>which will ensure no net loss to the MPA network and help ensure that the MPA target (including any interim target) set under the Environment Act 2021 targets can be met.</u></li> </ul>	
2.8.272	3.8.289	<p>It is vital that applicants consider the need for compensation as early as possible in the design process, as ‘retrofitting’ compensatory measures will introduce delays and uncertainty to the consenting process. <u>Applicants are encouraged to include all compensatory measures considered, with reasoning for why they have been discounted.</u></p>	<p>The change encourages applicants to include alternatives considered for compensatory measures and the reasons for discounting them. This encouragement to consider alternatives is materially different to the March 2023 Draft NPS. See consideration of NPS EN-1 paragraphs 4.2.10 – 4.2.13 and 4.2.18 – 4.2.22 above.</p> <p>The Applicant has utilised feedback from relevant stakeholders and SNCB (Natural England) to inform preparation of the RIAA <b>[APP-038]</b> and in-principle compensatory measures for the Proposed Development. The Applicant has applied a five-step process to develop compensatory measures in view of existing Defra guidance and advice from Natural England (outlined in Section 6 of the HRA (Without Prejudice) derogation case <b>[APP-039]</b>).</p>
2.8.273	3.8.290	<p>Applicants should work closely at an early stage in the pre- application process with SNCBs, and Defra, <u>in conjunction with the relevant regulators, Local Planning Authorities, National Park Authorities, landowners and other relevant stakeholders</u> to develop a compensation plan for all protected sites adversely affected by the development</p>	<p>This change broadens the range of consultees for the development of the compensation plans. See consideration of NPS EN-1 paragraph 5.4.30 above.</p>
2.8.274	3.8.291	<p>Before submitting an application, applicants should seek the views of the SNCB and Defra <del>Secretary of State</del>, as to the suitability, securability and effectiveness of the compensation plan to ensure <del>the development will not hinder the achievement of the conservation objectives that the overall coherence of the National Site Network for the impacted SAC/SPA/MCZ feature is protected site.</del> <u>Consultation should also take place throughout the pre-application phase with key stakeholders (e.g. via the evidence plan process and use of expert topic groups).</u></p>	<p>This change requires consultation on compensation measures takes place pre-application. See consideration of NPS EN-1 paragraph 5.4.30. Consultation has been undertaken through the Rampion 2 Evidence Plan Process (reported in the Evidence Plan <b>[APP-243 – APP253]</b>).</p>
2.8.277	3.8.294	<p><del>Strategic compensation refers to environmental actions by/on behalf of government or third parties to offset the impacts of multiple marine developments on the national site network or MCZs.</del> <u>Strategic compensation is defined as a measure or a series of measures that can be delivered at scale and/or extended timeframes, which cannot be delivered by individual offshore wind and/ or offshore transmission project developers in isolation. Any measure(s) would usually be led and delivered by a range of organisations, including Government, industry and relevant stakeholders. Strategic compensation measures would normally be identified at a plan level and applied across multiple offshore</u></p>	<p>This change provides additional commentary on strategic compensation measures but not does not provide additional requests or requirements for applicants to consider. There are no implications for the consideration of the Proposed Development.</p>

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
<b>As came into Force 2024</b>	<b>Section/paragraph</b>		
<b>Section/paragraph</b>			
		<u>wind projects to provide ecologically meaningful compensation to designated site habitats and species adversely impacted, ensuring the coherence of the MPA network.</u>	
<b>2.8.283</b>	3.8.300	2.8.283 <del>3.8.300</del> Applicants <del>may</del> should also <del>want to</del> coordinate with other marine industry sectors, <u>e.g. oil and gas</u> , who <u>might</u> also need to find compensatory measures. This will ensure compensatory measures are complementary and/or take advantage of opportunities to join together to deliver strategic compensation. Applicant's <del>may also want to consult</del> should demonstrate they have <u>consulted</u> with those industries/stakeholders who are affected by any proposed compensation measures	The change to the NPS outlines that applicants should, rather than may wish to, co-ordinate with other marine sectors regarding compensatory measures. The response to NPS EN-1 paragraphs 4.2.10 – 4.2.13 and 4.2.18 – 4.2.22 outlines the Applicant's approach to the consideration of compensatory measures. The provision of compensatory measures has not necessitated engagement with other industry sectors, and no other industry sectors are affected.
