

From: [Tyley, Harriet](#)
To: [Rampion2](#)
Cc: [REDACTED]
Subject: MMO Deadline Responses
Date: 27 February 2024 17:26:40
Attachments: [image001.png](#)
[27022024_EN010117_MMO_RR_Summary.pdf](#)
[27020204_EN010117MMO_Deadline_1_Summary.pdf](#)
[20230226_EN010117_MMO_Deadline_1_Response_.pdf](#)
Importance: High

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Dear Mr Richard Allen,

Please find attached to this email the following documents as part of our Deadline 1 Response for Rampion 2:

- MMO Deadline 1 Response
- MMO Relevant Representation (1500 word) summary
- MMO Deadline 1 Response Summary

Our registration number is 20045232. Please could you confirm that this email has been received before the deadline.

Kind regards,

Harriet Tyley Bsc (Hons) MSc | Marine Licensing Case Manager | Marine Management Organisation

2 Marsham Street | London | SW1P 4DF



[@marinemanagement.org.uk](#)



Teams

I am a mental health first aider – happy to listen. View [Health and wellbeing](#) pages for guidance and advice on staying safe and well and find a [list](#) of MHFAs.

- [REDACTED]

My usual office days are Thursdays and Fridays.

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Marine
Management
Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon
Tyne
NE4 7YH

T +44 (0)300 123 1032
F +44 (0)191 376 2681
www.gov.uk/mmo

Mr Richard Allen
Rampion 2 Lead Panel Member
Rampion 2 Offshore Wind Farm Case Team
Planning Inspectorate
Rampion2@planninginspectorate.gov.uk
(Email only)

MMO Reference: DCO/2019/00005
Planning Inspectorate Reference:
EN010117
Identification Number: 20045232

27 February 2024

Dear Richard Allen,

Planning Act 2008, E.On Climate and Renewables UK Ltd, Proposed Rampion 2 Offshore Wind Farm Order

Deadline 1 Submission – Summary of MMO Relevant Representation

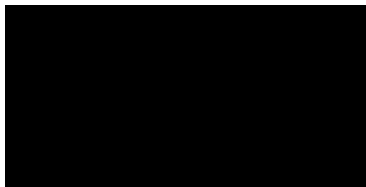
On 20 September 2023, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by E.On Climate and Renewables UK Ltd (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Rampion 2 Offshore Wind Farm (the “DCO Application”) (MMO ref: DCO/2019/00005; PINS ref: ENO0117).

This document includes the MMO’s summary of the Relevant Representation submitted to PINS on 3 November 2023.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours faithfully,





Harriet Tyley
Marine Licensing Case Manager

D [redacted]

E [redacted] [@marinemanagement.org.uk](mailto:[redacted]@marinemanagement.org.uk)



Summary of MMO Relevant Representation (1500 words)

1. Development Consent Order (DCO) and Deemed Marine Licenses (DMLs)

1.1.1 Clarity on the investigation and detonation of UXO's is required.

1.2 Article 5 Benefit of the Order

1.2.1 The MMO requests several text amendments be made in order to improve clarity and address practical concerns (sections 3.3.1 -3.3.9 of the MMO RR).

1.3 Schedule 11 & 12 DMLs

1.3.1 The MMO suggests strongly that the timeframes are not suitable on complex technical decisions (determination dates), as marine licences issued by the MMO are not subject to set determination periods.

1.4 Additional Conditions

1.4.1 The MMO requests that a condition for reporting impact pile driving is added to both Schedule 11 and 12, in order to comply with UK requirements on noise reporting.

1.4.2 The MMO requests that a condition to ensure the MMO is able to know the maintenance activities throughout the lifetime of the operation is included in both Schedule 11 and 12.

1.4.3 The MMO requests that a condition is added to both Schedule 11 and 12 to ensure the MMO has a full timetable for construction.

1.4.4 The MMO requests any seasonal restrictions for any activities are clearly conditioned as stand-alone conditions and not within an additional plan.

1.5 Schedule 15 – Documents to be certified.

1.5.1 To ensure clarity across all areas, the MMO recommends Schedule 15 be split into 3 parts: Documents forming the environmental statement to be certified; Examination documents forming part of the environmental Statement, and other documents to be certified.

2. MMO comments on the draft DCO/DML

2.1.1 The MMO RR contains a table on page 12 which lists several suggested/required amendments to several parts of the DCO. Some of these suggestions are to improve the clarity of meaning to parts of the DCO, such as condition 6(1), whilst other comments from the MMO are for changes that require updating due to text missing within conditions (Condition 24).



3. Environmental Statement (ES)

- 3.1.1 The MMO is aware that several major points raised during the Preliminary Environmental Information Report (PEIR) process have not been addressed sufficiently, and this poses a major issue. Please see points 4.6.6, 4.6.33, 4.6.35, 4.6.59 - 4.6.61, 4.7.9 and 4.7.10 of the MMO RR.
- 3.1.2 There is a discrepancy between the Non-Technical Summary and the DCO (Part 3.1) regarding the number of WTG, with 116 and 90 being referenced.
- 3.1.3 The MMO have focused its review of the ES on the following chapters, but has also reviewed the accompanying figures and appendices where required:
- Explanatory Memorandum
 - Rampion 2 ES Volume 1 Non-technical summary
 - Chapter 1: Introduction.
 - Chapter 4: The Proposed Development.
 - Chapter 5: Approach to the EIA.
 - Chapter 6 Coastal Processes.
 - Chapter 8: Fish and shellfish ecology.
 - Chapter 9: Benthic, Subtidal, and Intertidal ecology.
 - Chapter 10: Commercial fisheries.
 - Chapter 26 Water environment.
 - Chapter 30: Inter-related effects.
 - Volume 4, Appendix 11.3 Underwater noise assessment technical report.
 - Volume 4, Appendix 8.3 Underwater noise study for sea bream disturbance, RA.
 - Rampion 2 Site Characterisation Report

3.2 Coastal Processes

- 3.2.1 The MMO have highlighted several points (4.2.1 – 4.2.17) within this section of the RR relating to several required amendments to Chapter 4 of the ES. These amendments include the need for additional evidence, suggestions to reduce plastic footprint, additional assessments, clarifications to several sections of Chapter 4 and the need for additional maps.
- 3.2.2 Overall the data is high quality and informative in terms of Coastal Processes, but the MMO requires further information before being fully satisfied.

3.3 Benthic Ecology



3.3.1 Overall, all potential impacts have been identified. However, there are several points (4.3.3 – 4.3.6) about the assessment of significance which require action.

3.3.2 The MMO would welcome monitoring of sedimentary benthic communities. While this is not a formal request, the MMO would consider its inclusion here as a benefit to the whole.

