

From: [REDACTED]@protectcoastalsussex.org
To: Rampion2
Subject: Update: Submission for comment on Item 6. Re 20044835
Date: 05 February 2024 16:17:09
Attachments: [Submission by PCS for the Rampion 2 Issue Specific Day-1 Hearing 7 Feb 2024 Item 6 - ver 2.pdf](#)

You don't often get email from secretary@protectcoastalsussex.org. [REDACTED]

Dear Sir/Madam,

Re: Registration no. 20044835

The document sent to you this morning was sent in error; it was a draft copy. Please would you be so kind as to update our submission to the currently attached document.

Sincere thanks,

Elizabeth Marogna

Secretary, Protect Coastal Sussex

Original message:

Protect Coastal Sussex (PCS) respectfully requests the submission of the attached documentation to be read on Wednesday, 7 Feb for comment on

Item 6: South Downs National Park

i. Landscape and seascape effects

- Size, proximity and lateral spread of WTG's (including Heritage Coast)
- South Downs Way
- Dark Skies
- Mitigation and Compensation

The document to be read is attached. Please let me know if there is anything else you require.

For Contact, this email address is preferred, daytime phone [REDACTED]

Many thanks,

Kind regards,

Elizabeth Marogna

Secretary, Protect Coastal Sussex

Submission by Protect Coastal Sussex
IP Registration Number: 20044835

Written input to Agenda item 6 for the Rampion 2 Issue Specific Hearing (ISH – Day 1)
Wednesday 7 February 2024
04 February 2024

With respect to the Detailed Agenda that was issued by the ExA 29 January 2024:

Comment on Item 6: South Downs National Park

i. Landscape and seascape effects

- *Size, proximity and lateral spread of WTG's (including Heritage Coast)*
- *South Downs Way*
- *Dark Skies*
- *Mitigation and Compensation*

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With regard to the discussion and consideration of landscape and seascape effects of the proposed Rampion 2 windfarm on South Downs National Park (SDNP) under Item 6 in Day 1 of the Issue Specific Hearing In Brighton on 7 Feb 2024:

We believe that it is important and appropriate for the Hearing to address whether Rampion 2 would be in breach of the European Convention on Landscapes (ECL), as well as lacking respect for reinforcing national commitments to Landscape / Seascape protection as set out in:

- a. The Marine Policy Statement (MPS, 2021), and
- b. The Levelling up and Regeneration Act that came into force in Dec 2023.

We believe the MPS and Act as well as the UK's OESEA visual buffer advice in effect provide an interpretation of the UK's international treaty commitments under the ELC that can and should be given substantial weight in the Rampion 2 Examination.

IP comment on the relevance of the ECL is indicated in a pre- Examination representation in the Examination Library in **PEPD-096, Item 1**.

We also believe the response that **Natural England** provided on 15 Dec 2023 to the ExA in another DCO examination on the effect of the new Act, is highly informative and has specific relevance to the application on NPS EN-2 policy 1.1.2 in the Rampion 2 Examination.

Because of its relevance and what we understand is the connection to the interpretation of the ECL and whether Rampion 2 is in breach of the European Convention on Landscapes) we cite that Natural England comment on their interpretation of *Levelling Up and Regeneration Act* in full below.¹

¹ Natural England provided a response 15 Dec 2023 to the Lower Thames Crossing Examination within annexes appended to this letter. Letter title, "Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing Natural England's response to Deadline 9a".

“Annex 2: Natural England’s addendum to our Deadline 9 response in relation to the enhanced duty in relation to Protected Landscapes including the Kent Downs Area of Outstanding Natural Beauty.

2.1.1 Natural England apologise for inadvertently omitting our advice in relation to the enhanced duty on public bodies in respect of Areas of Outstanding Natural Beauty provided through the Levelling Up and Regeneration Act in our Deadline 9 Response.

2.1.2 As discussed during Issue Specific Hearing 11, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty (‘National Landscape’) in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers.

2.1.3 It is anticipated that the government will provide guidance on how the duty should be applied in due course. In the meantime, and without prejudicing that guidance, Natural England advises that:

- The duty to ‘seek to further’ is an active duty, not a passive one. (PCS underlining) Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered;
- The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. (again PCS underlining) A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose. If it is not practicable or feasible to take those measures the relevant authority should provide evidence to show why it is not practicable or feasible.

(PCS Note: this applies to the Applicant in the Rampion 2 Examination where the South Downs National Park Authority has objected to the Application on these and other grounds)

- *The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England’s view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape’s statutory management plan. The relevant protected landscape team/body should be consulted.”*

Our view and understanding of the situation and policy context for considering the relevance of the ECL and related policy in the Rampion 2 Examination is:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010032/TR010032-006179-Natural%20England%20-%20Deadline%209a%20Submission.pdf>

- There is a clear violation of the Rochdale Envelope in the Rampion 2 Application, as set out in the Planning Act and explained clearly in the PINS Section 51 Advice issued to the Applicant in September 2023.
- The evaluation of visual impact, ecological consequences, and adherence to sustainable development principles are important in assessing whether Rampion 2 is in breach of its obligations under the European Convention on Landscapes (ECL) to which the UK is a signatory specifically, as well as multiple treaty commitments to pursue for sustainable development taking into account how it is defined.
- The Convention (ECL) emphasizes the protection, management, and planning of landscapes and recognizes the importance of landscapes for cultural, ecological, and recreational purposes.
- It also links the protection of seascapes to designated landscapes and affords them equal protection.
- The links between landscape/seascape protection and requirements for landscape protection in UK policy and law has been further reinforced by Marine Policy Statement (2021) and the Levelling up and Regeneration Act (2023, now law).
- If Rampion 2 is not judged by the ExA to be a clear breach of the ECL, the encroachment of Rampion 2 on the SDNP and other designated landscapes certainly challenges the Convention's spirit of safeguarding landscapes for present and future generations. And UK Law and policy.
- The ExA should also consider how the Convention (ECL) is interpreted to establish visual buffers for large offshore wind turbines in European jurisdictions including Germany (in the Baltic and North Seas), the Netherlands and Belgium as reported in the UK Government's own rolling OESEA programme and its visual buffer advice applicable to Rampion 2.
- We believe the Examination must also consider adequate mitigation measures and if they are not possible, otherwise Section 4.4 Alternatives in EN-1 should be explored to identify Alternatives ways of meeting the need that afford protection under the Convention (ECL) and aligned UK policy and law.
- Compensation for the degradation of protected landscapes will not offset the loss to future generations not only on the south coast but nation-wide as we all are increasingly encouraged to travel less abroad and enjoy our natural coastal heritage as island nations.

We further believe this group of mutually reinforcing international commitments, national policy and also many local policies should also be considered in respect to the effects on all sensitive visual receptors as identified in the Applicant's ES and the significant change in the quality and character of the area due the sheer scale and extent of the industrial transformation of the Sussex Bay near shore.