<b>2.8.298 Offshore Wind Environmental Standards</b>	3.8.315	2.8.298 <del>3.8.315</del> Once <del>final guidance setting out Offshore Wind Environmental Standards</del> the <u>OWES Guidance</u> is issued, the Secretary of State <del>should</del> <u>will</u> expect applicants to have applied the <u>guidance relevant measures</u> to their <del>proposals</del> <u>application</u> .	The change to the NPS states that the Secretary of State will (rather than should) expect applications to have applied relevant OWES measures.  The OWES has not be brought forward, and no OWES Guidance drafted. The change to the NPS therefore has no material relevance to the consideration of the Proposed Development.
<b>2.8.299</b>	3.8.316	The Secretary of State will consider an application for development consent in accordance with the <u>guidance OWES Guidance and/or its targets</u> . <del>3.8.317</del> Whether an application conforms to the <u>guidance OWES Guidance and/or targets</u> (or any justification for departing from them) is likely to be material to the decision on development consent and, where relevant, will inform the Secretary of State's Habitats Regulations Assessment and <u>Marine Conservation Zone assessment</u> .	The change to the NPS identifies that the OWES Guidance will likely be material to the Secretary of State's MCZ assessment.  The OWES has not be brought forward, and no OWES Guidance drafted. The change to the NPS therefore has no material relevance to the consideration of the Proposed Development.
<b>2.8.303 Impacts – Biodiversity and Ecological Conservation</b>	3.8.321	The Secretary of State should be satisfied that, in the development of their proposal, the applicant has made appropriate, and extensive, use of up-to-date evidence from previous deployments and research results from scientific peer reviewed papers and the programmes listed in paragraph <del>2.8.124</del> <u>2.8.107</u> and assessed through HRA/MCZ processes ( <u>including the mitigation hierarchy</u> ), the impact on any protected species or habitats, <u>as well as having regard to requirements set out in 5.4.39 of EN-1 (e.g. the Environment Act) and Good Environmental Status under the UK Marine Strategy</u> .	The changes include specific reference to having regard to requirements the Environment Act and Good Environmental Status under the UK Marine Strategy.  The Applicant has considered the overarching goal to achieve Good Environmental Status under the Marine Strategy Framework Directive. The protection conferred to these ecological features through legislation is accounted for within the scope of the assessment for marine mammals in ES Chapter 11: Marine mammals, Volume 2 [APP-052] Section 11.4; scope of the assessment of fish and shellfish ecology in Section 8.4 of ES Chapter 8 Fish and shellfish,

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	Volume 2 <b>[APP-049]</b> ; ES Chapter 9 Benthic, subtidal and intertidal ecology, Volume 2 <b>[APP-050]</b> Section 9.4.  See also consideration of NPS EN-1 paragraph 4.3.20 above.
2.8.304	3.8.322	2.8.304 <del>3.8.322</del> The designation of an area as a protected site (including <del>HRASACs</del> <u>SPAs, and Ramsar</u> sites, MCZs and SSSIs) does not necessarily restrict the construction or operation of offshore wind farms <u>or offshore transmission</u> in, near, or through that area (see also Sections 4.24.3 and 5.4 of EN-1). However, it may make consent for such construction more difficult to secure.	The change is clarification of the correct designation of internationally protected sites and application. The change does not materially change the March 2023 NPS.