3.3.3 Dredge, Disposal and Chemical Use

3.3.4 Several points (4.4.3 – 4.4.18) contain suggestions and clarifications which would improve the quality and meaning of this chapter.

3.3.5 Chemical Approval

3.3.6 Several points (4.4.19 – 4.4.21) contain requests for further information regarding the use of chemicals to be added to the relevant section of the ES, and information about the list of products that are not appropriate for offshore wind farms.

3.3.7 Points 4.4.23 goes over the process of a ‘notification for approval’ and the need for a ‘Chemical Risk Assessment’ (CRA), and what information should be included in both. Amendments will also be made to condition 9 (1) following a review of the CRA.

3.3.8 Site Characterisation Report/Physical and Chemical Contamination

3.3.9 The MMO agrees with the applicant’s stance on ‘alternative’ use.

3.3.10 The MMO has been unable to find the name of the laboratory undertaking analysis for trace heavy metals and PAHs, and therefore have major concerns in the confidence of the levels indicated. There are discrepancies with the applicants reported hydrocarbon levels and those found within the data. Additional information is required regarding the methods of extraction for sample analysis to be appropriately compared to action levels cited.

3.4 Shellfish Ecology

3.4.1 In table 8-7 Receptors requiring assessment for fish and shellfish ecology (Chapter 8, p50), cuttlefish (*Sepia officinalis*) is put under the mobile fish species. The MMO recommends including cuttlefish under shellfish rather than mobile fish species.

3.5 Fisheries and Fish Ecology



3.5.1 A number of comments and concerns raised by the MMO have not been addressed within the ES. Additionally, it appears that a number of concerns and recommendations made subsequently have not been taken forward by the Applicant. The MMO is very disappointed in this approach as further information and discussions will be required within the Examination period. The MMO urges the Examining Authority to request the required information at the earliest opportunity to allow all evidence to be assessed and discussions to take place, to enable a robust decision to be made on fish ecology.

3.5.2 During the pre-application stage the MMO raised major concerns regarding:

- the likelihood of significant impacts to black seabream during the construction, operation and maintenance;
- the disturbance of black seabream from sedimentation and noise generated during export cable laying activities and the mitigation and surveys required;
- to disturbance of black seabream from underwater noise (UWN) as a result of piling, concerns, and uncertainty around the modelling behavioural effects; and
- impacts to herring from UWN including modelling

3.5.3 Project Description and study area

3.5.4 Several points have been raised (4.6.5 – 4.6.8) regarding discrepancies within the ‘project description and study area’ of Chapter 4 of the ES. The MMO requests clarity on the points raised.

3.5.5 Habitat Suitability Assessments general comments

3.5.6 Several points have been raised (4.6.9 – 4.6.15) about the suitability of the

3.5.7 Habitat Suitability Assessment, and several recommendations have been made which will improve the resolution of the data.

3.5.8 Atlantic herring potential spawning habitat suitability assessment

3.5.9 The applicants ‘Herring Habitat Suitability Assessment’ does not support conclusions made by the applicant regarding the presence of spawning herring.

3.5.10 The applicant should produce a heatmap following the methodology of MarineSpace (2013a), as outlined in points 4.6.10 and 4.6.11.

3.5.11 Black Seabream

3.5.12 The MMO highlights the limitations of the aggregate monitoring data. To the best of our knowledge, to date, there have been inconsistencies in the timing of the post-June aggregate monitoring surveys.



3.5.13 The MMO does not agree with on the threshold of 141 decibel (dB) re 1 micropascal (μPa) Sound Exposure Level, single strike (SELs) as defined by Kastelein et al., (2017), and this goes against the advice from the MMO throughout the pre-application stage. Furthermore, we do not consider a SELs of 141 dB re 1 mPa² s used for a 44cm captive seabass to be an appropriate or conservative threshold, as adult black seabream usually only attain a size of 35-40cm (Ruiz, 2008).

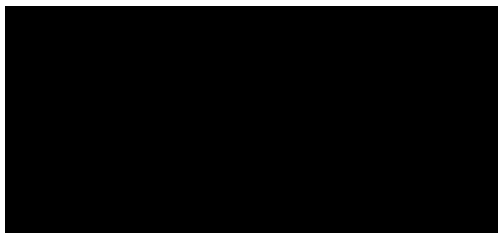
3.5.14 The MMO has raised several more points relating to Black seabream, as well as the recommendation of specific conditions (seasonal restrictions) and other points relating to cable route design. It is not possible to summarise these points in 1500 words, and the original RR should be referred to for Fisheries. There are several points raised in relation to fisheries that need to be resolved throughout examination.

3.6 Underwater Noise

3.6.1 The MMO has presented the major concerns relating to UWN in a table (table 3) of the original RR, and additional points have been raised from 4.7.8 – 7.7.21. There are several points raised in relation to UWN that need to be resolved throughout examination.

3.7 Other Chapters and Plans

3.7.1 The MMO have provided comments on the remaining chapters and Plans in pages 49 – 55. These comments contain several recommendations and proposed measures, that the MMO would like to see addressed during examination.



Harriet Tyley
Marine Licensing Case Manager
D [REDACTED]
E [REDACTED] [@marinemanagement.org.uk](mailto:[REDACTED]@marinemanagement.org.uk)





Marine
Management
Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon
Tyne
NE4 7YH

T +44 (0)300 123 1032

F +44 (0)191 376 2681

www.gov.uk/mmo

Mr Richard Allen

Rampion 2 Lead Panel Member

Rampion 2 Offshore Wind Farm Case
Team

Planning Inspectorate

Rampion2@planninginspectorate.gov.uk
(Email only)

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27 February 2024

Dear Richard Allen,

Planning Act 2008, E.On Climate and Renewables UK Ltd, Proposed Rampion 2 Offshore Wind Farm Order

Deadline 1 Submission

On 20 September 2023, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by E.On Climate and Renewables UK Ltd (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Rampion 2 Offshore Wind Farm (the “DCO Application”) (MMO ref: DCO/2019/00005; PINS ref: ENO0117).

This document includes the MMO’s summary of our Deadline 1 written representation submitted to PINS on 27 February 2024.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.



Yours faithfully



Harriet Tyley

Marine Licensing Case Officer

@marinemanagemnt.org.uk

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1. Comments on Relevant Representations from other Interested Parties

- 1.1 The MMO's Deadline 1 response contains detailed comments on the following Interested Parties, Relevant Representations:
- Environment Agency (EA) (RR-116)
 - Historic England (HE) (RR-146)
 - Natural England (NE) (RR-265)
 - Sussex Wildlife Trust (SWT) (RR-381)
 - Sussex Inshore Fisheries and Conservation Authority (IFCA) (RR-381)
 - Trinity House (TH) (RR-081)
 - Maritime and Coastguard Agency (MCA) (RR-221)
- 1.2 The MMO will be reviewing the responses from the above Interested Parties (IPs) throughout examination and hopes to see issues between the above IP's and the Applicant resolved.