2.8.305	3.8.323	2.8.305 <del>3.8.323</del> Where adverse effects on site integrity/conservation objectives are predicted the Secretary of State should consider the extent to which the effects are temporary or reversible, and the timescales for recovery. <u>The Secretary of State should also consider the extent to which the effects may impede achievement of the MPA target (including any interim target) set under the Environment Act 2021.</u>	The change includes reference to MPA targets and those with the Environment Act when considering the extent of effects on site integrity/conservation objectives. No adverse effects on the integrity or conservation objectives of MPAs have been identified for the Proposed Development and therefore it not a material change in relation to the consideration of the Proposed Development.
2.8.331 <i>Navigation and Shipping</i>	3.8.349	2.8.331 <del>3.8.349</del> The Secretary of State should <del>not consent Search and Rescue Response Assessment applications which</del> <u>be satisfied that risk to navigational safety is as low as reasonably practicable (ALARP). It is Government policy that wind farms and all types of offshore transmission should not be consented where they would pose intolerable unacceptable risks to navigational safety after all possible mitigation measures have been considered adopted.</u>	The changes to the March 2023 NPS seek to ensure risk to navigational safety is as low as reasonably practicable (ALARP) and reference is included no consenting wind farms where there are “ <i>unacceptable</i> ” rather than “ <i>intolerable</i> ” risk to navigational safety. The use of unacceptable risk is in line with the changes to EN-1, in the consideration of residual impacts when considering CNP infrastructure.  Chapter 13: Shipping and navigation, Volume 2 of the ES <b>[APP-054]</b> outlines that the IMO Formal Safety Assessment (FSA) methodology (IMO, 2018) has been applied for assessing effects on shipping and navigation receptors including application of the ALARP principle to ensure risks are within tolerable or acceptable levels. The methodology for ES assessment is provided in Section 13.8 of Chapter 13: Shipping and navigation, Volume 2 of the ES <b>[APP-054]</b> .
2.8.336	3.8.354	2.8.336 <del>3.8.354</del> The Secretary of State may include provisions, <u>compliant with national maritime legislation and United Nations Convention on the Law of the Sea (UNCLOS)</u> , within the terms of a development consent as respects rights of navigation so far as they pass through waters in or adjacent to Great Britain which are between the mean low water mark and the seaward limits of the territorial sea.	The change specifically includes reference to provisions on development consent being compliant with United Nations Convention on the Law of the Sea (UNCLOS). This does not materially change the March 2023 Draft NPS.

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph	Section/paragraph	
			<p>Chapter 13: Shipping and navigation, Volume 2 of the ES [APP-054] specifically references UNCLOS as relevant legislation for the assessment. Internationally recognised sea lanes and other identified routes are considered a key element of the shipping and navigation baseline and have been considered wherever “<i>interference may be caused</i>” including through vessel displacement, port access, collision risk and allision risk in the impact assessment. The methodology for baseline data gathering and baseline conditions is outlined in Section 13.5 and Section 13.6, respectively and the impact assessment (which includes consideration of internationally recognised sea lanes) is provided in Section 13.9, Section 13.10 and Section 13.11 of Chapter 13: Shipping and navigation, Volume 2 of the ES RI[APP-054].</p>
3. Glossary	New text	<p><u>Critical national priority/CNP:</u>  <u>A policy set out at Section 4.2 of EN-1 which applies a policy presumption that, subject to any legal requirements (including under section 104 of the Planning Act 2008), the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. CNP Infrastructure is defined as nationally significant low carbon energy. Low carbon infrastructure means:</u></p> <ul style="list-style-type: none"> <li>• <u>for electricity generation, and all onshore and offshore enabling electricity generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon ; and nuclear generation), as well as natural gas fired generation which is carbon capture ready.</u></li> <li>• <u>for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System.</u></li> <li>• <u>for other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of “low carbon”, such as hydrogen distribution, and carbon dioxide distribution.</u></li> <li>• <u>for energy infrastructure which are directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of “low carbon”, such</u></li> </ul>	<p>The change reflects the broadened definition of CNP infrastructure and removes specific reference to onshore and offshore transmission infrastructure as CNP. The Proposed Development was therefore considered by the Applicant to be CNP infrastructure in accordance with the March 2023 NPS and therefore this change does not materially change the draft NPS in respect of the Proposed Development. The November 2023 NPS confirms that the Proposed Development is CNP. See responses to Section 4.2 of NPS EN-1.</p>

November 2023 NPS EN-3	March 2023 NPS (Draft) EN-3	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph		<p><u>as interconnectors, Multi- Purpose Interconnectors, or 'bootstraps' to support the onshore network which are routed offshore.</u></p> <ul style="list-style-type: none"> <li><u>Lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects.</u></li> </ul>	

Table 2.3: Significant changes to NPS EN-5 relevant to the Proposed Development

November 2023 NPS EN-5	March 2023 NPS (Draft) EN-5	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
1.1 Background 1.1.2 - 1.1.3	1.1.2 - 1.1.3	<p>1.1.2 <del>The</del> <u>A significant amount of new network infrastructure is required in the near term to directly support the</u> government has an's ambition to deploy up to 50GW of offshore wind capacity (including up to 5GW floating wind) by 2030, <del>with</del>. <u>There is</u> an expectation that there will be a need for substantially more installed offshore capacity beyond this to achieve net-zero by 2050.</p> <p>1.1.3 The electricity network infrastructure to support the government's <u>offshore wind</u> ambition is as important as the offshore wind generation infrastructure. Without the development of the necessary networks to carry offshore wind power to where it is needed in the UK, the offshore wind ambition cannot be achieved.</p>	The change in the NPS as enacted by Parliament identifies that a significant amount of new infrastructure is required to support the ambition for 50GW of offshore wind capacity by 2030. The DCO Application seeks consent for offshore wind generators and the required infrastructure for connection to the grid. The NPS as enacted by Parliament adds further positive, in principle, support for the Proposed Development. Section 4.2 and paragraph 4.4.9 of the Planning Statement <b>[APP-036]</b> reflect on the relevance of the 50GW ambition.
1.1.5	New paragraph	<p><u>As identified in EN-1, government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. This includes: for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System. These are viewed by the government as being a critical national priority (CNP) CNP infrastructure and should be progressed as quickly as possible.</u></p>	The change reflects the broadened definition of CNP infrastructure and removes specific reference to onshore and offshore transmission infrastructure as CNP. The Proposed Development was therefore considered by the Applicant to be CNP infrastructure in accordance with the March 2023 NPS and therefore this change does not materially change the draft NPS in respect of the Proposed Development. The November 2023 NPS confirms that the Proposed Development is CNP. See responses to Section 4.2 of NPS EN-1.

November 2023 NPS EN-5	March 2023 NPS (Draft) EN-5	Wording (new wording underlined/deletions crossed through)	Significance of change
<b>As came into Force 2024</b>	<b>Section/paragraph</b>		
<b>Section/paragraph</b>			
2 Assessment and Technology Specific Information	New paragraph	<p><u>2.1.5 As stated in Section 4.2 of EN-1, to support the urgent need for new low carbon infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations, are considered to be CNP infrastructure. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System.</u></p> <p><u>2.1.6 The assessment principles outlined in Section 4 of EN-1 continue to apply to CNP infrastructure. Applicants must show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. Early application of the mitigation hierarchy is strongly encouraged, as is engagement with key stakeholders including SNCBs, both before and at the formal pre-application stage.</u></p>	<p>The change reflects the broadened definition of CNP infrastructure and removes specific reference to onshore and offshore transmission infrastructure as CNP. The Proposed Development was therefore considered by the Applicant to be CNP infrastructure in accordance with the March 2023 NPS and therefore this change does not materially change the draft NPS in respect of the Proposed Development. The November 2023 NPS confirms that the Proposed Development is CNP. See responses to Section 4.2 of NPS EN-1.</p> <p>Chapter 3: Alternatives, Volume 2 of the Environmental Statement (ES) [APP-044] details staged design process. The range of assessments in Chapter 6: Coastal processes, Volume 2 [APP-047] to Chapter 29: Climate change, Volume 2 [APP-070] of the ES demonstrate how the Applicant has taken assessed the likely significant effects of the Proposed Development and applied the mitigation hierarchy. Where relevant, the Applicant has engaged with the SNCBs and other stakeholders.</p>