2. Cumulative Impacts Assessment

- 2.1 Documents Reviewed:
- Volume 2, Chapter 30: Inter-related effects, Document Reference: 6.2.30,
 - Volume 4, Appendix 5.3: Cumulative effects assessment detailed onshore search and screening criteria, Document Reference: 6.4.5.3,
 - Volume 4, Appendix 5.4: Cumulative effects assessment shortlisted developments, Document Reference: 6.4.5.4,
- 2.2 In line with the MMO's advice on the ES Chapter 5, a number of clarifications and additional information are required to fully iron out impacts with respect to black bream. The applicant has not discussed black seabream in their inter-related effects assessment, and the MMO believe that 'Volume 2, Chapter 30: Inter-related effects, Document Reference: 6.2.30' should be updated accordingly.

3. Comments on PEPD's

- 3.1 The MMO has provided comments on the following PEPD's:
- Black Seabream Underwater Noise Technical Note and Survey Results (PEPD – 023)
 - Onshore Works Plans (PEPD – 005)



- Comments on Offshore Works Plans (PEPD – 004)

4. Comments on the Draft Consent Order and Deemed Marine Licenses

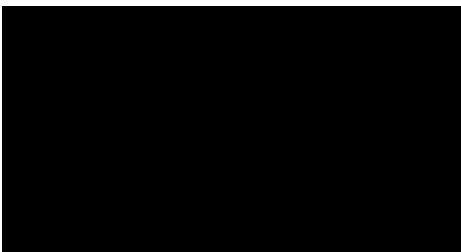
4.1 The MMO have provided comments on the following sections of the Draft Consent Order (DCO) and Deemed Marine Licenses (DML):

- Articles
- Benefits of the Order
- Supplemental Powers
- Schedule 1
- Schedule 11 & 12 (DML)
- Conditions
- Schedule 15

4.1 The MMO considers there to be several points that require amending within the DCO and DML.

5. Comments from Issue Specific Hearing (ISH1)

5.1 The MMO has provided comments on topics raised during ISH1. The MMO will review the responses from the Applicant in our next deadline response.



Harriet Tyley

Marine Licensing Case Manager

@marinemanagemnt.org.uk

D 





Marine
Management
Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne

T +44 (0)300 123 1032
F +44 (0)191 376 2681
www.gov.uk/mmo

Mr Richard Allen
Rampion 2 Lead Panel Member
Rampion 2 Offshore Wind Farm Case
Team
Planning Inspectorate
Rampion2@planninginspectorate.gov.uk
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27 February 2024

Dear Richard Allen,

Planning Act 2008, E.On Climate and Renewables UK Ltd, Proposed Rampion 2 Offshore Wind Farm Order

Deadline 1 Submission

On 20 September 2023, the Marine Management Organisation (the MMO) received notice under section 56 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by E.On Climate and Renewables UK Ltd (the Applicant) for determination of a development consent order (DCO) for the construction, maintenance and operation of the proposed Rampion 2 Offshore Wind Farm (the "DCO Application") (MMO ref: DCO/2019/00005; PINS ref: ENO0117). The DCO includes a draft Deemed Marine Licence (DML).

The Applicant seeks authorisation for the construction, operation and maintenance of the DCO Application, comprising of up to 90 wind turbine generators together with associated onshore and offshore infrastructure and all associated development. The associated development includes an offshore generating station with an electrical export capacity of in excess of 100 megawatts (MW) comprising up to 90 turbines, and array cables, in an area approximately 196 square kilometres (km²), located approximately 13 kilometres (km) south of the Sussex coast located to the west of the existing Rampion Offshore Windfarm.

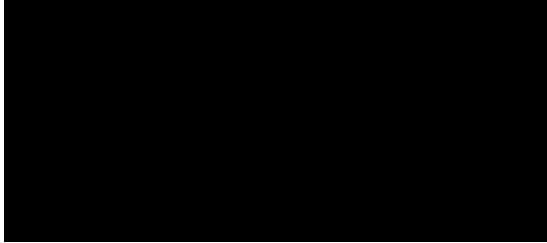
The proposed development will comprise up to three offshore substations. Cables between the wind turbine generators (WTG) between the WTGs and the offshore substations, and between the offshore substations themselves and the landfall location at Climping, West Sussex. An underground cable connection between the landfall and a satellite substation known as Oakendene, and then onwards to connect into the existing National Grid substation at Bolney, together with an extension to the existing substation.

This document comprises of the MMO's submission for Deadline 1. This written representation is submitted without prejudice to any future representation the MMO



may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours faithfully



Harriet Tyley
Marine Licensing Case Mana

D [Redacted]

E [Redacted] [@marinemanagement.org.uk](mailto:[Redacted]@marinemanagement.org.uk)



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1. Comments on Relevant Representations from other Interested Parties

Environment Agency (EA) (RR -116)

- 1.1.1 The MMO notes that the Environment Agency (“EA”) are satisfied with the Applicants Water Framework Directive (“WFD”). The MMO defers to the EA on these matters entirely but welcomes this confirmation.
- 1.1.2 The EA have raised concerns regarding the release of Bentonite during drilling processes. An expert topic group meeting was held with the Sussex Kelp Recovery Project, and the MMO will keep a watching eye on the outcomes of this throughout examination.
- 1.1.3 The MMO notes the previous discussions between the EA and the Applicant regarding the rapidly changing coastal morphology at the Horizontal Directional Dredging (HDD) Landfall Site at Climping.
- 1.1.4 The MMO notes that during pre-application, the EA states the preferred method for crossing a Main River is HDD as this method presents the least risk in terms of flood risks and risks to river ecology. However, the Applicant has stated that all “main rivers” and watercourses considered to provide good habitat for fish are proposed to be crossed by “trenchless crossing”, and the EA have requested justification for this, and further clarity on ambiguous statements such as “where this represents the best environment solution, is financially & technically feasible”. The EA has also recommended that the use of existing access points or using temporary bridges as alternatives to trenching and have encouraged the applicant to avoid the use of temporary culvert crossings.
- 1.1.5 The MMO notes that EA is satisfied with the hydrogeological risk assessment, however further clarification is required regarding the preclusion of drilling fluids containing hazardous or environmental harmful substances.
- 1.1.6 The MMO acknowledges the EAs comments regarding the presence of historical landfills and understands that preferential pathways for contaminants must not be part of this scheme. The MMO also notes that any waste material removed from landfills cannot be re-deposited and must be appropriately disposed of as waste material.
- 1.1.7 The MMO notes that if contamination (including any contamination not previously identified) is found to be present during development, the EA would expect appropriate remedial works be undertaken to address any residual risks.