2.1 Introduction			
2.1.5 – 2.1.6			
2.3 Climate change adaptation and resilience	2.3.3	<p>Section 4.9 <del>4.10</del> of EN-1 advises that the resilience of the project to the effects of climate change must be assessed in the Environmental Statement (ES) accompanying an application. For example, future increased risk of flooding would be covered in any flood risk assessment (see Sections 5.8 in EN-1). <u>Consideration should also be given to coastal change (see sections 5.6 in EN1).</u></p>	<p>The change specifically states that coastal erosion should be considered when considering the effects of climate change.</p> <p>Changes to coastal processes receptors and ‘pathways’ (for example, elevations in Suspended Sediment Concentration (SSC), scour around foundations etc.) are the basis for the assessment in ES Chapter 6 Coastal processes, Volume 2 [APP-047]. The predicted impact of the Proposed Development on coastal processes for the construction, operation and maintenance, and decommissioning phases is considered in Sections 6.9, 6.10, and 6.11 respectively. Section 6.12 assesses the potential cumulative effects. More detailed supporting assessments are provided in ES Appendix 6.3: Coastal processes technical report: Impact assessment, Volume 4 [APP-131]. The vulnerability of the Proposed Development to coastal change (taking account of climate change) is also considered in these sections. This includes consideration of the likely coastal change at the landfall location. The Applicant has provided further information on coastal erosion at landfall at Deadline 1 in response to the Issue Specific Hearings.</p>
2.3.3			



November 2023 NPS EN-5	March 2023 NPS (Draft) EN-5	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
2.6 Land Rights and Land Interests	2.6.3	<del>Where</del> <u>As a last resort, where</u> it does not succeed in reaching the agreement that it <del>wants</del> <u>requires</u> , the network company may, as part of its application to the Secretary of State, seek to acquire rights compulsorily over the land in question by means of a provision in the DCO.	Draft DCO <b>[PEPD-009]</b> requirement 26 contains the provision for the Applicant to undertake ground investigation at the landfall site at the post-DCO application stage. This investigation would inform a 'coastal erosion and future beach profile estimation assessment', which in turn would inform the need for and design of any further mitigation and adaptive measures to help minimise the vulnerability of these assets from future coastal erosion and tidal flooding.
2.6.3			The requirement for compulsory acquisition of land is detailed within the Statement of Reasons <b>[APP-021]</b> and the accompanying appendices <b>[APP-022 - APP-24]</b> provide details regarding compulsory acquisition of land or rights over land. The Draft DCO <b>[PEPD-009]</b> contains the necessary requirements for compulsory purchase.
2.8 Strategic Network Planning	New paragraph	<u>A more strategic approach to network planning will ensure that network development keeps pace with renewable generation and anticipates future system needs. Strategic network planning, such as through the Holistic Network Design and its follow up exercises or through forthcoming Centralised Strategic Network plans, helps reduce the overall impact of infrastructure by identifying opportunities for coordination, where appropriate, and taking a holistic view of both the onshore and offshore network. Network plans will take account of environmental and community impacts, alongside deliverability and economic cost, from the outset.</u>	This change provides additional commentary on strategic network planning but does not provide additional requests or requirements for applicants to consider. There are no implications for the consideration of the Proposed Development.
2.8.1			
2.9 Applicant assessment	2.9.22	However, undergrounding will not be required where it is infeasible in engineering terms, or where the harm that it causes (see section 2.11.4) is not outweighed by its corresponding landscape, visual amenity and natural beauty benefits. <u>Regardless of the option, the scheme through its design, delivery, and operation, should seek to further the statutory purposes of the designated landscape. These enhancements may go beyond the mitigation measures needed to minimise the adverse effects of the scheme.</u>	See consideration of changes to NPS EN-1 paragraph 5.10.7 – 5.10.8 and 5.10.33 above.
Undergrounding and subsea cables			Requirement 6 of the Draft DCO <b>[PEPD-009]</b> confirms that in all other locations along the cable corridor the cables will be installed underground. This is to reduce visual impact, particularly in, and from, the South Downs National Park.
2.9.22			
2.12 Special assessment principles for offshore-onshore transmission	New paragraph	<u>Details in this section are in addition to those set out in EN-3 on the network connections for offshore wind including different types of offshore transmission. These include EN-3 sections 2.8.24 – 2.8.33 and 2.8.49 – 2.8.56 on network connections, 2.8.66 -2.8.69 on micro- siting and 2.8.80-2.8.82 on Offshore Wind Environmental Standards which include offshore transmission and should be considered together with the details below.</u>	The change outlines that the section in NPS EN-5 is in addition to NPS EN-3. The change does not materially impact consideration of the Proposed Development.
2.12.1			

November 2023 NPS EN-5	March 2023 NPS (Draft) EN-5	Wording (new wording underlined/deletions crossed through)	Significance of change
<b>As came into Force 2024</b>	<b>Section/paragraph</b>		
<b>Section/paragraph</b>			
2.12.7	2.12.7	<p>As highlighted in EN-1_3, <del>offshore wind development and the supporting onshore and offshore transmission infrastructure and related network reinforcements required is viewed by the government as being a CNP and should be progressed as quickly as possible</del> <u>government has concluded that there is a CNP for the provision of nationally significant low carbon infrastructure. This includes for electricity grid infrastructure, all power lines in scope of EN-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the National Electricity Transmission System. This includes infrastructure identified in the Holistic Network Design and its follow-on subsequent strategic network design exercises, see Section 2.13 below.</u></p>	<p>The change reflects the broadened definition of CNP infrastructure and removes specific reference to onshore and offshore transmission infrastructure as CNP. The Proposed Development was therefore considered by the Applicant to be CNP infrastructure in accordance with the March 2023 NPS and therefore this change does not materially change the draft NPS in respect of the Proposed Development. The November 2023 NPS confirms that the Proposed Development is CNP. See responses to Section 4.2 of NPS EN-1.</p>
<b>2.13 Offshore- onshore transmission: Applicant Assessment</b>	2.13.2	<p>The HND and <del>its follow-on</del> <u>subsequent</u> network design and planning exercises identify <u>and establish</u> the transmission <del>infrastructure</del> <u>capabilities</u> needed, both onshore and offshore, to support offshore wind developments. These include the onshore connection points for offshore transmission and potential future Multi-Purpose Interconnector opportunities. <u>Government recognises the work undertaken in the HND; the HND and subsequent network design exercises are likely to contain information that is important and relevant in the consideration of applications for infrastructure resulting from those exercises.</u></p>	<p>This change reinforces the status of the Holistic Network Design (HND) being undertaken by the Electricity System Operator.</p> <p>The HND was published in June 2022. National grid Electricity System operator (NGESO) has confirmed projects in-scope for the HND and Pathway to 2030 are primarily those which were awarded leases in The Crown Estate Leasing Round 4 and those in Crown Estate Scotland's ScotWind leasing round. The workstream scope will also include offshore projects within the Celtic Sea and potentially a handful of other offshore projects which are potentially spatially and/or temporally relevant to other in-scope projects for the Pathway to 2030 workstream where it is efficient to consider them as part of the scope of the HND.</p> <p>The existing regulatory regime is based on radial connections and this is the approach that has been taken by the Applicant which has been supported by NGESO and is indirectly endorsed by the HND recommendations.</p> <p>As this site is not in the scope of the HND, there are no implications for the consideration of the Proposed Development.</p>
2.13.2			