Historic England (HE) (RR – 146)

- 1.1.8 The MMO notes that HE does not object, in principle to the Proposed Development.
- 1.1.9 The MMO supports HE’s request that the Written Scheme of Investigation (“WSI”) provides for geoarchaeological analysis of geotechnical survey materials.



1.1.10 The MMO notes that inaccurate assessments of magnitude of impact and significance of effect Embedded environmental measures (“EEM”), would not reduce harm or magnitude of impact. Therefore, HE has stated that the downgraded assessment of the impact being classified as ‘Not Significant’ is misguided and misleading.

1.1.11 The MMO notes that HE considers there is a potential for high level of harm to non-designated archaeological heritage assets, some of which may be of national significance. Concerns pertain to both onshore and marine receptors, but particularly focus on Zone 2: South Downs. HE concerns are that

i) insufficient evaluation has been done in advance of the application for onshore, intertidal and offshore areas,

ii) the onshore route selection process was determined without due regard to the potential significant effects on heritage, and

iii) the embedded environmental measures do not include convincing and practicable provision to avoid the risk of harm to potentially nationally important archaeological remains.

HE states that the DCO should contain requirements to ensure appropriate safeguards in place regarding the historic environment.

Natural England (NE) (RR-265)

1.1.12 The MMO is aware that there remain unresolved issues that centre around Sites of Special Scientific Interest (SSSI). We note the this includes the following sites:

- Climping Beach SSSI
- Flamborough Head SSSI
- Farne Islands SSSI
- Amberley Wild Brooks SSSI
- Pulborough Brooks SSSI
- Waltham Brooks SSSI

1.1.13 The MMO defers to NE on all matters related to SSSI but will maintain a watching brief for any potential mitigation or DML conditions for those areas below MHWS.

1.1.14 The MMO notes that NE have concerns regarding the likelihood of there being significant risk of hindering the achievements of the conservation objectives of the following Marine Conservation Zones (MCZs):

- Kingmere MCZ
- Beachy Head West MCZ
- Selsey Bill and the Hounds MCZ
- Bembridge MCZ



- Beachy Head East MCZ
- Offshore Overfalls MCZ

1.1.15 The MMO defers to NE in relation to any mitigation proposed. The MMO will ensure we are included/are provided updates on any discussions in relation to MCZs. 1.1.16 The MMO notes that, as the competent authority (Conservation of Habitats and Species Regulations 2017), NE is not satisfied that it can be excluded beyond reasonable scientific doubt that the project would have an adverse effect alone or in-combination on the integrity of the:

- Flamborough and Filey Coast SPA
- Farne Islands SPA
- Arun Valley SPA
- Arun Valley Ramsar
- Arun Valley SAC
- River Itchen SAC
- Solent and Dorset Coast SPA

1.1.16 The MMO defers to NE on all matters related to HRA. The MMO will maintain a watching brief on these matters and will ensure we are included/are provided updates on any discussions in relation to the HRA. The MMO highlights that any mitigation secured through the HRA will need to be included within the conditions on the deemed marine licence.

1.1.17 The MMO notes NE's decision to use the 'Red Amber Green' ('RAG') system to denote the level of risk associated with a topic related to this development. The MMO welcomes NE's use of this system and considers it a clear and concise way to present the severity of an outstanding concern.

1.1.18 Summary of NE Key Environmental concerns

1.1.19 The MMO notes that NE does not agree with the Applicants position with regards to offshore ornithology; specifically relating to Kittiwake, Guillemot, and razorbill within Flamborough and Filey Coast SPA and Guillemot within the Farne Islands SPA. The MMO also notes that NE disagree with the Applicant's assessment of the cumulative impacts on great black-backed gull. The MMO defers to NE for matters relating to ornithology.

1.1.20 The MMO acknowledges NE concern over the lack of clarity over piling 'worst-case scenario', and agrees that it is, currently, not possible to confidently assess whether this has been robustly assessed by the applicant. Additionally, the MMO notes concerns relating to the Vessel Management Plan (VMP) and marine mammals. The MMO also has concerns relating to underwater noise and will keep a watching brief on this topic.



- 1.1.21 The MMO welcomes comments raised by NE relating to coastal processes and welcomes the request for further information to assess the potential risks to designated MCZ features. The MMO especially welcomes comments regarding the need for lessons learnt from Rampion 1 (post-construction monitoring) to be included in Rampion 2 impacts assessments.
- 1.1.22 The MMO strongly agrees with NE stance relating to the applicant's conclusion of "*no signifiers of hindering the achievement of the conservation objectives in relation to the Black seabream features of Kingmere MCZ due to Temporary Threshold Shift (TTS) and behavioural impacts due to underwater noise generated from piling*". The MMO agrees that piling activities from 1 March – 31 July inclusive, has the potential to hinder the conservation objectives of Kingmere MCZ in relation to black seabream, and the MMO supports the need for a full seasonal restriction.
- 1.1.23 The MMO notes NE disagreement with the applicant's conclusion of '*no significant risk of hindering*' Short snouted seahorse within Beachy Head West MCZ and Beach Head East MCZ. The MMO supports NE's request for further evidence to support the proposed mitigation and agrees that the current uncertainties surrounding underwater noise modelling question the effectiveness of the current mitigation measures.
- 1.1.24 The MMO agrees that there is currently insufficient evidence to understand if the mitigation measures to protect Annex 1 habitats and Habitats of Principal Importance (*Sabellaria spinulosa*, chalk, peat and clay, and stoney/bedrock reefs) will be effective. The MMO supports the suggestion for the applicant to gather geotechnical information to inform a Cable Burial Risk Assessment (CBRA), and the MMO hopes to see this submitted into examination.
- 1.1.25 The MMO acknowledges that NE believe that Rampion 1 led to significant permanent loss of irreplaceable marine chalk potentially as a result of floatation pits and the cable installation in the nearshore. The MMO acknowledges the scarcity and importance of marine chalk in this area and supports the call for a clear appraisal of all options for nearshore cable installation and their impacts to be submitted into the examination.
- 1.1.26 The MMO acknowledges concerns raised by NE regarding seascape, landscape, and visual impacts. The MMO defers fully to NE and the LPA on this topic but will keep a watching brief throughout examination and hope to see concerns resolved.
- 1.1.27 The MMO agrees that evidence should be provided across 'Other Plans (marine) which demonstrates lessons learned from Rampion 1 monitoring.

Sussex Wildlife Trust (SWT) (RR- 381)

- 1.1.28 The MMO notes that SWT have not been able to ascertain the environmental impacts of the project due to the high level of uncertainty regarding the proposed development. The MMO will review the Applicant's response in relation to this and may provide further comments at Deadline 2.



- 1.1.29 The MMO notes that SWT are discouraged by the frequent use of caveats in The Commitment Register; 'where possible' or 'where practical'. This reduces confidence that commitments will be adhered to, and SWT are seeking clarity on how these commitments will be monitored and enforced during construction. The MMO will review the Applicant's response in relation to this and may provide further comments at Deadline 2.
- 1.1.30 The MMO notes that SWT believe that the proposal should commit to the type of foundations being used for WTG due to the high level of variation of impacts on the seabed between proposed types. The MMO will review the Applicant's response in relation to this and may provide further comments at Deadline 2.
- 1.1.31 The MMO notes that SWT would like to see a commitment to micro-siting all elements of construction to minimise impacts to irreplaceable habitats, but especially with regard to HDD exit pits at landfall locations. The MMO will review the Applicant's response in relation to this and may provide further comments at Deadline 2.
- 1.1.32 The MMO notes that SWT would like to see commitment to noise abatement technology. The MMO would welcome the commitment to noise abatement and will review the Applicant's response in relation to this and may provide further comments at Deadline 2.
- 1.1.33 The MMO notes that SWT do not feel able to assess or comment on specific ecological impacts due to the lack of specific detail within the application (e.g., ground conditions not assessed yet).
- 1.1.34 The MMO notes that SWT have concerns over the 'Future Baselines' section within the ES (Chapter 2, Volume 9) and questions whether there are lessons to be learnt from Rampion 1 post-consent surveys. The MMO welcomes this statement and agrees strongly that the post-consent monitoring from Rampion should be referred to in order to strengthen the methodologies of Rampion 1 post-consent monitoring surveys.
- 1.1.35 The MMO notes that the SWT feel that criteria for determining the suitability of HDD is unclear, e.g., 'where this represents the best environment solution and is financially and technically feasible'. The MMO welcomes this comment and agrees that further information is required from the applicant to inform interested parties of the determining factors.
- 1.1.36 The MMO notes that the SWT queries whether the 'realistic worst-case scenario' within the ES allows for changes to construction methods. The MMO will review the Applicant's response in relation to this and may provide further comments at Deadline 2.
- 1.1.38 The MMO notes that the SWT have concerns regarding Climping beach, which is highly mobile and experiences heavy erosion. SWT are concerned that significant changes may occur by 2026, and query whether this has been considered when assessing construction methods and to ensure minimal ecological impacts at this protected site. The MMO will review the Applicant's response in relation to this and may provide further comments at Deadline 2.



- 1.1.39 The MMO notes that the SWT welcomes the Applicant's commitment to deliver at least 10% Biodiversity Net Gain ("BNG") and acknowledges the lack of detail as to how this is achieved. The MMO defers to NE on this matter.
- 1.1.40 The MMO notes that the SWT require clarity on the type and total area of habitat to be permanently lost, and any subsequent mitigation and compensation for. The MMO acknowledges that SWT wish to see on-site habitat restoration delivering enhancements wherever possible.

Sussex Inshore Fisheries and Conservation Authority (IFCA) (RR-381)

- 1.1.41 IFCA has a high level of uncertainty regarding the proposed development due to the consistent use of the 'Rochdale Envelope', which makes it challenging to pass comment on mitigation measures and techniques. The MMO understands the flexibility needed by the Applicant and would welcome any further refinement during examination.
- 1.1.42 The MMO notes that IFCA is concerned about the lack of up to date-site based survey data, and the age of the baseline data used. The MMO will review the Applicant's response in relation to this and may provide further comments at Deadline 2.
- 1.1.43 IFCA has serious concerns regarding the likelihood of significant impacts to Black Bream during the construction, operation, and maintenance of Rampion 2. IFCA acknowledge that the proposed mitigation from sedimentation and noise generation has alleviated some of these concerns however, pre-construction site-specific surveys are needed to inform micro-siting of all elements of construction to minimise the environmental impact. The MMO will review the Applicant's response in relation to this and may provide further comments at Deadline 2.
- 1.1.44 The MMO notes that IFCA has concerns about the impact of underwater noise in relation to disturbance of black seabream and would like to see a commitment to noise abatement technology during the nesting season. The threshold for disturbance of breeding black seabream is unknown, therefore we suggest a baseline of background noise occurring during a successful nesting season is used to inform a suitable target for noise abatement mitigation to achieve. The MMO would welcome the commitment to noise abatement and will review the Applicant's response in relation to this and may provide further comments at Deadline 2.
- 1.1.45 The MMO notes that IFCA has serious concerns regarding Under Water Noise (UWN) and Herring. The MMO acknowledges that IFCA are recommending a seasonal piling restriction to limit disturbance to spawning populations during the spawning season (November-January) or methods such as bubble curtains. The MMO will review the Applicant's response in relation to this and may provide further comments at Deadline 2.

Trinity House (TH) (RR – 081)

- 1.1.46 The MMO notes that all correspondence, should it be necessary, between Trinity House and any other Interested Parties should be directed to its Legal Advisor, Russell Dunham. The MMO welcomes this point and will ensure that any correspondence is directed through this channel.



Maritime and Coastguard Agency (MCA) (RR - 221)

1.1.47 The MMO welcomes the MCA's confirmation that the MCA will be responding on matters of navigational safety and maritime emergency response. The MMO notes that the MCA have concerns about vessel routing, and the MMO hopes to see these concerns addressed throughout examination.

2. Cumulative impacts assessment

2.1 Major comments

2.1.1 Documents reviewed:

- Volume 2, Chapter 30: Inter-related effects, Document Reference: 6.2.30,
- Volume 4, Appendix 5.3: Cumulative effects assessment detailed onshore search and screening criteria, Document Reference: 6.4.5.3,
- Volume 4, Appendix 5.4: Cumulative effects assessment shortlisted developments, Document Reference: 6.4.5.4,

2.1.2 As mentioned in point 4.6.4 of our Relevant Representation, the MMO has further reviewed the cumulative impacts assessments provided by the Applicant and has the following additional comments as below:

2.1.3 The MMO considers the sources used to inform the cumulative effects assessment (CEA) short list are appropriate, however the MMO is not in full agreement with the approach that the Applicant has used.