2.13.4 – 2.13.5	New paragraphs	<p><u>2.13.4 It is recognised that proposed projects which have progressed through strategic network design exercises have been considered for strategic co-ordination through those exercises. However, any opportunities for subsequent local co-ordination between projects, irrespective of whether they have been through those exercise, should be</u></p>	<p>The site is not in the scope of the HND, and a direct radial solution has been identified as a grid connection. The Applicant does not anticipate any changes to its connection at Bolney.</p>

November 2023 NPS EN-5	March 2023 NPS (Draft) EN-5	Wording (new wording underlined/deletions crossed through)	Significance of change
As came into Force 2024	Section/paragraph		
Section/paragraph			
		<p><u>considered in project development. This is in addition to considerations on co-ordinating delivery in construction, see section 2.14.2.</u></p>	
		<p><u>2.13.5 In addition, it is recognised that the HND and subsequent network design exercises, may on occasion, identify a radial solution, i.e. a direct route from an offshore wind farm to shore, not proposed to co-ordinate with another project at the time of network design.</u></p>	
2.13.12	New paragraph	<p><u>Applicants bringing forward offshore transmission projects are expected to consider future demand when considering the location and route of their proposals. This may involve consenting offshore platforms, converter stations or substations which facilitate future coordination.</u></p>	<p>This change relates to offshore transmission projects, thus there are no implications for the consideration of the Proposed Development.</p>
2.14 Offshore-onshore transmission: mitigation	2.14.2	<p>In the assessments of their designs, applicants should demonstrate:</p> <ul style="list-style-type: none"> <li>• how environmental, community and other impacts have been considered and how adverse impacts have followed the mitigation hierarchy i.e. avoidance, reduction and mitigation of adverse impacts through good design; and</li> <li>• how enhancements to the environment post construction will be achieved including demonstrating consideration of how proposals can contribute towards biodiversity net gain (as set out in Section 4.5 of EN-1 and the Environment Act 2021), as well as wider environmental improvements in line with the Environmental Improvement Plan and environmental targets (paragraph 4.2.29 of EN-1). <del>In addition, all applicants are encouraged to demonstrate</del></li> <li>• how the construction planning for the proposals has been coordinated with that for other similar projects in the area on a similar timeline.</li> <li>• <u>how enhancements to the landscape and environmental assets may contribute to overall landscape and townscape quality as set out in EN-1 4.6.13 and 5.10.23;</u></li> <li>• <u>how the mitigation hierarchy has been followed, in particular to avoid the need for compensatory measures for coastal, inshore and offshore developments affecting SACs SPAs, and Ramsar sites and MCZs as set out in EN-3 2.8;</u></li> <li>• <u>For designated landscapes the principal mitigation measure, as established by the Holford Rules, should be to seek to avoid landfall in these areas.</u></li> </ul>	<p>The change identifies design requirements that applicants should demonstrate they have met regarding offshore-onshore transmission. The changes reflect other existing NPS policy provisions within EN-1 and EN-3, with regards to landscape and environmental assets and mitigation hierarchy.</p> <p>With regard to the Holford Rules, the landfall location is not located within a designated site.</p>
2.15 Offshore-onshore transmission: Secretary of State decision-making	2.15.1	<p>Coordinated approaches to delivering offshore <u>and</u> onshore transmission to minimise overall environmental, community, and other impacts, as set out above, must be considered. <u>The Secretary of State must be satisfied that applicants have explained the steps they have taken to do this, the options that have been considered and the approach they have taken to coordination as set out in above at section 2.13. This evidence is expected to draw substantially on the work under the Offshore Transmission Network Review and relevant strategic network design exercises, together with any additional supporting evidence applicants consider relevant.</u> The Secretary of State should also be satisfied that options for coordination have been considered and evaluated appropriately.</p>	<p>This change reinforces the status of the Offshore Transmission Network Review (OTNR) undertaken by the government. This site was not identified by the OTNR as a pathfinder project, nor is it in the scope of the successor HND. Therefore, there are no implications for the consideration of the Proposed Development.</p>
2.15.1			