2.1.4 The Applicant states in the document listed in point 3.1, that "*once the CEA long list was collated, all projects, plans, and activities have been individually screened based on the data available, and the potential for interactions on a conceptual, physical, and temporal basis with each technical aspect of the ES*". Initially this seems appropriate, however the MMO notes that a quantitative spatial and temporal zone of influence for screening developments in or out of the CEA has not been defined. This has resulted in the 'short-list' of offshore developments identified for inclusion in the CEA (Table 2-1 of the document listed in point 5iii) including developments which are in excess of 200 km away from the Rampion 2 development. The MMO does not believe this is appropriate as it is unlikely that a development such as the Awel y Mor OWF (which is included as screened into the CEA under Table 2-1 and located in the Irish Sea more than 350km away from Rampion 2) will have a conceivable pathway through which cumulative impacts to fisheries receptors may arise.

2.1.5 The map in Annex 1 (Figure 5.4.1 from our RR) provides a UK-scale map of projects on the Applicant's 'short-list'. This figure has a smaller map inset which depicts the developments surrounding Rampion 2 at a more appropriate geographic scale. However, there is no discussion on this inset map, which provides a truer short-list of developments with potential for cumulative interactions, within the document. The Applicant should present the developments highlighted in the inset map of Figure 5.4.1 under a separate table as a more meaningful 'short-list' of developments relevant for inclusion in



the CEA, based on an appropriate zone of influence around the Rampion 2 array.

- 2.1.6 There is little to no discussion in the documents provided on which developments within the zone of influence have impacts that could potentially cause cumulative interactions which would impact fish ecology receptors. This must be made clear within either the inter-related effects chapter, or within accompanying documentation which examines cumulative effects on receptor groups (including fish ecology receptors). At present, the MMO cannot confidently say which developments the Applicant has identified as having potential for cumulative effects on fish ecology receptors, or whether these effects have been appropriately assessed.
- 2.1.7 The Applicant's approach to the cumulative and inter-related impacts and effects assessment is outlined in Section 30.4 of the document listed in point 2.1.1 (Volume 2, Chapter 30: Inter-related effects, Document Reference: 6.2.30) and considers effects which may accumulate across project phases (project-lifetime), as well as effects which may accumulate to create a greater effect on a particular receptor (receptor-led).
- 2.1.8 The MMO notes (from Table 30-5) that the Applicant considers that receptor-led inter-related effects for commercial fisheries receptors have been adequately considered in the respective Environmental Impact Assessment (EIA) chapter and are therefore not considered further in the inter-related effects chapter. The Applicant has outlined that the inter-related effect from the combination of the reduction in access to fishing grounds and the subsequent increased pressure on adjacent grounds has been discussed at length within the Fish and Shellfish Ecology chapter and the Shipping and Navigation chapter. The MMO believes this is acceptable and defer to the commercial fishing representatives to provide further comments.
- 2.1.9 The Applicant has not indicated in Table 30-5 whether receptor-led inter-related effects for fish ecology receptors have been considered further. The Applicant seems to indicate that receptor-led inter-related effects are only considered where receptors occur within the study areas of multiple 'environmental aspects. However, there is no list or definition indicating what environmental aspects (whether they be effects from the different phases of Rampion 2, or effects arising from other nearby developments) are of relevance to fish ecology receptors and therefore it is impossible to determine whether receptor-led effects for fish ecology receptors have been assessed in appropriate detail. It would be helpful if the Applicant could clarify this element of their approach.
- 2.1.10 The MMO expected to see a discussion on black seabream within this section given that there have been major concerns throughout the Evidence Plan Process regarding the likelihood of significant impacts to black seabream during the construction, operation, and maintenance of Rampion 2.

As part of the Environmental Statement (ES) for Rampion 2, the Applicant characterised the presence and density of nest sites in the vicinity of the array and export cable corridor (ECC), which showed that black seabream nests



occurred in the proximity of the Rampion 2 array and ECC in each year of data presented. Table 30-8 presents the project-lifetime inter-related effects assessment for fish ecology receptors. In relation to impacts from *“direct disturbance resulting from marine works with the export cable and array area”*, the Applicant has provided a very high-level summary and concluded that *“in general, mobile fish species are expected to be able to avoid temporary disturbance. The most vulnerable species are likely to be shellfish which are much less mobile than fish”*. In relation to impacts from *“temporary localised increases in SSC and smothering”*, the Applicant concludes that *“there is no potential for project-lifetime inter-related effects as the residual effects identified do not occur over sequential project phases”*.

The MMO does not agree with either of these conclusions and would have expected a discussion of the potential for maintenance works within the export cable corridor throughout each phase of the project to cause sedimentation of black seabream nests.

2.1.11 The Applicant should have noted in their inter-related effects assessment that any activities which lead to increased suspended sediment concentrations and deposition of sediment across areas where black seabream nest, have the potential to create a layer of sediment over nesting sites during the project’s lifetime which may reduce the suitability of the nesting sites for black seabream nesting, affect their ability to nest and spawn, and thereby affect the reproductive success of the species. The MMO requests that a short discussion and assessment of this under the relevant headings of Table 30-8 is included.

2.1.12 In relation to impacts arising from Unexploded Ordnance (UXO) clearance, the Applicant concludes that *“this effect will only arise during the construction phase and as such there will be no inter-related effects across the project-lifetime”*. This statement is not wholly accurate as there is the possibility for UXOs to be revealed by shifting sediments during the operation of the OWF, or during maintenance works, and therefore potential for this impact to occur at multiple project stages. However, the MMO appreciates, that inter-related effects between project phases are not likely due to the temporary nature of UXO detonation, and that impacts arising from any post-construction UXO-detonation will be assessed under a separate marine licence application.

2.2 General Comments

2.2.1 The writing style and wording used in the report is convoluted and unnecessarily complicated, which makes interpreting the technical aspects of the report difficult. Sentences are long-winded and reflexive which means it takes additional time to decipher what is being said by the Applicant and creates unnecessary uncertainty when reviewing the accuracy of the assessment. The MMO recommends moving forwards that the applicants use simpler language.

2.3 Summary

2.3.1 In line with the MMO’s advice on the ES Chapter 5, a number of clarifications and additional information are required to fully iron out impacts with respect to black seabream. The Applicant has not discussed black seabream in their inter-



related effects assessment, and the MMO believes the document listed in point 3.1 should be updated to consider the comments.

3. Comments on Pre-Exam Procedural Deadline Submissions

3.1 Black Seabream Underwater Noise Technical Note and Survey Results (PEPD – 023)

3.1.1 The MMO acknowledges the submission of Appendix 8.4: Black Seabream Underwater Noise Technical Note and Survey Results – Revision A and is currently reviewing the report. Detailed comments will be provided at Deadline 2.

3.2 Comments on Offshore Works Plans (PEPD – 004)

3.2.1 The MMO acknowledges the annotations added in Revision B and has no further comments to make at this time.

4. Comments on the DCO/DML

4.1 General DCO comments

4.1.1 The MMO notes that the Applicant is planning on providing a detailed response to our comments at Deadline 1 and the MMO will review these and provide comments where required. The MMO has provided comments on PEPD-009/PEPD-010 below nothing these may change with further information.

4.1.2 The MMO still seeks clarity on whether the investigation of and the detonation of UXO's are included in the licenced activities, and this does not appear to have been addressed in the amended DCO.

4.2 Interpretation

4.2.1 The MMO welcomes the amendment to Article 2, where 'Natural England' has been corrected to 'statutory nature conservation body'.

4.3 Benefits of the Order

4.3.1 The MMO notes that Article 5 has not been updated and our position in RR-219, 3.3.3 – 3.3.9 has not changed.

4.4 Public rights of navigation

4.4.1 The MMO notes that there are still no powers for the MMO to comment or refuse on this.

4.5 Schedule 1

Part 3: Requirements

4.5.1 The MMO welcomes the update to the Detailed Offshore Design Parameters.

4.5.25(4) MMO seeks clarity on what situations would require agreement for further cable crossings. If cable crossings are identified would the associated cable protection be within the maximum permitted area and volume?



4.5.3 10(1) The MMO acknowledges the amendment of this requirement to consult the MMO insofar as it relates to Work No.6 in the Intertidal area. The MMO requires further discussion with the LPA and the Applicant to ensure that the overlapping area is consented. The MMO will provide an update in due course.

4.5.4 (22,2) The MMO acknowledges the amendment of this requirement to consult the MMO insofar as it relates to Work No.6 in the intertidal area. The MMO requires further discussion with the LPA and the Applicant to ensure that the overlapping area is consented. The MMO will provide an update in due course.

4.6 Part 1 Schedule 11 & 12 draft DMLs

4.6.1 The MMO welcomes the updates made to this section.

4.6.2 The MMO notes that the comments for (7), (8) & (9) have not been actioned. Provision (7) in relation to Section 72 needs to be removed.

4.6.3 The MMO requests that the following is added to (8):

“Subsequent to the first approval of those plans, protocols or statements provided it has been demonstrated to the satisfaction of the MMO that the subject matter of the relevant amendments do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information.”

4.6.4 The MMO acknowledges the amendments made to paragraph (9), but still requests that the wording be changed to the below:

“...satisfaction of the MMO that the subject matter of the relevant amendments do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information.”

4.7 Part 2 Schedule 11 & 12 draft DMLs

General Comments

4.7.1 The MMO welcomes the updates to this section and notes that several of the requested changes to text within the DMLs have not been made. The MMO will review the Applicant's comments to be submitted at Deadline 1 and provide a response in due course.

4.7.2 The MMO notes that the determination dates within both schedules have remained unchanged. The MMO's position on this has not changed, and the MMO has already begun the discussion with the Applicant to determine alternative timelines.

4.7.3 The Applicant has provided the name for the laboratory undertaking analysis for trace heavy metals and Polycyclic Aromatic Hydrocarbons (PAHs). The MMO will provide comments on disposal areas following consultation with our technical advisors at Centre for Environment, Fisheries and Aquaculture Science (Cefas).



Condition 2

4.7.4 Condition 2 (6) The MMO acknowledges the amendment from 15 years 10 years.

Condition 3

4.7.5 The MMO requests that Condition 3(1) be amended to refer to the outline operation and maintenance plan *“in accordance with the outline”* to ensure all parties and consultees are clear what activities will take place within the Operation and Maintenance phase and ensure all required sections within the plan have been highlighted this stage.

4.7.6 The MMO acknowledges the amendment to Condition 3(5), but requests that that the wording be changed to the below:

“ satisfaction of the MMO that the subject matter of the relevant amendments do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information.”

Condition 4

4.7.7 The MMO welcomes the amendment to Condition 4(1).

Condition 5

4.7.8 The MMO welcomes the amendment to Condition 5.

Condition 6

4.7.9 The MMO welcomes the clarification of Condition 6(1)

4.7.10 The MMO notes that Condition 6(3) has not been amended to removed reference to 11(1)(o), but acknowledges the changes made to 6(1). The MMO requests further discussion on this.

Condition 9

4.7.11 The MMO will provide an update on the relevant changes required for this condition in due course.

4.7.12 The MMO acknowledges the amendment made to Condition 9(8) but still requests that the wording of Condition 9(8) is further amended to the following:

(1) The undertaker must report all dropped objects to the MMO using the dropped object procedure form as soon as reasonably practicable and in any event within 24 hours of becoming aware of an incident.

(2) On receipt of the dropped Object Procedure Form, the MMO may require, acting reasonably, the undertaker to carry out relevant surveys. The undertaker must carry out surveys in accordance with the MMO’s reasonable requirements and must report the results of such surveys to the MMO.

(3) On receipt of such survey results, the MMO may, acting reasonably, require the undertaker to remove specific obstructions from the seabed. The undertaker must carry out removals of specific obstructions from the seabed in accordance with the MMO’s reasonable requirements and at its own expense.”

Condition 10



4.7.13 MMO still requests that Condition 10 is removed as it duplicates s.86 of MCAA and causes confusion.

Condition 14

4.7.14 The MMO is discussing the wording of Condition 14 with the MCA and will confirm the most recent agreed wording.

Condition 15

4.7.15 The MMO acknowledges the amendments to Condition 15 and will provide confirmation of the changes at Deadline 2.

Condition 17

4.7.16 The MMO requests the following information is included within Condition 17:

“(2) Subject to receipt from the undertaker of specific proposals pursuant to this condition the construction monitoring plan must include, in outline—

(b) where piled foundations are to be employed, unless otherwise agreed by the MMO in writing, details of proposed monitoring of the noise generated by the installation of the first six piled foundations of each piled foundation type to be constructed collectively under this licence and the licence granted under Schedule 12 of the Order.

(3) The results of the initial noise measurements monitored in accordance with sub-paragraph 17(2)(b) must be provided in writing to the MMO within six weeks of the installation (unless otherwise agreed in writing) of the first six piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the opinion of the MMO in consultation with the statutory nature conservation body, the assessment shows impacts significantly in excess to those assessed in the environmental statement and there has been a failure of the mitigations set out in the marine mammal mitigation protocol, all piling activity must cease until an update to the marine mammal mitigation protocol and 19 further monitoring requirements have been agreed.

(4) The undertaker must carry out the surveys specified within the construction monitoring plan or plans in accordance with that plan or plans, including any further noise monitoring required in writing by the MMO under condition 17(3), unless otherwise agreed in writing.”

Condition 19 and 20

4.7.17 The MMO acknowledges the amendments to Condition 19 and 20 and will provide confirmation of the changes at Deadline 2

Condition 21

4.7.18 The MMO requests that Condition 21 is amended to include the following (below):

“In the event that driven, or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive monopile foundations



must not exceed 4,400kJ and the hammer energy used to drive or part-drive pin pile foundations must not exceed 2,500kJ.”

Condition 22

4.7.19 The MMO acknowledges the amendments to Condition 22 and will provide confirmation of the changes at Deadline 2.

Condition 23

4.7.20 The MMO still seeks clarity on the inclusion of Condition 23 and will provide confirmation of the changes at Deadline 2.

Condition 24

4.7.21 The MMO acknowledges the amendments to Conditions 24 and will provide confirmation of the changes at Deadline 2.

Additional Conditions

4.7.22 The MMO thanks the Applicant for adding Condition 25. Reporting of Impact Pile Driving, into Schedule 11 and 12. However, the MMO notes that the other requested Conditions ((26) Maintenance Reporting and (27) Stages of Construction) have not been added as conditions, and there is no stand-alone condition for seasonal restrictions (still included within Condition (11)).

4.8 Schedule 16

4.8.1 The MMO still recommends this schedule be split into 3 parts:

- Part 1 documents forming the environmental statement to be certified.
- Part 2 examination documents forming part of the environmental Statement to be certified.
- Part 3 other documents to be certified.

5. Comments from ISH1

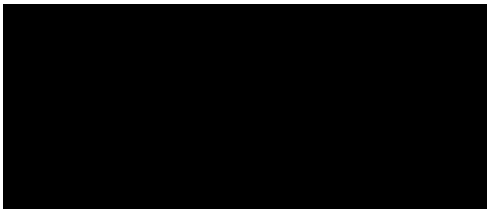
5.1.1 The MMO notes that in ISH1 the Applicants will provide written clarification on the Maximum Design Scenario (MDS) for piling and looks forward to seeing this.

5.1.2 The MMO notes that in ISH1 the potential for July to be included within the piling restriction was discussed, but concluded with the applicant stating that they did not view July to be as crucial as March – June. The MMO notes that the Applicant acknowledged that the exclusion of July is not a precautionary method, and goes against strong recommendations by NE.



- 5.1.3 The MMO notes that the Applicant explained the impacts of extending seasonal restrictions for an additional month. Whilst the MMO acknowledges the impact of restricting construction work, the MMO still supports the inclusion of July within seasonal restrictions for Blackbream.
- 5.1.4 The MMO notes that the Applicant will provide further details on additional Herring heatmaps, and the MMO looks forward to seeing new heat maps using the recommended MarineSpace (2013a and 2013b) methods.
- 5.1.5 The MMO notes that the Applicant has determined the impact to Short Snouted Seahorses to be negligible, due to the small population of seahorses in the affected area. The MMO defers to NE as the statutory nature conservation body but questions the validity of the Applicants assessment. The MMO will maintain a watching brief on this matter.
- 5.1.6 The MMO has reviewed EV3-020 '*Action Points Arising from Issue Specific Hearing 1*' and will review the documents/updates to be submitted by the Applicant.
- 5.1.7 The MMO will keep a watching brief on responses from the Applicant relating to concerns raised in Agenda Item 13.
- 5.1.8 The MMO has reviewed '*The Examining Authority's Written Question arising out of Issue Specific Hearing 1 on Environmental Matters*', specifically Question 12. It appears that the Applicant is highly confident that none of the Rampion 2 phases will result in any significant impact to benthic habitats, with the maximum assessed impact being 'minor adverse' (table 9 –28). The MMO questions this and recommends a more conservative assessment is produced, especially considering the impacts raised by members of the fishing community regarding Rampion 1 (RR – 219, page 6). Sussex Kelp Beds hugely benefit local stakeholders, and the rewilding project frequently receives media attention at high levels, and the importance of bringing back this declining habitat should be considered in this assessment. However, the MMO defers to NE as the statutory nature conservation body on this matter. If the MMO has more comments to raise regarding this matter they will be included in our next response.

Yours faithfully



Harriet Tyley
Marine Licensing Case Manager

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E [REDACTED] [@marinemanagement.org.uk](mailto:[REDACTED]@marinemanagement.org.uk)



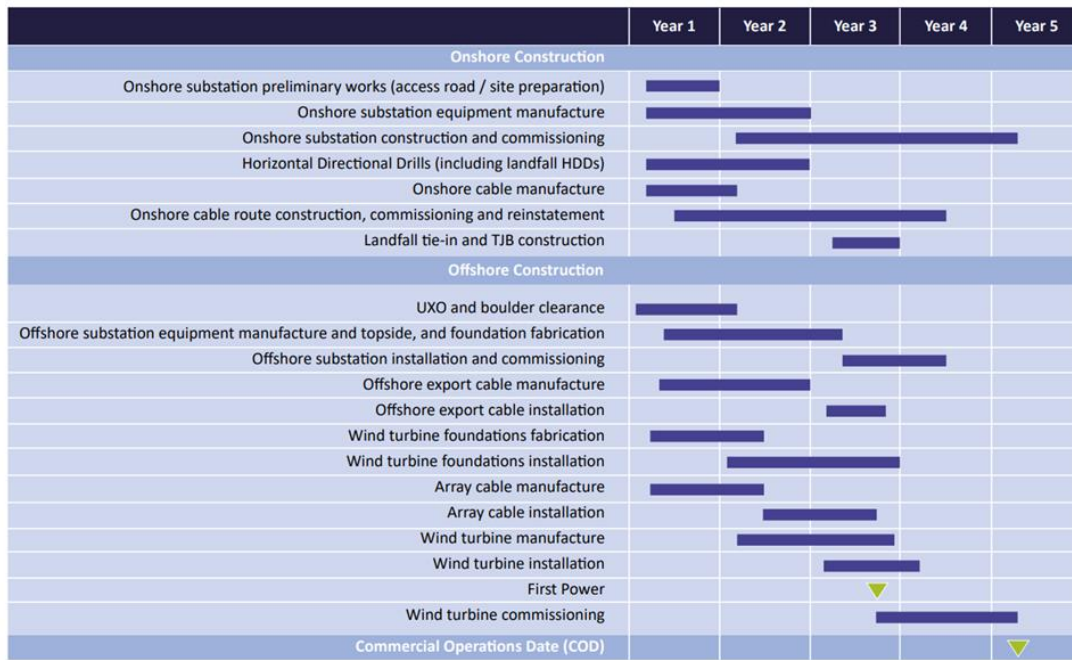


Marine
Management
Organisation

...ambitious for our
seas and coasts



Annex 1



Annex 1 Indicative construction programme for Rampion 2 (from document reviewed in point 6)

